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CONGRESSIONAL GLOBE AND APPENDIX

SECOND SESSION FORTY-FIRST CONGRESS:

IN SEVEN PARTS.

PART IV,

CONGRESSIONAL GLOBE.

15-1

THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES AND PROCEEDINGS

OF THE

U.S.

SECOND SESSION FORTY-FIRST CONGRESS;

TOGETHER WITH

AN APPENDIX,

EMBRACING THE LAWS PASSED AT THAT SESSION.

BY F. & J. RIVES & GEORGE A. BAILEY.

CITY OF WASHINGTON:
OFFICE OF THE CONGRESSIONAL GLOBE.
1870.

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no mail, they have just reversed as ingeniously and completely as possible the known facts of the two cases. The mail on the China line is not, and cannot for a long period to come, be an element of any consideration. I think I shall be speaking within bounds when I say that in three months after you have opened this intercourse with Australia, the mail between Australia and the United States will be ten times as large as the China mail is to-day; and I think I speak within bounds when I say ten times.

I regret that there should be so much opposition from an influential committee and influential members of this body to considering this bill in its proper place, as it seems to me. When gentlemen say that because it is substantially a measure going to increase commerce it should go to the Committee on Commerce why not, then, send all your railroad bills to the Committee on Commerce. Railroads are great instruments of commerce. That is their value; commerce including not merely the transportation of passengers, but the transportation of merchandise between States; and upon that theory that committee, which already has its table overloaded with business, as the chairman has told you over and over, would appropriate the very largest branch of business that comes before the Senate in one class, namely, the entire business of railroads, so far as they connect or form modes of communication.

The VICE PRESIDENT. The Senator from California will suspend. The morning hour has expired, and the joint resolution (S. R. No. 121) authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road, and to secure the same by mortgage, is before the Senate, and the pending question is on the motion of the Senator from Iowa, [Mr. HARLAN,] to strike out a certain part.

Mr. CASSERLY. If the Senate will allow me, I desire to say that since no other gentleman of the Senate has done it I give notice that I will offer a resolution for the appointment of a special committee on this general subject for the purpose of avoiding the difficulties which seem to beset this particular condition of the question.

Mr. SHERMAN. I think that might as well be adopted now. It seems to me this is a great subject and might be sent to a special committee without further debate.

Mr. MORRILL, of Maine. I hope not. I think the standing committees are sufficient.

Mr. SHERMAN. This is a special question, and I think it ought to be referred to a select committee.

Mr. ANTHONY. With the assent of——

Mr. HOWARD. I demand the order of the day.

The VICE PRESIDENT. The Senator from Michigan has called for the regular order of the day. It is before the Senate.

Mr. ANTHONY. I wish to make one more effort to get up the order I offered the other day to assign a certain time for the consideration of such business on the Calendar as is not objected to, and I will move to insert in the order "Saturday at one o'clock."

The VICE PRESIDENT. Does the Senator from Michigan yield until the Chair submits that question?

Mr. HOWARD. I cannot.

Mr. ANTHONY. The Senator will yield to take a vote on my proposition I suppose?

Mr. HOWARD. No, sir; I cannot yield for anything.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report from the Commissioner of Internal Revenue, in answer to a resolution of the Senate of the 11th of March, 1870, calling for "a list of the distillers making deposits of money with the collectors of internal revenue for spirit-meters, the amounts and date of said deposits, and registered capacity of their distilleries; the number of meters, their names and size respectively, which have been actually attached to distilleries, and date and period of said attachment; the names and registered capacity of distilleries to which attached; the names of parties furnishing the same, and price paid therefor, and the time they were severally in successful operation. Also, the number of meters shipped to distillers, for which the contractors received pay, that have never been used, the time when shipped, the amount paid severally therefor, by whom, and the reason for their non-use, the total number, names, and size of meters delivered; by whom, at what price, and upon what conditions; the amount of money received by the contractor to this date, and the amounts claimed due;" which, on motion of Mr. MCDONALD, was referred to the Committee on Finance, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a concurrent resolution for the printing of two thousand copies of the report of the Paris exposition, ordered March 3, 1868, for the use of the House of Representatives.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 226) to incorporate the Washington Homeopathic Medical Society;

A bill (S. No. 414) declaring the construction of an act to incorporate the National Theological Institute, approved May 10, 1866, and also an act to amend an act entitled "An act to incorporate the National Theological Institute, and to define and extend the powers of the same," approved March 2, 1867; and

A bill (S. No. 589) for incorporating a hospital for foundlings in the city of Washington.

PAPERS WITHDRAWN AND REFERRED.

Mr. FOWLER. I offer the following order:

Ordered, That the papers in the case of Captain Anderson Walker and Dr. John Templeton be withdrawn from the files of the Senate and referred to the Committee on Finance.

The VICE PRESIDENT. Has there been any adverse report?

Mr. FOWLER. I understand not.

Mr. HOWE. Has there not been an adverse report in the Templeton case?

Mr. FOWLER. I am not aware of it. I have received a letter from a member of the other House asking me to have the papers withdrawn.

The VICE PRESIDENT. If there has been an adverse report the withdrawal will not be made; but if on investigation the result turns out otherwise, the order will be considered as agreed to.

Mr. FOWLER. Very well.

PARIS EXPOSITION REPORT.

The VICE PRESIDENT laid before the Senate the following concurrent resolution, received from the House of Representatives:

Resolved, (the Senate concurring,) That two thousand copies of the report of the Paris exposition, ordered March 3, 1868, be printed for the use of the House.

The resolution was referred to the Committee on Printing.

NORTHERN PACIFIC RAILWAY.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. No. 121) authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road, and to secure the same by mortgage, the pending question being on the amendment of Mr. HARLAN, which was to strike out the following words, from line seventeen to line thirty-one:

And in the event of there not being in any State or Territory in which said main line or branch may be located, at the time of the final location thereof, the amount of lands per mile granted by Congress to said company within the limits prescribed by its charter, then said company shall be entitled under the directions of the Secretary of the Interior to receive so many sections of land belonging to the United States and designated by odd numbers in such State or Territory within ten miles on each side of said road beyond the limits prescribed in said charter as will make up such deficiency on said main line or branch to the amount of the lands that have been granted, sold, reserved, occupied by homestead settlers, preëmpted, or otherwise disposed of subsequent to the passage of the act of July 2, 1864.

Mr. POMEROY. That clause has been amended. Does the Senator from Iowa propose to strike out the amendment already made?

Mr. HARLAN. The amendment that has been inserted on the motion of the Senator from Kansas would be nugatory if that part of the text which I proposed originally to strike out should be stricken out.

Mr. POMEROY. Then the motion, if it should prevail, would also strike out the amendment which has been agreed to.

Mr. HARLAN. Yes, sir; it carries that with it I suppose.

Mr. POMEROY. Then we ought not to strike it out.

Mr. HOWARD. I hope the motion will be voted down. It will destroy the value of the joint resolution.

Mr. HARLAN. I do not desire to debate this proposition, but I wish to record my own vote in favor of it; and therefore I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. POMEROY. I call now for the reading of the amendment which was adopted on the motion I made when the bill was before the Senate the other day.

The CHIEF CLERK. The amendment which was adopted was to insert after the word "branch," in the thirtieth line, the following words:

To the amount of the lands that have been granted, sold, reserved, occupied by homestead settlers, preëmpted, or otherwise disposed of subsequent to the passage of the act of July 2, 1864."

Mr. POMEROY. I ask whether that amendment had been adopted?

The VICE PRESIDENT. It had been, but the Senator from Iowa moves to strike it out with other words, which is in order.

Mr. HARLAN. This part of the resolution is a proposition to enlarge the exterior boundaries. I propose to strike it out. The grant being now eighty miles in breadth, with a margin of ten miles under the existing statute, the proposition of this joint resolution is to further enlarge the exterior boundaries ten miles on each side, giving an additional strip of twenty miles. If it is not to be stricken out, then, of course, I am in favor of retaining the words that have been inserted on the motion of the Senator from Kansas; but if the text that I propose to strike out should go out there would be no pertinency in the amendment, and it might just as well come out with the other words.

Mr. COLE. It seems to me this is a new proposition. I do not know of any case in which a railroad bill has embodied a proposition of this sort. As I understood the amendment as read from the Clerk's desk, it authorizes the company to go anywhere to get lands when a sufficient quantity, as provided by the bill, is not found in the State or Territory through which the road happens to run. That is the purport, as I understand.

Mr. HOWARD. Not at all. The original bill confined the selection within given limits, and did not allow the company to range beyond those limits; and that is the effect of the present measure.

Mr. HARLAN. The Senator from Michigan is in error in that, I think. The original bill, that is, the law of 1864, does give a margin of ten miles on each side of the exterior boundary of the grant, and this is a proposition to further enlarge it so as to make it twenty miles.

Mr. HOWARD. The Senator will allow me

to say that I was not mistaken at all. I stated the substance of the charter. I know that there are exterior limits within which deficiencies are to be made up, and the effect of the present measure before the Senate is to enlarge those limits somewhat, in order to give the company a better opportunity to fill up the deficiencies that exist.

Mr. COLE. I think in the reading of the resolution I heard that where the lands were not within any State or Territory through which the road ran, in that case other lands might be taken up to supply deficiencies.

Mr. HOWARD. Not at all.

Mr. COLE. Let that part of it be reported.

The VICE PRESIDENT. The Secretary will again read the part proposed to be stricken out by the Senator from Iowa.

The Secretary read the words proposed to be stricken out.

Mr. CORBETT. I wish to say, as many of the Senators perhaps have not noticed this proposition, that it is simply extending the lines ten miles further on each side of the grant within which the company may make selections to fill up any deficiencies occasioned by lands having been taken up by actual settlers along the line through the valleys where the good lands are. If the requisite amount of land shall not be found within the present limits of the grant, then the company have the right to go outside ten miles on each side of the road in order to make up that requisite amount of land. It was the original intention of Congress to give the entire strip across this country in order to aid this great work through a wilderness, in order that it might be developed and built up. Emigrants following this line have taken up much of the best land along the valleys. Now, the company simply ask that they may extend the lines further on each side of the road so as to get land which will be less valuable to them, as everybody must acknowledge; but they want to make up the requisite amount in order to aid them in this great work, having no Government bonds and nothing but these lands to depend upon to build this great line of road from the Atlantic to the Pacific. That is simply the question, and I hope we shall retain the clause.

Mr. HOWELL. I understand that the object is simply this, to state it again in different words: the extension of a land grant which comprises already all the available land for one hundred miles wide, to include all the available land for one hundred and twenty miles wide.

Mr. HARLAN. That is it.

Mr. HOWELL. That is precisely the statement of the question. If the land is worth anything, at the price which has been fixed upon it it will build the railroad as it is, without any addition whatever. If it is worth nothing there is no need to increase the amount, in my judgment.

Mr. CORBETT. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. HOWELL. I do not yield. There is no propriety in extending this grant so as to include one hundred and twenty miles wide, for the reason that the effect of the road will not reach that distance to increase the value of the land—over fifty miles from the railroad on either side. Therefore, there is no ground of principle or of reason on which to found the extension of this grant.

Further, having given this company one hundred miles clear across that country already, this addition of twenty, making it one hundred and twenty miles, prevents the granting of any more land in all that extensive country for the extension of any other railroad in the future, and the people there will be confined to this monopoly for all time to come. Is that right and proper? Is that a proper administration of the public lands, which constitute the public treasure of the people of the United States, thus to give it all to one company unnecessarily, thus to cut off the possibility of other railroads running either east or west, north or south, through that extensive region of country? Shall we be forever cut off in the south from any communication with that region of country by this range of one hundred and twenty miles wide? Shall we never have any communication with the British possessions by railroad, because this company has monopolized all the lands and all the rights and franchises which are necessary to enable us to build another railroad through all that region of country, thus shutting us out from any northern or southern route of communication by railroads, by means of their franchises and their grants, so enormous, so outrageous beyond anything in the experience of this country? It ought to be, and it will be if passed, the death-blow to railroad grants. The people will be aroused to see how irrational, how outrageous is the greed of these railroad companies and their advocates. I trust, therefore, that this measure will not be adopted, but that the amendment offered by my colleague will be voted for and adopted by the Senate.

Mr. CORBETT. Mr. President, the Senator from Iowa tells us that the people will consider it an enormous outrage to give to the Northern Pacific Railway Company this grant of land through this extent of territory, unsettled, an entire wilderness, in order to build this Northern Pacific railroad across the country. Why, sir, this proposition does not give any more land to the company than was given before. The Congress of the United States in 1864 gave to this company a strip of land in alternate sections for forty miles on each side of the road, and allowed them ten miles on each side of that line in which to make up any deficiency. We simply desire now to extend that limit to twenty miles on either side to make up those deficiencies. The company find that a large amount of the lands all along the line nearest to the road have been taken up by settlers. They have had six years in which to select those lands. The company have been struggling to raise the means to build this road through a new country. They have found it impossible to do so until lately. They believe now if they had the original grant, if no settlers had gone there and taken up the best portions of the land, they could build it. Now, they simply ask that you will give them lands twenty miles further from the road for those lands which have been taken up near the road. Is not that right? Is not that fair? As the settlers have the advantage of all the best lands that would otherwise naturally have gone to the railroad company nearest to the line of the railroad, are you not willing to give to this company lands further away, that will be less affected by the building of the road and be less valuable to them? They certainly ought to receive something. Certainly the Senator from Iowa would not say that if all the lands were taken up now within this strip of eighty miles they should not have any others in lieu of them.

How could the company build the road if they had no land? If land warrants have been located along the line of the road, and the best lands have been taken up by land warrants and by settlers, where are the company to get the lands to build the road? If speculators have located on the lands along the line, of course they are to reap the advantage of the building of the road, and the company will not reap any advantage if that should be the case. They simply wish to provide against such a contingency. It seems to me they ask for nothing but what is reasonable and right under the circumstances. This is a great public work. It is a work that is to cost the company $100,000,000. They have subscribed their money. They propose to risk their money, their credit, and their honor in the building of this road. They have it at heart. They believe it will develop a vast region of country, and ultimately the lands donated to them may be of value to them, and they are willing to wait for that time in order to be remunerated. They are willing to wait until they can place emigration along that line that shall develop that vast region of country, and bring money to their treasury and reimburse them for their outlay.

If we desire to cripple a great public enterprise, then we shall circumscribe them and confine them to just the amount of land that they may pick up within the limits prescribed by their original charter; but it seems to me that would be unjust. This was the first railroad projected across this vast region. Other parties have taken hold of and have built a central line of road across to California. Those parties have had a large subsidy from the Government in money to aid in that great work; they have also had a large subsidy in lands. The lands are less settled up perhaps along that route, but probably those companies get more valuable lands, considering the vast coal fields on their route; and now we hear of vast fields of iron ore that have been found on those lands. I have no doubt that along a great portion of the Central and Union Pacific roads the lands are better—they certainly are along the eastern portion of the Union Pacific—than they are along the line of the northern route on the average.

Mr. President, here is a vast region of country yet to be developed. In it will be found magnificent water-power, lofty hills, fertile valleys, and extensive woodland; but all these are of no avail without a railroad. Without a railroad, in order to take merchandise to the interior, and to transport products from the interior to market, that country is not valuable except for mining purposes. We cannot afford to pay from ten to fifteen cents a pound for taking goods from the sea-board to the interior. We cannot afford to pay for the transportation of wheat to the sea-board ten or fifteen cents a pound. Every one who knows anything about that country, or who has had any business connection with it, knows that the expense of the transportation of goods to the interior prevents, to a great extent, the settling up of that region except as a mining country.

What we desire is to open this region to general immigration, to the farmers of the country, to the foreign population who may come among us and settle up along the line of this road. I trust that we shall not now, just at this time, when this company have a prospect of raising a sufficient amount of money to carry on this work, cripple them, circumscribe them, and say they shall not have the grant of land which was first contemplated. They only ask in justice to their enterprise that they may have as near that amonnt of land as they can get within a belt of one hundred and twenty miles in alternate sections. That would be within sixty miles on each side of the road. You do not expect any railroad to come within sixty miles of this one for a great number of years, and we are six or seven hundred miles now from the Union Pacific railroad. Unless we can have a road by which we can have access to the interior of the country, our enterprise and our commerce will be crippled, and all the business of the people who have gone there and settled with a view to the building up of that country and with the expectation that this railroad is to be built. I hope that the amendment will not be adopted.

Mr. WILSON. Mr. President, we all admit that this road is one of national importance, and the grant of land originally made I am willing to make good. If settlers have gone upon it and have taken up any portion of it, I am willing to go beyond its limits and make up that deficiency; and I shall so vote. But, sir, I do not propose to vote for the bill unless the amendment I moved when it was up before shall be adopted. If that be adopted I shall vote for the bill. If not, I shall neither vote

for this bill, nor for any other railroad grant during this session.

I am one of those who believe that these railroad grants have largely contributed to the prosperity and growth and development of the country; that the country is worth to-day hundreds of millions of dollars on account of these grants; that the Government has lost nothing whatever by this policy. On the contrary, I believe that the Government has sold millions of acres more under this policy than it would have done under the old policy if it had been continued; and the reason is clear and plain to the comprehension of any man. Instead of taking these lands out of the world the railroad grants and the railroads bring the lands into the world. Instead of taking them from the landless men of the country they openthose lands and bring them within the reach of the landless men of the country. There are tens of thousands of farms in the country to-day that would not have existed if this policy had not been adopted.

Now, sir, I am ready and willing to continue this policy for the interest of the whole country, and especially the interest of the landless and toiling men of the country; but I am opposed to, and I mean continually to oppose the granting of vast quantities of lands to be held by railroad corporations at a large price and in large amounts. Therefore I am in favor of providing, when we make these grants, that the land shall be sold at $2 50 per acre, at double the old price, to actual settlers; that the lands shall go into the hands of the men who are to own and cultivate them, and that millions of acres shall not be held by railway corporations year after year for large prices; for that policy I deem to be against the permanent interest of the whole country, and especially against the interest of the landless men of the country.

Now, sir, if Senators wish simply to make up for the lands originally granted to this company by allowing them to go beyond the original limits, I think that is a fair proposition; and the amendment moved by the Senator from Kansas [Mr. POMEROY] and adopted by the Senate I deem to be a just one. This is a great undertaking. It opens a vast region of country, large enough to make several States. I am told by those who have examined the subject that the country lying on the line of this road, extending away up in the British possessions to the sixty-first parallel, is a magnificent agricultural region. The opening of that region will lead at once to the cultivation of thousands and tens of thousands of farms; will build up a large agricultural section of the North American continent. The building of this road will hasten the development of that region. The lands upon this road to-day are not worth a quarter of a dollar an acre, and would not sell for that. Build this road and the lands will be worth two, three, four, or five dollars an acre on each side of the road for forty, fifty, or perhaps sixty miles; and much of the land would bring a higher price. It would add to the wealth of the country to build the road. I want to encourage it. But I put my foot down now, and I give notice to all the friends of railway grants, wherever they may be, that I will vote for no railroad grant unless it is determined and settled, to begin with, that the land shall be sold to actual settlers at $2 50 per acre. I care not so much as to the amount of land granted, for granting lands, if they are to be brought into market at a low rate, does not take them away from the poor people of the country, but helps the poor people of the country to get lands. But if these grants are to be held by the million, either by private persons as speculators, or held by railroad companies, the policy is against the interests of this country, and it is time to stop it and put an end to it. I will vote for no land grant in which this amendment is not incorporated, either now or at any future time.

Mr. HARLAN. If that is the honorable Senator's purpose, this is a good place to begin the application of the principle. This bill does contain a new grant, a grant to build a branch road "from some convenient point on its main trunk line across the Cascade mountains." I do not know where that is.

Mr. WILSON. If the Senator will allow me, I will say that I moved an amendment the other day to make the price $2 50 per acre for all the additional land granted by this bill, and it was voted down; but I intend to renew it when we come into the Senate. If that amendment should be adopted I intend to vote for the bill. If it should not be adopted, I intend to vote against the bill.

Mr. HARLAN. I will say in addition that the provisions of this bill, if this amendment should not be carried, will not only grant *de novo* to this branch line, which may be any number of hundred miles long, the alternate sections of land within a strip of country fifty miles wide on each side, but will also carry the additional margin of ten miles outside of these exterior limits, making it one hundred and twenty miles within the Territory of Washington. It seems to me that it is a very extravagant proposition.

Mr. CORBETT. I will state to the Senator that a portion of the branch would be on the Oregon side. The branch is from Portland to Puget sound. The Columbia river separates the two, and it must be built along there. Consequently it would be less in the State of Oregon than it would in Washington Territory. There is more land given in the Territories by the bill than in the States, is there not?

Mr. HARLAN. Yes; just twice as much.

Mr. RAMSEY. Surely the Senator from Iowa does not wish to create the impression on the minds of Senators that there is ten miles in width of additional land given to this company?

Mr. HARLAN. Certainly I do; one half on each side.

Mr. RAMSEY. Additional land given?

Mr. HARLAN. Certainly.

Mr. HOWARD. Not at all.

Mr. HARLAN. Within the meaning of all railroad land grants.

The PRESIDING OFFICER, (Mr. WILLIAMS in the chair.) The Senator from Iowa will proceed without interruption, except with his consent.

Mr. HARLAN. It is no interruption. I desire to be right, and doubtless the honorable Senator himself does.

Mr. CORBETT. I desire to say that the land on the line of this road from Portland to Puget sound is settled up. That valley was settled up by the early settlers of Oregon and Washington, and the most of the lands that the company will get there will run back well into the hilly or mountainous portion of the country. They will get but very few lands in the valley or the prairie. They will receive overflowed lands, principally in the mountainous or hilly portion of the country.

Mr. HARLAN. The honorable Senator does not know where the road will be located on the Pacific slope. He does not know whether any considerable part of it will be in Oregon or not, no location having been made. The probability is that the larger part of the line on the Pacific slope will be in the Territories. It will be the interest of the company to locate it within the Territories if they can. They probably will diverge north for the very purpose of securing the largest possible part of their line within the Territory of Washington, for the reason that so much of it as shall lie in the Territory will carry with it double the quantity of land. So the Senator cannot say now where the road will be located; whether one hundred miles, or fifty miles, or two hundred miles will be within the limits of his own State. It has not been located.

Mr. CORBETT. I will state to the Senator that we know the width of the country between the Cascade mountains and the Columbia river. The bill provides that this branch shall be built from Portland to the sound, and it has got to go from Portland to the sound along this valley. They cannot run up into the mountains. There is no more than that strip of country there, and that is principally taken up by settlers.

Mr. HARLAN. I am speaking of the main trunk line which will, it is supposed, be located in a general course from east to west. They may diverge a hundred or two hundred miles further north or further south, as they may find it their interest to do on account of more or less favorable grades or more or less favorable lands on each side of the road. As the road has not been located, as no line has been established, it is impossible for the honorable Senator to know what proportion of the line will finally be located within the limits of his own State. The maps I have examined, on which lines have been drawn as I suppose by parties interested in this work, draw the line north of the north line of Oregon as far as it is practicable to run north of that line, down to a point a little northeast of the city of Portland; and if the topography of the country will permit it, they doubtless will locate north of the State of Oregon nearly all of the trunk line, for the reason that they get double the quantity of land within the Territories that they obtain on the portion that will lie within the limits of a State.

But the point I was making was that nobody knows now, or can know from the phraseology of this bill, what the length of the branch road will be, for the construction of which a new grant is made in this bill, and it is to that point that I was calling the attention of the Senate. The phraseology is:

> And also to locate and construct, under the provisions and with the privileges and duties provided for in its act of incorporation and the amendments thereto, its main road to some point on Puget sound, via the valley of the Columbia river, with the right to locate and construct its branch from some convenient point on its main trunk line across the Cascade mountains, to Puget sound.

Where the point of divergence from the main trunk line will be nobody can tell. It is to be from some convenient point on the main trunk line, and they are to construct a branch road to Puget sound. What the length of the branch road will be nobody can tell. It may be one hundred, two hundred, five hundred, or a thousand miles. It is only to be "from some convenient point on its main trunk line."

The grant made by the provisions of this bill by its references is the grant contained in the original charter, being forty sections of land for each mile of road, with the privilege of going out ten miles on each side to make up deficiencies. Then the provisions of this bill come in, the phraseology which I propose to strike out, giving an additional margin on this branch road. Why, sir, the grant for the branch road is in itself a gigantic proposition. It proposes to give for the construction of the branch road all the available land, as my honorable colleague stated, to be found within a breadth of fifty miles on each side, and in addition all that can be found within an additional strip of twenty miles, so that this new grant is of all the available land that can be found within a strip of one hundred and twenty miles for every mile of the branch road.

Mr. CASSERLY. Will the Senator from Iowa allow me to make a suggestion?

Mr. HARLAN. Certainly.

Mr. CASSERLY. I suggest to the Senator from Iowa, what undoubtedly has not escaped his attention, although he has not referred to it this morning, that the present measure does, in the most effective feature, leave that very question which he has been mentioning as an objection to this road, namely, the extreme indefiniteness of the country through which the branch road is to run, in a much worse condition than the original act, because by the first section of the original act the point of divergence of that branch line from the main trunk was fixed at not more than three hun-

dred miles east from the Pacific terminus. That has been taken out; that has been destroyed without a word said in this joint resolution, by the effective terms of it, and instead of the terms of the original charter, "three hundred miles east from the Pacific terminus," the language, "some convenient point," has been inserted, leaving it with the company to determine where that "convenient point" shall be. As the Senator from Iowa has justly remarked, it may be, not three hundred miles from the Pacific, but fifteen hundred miles, if the company chooses to consider that as the most convenient point.

Mr. HARLAN. I am much obliged to the honorable Senator for calling my attention to the point and referring to the law. This makes the point explicit. The original charter provided that this branch road should diverge from the main trunk at a point "not more than three hundred miles from its western terminus;" so that the branch road could not very well have been more than four or five hundred miles long. But now that limitation is stricken out, and in lieu of "three hundred miles" "some convenient point on its main trunk line" is put in. It does seem to me that when we are to make a new grant for another railroad line, thus limitless as to its length, it is hardly fair to give an additional breadth over one hundred miles wide in which to select the lands.

Mr. CORBETT. I presume there will be no objection to fixing the point for the divergence of the branch line at the point where it was fixed in the original act.

Mr. CASSERLY. Three hundred miles east of the Pacific terminus.

Mr. CORBETT. About three hundred miles.

Mr. HARLAN. If that should be fixed it would, of course, be better; it would make it more definite.

Mr. CORBETT. I so understood the bill. I did not suppose it changed that provision in the charter.

Mr. HARLAN. But if limited to a point three hundred miles from the western terminus, as this road is to diverge off to the northwest and will become in a certain sense the hypotenuse of a triangle, it would be longer than three hundred miles; it might be four or five hundred miles by its meanderings. Then we are to give a grant of land on that new line of three or four hundred miles in length. All that is contemplated by the original bill is all that can be found within a breadth of one hundred miles, fifty miles on each side; but the phraseology which I propose to strike out will give them in addition all they can find in an additional strip of twenty miles in width. It seems to me that that is an extravagant proposition.

But, Mr. President, I called the attention of the Senate when this question was under discussion before to the peculiar phraseology of this clause of the bill. I do it again because I do not know that the framers of the bill intend the effect that is doubtless given to it by the language:

> Then said company shall be entitled, under the directions of the Secretary of the Interior, to receive so many sections of land belonging to the United States, and designated by odd numbers.

This is the description of the land that is to be granted; so much "land belonging to the United States." Why, sir, what classes of land will that carry? If it means anything, I suppose it will convey any land, the fee of which or the right to the occupancy of which is vested in the Government of the United States—Indian reservations, military reservations, mineral lands, lands occupied by homestead and preëmption settlers. There is no exception whatever. It is as broad and as complete as the English language would enable it to be made; any land belonging to the United States may be taken by this company to make up the deficiency.

Mr. HOWARD. Will the honorable Senator allow me to say a word at this point?

Mr. HARLAN. Certainly.

Mr. HOWARD. Would he not in construing this amendatory enactment construe it with reference to the original charter? Is not that a well-settled rule in the construction of statutes relating to the same subject-matter? And if he construes it with reference to the matter, that is to the matter of the charter, he knows of course that mineral lands are excepted, and exempted from the operations of the act in express terms.

Mr. HARLAN. Mr. President, there are several clauses in this bill, and there are several distinct purposes to be achieved. One is to enable the company to mortgage its property; another is to make a new land grant to another railroad line; and the third is to enable this company to take up lands outside of the limit of its grant. Now, I apprehend that in construing this law each of these provisions will have to be construed according to its plain intendment. There is nothing in this clause which indicates that it is to be construed in conformity with the limitations contained in the original grant. That phraseology is put in in the preceding clause. It is stated there:

> And also to locate and construct, under the provisions and with the privileges and duties provided for in its act of incorporation.

There is a plain reference to the limitations and the privileges and the duties indicated in that act; but when you come to this distinct provision, separate and distinct in its intendment, there is no such reference. There is nothing mentioned on which you can hang the construction to which the honorable Senator refers; and I know of no reason why Congress may not grant away the lands, if it chooses to do so, on which homestead settlers have made improvements, on which preëmptors have made their claims. I know it has been contended by members of this body and the other branch of Congress that a homestead or preëmption settlement vests in the occupant of the land some sort of inchoate title that may be defended; but, sir, that construction has been wiped out by a recent decision of the Supreme Court of the United States, pronounced but a few days since in the case of Frisbie *vs.* Whitney, originating in the State of California, where the Supreme Court holds that Congress may grant away lands occupied by preëmptors. The highest judicial tribunal of the country having thus decided, I inquire of the honorable Senator from Michigan if it is safe to trust the phraseology to be found in this clause of the bill unless he intends to grant away these lands? This, however, may be amended if it is the purpose of the friends of the bill so to restrict it.

I rose for the purpose of calling the attention of the Senate to the gigantic character of the new grant contained in this bill, its almost limitless extent, and that this clause which I propose to strike out enlarges that from fifty miles on each side to sixty miles, making the breadth of country one hundred and twenty miles in all on the new line as well as on the old one. In lieu of the lands occupied by preemptors and homestead settlers, and that may have been occupied by the Government of the United States for forts or otherwise, the company are to take lands outside of the fifty-mile limit on each side of this new line for such as have been occupied since the date of the passage of the original bill.

Mr. RAMSEY. I wish to ask the Senator from Iowa whether, if all the lands within the forty-mile limit are there, the company can take one acre beyond that limit?

Mr. HARLAN. Surely not.

Mr. RAMSEY. That is all I want to know.

Mr. HARLAN. But the honorable Senator knows very well that his question is perfectly pointless in practice. He knows that no railroad grant absolutely conveys to the company every odd section within the limits of the grant.

And that brings me to the very point to which I desire to call the attention of the Senate. How would the Senate now treat a proposition, if I were to bring it in as an amendment to this bill, to this effect: "And provided also that there shall be hereby granted to the State of Iowa, in lieu of the land selected by preëmptors and homestead settlers, and that may have otherwise been conveyed by the United States after the date of the passage of the bills making grants of lands to aid in the construction of railroads from Burlington, on the Mississippi river, to some point on the Missouri river; from Rock Island, on the Mississippi river, to some point on the Missouri river; from some point on the Mississippi river, beneath the forty-second parallel, to some point on the Missouri river," and so describing every railroad line in Iowa for which grants of land have been made? We did not receive the total quantity of land that would be indicated by an arithmetical computation of the acres within all of the odd sections embraced within the six-mile limit. Vast quantities of that land were entered with land warrants, with scrip, by preëmptors after the date of the passage of the laws and before the companies located the lines of the roads. Have we not the same right to come in here and claim indemnity outside of the land-grant limits? Have not Minnesota, Arkansas, Alabama, Mississippi, Florida, Missouri, Kansas, Nebraska, California, and Oregon the same right in equity?

Why, Mr. President, this never has been done in any other case; and every other railroad company has precisely the same equities that this company has, and in addition the consideration that they have built their railroads, while this company has not. The only difference between the equity of this company and that of any other railroad company, even in Minnesota, is that the other railroad companies with less than half the land grant have been building their roads, and this one has not. The dilatory company, the one that has not been building its road, the one that has not practically accepted its franchise by constructing a single rod of road, is the one that you propose to distinguish by giving to it extraordinary grants, extraordinary privileges, when the original grant to that company is more than double, is fourfold that given to any railroad company until within a very recent period, and is double that given to any other existing railroad company. The dilatory company, the one that has built no road, that has slept on its rights for six long years, that has not even up to this date located the line of its road on the earth's surface, is to have extraordinary privileges!

Mr. President, how can we account for this to me singular predisposition of the American Senate if in fact this amendment which I propose is not adopted and this clause stricken out?

Mr. HOWARD. Mr. President, I wish to say one word and I shall be very brief. I cannot hope to rival the Senator from Iowa in fervor and invective. I can only hope to lay a few plain facts before the Senate, and then it will be for them to judge of the propriety of this measure. The language used by many Senators in discussing this question has given rise to an idea that we are extending and enlarging the grant to the Northern Pacific railroad in a most gigantic manner; that we are granting much more land than they ever were entitled to under their charter; that we are, in short, squandering the public lands upon this company. Now, sir, let us see what the facts are in regard to this so-called additional grant. The sixth section of the charter, as the honorable Senator from Iowa will well recollect, reads as follows:

> "That the President of the United States shall cause the lands to be surveyed for forty miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroads; and the odd sections of land hereby granted shall not be liable to sale or entry, or preëmption, before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, 1841, granting preëmption rights, and

the acts amendatory thereof, and of the act entitled 'An act to secure homesteads to actual settlers on the public domain,' approved May 20, 1862, shall be, and the same are hereby, extended to all other lands on the line of said road when surveyed, excepting those hereby granted to said company."

Now, sir, what is the process, plainly, under the charter? After the company has laid down its line of road the President of the United States is required as the work proceeds to cause the public lands for forty miles on each side of the line to be surveyed. Then the act declares that the odd sections shall be given to this company as the work progresses from section to section. All the land, therefore, that can be reserved from sale under the charter or under the amendatory joint resolution now before us, consists of the alternate sections within the forty miles on each side of the road. No other lands are to be reserved from sale or settlement by homestead owners, or by preëmptors. All the lands out of the range of these eighty miles may be taken up at any time and all times by preëmptors, homestead settlers, or purchasers. There is no restriction upon the sale of the public lands beyond this range, and within this range all that is reserved consists, as I have said before, of the alternate odd sections. If it shall turn out, however, in practice, and as the work progresses from section to section, that there are not sufficient odd sections on each side of the line and within this range to make up the forty sections per mile, then, when that fact is discovered, the company have the right under the direction of the Secretary of the Interior to proceed beyond the range and select their odd sections anywhere else within ten miles on each side of the range. But until they do make this selection within the ten miles on each side, the lands which they might thus select are subject to sale to purchasers, to a settlement, and to the general land laws of the United States; and the same principle will hold good in regard to the additional twenty miles on the two respective sides of this range of land. No part of this land is reserved for the company. The President is not authorized to instruct the Commissioner of the General Land Office or the Secretary of the Interior, to reserve a single section, whether the section be odd or even; they are all, without exception, subject to entry in the regular course of the administration of the Land Office.

Now, sir, as I had occasion the other day to say, the original charter which I hold in my hand promises to this company twenty sections per mile of the public lands lying on each side of its line of road. They were to receive lands "to that amount." There was fairly and plainly an undertaking on the part of the Government that this company, as they should build their line of road from section to section, should be endowed with that quantity of land, and in case it should happen that any of the public lands should have been taken up by settlers or by preëmption, then the charter provided that the company should have the right to go on either side of the original belt of reserved sections of forty miles, and within an extent of ten miles on each side of that belt to select lands to make up any deficiency which may have been occasioned by settlers, homestead owners, or purchasers, having taken up any of the odd sections lying within the forty miles range.

Mr. POMEROY. Not unless they have taken them since the passage of the act.

Mr. HOWARD. Yes, of course; if they have taken them since the passage of the act. All that this company, therefore, asks is in substance this: that the Government shall fulfill its undertaking with the company and shall, so far as practicable, so far as reasonable, grant to them the lands which were originally stipulated to be donated to them. Some years have elapsed, and during those years many of the lands to which the company would otherwise have been entitled have been taken up by settlers and purchasers. The misfortunes and embarrassments of the company—and we all know that these are very common, almost universal in the inception of railroad enterprises—have had the effect to retard this work. It has not been within the power of the company, it has hardly been in the power of any human being, unless endowed with the wealth of Crœsus, to proceed with this work and to construct the road to any considerable extent within the last six years. It has been their misfortune. Gentlemen in this Chamber call it their neglect. Sir, there has been no act of omission on their part which can properly be denominated neglect. The war, the stringency of the money market, and a thousand other causes have tended to embarrass and retard this work.

Now, Mr. President, I wish to reply for a moment to the criticism made on this bill by the honorable Senator from Iowa, [Mr. HARLAN.] He seems to think that the language used in it, "to receive so many sections of land belonging to the United States," &c., would convey to the company any mineral lands, or perhaps any lands to which a settler had only his inchoate title. Mr. President, in construing this statute we must necessarily, and it is our duty, and it will be the duty of the Secretary of the Interior and the Commissioner of the General Land Office to construe it with direct reference to the charter itself, of which it is an amendment. I need hardly say to the honorable Senator from Iowa that one of the leading rules of construction in the administration of a law, whether in a judicial way or otherwise, is that statutes passed *in pari materia* are to be construed with reference to each other. All the statutes relating to one particular subject-matter are to be construed together in order to eliminate the intention of the legislative body passing them.

Is it possible that a Secretary of the Interior administering this law would think of giving it the construction insisted upon by the Senator from Iowa? Would he undertake to say, in the face of a charter which forbids a company to take mineral lands, that under this joint resolution, a mere amendment to the charter, a statute to be construed in reference to and with the charter, the company could seize upon mineral lands, take the gold and silver mines, and the lead mines, and the copper mines, and all other mines that may chance to be discovered on the route of this road? Sir, it is impossible that any well-informed functionary, judicial or administrative, could give to the language of this joint resolution any such effect.

I think if my honorable friend who once so well filled the office of Secretary of the Interior were there now, or should be hereafter, and this company proposed to him to take from the Government mineral lands under this amendatory act, he would not hesitate to say to them that they were forbidden to do so by their charter, and he would adopt the well-known and long-established rule of law that the two statutes are to be construed together and with reference to each other, both of them constituting in law really but one statute, the meaning of which is to be elicited by the application of the proper rules of interpretation and construction.

Mr. President, I must take the liberty to say here, for it is the only opportunity I have had to make a remark on that subject, that I much regret to witness the feeling and temper with which this Northern Pacific railroad is met in this body by some Senators. I can hardly account for it. The honorable Senator from Iowa the other day in his remarks urged that the time had not yet come for the completion of the Northern Pacific railroad, that the interests and wants of commerce did not yet demand the completion of this great enterprise. But in order that I may do him no injustice, he will pardon me for reading from the Globe one or two extracts from his remarks. The honorable Senator said:

"But, Mr. President, there is one other thought to which I invite the attention of the Senate. Although I am in favor of carrying out in good faith the contract we have made"—

And I have no doubt about that—

"it is far from certain to be the interest of the United States as a Government to hasten the completion of this road more rapidly than the commercial interests of the country require."

That is an indirect manner of saying that the wants of commerce do not now require the completion of this road. It is an argument against the necessity, the existence of the road at all; it is an argument against the completion of the road; an argument in favor of repealing its charter.

"As I before remarked, you have a second mortgage lien on the great Pacific line, known as the Union Pacific railroad and the California Central Pacific railroad. The value of your second mortgage depends on the value of the work. If you by unnecessary subsidies stimulate by a hotbed growth the construction of competing lines"—

Competing lines! competing lines!

"you thereby diminish the value of your own property; you thereby render it less probable that you will ever receive either the interest or the principal on the bonds you have already issued."

Sir, whence is the inspiration of this objection to the Northern Pacific railroad? Who tells us that the United States have a great interest in the Union Pacific and in the Central Pacific, and that that interest is likely to become damaged by the construction and completion of the Northern Pacific railroad? This is spoken in this Chamber directly in the interest of the Union Pacific railroad, and if I could be allowed the privilege of indulging in a Yankee guess, I should guess that it arises from the dislike entertained by the Union Pacific Railroad Company to the construction of the Northern Pacific.

Sir, is it possible that that great corporation, now holding in its coffers $64,000,000, once the property of the United States, an amount of cash with which they have been so liberally subsidized, a company whose securities are at a very high figure throughout the United States, a company who owe all that they are, all that they ever will be, to the munificence of the Government of the United States; a company possessing a road running from the Missouri river to the Pacific ocean, the grandest enterprise that has been completed in modern days; a company to which the world points with admiration for their energy, enterprise, intelligence, and liberality—is it possible that that company is actuated by the mean spirit of envy toward the Northern Pacific railroad? Do they stand in fear that their interests will be affected by what the honorable Senator from Iowa calls a "competing line," lying at a distance of more than five hundred miles from their own route?

I hope that this cannot be asserted of the Union Pacific railroad; but from the form in which the objection presents itself, and from its source, I entertain a fear that some members of that company at least have inspired the remarks of the honorable Senator from Iowa. Let me say, however, to the honorable Senator and to the Union Pacific Railroad Company, its agents, friends, and advocates here and elsewhere, that no opposition which they can make here, no influence which they can bring to bear upon the American people will result in securing to them forever the great monopoly of which they are now in the enjoyment. The American people demand three Pacific railroads—one at the North, one through the center, and another at the southern part of the United States; and these railroads they will have, whatever may be the feeling of the Union Pacific, however its friends and servitors may be moved by envy in regard to what has been called a competing line. Sir, the distance from New York to Shanghai in China, via the Northern Pacific railroad, as is well known to the country, is shorter by five hundred miles than the route from New York via San Francisco to the same place. It is known also that the route of the Northern Pacific passes over a country which is nearer by three or four thousand feet, upon

an average, to the level of the sea than the route of the Union Pacific, or even the route of the contemplated Southern Pacific. It is known that on the northern route there are no extremely high mountains to cross——

Mr. THAYER. May I be allowed to interrupt the Senator for a moment?

Mr. HOWARD. Yes, sir.

Mr. THAYER. I understand that the Senator based his remarks which he has just made, in reference to any supposed opposition on the part of the Union Pacific, upon mere supposition, not upon any evidence that he had that they have any such disposition. Do I understand him correctly, that his remarks were the result of a suspicion, and not of any evidence that the Union Pacific were opposed to it?

Mr. HOWARD. I have not charged the Union Pacific Railroad Company with the fault of obstructing the completion of the Northern Pacific railroad. What I say is that I regret to see the form in which this objection presents itself, and that I have a slight suspicion, considering all the circumstances of the case, that the opposition to the finishing of this road, an opposition so strenuously made by the honorable Senator from Iowa, arises from what is supposed to be the interest of the Union Pacific road.

Mr. THAYER. The remarks of the Senator from Michigan certainly justified the impression I received, that the opposition manifested by the Senator from Iowa was inspired by the Union Pacific. That was the substance of his remark, and I simply rose to inquire whether he made that remark merely from suspicion or from evidence.

Mr. HOWARD. I read an extract from the speech of the Senator from Iowa, in which he said substantially that the time had not yet come for the completion of the Northern Pacific railroad; that the wants of commerce did not require it to be completed; that the Government of the United States has a deep interest in keeping up the credit and prosperity of the Union Pacific, because that railroad company is a debtor to the United States to the amount of some $64,000,000 of the bonds of the United States.

Mr. THAYER. I do not wish to interrupt the Senator, but I will only remark that what he has just read does not in my judgment justify the intimation that that could have been prompted by the Union Pacific. I only want to say now, that coming from a State through which the Union Pacific road runs, having its starting point where I reside, I have never received an intimation from anybody of any opposition on the part of any officer or manager of the Union Pacific toward the northern or southern route. Knowing them intimately, as I do, I have never discovered anything of the kind. I deem it justice to the Union Pacific to say that.

Mr. HOWARD. It affords me great gratification indeed to hear the honorable Senator from Nebraska make this honorable and manly disclaimer in behalf of the Union Pacific Railroad Company.

Mr. THAYER. I will add further that I intend to vote for the bill under consideration.

Mr. HOWARD. I am still more happy to receive that assurance.

Mr. THAYER. I am very glad I have made my friend from Michigan so happy. [Laughter.]

Mr. HOWARD. That is an art which no man in this Chamber can exercise more skillfully, I beg to assure him, than my honorable friend from Nebraska. [Laughter.]

Another criticism has been made by the Senator from Iowa, and that is that the present bill changes the point from which the branch of the road, running by its charter to Puget sound, is to diverge from the main trunk. That is true. By the original charter that divergence was to take place at a point not more than three hundred miles east of the western terminus of the road. It would be about three hundred miles west of the meridian of Portland, as I suppose. By an examination, as I am informed, by the proper agents of the company, it has been found that that point of divergence is impracticable, and if they are forced to commence within three hundred miles of the western terminus of the road they will be obliged to go through a section of country in which the construction of the road will become enormously costly, and will be, perhaps, entirely beyond any means which they can raise, on account of the mountainous and impracticable nature of the ground.

That is the reason why they wish a larger discretion to be given them by this joint resolution in regard to the point of divergence, and I think it is a very reasonable request on their part, for certainly we ought to allow them to select their own point of divergence if it is not likely injuriously to affect the interests of the country. They will be the best judges of that point; they will be the best judges of the general route of the road. They will not be likely to construct the road either from any point or to any point which is not favorable to their pecuniary interests and the utility of the work; and we must allow them in this vast undertaking to be governed in large measure by their interest. I see nothing unreasonable in that.

One word further, and in reply to my honorable friend from Massachusetts, [Mr. WILSON,] who is also a member of the Committee on the Pacific Railroad. He says he will vote for this joint resolution provided the additional lands that are to be given the company are required to be sold to settlers at $2 50 an acre, but that unless he can secure that right to the settler he will vote against the measure.

Mr. President, it seems to me this is rather an inopportune occasion to undertake to launch another and a new policy in regard to the land subsidies to railroads. We are endeavoring to have this immense line of road constructed and finished. It is one of the great national works. It is one of the great enterprises undertaken during the war, and by the Republican party, having in view the binding together of the various sections of the Union by bands of railroad iron, keeping up ready and frequent communication between the distant points of the continent.

Sir, what this joint resolution asks in reference to the trunk itself is simply that the Government shall give to the company the lands which were promised it in the original charter, as nearly as it can; that the Government shall keep its faith to the company, shall perform its part of the bargain. Can the honorable Senator well reconcile it with his views of commercial honesty and uprightness, inasmuch as these additional lands are only such as were promised originally to the company; can he reconcile it to his sense of justice that we should now say that these lands shall be sold to settlers at an under-price, for $2 50 an acre, when perhaps many of them may in a few years, or even months, be worth five, eight, or ten dollars an acre? Is he willing, after this additional value has been imparted to these lands, many of which are now nearly or quite worthless, by the employment of the company's money and labor, to take from the company this increased value and give it as a mere bonus, a donation, to settlers, squatters, or purchasers and speculators—to take money out of the pockets of the company, substantially, and put it into the pockets of the land speculator?

Sir, to my mind it is the grossest injustice. Take these lands as they now are in a state of nature, in that distant part of the country, in Dakota, in Montana, in Idaho, and in Washington Territory; a vast proportion of them if put into the market to-day would not sell for a cent an acre, and if this railroad shall not be constructed that will be the case for generations to come. It is the railroad that gives value to them; it is the money of the company, the honest earnings of other men who go there to invest their money and to complete this great undertaking, that gives value to these wild lands. Would the honorable Senator from Massachusetts take the earnings of the company out of their coffers and place them in the hands of the squatter and the speculator, to enable him to go and buy lands of the United States? Of course he would not; but still, in point of principle, there is no difference between such a transaction as that and the amendment upon which he insists here. Let us do justice; let us keep our faith; let us carry out our bargain with this company, and not higgle with it upon the value of their lands and hand over that value as a *douceur* to speculators.

Now, Mr. President, I hope we shall speedily come to a vote upon this joint resolution.

Mr. HARLAN. Mr. President, I regret that the honorable Senator from Michigan has deemed it to be proper for him to make the allusions he has. I do not think it necessary in the discussion of this subject that he should have done so, and it is just, perhaps, to the company to which he has referred that I should say here in my place that so far as I am concerned there is not the slightest foundation for this suspicion. No stockholder in that company and no officer, so far as I remember, ever has said one word to me on the subject of the construction of the Northern Pacific railroad, and only one has ever said one word to me in relation to the discussion of this bill, and that was since the close of the discussion which occurred some days since. He is a member of the House of Representatives. He called my attention to what he regarded as an erroneous statement, which he said I had made in relation to the cost of the construction of the Union Pacific railroad, as reported in the Globe, to the effect that the amount of subsidy granted to the Union Pacific Railroad Company was larger than was necessary to secure the construction of the road.

I have not looked at the report of my remarks; but he said that I had remarked that either class of bonds would have been sufficient to secure the construction of the road, the company's first mortgage bonds or the second mortgage bonds issued by the United States, and that on that point I was greatly in error, for that the company had used up both classes of bonds and much more in the completion of the work, and that he did not like to have this statement go to the public to the prejudice of the company. I responded that I had not read the report of my remarks; that I intended to say the Government had granted much more subsidy than was, in my opinion, necessary to secure the construction of the road. He explained that the cost of construction had been augmented by mismanagement of officers before his connection with the enterprise commenced. This is the substance of all that was ever said to me on the subject by anybody supposed by me to be connected with the Union Pacific Railroad Company, here or elsewhere, during this discussion or at any other time; and I may be permitted to mention here, what perhaps as a personal friend will not augment the happiness of the honorable Senator from Michigan, that I have no interest in the Union Pacific railroad or in any other railroad; that I have not now and never had the slightest interest in their land grants or in their stock or bonds; not that I deem it improper for a member of Congress to invest his money in any of the public enterprises of the country calculated to augment the wealth and power of the nation, but I have never made such investments for two sufficient reasons. I have never desired to acquire an interest in this kind of property, more especially in such as may have been the subject of the legislative action of the body of which I have been a member; but, in the second place, I had not been so fortunate as to have funds to invest in railroads or anything else. This is perhaps a sufficient if not a satisfactory reason for my absolute freedom from all such connections,

Mr. DRAKE. The second reason would have been enough. [Laughter.]

Mr. HARLAN. Perhaps it would. [Laughter.] But, Mr. President, I have observed that in the discussion of questions in this Chamber logic is not the only weapon brought into requisition by the ablest debaters in the support of favorite measures. Sometimes disputants resort to sophistry. The honorable Senator from Michigan would not stoop to this. He has too much self-respect; but he does, as I think, sometimes resort to the expedient of raising a little smoke under which to retire from the field on which he has been fairly vanquished in argument.

The simple question here is not who were the original friends of this railroad, and who desire its construction; but, admitting its importance as a national enterprise, is not the existing grant large enough to secure its completion? Whatever throws light on this question is pertinent; all else is extraneous.

Why, sir, the attempt to make the impression that I am now or ever was an opponent of the construction of the Northern Pacific railroad must be futile if anybody ever reads the records of the Senate of the United States. It must be known to the honorable Senator from Michigan that I was a member of the committee that reported the bill to aid in the construction of the Northern Pacific railroad. I was a member of the committee of conference of the two Houses that framed the existing charter, and probably—if I may be pardoned for saying so without egotism—I did more than any other member of this body to secure the passage of the bill.

I made myself familiar with the subject; made myself familiar with the points of difference between the two branches of Congress, and by the partiality of the Presiding Officer of the Senate was appointed a member of the committee of conference on the disagreeing votes of the two Houses on this subject. I remained a member of the committee; declined the chairmanship because I was at the same time made chairman of the committee of conference on the Union Pacific railroad bill, and I preferred to shift a part of the necessary labor of preparing both bills. It was then imposed on an honorable Senator then here from the State of Wisconsin, (Mr. Doolittle.) The honorable Senator from Michigan cannot succeed in making the impression, either on the Senate or on the country at large, that I am an enemy of this enterprise, if anybody takes notice of what so humble an individual as I am does as a member of this body.

But, sir, when the original charter was framed and the existing grant made we all knew that it was gigantic in its proportions. We agreed to it, believing it to be amply sufficient to secure the construction of this road. The proposition now pending is to enlarge a grant that is without a parallel in its extent and in its value, as I have heretofore attempted to show. And, sir, allow me to predict here that the friends of this very enterprise, when they go into the money markets of the world, will not quote more from the speeches made by the honorable Senator from Michigan than they will from my imperfect remarks. They will not blazon it to the world that the honorable Senator from Minnesota [Mr. RAMSEY] insisted on the floor of the Senate that these lands were not worth more than ten cents an acre; they will rather quote the remarks of those who say in debate that these lands are of vast value, as they are. They are valuable grass-growing and grain-producing lands, and bearing gigantic forests, now being brought rapidly into use by the commercial nations of the world in ship-building, and to which they must continue to resort for ship timber until these old primeval forests shall have been destroyed.

Sir, why this futile attempt to make the impression on the Senate or on the country or on the friends of the road that I have said anything in disparagement of the enterprise? I was one of its authors in the outset. I have been among its supporters from that time to the present. The most severe criticisms I have ever received in the public journals in the country have been on account of my friendship for this and kindred enterprises. If any one ever takes the trouble to read the printed debates of the Senate he must know that I am and have been the constant, unswerving friend of three lines of railroad from the Atlantic to the Pacific ocean—the great Central line, now happily completed, the North Pacific, and a line on or near the thirty-second parallel. On this subject it is impossible that the Senator from Michigan, with whom I have served so long on the Pacific Railroad Committee, could be in error. No, sir, this attempt is but the expedient of a champion of a weak cause. There is not one word of mine on record in the Globe or elsewhere that can be quoted by any member of this body showing that I have ever opposed the passage of any properly guarded bill to aid in the construction of a needed railroad. But, sir, as a friend of railroads, as a friend of the development of the western country, as a friend of its rapid settlement, I do not think it wise to give more than is necessary to secure the construction of a road. The grant already held by this company, in my judgment, is ample. There is no necessity for enlarging it, and I would not waste the public property. I would not make profligate grants, more especially where such grants would necessarily impede the construction of other roads that will speedily be required by a teeming population which must soon spread over these plains and valleys. I would not so enlarge a grant to a single company for one line of roads so as to render it impossible in the future to stimulate the construction of other needed thoroughfares in so vast a district of country.

The honorable Senator from Michigan charges me with being the friend of a monopoly! I a friend of monopoly! Is not this Northern Pacific Railroad Company about to become, under his guidance, the greatest railroad monopoly on the continent? A company that will be able to prevent the construction of any other road within sixty miles of its line, either parallel or transverse, from Lake Superior to the Pacific ocean! If I were disposed to make unfavorable criticism of motives, I would inquire whether it is the purpose of the honorable Senator who has just taken his seat [Mr. HOWARD] to give a monopoly to this company, to provide that this shall be the only company that shall ever own and manage a railroad across the northern part of our continent.

Mr. HOWARD. Will the Senator allow me a word?

Mr. HARLAN. Yes, sir.

Mr. HOWARD. Mr. President, I claim no such thing. Such a thing is absurd, to use the term without any disrespect to the Senator from Iowa. The idea that because the Northern Pacific Railroad Company holds alternate sections of land for forty miles on each side of its line it thereby prevents the construction of any other railroad within those forty miles is a thing to me impossible to understand. Suppose it be in a State, cannot the State charter a railroad to go right through these lands, granting the right of way directly through these lands? The honorable Senator knows that a State Legislature may do this, or a Territorial Legislature may do this, and the Legislature of the nation may do this. So that the pretense that this grant of land prevents the construction of any other railroad within the limits where their lands lie is an utter absurdity in my opinion. It has no such effect and can have no such effect. It is as competent for Congress or a State Legislature or a Territorial Legislature to charter a company to construct a road directly through these alternate sections as to do anything else in the world. Why, then, is this pretense set up that no other railroad can be built within these limits?

Mr. HOWELL. "By the aid of the Government" is the proposition.

Mr. HOWARD. "By the aid of the Government," says the other Senator from Iowa. Let me ask the honorable Senator who has made such an appeal to us on this floor whether the Government does not own the even sections, and whether the Government cannot grant the even sections if it sees fit for the construction of other railroads? He knows that the Government can do it, and if it should become necessary and proper to pass the legislation he knows that the Government would do it. It would not be in the power of the company to whom the land has already been granted to prevent any such thing.

Mr. HARLAN. This is another illustration of the necessity of raising a little dust. Now, let us look at this argument of the Senator in all candor. This railroad company, as he informs us, with a grant of all the available land within a distance of fifty miles on either side of its line, cannot move a hair's breadth without an additional land grant; else why the necessity of this additional legislation? But when I say that no other company can build a road in the same locality without any land grant at all, the honorable Senator says it is absurd. His company with alternate sections in a strip of one hundred miles in width, if we are to credit his statements, cannot move a foot, and he is here pleading with the Senate to grant them more. Then when I observe that a company cannot build within these limit without any land at all, he says it is absurd!

I have hardly patience with such a discussion. The Senator is a practical man. He knew that I referred to this subject in a general practical sense, and not in relation to the constitutional power of Congress or of a State Legislature to condemn either public or private property for public use. Did I intimate that Congress had not the power under the Constitution to condemn private property for public use, and if it was necessary in order to construct a public road to take even the private property of the citizen; that it had not the constitutional right to appropriate either lands or money for such a purpose? No, sir; I intimated no such thing. I spoke of the practicability of building another railroad within the limits of this railroad grant; that practically it became a barrier to the construction of other roads; that practically in the usual mode of constructing railroads by means of land grants it became a monopoly; that practically this company would become the only company that would have the power to own a railroad line across this part of the continent; and the honorable Senator cannot gainsay it. It is true, or else there is no necessity for the enlargement of this grant. He must take either one or the other horn of the dilemma. Either this company can build with the aid of its existing grant, or no other company can build in the vicinity of its line without any aid.

Mr. EDMUNDS. I should like, for information, to be allowed to ask a question.

Mr. HARLAN. Certainly.

Mr. EDMUNDS. I understood my friend from Iowa to suggest just now that this bill calls for a grant of more than forty sections to the mile. Do I understand that this bill provides the company with more than forty sections to the mile for the length of their road?

Mr. HARLAN. I have attempted to explain that several times; but the honorable Senator from Vermont was not present.

Mr. EDMUNDS. I ask to be informed.

Mr. HARLAN. I take great pleasure in answering the question. I only make this statement for the purpose of apologizing to the Senate for repeating what I have before said. Perhaps no existing railroad land grant conveys to the grantee all the land, arithmetically

computed, that is described in the law making the grant. The laws run usually—take the Iowa grant for example—in this way: "There is hereby granted every alternative section of public land within a limit of six miles on each side of the line of the road not granted, reserved, or otherwise appropriated, and to which neither preëmption nor homestead rights have attached." This does not convey absolutely one half of the whole of the land within the six-miles limit, but it is as near one half as can be found within the exterior boundaries and embraced within the description.

This Northern Pacific railroad grant is just like all the others in this respect. It grants every alternate section of public land designated by odd numbers within a limit of forty miles on each side, not six, as in the case of Iowa, but forty miles on each side, not previously sold, granted, conveyed, reserved, or occupied by preëmption or homestead settlements. It follows the principles and provisions of the old laws on that subject. They are alike in this respect, or were intended to be. Some of the odd-numbered sections are excepted if they happen to have been otherwise disposed of before the date of the grant or of the location of the line of the road on the earth's surface. But this grant to the northern company is different in this, as I attempted to point out when this question was before the Senate heretofore: its charter provides for indemnity within a strip of land ten miles wide on the exterior boundaries of the grant for lands previously granted and reservations, as in other cases; and in addition—and in this respect it is exceptional, different from other grants—it provides also indemnity for mineral lands found within the limits forty miles on each side of the road. The quantity of land actually granted within the exterior limits is greater than usual, and the limits themselves vastly greater than in any other case.

Mr. EDMUNDS. My question was not whether this company was going to get more land than some other railroad company, because I presume it may—certainly more than six-mile railroads; but I merely wished to know as a matter of fact, whether if this joint resolution passes, the practical result will be that this company will be authorized by law to have more than the full sum of forty sections to the mile?

Mr. HARLAN. Clearly not more than forty sections to the mile, measured geometrically or arithmetically; but that is merely an evasion of the practical question. And the conclusion the Senator would deduce from this fact is only a high order of sophistry. The charter did not grant, and was not intended to grant, absolutely forty sections to the mile, but only so much of it as could be found within the exterior limits of fifty miles on each side of the road, of the character of land described in the grant. Had Congress intended to make an absolute grant of forty full sections to the mile the limitation of fifty miles on each side should have been omitted. In this respect this is precisely like all other railroad land grants.

The principle on which these grants have been made is, as stated by my honorable colleague, that they enhance the value of the even sections that the Government still retains and will enable it within certain limits to sell those even sections for double what would otherwise have been the minimum price. But outside of reasonable limits no such incidental advantage can be hoped. Hence the propriety of the limit. For a distance of ten or fifteen miles from the line of a road this enhanced value of the remaining sections is manifest, and it may be felt for twenty or thirty miles; but in this case the original grant covers fifty miles on each side, and the pending bill proposes to extend it to sixty.

But, Mr. President, I did not rise to refer to this feature of the case, but to respond to the personal allusions of the Senator from Michigan. He says that I remarked that there was no necessity for stimulating the construction of this road by unusual provisions, that there was, in fact, a reverse reason, that it would tend to diminish the value of the property of the United States. Can he gainsay the fact? The United States has issued and loaned $64,000,000 of bonds to aid in the construction of an existing road, and to secure their payment has taken a second mortgage lien. If you diminish the value of this road you weaken your security. If you reduce its value to the aggregate amount of the first mortgage bonds, you render your security worthless, and will be compelled to pay from the Treasury of the United States the whole amount of about sixty-four million dollars. Now, is this consideration unworthy the attention of the American Senate?

I put it to the honorable Senator and to the Senate and the country, is our interest in $64,000,000 of property so trivial that it is to be scouted from consideration in this Chamber? If the value of your security for this large sum of money, principal and interest, is to be destroyed by the construction of another line of road, would it not be well for the Senate and well for Congress to consider maturely whether the material interests of the country require its immediate construction by the application of unusual and extraordinary stimulus. In the absence of any pressing necessity, why should the nation needlessly and heedlessly throw away so vast a sum of money? If the existing grant is ample, as no one can truthfully deny, to secure the construction of this second line as rapidly as the commercial interests of the country demand, why hasten its construction with unneeded speed when the necessary effect must be to destroy the value of the Government lien and thus tax a struggling people for the ultimate payment of so great a sum of money?

I had supposed it to be our duty, as far as practicable, to guard and preserve the public property and the public Treasury. But it would seem from the tone and temper of the speech of the honorable Senator from Michigan that is no longer a virtue to guard the public Treasury, to protect the people from needless taxation, but is in his estimation an offense warranting personal denunciation. For drawing attention to this feature of the subject he has deemed it proper to denounce me as an enemy of this great enterprise. But, sir, why did he not quote me fairly? In the speech from which he read he knows that I said in this connection that if there was a public necessity for the construction of this road with unusual rapidity that the consideration of the loss of $64,000,000 ought not to weigh to the amount of a feather. Why did he not quote enough of what I said to present my views fairly? Was he unable to meet the argument fairly deducible from a full statement of the facts? He knows that I did not present that argument as conclusive against the passage of his bill, but as collateral consideration that enlightened Senators ought not to ignore; they ought not to close their eyes to the fact that the construction of a competing line of road probably will, in the present condition of the country, under existing demands of commerce, wipe out the Government lien on that road, and thus destroy Government property to the amount of over sixty million dollars. That may be regarded as a very trivial sum of money now. The time has been and the time soon will be when the people of this country will consider it worth the careful, mature reflection of their representatives in this Chamber. Were there a pressing necessity for the construction of this road rapidly, beyond the local wants of the people at each end of the line, then I grant you that this consideration ought not to be weighed seriously, such a reason as existed during the war when we had no means of communication between the people of the great Mississippi valley and the people occupying the Pacific States and Territories. That reason does not now exist. We have one line of railroad and a period of peace. There is not a necessity, therefore, of granting subsidies in any form which shall tend to stimulate the construction of competing lines of road more rapidly than the commercial interests of the country require. You have one line. It is by no means certain that it will pay interest on the investment. If it does not pay interest on the investment, then your second mortgage lien is worthless. Why should you aid to make it worthless, unless those who champion this measure with such vigor and ability can assign satisfactory reasons? I say to this company, "You have a gigantic grant; we made that contract with you during the war; we were willing to give you large inducements to construct a road;" for then it was by no means certain that the Union Pacific Railroad Company would build their line. I say to that company now, "Keep your grant; build the road; we will keep faith with you; we will not deduct one acre of your land; we will not take from you any of your rights; we will not diminish the value of your franchise; proceed under your contract."

The honorable Senator from Michigan says "No; they have been six years without building any road at all; they have been struggling and worrying." Struggling and worrying at what? I have mentioned heretofore in this discussion that other companies were building and had built railroads in the same neighborhood, the line of this road or about where the line of this road is supposed to be. A road from St. Paul to the western point of Lake Superior will be completed during the present year. It had a grant of but five sections to the mile on each side, ten sections to the mile in all. That company has its road now nearly completed, and it will be completed during the present year. This other company has not built a mile of road, has not located its line, has not graded a single foot so far as the Senate is informed. At what, pray, has it been struggling? What has been the occasion of this great worriment on the part of the company? If it could not build the road across Dakota and Idaho, and eastern portions of Oregon and Washington Territory, pray why could it not, and why did it not build it in Minnesota across those beautiful plains, those rich prairies unsurpassed in excellence elsewhere, perhaps, on the earth's surface? Why have they not built the eastern portion of their line? At what have they been worrying? What are the insuperable obstacles that have risen across their pathway? Have they been pointed out by any one in this Chamber? Not one has deigned to mention a fact or to assign a reason in support of the naked averment. They chose to use their money in other enterprises; that is all. They chose to wait until the local enterprise of the inhabitants of the country would enhance the value of their lands. They chose to avail themselves of the sweat and the toil of the frontier settlers; those who are now occupying these prairie lands, and by their labor are giving them value. They do not choose to be pioneers. They prefer to wait until other railroads should be built across this country, thus enhancing the value of their lands. They chose to wait and grow rich through the labor and toil of others; that is all. Did this occasion great worriment? Why should they have been worried and aggrieved because they chose to wait until the toil of other men, until the sweat of other men's faces, until the money out of other men's pockets gave additional value to this grant? Whenever they choose to organize and go to work in earnest, they are certain of success. When others build roads with less than half the land grant they now hold, they cannot fail. But instead of rolling up their sleeves and going to work like others less favored by Congress, they come to this Chamber and ask for more lands. They have all that is available within a strip

of one hundred miles, and still say to you, "We chose not yet to break ground until you give us all that is available within twenty by two thousand miles more." I ask the American Senate if these gentlemen have made out a case either in equity or in law; have they made out a case of hardship? If I am competent to judge, there is no such case pending. They have a grant that is ample, an immense grant of land of immense agricultural importance and great tracts bearing vast forests unsurpassed in value on the globe. They can build the road whenever they choose to make the effort. I referred when I last addressed the Senate on this subject to the report of their own officers. Their engineer, after a survey, and after a full reconnaisance in the field, stated to their banker that the lands already granted would build the road; that the Government property already donated to these men would build the road without an additional dollar. Has that statement of their engineer been gainsaid? If he is right; if their own officers know the value of this property, how can the Senate justify an enlargement of the grant?

May I make an appeal to my political associates on this floor? How will you justify it to the American people? Those of you who do not live in the land States may escape from rebuke. Those of you who live in the land States and on the frontier will not. I have seen hundreds and thousands of men within the last year searching for homes, searching for a spot of land on which to make a lodgment where they might dig out by their own hard toil, by the use of their bone and muscle, bread for themselves and their families. They find vacant land everywhere; vacant land not occupied, not cultivated, but owned by railroad companies, land enough and to spare, but not for them. Suppose one of these pioneers of the West comes to the margin of this fifty-mile grant along the line of this railroad within the belt of ten miles additional on each side, looking for a home. He finds the even-numbered sections occupied by peaceable and prosperous inhabitants, surrounded by plenty. Reasonable toil under the dews and sunshine has filled his barns and store-houses. He sees the odd-numbered sections basking in the sunlight, laden with a native growth of grass, and forest stretching away for thousands of miles, unoccupied, its bosom unstirred. He decides that he too will make a settlement, and by patient industry will also surround himself with abundance—that for him and his dependent ones the horn of plenty shall be filled. But he is informed that these broad acres are not Government lands; that years ago the American Congress granted them to a railroad company to aid in building a road more than fifty miles away. What! all these lands in a strip one hundred and twenty miles in breadth and more than two thousand miles in length? He demands a reason for such a grant. Perhaps he hails from Iowa. He knows that in Iowa a grant of six sections to the mile built a road. He may hail from Kansas. He knows that there a grant of three to five sections on each side of railroads secured their construction. He may hail from Alabama or Mississippi or Louisiana or Arkansas. He knows that the largest grant ever given there was six sections to the mile. But he is told that a munificent Government in this case first granted all the available odd-numbered sections for a space of fifty miles on each side of the line, and six years afterward enlarged it to sixty miles on each side. He inquires for the reasons for this unaccountable disparity in the size of the grant. He is told that the first grant was made during the pendency of a great civil war, when the existence of the nation required railroad communication between our eastern States and the Pacific, and that afterward an appeal was made to Congress for an enlargement of the grant, and the additional grant was made. He inquires, "What were the circumstances under which the appeal was made for an enlargement of this strip of the public domain, from one hundred to one hundred and twenty miles in width? Had the company begun their work?" Not at all. They had not lifted a shovelful of dirt until this bill was before the Senate Committee on the Pacific Railroad, and then if the telegrams seen in the public press can be believed, they organized a company and went up toward the eastern terminus of the road, in the midst of winter, and shoveled a little dirt and had it telegraphed all over the country that they had "broken ground." They had not built a mile of road; they had not built a bridge; they had not built a station-house or a depot; they had not expended in the construction of the road a single dollar, and they had been holding the grant for six years. The pioneer might then well inquire, "Why did our Senators and Representatives in Congress enlarge the grant, spread it out over twenty miles more of territory? Had not this soulless corporation already a grant large enough? If railroads in Iowa, Kansas, Missouri, Arkansas, Wisconsin, and Michigan could be built with grants from six to ten miles in width, why could they not be so built in Minnesota?" His neighbors tell him they could be so built in Minnesota with like aid; but a few miles away we have roads built by the aid of six and ten-mile grants. He then inquires, "Why the enlargement of this particular grant already from two to fourfold larger than the others? What reason did your Senators and members in Congress assign for this extraordinary action?" The near future, Senators, will bring you face to face with these landless pioneers, who, being unable to procure land for homes, must be hewers of wood and drawers of water for others, and come and go at the beck and call of others more fortunate. How will you answer them? When you come to meet your neighbors and constituents face to face, how will you answer them? When you come to meet these men with hard hands, bronzed faces, and arms made sinewy with continuous toil, what reason will you render?

Will it do to say that the original grant seemed to contemplate, by a loose interpretation of the phraseology, that Congress intended that this company should obtain at least forty sections to the mile, and although they did not locate the line of the road for six years, and nobody now knows when or where it will be located, yet it is thought possible that within the limits of that grant some squatter, some preëmptor, some homestead settler might have gone on ahead of the railroad and taken his title to a few acres of the public domain, and this bill was brought in to indemnify the company for the conveyance of land to the settler within this limit of the original grant of fifty miles? Will he not confound you with the inquiry, "Was any supplemental law ever enacted in favor of any other railroad company?" Not at all. No such supplemental grant can be found in the statute-books anywhere.

This legislation is exceptional; exceptional in the magnitude of the grant, exceptional in the fact that the company has slept on its rights and done no work, exceptional in this claim to have indemnity for lands taken up by settlers between the date of the passage of the law and the date of the location of the line of the road. You cannot answer your constituents. You cannot render a satisfactory answer, as I humbly believe, to the people who have indirectly given each of us our positions on this floor. This measure is without a parallel; and I beg Republican Senators to hesitate before they put a club of this sort into the hands of our political opponents.

Mr. CORBETT. Mr. President, I think there is no Senator on this floor who is better able to befog us, perhaps not intentionally, or throw dust in our eyes, than the Senator from Iowa. I have seen it stated in the papers, quoted from his speeches, that this measure gave a strip of country one hundred and twenty miles wide across the entire extent of this region. Of course the Senator qualifies that statement; but still, persons not listening closely would think that the company were getting one hundred and twenty miles of land across this entire region. He says it gives the lands within the limits of sixty miles on each side of the road. That, of course, if taken by itself, would convey the idea that they would receive all that land; but he qualifies it.

Then the Senator says that the Union Pacific Railroad Company say they have expended not only their first mortgage bonds, but their second mortgage bonds, of which the average is about thirty thousand dollars a mile for the first mortgage on the entire line of the Union and Central Pacific, and $30,000 on the second mortgage, making $60,000 a mile which it has cost them to build that road. If you acknowledge that it is going to cost this company $60,000 a mile to build the road, as I have no doubt it will and more, as the Union Pacific Company say it has cost them more, what does this land grant give to the Northern Pacific road? It simply gives twenty-five thousand six hundred acres per mile, provided they get the entire amount, hills and valleys and timber lands, everything, on an average. They cannot possibly get more than that. Now, if you limit them to $2 50 an acre for all those lands on an average, it would give them something near sixty thousand dollars a mile. They have got to wait for the development of the lands. They have got to build the road before they can sell the lands. They have got to make the lands worth $2 50 an acre before they can ever sell them at that price. If this company go on and build the road with their money and wait for the lands to be developed, it seems to me they ought to have the advantage of those lands. They have got to wait years. We know that it is going to be a long time before those lands can be settled up. We know that it will be years before the lands on the line of the Union Pacific and the Central Pacific are settled up, except through Nebraska and Wyoming. There, perhaps, a considerable quantity of the lands may be taken up within a few years; but the vast extent of the land undoubtedly will be without any great number of inhabitants for many years to come.

So it will be with the Northern Pacific road. The company have got to wait a number of years before they can realize anything from this grant of land. If they could get the money for this land all at once, if they were to receive $2 50 for every acre of land they receive by this grant, they could not possibly build the road with the money. These men are willing to put their money in to build this road and wait for the value of the lands to increase.

I cannot understand why the Senator from Iowa should insist so persistently that this is such an enormous grant of land and such an enormous favor to this company. They have been assisted by the Government to but a very small extent compared with the grant to the Union and Central Pacific roads. The Senator says that this measure is going to destroy the second mortgage bonds of the Central and Union Pacific. If that is the case, and if these people are willing to invest their money in the Northern Pacific railroad, will it not destroy that at the same time? If these people are willing to risk their money in this enterprise cannot the Government stand the competition of private enterprise and private money? The Government has given not only money to the Central and Union Pacific roads, but it has given them lands. Now you desire to cripple this other company by withholding a portion of the lands that you originally gave them. They only ask you to make up the deficiency that may have occurred by reason of the land being taken up by actual settlers. It seems to me that is very reasonable, very proper, very right, considering the magnitude of the enterprise and the newness of the country through which this road is to pass.

I will not detain the Senate by a repetition of what I have heretofore said on this subject. The speeches both for and against this measure have been repeated over and over again. I hope we may have a vote.

The PRESIDING OFFICER, (Mr. STEWART in the chair.) The yeas and nays have been ordered on the amendment of the Senator from Iowa, [Mr. HARLAN,] and the Secretary will call the roll.

Mr. HOWELL. I have a few words to say on this subject before the roll is called, and but a few words. I do not propose to be misrepresented in regard to this matter. I do not propose to have improper imputations cast upon me in relation to it without repelling them, and I do not propose to be read out of the Republican party by any person in it on the ground that this is a Republican measure. These are some of the reasons why I feel called upon to make a few further remarks on this subject.

I desire to say, in the first place, that the policy which has been indicated in the opposition to those railroad grants was one which I supported when I first came into the Senate, without any knowledge at that time that the chairman of the Committee on the Pacific Railroad proposed to ask the Senate for this additional grant. He will understand, therefore, that I am not influenced by the Union Pacific Railroad Company in my opposition to the extension of the grant; that I am not influenced by anything that has been inspired through them, nor by any interest which I have or any favor that I have ever entertained toward the Union Pacific railroad.

One other point to which I desire to refer is this question of speculation, and the inspiration of speculators, which was brought up here before by the chairman of the Committee on the Pacific Railroad. He repeats it again today, that we who seek to limit the lands to $2 50 an acre and to secure them to actual settlers do it in the interest of land speculators. I ask the Senator, how is it possible that land speculators can be actual settlers, and how can land speculators have any interest in the project of keeping the price of the lands down to $2 50 an acre? That is one of the arguments to which resort is had to cast odium upon those who seek to limit the price of these lands for the benefit of the settlers and for the benefit of the country.

As to this being a Republican measure, as to this being a policy which the Republican party must rally to the support of, as intimated by the chairman of the Pacific Railroad Committee, I do not see it in that light at all. I see no party policy involved in it. I see it in the greatest possible injury to the Republican party if we undertake to consider it or regard it at all as a party measure, as a measure in which the Republican party have any possible responsibility. I repudiate the idea. I oppose the idea and the policy utterly. I stand by the announcement made by the Senator from Massachusetts, [Mr. WILSON,] of continual advocacy and support of a measure which shall limit the price of the lands granted in this way to $2 50 an acre on the average, and which shall limit and prevent the perpetuation of a monopoly by these railroad companies in these grants.

It has been demonstrated—we have the official testimony of the engineer of the road—that the grant of twenty-five thousand acres of land and upward to the mile is sufficient to build this road. I believe that his testimony is sound, and that the grant already made is sufficient to build the road. I believe that the fifty million acres of land already held by this company are sufficient for one company. If the lands of the United States are to be dispensed to railroad companies, I think fifty million acres is a sufficient amount for any one company. That is my judgment, in view of a fair division among the many railroad companies who are applying to Congress for grants of land. Let us hold back some, even upon that principle, for other roads, and not give them all to one.

This railroad company which comes here to denounce me and the other advocates of a limitation to $2 50 an acre and those who oppose the extension of this enormous grant, comes with a very bad grace before the Senate of the United States to do this; and why? Because having received an enormous grant of lands six years ago, they have done nothing whatever to forward the enterprise for which the lands were granted. As I understand, they divided out their original grant into twelve shares, and they have subdivided them into I do not know how many since. Last winter they went to Philadelphia and to Boston, and they manipulated capitalists there and elsewhere. They have sent their agents to Europe. And now they come here to the Congress of the United States under a new inspiration and ask the Congress of the United States to give them an indefinite increase of land for the construction of the Oregon branch and to extend their grant ten miles on each side, so as to render it one hundred and twenty miles wide from Lake Superior to Puget sound and down to Portland.

That is the kind of proposition for opposing which we are denounced here in every form—denounced as acting in the interest of the Union Pacific Railroad Company, denounced as acting in the interest of speculators, denounced as not sound Republicans—not in so many words, but that is the implication—which calls this one of the enterprises of the Republican party and seeks that the Republican party shall be rallied to the support of this measure. I repudiate the entire idea founded upon that presumption, and every other idea which interferes with an honest, fair opposition to this measure as detrimental to the interests of the country, as injurious to the settlers of the western country, as unjust to the landless people of the United States, and as a mere bribe to a great railroad company, the original corporators and the original holders of the interest in which stand back and manipulate others, and seek to have a railroad built, while they hold the capital in their hands, and profit without making any expenditure out of their own pockets, but seeking that it shall all be made by the Government of the United States for the promotion of their fortunes.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Iowa, [Mr. HARLAN,] on which the yeas and nays have been ordered.

Mr. HAMILTON, of Maryland. On this bill I am paired off with the Senator from Nebraska, [Mr. TIPTON.]

The question being taken by yeas and nays, resulted—yeas 11, nays 41; as follows:

YEAS—Messrs. Buckingham, Casserly, Davis, Harlan, Howell, McCreery, Pratt, Saulsbury, Schurz, Thurman, and Wiley—11.

NAYS—Messrs. Ames, Anthony, Brownlow, Chandler, Cole, Corbett, Cragin, Drake, Edmunds, Fenton, Ferry, Flanagan, Gilbert, Hamilton of Texas, Hamlin, Harris, Howard, Howe, Kellogg, McDonald, Morrill of Maine, Morrill of Vermont, Norton, Nye, Patterson, Pomeroy, Ramsey, Revels, Rice, Robertson, Ross, Sawyer, Scott, Sherman, Spencer, Stewart, Sumner, Thayer, Trumbull, Williams, and Wilson—41.

ABSENT—Messrs. Abbott, Bayard, Boreman, Cameron, Carpenter, Cattell, Conkling, Fowler, Hamilton of Maryland, Johnston, Lewis, Morton, Osborn, Pool, Sprague, Stockton, Tipton, Vickers, Warner, and Yates—20.

So the amendment was rejected.

Mr. HOWARD. If it be in order I wish to move a few amendments. The first amendment I wish to move is in line fourteen. I am not sure that the printed resolution which I have is a copy of the one which is used by the Clerk. The sentence is this:

Under the provisions and with the privileges and duties provided for in its act of incorporation.

Mr. POMEROY. That is, you want to amend your own amendment?

Mr. HOWARD. Yes, sir; by inserting after the word "privileges" the word "grants," so as to remove any ambiguity that might possibly arise.

The amendment was agreed to.

Mr. HOWARD. In order to make it perfectly certain that the grants made in this bill shall not include mineral lands, and to remove the objection of my friend from Iowa, I move to insert after the word "branch," in the thirtieth line of the bill that I have, these words: "except mineral lands as excepted in the charter of said company of 1864." I take it that will answer the objection of the Senator from Iowa.

Mr. HARLAN. I inquire of my honorable friend if he will not amend the phraseology of his amendment so as to read, "except mineral and other excepted lands?"

Mr. HOWARD. That is included in the amendment, "except mineral lands as excepted by the charter."

Mr. HARLAN. Would not the words "as excepted in the charter" apply merely to mineral lands?

Mr. HOWARD. Well, I have no objection to saying "except mineral and other lands, as excepted in the charter of said company of 1864;" and I will move the amendment in that way.

The VICE PRESIDENT. The Secretary will read that portion of the resolution as it will stand if amended.

The Secretary read as follows:

As will make up such deficiency on said main line or branch, except mineral and other lands as excepted in the charter of said company of 1864, to the amount of the lands that have been granted, sold, reserved, occupied by homestead settlers, preempted, &c.

The VICE PRESIDENT. This amendment is intended to be in parentheses?

Mr. HOWARD. Yes, sir.

Mr. THURMAN. Agricultural sections are given by the original charter in lieu of mineral sections, and I do not, therefore, understand precisely for what purpose this exception is made. It looks to me to be in the right direction; but I do not know that it is entirely consistent with the charter. The charter itself excludes certain mineral sections, that is, sections having gold and silver, but it makes up for them by giving agricultural sections. Now, what is meant by this exception here?

Mr. HOWARD. I will read the clause in the charter if the honorable Senator will allow me:

"That all mineral lands be, and the same are hereby, excluded from the operations of this act, and in lieu thereof a like quantity of unoccupied and unappropriated agricultural lands, in odd-numbered sections, nearest to the line of said road, and within fifty miles thereof, may be selected as above provided: *And provided further*, That the word 'mineral' where it occurs in this act shall not be held to include iron or coal: *And provided further*, That no money shall be drawn from the Treasury," &c.

This is reënacting the language of the charter.

Mr. THURMAN. Is it the object of the Senator's amendment to exclude the mineral lands from selection within the additional ten or twenty miles out of which deficiencies are to be made up?

Mr. HOWARD. That is the object, and of course that is the sole object.

Mr. THURMAN. That is a very proper object, undoubtedly. Whether these words will have that effect or not I do not know. If the Senator has studied it of course I have no objection to the amendment.

Mr. HOWARD. I think they will. I have no doubt about that. That is the purport of the amendment.

The amendment was agreed to.

Mr. WILSON. I offer the following amendment as an additional section to the bill:

SEC. —. *And be it further enacted*, That the lands granted by this act, excepting only such as are necessary for the company to reserve for depots, stations, side-tracks, wood-yards, standing ground, and other needful uses in operating the road, and timber and mineral land, shall be sold to actual settlers only, and in quantities not more than one hundred and sixty acres to any one person, at such prices as will secure to said company, its successors or assigns as aforesaid, an average price of not more than $2 50 per acre

for the land actually certified by the Secretary of the Interior to said company for each completed section of ten miles of said railroad or branch thereof; and to insure an enforcement of this section it shall be the duty of the company receiving the certificates from the Secretary of the Interior as aforesaid for the lands granted in aid of the construction of the first section of ten miles of said railroad and branch without delay to fix a price on each one hundred and sixty acre tract described in said certificates, in such manner and at such rates that the average price of the whole amount certified shall not exceed $2 50 per acre, and report the same to the Secretary of the Interior, exposing a copy of such report to the public in the office of the secretary of such company, and in the district land office; and any person actually settling upon said land, or any Government subdivision thereof not greater than a quarter section, shall have the right to purchase, at the price so fixed, any unsold and unclaimed parcel of said land upon payment of said price to the officer appointed to receive the money by said company; and on payment therefor it shall be the duty of the officer of such company to make out triplicate certificates of the sale under the seal of the company, send one to the Secretary of the Interior, and deliver one to the purchaser, and retain the other for the use of the company; and it shall be the duty of the Secretary of the Interior to issue to such purchaser a patent for the land described in his certificate, as in cases of land sold by the United States. And the same form of proceeding shall be observed with respect to the lands certified by the Secretary of the Interior on each succeeding completed section of ten miles of the main line of said railroad, and the branch thereof: *Provided*, That no certificate of lands to such company on any completed section after the first shall be made by the Secretary of the Interior until he shall have received a report, as aforesaid, of the price fixed on the land, certified for the next preceding completed section of said railroad or branch thereof: *And provided further*, That if any of the lands granted as aforesaid, and lying and being situated conterminous with any completed section of ten miles of said road or branches, shall remain unsold and not paid for, according to the provisions of this act, for one year after the completion of said section, the certificates heretofore issued may be returned to the Secretary of the Interior, whereupon patents to said lands shall be issued to the company. And the Secretary of the Interior shall prescribe all necessary rules and regulations to carry into effect this act.

Mr. HARLAN. I did not understand the reading of the last clause in the amendment. I should like to have it reported again.

Mr. POMEROY. If the lands are not sold within the year the certificates that have been issued may be returned, and patents issued directly to the company. That is the last clause.

Mr. HARLAN. Let it be read.

The Secretary read the last proviso of the amendment.

Mr. HARLAN. I am almost sure the Senator from Massachusetts will not desire that clause retained. I think it would be much better to say that if not sold within one or two years it shall afterward be subject to sale at $1 25 an acre. It would be a very easy thing for the company to obstruct the sales for one year; and if at the expiration of one year a deed is to be given to the company for the whole of the land not sold during the first year I think the amendment will be practically worthless.

Mr. POMEROY. A settler, under the amendment, has the right for a year, without getting the consent of the company even, to have his land at what shall be called an average price of $2 50 an acre; but if at the end of the year there are lands not sold, then the company have the land; that is, the company get the money or the land at the end of a year from the time each section is built. That is the meaning of it.

Mr. HARLAN. In order to test the sense of the Senate I will move to strike out that clause, if that motion be now in order.

The VICE PRESIDENT. It is in order. The Senator from Iowa moves to amend the amendment. The part proposed to be stricken out will be read.

The Secretary read as follows:

And provided further, That if any of the lands granted as aforesaid, and lying and being situated conterminous with any completed section of ten miles of said road or branches, shall remain unsold and not paid for according to the provisions of this act, for one year after the completion of said section, the certificates heretofore issued may be returned to the Secretary of the Interior, whereupon patents to said lands shall be issued to the company. And the Secretary of the Interior shall prescribe all necessary rules and regulations to carry into effect this act,

Mr. POMEROY. I will say in a single word, although the bill of which this amendment is a transcript has been considered by the committee of the House and the Committee on Public Lands of the Senate and approved by them, that while it might be applied to some bills without injury, yet if you put it on this bill it can only apply to lands that are fifty miles away from the road, and $2 50 is too much to ask for them; they are not worth the money.

Mr. HARLAN. It will apply to the whole of the grant on the branch road.

Mr. POMEROY. Yes, on the whole of the branch road. That is true.

Mr. EDMUNDS. That is to say, it will prevent the construction of the branch.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from Massachusetts.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Massachusetts.

Mr. WILSON. Mr. President, I wish to say in the outset that I am in favor of building this great Northern Pacific railroad. I believe it will be in the end the best of all the Pacific railroads. There is certainly more good land upon its line than upon the line of the Central Pacific railroad. When the road is completed I have no doubt the lands will be worth three or four times more than the lands are worth on the Central Pacific road. I take it that the lands granted on the line of that road are not worth to-day more than fifty cents an acre on the average.

I do not wish to do anything to prevent the building of this road. Perhaps the people in my section of the country have a deeper interest in the building of this road than in any other railroad. But, sir, I offer this amendment because I am in favor of the policy it contains and in favor of inaugurating the policy now, and adhering to it. We have made immense land grants in the past. We have made not only land grants, but we have granted the credit of the Government to build a Pacific railroad; and one year ago we had propositions here to pledge the faith of this Government to redeem $250,000,000 of interest to aid in building seven great railways. That was met. It was opposed just as this is opposed. It was settled by Congress and settled by the judgment of the country, and that dangerous policy of granting the credit of the Government or guarantying interest is ended, and probably ended forever.

Now, sir, we have a large number of applications here for land grants at this session. I am willing to continue this policy of land grants; but I wish to accompany it with a policy that shall prevent railroads from holding large masses of lands for a rise in the market. Let these lands be granted; let them be sold; let them be sold at reasonable rates; and let the money go into the treasuries of those companies to aid in building the roads. In the long run I believe it will be for the interest of the roads to adopt this policy.

Sir, I am in favor of building a southern railway to the Pacific, and I hope it will be built. I would not hurry either the northern or the southern road; I would not hurry any of these railways beyond the demands of the country. The tendency in this country has been for the last eight or ten years, especially for the last five years, to push railroads, not beyond the wants of the country, but beyond the ability of the country to pay for their being built; and we have borrowed millions in Europe, and are in the markets all the time keeping up the rates of interest and affecting all the business of the country by the manner in which these railroad projects have been pushed.

Now, sir, I choose to commence right here on a railroad in regard to which the people of my State and my section of the country have a deeper interest than any other, and to apply this policy, as far as I am concerned, to this road, and then continue it to all other roads that are here asking for the public lands. I believe it to be in the interest of the country as a whole, in the interest especially of the toiling men of the country, of the landless men of the country, the actual settlers on the public lands; and it is not hostile to the real interests of the railways themselves. But, sir, that is the last consideration with me in regard to all these matters. The railroads have governed legislative bodies quite too much. I hope the day is far distant when they will have any voice in the Congress of the United States to affect our legislation or to direct the policy of this Government. At any rate, if the attempt is made, I choose for one to meet it. And if there are agents in this Chamber now or at any other time, or about the Chamber, or in the galleries, or in the Capitol, or in the city, interested in these matters, I choose for one not to be dictated to by them, nor to have them come here undertaking to influence or to direct our action.

I choose for one in this matter to exercise my own judgment. I have examined this question. I am a member of the Committee on the Pacific Railroad. I have seen something of the pressure to obtain these lands, as I saw last year something of the pressure to make a combination of seven great railway schemes to obtain a guarantee of $250,000,000 of interest to railroads. I had something to do with defeating that project. Sir, I hope to live to see the time when we will grant our lands to build railways; when we will do it with care; when we will so do it that railroads will not hold great masses of the public domain and control them, or hold them for speculative purposes against settlers or against the interests of the laboring men and the landless men of this country. I believe that to be sound policy, which should be adhered to, whether railways asking assistance here like it or not. I care a vast deal more for the interests of the country and the interests of the toiling men of the country than I do for the interest or the complaints of the men who are asking for public favors.

Mr. HOWELL. The Senator from Vermont remarked in a dogmatic kind of way that this amendment would prevent the building of the branch railroad that runs through Washington Territory into Oregon. How will it prevent it, I should like to know? We had the other day a grant of alternate sections for twenty miles on each side for a railroad to be built in Oregon. I presume the character of the country over which that road runs is quite as difficult to build a railroad upon as the country through Washington Territory upon which this branch road is to run.

Mr. SPENCER. Will the gentleman yield to me to make a motion to go into executive session?

Mr. HOWELL. Not now. I only have a word or two more to say. Now, what is the amount of this grant? The amendment proposes to limit the price of the land to $2 50 an acre. The grant amounts to twenty-five thousand six hundred acres per mile. That, at $2 50 an acre, would amount to $64,000 a mile—$64,000 a mile for this branch as well as for the whole railroad! But this branch is over near the Pacific. If there is not any "aid" in $64,000 a mile, pray how much does it take to constitute "aid" in building a railroad? What is asked for here? "Aid" to construct a railroad? That is not what they are seeking for. They are seeking the means to construct a railroad, and give a fortune to the corporators over and above the construction of the railroad, by the lands granted by the United States Government. That is the only object of this immense grant. It can have no other object. Sixty-four thousand dollars a mile, by the limitation of $2 50 an acre as the price of the land, is provided in this grant, and yet they

scout that as limiting the amount below the necessities of the road. Consequently they must hold on to the land interminably until they can sell it for a much higher price than that, and thus realize fortunes out of it. I trust that those who have any consideration for the interests of the people of this country, as in opposition to railroad companies, will come up and vote for this reasonable amendment that is offered, and not surrender themselves, body and soul, to be run by the railroad companies of the country here.

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

Mr. RAMSEY. Let us take the vote now. I think we can vote at once.

Mr. SPENCER. If there was any probability of taking a vote without further debate, I would withdraw the motion; but I do not imagine there is any probability of that.

The VICE PRESIDENT. Does the Senator yield until the Chair can test the question whether the vote can be taken?

Mr. SPENCER. For the purpose of having a vote, I will yield.

The VICE PRESIDENT. Is there objection to taking a vote at the present time?

Mr. CASSERLY. I should like to know what the pending amendment is.

The VICE PRESIDENT. It is the amendment of the Senator from Massachusetts, [Mr. WILSON.]

Mr. CASSERLY. I have had an amendment lying on the table of each Senator for several days, which I desire to offer in place of the amendment of the Senator from Massachusetts, and upon that motion, if it be in order, I wish to make a few remarks.

The VICE PRESIDENT. The Senator from Alabama made a motion to go into executive session, but said he would yield to allow the vote to be taken on this amendment. The Senator from California is recognized. If the Senator from Alabama claims the floor he is entitled to it. He yielded to allow the vote to be taken, and not for any other purpose. The Senator from California indicates his desire to debate the amendment.

Mr. SPENCER. Then I insist on my motion. ["No!" "No!"]

Mr. EDMUNDS. Let us finish this bill first.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama, that the Senate proceed to the consideration of executive business.

The motion was not agreed to; there being, on a division—ayes 13, noes 28.

Mr. CASSERLY. The amendment of the Senator from Massachusetts contains in great part the principle of the amendment which I propose now to offer; that is to say, it provides that these lands shall be kept open to settlement by actual settlers, and it provides further that the title to these lands shall not be vested in the railroad company during a certain period of time, having reference to the construction of the road; and for that purpose it provides that on the completion of each section of the road a certain number of certificates, corresponding with the number of acres accruing for each section of the road, shall be issued to the company, and the company shall dispose of those certificates to persons desiring to become actual settlers and to acquire title as such. In that respect the amendments are substantially the same. The difference is one of detail.

There is also this difference, that I think the amendment of the Senator from Massachusetts is evidently a portion of a larger measure which contains provisions that are assumed in the part which he has offered, and which yet require the preceding part of the original measure to be inserted in order to make those assumptions intelligible; that is to say, it refers to the "said certificates;" it refers to proceedings for certifying, evidently contemplating something that has preceded it. In that point of view the amendment of the Senator from Massachusetts is evidently defective.

It is also defective in that it proceeds upon the idea that the sections of the road are to be of ten miles only, whereas the original charter—the Senator from Michigan who has charge of this resolution will correct me if I am wrong—provides that the sections of the road shall be completed, in advance, of twenty-five miles each. In that respect also the amendment which I desire to propose complies with the original charter of the road. I ask leave, therefore, to offer this amendment in lieu, or by way of amendment, which ever may be in order, to the amendment of the Senator from Massachusetts.

The VICE PRESIDENT. It is in order as a substitute. The Senator from California moves to amend the amendment of the Senator from Massachusetts by striking out all after the word "that" and inserting what will be read.

The Secretary read the matter proposed to be inserted, as follows:

The lands hereby granted to said company (except such portions thereof as shall be used by said company for depots, ditches, water-stations, round-houses, coal, wood, lumber, and cattle-yards, sites for workshops and other buildings or structures necessary for said road or branch road) shall be disposed of in the manner following, namely: whenever any section of twenty-five consecutive miles of said road or branch is completed in a good, substantial, and workman-like manner, as a first-class railroad, as provided in the act creating said company, then the Secretary of the Interior shall issue to said railroad company, its successors or assigns, certificates for all the lands, in alternate sections or parts of sections designated by odd numbers, situated within the limits of the lands hereby granted and being within said completed section of twenty-five miles, for the benefit of the said road. Whenever another section of twenty-five consecutive miles shall have been completed, as aforesaid, then the Secretary of the Interior shall issue certificates to and deliver the same to said railroad company, its successors or assigns, having or receiving the benefit of this grant, in like manner for a like number, and so on, until said road and branch are completed, and the grants and powers hereby made to and conferred upon said company are upon condition that said road and branch shall be completed within the time heretofore provided by law for the completion of said road and its equipment.

SEC. —. *And be it further resolved*, That as soon as the president and secretary of said company, or its successors or assigns, shall file or cause to be filed with the Secretary of the Interior maps designating the route of said road and branch thereof it shall be the duty of the Secretary of the Interior to withdraw from market and sale or entry the lands embraced within the provisions of this act.

SEC. —. *And be it further resolved*, That the lands granted by this act shall be sold to persons desiring to make actual settlements thereon, and improvement thereof, at such prices as will secure to said company, its successors or assigns, as aforesaid, an average price of not more than $2 50 per acre for the land actually certified for each completed section of said railroad or branch thereof; and to insure an enforcement of this section it shall be the duty of the company receiving the certificates from the Secretary of the Interior as aforesaid, for the lands granted in aid of the construction of the first section of said railroad and branch, and within one year thereafter, to fix a price on each one hundred and sixty acre tract described in said certificates, in such manner and at such rates that the average price of the whole amount certified shall not exceed $2 50 per acre, and report the same to the Secretary of the Interior, exposing one copy of such report to the public in the office of the secretary of such company, and another in the land office of the district; and any person desiring to actually settle upon and improve said land, or any government subdivision thereof, shall have the right to purchase at the price so fixed any unsold parcel of said land upon payment of said price; and on payment therefor it shall be the duty of the secretary of such company to make out duplicate certificates of the sale under the seal of the company, send one to the Secretary of the Interior, and deliver the other to the purchaser; and it shall be the duty of the Secretary of the Interior to issue to such purchaser a patent for the land described in his certificate, as in cases of land sold by the United States. And the same form of proceeding shall be observed with respect to the lands certified by the Secretary of the Interior on each succeeding completed section of the main line of said railroad and the branch thereof: *Provided*, That no certificate of lands to such company on any completed section after the first shall be made by the Secretary of the Interior until he shall have received a report, as aforesaid, of the price fixed on the land, certified for the next preceding completed section of said railroad or branch thereof: *And provided further*, That any land embraced within the grant made by this act, remaining unsold by the company constructing said main line for the period of three years after the same shall have been certified by the Secretary of the Interior, as aforesaid, may be sold by said company at any price not exceeding $2 50 per acre.

Mr. CASSERLY. I ask leave to correct the amendment in two particulars. I propose to strike out in line thirteen, page 1, from the word "lands" down to the word "lands" in the fifteenth line, on the second page, the object being to make it clear that it only applies to such lands as are granted by this resolution.

The VICE PRESIDENT. The Senator from California modifies his amendment by striking out the portion indicated by him.

Mr. CASSERLY. I ask leave also in line thirteen, on page 3, for the purpose of giving to the Secretary of the Interior the right to prescribe the system of averaging, to insert after the word "thereafter" in that line the words "under instructions prescribed by the Secretary of the Interior;" so that it will read, "and within one year thereafter, under instructions prescribed by the Secretary of the Interior, to fix a price on each one hundred and sixty acre tract described in said certificates." I suppose there will be no objection to these corrections.

The VICE PRESIDENT. The Senator has a right to modify his own amendment.

Mr. CASSERLY. I should have said when I was last on my feet that there is nothing, or very little, in this amendment of mine which is original with me. It is based substantially on the elaborate and thorough amendment of the Senator from Iowa who last spoke, [Mr. HOWELL,] as prepared and presented by him to the railroad bill known as the Dakota bill. I think probably the alterations which I have made will meet the judgment of that gentleman.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from California to the amendment of the Senator from Massachusetts.

The question being put, it was declared that the "noes" appeared to have it.

Mr. CASSERLY. Nobody appears to have voted. I think there were only three votes cast on each side. I ask for a division.

The VICE PRESIDENT. The Chair thinks more than that voted.

Mr. CASSERLY. The Senator from Massachusetts, if he did me the honor to listen to what I said, must agree that his amendment is defective, because it refers to matter previous which is not contained in it.

The VICE PRESIDENT. On this question the Senator from California demands a division.

Mr. WILSON. I will simply say in regard to my amendment that it has been agreed to, assented to, and approved by the Committees on Public Lands of both Houses. I think it only applies to the additional land granted by this bill.

Mr. CASSERLY. If the Senator will allow me, and the Senate, before taking the vote, I did not suppose there could be any contest as to what I stated; but I will read now portions—they will be very short—of the amendment of the Senator from Massachusetts, which will show to everybody's satisfaction who will attend to what I read that I was right in my statement. In the first section of his amendment, on the first page, lines nine and ten, you find the words:

An average price of not more than $2 50 per acre for the land actually certified by the Secretary of the Interior to said company.

Now, there is evidently an implication that there is a provision providing for the certifying of the land by the Secretary of the Interior, and there is none, of course, in this resolution. But that is not so strong as the next clause in the same sentence, commencing in line thirteen:

And to insure the enforcement of this section it shall be the duty of the company receiving the certificates from the Secretary of the Interior, as aforesaid, for the lands granted in aid of the construction of the first section of ten miles, &c.

Senators will perceive it requires legislation to provide for the issuance of those certificates by the Secretary of the Interior for the

lands called for by the preceding section, and there is nothing in the amendment of the Senator from Massachusetts to supply that legislation. I have no doubt that the amendment of the Senator from Massachusetts was based in the main in the House of Representatives, where it seems to have been agreed upon, on the amendment of the Senator from Iowa to the Dakota bill; but the person who copied out this amendment as presented by the Senator from Massachusetts—originally it was an amendment offered by the Senator from Kansas, the chairman of the Committee on Public Lands—omitted the preceding part of the Dakota amendment; and hence it seems to me undoubtedly clear and certain that the amendment of the Senator from Massachusetts would be inoperative if it should be adopted, for want of the preceding provisions, which do enact the system of certificates and the issuance thereof by the Secretary to these companies in lieu of patents.

Mr. POMEROY. The principal difficulty with the amendment of the Senator from California is that it requires the lands to be withdrawn from market before they are surveyed, which is an impossibility. As soon as the line of the road is located his amendment requires that the Secretary of the Interior shall withdraw the lands, all of them that are granted by the act. It cannot be done. He can only withdraw them as fast as the surveys are made and reported to the office, and no faster.

Mr. CASSERLY. I consent that that may be stricken out. That is a good criticism.

The VICE PRESIDENT. The Senator from California strikes out the second section of his amendment.

Mr. CASSERLY. I consent that that be stricken out.

Mr. POMEROY. There is no essential difference after that between the two amendments. There is a difference in manner, but they both arrive at the same thing.

Mr. CASSERLY. I ask the Senator from Kansas, if he will allow me, where is the provision of law to-day permitting the Secretary of the Interior, on the completion of any twenty-five miles or any other section of a railroad, to issue certificates to these companies as their only muniment of title from the beginning to the end of the work?

Mr. POMEROY. Almost every land grant contains this phrase in it: that the land, as fast as each section of ten or twenty miles is built, shall be certified to the company; that is, there shall be a certificate issued to the company. That is what the Department do. In certifying to the company that so much land is due, they issue a land certificate, and that certificate under the operation of this amendment will draw the patent, in whosesoever hands it may be found.

Mr. CASSERLY. Very well. The point is, which seems to escape the notice of the Senator from Kansas, that those provisions he speaks of all contemplate and involve the issuance of a patent to the railroad companies at some period during the progress of the work. Now, the amendment which the Senator from Massachusetts offers contemplates and involves the negation of that practice by limiting the company as evidences of title merely to these certificates; and futhermore, his amendment goes on to say that these certificates shall be for one hundred and sixty acres each.

Mr. POMEROY. Exactly; they always issue them in that way.

Mr. CASSERLY. I supposed when I called the attention of the Senator from Massachusetts to it he would be satisfied that his amendment was not operative for the reason which I have mentioned; but I do not wish to debate it any further, having read what the amendment states.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from California as modified by him, leaving out the second section, to the amendment of the Senator from Massachusetts, upon which he demands a division. Senators are requested to vote in the affirmative or negative, so that a quorum may be found voting.

Mr. CASSERLY. I withdraw the call.

The VICE PRESIDENT. The amendment to the amendment is not agreed to.

The question recurring on Mr. WILSON'S amendment, it was rejected.

Mr. THURMAN. Mr. President, we were up here until after two o'clock, I think, this morning, and I do not think there is the least possibility of getting through with this bill without sitting until two o'clock to-morrow morning. I move that the Senate proceed to the consideration of executive business.

Mr. HOWARD. That is not in order.

Mr. THURMAN. Then I move an adjournment.

The VICE PRESIDENT. The motion of the Senator from Ohio is in order.

Mr. SHERMAN. If my colleague will withdraw his motion for a moment I wish to make a suggestion to him. Perhaps both he and I will desire to be away to-morrow, and I should like to have a vote on this bill to-day. I have nothing to say in regard to the merits of the bill. I think we had better go on unless my colleague wishes to make a speech upon it; but I believe he has already expressed his views.

Mr. THURMAN. I do not wish to make a speech on the general question of railroad grants. I have already said to the Senate all that I desired to say on that question, but there are amendments that I wish to offer to this bill, and I do not wish to sit here until midnight to see this bill passed to-night.

Mr. STEWART. We shall get a vote soon.

Mr. THURMAN. We cannot possibly pass it to-day. I insist on my motion that the Senate proceed to the consideration of executive business.

Mr. MORRILL, of Maine. Will the Senator allow me to make a suggestion?

Mr. THURMAN. Certainly.

Mr. MORRILL, of Maine. I hope we shall go on and finish this bill. I shall feel constrained, if there is much delay about it, and I give notice to the Senate that to-morrow at one o'clock I shall ask its indulgence to consider the legislative, executive, and judicial appropriation bill.

Mr. RAMSEY. The Senator is aware that there is a special order for to-morrow, or as soon as this bill is through.

Mr. THURMAN. This will be the unfinished business for to-morrow if we adjourn now. I insist on my motion that the Senate proceed to the consideration of executive business.

Mr. HOWARD. I hope not.

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

The yeas and nays were ordered; and being taken, resulted—yeas 11, nays 37; as follows:

YEAS—Messrs. Boreman, Casserly, Davis, Hamilton of Maryland, Harris, Howell, McCreery, Pratt, Saulsbury, Sumner, and Thurman—11.

NAYS—Messrs. Anthony, Brownlow, Buckingham, Chandler, Cole, Corbett, Cragin, Edmunds, Ferry, Flanagan, Fowler, Gilbert, Hamlin, Howard, Howe, Kellogg, McDonald, Morrill of Maine, Morrill of Vermont, Nye, Osborn, Pomeroy, Ramsey, Revels, Rice, Robertson, Ross, Sawyer, Schurz, Scott, Sherman, Spencer, Stewart, Thayer, Willey, Williams, and Wilson—37.

ABSENT—Messrs. Abbott, Ames, Bayard, Cameron, Carpenter, Cattell, Conkling, Drake, Fenton, Hamilton of Texas, Harlan, Johnston, Lewis, Morton, Norton, Patterson, Pool, Sprague, Stockton, Tipton, Trumbull, Vickers, Warner, and Yates—24.

So the motion for an executive session was not agreed to.

Mr. HOWELL. I offer this following amendment, to come in at the end of the joint resolution:

Provided, That all the lands granted by this resolution which shall not be sold or disposed of by said company within three years after the road shall have been completed, shall be subject to settlement and preëmption like other lands, at a price not exceeding $1 25 per acre to be paid to said company.

Mr. RAMSEY. The effect of that amendment is to prevent the settlement of the country for three years after the road is built. It will tie up the land.

Mr. HARLAN. This is an exact copy of the provision in the Union Pacific railroad bill.

Mr. HOWELL. I had the floor and was going to remark that I copied this clause precisely in words from the Union Pacific railroad bill, which has been held up here as a model by those who advocate this measure, and they ought not, I submit to the Senator from Minnesota, to go back on that.

Mr. RAMSEY. Is the country on the line of that road settled?

Mr. HOWELL. That has nothing to do with the question. I was going to state the object which I had in offering this amendment. In the first place, I have striven to secure lands for the settlers on these fifty-odd million acres of public land that are given away to a railroad company. Failing in that, I now wish to prevent a perpetual monopoly of over fifty million acres of lands by an immense railroad company; for let it be understood in the Senate and by the country that this railroad company is so manipulated and so organized, and the stock is being so distributed, that it now proposes to make itself an immense stock company, which, having the capital to build the road, will build it and hold on to these lands, that they may increase in value by the influences of the road, by the settlement of the country, by the labor which the settlers who buy the alternate sections shall put on those lands which they buy of the Government.

This grant extends to sixty miles on each side of the road, and the amount of lands granted will be held in perpetuity by this company unless you have some such provision as this. Now, I insist that we shall not encourage and foster and provide by law for such an immense monopoly of lands across the continent of America; and, sir, I hope that the American Senate, and that those who are specially interested in advocating this road, who live in that region of country, will not by their action here to-day cause their posterity to curse their memories for thus building up such an immense monopoly to the detriment of the country, to the oppression and injury of all who may settle in that region, in time to come. This, sir, is all I have to say on this subject.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Iowa, [Mr. HOWELL.]

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

The yeas and nays were ordered.

Mr. CASSERLY. I ask the Senator from Iowa to amend the amendment by extending the time from three to five years.

The PRESIDING OFFICER. Does the Senator from California move to amend the amendment?

Mr. CASSERLY. I ask the Senator from Iowa to accept that modification.

Mr. HOWELL. I have no objection to any limitation that amounts to anything. I was only copying the model which gentlemen have set up here and advocated so frequently. I have no objection to changing the time to five years if anybody will be influenced by that to vote for the amendment.

Mr. CASSERLY. My desire is to make it as indulgent as possible to the railroad companies in order that we may see whether any good can come out of them.

Mr. HOWELL. I will agree to that. I so modify the amendment.

Mr. HOWARD. It is easy to see that this amendment would have a very injurious effect on the mortgage which it is proposed to execute on these lands. That is all I have to say.

Mr. HOWELL. The only interest that seems to be regarded is the interest of the railroad company and the mortgagees. I have an interest, and the United States and the people who are to settle there have an interest, and

it is their interest I advocate, not the interest of the railroad company and its mortgagees. That is all I have to say.

Mr. HOWE. I am interested in the United States and also in this railroad, and I think I shall vote for this amendment, for I have no belief that we shall ever find a company that is plucky enough to hold on to these lands for five years after the road is built. As soon as people go in there and commence laying taxes, I take it, the company, if it has judgment enough to build a railroad, will have judgment enough to get rid of its lands as quickly as possible.

The question being taken by yeas and nays, resulted—yeas 13, nays 34; as follows:

YEAS—Messrs. Boreman, Casserly, Davis, Fowler, Harlan, Harris, Howe, Howell, McCreery, Saulsbury, Thurman, Willey, and Wilson—13.

NAYS—Messrs. Ames, Anthony, Brownlow, Buckingham, Chandler, Cole, Corbett, Cragin, Edmunds, Fenton, Ferry, Flanagan, Gilbert, Hamilton of Texas, Hamlin, Howard, Kellogg, McDonald, Morrill of Maine, Morrill of Vermont, Norton, Nye, Osborn, Pomeroy, Ramsey, Revels, Robertson, Ross, Sawyer, Scott, Sherman, Stewart, Thayer, and Williams—34.

ABSENT—Messrs. Abbott, Bayard, Cameron, Carpenter, Cattell, Conkling, Drake, Hamilton of Maryland, Johnston, Lewis, Morton, Patterson, Pool, Pratt, Rice, Schurz, Spencer, Sprague, Stockton, Sumner, Tipton, Trumbull, Vickers, Warner, and Yates—25.

So the amendment was rejected.

Mr. CASSERLY. Mr. President, we are making progress. We have actually gotten thirteen votes in this Senate for a proposition that consults the interests of the people of the country to a great extent. Now, in hopes that we may gain a little on the next vote and perhaps carry something, I propose to renew that amendment enlarging the period from five to ten years. That perhaps will dispose of an objection, which in my humble judgment had nothing in it anyway. I mean that one presented by the Senator from Michigan that the interests of the company in mortgaging these lands would be affected by that provision. I cannot imagine any way in which its interests could be affected by that provision except on the ground that the time was too short. To meet that objection I propose to renew the amendment extending the time from five to ten years after the completion of the road.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California, which will be reported, if desired.

Mr. CASSERLY. I call the attention of gentlemen, some of whom may have misunderstood the meaning of this amendment, to the fact that it takes nothing away from the company, takes no land from the company, interferes not in any degree with their grant. It provides simply that whatever lands they shall not have disposed of at the end of ten years from the completion of their work shall then be open to settlement in the ordinary manner at $1 25 an acre.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

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

The question on ordering the yeas and nays being put, six Senators rose to second the call.

The PRESIDING OFFICER. There are not a sufficient number of Senators rising to second the demand for the yeas and nays.

Mr. CASSERLY. Very well; the Senate can refuse to order the yeas and nays. The country will know what construction to put on the refusal.

Mr. DAVIS. I have one objection to the passage of this measure. This system of land stealing has prevailed a good while, and I suppose it will prevail a little longer. The way the gentlemen from Nevada are going on I think they are pushing the scheme too rapidly; they are getting more than their share. They ought to allow for the near future at least some of these lands for other operations of the same kind. [Laughter.] I think they will absorb the whole of the lands by this measure and one or two others that are on the Calendar of the Senate. I therefore would suggest to the gentlemen that they should abate on the plunder they are now taking in the form of public lands at least fifty per cent. and let the future have some chance.

Mr. WILLEY. Mr. President, I am perfectly willing and desirous to give all necessary aid for the construction of these great works of internal improvement. I mean to say all necessary aid to enable capitalists, with the use of a portion of their own means, to construct them; and to give every necessary facility to enable private capital to construct these works within a reasonable time, and to enable them to do so in such a way that the result shall be their own private emolument to a reasonable degree. But, sir, I cannot feel the influence of the appeal of Senators made to us here to-day. I cannot but think that the time has come when we ought to halt in—I use the term in no offensive sense—recklessly squandering the grand patrimony of the nation, not in the behalf of the people of the nation, but to construct monopolies that ultimately will absorb the power and control the destinies of this nation.

Sir, we have already given an empire to this monopoly, a grand empire. Shall we be justified in our legislation which shall result, as it seems to me this legislation must result, in building a road across this continent, through some of the richest portions of this continent, out of the means of the nation and placing that great road in the hands of a private monopoly without costing that company one cent, and, as will be the result in my opinion, leaving an immense section of the public domain as a gift to that company besides the road constructed to its hands without costing it a cent?

And when we have done all this; when the engineer of the road has reported that we have done this; when the engineer of the road has said that, without the additional gratuity which we are giving to it, the gift of the nation to this private monopoly is already sufficient to build the road without a cent of additional gratuity, I ask if the Senate of the United States ought not to stop and pause? I ask whether we should be justified, in addition to this, in throwing hinderances in the way of the hard-working people of this country going upon these lands and purchasing them at a fair rate and within a reasonable time? In God's name is it not sufficient to build this road for the company and to give them a gratuity besides, and not to interpose additional obstacles to the people of the United States in going on the lands we have given this company in a reasonable time and procuring them at reasonable rates? Sir, we shall not be justified by the American people in any such legislation as this much longer, in my humble estimation.

Mr. THURMAN. I move the following amendment——

The PRESIDING OFFICER. There is an amendment pending, offered by the Senator from California.

Mr. THURMAN. I will say a word on that amendment. What is the amendment of the Senator from California that any one can object to, even a friend of this bill? It takes no land from the company; it takes the proceeds of no land from the company; it only prevents the company from holding this immense domain in perpetuity, or what is equivalent to perpetuity. It prevents it from playing the role of the Illinois Central over again, holding this land until it may be sold at fifty dollars an acre, perhaps. That is all it provides. It is to prevent the company holding this land in mortmain that it is required that the lands which shall not be sold within ten years from the completion of the road shall then be subject to private entry at the maximum price that is named. That is the whole of it.

When will the road be completed? Perhaps in ten years. Not sooner than that in all probability. Then this company is to have twenty years according to this amendment in which to sell this land. I would not give it one half that time if I had the making of the law, that this amendment proposes to give it; and yet on a proposition that enables this company to hold the land for twenty years and to hold it in mortmain, to keep all settlers off, unless they will pay any extortionate price that it may demand, there seems to be a solid majority of the Senate to say that the company shall not even be compelled to sell it after holding it for twenty years, except at such prices, except at such extortionate rates as it shall demand.

I wish, sir, that this matter may be understood, for I do not think Senators can have well appreciated it, or they would not sanction the principle that these enormous grants of land, the grant to this company being as I have shown equal to three of the great States of the Union, shall be held in mortmain by this company waiting for a rise in price, just as long as the interest of the stockholders of the company or of "a ring" among the stockholders may dictate. I hope if we can get nothing better, that at least we may have the amendment of the Senator from California.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

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

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 29; as follows:

YEAS—Messrs. Anthony, Boreman, Cameron, Casserly, Davis, Fowler, Hamlin, Harlan, Howe, Howell, McCreery, Saulsbury, Thurman, Warner, Willey, and Wilson—16.

NAYS—Messrs. Ames, Brownlow, Buckingham, Chandler, Corbett, Cragin, Edmunds, Flanagan, Gilbert, Hamilton of Texas, Howard, Kellogg, McDonald, Morrill of Maine, Morrill of Vermont, Norton, Nye, Osborn, Patterson, Pomeroy, Ramsey, Rice, Robertson, Ross, Sawyer, Scott, Stewart, Thayer, and Williams—29.

ABSENT—Messrs. Abbott, Bayard, Carpenter, Cattell, Cole, Conkling, Drake, Fenton, Ferry, Hamilton of Maryland, Harris, Johnston, Lewis, Morton, Pool, Pratt, Revels, Schurz, Sherman, Spencer, Sprague, Stockton, Sumner, Tipton, Trumbull, Vickers, and Yates—27.

So the amendment was rejected.

Mr. THURMAN. I move this amendment, to come in at the end of the resolution:

And the rights and privileges hereby conferred upon said company, and the grants of land hereby made to it, are conferred and made upon this condition: that said company, its successors and assigns, shall forever transport over said road and its branches, free from any toll or charge, all the troops, produce, stores, and munitions of war that may belong to the United States.

The attention of the Senate has been called to the fact that the grants of land, of the right of way, of the right of taking material, depot stations, and the like, made to this company are sufficient in value to build and equip the road, and that in effect the Government does build and equip this road and give it to a private corporation; a free gift, out and out, to a private corporation, of this immense structure reaching from Lake Superior to the Pacific ocean. For that there is not one particle of consideration. In all the early grants of land for internal improvements made to the States, whether for the purpose of building wagon-roads or constructing canals, and in the earlier grants for the purpose of aiding in the construction of railroads, the provision, I believe, was uniformly inserted that the company or the State making the improvement should, in consideration of the grants made by the Government, transport the troops, munitions of war, and warlike stores of the Government free from any charge.

There were a few hundred thousand acres given to the State of Ohio to aid in the construction of her canals, and with that provision that the State of Ohio should forever permit the troops and munitions of war and stores of all kinds belonging to the United States to pass over those canals without any toll or charge whatsoever. What was the effect of it? The effect of it was that it saved your Government millions of dollars during the late war. Almost all the heavy freights of the Government, the

hay, the corn, the flour, the meats and ammunition, the clothing, almost all the heavy freights, instead of going over the railroads and paying heavy tolls, went over the Ohio canal and paid no toll at all, so much so that you saved millions by it. You saved almost as much as the value of the original grant of land in the four years that the war lasted, by passing free of toll over the canals of Ohio your troops and munitions of war.

Now, how is it with this company? Will the Government want to send troops and munitions of war over this road? The necessity for that will be to defend the very road itself against hostile Indians. That will be the reason why troops and munitions of war must be passed over the road. There is nobody else out there to fight. We have no foe out there that will require our troops or munitions of war there—none but the Indians; and for the very purpose of protecting this road, the property of this company, you will have to send troops and you will have to send munitions of war over the road; and now, as this bill is, the Government is to pay, and to pay heavily, too, for the transportation of its troops and the transportation of its munitions of war sent over this road to defend the road itself, to defend the property of the company. The Government builds the road, gives the road to a private corporation, and then expends its money in transporting troops and munitions of war to defend this private property, and the corporation charges for every pound of flour, every pound of ammunition, every pound of beef, and every pound of bread that every man who goes over the road to defend the road eats.

Sir, I wish to see whether the Senate will permit that. We give to this company, if this bill passes, great privileges in addition to those it had already possessed, great privileges indeed. We enable it to obtain much more land than it would have obtained under the original law; we give it the right to make its main road in a different place from that provided in the original bill; we give it the right to make a third road, in fact, west of the mountains, and in addition to that we give it this enormous privilege of mortgaging its road. Now, if these additional privileges are conferred upon the most privileged of all companies that have ever been chartered by Congress, I ask, will the Senate refuse to require that this road shall transport the troops and munitions of war used in its own defense free of charge to the Government?

Mr. HOWARD. In reply to the honorable Senator I beg only to read the eleventh section of the charter, which says:

"*And be it further enacted*, That said Northern Pacific railroad, or any part thereof, shall be a post route and a military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation."

Is not that reasonable and sufficient?

Mr. THURMAN. Is that enough? I say that was not enough in the original bill. The very passage read by the Senator shows that the company is to have the right to charge. I say that it ought never to be allowed to charge anything for this Government service.

Mr. HOWARD. So has the Illinois Central, and we paid that company five or eight million dollars during the war for the transportation of troops. So has the Union Pacific and the California Pacific road. We are paying them annually liberal charges for the transportation of all sorts of military supplies and troops. So with the Eastern Division, through Kansas, and the same clause is in all our railroad charters I believe without exception, the Government standing in no better relation in respect to transportation than an individual stands, with this exception, that Congress may regulate the rate of charges on all these roads.

Mr. THURMAN. The logic of the Senator is this: that because those companies have privileges they ought not to have therefore this company should have a privilege that it ought not to have—that two wrongs are a sufficient argument in favor of the perpetration of another wrong! The Illinois Central ought to have been required, as much as the State of Ohio was required, to transport the troops and munitions of war of the United States free of charge. The grant to the Illinois Central was far greater than the grant made to the State of Ohio to aid in the construction of the Ohio canal, than the grant made to the State of Indiana to aid in the construction of her canal. Far greater was the grant to the Illinois Central, to say nothing about the grant to the Union Pacific and the like; and because these companies have this privilege, which they ought not to have; because they have these great gifts without consideration, is that any reason in the world for perpetuating the same kind of injustice to the Government?

Mr. HOWARD. Whether the law itself be right or wrong, such is the law in respect to the other railroads and I am unwilling to make fish of one and flesh of another. ["Question!" "Question!"]

Mr. CASSERLY. I hope those gentlemen who interrupt the serious calm which ought to prevail in this body by constant cries of "Question" will restrain their juvenile ardor sufficiently to listen to a reasonable discussion of these questions as they arise.

Mr. CAMERON. If the Senator from California will give way for a moment——

Mr. CASSERLY. Certainly; always to the Senator from Pennsylvania.

Mr. CAMERON. I ask that favor for the purpose of moving an adjournment. ["No!" "No!"] This is a grave question, one which I think the Senate can well reflect upon, and one which I am sure the country has not thought about. I at least would like to wait until to-morrow before I give a vote on this question. We are giving away now, as I understand, about seventy millions of acres of land. It becomes a matter of business. Let us go home to-night and calculate how much this road will cost to build. I have had something to do with railroads in my day, and I should like to know what sort of a bargain we are making in this case.

We have an immense domain which belongs to the whole Union, to every State in the Union, to every individual in the Union, to every child now born and to many who are not yet born. That ought to be divided in some way for the public good. To be sure, the making of this railroad is going to do great service to that undeveloped country; and I have voted for all the railroad bills that have been passed since I have been in the Senate, and I am inclined to do so still; but it seems to me that we are going into this affair without sufficient reflection.

We have one railroad now spanning the whole continent; we have another one made more than half way across; and we have one below still further down going a great way. I look upon this one nearer to our northern frontier as the most important of all, and I believe that the soil of the region which this road is going to traverse will be the most productive and the most valuable part of this continent. Millions of people will find a living on that soil. It is a region which will control perhaps the future of this country; it is a domain too rich, too fertile, and too great in its influences upon the destinies of this country to be wasted in a moment.

We were told when these gentlemen first came here that they were going to build this railroad without any compensation except that which the Government by the charter agreed to give them. They have come here frequently since asking for supplements. They will go on asking for supplements as long as time lasts and until the railroad is finished, if you give way to them. We have not reflected that there are two parties to the bargain, and that we are one side of the contract. Before we throw away this great domain we ought to reflect and take time to know whether it is right.

Now, I am perfectly willing to give these men enough land to enable them to make their road. I do not look upon them as patriots coming here to save the country. They come here to make money out of us, and the whole thing is divided now among persons of influence over this country. I dare say everybody that can command a vote here—not in the Senate, but outside—has got some share of the profit which is to be made out of this grand grant. Think of it, seven million acres of land to-day worth at least $70,000,000.

Mr. CHANDLER. Not that many cents.

Mr. CAMERON. A dollar an acre——

Mr. CHANDLER. It is not worth a cent an acre.

Mr. CAMERON. So it was said of Michigan, so it was said of Illinois years ago. I was here when the Illinois bill passed, and I have seen all of them. I believe one of the best purposes to which you can give this land is to make railroads, bring in people, induce settlers to go there who will be valuable citizens and become tax-payers. I believe in that process, and I am willing to vote for a grant of a reasonable number of acres to these parties, but I am not willing without any reflection at all to give them all they ask. We seem to have a belief that they are doing us a favor; when I say "us" I mean the country. They do not come here for that purpose; they come to speculate upon the public domain; and after awhile, when they have made their road and have made their fortunes, they will not care a bit more about the country than any other speculators. What do this sort of people care whether this country shall be prosperous or not prosperous if they prosper themselves?

Now I move that we adjourn. Let us think about it a little.

The PRESIDING OFFICER. It is moved that the Senate adjourn, (at five o'clock and ten minutes p. m.)

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

The yeas and nays were ordered; and being taken, resulted—yeas 13, nays 33; as follows:

YEAS—Messrs. Anthony, Boreman, Cameron, Casserly, Cole, Davis, Fowler, Howell, McCreery, Saulsbury, Thurman, Warner, and Willey—13.

NAYS—Messrs. Ames, Buckingham, Chandler, Corbett, Cragin, Edmunds, Fenton, Flanagan, Gilbert, Hamilton of Texas, Hamlin, Howard, Howe, Kellogg, McDonald, Morrill of Maine, Morrill of Vermont, Norton, Nye, Osborn, Pomeroy, Ramsey, Revels, Rice, Robertson, Ross, Sawyer, Scott, Stewart, Sumner, Thayer, Williams, and Wilson—33.

ABSENT—Messrs. Abbott, Bayard, Brownlow, Carpenter, Cattell, Conkling, Drake, Ferry, Hamilton of Maryland, Harlan, Harris, Johnston, Lewis, Morton, Patterson, Pool, Pratt, Schurz, Sherman, Spencer, Sprague, Stockton, Tipton, Trumbull, Vickers, and Yates—26.

So the Senate refused to adjourn.

Mr. CASSERLY proceeded to address the Senate. Having spoken for fifteen minutes,

Mr. HOWELL. Will the Senator give way for a motion to adjourn?

Several SENATORS. No; no.

Mr. HOWELL. I have noticed that even Opposition Senators, when they wished to make a speech or wished to consider a subject that did not involve railroads, were granted that courtesy; and yet it is denied to the Senator from Pennsylvania, [Mr. CAMERON,] who wished time to examine this subject. Now, I hold that in all justice and honor and courtesy, and I believe decency, the Senate might at this late hour, after an all-night session, adjourn for the purpose, if no other, of permitting the Senator from Pennsylvania to look into this question a little. I move that the Senate adjourn.

The PRESIDING OFFICER, (Mr. ANTHONY.) The question is on the motion that the Senate do now adjourn.

The motion was not agreed to.

Mr. CASSERLY resumed his speech. Having spoken for some minutes longer,

Mr. CAMERON. May I ask the Senator from California to give way for a moment?

This is a very important bill and it ought to be discussed when the Senate is full. I think more than half the Senators have gone out, and certainly we ought not to push it to a vote now. I move that the Senate adjourn.

Mr. HOWARD. I hope not.

Mr. CAMERON called for the yeas and nays.

Five Senators rose to second the call for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are not ordered.

A division being called for, the ayes were 8, noes 30; so the Senate refused to adjourn.

Mr. CASSERLY. I think, perhaps, it is unfortunate for the minority here that this bill concerns a railroad company, because if it were otherwise I doubt if they would ask in vain, as they have to-day, for the small courtesy of an adjournment after a session last night which lasted until a quarter past two o'clock this morning, and which of course was particularly severe upon them by reason of their paucity in numbers. As the Senator from Iowa who last spoke properly said, he had never known, and I have never known, such a courtesy to be refused under the circumstances.

Mr. SUMNER. I should like to ask my friend from California a question, if he will pardon me.

Mr. CASSERLY. Certainly.

Mr. SUMNER. It is whether he now desires to address the Senate at length on this question. The Senator will pardon me, because if he has any such desire, I for one shall vote for an adjournment.

Mr. CASSERLY. I have intended to address the Senate, and have stated that very freely to several gentlemen on this side of the Chamber; and I prefer to do it to-morrow, but the persistent refusal of the Senate to adjourn at all forbade with me the expectation that my desires could have the slightest effect on the course of the majority, and therefore I did not express them publicly.

Mr. POMEROY. The Senator must be aware that this bill has been before the Senate one whole day, and it failed to get a vote for want of a quorum late in the evening, and every Senator who addresses the Senate must address it under the rules of the Senate, and the fourth rule is explicit that no Senator shall address the Senate in one debate more than twice. That is the fourth rule of the Senate.

Mr. CASSERLY. I claim the benefit of the construction which makes the Constitution a technicality, to say that that rule is a technicality. It has not been regarded in this Senate that I ever heard of. I do not know what the Senator from Kansas means by making that suggestion. The rule has been a dead letter here since I have come into the Senate.

Mr. POMEROY. We have frequently enforced it in the Senate—not perhaps recently; but it has been done often.

Mr. CASSERLY. Whenever any Senator——

The PRESIDING OFFICER. Does the Senator from Kansas make a point of order?

Mr. POMEROY. Against the Senator from California I will not.

Mr. CASSERLY. Whenever any Senator so far forgets himself as to talk merely for the purpose of consuming time it may be a proper thing for the Senate to consider whether in that case that rule shall be enforced; but I trust nobody has ever suspected me of any such purpose from anything I have done in the Senate thus far. I do not precisely apprehend why the Senator from Kansas should have addressed his suggestion to me.

Mr. HOWELL. I should like to know, since this question is up and I am a learner here, what is the actual import of this rule, that a Senator shall not speak more than twice on the same day? Is it on one question or on one phase of the question, or on all questions put together, all amendments? Does it restrict a Senator absolutely to two speeches a day?

Mr. POMEROY. The language is that no Senator shall speak more than twice on the same day in any one debate. Of course no Senator would think of applying this rule unless, as the Senator from California says, a member was speaking against time merely to delay the action of the body. As long as a Senator is speaking to the question, of course no one would think of applying the rule.

Mr. THURMAN. The Senator from California is not obnoxious to the rule at all. He is not speaking in violation of the rule. He has not spoken twice before on the question which is now before the Senate.

Mr. POMEROY. The rule is "twice in one debate," not "on one question."

Mr. THURMAN. No; look at it——

Mr. EDMUNDS. I rise to a question of order. What is the pending question, if there is any pending question?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Ohio.

Mr. EDMUNDS. Then I object to debate on any questions about rules.

Mr. SUMNER. If the Senator from California will give way to me I will make a motion to adjourn. Under the circumstances I think the Senator from California has a right to this indulgence.

Mr. CAMERON. Certainly.

Mr. SUMNER. We all know the ability which he brings to the discussion and his deference to the rules of the Senate, and also the relations which he holds with his associates on this floor; and I cannot myself hear his statement that he desires to-morrow to address the Senate on this question, and then look at the clock and see the late hour of the day, and then consider how late we were detained here last night, without feeling that we ought to adjourn. I accordingly make that motion.

Mr. HOWARD. I hope we shall not now adjourn.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate do now adjourn.

The motion was not agreed to; there being, on a division—ayes 13, noes 24.

Mr. CASSERLY. I thank the Senator from Massachusetts for the consideration shown in his remarks, and in his motion. I regret that it was not better responded to by his party on this floor. [Mr. CASSERLY then proceeded with his remarks, which will be published in the Appendix when his speech shall have been concluded. Having spoken some minutes,]

Mr. HOWARD. I wish to say a word if the Senator from California will allow me to do so.

Mr. CASSERLY. Certainly.

Mr. HOWARD. If the Senate will agree to take a vote on this measure to-morrow, say at two o'clock or three o'clock, if that can be the common understanding of the Senate without objection, so that members will feel themselves bound by it, I will agree to an adjournment.

Mr. CAMERON. I will agree to dispense with my speech to-morrow. [Laughter.]

Mr. HOWARD. I would inquire if there is any objection to the arrangement I have suggested?

Mr. POMEROY. I think we had better agree to that.

Mr. EDMUNDS. Let the arrangement be stated to the Senate by the Chair.

The PRESIDING OFFICER. The Senator from Michigan proposes that by unanimous consent the Senate agree to take the vote on this joint resolution to-morrow at three o'clock.

Mr. EDMUNDS. Its final determination.

The PRESIDING OFFICER. Is there any objection to that understanding? ["None."] The Chair hears none. It is the common understanding, then, that at three o'clock to-morrow the Senate will proceed to the final vote upon this joint resolution. ["Yes."]

Mr. SUMNER. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 20, 1870.

The House met at twelve o'clock m. Prayer by Rev. JAMES G. VOSE, D. D., of Providence, Rhode Island.

The Journal of yesterday was read and approved.

CHANGE OF VOTES.

Mr. BROOKS, of New York. Mr. Speaker, I rise to a privileged question. I see nothing in the Journal in regard to the change of votes yesterday. Whether designed or omitted by accident I do not know.

The SPEAKER. The Chair was of the impression that the correction of the proceedings of the day before yesterday was the proper course.

Mr. BROOKS, of New York. The changes were made yesterday. I do not know that I have any motion to make on the subject. I desire at least to make a record in the Congressional Globe that, in my judgment, these changes of votes are most dangerous and perilous, and that there ought to be some new rule of the House so as to regulate the mode and manner of making such changes. As it is now any two or three members of the House have the power to alter the entire previous action of the House.

The SPEAKER. The Chair stated yesterday the ground upon which the changes were allowed. The portion of the Journal which gentlemen claimed the right to correct was that portion not generally read by the Clerk. The Chair commented on the very great importance of such changes, and the danger of allowing them. He appreciates all this as much as the gentleman from New York; and only under the most extraordinary circumstances, like those of yesterday, should they be permitted. Yesterday they were justified, not only by the personal veracity of the gentlemen asking to make the corrections, but their statements were fortified by the recollection of other members as well as by the inherent probability of the case that they would have voted as they indicated.

Mr. BROOKS, of New York. I move that this whole matter be referred to the Committee on the Rules.

The motion was agreed to.

ESTABLISHMENT OF CLAIMS.

Mr. MAYNARD, by unanimous consent, introduced a bill (H. R. No. 1826) for the better establishment of certain claims; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

DUTY ON IMPORTS.

Mr. PAINE, by unanimous consent, introduced a bill (H. R. No. 1827) to reduce the duty on imports; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

AMENDMENT OF TARIFF.

Mr. PAINE also, by unanimous consent, submitted a proposed amendment to House bill No. 1068, to amend existing laws relating to the duty on imports, and for other purposes; which was referred to the Committee of Ways and Means, and ordered to be printed.

POST OFFICE APPROPRIATION BILL.

Mr. BEAMAN, from the Committee on Appropriations, reported a bill (H. R. No. 1828) making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1871; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. HOLMAN. I give notice that I reserve all points of order.

Mr. BEAMAN. I move that the bill be made a special order for Tuesday next after the morning hour.

Mr. SCHENCK. I must object to any special order that will interfere with the tax and tariff bills.

The SPEAKER. This cannot by any possibility interfere with those special orders.

Mr. SCHENCK. Is it in the Committee of the Whole on the state the Union?

The SPEAKER. It is, and will be, of course, anterior to all present special orders.

The motion was agreed to.

NEW SILVER COIN.

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

Resolved, That the Committee on Coinage, Weights, and Measures be instructed to inquire into the expediency of directing the mints of the United States to make and issue a new silver coin of the current value of twenty cents, and to report by bill or otherwise.

COURT-MARTIAL TRIAL.

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

Resolved, That the Secretary of War be directed to communicate to this House all the proceedings and papers in his office with reference to the trial and sentence of a soldier named Troan, an inmate of the National Asylum for Disabled Soldiers, by a court-martial, and also what action has been taken thereon.

Subsequently,

Mr. BUTLER, of Massachusetts, said: Mr. Speaker, I desire to enter a motion to reconsider the vote by which the resolution of inquiry as to the trial of Troan was agreed to.

The SPEAKER. The motion to reconsider will be entered on the Journal.

SURVIVORS OF THE WAR OF 1812.

Mr. WILLARD, by unanimous consent, from the Committee on Revolutionary Pensions and War of 1812, reported a bill (H. R. No. 1829) granting pensions to certain soldiers and sailors of the war of 1812; which was recommitted to the same committee, and ordered to be printed.

DE SOTO AND CRESCENT.

Mr. PLATT, by unanimous consent, reported back from the Committee on Naval Affairs the joint resolution (H. R. No. 238) for the relief of the officers and crew of the United States vessels De Soto and Crescent, and moved that the committee be discharged from further consideration of the same, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

PRINTING OF AGRICULTURAL REPORT.

Mr. MUNGEN. I am instructed by the Committee on Printing to report the following resolution:

Resolved, That there be printed for the use of the members admitted to seats on this floor since the last order for printing agricultural reports for the year 1868, the number of seven thousand copies thereof for the use of said recently admitted members.

The resolution was agreed to.

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

The latter motion was agreed to.

REPORT ON THE PARIS EXPOSITION.

Mr. MUNGEN. I am also instructed by the Committee on Printing to report the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring,) That two thousand copies of the report on the Paris exposition, ordered March 3, 1868, be for the use of the House.

Mr. KELSEY. I object to that.

The SPEAKER. The gentleman cannot object. It is a report from the Printing Committee, and is before the House.

Mr. MUNGEN. I desire to have the resolution put upon its passage.

The question was put; and there were, on a division—ayes 61, noes 28; no quorum voting.

The SPEAKER under the rule ordered tellers; and appointed Mr. KELSEY and Mr. MUNGEN.

The House again divided; and the tellers reported—ayes 94, noes 22.

Mr. KELSEY. I ask for the yeas and nays on agreeing to the resolution.

The yeas and nays were not ordered.

So the concurrent resolution was agreed to.

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

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 414) declaring the construction of an act to incorporate the National Theological Institute, approved May 10, 1866, and also an act to amend an act entitled "An act to incorporate the National Theological Institute, and to define and extend the powers of the same," approved March 2, 1867;

A bill (S. No. 589) for incorporating a hospital for foundlings in the city of Washington; and

A bill (S. No. 226) to incorporate the Washington Homeopathic Medical Society.

Mr. FERRISS. I call for the regular order.

REPORT OF THE SMITHSONIAN INSTITUTION.

Mr. POLAND. I ask the gentleman to withdraw his call for the regular order for a moment, to allow me to take a Senate concurrent resolution from the Speaker's table.

Mr. FERRISS. I will hear what it is.

Mr. POLAND. The concurrent resolution is for the printing of the usual number of copies of the report of the Smithsonian Institution. I ask unanimous consent that it be taken from the Speaker's table.

There was no objection; and the concurrent resolution having been taken from the Speaker's table, was read, as follows:

IN THE SENATE OF THE UNITED STATES, *March* 31, 1870.

Resolved by the Senate, (the House of Representatives concurring,) That thirteen thousand additional copies of the report of the Smithsonian Institution for the year 1869 be printed—three thousand for the use of the Senate, five thousand for the use of the House, and five thousand for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages of said report to be printed shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

The SPEAKER. Unless there is unanimous consent to agreeing to the resolution it must go, under the rule, to the Committee on Printing.

Mr. POLAND. I think there will be no objection.

Mr. BROOKS, of New York. I object.

The SPEAKER. Objection being made, the resolution will be referred to the Committee on Printing.

GRANVILLE M. DODGE.

Mr. LOGAN. I ask unanimous consent to take from the Speaker's table, in order to have it referred to the Committee on Military Affairs, the letter from the Secretary of War, asking that an appropriation of $5,000 be made to enable the Secretary of War to satisfy a judgment obtained against Granville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty.

There was no objection; and the letter from the Secretary of War was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

LOUISIANA ELECTION CASE.

Mr. FERRISS. I call for the regular order.

The SPEAKER. The regular order is the business pending yesterday afternoon at the time the House took a recess, being the report of the Committee of Elections upon the Louisiana election case of J. H. Sypher. Upon this question the gentleman from Ohio [Mr. STEVENSON] is entitled to the floor for five minutes remaining of his time.

Mr. KERR. I understood the gentleman to say yesterday that he had concluded his remarks upon this subject.

Mr. STEVENSON. I have no disposition to occupy the attention of the House at this time.

The SPEAKER. Then the House will proceed to vote upon the resolution, which will be read by the Clerk.

The Clerk read as follows:

Resolved, That J. H. Sypher is entitled to a seat as a Representative in the Forty-First Congress from the first district of Louisiana.

Mr. FITCH. I ask the gentleman from Ohio [Mr. STEVENSON] to permit me to offer a substitute for this resolution, declaring that no valid election was held in this district, and that no one is entitled to be admitted to a seat as Representative-elect.

The SPEAKER. That would require unanimous consent, as the previous question is operating.

Mr. STEVENSON. I object.

The question was then taken upon the adoption of the resolution; and upon a division there were—ayes 45, noes 48; no quorum voting.

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

Mr. STEVENSON. Yes, let us have the yeas and nays; we may as well have them first as last.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 78, nays 72, not voting 76; as follows:

YEAS—Messrs. Armstrong, Arnell, Atwood, Bennett, Benton, George M. Brooks, Buck, Buckley, Burdett, Benjamin F. Butler, Roderick R. Butler, Cake, Cessna, Sidney Clarke, Amasa Cobb, Clinton L. Cobb, Covode, Degener, Dickey, Donley, Farnsworth, Ferriss, Fisher, Gilfillan, Hawley, Hays, Heflin, Hill, Hoar, Hoge, Hooper, Judd, Kelley, Kelsey, Knapp, Lawrence, Logan, Loughridge, Maynard, McCarthy, McCrary, McKee, Mercur, Eliakim H. Moore, Jesse H. Moore, William Moore, Daniel J. Morrell, Myers, Negley, O'Neill, Orth, Packer, Paine, Palmer, Phelps, Pomeroy, Prosser, Roots, Sanford, Sawyer, Shanks, Lionel A. Sheldon, William J. Smith, William Smyth, Starkweather, Stevens, Stevenson, Strong, Taffe, Tillman, Townsend, Twichell, Tyner, Upson, Wheeler, Whitmore, Williams, and Witcher—78.

NAYS—Messrs. Adams, Asper, Axtell, Barnum, Beaman, Beck, Biggs, Bingham, Bird, Booker, James Brooks, Burchard, Calkin, Cleveland, Conger, Conner, Cowles, Cox, Dickinson, Dox, Eldridge, Ferry, Finkelnburg, Fitch, Fox, Getz, Gibson, Griswold, Haight, Hambleton, Hamill, Harris, Hay, Holman, Jenckes, Johnson, Thomas L. Jones, Kerr, Knott, Laflin, Marshall, McCormick, McKenzie, McNeely, Morgan, Mungen, Niblack, Packard, Platt, Poland, Potter, Randall, Reeves, Rogers, Sargent, Schumaker, Sherrod, Joseph S. Smith, Worthington C. Smith, Stiles, Swann, Sweeney, Tanner, Trimble, Van Trump, Voorhees, Cadwalader C. Washburn, Wells, Willard, Eugene M. Wilson, Wood, and Woodward—72.

NOT VOTING—Messrs. Allison, Ambler, Ames, Archer, Ayer, Bailey, Banks, Barry, Beatty, Benjamin, Blair, Boles, Bowen, Boyd, Buffinton, Burr, Churchill, William T. Clark, Coburn, Cook, Crebs, Cullom, Davis, Dawes, Dixon, Dockery, Duval, Dyer, Ela, Garfield, Haldeman, Hale, Hamilton, Hawkins, Heaton, Hotchkiss, Ingersoll, Alexander H. Jones, Julian, Kellogg, Ketcham, Lash, Lynch, Mayham, McGrew, Milnes, Morphis, Samuel P. Morrill, Morrissey, Perce, Peters, Porter, Rice, Ridgway, Schenck, Scofield, Porter Sheldon, Shober, Slocum, John A. Smith, Stokes, Stone, Stoughton, Strader, Strickland, Taylor, Van Auken, Van Horn, Van Wyck, Ward, William B. Washburn, Welker, Wilkinson, John T. Wilson, Winans, and Winchester—76.

So the resolution was adopted.

During the call of the roll,

Mr. WINCHESTER said: On this question I am paired with Mr. DYER, of Missouri; he would vote "ay" if present, and I would vote "no."

Mr. ELDRIDGE. I was informed by the gentleman from Illinois, Mr. BURR, that he was paired with the gentleman from North Carolina, Mr. COBB.

Mr. COBB, of North Carolina. I paired with Mr. BURR with the distinct understanding that election cases should not be included in the pair.

Mr. ELDRIDGE. I did not know whether the pair covered election cases or not. I merely wished to call the attention of the gentleman to the subject.

The SPEAKER. The subject of pairing of members is exclusively a personal matter, within the control of members, and not for the consideration of the House.

Mr. ELDRIDGE. I merely wished to call the attention of the gentleman to the subject.

Mr. FARNSWORTH, when his name was called, said: I have not examined the report in this case.

The SPEAKER. The gentleman must not argue the question.

Mr. FARNSWORTH. I will follow the report of the committee and vote "ay."

The SPEAKER. The gentleman from Illinois [Mr. FARNSWORTH] must be aware, as an old member of this House, that he is entirely out of order.

Mr. FARNSWORTH. It is not out of order to vote "ay."

The SPEAKER. It is entirely out of order for the gentleman to give any reason for his vote upon the roll-call.

The result of the vote was announced as above recorded.

Mr. BROOKS, of New York. I move to reconsider the vote by which the House adopted the resolution.

The SPEAKER. Did the gentleman vote with the majority?

Mr. BROOKS, of New York. I did not.

The SPEAKER. Then the gentleman has no right to move a reconsideration.

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

Mr. BROOKS, of New York. And on that question I call for the yeas and nays.

Mr. KELSEY. I hope the gentleman from Ohio [Mr. STEVENSON] will withdraw his motion and permit Mr. Sypher to be sworn in.

Mr. STEVENSON. I withdraw the motion to reconsider and table, and ask that the gentleman from Louisiana be now sworn in.

Mr. BROOKS, of New York. I object to this person being sworn in.

The SPEAKER. The gentleman has no right to object, the House having just adopted a resolution declaring him to be entitled to a seat.

Mr. BROOKS, of New York. I object upon the ground that this man is not a resident of the State of Louisiana, but is a resident of the State of Pennsylvania.

The SPEAKER. The examination and report of the Committee of Elections have precluded all further objection.

Mr. BROOKS, of New York. I also object on the ground that a bargain has been made with the iron interest of Pennsylvania to have his vote on that side. [Laughter on the Republican side of the House, and cries of "Order!"]

The SPEAKER. If the gentleman from Louisiana is present he is entitled, under the resolution just adopted, to be sworn in.

Mr. COX. I rise to a question of privilege; at least I think it is one; the Chair can rule on it. I hold in my hand a protest which is being signed now by members upon this side of the House against the admission of this party. I ask to have it read.

Mr. STEVENSON. I object.

Mr. COX. I ask simply to have it read.

Mr. STEVENSON. I object; the gentlemen have given their protests by their votes.

The SPEAKER. The adoption of the resolution by the House precludes all further action except upon a motion to reconsider. The Chair holds that nothing is in order between the adoption of the resolution and the swearing in of the member except a reconsideration of the vote by which the resolution was adopted. Has the gentleman any motion to offer?

Mr. COX. I respectfully submit to the Chair that in matters of an extraordinary nature the custom of parliamentary bodies is to allow a protest to be entered on the Journal. This protest will be signed by a great body of the members, upon this side of the House at least. I ask to have it read.

Mr. STEVENSON. At the proper time I shall not object.

The SPEAKER. The protest can be entertained at any time, as well a week hence as at this moment. If objected to it cannot be entertained now.

Mr. KELSEY. It is objected to.

The SPEAKER. It is the duty of the Chair to carry out the order of the House.

Mr. COX. Then I withdraw it for the present and will present it again when it shall have been signed by other members.

Mr. STILES. I move that the House do now adjourn.

Mr. ELDRIDGE. I think this is an occasion of sufficient solemnity to induce the House to adjourn.

Mr. STILES. I demand the yeas and nays on my motion.

Mr. BROOKS, of New York. I hope we shall have the yeas and nays. It is the only way in which we can argue.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 41, nays 119, not voting 66; as follows:

YEAS—Messrs. Adams, Beck, Biggs, Bird, James Brooks, Calkin, Cleveland, Cox, Dickinson, Dox, Eldridge, Fox, Getz, Gibson, Griswold, Haight, Hambleton, Hamill, Holman, Johnson, Thomas L. Jones, Kerr, Knott, Marshall, McCormick, McNeely, Mungen, Niblack, Potter, Randall, Sherrod, Stiles, Swann, Sweeney, Trimble, Van Trump, Wells, Eugene M. Wilson, Winchester, Wood, and Woodward—41.

NAYS—Messrs. Allison, Armstrong, Arnell, Asper, Atwood, Axtell, Beaman, Beatty, Benjamin, Bennett, Benton, Bingham, Booker, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Burdett, Roderick R. Butler, Cake, Cessna, Sidney Clarke, Amasa Cobb, Clinton L. Cobb, Coburn, Conger, Conner, Covode, Cowles, Cullom, Degener, Dickey, Dixon, Dockery, Donley, Ela, Farnsworth, Ferriss, Ferry, Finkelnburg, Fisher, Garfield, Gilfillan, Hamilton, Harris, Hawkins, Hawley, Hay, Hays, Heflin, Hill, Hoar, Hoge, Hooper, Ingersoll, Jenckes, Alexander H. Jones, Judd, Kelley, Kellogg, Kelsey, Knapp, Laflin, Lawrence, Loughridge, Maynard, McCarthy, McCrary, McKee, McKenzie, Mercur, Eliakim H. Moore, Jesse H. Moore, William Moore, Daniel J. Morrell, Samuel P. Morrill, Morrissey, Myers, O'Neill, Orth, Packard, Packer, Paine, Palmer, Phelps, Platt, Poland, Pomeroy, Prosser, Reeves, Roots, Sanford, Sargent, Sawyer, Schenck, Lionel A. Sheldon, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevens, Stevenson, Stokes, Strong, Taffe, Tanner, Tillman, Townsend, Twichell, Tyner, Upson, William B. Washburn, Welker, Wheeler, Willard, Williams, John T. Wilson, and Witcher—119.

NOT VOTING—Messrs. Ambler, Ames, Archer, Ayer, Bailey, Banks, Barnum, Barry, Blair, Boles, Bowen, Boyd, Burr, Benjamin F. Butler, Churchill, William T. Clark, Cook, Crebs, Davis, Dawes, Duval, Dyer, Fitch, Haldeman, Hale, Heaton, Hotchkiss, Julian, Ketcham, Lash, Logan, Lynch, Mayham, McGrew, Milnes, Morgan, Morphis, Negley, Perce, Peters, Porter, Rice, Ridgway, Rogers, Schumaker, Scofield, Shanks, Porter Sheldon, Shober, Slocum, John A. Smith, Joseph S. Smith, Stone, Stoughton, Strader, Strickland, Taylor, Van Auken, Van Horn, Van Wyck, Voorhees, Ward, Cadwalader C. Washburn, Whitmore, Wilkinson, and Winans—66.

So the House refused to adjourn.

Mr. MOORE, of Illinois. I move to reconsider the vote by which the resolution admitting Mr. Sypher to his seat was adopted.

The SPEAKER. Did the gentleman vote with the majority?

Mr. MOORE, of Illinois. I did.

The SPEAKER. Then the motion is in order.

Mr. MOORE, of Illinois. I move the previous question on my motion.

Mr. STEVENSON. I move to lay the motion to reconsider on the table.

Mr. COX. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 79, nays 83, not voting 64; as follows:

YEAS—Messrs. Armstrong, Arnell, Atwood, Bennett, Benton, Buck, Buckley, Burdett, Benjamin F. Butler, Roderick R. Butler, Cake, Cessna, Sidney Clarke, Amasa Cobb, Coburn, Covode, Cowles, Degener, Dickey, Dixon, Donley, Ela, Ferriss, Fisher, Gilfillan, Hamilton, Hawley, Hays, Heflin, Hoar, Hoge, Hooper, Alexander H. Jones, Judd, Kelley, Kelsey, Knapp, Lawrence, Loughridge, Maynard, McCarthy, McKee, Mercur, Eliakim H. Moore, William Moore, Daniel J. Morrell, Samuel P. Morrill, Myers, Negley, O'Neill, Packer, Paine, Palmer, Phelps, Pomeroy, Prosser, Roots, Sanford, Sawyer, Shanks, Lionel A. Sheldon, William J. Smith, William Smyth, Starkweather, Stevens, Stevenson, Strong, Taffe, Taylor, Tillman, Townsend, Twichell, Upson, Van Horn, Wheeler, Whitmore, Wilkinson, Williams, and Witcher—79.

NAYS—Messrs. Adams, Archer, Asper, Axtell, Barnum, Beaman, Beck, Biggs, Bingham, Bird, Booker, Boyd, James Brooks, Buffinton, Burchard, Calkin, Cleveland, Conger, Conner, Cox, Cullom, Dickinson, Dockery, Dox, Eldridge, Farnsworth, Ferry, Finkelnburg, Fitch, Fox, Garfield, Getz, Gibson, Griswold, Haight, Haldeman, Hambleton, Hamill, Harris, Hawkins, Hay, Hill, Holman, Jenckes, Johnson, Thomas L. Jones, Kerr, Knott, Laflin, Lynch, Marshall, McCormick, McKenzie, McNeely, Jesse H. Moore, Morgan, Mungen, Niblack, Orth, Packard, Potter, Randall, Reeves, Rogers, Sargent, Schumaker, Sherrod, Joseph S. Smith, Worthington C. Smith, Stiles, Strader, Swann, Sweeney, Trimble, Tyner, Van Trump, Voorhees, Cadwalader C. Washburn, Wells, Willard, Eugene M. Wilson, Wood, and Woodward—83.

NOT VOTING—Messrs. Allison, Ambler, Ames, Ayer, Bailey, Banks, Barry, Beatty, Benjamin, Blair, Boles, Bowen, George M. Brooks, Burr, Churchill, William T. Clarke, Clinton L. Cobb, Cook, Crebs, Davis, Dawes, Duval, Dyer, Hale, Heaton, Hotchkiss, Ingersoll, Julian, Kellogg, Ketcham, Lash, Logan, Mayham, McCrary, McGrew, Milnes, Morphis, Morrissey, Perce, Peters, Platt, Poland, Porter, Rice, Ridgway, Schenck, Scofield, Porter Sheldon, Shober, Slocum, John A. Smith, Stokes, Stone, Stoughton, Strickland, Tanner, Van Auken, Van Wyck, Ward, William B. Washburn, Welker, John T. Wilson, Winans, and Winchester—64.

So the motion to reconsider was not laid on the table.

During the roll-call,

Mr. WINCHESTER said: On this question I have paired with the gentleman from Missouri, [Mr. DYER.]

The SPEAKER. The question recurs on the demand for the previous question upon the motion to reconsider.

The previous question was seconded and the main question ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had passed the bill (H. R. No. 1335) to admit the State of Georgia to representation in the Congress of the United States, with amendments, in which the concurrence of the House was requested.

The message also announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. No. 116) instructing the President to negotiate with the Indians upon the Umatilla reservation in Oregon;

An act (S. No. 138) for the relief of Abbott Q. Ross;

An act (S. No. 492) to incorporate the trustees of the Corcoran Gallery of Art, and for other purposes;

An act (S. No. 689) granting appeals from, and authorizing the issue of writs of error to, the supreme court of the District of Columbia in certain cases therein mentioned; and

An act (S. No. 776) for the relief of Mary K. Smith.

Mr. BUTLER, of Massachusetts. I ask unanimous consent that the bill (H. R. No. 1335) to admit the State of Georgia to representation in the Congress of the United States, which has just been returned from the Senate with amendments, be taken from the Speaker's table for reference to the select Committee on Reconstruction.

Mr. BINGHAM, Mr. ELDRIDGE, and others objected.

LOUISIANA ELECTION CONTEST.

The SPEAKER. The question recurs on the motion of the gentleman from Illinois [Mr.

MOORE] to reconsider the vote by which the House adopted the resolution declaring Mr. Sypher entitled to a seat.

Mr. STEVENSON. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 85, nays 80, not voting 61; as follows:

YEAS—Messrs. Adams, Allison, Archer, Asper, Axtell, Barnum, Beaman, Beck, Bigge, Bingham, Bird, Booker, Boyd, James Brooks, Buffinton, Burchard, Calkin, Cleveland, Cook, Conger, Conner, Cox, Cullom, Dickinson, Dockery, Dox, Eldridge, Farnsworth, Ferry, Finkelnburg, Fitch, Fox, Garfield, Getz, Gibson, Griswold, Haight, Haldeman, Hambleton, Hamill, Harris, Hawkins, Hay, Hill, Holman, Jenckes, Johnson, Thomas L. Jones, Kerr, Knott, Laflin, Lynch, Marshal, McCormick, McKenzie, McNeely, Jesse H. Moore, Morgan, Mungen, Niblack, Orth, Packard, Potter, Randall, Rogers, Sargent, Schumaker, Sherrod, John A. Smith, Joseph S. Smith, Worthington C. Smith, Stiles, Strader, Swann, Sweeney, Tanner, Trimble, Van Trump, Voorhees, Cadwalader C. Washburn, Wells, Willard, Eugene M. Wilson, Wood, and Woodward—85.

NAYS—Messrs. Armstrong, Arnell, Atwood, Barry, Bennett, Benton, George M. Brooks, Buck, Buckley, Burdett, Benjamin F. Butler, Roderick R. Butler, Cake, Cessna, Sidney Clarke, Amasa Cobb, Covode, Degener, Dickey, Dixon, Donley, Ela, Ferriss, Fisher, Gilfillan, Hamilton, Hawley, Hays, Heflin, Hoar, Hoge, Hooper, Judd, Kelley, Kelsey, Knapp, Lawrence, Loughridge, Maynard, McCarthy, McKee, Mercur, Eliakim H. Moore, William Moore, Daniel J. Morrell, Samuel P. Morrill, Myers, Negley, O'Neill, Packer, Paine, Palmer, Perce, Phelps, Pomeroy, Prosser, Reeves, Roots, Sanford, Sawyer, Shanks, Lionel A. Sheldon, William J. Smith, William Smyth, Stevens, Stevenson, Taffe, Taylor, Tillman, Townsend, Twichell, Upson, Van Horn, Ward, Wheeler, Whitmore, Wilkinson, Williams, John T. Wilson, and Witcher—80.

NOT VOTING—Messrs. Ambler, Ames, Ayer, Bailey, Banks, Beatty, Benjamin, Blair, Boles, Bowen, Burr, Churchill, William T. Clark, Clinton L. Cobb, Coburn, Cowles, Crebbs, Davis, Dawes, Duval, Dyer, Hale, Heaton, Hotchkiss, Ingersoll, Alexander H. Jones, Julian, Kellogg, Ketcham, Lash, Logan, Mayham, McCrary, McGrew, Milnes, Morphis, Morrissey, Peters, Platt, Poland, Porter, Rice, Ridgway, Schenck, Scofield, Porter Sheldon, Shober, Slocum, Starkweather, Stokes, Stone, Stoughton, Strickland, Strong, Tyner, Van Auken, Van Wyck, William B. Washburn, Welker, Winans, and Winchester—61.

So the motion to reconsider was agreed to.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President of the United States, by Mr. PORTER, one of his secretaries.

LOUISIANA ELECTION CASE.

Mr. STEVENSON. Mr. Speaker, I rise to move to recommit the resolution to the sub-Committee of Elections.

Mr. FITCH. I rise to submit an amendment.

The SPEAKER. The Chair will be compelled to entertain the amendment of the gentleman from Nevada. The action of the House deprives the gentleman who reported the resolution from the Committee of Elections of the present control of the case.

Mr. STEVENSON. I addressed the Chair first.

The SPEAKER. No sooner than the gentleman from Nevada. Under the rules and practice, the gentleman from Illinois [Mr. MOORE] who moved the successful motion to reconsider is entitled to the floor, but he has not claimed it.

Mr. MOORE, of Illinois. I yield the floor to the gentleman from Nevada.

Mr. CESSNA. I make the point of order that on the adoption of the resolution the previous question had been seconded and the main question ordered, and that, therefore, on the reconsideration, the resolution so stands now before the House, and no motion to amend of any kind is in order.

The SPEAKER. There is a distinct rule of the House that where a reconsideration takes place it divests the subject of the operation of the previous question. The resolution of the Committee of Elections now stands before the House as before the previous question was called. Shall it be agreed to?

Mr. FITCH. I offer a substitute for the pending resolution.

The SPEAKER. The Clerk will read the pending resolution.

The Clerk read as follows:

Resolved, That J. H. Sypher is entitled to a seat as a Representative in the Forty-First Congress from the first district of Louisiana.

The SPEAKER. For that the gentleman from Nevada [Mr. FITCH] moves the following substitute.

The Clerk read as follows:

Resolved, That there was no valid election held in the first congressional district of the State of Louisiana on the 3d day of November, 1868, and that neither J. H. Sypher nor L. St. Martin is entitled to a seat in the Forty-First Congress as Representative from the first congressional district of the State of Louisiana.

Mr. FITCH. I demand the previous question.

Mr. SHANKS. I demand a division of the question on the substitute.

The SPEAKER. The gentleman will indicate where he would have it divided.

Mr. SHANKS. It first declares that there is no valid election, and next that neither Sypher nor St. Martin is elected.

The SPEAKER. The Chair can see no substantial difference in the two declarations. In order to secure a division the gentleman must show essentially distinct propositions.

The resolution was again read.

The SPEAKER. The second part of the resolution is merely an outgrowth and deduction from the first part. The Chair rules the resolution is not divisible.

Mr. MAYNARD. Suppose the resolution is divided, and the first part of the resolution is negatived, then the question will recur on the second part of the resolution, whether Sypher or St. Martin is elected.

The SPEAKER. The Chair rules that the substitute is not divisible. One part is dependent on the other. If the House declares that there was no valid election, then, as a matter of course, neither was elected. The second part of the resolution is a mere repetition of the first part, and the Chair rules that it is not divisible.

Mr. ELDRIDGE. Is it not divisible into three parts?

The SPEAKER. The Chair rules that it is not divisible at all. A resolution, in order to be divisible, must contain substantially different propositions.

Mr. STEVENSON. I move to lay the resolution on the table.

Mr. MAYNARD. I would inquire of the Chair what will be the effect of laying on the table?

The SPEAKER. The effect of agreeing to the motion to lay on the table will be to carry there the two resolutions and the whole subject.

Mr. STEVENSON. That will be just right.

Mr. JONES, of Kentucky. I rise to make a parliamentary inquiry. I desire to inquire of the gentleman from Indiana [Mr. KERR] whether in his opinion there was a valid election?

The SPEAKER. That is not a parliamentary inquiry, which must be addressed to the Chair, and not to a member on the floor.

Mr. STEVENSON. I call for the yeas and nays on my motion to lay on the table the resolution of the gentleman from Nevada, [Mr. FITCH.]

On ordering the yeas and nays there were—ayes twenty-two, not a sufficient number voting affirmatively.

Mr. BENTON. I ask tellers on the yeas and nays.

On ordering tellers there were—ayes twenty-three, noes not counted.

So (one fifth of a quorum voting affirmatively) tellers were ordered; and Mr. STEVENSON and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported—ayes thirty-six, noes not counted.

So (more than one fifth of the last vote voting affirmatively) the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 74, nays 96, not voting 56; as follows:

YEAS—Messrs. Armstrong, Atwood, Barry, Beatty, Bennett, Benton, George M. Brooks, Buck, Buckley, Burdett, Benjamin F. Butler, Roderick R. Butler, Cake, Cessna, Coburn, Covode, Degener, Dickey, Dixon, Donley, Ela, Ferriss, Fisher, Gilfillan, Hale, Hamilton, Hawley, Hays, Heflin, Hoar, Hoge, Hooper, Judd, Kelley, Kellogg, Kelsey, Knapp, Lawrence, Maynard, McCarthy, McKee, Eliakim H. Moore, William Moore, Daniel J. Morrell, Myers, Negley, O'Neill, Packer, Paine, Palmer, Perce, Platt, Pomeroy, Prosser, Roots, Sanford, Sawyer, Shanks, Lionel A. Sheldon, John A. Smith, William J. Smith, William Smyth, Stevenson, Tanner, Taylor, Tillman, Townsend, Twichell, Upson, Van Horn, Ward, Wheeler, Whitmore, and Witcher—74.

NAYS—Messrs. Adams, Allison, Archer, Arnell, Asper, Axtell, Barnum, Beaman, Beck, Biggs, Bingham, Bird, Booker, Boyd, James Brooks, Buffinton, Burchard, Calkin, Cook, Conger, Conner, Cowles, Cox, Cullom, Dickinson, Dockery, Dox, Eldridge, Farnsworth, Ferry, Finkelnburg, Fitch, Fox, Garfield, Getz, Gibson, Griswold, Haight, Haldeman, Hambleton, Hamill, Hawkins, Hay, Hill, Holman, Ingersoll, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Kerr, Knott, Laflin, Logan, Loughridge, Lynch, Marshall, McCormick, McKenzie, McNeely, Mercur, Jesse H. Moore, Morgan, Mungen, Niblack, Orth, Packard, Peters, Poland, Potter, Randall, Reeves, Rogers, Sargent, Schumaker, Scofield, Sherrod, Joseph S. Smith, Worthington C. Smith, Stevens, Stiles, Strader, Swann, Sweeney, Trimble, Tyner, Van Trump, Voorhees, Cadwalader C. Washburn, Wells, Wilkinson, Willard, Williams, Eugene M. Wilson, Wood, and Woodward—96.

NOT VOTING—Messrs. Ambler, Ames, Ayer, Bailey, Banks, Benjamin, Blair, Boles, Bowen, Burr, Churchill, William T. Clark, Sidney Clarke, Cleveland, Amasa Cobb, Clinton L. Cobb, Crebs, Davis, Dawes, Duval, Dyer, Harris, Heaton, Hotchkiss, Julian, Ketcham, Lash, Mayham, McCrary, McGrew, Milnes, Morphis, Samuel P. Morrill, Morrissey, Phelps, Porter, Rice, Ridgway, Schenck, Porter Sheldon, Shober, Slocum, Starkweather, Stokes, Stone, Stoughton, Strickland, Strong, Taffe, Van Auken, Van Wyck, William B. Washburn, Welker, John T. Wilson, Winans, and Winchester—56.

So the House refused to lay the resolution on the table.

The question recurred on seconding the demand for the previous question on the substitute offered by Mr. FITCH.

The previous question was seconded and the main question ordered.

Mr. STEVENSON. I call for the yeas and nays on agreeing to the proposed substitute.

The yeas and nays were ordered.

The SPEAKER. The Clerk will again report the resolution reported from the committee, and the substitute offered by the gentleman from Nevada, [Mr. FITCH.]

The Clerk read the resolution reported from the committee, as follows:

Resolved, That J. H. Sypher is entitled to a seat as a Representative in the Forty-First Congress from the first district of Louisiana.

The Clerk also read the substitute offered by Mr. FITCH, as follows:

Resolved, That there was no valid election held in the first congressional district of the State of Louisiana on the 3d day of November, 1868, and that neither J. H. Sypher nor L. St. Martin is entitled to a seat in the Forty-First Congress as Representative from the first congressional district of the State of Louisiana.

The SPEAKER. The question is on agreeing to the substitute offered by the gentleman from Nevada.

Mr. KERR. I hope that under the circumstances, as the best thing that can be done, the substitute will be adopted.

Mr. STEVENSON. I object to debate.

The SPEAKER. As the previous question is operating debate is not in order.

Mr. STEVENSON. The gentlemen on the other side can stultify themselves if they will.

Mr. ELDRIDGE. It is very apparent that you could not stultify yourself.

The question was taken; and it was decided in the affirmative—yeas 100, nays 69, not voting 57; as follows:

YEAS—Messrs. Adams, Allison, Archer, Asper, Axtell, Barnum, Beaman, Beatty, Beck, Biggs, Bingham, Bird, Booker, Boyd, Buffinton, Burchard, Calkin, Cleveland, Coburn, Cook, Conger, Conner, Cowles, Cox, Cullom, Dickinson, Dockery, Donley, Eldridge, Farnsworth, Ferry, Finkelnburg, Fitch, Fox, Garfield, Getz, Gibson, Haight, Haldeman, Hale, Hambleton, Hamill, Hamilton, Harris, Hawkins, Hay, Hill, Holman, Ingersoll, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Kellogg, Kerr, Knott, Laflin, Logan, Lynch, Marshall,

McCormick, McCrary, McKenzie, McNeely, Jesse H. Moore, Morgan, Mungen, Niblack, Orth, Packard, Platt, Poland, Potter, Randall, Reeves, Rogers, Sargent, Schenck, Schumaker, Scofield, Sherrod, John A. Smith, Joseph S. Smith, Worthington C. Smith, Starkweather, Stiles, Strader, Swann, Sweeney, Tanner, Trimble, Tyner, Van Trump, Voorhees, Cadwalader C. Washburn, Wells, Willard, Eugene M. Wilson, Wood, and Woodward—100.

NAYS—Messrs. Armstrong, Arnell, Atwood, Barry, Bennett, Benton, Buck, Burdett, Benjamin F. Butler, Roderick R. Butler, Cake, Cessna, Sidney Clarke, Amasa Cobb, Covode, Degener, Ela, Ferriss, Fisher, Gilfillan, Hawley, Hays, Heflin, Hoar, Hoge, Hooper, Judd, Kelley, Kelsey, Knapp, Lawrence, Maynard, McCarthy, McKee, Mercur, Eliakim H. Moore, William Moore, Daniel J. Morrell, Myers, Negley, O'Neill, Packer, Paine, Palmer, Perce, Phelps, Pomeroy, Prosser, Roots, Sanford, Sawyer, Shanks, Lionel A. Sheldon, William J. Smith, William Smyth, Stevens, Stevenson, Taffe, Taylor, Tillman, Townsend, Twichell, Upson, Van Horn, Ward, Wheeler, Whitmore, Wilkinson, and Williams—69.

NOT VOTING—Messrs. Ambler, Ames, Ayer, Bailey, Banks, Benjamin, Blair, Boles, Bowen, George M. Brooks, James Brooks, Buckley, Burr, Churchill, William T. Clark, Clinton L. Cobb, Crebs, Davis, Dawes, Dickey, Dixon, Dox, Duval, Dyer, Griswold, Heaton, Hotchkiss, Julian, Ketcham, Lash, Loughridge, Mayham, McGrew, Milnes, Morphis, Samuel P. Morrill, Morrissey, Peters, Porter, Rice, Ridgway, Porter Sheldon, Shober, Slocum, Stokes, Stone, Stoughton, Strickland, Strong, Van Auken, Van Wyck, William B. Washburn, Welker, John T. Wilson, Winans, Winchester, and Witcher—57.

So the substitute was agreed to.

During the roll-call,

Mr. ELDRIDGE (when his name was called) said: It is tough to take. [Laughter.] I vote "ay."

The result of the vote having been announced, the question recurred on agreeing to the resolution reported by the Committee of Elections, as amended.

Mr. STEVENSON. I move to lay the resolution upon the table.

The question was put; and there were—ayes 37, noes 84.

Mr. STEVENSON. With the consent of the House I will not call for tellers on my motion, and will move to postpone the consideration of the subject until the first Monday in December next.

The SPEAKER. The Chair cannot entertain that motion, as the previous question is operating. It would require unanimous consent.

Mr. STEVENSON. I ask consent to make the motion.

Mr. KERR, Mr. STILES, and others, objected.

Mr. STEVENSON. Then I ask for tellers on my motion to lay the resolution upon the table.

The SPEAKER. The Chair is disposed to gratify the gentleman if he himself thinks that a fair demand. The gentleman waived the call provided a certain thing could be done.

Mr. STEVENSON. But that certain thing was not done, Mr. Speaker.

The SPEAKER. The Chair will entertain the demand.

Mr. PROSSER. I rise to make a parliamentary inquiry. Is it in order to move the reference of the resolution, as amended, to the Committee of Elections?

The SPEAKER. It is not, as the previous question is operating.

Tellers were not ordered.

So the House refused to lay the resolution on the table.

The question recurred on agreeing to the resolution as amended.

Mr. STEVENSON. I demand the yeas and nays on the resolution as amended.

Mr. RANDALL. We have had the yeas and nays on it once.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 96, nays 68, not voting 62; as follows:

YEAS—Messrs. Adams, Allison, Archer, Asper, Axtell, Barnum, Beaman, Beck, Biggs, Bingham, Bird, Booker, Boyd, Buffinton, Burchard, Calkin, Cleveland, Coburn, Cook, Conger, Conner, Cowles, Cox, Cullom, Dickinson, Dockery, Dox, Eldridge, Farnsworth, Ferry, Finkelnburg, Fitch, Fox, Garfield, Getz, Gibson, Haight, Haldeman, Hale, Hambleton, Hamill, Harris, Hawkins, Hay, Hill, Holman, Ingersoll, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Kellogg, Kerr, Knott, Laflin, Logan, Lynch, Marshall, McCormick, McCrary, McKenzie, McNeely, Jesse H. Moore, Morgan, Mungen, Niblack, Orth, Packard, Peters, Platt, Poland, Potter, Randall, Reeves, Rogers, Sargent, Schenck, Schumaker, Scofield, Sherrod, John A. Smith, Joseph S. Smith, Worthington C. Smith, Stiles, Strader, Swann, Sweeney, Trimble, Tyner, Van Trump, Cadwalader C. Washburn, Wells, Willard, Eugene M. Wilson, Wood, and Woodward—96.

NAYS—Messrs. Armstrong, Arnell, Atwood, Barry, Bennett, Benton, George M. Brooks, Buck, Burdett, Roderick R. Butler, Cake, Cessna, Sidney Clarke, Amasa Cobb, Ela, Ferriss, Fisher, Gilfillan, Hamilton, Hawley, Heflin, Hoar, Hoge, Hooper, Judd, Kelley, Kelsey, Knapp, Lawrence, Maynard, McCarthy, McKee, Mercur, Eliakim H. Moore, William Moore, Daniel J. Morrell, Myers, Negley, O'Neill, Packer, Paine, Perce, Phelps, Pomeroy, Prosser, Roots, Sanford, Sawyer, Shanks, Lionel A. Sheldon, William J. Smith, William Smyth, Stevens, Stevenson, Taffe, Taylor, Tillman, Townsend, Twichell, Upson, Van Horn, Ward, Wheeler, Whitmore, Wilkinson, Williams, John T. Wilson, and Witcher—68.

NOT VOTING—Messrs. Ambler, Ames, Ayer, Bailey, Banks, Beatty, Benjamin, Blair, Boles, Bowen, James Brooks, Buckley, Burr, Benjamin F. Butler, Churchill, William T. Clark, Clinton L. Cobb, Covode, Crebs, Davis, Dawes, Degener, Dickey, Dixon, Donley, Duval, Dyer, Griswold, Hays, Heaton, Hotchkiss, Julian, Ketcham, Lash, Loughridge, Mayham, McGrew, Milnes, Morphis, Samuel P. Morrill, Morrissey, Palmer, Porter, Rice, Ridgway, Porter Sheldon, Shober, Slocum, Starkweather, Stokes, Stone, Stoughton, Strickland, Strong, Tanner, Van Auken, Van Wyck, Voorhees, William B. Washburn, Welker, Winans, and Winchester—62.

So the resolution, as amended, was adopted.

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

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. KELLEY. I ask unanimous consent of the House to make an explanation personal to myself in connection with the subject just disposed of by the House.

No objection was made; and leave was accordingly granted.

Mr. KELLEY. During the exciting contest through which we have just passed word was brought to me by my colleague, Mr. RANDALL, that the honorable gentleman from Arkansas [Mr. ROGERS] had reported me as saying that I would support the admission of the gentleman from Louisiana, Mr. Sypher, in order to secure a vote or votes for the iron interest of Pennsylvania.

Mr. RANDALL. I told you so.

Mr. KELLEY. Yes; you told me so. I desire to say that I never uttered such a remark, nor words that could be fairly construed into such a remark. I am incapable of paltering either with my conscience or with a great cause in that manner. The gentlemen with whom I held conversations sit behind me, and are the honorable gentleman from Indiana [Mr. ORTH] and the honorable gentleman from Illinois, [Mr. MOORE.] I stated to those gentlemen that, pressed as I had been with affairs in the Committee of Ways and Means and on the floor of this House, I had been unable to read any of the papers relating to this case, and that I should therefore act upon the rule, that had been an inflexible one with me so far as I could remember, that where I could not examine a case I should follow the conclusions of the committee that reported it.

Mr. RANDALL. In furtherance of the remark made by the gentleman from New York, [Mr. BROOKS,] that an understanding existed with Pennsylvania Republican members of this House to vote to sustain Mr. Sypher in his claim to a seat on this floor, with a view of getting his vote in favor of the iron interest, I went to my colleague, Mr. KELLEY, and asked him whether that was true, and I gave him the authority from whence I obtained the information. He denied having made any such remark. I desire, however, to call the attention of the country and of this House to the significant fact that every Republican member from the State of Pennsylvania did exactly that thing; that is, they voted to sustain the claim of Mr. Sypher to a seat in this House.

Mr. O'NEILL. I am very much obliged to my colleague [Mr. RANDALL] for calling the attention of the country to the fact that I, as one of the Republican members of this House from the State of Pennsylvania, did vote for the admission of Mr. Sypher to a seat in this House.

Mr. KELLEY. In view of what has been said, I desire to state that I do not know the views of Mr. Sypher on the tariff question generally, or on the iron question in particular. But I rose for the purpose of giving a flat denial to the assertion that I had made any such remark, or had uttered words kindred to it, in the presence of the two gentlemen with whom I held conversation.

Mr. SCOFIELD. Allow me to correct my colleague, [Mr. RANDALL,] who has said that all the Republican members of this House from the State of Pennsylvania voted for the admission of Mr. Sypher. I voted, as the record will show, against the admission of any one as a member from the district in question.

Mr. RANDALL. I withdraw my remark, or at least I except from its application my colleague, [Mr. SCOFIELD.] He and I, although of different politics, always voted for the right in these cases in the State Legislature.

Mr. KELLEY. I now yield to the gentleman from Arkansas [Mr. ROGERS] for a few moments.

Mr. ROGERS. I regret very much, Mr. Speaker, that this has occurred. After the first vote upon the case of Mr. Sypher had been taken this morning I was called over to the other side to talk with some gentlemen. Upon arriving there I heard it said that this was a move to procure another vote for the tariff interest. I remarked that, sitting in my seat, I had heard Judge KELLEY, the gentleman from Pennsylvania, say in connection with this election case that he had not read the testimony, that he knew nothing at all of the case; and in that connection I heard the utterance that it would give them another vote for the tariff, or words to that effect. That conversation occurred right there, right at that corner, [pointing to where Mr. KELLEY was sitting.] Who were the gentlemen present and taking part in the conversation I am not now able to say. But I will say that the gentleman from Indiana, now on my right, [Mr. ORTH,] was not in that conversation at the time to which I allude.

Now, what the gentleman may have intended to say of course I cannot now undertake to determine. The impression was as clear upon my mind as anything that ever fell upon my ear that the remark actually made was just as I have stated. I thought it remarkable, and therefore observed it more particularly than I otherwise should have done, that a gentleman of his standing, and of so many years' service in this House, twelve or fifteen years I believe, should propose to vote upon such an important matter as the seating of a member in this House, when he had expressly disclaimed having read any portion of the testimony, for the reason, as I understood at the time, that they would thereby gain another friend for their tariff operations. Now, I do not say that he made any such statement in that connection; but that was the impression left upon my mind, and that is the impression now. But upon the assertion of the gentleman that he did not intend to make use of such an expression in the connection I have indicated, as a matter of course I must take his word for it. I shall always believe, from the circumstances, that the statement was made, not perhaps in the shape in which I have given it, but in a shape similar, and that words similar to those which I have indicated were uttered upon that occasion.

Mr. KELLEY. I must resume the floor. Mr. Speaker, the only conversation about this matter was while I was seated in this chair with its back turned to the corner to which the gentleman from Arkansas has pointed. The conversation was with these honorable gentle-

men to whom I have referred; and when I brought the matter to the attention of the gentleman from Arkansas he referred to my conversation with these gentlemen. I ask them to state whether there was anything in the conversation that related in any way to the tariff; whether I did not say that having been so much pressed by business as to have been unable to examine the papers in the case I should adhere to a rule which has governed me not only in election cases, but on other questions where I have been unable to examine the papers, and would follow the report of the committee. I now ask the impressions of these gentlemen.

Mr. ORTH. In response to the gentleman from Pennsylvania [Mr. KELLEY] I desire to say that the conversation to which he alludes was as it has been stated by him. The word "tariff" was used; but his statement was that he had been so much engaged in connection with the tariff that he had not been able to examine the papers in this case. [Several MEMBERS: "Louder!"] I say the gentleman remarked that he had been so much engrossed in examining the details of the tariff and in preparing for its discussion in this House that he had not had time to examine this election case from Louisiana, but that he would follow the rule which he had usually adopted and act with the majority of the committee. I understand, however, from my friend from Arkansas, that he did not allude to any conversation that took place between the gentleman from Pennsylvania and myself.

Mr. ROGERS. I do not now remember that the gentleman from Indiana [Mr. ORTH] was a party to the conversation at the time to which I have referred, though he may have been.

Mr. ORTH. I heard no such remark as the gentleman states.

Mr. KELLEY. I yield to the gentleman from Illinois [Mr. MOORE] that he may state his recollection. I ask him to state whether the conversation was not a long-continued one, I having my face turned toward him and the gentleman from Illinois, and away from the corner at which the gentleman from Arkansas heard the conversation?

Mr. MOORE, of Illinois. Mr. Speaker, my recollection of this conversation is substantially the same as that of my friend from Indiana. I remonstrated with the gentleman from Pennsylvania [Mr. KELLEY] against the principle which he stated would govern his vote in this case. It does seem to me that if he had made any allusion to securing a vote for the tariff by voting for the admission of this gentleman I should have observed it as soon as any other man in the House. So far as I can recollect there was not the most distant allusion to anything of that kind. I cannot think that he made any such utterance, for I certainly should have seized upon it and noticed it at once.

Mr. KELLEY. I simply desire to call attention to the fact that the two gentlemen whom I have thus cited have not, so far as I can remember, voted with me upon a single disputed question arising in connection with the tariff bill; and that I should have made to them or to my friend from Tennessee, [Mr. TILLMAN,] who reminds me that he, too, was a party to the conversation, any such remark with regard to the tariff as has been alleged, will not, I think, be believed by any one.

Mr. ROGERS. Mr. Speaker, nobody can regret the occurrence of this matter more than myself; nevertheless, I repeat what I said before—and I am borne out in the assertion by the gentleman from Indiana, [Mr. ORTH]—that the word "tariff" was used by the gentleman from Pennsylvania in connection with his vote upon the admission of this claimant from Louisiana; not, perhaps, in the way in which I understood it; but putting the two together, the remark of the gentleman in reference to the tariff, together with his zeal upon this question, about which he confessed he knew nothing—I mean the question as to the seating of a man who received 8,000 votes out of 30,000—appeared to me a remarkable circumstance. Perhaps in coupling the remark about the tariff with this election matter I have in my haste done the gentleman wrong in my conclusion. If so, I certainly did not intend it; for, if I know myself, I would not intentionally wrong any member of this House.

Mr. MAYNARD. I would like to inquire of the gentleman whether he reported to members of the House that he had heard from the gentleman from Pennsylvania a statement to the effect that he had voted for the admission of Mr. Sypher for the purpose of getting another vote for the tariff?

Mr. ROGERS. I did not make any such report.

Mr. WARD. Is this in order?

The SPEAKER. It proceeds by unanimous consent.

Mr. ROGERS. Nothing of the kind has been said on this floor by myself. I said that previous to taking the vote I was called on the other side of the House where I did hear remarks about votes being influenced on this floor as has been suggested. That is all there is of it.

Mr. WARD. I hope we will have the regular order of business.

Mr. MYERS. I want to make a statement, with the consent of the House.

Mr. STILES. We want all this delay charged to the other side of the House.

Mr. CULLOM. I do not object, as I understand the gentleman wants but five minutes.

Mr. MYERS. Mr. Speaker, just before this election case is passed from I desire to say a few words which can be received with good feeling all over the House, and which seem to me to be quite proper to be made. They arise partly from what occurred yesterday and partly from what fell from the lips of my colleague from Philadelphia [Mr. RANDALL] on the other side of the House just now, when he called attention to the fact that the Republican members from Pennsylvania, afterward excepting one of them, [Mr. SCOFIELD,] voted in favor of the claim of Mr. Sypher to a seat on this floor from the first district of Louisiana. Now, in reference to that latter point I wish to observe that my record on these questions of contested election cases is certainly as clear and as defensible as his. I voted against the admission of Mr. Delano on this floor. I voted against the admission of Mr. Washburn of Indiana on this floor. My conscience is just as good as that of my colleague or any other gentleman on this floor. So much for that. My colleague and I are good friends and there is no ill-feeling in this statement.

Yesterday while the gentleman from Indiana [Mr. KERR] was occupying the floor I asked him the question how many murders had occurred in the district of Louisiana which Mr. Sypher claimed to represent in this House, and he said there were several, when there were over two hundred. He added that I should have been listening to his speech, and thought it was offensive on my part because I did not take his statement as a verity. Now, in conclusion I send to the Clerk's desk an extract from the Globe, in order to show how much we are to believe in his statement and what his own belief is in the statements he made yesterday. I say, sir, that I ask in connection with his vote just cast, that there was no valid election in the first congressional district of Louisiana——

Mr. MARSHALL. I rise to a point of order. Is this in the nature of a personal explanation?

Mr. RANDALL. I want it to be understood that I must be heard in reply. [Laughter.]

Mr. MYERS. I will read them as parts of my remarks:

"Mr. GARFIELD, of Ohio. I have not, I am sorry to say, had the opportunity to hear all the remarks of the gentleman on this question; and I wish to ask him whether in his judgment there was a valid election in the district now under consideration?

"Mr. KERR. Mr. Speaker, I take pleasure in answering the gentleman"——

Mr. MARSHALL. In my estimation the gentleman is not properly making a personal explanation; but is abusing the privilege accorded him by the House.

Mr. MYERS. I am not through with my statement.

The SPEAKER. The gentleman did not ask to make a personal explanation.

Mr. RANDALL. I understood him to ask to make a statement in reference to something about me. If so, I want to have the privilege of answering him.

Mr. ELDRIDGE. If the gentleman from Pennsylvania did not rise to make a personal explanation, for what purpose did he rise?

The SPEAKER. The gentleman from Pennsylvania rose, and asked to make a statement to occupy not more than five minutes. The Chair was very careful to note that the words "personal explanation" were not used. The gentleman was granted by unanimous consent five minutes in which to make a statement. The Chair repeats what he had occasion to say the other day that when a gentleman is making a personal explanation, and he travels out of what may be justly included in a personal explanation, and the point of order is raised, the Chair will not allow him to proceed; but the Chair did not understand the gentleman from Pennsylvania to rise to make a personal explanation, but merely for the purpose of making a statement in reference to what has occurred upon the floor of the House.

Mr. RANDALL. He rather gently instituted a comparison between his record and mine in reference to these contested-election cases.

Mr. HOLMAN. The gentleman from Pennsylvania obtained the floor to make a statement on the subject then pending before the House which was in reference to votes being influenced in favor of the tariff. He is now speaking to a subject foreign to that.

The SPEAKER. The Chair did not understand that such merely was to be the scope of the gentleman's remarks.

Mr. HOLMAN. When the House gave the gentleman permission to speak on one subject I cannot understand that he has a right to be heard on another.

Mr. MARSHALL. With reference to the remark of the Chair that the gentleman from Pennsylvania did not state that he rose to a personal explanation, and that it was not so understood on this side of the House, I beg to say that I for one did understand that the gentleman rose to a personal explanation.

The SPEAKER. The gentleman from Pennsylvania [Mr. MYERS] has two minutes remaining.

Mr. MYERS. I will resume reading the extract from the report of yesterday's proceedings, which I had commenced when interrupted:

"Mr. GARFIELD, of Ohio. I have not, I am sorry to say, had the opportunity to hear all the remarks of the gentleman on this question; and I wish to ask him whether in his judgment there was a valid election in the district now under consideration?

"Mr. KERR. Mr. Speaker, I take pleasure in answering the gentleman; and in answering him with as much sincerity as if I were at this moment entering the very presence of God himself, that in my deliberate judgment as a member of this House, as a man, and as a lawyer, there was held in each and every one of the parishes of the first district of Louisiana a legal and a valid election, and that this House ought so to hold. It possesses the elements of a legal and valid election, with irregularities here and there, with violence here and there to some extent and at times. Still I say to the gentleman that it was a legal and valid election; and it ought to be so held by Congress."

I think, then, that it is well that I did not take the gentleman's statements yesterday as verity, when to-day we find him recording his vote in support of the proposition that there was no valid election.

[Here the hammer fell.]

Mr. RANDALL. Mr. Speaker, I desire to say a word.

Mr. STEVENSON. I object.

Mr. KERR. I hope I will be allowed to say a word.

Mr. NEGLEY. I move that the House do now adjourn.

Mr. KERR. I rise to a personal explanation.

Mr. STEVENSON. I rise to object. This shameful proceeding has gone far enough.

[Cries of "Order!" "Order!" from the Democratic side of the House.]

The question was put on Mr. NEGLEY'S motion that the House do now adjourn.

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

The SPEAKER. The gentleman cannot be recognized for that purpose while the House is dividing.

Mr. COX. My point of order has reference to the fact of the House dividing. It is that the gentleman from Indiana [Mr. KERR] was on the floor for a personal explanation when the question was put.

The SPEAKER. The gentleman from New York must be simply trifling with the House.

Mr. COX. I was not trifling in that regard.

On the motion to adjourn there were, on a division—ayes 17, noes 103.

So the House refused to adjourn.

Mr. KERR. I rise to a personal explanation.

Mr. STEVENSON. I object.

The SPEAKER. The gentleman requires unanimous consent to make a personal explanation.

Mr. KERR. Can I not ask permission of the House?

The SPEAKER. That can only be done under a suspension of the rules.

Mr. STEVENSON. I wish to state——

The SPEAKER. The gentleman cannot be heard if he objects to other gentlemen being heard.

Mr. STEVENSON. If I cannot state my reason for rising, then I object.

Mr. FARNSWORTH. I call for the regular order.

Mr. COX. I rise to a point of order. It is this: that the Chair should have stated to the House the request of the gentleman from Indiana [Mr. KERR] to be permitted to make a personal explanation before any objection to his doing so could be in order.

The SPEAKER. The Chair did so state. But even if he had not done so, the point of order would be overruled, because the gentleman from Ohio, [Mr. STEVENSON,] or any other gentleman, had the right to object to any gentleman even being on the floor, except in pursuance of the regular order, or to make a point of order.

Mr. ELDRIDGE. I desire to make a parliamentary inquiry. Is it not in order for a gentleman to request civilly and politely of the House unanimous consent to be heard?

The SPEAKER. If another gentleman objects then he would not be in order.

Mr. ELDRIDGE. Even before the gentleman gets his request out?

The SPEAKER. The Chair will always submit—as he did submit to-day—the request of a gentleman to be heard in personal explanation. The Chair will again submit the request. The gentleman from Indiana [Mr. KERR] desires unanimous consent to make an explanation in reply to the remarks of the gentleman from Pennsylvania, [Mr. MYERS.] Is there objection?

Mr. STEVENSON. If I also can be heard in a personal explanation I shall not object.

Mr. BUTLER, of Massachusetts. I hope there will be no objection to the gentleman from Indiana being heard.

Mr. LOGAN. I hope so, too.

Mr. INGERSOLL. And so do I.

Mr. STEVENSON. I am willing to withdraw the objection on the understanding that I will be heard also.

The SPEAKER. If the gentleman from Ohio withdraws the objection to the gentleman from Indiana being heard he must do so unconditionally. But the Chair will submit to the House the request of the gentleman from Ohio that he also be heard.

Mr. STEVENSON. I cannot trust that mingled combination on the other side of the House, and I object. [Laughter.]

Mr. BROOKS, of New York. I call for the regular order.

Mr. SCOFIELD. I suggest to the Chair that he put the two cases together, and ask consent for both gentlemen.

The SPEAKER. How long a period does the gentleman from Indiana [Mr. KERR] require?

Mr. KERR. Five minutes will do.

The SPEAKER. How long does the gentleman from Ohio [Mr. STEVENSON] wish?

Mr. FARNSWORTH. I demand the regular order of business. Let us have these things after the House gets cool.

PATENT AND COPYRIGHT LAWS.

The SPEAKER. The morning hour now begins, at ten minutes past three o'clock, and the House resumes the consideration of the bill (H. R. No. 1714) to revise, consolidate, and amend the statutes relating to patents and copyrights, reported from the Committee on Patents. The gentleman from Rhode Island [Mr. JENCKES] has three minutes of his hour remaining.

Mr. JENCKES. I have but a single point remaining in explanation of this bill reported to the House during the last morning hour, and I give notice to the House that at the close of my hour I shall yield the floor without calling the previous question either upon the bill or the amendments, in order that the Chair may assign the floor to some other gentleman in whose time the amendments proposed by the committee may be considered.

The propositions submitted by the committee are few, clear, definite, and precise in their language, and if any gentlemen wish to move amendments to any of them I propose to afford them an opportunity to do so. An addition has been made to the law of copyrights, to which I did not call the attention of the House in my previous remarks. We have extended the privileges of that law from time to time to other subjects than those originally embraced in it. For instance, by a law passed some four or five years ago they were extended to photographs and negatives thereof. We now propose to extend them to paintings and works of art, believing that an artist has as much right to the exclusive reproduction of his own works as an author or engraver.

The committee have also considered the effect of the proposed revision upon all existing legal rights, and in the clause of repeal and the schedule of acts repealed referred to in it they have carefully preserved every existing right, extending the remedial provisions of this act to all proceedings and suits hereafter commenced, so that where remedies are enlarged they will be available to all those who shall seek those remedies upon existing rights hereafter. That is the principle by which the committee has been governed in offering amendments to the bill and also in considering the report of the commissioners of revision. Their object has been, not to disturb any existing rights or to take away any remedies, but to enlarge the remedies in every case where they could do so consistently with the principle of the law.

[Here the hammer fell.]

Mr. STEVENS. I do not propose, after the elaborate remarks of the gentleman from Rhode Island [Mr. JENCKES] upon the character and merits of this bill, to occupy the time of the House by any remarks of my own. I propose, however, to permit such remarks to be made upon the bill by others and certain amendments to be offered which I understand gentlemen desire to submit; and I will yield first to the gentleman from Maine [Mr. PETERS] to offer an amendment.

Mr. PETERS. I move to add at the end of section eighty-six the following:

And the Librarian of Congress shall receive a yearly compensation of $3,500, to commence when this act shall take effect.

Mr. Speaker, those members of the House who have read this bill will see that it imposes upon the Librarian of Congress very greatly increased labors. His salary now is but $2,500, and I propose by this amendment to test the sense of the House whether, in consideration of these additional services and for other considerations, the salary of the Librarian shall not be increased from $2,500 to $3,500.

I offer this amendment in behalf of the Committee on the Library, not from any official action, because they have not been able to get together since this bill was reported to the House, but from having learned their individual views expressed to me. They will probably speak for themselves before the amendment shall be acted on.

There has been a sentiment for some time among individual members of Congress that the compensation of the Librarian of Congress was insufficient. I have taken the trouble to make an analysis of the duties which he is called upon to perform under the law as it now stands, and also a brief analysis of the duties which he will be called upon to perform under this bill should it become a law.

The duties of the Librarian of Congress, with his present salary of $2,500 a year, are, first, the constant oversight the year round of a library now numbering nearly two hundred thousand volumes, much the largest library in the United States; second, the care of from ten to twelve thousand new books added every year, all of which have to be collated, catalogued, bound, and assigned to their proper places, under one responsible eye; third, the careful reading of several thousand catalogues annually of auction sales and book stocks in Europe and America, to secure eligible and economical purchases; fourth, the vigilant watching of all new issues of the press and careful selection of books for purchase; fifth, the preparation and printing of full catalogues of the Library, involving careful critical revision of titles in most of the languages of Europe. Ours is the only Government Library in the world which issues annual printed catalogues. Sixth, the receipt and care of copyright publications to the number of from four to six thousand annually, and the issue of over one thousand requisitions to proprietors of delinquent copyrights. The enforcement of this law requires much time and incessant vigilance. Seventh, the care and oversight of an exchange of all public documents and publications of bureaus and departments with foreign Governments for their publications; eighth, the furnishing of immediate information in all departments to Congress and to the public at call.

Under this bill, if it shall become a law, the duties of the Librarian of Congress will be increased by making him the responsible register of copyrights for the whole United States, besides transferring to his care the large library of copyright matter now accumulated at the Patent Office. This will require the issue of from four to six thousand copyright certificates per annum, and he is also required to give an additional bond in the sum of $5,000 for the payment of all fees received into the Treasury.

Considering the complex and responsible character of his other duties, and the fact that he is required by the steady exactions of business to be at his post of labor the year round, while the officers of the House and Senate are mostly relieved from labor during the recess of Congress, it would seem but fair that the Librarian's compensation should be at least $3,500 per annum. It is now but $2,592, which is

reduced by the income tax to about twenty-five hundred dollars. No advance, except the twenty per cent. increase common to all has been made in his salary in fifteen years past, though the contents of the Library have been quadrupled and the labors of the Librarian multiplied in a still greater ratio. The salary of the principal librarian of the British Museum is £1,200, or $6,000. That of the superintendent of the Boston Public Library is $3,000. I have a table which shows the salaries now paid to the principal and some of the subordinate officers of the Senate and House.

Now, I wish to compare for a moment the rates of compensation paid to subordinate officers of the Senate and the House with the compensation now paid to the Librarian of Congress. The Sergeant-at-Arms of the House received an annual compensation of $4,320 under the late appropriation bill; the Clerk of the House received $4,320; the Secretary of the Senate, $4,320; the Chief Clerk of the Senate, $3,092; two other clerks in the Senate, each, $2,592; two stenographers of the committees of the House, each, $4,380; the clerk of the Committee of Ways and Means, $2,592; the clerk of the Committee on Appropriations, $2,592; clerk of the Sergeant-at-Arms of the House, $2,500; Doorkeeper of the House, $2,592; Chief Clerk and Journal Clerk of the House, each $3,000; and for the arduous duties which the Librarian of Congress is called upon to perform he is to receive but about two thousand five hundred dollars.

As to the fitness of the Librarian of Congress for the place he occupies nobody can have a doubt who is at all acquainted with him. Mr. Spofford could to-day leave the situation which he now holds and obtain a much larger compensation in some other place. But he has so much love for the business, he has such an enthusiasm and desire to fill properly the place which he now occupies, that the additional salary to be obtained in other places has not been a temptation to him. And from an intimate knowledge of this officer, and with some knowledge of his private relations, I can say to the House that he has hard work to eke out a support of his family with the sum of $2,500 which he now receives.

There is a provision in this bill which, if it shall become a law, will save to the Government annually from four to six thousand dollars. The Librarian is to collect one dollar upon each copyright. I guaranty that when this becomes his duty that vigilant officer will collect the fee in every case. About five thousand copyrights—the average within two years has been from four to six thousand—are issued annually. The fees paid upon the issue of those copyrights are now received by the clerks of the district courts where the copyrights are taken out. Although by law the clerks of those courts are required to render an account to the Treasury of the United States, I believe that in all the districts the judges have allowed the clerks to retain the fees collected in that way as payment for their services in that behalf. Now, the provision of this bill is that all this business shall be under the supervision of the Librarian of Congress. The provision in reference to these fees is a stringent one. If the Librarian is to be subjected to this arduous duty, and to collect for the benefit of the Treasury from four to six thousand dollars annually, of which the Treasury does not now receive a single cent, I ask that this officer, whose compensation is now so small, and who now discharges his duties with such great efficiency, shall be allowed for the labors already imposed on him, and those additional labors to be imposed by this bill, the sum of $1,000 additional, when he will save thousands of dollars to the Government annually. It appears to me that no member of the House ought to vote against this proposition.

Mr. STEVENS. I am not authorized by the committee to assent on their behalf to this amendment; but I see no objection to a vote of the House upon it, or to its incorporation as a part of the bill.

Mr. HOLMAN. I wish to make an inquiry. Is not the present salary of the Librarian $2,500?

Mr. STEVENS. Yes, sir. This bill, while increasing his salary, imposes additional duties upon him, and will undoubtedly prove to be a measure of retrenchment and reform in the interest of the Government.

Mr. HOLMAN. It seems to me that if any salary may properly be increased, that of the Librarian is certainly such a one.

Mr. STEVENS. I now yield to the gentleman from Iowa, [Mr. PALMER.]

Mr. PALMER. I cheerfully indorse the statements of the House chairman of the Library Committee. The duties of the Librarian of Congress compel him to be actively employed the year round from nine to twelve hours per day. He is custodian of the largest library in America, now nearly two hundred thousand volumes, and must keep constantly catalogued, collated, labeled, and arranged, additional accessions to the number of ten to twelve thousand volumes annually. Beside this, he is required to prepare an annual catalogue and general catalogues of the whole Library, both by subjects and authors, involving critical knowledge of most of the languages of Europe. He is also required to receipt for copyright books and other publications to the number of four to five thousand per year; to notify delinquent publishers of every omission to send their publications, involving constant vigilance, and to be ready to furnish information to any member of either House, or to the public. His labors are increased by this bill, which makes him the responsible register of copyrights for the whole country, and places in his charge an additional library of copyright works, numbering thirty thousand volumes, all of which he must catalogue and care for. His bond is also increased by the bill to $8,000.

Considering the complex character of his office, the salary of $2,592 now paid the Librarian of Congress is inadequate, and far below the compensation received by officers of either House whose duties are, in the main, confined merely to the time of the sessions of Congress. His is the only considerable office which is common to both Houses, and while the salaries of the House librarian, short-hand reporters, and clerks to committees have been increased by special resolution, he has neither asked nor received any increase of salary in his nine years' service, except the twenty per cent. voted in 1866 to all the officers of Congress without distinction. If the bill reported by the Committee on Patents, amended as proposed by the gentleman from Maine, [Mr. PETERS,] should pass, the increased salary to the Librarian would be no tax on the Federal Treasury, for the amount of copyright fees secured to the Treasury would exceed by about four thousand dollars the amount of the proposed increase. I trust the amendment may be adopted.

The question then recurred on the amendment of Mr. PETERS; and being taken, it was agreed to.

Mr. STEVENS. I now yield to the gentleman from New Jersey, who, I understand, has some amendments to offer.

Mr. CLEVELAND. I have certain amendments which I desire to offer.

Mr. STEVENS. I will yield for the purpose of hearing what the amendments are.

Mr. CLEVELAND. In section seventy-nine, line three, I move to strike out the word "unless" and insert "except in cases where such trade-mark is claimed for and applied to articles not manufactured in this country, and in which;" so that the section will then read:

SEC. 79. Such trade-mark shall remain in force for thirty years from the date of such registration, except in cases where such trade-mark is claimed for and applied to articles not manufactured in this country and in which it receives protection under the laws of any foreign country for a shorter period, in which case it shall cease to have any force in this country by virtue of this act, at the same time that it becomes of no effect elsewhere; and during the period that it remains in force it shall entitle the person, firm, or corporation registering the same to the exclusive use thereof so far as regards the description of goods to which it is appropriated in the statement filed under oath as aforesaid, and no other person shall lawfully use the same trade-mark, or substantially the same, or so nearly resembling it as to be calculated to deceive, upon substantially the same description of goods, &c.

Mr. STEVENS. I am willing to consider that amendment as pending.

Mr. CLEVELAND. I have another amendment to offer to the same section. Add the following proviso:

Provided, That six months prior to the expiration of said term of thirty years application may be made for a renewal of such registration, under regulations to be prescribed by the Commissioner of Patents; and the fee for such renewal shall be the same as for the original registration, and such trade-mark shall remain in force for a further term of thirty years: *Provided further*, That nothing in this section shall be construed by any court as abridging or in any manner affecting unfavorably the claim of any person, firm, corporation, or company to any trade-mark after the expiration of the term for which said trade-mark was registered.

Mr. STEVENS. I do not object to the gentleman moving that amendment and having it pending before the House.

Mr. JENCKES. I hope the gentleman's amendment will be accepted.

Mr. CLEVELAND. I also desire to move to strike out section seventy, as follows:

SEC. 70. On all patents hereafter granted there shall be paid the following additional fees, namely, at or before the expiration of the term of seven years from the date of the patent the sum of twenty-five dollars, and at or before the expiration of the term of twelve years from the date of the patent the further sum of fifty dollars; and in default of the payment of either of the sums aforesaid, within the periods aforesaid, the said patent shall be forfeited, and the invention so patented become public property.

The SPEAKER. There are two amendments now pending, and the last motion of the gentleman from New Jersey, to strike out, cannot be entertained at this time except by unanimous consent.

Mr. STEVENS. I cannot yield for the purpose of permitting the latter amendment to be offered.

Mr. CLEVELAND. Then I give notice that I shall make that motion at the proper time. I also give notice that at the proper time, in section eight, which is as follows, I shall move to strike out the words, "including Patent Office reports:"

SEC. 8. The Commissioner may send and receive by mail, free of postage, letters, printed matter, and packages relating to the business of his office, including Patent Office reports.

My amendment proposes to do away with this franking privilege on the part of the Commissioner.

Mr. STEVENS. I yield now to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. In section nineteen, page 7, line eight, I move to add the words, "by such employés as are appointed by the Secretary on nomination of the Commissioner." It will be observed, and I desire the attention of the House to it, that this section permits the Commissioner to rent as many rooms as he may deem necessary.

Mr. JENCKES. That has been stricken out. The portion referred to by the gentleman from Massachusetts, and which has been stricken out by the Committee on Patents, is as follows:

The Commissioner may rent, under the direction of the Committees on Patents of the Senate and House of Representatives, such rooms as may be necessary for the speedy and convenient transaction of the business of his office.

The section now reads as follows:

The Commissioner, subject to the approval of the Secretary of the Interior, may from time to time establish rules and regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office.

Mr. BUTLER, of Massachusetts. Now, he has under him a board of examiners, who are

nominated by the President and confirmed by the Senate, and who are quite his equals in every respect. I understand that the opinion of the Committee on Patents is that this provision as to establishing rules and regulations for the proceedings does not apply to the conduct of the employés of whatever class. But the difficulty is that the Commissioner has made a series of time-tables, and other rules and regulations covering the acts of the employés, which he has applied to the examiners, who are his equals and coördinates, and who ought not to be in any way under him. Therefore I want to put in this language to exclude the idea of his having any such power. I am willing that he should govern his clerks and laborers and all who hold under him, but I am not willing that he shall have the power of annoying and disturbing, if he chooses, the men who are appointed by the same power as he is and with the same rank.

Mr. JENCKES. I think I can show the gentleman from Massachusetts that his amendment is not needed. This power to make rules and regulations is to apply to the proceedings in the Patent Office, and not at all to the persons employed there; and the rules and regulations to which the gentleman refers, and of which he complains, are made by the Commissioner under the power in the existing law, which is reprinted in this bill, at the end of section ten, in the following words:

"They shall be governed in their actions by rules prescribed by him."

That power we propose to take away. It is part of the recommendation of the committee that these words shall be stricken out from the existing law, and that the power which the Commissioner shall have and ought to have shall be that of regulating the manner in which proceedings shall be conducted in his office; the rules of court, so to speak, not the rules of decision but of government. I hope the gentleman will withdraw his amendment.

Mr. BUTLER, of Massachusetts. The explanation which the chairman of the Committee on Patents has put on record will obviate the necessity of the amendment I had proposed. I therefore withdraw my amendment. But I desire to make another, in the ninth line of the tenth section. The section, as reported from the committee, reads thus:

The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the appellant, to revise and determine upon the validity of the adverse decisions of examiners upon applications for patents, and for reissues of patents, and in interference cases; and when required by the Commissioner they shall hear and report upon claims for extensions, and perform such other duties as he may assign them.

I want to strike out the words "he may assign them," and insert in their place the words "may be assigned them by law." The chairman of the committee will see that under the words "and perform such other duties as he may assign them" the Commissioner might—though that would not be very likely—yet he might put them to sweeping out the office. The duties should be assigned them by law, and not by the will of the Commissioner. That is the point I desire to make.

Mr. JENCKES. The language which the gentleman objects to is the language of the existing law. As there is no hardship under it we did not take the responsibility of recommending its alteration.

Mr. BUTLER, of Massachusetts. Ah! But the difficulty is that under the old law the Commissioner has shown a disposition to interfere, which the committee by this bill seek very properly to regulate.

Mr. JENCKES. We thought we met that objection sufficiently by taking away the power to assign duties in the office. But there are many things in which the Commissioner might wish the services of the examiners-in-chief, but which it would be very difficult to prescribe definitely by law.

Mr. BUTLER, of Massachusetts. Then I will compromise by moving to substitute the word "like" for the word "other," so that it will read "such like duties as he may assign them."

Mr. JENCKES. I have no objection to that.

Mr. BUTLER, of Massachusetts. Then I withdraw my amendment, and substitute for it that which I have just indicated.

The Clerk read the proposed amendment, as follows:

In line nine, section ten, strike out the word "other" and insert the word "like;" so that the section will read:

The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the appellant, to revise and determine upon the validity of the adverse decisions of examiners upon applications for patents, and for reissues of patents, and in interference cases; and when required by the Commissioner they shall hear and report upon claims for extensions, and perform such like duties as he may assign them.

Mr. STEVENS. I do not understand that to have been the compromise offered and accepted by the two gentlemen here. The word "other" should remain in the text.

Mr. JENCKES. It will then read "other like." I have no objection to that.

Mr. BUTLER, of Massachusetts. I do not see that it alters it at all.

The amendment was agreed to.

Mr. STEVENS. I now yield to the gentleman from New Jersey, [Mr. CLEVELAND.]

Mr. CLEVELAND. This is a very important bill and one greatly needed by the country. It proposes to revise, consolidate, and amend the statutes relating to patents and copyrights.

In regard to the first amendment, proceeding in the order of the bill, which I propose, it is in section eight, lines three and four, to strike out the words "including Patent Office reports." I do it because we decided by a vote of this House almost unanimously that these reports should no longer be sent to the country through the mails free of postage. We abolished the franking privilege, and if we did it in good faith let us stick to it. I voted for that bill in good faith. When I voted to abolish the franking privilege I intended, so far as I was concerned, to abolish it entirely and absolutely so far as the distribution of these public documents is concerned; and yet it is revived in this section of this bill, and by this provision the Commissioner of Patents may be enabled to distribute all the copies of the Patent Office report that may be published. That is all I desire to say upon that point.

I pass now to sections sixty-eight and seventy. By looking at page 36 of this bill it will be discovered that where there may be difficulty in the way of the procuring of a patent the fees will amount to $115, being as follows:

On filing each original application for a patent, $15.
On issuing each original patent, $20.
On filing each caveat, $10.
On every application for the reissue of a patent, $30.
On filing each disclaimer, $10.
On an appeal for the first time from the primary examiners to the examiners-in-chief, $10.
On every appeal from the examiners-in-chief to the Commissioner, $25.

That makes in all $115. Now, I do not oppose those fees. They are the fees placed in the bill by the committee, and are possibly the same as existed before. But what I propose to oppose is the imposition of additional fees; and I understand that the Committee on Patents are opposed to my amendment. I propose to strike out the seventieth section, which I ask the Clerk to read.

The Clerk read as follows:

SEC. 70. On all patents hereafter granted there shall be paid the following additional fees, namely, at or before the expiration of the term of seven years from the date of the patent the sum of twenty-five dollars, and at or before the expiration of the term of twelve years from the date of the patent the further sum of fifty dollars, and in default of the payment of either of the sums aforesaid, within the periods aforesaid, the said patent shall be forfeited, and the invention so patented become public property.

Mr. CLEVELAND. Now, Mr. Speaker, this is a new provision introduced by the committee imposing additional fees to the amount of $75 beyond the $115 for procuring a patent. It is within the experience of many of the members of this House, and it is within the experience of thousands of poor inventors in the country, who have been assisted by the liberality of our patent laws, that it takes them half, three fourths, nearly the whole time their patent has to run during the first term before they can succeed in perfecting the operations necessary under it and in getting the article into the market or disposing of their patent. Now, by this bill it is proposed that while the inventor is still struggling during the first seven years of the existence of his patent he shall pay the Government an additional fee of twenty-five dollars; and if he shall be so poor, as hundreds and thousands of these inventors are, as to be unable to pay the twenty-five dollars, he must either raise the money by parting with an interest in his patent to some capitalist or else lose his patent. But if fortunately he is able to raise the twenty-five dollars necessary to pay that fee, then the bill proposes that five years after that, when perhaps he has just succeeded or is about to succeed in establishing his article in the market, in demonstrating its value, and in inducing capitalists to take hold of it, he shall be compelled to pay another fee of fifty dollars; and if unfortunately he is unable to pay that, then he loses his patent and the whole amount he has already paid to the Government—the $115 paid at the outset and the $25 paid at the end of seven years; and all the labor, time, expense, and anxiety which he has bestowed upon his invention in trying to perfect it, all that is lost to him forever.

Mr. WARD. I wish to understand——

Mr. CLEVELAND. It is generally the poorer classes of people who desire these patents.

Mr. WARD. I understood the gentleman to say that this bill provided for an increase of the fees to be paid by parties who apply for patents.

Mr. CLEVELAND. Additional fees.

Mr. WARD. To what extent?

Mr. CLEVELAND. It is not an increase of the regular fees, as I will explain. The fees to be paid when a patent is first issued, I understand, are to be the same precisely under this bill that they are now.

Mr. JENCKES. The gentleman is correct.

Mr. CLEVELAND. So I understand. I am not opposed to those fees, but to the additional fees.

Mr. WARD. What are the proposed additional fees? I understood the gentleman to state that there were additional fees. It occurs to me that these inventors pay sufficiently high fees now, and that the fees should rather be reduced than increased.

Mr. CLEVELAND. If the gentleman had paid attention to what I said he would have understood what additional fees are proposed. At the end of seven years after a patent has been issued an additional fee of twenty-five dollars is to be paid, and at the end of twelve years an additional fee of fifty dollars more; and in default of the payment of either of those additional fees the inventor will lose his patent entirely.

Mr. WARD. What is the object of this increase? Why impose those additional fees?

Mr. CLEVELAND. I say there is no object in doing so except to increase the revenues of the Patent Office, which I think are large enough already. Or, if there is any other object in it, it is to discriminate against the poor inventor whom the patent laws and the Patent Office were established to protect, and in favor of the rich inventor, who is able to raise the money and pay these fees, after going through seven or twelve years' labor and experiment in trying to perfect his invention up to that point. For that reason I am in favor of striking out

this section altogether. It is entirely new matter, and altogether unnecessary for the enforcement of the patent laws.

Section seventy-nine of this bill is in relation to trade-marks. The Committee on Patents have very wisely, it seems to me, introduced new matter under the head of "trade-marks." Trade-marks are but little understood in this or in any other country by other than the particular persons interested in the establishment of trade-marks. Their value is really not generally appreciated by the community at large. It is only of late years that the courts have been inclined to construe liberally the common law, under which the right is now claimed to establish trade-marks upon manufactured articles. It is not very many years back——

Mr. STEVENS. How long time does the gentleman desire upon this subject?

Mr. CLEVELAND. Not many minutes more.

Mr. STEVENS. I understood the gentleman to say that he wanted but a few minutes in all. There are other gentlemen who desire to be heard, and I will have to claim the floor soon under the arrangement which has been agreed upon.

Mr. CLEVELAND. Let me have three minutes more.

Mr. STEVENS. Very well.

Mr. CLEVELAND. I will have to leave the line of argument I had begun, and confine myself to the amendment I have offered.

Mr. MYERS. I hope the gentleman will be allowed ten minutes more.

Mr. STEVENS. I do not desire to restrict the gentleman unnecessarily.

Mr. MYERS. There is no hurry about the matter.

Mr. CLEVELAND. I will ask for ten minutes more.

Mr. STEVENS. Very well.

Mr. CLEVELAND. It is only within a few years that the courts of any country have been inclined to construe liberally the common law in regard to trade-marks. Only a few years since the highest court in England decided that the practice of establishing trade-marks was a practice promotive of monopolies in trade; but of late years a more liberal view has obtained in the courts both of England and of this country, and the courts are now inclined to construe the common law so as to protect trade-marks for the good of the public itself, as well as in behalf of manufacturers and those persons who are engaged in trade.

It is claimed, and justly claimed, that in the protection of trade-marks the courts are protecting the common people, people who are not expert in the purchase of the articles they need. A trade-mark is not necessarily a particular mark placed upon the article manufactured. It may be merely the maker's name put upon the article, or a distinctive label, so that those who want to purchase an article of a particular manufacture may be able to identify it and get the genuine article. Without such protection, the purchaser is constantly liable to be misled, unless he is able to examine as an expert every article that he may desire for personal or household use or for manufacturing purposes. But under the common law of trade-marks, as now construed by the courts, the public is protected. When you purchase an article under a given name or with a particular mark, you may be certain that the article is what it purports to be, unless some one has ventured to put upon the market an imitation, the sale of which the courts will stop when the matter is brought to their attention.

Within the last few years the courts of England and of this country have gone still further, and have so construed the law as to protect manufacturers as well as the public. This is a great advance upon the position occupied by the courts only a few years ago. Following the direction indicated by these liberal constructions of the courts, this bill proposes to extend and enlarge the protection afforded to manufacturers. It provides a method by which a manufacturer may register his trade-mark for a given term. In section seventy-nine the committee have provided for the registration of trade-marks, which registration is to continue in force for thirty years. I presume the committee would have fixed a much longer term but for the provision of the Constitution that protection of this kind shall be granted only for a limited period. My amendment provides that at the expiration of the first term of thirty years the registration may be renewed, so as to extend over a second term of thirty years; and it is further provided that the manufacturer shall not lose his protection under the common law in consequence of the expiration of those two terms of thirty years each.

This bill contains other important provisions which I have not time to discuss at length. In section eighty there are some important provisions which I hope the House will examine carefully before they are voted upon. It is well known that laws of this character, while intended to be liberal and to extend privileges, may be in fact restrictive, and may defeat by injudicious phraseology the very objects they seek to promote. I am afraid some of the provisions of this bill are not broad enough; and as to some I think the bill would have been better if they had not been introduced; but as the committee, after thorough examination of the subject, have deemed them necessary, I am willing to acquiesce in the judgment of the committee.

I shall move to insert after the word "obtain," in line nine of section seventy-eight, the word "special;" so that the phrase will read, "for exclusive use within the United States may obtain special protection for such lawful trade-marks." This bill makes the Commissioner of Patents a judge. He is to determine very important questions. He is to decide what are and what are not trade-marks. After he has decided that a mark embraced in a particular application "is not and cannot become a lawful trade-mark" according to the language of this bill, a shade may thereby be cast over it in the courts when the manufacturer afterward seeks to sustain his claim under the common law. This difficulty is perhaps unavoidable. I have submitted to the committee a suggestion designed to obviate it; but the committee see no way out of the difficulty. The bill provides:

> The Commissioner of Patents shall not receive and record any proposed trade-mark which is not and cannot become a lawful trade-mark, or which is merely the name of a person, firm, or corporation only, unaccompanied by a mark sufficient to distinguish it from the same name when used by other persons, or which is identical with a trade-mark appropriate to the same class of merchandise and belonging to a different owner, and already registered or received for registration, or which so nearly resembles such last-mentioned trade-mark as to be likely to deceive the public.

Now, the names of persons and corporations are trade-marks, and the Commissioner of Patents cannot by any decision of his prevent them from becoming trade-marks. They are acknowledged as trade-marks everywhere so far as I can ascertain. They have been recently acknowledged as trade-marks in France. They have also been acknowledged as trade-marks in England. But by this provision the Commissioner of Patents may cast a shade upon trade-marks to which these people are legally entitled, and to which their claims have always been recognized. I do not think, however, that this provision will accomplish the purpose of the Committee on Patents.

Mr. STEVENS. I now yield to the gentleman from Rhode Island.

Mr. JENCKES. The gentleman from New Jersey [Mr. CLEVELAND] expresses his approval of the provisions reported by the Committee on Patents in favor of the recognition of trade-marks, and I am glad to have his support. To the amendments which he has proposed to the seventy-ninth section I see no objection, and if there be no objection from any other quarter, I trust by unanimous consent they may be considered as adopted.

The SPEAKER. If there be no objection, the two amendments proposed by the gentleman from New Jersey to the seventy-ninth section will be considered as adopted.

There was no objection; and the amendments were accordingly agreed to.

Mr. JENCKES. Now, in regard to the seventieth section, which my friend from New Jersey proposes to strike out, providing for additional fees, I have only to say it is a fair subject for difference of opinion. The committee recommended this section and ingrafted it into the bill, because from all the information before them they deemed it necessary. It was intended for the purpose of preventing the reissue of useless patents as they die out. There is no great hardship in any man who has a useful invention at the expiration of seven years being asked to pay into the Treasury a fee of twenty-five dollars, and at the end of twelve years a fee of fifty dollars. It will increase the revenue of the Patent Office, besides saving us from the reissue of useless patents.

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

Mr. JENCKES. Certainly.

Mr. CLEVELAND. Does the Patent Office need these fees?

Mr. JENCKES. It does not now; but it may hereafter. The expenses of the Department increase as the business increases. It does not really impose any additional burden upon the poor inventor, as it will come upon the manufacturer who is working under the patent after the value of the invention has been developed. But I will submit to a vote of the House whether the amendment shall be adopted or not.

Mr. GRISWOLD. I understand the Patent Office is now not only a self-sustaining institution, but has a surplus of $100,000. This being so, I ask whether it is not wrong on our part to impose additional burdens upon poor inventors in procuring their patents?

Mr. JENCKES. That is another thing. If we were acting on that subject now the committee would favor a reduction of the expenses in making the original application for a patent. That, however, is now pending before the Committee on Patents, and it will be time enough to consider it when it comes before the House. Section eight, to which the gentleman from New Jersey has made objection, in reference to the franking privilege, is preserved in the bill because it is the existing law. If the bill that passed the House for the abolition of the franking privilege becomes a law then this will have no effect; and I therefore suggest to the gentleman not to insist on his amendment to that section.

Mr. CLEVELAND. Under this provision cannot the Commissioner of Patents distribute the whole of the Patent Office reports?

Mr. JENCKES. You may do so now under the existing law, and I hope he will do so before the franking privilege is abolished, so that they may be distributed and placed where they will be of advantage.

Mr. STEVENS. As the morning hour has nearly expired I do not propose to take any further action now, but will let the bill go over until to-morrow.

The morning hour having expired, the bill went over.

SPEAKER'S TABLE.

Mr. GARFIELD, of Ohio. I move that the House now proceed to the consideration of the business on the Speaker's table, in order that we may take up and non-concur in the amendments of the Senate to the census bill.

Mr. INGERSOLL. I object to going to the

Speaker's table to take up any special bill as the gentleman proposes; but I am in favor of taking up the business on the Speaker's table in regular order.

The House divided; and there were—ayes 76, noes 34.

So the motion was agreed to.

Mr. COX. I move that the House do now adjourn.

The motion was disagreed to.

MOBILE MARINE HOSPITAL.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in response to a resolution of the House, concerning the condition and management of the marine hospital at Mobile, Alabama; which was referred to the Committee on Commerce, and ordered to be printed.

RENT PAID FOR HEADQUARTERS.

The SPEAKER also laid before the House a communication, from the Secretary of War, transmitting, in compliance with the request of the Committee on Military Affairs, statements prepared by the Quartermaster General of the amounts paid during the past year for rental and other expenses connected with the General, Lieutenant General, and major generals of the Army; which were referred to the Committee on Military Affairs, and ordered to be printed.

TESTS OF SPIRITS METERS.

The next business on the Speaker's table was a letter from the Commissioner of Internal Revenue, in relation to certain spirits distilled under the direction of a committee appointed to make certain tests of spirits meters; which was referred to the Committee of Ways and Means, and ordered to be printed.

GEORGE E. COOPER.

The next business on the Speaker's table was a letter from the Secretary of War, in relation to the presentation of a gold watch and chain to Surgeon George E. Cooper, of the Army of the United States, by the Government of France; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

SALES BY POST TRADERS.

The next business on the Speaker's table was a letter from the Secretary of War, in relation to sales to enlisted men by post traders; which was referred to the Committee on Military Affairs, and ordered to be printed.

LEVI C. GUPTILL.

The next business on the Speaker's table was a letter from the Secretary of War, transmitting a copy of a deed executed by Levi C. Guptill, of the State of Iowa, conveying to the United States two certain lots of land situate in the village of Estherville, county of Emmett, Iowa.

On motion of Mr. WELKER, the communication was referred to the Committee on Private Land Claims, and ordered to be printed.

TICE METER.

The next business on the Speaker's table was a letter from the Treasury Department in reference to the Tice meter.

On motion of Mr. ALLISON, the communication was referred to the Committee of Ways and Means, and ordered to be printed.

CENSUS.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives and to provide for their future apportionment among the several States," approved May 23, 1850.

Mr. GARFIELD, of Ohio. I desire to move, with a view to saving the time of the House, that the House non-concur in the amendment of the Senate, in order that the matter may go to a committee of conference. And I would just say that the Senate made this amendment with the express understanding that while they desired those changes a committee of conference should be granted if asked for.

Mr. HOLMAN. I ask that the amendment by the Senate may be reported.

The Clerk read the amendment, as follows:

Strike out all of the original bill after the enacting clause of the House bill and insert in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, directed to include in the instructions to the United States marshals for taking the census the present year directions to obtain the following statistics respecting the surviving officers, soldiers, and sailors of the war of 1812, and the surviving widows of deceased officers, soldiers, and sailors of said war, to wit: name and age of each surviving officer, soldier, and sailor; name of deceased officer, soldier, and sailor whose widow survives; date of enlistment and length of service, with name of company and regiment and vessel in which service was rendered, as nearly as may be, of each officer, soldier, and sailor, and of each deceased officer, soldier, and sailor whose widow survives; what pension, if any, the surviving officer, soldier, and sailor, or widow, is receiving.

SEC. 2. *And be it further enacted*, That the time allowed for transmitting the said copy of the returns of the assistant marshals to the Census Office is hereby further limited so that the returns of population and mortality upon schedules numbered, respectively, one and six, in the act of May 23, 1850, shall be sent to that office on or before the 15th day of August next, and the complete returns upon all the schedules annexed to and made part of that act, excepting upon the schedule therein designated as No. 2, which schedule is hereby revoked, canceled, and declared to be no longer a part of said act, shall be forwarded to the Census Office before the 1st day of October following: *Provided*, That the Secretary of the Interior shall be authorized to extend the time allowed for returns on the schedules, other than those of population and mortality, in any case where it shall appear to him to be necessary: *Provided further*, That whenever, from the loss or destruction of returns, or from causes beyond the control of the officers charged with the enumeration, it shall be shown to be impracticable to comply with the requirements of this section, the Secretary of the Interior is authorized to extend the time allowed for rendering returns of population and mortality, not beyond the 1st day of October next.

SEC. 3. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized to increase the compensation allowed marshals or agents and their assistants for taking the ninth census in California, Nevada, Oregon, Utah, New Mexico, Montana, Idaho, Colorado, Wyoming, Arizona, and Washington, but only so much as may be found necessary to secure the prompt and faithful execution of the work.

SEC. 4. *And be it further enacted*, That each assistant marshal or agent shall be paid for making out and returning complete copies of the original census returns, as required in the eleventh section of the act to which this is a supplement, eight cents for each page of the two copies of the original census returns required by the said eleventh section.

Mr. GARFIELD, of Ohio. I ask that the House non-concur in the amendment of the Senate.

The SPEAKER. The question must be put in the form, "Shall the House concur in the amendment?"

Mr. PAINE. I desire to move that the House concur in the amendment, with the exception of the first section.

Mr. GARFIELD, of Ohio. If the House will permit me, I will make a brief statement.

The SPEAKER. The gentleman has the floor, and is entitled to proceed.

Mr. PAINE. I rise to a point of order. It is that a motion to concur in an amendment must take precedence.

The SPEAKER. The Chair will state that the motion to non-concur is never put. The question is always put, "Shall the House concur?" The gentleman from Ohio may indicate to the House his reasons for desiring non-concurrence, but the Chair can only put the question of concurrence.

Mr. PAINE. I move to concur in the amendment, with the exception of the first section.

The SPEAKER. The gentleman from Wisconsin [Mr. PAINE] did not have the floor to make that motion. The gentleman in charge of the bill, as representing the Committee on the Census, was on the floor. And the Chair can only put the motion in the way in which that gentleman desires.

Mr. GARFIELD, of Ohio. I will say a word, and then yield to the gentleman to make any motion he desires. I simply wish to say that we are now so near the 1st of May, at which time we must be sending out the blanks, in order that they may reach their points of destination, that the taking of the census may begin according to law on the 1st of June, that there ought to be no further delay if it can possibly be avoided. I feel that the only safe course in regard to this matter is to non-concur in the amendment of the Senate. They may ask a committee of conference if they choose, and let all the suggestions that anybody has to offer be laid before that committee of conference, and then in the report, which may be made very soon, the whole matter may be brought up. I hope that will be done and that the motion to concur will be voted down.

Mr. PAINE. I move that the House concur in the amendment of the Senate, with an amendment to strike out the first section. I agreed with the gentleman from Ohio, [Mr. GARFIELD,] as he will bear me witness, on the main features of the bill which was reported by the Census Committee and carried through this House. I approved that measure most heartily, and gave it my most cordial support. But I am entirely satisfied, from the proceedings of the Senate upon that bill, that it is utterly idle to hope that that measure will receive the support of the Senate during the present session of Congress. It is manifest, from what has already occurred, that the Senate are resolved upon passing no such bill, but upon making some few additions to the law now in force, which are provided for in this amendment. I have, therefore, abandoned all hope that any such bill as my friend and I should be glad to see passed will become a law at this session. I am unwilling, then, that being so, to intrust this bill to a committee of conference. I do not know what the conclusions of that committee might be. I have been compelled too often to vote in this House upon questions presented by conference committees when I have had no opportunity for examination.

Now, I do know what is in this bill. The Senate have carefully considered and passed it, and if the first section, which seems to me to be a most improper provision for taking statistics in regard to soldiers of the last war, shall be stricken out, I am willing to take it as a slight improvement upon the existing law, and to allow the next census to be taken under it. I am free, at the same time, to say that if I had the remotest hope that the plan which the gentleman from Ohio presented to the House and so urgently advocated here could receive the vote of the Senate, I would not object to his proposition to non-concur and refer the matter to a committee of conference; but believing, as I do, that we must either vote for this or incur the danger of being compelled to vote for something worse as the result of a conference committee, I ask the House to concur in the amendment of the Senate, with an amendment striking out the first section.

Mr. GARFIELD, of Ohio. I would not say a word in reply to the remarks of my friend from Wisconsin [Mr. PAINE] if he were not manifestly under a misapprehension as to the purpose of my motion. I, too, like him, have very regretfully been compelled long before this to abandon all hope of securing the passage of the bill which the House passed early in the session and sent to the Senate. But since that time—and the gentleman does not seem to have observed it—on the 22d day of March, the House sent a short bill of six sections to the Senate, abandoning their original plan altogether, and merely remedying some of the imperfections of the present law, without any purpose of getting a new system adopted. For

instance, we proposed to do away with one of the three copies required by the present law, effecting a saving, as has been shown at the Interior Department, of $125,000 of expense. Now, that has been stricken out by the amendment of the Senate—that matter of clear saving. There is no more use of two copies in addition to the original than there is of a fifth wheel to a coach. We do not want that done. I do not intend to try, nobody proposes to try to have adopted the plan agreed upon in the beginning by the House. But what we do want is that that shall be done which I have stated, and also that another section shall be retained empowering the Secretary of the Interior to make certain changes in the schedule required by the new feature of the Constitution in relation to suffrage. That, we think, should be retained in the bill, and I do not despair of securing it.

There is another thing which we think should be left in the bill: the power in the Secretary of the Interior to make an increase of compensation to the extent of twenty-five per cent. whenever in his judgment the remuneration allowed is not sufficient. That is thrown out by the Senate, except in regard to the Territories. This may be a minor matter, but we think it is an important one. I have upon my desk here a communication from the marshal of the southern district of Ohio, in which he says that under the law as it now stands the assistant marshals will receive but little more than two dollars per day; and that it is absolutely necessary that some slight increase should be made in order to secure the proper taking of this census.

Mr. PAINE. My friend from Ohio [Mr. GARFIELD] having disclaimed any purpose in making the motion to non-concur in the amendment of the Senate of undertaking to bring forward for action again the former bill of the House in substance, and which I supposed to be his purpose, I will withdraw the motion I made.

Mr. GARFIELD, of Ohio. I now ask that the House non-concur in the amendment of the Senate.

The SPEAKER. The question will be taken upon concurring.

The question was then taken upon concurring in the amendment of the Senate; and it was not agreed to.

Mr. GARFIELD, of Ohio, moved to reconsider the vote by which the House refused to concur; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD, of Ohio. I move that the House request a committee of conference upon the disagreeing votes of the two Houses upon this bill.

The motion was agreed to.

REPRESENTATION OF GEORGIA.

The next business upon the Speaker's table was the amendment of the Senate to House bill No. 1335, to admit the State of Georgia to representation in the Congress of the United States.

Mr. BUTLER, of Massachusetts. I move that the amendment of the Senate be referred to the Committee on Reconstruction. I wish to say that I have seen the gentleman from Ohio, [Mr. BINGHAM,] who is interested in this subject, and I told him that any amendment which he chose to send to that committee would be, so far as I have anything to do with it, reported back for the action of the House.

Mr. FARNSWORTH. I would suggest to the gentleman from Massachusetts to move that the Senate amendment be printed.

Mr. BUTLER, of Massachusetts. Certainly; I include that in my motion.

Mr. LOGAN. The gentleman from Ohio [Mr. BINGHAM] is not now in his seat. He and I compared opinions upon this subject, and drew up an amendment which he intended to offer if he were here when the subject came up. I will now offer it for him, with the understanding that the Committee on Reconstruction, whatever may be their opinions on the subject, will report the amendment back for action in the House.

Mr. BUTLER, of Massachusetts. Certainly.

Mr. INGERSOLL. I desire to make a statement to which I would call the attention of the gentleman from Massachusetts, [Mr. BUTLER.] The gentleman from Ohio [Mr. BINGHAM] is now absent from his seat. Before he left he told me that he wished me to state to the House, if this subject should come up to-day, that it was the understanding on his part, had, I think, with the gentleman from Massachusetts himself, that the motion to refer should not be disposed of until to-morrow, when he could be here.

Mr. BUTLER, of Massachusetts. Oh, no; only that his amendment should also be referred.

Mr. CESSNA. I ask leave to offer a substitute for the Senate amendment, and have it referred and printed with the other.

Mr. INGERSOLL. I also ask leave to offer a substitute, to be printed and referred.

Mr. LOGAN. I ask that the substitute I have offered on behalf of the gentleman from Ohio [Mr. BINGHAM] be now read.

Mr. BECK. Will it be too late to raise any point of order after it is read?

The SPEAKER. It will not.

Mr. PAINE. In order to avoid all misunderstanding I would remind my friend from Illinois [Mr. LOGAN] that although the chairman of the Committee on Reconstruction may now consent to report back that amendment for the action of the House, perhaps the committee may disagree with him, and it might not be in his power to do so.

Mr. COX. I hope this matter will be postponed until the gentleman from Ohio [Mr. BINGHAM] can be in his seat.

Mr. BECK. I rise to make a parliamentary inquiry. If these amendments in the nature of substitutes are now presented, will they not cut off such amendments or substitute as the committee or a minority of the committee, on consideration, may desire to present?

Mr. BUTLER, of Massachusetts. By no means.

The SPEAKER. The House may refer to the committee as many substitutes as it chooses, yet the committee will report back the bill in such form as they deem best, with or without amendments; and when the bill is reported the parliamentary privilege of amendment will be as widely open as though no substitute had been offered.

Mr. BECK. Then I withdraw my objection.

Mr. LOGAN. On behalf of the gentleman from Ohio [Mr. BINGHAM] I offer, to be printed and referred to the committee, the following amendment:

Strike out all after the enacting clause of the bill, and insert in lieu thereof the following:

That an election shall be held in said State of Georgia in 1870 for members of the General Assembly of said State provided for in the constitution of said State, adopted by its convention on the 11th day of March, 1868, at which election all persons who by said constitution are electors shall be entitled to vote.

SEC. 2. *And be it further enacted*, That the State of Georgia is hereby declared entitled to representation in Congress.

I desire to state that I offer this substitute for the gentleman from Ohio, [Mr. BINGHAM,] who is absent. He and I agreed on this proposition, and he was to offer it; but in his absence I offer it for him.

The SPEAKER. If there be no objection the bill, together with the substitutes proposed by the gentleman from Illinois, [Mr. LOGAN,] the gentleman from Pennsylvania, [Mr. CESSNA,] and the gentleman from Illinois [Mr. INGERSOLL] will be referred to the Committee on Reconstruction, and the amendments will be printed in connection with the bill.

There being no objection, it was so ordered.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill and the several amendments were referred to the select Committee on Reconstruction; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX. I wish to ask the gentleman from Massachusetts at what time it is proposed to bring this matter before the House?

Mr. BUTLER, of Massachusetts. Not at present.

Mr. COX. Not until next week, I suppose?

Mr. BUTLER, of Massachusetts. Not until next week.

Mr. COX. All right.

LOUISIANA ELECTION CASE.

Mr. KERR. I rise to a question of privilege and offer the following resolution:

Resolved, That the Speaker of the House be directed to inform the Governor of the State of Louisiana that there is a vacancy in the representation from that State in the first congressional district thereof.

Mr. CESSNA. I rise, not for the purpose of objecting to the gentleman's resolution, but to suggest that possibly there may be some other cases in the same category in a few days, and perhaps we might as well dispose of them all at once.

Mr. KERR. I desire to be heard for a few moments before calling the previous question upon this resolution. In the course of my argument yesterday in the case of Sypher *vs.* St. Martin I said to the gentleman from Pennsylvania, [Mr. MYERS,] in answer to an interrogatory of his, that if he had listened to my argument in that case he would not have been at any loss to know how I would answer the question which he addressed to me. He seems to have taken offense at that answer. It is scarcely necessary for me to say that I made that answer in good faith, and that I thought the circumstances rendered it proper and justifiable. I did then believe, I do now believe, that the gentleman had given no attention to the argument which I was then making. If he had given attention to what I had said I am sure he would not have asked the question he did. If he had not given attention then I am sure my answer was not uncalled for. The gentleman thought to-day that he could make a point—to me it seemed an extremely small point—by suggesting that there is some inconsistency between my vote on the disposition of the case to-day and my argument yesterday. I may concede, Mr. Speaker, that in the result which was attained to-day there is an apparent inconsistency between those two positions; but I beg leave to invite the attention of the House for a moment to a few facts.

It will not be forgotten that when this case came on this morning for final disposition, and the House had adopted the first resolution, by which it was resolved by the House that John H. Sypher was elected as a Representative in this House from the first congressional district of Louisiana, it had thus been solemnly determined by the House that Mr. Louis St. Martin had not been elected, my arguments to the contrary notwithstanding. The House was about to suffer Mr. Sypher to approach the bar of the House to take the oath of office. Then there arose a possibility, by combination of gentlemen on this side of the House and gentlemen on the other side who desired to do justice and to prevent a great wrong being perpetrated by the House, of preventing the seating of Mr. Sypher as a Representative from that district. I desired most earnestly to accomplish that result. I considered it my imperative duty to do so if possible by any honorable means. I knew he had not been elected and was not entitled to the seat.

Now, coming back to my argument, Mr. Speaker, I beg to say that I reaffirm to-day every word I uttered yesterday. I reaffirm it with as much sincerity and depth and earnestness of conviction as I did on yesterday, that Mr. St. Martin was elected legally, regularly,

and in entire accordance with the laws of Louisiana, and he ought to have been admitted to his seat. But the case was presented to the House so that it was impossible to admit him. There was also presented an emergency by which two great wrongs were likely to result: first, the denial of the seat to him, and secondly, the giving of the seat to another gentleman who was not elected. I desired to avoid, if not both wrongs, at least one of them, and therefore I was willing to coöperate with the fair-minded gentlemen on the other side of the House. I do not mean to say that those who voted to admit Mr. Sypher were not fair-minded; but I say that I was willing to combine with the gentlemen on the other side of the House who agreed with me in the conviction, based on the evidence and law in this case, that Mr. Sypher ought not to be admitted to a seat, and to that end I was willing to vote for the resolution declaring the seat to be vacant.

In addition to these facts, Mr. Speaker, it is not improper for me to remark that the Committee of Elections at an early period of this session had prejudged the question of eligibility against Mr. St. Martin to occupy this seat. The committee reported to the House, and the House made no additional order in pursuance of which that question could be reconsidered by the committee. Thus it followed if the House had decided that Mr. Sypher was not entitled to the seat, it would not have been possible, without further legislation, to admit Mr. St. Martin; and it was in the power of the majority to deny to him rehabilitation by removing his political disabilities under the fourteenth amendment to the Constitution.

Mr. BECK. One third would have had the power to deny it to him.

Mr. KERR. Yes, sir, one third of the House. I submit to all candid gentlemen that the conduct of gentlemen on this side of the House, and especially my own, with all my convictions on the subject, is not only free from the reproach of inconsistency, but it is in the highest sense of the term eminently proper, entirely justified, if not made absolutely necessary by the facts by which we were surrounded. Out of these facts and upon these facts the gentleman from Pennsylvania [Mr. MYERS] has undertaken to make his small point, his small political quibble.

Mr. MAYNARD. Will the gentleman from Indiana tell the House what is his opinion now as to whether there was or was not a valid election in the first congressional district of the State of Louisiana?

Mr. KERR. My opinion is precisely the same that it was yesterday. It was only as the choice of evils as between these two alternatives presented to us by gentlemen on the other side of the House that I did what I did, and gentlemen on this side of the House did what they did. I have nothing to take back; no opinion to change. I say now that the House, even by the result of this case, has perpetrated a very great wrong on the people of the first congressional district of Louisiana by denying a seat to Mr. St. Martin, their representative, who was elected by a triumphant majority of 12,237 of the legal electors whose votes were legally cast, and that outrage stands as a great blot on the record and history of the majority of this House. I have nothing to take back upon that.

Mr. MAYNARD. I am gratified to hear the gentleman say so, because I stand on the record as having voted against this proposition. I believe it is false, and the statement of my friend from Indiana confirms me in that belief.

Mr. KERR. I have no doubt the gentleman may entertain that opinion. There are some minds in this country, particularly in this period of this country's history, which are utterly incompetent fairly, frankly, and judicially to decide and determine any question or case which is in any way connected with partisan politics. And that, I am afraid, is the category in which the gentleman from Tennessee has placed himself.

Mr. MAYNARD. The gentleman's views and mine coincide precisely. He is of opinion that it was a valid election and so am I; only he was willing for partisan purposes to put himself on record the other way and I was not.

Mr. KERR. The difference between us is this, that I know of what I speak and the gentleman from Tennessee does not. I have been in Louisiana. I investigated the whole case. I listened to the testimony of all these witnesses, and I examined all the testimony since it was printed. And I submit to the House and the country that my opinion and my judgment, even if I be ranked as a partisan, are worth in this case much more than those of the gentleman from Tennessee, who knows nothing about it, and talks only from a partisan stand-point.

Mr. BECK. Will the gentleman yield to me for a question?

Mr. KERR. Certainly.

Mr. BECK. I wish to ask the gentleman is not this true: that even if the election was legal, the main proposition in the resolution is also true, that Mr. St. Martin was not able to take his seat because of disabilities?

Mr. KERR. Certainly; and I so stated.

Mr. COX. With the permission of my friend from Indiana, I beg leave to address a few words to the House.

Mr. BUTLER, of Massachusetts. I should like an opportunity to make a brief statement in this connection. I am sure it will not be offensive to anybody.

Mr. COX. I am on the floor by the courtesy of the gentleman from Indiana, [Mr. KERR,] and will yield it in a few moments, and then the gentleman from Massachusetts may obtain it with the permission of the gentleman from Indiana.

I beg to say, in reference to this seeming inconsistency of the votes on this side of the House, that I never knew in my experience here a case in which there was a more conscientious desire to do what was perfectly right on the part of this side of the House, and on the part of gentlemen on the other side of the House, than there was in this very instance. I had occasion, while this discussion was going on, having examined the case somewhat minutely, to draw up what I called to-day a protest against what I conceived to be the outrage of admitting this party to a seat in the House. That protest may seem to be inconsistent with my subsequent vote. In that protest, signed by fifty members of the House, and ready for presentation, we said:

"The undersigned, members of the Forty-First Congress, respectfully ask to enter their solemn and earnest protest against the admission of J. H. Sypher to a seat in this House from the first district of Louisiana. In their judgment this admission is an outrage upon the rights of the electors of that district, who elected his competitor, Hon. Louis St. Martin, and a usurpation by this Congress, which has in effect added to its own number by the admission of a person"——

Mr. CESSNA. I rise to a question of order. I submit that the gentleman's remarks are not in order on the motion now pending, which is to inform the Governor of Louisiana that there is a vacancy in the representation of the first congressional district of Louisiana.

Mr. COX. I am coming to that. I am working along to that point, and will reach it by and by if the gentleman will only allow me.

Mr. CESSNA. I insist on my point of order.

Mr. SPEAKER. It is one of the most difficult things in the world to define the latitude of debate.

Mr. COX. If the gentleman will allow me I will state that I am really speaking directly to the proposition before the House, that we shall inform the Governor of Louisiana of the vacancy. Now it is with regard to this matter of the creation of a vacancy that the consistency of our votes has been called in question. And I wish to send to Louisiana, not only the proposition which had been affirmed by the House, but whatever of moral force there may be in our votes in connection with it.

Mr. GARFIELD, of Ohio. Where does the "moral force" come from?

Mr. COX. The "moral force" will come from gentlemen on the other side of the House, like the gentleman from Ohio, [Mr. GARFIELD,] and some others who voted with this side, and not from the body of the Republican party in this House, who were willing, as this protest says, to bring into a seat in this House—

"A person who was legally and overwhelmingly defeated by a majority of 12,237 voters out of 19,209 votes cast at the election."

Now, the gentleman will see the pertinency of my remarks. [Laughter.] But I wish to say that gentlemen upon the other side of the House, Republican gentlemen, and Republicans of respectability, too, came over here and begged us to stand by them in this matter of declaring this election invalid. And we had the pluck, the nerve, and the honor to stand by those gentlemen because they had been defiant and courageous in standing by what was right in reference to this case. And we are not reluctant to tell it anywhere. We have done our duty in this matter and the House has responded to our views.

I have only one thing more to add as to an apology to the Speaker for the remark I made to-day when the Speaker said I was trifling with the House in trying to get my friend from Indiana [Mr. KERR] on the floor. I will apologize to the Speaker for my remark as soon as he apologizes to me for his. [Laughter.]

Mr. KERR. I now yield to the gentleman from Pennsylvania, [Mr. MYERS.]

Mr. MYERS. Mr. Speaker, I have only a few words to say by way of reply to the gentleman from Indiana, [Mr. KERR.] I had no idea when I made my remarks to-day, which were uttered I thought in exceedingly good temper, that they would sink so deep.

Mr. KERR. Not at all.

Mr. MYERS. If the point I made was a small one, it appears to have struck very sharply. The gentleman has been sitting here all the time since conjuring up what he should say upon this matter. Now, let me say to him that with all his skill, with his judicial mind, with his manner, Atlas-like, of bearing the world upon his shoulders——

Mr. ELDRIDGE. I rise to a question of orders.

Mr. KERR. I hope the gentleman from Pennsylvania will not be interrupted.

Mr. MYERS. I am confining myself to——

Mr. ELDRIDGE. I know the gentleman is confining himself. That is what I object to.

Mr. MYERS. I want to confine you now.

Mr. LOGAN. I rise to a question of order.

Mr. MYERS. Allow me one moment.

Mr. LOGAN. I desire to state it. It is that the House cannot extend its time of business to undertake a thing that cannot be done. It is an utter impossibility for any set of politicians on earth to make their records consistent, and they have no business to try it. [Laughter.]

Mr. MYERS. That is what I have been trying to prove in reference to the gentleman from Indiana. I wish to say this, that the skillful gentleman from Indiana omitted in his reference to the Globe the latter part of what was said yesterday. I said to him yesterday, when he answered me rather curtly, and I suppose he thought rather smartly, that I desired to have his views on the question, but that I did not necessarily take his statements, but must be governed by the evidence. And I said to him very properly to-day that my judgment of yesterday was good because those who took him at his statement of yesterday found him voting the other way to-day. I am sorry this has troubled the gentleman so much. When questions come up here for consideration and discussion I rely upon the facts and the law.

One further remark. A great deal has been said here about partisanship. I mentioned

to-day what my record has been upon contested-election cases before this House. But I do not recollect—and I am willing to be corrected if I am wrong—a single instance where a Democratic member upon this floor voted directly against a Democrat in a contested-election case.

Mr. WOODWARD. The gentleman says that in election cases he always goes upon the law and the evidence.

Mr. MYERS. I do, or try to do so.

Mr. WOODWARD. I would like to ask the gentleman if he tried to do so when he turned John Moffat out of this House?

Mr. MYERS. Yes, sir; I not only tried to do so, but I succeeded in doing so. I suppose that galled the gentleman, too.

Mr. WOODWARD. Allow me to say——

Mr. MYERS. In a moment.

Mr. WOODWARD. The gentleman had better take the whole question at the same time.

Mr. MYERS. I prefer not to yield now.

Mr. WOODWARD. Let me finish what I desire to say, which is that if there had been the slightest regard to the law and the evidence in that case the gentleman would not be here to-day.

Mr. MYERS. I have listened to my colleague, [Mr. WOODWARD,] and I see what it is that sinks deep into his soul. I know exactly how he has voted on all these questions. I know he never voted against a Democratic claimant of a seat on this floor in any contested-election case. I was elected by over seventy majority of single votes; the Committee of Elections so reported. The House acted on this evidence, and the people of my district at the succeeding election sanctioned them by more than one thousand majority. The attempt made to contradict that report and evidence having failed seems still to burn in my colleague's breast. And although some Democrats remained away rather than vote against the strong testimony in my favor, the gentleman cannot get over it. He is there upon the record voting to sustain the claim of a man——

Mr. WOODWARD. Who was elected.

Mr. MYERS. Who came here by fraud, and had added in his return a large number of votes that were shown to be illegal and spurious, and the gentleman could not contradict it upon this floor.

Mr. INGERSOLL. Has not this debate gone far enough? I make that point of order.

Mr. MYERS. Mr. Speaker, having disposed of the gentleman from Pennsylvania, [Mr. WOODWARD,] and the gentleman from Indiana, [Mr. KERR,] I will now yield to my friend from Massachusetts, [Mr. BUTLER.]

Mr. KERR. I beg the gentleman's pardon. He has not the floor to yield.

The SPEAKER. The gentleman from Indiana [Mr. KERR] is entitled to the floor.

Mr. INGERSOLL. What has become of my point of order?

The SPEAKER. If the gentleman from Illinois [Mr. INGERSOLL] insists upon his point of order the Chair will be compelled to sustain it.

Mr. KERR. I hope the gentleman will not press it now.

Mr. INGERSOLL. I will wait a little.

Mr. KERR. I desire but a few moments longer. I wish to say in reply to the gentleman from Pennsylvania, [Mr. MYERS,] who seems to be a great deal more hurt than I am, that the point which he undertakes to magnify so much was in my judgment so light that it has never come down or sunk anywhere. It is entirely unsubstantial in every one of its characteristics and features, but is precisely in keeping with the points generally made by that gentleman on this floor. He is full of such points, and evidently has the impression that he sometimes makes them very smartly, so that they will hurt somebody a great deal.

In reference to what he has said of the conduct of Democrats in this House, and their votes upon contested-election cases, I desire to say that during the last eight or ten years they have not had many opportunities to vote in such cases except to sustain minority reports of the Committee of Elections, and that in the judgment of many gentlemen upon the other side of the House they have nearly always been right. Even the gentleman from Pennsylvania, [Mr. MYERS,] who now says that he voted against the admission of Mr. Washburn, of my State, and of Mr. Delano, of Ohio, to seats upon this floor, thereby impeaches the judicial fairness and integrity and honesty of his own political friends in this House who voted for their admission. He was right then and they were wrong. It gives me pleasure to say to the gentleman that he was right in those two cases, however wrong he undoubtedly was in many other cases. As to the motives which generally control the decision of contested-elections by the majority in this House, I refer the gentleman to the opinion of the distinguished gentleman from Massachusetts [Mr. DAWES] lately chairman of the Committee on Elections. I want also to say that I have both reported and voted against the admission of Democratic claimants to seats here.

Mr. INGERSOLL. I rise to another point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. INGERSOLL. My point is that this debate is not in order on the resolution now before the House.

The SPEAKER. If the point of order is insisted upon the Chair must sustain it. The Chair has been indulgent in not ruling this discussion out of order, desiring, so far as a personal explanation was concerned, to give the gentleman from Indiana [Mr. KERR] every latitude for that purpose; but the gentleman must himself see that the discussion is going far beyond all proper limits of debate upon the resolution now before the House.

Mr. KERR. I would like to yield for a few moments to one or two gentlemen.

The SPEAKER. If the gentleman yields it will be the duty of the Chair, should the gentleman from Illinois [Mr. INGERSOLL] insist on his point of order, to confine remarks strictly to the pending resolution, which directs the Speaker of the House to notify the Governor of Louisiana that there is a vacancy in the representation from the first congressional district of that State.

Mr. KERR. The gentleman from Illinois may be willing to waive his point of order in behalf of some other gentleman.

Mr. INGERSOLL. I shall not withdraw the point.

Mr. KERR. Then I demand the previous question.

Mr. STEVENSON. I wish to be heard on this resolution. I claim the right to be heard as a member of the Committee of Elections.

The SPEAKER. It is a question for the House to determine.

Mr. STEVENSON. I make my appeal to the House. I hope the previous question will not be sustained.

On seconding the demand for the previous question there were—ayes 53, noes 52; no quorum voting.

Tellers were ordered; and Mr. KERR and Mr. STEVENSON were appointed.

Mr. SARGENT. I move that the House now adjourn.

LEAVE OF ABSENCE.

Mr. McKENZIE obtained leave of absence for three days.

Mr. BOOKER obtained leave of absence for two days.

Mr. CLARK, of Texas, obtained leave of absence for two days.

Mr. PLATT obtained leave of absence for five days.

Mr. BURR obtained indefinite leave of absence, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

Mr. SCOFIELD obtained leave to withdraw from the files of the House the papers of R. C. Erwin for reference to the Committee on Naval Affairs.

Mr. STOKES obtained leave to withdraw papers in the case of Mrs. Eliza M. Scantland, of Tennessee.

COMMITTEE APPOINTMENTS.

The SPEAKER announced the following appointments on committees:

Committee on the Pacific Railroad—LAWRENCE S. TRIMBLE, of Kentucky, in place of PHILADELPH VAN TRUMP, who declines further service.

Committee on the Post Office and Post Roads—PHILADELPH VAN TRUMP, of Ohio, in place of LAWRENCE S. TRIMBLE, who declines further service.

ANNEXATION OF DOMINICA.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to offer a resolution.

Mr. ELDRIDGE. I object. I think it is about Dominica. [Laughter.]

Mr. BUTLER, of Massachusetts. Hear it read.

Mr. ELDRIDGE. If the gentleman will say it has no reference to Dominica I will withdraw the objection.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

Joint resolution to annex the Republic of Dominica.

[Laughter.]

Mr. ELDRIDGE. I object.

ST. JAMES AND LITTLE ROCK RAILROAD.

Mr. McCORMICK, of Missouri, by unanimous consent, reported from the Committee on the Public Lands a bill (H. R. No. 1830) granting lands to aid in the construction of the St. James and Little Rock railroad; which was read a first and second time, recommitted, and ordered to be printed.

Mr. HOLMAN moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred upon the motion of Mr. SARGENT that the House adjourn.

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

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. LOGAN: The petition of George S. Gunn, for a pension.

Also, the petition of B. P. McDaniel, for repayment of money expended in defending himself when tried by court-martial.

Also, a petition of the Masons of Delevan, Illinois, asking the protection of American citizens in Cuba.

Also, a petition of Masons of Flora, Illinois, praying for protection of Masons in Cuba.

Also, a petition of Masons of Chicago, Illinois, asking for the same.

Also, a petition of Masons, of Springfield, Illinois, asking for the same.

Also, a petition of Minonk Lodge of Masons, praying for the same.

Also, a petition of Masons of Jerseyville, Illinois, in behalf of the protection of citizens and Masons in Cuba.

Also, petitions of Masons of Nauvoo, Illinois, of Chester Lodge of Masons, and of Washburn Lodge of Masons, Illinois, for the same purpose.

By Mr. PROSSER: The petition of Clay Carter, (colored,) setting forth the loss of both legs from frost in the service of the United States, and asking a pension.

By Mr. SCHENCK: A petition of 98 clerks and employés of the Sixth Auditor's office, praying that the tax on salaries be continued no longer than that on incomes.

IN SENATE.

THURSDAY, *April* 21, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. POOL presented the petition of Charles Latham, Plymouth, North Carolina; of R. M. Allison, Concord, North Carolina; of W. W. Peebles, Northampton county, North Carolina; of Thomas Cochrane, jr., Chowan county, North Carolina; of S. H. Hood, Johnston county, North Carolina; and of C. W. Murray, Duplin county, North Carolina, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petition of E. Ransum, of North Carolina, in behalf of Bartlett Jones, jr., and John A. Pledgen, of that State, praying the removal of their political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. SPENCER presented the petition of S. W. Cockrell, of Greene county, Alabama, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. ABBOTT presented the petitions of A. C. McIntosh, Taylerville, Alexander county, North Carolina, and of A. B. Jones, Asheville, North Carolina, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. MORRILL, of Vermont, presented a petition of Foster Henshaw and others, of Washington, District of Columbia, representing that there is no legal grade established on Virginia avenue and Third street east and praying Congress to enact a law authorizing the grading of that part of the avenue; which was referred to the Committee on Public Buildings and Grounds.

Mr. BAYARD presented the petitions of Caroline Payne and Lydia A. McLaughlin, of Delaware, praying arrears of pension; which were referred to the Committee on Pensions.

Mr. THURMAN presented the petition of John W. Price, of Cincinnati, Ohio, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 510) to simplify and reduce the expense of taking testimony in establishing claims for bounties and pensions, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. ABBOTT, from the Committee on Military Affairs, to whom was referred the petition of Oliver Powers, praying to be allowed pay as a private in company K, tenth regiment Tennessee cavalry, up to the day that the company was discharged, reported a bill (S. No. 825) for the relief of Oliver Powers; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the petition of Asa Porter, praying to be allowed arrears of pay and bounty on account of service rendered by his son, Elias K. Porter, of company B, first Missouri heavy artillery, asked to be discharged from its further consideration; which was agreed to.

Mr. STEWART. I am directed by the Committee on the Judiciary, to whom was referred a resolution of the Senate of the 8th of December last, requesting that committee to inquire if any States are denying to any class of persons within their jurisdiction the equal protection of the laws, in violation of treaty obligations with foreign nations and of section one of the fourteenth amendment to the Constitution, and if so what legislation is necessary to enforce such treaty obligations and such amendment, to report it back, and there having been a bill reported on that subject by the committee, I move that the resolution be indefinitely postponed.

The motion was agreed to.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (S. No. 671) to promote commerce and to cheapen the transportation of the mails and military and naval stores between Cincinnati and Chattanooga, reported it without amendment.

Mr. KELLOGG, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1766) in relation to the Iowa river in the State of Iowa, reported it without amendment.

Mr. RAMSEY, from the Committee on Post Offices and Post Roads, to whom was referred the bill (H. R. No. 520) for the relief of L. F. Larkin, of Weldon, North Carolina, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1718) for the relief of A. A. Vance, postmaster at Morristown, New Jersey, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 128) for the relief of George W. Keyes, reported it without amendment.

Mr. HOWE, from the Committee on Claims, to whom was referred the joint resolution (S. R. No. 16) for the relief of Benjamin Cooley and James W. Boswell, reported it with an amendment.

He also, from the same committee, to whom was referred the petition of Henry Newell, praying that the Secretary of the Treasury may be authorized to issue to him duplicate United States bonds in lieu of United States bonds Nos. 37785, 37786, 37788, and 34954, lost at sea in October 1866, submitted a report, accompanied by a bill (S. No. 828) for the relief of Henry Newell.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Benjamin D. Roper, of Charleston, South Carolina, praying for remuneration for property destroyed by order of Colonel Beecher, United States Army, in the spring of 1865, asked to be discharged from its further consideration; which was agreed to.

BILLS INTRODUCED.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 826) to amend an act to provide internal revenue to support the Government, pay interest on the public debt, and for other purposes, approved June 30, 1864, as subsequently amended; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. THAYER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 827) to provide for the collection of debts due the United States from certain southern railroad corporations; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 178) relative to the suits of the United States against certain southern railroad corporations; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 829) in relation to fraudulent trade-marks upon foreign watches; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

STEAMSHIP SERVICE TO AUSTRALIA.

The VICE PRESIDENT. If there are no Senate resolutions the morning business is exhausted, and the Senate resumes the consideration of the resolution reported by the Committee on Post Offices and Post Roads, referring the bill (S. No. 736) to authorize the establishment of ocean mail steamship service between the United States and Australia to the Committee on Commerce. The Committee on Post Offices and Post Roads has already been discharged from the consideration of the bill, and the question now is on the resolution of that committee that it be referred to the Committee on Commerce.

The resolution was agreed to.

GENERAL ORDERS.

The VICE PRESIDENT. The Secretary will report the next resolution which has been laid over.

The Secretary read the following resolution submitted by Mr. ANTHONY on the 19th instant, as modified by him:

Ordered, That on Friday and Saturday next, immediately after the privileged morning business shall have been concluded, the Calendar shall be taken up for the consideration of general orders not objected to, and no other business shall be in order.

The resolution was agreed to.

CHANGE OF RULE.

The next resolution on the Calendar was the resolution of Mr. WILLIAMS, providing that the rule last adopted in regard to the order of business should be so construed as not to apply to the morning hour.

Mr. WILLIAMS. I move that that resolution be passed over.

Mr. EDMUNDS and Mr. POMEROY. Oh, no; let it lie on the table.

Mr. WILLIAMS. I do not want it laid on the table. I move that it be passed over.

The motion was agreed to.

STEAMSHIP SERVICE TO AUSTRALIA.

Mr. COLE. I was not giving attention at the time the vote was taken upon the motion to refer to the Committee on Commerce the bill (S. No. 736) relating to steam service between the United States and Australia. I move to reconsider the vote by which that bill was referred to the Committee on Commerce.

The VICE PRESIDENT. The Senator from California moves to reconsider the vote by which the bill in regard to a subsidy for a line of steamers between California and Australia was referred to the Committee on Commerce. The question is on the motion to reconsider.

Mr. COLE. I only wish a distinct vote on the subject. If I had heard it announced I should have asked for a division at the time. If it is the sense of the Senate that the bill shall be referred to the Committee on Commerce, of course I must abide by it; but I should like to have the judgment of the Senate given distinctly.

Mr. NYE. What does the Senator wish to have done with the bill?

Mr. COLE. I want it to go back to the Post Office Committee, or else to be placed on the Calendar.

The VICE PRESIDENT. The Chair will state, as he did yesterday, that if this motion to refer to the Committee on Commerce should be voted down, the bill will be placed on the Calendar.

Mr. POMEROY. But a vote of the Senate could recommit it to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. Certainly.

Mr. COLE. I move the reconsideration for the purpose of getting the sense of the Senate.

Mr. MORRILL, of Maine. I inquire if the bill has been considered by the Committee on Post Offices and Post Roads?

The VICE PRESIDENT. It was considered by that committee, and reported back

with a resolution asking that that committee be discharged from the consideration of the bill, and that it be referred to the Committee on Commerce. The Committee on Post Offices and Post Roads were discharged from the further consideration of the bill at that time, and then the morning hour expired and the remainder of the resolution proposing to refer the bill to the Committee on Commerce was laid over.

Mr. POMEROY. I ought to state that while the bill was before the Committee on Post Offices and Post Roads, yet it was not considered with a view to determining its merits. It was considered far enough to find out that it related more to commerce than to postages, and therefore the committee thought it had better go to the Committee on Commerce, simply because there was little or no question of postage about it.

Mr. MORRILL, of Maine. The object of my inquiry was to ascertain that fact. It seems to me that if this bill has been considered by the Committee on Post Offices and Post Roads, and if it has found that the subject-matter does not belong to it but does belong to another standing committee of the body, that of itself is a reason why the bill should go in this direction.

Then I wish to make another observation in this connection, and that is that the general subject of commerce and its condition at the present time demands the special attention of the various departments of the Government. The attention of the country has been arrested by the general condition of the commerce of the nation. Now, as you have the judgment of one of the standing committees of the Senate that this particular bill relates essentially to a question of commerce, and involves that question and relates to that particular interest, I submit it is of the utmost importance that this bill should go to that committee, and that it should be considered in harmony and in connection with the general interest now prevalent in the country, and which the executive department has manifested in the communication of the President to Congress, and also in connection with the recommendations of the Treasury Department. I should hope, therefore, that the friends of this bill would find that their true interests lie in the direction of the general subject and of the general interest which is everywhere manifested in the country now to do something for the languishing condition of commerce. I am sure the friends of this bill, if they desire only to promote what the standing committee of the Senate has indicated, to promote an interest which lies in this direction, will find more auxiliaries and more support if the bill is allowed to take this direction than they can find if it is made a specialty, in which they undertake to make the simple question of postage the prominent question. I hope, therefore, that the vote will not be reconsidered; that the bill will go to the Committee on Commerce; that that committee will be charged with its consideration, and will consider it in connection with the general desire in the country to promote this great interest.

Mr. CHANDLER. Mr. President, it is proper that all of these bills should go to some one committee. I have taken no part in the debate thus far, because the Committee on Commerce of course is in the hands of this body, and it is its duty to investigate any subject that the body sees fit to refer to it. But I will state that there is a sub-committee of the two Committees on Commerce of the House and the Senate, who are now holding two or three meetings a week and endeavoring to make a very thorough investigation into what the commercial interests require at this day at our hands. If the Senate should see fit to send all these bills to the Committee on Commerce, that committee of course will accept the trust and to the best of its ability perform the duty. Should it see fit to send them to any other committee it will perhaps be gratifying to the Committee on Commerce, because it will relieve it from a vast amount of labor. It is in the hands of the Senate. Of course, I have no suggestion to make.

Mr. NYE. Mr. President, I am afraid that by the course pursued here the end will not be reached that all of us so much desire. I think there is great force in what the Senator from Michigan suggests, that all these bills should go to one committee and have one general consideration, and some general conclusion be arrived at. The fact is, however, that for the last two or three years questions of a kindred character have been referred to and received the attention of the Committee on Post Offices and Post Roads. They have reported upon several bills, and the Senate have acted upon those reports. I can see no impropriety in that committee continuing its labors on this subject; for my friend from Maine will see at once that there can be no great amount of commerce with any country where there is not a great amount of correspondence. The one follows the other as naturally as can be. If you are going to open commerce with a nation you must first open correspondence with it, and through that correspondence the commerce is created and brought into successful action. I therefore can see no impropriety in the suggestion that the Committee on Post Offices and Post Roads, who have acted on so many of these propositions, should continue to act on them. Their reports, I believe, have been quite satisfactory. Some of those reports are pending now. Some of the bills are pending and on the Calendar that the committee have reported. I do not see why at this present moment the policy should be changed.

Mr. MORRILL, of Maine. The Senator from Nevada does not seem to understand that the committee to whom this bill has been referred reports to the Senate that this is not a postage bill, that it is a matter of commerce. Now, why again send to that committee such a bill? Why send to the Committee on Post Offices and Post Roads a bill the character of which is essentially commercial?

Mr. NYE. I do not understand——

Mr. COLE. As a member of that committee I must state that the Committee on Post Offices and Post Roads, as I understand it, have not reported that this is not a postage question.

Mr. MORRILL, of Maine. I understood my colleague to say so, and I so understood the report from that committee. Certainly it was stated that this bill was essentially commercial in its character.

Mr. HAMLIN. Yes, and if my colleague will allow me, the Senate Committee on Post Offices and Post Roads reported it back solely on that ground, and no other.

Mr. MORRILL, of Maine. So I understood that they had determined that question.

Mr. NYE. I do not know that that can be regarded as anything more than the expression of an opinion on the part of that committee, and upon that opinion I desire to take issue with them. I insist upon it that if the subject is worthy of the consideration of the Committee on Commerce it is worthy of the consideration of the Committee on Post Offices and Post Roads, from the fact that you can have no commerce with any people unless a large correspondence ensues; and therefore the conclusion to which the committee came, as suggested by the honorable Senator from Maine on my left, [Mr. HAMLIN,] I think is a conclusion which can hardly be justified by the fact; for, the one thing existing, the other follows of course.

Now, sir, in regard to this proposed line, I think the Post Office Committee, if they have come to that conclusion, have come to an erroneous conclusion, from the fact that there is no portion now of the commerce of the Pacific that is more looked after and looked to than postal and commercial relations with that fast-growing colony of Australia. On our coast, and I believe all over the country, we are in the habit of regarding that country not merely as a colony now, but we look forward to a day not far distant when it shall have a flourishing independent government of its own. Therefore I hope the importance of this subject will not be lost sight of, at least in the handing of it from one committee to another. In either aspect it is worthy of consideration, in view of its importance; and I do not care much which committee it goes to. I judge the Committee on Post Offices and Post Roads have come to the conclusion that it is some work to investigate it, and they had better send it to my not more but equally industrious friend from Michigan, who is acquainted, as my friend from Maine knows, with all manner of commerce, from that on the Detroit river, which he once so graphically described, to ships that carry the flag around the world.

Mr. MORRILL, of Maine. Will my honorable friend allow me to ask him a question? I understand the Senator has a preference for the Committee on Post Offices and Post Roads——

Mr. NYE. The honorable Senator will allow me to say, only from the fact of their having had kindred subjects under consideration.

Mr. MORRILL, of Maine. Now, I ask my honorable friend, when that committee report to the Senate that this subject-matter does not belong to the class of subjects falling under their jurisdiction, whether that, in his judgment, is not absolutely conclusive on this point; and when that committee recommend it shall go to the Committee on Commerce, and they say this is a commercial question, whether he does not think that of itself is sufficient to send it to that committee?

Mr. HAMLIN. Mr. President, I have already said a great deal more on this subject than I purposed doing; but I desire the indulgence of the Senate again for a brief period. I think the fact which my colleague states is, or ought to be, conclusive in the action of the Senate. He has stated that the general subject of commerce will necessarily come before this body for its action, and nobody will say that that is not a question which should appropriately and rightfully go to the Committee on Commerce. It will go there. Now, in the examination which the Committee on Post Offices and Post Roads made of this subject the whole point submitted to them for their consideration was in what way or manner will the establishment of this line aid and revive the commerce of the country? That was the way in which it was presented to us; that was the way it was discussed, and facts were presented to the committee to support the bill upon that hypothesis. Now, taking that statement, which is a little elaboration of the one made by my colleague, and taking then the statement which the chairman of the Committee on Commerce has made this morning, that they should all go to one committee, the Senator there certainly is right, and if this bill goes to the Committee on Commerce it is the purpose of the Committee on Post Offices and Post Roads to let the other kindred bills go there that are commercial; it seems to me, taking those two statements together, there can be no doubt, or there ought to be no doubt, where this bill should go. Let the Senate vote upon it and do what they please with it.

Mr. MORRILL, of Vermont. It seems to me if the friends of this measure desire any action upon it at all—and I can see that it is an important measure—they should consent to let it be referred to some committee, and not kill it by debating it. If it is referred to the Committee on Post Offices and Post Roads, by the statement of the Senator from Maine it is evidently to be based upon a mere fiction. If it is referred to the Committee on Commerce their report will be based upon some facts. Now, the Committee on Post Offices and Post Roads have manifested a disposition to be rid

of the subject. The chairman of the Committee on Commerce manifests a willingness to accept of the subject. Why not let it go there?

The VICE PRESIDENT. Does the Senator from California insist on his motion to reconsider?

Mr. COLE. My object in moving a reconsideration was for the purpose of obtaining the sense of the Senate, and that more because one member of the Committee on Commerce, when the matter of reference was first brought up here, opposed the reference of the bill to the Committee on Commerce; and further, I desired that the matter might be kept before the Senate, might not be referred to a committee and rest there, as it would necessarily, for investigation some considerable length of time. A further consideration was that such measures had uniformly been considered, not only in our own country but in other countries, England and France, by the postal department of the Government.

I further considered the fact in this light: that although the great advantage from the establishment of this line was to be commercial, yet that depended absolutely upon mail communication, upon mail or postal facilities between our own country and Australia; and mail communication increases commerce as well as does commerce increase mail communication. They operate with each other. The very term "commerce" indicates that. It is communication, business relations; and the one is facilitated by the other—postal service by commerce, and *vice versa*.

I am not tenacious at all as to what committee this bill shall go to. If it is the sense of the Senate that it shall go to the Committee on Commerce I am perfectly willing that that course shall be taken. But several members of the body manifested a disposition to have it retained in the hands of the Committee on Post Offices and Post Roads, were perhaps more tenacious about it than myself. I need not refer to them individually. Being a member of the Committee on Post Offices and Post Roads, and they wishing to get rid of the business or turn it over to the Committee on Commerce, I of course was willing that that should be done, if such was the sense of the Senate; to acquiesce even in the wish of the committee upon that head if there was no special opposition. Now that the chairman of the Committee on Commerce, with whom this subject has received some consideration, is willing to take charge of it, and speaks of course for his committee, if they are willing to take charge of it I am willing to withdraw my motion to reconsider and let it go to that committee, all the while, though, entertaining a strong hope that this great subject may receive favorable consideration from that committee and from this body and from Congress.

The VICE PRESIDENT. The Senator from California withdraws his motion.

Mr. CASSERLY. Before that motion is withdrawn I should like to say a word.

Mr. COLE. I do not withdraw the motion at present.

Mr. CASSERLY. This is a measure which concerns California directly, although it concerns ultimately the interests of the whole United States. I cannot allow the matter to be disposed of as it is about to be disposed of, by a reference of the bill to the Committee on Commerce, without troubling the Senate with some remarks upon what seems to me the inexplicable action of the Committee on Post Offices and Post Roads, and I shall speak of but a single feature of that action.

That committee had before it three bills—I speak of no more than three; there may be others, but I speak of three. One was a bill for increasing the subsidy to the Pacific Mail Steamship Company, for the purpose of an increased intercourse between China and California. Another bill was for a subsidy in aid of the extension of the present mail service between California and the Sandwich Islands, so as to extend that service as far as Australia. The third was the bill for a subsidy in aid of intercourse between California and Australia.

There being no difference in principle or in substance between these three bills, the committee reports one of them back favorably, that for the China line, retains the Sandwich Island bill for further consideration, and singles out the Australia bill—not the least important of the three, I may be allowed to observe, and in its promise of immediate results as desirable as any; singles out that measure—and reports that back, and asks to be discharged from it. There may be a reason for that action; but I can conceive of none. I have listened attentively to all the remarks that have been made by the members of the committee, and by Senators who have taken their view, and I have heard no reason for that discrimination. I trust that when the bill shall reach the Committee on Commerce that committee will consider it in the enlarged and liberal spirit which I think is due to such a measure.

I was greatly struck, allow me to observe in closing, with the suggestion of the chairman of that committee that if he were to have one of these bills in his committee there seemed to him no good reason why he should not have all of them. There is no good reason, and there is an abundance of unanswerable reasons why he should have all in order that some proper distribution of the public aid may be made as between the more meritorious of these enterprises. That is all I desire to say. I have no objection now to the disposition of the matter.

Mr. WILLIAMS. Mr. President——

Mr. ANTHONY. Is this motion withdrawn?

The VICE PRESIDENT. Not yet. The Senator from Oregon has risen.

Mr. ANTHONY. If the Senator from Oregon does not wish to speak on the motion I will move to lay it on the table. It has taken the morning hour every day for several days. I thought we had disposed of it once.

The VICE PRESIDENT. Does the Senator from California withdraw the motion?

Mr. COLE. Not if the Senator from Oregon desires to speak.

Mr. WILLIAMS. Only a word or two. I have taken some interest in one of these bills, the bill that is now before the Committee on Post Offices and Post Roads, and I am quite indifferent as to which committee considers the question; but I wish to have it understood that one committee of the body is to take charge of this subject so that all the bills, the bill in which I take an interest as well as this particular bill, shall go before the Committee on Commerce if this bill goes to that committee, so that they can consider all the bills in their connection with each other. If the Senate Committee on Post Offices and Post Roads propose to take that course I shall be satisfied.

Mr. COLE. Now I withdraw the motion to reconsider.

The VICE PRESIDENT. The motion to reconsider is withdrawn and the bill is referred to the Committee on Commerce. The Secretary will report the next resolution on the Calendar, which is one offered by the Senator from Nevada, [Mr. STEWART.]

Mr. KELLOGG. I desire to make an inquiry of the chairman of the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. Does the Senator from Nevada yield for that purpose?

Mr. STEWART. No, sir; I want this resolution to come up.

Mr. KELLOGG. I simply wish to make an inquiry in regard to the matter just voted upon.

Mr. STEWART. Very well.

Mr. KELLOGG. I desire to inquire if the other bills of a like nature before the Committee on Post Offices and Post Road are to be retained by that committee, or if it is proposed that they shall take the same direction as the Australia bill, and go to the Committee on Commerce?

Mr. RAMSEY. That is the general purpose of the Post Office Committee, I believe.

Mr. KELLOGG. This action of the Senate, however, has reference only to one bill.

Mr. RAMSEY. We shall follow the action of the Senate in this matter upon the other bills.

Mr. POMEROY. Only on those which relate to commerce.

Mr. RAMSEY. Certainly; where commerce is the chief item.

Mr. KELLOGG. Is it proposed by the chairman of the Committee on Post Offices and Post Roads to report the other bills?

Mr. RAMSEY. Yes; to report them back and ask that they be referred to the Committee on Commerce.

Mr. KELLOGG. That is all I desire to know.

BUSINESS OF COMMITTEE ON COMMERCE.

Mr. CHANDLER. I ask my friend from Nevada to allow me a moment. I desire to ask unanimous consent to pass a resolution I offered yesterday providing for taking a recess and having an evening session to consider bills reported by the Committee on Commerce to which no objection is made.

The VICE PRESIDENT. That is the third resolution on the Calendar.

Mr. STEWART. I prefer to have this come up first.

Mr. CHANDLER. That will lead to no debate.

Mr. STEWART. I do not know about that.

The VICE PRESIDENT. The Senator from Michigan can ask unanimous consent to take up his resolution out of its order.

Mr. CHANDLER. I do so.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent that the Senate proceed to the consideration of the order offered by him yesterday, that the Senate take a recess from five o'clock to half past seven o'clock to consider at the evening session bills reported by the Committee on Commerce to which objection shall not be made.

Mr. BAYARD. I object.

Mr. CHANDLER. I suppose that objection simply lasts until we strike the resolution.

The VICE PRESIDENT. The resolution remains on the Calendar of resolutions laid over, and has to wait until it shall be reached in its order.

Mr. HARLAN. Mr. President——

Mr. STEWART. I cannot yield further.

BIDS FOR MAIL CONTRACTS.

The VICE PRESIDENT. The Secretary will report the resolution of the Senator from Nevada, which is now reached in its regular order.

The Secretary read the following resolution, submitted by Mr. STEWART on the 15th instant:

Resolved, That the joint resolution (S. R. No. 159 authorizing the Postmaster General to prescribe an earlier time for the execution of contracts by accepted bidders, and for other purposes, be placed upon the Calendar of special orders.

Mr. STEWART. Is that resolution before the Senate?

The VICE PRESIDENT. It is.

Mr. STEWART. Then I now ask unanimous consent to take up the joint resolution itself and have it passed. I propose to amend it so that it shall be entirely satisfactory.

Mr. POMEROY. If the Senator proposes to amend it according to the suggestions which have been made to him I have no objection.

The VICE PRESIDENT. The resolution being before the Senate, the Senator from Nevada asks unanimous consent to proceed to the consideration of the joint resolution to which it relates.

Mr. SUMNER. I am very loth to make objection, but I do it in the interests of the public business. We all have bills on the Calendar that we are anxious to get up. I have a great many, and I might make the same

appeal with the Senator from Nevada. Why should we not all have our lot under the new rule of the Senate?

Mr. STEWART. Because this is a special case.

Mr. SUMNER. There are other special cases.

Mr. STEWART. This is a special case. I appeal to the Senator from Massachusetts to let us save three or four or five hundred thousand dollars for the Post Office Department.

Mr. SUMNER. Shall we not save it by taking up the measure in its order?

Mr. STEWART. It cannot be saved unless we pass the joint resolution immediately. I do not know but that the money will be lost now. The time is passing away.

Mr. FERRY. We can get at the joint resolution in ten minutes if we go on in regular order.

Mr. STEWART. No; if it goes by now it will be three or four days before it can be reached. Let me explain what it is, and then I shall relieve myself of all responsibility in the matter. By the advertisement for contracts with the Post Office Department the time when bids were to be opened and declared was about the 1st of March. The time for entering into the contracts was fixed at the 1st of July.

In the long, expensive routes west of the Rocky mountains, which are a great drain on the revenues of the Post Office Department, it is necessary to stock the route early in the season or it is impossible to do it at all. Hay is to be cut, barley is to be hauled, and other provisions made to get ready to execute the contract, and there must be a whole season in which to do it. This circumstance has been taken advantage of during two or three administrations in this way: the party having the route stocked and having the existing contract puts in one high bid, higher than anybody else, up to the existing contract price, and then about half way between him and the bottom of the list there will be a batch of honest bidders, half a dozen or a dozen or fifteen or twenty, all ranging within a few thousand dollars of each other. And below all of them there is generally put in a bid which is so low that the mail cannot be carried for the price; it is a sham bid. Of course the contract is awarded to the lowest bidder; but time passes on and the 1st of July comes, at which period the contracts are to be entered into. Up to that time the sham bidder does nothing, and, of course, he is not ready to enter into a contract, with sureties, and the Post Office Department must make another arrangement. The arrangement must be made at once. Then, of course, the other bidders who are between the sham bidder and the existing contractors have no time to stock the route, and consequently are unable to perform the service, and the result is that the Postmaster General is forced to make a contract with the existing contractors at their high bid.

There was the case of Wells, Fargo & Co. a few years ago. A man named Spades put in a bid far below what the service could be done for. It was a sham bid. Still it had all the formalities of a bid, and the Postmaster General regarded himself as bound to wait until the time arrived; he could do nothing. In that case the time arrived on the 1st of September or October. Nobody else could put in a bid. The Postmaster General went over to New York and consulted Horace Greeley and several others in order to divide the responsibility. Then a contract was entered into with Wells Fargo, & Co., whereby a very large amount of money was expended in pretending to perform service.

I do not want to see the Postmaster General placed in that situation at this letting. I wish the attention of the Senate called to this matter because it is more serious than the franking privilege. The complaint is that in the western country we are absorbing all the funds of the Post Office Department, and when we go there and ask for mail service to accommodate the people in localities where there are new communities growing up we are met with the statement, "Your section is absorbing all the public money." That is the complaint. I want to avoid that. The Postmaster General tells me that in one case now there is a possibility of saving $100,000, and there are several others where various amounts can be saved, if he is allowed to summon up the sham bidders and require them to enter into their contracts at once.

Mr. POMEROY. I submit that the merits of the question should not be discussed on the motion to take up.

The VICE PRESIDENT. The Senator from Kansas raises a question of order, which is that the pending proposition to place this joint resolution on the Calendar of special orders is governed by the rule which applies to a motion to proceed to the consideration of certain business, and therefore discussion on the merits of the bill is not in order. The Senator from Kansas is right. The Senator from Nevada, however, asked unanimous consent, as the resolution to make this joint resolution a special order had been reached, that the Senate, instead of adopting that, would proceed to the consideration of the joint resolution. Now the Senator from Kansas objects——

Mr. POMEROY. No; I prefer that it should be considered now.

Mr. SUMNER. I will not object to its consideration to-day.

Mr. CORBETT. I understand that the Senator from Nevada proposes to make some amendments to this joint resolution, in accordance with suggestions of the Senator from Vermont, [Mr. EDMUNDS.] If such amendments are made I should like to see what they are. I want to consider them. This matter interests my constituents, those people who have made bids——

The VICE PRESIDENT. The Chair will state to the Senator from Oregon that, under the point of order made by the Senator from Kansas, debate is not in order on the merits of the joint resolution. The Chair so ruled on the Senator from Nevada.

Mr. CORBETT. The Senator from Nevada made some remarks, and I wish simply to say that these people cannot be summoned here by the 1st of May. I should like to know what the amendments are.

The VICE PRESIDENT. The Chair, on the point of order made by the Senator from Kansas, must arrest debate and bring the Senate to the consideration of the resolution of the Senator from Nevada that this joint resolution be made a special order, which requires a two-thirds vote.

Mr. FERRY. I object to its being made a special order. I understood that the Senator from Nevada asked unanimous consent to proceed now to the consideration of the joint resolution itself.

Mr. STEWART. I made that request.

Mr. FERRY. That not being granted, the question arises upon the resolution to make the joint resolution a special order.

The VICE PRESIDENT. It does.

Mr. FERRY. That is the question, I understand, now before the Senate.

The VICE PRESIDENT. That is the question before the Senate.

Mr. FERRY. Mr. President, the first general order is one regarding which I have previously given notice that I should object to anything taking precedence of that by way of unanimous consent, and should endeavor to prevent any such precedence being acquired. The first general order is the veto message of the President of the United States on the bill for the relief of Rollin White. I do not wish this bill or any other bill to be made a special order so as to get precedence of the first general order.

Mr. STEWART. Will you not give me unanimous consent to dispose of it?

Mr. FERRY. I have no objection to considering it now.

Mr. STEWART. Who will object?

Mr. KELLOGG. No one will object if the Senator from Nevada will allow the question to be put and not make a speech.

The VICE PRESIDENT. The Chair will state the question to the Senate. Is there objection to the joint resolution named by the Senator from Nevada being read by the Secretary, subject to objection and subject to demand for the regular order?

Mr. CORBETT. I object until the amendments are printed.

The VICE PRESIDENT. The question now is on the resolution of the Senator from Nevada that this joint resolution be made a special order.

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

The yeas and nays were not ordered, only ten Senators rising to second the call, not one fifth of those present.

Mr. FERRY. Then I have some remarks to make on the propriety of making this bill a special order. I object to these special orders except upon business of an extraordinarily important character——

Mr. STEWART. Will the Senator allow me to make another motion? I move to postpone all prior orders, and proceed to the consideration of the joint resolution.

Mr. FERRY. That I have no objection to.

Mr. STEWART. I move that the Senate proceed to the consideration of the joint resolution.

The VICE PRESIDENT. The resolution of the Senator from Nevada being before the Senate, he moves to postpone the present and all prior orders for the purpose of considering this joint resolution.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the joint resolution (S. R. No. 159) authorizing the Postmaster General to prescribe an earlier time for the execution of contracts by accepted bidders, and for other purposes.

The preamble recites that in the instructions appended to an advertisement issued by the Postmaster General on the 30th day of September, 1869, inviting proposals for carrying the mails of the United States for four years, from the 1st July, 1870, in the States of California, Oregon, and Nevada, and in the Territories of Washington, Idaho, Montana, Wyoming, Colorado, Utah, Arizona, and New Mexico, it is stipulated that the contracts are to be executed by or before the 1st day of July, 1870; and that in view of the importance of the service to be performed and the damage to the public interests which would result from failure to put it in operation at the proper time, it is desirable to fix an earlier period than the 1st of July for the execution of the contracts, and to adopt such other precautions as may seem necessary to guard against the failure of bidders or contractors to fulfill their obligations.

It is therefore provided in the first section of the joint resolution that the Postmaster General may, in any case in which he may deem it necessary, require accepted bidders under the advertisement of September 30, 1869, inviting proposals for carrying the mails of the United States in the States and Territories mentioned, to execute contracts and return them to the Department at an earlier period than the 1st day of July, and, at the discretion of the Postmaster General, as early as the 1st day of May, 1870.

The second section provides that in any case arising under the advertisement mentioned, or which may arise at any time hereafter, in which the Postmaster General shall have good reason to believe that any bid for carrying the mail on any route has not been made in good faith, he shall be authorized to summon the bidder or bidders to appear before him and show cause why such bid should not be set aside; and the

failure of the bidder or bidders to appear in response to such a summons and satisfy the Postmaster General that the bid has been made in good faith, and that the guarantors thereof are duly responsible, shall be deemed to be sufficient cause for setting the bid aside and entering into contract with some other person or persons for the performance of the service.

By the third section, in case of the failure of any bidder or contractor for the transportation of the mails to fulfill his obligations as a bidder or contractor, the Postmaster General is to be authorized to enter into contract with some other person or persons for the full contract term, or for such portion thereof as may remain at the time of the failure.

Mr. STEWART. I move in the preamble to strike out "New Mexico."

The VICE PRESIDENT. That amendment will be made if there be no objection.

Mr. STEWART. I move to amend the first section of the bill in the eleventh line by striking out the words "the 1st day of May," and inserting in lieu thereof "the 15th day of May."

Mr. CORBETT. I move to amend by making it read "the 1st day of June."

Mr. STEWART. That will be too far off.

Mr. CORBETT. It is impossible to notify all bidders by the 15th of May.

Mr. STEWART. Say the 20th of May. That will be sufficient time.

The VICE PRESIDENT. The Senator from Nevada moves to insert the 20th of May.

Mr. CORBETT. Upon that amendment I wish to make some remarks.

Mr. STEWART. It is almost one o'clock.

Mr. CORBETT. I desire to state that persons in Oregon and Washington and Idaho have bid on these routes under the existing law, which provided that they were to file their bonds by the 1st of July, and on the face of their bids they have until the 1st of July to give their bonds. It may be a hardship to a man to require him to come here before that time. Suppose he is away from home expecting to file his bonds between this and the 1st of July, can he come here at a moment's summons? It is evident that he cannot.

Mr. STEWART. Now, let me call the attention of the Senator to the fact that the sham bidder on the Oregon route is a Utah man.

Mr. CORBETT. I do not know who the sham bidders are. I do not know anything about sham bids or who the sham bidders are. I believe men have bid for service lower than the mails can be carried for; but where the man who has made the lowest bid is responsible and can put up his bonds, I am in favor of his carrying the mail.

Mr. STEWART. So am I.

Mr. CORBETT. I do not want to leave it discretionary with the Postmaster General to give it to any one else if that man can carry it.

Mr. STEWART. Hear my other amendment and you will see what I propose.

Mr. CORBETT. By the advertisement the accepted bidders have until the 1st of July to file their bonds and enter into contracts. Now, this joint resolution ought to apply hereafter, because, in the interval between this time and the 20th of May it will be impossible for these people to come here from Oregon, because it takes twelve or fifteen days to send a letter there, and fifteen days to come back, provided they should receive it immediately. There are people in Washington Territory and Oregon who have bid. Now, it is impossible to do justice to them under this proposition unless you give them sufficient time. I am willing to make the provision as to sixty days after the awarding of the bids apply hereafter; but to apply it to these men now would cut off all these bidders. There were a dozen or fifteen bidders from Oregon and Washington; and to say that the Postmaster General can let these to any man he chooses now in Washington——

Mr. STEWART. Well, I will accept the amendment and name the 1st of June.

The VICE PRESIDENT. The amendment is so modified.

Mr. CORBETT. That satisfies me.

The amendment was agreed to.

Mr. STEWART. I offer a substitute for the second and third sections. I move to strike out the second and third sections and insert the following:

SEC. 2. *And be it further resolved*, That in any case arising under the aforementioned advertisement, in which the Postmaster General shall have good reason to believe that any bid for carrying the mail on any route has not been made in good faith, he shall be authorized to summon the bidder or bidders to appear before him and show cause why such bid should not be set aside or immediately executed by entering into contract, with sufficient sureties; and the failure of the bidder or bidders to appear in response to such a summons, and satisfy the Postmaster General that said bid has been made in good faith, and that the guarantors thereof are duly responsible, or to enter into such contract, shall be deemed to be sufficient cause for setting such bid aside and entering into contract with the lowest of the bidders who will do so for the performance of the service; and all the bidders shall be seasonably notified that such summons has been issued and that they may be required to enter into such contract.

Mr. CORBETT. That is very indefinite—"seasonably notified." I should like to know what is meant by "seasonably." I want this confined by law to some specified time, so that it shall not be left discretionary with the Postmaster General or with any other man. If it is left discretionary with the Postmaster General, my colleague and myself will have a dozen men on our backs who will want to know why we did not get this contract for them; and they will come here and ask us to influence the Postmaster General to give them the contract. As the law now stands it is confined by law; but you propose to make it discretionary with the Postmaster General. If you do that every man who does not get a contract will be on the back of his representative here.

Should it be left discretionary to the Postmaster General? Should it not be confined by law and determined particularly, as it is now? It is defined by law now. If you want to make the time earlier fix the time, prescribe the dates, and make the law apply to all bids hereafter. The time now fixed is the 1st of July, and they have till that time to make their contracts and file their bonds. Now every man is coming in to claim damages, provided you do not give him the contract when he is the lowest bidder.

The VICE PRESIDENT. The Senator from Oregon will suspend. The morning hour having expired, the Northern Pacific railroad bill is before the Senate, and the Senator from California [Mr. CASSERLY] is entitled to the floor.

Mr. STEWART. We shall get a vote in a minute or two on this joint resolution, and I hope we shall go on with it.

Mr. HOWARD. If Senators will stop debating the question and vote on it I will not interfere.

Mr. STEWART. I shall not debate it.

Mr. CASSERLY. I have no objection to that. I think this matter ought to be considered.

Mr. HOWARD. I shall interfere if much more time is spent in discussing the question.

The VICE PRESIDENT. The special order is passed over by unanimous consent, subject to a call for the regular order, and the Senator from Oregon will proceed.

Mr. CORBETT. Mr. President, in making these remarks I do not desire to reflect on the present Postmaster General. It may be very well to leave this discretionary power with him; but the question is whether any Postmaster General who may be in office hereafter should have the discretion in any case in which he may think it advisable to let contracts to any parties that he may see fit.

Mr. RAMSEY. The Senator must misunderstand the proposition. It confines this matter entirely to the lettings that have recently taken place on the Pacific coast.

Mr. CORBETT. No; it applies to any routes hereafter.

Mr. STEWART. No; that is stricken out.

Mr. EDMUNDS. If my friend from Oregon will allow me a moment to explain to him, I think he will be satisfied himself. I looked at this matter and framed this amendment myself in order to protect us against the very evils that he speaks of. In the first place, if he will look at the printed bill he will see that the words "or which may arise at any time hereafter" are stricken out of the amendment, so that it is confined to the present bids. In the next place, going down to the bottom, where the summons is to be issued, he will find that it is to be issued to all the bidders, and they are to have a reasonable time. In the next place, if the bidder whom the Postmaster General thinks has not acted in good faith is willing to enter into the contract, he cannot be deprived of it. It is not left to discretion; the amended section says in express terms that he shall have it if he takes it, but he must give his sureties.

Mr. CORBETT. The next highest bidder?

Mr. EDMUNDS. No, the lowest one; then the next after him, the one nearest; and if he fails the next one; and so on; so that no discretion is left to the Postmaster General.

Mr. CORBETT. Cannot the Senator fix a time? "Seasonable notice" is rather indefinite. Is the time fixed within which notice is to be given?

Mr. EDMUNDS. No; it is provided that the bidders shall be seasonably notified so as to be able to attend. I am sure that inasmuch as accusations of fraud are made in these biddings this is as safe and just a way of leaving the question and giving everybody his just rights as can be devised.

Mr. CORBETT. If sufficient time is given, if these men can have fifteen days' notice, so that they can come here, at least sufficient notice to give them time enough to arrive seasonably, I shall be content. I do not know whether the language used is sufficiently expressive on that point.

Mr. EDMUNDS. I think it better that it should be "seasonable notice," so that the remotest bidder may be sure to have a seasonable and reasonable time to appear; and if the Postmaster General does not treat him justly Congress can interfere. If the Postmaster General were so disposed, as certainly he is not, he would not treat any of these men unjustly, because he could not make anything by it.

Mr. CORBETT. I have not examined this amendment; I have not seen it before. I have stated the evils I am trying to guard against. If the Senator from Vermont is satisfied that the amendment covers these points I shall make no objection.

Mr. EDMUNDS. They are precisely the evils that are covered.

The VICE PRESIDENT. The question is on the amendment.

Mr. CORBETT. Does this amendment allow the Postmaster General to enter into a contract for the whole four years where the bidder does not comply?

Mr. STEWART. No; that is struck out.

Mr. EDMUNDS. The third section is out entirely, so that the measure is confined to these few bids which are said to be fraudulent.

Mr. CORBETT. The third section is the one I had objection to.

The amendment was agreed to.

Mr. CORBETT. Now, as a third section, I offer the following:

SEC. 3. *And be it further resolved*, That all bidders upon every mail route for the transportation of mails upon the same shall hereafter accompany their bids, where they exceed $5,000, with a certified check or draft of some reliable banking house or institution; which check or draft shall not be less than ten per cent. on the annual amount they would receive in any one year under any such bid. In case any bidders shall fail to enter into good and sufficient bonds to faithfully carry out their contracts such bidder or bidders shall forfeit the amount so deposited.

Mr. STEWART. I beg the Senator from

Oregon not to press that on this resolution. It is for a specific purpose; and his amendment changes the whole system. I approve of it if it can be properly digested; but let it be offered on some other bill and let it go to the Committee on Post Offices and Post Roads.

Mr. CORBETT. If you want to protect the Treasury against the imposition of straw bidders this is the very manner in which to do it; compel the parties to deposit money, the same as the Secretary of the Treasury does when parties bid on gold in New York. He compels those who bid for gold to deposit a check for a margin, so that in case gold falls the Government shall have some security.

Mr. STEWART. The Senator will see——

Mr. CORBETT. I decline to be interrupted. I think this proposition is a fair one. It protects the Treasury. My sole desire is to protect the Treasury and to keep straw bidders from bidding. Now, if Senators desire that, if my very zealous friend from Nevada desires to do that, I certainly think he cannot object to this proposition. It confines the bidding to responsible men. It prevents men of straw from bidding. If they do bid they forfeit this ten per cent. On a contract of $50,000 they will have to put up $5,000. Responsible men can put up that amount of money without inconvenience; others cannot.

Mr. EDMUNDS. I think my friend from Oregon is right in the main; but I would suggest to him, as this joint resolution is now amended, it is merely to try a question of fraud in a special case that has occurred, and then the act will exhaust itself. When the post office appropriation bill comes up the proper place for his amendment will be on that bill, and as it has now been brought to the attention of the Senate everybody can consider of it. I am in favor of the principle. The details I do not understand at the moment.

Mr. CORBETT. I have no objection to this joint resolution as it now stands; but I want some such provision as this in the law, to prevent straw bidding.

Mr. EDMUNDS. So do I; but it ought to be in a general law.

The VICE PRESIDENT. Does the Senator from Oregon withdraw his amendment?

Mr. CORBETT. I should like to have a vote taken upon it. I think it is as appropriate on this as any other bill. I should like to test the sentiment of the Senate.

The VICE PRESIDENT. The question is on the amendment of the Senator from Oregon.

The amendment was not agreed to.

The joint resolution was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. POMEROY. As there are two lines of railroad now running to Colorado, one completed and one nearly so, I move to strike Colorado out of the preamble of the joint resolution.

Mr. STEWART. I have no objection to that.

The amendment was agreed to.

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

PROPOSED RECESS.

Mr. HOWARD. Mr. President——

Mr. CHANDLER. I ask my colleague to give way until I can renew the motion, as the honorable Senator from Delaware has withdrawn his objection, for an evening session to consider bills that are not objected to this evening.

Mr. HOWARD. I have no objection to that motion being put if a vote can be taken without debate.

The VICE PRESIDENT. The Senator from Michigan asks that by unanimous consent an order be made that the Senate, at five o'clock to-day, take a recess until half past seven o'clock, for the purpose of considering in the evening bills to which there shall be no objection.

Mr. SUMNER. I understood that that was agreed upon for to-morrow.

Mr. CHANDLER. This is for to-night.

Mr. SUMNER. Then I object to it.

The VICE PRESIDENT. It requires unanimous consent, and the Senator from Massachusetts objects.

Mr. SUMNER. I understand that we are to consider that very business to-morrow morning.

"BLACK BOB" INDIANS.

Mr. THAYER. I move that the report of the Committee on Indian Affairs relative to the "Black Bob" Indian lands in Kansas be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

NORTHERN PACIFIC RAILWAY.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. No. 121) authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road, and to secure the same by mortgage, the pending question being on the amendment of Mr. THURMAN, which was to add the following, to come in at the end of the resolution:

> And the rights and privileges hereby conferred upon said company, and the grants of land hereby made to it, are conferred and made upon this condition: that said company, its successors and assigns, shall forever transport over said road and its branches, free from any toll or charge, all the troops, produce, stores, and munitions of war that may belong to the United States.

Mr. CASSERLY concluded the speech commenced by him yesterday. It will be published in the Appendix.

Mr. STEWART. Mr. President——

Mr. THURMAN. Will my friend allow me to make a statement before he proceeds?

Mr. STEWART. Yes, sir.

Mr. THURMAN. I wish to say that I am paired off on this joint resolution with my colleague, [Mr. SHERMAN,] who is absent from the city to-day. Although the pair was really on the passage of the joint resolution, I suppose in equity it ought to extend to other questions on which there may be a vote. I shall not, therefore, be able to vote on any of the questions that may be taken. If he were here he would vote for the passage of the joint resolution, and I should vote against it. Now, in order that my friend from Nevada may have time to make his reply, I move to extend the time fixed for taking the vote until half past three o'clock. I do this at his suggestion.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The Senator from Ohio asks unanimous consent that the time fixed for taking the final vote on the measure before the Senate be extended for half an hour. Is there any objection? The Chair hears none.

Mr. MORRILL, of Maine. I object to that, unless there is a special emergency.

Mr. STEWART. I wish to make some remarks.

Mr. MORRILL, of Maine. I must insist on carrying out the agreement that has been made.

Several SENATORS. Oh! do not object.

The PRESIDING OFFICER. The Chair understands the Senator from Maine to object.

Mr. STEWART. Then I decline to make any remarks.

Mr. MORRILL, of Maine. What does the Senator wish?

Mr. STEWART. I wish to make some remarks, and I want the time extended.

Mr. MORRILL, of Maine. What is the reason? I have heard no reason assigned.

Mr. STEWART. I wish to make some remarks on the bill.

Mr. MORRILL, of Maine. Well, I object. We have had it up several days, day after day.

Mr. HOWARD. I beg the attention of the Senator from Maine for a moment. The Senator from California has consumed an hour and three quarters, or nearly that, in the speech he has made to-day, and it was expected that some other Senators would address the Senate on this subject; but unfortunately we are driven very near to three o'clock, the time fixed for taking the vote. Between now and three o'clock the Senator from Nevada will have an opportunity to say but little. I therefore beg the Senator from Maine to withdraw his objection.

Mr. MORRILL, of Maine. I decline to withdraw it.

Mr. CASSERLY. I desire to correct the Senator from Michigan. I did not occupy so much time as he supposes, and probably not more than an hour and a half, because a good deal of my time was consumed by a discussion which went over the morning hour. I wish to say also that I understood, not expressly, but impliedly, that there was no disposition on the other side to debate this question at all, but a desire without debate to bring it to a vote. However, I do not wish to be understood as objecting to an extension of the time.

Mr. STEWART. I just wish to call the attention of the Senate to the fact that this measure has been talked out on three different occasions when we were ready to take a vote. Now, there have been statements made here which ought to be replied to. We have waited and waited; and now I ask for a few minutes time to be allowed to make that reply. I have not occupied on this bill more than fifteen or twenty minutes altogether, and now I am denied time enough to make the reply I desire to make.

Mr. THURMAN. My impression is that the objection of my friend from Maine came too late. The Chair had announced that the time was extended, and therefore the Senator could not object after that. I hope he will not insist on the objection.

The PRESIDING OFFICER. The Senator from Maine had a right to object, and the Chair understands him to insist on his objection.

Mr. MORRILL, of Maine. I wish to say that more than three days have been occupied in the discussion of this subject; and when it is obvious that the sense of the Senate is entirely with the friends of the measure, for them now to insist upon occupying the time of the Senate on a question which has already occupied so much time, against other important bills that are waiting, is a proposition that I think ought not to be made, and certainly ought not to be entertained if it is made. That is my judgment. I think it is trifling with the business of the country.

The PRESIDING OFFICER. The Senator from Nevada will proceed.

Mr. STEWART. I wish to say that there have been some arguments and some statements made that ought to be replied to, as the Senator from Maine would know if he had been here and listened to them. There have been some attacks on the Republican party and its policy, and statements have gone out here which I think ought to be contradicted. I shall not, however, undertake to do it unless I have time enough allowed me for the purpose.

Mr. HOWARD. Mr. President, I could wish that the Senator from Nevada would proceed if a longer period were allowed. If he declines to proceed, I have only a few words to say in reply to the extended and very earnest remarks of the Senator from California, remarks in which he has, in my opinion, done great injustice to the bill now before us and great injustice to the Republican party; but time will not allow me to go into this latter consideration at all. I shall leave that party to stand upon its record, a record which is as solid, as durable as adamant. It will go into history, and be read by our posterity with pride a thousand years hence, when that Senator and myself, like the present generation, have been gathered to our fathers.

I rose merely to say that among the numerous erroneous statements of the honorable

Senator from California one particularly struck my attention. I do not know what the source may be of his statistical information in respect to the length of the Northern Pacific railroad. If I understood him properly—perhaps I may not have understood him properly on account of the noise in the Chamber and my distance from him and the lowness of his voice—he would represent the length of this line of road with its branch to be twenty-five hundred miles. If I am wrong in this the Senator will correct me.

Mr. CASSERLY. I gave the data. I said that the line, as extended into three roads by this resolution, would be about twenty-five hundred miles long, taking all the deflections.

Mr. HOWARD. I am not able to state the length of the line from Portland to Puget sound, which runs along on the west side of the Cascade mountains.

Mr. CORBETT. About one hundred and sixty miles. I suppose.

Mr. HOWARD. Then every Senator can make his calculation to suit himself from the data which I shall give. I hold in my hand the estimate of the length of the road under the original charter, made by Mr. Johnson, the chief engineer of the company, a gentleman whose scientific and practical talent is well known to the whole country, than whom an honester man does not live. He states that from Lake Superior to the waters of the straits of San Juan de Fuca, on a direct line, is fourteen hundred and sixty-four miles.

Mr. CASSERLY. "On a direct line."

Mr. HOWARD. On a direct line; and he says, "add for deviations one hundred and eighty-three miles." Railroad engineers have a certain rule by which they calculate deviations from a straight line. The whole length of the line would therefore be only one thousand six hundred and forty-seven miles. That is the length of the line, with its proper deviations, across the entire continent from Puget sound. The length of the line from the place of the deflection, according to the charter, down to Portland, it is impossible to calculate, because it is impossible for us now to ascertain the point of deflection, but suppose that to be two hundred miles from Portland—it is probably not further than that—that would make the entire distance, including the Portland branch, one thousand eight hundred and forty-seven miles. To that should be added the length of the line from Portland to Puget sound, which is stated to be about one hundred and sixty miles. It is hardly fair, I submit to the honorable Senator from California, to make statements in this body as to the length of this line which are not borne out by something like authentic and official facts.

Now, sir, I hope, if my honorable friend from Nevada is not intending to address the Senate on this subject, that we shall proceed to take the vote.

Mr. CASSERLY. I would like to state to the Senator from Michigan that I have the authority, if I can put my hand upon it, of the report of Commissioner Wilson, that the line from Puget sound to Lake Superior, counting deflections, would be two thousand and twenty-five miles long without reference to the Portland branch.

Mr. HOWARD. Manifestly Mr. Wilson is mistaken in his estimate. The information furnished by Mr. Johnson, the engineer, is far more reliable than the almost conjectural distance of Mr. Wilson. I have great respect for Mr. Wilson, but in that estimate he is entirely mistaken.

Mr. CASSERLY. I wanted to show that I did not speak without authority.

Mr. SCOTT. I rise to inquire whether the understanding as to taking the vote at three o'clock precludes the offering of any further amendments after that time?

The PRESIDING OFFICER. The Secretary will read, as it is reported in the Globe, the understanding which was agreed to yesterday.

Mr. SCOTT. If amendments are to be considered as excluded I wish to give notice now, before three o'clock arrives, of an amendment that I propose to offer.

The PRESIDING OFFICER. The agreement will be read from the Globe.

The Secretary read as follows:

"The PRESIDING OFFICER. The Senator from Michigan proposes that by unanimous consent the Senate agree to take the vote on this joint resolution to-morrow at three o'clock.

"Mr. EDMUNDS. Its final determination.

"The PRESIDING OFFICER. Is there any objection to that understanding? ['None.'] The Chair hears none. It is the common understanding, then, that at three o'clock to-morrow the Senate will proceed to the final vote upon this joint resolution. ['Yes.']"

The PRESIDING OFFICER. That is the understanding and agreement which was arrived at yesterday.

Mr. SCOTT. Mr. President——

Mr. NYE. Will the Senator from Pennsylvania allow me one word?

Mr. SCOTT. I wish to understand whether the Chair rules that an amendment will not be in order after three o'clock? ["No." "No."]

The PRESIDING OFFICER. No debate will be in order after three o'clock, according to the agreement.

Mr. EDMUNDS. Only debate is prevented.

Mr. SCOTT. Then an amendment will be in order.

The PRESIDING OFFICER. It will be.

Mr. SCOTT. Very well.

Mr. NYE. I desire to appeal to the Senate again. The honorable Senator from California has made a two-hours speech upon the policy of this grant, which speech will be read of course all over the Pacific coast. I hesitate not to say, with the utmost respect to that honorable Senator, that his speech is not in accord with the public sentiment of the Pacific coast nor in accord with the public sentiment of this country. It was understood that my colleague should have half an hour to reply, and I appeal to the Senate to give him that half hour, that what I believe the true sentiment of the Pacific coast may be expressed. I hope that will be done.

Mr. HAMLIN. I am a friend of the bill, and I object.

Mr. EDMUNDS. Let us vote now.

The PRESIDING OFFICER. Objection being made, the suggestion cannot be entertained.

Mr. EDMUNDS. I do not wish it understood that these agreements bind the official action of the Senate; they only bind gentlemen here on honor.

The PRESIDING OFFICER. The hour of three o'clock having arrived, a vote is to be taken according to the agreement. The question is on the amendment of the Senator from Ohio, [Mr. THURMAN.]

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

The yeas and nays were ordered.

Mr. CASSERLY. Let the amendment be read.

The VICE PRESIDENT. It will be read.

The Secretary read the amendment which was to add to the joint resolution the following clause:

And the rights and privileges hereby conferred upon said company, and the grants of land hereby made to it, are conferred and made upon this condition: that said company, its successors and assigns, shall forever transport over said road and its branches, free from any toll or charge, all the troops, produce, stores, and munitions of war that may belong to the United States.

Mr. NYE. Mr. President——

Mr. EDMUNDS. It is three o'clock.

Mr. NYE. Well, I will say nothing.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. EDMUNDS. On all the questions connected with this joint resolution I am paired with the Senator from Iowa, [Mr. HOWELL,] who, if present, I believe, would vote in favor of this amendment and adverse to the joint resolution as reported by the committee, and I should vote to sustain the joint resolution as reported by the committee.

Mr. DAVIS. I am paired with the Senator from Kansas, [Mr. ROSS.] If he were present he would vote against this amendment, and I should vote for it.

The calling of the roll was commenced and concluded.

Mr. CASSERLY. I have been requested to state that the Senator from New Jersey [Mr. STOCKTON] is paired on this joint resolution with the Senator from North Carolina, [Mr. ABBOTT.] I did not observe until this moment that the Senator from North Carolina was present.

Mr. ABBOTT. That is true; but I supposed the pair was only for yesterday. However, I withdraw my vote.

Mr. CASSERLY. I thought the Senator was absent, and therefore no criticism was intended on him by me at all.

Mr. ABBOTT. I saw the Senator from New Jersey here this morning, I think.

Mr. CASSERLY. No.

Mr. ABBOTT. I desire, then, to withdraw my vote.

The VICE PRESIDENT. The Senator from North Carolina withdraws his vote.

Mr. CASSERLY. If the Senator from New Jersey were here he would vote for this amendment.

Mr. HAMILTON, of Maryland. My colleague [Mr. VICKERS] is paired off with the Senator from Florida [Mr. GILBERT] on this question, both being absent. My colleague would vote against the joint resolution, and Mr. GILBERT for it. I may as well state also that I am paired with the Senator from Nebraska [Mr. TIPTON] upon this joint resolution and the amendments. I should vote against the joint resolution, and he would vote for it.

The result was announced—yeas 12, nays 35; as follows:

YEAS—Messrs. Ames, Bayard, Boreman, Cameron, Casserly, Harlan, McCreery, Morton, Pratt, Saulsbury, Willey, and Yates—12.

NAYS—Messrs. Anthony, Brownlow, Chandler, Cole, Corbett, Cragin, Fenton, Flanagan, Fowler, Hamlin, Harris, Howard, Howe, Kellogg, McDonald, Morrill of Maine, Morrill of Vermont, Norton, Nye, Osborn, Patterson, Pomeroy, Ramsey, Revels, Rice, Robertson, Sawyer, Scott, Spencer, Stewart, Sumner, Thayer, Trumbull, Williams, and Wilson—35.

ABSENT—Messrs. Abbott, Buckingham, Carpenter, Cattell, Conkling, Davis, Drake, Edmunds, Ferry, Gilbert, Hamilton of Maryland Hamilton, of Texas, Howell, Johnston, Lewis, Pool, Ross, Schurz, Sherman, Sprague, Stockton, Thurman, Tipton, Vickers, and Warner—24.

So the amendment was rejected.

Mr. SCOTT. I offer an amendment, to add the following proviso:

Provided, That all lands hereby granted to said company which shall not be sold or disposed of, or remain subject to the mortgage by this act authorized, at the expiration of five years after the completion of the entire road shall be subject to settlement and preëmption like other lands, at a price to be paid to said company not exceeding $2 50 per acre. And if the mortgage hereby authorized shall at any time be enforced by foreclosure or other legal proceeding, or the Government lands hereby granted, or any of them, be sold by the trustees to whom such mortgage may be executed, either at its maturity or for any failure or default of said company under the terms thereof, such lands shall be sold at public sale at places within the States and Territories in which they shall be situate, after not less than sixty days' previous notice, in single sections or subdivisions thereof, to the highest and best bidders.

Mr. NYE. I rise to inquire whether that amendment is debatable?

The VICE PRESIDENT. It is not, by the agreement of the Senate, but that is to be enforced by members themselves. The agreement was read by the Senator from Kansas, who occupied the chair temporarily, and is in the Globe. All debate was to cease at three o'clock. The Chair, however, does not attempt to enforce this agreement. The Senator from Nevada must judge for himself as to the propriety of conforming to it.

Mr. HOWARD. I will take the liberty of saying a few words. ["No." "No."]

The VICE PRESIDENT. The Senator

from Michigan asks unanimous consent to make some remarks.

Mr. POMEROY. I object.

The VICE PRESIDENT. The Senator from Kansas objects. The question is on the amendment of the Senator from Pennsylvania.

The question being put, the amendment was declared not to be agreed to.

Mr. SCOTT called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll, and Mr. AMES answered to his name.

Mr. ANTHONY. I think there is a misapprehension. I think we are all in favor of this amendment. I understand it meets the views of the committee, and if we can have the vote taken *viva voce* again I have no doubt it will be adopted.

Mr. RAMSEY. I presume the amendment will be passed without objection if the question is again put, without calling the yeas and nays.

The VICE PRESIDENT. If there be no objection the call for the yeas and nays will be withdrawn.

Mr. EDMUNDS. I merely rise to inquire whether the committee are satisfied with this amendment? It is difficult to understand it on its reading.

Mr. HOWARD. As the chairman of the committee I am satisfied with it.

Mr. EDMUNDS. Very well. If the Senator from Michigan accepts the amendment, I have no objection to it.

Mr. CASSERLY. I insist on the roll-call.

The VICE PRESIDENT. The Senator from California insists on the roll being called. It has been commenced and will be continued.

The Secretary resumed and concluded the call of the roll, and the result was announced—yeas 38, nays 7; as follows:

YEAS—Messrs. Anthony, Bayard, Boreman, Buckingham, Cameron, Casserly, Chandler, Cole, Corbett, Cragin, Fenton, Ferry, Fowler, Harlan, Harris, Howard, Howe, Kellogg, McCreery, McDonald, Morrill of Maine, Morrill of Vermont, Morton, Osborn, Patterson, Pratt, Ramsey, Revels, Saulsbury, Scott, Spencer, Sumner, Thayer, Trumbull, Willey, Williams, Wilson, and Yates—38.

NAYS—Messrs. Ames, Brownlow, Flanagan, Hamilton of Texas, Nye, Robertson, and Stewart—7.

ABSENT—Messrs. Abbott, Carpenter, Cattell, Conkling, Davis, Drake, Edmunds, Gilbert, Hamilton of Maryland, Hamlin, Howell, Johnston, Lewis, Norton, Pomeroy, Pool, Rice, Ross, Sawyer, Schurz, Sherman, Sprague, Stockton, Thurman, Tipton, Vickers, and Warner—27.

So the amendment was agreed to.

Mr. CAMERON. I offer the following amendment, to come in as a proviso after the one just adopted:

Provided, That in the construction of the said railroad American iron and steel only shall be used, the same to be manufactured from American ores exclusively.

Mr. POMEROY. In the State of Pennsylvania.

Mr. CAMERON. No; I do not say in the State of Pennsylvania; in Kansas if you like. I think the chairman of the committee will accept this amendment.

Mr. EDMUNDS. He cannot accept it.

Mr. WILLIAMS. The chairman cannot bind the Senate by accepting that. I object to it.

Mr. RAMSEY. That is in the original charter.

Mr. CAMERON. No; it is not.

The VICE PRESIDENT. The question is on the amendment of the Senator from Pennsylvania. Those in favor of the amendment will say "ay;" those opposed to it, "no." [Putting the question.] The noes appear to have it; the noes have it; the amendment is not agreed to.

Mr. CAMERON. No, Mr. President; allow me a moment. This is not exactly in the charter.

The VICE PRESIDENT. If the Senator from Pennsylvania desires the yeas and nays, he must call for them when the Chair announces doubtfully that the ayes or the noes appear to have it.

Mr. CAMERON. Then I will try the amendment again when the bill comes into the Senate.

The VICE PRESIDENT. That will be in order. The amendment is not agreed to.

Mr. HOWARD. I move to amend the resolution by adding the following as an additional section:

And be it further resolved, That Congress may at any time alter or amend this joint resolution, having due regard to the rights of said company and any other parties.

The amendment was agreed to.

The joint resolution was reported to the Senate, as amended, and the amendments, made as in Committee of the Whole, were concurred in.

Mr. CAMERON. I now renew the amendment that I offered a moment ago; and I desire to say a word upon it. I request the attention of the Senate, for I do not think any man in the Senate who is disposed to reflect for a moment will object to it.

Mr. EDMUNDS. Do not argue it against the understanding.

Mr. CAMERON. I submitted the amendment first to the chairman of the committee and he approved it. I wish simply to state the reason for it. In the original charter there was a clause that the rails should be laid of American iron; but that was evaded in this way: bad rails were broken up in England and shipped to this country and rerolled at small expense, and that is the cause of the difficulties we have had on the Pacific railroad. Bad iron has been brought in here at a low price, fraudulently, and against the manufacturers of this country. All I desire is that the road shall be made of American rails, and those rails to be made out of the ores of the country. I cannot see how anybody who desires the prosperity of his own country can object to it. It may be that the same machinery, the same extra discipline by which the joint resolution is sought to be carried through will prevent the adoption of any amendment except one offered by the chairman; but I have submitted this amendment to the chairman of the committee and it meets his approval.

Mr. STEWART. I rise to a question of order.

The VICE PRESIDENT. The Senator from Pennsylvania will suspend; the Senator from Nevada rises to a point of order.

Mr. STEWART. I rise to a question of order. I suppose the agreement must be enforced by the Chair or by the Senate. The agreement was that we should vote without debate, at three o'clock.

The VICE PRESIDENT. The Chair has stated that the Senate unanimously agreed to take the vote at three o'clock to-day without further debate; but at the same time the Chair stated that it was not in the power of the Chair to arrest any Senator from proceeding, if he chose to do so, in violation of the agreement.

Mr. STEWART. Such agreements have been enforced.

The VICE PRESIDENT. Never by the present occupant of the Chair.

Mr. STEWART. Well, they have been enforced by the Senate, and I do not feel any delicacy in enforcing this one.

The VICE PRESIDENT. The present occupant of the Chair never attempted to enforce such an agreement; it is for the Senate to enforce it.

Mr. NYE. I only wish to say a single word.

Mr. EDMUNDS. Do not violate this understanding.

Mr. NYE. I am not going to violate any. I am only going to say a single word. I wish to ask the Senator from Pennsylvania if his amendment is the subject for the consideration of which he wanted us to adjourn last night? [Laughter.]

Mr. CAMERON. I will say that the result of my reflections last night produced this amendment. [Laughter.]

Mr. NYE. I hope the amendment will prevail.

Mr. CAMERON and Mr. MORTON called for the yeas and nays on the amendment; and they were ordered; and being taken, resulted—yeas 27, nays 18; as follows:

YEAS—Messrs. Anthony, Boreman, Brownlow, Buckingham, Cameron, Chandler, Cragin, Fenton, Flanagan, Fowler, Hamlin, Harlan, Harris, Howard, Howe, McDonald, Morton, Nye, Osborn, Patterson, Pratt, Ramsey, Revels, Scott, Stewart, Thayer, and Willey—27.

NAYS—Messrs. Ames, Bayard, Casserly, Cole, Corbett, Ferry, Kellogg, McCreery, Pomeroy, Rice, Robertson, Saulsbury, Spencer, Sumner, Trumbull, Williams, Wilson, and Yates—18.

ABSENT—Messrs. Abbott, Carpenter, Cattell, Conkling, Davis, Drake, Edmunds, Gilbert, Hamilton of Maryland, Hamilton of Texas, Howell, Johnston, Lewis, Morrill of Maine, Morrill of Vermont, Norton, Pool, Ross, Sawyer, Schurz, Sherman, Sprague, Stockton, Thurman, Tipton, Vickers, and Warner—27.

So the amendment was agreed to.

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

Mr. CASSERLY. I call for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered; and being taken, resulted—yeas 40, nays 11; as follows:

YEAS—Messrs. Ames, Anthony, Brownlow, Buckingham, Cameron, Chandler, Cole, Corbett, Cragin, Fenton, Ferry, Flanagan, Hamilton of Texas, Hamlin, Harris, Howard, Howe, Kellogg, McDonald, Morrill of Maine, Morrill of Vermont, Norton, Nye, Osborn, Patterson, Pomeroy, Ramsey, Revels, Rice, Robertson, Sawyer, Scott, Spencer, Stewart, Sumner, Thayer, Trumbull, Williams, Wilson, and Yates—40.

NAYS—Messrs. Bayard, Boreman, Casserly, Fowler, Harlan, McCreery, Morton, Pratt, Saulsbury, Schurz, and Willey—11.

ABSENT—Messrs. Abbott, Carpenter, Cattell, Conkling, Davis, Drake, Edmunds, Gilbert, Hamilton of Maryland, Howell, Johnston, Lewis, Pool, Ross, Sherman, Sprague, Stockton, Thurman, Tipton, Vickers, and Warner—21.

So the joint resolution was passed.

Mr. HOWARD. I move to amend the title of the joint resolution by adding the words "and for other purposes."

The amendment was agreed to.

OREGON INDIANS.

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

Resolved, That the Secretary of the Interior inform the Senate as to the condition of the Indians in southeastern Oregon, their location, and what provision, if any, is necessary to be made for their establishment and support.

ORDER OF BUSINESS.

The VICE PRESIDENT. The next and last special order is the bill (H. R. No. 986) to abolish the franking privilege.

Mr. RAMSEY. I hope the Senate will proceed with the consideration of that bill now.

Mr. CHANDLER. I ask the Senator from Minnesota to permit me now to offer the resolution for a recess and evening session.

Mr. STEWART. Let us pass this franking bill at once.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent to submit a resolution.

Mr. EDMUNDS. I object.

The VICE PRESIDENT. The Senator from Vermont objects to the proposition of the Senator from Michigan.

Mr. MORRILL, of Maine. I move to pass over this special order, with a view of proceeding to the consideration of House bill No. 974, being the legislative, executive, and judicial appropriation bill.

The VICE PRESIDENT. The Senator from Maine moves to pass over the special order, leaving it in its place on the Calendar, for the purpose of then proceeding to the consideration of the appropriation bill.

Mr. RAMSEY. This bill to abolish the franking privilege has been lying like a lion in the path for a month past, and I think we might as well take it up now and dispose of it; and then other business can be proceeded with.

The VICE PRESIDENT. The motion to pass over is not debatable.

Mr. STEWART. I call for the yeas and nays upon it.

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

The VICE PRESIDENT. That has priority. The Senator from Maine moves to pass over the special order, leaving it on the Calendar, for the purpose of proceeding to the consideration of the appropriation bill, pending which the Senator from Alabama moves that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 25, noes 20.

Mr. HAMLIN. I think we had better have the yeas and nays. Let us see who wants to dodge the franking question.

The yeas and nays were ordered.

Mr. ANTHONY. The Senator from Maine says that those who vote to go into executive session wish to dodge the bill for the abolition of the franking privilege. I am in favor of that bill, and intend to vote for it; but I am going to vote now to go into executive session.

The question being taken by yeas and nays, resulted—yeas 28, nays 21; as follows:

YEAS—Messrs. Anthony, Bayard, Boreman, Brownlow, Buckingham, Cameron, Casserly, Corbett, Davis, Fenton, Fowler, Hamilton of Maryland, Hamilton of Texas, Harlan, Howard, Kellogg, McCreery, Morrill of Vermont, Morton, Norton, Pratt, Revels, Robertson, Saulsbury, Schurz, Spencer, Sumner, and Yates—28.

NAYS—Messrs. Ames, Chandler, Cole, Cragin, Edmunds, Ferry, Hamlin, Harris, Howe, Morrill of Maine, Nye, Patterson, Pomeroy, Ramsey, Sawyer, Stewart, Thayer, Trumbull, Willey, Williams, and Wilson—21.

ABSENT—Messrs. Abbott, Carpenter, Cattell, Conkling, Drake, Flanagan, Gilbert, Howell, Johnston, Lewis, McDonald, Osborn, Pool, Rice, Ross, Scott, Sherman, Sprague, Stockton, Thurman, Tipton, Vickers, and Warner—23.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 21, 1870.

The House met at twelve o'clock m. Prayer by Rev. W. E. PARSON.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. BUFFINTON. I desire to have the Journal of the House corrected. They have me recorded as not voting on the first vote taken yesterday on the election of Mr. Sypher. I voted "no."

The SPEAKER. The correction will be made.

The Journal, as corrected, was approved.

ORDER OF BUSINESS.

Mr. DAWES. Mr. Speaker, I have received a note from the chairman of the Committee of Ways and Means [Mr. SCHENCK] stating that he is not well to-day, and will not be able to go on with the tariff bill. I propose, therefore, after the morning hour to go into Committee of the Whole on the state of the Union, and to take up and dispose of the Navy appropriation bill or the diplomatic appropriation bill, and perhaps both of them.

JOHN WILSON.

Mr. CAKE. I am directed by the Committee on Accounts to report back the resolution referred to that committee in regard to the claim of John Wilson, and to ask that it be referred to the Committee on Appropriations.

Mr. DAWES. Let it be referred to the Committee of Claims.

Mr. CAKE. It has already passed the Committee of Claims. Their report being made, it was referred to the Committee on Accounts. We now ask that it be referred to the Committee on Appropriations.

Mr. DAWES. I think the Committee on Accounts have declined very properly to have it paid out of the contingent fund. The Committee of Claims have charge of these matters, and let them report a bill to pay it in the ordinary way. I move that it be referred to the Committee of Claims.

Mr. WASHBURN, of Massachusetts. I hope not. I have seen it every session I have been in Congress, for some eight or ten years, and I do not desire to see it again.

Mr. DAWES. I move to amend the whole thing so as to pay the claim out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The Clerk will read the resolution before the House.

The Clerk read as follows:

Resolved, That the Clerk of the House pay to John Wilson, out of the contingent fund of the House, in full satisfaction for his services in superintending and preparing the maps of the public land States ordered by resolution of the House of May 4, 1848, the sum of $3,600, the said John Wilson having been employed in said duty from 4th of May, 1848, to 14th of January, 1852.

The SPEAKER. This is a House resolution, and the Chair cannot entertain the motion of the gentleman from Massachusetts.

Mr. DAWES. It should not go to the Committee on Appropriations.

Mr. CULLOM. Let it be referred to the Committee of Claims.

Mr. ALLISON. I move that it be referred to the Committee of the Whole House on the Private Calendar.

The motion was disagreed to.

Mr. HOLMAN. I move that it be recommitted to the Committee of Claims.

The motion was agreed to.

Mr. ALLISON moved to reconsider the vote by which the resolution was referred to the Committee of Claims; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TENNESSEE LOYALISTS.

Mr. STOKES. I ask unanimous consent to present a memorial signed by a large number of true loyal men of Carroll county, Tennessee, setting forth the condition of the country and asking for relief at the hands of Congress.

Mr. BROOKS, of New York. That can be done under the rules.

Mr. STOKES. I ask to present it in open House. It is the first time I have asked such a favor.

Mr. WOOD. I object. Let it come in under the rules.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. WILSON, of Minnesota. I ask unanimous consent to submit the following resolution:

Resolved, That the Secretary of War be directed to furnish this House with a copy of the report of Amos Stickney, captain of engineers United States Army, to Brigadier General G. K. Warren, dated July 2, 1869, on the improvement of the Mississippi river from Fort Snelling to the Falls of St. Anthony.

Mr. STOKES. Unanimous consent was refused to me. I object, and call for the regular order.

Mr. BROOKS, of New York. That is a good idea.

LOUISIANA ELECTION CASE.

The SPEAKER. The regular order of business is the unfinished business of yesterday, being the resolution offered by the gentleman from Indiana, [Mr. KERR,] on which tellers were ordered on seconding the demand for the previous question. The Clerk will again report the resolution.

The Clerk read as follows:

Resolved, That the Speaker of the House be directed to inform the Governor of the State of Louisiana that there is a vacancy in the representation from that State in the first congressional district thereof.

Mr. KERR. I withdraw the resolution.

Mr. STEVENSON. I renew it for the purpose of moving to refer it to the sub-Committee of Elections which had the case in charge, and upon that motion I wish to be heard for a few minutes. I propose to give very briefly my reasons for making this motion, and then to call the previous question, not desiring to take up the time of the House unnecessarily.

After the extraordinary, conflicting results reached in the two cases already reported from the State of Louisiana, it becomes this House to consider where we are and what we propose to do. It is not for me to reproach any member of the House for having differed from me. I claim to act in all these matters impartially, without fear, favor, or affection. I hope all others do the same. I am willing to believe they do, and I should be ashamed of myself and of my associate members of this House if I could believe otherwise. It has been charged on this floor that the case of Sypher was affected by the supposed opinion of that gentleman on the question of the tariff. I do not believe that. The only testimony elicited to sustain this charge came from one who overheard certain talk and did not understand it. It is seldom that a man listening or looking through a key-hole hears or sees all that passes within; but I do believe that if the result was affected in any way at all by the supposed status of the gentleman on that question it was affected adversely to him.

Mr. BOYD. Mr. Speaker, I rise to a point of order. The resolution, as I understand it, instructs the Speaker to inform the Governor of Louisiana that there is a vacancy in the representation from that State. I do not think that the remarks of the gentleman from Ohio are pertinent to that matter, and I therefore submit that they are not in order.

The SPEAKER. Great latitude was given to debate yesterday when the same resolution was offered by the gentleman from Indiana, [Mr. KERR.] The Chair, therefore, does not feel called upon, under the circumstances, to enforce the rule very strictly, especially as the gentleman has stated that he only proposes to occupy the floor for a very few moments.

Mr. STEVENSON. I do not propose to enter at length into this matter or any collateral matter; but I wish this declaration to go forth from me against what I believe to be slanders against members on this floor. I have no partiality for the gentleman accused, whom I regard as a fanatic for protection. If I have any partiality in the matter as between the two sections on my side of the House on that question I should be classed rather with the liberal men. If, Mr. Speaker, the truth is ever fully known about that case it will be found that if any improper influences operated at all they operated adversely to Mr. Sypher by caucus and by combination. But I do not charge any improper influences. I want simply to caution the House as to its future action on cases like this. We are to report three more cases from the State of Louisiana, cases in principle precisely like this. We have acted already upon a case in principle identical with the Sypher case. No man can draw the distinction of a hair in legal principle between the cases of Sheldon and Sypher. Not in one iota do they differ.

The learned gentleman from Ohio [Mr. GARFIELD] who was so active in both—in one in favor of Sheldon, and in the other against Sypher—would rack his brain and probe his conscience in vain to find a particle of distinction. Neither would he find much comfort in the figures. According to the full returns, official and unofficial, there was a majority for Hunt against Sheldon of 10,615. And yet the gentleman from Ohio advocated and voted for the admission of Sheldon. The majority, according to the official returns, for St. Martin against Sypher was 9,614, less than the majority of Hunt over Sheldon. And yet the same gentleman opposed by argument and vote the claim of Sypher.

Mr. FARNSWORTH. I think I must raise a point of order. A discussion as to the vote for Sypher or the vote for St. Martin has nothing to do with this resolution to instruct the Speaker to inform the Governor of Louisiana that a vacancy exists. I think it my duty to

insist upon the point of order, or else we do not know where this discussion will end.

The SPEAKER. If the gentleman from Illinois insists upon the point of order the Chair will be compelled to sustain it. The margin of discussion allowable on the resolution is necessarily very narrow; but the Chair was disposed to indulge the gentleman, inasmuch as great latitude was allowed on the other side in the debate yesterday.

Mr. STEVENSON. I wish to show the impropriety of sending one of these cases back alone.

The SPEAKER. The resolution merely relates to a ministerial duty which the House may choose to devolve upon the Speaker.

Mr. STEVENSON. My motion is to refer the resolution to the sub-Committee of Elections.

The SPEAKER. The motion of reference does not change the essential character of the resolution, and it does not widen the gentleman's liberty of debate at all. It must be entirely confined within the scope of the resolution.

Mr. ELDRIDGE. Is not the only question debatable the question of reference?

The SPEAKER. The motion to refer opens the question to all the debate it is susceptible of. In the case of a bill, for instance, a motion to refer opens the whole debate in all its latitude, but it does not, of course, widen it beyond the merits. A motion to refer gives the gentleman the same liberty of debate that he would have if the motion were to agree to the resolution. But this is a mere question of the propriety of directing the Speaker to perform the ministerial duty of notifying the Governor of Louisiana of the vacancy.

Mr. STEVENSON. I call attention to the fact that gentlemen on the other side enjoyed the utmost latitude in the debate yesterday.

The SPEAKER. The Chair has already so stated, and asked the same latitude for the gentleman from Ohio, the same liberty.

Mr. FARNSWORTH. I shall insist on the point of order.

Mr. STEVENSON. I shall endeavor to keep within the line.

The SPEAKER. If the gentleman from Illinois [Mr. FARNSWORTH] insists on it the gentleman from Ohio must confine himself within the appropriate limits of debate.

Mr. STEVENSON. Then I say that we ought not to notify the Governor of Louisiana of one vacancy until we have determined how many vacancies there are. I say that the cases are substantially alike, and if this House adheres to its vote in the Sypher case these seats from Louisiana will all be vacant. I say, therefore, this House ought to pause before it sends notice of one vacancy until it sees how many vacancies there are. Why? Because, Mr. Speaker, we ought not to spot the State over with elections to fill vacancies. We ought not to send back one and hold one election in one month, and another in another month, and another in another month, and another in another month. We ought not to make a chronic state of excitement and murder in the State of Louisiana.

I therefore propose, Mr. Speaker, that this resolution shall go to the sub-Committee of Elections, to be held there until the House shall have acted in its wisdom, in its infallible wisdom on all these cases, and then let us know how much territory there is to be covered and protected. How do we know what will be done in any of the other cases? What warrant have we that the gentleman from Indiana [Mr. KERR] will not, as he did in this case, argue first that there has been a legal election, and call God to witness, and the next day, under the sanction of his oath, vote that there was no legal election, and then in the same breath tell us there was a legal election? What warrant have we that the other gentleman from Ohio [Mr. BINGHAM] will not come roaring around this side of the House, smashing the desks of members, with his head on fire, interfering against the rights of the loyal black people of the South? What warrant have we that the gentleman from the wilderness of the far West [Mr. FITCH] will not come in here, empty of all knowledge of the case as the idlest wind that blows around his mountain home, and decide the case against right and justice? What warrant have we in any of these cases? What warrant have we that the "moral element" of this side of this House will not make a corrupt bargain with the immoral element of the other side of the House against the right? What warrant have we, I say, anywhere here? It is all a sea of uncertainty. Let us await results. Let us wait until we see where we are; and then let us do one more thing; let us, before we send another election to the South, provide for the protection of our loyal friends there. We have by our own laws—and I call the attention of the country to the fact—we have by our laws forbidden the loyal people of the State of Louisiana to organize a militia to defend themselves.

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

The SPEAKER. The gentleman will state his point of order.

Mr. BINGHAM. I understand that the resolution pending before the House is a resolution directing the Speaker to notify the Executive of Louisiana that a vacancy has arisen in the representation from that State. That, I understand, is the pending resolution.

Mr. STEVENSON. That is not the motion.

Mr. BINGHAM. What is it, then? I ask that the pending resolution be read.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House be directed to inform the Governor of the State of Louisiana that there is a vacancy in the representation from that State, in the first congressional district thereof.

Mr. BINGHAM. What is the pending motion?

The SPEAKER. The pending motion is that the resolution be referred to the special Committee of Elections having in charge the election cases from the State of Louisiana.

Mr. BINGHAM. Then my point of order is that it is not in order, upon that resolution and pending that motion, to pursue the line of argument which is being pursued by my colleague.

The SPEAKER. That point of order has already been made by the gentleman from Illinois, [Mr. FARNSWORTH,] and the Chair has already admonished the gentleman from Ohio [Mr. STEVENSON] that he must confine himself within the rule.

Mr. NIBLACK. I hope the point of order will not be insisted upon.

Mr. BINGHAM. I do not want the time of the House taken up in this way.

The SPEAKER. All matters outside of the question of notifying the Governor of Louisiana of the existence of a vacancy are out of order.

Mr. STEVENSON. With all due respect, I would ask the Chair if it is not in order for me to discuss the condition of affairs in the State of Louisiana and the probable results of holding an election there now?

The SPEAKER. It would clearly be not in order. And the Chair would beg to state, moreover, that in his judgment there is no necessity whatever for the passage of this resolution. So far as its operation would go it would not affect the matter at all. It would be an extraordinary thing for the Speaker of the House to make this notification. The Governor of Louisiana would or would not act in the premises without any regard to a resolution of this kind. Therefore the passage of the resolution does not at all involve the question of the discretion of the Governor.

Mr. KERR. Then I desire to withdraw the resolution.

The SPEAKER. The gentleman from Indiana [Mr. KERR] did withdraw the resolution, and the gentleman from Ohio [Mr. STEVENSON] again offered it. The Chair ruled, as he would rule again, that a resolution of this kind, relating to the representation in this House, involves a question of privilege. Of course it must be disposed of under the rules, and the debate must be limited by the rules, and that involves merely the propriety of adopting such a resolution. All that relates to the propriety or impropriety of making this notification is in order; but everything relating to elections which have heretofore taken place in Louisiana, or which may hereafter take place there, is certainly not in order.

Mr. DAWES. I wish to put a single interrogatory to the gentleman from Ohio, [Mr. STEVENSON.]

Mr. STEVENSON. Very well.

Mr. DAWES. I suppose the gentleman from Ohio admits that in consequence of the vote of the House yesterday there is a vacancy in this district. Now, does it make any difference in the constitutional obligations of the Governor of Louisiana whatever we may do? And if not, then why does he desire to have this resolution referred to the special Committee of Elections?

Mr. STEVENSON. I will answer that question. I suppose that the Governor of Louisiana has some discretion in the premises. I suppose he has the discretion not to call an election in one district to-day, in another district to-morrow, and in an adjoining district the day after to-morrow, so that men may go from one to the other and commit frauds and violence. I suppose the Governor has some discretion, and I propose to give him an opportunity to exercise it. I propose to take advantage of the situation here, to take time to repeal the law on our statute-book made against Andrew Johnson and his southern allies, but which works against ourselves and the loyal men of the South; that law which prevents the loyal southern people from having a lawful militia to defend themselves. I propose to wait until we shall have put the people of the South in such a position that either we shall defend them or they may defend themselves. I say that it is an instance of inhuman outrage that this nation shall tie the hands of the Union people of the South, and yet not defend them. They have no means to defend themselves. We send no army to defend them.

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

Mr. STEVENSON. May I not answer the question of the gentleman from Massachusetts, [Mr. DAWES?]

The SPEAKER. The gentleman may answer it if it be in order to answer it. That is the point which the Chair will determine when the point of order has been stated.

Mr. BINGHAM. My point of order is that the remarks of my colleague [Mr. STEVENSON] are not germane to the question pending before the House.

The SPEAKER. The Chair sustains the point of order. The gentleman must confine himself to the resolution or take his seat.

Mr. STEVENSON. I would be obliged if the Chair would indicate some line, though it be slender as a hair, in which I may speak.

The SPEAKER. It would be very easy for the Chair to indicate the line in which the gentleman may not speak. He must himself indicate the line in which he will speak.

Mr. STEVENSON. Then, Mr. Speaker, I say that this resolution ought to be referred to the committee, because it is the proper committee to consider the resolution. It is composed of gentlemen well known to the House. It is composed of a gentleman from the State of Ohio, a gentleman from the State of Missouri, and a gentleman from the State of Indiana, [Mr. KERR.] I do not think, however, there is any danger that the committee will involve itself in the extraordinary self-contradictions which one member of it has committed. I think it will do more wisely than that member did when, as I have said before,

he called on Heaven to witness that here was a lawful and peaceable election, and then under his oath voted that it was not a lawful election, and then assured the House that it was a lawful election! I think this committee will hold this resolution until we see what this House in the infinitude of its wisdom and the immaculate perfection of its judgment shall do on the other cases.

I now call the previous question on my motion to refer.

Mr. HOLMAN. I move that the resolution be laid on the table.

The motion was agreed to—ayes 83, noes 35.

Mr. DAWES. I call for the regular order.

PATENT AND COPYRIGHT LAWS.

The SPEAKER. The morning hour now begins, and the House resumes the consideration of the bill (H. R. No. 1714) to revise, consolidate, and amend the statutes relating to patents and copyrights, reported from the Committee on Patents. The question is upon the motion of the gentleman from New Jersey [Mr. CLEVELAND] to strike out section seventy, which will be read by the Clerk.

The Clerk read as follows:

On all patents hereafter granted there shall be paid the following additional fees, namely: at or before the expiration of the term of seven years from the date of the patent the sum of twenty-five dollars, and at or before the expiration of the term of twelve years from the date of the patent the further sum of fifty dollars, and in default of the payment of either of the sums aforesaid, within the periods aforesaid, the said patent shall be forfeited, and the invention so patented become public property.

The SPEAKER. Does the gentleman who has charge of this bill desire the question shall now be put upon the amendment which has just been read?

Mr. STEVENS. I propose that the vote upon the amendments be reserved until after the previous question has been seconded. I now yield to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. I move to amend by striking out in section four, lines eighteen and nineteen, the words "twenty-five hundred" and inserting "eighteen hundred," so as to provide that the salary of the librarian of the Patent Office shall be $1,800, as now fixed by law, instead of $2,500, as proposed in the bill. There are in this section several provisions increasing salaries to which I feel compelled to call the attention of the House. This bill, the main features of which I like very much, proposes the same corps of officers provided for in the legislative appropriation bill, which has already been passed by the House. In that bill we fixed the salaries of those officers. I propose that the salaries provided for in the present bill shall correspond with those already fixed in the appropriation bill. The organization and compensation of this corps of officers, as already sanctioned by the House, are in accordance with the proposition made to the Committee on Appropriations by the Commissioner himself. In other words, the amendments I propose to offer to this bill will make this corps of officers and their compensation conform to the recommendation of the Commissioner of Patents, as submitted to our committee.

When the legislative appropriation bill was before the House I had occasion to remark that the Commissioner of Patents had coöperated with the Committee on Appropriations in an effort to reduce the expenditures of this bureau to the extent of $30,000. Notwithstanding the bureau is more than self-sustaining, in other words, receives and puts into the Treasury annually one or two hundred thousand dollars more than it takes out, the Commissioner of Patents informed the Committee on Appropriations that if he could be permitted to rearrange and reorganize his bureau himself he would save the Government more than $30,000 in the annual expenses; and would, in his opinion, contribute very much to the efficiency of the bureau. It was all his work. The compensation there fixed was the compensation fixed by him in conformity to law.

Unless I have some evidence that the efficiency of the service will suffer I cannot myself consent to this raising of salaries. I take this one as a test. Here is a proposition to raise the salary of the librarian of the Patent Office. I know no duty imposed on him additional to that imposed on him for the last five years. While I should like to see every officer paid as well as he ought to be, and, if the condition of the Treasury would permit, liberal salaries, if the House of Representatives shall be induced to raise the salary of the librarian of the Patent Office $700 there is an end to all effort to keep down the salaries of other officers. If this salary be raised, every other man will come here and ask that his salary shall also be raised. As efficient officers in other bureaus who are as poorly paid will come here and ask that their salaries shall be increased alongside with the librarian. There will be no end to it, and we will go down before the country because we have gone into a general system of raising salaries. I hope the House will sustain the Commissioner of Patents, as well as the Committee on Patents, to keep the salary where it is, at $1,800. That is all I desire to say.

Mr. JENCKES. Has the hour of the gentleman from New Hampshire expired?

The SPEAKER. It has.

Mr. JENCKES. I wish now to have the floor in my own right. I rise to close debate.

The SPEAKER. If the gentleman rises to close debate he had better call the previous question; for unless he does, if he occupies the floor, the morning hour will expire before his hour is up and the bill will go over until next week.

Mr. JENCKES. If there be no other amendment to be offered I will call for the previous question.

The SPEAKER. The question will be first on the amendment of the gentleman from Massachusetts, [Mr. DAWES.]

Mr. STEVENS. It was the understanding that the amendments should be reserved, to be voted on together.

Mr. DAWES. I think the House should pass separately on these amendments in reference to salaries. I should like to have them disposed of as we go along.

The question recurred on Mr. DAWES's amendment, and there were—ayes 48, noes 22; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. DAWES and Mr. JENCKES.

Mr. JENCKES. I desire to make some remarks in reply to the gentleman from Massachusetts.

Mr. DAWES. I retain the floor, and yield to the gentleman from Rhode Island.

Mr. JENCKES. Mr. Speaker, I desire the House to understand distinctly this provision of the bill proposes to increase the salaries of one class of officers and an individual in the Patent Office. The class of officers whose salaries are proposed to be increased are the first assistant examiners. The salaries are now as follows: principal examiners, $3,500; first assistant examiners, $1,800; and second assistant examiners, $1,600. It is proposed to increase the salary of the first assistant examiners to $2,000, so as to have a more proportional gradation between these three officers. In consequence of the low salary of the first assistant examiner now, as soon as a man gets fit for the place, educated for it, he looks round to see what he can do better outside of the office, and it is not long before he gets a better place. The effect of the increase will be that he will look to be promoted to principal examiner in time. If he has a salary of $2,000 he will be more willing to stay there. From the grade of first assistant examiners come those who are to be principal examiners, and unless an inducement is held out to stay there and be educated up to the standard of a principal examiner the efficiency of the office will be decreased. The effect of the amendment is to strengthen this Patent Office in this portion of its staff of officers. It only adds to the expense of the office $4,400 a year.

In regard to the examiner in charge of the interferences, it increases his salary $500. In addition to the skill required for this position, he is also required to be versed in the law to decide these cases; for these are almost all—I may say all, in fact—litigated cases; and his business is to collate and prepare the evidence, and present a report for the decision of the Commissioner. It therefore seemed fair, in order to get the proper grade of talent in this office, to increase the salary to a point which would obtain the services of a competent lawyer as well as a competent mechanician and chemist.

As regards the librarian, his case seems to me more meritorious even than the other. The gentleman asks if he has greater duties than in previous years. He has this great additional duty which I wish the House to understand; he has to become acquainted with all the scientific works published in all parts of the world; he must be master of all modern languages; he must know the progress of inventions everywhere and the works which describe them, and be able to select from all the books published those most useful for the library. The Commissioner cannot do it. This is a matter in charge of the librarian, and of him alone; and I say that it requires a man of great skill and judgment to discharge such a duty—such a man as it is not fair to class with a fourth-class clerk. The gentleman now in charge of the library, which is the best scientific library in the world, has to eke out his subsistence by getting fees for transacting business in the office, looking up cases, and giving his services to individuals. We think that we ought to have his whole services for the public; and if he has this increase we can secure them.

The whole amount of this increase of salaries of officers is but $5,600. The proposition does not interfere with the salaries of officers of corresponding grades in other Departments. It will not disturb the harmony of any other Department, and it adds to the harmony and symmetry of this Department. And with increased efficiency in the Department there will be increased fees, and I have no doubt the office will receive ten times as much as will pay for this increase of salaries. I trust that the amendment of the gentleman from Massachusetts [Mr. DAWES] will not prevail.

Mr. DAWES. I ask the House to adopt a principle in reference to this matter. I know that with reference to any efficient officer it is easy to argue forcibly before the House that his ability and efficiency entitle him to higher pay. But I want the House to understand with reference to this officer——

Mr. JENCKES. If the gentleman will allow me to interrupt him, I would say that that is not my argument. What I contend is that you cannot get a competent man for this position for a less salary than that proposed in the bill.

Mr. DAWES. I want the House to understand two things. The first is that my amendment brings the matter to where it is by law now. The other thing which I wish the House to understand is that the Commissioner of Patents came before the Committee on Appropriations when they were making appropriations for this office and fixed his corps and their compensation to suit himself; and he never indicated any necessity for what is now proposed. Under those circumstances——

Mr. JENCKES. I do not think the gentleman's argument is quite fair. The Commissioner of Patents could not bring the question of the reorganization of his Department before the Committee on Appropriations. But before the Committee on Patents, which had the sub-

ject in charge, he did state that he thought it necessary to have these salaries increased, and he gave his reasons, some of which I have stated to the House.

Mr. DAWES. I think he might just as well have stated those reasons to the Committee on Appropriations. What the gentleman from Rhode Island has stated may be the explanation of it. But the statement of the Commissioner to the Committee on Appropriations was this: "Let me reorganize my office myself, and I will save $30,000 a year." Our answer was, "Let us see you do it." Accordingly he brought in his plan, and we incorporated it *in totidem verbis* into the bill, and it has received the approbation of this House. In respect to this particular officer, the salary is just what he has had for very many years—for aught I know, as long as the office has existed—and this is the first time I have ever heard a complaint in reference to it. Under these circumstances, to add $700 to the compensation of this officer is to proclaim to every man in the public service that he has a right, if it can be stated that he has been faithful and efficient, to come here and ask to have his compensation made greater. I hope that on this amendment the decision will not be such as to indicate to the country that we are disposed to raise the salaries of public officers, and I ask a vote upon it.

Mr. PETERS. Does the gentleman from Massachusetts [Mr. DAWES] propose to have a vote taken covering all his amendments together?

Mr. DAWES. I propose to ask a vote on this one separately. The argument for each of the amendments rests on its own merits.

Mr. PETERS. I feel compelled, although I am very loth to ask an increase of any salary, to say a word in behalf of the librarian of the Patent Office, in response to the remark of the gentleman from Massachusetts, [Mr. DAWES,] that this is a new question. I was a member of the Committee on Patents in the last Congress, and there was a bill introduced to increase the pay of this officer. The committee favored it, but they never had an opportunity to report it. There were other applications for increase of salaries in the same bureau, and from the Commissioner down they all seemed to agree that if no other party had an increase of one dollar the librarian ought to have it. There seemed to be a unity of sentiment, that if there was a single person connected with the bureau who should have any additional compensation it was this party who had to be a linguist, who had to understand the European languages, who had all the duties to perform that he could discharge from morning till night, and who was living upon this salary of $1,800. Now, with my impressions about this matter I should feel much more willing to increase the salary of this literary gentleman, who occupies this position, than I would to increase the salaries of the examiners; and perhaps the gentleman from Rhode Island [Mr. JENCKES] may be willing, if he can get no more, to take this pittance of increase in this case. I can assure the House, having been upon the Committee on Patents and having had some associations with this bureau, that there is, in my opinion, much more reason for an increase of this salary than there is for an increase of the others.

Mr. DAWES. If I am ever at the head of a bureau the first thing I will do will be to retain the gentleman from Maine, [Mr. PETERS.] He can make just as good a speech for one as for another, and I will employ him just as certainly as I ever get to be the head of a bureau of any sort. Now, all I have to say in reply to my friend's speech is that the Commissioner of Patents who asked for this increase is the present Commissioner. That is enough for me, and the gentleman from Maine knows all the difference between the present Commissioner and the past. I have no doubt but what the past Commissioner thought that all the salaries in his bureau ought to be raised. He had an idea that he was a member of the Cabinet; he had an idea that his salary ought to be the same as that of the President of the United States, and so far as the administration of the office was concerned, as regarded its revenues, one might infer from the results that pretty much all of them had similar ideas, for a surplus fund of $450,000, which had been increasing for years, under the late administration sunk to almost nothing, and it was only saved by the last Congress by being covered into the Treasury, and Congress proposed, instead of letting them receive it and pay it out without accounting to the Treasury, that they would take cognizance of it.

I have only to say further that upon all propositions to raise salaries you can make just the same argument as that made by my friend from Maine. It is proposed to give this librarian the same salary as the Librarian of Congress has had, with all his responsible duties and all his accomplishments; as he has to-day and as he would have in future were it not for the action of my eloquent friend from Maine yesterday in urging the raising of his salary and making just the same speech in his behalf that he has made to-day in behalf of this librarian. Does the gentleman from Maine propose to take them all *seriatim* and urge an increase of their salaries with his accustomed ability and his winning words?

Mr. PETERS. No, I stop here.

Mr. DAWES. Ah, my friend has promised to stop a great many times when he has been after the Committee on Appropriations, and I have no doubt he means it when he says it; but with all due respect to him, when a question of this kind comes up he has a faculty of forgetting his promises. I trust the House will allow this salary to remain as it now is.

The tellers then resumed their places. The House divided; and the tellers reported—ayes 72, noes 43.

So the amendment was agreed to.

Mr. DAWES. I now move to amend the clause in relation to the salary of first assistant examiners by striking out "$2,000" and inserting "$1,800."

The amendment was agreed to.

Mr. DAWES. I also move to amend the clause in relation to the compensation of the examiner in charge of interferences by striking out "$3,000" and inserting "$2,500."

The amendment was agreed to.

Mr. BENJAMIN. I would like to inquire of the gentleman from Rhode Island [Mr. JENCKES] what is meant by "purchasing clerk," who is provided for by this bill? What are the duties of the purchasing clerk? I believe there is no such officer under the present law.

Mr. JENCKES. He is provided for in the appropriation bill of this year. He is the clerk of the Commissioner.

Mr. BENJAMIN. What duty does the gentleman propose to assign that officer under this bill?

Mr. JENCKES. The duty assigned to him by the law creating the office.

Mr. BENJAMIN. What does he purchase?

Mr. JENCKES. The supplies for the office. He runs about to this and that store and brings samples and things of that kind. It is an officer already known to the law; nothing new.

Mr. POLAND. The eleventh section of this bill provides that "in case of the death, resignation, absence, or sickness of the Commissioner, his duties shall devolve upon the assistant commissioner until a successor shall be appointed or such absence or sickness shall cease." I desire to move to amend the section by adding to it the following:

And while such assistant commissioner shall so perform the duties of Commissioner he shall receive the same compensation as the Commissioner.

Mr. JENCKES. I am willing that the amendment shall be voted on.

The SPEAKER. If no objection is made the amendment will be considered as pending.

No objection was made, and the amendment was received.

Mr. KERR. I desire to move an amendment.

Mr. JENCKES. I will hear it read.

Mr. KERR. I desire to move to add the following to section thirty-four of this bill:

And provided further, That no obligation of the kind mentioned in the foregoing proviso shall be refiled or revived for the purpose of interfering with existing patents; and patents hereafter granted on such application shall not be held in any event to impair or supersede any existing patent.

Mr. JENCKES. I cannot permit that amendment to be offered; it is contrary to the principle of the whole revision.

Mr. HOLMAN. I hope the gentleman will permit me to move an amendment, striking out the words "one assistant commissioner," in section two of this act.

Mr. JENCKES. I cannot; that officer is provided for by the appropriation bill of this year.

Mr. SARGENT. I desire to offer an amendment.

Mr. JENCKES. I will hear it read.

Mr. SARGENT. I desire to move to amend section ten, prescribing the duties of the examiners-in-chief, by striking out the words, "when required by the Commissioner they shall hear and report upon claims for extensions, and perform such other like duties as he may assign them," and inserting in lieu thereof the following:

In connection with the Commissioner they shall hear and determine upon claims for extensions, and shall perform such other like duties as may be assigned to them.

Mr. JENCKES. That will change the existing law.

Mr. SARGENT. The only effect of passing a statute is to alter some preëxisting law. If the gentleman will allow me three minutes I will explain the amendment.

Mr. JENCKES. I am willing that it shall be considered as pending.

Mr. SARGENT. Let me have one minute to explain it.

Mr. JENCKES. After the previous question has been ordered.

Mr. SARGENT. Very well.

Mr. BUTLER, of Massachusetts. I desire to offer an amendment.

Mr. JENCKES. What is it? Let it be read.

Mr. BUTLER, of Massachusetts. I desire to move to amend section thirty-four by adding to it the following:

And mere lapse of time before renewing or filing a new application, where a former application has been improperly or erroneously rejected, shall not be considered an abandonment in any application made before the passage of this act.

Mr. JENCKES. If I should admit that amendment I should be obliged in fairness to admit also the amendment proposed by the gentleman from Indiana, [Mr. KERR.]

Mr. BUTLER, of Massachusetts. Let it be pending.

Mr. JENCKES. If I admit one I must admit the other also. And the one is directly opposed to the other.

Mr. BUTLER, of Massachusetts. Let it be offered.

Mr. JENCKES. Very well; I will permit both amendments to be offered and considered as pending.

Mr. HOLMAN. I was denied the opportunity to offer an amendment.

Mr. JENCKES. I will permit the gentleman from Indiana [Mr. HOLMAN] to offer his amendment, as I do not desire to exclude amendments.

The SPEAKER. Then the three amendments of the gentleman from Massachusetts [Mr. BUTLER] and the two gentlemen from Indiana [Mr. KERR and Mr. HOLMAN] will be considered as pending by unanimous consent.

No objection was made; and the amendments were accordingly received.

Mr. JENCKES. I now submit several amendments, which are mostly verbal and need not be read, except one, to insert in the bill the following provision:

Authors may reserve the right to dramatize and translate their own works.

Mr. MAYNARD. I ask the gentleman having charge of this bill whether he will permit me to offer an amendment prohibiting the importation of goods from abroad with counterfeit or simulated trade-marks?

Mr. JENCKES. That is a matter for the Committee of Ways and Means. It does not relate to the jurisdiction of the courts, but to the duties of the collectors of customs. Such a provision could not appropriately be inserted in this bill. I call for the previous question.

The previous question was seconded and the main question ordered.

Mr. JENCKES. I now yield three minutes to the gentleman from California, [Mr. SARGENT.]

Mr. SARGENT. I rise for the purpose of explaining the amendment I have offered. The effect of that amendment will be to constitute a board composed of the examiners-in-chief and the Commissioner to decide upon that very important class of cases which are called "extensions." I am unwilling, for one, that these very important questions shall be subject to the decisions of a single individual, with the, as I think, rather inadequate means provided in the bill for appeals, affording, it seems to me, no effectual protection to the persons who may be injured by improvident extensions. Great pecuniary interests are involved very often in extension cases.

With few of the forms of a court, with ready access of those who would not scruple to use political or worse influences to the single officer provided by this bill, the innovation that shuts off other judgment than that of the Commissioner is dangerous and ill-judged. By this change I think you would make the opportunity and temptation to wrong and corruption entirely too great. This criticism will apply to the bill generally. As drawn, it will have the effect—I will not say that such is the design—to increase the power and importance of the Commissioner of Patents, while decreasing that of the examiners-in-chief and other officers upon whom heretofore delicate duties have been devolved, and among whom responsibility has been shared. For instance, I find that on page 2 of the bill it is provided that a very large number of officers shall be appointed by the Secretary of the Interior upon the nomination of the Commissioner himself. Suppose they are of different politics; suppose they do not agree; then it seems to me the power is held in the hands of this Commissioner. Further on we find a provision for an assistant commissioner, to be appointed upon like nomination. This officer comes in between the Commissioner and the examiners-in-chief, who are to be men of legal knowledge and scientific ability: he takes the place of the oldest one of these, and may become the mere instrument of the Commissioner.

I suppose it is true that our Commissioners of Patents have always been fair, honest, and honorable men, without interest in patents coming before them, with hands unstained by bribes men above suspicion in every respect. I will assume that to be true. Yet, I cannot ignore the fact, which I believe is generally known in the House and the country, that whispers of the opposite character have gone forth; that there have been suspicions that some men who have occupied that position have not been above availing themselves of the opportunity given them by the great discretion and power lodged in their hands to increase their private fortunes at the expense of those who had applications pending before them. I am willing to believe that these were mere slanders, such slanders as attach almost inevitably to men who are placed in positions of trust under the Government. But I am unwilling that we shall by this bill extend the opportunity for such a state of things. Instead of having as proposed in the bill, a mere report made by these examiners-in-chief, I think their determination should have the effect of a judgment, from which there may be an appeal to the Commissioner.

In this bill the word "determine" is struck out, and the word "report" inserted; so that, unless some such amendment as I propose be adopted, these examiners-in-chief, persons of competent legal knowledge and scientific ability, who have heretofore exercised independent jurisdiction in this matter, will be made mere clerks reporting to the Commissioner who will hold this vast interest in his hands. In this way the bill is calculated to enlarge his power, while decreasing that of those who have heretofore shared it with him.

Mr. JENCKES. I now yield three minutes to the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. I only wish to say that during the present session this House, when the attendance was very full, adopted without a division a resolution declaring against any increase in the number of public officers. This bill proposes to increase the corps of officers in the Patent Office by adding an assistant commissioner with a salary of $3,000. I submit in the first place to the House that being true to itself, after having declared that this increase shall not be had, I insist there shall be no increase in this office, and that this $3,000 a year shall not be paid out of the Treasury. I submit to the superior information of the gentleman from Rhode Island and other members on this floor in relation to the Patent Office; but I submit there is not an outsider in the country who can see the least necessity for this increase in the number of these officers.

Mr. JENCKES. The gentleman is mistaken. It does not increase the number of officers, but substitutes one for another. It is already provided for in the appropriation bill, and to strike it out will be to repeal the adjustment provided for by the Committee on Appropriations.

Mr. HOLMAN. What officers are dispensed with?

Mr. JENCKES. The superintendent of the annual report, and the assistant commissioner is created. That is all of it. It makes no change.

Mr. HOLMAN. What is the salary of the officers dispensed with?

Mr. JENCKES. A little more than the increase by this assistant commissioner.

Mr. HOLMAN. More than $3,000?

Mr. JENCKES. That matter was fully discussed on the appropriation bill, and was adopted because it was a saving in this office.

Mr. HOLMAN. Is the gentleman certain that with this increase made in the form of an assistant commissioner these other officers will not be restored?

Mr. JENCKES. The provision of law creating them is repealed by this bill.

Mr. HOLMAN. I know; but they may be revived next year by appropriation in the appropriation bill.

Mr. JENCKES. The gentleman from Indiana will do the Committee on Patents the justice of recognizing that they have done all they can to provide against reappointment, because they have repealed the law authorizing their reappointment.

Mr. HOLMAN. I insist that this increase shall not occur, because there is no necessity for it.

Mr. JENCKES. If the gentleman strikes out this provision and inserts the other officers that would be an increase. He is wrong in his premises. I now yield to the gentleman from Massachusetts for five minutes.

Mr. BUTLER, of Massachusetts. Mr. Speaker, the amendment I have proposed is this—it comes in after section thirty-four, in these words: "that the mere lapse of time where a patent has been erroneously and improperly refused by the Patent Office shall not be deemed an abandonment." Let me explain. An inventor invents a new and useful machine. The Patent Office decides that machine is neither new nor useful. He yields to that decision as a law-abiding citizen and goes away. Years afterward it turns out to be useful, and another patents that machine. Now, the patent should not be good in the hands of the man who thus patents it; and the man who has invented it should not be deprived of it. It is a grievous wrong to deprive him of it.

Mr. FARNSWORTH. It is a question for the decision of the courts.

Mr. BUTLER, of Massachusetts. It is not a case of interference. They say it is neither new nor useful. He goes away and leaves it. Years afterward some person gets a patent for the same thing, the previous decision of the Commissioner being wrong. When the man himself goes for a patent they say he has lost his right by lapse of time. I say that a man driven out of court does not abandon his case. A man driven out of the Patent Office does not abandon his case. I do not see any wrong in providing in this bill that mere lapse of time, where the party's application has been erroneously rejected or improperly rejected, shall no operate as an abandonment. He can abandon it in other ways. If he goes to work and puts it to public use, or does many things showing abandonment, I agree he can abandon it; but the mere fact of lapse of time because of an erroneous rejectment should not be considered as an abandonment.

Mr. JENCKES. I now yield to the gentleman from New Jersey.

Mr. CLEVELAND. Mr. Speaker, upon the proposition I made yesterday to strike out section seventy of this bill, it being a new proposition, a change in the patent laws, requiring the payment of additional fees, say of twenty-five dollars at the end of seven years and of fifty dollars at the end of twelve years, I desire to say in addition to what I said yesterday that the additional fees are unnecessary; they are not called for upon any principle of public policy; they are not needed for any additional protection granted to the inventor—none is granted to him; they are not needed to sustain and pay the necessary expenses of the department, for that now receives a surplus of over two hundred thousand dollars per annum above the present expenses, and there is now in the Patent Office fund a net surplus of over half a million dollars. It is proposed by section seventy of this bill to increase the revenues of the department, at the present rate of patent issues, after seven years, nearly four hundred thousand dollars, and after twelve years of more than half a million more, making after the twelve years an increase in the revenue of more than nine hundred thousand dollars as a tax upon the inventors of the country because they are inventors.

I ask the Clerk to read extracts from the last report of the Commissioner of Patents.

The Clerk read as follows:

"The Patent Office earns all the money which it expends or proposes to expend; and as the inventors give, in the form of useful invention, quite as much as they receive by way of protection; as they are, moreover, taxed as citizens, as manufacturers, and as vendors of their patents and inventions, it would seem to be unjust to tax them again in the form of additional fees for the support of the Government or the payment of the national debt.

"The patentee does not pay these fees as a compensation for the exclusive privilege which he receives. For that he makes a full disclosure of his invention for the future benefit of the nation. The fees are intended solely to pay the necessary expenses incurred in the examination of the invention and in the issue of the patent. In all other countries the fund derived from the patent fees is applied to the advancement of science. The fees which are paid in this country are less than in any other, but if they are more than is needed for the expenses of the Patent Office as at present organized, it is but fair either that the fee should be reduced or that the balance should be employed in such increase of the force of the office, or in providing such publications and appliances as may increase the ease, thoroughness, and efficiency of the work of examination."

Mr. CLEVELAND. Mr. Speaker, I protest against making the inventive genius of the

country a source of revenue under the pretense of protection. We have no power to do that. That provision of the Constitution authorizing Congress to "promote the progress of science and useful arts" gives no power to Congress to impose a tax for revenue upon such persons as may desire the protection of Congress; on the contrary, the provision is restrictive, and I am confident grants no power to demand fees in a greater amount than may be absolutely necessary to pay the reasonable expenses of the Government in maintaining a department for that purpose.

The Government has been ingenious and persevering in seeking out every possible source of revenue, in devising unheard-of taxes, and no article that has a tangible existence has escaped its penetration, and this bill now proposes to tax the very thoughts that enter the mind of the poor inventor, if he shall have the audacity to place them upon paper or in a model and claim them as his own. The object of that provision in the Constitution under which the patent laws have been enacted is plain; it is to promote and encourage arts and manufactures in this country; but section seventy of this bill proposes to stifle and smother the efforts of any uneasy genius who proposes to benefit himself and his country by producing a new manufacture, or simplifying existing processes, or inventing labor-saving machines. I catch the suggestion here and elsewhere that a large portion of these people are but dreamers and enthusiasts and their patents useless, and as well abandoned after the first seven years.

Mr. Speaker, these poor dreamers are the real benefactors of mankind and the greatest promoters of civilization in the world, and this country especially owes them a debt of gratitude it has not the power to pay; yet by section seventy of this bill the powerful hand of this great Government is made to seize hold of them at the end of seven years as it would seize a culprit, and it threatens to crush out their ambition, to destroy their prospects, to put out the lamp of genius they have so long been struggling to keep burning, to hide from them the path in which they have been encouraged by the Government itself to pursue success till they have grown foot-sore and weary, to destroy the very land-marks by which they have traveled so far, and to cast the culprits aside in darkness, destitution, and despair, ruined in all their hopes of comfort and happiness, unless some doubting friend can be found, who has not yet loaned them more money than he ever expects to get back, who will come forward on the last day and pay the ransom demanded by the Government, before it will let go its hold.

If a poor mechanic has been fortunate enough to secure funds to enable him to pay the original fees, amounting to $115, and secure his patent, and has pursued his labors during the first seven years of trial, anxiety, and disappointment of every kind, living almost upon faith and hope and the charity of his friends, about to bring his labors to a close, he sees clearly the demonstration of his plans; that a little more time will enable him to make manifest to capitalists, and that will turn the finger of scorn so long pointed at him as to one of these dreamers, and that will raise him to enjoy the comforts and luxuries of life possibly, and show himself as one of the advance guard in the rapid march of human progress. Just at this point the deep shadow of this Government enters his little workshop. He looks up and the demand is made upon him for money, more money; revenue is demanded, and the poor, bewildered mechanic, crying out that surely the seven years cannot have passed so soon, he fumbles over his well-worn tools, he moves about the models and pieces of machinery, he pulls out the old worn drawer of his lathe—and it contains a little of everything, plans, drawings, the evidence of sleepless nights, of anxieties no man can tell, of family sufferings, of children's want, of the jibes and sneers of friends and neighbors—it contains all these; but nowhere in his little workshop is there any money to be found, and he turns to plead with the Government not to destroy his labors, to give him another year or another month; but the Government, this benevolent Government, the best Government on earth, by this section is impelled rudely and forcibly to grasp the models, plans, drawings, and hopes of the poor mechanic in its mighty power and scatter them to the four quarters of the globe!

I ask this House to save the Government from being compelled by this section of this bill to become such a monster, save it from such a humiliating position. I ask this House to strike out of this bill the provision calling for additional fees, and not to tax a poor inventor for having dared to procure a patent for his invention, but rather to take him by the hand and assist him and encourage him in his thankless labor.

In order that we may fully understand the financial condition of the Patent Office and how unnecessary it is to impose these additional fees, I shall append to my remarks a statement showing the receipts and expenditures of the Department since 1837, and its actual condition on the 1st of Janaury last:

Statement of money received during the year 1869.

Amount received for applications, caveats, &c.	$632,700 65
Amount received for copies and for recording assignments	60,445 16
	$693,145 81

Statement of expenditures from the Patent Office fund for 1869.

Cash paid for salaries and for miscellaneous and contingent expenses	$486,430 74
Amount to the credit of the patent fund January 1, 1869	$324,330 57
Excess of receipts over expenditures during the year 1869	206,715 07
Leaving a balance on the 1st of January, 1870, of	$531,045 64

Statement showing the business of the Patent Office for thirty-three years, from 1837 *to* 1869, *inclusive.*

Years.	Applications filed.	Caveats filed.	Patents issued.	Cash received.	Cash expended.
1837	-	-	435	$29,289 08	$33,506 98
1838	-	-	520	42,123 54	37,402 10
1839	-	-	425	37,260 00	34,543 51
1840	765	228	473	38,056 51	39,020 67
1841	847	312	495	40,413 01	52,666 87
1842	761	301	517	36,505 68	31,241 48
1843	819	315	531	35,315 81	30,770 96
1844	1,015	380	502	42 509 26	36,244 73
1845	1,246	452	502	51,076 14	39,395 65
1846	1,272	448	619	50,264 16	46,158 71
1847	1,531	553	572	63,111 19	41,878 35
1848	1.628	607	660	67,576 69	58,905 84
1849	1,955	595	1,070	80,752 78	77,716 44
1850	2,193	602	995	86,927 05	80,100 95
1851	2,258	760	869	95,738 61	86,916 93
1852	2,619	996	1,020	112,656 24	95,916 91
1853	2,673	901	958	121,527 45	132,869 83
1854	3,324	868	1,902	163,789 84	167,146 32
1855	4,435	906	2,024	216,459 35	179,540 33
1856	4,960	1,024	2,502	192,588 02	199,931 02
1857	4,771	1,010	2,910	196,132 01	211,582 09
1858	5,364	943	3,710	203,716 16	193,193 74
1859	6,225	1,097	4,538	245,942 15	210,278 41
1860	7,653	1,084	4,819	256,352 59	252,820 80
1861	4,643	700	3,340	137,354 44	221,491 91
1862	5,038	824	3,521	215,754 99	182,810 39
1863	6,014	787	4,170	195,593 29	189,414 14
1864	6,932	1,063	5,020	240,919 98	229,868 09
1865	10,664	1,937	6,616	348,791 84	274,199 34
1866	15,269	2,723	9,450	495,665 38	361,724 28
1867	21,276	3,597	13,015	646,581 92	639,263 32
1868	24,420	3,705	13,378	681,565 86	628,679 77
1869	19,271	3,624	13,986	693,145 81	486,430 78

Mr. JENCKES. I now yield to the gentleman from Pennsylvania for seven minutes.

Mr. MYERS. I have listened attentively to my friend from New Jersey, and I agree with him in the general. I am not in favor of this provision of the bill. What he said in favor of inventors is true. There is nothing this House can do which is too much to compensate the men whose inventive genius makes the glory of this country, and of whose labors and success we are proud at all times to boast. And in that connection I hope the gentleman's argument may have some weight with his colleague on that side of the House from Indiana, [Mr. HOLMAN.] We know these inventors pay $200,000 surplus yearly above expenses to the Patent Office fund. And when we come here and ask that the products of their minds, the results of their skill shall be properly examined, that there shall be men skilled in the various branches of art to discharge that duty, that there shall be an assistant commissioner and the necessary examiners to aid the Commissioner, and that these men shall be properly paid, I hope the appeal will prove of some avail with the gentleman from Indiana, who is carping at the addition of some five thousand four hundred dollars of salaries to the bill, more especially that portion which devotes $3,000 to an assistant commissioner. Let the House recollect these inventors are looking to us, demanding that when they are paying this enormous amount yearly there shall be expedition in the granting or in the refusal, if you please, of patents; that they shall have men of proper talent to discriminate as to novelty and utility and priority of invention, and that sufficient salaries shall be given to secure such talent. I agree with the gentleman that the provision of the bill which adds a tribute or an additional fee after so many years, possession of a patent might as well be dropped. No notice to the patentee is required except the law itself. His patent is to contain no reference to it. A valuable patent invention might thus be sacrificed by ignorance of this provision, or mere omission to comply with its demands, or, what would be sadder still, through the poverty of genius, which might be none the less meritorious because unremunerated.

A word, now, to my friend from Massachusetts, [Mr. BUTLER,] who objects to that section of the bill which limits the time, or creates a statute of limitations in regard to abandonment of applications. Mr. Speaker, a man may originate an invention and keep it within his own breast, and may apply for a patent

when he pleases, and obtain it, unless he allows it to go into public use for two years, or delays till another applies for and obtains a patent. The law is not altered in this respect. We have no control over that which is not made known. When the secret is disclosed it may be as valuable as when the idea was first conceived and perfected, and we do not propose to interfere with the law in this respect; but after a man once applies for a patent and is rejected, or withdraws his application, or fails to prosecute it, there should be a limit of time in which he can keep his claim alive. This is in the interest of true invention and against the policy of litigation. As to applications rejected or withdrawn before the passage of this act we give two years to renew or file a new application. This is time and notice enough. If actually abandoned already nothing can revive the application, and this must be a question of proof. For the future we give two years after filing the petition to complete the application for examination, and two years after any action in the case, of which the applicant must have notice. There never was a fairer provision. If he abides by a rejection or allows his application to slumber, the two years act as a limitation, and bar him, and they ought to bar him. If he chooses, however, he may make a new application, and when delay was unavoidable the Commissioner even now may do equity.

The gentleman says, suppose some one comes in afterward and gets a patent for the same thing. That cannot be done under the law, or if such a patent were got the court would declare it void. The gentleman knows very well that priority of invention and its perfection in connection with the public application would be a bar to another patent issuing for the same thing. It is simply a question whether some time or other there shall not be an end put to these fruitful causes of litigation. I look upon this section as being to the advantage of inventors. I may not agree with every section of the bill, or with every provision that has been added to it. But in the main I regard it as in the interest of inventors.

Recurring to their rights I consider if we do our duty we shall pay all these officers more than we do now. This morning the House cut out the amount proposed to be added to the salary of the librarian. I am very sorry for it. I hope the gentleman from New Jersey [Mr. CLEVELAND] will use his influence with his friends on that side to reconsider that step. To be niggardly about these salaries is not the proper way to treat these men, or to treat the inventive minds of the country who contribute so large a surplus to the Patent Office fund, and are entitled to have the most efficient men in that office. They expect that we shall provide the best talent there. We have it largely now, but there is no way of getting or keeping it save by paying for it. And the inventors pay the money, contributing yearly, as has already been stated, fully $200,000 over all expenses.

Mr. CLEVELAND. I may state to the gentleman that I voted to retain the salary as it is in the bill.

Mr. MYERS. Yes, I am aware of it. In the United States I find that, despite the great care and examination required before a patent can issue—a protection generally to the parties as well as the public—by which 5,285 applications for patents were rejected in 1869 alone—I find that in 1866 no fewer than 9,450 patents were granted, being more than the numbers in England, France, and Belgium put together, although in England almost every man can obtain a patent at his own risk, and that is the great objection to their law, which they are now trying to modify or amend so as to make it correspond with ours.

In 1869 our Patent Office issued 13,986 patents, including reissues and designs. Our country surpasses all others in the products of its inventive genius. In every branch of science and mechanism, in every department of art and literature, too, the men who have thus ennobled themselves have made us illustrious also, adding comforts innumerable, riches untold, not only to this people, already highly favored, but to all lands. Fulton and Morse, Whitney and Goodyear, Woodworth and Howe, are but a few of the names enshrined in the memories of a grateful people. Remember that each decade produces new wonders in the development of the mechanic arts, new strides in the progress of American genius, and let our appreciation of the efforts and wants of inventors be shown more in practical action than in mere lip-service.

Mr. JENCKES. I propose now to consider those amendments that are pending, and to give the House the views taken by the Committee on Patents on each of those subjects. I will first consider the amendment of the gentleman from California, [Mr. SARGENT.] It relates to a single subject, the granting of extensions of patents which were granted prior to the 2d of March, 1861. The whole business of granting extensions ceases in a little less than five years, and it was not thought best to alter the constitution of the Patent Office or the mode of hearing and determining cases in a business which is so soon to expire. And besides that, this amendment would conflict seriously with other parts of the bill, and it would be impossible to execute it if the amendment should be adopted and the rest of the bill stand as it is. It alters the existing law and the constitution of the office as it has existed since the creation of the board of examiners-in-chief and the mode of doing business in that office during the whole period of its existence for a special purpose; and for this reason, if for no other, I think the amendment ought to be rejected,

The amendment of the gentleman from Indiana [Mr. HOLMAN] is unnecessary, and is offered under a misapprehension of the facts, and I hope the gentleman will not insist on it, and if he does, that it will not be adopted.

The amendment of the gentleman from Vermont [Mr. POLAND] I am willing to pass to a vote without further consideration. The principle of it I will agree to be just. Whether the House will sanction it or not is another question.

The amendments proposed by the gentleman from Massachusetts [Mr. BUTLER] and the gentleman from Indiana [Mr. KERR] are precisely opposite in their character and tendency. The one proposed by the gentleman from Indiana is foreign to the whole principle of this revision, and that is, to destroy or impair no existing rights, but to enlarge and make clear the remedies which have heretofore been given by law. I trust that amendment will not receive the favorable consideration of the House for that reason. If the rights of parties are to be altered on one subject, why not alter them in all? Who knows what class of cases you may reach by such an amendment? It must reach a great many. There are some twenty thousand of these cases pending, and the bill as reported simply fixes the time within which these claims shall be prosecuted, and leaves the effect of the prosecution to be decided upon by the courts, where it ought to be. It is a question of private rights, and it should not be affected by legislation, even if we have the power to do so.

The amendment of the gentleman from Massachusetts [Mr. BUTLER] proposes to establish a rule of evidence in this class of cases. It seems to me to be entirely unnecessary. I believe that it is now the law, and this section has been shaped in that belief, that a mere lapse of time is not conclusive evidence of an abandonment of the invention to the public or of an abandonment of the intention to prosecute the application. I do not think the amendment will add to or take anything from the law.

Mr. BUTLER, of Massachusetts. Then there can be no objection to it.

Mr. KELLOGG. I would ask the gentleman if the present Commissioner does not hold that the lapse of time is an abandonment of the patent in some cases?

Mr. JENCKES. Yes; but I believe the Commissioner to be wrong, and I have so expressed myself; and this section has been drawn so that it shall not be so held hereafter either by the Commissioner or by the courts.

Mr. BUTLER, of Massachusetts. Allow me to say that it having been so held by the Commissioner, and as the gentleman agrees held wrongly, I desire to remove all doubt by providing that lapse of time in case of an erroneous application hereafter shall not be held to be an abandonment.

Mr. JENCKES. From the consideration I have given to the amendment, I do not see that it alters the law at all or can work either injury or benefit. But if the gentleman insists on a vote I shall not oppose it very seriously. It has not the mischief in it which, I believe unconsciously to the gentleman from Indiana, [Mr. KERR,] is contained in his. I will tell the House to what class of cases this may refer, and the gentleman from Massachusetts will see that even his amendment may do wrong. There are cases pending in the office where the rejection sought to be removed was made from twelve to twenty years ago; cases in which under the law as it was previous to 1861, not only the applications were withdrawn but a part of the money which the law authorized to be withdrawn was taken also. That is an additional circumstance which has its weight. It is true the gentleman does not propose to go so far.

Mr. BUTLER, of Massachusetts. Let us try it, at all events.

Mr. JENCKES. The amendment proposed by the gentleman from Indiana [Mr. KERR] to allow these patents to be revived, might do injury to patents which have since been granted and gone into public use.

Mr. KERR. I hope the gentleman will allow me a few minutes to explain my amendment.

Mr. JENCKES. Certainly; how long?

Mr. KERR. Three minutes will be enough.

Mr. JENCKES. I will yield for three minutes.

Mr. MYERS. In connection with what has been said by my colleague on the Committee on Patents [Mr. JENCKES] I will state that I know of a patent, the application for which was rejected fifteen years ago. After the machine had gone into public use a party was allowed to come in and obtain a patent for it, when he proceeded to sue parties who were then using the machine. That is what we want to prevent, by designating some time within which a person must make a new application for a patent.

Mr. KERR. I will briefly explain my reasons for proposing this amendment. I understand that by the provisions of the law as it now stands it is competent for any person, either the original inventor or his assignee, after the original application has been rejected, to come forward and refile that application, or revive it, and possibly have a patent issued to him even after another patent has been issued for the same invention, on another application covering precisely the same ground and reaching just the same result. That has produced the singular result that the subsequent but *bona fide* patentee, without any knowledge at all of the previous application, will by this process be divested of his right, deprived of his invention, and as suggested by the gentleman from Pennsylvania, [Mr. MYERS,] be harassed by suits and injunctions.

Now, I desire by my amendment to make this provision of the law specific to the effect that no such revived application, and no patent granted upon any such revived application, shall have the effect of superseding the patents which meanwhile may have been granted upon another *bona fide* application for precisely the

same thing, covering the same ground, and reaching the same result in every respect. That is the purpose I desire to accomplish by my amendment, which appears to me to be a just one. To deny it, I think, would in many cases work great hardship upon inventors.

Mr. JENCKES. So far as it is just it is met by the present language of the bill.

Mr. KERR. What part of the bill?

Mr. JENCKES. Section thirty-four.

Mr. KERR. I do not so understand it.

Mr. JENCKES. There is a great mass of rejected applications in the office of the Commissioner of Patents. The Committee on Patents have heretofore acted upon the principle that the rights of the parties in these applications should be preserved and not impaired by legislation. It may be that the person who first applied for a patent is rightfully entitled to it; and if so he should receive the patent. But there should be a limitation to the time within which he should be allowed to prosecute his claim. We have prescribed the limit of two years from the time of the passage of this act, and if his claim is not prosecuted within that time he shall be deemed to have abandoned it. There may be some cases where the claims have been in fact abandoned; if so, then they ought not to be revived, and hence the provision at the end of section thirty-four held of this act, that "this provision shall not be to have revived any application heretofore in fact abandoned." That meets the gentleman's case. If the claim is abandoned in fact, then no patent can issue; or if issued no rights can be enforced upon such patent.

Mr. KERR. There may be different and inconsistent decisions.

Mr. JENCKES. We provide for a remedy in the courts by a trial of the question there. It cannot be settled satisfactorily by legislative definition.

Mr. KERR. On that point I agree with the gentleman.

Mr. JENCKES. We have heard all these parties upon the question, and we find that they agree upon no set phrase of words, nor even upon any definite idea. The question is one which must be left to the decision of the courts, like the question what is public use, and matters of that kind. We have provided the most ample remedy in the courts to settle in what the fact of abandonment shall consist. We have declined even to indicate an opinion on the subject, or to recommend any rule of evidence in regard to it. Hence my objection to the amendment of the gentleman from Massachusetts. I wish to see this question settled where it ought to be settled, in the courts of the United States. I think the gentleman should be satisfied with the language of the bill as it is, and should not insist on incorporating a provision which must involve a great deal of conflict between private parties and lead to injury and wrong.

There is one other amendment pending, that of the gentleman from New Jersey, [Mr. CLEVELAND.] The section which he proposes to strike out is one which I was very reluctant to see inserted in the bill. Such a provision has been incorporated in the patent laws of almost every other country, and according to the reports made before us has been found to work well in every instance. Although the provision is foreign to the original principle of our patent laws, yet when we came to hear the patent solicitors, the parties transacting business with the Patent Office or trying patent cases in the courts, we found them unanimously recommending the adoption of this section; and we deferred to the general judgment of these men as those most interested. The provision had thus the weighty indorsement of all these competent persons. I will frankly say that one reason which influenced me most decidedly in its favor was that it will tend to weed out a number of useless patents before the expiration of the full term for which they are originally granted.

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

Mr. JENCKES. Certainly.

Mr. HOAR. The gentleman will permit me to preface my question by a brief statement. It seems to me that the effect of this section is to increase the price of every valid patent that may run through its term from thirty-five to one hundred and ten dollars, although at the end of the first seven years the patentee may just have got his patent vindicated by law, may just have begun to realize any return from it. Now, would not the object contemplated be accomplished nearly as well, while avoiding this great additional burden on the inventor, by a simple provision that within three months of the expiration of the period specified some person owning an interest in the patent shall make an application for its continuance, accompanying it with a fee of five dollars? That would require the solemn act of the inventor showing his estimate of the value of his patent, and it would require a payment of money, though not such an amount as to be burdensome.

Mr. JENCKES. Some provision of that kind might be as effective as this, but it is the same thing in nature and principle.

Mr. HOAR. To the man who pays the money it is hardly "the same thing in nature and principle" whether he pays five or one hundred and ten dollars.

Mr. JENCKES. The only difference is one of degree, not of kind. It is the principle of the thing that we have to decide upon.

Mr. HOAR. Will the gentleman consent that such a provision as I have indicated may be offered as an amendment?

Mr. JENCKES. It cannot be offered under the rules, because the previous question has been seconded.

Mr. HOAR. There will be no objection if the gentleman does not object.

Mr. JENCKES. I think we had better take the vote squarely upon the section. It is a provision which was not added by the committee upon their own judgment of its efficiency, but upon the judgment of other persons. We have been convinced by the weight of testimony and argument presented to us on that subject, and hence we support it here.

Mr. MYERS. If my colleague on the committee will permit me, I would like to offer, by way of compromise, an amendment to fix the salary of the librarian of the Patent Office at $2,200, which is half way between the salary now allowed by law and the amount originally proposed in the bill.

Mr. JENCKES. I presume there would be objection.

Mr. MYERS. I think not.

Mr. JENCKES. Of course I would have no objection to the proposition.

Mr. MYERS. I ask the gentleman to allow me to offer such an amendment.

The SPEAKER. It can only be done by unanimous consent.

Mr. BENJAMIN. I object.

Mr. JENCKES. I do not agree with the gentleman from New Jersey [Mr. CLEVELAND] or the gentleman from Massachusetts [Mr. HOAR] that the payment of this additional fee will be a very grievous burden upon the patentee. At the end of seven years from the issuing of a patent its value has generally been determined, and where it had been introduced into practical use this additional payment will be made by the licensees or grantees of the patentee, not by the inventor himself. The case would be the same at the end of twelve years.

I do not propose this amendment with a view of obtaining revenue from inventions. I do not think this Patent Office, though self-sustaining, should be any more than self-sustaining; and if it be practicable with the proper transaction of that office to reduce the fees, I propose to offer a bill for the purpose of such reduction, and to reduce them where the reduction is most needed in the first steps of obtaining a patent. If reduced there they may well be increased at some subsequent time, when the inventor is obtaining the benefits of his patent.

Mr. Speaker, there are some general considerations upon the subject of the patent laws which I wish to present to the House before asking a vote upon the passage of this bill.

The Patent Office was constituted not only for the purpose of granting patents for meritorious inventions but for the protection of the public against spurious inventions—the unjust claims of speculators trading in inventions. Hence the employment of a corps of skilled examiners and the careful investigation of the merits of each particular application for a patent.

This constitution of the office has two results. It causes the rejection of the worthless and fraudulent claims, now about one out of four, five thousand out of twenty thousand in each year; and it also enhances the value of those that are allowed and granted, giving them weight as evidence in all courts and controversies.

Recognizing the value of inventions to the State, and the want of technical knowledge and of skill in the use of language on the part of inventors, our patent laws have provided for the most tender and careful consideration of the cases stated in the petitions of inventors. They are first referred and considered by a primary examiner in the class to which the invention belongs. If he rejects the claim for want of novelty he must give the references to prior inventions upon which his decision is based, and the applicant is entitled to a second hearing before this examiner, and to make any modification of his claim that he thinks right and proper. If he is again rejected he may appeal from the decision of the examiner to the board of examiners-in-chief, officers selected for their legal and scientific knowledge, appointed by the President and confirmed by the Senate, and if their decision should be adverse he may again appeal to the Commissioner in person. There are in fact three appeals allowed within the Patent Office. But notwithstanding all these hearings, original and appellate, the adverse decision to the petition may still be wrong. If so, how shall it be revised? This has been one of the most serious questions presented to the committee. The present law allows a proceeding in the nature of an appeal from the adverse decision of the Commissioner to either of the judges of the supreme court of the District of Columbia. But the judge in such case does not act as a court; he is merely a supervisory commissioner *pro hac vice*, and if he reverses the decision of the Commissioner and allows the patent, his decision has no weight as a judicial authority, but the patent thus obtained has less weight in the courts than one granted by the office, as it has the judgment of the several scientific tribunals within the office against it, and merely the opinion of an unskilled person, although a judge, in favor of it. This is a proceeding without analogy in any other Department of the Government, and is a wide departure from the principles upon which the Executive Departments and their bureaus were constituted, and the result has been to disturb and render inharmonious the decisions of that bureau, which of all others should be most consistent and symmetrical. On the other hand, if the claim as asked for is passed by the primary examiner there is no provision for a review of his decision within the office, and the public may be made to suffer from his ignorance or indolence in allowing without proper scrutiny the most broad and comprehensive claims.

That there should be a supervision over the action of the office is conceded, and the real question is, when should that supervision cease to be executive merely and become judicial; when should the contested questions pass out of the executive power and come within the judicial power of the United States? Sooner

or later they must all be reviewed and determined by the judicial power. The committee hold and have recommended that the action of the Commissioner should be the final action of the executive power and of the incidental *quasi* judicial powers included within the exercise of his discretionary power by the head of any Department, and shall be conclusive as to all matters within the executive power, and that if his decision is sought to be reviewed, it shall be by the courts charged with the exercise of the judicial power of the United States, and upon questions within that judicial power.

These are the reasons for the amendments recommended by the committee, enlarging, defining, and making clear the remedies in the courts. These amendments reject the so-called appeal from the Commissioner to a single judge, acting as commissioner *pro hac vice* in each case, and provide for proceedings in the courts of the United States, by which the final action of the Patent Office can be reviewed judicially and with effect.

Into this forum every contested case must come sooner or later, and it is for the interest of every litigant that the proceedings should be without unnecessary delay or expense, and be as complete and conclusive as they can be made. It may not strike the ear as a perfectly plain or self-evident proposition, but I can say from personal experience that it is nevertheless true that the remedies in equity in the courts of the United States, under the rules established by the Supreme Court, are the most speedy, the least expensive, and the most satisfactory of any known to the law. It is within this jurisdiction that we recommend that all these controversies should be brought and determined. The questions that arise in these controversies are subtile, not easy to understand, and difficult of determination. They arise out of the exercise of those powers of the mind which have added and which are constantly adding to the development of the material prosperity of the human race.

Patent laws are based upon the belief that the field of the useful arts may be extended, and that many things which may add to the comfort, the well-being, and the prosperity of mankind yet remain to be discovered. These laws give to every one who thus by his inventive genius adds to the sum of human knowledge in either of the ways indicated, a protection for a few years to the exclusive use of his invention or discovery. They offer a premium upon the exercise of this talent for the benefit of mankind. They recognize a man's right to the fruit of his own mind, upon the condition that he shall teach the public how to use his invention without price forever after the termination of the period for which his use is exclusive. Property in ideas, and protection to that property for a limited period, is the vital principle of these laws. If he who can teach us how to make two blades of grass grow where but one grew before is a public benefactor, how much more so is he who constructs for us a machine or explains to us a chemical process by the use of which one man can bring about a greater and more perfect result than a hundred men could do before? This is the domain of invention, and so far as it is genuine the law follows it with its protection for seventeen years.

But why protect it at all, say many. If an invention had not been perfected by this patentee to-day it would have been at some subsequent time by some other inventor. Why not wait and let it be produced in course of time, according to the necessities of the art in which it is developed, and without expense to the public? This objection touches precisely the point of the whole matter, and affords the best argument for the patent laws. It admits that invention is a question of time, and that the results of invention are desirable and valuable. The patent laws offer a premium upon the earliest time. If it be known that any art or manufacture could be improved by invention in any particular, the question is, is it likely that such improvement will be made sooner by protection of the inventor, or will it be delayed indefinitely without such protection? The solution of this question does not rest in speculation. The history of inventions determines it. The loom is as old as civilization, but the power-loom was perfected under the stimulus and protection of the patent laws. So was the machinery for spinning. The philosophy of steam may have been ancient, but the steam-engine is a creature of the patent laws.

These are but individual instances. They might be increased till the mind and memory would be burdened by the catalogue. The assurance that thought, skill, and inventive talent may gain fame, honor, and fortune, by an early solution of the problems in science and art that are pressing upon us, brings into the enjoyments of this age improvements and discoveries that might not have been known for centuries later. The theologians will not admit that any new developments or discoveries can be made in religion; the politicians have not advanced much in their arts beyond those we read about in ancient history; in the fine arts the greatest genius of the present day can hardly hope to excel "the old masters;" in architecture nothing has been produced within the last five hundred years to surpass that which has been known, admired, and reproduced for twenty-five hundred.

The sphere, therefore, in which original genius and inventive talent can best obtain recognition, honor, and reward is that of science and the useful arts. Therein, under the protection and fostering care of laws like that which we now reproduce, has been the greatest progress of the world within the last century, and in many branches of these arts the progress has been greater within the memory of living men than in the entire previous historic period. As the desires and necessities of mankind are the same in all generations there must be some reason why this advancement is found in the nineteenth century instead of in the ninth, or the tenth, or in any of those centuries which are mere barren wastes in the history of civilization. Certainly one reason is because there is some incentive in this era for the development of improvements in this sphere. It cannot be found in the necessities and desires of the race alone, for those have been always the same; and those who have ministered to their wants and necessities, with the means known to previous generations, have been the most strenuous opponents of the introduction of these new inventions.

It is not true, as argued by one of the most illustrious of the opponents of the patent laws in our time, that manufacturers will welcome and adopt an invention which seems to be called for by the necessities of their particular manufactures. This has never been the case where the profits of capital and labor have been disturbed by a new invention which created a revolution in a particular art or manufacture. "It may seem a paradox," says a distinguished author discussing "the rights and wrongs of inventors," "but it is no less true, that inventors' patrons are among their most inveterate opponents." The inventor of the machine for making paper, Fourdrinier, was driven out of France, and it took him ten years to introduce his machine into England in opposition to the methods of paper-making by hand. The inventor of the loom for weaving variegated patterns in fabrics, Jacquard, was in danger of his life from his colaborers in Lyons, and the capitalists and artisans, whose money and labor were dependent upon the use of the old looms for their profits, fought for years against the introduction of the revolutionary invention. The conflict is still recognized in our tariff laws. In our own country we know of the opposition to the steamboats, the locomotives, the mowing and reaping machines, the sewing-machines, the revolutionary inventions in the manufacture of carpets, paper, iron, and steel. In no case does the capitalist welcome an invention which requires him to reconstruct or lay aside the machinery used in the manufacture from which he derives a profit, nor is it looked upon with favor by the laborers, nine out of ten of whom it threatens to throw out of employ.

The necessities of any art or manufacture do not prompt invention. The conservative tendencies both of capital and labor array themselves against it. The inventor is more frequently than otherwise disconnected with the trade or manufacture to which his invention applies and from which he seeks his reward. But the necessities of the public, the consumers of the product of the art and manufacture, all the time demand improvement and increased cheapness. The premium to inventors by the limited protection of the patent laws is thus directly in the interest of the public. When it is said that an invention would have been made at some time if not at the time when it was made, without the stimulus of the patent laws, who can tell at what time? When would any modern invention that might be named, the sewing-machine, for instance, have been produced if the inventors had not expected a profit upon it?

What invention can be named which this generation would willingly have parted with and consented to have postponed till the next century by reason of the extravagant price we have paid for it under the patent laws, whose stimulus and protection have caused it to be made in our time? Would we, then, part with the cotton-gin, the locomotive, the steamboat, the electric telegraph, the sewing-machine, the cast-iron plow, the reaper, the machines for gathering the hay crop, the planing machine, the improved steam-engine, the rotary printing press? I have mentioned only those inventions which are embodied in wood and metal. But for the small consideration which the inventors or those working the inventions have received would we have parted in our time with vulcanized rubber and its thousand uses; with illuminating gas; with all the arts of dyeing and printing, which have extracted from waste weeds and the refuse of the gas factories the colors which vie with the Tyrian purple; with the wonders of the lithographic and photographic arts; and with all those wonderful substances, with almost magic properties, which are the products of chemistry as applied to the arts? I challenge a reply from the most bigoted opponent of the patent laws.

These inventors have been questioning nature, and her kind responses have been a benefit to themselves as well as benefactions to mankind. But while the law has encouraged them, capital, from its conservative instincts, has always been opposed to them. Those who have invested their means in the machinery and apparatus which is well known and in common use in any particular branch of manufacture do not like to be confronted with an inventor who can demonstrate that he can produce the articles manufactured in a better and cheaper manner by a method which requires new investments of capital and makes the old apparatus comparatively worthless. The manufacturers of the old musket did not welcome the inventors who brought them the breech-loader and the magazine rifle, requiring new tools for their construction and consigning the old to the scrap heap.

Invested capital would never encourage or adopt new and revolutionary inventions. It would be a benefit to all now engaged in manufactures if no new improvement was made in their machinery for twenty years, or until it was worn out. They would be saved the cost of making the changes required by the new invention. There is a historical anecdote which illustrates perfectly the relative position of the capitalist who believes that he has assured possession of the art in which his capital is invested and the inventor whose invention would render those investments of little value.

It is a remarkable incident in the history of the lost arts, preserved in the curious gossip of Petronius:

"A certain skillful workman used to make crystal vases as strong as vases of gold and silver. He produced an incomparable masterpiece. It was a chalice of astonishing beauty, which he thought worthy of Cæsar only, and which he felt a pride in offering to him. Tiberius highly praised the skill and the rich present of the artist. This man, wishing to increase still more the admiration of the prince, and secure his favors to a greater degree, begged of him to give back the vase. He then threw it with all his might on the marble pavement of the apartment; the hardest metal could never have resisted this terrible shock. Cæsar appeared moved, and was silent. The artist, with a triumphant smile, picked up the vase, which had only a slight dent, and which by striking it with the hammer was soon brought to its original state. This being done, no doubt remained in his mind that he had conquered the good graces of the Emperor and the esteem of an astonished court. Tiberius asked him if he was the only one who knew how to work crystal in so remarkable a manner. The workman immediately answered that no one possessed the secret. 'Very well,' said Cæsar, 'let his head be struck off without loss of time; for if this strange invention were known gold and silver would very soon have not the least value.'

"Thus did the Emperor Tiberius encourage artists and the arts."

And in the same way do our manufacturing capitalists encourage inventions and inventors. They unconsciously imitate Tiberius, and although they cannot, like Cæsar, strike off the impertinent inventor's head, they too often have turned him off to starve. But under our patent laws, as they were established in 1836, the inventor, if he be prudent and thrifty, is assured of a certain compensation. Under the existing constitution of the Patent Office, its seal is evidence that its possessor is entitled *prima facie* to a new and useful invention. The number of persons skilled in the useful arts, and the business to which they appertain, has largely increased. There are many skilled persons who can estimate with approximate correctness the value of every new invention. Under this American system of patents, in itself as great an invention as any that are protected by it, inventions have become commodities of marketable value. No inventor now needs to sacrifice his invention for subsistence. Some, perhaps, have anticipated the period of their greatest usefulness; but every genuine invention now has its value, a great portion of which can, with ordinary care and prudence, be realized by the inventor.

Without this protection we should return to the era of "secrets," when every valuable discovery was carefully guarded by its possessor, or parted with only upon terms which required the purchaser to be equally silent and uncommunicative. The public obtained no useful knowledge of the art and but a limited advantage from the working of the discovery. The evil consequences of that system were twofold. The knowledge of many valuable inventions and discoveries died with their possessors and are now among the lost arts; on the other hand, empirical processes of fictitious value were imposed upon manufacturers under the guise of "secrets" in the arts, and the whole subject of invention and the character of inventors became discredited and debased. The injury to the progress of the useful arts by these pretended secrets has been greater a thousandfold than any that has arisen from the abuse of even the most imperfect system of patent laws.

Now every invention published through the Patent Office adds something to our knowledge, and, if useful, increases the material wealth of the world. And I do not hesitate to say that the sum of these values, the aggregate increase to the wealth of this country, from the inventive genius of the people fostered and protected by the patent laws, has been greater than that derived from all the protective tariffs passed since the Government was organized under the Constitution. A protective tariff deals only with the known elements of labor and skill; as with cottons produced in this country with the same machinery, labor, and skill as they are produced in England and France, and with iron as produced in Scotland or Wales. But invention takes a stride forward of the known mechanism and processes, and calls for a higher degree of skill. Who can estimate the effects of the invention of the cotton gin upon this country? Not its value in money merely, but its effects socially, morally, and politically? Consider the results from the leading inventions I have named, and see how small are the results from the manufacture of coarse cottons and pig iron when compared with the great interests these inventions have created in the country.

The most distinguished of the opponents of the patent laws has argued in favor "of putting an end to the notion that every person who invented anything had a right to a patent," and that "the giving of patents was a matter of grace and favor in well-selected and discriminated cases, in the exercise of a discretion, by an authority intrusted with that discretion;" and in his superlative wisdom he expressed the opinion that "at the period of progress in the history of the arts and trade at which they had arrived they could do much better without these props. He called them props because they were meant to be so, but he believed that at present they were nothing but obstructions and hinderances to trade and the arts." This was said of the patent laws of Great Britain, where there is no preliminary examination and investigation into the rightfulness of the inventor's claim, but where any one can take a patent by paying the fees, if he claim to be either an inventor or the person who first introduced an invention into that country.

Our American system of patent law defies such narrow, carping, illiberal, and unjust criticism. It acknowledges and declares that the first and original inventor of anything new and useful has a vested right to its protection by a patent for a limited term, upon the compliance by the inventor with certain mild and prudent conditions. It provides for a discrimination which shall determine what the invention is, not as a matter of grace and favor, or in the exercise of an uncontrolled discretion, but as a matter of right as between the inventor and the public. It is not based upon the idea that invention has reached its highest flood, and must soon be subject to a returning ebb; or if the results of invention be likened to a structure, it does not consider that it is now complete and perfect, finished and furnished, and that the "props," which the patent laws were, may now be knocked away; nor does it consider that these laws are obstructions and hinderances to trade and the arts.

Under the beneficent provisions of these laws the results of the inventive genius of our people have developed, and are now being developed, in almost geometrical progression. Never at any time in the history of the world have so many and so valuable inventions been made known through the Patent Office. The inventors of all nations seek this country for the protection of its laws. Every invention thus acquired, as well as any now produced at home, is the planting of a new industry which needs no other protection from legislation, to grow and prosper than that which is afforded by these laws. The rise of this inventive genius is not like that of the tide which must reach its limit and recede, but like the increase and swelling of a river, which will not diminish while its course, which is that of time itself, shall continue.

There is nothing of which this nation may be more justly proud than its progress in the industrial and useful arts. No greater and more beneficial results to mankind have been attained in the whole history of the race than have been accomplished within the last three quarters of a century and in this country. If we look back over the whole history of invention we are surprised to see how meager and barren it is, compared with what has been achieved almost within our time. The country acknowledges always this great glory which its citizens have acquired. The nation takes pride in the record of the results of that inventive genius which is preserved in one of the grandest temples ever dedicated to art and science by any nation or in any age; and it knows that great as is its renown in arms, in the spread of liberty, and in the success of free government, there is no brighter coronal that adorns the Republic than that which is enwreathed from the contributions of its inventors to science and the useful arts.

The question then recurred on the amendment of Mr. HOLMAN, in section two, page 2, to strike out the words "one assistant commissioner."

The House divided; and there were—ayes 14, noes 53; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. JENCKES and Mr. HOLMAN.

The House again divided; and the tellers reported—ayes 26, noes 89.

So the amendment was rejected.

The question next recurred on the amendment of Mr. SARGENT, page 5, section ten, line seven, to strike out all after the word "and" to the end of the paragraph, as follows: "And when required by the Commissioner they shall hear and report upon claims for extensions, and perform such other duties as he may assign them;" and in lieu thereof insert the following:

In connection with the Commissioner they shall hear and determine upon claims for extensions, and shall perform such other like duties as may be assigned to them.

The House divided; and there were—ayes 13, noes 59; no quorum voting.

No further count was demanded, and the amendment was considered as rejected.

The question next recurred on the amendment of Mr. POLAND, to add to section eleven, which is as follows:

SEC. 11. In case of the death, resignation, absence, or sickness of the Commissioner, his duties shall devolve upon the assistant commissioner until a successor shall be appointed, or such absence or sickness shall cease.

These words:

And while such assistant commissioner shall so perform the duties of Commissioner he shall receive the same compensation as the Commissioner.

The House divided; and there were—ayes 13, noes 44; no quorum voting.

No further count was demanded, and the amendment was considered as rejected.

The question next recurred on the amendment of Mr. BUTLER, of Massachusetts, as follows:

Amend, by adding to the end of section thirty-four at the end of line nineteen, as follows:

And mere lapse of time before renewing or filing a new application, where a former application has been improperly or erroneously rejected, shall not be considered an abandonment in any application made before the passage of this act.

The House divided; and there were—ayes 18, noes 46; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. JENCKES, and Mr. BUTLER of Massachusetts.

The House again divided; and the tellers reported—ayes 35, noes 70; no quorum voting.

No further count was demanded, and the amendment was considered as rejected.

The question next recurred on the amendment of Mr. KERR, as follows:

Add to section thirty-four:

And provided further, That no application of the kind mentioned in the foregoing proviso shall be refiled or revived for the purpose of interfering with existing patents; and patents hereafter granted on such application shall not be held in any event to impair or supersede any existing patents.

The motion was disagreed to.

The question next recurred on the amendment of Mr. CLEVELAND, to strike out the following section:

SEC. 70. On all patents hereafter granted there shall be paid the following additional fees, namely, at or before the expiration of the term of seven years from the date of the patent, the sum of twenty-five dollars, and at or before the expiration of the term of twelve years from the date of the patent the further sum of fifty dollars, and in default of the payment

of either of the sums aforesaid, within the periods aforesaid, the said patent shall be forfeited and the invention so patented become public property.

The House divided; and there were—ayes 26, noes 44; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. ROOTS and Mr. CLEVELAND.

The House again divided; and the tellers reported—ayes 76, noes 47.

So the amendment was agreed to.

The verbal amendments indicated by the committee were agreed to.

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

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

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President, communicated by Mr. HORACE PORTER, his Private Secretary, informed the House that the President had approved and signed bills of the following titles:

An act (H. R. No. 1346) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1870, and for other purposes;

An act (H. R. No. 1542) to authorize the city of Buffalo, New York, to construct a tunnel under Niagara river, and to erect and maintain an inlet pier therefrom; and

An act (H. R. No. 1775) to relieve C. B. Sabin, of Harris county, Texas, from legal and political disabilities imposed by the fourteenth amendment to the Constitution of the United States.

NAVAL APPROPRIATION BILL.

Mr. WASHBURN, of Wisconsin. Mr. Speaker, I wish to call the attention of the House to the fact that there are seven appropriation bills to be considered by the House. The chairman of the Committee of Ways and Means, recognizing the importance of having these bills advanced, consented to-day to yield his privilege in connection with the tariff bill to allow me to move the House into Committee of the Whole to consider the naval appropriation bill. We cannot get through it to-day unless we have an evening session, as I understand that several gentlemen desire to speak on the bill. Pending, therefore, the motion that the House resolve itself into Committee of the Whole on the naval appropriation bill, I will move that at half past four the Committee of the Whole take a recess until half past seven.

Mr. BROOKS, of New York. Let me understand what the gentleman proposes. Does he intend to take a vote this evening?

Mr. WASHBURN, of Wisconsin. It is very desirable that the bill should be disposed of to-day, if possible, because the tariff bill will again come up to-morrow.

Mr. BROOKS, of New York. I understand the gentleman to say that there are several gentlemen who desire to speak on the bill.

Mr. WASHBURN, of Wisconsin. I am aware that there are three or four gentlemen who desire to speak before the bill is taken up by paragraphs. I desire that the bill should be considered by paragraphs this evening and passed if possible.

The motion that the Committee of the Whole should take a recess from half past four o'clock until half past seven was agreed to.

Mr. WASHBURN, of Wisconsin. I now move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. ELDRIDGE in the chair,) and proceeded to the consideration of the special order, being the bill (H. R. No. 1533) making appropriations for the naval service for the year ending 30th June, 1871.

Mr. WASHBURN, of Wisconsin. I move that the first reading of the bill be dispensed with.

The CHAIRMAN. That can only be done by unanimous consent. Is there objection?

Mr. MYERS. I object.

The Clerk proceeded to read the bill. When it had been in part read,

Mr. MYERS. I withdraw my objection to dispensing with the first reading of the bill.

Mr. HOLMAN. Then I object.

The Clerk resumed the reading of the bill. Before he had concluded the reading,

Mr. HOLMAN. I withdraw the objection.

Objection having been withdrawn, the further reading of the bill was dispensed with.

Mr. WASHBURN, of Wisconsin. Mr. Chairman, the bill now under consideration for the support of the Navy for the ensuing year appropriates the sum of $16,641,845 62. The estimate was for $24,598,277. The reduction from the estimates is nearly eight million dollars, or to be entirely accurate $7,956,431 38, and the appropriation exceeds the appropriations of the present fiscal year by $1,321,597. I propose to point out wherein the reductions have been made on the estimates, and the reasons for such reductions, and also where an increase has been made on the appropriations for last year and the reasons for such increase.

The first item in the bill appropriates the sum of $4,000,000 for the pay of officers &c., or a reduction of $1,000,000 from the estimates, and the second the sum of $2,500,000, or a reduction of $1,100,000 from the estimates. These appropriations are less than those of last year by $500,000, and are more than sufficient to pay all the officers and men now in the Navy under existing law, but less than they would be allowed under the order of Mr. Welles made in 1866. The following table shows the number and class of officers in the Navy and the estimated amount of their pay under the law and the amount in spite of law. The estimate it will be seen was made for the fiscal year ending June 30, 1870:

Estimate of appropriations required under the head "Pay of the Navy" for the payment of commissioned and warrant officers at sea, on shore, on special service; of those on the retired list and unemployed, and for the transportation of officers traveling under orders, for the fiscal year ending 30th June, 1870.

Rank.	Estimated aggregate pay.	Estimated allowances for rent of quarters, fuel, transportation of baggage, &c.	Total pay and allowances.
1 Admiral	$10,000	$3,333 33	$13,333 33
1 Vice Admiral	7,000	2,333 33	9,333 33
10 Rear admirals, pay ranging from $3,000 to $5,000 each	35,000	11,666 67	46,666 67
25 commodores, pay ranging from $2,400 to $4,000 each	78,400	26,133 33	104,533 33
50 captains, pay ranging from $2,100 to $3,500 each	147,000	49,000 00	196,000 00
90 commanders, pay ranging from $1,680 to $2,800 each	201,600	67,200 00	268,800 00
180 lieutenant commanders, pay ranging from $1,500 to $2,343 each	379,620	126,540 00	506,160 00
180 lieutenants, pay ranging from $1,200 to $1,875 each	315,000	105,000 00	420,000 00
160 masters, pay ranging from $960 to $1,500 each	240,000	80,000 00	320,000 00
160 ensigns, pay ranging from $768 to $1,200 each	192,000	64,000 00	256,000 00
450 midshipmen, pay ranging from $500 to $800 each	255,000	85,000 00	340,000 00
50 mates, pay ranging from $480 to $720 each	29,400	9,800 00	39,200 00
80 surgeons, pay ranging from $1,600 to $3,300 each	228,000	76,000 00	304,000 00
60 passed assistant surgeons, pay ranging from $1,100 to $1,500 each	80,000	26,666 67	106,666 67
60 assistant surgeons, pay ranging from $800 to $1,250 each	62,000	20,666 66	82,666 66
80 paymasters, pay ranging from $1,400 to $3,330 each	230,850	76,950 00	307,800 00
40 passed assistant paymasters, pay ranging from $1,200 to $1,500 each	60,000	20,000 00	80,000 00
30 assistant paymasters, pay ranging from $1,000 to $1,300 each	36,500	12,166 67	48,667 67
50 chief engineers, pay ranging from $1,500 to $3,300 each	130,500	43,500 00	174,000 00
125 first assistant engineers, pay ranging from $1,100 to $1,500 each	187,500	62,500 00	250,000 00
125 second assistant engineers, pay ranging from $900 to $1,200 each	142,500	47,500 00	190,000 00
19 chaplains, pay ranging from $1,200 to $1,875 each	29,625	9,875 00	39,500 00
11 professors, pay ranging from $960 to $1,800 each	19,800	6,600 00	26,400 00
9 constructors and assistants, pay ranging from $1,600 to $3,200 each	23,500	7,833 33	31,333 33
52 boatswains, pay ranging from $600 to $1,450 each	62,400	20,800 00	83,200 00
52 gunners, pay ranging from $600 to $1,450 each	62,400	20,800 00	83,200 00
35 carpenters, pay ranging from $600 to $1,450 each	42,000	14,000 00	56,000 00
30 sailmakers, pay ranging from $600 to $1,450 each	36,000	12,000 00	48,000 00
Retired list.			
20 Rear admirals, pay ranging from $2,000 to $4,000 each	50,000	16,666 67	66,666 67
59 commodores, pay ranging from $1,000 to $3,200 each	106,800	35,600 00	142,400 00
32 captains, pay ranging from $1,000 to $2,800 each	55,200	18,400 00	73,600 00
16 commanders, pay ranging from $1,000 to $2,240 each	24,940	8,313 33	33,253 33
3 lieutenant commanders, pay $1,300 each	3,900	1,300 00	5,200 00
6 masters, pay ranging from $800 to $1,200 each	5,600	1,866 67	7,466 67
1 midshipman, pay $500	500	166 67	666 67
25 surgeons, pay ranging from $1,300 to $2,000 each	39,500	13,166 66	52,666 66
3 passed assistant surgeons, pay $1,000 each	3,000	1,000 00	4,000 00
4 assistant surgeons, pay $800 each	3,200	1,066 67	4,266 67
14 paymasters, pay ranging from $1,600 to $2,800 each	26,000	8,666 66	34,666 66
1 chief engineer, pay $1,600	1,600	533 34	2,133 34
6 first assistant engineers, pay ranging from $800 to $1,500 each	7,600	2,533 33	10,133 33
9 second assistant engineers, pay ranging from $800 to $1,200 each	5,200	1,733 33	6,933 33
8 chaplains, pay ranging from $1,000 to $1,500 each	9,500	3,166 67	12,666 67
2 professors, pay ranging from $960 to $1,800	2,760	920 00	3,680 00
2 constructors, pay $1,600 each	3,200	1,066 67	4,266 67
6 boatswains, pay ranging from $1,000 to $1,200 each	6,400	2,133 34	8,533 34
6 gunners, pay ranging from $1,000 to $1,200 each	6,200	2,066 67	8,266 67
6 carpenters, pay ranging from $1,000 to $1,200 each	6,600	2,200 00	8,800 00
6 sailmakers, pay $1,000 each	6,000	2,000 00	8,000 00
	$3,697,295	$1,232,431 67	$4,929,726 67

Total pay and allowances of officers	$4,929,726 67
Traveling expenses	80,000 00
Total	$5,009,726 67

As this subject of payment without law was brought to the notice of the House by my honorable friend from Ohio [Mr. MORGAN] at an early day of the session, with severe animadversions on the Navy, I desire to state the facts in regard to the matter, so far as I know them, and let the House and the country pass judgment upon them.

Prior to the year 1835 the pay of the Navy was arrived at very much as that of the Army now is, namely, by the pay proper and certain allowances; so that in truth it was difficult for any of the uninitiated to ascertain what pay an officer was really receiving. In 1835 there was a great clamor for an increase of the pay of the officers of the Navy, and a bill was introduced and passed, after long discussion, increasing the pay about thirty-three per cent. from what it was then, allowances included, and establishing a fixed salary instead of pay and allowances.

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

Mr. WASHBURN, of Wisconsin. I have no objection if it does not come out of my time. I yield for a question only.

Mr. MORGAN. I desire to ask if the gentleman understands that the thirty-three and a third per cent. additional salary of naval officers is allowed by law; whether, in other words, the salaries of the naval officers have by act of Congress been increased thirty-three and a third per cent.?

Mr. WASHBURN, of Wisconsin. I will state to the gentleman—and I think I have already stated it—that the committee have made their estimates on the assumption that it is not authorized by law.

Mr. MORGAN. I will not interrupt the gentleman further as to that, but may take an opportunity hereafter to make some remarks on it.

Mr. WASHBURN, of Wisconsin. I will endeavor to satisfy the gentleman upon that point. The gentleman brought this matter to the attention of the House at an early period of the session, and I desire to state what the facts are as I understand them. The salaries fixed in the bill of 1835 were as follows:

Senior captain:	
When in service	$4,500
On leave or waiting orders	3,500
All other captains:	
On foreign stations	4,000
When on other duty	3,500
Commanders or master commanders:	
When attached to vessels for sea service	2,500
When attached to navy-yards	2,100
Waiting orders	1,800
Lieutenants:	
Commanding	1,800
On other duty	1,500
Waiting orders	1,200

To show how far this bill increased the pay of officers I read the pay of a few officers, from a table showing the pay and allowances of all the officers in the Navy in 1834, for which I refer to Executive Document, 236, Twenty-Fourth Congress, first session:

Rank.	*Pay and rations.*	*Allowances of all kinds.*	*Aggregate.*
Captains:			
John Rodgers	$3,500 00	$378 30	$3,878 30
Charles Stewart	1,927 60	-	1,927 60
W. B. Shubrick	1,927 60	174 00	2,101 60
Master commanders:			
Foxhall A. Parker	1,173 85	721 06	1,894 91
M. C. Perry	1,173 85	894 50	2,068 35
C. W. Skinner	1,173 85	232 50	1,406 35
Lieutenants:			
D. G. Farragut	1,045 35	47 00	1,092 35
A. H. Foote	962 00	-	972 00

It will be seen from the document to which I have referred of what items the allowances are made up.

Attached to the act of 1835 was the following proviso:

"*Provided*, That no allowance shall hereafter be made to any officer in the naval service of the United States for drawing bills, for receiving or disbursing money, or transacting any business for the Government of the United States; nor shall he be allowed servants, or pay for servants, or clothing or rations for them, or pay for the same; nor shall any allowance be made to him for rent of quarters, or to pay rent for furniture, or for lights or fuel, or transporting baggage. It is hereby expressly declared that the yearly allowance provided in this act is all the pay, compensation, and allowance that shall be received, under any circumstances whatever, by any such officer or person, except for traveling expenses when under orders, for which ten cents per mile shall be allowed."

Congress having thus been so liberal in increasing the pay of officers, it was deemed just and right that under no pretense should their pay be increased by allowances, and thus it remained until 1860, when the pay of the officers of the Navy was again increased; and again in 1862, and thus remained until April 17, 1866, when in the naval appropriation bill for the year ending June 30, 1867, the following section was enacted:

"*And be it further enacted*, That so much of the second section of an act entitled 'An act to regulate the pay of the Navy of the United States,' approved March 3, 1835, as prohibits any allowance to any officer in the naval service for rent of quarters, or for furniture, or for lights, or fuel, or transporting baggage, and all acts and parts of acts authorizing the appointment of Navy agents be, and the same are hereby, repealed."

Mr. MORGAN. Will the gentleman allow me to put a question there?

Mr. WASHBURN, of Wisconsin. Yes, sir.

Mr. MORGAN. Does my honorable friend claim that the allowances which have been given to the officers of the Navy prior to 1835 were authorized by law, or does he regard them as abuses which had grown up in the Navy Department?

Mr. WASHBURN, of Wisconsin. I do not claim that they were authorized by law.

Mr. MORGAN. Then I understand the gentleman to admit that those allowances were abuses which had grown up in violation of law.

Mr. WASHBURN, of Wisconsin. Certainly; I admit that they were abuses which had grown up prior to 1835. Therefore, there being no law prior to 1835, the total repeal of the act of 1866 would not have given the additional thirty-three and a third per cent.

I have looked over the Congressional Globe to find out how such an enactment was ever made, and I find it occurred in this wise: on the 16th of March, 1866, while the naval appropriation bill was being considered in the Senate, occurred the following debate:

"Mr. GRIMES. I offer this amendment as an additional section:

"*Be it further enacted, &c.*, That the second section of an act entitled 'An act to regulate the pay of the Navy of the United States,' approved March 3, 1835, and all acts or parts of acts authorizing the appointment of Navy agents be, and the same are hereby, repealed.

"Mr. TRUMBULL. What is the effect of that? It seems to be a general provision of law which has nothing to do with an appropriation bill. I do not understand it. It seems to be a repeal of the law authorizing the appointment of Navy agents.

"Mr. GRIMES. That is it.

"Mr. FESSENDEN. They have been dispensed with already.

"Mr. TRUMBULL. How? By law?

"Mr. CONNESS. By the action of the Department.

"The amendment was agreed to."

And this is all the discussion that took place when this amendment was made, which has been the excuse for taking some four million dollars from the Treasury. The Senate amendments were disagreed to by the House and a committee of conference appointed. The result of that conference was an amendment of the Senate amendment, so as to read as follows, namely:

"*And be it further enacted*, That so much of the second section of an act entitled 'An act to regulate the pay of the Navy of the United States,' approved March 3, 1835, as prohibits any allowance to any officer in the naval service for rent of quarters or for furniture, or for lights, or fuel, or transporting baggage, and all acts and parts of acts authorizing the appointment of Navy agents be, and the same are hereby, repealed."

No explanation was made by the House committee in regard to this amendment and it was adopted by the House without debate. No word was said in either House to indicate that it was intended thereby to increase the pay of the Navy. On the contrary, Mr. Grimes stated that the object of the amendment was only to repeal the law authorizing the appointment of Navy agents. Had the amendment as offered in the Senate prevailed, it may be questionable whether the officers would not have been entitled to the allowances they were entitled to before the act of 1835, if they were then by law entitled to any, as I think they were not; but it will be observed that the following provision of the act of 1835 was not repealed, but stands to-day the law of the land, namely:

"It is hereby expressly declared that the yearly allowance provided in this act is all the pay, compensation, and allowance that shall be received under any circumstances whatever by such officer or person, except for traveling expenses," &c.

And this was retained by the action of the House in refusing to concur with the Senate in repealing that part of the section. So that I am forced to say the allowance of thirty-three per cent. since the passage of said act, made by virtue of the order of Secretary Welles, dated May 23, 1866, and paid out of the naval appropriations, was utterly in violation of law.

The order of Secretary Welles was as follows:

[General Orders, No. 75.]

NAVY DEPARTMENT, *May* 23, 1866.

Congress having, in view of the call for increased compensation to officers of the Navy, repealed the law which prohibited any allowance to them "for rent of quarters or to pay rent for furniture, or for lights or fuel," &c., the Department, in order to prevent a recurrence of the irregularities, abuses, and arbitrary allowances which occasioned the prohibition, deems it proper to establish a fixed rate of compensation in lieu of the extra allowances which were prohibited by the law now repealed. Accordingly, from and after the 1st day of June proximo, officers who are not provided with quarters on shore stations will be allowed a sum equal to thirty-three and one third per cent. of their pay, in lieu of all allowances, except for mileage or traveling expenses under orders; and those provided with such quarters, twenty per cent. of their pay in lieu of said allowances.

The act of March 3, 1865, having increased the pay of midshipmen and mates, the allowance hereby authorized will not be extended to them.

GIDEON WELLES, *Secretary of the Navy.*

It falsely assumes that Congress intended to give the Navy increased compensation, whereas the fact is that no such idea was advanced by any member of either House, but the very opposite was the fact, as shown by retaining that part of section two I have named.

It further falsely assumes that the prohibition of the act of 1835 was made by the reason of arbitrary allowances before that time, and to prevent a recurrence he established a commutation of thirty-three per cent., whereas the reason for such prohibition was that the pay had been largely increased, and the allowances were cut off in consequence.

As this question of increased pay concerns every officer of the Navy I say this: if the pay is not sufficient under the law let it be increased by the only power that can properly increase it. That the stoppage of this thirty-three per cent. will be a grevious disappointment to the officers, I know, and particularly so to the low grade of officers. While the pay of the Navy has not been largely increased since 1860, it should be borne in mind that what amounts to the same thing has been done. We have created the rank of Admiral, Vice Admiral, and Rear Admiral, thus changing the relative rank and pay of the whole Navy. A captain now is relatively three grades less than in 1860, and yet he gets the same pay. A comparison of the Navy pay with that of the Army, as provided for in the bill which lately passed the House, I find that the Navy pay is something less than the proposed Army pay.

The following table shows the pay proposed for the Army in the bill as it passed the House a few days ago:

	Per year.
General of the Army	$12,000
Lieutenant General	10,000
Major general	7,500
Brigadier general	5,000
Colonel	3,500
Lieutenant colonel	3,000
Major	2,500
Captain, mounted	2,000
Captain, not mounted	1,800
First lieutenant, mounted	1,600
First lieutenant, not mounted	1,500
Second lieutenant, mounted	1,500
Second lieutenant, not mounted	1,400

The pay of all the above below the rank of brigadier general is to be increased ten per cent. for every five years' service, but the pay of colonel is not to exceed $4,500 in any case.

The present pay of the Navy authorized by law is as follows:

Admiral, ranking with General of the Army,	$10,000
Vice Admiral, ranking with Lieutenant General	7,000
Shore duty	6,000
Rear admirals, ranking with major generals,	5,000
Shore duty	4,000
Commodores, ranking with brigadier generals,	4,000
Shore duty	3,200
Captains, ranking with colonels	3,500
Shore duty	2,500
Commanders, ranking with lieutenant colonels	2,800
Shore duty	2,240
Lieutenant commanders, ranking with majors	2,343
Shore duty	1,875
Lieutenants, ranking with captains	1,875
Shore duty	1,500
Masters, ranking with first lieutenants	1,500
Shore duty	1,200
Ensigns, ranking with second lieutenants	1,200
Shore duty	960

It will be readily seen that the Navy pay is less than that provided in the Army bill; and if the pay is to be equalized it should be done by law and not by an arbitrary order. How far the right to prize money goes to equalize the present pay I need not now consider.

I regret that I can find nothing anywhere to relieve this transaction, except that it is but fair and reasonable to suppose that the present Secretary regarded the matter as settled by his predecessor, and that he had no reason for believing that it was erroneously settled. But I am forced to admit that a large sum of money has been taken out of the Treasury under the order of Secretary Wells in violation of law.

Mr. MORGAN. Does the gentleman mean to say that the pay fixed by the military bill as salaries of officers of the Army is greater than the pay fixed by law for the officers of the Navy with the increase of thirty-three and one third per cent.?

Mr. WASHBURN, of Wisconsin. No, sir; I say nothing of the kind. I say that the pay now received under existing laws, without any regard to the thirty-three and one third per cent., is a trifle less than the pay of the officers of the Army as fixed in the bill passed by the House a short time ago. For instance, the General of the Army receives a salary of $12,000, while the Admiral, holding like rank, receives $10,000.

Mr. MORGAN. I trust my friend will excuse me for putting another question and I will not interrupt him again.

Mr. WASHBURN, of Wisconsin. If it does not come out of my time I have no objection to being interrupted.

The CHAIRMAN. It does come out of the gentleman's time unless the committee shall otherwise order. Does the gentleman from Wisconsin yield to the gentleman from Ohio?

Mr. WASHBURN, of Wisconsin. I yield to the gentleman.

Mr. MORGAN. I am sure that the object of the honorable gentleman who has reported this bill and my own is the same, the benefit of the public service. It is important—for I have grave charges to make to this House—it is important that the House should distinctly understand what is the nature and condition of the bill on which it will soon be called to vote. When the gentleman refers to the salaries of these officers, which grade of officers does he refer to? There are three grades. Does he mean those on shore duty or those who have leave of absence?

Mr. WASHBURN, of Wisconsin. I hope the gentleman will not interrupt me further. I will endeavor to enlighten him on all these points.

Mr. MORGAN. I thank the gentleman for the courtesy he has extended to me thus far, and will not interrupt him again.

Mr. WASHBURN, of Wisconsin. I have no objection to the interruptions except that they use up my time, and I prefer to go on. I will state here that it was the understanding of the committee and the intention of the committee that a clause should be reported which should define the pay of these officers, and I am instructed to offer an amendment for that purpose.

Mr. O'NEILL. I do not want the gentleman from Wisconsin to labor under the misapprehension that there were no members of the House who, when that law passed, knew that the pay of officers of the Navy was raised by it. I knew it, and I think my colleague [Mr. KELLEY] was aware that we had raised the pay of naval officers.

Mr. WASHBURN, of Wisconsin. I cannot yield for a speech. I simply say that there is nothing on the record to show that fact. I have looked over the Globe, and I see nothing there to indicate that that was the opinion of the House.

Mr. O'NEILL. It was understood.

Mr. WASHBURN, of Wisconsin. That may have been the understanding of some gentlemen, but it certainly was not the understanding of the House generally. I proceed with the bill.

In the Bureau of Equipment and Recruiting the appropriation is reduced $500,000 from the estimates. This bill appropriates $1,500,000 against $800,000 last year; but last year's appropriation was made in view of the fact of an unexpended balance on hand of $1,541,562. In view of the largely diminished consumption of coal in consequence of the use of sails on our war ships it is believed that the appropriation proposed will be ample.

The appropriation for the Bureau of Navigation is about the same as last year.

The appropriations for the Ordnance Bureau exceed those of last year by $123,000, and this by the reason of the construction authorized of ten fifteen-inch guns to arm the casemated ship Colossus, (formerly Kalamazoo,) now on the stocks, and $60,000 for the expense of experiments in torpedoes. I would remark that the Navy Department is engaged in experimenting with torpedoes and torpedo boats, and there is good reason for believing that torpedoes will hereafter prove a sure and cheap means of coast defense, and, applied to boats built for the purpose, will prove very formidable means of offense in a warfare upon the ocean, before which the stoutest iron-clads will be powerless. The amount appropriated by this bill the committee think can be very wisely expended in perfecting this mode of warfare.

The Bureau of Construction and Repair asks for $7,975,000 for the following purposes:

For completing five war sloops now on the stocks	$2,100,000
For expense of receiving-ships	50,000
For preservation of iron-clads	150,000
For coast defense and practice vessels	80,000
For tools and machinery in navy-yards	140,000
For sheds over timber and over ships	160,000
For repairs of vessels abroad	250,000
For transportation by water	60,000
For material by contract	1,600,000
For material by purchase	400,000
For vessels in ordinary	50,000
For labor in navy-yards and on foreign stations	2,210,000
	7,250,000
Add for omissions ten per cent	725,000
Total	$7,975,000

The committee have cut this down by striking out the appropriation to finish the ships altogether, and have reduced the other items so as to make an aggregate of $3,530,000, being $1,030,000 more than last year. There was on hand in this bureau a balance on the 30th of June last $1,767,888 10, and appropriated for the current year $2,500,000 by last Congress, and $1,500,000 the present session, making a total of $5,767,888 10 that will be expended by this bureau the present year. That large sum has all been expended in the repair of ships, and the report of the Secretary of the Navy states that up to December 1 eighty-six war vessels had been repaired and fitted for sea.

It has come to the notice of the committee that notwithstanding the immense sums that have been expended on our Navy in the past nine years the country only possesses a class of naval ships that do us no credit either at home or abroad. High naval authority declares that we have not a single war ship that can be regarded with pride or satisfaction. Admiral Porter says that during our late war we had but a single war ship that could overhaul a blockade-runner in any fair race, and that ship was the Vanderbilt, a merchant ship altered into a war ship. It must be admitted that the position of our Navy is most humiliating, not only to the country but to the officers belonging to that branch of the service. With a *personnel* of which, with few exceptions, the country is justly proud, our war ships are the derision of the world. The last Army and Navy Register of the United Kingdom declares "that they were entirely unprepared for the exhibit of the American Navy, as set forth in their recent naval report," and confess that they arise from its perusal "with feelings not only of contented but of delighted satisfaction."

With such results from the vast appropriations heretofore made the Committee on Appropriations are unanimously of the opinion that before appropriating any great sums of money to repair a class of vessels confessedly useless as cruisers or fighting ships, it is better to pause and consider the question of our future policy. It is pretty evident that the day of wooden ships is ended, and to go on and expend millions to finish wooden ships on the stocks, when it is evident that when completed they will prove as worthless as those we now have, would be the height of folly. We have now four new ships of the Wampanoag class, costing $1,500,000 each, that are pronounced worthless as war vessels. The Government has offered to sell them, and the best intimation of an offer was $100,000 for the best one, and it is hardly probable that they could be sold for that. A very enterprising and responsible steamship man in New York has submitted a proposition that he will receive them as a gift, and run them as a line of merchant ships between New York and Liverpool, and carry the United States mail, provided the Government in addition to the ships will also give him $25,000 a trip. The Government might save money by giving them away, but to give a man a large sum to take them can hardly be necessary.

It has never been the policy of the United States to maintain a large navy or standing army in time of peace. We have no balance of power on this continent to maintain. In Europe the case is different. England and France have about kept pace in the last few years in putting afloat a class of monster iron-clads, which will be very good to fight each other, but which, by reason of their great draught of water, can only enter one of our ports, and there they would hardly venture in case of war, as in that event our monitors and torpedoes would soon send them to the bottom. In case of war with England or France their huge and expensive iron-clads would find little to do, unless we should be guilty of the folly of building such ships and sending them out to fight like ships of our enemy. Such huge and expensive ships would not be our want in case of war.

If we are engaged in a war with England it will not be her iron-clads that will sweep our commerce from the ocean, but the swift subsidized iron merchant ships that will at once be converted into cruisers to prey upon our commerce. It is pretty evident that any future war with the great Powers of the world will be a war upon the ocean. In such a war our great need will be swift cruisers to prey on the commerce of our enemy. It would not be our iron-clads, if we had them, that would strike the rapid and fatal blows, but those swift ships

that could overtake and capture the commercial vessels of our enemy. Great Britain, with the view of extending her power upon the ocean and increasing her commercial supremacy, has adopted the policy of subsidizing most of her long lines of steamers, and the result is, that at a trifling cost in proportion to the cost of maintaining her navy she has more than doubled the power and efficiency of her navy in time of war; for all her subsidized ships are at the absolute control of the Government, and may at the shortest notice be converted into war ships. How formidable such ships would be in case of war may be judged from the fact that one of them, the Bombay, lately ran down the war ship Oneida, and, without injury to herself, passed on just as though nothing had happened.

The United States has no such ships to rely upon in case of war or danger, but must rely upon such miserable hulks as we now have, unless a different policy is adopted. The number of our naval vessels, such as they are, is much greater than before the war, and the size of our foreign squadrons has largely increased, while our commerce requiring protection has as largely diminished. As an instance, it has been stated by an American sea captain before a committee of this House that before the war he was in the harbor of Rio with his ship, and at the same time there were forty other American ships loading with coffee at that port, and one United States war ship, the sailing ship John Adams, which last was all that was deemed necessary to support the dignity of our Government or protect our commerce on that coast. Four years ago the same captain was in the harbor of Rio, and his ship was the only merchant ship in port flying the American flag, while to protect him there were seven American war ships. Can any one doubt that the power and resources of this country were better represented by the forty merchant ships than the seven war ships? And such ships! Great Britain, by the system she has adopted, can convert several hundred of the swiftest iron ships into cruisers, before whom what little commerce we have would be swept from the ocean in thirty days, while we have no such ships. This is a most humiliating statement; but as it is true it ought to be made, and ought not to be disregarded, and it may be well considered whether Government could not wisely divert a portion of the money now expended on the Navy in aid of the building of a class of ships that may be useful in time of peace or war.

The Secretary of the Navy in his late report calls attention to this subject in a manner so forcible and appropriate that I quote his recommendations here:

"*Ocean Steamers.*

"There is another element of defense against the time of danger, perhaps as effective as any other, available to wise and liberal statesmanship. Nations, like men, hesitate to attack those who are prepared to do them serious injury, and in the means of destructive aggression is often found the surest defense against all who have anything to lose. Such means would be at hand if we had lines of ocean-going steamers established, running out of our ports in the peaceful pursuit of commercial enterprise, but carrying our own flag and available to our Government in time of need.

"The attention of thoughtful men has been much directed to this subject, and all are looking to the national Government for encouragement. To provide and protect the great means of commercial intercourse, both domestic and international, is one of the direct purposes of Government, for which it is established, and to which its resources may properly be directed. Enterprises of such magnitude are undertaken at great expense and risk of capital. Important elements of the public wealth and prosperity, they are in their nature subject to the vicissitudes of public policy. They thus assume a national character, and are, I think, the proper subjects for Government aid and direction.

"It will not become me to discuss in this report the many arguments of national prosperity and pride which press the subject upon us, but I may be permitted to urge it as an important element of national safety. In support of this view I call attention to the fact that there are now running from the ports of New York, Boston, and Baltimore, for those of Europe, over sixty powerful screw steamers, averaging nearly three thousand tons each. These steamers, carrying the English and French and German flags, are most of them the results of wise liberality on the part of their respective Governments; and they now absorb a very large proportion of the carrying trade across the Atlantic. Their average time in crossing to and fro in all weathers is not more than eleven days. Any one of them could be quickly converted into an efficient and powerful ship of war, capable of carrying full-sail power and keeping the sea for any length of time. Here, then, is a heavy tonnage of possible war vessels larger than that of our whole Navy on the 1st of January, 1868.

"Had our mercantile marine possessed such lines at the breaking out of the late war we might, instead of permitting the rebels to introduce a vast amount of war material before we could collect the means to prevent it, have quickly closed every southern port.

"A comparatively small force of this kind, appropriately armed and let loose on the ocean under the command of bold and intelligent officers, would be a dangerous foe to the commerce of any country. Our own was substantially driven from the seas by two or three roughly-equipped vessels, much inferior in power to those of which I have spoken. Thus it will be seen that in giving up this field to the occupation of other nations, and yielding to them the commercial advantages which naturally belong to our own position and resources, we at the same time relinquish our own weapons and arm our possible enemies.

"We are looking with confidence for a large increase in the commerce of the East, which will require a corresponding increase in the present means of rapid transportation on both oceans; and in the interest simply of the naval establishment and of so much of the national defense as depends upon it, I earnestly urge that measures be taken at this juncture to induce our own merchants and ship-builders to enter into this field of enterprise.

"Inducements should be held out to those who are willing to undertake it to build steamers on plans approved by the Navy Department, subject in case of necessity to be taken by the Government at an appraised value.

"Those on the route between California and Japan should be able at all times to protect themselves against pirates and privateers, and all should be of a class available in war.

"I do not, of course, suggest any particular plan on this subject, and I speak of it only to show how much the naval establishment, in common with every other national interest, will be affected by its proper solution."

Mr. O'NEILL. Did the sea captain, from whom the gentleman quoted a moment ago, ever account for the fact that while there may be a hundred American merchantmen in the port of Liverpool, and more for aught I know, there is not one single American ship-of-war there? I want to know what the testimony of this captain proves?

Mr. WASHBURN, of Wisconsin. The captain did not say anything upon that subject. That is all the answer I have to make. [Laughter.]

Mr. O'NEILL. I want to put the gentleman right in this matter. The port of Rio Janeiro is a port of rendezvous for our squadrons, and there might be seven or eight men-of-war there at one time——

Mr. WASHBURN, of Wisconsin. I cannot yield for a speech. I made the statement I did for the purpose of indicating our declining commerce, rather than for the purpose of saying anything derogatory of the Navy.

The Government was reminded but the other day by the managers of two English lines (the Cunard and Inman) of the disgraceful fact that not a single merchant steamer bearing the American flag now crosses the Atlantic, and they refused longer to carry the United States mails except upon such terms as they might dictate, and this Government is at this moment entirely dependent upon foreign ships for the transmission of her mails, under temporary arrangements that may be terminated at any time. It is not creditable to the country that this state of things should continue, certainly not if there is power in the Government to prevent it.

While the Government has in the most liberal manner aided in opening up internal communications by large subsidies of land and money to railroads, and by appropriations for improving the navigation of our rivers, our commerce upon the ocean has been left almost entirely without protection of any kind. As the prosperity of the country in time of peace is greatly dependent upon our commerce, and its security in time of war upon having a class of swift merchant ships that can be readily converted into swift cruisers, it is worthy of serious consideration whether Congress should not directly encourage the building of such ships. It was stated by Admiral Porter before a committee of this House that if the country had possessed a few such swift ships on the breaking out of the war as the Cunard or Inman lines, which could have been converted speedily into war ships, an effectual blockade could have been at once established and the rebels never could have got out a pound of cotton or procured supplies or munitions of war, and the rebellion would have been strangled almost at its birth.

Who can compute the loss in lives and money consequent upon the want of a few such ships? One hundred and ten of such iron ships as I have named, embracing a tonnage of three hundred and six thousand tons, now compose European lines visiting our ports and owned entirely by Europeans. Their annual earnings are $35,000,000, which is mostly drawn from the people of this country. The hundreds of thousands of Europeans coming yearly to our shores, nearly all of whom would prefer to come under the flag of the country whose citizens they are to become, not one of them can do so in an American steamship. Great Britain has one hundred and sixty-four different lines of foreign steamers, some of the lines owning a great number of ships—the Cunard twenty-four, the Inman seventeen, and the Peninsular and the Oriental fifty-seven ships. She has invaded every sea with her iron steamers; and the saying of Burke, that the sun never sets upon the possessions of England, afterward elaborated by Mr. Webster that "her morning drum-beat, following the sun and keeping company with the hours, encircles the earth daily with one continuous and unbroken strain of the martial airs of England," is more true and forcible now than ever.

Not to dwell longer on this point, I will only express the hope that Congress will profit by the experience of the past, and adopt a policy which the experience of other countries has demonstrated to be efficient, economical, and wise.

The appropriation for the Bureau of Steam Engineering is $1,000,000, and is $350,000 more than last year, and $750,000 less than the estimates; but it will be recollected that we have transferred to this bureau $500,000 the present session, so that with the balance of $240,000 on hand at the beginning of the year, this bureau will have spent during the year about $1,400,000, but the committee think that $1,000,000 will be ample for next year.

The appropriations for the Bureau of Provisions and Clothing are $781,050, against $1,500,000 last year, showing a large reduction; and of Medicine and Surgery about the same. The appropriations for the Naval Academy are about the same as last year, while the Marine corps is increased $281,000, in consequence of their balances being exhausted.

The question of extensions and improvements in navy-yards will be considered in another bill, and I do not care to discuss that subject here. England is now having most of her work for her navy done in private yards, and finds great advantage in doing so. No doubt exists that the work done in our navy-yards costs from twice to thrice as much as similar work in private yards.

I have said all I care to say about the appropriations named in this bill; but I have added to it a closing section, which is as follows, and which I desire briefly to explain the reason and necessity for

Mr. SCOFIELD. Will the gentleman allow me to ask him one question?

Mr. WASHBURN, of Wisconsin. Yes, sir.

Mr. SCOFIELD. I suppose that the sum of $100 is believed to be sufficient for one coaling of a vessel. Does the gentleman think that if a vessel is detained at a foreign port for want of coal, or is obliged to stop to recoal there, it ought to be detained long enough to advertise

and get these sealed proposals? I suppose the gentleman designed to put the amount large enough to cover a single coaling.

Mr. WASHBURN, of Wisconsin. I will state to the gentleman the reasons for this section, and I think he will concur with me that this or something similar is very proper. The matter was brought to the notice of the Committee on Appropriations that great irregularities prevailed on foreign stations in supplying the Navy, by which the country was greatly scandalized and the Government imposed upon and defrauded, and the case which I am about to state was cited as an instance of the abuses prevailing both at home and abroad. Similar cases may exist, but I have no knowledge of them. The regulations of the Navy very properly require that when a naval vessel arrives in a foreign port, needing supplies, the commander shall call on the consul and learn from him who the reputable and responsible dealers are at that port in the kind of supplies needed. This regulation is sometimes observed, but oftener disregarded. During the war the port of Lisbon, in Portugal, was much visited by the American war ships, and since has been a place of rendezvous of the American squadron, and to that port blockade-runners resorted greatly during the war. The confederates had their agents there, who kept on hand large supplies of coal. When the war ended they were left with a large amount of coal on hand.

In 1867 two American ships went in there wanting coal. Instead of calling on the consul for the names of the coal dealers, they made a contract for their supplies with one Isaac Abecassis, not a merchant, not a coal dealer, but the proprietor of a drinking-saloon in Lisbon. The first knowledge the consul had was in seeing the confederate coal being transported on board our ships. Inquiry showed that the same was bought of Abecassis at considerably above the price in open market. Pursuing the inquiry it was found that Abecassis, having met with such success in disposing of confederate coal, had started for Washington, as it was supposed, to make other contracts for supplying the Navy. The facts being brought by our consul to the notice of Mr. Harvey, the American minister, he addressed a note to the Secretary of State stating that this Abecassis, a low fellow, was on his way to the United States, as it was understood, in pursuit of naval contracts; that he was no merchant or coal dealer, but a mere adventurer and saloon-keeper; not an American, but a Barbary Jew; and he thought that the Navy Department should be put on its guard against him. The letter to Mr. Seward was transmitted to the Secretary of the Navy. Before it was received, however, Abecassis had been there and contracted for the sale of twenty-five hundred tons of coal.

When a responsible American citizen contracts for the delivery of coal to the Navy he is required to give bond, with ample security, for the performance of his contract. Not so Abecassis, for he obtains contracts vast in amount without knowledge of the market by the Department, without advertisement, or giving any security whatever. Well, when Mr. Harvey's letter was received, the Secretary turned it over to the bureau officer who made the contract, and he, instead of thanking Mr. Harvey for the interest he had taken to protect the Government, wrote a letter to the Secretary of the Navy, very insulting to Mr. Harvey, and intimating that it was none of his business, and closing as follows:

"It is evident that the merchants and their allies have combined to prevent the waters from being diverted from their accustomed channel, and are in fear that in the troubling of the waters of the pool they will not be made whole."

Our minister was backed up by one of our naval officers, Captain Jeffers, who was also rebuked for having spoken disrespectfully of the bureau favorite. As the letter of Captain Jeffers is rather good, and shows that there is one officer at least in the Navy who has a just appreciation of his duty, I beg leave to read it.

Mr. SCOFIELD. Who was the Secretary of the Navy at that time?

Mr. WASHBURN, of Wisconsin. Gideon Welles, of course. I should have supposed the gentleman need hardly have asked that question.

Mr. SCOFIELD. I conjectured it was so.

Mr. WASHBURN, of Wisconsin. He supposed himself to be Secretary of the Navy. [Laughter.] It was during Mr. Johnson's administration.

The letter of Captain Jeffers is as follows:

UNITED STATES STEAMER SWATARA,
LISBON, *April* 25, 1867.

SIR: I have received your letter of this morning. As I do not visit grog-shops I know nothing of my own knowledge relative to the so-called American saloon. I only know that it is situated in one of the principal streets, and was the rendezvous of the worst of the volunteer officers of the squadron.

Attracted by the name, some of my officers visited the place when I was last here, and finding it a disreputable place ceased going there.

Your brother now keeps it, and you are reported as a silent partner.

I knew little or nothing of this when I saw you in Washington, but was both surprised and amused that a common fellow like yourself should be seen in a gentleman's house. I attributed it to the easy credulity with which foreign impostors are received in our country. I have yet to learn that you had any introduction through the Portuguese legation, the only guarantee of respectability in a foreign country. Our public men, of course, receive every well-dressed person. Since, my officers have often laughed at your cheeking impudence.

Nevertheless, when Commodore Smith informed me that you had offered to furnish coal at thirty shillings per ton, and that, on investigation, that price was found to be less than ever before paid, I advised him to accept it, provided that he had a sufficient guarantee of your responsibility, and that suitable orders were given relative to inspection, quality, and weight; that from my knowledge of the price of coal in Europe, no person could supply good Cardiff steam coal at a less price.

I recommended to the other bureau that they should have nothing to do with you; that you had no place of business—was only a street broker, selling for others on a commission; and that the object of having a paymaster on board was to make purchases without the intervention of a middleman. You have, on shore and aboard, endeavored to represent yourself as an agent of the United States Government for general purchases, when you have no such appointment.

Since I came in you have been very persistent in endeavoring to obtain orders, notwithstanding my statements to you that the regulations of the service required that purchases should be made direct of dealers. You have mistaken my habitual politeness of manner, and yesterday threatened me with a reference to the Department because I reiterated my intention to direct that nothing but coal should be ordered through you.

Now, the officers of the American Navy are not accustomed to threats on the part of any one. People have a right to do as to them may seem best, but not to attempt to bully with threats. I therefore directed my orderly to see you over the side, and have given orders that you shall not be permitted to again come on board, except to receive payment of your bills.

You furthermore took it upon yourself to accuse the officials of the United States Government here of misrepresenting you, although I informed you that my information relative to you came from my own officers. I allow no vagabond foreigner to be disrespectful to the representatives of my country in my presence.

You are at liberty to make what use you please of this letter.

WILLIAM N. JEFFERS,
Commander United States Navy.

Mr. ISAAC ABECASSIS, *Lisbon, Portugal.*

The letter of the bureau officer was transmitted through the Secretary of State to Mr. Harvey, who, of course, could not but feel indignant at the treatment he had received at the Navy Department, and he again wrote to the Secretary of State, in August, 1867, reaffirming all he had before said; and in November, 1868, he wrote again, exposing the abuses existing in Lisbon in supplying the Navy, (for it appears that nothing could be done there in the way of supplies or repairing vessels without going through the hands of Abecassis,) and he this time sends an affidavit to show that it was the habit of this fellow to require merchants to add to their bills twenty to twenty-five per cent. for his benefit, or they could not have the patronage.

This letter was dated November 6, 1868, and on the 30th November Mr. Seward transmitted it to the Navy Department, but it had no weight there, for a few days after it was received, namely, on the 18th December, Abecassis again appeared at the Navy Department, and without advertisement or notice of any kind to the public that the Navy wanted coal, entered into another contract, without security of any kind, to furnish the Navy with six thousand tons of coal twenty-five per cent. above the market price in Lisbon, as the proof shows, and the coal of a very inferior quality; and the Secretary is made to say that he "cannot but regard the course of Mr. Harvey as an impertinent interference with the affairs of the squadron;" and the bureau officer intimates that so much zeal on the part of Mr. Harvey to protect the Government could only be accounted for on the supposition that he was interested with some of the merchants who were deprived of the patronage of our Navy.

To show how contracts are made in the Department, amounting to nearly fifty thousand dollars in gold, I give you here a copy of the only papers pertaining to this contract. Though this party was wholly irresponsible and a resident of a foreign country, he was able to do what the most responsible citizen could not do, obtain such a contract without giving ample security for its fulfillment:

Mr. Abecassis to Commodore Smith.

WASHINGTON, *December* 18, 1867.

Commodore M. SMITH, *Chief Bureau Equipment and Recruiting, Washington, D. C.:*

I respectfully propose to furnish to the United States Government, for the use of its vessels stopping at the port of Lisbon, Portugal, six thousand tons of Cardiff coal, of 2,240 pounds to the ton, to be delivered alongside of vessels, free of any charge for transportation, at twenty-eight shillings sterling per ton, and one shilling additional per ton to put the coal in the bunkers of the vessels, to be paid for at the station after due inspection and measurement on board the vessels.

Very respectfully, your obedient servant,
ISAAC ABECASSIS.

Commodore Smith to Mr. Abecassis.

NAVY DEPARTMENT,
BUREAU OF EQUIPMENT AND RECRUITING,
WASHINGTON, *December*, 18, 1867.

SIR: Your proposition of this date, to furnish six thousand tons of Cardiff coal to United States vessels stopping at the port of Lisbon, has been received, and is accepted.

Admiral D. G. Farragut, commanding the European squadron, has been instructed in the premises, as per duplicate letter addressed to him, herewith inclosed.

Very respectfully, your obedient servant,
M. SMITH, *Chief of Bureau.*

ISAAC ABECASSIS, esq., *Washington, D. C.*

So matters went on until a change of administration. But the zeal of Mr. Harvey did not cease. He wrote directly to Secretary Borie, April 11, 1869, to put him on his guard, and detailing the monstrous abuses prevailing at Lisbon; but Mr. Borie made no reply, and it is very doubtful whether they ever let him see the dispatch, for I must believe that had the abuse been brought to the notice of that honorable gentleman it would have been corrected. Within thirty days after the letter to Mr. Borie was received at the Department, again Abecassis appears there, and this time to sell olive oil; and, as if with the intent to further insult and show their contempt of our diplomatic representatives abroad, without notice or advertisement of any kind, another contract was entered into with him, without requiring him to give security of any kind, to furnish the Navy fifty-six thousand gallons of olive oil, and that, too, at a price giving Abecassis a profit of $15,000 in gold on the single transaction.

Mr. WARD. I would like to know what officer of the Navy Department would make any such contract.

Mr. WASHBURN, of Wisconsin. I am stating facts, and facts only. I have the correspondence here, which has been called for by the House but not yet ordered to be printed. In that is found the only excuse I have heard for making any such contract. The present consul at Lisbon, appointed by President Grant,

writes to a member of the Committee on Foreign Affairs, and to other gentlemen, stating that the price was twenty-five per cent. above the market, and sending certificates of dealers to that effect. For further information in regard to this subject I refer to Executive Document No. 48.

Mr. Neal, our consul, in speaking of this fellow, Abecassis, in a letter to Secretary Robeson, dated September 13, 1869, says:

"For reasons of which I am ignorant our naval officers do not think it necessary to consult the United States authorities at this port in the matter of purchasing supplies, having repairs made, &c., but rely entirely upon this Mr. Abecassis, who styles himself 'the naval contractor of the United States.' By what authority he assumes this title I am not informed. He is not a merchant, is not a butcher, baker, nor even ship-chandler. He has no supplies, and his entire business, as far as I can see, is limited to his dealings with our fleet and Government."

In the letters from the bureaus through which the oil was purchased it is stated in justification that the price paid, $1 05 per gallon, was less than the last purchase made at Ville Franche, in France, where $1 30 was paid per gallon. If this proves anything it is not that the Government was not swindled at Lisbon, but that it was worse swindled at Ville Franche. Probably there is another and a worse Abecassis at Ville Franche than at Lisbon, which renders it pretty certain than these abuses exist everywhere, and that some legislation of the kind I propose is necessary to prevent it.

In justice to the Navy I should perhaps say further, that the chief engineer in his letter says that at the time this oil was purchased in Lisbon olive oil was worth in Boston $1 40 to $1 45 per gallon currency. But as such oil had paid a duty of thirty cents a gallon, gold, it is perfectly evident that the Boston oil dealer must have bought his oil abroad for eighty cents or less in gold, to be able to pay thirty cents gold duty per gallon and sell it here for the price named. But if it were not true that the Government had paid a penny more than a fair price, the necessity of taking away a discretion whereby the Government may be swindled is apparent.

When the present Administration came into power the condition of the Navy was most deplorable. Mr. Welles, in a letter to Senator Grimes, chairman of the Committee on Naval Affairs in the Senate, bewailed the condition of the Navy and naval vessels, and attributed it all to the neglect of Congress in not giving him his estimated appropriations, and says that "if those who succeed me are embarrassed for the want of vessels or means, it shall be no fault of mine." Yet it should be borne in mind that the means at his disposal were in excess of those of the present Secretary. The gentleman from New York [Mr. Cox] some time since made a speech in which he arraigned the Navy Department, and made the statement that there had been expended on the Navy in the last year $37,782,716 95. That he may have no further excuse for misrepresentation I will furnish him and the House with official figures showing the exact expenditures for the past year and the preceding year; figures that, in view of the amount of work done on our ships, are greatly to the credit of the present management as contrasted with the late Administration.

It will be seen that the amount expended from March, 1868, to March, 1869, was $22,760,359 90; from March, 1869, to March, 1870, $20,893,159 24; and I am assured that the expenses for the present fiscal year will not exceed $20,000,000. Before the debate is closed on this bill I propose to say something in regard to the cost of maintaining the Navy under the present and late Administrations, and I will say here that the comparison will be highly favorable to the present Administration.

The present head of the Department, I am sure, is disposed to correct abuses and discountenance extravagance and inefficiency. How far he is hampered by influences that disregard law, and regard the Navy as the property of a favored few, to be used for the glorification of themselves, friends, and flatterers, is not for me to say; but I can assure him that neither the Navy generally nor the public are satisfied that an irresponsible party should stand between him and the bureaus of the Department, the officers of the Navy and people of the United States.

Expenses of last Administration from March, 1868, to March, 1869, when it went out.

1868.	Amount drawn.	Amount refunded.	Amount expended.
March	$3,501,123 59	$728,950 96	$2,772,172 63
April	2,345,217 46	719,500 56	1,625,716 90
May	2,313,152 59	561,098 09	1,752,054 50
June	2,829,512 69	103,902 97	2,725,609 72
July	2,675,586 72	340,443 48	2,335,143 24
August	2,259,601 28	1,258,280 70	1,001,320 58
September	3,068,695 07	799,809 99	2,268,885 08
October	4,025,732 10	703,914 15	3,321,817 95
November	1,972,193 88	311,344 30	1,660,849 58
December	1,490,021 45	269,465 15	1,220,556 30
1869.			
January	2,612,589 98	1,300,869 96	1,311,720 02
February	3,162,199 47	2,397,686 07	764,513 40
Total	$32,255,626 28	$9,495,266 38	$22,760,359 90

Expenses of the present Administration for the year just ended, from March, 1869, to March, 1870.

1869.	Amount drawn.	Amount refunded.	Amount expended.
March	$2,727,345 19	$1,093,112 91	$1,634,232 28
April	1,663,736 47	213,255 36	1,450,481 11
May	1,463,635 19	452,351 54	1,011,283 65
June	2,825,396 24	805,441 46	2,019,954 78
July	2,095,352 15	239,191 43	1,856,160 72
August	2,294,016 59	670,545 95	1,634,470 64
September	2,525,268 32	222,268 72	2,302,999 60
October	2,521,096 96	136,951 16	2,384,145 80
November	1,846,366 96	187,348 25	1,659,018 71
December	2,781,744 03	955,636 69	1,826,107 34
1870.			
January	2,413,771 16	648,983 31	1,764,787 85
February	2,188,848 88	828,332 12	1,360,516 76
Total	$27,346,578 14	$6,453,418 90	$20,893,159 24

Present Administration.

1869.	Amount drawn.	Amount refunded.	Amount expended.
July	$2,095,852 15	$239,191 43	$1,856,160 72
August	2,294,016 59	670,545 95	1,623,470 64
September	2,525,268 32	222,268 72	2,302,999 60
October	2,521,096 96	136,951 16	2,384,145 80
November	1,948,966 96	187,348 25	1,761,618 71
December	2,781,744 03	955,636 69	1,826,107 34
1870			
January	2,413,771 16	648,983 31	1,764,787 85
February	2,188,848 88	828,332 12	1,360,516 76
Total	$18,769,065 05	$3,889,257 63	$14,879,807 42

Orders are peremptory to bureaus to reduce expenses for the remainder of the year, so as to bring the whole expense under $20,000,000.

Welles's administration.

1868.	Amount drawn.	Amount refunded.	Amount expended.
July	$2,675,586 72	$340,443 48	$2,335,143 24
August	2,259,601 28	1,258,280 70	1,001,320 58
September	3,068,695 07	799,809 99	2,268,885 08
October	4,025,732 10	703,914 15	3,321,817 95
November	1,972,193 88	311,344 30	1,660,849 58
December	1,490,021 45	269,465 15	1,220,556 30
1869.			
January	2,612,589 98	1,300,869 96	1,311,720 02
February	3,162,199 47	2,397,686 07	764,513 40
Total	$21,266,619 95	$7,381,813 80	$13,884,806 15

Expenses from July, 1868, to March, 1869.—The expenses for these months are $1,000,000 less than for the current year, but this is done by the refunding of their last month, February, and leaving us to settle in March. Their whole year from March to March will be seen to exceed ours from March to March of the current year by $2,000,000.

Expenses for fiscal year 1868-69.

1868.	Amount drawn.	Amount refunded.	Amount expended.
July	$2,675,586 72	$340,443 48	$2,335,143 24
August	2,259,601 28	1,258,280 70	1,001,320 58
September	3,068,695 07	799,809 99	2,268,885 08
October	4,025,732 10	703,914 15	3,321,817 95
November	1,972,193 88	311,344 30	1,660,849 58
December	1,490,021 45	269,465 15	1,220,556 30
1869.			
January	2,612,589 98	1,300,869 96	1,311,720 02
February	3,162,199 47	2,397,686 07	764,513 40
March	2,727,345 19	1,093,112 91	1,634,232 28
April	1,663,736 47	213,255 36	1,450,481 11
May	1,463,635 19	452,351 54	1,011,283 65
June	2,825,396 24	805,441 46	2,019,954 78
Total	$29,946,733 04	$9,945,975 07	$20,000,757 97

Mr. COVODE. In addition to what the gentleman from Wisconsin [Mr. WASHBURN] has said, I desire to say that the fellow, Abecassis, to whom he has referred, was recognized as a gentleman here, while he was not recognized as such in Spain.

Mr. LOGAN. Who recognized him as a gentleman here?

Mr. COVODE. The officials of the Navy Department. He was in the habit of spending a part of his time here, and succeeded in securing the confidence of the ex-Secretary of the Navy; and then when he went abroad he ignored entirely the American minister at Lisbon and made contracts, one of which was to sell coal collected at Lisbon for the rebel navy to American steamers at a profit of $1 25 per ton, and a very inferior article at that, as compared with English coal for sale in the same market.

Mr. ALLISON. Was it Pennsylvania coal? [Laughter.]

Mr. COVODE. No, it was not Pennsylvania coal. Mr. Harvey, our minister at Lisbon, did his duty faithfully in reporting to the Government of the United States the transactions then going on at Lisbon, in which there was a speculation amounting to a very large sum of money for the benefit of this fellow Abecassis, a Jew and the keeper of a doggery in Lisbon. Sir, it sickened me of the whole transactions of the Navy Department when I saw that the money of the United States was being squandered abroad for the benefit of a few individuals, and those not deserving the confidence of the Government. Mr. Harvey did his duty faithfully, and reported the facts. The statement was sent to me, and I went to the Navy Department with it, but could not even get a hearing there, although I was prepared to show that thousands of dollars were being squandered for the benefit of a man who had no reputation at Lisbon or elsewhere, except in the Navy Department here. This, of course, was done under the Johnson administration

Mr. HALE then addressed the Committee of the Whole, but before concluding his remarks,

The hour of half past four o'clock p. m. having arrived, the Committee of the Whole on the state of the Union, pursuant to order of the House, took a recess until half past seven o'clock.

EVENING SESSION.

At half past seven o'clock p. m. the Committee of the Whole on the state of the Union resumed its session, (Mr. ELDRIDGE in the chair,) and proceeded with the consideration of the bill (H. R. No. 1533) making appropriations for the naval service for the fiscal year ending 30th June, 1871.

The CHAIRMAN. The gentleman from Maine [Mr. HALE] is entitled to the floor, and has twenty-five minutes of his hour remaining.

Mr. KELLEY. The gentleman from Maine is not here yet.

Mr. HOLMAN. Mr. Chairman, inasmuch as the gentleman from Maine is not present, and it is almost certain that there will be but few members here this evening, as the presence of the Ohio Legislature in the city has drawn off many members of the House to extend to them the usual courtesies of the capital, I would suggest that the committee rise, and that the House adjourn; and I make the motion that the committee rise.

Mr. KELLEY. The gentleman from Maine [Mr. HALE] is now present.

Mr. HOLMAN. If the gentleman from Maine desires to go on this evening, of course I will not insist on my motion.

Mr. HALE. I have no objection whatever to the rising of the committee.

Mr. KELLEY. I think we had perhaps better take a recess for ten minutes, to see if members will come in.

Mr. MORGAN. Is the motion to rise debatable?

The CHAIRMAN. It is not, except by unanimous consent.

Mr. KELLEY. I hope we shall take a recess for fifteen minutes.

Mr. MYERS. Oh, no; let the committee rise.

Mr. SCOFIELD. The chairman of the Committee on Appropriations [Mr. DAWES] is away; the member of the committee who has charge of the bill [Mr. WASHBURN, of Wisconsin,] is away. I think there is no member of the Committee on Appropriations present except the gentleman from Michigan, [Mr. BEAMAN,] and he, I believe, has nothing to do with this bill; and I do not think it would be fair to that committee to go on with the bill.

Mr. MORGAN. I should feel great regret to be compelled to go on this evening. I believe I am to follow the gentleman from Maine, [Mr. HALE,] and as I wish to discuss questions directly connected with the appropriation bill, I should dislike to do it in the absence of the Committee on Appropriations.

Mr. KELLEY. I wish it understood that I have no desire to press gentlemen to the discussion of the bill under existing circumstances there being so few members present. I thought there might be a recess of ten or fifteen minutes to see if members would come in. That was my idea. I did not wish to press on business or force gentlemen to speak to empty seats.

Mr. HOLMAN. I ask for a vote on my motion.

The question was put; and the motion was agreed to.

So the committee rose; and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, Mr. ELDRIDGE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly the special order, being the bill (H. R. No. 1533) making appropriations for the naval service for the fiscal year ending June 30, 1871, and had come to no resolution thereon.

Mr. HOLMAN. I move that the House do now adjourn.

Mr. JUDD. I desire to introduce a bill for reference.

Mr. HOLMAN. In the absence of a quorum I shall have to insist on my motion.

The motion was agreed to; and the House (at seven o'clock and thirty-seven minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. COBB, of Wisconsin: The petition of Messrs. Bowen & Co., bankers, of Broadhead, Green county, Wisconsin, against the passage of the funding bill.

By Mr. JUDD: The petition of George Dunlap, and others, against the passage of the Senate funding bill.

Also, the petition of A. G. Cooper & Co. and others, citizens of Chicago, Milwaukee, and Detroit, asking a reduction of duty on flues and tubes.

By Mr. LOGAN: The petition of Mr. George W. Morrison, for increase of pension by special act.

Also, a petition of clerks of the War Department, asking repeal of tax on salaries.

By Mr. PACKARD: The petition of W. H. Ammons and others, citizens of Stark county, Indiana, asking for the abolition of the duties on tea and coffee, and the reduction of the duties on sugar and molasses.

By Mr. PAINE: A memorial of the Legislature of Wisconsin to Congress, for an appropriation to build a custom-house and post office in the city of Green Bay.

Also, a memorial of the Legislature of Wisconsin, relating to bounties to honorably discharged soldiers.

Also, a memorial of the Legislature of Wisconsin, to refund to the city of Racine certain moneys advanced for the construction of the harbor at Racine.

Also, a memorial of the Legislature of Wisconsin, asking the removal of stray bands of Indians in that State.

Also, a memorial of the Legislature of Wisconsin, relative to a grant of land to the Wisconsin railroad farm-mortgage lands.

By Mr. STOKES: A memorial, signed by a large number of truly loyal men of Carroll county, Tennessee, setting forth the condition of the country and asking relief at the hands of Congress.

IN SENATE.

FRIDAY, *April* 22, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

On motion of Mr. CHANDLER, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. WILLEY presented a petition of citizens of Virginia, and of trustees and friends of the Methodist Episcopal church in Leesburg, Virginia, praying compensation for damages to that church by United States troops during the late war; which was referred to the Committee on Claims.

Mr. MORRILL, of Maine, presented the petition of William A. Fleming McIntosh, of Liberty county, Georgia, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. WILSON presented a petition of officers and members of a society known as "The Labor Reform Society No. 1, of Washington city, District of Columbia," praying a charter of incorporation; which was referred to the Committee on the District of Columbia.

Mr. HARLAN presented a joint resolution of the General Assembly of the State of Iowa, asking a grant of lands to indemnify settlers for lands taken from them by the grant for the Des Moines river improvement; which was referred to the Committee on Public Lands, and ordered to be printed.

He also presented a joint resolution of the General Assembly of the State of Iowa, in relation to the establishment of a mail route, with tri-weekly service, from Anita, in Cass county, via Hamlin's Grove, Oakfield, Exira, Lucock's Grove, Mack's, and Carrollton, to Carroll Center; which was referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

Mr. SUMNER presented a petition of citizens of Massachusetts, signed by Francis Bacon and others, praying for the preservation of the harbors of the United States against encroachment; which was ordered to lie on the table.

Mr. THURMAN presented a joint resolution of the General Assembly of Ohio, requesting the Senators and Representatives of that State in Congress to urge the passage of a law by which the State of Ohio will be authorized to surrender the national road to the several counties through which it is located, as the State may provide, and for the surrender to the State of all claims which the United States may have upon any part of the national road, and the repeal of all acts of Congress relating thereto; which was ordered to lie on the table, and be printed.

Mr. TRUMBULL. I present the petition of William M. Springer, a citizen of Illinois, who alleges that he has invented a new and useful way for taking, recording, and counting the yeas and nays in legislative bodies, and also a system of division of the House where the record of the vote is not required, for which he has obtained a patent; and he asks permission to put up his instrument at his own expense, that it may be tested in the Senate of the United States. I hardly know to what committee to ask to refer this petition, whether it would more appropriately go to the Committee on Rules or to the Committee on Public Buildings and Grounds. He accompanies the petition with a copy of his patent, showing what his apparatus is, and asks that he may be permitted to introduce it at his own expense, that it may be tried. I move the reference of the petition to——

The VICE PRESIDENT. The Chair will suggest that it will require an amendment of the rules if the proposition shall be agreed to, and therefore it would be appropriate to refer it to the Committee on Rules.

Mr. TRUMBULL. I move, then, to refer it to the Committee on Rules.

The motion was agreed to.

Mr. DAVIS presented a petition of the Cherokee Indians, of North Carolina, praying an investigation into the acts of William H. Thomas, James H. Terrell, and S. H. Swetland, and that such measures be taken as will compel them to account for and pay over to the Indians certain money improperly retained by them; which was referred to the Committee on the Judiciary.

Mr. CARPENTER presented a petition of members of the bar of Wisconsin, praying an increase of the salaries of the judges of the United States courts; which was ordered to lie on the table.

He also presented a petition of J. O. Culvey, H. M. Page, and others, citizens of Wisconsin, for the abrogation of legacy and succession taxes; which was referred to the Committee on Finance.

He also presented a petition of owners and masters of vessels and material-men, praying the enactment of a law for the relief of shipbuilders and material-men, and to provide a speedy remedy for the collection of claims against domestic ships and vessels; which was referred to the Committee on Commerce.

Mr. FOWLER presented the petition of Gustavus A. Butler, of Giles county, Virginia, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

REPORTS OF COMMITTEES.

Mr. BUCKINGHAM, from the Committee on Commerce, to whom was referred the bill (S. No. 800) to prohibit all but certain officers boarding or leaving vessels before entry at the custom-house, reported it without amendment.

Mr. SUMNER. The Committee on Foreign Relations, to whom were referred resolutions of the American Geographical and Statistical Society in favor of the Government fitting out an expedition for Arctic exploration and the discovery of the north pole, and also sundry petitions from citizens in different parts of the country praying for the same thing, have had the same under consideration, and report them back to the Senate, and ask to be discharged from the further consideration thereof, as there is a bill already reported by the committee on that subject.

The report was agreed to.

Mr. SUMNER. The same committee, to whom was referred the bill (S. No. 535) for the relief of Kenneth Mackinzie, have had the same under consideration and directed me to report it back to the Senate with a recommendation that it be indefinitely postponed. I will state that this is a bill introduced by the Senator from Vermont, [Mr. MORRILL,] proposing to pay Mr. Mackinzie, Canadian counsel employed by the United States in the case of the Fenians, the sum of $44,000 in addition to the fee of $5,000 which he has received from the Government. The committee do not find any merit in the claim. Accompanying the bill is a report of the committee, which I ask to have printed.

The bill was indefinitely postponed, and the report was ordered to be printed.

He also, from the Committee on Foreign

Relations, submitted a report, accompanied by a bill (S. No. 831) for the relief of Baron Creutz, of the Netherlands. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. HAMLIN, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. No. 983) to amend an act entitled "An act for the enforcement of mechanics' liens on buildings, &c., in the District of Columbia," approved February 2, 1859;

A bill (H. R. No. 1025½) to amend an act entitled "An act to establish in the District of Columbia a house of correction for boys," approved July 25, 1866;

A bill (H. R. No. 1456) to abolish joint tenancy in the District of Columbia;

A bill (H. R. No. 1635) to authorize the corporate authorities of the city of Georgetown, in the District of Columbia, to pave and improve the streets thereof;

A bill (H. R. No. 1594) to amend an act entitled "An act to incorporate the Freedmen's Savings and Trust Company," approved March 3, 1865; and

A bill (S. No. 781) to amend an act entitled "An act fixing the compensation for the bailiffs and criers of the courts of the District of Columbia," approved February 22, 1867.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred the bill (S. No. 471) in relation to certain unsold lands in the counties of Porter and Lake, in the State of Indiana, reported it with an amendment.

Mr. HAMLIN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 649) to incorporate the University for the Blind in the District of Columbia, asked to be discharged from its further consideration, and that it be referred to the Committee on Education and Labor; which was agreed to.

Mr. RAMSEY, from the Committee on Post Offices and Post Roads, to whom was referred the bill (H. R. No. 489) to authorize the construction and maintenance of a bridge across the Niagara river, reported it with amendments.

BILLS INTRODUCED.

Mr. HARLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 830) for relief of the Drew Theological Seminary of Madison, New Jersey; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 179) authorizing water-gauges to be established and observations to be made on the Mississippi river and its principal tributaries with a view to obtaining information required for the protection of the alluvial lands against overflow, and for the improvement of navigation; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 832) authorizing United States commissioners to use official seals and provide for the authentication thereof; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HOWARD. I present to the Senate, on behalf of the Committee on the Pacific Railroad, a somewhat voluminous report, made to that committee by a sub-committee appointed by themselves; and I am instructed by the committee to ask that it may be printed, together with the testimony accompanying it, for the information of the committee and of the Senate, in order to enable the committee to proceed more intelligently in the investigation of the subjects now before them.

The VICE PRESIDENT. In what case is it?

Mr. HOWARD. In regard to what is known as the Southern Transcontinental Railroad Company.

The VICE PRESIDENT. If there be no objection the report will be considered as ordered to be printed, and recommitted to the Committee on the Pacific Railroad.

Mr. HOWARD. That is what I desire.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

Mr. STEWART subsequently said: I wish to state with regard to the report from the Committee on the Pacific Railroad, made by the Senator from Michigan a few moments ago, that as one member of that committee I do not know whether it contains my views or not. Perhaps I agree to it, and perhaps I do not. I have not had a chance to examine it. I have no objection to its being printed.

The VICE PRESIDENT. There was simply a motion to print and recommit, so that the Senator is not bound by it.

Mr. HOWARD. I simply wish to say, in response to the Senator from Nevada, that the report to which he refers is made for the information of the Pacific Railroad Committee, and it is to be printed with a view to reference to the committee. I ought also to say that the report to which he has alluded was read to the sub-committee before it was made to the committee. I do not regard either him or my colleague, the Senator from Arkansas, [Mr. RICE,] who is also on the sub-committee, as being bound by and committed to that report. It remains for them to examine it carefully as they shall choose, and to derive their own conclusions from it.

Mr. STEWART. I have no objection to that course.

Mr. FENTON. I suppose that no member of the committee, except of the sub-committee, perhaps, can be regarded as bound by the report, whether he was present or not this morning.

Mr. HOWARD. Not at all. I wrote the report of the sub-committee myself, and I only am responsible for it. I take that responsibility cheerfully.

JOHN YOUNG.

Mr. FERRY. While I was home, about the 1st of April, the case of the application of John Young for the extension of a patent was reported adversely from the Patent Committee by the Senator from Wisconsin [Mr. CARPENTER] who is on that committee. I learned at home almost immediately of the adverse report and telegraphed to the Senator from Wisconsin, requesting that it might lie over until I got back. My telegram did not reach him, however, until he had made his report and had the bill indefinitely postponed. What I want now to ask is unanimous consent that the bill be taken up and placed on the Calendar with the adverse report, as would have been done, as a matter of course, had I been here at that time to ask to have it done.

The VICE PRESIDENT. It can only be done by unanimous consent.

Mr. ANTHONY. I ask if it can be done at all?

The VICE PRESIDENT. It can be by unanimous consent.

Mr. ANTHONY. After the bill has been indefinitely postponed?

Mr. EDMUNDS. We can reconsider it by unanimous consent.

Mr. ANTHONY. Can it be reconsidered if the motion is made more than three days afterward?

The VICE PRESIDENT. It can be done by unanimous consent. The Senator from Connecticut states that he was absent when the bill was reported and indefinitely postponed.

Mr. HAMLIN. It was competent for any Senator to make a motion to reconsider that vote within one or two days afterward. That is the rule. This is simply suspending the rule by unanimous consent and allowing a motion to reconsider to be made and put it on the Calendar. That can be done at any time during the session if the Senate consent to suspend the rule.

Mr. ANTHONY. Then anything that has been indefinitely postponed, and which every person interested in it thought was disposed of, can be taken up afterward as though it had not been indefinitely postponed?

Mr. HAMLIN. Yes, by the unanimous consent of the Senate.

The VICE PRESIDENT. Does the Senator from Rhode Island object?

Mr. ANTHONY. I do not think it is competent for the Senate to do it. I think that the vote that we passed here at the last session, in the McGarrahan case, that a bill which had been indefinitely postponed might be called up at a subsequent time, is contrary to all parliamentary law.

Mr. EDMUNDS. We do not propose to do it by a vote, but by unanimous consent.

Mr. ANTHONY. Can the unanimous consent of the Senate suspend a rule applying to a case that has been disposed of? Take this very case. There were persons here interested against this patent. They came and stayed here until they thought it was disposed of, and then went home. Now, if it can be taken up again and acted upon in their absence, it does not seem to me very fair.

Mr. FERRY. I do not propose to have it acted upon now.

Mr. EDMUNDS. I beg to say one word to my friend from Rhode Island. The fifty-third rule, I believe, contains the limitation within which the motion may be made. Without the fifty-third rule it would be in the power of the body at any time during the session to reconsider anything that had been done. Now, by suspending the fifty-third rule, as the Chair says, by unanimous consent, it is perfectly in order to move to reconsider; but, of course, it cannot be done without unanimous consent. "Reconsideration" applies to something that has been done and gone by, of course.

The VICE PRESIDENT. Does the Senator from Rhode Island object? The Chair cannot understand whether he does or not. The right accrues to every Senator to object when unanimous consent is asked to suspend any rule of the Senate.

Mr. POMEROY. What rule is it proposed to suspend?

The VICE PRESIDENT. The twentieth rule, which states that a motion to reconsider must be made within two days. But the fifty-third rule states that any rule can be suspended by unanimous consent, and the Senator from Connecticut asks to suspend the twentieth rule in this case in order to allow the bill to be placed on the Calendar with the adverse report of the committee.

Mr. TRUMBULL. I hope that will be done. Nobody objects to it, I reckon.

The VICE PRESIDENT. The Chair understands that no objection is made to the reconsideration; and the bill, being House bill No. 1492, will be placed on the Calendar.

CHANGE OF RULE.

The VICE PRESIDENT. The Senate now resumes the consideration of resolutions which have laid over, and the Secretary will report the first resolution.

The SECRETARY. The first resolution on the Calendar is the resolution submitted by Mr. WILLIAMS on the 6th of April, to amend the rule of the Senate recently adopted respecting the order of business on the Calendar.

Mr. CHANDLER. I move that that resolution be passed over.

The motion was agreed to.

PROPOSED ANNEXATION OF WINNIPEG.

The next resolution on the Calendar was the following resolution, submitted by Mr. CHANDLER on the 19th instant:

Resolved, That the President of the United States be, and he hereby is, directed to appoint two or more

commissioners, or other diplomatic agents, to open negotiations with the people of Winnipeg, with a view to the annexation of that district of country to the United States as a Territory or as a State.

The VICE PRESIDENT. The Chair will state to the Senator from Michigan that this resolution is mandatory. It "directs" the Executive. It would have to be a joint resolution if it was to direct a specific act to be performed of that character. The usual language is to "request."

Mr. CHANDLER. Let the Secretary change the character of it and make it a joint resolution if necessary.

The VICE PRESIDENT. If the Senator changes the language to "request" it will come within the purview of Senate resolutions.

Mr. CHANDLER. Let it remain as it is for the present. I suppose the change can be made afterward.

The VICE PRESIDENT. Certainly.

Mr. CHANDLER. Mr. President, I offer this resolution in the interest of peace, of good neighborhood, and of good-fellowship as between Great Britain and the United States of America. It is rumored, I know not with what truth, that the Dominion of Canada is about to send an army to the Red River settlement to put down the government that now exists there. Whether that rumor be true or not I cannot say; but I wish to show before I move the reference of this resolution that it would be a very injudicious act on the part of the Dominion to attempt that thing.

Now, Mr. President, why should we not open negotiations with the people of the Winnipeg settlement? There is a government which has been established for more than six months, a "government of the people, by the people, and for the people." Two attempts have been made to overthrow that government by the Dominion, and both of those attempts have ignominiously failed. In one instance the attempt was made to organize the savages of that region, officered by a Dominion officer, to put down this government; but, sir, that as well as the other attempt to put down this people's government was overthrown, and the government of Winnipeg has remained unquestioned since last November, except in those two instances.

Now, Mr. President, why should we not open negotiations with these people? The people of the United States have decreed that the land of this continent of North America belongs to the people inhabiting that land. The Government of the United States has said to the whole world, "Here is your home, if you see fit to come in and occupy this goodly land;" and the Government of the United States simply charges the citizen of the world the actual expense of putting up the boundary stakes and lines and limits, to wit, ten dollars for each lot. We say to the whole world, "Come in and occupy this land;" and they are coming by thousands and hundreds of thousands annually, and by millions in every decade. But, sir, in contradistinction to this decree that has gone forth to all the world, here is a Dominion which declares that this land belongs, to whom? To the Crown, not the people. To the Crown of Great Britain belongs this vast territory, says this Dominion established on our borders. These two systems are so diametrically antagonistical that they cannot exist side by side. One or the other must go down. Either this continent of North America is for the people who occupy it or it is for the Crown.

When the southern rebellion broke out and Fort Sumter was fired upon the British Government did not wait three days before it acknowledged the belligerent rights of the rebels. No, sir, they did not wait three hours; for they issued the proclamation of neutrality before they heard of the firing upon Sumter. But allow that they had heard of the firing upon Sumter; here were seventy men in a fort in Charleston harbor fired on; and there were thirty-odd million people belonging to these United States; and yet, sir, the moment the first gun was fired at Fort Sumter the British Government made haste to acknowledge the belligerent rights of our rebels.

But my friend from Massachusetts will say, "How about the Alabama claims? You are complicating the Alabama claims?" No, sir; I am doing no such thing, for I gave notice three or four years ago that I would never again call up the Alabama claims, or consider them under any conceivable state of fact. I then put on record a mortgage against the dominion of Great Britain lying north of us of $2,200,000,000, and I simply propose now to levy execution in part. That is all. The time has not quite arrived to foreclose and take possession of the whole, but the time has arrived to open negotiations for a goodly portion.

Mr. President, the Hudson bay territory, which is now under the government of Winnipeg, contained in 1861 a population of seventy-one thousand souls. It comprises the whole territory lying north of us where the waters empty into this Hudson bay. It extends from the coast of Labrador to British Columbia. All of this vast interior of the continent is now in the possession and under the government of the people of Winnipeg. It is for that territory [pointing it out on the map] that I propose now to negotiate—as large almost as a continent. We paid $7,000,000 for this small strip you see on the map, ice-bound Alaska, three years ago; and now the people of Winnipeg come and offer us this whole vast territory for the privilege of becoming citizens of these United States.

Sir, I call upon the Committee on Foreign Relations to give this subject their earnest and immediate and favorable consideration. Here is a "Government of the people, by the people, and for the people," that has remained unquestioned for six months asking for annexation to the United States. Shall we turn a cold shoulder upon that people and upon that vast territory that they propose to proffer us as a free gift? I trow not, sir. I believe that the time has arrived when these negotiations should be opened, and opened in earnest. My friend, the chairman of the Committee on Foreign Relations, was slow to adopt my views upon the Alabama claims and our difficulties with Great Britain. He opposed me year after year for four long years; but his mind is progressive, and at the end of four years, discovering his error, he came up to my standard, and I now entreat him to go a step further and come up to my standard now.

Mr. DRAKE. Get a peg higher into Winnipeg. [Laughter.]

Mr. CHANDLER. It will be observed that this Hudson bay territory comprises nearly the whole of the British possessions. Here is the Dominion, comprising Upper and Lower Canada, Nova Scotia, New Brunswick, &c.; but it is a mere speck upon the map. Then, here is British Columbia, which is not included in the Hudson bay settlement. But this is not all, for it is not only the people of Winnipeg who are suing for admission or for annexation to the United States, but British Columbia with one loud voice sends up the desires of her people to be admitted into this great nation, and here is Nova Scotia on the extreme east almost unanimous for annexation to the United States.

Now, Mr. President, what is the title of Great Britain to this vast continent? I have said that she owes us, and I have put the mortgage on record, $2,200,000,000, or one half the whole expenses of the war. My friend from Massachusetts concurs with me that she is justly, honorably, and equitably bound to pay us one half the expenses of our war for her course during that war. She cannot pay it and we never expect her to pay it in coin. We simply say to Great Britain, "Give us a quit-claim deed to this continent and we will forgive you the debt, and nothing short of that." But, sir, what does she give us? Great Britain has not now and never had title to one single acre of land on this continent. She gives us a quit-claim deed of what she never owned. Some of her explorers, many of them driven out by the persecutions of the British Government, discovered headlands on this continent and raised the British flag; and upon that baseless foundation rests her entire title to this soil.

But my friend from Massachusetts will say, "Has she not the right of conquest?" Yes, sir; and how much right did she get by that conquest? She got the exact right possessed by the conquered and no more, not one iota more than the conquered possessed; and the conquered possessed no more right than she. But the Senator will say, "Did you not acknowledge the right in the purchase of Louisiana?" Yes, sir; we purchased Louisiana for a small sum. But suppose France to-day held Louisiana and this northwest territory, do you think we would pay her for it? We were then a weak nation, and it was cheaper and better for us to recognize a right that did not exist in fact than to go to war. But what should we do to-day, sir? We should not pay France four millions nor forty millions nor any millions to evacuate the Louisiana purchase. We should say to France, "Your presence here is an intolerable nuisance, and therefore you must leave." That is all we should say.

How is it with this Dominion? That Dominion has become an intolerable nuisance. It costs us to-day to protect our northern frontier from smuggling more than ten million dollars a year; but that is not all. It is estimated that our Treasury suffers to the extent of $40,000,000 a year by smuggling, notwithstanding this vast expenditure to protect that frontier.

Mr. President, nations are like individuals. Because my friend from Massachusetts owns a lot opposite mine he has no right to establish a soap-boiling establishment or other nuisance. I could appeal to the law and have that nuisance abated. Just so it is with nations. If a nation is strong enough to abate a nuisance it abates it. Are we strong enough to abate this nuisance?

But again, sir, this Dominion is antagonistic to our institutions. Establish a dominion there, connect this whole territory into one great Government, with a royal scion at its head, with its standing army, with its royal institutions, and the effect would be to compel us on our border to keep standing armies, to keep a force which we should not otherwise be required to keep. It would be a standing menace to this Government, a menace that we ought not to tolerate and will not tolerate.

Now, Mr. President, notwithstanding Great Britain has no title, notwithstanding she never had a title to any portion of this continent, if she will quietly leave it, quietly roll up her flag and carry it away, then we will say to Great Britain we are ready now to meet you in peace, in harmony, and in amity; but if you undertake to establish a dominion upon this continent, with royal institutions, you must be prepared to maintain that dominion by a force superior to any force that the United States can bring to bear against it.

Mr. President, it is said that the Dominion proposes to send three or four or five or ten thousand men up into the Winnipeg region to overthrow that government. I hope that that is not true. I hope that the Dominion will undertake to do no such thing. But suppose she does, there is a vast immigration going up into the Winnipeg region; I cannot tell how great it is; but buffalo are abundant and game is abundant, and immigrants are going up there in great numbers; and as they are obliged to subsist by hunting they all go well armed; and then there are between two and three hundred thousand Fenians, who are, as I am informed, about to emigrate *en masse* to people that vast territory, and for the Dominion to send five or ten thousand men up there is simply to sacrifice them. Sir, it would be equal folly for them

to send twenty or thirty thousand men. Every single man that goes there will become a permanent occupant of the soil; not one will ever come back. They will all rest there when they get there. I hope and trust, in the interest of humanity, that they will not undertake to send any force there less than one hundred thousand regular British soldiery. Then they might have some hope of making a stand in that vast region; that is to say, if the people of the United States should not protest; and if they did one hundred thousand would be no better than one hundred.

Mr. President, what is the condition of the United States with regard to all other nations? I was conversing one afternoon with some Prussian officers, and among other things they said to me: "How large is your Army?" "Well," I said, "forty thousand men." They inquired, "How many reserve?" I answered, "A million." "Ah," said one of the officers, who spoke English very well, "I mean how many officers." "We have officers for two million." "No; but I mean experienced officers." "Yes, I mean experienced officers; every one has been in battle." "Ah! but," said he, "your troops are militia." I replied, "Certainly, they are militia; but they have all seen four years' service in actual war." "Ah, but militia cannot fight regular troops." "Why not?" I inquired. "Oh, they cannot fight them at all," said he; "it is no use; militia cannot fight regular troops." Said I, "Sir, you were in the battle of Sadowa." "Yes." "How many men did you lose in that battle?" "Eleven thousand." "But," said I, "that was the skirmish before the battle; how many did you lose in the battle?" He said, "We did not fight but one day; the Austrians ran." "Well," said I, "my dear sir, I have not any doubt that your men would fight if they had any experience. In the battle of Sadowa you lost exactly the same number of men that General Grant did in the first day's battle of the Wilderness; on the second day, after sleeping on our arms, we lost fifteen thousand men; on the third day we lost about ten or twelve thousand men, and on the fourth we had a fight. It is the fourth day that tests the capacity of your troops for fighting." I could not make him understand that our troops had fought four days in that desperate manner, nor could I make him understand the difference between a Prussian regular and an American volunteer.

But, sir, I say to you here that the United States to-day have more men that have actually been in battle under fire than all the rest of the world put together, more experienced soldiers and more experienced officers. We are to-day the strongest military Power on earth. Let us open negotiations with Winnipeg with a view to its annexation either as a Territory or a State, as the resolution which I offer suggests; and my word for it, you will have no fighting. There is no desire on the part of any nation on the earth to fight with us on the land. Not a soldier will be sent. The British are taking away their troops, and have taken them nearly all away now. They have stopped fortifying the Dominion. They admit that they could not hold it thirty days after war was proclaimed. Then, sir, when we once take possession of this continent we shall hold it, hold it for the people, hold it for the occupants, hold it against the world.

Mr. President, the time has about arrived for us to proclaim to the world just what we mean. We have, as I before said, decreed that this continent of North America belongs to the people inhabiting it, and we have proclaimed to all the world, "Come in and take possession of this land, and all we charge you is the expense of setting up your metes and bounds."

Mr. President, this continent is ours, and we may as well notify the world now as at any future time that we will fight for our own if we must. We desire a peaceable solution of this and all other questions. We have been forbearing toward Great Britain; we have been forbearing toward all the world; but the time has now arrived to assert the Monroe doctrine. I am glad that my friend, the chairman of the Committee on Foreign Relations, concurs with me on this point. The time has arrived or nearly arrived when we shall say to all the world, "Hands off from this continent; it is ours, and we intend to possess our own."

Mr. RAMSEY. I should like to inquire of the chairman of the Committee on Foreign Relations whether any action is likely to be taken shortly on the resolution I introduced in the Senate, and had referred to that committee about two or three months ago, with regard to this region of British America.

Mr. SUMNER. The committee have no facts before them of an authentic character on which they can act. The resolution of the Senator is still pending. Of course the committee await the development of events and the communication of such information as they can have officially. They have nothing now, as the Senator is aware, except what everybody has in the newspapers.

Mr. RAMSEY. I have understood there are communications in the State Department showing a state of things that I thought the committee would agree with me required the interference of our Government, or some attention at least.

Mr. SUMNER. Attention, certainly; but what action there can be I am not now in a condition to explain.

Mr. RAMSEY. Undoubtedly, sir, although this matter may be treated by some now as a very light and trivial affair, it will get to be a very serious question which we cannot excuse ourselves for not acting upon. The British authorities, as the Senator from Michigan has said, are now organizing a vast military expedition to take possession of that territory and subdue those people; and in addition to the organized militia of the Dominion, and the regular troops they are sending there, they are calling in the Indians from the west coast of Lake Superior up to Red river; and I see it stated that some eight hundred of the Six Nations have been called out.

Mr. HOWARD. Do I understand the honorable Senator from Minnesota to say that the Canadian Government are enlisting Indians for the purpose of calling them into their military service?

Mr. RAMSEY. No doubt of it.

Mr. HOWARD. Has the Senator authentic information on that subject?

Mr. RAMSEY. Information of which there can be no doubt. They probably would not officially communicate the fact to any one, but no doubt it is a fact. The newspapers are full of it. Now, if these people are to get up into the Red river country by any water communication, this is the season of the year, and they must pass through the Sault Ste. Marie canal, a work of our own; and certainly we cannot sit idly by and allow that. An Indian war on the frontier of the British dominions will involve the Indians on our frontier. I find in a letter of an Ottawa newspaper correspondent this statement:

"The avenging expedition will, it is currently rumored, consist of three hundred regulars and seven hundred Canadian volunteers, with a steel battery; I am, however, informed on very good authority, that it has been deemed advisable to make the expedition two thousand strong. The four companies of the sixtieth rifles, now at Ottawa, and some of the sixty-ninth and rifle brigade, will be sent with a steel battery. The troops sent out from England will replace those sent hence to Assiniboin. The volunteers will probably number fourteen hundred, and will be picked men from the rural battalions. The various Indian tribes in Canada have volunteered their services. The Six Nations alone offered to put eight hundred braves into the field. The scouts, batteau-men, &c., will be selected from the Indians and half-breeds in the vicinity of Fort William. The whole force will be under the command of Colonel Wolseley, late quartermaster general for Canada. Though a young man (only thirty-seven) he has seen hard service in India, the Kaffir wars, and the Crimea. He has been wounded seven times, and carries as many medals."

Mr. SUMNER. Has the Senator any information leading him to suppose that the British Government will ask the use of our canal for the transportation of troops to Winnipeg?

Mr. RAMSEY. They propose to run their boats through unobserved some early day of the season, I should like to have a letter which I have just received on this subject read at the desk.

The Secretary read as follows:

BUFFALO, *April* 18, 1870.

SIR: If our Government would issue an order, and enforce it, that no British or Canadian armed ship or transport for carrying men or military stores or arms should pass up the St. Marie canal, and see that no American vessel was chartered to those Governments for such purposes, of transporting military stores or troops, it would follow there could be no Red river expedition this year, and if not this year probably never.

Our canal was built for our own military uses, and for peaceful purposes. Surely the British Government have no claim to its use for military purposes. This is plain common sense. There is not a Canadian vessel, it is said, on Lake Superior; so if they could not charter American ones they could send no men or stores to Fort William till they could build vessels or haul them around the canal. Nothing could be done this year. We have a war vessel which could police Lake Superior and keep our people quiet. Many have looked anxiously for a movement in the direction indicated above. The Sault will be open within two weeks. Vessels will be hurried up by the Dominion, it is said. So if anything is done a special agent (military) ought to be sent to the Sault at once. The defeat of this Dominion expedition will save us in all probability an Indian war on the Northwest, and give us the Red river country in the end. * * * * * * * *

Hon. Mr. RAMSEY.

Mr. RAMSEY. In addition to this, I understand that the Canadian government are sending a large body of men, soldiers or enlisted men in civil attire, on to the frontier through the State of Minnesota, with a view of cutting off the retreat of Riel and his party in case they should be forced to fly to American soil.

Mr. MORRILL, of Vermont. Will the chairman of the Post Office Committee inform us whether he cannot introduce a bill for carrying the mails and extending our commerce to Winnipeg? [Laughter.]

Mr. RAMSEY. That will be the next step if the Committee on Foreign Relations do not take some action on the subject. [Laughter.]

Mr. HOWARD. I wish simply to say that the Sault Ste. Marie canal, through which it is contemplated these troops may pass, belongs to the State of Michigan, and is under the control of the Legislature of that State, who have appointed a superintendent to take charge of it, keep it in repair, collect tolls, &c. I am quite sure that the constituted authorities of that State will never consciously, wittingly, knowingly suffer any British troops to pass through that canal with a view to attack Winnipeg, or carry on any other military operation. The country need not expect any assent to be given on the part of that State to such an expedition; and I may go further and say, without any impropriety perhaps, that I have it from a very high source that no permission will be given by the executive Government of the United States to the British authorities to move troops through any portion of the United States with a view to suppress what is called the insurrection at the Red river. I hope that no such license will be granted by our own country to the British authorities. We have too freshly in our recollection the aggressive policy of Great Britain toward us during the war which has recently occurred in our own country. At all events, Great Britain has no right to ask any such privilege at our hands; and I trust, and indeed I predict, that she will never receive any such license from our Government.

Mr. RAMSEY. Will they not pass through without asking permission, unless our authorities are cautioned on the subject?

Mr. HOWARD. Undoubtedly the rules might be evaded by persons going forward toward the Red river country in citizens' dress, without arms and without uniforms; but I take it if the authorities of Michigan are wise and vigilant, and that is their character, they will soon discover any such evasion of the law; and

every effort will be made to prevent the use of that invaluable public improvement, the Sault Ste. Marie canal, as the channel through which the British Government will undertake to suppress the movement now going on in the Red river country.

Mr. SUMNER. I will simply say that I have no reason to believe that the question to which my friend from Michigan has just spoken will ever arise. I do not believe that any British troops will ever go through the Ste. Marie canal, nor that there will be any application on the part of Great Britain for that privilege. I will inquire of the Senator what destination he proposes to give to this resolution?

Mr. CHANDLER. I move that it be referred to the Committee on Foreign Relations.

Mr. SUMNER. Very well; I was about to make that motion if the Senator did not.

Mr. CHANDLER. Before the reference I will modify the resolution so as to "request" the President instead of directing him.

The VICE PRESIDENT. It will be modified accordingly. The Senator now moves the reference of the resolution to the Committee on Foreign Relations.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. SCOTT. I ask leave to move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The VICE PRESIDENT. That motion is in order.

Mr. CHANDLER. I desire to-morrow to transact business from the Committee on Commerce. I ask the Senator to withdraw his motion in order to give us to-morrow for that purpose.

The VICE PRESIDENT. The Chair will state that the Senate have already adopted a resolution reading as follows:

Ordered, That on Friday and Saturday next, immediately after the privileged morning business shall have been concluded, the Calendar shall be taken up for the consideration of general orders not objected to, and no other business shall be in order.

Mr. CHANDLER. Then I hope this motion will not prevail.

Mr. SUMNER. Oh, let us adjourn over.

The VICE PRESIDENT. The Senator from Pennsylvania moves that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. TRUMBULL. I hope that motion will be adopted. I do not think that we can gain anything by attempting to sit here as continuously as we do. I am sure so far as we are individually concerned it is calculated to break every man down who does his duty and knows what is going on in the Senate. If we can shirk our duties here, perhaps we can bear up under them. We come here every day at twelve o'clock and remain sometimes away into the night, and every day to a very late hour for dinner—between five and six o'clock—besides having to attend the meetings of committees in the mornings, and we cannot continue that every day in the week. I hope the motion will prevail.

Mr. CHANDLER. It is well known to every member of this body that business is greatly behind. It is well known that there are a great number of bills that ought to be passed. I wish my friend from Illinois had been as careful of the health of the Senate when we had the Georgia bill before us and were sitting here night and day listening to speeches. I wish he had considered the health of the Senate then. But now, inasmuch as his bill is out of the way, he is at once greatly distressed for fear somebody will get sick. I am sure they cannot get any sicker than I was of the Georgia debate. [Laughter.]

I hope that this motion will not prevail, and that we shall be allowed two days for business. That is more than we have had yet in four and a half months. I do not remember that we have had more than one day for business during this session. Now, I hope that these two days which have been set aside for business will be devoted to the business of the Senate. I should be glad if the Senate would give to-morrow to the Committee on Commerce. But as a previous order has been adopted, and it will not be given to the Committee on Commerce, I hope we shall go on with the Calendar according to the resolution that has already been adopted, and shall not adjourn over till Monday.

Mr. SCOTT. Having made this motion, I feel like expressing my desire, with the Senator from Michigan, that the Senate shall occupy as much time as possible in the transaction of business; and I am sure he will bear me witness that I have not generally taken more even than the time which he by a strict mathematical calculation has meted out to each member of the Senate in discussing the measures which are before it. But there is some other business which requires the attention of Senators outside of the Senate Chamber as well as inside. I do not know how it may be with other members of the Senate, but representing a State as near the capital as mine is, I find when Saturday comes my duty to my constituents requires the whole of that day, as a general rule, in the Departments; and unless we do get that day to attend to that character of business it is utterly impossible that it can be attended to at all if we discharge our duties as members of the committees and as members of the body. For that reason I make this motion at this time.

The VICE PRESIDENT. The morning hour has expired, and the unfinished business pending at the adjournment yesterday is before the Senate, being the bill (H. R. No. 986) to abolish the franking privilege.

Mr. TRUMBULL. Let us take a vote on this motion.

Mr. DRAKE. I hope we shall be allowed to decide this question of meeting to-morrow.

The VICE PRESIDENT. If there be no objection, the unfinished business will be informally passed over, subject to a demand for the regular order.

Mr. CHANDLER. I object.

Mr. SUMNER. Then I move to postpone the regular order, in order to take up the motion of the Senator from Pennsylvania. That can be done.

Mr. CHANDLER. I am sure my friend, the Senator from Minnesota, will not allow anything to interfere with the bill abolishing the franking privilege.

Mr. TRUMBULL. This is only to lay it aside temporarily until we can dispose of this motion.

Mr. RAMSEY. The Senate on yesterday resolved to proceed to other business to-day.

The VICE PRESIDENT. The Senator from Massachusetts moves to postpone the present and all other orders for the purpose of continuing the consideration of the motion of the Senator from Pennsylvania in regard to the adjournment over. Is there objection? The Chair hears none.

Mr. HAMLIN. I ask the attention of the Chair to the order under which the Senate is now acting; whether that motion is in order; whether it is in order to postpone that subject. The rule being specific that to-day and to-morrow shall be assigned to these subjects, is it competent now without a change of that order to change that rule?

The VICE PRESIDENT. The Chair will state to the Senator from Maine that by the fifteenth rule the unfinished business pending at the adjournment on the previous day is first in order unless that rule shall be suspended by the unanimous consent of the Senate distinctly declaring the suspension of the rule. This resolution was adopted on the motion of the Senator from Rhode Island, after lying over one or two days, by a majority vote of the Senate in regard to the business of to-day. It is not yet before the Senate, and it can only be reached by passing over the bill in regard to the franking privilege, which is now before the Senate.

Mr. RAMSEY. Suppose the Senate proceed now, under the resolution of the Senate yesterday, and devote to-day to the Calendar of unobjected bills, what then becomes of the bill to abolish the franking privilege?

The VICE PRESIDENT. It will be the first special order, and as soon as this order is executed in regard to the business of to-day and to-morrow, it will resume its place as a special order.

Mr. RAMSEY. Then it will come up on Monday?

The VICE PRESIDENT. It will, unless the Senate should adjourn on some bill this afternoon or to-morrow afternoon, in case the Senate should sit then, and then that bill would be the unfinished business, having priority. As soon as that should be disposed of, the bill in regard to the franking privilege would come up.

Mr. SUMNER. Now let us have the question on the adjournment over.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania, that when the Senate adjourns to-day it be to meet on Monday next.

Mr. CHANDLER. I should like to have the yeas and nays on that motion. I must have to-morrow to transact business, if possible.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 23; as follows:

YEAS—Messrs. Abbott, Bayard, Boreman, Brownlow, Cameron, Carpenter, Casserly, Davis, Drake, Edmunds, Fenton, Fowler, Hamilton of Maryland, Hamilton of Texas, Harris, Howell, Kellogg, McCreery, McDonald, Nye, Patterson, Pool, Rice, Robertson, Ross, Sawyer, Schurz, Scott, Spencer, Sumner, Thayer, Thurman, Trumbull, Williams, and Yates—35.

NAYS—Messrs. Anthony, Buckingham, Chandler, Cole, Cragin, Ferry, Flanagan, Hamlin, Harlan, Howard, Howe, Morrill of Maine, Morrill of Vermont, Morton, Osborn, Pomeroy, Pratt, Revels, Sherman, Stewart, Warner, Willey, and Wilson—23.

ABSENT—Messrs. Ames, Cattell, Conkling, Corbett, Gilbert, Johnston, Lewis, Norton, Ramsey, Saulsbury, Sprague, Stockton, Tipton, and Vickers—14.

So the motion was agreed to.

AMENDMENT TO APPROPRIATION BILL.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, submitted an amendment intended to be proposed to the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1871; which was referred to the Committee on Appropriations, and ordered to be printed.

PROPOSED RECESS.

Mr. CHANDLER. I now move that the Senate take a recess to-day from five o'clock until half past seven o'clock, with a view of considering this evening bills reported from the Committee on Commerce that are unobjected to.

Mr. EDMUNDS. Is that in order?

The VICE PRESIDENT. The motion can only be entertained by unanimous consent.

Mr. EDMUNDS. I will not object.

The VICE PRESIDENT. The Senator from Michigan asks that by unanimous consent an order be entered that the Senate take a recess to-day from five o'clock until half past seven o'clock for the purpose of considering bills unobjected to from the Committee on Commerce. Is there objection? The Chair hears no objection.

COMMITTEE SERVICE.

Mr. EDMUNDS. I move that the Chair be authorized and requested to fill the existing vacancies on the Committees on Revolutionary Claims and Mines and Mining.

The motion was agreed to.

The VICE PRESIDENT. The Chair appoints the Senator from Virginia [Mr. JOHNSTON] to fill the vacancy on the Committee on Revolutionary Claims, and the Senator from

Virginia [Mr. LEWIS] to fill the vacancy on the Committee on Mines and Mining.

PROPOSED RECESS.

Mr. THURMAN. What was the proposition for a night session? I want to hear that.

The VICE PRESIDENT. It was agreed by unanimous consent that the Senate should take a recess from five o'clock until half past seven o'clock this evening for the purpose of considering bills reported from the Committee on Commerce that were not objected to.

Mr. ANTHONY. I thought it was to consider all bills unobjected to, not bills from the Committee on Commerce only.

The VICE PRESIDENT. The Senator from Michigan states that he has one bill that will take two hours to read.

Mr. THURMAN. I intended to object to that motion, and rose for that purpose.

The VICE PRESIDENT. The Senator from Ohio states that he rose in time to object, and the Chair must therefore entertain the objection.

Mr. CHANDLER. I hope the Senator will withdraw that objection. I simply propose to take up bills that are not objected to. I will not take up a single bill to which there is an objection. I have one bill which will take nearly two hours to read.

Mr. THURMAN. There must be a great many things to object to in that bill, and there will not be more than half a dozen Senators here.

Mr. CHANDLER. That is quite enough.

Mr. THURMAN. A half a dozen Senators ought not to pass bills.

The VICE PRESIDENT. The Senator from Ohio states that he rose in time to make the objection.

Mr. CHANDLER. I think he was a little too late.

The VICE PRESIDENT. It has always been the usage in the House of Representatives and also in this body, when a member states a fact of that sort, to accept it as conclusive on the subject.

ORDER OF BUSINESS.

Mr. HAMLIN. I desire to make a suggestion to the Senate in relation to the rule under which we are acting. I came into the Senate just as the Senate last voted. I think there ought to be a unanimous understanding that each Senator who has reported or who has charge of any particular bill or joint resolution that shall come up for the action of the Senate shall have five minutes to state the purport of it.

Mr. SUMNER. That is right.

Mr. HAMLIN. If we do not do that we cannot tell by the text whether we want to object or not. If that can be done by unanimous consent I have nothing further to say. If not, I shall certainly move to reconsider that resolution for the purpose of amending it in that way. We want to accomplish results, and we shall accomplish results if that can be done.

Mr. ANTHONY. I think the suggestion of the Senator from Maine is eminently proper, and I supposed when I offered the order that unanimous consent would be given for any Senator to explain a bill or to answer any questions in regard to it.

Mr. HAMLIN. Let us confine it to five minutes.

Mr. ANTHONY. The spirit of the order is that we shall transact business which is not to be debated at length.

Mr. SUMNER. That is it.

Mr. ANTHONY. That is the idea; and I think we shall have no difficulty.

Mr. SUMNER. But, then, the character of a bill cannot always be determined by its title.

Mr. ANTHONY. Certainly not.

The VICE PRESIDENT. The Chair would like to understand the proposition of the Senator from Maine.

Mr. HAMLIN. I send it to the Chair in writing.

Mr. TRUMBULL. I do not think it needs any order.

Mr. HAMLIN. I do not ask for any order; but I ask for that statement to be read, so that we shall understand it and have no dispute about it.

The VICE PRESIDENT. The Secretary will report it.

The SECRETARY. It is:

But any Senator reporting or having charge of the bill or joint resolution coming up for action shall be allowed five minutes to explain the same.

Mr. WILLIAMS. I think it ought to be understood that when a bill is called up anybody may explain it or discuss it until some Senator says, "Let the bill go over." When a Senator objects to the further consideration of a bill, then it goes over; but up to that time there ought to be a little chance to make suggestions about a bill, and five minutes' discussion might enlighten the Senate, and they might all be willing to hear it. Then some Senator might object to its further consideration. When objection is made the bill must go over; but until it is made let explanations be heard.

Mr. TRUMBULL. I hope that will be the understanding. There ought certainly to be honor enough among the members of this body to come to an understanding, when we are going to take up bills to which there is no objection, that anybody can make a suggestion about them. What we want is to dispatch the business of the Senate; but we do not want to do that without knowing what we do. If a Senator did not wish to have a bill go over, but wanted to make a mere suggestion that some feature of the bill had better be changed, I am sure the whole Senate would like to have that suggestion made. I think we can get along without any difficulty if we just go right on with that understanding.

Mr. FOWLER. I wish to know whether the resolution just read is before the Senate.

The VICE PRESIDENT. The Senator from Maine asked that that should be considered the understanding of the Senate, that five minutes should be allowed to a Senator to explain a bill.

Mr. FOWLER. I wanted to object to that.

The VICE PRESIDENT. The Senator from Tennessee objects to the proposition.

Mr. SHERMAN. The practice we are about to enter upon comes from the House of Representatives. I believe it is now for the first time proposed in the Senate; and I think, therefore, we had better follow the practice of the House of Representatives in endeavoring to carry out this order. Whenever a Senator has made up his mind that a bill the title of which is stated or which is being read is objectionable, he has a right to assert his objection; but in the House it has always been usual to allow the reading of a report accompanying a bill. The bill is read; the report accompanying it is read; and then, if no objection is made, the consideration of the bill is entered upon. But whenever debate occurs that is considered an objection, and the bill passes over. I believe that is the practice of the House, and it ought to be observed here.

The VICE PRESIDENT. The Chair will state that by the recent rulings in the House of Representatives unanimous consent is given without prejudicing the bill, when the body sees fit, to the person who reports the bill to explain it. That is done where there is no objection. It requires unanimous consent, which, of course, waives any rule.

Mr. SHERMAN. I think we had better pursue the practice of the House in this matter.

The VICE PRESIDENT. If there be no objection it will be so ordered. It will be subject to unanimous consent, and therefore anybody can object.

PAPERS WITHDRAWN.

Mr. SPENCER. I ask unanimous consent to allow to be taken from the files the papers in the case of William Pollard, late assistant engineer in the Navy. The case has been acted upon, and the party desires the papers.

The VICE PRESIDENT. If there be no objection leave will be granted to withdraw them. The Chair hears no objection.

BUILDINGS FOR MILITARY PURPOSES.

Mr. WILSON. I ask unanimous consent to reconsider the vote by which some time ago the joint resolution (H. R. No. 69) relating to buildings used for military purposes in the city of New York was indefinitely postponed, with a view to having it recommitted to the Committee on Military Affairs. The Secretary of War thinks he can save in a small expenditure $14,000, and on his statement I desire to have the joint resolution recommitted to the Committee on Military Affairs.

Mr. ANTHONY. I shall not object to this, of course, in view of the statement just made; but I give notice that I shall introduce an order or attempt to have the sense of the Senate expressed upon a rule whereby a bill indefinitely postponed cannot be called up again or reconsidered. We are never safe on anything if that practice is to prevail.

The VICE PRESIDENT. The safety consists in the fact that any one Senator has the right to object, which would preclude any action.

Mr. POMEROY. But a Senator desiring to object may be absent. The committee make a report and have it acted upon when it is made. There is no safety whatever. A Senator may be absent.

Mr. TRUMBULL. Here the Senator from Massachusetts had the resolution postponed himself which he asks to have reconsidered. It came from the Military Committee.

The VICE PRESIDENT. The Chair understands that there is no objection to the proposition of the Senator from Massachusetts, and the joint resolution will be recommitted to the Committee on Military Affairs.

ROLLIN WHITE—VETO MESSAGE.

The VICE PRESIDENT. The Senate will now proceed to the execution of the order setting apart this day for the consideration of bills on the Calendar to which no objection shall be made. Wherever bills are objected to they will remain on the Calendar of regular orders without prejudice, and bills unobjected to will be considered by the Senate. The Secretary will read the title of each bill on the Calendar in its order as it is reached.

The SECRETARY. The first bill on the Calendar is the bill (S. No. 273) for the relief of Rollin White, returned by the President, to the Senate with his objections, January 11, 1870.

The VICE PRESIDENT. The Chair supposes this will be passed over, as it is a debatable proposition, the President having returned the bill with his objections.

Mr. TRUMBULL. Are we not ready to vote upon it?

Mr. FERRY. I have no objection to taking the vote on it.

Mr. SPENCER. Let it go over.

The VICE PRESIDENT. The Senator from Alabama objects.

Mr. FERRY. In regard to that bill I supposed there would be objection made, and I desired to ask that it go on the Calendar of special orders. It is now the first of general orders. It is a President's veto, and it ought to be where it can be speedily reached. I will therefore——

Mr. POMEROY. If it is passed over to-day it will come up again to-morrow.

Mr. FERRY. Why not let it go on the Calendar of special orders?

Mr. POMEROY. That requires a two-thirds vote, and it does not help it.

The VICE PRESIDENT. It would require unanimous consent to-day, under the order adopted. The bill will retain its place at the head of the Calendar of general orders. The Secretary will report the next bill on the Calendar.

CIVILIZATION OF INDIANS.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 640) to promote the civilization of the Indians and to prepare them for the rights and duties of citizenship.

Mr. STEWART. I object to that being considered.

The VICE PRESIDENT. It will be passed over.

WITHDRAWAL OF SPIRITS.

Mr. BAYARD. I ask unanimous consent to proceed to the consideration of the joint resolution (H. R. No. 179) for extending the time for the withdrawal of spirits from distillery warehouses.

The VICE PRESIDENT. The Chair will state that the order adopted for to-day states that no other business shall be in order except the consideration of bills on the Calendar as they are reached. Nothing can be taken up out of its order except by unanimous consent.

Mr. BAYARD. I ask unanimous consent. It is a matter that will not occupy time.

The VICE PRESIDENT. The Senator from Delaware asks unanimous consent to proceed to the consideration of the bill indicated by him.

Mr. TRUMBULL. We shall reach it after awhile.

Mr. BAYARD. It is a House resolution for extending the time for the withdrawal of spirits from distillery warehouses.

Mr. POMEROY. Is it not on the Calendar?

Mr. BAYARD. It is on the Calendar, with a report from the Finance Committee adverse in its character; but at the same time I will explain why I think it should be passed.

Mr. POMEROY. Wait until it is reached; then we shall hear the Senator explain it.

The VICE PRESIDENT. It is objected to. It requires unanimous consent to take it up out of order.

Mr. POMEROY. I shall not object when we reach it. I want to reach it on the Calendar in its place.

The VICE PRESIDENT. This day has been reserved by order of the Senate for bills not objected to. The Secretary will report the next bill on the Calendar.

BILLS OBJECTED TO.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 77) for the preservation of the harbors and navigable rivers of the United States against encroachments.

Mr. BAYARD. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over. The Secretary will report the next bill.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 114) to enforce the fourteenth article of amendment of the Constitution of the United States.

Mr. STEWART. I hope that will be taken up.

Mr. TRUMBULL. I am ready to vote upon it without any discussion.

Mr. HAMILTON, of Maryland. I object.

The VICE PRESIDENT. The bill will go over. The next will be reported.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 84) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the British steamer Labuan.

Mr. CHANDLER. Let it go over.

Mr. SUMNER. No; do not object to that.

Mr. BAYARD. I think this bill should go over.

Mr. SUMNER. Is there objection to the consideration of this bill?

The VICE PRESIDENT. The Senator from Delaware asks that it shall be passed over. The Secretary will report the next bill.

Mr. BAYARD. I withdraw the objection.

Mr. SUMNER. Let the bill be read.

The Secretary read the bill, as follows:

Be it enacted, &c., That there be paid, out of any money in the Treasury not otherwise appropriated, to William Bailey, William Leetham, and John Leetham, of England, or their legal representatives, owners of the British steamer Labuan, $131,221 30, with interest from June 2, 1862, to the time of payment, and $5,000 without interest; also, to Messrs. De Jersey & Co., of England, or their legal representatives, part owners of the cargo of the same steamer, $3,613 92, with interest from May 21, 1862, to the time of payment; and to Francisco Armendaiz, of Matamoras, Mexico, or his legal representatives, part owner of the cargo of the same steamer, $2,067 17, with interest from June 6, 1862, to the time of payment; such sums being due under a decree of the district court of the United States for the southern district of New York, pronounced March 25, 1868, on account of the illegal capture of the British steamer Labuan and her cargo by a cruiser of the United States.

Mr. SHERMAN. I should like to have the report in that case read.

Mr. SUMNER. I will state to the Senate that the report consists of a communication from the Department of State, making a statement of the facts, and inclosing a copy of the decree of the district court. The bill is simply founded on that decree.

Mr. SHERMAN. I think we ought not to pass a bill involving so large an amount without hearing the report read.

Mr. SUMNER. Very well.

Mr. TRUMBULL. This is to pay a judgment of the district court, I understand.

Mr. SUMNER. The decree went up to the Supreme Court of the United States, and was affirmed.

Mr. SHERMAN. I want to hear enough of the report to ascertain the facts.

Mr. SUMNER. Very well; here it is:

"The judgment was, by decree of March 25, 1868, confirmed in all respects, and final judgment rendered in favor of the claimants for the respective sums awarded."

Mr. SHERMAN. Now, let the Secretary read the report.

The Secretary read as follows:

DEPARTMENT OF STATE,
WASHINGTON, *April* 13, 1868.

SIR: The British steamer Labuan, owned by William Bailey and William Leetham, residents of Kingston, England, and John Leetham, a resident of York, with her cargo, owned in part by Andrew Ferricks, John H. Ferricks, and Julius Knoop, composing the firm of De Jersey & Co., of Manchester, England, (all of the above parties being British subjects,) and in part by Francisco Armendaiz, a Spanish subject resident in Matamoras, was captured on the 1st day of February, 1862, by the United States sloop Portsmouth, about four miles off the coast of Texas, near the small town of Rocca Chica.

The vessel and cargo were taken to the port of New York, and March 29, 1862, libeled in the district court of the United States for the southern district of New York as lawful prize.

The owners of the vessel and cargo interposed their respective claims denying the legality of the capture, and alleging that at the time of capture the vessel was lying at the usual anchorage of vessels of her character trading with Matamoras.

Said district court by a decree of the 21st of May, 1862, ordered the immediate restitution of the vessel and cargo to the claimants, and reserved all questions of costs and damages for future consideration.

It having been referred to a special commissioner of the court to ascertain and report the amount of damages sustained by the claimants by reason of the illegal capture of the vessel and cargo, his report, made March 17, 1868, awarded to the owners of the Labuan $181,820, including interest to the date of report; to Messrs. De Jersey & Co., as part owners of cargo, $4,786 30, including interest to same date; and to Francisco Armendaiz, as part owner of cargo, $2,783 73, including interest to date of report.

This judgment was, by decree of March 25, 1868, confirmed in all respects, and final judgment rendered in favor of the claimants for the respective sums awarded.

From this decree there has been no appeal, and this Department is not informed that any appeal is expected to be taken.

Mr. Thornton, H. B. M., by note of April 4, presented the case to this Department with a request that it take the steps necessary to secure the payment of the sums decreed.

I respectfully request that you will bring this subject to the attention of Congress, with the view to the appropriation of a sufficient sum to discharge the national obligations in the premises.

I am, sir, your obedient servant.

WILLIAM H. SEWARD.

Hon. CHARLES SUMNER,
Chairman of Committee on Foreign Relations,
Senate Chamber, Washington, D. C.

Mr. SHERMAN. That will do.

Mr. WILLIAMS. I observe that the bill provides for the payment of interest on this amount of money from 1862.

Mr. SUMNER. The date of the decree.

Mr. WILLIAMS. No; the date when the vessel was seized. The commissioner reports that he finds a certain amount of damages due to the owners of the vessel, including interest. I think, therefore, the bill will pay interest twice if passed in its present form.

Mr. SUMNER. I think the Senator is mistaken in that. There is a second letter from the Secretary of State. The Clerk will be good enough to read the next letter.

The Secretary read as follows:

DEPARTMENT OF STATE,
WASHINGTON, *June* 8, 1868.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant, requesting a statement of the particulars of the commissioner's award in the case of the steamer Labuan. I inclose herewith a copy of the commissioner's report.

The reasons why interest on the damages for detention and for different portions of the cargo are computed from different dates are not expressly stated, but are apparent. Restitution was ordered by the court on the 21st May, 1862, but the commissioner awarded $1,000 per diem for the detention of the vessel for twelve days after that date, during which it was detained for repairs.

The portion of the cargo belonging to Mr. F. Armendaiz would appear not to have been delivered to him until June 6, 1862, and accordingly he computes the interest on its value from February 5, 1862, the time it would have been received by the consignees in due course.

It is obviously equitable that interest on the respective sums allowed should run from the dates assigned by the commissioner, and not that it should be compounded by allowance of interest upon the interest computed by him, which would involve a loss to the United States of the interest on over forty-eight thousand dollars from the 17th March last till the time payment shall be made.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

Hon. CHARLES SUMNER,
Senate Chamber, Washington, D. C.

Mr. SUMNER. The bill is founded on that letter.

Mr. WILLIAMS. I think not. This bill provides for paying $131,221 30, with interest from June 2, 1862, to the time of payment, whereas the commissioner reports the estimated amount of damages sustained by the owners of this vessel, including interest from 1862 up to 1868. Now, if we go back of that report, and pay interest on this amount from 1862, we pay interest twice on the same sum of money.

Mr. SUMNER. If the Senator will look further at the decree of the court he will find this very item: "interest on above from June 2, 1862." On the third page is the decree of the court. Then there is a counsel fee, being an item of $5,000, on which the committee did not allow interest.

Mr. COLE. This seems to be like several other cases upon the Calendar immediately following it, simply a claim of British subjects against the Government of the United States. We have, as we all know, very large unsettled accounts between the citizens of these two Governments and the Governments of the United States and Great Britain. I do not know any good reason why we should commence paying off British subjects while there are large unpaid accounts existing on the part of our citizens against the British Government. I for one am opposed to commencing to pay off these accounts *seriatim* in this way, or even if they are in the form of judgments. Many of the claims of citizens of the United States against the British Government are just as distinct, as well defined, and as easily ascertained as these claims against our Government. We have heard from the Senator from Michigan this morning——

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Does the Senator from California object to the consideration of this bill?

Mr. COLE. Yes, sir; I object to it.

Mr. SUMNER. I hope the Senator will not object to it.

Mr. COLE. I am opposed to the payment.

Mr. SUMNER. But will the Senator consider that here is a case of liquidated damages, a decree of our own courts both below and above—the Supreme Court and the district court—and we are simply making an appro-

priation to carry out the decree of our own court. Should we have a commission to audit claims of English and American claimants this would not be brought before that commission, because it is already liquidated by a decree of our own courts.

The PRESIDING OFFICER. Does the Senator from California withdraw his objection?

Mr. COLE. I do not yet.

Mr. SUMNER. Why cannot the Senator let the vote be taken?

Mr. COLE. This of course indicates very great magnanimity on the part of our Government, that we should permit these cases to be brought in our courts.

The PRESIDING OFFICER. If the Senator from California objects debate will cease; and the Secretary will read the title of the next bill.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 85) to carry into effect the two several decrees of the district court of the United States for the district of Louisiana in the cases of the British vessels Volant and Science.

Mr. COLE. I object to that.

The PRESIDING OFFICER. The bill is objected to. The Secretary will read the next bill.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 88) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the English schooner Sibyl and her cargo.

Mr. TRUMBULL. That is precisely like the others.

Mr. COLE. I know it, and I object to these several claims.

Mr. SUMNER. These bills are all to carry out decrees of our own courts.

Mr. COLE. I am aware of that fact; but I am not aware that the British Government has shown any such magnanimity toward citizens of the United States.

The PRESIDING OFFICER. The Secretary will read the next bill.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 86) to carry into effect the decree of the district court of the United States for the district of Louisiana in the case of the British schooner Flying Scud and her cargo.

Mr. COLE. I object. That is one of the same character.

The PRESIDING OFFICER. The bill will be passed over, and the title of the next bill on the Calendar will be read.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 87) to carry into effect the decree of the district court of the United States for the district of Louisiana in the case of the British brig Dashing Wave and her cargo.

Mr. COLE. I object.

The PRESIDING OFFICER. The bill will be passed over, and the next bill will be reported.

The SECRETARY. The next business on the Calendar is the joint resolution (S. R. No. 32) prescribing the manner of proceeding by State Legislatures upon amendments to the Constitution proposed to them for ratification.

Mr. MORTON. Let that be passed over.

Mr. EDMUNDS. I move that it be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

MARGARET RIDDLE.

The next bill on the Calendar was the bill (S. No. 81) for the benefit of Margaret Riddle, widow and executrix of George Read Riddle, deceased.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to appropriate to Margaret Riddle, widow and executrix of George Read Riddle, deceased, $2,000, in full satisfaction for supplies for the Army of the United States taken from George Read Riddle during the late rebellion.

Mr. FERRY. I wish to hear the report in that case. I do not know on what facts this claim is based.

The PRESIDING OFFICER. There is no report with the bill.

Mr. SHERMAN. The bill states the facts.

Mr. FERRY. The bill only says that he furnished supplies.

Mr. WILLIAMS. I think the bill ought to be explained. It may involve a very dangerous principle to pass a bill here for property taken by somebody without knowing under what circumstances.

Mr. POMEROY. It is for the relief of the widow of the late Senator Riddle. I know all about the case, and I think it ought to pass.

Mr. CAMERON. We all know about it.

Mr. TRUMBULL. It ought to pass.

Mr. SHERMAN. It was reported by the Senator from Kentucky, [Mr. DAVIS,] who I see is just coming in. He can explain it, if explanation is needed.

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

BILLS OBJECTED TO.

The next bill on the Calendar was stated to be the bill (S. No. 22) to establish and declare the railroad and bridges of the New Orleans, Mobile, and Chattanooga Railroad Company, as hereafter constructed westward from the city of New Orleans, a post road, and for other purposes.

Mr. HARRIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The next bill on the Calendar was stated to be the bill (S. No. 74) to encourage and facilitate telegraphic communication with Europe.

Mr. FOWLER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. The Secretary will report the next.

The SECRETARY. The next business on the Calendar is the joint resolution (S. R. No. 38) in relation to taking the ninth census.

Mr. ABBOTT. I move that that be indefinitely postponed.

Mr. POMEROY. I move that it lie on the table.

Mr. ABBOTT. It may just as well be stricken from the Calendar. The subject-matter has been disposed of. It was to allow the Superintendent of the Census to modify the schedules. It is too late now to do that.

Mr. POMEROY. I withdraw my motion.

The joint resolution was indefinitely postponed.

The next bill on the Calendar was stated to be the bill (S. No. 116) to allow deputy collectors and assessors of internal revenue, acting as assessors, the pay of collectors and assessors, which had been reported adversely by the Committee on Finance.

Mr. WILLIAMS. I move that that bill be indefinitely postponed.

The motion was agreed to.

The PRESIDING OFFICER. The next business on the Calendar will be reported.

The SECRETARY. The next is the joint resolution (H. R. No. 40) granting the right of way to the Memphis, El Paso, and Pacific Railroad Company from El Paso to the Pacific ocean.

Mr. KELLOGG. I move that that joint resolution be indefinitely postponed.

Mr. WILLIAMS. I object.

Mr. HOWARD. Let it be passed over.

The PRESIDING OFFICER. Objection being made to its consideration, the joint resolution will be passed over.

The next bill on the Calendar was the bill (S. No. 197) to enforce the fourteenth amendment to the Constitution and the laws of the United States, and to restore the State of Georgia to the republican government elected under its new constitution.

Mr. EDMUNDS. Let us take that up and discuss it. [Laughter.]

Mr. WILLIAMS. It is a new question. [Laughter.]

Mr. SUMNER. I move that the bill be indefinitely postponed.

The motion was agreed to.

The next bill on the Calendar was the bill (S. No. 171) to encourage the building of steamships in the United States, and to provide for the transportation of the United States mails to Europe by steamships built in the United States.

Mr. HOWE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 26) to further define and amend an act for the punishment of crimes against the United States.

Mr. SUMNER. Let that be passed over.

The PRESIDING OFFICER. The bill will be passed over. The next business on the Calendar will be stated.

The SECRETARY. The next is the joint resolution (S. R. No. 44) granting the right of way for the construction of a railroad from a point at or near Portland, Oregon, to some point west of the Cascade mountains, in the Territory of Washington.

Mr. WILLIAMS. That is unnecessary now since the passage of the Northern Pacific railroad bill. I move that it be indefinitely postponed.

The motion was agreed to.

The next bill on the Calendar was the bill (S. No. 232) to refund to the States of Massachusetts and Maine interest paid by them on advances to the United States, and to provide for the defense of the northeastern frontier.

Mr. EDMUNDS. Let that be indefinitely postponed.

Mr. SUMNER. I beg pardon; that bill ought to be considered. There is a report on it which I challenge gentlemen to answer.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

The next bill on the Calendar was the bill (S. No. 216) to establish the office of solicitor and naval judge advocate general.

Mr. TRUMBULL. I hope that will be indefinitely postponed.

Mr. SHERMAN. I think it had better be passed over.

Mr. DAVIS. I object to that bill.

Mr. TRUMBULL. Let it be indefinitely postponed and got off the Calendar.

The PRESIDING OFFICER. The bill will be passed over, objection to it being made.

Mr. TRUMBULL. Who objects to indefinitely postponing it?

The PRESIDING OFFICER. The Chair will state that the chairman of the Committee on Naval Affairs is not in his seat; and probably he prefers that it should not be indefinitely postponed.

Mr. TRUMBULL. Very well; let it go over.

The next bill on the Calendar was the bill (S. No. 124) granting lands to the State of Minnesota to aid in constructing a railroad from Lake Superior to Vermilion Lake, in said State.

Mr. EDMUNDS. That is a land grant. I think it had better go by.

The PRESIDING OFFICER. The bill will be passed over, and the next will be reported.

The SECRETARY. The next bill on the Calendar——

Mr. EDMUNDS. At the request of my friend from Minnesota, [Mr. RAMSEY,] who thinks the Senate are unanimous for Senate bill No. 124, about lands in the State of Minnesota, I withdraw the objection I made to its consideration.

The PRESIDING OFFICER. The bill will be read again by its title.

The SECRETARY. It is a bill (S. No. 124) granting lands to the State of Minnesota to aid in constructing a railroad from Lake Superior to Vermilion Lake, in said State.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? If not it will be read.

The Secretary proceeded to read the bill.

Mr. HOWELL. To save time I shall offer an amendment to that bill, and it will be discussed. I object.

The PRESIDING OFFICER. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 249) for the settlement of claims for quartermaster's and commissary stores furnished to or taken by the United States within the States in rebellion during the late war.

Mr. EDMUNDS. That will lead to a long debate. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The SECRETARY. The next business on the Calendar is the joint resolution (S. R. No. 9) granting the right of way to the Memphis, El Paso, and Pacific Railroad Company from El Paso to the Pacific ocean.

Mr. HARRIS. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

IMPORTATION OF PERSONS.

The next bill on the Calendar was the bill (S. No. 251) to repeal an act entitled "An act to prevent the importation of certain persons into certain States where by the laws thereof their admission is prohibited."

Mr. SUMNER. That bill has already passed the Senate once. It is to repeal a statute which I have before me of February 28, 1803, which is the last surviving statute relating to slavery which can be found in our books. It is a statute prohibiting the importation of persons of color, and subjecting all parties who do it to a fine of $1,000, &c. There is no occasion for the statute on our statute-books now, and I hope this bill will be passed.

Mr. TRUMBULL. If it is the last act of that kind I hope this repealing bill will be passed.

Mr. SUMNER. It is the last; that is, I can find no other.

Mr. TRUMBULL. There is the word "white" in our naturalization law.

Mr. SUMNER. I have a bill before the Committee on the Judiciary striking that out.

Mr. TRUMBULL. I am in favor of it.

Mr. SUMNER. I am glad to hear it. I hope the Judiciary Committee will report that bill. Let us pass this now.

The PRESIDING OFFICER. The bill will be considered as before the Senate, as in Committee of the Whole, no objection being made, and it will be read.

The bill was read.

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

Mr. SUMNER. Let the title be amended by adding the words, "approved February 28, 1803."

The title was so amended.

OATH OF OFFICE.

The next bill on the Calendar was the bill (S. No. 218) prescribing an oath of office to be taken by persons who participated in the late rebellion, but who are not disqualified from holding office by the fourteenth amendment to the Constitution of the United States.

Mr. TRUMBULL. Let the bill be read at length.

The Secretary read the bill, as follows:

Be it enacted, &c., That when any person who is not rendered ineligible to office by the provisions of the fourteenth amendment to the Constitution shall be elected or appointed to any office of honor or trust under the Government of the United States, and shall not be able on account of his participation in the late rebellion to take the oath prescribed in the act of Congress approved July 2, 1862, said person shall, in lieu of said oath, before entering upon the duties of said office, take and subscribe the oath prescribed in an act of Congress entitled "An act prescribing an oath of office to be taken by persons from whom legal disabilities shall have been removed," approved July 11, 1868.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. TRUMBULL. That bill ought to pass.

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

SERVICES IN INSURRECTIONARY STATES.

The next bill on the Calendar was the bill (S. No. 21) authorizing payment to be made for certain services rendered to the United States in the late insurrectionary States.

Mr. EDMUNDS. May I ask if that is the old question about paying persons who were employed in the South who could not take the oath?

Mr. SAWYER. That is it.

Mr. EDMUNDS. It had better go by.

Mr. SAWYER. I hope the Senator will withdraw his objection.

Mr. EDMUNDS. I must object because I intend to make at least half an hour's speech upon that bill.

Mr. SUMNER. I think those parties ought to call on Mr. McCulloch and Andrew Johnson.

The PRESIDING OFFICER. The bill will be passed over.

FOREIGN TRADE-MARKS.

The next bill on the Calendar was stated to be the bill (S. No. 264) to execute the provisions of a certain treaty between the United States and his Majesty the emperor of all the Russias, concluded on January 27, A. D. 1868.

Mr. TRUMBULL. Let that bill be read. I do not remember it.

The Secretary read the bill.

Mr. TRUMBULL. By some mistake or misapprehension it seems that subject has been before the Committee on Foreign Relations and the Committee on the Judiciary both, and both committees have reported bills. The next bill, No. 265, is reported by the Committee on Foreign Relations on the same subject, and the Senator from Massachusetts thinks that is a better bill. I ask that that be read. We had better pass one of them.

The PRESIDING OFFICER. This bill will be regarded as objected to.

Mr. TRUMBULL. No; let the next bill be read. These two bills are on the same subject.

The Secretary read the bill (S. No. 265) to prevent the counterfeiting of foreign trade-marks protected by treaty stipulations. It has a preamble reciting that treaties have been concluded between the United States and certain foreign Powers, by which the contracting parties have mutually bound themselves to prevent their citizens or subjects from counterfeiting trade-marks used by citizens or subjects of the other, and that other similar treaties are proposed. In order to carry into effect the stipulations which have been or may hereafter be made by the Government of the United States, it is proposed to enact that whenever any citizen or subject of a foreign Power uses any trade-mark on merchandise to show its origin and quality, and has taken the steps prescribed by treaty to secure the right of property in such trade-mark, no person anywhere within the United States shall counterfeit the same. Whoever violates this provision, or knowingly sells or exposes for sale any article having such counterfeited trade-mark, is to be liable to the injured party in an action at law or equity, to be prosecuted in any court of the United States having jurisdiction thereof.

Mr. TRUMBULL. I am satisfied with the bill No. 265. It is a general bill and covers all treaties of this kind, whereas bill No. 264 is confined to the treaty with Russia. If this bill reported by the Committee on Foreign Relations will answer the purpose by giving an action of damages I shall prefer it. I move, therefore, to postpone indefinitely Senate bill No. 264 with a view of passing bill No. 265.

Mr. CARPENTER. I wish to call the attention of the chairman of the Committee on the Judiciary and also of the chairman of the Committee on Foreign Relations to the fact that the bill reported by the Committee on Foreign Relations seems to me to add nothing to the existing law. It simply says that whoever shall violate a trade-mark shall be liable to an action of damages. He is so without any statute. If any action whatever is needed on the part of Congress it is to make the law more stringent than is the common law. If any man should use a trade-mark fraudulently that is a misdemeanor; that is obtaining money under false pretenses. It is not like the case of an infringement of a patent, which a man may do without knowledge that a patent exists; but if a man violates the trade-mark of another man and puts it on goods to sell for the purpose of defrauding, that is a misdemeanor and should be so punished. The bill reported by the Committee on the Judiciary adds to the existing law, and I think the other bill does not.

Mr. WILLIAMS. I will inquire of the Senator if he is altogether certain whether a citizen of a foreign country can maintain his action at common law for damages for counterfeiting a foreign trade-mark in the United States?

Mr. CARPENTER. Counterfeiting a trade-mark of the United States? No.

Mr. WILLIAMS. A foreign trade-mark in the United States?

Mr. CARPENTER. Yes, undoubtedly.

Mr. SUMNER. Could he maintain it in the courts of the United States?

Mr. FOWLER. I object to this bill.

The PRESIDING OFFICER. The Senator from Tennessee objects to the further consideration of the bill, and it therefore lies over over under the objection.

Mr. SUMNER. We had better pass one of these bills?

The VICE PRESIDENT. The Senator from Tennessee objected to both bills.

Mr. FOWLER. I do not object if they can be passed without debate.

Mr. TRUMBULL. There will be no considerable debate. This is merely an explanation.

Mr. FOWLER. I withdraw the objection.

Mr. TRUMBULL. Some bill on this subject ought certainly to pass.

Mr. SUMNER. There are already three treaties, I will say, on this subject. We have ratified one with Russia, one with Belgium, and another with France; and the object of this statute is simply to carry into execution those treaties by providing remedies for the parties under them. The bill reported from the Committee on Foreign Relations simply gave the right of action on the idea that some statute power of that kind was needed to give the parties a remedy in the courts of the United States.

Mr. CARPENTER. Let me call the attention of the chairman of the committee to this fact: there are two classes of cases which may be brought in the Federal courts—one is brought there because it involves some right granted by Congress, and another is brought there on the citizenship or alienage of the party. A suit brought by the subject of any foreign nation is always capable of being brought in the Federal courts. At the common law, of course, every man can maintain his action for a violation of his trade-mark. He may go into chancery and enjoin the party upon it. That has been settled law for a great many years. If he be the subject of a foreign Power, he comes, in virtue of that fact, into the Federal courts, and there enforces all his common-law rights.

Mr. SUMNER. But will the national court—I choose to call it national rather than Federal, with the Senator's permission——

Mr. CARPENTER. You have my permission. [Laughter.]

Mr. SUMNER. Thank you for that. [Laughter.] Will the national courts recognize the common law?

Mr. TRUMBULL. Oh, yes.

Mr. CARPENTER. They cannot help themselves.

Mr. SUMNER. The Senator from Illinois says "Oh, yes." That is a question which has been discussed greatly from the beginning of our Government. Now, a simple statute conferring this power on the courts supersedes that question.

Mr. EDMUNDS. I wish to say a word——

Mr. FERRY. It cannot do any harm. Let us pass it.

Mr. EDMUNDS. My friend from Massachusetts is mistaken in supposing that there has ever been any difficulty in the national courts, as he properly characterizes them, about the power of the courts to enforce common-law rights, which are rights of property everywhere. The difficulty has been in punishing misdemeanors, because there could be no common-law misdemeanor against the United States, as the courts have held. Therefore I assure my friend that there is not the slightest difficulty in the United States courts in enforcing all common-law rights of property.

Mr. CARPENTER. They do it every day in repeated suits.

The bill (S. No. 265) was considered as in Committee of the Whole, and reported to the Senate without amendment.

Mr. TRUMBULL. Let me inquire of the Senator from Massachusetts whether he wants the preamble to the bill retained?

Mr. SUMNER. No; I do not.

Mr. TRUMBULL. I move to strike it out.

The motion was agreed to.

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

Mr. EDMUNDS. Have we disposed of the other bill of the same nature?

The VICE PRESIDENT. Senate bill No. 264 will be regarded as indefinitely postponed if there be no objection.

BILLS OBJECTED TO.

The next bill on the Calendar was the bill (S. No. 256) in relation to bridges across the Ohio river.

Mr. SPENCER. Let that go over.

The PRESIDING OFFICER. It will be passed over.

The next bill on the Calendar was the bill (S. No. 270) for the relief of Mrs. Margaret A. Laurie.

Mr. HOWE. That will be debated, I take it.

The PRESIDING OFFICER. Does the Senator object to it?

Mr. TRUMBULL. The Senator from Wisconsin says it will be debated, and of course it will have to go over.

The PRESIDING OFFICER. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 272) to settle the claim of the heirs of the late Colonel William Gates, of the United States Army.

Mr. POMEROY. Let that be passed over.

The PRESIDING OFFICER. Does the Senator from Kansas object to the bill?

Mr. POMEROY. Let the bill be read, so that we may see what it is.

The Secretary read the bill. It authorizes the Secretary of the Treasury to pay the sum of $5,567 50 to Mrs. H. L. Gates, widow of the late Colonel William Gates, of the United States Army, who acted as collector of revenue or military contributions during the late war with Mexico under the direction of the President of the United States, it being the amount of his share of the proceeds of the sale of the schooner Oregon and cargo, seized and confiscated in April, 1847, at the port of Tampico, being equal to the share of his deputy, Franklin Chase and others, his subordinates, who by special acts of Congress have been allowed and paid their shares of the vessel and cargo.

Mr. EDMUNDS. I object to the consideration of the bill.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The next measure on the Calendar was the joint resolution (S. R. No. 35) donating the Lincoln Hospital to the Columbia Hospital for Women and Lying-in Asylum.

Mr. FERRY. Let that go over.

Mr. WILSON. I move its indefinite postponement.

Mr. FERRY. Very well.

The PRESIDING OFFICER. It is moved that this joint resolution be indefinitely postponed.

The motion was agreed to.

The next measure on the Calendar was the joint resolution (H. R. No. 73) relative to the Cherokee neutral lands in the State of Kansas and the late treaties respecting the same, reported adversely from the Committee on Indian Affairs.

Mr. ROSS. I move the indefinite postponement of the joint resolution.

The motion was agreed to.

The next joint resolution on the Calendar was the joint resolution (H. R. No. 72) to regulate the hours of labor of Government laborers, workmen, and mechanics.

Mr. WILSON. Let that be passed over.

The PRESIDING OFFICER. Objection being made, it will be passed over.

The next bill on the Calendar was the bill (S. No. 295) to amend the banking act and to promote the return to specie payments.

Mr. POMEROY. I move that that bill be indefinitely postponed.

Mr. SUMNER. What bill is that?

The PRESIDING OFFICER. The bill introduced by the Senator from Massachusetts entitled "A bill to amend the banking act and to promote the return to specie payments."

Mr. SUMNER. I hope we may return soon to specie payments, but I am willing that the bill shall be indefinitely postponed.

The motion was agreed to.

The next bill on the Calendar was the bill (S. No. 280) in relation to the appellate jurisdiction of the Supreme Court of the United States in certain cases.

Mr. TRUMBULL. That is a good bill, and I should like to have it passed now if there be no objection to it.

Mr. HAMILTON, of Maryland. I object.

The next bill on the Calendar was the bill (S. No. 298) to relieve members of Congress from importunity and to preserve the independence of the different Departments of the Government.

Mr. TRUMBULL. I hope we can have a vote on that.

Mr. ABBOTT and Mr. SPENCER. I object.

Mr. TRUMBULL. Let us vote on it.

Mr. ABBOTT. I withdraw my objection.

Mr. HOWELL. I object.

The PRESIDING OFFICER. Unless Senators withdraw their objection the bill cannot be considered.

Mr. SCHURZ. I object.

The PRESIDING OFFICER. The bill will be passed over.

IMPORTATION OF IMMIGRANTS.

The next bill on the Calendar was the bill (S. No. 318) to regulate the importation of immigrants under labor contracts.

The Secretary proceeded to read the bill.

Mr. FERRY. I object to that bill.

Mr. WILSON. I move its reference to the Committee on the Judiciary.

The PRESIDING OFFICER. Is there any objection to putting the question on the reference?

Mr. FERRY. I do not object to that.

Mr. FENTON. It ought to go to the Committee on Commerce.

Mr. WILSON. Very well.

The PRESIDING OFFICER. Does the Senator from Massachusetts assent to that direction?

Mr. WILSON. Yes, sir.

The PRESIDING OFFICER. The question is on referring the bill to the Committee on Commerce.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. HORACE PORTER, his Secretary, announced that the President had this day approved and signed the following bills:

A bill (S. No. 215) to amend the usury laws of the District of Columbia;

A bill (S. No. 226) to incorporate the Washington Homeopathic Medical Society;

A bill (S. No. 414) declaring the construction of an act to incorporate the National Theological Institute, approved May 10, 1866, and also an act to amend an act entitled "An act to incorporate the National Theological Institute, and to define and extend the powers of the same," approved March 2, 1867; and

A bill (S. No. 589) for incorporating a hospital for foundlings in the city of Washington.

WASHINGTON INTERNATIONAL EXHIBITION.

The next bill on the Calendar was the bill (S. No. 291) to encourage and promote the International Industrial Exhibition to be held in Washington city in the year 1871.

Mr. MORRILL, of Vermont. Let that be indefinitely postponed.

Mr. TRUMBULL. The chairman of the Committee on the District of Columbia is not here.

Mr. MORTON. I object to the indefinite postponement. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over. The next bill on the Calendar will be reported.

SOUTHERN PACIFIC RAILROAD LAND.

The SECRETARY. The next is the joint resolution (S. R. No. 71) in relation to lands withdrawn for the benefit of the Southern Pacific Railroad Company.

Mr. WARNER. Let the resolution be read.

Mr. HOWARD. Had it not better be postponed indefinitely?

Mr. STEWART. The committee have reported another bill from the House on that subject.

Mr. WARNER. Let it be read, that we may known what it is.

The Secretary read the joint resolution, which proposes to direct the Secretary of the Interior to suspend his orders of November 2 and 11, 1869, restoring to private entry the lands heretofore withdrawn, for the benefit of the Southern Pacific railroad of California, until the end of the present session of Congress, so that the interests of the preëmption and homestead settlers and the rights of the railroad company may be investigated.

Mr. HOWARD. That resolution ought to be indefinitely postponed, and I make that motion.

The motion was agreed to.

JUDICIAL POWER.

The next bill on the Calendar was the bill (S. No. 341) providing that acts of the several departments shall not be called in question by other departments, and fixing the limits of the judicial power.

Mr. SUMNER. That is a very good bill. Let it be read.

The Secretary read the bill, as follows:

Be it enacted, &c., That the legislative, executive, and judicial departments of the national Government are distinct, and each in its appropriate sphere only is authorized to pronounce officially the conclusions of the Government in the matters on which it is required to act; and the conclusions of either department, when so pronounced, under the requirements, sanctions, and responsibilities of the Constitution,

cannot be held invalid or called in question by the other departments, or either of them, but every such conclusion shall be respected and acted upon by all officers and people, as valid, and decisive in its place, until reëxamined in some appropriate manner provided by the Constitution, and either reversed by authorized constitutional authority, or its responsible authors overruled or convicted of the wrongful exercise of power under color of office.

SEC. 2. *And be it further enacted*, That the judicial power extends only to cases in law and equity between party and party arising under the Constitution, laws, and treaties of the United States, and does not include the President or Congress, being the other departments of the Government, or any of their acts, civil or political, performed in their official capacity, under the requirements, sanctions, and responsibilities of the Constitution; and all such acts are valid and conclusive on the matters to which they apply; and all persons concerned, including all officers, civil, judicial, or military, are bound to respect and conform to the same, and no allegation or pretense of the invalidity thereof shall be an excuse or defense for any neglect, refusal, failure, or omission to perform any appropriate duty in regard to them, or any of them, by any officer of the Government, civil, judicial, or military, or by any person whatsoever, when legally called to his responsibility for such misbehavior, by action, prosecution, impeachment, or otherwise, before any tribunal duly authorized to examine, try, punish, or decide upon such responsibility.

Mr. DAVIS. I object to that bill.

Mr. WILLIAMS. Is there any objection to its reference to the Committee on the Judiciary? It should be referred.

Mr. SUMNER. I hope it will be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Does the Senator from Kentucky object to that?

Mr. DAVIS. I think it had better be indefinitely postponed.

The PRESIDING OFFICER. That cannot be done without general consent.

Mr. WILLIAMS. We shall get it off the Calendar by referring it.

Mr. DAVIS. I am willing to agree to any course to get rid of it.

The PRESIDING OFFICER. It is moved that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

SUPPRESSION OF POLYGAMY.

The next bill on the Calendar was the bill (S. No. 286) to provide for the execution of the law against the crime of polygamy in the Territory of Utah, and for other purposes.

Mr. HARRIS. I object.

Mr. CRAGIN. Let the bill be passed over. I want it to remain on the Calendar.

The PRESIDING OFFICER. It will be passed over.

NEW YORK AND EUROPEAN STEAMSHIPS.

The next business on the Calendar was the joint resolution (S. R. No. 81) declaratory and amendatory of the act entitled "An act to provide for an American line of mail and emigrant passenger steamships between New York and one or more European ports," passed July 27, 1868.

Mr. HOWARD. Let that be passed over.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

LOSS OF JUDGMENT RECORDS.

The next bill on the Calendar was the bill (S. No. 141) to provide a remedy for the loss or destruction of judgment records or decrees appertaining to proceedings in the United States courts.

Mr. CARPENTER. It is important that that bill should be considered and passed. I hope the Senate will consider it now.

Mr. EDMUNDS. There is no objection to it, I presume.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on the Judiciary reported the bill with an amendment to strike out all after the enacting clause of the original bill and to insert the following in lieu thereof:

That whenever the record of any judgment or decree of other proceeding of any judicial court of the United States shall have been, or shall hereafter be, lost or destroyed, any party or person interested therein may, on application to such court, and on showing to the satisfaction of such court that the same has been lost or destroyed without fault or neglect of the party or person making such application, obtain an order from such court authorizing such defect to supplied by a duly certified copy of such original record, where the same can be obtained, which certified copy shall thereafter have the same effect as such original record would have had in all respects.

SEC. 2. *And be it further enacted*, That whenever the loss or destruction of any such record shall have happened, or shall hereafter happen, and such defect cannot be supplied as provided in the next preceding section, any party or person interested therein may make a written application to the court to which such record belonged, verified by affidavit or affidavits, showing the loss or destruction thereof, and that certified copies thereof cannot be obtained by the party or person making such application, and the substance of the record so lost or destroyed, and that such loss or destruction occurred without the fault or neglect of the party or person making such application, and that the loss or destruction of such record unless supplied will or may result in damage to the party or person making such application, said court shall cause said application to be entered of record in said court, and due notice thereof shall be given by personal service of a copy thereof upon each and every person interested therein, other than the party or person making such application, together with written notice that on a day certain, not less than sixty days after such service, said application will be heard by said court; and if upon such hearing said court shall be satisfied that the statements contained in said written application are true, said court shall make an order reciting what was the substance and effect of said lost or destroyed record; which order shall be entered of record in said court, and have the same effect which said original record would have had if the same had not been lost or destroyed, so far as concerns the party or person making such application and the persons who shall have been personally served as provided for in this section.

SEC. 3. *And be it further enacted*, That in all causes which have been removed, or shall hereafter be removed, to the Supreme Court of the United States a duly certified copy of the record of such cause remaining in the said Supreme Court may be filed in the court from which said cause was removed on motion of any party or person claiming to be interested therein; and the copy so filed shall have the same effect as the original record would have had if the same had not been lost or destroyed.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. WILLIAMS. I invite the attention of the Senator from Wisconsin to the provision in the bill: that these proceedings, where the record is lost, shall have the same effect as the original.

Mr. CARPENTER. Upon the parties who have notice of this proceeding.

Mr. WILLIAMS. It strikes me that possibly there may be an objection to that. Persons examining for a record may not be able to find one, and they may acquire rights in view of the fact that there is no such record; and if this copy is to be supplied, and to take effect from the date of the loss, it seems to me the rights of such persons might be prejudiced.

Mr. CARPENTER. The bill provides that notice shall be served on all persons supposed to have an interest in the matter, and then they have a hearing, and the bill then only has effect as to those who have had notice; and as to those, of course, unless they can show some reason to the contrary, the record should have effect from its date.

Mr. WILLIAMS. I move to add the words "subject to intervening rights" after the word "effect," at the end of line twenty-five, in section two.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the committee, as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill relating to records of the courts of the United States."

STORE-HOUSES ON JUDICIARY SQUARE.

The next business on the Calendar was the joint resolution (S. R. No. 87) granting the use of the store-houses in Judiciary square to the Women's Christian Association of Washington.

Mr. WILSON. I move the indefinite postponement of that joint resolution, for the reason that the matter has been passed upon in another form and is now a law.

The motion was agreed to.

OCEAN TELEGRAPHS.

The next bill on the Calendar was the bill (S. No. 115) relating to telegraphic communication between the United States and foreign countries.

Mr. SUMNER. That bill will create discussion. Though I am very anxious to have it acted upon I know it cannot be considered to-day, and therefore I ask to have it passed over.

The PRESIDING OFFICER. The bill will be passed over.

FRENCH SPOLIATIONS.

The next bill on the Calendar was the bill (S. No. 351) to provide for the adjustment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801.

Mr. SUMNER. That also will cause discussion, and had better be passed over.

The PRESIDING OFFICER. The bill will be passed over.

DESCENTS IN UTAH.

The next bill on the Calendar was the bill (S. No. 362) regulating descents in the Territory of Utah.

Mr. HARRIS. I object.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

LAND DISTRICT IN COLORADO.

The next bill on the Calendar was the bill (S. No. 177) creating an additional land district in the Territory of Colorado.

Mr. POMEROY. I think there can be no objection to that bill. It creates an additional land district in Colorado, where they need one very much.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Public Lands reported the bill with an amendment, to strike out the description of the proposed land district in the first section, in the following words:

Commencing on the east line of said Territory at a point where the thirty-ninth parallel of north latitude crosses the same; thence west upon said parallel of latitude until it intersects the range line between townships numbers seventy-five and seventy-six west; thence south on said range line until the same intersects the thirty-eighth parallel of north latitude; thence west on said parallel of latitude to the one hundred and seventh meridian of west longitude.

And to insert in lieu thereof:

Commencing at the eastern boundary of the Territory, at the intersection of the second correction line south, and running thence west on that line to the line dividing ranges numbered seventy-five and seventy-six west of the sixth principal meridian; thence south with the range line to the third correction line south; thence west on said line to the western boundary of the Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LEWIS D. SMITH.

The next business on the Calendar was the joint resolution (S. R. No. 101) for the relief of Lewis D. Smith.

Mr. EDMUNDS. What is that? Let it be read.

The Secretary read the joint resolution. It requires the Postmaster General, in settling the accounts of Lewis D. Smith, the postmaster at Ionia, Michigan, to allow him a credit of the amount of moneys and stamps belonging to the United States intrusted to his care, and stolen from his possession, not exceeding the sum of $1,861 28.

Mr. RAMSEY. This joint resolution has been considered by the Committee on Post Offices and Post Roads, and I hope it will be passed.

Mr. WILLIAMS. How did this loss occur?

Mr. RAMSEY. Burglars entered the post office, broke open the safe, and robbed it.

Mr. WILLIAMS. Is there any report accompanying the joint resolution?

Mr. RAMSEY. I think there is.

The PRESIDING OFFICER. There is no written report.

Mr. RAMSEY. Is it not a House bill? It has passed the House of Representatives and probably the Senate once or twice before.

Mr. EDMUNDS. This is a Senate bill.

Mr. RAMSEY. It is a Senate bill now, but the same bill passed the House I think in the last Congress.

The joint resolution was read a second time, and considered as in Committee of the Whole. It was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LANDS IN SOUTHERN STATES.

The next business on the Calendar was the joint resolution (S. R. No. 73) for the disposal of the public lands in the States of Florida, Alabama, Mississippi, Louisiana, and Arkansas.

The PRESIDING OFFICER. This joint resolution has been considered heretofore, read, and amended, and if there be no objection it is now before the Senate in Committee of the Whole.

Mr. EDMUNDS. It will have to be read for information if it is to be acted upon.

The PRESIDING OFFICER. It will be read as it now stands amended.

The Secretary read as follows:

Be it resolved, &c. That from and after the passage of this resolution all the public lands in the States of Florida, Alabama, Mississippi, Louisiana, and Arkansas shall be subject to disposal under the homestead laws, by preëmption or by location, under the same general laws as now govern the public lands in other States and Territories, excepting and reserving only such reservations and grants as are by law appropriated to public or private uses.

Mr. OSBORN. I move to amend the resolution by inserting after the word "preëmption" the words that were stricken out by the committee.

The PRESIDING OFFICER. The Chair is advised that the words proposed to be inserted by the Senator from Florida have been stricken out by a vote of the Senate.

Mr. OSBORN. They were stricken out by the report of the committee, not by the action of the Senate.

Mr. POMEROY. What are the words?

The SECRETARY. "By sale."

The PRESIDING OFFICER. The proper way will be to move the amendment when the joint resolution is reported to the Senate.

Mr. OSBORN. Very well.

Mr. SPENCER. I should like to have the resolution reported again.

The Secretary again read the joint resolution.

Mr. HARLAN. I think the words "or by location" ought to be stricken out, and I make that motion.

Mr. POMEROY. The only objection to that is that it excepts the lands in these States from the location of agricultural college scrip, and I think the holders ought to be allowed to locate it in these States as well as in other States.

Mr. HARLAN. Just at this time, in this transition period, when the colored people are struggling to acquire homes, I think we had better not let agricultural college scrip be located there in large quantities. They can just as well buy the land with money as with college scrip.

Mr. POMEROY. But the law requires it to be located in the States where there are public lands.

Mr. HARLAN. It will not prevent a State from taking up its own lands within its own limits.

Mr. POMEROY. If it will not prevent a State from taking up its lands within its own limits, then I have no objection to it; but I think it does.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

Mr. WARNER. I should like to have some explanation as to the effect of this joint resolution; what it is intended to reach or to do.

Mr. EDMUNDS. And how it affects the present law.

Mr. POMEROY. There was a joint resolution passed three years ago putting all these lands for two years in the hands of preëmptors or homestead settlers, and limiting them to eighty acres apiece. It was passed just after the war with a view of allowing the colored people to get eighty acres of the public lands. The two years fixed for the operation of that joint resolution have expired, but the Departments do not yet allow in those States lands to be located under the preëmption law to the extent of one hundred and sixty acres, but only eighty acres. This resolution will allow one hundred and sixty acres to be located under preëmption or homestead in these States, the same as in the other States. I think that is the point.

Mr. OSBORN. That is it; and in addition land warrants cannot now be located in certain States.

Mr. POMEROY. No land warrant can be located.

Mr. OSBORN. Neither can college scrip.

Mr. HARLAN. Yes, land warrants can be located by preëmptors under the general law.

Mr. POMEROY. I think this resolution does not change the present law, but it will have the effect, as I understand, of changing a ruling of the Department under the law.

Mr. EDMUNDS. I should like to see that ruling.

Mr. WARNER. If the only effect is that stated by the Senator from Kansas, there can be no objection to the resolution; but if it is intended to allow these lands to be taken up by speculators or to be located upon by land warrants instead of by actual settlers, I should certainly object to its passage.

Mr. POMEROY. The committee struck out all that relates to the sale of the lands; and now there can be no scrip located. It is confined to actual settlers, and to allow them one hundred and sixty acres instead of eighty. That was the intention of the committee.

Mr. WARNER. If the Senator from Kansas will assure us that that is the only effect of the resolution I do not know that I shall object to it.

Mr. WILLIAMS. I understand that since the war there has been some special legislation in reference to the lands in these States with a view of benefiting the colored people, and the object of this joint resolution now is to put the lands in these States precisely on the same footing with the public lands in the other States, subject to preëmption and homestead settlements.

Mr. CRAGIN. But not to sale.

Mr. WILLIAMS. It exposes all these lands to homestead and preëmption settlement, so that any person can take one hundred and sixty acres as under the law applicable to other States.

Mr. OSBORN. That is the only effect of the joint resolution.

Mr. WARNER. Will the Senator from Oregon explain how it is to benefit the colored people?

Mr. WILLIAMS. According to my recollection there was a provision of law that persons should not be allowed to take more than eighty acres in any one body, so that there should be a gradual distribution of the public lands among the poor people of the South. But it has been thought advisable to abolish that restriction and allow those lands in the States mentioned in this resolution to be taken like the public lands in the other States, so that the land laws shall have a uniform operation everywhere in the country.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

Mr. WARNER. I think this bill had better lie over until we can have an opportunity to examine it.

The VICE PRESIDENT. The Senator from Alabama objects, and the joint resolution will lie over.

PENSION APPROPRIATION BILL.

The next bill on the Calendar was the bill (H. R. No. 781) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1871.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Appropriations reported the bill with an amendment, to strike out the last clause of the bill, in the following words:

For Navy pensions of widows, children, mothers, fathers, brothers, and sisters of sailors and marines, as provided by the acts of August 11, 1848, July 14, 1862, July 25, 1866, and July 27, 1868, $334,475: *Provided*, That the fund known as the Navy pension fund shall be covered into the Treasury of the United States, and all Navy pensions shall hereafter be appropriated from the general funds in the Treasury, in the same manner that Army pensions are.

Mr. DRAKE. I should be glad if the chairman of the Committee on Appropriations would explain to the Senate the nature and object and necessity for this amendment.

Mr. MORRILL, of Maine. It is to preserve what is known in the law as the Navy pension fund intact. It will be seen that the bill as it came from the House covers that pension fund into the Treasury. The Committee on Appropriations of the Senate think that it is best to keep that fund as it is, a fund for the officers and sailors of the Navy.

Mr. DRAKE. I did not understand that the proposition of the Committee on Appropriations was to strike out a provision in the House bill.

Mr. MORRILL, of Maine. Yes, sir.

Mr. DRAKE. And that leaves the pension fund intact?

Mr. MORRILL, of Maine. Yes, sir.

Mr. EDMUNDS. We have always stood by that trust on this side of the Capitol, and I hope we shall continue to do so.

Mr. DRAKE. I misapprehended the language of the amendment. It is all right as explained.

Mr. MORRILL, of Maine. I will say that this subject was before the Senate last year, and the judgment of the Senate was very decided upon it; and the committee if they had had a contrary opinion would have felt instructed by that action of the Senate.

Mr. EDMUNDS. That is right; we are all satisfied.

The VICE PRESIDENT. The question is on the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read a third time. The bill was read the third time, and passed.

WILLIAM HENRY OTIS.

The next bill on the Calendar was the bill (S. No. 170) for the relief of William Henry Otis.

Mr. MORTON. That may be passed.

The VICE PRESIDENT. It will be passed over.

Mr. HOWE. That bill has passed the Senate once. Does the Senator from Indiana object to it?

Mr. MORTON. No, sir; I do not object to it.

Mr. WILLIAMS. Let us hear what it is.

The Secretary read the substitute reported

by the Committee on Claims for the bill, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, or cause to be paid to William Henry Otis, of Indianapolis, in the State of Indiana, the sum of $3,000, in full consideration for growing crop, fencing, and fruit trees destroyed upon, and damages done by the United States troops, in and to forty-five and a half acres of land belonging to the said William Henry Otis, known as Camp Burnside, lying and being adjacent to the said city of Indianapolis, while said land was occupied by said troops, from the year 1861 to the year 1865.

Mr. EDMUNDS. That will lead to debate.

Mr. WILLIAMS. It had better lie over.

The VICE PRESIDENT. Objection being made, the bill will lie over.

WILLIAM H. MURPHY.

The next bill on the Calendar was the bill (S. No. 327) for the relief of William H. Murphy, of Farmington, Missouri.

The bill was read. It directs the Postmaster General and the proper accounting officer of the Treasury to settle the account of William H. Murphy for carrying the United States mails twice a week on route No. 10686, in the State of Missouri, from July 1, 1862, to April 30, 1864, and to pay him for the same at the rate of $900 a year, for the whole length of route, deducting therefor *pro rata* compensation for any portion of the service not performed.

Mr. POMEROY. There is a written report accompanying the bill.

Mr. EDMUNDS. Let us hear that report read.

The Secretary read the following report, submitted by Mr. RAMSEY, from the Committee on Post Offices and Post Roads on the 27th of January last:

The Committee on Post Offices and Post Roads, to whom was referred Senate bill No. 327, for the relief of William H. Murphy, of Farmington, Missouri, having had the same under consideration, beg leave to report that the petition of the said Murphy was acted upon by the Committee on Post Offices and Post Roads of the second session of the Fortieth Congress, and a report made thereon, which report this committee adopts and herewith presents to the Senate:

That William H. Murphy, of Farmington, Missouri, in answer to an invitation of the Postmaster General to carry the mail on post route No. 10686, from Fredericktown court-house to De Soto, in the State of Missouri, a distance of fifty-five miles, proposed to carry the said mail once a week at the rate of $592 per annum. The following is a copy of the advertisement inviting said proposals:

"10686. From Fredericktown, by Mine La Motte, Cross-Roads, Locust Ridge, Farmington, Big River Mills, Hazle Run Mills, and Avoca, to De Soto, fifty-five miles and back, twice a week. Leave Fredericktown Monday and Thursday at eight a. m., arrive at De Soto next days by twelve m. Leave De Soto Tuesday and Friday at one p. m., arrive at Fredericktown next days by six p. m. Bids for one trip a week only invited."

The claimant was notified by the Post Office Department of the acceptance of his bid under date of April 24, 1862; and after being so notified proceeded to perform the service in order to avoid the statutory penalties imposed upon bidders failing to make their bids good.

Upon the receipt of the bond, subsequently, he discovered that he would be required to carry the mail twice a week; but after protesting against this requirement by letter to the Department he signed the said bond to avoid the legal penalties, and expecting from Government a just and proper compensation for the additional services required.

The claimant was naturally misled by the last clause of the advertisement, its want of punctuation giving it the meaning placed upon it by him, and leading fairly to the conclusion that the contractor would be required to carry the mail but once a week.

In proof of such a construction being placed upon it by him he furnishes the depositions of Milton Sebastian and Lewis J. Cundiff, who were present at the time of the making out of the bid, and one of whom assisted him in making an estimate of the cost of carrying the said mail on the basis of its carriage but once a week.

It appears from a letter of the Second Assistant Postmaster General that the service was curtailed, at the contractor's request, to begin at Farmington, twenty miles less distant, at a reduction of $241 per annum, from September 30, 1863, and the service on the remainder of the route was discontinued April 30, 1864, and one month's pay extra on $351 allowed, as usual in such cases.

The distance traveled to carry the mail on the said route was, for round trip, about one hundred and ten miles.

From the communication of the Assistant Postmaster General it appears that the lowest bid for the twice a week service was $900 per annum, which sum the committee, in view of the long distance traveled, and of the fact of the claimant's being misled by the note or last clause of the advertisement, would recommend as the basis of calculation for the equitable compensation of the claimant, and for that object report the accompanying bill for the payment of this claim.

The VICE PRESIDENT. This bill has been once considered by the Senate as in Committee of the Whole, and reported to the Senate, and then the morning hour expired without final action being taken upon it. If there be no objection the question now is on ordering it to be engrossed for a third reading.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 771) for the relief of Zachariah Pettijohn;

A bill (H. R. No. 1521) relinquishing to the city of Dubuque, Iowa, whatever title may remain in the United States to a certain lot of ground in Dubuque; and

A joint resolution (H. R. No. 116) to construe an act entitled "An act to amend an act entitled an act to confirm certain private land claims in the Territory of New Mexico."

CHEROKEE TRUST LANDS.

The next business on the Calendar was the joint resolution (S. R. No. 89) providing for the sale of certain lands in the State of Kansas ceded to the United States in trust by the Cherokee nation of Indians.

Mr. POMEROY. That has been up once or twice, and I think should be passed. I think the Senate can consider it to-day. It has been read through and some amendments are pending.

The VICE PRESIDENT. It is the impression of the Secretary that this particular bill has not yet been before the Senate.

Mr. POMEROY. That is true; I had reference to the Osage bill. This has not been before the Senate.

The VICE PRESIDENT. If there be no objection, the joint resolution will be considered as in Committee of the Whole.

Mr. SHERMAN. I think that matter involves a long controversy.

Mr. EDMUNDS. Let it go over.

The VICE PRESIDENT. The bill will lie over.

Mr. ROSS. I do not understand that objection is made.

The VICE PRESIDENT. The Senator from Vermont objects.

SEIZURE OF SPIRITS IN CALIFORNIA.

The next business on the Calendar was the joint resolution (S. R. No. 111) relating to the seizure of certain distilled spirits in California.

Mr. COLE. Let that go over.

The VICE PRESIDENT. It will lie over.

Mr. WILLIAMS. Might it not go off the Calendar?

Mr. COLE. Not now.

Mr. SHERMAN. Had it not better be referred to the Committee on Finance?

Mr. COLE. Not at present. Let it be passed over now.

The VICE PRESIDENT. The joint resolution will be passed over.

JOHN SOMERS SMITH.

The next bill on the Calendar was the bill (S. No. 462) for the relief of John Somers Smith on account of diplomatic services at the city of San Domingo.

Mr. SUMNER. Let the bill be read.

The Secretary read the bill. It directs the payment to John Somers Smith, late commercial agent of the United States at the city of San Domingo, of $2,250, on account of diplomatic services rendered at San Domingo, especially in the negotiation of the general convention of amity, commerce, and navigation, and for the surrender of fugitive criminals between the United States of America and the Dominican republic, signed at St. Domingo February 8, 1867, which sum is in full for all charges or expenses beyond his salary as commercial agent.

Mr. SUMNER. There is a report accompanying the bill.

The VICE PRESIDENT. Is the reading of the report called for?

Mr. HOWE. Yes, sir; I should like to hear it.

The Secretary read the following report, submitted by Mr. SUMNER, from the Committee on Foreign Relations, on the 31st of January last:

The Committee on Foreign Relations, to whom is referred the petition, with accompanying papers, of John Somers Smith, late commercial agent at the city of San Domingo, beg leave to report:

From the papers before the committee it appears that John Somers Smith, in A. D. 1867, while commercial agent of the United States at the city of San Domingo was employed in a diplomatic capacity, and that he negotiated a general convention of amity, commerce, and navigation, and for the surrendering fugitive criminals between the United States of America and the Dominican republic, which convention was signed at the city of San Domingo, February 8, 1867, after advice and consent of the Senate, ratified by the President of the United States, July 31, 1867; and after exchange of ratifications at San Domingo, October 5, 1867, proclaimed by the President of the United States, October 24, 1867. The petitioner also sets forth other services rendered under power from the President of the United States to purchase or obtain a lease of the peninsula and bay of Samana, under which he maintained a diplomatic correspondence with the Secretary of State, consisting of thirty-two confidential letters, irrespective of his regular correspondence, all of which are on file in the Department of State.

The petitioner also sets forth expenses on account of political refugees at the consulate.

The question of additional compensation to Mr. Smith, beyond his pay as commercial agent, has been referred to the Department of State by the committee, in order to have some competent opinion with regard to the reasonableness of his claim. By a letter dated December 21, 1868, Mr. Seward thus expresses himself:

"There is believed to have been no other instance where business of such importance has been intrusted to and successfully accomplished by a mere commercial agent. We were moved to employ Mr. Smith for the purpose referred to from a knowledge of his capacity for and experience in business, and of his familiarity with the Spanish language, shown during many years when he held an important consulate in Spain. Perhaps a sufficient precedent for such an appropriation may be found in the act of Congress approved March 3, 1855, (Statutes, volume ten, page 659,) by which $20,000 were awarded to Commodore M. C. Perry for concluding the treaty with Japan."

The same question has been submitted again to the Secretary of State, the successor of Mr. Seward, who was asked by the committee to express his opinion on the value of these services, and the proper allowance, if any, to be made. Mr. Fish, in reply, under date of January 18, 1870, says:

"It cannot be doubted that Mr. Smith's services were valuable, and that he has an equitable claim to compensation for them."

In another letter, of January 26, Mr. Fish says:

"That the sum of $3,750, deducting therefrom $1,500, a year's salary as commercial agent, would be an adequate compensation."

The committee have accepted the estimate of Mr. Fish, which appears to be sufficiently moderate, and report a bill accordingly.

There being no objection, the bill was read a second time, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. HOWE. I shall not make any objection to taking a vote of the Senate on the passage of the bill; but I understand the bill is in direct conflict with repeated statutes. This man was an officer of the United States. This bill proposes to pay him a double salary. We have been trying to get rid of that practice for a good many years. I do not know that we shall ever succeed.

Mr. SUMNER. The Senator is mistaken. In the diplomatic service two salaries are often paid. There is a special statute providing for it.

Mr. HOWE. I did not know that any branch of the service was specially exempted. The statute provides that a man shall not be paid two salaries.

Mr. SUMNER. This is for extra services outside of his duties as commercial agent.

Mr. HOWE. Undoubtedly it is for extra service. We never pay two salaries for one service; but the law is intended to prohibit the employing of men in two offices, giving them two salaries.

Mr. SUMNER. Our diplomatic statute recognizes two salaries. There is a special provision for it.

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

UNITED STATES POSTAL TELEGRAPH.

The next bill on the Calendar was the bill (S. No. 422) to establish a postal telegraph system and to incorporate the United States Postal Telegraph Company.

Mr. EDMUNDS. The Senator from New York now absent, [Mr. CONKLING,] I believe, wishes to be heard on that bill, and I move that it be passed over.

The motion was agreed to.

NATIONAL CEMETERIES.

The next bill on the Calendar was the bill (S. No. 474) to amend an act entitled "An act to establish and protect national cemeteries."

There being no objection, the bill was read a second time, and considered as in Committee of the Whole. It provides that from the time any State Legislature shall have given, or shall hereafter give the consent of such State to the purchase by the United States of any national cemetery mentioned in the act entitled "An act to establish and protect national cemeteries," approved February 22, 1867, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by section eight, article one, of the Constitution of the United States; and all the provisions of the act of February 22, 1867, are to be applicable to the same. The second section makes it the duty of the Secretary of War to cause copies of this present act to be sent to the Governors of all such States wherein any of such national cemeteries may be situated, to the end that the Legislatures of such States may give the consent herein mentioned.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I wish to ask the Senator from Michigan who reported this bill whether in the opinion of the Committee on Military Affairs the passage of such an act as this is necessary to hold the title to cemeteries that we have been obliged to take in places where war was carried on for the burial of our soldiers?

Mr. HOWARD. No, not to hold the title; but the question of jurisdiction comes up, which is by far the most important. This bill proposes to give the Federal courts jurisdiction.

Mr. EDMUNDS. I do not object to the passage of the bill. I only wish for one to enter my construction of it as not in any way impairing what I believe to be the law, that we have the right to hold these cemeteries and manage them where we have been obliged to take them independent of the consent of any State Legislature whatever.

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

J. E. CLARKE AND JOHN T. PEABODY.

The next bill on the Calendar was the bill (S. No. 201) to authorize the payment of moneys due J. E. Clarke and John T. Peabody.

The VICE PRESIDENT. This bill has been reported adversely from the Committee on Claims by the Senator from Kentucky, [Mr. DAVIS.]

Mr. HOWE. It should be indefinitely postponed. I make that motion.

The motion was agreed to.

HENRY A. MESSENGER.

The next bill on the Calendar was the bill (S. No. 193) for the relief of Henry A. Messenger.

The VICE PRESIDENT. The Committee on Claims were discharged from the further consideration of this bill on the 2d of February last.

Mr. WILLIAMS. I move that it be postponed indefinitely.

The motion was agreed to.

SUPPLIES TO CALIFORNIA INDIANS.

The next on the Calendar was the joint resolution (S. R. No. 115) to provide for the payment of the claim of Martha A. Estill, administratrix of the estate of James M. Estill, deceased, Redick McKee, and Pablo de la Toba.

The Secretary read the joint resolution. It authorizes the Secretary of the Interior to examine the claim of Martha A. Estill, administratrix of the estate of James M. Estill, late of California, alleged to be due for supplies furnished in 1851 or 1852 for the use of the Indians in the northern district of California, amounting to $3,000; also the claim of Pablo de la Toba, for supplies furnished to the Indians on the Merced river, under alleged contract with an agent of the Indian commissioners then in California, amounting to $8,040; and also that of Redick McKee, formerly commissioner and Indian agent in the State of California, for an alleged balance of account for services and disbursements made for expenses and for extra compensation while acting as such commissioner and agent, from 1850 to 1853, the balance amounting to $7,424 59; and if, on the examination, the Secretary is of opinion that the claims, or either of them, or any parts or items thereof, are just and equitable, and that they were contracted in good faith and for the public service, he is to cause them to be paid to the respective parties or their legal representatives; but no greater amount than that specified as claimed by the respective parties is in any event to be paid; and the amount paid in either case is to be accepted in full discharge of the entire claim.

Mr. EDMUNDS. I should like to hear the report in that case.

The Secretary read the following report, submitted by Mr. SCOTT, from the Committee on Claims, on the 2d of February last:

The Committee on Claims, to whom were referred the petitions of Martha A. Estill, administratrix of J. M. Estill, deceased, praying payment for beef furnished the United States Indian commissions of California in 1851-52; of Joseph Barton and General H. S. Burton, asking for payment of the claim of Pablo de la Toba for cattle supplied to the same commissioners; and of Redick McKee, one of said commissioners, asking to be refunded certain moneys paid out by him as delivering agent for the Indian department, and also additional compensation as such agent, respectfully report as follows:

On the 15th October, 1850, Redick McKee, G. W. Barbour, and O. M. Wozencraft were appointed commissioners to hold treaties with various Indian tribes in the State of California, as provided in the act of Congress approved September 30, 1850.

Redick McKee was also charged with the duties of disbursing agent of the commission, and $25,000, the amount of the appropriation made by said act, was placed in his hands.

On the 12th of April, 1851, the Commissioner of Indian Affairs wrote to these commissioners that the act approved 27th February, 1851, had terminated their functions as commissioners; that henceforth they were to act under their former instructions, as agents of the department.

That act provided that "no officer or agent so employed shall receive any additional compensation for such service." An act of 28th September, 1850, had fixed the compensation of agents at $3,000 per annum.

On the 22d of May, 1851, the Commissioner of Indian Affairs (Lea) addressed a communication to the agents, informing them that the appropriation of $75,000 asked for had been reduced to $25,000; and on 27th June following another communication, saying, "You will have perceived that though $75,000 were estimated and asked for the service in which you are engaged, Congress appropriated only $25,000, the amount remitted you on 25th instant, which, with the $25,000 heretofore placed in your hands, is all that is applicable to the negotiation of treaties in California, and when the funds referred to have been exhausted, you will close negotiations and proceed with the discharge of your duties as agents simply, as the department could not feel itself justified in acknowledging anticipated expenditures beyond the amount of the appropriation made by Congress."

In a letter of 10th July, 1851, to T. Butler King, (Sen. Doc. 4, 1853, p. 119,) Mr. McKee shows that he was aware the appropriation was but $25,000, and on 29th July he acknowledged receipt of letter of 22d May, 1851.

With these instructions, debts were contracted by the commissioners or agents beyond the amount of the appropriations, which, up to 17th February, 1852, were reported as amounting to $32,069 79, among which were the claims of J. M. Estill for $3,000, for a quantity of fresh beef, and a claim of Don Pablo de la Toba for two hundred and one head of cattle, $8,040. (See Sen. Doc. 4, 348.)

It is clear that under the instructions above quoted these debts were contracted without authority of law, although those of Estill and de la Toba it does appear were contracted by the agent in good faith before receipt of the instructions, and before he was aware of the reduction of the appropriation. The Government has recognized the propriety of the action of the agents under the circumstances by paying the other claims; and these claims having been referred to the Department of the Interior for examination, reports have several times been made placing them upon the same ground as those which have been paid, leaving open, however, one question, namely, whether the supplies claimed for were actually issued, and stating that there is no evidence in possession of this office of the issue of these supplies other than what is detailed by the commissioner in various treaty proceedings published. (Sen. doc. 4, spl. ses., 1853, and affidavit of General Burton, filed with the papers.)

This affidavit and the statement of the commissioner, Colonel McKee, show that these supplies were used for the Government, and it would seem just and equitable that they should be paid.

Redick McKee, agent and disbursing officer, claims $7,424 59, $4,754 52 of that sum being for money alleged to have been paid by him for boarding bills, traveling and other expenses, &c., incurred in the execution of his duties, from January, 1851, to October, 1853, and $2,670 27 commission for disbursement of the funds placed in his hands.

In April, 1865, an examination of his accounts resulted in a balance in his favor of $2,224, which was paid to him; and in that settlement items amounting to the sum above mentioned ($7,424 59) were suspended or disallowed the commissions, because the Department had no authority to allow them; the act of 27th February, 1851, indeed prohibiting such allowance, and the other claims for lack of vouchers, because the expenses charged were for personal expenses when not engaged in the Indian service, and for reasons set forth in a "settlement of differences," made 4th August, 1865. For payment of the amounts thus disallowed, Colonel McKee appealed to Congress by petition which has for some time been before the Committees on Indian Affairs and Claims.

Reports made successively by Commissioners of Indian Affairs, W. P. Dole, in May, 1865, D. N. Cooley, in March, 1866, and acting Commissioner Mix, in June, 1868, all treat these claims as just and equitable, notwithstanding the reasons for which they were suspended or disallowed, the last report even going further and recommending that $1,500 be allowed to petitioner for his expenses in coming from and returning to California, in prosecution of this claim. This report, however, treats the claim for the disallowed and suspended items as one which should only be allowed on additional evidence. No additional evidence has been submitted to the committee, and it is but just to say that the nature of many of the items is such as to render it difficult to procure evidence, and that in adjusting them the circumstances and practice of the Department in similar cases should be considered, and such allowance made as is just and equitable.

The disbursement of the money being a duty superadded to those of an agent before the passage of the act forbidding additional compensation, and devolving responsibility for which bond and security were given, the commissioner's claim does not seem unreasonable, and we recommend the payment of the commission of five per cent. on $53,405, disbursed by him, less $4,525 70 of it, which appears to have been his own salary. $53,505
4,525

48,880=$2,444.

As it appears to have been the custom of the Department to allow expenses such as are claimed by Colonel McKee, as he is admitted to have discharged his duties satisfactorily and with fidelity, and as those associated with him have been paid similar expenses, the committee recommend that the Secretary of the Interior be requested to reëxamine the account for expenses, &c., and to allow whatever amount of the same, not exceeding the amount claimed in his petition, shall under the circumstances appear to be just and equitable.* We herewith submit a joint resolution in accordance with the recommendations of this report.

Mr. HARLAN. I do not know what new light the Committee on Claims may have obtained on this subject, but I think this is an old customer that has been here year after year for the last ten or fifteen years, and I remember exam-

*The petitioner also claims interest, and now asks to add to his demand his traveling expenses, &c., named in presenting the claim. The Department having found enough in the accounts as at first presented to suspend or disallow them, we do not think the Government should be held for interest; and we are entirely unwilling to set the precedent of allowing to any claimant his expenses incurred in prosecuting his claims before Congress.

ining it once in the Interior Department, and directing that it be readjusted and the parties permitted to bring in additional proof. As it struck me at that time, all had been paid that ought to be paid. I will mention one item that the report refers to: three per cent. of the amount of money disbursed, when all the parties connected with it were receiving salaries—the superintendent receiving $3,000 a year and his expenses, and his clerks and all his employés receiving salaries—and yet they put in a claim here twenty years afterward for a percentage on the amount disbursed. I do not think there is any part of the claim which is just.

The VICE PRESIDENT. Does the Senator object to the consideration of the bill?

Mr. HARLAN. I do not object to the Senate taking a vote on it.

Mr. CORBETT. I have examined this claim. I remember very well that one of the parties came through our country in early times when it was very expensive traveling through that country. I understand he has not been allowed the full amount of his expenses, from the fact that the Department thought the expenses were too much. In those days traveling in California was very expensive indeed. I think the claim is just.

Mr. EDMUNDS. This is a contested case. It had better go over.

Mr. SCOTT rose.

Mr. EDMUNDS. I have no objection to hearing my friend from Pennsylvania; but as it is a contested claim, and has been debated here a good deal before, I suggest that it be passed over.

Mr. SCOTT. I shall occupy but a very short time.

Mr. EDMUNDS. Well, I shall not object if it only occupies a few minutes.

Mr. SCOTT. As the Senator from Iowa has said, this is a very old case, and as it has been so long before Congress I took especial care to investigate it closely when the papers were submitted to me as a member of the Committee on Claims. The first item, and the principal item to which the Senator seems to object, the commissions allowed to Redick McKee on disbursements, I think is perhaps as meritorious as any other part of the claim. If Senators have paid attention to the reading of the report they will have seen that there were three commissioners appointed, each one of whom had the same duties to perform; but by a letter which I hold in my hand, written by Mr. Lea, Commissioner of Indian Affairs, it was suggested that Colonel McKee should take charge of all the funds that were disbursed by all three of those commissioners. He did so, and in discharging that duty it became necessary for him at one time, in order to anticipate funds which were not furnished to him as soon as they should have been, to mortgage his own property in San Francisco.

He did mortgage his own property for money raised in San Francisco at that time, and out of that money paid his cocommissioners a part of their salaries, and paid the expenses that were incurred in the execution of this trust. Although it does not appear in any of the papers upon file, yet I am assured it is the fact, and I have every reason to believe it, that his property was sold at a sacrifice under that mortgage, and he thereby lost a larger amount than he will receive under this bill.

As to the other item, with regard to Colonel McKee, this is not a direct appropriation, but is only an authority to the Secretary of the Interior to examine that part of Colonel McKee's account which consists of items such as his boarding bills, his traveling expenses, &c., and to allow such of them as the additional evidence shall satisfy the Secretary of the Interior are just and equitable under the circumstances.

As to the other two claims, those of Mr. Estill's administratrix, and of Pablo de la Toba, I believe there is no dispute whatever about their justice. They have upon several different occasions been recognized in the reports of the Department. There has been great delay, and by that cause, perhaps, great injustice done to some of these parties, and I am satisfied that nothing more than justice will be done by the passage of this bill in its present form.

Mr. HARLAN. I will remark to the honorable Senator from Pennsylvania that his remarks freshen my recollection of the case a little. I remember that I instructed the Commissioner to permit Mr. McKee to bring in new evidence, or any evidence he could produce. The claim was originally examined by Commissioner Greenwood, a gentleman whom I never saw, but who administered the Indian department, if the evidence in the department can be trusted, with great fidelity. I looked back personally at the old schedule of items, and the memoranda made on the margin by Commissioner Greenwood and the original vouchers; there was an immense pile of them, and I personally examined the whole of them, every paper in the case, and instructed the Commissioner of Indian Affairs to permit this claimant, where the old Commissioner had not rejected the claim outright, to introduce new evidence if he could produce it. He did so, and some of the items were allowed under this new evidence; but he insisted that as to some of the items the witnesses were dead, or beyond his reach. I inquired then as to the character of this gentleman, and learned from various sources that he was a man of integrity and honor, who would not probably swear falsely. I then instructed the Commissioner of Indian Affairs to permit him to swear himself, and where he could swear himself that of his own knowledge the money had been paid the Commissioner might allow it. Every dollar of this claim that he could either prove or swear to himself, of his own knowledge, has been allowed and paid.

These facts were reported to the House of Representatives two or three years ago, when this claim was pending there, and on the report from the Department the claim was dismissed in the House, as doubtless gentlemen here now who were then members of the House will remember. If any claim at all can ever be disposed of by an examination and reëxamination during a period of twenty years this ought to be disposed of and ought to be regarded as settled.

Mr. EDMUNDS. I should like to ask the Senator reporting this bill whether the committee were unanimous in favor of this allowance?

Mr. SCOTT. My recollection is that there was one dissenting member of the committee.

Mr. EDMUNDS. May I inquire of the Senator whether this report from the Interior Department, referred to by the Senator from Iowa, is among the papers, so that we may hear it read?

Mr. SCOTT. There are, I think, three reports from the Interior Department among the papers. The papers are very voluminous, as the Senator from Iowa has said. But in addition to them there is in a document referred to in the report, Senate Document No. 4, of the special session of 1853, a statement of claims which were referred to the Department, and among those claims are two of those embraced in this bill; not the one of Colonel McKee, but one of Estill, and one of Pablo de la Toba; and there is no statement in that Senate document at all casting any imputation, according to my recollection, on the justice of these claims.

I have endeavored to examine every paper connected with the case. I agree that its age is a circumstance likely to create a presumption against it; but after making a full examination of it I came to the conclusion that that was perhaps the strongest presumption there was in the case against it, and that there had been injustice done to Colonel McKee by the withholding of this claim.

Mr. EDMUNDS. I am sure nobody questions the fidelity of the examination of my friend from Pennsylvania; but I should be very glad to hear this last report from the Department of the Interior to the House of Representatives, if it is among the papers returned by the committee or if it is in the possession of the committee, read for the information of the Senate.

Mr. SCOTT. It is among the papers returned, I believe.

Mr. EDMUNDS. Then I ask that that paper, which is the last report of the Secretary of the Interior to the House of Representatives, which is said to be among the papers, be read.

Mr. COLE. I cannot discuss every item of the bill; but the largest item I am sure must have escaped the attention of the former Secretary of the Interior. I do not think there was any pretense that the cattle which were furnished by Pablo de la Toba for the use of the Indians were ever paid for. I think that account has never been questioned at all. That, the largest account in the bill, has never been questioned by anybody according to my recollection.

I will state in this connection that the owner of that account has with great generosity assigned it over for the foundation of a young ladies' school in a certain town in California; and that will be the use which will be made of the money if it is appropriated. That of course would not be a ground for appropriating it improperly; but I believe there is no question about the propriety of the account and about the justice of it. There may have been some other accounts examined during the term of office of my friend from Iowa as Secretary of the Interior, but I am sure that could not have been among them; and I think such accounts as have been examined and passed over or thrown over are not included in the bill now before the Senate. I think this includes only such accounts as are beyond question or as have not really been a subject of investigation and settlement heretofore. I believe that certain other accounts of this description have been cast out.

The Senator from Maine [Mr. HAMLIN] informs me that he will object to the bill unless I quit talking immediately. That of course is a reason why I should stop.

Mr. EDMUNDS. Now, I ask that the communication from the Department be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
WASHINGTON, D. C., *March* 22, 1866.

SIR: I have the honor to acknowledge the receipt, by reference from your Department, under date of the 1st instant, of the petition of Redick McKee, late commissioner and Indian agent for California, to Congress, praying to be indemnified for expenses incurred by him as he alleges while acting as disbursing agent of the board of commissioners to arrange the difficulties between the whites and the Indians in California, in the years 1851, 1852, and 1853, which was referred to your Department by the Committee on Indian Affairs, United States Senate, for suggestions thereon, January 31, 1866.

In reply I have the honor to state that on the 22d May, 1865, my predecessor made a report to you and inclosed the papers in relation to the condition of the accounts of Redick McKee, late commissioner and Indian agent, a copy of which is herewith inclosed marked "A," wherein you were respectfully requested to give direction in the matter referred to.

Subsequently, June 10, 1865, the papers then inclosed relative to suspensions and disallowances were returned, with your direction concerning the same, a copy of which is herewith marked "B." This occurred under my predecessor.

Under date of July 21, 1865, recurring to the claim in question and to your instructions of the 10th of June, 1865, the accounts were again returned, together with your decision, a copy of which is herewith inclosed, marked "C," and a partial settlement of the account was made in accordance therewith.

A copy of the original exceptions, marked "D," together with a statement of his accounts as they now stand, marked "E," are also transmitted, showing in detail about the same result that his petition to Congress sets forth.

The disallowances in this office, in 1856 and 1857, of sundry payments made by the disbursing agent for board bills, &c., appears to have been based on a strict construction of the laws relating to traveling expenses of local agents, which Mr. McKee contends

was inapplicable to commissioners clothed with special powers, sent to a distant unexplored field to collect information and make report, and especially onerous on him as the disbursing agent of the commission, charged expressly to pay his associates their *per diem* "and all other expenses of the commission." (*Vide* Instructions, Senate Document No. 4, 1853, page 8.)

Under these instructions he acted, reporting his payments regularly to the Department, without receiving an intimation of dissent until several years thereafter.

I agree, therefore, with my immediate predecessor that his claim for such payments is clearly equitable. It appears, moreover, that in a subsequent settlement of the accounts of one of his associates, Dr. Wozencraft, under a resolution of Congress, his claims for similar expenses were allowed.

In relation to the item $364, payment to commissaries or storekeepers, the agent refers to express directions of the board on the 2d of May, 1852. (*Vide* Journal, Senate Document No. 4, page 98.)

As to item $2,670 27, for extra services, I find no record or agreement on the part of the officer to allow compensation therefor, and although, as my predecessor reports, it may have been at that time and under the circumstances an equitable charge, still it commends itself to the discretion of Congress rather than to that of this office.

Mr. McKee submits that under rulings of different Attorneys General, and by the decision of Judge Taney in the case of White, officers discharging the duties of two officers are entitled to extra pay.

For item $560 25, the claimant says he is daily expecting vouchers and affidavits from California which will carry the same to his credit under your decision of July 21.

In the agent's account current February 5, 1852, the Government is credited with $1,626 for sales of Indian goods, pack animals, camp furniture, &c., which sum is charged to him by the Auditor in the partial settlement made in August, 1865; and though the error claimed, $685, was then pointed out, it could not be corrected in that account by that officer. For the omission claimed, $100, there appears to be a regular voucher filed.

From the regularity with which Mr. McKee rendered his accounts, and from the journal of the commissioners, (*vide* Senate Document No. 4, page 88, *et seq.*,) it would seem that his duties, both as disbursing agent and as commissioner, were discharged with fidelity and zeal; that said services have remained for many years in part unrequited; and that his appeal to Congress for relief is entitled to a favorable consideration. The petition is herewith returned.

Very respectfully, your obedient servant,

D. N. COOLEY, *Commissioner.*

Hon. JAMES HARLAN, *Secretary of the Interior.*

P. S.—Since the foregoing was written a letter and affidavit from Mr. John McKee, of San Francisco, the former Secretary of the commissioners in California, dated 3d February, 1866, explanatory of some items in the agent's accounts, and sufficient, as I suppose, to remove the suspension on the items, making $560 25, has been received. A copy of this letter is also sent herewith, marked "F."

D. N. COOLEY, *Commissioner.*

Mr. HOWARD. I move that this bill be passed over.

The VICE PRESIDENT. It will be passed over; and the Secretary will read the title of the next bill on the Calendar.

CONTEMPTS OF COURT.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 271) to punish contempts of the courts of the United States in certain cases.

Mr. TRUMBULL. I have no objection to the bill being considered; but I regard it as a bill about which there may be some question. It authorizes the issuing of a process to any part of the United States by a judge of one of our courts to bring persons before him for contempt. I think it is going a great way. A judge in Maine, under this bill, may send to Oregon and bring a person from Oregon to Maine to answer for a contempt of his court. The Senator behind me [Mr. HOWARD] inquires "Why not?" I question the propriety of it myself; I think it is going a good way. The bill was introduced by the Senator from Wisconsin, [Mr. CARPENTER,] and it is reported by the Judiciary Committee, and a majority of that committee are in favor of it. I do not object to considering it; I merely wanted to state what it was.

Mr. BAYARD. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. CARPENTER. Is the bill objected to?

The VICE PRESIDENT. It is.

HOUSE BILLS REFERRED.

The bill (H. R. No. 771) for the relief of Zachariah Pettijohn was read twice by its title, and referred to the Committee on Private Land Claims.

The bill (H. R. No. 1521) relinquishing to the city of Dubuque, Iowa, whatever title may remain in the United States to a certain lot of ground in Dubuque was read twice by its title, and referred to the Committee on Private Land Claims.

The joint resolution (H. R. No. 116) to construe an act entitled "An act to amend an act entitled 'An act to confirm certain private land claims in the Territory of New Mexico'" was read twice by its title.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Private Land Claims.

Mr. WILLIAMS. A proposition precisely like that has been considered by the Committee on Private Land Claims, and they have agreed to report in favor of it. This joint resolution, therefore, may just as well be put upon its passage now.

The VICE PRESIDENT. The Chair will not interfere with the order of the day by proposing to put it on its passage now. He will let it lie on the table for the present.

Mr. WILLIAMS. Very well.

BILLS OBJECTED TO.

The VICE PRESIDENT. The next bill on the Calendar will be reported.

The SECRETARY. The next bill is the bill (S. No. 172) to establish the office of associate judge for the eastern district of Texas.

Mr. EDMUNDS. I understand events have occurred which will make that bill unnecessary. I suggest that it be passed over.

The VICE PRESIDENT. It will be passed over.

The next bill on the Calendar was the bill (S. No. 365) to secure to all persons the equal protection of the laws.

Mr. DAVIS. Let that be passed over.

The VICE PRESIDENT. The bill will be passed over.

SAMUEL W. PRICE.

The next bill on the Calendar was the bill (H. R. No. 271) for the relief of Colonel Samuel W. Price of the twenty-first Kentucky volunteers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It is a direction to the Secretaries of the War and Treasury Departments to cause to be certified and paid to Samuel W. Price, for military service rendered as colonel of the twenty-first regiment of Kentucky volunteer infantry, from the 25th of February to the 1st of August, 1865, the pay and emoluments of colonel of infantry, not to exceed the sum of $1,081 50.

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

STENOGRAPHER TO DISTRICT SUPREME COURT.

The next bill on the Calendar was the bill (S. No. 481) for the appointment of a stenographer to the supreme court of the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on the District of Columbia reported the bill with amendments.

The first amendment of the committee was in section one, line six, after the words "shall be," to strike out the words "under the direction of the court," and before the word "reports," to strike out the word "full," and after "reports" to insert "as the court shall direct;" so that if amended the section will read:

That the justices of the supreme court of the District of Columbia shall have authority to appoint a stenographer, who shall be a sworn officer of the court, and whose duty it shall be to make reports as the court shall direct of the proceedings and evidence in the cases before said court.

Mr. TRUMBULL. This is only the beginning of the appointment of an officer for all the courts of the United States—a salaried officer to report the proceedings.

Mr. HAMLIN. The Senator will see that this officer is to be paid by the clerk of the court out of the fees.

Mr. TRUMBULL. We all understand, and nobody better than the Senator from Maine, that the second section of this bill takes just $2,500 a year out of the Treasury of the United States. If it was to be paid out of the taxes collected in the District of Columbia it would be no more out of the Treasury than this is. The clerk of the court returns all his receipts beyond four or six thousand dollars a year into the Treasury of the United States. When you take this money out of this surplus it is just like any other appropriation; so that nobody is to be misled by that.

The VICE PRESIDENT. Does the Senator from Illinois object?

Mr. TRUMBULL. I do not object to the consideration of this bill, but I question very much its propriety. I shall not vote for the bill, and I question very much the propriety of establishing the office of stenographer in the courts of the United States throughout the country. If it is done here it will be done elsewhere.

Mr. HOWARD. I suppose the object of the bill is the same in this District as in the various States of the Union where they have created a similar office. It is established in the State of Michigan, and is very satisfactory. It expedites the business of trials in the courts of justice, and prevents the immense loss of time occasioned by attorneys and counsel pausing to take down the evidence with their own hands. A witness put under examination under such a system as this proceeds to tell his story at once; the stenographer takes it down in his short-hand writing, the witness simply answering the questions put on the examination and cross-examination, and when he is done he is dismissed, and the evidence, word for word, is then preserved, and if counsel desire the use of the evidence thus taken down, they have it written out at length and pay the stenographer for doing so. That is a part of his fee.

Mr. TRUMBULL. The salary here is not to be paid out of the fees he gets from the attorneys in the cases.

Mr. HOWARD. I wish the Clerk would have the goodness to read that section again.

The Secretary read the second section of the bill, as follows:

SEC. 2. *And be it further enacted*, That the said stenographer shall receive an annual salary of $2,500, payable quarterly, out of the fees collected by the clerk of said court.

Mr. TRUMBULL. "The clerk of said court."

Mr. HOWARD. The payment is to be made by the clerk.

Mr. TRUMBULL. There is no provision that parties shall pay anything.

Mr. EDMUNDS. There is no provision that parties shall pay for copies they take, so that the ordinary receipts of the court will have to bear the whole expense.

Mr. HOWARD. I submit that it ought to be amended in that regard.

Mr. TRUMBULL. I have no objection to parties employing a stenographer and paying him.

Mr. HAMLIN. I think the bill is just and proper, and ought to be passed as it is. There is a surplus of funds now collected from litigants in this District, that goes into the Treasury annually, more than enough to pay a stenographer.

Mr. EDMUNDS. Not more than enough to pay the expenses of running the court.

Mr. HAMLIN. More than enough to pay all the officers of the court save the justices, and it is out of that fund that it is proposed to pay this stenographer. The court want it, all the parties interested in the court in this city

are in favor of it. I think no wiser bill was ever proposed.

Mr. SAWYER. I will say one word in reference to this. Recently in my own State a stenographer has been appointed in the several district courts. I have the testimony of one of our most efficient judges that it saves a third of the time which the court and the jury are obliged to give to the public business, and that the treasury of the State is largely the gainer by paying this salary. It has also the advantage of putting down exactly what the testimony is, and enables the judge to refer to what the witnesses have really said rather than to his own compendium of it, which he makes as he goes along; and the same with regard to the counsel. It has been found to work in practice admirably, and to save time to the jurors, to the court, and to the parties; and I believe it would be good economy to have a stenographer in every United States court.

The amendments were agreed to.

Mr. HAMLIN. I now move to strike out the second section, and insert another for precisely the same thing but a little more full.

The Secretary read the words proposed to be inserted:

And be it further enacted, That the said stenographer shall receive an annual salary of $2,500, payable quarterly by the clerk of said supreme court of the District of Columbia aforesaid, out of the gross earnings of the office of said clerk; and the salary of the stenographer as aforesaid shall be charged in the accounts of said clerk and allowed in the adjustment of said accounts in conformity with the provisions of an act entitled "An act to prescribe the mode of settling the accounts of the clerk of the supreme court of the District of Columbia," approved July 28, 1866.

Mr. HAMLIN. The point here is that the original bill provides that the clerk shall pay this amount; the clerk is obliged to settle his accounts with the Treasury Department, and this amendment provides that it shall enter into his accounts.

Mr. TRUMBULL. While the Senator from Maine is regulating this matter I would inquire of him if his attention has been called to the pay which the criers and the bailiffs of the court here receive?

Mr. HAMLIN. Yes, sir.

Mr. TRUMBULL. Would it not be advisable to put a provision in relative to their pay?

Mr. HAMLIN. We have reported a bill this morning for that very purpose.

Mr. TRUMBULL. I am very glad the District Committee have acted on that subject.

Mr. SHERMAN. I ask my friend from Maine whether this does not charge the whole expense to the judiciary fund?

Mr. HAMLIN. Not a dollar.

Mr. SHERMAN. On the contrary, as it now stands, I assure him every dollar of this money will be charged by the clerk against what is called the judiciary fund; and we had better at once understand what we are about. We are making a new officer for this court at a salary of $2,500 a year, to be paid out of the money appropriated for the support of the judiciary of the United States. That is the long and the short of it. Under these circumstances, until I can look into it further, I shall object to the bill.

Mr. HAMLIN. No; let us vote.

Mr. SHERMAN. What I desire is to have these costs taxed in the bills of costs against private parties.

Mr. HAMLIN. That is precisely what the bill does.

Mr. SHERMAN. I assure the Senator, with my knowledge of the mode of adjusting the accounts, that it is not what he supposes. If he will add the words "the proper proportion to be taxed as costs in the respective cases," it will be right.

The VICE PRESIDENT. Does the Senator from Ohio move to amend the amendment?

Mr. SHERMAN. Yes; but I am not prepared to submit the precise language. The idea is that the charges of this stenographer should be taxed as costs in the cases to the proper parties in the suit. With that provision, I shall have no objection to the bill; indeed, I think it would be a great convenience to the court; but the expense ought not to be taxed to the United States. I submit that suggestion to my friend from Maine.

Mr. HAMLIN. I assure the Senator that the bill does not tax one cent to the United States. It provides that this shall be paid out of the fees received by the clerk, and those fees are all specified by law, and there is a surplus of those fees; and it is out of that surplus this payment is to be made.

Mr. EDMUNDS. I suggest that a proviso like this be added:

Provided, That nothing shall be paid out of any appropriation from the Treasury.

Mr. HAMLIN. I have no objection to that.

Mr. EDMUNDS. That will satisfy me.

Mr. TRUMBULL. I had occasion once to look into this matter. The clerk of the supreme court of the District of Columbia, who is a most excellent gentleman and accounts for every dollar of fees that are collected, is allowed a certain compensation, I think it is only $4,000 a year; and he is required to account for all the fees that he collects to the Treasury of the United States. He turns over every dollar beyond his salary, and there is a considerable surplus; I cannot tell how much, though I once had the figures. Now, here is a proposition to take that surplus and pay a stenographer; and I say to the Senator from Maine that it is precisely the same thing as if the bill provided that $2,500 should be paid to a stenographer, out of any money in the Treasury not otherwise apprporiated.

Mr. SHERMAN. I will state that the judiciary fund is first made up of a very large appropriation, usually $1,500,000 a year. Then it is made up by several balances collected from various officers over and above their legal fees. That is the judiciary fund, and this money comes out of that fund unquestionably.

Mr. HAMLIN. I only want to express it as a matter of opinion that a stenographer would save tenfold the cost of his employment by the time that would be saved in the trial of causes before this court. That is my judgment—ten times the salary would be saved every year. I will add to the last section:

Provided, That none of this money shall be paid out of any sums appropriated by Congress.

But I cannot conceive why Senators should wish that the litigants in this District should pay money into the Treasury to be appropriated to other purposes, particularly when that money may be diverted to an office that will save ten dollars where they ask to take one from it.

Mr. SHERMAN. I will suggest an amendment that will meet my views and perhaps the view of the Senate, that the cost of reporting in all cases shall be taxed in the bill of costs under the order of the court.

Mr. HAMLIN. For reporting the evidence?

Mr. SHERMAN. Yes, sir; I think that ought to be done. Then if the United States have a cause and lose it they will pay their proportion. Private parties ought to pay the cost of writing down the testimony in their cases, and it ought not to be charged to the United States.

Mr. CASSERLY. There is a great deal more in this than Senators seem to suppose. In the State of California we have had a system of short-hand reporters in our courts for a good many years. It has given us a great deal of trouble there to get the system into a satisfactory condition, but nobody there even dreamed of making the expenses of the stenographer a charge upon the public. From the beginning his expenses were arranged by statute at so much a day and so much a folio for any copy of his notes written out for the use of any party to a controversy who might call for it.

I suggest to Senators to consider also, before they adopt this bill in its present shape, what kind of precedent they are establishing and what sort of a system they are commencing. We have a large number of district courts in the United States. We have a large number, though not so large, of circuit courts in the United States. There is no reason which makes this bill proper for the court in this District which does not make it equally proper, to say the least, for every Federal court, district and circuit throughout the United States. The result will be that you will have a system of stenographers throughout the country at the public expense, each one having a salary, and perhaps after awhile a certain amount of incidental perquisites and expenses, all of which will eventually fall upon the public. In my judgment this bill cannot be put in a proper shape by any amendment that any Senator is prepared to suggest.

Mr. SHERMAN. Then you had better object to it.

Mr. CASSERLY. I do not wish to object. I would prefer that the bill should be recommitted to the committee with instructions to report it back so classifying the charges of the stenographer for his services that they may be taxed against the parties litigant in the causes. I know of no reason why the Treasury should bear such an expense. I make that motion now, as the most desirable mode of enabling the committee to arrive at a satisfactory result. At all events, that will give an opportunity for gentlemen when the bill next appears here to propose the proper amendments. Our State law in California is an excellent law on this subject, and I commend it to the attention of the gentlemen of the Committee on the District of Columbia.

Mr. EDMUNDS. I think that it is better to have a little more information about this subject. I have the impression, from something I have heard quite recently, that there is a person connected with the court now under a salary who does this sort of thing to a greater or less extent, and that this bill possibly may be, without the committee's knowing it, providing for a double compensation. Therefore I think, with the permission of my friend from Maine, that it had better either go over or go back to his committee. Which does he prefer? I think it had better go over.

Mr. SHERMAN. I think it would be well to recommit this bill with a view to have an amendment made that shall give the court power to authorize the employment of a stenographer, the costs to be taxed to the proper parties in the various causes.

Mr EDMUNDS. For the purpose of a motion to recommit I withdraw the objection to the consideration of the bill.

The VICE PRESIDENT. The Senator from Ohio moves to recommit the bill to the Committee on the District of Columbia.

Mr. SHERMAN. The Senator from California made that motion.

The VICE PRESIDENT. The question is on the motion to recommit.

The motion was agreed to.

GEORGE WRIGHT.

The next bill on the Calendar was the bill (S. No. 493) for the relief of George Wright.

There being no objection, the bill was read the second time, and considered as in Committee of the Whole. It provides for the payment to George Wright of $1,500, in full consideration for the entire past and future use by the Government of the United States of his patent linch-pin; but he is first to execute and deposit with the War Department a full, sufficient, and legal transfer and license to the Government to use said linch-pin for Government purposes free of all charges or royalty.

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

RAILROADS IN KANSAS.

The next bill on the Calendar was the bill

(S. No. 445) to amend an act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State.

Mr. EDMUNDS. That is a land grant. It had better go over.

Mr. ROSS. It is no land grant.

Mr. POMEROY. I think there can be no objection to this bill.

Mr. EDMUNDS. I will hear the bill read before I object.

The Secretary read the bill, as follows:

Be it enacted, &c., That section fourth of an act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State, approved March 3, 1863, be so amended as to read: "That when the Governor of said State shall certify, and the Secretary of the Interior shall be satisfied, that a section of twenty consecutive miles in extent of either of said roads or branches referred to in said act is completed in a good, substantial, and workmanlike manner, as a first-class railroad, the said State may cause to be sold all the lands granted and selected for the purposes indicated in the act to which this is an amendment, situated within the limits of twenty miles from the line thereof, and situated opposite to and conterminate with said completed section of road, and so on continually as fast as twenty consecutive miles of said road are finished until the whole is completed."

Mr. POMEROY. I think I can explain this in a moment. In the act of Congress of 1863 making this grant of lands there were two other companies besides this one named, and it was provided that before any one of the companies should have the full benefit of the grant all the other roads and all the other branches must be built. The effect of this bill is to separate each company and allow each company to have its lands on the completion of its road. The only fault in the old law was that it united the companies and made the one dependent on the other, so that if one company failed and the other company did not fail the company that did not fail could not get its lands. I refer now to the compensation lands, as they are called; the lands outside of the first ten-mile limit. This changes the old law so that each company may get its land on the completion of its road.

Mr. HARLAN. Does the Senator from Kansas remember the quantity of land granted per mile?

Mr. POMEROY. The old law granted five alternate sections on each side of the road, with the right to go ten miles further to make up for deficiencies.

Mr. HARLAN. If the Senator will permit one little amendment to come in I shall have no objection; if he will say "not exceeding ten sections per mile."

Mr. POMEROY. Of course they cannot exceed that in any event. I shall have no objection to that.

The VICE PRESIDENT. The Senator from Iowa moves to amend by inserting "not exceeding ten sections per mile" after the words "and so on."

Mr. ROSS. That does not mean anything. This bill simply gives the company possession now of the original grant made by the law of 1863.

Mr. HARLAN. It will not hurt the bill to put in the amendment. If you are sure you cannot get more it will do no harm. I differ with you as to the construction of the law.

The amendment was agreed to.

Mr. EDMUNDS. As I followed the reading of the bill, one difference between the old section and this is that the present bill authorizes the disposition of a strip of land within twenty miles of the road, whereas the original section provides that it shall be within a limit of ten miles of the line.

Mr. POMEROY. If the Senator will read the law he will see that they make up for deficiencies by going twenty miles for lands deficient within the first ten miles.

Mr. EDMUNDS. Very likely. I will read the whole section for the benefit of the Senate and of my friend from Kansas, and they will see that this is quite a change of the original section:

"That the lands hereby granted to said State shall be disposed of by said State only in the manner following, that is to say, when the Governor of said State shall certify to the Secretary of the Interior that any twenty miles of either of said roads or branches is completed in a good, substantial, and workmanlike manner as a first-class railroad, and the said Secretary shall be satisfied that said State has complied in good faith with this requirement, the said State may cause to be sold all the lands granted as aforesaid, situated opposite to and within a limit of ten miles of the line of said section of road thus completed, extending along the whole length of said completed section of twenty miles of road, and no further."

That is one part of section four of the act of 1863, which is in substance just like this bill, except that by this bill the word "ten" is made to read "twenty." Then all the rest of the section, by this substitute section, is stricken out. I will now read what this bill provides for striking out altogether:

And when the Governor of said State shall certify to the Secretary of the Interior, and the Secretary shall be satisfied, that another section of said roads or branches, twenty consecutive miles in extent, connecting with the preceding section, is completed as aforesaid, the said State may cause to be sold all the lands granted and situated opposite to and within the limit of ten miles of the line of said completed section of road, and extending the length of said section, and so, from time to time, until said roads and branches are completed. And when the Governor of said State shall so certify, and the Secretary of the Interior shall be satisfied, that the whole of said roads and branches and telegraph are completed in a good, substantial, and workmanlike manner, as first-class railroads and telegraph, the said State may cause to be sold all the remaining lands granted and selected for the purposes indicated in this act, situated within the said limits of twenty miles from the line thereof throughout the entire length of said road and branches: *Provided*, That if any part of said roads and branches is not completed within ten years from the passage of this act no further sale shall be made, and the lands unsold shall revert to the United States.

The effect of this then is—although I do not know that it is my business, living so far off, to appreciate it much—to relieve the State of Kansas from what were thought to be the wholesome restrictions of this act of 1863, limiting the selection of lands and the immediate sale of them by the State as fast as the road was built to ten miles, and holding back whatever they might be entitled to in the shape of compensatory lands outside, until the whole line should be completed. Now this bill gives the State all the land without respect to conterminous sections of road——

Mr. POMEROY. No.

Mr. EDMUNDS. I beg pardon. I say it gives the land without respect to the conterminous sections of the road. Just as fast as they may complete twenty miles in length they shall have twenty miles in width, without regard to its being a continuous line. That is the effect of it as I understand.

Mr. HARLAN. With my amendment in they can only take ten sections a mile for the road as fast as it is built; and we are willing that they shall take that much land if they can find it within the limit of twenty miles.

Mr. POMEROY. I propose to read, for the benefit of the Senator from Vermont, the language of this bill. He says it is without regard to a conterminous completed section. Now, it says:

Situated within the limits of twenty miles from the line thereof, and situated opposite to and conterminate with said completed section of road.

Mr. EDMUNDS. The Senator either does not understand me, or I do not understand him. My proposition was not at all that they were permitted to take lands outside of the contermination of the twenty miles built. My proposition is that they are permitted by this bill to build twenty miles of road in one place, and then twenty miles in another place where the lands are the best, and obtain them at once where it is most profitable to build it, and not have any continuous line of road at all; and in answer to that my friend points me to a phrase which merely entitles them to twenty consecutive sections for every mile that may be built anywhere. That does not meet the point at all.

Mr. POMEROY. Does the Senator suppose they would build twenty miles of road, and then skip twenty miles, and then build again? I did not know he meant that.

Mr. EDMUNDS. That is exactly what the act of 1863 intended to provide against.

Mr. POMEROY. I never knew a company that built a road that would not make a continuous line as far as they could. As the Senator from Maine [Mr. HAMLIN] suggests, what would a railroad be good for if the company built twenty miles, then skipped twenty, and then built twenty more? People never build a railroad like that.

Mr. EDMUNDS. I can illustrate to the Senator from Maine very readily what such a road would be good for, though it might not apply here. The Senator from Maine might know that a road might be very good from Portland, in the direction of Boston, as far as Portsmouth, and very good from Augusta to Bangor, and he might get a charter for a whole length of road, and build twenty miles at any place he chose, and twenty miles at another place; and the intervening gap, being through a mountainous country, with no communication, where the line would never pay, he might choose to have his road in two parts, as has been shown in some of the northwestern States. So that the act of 1863 intended to provide and did provide, wisely or unwisely, against such a thing. I do not know that any such thing is to be apprehended here; but I was only pointing out to the Senate the difference that did exist between the law as it stands and the law as it is proposed to be amended.

Mr. ROSS. It may be sufficient to state that two of these roads are now nearly completed; they are within twenty days of completion, while the other one is probably within one or two years; but none of the roads can take lands without the ten-mile limit until they are all completed. The purpose of this bill is to remove this restriction.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa to insert the words "not exceeding in all ten sections per mile of road actually built."

The amendment was agreed to.

Mr. POMEROY. I am willing to meet the suggestion of the Senator from Vermont by inserting a clause providing that the completion of such consecutive sections shall be from the initial point fixed in the original act. It is true, as the Senator from Vermont says, that the company did not begin at the initial point. They have built a continuous road, but they did not begin at the point fixed in the original act. That is the only criticism the Senator from Vermont makes which is a deviation from the original act.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

Mr. POMEROY. I move this amendment:

Provided, That the completion of such consecutive sections shall be from the initial point fixed in the original act.

Mr. EDMUNDS. There is no objection to that.

Mr. POMEROY. The only criticism the Senator can make is that they did not begin at the point fixed in the act.

Mr. HARLAN. I do not think that proviso ought to be put in. They began at Topeka, instead of at another point east of that. I think they ought to be permitted to build the road out into the lands belonging to the United States.

Mr. POMEROY. The only difference is this: they will be obliged to build that road, but not necessarily to build it first.

Mr. HARLAN. They will have to do it ultimately, but I am willing that they should build it out into our lands if they are willing to do so.

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

FORT RIDGELY RESERVATION LANDS.

The VICE PRESIDENT. The Secretary will report the next bill.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 351) for the protection of the settlers within the Fort Ridgely military reservation, Minnesota.

There being no objection, the bill was considered as in Committee of the Whole.

The Committee on Public Lands reported an amendment, to strike out all after the enacting clause and insert the following as a substitute:

That the War Department having abandoned the Fort Ridgely reservation, it shall be the duty of the Secretary of War, immediately upon the passage of this act, to cause to be appraised the Government improvements upon said reservation, and shall report the value thereof to the Commissioner of the General Land Office, designating the particular legal subdivision of land upon which the same exist, and the lands within said reservation not heretofore entered and patented shall be subject to disposal under the preëmption laws of the United States, or at private entry after public offering and for cash only, and persons entering upon or purchasing said lands shall pay the appraised value of the Government improvements that may appear to exist on their respective claims at the date of proving up or of purchase at private entry.

SEC. 2. *And be it further enacted*, That all entries which have been made on lands within the limits of said reserve, and for which the General Land Office may have issued patents in regular form, not having at the time knowledge of said reserve, be, and the same are hereby, confirmed: *Provided*, That the value of the Government improvements thereon have been or shall be paid for by the persons making said entries or by their assigns: *And provided further*, That the same shall be paid for within one year from the passage of this act; and if the same are not paid for within the time designated the Secretary of the Interior is hereby authorized to and shall immediately thereafter institute judicial proceedings against any and all of the said parties or their assigns failing to make said payment, with the view to vacate the patents which may have issued.

SEC. 3. *And be it further enacted*, That all entries heretofore made on said lands and not yet patented are hereby declared, at the discretion of the Commissioner, null and void, and directed to be canceled by the said Commissioner of the General Land Office, and the lands embraced therein shall be disposed of under the provisions of this act.

Mr. HOWARD. I ask the chairman of the Committee on Public Lands whether by this bill these lands are to be sold on a credit?

Mr. POMEROY. Yes; there is a credit of one year to these settlers.

Mr. HOWARD. I infer from the reading of the bill that patents can issue even before the purchase-money has been paid.

Mr. RAMSEY. No, sir.

Mr. HOWARD. Let it be read again. The Government did not make anything by the old practice of selling lands on credit.

The Secretary again read the substitute.

Mr. HOWARD. Certainly it contemplates a proceeding to vacate a patent. The patents are to be issued before the land is paid for.

Mr. POMEROY. No.

Mr. WILLIAMS. I think I can explain to the Senator from Michigan in a moment. Patents have been issued for a small portion of this reservation in ignorance of the fact that there was a military reservation there and the improvements of the United States are upon the lands that were so patented. This provision is that the persons holding those patents shall pay for those improvements within one year from the passage of this act, otherwise proceedings shall be instituted to set aside their patents. The credit only applies to the improvements on the land.

Mr. HOWARD. I see. Very well; I do not object.

Mr. HOWE. As I understand this bill, it provides for the sale of these lands absolutely to anybody at the sum at which they shall have been appraised without any offering of the lands at public sale.

Mr. POMEROY. If they are actual settlers they may have them at $1 25.

Mr. HOWE. Suppose they are not actual settlers?

Mr. POMEROY. Then they do not get them at all.

Mr. HOWE. Not get them at all!

Mr. POMEROY. No. They can be preëmpted, but there is no offering at public sale.

Mr. HOWE. Ought there not to be?

Mr. RAMSEY. The lands are all occupied. Settlers have been on them for years.

Mr. HOWE. The bill does not give us that information. It does not provide for those who are actual settlers on the lands, and have made improvements.

Mr. RAMSEY. It does provide for them.

Mr. HOWE. They may be provided for, but it provides for everybody else as well.

Mr. POMEROY. It provides only for settlers.

Mr. HOWE. I do not understand that to be so.

Mr. POMEROY. Read it.

Mr. HOWE. It says:

The lands within said reservation not heretofore entered and patented shall be subject to disposal under the preëmption laws of the United States, or at private entry after public offering and for cash only.

Mr. RAMSEY. What is the objection to that?

Mr. HOWE. The objection is that it does not seem to me to declare that there shall be an offering at public sale.

Mr. RAMSEY. It says so; "after public offering and for cash only."

Mr. HOWE. That is what I want to know. The chairman of the committee says it does not provide for a public sale.

Mr. POMEROY. It does not compel a public sale; it allows it if the Department thinks proper.

Mr. RAMSEY. The Senator from Wisconsin must be satisfied. Why persist in opposition?

Mr. HOWE. I should like to have a committee of investigation, and have this bill referred to it in order to ascertain whether it does provide for a public sale or not.

Mr. HARLAN. This bill does not, but the general law does.

Mr. HOWE. Will the general law control the disposal of these lands?

Mr. POMEROY. There is no general law to compel a public sale. It only allows it whenever the Department chooses. These lands are by this bill declared public lands, and then the general law applies.

Mr. HOWARD. Does not the general law require a public sale?

Mr. HARLAN. Certainly it does.

Mr. HOWARD. That general law would not apply to a military reservation.

Mr. HARLAN. It would when it is declared to be public land, except as to those who claim under the preëmption laws; their lands would not be offered at public outcry, but they would be notified to come in at a given period and buy the lands before the offer at public outcry.

Mr. HOWE. I would like to have the opinion of the Senator from Iowa, then, on this point: take such portion of this reservation as is not now actually settled upon and occupied by settlers, and thus brought under the operation of the preëmption laws, could those lands be purchased at private entry at the appraised value without being offered at public sale to the highest bidder under this bill?

Mr. HAMLIN. I have not read this bill critically.

Mr. RAMSEY. The language is: "and the lands within said reservation not heretofore entered and patented shall be subject to disposal under the preëmption laws of the United States." What more do you want? The appraisement is of the improvement put upon the land.

Mr. HOWE. And not of the land.

Mr. RAMSEY. No.

Mr. WILLIAMS. When this reservation is surveyed as a part of the public domain of the United States the lands are offered at public sale like other public lands. If they are not purchased, then they are subject to private entry like other public lands. This bill simply puts the lands in this reservation on the same footing with the other public lands of the United States, subject to preëmption on private entry, but it is necessary before the lands can be subject to private entry that they should be exposed for public sale; and if they are not purchased at such public sale, then they are subject to private entry.

Mr. HOWE. That is the very point on which I have been trying to get a legal opinion. I understood the Senator from Kansas to deny that construction of it.

Mr. POMEROY. No, sir.

Mr. HARLAN. The text of the amendment provides explicitly for the offering of the land at private sale: "shall be subject to disposal under the preëmption laws of the United States, or at private entry after public offering, and for cash only." So that they cannot be bought at private entry until they have been offered at public sale.

Mr. POMEROY. It only allows the offering; it does not compel the offering.

Mr. HARLAN. It says, "or at private entry after public offering." That would require that the land should first be offered publicly, as other public lands are offered for sale, before they become subject to private entry.

Mr. POMEROY. They must be offered, but there is no time fixed when they shall be offered. It is left to the Department whether they shall be offered this year or next year. They cannot be entered, however, at private entry until they are offered.

The VICE PRESIDENT. The question is on the amendment reported by the Committee on Public Lands.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment made as in Committee of the Whole was concurred in.

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

The title of the bill was amended so as to read: "A bill for the disposal of the lands within the Fort Ridgely military reservation, Minnesota."

EXECUTIVE BUSINESS.

Mr. MORTON. I move that the Senate proceed to the consideration of executive business. ["No!" "No!"]

Mr. HOWE. That is not in order.

The VICE PRESIDENT. The Chair is reminded that the order states no other business shall be in order except the consideration of the general orders on the Calendar.

BLACK BOB INDIANS.

Mr. ROSS. I move to reconsider the motion which was made yesterday and passed by which the Black Bob resolution was referred back to the Committee on Indian Affairs. I make that motion for the purpose of enabling the joint resolution (S. R. No. 173) to retain its place on the Calendar.

The VICE PRESIDENT. The Senator enters a motion to reconsider. The pendency of the motion to reconsider suspends the previous order so as to have the effect the Senator from Kansas desires. The Secretary will report the next bill on the Calendar.

The SECRETARY. The next bill on the Calendar is a bill (S. No. 164) to amend an act entitled "An act for the relief of Alexander J. Atocha," approved February 14, 1865.

The VICE PRESIDENT. A House bill has passed of the same character. If there be no objection this will be indefinitely postponed. It is so ordered.

BILLS OBJECTED TO.

The next bill on the Calendar was the bill (S. No. 401) to amend an act entitled "An act granting lands to aid in the construction of a

railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast by the southern route," approved July 27, 1866.

Mr. SHERMAN. That will lead to debate, I suppose.

Mr. HOWARD. It is the Atlantic and Pacific railroad bill.

The VICE PRESIDENT. It will be passed over.

The next bill on the Calendar was the bill (S. No. 438) granting lands to aid in the construction of certain railroads in the State of Florida.

Mr. OSBORN. Let that be passed over.

The next bill on the Calendar was the bill (S. No. 80) to punish the collection of illegal taxes on passengers.

Mr. McCREERY. Pass it over. I make this objection at the instance of the Senator from Maryland, not now in his seat. He marked this bill and asked me to have it passed over.

The next bill on the Calendar was the bill (S. No. 117) to encourage and facilitate telegraphic communication between the eastern and western continents.

Mr. WILSON. Let it be passed over.

The next bill on the Calendar was the bill (S. No. 338) to encourage the establishment of a line of steamships under the flag of the Union for the conveyance of the mails of the United States to European ports and ports of India and China, by way of the Suez canal, and for promoting immigration from Europe to the southern States of the Union, and reducing the rates of ocean postages.

Mr. HOWE. That is a pretty formidable title. I guess the bill will lead to debate.

Mr. COLE. It is not a very formidable bill. I think it had better be passed.

The VICE PRESIDENT. The Senator from Wisconsin states that it will give rise to debate, which is equivalent to an objection.

Mr. SUMNER. The next bill is a very short one.

The next bill on the Calendar was the bill (S. No. 511) to repeal the charter of the Medical Society of the District of Columbia.

Mr. PATTERSON. Let that be passed over.

The VICE PRESIDENT. It will be passed over.

MAJOR J. W. NICHOLS.

The next bill on the Calendar was the bill (S. No. 400) for the relief of Major J. W. Nichols, paymaster United States Army.

Mr. HOWE. That will lead to debate.

The VICE PRESIDENT. Then it will be passed over.

Mr. SHERMAN. Does the Senator object to it?

Mr. HOWE. I do not object to its consideration, but I say it will lead to debate.

Mr. SHERMAN. If the Senator says he wants to debate it, that is enough.

Mr. THAYER. I do not hear anybody else say anything but the Senator from Wisconsin.

Mr. HOWE. I am opposed to the passage of the bill.

The VICE PRESIDENT. That is in the nature of an objection.

Mr. THAYER. I do not understand that anybody objects to its consideration.

The VICE PRESIDENT. If there be no objection it is before the Senate as in Committee of the Whole, and will be read.

The Secretary read the bill, which directs the payment to Major J. W. Nichols, paymaster United States Army, of the sum of $4,500, erroneously charged to and paid by him in the settlement of his accounts.

Mr. HOWE. Let the report be read.

The VICE PRESIDENT. There appears to be no written report. The bill was reported from the Committee on Military Affairs by the Senator from Massachusetts [Mr. WILSON] without amendment.

Mr. SHERMAN. The other day when this bill was up the Senator from North Carolina [Mr. ABBOTT] had a written statement, but not in the nature of a formal report. It was then discussed. The papers in the case were looked into by the Senator from Wisconsin, and I supposed he was satisfied with the justice of this claim on examination. I introduced this bill, as Major Nichols of the Army was formerly a resident of Ohio. I examined the papers in the case, and they made out a state of facts about like this: a very large package of money was handed to him at the beginning of the war, during General McClellan's campaign, I think something over two hundred thousand dollars. He went down to the Army and paid out forty or fifty thousand dollars of it; and it was very clearly shown from all the papers and the testimony that $4,500 was erroneously charged to him. As soon as he discovered that deficiency he reported it to the proper officer, and the papers on file from the Paymaster General and quite a number of other officers show very clearly and satisfactorily, to my mind at least, that Major Nichols was erroneously charged with $4,500 of this money.

Mr. EDMUNDS. The money was not delivered to him?

Mr. SHERMAN. The money was delivered to him in a package which he had not time or opportunity to open and count.

Mr. EDMUNDS. Did the cash account of the party paying it out show that he had a surplus of that much at night?

Mr. SHERMAN. The Department charged Major Nichols with that much more than he received.

Mr. EDMUNDS. I understand that; but you say it was an error in the package delivered to him; that it did not contain that much money.

Mr. SHERMAN. Delivered to him at the Treasury of the United States.

Mr. EDMUNDS. Now I inquire whether the cash account of the Treasurer of the United States on that day showed $4,500 over what it ought to be? Because if the error consisted in not handing out money that ought to have been handed out he would have had so much too much money that night.

Mr. SHERMAN. In all probability, from an examination of the papers, I should say this $4,500 was paid over to some other paymaster. Large sums of money were paid that day to different paymasters. The proof and all the papers generally made a very satisfactory showing that Major Nichols, an officer of the Army, a paymaster, did not receive by $4,500 as much as he was charged with. No doubt the $4,500 went to some other paymaster, because several paymasters received money on that day.

Mr. WILLIAMS. How long was it after the payment to him before the deficiency was ascertained?

Mr. SHERMAN. On that day or the next day he went down to the Army and paid some $40,000 of this money. It was then ascertained, and the testimony of one or two persons who were with him all the time the payments were made shows that it was impossible for him to have abstracted this money; and the character of Major Nichols was shown by the testimony of a number of officers, among the rest the Paymaster General. I am very sorry these facts are not stated in a report, which I think would be more satisfactory to the Senate; but those are the facts. Upon an objection being made before the papers were handed to the Senator from Wisconsin to look over.

Mr. HOWE. The papers were handed to me, and I looked them over, and I went to the Treasury Department about this case. My conclusion was that there was no human probability that this mistake was made at the Treasury Department. The accounts of the Treasury Department for the day were brought out and shown to me; just how much money was taken out of the vaults in the morning, how much was received during the day, and the different payments they made during the day. It is within the limits of possibility, to be sure, that $4,500 was abstracted from a payment made to one man, and that precise amount added to the payments that were made to another——

Mr. SHERMAN. I do not think there is any evidence showing an abstraction by the officers. There probably was a mistake. I was satisfied of that from an examination of the case. The money at that time was handed out in large packages.

Mr. HOWE. This is what I was about to say: that it is possible, to be sure, that the Treasury might have charged $4,500 to this man more than they paid him, and have charged exactly $4,500 less to another man than they paid him; but I should consider that a very remarkable coincidence. This paymaster took this money and went down to the Army. I cannot repeat the facts now, because it is a long time since I looked over the papers.

Mr. SHERMAN. I ought to state also that these packages were all of $500, or $1,000, or $5,000, or $10,000.

Mr. EDMUNDS. The bill had better go over. We ought to have a written report from the committee on the subject.

Mr. SHERMAN. I think so. I think the Committee on Military Affairs should have made a written report to accompany the bill.

Mr. SAWYER. I hope the Senator from Vermont will withdraw his objection. I have a letter from the Paymaster General which throws light on this subject.

Mr. EDMUNDS. We ought to have a written report from the committee.

The VICE PRESIDENT. The bill is objected to and will go over.

J. P. F. CAMP.

The next bill on the Calendar was the bill (S. No. 513) remitting tax erroneously assessed upon one hundred and fifty gallons of whisky belonging to J. P. F. Camp, of Spartanburg, South Carolina.

Mr. MORRILL, of Vermont. I will state in relation to that bill that there is a report, I believe, accompanying it, and it is recommended by the officers of the internal revenue department. In this case there was no fault on the part of this Mr. Camp, but the fault was with one of the revenue officers, and the money ought to be refunded.

There being no objection, the bill was read the second time, and considered as in Committee of the Whole. It proposes to remit the sum of $300, internal revenue tax erroneously assessed April, 1867, upon one hundred and fifty gallons of whisky owned by J. P. F. Camp, of Spartanburg, South Carolina.

The VICE PRESIDENT. There is no report accompanying the bill, but there is a paper signed by various State officials of South Carolina indorsing it.

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

MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 387) for the relief of Charles Pitcher; and

A bill (H. R. No. 1831) to confirm the title to the Rancho del Rio Grande, in New Mexico, to the heirs and legal representatives of the original grantees thereof.

POINT SAN JOSÉ RESERVATION.

The next bill on the Calendar was the bill (S. No. 241) to relinquish the interest of the United States in certain lands to the city and county of San Francisco.

Mr. SCHURZ. I presented a written report on that bill, and I desire that it be acted upon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Military Affairs reported the bill with an amendment to strike out all after the enacting clause, and in lieu thereof to insert the following:

That all the right and title of the United States to the military reservation in the city and county of San Francisco, in the State of California, known as the Point San José military reservation, be, and the same are hereby, relinquished and granted to the said city and county, and its successors, for the benefit of the persons who, if the said land had not been reserved for public use, would have been entitled thereto under the ordinances of the city of San Francisco, ratified by an act of the Legislature of the said State, approved on the 11th day of March, 1858, entitled "An act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city," there being excepted from this relinquishment and grant all that certain piece or parcel of land, portion of said reservation, and which is bounded and described as follows, namely, commencing at a point in the mean low-water shore-line of the bay or entrance to the bay of San Francisco, east of the promontory of Point San José, where the same is intersected by the westerly line of Van Ness avenue; running thence southerly along the said westerly line of Van Ness avenue to its intersection with the northern line of Bay street; thence westerly along the north side of Bay street to its intersection with the eastern line of Laguna street; thence northerly along the said eastern line of Laguna street to the westerly shore; thence in a northeasterly, easterly, southeasterly, and southerly direction, following the said shore-line, to the point or place of beginning.

SEC. 2. *And be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, declared inapplicable to the lands hereinabove relinquished and granted.

Mr. CASSERLY. I wish to offer an amendment to the bill, and perhaps the Senator from Missouri who reported it will accept the amendment. I ask to have the amendment read. It has been lying on the desk of each Senator for some time.

Mr. POMEROY. If it is to be amended and lead to debate I object to the further consideration of the bill.

Mr. SCHURZ. It will not lead to any debate. I have examined the amendment of the Senator from California and it is perfectly satisfactory to me, and I suppose to the rest of the members of the Military Committee.

The VICE PRESIDENT. Does the Senator from Kansas withdraw his objection? The Senator from Missouri states that the amendment is satisfactory to the committee.

Mr. WILLIAMS. Let the amendment be read.

Mr. CASSERLY. I wish to state that as a matter of course I submitted the amendment some time ago to the Senator from Missouri, who reported this bill.

The Secretary read the amendment to the amendment, which was in line seven of the amendment, after the word "successors," to strike out the following words:

For the benefit of the persons who, if the said land had not been reserved for public use, would have been entitled thereto under the ordinances of the city of San Francisco, ratified by an act of the Legislature of the said State, approved on the 11th day of March, 1858, entitled "An act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city."

And to insert in lieu thereof the following:

For the uses and purposes as follows: First, to reserve and set apart, if the said city shall so provide by ordinance, passed within six months after the date of the passage of this act, as many lots of land, not more than one hundred and thirty-seven and one-half feet square each, nor exceeding in the aggregate a quantity of land equivalent to the area of four such lots, as may be necessary for sites for school-houses, police stations, fire-engine houses, or any other public establishments necessary and proper for municipal purposes; or the same, or any part thereof, may be appropriated for a public square; but the city shall not take, for the sites of said public square or establishments, more than one fifth part of the land possessed as hereinafter provided by any one person. Such lots of land so reserved and set apart may be in addition to those already reserved and set apart within said military reservation by said city, under the ordinance known as the Van Ness ordinance, and certain other ordinance confirmatory thereof, and the act of the Legislature of the State of California passed March 11, 1858, confirming said ordinances, which lots so reserved and set apart are hereby granted and confirmed to said city. Second, to maintain all streets and alleys as now laid out upon the official map of the city of San Francisco. Third, and then in trust to grant and convey the remainder of said lands to the parties severally who are at the date of the passage of this act in the actual *bona fide* possession thereof by themselves or their tenants, and in such parcels as the same are so held and possessed by them; or who, if they have not such possession, were deprived thereof by the United States military authorities when they went into the occupancy of said military reservation; or were deprived thereof by intruders or trespassers against whom possession may be recovered by legal process. Fourth, to have and to hold all the residue, if any, of said lands, for the use and benefit of said city.

Mr. HOWARD. That is a very long amendment to the bill. I do not comprehend it. I know that this matter was held under consideration in the Military Committee for a considerable time, and we gave it as thorough examination as we could, and the result of our labors is before the Senate in the bill reported. I know so little about the effect of this amendment that I feel a reluctance to vote for it. I shall therefore be obliged to ask that the bill be passed over.

Mr. EDMUNDS. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. CASSERLY. I am very sorry that the Senator should press that objection. This amendment really makes no material difference in the bill as reported by the committee.

Mr. HOWARD. That may be.

The VICE PRESIDENT. The Senator from Michigan, the Senator from Vermont, and others say that they desire time to consider it.

Mr. CASSERLY. If Senators desire time to examine it, of course I have no objection to its being passed over.

The VICE PRESIDENT. The bill will be passed over.

ORDER OF BUSINESS ON MONDAY.

Mr. ANTHONY. It will be remembered that the order under which we are now acting was made applicable to to-day and Saturday; but we have dispatched so much business under it that having consulted my friend from Maine, [Mr. MORRILL,] who has properly the disposal of Monday, I move that the order under which we are now acting be continued for Monday.

Mr. SUMNER. That is right.

Mr. HOWE. Let it be until we get through the Calendar.

Mr. ANTHONY. I should prefer to continue it until we get through the Calendar.

Several SENATORS. That is right.

The VICE PRESIDENT. What is the motion?

Mr. ANTHONY. The motion is that the order under which we are now acting be continued every day until we have gone through with the Calendar.

Mr. WILLIAMS. Commencing on Monday where we leave off to-day.

The VICE PRESIDENT. Is the Chair to understand that that would rule out a motion to go into executive session? The Senator from Indiana made such a motion to-day, and the Chair doubted whether he could consider it.

Mr. EDMUNDS. I objected to it on the ground that many Senators were away; but this is asked to be done by unanimous consent.

The VICE PRESIDENT. Is there objection to the proposition of the Senator from Rhode Island? The Chair hears none, and it is so ordered.

Mr. HOWARD. What is the order?

The VICE PRESIDENT. That this order shall continue at one o'clock every day until the Calendar shall be gone through with.

Mr. HOWARD. Then I move that the Senate adjourn.

Mr. SUMNER. Let us adopt this order first.

Mr. HOWARD. It has been adopted by unanimous consent.

Mr. MORTON. I move that the Senate adjourn.

Mr. SPENCER. I ask the Senator to withdraw that motion for a moment. I ask unanimous consent to have a short executive session.

Mr. EDMUNDS. That is impossible now.

Mr. SPENCER. For the purpose of referring some nominations that ought to be referred.

Mr. HOWARD. I withdraw my motion to adjourn in order to enable Senators to take up the next bill on the Calendar.

The VICE PRESIDENT. The Senator from Indiana has made the motion to adjourn. Does he yield to the Senator from Alabama?

Mr. MORTON. Yes, sir.

The VICE PRESIDENT. The Senator from Alabama asks that by unanimous consent there be an executive session to refer nominations.

Mr. EDMUNDS. I object.

Mr. HARLAN. I ask the Senator from Alabama if he will not permit one other bill to be taken up?

Mr. SPENCER. Certainly.

Mr. HARLAN. It is the next but one on the Calendar.

Mr. POMEROY. That is for the relief of two orphan children, and it ought to be acted upon.

The VICE PRESIDENT. The Secretary will report the next bill on the Calendar.

PRESERVATION OF HARBORS.

The next bill on the Calendar was the bill (S. No. 424) for the preservation of the harbors of the United States against encroachment.

Mr. SUMNER. I hope that will be acted upon.

Mr. CHANDLER. That is a very important bill, and as all the bills of the Committee on Commerce have been passed over thus far I hope there will be no objection to that.

Mr. HARLAN. I object.

Mr. SUMNER. You do not object to that? That is a good bill.

Mr. HARLAN. I am anxious to get to the next bill.

HELEN AND HELOISE LINCOLN.

The next business on the Calendar was the joint resolution (S. R. No. 25) for the relief of Helen Lincoln and Heloise Lincoln, and for the withholding of moneys from tribes of Indians holding American captives.

Mr. MORRILL, of Maine. I think that had better lie over.

Several SENATORS. No; no.

The VICE PRESIDENT. Does the Senator from Maine insist on his objection?

Mr. MORRILL, of Maine. No, sir; as Senators seem so desirous to act upon it.

Mr. FOWLER. I object.

Mr. CORBETT. I will state that the Committee on Indian Affairs have prepared a substitute for a similar House joint resolution.

The VICE PRESIDENT. Does the Senator from Tennessee object?

Several SENATORS. No; no.

Mr. HOWARD. This is a simple duty to humanity. It is one of the cruelest cases on record.

Mr. TRUMBULL. Nobody ought to object.

Mr. FOWLER. I do not know that I should object if I knew the facts. Is there any report accompanying the joint resolution?

The VICE PRESIDENT. There appear to be amendments, but no written report. The joint resolution will be read, and it will be open to objection at any time previous to final action.

Mr. POMEROY. The Senator will see by the amendments reported that it is guarded.

Mr. FOWLER. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The Committee on Indian Affairs reported the joint resolution with amendments. The first amendment was in section one, line five, to strike out "$5,000" and insert "$2,500;" so as to make the section read:

That the Secretary of the Interior is hereby directed to reserve from any moneys due or to become due to

said Kiowa Indians the sum of $2,500 for each one of said children, and invest the same in United States securities, and use from time to time the income from the said securities in such manner as he may deem expedient for their maintenance, education, and support, during their lifetime, until they attain the age of twenty-one years, when the principal shall be paid them; and the elder of said children shall be hereafter known as Helen Lincoln, and the younger as Heloise Lincoln.

The amendment was agreed to.

The next amendment was in section two, lines three and four, to strike out the words "be paid to the survivor," and to insert the words "revert to the United States;" and in lines eight and nine to strike out the words "or as survivor, or in both rights;" so that the section will read:

SEC. 2. *And be it further resolved*, That if either said Helen Lincoln or said Heloise Lincoln should die without issue, the entire amount due the decedent shall revert to the United States, and should both die without issue, the whole sum shall revert to the United States; but if either said Helen Lincoln or said Heloise Lincoln, or both, have lawful issue, then at the death of either parent the amount due to her in her own right shall become the inheritance of her issue.

The amendment was agreed to.

The next amendment was in section three, lines four and five, after the words "United States" to insert the words "until said captives shall be surrendered to the lawful authorities of the United States;" so that the section will read;

SEC. 3. *And be it further resolved*, That the Secretary of the Interior be authorized and required to withhold from any tribe of Indians who may hold American captives any moneys due them from the United States, until said captives shall be surrendered to the lawful authorities of the United States.

The amendment was agreed to.

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

Mr. CORBETT. The Committee on Indian Affairs reported the House resolution for the relief of these children with a substitute containing these very amendments.

The VICE PRESIDENT. The Chair is informed by the Senator from Oregon who reported this joint resolution that the House of Representatives have passed a resolution on this subject, and if there be no objection it will be substituted for the Senate resolution. The Secretary will report the House resolution, subject to objection.

Mr. SUMNER. Is it identical?

The VICE PRESIDENT. The Chair cannot state. It has just been placed in his hands.

Mr. TRUMBULL. Let it be reported.

Mr. CORBETT. It is similar in its provisions to the Senate resolution.

The Secretary read the title of the House joint resolution, as follows: "A joint resolution (H. R. No. 85) for the relief of Helen Lincoln and Heloise Lincoln, and for the withholding of moneys from tribes of Indians holding American captives."

The VICE PRESIDENT. If there be no objection the joint resolution, as now amended by the Senate, will be considered as agreed to as an amendment to the House joint resolution, and the House joint resolution will be sent back to the House in that condition.

Mr. TRUMBULL. Let us see what the House resolution is.

The VICE PRESIDENT. The Secretary will report the original House resolution. The committee propose to strike it out and insert the Senate resolution.

Mr. CORBETT. I will state that the Senate committee agreed to strike out the entire House resolution and substitute the Senate resolution. The copy that I have sent up is identical with the Senate resolution.

Mr. TRUMBULL. Why not just pass the House resolution as it is?

Mr. EDMUNDS. Because it is not in proper form.

Mr. TRUMBULL. Is the amount the same?

Mr. CORBETT. Yes, sir. It is proposed to take up the House resolution and make to it the amendments that we have made in the Senate resolution.

Mr. TRUMBULL. Why do you wish to amend the House resolution?

Mr. CORBETT. Because it provides for an appropriation of $5,000.

Mr. TRUMBULL. Then the amount is not the same.

The VICE PRESIDENT. The Chair will explain to the Senator from Illinois that the Committee on Indian Affairs reported a Senate resolution. The House subsequently passed a resolution on the subject and sent it here, and the Committee on Indian Affairs have reported it back, and propose to amend it by incorporating what they had incorporated in the Senate resolution. They now propose to take the text, as agreed to and amended by the Senate, as an amendment to the House resolution, and send it back to the House in that shape. The House joint resolution No. 85, for the relief of Helen Lincoln and Heloise Lincoln, and for the withholding of moneys from tribes of Indians holding American captives, will be considered as amended, to conform with the Senate resolution, and read the third time; and the question is on its passage.

The joint resolution was passed.

OBJECTIONS WITHDRAWN.

Mr. CHANDLER. I ask my friend from Iowa [Mr. HARLAN] to withdraw his objection to the bill preceding the one just passed, being the bill (S. No. 424) for the preservation of the harbors of the United States against encroachment.

Mr. HARLAN. I will do so in order that it may keep its place on the Calendar.

The VICE PRESIDENT. The Senator from Iowa withdraws his objection to Senate bill No. 424, and it will stand as the first bill on the Calendar to be acted upon on Monday.

Mr. FENTON. I ask the Senator from California [Mr. COLE] to withdraw his objection to Senate bill No. 84 so that it may retain its place on the Calendar.

Mr. COLE. I will do so at the request of the Senator, so far as that one bill is concerned, but not the others.

Mr. FENTON. That is all I ask.

Mr. EDMUNDS. It does not lose its position on the Calendar by being passed over.

The VICE PRESIDENT. The object, however, of the Senator from New York is that his bill shall be called up on Monday, when the Calendar will be resumed at the place where it now leaves off. The Secretary will report the title of the bill the objection to which is withdrawn by the Senator from California.

The SECRETARY. "A bill (S. No. 84) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the British steamer Labuan."

Mr. EDMUNDS. We cannot go away back to that.

The VICE PRESIDENT. The Senator from from Vermont objects to going back.

Mr. SUMNER. I hope the Senator will not object. I am sure the Senator will withdraw the objection.

Mr. EDMUNDS. Yes, I withdraw it.

Mr. FOWLER. I move that the Senate adjourn.

Mr. SPENCER. I ask the Senator from Tennessee to withdraw that motion a moment to allow a short executive session, for the purpose of referring some nominations.

Mr. SUMNER. The Senator from Vermont withdraws his objection.

The VICE PRESIDENT. Does the Senator from Vermont withdraw his objection to Senate bill No. 84?

Mr. EDMUNDS. Yes, sir I withdraw my objection to anything the Senator from Massachusetts wants. How can I avoid it?

The VICE PRESIDENT. Then the bill will remain on the Calendar, and will be the first bill to be taken up when the Calendar is resumed.

Mr. SUMNER. Why not pass it now?

The VICE PRESIDENT. Because the Senator from Tennessee has moved that the Senate do now adjourn, and the Senator from Alabama is appealing to him to allow, by unanimous consent, an executive session to refer nominations. Is there objection?

Mr. EDMUNDS. If it is the unanimous understanding that the executive session is to be only for the purpose of referring nominations I do not object.

Mr. SPENCER. That is all we want it for.

The VICE PRESIDENT. Is there objection to that understanding? The Chair hears none, and the Senate will proceed to the consideration of executive business.

EXECUTIVE SESSION.

The doors were thereupon closed; and after some time spent in the consideration of executive business the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 22, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read and approved.

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

Mr. ORTH. I call for the regular order of business.

DUBUQUE, IOWA.

The SPEAKER proceeded, as the regular order of business, to call the committees for reports of a private nature, commencing with the Committee on the Judiciary, where the call rested on Friday last.

Mr. ORTH, from the Committee on Private Land Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 1521) relinquishing to the city of Dubuque, Iowa, whatever title may remain in the United States to a certain lot of ground in Dubuque.

The question was upon ordering the bill to be engrossed and read a third time. It relinquishes to the city of Dubuque, Iowa, and its assignees, whatever title may remain in the United States to a certain lot or parcel of ground in Dubuque, Iowa, which lot or parcel of ground is bounded by the city limits, Main street, and out lots Nos. 673, 674, 677, and 678, and designated as a "grave-yard" on the official plat of Dubuque, as laid out by the commissioners under the acts of July 2, 1836, and March 3, 1837.

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

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

The latter motion was agreed to.

CHARLES PITCHER.

Mr. ORTH, from the same committee, also reported back, with a recommendation that the same do pass, House bill No. 387, for the relief of Charles Pitcher.

The question was upon ordering the bill to be engrossed and read a third time.

The preamble of the bill, which was read, declares that, as shown by a duplicate certificate issued by T. A. Walker, as register of the land office at Fort Des Moines, Iowa, dated August 12, 1857, Charles Pitcher, now of Marseilles, La Salle county, Illinois, deposited with said register bounty land warrant No. 26904, for 120 acres, issued in favor of Nancy Bishop, under act of March 3, 1855, and assigned to said Charles Pitcher for location in his name on the west half of the northwest quarter and northwest quarter of southwest quarter of section six, township seventy-nine north, of range thirty-two west, containing $133\frac{1}{100}$ acres, and also did pay to the receiver

of public money for that district the sum of $16 25 as an excess due on said location; and that said location was not made by said register and duly reported to the Commissioner of the General Land Office for patenting, and the greater portion of the tract above described was subsequently entered by, and patented to, another person.

The first section of the bill provides that the said Charles Pitcher, his heirs or legal representatives, be, and they are hereby, authorized to enter, free of cost, at any of the United States district land offices, in one body, 120 acres of public land, subject to entry at private sale at $1 25 per acre, in lieu of and in satisfaction for said bounty land warrant No. 26904; provided that the entry authorized by this act shall be in full satisfaction of said warrant, which warrant, if in existence, is hereby declared invalid, and any entry or location of the same is interdicted by this act.

The second section provides that the Commissioner of the General Land Office shall cause to be paid to the said Charles Pitcher, his heirs or legal representatives, in the usual form for repayment of money paid for land erroneously sold, the sum of $16 25 paid by him for the excess as above stated.

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

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

The latter motion was agreed to.

VIGIL AND ST. VRAIN, NEW MEXICO.

Mr. ORTH, from the same committee, reported back with an amendment House joint resolution No. 116, to construe an act entitled "An act to amend an act entitled 'An act to confirm certain private land claims in the Territory of New Mexico.'"

The joint resolution, which was read, provides that so much of the act approved February 25, 1869, as requires that derivative claimants from Vigil and St. Vrain shall establish their claims to the satisfaction of the register and receiver of the proper land district within one year from the passage of said act, shall be so construed as to authorize the presentation of said derivative claims within one year from the approval of subdivisional surveys contemplated by said act of February 25, 1869.

The amendment reported by the committee was to add a section providing that all settlers entitled by said act to the rights of preëmption or homestead shall have the further time of thirty days after notice in their favor of their respective claims to file their declaratory statements as preëmptors, or to make entry under homestead laws, as they may select.

The amendment was agreed to.

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

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

The latter motion was agreed to.

ZACHARIAH PETTIJOHN.

Mr. SWANN, from the Committee on Private Land Claims, reported back, with a recommendation that the same do pass, House bill No. 771, for the relief of Zachariah Pettijohn.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, provides that the claim of Zachariah Pettijohn, made under the homestead act of May 20, 1862, to the northwest quarter of section thirty, in township one hundred and seventeen, of range twenty-eight, in the district of lands subject to sale at Greenleaf, Minnesota, shall be, and is hereby, confirmed; and that upon the completion of such claim by payment of the final commissions required by the aforesaid act, the Secretary of the Interior shall cause to be issued to the said Zachariah Pettijohn a patent for the said land as in other cases.

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

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

The latter motion was agreed to.

RANCH DEL RIO GRANDE.

Mr. KNOTT, from the Committee on Private Land Claims, reported a bill (H. R. No. 1831) to confirm the title to the Ranch del Rio Grande, in New Mexico, to the heirs and legal representatives of the original grantee thereof; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, the preamble of which declares that on the 4th of February, 1795, the Government of Spain granted a certain tract of land situated in what is now the Territory of New Mexico, and known as the "Ranch del Rio Grande," to José Mirabal, Antonio Fernandez, Concepcion Romero, Bentura Romero, Julian Romero, Mariano Romero, Antonio Fresqui, José Antonio Gonzales, Maria Romero, and Catarina Romero, in common; that on the 20th of April, 1837, the title was confirmed and recognized by the legally constituted authorities of the Government of Mexico, to whom the Territory of New Mexico then belonged; and that under the treaty between Mexico and the United States, by which the Territory of New Mexico was ceded to the latter Government, the United States stipulated to guaranty to the inhabitants of said Territory the property held by them under the laws of their former Governments.

The first section provides that the United States hereby confirms to the heirs and legal representatives of the aforesaid original grantors the title to the tract of land known as the "Ranch del Rio Grande," to hold the same to them and their heirs and assigns under and according to the terms of the original grant from Spain.

The second section provides that the Secretary of the Interior shall direct the surveyor general of said Territory of New Mexico to ascertain and fix by actual survey the boundaries of said "Ranch del Rio Grande" tract of land as soon as practicable, and upon such survey being returned to the Commissioner of the General Land Office the patent for the said tract of land shall be issued, in conformity to the provisions of this act, to the heirs and legal representatives of the parties named in the preamble of this act.

Mr. PAINE. I would like to inquire how large a tract of land is affected by the bill.

Mr. KNOTT. I am told by the Delegate from New Mexico, [Mr. CHAVES,] who is familiar with the matter, that the tract embraces eleven square leagues.

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

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

The latter motion was agreed to.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. KNOTT reported back from the Committee on Private Land Claims the bill (S. No. 95) in relation to the Hot Springs reservation in Arkansas, with a substitute.

The substitute proposed by the committee was read. It provides in the first section that any person claiming title, either legal or equitable, to any part of the four sections of land constituting what is known as the Hot Springs reservation, in Hot Springs county, in the State of Arkansas, may institute in the Court of Claims and prosecute to final judgment or decree against the United States any suit that may be necessary to settle and establish the same. But no such suit is to be brought at any time after the expiration of ninety days from the passage of this act; and all claims to any part of the reservation upon which suit shall not be brought under the provisions of this act within that time shall be forever barred.

The second section provides that all such suits shall be by petition in the nature of a bill in equity, and shall be conducted and determined in all respects except as herein otherwise provided, as nearly as may be according to the rules and principles of equity practice and jurisprudence in the courts of the United States, any exceptional rule of practice prescribed in any statute of the United States to the contrary notwithstanding. For the purposes of this act the Court of Claims is invested with such jurisdiction and powers usually exercised by courts of equity as may be necessary to give full relief in any suit which may be instituted under the provisions of this act.

The third section provides that process in every suit authorized by this act shall be executed by the delivery of a true copy thereof to the Attorney General, whose duty it shall be for and in behalf of the United States to answer the petition therein within thirty days after the service of such process upon him, unless the court shall, for good cause, grant further time for filing the same.

The fourth section provides that all documents and testimony touching the right of any party to the lands herein mentioned, or any part thereof, taken in pursuance of the laws of the United States, by any officer thereof, on file in any Department may be used as evidence in any suit authorized by this act by any party, subject to objection by the other party for irrelevancy.

The fifth section provides that if two or more parties claiming the same land under different rights shall institute separate suits under the provisions of this act such suits are to be consolidated and tried together, and the court is to determine the question of title, and grant all proper relief as between the respective claimants, as well as between each of them and the United States.

The sixth section provides that if upon the final hearing of any cause provided for in this act the court shall find the equitable as well as the legal title to any of the lands in controversy therein to be in the United States it shall order such lands into the possession of a receiver to be appointed by the court, who shall take charge of and rent out the same for the United States until Congress shall by law direct how the same shall be disposed of. The receiver is to execute a sufficient bond, to be approved by the court, conditioned for the faithful performance of his duties; is to render a strict account of the manner in which he discharges those duties, and of all moneys received by him as receiver, which account is to be approved or rejected by the court according to law, as it may be found correct or not. He is to pay into the Treasury of the United States the moneys received by him, and is to have such reasonable compensation for his services as the court may allow. In case of a failure of the receiver to discharge any duty devolved upon him the court is empowered to enforce the performance of the same by rule and attachment. If the court shall be of opinion that any claimant has a paramount equitable title to the whole or any part of the land, both as against the United States and other claimants, it is to decree and proceed by proper process to put such successful claimant in possession of such portion thereof as he may be found entitled to. Upon the filing of a certified copy of such decree with the Secretary of the Interior he is to cause a patent to be issued to the party in whose favor such decree shall be rendered for the lands therein adjudged to him. But either party may within ninety days

after the rendition of any final judgment or decree in any suit authorized by this act carry the case by appeal to the Supreme Court of the United States, which is vested with full jurisdiction to hear and determine the same on such appeal. If the judgment or decree of the Court of Claims in any such suit shall be adverse to the United States the Attorney General is to prosecute such appeal within the time above prescribed; and the taking of an appeal from any such judgment or decree is to operate as a supersideas thereof until the final hearing and judgment of the Supreme Court thereon.

The SPEAKER. The Clerk will read the Senate bill for which this substitute has been proposed.

The Clerk read as follows:

Be it enacted, &c., That in order to settle the title to and recover the possession of "the Hot Springs reservation," in Hot Springs county, in the State of Arkansas, consisting of the south half of sections twenty-eight and twenty-nine and all of sections thirty-two and thirty-three of township two south, in range nineteen west, and north half of sections four and five of township three south, in the range aforesaid—being in all four sections—it shall be the duty of the Attorney General of the United States to institute or cause to be instituted, without unnecessary delay, in the circuit court of the United States in and for the eastern district of said State, such action or actions at law, or suit or suits in equity, in the name of the United States, as to him shall seem necessary or proper, against all or any person or persons in possession of or claiming title to the said reservation or every part thereof, and to prosecute such action or actions, suit or suits, to final judgment or decree in said court; and in his discretion to carry the same or any of them by appeal to the Supreme Court of the United States. And in any such action or actions at law it shall be lawful for any defendant to set up and maintain any defense he may have, whether the same be legal or equitable; such equitable defense to be made by special plea, to which plea the United States may demur or reply generally or specially.

SEC. 2. *And be it further enacted*, That it shall be lawful for the Attorney General to employ such counsel to bring and prosecute said actions or suits as he may deem necessary, and to pay for their services out of his contingent fund.

The SPEAKER. The pending question is on the substitute reported by the Committee on Private Land Claims, on which the gentleman from Kentucky is entitled to the floor.

Mr. KNOTT. Mr. Speaker, in order that the House may act intelligently upon the measure now proposed it is perhaps necessary that I should make a brief statement of the facts which, in the opinion of the committee, render the passage of this bill necessary. By an act approved April 20, 1832, Congress directed that the Hot Springs of Arkansas, with the four contiguous sections, should be reserved for the future disposal of the Government. Under this law the following lands were marked as reserved: the south half of section twenty-eight, south half of section twenty-nine, and sections thirty-two and thirty-three, in township two south of range nineteen west, and the north half of section four and the north half of section five, in township three south of range nineteen west.

It appears, however, that there are several claimants to the lands including these springs, each of whom claims to have complied with every requirement of law necessary to invest him with a perfect title thereto. Of these the first in point of time are the heirs of John Percifull, who, as they claim, acquired a preëmption right to the lands in question under the provisions of the preëmption act, approved April 12, 1814. Against their claim it may be urged that the land was owned and occupied by the Quapaw Indians until they ceded it by treaty to the United States on the 24th of August, 1818, which was confirmed January 5, 1819, and could not, therefore, be taken up by John Percifull under the act of 1814; and furthermore, that by the act of April 20, 1832, reserving these lands for the future disposal of the Government of the United States, his preemption claim was invalidated if it ever had a legal existence. But on the other hand they may contend that the act approved March 1, 1843, entitled "An act to perfect the titles to lands south of the Arkansas river, held under New Madrid locations and preëmption rights under the act of 1814," not only virtually repeals the act of reservation of April 20, 1832, so far as it interferes with Percifull's right to a preëmption, but validates and makes effectual his preëmption right, the title and occupancy of the Quapaw Indians to the contrary notwithstanding.

Now, it is very probable that the heirs of Percifull may never be able to establish the facts upon which they predicate their claim, and the committee did not deem it necessary to inquire whether they could or not. But, sir, granting that they may be able to do so, it is obvious that there at once arises between them and the United States the legal questions I have already suggested, and without attempting to decide these questions one way or the other, the committee were of opinion that they were of sufficient importance to be submitted to the judicial department of the Government. But, sir, there is still another and perhaps a more important, or at least a more valid claim preferred to these lands, known among those who are familiar with the subject as the Rector claim. The facts upon which that claim seems to rest appear to be these: by an act entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes," approved February 17, 1815, Congress provided that persons who had so suffered might locate upon the public domain of the United States a like amount of land as they had lost by reason of the earthquakes; and, under the provisions of that act the recorder of land titles at St. Louis, Missouri, issued to François Langlois, New Madrid location certificate No. 467, for two hundred arpens, or one hundred and seventy and fifteen hundredths acres of land, on the 26th day of November, 1818. On the 27th of January, 1819, Hammond and Elias Rector applied to the surveyor general of the public lands of Illinois and Missouri for the entry or donation of two hundred arpens of land to satisfy this certificate, to be surveyed in a square tract, the lines to correspond with the cardinal points, and to include the Hot Springs, so-called, upon the waters of the Wachita river, south of the river Arkansas; the springs to be as near the center of the survey as practicable; at the same time requesting an order of survey.

On the 28th of February, 1838, a return of this survey was made by John C. Hale, deputy surveyor, which seems to have been approved by the surveyor general on the 30th of April, 1838, and includes a portion of the lands embraced in this Hot Springs reservation. On the 22d of June following the surveyor general transmitted the survey and with it patent certificate No. 435, dated June 16, 1838, in favor of François Langois; but inasmuch as the survey did not exhibit the connections with the contiguous public surveys, and as the widow and heirs of John Percifull, claiming the same, or a part of the same lands under Percifull's preëmption had filed a caveat, the patent was not issued.

Now, sir, against this claim the same objection may be urged as against that of Percifull's heirs, that the lands were not subject to entry under a New Madrid certificate, and moreover that the reservation act of April 20, 1832, destroyed any inchoate right that those claiming under Langloris may have acquired; but they can reply with more force than even Percifull's heirs could, that the act of March 1, 1843, made their claim under this New Madrid location valid and effectual; for it will be observed that the act of 1832 simply reserves the lands for the future disposal of the Government, and it may be reasonably contended that by rendering valid all locations of New Madrid certificates made south of the Arkansas river, the Government thus disposed of so much of these lands as was embraced in a location previously made. It is not my purpose, however, sir, to express an opinion either for or against either of the claimants, but merely to call the attention of the House to the fact that there are grave questions between them and the United States as to the title to these lands, and to suggest that they ought to be investigated and determined by the judiciary of the country.

Again, sir, there is still a third claim fully as meritorious perhaps as either of those I have mentioned, and that is what is known as the Belden claim. This claim arises under the act of May 29, 1830, which provides—

"That every settler or occupant of the public lands prior to the passage of this act, who is now in possession and cultivated any part thereof in the year 1829, shall be, and he is hereby, authorized to enter with the register of the land office for the district in which such lands may lie, by legal subdivisions, any number of acres not more than one hundred and sixty, or a quarter section, to include his improvements, upon paying to the United States the then minimum price of said land."

Belden, it is claimed, proved cultivation in 1829, and possession in 1830, but could not enter because the lands had not been surveyed. On the 20th of April, 1832, as I have already stated, these lands were reserved for the future disposal of the United States; but on the 14th of the following July an act was approved providing—

"That all the occupants and settlers upon the public lands of the United States who are entitled to a preëmption according to the provisions of the act of Congress approved the 29th May, 1830, and who have not been, or shall not be, enabled to make proof and enter the same within the time limited in said act in consequence of the public surveys not having been made and returned, or where the land was not attached to any land district, &c., that said occupants shall be permitted to enter the said lands on the same conditions in every respect as are prescribed in said act, within one year after the surveys are made," &c.

Now, it is claimed that Belden's heirs made the proof and tendered the money within the time limited by this act, and were not allowed to enter the lands simply because of the act of the 20th of April. So, sir, it is manifest that here is a new question springing up between the Government and a new party upon which legal minds may well differ; the question whether this latter act, by implication, repeals the former; or construing them both together, does the Government, by passing the latter act, dispose of the reserved lands to the preëmptor who has proven cultivation and occupancy, as required by law? I repeat, sir, that the committee have not undertaken to pass upon any of these questions either the one way or the other; but finding them to exist, they concurred with the Senate in the opinion that they ought to be submitted to the judiciary department of the Government for adjudication; for, sir, if the facts claimed by either party to be true do really exist, if either party has complied with all the requirements of law which are necessary to invest him with a perfect title, the Government, holding the naked legal title in itself, stands simply in the attitude of a trustee for the party in whom the equitable interest vests; and every principle of equity and justice demands that such party shall have the opportunity of asserting his right, and to have the title, legal as well as equitable, perfected in himself.

The committee, however, differed with the Senate in the manner in which this should be done, and hence instructed me to report the substitute which has just been read. Those who have paid attention to the reading of the Senate bill will have observed that it requires the Attorney General to institute proceedings in the circuit court of the eastern district of Arkansas for the purpose of settling the question of title to these lands, but the substitute reported from the Committee on Private Land Claims, on the contrary, authorizes those who assert claims thereto to institute such proceedings themselves. One object of this change is that those who assert a right to this land, and to whose benefit the proceedings would inure, shall be at the expense of asserting it themselves, not only upon that ground, but because it is more in consonance with the precedents.

The Senate bill requires the Attorney Gen-

eral of the United States to bring suit. The substitute reported by the committee requires the proceedings to be instituted by the claimants and in the Court of Claims here in Washington city. The reasons for this change are obvious. In the first place, by having the suit instituted here in this city of Washington we have the benefit of the immediate attention of the law officers of the Government, and the Attorney General himself can give it his personal attention. Again, it will be convenient both for the Government and for the claimants that the case shall be tried here, because in the archives of the different Departments here is the documentary evidence touching the claims of the respective parties.

Mr. BECK. I desire to ask my colleague a question. If the suit is brought in the Court of Claims these parties themselves can testify. Ought there not to be a feature in the bill that they shall not be allowed to testify in this case?

Mr. KNOTT. If the suit were brought in any court of the United States they would have the same right to testify that they would in the Court of Claims. If the suit were instituted in the circuit court of the United States for the eastern district of Arkansas, as the Senate bill provides, the parties would have the same right to testify that they would in the Court of Claims.

Mr. BECK. It seems to me that this is a case in which it ought not to be permitted.

Mr. KNOTT. Whether a party ought to be allowed in any case to testify for himself is a matter of very great doubt to me; but inasmuch as it is now generally the rule, I cannot see the propriety of making an exception in this case.

Mr. BECK. This bill proposes to allow the United States to be sued by these parties, and I think you ought to put in a limitation that the parties shall not testify in their own behalf.

Mr. KNOTT. Now, having provided that the suit shall be brought here in the Court of Claims, the substitute further provides that the court shall be invested with the full powers of a court of equity, and that its proceedings shall in all respects, as near as may be, be in accordance with the rules that prevail in equity proceedings in the other courts of the United States.

Mr. JULIAN. I do not wish to interrupt the gentleman, but I wish to be heard briefly on this proposition if the gentleman will allow me.

Mr. KNOTT. I will yield to the gentleman in a short time. Having given to the Court of Claims full jurisdiction to hear and determine the case, the committee deemed it advisable further to provide, and they have so provided in the substitute, that in case the equitable as well as the legal title to the land shall be found to be in the United States the court may appoint a receiver to take charge of the land until Congress shall decide how it shall be disposed of.

It furthermore is provided that if there is more than one suit under different rights all the suits shall be consolidated and tried together, in order that not only shall all questions between the United States and each of the claimants be settled, but that all questions between the respective claimants themselves shall also be settled. The necessity for that arises from this fact: the great value of this reservation arises from the real or supposed sanatory character of the water of these springs, which occasions the resort of crowds of people to them. The title being in dispute, not only between the claimants and the United States, but between the claimants themselves, no adequate improvements will be made for the accommodation of visitors until the question of title shall have been determined. It is therefore of the highest importance that this settlement should be had as speedily as possible, not only between the United States and the claimants, but between the claimants themselves. And the court is therefore vested with full and plenary jurisdiction in the case. If either of the claimants shall consider himself aggrieved by the decree of the court he is authorized to appeal to the Supreme Court of the United States, which is clothed with full power in the case. And if the case shall be decided against the United States, it is made obligatory upon the Attorney General to take the case to the Supreme Court, in order that it may be finally determined by the highest judicial tribunal in the land. The committee are of the opinion that the substitute will insure ample protection to all the interests of the Government in the premises, every action authorized by it being under the immediate supervision of the Attorney General himself, with immediate and direct access to all the archives and documents bearing upon the case, with a supervisory trial by the Supreme Court of the United States.

I will now yield to the gentleman from Indiana [Mr. JULIAN] for five minutes.

Mr. JULIAN. The gentleman from Kentucky [Mr. KNOTT] says that several controverted points arise between the United States and the claimants to the land included in this Hot Springs reservation; and he further says that the Committee on Private Land Claims have not made a very thorough examination of these controverted points, but that they have gone far enough to see that legal doubts exist, and that the matter ought, therefore, to be referred to the judicial department of the Government. Now, I would suggest and respectfully submit that a thorough examination of these controverted points was the duty of the committee, since such thorough examination might have relieved the question from all doubt and this House from any duty of legislative interposition in the matter. I desire to say that some time ago I myself examined some of these questions, not, however, with any great particularity, for the reason that I found the title of the United States to these lands was clear and unquestionable, and that it had been so ruled by the Land Department under two or three Administrations of this Government, the decisions being clear and unhesitating as to the title of the United States.

Now, my objection to this bill is that it opens up to protracted litigation and controversy the question of title between the United States and these settlers upon this land, when the title is in the United States and there is nothing whatever to litigate. I am not willing that the United States shall be quite so generous as that, friendly as I am always toward actual settlers. I would not be willing myself, having a clear title in fee to my own estate, to open up that title to litigation in the interest of any parcel of fellows who might see fit to set up a claim to it. It is not incumbent upon the United States to do so. And it was for this reason that the Committee on the Public Lands, in the last Congress, having this matter properly referred to them, came to the conclusion that the policy proposed by this bill was wrong. They therefore introduced a bill for the sale of this Hot Springs reservation, the title being fairly in the Government. And if I can obtain the floor at the proper time I will move that this bill be referred to the Committee on the Public Lands, which already has the subject properly before it. I think this bill would have been sent to that committee if I had been here at the time the motion was made to refer it to the Committee on Private Land Claims. It belongs to the Committee on the Public Lands, inasmuch as it involves the title of the United States to a very large tract of valuable land; and I hope the House will make that reference.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me to ask how valuable this land is?

Mr. JULIAN. I am not able to state now the value of this land in dollars; but I know that it is exceedingly valuable. I believe it is rightfully the property of the United States, and that the farce of a litigation to determine the title ought not to be authorized.

Mr. BUTLER, of Massachusetts. I am informed by the gentleman from Arkansas [Mr. ROGERS] that the land together with the springs is worth $1,000,000.

Mr. ORTH. The testimony before the committee was that these lands are worth $1,000,000.

Mr. JULIAN. The statement is that these lands are worth $1,000,000. But whether they be worth much or little is not the question before this House. I state it as a fact that the Interior Department during two or three Administrations has, upon a full examination of the whole case, embracing every claim of private ownership, come to the conclusion that the title is in the United States. I can see no imaginable reason why we should propose to open the doors of litigation to any claims upon that land. This is all I have to say.

Mr. KNOTT. I yield to the gentleman from Indiana, [Mr. ORTH,] my colleague on the committee.

Mr. ORTH. I have for many years entertained a very profound respect for my colleague, [Mr. JULIAN,] the chairman of the Committee on the Public Lands. I know the ability with which he has discharged the duties devolving upon him as chairman of that committee. I know that he has done his whole duty. I know that he has brought to the discharge of that duty all his time and all his talents (and they are great) for the investigation of these questions. To such an extent, Mr. Speaker, has he dwelt upon these matters that he has come to the conclusion that everything which has the word "land" in it is included naturally within the jurisdiction of his committee. If so, I submit to you and to this House that the Committee on Private Land Claims had better be abolished. This bill was referred by this House to the committee of which I have the honor to be a member. It was so referred because it naturally and legitimately comes within our jurisdiction. The express language of the rule constituting our committee provides that all matters in which there is a question between the United States and a private individual with reference to the title to land shall be investigated by the Committee on Private Land Claims. I hope that my honorable colleague will give to our committee the same consideration that we have given to his, especially when I state that this question has been most thoroughly examined by our committee during the last two months.

In the course of this investigation we have ascertained, as I informed the gentleman from Massachusetts [Mr. BUTLER] a few moments ago, that the lands in controversy here are worth at least $1,000,000. But the question of the value of the land does not enter properly into the consideration of this bill. What we are called upon to decide here is whether the Government of the United States is willing that this matter shall be passed upon by a court of its own selection, right here in the city of Washington, under the direction and absolute control, so far as the interests of the United States are concerned, of the Attorney General himself. There are, as has been stated by my colleague on the committee, the gentleman from Kentucky, [Mr. KNOTT,] two sets of claimants for this land, the one known as the Belding heirs, and the other as the Rector heirs, both parties claiming under the preëmption laws of the United States. I regretted to hear my colleague [Mr. JULIAN] use this morning the word "squatters" with regard to these men, especially in view of the past record of this meritorious class of our citizens who have gone to the frontier and availed themselves of the privileges of the bountiful acts of Congress in regard to acquiring title to public lands.

The SPEAKER. The morning hour has expired.

ORDER OF BUSINESS.

Mr. INGERSOLL. I move that the House proceed to business on the Speaker's table.

Mr. SCHENCK. I rise for the purpose of moving that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the special order.

The SPEAKER. The motion of the gentleman from Ohio [Mr. SCHENCK] takes precedence of that of the gentleman from Illinois, [Mr. INGERSOLL.]

Mr. INGERSOLL. I desire to make an inquiry concerning the order of disposing of business on the Speaker's table. There is a misunderstanding in the minds of some gentlemen with regard to the matters which take precedence in disposing of that business. I desire the Chair to explain, for instance, why the census bill, which was on the Speaker's table, was taken up the other day apparently out of its order, when a motion had been adopted to go to business on the Speaker's table?

The SPEAKER. The Chair will answer the gentleman's inquiry. When a motion to go to business on the Speaker's table prevails, the first business in order is the disposal of executive communications; the next business is to take up House bills which have been returned from the Senate with amendments. The census bill comes under the latter class. The next business in order is Senate bills; and the last is that class of bills the reading of which in an engrossed form has been called for upon third reading. The bill in which the gentleman from Illinois is interested is among these, and is therefore included in the last order of business that is reached.

Mr. INGERSOLL. I wish the Chair to state, if he can do so approximately, when that bill will be reached?

The SPEAKER. That is outside of the domain of parliamentary inquiry; and in reference to that the gentleman from Illinois can make a guess quite as well as the Chair.

Mr. INGERSOLL. The House understanding the relation of the business upon the Speaker's table, I desire and hope the motion of the gentleman from Ohio will be voted down and we shall proceed to the consideration of the business upon the Speaker's table.

Mr. SCHENCK. I cannot hear what is going on.

The SPEAKER. The disorder and noise in the Hall are so great that unless they shall cease the Chair will be compelled to ask those who are upon the floor by the courtesy of the House to withdraw.

Mr. COX. I hope that will not be enforced. The admonition of the Chair is sufficient.

The SPEAKER. The calls from the floor have been so frequent to restore order that the Chair felt it to be his duty to admonish those who are upon the floor by the courtesy of the House. It is a gross abuse of the privilege accorded to them to be constantly engaged in loud conversation in the rear of members' seats.

Mr. WOOD. I hope the Speaker will enforce the rule. It is a great nuisance to have outsiders coming here and occupying the seats of members.

Mr. STEVENSON. If the members of the House will themselves keep order, then we shall have order.

NAVAL RANK.

Mr. SCOFIELD. I ask unanimous consent for leave to the Committee on Naval Affairs to report a bill for reference.

There was no objection.

Mr. STEVENS, from the Committee on Naval Affairs, reported a bill (H. R. No. 1832) to regulate rank in the Navy of the United States, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted.

Mr. DAWES moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. JUDD. I ask unanimous consent to introduce a bill.

Mr. INGERSOLL. Is there not a motion pending to go to business upon the Speaker's table?

The SPEAKER. Does the gentleman object?

Mr. INGERSOLL. I give notice that after my colleague's bill is introduced I shall call for the regular order of business.

Mr. WASHBURN, of Wisconsin. I call for the regular order of business. I give notice that if the motion to go into Committee of the Whole on the state of the Union on the tariff bill be voted down, I shall move to go into committee on the Navy appropriation bill, with a preceding motion that all general debate on that bill shall be closed in two hours after its consideration shall be resumed. We can, I think, finish the bill to-day.

Mr. O'NEILL. I hope the whole time will not be exhausted in two speeches of an hour each, but that the two hours will be divided up into fifteen-minute speeches.

Mr. BUTLER, of Massachusetts. If the motion of the gentleman from Ohio is voted down I desire to bring forward the bill for the removal of political disabilities. A great many men are pressing upon Congress that the business of the reconstructed States is seriously interfered with from the want of a general disability bill. I am anxious to get it out of the way.

Mr. SCHENCK. I wish, pending the motion to go into Committee of the Whole on the state of the Union on the tariff bill, to move that the committee take a recess from half past four till half past seven. And as other gentlemen have been permitted to speak to the order of business, I wish to set myself right. By the reported proceedings this morning I observe I am announced as being absent yesterday from illness. I do not wish to appear to have gone away under a false pretense. I was called upon early in the morning by some of my own delegation, it being known that the Ohio Legislature were in town on a visit, who urged me to take a day's rest, and although not being well, still intending to come to the House and go on with the tariff bill in order at the same time that I might enable the Ohio delegation, as many as desired, to make an excursion to Mount Vernon, I felt as if I had earned a day's rest and yielded to their solicitation. I was not very well, but not so ill but I would have been here under other circumstances. Being refreshed by that visit, I am now prepared to go on to-day with the tariff bill, especially as it was conditioned if the Navy appropriation bill was not disposed of yesterday it should give place to-day to the tariff bill.

Mr. DAWES. What I stated yesterday was precisely as the gentleman's note informed me.

The question was put on Mr. SCHENCK's motion that the rules be suspended and the House resolve itself into Committee of the Whole on the tariff bill.

The House divided; and there were—ayes ninety, noes not counted.

So the motion was agreed to.

Before the result was announced,

The SPEAKER said: The Chair, before announcing the result of the division, will put the question on the other motion instructing the Committee of the Whole to take a recess from half past four till half past seven.

The motion was agreed to.

The result was then announced as above recorded of the division on the motion that the rules be suspended and the House resolve itself into Committee of the Whole on the tariff bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. AXTELL until Wednesday of next week.

TARIFF BILL.

The House resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. The Clerk will report the pending paragraph, as amended.

The Clerk read as follows:

On cast scrap iron of every description, $5 per ton; on wrought scrap iron of every description, $6 per ton: *Provided*, That nothing shall be deemed scrap iron except waste or refuse iron that has been in actual use and is fit only to be remanufactured.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BUTLER] had moved to amend the paragraph by inserting the word "or" after the words "refuse iron," in the three hundred and twenty-third line. On this, at the last sitting of the committee, a division by rising had been taken, no quorum voting, and tellers had been ordered.

Mr. BUTLER, of Massachusetts. I ask leave to withdraw the amendment and to renew it, so that I may have an opportunity of again explaining the effect it will have, which gentlemen may not readily understand without an explanation.

The CHAIRMAN. The amendment can only be withdrawn by unanimous consent. Is there objection?

There was no objection; and the amendment was withdrawn.

Mr. BUTLER, of Massachusetts. I desire the committee to understand the position of this question. I now move to insert the word "or" in the three hundred and twenty-third line, after the word "iron," and the word "which" after the word "that;" so that the proviso, as amended, will read:

Provided, That nothing shall be deemed scrap iron except waste or refuse iron, or that which has been in actual use and is fit only to be remanufactured.

The amendment is precisely the same as that which I formerly submitted. The proviso, as it now stands, cuts off all importation into this country of every possible kind of iron which is refuse iron, except old iron—that which has been worn out by use. The pieces of waste iron remaining from the manufacture of boilers, of pieces thrown out in punching rivet-holes, clippings, turnings, &c., are all brought in now at a low rate of duty, being regarded as raw material, and are reforged, rerolled, or rehammered, as the case may be, and being generally charcoal iron, come in very conveniently for making steel tools. I hold that this is as much a raw material as any possible raw material can be; and as such it is of very great importance—many are not aware of how much importance. There is more scrap iron imported into this country than there is of pig iron, because it is wanted for these purposes which I have indicated, the charcoal iron being that which is wanted for the purpose of making steel. Bessemer steel is made of pig iron, but steel is made from carbonated iron, and this charcoal iron, which is the refuse of the rolling-mills, boiler-factories, &c., of Europe, should be allowed to come in here as a raw material. If gentlemen are anxious to have cheap tools for agricultural, mechanical, or manufacturing purposes they want to have this brought in as a raw material. There was no difficulty about this matter as long as there was sufficient charcoal made in this country. But our forests are becoming exhausted, our supply of charcoal is becoming limited, and charcoal iron is but little manufactured, and can only be manufactured now at a very high price, because of the scarcity of timber. That being so, it is now necessary to have this raw material brought here from abroad. I do not desire to argue the question any further, but simply state it to the committee. Every man who wants cheap

tools will vote for this amendment. Every one who thinks that the tool-makers of Europe should be protected to the disadvantage of this country will vote against it.

Mr. SCHENCK. This is a question entirely disconnected with the rate of duty to be imposed on scrap iron. Whatever that duty may be the House will perceive the importance of having some definition which shall indicate clearly what constitutes scrap iron, and the gentleman's amendment is one which interferes with the definition as contained in the proviso reported by the Committee of Ways and Means.

We have defined "scrap iron" to be nothing except "waste or refuse iron that has been in actual use and is fit only to be remanufactured," and of course we had an object in that definition. A very large proportion of the old iron brought in as scrap iron is in the form of rails that have been used on railways in foreign countries. Under our definition all that kind comes in because having actually been used for railway purposes. The iron could be rerolled and converted into rails again or into any other form, and would have the advantage of coming in under the low duty. But the gentleman from Massachusetts [Mr. BUTLER] proposes an amendment which opens the door, not for railway iron, which can come in under the provision of the committee, but for another class of what he would choose in that case to define as refuse or scrap iron; that is, that instead of its being confined to refuse iron that has been in actual use it may be all kinds; waste or refuse iron, as one class, and all that has been in actual use as another, by disconnecting the two and putting the word "or" in, and making two classes. Now, then, if everything called refuse or scrap iron, which has not been used may come in, what will be the consequence? Precisely that which the committee have sought to guard against. Among other matters of information brought to the attention of the committee was this: that a practice has grown up under this low duty placed upon scrap iron of bringing in pieces of new iron of the best kind for various purposes, either cut up to order or else having been cut in the course of manufacture, and introduced in order to use it over again in this country for various fine purposes.

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

Mr. SCHENCK. Certainly.

Mr. WOOD. I would ask him whether it is not competent for the custom-house officials to reject as scrap iron the new article? Your definition of scrap iron is iron that has been used. Can there be any such evasions of law if the custom-house officials do their duty in rejecting the new article?

Mr. SCHENCK. There will be no such evasions of law unless we have dishonest custom-house officers, in case the provision of the Committee of Ways and Means prevails; but in case the amendment of the gentleman from Massachusetts [Mr. BUTLER] shall prevail, then the door will be wide open for introducing all forms and sorts of new iron, either cut up purposely to be brought in in that way, or else found in that condition, but brought in under this low duty to be used over again in this country. In order to guard against that we have not only in this paragraph provided that that only shall be called scrap iron which is waste or refuse that has been in actual use, but we have taken care in the next paragraph to exclude the conclusion that these ends, clippings, and punchings of new iron may be brought in except at the rate charged for iron in slabs and blooms. And the reason for that is just this: if you throw open the door and let in pieces of new iron, which the gentleman himself admits may be converted into steel very readily, and may be used for the manufacture of tools and for other smaller and finer purposes—if you do that, and among them include clippings and punchings, you will have clippings and punchings brought in in every form. It is not merely the punchings, in order to make rivets in boiler-plates that will be brought in, but you will have punchings cut into all sorts of shapes ready to be used.

[Here the hammer fell.]

Mr. BROOKS, of New York. I move to amend by inserting the word "which" after the word "that." Mr. Chairman, the change proposed by this amendment in the tariff on iron, as reported by the Committee of Ways and Means, is of a great deal more importance than the word "or" would seem to indicate. The duty on iron ends, clippings, and punchings is now less than three eighths of a cent per pound. By the arrangement proposed by the Committee of Ways and Means the duty is increased to one cent per pound, by a new classification merely, without any apparent change at all in the present law. The chairman of the Committee of Ways and Means [Mr. SCHENCK] justifies this proposed increase of duty by the argument which gentlemen have heard. And the gentleman from Pennsylvania [Mr. CAKE] the other day endeavored to maintain that position by a citation of the large amount of iron that has been recently imported into the city of Philadelphia. Pennsylvania, therefore, attacks us in two ways: first, by a new classification, increasing the duty, and next by an argument founded upon this increased importation of iron into Philadelphia. And why was that increased importation of iron into Philadelphia? I call the attention of the Committee to the matter. The moment a new classification was reported by the Committee of Ways and Means it was telegraphed to the other side, and orders went over from Pennsylvania for a large amount of iron, and especially for old used-up railroad iron, to be rerolled in the Cambria and other iron works of Pennsylvania. And the fact that these iron rails are thus imported is used as an argument here by the gentleman from Pennsylvania to show that frauds are being committed by the importation of extra railroad iron into Philadelphia. Sir, the country needs more railroad iron than Pennsylvania or the rolling-mills of this country can now make. The demand for it is greater than the power to manufacture it. Hence the necessity that the old classification should be allowed to stand, and not that which is proposed here.

Mr. CAKE. Will the gentleman yield to me for a question?

Mr. BROOKS, of New York. Not now.

Mr. CAKE. Just a question.

Mr. BROOKS, of New York. Not now, I say. I trust that the motion of the gentleman from Massachusetts [Mr. BUTLER] to insert the little word "or" will prevail. It is of the greatest importance to all the railroad-makers of the whole West; and it is of the greatest importance to the iron-workers of the East and of the whole Atlantic slope. It is a word full of meaning. It is one of the most important amendments which have been proposed to this bill. By an amendment which has been adopted, scrap cast iron will stand at $5 per ton, and scrap wrought iron at $6 per ton, or a dollar more than the duty upon pig iron, as agreed to by this Committee of the Whole. And I trust this committee will be consistent in its course and insert this word "or," as proposed by the gentleman from Massachusetts.

[Here the hammer fell.]

Mr. KELLEY. I desire to reiterate, as nearly as I can, what I said at the close of the debate on this subject the other evening, that there never was a monosyllable used in a way to do more harm than this little one of two letters which the gentleman from Massachusetts [Mr. BUTLER] has moved to insert in this paragraph. The gentleman from New York [Mr. BROOKS] and a great many others seem to have Pennsylvania on the brain; to be crazy on the subject of Pennsylvania. Now, her interests are not specially involved in this matter. The gentleman from Massachusetts by his amendment, and the gentleman from New York by his advocacy of it, do not propose to touch the duty on rails; and yet the gentleman from New York says it is a Pennsylvania movement because the Cambria Iron Company reroll old rails. With or without this amendment the law touching rails will stand precisely as it does now. Sir, it is a question of revenue. If this amendment shall be adopted, then iron that would pay 1 cent, or 1¼ cent, or 1½ cent per pound in the bar will be punched into forms and cut into shapes, become more advanced than the bar iron; and yet it will come in at the same rate of duty as old scrap iron will come in.

Now, how largely that will operate upon the revenue we have evidence from the returns of the last three years. In 1867 the Government derived a revenue of $585,000 from the duty on this article; in 1868 a revenue of $640,000, and in 1869 a revenue of $1,115,000. Why should bar iron be imported and pay its duty? Why should not more labor be expended upon it in punching and cutting it into forms when by so doing it comes in as scrap iron under the amendment of the gentleman from Massachusetts, [Mr. BUTLER?] It is a fraud on the revenue to the amount of nearly a quarter of a million dollars annually. It is at the same time a blow at the industry of the country. I say that in statesmanship no monosyllable of two letters was ever made to play a more dangerous and damaging part than will this word "or" if the amendment of the gentleman from Massachusetts be adopted. I reiterate that Pennsylvania has no special interest in this question. As I have already suggested in general debate, you cannot strike the industries of Pennsylvania without inflicting a blow at the same time upon Maryland, Virginia, Kentucky, Tennessee, Indiana, Illinois, Missouri, all the New England States—every State in the Union save the cotton States. The industries of Pennsylvania are so developed and diversified as to bind her in interest to every State in the Union. When the gentleman howls at Pennsylvania he does but curse West Virginia and the other iron-producing States, including nearly every State in the Union.

I see that the gentleman from Illinois [Mr. LOGAN] does me the honor to listen to me; and I tell him that the three southernmost tiers of counties in Illinois are richer in iron and coal and the fluxes for smelting them than any similar number of contiguous counties in Pennsylvania. When I ask that this fraud on the revenue and the industries of the country be averted by adopting the report of the committee I do but plead for southern Illinois, and for Clay and other coal-bearing and iron-bearing counties of the State of Indiana. We are all interested in the development of iron. The gentleman from New York [Mr. BROOKS] tells us that we do not produce so much as we need. Can he tell us that we have not the material from which to produce it? It underlies all our land; and the simple question is whether when we are entering upon an age when iron and steel are to be the materials for the construction of our vessels of war, as well as the projectiles, we shall develop our own resources or rely upon our great maritime foe for the material for the construction of vessels of war and their armament and projectiles.

Mr. BROOKS, of New York. I withdraw the amendment.

Mr. JUDD. I move to amend by striking out the amendment of the gentleman from Massachusetts [Mr. BUTLER] and inserting what I send to the Clerk's desk.

The Clerk read as follows:

In line three hundred and twenty-three, after the word "that," strike out the word "which" and insert the following:

That from and after the 1st day of July next the duties levied upon the articles in this section named, imported from foreign countries, shall be reduced as follows: on syrup of cane juice or melada; on molasses from sugar cane——

Mr. MAYNARD. I raise the point of order that this amendment is not in order.

The CHAIRMAN. The Chair understands that this is offered as a substitute for the pending paragraph.

Mr. JUDD. That is the object.

The CHAIRMAN. The Chair rules that the amendment is not germane. The pending paragraph relates to scrap iron.

Mr. JUDD. My amendment embraces iron. I hope the Chair will allow it to be read so that he can decide upon its relevancy.

The CHAIRMAN. The Chair holds that the point of order is well taken. The amendment so far as it has been read is not germane to the pending proposition.

Mr. JUDD. The Chair will allow me to suggest, with all courtesy, that my amendment covers the very subject now under discussion—scrap iron.

The CHAIRMAN. The Chair must judge of the amendment as read.

Mr. JUDD. If the entire amendment be read I think its relevancy will be apparent.

The CHAIRMAN. The Chair will inform the gentleman from Illinois that he may, if he pleases, offer this as a substitute for the entire bill, but not for the pending paragraph. If he should offer it as a substitute for the entire bill it will lie over till the bill has been gone through with, when the question will be taken upon substituting it.

Mr. JUDD. I suppose that a member offering an amendment is entitled to have it read.

The CHAIRMAN. If the amendment is offered as a substitute for the pending paragraph, enough has been read to show that it is not germane.

Mr. JUDD. Then I will offer it as a substitute for the entire section.

Mr. SCHENCK. It will be time enough to do that when we get through with the bill.

The CHAIRMAN. The Chair rules that the amendment is not germane as a substitute for the pending section or paragraph.

Mr. JUDD. The Chair will allow me to suggest that this is the first instance within my knowledge in which an amendment when offered has not been allowed to be read before the determination of the question of order.

The CHAIRMAN. So much of the amendment has been read as to show that it is not germane to the pending paragraph.

Mr. JUDD. I propose to offer the amendment as a substitute for the entire bill.

Mr. SCHENCK. I raise the question of order that a substitute for the bill cannot be offered at this stage when we are in the midst of the bill, but must be offered when the bill has been gone through with.

The CHAIRMAN. The Chair rules that this substitute may be received now, but cannot be acted upon in any way until the consideration of the bill by paragraphs shall have been concluded. This the Chair understands to be in accordance with the rule of the House.

Mr. RANDALL. I rise to another point of order. That it is not in order to move to strike out what the committee have inserted.

The CHAIRMAN. The point of order is well taken. The Chair is not aware there is any such proposition. The Clerk will read the substitute proposed by the gentleman from Illinois, [Mr. JUDD.] The Chair will hear no question of order until it has been read.

The Clerk read as follows:

That from and after the 1st day of July next, the duties levied upon the articles in this section named, imported from foreign countries, shall be reduced, as follows:

On sirup of cane juice or melada, on molasses from sugar-cane and on all sugars, on salt, on coal, and upon pig and scrap iron, 33½ per cent., or a reduction of one third of existing duties.

On coffee, on tea, and on all manufactures of iron except railroad iron, 20 per cent., or a reduction of one fifth the present rates: *Provided*, That no manufactures of iron shall pay a less rate of duty than 35 per cent. *ad valorem*.

On all manufactures of wool, or manufactures of which wool is a component material of chief value, and on all manufactures of cotton, and on railroad iron, 10 per cent.: *Provided*, That no manufactures of woolen or cotton shall pay a less rate of duty than 35 per cent. *ad valorem*.

SEC. 2. Taxes imposed under existing internal revenue laws are hereby modified and repealed, as follows: The laws now in force imposing taxes on incomes are hereby so amended as to reduce the rate hereafter to be levied on incomes to 3 per cent. on all incomes in excess of $2,500; all taxes on gross receipts, and all special taxes and taxes on sales, except special taxes imposed upon distillers, rectifiers, compounders of liquors, wholesale and retail liquor dealers, brewers, manufacturers and dealers in tobacco, cigars, and snuff, banks and bankers, are hereby repealed: *Provided*, That all assessments made prior to the taking effect of this act shall be collected and paid as now required by law.

Mr. SCHENCK. I rise to another point of order, that amendments to the internal revenue taxes are not in order to a tariff bill.

The CHAIRMAN. The substitute will be reserved until the committee has finished the consideration of the paragraphs in relation to dutiable articles.

Mr. SCHENCK. I ask that my point of order shall also be reserved.

The CHAIRMAN. The point of order will be reserved until that time.

Mr. CAKE. I wish to move an amendment.

The CHAIRMAN. Only an amendment to an amendment is now in order.

Mr. CAKE. I move at the end of the proviso in the three hundred and twenty-fourth line, after the word "remanufactured," to add the following: "and in addition to the duty imposed on all manner of scrap iron 10 per cent. *ad valorem*.

The CHAIRMAN. This amendment is not germane to the pending amendment.

The question then recurred on the amendment of Mr. BUTLER, of Massachusetts.

The committee divided; and there were—ayes 38, noes 62; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. BUTLER of Massachusetts, and Mr. CAKE.

The committee again divided; and the tellers reported—ayes 54, noes 68.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, a message was received from the Senate by Mr. HAMLIN, one of its clerks, notifying the House that that body had passed joint resolutions of the following titles; in which he was directed to request the concurrence of the House:

A joint resolution (S. R. No. 121) authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road and to secure the same by mortgages, and for other purposes; and

A joint resolution (S. R. No. 159) authorizing the Postmaster General to prescribe an earlier time for the execution of contracts by accepted bidders, and for other purposes.

TARIFF.

The committee then resumed its session.

Mr. CAKE. I move at the end of line three hundred and twenty-four to add the following words: "And in addition to the duty imposed on all manner of scrap iron 10 per cent. *ad valorem*." Mr. Chairman, this amendment will compel that class of iron fraudulently designated as scrap, and which is worth in the market nearly twice as much as pig iron, to pay a little more duty than the true scrap iron of commerce. I cannot believe that Congress is willing to perpetuate a fraud that has worked its way into our tariff laws and is growing into the most demoralizing proportions after it has been so fully exposed. The gentleman from Massachusetts [Mr. DAWES] unfairly stated, when discussing this matter on Tuesday night, that evidences of this fraud only came from a port in Pennsylvania, and would not yield at the time to permit me to then state that but a small portion of the heavy arrivals of the best quality of iron, invoiced as scrap and by law admitted as scrap, reaches Philadelphia.

Now, the gentleman from New York [Mr. BROOKS] has stated that when this new tariff schedule was reported to the country these Pennsylvanians hurried off their telegrams with more orders, that it might come into Philadelphia while the duty remains at $8; thus paying more by $2 a ton than they may hope to get it in at after the new bill passes. If true, this statement only goes to prove that these Pennsylvania gentlemen wish to pay the Government something like a fair amount for the importation of that class of iron. It can be shown, and it cannot be successfully denied, that paying a duty of only $8 a ton in gold, the importations of this kind of scrap iron, fully as valuable as blooms that pay 1 cent a pound, is rapidly increasing. The records of all your custom-houses will show this. For the fiscal year ending June 30, 1869, with gold averaging over 40 per cent. premium, we imported over 130,000 tons. During the next succeeding five months, ending November 30, 1869, we imported nearly 70,000 tons, and now it is estimated that we are importing 1,000 tons a day of this iron. Instead of raising the rate to that of blooms, with which it ranks in point of real value, it is proposed to reduce the duty to $6.

The kind of scrap iron used in the factory in the first district of Connecticut is still more valuable. I have been much instructed by the proprietor, who wishes to have his stock duty free; he uses nothing but scrap. Upon new iron of the grades he works up the duty would be from $25 to $30 per ton. Like everybody else the longer a member of Congress lives the more he finds out; and my theory in relation to this factory leads me to suggest that Secretary Boutwell would do well to send one of his sharp-nosed young men to look it up. It smells like wooden nutmegs.

Sir, to work a ton of pig iron into the advanced condition of blooms or wrought iron scrap, such as old rails or other plain forms of somewhat finer iron, costs about $14 a ton in this country in favorable localities. I am told it costs from $4 to $5 only in England. The reason for this is to be found in the fact that to produce the coal to heat the iron the American miner gets as much wages for one day's work as the English miner does for five, and the American puddler gets as much wages for one day's work as the English puddler does for four. It is thus apparent that to reduce the duty on scrap, with gold at par, will start every furnace and rolling-mill in England, and the most profitable form for them to put their product in is the kind of scrap iron we are talking about. They need not be particular as to its quality, for, in order to evade the proviso that it shall not be fit for use without reworking, a slight twist or bend can be imparted while hot, when a little rusted it is just the article for the American market, allowed to come into our country, as it is now proposed, almost duty free.

The employment of labor in this country or in England is the problem. Here the laborer receives four or five times as much for his day's work as he does over there. In this country he consumes only American wheat and American meat. Our farmers have him to feed without fear of competition from the European continent, and here he can and does eat wheat and meat three times a day, if steadily employed, besides taking sugar with his coffee and coffee with his sugar as often. Over there he cannot afford, though he be employed three hundred days in the year, to eat as good food or as much of it as he can here. Therefore, we had better let him do the work here, even if we only esteem him as a market for our produce. Here his wages warrant him in consuming more of everything than he dare hope to do over there, and here we have a monopoly of him as a consumer that we never did nor never will have over there. Here the money we pay him is kept among us; that which we pay him over there is lost to the country forever.

If members of Congress want to assist the workingman of our country, let them legislate so as to give him plenty of work at good wages. Give him employment, and cease talking about taxing him. He will cheerfully pay whatever taxes he may be called upon to pay if work is plenty. Yes, sir; the question is reduced to the simple one of the employment of labor at four or five times the wages in this country that are paid in England, the difference being covered by admitting a foreign article at a rate of duty preposterously out of proportion to its value as compared with other and competing manufactures; for, sir, ridiculous as it may appear, we are putting a premium upon the manufacture of scrap iron for our market, of which our kind English neighbors, availing themselves of the low prices they pay their workmen as compared with our rates, are not by any means slow to take advantage. And now, gentlemen of Massachusetts and Connecticut, I have done.

Mr. MAYNARD. I rise to oppose the amendment, but I shall not occupy time in addressing the committee. I call for a vote.

The question being put on Mr. CAKE'S amendment, it was not agreed to.

Mr. BROOKS, of New York. I call for a division. I wish to have a call of the House, that members may be brought in.

The CHAIRMAN. A call of the House cannot be ordered by the Committee of the Whole. The question was put, and the amendment was declared to be rejected.

The Clerk read the next paragraph, as follows:

On all iron in slabs, blooms, loops, or other forms, including ends, clippings, and punchings of new iron, less finished than bars and more advanced than pig iron, except castings, 1 cent per pound.

Mr. BROOKS, of New York. I move to strike out, in the three hundred and twenty-sixth line, the words "including ends, clippings, and punchings of new iron." Mr. Chairman, I desire to call the attention of the committee to this fact, that the duty on ends, clippings, and punchings of new iron is now less than three eighths of a cent per pound. This paragraph raises the duty to 1 cent per pound. If the committee means to make this increase of duty on this class of iron it will vote against my amendment. If it does not, the committee will vote for it.

Mr. KELLEY. Mr. Chairman, it is simply the old question over again. Ends, clippings, and punchings are the new iron prepared for use, sprinkled with salt, and brought in as old scrap iron; bars cut to the precise length for being tied together and rolled and punched out in the form in which they are to be used. They pay now three eighths of a cent per pound. They would pay 1 cent if they came in in the whole bar, less advanced than they are as "ends, clippings, and punchings." We do not propose to put an additional duty on them, by reason of the fact that they are thus advanced, but to allow them to come in as if they were still bar iron, at the duty put upon bar iron. This is again an attempt, by striking out these words, to do what the word "or" of the gentleman from Massachusetts [Mr. BUTLER] would have done, namely, to enable those who want to defraud the Government to do it under the cover of this law; to enable those who want to strike down the charcoal-iron interests of this country to do it under the cover of law.

Mr. LYNCH. Will the gentleman yield to me for a question?

Mr. KELLEY. Yes; for a question.

Mr. LYNCH. I wish to ask the gentleman from Pennsylvania if this is not an actual advance of duty on this particular quality of iron of nearly 200 per cent. over and above the present tariff?

Mr. KELLEY. I answer, it is not, on that quality of iron. It simply brings that quality of iron to the duty it should have paid. As I was explaining, they take a bar on the other side which would pay 1 cent and cut it to the size in which it is wanted for use, which would be done by American labor if the law stood as the bill now provides, and then get it admitted at a lower rate of duty.

Mr. FARNSWORTH. I call the gentleman's attention to the words "less finished than bars."

Mr. KELLEY. The words of the paragraph are "on all iron in slabs, blooms, loops, or other forms, including ends, clippings, and punchings of new iron."

Mr. FARNSWORTH. Read on.

Mr. KELLEY. It simply restores the ends and clippings and the punchings to their legitimate rate of duty. I said they take a bar of iron which would pay 1 cent per pound and cut it into lengths of eight or ten inches, and they call every part of it an end. These are not ends. They are the bars advanced by cutting, and prepared for heating and rolling. They are also the bars punched into particular forms, and therefore advanced, while the bloom, the slab, or loop, or other form may be less advanced. The committee in order to protect the revenue have inserted with them as under the same duty, while they should bear a higher one, by reason of being more advanced, ends, clippings, and punchings. And those who desire either to protect the charcoal-iron maker of the country, or honestly and fairly to collect the revenue, and close the door against fraud, will vote for the bill as the committee have reported it.

The CHAIRMAN. Debate is exhausted on the pending motion.

Mr. LOGAN. I desire to offer an amendment to the amendment.

The CHAIRMAN. There is no amendment pending. There is a motion to strike out, and the gentleman from Illinois [Mr. LOGAN] may offer, if he chooses, an amendment to the paragraph.

Mr. LOGAN. I move, then, to amend the paragraph by inserting after the word "iron," in the thirty-sixth line, the words "cut, clipped, or made for the purpose of being manufactured into any articles." Now, if the Committee of Ways and Means intended when they reported this section to prevent the frauds which they charge, and which the gentleman from Pennsylvania [Mr. KELLEY] charges in every speech he makes, why not insert such language as will prevent fraud? The gentlemen assert here that punchings and clippings are made for the purpose of manufacturing spades and different kinds of tools and brought in as scrap iron. Do they desire to prevent frauds of that character? If they do not mean the mere little punchings and filings and clippings of iron that are not intended for any particular purpose whatever, but are mere refuse iron—if they do not intend to include them in this paragraph, why not insert words that will explain what the committee do intend? My amendment will make the paragraph provide that any cuttings, clippings, or punchings for the purpose of being manufactured into any articles shall be taxed so much. That will cover exactly what the gentlemen say they intend, the fraud of importing iron punched in certain shapes or cut in certain shapes to be manufactured into tools of different kinds.

Mr. O'NEILL. How can you get at the evidence of that?

Mr. LOGAN. Easily.

Mr. O'NEILL. You can only get it from the invoices, and it is in the invoices where the frauds will be committed.

Mr. LOGAN. I presume the custom-house officers can see to that. Strange to say, when gentlemen charge frauds, and an attempt is made to insert words that will protect the Government against those frauds, these gentlemen object to it. I say to the gentleman from Pennsylvania [Mr. KELLEY] again, as I said the other day, that whenever the people of southern Illinois desire him for their Representative I hope they will send for him and elect him. He talks about that of which he knows nothing when he talks about different tiers of counties in southern Illinois, and their productions. He is not read up. I was born and raised in that country, and I profess to know as much about it as he does; and whenever my constituents desire this sort of tariff on iron I presume they will notify the country through me or my colleague, [Mr. CREBS,] who has now gone home, and not through the gentleman from Pennsylvania. And I say to him that his assumption upon this floor of being the representative of any part of the State that I represent is an unwarranted assumption, and without any desire on the part of any living man within the confines of my State. They desire no such representation or representative as he is in reference to the tariff. If they do, they will send him here. You can find no man upon this floor from my State who will vote with the gentleman on these propositions. Hence I say that it is offensive for him to profess here to be the representative of and make appeals for the people of southern Illinois. Let him represent his own constituents. I know he will do it well, as he ever has done, and as he is doing on this particular tariff bill. But while he is doing that, he is not representing my constituents, nor is he representing their interests; nor do they thank him for his pretended representation of them.

Now, sir, this proposition of the Committee of Ways and Means increases the tariff on scrap iron, on cuttings and filings, from $8 a ton to $20 a ton.

Mr. KERR. To $22 40.

Mr. LOGAN. To $22 40. I did not make the calculation, but I will take the gentleman's statement. It increases it to that amount; and for what purpose? For purposes of revenue? Why, no, sir. Every man who knows anything knows that this tariff on scrap and refuse iron, punchings, and filings, and things of that kind, is a prohibitory tariff and not a tariff for revenue. The gentleman is mistaken when he pretends that it is a tariff for revenue. It is no such thing. It is not a tariff to protect the Government against frauds, either. It is no such thing as that. But it is a tariff in the interest of gentlemen who desire to exclude entirely this competition, and that is all that it is.

[Here the hammer fell.]

Mr. RANDALL. With great respect, I think the Committee of Ways and Means have made a mistake in reference to this paragraph. I think there should be a distinction, and a very wide one, between slabs, blooms, and loops, and other forms, and that ends, clippings, and punchings should be at about half the rate.

The present duty upon "ends, clippings, and punchings" is $8 per ton. This bill proposes to raise the duty to $22 40, which is entirely too high according to my judgment. I think it should not be above half a cent per pound. I am confirmed in the correctness of this statement by practical iron men, by men who are in the iron business. The amendment of the gentleman from New York [Mr. BROOKS] I believe is to strike out the words "including ends, clippings, and punchings of new iron." I would move to amend that amendment so as to add to this paragraph the words "and on ends, clippings, and punchings of new iron, one half of one cent per pound." That would increase the rate of duty to $11 20 per ton, which in my judgment will be sufficiently high. I think the House would adopt such a proposition as that, whereas if gentlemen insist upon pressing the duty of $22 40 per ton it will be voted down in the House, and we shall revert to $8 per ton in reference to these three kinds of scrap iron. I concur with the gentleman from New York [Mr. BROOKS] in the propriety of striking out the words he has indicated; but I want to add to the paragraph the words I have indicated: "and on ends, clippings, and punchings of new iron, one half of one cent per pound."

The CHAIRMAN. The amendment must be an amendment to the pending amendment.

Mr. RANDALL. I would ask the gentleman from New York [Mr. BROOKS] to accept my amendment, or to include it in his amendment.

Mr. BROOKS, of New York. I cannot accept that proposition for the reason that the duty now imposed upon ends, clippings, and punchings is $8 per ton.

Mr. RANDALL. I think that is too low.

Mr. BROOKS, of New York. The chairman of the Committee of Ways and Means [Mr. SCHENCK] proposed to reduce it to $6 or $7 per ton. The proposition of the gentleman from Pennsylvania, [Mr. RANDALL,] to increase, it to $11 20 per ton fixes the duty too high. And the proposition of the bill to make it $22 40 per ton is too high. I propose to go back to the rate established by the present law.

The CHAIRMAN. Debate on the pending amendment is now exhausted.

Mr. LOGAN. I will withdraw my amendment if it can be renewed.

Mr. COBURN. I renew the amendment. I think the proposition of the gentleman from Pennsylvania [Mr. RANDALL] is a fair one. In framing this law we want to provide against evasions and frauds. It is no advantage to the consumer to be able to buy an article that has been brought into the country by evasion, by some process similar to smuggling. It is always better for the consumer that there should be a fair and square duty, well defined and well understood all over the land. We desire to have a gain to the revenue; and we desire also, it seems to me, if we reduce the rate of duty, to enable the consumer to obtain his article at a lower price. If we so arrange this tariff that there is a question or doubt as to whether these ends, clippings, and punchings can be admitted as scrap iron, or old iron, or anything of that kind; if by any possible construction a way can be found by which these punchings and clippings and ends can be brought in at a lower rate of duty, it is to be presumed that the consumer will not get any benefit from it, but the man who perpetrates the evasion or the fraud upon the Government will reap the benefit, if any. Therefore I say it is proper to make an explicit declaration in regard to every one of these items, if we can do so. I would say that this class of iron upon which the gentleman from Pennsylvania [Mr. RANDALL] wishes to impose a duty of one half of one cent per pound should be designated in the law as having that specific duty placed upon it, and not allow it to slip in under the name of waste iron, or refuse iron, which under this paragraph is fixed at $6 per ton. I think that a duty of 1 cent per pound is too much, and that on the other hand the rate for scrap, refuse, and waste is too low. The amendment of the gentleman from Illinois [Mr. LOGAN] which I have renewed, is also a proper one, for it designates certain kinds of iron which may be cut up or chopped up into shape for the purpose of being worked into tools, &c. That class of iron should also be specifically named so that the officers charged with collecting the revenue may at once determine the duty upon it without trouble. We should not stultify ourselves as to this matter, and while we fix a rate for pig and scrap iron at $5 and $6 a ton, put a much more valuable class of wrought iron at the same rate, unless we go to the opposite extreme from protection and discriminate to destroy instead of to protect.

Mr. BECK. Mr. Chairman, I rise to oppose the amendment. I oppose it because I think the duty upon the whole class of iron named in this paragraph is not only too high but is higher than that class of iron pays under the existing tariff. The paragraph provides that—

On all iron in slabs, blooms, loops, or other forms, including ends, clippings, and punchings of new iron, less finished than bars and more advanced than pig iron, except castings, 1 cent per pound.

This, I think, is an extravagant rate of duty. Under the present law, as will be found by a reference to the tables appended to the report of the Special Commissioner of the Revenue, bar iron itself, not more than six inches wide nor more than two inches thick, is admitted at 1 cent per pound. Yet this bill, purporting to be a reduction of the tariff, a bill whereby, as the chairman of the Committee of Ways and Means has announced, a reduction of over $20,000,000 is to be made, proposes in fact an increase of the tariff in this respect. Iron less finished than bar iron, but more advanced than pig iron, is to pay a duty of 1 cent per pound, or $22 40 per ton; while under the existing law all bar iron rolled or hammered, not exceeding six inches in width and two inches in thickness, comes in at that rate. Thus the less advanced article is to pay under this bill the same rate of duty that bar iron now pays.

I desire to make one further remark. If the amendment of the gentleman from Pennsylvania [Mr. RANDALL] imposing a duty of half a cent per pound on ends, clippings, and punchings should prevail, it will be made a reason for an advance of duty upon other classes of iron when we reach them, on the ground that the latter are more valuable. Thus we may be drawn into a general increase of duty on all classes of iron.

Mr. MAYNARD. Will the gentleman allow me to make a single remark?

Mr. BECK. Certainly. If I am mistaken I want to be corrected.

Mr. MAYNARD. The present law, I read from it, provides that—

"All iron in slabs, blooms, loops, or other forms, less finished than iron in bars and more advanced than pig iron, except castings, shall be rated as iron in bars, and pay a duty accordingly."

Mr. BECK. If the iron is less finished, is it not worth less?

Mr. MAYNARD. That is not the point to which I was directing the gentleman's attention. He said that in this bill we are proposing to raise the present rate of duty. I am trying to show him that in this respect this bill corresponds precisely with the present law.

Mr. BECK. In looking over the table embraced in the report of the Special Commissioner of the Revenue I do not find specifically enumerated any such thing as iron less finished than bar iron, but find that bar iron rolled or hammered, not exceeding six inches in width and two inches in thickness, pays a duty of 1 cent per pound; and I say that the class of iron now under consideration must be less valuable.

Mr. MAYNARD. Allow me to correct a remark which I just made. I am reminded by one of my colleagues on the committee that I made my statement rather too broad. As the law now stands a portion of the bar iron comes in at a duty of 1 cent per pound, and another portion at 1½ cent per pound. Blooms, slabs, &c., are rated as bar iron without any distinction.

Mr. BECK. But the class of iron provided for in this paragraph, which is less finished than bar iron and more advanced than pig, must be of less value than bar iron.

Mr. SCHENCK. The gentleman is under a misapprehension. I hold in my hand the present law, not an abstract from it, to which the gentleman has been referring. By this law bar iron is classed as of two kinds, according to size, one kind coming in at 1 cent per pound and the other at 1½ cent. Then there is this proviso:

"*Provided*, That all iron in slabs, blooms, loops, or other forms less finished than iron in bars and more advanced than pig iron, except castings, shall be rated as iron in bars, and pay a duty accordingly."

Thus, under the existing law, one class of bar iron pays 1 cent per pound and another class 1½ cent per pound, according to size. And we put it all down together, no matter what the size is, at 1 cent. We have selected the lowest class, which is 1 cent, and put all these at that; whereas under the present law, according to size, it may come in at 1 cent or 1½ cent.

[Here the hammer fell.]

The CHAIRMAN. The Chair desires to state the position of the question. From the confusion in the Hall he is unable to ascertain at the time the purport of amendments, and can only examine them when they are brought up to the Clerk's desk. Neither the amendment offered by the gentleman from Illinois [Mr. LOGAN] nor the amendment of the gentleman from Pennsylvania [Mr. RANDALL] is germane to the amendment of the gentleman from New York, [Mr. BROOKS,] which is to strike out. They are ruled out for the present, and the question is consequently upon the amendment of the gentleman from New York.

Mr. HOLMAN. I move the following as a substitute for the entire paragraph.

The Clerk read as follows:

On all iron in slabs, blooms, loops, or other forms less finished than bars and more advanced than pig iron, except castings, $15 per ton; and on clippings and punchings of new iron, $10 per ton.

The CHAIRMAN. The Chair will entertain no other question until action of the committee has been had on the amendment of the gentleman from New York [Mr. BROOKS] to strike out. That is the pending question and must first be voted on.

The committee divided; and there were—ayes 37, noes 52; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. BROOKS of New York, and Mr. MAYNARD.

The committee again divided; and the tellers reported—ayes 63, noes 59.

So the amendment was agreed to.

The question then recurred on Mr. LOGAN'S amendment.

Mr. LOGAN. I withdraw my amendment.

Mr. RANDALL. I desire to offer a substitute for the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. ALLISON. I wish to move an amendment to the original paragraph.

The CHAIRMAN. The Chair will entertain the amendment of the gentleman from Iowa.

Mr. ALLISON. I move to strike out in line three hundred and twenty-eight "1 cent per pound" and insert "$18 a ton." Mr. Chairman, I desire to call the attention of the committee to the three paragraphs on iron which follow, affecting the ordinary forms of iron:

On all iron in slabs, blooms, loops, or other forms, including ends, clippings, and punchings of new iron, less finished than bars, and more advanced than pig iron, except castings, 1 cent per pound.

On iron bars, rolled or hammered, (comprising flat bars,) not less than one and a half nor more than four inches wide, nor less than half an inch, nor more than two inches thick, 1 cent per pound.

On iron bars, rolled or hammered, comprising flat bars less than one and a half inch, or more than four inches wide, and less than one half of an inch, and not less than three eighths of an inch thick; and on iron bars, rolled or hammered, more than two inches thick, 1¼ cents per pound.

I desire to give notice, before this paragraph is passed from, that I shall move to strike out all of this paragraph and the two following paragraphs, and in lieu thereof insert a substitute which I will send to the Clerk's desk.

What is comprised in these three paragraphs is in the existing law included in a single paragraph, and what was the object of putting into three paragraphs what was included in one? I desire to call the attention of the committee to the real object in these three paragraphs. It is to increase the duty on one class of iron. It is true, in the third paragraph they have reduced the duty one quarter of one cent per pound; but at the same time they have reduced the classification so as to bring within narrower limits the iron which will pay 1¼ cents per pound, and place in another class iron which will pay 1½ and 1¾ cents per pound. What I want is to prevent confusion among iron dealers and iron importers and iron consumers on this subject, so that they will understand what particular kind of iron pays a particular duty as they now understand it under the existing law.

The present duty upon the class of iron

included in this paragraph—slabs, blooms, loops, &c., on which my amendment proposes to make the duty $18 per ton—is $22 40 per ton. Now, the gentleman from Kentucky [Mr. BECK] made, I think, a reasonable suggestion when he stated that in the very nature of things iron in slabs, blooms, or loops must be of less value than rolled or hammered iron, and should therefore bear a less rate of duty. It is true that under existing laws it is classified at the same rate. But this inferior iron should only, in my judgment, pay a duty of $18 per ton; and I would include at the same rate the class of iron included in the succeeding paragraph, namely:

Iron bars, rolled or hammered, (comprising flat bars,) not less than one and a half nor more than four inches wide, nor less than half an inch nor more than two inches thick.

Now, we have reduced in this Committee of the Whole the duty on pig iron from $9 a ton to $5. We have therefore reduced the cost of producing slabs, blooms, and loops, because they are produced from pig iron. And I submit to the committee that having thus reduced the duty on the lower form, we should make some reduction on this form of iron. The gentleman from Indiana [Mr. HOLMAN] has offered a substitute by which he proposes to reduce the duty to $15 a ton. That was the exact rate of duty by the protective tariff of 1861. By the legislation of 1862 that was increased to $17 a ton. Now I propose to give this interest $1 per ton more than the legislation of 1862 gave it. I only propose to reduce the duty $4 40 per ton, and I make the amendment in good faith, believing that this interest can bear this reduction, and believing that the consumers deserve this reasonable reduction, inasmuch as we have reduced the duty on pig and scrap iron.

Mr. SCHENCK. Mr. Chairman, it will very much facilitate matters when we are legislating upon any proposition of this kind, that the whole facts should be presented to the committee—many gentlemen probably who have not had their attention especially attracted to the matter not being familiar with the rates of duty as they now exist. My colleague from Iowa on the committee [Mr. ALLISON] says, treating of this first class—and it will be time, I suppose, to consider the other paragraph when we come to it—treating of this first-class iron in "slabs, blooms, loops, or other forms," that the present rate of duty is $22 40 per ton, that is 1 cent per pound, exactly what the Committee of Ways and Means propose to continue it at; and that it covers that extent and no more, the words "ends, clippings, and punchings" being taken out of the paragraph. Now, the gentleman only states part of the fact in regard to the matter. The present provision of law is contained, as the gentleman says, all in one paragraph, but each portion of the paragraph is entirely distinct from the other. That is a matter of the taste of the printer as much as anything else. It constitutes three classes—on bar iron over certain sizes 1 cent per pound, on bar iron under those sizes one quarter of a cent per pound, and then the iron in "slabs, blooms, loops, or other forms less finished than iron bars and more advanced than pig iron, except castings," is rated as iron bars and pays accordingly; that is these "slabs, blooms, loops, &c.," shall pay just as bars; some of them pay $22 40 per ton, and others $33 60 per ton, the duty being rated on some at 1 cent per pound, and on others at 1½ cents per pound; and the Committee of Ways and Means, the gentleman will do us the credit to observe, have put them all at 1 per cent pound.

Mr. ALLISON. Will the gentleman permit me to ask him a question?

Mr. SCHENCK. Certainly.

Mr. ALLISON. Does the chairman of the Committee of Ways and Means claim that "slabs, loops, and blooms" ever come within the smaller sizes of the classification in the existing law? They are always larger than the second classification, and therefore under the existing law pay only 1 cent a pound.

Mr. SCHENCK. I apprehend that the gentleman is mistaken in saying that they are always large. That they generally are I am ready to admit. We are speaking of the law as it is, as well as the practical application of the law; and I say that the law as it is puts all these things at either $22 40 or $33 60, as the case may be, according to their size. There is but little of this kind of article that comes in at $33 60, because there is little of it made. Yet the door is open under the law for bringing in either one or the other. The probability is that if that distinction were not made, and if the smaller forms might come in at the lower rate of duty, a great deal more would come in in the smaller forms. They prefer the larger forms now because they only pay two thirds as much duty; but we propose to leave open no temptation to adopt only the larger forms, but to make all pay what the larger forms of wrought iron and bar iron pay, and all pay precisely the same rate of duty.

[Here the hammer fell.]

The question was on Mr. ALLISON's amendment.

Mr. McCORMICK, of Missouri. I propose a substitute for the amendment of the gentleman to strike out in line three hundred and twenty-eight "1 cent per pound" and to insert "$12 50 per ton." Mr. Chairman, the committee has thought proper to reduce the duty on pig iron from $9 a ton to $5 a ton. Pig iron is a raw material to a certain class of our manufacturers; so are loops, slabs, and blooms, which are nothing more nor less than an advance in the condition of the iron from pig iron. If we were correct in reducing the duty on pig iron from $9 to $5 per ton, then it is in the same ratio, in the same proportion, that I propose to reduce the duty on slabs, loops, and blooms, which should not pay a higher duty than $12 50 per ton. That will make this correspond to the reduction of the duty on pig iron.

Mr. KELLEY. Mr. Chairman, I rise to oppose both the amendment and the substitute. The bill as reported by the Committee of Ways and Means is in itself a reduction upon a large part of this iron—a reduction quite commensurate with the reduction on pig iron as I apprehend it will stand when the House shall have voted upon it. If gentlemen predicate their votes upon the fact that with a hundred members absent the duty on pig iron was placed at $5 I think they will make a bill which the House will materially revise. I have no doubt that it will reverse the vote reducing the duty on pig iron below the reduced duty reported by the committee. This is a question of revenue. During 1868 there were over 100,000,000 pounds of bar iron of one class and over 17,000,000 pounds of another—about 123,000,000 pounds altogether, imported, from which we derived over $2,082,000. There can be no advantage to the revenue in making the reduction of duty proposed by the gentleman from Iowa, [Mr. ALLISON;] certainly none from reducing it one half, as proposed by the gentleman from Missouri, [Mr. McCORMICK,] while it would be a detriment to our own industries. I may say, if the gentleman from Illinois [Mr. LOGAN] will permit me, that I am an American citizen.

Mr. LOGAN. I have never questioned it, Mr. Chairman.

Mr. KELLEY. I have a right to emigrate to Illinois, and without naturalization become a citizen of that State.

Mr. LOGAN. Certainly.

Mr. KELLEY. I have had the honor of living in several States, and I believe that I love every part of my country. The gentleman does not feel any hesitancy about speaking of Pennsylvania, and I do but advertise the great resources of my country when I speak of the magnificent iron resources of northern Kentucky, of southwestern Indiana, and of Illinois to an extent greater than Pennsylvania in her coal fields, and equaling her in her great iron resources in the southern section of the State. The great iron resources of Missouri are a part of the resources of my country of which I am proud, and to which I have a right to refer, and I do not plead for Pennsylvania when I tell the gentlemen of Indiana and Missouri that in interchanging the coal of Clay county with the ores of Missouri they are giving freight both ways to their railroad companies, reducing the cost of transportation, and developing the resources of the country. I have a right to do it, and to do it without reproach from any gentleman. The gentleman from Illinois nor any other gentleman has a right to strike a State from the map of my country and say that upon this floor I must be dumb as to its great resources.

[Here the hammer fell.]

Mr. McCORMICK, of Missouri. I withdraw the amendment.

Mr. LOGAN. I renew it; and I do it merely for the purpose of saying to the gentleman from Pennsylvania [Mr. KELLEY] that I am sorry to see him so irritable this morning.

Mr. KELLEY. I am not irritable; I am in perfect good humor.

Mr. LOGAN. I have done nothing and said nothing to detract from his great ability. I only reminded him that I was a Representative of Illinois and he a Representative of Pennsylvania. That was all. I have never said anything about the great State of Pennsylvania except in eulogy of its great resources, nor do I desire to say anything about it now. But I will say this to the gentleman from Pennsylvania, [Mr. KELLEY,] "the great State of Pennsylvania," the great keystone of the arch of the Union, as it has always been represented; I will say to him that he ably represents that State, and I am glad to see that she has so able a Representative. But I must again beg of the gentleman from Pennsylvania, when he is discussing questions upon this floor, that he should at least recollect that he is the Representative of only one district of one of the States of the United States of America, and of no more. He can talk about the resources of the various States; we all can do that. But I say to him now, as I said a while ago, he has no right to represent Illinois.

Mr. KELLEY. I vote for Pennsylvania; but I speak for my whole country.

Mr. BENNETT. I have listened with great interest to the discussion on this tariff question. This is the first time I have opened my lips upon the subject. I occupy a position at the gate-way of the commerce of the West; I represent a commercial community. My business is that of transporting the cereals of the great West to the manufacturing districts. I rise now for the purpose of bringing particularly to the attention of Representatives from the great West and Northwest one important fact which I think has not been considered in this discussion. It is the question of a market for the great northwestern region of this country. At the proper time I propose to bring up a question which I regard as of vital importance; that is, the question of the transportation of the products of that vast region to the markets of the world.

I wish to say a word to the West, to that great agricultural region. They must look for their markets among the manufacturing districts of this country, and not in Europe. And I wish furthermore to state a fact well known to gentlemen if they know anything about the movements of the agricultural products of that region, that Milwaukee and Chicago during the active season ship in ten days more than all Europe takes in a year. Hence it is that I say they should look for their market to the manufacturing districts of this country. It is in the eastern States, along the south Atlantic coast, and in the West Indies that our cereals find a market. In the discussion of this question I wish it to be borne in mind that it is to manufacturing sections of this country that

the West must look for its market. And the more manufacturers we can induce to come to this country and engage in labor, the larger and better will be the market opened to the West.

This question is a vital one. As I said when I first took the floor, I have listened to this discussion with great interest and with patience. But I confess that I have been listening to the discussion to-day with more or less impatience. I want to see this question disposed of, and disposed of properly, so that some other business can, in due time, be considered by this House.

[Here the hammer fell.]

Mr. LOGAN. I withdraw the amendment to the amendment.

Mr. MUNGEN. I renew the amendment to the amendment. I am certainly very glad to find so able an advocate of the farmers of the West as in my distinguished friend from Pennsylvania, [Mr. KELLEY.] Last session, and ever since I have had the honor of being on this floor, that gentleman has boasted that he represented the largest manufacturing district in the United States. But now he represents not only Missouri and Illinois and Ohio, but the entire grain-growing regions of this country. He covers, or tries to cover a great deal of territory, a great deal more, I think, than he can ordinarily cover. He loves his country he says. Perhaps he likes some portions of it, Mobile for instance, at a distance far better than near by.

Now, as to obtaining a market for our surplus grain in the manufacturing districts of this country, let me say that we can not only feed all the manufacturing regions of Pennsylvania and New England, but we can send into the markets of the world an additional amount so large that the amount furnished to the manufacturing regions would hardly be noticed in comparison. The surplus of my own district alone would feed all those in this country engaged in manufacturing iron, cotton, and wool. And the surplus of the single State of Ohio would supply all the rest of the United States. But the tariff system of this country has closed the doors of our western markets to foreign purchasers. During the last winter wheat has been selling at 50 cents in Illinois, and only a little higher in Ohio. The tariff policy of this Government has compelled France and England to purchase their grains on the Black sea and the Baltic, and in the Danubian principalities, instead of getting them from this country. It is true that within the last few weeks there has been a slightly increased exportation of our great crop; but during the last year our export has been comparatively nothing. Why? Because we have closed the doors of our markets against the manufacturers of England and France, who naturally trade with those who trade with them. Gentlemen talk about this being a revenue matter. This bill is not a revenue measure. It is a measure in the interest of capital. The State of Pennsylvania, represented in part by the gentleman who has spoken to-day, [Mr. KELLEY,] has ceased to be the keystone of the arch in our republican system of government—I mean republicanism, not in the partisan sense, but in contradistinction from the monarchical system of Europe—and is becoming the keystone of the arch in a system that seeks exclusively the interests of capital.

I tell you, Mr. Chairman, that the question now before the American people is whether the money power represented by the manufacturing interests and the banks shall subjugate the country, or whether the people shall speak for themselves and assert their rights against these immense monopolies. The representatives of the Republican party boasted last fall that they had money enough to carry any election, and that is the boast now. The gentleman from Pennsylvania, [Mr. KELLEY,] who claims to be the friend of the farmer, has voted in this House to exempt from taxation the manufacturing interests of Pennsylvania, as well as the bondholders of the country; he has voted to exempt from taxation the rum manufacturers of New England, that region so renowned for its devotion to temperance! I say that this whole tariff system is a swindle and a fraud, and I am opposed to it. If we cannot have free trade, let us have a tariff that is reasonable and decent. I am willing as a choice of evils to assent to that. But the principle that should guide us in these matters lies in a nutshell; when we have revenue to raise, we should raise it by taxing the capital, not the labor of the country. That is the principle which this bill directly violates.

Mr. BENJAMIN. Mr. Chairman, I shall vote for the substitute proposed by my colleague, [Mr. MCCORMICK;] and in doing so I believe I represent the interests——

Mr. SCHENCK. I raise the question of order whether we can have two speeches in succession in favor of the same amendment? Is the gentleman entitled to the floor unless he opposes this proposed reduction of duty? I make the point because I want to get a vote as soon as possible.

The CHAIRMAN. If the point of order is insisted upon the Chair must rule that it is well taken.

Mr. SCHENCK. I am exceedingly anxious for a vote.

Mr. BENJAMIN. I ask the gentleman from Ohio [Mr. MUNGEN] to withdraw his amendment that I may renew it.

Mr. MUNGEN. I will do so.

Mr. SCHENCK. I object to the withdrawal of the amendment. I want a vote.

The CHAIRMAN. The gentleman from Missouri [Mr. BENJAMIN] can speak in opposition to the pending amendment.

Mr. BENJAMIN. Well, if the gentleman from Ohio [Mr. SCHENCK] will be any better pleased I will oppose the substitute of my colleague [Mr. MCCORMICK] and advocate the amendment of the gentleman from Iowa, [Mr. ALLISON.] I wish merely to say a word in connection with this subject so far as it relates to the State of Missouri, and particularly the district I have the honor to represent. Now, sir, I have no objection to the gentleman from Pennsylvania [Mr. KELLEY] or any other gentleman speaking of the great resources of the State of Missouri. I have no objection to their parading her great iron resources before this House as a reason for adopting the provisions of this bill. But when the gentleman from Pennsylvania undertakes to speak for the State of Missouri I do object to his directing attention alone to the iron interests of that State. I can inform the gentleman and the House and the country that the wealth of Missouri in her iron mines is but a drop in the bucket compared with the great agricultural resources of that State. We have had a high protective tariff in force as the law of the land for nine years. The duty upon pig iron has been during that time $9 a ton, a higher rate of duty than even the Committee of Ways and Means propose in this bill. What is the effect? All the additional laborers employed in the iron works of Missouri can be fed from the proceeds of one of the farms of my district.

The gentleman says that we must provide a home market. A home market! Sir, all the iron manufacturers in the United States, together with their wives and children, could be fed with the surplus products of my congressional district. I might, Mr. Chairman, carry it still further, and say that they may produce every ton of iron necessary for the wants of the United States, and the agricultural products that can be raised in the district of my friend and colleague, [Mr. ASPER,] and in the congressional district which I represent, can furnish them all with food. The reason which is held out why we should in this bill put an increased duty on iron and other manufactures is because by so doing we will afford a home market for our agricultural products. It is all nonsense to talk in that way. We know that it has no perceptible effect and can have none on the large bulk of the agricultural products of the West. Let me tell gentlemen that wheat is to-day selling for a less price, considering the value of money, in the city of St. Louis, right under the shadow of these iron furnaces, than it has sold for the last forty years. Pig iron is protected at the rate of $9 per ton. We are told that the iron manufacturers cannot live unless we do that. How then can the farmers live? If it is necessary to compensate iron manufacturers, let the farmers also be compensated for their labor and the labor of their wives and children. If any should be compensated the farmer should be. There is not a farm in the West which to-day pays more than 3 per cent.

The producers of these agricultural products not only work themselves but their families work, and still they make nothing. Yet gentlemen propose they shall still further be taxed in order to compensate the manufacturers of the country for their losses. Who is to compensate the farmer for his losses upon his wheat, now selling at 45 cents a bushel, which we all know he is selling at a loss? Who is willing to bear that loss of the farmer? There is not a single district in the United States which is willing to bear its share of that loss.

[Here the hammer fell.]

The CHAIRMAN. There are now an amendment and an amendment to the amendment pending, and no further amendment, therefore, is in order.

Mr. SCHENCK. And I give notice that I shall object to the withdrawal of the amendment, and insist on a vote.

The question recurred on the amendment of Mr. MCCORMICK, of Missouri, to the amendment.

The committee divided; and there were—ayes thirty-three, noes not counted.

So the amendment was disagreed to.

Mr. BECK. I move to amend the amendment by striking out "$18 a ton" and inserting "three fourths of 1 cent per pound."

The amendment was disagreed to.

Mr. HOLMAN. I move to amend by striking out "$18 a ton" and inserting "$15 a ton."

The committee divided; and there were—ayes 33, noes 64; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. KELLEY and Mr. HOLMAN.

The committee again divided; and the tellers reported—ayes 47, noes 70.

So the amendment was disagreed to.

Mr. POTTER. I move to substitute "$16 a ton" instead of "$18 a ton."

The committee divided; and there were—ayes 12, noes 60; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. POTTER and Mr. DICKEY.

The committee again divided; and the tellers reported—ayes 17, noes 65; no quorum voting.

Mr. BROOKS, of New York. Call the roll!

The CHAIRMAN. The committee finding itself without a quorum, it is the duty of the Chair to cause the roll to be called in order that the names of the absentees may be reported to the House.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Messrs. Adams, Ambler, Ames, Arnell, Axtell, Ayer, Bailey, Banks, Barry, Bennett, Biggs, Bingham, Boles, Booker, Bowen, Boyd, Buck, Burr, Churchill, Clinton L. Cobb, Cook, Covode, Crebs, Davis, Dickinson, Dockery, Duval, Dyer, Ela, Eldridge, Fisher, Haldeman, Hale, Hambleton, Heaton, Hoge, Hotchkiss, Alexander H. Jones, Julian, Lash, Mayham, McCrary, McGrew, McKenzie, Milnes, Eliakim H. Moore, Morphis, Samuel P. Morrill, Morrissey, Negley, Platt, Porter, Rice, Ridgway, Scofield, Shanks, Porter Sheldon, Slocum, John A. Smith, Van Trump, Van Wyck, Voorhees, Ward, John T. Wilson, and Winchester.

The committee then rose; and Mr. CESSNA having taken the chair as Speaker *pro tempore*, Mr. WHEELER reported that the Committee of the Whole on the state of the Union having, according to order, had the Union generally under consideration, and particularly House bill No. 1068, to amend existing laws relating to the duty on imports, and for other purposes, and finding itself without a quorum, he had, under the rule, caused the roll to be called, and now reported the names of the absentees to the House in order that they may be entered upon the Journal.

The SPEAKER *pro tempore*. A quorum having answered to their names, the only thing in order is for the committee to resume its session.

Mr. RANDALL. A quorum having been obtained, I should like to know whether there is anything in the rules by which we can retain it in the Hall?

The committee then resumed its session, Mr. WHEELER in the chair.

The CHAIRMAN. The tellers will please resume their places.

Mr. BROOKS, of New York. Will it be in order to move that the list of absentees be printed?

The CHAIRMAN. Such a motion would not be in order in Committee of the Whole. The gentleman from Pennsylvania [Mr. DICKEY] appointed as one of the tellers not being in the Hall, the gentleman from New York [Mr. FERRISS] will please take his place as teller along with Mr. POTTER.

The committee again divided on Mr. POTTER'S amendment; and the tellers reported—ayes 62, noes 69.

So the amendment was disagreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Iowa, [Mr. ALLISON,] which the Clerk will again report.

The Clerk read as follows:

In line three hundred and twenty-eight strike out the words "1 cent per pound," and insert in lieu thereof the words "$18 per ton;" so that the paragraph will read:

On all iron in slabs, blooms, loops, or other forms, less finished than bars and more advanced than pig iron, except castings, $18 per ton.

Mr. GRISWOLD. I move to amend the amendment by striking out "$18" and inserting "$17;" and on that I demand tellers.

Tellers were ordered; and the Chairman appointed Mr. GRISWOLD and Mr. SCOFIELD.

The committee divided; and the tellers reported—ayes 64, noes 71.

So the amendment was disagreed to.

The question recurred on Mr. ALLISON'S amendment.

Mr. ALLISON. I demand tellers.

Tellers were ordered; and the Chairman appointed Mr. ALLISON and Mr. KELLEY.

The committee divided; and the tellers reported—ayes 79, noes 59.

So the amendment was agreed to.

The question recurred on Mr. RANDALL'S substitute for the substitute offered by Mr. HOLMAN to the pending paragraph as amended.

Mr. RANDALL. I ask leave to amend the first proposition in the substitute I have offered by striking out 1 cent per pound and inserting $18 per ton, which will make it in accordance with the judgment already expressed by the House.

There was no objection.

The CHAIRMAN. The Clerk will again report the substitutes now pending.

The Clerk read Mr. HOLMAN'S substitute, as follows:

Strike out the entire paragraph and insert the following:

On all iron in slabs, blooms, loops, or other forms, less finished than bars and more advanced than pig iron, except castings, $15 per ton; and on all ends, clippings, and punchings of new iron, $10 per ton.

The Clerk also read Mr. RANDALL'S substitute, as follows:

Strike out the substitute and insert the following: On all iron in slabs, blooms, loops, and other forms less finished than bars and more advanced than pig iron, except castings, $18 per ton; and all ends, clippings, and punchings of new iron, one half cent per pound.

The question was on agreeing to the substitute offered by Mr. RANDALL.

Mr. CONGER. If in order, I call for a division of the question.

The CHAIRMAN. A motion to strike out and insert is not divisible.

The substitute offered by Mr. RANDALL was not agreed to.

The question recurred on the substitute offered by Mr. HOLMAN.

Mr. HOLMAN. I wish to say a word or two in behalf of the proposition I have submitted to the committee before the vote is taken. The proposition now before the House is substantially the same as the law of 1861 with regard to this form of iron. Under the tariff of 1842, which was regarded at the time as a very high protective tariff, the duty on iron in this form was $17 per ton. By the tariff of 1846, which was a revenue measure, it was 30 per cent. Under the tariff of 1857 the duty was 24 per cent.; and by the tariff of 1861, apparently a protective tariff—not a tariff looking to revenue only, but announced to this House at the time it was considered, and to the country, as a measure of protection to American industry—the duty on iron in this form was put at $15 per ton. And as I understand the tariff act of 1861 the duty on "clippings" of new iron, on which it is proposed now by this substitute to impose a duty of $10 per ton, was fixed at about the same rate. The effect of this proposition, then, taken as a whole, is to impose on iron in these two forms the same duty that was imposed by the avowedly protective policy of 1861.

I think, Mr. Chairman, that if public sentiment has been clearly defined on any one subject in connection with the tariff, it is so defined in regard to the proposition that the duty on iron shall be decreased, and a tariff as here proposed, of $5 per ton on simple pig iron, almost in the natural condition of the ore and of $15 on the class of iron advanced in the progress of its manufacture, is a tariff as high as those interests not concerned in the manufacture of iron ought to be compelled to submit to. The agricultural interest of this country especially has been persistently demanding a reduction of the tariff at least to the standard of what it was under the protective policy of 1861, when the influences commenced which now to a large extent control our legislation.

If this measure is to receive the public approval the reduction should be at least to this extent. The country does not certainly understand that we are proposing to increase the tariff, but the demand has been for a reduction of the tariff. The President of the United States, adopting the suggestion of the majority of the committee appointed by the House to inquire into the causes of the decline of our commerce, urges upon us a remission of duties to relieve certain branches of our industry connected with our commerce; and yet, in spite of the slight reduction upon pig iron, there is an increase proposed on other forms of iron.

Mr. WOODWARD. I want to know on what authority the gentleman asserts that the agricultural interests of this country require a reduction of the duties on iron?

Mr. HOLMAN. I judge so from several considerations. I know that the States of the Northwest are demanding such a reduction. The demand for such a reduction is indicated by every expression of public sentiment, by the voice of their Representatives upon this floor, and by the tone of the public press. I refer not only to the Democratic papers of the Northwest, but to the leading Republican journals of that section. The Chicago Tribune, the St. Louis (Missouri) Democrat, the Cincinnati Commercial, and the Cincinnati Gazette, four papers which more than any others represent the public sentiment of the Republicans of the Northwest, have persistently demanded a reduction of the tariff down to the revenue standard, and protested against the policy of protection.

[Here the hammer fell.]

Mr. MORRELL, of Pennsylvania. I rise to oppose the amendment. I do not desire to discuss the general policy of the Government upon this question, but only to call attention to the articles enumerated in this section, which are blooms, slabs, and loops, and other forms of iron, including ends, clippings, and punchings. I presume, from the fact that most of the gentlemen who have discussed this question have not alluded to it, that gentlemen are not generally aware that these forms of iron are probably the most valuable that are imported. They are generally made up of charcoal blooms and slabs forged in Sweden and Norway, and brought here in a form convenient to be made into the most valuable descriptions of iron and steel, and as a general thing are more valuable than bars and rods and those other classes of iron which are provided for in this bill at a higher rate. If iron of inferior quality was likely to be imported in this shape it might be well to reduce the rate of duty; but considering the fact that these are the most valuable forms of iron likely to be imported I think if the committee have any regard to the question of revenue or protection they will retain the rate reported by the Committee of Ways and Means. That is all I desire to say.

The question was put on Mr. HOLMAN'S amendment; and there were—ayes 33, noes 72; no quorum voting.

Tellers were ordered; and Mr. HOLMAN, and Mr. MORRELL of Pennsylvania, were appointed.

The committee divided; and the tellers reported—ayes 41, noes 84.

So the amendment was rejected.

Mr. SCHENCK. I ask unanimous consent to close debate upon this paragraph.

Mr. RANDALL. Before that is done I wish to offer an amendment.

Mr. SCHENCK. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WHEELER reported that the Committee of the Whole on the state of the Union, according to the order of the House, had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

Mr. SCHENCK. I move that when the House shall again resolve itself into Committee of the Whole on the state of the Union for the consideration of the special order all debate on the pending paragraph be closed in half a minute after the consideration of the same shall have been again resumed.

The motion was agreed to.

Mr. SCHENCK. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole upon the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. By order of the House all debate on the pending paragraph will close in half a minute.

Mr. MAYNARD. I now move to strike out the entire paragraph as amended. I suppose there will no quarrel about that.

Mr. ALLISON. I desire to move to amend this bill by striking out the pending paragraph

and the two succeeding paragraphs, and to substitute therefor what I will send to the Clerk's desk to be read.

The CHAIRMAN. No motion to amend other paragraphs than the one under consideration can now be made.

Mr. ALLISON. I desire to submit my substitute so that it may be pending when the other paragraphs shall have been reached.

Mr. MAYNARD. I desired to say a word or two on my motion to strike out; but I suppose the time allowed by the House for debate on this paragraph has now expired.

The CHAIRMAN. It has; and no further debate is in order on the pending paragraph.

The question was then taken on the motion to strike out; and on a division it was not agreed to—ayes eighteen, noes not counted.

Mr. RANDALL. I move to amend by inserting immediately after the pending paragraph the following:

And on ends, clippings, and punchings of new iron, one half of 1 cent per pound.

The question was taken on the amendment, and on a division it was not agreed to—ayes five, noes not counted.

Mr. BUTLER, of Massachusetts. I desire to offer an amendment to the pending paragraph about clippings and punchings, because——

Mr. CESSNA. Is debate in order?

The CHAIRMAN. It is not.

Mr. CESSNA. Then let the amendment be offered, but not debated.

Mr. BUTLER, of Massachusetts. I have not debated the amendment.

Mr. CESSNA. The gentleman said he wanted to move an amendment, and then said "because," going on to state his reasons for it. I object to debate as not being in order.

Mr. BUTLER, of Massachusetts. Very well; I move to amend the pending paragraph by adding to it the following:

Provided, That on all ends, clippings, punchings, turnings, and borings of new iron, fit only to be remanufactured into ingots and bars, a duty shall be paid of $10 per ton.

The question was taken on the amendment; and upon a division there were—ayes 60, noes 63.

Before the result was announced,

Mr. BUTLER, of Massachusetts, called for tellers.

The question was taken upon ordering tellers; and there were twenty one in the affirmative.

So (the affirmative not being one fifth of a quorum) tellers were not ordered.

The amendment was not agreed to.

Mr. ALLISON. I rise to a parliamentary inquiry. At the proper time I wish to offer a substitute for the pending paragraph and the two succeeding paragraphs.

Mr. BUTLER, of Massachusetts. I desire to renew my amendment at $11 per ton.

The CHAIRMAN. The gentleman from Iowa [Mr. ALLISON] has the floor on a parliamentary inquiry.

Mr. ALLISON. I wish to inquire when it will be in order for me to offer my substitute?

The CHAIRMAN. The gentleman can offer it now but will not be acted upon until all amendments to the paragraphs covered by it shall have been disposed of.

Mr. ALLISON. I will offer it and let it be pending.

The pending paragraph, as amended, was as follows:

On all iron in slabs, blooms, loops, or other forms less finished than bars, and more advanced than pig iron, except castings, $18 per ton.

The two paragraphs immediately succeeding were as follows:

On iron bars, rolled or hammered, (comprising flat bars,) not less than one and a half nor more than four inches wide, nor less than half an inch nor more than two inches thick, 1 cent per pound.

On iron bars, rolled or hammered, comprising flat bars less than one and a half inch, or more than four inches wide and less than one half of an inch, and not less than three eighths of an inch thick; and on iron bars rolled or hammered, more than two inches thick, 1¼ cents per pound.

The substitute proposed by Mr. ALLISON for the three paragraphs was as follows:

On iron in bars, rolled or hammered, comprising flats, not less than one inch nor more than six inches wide, and not less than three eighths of an inch nor more than two inches thick; and rounds not less than three quarters of an inch nor more than two inches in diameter, and squares not less than three quarters of an inch nor more than two inches square, $18 per ton.

On bar iron, rolled or hammered, comprising flats less than three eighths of an inch or more than two inches thick, and less than one inch or more than six inches wide; rounds less than three quarters of an inch or more than two inches in diameter, and squares less than three quarters of an inch or more than two inches square, $25 per ton: *Provided*, That all iron in slabs, blooms, loops, or other forms less finished than bars and more advanced than pig iron, except castings, shall be rated as iron in bars and pay a duty accordingly: *And provided further*, That none of the above iron shall pay a less rate of duty than 35 per cent. *ad valorem*.

The CHAIRMAN. The Clerk will make a minute of the proposed substitute.

Mr. BUTLER, of Massachusetts. I move to amend the pending paragraph by adding to it the following:

Provided, That on all ends, clippings, punchings, turnings, and borings of new iron, fit only to be remanufactured into ingots and bars, a duty shall be paid of $11 per ton.

The question was taken upon the amendment; and upon a division there were—ayes 58, noes 38; no quorum voting.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. MAYNARD were appointed.

The committee again divided; and the tellers reported that there were—ayes 76, noes 51.

So the amendment was adopted.

Mr. CONGER. I move to amend by adding to the pending paragraph the following additional proviso:

Provided further, That any such ends, clippings, or punchings, cut, stamped, or partially prepared for any article of manufacture so attempted to be entered shall be forfeited to the United States.

Mr. KELLOGG. I beg leave to say that that is covered by the existing law.

Mr. CONGER. The gentleman is mistaken. The law does not embrace such cases as these.

On agreeing to the amendment, there were—ayes 31, noes 44; no quorum voting.

Tellers were ordered; and Mr. CONGER and Mr. INGERSOLL were appointed.

The committee divided; and the tellers reported—ayes 73, noes 4; no quorum voting.

The hour of half past four o'clock p. m. having arrived, the Committee of the Whole on the state of the Union, pursuant to order of the House, took a recess until half past seven o'clock.

EVENING SESSION.

At half past seven o'clock p. m. the Committee of the Whole on the state of the Union resumed its session, (Mr. WHEELER in the chair,) and proceeded with the consideration of the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

Mr. STILES. I move that the committee rise. The chairman of the Committee of Ways and Means is not present.

Mr. CESSNA. I hope the motion will not be agreed to.

The motion was not agreed to.

The CHAIRMAN. The pending question is upon an amendment of the gentleman from Michigan, [Mr. CONGER,] which will be again reported by the Clerk.

Mr. CONGER. I send to the Clerk a copy of my amendment as I have modified it. It differs slightly from the form in which I offered it before the recess.

The Clerk read as follows:

Add to the paragraph the following:

Provided further, That any such ends, clippings, or punchings which shall have been cut, stamped, or partially prepared for any article of manufacture, and which shall be entered or attempted to be entered under this subdivision shall be forfeited to the United States.

Mr. DAWES. I would like to suggest to the gentleman from Michigan——

The CHAIRMAN. No debate is in order. Debate on this paragraph has been closed by order of the House.

Mr. DAWES. I suppose it is in order to move an amendment?

The CHAIRMAN. It is.

Mr. DAWES. The amendment which I would propose is to insert after the word "entered," in the amendment of the gentleman from Michigan, the words "in violation of this act."

Mr. CONGER. I think the gentleman will find that the amendment as I have now drawn it meets the difficulty which he suggests.

Mr. DAWES. I am in favor of the object which the gentleman seeks to accomplish. The only question is whether the language of the amendment will accomplish that object.

Mr. CONGER. I believe, Mr. Chairman, the gentleman's amendment is not in order at present. When the committee took its recess the House was dividing by tellers upon my amendment and the result of the vote had not been announced.

The CHAIRMAN. The gentleman is correct. The tellers will take their places. The gentleman from Illinois [Mr. HAWLEY] will act as teller in the place of the gentleman from Illinois, [Mr. INGERSOLL,] who is absent.

The committee again divided; and the tellers reported—ayes 75, noes 10; no quorum voting.

The CHAIRMAN. No quorum having voted, the rule requires that the roll shall be called and the absentees reported to the House. The Clerk will call the roll.

The roll was called; when the following-named members failed to answer:

Messrs. Adams, Ambler, Ames, Armstrong, Arnell, Axtell, Ayer, Bailey, Banks, Barnum, Barry, Benjamin, Biggs, Boles, Booker, Bowen, Buck, Burchard, Burr, Benjamin F. Butler, Roderick R. Butler, Churchill, William T. Clark, Sidney Clarke, Cleveland, Clinton L. Cobb, Conner, Covode, Cowles, Cox, Crebs, Davis, Degener, Dickinson, Dixon, Dockery, Duval, Dyer, Ela, Eldridge, Farnsworth, Ferry, Fisher, Fitch, Fox, Garfield, Getz, Gibson, Griswold, Haldeman, Hale, Hambleton, Hamill, Hamilton, Harris, Hawkins, Hays, Heaton, Heflin, Hoge, Holman, Hotchkiss, Ingersoll, Jenckes, Thomas L. Jones, Ketcham, Knott, Laflin, Lash, Logan, Loughridge, Lynch, Marshall, Mayham, McCrary, McGrew, McKenzie, McNeely, Milnes, Eliakim H. Moore, Jesse H. Moore, Morgan, Morphis, Daniel J. Morrell, Samuel P. Morrill, Morrissey, Mungen, Negley, Paine, Palmer, Platt, Poland, Porter, Potter, Prosser, Reeves, Rice, Ridgway, Rogers, Roots, Sanford, Sawyer, Schumaker, Shanks, Lionel A. Sheldon, Porter Sheldon, Sherrod, Shober, Slocum, John A. Smith, William J. Smith, Worthington C. Smith, William Smyth, Stevenson, Stokes, Strader, Strickland, Swann, Sweeney, Taffe, Taylor, Trimble, Tyner, Upson, Van Auken, Van Horn, Van Trump, Voorhees, Ward, Calwalader C. Washburn, Wilkinson, Williams, Eugene M. Wilson, John T. Wilson, Winchester, Wood, and Woodward.

The committee then rose; and Mr. DAWES having taken the chair as Speaker *pro tempore*, Mr. WHEELER reported that the Committee of the Whole on the state of the Union having, according to order, had the Union generally under consideration, and particularly House bill No. 1068, to amend existing laws relating to the duty on imports, and for other purposes, and finding itself without a quorum, he had, under the rule, caused the roll to be called, and now reported the names of the absentees to be entered upon the Journal of the House.

The SPEAKER *pro tempore*. No quorum having answered, no motion is now in order except to adjourn or that there be a call of the House.

Mr. DICKEY. I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll; and the following members failed to answer to their names:

Messrs. Adams, Ambler, Ames, Arnell, Axtell, Ayer, Bailey, Banks, Barnum, Barry, Biggs, Boles, Booker, Bowen, Burr, Benjamin F. Butler, Churchill, William T. Clark, Sidney Clarke, Cleveland, Clinton L. Cobb, Covode, Cowles, Cox, Crebs, Davis, Dockery, Duval, Dyer, Ela, Eldridge, Farnsworth, Ferry, Fisher, Fitch, Fox, Garfield, Haldeman, Hale,

Hambleton, Hamilton, Harris, Hawkins, Hays, Heaton, Heflin, Hoge, Hotchkiss, Jenckes, Thomas L. Jones, Knott, Lash, Loughridge, Lynch, Mayham, McCrary, McGrew, McKenzie, Milnes, Eliakim H. Moore, Jesse H. Moore, Morgan, Morphis, Daniel J. Morrell, Morrissey, Mungen, Negley, Paine, Platt, Poland, Porter, Potter, Prosser, Reeves, Rice, Ridgway, Roots, Schumaker, Porter Sheldon, Sherrod, Shober, Slocum, John A. Smith, William J. Smith, Worthington C. Smith, Stevenson, Stokes, Strader, Strickland, Sweeney, Taffe, Trimble, Van Horn, Van Trump, Voorhees, Ward, Wilkinson, John T. Wilson, Winchester, Wood, and Woodward.

The SPEAKER *pro tempore*. The Doorkeeper is directed to close the doors, and the names of absentees will be called for excuses.

Mr. STILES. I move that all further proceedings under the call be dispensed with.

The motion was disagreed to.

The Clerk proceeded to call the names of the absentees for excuses.

GEORGE M. ADAMS. No excuse offered.

OAKES AMES.

Mr. HOOPER, of Massachusetts. I think my colleague, Mr. AMES, is absent on leave.

Mr. SCHENCK. I should like to have that verified by the Journal.

Mr. ALLISON. I move that he be excused. He is absent from the city.

Mr. SCHENCK. I object to excusing any one absent from the city except absent on leave.

The SPEAKER *pro tempore*. The Chair is informed that Mr. AMES is not excused by order of the House.

Mr. CONGER. Is not Mr. AMES serving on a committee which has leave to sit during the session of the House?

Mr. SCHENCK. I hope some reason will be assigned for excusing Mr. AMES; some good and sufficient reason.

Mr. INGERSOLL. The gentleman from Ohio ought to know that Mr. AMES would not be absent from the House of Representatives without good and sufficient reason.

Mr. SCHENCK. I do not know any such thing.

Mr. BINGHAM. I desire to say that I know very well that Mr. AMES for some time——

The SPEAKER *pro tempore*. There is no motion pending.

Mr. BINGHAM. I am going to make a motion. I move that Mr. AMES be excused for the reason that I know that he has been unwell for some time and under treatment of a physician.

Mr. O'NEILL. Where is the certificate?

Mr. PETERS. Will the gentleman from Ohio [Mr. BINGHAM] allow me to ask whether it would not be better for Mr. AMES to make his own excuse at a subsequent period than to set an example of disposing of the list of absentees in this way?

Mr. SCHENCK. If my colleague [Mr. BINGHAM] states of his own knowledge that Mr. AMES is absent on account of illness, then I think we should excuse him.

Mr. PETERS. He is out of the city on business.

Mr. SCHENCK. If the gentleman is well enough to be out of the city on his own business, and making money, he is well enough to be here.

Mr. BINGHAM. I withdraw the motion for the present.

SAMUEL B. AXTELL.

Mr. JOHNSON. Mr. AXTELL is absent on leave.

RICHARD S. AYER.

Mr. PETERS. I think, but am not sure, that Mr. AYER is absent on leave.

ALEXANDER H. BAILEY.

Mr. GRISWOLD. I understand that Mr. BAILEY has leave of absence on account of sickness.

Mr. KELSEY. He has been confined, I believe, for several weeks.

Mr. WHEELER. Mr. BAILEY has indefinite leave of absence.

NATHANIEL P. BANKS. Absent on leave.

HENRY W. BARRY.

Mr. PERCE. I beg to state that Mr. BARRY started from the hotel with me to come to the House, but returned, saying he was too unwell to come. I move that Mr. BARRY be excused.

The motion was agreed to.

THOMAS BOLES.

The SPEAKER *pro tempore*. Mr. BOLES has leave of absence by order of the House.

GEORGE W. BOOKER. Absent on leave.

C. C. BOWEN. Absent on leave.

ALBERT G. BURR. Absent on leave.

BENJAMIN F. BUTLER.

Mr. TWICHELL. Mr. BUTLER is absent on leave.

The SPEAKER *pro tempore*. I understand that Mr. BUTLER is excused from and after to-morrow.

Mr. SCHENCK. That is no excuse for to-night.

JOHN C. CHURCHILL. Absent on leave.

WILLIAM T. CLARK. Absent on leave.

SIDNEY CLARKE. No excuse offered.

ORESTES CLEVELAND. No excuse offered.

CLINTON L. COBB. No excuse offered.

JOHN COVODE.

Mr. CESSNA. I move that Mr. COVODE be excused. He is absent on account of sickness.

The motion was agreed to—ayes sixty-three, noes not counted.

So Mr. COVODE was excused.

GEORGE W. COWLES. No excuse offered.

SAMUEL S. COX. No excuse offered.

JOHN M. CREBS.

Mr. McNEELY. Mr. CREBS is absent on leave.

NOAH DAVIS. No excuse offered.

OLIVER H. DOCKERY. No excuse offered.

ISAAC H. DUVAL.

Mr. WITCHER. Mr. DUVAL is absent on leave.

DAVID P. DYER.

Mr. BURDETT. My colleague, Mr. DYER, is absent on leave.

JACOB H. ELA.

Mr. BENTON. Mr. ELA is absent on leave.

The SPEAKER *pro tempore*. The Chair is informed that Mr. ELA is not absent on leave.

Mr. BENTON. I ascertained that he had leave of absence from yesterday, but he was not able to get away yesterday and has gone to-night. He had leave of absence. I heard it given.

CHARLES A. ELDRIDGE. No excuse offered.

THOMAS W. FERRY. No excuse offered.

JOHN FISHER.

Mr. BENNETT. In behalf of Mr. FISHER I desire to say that I know of my own knowledge that he is sick. I move that he be excused.

The motion was agreed to.

THOMAS FITCH. No excuse offered.

JOHN FOX. No excuse offered.

JAMES A. GARFIELD. No excuse offered.

RICHARD J. HALDEMAN. No excuse offered.

EUGENE HALE. No excuse offered.

SAMUEL HAMBLETON.

Mr. ARCHER. My colleague, Mr. HAMBLETON, was called off suddenly this evening. He has had a member of his family sick for some weeks. I move that he be excused.

The motion was agreed to.

CHARLES M. HAMILTON. No excuse offered.

GEORGE E. HARRIS. No excuse offered.

ISAAC R. HAWKINS. No excuse offered.

CHARLES HAYS.

Mr. BUCK. I believe Mr. HAYS is absent on leave.

The SPEAKER *pro tempore*. The Chair is not informed by the Clerk that he is absent on leave.

Mr. BUCK. Some time since he obtained indefinite leave of absence on account of sickness in his family, although he has been here a great portion of the time.

The SPEAKER *pro tempore*. The Chair is so informed by the Clerk.

DAVID HEATON.

Mr. BUTLER, of Tennessee. Mr. HEATON is unwell and has been for some time, and is not able to be out in the evening. I move that he be excused.

The motion was agreed to.

ROBERT S. HEFLIN. No excuse offered.

SOLOMON L. HOGE.

Mr. LAWRENCE. I move that Mr. HOGE be excused. He has been sick for a number of days, and I know he is not able to be out.

The motion was agreed to.

GILES W. HOTCHKISS.

Mr. McCARTHY. Mr. HOTCHKISS's health has been poor for a long time, and he is not able to attend night sessions. I move that he be excused.

The motion was agreed to.

THOMAS A. JENCKES. No excuse offered.

THOMAS L. JONES. No excuse offered.

J. PROCTOR KNOTT. No excuse offered.

ISRAEL G. LASH. No excuse offered.

WILLIAM LOUGHRIDGE. No excuse offered.

JOHN LYNCH. No excuse offered.

STEPHEN L. MAYHAM.

Mr. CALKIN. Mr. MAYHAM is absent on leave.

GEORGE W. McCRARY. No excuse offered.

JAMES C. McGREW. Absent on leave.

J. L. MORPHIS. Absent on leave.

LEWIS McKENZIE. No excuse offered.

WILLIAM MILNES. No excuse offered.

DANIEL J. MORRELL.

Mr. DICKEY. My colleague, Mr. MORRELL, applied for and obtained leave of absence on and after to-morrow.

Mr. SCHENCK. That is not to-night.

Mr. DICKEY. And he took advantage of the train to-night to go home in time to attend the wedding of his only daughter.

Mr. INGERSOLL. That is a good excuse. [Laughter.]

Mr. DICKEY. I therefore move that my colleague be excused.

The motion was agreed to.

JOHN MORRISSEY. Absent on leave.

WILLIAM MUNGEN. No excuse offered.

JAMES S. NEGLEY. No excuse offered.

HALBERT E. PAINE.

Mr. LOGAN. I move that Mr. PAINE be excused.

The motion was agreed to.

JAMES H. PLATT. No excuse offered.

LUKE P. POLAND. No excuse offered.

CHARLES H. PORTER. Absent on leave.

CLARKSON N. POTTER. Absent on leave.

WILLIAM F. PROSSER.

Mr. KELLOGG. I move that Mr. PROSSER be excused. I know that he is not able to be out of his room to-night.

The motion was agreed to.

HENRY A. REEVES.

Mr. CALKIN. My colleague, Mr. REEVES, informed me this afternoon that he had leave of absence.

Mr. HOOPER, of Massachusetts. Does the Journal show that Mr. POTTER has leave to be absent?

The SPEAKER *pro tempore*. The Chair is informed that there is no record of leave of absence being granted to Mr. REEVES or to Mr. POTTER.

JOHN M. RICE. Absent on leave.

ROBERT RIDGWAY. Absent on leave.

LOGAN H. ROOTS. No excuse offered.

JOHN G. SCHUMAKER. No excuse offered.

LIONEL A. SHELDON. No excuse offered.

WILLIAM C. SHERROD. No excuse offered.

FRANCIS E. SHOBER. No excuse offered.

HENRY W. SLOCUM. No excuse offered.

JOHN A. SMITH. No excuse offered.

WILLIAM J. SMITH. No excuse offered.

WORTHINGTON C. SMITH. No excuse offered.

JOB E. STEVENSON.

Mr. BURDETT. I walked home with Mr. STEVENSON to-night, and he informed me that he felt unwell, and would not be able to be

here this evening. I move that he be excused.

The motion was agreed to.

WILLIAM B. STOKES. No excuse offered.

PETER W. STRADER. No excuse offered.

RANDOLPH STRICKLAND.

Mr. CONGER. My colleague, Mr. STRICKLAND, has had leave of absence. I do not know whether it has yet expired or not.

The SPEAKER *pro tempore*. The Chair is informed that the leave expired on yesterday.

Mr. CONGER. I move that my colleague be excused.

Mr. PETERS. Mr. STRICKLAND was in the House to-day.

The motion to excuse Mr. STRICKLAND was not agreed to.

Mr. WINANS. I move that my colleague, Mr. JOHN A. SMITH, be excused. I have no doubt he is now engaged in entertaining our friends from Ohio, who are here upon a visit.

The motion to excuse was not agreed to.

WILLIAM M. SWEENEY. No excuse offered.

JOHN TAFFE. No excuse offered.

LAWRENCE S. TRIMBLE. No excuse offered.

Mr. FARNSWORTH. Is there a quorum now present?

The SPEAKER *pro tempore*. A quorum is present.

Mr. FARNSWORTH. Then I move that all further proceedings under this call be dispensed with.

Mr. SCHENCK. Oh, no.

The motion was not agreed to.

ROBERT T. VAN HORN. No excuse offered.

PHILADELPH VAN TRUMP.

Mr. RANDALL. The gentleman from Ohio, Mr. VAN TRUMP, is absent this evening on a mission of charity, lecturing for the benefit of the St. Joseph Orphan Asylum. I move that he be excused.

The motion was agreed to.

DANIEL W. VOORHEES. No excuse offered.

HAMILTON WARD. No excuse offered.

MORTON S. WILKINSON. No excuse offered.

JOHN T. WILSON.

Mr. BENTON. I move that Mr. WILSON be excused. I know that he was unwell to-day in Committee of the Whole.

Mr. WITCHER. I see him outside the door now. [Laughter.]

The motion to excuse was not agreed to.

BOYD WINCHESTER. No excuse offered.

FERNANDO WOOD. No excuse offered.

GEORGE W. WOODWARD.

Mr. DOX. Mr. WOODWARD has been unwell for several days; so much so that he is unable to attend the session of the House to-night. I move that he be excused.

The motion was agreed to.

Mr. TWICHELL. I ask leave of absence for my colleague, Mr. BROOKS, of Massachusetts, until next Monday. He wishes to leave the city in the train this evening.

The motion was agreed to.

Mr. SCHENCK. Mr. Speaker, is the roll-call concluded.

The SPEAKER *pro tempore*. It is.

Mr. SCHENCK. I move that the Speaker issue his warrant to the Sergeant-at-Arms, directing him to bring in the absentees.

The SPEAKER *pro tempore*. It is moved by the gentleman from Ohio [Mr. SCHENCK] that the Sergeant-at-Arms be directed to take into custody and bring to the bar of the House such members as are now absent without leave of the House.

The motion was agreed to.

Mr. BENTON. I move that Mr. WILSON, of Ohio, be excepted from this order. The gentleman from West Virginia [Mr. WITCHER] when I made my statement a few moments ago, misunderstood me, supposing I referred to Mr. WINCHESTER. As Mr. WILSON serves on the same committee with me, I know that he has been unwell for several days past.

The motion was agreed to.

Mr. BROOKS, of New York. I move that my colleague, Mr. COX, be excepted from this order. I have received a note from him, saying, "I am sick; gone to bed. Up all night with the Ohio people." [Laughter.]

The motion was agreed to.

Mr. GRISWOLD. The health of Mr. SHERROD is such that he has not been able for some time to be out at nights. I move that he be excused.

The motion was not agreed to.

Mr. CALKIN. My colleague, Mr. GRISWOLD, informed me to-day that he had been thrown from a carriage this morning, and injured. I move that he be excused.

The motion was not agreed to.

Mr. JOHNSON. I move to excuse Mr. TRIMBLE, Mr. ADAMS, and Mr. WINCHESTER. I see that they are in the gallery enjoying themselves very well. It would be a great hardship on them to bring them down. I hope my motion will be agreed to.

Mr. PETERS. Will the ladies in the gallery excuse the gentlemen? [Laughter.]

Mr. JOHNSON. My friends all around me suggest to me to withdraw the motion; and I will do so.

The Sergeant-at-Arms appeared at the bar, and announced that in pursuance of the order of the House he had in custody, and now presented at the bar, Mr. CLARKE of Kansas, Mr. FITCH, Mr. POLAND, Mr. HARRIS, Mr. MCCRARY, and Mr. HAMILTON.

The SPEAKER *pro tempore*. Mr. FITCH, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. FITCH. I have noticed within the last few days that the Pennsylvania delegation seemed to have lost that active interest in the tariff that they had a week ago; and when I came here to-night I presumed that in consequence of their absence there might be no quorum present; so I stepped below and took a bath.

Mr. KELLEY. I move that the gentleman be fined ten dollars for misapprehending the Pennsylvania delegation. [Laughter.]

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Pennsylvania, that the gentleman from Nevada be fined ten dollars.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. MCCRARY, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. MCCRARY. I think, Mr. Speaker, the House ought to apologize to me. I came here last evening and the House had adjourned. I came again this evening and the doors, just a minute or two before my arrival, had been locked; I was kept waiting a long time outside before being permitted to enter the House for the purpose of discharging my duties. I think the House has treated me badly.

Mr. ALLISON. I move that my colleague [Mr. MCCRARY] be excused.

Mr. SCHENCK. I move to amend the motion so as to fine the gentleman ten dollars for being absent without leave.

The amendment of Mr. SCHENCK was agreed to; and the motion of Mr. ALLISON as amended was adopted.

The SPEAKER *pro tempore*. Mr. HARRIS, you have been absent from this session of the House without its leave; what excuse have you to offer?

Mr. HARRIS. Mr. Speaker, I occupy a seat on the extreme outer circle of this House, and this morning when a vote was taken in reference to a night session there was so much confusion, so much noise by the noisy gentlemen who occupy seats between me and the Speaker, that it was utterly impossible for me to hear what was going on or what action was taken by the House. Such things frequently occur, as gentlemen are aware.

Mr. JUDD. Then the gentleman should be in favor of a new draw for seats. [Laughter.]

Mr. HARRIS. Last Monday morning, I believe it was, a motion was made to draw for new seats.

Mr. BOYD. I move that the gentleman be excused.

Mr. FITCH. I move that he be fined ten dollars for "swinging round the circle." [Laughter.]

The SPEAKER *pro tempore*. The Chair cannot recognize the gentleman from Nevada until he has paid his fine. [Renewed laughter.]

Mr. FITCH. I have settled with the Sergeant-at-Arms.

Mr. SARGENT. It seems to me that the excuse offered by the gentleman from Mississippi is an evasion. I think unless he offers some excuse satisfactory to the good sense of this House that he should be fined ten dollars, and I make that motion.

The SPEAKER *pro tempore*. Unless the House shall order otherwise, the Chair will not recognize any gentleman who has been fined until evidence has been presented to his satisfaction of his having actually paid the fine. If the House orders otherwise the Chair will obey the order of the House.

Mr. PERCE. I understood Mr. HARRIS was excused.

Mr. SARGENT. I believe I moved an amendment to the motion excusing him, that he be fined ten dollars.

Mr. CONGER. I move a substitute for that motion, that the further consideration of this case be postponed until the next drawing of seats in this House. [Laughter.]

Mr. ALLISON. That motion is not in order.

The SPEAKER *pro tempore*. Nothing is in order but to execute the order of the House, that there shall be a call of the House, and to hear the excuses of the members brought in under arrest by the Sergeant-at-Arms.

The question recurred on Mr. SARGENT'S amendment, and it was agreed to.

The motion, as amended, was agreed to.

The SPEAKER *pro tempore*. Mr. HAMILTON, of Florida, you have been absent from this session of the House without its leave. What excuse have you to offer?

Mr. HAMILTON. A business engagement with one of my constituents detained me for some time, and I have been waiting outside of the House to get in. I found the doors of the House closed, and have been unable to get in.

Mr. ALLISON. That is a good excuse; and I move that he be excused.

Mr. KELSEY. I move that his constituent be fined ten dollars. [Laughter.]

Mr. BENJAMIN. I move as an amendment to his being excused that he be fined ten dollars. [Laughter.]

The amendment was agreed to.

The motion, as amended, was then agreed to.

The SPEAKER *pro tempore*. Mr. POLAND, of Vermont, you have been absent from this session of the House without its leave. What excuse have you to offer?

Mr. POLAND. I was invited with my wife to visit my minister this evening, and I went with her and cut my visit as short as possible, for the purpose of being here to attend to business, but unfortunately was a minute too late.

Mr. STILES. I move the gentleman be excused.

Mr. INGERSOLL. I move that he be fined forty-five per cent. *ad valorem*. [Laughter.]

Mr. RANDALL. I move that he be excused on the payment of the usual fees.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. CLARKE, of Kansas, you have been absent from this session of the House without its leave. What excuse have you to offer?

Mr. CLARKE, of Kansas. Mr. Speaker, I was laboring under the same misapprehension in reference to this matter that the gentleman from Nevada [Mr. FITCH] was. On retiring from the afternoon session of the House, as is my usual custom, I purchased a copy of the Evening Star near the main entrance to the Capitol, and read among the first articles that the Pennsylvania delegation in the House, in consequence of the action taken on the iron question, had become dissatisfied with the tariff bill and were about to make a motion to lay the bill upon the table. Inasmuch as I believe what I read in the newspapers, and knowing the order of the House was that no other business should be presented this evening for consideration but the tariff bill, I very naturally fell into this mistake.

Mr. RANDALL. I move the gentleman be fined ten dollars.

Mr. CLARKE, of Kansas. I have not closed. As soon as I was aware that there was to be a session of the House I hurried with all possible dispatch to the Capitol.

Mr. DICKEY. As the gentleman has evidently attempted to dodge the tariff issue, I move that he be fined ten dollars.

The motion was agreed to.

The Sergeant-at-Arms again appeared and announced that, pursuant to the order of the House, he had in custody at the bar of the House Mr. HAWKINS, Mr. CLEVELAND, Mr. WINCHESTER, Mr. ADAMS, Mr. STRICKLAND, and Mr. TRIMBLE.

The SPEAKER *pro tempore*. Mr. HAWKINS, you have been absent from the sessions of this House without its leave. What excuse have you to offer?

Mr. HAWKINS. I have only to say this: that yesterday General NEGLEY, of Pennsylvania, came to me and stated he had some business which made it necessary that he should be absent for a day or two, and he would feel obliged if I would pair with him, which I agreed to do. And supposing that we would have about as much discussion before anything would be done here as we have been in the habit of having lately, I just happened not to hurry up very much, and when I arrived I found the door closed.

Mr. KELSEY. I move that the gentleman be excused on the ground that he was paired. Being paired, I think he had a right to be absent from the House.

Mr. BENJAMIN. I move, in amendment, that Mr. HAWKINS be fined ten dollars.

The amendment was adopted.

The motion, as amended, was adopted.

The SPEAKER *pro tempore*. Mr. CLEVELAND, you have been absent from the sessions of this House without its leave. What excuse have you to offer?

Mr. CLEVELAND. I have been absent for a very small part of a session of the House, Mr. Speaker. I was here very shortly after the session commenced, but the door was closed, and I was not permitted to enter.

The SPEAKER *pro tempore*. What is the order of the House?

Mr. HAIGHT. As my colleague from New Jersey [Mr. CLEVELAND] has a good general knowledge of the tariff question I think it is indispensable that he should be here when the tariff is under discussion. I therefore move that he be fined fifteen dollars and costs.

Mr. SCHENCK. I would suggest that in consideration of the gentleman's good character the fine be limited to five dollars.

Mr. STILES. I would suggest to the gentleman from New Jersey [Mr. HAIGHT] that he amend his motion so as to make the fine ten dollars without costs.

Mr. HAIGHT. I accept the gentleman's suggestion, and ask leave of the House to make that amendment.

There was no objection.

Mr. CLEVELAND. Mr. Speaker, am I permitted to say anything?

The SPEAKER *pro tempore*. The gentleman is not permitted to address the House while in contempt.

Mr. CLEVELAND. The Chair asked me for reasons, and being prepared to give them I will give them if permitted.

Mr. HAIGHT's motion, as amended, was agreed to.

The SPEAKER *pro tempore*. Mr. WINCHESTER, you have been absent from the sessions of this House without its leave. What excuse have you to offer?

Mr. WINCHESTER. On account of the state of my health I have been unwilling to come out at night.

Mr. STILES. I move that Mr. WINCHESTER be excused. It is known to the House that the gentleman has been very unwell for a month or two.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. ADAMS, you have been absent from the sessions of this House without its leave. What excuse have you to offer?

Mr. ADAMS. Mr. Speaker, I had no intention whatever of absenting myself from the House this evening, and arrived here immediately after the call of the House had been ordered. I endeavored to gain admittance at the door, but could not get in. I was a little tardy in coming to the session, but had no intention of being absent.

Mr. ORTH. I move that the gentleman be fined ten dollars.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. STRICKLAND, you have been absent from the sessions of this House without its leave. What excuse have you to offer?

Mr. STRICKLAND. I am not quite certain that I have been absent without leave. I think my time of leave has not expired.

The SPEAKER *pro tempore*. The Chair is informed that the gentleman was excused for two weeks from the 7th instant, and that his leave of absence expired yesterday.

Mr. STRICKLAND. I think it will be found that the leave of absence dates from the 8th instant. That is my recollection.

The SPEAKER *pro tempore*. The Chair is informed that the record shows that the gentleman was excused on the 7th.

Mr. STRICKLAND. I supposed it was the 8th. Then I have to say in relation to my absence that I was paired with Mr. MAYHAM, of New York, so that I could not vote on the tariff bill, and therefore I remained at my room, understanding that no other business would be done, for some time in the evening, when I came here voluntarily. I will state further that I have been absent for two weeks, and my mail had accumulated very largely. My district is very large, and I was compelled to attend to my correspondence.

Mr. PETERS. I move that the gentleman be excused on his first reason and not on his second. [Laughter.]

Mr. KERR. I move as an amendment that he be fined ten dollars.

The amendment was agreed to.

The motion, as amended, was then agreed to.

The SPEAKER *pro tempore*. Mr. TRIMBLE, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. TRIMBLE. I have leave of absence for three weeks, and have been expecting to go to Kentucky. I reached the House just at the time the doors were closed and could not get in, and I went into the gallery, the next nearest place.

The SPEAKER *pro tempore*. The Chair is informed that the record shows the gentleman to have leave of absence for three weeks.

Mr. SHANKS. Then I move that he retire. [Laughter.]

Mr. KERR. I rise to a question of order. It is this: that the return of a member after a leave of absence terminates the leave, whether it be within the time for which he had leave or after the time.

The SPEAKER *pro tempore*. That is not a question of order, but a reason to be submitted to the House upon the motion to excuse the gentleman.

Mr. CULLOM. I desire to suggest that his return in custody does not close the leave. There must be evidence that he came voluntarily.

Mr. TRIMBLE. I came voluntarily.

Mr. WINANS. I move that the gentleman be fined ten dollars.

Mr. BINGHAM. I ask a division on that question, and I ask that the House be informed that it appears by the Journal that the gentleman from Kentucky was absent by leave of the House.

The SPEAKER *pro tempore*. The Chair has already stated to the House that it appears by the Journal that the gentleman was excused on a given day for three weeks.

Mr. BINGHAM. I ask a division of the question whether the House will fine a member for being absent by its leave.

Mr. CULLOM. I desire to inquire whether the fact is that the gentleman has returned since he got his leave and has been participating in the sessions of the House.

Mr. CLEVELAND. Mr. Speaker——

[Cries of "Order!" "Order!"]

Mr. BENTON. I rise to a point of order. The gentleman cannot address the House until he has paid his fine.

The SPEAKER *pro tempore*. The Chair overrules the point of order, the gentleman having paid his fine. [Laughter.]

Mr. CLEVELAND. I move as an amendment to the pending motion that none of the fines be remitted, but that they be applied to the payment of the national debt. [Laughter.]

The SPEAKER *pro tempore*. The Chair decides that the amendment is not in order, as it is not germane to the pending motion, which is that Mr. TRIMBLE be fined ten dollars.

The question was put; and the motion was disagreed to.

Mr. BINGHAM. I now move that the gentleman be excused.

The motion was agreed to.

The Sergeant-at-Arms again appeared, and announced that in pursuance of the order of the House he had in custody at the bar of the House Mr. SCHUMAKER.

The SPEAKER *pro tempore*. Mr. SCHUMAKER, you have been absent from the sessions of the House without its leave. What excuse have you to offer?

Mr. SCHUMAKER. I have no excuse at all, only that I was late at dinner. That is all.

Mr. CALKIN. I move that the gentleman be fined ten dollars.

The motion was agreed to.

Mr. CLEVELAND. I move to reconsider the several votes by which fines have been imposed, and to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. That motion is not now in order.

Mr. STILES. I move that all further proceedings under this call be dispensed with.

Mr. SCHENCK. I hope not.

The motion was not agreed to.

Mr. CLEVELAND. I move to reconsider the various votes of the House to-night imposing fines on members for being absent without leave; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOOPER, of Massachusetts. I move that the remaining absentees without leave be brought to the bar of the House to-morrow.

Mr. KELSEY. Oh, no; let us get through with this to-night.

Mr. SCHENCK. We cannot proceed to any other business.

Mr. KELSEY. I hope we will get through with this to-night.

The motion of Mr. HOOPER, of Massachusetts, was not agreed to.

After the lapse of some minutes,

Mr. SCHENCK said: I move that the warrant of the Speaker be issued to compel the attendance of members who have not been excused from attendance by order of the House, and that the Sergeant-at-Arms be directed to bring them to the bar of the House to-morrow at one o'clock, at which time their cases shall be disposed of; and that all further proceedings under the call shall be dispensed with in the mean time, except for the disposition of the cases of those thus brought to the bar.

Mr. PETERS. I would suggest to the gentleman to modify his motion, so as to avoid the expense on the part of the Sergeant-at-Arms of going out of the city for absent members. Let his motion be confined to those members who are in the city, and who are absent without leave.

Mr. ALLISON. The Sergeant-at-Arms can exercise some discretion.

Mr. SCHENCK. I move that all further proceedings under this call be dispensed with, except so far as relates to the disposition of the cases of those absent without excuse; and as to those I move that the warrant of the Speaker be issued, and that those absentees be brought to the bar of the House to-morrow at one o'clock.

Mr. LOGAN. I move that all further proceedings under this call be dispensed with.

The SPEAKER *pro tempore*. The motion to dispense with all further proceedings under this call takes precedence.

Mr. SARGENT. I would suggest that after those members who happened to be but a few moments late and who were found by the Sergeant-at-Arms at the doors of this Hall have been fined ten dollars each we ought not now to dispense with all further proceedings under this call, and thereby let off those who have not even left their residences to come here to-night.

Mr. FARNSWORTH. Does the gentleman from California [Mr. SARGENT] suppose that these fines are not going to be all remitted? I did not suppose any member could be green enough to suppose that.

Mr. SARGENT. I understand that by the rule of the House enforced to-night by yourself, Mr. Speaker, no one who has been fined will be recognized to address the House or to make a motion, or vote, until his fine has been paid.

Mr. FARNSWORTH. They will all be remitted to-morrow, every one of them.

Mr. SCHENCK. No, sir.

Mr. SARGENT. A motion to reconsider the votes imposing the fines has been laid on the table.

Mr. FARNSWORTH. Very well; I can move to-morrow to remit the fines; that would not be a reconsideration.

Mr. SARGENT. The gentleman could not do that without unanimous consent, and if I am present, as I intend to be, I will object. Further, these proceedings must not be turned into a farce. They should be seriously meant to enforce the right of the House to have the attendance of its members, and as far as I am concerned they shall be.

Mr. BECK. I ask that my colleague, Mr. THOMAS L. JONES, be excused for not being in attendance here to-night, although present here during the day for the last two days. But he has been sick for the last two weeks, and is really not able to be out of his room at night, and hardly in the day-time.

The motion to excuse was agreed to.

The question recurred upon the motion of Mr. LOGAN, to dispense with all further proceedings under this call.

Mr. NIBLACK. I would inquire of the Chair whether it would be competent for us to proceed with any other business in the mean time if we dispense with further proceedings under the call?

The SPEAKER *pro tempore*. The Chair is of opinion that if either the motion of the gentleman from Illinois [Mr. LOGAN] or the motion of the gentleman from Ohio [Mr. SCHENCK] shall be adopted, it will then be competent to proceed to the consideration of other business.

The question was then taken upon the motion of Mr. LOGAN, that all further proceedings under this call be dispensed with; and it was not agreed to.

The question recurred upon the motion of Mr. SCHENCK.

Mr. SCHENCK. I will withdraw the motion for the present, as I see two or three prisoners at the bar. [Laughter.]

The Sergeant-at-Arms again appeared at the bar, and announced that in pursuance of the order of the House he had in custody and now presented at the bar Mr. ELDRIDGE, Mr. HALE, and Mr. SHOBER.

The SPEAKER *pro tempore*. Mr. ELDRIDGE, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. ELDRIDGE. Mr. Speaker, this is the first time I have been caught in seven years. I came here to-night and found the doors closed. I went all around the House trying to get in and could not find any place where I could get in.

A MEMBER. You did get in. [Laughter.]

Mr. ELDRIDGE. At last it occurred to me that I might find the Sergeant-at-Arms. I found him, and he conducted me into the House. I am here, and, in the language of Henry Winter Davis, who is now dead and gone, I can only say "*peccavi.*"

Mr. HAIGHT. I move that the gentleman be fined ten dollars.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. HALE, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. HALE. I have not, Mr. Speaker, as the gentleman from Wisconsin [Mr. ELDRIDGE] has, any extensive experience in this House to go back on. He says that this is the first time he has been caught in seven years. I can only say that this is the last time I shall be caught for seven years to come.

Mr. ELDRIDGE. Having paid my fine, I suppose I have the right to speak. I wish to say that I hope the gentleman will not be here seven years from now, unless he changes his politics. [Laughter.]

Mr. PETERS. As my colleague [Mr. HALE] is young, I move that he be excused on the payment of five dollars.

Mr. HALE. Oh, no; I do not plead youth.

Mr. JUDD. I rise to a point of order. The gentleman at the bar was interrupted before he had finished his statement.

Mr. HALE. Well, I have not any more definite excuse to give than that I was somehow or other a good deal longer in getting here than I expected to be when I started. [Laughter.]

Mr. GRISWOLD. I move to amend the motion of the gentleman from Maine [Mr. PETERS] so as to make the fine ten dollars.

The amendment was agreed to; and the motion, as amended, was agreed to.

The SPEAKER *pro tempore*. Mr. SHOBER, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. SHOBER. Mr. Speaker, when I was about to start to come to the session of the House to-night I was met at my lodgings by an old friend, whom I had not seen for many years, and who wished to see me on some special business. We were in conversation for some time; and on coming to the House I found that the call had proceeded thus far. I sought the Sergeant-at-Arms at once and came in.

Mr. STILES. I move that the gentleman be excused.

The motion was not agreed to.

Mr. CESSNA. I move that the gentleman be discharged on the payment of the cost. He has been a member for a few days only.

Mr. RANDALL. I move to amend so as to provide that the gentleman be excused on the payment of ten dollars.

The amendment was agreed to; and the motion as amended was agreed to.

The Sergeant-at-Arms again appeared at the bar, and announced that, in pursuance of the order of the House, he had in custody, and now presented at the bar Mr. ARNELL.

The SPEAKER *pro tempore*. Mr. ARNELL, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. ARNELL. Mr. Speaker, I have two excuses to offer. The first is that I was thoroughly disgusted with the manner in which the tariff bill was being treated by the House. The second excuse I hold in my hand—a ten-dollar note. [Laughter.]

Mr. FITCH. I move that the gentleman be fined fifteen dollars for being "disgusted" with the tariff. [Laughter.]

Mr. BENTON. I move to amend so as to provide that the gentleman from Tennessee [Mr. ARNELL] be excused on the payment of a fine of ten dollars.

The amendment was agreed to; and the motion as amended was agreed to.

Mr. SCHENCK. Before renewing my motion, I will inquire whether there are any other prisoners that can be brought to the bar now?

The SPEAKER *pro tempore*. The Sergeant-at-Arms informs the Chair that the messengers are out for others; but none are now ready to be brought to the bar. Does the gentleman from Ohio [Mr. SCHENCK] renew his motion?

Mr. SCHENCK. I would prefer to suspend, so as to dispatch this whole business, if possible, to-night.

Mr. SARGENT. I move that all the votes by which fines were imposed be reconsidered; and that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STRICKLAND. I wish to ask the gentleman from Ohio to modify his motion so as to name Monday instead of to-morrow. I claim that the gentlemen now absent and out of the city without leave of the House are more culpable than those who are in the city. If any member has gone away without leave of the House, I want the Sergeant-at-Arms shall have time to reach him. Those who were a little tardy in coming to the House this evening and were kept out by the doors being closed, are less guilty than those who have gone away without leave. If permitted I will move Tuesday instead of to-morrow.

Mr. SCHENCK. I am perfectly satisfied we ought to go as far with this matter as possible to-night. It will be the loss of a day which may be devoted to business of the House if this matter be postponed until to-morrow. I therefore withdraw the motion, and move an intermission of twenty minutes, if agreeable to gentlemen.

Mr. LOGAN. Let us have general debate.

Mr. SCHENCK. At the request of gentlemen around me, and understanding that the Sergeant-at-Arms in the course of twenty minutes can have a number of other absentees at the bar, I move, by unanimous consent, the next twenty minutes be devoted to general debate on the state of the Union.

Mr. ARNELL. I object.

Mr. ALLISON. I move that the further consideration of this call be postponed for an hour and that in the mean time we go into

the Committee of the Whole on the state of the Union, on the tariff.

Mr. FERRISS. I rise to a parliamentary question.

Mr. SCHENCK. I move that the next thirty minutes be devoted to speeches on the state of the Union, to be limited to three minutes each.

Mr. FERRISS. I rise to a parliamentary question. Will not the effect of that motion be to terminate all further proceedings under this call?

Mr. CULLOM. We should keep to the business of executing the order of the House.

Mr. SCHENCK. It is only in order to fill up the time that I have made the proposition.

The SPEAKER *pro tempore*. The gentleman from Ohio asks unanimous consent for the proposition he has intimated.

Mr. ARNELL. I object.

Mr. SCHENCK. I withdraw the motion for the present. I move that only to fill up the time until the arrival of the Sergeant-at-Arms with other absentees in custody.

Mr. STILES. I ask unanimous consent to offer the following resolution.

Mr. ARNELL. I object.

Mr. ARCHER. Let it be read.

The Clerk read as follows:

Resolved, Until otherwise ordered, the House meet at eleven o'clock a. m., instead of twelve o'clock m.

The SPEAKER *pro tempore*. That is not in order.

Mr. JUDD. I move the following resolution:

Resolved, That we have a redraw of seats. [Laughter.]

Mr. ARNELL. I object.

Mr. JUDD. On that resolution I ask to be heard.

The SPEAKER *pro tempore*. It is not in order.

Mr. KELSEY. Is it in order to go to business on the Speaker's table?

The SPEAKER *pro tempore*. It is not in order.

Mr. KELSEY. Is it in order by unanimous consent?

The SPEAKER *pro tempore*. It is not.

Mr. JUDD. I rise to a personal explanation.

Mr. BROOKS, of New York. I hope the gentleman will have leave.

Mr. BINGHAM. I move that the House do now adjourn.

The motion was disagreed to.

Mr. WILSON, of Minnesota. I move that the House take a recess for twenty minutes.

Mr. JUDD. Has not the House adopted a resolution that the next thirty minutes shall be devoted to general debate on the state of the Union?

The SPEAKER *pro tempore*. The resolution was not adopted.

Mr. ELDRIDGE. That is a question of fact, and I demand a jury. [Laughter.]

Mr. CONGER. Would not the effect of the adoption of such a resolution be to open the doors of the House?

The SPEAKER *pro tempore*. The doors of the House will not be opened except by order of the House.

Mr. WILSON, of Minnesota. I move that the doors be opened for that time.

The SPEAKER *pro tempore*. The Chair will consider the adoption of such a motion as dispensing with all further proceedings under the call.

Mr. WILSON, of Minnesota. I withdraw that portion of it.

Mr. SCHENCK. I was about to make the point that that would open the doors of the House.

Mr. WILSON, of Minnesota. I withdraw that part of it.

Mr. SCHENCK. I rise to a point of order. If we take a recess we dispense with all further proceedings under the call of the House. It is distinctly laid down in the rules that it is not in order for the House to take a recess during a call of the House. No motion except to adjourn can be entertained during the call.

Mr. BINGHAM. I move that the House do now adjourn; and upon that motion I call for the yeas and nays.

Mr. ELDRIDGE. I rise to a privileged motion. I move that when the House adjourns to night it adjourn to meet on the 6th day of December next.

The SPEAKER. The Chair must decide that the motion of the gentleman from Wisconsin [Mr. ELDRIDGE] is not in order. Pending a call of the House no motion is in order except a motion to adjourn or a motion to suspend further proceedings in pursuance of the call.

The yeas and nays were ordered on the motion to adjourn.

The SPEAKER *pro tempore*. The Clerk will proceed to call the roll, and in doing so will omit the names of those members who have been found absent to-night without excuse, if they have not been reported at the Clerk's desk as having paid the fines imposed on them.

Mr. ELDRIDGE. Mr. Speaker, I will not report at the Clerk's desk whether I have paid my fine or not. I am not required by any rule of the House to do so. I have paid my fine; but I do not believe that I am under any obligation to go to the Clerk's desk and report that fact.

The SPEAKER *pro tempore*. The gentleman has misunderstood what was stated by the Chair. The Chair has not directed any gentleman to go to the Clerk's desk and report; but he has directed the Clerk in calling the roll to omit the names of those who have not been reported at the Clerk's desk as having paid their fines.

Mr. ELDRIDGE. I wish to know if I am to be deprived of my right to vote because the Sergeant-at-Arms has neglected to report that I paid the ten dollars.

The SPEAKER *pro tempore*. The gentleman from Wisconsin is not in order.

Mr. ELDRIDGE. I rise, as a question of order, to demand that I shall be allowed my right to vote.

The SPEAKER *pro tempore*. The gentleman from Wisconsin will take his seat.

Mr. ELDRIDGE. I will take my seat at the demand of the Chair, but I claim that I have a right to state my point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. ELDRIDGE. My point of order is, that I shall not be deprived of my right to vote because the Sergeant-at-Arms may have neglected to report that I have paid my fine.

The SPEAKER *pro tempore*. That question will not arise until the roll-call is concluded. If the gentleman is then omitted from the roll-call, contrary to his right, he will then have a right to raise his point of order.

By unanimous consent, Mr. JUDD was excused from further attendance this evening.

The question recurred on the motion to adjourn, on which the yeas and nays had been ordered.

The question was taken; and it was decided in the negative—yeas 23, nays 113, absent or not voting 90; as follows:

YEAS—Messrs. Barnum, Beaman, Buffinton, Burchard, Cake, Coburn, Cook, Cullom, Dox, Farnsworth, Fitch, Gibson, Griswold, Haight, Hamill, Niblack, Poland, Sawyer, Starkweather, Stone, Strickland, Trimble, and Wells—23.

NAYS—Messrs. Allison, Archer, Armstrong, Arnell, Asper, Atwood, Beatty, Beck, Benjamin, Bennett, Benton, Bingham, Bird, Blair, Boyd, James Brooks, Buck, Buckley, Burdett, Roderick R. Butler, Calkin, Cessna, Amasa Cobb, Conger, Conner, Dawes, Degener, Dickey, Dickinson, Donley, Eldridge, Ferriss, Finkelnburg, Getz, Gilfillan, Hale, Hamilton, Harris, Hawkins, Hawley, Hay, Hill, Hoar, Holman, Hooper, Ingersoll, Johnson, Alexander H. Jones, Kelley, Kellogg, Kelsey, Kerr, Ketcham, Knapp, Laflin, Lawrence, Marshall, McCarthy, McCormick, McCrary, McKee, McNeely, Mercur, Elakim H. Moore, William Moore, Samuel P. Morrill, Myers, O'Neill, Orth, Packard, Packer, Palmer, Perce, Peters, Phelps, Pomeroy, Randall, Rogers, Sargent, Schenck, Schumaker, Scofield, Shanks, Lionel A. Sheldon, Shober, Joseph S. Smith, Worthington C. Smith, William Smyth, Stevens, Stiles, Stoughton, Strong, Swann, Tanner, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Van Auken, Van Wyck, Cadwalader C. Washburn, William B. Washburn, Welker, Wheeler, Whitmore, Willard, Williams, Eugene M. Wilson, Winans, Winchester, and Witcher—113.

NOT VOTING—Messrs. Adams, Ambler, Ames, Axtell, Ayer, Bailey, Banks, Barry, Biggs, Boles, Booker, Bowen, George M. Brooks, Burr, Benjamin F. Butler, Churchill, William T. Clark, Sidney Clarke, Cleveland, Clinton L. Cobb, Covode, Cowles, Cox, Crebs, Davis, Dixon, Dockery, Duval, Dyer, Ela, Ferry, Fisher, Fox, Garfield, Haldeman, Hambleton, Hays, Heaton, Hellin, Hoge, Hotchkiss, Jenckes, Thomas L. Jones, Judd, Julian, Knott, Lash, Logan, Loughridge, Lynch, Mayham, Maynard, McGrew, McKenzie, Milnes, Jesse H. Moore, Morgan, Morphis, Daniel J. Morrell, Morrissey, Mungen, Negley, Paine, Platt, Porter, Potter, Prosser, Reeves, Rice, Ridgway, Roots, Sanford, Porter Sheldon, Sherrod, Slocum, John A. Smith, William J. Smith, Stevenson, Stokes, Strader, Sweeney, Taffe, Van Horn, Van Trump, Voorhees, Ward, Wilkinson, John T. Wilson, Wood, and Woodward—90.

So the House refused to adjourn.

Mr. RANDALL. I move that when the House adjourns this evening it adjourn to meet to-morrow morning at eleven o'clock.

The SPEAKER *pro tempore*. The Chair decides that that is not in order. No motion is in order except to adjourn or to suspend the proceedings in the call.

Mr. SCHENCK. I would inquire whether the Sergeant-at-Arms is ready to report the presence of any more of the delinquents?

Mr. FARNSWORTH. Is it in order to move that when the House adjourns it adjourn to meet on Monday next?

The SPEAKER *pro tempore*. It is not in order.

Mr. FARNSWORTH. Is it not always in order to move to fix the time to which the House will adjourn?

The SPEAKER *pro tempore*. Not pending a call of the House.

Mr. FARNSWORTH. It is in order to move to adjourn, and to fix to what time the House will adjourn before the vote is taken on adjourning.

The SPEAKER *pro tempore*. Pending a call of the House it is not in order to move to adjourn to any particular time other than that fixed by the order of the House previous to the call of the House.

Mr. FARNSWORTH. Why, it is a motion pertaining to the adjournment. After a motion to adjourn is made, a motion that when the House adjourns, it shall adjourn to a particular time takes precedence of it, and is a privileged motion.

The SPEAKER *pro tempore*. It is the decision of the Chair that pending a call of the House nothing except in execution of that order, or to adjourn, or to suspend the call, is in order. Those are the only motions that are in order.

Mr. CULLOM. That is the exact language of the rule.

Mr. FARNSWORTH. This is a motion in regard to adjournment.

Mr. CULLOM. No; the rule says a motion to adjourn or suspend the call.

Mr. ELDRIDGE. Will the Speaker inform the House what the pending question is?

The SPEAKER *pro tempore*. The execution of the order of the House that there be a call of the House.

Mr. ELDRIDGE. Is that debatable?

The SPEAKER *pro tempore*. It is not in its present state.

Mr. ELDRIDGE. Will it be in its future state? [Laughter.]

The SPEAKER *pro tempore*. The Chair will rule on any point of order raised at the proper time.

Mr. HOOPER, of Massachusetts. Would it be in order to ask unanimous consent that the gentleman from Wisconsin [Mr. ELDRIDGE] address the House at this time?

The SPEAKER *pro tempore*. It would not be in order.

Mr. ELDRIDGE. I would like to know how the Chair can judge whether my speech would be in order or not till he hears it. I would endeavor to speak to the question.

The Sergeant-at-Arms again appeared and announced that, pursuant to the order of the House, he now had in custody at the bar of the House Mr. MOORE, of Illinois.

The SPEAKER *pro tempore*. Mr. MOORE, of Illinois, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. MOORE, of Illinois. I was quite unwell this afternoon, and might readily have given my excuse to the person who came for me, and sent it to the House; but supposing probably it was indispensable if I could come at all that I should do so, I am here. That is my excuse.

Mr. CULLOM. I move that he be excused, as he states that he is too unwell to be present.

The motion was agreed to.

Mr. SHANKS. I move that the gentleman be excused from further attendance this evening.

The motion was agreed to.

Mr. FARNSWORTH. I move that all further proceedings under the call be dispensed with.

Mr. SCHENCK. I hope not.

Mr. FARNSWORTH. I call for the yeas and nays. The object of this whole proceeding was to get a quorum. A quorum appeared upon the first call of the roll. The gentleman from Ohio, [Mr. SCHENCK,] who was away last night, comes in to-night and consumes the whole evening. [Cries of "Order!" "Order!"] I protest against it, and demand the yeas and nays.

The question was put on ordering the yeas and nays; and seventeen voted in the affirmative.

Mr. FARNSWORTH called for tellers.

Tellers were ordered; and Mr. SCHENCK and Mr. FARNSWORTH were appointed.

The House divided: and the tellers reported that there were thirty-nine in the affirmative.

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

The question was then taken: and it was decided in the negative—yeas 36, nays 92, absent or not voting 98; as follows:

YEAS—Messrs. Asper, Atwood, Beaman, Benjamin, Bingham, Buffinton, Burchard, Cake, Sidney Clarke, Coburn, Cook, Conner, Degener, Farnsworth, Gibson, Griswold, Hamill, Ingersoll, Alexander H. Jones, Ketcham, McKee, Eliakim H. Moore, Samuel P. Morrill, Niblack, Packer, Perce, Poland, Pomeroy, Shober, Worthington C. Smith, Starkweather, Stevens, Stoughton, Tanner, Trimble, and William B. Washburn—36.

NAYS—Messrs. Allison, Armstrong, Arnell, Beatty, Beck, Bennett, Benton, Bird, Blair, Boyd, James Brooks, Buck, Buckley, Burdett, Roderick R. Butler, Calkin, Cessna, Cleveland, Amasa Cobb, Conger, Dawes, Dickey, Dickinson, Donley, Dox, Eldridge, Ferriss, Finkelnburg, Fisher, Getz, Gilfillan, Haight, Hamilton, Harris, Hawkins, Hawley, Hay, Hoar, Holman, Hooper, Johnson, Kelley, Kellogg, Kelsey, Kerr, Knapp, Laflin, Lawrence, Marshall, McCarthy, McCrary, McNeely, Mercur, William Moore, Myers, O'Neill, Orth, Packard, Palmer, Phelps, Randall, Rogers, Sanford, Sargent, Schenck, Scofield, Shanks, Lionel A. Sheldon, Joseph S. Smith, William Smyth, Stiles, Strickland, Strong, Swann, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Van Auken, Van Wyck, Cadwalader C. Washburn, Welker, Wells, Wheeler, Whitmore, Willard, Williams, Winans, Winchester, and Witcher—92.

NOT VOTING—Messrs. Adams, Ambler, Ames, Archer, Axtell, Ayer, Bailey, Banks, Barnum, Barry, Biggs, Boles, Booker, Bowen, George M. Brooks, Burr, Benjamin F. Butler, Churchill, William T. Clark, Clinton L. Cobb, Covode, Cowles, Cox, Crebs, Cullom, Davis, Dixon, Dockery, Duval, Dyer, Ela, Ferry, Fitch, Fox, Garfield, Haldeman, Hale, Hambleton, Hays, Heaton, Heflin, Hill, Hoge, Hotchkiss, Jenckes, Thomas L. Jones, Judd, Julian, Knott, Lash, Logan, Loughridge, Lynch, Mayham, Maynard, McCormick, McGrew, McKenzie, Milnes, Jesse H. Moore, Morgan, Morphis, Daniel J. Morrell, Morrissey, Mungen, Negley, Paine, Peters, Platt, Porter, Potter, Prosser, Reeves, Rice, Ridgway, Roots, Sawyer, Schumaker, Porter Sheldon, Sherrod, Slocum, John A. Smith, William J. Smith, Stevenson, Stokes, Stone, Strader, Sweeney, Taffe, Van Horn, Van Trump, Voorhees, Ward, Wilkinson, Eugene M. Wilson, John T. Wilson, Wood, and Woodward—98.

The Sergeant-at-Arms then appeared at the bar and announced that, pursuant to the order of the House, he had in custody at the bar Mr. WILLIAM N. SWEENEY, of Kentucky.

The SPEAKER *pro tempore*. Mr. SWEENEY, you have been absent from the session of this House without its leave. What excuse have you to offer for being thus absent?

Mr. SWEENEY. I do not know that I have any excuse that would be a valid one. I was not feeling very well, and remained at home on that account; still I was not so unwell but I might have been here.

Mr. BECK. I move that my colleague, Mr. SWEENEY, be excused for having been absent to-night. I know he is a modest man, and probably does not like to state the real reason for his absence. He has been a married man for seventeen years, and received a dispatch to-day informing him that his wife has just become the mother of his first girl-baby. [Laughter.] He has been treating his friends very liberally since the receipt of that joyful news, and therefore is low in funds. I move that he be excused.

The motion to excuse was agreed to.

Mr. SCHENCK. I now offer the following resolution:

Resolved, That all further proceedings under this call be dispensed with, except to dispose of the cases of such absentees as have not yet been excused; and that the Speaker issue his warrant to the Sergeant-at-Arms, requiring him to bring such absentees as have not had their cases disposed of to the bar of the House for its action at one o'clock p. m. on Monday next.

With the leave of the House, I will simply state that I have named Monday next, as that is usually a lost day in some respects, in consequence of motions to suspend the rules, &c. It will also give an opportunity to the Sergeant-at-Arms to bring the whole thirty-four absentees—I believe that is the number of cases of absentees now undisposed of—at once to the bar of the House at that time.

Mr. BINGHAM. I move to amend the resolution so as to confine its operations to such members as the Sergeant-at-Arms may find within the District of Columbia. I have no idea of requiring the Speaker to issue his writ in such a case as this for the arrest of members who are absent from the District.

Mr. SCHENCK. Well; I do not know that I have any objection to that amendment.

Mr. ELDRIDGE. I raise the point of order that this resolution is not in order under the rules.

Mr. SCHENCK. It is expressly stated in the rules that such an order may be made.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. BINGHAM. I understand that my colleague [Mr. SCHENCK] accepts my amendment.

Mr. SCHENCK. I have no objection to it, and will modify my resolution accordingly.

Mr. FITCH. I move to amend the resolution by striking out "Monday" and inserting "Saturday."

The SPEAKER *pro tempore*. The question will be first taken upon the amendment.

Mr. SMITH, of Oregon. I would suggest to the gentleman from Ohio [Mr. SCHENCK] that one of the absentees has obtained leave of absence, to take effect this evening or to-morrow. He is absent on very important business, and it would be a very great hardship to that gentleman to bring him here on Monday next.

Mr. BENTON. He is exempted.

Mr. SMITH, of Oregon. I do not understand that he is exempted.

Mr. FITCH. I move to amend the resolution by striking out "Monday," and inserting "to-morrow."

Mr. SCHENCK. I am afraid that if that amendment be adopted we shall lose the whole day to-morrow.

Mr. HOAR. I wish to inquire whether the adoption of the resolution as modified will not have the effect to excuse all members who may have left the District without leave, and who do not return by the time specified.

Mr. BINGHAM. It postpones that question.

Mr. HOAR. No, sir; it exonerates all such persons.

Mr. BINGHAM. As the gentleman makes an argument on the subject, I beg leave to say that the resolution in the form proposed does not exonerate anybody, because the power of the House will not be exhausted until the return of the writ, and then it will be perfectly competent for the House to renew the order as to other absentees if it sees fit to do so. My reason for making the proposition is twofold: first, to prevent by anticipation unnecessary expenditure by sending writs abroad for persons who are not within the District of Columbia; the second is to reserve the opportunity for stating to the House such reasons as may be within the knowledge of members for dispensing with further process against absentees.

Mr. HOAR. I desire that the resolution be reported as it will read when modified.

The Clerk read as follows:

Resolved, That all further proceedings under the call be dispensed with, except to dispose of the cases of such absentees who may be found within the District of Columbia and have not yet been excused; and that the Speaker issue his warrant to the Sergeant-at-Arms, requiring him to bring such absentees as have not had their cases disposed of to the bar of the House for its action at one o'clock p. m. on Monday next.

Mr. ELDRIDGE. I wish to make a suggestion or two. The gentleman from Ohio, [Mr. BINGHAM,] the chairman of the Committee on the Judiciary, states that a large expense will be incurred by bringing in gentlemen who have gone away from the District of Columbia without the leave of the House. That, it seems to me, is a consideration which ought not to engage the attention of the House for one moment. I was arrested to-night, I believe; but I was arrested within the House. I came here, and was unable to get in at the front door. I tried the next door unsuccessfully; I then came to another door where I came in and delivered myself to the Sergeant-at-Arms. The House fined me ten dollars, and I paid the money. Now, the gentleman from Ohio objects that we shall incur expense if we arrest gentlemen who have absented themselves from the House without leave. I see no force in this objection. If there are any costs or charges let them be paid by the absentees. If any member has left the District of Columbia without the leave of the House let the expense of bringing him here fall upon him. One great wrong inflicted in this House upon the country consists in the neglect of members to attend the sessions of the House.

Mr. SCHENCK. If the gentleman will give way a moment I wish to modify my resolution.

Mr. ELDRIDGE. I cannot give way. I shall conclude in a few moments.

Mr. SCHENCK. I do not want to cut off the gentleman's speech. I agree with him in what he is saying.

Mr. ELDRIDGE. I was afraid the gentleman was going to agree with me, [laughter;] and that is the reason I did not want to yield to him.

Mr. SCHENCK. It is not generally very agreeable to agree with the gentleman. [Laughter.]

Mr. ELDRIDGE. Mr. Speaker, there are members of this House who during an entire Congress have never been here one week continuously; yet they have drawn their full pay as members. There are those who have been absent many more days and many more weeks than they have been in attendance. There are gentlemen upon both sides who have frequently been absent from the House without its leave; and some such, after being away, have come back and insisted upon evening sessions because the business was delayed.

Now I say that this House ought to establish some rule by which members shall not be allowed to absent themselves without leave.

When they are thus absent I see no reason why they should not be sent for and brought in; and they should be made to pay any expenses that may thus be incurred. If this system be enforced, we may have some hope of getting through with the business of Congress.

The Sergeant-at-Arms appeared at the bar of the House having in custody Mr. SHERROD.

The SPEAKER *pro tempore*. Mr. SHERROD you have been absent from this session of the House without its leave. What excuse have you to offer?

Mr. SHERROD. Mr. Speaker, I was not aware there was a session to-night. I was present in the Senate when the House adjourned.

Mr. HOOPER, of Massachusetts. I move that the gentleman be excused.

Mr. FITCH. I move to amend, that he be fined ten dollars.

The amendment was agreed to.

The motion, as amended, was then agreed to.

Mr. ELDRIDGE. I wish to finish the remarks I was making. Last evening we had a session on the Navy appropriation bill. I had the honor of being chairman of the Committee of the Whole. Gentlemen insisted on a session of the House last night, but there were not six members present.

Mr. BINGHAM. I rise to a point of order. I insist that it is not germane to the motion before the House to discuss the conduct of members touching the Navy appropriation bill.

The SPEAKER *pro tempore*. The Chair is unable to say that it is entirely out of order to discuss the conduct of members of the House in respect to their attendance on the business of this House.

Mr. ELDRIDGE. Then, Mr. Speaker, since I am ruled to be in order, I wish to say that I appeared here last evening and took the chair expecting the Navy appropriation bill was to be discussed; but there were not more than from six to ten members present.

Mr. BINGHAM. I again rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. BINGHAM. I will submit it is not in order, pending the motion now before this House, for the gentleman to discuss his conduct on yesterday.

The SPEAKER, *pro tempore*. The Chair sustains the point of order to the extent of his own conduct. [Laughter.]

Mr. ELDRIDGE. What is the point of order and what is the decision of the Chair?

Mr. BINGHAM. I will tell the gentleman.

Mr. ELDRIDGE. I was not going to say, Mr. Speaker, that the gentleman from Ohio, [Mr. BINGHAM,] the chairman of the Committee on the Judiciary, was not here last night. [Renewed laughter.] I did not intend to make any such remark, and I am sorry the gentleman thought I did.

Mr. BINGHAM. I rise to a point of order again, that it is not in order for the gentleman, pending the motion now before the House, to discuss whether I was here or not.

The SPEAKER *pro tempore*. The Chair does not sustain the point of order. [Laughter.]

Mr. BINGHAM. I appeal from the decision of the Chair.

Mr. ORTH. I move that the appeal be laid on the table.

The motion was agreed to.

Mr. BINGHAM. I call for a division.

The SPEAKER *pro tempore*. The call comes too late. [Laughter.]

The Sergeant-at-Arms appeared at the bar of the House having in custody Mr. VOORHEES.

Mr. BINGHAM. I withdraw my amendment to my colleague's motion.

The SPEAKER *pro tempore*. Mr. VOORHEES, you have been absent from this session of the House without its leave. What excuse have you to offer?

Mr. VOORHEES. Is this the House or the Committee of the Whole?

The SPEAKER *pro tempore*. We are in the House.

Mr. VOORHEES. I left the House this afternoon early to attend to a professional engagement; not quite a case in court, but one tending that way, and for the purpose of trying to keep it out of the court. I am simply stating facts, which I think is the best way to do.

Mr. FARNSWORTH. That is not the best way.

Mr. VOORHEES. It is not the usual way with members of the House; but I am going to set the example. I did not know there was a session this evening.

Mr. SCHENCK. That was settled early this morning.

Mr. VOORHEES. I left very early. [Laughter.] I left here before one o'clock. I did not know the House was in session to-night, and I went to hear Judge VAN TRUMP deliver his lecture.

Mr. PETERS. Was it a good one?

Mr. VOORHEES. Better than anything delivered here to-night, I expect. [Laughter.] I am here subject to the order of the House, and will cheerfully submit to whatever its order may be; for I have had a feast to-night none of the rest have had who have been here miserably famishing for intellectual food.

Mr. FARNSWORTH. I move that the gentleman be fined $20 a ton and 40 per cent. *ad valorem*. [Laughter.]

Mr. INGERSOLL. What was the subject of Judge VAN TRUMP's lecture?

Mr. VOORHEES. "Cromwell and his times;" and they were stormy times, sir.

Mr. PETERS. The gentleman says that he had no knowledge of the night session, and I move that he be excused.

Mr. VOORHEES. I do not ask to be excused; but that is the fact, however. I left the House this afternoon on private professional business connected with the courts of this city. That is the fact about it. I thought that there was not much need of my being here. I thought my friend from New York [Mr. BROOKS] and the other gentlemen associated with him would take care of the tariff on behalf of that side of the House. I am willing to submit to the order of the House.

Mr. DICKEY. I move, in amendment to the motion of the gentleman from Maine, that Mr. VOORHEES be fined ten dollars.

The question being put on Mr. DICKEY's amendment, it was agreed to.

The motion, as amended, was then agreed to.

Mr. SCHENCK. I have concluded, on reflection, to modify my resolution by dropping out the portion with reference to the District of Columbia. I move the previous question.

Mr. ELDRIDGE. What is the question? I had not finished my remarks.

The SPEAKER *pro tempore*. The Clerk will report the resolution proposed by the gentleman from Ohio, [Mr. SCHENCK,] as now modified:

The Clerk read as follows:

Resolved, That all further proceedings under the call be dispensed with except to dispose of the cases of such absentees as have not yet been excused; and that the Speaker issue his warrant to the Sergeant-at-Arms requiring him to bring such absentees as have not yet had their cases disposed of to the bar of the House for its action at one o'clock p. m. on Monday next.

The Sergeant-at-Arms again appeared, and announced that he had Mr. DOCKERY in custody at the bar of the House.

The SPEAKER *pro tempore*. Mr. DOCKERY, you have been found absent from the sessions of the House without its leave. What excuse have you to offer?

Mr. DOCKERY. I have none. I will submit to the order of the House.

The SPEAKER *pro tempore*. What is the pleasure of the House?

Mr. ALLISON. I move that Mr. DOCKERY be fined ten dollars, the usual fee.

The motion was agreed to.

Mr. INGERSOLL. I demand the previous question on the resolution offered by the gentleman from Ohio, [Mr. SCHENCK.]

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. ELDRIDGE] is entitled to the floor.

Mr. CLARKE, of Kansas. I desire the gentleman from Wisconsin [Mr. ELDRIDGE] to yield to me when he is ready to surrender the floor.

Mr. INGERSOLL. I rise to a point of order. It is this: the gentleman from Wisconsin had taken his seat——

Mr. ELDRIDGE. No, sir; I had not.

Mr. INGERSOLL. I am not addressing the gentleman from Wisconsin. And furthermore, some business had intervened. The resolution of the gentleman from Ohio [Mr. SCHENCK] had been modified, and he had moved the previous question upon it.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The gentleman from Wisconsin will proceed.

Mr. INGERSOLL. I appeal from the decision of the Chair.

Mr. STRICKLAND. I move to lay the appeal from the decision of the Chair on the table.

Mr. SCHENCK. I desire to call attention, if permitted, to the fact that the gentleman from Wisconsin had yielded the floor, and I had then modified my resolution. After I had modified it the Chair was about to put it, and then the interruption occurred of another member being reported by the Sergeant-at-Arms as in his custody.

The SPEAKER *pro tempore*. The gentleman from Wisconsin yielded at the suggestion of the Chair because the Sergeant-at-Arms had appeared at the bar with another member. The Chair had overlooked this fact when about to put the question, and was reminded of it from the Clerk's desk.

The question being put on Mr. STRICKLAND's motion to lay on the table the appeal from the decision of the Chair, it was agreed to.

So the appeal from the decision of the Chair was laid on the table.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. ELDRIDGE] is entitled to the floor, and will proceed.

Mr. ELDRIDGE. I should have been through long ago if I had not been interrupted so frequently. I did not wish to make any remark with reference to my friend from Ohio, [Mr. BINGHAM,] the chairman of the Committee on the Judiciary, that could be offensive to him. I did not intend to state that he was not present last evening. But I wonder that he is so sensitive on that subject.

Mr. BINGHAM. I call the gentleman to order.

Mr. ELDRIDGE. How am I out of order? I never saw one so uneasy as the gentleman from Ohio.

Mr. BINGHAM. I submit that it is not in order for the gentleman to discuss the question whether I was present last evening or not.

The SPEAKER *pro tempore*. The question before the House is on the resolution offered by the gentleman from Ohio [Mr. SCHENCK] touching the call of the House. The gentleman from Wisconsin is discussing that resolution. Upon that resolution, it is the opinion of the Chair, that within the rules it is proper for the gentleman from Wisconsin to discuss the presence or absence of members of the House.

Mr. BINGHAM. Their presence or absence last night? I appeal from the decision of the Chair.

Mr. LOGAN. An appeal has already been taken from a decision of the Chair substantially identical, and that appeal was laid on the table.

Mr. ARNELL. I move that the appeal from the decision of the Chair be laid on the table.

The motion was agreed to.

So the appeal from the decision of the Chair was laid on the table.

Mr. ELDRIDGE. I should have been through long ago if I had not been interrupted by my friend from Ohio. I wish again to say to that gentleman that I have not intended to make any remark that would be personally offensive to him. I have the highest respect for him, and I did not intend to tell the House whether he was absent last night or not.

Mr. BINGHAM. Well, I would like to know whether anybody else was present or not. [Laughter.]

Mr. ELDRIDGE. I did not suppose that anybody would doubt that the gentleman was present last night. If he desires to explain his position last evening I will yield to him most cheerfully to allow him to do so. I did not intend to make any remark on that subject.

Mr. BINGHAM. Will the gentleman yield the floor to me?

Mr. ELDRIDGE. Well, I might about as well, but I think I will not. [Laughter.]

Mr. BINGHAM. I thought the gentleman offered to do so, but I see I was mistaken.

Mr. ELDRIDGE. The gentleman has occupied the floor about as much as I have during the few minutes I have been trying to address the House.

I wanted to say this: that I do think that gentlemen of this House have subjected themselves to the censure of the country by their absence from the House at the evening sessions of the House.

Mr. CLEVELAND. And the day sessions, too.

Mr. ELDRIDGE. Yes, and from the day sessions, too. I may add that with propriety. I believe the Speaker decided that I had a right to discuss myself on last evening, if I had not a right to discuss other members. [Laughter.]

Mr. CULLOM. No; he decided just the other way. [Laughter.]

Mr. ELDRIDGE. Then, I am very glad that I misunderstood the Speaker. Last evening we were to assemble here for the purpose of considering the naval appropriation bill, and when the hour arrived for the committee to commence its business there were but six members of the House here.

Mr. BINGHAM. I rise to a question of order.

Mr. ELDRIDGE. I will not say whether the gentleman from Ohio was present or not.

The SPEAKER *pro tempore*. The gentleman from Ohio will state his point of order.

Mr. BINGHAM. I submit that it is not in order for the gentleman to discuss the business of the House last night on the naval appropriation bill.

The SPEAKER *pro tempore*. The Chair is of opinion that it is in order to discuss the business of the House upon the question whether the further proceedings under the call of the House shall be dispensed with; for upon the condition of the business of the House, in the opinion of the Chair, depends the propriety of the call itself.

Mr. BINGHAM. Well, that is not the question I raise, if the Chair pleases. My point of order is that it is not in order to discuss the business of the House on the naval appropriation bill.

Mr. ELDRIDGE. The Chair must confine the gentleman from Ohio to his seat or I cannot proceed. He can out-talk me. [Laughter.]

Mr. BINGHAM. I submit that the point of order I made to the Speaker has not been stated at all.

Mr. ELDRIDGE. He is more persistent than I am, and I never expect to contend with him successfully for a hearing.

Mr. BINGHAM. It is not in order to discuss the action of the House——

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. ELDRIDGE] is entitled to the floor, and the gentleman from Ohio [Mr. BINGHAM] will oblige the Chair if he will not interrupt the gentleman from Wisconsin.

Mr. ELDRIDGE. I state further that the gentleman from Wisconsin [Mr. WASHBURN] who had charge of the bill was not here at the time announced for the committee to commence its business. The gentleman from Maine [Mr. HALE] who was entitled to the floor was not here, and the seats of the House were almost entirely vacant.

Mr. PETERS. I deny that the gentleman who was entitled to the floor was not here.

Mr. ELDRIDGE. I say that he was not here at the hour for the meeting of the committee.

Mr. PETERS. I say he was.

Mr. ELDRIDGE. I say the gentleman was not here. I do not blame him. He came in very soon afterward, but he will bear me witness that I tell the truth in regard to it. He was two or three minutes behind time.

Mr. HALE. Will the gentleman yield to me for a moment?

Mr. ELDRIDGE. I will yield to the gentleman to state the facts upon that point.

Mr. HALE. I was here in the Hall of the House before half past seven o'clock last evening. I had the floor when the committee took a recess. I went for a minute or two into the room of the Committee on Naval Affairs, of which I am a member, for my papers, the minutes that I had for the remarks I intended to finish. While I was gone after my papers, as the gentleman from Wisconsin has stated, he took the chair, and at that particular instant, at that point of time, I was not in the Hall.

Mr. PETERS. You were constructively. [Laughter.]

Mr. HALE. I was here in the Capitol, but came into the Hall just at the moment, or perhaps a few seconds after the gentleman took the chair. Technically he is correct in saying that I was not here when he took the chair, but I think he will bear me out in saying that I was here substantially at the time and ready to go on, that I did not ask that the committee rise, but was ready to go on, and that it was at the suggestion of other members that the committee rose.

Mr. ELDRIDGE. I cannot undertake to measure time precisely, but I know I came here and took the chair and announced that the hour had arrived for the Committee of the Whole to resume its session, and that the gentleman from Maine [Mr. HALE] was entitled to the floor for twenty-five minutes remaining of his hour. I looked for the gentleman from Maine, but he was not in his seat. Then the gentleman from Indiana [Mr. HOLMAN] rose and said that as the gentleman from Maine was not here he would move that the committee rise.

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

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. FARNSWORTH. My point of order is that it is not in order now to discuss what took place here last night or on any other night.

The SPEAKER *pro tempore*. The Chair has already ruled that upon the question of the propriety of a call of the House or of dispensing with a call it is proper to discuss the question whether gentlemen are in the habit or not of attending the sessions of the House.

Mr. FARNSWORTH. Do I understand the Chair to decide that my point of order is not well taken?

The SPEAKER *pro tempore*. The Chair overrules the point of order, as he has already overruled three or four times to-night similar points of order.

Mr. FARNSWORTH. Then I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. FARNSWORTH] will take notice that an appeal has been repeatedly taken from the ruling of the Chair to-night upon that very point of order, and as repeatedly has the decision of the Chair been sustained. The Chair would submit to the gentleman the propriety of not renewing the appeal now.

Mr. FARNSWORTH. I was not aware that such was the case. I will therefore withdraw my appeal, although I think the Chair is incorrect in so ruling.

Mr. ELDRIDGE. Now, I hope that gentlemen will not interrupt me any more. I am sorry I have been obliged to stand upon my feet so long. I have been interrupted at every sentence I have attempted to utter. I wonder at the sensitiveness of gentlemen. I have made no personal remarks, and intend to make none, with the exception of one that I am about to make about a gentleman who I know is not so thin-skinned as to interrupt me in the utterance of the sentence I am about to utter. I refer to the chairman of the Committee of Ways and Means, [Mr. SCHENCK,] who I understand precipitated this call of the House upon us to-night, although we might with propriety have precipitated a call upon him last night.

Mr. BINGHAM. I rise again to a point of order.

Mr. ELDRIDGE. There, now; did you ever see so thin-skinned a man?

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. ELDRIDGE] will suspend until the point of order has been stated.

Mr. ELDRIDGE. Certainly.

Mr. BINGHAM. My point of order is that it is not in order for the gentleman from Wisconsin to reflect upon the conduct of my colleague, [Mr. SCHENCK.]

Mr. SCHENCK. If my colleague [Mr. BINGHAM] is as utterly indifferent as I am to anything that gentleman can say he will not notice him.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. ELDRIDGE] is not in order in saying anything that may be construed to be personal. But he is in order in discussing the habits of attendance of members.

Mr. BINGHAM. That was not my point of order. I ask that my point may be stated to the House.

The SPEAKER *pro tempore*. The Chair has ruled upon the point of order.

Mr. BINGHAM. What is the ruling of the Chair?

The SPEAKER *pro tempore*. If the gentleman is not satisfied with the ruling of the Chair he can take an appeal, which the Chair will submit to the House.

Mr. BINGHAM. I desire to hear the ruling of the Chair; I did not hear it.

The SPEAKER *pro tempore*. The Chair has overruled the point of order.

Mr. BINGHAM. I ask that my point of order may be stated to the House, so that I can take an appeal from the ruling of the Chair upon it.

The SPEAKER *pro tempore*. Does the gentleman appeal from the decision of the Chair?

Mr. BINGHAM. I do, and I want my point of order stated.

The SPEAKER *pro tempore*. Will the gentleman from Ohio be kind enough to state his point of order himself?

Mr. BINGHAM. My point of order is that the gentleman from Wisconsin [Mr. ELDRIDGE] has no right to reflect upon the conduct of my colleague, [Mr. SCHENCK,] the chairman of the Committee of Ways and Means.

The SPEAKER *pro tempore*. The gentleman from Ohio states a parliamentary principle which is too obvious for question; and whenever the gentleman from Wisconsin [Mr. ELDRIDGE] transgresses that rule, the Chair will endeavor to call him to order.

Mr. BINGHAM. I make the point of order that he has already transgressed it. I do not intend that this question shall be dodged.

The SPEAKER *pro tempore*. The Chair overrules that point.

Mr. BINGHAM. Then I take an appeal from the decision of the Chair. [Laughter.]

Mr. ARNELL. I move that the appeal be laid on the table.

On the motion of Mr. ARNELL, there were—ayes 73, noes 28; no quorum voting.

Tellers were ordered; and Mr. SCHENCK and Mr. ELDRIDGE were appointed.

The House divided; and the tellers reported—ayes 104, noes 12.

So the appeal was laid on the table.

Mr. INGERSOLL. I make the further point of order that the language of the gentleman from Wisconsin was unparliamentary in referring to the gentleman from Ohio [Mr. BINGHAM] as being "thin-skinned." [Laughter.]

The SPEAKER *pro tempore*. No further appeal can be entertained upon the same subject-matter.

Mr. ELDRIDGE. I take the remark back. I will admit that the gentleman from Ohio is not "thin-skinned."

The Sergeant-at-Arms again appeared at the bar, and announced that in pursuance of the order of the House he had in custody and now presented at the bar Mr. LOUGHRIDGE.

The SPEAKER *pro tempore*. Mr. LOUGHRIDGE, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. LOUGHRIDGE. I desire to say that I have been here all day. Having this evening some very important committee business which I had to examine, I felt it to be my duty to stay at home and attend to it. I may have been wrong in doing so; but my committee work requires some time outside of the House. That is my only excuse.

Mr. WILLIAMS. I move that the gentleman be fined ten dollars.

The motion was agreed to.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. ELDRIDGE] is entitled to the floor.

Mr. MORRILL, of Maine. Will the gentleman from Wisconsin yield to me for a few moments? I wish to present a request for leave of absence till to-morrow at twelve o'clock.

Mr. ELDRIDGE. I cannot yield for any such purpose. I shall close my remarks in a minute or two. I do not wish to trespass upon the patience or the time of the House. By the suggestion of some gentlemen around me I was led to make a remark in regard to the chairman of the Committee of Ways and Means which was not justified. I had been informed that he had taken an active part in bringing about this call of the House. He informs me that such was not the case; that he came in after these proceedings were inaugurated. I wish, therefore, to withdraw any remark which I made on that subject, for I have no desire to cast any unjust reflection upon any gentleman of this House. I believe the gentleman has in general been in attendance here, as I have been myself.

I do not, however, withdraw the remarks I have made with regard to the attendance of members. Gentlemen of this House have been negligent in their attendance. They have failed to attend the sessions as they ought to have attended them.

Mr. SHANKS. I wish to inquire whether the gentleman considers his late fine as an evidence of the absence of members from the House? [Laughter.]

Mr. ELDRIDGE. Yes, sir. I paid that fine. And let me say this is the first time I have ever been fined or brought before the House for non-attendance during my seven years' service in this House. Can the gentleman from Indiana [Mr. SHANKS] say as much?

Mr. SHANKS. Yes, sir.

Mr. ELDRIDGE. To-night I came here just as the front door was closed. I saw it close. I went to the next door and was unable to get in there. I finally came to one of the doors where I got in and surrendered myself to the Sergeant-at-Arms. I have endeavored to perform my official duty by attending upon the House and its committees as faithfully as circumstances have permitted, though I do not undertake to boast of this. I felt mortified to-night to be arrested and brought before the House for non-attendance. Having this evening obtained the floor—a rare thing for us on this side—I have felt it proper to make these remarks. Gentlemen on the other side have the majority and they can give us a quorum or not, just as they please. When, therefore, gentlemen insist upon evening sessions they should themselves attend. If they would do so the business of this House would proceed without difficulty, and there would be no occasion for such proceedings as we have had here to-night.

I beg pardon of the House for having occupied so much of its time. I should have finished long ago if I had not been interrupted at almost every word. I have scarcely been able to speak a single sentence without interruption from the gentleman from Ohio, [Mr. BINGHAM.] He has taken appeal after appeal, which the House has decided against him. I wish to say in conclusion that I hope this scene may not be repeated during this session or this Congress. I trust that this night's proceedings may be an example, and that gentlemen will hereafter attend more faithfully to their duties. The attention of the country has been called to this matter, and we may well be ashamed of these proceedings. They are a source of mortification to myself, as they ought to be to every other member.

Mr. Speaker, the gentleman from Ohio [Mr. SCHENCK] now desires the floor, and I yield it to him.

Mr. SCHENCK. I think the gentleman has talked about ten dollars' worth. [Laughter.] I now demand the previous question.

The resolution was again read.

Mr. FITCH. I have moved an amendment, which is pending, to strike out "Monday" and insert "Saturday."

Mr. BENJAMIN. I make the point of order that the previous question having been demanded the amendment of the gentleman from Nevada cannot be entertained.

The SPEAKER *pro tempore*. The gentleman from Nevada moved his amendment previous to the demand for the previous question.

Mr. FARNSWORTH. I demand a division of the resolution, so that the vote may be first taken on dispensing with all further proceedings under the call.

The SPEAKER *pro tempore*. The Chair is of the opinion that the resolution is not divisible. The first vote will be on the amendment of the gentleman from Nevada.

Mr. SMITH, of Oregon. I wish to make a parliamentary inquiry, and it is this: the Sergeant-at-Arms is now ordered to bring in the absentees. The resolution proposes to adjourn the House until Monday next at one o'clock.

The SPEAKER *pro tempore*. The resolution does not propose to adjourn.

Mr. SMITH, of Oregon. I mistook the resolution in that respect; but it requires the absentees to report at that time. The inquiry I have to make is this: suppose the Sergeant-at-Arms after the House adjourns to-night has in custody a gentleman who is excused from and after to-morrow, will not this resolution require the Sergeant-at-Arms to bring that gentleman here on Monday?

The SPEAKER *pro tempore*. The Chair is of the opinion that the inquiry is in the nature of debate.

The previous question was seconded and the main question ordered.

The question then recurred on Mr. FITCH's amendment; and it was disagreed to.

The resolution was then adopted.

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

The latter motion was agreed to.

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

The House divided; and there were—ayes thirty-nine, noes not counted.

So the motion was disagreed to.

And then, on motion of Mr. SCHENCK, (at eleven o'clock and twenty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. FINKELNBURG: The petition of John W. Jennings, asking indemnity for property lost in the service of the Government.

By Mr. KETCHAM: A petition of citizens of the United States against land monopolies.

By Mr. MOORE, of New Jersey: The petition of Captain Daniel Waters and others, for the abolition of duties on tea and coffee, and a reduction on sugar and molasses.

By Mr. MUNGEN: The remonstrance of W. R. Burt and others, citizens of Michigan, against changing the route of the Amboy, Lansing, and Traverse Bay railroad.

By Mr. O'NEILL: A communication signed by W. G. Thomas, N. L. Gaw, W. Elliott, Charles Dutilk, Adam McCoy, John S. Huhn, John L. Lawson, and others, citizens of the second congressional district of Pennsylvania, urging Congress not to reënact the income tax.

By Mr. ROGERS: The petitions of Charles W. Leake, of Wachita county, and William C. Langford, of Union county, Arkansas, for removal of their disabilities.

By Mr. STOKES: A memorial signed by a large number of loyal citizens of Henderson county, Tennessee, asking Congress to relieve them from rebel rule and oppression.

By Mr. STRONG: The petition of Warren Flint, of Hartford, Connecticut, for revival of letters-patent.

By Mr. WELLS: The memorial of William Arnold, P. L. Dobbins, W. H. Platt, J. L. Marquis, J. R. Huston, and 28 others, citizens of Dayton, Ohio, praying for a modification in the present revenue law in regard to the collection of the tax on spirits distilled within the United States.

Also, the memorial of Trumbo, McGuire & Co., James P. Moore, J. D. Sherman, J. T. Cobb, and 118 others, citizens of Chillicothe, Missouri, praying for a modification in the present revenue law in regard to the collection of the tax on spirits distilled within the United States.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 23, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Clerk proceeded to read the Journal.

Mr. DAWES, by unanimous consent, moved that the further reading of the Journal be dispensed with.

The motion was agreed to.

The Journal was then approved.

HON. ERASMUS D. PECK.

Mr. STEVENSON. I rise to a question of privilege. I present the credentials of Hon. ERASMUS D. PECK, elected a member from the tenth congressional district of Ohio.

The credentials were read and laid on the table.

Mr. PECK was duly qualified, and took his seat.

INDEFINITE LEAVE OF ABSENCE.

Mr. DAWES. I submit the following resolution:

Resolved, That leave of absence heretofore granted for an indefinite length of time shall in no case extend beyond Monday, the 2d day of May next, unless otherwise ordered by the House.

Gentlemen have been absent by the month on indefinite leave of absence, and I think that such leave ought to be cut off.

The SPEAKER. The Chair doubts whether that is a question of privilege.

Mr. BENTON. I object to it.

Mr. DAWES. I accept the ruling of the Chair, but ask that the question be put to the House.

Mr. RANDALL. Who objects?

Mr. BROOKS, of New York. There is no objection on this side of the House.

The SPEAKER. It involves a suspension of the rules. Indefinite leave of absence has been granted under the rules. A motion to suspend the rules can only be made on Monday, unless by unanimous consent. The Chair, however, will submit to the House whether this is a question of privilege.

Mr. MAYNARD. Let the resolution be again reported.

The Clerk again read the resolution.

The question was whether the House regards the resolution as a question of privilege.

The question was put; and on a division there were—ayes 75, noes 19; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. DAWES and Mr. INGERSOLL.

The House again divided; and the tellers reported—ayes eighty-six, noes not counted.

The SPEAKER. The question will be regarded as one of privilege. The question is now on agreeing to the resolution.

The resolution was agreed to.

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

The latter motion was agreed to.

CALL OF THE HOUSE.

Mr. BENTON. I rise to a question of privilege. My colleague [Mr. ELA] left for New Hampshire last evening under the expectation, as I understand, of being away a week, and believing that he had leave of absence for a week. It does not appear on the Journal that such leave of absence was granted, and I think there must have been some misapprehension in the matter.

The SPEAKER. The Chair desires to make a statement to the House in regard to the rights of the gentleman from New Hampshire. [Mr. ELA,] who under the orders of the House must be sent for to his home in New Hampshire if the House does not reverse its action. The gentleman came to the Speaker's desk yesterday and addressed to the Chair the inquiry whether the Committee of Claims was likely to be called for public business next week. The Chair answered that it was not at all probable that it would be so called. The gentleman then stated that he desired to be absent next week and wished to ask for leave of absence. The Chair understood that it was a leave of absence to be asked after that day, and accordingly did not submit the request to the House yesterday. It appears from the statement of the gentleman's colleague [Mr. BENTON] that the gentleman from New Hampshire [Mr. ELA] supposed the Chair had taken, as he usually does, a memorandum and submitted the request to the House; and he presumes he went off under the impression that he would have leave of absence for next week from the time he submitted his request. The Chair makes this statement as a matter of justice to the gentleman.

Mr. BENTON. I move that all proceedings with reference to my colleague under the call of the House of last evening be suspended, and that he be considered as having leave of absence from yesterday until the close of next week.

Mr. DAWES. Would it not be time enough to settle the matter when the gentleman comes back?

The SPEAKER. It would not. The Sergeant-at-Arms is under an imperative obligation, as the order of the House now stands, to send for him.

Mr. DAWES. Then I do not object.

Mr. BENTON'S motion was agreed to.

Mr. BENTON moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. HOOPER, of Massachusetts. I also rise to a question of privilege in connection with the call of the House last evening. I wish to call attention to the case of my colleague, [Mr. BUTLER.] I understand that there is a memorandum from my colleague on the desk of the Speaker asking leave of absence, and that he left yesterday evening on the understanding that leave of absence would be granted.

The SPEAKER. The Chair will state what are the facts with reference to the gentleman from Massachusetts, [Mr. BUTLER.] The gentleman left a memorandum with the Speaker's clerk, stating that he desired leave of absence to date from to-day. Such memoranda, when the Speaker is absent during sessions of the House in Committee of the Whole, are left with the Speaker's clerk. The Speaker's clerk states that the gentleman from Massachusetts especially requested that the leave of absence should date from to-day. The Chair will lay the precise facts in each case before the House, and it will then be for the House to take such action as it sees fit.

Mr. HOOPER, of Massachusetts. I suppose that the reason why my colleague asked that the leave of absence should date from to-day was that he did not expect that the House would be in session last evening. I therefore move that all the proceedings under the call of the House last evening be suspended with reference to my colleague, and that he be considered as having leave of absence from yesterday for eight days.

Mr. ALLISON. On that motion I move the previous question.

The previous question was seconded and the main question ordered.

The question was put on agreeing to the motion of Mr. HOOPER, of Massachusetts; and there were on a division—ayes 33, noes 84.

Mr. ROOTS. I demand tellers.

Tellers were not ordered.

So the motion was not agreed to.

Mr. MUNGEN. I desire to make a parliamentary inquiry. I was sick at home last night. If I understand the resolution adopted by the House last night it requires members who were then absent to be here on Monday at one o'clock.

The SPEAKER. The Chair will not entertain any parliamentary inquiry on that subject on the part of a gentleman who is present, the House having last night suspended all proceedings under the call till one o'clock on Monday.

Mr. MUNGEN. The Chair will permit me further to state that I am compelled, on account of sickness in my family, to leave my duties here, and that I cannot be here on Monday; and I desire to have it understood that I was myself sick last night, and on that account unable to be here.

Mr. ALLISON. I hope the gentleman will be excused.

The SPEAKER. The gentleman from Ohio [Mr. MUNGEN] states that he is himself unwell, and was absent last evening on that account, and is compelled to leave the city on account of sickness in his family, and, as his case cannot be decided until one o'clock on Monday, he asks as a personal favor that the House will excuse him.

Mr. DAWES. I hope he will be excused.

Mr. SCHENCK. By unanimous consent.

There was no objection; and Mr. MUNGEN was excused.

Mr. ORTH. I call for the regular order of business.

HOT SPRINGS RESERVATION, ARKANSAS.

The SPEAKER. The morning hour commences, and the House resumes the consideration of the bill (S. No. 95) in relation to the Hot Springs reservation, in Arkansas, reported yesterday from the Committee on Private Land Claims, with an amendment in the nature of a substitute. The gentleman from Indiana [Mr. ORTH] is entitled to the floor.

Mr. ORTH. Mr. Speaker, in my remarks yesterday, when I was arrested by the expiration of the morning hour, I was replying to the objections urged by my colleague, [Mr. JULIAN,] the chairman of the Committee on the Public Lands, to the passage of this bill. I shall in the course of the few remarks that I expect to submit this morning allude to the two remaining objections which that gentleman has urged.

But before doing so, let me premise that there are now two propositions pending before Congress which are somewhat akin in their nature: one the proposition now pending in reference to the Hot Springs reservation in Arkansas, and the other a question relating to the squatter or preëmption claimants in the Yo Semite valley, in California. So far as I have been able to learn there is very great similarity between those two cases. The one case was by this House referred to the Committee on Private Land Claims, and the other to the Committee on the Public Lands. I hold in my hand the report presented by the chairman of that committee in favor of the settlers upon the public lands in the Yo Semite valley. From this document it appears that Hutchings and Lamon, two settlers, preëmpted a homestead each in the Yo Semite valley prior to the survey of the public lands in that valley; that subsequent to that preëmption and settlement Congress by a law donated the Yo Semite valley to the State of California, to be held in trust for the public as a place of national resort. In the case under consideration, as far back as 1828 or 1829, Rector and Belding settled upon what is now known as the Hot Springs reservation. In 1832 Congress by law provided that four sections of land should be reserved from public sale. Thus far, Mr. Speaker, both these cases are parallel.

In the case of the Yo Semite valley there was no survey of the public lands. There had been likewise no survey of the public lands at the Hot Springs, Arkansas, at the time Rector and Belding settled there.

Now, my colleague states that the Committee on Private Land Claims ought to have investigated the legal title, and reported to this House its judgment between the conflicting claimants here. I beg leave to differ with him. This is not the place for the settlement of judicial questions. This is not a forum where there can be that deliberation, that caution, that investigation which is necessary to the permanent and final adjudication of rights between contending parties. This Congress has heretofore acted wisely, and I trust will here act with similar wisdom in transferring to the courts of the country, where these matters can be solemnly investigated and adjudicated, these questions of conflicting rights. That is all that is proposed by the bill now under consideration. But in this case in the Yo Semite valley, in which my colleague, the chairman of the Committee on the Public Lands, seems to have a peculiar interest, and in which he has presented to the House an elaborate report of a dozen pages, he does propose to settle, and settle as against the grant of Congress to the State of California, the right of Hutchings and Lamon to their preëmption claims in the Yo Semite valley; that, too, when that preëmption took place before the lands were surveyed; that, too, when they did not perfect their preëmption; that, too, in the face of the act of Congress which solemnly grants the whole of the Yo Semite valley to the State of California for the purposes I have indicated.

Mr. JULIAN. I wish to correct my colleague on a question of fact as well as a question of law. Mr. Hutchings settled in the Yo Semite valley as a preëmptor on the unsurveyed lands under an act of Congress allowing

preëmption on such lands. That act of Congress allowing preëmptions on unsurveyed lands was only enacted in 1864, and there was consequently no law allowing preëmption on such lands in the case of the Hot Springs: nor was the general preëmption law of 1841 enacted. The facts to which the gentleman refers transpired prior to the enactment of that law, and deprive the case of any analogy whatever to that of the Yo Semite valley case. The settlers on the Hot Springs reservation had no law to shelter them, and were, strictly speaking, trespassers, and are liable for the use and occupation of the land.

Mr. ORTH. I understand all that. But my colleague will not pretend to say that there was acquired title to the land prior to the grant by Congress of the whole Yo Semite valley to the State of California.

Mr. JULIAN. These parties entered upon the land and made their settlement there prior to the grant by Congress, and that is the sole ground upon which they rest their claim. They did not take all the steps necessary to complete their title, because they could not do so prior to the survey; but they settled there before the act of Congress making the grant to the State of California, as they had the right to do under the preëmption laws, and as the settlers on the Hot Springs reservation did not have the right to do.

Mr. ORTH. I have in my hand the report of the Committee on the Public Lands.

Mr. JULIAN. That is good authority.

Mr. ORTH. I will read from that report to show that the opposition of my colleague to the passage of this bill is met by his own irresistible arguments in this report. He told us yesterday that the title of the United States to the Hot Springs reservation was clear beyond all controversy, and had so been settled by the land department of the Government. It was clear beyond all controversy to whom? To the branch of the Government that was called upon to settle the question—the land department. Now, does not the gentleman show in this report that the land department has equally decided against the claimants in the Yo Semite valley?

Mr. JULIAN. The land department never made any ruling respecting the Yo Semite valley case.

Mr. ORTH. They have ruled a principle which the gentleman combats in this report, a principle which if adhered to would apply to the land claimed by the settlers in the Yo Semite valley. That my colleague will not deny. In this report he says:

"The committee regret to say that this question has been treated of late as an open one."

What question? The question as to the rights of settlers and preëmptors in good faith.

"They regret still more that the executive department of the Government has decided it against our pioneer settlers."

When they settle in the Yo Semite valley they are "pioneer settlers;" when they settle upon the Hot Springs reservation in Arkansas they are, in the language of my colleague on yesterday, "squatters and trespassers." He goes on to say in this report:

"And we shall, therefore, examine the position with more care than could otherwise have been deemed necessary. The very point arose in a case which was submitted to the Interior Department under the last administration. Greatly to the surprise of lawyers, and to the serious disappointment of the settlers whose rights were involved, the Secretary of the Interior referred the question as a doubtful one to Attorney General Speed."

What question? The question as to whether parties who have entered in good faith upon the public lands of this Government and complied with the laws so far as it is in their power to comply with them, shall be considered as squatters or trespassers, or whether they shall be treated as having honestly acquired an equitable right which the Government of the United States is willing to have investigated. That is the whole question at issue on this Hot Springs case.

What are the facts, and what are the provisions of law which the committee with entire unanimity have submitted to this House for its approval, and which receive the unanimous concurrence of the entire delegation from the State of Arkansas? The facts are these: forty years ago or more Mr. Rector and Mr. Belding entered into possession of certain lands embraced within what is now known as the Hot Springs reservation. They have remained in possession of those lands from that day to this hour. Now, I submit to my colleague, [Mr. JULIAN,] whose vigilance I am ever willing to accord him credit for, that if the title of the United States Government to this vast tract of valuable land, worth at least $1,000,000, as appears conclusively from testimony before our committee—if the title of the United States had been so clear and unquestionable as he intimated yesterday, why has not his committee, of which he has been a member for the last ten years, brought that question to the notice of this House and authorized the Government to take possession of this valuable property, the yearly rental of which is at least $50,000?

Mr. JULIAN. The Committee on the Public Lands have not brought that question before this House because, until recently, no private claimants asserted any title to these lands; and therefore we had nothing to do with the question.

Mr. ORTH. My colleague is aware that, whether they asserted title or not, these parties were in possession and have been for thirty years, and that the possession is a most valuable one. Why, sir, these hot springs afford probably the most healing waters upon the face of God's earth. The place is one of public resort. The possessory title to these hot springs, as testified before our committee, is worth at least $50,000 a year. If, then, the gentleman, with his high regard for the interests of the United States in its public lands, has stood by more than ten years and suffered these "squatters" and trespassers to remain in possession of this valuable property of the Government, I submit it does not come with a very good grace from him now to find fault with our committee, when we present a bill providing that within ninety days all parties claiming this property may go into a court of our own selection to assert their claim; and that if they fail to come forward within ninety days they shall be forever barred, and the Government shall take possession of the property.

Now, then, Mr. Speaker, these parties entered into possession. Three or four years thereafter Congress passed a law reserving from public sale four sections of this land. Thus matters have stood up to the time of the introduction of this bill. The people of the State of Arkansas are indirectly interested in the adjustment of this title. My friend from Arkansas [Mr. ROGERS] who represents the district in which these lands are situated, has told me that his constituents are pressing for a settlement of this title.

This bill does not declare that the title is in A, or B, or anybody else; it simply refers the whole matter to the Court of Claims for adjudication. It provides further that within ninety days from the passage of the act the claimants shall file their petition in the Court of Claims at Washington. Why in the Court of Claims? Because the committee desire to bring this case for adjudication before a tribunal away from the immediate locality in which these springs are situated. They desire to avoid the influence of any undue prejudice which may exist in that locality against the rights of the Government. Hence we select the Court of Claims.

We provide a limitation of ninety days within which all parties professing to have claims to this property may present those claims; if they fail to come forward within that time they are to be forever debarred. When those claims have been filed, it is made the duty of the Attorney General, the law officer of the Government, to attend to the interests of the United States; and if the judgment of the Court of Claims should be adverse to the interests of the Government, it is made his duty, under the bill, to take an appeal to the Supreme Court of the United States. We provide further that if the title to this property should be finally adjudicated in favor of the United States, then the Government, through a receiver to be appointed by the court, is to take possession of the property and hold it subject to the future disposal of Congress. I deem it unnecessary to add anything further in behalf of the passage of the bill. As I have already stated yesterday and to-day, we have had this matter under investigation for over two months. I doubt whether we have brought to its examination the ability and research that the Committee on the Public Lands could have brought to it; but that is our fault, not the fault of the merits of this bill. Our committee was unanimous in its recommendation; and in this recommendation we have the concurrence of every member on this floor from the State of Arkansas.

Mr. KNOTT. Mr. Speaker, I do not desire to prolong the discussion of this measure; I simply wish to call the attention of the House to the question presented for decision. Here are parties asserting an equitable title to certain property the legal title of which is in the United States. The proposition presented by the committee in the bill now before the House is to have this question submitted to and adjudicated by the judiciary of the country. This is the single question presented by the bill. It is not proposed to award this land to either of these claimants, but simply to give them the privilege of asserting their rights, if they have any, in the courts of the United States. If the courts, with the assistance of the Attorney General, shall find that either of these parties is entitled to this land, they ought to have it. If, on the contrary, the courts of the United States, after examination of the whole question, shall decide against the claimants, nobody is hurt but themselves, for the proceeding must be at their own cost. The interests of the Government are not jeopardized in the slightest possible degree by this proceeding if the claimants have no right to the land.

Sir, the highwayman who meets a man on the public road, and with pistol in hand demands his money or his life, may possibly be excused by some pressing necessity; but when the Government, standing in the attitude of a trustee to its citizens, denies to any of them the right to assert their claims in the tribunals of the Government itself, it is a wrong for which there can scarcely be any excuse. If these parties claim a title to this land they ought to have the right to assert that title in the courts. One of the very objects of the Government is to protect private rights, and not to strip its citizens of their rights of property. In the substitute reported by the committee every possible effort has been made to protect and guard the interests of the Government. The forum, the mode of procedure, in fact everything has been provided looking to the amplest protection of the rights of the Government. If the Government has the right to this land it is time it should be settled. It is time it should take possession of the property and dispose of it. If any of these claimants have a right to it, then it is time it should be settled and the property so improved as to meet the necessities and expectations of the public.

Mr. BENJAMIN. Will the gentleman let me ask him a question?

Mr. KNOTT. Not now. I wish to yield to my colleague to make an explanation.

Mr. BECK. Mr. Speaker, in the form of a question, yesterday, to my colleague, [Mr. KNOTT,] in charge of this bill, I suggested an objection which I thought at the time was a valid one as against the proposed tribunal to try this case; that is, that the parties bringing suits in the Court of Claims had the right to testify in their own behalf. I was somewhat

prejudiced against that court on that account, and as some other members of the House may also be prejudiced because of that fact, I desire to make this explanation this morning. I was mistaken about the law. I believe that the majority of the House believed as I did. It was so understood in the discussions of the Committee on Appropriations and elsewhere. In the act making appropriations for sundry civil expenses of the Government, approved July 2, 1864, United States Statutes-at-Large, volume thirteen, page 351, section three, there is the following proviso:

"*Provided*, That in the courts of the United States there shall be no exclusion of any witness on account of color, nor in civil actions because he is a party to or interested in the issue tried."

Section two of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year 1868, approved March 2, 1867, provides—

"That the proviso contained in the third section of chapter two hundred and ten of the act of July 2, 1864, shall be construed to embrace all suits to which the United States shall be a party in the Court of Claims, either plaintiff or defendant."

I believed that was the law now, and I believe a majority of the House thought so. The gentleman from Wisconsin [Mr. WASHBURN] called my attention to the law of June 25, 1868, and on examination I find in the fourth section it provides as follows:

"*And be it further enacted*, That no plaintiff or claimant, or any person from or through whom any such plaintiff or claimant derives his alleged title, claim, or right against the United States, or any person interested in any such title, claim, or right, shall be a competent witness in the Court of Claims in supporting any such title, claim, or right, and no testimony given by such plaintiff, claimant, or person shall be used: *Provided*, That the United States shall, if they see cause, have the right to examine such plaintiff, claimant, or person as a witness, under the regulations and with the privileges provided in section eight of the act passed March 3, 1863, entitled 'An act to amend an act to establish a court for the investigation of claims against the United States,' approved February 24, 1855."

Therefore my objection falls to the ground, which was made because of my ignorance of this law. I desire to retract what I said yesterday and withdraw any objection, believing the bill to be eminently proper after examination of the report of the committee. I do not wish any gentleman to be prejudiced by what I said yesterday in ignorance of the law I have quoted.

Mr. BENJAMIN. I desire to ask the gentleman having charge of this bill, who, I presume, has investigated the facts in the case, whether in his opinion any of these claimants have any title to these lands?

Mr. KNOTT. As I remarked yesterday, the committee deemed it unnecessary to give any expression of opinion for or against any one of these claimants. I will say to the gentleman from Missouri that, in my opinion on the facts presented, some of these claimants have an equitable claim against the United States. The committee leave them to prove their claims before the court.

Mr. BENJAMIN. I know nothing in regard to the facts in this case, but I gather from the discussion that these parties make claim under the preëmption law. That will involve examination of facts. Now, I have noticed in cases before the Court of Claims involving facts the Government is always at great disadvantage. The parties are enabled to trump up testimony in many instances prejudicial to the Government. The Government has no representative upon the ground to cross-examine witnesses and sift the testimony. The Government especially never takes it upon itself to go or to send to the locality for testimony.

Mr. KNOTT. I now yield for three minutes to my colleague on the committee from New York. [Mr. POTTER.]

Mr. POTTER. Mr. Speaker, I was one of the members of the committee who, on an examination of the facts presented to us as to the rights of these claimants, came to the conclusion expressed by the chairman of the Committee on the Public Lands yesterday, that the title of these lands was in the Government of the United States. But the question is a very grave and difficult one. It depends upon what is the effect of the two statutes passed by Congress in 1832—the statute of April of that year, which excepted these hot springs from entry, and the statute of the following July, which is claimed to have perfected the preemption previously made. I understand that an analogous case not long ago came before the Supreme Court, and that the court was divided, four to four, as to the effect of the statute.

Now, if the claimants in possession of that property have been in rightful possession for thirty or forty years they have a right to have a patent issued to them, and it would be a wrong to keep it from them. If, on the other hand, they are wrongfully in possession of these lands, then the legal title to them is in the United States. But if no action is taken they meanwhile remain in the hands of the parties in possession. In view, then, of the difficulty of the legal question, and in view of the fact that these parties have been so long in possession, it seemed very proper that some legal proceeding should be set on foot which should determine, by the decision of a competent court, what were the rights in the case. Accordingly the Senate passed a bill which provided that the United States should bring an action to eject the parties in possession. But, when that bill came before our committee all the various claimants said, "We have been in litigation among ourselves for twenty-five years in reference to this property in the courts of the State, and we desire that you should so modify your bill that we may all come into one court, and that we may there have our titles tried, not merely as against the United States, but as against each other."

The Court of Claims was the selection of the committee, and in that selection I concurred. I thought it better that the case should be tried in that court than in the district court. I will only say further that I do think that the bill as reported here is eminently just and sufficiently well guarded, and such a bill as it becomes a just Government to pass.

Mr. JULIAN. Will the gentleman who has reported the bill yield to me for a question?

Mr. KNOTT. I have arranged to yield to my colleague from Ohio [Mr. WELKER] for three minutes.

Mr. WELKER. Mr. Speaker, this bill proposes two things. In the first place it proposes to settle the controversy between the Government and the occupants of these Hot Springs, and in the second place it proposes to settle conflicting claims between the different occupants by authorizing an action to be brought in the Court of Claims. From what investigation I was able to make when the matter was before the committee which has reported this bill back to the House I have become satisfied that the title to these Hot Springs belongs to the General Government. But we find in their occupancy a number of individuals who were claiming title under the preëmption laws of Congress, who have been in occupancy for many years, and who claim title to the property. We thought that under these circumstances there were equities enough to induce this Government to afford an opportunity to these occupants of the public lands to test their right to these lands.

The Senate, as has already been stated, passed a bill requiring the Government to bring the suit against these parties. We thought that that was conceding too much to these occupants of the public land. We thought that if we authorized these parties to bring their suits in the courts of the country to test their title we were doing what was a matter of equity and justice, so far as they were concerned. And by the provisions of the bill we authorize the Court of Claims to investigate not only the legal question involved in relation to the title but also any equitable interest that these people may have in reference to that land. I think that the Government owes it to the men who have occupied lands so long as these occupants have done to see that justice is done as between the Government and these occupants. We have guarded this bill as much as we possibly could, so as to protect the Government; and, as my colleague has already stated, the committee themselves made the selection of the tribunal in which these questions should be decided, and we thought that it was better to try them in the Court of Claims rather than in the United States court in the State of Arkansas.

Mr. KNOTT. I now move the previous question.

The question was put on seconding the previous question; and there were—ayes 59, noes 29.

Mr. SCHENCK. I call for tellers. I want an opportunity to send this bill to the Committee on the Judiciary.

Tellers were ordered; and Mr. KNOTT and Mr. JULIAN were appointed.

The House divided; and the tellers reported—ayes 80, noes 37.

So the previous question was seconded.

The main question was then ordered.

The substitute was agreed to.

The bill, as amended, was then ordered to a third reading, and it was accordingly read the third time.

Mr. JULIAN. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 96, nays 54, not voting 77; as follows:

YEAS—Messrs. Adams, Allison, Archer, Arnell, Asper, Atwood, Barnum, Barry, Beatty, Beck, Bennett, Bird, Buck, Burchard, Roderick R. Butler, Calkin, William T. Clark, Clinton L. Cobb, Coburn, Cook, Conner, Covode, Cox, Cullom, Degener, Dixon, Dockery, Dox, Eldridge, Ferriss, Finkelnburg, Getz, Gibson, Griswold, Harris, Hawkins, Hay, Hays, Hill, Johnson, Alexander H. Jones, Thomas L. Jones, Judd, Kelley, Kellogg, Kerr, Knott, Laflin, Marshall, Maynard, McCarthy, McCormick, McKee, McNeely, William Moore, Morgan, Morphis, Myers, Niblack, O'Neill, Orth, Packard, Packer, Perce, Poland, Potter, Randall, Rogers, Roots, Sanford, Lionel A. Sheldon, Sherrod, Shober, Joseph S. Smith, Stiles, Stokes, Stone, Strader, Swann, Sweeney, Tanner, Tillman, Trimble, Twichell, Upson, Van Aukon, Voorhees, Cadwalader C. Washburn, Welker, Wells, Wilkinson, Eugene M. Wilson, Winchester, Witcher, Wood, and Woodward—96.

NAYS—Messrs. Armstrong, Beaman, Benjamin, Benton, Bingham, Buffinton, Cake, Cessna, Amasa Cobb, Conger, Cowles, Dickey, Donley, Ferry, Fisher, Fitch, Garfield, Gilfillan, Hamilton, Hawley, Heflin, Hoar, Holman, Hotchkiss, Ingersoll, Julian, Knapp, Lawrence, Loughridge, McCrary, Mercur, Eliakim H. Moore, Samuel P. Morrill, Palmer, Peters, Pomeroy, Sargent, Sawyer, Schenck, Scofield, Shanks, John A. Smith, William J. Smith, William Smyth, Stoughton, Strickland, Strong, Townsend, Tyner, Van Wyck, Ward, Willard, Williams, and Winans—54.

NOT VOTING—Messrs. Ambler, Ames, Axtell, Ayer, Bailey, Banks, Biggs, Blair, Boles, Booker, Bowen, Boyd, George M. Brooks, James Brooks, Buckley, Burdett, Burr, Benjamin F. Butler, Churchill, Sidney Clarke, Cleveland, Crebs, Davis, Dawes, Dickinson, Duval, Dyer, Ela, Farnsworth, Fox, Haight, Haldeman, Hale, Hambleton, Hamill, Heaton, Hoge, Hooper, Jenckes, Kelsey, Ketcham, Lash, Logan, Lynch, Mayham, McGrew, McKenzie, Milnes, Jesse H. Moore, Daniel J. Morrell, Morrissey, Mungen, Negley, Paine, Peck, Phelps, Platt, Porter, Prosser, Reeves, Rice, Ridgway, Schumaker, Porter Sheldon, Slocum, Worthington C. Smith, Starkweather, Stevens, Stevenson, Taffe, Taylor, Van Horn, Van Trump, William B. Washburn, Wheeler, Whitmore, and John T. Wilson—77.

So the bill was passed.

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

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had passed, without amendment, a bill (H. R. No. 271) for the relief of Colonel Samuel W. Price, of the twenty-first Kentucky volunteers.

The message further announced that the Senate had passed joint resolution and bill of

the following titles, with amendments, in which the concurrence of the House was requested:

Joint resolution (H. R. No. 85) for the relief of Helen Lincoln and Heloise Lincoln, and for the withholding of moneys from tribes of Indians holding American captives; and

An act (H. R. No. 781) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1871.

The message further announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House was requested:

Joint resolution (S. No. 101) for the relief of Lewis D. Smith;

An act (S. No. 81) for the benefit of Margaret Riddle, widow and executrix of George Read Riddle, deceased;

An act (S. No. 141) relating to records of the courts of the United States;

An act (S. No. 177) creating an additional land district in the Territory of Colorado;

An act (S. No. 218) prescribing an oath of office to be taken by persons who participated in the late rebellion, but who are not disqualified from holding office by the fourteenth amendment to the Constitution of the United States;

An act (S. No. 251) to repeal an act entitled "An act to prevent the importation of certain persons into certain States where by the laws thereof their admission is prohibited," approved February 28, 1803;

An act (S. No. 265) to prevent the counterfeiting of foreign trade-marks protected by treaty stipulations:

An act (S. No. 327) for the relief of William H. Murphy, of Farmington, Missouri;

An act (S. No. 351) for the protection of the settlers within the Fort Ridgely military reservation, Minnesota;

An act (S. No. 462) for the relief of John Somers Smith, on account of diplomatic services at the city of San Domingo;

An act (S. No. 445) to amend an act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State;

An act (S. No. 474) to amend an act entitled "An act to establish and protect national cemeteries;

An act (S. No. 493) for the relief of George Wright; and

An act (S. No. 513) remitting tax erroneously assessed upon one hundred and fifty gallons of whisky belonging to J. P. F. Camp, of Spartanburg, South Carolina.

HEIRS OF GERVACIO NOLAN.

Mr. O'NEILL, from the Committee on Private Land Claims, reported back with amendments and with the recommendation that it do pass, the bill (H. R. No. 314) to confirm the title of the heirs of Gervacio Nolan, deceased, to certain lands in the Territory of Colorado.

Mr. O'NEILL. How much of the morning hour remains?

The SPEAKER. Eight minutes.

The bill was read. By the first section the grant to Gervacio Nolan, late of the valley of Taos, deceased, approved by the surveyor general of New Mexico, October 8, 1861, and designated as No. 48 in the transcript of private land claims in New Mexico, transmitted to Congress by the Secretary of the Interior on the 12th day of May, 1862, but being now within the limits of the Territory of Colorado, is confirmed to the extent of eleven square leagues.

The second section provides that the exterior lines of said claim of eleven leagues as confirmed by this act shall be adjusted according to lines of the public surveys as near as practicable, but in as compact a form as possible, and the claims of all actual settlers, falling within the limits of the located claim above referred to, shall be adjusted to the extent which will embrace their several settlements upon their several claims being established either as preëmptions or homesteads according to law, and for the aggregate of the areas of claims so established under the preëmption or homestead acts, the heirs of said Nolan, or their legal representatives, shall be entitled to locate a like quantity of public lands not mineral according to the lines of the public surveys, and not to exceed one hundred and sixty acres in one section.

The third section makes it the duty of the Commissioner of the General Land Office to cause the lines of the public surveys to be run in the regions where a proper location would place the said Nolan claim, and provides that the expense of the same shall be paid out of any moneys in the Treasury not otherwise appropriated; but before the confirmation provided for by this act shall become legally effective the heirs of the said Gervacio Nolan, or their legal representatives, are to pay the cost of so much of said surveys as inures to their benefit respectively, and all actual settlers whose claims may be adjusted as valid shall have a right to enter their improvements by a strict compliance with the preëmption or homestead laws.

The fourth section provides that upon the adjustment of said claim of the heirs of Gervacio Nolan, according to the provisions of this act, it shall be the duty of the surveyor general of the district to furnish properly approved plats to said claimants, or their legal representatives, which shall be evidence of title, the same to be done according to such instructions as may be given by the Commissioner of the General Land Office.

By the fifth and last section it is provided that immediately upon running the lines provided for in the second section of this act the surveyor general of the district shall notify the said heirs of Gervacio Nolan, or their legal representatives, of the fact of such survey being made, and that said claimants shall, within three months after notice of such survey, select and locate their claims according to the provisions of this act, and shall, within said time, furnish the surveyor general with a description of such location, specifying the lines of the same, and the party failing to make such selection and location in such manner and within such time shall be deemed and held to have abandoned their claim, and their rights and equities under this act shall cease and terminate.

The amendments reported by the committee which were verbal in their character were agreed to.

Mr. HOLMAN. Is there any report accompanying this bill?

Mr. O'NEILL. I am very sorry the morning hour is so near its close, for I should like to explain this claim and this bill to the House. It has been fully considered, and there are precedents of the same kind.

Mr. COOK. I desire to ask why this claim was not presented to the Mexican land claims commission?

Mr. ORTH. That did not embrace claims in the Territory of New Mexico.

Mr. O'NEILL. This is one of a class of cases arising in what is now the Territory of New Mexico prior to annexation.

Mr. COOK. The commission was authorized to pass on all Mexican grants.

Mr. ORTH. In California.

Mr. O'NEILL. These claims were not presentable to the commission referred to by the gentleman from Illinois, [Mr. COOK.] There are numerous precedents for the passage of bills of this character, from the time of the ratification of the treaty of Guadalupe Hidalgo down to the present day, merely carrying out the faith of this Government with the Government of Mexico. I think there has never been a claim of the kind rejected by Congress. It is simply affirming the title of *bona fide* settlers on the public lands in the territory acquired by the United States from the republic of Mexico under that treaty. In the view of the Committee on Private Land Claims, of the courts of the United States, and of several Secretaries of the Interior, we are bound in good faith to carry out the obligations we assumed in that regard by the treaty of Guadalupe Hidalgo. Now, in order to save my time I will call the previous question, and if it shall be sustained I will yield ample time to gentlemen who may desire to make inquiries concerning this bill.

The previous question was seconded and the main question ordered.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. O'NEILL. I have a quite lengthy report of this case, prepared by my colleague on the committee, the gentleman from New York, [Mr. MAYHAM.] I am sorry he is not here this morning. He was with me on a sub-committee to examine this claim. As the morning hour will soon expire, and this bill will have to go over until next week, he will doubtless return in time to make any explanations that may be desired by members. The Committee on Private Land Claims have given great care and attention to this case. The committee, I can say, excepting myself, is composed of as able lawyers as there are in this House. I think we have looked into the case in every point of view. I shall therefore press the passage of this bill when it shall again come up in the morning hour.

The SPEAKER. The previous question is operating, and the bill must now be disposed of.

Mr. BENJAMIN. If the gentleman who has charge of this bill does not wish to press the bill to a vote this morning I will move to reconsider the vote by which the main question was ordered, so that the bill may go over to another morning hour.

The SPEAKER. The previous question has been seconded and the main question ordered; and the question now is, "Shall this bill be engrossed and read a third time now?"

Mr. DAWES. What would be the effect of reconsidering the main question now?

The SPEAKER. If the vote ordering the main question shall be now reconsidered the effect will be to divest the bill of the operation of the previous question, and it would then go over to the morning hour of Friday next, the first private bill day after to-day.

Mr. DAWES. So I supposed. I would therefore suggest to the gentleman from Pennsylvania [Mr. O'NEILL] to allow that to be done.

Mr. O'NEILL. Well, I do not know that I have much objection to that.

Mr. HOLMAN. Let it go over until Saturday next.

Mr. WELKER. Oh, no; next Friday is the first private bill day after to-day.

Mr. LOGAN. I shall object to this bill going over. We of the Committee on Military Affairs have been waiting for some time to get an opportunity to report some matters we have before us. I hope this bill will be disposed of now.

Mr. ORTH. I suggest to my colleague on the committee [Mr. O'NEILL] to put this bill on its passage now.

Mr. HOLMAN. I call for the reading of the report.

The SPEAKER. The Chair understood the gentleman from Pennsylvania [Mr. O'NEILL] to present it as a part of his remarks. If so, he has the right to have it read, but no other member has the right to call for its reading now.

Mr. O'NEILL. I will move to reconsider the vote ordering the main question, and then the bill can go over until Friday next.

Mr. LOGAN. I object to that. Let it be disposed of now.

Mr. HOLMAN. Let it go over till Saturday next.

The SPEAKER. It can go over to Saturday next only by unanimous consent.

Mr. LOGAN. I object.

Mr. RANDALL. I suppose the report can be printed in the mean time if this bill goes over till Friday next.

The SPEAKER. It can be, if the House shall order its printing.

Mr. O'NEILL. I ask that the report be printed in the Globe.

No objection was made; and it was ordered accordingly.

Mr. VAN WYCK. I trust the gentleman from Pennsylvania [Mr. O'NEILL] will allow the report to be read now. It is far more important for us to hear it read to-day, when we are called upon to act upon the bill, than to read it in the Globe to-morrow, after the bill has been disposed of.

Mr. O'NEILL. Very well; I will withdraw the motion to reconsider the vote by which the main question was ordered, and call for the reading of the report.

The report was read, as follows:

The Committee on Private Land Claims, to whom was referred House bill No. 314, relating to the private land claim of the heirs of Gervacio Nolan, in the Territory of Colorado, have the honor to report:

That on the 14th of November, 1843, Gervacio Nolan, residing in the valley of Taos, then in the Territory of New Mexico, presented his petition to the Governor of New Mexico, representing among other things that he was desirous of settling upon and cultivating the lands in the valley of San Carlos, in said Territory of New Mexico.

That pursuant to the prayer of said petition Manuel Armego, then acting Governor of New Mexico, by his order dated December 1, 1843, directed the prefect to give his order to a justice of the peace of the first demarkation of Taos to grant the petitioner the possession of the lands referred to in the petition.

That on the 8th of December, 1843, Archuleta, the prefect to whom said order was addressed, directed Cornelio Vigil, the justice of the first demarkation of Taos, to comply with the order of the Governor of December 1, above referred to.

That on the 9th of December, 1843, Gervacio Nolan presented his application, dated on that day, to Cornelio Vigil, justice of the first demarkation of Taos, as aforesaid, asking for the title and possession of the lands described in his petition.

That on the 10th of December, 1843, Cornelio Vigil, by his order of that date, declared that he would proceed to the place referred to in the petition and documents aforesaid, and give the possession solicited by the petitioner.

That on the 15th of December, 1843, the said Cornelio Vigil made an order reciting that by virtue of the orders above referred to he, as justice of the peace of that demarkation, with his assistants, proceeded to the land referred to in the petition of Gervacio Nolan, and being upon it, proceeded to mark the boundaries according to the land described in the petition, which are set out in said order, and after so fixing said boundaries, by certain acts referred to in said order in the name of the sovereignty of the nation, gave the said Gervacio Nolan the possession of said lands.

The documents above referred to were recorded in Santa Fé on the 27th of January, 1847.

It appears by the petition of the claimants, and also by the testimony of Ceran St. Vrain and Christopher Corson, and by the affidavits of R. L. Wootton and George S. Simpson, verified by the certificate of Hon. A. A. Bradford, Delegate in Congress from Colorado—that Gervacio Nolan and his heirs and successors in interest have been in possession of the lands mentioned in the petition from the date of the order of Cornelio Vigil to this time, except for brief intervals, when prevented by incursions of hostile Indians.

It also appears by the proofs that the present claimants are the only surviving children and heirs at law of the said Gervacio Nolan, deceased, and that he died on the 27th of January, 1857.

The claim by the petitioners for a confirmation of their title to these lands by Congress is predicated upon the Mexican colonization laws of August 18, 1824, and the Mexican law of November 21, 1828, "prescribing rules and regulations for the colonization of the territories of the republic."

By the treaty of Gaudalupe Hidalgo, as well as by the well-settled law of nations, the property rights of the citizen or subject residing upon the territory acquired by the United States from Mexico was not to be affected or devested, and the subject, while he transferred his allegiance, did not lose his property rights, and the United States became a sort of trustee to execute the trusts of the Mexican Government and protect the vested and inchoate rights of the inhabitants of the Territory. (U. S. *vs.* Reading, 18 Howard R., 7, 8.) To carry into effect the provisions of this treaty and the provisions of law Congress passed an act directing the surveyor general to inquire into and report on all such land claims. (U. S. Statutes-at-Large, vol. 10, p. 309.) And pursuant to the provisions of that law, A. P. Walker, acting surveyor general, on the 8th of October, 1861, reported that the heirs of Gervacio Nolan, deceased, were entitled to the lands described in their petition. But as the duties of that officer were purely ministerial the Government is not bound by his decision. (See report of committee in private land claim No. 17.)

Under these laws and regulations it is claimed that Gervacio Nolan was, as against the Mexican Government, by virtue of the proceedings above referred to, entitled to the lands described in the order of Cornelio Vigil.

It is admitted by the claimants that the lands granted in that order amounted to about one million acres.

By section twelve of the Mexican law of August 18, 1824, it is provided that "no one shall be permitted to select more than one league of arable land, from superficial ones of lands dependant on the seasons; and six superficial ones for the purpose of grazing cattle."

This would limit the extent of a grant to any one person to eleven square leagues, or about forty-eight thousand acres.

This grant having been made under the regulations of the Mexican Government of November 21, 1828, the ministerial officers charged with the execution of that law could not transcend the power conferred upon them.

By section one of the last mentioned act it is provided "that the governors of the territories are authorized, in compliance with the law of the general Congress of 18th August, 1824, and under the conditions hereinafter specified, to grant vacant lands in their respective territories to contractors, families, or private persons, whether Mexicans or foreigners, for the purpose of cultivating and inhabiting them."

The third section of the act prescribes the manner in which the governors shall proceed, but requires a compliance with the laws of 18th of August, 1824, both as regards the lands and the candidate.

It is quite clear, therefore, that the governor of New Mexico, or any of his subordinate officers, could not make a valid grant of land for more than eleven square leagues.

It is also quite apparent that in all respects, except as to the quantity of land granted, the laws of Mexico were substantially if not technically complied with, and if this grant had been for eleven square leagues the applicants would, as between them and the Mexican Government, be entitled to the same.

This brings us to the consideration of the question of the effect of an excessive quantity upon the entire grant. Is the grant by reason of that excessive exercise of power by the subordinate officer of the Government of Mexico rendered void *in toto*?

This question seems to have been fully examined by the Committee on Private Land Claims in the Thirty-Sixth Congress in the case of Cornelio Vigil and Ceran St. Vrain, (private land claim No. 17,) and it was ruled in that case that as to the excess above eleven square leagues the grant was void; but the committee recommended a confirmation to the extent of the quantity authorized by law, and their decision was adopted by Congress.

This decision is quoted with approbation by Secretary Cox in the case of the appeal of L. B. Maxwell from the decision of the surveyor general in the Beaubine and Miranda claims to lands in Colorado, decided December 31, 1869.

The following conclusions would seem to follow from the above statements of fact, law, and precedents:

First. That the heirs of Gervacio Nolan are entitled under the Mexican colonization law to eleven square leagues of land within the boundaries of the lands assigned to him by Cornelio Vigil.

Second. That the United States having succeeded to the rights and liabilities of the Mexican Government under the treaty of Gaudalupe Hidalgo, are bound to perform the obligations in relation to land grants which were due from the Mexican Government to the inhabitants of the acquired territory.

Third. That within the precedents established in similar cases the title of the claimants to the extent of eleven square leagues of land should be confirmed by an act of Congress.

Mr. VAN WYCK. I would like to ask the gentleman one question. The gentleman has intimated that this measure is in the interest of settlers in New Mexico. There are involved in this bill eleven leagues of land, or some forty-four thousand acres. I would inquire how many settlers there are on this land?

Mr. ORTH. I will answer the inquiry. This is not a question arising under our homestead or other laws relating to the settlement of our public lands. It is a question of good faith between this country and the republic of Mexico, arising out of the treaty by which we acquired New Mexico and California. In the eighth article of that treaty we stipulated that all the rights belonging to the people of New Mexico under the laws of the republic of Mexico should be guarantied by the United States. This bill simply proposes to carry out that stipulation. By the land law of New Mexico any person becoming a settler upon the frontier public lands was authorized to take up not exceeding eleven leagues; a large grant I admit—about forty-four thousand acres. But it is not a question of the quantity of land whether one acre or forty-four thousand acres of land. The question is whether, under the land laws of the republic of Mexico, these claimants were entitled to this land prior to the cession to the United States under the treaty of Guadalupe Hidalgo.

Mr. WASHBURN, of Wisconsin. I am a member of the Committee on Private Land Claims, but was not present when this bill was considered. Therefore, I wish to ask a few questions. When did this party settle upon this land? Was it during the Mexican war? What is the evidence that this party settled upon this land in 1847?

Mr. O'NEILL. Mr. Speaker, the report of the surveyor general shows that there was a complete settlement on the land by this party, as is stated in the report submitted awhile ago.

Mr. WASHBURN, of Wisconsin. Who was the surveyor general?

Mr. O'NEILL. One Walker. The whole question of settlement was clearly proved before the committee. The proofs are all in the Land Office. The committee have no doubt on the questions, and have so reported. But, Mr. Speaker, as the chairman of the committee has well said, this is not a question of homestead and settlement, but it is a question of good faith on the part of this Government with the Government of the Mexican republic.

Mr. WASHBURN, of Wisconsin. What about the other settlers?

Mr. O'NEILL. If the gentleman will look at the bill he will see that the settlers are protected. No man can be driven off his land who has settled there.

Mr. VAN WYCK. If there be no settlers upon the land, and it does not belong to these parties, then it belongs to the United States. Was there any hearing before the committee, was there any appearance on the part of any one representing the United States before the committee, before they resolved to recommend that the title to forty-four thousand acres of land be confirmed to these parties?

Mr. O'NEILL. All I have to say is that the same course of procedure was taken in this case as in all other cases, and the same care as is taken in matters before the other committees of the House. The bill has been before Congress for a year, and the proper Department of the Government has been consulted in reference to all the facts and interests involved. I presume every one interested against the heirs of Gervacio Nolan has been heard by the committee. Under the precedents of the General Land Office, under the precedents established by Congress, under previous decisions of Secretaries of the Interior, this is as perfect a claim as ever came before Congress. There never was a more perfectly made out claim than this one of the heirs of Gervacio Nolan.

Mr. ORTH. The members of the committee represented the United States.

Mr. O'NEILL. The gentleman from New York [Mr. MAYHAM] who wrote this report gave his entire attention to this subject for two or three weeks before the report was submitted. I have never seen a more perfect chain of title in any private or public land claim than in this case. It was so clear a case that the committee ordered the report to be made unanimously. It is necessary for us to pass this bill in order to keep faith with the Government of Mexico. Of course some of this land is valuable; but I presume there are many acres of it which are valueless. It is a question of good faith with our sister republic, and I am for carrying out the stipulations entered into by the treaty-making power of this Government. We have gained nothing but the sovereignty of the land from the republic of Mexico as our purchase. We cannot interfere with private rights, for we stipulated that we should not. I take it the Government of the United States, through Congress, is not going to violate its faith with a sister republic.

Mr. WASHBURN, of Wisconsin. I ask the gentleman whether, if this bill is passed, it will inure to the benefit of the original grantees or to the parties who now claim it?

Mr. O'NEILL. As far as I know, and as the matter has been presented to the Committee on Private Land Claims, this bill will inure to the benefit of Gervacio Nolan, if there are living heirs.

Mr. WASHBURN, of Wisconsin. I understand the contrary is the fact.

Mr. O'NEILL. I confess I did not look into that particularly, and I will ask the Delegate from Colorado as to that fact.

Mr. ORTH. Let me ask the gentleman from Wisconsin what that has to do with the settlement of this question?

Mr. WASHBURN, of Wisconsin. I ask merely for information.

Mr. VAN WYCK. I asked the gentleman a moment ago whether any one represented the interest of the Government before the committee. The chairman of the committee said that it was unnecessary, because the committee represents the United States. I ask him now whether he does not know that in previous Congresses grants were passed which afterward turned out to be fraudulent. I ask him whether claims have not passed and lands confirmed to parties when it afterward turned out that the claims were utterly worthless and fraudulent?

Mr. ORTH. It would be impossible to answer all the inquiries of the gentleman from New York. I do not know what particular case he refers to, or to what particular frauds he has reference. I know that in this case the evidence was taken by the surveyor general under the act of Congress, and that the report made to the Secretary of the Interior was by him and the Commissioner of the Land Office recommended to Congress for approval; and unless we can trust our own officers of the Government, I do not know whom we can trust. My rule in all these matters has been, being satisfied that we cannot get angels to govern us, that we must be governed as we have been heretofore, by the best men we can get to put in official positions.

Mr. COOK. I wish to say a word on this subject. I am satisfied from the investigation I have given to such matters that in cases of this kind it is not safe to rely on the representations of private parties. I have myself investigated many of these claims, which had been confirmed by Congress to an extent tenfold that which the Mexican law authorized to be granted in the first instance, these claims also being confirmed on the report of the surveyor general of the United States.

Mr. O'NEILL. I will state to the gentleman, in order to relieve his mind of the difficulty under which he labors——

Mr. COOK. I merely wish to say that I would like time to read the report and examine the evidence in order to be satisfied whether this claim is a good one or not. I know that many of these claims have passed this House without being scrutinized which were utterly and entirely wrong.

Mr. ORTH. I desire to know whether the remarks of the gentleman from Illinois [Mr. COOK] apply to private land claims disposed of since I have been on the committee having charge of them?

Mr. COOK. I did not allude to that committee at all.

Mr. ORTH. These wholesale charges or surmises as to supposed wrong-doing, I submit, are not in order or respectful to the committee over which I have the honor to preside.

Mr. COOK. I have not said a word about the committee as now constituted. I meant to say that years ago the committee had recommended and the House had passed claims which were fraudulent, and resting upon evidence precisely the same as is submitted in this case.

Mr. O'NEILL. The gentleman may be correct in his recollection of what may have been done in past Congresses. There may have been many wrong claims which eventually passed this House. I do not wish to defend Committees on Private Land Claims of which I was not a member. But I will say in behalf of this committee that you cannot find in this House a gentleman more watchful of the interests of the Government than its chairman, the gentleman from Indiana, [Mr. ORTH,] or better lawyers than are on this committee. I say it is composed of gentlemen who have sufficient ability to examine a case of this kind, and who have sufficient regard for the interests of the Government not to recommend to the House anything except what appears to be clearly just. The report has been read to the House. If the gentleman from Illinois [Mr. COOK] had listened to it I think he would have been convinced of the entire goodness of the case, and its entire correctness from beginning to end. The report traces this thing from the very day this man, Gervacio Nolan, made his claim on the Mexican Government, under its colonization laws, down to the time of his settlement on the land, and down to the time of his death. The case is now brought here, the committee after full scrutiny of it asking the House to pass the claim and to let the man's heirs have the benefit of his legal settlement.

Mr. WASHBURN, of Wisconsin. No man has more respect for the chairman of the Committee on Private Land Claims than I have, and in anything I may say I desire to make no reflection whatever on that gentleman. But I desire to state a case which occurred. In the Thirty-Ninth Congress a bill was reported and passed the Senate which recognized the validity of a land grant under the old Mexican law of about five hundred thousand acres. It was reported by a distinguished Senator from the State of New York, who stated that he had examined the case very fully, and that the title was conclusive. It came to this House and was examined by the Committee on Private Land Claims. They came to the same conclusion, and the chairman of the committee on the last day of the session made a report, and the bill was passed. Having been the chairman of the Private Land Claims Committee before I had some acquaintance with the case, and when I came into the Fortieth Congress I offered a joint resolution which set forth that the claim was invalid. This House passed the joint resolution. It went back to the Senate, and the same committee which had pronounced the claim valid and good again examined it and pronounced it fraudulent, and the claim was defeated after the bill declaring it to be valid had passed and become a law.

Mr. O'NEILL. That might all have been, but all I have to say in reply to the gentleman from Wisconsin [Mr. WASHBURN] is that he is a member of the Committee on Private Land Claims, and had an opportunity of examining this claim thoroughly as the other members of that committee have done. There is no reason why he should come in here at this time to complain of the committee or insinuate that perhaps the committee is endeavoring to force a baseless claim upon Congress.

Mr. WASHBURN, of Wisconsin. I insinuate nothing of the kind, I wish the gentleman to understand.

Mr. O'NEILL. Well; it is a kind of insinuation or suspicion that I do not like, and that I do not think should be made in this House against the members of the committee of which the gentleman making the insinuation is himself a member.

Mr. VAN WYCK. I am surprised that the gentleman should take such a view of the objections to this bill. I have not heard any reflections cast on the committee for their action as such. The question was merely propounded upon what basis the committee acted in confirming the title to forty-four thousand acres of land. That is all. If a case involving $100 is before the Court of Claims you require the presence of an accredited officer of the Government of the United States to represent the Government. In the case of a claim for forty-four thousand acres of land before a committee nothing of the kind is required; and I merely ask again, if the committee proceeded upon what has been established as a precedent that the inquiry shall be *ex parte* entirely or almost so, because it amounts to that? Parties have come here with claims of this sort, and they have been passed upon in that way, and many have been afterward found to be fraudulent because the papers were forgeries. I do not suppose the committee are required to go into an examination and send for witnesses and investigate. The gentleman may remember that I said my objection was to the mode of proceeding in these cases, that we should here vote away immense tracts of land without having that scrutiny which a man would have to undergo in a case of trespass in a court of law. The objection is to the mode of proceeding in settling and determining these cases. Now, the gentlemen concede that this mode of examination and proceeding has led to injustice in the past, by giving away lands under forged claims of this kind. The statement of that fact does not reflect upon this committee, or upon Congress which confirmed the titles, but it is a reason why we should require at least that some accredited officer of this Government shall investigate the matter of title, so that we shall not be placed in the position of voting away immense tracts of land merely upon *ex parte* statements and *ex parte* representations before a committee of this House.

Mr. O'NEILL. I yield to the chairman of the committee, [Mr. ORTH.]

Mr. ORTH. Mr. Speaker, the discussion upon this bill has taken a most extraordinary range. I do not know that I am surprised at it at all. Not a word is said against the bill itself. Even my colleague on the committee, [Mr. WASHBURN, of Wisconsin,] who attends our meetings as often as he can, has not said one word against this bill; but there is some old Louisiana grant that has been haunting him, like Banquo's ghost, for years. Why, I recollect that at the commencement of the Fortieth Congress, almost before he had been in his seat five minutes, he had a joint resolution sprung on the House in regard to the fraud in that case. I accord him great credit for his vigilance. But because there was a ghost in that case, or a skeleton, he must not suppose that there is a skeleton in every case brought in here. I submit to my colleague, in all kindness, whether it would not have been better to examine this matter when we were all examining it to see whether there was any fraud here or forgery either. I do not see why the peculiar line of argument he has just seen fit to indulge in should have anything to do with the adoption or rejection of this bill. I would ask my colleague now if he intends to vote for this bill?

Mr. WASHBURN, of Wisconsin. Before the gentleman gets through his speech I may make up my mind to vote for it. I have not done so yet.

Mr. ORTH. Then it is apparent that the skeleton still haunts him.

Mr. WASHBURN, of Wisconsin. I will say to my friend that I have not attacked this bill at all. I confess that I have been engaged so much on other committees that I have had time to attend but few meetings of the Committee on Private Land Claims. I do not undertake to say that the bill is not right. I have not said it. I merely stated a fact which occurred here, that the House might see how easy it is for gentlemen to be imposed upon where cases are made up by interested parties and the Government is not properly heard in regard to them.

Mr. ORTH. I grant that it is very easy for a man to be imposed upon at times. I hope my colleague on the Committee on Private Land Claims, the gentleman from Wisconsin, [Mr. WASHBURN,] will take some of this extra caution to himself when he comes to his naval appropriation bill.

Mr. WASHBURN, of Wisconsin. I am extremely obliged to the gentleman, and will certainly follow his advice.

Mr. ORTH. Let the gentleman be cautious lest he involve this Government in a debt of several million dollars. Let him exercise due caution for fear somebody may some

time or other come forward and state that he has discovered some fraud that the keen susceptibilities of my friend has not been able to discover.

Now, in regard to my good friend from New York, [Mr. VAN WYCK,] let me say that he has been in Congress for a long time, and must know that this is not the first time when the treaty of Guadalupe Hidalgo has attracted the attention of both Houses of Congress. I have no desire to point out to the gentleman the course which he shall follow; but it strikes me that if I had these misgivings which he expresses I would have tried before this to have had adopted some different mode of adjudicating these claims than that which has prevailed in Congress since 1855. Yet the gentleman has sat by here and allowed various claims to be ratified by Congress, if he has not himself voted for them. It is well known, and the gentleman from New York [Mr. VAN WYCK] ought to know it, that prior to 1824, the time of the enactment of the land laws of Mexico, settlers upon the public lands in the republic of Mexico could obtain any quantity of land they might desire; there was no limit as to the number of acres which settlers could take. The limit was first fixed by an act of the Mexican congress of 1824; and since I have had any connection with the Committee on Private Land Claims of this House I have never reported or favored—and I challenge an investigation of your law-books to prove the statement—I have never reported in favor of a single case arising subsequently to the act of 1824 without limiting the grant in each case to the eleven leagues limited by the act of the Mexican Congress of 1824.

We had a case before the House yesterday which involved a claim a hundred years old. To our shame be it said, as members of the American Congress, that claim has been kept back ever since we acquired the territory in 1848; and yet to-day it is sought to alarm this House because here is a bill for forty-four thousand acres of land. I do not know that I have authority to speak for the heirs of these persons, but I am inclined to think that they would be willing to dispose of this land for five cents per acre. They are entitled to it by the land laws of Mexico; their title was perfected and completed before the United States acquired the Territory of New Mexico. By that treaty we took from them their title-papers, and are now called upon to restore their titles to them in good faith.

Mr. O'NEILL. I now yield to my colleague on the committee, [Mr. WELKER.]

Mr. WELKER. The debate in relation to this bill has taken quite a wide range. I am sorry that reflections have been cast back and forth, growing out of other things not connected with this bill. Now, I do not arrogate to the Committee on Private Land Claims any more ability, or industry, or perseverance in the examination of cases before them than I am willing to accord to any other committee. But the nature of the cases brought before that committee makes it necessary that we should examine very thoroughly many legal questions growing out of the class of business referred to that committee. These old Mexican grants involve a great deal of examination and research, in order to ascertain the foundation of title in those who make claim to land. This bill was referred to a sub-committee of the Committee on Private Land Claims, who conferred with the officers of the Government to whom access could be had in the city of Washington. A full investigation was made of the treaty between the United States and the republic of Mexico, by which jurisdiction of this territory was acquired by the Government of the United States; and it required a great deal of examination, and a great deal of study in order to investigate properly all the questions that are embodied in the very able and concise report made by my colleague on the committee, [Mr. MAYHAM,] and which has been read. I regret very much that that report has not been printed in such a way as to enable every member of this House to make a full investigation of the points of fact and of law involved in this case. But it so happens that no opportunity of that kind occurred; and as it is a question which in a general debate here might not be very well understood, I thought it better, so far as I am concerned, that after the reading of the report the bill should be put on its passage.

Mr. BINGHAM. I ask my colleague [Mr. WELKER] what objection there is to recommitting the bill now, with an order that it be printed, and entering a motion to reconsider, so that members of the House can have an opportunity to read the report?

Mr. WELKER. The objection is that it crowds back other committees that are clamorous to make reports; and the bill can perhaps be as well understood by members after an hour's discussion as it could be by delaying the matter and trusting to the reading of the report by members.

Mr. BINGHAM. It would not crowd back this report. I only wish to say that I think we ought to have an opportunity to read the report.

Mr. O'NEILL. The proposition of the gentleman is a very unusual one.

Mr. BINGHAM. Such a request is not an unheard-of thing where a grant of sixty-three thousand acres of land is involved.

Mr. O'NEILL. Only forty-eight thousand acres.

Mr. BINGHAM. I believe that a square league is nine square miles, which would make the quantity of land embraced in this bill sixty-three thousand acres. The gentleman says that the quantity is only forty-eight thousand acres. Well, there is a little difference of only fifteen thousand acres.

Mr. ORTH. How many acres, according to the gentleman's estimate, are embraced in a Mexican league?

Mr. BINGHAM. I will answer the gentleman. I suppose a Mexican square league contains nine square miles Spanish. I take it for granted that such is the fact. Does the gentleman say I am right or wrong? The Spanish square mile may be less than the English.

Mr. ORTH. Eleven square leagues are less than forty-five thousand acres.

Mr. BINGHAM. I ask the gentleman whether it is true or not that a Mexican league contains nine square miles, and he gives me no answer. This House is asked to take this whole matter upon an oral statement.

Mr. ORTH. I will answer the gentleman's question. Four thousand four hundred and forty acres constitute a square league, according to Mexican measurement.

Mr. BINGHAM. The gentleman has not answered my question by any means. The question may not be material except in this point of view: it is conceded by the committee that by the Mexican law of 1824 any grant of land exceeding eleven square leagues is void; therefore, in settling this question it becomes a matter of some moment to determine what is the exact extent of the grant we propose to confirm by this bill.

Mr. O'NEILL. At all events the bill limits the grant to eleven square leagues. This is the most that has ever been granted or will be under these Mexican claims.

Mr. BINGHAM. I think we may as well have the report printed and the bill recommitted, with a motion entered to reconsider, so that members can read for themselves the views of the committee. In this suggestion I cast no reflection on the committee.

Mr. O'NEILL. I call for a vote.

The bill was ordered to be engrossed for a third reading.

Mr. HOLMAN. I call for the reading of the engrossed bill.

The SPEAKER. The bill is not engrossed. If the demand be insisted on the bill will have to go to the Speaker's table.

Mr. ORTH. I hope my colleague will not insist on that demand.

Mr. MAYNARD. Let the bill go to the Speaker's table. That will give us an opportunity to read it.

Mr. ORTH. I move to reconsider the vote by which the bill was ordered to be engrossed.

Mr. BINGHAM. I move that the motion to reconsider be laid on the table.

Mr. ORTH. On that motion I call the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 78, nays 60, not voting 89; as follows:

YEAS—Messrs. Allison, Armstrong, Arnell, Asper, Beatty, Beck, Benjamin, Bird, Buckley, Burchard, Roderick R. Butler, Calkin, Cessna, Clinton L. Cobb, Coburn, Cowles, Dixon, Dockery, Farnsworth, Gilfillan, Hamill, Hamilton, Hays, Hoar, Hooper, Hotchkiss, Ingersoll, Johnson, Thomas L. Jones, Judd, Julian, Kelley, Kelsey, Kerr, Ketcham, Knott, Laflin, McCarthy, McCrary, McNeely, Eliakim H. Moore, William Moore, Morgan, Myers, O'Neill, Orth, Packard, Packer, Pomeroy, Potter, Prosser, Rogers, Roots, Sanford, Sargent, Schenck, Shanks, Joseph S. Smith, William Smyth, Starkweather, Stevens, Stokes, Strader, Strong, Swann, Sweeney, Trimble, Tyner, Upson, Voorhees, Wells, Wheeler, Willard, Williams, Eugene M. Wilson, Winchester, Witcher, and Wood—78.

NAYS—Messrs. Archer, Atwood, Barry, Beaman, Bingham, Blair, Buffinton, Cake, Amasa Cobb, Conger, Conner, Covode, Cox, Cullom, Degener, Dickey, Donley, Ferriss, Ferry, Finkelnburg, Fisher, Fitch, Getz, Gibson, Haight, Hawley, Heflin, Hill, Holman, Alexander H. Jones, Kellogg, Lawrence, Loughridge, Lynch, McCormick, McKee, Morphis, Samuel P. Morrill, Paine, Palmer, Perce, Phelps, Poland, Randall, Sawyer, Scofield, Sherrod, John A. Smith, Stiles, Stone, Stoughton, Strickland, Tanner, Tillman, Van Auken, Van Wyck, Ward, Cadwalader C. Washburn, William B. Washburn, and Winans—60.

NOT VOTING—Messrs. Adams, Ambler, Ames, Axtell, Ayer, Bailey, Banks, Barnum, Bennett, Benton, Biggs, Boles, Booker, Bowen, Boyd, George M. Brooks, James Brooks, Buck, Burdett, Burr, Benjamin F. Butler, Churchill, William T. Clark, Sidney Clarke, Cleveland, Cook, Crebs, Davis, Dawes, Dickinson, Dox, Duval, Dyer, Ela, Eldridge, Fox, Garfield, Griswold, Haldeman, Hale, Hambleton, Harris, Hawkins, Hay, Heaton, Hoge, Jenckes, Knapp, Lash, Logan, Marshall, Mayham, Maynard, McGrew, McKenzie, Mercur, Milnes, Jesse H. Moore, Daniel J. Morrell, Morrissey, Mungen, Negley, Niblack, Peck, Peters, Platt, Porter, Reeves, Rice, Ridgway, Schumaker, Lionel A. Sheldon, Porter Sheldon, Shober, Slocum, William J. Smith, Worthington C. Smith, Stevenson, Taffe, Taylor, Townsend, Twichell, Van Horn, Van Trump, Welker, Whitmore, Wilkinson, John T. Wilson, and Woodward—89.

So the motion to reconsider was laid on the table.

Mr. ORTH. We need a few minutes more; and I therefore move that the House adjourn, and on that motion ask the yeas and nays.

The SPEAKER. The gentleman will not gain any point on that. The bill goes to the Speaker's table.

Mr. ORTH. I appeal to my colleague to withdraw his objection.

Mr. HOLMAN. I cannot consent to withdraw my objection. This bill confirms the title to a vast tract of land, and I wish to have time, so that we may be enabled to read the report of the committee and examine the facts for ourselves.

The SPEAKER. The bill goes to the Speaker's table, and the morning hour has now expired.

INCOME TAX.

Mr. SCHENCK. I am directed by the Committee of Ways and Means to report back a joint resolution (H. R. No. 120) declaratory of the meaning and intention of the law relating to income tax, with the Senate amendment, and to move that the amendment of the Senate be non-concurred in.

The SPEAKER. The joint resolution and the substitute of the Senate will be read.

The Clerk read as follows:

The joint resolution of the House is as follows:

Be it resolved, &c., That whereas doubts have arisen, and conflicting decisions been made in the different Departments of the Government in regard to the construction of the laws relating to tax on incomes, it is hereby declared to be the true intent and meaning of the acts relating to that subject, that all persons are liable to the payment of their proper income tax accruing and to accrue, for and during, and up to the end of the year 1870; and that the assessment and collection of any such tax accruing

in the year 1870, and remaining unpaid on the 1st day of January, 1871, may, under the existing provisions of law, be made in the said last-mentioned year.

The amendment of the Senate is to strike out all after the resolving clause of the resolution and to insert the following:

That sections one hundred and twenty, one hundred and twenty-one, one hundred and twenty-two, and one hundred and twenty-three of the act of June 30, 1864, entitled "An act to provide internal revenue to support the Government, pay interest on the public debt, and for other purposes," as amended by the act of July 13, 1866, and the act of March 2, 1867, shall be construed to impose the taxes therein mentioned for and during the year 1870; and that all such taxes shall be collected in the manner now or hereafter provided by law.

Mr. RANDALL. I should like to ask the chairman of the Committee of Ways and Means a question. What will be the effect of a motion to lay the whole subject upon the table? How will it leave this question of the income tax?

Mr. SCHENCK. It would leave it precisely as it stands now, in doubt and dispute as to what is the interpretation of the law. I propose in a moment to explain the position of this matter as it is presented now to the House for consideration. Early in the session, two or three months ago at least, the Committee of Ways and Means had their attention called to the condition of affairs in regard to the income tax. There were various interpretations of the law, some officers of the Government insisting on deductions from salaries, and others in the War Department claiming no deduction was to be made. These difficulties, so far as the salaries are concerned, have been reconciled since, and they have been making the deduction. But in this state of facts, examining the law, and the committee becoming satisfied of the cloudy character of the legislation on the subject of the income tax, these two propositions seemed to be apparent: first, that it was the intention of Congress in past legislation to continue the income tax for and during the year 1870; and in the next place, that there had been no continuance of the machinery to be put in operation in the spring of 1871 for the collection of the tax for the year 1870. They therefore introduced a joint resolution to continue the deduction of the income tax, and providing for its collection for the year 1870 in the year 1871, the tax then to expire by limitation unless the subject should be taken up and by future legislation the tax continued. This went to the Senate. The Senate have sent back the original joint resolution as passed by the House with an amendment in the nature of a substitute. Their substitute provides for the collection of the tax from dividends of railroad and insurance companies and to keep up the tax on salaries, but to let everything else go. Now, the Committee of Ways and Means are of opinion that this patch-work will not answer, and that the income tax ought to be either continued or to stand or fall as an entirety; and that if Congress choose to continue it, it should be with such amendments as Congress may think proper hereafter to make to it, or else should be left just as it is, for the construction of the present law. They have recommended, therefore, non-concurrence in the amendment of the Senate.

Mr. SCOFIELD. If the gentleman will allow me I would ask him what would be the effect if we passed no bill at all, but laid this on the table?

Mr. SCHENCK. If we passed no bill at all the whole subject of the income tax would be left in its present cloudy and uncertain state. We sought to clear it up by the joint resolution which we sent to the Senate, by making a specific designation of the time when it would expire, and of the manner of its collection for the past year, which was in doubt.

Mr. ARCHER. Has not the Commissioner of Internal Revenue decided this question, and would not that decision stand in case we take no action?

Mr. SCHENCK. The Commissioner of Internal Revenue has decided to go on with the collection upon the dividends under the monthly reports. He has decided to go on with the collection upon salaries; and he will claim, I believe, that next spring, if there be any process for doing it, the income tax for 1870 will be collected. But I do not know any means by which he can accomplish that.

Mr. ARCHER. You consider that there is no machinery by which it can be collected?

Mr. SCHENCK. There is none that I know of, under what appears to be the construction of the law.

Mr. LYNCH. Would it not settle the whole matter to bring in a bill to abolish the income tax?

Mr. SCHENCK. In the amended internal tax bill, which is now a special order in Committee of the Whole, and which we expect to reach after we get through the tariff, whenever that may be, we shall propose amendments to the laws relating to the income tax, and the whole subject will be before the House. We prefer to leave it to general legislation in that bill, rather than interfere with it in this partial way in which the Senate have sought to deal with it.

Mr. WOOD. I think, Mr. Speaker, that this is an appropriate time for the House to take some action looking to the entire, total, and absolute repeal of the income tax altogether. I think, sir, if we desire to carry out what is the universal public opinion of this country, the sooner we get rid of this onerous and unjust taxation the better. And therefore I am in favor of any proposition that will tend to accomplish the entire repeal of the tax, and there will then be no doubt whatever as to the construction of the law.

Mr. SARGENT. Will the gentleman yield to me for a moment?

Mr. SCHENCK. By and by. But I wish to dispose of one at a time. I am not at all surprised that the gentleman from New York [Mr. WOOD] should use such wholesale and sweeping assertions in regard to the income tax. All over the country, through the newspapers, by letters, and by various other means of operating upon the Committee of Ways and Means, and perhaps upon Congress, there has been an effort to make us believe that it is the most atrocious, infamous, unequal, and unfair law upon the statute-book.

Mr. WOOD. As it is.

Mr. SCHENCK. My own impression is that the law does need some amendment in regard to the domiciliary visitations and in some other respects. But the gentleman perhaps will be surprised when I say to him that he sees the question from one stand-point, as the tax affects one quarter of the country; and that notwithstanding all he has said about the unanimity with which it is condemned, I am satisfied that it is one of the most popular laws throughout the country, which are on the statute-book. The income tax is paid by a little under two hundred and seventy-four thousand people, and everybody likes a tax which somebody else pays. We have discovered that, at any rate. I do not undertake to indicate what the Committee of Ways and Means will propose in their general bill on the subject of taxation; but they will propose an amendment of the existing law which will include several provisions in modification of the law as to the income tax. But the question now before us is, whether what was done by the House at an early stage of the session shall stand, or whether we shall accept in place of it what the Senate proposes by way of a substitute, or whether we shall non-concur in what the Senate proposes and let the thing rest there, leaving the Senate to take their own remedy? I will only say further, that I am not instructed—but on the contrary am otherwise instructed by the Committee of Ways and Means—to ask for a committee of conference.

I do not propose to ask any committee of conference, but to leave it to the Senate to ask one if they want it. I propose simply to non-concur in this partial legislation. And while I am up I will state another objection to their legislation. They have, among other things, while letting the rest of the income tax go, been willing to continue the tax on salaries. Now, of all the inequalities and all the oppressions of an income tax, that which relates to salaries is among the most odious and unfair. A poor clerk receiving $1,200, or $1,500, or $1,800 a year, has $1,000 deducted, but five per cent. taken from the balance, and thus contributes his ten or twenty or forty dollars to the support of the Government without the benefit of any deduction for house rent, for bad debts, for losses, for taxes, or anything else he may have to pay. He may hold office only two or three months, and he has deducted proportionately for that time, though he may not have received one cent during all the rest of the year from any source. There are various ways in which it operates unequally, and if the income tax is to be continued, instead of selecting this to be continued while everything else is dropped, the committee have thought that salaries, if taken into account in future income taxes, ought to be returned like other incomes with the benefit of all the deductions that any other income has.

Mr. SARGENT. I ask the gentleman to allow me to have a proposition read which I send to the Clerk's desk.

Mr. SCHENCK. I have no objection.

The Clerk read as follows:

Resolved, That the pending bill be referred back to the Committee of Ways and Means, with instructions to report a bill totally repealing the income tax.

Mr. SCHENCK. I do not give way for that.

Mr. SARGENT. In answer to the proposition of the chairman of the Committee of Ways and Means, that the gentleman from New York [Mr. WOOD] looks at this bill from the stand-point of one part of the country only, I ask to have read an article which I hold in my hand from the Sacramento Union, the leading Republican paper on the Pacific coast, on this subject.

Mr. SCHENCK. I did not mean to be so understood. I can show the gentleman five hundred articles like it; and more than that, I can show him in twenty different newspapers articles that look as if they came from the same hand. They are to be found in both Democratic and Republican papers all over the country. There has been an attempt to create the impression throughout the country that this is an odious, atrocious, unfair, and unequal tax.

Mr. SARGENT. There is no doubt that it is exactly of that character, and the whole country demands its repeal.

Mr. SCHENCK. That may be; but I have not been led to that conclusion. I cannot yield for any such proposition as that.

Mr. KELLOGG. I would ask the chairman of the Committee of Ways and Means if the law does not expressly provide, in regard to the income tax, that no tax shall be collected after 1870? Is not that the express provision of the law?

Mr. SCHENCK. Yes.

Mr. KELLOGG. I desire to have a proposition read; and if the gentleman will not consent to its adoption, I hope he will not insist upon action on this question now.

Mr. SCHENCK. I will yield to have it read.

The Clerk read as follows:

Resolved, That it is the sense of this House that there should be a reduction of taxation as speedily as possible; and the income tax for the year 1870 should be reduced to three per cent., with an exemption of not less than $2,000 from each person's income; and that the tax on salaries be also repealed; and no income tax be collected after the year 1870.

Mr. SCHENCK. Whenever the gentleman can get the floor at the proper time I am perfectly willing that he shall refer that proposition to the Committee of Ways and Means. It shall have the most respectful considera-

tion. It is one of a hundred plans that we have before us.

Mr. KELLOGG. If the gentleman will consent we will test the sense of the House on it now.

Mr. SCHENCK. No; I am not going to yield for anything of the kind until this matter is disposed of.

Mr. COX. Allow me one word.

Mr. SCHENCK. I yield first to the gentleman from Illinois, [Mr. CULLOM.]

Mr. CULLOM. I desire to offer the amendment which I send to the Clerk's desk to be read.

Mr. SCHENCK. I will hear what it is.

The Clerk read as follows:

That from and after the 1st day of May, 1870, there shall be collected a tax at the rate of five per cent. on incomes, and there shall be an exemption of $2,500 instead of $1,000, as by existing law.

Mr. CULLOM. I hope the gentleman will allow that to be voted on.

The SPEAKER. Does the gentleman from Ohio admit that amendment?

Mr. SCHENCK. No, sir; I only wish to occupy the floor a little myself now to return thanks to the gentleman from Illinois [Mr. CULLOM] also for his suggestion.

Mr. SARGENT. I ask the gentleman to allow me to test the sense of the House on my proposition.

Mr. SCHENCK. I cannot yield to any one just now. I want a thread of argument myself to string all these onions together. [Laughter.]

Mr. SARGENT. I only want to know if he will allow the sense of the House to be tested on my proposition.

Mr. SCHENCK. Gentlemen may all resolve themselves into points of interrogation before I am through if there is time; but I must have time now to complete my answer to one before I yield to another.

Now, so far as the suggestion of my friend from Illinois [Mr. CULLOM] is concerned, I wish to say that we have before us and have been considering propositions to reduce the percentage of tax on incomes to three per cent.; propositions to raise the amount of exemption both with and without any reduction of percentage, and propositions to abolish the income tax altogether, and in due time we shall report to this House the result of our conclusions in the shape of an amendment to the general bill in relation to internal taxes, to be considered after we shall have got through with the present special order, the tariff bill; but it is not a question now before the House.

The gentleman from Connecticut [Mr. KELLOGG] has said that the present law in relation to the tax on incomes does not provide for collecting the income tax after the year 1870. The gentleman might have gone further, and would then have only been repeating what I have already said to the House, that while there is no machinery for collecting the tax after 1870, yet a fair construction of the law seems to imply that the law-making power intended that the tax should be levied upon incomes of the year 1870. The truth is the machinery for collecting the income tax is applied to the year following, and does not operate until the spring following the year for which the tax is to be collected. And herein is the difficulty in the law. So far as you can gather from the obscurity of the law what is intended—and I beg leave to say that it was enacted before the present Committee of Ways and Means was organized—it seems to have been the intention that the income tax should be assessed and levied for the year 1870; but there is no machinery provided for doing it. It was to meet that condition of things that the Committee of Ways and Means reported and the House passed the joint resolution on the subject which was sent to the Senate. As I have before explained, the Senate sent it back to us, having struck out the House proposition entirely and substituted for it a proposition in relation to a tax on salaries and two or three other things, but which is entirely silent as to everything else. We think that partial legislation of that kind is worse and more unjust than no legislation at all.

Mr. WOOD. So it is.

Mr. SCHENCK. We therefore recommend a non-concurrence in the amendment of the Senate, proposing to let the matter rest there, unless the Senate shall choose to take some further action.

Mr. COX. I would ask the gentleman what would be the effect of a motion to lay this whole subject on the table, if it should be agreed to? Would it not have this effect: to kill the income tax entirely? And would it not be best for the instruction of the Committee of Ways and Means, if they are not already sufficiently instructed about the public opinion upon this subject, to make that motion? And I would respectfully suggest to the chairman of the Committee of Ways and Means, if he wants to ascertain the opinion of the House, to allow me to make that motion.

Mr. SCHENCK. The gentleman, with his parliamentary experience, ought to be able to answer that question himself, without inquiring of me about it. Such a motion, if carried, would not affect the income tax in any way. It would leave the law just as it now is, with all its uncertainty, all its ambiguity, and everything else that is now causing difficulty and trouble. It would kill this joint resolution, it would kill this attempt to amend or interpret the law, or to pass declaratory legislation in regard to the income tax. Of course in no other way could it affect the present existing law, whatever it is.

Mr. COX. Well, I shall make that motion whatever may be the effect of it.

Mr. SCHENCK. When the gentleman gets the floor he will have the right to make such a motion.

Mr. BECK. Will the gentleman allow me to ask a single question?

Mr. SCHENCK. Yes, sir.

Mr. BECK. Is the chairman of the Committee of Ways and Means [Mr. SCHENCK] at liberty to tell us now what his committee will probably propose with regard to this income tax? If he can tell us, and will do so, I shall then be better able to determine how to vote on this question. If he is not at liberty to tell, of course I will not ask him to do so.

Mr. SCHENCK. I do not think I ought to answer that inquiry. I will say that I think we are coming to a decision upon the subject. But this particular subject is but the part of the whole scheme of internal taxation. By the amended bill, which we shall urge upon the consideration of the House, we propose to bring down the taxes at least $30,000,000, and to do that we shall propose to take off certain taxes which we think affect injuriously the business of the whole country, and which are oppressive in various ways. I can say this much, without undertaking to state now the particulars.

My own personal opinion is that in some shape we shall be compelled to retain and ought to retain the income tax. I do not think we can have sufficient revenue without it. As to its odious character I am one who does not believe in that, for the simple fact—this I admit is not a fair reason—that people like a tax which somebody else pays; and there are but two hundred and seventy-three or two hundred and seventy-four thousand people who pay any part of this income tax, even as the law now is; and if the law were amended the number would be much smaller. Now, there is something to be said on the other side. The mass of the people, in the interior of the country at least—the mass of the people who are not so much heard here as others are, who do not control newspapers, who do not make public opinion—are inclined if they must keep up some taxes, (they would rather have none if it were possible,) but if they must keep up some taxation to meet the necessities of the revenue, they would rather continue as a part of the taxation of the country that which is levied chiefly upon the accumulated capital of the country, and in a very small degree upon the body of the people or upon the poorer and humbler classes having less property.

Mr. WOOD. Will the gentleman yield to me for one minute?

Mr. SCHENCK. I yield one minute to the gentleman from New York, [Mr. WOOD.]

Mr. WOOD. I desire to say, by permission of the gentleman from Ohio, that my chief objection to the income tax arises from its inquisitorial character. In my view it is in conflict with the genius of our institutions. It is a tax which is entirely foreign to our system, and is inconsistent with the personal liberty of the citizen. It can only be justified on the ground upon which it was originally imposed—as a war tax rendered necessary by extraordinary contingencies and circumstances. Now that the war has ceased, I contend that this tax, and all taxes of similar character, should also cease. I do not object to the payment by the rich man of a large proportion of his income to the Government to extricate it from its embarrassments, but I do object to a tax which authorizes the assessor to intrude into the household, the private business affairs, the domestic relations of every individual. I believe that from all parts of the country and from all classes of the people, not only upon the sea-board, but in the interior, as well as upon the Pacific coast, there is a universal demand that this income tax shall now cease, that Congress shall not by its legislation continue it any longer.

Mr. MORGAN. Will my colleague [Mr. SCHENCK] yield to me for one minute?

Mr. SCHENCK. Yes, sir.

Mr. MORGAN. Mr. Speaker, all systems of taxation are unpopular. I never heard of a popular tax. For my own part, I believe that the income tax as it now stands is a just tax, if there is any just tax in our whole system of internal taxation. It is a tax upon capital, and if I were to propose any change in the present law under which it is levied, it would be to make the exemption $2,000 instead of $1,000. I hope the House will refuse to concur in the amendment of the Senate.

Mr. SCHENCK. It seems to be necessary for me to reply to some extent to the suggestions which have been made by various gentlemen. The gentleman from New York [Mr. WOOD] insists upon the inquisitorial character of the income tax as one of its objectionable features. This criticism is in some respects well founded; and one part of the duty of the Committee of Ways and Means will be to modify the law in some particulars so that its odious character shall be to some extent mitigated in the manner of its administration. But so far as the tax itself is concerned—and now I give my own opinion, for I am not prepared to disclose that of the Committee of Ways and Means in advance of our report—my own opinion is that the income tax cannot be dispensed with unless we continue some other taxes which are really more odious, more annoying, and more oppressive to the people than the income tax.

Upon the general proposition that this is the most odious of all taxes I beg to differ with the gentlemen who have expressed that opinion. I say that this tax is most clamored about because those who raise the clamor have the means to affect the public mind. But with the great mass of the people of the country it is not the most unpopular tax, but on the contrary is regarded by them as a fair and proper tax, which falls generally upon those most able to pay it. I believe there is no taxation, not even that upon distilled spirits or tobacco, in regard to which there have been more attempts at evasion, or more frauds practiced in order to avoid taxation. But these frauds and evasions have not been committed by the mass of the people of the country; they have not

been committed by the people of limited means. They have been, for the most part, committed by men who ought to pay a considerable contribution to the income tax, but who manage to stretch their consciences to get such deductions as to bring themselves down either to no income tax at all or to a very small proportion of what they really ought to pay. What is thought inquisitorial so far as assessing the tax is concerned must be kept up in order to prevent these frauds as far as possible; but it need not, perhaps, be carried to the extent of interfering with men's business by spreading it too much before the public.

Mr. Speaker, I have some curious facts in regard to this, which I have sent for to the committee-room. Of those who pay the income tax in the first place there are one hundred and seven thousand nine hundred and ninety seven who pay twenty dollars or less. If you raise the exemption $1,000, that is from $1,000 to $2,000, you will cut them off. The second class consists of sixty-nine thousand one hundred and eighty-four, who pay between twenty and fifty dollars; the third class, of forty-one thousand one hundred and ninety-six, who pay between fifty and one hundred dollars income tax; and the fourth class, of forty-five thousand and two, who pay between $100 and $500 income tax. Those who pay over $500 of income tax altogether only amount to nine thousand four hundred and sixty-four in the United States, making the whole number of persons who pay income tax in the United States two hundred and seventy two thousand eight hundred and forty-three. I think, sir, as this is an interesting document, prepared at the Office of Internal Revenue, I will have the whole of it published in order fully to exhibit the condition of things in reference to the income tax. It is as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
WASHINGTON, *March* 9, 1870.

Estimate of the probable amount of reduction in the income tax by raising the exemption to $2,000. The income tax assessed in 1869 will probably vary but little, when all returned, from $27,250,000.

The following is a statement showing the number of persons in each of five classes whose net income tax on the annual list and subsequent monthly lists of 1869 was, first, $20 or less; second, over $20 and not over $50; third, over $50 and not over $100; fourth, over $100 and not over $500; and fifth, over $500:

$20, the number in the first class was	107,997
$50, the number in the second class was	69,184
$100, the number in the third class was	41,196
$500, the number in the fourth class was	45,002
The number in the fifth class was	9,464
Total	272,843

Say that the average tax of the first class was $15 and of the second class $40 per head, both of which classes would be exempted by the proposed change in the law, we have then—

107,997×$15	$1,619,955
69,184× 40	2,767,360
Total	$4,387,315

The tax lost on the three remaining classes, amounting to 95,662 persons, would be $50 per head, or a total of $4,783,100. This added to $4,387,315 gives $9,170,415, about one third of the whole income tax for 1869. The salary tax is not included in the above. This for the last fiscal year amounted to $561,962 52. Assuming that the loss on salaries would be proportionate to that on other incomes, it would amount to about $200,000. This added to $9,170,415 gives $9,370,415 as the total loss on incomes from individuals.

I now yield to the gentleman from Connecticut [Mr. KELLOGG] for a minute or two.

Mr. KELLOGG. Mr. Speaker, I wish the House to take notice in reference to this income tax being collected for the year 1870, that the language of the law is that the tax on incomes shall be levied on the 1st day of March, and shall be due and payable on or before the 30th day of April in each year until and including the year 1870, but no longer. There is no income tax due and payable for the year 1871. The income tax to be collected in 1870 is the tax due for the profits and gains up to December 31, 1869, and payable in April, 1870. The language of the law is that it shall be levied at a certain time and payable at a certain time in 1870, when the tax is to cease; but the income tax then collected is to be for the preceding year. It is time, in my opinion, that there should be an end put to the collection of this income tax. It ought to be abolished. And I will say to the gentleman from Ohio [Mr. SCHENCK] that those who pay from twenty to fifty dollars income tax are more injured and incommoded by it than the rich man. It is not the rich men who find fault with this tax, so far as I know, in the district which I represent, or in the section from which I come.

But, sir, it is a most unequal tax. Owners of real estate whose income in various ways amounts to thousands of dollars annually do not pay a cent. Men engaged in speculations in real estate do not pay a single cent, though their gains may be thousands; while clerks, and those engaged in business, who receive only a salary, are taxed to the fullest extent, though their salaries will barely support their families. I have a resolution which I wish to offer as a substitute, reducing the tax payable the present year to three per cent. and increasing the exemption to $2,000; and also abolishing the whole income tax and the tax on salaries for the future, so that no income tax shall be levied, after this year, and no tax upon salaries shall be collected after July 1, 1870.

Mr. SCHENCK. I cannot yield any further. I wish to repeat what I said before. If the gentleman from Connecticut will read the three or four sections in connection with this subject and then attempt to reconcile them, he will come to the conclusion the difficulty is that while the tax is to continue for 1870 the machinery for collecting it is not provided by law for the spring following.

Mr. COBURN. I ask the gentleman from Ohio to yield to me.

Mr. SCHENCK. The gentleman must excuse me, as I have promised to yield to his colleague for two or three minutes.

Mr. VOORHEES. Mr. Speaker, I do not know that it is a matter of great importance to define our positions in regard to these matters; but I listened with a great deal of interest to the discussion of this peculiar tax. I represent a large agricultural district, populous and in good circumstances. I think, however, I should be faithless to their wishes on this subject if I voted here to relieve that class of people who are best able to pay tax upon their incomes. This tax falls on that class of people who by the very terms of it have an income to be assessed. The gentleman from New York, [Mr. WOOD,] with whom it always gives me pleasure to agree, says that this tax is inquisitorial in its nature. Why, any tax that is laid upon the people is inquisitorial. The tariff on the articles which enter into the ordinary consumption of a household is still more inquisitorial in its character than this tax. There is nothing that goes upon a man's person, nothing that he lives upon, nothing that clothes his family, but is visited with the inquisition of taxation.

According to my view of the situation of affairs, taxation is quite unequal enough now, and should not be made more unequal by relieving the wealthier and better able classes of the payment of this tax. Instead of this being an unpopular tax, I would say to this House that the most unpopular act it could commit would be, in my judgment, to repeal the income tax. On whom does this tax fall? On bondholders, although not half so heavily as I would make it fall on them if I had the power. On bankers, though not to the extent it ought. On the wealthy manufacturers and merchants, and on aggregated capital in whatever hands it may be found. Instead of this being too inquisitorial a tax, I would make it more so if I had the power; for under the law as it now is, men evade their taxes. It is a constant complaint in the various collection districts that men by false returns, by untrue accounts, evade paying the proper tax on their incomes. And why should not wealthy men pay this tax? Is it inquisitorial to impose a tax upon incomes, which are better able to pay taxes than anything else?

This is a complaint which I cannot comprehend, especially when the tax-gatherer goes into every household and lays his hungry hand on the person of every laborer, every farmer, every mechanic, and every member of a man's family, visiting them with an inquisition which has no limit or restraint, in order to raise the revenue under our system of tariff taxation. And if I had the power, instead of removing the system of inquisition which executes the income tax, I would make it still more binding. I would make those who execute the law fulfill their obligations more carefully and more fully than they do now. This much I desired to say, and I thank the gentleman from Ohio [Mr. SCHENCK] for giving me an opportunity to say it.

Mr. SCHENCK. I now yield for a few moments to the gentleman from Indiana, [Mr. COBURN.]

Mr. COBURN. While I do not recognize the propriety of Congress legislating upon any subject in view of its popularity or unpopularity, while I totally repudiate any idea of that kind as furnishing a proper motive or incentive to action in our legislation here, yet, inasmuch as the gentleman from New York [Mr. WOOD] and the gentleman from California [Mr. SARGENT] have raised the question as to the popularity of this tax, I must be permitted to say as to that matter that I know of no tax in the whole list that is so universally popular and approved by the whole people as this very income tax; and the reason why it is thus popular and approved is that it is derived from persons who, as a general rule, are well able to pay it. Instances have been mentioned where clerks and others with families and small incomes, the amount of which can be readily arrived at, are oppressed by this tax, as compared with others better off, the amount of whose incomes is only known to themselves. But you can hardly turn to anything in the whole list of taxation which does not operate with severity and hardship on some individual or other. But taking the tax in its entire operation, the wealthy men, the men of property, the men of substance—all embraced in the list of two hundred and seventy-five thousand persons who pay income tax—are better reached by this tax than they would be in any other way. I would, therefore, regret to see it abolished or in any way altered.

Mr. SCHENCK. Mr. Speaker, how much of my hour remains?

The SPEAKER. A little over twenty minutes.

Mr. SCHENCK. I yield to the gentleman from California [Mr. SARGENT] for three minutes.

Mr. SARGENT. I thank the gentleman for his courtesy in allowing me three minutes to express my own views, as well as what I believe to be the public sentiment of the country on this question. I ask the gentleman where are we to look if not to the public press for evidences of public opinion? I do not believe that those who ordinarily publish papers are the rich men of the country, rolling in wealth, as the gentleman asserts. Their profession is not so profitable that this is likely to be the case; and I do not think, therefore, that these men can be supposed to speak especially for those who are wealthy. They are the reflex of public opinion in all its forms. The gentleman from Indiana [Mr. VOORHEES] gave the best possible argument against this tax when he spoke about there being so few who return honestly their incomes for taxation. It has been a crying shame against the measure, from its very outset, that it leads to perjury; that rich men and speculators, without fixed salaries, can by cooked schedules evade their fair share of the tax, while poor clerks

and poor widows, whose incomes can be easily ascertained, have every dollar of excess taxed.

Now, sir, the people of the United States have paid into the Treasury since 1865 $1,900,000,000, within $600,000,000 of the amount of the present debt. Was ever a people so heavily burdened before? We have paid since March of last year $87,000,000 of the public debt. The gentleman from Ohio [Mr. SCHENCK] says that if we take off this taxation, amounting to a little over thirty million dollars, we must have the same amount from some other source. Why, sir, is this generation, which has fought the war, also to pay its debt? Will it not be better to postpone the payment of most of the debt to the future, when our resources will have expanded and our population become so much greater? With our rapid advance in wealth and population the debt becomes lighter and lighter, even if not a dollar is taken from its sum. Our income from the tariff and internal taxation this year is $120,000,000 over and above the expenditures of the Government, and if we carry out the promises of economy made in this Hall, as we have done in some measures that have passed this House, we will curtail the expenses of the Government some twenty or thirty millions. That added to the $120,000,000 of surplus revenue makes $150,000,000. We ought not to attempt to reduce the debt more than at the rate of twenty-five or thirty millions a year. That is an ample burden, in addition to the necessarily large expenses of the Government, for the present generation to bear. Let our children, those who will enjoy the benefits resulting from the struggle through which we have passed, in a higher degree than we do, on account of the higher liberty they will enjoy, pay the bulk of this debt. We should honestly fulfill our obligations to our creditors, paying them their interest now, and adjourn to the future, to those who will be able to bear it better than we can, the payment of the principal, while providing for a small sinking fund.

I warn gentlemen who think there is nothing in the attitude of the press that they make a fearful mistake. Public opinion is against this law. The people bore this tax with all its inquisitorial features during the war, because that and all our burdens, all the sacrifices of treasure and blood and tears, seemed the price of national existence. But no party that adopts as a policy the continuance of the present and past heavy-handed exactions can maintain its hold of the country. Not only is economy demanded, but reduced taxation; and our places will be vacated here, and ought to be, if we give no relief. The relief most demanded and most easily afforded is to abolish this odious tax, so fruitful in perjuries, so demoralizing to the people, so unequal in its operation, and so inquisitorial. I have proposed a resolution that will go straight to that object, and I hope I shall be allowed to test the sense of the House on it.

[Here the hammer fell.]

Mr. FARNSWORTH. Will the gentleman from Ohio yield to me for three minutes?

Mr. SCHENCK. Not until I have redeemed three or four other promises. I yield now to the gentleman from Illinois [Mr. JUDD] for three minutes.

Mr. JUDD. I concur, Mr. Speaker, in the statement of the chairman of the Committee of Ways and Means, that the payment of taxes is disagreeable to every person, and that poor human nature is so constituted that almost everybody prefers that his neighbor should pay all the taxes; it is much easier and much more convenient to have them pay it than to pay it themselves; and the same feeling prevails as between the different kinds of property, business, and industry. The legislator, when called upon to decide between these conflicting elements, must take into consideration all the various conditions, so that justice may be done. While carrying out the principle of the greatest good to the greatest number, with a deep feeling and desire to relieve the people from burdens, he cannot forget that the Government must be supported, the interest on our debt must be paid, and the maimed soldier and the widow and orphan of those that died in saving this country must be cared for. From what sources can the necessary revenue be most properly and fairly derived? I assume that this House, before this session closes, will do its duty in this matter of the reduction of taxation. The question then arises, in what way shall it be reduced?

The Commissioner of Internal Revenue shows that one hundred and sixty million dollars and over was derived from the following sources during the past fiscal year:

Spirits	$45,026,401 74
Tobacco	23,430,707 57
Fermented liquors	6,990,879 54
Banks and bankers	3,335,516 52
Gross receipts	6,300,998 82
Sales	8,206,839 03
Special taxes not elsewhere enumerated	8,801,454 67
Income	34,791,855 84
Legacies	1,244,837 01
Successions	1,189,756 22
Articles in schedule A	882,860 70
Passports	29,453 00
Gas	2,116,005 82
Sources not elsewhere enumerated	1,284,978 98
Penalties, &c	877,088 79
Stamps	16,420,710 01
	$160,039,344 20

The item of gross receipts, which is an indirect tax upon every bushel of grain and pound of merchandise carried between the producer and consumer, ought certainly to be first considered, and the interest of cheap transportation demands the repeal of this tax. The corporations paying this tax make their customers refund it to them in their mode of charging for carrying grain and goods and merchandise. The merchant charges an additional price for his goods equal to the amount paid by him on his sales. This reaches every person who buys anything; and if you would cheapen goods to the consumer this tax should be repealed. The item in the above list denominated special taxes consists of the thousand and one licenses for doing business, and which enter almost every place where any industry is prosecuted, is exceedingly annoying, requiring a host of officers to watch the occupation of every citizen; and if the northern farmer cultivates a little sorghum for home use, and his mill is large enough to crush a little for his neighbor, he must obtain a license, and this extends to almost every business. As to the question particularly involved in the subject now under consideration, my judgment would be that the entire income tax should be repealed, if that can be done safely to the honor and interest of this great nation. I have assumed from the beginning that if the entire tax is not repealed this House certainly would extend the exemptions, so that the salaried men and those whose income does not exceed two or three thousand dollars per annum would be entirely freed from income tax.

I assume from the tone of the House that the exemption will be increased so as to exclude all that class of men. The chairman of the Committee of Ways and Means announces the intention of that committee to so alter and change the law that if allowed to remain it shall be shorn of the inquisitorial powers that are now so odious. I do not concur in the opinion that a proper income tax is so very unjust. Mr. Speaker, it is the only way in which property is directly assessed for the support of the Government. This is the only form in which a tax is levied upon property as such. The amount derived from the income tax is less than the amount paid by the Government for pensions as the result of the war to preserve it. The pension list now consumes about $35,000,000 per annum.

The gentleman from Connecticut [Mr. KELLOGG] says that the income tax was a war tax. I tell him that it is a war tax to-day. It is needed to pay these pensions; and ought the wealthy to refuse of their surplus the amount necessary to care for the maimed and for the widows and orphans of those who gave their lives to save the Government? It is only in the event that the finances of the Government absolutely demanded this tax that I would continue it. Upon a fair and full examination of these, the various sources of revenue, if the continuance of this tax shall be found necessary I do not believe there will be any grumbling on the part of loyal men to contribute of their substance.

Mr. McNEELY. I would ask my colleague in what other way we are levying a tax on the bondholders at present except by this internal revenue tax?

Mr. SCHENCK. In no other way.

Mr. JUDD. If my colleague has any bonds and renders the proper account of his income he pays a tax on his bonds, and I suppose that will be the case of all honest men.

Mr. McNEELY. I am not so fortunate as to belong to that class. I ask the gentleman in what other way are we now levying any tax upon the bonds of the Government? I hope that consideration will lead to the preservation of this tax.

Mr. WELKER. I desire to ask the gentleman from Ohio how much income tax members of Congress pay every year on their salaries?

Mr. SCHENCK. That is a mere matter of arithmetic.

Mr. WELKER. It is $200 each.

Mr. SCHENCK. It is a little more than $200, for there is the five per cent. upon the mileage allowed to each member.

Mr. COX. Will the gentleman yield to me for a few minutes?

Mr. SCHENCK. I am afraid the gentleman from New York [Mr. COX] will go off into general debate, as did the gentleman from California, [Mr. SARGENT.]

Mr. COX. No, I will not.

Mr. SCHENCK. Well, I will yield to the gentleman for two minutes.

Mr. COX. So far as the present law is concerned I do not think it bears the construction the gentleman from Ohio [Mr. SCHENCK] has put upon it. I think that without any sort of doubt the income tax will expire with the year 1870. The law provides—

"That the taxes on incomes herein imposed shall be levied on the 1st day of March, and be due and payable on or before the 30th day of April, in each year, until and including the year 1870, and no longer."

Of course the law ends with the year 1870, unless resuscitated. And gentlemen will find by referring to sections one hundred and twenty-one and one hundred and twenty-two of the law in relation to the tax upon dividends of banks and railroad corporations, &c., that these taxes are not necessarily income taxes, and in my judgment are in force. The tax as enforced upon our merchants is the worst executed law that ever existed or was ever known. The officers go to the counting-room of the merchant and seize his books and papers, or, if they are locked up in his safe, they take a cold-chisel and break open his safe, and oftentimes by the interruption of his business and the imputation thrown upon him force him into bankruptcy. It is the meanest law ever executed in the country. If taxes are to be taken off anything I would like to see it placed upon the bonds of the Government; not upon the mere interest of the bonds, but upon the body of the bonds themselves, upon the full property in the bonds. Sir, we pay more taxes *per capita*, in comparison with other countries, than any other nation in the world except perhaps Great Britain. I think we ought to cut down our taxes. I have a statement here about that matter, but I will not go into it now, after the admonition of my friend from Ohio, [Mr. SCHENCK.] I would like to read the petition I presented the other day, of five hundred and eighty-two bank

clerks, with salaries ranging from fifteen to twenty-five hundred dollars, or thereabouts, but that would be going into the general subject. Still I think we should grant them some relief.

Mr. FARNSWORTH. It has been well said that—

"No rogue e'er felt the halter draw
With good opinion of the law."

Many men in the United States never pay any tax except upon their incomes. They are men who carry their money in their pockets, who speculate and have no property upon which the assessor can levy a tax; they can be reached only by this more inquisitorial tax of which the gentleman from New York [Mr. WOOD] speaks. It is true that too many of them escape the payment of any tax. But some of them are reached and are compelled to pay. I suppose we can reduce quite largely the revenue from internal taxes. I do not myself have much confidence in the opinion that any bill for the revision of the tariff will pass Congress this session. And if so, then we can reduce the taxes by internal taxation more than is proposed. In view of that I shall not be opposed to increasing the amount of exemption so as to bring within the exempted class the clerks and salaried men who work for fifteen hundred or two thousand dollars a year, who have families to support, and upon whom this tax bears heavily. But after giving that relief, it seems to me that the tax on incomes is the fairest tax which we now levy. We can get a large revenue from it, and we can collect it from men who will not feel it, and at the same time relieve the poor men, the laboring men, the industry of the country from taxation. As to the farmer, the agricultural man, the man with a local habitation and name, he pays his taxes; he is taxed for State purposes, for county and town purposes; his lands are taxed, his cattle are taxed, everything he has in his house is taxed, while the speculator, the bank man, and others of that class can be reached only by this tax.

Mr. SARGENT. That is the very class who escape the income tax.

Mr. SCHENCK. There are two or three members of the Committee of Ways and Means appealing to me to yield to them. But as they are of my own family I can refuse them. [Laughter.]

I do not wish to be drawn, if I can avoid it, into a general discussion of the propriety of the income tax. This was brought up as a subject of consideration to some extent when this joint resolution was originally passed by the House, which was intended to avoid ambiguity, to remove obscurity from the law, and provide that the income tax should continue as a form of taxation during the present year, with the means and machinery for its collection, and should then, in the absence of further action by Congress, expire. That, I think, was the true position for Congress to take. The Senate have not agreed with us. They have sent back our joint resolution with an amendment striking out all after the enacting clause and substituting a proposition to keep in force some four sections of the law, which it seems, according to their own construction, will be in force without any legislation. So that either their legislation is idle, or, if it is to have any force and effect at all, is partial. The Committee of Ways and Means have directed me to report back the joint resolution and the Senate substitute, with a recommendation that the House non-concur in the substitute; but, as I have already said, they do not instruct me to ask for a committee of conference. They are willing that the bill shall fail altogether rather than consent to the partial legislation proposed by the Senate.

In regard to the general subject of the income tax, I want gentlemen to bear in mind that this tax upon the accumulated capital of the country produces now an annual revenue of $35,000,000. If the income tax is to be wiped out, then none of the annoying little special taxes nor any of the other taxes that are really so vexatious, and perhaps odious beyond all others, can be abolished. The alternative submitted to the people is really whether this income tax, this tax upon capital, shall be continued, or whether we shall continue these other taxes which in a thousand ways annoy the people and obstruct the business of the country.

I do not expect, while any of us live, a millennium which shall have as one of its features that there shall be no taxes at all; but I do expect as well as hope for a time when our taxes shall be very much reduced. The fairest method of levying taxes would probably be to require that every man should contribute to the needs of the Government in exact proportion to the amount of his property in every shape. But it is not practicable to arrive at any *ad valorem* taxation of that kind. Hence we are compelled to feel around, as it were, and by taxation upon various subjects and in various forms distribute the burden as nearly as we may fairly. In this distribution—and I am in favor of discrimination always—I prefer that, as far as practicable, the weight of our taxation shall fall chiefly upon the luxuries and the artificial appetites of the country, and upon its accumulated capital.

We have not yet, in my opinion, reached the time when we can give up this income tax. I admit, as did the gentleman from Illinois, [Mr. JUDD,] that it is a war tax. Although, so far as regards a mere conflict of arms, the war is over, yet in the debt which it has entailed upon us the war is not over. To pay the pensions of our soldiers, to meet the interest on the public debt which we contracted in carrying on the war, to pay ultimately the principal of that debt, we are compelled to keep up this and other burdens upon the people of the country as war measures, not to carry on an existing war, but to pay the cost of a war that we have had. Hence it is idle to talk about remitting all our taxes and sweeping away all these burdens which it has been found necessary to impose upon the people of the country and their business; for although no gun is now being fired, it is just as essential to keep our public faith, to pay our debt, to pay the interest upon it——

Mr. Speaker, I see the hammer is about to fall, and I call the previous question.

The previous question was seconded, there being—ayes 112, noes 22.

Mr. SARGENT. I move that the bill be laid on the table, and on that motion I call for the yeas and nays. Let this be a test question.

The yeas and nays were not ordered.

Mr. SARGENT. I call for tellers.

Tellers were not ordered.

The motion of Mr. SARGENT was not agreed to.

The main question was ordered; which was upon concurring in the Senate amendment.

The amendment was non-concurred in.

Mr. SCHENCK moved to reconsider the vote by which the Senate amendment was non-concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SCHENCK. Although it is rather late I should like to do a little work in the Committee of the Whole on the tariff bill.

Several MEMBERS. No! No!

Mr. DAWES. I hope the gentleman from Ohio will go on with his business.

Mr. GARFIELD, of Ohio. I ask my colleague to yield to me to make a report from the Committee on Banking and Currency in regard to changing the location of a national bank. It will not take more than two or three minutes.

Mr. DAWES. I demand the regular order of business.

Mr. SCHENCK. I move that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union on the tariff bill.

Mr. ELDRIDGE. I move that the House do now adjourn.

Mr. DAWES. I demand the yeas and nays. Let us do something to-day. We have lost two days trying to do something.

Mr. ELDRIDGE. I insist on my motion.

The yeas and nays were ordered.

CENSUS.

The SPEAKER, by unanimous consent, announced that he had appointed as the committee of conference on the part of the House on the disagreeing votes of the two Houses on the census bill, Mr. GARFIELD of Ohio, Mr. ALLISON, and Mr. COX.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ARCHER until Wednesday next; to Mr. CLEVELAND until Tuesday next; to Mr. REEVES for four days from Monday next; to Mr. POTTER for one week; to Mr. SCHUMAKER for three days; to Mr. BOYD, on account of sickness, for twelve days; to Mr. MUNGEN, on account of serious illness in his family, for twenty days; and to Mr. BUTLER, of Massachusetts, for eight days from to-day.

MEMBERS EXCUSED.

Mr. DAWES. I wish to say in reference to my colleague [Mr. BUTLER] that in consequence of sickness in his family he found it necessary to go home with them last night. Under the circumstances I ask that he be relieved from the necessity of attending here on Monday next, upon the payment of the fine of ten dollars for non-attendance at the session of last night.

The SPEAKER. If there be no objection the gentleman from Massachusetts [Mr. BUTLER] will be excused.

There was no objection, and Mr. BUTLER, of Massachusetts, was excused.

Mr. SCHENCK. I now wish to make an appeal in behalf of the gentleman from New York, [Mr. POTTER.] He was absent last night in consequence of being thrown from his carriage and injured. He still feels the effects of his injury, and the House has granted him leave of absence. I ask that he be excused from his delinquency last night, so that he may take advantage of the leave of absence granted to him.

There was no objection, and Mr. POTTER was excused.

L. RUSSELL AND JOSEPH W. BALLOU.

On motion of Mr. KNOTT, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of L. Russell, and also the papers in the case of Joseph W. Ballou.

Mr. DAWES. I hope we will be allowed to go into the Committee of the Whole on the state of the Union and spend an hour on the tariff bill instead of wasting an hour in calling the yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 86, nays 67, not voting 74; as follows:

YEAS—Messrs. Armstrong, Arnell, Barnum, Beaman, Beatty, Benjamin, Bingham, Bird, James Brooks, Buckley, Burchard, Roderick R. Butler, Cake, Clinton L. Cobb, Cook, Cowles, Cox, Cullom, Degener, Dickey, Dixon, Dockery, Dox, Eldridge, Fitch, Getz, Gibson, Griswold, Haight, Hamill, Hamilton, Harris, Hawkins, Heflin, Holman, Ingersoll, Johnson, Thomas L. Jones, Judd, Kellogg, Kerr, Knott, Logan, Marshall, McCormick, McNeely, Eliakim H. Moore, Morgan, Samuel P. Morrill, Niblack, Orth, Packer, Paine, Palmer, Pomeroy, Rogers, Scofield, Shanks, Lionel A. Sheldon, Sherrod, Shober, Joseph S. Smith, William J. Smith, Stokes, Stoughton, Strader, Strickland, Strong, Swann, Sweeney, Taffe, Tillman, Trimble, Upson, Van Auken, Van Wyck, Voorhees, Welker, Wheeler, Willard, Eugene M. Wilson, Winans, Winchester, Witcher, Wood, and Woodward—86.

NAYS—Messrs. Allison, Asper, Atwood, Bennett, Benton, Blair, Buffinton, Cessna, Amasa Cobb, Coburn, Conger, Covode, Dawes, Donley, Farnsworth, Ferriss, Ferry, Finkelnburg, Fisher, Garfield, Gilfillan, Hale, Hawley, Hill, Hoar, Hooper, Hotch-

kiss, Kelley, Kelsey, Ketcham, Knapp, Laflin, Lawrence, Loughridge, Lynch, Maynard, McCarthy, McCrary, McKee, Mercur, William Moore, Morphis, Myers, O'Neill, Packard, Peck, Peters, Phelps, Potter, Randall, Sargent, Sawyer, Schenck, John A. Smith, William Smyth, Starkweather, Stevens, Stiles, Tanner, Townsend, Twichell, Tyner, Ward, Cadwalader C. Washburn, William B. Washburn, Wells, and Williams—67.

NOT VOTING—Messrs. Adams, Ambler, Ames, Archer, Axtell, Ayer, Bailey, Banks, Barry, Beck, Biggs, Boles, Booker, Bowen, Boyd, George M. Brooks, Buck, Burdett, Burr, Benjamin F. Butler, Calkin, Churchill, William T. Clark, Sidney Clarke, Cleveland, Conner, Crebbs, Davis, Dickinson, Duval, Dyer, Ela, Fox, Haldeman, Hambleton, Hay, Hays, Heaton, Hoge, Jenckes, Alexander H. Jones, Julian, Lash, Mayham, McGrew, McKenzie, Milnes, Jesse H. Moore, Daniel J. Morrell, Morrissey, Mungen, Negley, Perce, Platt, Poland, Porter, Prosser, Reeves, Rice, Ridgway, Roots, Sanford, Schumaker, Porter Sheldon, Slocum, Worthington C. Smith, Stevenson, Stone, Taylor, Van Horn, Van Trump, Whitmore, Wilkinson, and John T. Wilson—74.

So the motion was agreed to.

And thereupon, (at four o'clock and five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ARCHER: The petition of Nathaniel Leithiser, of Havre de Grace, Maryland, praying relief.

By Mr. BUCK: The petition of A. N. Jones and others, for a post route to be established from Evergreen to Cokerville, Alabama.

By Mr. DONLEY: The petition of J. J. Anderson, of Rochester, Pennsylvania, asking for a renewal of his patent for an improved cooking stove.

By Mr. HOOPER, of Massachusetts: The petition of Charles Colburn for compensation for services as a yeoman in the Navy.

By Mr. McCARTHY: A petition of 175 business firms and individuals of Syracuse, New York, against the passage of the funding bill in its present form. That it would disturb and unsettle the condition of the national banking system. Against any contraction of the legal-tender currency. Also, against any attempt to force a loan upon the banks, unsettling their condition and materially affecting the business of the country.

By Mr. MAYNARD: The petition of Rev. Jonathan L. Mann, of Knoxville, Tennessee, late chaplain ninth regiment Tennessee volunteer cavalry, praying compensation for his services as such officer.

By Mr. SARGENT: The memorial of Isaiah Lees and Henry H. Ellis, of San Francisco, California, praying for compensation for services as detectives.

By Mr. STRONG: The petition of John L. Bruce and others, citizens of Hartford, Connecticut, for abrogation of legacy and succession taxes.

By Mr. WILLARD: The petitions of Russell G. Sherman, Austin A. Rowell, and Henry A Lincoln, praying for bills to return commutation money.

IN SENATE.

MONDAY, *April* 25, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of Friday last was read and approved.

PRIVATE LAND CLAIMS IN NEW MEXICO.

The VICE PRESIDENT. The Chair will submit a joint resolution from the House of Representatives, which was submitted on Friday last, but the Senator from Oregon, the chairman of the committee to whom it was proposed to have it referred, stated that they had examined it and desired the Senate to pass it at once. It will be reported in full, subject to objection.

The joint resolution (H. R. No. 116) to construe an act entitled "An act to amend an act entitled 'An act to confirm certain private land claims in the Territory of New Mexico,'" was read. It provides that so much of the act approved February 25, 1869, as requires that derivative claimants from Vigil and St. Vrain shall establish their claims to the satisfaction of the register and receiver of the proper land district within one year from the passage of the act, shall be so construed as to authorize the presentation of the derivative claims within one year from the approval of subdivisional surveys contemplated by the act of February 25, 1869. All settlers entitled by the act to the rights of preëmption or homestead are to have the further time of thirty days after notice in their favor of their respective claims to file their declaratory statements as to preëmptors, or to make entry under homestead laws, as they may select.

The joint resolution was considered as in Committee of the Whole.

Mr. WILLIAMS. I will state that this joint resolution is in the interest of the settlers upon these lands, and a similar bill has been carefully considered by the Committee on Private Land Claims of the Senate and reported back, and is now on the Calendar. This joint resolution passed the House on Friday last, and if there be no objection I hope it will be disposed of now. It simply provides that the settlers upon these lands shall have a year from the time when the surveys are completed within which to preëmpt and purchase their lands, instead of a year from the passage of the act, because it is probable the surveys could not be completed within a year from the passage of the act, so as to enable the settlers to avail themselves of their claims.

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

HOUSE BILLS REFERRED.

The bill (H. R. No. 387) for the relief of Charles Pitcher, and the bill (H. R. No. 1831) to confirm the title to the Rancho del Rio Grande, in New Mexico, to the heirs and legal representatives of the original grantees thereof, were severally read twice by their titles, and referred to the Committee on Private Land Claims.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution of the Legislature of Iowa, in favor of an appropriation for the completion of the improvement of the Fox and Wisconsin rivers; which was referred to the Committee on Commerce, and ordered to be printed.

He also presented a resolution of the Legislature of Iowa, in favor of a grant of land to aid in the construction of a railroad from some point on the Missouri river between the parallel of forty-two and a half degrees north latitude and the mouth of the Niobrara river to the Pacific ocean, via the city of Helena, Montana; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. POOL presented the petitions of William R. Young, Buncombe county, North Carolina; of R. W. Allison, Cabarras county, North Carolina; of James R. Duty, Granville county, North Carolina; of R. K. Speed, Pasquotank county, North Carolina; of R. W. Logan, Rutherford county, Virginia; of William A. Walker, John W. McCauley, James W. Lee, and Andy Murray, jr., Alamance county, North Carolina; of Nathan Scoggin, Rutherford county, North Carolina; of Thomas P. Paschall, Warren county, North Carolina; of Rufus H. Slater, Wake county, North Carolina; of W. F. Drake, Jackson county, North Carolina; of Edmund J. Barco, Elijohut city, North Carolina; of R. A. McLaughlin, Iredell county, North Carolina, and of Nicholas Peebles, Jackson county, North Carolina, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petition of C. A. Carolton and others, of North Carolina, in behalf of James H. Stevenson, of that State, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. ROBERTSON presented the petitions of Robert Speer, Barlow county, Georgia; of George N. Forbes, Talbot county, Georgia; and of W. N. Pendergrast, Walton county, Georgia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. ABBOTT presented the petition of John M. Freeman, of Franklin county, Georgia, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. McCREERY presented the petition of Graham Hughes, of Daviess county, Kentucky, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

He also presented the petition of Peter W. Mayo, James Stuart, and W. S. McFarland, members of the Republican party of Daviess county, Kentucky, in behalf of Graham Hughes of that State, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. COLE presented the memorial of Thomas H. Selby, of San Francisco, California, remonstrating against a reduction of the duty on pig lead; which was referred to the Committee on Finance.

Mr. SHERMAN. I desire to present the petition of the board of aldermen and the board of councilmen of the city of Cincinnati, Ohio, in regard to the Louisville and Portland canal. They represent to Congress the incalculable injury which their city and that whole region is suffering in its commerce and manufacturing by reason of the obstruction of a railroad bridge erected by authority of Congress across the Ohio river at the falls, opposite Louisville, Kentucky. They also set out at great length the injury to the commerce of that vast region of country by the slowness of the progress of the work on the enlargement of the Louisville and Portland canal. This is a subject that excites, perhaps, more interest in that vast region, from the city of Wheeling to New Orleans, than any other subject of our internal domestic affairs. I think the showing for the completion of this work is probably as strong as it can be for the construction of any work of internal improvement. The whole work now belongs to the national Government and could be completed by an appropriation of $150,000. I trust, therefore, that the Committee on Appropriations, to whom I shall ask that this petition be referred, will consider it, and comply with the prayer of the petitioners by giving the necessary appropriation in the general appropriation bill, without awaiting the action of Congress upon the river and harbor bill. I move the reference of the petition to the Committee on Appropriations.

The motion was agreed to.

Mr. RAMSEY. I have a communication from the Postmaster General, addressed to the Committee on Post Offices and Post Roads, containing some very valuable statistics on the subject of mail communication between this country and China. I move that it be printed for the use of the Senate, and laid on the table.

The motion was agreed to.

PAPERS WITHDRAWN.

On motion of Mr. POMEROY, it was

Ordered, That E. Lockwood, agent for Charles Rosefield, have leave to withdraw his petition and papers from the files of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1714) to revise, consolidate, and amend the

statutes relating to patents and copyrights, in which the concurrence of the Senate was requested.

The message further announced that the House had passed the bill (S. No. 95) in relation to the Hot Springs reservation, in Arkansas, with an amendment, in which the concurrence of the Senate was requested.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives and to provide for their future apportionment among the several States," approved May 23, 1850, asked a conference upon the disagreeing votes of the two Houses thereon, and had appointed Mr. J. A. GARFIELD of Ohio, Mr. W. B. ALLISON of Iowa, and Mr. S. S. Cox of New York, managers at the conference on the part of the House of Representatives.

The message further announced that the House non-concurred in the amendment of the Senate to the joint resolution (H. R. No. 120) declaratory of the meaning and intention of the law relating to income tax.

REPORTS OF COMMITTEES.

Mr. SUMNER. The Committee on Foreign Relations, to whom was referred a message of the President of the United States, communicating a report from the Secretary of State relating to the results of the proceedings of the joint commission at Lima, under the convention between the United States and Peru of the 4th of December, 1868, in relation to the claim of Esteban G. Montano, and recommending an appropriation to discharge the obligation of the United States in said case, have had the same under consideration, and have directed me to report a bill. As the bill is simply to carry into execution a recommendation of the President of the United States in pursuance of an award just made by the joint commission of the United States and Peru, I think it had better be acted upon at once. Promptitude on our part will tend to secure promptitude on the part of the Peruvian Government; and as the claims of our citizens are much larger in amount than the claims of the Peruvians we shall be the gainers. I hope the Senate will act on this bill at once.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

Mr. TRUMBULL. I thought it was understood that we were to go on regularly with the whole Calendar; and if this bill goes on the Calendar it will be reached in two or three days.

Mr. SUMNER. It is important that it should be acted on at once.

Mr. TRUMBULL. Why acted on to-day rather than to-morrow? Two or three days will not make any difference. I think it had better go on the Calendar.

The VICE PRESIDENT. The bill will receive its first reading and then be placed upon the Calendar.

The bill (S. No. 833) authorizing payment to Esteban G. Montano, a citizen of Peru, of the amount awarded to him under the claims convention between the United States and Peru of December 4, 1868, was read, and passed to a second reading.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the joint resolution (H. R. No. 131) granting an American register to the British-built schooner W. D. B., reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 227) granting an American register to the British-built schooner Venilia, reported it without amendment.

He also, from the same committee, to whom was referred a memorial of the National Board of Trade, in favor of the establishment by the General Government of a department of commerce, asked to be discharged from its further consideration; which was agreed to.

Mr. WILSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1596) for the relief of the Sisters of our Lady of Mercy, of Charleston, South Carolina, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. No. 12) authorizing the sale of the Fort Leavenworth military reservation to the Kansas Agricultural and Mechanical Association of Leavenworth county, in the State of Kansas, for fair grounds, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 222) granting condemned guns for soldiers' monument at Fairmount Cemetery, Newark, New Jersey, reported it without amendment.

He also, from the same committee, to whom was referred the petition of James McCullum, of Massachusetts, praying for remuneration for services performed during the late war in erecting two monuments: one on the battle-field of Groveton, Virginia, and the other on the battle-field of Bull Run, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. WILLEY, from the Committee on Patents, to whom was referred the bill (H. R. No. 1488) for the relief of Elizabeth N. Jackson, reported adversely, and moved its indefinite postponement; which was agreed to.

Mr. STEWART. The Committee on the Judiciary, to whom was referred the bill (S. No. 810) to enforce the fifteenth amendment to the Constitution of the United States, have instructed me to report it with an amendment in the nature of a substitute for the bill. I move that it be put on the Calendar of special orders.

Mr. FERRY. I object.

Mr. STEWART. I suppose I can make that motion, notwithstanding the objection.

The VICE PRESIDENT. It cannot be considered this day if there is objection. The motion can be entered.

Mr. STEWART. Very well. Let it be entered and I will call it up to-morrow.

The VICE PRESIDENT. The bill will be placed on the Calendar.

Mr. STEWART, from the Committee on the Judiciary, to whom were referred the bill (S. No. 503) extending the provisions of the civil-rights bill for the enforcement of the fifteenth amendment of the Constitution, the bill (S. No. 538) to enforce the fifteenth amendment of the Constitution of the United States, the bill (S. No. 598) to enforce the amendment of the Constitution declaring that the right to vote shall not be denied or abridged on account of race, color, or previous condition of servitude, and the bill (S. No. 744) to enforce the fifteenth amendment to the Constitution of the United States, moved their indefinite postponement; which was agreed to.

Mr. CORBETT, from the Committee on Commerce, to whom was referred the bill (S. No. 702) to establish a port of entry at Vallejo, California, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, reported a bill (S. No. 834) to create a port of delivery at Vallejo, California; which was read and passed to a second reading.

Mr. PRATT, from the Committee on Pensions, to whom were referred the petitions of Johanna Roach and F. W. Bogan, praying to be allowed arrears of pension, submitted adverse reports thereon; which were ordered to be printed.

HOT SPRINGS RESERVATION.

On motion of Mr. RICE, the amendment of the House of Representatives to the bill (S. No. 95) in relation to the Hot Springs reservation in Arkansas was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Mr. WILLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 835) for the relief of Elijah M. Hart; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. STOCKTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 836) for the relief of Jane Allen Birklead; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 837) to amend an act supplemental to the act approved 1st July, 1864, for the disposal of coal lands and of town property in the public domain, approved March 3, 1865; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. POOL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 838) for the relief of Allen Rutherford; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 839) amending the act entitled "An act to grant pensions," approved July 14, 1862; which was twice read by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. ABBOTT asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 180) for the relief of William Donnelly and Patrick Egan; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

NINTH CENSUS.

Mr. BAYARD. In the absence of the Senator from New York, [Mr. CONKLING,] chairman of the Committee on the Revision of the Laws, and in his behalf, I ask that a committee of conference be appointed by the Chair, in response to the request of the House of Representatives, on the census bill.

The VICE PRESIDENT. The Senator from Delaware, on behalf of the chairman of the Committee on the Revision of the Laws, who is absent, asks the Senate to insist upon its amendment to the bill (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and to provide for their future apportionment among the several States," approved May 23, 1850, disagreed to by the House of Representatives, and agree to the conference asked for by the House on the disagreeing votes of the two branches. The question is on this motion.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Messrs. CONKLING, BAYARD, and CARPENTER were appointed.

INCOME TAX.

Mr. SHERMAN. I move that the Senate insist on its amendment to the joint resolution (H. R. No. 120) declaratory of the meaning and intention of the law relating to income tax, and ask for a conference upon the disagreeing votes of the two Houses.

The motion was agreed to; and the Vice President being authorized to appoint the committee of conference on the part of the Senate, Messrs. SHERMAN, WILLIAMS, and MORRILL of Vermont were appointed.

CALENDAR OF RESOLUTIONS.

The VICE PRESIDENT. If there be no resolutions of the Senate to be offered the Calendar of resolutions laid over is now in

order. The Secretary will report the first resolution laid over, being one submitted by the Senator from Oregon, [Mr. WILLIAMS.]

The Secretary read the resolution, as follows:

Resolved, That the rule last adopted in reference to the order of business be so construed as not to apply to the morning hour.

Mr. WILLIAMS. I move that that be passed over.

The motion was agreed to.

BUSINESS OF COMMITTEE ON COMMERCE.

The VICE PRESIDENT. The next and last resolution on the Calendar of resolutions laid over is one submitted by the Senator from Michigan, [Mr. CHANDLER,] for a recess from five o'clock to half past seven o'clock for the consideration in the evening of business reported by the Committee on Commerce.

Mr. CHANDLER. I hope that resolution will be adopted.

Mr. SUMNER. I think it had better not be adopted until we have gone through the Calendar and seen what the result is. I think the business of the Committee on Commerce had better, at least for the present, take its chance with the other business under the new system we have assumed.

Mr. CHANDLER. I hope the recess will be taken in any event. Let us go through the Calendar. If the Senate decline to give me the evening for the Committee on Commerce, then let us go on with the Calendar. We are so far behind that it must be evident to every member of this body that we shall require constant work.

Mr. TRUMBULL. We are getting on nicely now.

Mr. SUMNER. Doing very well.

Mr. TRUMBULL. Let well enough alone.

Mr. CHANDLER. I hope the Senate will give me this evening to consider bills from the Committee on Commerce. Unfortunately for the Committee on Commerce, every bill of that committee that has been reached has been passed over under an objection. If the rest of the bills from that committee share the same fate I do not see how that committee is especially benefited by this objection rule.

Mr. SUMNER. I suggest to my friend that he see what the operation of the two rules under which we are now working shall be. For instance, here is the rule proposed by the Senator from Rhode Island, by which we are going through the Calendar and passing all bills not objected to. Thus far that has worked very well. Now there is the other rule, that as soon as we get the special orders out of the way, we take up the Calendar and go on with it regularly in order. Now let us see how that works. If that shall be found dilatory; in short, if it does not work, then I think there will be occasion for the motion of my friend.

Mr. CHANDLER. Well, Mr. President, if any gentleman here present will look at the Calendar he will see that the Senator from Massachusetts has about a dozen bills that will occupy at least four months, and the business of the Committee on Commerce will never be reached while time lasts. I desire to have this evening, and I will ask a vote on the resolution that this evening be set apart for business of the Committee on Commerce. We have important bills that ought to be passed and that will be passed if we sit to-night; and I hope that resolution will be adopted.

The VICE PRESIDENT. The Senator from Michigan desires a vote on the resolution. The Secretary will report it.

The Secretary read the resolution as follows:

Resolved, That the Senate take a recess from five o'clock to half past seven o'clock p. m. to-day, for the purpose of considering bills upon the Calendar reported from the Committee on Commerce.

Mr. CHANDLER. I hope the Senate will vote to give me this evening.

The question being put, there were, on a division—ayes 20, noes 11; no quorum voting.

Mr. SUMNER. I call for the yeas and nays. I wish to know whether the system we are pursuing is to be broken up.

Mr. CHANDLER. It does not interfere with the system at all.

Mr. SUMNER. I think it does.

Mr. TRUMBULL. I hope everybody who votes in favor of it will be here to-night.

The VICE PRESIDENT. If there be no objection the Chair will again state the question, and ask Senators on both sides to vote. It is to have an evening session this evening, for the purpose of considering bills reported by the Committee on Commerce.

Mr. MORRILL, of Maine. I should like to inquire of the chairman whether it is intended to consider bills from the Committee on Commerce which are not controverted.

Mr. CHANDLER. Yes, sir; the intention is to consider bills not controverted. I shall not take up any controverted bills at all.

Mr. SUMNER. Those will be reached under the order we are now pursuing.

Mr. CHANDLER. I have one bill which will take two hours to read and occupy the whole day. Why not give me to-night to pass that bill and to pass half a dozen others that are not controverted at all? Certainly there can be no objection to that on the part of any one.

Mr. MORRILL, of Maine. If the Senator has no objection, I should like to amend his resolution to make it conform to that.

Mr. CHANDLER. I have no objection to that at all.

The VICE PRESIDENT. The Senator from Maine moves to amend the resolution by providing for the consideration of bills not objected to.

Mr. CHANDLER. I accept that amendment.

Mr. TRUMBULL. By way of doing some business to-day, and not wasting it in determining whether we are to meet to-night or not—and I hope we shall pass all the Senator's unobjected bills before four o'clock—I move to pass over this resolution, in order that we may go on with the Calendar and pass all of them to-day.

Mr. CHANDLER. I hope that will not be done.

Mr. SHERMAN. I will agree after to-day or after to-morrow to give the Senator two or three nights, if he needs them, for this purpose; but I think we had better try this rule fairly first and go on with the Calendar, and I will then vote with him to give him to-morrow night.

Mr. CHANDLER. Very well; let it go over until to-morrow.

The VICE PRESIDENT. The resolution will be passed over.

HOUSE BILL REFERRED.

The bill (H. R. No. 1714) to revise, consolidate, and amend the statutes relating to patents and copyrights was read twice by its title, and referred to the Committee on Patents.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ROSS, from the Committee on Indian Affairs, submitted an amendment intended to be proposed to the civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. MORRILL, of Vermont. By direction of the Committee on Public Buildings and Grounds I desire to give notice to the Committee on Appropriations that the bill (S. No. 530) to enlarge the public grounds surrounding the Capitol will be moved as an amendment to the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871.

Mr. ABBOTT submitted an amendment to be offered to the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871; which was referred to the Committee on Appropriations.

Mr. TRUMBULL submitted an amendment intended to be proposed to the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ROSS submitted amendments intended to be offered by him to the bill (S. No. 469) relating to the Central Branch Union Pacific Railroad Company; which were ordered to lie on the table, and be printed.

BRITISH STEAMER LABUAN.

The VICE PRESIDENT. The Senate now resumes the consideration of the Calendar of bills and joint resolutions where it closed on Friday last. By unanimous consent, on the motion of the Senator from Massachusetts [Mr. SUMNER] and the Senator from New York, [Mr. FENTON,] two bills which had previously been objected to were ordered to be placed at the head of the Calendar not yet acted upon. The objections have been withdrawn, and the Secretary will report the first one of those bills.

The Secretary read the title of the bill, as follows: "A bill (S. No. 84) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the British steamer Labuan."

The VICE PRESIDENT. This bill was read on Friday last, objected to, and the objection withdrawn. It is now before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. RAMSEY. I thought we were to go through the Calendar first, and then return again.

The VICE PRESIDENT. The Senator from Minnesota did not hear the Chair. The Chair stated that the Calendar would commence to-day on page 5, order of business No. 209, but by unanimous consent the objections were withdrawn to this bill and the bill in regard to the protection of harbors, and they were ordered to be placed at the head of the Calendar.

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

Mr. SUMNER. There are three other bills in precisely the same situation.

Mr. COLE. I think not.

Mr. SUMNER. There is a fourth bill that is in a different situation; but there are three others to carry into execution decrees of courts at the request of the British minister here in Washington, made to the Department of State, and communicated to the Committee on Foreign Relations, with the accompanying papers, and on that basis these bills have been drawn. They belong to one class, and there is no reason against one that is not against the others. They are to carry into execution decrees of the court below affirmed in the court above.

Mr. STEWART. In the case of one of those bills some gentleman suggested that there was an offset.

Mr. SUMNER. That is another one, and I propose to make a distinction with regard to that. That is the case which concerns the Spaniard and the Frenchman. I think the Senate had better act on them at once.

Mr. SHERMAN. I supposed we were to proceed in regular order.

The VICE PRESIDENT. The Senator from Massachusetts asks unanimous consent for the consideration of certain other bills. If the Senator from Ohio demands the regular order that will rule it out.

Mr. SHERMAN. I shall have to ask unanimous consent also in certain cases if this is to be done.

Mr. CHANDLER. Let it go over.

Mr. SUMNER. Very well.

The VICE PRESIDENT. Objection is

made, and the next bill to which objection was withdrawn will be read.

PRESERVATION OF HARBORS.

The next bill to which objection was withdrawn was the bill (S. No. 424) for the preservation of the harbors of the United States against encroachment.

The VICE PRESIDENT. This bill has previously been before the Senate, and an amendment reported by the Committee on Commerce in the nature of a substitute was agreed to.

Mr. SHERMAN. I should like to hear it again.

The VICE PRESIDENT. The bill will be reported as it now stands.

The Secretary read the bill, as amended, as follows:

That the chief of the corps of engineers of the Army, the chief of the Bureau of Navigation of the Navy, and the superintendent of the Coast Survey, are hereby constituted a board of commissioners for the preservation of the harbors of the United States against encroachments and obstructions; which board shall elect one of their number to be president of the board, and shall in like manner elect a secretary, who shall keep a full record of all the proceedings of the board. The board thus constituted shall be attached to the War Department, and shall perform its duties under the direction of the Secretary of War, and shall adopt such rules for its government as may be judged expedient. It shall be the duty of the board to define the boundaries of the principal harbors of the United States and to prescribe the limits beyond which no encroachments shall be made, or structure erected, or obstruction created to any harbor or the channel-way of any navigable river, except such as may be undertaken and carried on under the authority or by permission of the United States. It shall be the duty of the board to recommend such measures as may be requisite to Congress, through the Secretary of War, for the preservation of the harbors of the United States, and for the removal of all obstructions therefrom; and all persons on notice from the board that any work in progress or contemplation will, in the opinion of the board, be an obstruction or encroachment to any harbor, shall immediately cease all operations thereon, and the same shall not be further prosecuted without the assent of the Congress of the United States.

SEC. 2. *And be it further enacted*, That it shall be the duty of the board, having determined the boundaries of any harbor as aforesaid, to make a plan thereof, and to describe the same in writing, a detailed report of which shall be made to the Secretary of War, and all maps and charts defining the boundaries of harbors shall be deposited in the office of the chief of the corps of engineers of the Army, and copies of the same for each harbor shall be deposited in the office of the collector of customs of the district in which said harbor is situated, and the same shall be open to inspection of the public.

SEC. 3. *And be it further enacted*, That such necessary traveling and incidental expenses, when in the discharge of their duties away from the city of Washington, as the Secretary of War shall approve, and no other compensation, shall be paid to the members of said board; and such compensation, not exceeding $2,000 in any one year, as the Secretary of War shall approve, shall be paid to the secretary of said board.

Mr. STOCKTON. My attention was called away for a moment; but I should like to inquire what condition this bill is in, and whether an objection throws it over?

The VICE PRESIDENT. An objection will throw it over.

Mr. STOCKTON. I desire to speak upon it. I do not wish to obstruct the passage of the bill, but I do not suppose the Senate want to hear me address them on the subject this morning.

Mr. POMEROY. It had better be passed over.

Mr. STOCKTON. I do not desire to make any objection to its passage, except that I wish to speak upon it.

The VICE PRESIDENT. It will resume its place upon the Calendar.

Mr. POMEROY. I make the motion because I understand the Senator wishes to address the Senate upon the bill.

Mr. STOCKTON. Yes, sir.

Mr. POMEROY. I have no objection to the bill myself.

The VICE PRESIDENT. The bill will be passed over. The Secretary will now resume the Calendar, commencing on page 5, order of business No. 209.

REVISION OF THE STATUTES.

The first bill on the Calendar was the bill (H. R. No. 9) extending the time for revising and consolidating the statutes of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on the Revision of the Laws of the United States reported, with an amendment, to strike out all of the bill after the enacting clause in the following words:

That the act passed June 27, 1866, providing for the revision and consolidation of the statutes of the United States, be extended for the term of three years beyond the time therein limited. And the President is authorized, by and with the advice and consent of the Senate, to appoint commissioners to fill any vacancy which may exist, or may happen in the board of commissioners appointed under said act, and in like manner may make new appointments at the expiration of the term of the present commissioners: *Provided*, That the commissioners appointed, or to be appointed, shall give their entire time and attention in carrying out the provisions of this act.

And to insert in lieu thereof:

That the act approved June 27, 1866, entitled "An act to provide for the revision and consolidation of the statute laws of the United States," be, and the same is hereby, revived, and the President is authorized, by and with the advice and consent of the Senate, to appoint three commissioners to prosecute and complete the work prescribed by said act: *Provided*, That the said commissioners shall devote their entire time and attention to their duties as commissioners, and shall receive no compensation after said work shall be completed, nor for a longer period than three years from the time when this act shall take effect.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill be read a third time. The bill was read the third time, and passed.

The title was amended so as to read, "A bill to provide for the revision and consolidation of the statutes of the United States."

JUDICIAL CIRCUITS.

The next bill on the Calendar was the bill (S. No. 387) to change the judicial circuits.

Mr. STEWART. Let that be passed over.

Mr. TRUMBULL. Why not pass it? We can strike out the controverted part of it requiring the judge to be appointed from the circuit. There is now no importance in that.

The VICE PRESIDENT. The impression of the Chair is that when the Senate last acted upon this bill, some of the amendments reported were acted upon, but there is an amendment pending, offered by the Senator from West Virginia, [Mr. WILLEY.]

Mr. DAVIS. I should like to have the bill read at length.

The VICE PRESIDENT. The Senator from Nevada suggests that it be passed over.

Mr. STEWART. I withdraw that.

The VICE PRESIDENT. The Secretary will report the bill as it now stands amended, and then the amendment of the Senator from West Virginia.

The Secretary read the bill as amended, as follows:

Be it enacted, &c., That the districts of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut shall constitute the first circuit; the district of New York shall constitute the second circuit; the districts of New Jersey, Pennsylvania, Delaware, Maryland, and Virginia shall constitute the third circuit; the districts of Mississippi, Louisiana, Texas, and Arkansas shall constitute the fourth circuit; the districts of North Carolina, South Carolina, Georgia, Florida, Alabama, and Tennessee shall constitute the fifth circuit; the districts of Ohio, Michigan, Kentucky, and West Virginia shall constitute the sixth circuit; the districts of Illinois, Indiana, and Wisconsin shall constitute the seventh circuit; the districts of Minnesota, Iowa Nebraska, Kansas, and Missouri shall constitute the eighth circuit; and the districts of California, Oregon, and Nevada shall constitute the ninth circuit.

The Committee on the Judiciary proposed to amend the bill further by adding the following additional section:

SEC. 2. *And be it further enacted*, That the justices of the Supreme Court of the United States shall be residents of their respective circuits, and vacancies now or hereafter existing in said court shall in every case be filled by a resident of the circuit: *Provided*, That the Chief Justice may preside in any circuit to which he may be allotted without a change of residence.

Mr. WILLEY moved to amend the amendment, so as to make the section read:

SEC. 2. *And be it further enacted*, That the justices of the Supreme Court of the United States shall reside in their respective circuits: *Provided*, That the Chief Justice may preside in any circuit to which he may be allotted without a change of residence.

Mr. TRUMBULL. I shall not object to the amendment to the amendment now, as there are no vacancies.

Mr. SCOTT. I had prepared an amendment for the purpose of amending the third circuit as reported by the committee.

Mr. TRUMBULL. Let us act upon this amendment first.

Mr. SCOTT. It will probably give rise to discussion.

Mr. DAVIS. I object to the bill. I regard that last section as flagrantly unconstitutional.

The VICE PRESIDENT. It will be passed over. The Secretary will report the next bill on the Calendar.

Mr. SHERMAN. I understand the Senator from Kentucky does not object to the bill if that last clause is stricken out and this other one inserted.

Mr. TRUMBULL. I stated that I would not object to the amendment proposed by the Senator from West Virginia.

Mr. SHERMAN. The Senator from Kentucky says he does not object to the bill, but to that last section which raises a controversy about a constitutional question.

Mr. POMEROY. Let us strike that out and then pass the bill.

The VICE PRESIDENT. Does the Senator from Kentucky withdraw his objection?

Mr. DAVIS. If the last section is stricken out I have no objection to the bill.

The VICE PRESIDENT. The Senator can renew the objection at any time before final action.

Mr. DAVIS. Very well, sir.

The VICE PRESIDENT. The Senator from Kentucky withdraws his objection.

Mr. TRUMBULL. I will inquire of the Senator from Kentucky if he has any objection to the amendment of the Senator from West Virginia, which changes it so as not to require the judge to be appointed from the circuit, but requires him after he is appointed to reside in the circuit to which he is assigned? Does he object to that?

Mr. DAVIS. I do. I do not think it is competent for Congress to impose any such condition.

Mr. TRUMBULL. Are you willing we should vote upon it, or do you want to discuss that point?

Mr. DAVIS. Unless the whole section is stricken out I object to the present consideration of the bill.

Mr. EDMUNDS. Then it will have to go over, because with the amendment of the Senator from West Virginia, which agrees with my opinion entirely, I insist upon that clause staying in. It is the best part of the bill.

The VICE PRESIDENT. The Secretary will report the next bill on the Calendar.

TROOPS IN MONTANA.

The next bill on the Calendar was the bill (S. No. 519) to provide for the settlement and payment of the expenses incurred by the territorial authorities of Montana for troops during the year 1867.

The Secretary read the bill. It authorizes the Secretary of War to ascertain, or cause to be ascertained, the amount of expense necessarily incurred by the territorial authorities of Montana for arms and supplies of the volunteer forces called out to suppress Indian hostilities in the Territory of Montana in the year 1867. If he approve the claims he is to pay the amounts therein specified to the person or persons legally authorized to receive them; and $300,000, or so much thereof as may be necessary, is appropriated to enable the Secretary of War to carry out the provisions of the act.

Mr. SHERMAN. I object to that bill.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

LORENZO THOMAS, JR., AND HENRY E. THOMAS.

The next business on the Calendar was the joint resolution (S. R. No. 122) for the relief of Lorenzo Thomas, jr., and Henry E. Thomas.

Mr. WILLIAMS. That had better go over.

Mr. EDMUNDS. I think so.

Mr. WILLEY. Mr. President——

The VICE PRESIDENT. Two Senators desire that the joint resolution be passed over; and it will be passed over.

C. E. ROGERS.

The next business on the Calendar was the joint resolution (S. R. No. 123) for the relief of C. E. Rogers; which was read the second time, and considered as in Committee of the Whole. It directs the Postmaster General in settling the accounts of C. E. Rogers, postmaster at Carver, Minnesota, to allow him a sum not exceeding $268 98, as indemnification for a like amount belonging to the post-office fund, and stolen from him on the 29th of October, 1869, if it shall satisfactorily appear to the Postmaster General that Rogers was guilty of no negligence in the custody of the money and postage stamps stolen.

Mr. RAMSEY. This joint resolution was thoroughly examined by the Committee on Post Offices and Post Roads, and I hope it will be passed.

Mr. EDMUNDS. What is it for?

Mr. WILLIAMS. It is for money stolen. I should like to hear some explanation of it.

Mr. RAMSEY. I think there is a report.

Mr. TRUMBULL. Let the report be read.

The VICE PRESIDENT. The Calendar does not show that there is any report accompanying it. There are papers, but no report.

Mr. EDMUNDS. I object to the consideration of the joint resolution.

Mr. TRUMBULL. I hope we shall have a statement, that we may know what it is.

Mr. RAMSEY. The postmaster of a small town on the Minnesota river, in the State of Minnesota, was robbed in the month of October, I think it was, of last year. The robbers broke into his house. He had a box containing the postage stamps and postal money to the amount of $260, and the box was stolen. The case was examined by all the tests that we could bring to bear in the examination of such questions, and was found to be correct, as we believed, and we so reported.

Mr. SHERMAN. We have thirty or forty clerks here, and I think they ought to be prepared to write a report on a case of this kind. One or two very meritorious claims have been passed over because there was no report accompanying them.

Mr. RAMSEY. I was under the impression that there was a report. The facts are as I have stated them.

The VICE PRESIDENT. The application and affidavit of the person for whose relief this joint resolution is proposed, and a letter from the Post Office Department, appear to be the papers on file.

Mr. RAMSEY. I have no doubt about the correctness of the amount. We examined it.

Mr. TRUMBULL. If the committee have examined the facts and are satisfied that the man was actually robbed, I suppose the resolution might as well pass. It is a mere question of evidence.

Mr. RAMSEY. We had the statement of prominent citizens there who knew all the facts that the chest was stolen from the room where the postmaster was sleeping with it.

Mr. WILLIAMS. I ask the Senator whether any other property was stolen at the same time, or whether this was the only property?

Mr. RAMSEY. This was the only property. It was contained in this little box, and I presume it was known to the parties who stole it that the postmaster was in the habit of keeping the money he collected in this box. He had it near his bed. It was a windy night, and the doors and windows were slamming, and he did not hear any one. The box was gone in the morning, and was subsequently found under a bridge two or three miles from the town. His own affidavit and also the affidavit of a clerk, will be found among the papers.

Mr. EDMUNDS. Let us have the affidavit of the postmaster read, so that we may see what case he makes for himself.

The VICE PRESIDENT. If not objected to, the joint resolution is before the Senate.

Mr. EDMUNDS. Let the affidavit of the postmaster himself be read.

The VICE PRESIDENT. There are several affidavits. The first one will be read.

The Secretary read as follows:

C. E. Rogers, postmaster at Carver, Minnesota, being duly sworn, deposes and says: that on the evening of October 28, 1869, he took the money from the drawer belonging to the money-order business, and that there was $178 98, which he put into the money box which was stolen from his room on the morning of October 29, 1869. He also deposes and says that to the best of his belief there was ninety dollars in postage stamps in the box at the time it was stolen, $46 48 of which have been recovered. He further deposes and says that immediately after depositing said money in said box, he locked the box and put the key in his pocket. Further proof of the box having been locked, it being badly broken in opening.

He also swears that he was at home during the entire evening of October 28, 1869, and that no one visited the room during that evening.

C. E. ROGERS,
Postmaster at Carver, Minnesota.

STATE OF MINNESOTA, *County of Carver, ss.:*

Be it known that on this 13th day of January, 1870, C. E. Rogers, postmaster at Carver, to me known to be the person who made oath to the above affidavit, and states that it is true in every particular, as sworn and subscribed to before me.

CHARLES JOHNSON,
Justice of the Peace.

Mr. WILLIAMS. Is that all there is?

The VICE PRESIDENT. There is another affidavit.

Mr. WILLIAMS. Let it be read.

The Secretary read as follows:

George Schildmeir, deputy postmaster at Carver, Minnesota, being duly sworn deposes and says: that as deputy postmaster he has had access to the money and stamps belonging to the post office, and that on the evening of October 28, he saw the postmaster, C. E. Rogers, take the money from the drawer belonging to the "money-order business" and put it into the money box, lock the box, and take it to his room.

He further swears that there was a large amount of stamps, which he believes might amount to ninety dollars. Does not know the exact amount. He also swears that it has always been the custom of the postmaster to take the money from the drawer, put it into the box, and take it to his room. Does not believe that valuables have ever been left in the post office during the night.

GEORGE SCHILDMEIER,
Deputy Postmaster.

Sworn to and subscribed to before me, this 13th day of January, 1870.

CHARLES JOHNSON,
Justice of the Peace.

H. R. Denny, being duly sworn, deposes and says: that he is well acquainted with C. E. Rogers, postmaster at Carver, Minnesota; and that said C. E. Rogers has on several occasions placed money belonging to the "money-order business" in his safe during the night for safe-keeping. He believes that this has been his (the postmaster's) practice when the amount on hand was large, if it exceeded two hundred and fifty or three hundred dollars; sometimes even smaller amounts.

He also swears that he believes that said C. E. Rogers has always been careful to keep the money in his hands in a secure place.

H. R. DENNY.

Sworn and subscribed to before me, this 13th day of January, 1867.

CHARLES JOHNSON,
Justice of the Peace.

The VICE PRESIDENT. There is also a letter detailing the case more at length.

Mr. EDMUNDS. Let me hear the letter from the Postmaster General. Let me see if the Postmaster General recommends it.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE THIRD ASSISTANT
POSTMASTER GENERAL,
WASHINGTON, D. C., *January 28*, 1870.

SIR: By direction of the Postmaster General I have the honor to return herewith the papers relating to the claim of C. E. Rogers, postmaster at Carver, Minnesota, for an allowance for postage stamps and money stolen from him on October 29, 1869, and to inform you that no claim for credit for postage stams has ever been made to this office; if made it would not have been allowed, for, under a decision of the Attorney General, a postmaster cannot get rid of his responsibility for stamps or money which have been stolen, by showing a theft or accidental loss.

The claim for money stolen was refused for same reason.

Very respectfully, your obedient servant,

W. H. H. TERRELL,
Third Assistant Postmaster General.

Hon. ALEXANDER RAMSEY, *Chairman Committee on Post Office and Post Roads, United States Senate.*

Mr. RAMSEY. There are papers certifying to the fact of the robbery as being generally known in the town.

The VICE PRESIDENT. There is a letter from the postmaster stating that the box has been recovered, and the large stamps, amounting to $46 48, found.

Mr. HOWE. I should like to have that letter read.

The Secretary read as follows:

CARVER, MINNESOTA, *December 27*, 1869.

SIR: I have had the good fortune to recover the box stolen from this office on the morning of October 29. It was found by little boys under a bridge between here and Casca. It contained $46 48 in large stamps. No clue to the guilty parties, nor is there any reason to suppose we shall be able to discover them.

Hoping you will assist me, if possible, I am, very respectfully,

C. E. ROGERS.

Mr. HOWE. I suggest that this case should go over and there should be an affidavit detailing all about the loss.

Mr. SHERMAN. I think the measure ought to be recommitted.

Mr. RAMSEY. Very well.

The VICE PRESIDENT. The joint resolution does not appropriate the whole amount; it only appropriates whatever amount may be found to have been lost.

Mr. EDMUNDS. It ought to be recommitted and carefully investigated. I move that the joint resolution be recommitted to the Committee on Post Offices and Post Roads.

The motion was agreed to.

THE ULLMAN BRIGADE.

The next business on the Calendar was the joint resolution (S. R. No. 90) for the relief of certain officers of volunteers.

The joint resolution was considered as in Committee of the Whole. It provides that in every case in which a commissioned officer or enlisted man was detached from his regiment in pursuance of orders from the War Department, and directed to report to Brigadier General Daniel Ullman, in New York city, with a view to being mustered as a commissioned officer in the brigade which General Ullman was authorized by the War Department to raise, and who actually reported in New York without neglect or delay on his part, and under orders from his superior officers entered on duty as a commissioned officer, and was afterward actually mustered, but by reason of capture by the enemy, or other cause beyond his control, and without fault or neglect of his own, was not mustered within a period of not less than thirty days, the pay department shall allow to him full pay and emoluments for the rank in which he served, from the date on which he received the orders of the War Department, deducting therefrom all pay actually received for such period; and in case of the death of any such commissioned officer or enlisted man prior to or after muster, or after honorable discharge, his heirs or legal representatives are to be entitled to the pay and allowances of the rank in which such commissioned officer or enlisted man actually served, deducting all pay and allowances received by him or them for such period.

The Committee on Military Affairs reported the joint resolution with an amendment, to strike out from line twelve to line eighteen the following words:

Capture by the enemy or other cause beyond his control, and without fault or neglect of his own was not mustered within a period of not less than thirty

days, the pay department shall allow to him full pay and emoluments for the rank in which he served from the date on which he received the orders of the War Department—

And to insert in lieu thereof:

There being no legal vacancy, or from other cause beyond his control and without his own fault or neglect was not mustered in as a commissioned officer of the date he reported at General Ullman's headquarters; the War Department, after an examination of the facts in each case, shall allow him full pay and emoluments for the rank to which he was assigned and in which he served from the date on which he reported at the aforesaid headquarters.

Mr. TRUMBULL. I wish to inquire if the effect of that will not be to pay an officer according to the rank in which he served; and if it is, what will be the result upon hundreds and thousands of officers in the volunteer service who were mere colonels, and served as brigadier generals and major generals and commanders of divisions? If you are going to pay men for the rank in which they served that would have to be a general law. Will not that be the effect of it?

Mr. WILSON. The effect is very simple. General Ullman was authorized to go down on the Mississippi river to raise a brigade of colored troops. For the purpose of having proper officers for them certain officers were discharged from the Army and ordered to report to General Ullman at New York, and go to Louisiana to be officers of the troops to be raised. They did so, and when they arrived there it was some time, several weeks, before some of them were enabled to be mustered in the service in the places to which they had been appointed, because it took some time to raise the brigade, and some of these officers for several weeks were without any pay whatever. This is to pay those men from the time they reported and were ready to be mustered in. It is just in itself, and I trust it will pass without objection.

Mr. WILLIAMS. They were practically in the service all the time?

Mr. WILSON. Yes, sir.

Mr. HOWE. I wish to ask the chairman of the Military Committee if his joint resolution does not go further than the accomplishment of the purpose which he explains?

Mr. WILSON. No.

Mr. HOWE. What is the use of this language then, which requires that from the amount to be paid to these officers there shall be deducted what has been paid them for this period of service?

Mr. HAMLIN. I am somewhat familiar with this matter, probably a good deal more so than the Senator who has reported this joint resolution. My familiarity with it arises from the fact that my son, now not living, commanded one of the regiments and was the mustering officer. It was one of the charges which he gave to his father, and which that father will endeavor to discharge to the best of his ability, to see that the officers whom he neglected to muster in at certain points, and which he could not do by reason of his being at other points, were dealt with justly by the Government.

Now, if I may be pardoned, I would say that I bore the order for the raising of that brigade with my own hands from the President to the Secretary of War. It was the first brigade of colored troops raised by law. They were authorized to detail from the army of the Potomac certain officers, and to muster them in, that they might have trained men as officers, and not have to take new men to officer these colored troops. They took sergeants, lieutenants, and captains.

Now I come to the precise answer to the question which the Senator from Wisconsin put. I know there were men who went into these regiments as lieutenants and captains, and who did duty for six months before they could get mustered in. Some of them were sergeants and they got the pay of sergeants; some were privates, and they could only get the pay of privates for that period of time, because they were not mustered in. That is the precise point made, and I think I am right when I say there were quite a number of the officers who went into that service who were killed in battle and were never mustered in. Hence the clause that the benefit shall inure to the heirs of those deceased.

Mr. HOWE. I have to say that the purpose, as explained by the Senator from Maine, is entirely different from that explained by the Senator from Massachusetts. The Senator from Massachusetts, as I understood him, explained the measure to be one to provide for this case: where officers were mustered out of the service for the purpose of being mustered into the service at a different place and in a different branch of the service and upon a different rank. The Senator from Maine says, on the contrary, that officers and soldiers not mustered out at all were detailed, while retaining the pay to which they were entitled; detailed to proceed to another point for the purpose of being commissioned to a higher rank, and subsequently were commissioned; and this resolution is simply to anticipate the pay of their elevated rank, give it to them before the rank was assigned to them. I understand that is the proposition.

Mr. WILLIAMS. While they were performing the service of the higher rank they are to have the pay; but they were not mustered in until some time after they commenced performing this service.

Mr. HOWE. Very well. It is to anticipate the pay which was due to that higher rank and to confer the pay upon them before the rank was conferred.

Mr. HAMLIN. The rank was conferred, but the technical mustering in had not taken place.

Mr. HOWE. How was the rank conferred?

Mr. HAMLIN. It was conferred in this way: a lieutenant was taken from a company here and made captain in the colored service.

Mr. HOWE. How was he made captain?

Mr. HAMLIN. By appointment and commission; and he was not mustered in, owing to an inability to be mustered in. That is all there was of it.

Mr. HOWE. Now, if you give him the pay from the time his commission was issued—not from the time of his being detailed from his former service—that will cover the case and will be just right.

Mr. HAMLIN. That is all it does.

Mr. TRUMBULL. The point about it, and I do not think it has been answered, is this: that a man is to have pay according to the rank to which he was assigned and in which he served. That was not the rank that he had a commission for, very often. Many of these very persons who were captains may have been assigned to perform the duties of colonels, and may have served as colonels. Now it is proposed to pay them as colonels from the time they were sent from the service in which they were engaged to take these positions. I presume that is not what is meant. It seems to me the word "commissioned" or some other word ought to be used instead of "assigned." If it proposed to pay each one of these persons the amount due according to the grade in which he was commissioned from the time he ought to have been commissioned I certainly should have no objection to it, and I think that is all that is intended; but the bill certainly goes much further than that.

Mr. HOWE. I think the Senator from Massachusetts will agree to an amendment striking out the words——

Mr. HAMLIN. I want to make this statement: that the War Department prepared that very section; and I think they know better about it than we do here, and I think the direction given at the Department will enable them better to know what equitably covers the case than we do here. I think they have done it just right as the bill stands.

Mr. HOWE. I have no doubt they have done it right for some purpose. The question is, whether you want to pay these men from the time of their being detailed or from the time of their being commissioned. When I objected that this gave them the pay of a higher rank before the rank was conferred, you said no, and you said the rank was conferred by the commission. Now I say let the date come from the commission, and you say no again.

Mr. HAMLIN. No.

Mr. HOWE. You do not say "no;" then say "yes," and we are agreed.

Mr. WILLIAMS. I object to that myself.

Mr. SHERMAN. I think if the word "assigned" was stricken out and "commissioned" inserted it would be right.

Mr. WILLIAMS. I think when a man was assigned to service and performed that service, he ought to be paid for it. I know of cases that have occurred where an officer was engaged in that sort of service for a considerable time before he received his commission.

Mr. TRUMBULL. Does not the Senator know that that would cost millions?

Mr. WILLIAMS. I do not think it would cost millions.

Mr. TRUMBULL. It would involve going back through the whole Army.

Mr. WILLIAMS. Not necessarily.

Mr. WILSON. It is suggested to strike out the word "assigned" and insert "commissioned," or to say "to which he was commissioned and assigned," and let it read in that way. Let the words "commissioned or" be inserted before "assigned."

Mr. HOWE. I will move an amendment, if the Senator will allow me. It seems to me if you want to give the pay of the higher rank from the time at which the higher rank was conferred it would be better after the word "he," in the twenty-fifth line, to insert "was commissioned and;" and then it will read, "from the date on which he was commissioned and reported at the aforesaid headquarters." That will effect that purpose, if that is what it is.

Mr. WILSON. I will accept the amendment, although I think it is precisely so now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

Mr. WILSON. I move another amendment; after the word "pay," in the twenty-sixth line, to insert "allowances and emoluments."

The amendment was agreed to.

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

Mr. BOREMAN. It seems to me that this is a dangerous precedent. This bill proposes, as I understand, to pay officers who were appointed to offices that were not vacant, and to pay them for services in the offices when they were not vacant, and simply because they had been directed to report at a certain place to be mustered into offices of a certain rank. It will be found that during the war numerous officers served in positions much higher than their real rank, and if that is any good ground for the payment of the allowances of the higher rank you will have innumerable officers here asking for additional pay of the same character. I see no ground at all for this bill. Simply because these gentlemen were directed to report at a certain point, and failed to be mustered in at the precise time at which they expected to be mustered in, therefore it is said they should receive higher salaries than were allowed them. Many of them were officers already and under pay, others were private soldiers. When they came to be mustered in it was found that the positions to which they had been assigned, as I understand this case, were not vacant, and

therefore they could not be mustered in as of that date. Such things occurred, to my own personal knowledge, very frequently during the war. Men were appointed to positions which turned out not to be vacant, and in those cases the officers were not paid back of the date of the appointment. There are innumerable cases; and if this precedent is set, and you follow it, in my judgment you will have thousands and thousands of dollars to pay.

Mr. WILSON. Without taking time, I wish simply to say to the Senator that the War Department endeavored to raise a brigade of colored troops and to officer these men, not by the Governors of the States, but directly here; that General Ullman was selected to go down on the Mississippi river and raise and organize this brigade, and Army officers and soldiers were taken out of their regiments and sent down to the Mississippi river to officer it; but when they arrived there they could not be mustered in because the troops were not raised. They had to go to work down there in a strange country to raise the troops before they could be mustered in, and this joint resolution provides for their payment. There is no other case like it, none resembling it in the war. It is a just measure, and should have passed years ago. It did pass the House of Representatives last winter.

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

Mr. HAMLIN subsequently said: I move to reconsider the vote by which the Senate passed the joint resolution (S. R. No. 90) for the relief of certain officers of volunteers, with the amendment offered by the Senator from Wisconsin, [Mr. HOWE.] I find on examination that the amendment which he offered renders the measure unjust, in my judgment. I ask to have it reconsidered, and then I will state in a moment the precise cause, and I think the Senator from Wisconsin will concur with me as to its justice.

The motion to reconsider was agreed to.

Mr. HAMLIN. Now let the Secretary read the amendment which was adopted.

Mr. TRUMBULL. I suggest to the Senator that now as he has had the measure reconsidered it would be better perhaps to recommit it, and let the Committee on Military Affairs put it in a shape that will carry out the precise object, and then I think no one will object to it.

Mr. HAMLIN. I think it does carry out the precise object without the amendment which has been made.

Mr. TRUMBULL. It is very dangerous certainly to pay these persons——

Mr. HAMLIN. Will the Senator listen to me, and then see if there is any danger? Let the words which have been inserted be read.

The VICE PRESIDENT. The Secretary will read the words.

The SECRETARY. The amendment which has been agreed to was to insert before the word "reported," in line twenty-five, the words "was commissioned, and."

Mr. HAMLIN. So that the effect is to provide that it shall not apply to the men unless they were commissioned. This resolution applies to the Ullman brigade, the first brigade of colored troops that was mustered into the service of the United States, and it applies to no other. Now, if you put in the word "commissioned" you make the resolution wholly nugatory; because I remember now, since I have examined the amendment, that no officer who entered that brigade was ever commissioned during the whole service. My son, who commanded one of these regiments as a colonel, never had a commission; but he was also a captain in the regular Army and officiated as mustering officer, and he mustered them in without commissions.

This was the precise way in which these officers were designated: I remember that the Secretary of War said to me, "Mr. HAMLIN, confer with your Governor, and I will detail from the Maine troops such number of officers as shall be necessary for your son's regiment." They wanted officers of experience. It was a time, too, when there was some credit due to an officer who was willing to go into that service. If it should prove to be a failure it would be a failure for the men who took commands; and I insist that as a general rule they were a superior class of officers who were selected. The Governor of my State designated the men who were to be taken, and a list was made of them, and on that they were detailed into that service. They never had any commissions. They were nearly all mustered in, but a few were not, and those who were not mustered in went into service and did their duty side by side with the others. Now, I cannot see any reason in the world why those who did precisely the same service in the brigade should not stand in relation to their pay on the same footing. If a part of them had been commissioned, then I could see how you might draw a distinction; but none of them were. I cannot speak of the number with certainty, but I think it is less than twenty, who from one cause or other could not get mustered in at the precise time for the want of a mustering officer. This measure was sent to the Secretary of War, and he has drawn the resolution so that it will cover the exact case. There is no other case like it. Their appointment was regarded as equivalent to a commission.

Mr. EDMUNDS. Can this joint resolution by possibility apply to any other case?

Mr. HAMLIN. It can apply to no other in the world. You cannot find another service like it.

Mr. EDMUNDS. Can you not put in a provision that it shall apply only to this brigade?

Mr. HAMLIN. It is so now. It applies to the Ullman brigade expressly. The War Department framed the resolution aright, as I have said. I move to reconsider the vote by which the amendment was adopted.

The VICE PRESIDENT. The vote ordering the joint resolution to a third reading will be regarded as reconsidered, and the question now is on reconsidering the vote agreeing to the amendment.

Mr. HOWE. I am not going to oppose that reconsideration. I think, as the Senator from Maine does, that this joint resolution applies only to the Ullman brigade; but I am very far from thinking with him and with other Senators that there should be any distinction between officers serving in the Ullman brigade and other officers, the name of whom is legion, not the whole of whom but many of whom have been before the Committee on Claims asking that they shall be allowed pay for time when they were performing service to which their commissions did not designate them. We have felt compelled to reject many such cases; but I shall not stand here objecting to this claim when so many Senators say it is just.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The question recurs on agreeing to the amendment.

The amendment was rejected.

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

BILLS PASSED OVER.

The next bill on the Calendar was the bill (S. No. 526) to promote commerce among the States, and to cheapen transportation of the mails and of military and naval stores.

Mr. HAMILTON, of Maryland. I object to the consideration of that bill.

Mr. SUMNER. Is that objected to?

Mr. HAMILTON, of Maryland. Yes, sir; I object to it.

The VICE PRESIDENT. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 514) granting lands to aid in the construction of a railroad and telegraph line from the Columbia river to Puget sound.

Mr. HOWARD. That can be passed over.

Mr. WILLIAMS. I have no objection to that. If the bill that passed the Senate the other day passes the House we can then postpone this bill indefinitely. Let it be passed over for the present.

The VICE PRESIDENT. It will be passed over.

The next bill on the Calendar was the bill (S. No. 469) relating to the Central Branch Union Pacific Railroad Company.

Mr. HOWARD. Let that be passed over.

Mr. POMEROY. I should like to have the bill acted on and passed at this time. The committee have stricken out everything that relates to bonds, and I do not believe there is any objection to the bill as it now stands.

Mr. HOWARD. I withdraw the objection.

Mr. EDMUNDS. I renew the objection to the consideration of the bill, because it will occupy time.

Mr. POMEROY. I do not think it will lead to remarks. It is nothing but a land grant.

Mr. SUMNER. Why not let it be read?

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The bill is objected to by the Senator from Vermont.

DISTRICT CORPORATIONS.

The next bill on the Calendar was the bill (S. No. 461) providing for the formation of corporations, and regulating the same in the District of Columbia.

The PRESIDING OFFICER. The bill will be read at length.

Mr. HAMLIN. That bill was reported from the Committee on the District of Columbia; but subsequent to our report the House of Representatives passed a bill embracing the precise object of this bill. Now I wish to know if I may move to substitute that for this. I do not think there is any need of reading this bill, but let us take the House bill and substitute it.

Mr. TRUMBULL. We shall reach the House bill on the Calendar directly I suppose.

Mr. HAMLIN. Very well; I move to postpone this bill indefinitely, so as to get it off the Calendar.

The motion was agreed to.

BILLS OBJECTED TO.

The next bill on the Calendar was the bill (S. No. 530) to enlarge the public grounds surrounding the Capitol.

Mr. TRUMBULL. I hope that bill will be acted upon.

Mr. SCHURZ. I object.

Mr. SHERMAN. It has passed the Senate twice.

The PRESIDING OFFICER. An objection carries it over. The title of the next bill will be read.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 252) to provide for the sale of certain lands and lots on the sea islands of Beaufort county, South Carolina, and for other purposes.

Mr. McCREERY. I object to that.

Mr. POMEROY. It is very important that that bill should pass. It will save $20,000 a year to the Government.

Mr. SAWYER. I hope the objection will be withdrawn.

The PRESIDING OFFICER. The bill will be passed over.

RAILROADS IN ALABAMA.

The next bill on the Calendar was the bill (S. No. 140) to renew certain grants of land to the State of Alabama; which was considered as in Committee of the Whole. It proposes to revive and renew the grant of lands made to the State of Alabama by the act of Congress approved June 3, 1856, entitled "An act granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of certain railroads in said State," to assist in the building of a railroad from the city of Montgomery, Alabama, to some point on the

Alabama and Tennessee State line, in the direction of Nashville, for the use and benefit of the South and North Alabama Railroad Company, subject to all the conditions and restrictions contained in the act referred to, and subject to the further limitation that if the railroad is not completed within three years from the passage of this act no further sale shall be made for the benefit of the road and the lands unsold shall revert to the United States. By this bill the right, power, and authority is given to the company named to take from the public land adjacent to the lines of the railroad, earth, stone, and other materials for the construction thereof; and the right of way is granted to the extent of one hundred feet in width on each side of the railroad where it may pass over the public lands, including all necessary grounds for stations and structures connected therewith, not exceeding forty acres at any one station.

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

SALARIES OF JUDGES.

The next bill on the Calendar was the bill (S. No. 306) to increase the salaries of the Chief Justice and associate justices of the Supreme Court of the United States.

Mr. WILSON. Let that be passed over.

The PRESIDING OFFICER. It will be passed over.

SUITS OF STATES.

The next bill on the Calendar was the bill (S. No. 339) giving priority to certain cases to which a State is a party in the courts of the United States; which was considered as in Committee of the Whole. The bill provides that in all suits and actions either at law or in chancery now pending, or that may hereafter be brought in any of the courts of the United States (whether original suits in the courts of the United States or brought into those courts by appeal, writ of error, or removal from any State court) wherein a State is a party, or where the execution of the revenue laws of any State may be enjoined or suspended, it shall be the duty of any court in which such cause may be pending to give such cause the preference and priority over all other civil causes pending in such court; and the State or the party claiming under the laws of the State, the execution of whose revenue laws is enjoined or suspended, shall have a right to have such cause heard at any time after such cause is docketed in such court, in preference to any other civil cause pending in such court.

The Committee on the Judiciary reported the bill with amendments.

The first amendment was in line nine, to strike out the word "suspended" and insert "stayed by judicial order or process;" and in line eleven, to insert after the word "pending" "on sufficient reason shown;" and in line thirteen, after the word "court" to insert "between private parties;" so as to read:

Or where the execution of the revenue laws of any State may be enjoined or stayed by judicial order or process, it shall be the duty of any court in which such cause may be pending, on sufficient reason shown, to give such cause the preference and priority over all other civil causes pending in such court between private parties.

The amendments were agreed to.

The next amendment was to insert at the end of the bill the words "between private parties."

The amendment was agreed to.

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

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

BILLS PASSED OVER.

The next bill on the Calendar was the bill (S. No. 290) to secure and protect the freedom of transit within the United States, reported adversely by the Committee on the Judiciary.

Mr. WILSON. Let that be passed over.

Mr. SHERMAN. We had better postpone it.

Mr. TRUMBULL. I would move to postpone it indefinitely; but I think the Senator from Indiana, [Mr. MORTON,] who introduced it, asked to have it go on the Calendar; and I do not see him in his seat. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. TRUMBULL. I move to lay it on the table; and then he can call it up if he desires to do so.

Mr. SUMNER. I think it had better be left on the Calendar.

Mr. TRUMBULL. Very well; but it only encumbers the Calendar.

Mr. SUMNER. As the Senator from Indiana is absent, I think it had better be left on the Calendar.

Mr. TRUMBULL. Very well; let it remain on the Calendar.

The PRESIDING OFFICER. The bill will be considered as objected to and passed over, and remain on the Calendar.

The next bill on the Calendar was the bill (S. No. 385) to prevent the collection of taxes on property exempt from taxation, reported adversely by the Committee on the Judiciary.

Mr. TRUMBULL. I think that is another bill of the Senator from Indiana.

The PRESIDING OFFICER. This bill was introduced by the Senator from Michigan, [Mr. HOWARD.]

Mr. TRUMBULL. I move that it be laid on the table.

The motion was agreed to.

The next business on the Calendar was the joint resolution (S. R. No. 93) declaring that no State has power to enforce any tax or duty upon any passenger traveling into, through, or from, to any other State, Territory, or district of the United States, and has no power by contract with any corporation or individual engaged in the transportation of passengers, or as a condition in any charter, to reserve to itself any portion or part of the gross receipts from such passengers; and that it is the duty of Congress, by appropriate legislation, to prevent the collection of such taxes or duties upon passengers; reported adversely by the Committee on the Judiciary.

Mr. TRUMBULL. That is another measure that was introduced by the Senator from Indiana [Mr. MORTON] declaratory of certain rights, and the Committee on the Judiciary reported adversely. I move that it be passed over, because the Senator from Indiana is not in; otherwise I should move its indefinite postponement.

The PRESIDING OFFICER. The joint resolution will be regarded as objected to, and passed over.

HARPER'S FERRY CEMETERY.

The next business on the Calendar was the joint resolution (S. R. No. 72) providing for the repair of the inclosure of the cemetery at Harper's Ferry, West Virginia; which was considered as in Committee of the Whole. It proposes, out of the proceeds of the sale recently made by the Secretary of War of the public property at Harper's Ferry, West Virginia, to appropriate $1,500, or so much thereof as shall be necessary, to repair the inclosure of the cemetery at Harper's Ferry, to be expended for that purpose under the direction of the Secretary of War.

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

ARMY AND NAVY OFFICERS' ACCOUNTS.

The next bill on the Calendar was the bill (S. No. 459) to authorize the settlement of the accounts of the officers of the Army and Navy; which was considered as in Committee of the Whole. The first section proposes to authorize the proper accounting officers of the Treasury, in the settlement of the accounts of disbursing officers of the War and Navy Departments arising since the commencement of the rebellion, and prior to the 20th day of August, 1866, to allow such credits for overpayments, and for losses of funds, vouchers, and property, as they may deem just and reasonable when recommended under authority of the Secretaries of War and Navy, by the heads of the military and naval bureaus to which such accounts respectively pertain. The second section declares that the accounts (originating prior to August 20, 1866) of military and naval officers, whether of the line or staff, for Government property charged to them, may be closed by the proper accounting officers whenever, in their judgment, it will be for the interest of the United States so to do.

Mr. WILSON. I will simply say in regard to this bill that several of the officers of the Departments have been recommending for two or three years past the passage of a bill of this character. The Committee on Military Affairs have held it back with a view of having the Government settle all these accounts that it was possible to settle, and save every dollar that could be saved to the Government. It is now represented that these accounts have been nearly all settled that can be settled in any way; and therefore the committee report this bill, which authorizes the Departments to examine and settle these old accounts. Many of them are very small indeed; but the provision is necessary to settle them.

Mr. SHERMAN. This is an extraordinary bill. I should be very glad to furnish some relief to these officers if it can be done safely. I ask that the bill be read again.

The Secretary read the bill.

Mr. SHERMAN. The second section makes every accounting officer an equity judge, and gives him the most extraordinary powers that, I suppose, were ever conferred upon any officer.

Mr. EDMUNDS. Let the bill be passed over.

Mr. SHERMAN. It ought to be referred to the Committee on the Judiciary, in my judgment.

Mr. WILSON. I have no objection to its going to any committee, if there is any doubt about the phraseology of the bill. It has been examined by several officers connected with the Government, and has been recommended for several years. It has got to be done some time. I have held back against any bill of this kind until this session. It ought to have been passed, I suppose, three years ago, but I thought it better to allow the Departments to settle every dollar that could possibly be settled without any interference of this kind. I am willing the bill should go to the Committee on the Judiciary.

The PRESIDING OFFICER. It is moved to refer the bill to the Committee on the Judiciary.

Mr. SHERMAN. Before that is done I wish to say that my attention has also been called to the hardship of much of the action of the Departments in reference to officers' accounts, and I should be very glad indeed to see some way provided by which a proper tribunal might pass in a preliminary way upon these various accounts; but the second section of this bill authorizes an accounting officer to close any account at his discretion.

Mr. WILSON. No; on the recommendation of the War or Navy Department.

Mr. SHERMAN. I ask that the second section be read again. The first section is better guarded than the second section.

The Secretary read as follows:

SEC. 2. *And be it further enacted*, That the accounts of military and naval officers, whether of the line or staff, for Government property charged to them, may be closed by the proper accounting officers whenever, in their judgment, it will be for the interest of the United States so to do: *Provided*, That such accounts originated prior to the 20th day of August, 1866.

Mr. SHERMAN. Some of the Government officers have accounts to the amount of $100,000,000. I happen to know of one who has accounts to that amount for Government

property received and transferred from time to time. Now, this would be a very great power. In many cases I have no doubt the officers ought to be relieved, but I think the bill had better be referred to the Committee on the Judiciary or the Committee on Finance.

Mr. EDMUNDS. It ought to go to the Committee on Finance. As it is a matter of accounts I suggest its reference to that committee.

Mr. SHERMAN. To the first section I have no objection. If the bill were confined to that I should not object to it.

Mr. EDMUNDS. Let it be referred. It ought to be examined, as it relates to the settling of accounts.

The PRESIDING OFFICER. It is now moved that the bill be referred to the Committee on Finance.

Mr. TRUMBULL. I have no objection to referring the bill; but I think it is due to the officers who have these long-standing accounts that there should be some way provided by which they can close them up. There are a great many strictly honest gentlemen who served during the war as quartermasters, commissaries, and paymasters, and who by casualties entirely beyond their control are unable to produce vouchers, as required by the regulations of the Department; and there should be some way to enable those persons to close up their accounts.

Mr. SHERMAN. I agree entirely with the Senator; but it seems to me it ought to be done by a board of at least equal rank with the Court of Claims, because the claims that would be brought before this board would be larger in amount and greater in magnitude than any, probably, brought before the Court of Claims. I only wish the proper guards and protection thrown around it.

Mr. TRUMBULL. I am willing it should be guarded.

Mr. WILSON. I will say to the Senator from Ohio that while large amounts are involved in these settlements there are very little balances in the cases. Take, for instance, the pay department of the Army. During the war more than a thousand million dollars was paid out by the pay department to the hundreds of thousands of soldiers scattered all over this country, and there will be finally lost to the pay department not exceeding a quarter of a million dollars. Such a thing was never before heard of in the history of the world. There has been nothing like it anywhere. In the war of 1812, in paying out the few million dollars that we paid to soldiers then, we lost over two million dollars. In the Mexican war we lost several hundred thousand dollars. But in the late war, in the payment of more than a thousand million dollars, the Government is not the loser by a quarter of a million of dollars. Where officers paid out perhaps twenty or twenty-five or thirty million dollars on individual accounts of perhaps thirty or forty or fifty or one hundred or two hundred dollars, their accounts cannot be settled. The balances involved in this bill are very small indeed, but the accounts, of course, that are unsettled are very large. It is now more than three years since the President by proclamation declared the war closed, and these officers have been compelled to remain in this position with their accounts unsettled. The Departments have gone just as far as they can go; and it is a simple question now what we shall do to relieve these officers. Their accounts are not difficult, not complicated in any way; they are plain. I am willing that the bill shall be referred to the Committee on Finance. If they can devise a better plan than is now proposed I certainly shall have no objection to it; but I desire to have it understood here, for the credit of our common country, that in no war has there been anything like the system, the regulation, the order, and the small percentage of losses on the amount expended, as in the war of the rebellion.

The PRESIDING OFFICER. The question is on referring the bill to the Committee on Claims.

Mr. WARNER. Mr. President——

The PRESIDING OFFICER. The Chair is reluctant to interpose; but debate is not in order under the rule. This bill has already been debated longer than the rule allows.

Mr. WARNER. I was only going to make a remark. I do not see the danger that the chairman of the Committee on Finance sees in this bill.

The PRESIDING OFFICER. The Chair thinks debate is not in order.

Mr. SHERMAN. Let it be referred to the Committee on Finance.

Mr. WILLIAMS. I submit the understanding was that debate might proceed upon a bill until some Senator insisted that the bill should go over. That was my understanding of the arrangement, and I think the Globe will show that such was the understanding.

The PRESIDING OFFICER. If that is the judgment of the Senate the Chair will so execute the rule; and in that case the Senator from Alabama is entitled to the floor.

Mr. THAYER. We could not hear the Senator from Oregon on this side of the Chamber.

Mr. WILLIAMS. I say that my understanding of the order was that discussion might proceed until some Senator objected to further discussion.

Mr. WARNER. I was only going to remark, in support of what the Senator from Massachusetts says, that those of us who have been through the ordeal of settling Army accounts at the Departments have not any fear that the Government will be the loser by allowing discretion to the officers of the Departments. It is only since I came into the Senate that I was able to settle my own accounts with the Departments here simply on account of technical difficulties. For instance, the matter of clothing issued jointly to two officers. They were obliged to take receipts jointly. My accounts could not be settled because the Departments would not take joint receipts, although every article of property was accounted for, because there was no discretion under the law. In these cases there is but a small balance, although there are many millions involved in some accounts; and they never can be settled except by some discretion allowed to the accounting officers; and I do not think there is any danger in trusting them. It is a question of very great hardship to the officers. They feel uneasy and uncomfortable with these money and property responsibilities resting upon them, and they ought to be discharged.

The PRESIDING OFFICER. The question is on the motion to refer the bill to the Committee on Finance.

The motion was agreed to.

BILLS OBJECTED TO.

The next bill on the Calendar was the bill (H. R. No. 785) to provide for furnishing artificial limbs to disabled soldiers.

Mr. EDMUNDS. Let that go over.

Mr. WILSON. I hope not.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The next bill on the Calendar was the bill (S. No. 53) to pay two companies of Oregon volunteers.

The PRESIDING OFFICER. Is there objection to this bill? The Chair hears no objection, and it will be read.

The Secretary read the bill. It proposes to extend the act of Congress entitled "An act to authorize the Secretary of War to settle and adjust the expenses of the Rogue river Indian war," approved the 17th of July, 1854, to the Oregon volunteers, commanded by Captains Jesse Walker and Nathan Olney, called into service to suppress Indian hostilities in Oregon in 1854.

Mr. TRUMBULL. That is a very old affair, to pay volunteers called out in 1854. I recollect there have been a great many of these Oregon claims.

Mr. WILLIAMS. There is a report from the Committee on Military Affairs, and there are plenty of documents to sustain the claim. It is true it has been long before Congress, but there are a number of documents in support of it.

Mr. TRUMBULL. We have paid a great deal for Oregon troops. I think the bill had better go over. It will certainly lead to discussion.

The PRESIDING OFFICER. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 529) to provide for the sale of the Great and Little Osage Indian reservation in the State of Kansas, and for the settlement of said Indians in the Indian territory.

Mr. EDMUNDS. Let that go over.

Mr. POMEROY. I hope this bill will be considered.

Mr. HARLAN. It ought to be acted upon.

Mr. POMEROY. There are from almost every State in the Union probably twenty thousand men who have come into Kansas this year and gone on those lands, and the greatest difficulty in the world will occur if they cannot have a title.

Mr. HARLAN. The War Department has been compelled to send troops there to keep the peace.

The PRESIDING OFFICER. Unless the objection is withdrawn the next bill on the Calendar will be taken up.

Mr. POMEROY. This bill simply provides that the settlers may have the land at $1 25 an acre.

Mr. EDMUNDS. I only object because it will lead to infinite discussion, and I want to reach the short bills which can be acted on and disposed of in accordance with the spirit of the understanding.

Mr. HARLAN. Will it be in order to move to make this bill a special order?

Mr. EDMUNDS. I will not object to its being considered with the mere view of making it a special order.

The PRESIDING OFFICER. It will be in order.

Mr. HARLAN. I make that motion. The bill ought to be acted upon at an early day.

Mr. FERRY. I object to that.

The PRESIDING OFFICER. The Chair is overruled by higher authority. The motion is not in order.

Mr. POMEROY. I presume I shall have an opportunity to make that motion to-morrow morning.

The PRESIDING OFFICER. The bill has been objected to, and it goes over.

The next bill on the Calendar was the bill (S. No. 545) for the relief of William Chinn.

The PRESIDING OFFICER. Is there objection to this bill?

Mr. TRUMBULL. Let it be read, that we may know what it is.

The Secretary read the bill. It proposes to appropriate $723, to be paid to William Chinn, a colored man, of Prince William county, in the State of Virginia, in his own right, and as the lawful assignee of Mrs. Frances B. Gibson, his late mistress, in full compensation of all losses sustained by him and her, severally and jointly, on account of live stock, provisions, and forage of every kind furnished to and taken by the troops of the United States from the farm of Mrs. Gibson, in that county, during the late civil war, and in full compensation for all losses sustained by either and by both for pasturage, damage to fences on the farm, and for any other losses not herein enumerated.

Mr. DRAKE. Let the report of the committee be read.

Mr. McCREERY. I am willing to support a general law to that effect, but I am not willing to take up a special case. I object to the bill.

Mr. PRATT. I hope the Senator will allow

this bill to pass. It is a very meritorious case. There is a report accompanying it which is not very long.

Mr. McCREERY. There are a great many similar cases that are very meritorious.

The PRESIDING OFFICER. Does the Senator from Kentucky insist upon his objection?

Mr. McCREERY. Yes, sir.

The PRESIDING OFFICER. The bill will be passed over.

CAPTAIN JOHN A. WILCOX.

The next bill on the Calendar was the bill (S. No. 552) for the relief of Captain John A. Wilcox; which was read the second time, and considered as in Committee of the Whole. It directs the proper accounting officers in settling and adjusting the accounts of John A. Wilcox, captain fourth regiment of United States cavalry, to credit him with the sum of $764 10, being the amount of Government funds which were stolen from him, without his default, at or near Fort Clark, Texas, on the 14th of February, 1867.

Mr. TRUMBULL. I should like to hear the report in that case.

The Secretary read the following report, submitted by Mr. WILLEY, from the Committee on Claims, on the 17th of February last:

The Committee on Claims, to whom was referred the petition of John A. Wilcox, captain fourth regiment United States cavalry, for relief from all liability on account of Government funds stolen from him on the 14th day of February, 1867, submit the following report:

While stationed at Fort Clark, Texas, the claimant had in his possession a package of money amounting to $775, of which $275 belonged to the quartermaster's department, $489 10 belonged to the subsistence department, and $10 90 belonged to himself. This money was kept in his tent, in his trunk, which was locked. No person knew that the claimant had this money excepting Private George J. Fernald, company C, fourth United States cavalry, acting quartermaster's sergeant. On the 14th of February, 1867, while the claimant was absent from his tent, said money was taken from his trunk; and the evidence is quite conclusive that it was stolen by the said Fernald, who opened said trunk by means of false keys, and who immediately deserted the service and fled. Diligent search by claimant himself and various other parties in different directions was made for said deserter and thief, but without success. Claimant followed as far as San Antonio, where all trace of him was lost. He employed the police of San Antonio to assist in his detection, offering $100 reward for his arrest.

The claimant swears that "he placed the money in his trunk as the safest place to keep the same, and that the loss thereof is no fault of his." Lieutenant D. A. Irwin, of the said fourth United States cavalry, present at the time, and cognizant of the circumstances, testifies that "in his opinion Captain Wilcox is in no way blamable for the loss of the money or the escape of the thief, for he (Captain Wilcox) had the money in the most secure place he had in his possession." It seems there was no safe at the post; and Lieutenant Irwin further states, in a letter addressed to Senator CAMERON, that he was personally acquainted with the circumstances, that "the money referred to was stolen by one of his (Captain Wilcox's) men soon after my arrival from the North. It was taken from a trunk occupied by the captain and myself. The post is one of the most remote on the frontiers, and there are no means provided by the Government for the safe keeping of funds; he (Captain Wilcox) followed the deserter and thief for two weeks, but was unable to find him."

The claimant also files the following:

HEADQUARTERS DISTRICT OF TEXAS,
GALVESTON, TEXAS, *March* 7, 1867.

SIR: I am directed by the general commanding the district to acknowledge the receipt of your letter of the 28th ultimo, relative to your loss of $775 Government funds, stolen from you by Acting Quartermaster Sergeant George J. Fernald, company C, fourth United States cavalry, and in reply to inform you that the said letter and its inclosures have been forwarded to department headquarters this date, indorsed as follows, namely:

HEADQUARTERS DISTRICT OF TEXAS,
GALVESTON, TEXAS, *March* 6, 1867.

Respectfully forwarded to department headquarters; recommended that the within papers be mailed to the proper officer of the Treasury Department through the War Department as satisfactory evidence upon which further accountability of Captain John A. Wilcox, fourth United States cavalry, for the public funds stolen by Acting Quartermaster Sergeant George J. Fernald, private company C, fourth United States cavalry, and who deserted the service of the United States, carrying off the public funds in question, may be released, or suitable legislation secured to this end; it being clear that every precaution was taken by this officer for the safe-keeping of the public funds with the disbursement of which he was charged, and that he has done all in his power for the apprehension of the thief and deserter.

CHARLES GRIFFIN,
Brev. Maj. Gen. U. S. A., Commanding.

I have the honor to be, sir, very respectfully, your obedient servant,

A. H. M. TAYLOR,
Second Lieut. Seventeenth U. S. Infantry, A. A. A. G.

Captain JOHN A. WILCOX, *Fourth United States Cavalry, commanding Fort Clark, Texas.*

—

The claimant furnishes several very satisfactory testimonials of good moral character, and of his efficiency in the discharge of his duties as an officer. Among them are the following:

For the Secretary of War, introducing Captain Wilcox, well known to me as a young officer of high merit, and who has a most excellent record in the service.

J. HOLT.

—

WAR DEPARTMENT,
PAYMASTER GENERAL'S OFFICE,
WASHINGTON, D. C., *October* 24, 1865.

Captain John A. Wilcox, of the fourth United States cavalry, is an officer well known to me personally, and I take pleasure in commending him for his intelligence, efficiency, and well-established probity of character.

Captain Wilcox is altogether competent and worthy any appointment in any disbursing department of the Army.

B. W. BRICE,
Paymaster General.

—

WAR DEPARTMENT,
PROVOST MARSHAL GENERAL'S OFFICE,
WASHINGTON, D. C., *October* 23, 1865.

Captain John A. Wilcox, fourth United States cavalry, has been performing the duty of mustering and disbursing officer for upward of three years; his accounts have been examined in this office and found correct, there being no exceptions to any of his disbursements.

Captain Wilcox has proven himself to be a faithful and efficient disbursing officer, and it gives me pleasure to bear testimony to the promptness and correctness with which he has discharged his duty.

CHAUNCEY McKEEVER,
Assistant Adjutant General.

Concurring in the opinion that the evidence shows that the claimant was not guilty of any criminal default or negligence in the custody of the aforesaid funds, and that he used all the efforts which could have been reasonably demanded to arrest the thief and recover them, the committee think that the claimant ought not to be held responsible therefor. They therefore beg leave to report the accompanying bill, and recommend its passage.

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

IMPORTATION OF IMMIGRANTS.

The next bill on the Calendar was the bill (S. No. 563) to make the importation of immigrants under labor contracts unlawful.

Mr. WILSON. I move the reference of that bill to the Committee on Education and Labor.

Mr. DRAKE. I should like to have that bill read, to know how it happens that a bill to make the importation of immigrants under labor contracts unlawful should be referred to that committee.

Mr. WILLIAMS. I will state that there is a bill of a similar nature pending before the Committee on Commerce involving to some extent the same principle. I do not know to what particular point this bill is directed. I believe it is more general in its terms than the one which was referred to the Committee on Commerce.

Mr. WILSON. The Senator from Missouri is chairman of the Committee on Education and Labor. He cannot have a great deal of business to do in that capacity, and so I thought he would be just the Senator to deal with this matter; but it seems he does not wish to consider it, and I therefore move the reference of the bill to the Committee on Commerce.

Mr. CORBETT. The Committee on Commerce have one bill on this subject before them which it is very difficult for them to decide upon, and they propose to refer it to the Committee on the Judiciary. So I would propose that this bill be referred to the Committee on the Judiciary also.

Mr. TRUMBULL. Oh, no.

Mr. COLE. I hope the bill will be read, and then we shall know to what committee it ought to be referred.

The PRESIDING OFFICER. The bill will be read, subject to objection by any Senator.

Mr. POMEROY. I move that the bill be passed over.

The PRESIDING OFFICER. The bill is objected to, and it will be passed over.

MINNESOTA AND WINNIPEG RAILROAD.

The next bill on the Calendar was the bill (S. No. 381) granting lands to aid the construction of a railroad from the western boundary of Minnesota, at the junction of the Sioux Wood river with the Red River of the North, to the Winnipeg district of British America.

Mr. RAMSEY. It is very important that the bill should be passed now, and I hope it will be acted upon.

Mr. POMEROY. This is a bill to facilitate communication with that region. We have a railroad partly built up there, and with this grant of land I think the railroad can be finished up into that rebel district. It will help the rebellion there.

Mr. RAMSEY. They have already constructed a large portion of the road.

Mr. TRUMBULL. Is land to be granted to a railroad in a district of country out of the United States?

Mr. POMEROY. No, sir; only up to the line of the United States. All the communication with that district is now carried on by stages. The parties are pushing on the road with great rapidity. If the road were complete to-day all the communication with that district of country would be done through the United States instead of through Canada. It is a matter of some political importance.

Mr. HOWELL. Let the bill be passed over.

The PRESIDING OFFICER. The Senator from Iowa objects, and the bill will be passed over.

Mr. RAMSEY. I hope the Senator from Iowa will withdraw his objection. If he will consider the importance of this road in a national point of view, I am sure he will do so.

The PRESIDING OFFICER. The next bill on the Calendar will be read.

AGRICULTURAL COLLEGE SCRIP.

The next bill on the Calendar was the bill (S. No. 482) to provide for the location of agricultural college scrip by actual settlers.

The PRESIDING OFFICER. Is there objection to this bill? The Chair hears none.

Mr. POMEROY. There is an amendment reported by the Committee on Public Lands as a substitute for the bill.

Mr. SHERMAN. Let it be read.

The Secretary proceeded to read the amendment.

Mr. STEWART. There is no use in reading that any further. I object to it.

The PRESIDING OFFICER. Objection is made.

Mr. WILLIAMS. Perhaps the Senator will not object when he hears the whole of the bill read. It provides that the scrip shall only be located by actual settlers.

Mr. STEWART. If the bill can be changed so as to provide that the cities of Washington and Georgetown can have the proceeds of so much land, I shall not object to it; but this is just the way that the military scrip was gotten out, and afterward it led to abuses.

The PRESIDING OFFICER. The bill is objected to, and it is not debatable.

Mr. POMEROY. The Senator has not heard it read through.

Mr. STEWART. It is probably entirely unobjectionable as it now stands; but after the passage of this bill Congress will keep amending it, as they did in the case of the military scrip, and it will get into the hands of speculators. We have never yet authorized the issue of scrip that it was not abused.

Mr. POMEROY. This puts the scrip in the hands of settlers, and it cannot be located in any other way.

The PRESIDING OFFICER. The bill has been objected to, and debate is not in order.

SOLOMON E. BOWLES.

The next bill on the Calendar was the bill (S. No. 559) for the relief of Solomon E. Bowles; which was read the second time, and considered as in Committee of the Whole. It authorizes the Commissioner of Patents to hear and determine the application of Solomon E. Bowles for an extension of his letters-patent, granted 10th of April, 1855, for a machine for raising and transporting stores, upon evidence in the same manner and with the same effect as if the application had been made within the time prescribed by law; but in case the extension shall be granted, no person is to be held liable for damages for infringements thereof between the date of the expiration of the original patent and the date of the extension.

Mr. MORRILL, of Vermont. Let the report be read.

The Secretary read the following report submitted by Mr. FERRY, from the Committee on Patents, on the 18th of February last:

The Committee on Patents, to whom was referred the memorial of Solomon E. Bowles, praying for permission to be heard at the Patent Office on his application for the extension of his patent for raising and transporting stores, report as follows:

The petitioner is the original inventor of a new and valuable machine for raising and transporting stores, for which he obtained a patent on the 10th day of March, 1855, which expired on the 10th day of April, 1869; that more than ninety days prior to its expiration he placed his letters-patent in the hands of one Seeley to make application to the Commissioner of Patents for an extension; that said Seeley, being ignorant of the change in the law requiring ninety days instead of sixty days, as formerly, to intervene between the making of such application and the expiration of the patent, did not file his application till after said ninety days had begun to run, and consequently, when the petitioner appeared at the Patent Office to prosecute his application, he found himself barred by reason of the facts aforesaid.

The committee are of opinion that he ought to be permitted to proceed with his said application before the Commissioner of Patents, and therefore recommend the passage of the accompanying bill.

The bill was reported to the Senate without amendment.

Mr. TRUMBULL. The only fact stated in the report is that the petitioner was ignorant of the law. If that is sufficient to authorize a man to get relief the bill ought to pass. That is the only fact stated.

Mr. FERRY. I ought to explain, perhaps, that prior to 1861 but sixty days' notice of an application for an extension of a patent by the Commissioner of Patents was required by law. There was a little hand-book in the hands of patent agents and inventors generally throughout the country which set forth what the law was in respect to applications, and it contained this requisition of sixty days. No other hand-book has since been published, as I understand; and this is generally in the hands of this class of men. The time is now fixed at ninety days, but the book remains as it formerly was, and these persons are very frequently misled. We have had a number of applications of this kind.

Mr. WILLIAMS. You mean it was formerly ninety days, and it is now sixty.

Mr. FERRY. No, sir; it was formerly sixty and is now ninety days.

Mr. WILLIAMS. Then I do not see how the man could make a mistake.

Mr. EDMUNDS. He must apply ninety days before the expiration of the original patent.

Mr. FERRY. In this case he did apply seventy days before, in accordance with the old law, and he found himself barred.

Mr. HOWE. When did he apply?

Mr. FERRY. Between sixty and ninety days in this particular case.

Mr. HOWE. Does the proof show that?

Mr. FERRY. The evidence shows it. It is not exactly stated in the report, but that is the fact. We have a number of such cases. Where that fact appeared clearly and definitely, that the petitioner was misled in this way by the change in the law, where he had used due diligence to present his application within the sixty days, we have reported bills in favor of relief being granted.

Mr. WILLIAMS. I am not able to understand the explanation of the Senator very well. If the book that the party had in his hands required him to file this notice in ninety days, why did he not do it?

Mr. FERRY. He filed it before the sixty days, but the law now requires that it shall be filed ninety days.

Mr. TRUMBULL. Ninety days before the patent expires?

Mr. FERRY. Yes, sir.

Mr. WILLIAMS. I understand it now.

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

DISTRICT JUSTICES OF THE PEACE.

The next bill on the Calendar was the bill (S. No. 210) relating to judicial proceedings in the District of Columbia; which was considered as in Committee of the Whole.

Mr. PATTERSON. The Committee on the District of Columbia have instructed me to move an amendment in the form of a substitute for the bill, which I send to the Chair.

The VICE PRESIDENT. The amendment will be read.

Mr. FOWLER. Let that bill be passed over.

The PRESIDING OFFICER. The bill is objected to.

Mr. PATTERSON. Why does the Senator object?

Mr. FOWLER. It will lead to debate.

Mr. PATTERSON. It is very short.

Mr. HAMLIN. What is the objection?

Mr. FOWLER. Let it be read.

The PRESIDING OFFICER. The Senator from Tennessee withdraws his objection until the bill is read.

The Secretary read the amendment offered by Mr. PATTERSON, which was to strike out all of the bill after the enacting clause and to insert in lieu thereof the following:

That in all cases in which a judgment, the amount of which exceeds twenty dollars has been or may hereafter be rendered by any justice of the peace in the District of Columbia, the party in whose favor the judgment has been rendered may, within three years from the rendition thereof, file a transcript of such judgment in the office of the clerk of the supreme court of the District of Columbia; and thereupon it shall be the duty of said clerk, on the day on which the transcript may be filed, to enter alphabetically in a judgment docket, to be kept by him for that purpose, the names of the parties, the amount of said judgment, the date of its rendition and of filing the transcript; whereupon such judgment shall become a lien upon the real estate of the judgment debtor, and execution may be issued thereon, and executed in the same manner as if the judgment had been rendered in the Supreme Court of the District of Columbia.

SEC. 2. *And be it further enacted*, That the power conferred upon the supreme court of the District of Columbia to issue writs of attachment and replevin under existing laws be extended to the courts of justices of the peace in all cases where the amount claimed by the plaintiff does not exceed $100; and that the supreme court of the District of Columbia shall prescribe rules of practice before justices of the peace in such cases.

SEC. 3. *And be it further enacted*, That the clerk of said supreme court shall provide a book for such judgment docket alphabetically divided, and spaced with perpendicular columns for the entry of the following data in their order, namely: name of judgment debtor; name of judgment creditor; amount of judgment; date of rendition; by whom rendered; date of filing transcript; part unsatisfied; when satisfied.

Mr. FOWLER. This is not the bill I supposed it was. I withdraw my objection to it.

Mr. TRUMBULL. It seems to me that that is rather a dangerous bill. We have a great many justices of the peace in the District of Columbia, and I have never known justices of the peace to have jurisdiction of replevin suits. They have not in my State.

Mr. HAMLIN. They have in my State.

Mr. EDMUNDS. They have in my State up to seven dollars.

Mr. TRUMBULL. This is to the extent of $100 in replevin and one other class of suits. Will the Clerk read the other kind of suits that the justices are to have jurisdiction of?

The Secretary read as follows:

SEC. 2. *And be it further enacted*, That the power conferred upon the supreme court of the District of Columbia to issue writs of attachment and replevin under existing laws, be extended to the courts of justices of the peace in all cases——

Mr. TRUMBULL. That is sufficient. They are to have the authority to issue attachment and writs of replevin to the extent of $100. You have a great variety of justices here. I shall not object to the bill, but I doubt the propriety of it.

Mr. PATTERSON. I will say to the Senator from Illinois that this is desired by the members of the supreme court of the District of Columbia, and by almost everybody in the District.

Mr. NYE. They desire it, I suppose, because they want to get rid of trying these cases.

Mr. PATTERSON. They wish to get rid of some of this immense amount of work.

Mr. NYE. If I understood the reading of the amendment, one part of it provides that where judgment is entered to the amount of twenty dollars it shall become a lien upon real estate. I do not think that is so in any State.

Mr. HAMLIN. Oh, yes, it is.

Mr. FOWLER. I presume there is no way of supporting the justices here, unless we increase their business.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. PATTERSON, the title was amended so as to read: "A bill relating to judgments in justices' courts in the District of Columbia, and for other purposes."

MUTUAL FIRE INSURANCE COMPANY.

The next bill on the Calendar was the bill (S. No. 505) amendatory of the charter of the Mutual Fire Insurance Company of the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act to incorporate the Mutual Fire Insurance Company of the District of Columbia, approved January 10, 1855, so as to authorize the interest on the premium notes held by the company to accumulate to the extent of $100,000; and also to authorize the company to acquire and hold real estate not exceeding $50,000, cash value, at any one time.

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

CORONER OF THE DISTRICT.

The next bill on the Calendar was the bill (S. No. 79) to further define the nature and extent of the duties and powers of the coroner of the District of Columbia, and prescribing his fees and the manner of collecting the same.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on the District of Columbia reported the bill with an amendment, to strike out all after the enacting clause, and to insert in lieu of the words stricken out the following:

That the coroner of the District of Columbia, so soon as he shall be notified that the dead body of any person supposed to have come to his death by violence or casualty, is within the District, shall visit the body of the person so dead, and if, in his judgment, the case demands it, shall make out his warrant directed to any constable, sergeant of police, or patrolman, within said district, requiring him forthwith to summon a jury of twelve good and lawful men of the District, to appear before said coroner at the time and place expressed in his warrant, and to inquire upon view of the body, (naming therein the person lying dead, if known,) how and in what manner, and by whom he came to his death; or in case of a female, how and in what manner, and by what means she came to her death. And every officer to whom such warrant shall be delivered shall forth-

with execute the same and repair to the place where the dead body is at the time named in the warrant, and make return of the same, with his proceedings thereon, to the coroner who granted the same.

SEC. 2. *And be it further enacted*, That the coroner shall administer to the jury when assembled the following oath: "You do solemnly swear (or affirm, as the case may be) that you will diligently inquire, and true presentment make, in what manner and by whom the person who here lies dead has come to his (or her) death, and that you will deliver to me, the coroner of this District, a true inquest thereof, according to such evidence as shall be laid before you, and according to the best of your knowledge. And you do further swear (or affirm) that you will well and truly examine and make report to me, giving a minute and particular description of the person of the deceased, together with his (or her) name, if the name can be ascertained, and the money, other valuables, and papers found with or upon the dead body."

SEC. 3. *And be it further enacted*, That the jurors being sworn, the coroner shall give them a charge upon their oaths to declare of the death of the person, how, and by whom it was caused, and all the circumstances attending the same, and whether any person, and who, is guilty of causing said death, and the degree of guilt, and the names of the witnesses by whom the guilt is established.

SEC. 4. *And be it further enacted*, That all persons desirous of being heard shall be examined as witnesses, and the coroner may cause witnesses to be summoned by subpenas, issued by him and served by one of the officers aforesaid, who shall answer all questions asked them by the coroner, by the medical experts, or by any member of the jury, on oath or affirmation, to be administered by the coroner, touching said death, and all the circumstances connected with the same, and touching the money, valuables, and papers found on or near his person; and when, in the judgment of the coroner, the case demands it, he may summon any physician, surgeon, or chemist to attend such inquest and to assist him in making a *post mortem* examination, and shall certify his services as hereinafter stated.

SEC. 5. *And be it further enacted*, That the jury having viewed the body, heard the evidence, and made all inquiry within their power, shall draw up, sign, and deliver to the coroner their verdict upon the death under consideration, and upon all and singular the matters embraced in their said oath, and the charge of the coroner, which verdict shall be filed in the office of the coroner, and recorded in a book to be kept by him for that puppose, and shall be subject to inspection at all times by any person claiming an interest therein.

SEC. 6. *And be it further enacted*, That the coroner shall have power to cause the witnesses, or such of them as he deems necessary, to enter into recognizance with or without security, in his discretion, for their appearance at the next criminal court to be held in said District, to give evidence touching the death aforesaid.

SEC. 7. *And be it further enacted*, That if the inquest shall find any person to be guilty of murder or manslaughter, either as principal or accessory, the coroner shall cause such person or persons to be arrested on a warrant issued by him, and to commit him or them to the District jail to await the action of the criminal court of the District; and the coroner shall attach to his commitment a certified copy of the finding of the inquest, which shall contain the names of all the witnesses examined.

SEC. 8. *And be it further enacted*, That the coroner is hereby invested with authority to enforce his precepts, and to secure the attendance of witnesses and jurors and the answer of recusant witnesses by attachment.

SEC. 9. *And be it further enacted*, That it shall be the duty of the coroner to take possession of all money and other effects found upon the body of any person upon whom inquest is held, and to make and record in a book kept by him for that purpose a true inventory of the same, and after defraying the costs of the inquest he shall deliver the residue to the heirs or legal representatives of the deceased. In case there shall not be sufficient money to defray the expenses of the inquest, the other effects, if any there be, may be disposed of at public sale under the direction of the coroner, or so much thereof as may be necessary, and the proceeds applied to the payment of such expenses. Any surplus then remaining shall be delivered to the heirs or legal representatives of the deceased: *Provided*, That at the expiration of each quarter of the year any unclaimed effects remaining in the possession of the coroner shall be delivered to the treasurer of the levy court, or to the treasurers of the cities of Washington and Georgetown, according to the locality in which the inquest shall be held, and an inventory of the same shall accompany the coroner's account.

SEC. 10. *And be it further enacted*, That the fee of the coroner for viewing the body shall be five dollars in each and every case where he performs that service, and for all other services he shall be entitled to the same fees as are now allowed by law to the clerk of the courts of said District for similar services; and where the inquest shall necessarily extend beyond one day the coroner shall be allowed five dollars for each additional day so employed. And the fees and mileages of the jurors, witnesses, and constables, or other executive officer, shall be the same as are allowed by law for like services in the courts of said District. All of said fees and expenses shall be paid out of the effects of the person so dead, if any there be, otherwise they shall be paid by the proper authorities of the locality where said dead body is found; if within the limits of Georgetown by the corporate authorities of that city, if within the limits of Washington by the corporate authorities of that city, and if outside the limits of said cities to be paid by the levy court of said District.

SEC. 11. *And be it further enacted*, That it shall be the duty of the coroner to make up once in each quarter a true account for services and expenses in all inquests held by him within said three jurisdictions respectively, itemizing said account and showing therein what moneys or other effects came into his hands and the disposition made of the same, and the credits to which said account is entitled; and the coroner shall take and subscribe an oath attached to said account to the effect that the same is just and true, that all and singular the services therein enumerated were rendered and were necessary, and the same exhibits a true and full account of all the moneys, valuables, and papers that have come to his hands as such coroner, and the manner of the disposition of the same; and it shall be the duty of the corporate authorities of the cities of Georgetown and Washington, and of the levy court, respectively, to audit said accounts accordingly as they occurred within said cities respectively, or outside the same, and cause the same to be paid if they should be found legal and just.

SEC. 12. *And be it further enacted*, That the coroner shall be allowed for all necessary stationery and blanks, the account thereof to be itemized and sworn to as before stated, and to include any heretofore procured by him and for which he has not been paid; and also for any unsettled expenses of inquests heretofore held by him, to be equitably apportioned between the jurisdictions aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

AGRICULTURAL COLLEGE SCRIP.

Mr. STEWART. I objected to a bill a few moments ago, but I have since examined it, and I find that it contains the proper guards and restrictions; and I therefore should like to withdraw my objection to it.

Mr. POMEROY. It is Senate bill No. 482, relating to land scrip, which was passed over a few moments ago.

The PRESIDING OFFICER. If there be no further objection the bill (S. No. 482) to provide for the location of agricultural college scrip by actual settlers will be regarded as before the Senate; and the amendment reported by the Committee on Public Lands will be read.

The amendment was to strike out all of the bill after the enacting clause and insert the following in lieu of the words stricken out:

That there be granted to the cities of Washington and Georgetown and the county of Washington, in the District of Columbia, seven hundred and fifty thousand acres of the public lands of the United States, to be divided between the cities of Washington and Georgetown and the county of Washington, according to the population thereof, as ascertained by the census of 1860, for the support of public schools.

SEC. 2. *And be it further enacted*, That the city of Washington, and the city of Georgetown, and county of Washington, shall not select, locate, nor hold the land granted in the first section of this act, nor any part thereof; but land scrip shall be issued for the same to the city of Washington, the city of Georgetown, and the county of Washington, corresponding in quantity and aggregate with the land granted in the first section of this act, and to be apportioned as in the first section is provided, said scrip to be sold by said cities and county, and assigned by such officers and in such manner as the Secretary of the Interior may order and prescribe; but mineral lands shall not be subject to location by any of said scrip.

SEC. 3. *And be it further enacted*, That the expenses of the sale and assignment of such scrip, and the investment and management of the fund realized from the sale thereof, shall be paid by the said cities of Washington and Georgetown, and county of Washington, so that the entire proceeds shall be applied without any diminution whatever to the purposes herein mentioned.

SEC. 4. *And be it further enacted*, That all moneys derived from the sale of the scrip hereinbefore provided for shall be invested in the stocks of the United States yielding not less than five per cent. upon the par value thereof; that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, and the interest of which shall be inviolably appropriated by said cities and county to the support and maintenance of public schools in said cities and county for the education of the children in said cities and county between the ages of five and seventeen years, to be used in the support and maintenance of such schools without distinction of color or race of the children attending them.

SEC. 5. *And be it further enacted*, That if any portion of the fund invested as before provided, or any portion of the interest thereon, shall by any action or contingency be diminished or lost it shall be replaced by the city or county to which it belongs, so that the fund shall remain forever undiminished; and no portion of the fund or the interest shall be applied toward the purchase of any site for the construction of any school-house or building.

SEC. 6. *And be it further enacted*, That no agricultural college scrip, and no scrip issued under the provisions of this act, which shall be and remain in the possession of the parties authorized to receive the same from the Commissioner of the General Land Office, shall be sold by said parties for less than seventy-five cents per acre for each and every acre.

SEC. 7. *And be it further enacted*, That any portion of the scrip issued to any of the States under the act of Congress approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agricultural and mechanic arts," may be located by any actual settler upon the public land who may be entitled to enter a quarter section of one hundred and sixty acres or any less legal subdivision and received in payment at the proper land office where the tract is situated, at the rate of $1 25 per acre.

SEC. 8. *And be it further enacted*, That any settler who may have settled under the preëmption laws upon lands raised to $2 50 per acre, in consequence of their being included within the limits of any railroad grant, or for any other reason the land is held by the Government at $2 50 per acre, may have the right to pay in said college scrip for eighty acres of said land by depositing one hundred and sixty acres of said scrip; and it shall hereafter be lawful for the officers of the land districts of the United States to receive the said scrip in payment for said land, at the hand of any person who by law is entitled to preëmption, at the price of $1 25 for each acre of scrip tendered in payment.

SEC. 9. *And be it further enacted*, That the rules and regulations governing the location of military bounty land warrants by preëmptors shall apply to the location of agricultural college scrip, and to the same extent, while used by actual settlers; and all fees due the land officers for this service shall be the same as for military bounty land warrants: *Provided*, That the aggregate amount due any officer of the land office shall not thereby be increased.

SEC. 10. *And be it further enacted*, That any and all agricultural college scrip received from actual settlers shall be taken at $1 25 per acre for the number of acres contained in each piece or parcel of scrip; and if there be still a balance due to the Government from any settler for any tract of land, in legal subdivisions, located and settled, that balance may be paid in money. But if the scrip shall overpay for the land located no claim shall exist against the United States to pay in money for any such balance.

SEC. 11. *And be it further enacted*, That all agricultural college scrip shall hereafter be located only under the provisions of this act, and the scrip hereby authorized shall be located only in the same manner.

SEC. 12. *And be it further enacted*, That this act shall be in force from and after its passage.

Mr. STEWART. I wish to suggest an amendment: that all agricultural college scrip and military bounty land warrants shall not be received except for payment of preëmption.

Mr. POMEROY. The military bounty land warrants are issued under another law and under another state of circumstances. There are only a few of them out. We have issued none for service in the last war. It is only for the war of 1812 and the Mexican war that there are any out. I think we had better not incumber this bill with the question of land warrants.

Mr. STEWART. Very well; I will not move the amendment.

Mr. HARLAN. I think the bill had better go over.

The VICE PRESIDENT. The bill will be passed over. The Secretary will report the next bill on the Calendar.

MONUMENT AT WEST POINT.

The next business on the Calendar was the joint resolution (H. R. No. 122) donating captured cannon for the purpose of constructing a monument at West Point, New York; which was considered as in Committee of the Whole. It proposes to direct the Secretary of War to deliver to Professor A. E. Church, treasurer of the Battle Monument Committee, fifty bronze guns captured from the rebels, to be used in the construction of a monument at West Point, New York, in memory of the officers and soldiers of the regular Army who fell in the late war, and in the ornamentation of the grounds around the monument.

Mr. POMEROY. This seems to be a large number of guns to donate, fifty guns.

Mr. WILSON. This is for West Point. We have already provided for several other places. We have an abundance of these guns. West Point is a very important place.

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

FREEDMEN'S BUREAU.

The next bill on the Calendar was the bill (S. No. 431) to abolish the Freedmen's Bureau and provide for a bureau of education.

Mr. PATTERSON. Let that be passed over.

The VICE PRESIDENT. The bill will be passed over.

NORTH CAROLINA VOLUNTEERS.

The next bill on the Calendar was the bill (S. No. 520) to amend an act entitled "An act to remove the charge of desertion from certain soldiers of the second North Carolina mounted infantry," approved March 26, 1869.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act to remove the charge of desertion from certain soldiers of the second North Carolina mounted infantry, approved March 26, 1869, so as to include the following-named soldiers of the second North Carolina mounted infantry: company A, George W. Biggs; company C, John Brooks, Hiram B. Riddle; company D, Henry R. Cook, William D. Sexton; company E, George W. Hensly, William Loomy, James Holland, George Norton, Armstrong Harris; company F, John L. Swaynegame, James L. Sentell, John E. Sentell, Thomas M. Stewart, William P. Kilpatrick, James L. Evans, William W. Hamlin, Robert F. Orr, John Kelly; company H, Merritt R. Heatherly, Robert D. Walker, Lynch Young.

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

SPRINGFIELD ARMORY LAND.

The next business on the Calendar was the joint resolution (H. R. No. 156) authorising the sale of certain land at Springfield, Massachusetts, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to authorize the Secretary of War to sell to Horace Kibbe, of Springfield, Massachusetts, at its full value, to be determined by the superintendent and paymaster, jointly, of the national armory in Springfield, a small detached piece of land belonging to, but of no use or value to the public, lying at the junction of Federal and Armory streets in Springfield, and containing about forty-three square rods, on the condition that Kibbe shall grant all that portion of the lot lying to the south of the north line of Grant street to the city of Springfield, for use as a public park forever. On full payment of the appraised value and compliance with the condition before stated, the Secretary of War is to execute all necessary deeds for the conveyance of the lot to the purchaser. Ryers street, heretofore opened on the public land at Springfield, Massachusetts, is declared to be a public highway or thoroughfare for general use.

Mr. WILSON. I move to amend in the sixth line, after the word "jointly," by inserting "with the approval of the Secretary of War."

The amendment was agreed to.

Mr. DAVIS. I move that the Senate take a recess until the Chamber can be warmed. It is very cold here to-day. It has not been well warmed this winter, from some cause or other. I think the committee that has cognizance of the subject ought to look into the matter.

The VICE PRESIDENT. The Senate is now engaged in the consideration of a bill, and the motion for a recess can only be entertained by unanimous consent.

Mr. POMEROY. I think the notice will be sufficient to notify the officers to have the house warmed.

Mr. DAVIS. Very well; I withdraw the motion.

Mr. WILSON. I will simply say, without taking time, that this bill proposes to sell forty-three rods of detached land in the city of Springfield, the Government fixing the price, with the approval of the Secretary of War. The gentleman who is to buy this land turns over about two thirds of the forty-three rods for a public park. The whole value of the land, if sold at auction, would not probably be $500.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. The amendment was ordered to be engrossed and the joint resolution to be read a third time. The resolution was read the third time, and passed.

GEORGE D. ROBERTS.

The next bill on the Calendar was the bill (S. No. 525) to enable George D. Roberts, of Alameda county, California, to import certain machinery free of duty.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It confers on George D. Roberts, of Alameda county, California, the right to import, free of duty, one of R. E. Thompson's steam-wagons or traction-engines, with Fowler's gang plow attached to the same.

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

BILLS PASSED OVER.

The next bill on the Calendar was the bill (H. R. No. 886) for the relief of Lawrence L. Merry, collector of internal revenue for the twentieth district of New York. It proposes to authorize the Secretary of the Treasury, in adjusting the accounts of Lawrence L. Merry, collector of internal revenue for the twentieth district of New York, to credit him with the sum of $3,696 73, the amount of revenue stamps stolen from the American Express Company's safe and from the post office at Ilion, Herkimer county, New York, on the night of the 9th of October, 1866, and for which amount the collector is responsible to the Treasury of the United States, if it shall still appear that the theft of the stamps was without the collusion, privity, or fault of the collector.

Mr. EDMUNDS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 356) to reform the civil service of the United States.

Mr. POMEROY. I object to its consideration.

The VICE PRESIDENT. The bill will be passed over.

E. DIEKELMAN.

The next business on the Calendar was the joint resolution (H. R. No. 144) to enable the Court of Claims to hear and determine the claim of E. Diekelman, a subject of the king of Prussia. The resolution proposes that the claim of E. Diekelman, a subject of the king of Prussia, for damages for an alleged detention of the ship Essex by the military authorities of the United States at New Orleans, in the month of September, 1862, shall be referred to the Court of Claims for its decision in accordance with the principles of equity and justice, and to award such damages as may be just in the premises, if he may be found to be entitled to any damages.

Mr. ROBERTSON. I object.

Mr. SUMNER. I hope not. I appeal to my friend, unless he has some particular knowledge of the case, not to object.

Mr. ROBERTSON. The reason I object is this: I know a great many persons in my State who now claim to be subjects of foreign Powers who never so claimed heretofore, and they are now demanding damages for property destroyed during the war.

Mr. SUMNER. I would say that this is a case which has already attracted a good deal of attention abroad, in which a friendly Government is very much interested, and with regard to which it has addressed our own Government especially. The case is recommended by the Department of State, has been considered in the other House, and been considered by the Committee on Foreign Relations of the Senate; and unless the Senator has some strong reasons against it I hope he will let it pass.

Mr. NYE. I would like to make an inquiry.

Mr. ROBERTSON. I object on the ground that a great many men who were prominent rebels in my State are intending to demand pay for their losses.

Mr. NYE. What prevents this party getting into court now?

Mr. SUMNER. My friend from Nevada asks what prevents his getting into court now. Because he is a foreign subject, and the object of this bill is simply to give him a title to go into the Court of Claims.

Mr. EDMUNDS. Is the bill objected to?

The VICE PRESIDENT. It is.

Mr. ROBERTSON. I withdraw the objection.

Mr. SUMNER. I am obliged to the Senator.

Mr. EDMUNDS. Let the report be read.

The Secretary read the following report, made by Mr. SUMNER, from the Committee on Foreign Relations, on the 22d of February, 1870:

The Committee on Foreign Relations, to whom was referred the memorial of E. Diekelman, a Prussian subject, asking that he might receive indemnity, or that his claim against the Government of the United States for damages suffered by the action of the military authorities at New Orleans in the year 1862 might be referred to the Court of Claims for adjudication, beg leave to report:

That from the memorial and accompanying papers it appears that after the taking of New Orleans from the rebels, in 1862, the President of the United States, on the 12th day of May of that year, by proclamation, declared that that port was open to commerce, and the Secretary of the Treasury issued rules and regulations in relation to the trade, prohibiting only articles contraband of war.

That on the 29th day of August the Prussian ship Essex, owned by the memorialist, arrived at the port of New Orleans, discharged her cargo, and on the 2d day of September commenced taking in a cargo of outward-bound freight; that her cargo was fully completed on the 16th of September; that among her cargo were ten packages of bullion, silver plate, coin, &c.; that on that day the captain applied for a clearance, which was refused unless the captain would land the ten packages above referred to.

The captain said he could not do so, as his bills of lading had been issued after the packages had been taken on board under the supervision of a custom-house official, and that without a surrender of the receipts he could not be discharged from liability. That on the 29th of September a custom-house officer came on board and produced to the captain the receipts and bills of lading for two of said packages, which were surrendered to him. That on the 1st of October a sergeant and two soldiers, accompanied by a custom-house officer, came on board and presented an order from the shipper for two other cases. That the captain refused to deliver up the cases without surrender of the bill of lading. That the keys of the hatches were in possession of a custom-house officer, who opened the same, and the packages were taken out. That on the 6th day of October a custom-house officer came on board and informed the captain that the ship would be cleared, and in accordance with such notification, on the 7th of October, a clearance was issued. That these proceedings were under the direction and control of the military authorities of the United States then in possession of New Orleans. That the general in command believed, and acted upon such belief, that the property contained in said packages was the property of persons, citizens of the United States, in open rebellion against the Government; that the articles were contraband of war or liable to confiscation.

The ship was detained for nineteen days in the manner above stated, and subjected, as alleged, to very great losses. No claim is made for the cases so taken, only for the detention of the ship.

Your committee has made this brief synopsis of the main facts alleged, without any desire or intention to express any opinion upon the merits of the controversy or the justice of the claim. It has been rejected at the State Department.

The Government of Prussia has requested that the claim of the memorialist shall receive a judicial investigation, claiming that treaty obligations between the two countries require such a reference.

Your committee, believing that the United States are bound in fulfillment of its obligations to give the memorialists a hearing before our own tribunals, have unanimously directed me to present the accompanying bill and recommend its passage.

Mr. SAWYER. I should like to ask the honorable Senator from Massachusetts whether this claim is not barred by another consideration than the citizenship of the claimant, and

that is, the lapse of more than two years since the close of the war.

Mr. SUMNER. This is a claim, the Senator will understand, of a Prussian subject, presented by the Government of Prussia. I know of no statute of limitations that would go against such a claim.

Mr. SAWYER. That statute of limitations goes against our own citizens in the Court of Claims.

Mr. SUMNER. If it be so, then the Court of Claims will recognize it. The object of this statute is simply to give the party a right to appear in the Court of Claims. That is all.

Mr. SAWYER. Precisely; but I should like to ask the Senator whether he thinks that it is proper to give a Prussian subject the benefit of an extension of the time which we would not give to an American citizen.

Mr. SUMNER. There is no extension whatever. The claim has never been considered there.

Mr. SAWYER. Precisely; but it is impossible for an American citizen to bring a claim like this, arising in a State in insurrection, at this time on account of more than two years having elapsed since the close of the war.

Mr. SUMNER. Does the Senator think that is applicable to a foreign subject in a case like this? I do not think it is.

Mr. SAWYER. I ask the question of the honorable Senator whether he desires to give a foreigner a right which does not belong to an American citizen, and why we should not in the same spirit in which this bill is drawn extend the period for an American citizen to have the right of going into the Court of Claims?

Mr. SUMNER. The Court of Claims is not open to the Prussian without a special statute. Now, as I had the honor of explaining some days ago, there are but one or two Prussian claims, not enough to justify a treaty on the subject. It is therefore deemed advisable to authorize the claimants to enter our own Court of Claims and there have them adjudicated; it is supposed it will be the most economical course. It will save a joint commission.

Mr. SAWYER. I have in my possession a claim of a Prussian citizen to quite a large amount, for property taken by our military authorities after the close of the war, so far as it was flagrant in my State. I am told it cannot be heard in the Court of Claims, not because the party is a Prussian citizen, but because of the lapse of time.

Mr. SUMNER. Allow me to ask, has the case of the Senator ever been presented by the Prussian Government?

Mr. SAWYER. I went myself to the Prussian minister in reference to it, and he said he did not think it was of the slightest consequence to present it, for he had had no success in the State Department in any of these matters.

Mr. SUMNER. Very well. Then I understand it is not presented by the Prussian Government. The point of the present case is that it has been presented by the Prussian Government; and the question is whether we will provide a remedy. There are two ways of doing it. One is by treaty, and the other by giving the party an opportunity of going into our courts. That is all there is.

Mr. SAWYER. I quite agree with the purpose of the bill, and I am anxious to see it pass because I desire to put in a claim in behalf of a gentleman in my State in the same way.

Mr. WILLEY. I inquire of the Senator from Massachusetts whether this claim had not been presented and been pending for some time before the State Department before it was brought into Congress?

Mr. SUMNER. It was referred to the Committee on Foreign Relations by the State Department.

Mr. WILLEY. It had been pending before the State Department for some time before?

Mr. SUMNER. It is a claim that the Prussian Government has urged for some time; but the State Department naturally did not feel authorized to decide it, and referred it to Congress.

Mr. WILLEY. I have some knowledge of this case; it was originally referred to the Committee on Claims; and I trust the bill will pass. I think it is due as a matter of courtesy to a foreign Government.

Mr. HOWE. I want to say to the Senator from South Carolina that there is this marked difference between the case before us and the case to which he calls attention: the case to which he calls attention arose under our statute for disposing of abandoned cotton, and there two years were given by the act for claimants to sue. In those cases they have had two years in which to come into court. If they are now barred it is by their own *laches*. In this case the claimant never has had an opportunity to come into court. He comes in under this bill, if at all, for the first time.

Mr. SAWYER. It may be possible that that difference exists. The Senator is misinformed or misunderstands me if he supposes that the property to which I refer was abandoned.

Mr. HOWE. It was captured, then.

Mr. SAWYER. It is claimed to have been captured, but was not captured in any proper sense of that term.

Mr. CHANDLER. I desire to ask the chairman of the Committee on Foreign Relations if he is aware that there is a case before the Prussian Government where citizens of Massachusetts alleged that their trade-marks had been stolen and the Prussian Government has refused them access to her courts and refused to enter into treaty negotiations by which American trade-marks shall be protected?

Mr. SUMNER. I am not aware of the case. There may be such a case, but it has not come to my attention.

Mr. CHANDLER. Such a case has been brought to my attention, and a very flagrant one, and it is from citizens of Massachusetts. Their trade-marks were stolen, and an inferior article manufactured with the false trade-mark, and our citizens were absolutely driven from some of the West India islands and other markets by these counterfeit trade-marks.

Mr. POMEROY. Does the Senator object to the consideration of the joint resolution?

Mr. SUMNER. Do not object, but let us do justice in this case, and then——

Mr. CHANDLER. I should like to do justice.

Mr. SUMNER. Let us begin.

Mr. CHANDLER. I want to take hold of our end.

Mr. SUMNER. We have the best end when we do justice ourselves.

Mr. CHANDLER. I will not object.

Mr. STEWART. I want to show a difference in treatment toward Prussia and England by my conduct. I hope the Senator will not object.

Mr. CHANDLER. The Prussian Government has refused an act of justice to citizens of the United States.

Mr. EDMUNDS. The act of 1868 on the subject of all seizures of property under the war statutes provided that aliens might go into the Court of Claims in every case where the country of the alien permitted our citizens to sue their Government in their courts. If this seizure was made, as I rather think it was from the report, under any of our statutes relating to intercourse with insurrectionary districts, or under the captured and abandoned property statute, or any of those statutes connected with the carrying on of war, then we have gone just as far in favor of this claimant as we ought to go. We have provided that he may sue in the Court of Claims just like anybody else, provided that his Government accords to citizens of the United States the right to prosecute claims against that Government in its courts. That was the limitation put upon suits by foreigners in the Court of Claims, after a great deal of consideration, in the act of 1868. We ought not to go beyond that, as it appears to me entirely outside of the Court of Claims. If this was an illegal seizure, the Prussian has a right to bring his suit, under the Constitution, in the circuit court of the United States against the officer who made the seizure; and if he establishes that the seizure was unfounded, he recovers his damages, and the Government of course has to pay the officer, if the officer was acting under orders.

I say, then, it does not appear to me that it is so very clear that this resolution ought to pass, even in the shape it is. However, I will move an amendment, in order to test the sense of the Senate on one question, as to what "equity and justice" mean here, which is a pretty broad rule to lay down for a court; that is, its mere discretion of what it thinks is right. I move to strike out the words "justice and equity," or whatever they are which give discretion to the court, and to insert the word "law," so that it will read that he may sue in the Court of Claims and recover if he can make out a case which upon the principles of law entitles him to recover.

Mr. SUMNER. The objection to the amendment is that it will make it necessary for the bill to go back to the House of Representatives, and I doubt whether the result would be materially different.

Mr. EDMUNDS. They will concur in the amendment at once, I presume.

Mr. SUMNER. The Prussian Government have pressed this particular measure very strongly, and they complain that we have not shown a willingness to give a Prussian subject an opportunity of a hearing in our courts of justice. That is all they ask, a hearing in our courts of justice. If the Senator thinks his amendment advisable, I shall make no opposition to it. I should prefer, however, that he would withdraw it.

Mr. EDMUNDS. I would were it not for the fact that otherwise it leaves a mere discretion to the court.

The VICE PRESIDENT. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

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

The amendment was ordered to be engrossed, and the resolution to be read a third time.

The joint resolution was read the third time, and passed.

ALASKA TERRITORIAL GOVERNMENT.

The next bill on the Calendar was the bill (S. No. 576) to establish a territorial government for the Territory of Alaska.

Mr. WILSON and Mr. MORRILL, of Maine. Let that be passed over.

Mr. HOWARD. I hope there will be no objection to it.

Mr. MORRILL, of Maine. Let it be passed over.

The VICE PRESIDENT. The bill will be passed over.

NEBRASKA AND DAKOTA BOUNDARY.

The next bill on the Calendar was the bill (H. R. No. 779) to redefine a portion of the boundary line between the State of Nebraska and the Territory of Dakota, which was considered as in Committee of the Whole. It provides that so soon as the State of Nebraska, through her Legislature, has given her consent thereto, the center of the main channel of the Missouri river shall be the boundary line between the State of Nebraska and the Territory of Dakota, between the following points: commencing at a point in the center of the main channel, north of the west line of section twenty-four in township twenty-nine north, of range eight east of the sixth principal meridian, and running along the same to a point west of the most northerly portion of fractional section seventeen, of township twenty-nine north, of range nine east of said meridian, in the State of Nebraska, as meandered and shown by the plats and surveys

of said sections originally made and now on file in the General Land Office. The respective jurisdictions of the State and Territory named, and of the United States, shall extend to and over all of the territory within their limits, according to the line herein designated, to all intents and purposes as fully and completely as if no change had taken place in the channel of the Missouri river. And the Secretary of the Interior is authorized and required to cause to be made all necessary surveys and meanderings, and to order the transfer of all plats, papers, and documents which may be necessary in the premises.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE F. WERBORN.

The next business on the Calendar was the joint resolution (S. R. No. 139) to enable the Court of Claims to hear and determine the claim of George F. Werborn, a subject of the king of Prussia.

Mr. EDMUNDS. That I must object to. I have no objection to action upon it; but the case comes within the precise terms of the act of 1868, which we passed applying to subjects of all foreign nations alike. If we seized his property, cotton in the warehouse at Mobile, illegally, he stands precisely on the same ground with subjects of other foreign Governments, and we cannot go beyond that.

Mr. WILLIAMS. I think we ought to proceed upon some principle in these cases.

Mr. POMEROY. If it is going to be debated I shall object.

Mr. WILLIAMS. I wish to make a suggestion. I doubt very much the propriety of passing the other bill in relation to Diekleman, although at this time that is not debatable; but we have passed a law which provides that the citizens of Prussia shall have the same rights in the United States that our citizens have in the kingdom of Prussia; and if that is not satisfactory to foreigners then it seems to me they ought to make some treaty by which their rights will be protected. But I predict that this action to-day in reference to these bills will open the door to innumerable applications on the part of foreigners for admission to the Court of Claims on account of property taken, injured, or destroyed during the war. If we open the door to Prussians we must to Englishmen and all subjects of foreign countries. It seems to me these matters ought to be arranged by treaty between the United States and Prussia, or in some other way.

Mr. STEWART. I object.

Mr. SUMNER. This is clearly distinguishable from the other case, I admit.

The VICE PRESIDENT. Objection is made, and the joint resolution will be laid over.

OSAGE INDIAN RESERVATION.

The next bill on the Calendar was the bill (S. No. 586) to provide for the sale and disposition of the Great and Little Osage reservation in the State of Kansas, to remove the Osage Indians to the Indian territory, and for other purposes.

Mr. POMEROY. The same bill with another number has been objected to. That was reported from a committee and this is not. I move that this bill be indefinitely postponed.

The motion was agreed to.

COLORADO PROBATE COURTS.

The next bill on the Calendar was the bill (H. R. No. 840) amendatory of the organic law of Colorado Territory, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Territories with an amendment to strike out all after the enacting clause and insert:

That the organic law of the Territory of Colorado be, and the same is hereby, so far amended that an appeal shall be allowed from any final order, judgment, or decree of any probate court in said Territory to the district court of the district within which such probate court is held, under such proper regulations as shall be prescribed by the law of said Territory, and hereafter no writ of error or appeal shall be allowed from any decision of a probate court directly to the supreme court of said Territory.

SEC. 2. *And be it further enacted*, That the Legislative Assembly of said Territory may, by general incorporation laws, authorize persons to associate themselves together as bodies-corporate for charitable or educational purposes.

The amendment was agreed to.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE W. TARLETON.

The next bill on the Calendar was the bill (S. No. 582) for the relief of George W. Tarleton; which was read the second time and considered as in Committee of the Whole. The bill is a direction to the Secretary of the Treasury to pay to George W. Tarleton $414 45, that being the sum paid under order of the district court of the northern district of New York to the United States depositary at Buffalo, as the distributive share of the United States in the proceeds of the sale of Tarleton's property, made under a judgment of forfeiture pronounced by that court, which judgment was subsequently vacated.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I should like to ask the Senator from Indiana who reported the bill to explain in a word, whether this judgment was vacated by judicial proceedings or by mere favor.

Mr. PRATT. There were due judicial proceedings had in the northern district of New York, while Mr. Tarleton was in the South, and I believe was in a rebel prison. At all events there was no notice whatever conveyed to him of those judicial proceedings. As soon as he was able to get North he applied at once to the court to open the judgment and to be allowed to defend. He put on file his answer of general denial to the charge of disloyalty. The court heard the proofs and set aside the judgment; but in the mean time his property had been sold under the original judgment, and sold at a great sacrifice. This $414 is the result of the distribution; it is the money in the Treasury of the United States.

Mr. EDMUNDS. I am satisfied in learning that the vacation of the judgment was upon regular judicial proceedings.

Mr. PRATT. Yes, sir; both the records were before me.

Mr. EDMUNDS. That is enough.

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

BILLS OBJECTED TO.

The next bill on the Calendar was the bill (S. No. 560) to incorporate the National Paving Company of Washington, District of Columbia.

Mr. POMEROY. I do not know anything about this. I think it had better be passed over.

Mr. HOWARD. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. POMEROY. At the request of the Senator from Maine, [Mr. HAMLIN,] who understands this bill, I withdraw my objection.

The VICE PRESIDENT. Does the Senator from Michigan, who also objected, withdraw his objection?

Mr. HOWARD. No, sir.

The VICE PRESIDENT. The Secretary will report the next bill.

The next bill on the Calendar was the bill (S. No. 447) to incorporate the Missouri, Kansas, and Texas Railway Company.

Mr. POMEROY. I should like to have this bill considered, for the reason that parties who are building this road want to consolidate two companies. The laborers have got down to the State line, and the two companies want to consolidate.

Mr. DRAKE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

CALIFORNIA COLLEGE LANDS.

The next bill on the Calendar was the bill (S. No. 325) amendatory of an act entitled "An act to further provide for giving effect to the various grants of public lands to the State of Nevada," approved June 8, 1868.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to amend the fourth section of the act of June 8, 1868, so as to read:

And be it further enacted, That the lands granted to the State of California for the establishment of an agricultural college by the act of July 2, 1862, and acts amendatory thereto, may be selected by said State from any lands within said State subject to preëmption or sale, in legal subdivisions adjoining by sides, in bodies of not less than one hundred and sixty acres: *Provided*, That this privilege shall not extend to lands upon which there may be rightful claims under the preëmption and homestead laws, nor to mineral lands: *And provided further*, That if lands be selected as aforesaid, the minimum price of which is $2 50 per acre, they shall be taken acre for acre in part satisfaction of the grant, and the State of California shall pay to the United States the sum of $1 25 per acre for each acre so selected, when the same shall be patented to the State by the United States: *Provided further*, That where lands sought to be selected for the agricultural college are timbered lands and unsurveyed, the proper authorities of the State shall file a statement to that effect with the register of the United States land office, describing the land by township and range, and shall make application to the United States surveyor general for a survey of the same, the expenses of the survey for field work to be paid by the State, provided there be no appropriation by Congress for that purpose. The United States surveyor general, as soon as practicable, shall have the said lands surveyed and the township plats returned to the United States land office, and lands so surveyed and returned shall for thirty days after the filing of the plats in the United States land office be held exclusively for location for the agricultural college; and within said thirty days the proper authorities of the State shall make application to the United States land office for the lands sought to be located by sections and parts of sections: *Provided*, That any rights under the preëmption or homestead laws acquired prior to the filing of the required statement with the United States register shall not be impaired or affected by this act: *And provided further*, That such selections shall be made in every other respect subject to the conditions, restrictions, and limitations contained in the acts hereby modified.

The Committee on Public Lands reported the bill with amendments. The first amendment was to strike out, after the word "preemption," in line eleven, the following words: "or sale, in legal subdivisions adjoining by sides in bodies, of not less than one hundred and sixty acres," and in lieu thereof to insert:

Settlement, entry, sale, or location under any laws of the United States. Such selections may be made in any legal subdivisions, adjoinining by sides, so as to constitute bodies of not less than one hundred and sixty acres; or they may be made in separate subdivisions of forty, eighty, or one hundred and twenty acres, respectively.

Mr. NYE. I should like to inquire of the Senator from California why he puts in the provision that the State of California shall pay back? Why do you not let them take half the number of acres? It seems to me——

Mr. COLE. I have an amendment that will cover that case.

Mr. CASSERLY. Suppose the Senator allows the Secretary to get through with the amendments of the committee.

The VICE PRESIDENT. The question is on the amendment that has been read.

Mr. HARLAN. I object to that amendment.

Mr. CASSERLY. The Senator from Iowa perhaps is not aware that the only effect of the amendment is to permit the university to select its lands from any lands of the United States within the State of California. It does not subject any lands to settlement, entry, sale, or location which are not now so subject.

Mr. HARLAN. I may not have understood correctly the reading of the amendment by the Clerk; but I understood him to read that this

scrip might be located on any subdivisions of sections, in forty acres or eighty acres.

Mr. STEWART. That is it.

Mr. HARLAN. That is not usual in making such grants.

Mr. CASSERLY, I do not hear what the Senator from Iowa says.

Mr. HARLAN. The original law, I think, provided for the location in quarter sections.

Mr. CASSERLY. Undoubtedly.

Mr. HARLAN. This amendment enables the holder of the scrip to locate in subdivisions of forty or eighty acres.

Mr. CASSERLY. In the first place I will remark to the Senator, which may be desirable information to the rest of the Senate, that we have no agricultural college scrip issued to the State of California. The lands were granted directly to the State; and the State, in furtherance of its university, recently established, granted the lands direct to the university. Now, the object of this bill is to facilitate the location by the university of those lands and to further the disposition of them, so that by the location and the disposition of those lands the funds of the university shall be increased.

Mr. HARLAN. This bill will apply merely to the lands claimed by the State of California under the agricultural college grant?

Mr. COLE. That is all.

Mr. CASSERLY. It relates to no other lands. It relates to the one hundred and fifty thousand acres of land granted by the United States to the State of California for agricultural colleges.

Mr. HARLAN. I withdraw my objection to the amendment.

Mr. NYE. I desire to inquire whether in fact settlers and the State have not come in collision on that very question, which you seek to avoid by allowing less than a quarter section to be entered?

Mr. CASSERLY. I do not hear the Senator.

Mr. NYE. I ask whether the State has not located its scrip so as to come in contact with actual settlers where this very question is involved of whether they have a right to take less than a quarter section? I ask whether there are not cases now pending to that effect?

Mr. CASSERLY. There may be some controversies, but I do not know of any. The object of that part of the bill is to put these argricultural college lands in the State of California upon the some footing as lands subject to preëmption or homestead. Under one or other of these heads lands may be taken up in parcels so small as forty acres. That is absolutely necessary for the better disposition of these lands by reason of the peculiar condition of the public lands in that State. That condition arises from two causes, one natural and the other accidental. The natural cause is that California is not a prairie country; it is a country of valleys and of mountains. The accidental cause springs out of the peculiar conditions of the surveys of that State. We have three or four, perhaps half a dozen different classes of surveys. One class of surveys consists of surveys of private Spanish and Mexican land grants; another class is of school lands. A third class is of railroad grants. A fourth class is of swamp and overflowed land grants. The result is that all over the State there are little pieces, fractions of quarter sections, and little odds and ends of land which are not according to any of the ordinary divisions of our great system of land surveys. Nevertheless these little pieces are valuable; and it very often happens, as the memorial of the regents of the university which was printed and laid upon the desks of Senators shows, that these little pieces can be disposed of to good advantage, provided they can be united with an adjoining piece so that they will form a parcel of forty, or eighty, or one hundred and twenty acres; in that way not disturbing the general system of surveys of the country.

I sent a copy of the bill, I might state, and the memorial of the regents of the university to the Commissioner of the General Land Office, and received from him a letter which I regret I have not at hand now, in which he approves of the object of this bill and the details of it.

Mr. STEWART. I wish to suggest to the Senator from California that the difficulty I see in the bill is of a different character altogether. I do not see any objection to their taking up land in smaller quantities than one hundred and sixty acres; but the difficulty I see in the bill, and which I think they will find will occur in practice, which I tried to guard against in the Nevada act, to which this is an amendment, is in requiring the sales to be made to actual settlers. This proposes to locate scrip upon the land, whether it is surveyed or unsurveyed; and if it is unsurveyed it provides for extending the surveys immediately to it and locating the scrip. The objection I see to it, and which I think might be guarded against, is that it affords an opportunity to persons who will buy up a large amount of this scrip to locate it in a large body. For instance, they will go and monopolize a whole section of timber land if they get hold of the scrip. If, however, the Senator from California thinks it is properly guarded in that direction I shall not interfere.

Mr. WILLIAMS. I should like to have the attention of the honorable Senator from California [Mr. CASSERLY] for a moment to the reason he assigns for locating in small quantities. It is on that very account that heretofore Congress has objected to the location of lands in these grants in smaller quantities than quarter sections. It enables parties who have a right to locate to intersperse their selections of land so as to pick out the more valuable parts of the land and to render the residue undesirable to settlers. A purchaser or selector under this provision might pick out four forty-acre tracts from a section and so locate them in that section as to leave the residue undesirable for farms. I know that is not the honorable Senator's intention. He intends that they shall be permitted to select odd forty and eighty acres that may have been passed around by other selectors or purchasers of land; but this bill would enable the corporation, or whoever locates this land, to render large bodies of land almost worthless to settlers by taking little scraps of forty acres and scattering them around all through the surface of desirable tracts. I think, on the whole, he had better consent to have that provision stricken out, as I have no doubt there is enough land in California to satisfy the requirements of the grant without violating the principle that has been observed heretofore on this subject.

Mr. COLE. There is just the difficulty; the regents of the university find difficulty in obtaining good land on which to locate for the benefit of the university the scrip that is allowed in the apportionment to the university. This is for the purpose of allowing them to locate it on lands that are otherwise reserved, or lands that are not even surveyed, so that they may get lands that are of some value, and will not therefore be compelled to take lands which have been neglected or refused by everybody else. I know there has been a great deal of complaint of the want of ability on the part of the regents of the university to locate lands that are of value in order that the institution might be properly endowed. If there is any advantage to be given to any parties in the location of lands it certainly ought to be given to an institution like that which this bill is to benefit—the university of our State. I understand that to be the main object of it.

Mr. HARLAN. I will not insist on opposition to the amendment. It is a matter for the Senators themselves. The injury will accrue to their own citizens if any should grow out of it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. CASSERLY. The whole grant is only one hundred and fifty thousand acres. The object of this bill is to enable the university to deal with it to the best advantage. I have no idea that the gentlemen who are at the head of that institution will permit any abuse to be made of this bill under any circumstances whatever.

The amendment was agreed to.

The next amendment was in line twenty-nine, after the word "unsurveyed," to strike out "timbered lands and;" so as to read:

That where lands sought to be selected for the agricultural college are unsurveyed the proper authorities of the State shall file a statement to that effect.

The amendment was agreed to.

The next amendment was in line thirty-seven before the word "lands" to insert the word "said."

The amendment was agreed to.

Mr. COLE. I move an amendment suggested by the Senator from Nevada, [Nr. NYE,] to strike out after the word "granted," in line twenty-four, all of that line and lines twenty-five, twenty-six, and twenty-seven, which will allow the location of lands upon the even sections of railroad grants, for example, acre for acre. It will be of some advantage to the university to have the bill passed in the shape it will be if this amendment is allowed, and I hope no member will object to it. It will be of great advantage to the university.

Mr. CASSERLY. I have no objection to the amendment if the Senate has none.

Mr. WILLIAMS. I think that is giving the State of California a privilege which no other State enjoys and no other corporation in the United States. I do not see any particular reason why California should have a privilege which no other State has.

Mr. COLE. Senators object, and I shall not press the amendment.

The bill was reported to the Senate, as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS OBJECTED TO.

The next bill on the Calendar was the bill (S. No. 571) concerning notaries public for the District of Columbia.

Mr. HOWE. That had better go over.

The VICE PRESIDENT. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 319) to extend the time for presenting claims for additional bounties.

Mr. EDMUNDS. Let that go over.

Mr. WILSON. I hope the Senator from Vermont will withdraw the objection.

Mr. EDMUNDS. I will not vote to extend time for any further bounties whatever under any possible circumstances that I can now understand.

The VICE PRESIDENT. The bill will be passed over.

The next business on the Calendar was the joint resolution (S. R. No. 125) concerning colleges for the benefit of agriculture and the mechanic arts, the pending question being on the passage of the resolution.

Mr. HAMILTON, of Maryland. Let it be passed over.

The VICE PRESIDENT. The joint resolution will be passed over.

HARRIET R. CLINTON.

The next bill on the Calendar was the bill (H. R. No. 887) for the relief of Harriet R. Clinton; which was considered as in Committee of the Whole. By its terms the Paymaster General of the Army is to pay to Harriet R. Clinton, widow of Charles W. Clinton, late second lieutenant of the first regiment of Wisconsin cavalry, out of any money appropriated for the use of the pay department, the sum of $724 for military service of her husband from the 1st of October, 1863, to the 29th of March, 1864, he having died in the field without having been mustered into the United States service.

Mr. EDMUNDS. Let us hear the report in that case read.

The Secretary read the following report, made by Mr. ABBOTT, from the Committee on Military Affairs, on the 1st of March:

The Committee on Military Affairs, to whom were referred the memorial and evidence of Harriet R. Clinton, widow of Charles W. Clinton, late lieutenant of the first regiment Wisconsin cavalry, having considered the same, made the following report:

The claimant's late husband, Charles W. Clinton, was appointed and commissioned by the Governor of the State of Wisconsin second lieutenant of company K, in the first regiment of cavalry, on the 1st of October, 1863, and was immediately ordered on recruiting service, first at Broadhead and afterward at Monroe, in said State, at which stations he enlisted forty recruits previous to the 25th of January, 1864. His own company then numbered eighty-four men, and he was ordered to join it at Murfreesborough, in the State of Tennessee. He immediately started for Murfreesborough to join his regiment and to be mustered into the United States service, but on his route was taken sick with typhoid fever or typhus pneumonia. He succeeded, however, in reaching Murfreesborough with but little delay, where he was taken to the Stanton Hospital for volunteers, and lingered until the 29th of March, 1864, when he died, without having been mustered into the United States service and without being paid for his services.

The claimant asks an appropriation for the amount of pay of a second lieutenant of cavalry from the date of her husband's commission to the time of his death.

In the opinion of the committee this is a case of equity, although it does not come within the technical provision of law. The evidence is that this officer was faithful in the performance of duty and was only prevented from being mustered into the United States service in consequence of his delay, under orders as recruiting officer and of his sickness.

The committee therefore recommend that his widow, Harriet R. Clinton, be paid a sum equal to the pay and emoluments of the said Clinton for the time during which he actually performed service.

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

BILLS PASSED OVER.

The next business on the Calendar was the joint resolution (H. R. No. 145) for the relief of William R. Retherford and George Kains, of the first Michigan cavalry volunteers.

The joint resolution, which was read, provides for the payment by the Secretary of War, out of any money appropriated for the pay of the Army, to William H. Retherford, of $325, deducting therefrom the amount paid to him for commutation for travel and subsistence when mustered out; and to George Kains of the same sum, or so much thereof as the distance traveled from Denver City, Colorado, to the place of his enrollment bears to the distance from Camp Douglas, Utah, to his place of enrollment.

Mr. EDMUNDS. Let us hear the report in that case.

The Secretary read the following report made by Mr. ABBOTT, from the Committee on Military Affairs, on the 1st of March:

The Committee on Military Affairs, to whom were referred the petitions of William H. Retherford and George Kains, for travel pay while in the military service, having considered the same, submit the following report:

It appears that George Kains was a private of Captain George H. Kilborn's company G, first Michigan cavalry volunteers, was enrolled on the 1st day of October, 1862, to serve three years, and was mustered out at Denver City, Colorado, by reason of expiration of service.

It further appears that William H. Retherford was a sergeant in company L, first Michigan veteran cavalry volunteers, enlisted on the 21st December, 1865, and was discharged by reason of excess of consolidation of regiment, at Camp Douglas, Utah Territory, near Salt Lake City, and that he paid for transportation $337 16, for transportation home.

The transportation of these men to their homes was very oppressive and burdensome.

By the tenth section of the act of July 28, 1866, an act to make appropriations for civil expenses and other purposes for the year 1866, money was appropriated to pay $325 travel pay each to the members of the first Michigan cavalry discharged in Utah during the year 1866, deducting only such commutation for travel pay and subsistence from the place of discharge to the place of enrollment as was paid them on their discharge. The two soldiers aforesaid were not paid this travel pay of $325, because they were discharged in 1865 and before the year 1866.

On the 3d of March, 1867, by the seventh section of the act making appropriations for the Army, the Paymaster of the Army was authorized to pay, under such regulations as the Secretary of War shall prescribe, in addition to the amount received by them for traveling expenses, such California and Nevada volunteers as were discharged in New Mexico, Arizona, or Utah, and at points distant from places of enlistment, as have been paid to the troops of other States similarly situated.

It seems that Congress has hitherto relieved men similarly situated to the petitioners; and it seems to be but an act of justice to place these men upon the same footing as the first Michigan cavalry discharged in 1866, and the volunteers of California and Nevada. Your committee therefore recommend the adoption of the accompanying joint resolution.

Mr. EDMUNDS. I should like to ask my friend from North Carolina [Mr. ABBOTT] how it could have cost these men $325 apiece to go from Salt Lake City to Michigan? Is that the usual price of transportation for passengers?

Mr. ABBOTT. I did not examine that matter, but I suppose it is the regular rate of travel. This puts these men just where they would be, as I understand it, if they had been mustered out after the act of 1866 took effect.

Mr. EDMUNDS. The men who were mustered out as they ought to have been would have been furnished with transportation by the Government; they would not have been given money to go home with. The thing that staggers me is the idea that $325 was the necessary cost of transportation of a private soldier from Salt Lake City to Michigan.

Mr. ABBOTT. I do not think it is much out of the way for that time.

Mr. NYE. I understand this resolution applies to two persons.

Mr. EDMUNDS. Three hundred and twenty-five dollars apiece.

Mr. NYE. I understand that it is a fact that transportation was quite high; but I want to inform the Senator from North Carolina who reported this bill that there is a full regiment of Californians and almost a regiment and a half of men from Nevada that were mustered out at Salt Lake City, and it cost them as much to get home as it did to get from Denver to Salt Lake City. I hope if there is a bill to be passed at all it will be so framed as to cover those cases, as they were fully as flagrant as this.

Mr. COLE. I observe that the report sets forth facts which apply equally to quite a number of persons who were discharged in New Mexico, in Texas, and in Colorado, all of whom are equally entitled to compensation with the two persons mentioned in the bill; and I regret very much that the bill was not made a general one to apply to all alike, because the merits of one case are equal to those of another.

Mr. MORRILL, of Vermont, and Mr. POMEROY. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over. The Secretary will report the next bill.

The next bill on the Calendar was the bill (H. R. No. 1258) to regulate the salaries of chief justices and associate justices in the Territories.

Mr. EDMUNDS. Let that go over. It is a House bill and we can take it up at another time.

Mr. STEWART. I think it ought to pass.

Mr. SUMNER. Why not act on it now?

Mr. TRUMBULL. It equalizes the salaries.

Mr. STEWART. The aggregate amount is not any greater than at present. It equalizes salaries.

The VICE PRESIDENT. Does the Senator from Vermont persist in the objection?

Mr. EDMUNDS. I persist in it.

The next bill on the Calendar was the bill (S. No. 124) granting lands in the State of Minnesota to aid in constructing a railroad from Lake Superior to Vermilion Lake, in said State.

The bill was read.

Mr. EDMUNDS. This will lead to discussion evidently. I think it had better go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. THAYER. Can we not vote on it without talking?

Mr. RAMSEY. Certainly we can.

The VICE PRESIDENT. The bill has been objected to, and will be passed over.

The next bill on the Calendar was the bill (H. R. No. 975) to dedicate the public agricultural lands in the State of California to homestead and preëmption purposes.

Mr. POMEROY. That will be debated. I think it had better be passed over.

Mr. CASSERLY. Does the Senator from Kansas object to its consideration?

Mr. POMEROY. I do not object, but it will be debated. There are several amendments to be offered.

Mr. CASSERLY. Of course if the Senator presses the objection, the bill will have to go over.

Mr. COLE. I think it can be amended without much difficulty, and passed.

Mr. EDMUNDS. Let it go over.

Mr. POMEROY. I will not object if the Senate will not debate it.

Mr. EDMUNDS. I object.

Mr. POMEROY. I only object to debate upon it.

The VICE PRESIDENT. The bill will be passed over.

JOSEPH HARMON.

The next bill on the Calendar was the bill (H. R. No. 888) for the relief of Joseph Harmon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to allow Joseph Harmon, late captain of the fifth regiment of Indiana volunteer cavalry, the pay of a captain of cavalry in the volunteer service from the 20th day of July, 1864, to the 6th day of April, 1865, deducting the amount paid him as sergeant of cavalry in that regiment.

Mr. EDMUNDS and Mr. FERRY called for the reading of the report; and the Secretary read the following report made by Mr. ABBOTT, from the Committee on Military Affairs, on the 3d of March, 1870:

The Committee on Military Affairs, to whom was referred bill H. R. No. 888, entitled an act for the relief of Joseph Harmon, make the following report:

The facts asserted in this case are, without exception, sustained by records, affidavits, and vouchers. Joseph Harmon was mustered into service in the fifth Indiana cavalry, August 30, 1862. He received a commission as captain of company F of said regiment from Governor Morton, then Governor of that State, July 20, 1864, and at once entered upon duty as such, and served until July 31, 1864, when he was captured by the enemy and remained a prisoner until November 30, 1864, when he was paroled. He applied at once for muster, but was refused on the ground that he could not be mustered until returned to duty. He was regularly exchanged April 5, 1865, the date of the muster commencing at the date of his returning to duty, being April 6, 1865. During all this period of eight months and thirteen days he had held a commission as captain, and had acted as such, but not having been mustered, had been borne on the rolls of his company as sergeant.

The committee recommend that he be paid the difference between the pay of a first sergeant and a captain for the period in question.

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

WILLIAM A. SCOTT.

The next bill on the Calendar was the bill (H. R. No. 1100) for the relief of William A. Scott, late first lieutenant, company F, fourteenth regiment Illinois volunteers.

The Secretary read the bill, which directs the Paymaster General of the United States to pay to William A. Scott, late first lieutenant of company F, fourteenth regiment Illinois volunteers, full pay as such first lieutenant during the time he shall prove to the satisfaction of the Department that he actually served in that capacity, and for which he has never received pay.

Mr. FERRY. I think that had better go over.

Mr. ABBOTT. I hope the Senator will not object. I call for the reading of the report in the case.

The VICE PRESIDENT. Will the Sen-

ator from Connecticut allow the report to be read?

Mr. FERRY. I have no objection to the report being read.

The Secretary read the following report, submitted by Mr. ABBOTT, from the Committee on Military Affairs, on the 3d of March:

The Committee on Military Affairs, to whom was referred the case of William A. Scott, make the following report:

That the said Scott was, on the 26th of June, 1861, commissioned first lieutenant of company F, fourteenth Illinois cavalry; that on the 24th of October following he was detailed by Brigadier General J. M. Palmer as acting assistant adjutant general on his staff, a period of a little more than nine months; that in the mean time another officer was promoted to first lieutenant of company F, and was afterward recognized by the War Department; and that finally on February 11, 1867, by order of the War Department, Lieutenant Scott was honorably discharged as first lieutenant of company F in said regiment. He was paid to December 31, 1861, but he served until July 8, 1862, as shown by the certificate of General Palmer.

The committee recommend that the balance due him be paid.

Mr. ABBOTT. It is a perfectly plain case.

Mr. FERRY. I withdraw the objection.

There being no objection, the bill was considered as in Committee of the Whole.

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

BILLS OBJECTED TO.

The next bill on the Calendar was the bill (S. No. 128) for the relief of Mrs. Jane Northridge.

Mr. EDMUNDS. From something that has been said to me I think I ought to object to that bill.

The VICE PRESIDENT. It will be passed over.

ALFRED E. BROOKS.

The next bill on the Calendar was the bill (H. R. No. 272) for the relief of Alfred E. Brooks, postmaster at Ilion, New York.

Mr. RAMSEY. There is a report accompanying that bill, a House report.

The VICE PRESIDENT. The Secretary will read the bill if there be no objection.

The Secretary read the bill.

Mr. EDMUNDS. That had better go over.

Mr. FENTON. No; it is right.

Mr. COLE. It only confers discretion upon the Postmaster General to settle the account. I do not think there can be any objection to it. It is a small amount.

The VICE PRESIDENT. There is a report from the House Committee of Claims, from which this bill originated in the House, and the report will be read.

The Secretary read the report, as follows:

The Committee of Claims, to whom was referred the memorial and evidence of Alfred E. Brooks, postmaster at Ilion, Herkimer county, New York, having had the same under consideration, report:

That on the 9th day of December, 1866, the claimant deposited for safety in the safe of the American Express Company, in the town of Ilion, whose office was kept in the same building and in the room with the post office, the sum of fifty-five dollars, public money of the Post Office Department, and $1,121 17 in postage stamps of the Post Office Department, the whole amount of which was lost the same night by burglary and theft. The claimant being responsible in his accounts with the Sixth Auditor of the Treasury for this sum, now asks to be indemnified for the same by special act of Congress.

The committee having thoroughly examined the subject of the loss in connection with that of the collector of internal revenue for the twentieth district of New York for loss of revenue stamps, are of opinion that there was neither negligence nor want of proper care in the conduct of his office or the preservation of the public property on the part of the claimant, and that he is therefore entitled to the relief prayed for.

The committee therefore report the accompanying bill.

Mr. EDMUNDS. I beg to inquire whether the bill No. 252 in the order of business was not passed over, involving the same question?

The VICE PRESIDENT. The bill No. 252 in the order of business is House bill No. 886, for the relief of Lawrence L. Merry, collector of internal revenue for the twentieth district of New York.

Mr. EDMUNDS. My inquiry was whether that bill was not passed over.

The VICE PRESIDENT. That was passed over.

Mr. EDMUNDS. Let this be passed over also, so that we may settle the two together.

Mr. WILLIAMS. I do not think either of them ought to be passed over. I have examined that case thoroughly, and if we pay any man for having his revenue stamps stolen that man has made out a case.

Mr. FENTON. I appeal to the Senator from Vermont to withdraw his objection in both cases, and let them pass.

Mr. EDMUNDS. No; my friend will excuse me; and my reason is this: this is a question, in my opinion, involving a great deal more than the money which is named in these bills. I think it is the worst possible policy for us, except in cases of the utmost extremity, to grant relief in such cases at all. It encourages negligence; it encourages fraud and theft, and all sorts of dishonesty. Postmasters and internal revenue officers ought to be told that they are positively and absolutely responsible, just as a banker is, for the public funds intrusted to them; and that they owe a debt to the Government that they must pay and take their chances of misfortunes. If they do not like that they can retire from the public service. But I do not rise to discuss it now. I only think it right, after having made this universal protest against this sort of thing, that the two cases should be considered together; so this bill had better go over with the other. This course does not dispose of it adversely at all.

The VICE PRESIDENT. The Senator from Vermont objects, and the bill will be passed over.

MARY A. COOLIDGE.

The next bill on the Calendar was the bill (S. No. 346) for the relief of Mary A. Coolidge.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to issue new bonds, one for $1,000, and nine for $100 each, with coupons attached, from and including that of July 1, 1864, to Mary A. Coolidge, of Augusta, Maine, in place of her coupon bonds of a like amount destroyed by fire; but before issuing the new bonds the Secretary of the Treasury is to require a sufficient bond of indemnity securing the Government against the presentation of the bonds alleged to be destroyed.

The Committee on Claims reported the bill with an amendment, to strike out after the word "issue" in the fourth line the following words:

New bonds, one for $1,000, nine for $100 each, with coupons attached from and including that of July 1, 1864, to Mary A. Coolidge, of Augusta, Maine, in place of her coupon bonds of a like amount destroyed by fire.

And to insert in lieu thereof:

Four new bonds, for $100 each, with coupons attached from and including the coupons of July 1, 1864, to Mary A. Coolidge, of Augusta, Maine, in lieu of her five-twenty coupon bonds of a like amount, of the second series, and numbered 45489, 45490, 45491, and 45492, respectively, destroyed by fire.

The amendment was agreed to.

Mr. EDMUNDS. Let us hear the report in this case.

The VICE PRESIDENT. The Secretary cannot at this moment find the report.

Mr. EDMUNDS. Then let the bill be passed over.

Mr. HOWE. I think the report must be with the papers. The amount involved is very small, and the proofs before the committee were very plain.

The VICE PRESIDENT. If there be no objection, the bill will be passed over, and when the report shall be found, be again taken up.

Mr. COLE. I see that the bill provides for the issue of new bonds. It may be that the plates of those bonds have been destroyed, and it may be impossible, without great expense, to supply the new bonds.

The VICE PRESIDENT. The bill is not objected to, but it will be passed over until the report can be found.

Mr. COLE. I think the better way would be to pay the money out and out.

The VICE PRESIDENT. The Secretary has now found the report and it will be read.

The Secretary read the following report submitted by Mr. HOWE, from the Committee on Claims, on the 4th of March last:

The Committee on Claims, to whom was referred bill S. No. 346, for the relief of Mary A. Coolidge, submit this their report:

This claim is for the payment or reissue of five-twenty bonds to the amount of $1,900, which the claimant testifies were destroyed by fire on the 30th day of June, 1864.

She states in her affidavit that she had nine bonds of the denomination of $100 each, and one of the denomination of $1,000, with other securities, locked up in a small trunk, and deposited in the wardrobe of her room, also locked, at her boarding-house, where she had boarded several years, in the city of Augusta, Maine, and which was burned on that day with its contents.

She shows when and how the bonds were purchased, but had no memoranda or personal knowledge of their numbers or series. She purchased the $1,000 bond, and five of the $100 bonds of a Mr. Dunning, of Bangor Maine, through Hon. S. P. Strickland, who testify to the fact but cannot identify them.

The other four of the $100 bonds were purchased of Mr. William T. Johnson, of Augusta, in June, 1863, who describes them in his affidavit as of the second series, and numbered 45489, 45890, 45891, and 45892, respectively.

The circumstances of the fire are given with much particularity by several witnesses, and the high character of the claimant is well established.

The corroborative testimony of the destruction of the bonds, added to the claimant's affidavit, and the fact that no coupons from such as are identified have appeared at the Treasury Department since the alleged destruction, justify, in the opinion of your committee, the issue of bonds in lieu of those identified, upon the claimant furnishing a sufficient security against the reappearance of the originals.

The committee report the bill back with an amendment, and recommend that it be so amended and passed.

Mr. CORBETT. Did I understand from the reading of the report that there have been no coupons of those bonds presented since the fire?

Mr. HOWE. Yes, sir.

Mr. CORBETT. And there is no way of ascertaining the numbers, to know whether coupons were presented of those bonds or not?

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a joint resolution (H. R. No. 173) to enable the Secretary of the Treasury to collect wrecked and abandoned property, derelict claims, and dues belonging to the United States; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 271) for the relief of Colonel Samuel W. Price, of the twenty-first Kentucky volunteers; and it was thereupon signed by the Vice President.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 173) to enable the Secretary of the Treasury to collect wrecked and abandoned property, derelict claims, and dues belonging to the United States was read twice by its title, and referred to the Committee on Finance.

REPEAL OF TEST-OATH.

The next bill on the Calendar was the bill (S. No. 301) for the repeal of certain laws therein named.

The Secretary read the bill, which proposes to repeal an act entitled "An act to prescribe an oath of office, and for other purposes," approved July 2, 1862, and all parts of other acts

requiring the taking or administration of the oath prescribed in the act of July 2, 1862.

Mr. EDMUNDS. Let that go over.

The VICE PRESIDENT. It will be passed over.

EXEMPTION OF DISTRICT CHURCH PROPERTY.

The next bill on the Calendar was the bill (S. No. 617) to exempt certain church property in the District of Columbia from taxation.

The Secretary read the bill, which provides that church property in the District of Columbia, which is owned and used by any church as a parsonage or residence for the minister or pastor in charge of the same, shall be exempt from taxation, and shall be considered in the same light as houses of public worship.

Mr. WILLIAMS. I think that had better lie over.

The VICE PRESIDENT. The Senator from Oregon objects, and the bill will be passed over.

TREATY WITH CHEROKEE NATION.

The next bill on the Calendar was the bill (S. No. 631) to provide for carrying into effect provisions of a treaty concluded between the United States and the Cherokee nation of Indians July 19, 1866.

Mr. NYE. Let that bill go over.

The VICE PRESIDENT. It will be passed over.

CUSTOMS COLLECTOR AT WILMINGTON.

The next business on the Calendar was the joint resolution (S. R. No. 133) concerning the pay of customs officers in North Carolina.

The Secretary read the joint resolution. It provides that the act of the 25th of February, 1867, entitled "An act relative to collection districts in North Carolina," shall not be construed as repealing the act of the 27th of March, 1804, entitled "An act relative to the compensation of certain officers of the customs," and so forth.

Mr. POMEROY. I should like to have some Senator explain this resolution.

Mr. CORBETT. As I remember it, this resolution fixes the salary at $2,500. The sum now received does not amount to that. This officer has a good deal of local business to attend to, and from the representation made in the case by the Senator from North Carolina [Mr. ABBOTT] we concluded to fix the salary at $2,500. I believe that is what this resolution does.

Mr. SPENCER. I recollect this resolution. It was introduced by the Senator from North Carolina, [Mr. ABBOTT,] referred to the Committee on Commerce, and by the Committee on Commerce submitted to the Secretary of the Treasury, who recommended its passage. The object of it is to fix the salary of the collector of customs at Wilmington, North Carolina, at $2,500.

Mr. EDMUNDS. How much does he receive now?

Mr. SPENCER. Under a late ruling he can only receive about fourteen hundred dollars, if my memory serves me right.

Mr. SHERMAN. I do not think the words "and so forth" ought to be in a law of this kind. I should like to have those words stricken out. They are rather peculiar.

Mr. SPENCER. I have already stated that this joint resolution was sent to the Secretary of the Treasury and met his approval.

Mr. CORBETT. I have no objection to striking out the words "and so forth."

The VICE PRESIDENT. They will be stricken out, if there be no objection.

Mr. EDMUNDS. The act of 1867 which readjusted the districts in North Carolina—I have it before me—contains this clause:

"And the collector of said district shall reside at the port of entry thereof, and shall be appointed by the President, by and with the consent of the Senate, and receive a salary at the rate of $1,000 per annum in addition to the fees of office: *Provided*, That such compensation shall in no case exceed the sum of $2,500 per annum."

Now, the result of this joint resolution is to make the salary $2,500 per annum with the fees and emoluments in addition apparently.

Mr. SPENCER. I think not.

Mr. EDMUNDS. The collector of the district of Vermont has his salary fixed at $1,000, and the customs that he receives amount to millions of dollars in the course of a year. I do not know why the salary at this particular port should be increased in this way.

Mr. SPENCER. My recollection is that this fixes the salary positively at $2,500 per annum, and no more. There was a letter from the Secretary of the Treasury approving the resolution which ought to be with the papers, and if it is not it is in the committee-room.

Mr. CORBETT. My understanding is that the law as it stands, as read by the Senator from Vermont, fixes the salary at $1,000 and fees; but with those fees it does not amount to $2,500, and the object of this resolution is to fix the salary at $2,500.

Mr. WILLIAMS. Why does it not say that? Why not say that the salary of the officer shall be $2,500, and then we shall know what it means?

Mr. CORBETT. I have no objection to a proviso providing that the salary shall not exceed $2,500.

Mr. SHERMAN. I should like to look into the law referred to before this resolution passes.

Mr. POMEROY. I object to it.

The VICE PRESIDENT. The Senator from Kansas objects, and the joint resolution will be passed over.

WILLIAM H. OLIVER.

The next bill on the Calendar was the bill (S. No. 624) granting a pension to William H. Oliver.

There being no objection, the bill was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place the name of William H. Oliver, late a private in company A, fifth regiment Tennessee volunteers, upon the pension-roll of the United States at the rate of eight dollars per month from the 9th of June, 1862.

Mr. COLE. Is there a report in that case? If there is I should like to hear it read.

The VICE PRESIDENT. There does not appear to be any record of a report on the Calendar.

Mr. RAMSEY. Is there no report in the case?

Mr. EDMUNDS. No written report. It is the ordinary case of a pensioner whose case does not come within the proof strictly required by the Pension Office. The committee looked at it and were satisfied that the Pension Office had made a mistake, and reported accordingly. As this gentleman, like all other pensioners, is not from Vermont—our people get their living in another way up there—if any Senator wishes to object to the bill, I shall agree to let it go over with great complacency.

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

ADRIAN S. LEE.

The next bill on the Calendar was the bill (S. No. 625) granting a pension to Adrian S. Lee; which was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place the name of Adrian S. Lee, late captain's orderly in the United States ship Potomac, upon the pension-roll of the United States at the rate of eight dollars per month.

Mr. CHANDLER. Let us hear the report in that case.

Mr. EDMUNDS. There is only an oral report.

Mr. FENTON. I should be glad to hear the report in this case, or some statement of it.

Mr. EDMUNDS. I will state with the greatest pleasure, as I remember the circumstances. This man was on board a ship and got injured, and the Pension Office rejected his claim upon the ground that he could not furnish the technical proof that they required from the records that the injury he received was while he was in the line of his duty. While he was on board the ship and letting down a cannon—I am very sure that was the case—his leg was crushed. The committee thought, as we think in all such cases, that if a man gets injured while he is on the field of battle or on board ship in the regular service the burden of proof is not upon him affirmatively to prove that he could possibly have avoided the bullet or the danger. That is all there is in this case.

Mr. CHANDLER. I think, according to the ruling of the committee, we might as well pass a general law that everybody who fails to furnish the proof required shall have a pension granted him. The committee furnish us no evidence that this man's disability occurred in the line of his duty, but say that inasmuch as he could not find any proof it was better for the committee to recommend that he should have a pension. It is a very dangerous precedent. I hope no such bill as this will pass without a written report and good reason and good evidence given.

Mr. EDMUNDS. I do not know that it ought to pass without a written report, or at all. That is a matter of entire indifference to me. My friend from Michigan has mistaken the facts entirely. We do not propose to give anybody a pension who fails to furnish proof; but we do propose to assume that where a man receives an injury when he is performing a public service on board a ship of war or on the field of battle it is proof, until it is disproved, that he is acting in the line of his duty, and that he would not have received the injury if he had not been there. That is this case. If my friend wants the papers read, I have them here and they can be read.

Mr. FENTON. I wish to inquire of the Senator how the facts that he states, except as they are recorded in the Congressional Globe, form a part of the public records, so that Congress hereafter may have the benefit of this intimation which he now kindly suggests, or a precedent, or a guide in the future? There should be some rule in granting special relief as well as in granting relief under general laws.

Mr. EDMUNDS. That is in theory quite true; but the Committee on Pensions have had more than two hundred applications of this description for small pensions, small sums of money, with voluminous papers which we have been obliged to wade through one by one. It may be that we have done injustice in rejecting about nineteen twentieths of them, as we felt obliged to do. In the number we had to report, with the labor upon us, we felt justified, when all the papers and the written proofs were on file in the Pension Office showing what the case was, in reporting some of these cases that were small ones with an oral report. Perhaps it is the fault of the committee. I do not either justify or defend it. The Senate can do as it likes.

Mr. NYE. I should like to ask the Senator whether the business of the Committee on Pensions is not principally to determine upon cases which for want of technical proof the Department cannot allow?

Mr. EDMUNDS. That is, some of these cases.

Mr. NYE. In such cases the applicants are generally deserving persons, and I think the opinion of the committee ought to be taken as the guide of this body.

Mr. CHANDLER. But what I object to is that they do not give us any information.

Mr. NYE. Oh, you do not object at all.

Mr. CHANDLER. Now, in granting Army pensions——

Mr. NYE. There are poor men and women suffering for the want of these pensions, and yet my friend is quibbling about a written report.

Mr. CHANDLER. No; but how do we

know the facts? The committee furnish us no evidence that this man may not have been diseased before he entered the Navy. There is no evidence that such a man ever lived; but we are told it is presumptive evidence because he has brought in this claim, and that it is for the Government to prove that he was not wounded in the line of his duty or injured in the line of his duty. As I am informed at the Pension Office, the great trouble with Army pensions is to ascertain whether the disease was contracted or the wound was actually inflicted after enlistment or before the enlistment of the man. I should like the Committee on Pensions to inform us whether they have investigated that fact in this case, and are ready to state that they know that this man received this injury while he was in the service and not before.

Mr. EDMUNDS. We are not ready to state that we know it, because we were not present. We are only ready to state that we examined with the utmost care the evidence, and felt constrained to believe thoroughly, all of us, that the case did come fully up to the proof required.

Mr. HOWE. What was the fact? Was he in the naval service?

Mr. EDMUNDS. He was in the naval service, and nobody disputes it. We get the records from the Pension Office in every case. We do not pass a single case without sending to the Pension Office and the War Department, and the Navy Department if it is a naval pension, to get all the papers—first, to demonstrate that the man was in the service in the regular way; second, that something happened to him, after he was in the service, in the line of his duty. In this instance, as in all these other cases where we report favorably, it all appears from the evidence before us, record and otherwise. It may be that the committee have been remiss, and if so, it is my fault (because most of these oral reports, and I do not know but all of them, are mine) in not making a written statement of the facts we find; but as it is the conclusion upon a great mass of proof in most of the cases, it would only amount to saying, unless we set out all the proof which would be merely to copy the affidavits and records from the Department, what we say by reporting the bill, that the committee, on the whole, think the case is made out. I admit in cases that contain large appropriations perhaps the committee ought not to be trusted that far, and perhaps it ought not to be trusted that far now; but if there be any fault about it, it is my own individual fault, because on account of the pressure on us, in order to give everybody a hearing, I had not the time to make written reports in these cases, which the committee thought, on consideration, were satisfactory.

Mr. COLE. I should like to inquire of the chairman whether the injury in this case occurred during battle or while the ship was on a peaceful cruise? I know there is a discrimination in reference to soldiers. Those who are injured in battle receive pensions, while those who are injured perhaps on a march or in camp, do not receive pensions.

Mr. EDMUNDS. That is an entire mistake. The law makes no such distinction.

Mr. COLE. I understood the chairman of the committee to lay down as a rule, that they granted pensions only for injuries in battle or in service.

Mr. EDMUNDS. I said "in the service."

Mr. COLE. Suppose it was in camp.

Mr. EDMUNDS. The law declares that any soldier or sailor who receives injury or disability while in the line of his duty shall be entitled to a pension.

Mr. COLE. This is within the same rule then, I have no doubt.

Mr. HOWE. I only wish to say that I do think a written report in these cases is necessary. The country should see upon what principle these special pensions are granted, in order that we may be saved from the discontent of those whose claims are denied. I take it for granted that the Committee on Pensions do not give pensions to everybody who claims them. Unless there is a written report all that our records show is that one person gets a pension and that another does not. There is no reason assigned on the record why the one receives a special pension and the other is denied.

I do not pretend that the action of the Committee on Claims is a model for everybody to follow; but I can say for the Committee on Claims that I believe we have never asked the Senate to appropriate a dollar to anybody unless we have presented the facts on which the claim rested in a written report, for the accuracy of which you have the responsibility of the committee. The number of cases on the Calendar of that committee is almost three hundred at the present time.

I certainly shall not vote against this bill, because I believe the Committee on Pensions is a very careful committee; but when the Senator from Nevada, for instance, says that we ought to take the opinion of the committee and that that should be a guide to the Senate, he certainly will not insist that that should be the rule with regard to every committee. He certainly will not take the opinion of the Committee on Claims on the Sue Murphey case, as my friend from Rhode Island [Mr. ANTHONY] reminds me.

Mr. MORRILL, of Vermont. Nor of the Post Office Committee on the franking privilege.

Mr. HOWE. Nor on the franking privilege. This rule will not do. We should have the facts on which each case rests just as well in writing from one committee as another.

Mr. HAMLIN. I wish to add one word in corroboration of what the Senator from Wisconsin has just said. I do think there should be a written report accompanying every case; at least those reported upon affirmatively. I know long years ago I was a member of the Committee on Pensions, and I am certain that no favorable report was ever made while I was a member of that committee which was not accompanied by a written report; and my impression is that in a very large majority of the cases of adverse reports, those reports were in writing. It becomes necessary that you may get the point upon which the committee determine the cases.

Now, sir, I have not a doubt that every one of these pension cases on our Calendar is just and proper, from my knowledge of the men who constitute the committee, and I should be almost willing to vote them blind. I do think there is a want of respect for the doings of committees here, which we do not quite appreciate among ourselves. A committee which examines a subject carefully finds itself too often vexed by meeting a mere technical objection of some gentleman who jumps up, and who has got a little fine rule that he has discovered with a political microscope, and who wants to turn over the whole fundamental principle upon which the case rests. I think we owe it to ourselves, all of us, to have a little less of that kind of feeling and action than we have had here; and we shall respect our committees more, and respect each other a great deal more, when we get rid of these superfine technicalities that have neither justice nor common sense in them, in my judgment.

Mr. FENTON. The Senator from Maine has touched the point which I had in my mind, but I shall be pardoned for saying that I was connected with the Committee on Pensions in the House of Representatives for four years, two years at the head of that committee, and I have no recollection of a bill being reported by that committee to the House—that may not be a rule to the Senate—without a report always accompanying the bill setting forth upon what grounds the bill was reported or the claim was founded, and I think this discussion has disclosed the fact, if nothing else was wanted, that a report should be made in cases of this kind.

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

SARAH E. STUBBS.

The next bill on the Calendar was the bill (S. No. 626) granting a pension to Sarah E. Stubbs; which was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place the name of Sarah E. Stubbs, mother of Martin D. Stubbs, late a private in company G, eleventh regiment Iowa volunteers, upon the pension-roll of the United States, at the rate of eight dollars per month, commencing January 10, 1870, subject to the limitations of the pension laws.

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

ABEL S. CHASE.

The next bill on the Calendar was the bill (S. No. 627) granting a pension to Abel S. Chase; which was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place the name of Abel S. Chase, late a private in the twenty-fourth battery, Indiana artillery, upon the pension-roll of the United States, at the rate of eight dollars per month, from the 11th day of January, 1864.

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

CLARK HALL.

The next bill on the Calendar was the bill (S. No. 628) granting a pension to Clark Hall; which was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place the name of Clark Hall, late a member of Captain William Gregory's company, attached to the fourth regiment Virginia volunteers in the war of 1812, upon the pension-roll of the United States, at the rate of eight dollars per month, from the date of the passage of the act.

Mr. WILLIAMS. I should like to hear the bill read again. Is it proposed to pension a soldier of the war of 1812?

The Secretary again read the bill.

Mr. WILLIAMS. I believe we have time and again decided not to pay pensions to the soldiers of the war of 1812.

Mr. EDMUNDS. We have always paid pensions to the soldiers of the war of 1812 for disabilities, but we have decided not to pay pensions to those not disabled.

Mr. WILLIAMS. I know there have been bills pending and rejected time and again to pension those soldiers. If this is on account of some disability it may be within the rule.

Mr. EDMUNDS. This is on account of disabilities which the papers prove, and I can explain it in five minutes if Senators wish.

Mr. HOWE. Incurred in that service?

Mr. EDMUNDS. Certainly.

Mr. HOWE. I should like to know what the evidence of that is.

Mr. SHERMAN. The papers show it clearly enough. I remember that I presented the petition in this case. The party was a soldier in the war of 1812. The disability is very clearly proven. This very bill passed the Senate once before, but did not pass the House of Representatives for want of time.

Mr. EDMUNDS. I can explain to the Senate, at any length if that is desired, the entire case.

Mr. POMEROY. It is not desired.

Mr. WILLIAMS. I do not care to object; but I wish that equal justice should be done to all the men who were soldiers in the war of 1812. I know we have rejected bills to pay those soldiers pensions, and I did not know what the particular circumstances of this case were to take it out of the general rule.

Mr. EDMUNDS. The Senator will pardon me, and I wish to apologize to the Senate once more. We adopted this course as to some of these bills: on account of the great number of them they had either to be rejected and left over entirely, or I must be permitted, with the amount of work I had in hand, to make these reports and then explain the testimony if necessary. I shall take it to be the pleasure of the Senate hereafter that pension cases shall wait until we can have time to make a written report in each case. I will explain this case if it is desired.

Mr. POMEROY. It is not desired.

Mr. WILLIAMS. Just state what the disability was.

Mr. EDMUNDS. I have all the papers from the Pension Office, and can state the facts. The case was proved to our entire satisfaction. "While doing guard duty on or near the Cross Roads in Virginia, on or about the 1st of July, 1814, on account of the night being very dark, he stepped into a ditch which caused him to fall, the consequence of which was that he broke the bone of his right arm near the shoulder. Said broken arm has prevented him from the use of the same to a great extent ever since, and he was otherwise disabled while in the said service and in the line of duty aforesaid." And then he goes on to describe how he got hurt again by slipping on the ground in the damp, lying on the picket line. This is proved by the papers from the War Department, and from the Pension Office I believe also where he applied, by the captain of his company, by his fellow-soldiers, and by his attending physician. The old gentleman was proud, and as long as he could live on his own exertions, notwithstanding this disability, he did not call upon the Government. When he fell into want and distress, having been clearly entitled all the time, he applied for a pension. We were satisfied that the proof showed that he was disabled in the service of his country, and that he therefore came within the very letter of the law which pays to soldiers of the war of 1812 pensions for disabilities. The bills we have reported against have been bills to pay a general pension as a mere act of bounty, of generosity, of gratitude to people who came home from the war as well as they went in, and got their bounty land and their pay besides.

Mr. WILLIAMS. When does this pension commence?

Mr. EDMUNDS. It commences from the passage of the bill.

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

JOSEPH FIEDLER.

The next bill on the Calendar was the bill (S. No. 629) granting a pension to Joseph Fiedler; which was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place the name of Joseph Fiedler, late sergeant major of Thieleman's battalion of Illinois cavalry, upon the pension-roll of the United States, at the rate of eight dollars per month, from the 13th of November, 1865.

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

MRS. JANE NORTHRIDGE.

Mr. FENTON. I ask my friend from Vermont [Mr. EDMUNDS] if he will not withdraw his objection to the bill (S. No. 128) for the relief of Mrs. Jane Northridge. The bill has been read.

Mr. EDMUNDS. That is not a pension case.

Mr. FENTON. It is a bill reported from the Committee on Military Affairs by the Senator from North Carolina, [Mr. ABBOTT.]

The VICE PRESIDENT. The bill was not reported in full. The Senator from Vermont said, when he heard the title of it, that he had heard something in regard to it, and he desired it to be passed over.

Mr. EDMUNDS. I will state to the Senator from New York that it is a matter I have no connection with; but a brother Senator, who was going out, informed me that there were objections to it and wished me to suggest that it be passed over. That having been stated to me, I felt it to be my duty to say so.

Mr. FENTON. I supposed it came from the Committee on Pensions; but I find that it did not.

NORTHERN FRONTIER COMMERCE.

The next bill on the Calendar was the bill (S. No. 613) to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes.

Mr. EDMUNDS. I should like to ask my friend from Michigan if there is a written report in that case? [Laughter.]

Mr. CHANDLER. Yes, sir.

Mr. EDMUNDS. I should like to hear it read.

The VICE PRESIDENT. The Secretary will read the bill first.

Mr. POMEROY. If this bill is going to give rise to debate——

Mr. SUMNER and others. No; it will not.

Mr. CHANDLER. This is word for word a bill that we passed last winter, and it has been thoroughly examined.

Mr. NYE. A bill of about sixty-nine sections?

Mr. CHANDLER. Oh, no; not that many.

Mr. POMEROY. I will reserve my objection. Unless it is debated I will not object.

Mr. CHANDLER. It is identically the same bill that we passed at the last session.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read at length.

Mr. NYE. I desire to know if there is a report in this case? Here is a bill changing the whole subject of commerce on the frontier.

The VICE PRESIDENT. The bill has been reported in full. The Chair supposes that is the report.

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

Mr. WILLIAMS. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 25, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order will be the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, and not to be brought back by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures are in order.

HOMESTEADS IN THE DISTRICT.

Mr. POLAND introduced a bill (H. R. No. 1833) to protect homesteads in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

LIABILITY OF SHIP-OWNERS.

Mr. STARKWEATHER introduced a bill (H. R. No. 1834) in addition to an act limiting the liability of ship-owners, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARY H. ALLING.

Mr. KELLOGG introduced a bill (H. R. No. 1835) granting a pension to Mary H. Alling; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FAIRFIELD PORT OF ENTRY.

Mr. BARNUM introduced a bill (H. R. No. 1836) to change the port of entry of the district of Fairfield, State of Connecticut, and the compensation of the collector of said district; which was read a first and second time, and referred to the Committee on Commerce.

PACIFIC RAILROAD.

Mr. WHEELER introduced a bill (H. R. No. 1837) granting land to aid in the construction of a railroad and telegraph line from Columbia river to Great Salt Lake; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

J. L. LAY AND W. W. WOOD.

Mr. BENNETT introduced a bill (H. R. No. 1838) for the relief of John L. Lay and William W. Wood; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

COMMISSIONERS IN BANKRUPTCY.

Mr. O'NEILL introduced a bill (H. R. No. 1839) vesting the powers of commissioners appointed by courts of the United States in registers in bankruptcy; which was read a first and second time, referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

SILVER COIN.

Mr. MERCUR introduced a bill (H. R. No. 1840) changing the standard weights of silver coins, limiting the amount to be issued, and for other purposes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ENSIGN BENJAMIN S. RICHARDS.

Mr. MERCUR also introduced a joint resolution (H. R. No. 259) to restore Ensign Benjamin S. Richards to his proper place in the United States Navy; which was read a first and second time, and referred to the Committee on Naval Affairs.

NEW POST ROUTE.

Mr. VAN AUKEN introduced a bill (H. R. No. 1841) to establish a post road from Tobyhanna, in the county of Monroe, via Dowlings and Whitesells, to South Sterling, in the county of Wayne, State of Pennsylvania; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

MARY C. RENO.

Mr. GILFILLAN introduced a bill (H. R. No. 1842) to place the name of Mary C. Reno, widow of Major General Jesse L. Reno, on the pension-list at the rate of fifty dollars per month; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NEW POST ROUTE.

Mr. STONE introduced a bill (H. R. No. 1843) to establish a post road in Calvert county, Maryland; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

HIRAM L. GRANT.

Mr. HEATON introduced a bill (H. R. No. 1844) relieving Hiram L. Grant; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

ALABAMA AND CHATTANOOGA RAILROAD.

Mr. BUCK introduced a bill (H. R. No. 1845) to grant the right of way to the Alabama and Chattanooga Railroad Company to the Pacific

coast; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

SELMA AND FERNANDINA RAILROAD.

Mr. BUCKLEY introduced a bill (H. R. No. 1846) granting public lands in alternate sections to the State of Alabama to aid in the construction of the Selma and Fernandina railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. HEFLIN introduced a bill (H. R. No. 1847) to remove the political disabilities of certain persons therein named in the States of Alabama and Georgia; which was read a first and second time, and referred to the select Committee on Reconstruction.

CONTRACTS FOR SLAVES, ETC.

Mr. HAYS introduced a bill (H. R. No. 1848) to declare null and void all contracts for the hire or purchase of slaves; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MISSISSIPPI LAND GRANT.

Mr. McKEE introduced a bill (H. R. No. 1849) to revive and continue in force the provisions of an act granting public lands in alternate sections to the State of Mississippi to aid in the construction of railroads, and for other purposes, approved August 11, 1856; which was read a first and second time, and referred to the Committee on the Public Lands.

THE NATIONAL ROAD.

Mr. GARFIELD, of Ohio, presented resolutions of the Legislature of the State of Ohio asking for the passage of a law by Congress for the surrender of the national road to the counties in which it is located; which were referred to the Committee on the Judiciary, and ordered to be printed.

POST ROUTE IN OHIO.

Mr. WILSON, of Ohio, introduced a bill (H. R. No. 1850) to establish a post road in the State of Ohio; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

ANNULMENT OF A LAW.

Mr. AMBLER introduced a bill (H. R. No. 1851) to annul a portion of a certain statute of the Territory of New Mexico; which was read a first and second time.

Mr. AMBLER moved that the bill be referred to the Committee on the Judiciary.

Mr. CULLOM moved, as an amendment, that it be referred to the Committee on the Territories.

The amendment was agreed to; and the bill was referred to the Committee on the Territories.

PAYMASTERS' ACCOUNTS.

Mr. ADAMS introduced a bill (H. R. No. 1852) amendatory of the act entitled "An act to facilitate the settlement of paymasters' accounts," approved March 16, 1868; which was read a first and second time, and referred to the Committee on Military Affairs.

RELIEF OF ARMY OFFICERS.

Mr. ADAMS also introduced a joint resolution (H. R. No. 260) construing the joint resolution of Congress approved July 26, 1866, for the relief of certain Army officers; which was read a first and second time, and referred to the Committee on Military Affairs.

POST ROUTE IN KENTUCKY.

Mr. SWEENEY introduced a bill (H. R. No. 1853) to establish a post route in Kentucky; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

ACCOUNTS OF SOUTHERN RAILROADS.

Mr. ARNELL introduced a bill (H. R. No. 1854) to provide for the settlement of accounts between southern railroad corporations and the United States Government, and the collection of balances due from said corporations; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. HAWKINS introduced a bill (H. R. No. 1855) for the removal of the disabilities imposed by the fourteenth amendment to the Constitution upon the persons therein named; which was read a first and second time, and referred to the select Committee on Reconstruction.

Mr. STOKES introduced a bill (H. R. No. 1856) for the relief of certain citizens of the State of Tennessee from the political disabilities imposed by the provisions of the fourteenth amendment to the Constitution of the United States; which was read a first and second time, and referred to the select Committee on Reconstruction.

MARIA SHEPHERD.

Mr. HOLMAN introduced a bill (H. R. No. 1857) for the relief of Maria Shepherd; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REDUCTION OF TAXATION.

Mr. JUDD introduced a bill (H. R. No. 1858) to reduce and lighten the burdens of taxation; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

AMERICAN AND HOLLAND TELEGRAPH.

Mr. FARNSWORTH, stating that he did so by request, introduced a bill (H. R. No. 1859) to charter the American and Holland Ocean Cable Company; which was read a first and second time, and referred to the Committee on Foreign Affairs.

REVISION OF POSTAL LAWS.

Mr. FARNSWORTH also introduced a bill (H. R. No. 1860) to revise, consolidate, and amend the statutes relating to the Post Office Department; which was read a first and second time, referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

JAMES FUGATE.

Mr. WELLS introduced a bill (H. R. No. 1861) granting a pension to James Fugate, a soldier of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions and War of 1812.

SURVEY OF MISSISSIPPI RIVER.

Mr. WELLS also introduced a joint resolution (H. R. No. 261) providing for the survey of the Mississippi river from the mouth of the Missouri to the mouth of the Maramec; which was read a first and second time, and referred to the Committee on Commerce.

LANDS IN ARKANSAS.

Mr. ROGERS introduced a bill (H. R. No. 1862) to authorize the issue of patents for certain lands in the State of Arkansas; which was read a first and second time, and referred to the Committee on the Public Lands.

J. S. JORDAN.

Mr. ROGERS also introduced a bill (H. R. No. 1863) for the payment of the claim of J. S. Jordan for services rendered in the taking of the eighth census; which was read a first and second time, and referred to the Committee of Claims.

APPLETON STEVENS.

Mr. STRICKLAND introduced a joint resolution (H. R. No. 262) directing the Commissioner of the General Land Office to issue a patent to Appleton Stevens; which was read a first and second time, and referred to the Committee on the Public Lands.

J. R. HITCHCOCK AND B. F. BECKWITH.

Mr. STRICKLAND also introduced a joint resolution (H. R. No. 263) directing the Commissioner of the General Land Office to issue a patent to Joseph R. Hitchcock and Benjamin F. Beckwith; which was read a first and second time, and referred to the Committee on the Public Lands.

ALBERT MILLER.

Mr. STRICKLAND also introduced a joint resolution (H. R. No. 264) directing the Commissioner of the General Land Office to issue a patent to Albert Miller; which was read a first and second time, and referred to the Committee on the Public Lands.

A. C. AND D. B. RORISON.

Mr. STRICKLAND also introduced a joint resolution (H. R. No. 265) directing the Commissioner of the General Land Office to issue a patent to Alexander C. Rorison and David B. Rorison; which was read a first and second time, and referred to the Committee on the Public Lands.

ONTONAGON AND WISCONSIN RAILROAD.

Mr. STRICKLAND also introduced a bill (H. R. No. 1864) to revive a grant of land to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line; which was read a first and second time, and referred to the Committee on the Public Lands.

COMMERCE BETWEEN STATES.

Mr. CONNER introduced a bill (H. R. No. 1865) to regulate the trade and commerce between the several States and Territories of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. CLARK, of Texas, introduced a bill (H. R. No. 1866) to relieve certain persons, citizens of Texas, therein named, from the legal and political disabilities imposed by the fourteenth amendment to the Constitution of the United States, and for other purposes; which was read a first and second time, referred to the select Committee on Reconstruction, and ordered to be printed.

SETTLERS IN IOWA.

Mr. POMEROY introduced a bill (H. R. No. 1867) for the relief of certain settlers in the State of Iowa; which was read a first and second time, and referred to the Committee on the Public Lands.

DES MOINES RIVER LANDS.

Mr. POMEROY also presented a joint resolution of the Legislature of Iowa, concerning settlers upon the Des Moines river lands; which was referred to the Committee on the Public Lands.

Mr. POMEROY also presented the message of the Governor of Iowa to the Legislature of that State, concerning the settlers upon the Des Moines river lands; which was referred to the Committee on the Public Lands.

POST ROAD IN IOWA.

Mr. POMEROY also introduced a bill (H. R. No. 1868) to establish a certain post road in Iowa; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

PRINTING.

Mr. PALMER introduced a bill (H. R. No. 1869) to repeal section seven of an act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, approved March 2, 1867, and for other purposes;" which was read a first and second time, and referred to the Committee on Printing.

MAIL ROUTES IN IOWA.

Mr. PALMER also presented a joint resolution of the Legislature of Iowa, in favor of the

establishment of certain mail routes; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

LAND-GRANT RAILROAD IN IOWA.

Mr. SMYTH, of Iowa, presented a joint resolution of the Legislature of the State of Iowa, praying for a grant of lands by Congress to aid in the construction of a railroad therein named; which was referred to the Committee on the Public Lands, and ordered to be printed.

FOX AND WISCONSIN RIVERS.

Mr. SMYTH, of Iowa, also presented a joint resolution of the Legislature of the State of Iowa in reference to the Fox and Wisconsin rivers; which was referred to the Committee on Commerce, and ordered to be printed.

POST ROUTES IN WISCONSIN.

Mr. COBB, of Wisconsin, introduced a bill (H. R. No. 1870) to establish certain post routes in the State of Wisconsin; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

REDUCTION OF TAXATION.

Mr. SARGENT introduced a bill (H. R. No. 1871) for the relief of the people of the United States by reducing taxation therein; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

LAND-GRANT RAILROAD IN MINNESOTA.

Mr. WILSON, of Minnesota, introduced a bill (H. R. No. 1872) granting lands in the State of Minnesota for constructing a railroad from Lake Superior to Vermilion Lake; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS OF LOYAL WEST VIRGINIANS.

Mr. WITCHER introduced a joint resolution (H. R. No. 266) relative to claims of loyal West Virginians; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INDIAN TREATIES.

Mr. CLARKE, of Kansas, introduced a bill (H. R. No. 1873) to carry into effect the treaties between the United States and the Choctaw and Chickasaw, Creek, Seminole, and Cherokee nations of Indians, A. D. 1866, for the establishment of an international council and general government among said nations; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

Mr. CLARKE, of Kansas. Mr. Speaker, I have been requested to introduce this bill by the Cherokee delegation, and to ask its reference to the Committee on the Territories. I desire to say that I do not wish to be held responsible for what the bill contains.

OREGON BRANCH OF PACIFIC RAILROAD.

Mr. FITCH introduced a bill (H. R. No. 1874) granting lands to aid in the construction of the Oregon Branch Pacific railroad, and to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BOUNDARIES OF LAND DISTRICTS.

Mr. TAFFE introduced a bill (H. R. No. 1875) to authorize the Secretary of the Interior to change the boundaries of land districts; which was read a first and second time, and referred to the Committee on the Public Lands.

OMAHA AND NORTHWESTERN RAILROAD.

Mr. TAFFE also introduced a bill (H. R. No. 1876) to aid in the construction of the Omaha and Northwestern railroad and telegraph line from Omaha, via the mouth of Niobrara river, to Fort Berthold, Dakota Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

OREGON BRANCH PACIFIC RAILROAD.

Mr. FITCH introduced a bill (H. R. No. 1877) granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon; which was read a first and second time, and referred to the Committee on the Public Lands, and ordered to be printed.

POST ROUTES IN COLORADO TERRITORY.

Mr. BRADFORD introduced a bill (H. R. No. 1878) to establish certain post routes in Colorado Territory; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

DAKOTA POST ROUTES.

Mr. SPINK introduced a bill (H. R. No. 1879) to establish a post route from Le Mars, in the State of Iowa, to Yancton, in the Territory of Dakota; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

COLLECTION DISTRICT OF MONTANA, ETC.

Mr. CAVANAUGH introduced a bill (H. R. No. 1880) to repeal section two of an act entitled "An act to establish the collection district of Port Huron, the collection district of Michigan, the collection district of Montana and Idaho, and to change the name of the collection district of Penobscot;" which was read a first and second time, and referred to the Committee on Commerce.

INDIAN TITLES.

Mr. CAVANAUGH also introduced a bill (H. R. No. 1881) to extinguish Indian titles to certain portions of the Territories of Montana and Idaho; which was read a first and second time, and referred to the Committee on Indian Affairs.

CALL FOR RESOLUTIONS.

The SPEAKER. The call of States and Territories for bills and resolutions having been concluded, the States will now be called for resolutions, beginning with the State of North Carolina, where the call rested on Monday last.

PAYMENT OF LOYAL CITIZENS.

Mr. DOCKERY. I ask unanimous consent to submit the following resolution, already having offered one under this call:

Resolved, That the honor and good faith of the Government are bound to the payment of loyal citizens of the South for property of every description taken from them for the use of the Army, Navy, or Government.

Mr. ALLISON. I object to the gentleman offering two resolutions under this call.

TARIFF.

Mr. AYER submitted the following resolution, on which he demanded the previous question:

Whereas the Secretary of the Treasury estimates the customs receipts of the Government for the next fiscal year at $185,000,000, the internal revenue receipts at $175,000,000, and the excess of total receipts over expenditures at $102,000,000; and whereas the public welfare demands such prompt reduction of the burdens of taxation as shall be consistent with the maintenance of the public credit; and whereas it is both impracticable and inexpedient to make a general readjustment of the tariff during the present session of Congress: Therefore,

Resolved, That in the opinion of this House the tariff bill now pending in the Committee of the Whole ought to be indefinitely postponed.

Mr. SCHENCK. Is that resolution in order?

The SPEAKER. If the resolution proposed the indefinite postponement of the tariff bill it would not be in order. It is a well-known parliamentary principle that nothing can be postponed which is not under consideration. If adopted this resolution has no practical effect, as it is a mere expression of opinion.

Mr. HOLMAN. Is the resolution divisible?

The SPEAKER. It is not. It embraces only one proposition.

Mr. HOLMAN. I ask for a separate vote on the preamble and resolution.

The House divided; and there were—ayes 28, noes 110.

So the previous question was not seconded.

Mr. FARNSWORTH rose to debate the resolution, and it went over.

TRADE WITH BRITISH NORTH AMERICA.

Mr. GIBSON submitted the following resolution, and demanded the previous question on its adoption:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to cause an inquiry to be made for the information of Congress relative to the state of trade between the United States and the several dependencies of Great Britain in North America, and that the Secretary is hereby authorized to designate a suitable person to make such inquiry, who may be paid not more than ten dollars per day while employed in such service, with an allowance of ten cents per mile for defraying the expenses of necessary travel.

The House divided; and there were—ayes 34, noes 86.

So the previous question was not seconded.

Mr. PETERS rose to debate the resolution, and it went over.

TAX SALES IN INSURRECTIONARY DISTRICTS.

Mr. McKENZIE submitted the following resolution, on which he demanded the previous question:

Resolved, That the President of the United States is requested to cause to be communicated to this House a statement of all moneys paid into the Treasury on account of all property seized and sold for taxes due to the United States under and by virtue of an act of Congress of June 7, 1862, entitled "An act to collect taxes in insurrectionary districts, and for other purposes," including also a statement of the title of each case, the name of the owner of the property sold, the purchaser of the same at the tax sale, and the names of the officers by whom respectively the proceeds of sale in each case may have been paid into the Treasury, and the amount actually paid in in each and every case.

Mr. HOAR. I rise to make a parliamentary inquiry. If the demand for the previous question is not sustained will it be in order to move to refer the resolution to the Committee on Freedmen's Affairs?

The SPEAKER. Such a motion would be in order unless some gentleman gets the floor to debate it.

On seconding the previous question there were, on a division—ayes 36, noes 88.

So the previous question was not seconded.

Mr. ALLISON rising to debate the resolution, it went over under the rule.

PROPERTY TAKEN FOR USE OF GOVERNMENT.

Mr. BOOKER submitted the following resolution, on which he demanded the previous question:

Resolved, That the honor and good faith of this Government are bound to the payment of loyal citizens of the South for property of every description taken from them for the use of the Army, Navy, or Government.

On seconding the previous question there were, on a division—ayes 63, noes 65.

Mr. MAYNARD. I ask for tellers.

Tellers were ordered; and Mr. BOOKER and Mr. ALLISON were appointed.

Mr. ELDRIDGE. I ask the gentleman from Virginia [Mr. BOOKER] to modify his resolution by striking out the word "loyal" and inserting the word "patriotic;" so that it will provide for "the payment of patriotic citizens of the South."

The SPEAKER. No debate is in order when the tellers have taken their places and the House is dividing.

The House again divided; and the tellers reported—ayes 69, noes 90.

So the previous question was not seconded.

Mr. KELSEY and Mr. BINGHAM rising to debate the resolution, it went over under the rule.

ADDITIONAL BATH-ROOMS.

Mr. WOODWARD submitted the following resolution, on which he demanded the previous question:

Resolved, That the Committee on Public Buildings and Grounds be, and they are hereby, instructed to

provide for the erection of four additional bath-rooms on the opposite side of the room now occupied as a bath-room under this Hall, and that said rooms when erected, furnished, and ready for use be reserved exclusively for members and clerks of the House of Representatives.

On seconding the previous question there were, on a division—ayes 72, noes 44.

So the previous question was seconded.

Mr. SCOFIELD. I move to lay the resolution on the table.

The House divided; and there were—ayes 66, noes 53.

So the resolution was laid on the table.

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

The latter motion was agreed to.

REVENUE DETECTIVES.

Mr. WOODWARD. I ask unanimous consent to offer under this call the following resolution:

Resolved, That the Secretary of the Treasury be requested to report to this House the names and residences of informers or detectives under the internal revenue laws, and the amount of money paid to each of them during the first quarter of the fiscal year of 1870.

Mr. MAYNARD. I object.

ROBERT K. ENBODY.

Mr. COVODE, by unanimous consent, introduced a bill (H. R. No. 1882) for the relief of Robert K. Enbody; which was read a first and second time, and referred to the Committee of Claims.

PENSIONS TO SOLDIERS OF WAR OF 1812.

Mr. CESSNA submitted the following resolution; upon which he moved the previous question:

Resolved, That the Committee on Revolutionary Pensions and War of 1812 be requested to report a bill providing pensions for all the surviving officers and soldiers of the war of 1812.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

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

The latter motion was agreed to.

WAR DEPARTMENT EMPLOYÉS.

Mr. STILES. I offer the following resolution; upon which I demand the previous question:

Resolved, That the Secretary of War be requested to furnish this House as soon as practicable with a tabular exhibit of the name, rank, and brevet rank of each officer of the Army now on duty in the city of Washington, showing the office or bureau in which they are employed, and stating specifically the duties in which they are respectively engaged, the monthly compensation of each, as paid by any officer of the pay department, the quartermaster's department, the subsistence department, or by any other officer of the military or civil service of the Government; also with a tabular exhibit of the name, nominal occupation, specific employment, and present compensation of all other persons employed in the War Department and in each of its bureaus, specifying the law by which their employment is authorized; and if any are employed without authority of law, by what authority and how long they have been so employed; and by what authority or upon what principle their rate of compensation has been fixed, and out of what appropriation they have been paid.

The question was put on seconding the previous question; and there were—ayes 42, noes 73.

Mr. STILES called for tellers.

Tellers were ordered; and Mr. STILES and Mr. SCOFIELD were appointed.

The House divided; and the tellers reported—ayes 52, noes 68.

So the previous question was not seconded.

Mr. CULLOM. I rise to debate the resolution.

Debate arising thereon, the resolution went over.

ABSENTEES.

The SPEAKER. The morning hour has expired, and it is the duty of the Sergeant-at-Arms to present at the bar of the House the members who were absent without excuse from the session of Friday night.

Mr. SCHENCK. I offer a resolution upon that subject, upon which I move the previous question.

The Clerk read the resolution, as follows:

Resolved, That each of the absentees on the call of Friday last who has not yet been excused be fined ten dollars, excepting any one of them who may believe he has a good excuse which he desires to present to the House for its consideration; and that except for the purpose of hearing such excuses offered in particular cases all further proceedings under the call be dispensed with.

Mr. STRICKLAND. I desire to offer a substitute for the resolution.

Mr. COX. Is the resolution divisible? I want a vote on the latter part of the resolution, dispensing with all proceedings under the call.

The SPEAKER. The resolution is divisible.

Mr. COX. Then I call for a division.

The SPEAKER. On what part of the resolution does the gentleman wish a separate vote?

Mr. COX. On the proposition that all proceedings under the call be dispensed with.

The SPEAKER. It is not divisible in that way.

Mr. STRICKLAND. I desire to offer a substitute for the resolution.

Mr. SCHENCK. I cannot yield for that. I called the previous question to save time.

The SPEAKER. If the House shall not sustain the previous question a substitute can be offered.

The previous question was seconded—ayes 109, noes 22.

Mr. ELDRIDGE. I make the point of order that gentlemen who have not been excused have no right to vote.

The SPEAKER. There is no record of their voting.

Mr. ELDRIDGE. It can be easily ascertained.

The SPEAKER. How? The yeas and nays have not been called.

Mr. ELDRIDGE. They are in the custody of the Sergeant-at-Arms.

The SPEAKER. The Chair overrules the point of order. He has no knowledge whatever of any such thing being done.

The main question was ordered; and under the operation thereof the resolution was adopted.

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

The latter motion was agreed to.

The SPEAKER. Any member, under the order just made, who desires to offer an excuse for his absence on Friday night will now be heard.

Mr. SCHENCK. I desire to offer an excuse for my neighbor here, [Mr. FERRY,] of Michigan. It is within my own knowledge, and within the knowledge of those of us who sit near him, that his health is such that he ought not to be here in the evening, nor much of the time in the day-time. I therefore ask that he be excused.

The motion was agreed to.

Mr. SCHENCK moved to reconsider the vote by which Mr. FERRY was excused; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GRISWOLD. I believe my colleague [Mr. REEVES] is included among the list of absentees. I think he left on Friday with the understanding that he had been granted leave of absence.

The SPEAKER. The Journal Clerk reports to the Chair that the leave of absence granted to the gentleman from New York [Mr. REEVES] was for four days from to-day.

Mr. JONES, of Kentucky. Would it be in order to ask that the names be read of those absentees who have not been excused?

The SPEAKER. It would be.

Mr. JONES, of Kentucky. I ask then that the names be read.

Cries of "Oh, no!" "Oh, no!"

Mr. JONES, of Kentucky. Very well; I will withdraw the call for the reading.

Mr. ELDRIDGE. I renew the call.

Mr. MAYNARD. Is it the right of any member to call for the reading of the list of absentees who have not been excused?

The SPEAKER. The Chair will so rule.

Mr. FARNSWORTH. Can a member call for the reading of a paper the subject of which is not before the House?

The SPEAKER. Upon further reflection the Chair will sustain the point of order. The House has disposed of the subject, except in the case of those gentlemen who desire to present excuses for being absent.

Mr. SCHENCK. If there be no one desiring to be heard in excuse under the order of the House just now, I will move to suspend the rules and go into Committee of the Whole on the special order.

Mr. DAWES. Before the gentleman makes that motion, I desire to ask the action of the House upon a joint resolution.

Mr. FITCH. I rise to a question of order.

The SPEAKER. The gentleman will state his point of order.

Mr. FITCH. When the House adjourned on Monday last there was pending a resolution offered by myself which should come up now as unfinished business immediately after the expiration of the morning hour.

The SPEAKER. The gentleman is correct.

Mr. LYNCH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LYNCH. Would it be in order to move that the gentleman from Ohio [Mr. SCHENCK] be excused on account of his absence on Thursday upon his pleasure excursion, and that the gentleman from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Appropriations, be excused for his non-attendance on Thursday evening last, when the House was obliged to adjourn on account of the absence of members? If so, then I will make that motion.

Mr. DAWES. If the gentleman from Maine [Mr. LYNCH] has any criticism to make upon my course let him present it here promptly in the House, and I will respond to it.

Mr. LYNCH. I was only asking if it would be proper and parliamentary to ask that the gentleman be excused for non-attendance on Thursday evening last, when an appropriation bill was under consideration, and the House was obliged to adjourn on account of the absence of members.

Mr. FITCH. Is not my resolution the first business in order?

The SPEAKER. The first business in order after the expiration of the morning hour to-day is the consideration of the resolution of the gentleman from Nevada [Mr. FITCH] to suspend the rules, pending at the adjournment on Monday last.

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

The SPEAKER. The gentleman will state it.

Mr. KNOTT. Is it in order now to offer excuses for being absent on Friday last?

The SPEAKER. That is in order; and the Chair, after making the announcement to the House, waited until a considerable time had elapsed before entertaining any other question.

Mr. KNOTT. Several gentleman, myself among the number, desire to get the floor for that purpose.

The SPEAKER. That will be in order.

Mr. KNOTT. I desire to say, Mr. Speaker, that from the beginning of the present session of Congress until the House took a recess on last Friday afternoon I had not, to my recollection, been absent from my seat a solitary hour during the sitting of the House. Every day and every night when there was business

before the House, during a term of nearly five months, I was here from the opening of the session till the fall of the hammer at the adjournment. I desire furthermore to say, that serving upon two committees during the whole of that time, I have never been absent except on a single occasion from the meetings of either. Under these circumstances, on last Friday evening it occurred to me that possibly the House might excuse me from attendance for an hour or two on that occasion. I accordingly took the liberty to stop on the avenue to purchase some books which I needed and which were offered for sale, and which, I was informed, I would not have opportunity to procure afterward. Being detained longer than I expected, and feeling somewhat fatigued, I returned after my purchase to my room. I make this statement not with the view of evading any just penalties which the House may see fit to impose, but in order, as this proceeding has been made of more than ordinary importance, to let those whom I have the honor to represent on this floor understand that I have on all occasions endeavored to discharge my duties to them as faithfully as has been in my power.

Mr. WELKER. Will the gentleman yield to me a moment?

Mr. KNOTT. Yes, sir.

Mr. WELKER. I am glad to have an opportunity to say, in behalf of the gentleman from Kentucky, [Mr. KNOTT,] that he belongs to two committees upon which I serve, and that I know of no member who has been more punctual in attendance on both those committees since I have been associated with him. I move that the gentleman be excused.

Mr. ORTH. I desire to add my testimony to that of my colleague [Mr. WELKER] as to the promptitude with which the gentleman from Kentucky [Mr. KNOTT] has uniformly discharged his duties on the Committee on Private Land Claims.

The motion of Mr. WELKER was agreed to; and Mr. KNOTT was excused.

Mr. KELLOGG. I now move that further proceedings under the call be dispensed with, and that all fines be remitted. If we excuse any gentleman on the ground upon which the last two have been excused we certainly ought to remit the penalties in the cases of all others.

The SPEAKER. The Chair rules that the motion is not in order. The House has adopted a resolution concluding this whole subject, and the motion to reconsider the resolution was laid on the table.

Mr. BUCKLEY. I desire to say in behalf of my colleague [Mr. HEFLIN] that he left the Hall of the House on Friday about three o'clock with a sick headache, to which he is subject, and was unable to return here after the recess on that day. For this reason I move that he be excused. I should have made such a motion on Friday night had I at that time known of his illness.

The motion was agreed to.

Mr. WILSON, of Minnesota. I rise to a point of order. I submit that the resolution which was adopted and the motion to reconsider which was laid on the table did not embrace any proposition with reference to the payment and collection of fines. Therefore, I submit that a motion to remit fines is in order.

The SPEAKER. A resolution of that kind would be in order under a suspension of the rules or under a call of the States for resolutions, but it is not in order at the present time.

Mr. COX. I think nobody would object to such a proposition.

Mr. KELLOGG. My purpose was to remit all the fines.

Mr. McCRARY. Mr. Speaker, I did not propose to say anything more than I said the other evening with regard to my absence on that occasion. But since the remarks which have been made by the gentleman from Kentucky, [Mr. KNOTT,] and since the action of the House in his case, I deem it proper to say that every word he has said with reference to himself is true in my own case. I am not aware that I have been absent from the sessions of this House without leave for a single hour since I took my seat here. I was but a very few minutes late on Friday evening. I confess I was somewhat careless on that occasion, for the reason that I had been here the evening before and found scarcely any one here, no business being transacted on that evening on account of absence of members generally. The chairman of the Committee of Ways and Means, [Mr. SCHENCK,] the chairman of the Committee on Appropriations, [Mr. DAWES,] the gentleman from Wisconsin [Mr. WASHBURN] having in charge the bill then under consideration, and other gentlemen of the House, many of them, were absent on Thursday evening.

Mr. DAWES. I ask the gentleman to yield to me. The gentleman from Maine [Mr. LYNCH] has seen fit to make that statement in reference to myself. I desire to say the gentleman is entirely mistaken. I was not absent.

Mr. LYNCH. I move that the gentleman be excused.

Mr. DAWES. I do not ask the gentleman from Maine to make that motion. [Laughter.] I hold myself responsible to the House and the rules of the House, and it is not necessary for the gentleman to get excused by making charges against another member which are not true in fact. I do not think it worth while for the gentleman from Maine to make charges which he does not know to be true or not.

Mr. LYNCH. It is reported in the Globe the gentleman was not here.

Mr. MORGAN. In the absence of the chairman of the Committee on Appropriations it was stated that the motion to adjourn was made.

Mr. McCRARY. I am not sure whether the gentleman from Massachusetts was here or not on Thursday evening. If he was I beg his pardon for doing him injustice.

Mr. DAWES. I had not charge of the bill and was not responsible in any respect for the Navy appropriation bill then pending. I was opposed to the bill. I opposed its being reported to the House. Therefore, I am not to be held responsible for any transaction in regard to that bill. But I was not absent.

Mr. McCRARY. I know that the honorable gentleman on whose motion I was fined ten dollars for being here five minutes after the doors were closed was not here at all on Thursday evening. I am not here to complain. I mention these facts to show there was some excuse for a younger member of the House being absent on that occasion. I had no reason to expect any business to be done on that evening. And now, Mr. Speaker, I do not wish to say more than that I have not been absent, to my knowledge or recollection, when the House was called to order, once this session, except on that particular occasion.

Mr. MAYNARD. I desire to say a word in respect to the case of my friend, the chairman of the Committee of Ways and Means.

Mr. BINGHAM. I rise to a question of order.

The SPEAKER. State it.

Mr. BINGHAM. Is there anything in order just now except the statements of parties desiring to be excused?

The SPEAKER. Nothing is in order except to hear excuses.

Mr. MAYNARD. I was proceeding to say in regard to the chairman and members of the Committee of Ways and Means that there is a standing order of the House authorizing them to sit during the sittings of the House.

Mr. LYNCH. I move that the chairman of the Committee of Ways and Means be excused.

Mr. SCHENCK. I have been so repeatedly referred to by gentlemen in stating their cases that I desire to reply in a few minutes. The gentleman from Iowa desires to excuse himself because of the bad example of others, and takes especial occasion to say the chairman of the Committee of Ways and Means was absent the night before. It is true, and I was not absent on business. I was absent while the appropriation bill was under consideration with my Ohio friends, who were here on a visit. It is the only day for recreation I have taken during the whole session; and if the gentleman or any other gentleman will stand up here and work as hard as I do and be absent as seldom as I am, then he will have followed a good example.

Mr. COX. I call for the regular order of business. As some members may desire to ask hereafter to be excused, I wish to get the floor to offer a resolution suspending all proceedings under the call and remitting all the fines which have been imposed. These fines never have been collected before, and it operates in a way to discriminate against some of our most virtuous people. [Laughter.] I hope I may be permitted to offer my resolution.

Mr. MORGAN. I object.

Mr. COX. I move the previous question on it.

The SPEAKER. It is not before the House.

Mr. CALKIN. I call for the regular order.

Mr. CLARKE, of Kansas. I ask unanimous consent to address a few words to the House.

Mr. CULLOM. We ought to go to work.

Mr. CALKIN. I object, and insist on the regular order.

Mr. MORGAN. I desire to ask the Chair whether it has not been determined by a resolution of the House this morning that gentlemen who have excuses to offer should now have an opportunity to offer them?

The SPEAKER. Excuses from gentlemen who were absent without leave are in order.

Mr. MORGAN. Then I rise to be heard by the House.

The SPEAKER. The gentleman is in order, under the resolution of the House, if he rises for that purpose.

Mr. MORGAN. On Thursday night last I appeared on this floor with an understanding that after the gentleman from Maine [Mr. HALE] had finished I was to be heard on the naval appropriation bill. I appeared in accordance with that understanding. The gentleman from Pennsylvania [Mr. SCOFIELD] rose in his place and objected to debate, and asked that the House should adjourn for the reason that the chairman of the Committee on Appropriations [Mr. DAWES] was not present. In consequence of the suggestion of the gentleman from Pennsylvania, not wishing to take advantage of the absence of the gentleman from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Appropriations, I consented to the adjournment. Now, the fact is that there were not eighteen members present at the time the adjournment took place on Thursday night.

Mr. DAWES. I beg to say to the gentleman——

Mr. MORGAN. I cannot yield to the gentleman just now; he may be heard afterward.

Mr. JUDD. There were just seven members on the floor.

Mr. MORGAN. And I was one of the seven. On Friday night at seven o'clock I was sick in my bed, and did not know of the call of the House until Saturday morning. I do not ask to be excused, but I want these facts to go before the country; and I will say here that certain gentlemen who have been most noisy on the subject of the call are those who have been most frequently absent from the House and most derelict in their duty.

The SPEAKER. The gentleman is not in order if he does not ask to be excused. [Laughter.] Gentlemen who rise for the purpose of asking to be excused are alone to be heard.

Mr. ELDRIDGE. I move that the gentleman from Ohio [Mr. MORGAN] be excused.

Mr. DAWES. Mr. Speaker——

The SPEAKER. Does the gentleman from Massachusetts rise to ask to be excused? [Laughter.]

Mr. DAWES. No, sir; I rose to speak on the motion just made.

Mr. ELDRIDGE. If the motion is debatable I call for the previous question on it.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] was on the floor before the gentleman from Wisconsin [Mr. ELDRIDGE] called the previous question.

Mr. FARNSWORTH. Are motions to excuse debatable?

The SPEAKER. Yes; motions to excuse are debatable.

Mr. ELDRIDGE. I rise to a question of order. I had not taken my seat, and if the question is debatable I had the floor.

The SPEAKER. The Chair did not understand the gentleman from Wisconsin to retain the floor.

Mr. DAWES. If the gentleman from Ohio [Mr. MORGAN] was sick on Friday night he ought to be excused. But the gentleman from Ohio, in justifying himself because of his sickness on that night, has unnecessarily arraigned others for being absent the night before. He undertakes to say that he abandoned the business of the night before because I was not present. Now, in the first place, there was no more reason why I should be present than any other man. As I have already stated, I had not the charge of the bill pending. I was not in favor of the pending bill, but was opposed to it. I had no more to do with that bill than any other member. But, though not present in the Hall, I was present on the ground. And why, Mr. Speaker, have we introduced these proceedings here? Why have we attempted to induce members to be present here? We tried on Thursday night to have a meeting for the transaction of business and failed. We tried it again on Friday night and failed. And, sir, when gentleman say——

Mr. NEGLEY. I rise to a question of order. I submit that it is not within the province of the gentleman from Massachusetts to lecture this House. There has been a resolution adopted imposing fines on those who were absent, and if they choose to submit to it I do not think it is proper for the gentleman to remark further on their conduct.

The SPEAKER. The Chair sustains the point of order. The gentleman from Massachusetts will, of course, exercise proper discretion in the remarks he is making.

Mr. DAWES. I am endeavoring to speak with discretion and propriety.

Mr. FARNSWORTH. I rise to a question of order. I think the debate should be confined to the motion to excuse the gentleman from Ohio, [Mr. MORGAN.]

The SPEAKER. That is the question before the House.

Mr. DAWES. It is upon that question that I propose to speak. Of course if I am not in order I will sit down. I will not trouble the House by forcing any remarks upon them. But I submit to the House whether anything unreasonable or improper has been done in attempting to force the attendance of members upon the sessions of the House. That is the question, and upon that I desire to address the House. I hope the House will vote with that question before their eyes. The attention of the country has been attracted to the manner in which we have been transacting business here, and it is proper for us——

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

The SPEAKER. General remarks on the attendance of members, of course, are not in order on the question of excusing an individual member.

Mr. STEVENSON. That was the point I intended to raise.

Mr. DAWES. I yield to the gentleman from Ohio, [Mr. SCHENCK,] retaining the floor.

Mr. SCHENCK. I propose to say simply that I shall vote against the motion to excuse my colleague, [Mr. MORGAN,] for the reason which he has given. The reason assigned by my colleague is that members of the House behaved so badly, and were so inattentive on Thursday evening, that therefore it would not be proper to hold those to account who were absent on Friday evening. That is what it amounts to, I think, in plain English.

Mr. MORGAN. I do not ask to be excused.

Mr. SCHENCK. I know my colleague does not; but somebody has made the motion which my colleague very properly has not asked.

Mr. MORGAN. I will vote to excuse you.

Mr. SCHENCK. Now, I know that my colleague is one of the most attentive and laborious members that we have. I say this in all good faith. The gentleman is as seldom away from his post as any one on either side of the House. But still the rules are made for general application. If when I was away on Thursday evening there had been a call of the House, and I had been called upon for an excuse, I admit I should have had none to make. I went away for the purpose of recreation. True, it was the only day on which I have indulged myself in that manner, and gentlemen know the peculiar circumstances, during the whole session. It so happens that my colleague, ordinarily very attentive, ordinarily very punctually in his place, was one of those away on Friday evening, and that was the case with a good many of the most attentive and diligent members of this House. They happened to be caught. But, then, what is the reason of the thing involved in it all? Are we to excuse everybody that happens to be away when the rule of the House is enforced because there have been carelessness and negligence on former occasions?

The fact is that the failure to get any meeting, the failure to have more than ten or fifteen members present, as was the case, I believe, on Thursday evening, the failure a number of times to get evening meetings, impressed the House finally with the idea that it was necessary to begin to enforce our rules; and the rules being enforced I suppose that every excuse must stand upon its own merits, no matter who may happen to be caught. So far from its being a reason why there should have been no call on Friday night that everybody was absent on Thursday night, the fact that we were all so negligent on Thursday night was a good reason for the call on Friday night, and will continue to be a good reason for calls of the House until we all learn to be more diligent and generally punctual in attendance in our places. There must be a beginning at some time. The beginning happened to be made when it was. It caught some of the most industrious members of the House and others not so industrious. Everybody knows that there can be no personal feeling about it. The only question is, whether we shall ever enforce our rules or whether we will give up the attempt?

Mr. LYNCH. Mr. Speaker——

Mr. DAWES. I resume the floor.

Mr. CLARKE, of Kansas. Will the gentleman yield to me?

Mr. DAWES. I feel as if I ought to yield to the gentleman from Maine, [Mr. LYNCH.]

Mr. LYNCH. I do not ask the gentleman to yield to me.

Mr. DAWES. Then I yield to the gentleman from Kansas.

Mr. CLARKE, of Kansas. Mr. Speaker, I am opposed to the motion to excuse the gentleman from Ohio [Mr. MORGAN] because I understand that he does not ask this action on the part of the House. I have had the honor to occupy a seat upon this floor since the commencement of the first session of the Thirty-Ninth Congress. During all that time, with the exception of a few days on one occasion when I was extremely unwell, I have never been absent from the House when in Washington, except in a few instances to transact business for my constituents with the Departments. I have never during those five years of service upon this floor been absent from the Capitol but on two occasions, once to attend a meeting of the Republican State central committee of my State, of which I was chairman.

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

The SPEAKER. The gentleman will state his point of order.

Mr. CALKIN. My point of order is that the gentleman from Kansas [Mr. CLARKE] has already been brought before the House and fined for being absent.

The SPEAKER. The gentleman is upon the floor by leave of the gentleman from Massachusetts [Mr. DAWES] upon the motion of the gentleman from Wisconsin [Mr. ELDRIDGE] to excuse the gentleman from Ohio [Mr. MORGAN] for having been absent from the session of the House on Friday last.

Mr. CLARKE, of Kansas. As I was saying, I was absent to attend a meeting of the Republican State central committee——

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

The SPEAKER. The gentleman will state his point of order.

Mr. WILLARD. My point of order is that the gentleman must confine himself to the subject under consideration, which is the motion to excuse the gentleman from Ohio.

The SPEAKER. The Chair sustains the point of order.

Mr. CLARKE, of Kansas. If I am obliged to confine myself strictly to the question before the House I will say that I am opposed to excusing the gentleman from Ohio, [Mr. MORGAN,] not because it is not his custom to attend strictly to the business of the House, for I believe there is no member, with the exception of myself, who more promptly attends the session of the House and attends to its business more diligently——

Mr. BENTON. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BENTON. My point is that it is not in order for the gentleman to stand up here and advertise how punctual he has been in attending the sessions of the House when the question under consideration is whether the House will or will not excuse a member for non-attendance on a particular occasion.

The SPEAKER. The Chair will be compelled to rule that the gentleman from Kansas [Mr. CLARKE] is out of order unless he shall confine his remarks to the pending question.

Mr. CLARKE, of Kansas. The gentleman from Ohio, [Mr. MORGAN,] as I was saying, does not desire to be excused; he does not ask this favor of the House. Those of us who the other evening were within a few minutes' walk of the doors of this House when they were closed were called up before the House and publicly fined for being delinquent on account of the most extraordinary manner in which a most extraordinary diligence was exhibited by some gentlemen here to make it appear that a few of us are not in the habit of attending regularly the sessions of the House.

A MEMBER. A spasmodic effort.

Mr. CLARKE, of Kansas. Yes, spasmodic. This spasmodic effort——

The SPEAKER. The gentleman is clearly not in order.

Mr. DAWES. I will resume the floor.

The SPEAKER. The Chair will be compelled to hold the debate strictly to the resolution.

Mr. DAWES. I will move to lay the resolution on the table.

Mr. KELLEY. I desire to say a word on the resolution itself.

Mr. DAWES. Then I will withdraw the motion to lay the resolution on the table, and yield to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. The argument for this motion is based upon the fact that the gentleman was here on Thursday night. Now, I think it due to history that it should be said that no gentleman is entitled to any particular credit for having been here on Thursday night. The moment the hour arrived when the House could be called to order on Thursday night it was

done, and a motion instantaneously made for the House to adjourn. I attempted to persuade the few gentlemen who were here to remain, saying that members were coming in; at any rate to wait ten minutes. But the adjournment took place at once, so that the credit to be given to any member, if any, should be a limited amount.

Mr. DAWES. I now move to lay the resolution on the table.

The SPEAKER. The Chair would suggest to the gentleman from Massachusetts [Mr. DAWES] that owing to a misapprehension of the Chair the gentleman from Wisconsin [Mr. ELDRIDGE] who offered the resolution was deprived of saying anything upon it.

Mr. DAWES. I will withdraw my motion to lay on the table.

Mr. ELDRIDGE. I was very much surprised when the floor was assigned to the gentleman from Massachusetts, [Mr. DAWES,] because I had intended to hold the floor for a few remarks and then call the previous question. I think the reason given by the gentleman from Ohio [Mr. MORGAN] for his absence is full and complete. Although he does not ask to be excused, I suppose this House is not going to set the ridiculous precedent before the country of fining for non-attendance a member who was sick in his bed. Although the gentleman has too much pride, too much spirit, and too much feeling to ask this House to excuse him, I for one do not wish to impose a fine upon him when he has announced to the House that he was sick in bed at home. Though he may feel some indignation that when he was here on Thursday night no quorum was in attendance, and although he may feel that to have his name published as an absentee on Friday evening is an occasion for indignation, there is no reason why we should stultify ourselves by imposing a fine upon him for absence at a time when he lay at home sick abed. I hope, therefore, the gentleman from Massachusetts [Mr. DAWES] will not insist upon his motion to lay the resolution on the table. I know that the gentleman from Ohio has been very constant in his attendance upon the sessions of the House, and I know also——

Mr. SCHENCK. If the gentleman will allow me to interrupt him, I wish to ask whether my colleague [Mr. MORGAN] stated that he was sick on Friday evening?

Mr. ELDRIDGE. He says he was sick in bed.

Mr. SCHENCK. Then I think he ought to be excused.

Mr. MORGAN. I was sick in bed at seven o'clock on that evening, but I am content to stand with other gentlemen. I do not ask to be excused.

Mr. ELDRIDGE. The fact that the gentleman, in his pride or spirit, does not ask the House to excuse him is no reason why the House should inflict a fine upon him for absence occasioned by the act of God in confining him to his bed with sickness.

I wish to say one word further, and then I will call the previous question.

Mr. FARNSWORTH. Will the gentleman yield to me a moment before calling the previous question?

Mr. ELDRIDGE. I will.

Mr. FARNSWORTH. I desire to move an amendment to the resolution so as to provide that all fines be remitted, and that further proceedings under the call be dispensed with. I think this matter has gone far enough; that the absentees are sufficiently punished by having their names published in the Globe. It is an unheard-of proceeding during my experience in Congress to collect any fines imposed in this way. We cannot act in this matter so as to do justice.

Mr. DAWES. I call the gentleman to order. I thought I had the floor.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDRIDGE] holds the floor.

Mr. FARNSWORTH. The gentleman from Massachusetts [Mr. DAWES] is out of order. I am on the floor by permission of the gentleman from Wisconsin.

Mr. DAWES. I do not know how the gentleman from Wisconsin got the floor away from me.

Mr. FARNSWORTH. Some members who were here on Friday night happened to get in just upon the eve of the closing of the doors, thus escaping by only a few moments from being counted as absentees, while others included among the absentees were within perhaps ten feet of the door when it was closed. Under these circumstances it is impossible for us to apply any rule which will operate justly.

Mr. CLARKE, of Kansas. I rise to a point of order. I submit that the gentleman is not discussing the pending resolution.

The SPEAKER. The Chair sustains the point of order.

Mr. FARNSWORTH. I am discussing my amendment.

The SPEAKER. The Chair is not aware of any amendment pending.

Mr. FARNSWORTH. I had moved to amend the resolution so as to remit all fines which have been imposed, and to suspend further proceedings under the call.

The SPEAKER. That cannot be entertained as an amendment to the pending resolution.

Mr. FARNSWORTH. The Chair did not inform me of that in time, or I might have been saved the trouble of making these remarks. [Laughter.]

Mr. ELDRIDGE. I yield to the gentleman from Ohio, [Mr. STRADER.]

Mr. STRADER. As I was one of the absentees on Friday night, I wish to remark that I was at that time saying good bye to some of our friends of the Ohio legislative delegation who had been enjoying themselves here in Washington. I do not ask to be excused.

Mr. COX. I think the gentleman ought to be excused.

Mr. ELDRIDGE. As I have promised, I will make but a single additional remark before calling the previous question. I know it is the fact that among the gentlemen who were fined here on Friday night were some whose attendance has been as constant as that of the gentleman from Ohio [Mr. MORGAN] or any other gentleman on this floor, but I am not aware that they are asking to have their fines remitted, or that it is necessary to embrace their cases in this resolution. Here is a clear case, in which a gentleman was confined to his room by illness, and this House, I submit, would stultify itself if it should impose a fine on him. There are many gentlemen who like the gentleman from Kentucky [Mr. KNOTT] have been faithful in their attendance, and yet have had fines imposed upon them. But I do not ask to have their cases embraced in the resolution, although I was one of the persons fined for non-attendance on Friday evening. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof Mr. ELDRIDGE'S motion was agreed to.

Mr. STRICKLAND. I move that Mr. MCCRARY be excused.

The SPEAKER. The Chair understands the gentleman from Iowa has paid his fine.

Mr. STRICKLAND. What has that to do with the question of excusing him?

The SPEAKER. The gentleman from Ohio [Mr. STEVENSON] is entitled to the floor.

Mr. STEVENSON. I move that Mr. STRADER be excused.

Mr. HOAR. I rise to a question of order, whether, under the resolution of the gentleman from Ohio, [Mr. SCHENCK,] it is competent to make any motion to excuse a member unless it is founded on some good excuse offered by the member himself?

The SPEAKER. The literal reading of the resolution might bear such a construction, but the gentleman from Ohio [Mr. SCHENCK] who offered the resolution followed its adoption immediately by moving to excuse a member who did not make any application himself to be excused.

Mr. LYNCH. I rise to a privileged question, to move that I also be excused.

The SPEAKER. A motion is now pending to excuse Mr. STRADER.

Mr. STEVENSON. Mr. Speaker, I wish to say, as we all know, that the Legislature of Ohio was here on a visit to this city; they were tendered admission to this Hall; they were received as guests of this city, and finally, when they came to depart, my colleague went to the depot to see them off. In doing so I think he was in the performance of a public duty just as my colleague, the chairman of the Ways and Means Committee, was the day before in going to Mount Vernon.

The motion was agreed to.

Mr. LYNCH. Mr. Speaker, it was not my purpose to offer any excuse for my absence on Friday evening, but the gentleman from Illinois, the gentleman from Ohio, and the gentleman from Massachusetts having been excused, I think I have as good reason for asking to be excused as those gentlemen. The gentleman from Massachusetts [Mr. DAWES] says that he was in the House on Thursday evening at the time the House adjourned.

Mr. DAWES. I was not in the Hall, but I was in the Capitol.

Mr. LYNCH. That was precisely my case on Friday evening, and the gentleman from Massachusetts and others having been excused by the House I have been encouraged to ask that I also shall be excused.

Mr. DAWES. They have not excused me.

Mr. LYNCH. The gentleman offered an excuse for not being here on Thursday evening. Now, Mr. Speaker, during the time I have been a member here I have never before been absent during a call of the House. I have very often been present when I would gladly have paid the fine to have been allowed to be absent. On the present occasion I was detained by the call of a constituent of mine, on my way to the House, intending to be here; but was delayed a half or three quarters of an hour. When I arrived here the doors were closed, and I could not gain admittance; but I understood the gentleman from Massachusetts, [Mr. DAWES,] on account of whose absence the House adjourned the night previous, was sitting as judge here, and the gentleman from Ohio, the chairman of the Committee of Ways and Means, who was absent on a pleasure excursion the day before, was acting as prosecuting attorney in arraigning members.

Mr. SCHENCK. That is not true.

Mr. LYNCH. Seeing that I could not gain admission here, I retired to the committee-room, and went to work upon matters I had in hand, holding myself in readiness, at any time when there was a disposition to proceed to business, to come here and attend to it; but as the evening was given up as usual, when there is a call of the House, to amusement, I felt that my time could be better occupied, and my constituents better served by the work I had in hand and was then performing. A word in regard to the gentleman from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Appropriations, who seems to be somewhat sensitive because of my allusion to him. I know that if the House had been for any length of time in session on Thursday evening he would have been present at his post, as he always is, urging that business be proceeded with.

Mr. SCHENCK. Will the gentleman allow me to interrupt him, as he again refers to me? I was absent, as I have said, on Thursday; and had there been a call of the House that night I should have paid my fine, for I had no sufficient excuse; and I would not have whined about it. That is my position, and I have never taken any other.

Mr. LYNCH. I have no doubt that the gen-

tleman would have shown all that pluck which is one of his characteristics.

Mr. SCHENCK. You referred to me in order to justify yourself.

Mr. LYNCH. I did not refer to the gentleman to justify myself, but only alluded to the fact that the gentleman having been absent the day before on a pleasure excursion took the lead in proceeding on Friday night against those who were absent.

Mr. SCHENCK. I did not make the motion for the call on Friday night. When I came in I found it going on.

Mr. DAWES. I beg to ask the gentleman from Maine [Mr. LYNCH] what reason he has for saying that I was here acting as judge on that occasion?

Mr. LYNCH. The gentleman was here as Speaker *pro tempore*, receiving the excuses of members who were absent from the call. And this struck me as very ludicrous, considering that the evening before the gentleman was absent, and that the House adjourned on account of his absence.

Mr. DAWES. After the gentleman has been informed over and over again that in that statement he does not conform to the fact, and when he knows that I did not put myself in the position of a judge, I ask has he, in repeating such statements, any respect for what belongs to a gentleman? [Cries of "Order!"]

Mr. LYNCH. I have great respect for the gentleman himself, and in that regard have respect for what belongs to a gentleman.

Mr. DAWES. It seems to me that the gentleman has not proper regard for what belongs to his own position.

Mr. LYNCH. I shall try to take care of my own position. The gentleman says that he was not absent on Thursday evening. I send to the Clerk's desk to be read the Globe's report of the remarks of the gentleman from Pennsylvania [Mr. SCOFIELD] on that occasion.

Mr. VAN WYCK. I rise to a point of order. I desire to know on what question the gentleman from Maine is speaking. He has expressly stated that he does not ask to be excused.

Mr. LYNCH. The gentleman is mistaken. I stated that I would not have asked to be excused if other gentlemen who are similarly situated to myself had not asked to be and had not been excused. But I do not ask to be excused. I am only explaining why I was absent.

Mr. VAN WYCK. Then I raise the other point of order, which has been decided time and again by the Chair, that what took place on Thursday evening is not proper matter for discussion to-day.

The SPEAKER. The Chair sustains the point of order. The gentleman must confine himself to giving reasons for his request to be excused.

Mr. LYNCH. I offer what I have sent to the Clerk's desk as one of my reasons for being absent.

The Clerk proceeded to read as follows:

"Mr. SCOFIELD. The chairman of the Committee on Appropriations"——

Mr. VAN WYCK. I again raise the point of order, that what took place on Thursday evening is not relevant to the question before the House.

The SPEAKER. The Chair sustains the point of order.

Mr. LYNCH. Do I understand the ruling of the Chair to be that I have not a right to offer to be read what is printed in the Globe?

The SPEAKER. The Chair rules that the gentleman has no right to have read from the Globe what he would not be in order to state from his place. And the Chair rules that any gentleman asking to be excused must confine himself to the reasons which he deems it proper to present to the House for being excused.

Mr. LYNCH. Precisely so; and one of my reasons is, that as there had been a regular meeting the previous evening, and as those gentlemen whose special business it was to be here, the special order for consideration being a bill reported from their own committee, were absent, I had no reason to expect that there would be a business meeting of the House next evening. I knew that when an important bill like the naval appropriation bill was to be discussed the chairman of the Committee on Appropriations was absent—it so appeared in the Globe of the next morning—and I knew that the Ohio delegation were still here, and that the chairman of the Committee of Ways and Means might be absent with them as he was before. And I submit that this was a good reason for my supposing that there might be no meeting of the House on Friday evening.

Mr. SCHENCK. Do I understand the gentleman to say that if I should be in fault he would be weak-minded enough to follow a bad example?

Mr. LYNCH. Does the gentleman think I would be weak-minded in following an example set by the chairman of the Committee of Ways and Means? I thought he was the safest man in the House to follow except, perhaps, the chairman of the Committee on Appropriations. I thought that if I followed the example of those gentlemen I could not go wrong. I desire the extract from the Globe which I sent to the desk to be read.

The SPEAKER. Whatever might be shown by what the gentleman desires to have read, the Chair would be compelled to rule that the derelictions of one member at one time are no excuse for those of another at some other time. Therefore, if the gentleman from New York does not withdraw his point of order, the Chair could not permit the extract to be read.

Mr. VAN WYCK. I cannot withdraw the point of order. I do not wish that our proceedings here to day should be such as to be a justification to gentlemen for withdrawing themselves at any time from their duties here during the remainder of the session. This has become mere trifling. Time is being wasted and the public business ignored.

Mr. LYNCH. The gentleman from New York [Mr. VAN WYCK] does well to array himself alongside of these other gentlemen, a gentleman who is not always present.

Mr. LOGAN. I see the difficulty the gentleman from Maine is in. I presume he intends to plead the dereliction of others in mitigation of his own offense.

Mr. LYNCH. I decline to yield. I prefer to speak for myself.

Mr. LOGAN. I make the point of order that the gentleman has a right to offer that in mitigation of damages, and I move that he be fined only nine dollars and a half. [Laughter.]

Mr. LYNCH. I have usually been attentive on the sessions of the House. But I do confess that I was a little tardy in getting here on Friday evening for the reason that I did not expect the House was intending to prosecute any business or to do anything more than attend to speech-making; and this business has become somewhat stale. But, to be serious about this matter, I do not find fault with the chairman of the Committee of Ways and Means for being absent on Thursday taking some recreation. I think he deserved it. Having attended to his arduous duties here so constantly day and night he was entitled to be excused for a day, and if there had been a call of the House on Thursday I would have voted with great pleasure to excuse him. I only wonder he has been able to perform the labor which has devolved upon him in the discharge of his duties here. I thought the Friday evening effort rather spasmodic, and what I have said in regard to the gentleman's absence I hope will not be taken very seriously.

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

Mr. LYNCH. Yes, sir.

Mr. MAYNARD. Allow me to ask him whether he himself was here on Thursday night?

Mr. LYNCH. I did not get here. I was in the same predicament as the gentleman from Massachusetts, [Mr. DAWES.] I was in the Capitol or the way here, but not in the Hall at the time of adjournment.

Mr. ALLISON. I would like to ask the gentleman from Maine a question.

Mr. LYNCH. No, sir; I think I will not take up any more of the time of the House. I only desire to call attention to the consistency of gentlemen who are so anxious to press business. I will end this matter here. I withdraw my request to be excused and am willing to pay my fine.

Mr. BINGHAM. I ask the House to excuse my colleague, Mr. GARFIELD, for non-attendance on Friday evening for the reason that he was compelled on that evening to give attention to some eighteen of the members of the Legislature of Ohio and their wives, who were at his house. I move that he be excused.

Mr. FITCH. I make the point of order that gentlemen have no right to vote upon this question unless they have paid their fines.

The SPEAKER. The Chair will have the rule upon that subject read.

The Clerk read as follows:

"Until a member has paid the fees assessed against him he is not at liberty to address the Chair or make a question of order."

The SPEAKER. The Chair rules that it does not deprive a member of the right to vote, which is a constitutional right, and a right that pertains to his constituents. The right to the courtesies of the floor, such as being recognized by the Chair and raising points of order, are the deprivations which the rule inflicts on members who have been fined and have not paid their fines. But they do not attempt—as the rules could not do—to deprive the member of his right to vote.

The question was put on Mr. BINGHAM's motion; and there were—ayes 80, noes 36.

So the motion was agreed to; and Mr. GARFIELD, of Ohio, was excused.

Mr. CULLOM. I desire to state in behalf of the gentleman from Nebraska, [Mr. TAFFE,] who happened to be absent when the doors were closed on Friday evening, and who is laboring under such a severe cold that he can scarcely speak above a whisper, that he was not here at the time when the call of the House began, but did come in a few minutes afterward; but suffering with a severe cold he left the House and went to his room. I desire to state further in his behalf, as he cannot speak for himself, that he tells me, and there is no doubt about the truth of it, that during the three years he has been in Congress this is the first time he has been absent from its sessions. The gentleman does not himself ask to be excused, but I move that he be excused, as he was too unwell to be in his seat. The gentleman serves with me on the Committee on the Territories, and there is no man here more prompt in the discharge of his duty than Mr. TAFFE.

The question was put on Mr. CULLOM's motion, and it was agreed to; and Mr. TAFFE was excused.

Mr. HAMILTON. I move that Mr. LYNCH be excused; and on that motion I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion was agreed to—ayes 71, noes 49.

So Mr. LYNCH was excused.

Mr. CULLOM. I desire to offer a resolution.

Mr. HOOPER, of Massachusett I call for the regular order.

Mr. GRISWOLD. I desire to offer the following resolution, upon which I call the previous question:

Resolved, That the fines imposed upon members of this House for non-attendance on the 22d instant be remitted upon the payment of fees for their arrest respectively.

Mr. DAWES. There are no fees.

The SPEAKER. The resolution will require unanimous consent.

Mr. DAWES. I object.

Mr. CULLOM. I desire to move that the rules be suspended in order that I may offer a resolution.

The SPEAKER. That would not now be in order, as there is already pending a motion to suspend the rules.

LAND-GRANT BILLS.

Mr. DAWES. I call for the regular order of business.

The SPEAKER. The Clerk will report the resolution offered by the gentleman from Nevada, [Mr. FITCH,] and which was pending at the adjournment of the House on Monday last.

The Clerk read as follows:

Resolved, That the rules be so suspended that on Thursday, April 28, at half past one o'clock p. m., all pending business and prior orders be suspended, and that the House then proceed to the consideration of reports from the Committee on the Public Lands, and continue the consideration of the same until adjournment on that day.

Mr. FITCH. On that resolution I call the previous question.

The SPEAKER. A motion to suspend the rules is not debatable.

Mr. DAWES. Will not that cut off the consideration of appropriation bills?

The SPEAKER. It cuts off everything.

Mr. CULLOM. And gives away the public lands by hundreds of thousands of acres.

The question was taken; and upon a division there were—ayes 52, noes 70.

So (the affirmative not being two thirds) the motion to suspend the rules was not agreed to.

REMISSION OF FINES.

Mr. CULLOM. I move that the rules be so suspended as to adopt the following resolution:

Resolved, That all fines imposed by this House upon members on account of their absence from its session on Friday evening, the 22d instant, be, and the same are hereby, remitted.

The question was taken; and upon a division there were—ayes 82, noes 48.

Before the result of the vote was announced, Mr. CULLOM called for tellers.

Tellers were ordered; and Mr. CULLOM and Mr. SCHENCK were appointed.

The House again divided; and the tellers reported that there were—ayes 79, noes 38.

Before the result of this vote was announced, Mr. DAWES called for the yeas and nays.

Mr. SCHENCK. I want to move an amendment to the resolution.

The SPEAKER. A motion to suspend the rules is neither debatable nor amendable.

The question was taken upon ordering the yeas and nays; and there were forty in the affirmative.

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

Mr. INGERSOLL. Does the same vote that suspends the rules pass the resolution?

The SPEAKER. That is the form of the motion; but one vote is required.

The question was then taken; and it was decided in the negative—yeas 86, nays 53, not voting 88; as follows:

YEAS—Messrs. Ambler, Armstrong, Ayer, Barnum, Barry, Beaman, Beck, Bennett, Bingham, Bird, Booker, Buck, Buckley, Buffinton, Burchard, Burdett, Cake, Calkin, William T. Clark, Clinton L. Cobb, Cook, Cox, Cullom, Dickinson, Dixon, Farnsworth, Fisher, Garfield, Gibson, Gilfillan, Haight, Hamill, Hamilton, Heflin, Hill, Hoge, Hotchkiss, Jenckes, Alexander H. Jones, Thomas L. Jones, Judd, Kellogg, Knott, Lawrence, Logan, Lynch, Marshall, McCormick, McKee, McKenzie, McNeely, Mercur, Eliakim H. Moore, Morphis, Samuel P. Morrill, Negley, Niblack, Palmer, Peters, Phelps, Pomeroy, Prosser, Randall, Rice, Sawyer, Lionel A. Sheldon, William Smyth, Stevenson, Stiles, Strader, Swann, Sweeney, Taffe, Tanner, Tillman, Trimble, Van Auken, Van Trump, Van Wyck, Wheeler, Whitmore, Willard, Winans, Winchester, Witcher, and Woodward—86.

NAYS—Messrs. Arnell, Asper, Atwood, Beatty, Benjamin, Benton, Blair, George M. Brooks, Cessna, Sidney Clarke, Conger, Conner, Dawes, Degener, Donley, Dox, Ferriss, Finkelnburg, Getz, Hale, Hawley, Hay, Heaton, Hoar, Holman, Hooper, Johnson, Kelley, Kelsey, Kerr, Laflin, Maynard, McCarthy, William Moore, O'Neill, Orth, Packard, Packer, Perce, Rogers, Schenck, Scofield, Starkweather, Stevens, Stone, Strong, Taylor, Townsend, Twichell, Tyner, Cadwalader C. Washburn, William B. Washburn, Welker, and Williams—53.

NOT VOTING—Messrs. Adams, Allison, Ames, Archer, Axtell, Bailey, Banks, Biggs, Boles, Bowen, Boyd, James Brooks, Burr, Benjamin F. Butler, Roderick R. Butler, Churchill, Cleveland, Amasa Cobb, Coburn, Covode, Cowles, Crebs, Davis, Dickey, Dockery, Duval, Dyer, Ela, Eldridge, Ferry, Fitch, Fox, Griswold, Haldeman, Hambleton, Harris, Hawkins, Hays, Ingersoll, Julian, Ketcham, Knapp, Lash, Loughridge, Mayham, McCrary, McGrew, Milnes, Jesse H. Moore, Morgan, Daniel J. Morrell, Morrissey, Mungen, Myers, Paine, Peck, Platt, Poland, Porter, Pottor, Reeves, Ridgway, Roots, Sanford, Sargent, Schumaker, Shanks, Porter Sheldon, Sherrod, Shober, Slocum, John A. Smith, Joseph S. Smith, William J. Smith, Worthington C. Smith, Stokes, Stoughton, Strickland, Upson, Van Horn, Voorhees, Ward, Wells, Wilkinson, Eugene M. Wilson, John T. Wilson, and Wood—88.

So (two thirds not voting in favor thereof) the motion to suspend the rules was not agreed to.

During the roll-call,

Mr. DAVIS said: I wish to inquire whether the effect of this resolution is to refund the fines to those who have paid them.

The SPEAKER. It would have that effect.

Mr. DAVIS. Then I decline to vote.

Mr. SCOFIELD. A case of conscience! [Laughter.]

The result of the vote was announced as above stated.

Mr. SCHENCK. Mr. Speaker, I have risen for the purpose of submitting a motion to suspend the rules, in order that the House may resolve itself into Committee of the Whole on the special order. Before the question is taken upon that motion I wish, with the permission of the House, to give notice that I shall begin to-morrow morning, and continue as long as it may seem to be necessary, to ask for a call of the House immediately after the reading of the Journal every day. My object is not to press the matter any further than to have the roll called, and then if there be a quorum present move to dispense with further proceedings. This will show every day whether we have present a sufficient number to do business, and if so, who they are. I find that gentlemen plead in excuse of their absence the delinquencies of others. Mr. Speaker, before pressing my motion to go into the Committee of the Whole, I am willing to yield to several gentlemen who wish to present matters which I understand will consume but little time. I yield in the first place to the gentleman from Rhode Island, [Mr. DIXON.]

FUR-BEARING ANIMALS IN ALASKA.

Mr. DIXON. For the purpose of bringing before the House a subject to which the attention of Congress has been called by the President of the United States and by the Secretary of the Treasury, and in order to secure action upon a matter which is of great interest to the Government and in relation to which immediate legislation is necessary, I move a suspension of the rules, for the purpose of authorizing the reporting by the Committee on Commerce and the immediate passage by the House of a substitute which I am directed to report for Senate bill No. 32, to prevent the extermination of fur-bearing animals in Alaska.

Mr. SCHENCK. If I yield for the consideration of this bill it is with the understanding that the gentleman will call the previous question.

Mr. DAWES. I hope the previous question will not be called. I wish to offer a substitute for that bill. I agree that there ought to be some legislation upon the subject; but I hope the gentleman will not cut off amendments.

Mr. RANDALL. Mr. Speaker, if the gentleman from Ohio [Mr. SCHENCK] yields, must he not yield absolutely?

The SPEAKER. He does yield absolutely; but the Chair will inform the gentleman from Pennsylvania [Mr. RANDALL] that it makes no difference, because after this question is disposed of the Chair will feel bound to recognize the gentleman from Ohio in preference to any other member on the floor. Does the gentleman from Rhode Island [Mr. DIXON] move to suspend the rules in order to pass the bill at once?

Mr. DIXON. Yes, sir.

Mr. DAWES. That will prevent the bill from being amended.

The SPEAKER. The bill, as amended by the committee, will be reported in full.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful to kill any fur seal upon the islands of St. Paul and St. George, or in the waters adjacent thereto, except during the months of June, July, September, and October, in each year; and it shall be unlawful to kill such seals at any time by the use of firearms, or use other means tending to drive the seals away from said islands: *Provided*, That the natives of said islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use, which killing shall be limited and controlled by such regulations as shall be prescribed by the Secretary of the Treasury.

SEC. 2. *And be it further enacted*, That it shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to said islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and any person who shall violate either of the provisions of this, or the first section of this act, shall be punished, on conviction thereof, for each offense by a fine of not less than $200 nor more than $1,000, or by imprisonment not exceeding six months, or by such fine and imprisonment both, at the discretion of the court having jurisdiction and taking cognizance of the offense; and all vessels, their tackle, apparel, and furniture, whose crew shall be found engaged in the violation of any of the provisions of this act shall be forfeited to the United States.

SEC. 3. *And be it further enacted*, That for the period of twenty years from and after the passage of this act the number of fur-seals which may be killed for their skins upon the island of Saint Paul is hereby limited and restricted to seventy-five thousand per annum; and the number of fur-seals which may be killed for their skins upon the island of Saint George is hereby limited and restricted to twenty-five thousand per annum; *Provided*, That the Secretary of the Treasury may restrict and limit the right of killing, if it shall become necessary for the preservation of such seals, with such proportionate reduction of the rents reserved to the Government as shall be right and proper; and if any person shall knowingly violate either of the provisions of this section he shall, upon due conviction thereof, be punished in the same way as is provided herein for a violation of the provisions of the first and second sections of this act.

SEC. 4. *And be it further enacted*, That immediately after the passage of this act the Secretary of the Treasury shall lease for the rental mentioned in section six of this act, to proper and responsible parties to the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, the parties heretofore engaged in the trade, and the protection of the seal fisheries, for a term of twenty years from the 1st day of May, 1870, the right to engage in the business of taking fur seals on the islands of St. Paul and St. George, and to send a vessel or vessels to said islands for the skins of such seals, giving to the lessee or lessees of said islands a lease duly executed in duplicate, not transferable, and taking from the lessee or lessees of said islands a bond with sufficient sureties in a sum not less than $500,000, for the faithful observance of all the laws and requirements of Congress and of the regulations of the Secretary of the Treasury touching the subject-matter of taking fur seals, and disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith. And in making said lease the Secretary of the Treasury shall have due regard to the preservation of the seal-fur trade of said islands, and the comfort, maintenance, and education of the natives thereof. The said lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the Government revenue officer for the time being who may be in charge at the said islands as the authority of the party for landing and taking skins.

SEC. 5. *And be it further enacted*, That at the expiration of said term of twenty years, or on surrender or forfeiture of any lease, other leases may be made in manner as aforesaid for other terms of twenty years; but no persons other than American citizens shall be permitted, by lease or otherwise, to occupy said islands, or either of them, for the purpose of taking the skins of fur seals therefrom, nor shall any foreign vessel be engaged in taking such skins; and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit, or advantage, directly or indirectly, of any person or persons other than American citizens. Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of said islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine;

and any person who shall kill any fur seal on either of said islands or in the waters adjacent thereto without authority of the lessees thereof, and any person who shall molest, disturb, or interfere with said lessees, or either of them, or their agents or employés, in the lawful prosecution of their business under the provisions of this act, shall be deemed guilty of a misdemeanor, and shall for each offense, on conviction thereof, be punished in the same way and by like penalties as prescribed in the second section of this act; and all vessels, their tackle, apparel, appurtenances, and cargo, whose crew shall be found engaged in any violation of either of the provisions of this section, shall be forfeited to the United States; and if any person or company, under any lease herein authorized, shall knowingly kill or permit to be killed any number of seals exceeding the number for each island in this act prescribed, such person or company shall in addition to the penalties and forfeitures aforesaid, also forfeit the whole number of the skins of seals killed in that year; or, in case the same have been disposed of, then said person or company shall forfeit the value of the same. And it shall be the duty of any revenue officer, officially acting as such on either of said islands, to seize and destroy any distilled spirits or spirituous liquors found thereon: *Provided*, That such officer shall make detailed report of his doings to the collector of the port.

SEC. 6. *And be it further enacted*, That the annual rental to be reserved by said lease shall be not less than $50,000 per annum, to be secured by deposit of United States bonds to that amount, and in addition hereto a revenue tax or duty of two dollars is hereby laid upon each fur-seal skin taken and shipped from said islands, during the continuance of such lease, to be paid into the Treasury of the United States; and the Secretary of the Treasury is hereby empowered and authorized to make all needful rules and regulations for the collection and payment of the same, for the comfort, maintenance, education, and protection of the natives of said islands, and also for carrying into full effect all the provisions of this act: *Provided further*, That the Secretary of the Treasury may terminate any lease given to any person, company, or corporation, on full and satisfactory proof of the violation of any of the provisions of this act or the rules and regulations established by him: *Provided further*, That the Secretary of the Treasury is hereby authorized to deliver to the owners the fur-seal skins now stored on the islands, on the payment of one dollar for each of said skins taken and shipped away by said owners.

SEC. 7. *And be it further enacted*, That the provisions of the seventh and eighth sections of an act to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes, approved July 27, 1868, shall be deemed to apply to this act; and all prosecutions for offenses committed against the provisions of this act, and all other proceedings had because of the violations of the provisions of this act, and which are authorized by said act above mentioned, shall be in accordance with the provisions thereof; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 8. *And be it further enacted*, That the Congress may at any time hereafter alter, amend, or repeal this act.

Mr. DIXON. I am willing to amend the motion so that the bill may be printed.

Mr. DAWES. I desire to have some understanding about the time the gentleman is to call it up.

The question recurred on the motion to suspend the rules.

The House divided; and there were—ayes 76, noes 41.

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Mr. DIXON and Mr. DAWES were appointed.

Mr. SCOFIELD. Is the motion to pass the job through now or to act on it afterward?

The SPEAKER. The motion is to suspend the rules to bring the bill before the House for consideration.

Mr. SCOFIELD. I beg pardon; I ought to have said bill.

The House again divided; and the tellers reported—ayes 94, noes 40.

Mr. PAINE demaded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 110, nays 60, not voting 57; as follows:

YEAS—Messrs. Adams, Ambler, Armstrong, Asper, Atwood, Ayer, Barnum, Barry, Beatty, Beck, Benjamin, Bennett, Bingham, Bird, Booker, George M. Brooks, James Brooks, Buck, Buckley, Burdett, Calkin, William T. Clark, Coburn, Conger, Conner, Cowles, Cox, Degener, Dickinson, Dixon, Dox, Eldridge, Ferriss, Finkelnburg, Fisher, Fitch, Fox, Garfield, Getz, Gibson, Haight, Hambleton, Hamill, Hamilton, Hays, Heflin, Hoge, Holman, Hooper, Hotchkiss, Ingersoll, Jenckes, Johnson, Thomas L. Jones, Judd, Kellogg, Kerr, Knott, Lawrence, Lynch, Marshall, McCormick, McCrary, McKenzie, McNeely, Eliakim H. Moore, Morgan, Niblack, Orth, Packard, Packer, Peck, Peters, Poland, Pomeroy, Prosser, Randall, Rice, Sargent, Sawyer, Shanks, Sherrod, John A. Smith, Joseph S. Smith, William Smyth, Starkweather, Stevens, Stiles, Stokes, Stone, Stoughton, Strader, Strickland, Strong, Swann, Sweeney, Taffe, Trimble, Twichell, Van Auken, Van Horn, Van Trump, Voorhees, Welker, Wells, Wheeler, Whitmore, Winchester, Wood, and Woodward—110.

NAYS—Messrs. Allison Arnell, Beaman, Benton, Blair, Buffinton, Burchard, Roderick R. Butler, Cake, Cessna, Sidney Clarke, Amasa Cobb, Clinton L. Cobb, Covode, Cullom, Davis, Dawes, Dockery, Donley, Farnsworth, Gilfillan, Hale, Harris, Hawkins, Hawley, Hay, Heaton, Hoar, Alexander H. Jones, Kelley, Kelsey, Knapp, Laflin, Loughridge, Maynard, McCarthy, McKee, Mercur, William Moore, Morphis, Samuel P. Morrill, O'Neill, Paine, Palmer, Rogers, Sanford, Schenck, Scofield, William J. Smith, Taylor, Tillman, Tyner, Upson, Ward, Cadwalader C. Washburn, William B. Washburn, Wilkinson, Willard, Williams, and Witcher—60.

NOT VOTING—Messrs. Ames, Archer, Axtell, Bailey, Banks, Biggs, Boles, Bowen, Boyd, Burr, Benjamin F. Butler, Churchill, Cleveland, Cook, Crebs, Dickey, Duval, Dyer, Ela, Ferry, Griswold, Haldeman, Hill, Julian, Ketcham, Lash, Logan, Mayham, McGrew, Milnes, Jesse H. Moore, Daniel J. Morrell, Morrissey, Mungen, Myers, Negley, Perce, Phelps, Platt, Porter, Potter, Reeves, Ridgway, Roots, Schumaker, Lionel A. Sheldon, Porter Sheldon, Shober, Slocum, Worthington C. Smith, Stevenson, Tanner, Townsend, Van Wyck, Eugene M. Wilson, John T. Wilson, and Winans—57.

So the rules were not suspended, two thirds not having voted in favor thereof.

ENROLLED BILL.

Mr. BEATTY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the following bill; when the Speaker signed the same:

An act (H. R. No. 271) for the relief of Colonel Samuel W. Price, of the twenty-first Kentucky volunteers.

ORDER OF BUSINESS.

Mr. INGERSOLL. I ask the gentleman from Ohio to yield to me.

Mr. SCHENCK. If I yield to anybody it will be to the gentleman from Indiana, [Mr. KERR.] I promised him before any one else.

Mr. BEAMAN. I demand the regular order.

Mr. INGERSOLL. I appeal to the gentleman from Michigan to withdraw his objection.

Mr. DAWES. I ask to present, in order that it may be printed, a substitute for the bill in reference to fur-bearing seals.

Mr. BEAMAN. I demand the regular order of business——

Mr. SCHENCK. I have given notice to all the gentlemen who have motions to submit that if the regular order is not insisted upon I would yield first to the gentleman from Indiana, [Mr. KERR.]

Mr. INGERSOLL. I desire to make a parliamentary inquiry. Is it not in order for the House to vote down the motion of the gentleman from Ohio? [Laughter.]

Mr. LOGAN. I rise to ask of the Chair and of the House a favor. I desire to have a joint resolution read at the desk, and when it is read I am sure there is not a man in the House who will object to it.

The SPEAKER. The Chair cannot consent to that being done as long as the gentleman from Michigan [Mr. BEAMAN] insists on the regular order.

Mr. LOGAN. I ask the gentleman from Michigan to allow the joint resolution to be read. It is with reference to the burial of the late General John A. Rawlins.

Mr. BEAMAN. I waive the demand for the regular order for that purpose.

THE LATE GENERAL RAWLINS.

Mr. LOGAN, by unanimous consent, introduced a joint resolution (H. R. No. 267) in relation to a burial-place for the remains of General John A. Rawlins; which was read a first and second time.

The question was on ordering the joint resolution to be engrossed and read a third time.

The joint resolution was read. It appoints as a commission, and as such directs General Giles A. Smith, General John A. Smith, and General Eli S. Parker to procure a proper burial-place for the remains of General John A. Rawlins, late Secretary of War, and provides that the cost of the same be paid out of any contingent fund of the War Department.

Mr. LOGAN. I ask for the passage of the joint resolution. I have no desire to make any remarks upon it at all.

Mr. COX. I would suggest that the resolution should provide not only for procuring a burial-place, but for the erection of a monument.

Mr. VOORHEES. I think it right that it should be stated that General Rawlins's remains lie unburied in a public vault in a cemetery near this city. It is a shame to the city and to the Government that this should be the case.

Mr. LOGAN. It is for that reason that I offer this resolution. I accept the proposition of the gentleman from New York, [Mr. Cox,] and move to amend by adding after the words Secretary of War "and have erected a suitable monument on the grave."

The amendment was agreed to.

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

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

The latter motion was agreed to.

The title was amended by adding the words "and the erection of a monument over his remains."

LEAVE OF ABSENCE.

By unanimous consent leave of absence was given to Mr. SLOCUM for one week; to Mr. VAN HORN for fifteen days; to Mr. RANDALL for two days; to Mr. DAVIS for ten days; to Mr. SMITH, of Vermont, for the remainder of this week, and to Mr. CLARKE, of Kansas, for Tuesday and Wednesday of this week.

ORDER OF BUSINESS.

Mr. INGERSOLL. I am sure the gentleman from Michigan [Mr. BEAMAN] will not object to the resolution which I desire to offer when he hears it read.

Mr. MAYNARD. I insist on the regular order.

Mr. PETERS. I hope the gentleman from Tennessee [Mr. MAYNARD] will withdraw his demand for the sake of allowing me to ask unanimous consent to report a resolution of great public importance from the Committee on the Judiciary.

Mr. INGERSOLL. Does the gentleman from Tennessee [Mr. MAYNARD] make a general withdrawal of his demand?

Mr. MAYNARD. I do not.

Mr. INGERSOLL. Then I object. If the same privilege is not given to me as is given to others I shall insist on the regular order.

The SPEAKER. The Chair would suggest that if the gentleman from Ohio is allowed to yield for a few motions which would pass by unanimous consent it would not consume much time. There are several gentlemen who are pressing upon the Chair for permission to submit motions, and of course the Chair is powerless in the matter.

Mr. SCHENCK. I will yield first to the gentleman from Maine, [Mr. PETERS.]

WRECKED AND ABANDONED PROPERTY.

Mr. PETERS, by unanimous consent, reported back from the Committee on the Judiciary, with amendments, the joint resolution (H. R. No. 173) to enable the Secretary of War to collect wrecked and abandoned property, derelict claims, and dues belonging to the United States.

The question was on ordering the joint resolution to be engrossed and read a third time.

The joint resolution, as amended by the committee, authorizes the Secretary of the Treasury to make such contracts and provisions as he may deem most advantageous for the interests

of the Government, for the preservation, sale, or collection of any property which may have been wrecked, abandoned, or become derelict, being within the jurisdiction of the United States, or which ought to come to the United States, or any moneys, dues, and other interests belonging to the United States which are now withheld or retained by any person, corporation, or municipality whatever, and which ought to have come into the possession and custody of, or been collected or received by the United States; and in such contracts to allow such compensation to any person giving information thereof, and who shall actually preserve, collect, surrender, or pay over the same, as the Secretary of the Treasury may deem just and reasonable; provided, that no cost or claim, of whatever name or nature, shall become chargeable to the United States in so obtaining, preserving, collecting, receiving, or making available property, debts, dues, or interests which shall not be paid from such moneys as shall be realized and received from the property so collected under each specific agreement.

Mr. PETERS. I hope there will be unanimous consent to the passage of this joint resolution, and I desire to make a single remark with reference to it. There is a great amount of munitions of war which had been secreted at the close of the rebellion, and this is to authorize the Secretary of War to take measures to reclaim property of that kind. If this does not become law soon this property will soon be out of our reach, as a good deal of it is out of our reach already.

Mr. WOOD. I object.

Mr. PETERS. I move to suspend the rules, in order that the bill may be put upon its passage.

Mr. WOOD. If the gentleman will permit me to say a word or two I may withdraw my objection on hearing the explanations which the gentleman may have to offer with regard to the joint resolution. My objection to it is that it is entirely too sweeping in its character; that it authorizes an executive officer of the Government to do that which, in my judgment, the House should not authorize him to do, and that it is proposed to put through a measure of this character without an opportunity for debate. We have a large claim, for instance, in England. There are municipalities North and South which claim to have in their possession some articles which under this resolution the Secretary of War might claim. Then, again, it authorizes the Secretary to expend any amount of money that he may see proper in an attempt to recover some property, whether it belonged to the Government or not. Now, if the gentleman can explain away the grounds of my objection I will probably withdraw it.

Mr. PETERS. If the House will pardon me, I will say that the joint resolution as read was the printed one without the written amendments which were put in by the Judiciary Committee and which considerably soften the rigorous enactment to which the gentleman objects, and also that one of the amendments provides that it shall be property within the jurisdiction of the United States at this time. The amendments have been framed with a great deal of care and consideration by the Committee on the Judiciary, and the joint resolution is reported unanimously.

The single object of the joint resolution is just this: there were large quantities of munitions of war and public property which at the close of the rebellion were secreted somewhere in the South. Perhaps it would not be advisable to name the precise locality at this time. This property is being carried off piecemeal into Mexico, but it is of a character not to be easily moved at once, and the object of this joint resolution is to authorize the Secretary to make such bargains and provisions as he sees fit, under the circumstances of the case, to reclaim the property, but to make no bargain or condition whatever whereby he will put the Government to any expense but what will be repaid out of the property. I think that the friends of the gentleman from New York on the Judiciary Committee were perfectly satisfied that the joint resolution ought to pass, after a great deal of consideration, and it ought to pass now to be made available.

Mr. WOOD. I would ask the gentleman from Maine if the gentleman from Indiana, [Mr. KERR,] who is on that committee, assented to this resolution?

Mr. PETERS. I supposed he did. If he did not I am not aware of it.

Mr. WOOD. I am informed that he did not consent to it and does not wish it to pass.

Mr. PETERS. I supposed that he did. I move that the rules be suspended and the joint resolution passed.

Mr. PAINE. Before that motion is put I would like to have the gentleman inform the House why it is desirable in this case to have the work done by contract instead of through the agency of officers of the Government as in ordinary cases.

Mr. PETERS. The resolution provides that the Secretary shall make contracts or provisions. It is left discretionary with the Secretary, and I know that nobody will have any doubt that he will pursue the best course under the circumstances in relation to it.

Mr. WOOD. I would like to inquire if the pending motion would preclude any further discussion on this subject? Is the motion to suspend the rules and pass the joint resolution?

Mr. PETERS. That is my motion.

Mr. WOOD. Well, I hope the gentleman will not force this measure through the House until we have some more light on the subject.

Mr. PETERS. I shall try it at all events.

The question was put on Mr. PETERS's motion; and there were—ayes 81, noes 41.

Mr. PETERS called for tellers.

Tellers were ordered; and Mr. PETERS and Mr. WOOD were appointed.

The House divided; and the tellers reported—ayes 99, noes 47.

So (two thirds voting in the affirmative) the rules were suspended; and the joint resolution, as amended by the Judiciary Committee, was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had passed, without amendment, the joint resolution (H. R. No. 116) to construe an act entitled "An act to amend an act entitled an 'Act to confirm certain land claims in the Territory of New Mexico.'"

Also, that the Senate had passed the bill (H. R. No. 9) extending the time for revising and consolidating the statutes of the United States, with amendments, in which he was directed to ask the concurrence of the House.

The message further announced that the Senate insisted on their amendment, disagreed to by the House, to the joint resolution (H. R. No. 120) declaratory of the meaning and intention of the law relating to income tax, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. WILLIAMS, and Mr. MORRILL of Vermont, conferees on the part of the Senate.

The message further announced that the Senate insisted on their amendment to the bill (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and to provide for their future apportionment among the several States," approved May 23, 1850, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. CONKLING, Mr. BAYARD, and Mr. CARPENTER conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. INGERSOLL. I ask unanimous consent to offer a resolution.

Mr. MAYNARD. I insist on the regular order of business.

Mr. SCHENCK. Then I will move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the special order; and if we can work until five o'clock I will not ask for an evening session.

Mr. INGERSOLL. I object to working until five o'clock unless I can get in my resolution.

Mr. NIBLACK. I ask leave to report an appropriation bill, so that it may be printed.

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] has called for the regular order, which is the motion of the gentleman from Ohio [Mr. SCHENCK] to suspend the rules and resolve the House into Committee of the Whole on the special order.

Mr. INGERSOLL. Let us vote that down and beat the Committee of Ways and Means once.

The question was taken; and upon a division there were—ayes 66, noes 50.

Before the result of the vote was announced,

Mr. INGERSOLL called for tellers on the motion to suspend the rules and go into Committee of the Whole.

The question was taken upon ordering tellers; and there were—ayes fourteen.

So (the affirmative not being one fifth of a quorum) tellers were not ordered.

Accordingly, the motion of Mr. SCHENCK was agreed to.

TARIFF BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. The Clerk will report the pending paragraph as it has been amended by the Committee of the Whole.

The Clerk read as follows:

On all iron in slabs, blooms, loops, or other forms, less finished than bars and more advanced than pig iron, except castings, $18 per ton: *Provided*, That on all ends, clippings, punchings, turnings, and borings of new iron, fit only to be remanufactured into ingots and bars, a duty shall be paid of $11 per ton.

The CHAIRMAN. The pending amendment is one offered by the gentleman from Michigan, [Mr. CONGER,] and will be read by the Clerk.

The Clerk read as follows:

Add to the paragraph the following:

Provided further, That any such ends, clippings, or punchings which shall have been cut, stamped, or partially prepared for any article of manufacture, and which shall be entered or attempted to be entered under this subdivision, shall be forfeited to the United States.

The CHAIRMAN. When the Committee of the Whole was last in session upon this bill tellers were ordered upon the pending amendment. Upon a division the tellers reported that no quorum voted. The tellers, Mr. CONGER and Mr. HAWLEY, will again resume their station, and the committee will again vote on this amendment.

The committee again divided; and the tellers reported that there were—ayes 79, noes 36.

So the amendment was adopted.

While the committee was dividing,

Mr. VOORHEES said: I desire to state that I am paired with Mr. MORRELL, of Pennsylvania, upon all questions relating to the tariff. I presume it is not necessary for me to explain how he would vote on this question if he were present, or how I would vote if I were not paired.

The next paragraph was read, as follows:

On iron bars, rolled or hammered, (comprising flat bars,) not less than one and a half nor more than four inches wide, nor less than half an inch nor more than two inches thick, 1 cent per pound.

Mr. ALLISON. I move to amend the paragraph just read by striking out the words "and a half;" also by striking out "four," and inserting "six;" also by striking out "half,"

and inserting "three eighths;" so that the paragraph, if thus amended, will read:

On iron bars, rolled or hammered, (comprising flat bars,) not less than one nor more than six inches wide, not less than three eighths of an inch nor more than two inches thick, 1 cent per pound.

The classification which I propose is the classification in the existing law. I do not think we should undertake in this bill to reduce the classification and thereby increase the duty on any article. Members will see that by the classification proposed by the Committee of Ways and Means certain iron on which is now paid a duty of 1 cent per pound is brought within a classification which subjects it to a duty of more than 1 cent per pound. I do not desire to occupy the attention of this committee further, nor do I deem it necessary to do so.

Mr. SCHENCK. If the gentleman desires to go back to the present law he will follow up this amendment, I suppose, by corresponding amendments to the other paragraphs, and change the rates of duty also.

Mr. ALLISON. No, sir.

Mr. SCHENCK. The present classification, as the gentleman says, is of iron not less than one inch nor more than six inches wide, and not less than one half of an inch nor more than two inches thick. And in the paragraph following the one now under consideration a corresponding difference in classification is proposed. The gentleman omits to notice that we put a duty of 1¼ cents per pound on iron which now pays a duty of 1½ cents per pound. I am advised by those who have made the examination more closely than I have been able to do, with reference to the quantity of each of these classes brought in, that upon the whole this will be, and must necessarily be to some extent, a reduction. Although the class of bar iron brought in at 1 cent is, as I said, made larger than the corresponding class in the existing law, yet the difference is compensated by bringing down that which now pays 1½ cents to 1¼ cents, as gentlemen will see by casting their eyes along the next paragraph. On the larger class the present duty amounts, reduced to the *ad valorem* standard, to 44½ per cent. The other class being brought down, this will probably run up to something like 50 per cent. *ad valorem*. The duty upon the class now paying the higher rate amounts to 66⅔ per cent. *ad valorem*, the rate being 1½ cents per pound, which is, however, reduced by this bill to 1¼ cents.

Mr. ALLISON. I desire to ask the chairman of the Committee of Ways and Means whether the effect of this change of classification is not to increase the rate of duty upon certain importations of iron? I object to any increase of the rates, and I object especially to any increase in this indirect way. If we increase the rates at all, let it be done directly and not by a change of classification.

Mr. SCHENCK. I will answer the gentleman. This change will tend to increase the rate on one class and to diminish the rate very considerably on the other.

Mr. ALLISON. Very well; when we reach that other class we can consider it.

Mr. SCHENCK. The general effect will be practically a diminution. The gentleman knows very well it was never my purpose to increase the duty on iron. If we make any change I would rather make a reduction of the present rates of duty than an advance. The object of the Committee of Ways and Means has been to correct the classification so as to adapt it to the wants of the trade. At the same time if by this classification there is an increase anywhere, it is compensated by bringing down other iron in proportion in one of the other classes. That has been done here. The present rates of duty are 1 cent per pound on one class and 1½ cents per pound on the other. We propose to continue the two classes, making the duty 1 cent per pound on one of the classes, and 1¼ cents per pound upon the other. We do not propose to make any rate on bar iron as high as 1½ cents, which is the present law as to one of the classes.

Mr. BROOKS, of New York. I move *pro forma* to amend by striking out the pending paragraph. Mr. Chairman, what is the use of tinkering here upon iron at all? What does it mean? I take it it must mean something. In my view it means a new classification of iron, and that species of classification which it is next to impossible for anybody but an expert to understand. The classification embraced in this bill has been made in the city of Philadelphia by the iron-mongers convened there. Their classification, which is given in a book which I hold in my hand, has been adopted, word for word, by the Committee of Ways and Means, who are pressing it upon the consideration of the House.

The honorable chairman of the Committee of Ways and Means is as intelligent as anybody and a great deal more intelligent than almost everybody, but he is not intelligent enough to comprehend the effect of all these various classes of iron, and he will not be until he has graduated in some iron college in the State of Pennsylvania. It requires an expert to thoroughly understand all these ingenious classifications of iron.

The honorable gentleman from Philadelphia [Mr. KELLEY] will doubtless tell me again that I have Pennsylvania "on the brain." I have. She meets us here in every form, and pounds away, so that my constituents and the constituents of other gentlemen cannot avoid having Pennsylvania "on the brain." She has knocked out of existence thirty or forty iron-founderies in the city which I in part represent, and thrown out of employ 20,000 people who are my constituents and the constituents of other Representatives of the city of New York on this floor. It is not to be wondered at then, that I, along with the whole country, have Pennsylvania "upon the brain;" for Pennsylvania in this matter of iron is hammering upon the brain of every consumer of iron in the country.

I repeat the inquiry, why any tinkering at all with iron if it does not mean something? We would not see reported in this bill classifications which are copied from those furnished by the Philadelphia iron organization if it did not mean a great deal. The ingenious classification in this and the succeeding paragraphs means an increase of the duties on iron throughout.

Mr. KELLEY. Mr. Chairman, I cannot accept all the pleasant things which the gentleman from New York says about Pennsylvania; but I am glad for once to agree with him on something. I shall be gratified if the committee should strike out not only this paragraph from line three hundred and twenty-nine to line three hundred and thirty-two, but also the next paragraph. The committee submitted them, believing under the advice received from the custom-houses and elsewhere that this classification was an improvement and would simplify matters. These paragraphs involve a slight reduction of duty, taking into consideration the varieties of iron embraced in them.

Mr. BROOKS, of New York. We are thankful for what Pennsylvania is willing to give us, however little.

Mr. KELLEY. I shall not oppose any motion to strike these two paragraphs out. I wish the committee to understand that in presenting this classification we did not exactly retain the present duty. We reduced it considerably more than we raised it; so I shall not resist the motion to strike out these paragraphs, but on the contrary will exercise the right reserved to each member of the committee to vote independently on this question.

Mr. SCHENCK. I will remind the gentleman from New York that those who came before the Committee of Ways and Means in the iron-bar interest, while they asked to have a change of classification, did not ask to have the rate of duty lowered. They still wanted to retain 1 cent and 1½ cents per pound; but we differed with them; but since we were willing to change the classification we concluded we would bring the 1½ down to 1¼ in making the change of classification. That is the history of the matter. They never asked to have anything reduced to 1¼; quite the reverse.

Mr. BROOKS, of New York. I hope we will follow the suggestion of the gentleman from Pennsylvania and strike out both of these paragraphs.

Mr. COX. I wish to say a word on this subject.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BROOKS, of New York. I am willing to withdraw my amendment.

Mr. CONGER. I object to the withdrawal of any amendment. I want a vote.

Mr. ALLISON. I wish to modify my amendment so as to strike out the second paragraph. Strike out in lines three hundred and thirty and three hundred and thirty-one from the word "than" down to and including the word "thick," being the words "one and a half nor more than four inches wide, nor less than half an inch, nor more than two inches thick;" so the paragraph will then read: "On iron bars, rolled or hammered (comprising flat bars) not less than three eighths of an inch thick, 1 cent per pound;" and in addition to that I move to strike out the following paragraph, which is in these words:

On iron bars, rolled or hammered, comprising flat bars less than one and a half inches or more than four inches wide, and less than one half of an inch and not less than three eighths of an inch thick; and on iron bars, rolled or hammered, more than two inches thick, 1¼ cents per pound.

Mr. MAYNARD. I do not suppose it will inform the committee much whether we have Pennsylvania on the brain or not. All this committee want to know is what is the principle on which this classification has been made. It is a simple one which every one familiar with the making of iron will readily understand. They know the smaller iron is made as in the case of bar iron, the more processes it has to pass through the more labor is involved in its manufacture, and consequently the more the articles cost. Every time iron passes through the process of rolling or hammering it loses a certain percentage of its weight, so that a ton of iron weighing 2,240 pounds after going through the various processes of rolling and hammering amounts only to 1,300 pounds of production. It is because of the loss of iron by these repeated processes and by the additional labor involved that a higher duty is imposed on the finer and more elaborate classes of iron. The committee adopted this classification from the examination they made and the information they obtained as the fair point for dividing between the less expensive and more expensive classes of iron. They made a reduction on the more expensive classes from 1½ to 1¼ cents per pound. I am satisfied if the committee understood the facts as they could get them by seeing the iron itself made and the processes passed through, together with the results, they would conclude the classification was just, and that one quarter of a cent per pound discrimination is not too much between the more elaborate and the less elaborate kinds of iron; and therefore I think the amendment ought not to prevail.

The question was on agreeing to Mr. ALLISON'S amendment.

The question was put; and there were on a division—ayes 45, noes 54; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and Mr. ALLISON and Mr. MAYNARD were appointed.

The committee again divided; and the tellers reported—ayes 55, noes 64.

So the amendment was disagreed to.

Mr. COX. I move to amend the paragraph by striking out "1 cent per pound," in the three hundred and thirty-second line, and making the duty half a cent per pound. I do so only

for the purpose of making some remarks in reference to the peculiar classification of this kind of iron. When we voted on pig iron we always understood exactly what we were voting upon. We could see then what we cannot see now. Outside of the members of the Committee of Ways and Means and some other gentlemen of special experience few of us understand the classifications of this bill. I believe that what follows in the bill after pig iron almost defies analysis except by an expert, unless it be with regard to steel, to which we will come after awhile.

The existing classification is all changed, and changed in such a way that hardly any one can comprehend the classification as it now stands. But one thing I know: that if we strike out these various paragraphs, as the gentleman from the Philadelphia district [Mr. KELLEY] would like us to do, leaving the present law in operation as regards the articles embraced by these paragraphs, there would be, according to my mode of computation, a large percentage of duty running up to over 100 per cent. on these various kinds of iron. All those classes of iron known as bars, squares, flats, rounds, half-rounds, hoop, strap, scroll, sheet, &c., were taxed under the tariff of 1861 at an average rate of 78 cents per 100 pounds. This rate was raised by the tariff of 1862 to 89 cents; by the act of 1864 it stood at 89 cents; and by subsequent legislation it was increased to an average of $1 23 per 100 pounds. I have only to say that the present bill, if I understand it rightly, proposes to raise the average of these rates to about $1 50 per 100 pounds. On wire the rates are raised to half a cent per pound, and the same increase is proposed on wire covered with textile fabrics, which is proposed to be maintained at 5 cents per pound in addition to the rates on uncovered wire. This increased protection on wire will scarcely inure to the benefit of more than one single large manufacturer in Massachusetts, as I am informed; while that on covered wire will merely force an additional tribute from the hoop-skirt manufacturers in New York to this same monopoly in Massachusetts. The duties on halter and trace chains, both of which are reclassified, are proposed to be raised from the present rates of 2½ and 3 cents per pound to 2½, 3, and 5 cents per pound. The rate on wrought-iron washers is proposed to be raised from 2 to 3 cents per pound. And in the same manner are the rates on cast-iron vessels, stoves, and stove plates, and, in fact, nearly everything made of iron. On iron castings the present rate is proposed to be raised from 30 to 35 per cent. As regards all these classes of iron I say there ought to be some scrutiny on the part of the House or the committee for the purpose of having as nearly as possible a uniformity of duty on them. And this new classification I suspect just as my colleague from New York [Mr. BROOKS] suspects it. It comes from Pennsylvania, and it is a suspicious circumstance when the gentlemen from Pennsylvania change the old classification and pretend to feel no interest in this bill all at once. Now, in my opinion, Mr. Chairman, this bill is about dead; and I think the Pennsylvanians themselves, unless they can resurrect some feature of it when it is brought back to the House, will help us to kill it, and it will be interred, I believe, with universal acclamation. When this bill shall be buried scarcely any one will regret it. The present law, which has most of the substantial features of this bill, will remain as the target for future political firing in the interests of truth and economy, and will be thoroughly riddled before the people. When this bill shall have been cast aside as a mere—I was about to use a strong epithet, but I see the keen eye of the chairman of the Committee of Ways and Means upon me—I will say cast aside as a shrewd piece of political and economical trickery; when the present bill is thus shoved aside by the House those who stand up for the interests of the people will have to go out before them and fight the present law with all its enormities. There is where the fight will come when this bill will be shoved aside, unless the Committee of Ways and Means shall bring in another bill cutting down by more than one half the present tariff rates.

Under the present law, if I understand it rightly—and I speak, of course, with a good deal of reluctance on a matter which is so confused by these new modes of classification—there is one kind of bar iron which pays a duty of 1 cent a pound, and another which pays a duty of 1½ cent per pound. I have a computation here based on the figures for 1868, by which it would appear that on the first class there would be under the present law a duty equivalent to an *ad valorem* rate of 112 per cent. on the original cost. The mode of computation is the same as I made use of the other day. I take the cost in England of what was imported from there at some $2,500,000; I take the exchange and premium on gold at 21 per cent., equal to $525,000; the specific duty at 1 cent per pound, equal to 46½ per cent., or $1,204,000; the freight or cost of importation 20 per cent., or $500,000; importers' profits, &c., $600,000; making a total cost of $5,329,000. Deducting the cost in the markets whence imported, $2,500,000, there is left as the cost of importation, freight, rate of duty, and all other charges, $2,800,000, or 112 per cent. on the original cost of the first class of bar iron.

[Here the hammer fell.]

Mr. SCHENCK. Mr. Chairman, I do not know that it is necessary to attempt to set my friend over the way [Mr. Cox] right, because he began to instruct us by informing us that he has himself no information on the subject. I am glad to agree with him occasionally, and I give my hearty concurrence to that proposition, and he has proved it by what he has said just now about the percentages when reduced to an *ad valorem* standard under the present tariff upon iron. I hold in my hand the Treasury reports for last year, and I find the amount imported of this class of bar iron which is put at 1 cent per pound under the present tariff, and the amount imported of that class upon which we levied a rate of duty of 1½ cents per pound. I find that the first class reduced to an average *ad valorem*, measured upon the invoices under which it was entered at the custom-house, has been paying 44½ per cent. *ad valorem*, and that the other class at 1½ cents a pound has paid an average *ad valorem* of 66¾ per cent.

Now, what have we done? The iron manufacturers came to the Committee of Ways and Means and the custom-house people came to the Committee of Ways and Means and represented that the classification by the size of the bars, by the width of the bars, was not made with due reference to the comparative value, and that all except the very smallest class of bars might be ranked at 1 cent per pound. They asked, therefore, a new classification, putting a portion in at 1 cent per pound, as now, and another portion at 1½ cents, but making a difference in the sizes. This proposition was met by an agreement that their classification was probably the better one, considering the relative value of the large and small bars, but that we had no disposition to raise the duties on iron, which would be the effect of enlarging that which comes in at one rate and diminishing the other but keeping the same rate of duty; and so we proposed that while we diminished the class that might come in at one rate of duty we would bring down the rate of duty upon the other. And that is the reason why gentlemen representing the iron interest are willing you should strike out both the paragraphs and go back to the present law. I find that it will not grieve my friend on the Committee of Ways and Means from the Philadelphia district [Mr. KELLEY] to go back to the present law. And why? Because our classification, with the lowering of the rate of duty of 1½ cents per pound to 1¼ cents per pound in the outcome, makes some reduction in the general rate of duty on iron. That is the whole of it.

Now, the Committee of Ways and Means have done no extraordinary thing in attempting to get to the best classification, having reference to the sizes and the relative value of those sizes of bar iron. It has always been done heretofore. The only question is whether we may with propriety correct this classification, and we have sought to correct it by changing the sizes. But inasmuch as it would give benefit to the iron men, those interested in bar iron, if we at the same time retain the higher rate of duty, 1½ cents a pound on one class, we have reduced it to 1¼ cents per pound, and I do not care which the Committee of the Whole shall do. I have not the slightest interest in it, and care nothing about it. If they prefer to go back to the present rate of duties on iron, so be it. They will not offend me, having arrived as nearly as I can at the best idea in this matter, and I believe they will not offend the iron men, for they rather prefer the present tariff upon the subject to that which the Committee of Ways and Means propose. They would have preferred to have had the present rate of duties kept and the classification changed.

[Here the hammer fell.]

Mr. COX. I am willing to withdraw my amendment.

Mr. MAYNARD. I object.

The question was put on Mr. Cox's amendment; and there were—ayes 40, noes 60; no quorum voting.

Tellers were ordered; and Mr. Cox and Mr. MAYNARD were appointed.

The committee divided; and the tellers reported—ayes 40, noes 77.

So the amendment was rejected.

Mr. BROOKS, of New York. I move to strike out "1 cent per pound," which is $22 40 per ton, and to insert in lieu thereof "$18 per ton." Mr. Chairman, let me ask this House and the iron consumers of the country also if $18 a ton is not protection enough, is not bounty enough? Is it not enough for the iron lords and iron-mongers of the country to have $18 a ton upon iron bars, rolled or hammered, and all that species of iron which enters generally into the consumption of the country? Who can go before the people of this country and say that a bounty of $18 per ton is not enough to protect any interest whatever in this country? If this sort of thing is to prevail throughout this bill I would rather give $5,000,000 right out of the Treasury to the iron-mongers of Pennsylvania than to vote over and over, as is proposed here, this system of duties; for by so doing we should gain at least $50,000,000 to the country.

The honorable gentleman from Pennsylvania [Mr. KELLEY] says: "Oh! I will take this, and I will take the other also; for it is to our interest in Pennsylvania." Now, whether or not the great arch-general of the tariff is to affect nonchalance and great indifference to this proposition, I hope the other side of the House—no, I do not mean the other side of the House politically, because we are beginning now to have about half the gentlemen who are on that side, while we are losing no inconsiderable portion of the members on this side upon the question of iron—I hope gentlemen on both sides of this House who are anti-bounty will accept this proposition of the gentleman from Pennsylvania [Mr. KELLEY] and begin by striking out this item, and then follow it up throughout the bill, so far as iron and steel are concerned, for if it means anything it means an increased duty on iron.

As to the very next paragraph, in reference to which the gentleman from Ohio [Mr. SCHENCK] says it proposes no increase of duty on iron, I will say that I hold in my hand an authentic statement from one of the largest iron houses in New York. Not an English importing house, nor a French importing

house, nor a Belgian importing house, but an old Dutch Knickerbocker importing house, which has a name of two hundred years' standing in this country; and the manager of that house certifies over his own name, and upon his own authority, that this proposes an increase from 1 cent to 1¼ cents per pound, or an increase of 25 per cent. of duty on this class of iron. It is of no use to tell me, when the Committee of Ways and Means have copied *in totidem verbis* from the book sent here from Philadelphia, it is of no use to tell me that all this does not mean something. Philadelphia never would have gone to the trouble of having this book printed if it does not mean something. They are no fools, those iron-mongers; they know what they are about. They mean a great deal by their proposition. This whole classification throughout is an ingenious classification, calculated, if not designed, to throw dust in the eyes of the people, while it raises the duty upon all species of iron. I beg this Committee of the Whole to follow the lead of the honorable gentleman from Pennsylvania, [Mr. KELLEY,] who has pledged himself to go for striking out this paragraph and also for striking out the other paragraphs, and I hope that not only will that be done, but that we will strike out everything in this bill on iron and steel, particularly on steel.

[Here the hammer fell.]

Mr. KELLEY. The gentleman from New York [Mr. BROOKS] is as gravely mistaken in his facts as that old Knickerbocker is. The reduction from 1½ cents to 1¼ cents per pound is not, and cannot be made by any arithmetic to appear, an increase of 25 per cent. Now, on a very small class there is an increase of duty from 1 cent to 1¼ cents per pound. But on the great bulk of bar iron there is a reduction of duty from 1½ cents to 1¼ cents per pound proposed by this bill. The Philadelphia book of which the gentleman complains is simply the tariff as it was passed by the Senate of the United States January 31, 1867, and reported by the Committee of Ways and Means of this House February 18, 1867. The classification which gentlemen are now discussing, and which the gentleman from New York [Mr. BROOKS] says is following the lead of the iron-mongers of Philadelphia, was devised in the Senate of the United States and was adopted by the Senate of the United States, and reported to this House by our Committee of Ways and Means in January and February, 1867. The gentleman, therefore, is wrong in his allegation that we propose an increase of duty by this bill; and he is equally wrong in his allegation that the Committee of Ways and Means, of which he is a member, have put themselves under the guidance of the business men of any city.

Mr. BURCHARD. Will the gentleman yield to me for a question?

Mr. KELLEY. Certainly.

Mr. BURCHARD. Is the duty reduced on more than a single classification?

Mr. KELLEY. Yes, sir.

Mr. BURCHARD. Is not this the only reduction?

Mr. KELLEY. No, sir; the duty is reduced upon the great bulk of bar iron.

Mr. BURCHARD. In the law of 1864 is a classification:

"On bar iron rolled or hammered, comprising flats less than three eighths of an inch or more than two inches thick, or less than one inch or more than six inches wide."

Is not that the only classification where there is a reduction from 1½ cents to 1¼ cents per pound? And is not the duty raised one quarter of 1 cent per pound on every grade of iron, except that covered by the paragraph we are now discussing?

Mr. KELLEY. The paragraph which we are discussing involves an increase of a quarter of a cent upon a small quantity of iron, while on all that list embraced in the next paragraph the bill makes a reduction of one quarter of a cent per pound, or between $5 and $6 a ton. Hence, I say, that so far as concerns the protection involved I am perfectly indifferent as to the adoption of these paragraphs. I believe, however, that the business of the custom-house will be simplified by the adoption of the recommendation of the committee. I believe that the revenue derived will be about the same as under the present law. But if I represented Pennsylvania rolling-mills alone I should take an active interest in endeavoring to have both these paragraphs struck out.

[Here the hammer fell.]

The CHAIRMAN. The question is upon the amendment of the gentleman from New York, [Mr. BROOKS.]

Mr. BROOKS, of New York. I will withdraw the amendment if any gentleman who desires to continue the debate will renew it.

Mr. CESSNA. I object to the withdrawal of the amendment. I want to come to a vote.

Mr. BURCHARD. I move to amend by striking out "18" in the pending paragraph and inserting in lieu thereof "17½." It has been stated that this bill does not propose an increased duty upon iron. Now, I undertake to say that any gentleman who will look through the law of 1864, the law now in force, and compare it paragraph by paragraph with the provisions of this bill cannot but acknowledge that there is a substantial increase of 25 cents on every 100 pounds of iron. It is true that with reference to a small class of iron embraced in the next paragraph the bill proposes a reduction of one quarter of a cent per pound, but nearly every other paragraph relating to iron proposes a large advance upon the existing duty. When we are professing to make a reduction of the duties on iron the country, I think, will not sustain us in the passage of a bill which in fact advances the rates of duty.

The present law makes a classification that is well understood. I read from the present law:

"On bar iron, rolled or hammered, comprising flats not less than one inch or more than six inches wide, nor less than three-eighths of an inch or more than two inches thick, 1 cent per pound."

Now it is proposed to amend this provision by reducing six inches to four inches and increasing one inch to one and a half, so that iron more than one inch thick and not exceeding one and a half inches thick, and more than four inches in width and not exceeding six inches will be increased 25 cents on 100 pounds. That is the increase made by this paragraph.

So, again, as to the latter part of the definition. I had intended to move an amendment which would restore the old definition and make a corresponding reduction. It seems to me that $18 a ton, the amount named in the amendment of the gentleman from New York, would be proportional to the duty we have imposed upon other grades of iron, and would correspond to the reduction which we have made in preceding paragraphs.

Mr. KELLEY. Will the gentleman pardon a suggestion? If he looks at the duty proposed by the bill on blooms and slabs, from which this bar iron is made, he will find the rate is $18 a ton. Here we have an article which is much more advanced, involving much more labor and the loss of much iron in its preparation; yet it is proposed to impose on it the same duty that you put on the material from which it is made.

Mr. BURCHARD. We tried that argument on gentlemen when we were discussing that item; and they insisted that as under the old law that class of iron paid 1 cent a pound, this should also pay 1 cent a pound. The Committee of Ways and Means reported a duty of 1 cent a pound on blooms, but we reduced it to $18 a ton. Now, as they reported also a duty of 1 cent per pound on the class of iron embraced in this paragraph, we ask a corresponding reduction to $18 a ton.

Mr. HILL. Mr. Chairman, I rise to oppose the amendment. The rate of duty reported by the Committee of Ways and Means is only just to the manufacturers and all concerned, and I hope it will receive the sanction of the House.

Mr. Chairman, while I am on the floor I desire to correct a statement made by the gentleman from Ohio, [Mr. STEVENSON,] in his remarks on the 28th of March last, which I find in the Globe of the 30th of March. I ask the Clerk to read the passage which I send to the desk.

The Clerk read as follows:

"The Lehigh Crane Iron Works and the Allentown Iron Works, with a capital of $1,000,000, each produced in 1865 50,000 tons, which at a profit of $20 per ton would leave to each of these corporations a net gain of precisely the amount of the entire capital in a single year. I will not now pursue this inquiry; the people will one day demand the account in full. Enough is apparent to justify judgment against those who would continue and increase exorbitant bounties to those who can well do without them at the expense of those who can ill spare them. Equity must send these parties out of court with an admonition to wash their hands of their enormous gains before they return to the temple of justice to claim more public bounty."

Mr. HILL. I now ask the Clerk to read a letter which I send up.

The Clerk read as follows:

OFFICE OF THE LEHIGH CRANE IRON COMPANY,
426 WALNUT STREET,
PHILADELPHIA, *April* 20, 1870.

DEAR SIR: I have before me your speech delivered March 28, in which you say the "Lehigh Crane Iron Works and the Allentown Iron Works, with a capital of $1,000,000, each produced in 1865 50,000 tons, which, at a profit of $20 per ton, would leave to each of these corporations a net gain of precisely the amount of the entire capital in a single year." Before making such a statement it would have been better for you to have learned the *facts* in the case and then stated the *truth*, which you could easily have obtained from this office. The *facts* are that the Lehigh Crane Iron Company produced in 1865 28,309½ tons of iron, (not 50,000, as you stated,) at a cost of $43 61, delivered at Elizabethport, the place of shipment, (not $30, as you say;) and the result of the year's business for 1865 *was an actual loss of* $93,000 *instead* of $1,000,000 profit, as *you* made it.

Our books will verify my statement, and I *invite you* to *examine* them and *judge for yourself*.

We court inquiry and are satisfied to have the *truth* spoken.

The Allentown Iron Company I shall not speak for. I will only say that their production is about 28,000 tons, and not 50,000, as *you say*.

Respectfully, yours,

G. A. WOOD, *President*.

Hon. JOB E. STEVENSON,
House of Representatives, Washington, D. C.

Mr. HILL. Mr. Chairman, the letter just read is a copy of a letter sent to Mr. STEVENSON by the president of the Lehigh Crane Iron Company, and the copy sent to me by the president of said company.

Mr. STEVENSON. Has the gentleman my answer to that letter?

Mr. HILL. I have not. It is to be regretted, sir, that any gentleman on this floor should so far forget himself in his desire to make out his case and argument as to make such statements as have been made in the above extract by the gentleman from Ohio, and so entirely unsustained by the facts. It shows how careful gentlemen should be in attempting to discuss a subject of which they are so entirely ignorant. The gentleman seemed to have imagined himself in a justice's court and to have arraigned the Lehigh Crane Iron Works and the parties connected with them for trial. He remarks, "equity must send these parties out of court with an admonition to wash their hands of their enormous gains before they return to the temple of justice to claim more public bounty." Now, sir, I would say to the gentleman from Ohio, "equity calls on him to wash his hands of the great wrong, injustice, and misrepresentation he has made in regard to those parties connected with the Lehigh Crane Iron Works."

The CHAIRMAN. The gentleman's time has expired.

Mr. HILL. I ask to have two minutes more, as it will not take more than that time to conclude what I have to say.

Mr. STEVENSON. I hope the gentleman's time will be extended.

The CHAIRMAN. If there be no objection the gentleman's time will be extended.

There was no objection.

Mr. HILL. It is a poor cause, Mr. Chairman, that has to be bolstered up by misrepresentations, and as the gentleman has taken pains to send these statements by scattering his speech broadcast over the country, I call on him before this House to retract what he has said in the above extract just read, or else stand before this House and the country as this letter, from a company and parties composed of some of the most honorable and patriotic citizens of the country, leaves him.

Mr. MAYNARD. I must object to this, as the gentleman is now speaking far beyond his time.

The CHAIRMAN. The gentleman has the consent of the committee, no objection having been made at the time.

Mr. HILL. Mr. Chairman, many of my constituents are interested in this matter; this company gives support to a large body of miners, workingmen, and their families in my district. In justice to the company, in justice to many thousand workingmen in my own district and in Lehigh valley, whose daily bread depends upon the prosperity of these iron works, and in justice to the character and honor of this House, I ask that the gentleman hasten to retract his assertions and statements referred to, as read in the extract from his speech, which, according to the letter that has been read, cannot be sustained.

I have here a letter from a gentleman living at the Lehigh Crane Iron Works, of high character and position, who writes, under date of 19th instant:

"I know that to-day there are establishments in the 'Lehigh group' (as Mr. STEVENSON calls them) that are making iron at a loss. The prices realized will not pay the cost of placing the iron in market."

It is becoming too common a practice for gentlemen on the floor of this House to take advantage of their position and deliberately denounce and misrepresent individuals, corporations, and parties engaged in business. This deliberate and uncalled-for attack on the Lehigh Crane Iron Works, and those connected with them, so calculated to injure them and their business, and all employed by them, ought not to pass by without some notice, and therefore I have taken this opportunity to bring it to the notice and attention of the members of this House.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. BURCHARD. I withdraw the amendment.

Mr. CONGER. I object.

The question was then taken on Mr. BURCHARD's amendment; and it was rejected.

Mr. STEVENSON. I move to insert $16 50 a ton. Mr. Chairman, I do not propose just now to answer fully what the gentleman from New Jersey has said. I will take another occasion to lay before the House an exhibit of the table from the authority which I quoted. I have to complain, however, of the gentleman that in making an extract from my speech he omits the part which gives the authority from which I derived my statement. I quoted the book published at Pottsville by Baddow & Bannan. It is good authority, I believe, in the State of Pennsylvania. I brought here the book published in Pottsville, and I got all my figures from it. It gives the capacity of this furnace in that year at 50,000 tons.

Mr. HILL. Allow me to say that the gentleman should not quote books unless he knows those books are correct.

Mr. STEVENSON. If a book published at Pottsville does not tell the truth about iron and coal I want to know where we can go for information?

Mr. WOODWARD. I wish to inquire if that is the book I lent the gentleman the other day?

Mr. STEVENSON. No, sir; it is a book on iron, coal, and oil, published at Pottsville, Pennsylvania.

Mr. HILL. The capacity of those furnaces may be 50,000 tons a year; but that year they produced only 28,500 tons; and the gentleman should have known that before he made the statement that they had realized over $1,000,000.

Mr. STEVENSON. Mr. Chairman, my calculation was an estimate. I proceeded to estimate the cost. I assumed it cost them $30 a ton to make iron. That was an estimate. I thought it liberal. They come here now and say it cost them $43 61 per ton. Then I ask, in the name of reason, what tariff will they want to protect them? If it costs $43 61 per ton to make pig iron, how much protection do they need?

Mr. HILL. All they ask is $9 a ton.

Mr. STEVENSON. They would lose money at that if they are losing money now.

Mr. HILL. All they ask is to let it remain as it is.

Mr. STEVENSON. I do not know how it came that these iron works had to pay $43 61 to make iron in 1865 when other mills made it at little over one half that sum. They say they lost money. I do not know how that may be. But if they lost money in that year, and in the year 1864, and in the year 1866, and if they are losing money now, the best thing their friends can do is to close up their shops for them. If they did lose money in that year I do not know by what means it happened; and probably they lost it, if at all, by some outside speculation, or by some inside ring.

Mr. HILL. They court inquiry in that letter.

Mr. STEVENSON. Yes, they court inquiry; but they do not send my answer to their letter. I have no ill-will toward any gentlemen connected with this business, and I have said on this floor that I am willing at any time to vote for any reasonable protection; but I must now qualify what I have said on that subject, for if there be a furnace so ill-managed as to require a cost of $43 61 per ton to make pig iron when others in the same neighborhood can make iron for half that cost we cannot give protection that will keep up such a business.

Mr. MARSHALL. I rise to oppose the amendment. I do so because it places the duty too high. I think it should be lower.

Now, sir, there is nothing so important, I think, to this country as to have iron in all its forms made as cheap as possible. It is the most important agent of modern civilization and progress, and if we expect to compete with the other nations of the world in enterprise, in manufacturing, and in every mode of production, we must take such steps as will give us cheap iron. The fostering and building up of no class or interest can possibly be of as much importance to the country as this.

Mr. Chairman, I do not doubt that the manufacturers of iron are as honest as the average of mankind. They are engaged in a business in which there is an immense amount of capital invested, and I do not doubt that they are controlled by the same feeling and purposes by which other men similarly situated, by which the average of mankind would be controlled; but I do not believe that they are frank and candid in making the statement of their business. We have now the same experience that the Government had in 1845, when the Secretary of the Treasury attempted to get at the truth in regard to the profits of those engaged in manufacturing. All over the country they refused to answer, and when they did reply they gave too often evasive and false answers, as the evidence taken showed conclusively, to the Government, and the tariff was then changed, to the great advantage of the country, regardless of their statements, and in defiance of their protests.

I hold in my hand an exceedingly interesting article, just published on the 21st of this month in the Republican Banner of Nashville, Tennessee, communicated by Colonel George T. Lewis, of Clarksville, Tennessee, who was for many years engaged in the manufacture of iron, and a gentleman of the highest character, as many gentlemen on this floor who know him will be ready to testify. He is familiar with the whole subject in all its details. He shows in this article that pig iron can be produced in Alabama, Tennessee, and Georgia at $16 95 per ton; that it can be delivered at Louisville at $22 per ton; that it can be delivered at Cincinnati at $23 per ton; and that it can be made in those States and delivered at Pittsburg at $25 per ton. He gives also a detailed statement showing that No. 1 charcoal iron actually is produced in Cherokee county, Georgia, at $19 63 per ton, and which sold for $45 per ton. He gives a detailed statement of three weeks' operations, showing that the cost the first week was $1,111, and the value of the production in the market $2,328, giving a profit for that week of $1,217, or over 100 per cent. The second week the profits were larger, being $1,334 20. The third week the profits were nearly the same, $1,216 50. In each of those week's operations the profit was over 100 per cent.; and it is shown that without any duty or protection their profits would be at least 50 per cent. This is no mere estimate; it is the result of actual business transactions in October last—the results copied from the books of the company. During these three weeks the furnace made 164¼ tons of No. 1 pig iron, at a total cost, laid down at the rolling-mill in Rome, of $3,675 75, or an average cost per ton of $22 37. Deducting from the total cost $449 75 paid for hauling and freight to Rome, or $2 74 per ton, and we have the cost per ton at the furnace only $19 63 for this No. 1 pig iron, which sells for $45 per ton. It is stated in this communication by Colonel Lewis that if the duty on pig iron were abolished the profits at this furnace would still exceed 55 per cent. on the production. And yet, under the pressure of garbled, fictitious, or false statements that are published from day to day from other manufacturers, we are asked to tax ourselves beyond all precedent, and keep up at an unreasonable price this important agent of civilization. If these manufacturers at Allentown, for whom the gentleman from New Jersey [Mr. HILL] speaks, cannot make pig iron for less that $40 per ton they had better sell out as soon as possible and go to some other part of the country, instead of taxing and burdening the entire people by making them pay for their benefit an increased and unnecessarily exorbitant price for this most indispensable article.

It is more important that we should reduce the cost of iron than anything else that exists in our country. It meets us at every turn in life. It meets us everywhere—in our tools, in our farming implements, in our machinery, in our table cutlery, in our food, in our clothing. I say that we should have the most conclusive evidence that protection of this kind is necessary before it should be given, even upon the principle of protection, the effect is so injurious to every other interest in our country, and even to our national prosperity.

[Here the hammer fell.]

Mr. SCHENCK. I ask unanimous consent that all debate shall stop on this paragraph.

Mr. ALLISON. I object until it is more thoroughly understood.

Mr. INGERSOLL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WHEELER reported that the Committee of the Whole on the state of the Union, according to the order of the House, had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

MONUMENT ASSOCIATION OF PEORIA.

Mr. INGERSOLL, by unanimous consent, introduced a joint resolution (H. R. No. 268) directing the Secretary of War to deliver certain condemned cannon to the Ladies' Monument Association of Peoria, Illinois; which was read a first and second time.

Mr. INGERSOLL. I ask that the joint resolution be read, and I am sure no one will object to its passage.

The joint resolution was read. It directs the Secretary of War to deliver to the Ladies' Monument Association of Peoria, Illinois, free of cost, four pieces of condemned cannon, to be placed upon the soldiers' lot in Springdale cemetery in the said city of Peoria.

Mr. MAYNARD. Are the cannon not all gone? We have given away a great number.

Mr. INGERSOLL. I will answer that I have information from the War Department that there is a great abundance of them.

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

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

The latter motion was agreed to.

EVENING SESSIONS, ETC.

Mr. SCHENCK. Before moving to adjourn I desire to state, in order that gentlemen may not say they had not sufficient warning, that I mean to ask a night session to-morrow and the next day and the next day, and I shall ask for a calling of the roll immediately after the reading of the Journal to-morrow.

APPOINTMENTS ON COMMITTEES.

The SPEAKER announced that he had appointed Mr. RANDALL a member of the joint Committee on Retrenchment, to fill the vacancy occasioned by the retirement of Mr. READING; and Mr. CLARK, of Texas, a member of the select Committee on the Reorganization of the Civil Service of the Government, in place of Mr. HOTCHKISS, who declined further service on that committee.

LOUISIANA ELECTION CONTEST.

Mr. BURDETT, from the Committee of Elections, submitted a written report in the case of Newsham *vs.* Ryan, from the fourth district of Louisiana, concluding with the following resolutions:

Resolved, That Michael Ryan is not entitled to a seat as a Representative in the Forty-First Congress from the fourth district of Louisiana.

Resolved, That J. P. Newsham is entitled to a seat as a Representative in the Forty-First Congress from the fourth district of Louisiana.

The report was laid on the table, and ordered to be printed.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. DONLEY for eight days from to-day.

CHANGE OF REFERENCE.

On motion of Mr. LOGAN, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the memorial of Matthew Simpson, George G. Meade, Daniel M. Fox, George H. Stuart, Jay Cooke, and others, in behalf of the National Home at Gettysburg; and the same was referred to the Committee on Appropriations.

ORSON R. WILLARD.

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

Resolved, That the Committee on Invalid Pensions be required to examine the case of Orson R. Willard, and report whether he should be allowed a pension, and that they request the papers in the case to be furnished by the Commissioner of Pensions.

GOLD PANIC REPORT.

Mr. GARFIELD, of Ohio, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing, under the law:

Resolved, That there be printed for the use of the House three thousand extra copies of the report and testimony in regard to the gold panic of September last.

RIVER AND HARBOR IMPROVEMENTS.

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

Resolved, That the Secretary of War be directed to inform this House how much money has been expended by the Government for the improvement of Boston and New York harbors, Delaware breakwater, and the mouth of Mississippi river, respectively.

Mr. NEGLEY. I move that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By the SPEAKER: The petition of Abner M. Ward, guardian of William F. Ward, minor of Nehemiah Ward, late private unassigned company, seventeenth Maine volunteers.

By Mr. AYER: The petition of George Henry Selden and others, citizens of Westmoreland and Northumberland counties, Virginia, to authorize the appointment of a land commission to procure lands for homesteads for freedmen.

Also, the petition of Emma F. Haslum and others, citizens of Virginia, for the same purpose.

By Mr. BENTON: The petition of Gilman Fellows, for increase of pension.

Also, the petition of Mary Tobine, for an increase of pension.

Also, the petition of Lovina Brown, for an increase of pension.

Also, the petition of Aliza Plaisted, for an increase of pension.

By Mr. BRADFORD: The petition of L. W. Barry and 230 others, citizens of Georgetown, Colorado, in relation to the town site of said city.

By Mr. BROOKS, of Massachusetts: The petition of Charles Colburn, for services in the United States Navy.

By Mr. COBB, of Wisconsin: The remonstrance of G. W. Ryland, J. C. Holloway, and others, citizens of Lancaster, Wisconsin, against the passage of the funding bill.

By Mr. DOX: A petition of sundry citizens of Jackson and De Kalb counties, Alabama, praying that the road from Scottsborough to Lebanon, in said State, be declared a post road.

By Mr. FISHER: The petition of Hon. Burt Van Horn and 15 others, for an increase of pension at present paid to the widow of the late Major Joseph Rushmore, of Lockport, New York.

By Mr. HAMILL: A remonstrance of citizens of the State of Maryland against the further continuance of the income tax.

By Mr. HAWLEY: The petition of Henry F. Parmlee, a soldier of the war of 1812, praying Congress to grant a pension to the soldiers of the war of 1812.

Also, a petition of citizens of Roseville, Illinois, praying the abolition of the franking privilege.

Also, the petition of M. B. Osborn and 70 others, citizens of Rock Island, Illinois, praying Congress to reduce taxation and to abolish the duty upon tea and coffee.

Also, a petition of 100 citizens of Adams county, Illinois, praying Congress to modify the internal revenue laws.

By Mr. HOTCHKISS: A remonstrance of the citizens of Binghamton, New York, against increasing the burdens upon national banks.

By Mr. LOUGHRIDGE: A petition of citizens of Auburn, Iowa, asking for the abolition of the duties on tea and coffee.

By Mr. LYNCH: The petition of Hill Payson and 190 others, citizens of Maine, asking repeal of income tax.

By Mr. McKENZIE: The petition of R. A. Jackson, of Madison Court-House, asking to be refunded the amount of $231 25 for stamps destroyed by United States troops, and for which he paid the Post Office Department.

Also, a petition of certain citizens of Fairfax county, Virginia, asking for indemnity for losses incurred during the war of rebellion.

By Mr. PALMER: A memorial of the Cigar-Makers' National Union for a modification of the revenue laws.

By Mr. STARKWEATHER: The petition of John Eldridge and others, of Groton, Connecticut, for compensation for property taken by the United States.

Also, a petition of firearms manufacturers for increase of tariff on shot guns.

Also, a petition for the abolition of duties on tea and coffee.

By Mr. STILES: A petition of citizens of Horsham and Upper Dublin townships, Montgomery county, Pennsylvania, praying that a mail route be established from Edge Hill station, on the North Pennsylvania railroad, to Prospectville, in Horsham township, which is necessary and expedient.

By Mr. STONE: A petition of sundry citizens of Washington city, praying a removal of the city jail from its present site.

By Mr. STOUGHTON: The remonstrance of H. C. Lewis and others, citizens of Coldwater, Michigan, against the provisions of section seven of the funding bill, so called, as being unjust and calculated to interfere with the currency.

By Mr. UPSON: The remonstrance of George Worthington & Co., and 94 other business firms and companies of Cleveland, Ohio, against the passage of the funding bill.

By Mr. VAN HORN: The petition of John W. Polk, of Missouri, for removal of political disabilities.

Also, a petition of liquor dealers, of Kansas City, Missouri, for a change in the mode of collecting tax on spirits.

By Mr. WILLARD: The petition of J. Morrison and others, of Rutland, Vermont, for the abolition of the franking privilege.

Also, the petition of Jacob Edgerton and others, of Rutland, Vermont, for the same.

By Mr. WILSON, of Ohio: The petition of John Alisson and others, of Patriot, Ohio, praying for pecuniary relief in the evening of life for services rendered in the war of 1812.

IN SENATE.

TUESDAY, *April* 26, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Secretary proceeded to read the Journal of yesterday.

Mr. SHERMAN. I move that the further reading of the Journal be dispensed with. It is very long.

Mr. DAVIS. I object. I love to see business done in decorum and order.

Mr. SHERMAN. The Journal is very long to-day.

The VICE PRESIDENT. The Senator from Kentucky objects. The Secretary will resume the reading.

The Secretary resumed and concluded the reading of the Journal of yesterday's proceedings.

PETITIONS AND MEMORIALS.

Mr. BROWNLOW presented the petition of Alexander Kennedy, of Tennessee, praying compensation for cotton taken and used by United States troops under the command of General A. E. Burnside, in November, 1863; which was referred to the Committee on Claims.

Mr. DAVIS presented the memorial of the Maysville and Lexington Railroad Company of the State of Kentucky, praying an appropriation of $1,140 12 as compensation for certain material furnished to the United States by

them for the purpose of building stockades in and about the town of Maysville; which was referred to the Committee on Claims.

He also presented a petition of citizens of Kentucky, praying an appropriation of $50,000 for the education of the freedmen of the South, at the Wilberforce University, near the city of Xenia, Greene county, Ohio; which was referred to the Committee on Education and Labor.

Mr. McCREERY presented the petition of Joseph Ballow, praying compensation or rent for his farm, used as a camp or post, known as Camp Burnside, from November 12, 1863, to November 12, 1864; which was referred to the Committee on Claims.

Mr. SAWYER presented the petition of Mary E. Carlisle, of South Carolina, praying for compensation for property destroyed by United States troops during the rebellion; which was referred to the Committee on Claims.

He also presented the petition of Thomas Divine, of Charleston, South Carolina, praying for compensation for property taken by United States soldiers during the recent war; which was referred to the Committee on Claims.

He also presented a memorial of the Charleston Board of Trade, praying an appropriation for the erection of a building at that place for the accommodation of the post office; which was referred to the Committee on Public Buildings and Grounds.

Mr. WILLEY presented the petition of I. I. Berrey, and A. K. Phillips, of Fredericksburg, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. HARRIS presented the petitions of I. P. Logan, of Atlanta, Georgia, and of A. W. O. Hicks, of Shreveport, Louisiana, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. WARNER presented the petition of B. N. Glover, of Choctaw county, Alabama, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. STOCKTON presented a petition of citizens of Jersey City, New Jersey, praying the enactment of a law allowing the importation of pig lead from foreign countries free of duty; which was referred to the Committee on Finance.

Mr. SCOTT. I present two petitions of honorably discharged soldiers of Pennsylvania, representing that by the act of July 4, 1864, they were entitled to receive $100 bounty—one third on muster-in, one third after six months' service, and the balance upon muster-out; but that under a decision of the Attorney General they are deprived of a portion of that pay, and they ask that a supplementary act be passed to enable them to collect the balance of the bounty due them under that act. I move that these petitions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. COLE presented a memorial of J. M. Hopkins, President of the California Insurance Company, and others, of San Francisco, California, setting forth that a certain petition having been forwarded to Congress, asking such legislation in reference to the fur-seal fisheries of St. Paul and St. George Islands, Alaska territory, as will permit general competition and participation on the part of merchants and shippers, and that upon a careful examination of the subject they feel convinced that a multiplicity of the traders would result in the demoralization of the natives, and in the entire extermination of the seals in a very short time; and they therefore pray such legislation as will lease the islands to some responsible company for a term of years, believing that by so doing the interest of the Government and the future preservation of these valuable fisheries will be equally protected.

The memorial was referred to the Committee on Commerce.

Mr. RAMSEY presented the petition of Mrs. Julia Whistler, widow of the late Colonel William Whistler, United States Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. FOWLER presented the petition of L. Russell and Martha Russell, his wife, praying for remuneration for property taken and used by the United States Army during the late rebellion; which was referred to the Committee on Claims.

He also presented the petition of Thomas M. Jones, of Pulaski county, Tennessee, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. FLANAGAN presented the petitions of I. H. Barton, F. Brownson, M. L. McCormick, G. H. Maxey, and B. H. Davis, of Texas, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

CHINESE INDEMNITY FUND.

Mr. TRUMBULL. I desire to present resolutions adopted at a meeting in the city of Chicago, reported by a committee of which the mayor of that city was chairman, and in which some of the most prominent and influential citizens of the city of Chicago and of the State of Illinois, in fact, took part, in regard to what is known as the Chinese indemnity fund, a fund of some four or five hundred thousand dollars in possession of the Government of the United States. It was received from the Chinese Government in 1858 for the purpose of indemnifying our citizens. After paying all the claims of our citizens this amount was left on hand, and properly, in the opinion of the committee, would seem to belong to the Chinese Government; but they are under the impression that the Chinese Government does not wish to receive it back, although it having been received by our Government for the purpose of indemnifying our citizens, and all our citizens having been paid their claims, it would seem in equity that that Government would be entitled to it.

This meeting adopted resolutions in which they concur in certain resolutions that were adopted in the city of New York upon the same subject. They state that this fund belongs in in equity to the Government of China, as they understand it, though that Government seems disposed to waive its right to it; and they think it should be employed in some way for the common advantage and honor of both nations; and probably no method could be devised at once so profitable and honorable as the establishment of a university in which the science and art of both peoples can be taught to both Chinese and American students.

They conclude their resolutions with a memorial to Congress to have this money covered into the United States Treasury as a special fund, to be either returned to the Chinese treasury or to be appropriated to the establishment of a proposed institution of learning at Pekin, as the Chinese Government may elect. I move the reference of these resolutions to the Committee on Foreign Relations.

Mr. SUMNER. I would make one remark. The subject is still pending before the Committee on Foreign Relations, and they will probably make an early report upon it. The idea that the Chinese Government have in any formal way declined to accept this fund is a mistake. At any rate, there is no evidence in the Department of State, nor in any document accessible to the committee, showing that the Chinese Government have ever in any formal way made such a refusal; and among the plans proposed is the one suggested in the document now presented by the Senator from Illinois that the money should be returned to the Chinese Government as belonging to them in equity.

Mr. HAMLIN. I desire to ask a question if the Senator will allow me.

Mr. SUMNER. Certainly.

Mr. HAMLIN. I wish to inquire of the Senator from Massachusetts if he has not during the present session reported a bill which authorizes the payment of an existing outstanding claim from this very fund?

Mr. SUMNER. No, I have not. At a former session such a bill was reported referring a claim to the decision of the Attorney General, and the money on that has been paid; but within a few days another claim has been presented for a difference between currency and coin in that claim.

Mr. HAMLIN. Is there any other fund than this that we have received from China?

Mr. SUMNER. This is the only fund. There is also a Japanese fund, which is in a different predicament entirely.

Mr. NYE. I wish to ask the Senator a question. When the late Attorney General made an award from this fund, to be paid in gold, did not the Government pay in greenbacks and refuse to pay in gold after they had received gold?

Mr. SUMNER. That is the fact; and the question whether the Government shall pay in gold is now pending before the Court of Claims. I have merely made this explanation partly in reply to one or two of the suggestions in the memorial presented. I am very glad that it is to go to the committee, though they have already given a good deal of attention to the subject, and I would say that it is an old acquaintance. The question of the disposition of this fund was first presented to the Committee on Foreign Relations by Mr. Seward as long ago as 1863, and in different forms it has been pending ever since. The committee hope to make a final report on the subject at an early day. It would have been made before now except for the pendency of the claim in the Court of Claims, and also for another claim with reference to another ship called the Caldera, of which I have heard within a very few days.

Mr. STEWART. I hope the Committee on Foreign Relations will find some way of using this money, both in regard to China and Japan, so as to erect the necessary public buildings for the purpose of carrying on the business of the United States in those countries, if the fund can be diverted to that purpose.

Mr. SUMNER. The Senate is particularly interested in the Japanese fund. The committee have not come to a conclusion in regard to that fund. The Japanese fund, as the Senator is aware, is in entirely a different condition from the Chinese fund. There is no equity which affects the Japanese fund as there is affecting the Chinese fund.

The VICE PRESIDENT. It is moved that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. NYE. The papers in the case of Miss S. A. Wood were last year referred to the Committee on Agriculture. I ask that an order be entered for the withdrawal of the papers, so that they may be presented before a committee of the House of Representatives which now has the subject under consideration. There has been no report in the case.

The VICE PRESIDENT. If there be no objection that order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the following joint resolutions, in which the concurrence of the Senate was requested:

A joint resolution (H. R. No. 267) in relation to the burial-place for the remains of General John A. Rawlins; and

A joint resolution (H. R. No. 268) directing the Secretary of War to deliver certain condemned cannon to the Ladies' Monument Association of Peoria, Illinois.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the

Committee on Finance, who were instructed by a resolution of the Senate to inquire into the expediency of imposing a tax of one dollar a gallon upon all distilled spirits, and also to inquire into the expediency of collecting the tax upon all distilled spirits by taxing the capacity of the stills, to report that they have considered the subject and are unanimously of opinion that no change ought to be made in the rate of taxation on distilled spirits. The matters pertaining to it will come up more properly hereafter, and the committee ask now to be discharged from the further consideration of the subject.

The motion to discharge the committee was agreed to.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 830) for the relief of the Drew Theological Seminary of Madison, New Jersey, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. HARLAN afterwards moved a reconsideration of this vote; which was agreed to, and the bill was placed on the Calendar with the adverse report.

Mr. COLE. I desire to have the resolution first reported by the chairman of the Committee on Finance placed on the Calendar. I do not remember the number of it.

The VICE PRESIDENT. The committee was discharged from its further consideration.

Mr. COLE. I will move to reconsider that vote, in order that it may be placed on the Calendar.

Mr. SHERMAN. It is a resolution in the nature of instructions to the committee, and we have complied with instructions.

The VICE PRESIDENT. The motion to reconsider, if agreed to, would carry no action with it. It is not a bill; it is simply a Senate resolution.

Mr. WILSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 987) to reduce the number of officers in the Army of the United States, and for other purposes, reported it with an amendment.

Mr. HAMILTON, of Texas, from the Committee on Indian Affairs, to whom was referred a memorial of the Legislative Assembly of the Territory of New Mexico in regard to the treaty of March 2, 1868, with the Utah Indians, asked to be discharged from its further consideration; which was agreed to.

Mr. SUMNER, from the Committee on Foreign Relations, to whom was recommitted the bill (S. No. 692) for the relief of J. Ross Browne, late minister to China, reported it with amendments, and submitted a report; which was ordered to be printed.

Mr. DRAKE. The Committee on Education and Labor, to whom were referred numerous petitions praying Congress to appropriate $50,000 for the benefit of Wilberforce University, in Ohio, have had the same under consideration, and have instructed me to report a joint resolution for the benefit of Wilberforce University, accompanied by a written report, which I ask may be printed.

The joint resolution (S. R. No. 181) for the benefit of Wilberforce University was read, and passed to the second reading, and the report was ordered to be printed.

Mr. PRATT. The Committee on Pensions, to whom was referred the memorial of Hiram R. Ray, private in company G, third North Carolina mounted infantry, praying to be allowed a pension, have had the same under consideration and directed me to make a written report adverse to the claim of the present petition. The paper purporting to be a petition is neither signed nor sworn to, nor is the evidence satisfactory; but the committee think there may be merits in the case, and they therefore recommend that the petitioner be allowed to withdraw his papers.

The VICE PRESIDENT. The report will be ordered to be printed, and the petitioner will have leave to withdraw his petition.

Mr. PRATT. The same committee, to whom was referred the petition of Nancy S. Ledford, widow of Christopher M. Ledford, late private in company F, second North Carolina mounted infantry, praying to be allowed a pension, have had the same under consideration, and have directed me to place a written report on file adverse to the petition. Her case is similar to the other. The paper purporting to be a petition is not sworn to, nor are the proofs satisfactory; but the committee, in view of the facts stated in the proofs placed on file, think there may possibly be merit in the case, and they therefore recommend that she be allowed to withdraw her memorial. I ask that the report be printed.

The VICE PRESIDENT. The report will be ordered to be printed, and the petitioner will be allowed to withdraw her papers.

Mr. SPENCER, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1337) granting a pension to Thomas Clair, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1340) granting a pension to Sarah Barry, of Johnson county, Tennessee, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a resolution to print the memorial of the Colored Philosophical and Historical Society of Richmond, Virginia, asking that the name of "United States of America" be changed to that of "United States of Columbus," asked to be discharged from its further consideration; which was agreed to.

Mr. ANTHONY. The same committee, to whom was referred the bill (S. No. 475) to further regulate the public printing, and to discontinue the publication of books by the General Government for popular distribution, have instructed me to report it back with amendments and ask that it be placed on the Calendar. I do this in order to give it an early place on the Calendar, although the bill has not received that consideration in the committee which I desired it should have.

The VICE PRESIDENT. The bill will be placed on the Calendar.

RAYMOND'S MINING REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives to print additional copies of the report of Professor Raymond, have instructed me to report it back without amendment and recommend its passage; and I ask for its present consideration.

There being no objection, the resolution was considered. It was read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed sixteen thousand copies of the report for 1869 of R. W. Raymond, special commissioner of mining statistics, on mines and mining in the States and Territories west of the Rocky mountains, ten thousand copies for the use of the House, five thousand copies for the use of the Senate, and one thousand copies for the Treasury Department, with the cuts illustrating the report: *Provided*, That the cost of said cuts shall not exceed the sum of $600.

The resolution was concurred in.

ARMY REGISTER.

Mr. ANTHONY. The same committee, to whom was referred a resolution to print two thousand copies of the Army Register, have instructed me to report it back without amendment and recommend its passage; and I ask for its present consideration.

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That two thousand copies of the last official Army Register be printed for the use of the Senate.

BILLS INTRODUCED.

Mr. HAMILTON, of Texas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 840) for the better protection of the frontiers of Texas; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. THAYER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 841) in addition to an act to promote the progress of the useful arts, approved July 4, 1836; which was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed.

Mr. DRAKE subsequently said: I desire to state that the bill introduced a few moments ago by the Senator from Nebraska and referred to the Committee on Education and Labor is one which should go to the Committee on Patents.

Mr. THAYER. Very well; let it be referred to the Committee on Patents.

The VICE PRESIDENT. That change in the reference will be made.

Mr. ROSS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 842) to establish certain post routes in the State of Kansas; which was read twice by its title, referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

Mr. THAYER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 843) to confirm the title of the heirs of Gervacio Nolan, deceased, to certain lands in the Territory of Colorado; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

SAN DOMINGO.

Mr. FERRY submitted the following resolution; which was considered by unanimous consent:

Resolved, That the Secretary of State be directed to transmit to the Senate full and entire copies of the following dispatches of J. Somers Smith, esq., late commercial agent of the United States at San Domingo to the State Department, portions of which dispatches were transmitted to the Senate on the 24th day of February, 1870, in compliance with a resolution of the Senate of February 21, 1870, namely:

Dispatch dated San Domingo City, September 4, 1869;

Dispatch dated San Domingo City, September 9, 1869; and

Dispatch dated San Domingo City, October 8, 1869.

Mr. SUMNER. I would suggest that that resolution ought to be addressed to the President, according to the invariable usage in such matters.

Mr. FERRY. The last preceding resolution was addressed to the Secretary of State and replied to by the Secretary.

Mr. SUMNER. That was a mistake. I do not wish to interfere with the resolution; but that is the usage.

Mr. FERRY. I have no objection to that amendment, and then there should be another amendment made inserting the words "if not imcompatible with the public interests."

The VICE PRESIDENT. If there be no objection, the resolution will be changed from a direction to a request to the President, and the usual clause "if not incompatible with the public interest" inserted.

The resolution, as modified, was agreed to.

PROMOTION OF EDUCATION.

Mr. WILLEY. I offer the following resolution:

Resolved, That the Committee on Education and Labor be instructed to inquire into the expediency of dividing the net proceeds of the sales of the public lands among the several States for educational purposes, and of otherwise so providing by law that all the people of the United States may have the opportunity of acquiring a common-school education.

Mr. President, at such time as it may suit the convenience of the Senate I should like to be heard for about twenty minutes on the subject of this resolution before it is referred to the committee. If it is the pleasure of the Senate to hear me now, I am prepared to proceed.

Mr. POMEROY. It is twenty minutes before one now, and I think the Senator had better go on.

The VICE PRESIDENT. If there is no objection the resolution will be considered as before the Senate. The Chair hears no objection, and the resolution is before the body.

Mr. WILLEY. Mr. President, the results of the late war of the rebellion have brought

with them many new duties and responsibilities to the statesman. Among them not the least important is that of providing for the universal education of the people. In vain shall we congratulate ourselves on the advancement of the great principles of civil and political liberty which this terrible war has wrought unless we consolidate and secure them on the essential foundation of the popular intelligence. How this vital object can be best accomplished is a problem difficult to be solved; but it must be solved, or the national liberties will be imperiled—perhaps perish. As a contribution, or at least a suggestion toward such a solution, I some time since introduced a bill for the division of the proceeds of the sales of the public lands among the several States for educational purposes. As it is short I will venture to read it:

A bill to appropriate the proceeds of the sales of the public lands of the United States for educational purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after December 31, 1870, the net proceeds of all the sales of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said December 31, 1870, shall be divided among the thirty-seven States of the Union according to their respective federal population, as the same shall be ascertained by the census of 1870, to be applied by the Legislatures of the said States to such objects of education as the said Legislatures may severally designate and authorize: *Provided*, That nothing herein contained shall be construed to the prejudice of future applications for a reduction of the price of the public lands, or to the prejudice of applications for a transfer of the public lands on reasonable terms to the States within which they lie, nor to impair the power of Congress to make such future disposition of the public lands, or any part thereof, as it may see fit: *And provided further*, That the power is here reserved of assigning by law to any new State which shall be admitted into the Union the proportion to which such State may be entitled, upon the principles of this act.

SEC. 2. *And be it further enacted*, That the said proceeds of sale of said public lands shall be paid at the Treasury of the United States, half yearly, to such person or persons as the respective Legislatures of the said States may authorize and direct.

SEC. 3. *And be it further enacted*, That the division aforesaid of the proceeds of the sales of the public lands is made upon the express condition that in the application and use thereof by the said States no discrimination shall be made against any citizen of said States on account of his race, color, or previous condition of servitude, but that every citizen of every such State, without distinction of race, color, or previous condition of servitude, shall be equally entitled to avail himself of the use and benefit of whatever disposition of said proceeds of sale any such State shall make for educational purposes; and the Legislatures of said States, respectively, shall cause to be made, on the 31st day of December, 1871, and annually thereafter, a report to the Congress of the United States of the application by said States, respectively, of said proceeds of sale received by said States, respectively, in such manner and form as shall be prescribed by the Commissioner of Education, or as shall be otherwise required by law.

Mr. President, the number of acres of public lands sold last year was:

	Acres.
For cash, with small amount of military scrip	2,899,554
Location of bounty land warrants	449,780
Homestead entries under acts of 1862, 1864, and 1866	2,737,365
By agricultural college scrip, under act of July 2, 1862	352,664
Certified for railways and wagon roads	746,769
Approved to States as swamps, &c., and selected as indemnity	455,768
Located with Indian scrip	24,259
Aggregate	7,666,159

There remain yet unsurveyed 1,826,430,648 acres. Allowing that only one fourth of these lands is of a character that would secure their purchase and settlement, it would still present the basis of an immense sum ultimately to come into the Treasury.

The aggregate sales of the public lands for the fiscal year ending June 30, 1869, amounted to the sum of $4,472,886 28. The expenses were about $453,816 43, leaving a net balance of some $3,919,070. This divided among the States according to the principles of the bill which I have read would give to each congressional district (if the bill apportioning representation which recently passed the House of Representatives should become a law) the sum of about ten thousand six hundred dollars. Estimating the sales to average the same rate in the future, the passage of this bill would secure to each State annually at least the sum of $10,000 for every congressional district in it. Such a provision alone would seem inadequate to accomplish any great result; but it would greatly aid the States, and doubtless stimulate them to make additional provisions for educational purposes.

Mr. President, we have just introduced into the body-politic a race more than four millions in number; introduced them, with small exceptions, from a condition of slavery, with all its consequent ignorance and moral debasement. This race in 1860 was distributed as follows:

Alabama	437,770
Arkansas	111,259
California	4,068
Connecticut	8,627
Delaware	21,626
Florida	62,677
Georgia	465,698
Illinois	7,628
Indiana	11,428
Iowa	1,069
Kansas	627
Kentucky	236,167
Louisiana	350,373
Maine	1,327
Maryland	171,131
Massachusetts	9,602
Michigan	6,799
Minnesota	259
Mississippi	437,401
Missouri	118,503
Nebraska	82
Nevada	45
New Hampshire	494
New Jersey	25,336
New York	49,005
North Carolina	361,522
Ohio	36,673
Oregon	128
Pennsylvania	56,949
Rhode Island	3,952
South Carolina	412,320
Tennessee	283,019
Texas	182,921
Vermont	709
Virginia and West Virginia	548,907
Wisconsin	1,171

Making the aggregate of colored population in the United States in 1860, 4,427,067. The number is, doubtless, now increased. We may, I think, reasonably conclude that of this number of colored people seven hundred thousand have been made voters by the fifteenth constitutional amendment, each one of them wielding as much political power, so far as the ballot is involved, as any other voter. And yet we must recognize the maxim that popular intelligence is the principal security of civil and political liberty. Our duty, therefore, demands that this dangerous element, which we have introduced into our political system, should be remedied. This race must be educated. This mass of ignorance must be removed. The emergency rises above mere considerations of expediency or philanthropy. It assumes the imperative character of an absolute political necessity. It is not a question of benevolence alone; it is a question of self-preservation.

And then, sir, the education of this race so as to enable them properly to assume and to discharge the responsibilities and duties which we have imposed upon them is a matter of the highest obligation due from us to them. They have a right to demand it. Their ignorance is no fault of theirs. Their emancipation was our act. We are responsible for their ignorance; we are responsible for their enfranchisement; and therefore it is our duty to qualify them to meet the demands of the position in which we have placed them. And in this, as in all matters of justice and right, it will be found that duty and interest are in harmony.

Sir, by the thirteenth amendment of the Constitution we made the African race in this country freedmen. By the fifteenth amendment they were nominally made freemen; but they can never be freemen in fact until they are elevated above the ignorance and demoralization of slavery, where enfranchisement found them. He only is truly enfranchised who votes intelligently as well as freely. Ignorance is not only "the mother of superstition;" it is the parent of vice, the toy of demagogues, and the tool of tyrants. And there is great reason to fear that if the colored race is left without the advantages of a better education than they can supply themselves their history will exemplify the parable of the man in the Scriptures out of whom the devils were cast, and whose last condition was worse than the first. Those of us who are now congratulating ourselves that the advancing column of liberty and progress has been strengthened and reënforced by this new accession of suffrage may live to deplore our mistake unless speedy measures are adopted for the education and enlightenment of these recruits of freedom. Gratitude to their benefactors, and the hatred of their enemies may bind them to us for a season; but the former will become weakened as the cause of it becomes more remote in the past, and when the passions of the latter subside, policy will suggest that more can be accomplished by using them for party and sinister purposes than by persecuting them.

If the friends of freedom and equality before the law would consolidate their triumph let them educate the negro. Declaratory statutes and constitutional guarantees are not enough. He must be qualified to appreciate his rights and to comprehend the means of vindicating them. It has been so with the white man; it cannot be different with the colored man. Practical equality among men consists largely in intellectual and educational equality, not only before the law, but in all the relations of life. It has been suggested that the distribution of lands among the freedmen would remedy the difficulties of their situation. I should make no objection to such a policy if it were practicable. But I would say, give them intelligence, give them education, and they will provide lands for themselves. Without these qualifications any such provision would be in a great degree futile. All provisions of law or of land will be unavailing to secure them from oppression or from destitution while they remain in their present condition of ignorance and consequent imbecility and moral debasement.

But, Mr. President, this necessity of legislation to protect the nation against the perils of popular ignorance does not arise alone from the condition of the African race in our midst. A reference to the census of 1860 reveals the astounding fact that there were then in the United States and Territories 1,126,575 white persons over the age of twenty years who could neither read nor write. Of these, 467,023 were males, and therefore voters. I present a table showing how this mass of ignorance was distributed among the then several States and Territories:

States.	*Males.*	*Females.*	*Total.*
Alabama	14,517	23,088	37,605
Arkansas	9,379	14,263	23,642
California	11,835	7,154	18,989
Connecticut	3,405	5,083	8,488
Delaware	2,838	3,823	6,661
Florida	2,378	2,963	5,341
Georgia	16,900	26,784	43,684
Illinois	24,786	33,251	58,037
Indiana	24,297	36,646	60,943
Iowa	7,806	11,976	19,782
Kansas	1,228	1,776	3,004
Kentucky	28,742	38,835	67,577
Louisiana	8,051	9,757	17,808
Maine	4,282	4,270	8,552
Maryland	7,290	8,529	15,819
Massachusetts	16,969	29,293	46,262
Michigan	8,596	8,845	17,441
Minnesota	2,382	2,369	4,751
Mississippi	6,256	9,270	15,526
Missouri	24,255	35,405	59,660
New Hampshire	2,023	2,660	4,683
New Jersey	8,436	10,840	19,276
New York	47,703	68,262	115,965
North Carolina	26,024	42,104	68,128
Ohio	23,297	35,345	58,642
Oregon	762	737	1,499
Pennsylvania	27,560	44,596	72,156
Rhode Island	2,057	3,795	5,852
South Carolina	5,811	8,981	14,782
Tennessee	27,358	43,001	70,359
Texas	8,514	9,900	18,414
Vermont	4,467	4,402	8,869
Virginia	31,178	42,877	74,055
Wisconsin	7,465	8,983	16,448
Total States	448,847	639,863	1,088,710

	Males.	Females.	Total.
Total States	448,847	639,863	1,088,710
Territories.			
Colorado (no returns)	-	-	-
Dakota	62	15	77
District of Columbia	1,258	2,248	3,506
Nebraska	317	304	621
Nevada	138	5	143
New Mexico	16,008	16,750	32,758
Utah	98	225	323
Washington	295	142	437
	18,176	19,689	37,865
Total States and Territories	467,023	659,552	1,126,575

But this is not all. It is well known that in the States where there has been no system of free schools the education of a large proportion of those who may be barely able to read and write is so limited and deficient as to amount to a very poor qualification for the duties of an American citizen. Is it not time that attention should be called to this appalling state of affairs?

Mr. President, is not the policy of our statesmen too exclusively materialistic in its character? Are not our Senates and academies and statesmen and scholars giving too great a preponderance to the development of the merely physical resources of the nation? Sir, wealth and physical power are not the only elements, nor, indeed, the principal elements of the national welfare. The true statesman, and even the wise political economist look more to the intellectual and the moral. Here they find the only safe principles which must underlie all abiding national prosperity and glory. Moreover, looking only to the development and advancement of our material interests, it is demonstrable that the general education of the people would be the most efficient and reliable basis of success.

Sir, a calm and philosophic contemplation of the future of our country must inspire the gravest apprehensions in the mind of every thoughtful patriot. Our territory, already immense, is constantly expanding, and will continue to expand. Already we hear ardent voices exclaiming:

"No pent up Utica confines our powers;
The whole boundless continent is ours."

Already we include every variety of climate, from the borders of the frigid zone almost to the tropic. History, physiology, philosophy admonish us of the effects of climate on the character, habits, passions, if not, indeed, on the opinions of men. The diversities of economical interests, embraced in this vast expanse of territory, leading to antagonisms of policy, will be no less numerous and hazardous to the harmony of our internal relations. Difference of race, difference of language, the discord of heterogeneous civilizations introduced by the large and constant influx of foreign immigration, will multiply and aggravate the disturbing influences which are likely to agitate the country. The European and the African are here now, and Asia is beginning to pour her herds upon our Pacific coasts—all possessing distinctive types of character.

By what agency can we hope to assimilate these diverse elements of society so as to secure a harmonious political unity? Our great and multiplying facilities for commercial and social intercourse will accomplish much in this direction; but universal education will do more. Ignorance is always provincial; intelligence is national. Ignorance is always sectional; intelligence is catholic. Popular ignorance is the parent of local prejudices. It is incapable of an enlarged patriotism. It cannot comprehend the general welfare. It will be in the future, as it has been in the past, the instrument of demagogues and disappointed ambition, to organize sectional hostility against the national Government. Who does not know that the late rebellion would have been impossible if the masses of the southern people had been as well instructed as the masses of the North?

The time has come, Mr. President, when, however repugnant it may be to the traditional sentiment of the country, we must recognize a great fact in our history; I mean the centralization of power in the national Government. We may regret it, but we cannot avoid it. The emergencies of the late war hastened the development of this principle. The expanding proportions of our territory and the multiplying antagonism incident to our national progress will accelerate and develop it still more and more. Indeed, the history of all great nations would seem to imply that this tendency of centralization in the life and progress of every great nation is inevitable. It seems to be a fundamental principle, inseparable from national destiny. So testifies all human experience.

"But," says Mr. Draper in his late history of our civil war, "though the course of empire is unvarying and resistless, its character may be determined by men. In an ignorant and animalized nation the central power will be profligate and tyrannical; on the contrary, an intelligent people can fashion it as they please." Let us, therefore, fashion ours aright by providing the means of education and intelligence.

What objection can there be to the application of the people's domain to the people's education? In what manner could it be more beneficently used? And for a purpose so vital to the public welfare why may we not resort to other sources for means, if it be necessary, to accomplish the object? We do not hesitate to grant millions of the public lands for the construction of railways across the western States and across the continent. Abating the extravagance which sometimes, as I think, characterizes our liberality in this respect, tending to enrich private corporations and pamper great monopolies far above what is necessary to build these great works, no man rejoices in their construction more than I do. Let them be made. Let them bind the nation from ocean to ocean in the strong bonds of commercial interest and social intercourse. Let them utilize the immeasurable physical resources of the country, and speed our progress in all the departments of the material power and prosperity of the nation.

But that is not enough. There remains a higher duty for us and a higher destiny for the people. If we would fill up the full measure of the national welfare we must send the schoolmaster along with the engineer; we must encircle the continent with school-houses as well as railroads. Sir, there are richer mines in the intellect of the people than in the quartz mountains of California or the silver-bearing lodes of the Nevadas. The former must be developed as well as the latter, else our material wealth may become our greatest peril and the true grandeur and glory of the Republic will remain incomplete. And therefore I repeat the inquiry, why should we not set apart the proceeds of the sales of the public lands for the promotion of the people's education?

If it be alleged that the burden of the public debt would be increased by such an application of the land sales, let me answer that the greatest burden which the country carries to-day is the ignorance of so large a proportion of the people, involving so many disadvantages and so much detriment to the public welfare. Education is the most productive source of revenue. Intelligent industry is the most remunerative capital of any nation. It is the highest element of a prosperous political economy. Where do we find the most fruitful fields of our present immense national revenues? I answer, on the barren soils and amid the inhospitable climate of the New England States. The reason of this is found in the efficient school system and consequent general intelligence of the people of those States.

If any question should be raised as to the power of Congress to dispose of the proceeds of sale of the public lands for the purposes indicated, I suppose it would be a sufficient answer to say that these lands belong to the whole people of the United States, and any use of them which should inure to the benefit of the whole people alike would be more warrantable and far more equitable than the prevailing policy of surrendering them to private individuals and rich monopolies, oftentimes with little benefit to the public. I admit the necessity of providing means of access to our territories and making them available for settlement and improvement; but the necessity of carrying light and development into the dark and dormant wastes of ignorance among our people is still more imperative.

Besides, what are the police powers of the nation? May we not pass laws to preserve the peace, to maintain order, to enforce the laws, to prevent crime and immorality? And then, there is the supreme law, the public safety. And is not universal education essential to these ends? Can liberty endure without it? Is it not indispensable to the life and perpetuity of the nation? Does it not involve the supreme good of the nation? Sir, I think we may here find authority for going beyond the proceeds of the public lands. I should have no hesitation in adding a liberal per cent. of increase of the tax on whisky and tobacco, and of thus making these sources of vice and crime contribute $10,000,000 annually for the purposes of education.

Mr. President, I conclude in the language of Mr. Guizot, still more applicable to the United States than to France:

"Universal education is henceforth one of the guarantees of liberty and social stability. As every principle in our Government is founded on justice and reason, to diffuse education among the people, to develop their understandings, and enlighten their mind is to strengthen our constitutional Government and secure its stability."

I ask for the passage of the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution. It is a resolution of inquiry.

The resolution was adopted.

SHIPPING OF SEAMEN.

The VICE PRESIDENT. The Senate now resumes the consideration of the Calendar on page 11, order of business No. 298. The Secretary will report the first bill.

The first bill on the Calendar was the bill (S. No. 532) to authorize the appointment of shipping commissioners by the judges of the several district courts of the United States to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen; which was considered as in Committee of the Whole.

The Secretary read the bill at length.

The Committee on Commerce had reported the bill with amendments. The first amendment was in section twelve, line three, to strike out the word "fifty" and insert "seventy-five;" so that the section will read:

That the master of every ship bound from a port in the United States to any foreign port, or of any ship of the burden of seventy-five tons or upward, bound from a port in one State to a port in any other than an adjoining State, shall, before he proceed on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned, &c.

The amendment was agreed to.

The next amendment was in section thirty-nine, line twenty-five, after the word "quantities," to insert "or were unavoidably injured or lost;" and in line twenty-six of the same section, after the word "thereof," to insert the words "in a reasonable time;" so that the clause will read:

But if it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, and that proper and equivalent substitutes were supplied in lieu thereof in a reasonable time, the court shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

The amendment was agreed to.

The next amendment was in section forty-

one, line six, to strike out the word "one" and insert "five" before the word "hundred;" so as to read:

That if on any such ship, as aforesaid, such medicines, medical stores, lime or lemon juice, or other articles, sugar and vinegar, as are hereinbefore required, are not provided and kept on board as hereinbefore required, the master or owner shall incur a penalty not exceeding $500, &c.

The amendment was agreed to.

The next amendment was in section fifty-three, line eighteen, to strike out "two months" and insert "one month;" so that the clause will read:

Second. For neglecting and refusing, without reasonable cause, to join his ship, or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship, or from his duty, not amounting to desertion, or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding one month, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition, for every twenty-four hours of absence, either a sum not exceeding six days' pay or any expenses which have been properly incurred in hiring a substitute.

The amendment was agreed to.

The next amendment was in section fifty-three, line forty, to strike out the word "twelve" and insert "six;" so that the clause will read:

Sixth. For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding six months.

The amendment was agreed to.

The next amendment was to strike out the fifty-seventh section of the bill, in the following words:

SEC. 57. *And be it further enacted*, That any court having admiralty jurisdiction in any State or Territory of the United States may, upon the application of the owner of any ship being within the jurisdiction of such court, or by the part owner, or consignee, or by the agent of the owner, or by any mate, or by one third or more of the crew of such ship, and upon proof on oath to the satisfaction of such court that the removal of the master of such ship is necessary, remove him accordingly; and may also, with the consent of the owner, or his agent, or the consignee of the ship, or if there is no owner, or agent of the owner, or consignee of the ship within the jurisdiction of the court, then without such consent; and may also make such order, and may require such security in respect of costs in the matter as it thinks fit.

The amendment was agreed to.

The next amendment was to strike out the sixty-fourth section of the bill, in the following words:

SEC. 64. *And be it further enacted*, That all entries made in any official log-book, as hereinbefore directed, shall be received in evidence in any proceeding in any court of justice, subject to all just exceptions.

The amendment was agreed to.

Mr. COLE. There is a mistake in the numbering of the preceding section. It is printed "thirty-six." It should be section "sixty-three."

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) That correction will be made.

The next amendment was in section sixty-six, line two, to strike out "five" before "dollars" and insert "ten;" so that the section will read:

SEC. 66. *And be it further enacted*, That no debt, exceeding in amount ten dollars, incurred by any seaman after he has engaged to serve shall be recoverable until the service agreed for is concluded.

The amendment was agreed to.

The next amendment was in section seventy-one, line nineteen, to strike out "ten" and insert "five;" so that the clause will read:

Fees payable by the master or owner for apprenticing boys to the sea service:

For each boy so bound, including the indenture, five dollars.

The amendment was agreed to.

The PRESIDING OFFICER. That concludes the amendments reported by the Committee on Commerce.

The bill was reported to the Senate as amended.

Mr. CASSERLY. I should like to inquire of the chairman of the committee, the Senator from Michigan, whether it is intended by this bill to have every judge of every district court in the United States appoint a shipping commissioner, or whether it is intended to confine that right to the judges of those districts in which there are ports?

Mr. CHANDLER. Of course it is confined to those districts where there are ports and where there are seamen.

Mr. CASSERLY. The first section is susceptible of either interpretation perhaps.

Mr. CHANDLER. It is intended to apply only to districts where there are ports, of course.

Mr. TRUMBULL. "In which there is a collector of customs."

Mr. CASSERLY. The first clause of the first section as far as line eight is general and unqualified. It gives the right to every judge of every district court to appoint a shipping commissioner.

Mr. TRUMBULL. If the Senator from California will examine the section he will see that it is confined to those districts "in which there is a collector of customs, or which is a port of entry." There are a great many districts that have no ports of entry.

Mr. CHANDLER. I think the bill is sufficiently guarded in that respect.

Mr. CASSERLY. I do not think the Senator from Illinois gets the point of my question. My own judgment is that this power of appointment by district judges should be confined to those judges in whose districts there is a port. But the difficulty about the first section of this bill is that the first eight lines give, without qualification or exception, the right to every judge of a district court of the United States to appoint a shipping commissioner "for every sea-port in the United States in which there is a collector of customs or which is a port of entry;" and then it goes on to say, in the next three lines, "each district judge shall appoint a commissioner or commissioners for the sea-port or ports within their respective districts." Those two sentences of that section are in conflict with each other, as it seems to me.

Mr. CHANDLER. Does the Senator propose an amendment?

Mr. CASSERLY. I think it ought to be amended by the chairman of the committee so that the appointment shall be confined to those districts having ports.

Mr. CHANDLER. I will accept that as an amendment if the Senator will move it. The committee thought the bill was guarded with sufficient care in that respect; but if the Senator thinks not, I am willing to agree to any amendment that he may suggest.

The PRESIDING OFFICER. The first question will be on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. CASSERLY. It is not very easy to draw at once an amendment that would accomplish the purpose.

Mr. TRUMBULL. I will ask the Senator from California if it would not accomplish the purpose which he has in view to make the section read in this way:

That each judge of a district court of the United States is hereby authorized and empowered to, and shall appoint, under the seal of his court, a commissioner or commissioners for every sea-port in the United States in which there is a collector of customs or which is a port of entry.

So that each judge shall appoint in his district a commissioner where there is a port of entry or a collector of customs in his district.

Mr. CASSERLY. That is undoubtedly the proper wording of such a law; but the trouble with the bill as it stands is that that is not the wording.

Mr. TRUMBULL. Suppose it were so changed, would that accomplish the object?

Mr. CASSERLY. It should be changed so as to confine the power of appointment to such judges as are judges of districts in which there is a port of entry with a collector of customs.

Mr. CHANDLER. If the Senator will read a line further I think he will see that the bill is sufficiently guarded. It reads:

Each district judge shall appoint a commissioner or commissioners for the sea-port or ports within their respective districts.

Does not that cover the ground?

Mr. CASSERLY. That clause did not escape my attention. On the contrary, I referred to it just now, and I stated that in my opinion that is in direct conflict with the preceding eight lines.

Mr. CHANDLER. Suppose the words "and no other" should be inserted after the words "in their respective districts;" would that meet the Senator's approval?

Mr. CASSERLY. I will prepare an amendment if there is any further discussion on the bill, and present it.

Mr. CHANDLER. There will be no discussion I presume.

Mr. BAYARD. I suggest to the Senator from California and the Senator from Michigan whether inserting in the fifth line, after the word "courts," the words "within their respective districts," and striking out from the word "each" in the eighth line to the word "districts" in the tenth line, would not meet the object which the Senator from California has in view?

Mr. CHANDLER. I think that would cover the point.

Mr. BAYARD. In that shape I think it would meet the view of the Senator from California.

Mr. CASSERLY. I will move an amendment, and if the Senator from Michigan will allow me to state it to him I think he will accept it. I propose to strike out words from the first section so as to make it read:

That the judges of the several district courts of the United States, in whose districts there is a sea-port for which there is a collector of customs, or which is a port of entry, shall appoint a shipping commissioner or commissioners for the sea-port or ports within their respective districts.

It seems to me that would cover the ground.

Mr. CHANDLER. I will accept that.

The PRESIDING OFFICER. Will the Senator send his amendment to the Chair?

Mr. CHANDLER. If the Clerk will so amend the bill it will be satisfactory.

The SECRETARY. It is proposed to amend the first section so that it shall read:

That the judges of the several district courts of the United States, in whose districts there is a sea-port, for which there is a collector of customs, or which is a port of entry, shall appoint a shipping commissioner or commissioners for the sea-port or ports within their respective districts.

The amendment was agreed to.

Mr. TRUMBULL. Then you want to strike out the eighth and ninth lines?

Mr. CASSERLY. Certainly; I struck out what should be stricken out in the amendment as I sent it up to the desk.

Mr. TRUMBULL. I ask the Secretary to read the section down to the eleventh line as it is now amended.

The Secretary read as follows:

That the judges of the several district courts of the United States, in whose districts there is a sea-port, for which there is a collector of customs, or which is a port of entry, shall appoint a shipping commissioner or commissioners for the sea-port or ports within their respective districts; such commissioners to be termed "shipping commissioners."

Mr. CHANDLER and Mr. TRUMBULL. That is right.

Mr. CASSERLY. The word "shipping" where it first occurs should come out.

The PRESIDING OFFICER. The amendment will be so corrected.

Mr. BAYARD. Section four of this bill provides:

That every shipping commissioner shall lease, rent, or procure suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith, &c.

I move to amend the section by inserting in the second line, after the word "procure," the words "at his own cost."

Mr. CHANDLER. If the Senator will pardon me——

Mr. BAYARD. I will explain to the honorable Senator my reason for this amendment.

Mr. CHANDLER. There is no compensation allowed except the fees received from sailors and shippers.

Mr. BAYARD. But I prefer that these words should be inserted. It seems to me that the section without the addition of these words would leave it to the shipping commissioners, under the mandatory language of this act, to rent just what places they please, and the expense would be infinite to the Government.

Mr. CHANDLER. If the Senator will read the bill through he will see that the commissioner is to pay it from his fees. There is no cost to the Government in any event.

Mr. BAYARD. If the Senator's interpretation be true there can be no objection to affirming the proposition more strongly in the words I propose.

Mr. CHANDLER. I have no objection to the amendment.

Mr. BAYARD. I move to amend the bill by inserting the words I have mentioned, in line two, section four, after the word "procure," the words "at his own cost;" so as to read:

That every shipping commissioner shall lease, rent, or procure, at his own cost, suitable premises for the transaction of business, &c.

The amendment was agreed to.

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

Mr. BAYARD. There is a verbal amendment necessary in order to put section seventy-one in the ordinary shape of such legislation:

That all acts or parts of acts contrary to or conflicting with the provisions of this act are hereby repealed.

The customary phrase is:

"All acts or parts of acts inconsistent with the provisions of this act are hereby repealed."

Mr. CHANDLER. Let that change be made.

Mr. BAYARD. Strike out the words "contrary to or conflicting" and insert the word "inconsistent."

Mr. COLE. There is no necessity for the section at all.

Mr. BAYARD. We all know that there is a repeal of acts worked simply by passing an act contrary in its effect.

The PRESIDING OFFICER. This correction will be made by general consent if there be no objection. The Chair hears none.

The bill was passed.

CUSTOMS COLLECTOR AT WILMINGTON.

Mr. ABBOTT. I desire to call up Senate joint resolution No. 133, that was passed over yesterday, having been objected to by the Senator from Kansas, [Mr. POMEROY.]

The PRESIDING OFFICER. It requires unanimous consent.

Mr. ABBOTT. I suppose there will be no objection.

Mr. POMEROY. What bill is it?

Mr. ABBOTT. It is Senate joint resolution No. 133.

Mr. CORBETT. It is in regard to the salary of a collector in North Carolina.

Mr. ABBOTT. I will explain, if necessary, so that the Senate will understand what it is. The former compensation of the collector at Wilmington was simply derived from commissions, two and a half per cent. on certain items. That was by an act passed in 1804. Afterward Congress gave him a salary, and intended also to give him the commissions up as high as $2,500; but instead of the act reading "commissions" it read "fees," so that he gets but about fourteen hundred dollars a year, which is not enough. This resolution, which I introduced, provides that the act of the 27th of March, 1867, entitled "An act relative to the compensation of certain officers of the customs," shall not be construed as repealing the act of 1804. There was evidently a mistake in the act of 1867.

Mr. WILLIAMS. I think I must object. I have no objection to any law that will declare expressly what the salary of this officer shall be; I will vote to give him a reasonable compensation for his services in view of what others receive for like services; but to provide by this indirection that a certain act shall not be construed to repeal a certain other act is legislating, to a great extent, in the dark. It may affect others besides this officer.

Mr. ABBOTT. If the Senator will listen a moment——

The PRESIDING OFFICER. The Chair understood the Senator from Oregon to object to the consideration of the bill.

Mr. WILLIAMS. I will not object to its consideration.

Mr. ABBOTT. The law of 1867 reads as follows:

"And the collector of each of said districts shall reside at the port of entry thereof, and shall be appointed by the President, by and with the advice and consent of the Senate, and receive a salary at the rate of $1,000 per annum in addition to the fees of office: *Provided*, That such compensation shall in no case exceed the sum of $2,500 per annum in the aggregate."

He has the fees now, but they and the salary only amount to about fourteen hundred dollars. In this act of 1867 the word "commissions" was left out. It should have said "fees and commissions." Undoubtedly it was a mistake.

Mr. MORRILL, of Vermont. I think the chairman of the Committee on Finance gave some attention to this subject yesterday, and as he is not in his seat I suggest to the Senator from North Carolina to postpone this matter until some time when the Senator from Ohio shall be present.

Mr. POMEROY. Let us proceed with the Calendar.

Mr. CORBETT. I understood that it was passed over that the Senator from North Carolina might be in his seat when it was considered.

Mr. MORRILL, of Vermont. I know of no objection to it; but I noticed that the Senator from Ohio took some interest in it yesterday, and he is not present.

Mr. POMEROY. I will not object to it when the Senator from Ohio is in his seat.

The PRESIDING OFFICER. The bill will be passed over.

WASHINGTON MARKET COMPANY.

Mr. MORRILL, of Vermont. I appeal to the Senate to take up a bill that will not be reached to-day, merely to concur in some amendments proposed by the Committee on Public Buildings and Grounds. It is the bill incorporating the Washington Market-house Company. I think every Senator will be in favor of the passage of that bill.

Mr. POMEROY. We can reach it to-morrow.

Mr. MORRILL, of Vermont. I do not know that. It will take but a few moments to consider it.

Mr. SUMNER. I think that bill had better be put on its passage.

Mr. MORRILL, of Vermont. It is important to get at the work early in the season.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent to proceed to the consideration of the bill (H. R. No. 1084) to incorporate the Washington Market Company.

Mr. HAMLIN. I have two or three important bills that I should like to have considered.

Mr. MORRILL, of Vermont. I will not press it now if a single Senator objects; but it is really important that the men here in the city should have an opportunity to get to work upon this business and to clear out the street from at least seventy-two smells and four or five distinct stinks. [Laughter.]

The PRESIDING OFFICER. Is there any objection to the consideration of the bill asked for by the Senator from Vermont? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1084) to incorporate the Washington Market Company.

Mr. MORRILL, of Vermont. I suggest that only the amendments be read.

Mr. TRUMBULL. This is a House bill.

Mr. MORRILL, of Vermont. It is a House bill.

The PRESIDING OFFICER. The amendments will be read.

The Committee on Public Buildings and Grounds reported the bill with amendments. The first amendment was in section two, line forty-seven, after the word "thereof," to strike out the words—

For the term for which the sale has been made and the rents are promptly paid; and the rents shall only be raised by consent of the mayor and the common council.

And in lieu thereof to insert:

So long as he chooses to occupy the same for his own business and pay the rent therefor; and the rent shall only be raised on application to the mayor and common council, who, after hearing the parties, may change and determine the same.

The amendment was agreed to.

The next amendment was in section two, line sixty-one, to strike out the word "police" before "regulations;" in line sixty-two, after the words "thereof as," to insert "in their judgment," and in line sixty-three to strike out the word "interest" before "convenience;" so as to make the clause read:

And the municipal government of said city shall at all times have power to make and enforce such regulations with regard to said market and the management thereof as in their judgment the convenience, health, and safety of the community may require.

The amendment was agreed to.

The next amendment was in section three, line five, to strike out the words "office of said company" and insert "National Hotel," and in line six, before the word "Monday," insert "second;" so as to make the clause read:

The stock may be subscribed for upon the books of the company, which shall be open at the National Hotel, in the city of Washington, on the second Monday following the final passage of this act, at twelve o'clock, noon.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I desire to correct the phraseology of the next amendment; in line nineteen to strike out the word "first;" in line twenty-one to insert the word "and" after "practicable," and strike out the word "second;" and after the word "deductions" to insert the words "necessary in consequence of any excess of subscriptions," so as to make it one entire paragraph without a period.

The CHIEF CLERK. The next amendment of the committee, as modified, is after the word "same," in line fourteen, to insert:

By the said corporators. After the books, as aforesaid, shall have been kept open for the space of two days, if a larger amount than the capital stock of said company shall have been subscribed the books shall be closed, and the said corporators shall forthwith apportion said capital stock among the subscribers in such manner that citizens of the city of Washington shall have the full amount individually subscribed for, so far as may be practicable, and that any deductions necessary in consequence of any excess of subscriptions shall be made from subscriptions of the largest amount, so that no *bona fide* subscription shall be diminished while any larger subscription shall be maintained.

The amendment was agreed to.

The next amendment of the committee was in line twenty-five of the same section, after the word "subscribed," to insert "and apportioned."

The amendment was agreed to.

The next amendment was to insert at the end of section twelve the following:

Provided, That if the corporation of the city of Washington shall, after a period of thirty years from the approval of this act, by a vote of the councils thereof, express a desire to possess itself of the said market buildings and grounds, Congress may authorize the corporate authorities to take possession of the same upon payment to the said market-house company of a sum of money equal to a fair and just valuation of the buildings and improvements then stand-

ing on said grounds; and the mode and manner of ascertaining such valuation shall be determined by Congress.

The amendment was agreed to.

The next amendment was in section fourteen, line five, to strike out "sixteen" before "thousand," and to insert "twenty-five;" so as to read:

That in consideration of the privileges granted by this act to the Washington Market Company, the said company shall pay, yearly, every year during the said term of ninety-nine years, unto the city of Washington the sum of $25,000.

The amendment was agreed to.

The next amendment was in section fourteen, line eight, to insert after the words "said city for the" the words "establishment and maintenance of schools and the;" so as to read:

Which sum shall be received by said city, and set apart and expended by and under the direction of the city government of said city for the establishment and maintenance of schools and the support and relief of the poor of said city and of the District of Columbia.

The amendment was agreed to.

The next amendment was in section seventeen, to strike out the proviso, in the following words:

Provided, That nothing in this act shall be construed to prevent the erection of market-houses in the city of Washington or city of Georgetown, when erected by private or individual subscription.

The amendment was agreed to.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS OBJECTED TO.

The PRESIDING OFFICER. The Senate will resume the consideration of bills on the Calendar in their order. The next in order will be read.

The next bill was the bill (S. No. 491) relating to the supreme court of the District of Columbia.

Mr. DAVIS. I wish further time to look into that bill. I object to its consideration now.

The PRESIDING OFFICER. The bill is objected to, and goes over.

The next bill on the Calendar was the bill (S. No. 368) making it a misdemeanor to fit out or equip ships of war, or to sell or furnish arms or munitions of war, with intent that they shall be employed in the service of any foreign prince or State to commit hostilities against the people of any province, district, or colony who are in a state of armed insurrection against such foreign prince or State, and providing for the forfeiture of such ship or vessel.

Mr. MORTON. I should be glad to have that bill put on its passage if there be no objection.

The PRESIDING OFFICER. The Chair hears no objection, and the bill will be read at length.

The bill was read.

Mr. HOWE. I believe my colleague wishes to debate that bill when it comes up for consideration.

Mr. WILLIAMS. I think it is too much of a bill to be passed without discussion, at any rate. It involves important principles.

Mr. HOWE. I wish that it may lie over.

The PRESIDING OFFICER. It will lie over.

Mr. SUMNER. Well, the Senator's colleague can discuss some other proposition. [Laughter.]

Mr. HOWE. I am obliged for the suggestion. That did not occur to me. [Laughter.]

The PRESIDING OFFICER. The bill will be passed over.

GEORGE E. GRISHAM.

The next bill on the Calendar was the bill (H. R. No. 268) for the relief of Captain George E. Grisham, of Tennessee; which was considered as in Committee of the Whole.

The Committee on Claims reported the bill with an amendment, to strike out all after the enacting clause and in lieu of the matter stricken out to insert "that the Paymaster General be, and he is hereby, required to pay George E. Grisham, late captain of company I, of the eighth Tennessee volunteer cavalry, the sum due as captain of cavalry, for the period of six months' services as such immediately preceding the 21st day of April, 1864."

Mr. WARNER. I move to amend by adding at the proper place the words "and allowances," so as to cover pay and allowances.

Mr. PRATT. I reported that bill, and I accept the amendment.

The amendment to the amendment was agreed to.

Mr. WILLIAMS. I should like a word of explanation of the bill.

Mr. PRATT. The report is there.

Mr. MORRILL, of Vermont. Let the report be read.

The Chief Clerk read the following report submitted by Mr. PRATT, from the Committee on Claims, on the 9th ultimo:

The Committee on Claims, to whom was referred the bill (H. R. No. 268) for the relief of Captain George E. Grisham, of Tennessee, having had the same, with the accompanying evidence, under consideration, report:

That it appears from the evidence on file, that on the 5th day of September, 1863, Captain Grisham commenced recruiting a company of cavalry for the tenth Tennessee cavalry, under verbal orders from Colonel S. K. N. Patton, in the town of Jonesborough; that soon afterward the Union forces, then holding that place, being compelled to fall back to Greenville, he ordered his recruits to rendezvous there, where the regiment was organized and received arms, but was not mustered. From that place the regiment was ordered to fall back to Mossy Creek, where the regiment was mustered by Lieutenant Pettit, of the United States Army. Owing to many of the new recruits falling sick, Captain Grisham's company fell short of the number necessary to entitle him to be mustered as its captain, though he had on his roll at that time as high as one hundred and twenty-six men. Under orders received the regiment then fell back across the mountains to Camp Nelson, Kentucky. This march, conducted in the winter, over a rough and mountainous country, was attended by great hardships and sufferings.

At that post General A. C. Gillem, adjutant general of the State of Tennessee, assumed command of the Tennessee troops. Several companies of this regiment, lacking the requisite number of men necessary to the mustering in of officers, Captain Grisham and several other officers proceeded, under the orders of General Gillem, to East Tennessee to recruit more men for the regiment. On the 20th of March, 1864, the order for recruiting having expired, Captain Grisham rejoined his regiment, which had been removed in the mean time from Camp Nelson to Nashville.

In the mean time the tenth regiment had been consolidated with an older one, known as the eighth Tennessee volunteer cavalry, and when Captain Grisham came to be mustered in as captain of the company he had raised the mustering officer refused to muster him as of the date he had enlisted the company, or as of the time when the company received their arms. He was therefore mustered as captain of company I, eighth Tennessee volunteer cavalry, on the 21st of April, 1864, and his commission bears the same date.

His statement, of which the foregoing is an abstract, is sworn to by him; and three officers of the regiment certify under oath that they know the facts as set forth to be true, they having served with him during the whole period of his service in the Army.

General Gillem certifies that from the period he met Captain Grisham at Camp Nelson, which was in December, 1863, he is personally cognizant that he is entitled to pay. He expresses the opinion that he should be paid from September 5, 1863, to April 21, 1864. He pays a high compliment to his qualities as a soldier and man.

Thomas F. Buckingham testifies that he was enlisted by Captain Grisham on the 5th of September, 1863, and adds:

"I further certify that he, said George E. Grisham, had and did enlist upon that occasion a company of cavalry for what was then called and known as the tenth Tennessee volunteer cavalry, which company was afterward consolidated with the eighth Tennessee volunteer cavalry."

Several soldiers of company I, of the latter regiment, prove, in a certificate, that they were enlisted by Captain Grisham on the 5th day of September, 1863; but it does not clearly appear from the evidence at what particular date the company was full. Nor does it appear from the evidence whether Captain Grisham employed his whole time in recruiting in East Tennesse until he rejoined his men in March, 1864, at Nashville. His own statement on that point is as follows:

"Our companies still lacking a few men to complete the number necessary to be mustered as officers, General Gillem issued orders to myself, Captain McLaughlin, Captain Hartman, Lieutenant Mahoney, and other officers, to proceed to East Tennessee and recruit men for the regiment, which was done."

The committee, therefore, adopt the conclusion at which a former committee of this body arrived, that Captain Grisham be allowed pay as captain for six months only prior to April 21, 1864, the date of his muster-in as captain of company I, and accordingly report the bill for his relief, with an amendment, and recommend its passage.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read a third time. The bill was read the third time, and passed.

WITHDRAWAL OF SPIRITS.

The next business on the Calendar was the joint resolution (H. R. No. 179) for extending time for the withdrawal of spirits from distillery warehouses, reported adversely from the Committee on Finance.

The Secretary read the joint resolution. It proposes to amend section twenty-three of the act imposing taxes on distilled spirits and tobacco, and for other purposes, approved July 20, 1868, so that the time for the payment of the tax on distilled spirits may be extended to three years from the date of the entry for deposit in a distillery warehouse; and the bond prescribed to be given in that section is to be hereafter conditioned for such payment before removal of the spirits from distillery warehouse, and within three years from the date of such entry. This extension of time for three years from the date of entry is to be allowed on any distilled spirits now in distillery warehouse upon the giving of a new and additional bond, in form and conditioned as prescribed in that section, for the time remaining until the end of such period of three years. But in all cases there is to be included in the tax to be paid on distilled spirits, in addition to the tax now assessed by law, a further amount of one cent on each proof gallon of such spirits so deposited for each month after one year from the time of deposit, and until the spirits are withdrawn; and any fraction of a month at the time of removal is to be counted as a full month. Any distilled spirits remaining in a distillery warehouse for more than three years from the time of entry are to be forfeited to the United States.

Mr. BAYARD. That joint resolution, on which an adverse report is made by the Committee on Finance, is susceptible of amendment which I think will recommend it to the favorable consideration of the Senate, as it does, I believe, to that of a majority of the committee, and I say this after some consultation with the committee. I propose to amend the joint resolution in lines eleven, twelve, sixteen, and twenty-three by striking out the word "three" and inserting "two," and in the eighteenth line by inserting after the word "one" and before the word "cent" the words "half of one." The object of these amendments is to make the joint resolution satisfactory to the majority of the committee and, I think, of the Senate. The resolution relates to an exceedingly important and valuable source of revenue to the United States, and I think it is both just and expedient that the resolution, as amended in the manner I have suggested, should receive the concurrence of the Senate. The effect of the amendment is to change the time to two years within which distilled spirits can remain in the warehouse. Under the present law the time allowed is twelve months. The resolution, as I propose to amend it, will extend that for twelve months longer. The consideration to the Government for that extension of time is an increase of tax of one half cent per gallon per month upon the spirits so entered. I think it will give to the Government an increased revenue, and at the same time be an act of some degree of accom-

modation to a very large and important source from which that revenue is drawn. I ask that these amendments be made.

Mr. WILLIAMS. I will simply state that there was a division of opinion in the committee as to this joint resolution, a majority instructing me to make an adverse report upon it. I do not suppose the resolution can possibly pass without an extended discussion, because it involves questions of considerable magnitude, and the report of the committee is in accordance with the views and wishes of the Commissioner of Internal Revenue, who does not think it advisable under existing circumstances to extend this time; and of course the Senate would not be willing to overrule his decision on the subject without considerable discussion.

Mr. POMEROY and Mr. MORRILL, of Vermont. Let it go over.

Mr. WILLIAMS. I suppose it had better go over on that account. I should be very glad to have action taken upon it, because I know that many persons are interested in this question and desire to have it settled one way or the other; but I am confident it would take a large portion of the day to dispose of the resolution; and therefore it had better go over.

Mr. BAYARD. I am not aware that the Senator from Oregon desires to discuss it; but I am aware it has occupied his attention in committee, and his opinion is probably made up on the subject. If other Senators desire to discuss it of course it will have to go over.

Mr. WILLIAMS. I am advised that other Senators do desire to discuss it.

The PRESIDING OFFICER. The joint resolution is objected to; and the next bill on the Calendar will be stated.

CAPTURED CUBAN INSURGENTS.

The next business on the Calendar was the joint resolution (S. R. No. 152) in relation to the conduct of the Spanish Government in its treatment of captured Cuban insurgents.

Mr. POMEROY. I move that that joint resolution be indefinitely postponed.

The motion was agreed to.

JAMES M. ELLISON.

The next bill on the Calendar was the bill (S. No. 648) for the relief of James M. Ellison.

The Secretary read the bill. It proposes to refer the claim of James M. Ellison against the United States for his property, which he alleges was seized by the troops and military authorities of the United States, at or near the town of Williamsburg, in the county of James City, in the State of Virginia, in the years 1862, 1863, and 1864, and used by the troops and military authorities, (consisting of houses of various descriptions, lumber, fencing, fire-wood cut and corded, horses, mules, wagon, harness, and portable steam saw-mill,) to the Court of Claims, which is vested with jurisdiction in the premises, and whose duty it is to be to investigate and determine what amount of property belonging to James M. Ellison was actually taken and used by the troops and military authorities, and the value thereof, and whether the United States are liable to make compensation therefor, and if so, the amount of the compensation, on the principles of justice and equity.

Mr. MORRILL, of Vermont. That bill evidently involves too important a principle to be disposed of without discussion. Let it go over.

The PRESIDING OFFICER. Objection being made, the next bill will be reported.

STOCKBRIDGE AND MUNSEE INDIANS.

The next bill on the Calendar was the bill (S. No. 610) for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin; which was considered as in Committee of the Whole.

The Committee on Indian Affairs reported the bill with amendments.

The first amendment was in section three, line five, after the word "appraisers," to strike out the following words:

And the amount of the debts contracted by the sachem and councilors for the benefit of said tribes, amounting to the sum of ——, according to a schedule to be certified by them, and returned to the Commissioner of Indian Affairs.

So that the section will read:

That from the first proceeds of the sale of lands, as provided in the second section of this act, shall be paid the expenses of appraisal and sale of said lands, the amounts due to individuals for improvements as returned by the appraisers.

Mr. HOWE. Before the question is taken on striking out I move to fill that blank with "$11,000."

The motion was agreed to.

Mr. HARLAN. That amendment being agreed to, the amendment proposed by the committee probably ought not to be adopted. The difficulty with the committee was that they were not aware of the amount of indebtedness that ought to be paid. Since the bill was reported, however, the Senator from Wisconsin has looked into the matter and satisfied himself that this amount ought to be paid, and on his statement the committee will agree that that amendment be rejected.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was rejected.

The next amendment was in section five, lines ten and eleven, to strike out the words "funded for their benefit, and the annual interest thereof," and to insert the words "placed to their credit on the books of the Treasurer of the United States, and bear interest at the rate of five per cent. per annum, payable semi-annually; and said interest shall be;" and in lines twenty-five and twenty-six, to strike out the words "funded for their benefit;" so that the section will read:

That the sum of money thus found due to the said tribes shall be divided between the citizen and Indian parties of said tribes in proportion to the number of each respectively, according to rolls thereof, made and returned in conformity with the provisions of this act to the Commissioner of Indian Affairs. That portion of said sum belonging to the citizen party shall be equally divided among them *per capita* and paid to the heads of families and adult members of said party. That portion of said sum belonging to the Indian party shall be placed to their credit on the books of the Treasurer of the United States and bear interest at the rate of five per cent. per annum, payable semi-annually; and said interest shall be applied to the support of schools, the purchase of agricultural implements, or paid in such other manner as the President may direct: *Provided, however*, That a part of said sum due the Indian party, not exceeding $30,000, may, on the request of the sachem and councilors of said tribe, be expended in securing a new location for said tribe, and in removing and aiding them to establish themselves in their new home; and in case of their procuring and removal to such new location at any time the said eighteen sections of land reserved for their use by the second section of this act shall be sold in the manner therein provided, and the proceeds thereof be placed to their credit as aforesaid.

The amendment was agreed to.

The next amendment was in section seven, lines seven and eight, to strike out the words "a descendant of some one of said tribe," and insert the words "of Indian descent;" and in line nine, after the word "void," to strike out the words "except with the approval of the Commissioner of Indian Affairs;" so that the section will read:

That after the said rolls shall have been made and returned the said Indian party shall thenceforth be known as the "Stockbridge tribe of Indians," and may be located upon lands reserved by the second section of this act, or such other reservation as may be procured for them with the assent of the council of said tribe, and their adoption among them of any individual not of Indian descent shall be null and void.

The amendment was agreed to.

Mr. HARLAN. There is a small amendment on page 6, section six, line twenty, which was omitted in the reading of the amendments. It is to insert the word "of" before the words "said rolls."

The PRESIDING OFFICER. That is a verbal amendment, and will be made if there be no objection.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

DISPOSITION OF MILITARY RESERVATIONS.

The next bill on the Calendar was the bill (S. No. 569) to provide for the disposition of useless military reservations; which was considered as in Committee of the Whole. It proposes to empower the Secretary of War to transfer to the custody and control of the Secretary of the Interior, for disposition according to the existing laws of the United States relating to the public lands, the United States military reservations at Forts Lane and Walla Walla, in the State of Oregon; Fort Zarah, in the State of Kansas; Camp McGarry, in the State of Nevada; Fort Sumner, in the Territory of New Mexico; and such portions of the reservation at Fort Bridger, in the Territory of Wyoming, as may no longer be required for military purposes.

The Committee on Military Affairs had reported the bill, with an amendment, to insert in line ten, after "New Mexico," the following: "Forts Jessup and Sabine, in the State of Louisiana; Fort Wayne, in the State of Arkansas; Fort Collins, in the Territory of Colorado."

The amendment was agreed to.

Mr. WILLIAMS. I propose the following amendment:

SEC. 2. *And be it further enacted*, That the right is hereby granted to Dalles City to have and use the waters of Mill creek, flowing through the military reservation of Fort Dalles, Oregon, and the right of way to convey the same through said reservation for the purpose of supplying Dalles City with water and for manufacturing purposes.

SEC. 3. *And be it further enacted*, That permission is granted to the corporated authorities of Dalles City to extend Liberty street southerly, on the line of the same, through said reservation, and the land lying east thereof be, and the same is, granted to said Dalles City, in fee, upon the payment to the United States therefor of the sum of five dollars per acre.

SEC. 4. *And be it further enacted*, That the land hereby granted to said city shall be surveyed under the direction of the surveyor general for the State of Oregon, upon application to him made by the mayor of said city; and the expenses of such survey shall be paid by said Dalles City.

Mr. WILLIAMS. I will state, for the information of the Senate, that this proposition has been before the Committee on Military Affairs and reported. It relates to a military reservation at Dalles City, in the State of Oregon, and simply provides that the right of way for water purposes may be granted to the city. They now have the right of way by permission of the military authorities, and the city is supplied with water from a ditch or creek crossing this reservation. Besides that there is a small part of the reservation that lies east of a certain street if extended, Liberty street, and the city wants that property as a site for a school-house. There are no improvements on it. The reservation altogether is of no value to the United States, and is entirely abandoned except where there are improvements on it; and this is simply to give to the city a small portion of the reservation, which is of no value to the United States, for a nominal sum. I had the facts all here and a map when the bill was reported.

The amendment was agreed to.

Mr. POMEROY. Before the word "laws," in line six of the bill, I move to insert the word "preëmption;" so that it will read:

For disposition according to the existing preëmption laws of the United States relating to public lands.

I do this because these military reservations ought not to be opened to homestead settlers, but they should be sold at $1 25 an acre under the preëmption laws. They are worth $1 25 an acre, and they should only be administered upon under the preëmption laws of the United States. That is the reason I move the amendment.

Mr. CORBETT. I ask the Senator if his amendment will not confine it to the price of $1 25 per acre?

Mr. POMEROY. Under the preëmption laws of the United States it will.

Mr. CORBETT. Is it not probable that these lands are worth much more than $1 25 per acre?

Mr. POMEROY. I understand that these abandoned reservations are not. Without this amendment they will be open to homestead settlers, so that the Government will get nothing. I understand they are worth at least $1 25 an acre.

Mr. CORBETT. I should say the probability was that many of them might be worth much more than that. Especially if a settlement has grown up around a reservation the land ought to be fixed at a higher price, and it ought to be sold to the highest bidder.

Mr. POMEROY. If they were military reservations that have been occupied during the last forty years it might be so; but some of these have been abandoned for a long while.

Mr. WILSON. Some of these military reservations have been occupied at a more recent date. All that are in the bill have been recommended specially by the War Department to be turned over to the Interior Department.

Mr. CORBETT. I should like to have the bill amended so as to require that the sales shall be advertised and the lands sold to the highest bidder in quantities not exceeding eighty acres.

Mr. POMEROY. I have an amendment which covers the ground that I think the Senator has in his mind. It is that the buildings and improvements shall be appraised, and no patents for the real estate shall be issued until the appraised value of the improvements has been paid to the Government.

Mr. CORBETT. We know around most of these military reservations quite a little town has grown up, and there the reservations have become considerably more valuable than $1 25 an acre. I know at Walla Walla, where a fort has been established, there is some pine land that ought to be put up at auction and sold to the highest bidder. I think probably it will fetch as high as five, ten, or twenty dollars an acre.

Mr. POMEROY. But the Senator must know, as he is acquainted with the West, that when you put up land for sale to the highest bidder they have a way of not bidding at all, and you will not get anything in that way.

Mr. CORBETT. I would say, then, "at not less than $1 25 an acre."

Mr. SHERMAN. If the amendment now is to insert the word "preëmption" I am decidedly opposed to it. If the bill stands as it was framed originally the land has first to be offered at public sale before it is open to private entry and disposed of by the United States.

Mr. POMEROY. That is true of all public lands.

Mr. SHERMAN. I know that; it is so of this land like others; but if this amendment is inserted this land must be taken by preëmption, and it cannot be disposed of in any other way. It is really to enable a man who happens to live near a reservation to seize upon the land.

Mr. POMEROY. The Senator has not read the bill, evidently.

Mr. SHERMAN. I read it just this moment.

Mr. POMEROY. I will read it to see whether that is so. The bill is—

That the Secretary of War be, and he is hereby, authorized and empowered to transfer to the custody and control of the Secretary of the Interior, for disposition according to the existing laws of the United States relating to the public lands, the United States military reservations.

Now, what are the present laws in relation to the public lands?

Mr. SHERMAN. That all lands shall first be offered at public sale and then at private sale.

Mr. POMEROY. There is no such law.

Mr. SHERMAN. Then it ought to be at once amended so as to provide that the lands shall be first offered at public sale before they are open to preëmption.

Mr. POMEROY. Preëmptors always have their lands at $1 25 an acre, and they take precedence of any public sale.

Mr. SHERMAN. If this land is worth selling at all it is worth distinguishing it and selling it apart from other public lands; and it ought to be sold to the highest bidder. Some of it unquestionably is of great value; and if there is any doubt about the existing law requiring it to be first offered at public outcry in the mode that public land is offered it ought to be made clear; but I think under the bill as it stands reported by the committee it is clear that it must first be offered at public outcry. The Senator from Iowa [Mr. HARLAN] is more familiar with the land laws, and I ask his opinion on the subject.

Mr. POMEROY. This bill was not reported by my committee. I never saw it before. I only tried to perfect it.

Mr. SHERMAN. It came from the Committee on Military Affairs.

Mr. HARLAN. The Senator from Ohio is right as to the requirement of the law. There is a general law requiring that all lands shall be offered at public outcry to the highest bidder, and that they shall not be sold for less than $1 25 an acre unless they are taken up under the preëmption laws or homestead laws.

Mr. POMEROY. That is it.

Mr. HARLAN. If taken up under the preemption laws the occupant of the land has notice to come in before the public sale and claim his land and pay for it.

Mr. SHERMAN. I am aware of that; but no land reserved for military purposes can be disposed of under the preëmption laws; and the purpose of this amendment is to allow it to be done, as I understand it. The reservations cannot be disposed of under the preëmption laws now.

Mr. HARLAN. But there is doubt whether a preëmptor after going on to the land, and subsequent to the surveys, could not come in under a law recently passed and commute it and take it as a homestead settler. The honorable chairman of the Committee on Public Lands will have noticed, doubtless, that there is doubt whether every preëmptor cannot do that at his own option; and if so, preëmptors will go on to this land after the survey, or be on at the time of the survey, file a statement of their intention to enter it at $1 25, and afterward go to the land office, relinquish their right as preëmptor, and claim as homestead settlers; and that is the point doubtless the chairman intended to cover. I have an amendment which I think will cover the whole case. It is in line five, after the word "disposition," to insert the words "for cash," and at the end of line six, after the word "lands," to insert "after appraisement to the highest bidder at not less than the appraised value, nor less than $1 25 an acre." I think that will meet the views of both the honorable Senators.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas, to insert the word "preëmption" before "laws" in line six.

Mr. POMEROY. I withdraw the amendment, as the amendment of the Senator from Iowa meets the case.

The VICE PRESIDENT. The question, then, is on the amendment of the Senator from Iowa, which will be read.

The SECRETARY. The amendment is in line five, after the word "disposition," to insert "for cash;" and at the end of the sixth line to insert "after appraisement to the highest bidder at not less than the appraised value, nor at less than $1 25 per acre;" so as to read:

That the Secretary of War be, and he is hereby, authorized and empowered to transfer to the custody and control of the Secretary of the Interior, for disposition for cash, according to the existing laws of the United States relating to the public lands, after appraisement to the highest bidder at not less than the appraised value, nor at less than $1 25 per acre, the United States military reservations at Forts Lane and Walla Walla, in the State of Oregon, &c.

Mr. HOWE. That amendment is aimed at a right purpose. I think with a moment's reflection the Senator can draw a provision which will more adequately express that purpose than this does, though I do not know but that this is really sufficient. But I think one other purpose should be accomplished, and that is that the Secretary of the Interior should be authorized to subdivide these reservations into smaller quantities than the surveying laws now authorize. The smallest subdivision now is forty acres. I make this suggestion because a few years since I myself drew an act for the disposition of a reservation in the neighborhood of the town I live in, and in that law it was provided that portions of it might be subdivided into acre lots, and such subdivisions were made, and they were offered at public auction not to be sold at less than the appraised value. The single acres were appraised at forty dollars an acre and sold for more than twice that, so that the reservation brought a great many thousand dollars, I do not now remember the total sum; but under existing laws this land could only be subdivided into forty-acre tracts which would not enable the Government to sell it to the best advantage.. But few purchasers would be able to buy forty acres of land as valuable as some of these reservations are, whereas almost anybody could buy an acre; and in the vicinity of a town acres are as large a quantity as people want to buy.

The VICE PRESIDENT. If the Senator suggests that as a proviso, it will be in order after acting on this amendment.

Mr. RAMSEY. I desire to suggest to the Senator from Wisconsin that his rule in regard to the subdivision of these military reservations would be very correct as applied to reservations in the midst of a dense population, but many of our reservations, both military and Indian, on the frontier are as free from settlement as the naked prairie.

Mr. HOWE. This would not compel the Secretary to subdivide, but it would be optional with him.

Mr. RAMSEY. Many of these military reservations have no settlements around them at all. Hence it would be superfluous to make them less than forty acres.

Mr. HOWE. I hope the chairman will allow this bill to be laid aside for a moment while the Senator from Iowa is drawing this amendment, and in the mean time I can procure the papers on which I wish to move another amendment. They are in the possession of the Military Committee, and I wish to add another reservation. I do not recollect the name of it.

The VICE PRESIDENT. The Senator from Wisconsin suggests that this bill be passed over for the present. The Chair hears no objection.

Mr. WILSON subsequently said: I hope the Senate will now go on with the bill in regard to the disposition of military reservations which was laid aside a few minutes ago.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 569) to provide for the disposition of useless military reservations.

The VICE PRESIDENT. The question pending is on the amendment offered by the Senator from Iowa, [Mr. HARLAN.]

Mr. HARLAN. I think that had better be adopted, and then the other proposition can be put in the shape of a proviso.

The amendment was agreed to.

Mr. HARLAN. Now I offer the following additional amendment, to come in at the close of the first section of the bill as a proviso:

Provided, That the Secretary of the Interior shall, whenever in his opinion the public interests may require it, cause any of the foregoing reservations, or parts thereof, to be subdivided into tracts less than forty acres each, or into town lots: *And provided also*, That each subdivision shall be appraised and

offered separately at public outcry to the highest bidder, as hereinbefore provided; after which any unsold land or lot shall be subject to sale at private entry for the appraised value at the proper land office.

Mr. POMEROY. Has the Senator included the improvements, if there should be any, in this appraisement?

Mr. HARLAN. No; I understood the honorable Senator would offer an amendment covering that point.

Mr. POMEROY. I have prepared such an amendment; but I did not know but that it was covered by the Senator's amendment.

Mr. HARLAN. No, sir.

The amendment was agreed to.

Mr. HOWE. I move to amend the bill in the thirteenth line of the first section by inserting after the word "Colorado" the words "and Fort Dakota, in the Territory of Dakota."

The amendment was agreed to.

Mr. POMEROY. I move to amend the bill by inserting at the end of the first section the following proviso:

Provided, That should there be improvements of buildings or of building materials or other valuable property, the Secretary of the Interior shall have them appraised; and no patent shall issue for the real estate until the improvements are paid for at the appraised value thereof, under such regulations as may be prescribed by the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RAILROAD IN WYOMING.

The next bill on the Calendar was the bill (S. No. 609) granting wild lands in the Territory of Wyoming to aid in the construction of a railroad from a point on the Union Pacific railroad, at or near Church Buttes station, in said Territory, to the headwaters of Smith's Fork, in the Uinta mountains, and to secure to the Government free transit for postal matter, troops, &c., over the same.

Mr. POMEROY. This bill was introduced by the Senator from New York, who is not in his seat, [Mr. CONKLING.] It is simply a bill granting lands in a wild country to enable some parties to make a branch of the Union Pacific railroad into the Uinta mountains, about seventy miles long. The Senator from New York felt quite an interest in the matter and introduced the bill, and it is reported by the Committee on Public Lands substantially according to our system of reporting land grants for railroads.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KELLOGG. I suggest that it be passed over until the Senator from New York returns.

Mr. POMEROY. The Senator from New York is for it. He does not want it passed over in his absence for the sake of having it defeated.

Mr. MORRILL, of Vermont. This is a very carefully-drawn bill, I presume.

Mr. POMEROY. It is a bill drawn with great care, and I hope the Senator from Louisiana will allow it to pass.

Mr. KELLOGG. Very well. I withdraw my objection.

Mr. HOWELL. I ask whether there is any limitation as to the prices at which, or the time within which, the land is to be disposed of?

Mr. POMEROY. In this bill there is not.

Mr. HOWELL. It is not, as some may think, my delight, fresh as I am in the Senate, to rise here and object to bills in which my friends have a very deep interest; but I conceive it my duty to do so, and therefore I object to this bill at the present time.

It will be remembered that at the last session of Congress, which lasted but a month, two hundred and twenty-four million acres of land were granted by this Congress for the construction of railroads. Many fortunes were made out of these two hundred and twenty-four million acres and are yet to be made out of them; and it is for that reason that we are flooded at the present session with a large number of bills granting I do not know how many more times that number of acres.

Mr. POMEROY. The Senator must be mistaken in regard to the fact. I ask him, what was it that got two hundred and twenty-four million acres?

Mr. HOWELL. I have just now got the North American Review for January out of the Library.

Mr. POMEROY. All I have to say is that there is nothing in the statement.

Mr. HOWELL. It is contained in an article which has the signature of Mr. Adams.

Mr. POMEROY. I do not care who signs it.

Mr. HOWELL. He says: "During those twenty-six working days no less than twenty-three bills were introduced into the Senate"—perhaps they did not pass.

Mr. POMEROY. That is another thing.

Mr. HOWELL. "Providing for the construction of fourteen thousand and fifty miles of railway, which unaided private capital could not be induced to build, and appropriating to the furtherance of the work 225,245,520 acres of the national domain, or nearly one half of the whole amount of territory now remaining unoccupied." I object to the bill.

Mr. POMEROY. I have no objection to the Senator's objecting to the bill, but I have objection to a statement being made in which there is not a word of truth.

Mr. HOWELL. Perhaps I was incorrect in saying that bills had passed to the full extent. My eye had just caught this article the moment I rose.

Mr. POMEROY. There has not been as much land as that appropriated for railroads since the foundation of the Government.

Mr. HOWELL. I think the Senator is mistaken in that.

The VICE PRESIDENT. Objection is made to the consideration of the bill, and it will be passed over.

PECOS AND PLACER DITCH COMPANY.

The next bill on the Calendar was the bill (S. No. 55) granting the right of way and lands to the Pecos and Placer Mining and Ditch Company of New Mexico.

Mr. POMEROY. That is a very important matter to the people of the Territory of New Mexico, and I hope the bill will be passed.

The bill was read.

Mr. BAYARD. I think that bill had better be passed over.

Mr. NYE. I ask the Senator from Delaware if he desires to object to this bill? This is a very arid country there, and it very much needs irrigation. This canal is to go by one of the richest of the newly-discovered mining regions, and it has really become a necessity. I presume the honorable Senator if he understood it would not object.

Mr. POMEROY. The late Senator from Indiana (Mr. Hendricks) when he was upon the Committee on Public Lands prepared this bill with great care. He took a great interest in the subject, and reported the bill at a former Congress, but it did not pass then. This bill is precisely, except one or two slight amendments, in the language of the bill that Mr. Hendricks reported. He had been Commissioner of the General Land Office, and he drew it with great care. This bill introduces a new feature in our system. It is a provision for the irrigation of an abandoned country which cannot be occupied until it is watered artificially. This is the first bill of the kind we have ever tried to pass in Congress, and it was on that account that the committee, through Mr. Hendricks, reported it at the former session.

Mr. BAYARD. If it is the first bill of the kind I think it had better be considered carefully.

The VICE PRESIDENT. The bill will be passed over, and the next will be read.

BILLS PASSED OVER.

The next business on the Calendar was the joint resolution (H. R. No. 86) in regard to the suspension of the sale of certain lands in California.

Mr. STEWART. That may be passed over.

The VICE PRESIDENT. The joint resolution will be passed over. The next bill on the Calendar will be read.

The next business on the Calendar was the joint resolution (S. R. No. 155) to exempt from succession tax property in the city of Baltimore intended to be conveyed by Mrs. Isabella Brown to the Presbyterian church in that city connected with the general assembly of the Presbyterian church in the United States.

Mr. SCOTT. That may be passed over. A general bill has been reported.

Mr. RAMSEY. Let this be postponed indefinitely.

Mr. SCOTT. No; the general bill has not been passed by the House of Representatives.

The VICE PRESIDENT. This joint resolution will be passed over.

The next bill on the Calendar was the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1871.

Mr. THAYER. Let that be passed over.

Mr. POMEROY. I think, by an understanding with the Senator from Maine [Mr. MORRILL] who has charge of that bill, we can agree to take it up on Thursday or Friday, as soon as we get through the Calendar. Let that be the general understanding, and it will be satisfactory I have no doubt.

Mr. RAMSEY. I protest against any such understanding.

Mr. SUMNER. The appropriation bill ought to come up soon.

Mr. MORRILL, of Maine. This appropriation bill will necessarily occupy a day or two of the time of the Senate; and if the Senate are satisfied with the progress they are making I shall have no objection to allow it to be postponed until the end of the present order, which I should hope would not be later than Thursday.

The VICE PRESIDENT. The bill will be passed over, and the next one will be read.

WILLIAM H. HARMAN.

The next bill on the Calendar was the bill (S. No. 665) for the relief of William H. Harman; which was read the second time, and considered as in Committee of the Whole. By its terms the Secretary of the Treasury is to remit and release to William H. Harman the internal revenue tax assessed on five hundred and six gallons of whisky of his manufacture which were destroyed by fire before removal from the distillery and before a sale of the same.

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

J. MILTON BEST.

The next bill on the Calendar was the bill (S. No. 667) for the relief of Dr. J. Milton Best; which was read the second time, and considered as in Committee of the Whole. It proposes to appropriate $25,000 to Dr. J. Milton Best, of Paducah, Kentucky, in compensation for the destruction of his dwelling-house and its contents by order of Colonel S. J. Hicks, commanding the United States troops at Paducah, Kentucky, on the 26th day of March, 1864.

Mr. WILLIAMS. That had better go over, I think.

Mr. HOWE. I hope the Senator, unless he has good reason for it, will not object to this bill. Of course the public is not concerned in the immediate passage of the bill, but the claimant is, and he has suffered a long while and suffered very severely.

Mr. WILLIAMS. I imagine that this brings up in some shape the question as to how far

Government ought to go in the indemnification of persons who have suffered in consequence of the war, as I understand that this property was destroyed by the military operations of the Government. I presume that question cannot be decided without some discussion.

Mr. HOWE. This was in Kentucky, on the Ohio river, not in any insurrectionary State.

Mr. WILLIAMS. I am willing to have the report read. I will not object to the consideration of the bill at present.

Mr. HOWE. Let the report be read.

The Secretary read the report submitted by Mr. HOWE on the 15th of March:

The Committee on Claims, to whom was referred the petition of Dr. J. Milton Best, submit this their report:

This claim is for the value of a dwelling-house and its contents destroyed by order of Colonel S. G. Hicks, of the fortieth regiment of Illinois volunteers, commanding the Union forces in defense of the city of Paducah, Kentucky, in March, 1864.

On the 25th of March, General N. B. Forrest attacked the city in force. Colonel Hicks, with a command of about seven hundred men, withdrew into Fort Anderson. The sharp-shooters of the enemy soon took possession of claimant's house and grounds in large numbers, about one hundred and fifty yards from the fort, and from that position did great execution in picking off men at the guns within the defenses. They were driven from the house by shells from the fort and gun-boats, and the enemy's whole force retired from the assault at eleven o'clock that night without success. They appeared again next morning with reënforcements, and Colonel Hicks, regarding his command in great peril, having exhausted, or nearly exhausted, his ammunition the preceding night, gave orders for the destruction of all houses within musket-range of the fort. The order was executed at once, and claimant's house was burned, with its contents. The enemy then withdrew.

Fort Anderson was planned in 1861, and located within one hundred and fifty yards of claimant's house, which had been completed early that year. When General C. F. Smith located the fort in the fall of 1861 he decided, in consultation with officers of his command, to have the claimant's house, together with other houses in the immediate vicinity, condemned and removed, and to that end ordered a board of officers to assess the value, &c., but that board never reported, and according to testimony of General E. A. Paine failed to report, because of the movements of troops to which officers composing the board belonged, and thus the condemnation was never consummated.

Complainant's house, a very large, high-posted, three-story brick one, of solid walls, overlooked the fort, and proved in this battle a great fortress for the enemy, and Colonel Hicks regarded its destruction essential to the safety of his command.

The claimant's loyalty is unquestioned, and the officers in command at that post from time to time during the war testify to his reliability and the effective aid he rendered the Union cause.

In October of that year the post commander, in anticipation of another attack, ordered the standing walls of the house to be pulled down, and during the ensuing winter the soldiers used the bricks in making walls and chimneys for their winter quarters, and thus the entire dwelling-house, its contents, and materials were lost to claimant.

The value of claimant's property so destroyed is proved with particularity, and satisfactorily to the committee, amounting to $27,653 93.

The case presents the simple question of who shall pay for the destruction of a loyal citizen's property, destroyed by the order of a commanding officer to save his imperiled army, at the claimant's home, a place never in possession of the enemy and in a non-seceding State. Paducah was garrisoned by Union troops from the beginning to the close of the war; was often threatened by the enemy, and more than once attacked. It is a city whose inhabitants were mostly disloyal in sentiment during the rebellion. The fort was built, as it were, under the shadow of the claimant's house, rendering the destruction of the house necessary, as the event proved.

It appears to your committee that the facts establish a just claim against the Government for private property taken and destroyed to prevent a greater destruction of its own property and the massacre of its troops.

But it is the opinion of the committee that the injuries to the claimant's house by shelling out the rebels in the battle of the 25th of March may be regarded as a casualty by the general ravages of war, which might properly be deducted from the amount of loss proved by claimant. And as no proof is found of the injury during the battle, and as the burning of the property followed so soon after the battle as to almost preclude the possibility of proof upon that point, the committee have reported a bill for the payment of $25,000, instead of the full amount of damages, proved at $27,653 93.

The VICE PRESIDENT. Is there objection to the consideration of the bill? The Chair hears none; and it is before the Senate as in Committee of the Whole.

Mr. WILLIAMS. I am not quite satisfied with this bill, I must confess. I think that it is a precedent that is fraught with important consequences to the Treasury of the United States. Here was a building that was occupied by the enemy, which they used, and from which they assailed the troops of the United States; and our troops in conducting the battle that occurred found it necessary to destroy this building in order to save the army; and now it is claimed that the Government ought to pay the owner of that building for the property. I doubt very much whether such a bill as this ought to pass without some consideration. I do not know but that the Senate will conclude upon a discussion of the merits of the question to determine that in all cases where by the casualties of battle the property of a loyal citizen was destroyed the Government ought to pay that loyal citizen for such property, because it will be impossible to make any nice distinctions between one kind of property and another kind of property. If this bill passes the precedent will be established——

Mr. POMEROY. I understand the Senator objects to it. He cannot debate it and object, too.

Mr. WILLIAMS. I do not know whether I can or not.

The VICE PRESIDENT. The Senator can object at any time before final action under the order.

Mr. WILLIAMS. I am not objecting to the consideration of the bill——

The VICE PRESIDENT. It will be passed over.

Mr. WILSON. I move now to take up the bill laid aside for a moment to prepare an amendment.

Mr. WILLIAMS. I stated that I did not object to the consideration of this bill.

Mr. HOWE. There is no objection.

Mr. PATTERSON. I wish the Senator from Wisconsin would state wherein this bill differs in principle from the case of Sue Murphey that was discussed and rejected by the Senate.

Mr. HOWE. I do not know that I can state any difference in principle between this and the Sue Murphey case.

Mr. SUMNER. Then I think this had better go over.

Mr. HOWE. The Senator from Massachusetts I guess jumped a little before he got to the stile. I can explain how he could state the difference between the principle in this bill and the principle involved in the bill for the relief of Sue Murphey. The only objection that was urged by the Senator from Massachusetts, and those who voted with him, to the Sue Murphey bill was, first, that they were not quite satisfied of her loyalty, and second, that she lived in a rebel State. Neither of those allegations can be urged against this claim. This man was so loyal that he stood on the top of his own house, signaling with his own hand, to our troops within the garrison how to train their guns on the approaching foe. That is pretty good evidence of loyalty, as this world is made. As to the locality: this was in Kentucky on one bank of the Ohio river, and not in Alabama, where Sue Murphey's house was. Kentucky never did secede, never was declared to be in rebellion. I do not think that makes any difference in law between Kentucky and Alabama; but the Senator from Massachusetts did think so a year ago. I hope he has got over that notion.

Mr. SAULSBURY. Mr. President, knowing the Senator from Wisconsin to be one of the ablest lawyers in this body, I wish to propound a question to him. I know nothing about the circumstances of this case; but he made use of the expression "rebel State." Will the honorable Senator tell us what he means by a rebel State? In any constitutional sense, I should like to know what he means by the use of the words "rebel State." Individuals may rebel, but I want to know whether a State can rebel.

Mr. HOWE. I simply mean by a rebel State a State whose authority declared that they were independent of the sovereignty of the United States, and a State which the President, under the authority of law, declared to be in a state of insurrection. That is all I mean.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts object to this bill?

Mr. SUMNER. I do.

The VICE PRESIDENT. Then it will be passed over, and it is not before the Senate for its consideration.

SOUTHERN MARYLAND RAILROAD BONDS.

The next bill on the Calendar was the bill (S. No. 597) to authorize the authorities of the city of Washington, District of Columbia, to indorse the bonds of the Southern Maryland Railroad Company.

The VICE PRESIDENT. This bill is reported by the Senator from Virginia [Mr. LEWIS] from the Committee on the District of Columbia, with an amendment.

Mr. WILSON. The Senator from Virginia is not present to-day, and I ask that the bill be passed over.

The VICE PRESIDENT. It will be passed over.

ISLAND INSTITUTE OF WASHINGTON.

The next bill on the Calendar was the bill (S. No. 584) incorporating the Island Institute of Washington, District of Columbia; which was considered as in Committee of the Whole. It proposes to incorporate J. W. Parker, S. S. Fisher, F. S. Delan, A. K. Browne, J. H. Patrick, Z. Richards, W. S. Huntington, Daniel Smith, S. F. Sykes, S. S. Hardy, D. G. Foster, W. B. Wedgwood, G. F. McLellan, P. H. Branson, G. M. P. King, William Fletcher, J. E. Hatch, W. L. Worcester, Charles Gaylord, George Bancroft, Harry Crook, Alice L. Hall, M. E. McLellan, E. J. Baker, Fannie E. Hall, S. Emma Gray, Emma J. Sykes, and their successors in office by the name of "The Island Institute of the city of Washington, in the District of Columbia," with the usual powers of a corporation. The object of this corporation is declared to be the establishment and maintenance of an industrial evening and Sunday school for the benefit of persons who have no other means of instruction.

The VICE PRESIDENT. The Committee on the District of Columbia have reported this bill with various amendments, correcting the spelling of names, as the Secretary states, and if there be no objection they will be regarded as agreed to.

Mr. POMEROY. I do not wish to interfere with the passage of the bill, but I submit that we ought not to compel these parties to make their school an evening school. I should like to know why it is that they are obliged to have an evening school?

Mr. HAMLIN. Because it is just what they ask.

Mr. POMEROY. They may want that to-day and want a day school hereafter.

Mr. HAMLIN. Then let them come and ask for a day school when they want it. We give them now just what they ask and no more.

Mr. POMEROY. Why not say "a school," and then they can have it a day or evening school.

Mr. HAMLIN. Because they want an evening school to educate poor children who can go in the evenings and cannot go in the daytime. That is just what they ask.

Mr. POMEROY. Suppose we say "school;" can they not have it in the evenings then?

The VICE PRESIDENT. Does the Senator from Kansas move to amend the bill?

Mr. POMEROY. I shall not move to amend it if the Senator from Maine does not want it amended.

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

The bill was ordered to be engrossed for a

third reading, was read the third time, and passed.

ALFRED B. WINSLOW.

The next business on the Calendar was the joint resolution (H. R. No. 52) for the relief of Alfred B. Winslow, of Portland, Maine; which was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to reissue and deliver to Alfred B. Winslow, of Portland, Maine, notes and securities of the United States to the amount of $1,250 in place of the following, which were lost and destroyed by fire on the 4th of July, 1866, namely: one five-twenty, No. 30572, dated May 1, 1864, for $100; one five-twenty, No. 9689, dated May 1, 1864, for fifty dollars; one five-twenty, No. 30569, dated May 1, 1864, for $100; one five-twenty, No. 8538, dated May 1, 1864, for $500; and one of 1881, No. 11834, dated November 16, 1861, for $500. And the Secretary of the Treasury is to take such bond and security to indemnify the Government against the presentation of the same for redemption as he may deem necessary and sufficient.

Mr. CORBETT. Is there a report in that case?

Mr. WILLIAMS. I should like to hear the report.

The VICE PRESIDENT. There is no written Senate report, but there may be a House report.

Mr. SCOTT. There is a written report accompanying the bill, a report made in the House of Representatives.

The VICE PRESIDENT. The Secretary will read the report made by the Committee of Claims of the House of Representatives.

The Secretary read the report, as follows:

The Committee of Claims, to whom was referred the memorial and evidence of Alfred B. Winslow, of Portland, Maine, praying to be reimbursed for the loss by fire of certain Government securities, having had the same under consideration, report:

That on the 4th of July, 1866, when there occurred an extensive loss of buildings and property by fire in Portland, Maine, the claimant and Eben M. Tibbetts had assigned to them, for their own use, a compartment and drawer in the safe of the counting-house of James N. Winslow, merchant, of the city of Portland, and in which they had deposited the following United States securities, the property of claimant:

Two five-twenty bonds of May 1, 1864, $100 each..	$200
One five-twenty bond of May 1, 1864.....	500
One five-twenty bond of May 1, 1864.....	50
One 1881 bond of November 16, 1861.....	500
Total.....	$1,250

And also the following, the property of Eben M. Tibbetts:

Seventeen seven-thirty bonds of $100 each.....	$1,700
Two seven-thirty bonds of $500 each.....	1,000
Total.....	$2,700

All of which, it is alleged, and so believed, were burned and destroyed by fire in the safe, and at the said counting-house of James N. Winslow, merchant, of Portland, on the said 4th of July, 1866.

Evidence is submitted that after the fire the safe was opened and the charred remains of the bonds carefully inspected by parties who identified the numbers and denominations of a portion of them, but who could not distinguish sufficiently to identify all that was claimed to have been lost.

Woodbury Davis, esq., the postmaster of Portland, one of the parties who made the examination, inclosed the remains in a sealed box, marked and identified, for further examination at the Treasury Department. Affidavits of claimant and Tibbetts stating the number, date, and denomination of each note or bond were submitted to the Secretary of the Treasury, who caused the remains to be further tested, when it was found that a part only of the seven-thirty notes of Tibbetts could be identified, together with the $500 and fifty dollar five-twenty bonds of claimant. The remains of the $500 of 1881 and of the two $100 five-twenty could not be satisfactorily identified.

The Treasury Department, after sufficient delay to insure against the return of the notes of Tibbetts after maturity, and none of them having been returned or known to exist, settled with him for the full amount, taking security to indemnify the Government according to the regulations of that Department.

There remain, therefore, of the contents of the said box only the losses of the claimant to be indemnified by the Government, amounting to $1,250. Of this $550 was identified, leaving $700 only not capable of being distinguished as to the denominations, numbers, and dates, though there does not appear to have been any doubt, in fact, of the claim and representation of these parties.

Undoubted evidence has been brought to the committee by honorable members of this House as to the integrity of the claimant, and the evidence corroborating so large a portion of the material parts of the claim is so satisfactory that the committee have decided, after a full discussion of the merits, to recommend that the claimant be granted the relief for which he asks.

It is therefore recommended that the Secretary of the Treasury be authorized to reissue to the claimant, Alfred B. Winslow, of Portland, Maine, securities of the United States, at the rate of six per cent. to the amount of $1,250, in place of that class and amount lost and destroyed as aforesaid, and for this purpose report the following joint resolution, and recommend its passage.

Mr. DRAKE. I do not wish to embarrass the passage of any bill of this kind which is meritorious, but I suggest to the honorable Senator from Pennsylvania that there is a radical defect in this case in one point. It seems that a portion of the bonds were capable of identification in the charred remains which were found in the safe. It seems that other bonds were not capable of such identification. I suggest to the honorable Senator from Pennsylvania that there is a defect in the facts of this case in this particular, that the party does not show that he had acquired bonds of the dates and numbers specified in the joint resolution. If he had shown that fact, if he had offered evidence that he had at such a time and place bought bonds of that description, then I think the case would have been full; but, if I heard the report correctly, no such evidence is given in this case, and for that reason I think there is a defect in the case as presented in the report.

Mr. SCOTT. The report does not detail in full all the evidence given to support the claim in this case. If the honorable Senator from Missouri followed the evidence in the case he will remember that a safe in the store of the brother of this claimant was appropriated to the use of this claimant and another man named Tibbetts. While in the charred remains of a great many of the bonds there was sufficient to enable them to identify them by number, there were, it is true, other charred remains which were so far destroyed as to render it impossible to identify them. But a list of all the bonds deposited in the safe both by Tibbetts and Winslow had been kept by themselves and by parties who were present when the bonds were deposited in that safe; and upon inquiry at the Treasury Department, made for the purpose, it is found that the coupons upon the numbers incapable of identification have never been presented since the fire at Portland. It has been the practice of the Committee on Claims, after the lapse of a considerable time and on sufficient evidence, to show that bonds of a certain number have been lost or destroyed and the coupons have not been presented, to presume their destruction. There is sufficient evidence in this case, I think, to prove to any one who examines the whole evidence that the bonds incapable of identification were with those that have been identified, and that the claim is a perfectly honest one and sustained by the testimony.

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

SAMUEL MILLER.

The next bill on the Calendar was the bill (S. No. 673) for the relief of Nicholas M. Page, executor of Samuel Miller, of Campbell county, Virginia.

The Secretary read the bill. It appropriates $41,809 40 in satisfaction of the claim of Nicholas M. Page, executor of Samuel Miller, of Campbell county, Virginia, for reimbursement of that sum paid into the Treasury of the United States, it having been paid under a decree of the district court of the district of Indiana, confiscating $109,000 in the five per cent. bonds of the State, and $10,900 cash, being two years' interest on the bonds belonging to Samuel Miller, which decree was afterward reversed and set aside by the circuit court of the United States; but before such payment is to be made to the executor the State bonds which were the subject of such decree of confiscation are to be deposited with the Secretary of the Treasury of the United States, subject to such disposition as the Legislature of the State of Indiana may see fit to make of the same; which State bonds are described as follows, namely: No. 512, amount $12,000; No. 699, amount $4,000; No. 715, amount $4,000; No. 1328, amount $9,000; No. 1519, amount $2,000; No. 1540, amount $3,000; No. 1604, amount $5,000; No. 1663, amount $4,000; No. 1708, amount 3,000; No. 2007, amount $4,000; No. 53, amount $16,000; No. 277, amount $22,000; No. 354, amount $13,000; No. 419, amount $3,000; No. 1015, amount $5,000.

Mr. MORTON. I was not aware of the pendency of this bill on the Calendar, and I will, for this evening at least, ask that it be passed over. Perhaps I may consent to-morrow that it may be resumed. Does my colleague understand it?

Mr. PRATT. The Senator from Pennsylvania [Mr. SCOTT] reported this bill, and is more familiar with the facts than I am.

Mr. MORTON. I ask that it be passed over for the present.

Mr. SCOTT. Does the Senator object to the bill?

Mr. MORTON. I will ask to have it passed over this evening. Perhaps I may consent that it shall be called up to-morrow.

The VICE PRESIDENT. It will be passed over.

LANDS IN SALT LAKE CITY.

The next bill on the Calendar was the bill (S. No. 509) for the relief of the inhabitants of Salt Lake City, in the Territory of Utah; which was considered as in Committee of the Whole. It provides that the words "not exceeding five thousand in all," contained in an act entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2, 1867, shall not apply to Salt Lake City, in the Territory of Utah; but the act is to be so amended and construed in its application to that city, that lands may be entered as provided in it for the full number of inhabitants contained in the city not exceeding fifteen thousand; and as the city covers school section No. 36 in township No. 1 north of range No. 1 west, it may be embraced in such entry, and indemnity is to be given therefor when a grant shall be made by Congress of sections sixteen and thirty-six in the Territory of Utah for school purposes.

Mr. WILLIAMS. I should like to have a little explanation of the bill. It seems to relate to land matters.

The VICE PRESIDENT. There is a report accompanying the bill, and as the Senator from Oregon desires information in regard to it the report will be read.

The Secretary read the following report, submitted by Mr. MCDONALD, from the Committee on Territories, on the 16th of March last:

The Committee on Territories, to whom was referred Senate bill No. 509, being a bill for the relief of the inhabitants of Salt Lake City, in the Territory of Utah, beg leave to report:

That, as appears by the plat on file in the office of the Commissioner of the General Land Office, Salt Lake City covers an area of nine square miles, or five thousand seven hundred and sixty acres, laid out into blocks of ten acres each, which are again divided into lots containing one and one fourth acres each. The streets are one hundred and twenty-eight feet wide.

The lands in question, being covered by municipal improvements and within the limits of an incorporated city, are excluded from the operation of the pre-emption and homestead laws, while, under the town-site law, as at present enacted, no more than two thousand two hundred and forty acres can be entered, so that without relief of the character contemplated by this bill the settlers and residents of the city can only procure title to the last-named area of land, being less than one half the actual area covered by the city and occupied and improved by the settlers for more than twenty years.

The school section referred to in said bill is within the corporate limits of Salt Lake City, and was covered with town site improvements before the Government survey was made. The occupants having thus made their improvements before it was school land, are entitled to be protected.

The town site law of 1867 would allow the same amount of land to be entered by a city of five thousand people as by one with three or four times that number; a manifest injustice to the people of larger towns, and a provision tending to discourage rather than encourage the development of the country and the increase of our frontier cities and towns. As a precedent, we would refer to the act of May 28, 1864, for the relief of the citizens of Denver, Colorado, where existing statutes did not allow the entry as a town site of an area so large as that actually covered by the improvements of the town.

The committee further report that, under the existing law, application has been made to enter two thousand two hundred and forty acres, which includes that portion of the city most densely populated and occupied by the more wealthy settlers, while those portions occupied by the more indigent cannot be entered, and thus the settlers more especially requiring protection in their titles are to be aided by this bill.

The committee would therefore recommend the passage of the bill.

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

WILLIAM B. CAMPBELL.

The next business on the Calendar was the joint resolution (S. R. No. 157) conferring upon the Court of Claims jurisdiction to hear and determine the claim of William B. Campbell; which was read the second time, and considered as in Committee of the Whole. It proposes to give jurisdiction to the Court of Claims to hear and determine the claim of William B. Campbell for the loss of an unfinished steamer, alleged to have been seized in the fall of 1861, by order of General Grant, while in command at Cairo, to prevent the same from falling into the hands of the rebels and being used by them to cross the river from the Kentucky to the Illinois shore, and which vessel is alleged to have been lost in consequence of that seizure. And the court is authorized to hear and determine the validity of the claim and the amount of Campbell's loss.

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

GEORGE T. WIGGINS.

The next bill on the Calendar was the bill (S. No. 674) for the relief of George T. Wiggins, of Keokuk, in the State of Iowa; which was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George T. Wiggins $300 in full for all damages sustained by him in consequence of the seizure of the Leighton House, in Keokuk, Iowa, by the military authorities of the United States for hospital purposes, in the year 1862.

Mr. HARLAN. It will be necessary to change the phraseology of the bill now, as the claimant is dead. I move, therefore, to insert the words "heirs or legal representatives of" before the name of George T. Wiggins.

The amendment was agreed to.

Mr. HARLAN. I move another amendment to strike out "$300" and insert "$1,000." I will not occupy the time of the Senate in discussing it; but I will state the case in two or three sentences. Mr. Wiggins had rented a hotel in Keokuk, Iowa, about the time of the beginning of the war. Immediately after the battle of Pittsburg Landing a number of sick soldiers were sent up to Keokuk for hospital treatment, and there being no proper buildings there the military authorities took possession of the hotel and tumbled the occupant out with all his furniture and everything he had in it, and left him without any shelter or any place to put his furniture; and he thereby, as every one must know, suffered a great loss. Various parties estimate the amount of damage he sustained, as I find in the report of the committee. The lowest estimate that any one places it at is $1,000; and I find among those who put it at $1,000 the name of R. P. Lowe, recently Governor of Iowa, and who served for a long time as chief justice of our Supreme Court, and I am quite sure his estimate would be reliable. The claimant has since died and left a widow and children in poverty, and I think they ought to have at least the lowest amount that anybody on honor could say was the loss that they had sustained.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. HARLAN, the title of the bill was amended so as to read: "A bill for the relief of the heirs or legal representatives of George T. Wiggins, of Keokuk, in the State of Iowa."

SEAMEN FOR THE NAVY.

The next bill on the Calendar was the bill (S. No. 653) to promote the securing of efficient seamen for the Navy of the United States.

Mr. DRAKE. I move that that bill be recommitted to the Committee on Naval Affairs.

The motion was agreed to.

UNITED AID ASSOCIATION.

The next bill on the Calendar was the bill (S. No. 583) to incorporate the United Aid Association of Washington, District of Columbia; which was considered as in Committee of the Whole. It proposes to incorporate W. H. Wheeler, John S. Butler, John W. Smith, William H. Wilson, George W. Barnes, Henry Burrell, John N. Doster, David Warner, Isaiah Bolden, John H. Digges, Thomas H. Evans, Charles Herbert, John T. Mathews, William H. Cole, Ambrose Queen, and their associates and successors, under the name and style of United Aid Association of the District of Columbia, with the powers of a corporation. The object for which this corporation is created is declared to be the establishment of a benevolent institution for the relief of the sick and burial of its deceased members.

Mr. POMEROY. I do not know that I exactly understood the reading of the bill. Does it say that the object of this association is to attend to the burial of its deceased members?

Mr. HAMLIN. And to take care of them when sick.

The SECRETARY. The second section of the bill reads as follows:

SEC. 2. *And be it further enacted*, That the object for which this corporation is created is declared to be the establishment of a benevolent institution for the relief of the sick and burial of its deceased members.

Mr. POMEROY. I did not understand it fully. I thought it was rather singular if they were only to attend to the burial of deceased members.

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

BRIDGES OVER ALABAMA RIVER.

The next bill on the Calendar was the bill (S. No. 263) to establish certain post roads in the State of Alabama; which was considered as in Committee of the Whole. It proposes to give the consent of Congress to the erection of a draw-bridge over the Alabama river, near the city of Selma, by the Western Railroad Company of the State of Alabama, in accordance with an act of the Legislature of the State incorporating the company. It also gives the consent of Congress to the erection of a draw-bridge over the Alabama river, above the city of Montgomery, by the South and North Alabama Railroad Company, in accordance with the act of the Legislature incorporating the company. These draw-bridges are to be respectively constructed in such a manner as not materially or substantially to obstruct the free navigation of the river. Congress reserves the right to withdraw the assent hereby given, as to either or both of the companies, in case the free navigation of the river shall be at any time materially or substantially obstructed by either or both of the bridges. The bridges, when completed in the manner specified in the acts of incorporation, are to be deemed and taken to be legal structures, and are, with the railroads of which they are parts, to be post roads for the transmission of the mails of the United States.

The bill was reported to the Senate without amendment.

Mr. POMEROY. When the proper time comes I think the title of the bill ought to be amended. The title now is to establish certain post roads in the State of Alabama. The object is to authorize the bridging of the Alabama river.

Mr. WARNER. It makes the bridges post roads in the last section.

Mr. POMEROY. But the title would lead any one astray who was looking for the act of Congress.

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

The VICE PRESIDENT. Does the Senator from Kansas move to amend the title?

Mr. POMEROY. I think the words "and for other purposes" ought to be inserted at least, or it should be amended so as to read, "A bill to authorize the bridging of the Alabama river." The Senator from Alabama probably can suggest a proper title.

Mr. WARNER. I think this is the usual title. The bill does make these roads post roads.

Mr. POMEROY. At least add the words "and for other purposes."

Mr. WARNER. Very well.

The VICE PRESIDENT. The title of the bill will be amended by adding the words "and for other purposes," if there be no objection.

DIPLOMATIC AND CONSULAR SYSTEMS.

The next bill on the Calendar was the bill (S. No. 676) to amend an act entitled "An act to regulate the diplomatic and consular systems of the United States," passed August 18, 1856, and for other purposes.

Mr. POMEROY. I understand that bill will create considerable discussion in the Senate.

Mr. CHANDLER. No; I do not think it will lead to any debate.

Mr. SUMNER. It is a very important bill.

Mr. POMEROY. I will not object if it is not to be debated; if it is to be debated, I enter my objection.

The VICE PRESIDENT. Does the Senator object now?

Mr. POMEROY. I do not, unless somebody wants to make a speech upon it.

The VICE PRESIDENT. It will be subject to objection at any time before final action.

The Secretary proceeded to read the bill; but before concluding,

Mr. PATTERSON. That is a very important bill, and I for one should like time to look into it more than I have had hitherto. I ask that it be passed over.

Mr. CHANDLER. It has been on the Senator's table for a month or more.

Mr. PATTERSON. That may be, but I have not had time to consider it.

Mr. SUMNER. On March 17 it came from the committee.

Mr. CHANDLER. It was printed before that, and was three months in committee.

The VICE PRESIDENT. The Senator from New Hampshire objects, and the bill will be passed over. The Secretary will report the next bill on the Calendar.

DARIEN SHIP-CANAL.

The next business on the Calendar was the joint resolution (S. R. No. 160) for a survey of a ship railway or ship-canal across the Isthmus of Darien.

Mr. POMEROY. I think that ought to be referred to some committee. It has never been to any committee yet.

Mr. WILLIAMS. Let it be read.

The Secretary read the joint resolution.

Mr. SPENCER. I object to it.

Mr. POMEROY. I move that it be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The Chair will put the question on the motion to refer, if there be no objection. It is moved that the joint resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

BUTCHERS' BENEVOLENT ASSOCIATION.

The next bill on the Calendar was the bill (S. No. 455) to incorporate the Washington Butchers' Benevolent Association of the District of Columbia; which was considered as in Committee of the Whole.

Mr. POMEROY. If the Committee on the District of Columbia would report a general incorporation act, so that all these societies could incorporate under it, it would avoid the necessity of our passing separate incorporation laws.

Mr. SUMNER. That general act has not yet passed.

Mr. POMEROY. It will not take longer to pass a general act than these various special acts.

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

POOR IMPROVEMENT ASSOCIATION.

The next bill on the Calendar was the bill (S. No. 460) to incorporate the Washington Association for the Improvement of the Poor of the District of Columbia; which was considered as in Committee of the Whole.

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

SONS AND DAUGHTERS OF LIBERTY.

The next bill on the Calendar was the bill (S. No. 652) to incorporate the association called "The Sons and Daughters of Liberty;" which was read.

Mr. HOWARD. I think this bill had better be passed over. If I understand it rightly it is substantially the same as the one we have just passed for the improvement of the condition of the poor of the District of Columbia. I cannot see the necessity of spending time upon such a bill.

Mr. MORTON. There was an organization called the Sons of Liberty in Indiana during the war organized for a very different purpose from that which is stated in this bill; but I got a prejudice against the name from the character and purposes of the organization we had in Indiana. I do not intend, however, to urge any objection to the passage of this bill.

The VICE PRESIDENT. The Senator from Michigan has objected, and it will be passed over.

Mr. HOWARD. I think it had better be passed over for the present.

Mr. FENTON. I wish to make one remark, with the permission of the Senator from Michigan. This would seem to be a favorable opportunity to indulge in a suggestion to the Committee on the District of Columbia, whether it may not be that some general law can be passed which will permit the organization of associations by filing articles of association, instead of passing so many of these acts of incorporation. It seems to me it can be accomplished in that way.

Mr. HAMLIN. I will say to the Senator that there is a bill already reported, and on the Calendar, for the purpose of allowing associations to be incorporated; but we do not know that that bill will pass. Now, I want to say to my friend from Michigan that this is a little bill which really amounts to not much. It is an association of colored people upon the Island, and they say that if they can bring their means together they can exert them a little better in taking care of their poor; and that is all they want it for; and I think he will not object to it. It is true we have passed one bill for an incorporation which is made up of another class of men for the same object; but this, I believe, is exclusively of colored people. I hope the Senator will let it pass.

Mr. HOWARD. I must insist on my objection. I do not see the propriety of shingling over the District of Columbia with so many special charters of incorporation for every sort of subject that can be imagined. It seems to me that we could spend our time more profitably by devoting our attention to other and more important matters. Of course, I would do anything in my power to aid the poor of this District, so far as I can do so.

Mr. SUMNER. May I make a remark to my friend? My friend understands perfectly that if there was a general incorporation law these people could organize under it.

Mr. HOWARD. As a matter of course there would be no necessity for a special charter.

Mr. SUMNER. Very well. In the absence of a general incorporation law, why should we not give them the opportunity they ask?

Mr. HOWARD. Why not make——

Mr. SHERMAN. As objection is made, should debate go on?

The VICE PRESIDENT. The Senator from Michigan objected, but rose apparently as if going to withdraw the objection. If he persists in it the bill is not before the Senate.

Mr. HOWARD. I insist on it.

The VICE PRESIDENT. The bill will be passed over.

GREEN BAY AND LAKE PEPIN RAILWAY.

The next bill on the Calendar was the bill (S. No. 72) granting lands to the State of Wisconsin to aid in the construction of the Green Bay and Lake Pepin railway; which was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with amendments.

The first amendment was to strike out in lines six and seven of the first section the words "in a westerly direction to a point on the Mississippi river opposite the city of Wabashaw, Minnesota," and in lieu thereof to insert:

Thence on the most feasible route to some point on the Mississippi river between township eighteen, range ten west, and township twenty-seven, range twenty west.

So as to make the section read:

That for the purpose of aiding the Green Bay and Lake Pepin Railway Company in the construction of a railroad from a point on Fox river, at or near the city of Green Bay, Wisconsin, running thence on the most feasible route to some point on the Mississippi river between township eighteen, range ten west, and township twenty-seven, range twenty west, as the directors may determine, there is hereby granted to the State of Wisconsin every alternate section of public lands designated by odd numbers for ten sections in width on each side of said road, &c.

Mr. RAMSEY. I hope the Committee on Public Lands will not insist on this amendment. The people of Wabashaw have already gone to considerable expense in making surveys, and are very friendly to this enterprise. There is no necessity for this amendment.

Mr. HOWE. It is right.

Mr. RAMSEY. Where are these lines North and South?

Mr. HOWE. The south line is opposite Wabashaw. This amendment was introduced, I will say, in obedience to solicitations from different parts of Minnesota to accommodate a Minnesota interest.

Mr. RAMSEY. Wabashaw is a Minnesota interest.

Mr. HOWE. Certainly.

Mr. RAMSEY. It was in early sympathy with this road, and gave a great deal of time and money. They cannot well stand the loss of the money, and they should not be disappointed in their reasonable expectations.

Mr. HOWE. Do I understand that Wabashaw objects to the amendment?

Mr. RAMSEY. I have that information from there. I hope the Senator will not insist on the amendment.

Mr. HOWE. Well, let us vote on it.

The VICE PRESIDENT put the question, and declared that the noes appeared to prevail.

Mr. NORTON. I ask for a division. This amendment I understand to be reported by the committee upon information they had as to what was the desire of persons interested in this company and in the construction of a road from Green Bay to the Mississippi river; and that that interest might not be confined or restricted to a single point the limits were extended between townships eighteen and twenty-seven within which they might select their point of connection with the Mississippi river.

Mr. RAMSEY. I understand, I think, the purpose of the amendment, but at the same time I have been written to by a number of persons who have long taken an interest in this matter, from the city of Wabashaw, desiring that this amendment should be defeated.

Mr. NORTON. There are persons in other parts of Minnesota, within these limits, equally interested who have spent as much time and money as the people of the city of Wabashaw, and if this amendment is rejected and this company is compelled to run to Wabashaw or anywhere else on the Mississippi river it may prove to be that this is the least desirable and most expensive connection. What the men interested in the construction of the road desire is that they may have a limit between points on the river to make their connection with the Mississippi river, thus accommodating interests in Minnesota and Wisconsin and on the lake as well.

Mr. RAMSEY. I should regret very much if the rejection of the amendment defeated this enterprise. At the same time I know from parties who have written to me, and who desire the defeat of the amendment, that they have long been deeply interested in this work, and have been led to suppose, indeed, that the road was coming to their town. They have no other improvement than this to look to, as the Senator knows. I am willing to submit the matter to the Senate and let the Senate do as they please.

Mr. WILLIAMS. I will simply state that the committee depended for information upon the Senators representing the States of Minnesota and Wisconsin; and it appears to me that this amendment is right for the reason that it gives the company an opportunity to terminate their road at an eligible point on the river. To require the railroad company to go to a point opposite some particular town simply to accommodate the people of the town might subject the company to very great expense and loss.

Mr. TRUMBULL. The amendment is certainly right.

Mr. WILLIAMS. I think so.

Mr. TRUMBULL. I think it is understood by the Senate.

Mr. RAMSEY. Let it be voted on.

The VICE PRESIDENT. The Senator from Minnesota [Mr. NORTON] has demanded a division.

The amendment was agreed to—ayes twenty-seven, noes not counted.

The next amendment of the Committee on Public Lands was to insert at the end of the first section "said land to be selected within fifteen miles from the road."

Mr. HOWE. I move to strike out "fifteen" and insert "twenty." That puts it on a level with other grants.

Mr. POMEROY. We have given this company five miles beyond the original grant to make up deficiencies. There are some bills that grant ten, I know; but the committee thought that five would make up for such reasonable deficiencies as there might be. The Senator from Wisconsin may be better informed than the committee, but the committee thought five miles enough in addition to the ten already allowed.

Mr. HOWE. I can only say that if the company are allowed to go twenty miles they will not get one hundred thousand acres of land.

They will not get an acre of land, any way, that has not been in market at ten shillings an acre for more than twenty years, and unless this road is built it will be in the market for twenty years to come.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Public Lands was in section four, lines two and three, to strike out the words "section three of;" so as to read:

That the said lands hereby granted shall, when patented, as provided in this act, be subject to the disposal of the Green Bay and Lake Pepin Railway Company.

The amendment was agreed to.

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

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

CUSTOMS COLLECTOR AT WILMINGTON.

Mr. ABBOTT. I desire now to take up Senate joint resolution No. 133.

The VICE PRESIDENT. It requires unanimous consent.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. No. 133) concerning the pay of customs officers in North Carolina.

Mr. ABBOTT. I move to strike out all after the resolving clause, and insert the following as a substitute:

That the act of the 25th of February, 1867, entitled "An act relative to collection districts in North Carolina," in the first section and the last clause before the proviso, shall be, and hereby is, so amended as to include the words "and commissions" after the word "fees."

Mr. WILLIAMS. That is right.

Mr. ABBOTT. I will explain again why I offer this amendment. Under the law of 1804 the collector of the port of Wilmington had commissions—two and a half per cent. The law of 1867 was intended to give him $1,000 salary and commissions up to $2,500. Evidently by an inadvertence in the act the word "commissions" was left out and it simply said "fees," so that it cut his pay down to $1,400, and he has not been able to collect more since that act.

Mr. CHANDLER. There is no objection to the amendment. It makes it all right.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

BILL PASSED OVER.

The next bill on the Calendar was the bill (S. No. 467) to facilitate the adjustment of controversies between parties interested in maritime adventures and contracts in the port of New York, and to establish a board of portwardens.

Mr. HAMLIN. That is a question somewhat complicated, and the Senator from New York [Mr. CONKLING] is absent. I think it had better be passed over.

The VICE PRESIDENT. It will be passed over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 902) limiting the appointment of certain officers in the Treasury Department; in which it requested the concurrence of the Senate.

The message also announced that the House insisted on its disagreement to the amendment of the Senate to the joint resolution (H. R. No. 120) declaratory of the meaning and intention of the law relating to the income tax, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROBERT C. SCHENCK of Ohio, Mr. HENRY L. DAWES of Massachusetts, and Mr. DANIEL W. VOORHEES of Indiana, managers at the same on its part.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 887) for the relief of Harriet R. Clinton;

A bill (H. R. No. 888) for the relief of Joseph Harmon;

A bill (H. R. No. 1100) for the relief of William A. Scott, late first lieutenant company F, fourteenth regiment Illinois volunteers;

A joint resolution (H. R. No. 122) donating captured cannon for the purpose of constructing a monument at West Point, New York; and

A joint resolution (H. R. No. 116) to construe an act entitled "An act to amend an act entitled 'An act to confirm certain private land claims in the Territory of New Mexico.'"

BILLS PASSED OVER.

The VICE PRESIDENT. The next bill was indefinitely postponed, and the motion to postpone indefinitely was reconsidered. There are two bills of the same title.

Mr. SHERMAN. One of them I hope will be passed without objection.

The VICE PRESIDENT. The indefinite postponement was reconsidered.

Mr. SHERMAN. On my motion.

The VICE PRESIDENT. The Committee on Commerce reported adversely.

Mr. SHERMAN. I ask that one of them, the first one, be taken up and considered.

The VICE PRESIDENT. The Secretary will report the first.

The SECRETARY. The first is the bill (S. No. 372) to regulate the appraisement and inspection of imports in certain cases, and for other purposes.

Mr. SPENCER. I object to the consideration of that bill.

The VICE PRESIDENT. The Senator from Alabama objects. It will be kept on the Calendar. There is another bill of the same title.

Mr. SPENCER. I object to both.

The VICE PRESIDENT. They will both be passed over.

Mr. CHANDLER. I move that they be indefinitely postponed.

Mr. TRUMBULL. I object.

The VICE PRESIDENT. An objection has priority of a motion.

SAMUEL MILLER.

Mr. MORTON. I made objection to the consideration of Senate bill No. 673, for the relief of Nicholas M. Page, executor of Samuel Miller, of Campbell county, Virginia. I desire to withdraw that objection, in order that it may be restored to the Calendar.

The VICE PRESIDENT. The Senator from Indiana asks leave to withdraw the objection. The Chair hears no objection, and the bill is again before the Senate.

EXECUTIVE SESSION.

Mr. RAMSEY. We have now been faithfully at work since twelve o'clock. There is some business in executive session which we ought to dispose of.

Mr. SCOTT. Let this bill take its place at the head of the Calendar to-morrow.

Mr. SHERMAN. Let it be put at the head of the Calendar for to-morrow.

The VICE PRESIDENT. If there be no objection it will be so ordered.

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

The VICE PRESIDENT. That will require unanimous consent. Is there objection? The Chair hears no objection. The Sergeant-at-Arms will clear the galleries and close the doors.

After some time spent in the consideration of executive business, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 26, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read in part, when

Mr. ALLISON moved that the further reading of the Journal be dispensed with.

The motion was agreed to.

Mr. ALLISON. I call for the regular order of business.

CALL OF THE ROLL.

Mr. SCHENCK. I move that the roll of members be called.

The question was taken *viva voce*, and the Speaker declared that it was carried.

Mr. ROOTS. I protest against this outrage as a foolish waste of time.

The SPEAKER. The gentleman has no right to protest against what the House has ordered.

Mr. ROOTS. I call for a division.

The House divided upon the motion of Mr. SCHENCK; and it was agreed to—ayes 85, noes 28.

The roll was then called, and the following members failed to answer to their names:

Messrs. Ames, Archer, Axtell, Bailey, Banks, Benton, Boles, Bowen, Boyd, Burr, Benjamin F. Butler, Roderick R. Butler, Churchill, Sidney Clarke, Crebs, Davis, Dickey, Donley, Duval, Dyer, Ela, Eldridge, Griswold, Haldeman, Hamill, Hill, Hoge, Julian, Laflin, Lash, Marshall, Mayham, McGrew, Milnes, Daniel J. Morrell, Samuel P. Morrill, Morrissey, Mungen, Porter, Potter, Randall, Reeves, Ridgway, Schumaker, Sherrod, Shober, Slocum, William J. Smith, Worthington C. Smith, Taylor, and Van Horn.

Mr. STRICKLAND. I would state that Mr. LASH is confined to his room by illness.

The SPEAKER. Upon the call of the roll one hundred and seventy-six members have answered to their names.

Mr. SCHENCK. I now move——

Mr. ROOTS. I rise to a privileged motion. As the call of the roll seems to be such a pleasant sound to some people, I move that the House now adjourn, and upon that motion I call for the yeas and nays.

The SPEAKER. The gentleman from Arkansas [Mr. ROOTS] is not entitled to the floor. The gentleman from Ohio [Mr. SCHENCK] is upon the floor to make a motion.

Mr. SCHENCK. I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The gentleman from Iowa [Mr. ALLISON] has called for the regular order.

Mr. ALLISON. I withdraw that call for the present.

FORTIFICATION APPROPRIATION BILL.

Mr. NIBLACK, by unanimous consent, reported from the Committee on Appropriations a bill (H. R. No. 1883) making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense for the fiscal year ending June 30, 1871; which was read a first and second time, ordered to be printed, and referred to the Committee of the Whole on the state of the Union, and made the special order for Wednesday, May 4, after the morning hour, and from day to day until disposed of.

PENSION APPROPRIATION BILL.

Mr. KELSEY. I ask unanimous consent to have taken from the Speaker's table the Senate amendments to the bill making appropriations for the payment of invalid and other pensions, and that those amendments be referred to the Committee on Appropriations.

Mr. INGERSOLL. If it was anything else than a pension appropriation bill I would object.

No objection was made, and accordingly the amendments of the Senate to House bill No. 781, making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1871, were taken from the Speaker's table, and referred to the Committee on Appropriations.

RECONSTRUCTION EXPENSES.

Mr. DAWES. I ask unanimous consent to report from the Committee on Appropriations a joint resolution for consideration at this time.

Mr. INGERSOLL. I reserve my right to object.

The SPEAKER. The joint resolution will be read, after which it will be in order to object to its introduction at this time.

The title of the joint resolution was "A joint resolution to amend the act of April 20, 1870."

The joint resolution, which was read, provides that the first proviso in the act approved April 20, 1870, (which prescribes the conditions under which the disbursement of the appropriations therein contained for defraying expenses incurred in carrying into effect the act to provide for the more efficient government of the rebel States shall be made,) shall not be held to apply to accounts for services rendered or for supplies furnished under regulations or orders issued by the respective commanders of the several military districts, under the authority of the seventh section of the act of March 23, 1867, and which accounts have been duly certified and audited, and have been approved, and the payment ordered by said commanders.

Mr. BENJAMIN. I object.

FUR-BEARING ANIMALS IN ALASKA.

Mr. DAWES, by unanimous consent, introduced a bill (H. R. No. 1884) to prevent the extermination of fur-bearing animals in Alaska and to regulate the fur-seal trade at the islands of St. George and St. Paul, in the territory of Alaska; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. DAWES. I move that the substitute reported by the gentleman from Rhode Island [Mr. DIXON] for the bill (S. No. 32) to prevent the extermination of fur-bearing animals in Alaska be printed.

The motion was agreed to.

Mr. JOHNSON. I ask unanimous consent to offer a petition on this subject from citizens of San Francisco.

The SPEAKER. A petition can be presented, under the rules, at the Clerk's desk.

Mr. JOHNSON. I would like to have this read in open House as explaining the position of my colleagues and myself on this question.

The SPEAKER. That would be in the nature of debate, and would be proper when the bill shall come before the House.

Mr. JOHNSON. I would like to have it read at this time.

The SPEAKER. It can be done by unanimous consent.

Several members objected.

TREASURY DEPARTMENT SPECIAL AGENTS.

Mr. ALLISON. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour now begins, and the first business in order is reports of a public nature from the Committee on Public Buildings and Grounds.

Several committees having been called without presenting any reports,

Mr. WELKER, from the Committee on Retrenchment, reported back, with a substitute, a bill (H. R. No. 902) limiting the appointment of certain officers in the Treasury Department.

The first section of the substitute authorizes the Secretary of the Treasury to appoint special agents, not exceeding fifty-three in number at any one time, for the purpose of making the examinations of the books, papers, and accounts of collectors and other officers of the customs required to be made pursuant to the provisions of the twenty-first section of an act to regulate the collection of duties on imports and tonnage, approved March 2, 1799, and to be employed generally under the direction of said Secretary in the prevention and detection of frauds on the customs revenue; and the expense thereof is to be charged to the "appropriation to defray the expense of collecting the revenue from customs."

The second section provides that these special agents shall be divided into three classes. The first class is to consist of nineteen agents, two of whom shall each receive in addition to the expenses necessarily and actually incurred by them a compensation of ten dollars per day, and seventeen of whom are to receive in addition to expenses necessarily and actually incurred by them a compensation of eight dollars per day. The second class is to consist of sixteen agents, each of whom shall receive in addition to expenses necessarily and actually incurred by him a compensation of six dollars per day. The third class is to consist of eighteen agents, each of whom shall receive in addition to expenses necessarily and actually incurred by him a compensation of five dollars per day. The Secretary of the Treasury is authorized to make such rules and regulations, not inconsistent with law, for the government of these special agents as he may deem expedient and necessary. But no sum is to be paid to any such agents as mileage.

The third section provides that no special agent in addition to the number authorized by this act shall be hereafter appointed or employed upon any business relating to the customs revenue.

Mr. CULLOM. I did not understand distinctly the reading of this bill. I wish to inquire of the gentleman from Ohio [Mr. WELKER] whether the bill has reference entirely to the customs revenue, or whether it refers also to the internal revenue?

Mr. WELKER. In answer to the gentleman's inquiry I will state that it applies only to the customs revenue. It does not interfere at all with the internal revenue service.

Mr. CULLOM. I wish to inquire further whether the bill proposes to create new or additional offices, or whether it simply regulates the appointment of such officers in the customs revenue service as we have already?

Mr. WELKER. Mr. Speaker, perhaps it may be well for me to make a brief explanation of the bill, and if afterward gentlemen have any suggestions to make or amendments to offer I shall be very glad to hear them; or if not, I shall demand the previous question. This bill has reference entirely to agents appointed by the Treasury Department in connection with the customs revenue. The substitute is precisely the same as that which was reported by the Committee on Revision of the Laws a week or two ago and referred to the Committee on Retrenchment.

Mr. Speaker, there is a necessity for a bill of this kind; for under the present practice in the Treasury Department there is no limitation by any existing law to the number of special agents that may be employed in the revenue service connected with the customs.

The gentleman from New York, [Mr. FERRISS,] in his remarks the other day, stated to the House the condition of the law on this subject. I beg leave to read a paragraph from his remarks:

"In the law of 1799, which organizes the customs department and provides for the appointment of collectors, naval officers, and surveyors, there is a clause which requires that the books, papers, and accounts of these officers shall be at all times open to the inspection of some person appointed for that purpose. It is under that clause, and the implied authority there given, that all of these officers now known as special agents of the Treasury Department are appointed."

This general provision of the law of 1799 is the only authority under which these Treasury agents have heretofore been appointed. The Committee on Retrenchment, as well as the Committee on Revision of the Laws, have thought there ought to be some limit fixed by law as to the appointment of these Treasury agents. Under the practice of the Government heretofore the Secretary of the Treasury has appointed as many of them as he thought proper to appoint. And under that practice at many times this power under that old law has been very much abused by the Secretaries of the Treasury in appointing more agents than were really necessary for that purpose.

Mr. CULLOM. Does the law allow the Secretary to appoint as many as he pleases?

Mr. WELKER. Not this one.

Mr. CULLOM. The old law?

Mr. WELKER. The old law allowed him to appoint as many as he pleased. The law itself never contemplated the appointment of agents for general purposes outside of the investigation of the books and papers of the custom-houses of the country; but under that authority the Secretaries have adopted a practice of appointing general agents to look into the collection of customs in the different ports of the country. It was stated by the gentleman from New York, [Mr. FERRISS,] on the Committee on Revision of the Laws, that under the practice of the Government at one time that appointing power had been so far abused as that one single Senator had as many as seventeen of these revenue agents.

On the 4th of March, 1869, there had been appointed, and were then in office under this general power, seventy-nine of these agents. We propose to limit their number in this bill to fifty-three. On the 1st of last February there were appointed and in office of this class of agents fifty-four in all. This bill limits them to fifty-three; and we have been informed by the Secretary of the Treasury that the number specified in this bill is the lowest number with which, with safety to the interests of the Government, he can get along in the administration of his Department in connection with the customs. This bill provides a compensation for these different agents. It grades them into three classes and fixes the compensation of each grade. The old law under which these agents have heretofore been appointed left the compensation entirely at the discretion of the Secretary of the Treasury. So that under that discretion the compensation of those agents has ranged from $6,000 a year down to four dollars a day and expenses. If this bill is passed there will be three classes of agents: first class, two at ten dollars a day and seventeen at eight dollars a day; second class, sixteen at six dollars a day; and the third class, eighteen at five dollars a day, with expenses.

On the 4th of March, 1869, the compensation per day of these seventy-nine agents of the Treasury amounted to $447, and the expenses of these agents ran up to $160 per day, making $600 per day in all. Under the present bill the daily compensation of these agents will be $342, and adding expenses, $150, will make $492 in all. The Secretary of the Treasury has, in the time he has been in power, reduced the expenses of these Treasury agents to about five hundred dollars a day. The bill does not increase the expenses of the Government, for the number of agents proposed to be authorized are those now in office. It rather diminishes the expenses of the Government. The Secretary tells us in his report:

"Special agents of the Treasury Department have been employed and recognized by law almost from the organization of the Government. The extension of the territory of the United States, the increase of its commerce, and the high rate of duties furnishing a temptation to smugglers, have rendered the services of special agents or inspectors of customs indispensable to the collection of the revenues. There can be no doubt, I think, that in the aggregate the result of their services is a saving, directly and indirectly, to the Treasury of many million dollars annually."

In the actual practice of the collection of the customs revenue of the country it has been found by all administrations indispensable that this class of agents should be employed. The

object of this bill is to limit the number, and in the second place to limit the compensation, first, so as to know exactly how many may be appointed, and at what compensation they are to be paid.

I presume, Mr. Speaker, I need not say anything in addition in reference to the necessity of the appointment of these agents who we are told are indispensable in the language of the Secretary of the Treasury. The purpose of this bill is to furnish as many as may be necessary for the execution of the revenue laws of the country. I yield to my colleague on the committee, [Mr. BENTON.]

Mr. BENTON. Mr. Speaker, it seems to me that this bill is in the interest of economy. Both committees which have had charge of it have been unanimous, as I understand, in the opinion that it would not only operate favorably upon the efficiency of the service, but that it would be in the interest of economy, as has just been shown by the gentleman who has reported the bill. It is apparent from his statement that the expenses would be largely reduced; the number of officers also being reduced to fifty-three, which is some twenty or thirty less than the number of officers under the existing system. It is anticipated also that a class of officers will be appointed who will be more capable and efficient, and who will better serve the interests of the Government. It is important, as has been shown to the committee, that a higher class of officers should be selected especially to look after the interests of the Government in foreign countries, where large frauds have been perpetrated against the Treasury by the introduction of goods in various ways under false valuations. We want a certain number of officers to be sent to the places of importation in foreign countries as well as officers to be stationed at places where goods are imported into this country, to look after the invoices and see that no frauds are committed on the revenue. And it is expected that under the provisions of this bill men of high character and first-class ability shall be selected to fill the most important of these offices. The compensation is sufficient to secure that class of officers; and although the compensation has been in the main reduced, it has been increased for a certain class of officers for the purpose of securing men of a higher order of capacity. For my own part I am somewhat in doubt whether there is a sufficient number provided. The committee, however, have thought that the number is sufficient, and we may try the experiment and see whether we cannot get along with that number in this branch of the public service; and if it is found necessary after trial to have a larger number sent abroad an addition can be made. I have no doubt that the House will concur with the committee in their views on this subject. I think this is a bill which ought to be adopted.

Mr. BROOKS, of New York. Mr. Speaker, this is a very important bill. In some respects it is an amendment upon existing practice, whether it be an amendment upon the existing law or not. It seems to reduce the number of officers who were appointed as detectives, and in that respect I think it is certainly valuable. And if officers of the right character be appointed the bill may be of service to the public. I would suggest, however, an amendment for the consideration of the gentleman who has charge of the bill. In the fifth line, after the words "at any time," I would insert the words "for the United States only, or for Mexico and the British dominions bordering on the United States." The practice exists now of selecting certain individuals who desire to go abroad and travel in all parts of the world at the public expense and giving them situations as detectives and inspectors of revenue. They go abroad on very small salaries; and having small salaries, the temptations to which they are exposed are sometimes irresistible; and, so far as my judgment and experience have extended, they do a great deal more harm to the commerce of the country than they do good. I think, therefore, under existing circumstances it would be wise to limit the appointment of these detectives to the United States, or to Mexico, which borders on the United States, and that portion of the British dominions which borders on the United States.

Mr. WELKER. In reply to the gentleman from New York [Mr. BROOKS] I desire to say that that subject was thought of and discussed by the Committee on Retrenchment, and I believe also by the Committee on Revision of the Laws. But we are informed by the Secretary of the Treasury that it is indispensably necessary that he should send two of these agents to Europe. He says that by having such agents in Europe he can prevent a large amount of frauds upon the Government. Of course the Secretary must be vested with a good deal of discretion in the selection of these agents, as to the kind of men selected and the nature of the services to which he may direct their attention. In the present organization of the Treasury the country has been divided into sixteen districts, in each of which authority is given by this bill for the appointment of a superintendent, with others to assist and aid him in the detection of frauds. But the Secretary says that it is important to the interests of the country that two or three of these agents should be sent abroad, and in fact the Secretary was very anxious that the committee should authorize the employment of two additional agents for the purpose of sending them abroad.

Mr. BROOKS, of New York. Under what authority of law are these agents sent abroad?

Mr. WELKER. Under a section of the law of 1799.

Mr. BROOKS, of New York. What authority is given by that law?

Mr. WELKER. A section of the law of 1799 requires the books, papers, and accounts of these officers to be open to inspection by some person appointed for that purpose, and under that clause these appointments have all been made. It is a question for serious consideration whether that law authorizes the appointment of this class of agents at all; but it is a practice that has grown up in the Government, and perhaps it is now too late to say that there was no authority for the appointment of these agents. This bill proposes to legalize their appointment, to limit their number, and fix their compensation, and I would prefer that the amendment indicated by the gentleman from New York [Mr. BROOKS] should not be adopted, but to allow this discretion still to rest in the control and power of the person administering the Treasury Department.

Mr. BROOKS, of New York. I undertake to say that there is no authority on the part of the Secretary of the Treasury under the act to which the gentleman refers to send these agents abroad, nor is it necessary to send them abroad, because we have our ministers plenipotentiary or we have our diplomatic agents in all the commercial towns of importance throughout Europe who are responsible men, or ought to be responsible men, who are confirmed by the Senate of the United States, and upon them the Secretary of the Treasury ought to rely for the detection of frauds, and not upon irresponsible men appointed as agents. Now, the facts are these: these agents who are sent to Europe, and who have small salaries, spend double and treble their salaries, and sometimes four, five, and six times the amount. The temptations to which they are exposed are irresistible unless they are wonderfully honest men, and so far as my observation goes, so far from doing any good they lead to frauds. The consular authorities of the United States, relying upon these detectives who are stationed throughout all Europe, pay little or no attention to the invoices of goods that are made abroad, and the consequence is that these two or three agents are supposed to guard Europe from the bay of Naples to the sea of Okhotsk, while the consular authorities give little or no attention to the matter. The true and proper way to watch the course of commerce abroad is to vest the consular officers with that authority, and to rely solely upon them. I have no doubt that in that way, under proper instructions from the Secretary of the Treasury, and without any of these detectives traveling all over Europe subject to all sorts of temptations, the Treasury would be far better served than it is now by two or three traveling detectives.

Mr. WELKER. One word in reply to the suggestion made by the gentleman from New York. A mere statement of the duties which will be required of these special agents traveling in Europe will show the necessity of their being employed by the Government. Under our law the duties to be imposed at the custom-houses of our country very much depend upon the market value of the articles that are exported abroad to this country, and it would be perfectly impossible for our consular agents, who are not supposed to be experts in relation to the prices of any of these articles, or scarcely any of them, to be able to furnish that class of information to the custom-houses in order to detect frauds as to the market value of articles imported into this country. Now, the agents who are selected by the Secretary of the Treasury are men familiar with that class of duties; they are experts in the market value of articles in Europe. They are men trained for that purpose. In a recent investigation of affairs in the custom-house in New York I ascertained the great importance of having men connected with this branch of the service who were educated to the duties and experts in the duties assigned them. These agents will be necessarily selected by the Secretary of the Treasury with a view to their capacity, in order to have correct information at the custom-houses; and if we were to depend entirely upon our consular force for that duty great frauds would necessarily be practiced on the Government.

Mr. WOODWARD. I would inquire of the gentleman what was the number of these agents connected with the Treasury Department during the last quarter of the fiscal year?

Mr. WELKER. I cannot give the number by fractions of a year, but on the 1st of February last there were fifty-four of these agents employed.

Mr. WOODWARD. In all?

Mr. WELKER. Altogether, in the whole service of the Government.

Mr. WOODWARD. I offered yesterday a resolution of inquiry on this subject, which I believe the House would have agreed to if the gentleman from Tennessee [Mr. MAYNARD] had not objected. It was a resolution calling upon the Secretary of the Treasury for the names of those persons.

Mr. WELKER. I would suggest to the gentleman from Pennsylvania [Mr. WOODWARD] that a resolution of that kind was passed by the House some time ago, and a letter sent to this House in reply by the Secretary of the Treasury, in which he declined to give the names of these special agents, for the reason that they were discharging a class of duties in reference to which it was better that they should not be known by the persons with whom they associated where they were located; but he gave other particulars in regard to them.

Mr. WOODWARD. That shows the importance of the doubt suggested by the gentleman from New York [Mr. BROOKS] as to the authority of the Secretary of the Treasury to appoint these agents at all. I am quite disposed to concur in that doubt as to the meaning of the act of 1799. The argument is that these agents are necessary because of their capacity and skill to detect fraud. Consular agents abroad cannot be trusted; ordinary officers at home cannot be trusted. We must have adepts in order to detect fraud. Now, let us know who these adepts are. We want to take the measure of these detectives and see who they are and

to see whether they are qualified above all other men for this special duty. The answer to all that is, "We cannot uncover; we may do so confidentially." I would suppose that before we pass legislation on this subject we should know the character and qualifications of the men in respect to whom we are legislating.

Mr. WELKER. If this bill should become law, of course these appointments would have to be made under its provisions; and the question as to whether, under the law of 1799, the Secretary of the Treasury had authority to do it or not is not a matter that should be stated against the appointments to be made under this bill. The very purpose of this bill is to get rid of this doubt and to make a certainty.

Mr. WOODWARD. Then there is no force in the reason now rendered that their names should not be made known.

Mr. WELKER. I would also suggest that the making public of the names of those gentlemen who have been heretofore serving the country in these places would not make much difference in reference to the passage of this bill, because we suppose that the Secretary would appoint competent men under this bill. It may be that in many places the best men in the country have not been appointed.

Mr. FERRISS. Will the gentleman from Ohio [Mr. WELKER] yield to me for a few moments?

Mr. WELKER. I will.

Mr. FERRISS. This bill is a substitute for a bill which I myself prepared upon certain facts which came to my knowledge during the recess of the holidays. I then ascertained that all of these special agents, with the exception of two or three, were appointed without authority of law, in my judgment. They were appointed in pursuance of the provisions contained in the twenty-second section of the law of 1799, establishing the customs department. Those provisions have been read, giving only an implied authority for agents, and really did not contemplate their appointment as they are now appointed. I became satisfied that those agents are indispensable to the thorough and complete administration of the Treasury Department. But they are now appointed without authority of law. The attention of the Secretary having been called to the matter, he prepared this bill, or caused it to be prepared, and it was introduced and referred to the Committee on Revision of the Laws, which had under consideration the bill which I had introduced, and which proposed to abolish all these agents.

The question to be determined by the House at this time is simply this: whether this practice shall continue, whether these special agents shall be appointed and continue to be appointed without number, *ad libitum*, by the Secretary of the Treasury, with salaries fixed by him at just such rates as he may see fit to give them; or whether they shall be limited, and the expenses of the Government cut down, as they will be by this bill, over a hundred dollars per day? That is the only question to be determined by the House; whether this practice shall continue without authority of law or whether it shall continue in pursuance of law.

Mr. CULLOM. Will the gentleman yield to me for an inquiry?

Mr. FERRISS. Certainly.

Mr. CULLOM. I notice that this bill provides that these men shall act as special agents to examine the books, papers, and accounts of collectors and other officers; to act as a sort of detectives. Yet there seem to be three or four grades of officers or detectives provided for in this bill with three or four grades of salaries. Now, if the duty of all these officers is the same it strikes me there is no reason why the salaries should be different. I would like to have this matter explained, if there is any good reason for it.

Mr. FERRISS. As has been stated by the chairman of the Committee on Retrenchment, [Mr. WELKER,] the Secretary of the Treasury has divided the country into sixteen customs districts, and in each of these districts one of the officers provided for in this bill is to be appointed and employed for that territory. In every Department of the Government the same distinction is made as to the salaries paid to employés as is contemplated by this bill. There are subordinates to the chief detective employed in this district. The head of a bureau receives greater compensation than the subordinate clerks of that bureau. The distinction in this bill is made upon the same principle.

Mr. CULLOM. That, I think, will be right enough. You provide two at ten dollars a day, and then seventeen at eight dollars a day, and sixteen at six dollars a day, and eighteen at five dollars a day. I do not say the heads of bureaus should not get higher pay, but if all these special agents of these different classes perform the same duties in the different portions of the country it seems to me that their pay ought to be the same.

Mr. FERRISS. I think, Mr. Speaker, this phrase borrowed from the act of 1799, entitled "An act to regulate the collection of the duties on imports and tonnage," imperfectly defines the duties of these officers. Their duties are much broader than those contemplated by that act to which reference is here made. I was about to state another thing. I found on examination of the statutes that there was a law passed in 1862 or 1863 authorizing the appointment of two or three of these special agents to go abroad. I believe three were authorized at the fixed salary of $2,000 a year and expenses. That is the only act which directly provides for the appointment of agents performing such services as are performed by this large number of agents under the law of 1799. If this bill passes the agents employed under that special act with determinate duties will cease, and no more agents will be appointed under that law. The third section of this bill repeals that law. It declares that no special agents of the Treasury Department shall be appointed in addition to the number specified by this bill in relation to the collection of the customs revenue. If this bill passes it will take the place of that special act. These agents also will take the place of those appointed under the act of 1799. So then, sir, the question to be determined is, whether this number of agents shall be appointed at the salary here fixed, or whether the number shall continue without authority of law and at the will and discretion of the Secretary of the Treasury.

Mr. WELKER. I now yield to the gentleman from Vermont, [Mr. POLAND,] chairman of the Committee on Revision of the Laws.

Mr. POLAND. Mr. Speaker, this bill originated in the Committee on Revision of the Laws. I quite agree with my friend from New York [Mr. FERRISS] that it is a great perversion of the old law of 1799, so large a number of these officers should have been appointed. Such a number was never contemplated by that act; but it has grown up by a half century's practice that such a large number has been employed. If the Secretary of the Treasury has power to make any appointment at all his power is perfectly unlimited in point of number and in point of compensation. We felt the number should be limited, and that there should also be a limitation by law of the compensation they should receive. For the purpose of being informed on the subject we not only had the letter of the Secretary of the Treasury before us, but we called the Secretary of the Treasury before the committee, and had a full conference on the subject. This bill, as drawn and presented by the Committee on Revision of the Laws, was with the full concurrence of the Secretary of the Treasury, and met the approval of the committee. It was established that at least this number is necessary. The service they are to perform is detective service. They are not only to examine the books and papers of collectors of customs, but they are to act as detective officers all along the frontier of this great country where there are importations.

A word in relation to the objection of my friend from New York, [Mr. BROOKS.] He says there is no necessity for any of these agents abroad where we have consuls. What do consuls do? The law demands that every importer shall bring a consular certificate. He carries his bill as he himself makes it to the consul and gets the consular certificate. The invoices are never examined by the consuls. It is made by law no part of their duty to examine these bills of the importers, who carry them to the consuls, make oath to them, and receive their certificates. The consul's duties are merely ministerial. These special agents of the Treasury Department are experts and are well acquainted with the market values of the products imported from abroad, and will be able to furnish the collectors at our various ports with information, so as to guard against fraudulent invoices and save the Government from loss of revenue. I hope the bill will pass.

Mr. WELKER. I now move the previous question.

Mr. CULLOM. I ask the gentleman to allow me to offer an amendment, which I send to the Clerk's desk to be read.

Mr. WELKER. I will hear it.

The Clerk read as follows:

Strike out all of section two after the enacting clause and insert the following:

That said special agents shall each receive a *per diem* of six dollars per day in addition to expenses necessarily and actually incurred; and the Secretary of the Treasury is hereby authorized to make such rules and regulations, not inconsistent with law, for the government of said special agents as he may deem expedient and necessary.

Mr. WELKER. I decline to yield for the purpose of having that amendment offered. I do so because I consider the graduation proposed in the bill of great importance in the administration of the affairs of the Department. By those having control of the Department this is deemed indispensable for the purpose of preventing frauds on the Government.

Mr. HOOPER, of Massachusetts. I ask the gentleman to yield to me to offer an amendment.

Mr. WELKER. I will hear it.

The Clerk read as follows:

In section one, line eleven, after the word "Secretary," insert the following words: "within the United States or its immediate borders."

Mr. WELKER. I do not yield to have that amendment offered, for the reason which I have already stated. I demand the previous question.

On seconding the previous question there were—ayes sixty-three, noes not counted.

So the previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

Mr. WELKER. I now yield to my colleague on the committee, [Mr. JENCKES.]

DEPARTMENT OF JUSTICE.

Mr. JENCKES. I am instructed by the Committee on Retrenchment to report back, with the recommendation that it do pass, the bill (H. R. No. 1328) to establish a department of justice.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. In its first section it proposes to establish an executive department of the Government of the United States, to be called the department of justice, of which the Attorney General shall be the head. His duties, salary, and tenure of office shall remain as now fixed by law, except so far as they may be modified by this act.

The second section provides that there shall be in said department an officer learned in the law, to assist the Attorney General in the performance of his duties, to be called the solicitor general, and who, in case of a vacancy in the office of Attorney General, or in his absence or disability, shall have power to exercise all the duties of that office. There shall also be continued in said department the two other officers, learned in the law, called the assistants of the Attorney General, whose duty it shall be to assist the Attorney General and solicitor general in the performance of their duties, as now required by law.

The third section provides that from and after the time when this act takes effect the Solicitor of the Treasury and his assistants, the Solicitor of Internal Revenue, the Naval Solicitor and Judge Advocate General, and the clerks, messengers, and laborers employed in the office of the Attorney General, and in the offices of the Solicitor of the Treasury, Naval Solicitor, and Solicitor of Internal Revenue, and the law office in the Department of State, now designated as the examiner of claims in said Department, shall be transferred from the Departments with which they are now associated to the department of justice; and said officers shall exercise their functions under the supervision and control of the head of the department of justice.

The fourth section provides that questions of law submitted to the Attorney General for his opinion, except questions involving a construction of the Constitution of the United States, may be by him referred to such of his subordinates as he may deem appropriate, and he may require the written opinion thereon of the officer to whom the same may be referred; and if the opinion given by such officer shall be approved by the Attorney General, such approval so indorsed thereon shall give the opinion the same force and effect as belong to the opinions of the Attorney General.

The fifth section provides that whenever the Attorney General deems it necessary, he may require the solicitor general to argue any case in which the Government is interested before the Court of Claims; and as to cases coming by appeal from the Court of Claims to the Supreme Court of the United States, it shall be the duty of the Attorney General and solicitor general to conduct and argue them before that court as in other cases in which the United States is interested. And the Attorney General may, whenever he deems it for the interest of the United States, conduct and argue any case in any court of the United States, or may require the solicitor general or any officer of his department to do so. And the solicitor general, or any officer of the department of justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in any suit pending in any of the courts of the United States, or in the courts of any State, or to attend to any other interest of the United States; for which service they shall receive, in addition to their salaries, their actual and necessary expenses while so absent from the seat of Government, the account thereof to be verified by affidavit.

The sixth section provides that whenever a question of law arises in the administration either of the War or Navy Department, the cognizance of which is not given by statute to some other officer from whom the head of either of these Departments may require advice, the same shall be sent to the Attorney General, to be by him referred to the proper officer in his department provided for in this act, or otherwise disposed of as he may deem proper. And each head of any Department of the Government may require the opinion of the Attorney General on all questions of law arising in the administration of their respective Departments.

The seventh section provides that the duties enjoined upon the Auditor of the Post Office Department by the fourteenth section of the act entitled "An act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof," passed July 2, 1836, shall hereafter be performed by some officer of the department of justice, to be specially designated, under the direction of the Attorney General, who shall also have the care of prosecutions for mail depredations and penal offenses against the postal laws.

The eighth section provides that the Attorney General is hereby empowered to make all necessary rules and regulations for the government of said department of justice, and for the management and distribution of its business.

The ninth section provides that the several officers hereinbefore transferred from the other Departments to the department of justice shall hold their respective offices until their successors are duly qualified; and the solicitor general, and, whenever vacancies occur, the assistants of the Attorney General and all the solicitors and assistant solicitors mentioned in this act, shall be appointed by the President, by and with the advice and consent of the Senate. All the other officers, clerks, and employés in the said department shall be appointed and be removable by the Attorney General.

The tenth section provides that the following annual salaries shall be paid to the officers hereinbefore mentioned: to the solicitor general, $7,500; to each of the assistants of the Attorney General, $5,000 each; to the solicitor of the internal revenue, $5,000; and to the other officers the salaries and fees now allowed by law; and the Attorney General shall be allowed a stenographic clerk, with an annual salary of $2,000, and he may appoint three additional clerks of the fourth class.

The eleventh section provides that all moneys hereafter drawn out of the Treasury upon the requisition of the Attorney General shall be disbursed by such one of the clerks herein provided for the Attorney General as he may designate; and so much of the first section of the act making appropriations, passed March 3, 1859, as provides that moneys drawn out of the Treasury upon the requisition of the Attorney General shall be disbursed by such disbursing officer as the Secretary of the Treasury may designate is hereby repealed.

The twelfth section provides that it shall be the duty of the Attorney General to make an annual report to Congress, in January each year, of the business of the said department of justice, and any other matters appertaining thereto that he may deem proper, including the statistics of crime under the laws of the United States, and, as far as practicable, under the laws of the several States.

The thirteenth section provides that the superintendent of the Treasury building shall provide such suitable rooms in the Treasury building as may be necessary to accommodate the officers and clerks of the said department, or, to the extent that that may be found impracticable, to provide such rooms in some other building in the vicinity of said Treasury building.

The fourteenth section provides that the Attorney General may require any solicitor or officers of the department of justice to perform any duty required of said department or any officer thereof; and the officers of the law department, under the direction of the Attorney General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of the Executive Departments to discharge their respective duties; and shall, for and on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court of the United States, and in the Court of Claims, in which the United States, or any officer thereof, is a party or may be interested. And no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the department of justice.

The fifteenth section provides that the supervisory powers now exercised by the Secretary of the Interior over the accounts of the district attorneys, marshals, clerks, and other officers of the courts of the United States shall be exercised by the Attorney General, who shall sign all requisitions for the advance or payment of moneys out of the Treasury, on estimates or accounts, subject to the same control now exercised on like estimates or accounts by the First Auditor or First Comptroller of the Treasury.

The sixteenth section provides that the Attorney General shall have supervision of the conduct and proceedings of the various attorneys for the United States in the respective judicial districts, who shall make report to him of their proceedings, and also of all other attorneys and counselors employed in any cases or business in which the United States may be concerned.

The seventeenth section provides that it shall not be lawful for the Secretary of either of the Executive Departments to employ attorneys or counsel at the expense of the United States; but such Departments, when in need of counsel or advice, shall call upon the department of justice, the officers of which shall attend to the same; and no counsel or attorney fees shall hereafter be allowed to any person or persons, besides the respective district attorneys and assistant district attorneys, for services in such capacity to the United States, or any branch or department of the Government thereof, unless authorized by law, and then only on the certificate of the Attorney General that such services were actually rendered, and that the same could not be performed by the Attorney General or solicitor general, or the officers of the department of justice, or by the district attorney. And every attorney and counselor who shall be specially retained under the authority of the department of justice to assist in the trial of any case in which the Government is interested shall receive a commission from the head of said department as a special assistant to the Attorney General, or to some one of the district attorneys, as the nature of the appointment may require, and shall take the oath required by law to be taken by the district attorney, and shall be subject to all the liabilities imposed upon such officers by law.

The eighteenth section provides that the Attorney General shall from time to time cause to be edited and printed an edition of one thousand copies at the Government Printing Office of such of the opinions of the law officers herein authorized to be given as he may deem valuable for preservation, in volumes which shall be as to the size, quality of paper, printing and binding, of uniform style and appearance, as nearly as practicable, with the eighth volume of said opinions, published by Robert Farnham in the year 1868, which volume shall contain proper head-notes, a complete and full index, and such foot-notes as the Attorney General may approve. Such volumes shall be distributed in such manner as the Attorney General may from time to time prescribe.

The nineteenth and last section provides that this act shall take effect and be in force from and after the 1st day of July, 1870.

The SPEAKER. The morning hour has expired.

ORDER OF BUSINESS.

Mr. SCHENCK. Before moving that the House resolve itself into Committee of the Whole on the special order I wish to ask that there be unanimous consent that the Committee of the Whole take a recess from half past four to half past seven o'clock.

The SPEAKER. That can be ordered by a majority of the House.

Mr. INGERSOLL. Before the gentleman

from Ohio makes his motion I desire to make a suggestion to him with regard to the business of the House. As we are to have a night session, I submit that it would facilitate the business of the House and satisfy many of the members to have the House devote its attention to business on the Speaker's table, say for one hour, and then go into Committee of the Whole on the tariff bill till five o'clock, and take a recess until half past seven.

Mr. SCHENCK. I think it will better facilitate business to have the tariff bill disposed of.

Mr. INGERSOLL. I only ask that there shall be an hour each day devoted to disposing of a large amount of business on the Speaker's table.

Mr. SCHENCK. If that were agreed to it would be very late in the day before we could reach the tariff.

Mr. INGERSOLL. If the gentleman will yield to me I will make a motion with that object in view.

Mr. SCHENCK. I decline to yield for that purpose.

Mr. VAN WYCK. I ask unanimous consent to introduce a joint resolution for reference to the Committee on Commerce.

Mr. DOX. I object.

Mr. INGERSOLL. I desire the attention of the House for one minute on this question as to the order of business. The gentleman from Ohio [Mr. SCHENCK] wishes the House to resolve itself into Committee of the Whole on the tariff bill; and I suggest to the House that it is desirable to vote that motion down and then go to business on the Speaker's table for one hour. I do not propose this simply because I have a bill on the Speaker's table which I desire to reach, for I know that that bill will not be reached in an hour. But I desire that we shall devote one hour to the business on the Speaker's table, and I am satisfied that by this course we would greatly advance the public business. After that we could go into Committee of the Whole and work on the tariff bill during the rest of the day. If it is the sense of the House to adopt the course I have suggested it can be readily accomplished by voting down the motion to go into Committee of the Whole.

Mr. SCHENCK. I object to further debate.

On the motion that the Committee of the Whole take a recess from half past four until half past seven, there were—ayes 93, noes 28.

So the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had concurred in the resolution of the House relative to printing the report of R. W. Raymond, special commissioner of mining statistics, on mines and mining in the States and Territories west of the Rocky mountains.

The message further announced that the Senate had passed without amendment House joint resolution and bills of the following titles:

Joint resolution (H. R. No. 122) donating captured cannon for the purpose of constructing a monument at West Point, New York;

An act (H. R. No. 779) to redefine a portion of the boundary line between the State of Nebraska and the Territory of Dakota;

An act (H. R. No. 1100) for the relief of William A. Scott, late first lieutenant company F, fourteenth regiment Illinois volunteers;

An act (H. R. No. 888) for the relief of Joseph Harmon; and

An act (H. R. No. 887) for the relief of Harriet R. Clinton.

The message further announced that the Senate had passed House joint resolutions and bill of the following titles, with amendments, in which the concurrence of the House was requested:

Joint resolution (H. R. No. 144) to enable the Court of Claims to hear and determine the claim of E. Diekelman, a subject of the king of Prussia;

Joint resolution (H. R. No. 156) authorizing the sale of certain land at Springfield, Massachusetts, and for other purposes; and

An act (H. R. No. 840) amendatory of the organic law of Colorado Territory, and for other purposes.

The message also announced that the Senate had passed joint resolutions and bills of the following titles, in which the concurrence of the House was requested:

Joint resolution (S. R. No. 90) for the relief of certain officers of volunteers;

Joint resolution (S. R. No. 72) providing for the repair of the inclosure of the cemetery at Harper's Ferry, West Virginia;

An act (S. No. 613) to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes;

An act (S. No. 825) amendatory of an act entitled "An act to further provide for giving effect to the various grants of public lands to the State of Nevada," approved June 8, 1868;

An act (S. No. 79) to further define the nature and extent of the duties and powers of the coroner of the District of Columbia, and prescribing his fees and the manner of collecting the same;

An act (S. No. 505) amendatory of the charter of the Mutual Fire Insurance Company of the District of Columbia;

An act (S. No. 339) giving priority to certain cases to which a State is a party in the courts of the United States;

An act (S. No. 525) to enable George D. Roberts, of Alameda county, California, to import certain machinery free of duty;

An act (S. No. 520) to amend an act entitled "An act to remove the charge of desertion from certain soldiers of the second North Carolina mounted infantry," approved March 26, 1869;

An act (S. No. 210) relating to judgments in justices' courts in the District of Columbia, and for other purposes;

An act (S. No. 140) to renew certain grants of land to the State of Alabama;

An act (S. No. 582) for the relief of George W. Tarleton;

An act (S. No. 346) for the relief of Mary A. Coolidge;

An act (S. No. 559) for the relief of Solomon E. Bowles;

An act (S. No. 552) for the relief of Captain John A. Wilcox;

An act (S. No. 624) granting a pension to William H. Oliver;

An act (S. No. 625) granting a pension to Adrian S. Lee;

An act (S. No. 626) granting a pension to Sarah E. Stubbs;

An act (S. No. 627) granting a pension to Abel S. Chase;

An act (S. No. 628) granting a pension to Clark Hall; and

An act (S. No. 629) granting a pension to Joseph Fiedler.

ORDER OF BUSINESS.

The SPEAKER. The Chair asks unanimous consent to lay before the House a letter from the Secretary of the Interior, in answer to a resolution of the House of March 20, 1870, in relation to the efforts that have been made by the Government to educate and civilize the Indian tribes.

Mr. INGERSOLL. Unless the Speaker has information that these executive communications which he proposes to lay before the House relate to some matters of special public importance, with great deference to the Speaker, I must object.

The SPEAKER. It is to be presumed that they are all of public importance, or they would not be here.

Mr. INGERSOLL. I do not wish to antagonize the Speaker.

The SPEAKER. The gentleman has a perfect right to object.

Mr. INGERSOLL. I object. The House can at any time go to business on the Speaker's table.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. JULIAN for ten days, he being detained in New York by sickness.

Mr. LOUGHRIDGE obtained leave of absence for one week, commencing to-morrow.

Mr. WASHBURN, of Massachusetts, obtained leave of absence for ten days on account of sickness in his family.

Mr. GIBSON obtained leave of absence until Friday next.

Mr. STOKES obtained leave of absence for one day.

Leave of absence was granted to Mr. BARNUM for ten days from the 27th instant.

CONFERENCE COMMITTEE.

The SPEAKER announced that he had appointed Mr. SCHENCK, Mr. DAWES, and Mr. VOORHEES conferees on the part of the House on the disagreeing votes of the two Houses on the amendment of the Senate, disagreed to by the House, to the joint resolution (H. R. No. 120) declaratory of the meaning and intention of the law relating to income tax.

TARIFF BILL.

Mr. SCHENCK. I move that when the House shall again resolve itself into Committee of the Whole on the state of the Union for the consideration of the special order all debate on the pending paragraph in relation to bar iron be closed in fifteen minutes after the consideration of the same shall have been again resumed.

The motion was agreed to.

Mr. SCHENCK. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole upon the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. When the committee was last in session it had under consideration the following paragraph of the bill:

On iron bars, rolled or hammered, (comprising flat bars,) not less than one and a half nor more than four inches wide, nor less than half an inch nor more than two inches thick, 1 cent per pound.

The gentleman from New York [Mr. BROOKS] moved to strike out "1 cent per pound" and insert in lieu thereof the words "$18 per ton." The gentleman from Ohio [Mr. STEVENSON] moved to strike out "$18" and insert "$16 50." Upon this paragraph and amendments thereto all debate will close, by order of the House, in fifteen minutes.

Mr. STEVENSON. I withdraw the amendment to the amendment.

The question recurred on Mr. BROOKS's amendment.

Mr. ALLISON. I move to amend the amendment by striking out "$18" and inserting "$18 50."

Mr. SCHENCK. I thought there was an amendment to the amendment pending.

The CHAIRMAN. It has been withdrawn.

Mr. SCHENCK. I object hereafter to the withdrawal of any amendment. I want to vote on everything offered to-day.

Mr. ALLISON. I offer this amendment for the purpose of calling attention for a moment to this paragraph. It was stated yesterday by the gentleman from Pennsylvania [Mr. KELLEY] that inasmuch as we had fixed the duty on slabs, blooms, loops, &c., at $18 a ton, we should increase the duty upon bar iron. I want to call the attention of the committee to the fact that slabs and blooms

are in the existing law fixed at the same rate as this class of bar iron, and they are fixed at the same rate because they are substantially the same thing. I understand that no slabs or blooms are imported into this country, with the exception, perhaps, of a few classes of Swedish iron that are imported in the form of blooms as a matter of convenience. But the object of putting blooms and slabs at the same rate of duty as bar iron is really to prevent the importation of slabs and blooms, so that whatever iron is imported shall come in in the form of bar iron. Now, having fixed the duty on pig iron at $5 per ton, it seems to me perfectly clear that the manufacturers of bar iron can stand a reduction of the duty upon this article. The proposition of the gentleman from New York [Mr. BROOKS] proposes a reduction of only $4 40 per ton, or 20 per cent. upon the existing rate, and that is nearly 20 per cent. less than the reduction which we have already made in the duty upon pig iron.

I therefore have moved to make the duty $18 50 per ton, or an increase of 50 cents per ton upon the proposition of the gentleman from New York. I give notice that if my amendment is voted down I shall support the proposition of the gentleman from New York of $18 per ton, because I believe this class of iron can afford the reduction proposed by him without detriment to any interest in this country, especially so when we have in this bill changed the classification of iron by bringing within the next paragraph a class of iron that is included in this paragraph in the present law; a class of iron, too, that is most commonly used in every portion of the country. You cannot go into a blacksmith's shop, or into a machine shop, or any other shop in the country working iron and not find the very kind of iron that we now have under consideration. It therefore affects every interest that works in iron, every man that consumes iron, whether in the form of a plow, an anvil, a hammer, or a wagon. And in the interest of consumers, without detriment to the manufacturing interests in this country, I assume here now that we should make at least the reduction proposed by the gentleman from New York.

Mr. SCHENCK. It seems to me that I have heard something like that, about the plow and the anvil and the hammer, about this House before. Now, it so happens that those of us who oppose the views of the gentleman from Iowa [Mr. ALLISON] believe that we are just as much in favor of the plow and hammer and anvil as he is; so that if he is agreed, I am, that all of that shall go for what it is, sounding brass and tinkling cymbals. It has practically nothing whatever to do with the question before the committee. Everybody professes to be particularly friendly to the people, and especially that class of people who make up the great mass and have the most votes.

Now, suppose we talk a little about this paragraph. The present *ad valorem* duty is 44½ per cent., in spite of the gentleman from New York [Mr. COX] to the contrary, and it is that which the gentleman proposes to reduce. Now, those gentlemen are exceedingly ingenious who fight inch by inch every one of the lines and paragraphs of this bill. The other day we had up the subject of iron in slabs, blooms, and loops, &c. It was remarked that they were charged with the same rate of duty as the lowest class of bar iron. Some gentleman gets up and moves to reduce the duty to $18 per ton. Why? "Because," he says, "although it is now classed with the lowest rate imposed upon bar iron, yet, inasmuch as it is less finished than bar iron and more finished than cast iron, you must reduce the high rate." And now the gentleman sings exactly the other song, that as it is exactly the same as bar iron therefore bar iron must be reduced to it. One day they blow hot in order to effect their purpose, and they next day blow cold to effect another purpose. One day they move to reduce the duty in order to bring it down to bar iron; the next day they say that it is the same as bar iron, and therefore bar iron must be brought down to it. I do not desire to repeat the argument used yesterday in order to show that we have preserved the classification of the existing tariff, with the only difference that we have put the duty of 1½ cents per pound down to 1¼ cents per pound.

I will now yield the remainder of my time to the gentleman from Pennsylvania, [Mr. ARMSTRONG.]

Mr. ARMSTRONG. In reply to the remarks of the gentleman from Iowa [Mr. ALLISON] I desire to call the attention of the House to the fact that according to the report of the Secretary of the Treasury there was during the year 1869 an importation of 350,541,870 pounds of pig iron, at a valuation of $2,517,160, making 156,402 tons, at an average price of $16 90. Now, sir, adding the freight, insurance, and every item of expense, we have $22 90 as the cost of English pig iron laid down by the foreign manufacturer at the port of New York. I hold in my hand the memorial of thirty-seven of the largest pig-iron manufacturers in Pennsylvania, who certify to this House that pig iron cannot be produced in Pennsylvania for less than $29 63 per ton, and that the average cost of its production is not less than $30 per ton. Now, under this showing it requires a duty of more than $7 per ton to put the pig iron of Pennsylvania upon a par with foreign iron when laid down at our American ports.

Mr. McCORMICK, of Missouri. I wish to ask the gentleman a question. Does he not compute the cost of the English iron at gold rates, and the cost of American iron at currency rates?

Mr. ARMSTRONG. No, sir; I make allowance for the difference. Nothing short of $7 a ton will put the American producer upon a par with the foreign producer; yet the gentleman from Iowa talks about a duty of $5 per ton.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted. The first question is upon the amendment of the gentleman from Iowa, [Mr. ALLISON,] to strike out in the pending paragraph "$18" and insert in lieu thereof "$18 50."

On agreeing to the amendment there were—ayes 57, noes 43; no quorum voting.

Tellers were ordered; and Mr. ALLISON and Mr. BLAIR were appointed.

The committee divided; and the tellers reported—ayes seventy-one, noes not counted.

So the amendment to the amendment was agreed to.

The question recurred on agreeing to the amendment of Mr. BROOKS, of New York, as amended by the adoption of the amendment of Mr. ALLISON.

On agreeing to the amendment, as amended, there were—ayes 42, noes 68; no quorum voting.

Tellers were ordered; and Mr. NEGLEY, and Mr. BROOKS of New York, were appointed.

The committee divided; and the tellers reported—ayes 68, noes 69.

So the amendment, as amended, was not agreed to.

Mr. WILSON, of Minnesota. I move to amend by striking out "1 cent per pound" in the pending paragraph and inserting in lieu thereof "$20 per ton."

Mr. HOLMAN. I move to amend the amendment by striking out "$20" and inserting in lieu thereof "$19."

Mr. BECK. I rise to a parliamentary inquiry. I believe the House limited debate on this paragraph to fifteen minutes.

The CHAIRMAN. And that time has long since expired.

Mr. BECK. Is not the Chairman under a misapprehension? Five minutes were occupied by the gentleman from Iowa [Mr. ALLISON] and five minutes by the chairman of the Committee of Ways and Means; and there debate ended. Do not five minutes remain for debate?

The CHAIRMAN. The House ordered that debate should close in fifteen minutes after going into Committee of the Whole.

Mr. BECK. But only ten minutes have actually been occupied in debate.

On agreeing to the amendment of Mr. HOLMAN there were—ayes 68, noes 72.

Mr. FARNSWORTH. I call for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. MAYNARD were appointed.

The committee divided; and the tellers reported—ayes 68, noes 71.

So Mr. HOLMAN's amendment to the amendment was not agreed to.

The question recurring upon the amendment of Mr. WILSON, of Minnesota,

Mr. HAY moved to amend the amendment by striking out "$20," and inserting in lieu thereof "$19 50."

On agreeing to the amendment to the amendment there were—ayes 56, noes 65.

Mr. BECK. I call for tellers.

Tellers were ordered.

The committee divided; and the tellers reported—ayes 65, noes 69.

So Mr. HAY's amendment to the amendment was not agreed to.

The question being taken on the amendment of Mr. WILSON, of Minnesota, there were—ayes 71, noes 66.

Mr. KELLEY. I call for tellers.

Tellers were ordered.

The committee divided; and the tellers reported—ayes 75, noes 60.

So the amendment was agreed to.

Mr. BURCHARD. I move the following amendment designed to restore the classification of the existing law:

Strike out all of the pending paragraph after the word "on," in line three hundred and twenty-nine, and insert in lieu thereof the following:

Bar iron, rolled or hammered, comprising flat bars not less than one inch or more than six inches wide, nor less than three eighths of an inch or more than two inches thick, $20 per ton.

Mr. MAYNARD. I rise to a point of order, that this is the same amendment which was offered by the gentleman from Iowa, [Mr. ALLISON,] and voted down.

The CHAIRMAN. The difference is that the amendment of the gentleman from Iowa did not fix the rate per ton as does this amendment. In the opinion of the Chair the variation is such that this may be considered a new proposition.

Mr. MAYNARD. The effect of the two propositions is precisely the same. There is a change in the form, not in the substance.

Mr. BURCHARD. The amendment of the gentleman from Iowa, according to my recollection, was to strike out "one half" and insert "three eighths." I modified my amendment so as to make them all of one class.

The CHAIRMAN. That is the recollection of the Chair.

Mr. BURCHARD. This is a different proposition.

The CHAIRMAN. The Chair regards it as a different proposition. The gentleman from Tennessee is aware that but a very slight difference brings the amendment within the rule.

The committee divided; and there were—ayes 37, noes 81.

Mr. BURCHARD demanded tellers.

Tellers were not ordered.

So the amendment was rejected.

The question next recurred on the motion of Mr. BROOKS, of New York, to strike out the paragraph.

The committee divided; and there were—ayes 27, noes 82.

So the amendment was disagreed to.

The Clerk read the next paragraph, as follows:

On iron bars, rolled or hammered, comprising flat bars less than one and a half inches, or more than four inches wide, and less than one half of an inch, and not less than three eighths of an inch thick; and on iron bars, rolled or hammered, more than two inches thick, 1¼ cents per pound.

Mr. COX. I move to add at the end of the

paragraph in line three hundred and thirty-eight the following proviso:

Provided, No more duty shall be imposed upon this class than 35 per cent. *ad valorem*.

In making this amendment, Mr. Chairman, I recur to a statement made yesterday by the chairman of the Committee of Ways and Means to the effect that I had made an error in the calculation on bar iron under the preceding clause. If he had observed a little more closely he would have found my error consisted in putting bar iron (which pays a specific duty of 1 cent per pound) at 46¾, when he says it is only 44½. This is under the previous clause. He obtains his information from the report of the Secretary of the Treasury, while I get my figures from invoices. I suppose there may be some little mistake; but I am informed by a gentleman who is an expert in this iron business, and who has as much information about it as the gentleman from Ohio, [Mr. SCHENCK]—I refer to my friend from Connecticut, [Mr. BARNUM]—that I am as near right on this kind of bar iron as the gentleman from Ohio.

Mr. STEVENSON. Then you are both wrong, I suppose.

Mr. COX. It depends a good deal on invoices. I am willing to say the gentleman is right; but still my argument will stand. Now, as to bar iron, under this paragraph. Under the present tariff this bar iron is, I think, taxed 1½ cents per pound. Indeed, I am sure it is, for I have the tariff before me. This bar iron, paying a specific duty of 1½ cents per pound, cost for the year 1868, in the market whence imported, $227,603. That was for the importation of that year. I am still on my old hobby, and base my argument on the invoices, and from them I derive my statements. Taking exchange at 21 per cent., and counting in the premium on gold, would amount to $47,846. Duty 67 per cent. *ad valorem* in gold, 75 per cent. in paper, would be $170,884. I make the duty 67 per cent. *ad valorem;* but I think the gentleman yesterday made it 66¾. No matter. I differ from him, therefore, only one quarter of a cent, a difference in a debate of this sort not at all appreciable. Now, take the cost of importation at 20 per cent., and we have $45,420. Add importer's profits—10 per cent., $49,185—and we have the total of $541,738. Deduct cost in the market from whence imported, $227,603, and we have as the cost of importation, including exchanges, &c., $314,185, or 138 per cent. on the original cost.

Gentlemen seem to think I have been arguing on the *ad valorem* fixed in our present tariff. I bring the article home to the consumer, to show what it costs him. I show what it costs the people. I think we gain something when the people understand what it costs them. I could best illustrate it by an invoice, but I have no invoice of importations before me. But if gentlemen will look into their desks and examine the invoices from their own districts on any importation of iron or otherwise, and add up all the various charges, and then add the premium on gold, they will very soon find what it costs the people when the article from abroad comes into competition with the home manufacture. All these high protective duties proceed on the idea that it is a great misfortune to get cheap iron into this country. The further we get into this bill and the more we cut down this tariff on iron, the cheaper we make iron; and the cheaper we make it the more tears are shed by gentlemen on one side of the House. In other words, the cheaper you buy an ax or a plow the poorer we are getting. Bring in iron for almost nothing, and we are ruined! As we progress in these amendments my commiseration for the country grows. The farmers of my native West, how sad is their fate! Pig is falling and so is bar! Mechanics of the East, you are also saddened; for you may by one day's wages purchase what in other lands it costs three to make! You are on the way to ruin. Stop your commerce; do not get so near Europe or Asia.

Seriously, I believe it will be for the interest of the people of this country to get iron as cheap as possible. I believe that if cheap iron could be brought into this country, which had cost next to nothing in the making of it, we would gain instead of losing by it. I think it is no harm, but much to our advantage, that by means of greater facilities of transportation we are drawn nearer to Europe and its cheap labor, and nearer to Asia and its cheaper labor. When we place impediments in the way of commerce we do just the same thing as if we were to proceed to tear up our railroads, stop our transportation, and kill commerce.

[Here the hammer fell.]

Mr. SCHENCK. Now that is what I call a fair argument. The gentleman stands up so squarely that he exposes himself and can be easily knocked down. In the first place we do not take our figures from invoices selected from the districts in which we are concerned. My district does not happen to have anything to do with these manufactures, in any shape whatever. That, however, is an individual question. Instead of invoices I take the official reports, and the document on which I have proceeded is the only report containing full returns for an entire year which we yet have, that for 1869 not yet being furnished. And what did I say here, speaking of the paragraph under consideration and that kind of bar iron which we had in question yesterday? I said that the returns from the Treasury showed that the specific duty reduced to an *ad valorem* duty is equivalent to 44½ per cent.; and this duty is not put upon freights, charges, and various things of that kind, but simply on what the invoices or manifests showed to be the gold price at the port where the duty is paid. The gentleman says that yesterday he stated that the duty was equivalent to an *ad valorem* rate of 46½ per cent. and that there was not much difference between us after all. Let us see what the gentleman said yesterday. Mr. COX is reported to have said:

"The existing classification is all changed, and changed in such a way that hardly any one can comprehend the classification as it now stands. But one thing I know"—

Mark the gentleman's knowledge!

"that if we strike out these various paragraphs, as the gentleman from the Philadelphia district [Mr. KELLEY] would like us to do, leaving the present law in operation as regards the articles embraced by these paragraphs, there would be, according to my mode of computation"—

That is very well put in—

"a large percentage of duty running up to over 100 per cent. on these various kinds of iron. All those classes of iron known as bars, squares, flats, rounds, half-rounds, hoop, scrap, scroll, sheet, &c., were taxed under the tariff of 1861 at an average rate of 78 cents per 100 pounds. This rate was raised by the tariff of 1862 to 89 cents; by the act of 1864 it stood at 89 cents; and by subsequent legislation it was increased to an average of $1 23 per 100 pounds. I have only to say that the present bill, if I understand it rightly, proposes to raise the average of these rates to about $1 50 per 100 pounds."

The gentleman then says yesterday, if you strike out this paragraph, which he admits that the high tariff men wanted to do, but which the Committee of Ways and Means did not want to do, because we were lowering the rate, you would go back to the present law, and by his computation that would give over 100 per cent. *ad valorem*. Now, I am glad the gentleman has dropped from 100 to 46½ this morning; and he has now but a little way to come to reach the position which I occupy, and on which I place myself, relying on the authority of the Treasury reports.

Mr. COX. The gentleman does not give me justice. He should read more of my speech. That is not the whole of it.

Mr. SCHENCK. The *ad valorem* duty reduced from the specific may amount to a little more for the year 1869; but it is 44½ per cent., according to the Treasury reports for 1868. We have not yet got the full returns for 1869 collated in this manner.

Mr. COX. The gentleman ought to understand that in that speech yesterday I stated correctly that as regarded the tariff the duty was 46½ per cent. But when I spoke of the amount added to the price of the iron brought into this country I stated that adding up all the charges it was increased over 100 per cent. The gentleman will see that at the end of my speech I made a computation as to this matter and put it at 46½ per cent.

Mr. SCHENCK. I do not understand the gentleman yet. The higher you put the price of the iron, then the duty remaining the same, the percentage on that high-priced iron must be less. That would be my arithmetic.

[Here the hammer fell.]

Mr. LOGAN. I move to strike out in the last line "1¼ cents per pound" and insert "$22 40 per ton." That will conform to the amendment already adopted to the other paragraph, putting that at $20 a ton, and will make it 1 cent per pound on this classification of bar or hammered iron. I cannot conceive why it is that they are so classified. They are so classified that the duty is raised on some and reduced on others, but in the general classification, in my judgment, it is an increase in the tariff on iron of this quality and this character. If we so classify it by putting all bar and hammered iron at 1 cent a pound there will be no increase then on any classification, but we will bring it to the standard which has been fixed of 1 cent per pound, which would be $22 40 per ton. That is all I desire to say in reference to it, and that is the reason for the amendment. I desire that in any classification of this quality of iron the House shall not be drawn into an increase of the tariff on any of these articles beyond that which it is at present.

Mr. SCHENCK. I call the attention of the gentleman to the fact that most of the iron embraced in this paragraph is now at 1½ cents per pound, which is $33 60 per ton. The Committee of Ways and Means propose to reduce it to $28 per ton, that is 1¼ cents per pound. The gentleman's amendment would put it down to $22 40 per ton, which is taking away one third of the whole duty.

Mr. LOGAN. Some of that embraced in this classification is raised, however, and my object is to prevent that.

Mr. MAYNARD. Let me explain why the classification has been changed.

Mr. LOGAN. The gentleman might make an explanation satisfactory to himself, but I am so hard to be satisfied with reference to it that he need not be troubled so far as I am concerned.

Mr. MAYNARD. Will the gentleman allow me to give the explanation that operated upon the committee?

Mr. LOGAN. I do not think the gentleman could explain what operated upon the committee; for I find diversified action on the part of members of the committee, some voting to strike out what they have themselves done, and some voting to keep it in. It would be an impossibility to explain what operated upon them, and I hope the gentleman will not even take the trouble to try. I think the best way to get out of the difficulty is for the committee to join me in this proposition, and make it $22 40 a ton. I will not trouble the gentleman for any explanation.

Mr. BECK. I rise to oppose the amendment for the purpose of offering another hereafter to make it lower, and I do it for this reason. The chairman of the Committee of Ways and Means announced that we were blowing hot and cold by sometimes claiming that a certain class of iron of less value ought to be lower than others, and then claiming that others ought to come down as being of no more value. That is not the reason why I want this reduction. The Committee of Ways and Means have seen fit to divide this article of bar iron into three paragraphs; the first being iron in slabs, blooms, &c.; then bars, rolled or hammered, not less than one and a half nor more than four inches wide, nor less than half an inch nor more than two inches

thick; and then iron bars, comprising flat bars not less than one and a half inches nor more than four inches wide and less than half of an inch and not less than three eighths of an inch thick. Under the law, as it now stands, all bar iron, rolled or hammered, not less than one inch wide nor less than three eighths of an inch thick is subject to the duty of 1 cent per pound. Now, by the ways and means the committee have adopted they have devised means of increasing the tariff on all that class of iron which comes within the description of being between one inch and one and a half inches wide, and between three eighths of an inch and half an inch thick, a quarter of a cent per pound.

Mr. LOGAN. The articles they have reduced the duty on are articles that are brought in in very small quantities; while the duties are increased on those articles of which much more are imported.

Mr. BECK. No doubt that is the effect of it, and that was the object of it. When you compare the three paragraphs here with the present law it will be found that there is an aggregate increase of 25 per cent. When I said the other day that such was the case not a member of the Committee of Ways and Means on that side would admit that fact. Now the argument is coming, just as I said it would, that they raise the duty on the most valuable kinds of iron and reduce it on the kinds not so valuable. They have struck out the class that came in heretofore at 1 cent per pound and made it subject to a duty of 1¼ cents per pound, for the purpose of increasing the tariff over what it is now; and that embraces the most valuable class of iron, and of which the largest amount is imported. Read the present law and then read the three paragraphs reported in this bill from the Committee of Ways and Means, and you will find that there is an increase of one quarter of a cent per pound in the duty upon the most valuable class of bar iron, and that class of which the most is used, as the amount of tariff received on the different classes shows.

Mr. MAYNARD. I desire simply to call the attention of the gentleman from Illinois [Mr. LOGAN] and of the Committee of the Whole to what is the principal difference in the change of classification.

Mr. GARFIELD, of Ohio. I would inquire of the Chair to what amendment the gentleman from Tennessee [Mr. MAYNARD] is speaking?

The CHAIRMAN. The amendment of the gentleman from New York [Mr. COX] is to add a proviso to the pending paragraph. The gentleman from Illinois [Mr. LOGAN] moves to strike out certain words of the paragraph. An amendment to the portion proposed to be stricken out is in order.

Mr. MAYNARD. Then I will move to make the duty 1½ cents per pound instead of $22 40 per ton, as the gentleman from Illinois [Mr. LOGAN] proposes. The principal difference in classification between this bill and the present law will be found in the width of the flat bars. In the present law six inches wide is the dividing point; in this bill it is four inches wide. Now, I need not say to one so well acquainted with the subject of working iron as is my friend from Illinois [Mr. LOGAN] that by working iron in bars six inches in width you develop a great many defects in the metal that are not discovered in narrower iron. The wider you make it and the finer you make it the more defects you develop in the metal, and of course the greater waste and loss. The object of the division is to make a discrimination between that class of iron and that which requires the less labor and which is attended with less waste and loss of material. The principal difference, as I have already remarked—and I call the attention of the gentleman from Kentucky [Mr. BECK] to that—is in the width of the flat bars, making the distinction four inches instead of, as the law now is, six inches.

Mr. LOGAN. Inasmuch as it is for my benefit that the gentleman from Tennessee [Mr. MAYNARD] is talking, I would like to ask him to explain one thing for me.

Mr. MAYNARD. The gentleman is so courteous himself that of course I cannot refuse anything he asks.

Mr. LOGAN. Will the gentleman state to the House whether there is not imported into this country a greater proportion of the classification of iron upon which the tariff is raised than of the class upon which the tariff is reduced?

Mr. MAYNARD. My recollection is that there is not one half the amount.

Mr. LOGAN. What?

Mr. MAYNARD. That there is not one half the amount; that is my recollection.

Mr. LOGAN. I merely wanted to know what the opinion of the gentleman was, and I have it. And I must say to him that it is entirely unsatisfactory.

Mr. MAYNARD. The question propounded by the gentleman, as I understand it, is whether there is not more iron imported of the sizes upon which it is here proposed to raise the duty from 1 cent per pound to 1¼ cents per pound than of the sizes the duty upon which it is proposed to reduce from 1½ cents per pound to 1¼ cents per pound. My answer is that according to my recollection there is more than twice as much imported of that which is reduced as of that which is raised. And my associate on the Committee of Ways and Means, the gentleman from Massachusetts, [Mr. HOOPER,] himself an importer, tells me that I am entirely correct in my recollection.

Mr. LOGAN. Does the gentleman say that his informant is an importer of iron?

Mr. MAYNARD. I understand so.

Mr. LOGAN. I would like to be satisfied on that point. If the gentleman from Massachusetts [Mr. HOOPER] is an importer of iron I would accept his opinion.

[Here the hammer fell.]

Mr. BLAIR. Mr. Chairman, I desire to say a single word with reference to what seems to me the rather unfair treatment of this question. The gentleman from Kentucky [Mr. BECK] and the gentleman from Illinois [Mr. LOGAN] have said that there had been a change in both the classification and the rates of duty with the view of raising the tariff. As I understand, they intend to charge the committee with an attempt to impose upon the House.

Mr. LOGAN. No, Mr. Chairman; if the gentleman will allow me——

Mr. BLAIR. I suppose we shall have to allow the gentleman to do almost anything.

Mr. LOGAN. There is no necessity for that. I will say to the gentleman that nobody charges the committee with attempting to impose upon the House. I never thought of such a thing. If I were to make any charge at all I would charge that the committee themselves had been imposed upon. I know that they are not capable of imposing upon the House.

Mr. BLAIR. The committee have no particular pride about this matter; but it is certainly true that they have given this subject some little consideration, and I venture to say that the gentleman from Illinois has not given it much. I venture to say further that the statement he has made that the class of iron on which this paragraph proposes a small increase of duty is much greater than the class on which the duty is reduced is wholly without foundation.

Mr. LOGAN. If the gentleman will allow me I will state my authority. The statement which I made came first from a member of the Committee of Ways and Means, and was made publicly in a speech on this floor; and it was not disputed at the time. If gentlemen of the committee give us improper information they ought not to complain when we cite their statements.

Mr. HOOPER, of Massachusetts. Is that all the authority the gentleman had?

Mr. LOGAN. No, sir; it is not all. My own intelligence gave me a little more. I hunted up some other authorities, some which the committee ought to have had.

Mr. BLAIR. Mr. Chairman, I shall not indulge at all in any personal suggestions upon this subject, though if it were necessary it would be very easy to say, and I think the Committee of the Whole would sustain the statement, that the gentlemen who are so very anxious about the clauses of this bill are not attempting to perfect the bill, but to destroy it. Everybody here knows that well enough.

Mr. LOGAN. If the gentleman will allow me, I will call his attention to the fact that a member of the committee proposed awhile ago to strike out one of the committee's own paragraphs.

Mr. BLAIR. That was after the paragraph had been amended in such a way that some of us thought it was not so good as the provision of the present law. The gentleman is very uncandid when he says that we moved to strike out our own section. Prior to the motion to strike out the paragraph had been materially changed by amendments. As I have remarked, I would prefer the provision of the existing law to the paragraph of this bill as amended by the Committee of the Whole. So far as I am concerned I believe it to be true that the Committee of Ways and Means has endeavored to deal with the House in entire fairness, and that when it proposed this change it did so under the supposition that there was a considerable reduction in the duties upon bar iron, and gentlemen have not shown the contrary. This is the fact, as the evidence before us shows and as an examination by any intelligent man will prove.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted.

Mr. MAYNARD. I withdraw my amendment to the amendment.

Mr. BROOKS, of New York. I move to amend the amendment by striking out "40 cents."

Mr. SCHENCK. I rise to a point of order. As I understand, the gentleman from New York moved to add a proviso to the bill.

The CHAIRMAN. He did.

Mr. SCHENCK. And upon that no vote has as yet been taken. I am of the opinion that the motion of the gentleman from Illinois was not then in order, because it was not perfecting a paragraph proposed to be stricken out, but perfecting a paragraph to which it proposes to append something else.

The CHAIRMAN. It is in order for the gentleman from Illinois to move to strike out the whole or any portion of the paragraph; but before the question can be taken on that motion amendments for the perfection of the paragraph must be disposed of.

Mr. SCHENCK. What becomes in the mean time of the motion to amend the paragraph?

The CHAIRMAN. The vote must be first taken on amendments perfecting the paragraphs before the vote can be taken on the motion to strike out.

Mr. SCHENCK. The motion of the gentleman from New York is not to strike out anything, but to add a proviso to this paragraph.

The CHAIRMAN. The gentleman from New York [Mr. BROOKS] is entitled to the floor.

Mr. BROOKS, of New York. Now, Mr. Chairman, the Committee of Ways and Means disagree as to the effect of this provision in this new tariff reported by them to the House. Why do they disagree? With all due respect to the Committee of Ways and Means, I will say that we did not know much about it. We did not know as much about it as others who are experts in reference to iron manufacture and the importation of iron. We therefore resorted to various sources for information. Now, if I know anything in the world, and if I am fortified in anything by the best authority

in the world, I am authorized in saying this proposition of the Committee of Ways and Means in this paragraph is an increase of 25 per cent., or in the neighborhood of that amount. I am fortified by three authorities. First, as I said yesterday, by the old iron-house of Oothout & Co. Over their own name and signature they stand vouchers of the fact that it is an increase of 25 per cent. In the second place, I am fortified by the authority of another house of equal authority, Sampson & Brother, who not only say that it is an increase of 24 or 25 per cent., but it is an advance of 211 per cent. gold, or 273 per cent. currency, beyond what was the tariff on iron when the war began. If that is not enough I have the benefit of the authority of the custom-house of New York, and they authorized me to say that this paragraph would be construed by them as an increase upon the present rate of duty. These, sir, are facts which cannot be gainsaid.

Mr. BLAIR. Is that authority from the custom-house at New York in writing, so that it may be read to the House?

Mr. BROOKS, of New York. I have it on consultation. I have the same authority which influenced the Committee of Ways and Means in the three hundred and sixtieth line, where they have inserted an increase of duty on railroad iron, to agree to an amendment which will be moved by the gentleman from Ohio when we reach that part of the bill, as it was understood that the custom-house authorities in New York would construe it to be an increase of duty on this railroad iron. This means a rise, and if it did not mean a rise it would not be in the bill. If this new classification did not mean something it would not be resorted to, and the old duty on iron would have been allowed to remain. The iron-house of Oothout & Brothers, as I have already said, tell us that this is an increase of duty on this kind of iron of 25 per cent., and Sampson & Brother say that the increase is between 24 and 25 per cent., almost 25 per cent.

It is therefore no use, when we have authority like this, that is those of us who are not iron-mongers, to say that this is not an increase. There are ten or twelve men upon this floor who are interested in the manufacture of iron, who may know exactly what this bill means, but gentlemen not interested in the manufacture of iron cannot comprehend this classification. I have asked over and over again why, if this be not an increase of duty, should we not permit the old law to stand? Why this hesitation, why this waste of time, why this debate over and over again, if it be not to effect an increased bounty and increased protection? Why does Pennsylvania vote almost in solid column but for the purpose of obtaining increased bounty on the article of iron to the end they may have its exclusive production?

[Here the hammer fell.]

Mr. SCHENCK. Mr. Chairman, there are some things which I think even those so stupid as the gentleman from New York and myself can understand. Bar iron is of various sizes, and the largest sizes are the least valuable, and in tariffs heretofore, as now, the classification has been made by size on that account; so the least duty is put on the largest size. It was represented to the Committee of Ways and Means that the line was not well drawn; that there was a larger proportion of the higher class put in the lower than there ought to be. If gentlemen will refer to the reports of the Treasury Department they will find confirmation of that. As it is now, there is a large quantity introduced at a rate of 1 cent per pound, another and a less quantity at 1½ cents per pound. The calculations made upon the invoices would show different *ad valorem* percentages when the specifics are reduced to *ad valorems*, the percentages being 44½ in one case and 66 in the other. But yet, taking the average of the invoices, so much of that which comes in under the higher class is of a low quality that the average of the invoices for the two classes is the same, the average dutiable value being 2½ cents for both classes. This is because the line of demarkation has not been drawn in the right place, and there has been so much of the coarser and poorer kind of iron included in the higher class that it has drawn the average of the higher class down so low that the average invoice prices of the two classes are the same.

Now, the gentleman from New York [Mr. BROOKS] talks about getting information from the custom-house. He says the custom-house has told him so and so. I am not acquainted with the custom-house. There are collectors, deputy collectors, and appraisers. The gentleman may have got his information from them. I presume it was not from the building itself. But I have here compiled, analyzed, and arranged the reports from the custom-house department; not the New York custom-house alone, where the largest amount of imports is received, but from all the custom-houses; and here are the results in figures, when the whole came to be digested and published by the Treasury Department. And I put it to gentlemen who desire to consider the weight of testimony, which is the best, the loose statements by "the custom-house" to the gentleman, which are not produced or presented in any tangible shape, or the authorized and authentic reports of the Treasury Department, made up from the customs returns?

Now, what did the Committee of Ways and Means do? We changed, on these representations to which I have referred, the classification, and in doing so we necessarily brought some of that iron which had been paying only 1 cent duty up to the higher class. The iron people wished us to retain the whole at 1½ cents duty. We said, "No, no; if the classification is changed, and the change lifts up a portion of the 1 cent per pound iron, we cannot retain the 1½ cents upon the whole, but will bring down the 1½ cent iron to meet the other, and put the whole at the average of 1¼ cents."

My colleague on the committee was correct, according to the information before us, in stating that we put down more of the 1½ cent iron by this classification to 1¼ cents than we raise of the 1 cent iron up to 1¼ cents. And I believe, as I said before, that even the gentleman from New York [Mr. BROOKS] and myself, though not importers or manufacturers of iron, can understand that. I think I can. I may be mistaken, but it seems to me a comprehensible proposition that if some things pay a duty of 1 cent per pound and some 1½ cents, and you strike a medium and put them all at 1¼ cents, and if you bring more of the 1½ cent articles down to 1¼ cents than you raise of the 1 cent articles to 1¼ cents, there has been upon the whole a reduction. I call that arithmetic, such as I believe prevails in custom-houses as well as in attorney's offices and editorial sanctums. It is good anywhere. It is a matter of figures which belongs to the severest sciences, and is not to be disputed.

Now, sir, the gentleman from Kentucky [Mr. BECK] complains that I have alluded to gentlemen as blowing hot and blowing cold. I will explain what I meant by that. I have the record before me. It was proposed this morning to bring bar iron down to the same rate as we put on slabs and blooms because in the present tariff the rates are the same. On Friday the gentleman from Kentucky, [Mr. BECK,] discussing this matter, said:

"Iron less finished than bar iron, but more advanced than pig iron, is to pay a duty of 1 cent per pound, or $22 40 per ton; while under the existing law all bar iron rolled or hammered, not exceeding six inches in width and two inches in thickness, comes in at that rate. Thus the less advanced article is to pay under this bill the same rate of duty that bar iron now pays. But the class of iron provided for in this paragraph, which is less finished than bar iron and more advanced than pig, must be of less value than bar iron."

Yesterday it was an argument for putting it down, that it was of less value; to-day it is an argument the other way, that it is the same.

[Here the hammer fell.]

Mr. BROOKS, of New York. I will withdraw my formal amendment.

Mr. CESSNA. I object.

The CHAIRMAN. The Chair desires to say that he misapprehended the proposition of the gentleman from Illinois, [Mr. LOGAN,] thinking that it was a proposition to strike out only. He finds that it is a proposition to strike out and insert. There are consequently now three amendments pending—one more than is in order. It arises from the misapprehension of the Chair.

Mr. BROOKS, of New York. I withdraw my amendment.

The CHAIRMAN. Then two amendments are now pending on which debate has been exhausted, and the first question is on the amendment of the gentleman from Illinois, [Mr. LOGAN.]

Mr. ALLISON. I ask the gentleman from New York [Mr. COX] to withdraw his amendment.

Mr. COX. I want a vote on it, but I will withdraw it to enable the gentleman to renew it.

The CHAIRMAN. That is not in order.

Mr. ALLISON. Is it not in order for the gentleman from New York to withdraw his amendment?

The CHAIRMAN. It is not, until it is reached for consideration. The amendment now under consideration is that of the gentleman from Illinois, [Mr. LOGAN.]

Mr. LOGAN. I will withdraw my amendment to allow the gentleman from Iowa to renew it.

Mr. CESSNA. With malice against nobody, I must object.

Mr. ALLISON. Very well, gentlemen; if you mean to occupy time you can do it. I demand tellers on the amendment of the gentleman from Illinois.

Tellers were ordered; and Mr. LOGAN and Mr. MAYNARD were appointed.

The question was on Mr. LOGAN's amendment, to strike out "1¼ cents per pound" and insert "$22 40 per ton."

The committee divided; and the tellers reported—ayes 70, noes 62.

So the amendment was agreed to.

The question recurred upon Mr. COX's amendment, to add to the paragraph the following:

Provided, That the duty shall not exceed 35 per cent. *ad valorem*.

Mr. ALLISON. I move to amend the amendment by striking out "35" and inserting "40." I do it for the purpose of saying a word which I desired to say before the amendment of the gentleman from Illinois [Mr. LOGAN] was voted on, and I want to say it chiefly in reply to the chairman of the Committee of Ways and Means and the gentleman from Michigan, [Mr. BLAIR,] who say that the object of these two classifications was to reduce the duties.

Now, I want to call attention to the Treasury report, which shows that of the class of iron that is now imported under the existing law at 1 cent per pound the value imported last year was $2,868,000; and of the class that is imported at 1½ cents per pound under the existing law the valuation was $345,000. The Committee of Ways and Means by their classification bring one third of the iron from the class bearing 1 cents per pound into a class bearing 1¼ cents per pound. I ask the chairman of the Committee of Ways and Means if I make a misstatement in reference to this?

Mr. SCHENCK. No; that is right.

Mr. ALLISON. The classification in the first paragraph is, bars more than four inches wide; the existing law is, bars more than six inches wide. Bars not less than an inch and a half thick is the existing law, and that is reduced to one inch; so that all bar iron between an inch and an inch and a half thick and al-

between four and six inches wide that now comes in at 1 cent per pound is increased by this paragraph to 1¼ cents per pound.

Now, I defy the chairman of the Committee of Ways and Means, or any gentleman upon this floor, whether he be engaged in the iron business or not, to tell us exactly how much iron came in between an inch and an inch and a half thick and between four and six inches wide. We may all make approximate estimates with regard to it. The chairman of the Committee of Ways and Means may say more of that class came in, and the gentleman from Tennessee [Mr. MAYNARD] may say less did. But it is all an estimate. Now, what I have stated in my remarks heretofore is that you have changed the classification by throwing up into the higher class a large lot of iron that now comes in at 1 cent per pound. That is all there is in it. Although we may not any of us understand the details, yet the wayfaring man cannot err with reference to the classification and the object of the classification made by gentlemen who are engaged in manufacturing iron.

I know that we do reduce the rate of duty on iron that now bears a duty of 1½ to 1¼ cents; but of all the iron imported last year there was only $345,000 worth of that class, while of the iron that bears a duty of 1 cent a pound there was imported last year nearly $3,000,000 worth, and that is the effect of this change of classification. But now, since the Committee of the Whole have reduced the duty to $22 40 per ton, I think the gentleman from New York [Mr. COX] is mistaken in his amendment. There has been a general reduction of the duties on rolled and hammered iron without reference to classification. The Committee of the Whole having adopted the amendment of the gentleman from Illinois, [Mr. LOGAN,] the classification with reference to rolled or hammered iron makes practically no difference, except that we have reduced a portion of it to $20 per ton and a portion to $22 40 per ton.

[Here the hammer fell.]

Mr. SCHENCK. It is pretty hard, I see, to come to an agreement even in regard to that which involves figures, which one would suppose we could arrive at much more nearly than we seem to do. In the first place, what has been done? This paragraph proposes to impose a duty of 1¼ cents per pound, or $28 per ton, upon a certain class of iron which is described. What is the present duty upon that class of iron? My colleague on the committee [Mr. ALLISON] will inform the gentlemen of the Committee of the Whole if I am wrong. The duty on a part is $22 40 per ton, and on a part it is $33 60 per ton.

Mr. ALLISON. Undoubtedly.

Mr. SCHENCK. On a part the duty is 1 cent per pound, or $22 40 per ton; and on a part it is 1½ cents per pound or $33 60 per ton. The Committee of Ways and Means proposed to put it all at $28 per ton. The Committee of the Whole have decided to put it all down to $22 40 per ton.

Mr. ALLISON. Reducing the whole of it.

Mr. SCHENCK. Not the whole of it; the gentleman is mistaken there. It leaves at $22 40 that which was $22 40 before, and brings down to $22 40 that which was $33 60 before, a very great tumble indeed. The gentleman also calls attention to the fact that at this time there is a large importation of the 1 cent per pound iron, and much less of the 1½ cent per pound. Well, sir, it has been so for a number of years; probably it always was so. Why? For two or three reasons. In the first place, wherever you have classes there is an endeavor to put the article to be imported in such shape where it is a specific duty, as it is in this case, or at less price if it be an *ad valorem* duty, as to bring the higher classes in under the lower class duty. Now, although we have not yet the full returns carried out for the year 1869, we have enough to indicate a large increase over the amount, $1,071,000, introduced in the fiscal year ending June 30, 1868. What does this show? That under this high rate of duty, as gentlemen claim that it is, iron has been pouring into the country.

Mr. ALLISON. I know the chairman of the Committee of Ways and Means does not mean to make that statement.

Mr. SCHENCK. Why not?

Mr. ALLISON. The amount imported in 1868 was $2,192,000; in 1869 it was $2,862,000.

Mr. SCHENCK. Of what is the gentleman speaking?

Mr. ALLISON. I am speaking of the values of the iron imported.

Mr. SCHENCK. And I was speaking of the duties on the iron imported. The gentleman defies anybody to tell how much of this iron has the duty raised from 1 cent per pound to 1¼ cents per pound; and on how much the duty is reduced from 1½ cents per pound to 1¼ cents per pound. I admit that nobody has the figures or the returns to show that; there is no such account kept. But there is one thing certain, that in the Treasury reports—upon which, with due submission to gentlemen, I still think we ought to rely, as they are made up of these returns—you will find given the quantity of importation, the value, the duty upon it, and among other things you have the average dutiable value per unit of quantity, as well as the *ad valorem* duty. And what do you find? That with reference to these two classes, at the present classification, so much of the larger sized iron falls under the highest rate of 1½ cents per pound that it brings the whole down, so that there is no appreciable difference in the unit of quantity as to value, and both are put at 2¼. And what does that show? It seems to me it shows that the line of demarkation is not in the right place; that you have not effected your object by your classification, and that you must adopt some other line if you mean to have your classification correct.

[Here the hammer fell.]

Mr. ALLISON. I withdraw my amendment.

The question recurred upon the amendment moved by Mr. COX, to add to the paragraph the following:

Provided, That the duty shall not exceed 35 per cent. *ad valorem*.

Upon a division there were—ayes twenty-one, noes not counted.

So the amendment was not agreed to.

Mr. BROOKS, of New York. I am going to make a very good offer to the iron people. I move to amend the pending paragraph by adding thereto the following:

Provided, That there shall be no increase of duty beyond the tariff in force prior to 1860, amounting to over 100 per cent. *ad valorem*.

Mr. LAWRENCE. I move to amend the amendment of the gentleman from New York [Mr. BROOKS] by striking out the words "amounting to over 100 per cent. *ad valorem*." Upon this amendment I desire to make a single remark. It seems to me that the gentleman from New York, in putting a stump speech in this bill, may possibly give it an effect which he does not design. If in this bill we declare that the duty exceeds 100 per cent., the custom-house officers will be bound so to construe the law; and they would so construe it. The effect would be that while the gentleman is seeking to reduce the duty he would not at all reduce it. Hence I submit that the clause which I have mentioned should be struck out.

Mr. BROOKS, of New York. My amendment simply provides that there shall be no increase beyond 100 per cent. upon the tariff on iron which existed prior to 1860—before the war. I am willing to give an increase of 100 per cent., but not more.

Mr. LAWRENCE. I think the words which I propose to strike out are not necessary.

Mr. BROOKS, of New York. I think everybody ought to be satisfied if we give an increase of 100 per cent. upon the tariff in force in 1860.

Mr. LAWRENCE. I do not know but I shall vote for the gentleman's amendment if my amendment be adopted.

Mr. LAWRENCE's amendment to the amendment was not agreed to.

The question being taken on the amendment of Mr. BROOKS, of New York, there were—ayes twenty-one, noes not counted.

So the amendment was not agreed to.

Mr. ARMSTRONG. I offer the following amendment:

After the word "pound," in line three hundred and thirty-eight, insert the following:

Provided, That all iron bars, rolled or hammered, made wholly or in part from the use of charcoal as a fuel, shall pay an additional duty of half a cent per pound.

Mr. Chairman, I desire to call the attention of the committee to the fact that under the bill as it stands the better grades of foreign iron, made principally in Norway, Sweden, and Russia, will come in under the same duties as the cheap Welsh and English bars. The bill makes no provision for the protection of the higher grades of iron made from charcoal as a fuel, and which are intermediate between ordinary bars of steel. Yet there is great difference in the cost of production. In my district the production is chiefly charcoal iron, and its necessary cost is so great that it cannot live in competition if the market is to be stocked with foreign charcoal iron, paying no higher duties than those imposed upon irons made from mineral coal.

I have now before me the circular of prices for March and statements from the 3d of January last to the 16th of April of two of the prominent iron dealers of New York. Swedish and Norway iron is quoted in March, and it may be taken as a fair average standard at the present time, at 7 cents per pound or $156 80 per ton, and English and Welsh bars of the same size are quoted at $80 per ton. Yet all these irons come in under this bill at the same rate of duties, or, in other words, iron made in Norway, Sweden, and Russia, and other places, with charcoal as a fuel, pays only the same duty as that made in England and Wales, with mineral coal as a fuel, the former worth in the market above $150 per ton, while the latter is worth about $80 per ton. The bill leaps at once from the cheapest make of iron to steel, while charcoal iron comes in between.

The great difference in the cost and value between the two kinds of iron is partly in the use of charcoal as a fuel and partly in the different modes of manufacture. The Welsh and English, as well as a large proportion of the iron now made in our own country, is made with the use of mineral coal as a fuel in the blast furnace, and afterward puddled or boiled with use of the same kind of fuel, and makes the common or cheap irons, while the Russia, Norway, and Swedes iron, as well as our charcoal iron, is made with the use of charcoal as a fuel in the blast furnace, and afterward refined and made into blooms with the use of the same kind of fuel, and makes the finer qualities of iron, used for drawing into fine wire, plating into shovels, scythes &c., and for the best rivets, bolts, horseshoe nails, &c., and largely for making boilers and imitation Russia sheet-iron. The great difference, as stated before, in the cost and value of the two is, first, in the fuel used. The charcoal necessary for making a ton of this iron costs now from $15 to $20 per ton, made up of wood lease, cutting, hauling, coaling, transportation, &c., while the cost of mineral coal per ton of metal will vary from $6 in the best locations to about $14 in those not so favorably situated. For refining with charcoal the fuel will cost not less than $8 per ton, while for the puddling or boiling process the fuel will cost not over $2 per ton in favorable locations. The labor in refining charcoal iron costs at present about $9 per ton, while that of puddling or boiling the anthracite is about $6 per ton.

Nor is this all; in the refining with charcoal there is used from 3,200 to 3,360 pounds of pig metal to make a ton of blooms, a loss of about 30 per cent., while in puddling or boiling the loss is not more than 10 per cent. of the weight of metal. In refining 1½ tons, or 3,360 pounds of metal, will give 2,460 pounds of blooms. In puddling or boiling 2,240 pounds of metal will yield about 2,000 pounds of rough bar iron, and in some instances, by the use of cinder, it is claimed that as much rough bar can be produced as the weight of pig metal used.

Norway, Russia, and Swedes iron is nearly all imported in large bars, the flats in bars from twenty-seven and a half up to four by one inch; the rounds and square from three fourths up to two inches. Inspection of this bill shows that the Norway, Russia, and Swedes iron comes in under the lowest rates, paying just the same duty as iron of the same sizes from England and Wales, worth very little over half. Protection to this class of iron is rendered more necessary from the fact that the railroad bars made in Russia and laid upon their roads have been found to be too soft to endure the wear of high speed and the heavy engines and trains now in use. As a consequence they are taking them up and relaying their roads with either steel or the hard rails of England. The Russian rails, being mostly charcoal iron, reach this country in large quantities, and are admitted as old iron. They are here cut into short lengths and are readily rolled into merchantable bars from a single heat, and come into direct and ruinous competition with the charcoal iron of the United States.

I hope the committee will agree to this slight protection which I ask for the large interests of my district and of the State of Pennsylvania generally. I propose a protection of only $11 25 per ton against a competition which bids fair to ruin many of the establishments of our State, and has already obliged some charcoal furnaces to go out of blast.

Mr. HOAR. It seems to me, Mr. Chairman, that the very interesting statement made by the gentleman from Pennsylvania [Mr. ARMSTRONG] makes it proper that the Committee of Ways and Means should inform us whether there is any reason why the request of the gentleman should not be granted.

Mr. SCHENCK. I think that when the Committee of the Whole have struck down the tariff per ton from $33 60 to $22 40, with no more reason than has been shown for it, it is hardly probable that they intend to save these most important interests. It seems to me the proposition of the gentleman from Pennsylvania is most reasonable, if there is intended to be any distinction made between the better classes of iron and the lower.

Mr. ARMSTRONG. I wish to call attention to the fact that the gentleman from Illinois [Mr. LOGAN] fell into an error of miscalculation in stating that in the second paragraph he proposed to reduce the rate of duty to the same as that in the first paragraph.

Mr. LOGAN. I did not say that.

Mr. ARMSTRONG. The gentleman from Illinois stated that in the first paragraph a reduction from $22 40 to $20 had been made, which would be a reduction of 10 per cent.; and he also stated that in the next paragraph the duty of $28 should be reduced to $22 40, to make it correspond with the previous reduction. The error of the gentleman's statement consists in this: that a reduction of 10 per cent. on $28 per ton would make the duty $25 20, not $22 40.

Mr. ALLISON. I only desire to say that the amendment of the gentleman from Pennsylvania [Mr. ARMSTRONG] proposes a distinction which has never been incorporated in any law heretofore. The difficulty which the amendment proposes to reach is, I imagine, merely temporary; it cannot exist for a great length of time. I am not aware that any very large amount of steel rails are being imported. The distinction which the amendment proposes would be very difficult of enforcement at the custom-house. The custom-house officers could not readily determine whether a particular lot of iron had been made with charcoal or with coke or with anthracite coal. Hence the amendment would introduce a dangerous principle into our legislation.

Mr. BURCHARD. I move to strike out the last word. It seems to me if there is any substantial increase of duty on this article it should have been known to the Committee of Ways and Means, who have been examining this question all winter. Now, Swedish iron and Russia iron are absolutely indispensable in this country. It is an article of iron which the American charcoal iron has not displaced and cannot displace.

Mr. NEGLEY rose.

Mr. BURCHARD. I am willing to yield to the gentleman to ask a question.

The CHAIRMAN. The gentleman will proceed with his speech, or he will be considered to have yielded the floor altogether.

Mr. BURCHARD. I have not yielded the floor altogether, but have merely yielded to the gentleman from Pennsylvania to ask me a question.

The CHAIRMAN. The Chair states to the gentleman that unless he proceeds he will lose the floor.

Mr. BURCHARD. I will withdraw my amendment.

Mr. BENJAMIN. I object to the withdrawal of any amendment.

The amendment to the amendment was disagreed to.

Mr. KELLEY. I propose to amend the amendment. I move to strike out "half a cent a pound" and add "five eighths;" and I do that for the purpose of inviting the attention of the committee to what I regard as the absurdity of putting the duty on fine bar iron at 1 cent per pound. The gentleman from New York proposes to give 35 per cent., and yet we find, by referring to the Iron Age of April 21, the best price list of metals in this country, that bar iron is quoted at $82 50 and $85, and Norway from $90 to $95, so that the proposition is to reduce the duty on these articles from 20 to 25 per cent. It is a blow, Mr. Chairman, at the wages of American workingmen. No rolling-mill can make fine bar iron and pay anything like the present rate of wages. One of two things is inevitable. Your rolling-mills, especially in the districts of charcoal iron, must either close permanently or must force their workmen to accept lower wages. The iron cannot be made and put upon the market in competition with Swedish and Norway iron, and the higher forms of Prussian and English iron, without a reduction of wages ranging from 20 to 23 per cent. I say, sir, as a citizen of the United States, I do not wish to see Congress forcing down the wages of our laborers in competition with those of Europe. I say, as a member of the Republican party, which has enfranchised the laborers of the South, that it is making a fatal record for itself in thus compelling a reduction of wages in these fields of industry. I offer the amendment for the purpose of making my protest both as a citizen and as a party man against this action, hoping the amendment of my colleague, to which I have submitted a *pro forma* amendment, may be adopted by the committee.

Mr. LOGAN. I rise to oppose the amendment, and I beg to say that I hope that opposition to the policy of the Committee of Ways and Means does not decitizenize a man or read him out of the Republican party. Therefore, when the gentleman from Pennsylvania says that as an American citizen he shall do so and so, and that as a Republican he shall do so and so, I hope that a member who may do differently neither disfranchises himself as a citizen nor reads himself out of the Republican party. Every man here must judge for himself what he shall do. Each one of us must do what we judge to be best on the facts presented for our consideration.

I ask the attention of the gentleman from Pennsylvania, [Mr. KELLEY], confessedly the most learned man on the subject of iron, and so considered by every man in that State—I ask him to tell the House to-day why it is that the Committee of Ways and Means did not make this discrimination when they brought the bill before the House? Has a new light come upon their minds, illuminating their understandings, so that they have now information which they did not have on the subject before in the committee? What was the reason?

Mr. SCHENCK. If the gentleman wants an answer I will tell him. They did not anticipate so foolish a vote as that made on his motion, by which the highest priced iron was brought down, all of them together in one tumble, from 1½ to 1 cent per pound.

Mr. STEVENSON. I call the gentleman from Ohio to order. He is using unparliamentary language.

Mr. LOGAN. I do not yield to the gentleman from Ohio.

Mr. STEVENSON. I have risen to a point of order, that it is not in order for the chairman of the Committee of Ways and Means to speak of this House having given a foolish vote. [Laughter.]

Mr. LOGAN. I hope the gentleman will not insist on his point of order, for this reason: that we are always glad to hear from the Ways and Means Committee. They always enlighten this House. And, as a matter of course, the chairman of the committee means no offense by his remark. I certainly took none; because, according to his statement, the fools have got the majority to-day in this House. There is no question about that.

Mr. STEVENSON. I object to that too. [Laughter.]

Mr. LOGAN. I mean of course that that is so, according to the statement of my friend, the chairman of the Committee of Ways and Means. But I will take it back, because I do not think he was in earnest.

Mr. SCHENCK. Very wise men may do very foolish things.

Mr. LOGAN. We have an exemplification of that every day in the Committee of Ways and Means. Why did not this wise committee make this discrimination when they brought in their bill, instead of undertaking now to charge the majority of this House as foolish because they do not agree with them? When the gentleman from Pennsylvania [Mr. ARMSTRONG] moved his amendment and withdrew it it is renewed by the other gentleman from Pennsylvania, [Mr. KELLEY,] the coal and iron duke of that great mountainous State, and he gets up and tells us that we ought to adopt this amendment because it makes a proper discrimination. The learned chairman of the Committee of Ways and Means then gets up and notifies us, as if we were so many children, that we are very foolish boys for not agreeing with the Committee of Ways and Means on every proposition. Well, the schoolmaster has a right, as a matter of course, at all times to correct his children; that is, if we are to be considered the school children of the chairman of the Committee of Ways and Means, for I presume he so considers us. But I will notify these gentlemen that most of us are of age; that we represent constituencies, and that when we voted as we have done we did it upon our own responsibility. These gentlemen are not responsible for our votes in this House. They are only responsible for their own. And I would dislike very much to have on my head so great a responsibility as rests on the members of the Committee of Ways and Means on account of the action they have taken on this tariff.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the formal amendment, and it is withdrawn.

Mr. SCHENCK. I renew it. The gentle-

man from Illinois, [Mr. LOGAN,] I am bound to presume, wants information, and God help him, for I do not know anybody that needs it more. [Laughter.] But the difficulty is that the gentleman appeals from time to time to the Committee of Ways and Means for information, which, it is to be presumed, having tried to understand these subjects, may know a little about them, and yet when he gets the information he does not seem to profit by it. The gentleman seems to be mystified because the Committee of Ways and Means, not having succeeded in maintaining the paragraph in the bill as they reported it, have then voted, or at least some of its members have voted, for a different classification. Sir, I do not believe that the gentleman is at all so dull as not to be able to comprehend the proposition now before us.

Mr. LOGAN. I cannot comprehend the Committee of Ways and Means.

Mr. SCHENCK. I have burden enough to bear without finding comprehension for the gentleman. The difficulty is that ordinarily and continually up to this time there has been a distinction made by reference to the sizes of iron, which did not correspond with the distinctions as regards quality. The Committee of Ways and Means proposed such amendments in their revision of the tariff bill with regard to these items as they have presented to the House. The Committee of the Whole thought proper, as they certainly have the right to do, not to follow this classification, and by the changes which they have made have reduced all the high-priced iron to the rate of 1 cent per pound. Finding that the classification heretofore adhered to does not prevail with the Committee of the Whole, the gentleman from Pennsylvania then says that this will operate with peculiar hardship at least upon one class of iron, namely, charcoal iron, and he proposes a different sort of classification.

After the Committee of the Whole have decided as they have done, and thus absolved the members of the Committee of Ways and Means and others upon this floor who think as I do upon this subject, after they have brought this duty down below even what those who started it intended originally, and I speak advisedly about it, that classification having failed, it may be well enough to turn to see whether some other classification proposed may not answer the purpose of making a distinction in favor of the finer and better classes of iron. That is the whole of it. It is a matter so simple that I should think any one wanting to comprehend it could comprehend it.

Before I close permit me to make this one further remark. I do not intend to be moved at all by these continual flings at the Committee of Ways and Means. Whether some of us are called "iron dukes"—I believe that is the term—and whether some of us are treated either ironically or seriously as being defective in any other respect, does not move me in the least. The Committee of Ways and Means are as good and honest and true to the people of this country and to their duty upon this floor, I apprehend, as any other gentlemen composing any other committee.

Mr. LOGAN. No one doubts that; but they are no better.

Mr. SCHENCK. Oh, no; we do not affect superiority. We do think that some things, that take a long time to study and understand, we do understand better than gentlemen who gather facts around them as they go along, or, lacking facts, coin them and then predicate arguments upon them.

[Here the hammer fell.]

Mr. ALLISON. Mr. Chairman, I desire to call the attention of the committee to the statement made by the gentleman from Pennsylvania [Mr. KELLEY] that the little reduction that we have made on iron will have the effect to reduce the wages of labor. Now, I want to call his attention for one moment to the importations of bar iron, because that is the subject under consideration. We have to-day two classes of bar iron, and there are two classes of bar iron in this bill. Of rolled or hammered iron bearing a duty of 1 cent per pound there was imported nearly $3,000,000 worth last year, and of that bearing a duty of 1½ cents per pound there was imported $345,000 worth. Then we have still another classification of bar iron, round and square and hammered iron, which is 35 per cent. *ad valorem*. Only $1,345 worth of that was imported last year; so that the total importations of iron under the existing law were last year only a little over $3,000,000 in value. Now, we have only reduced upon one classification half a cent per pound, and that is the class of which only $345,000 worth was imported last year. Will it be claimed by any gentleman upon this floor that a reduction of half a cent per pound on an importation of the value of $345,000 will materially interfere with the production of iron in this country?

Mr. KELLEY. A large quantity has been reduced from $22 40 to $20 a ton.

Mr. ALLISON. Undoubtedly; a reduction of $2 40 per ton. Will any gentleman claim that the mechanics engaged in manufacturing iron in this country are going to have their wages reduced because we have reduced the duty $2 40 a ton, when we have reduced the duty on pig iron, the raw material on which those mechanics work, from to $9 to $5 per ton?

Mr. KELLEY. Is pig iron a natural product, or does it involve labor and wages?

Mr. ALLISON. The gentleman knows perfectly well what pig iron is. A word now in reference to the proposition of the other gentleman from Pennsylvania [Mr. ARMSTRONG] in reference to charcoal iron. It is claimed as a reason why the duty on charcoal iron should be reduced that we are now importing it largely from Russia in the shape of old rails. I have not examined carefully the statistics on this subject, but I will venture the assertion here that four fifths of all the old rails that come into this country come from England, and are English rails and not Russian rails.

Mr. MAYNARD. Will the gentleman explain the importation at 35 per cent. *ad valorem*?

Mr. ALLISON. Certainly, with pleasure; because all the bar iron that comes in comes in under the two classifications which we have already fixed in the present law, and which we propose to change in the bill before the committee. That is all there is in that question. I do not believe gentlemen can be serious when they propose to make a new classification of iron, of which charcoal iron shall pay one half of one cent per pound more than other classes, for I do not believe there are many instances where you can distinguish charcoal iron from iron made with coke or with anthracite coal; and therefore the effect of the amendment of the gentleman from Pennsylvania [Mr. ARMSTRONG] will be to make confusion worse confounded and to inaugurate a system of frauds in the custom-houses which are now unknown.

[Here the hammer fell.]

Mr. SCHENCK. I withdraw the amendment to the amendment.

Mr. MAYNARD. I renew the amendment to the amendment simply for the purpose of saying to the gentleman from Iowa, [Mr. ALLISON,] my colleague on the Committee of Ways and Means, that by a proviso in the present law it is "provided that none of the above items"—that is, bar iron—"shall pay a less rate of duty than 35 per cent. *ad valorem*." The most of the 35 per cent. bar iron introduced was so valuable that a duty of 1½ cents per pound does not amount to 35 per cent. *ad valorem*. That is a point which I beg this committee to understand in connection with the amendment of the gentleman from Pennsylvania, [Mr. ARMSTRONG,] that the duty of 1½ cents per pound be retained on the charcoal iron, which every one knows is the most valuable.

Mr. SCHENCK. I ask unanimous consent that all debate on the pending paragraph be considered as now closed.

Mr. CULLOM. I hope not; I want to say a word.

Mr. SCHENCK. Well, in one minute.

Mr. CULLOM. Give me five minutes.

Mr. SCHENCK. Well, I will say five minutes.

No objection was made; and it was ordered accordingly.

Mr. CULLOM. I believe I have not said anything upon this iron question since we have been considering this bill. I do not now propose to confine the few remarks I intend to make to the particular amendment offered by the gentleman from Pennsylvania, [Mr. ARMSTRONG,] but I shall speak upon the question of slab iron and pig and railroad iron and iron in bars and some other articles mentioned in this bill.

I desire simply to call the attention of this Committee of the Whole to the history of the tariff laws upon this question of iron and these other items which I shall refer to. I find, by reference to the tariff laws, that in 1861 the duty upon this slab iron, or bar iron, was $15 per ton. In 1862 Congress increased the duty to $2 more. In 1864 it was changed from $17 per ton to 1 cent per pound, or $22 40 per ton. When that increase was made in 1864 it was upon the express allegation, as I could show by a reference to the debates in Congress during that time in reference to nearly all those items; it was made upon the ground, I say, that at that time we were placing a direct internal tax upon the different articles of iron as upon everything else, and an increased duty was necessary on that account. I find, by reference to the internal tax law, that there was an internal tax of $3 per ton placed upon these same classes of iron that we are discussing here to-day, and the tariff was then raised to 1 cent per pound because of this internal tax which was placed upon these classes of iron.

Now, the proposition is after that internal tax is taken off by the repeal of the law, which was placed upon iron to meet the then necessities of the Government, and after the Congress of the United States at that time were satisfied with a protective duty of 1 cent per pound, the proposition put forward by gentlemen upon this floor to-day is that they are not satisfied with a protective duty of 1 cent per pound, with no internal tax to pay of $3 per ton; but they want to increase the duty by the bill now before this committee to a higher rate than 1 cent per pound. Now, sir, as a tariff man I protest against the disposition on the part of members of this House to insist upon an increase of duty upon all those articles, when we have repealed the internal tax laws, so far as they relate to iron, and the necessities which existed at that time for an increase of tariff duties have now passed away. That is what I wanted to say on this question; and I desire to state that it applies to nearly all the articles that are attempted to be protected by this bill.

Mr. SCHENCK. Does the gentleman mean to say that because the internal taxes on manufactures have been taken off we should now bring back the duties to what they were before the war?

Mr. CULLOM. I am not going back beyond 1861. In that year a law was passed increasing the duties. Again in 1862 the duties were increased, and again in 1864. Nobody pretended that the manufacturing interests were not prospering in 1864 when the existing tariff law was passed. The only claim for additional protection at that time was based on the ground that internal taxation to a considerable amount had been imposed on the articles manufactured. I have been struck

with amazement in looking at the actual position of things here. Look at it for a moment. In the first place, the Committee of Ways and Means come in with a bill after six months' or a year's labor on it and announce to the House and the country that it is a bill reducing the tariff duties upon the articles contained or named in it, and call on the House and the people to support it on the ground that it does so reduce the tariff rates below what they are under the present law, and thereby lighten the burdens of the people.

Now, look at the strange anomaly. Every free-trade man and nearly every man who is not in favor of a high protective tariff, or who is not himself interested in manufactures, or whose constituents are not a manufacturing people, we find opposing the bill, while those who are interested in manufactures, or whose constituents are, seem to be dreadfully anxious to pass the bill as it came from the committee. And yet this last class insist that it is a great reduction of the tariff and will lighten the burdens of the consumers. It is true, Mr. Chairman, there are some reductions, some articles also are placed upon the free list; yet, sir, my conclusion is that while there are these reductions and these free lists enlarged, yet, as a whole, this bill affords more protection than the present law and will more heavily burden the consumers of the country. I cannot in justice to my people sit still and allow one advantage after another to be taken of the great mass of the population of the country. The people whom I have the honor to represent are agricultural people, and are consumers of the articles which get this protection. They believe and I believe the tariff is too high now on very many of the articles of consumption and use in this country.

And, Mr. Chairman, I desire to say that I am no free-trade man. I believe it is an absurdity to talk about absolute free trade in the present condition of the country, or indeed under any circumstances. I am for a tariff. We are compelled to have a tariff for revenue or inaugurate a system of taxation which the people would not stand, and so far as I am concerned I have no desire to put out the fires in the iron-furnace or foundery, or to close the doors of the factory, or hinder the proper development of the great natural resources of our country in any valuable department of industry. I believe a nation should always be in a condition of self-dependence and ready to protect itself by a reliance upon its own resources if all the world should turn against it. No nation is wise that takes a course calculated to smother its own development in all that makes a nation great. The encouraging hand of the Government should be given when necessary to protect American industry and American labor against the pauper labor of other nations. But, sir, under this beguiling pretext of home protection of work and labor and American industry we should not be led into extravagant legislation in favor of one class of people and against the rest. The greedy manufacturer who has grown rich under a high tariff and great demand for his goods during the war must not be allowed to take possession of the legislation of this country at the expense of the struggling millions who are never seen lobbying about these Halls.

Now, Mr. Chairman, take the question of pig iron and railroad iron. The present duty on pig iron, as has been said here a thousand times, is $9 per ton, and upon iron bars for railway purposes 70 cents per 100 pounds. The Committee of Ways and Means have proposed to reduce the duty on pig iron to $7 per ton; the Committee of the Whole have reduced it to $5. In this bill they say nothing about railroad iron, leaving the duty on that as at present. So far as the reduction on pig iron goes, it is very well; but while in this article there is a little reduction proposed, yet taking the whole list of iron in its different shapes together there is an actual increase of tariff protection. If this is so, and there seems no doubt of it, it is certainly unreasonable and should not be allowed by the House. Pig iron is the raw material out of which the various manufactures of iron are made; and it is the iron manufactured into its various forms for use that the people are interested in, and a reduction of the duty on pig iron gives no certain assurance that the shovel and wagon-tire and horseshoe or any other article of the kind which the farmer uses will come to him any cheaper.

If the manufacturer works up the pig iron and puts the price of his article down, as he may on account of the reduced tariff on pig iron, the consumer would get the benefit of it to that extent; but that is not likely to occur. If the duty on pig iron be fixed at $5 or $6 a ton I should believe that so far as that item is concerned it would be about fair, and then if the tariff on railroad iron and all the other articles of iron were reduced in the same ratio there would still, in my judgment, be sufficient protection, and the consumer would feel that at least a show of justice was meted out to him. Let us look at the history of the external protection and internal taxation of pig iron and railroad iron for a moment. I do not desire to go back very far, no further than the beginning of the late war. What is the fact? By the law of 1861 the tariff on pig iron was $6 per ton, and upon bar iron for railway purposes $12 per ton. Up to this time and for a little while after there arose no necessity for any special internal taxation. Six dollars per ton was thought to be a fair protection then, and $12 for railroad iron. In 1862 protection to railroad iron was increased $1 50 per ton, making it $13 50 tariff protection to that article. In 1864 another law was passed in which the duty on pig iron was increased to $9 per ton, and the duty on railroad iron to 60 cents per 100 pounds, largely increasing the duty on each article. A law was then passed providing for internal taxation, in which a tax of $2 per ton was placed upon pig iron and $3 on railroad iron. The iron men called for more protection on the ground that they could not stand an internal tax such as Congress imposed upon them and live in competition with importers who were bringing the same material into the country. Upon the assumption that they had only reasonable protection before the internal tax was placed upon them their appeal was just, and Congress gave them the increased protection from $6 to $9, and a corresponding increase on railroad iron.

During the progress of the war, and for some little time afterward, we taxed everything. All manufactures, everything that was bought and sold, was taxed to raise money to save the country, and finally to pay the soldiers and get the country fairly on its feet. The people were content; they did not complain; they were willing to give up all if need be for the one great object. When a high tariff was needed they said, "Put it on." When income tax, stamp tax, direct tax, any sort of a tax, no matter what, was demanded, they said, "Levy it, and we will pay it and save the life of the nation." But all that has gone by. The nation has been saved, and what has been done since? Let us see. Just so soon as the emergency passed by and we could afford to do so, we began to get rid of internal taxation; and we have been modifying the internal tax laws and reducing internal taxation step by step. What have we done? By the act of July 13, 1866, we reduced internal taxation $65,000,000. By the act of March 2, 1867, it was reduced $40,000,000. By the act of February 3, 1868, internal taxation was reduced $23,000,000. By the acts of March 3, 1868, and July 20, 1868, it was reduced the sum of $45,000,000. By the act of March 31, 1868, we repealed the sections of the law of June 30, 1864, which imposed an internal tax of $2 a ton on pig iron and $3 on railroad iron, as well as on a great variety of other manufactures; and since then there has been no direct internal tax imposed on those articles. They have been relieved, and yet the high duty imposed as a protection, which was only demanded because of the internal taxation, remains; and when we talk of reducing we are answered by the charge that we are in the interest of foreign labor, the importers, and generally want to destroy our home industry and ruin the country.

Now, sir, I protest against such a course. And, sir, I think it would be as well for these gentlemen, representing constituencies interested in these manufactures, to gracefully submit to a reasonable reduction before the great body of the people rise up in their might and compel a proper, if not an extravagant, change to the opposite extreme. The attention of the people is now directed to this subject, and they will understand it, and under the pressure of hard times in the West, and in fact all the agricultural portions of the country, they will demand that their interests, as well as the interests of the people of the iron regions of Pennsylvania, be protected.

There is no feature of the tariff laws more important to the people of Illinois than the portion of the law in relation to iron. Railroad iron especially is an important matter with us. Nearly all the States West are to-day more largely engaged in building railroads than ever before. Take my district. There is to-day a new railroad or two being built in every county in it. There are at least two hundred miles of railroad being built in the district I represent to-day. It requires millions of dollars to purchase the iron to carry out such enterprises in which they are engaged; every county, city, and town is being mortgaged all over, and in some cases more than once, to subscribe stock to build these roads, which they regard as necessary to their present and future prosperity. It is a matter of no little consequence to them whether they pay a high price or a low one for the materials to build these roads, and they are unwilling to fold their arms and be silent, and allow high protection to be continued. These subscriptions to railroads are made by counties, cities, and towns, and the people of the localities are taxed to pay them, and the local taxes of our western States are becoming enormous. And, sir, they are beginning to be more sensitive than heretofore upon all these questions of taxation, whether direct or by tariff laws. They are told and we are told here that the people engaged in manufacture of iron in its various forms, and dress goods and cotton goods, and all the other manufactures of the country, are not making money now. It may be so, though I doubt whether it is half so bad as we are told; but if it is true, it is equally true of all the farmers of the country just now. They are not only not making money but they are losing money; they are poorer to-day than they were last year, and much poorer than two years ago. The price of their stock has fallen; they find that the price of their grain is below what it was before the war, and still they are working away, hoping for a reduction of taxation and a better day. They are taxed in their purchases of lumber. While the West is only favored here and there with woodland, having broad prairies and little timber, and the farmer struggles to make his farm and build his house, and the complaint is a scarcity of timber, still, to gratify and prosper a few people on the border, near the Canada line, the farmer of Illinois must pay tribute to somebody in the shape of a tax on lumber.

Mr. Chairman, this is not the way to build up American industry and prosper the American people as a whole.

Again, there must be retained in the present law a high protective duty on salt. The Committee of Ways and Means have failed to discover, after all their labors, that the tariff

on salt was too high, and they propose to allow the tariff on salt to remain as it is. Mr. Chairman, it would seem that in this great, broad country of ours, full of almost everything that makes a nation great, we certainly ought to be allowed to buy salt as cheaply as we can, whether at home or abroad. It is one of the necessities of life. It is truly a saver of life; and yet we propose to continue a high protective duty upon it of 18 and 24 cents per 100 pounds. What is the history of the legislation of Congress on this salt question? Let us see. By the tariff of 1861 the tariff on salt was fixed at 4 cents per bushel of 56 pounds, provided that salt in bags or not in bulk shall pay a duty of 6 cents per bushel. Then by the law of 1862 the tariff was fixed at 6 cents per 100 pounds; then by the law of June 30, 1864, the tariff duty was raised to 24 cents per 100 pounds in sacks and barrels, and in bulk 18 cents per 100 pounds, which is the present tariff. On the very same day, and in the same law and section of the law in relation to internal taxation in which the specific tax was placed on pig iron and railroad iron and slab iron, I find a specific tax also of 6 cents per 100 pounds. Upon that tax being placed on salt the demand was made for protection as a necessity produced by the imposition of the internal tax.

That tax is taken off, and still it is insisted that the tariff tax shall remain unchanged. The people of this country are expected to quietly acquiesce in this extravagant tariff tax on salt to accommodate two or three establishments in this country that have been doing well in the salt business, and of course do not desire to be disturbed in their prosperity. The salt men want to be let alone. It is not strange that they take that position and manage by persuasive arguments to keep the question of salt out of the present bill entirely. I am surprised, however, that the Committee of Ways and Means allowed themselves to be overcome by them.

The gentleman from Pennsylvania, [Mr. SCOFIELD] said in a speech a few days ago on this bill that all that the iron men in his State wanted was to be let alone. Nobody wonders at that; such a disposition is not strange. When they have got a high protective tariff on all they manufacture, and there is a disposition manifested by Representatives of the consumers of the country to reduce the tariff and thereby reduce the profits of the iron men in Pennsylvania, it is not strange that he should announce that the people, the monopolists of his State, are willing to be let alone.

The people of this country do not propose to accept his offer; they are for scaling down the tariff rates as we have and will scale down internal taxation. Reduced taxation is the demand of the people now, and their demand or command will be carried out, either by this Congress or the next one. They are in earnest about it; they do not mean to be taxed by tariff laws and taxed by internal revenue laws until they are driven to almost absolute helplessness and poverty and kiss the hand that did it. We are taxing too much. We can reduce taxation from seventy-five to a hundred millions and still collect enough revenue to meet the demands upon the Government.

The CHAIRMAN. By unanimous consent debate on this paragraph has terminated.

The question being taken on the amendment of Mr. ARMSTRONG, there were—ayes 43, noes 65; no quorum voting.

Tellers were ordered; and Mr. ARMSTRONG and Mr. ALLISON were appointed.

The committee divided; and the tellers reported—ayes 57, noes 62.

So the amendment was not agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS.

The committee rose informally, when

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

An act (H. R. No. 887) for the relief of Harriet R. Clinton;

An act (H. R. No. 888) for the relief of Joseph Harmon;

An act (H. R. No. 1100) for the relief of William A. Scott, late first lieutenant of company F, fourteenth regiment Illinois volunteers;

Joint resolution (H. R. No. 116) to construe an act entitled "An act to amend an act entitled 'An act to confirm certain private land claims in the Territory of New Mexico;'" and

Joint resolution (H. R. No. 122) donating captured cannon for the purpose of constructing a monument at West Point, New York.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President was communicated to the House by Mr. HORACE PORTER, his Private Secretary, who also announced that the President had approved and signed a bill (H. R. No. 271) for the relief of Colonel Samuel W. Price, of the twenty-first Connecticut volunteers.

TARIFF BILL.

The Committee of the Whole on the state of the Union resumed its session.

Mr. ARMSTRONG. I now propose the following amendment, which is the same as that I offered before, except that the rate of duty is fixed at one quarter cent per pound instead of one half cent per pound:

After the word "pound," in line three hundred and thirty-eight, insert the following:

Provided, That all iron bars rolled or hammered, made wholly or in part from the use of charcoal as a fuel, shall pay an additional duty of one quarter cent per pound.

On agreeing to the amendment there were—ayes 61, noes 42; no quorum voting.

Tellers were ordered; and Mr. ARMSTRONG and Mr. ALLISON were appointed.

The committee divided; and the tellers reported—ayes 61, noes 62.

So the amendment was not agreed to.

The question then recurred upon the motion of Mr. ALLISON, to strike out the pending paragraph and the two preceding paragraphs and insert in lieu thereof the following:

On iron in bars, rolled or hammered, comprising flats, not less than one inch nor more than six inches wide, and not less than three eighths of an inch nor more than two inches thick; and rounds not less than three quarters of an inch nor more than two inches in diameter, and squares not less than three quarters of an inch nor more than two inches square, $18 per ton.

On bar iron, rolled or hammered, comprising flats less than three eighths of an inch or more than two inches thick, and less than one inch or more than six inches wide; rounds less than three quarters of an inch or more than two inches in diameter, and squares less than three quarters of an inch or more than two inches square, $25 per ton: *Provided*, That all iron in slabs, blooms, loops, or other forms less finished than bars and more advanced than pig iron, except castings, shall be rated as iron in bars, and pay a duty accordingly: *And provided further*, That none of the above iron shall pay a less rate of duty than 35 per cent. *ad valorem*.

Mr. ALLISON. As we have amended these provisions so that they are now in pretty good shape I withdraw the amendment.

The Clerk read as follows:

On rods and wire rods, less than five sixteenths of an inch diameter or square, 1¾ cents per pound.

Mr. SCHENCK. On behalf of the Committee of Ways and Means I move to amend the paragraph just read by inserting after the words "wire rods" the words "and oval, half-oval, and half-round iron."

Mr. KERR. I would like to hear the reason for offering this amendment.

Mr. SCHENCK. The simple reason is this: as now provided the duty is fixed upon rods and wire rods; but there are of higher value than squares other rods which are only partially round, which are either half oval, or half round, or else are entirely oval; and these belong to the same class as wire and wire rods. In order to correct what, from the testimony before us, appeared to be a wrong, the committee has been induced to propose this amendment, so that whatever protection is given to rods and wire rods shall extend to oval, half-oval, and half-round iron.

Mr. ALLISON. Does the gentleman propose to unite the two paragraphs?

Mr. KERR. That is the effect of it.

Mr. SCHENCK. That is not what we propose. I have an amendment which I intend to offer to the next paragraph when we reach it.

Mr. ALLISON. I understand that the proposition of the chairman of the committee is to charge upon oval, half-oval, and half-round iron a duty of 1¾ cents per pound?

Mr. SCHENCK. Yes, sir; and then to amend the next paragraph, when we reach it, so as to read as follows:

On rods and wire rods, oval, half-oval, and half-round iron more than five sixteenths of an inch diameter or square, 1¾ cents per pound.

Mr. KERR. So far as we can judge from the face of this bill, the proposition of the chairman of the Committee of Ways and Means is to incorporate the body of the next paragraph into the paragraph now under consideration. I am informed that the rate of duty on the articles named in the next paragraph is precisely the same under the existing law as that proposed in this bill. But the amendment proposed by the chairman to incorporate the following paragraph with the one now under consideration is a proposition to increase the duty on the items named in this paragraph 16⅔ per cent. I wish to know whether I am right in that, and I will yield to the gentleman from Massachusetts to give me an answer.

Mr. HOOPER, of Massachusetts. The gentleman is not correct.

Mr. SCHENCK. The two paragraphs as originally framed, based on all the information we were able to ascertain on the subject, were presented to the House as they are printed in the bill. On rods and wire rods less than five sixteenths of an inch diameter or square, we imposed a duty of 1¾ cents per pound, and then on all sizes of oval, half-oval, and half-round iron, we impose a duty of 1¾ cents per pound. What we propose now is to put oval, half-oval, and half-round iron, less than five sixteenths of an inch diameter or square, with the other paragraph, so that on rods and wire rods, oval, half-oval, and half-round iron, less than five sixteenths of an inch diameter or square, the duty shall be 1¾ cents per pound, and then to amend the following paragraph so that rods and wire rods more than five sixteenths of an inch shall be, with oval, half-oval, and half-round iron, liable to a duty of 1¾ cents per pound.

Mr. KERR. I desire to know if I am right in assuming the paragraph to which the gentleman has been referring leaves the duty precisely what it is now under existing law?

Mr. SCHENCK. It both raises and depresses.

Mr. KERR. Is not the language precisely the same?

Mr. ALLISON. It is 1½ when made of wire over twenty wire gauge.

Mr. KERR. It is 1¾ cents per pound on oval, half-oval, and half-round iron under the present law, and this bill makes it precisely the same. So the reënactment of this provision makes no change in the law. Therefore I am troubled to know why the committee reënacts it. The original purpose was to increase the duty, and now it is proposed by the incorporation of this with the other to make that increase.

Mr. SCHENCK. What we propose now by way of amendment is not to change the tariff. It leaves the rate open for gentlemen to make any rate they may please. We were satisfied that oval, half-oval, and half-round iron, on account of the expense of manufacture ought to be included in the pending paragraph with rods and wire rods. They are far more diffi-

cult to manufacture. We do not touch the question of duty at all. We leave that open. The only question is whether the gentleman is opposed to this classification. The rate of duty will be settled hereafter.

Mr. KERR. I do oppose this classification because it will embarrass the committee. To embrace in this first paragraph items included in the following paragraph will make it more difficult to levy the duty. My object is to make a reduction and not an increase.

[Here the hammer fell.]

Mr. LOGAN. I ask the gentleman whether this oval, half-oval, and half-round iron is included in the present law?

Mr. ALLISON. It is named as round or square.

Mr. LOGAN. I move to strike out the last word, and I do it for the purpose of getting some information on the subject. If I can get it from the chairman of the Committee of Ways and Means I think I shall be able to understand it. [Laughter.] I wish to know how this oval and half-oval iron is classified in the present law?

Mr. SCHENCK. I believe it comes in under the unenumerated forms of iron or under the circular forms of iron. But there was also at the same time put in proof before the committee that the manufacture of wire rods, giving value to iron in that shape, was not so expensive as the manufacture of oval, half-oval, or half-round iron, circular on one side and a section across the other; and whatever the rate of duty was we thought they ought to go together. What the committee propose does not affect the rate of duty; that is open to gentlemen, if they consider we have put it too high. That is all the question the committee have submitted.

The hour of half past four o'clock p. m. having arrived, the Committee of the Whole on the state of the Union, pursuant to order of the House, took a recess until half past seven o'clock.

EVENING SESSION.

At half past seven o'clock p. m. the Committee of the Whole on the state of the Union resumed its session, (Mr. WHEELER in the chair,) and proceeded with the consideration of the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. The Clerk will report the pending paragraph.

The Clerk read as follows:

On rods and wire rods, less than five sixteenths of an inch diameter or square, 1¼ cents per pound.

The CHAIRMAN. To this an amendment had been moved by the gentleman from Ohio, [Mr. SCHENCK,] which the Clerk will report.

The Clerk read as follows:

After the words "wire rods" insert the words "and oval, half-oval, and half-round iron."

The CHAIRMAN. On this amendment debate had been exhausted.

The question was put on Mr. SCHENCK'S amendment; and there were on a division—ayes 25, noes 27; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and Mr. BROOKS, of New York, and Mr. KELSEY were appointed.

The committee again divided; and the tellers reported—ayes 37, noes 27; no quorum voting.

The CHAIRMAN. The committee finding itself without a quorum, it is the duty of the Chair to cause the roll to be called, in order that the names of the absentees may be reported to the House.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Messrs. Adams, Ames, Archer, Asper, Axtell, Ayer, Bailey, Banks, Barnum, Barry, Benjamin, Biggs, Boles, Bowen, Boyd, George M. Brooks, Buck, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Churchill, William T. Clark, Sidney Clarke, Cleveland, Amassa Cobb, Cook, Conner, Covode, Cowles, Cox, Crebs, Cullom, Davis, Dickey, Donley, Duval, Dyer, Ela, Ferry, Fisher, Fitch, Garfield, Gibson, Haldeman, Hale, Hamilton, Hawkins, Hays, Heaton, Heflin, Hoge, Johnson, Julian, Laflin, Lash, Loughridge, Lynch, Marshall, Mayham, McCarthy, McGrew, McKenzie, Mercur, Milnes, Daniel J. Morrell, Morrissey, Mungen, Negley, Niblack, Orth, Porter, Potter, Prosser, Randall, Reeves, Ridgway, Roots, Sanford, Schumaker, Lionel A. Sheldon, Shober, Slocum, Worthington C. Smith, William Smyth, Stokes, Stone, Stoughton, Swann, Tanner, Taylor, Trimble, Van Auken, Van Horn, Van Wyck, Voorhees, Cadwalader C. Washburn, William B. Washburn, Welker, Whitmore, Wilkinson, Eugene M. Wilson, John T. Wilson, Winchester, and Wood.

During the call of the roll,

Mr. HAY. I desire to say that Mr. LOUGHRIDGE is sick and confined to bed.

Mr. MORPHIS. Mr. PERCE desired me to ask that he should be excused. His wife is sick at Baltimore, and he has gone to see her.

Mr. ROGERS. Mr. TRIMBLE is sick and confined to bed.

Mr. McNEELY. My colleague, Mr. MARSHALL, is too unwell to be present, and has been absent all day on account of sickness.

Mr. O'NEILL. My colleague [Mr. DONLEY] is absent on leave.

The committee then rose; and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, Mr. WHEELER reported that the Committee of the Whole on the state of the Union having, according to order, had the Union generally under consideration, and particularly House bill No. 1068, to amend existing laws relating to the duty on imports, and for other purposes, and finding itself without a quorum, he had, under the rule, caused the roll to be called, and now reported the names of the absentees to the House, in order that they may be entered upon the Journal.

The SPEAKER *pro tempore*. The chairman of the Committee of the Whole reports that he found the committee without a quorum, and caused the roll to be called. The roll having been called, one hundred and fourteen members, being a quorum, have answered to their names. Under the rule the House will again resolve itself into Committee of the Whole.

The committee then resumed its session, Mr. WHEELER in the chair.

The Clerk again reported the pending amendment.

Mr. ELDRIDGE. I rise to a question of order. I understand that one hundred and fifteen members are a quorum; and if that be so, the call of the roll showed that the House was without a quorum.

The CHAIRMAN. The Speaker *pro tempore* decided that one hundred and fourteen members being present there was a quorum.

Mr. ELDRIDGE. I understood the Chair to decide this afternoon that one hundred and fifteen members are necessary to make a quorum.

The CHAIRMAN. I find on the Speaker's list one hundred and fourteen put down as a quorum. When the Speaker is counted that makes one hundred and fifteen. The gentleman from Pennsylvania [Mr. SCOFIELD] acting as Speaker *pro tempore* was governed in his ruling by the decision of the Speaker of the House, Mr. BLAINE, that his name not being on the roll, he is not counted in order to constitute a quorum.

Mr. ELDRIDGE. The Constitution of the United States decides what constitutes a quorum. I do not think that a decision of the Speaker can overrule the Constitution.

The CHAIRMAN. The tellers, Mr. BROOKS, of New York, and Mr. KELSEY, will again take their places.

The committee again divided; and the tellers reported—ayes 69, noes 63.

So Mr. SCHENCK'S amendment was agreed to.

Mr. HOLMAN. I move to amend the paragraph by adding at the end of it the following:

Provided, That iron and the manufactures of iron used in the construction, equipment, and repair of ships and other vessels for navigation in the foreign and domestic trade of the United States shall be exempt from duty, under such rules and regulations as the Secretary of the Treasury shall prescribe.

Mr. MAYNARD. I rise to a question of order, that this is not germane to the paragraph, and that it is new and independent legislation.

The CHAIRMAN. The Chair cannot rule out the amendment on the ground that it is new legislation. The entire bill is new legislation.

Mr. MAYNARD. I mean new legislation independent of this bill, and not germane to the bill now before us and not germane to this paragraph. The paragraph relates to rods and wire rods. If this proposition can come in at all in this bill it would be as a separate and independent section. It has no reference whatever to this class of iron.

The CHAIRMAN. If any iron of the kind specified in this paragraph is used for such purposes the amendment is germane.

Mr. MAYNARD. It is a general proposition in regard to all iron used in ship-building.

The CHAIRMAN. It is connected with the general subject. If iron of this kind is used in any manner in the construction of ships it is in order.

Mr. MAYNARD. It is not limited to the subject of this paragraph, and is not germane, under the rulings of the Chair on several occasions. If it is germane to the bill at all it must come in as an independent section.

Mr. HOLMAN. It is necessarily confined to the subject-matter which is before the committee.

The CHAIRMAN. The Chair rules that the amendment is admissible, relating to the general subject-matter.

Mr. HOLMAN. Mr. Chairman, I have been induced to submit this proviso from the fact that by the amendment just adopted by the committee we have increased the duty on iron, which enters largely into the construction of ships, to the extent of half a cent a pound. It is quite manifest that if this nation does not intend to be entirely left out of the commercial brotherhood of nations we have got to do one of two things, either greatly reduce the general duties on iron, or exempt from duty iron entering into the construction of ships. It is manifest that with the duties proposed to be imposed upon all classes of iron, and especially upon the class of iron now under consideration, which enters largely into the construction of ships, the construction of iron ships, such as are now appropriating the commerce of the world, is absolutely impossible. The people of the United States are compelled to meet the mortifying fact that one hundred and seventeen iron ships are plying between London, and Liverpool, and Bremen, and Hamburg and the ports of the United States, carrying our commerce and appropriating that commerce which naturally belongs to the American people, and realizing from this source a revenue of over $40,000,000 per annum, and not a single American ship crosses the Atlantic flying the American flag. The exemption from duty of the iron entering into the construction of ships is clearly the only mode of enabling ship-builders to construct ships in America, or else the labor of the whole country is to be made tributary to the iron interest by the payment of bounties for ship-building, and that latter proposition the labor of the country will not bear.

The question is simply this: whether we shall leave our ancient rival, England, and France and North Germany and the rising power of Italy, to appropriate the commerce of the world, or shall the people of the United States, as their fathers have done before them, reserve the right to control, to some extent at least, the commerce of the nation? Shall we do it by the payment of bounties direct for ship-building, or by relieving the material which enters into the construction of ships from the burden of the

duties which now render the building of ships in the United States impossible? We cannot compete with any of the Powers of the world now in ship-building. We cannot compete even with Italy in building ships. We are fast ceasing to be a commercial Power. I do not know of any more appropriate occasion for the discussion of this question than in connection with this subject of the duty on iron. If we resume our commerce again it must be in iron ships. The days of wooden ships have gone by. Iron ships cannot be built with the protection which the iron interest now enjoys. The alternative is manifest: either labor must be borne down still more seriously by the payment of bounties, which I believe the people of this country will not bear and ought not to bear, or else the iron interest of the United States, the iron manufacturers, have got to bring into the market the materials used in the construction of ships on such terms as to enable our ship-builders to compete with other nations in the construction of ships.

[Here the hammer fell.]

Mr. LYNCH. Will the gentleman from Indiana [Mr. HOLMAN] withdraw his amendment?

Mr. HOOPER, of Massachusetts. I object to the withdrawal of the amendment. Let it be voted upon.

Mr. LYNCH. I do not want to speak against the amendment; but if it shall be withdrawn, then I would move another amendment. I hope my friend from Massachusetts will withdraw his objection.

Mr. HOOPER, of Massachusetts. Very well.

Mr. HOLMAN. I will withdraw my amendment.

Mr. LYNCH. I move to amend the pending paragraph by striking out "1¾ cents per pound" and inserting "1½ cents per pound." I do not propose to speak upon my amendment, but ask a vote upon it.

Mr. KERR. I desire to offer a further amendment.

The CHAIRMAN. It must be an amendment to the amendment.

Mr. KERR. So I understand. I move to amend the amendment by making it read "1¼ cents per pound." My reason for offering that amendment now is that awhile ago when I objected to this change, the chairman of the Committee of Ways and Means [Mr. SCHENCK] suggested that after his amendment should be incorporated into this paragraph there would then be time for an amendment to reduce the rate of duty.

Under the present law the duty on some of these forms of iron is 1½ cents per pound, and the duty on other forms is 1¼ cents per pound. I find by reference to the present law the duty to be "on rods and wire rods, less than five sixteenths of an inch diameter or square, 1½ cents per pound;" while the duty on oval, half oval, and half-round iron is 1¼ cents per pound. In my judgment both of those rates are high, far too high, and ought to be reduced; and ought to be reduced not only below the proposition contained in this bill, but below the existing law. These forms of iron for the common use of all the people of the country are extremely important. They enter into thousands of the common purposes, domestic and general, of the people of the country; they pertain to those industries and those interests which above all others ought to be relieved to the utmost extent that it is in the power of Congress to relieve them from the weight of this taxation.

I invite the attention of the committee to the fact that these forms of iron are what are generally denominated braziers' rods. There is scarcely a cooking-stove or range, a furnace or a heater, in use in any part of this country in which they are not used. There is scarcely a wooden pail or a bucket in use, the handles of which are not made of one or another of these sizes. From those kinds of iron are also formed vast numbers of bolts for wagons and carriages, and many other things. I insist, therefore, as I have been insisting in reference to this entire subject of a revision of the tariff, that the duty imposed upon these articles ought to be brought down to the very lowest point of revenue duty. Not one of them ought to be suffered to bear a duty of one penny above the clearest limit of a revenue standard. It is not right toward the people of this country, it is unjust toward the consumers of these articles, it is dishonest in itself to impose upon these goods and upon the people of this country, upon the farmers, and women and children, upon everybody who keeps house or who works in the field, this enormous and unjust tax. I think, therefore, this duty should be reduced to the lowest point which will benefit the revenue.

Mr. STEVENSON. I do not know whether the iron manufacturers could stand it if that amendment should be adopted. I propose, therefore, to inquire of my very wise and learned friend from New Jersey [Mr. HILL] whether he thinks they could stand this amendment?

Mr. HILL. What amendment is that?

Mr. STEVENSON. The amendment now pending.

Mr. HILL. My attention has been called off from the matter under consideration.

Mr. STEVENSON. I ask that the amendment may be read for the information of the gentleman.

The amendment was again read.

Mr. HILL. I think they might be able to stand it; but I think it would be very much better to leave it as it has been reported by the Committee of Ways and Means.

Mr. STEVENSON. Yes; the gentleman thinks they could stand it to have the duty reduced from 1¾ cents per pound to 1½ cents per pound. That is liberal, and I hope the Committee of Ways and Means will attend to it. The gentleman from New Jersey, [Mr. HILL,] the representative of the highest protective principle in the House, the only prohibitory-tariff man I may say in the House, says that they can stand it. I am, therefore, inclined to take him at his word and to go for this amendment. I do not know, however, that he correctly represents his particular interest. I do not know whether the Lehigh Crane Iron Works could stand it. After I am through I would like to hear from him further upon that question. And this brings me, Mr. Chairman, to the attack which was made upon me through the gentleman from New Jersey on yesterday.

Mr. MAYNARD. I must rise to a question of order. I attempted to cut off the gentleman on the other side, but I found that unanimous consent had somehow been given. I must insist that the gentleman be confined to the discussion of the pending paragraph.

Mr. STEVENSON. I suppose the gentleman has no right to argue this question.

The CHAIRMAN. The gentleman from Ohio is doubtless aware of the rule that every member must speak directly to the pending proposition.

Mr. STEVENSON. Mr. Chairman, I propose to discuss the cost of making iron in all its forms. I think that is pertinent to this question. If it is not pertinent, I beg to be informed. In the remarks which I had the honor to submit some days ago I quoted from a book on "Coal, Iron and Oil," by Daddow & Bannan. In the commentary written by the gentleman who is president of the Lehigh Crane Iron Works my speech is garbled by the omission of the terms showing the authority from which I took my statements. I shall therefore submit the table given on page 685 of that book, which was published in 1866, and from which it appears that the Lehigh Crane Iron Works actually produced——

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

The CHAIRMAN. The gentlemen will state his point.

Mr. KELLEY. I believe that the cost of the production of pig iron is not involved in the paragraph now under discussion.

Mr. STEVENSON. I propose to discuss the cost of making iron, and I submit that that is pertinent.

The CHAIRMAN. The gentleman from Ohio will proceed, and the Chair will check him if his remarks are not in order.

Mr. STEVENSON. The table which I submit gives as the capacity of the Lehigh Crane Iron Works in 1865, 50,000 tons. I supposed that column gave an estimate of the probable production in 1865, the authors not having the figures to show the quantity actually produced. If I committed any error it was in that particular.

The Lehigh group of anthracite furnaces.

Name of works, beginning with the most easterly.	Capacity—tons of 2,000 pounds.			Production in 1864—tons of 2,000 pounds.	Capital invested.
	In 1850.	In 1857.	In 1865.		
Allentown Iron Works	5,600	5,040			
Allentown Iron Works	5,600	5,040	30,000	26,162	600,000
Allentown Iron Works	-	7,840			
Allentown Iron Works	-	7,840			
Lehigh Crane Iron Works	4,480	5,824			
Lehigh Crane Iron Works	5,600	6,720			
Lehigh Crane Iron Works	8,064	8,960	50,000	41,774	1,000,000
Lehigh Crane Iron Works	8,960	10,640			
Lehigh Crane Iron Works	8,960	10,640		13,492	
Thomas Iron Works	-	10,640		9,134	1,000,000
Thomas Iron Works	-	10,640	50,000	13,963	
Thomas Iron Works	-	-		13,226	
Thomas Iron Works	-	-			

[Here the hammer fell.]

Mr. KERR. I withdraw my amendment to the amendment that the gentleman from Illinois [Mr. LOGAN] may renew it.

Mr. LOGAN. I renew the amendment merely for the purpose of debate, for I am in favor of a greater reduction than the amendment proposes. Now, I want to call the attention of the committee, and I do it in all good faith, to one fact which is very obvious to any one who will examine the bill. To-day I had the honor (for I consider it an honor) to be told by the chairman of the Committee of Ways and Means that my intellect was so obtuse that I could not understand this thing; and inasmuch as I cannot, I want it to be explained by somebody who can understand it. The Committee of Ways and Means profess to understand this proposition. They report in this bill these two paragraphs:

On rods and wire rods, less than five sixteenths of an inch diameter or square, 1½ cents per pound.

On all sizes of oval, half-oval, and half-round iron, 1¼ cents per pound.

Now, the chairman of the Committee of Ways and Means moves to amend the first paragraph by inserting the words "oval, half-oval, and half-round iron," which puts the two paragraphs together and makes the tariff on all 1¼ cents per pound. I asked the chairman of the

Committee of Ways and Means in what classification of the present law this oval, half-oval, and half-round iron is to be found. He pretended to tell me, but he could not do it. It is not classified in the old law at all, but is embraced in iron not enumerated, and pays a duty of 35 per cent. *ad valorem*. The chairman of the Committee of Ways and Means proposes that in this bill it shall pay a duty of 1¾ cents a pound, and yet says that it is not increasing the rates.

These are the facts. Now, if gentlemen of the Committee of Ways and Means have so much experience and so much information, and are so ready to impart knowledge to the Committee of the Whole and the House at all times, I want them to explain to me upon what information they reported these paragraphs proposing a duty of 1¾ cents per pound on rods and wire rods and a duty of 1¼ cents per pound on oval, half-oval, and half-round iron, and upon what information they now propose to put the two together under the duty 1¾ cents. When they were asked to tell the classification of these articles in the existing law they could not tell anything about it. They were not classified together before. They were separate and distinct. They were classified before and ought to be now among iron not enumerated elsewhere as at 35 per cent. *ad valorem*. Now it is proposed to put 1¾ cents per pound on it. I think myself 1 cent per pound is sufficient on this kind of iron. It is plenty. If you will take the classification of oval and half-oval iron as heretofore, and on rods and wire rods heretofore of this size and the tariff as now reported to the House, you will find a material increase in the rates of duty. I think a fair division would be 1 cent per pound. It would be plenty. I will vote for the amendment reducing the two sections to one and to make the rate at 1¼ cents per pound.

Mr. SCHENCK. Mr. Chairman, I am very willing to play the part of schoolmaster to my friend from Illinois, yet I do not get much encouragement from the brightness of my pupil. I will do the best I can, and one of the difficulties those who urge others up the steep which leads to the top of the hill of science have to encounter is they have to repeat again and again the lesson. So in this case. I will repeat what I said before in the committee. There has been no proposition to condense these two paragraphs together. We have offered an amendment to the first paragraph, and I took the pains when I first proposed it to explain that the committee will propose when we reach the second paragraph to make a corresponding amendment there. Rods and wire rods now pay 1½ cents per pound. There are ovals, half ovals, and half round which ought to be classified, in the opinion of the committee, from information we have, with rods and wire rods which are left to fall among the non-enumerated articles at an *ad valorem* rate of duty.

Mr. LOGAN. At what rate?

Mr. SCHENCK. Thirty-five per cent.

Mr. LOGAN. That is what I said.

Mr. SCHENCK. The gentleman talked of the condensation of these two paragraphs into one, which has never been proposed. In order that the gentleman may understand I will read the first paragraph as it is in the bill:

On rods and wire rods, less than five sixteenths of an inch diameter or square, 1¾ cents per pound.

We have proposed an amendment, to insert after the word "rods" the words "oval, half oval, and half round;" so it will then read:

On rods and wire rods, oval, half-oval, and half-round iron, less than five sixteenths of an inch diameter or square, 1¾ cents per pound.

Then I advised the committee if that prevailed I was instructed by the Committee of Ways and Means, when we came to the next paragraph, to strike out the words "all sizes of," and insert "rods and wire rods;" and after the word "iron" the words "more than five sixteenths of an inch diameter or square;" so it will then read:

On rods and wire rods, oval, half-oval, and half-round iron, more than five sixteenths of an inch diameter or square, 1¾ cents per pound.

Thus it will be perceived we put one part at 1¼ cents per pound and the other at 1¾ cents per pound. We make a distinction between that over five sixteenths of an inch diameter or square and that less than five sixteenths of an inch diameter or square. There is no distinction now. If the gentleman will listen I will read the two paragraphs as they will stand if our amendments are adopted:

On rods and wire rods, oval, half oval, and half round, less than five sixteenths of an inch diameter or square, 1¾ cents per pound.

On rods and wire rods, oval, half-oval, and half-round iron, more than five sixteenths of an inch diameter or square, 1¼ cents per pound.

We put one at 1¼ cents per pound and the other at 1¾ cents per pound. I have taken great pains now to read it all over in connection, thus repeating the lesson, line upon line and precept upon precept; and I submit to the committee if when I thus elaborately attempt to explain the matter it is proper to insist that the Committee of Ways and Means do not know what they are about. We think we have some glimmering acquaintance with the subject, and we have reduced the articles to this shape, and in this shape present them; and it is not our fault that a vote upon only one amendment can be taken at a time. The amendment to one paragraph has already been adopted, and while we are waiting to conform to it the other paragraph, by providing for that which is more than five sixteenths of an inch in diameter, as we have provided for that which is less than five sixteenths of an inch, there comes in another amendment from a source outside of the committee to reduce the rate of duty from 1¾ cents to 1½ cents, and then there is an amendment to that amendment to make it 1¼ cents. After the committee shall have voted upon these amendments we will come to the next paragraph, and I shall then propose an amendment to make the two paragraphs consistent with each other.

The question was on agreeing to Mr. KERR's amendment to the amendment, to make the duty 1¼ cents per pound.

The committee divided; and there were—ayes 56, noes 67.

Mr. KERR called for tellers.

Tellers were ordered; and Mr. SCOFIELD and Mr. KERR were appointed.

The committee again divided; and the tellers reported—ayes 56, noes 69.

So the amendment was not agreed to.

The question recurred on agreeing to Mr. LYNCH'S amendment, to strike out "1¾ cents" and insert "1½ cents."

Mr. STEVENSON. I move to amend the amendment by striking out "1½ cents" and inserting "2 cents."

There was only one word further which I wanted to say about that table. In quoting it I should have said the Thomas Iron Works instead of the Allentown Iron Works. Now, I have admitted all the mistakes that I made. When I made them I quoted the authority. I laid it before the House. My speech was printed, and I sent it to every member of the House. I have dealt candidly with the House. If I have made any errors they were errors in calculation and estimation. And now I want to ask the gentleman from New Jersey [Mr. HILL] whether he meant to charge or to insinuate that in what I laid before the House I was guilty of any want of candor?

Mr. MAYNARD. I object to this matter being entered into. I do not think it is in order that there should be a discussion between the gentleman from Ohio and the gentleman from New Jersey as to what the latter gentleman meant to insinuate.

Mr. NEGLEY. If the gentleman from Ohio is bringing forth fruits meet for repentance I think the House should hear him.

The CHAIRMAN. The gentleman from Ohio [Mr. STEVENSON] has the floor. He must proceed in order.

Mr. STEVENSON. The gentleman from New Jersey may answer the question or not as he pleases.

Mr. HILL. I attempted to answer the question, but was called to order. I will state, Mr. Chairman, that this quotation from the gentleman's speech which he made on the 28th of March——

Mr. MAYNARD. Is this in order?

The CHAIRMAN. It is not in order. The gentleman from New Jersey is not speaking under the rules.

Mr. HILL. Well, sir, the quotation I will again repeat——

The CHAIRMAN. The Chair again calls the gentleman to order.

Mr. STEVENSON. I must say that the gentlemen on this side of the tariff question are very generous. Mr. Chairman, I say that I have dealt fairly and candidly with this House. I say that the extract from my speech was garbled, not by the gentleman from New Jersey, though he says in his speech that he got it from the Globe; but he admits to me that he took it as it was sent to him by the iron-masters.

Mr. MAYNARD. Mr. Chairman, is this in order?

The CHAIRMAN. It is not in order.

Mr. STEVENSON. I am discussing the cost of pig iron. [Laughter.] The piggiest-headed pig knows that all iron is made of pig iron.

Mr. HILL. The extract which I read was taken from the gentleman's speech. He stated distinctly——

Mr. STEVENSON. I call the gentleman to order. He cannot speak in my time unless he answers my question.

Mr. COVODE. To end this I move that the committee rise.

Mr. STEVENSON. The gentleman has not the floor for that purpose. I want to talk about the cost of pig iron. This Lehigh Iron Manufacturing Company——

Mr. SCHENCK. I rise to a question of order. I insist that the gentleman shall not enter upon a discussion of pig iron in debating this question.

Mr. STEVENSON. Does the Chair rule that I cannot discuss the cost of pig iron in connection with the cost of the class of iron embraced in the pending paragraph?

The CHAIRMAN. The Chair so rules. And the Chair begs to state in addition that the gentleman's time has expired. The gentleman from Pennsylvania [Mr. KELLEY] is recognized by the Chair.

Mr. KELLEY. Mr. Chairman, I desire to recall, if possible, this discussion to the matter appropriate to the consideration of the committee. I believe we are at lines three hundred and thirty-nine and three hundred and forty.

Mr. STEVENSON. What is the motion?

Mr. KELLEY. And the gentleman from Ohio, [Mr. STEVENSON,] who inquires what is the motion, has moved to increase the duty from 1¾ cents to 2 cents a pound. I rise to oppose that amendment, and to suggest that if the committee will consider what the Committee of Ways and Means have reported I believe they will adopt it as it stands in the bill. And for once I am happy to be able to say that Pennsylvania is a disinterested party. I rise to plead the cause of New England.

Mr. STEVENSON. I rise to a question of order.

Mr. KELLEY. I am not out of order.

Mr. STEVENSON. I want to make my point of order to the Chair, not to the gentleman. My point of order is that the gentleman is not discussing the pending motion.

The CHAIRMAN. The point of order is well taken. [Laughter.]

Mr. KELLEY. I think not, and if you will hear the next sentence you will agree with me.

Mr. STEVENSON. The gentleman is not discussing the question now.

Mr. KELLEY. I am discussing the question of wire rods five sixteenths of an inch diameter or square, as they are designated in the bill, and wire rods of any other dimensions, and they are named in the paragraph under discussion to which the gentleman offered his amendment, and if that is not in order, I ask the Chair or the gentleman from Ohio to tell me what would be.

The CHAIRMAN. That is entirely in order.

Mr. KELLEY. I hold in my hand the Iron Age—which I have had occasion to cite more than once—the issue of April 21, 1870, with the prices-current for iron, and I find that the price of wire rods five sixteenths of an inch was $105 per ton, and iron rods three sixteenths of an inch was $120 per ton, and I rose for the purpose of calling the attention of the committee to the fact that if they will take their pencils in hand and calculate the rate proposed by the committee in the paragraph under discussion and the next paragraph they will find that it proposes a duty of precisely 35 per cent., which the gentleman from New York [Mr. COX] to-day proposed as a fair duty upon such articles.

Mr. COX. No; I did not propose it as a fair duty.

Mr. KELLEY. A duty on rods and wire rods less than five sixteenths of an inch diameter or square of 1¾ cents per pound gives you, as calculated by the gentleman from New Hampshire, [Mr. STEVENS,] a little over 35 per cent. The duty in the next paragraph on all sizes of oval, half-oval, and half-round iron, 1¼ cents per pound, is a little under 35 per cent. So that the average duty is precisely 35 per cent. on these advanced articles of iron; and I oppose the amendment of the gentleman from the Cincinnati district of Ohio to raise them to 2 cents a pound. I ask the committee to stand by the report of the Committee of Ways and Means and fix them at 35 per cent., and not raise them. I conclude by remarking that I think the eloquence, the fervid and burning eloquence of the gentleman from Ohio misled the Chair when he ruled that I was not in order in speaking of wire rods.

Mr. STEVENSON. I call the gentleman to order. He has no right to discuss the ruling of the Chair.

The CHAIRMAN. The Chair desires to inform the gentleman from Pennsylvania that he did not so rule. His ruling had reference to the remarks of the gentleman in relation to Pennsylvania and New England.

Mr. KELLEY. I beg the Chair's pardon.

Mr. STEVENSON. That was all he had said when he was called to order.

Mr. COX. I renew the amendment.

The CHAIRMAN. It has not been withdrawn.

Mr. STEVENSON. If the gentleman from Pennsylvania objects to my amendment I will withdraw it.

Mr. SCHENCK. No, I object; let us vote on it.

Mr. STEVENSON. I was not serious in my motion. It was merely *pro forma*. But if the gentleman insists on it let a vote be taken.

The question was taken on Mr. STEVENSON'S amendment, and it was rejected.

Mr. LOGAN. I now move to amend the amendment by striking out "1¼ cents per pound," and inserting "35 per cent. *ad valorem*." That is the amount the Committee of Ways and Means seem to think it should come in at. Now, I do not intend to detain the committee long, because I am tired of this discussion; but I want to call the attention of the committee to one thing, and that is the mistake that the chairman of the Committee of Ways and Means charged upon me when he made his remarks on the other paragraph. He said that I had made a mistake when I said that this oval iron of all these sizes was before among the unenumerated articles at 35 per cent. *ad valorem*. In paragraph five hundred and twenty of the law as it now stands I find the words, "round, less than three fourths of an inch or more than two inches in diameter, 1½ cents per pound." And unless it is included in the word "round," and it cannot be according to the definition of it given by the chairman of the Committee of Ways and Means, [Mr. SCHENCK,] it is included in paragraph numbered five hundred and eighty-four, which reads, "On all manufactures of iron not otherwise provided for, 35 per cent. *ad valorem*." That is the clause under which these ovals and half ovals and half rounds are enumerated in the present law. The gentleman attempted to set me right, as he said, like a schoolmaster correcting a pupil. I accept his correction, and it is all right, I suppose.

Now, my proposition is to put this exactly where it is under the present law, at 35 per cent. *ad valorem*. I have here the report of the Special Commissioner of Internal Revenue, which sustains what I have stated: "On all sizes of oval, half-oval, and half-round iron, 35 per cent. *ad valorem*." That is the tariff under the present law. The change proposed by the Committee of Ways and Means is a change which puts this iron in a classification where it is not in the present law. The gentleman from Pennsylvania [Mr. KELLEY] says the duty as they propose it now is 35 per cent. *ad valorem*. Then, as that is the old standard, I propose that we shall adopt it here.

Mr. COX. I rise to oppose the amendment, and will say only a word or two upon it. The gentleman from Pennsylvania [Mr. KELLEY] states that to-day, when I proposed an amendment in regard to bar iron, that the duty upon it should not be more than 35 per cent. *ad valorem*. I said that I thought it was a fair duty. Now, I never expressed myself in that manner; I never had any such intention. I made that motion because I could make no other motion here. I am a free-trader. I believe that under the Constitution all tariffs except for revenue should be abolished; and because I cannot get what I want in this bill, by having it brought down to a fair, decent tariff, I am willing to join hands with any gentleman here for the purpose of bringing it down at least to within respectable stealing rates. In the old tariff 35 per cent. *ad valorem* was the limit as to all other kinds of iron; that is that it should not be less than that. Now, I proposed that it should not be more than 35 per cent. *ad valorem*; that is as to the bar iron to which I proposed my amendment. I do not wish to be reported here by the gentleman as saying that I thought it was a fair duty. I think that 35 per cent. *ad valorem*, when you add to it cost of transportation, difference of exchange, difference in premium and importers' profits, down to the point where these articles come into the hands of the consumers, is a tax upon the people of the United States which makes iron dearer than it ought to be. I cannot for the life of me understand that a dear commodity can be a blessing or that a cheap commodity can be a misfortune. And yet every once in a while we are lectured by gentlemen upon that subject. When we cipher this matter down, and show how much these things cost our people, the chairman of the Committee of Ways and Means [Mr. SCHENCK] gets up here, and in his peculiar style and manner, tells us that we are all wrong. When we in a modest way have shown that two and two make four he gets up and swears that they make only three; the gentleman from Pennsylvania [Mr. KELLEY] gets up and asserts that two and two make five; and the gentleman from Tennessee [Mr. MAYNARD] is positive that two and two really make six. [Laughter.]

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

The CHAIRMAN. The gentleman will state his point of order.

Mr. STEVENSON. My point of order is that the gentleman from New York [Mr. COX] has no right, in the debate upon this amendment, to discuss the gentleman from Pennsylvania, [Mr. KELLEY.]

The CHAIRMAN. The Chair thinks the gentleman from New York is wandering a little.

Mr. COX. I feel as if I were wandering in forbidden paths, and I will sit down. [Laughter.]

The question being taken on the amendment of Mr. LOGAN, it was not agreed to; there being—ayes 56, noes 68.

The question recurred on the amendment of Mr. LYNCH.

Mr. BURCHARD. I move to amend the amendment so as to strike out all the pending paragraph which specifies the rate of duty and to insert in lieu thereof the words "$30 per ton." This amendment corresponds with the amendment adopted in the paragraph relating to bar iron, the duty on which was changed from 1 cent a pound to $20 a ton. The present duty upon this class of rods is 1¼ cents per pound. If this amendment be adopted we make a corresponding reduction from $33 60 per ton to $30 per ton. The Committee of the Whole have reduced the duty on pig iron to $5 a ton, a reduction of $4 upon the existing rate. The Committee of Ways and Means recommended a reduction of $2 per ton. Then, instead of making in this paragraph an advance of 25 cents per hundred pounds, as proposed by the bill in its present form, we ought to make a reduction corresponding to that which has been made on pig iron.

Mr. STEVENSON. I rise to a point of order. It was ruled as against myself that we could not discuss pig iron; and I object to anybody else discussing it.

Mr. BURCHARD. I am not discussing pig iron. I am discussing rods and wire rods.

The CHAIRMAN. The Chair overrules the point of order.

Mr. STEVENSON. I am very glad of it.

Mr. BURCHARD. I presume the gentleman has made his point as a matter of sport.

Mr. STEVENSON. Oh! no, sir; I am in earnest; but I am very glad to hear the ruling which the Chair has just made. I think it is right.

Mr. BURCHARD. I have said all that I desire to say in regard to my proposition. It seems to me it must commend itself to the approval of the Committee of the Whole. It is in accord with the amendments already adopted which have taken the ton as the standard. We have not in any case adopted as a rate of duty so much per pound on any kind of iron.

Mr. SCHENCK. I do not appreciate the force of the argument made by the gentleman who has just taken his seat, that because the duty is fixed per pound upon the larger and coarser kinds of iron we must follow out that standard to the end upon all articles made of iron. By and by we shall come to screws and various other things.

Mr. BURCHARD. They are never sold by the ton, while rods are.

Mr. SCHENCK. Not often, I think. I was just going to remark that rods and wire rods, oval, half-oval, and half-round iron, are sold more often by the pound than by the ton. We but follow the rule of the trade in putting the tariff on them according to the denomination of weight used in the trade. Now, sir, in regard to the paragraph itself, while I think this amendment fixing the duty at $30 per ton should not be adopted, I am not at all sure that the amendment to fix the duty at 1¼ cents per pound ought not to prevail. Now that we have adjusted the classification and substituted specific duties for *ad valorem*, so as to afford a greater security against fraud, it strikes me the duty may very well be 1¼ cents per pound instead of 1¾ cents. I trust the amendment of the gentleman from Illinois [Mr. BURCHARD] will be voted down; but I confess that I for

one shall not be disappointed if the proposition to reduce the rate from 1¾ to 1½ cents should prevail. I thought 1¼ cents was not enough, but I do not think 1½ will be too low, with this amended classification.

Mr. BECK. I desire to ask the gentleman a question. What is the present cost per ton in England or the United States, in gold, on this class of iron? I have not the means of ascertaining it here.

Mr. SCHENCK. One hundred and five dollars and one hundred and twenty dollars; so they are quoted upon their arrival here.

Mr. BECK. The table I have says $75. I think the gentleman is mistaken.

Mr. KELLEY. I quoted the market price.

Mr. BECK. I want the facts from better authority than that cited by the gentleman from Pennsylvania. I want to hear what it is from the gentleman who has the floor.

Mr. GARFIELD, of Ohio. There is no classification which shows it under the present tariff.

Mr. SCHENCK. If the gentleman multiplies 2,240 by 2½, he will get the price of one class. The difference, I am told, depends upon whether the iron is puddled or not, or whether it is Swedish iron or not. The average is not so high as quoted by my friend from Pennsylvania. As I understand he quotes the market price in this country, and the market price in currency and not in gold.

Mr. BROOKS, of New York. I wish to understand this question, but in order to be heard I suppose I must move an amendment.

The CHAIRMAN. No further amendment is in order, and debate is exhausted on the pending amendments.

Mr. BURCHARD. I will withdraw my amendment.

Mr. McCORMICK, of Missouri. I object.

The question then recurred on Mr. BURCHARD's amendment to the amendment.

The committee divided; and there were—ayes 55, noes 58.

Mr. STEVENSON demanded tellers.

Tellers were ordered; and Mr. BURCHARD and Mr. NEGLEY were appointed.

The committee again divided; and the tellers reported—ayes 67, noes 72.

So the amendment was rejected.

Mr. BROOKS, of New York. I propose an amendment to make it $31 a ton. Now, Mr. Chairman, let us look at this amendment. Let us understand it. The bill starts with proposing——

Mr. HOAR. I rise to a question of order. The form in which this amendment is proposed does not make it in order until the paragraph has been perfected.

The CHAIRMAN. There is no motion pending to perfect the paragraph.

Mr. HOAR. Yes, sir; to make it 1½ cents per pound. Now, the paragraph fixes the duty by the pound, and the amendment now pending, in order to perfect the paragraph, proposes to strike out 1¾ cents per pound and to insert 1½ cents per pound; but the gentleman from New York moves to strike out 1¾ cents per pound and insert $31 per ton. My point of order is that the question cannot be put on that amendment until the other has been negatived.

The CHAIRMAN. The Chair decides that the point is well taken.

The question then recurred on Mr. LYNCH's amendment to strike out "1¾ cents per pound" and to insert "1½ cents per pound."

The amendment was agreed to.

Mr. BROOKS, of New York. That is too high, and I propose to make it $31 per ton.

Mr. SCHENCK. I rise to a point of order, that the gentleman cannot move to strike out what the committee have inserted.

Mr. BROOKS, of New York. I will not insist upon the amendment, merely stating that the gentleman from Ohio has backed out from his own proposition.

The Clerk read as follows:

On all sizes of oval, half-oval, and half-round iron, 1¾ cents per pound.

Mr. SCHENCK. I move an amendment to make it correspond with the preceding paragraph. In line three hundred and forty-one strike out the words "all sizes of" and insert "rods and wire rods," and in the same line, after the word "iron," insert "not less than five sixteenths of an inch diameter or square;" so it will read:

On rods and wire rods, oval, half-oval, and half-round iron, not less than five-sixteenths of an inch diameter or square, 1¾ cents per pound.

The amendment was agreed to.

The Clerk read as follows:

On all sizes of flat, hoop, band, strip, scalp, tube, and scroll iron, thinner than No. 5 and not thinner than No. 14 wire gauge, 1¾ cents per pound; thinner than No. 14 wire gauge, 1¾ cents per pound.

Mr. ALLISON. I move to strike that paragraph out. The effect, whatever the object may have been, of this paragraph is to make a new classification between No. 5 and No. 14 wire gauge, and from No. 14 to No. 20 wire gauge, and to increase the duty on each class. I trust there will be no increase of duty on this iron. If the paragraph is stricken out the law will remain as it now is, without any increase or any reduction. I trust no increase will be made. I do not myself propose any reduction on this class of iron.

Mr. STEVENSON. I rise to oppose the amendment. I hope there will be no hole left in the bill when it is passed. I hope it will be in such a state that a man on reading it can understand what is meant without having to turn back to some other law. It is sufficiently difficult and complicated as it is. I think the gentleman from Iowa ought to move an amendment declaring distinctly the rate of duty as he desires to have it, instead of leaving a hole in the bill, as he proposes, for people to fall into.

Mr. ALLISON. I am afraid there will be a great many holes left after we pass this bill. This only provides for particular classes of iron, and does not comprehend all manufactures of iron. I desire to leave this "flat, hoop, band, strip, scalp, tube, and scroll iron" just as it is in the law now.

Mr. STEVENSON. I do not think that that is a good answer. If already there are many holes in the bill we should not make another, so as to render it still more holy or unholy than it is. I now yield to the gentleman from New Jersey [Mr. HILL] the balance of my time.

Mr. HILL. I wish to answer the question addressed to me a few minutes ago by the gentleman from Ohio, [Mr. STEVENSON.] I did not desire to charge the gentleman from Ohio with intentionally misrepresenting the Lehigh Crane Iron Works, neither did I garble his speech, but took the extract just as found in the Globe, and as my attention was directed to it by the company, and which they stated was incorrect. This was what I desired to say a short time ago when I was interrupted.

The CHAIRMAN. Debate is exhausted on the pending motion.

Mr. COX. I renew it.

Mr. CONGER. I rise to a point of order. I understand the rule to be that two gentlemen can speak on an amendment. I submit that two gentlemen have not as yet spoken on this question.

The CHAIRMAN. The gentleman from Iowa [Mr. ALLISON] moved to strike out. The gentleman from Ohio [Mr. STEVENSON] opposed the motion. Gentlemen have spoken on the two sides of the question.

Mr. CONGER. I submit that neither of the two gentlemen who were last on the floor has spoken on the question.

The CHAIRMAN. That point is made too late.

Mr. COX. I move to amend so as to make the rate 1 cent per pound, for the purpose of inquiring of the gentleman from Iowa what would be the *ad valorem* duty on this species of iron if this paragraph were struck out.

Mr. ALLISON. I cannot give the gentleman precisely the *ad valorem* duty. I will only say, in reply to his question, that I know of no manufactured iron which under the existing law pays less than 57 per cent. A few of the higher classes may pay less, but I speak now of the mass of the imports.

Mr. COX. I would inquire, then, of the gentleman how much this paragraph will raise the existing tariff, or does it increase the tariff?

Mr. ALLISON. Under the existing law this class of iron, not less than No. 20 wire gauge, pays 1½ cents per pound. In this bill there is introduced a new classification, above and below No. 14 wire gauge; so that by this bill all between No. 14 and No. 20 wire gauge pay an additional duty of one quarter cent per pound. At present all under No. 20 wire gauge pay 1¼ cents, and all above No. 20 pay 1½ cents.

Mr. COX. I would like to ask the gentleman another question, as I am not very familiar with this subject, not being a member of the Committee of Ways and Means. This paragraph refers to "all sizes of flat, hoop, band, strip, scalp, tube, and scroll iron." Is it intended to include in this the wire which enters into the hoop-skirt business? Is that the kind of "hoop" which is here referred to?

Mr. ALLISON. I should think that hoop-skirts would not come in as below No. 14 wire gauge. They might, perhaps, come in below No. 20, or between No. 20 and No. 25, and would certainly under this bill have to pay 1¾ cents per pound. Under the existing law they would pay 1¼ cents or 1½ cents.

Mr. COX. Well, I think the gentleman from Iowa can sustain my amendment, then. It cuts it down to 1 cent.

Mr. ALLISON. I do not suppose they use iron at all for that purpose, but rather steel. I am not familiar with that subject.

The question was put on Mr. COX's amendment; and there were—ayes forty-one, noes not counted.

So the amendment was rejected.

Mr. BROOKS, of New York. I move to strike out "three fourths" and insert "five eighths." Mr. Chairman, I believe it is generally admitted now upon all sides that the majority in this House do not intend to increase the duties on iron. Here is an increase, and an increase on an article of iron the consumption of which is most widely diffused. And the principle being settled that we want to raise revenue by the tariff, it should also be settled that we will not impose those rates of duty which will practically amount to prohibition, as this will in this case. Now, let me call the attention of the committee to the class of iron on which it is proposed to increase the duty here. It is that class of hoop iron which enters into the hooping of wooden pails, wash-tubs, firkins, whisky and oil barrels, paint kegs, and all that class of widely-diffused manufactures. The proposition here is to raise the duty on that class of iron from 1½ cents per pound to 1¾ cents per pound.

The duty on this species of iron is now enormous. The increase from 1860 is very great. The present duty in gold on half inch is 136 per cent., on three fourths inch is 196 per cent., on seven eighths inch is 212 per cent., and on one to two inches 230 per cent. The Committee of Ways and Means propose to increase it so that it shall be on half inch 171 per cent., on three fourths inch 315 per cent., on seven eighths inch 337 per cent., and on one to two inches 362 per cent. That is the advance proposed in this bill, calculating the premium on gold at 20 per cent. Now, this is prohibition. It is not revenue; it is prohibition. This is creating a hot-bed for the manufacture of this species of iron, reducing the revenue and giving somebody enormous bounties to produce this class of iron. I could not say more if I spoke an hour on the subject than submit these facts to the House, and I give notice now that I intend if it is proposed

to pass this paragraph to have a close and severe division of the House, and I hope the reporters will note who passes between the tellers. My proposition is that under this paragraph there shall be no duty above 100 per cent. *ad valorem*.

Mr. SCHENCK. Mr. Chairman, the proposition here is to introduce two classes instead of three upon this hoop iron. There are three rates of duty now—1¼ cents per pound, 1½ cents and 1¾ cents. The gentleman is wrong in his first statement, that it is a change from 1¼ cents to 1¾ cents. There is such a rate now at 1¾ cents per pound. But the gentleman particularly insists upon it that the present rate of duty runs up into the hundreds per cent. This is a part of those loose statements to which this House is continually treated.

Mr. BROOKS, of New York. I have better authority than the gentleman from Ohio.

Mr. SCHENCK. Well, I have nothing in the world except the returns from the Treasury Department, made up from the returns and invoices in the custom-houses. Somebody or other furnishes free-trade documents which are considered a better and higher authority. We are told in grandiloquent words how much higher the authority is; but somehow or other the authority is not produced. Here is a report made at Mr. Wells's office, the Statistical Bureau, by his assistant, Mr. Walker, and made up from the returns from the custom-houses, and these three rates are 65 and a fraction per cent., 71 and a fraction per cent., and 57 and a fraction per cent., reduced to the *ad valorem* standard from the custom-house returns. Sir, I am tired of hearing of this higher and better authority that somebody has in his pocket or in his desk, obtained from somebody that imports iron, sent on from New York to serve a purpose here, some free-trade document. Heaven only knows what it is! There is the return from the custom-houses digested, analyzed, reduced to shape, and reported to us as a public document, and I hold that it is somewhat of an authority to be relied upon. That is the authority that is continually met by these broad unqualified assertions that there is some other and bigger authority behind which gentlemen place themselves. A while ago the gentleman said it was the custom-house that told him so. That is the first time I ever heard of a custom-house talking. [Laughter.] It may be that he meant that the collector told him so; but he did not say that; or it may be that he meant that the appraiser or deputy collector told him so; but that was not what he said; or it may be that he meant that the inspectors told him so; but he did not say that even.

Sir, I hold here in my hand what the custom-house has really told, in the only way in which a custom-house can tell anything, by the regular returns made day by day, and month by month, classified and arranged and digested and prepared, and then reported to us from the Treasury Department. And instead of running the duty up into the hundreds of per cent., as the gentleman says, they reach very little above the half of one hundred.

The change made here by this bill is to leave out of this paragraph all iron wire larger than No. 5 wire-gauge standard, and it remains, I suppose, under the duty of 1¼ cents per pound. That which is thinner than No. 5 wire-gauge standard, and not thinner than No. 14, is put at 1½ cents per pound; and all that which is thinner than No. 14 wire-gauge standard is put at 1¾ cents per pound. I do not myself know what are these measurements by numbers of wire-gauge standard when reduced to inches and fractions of inches. Wire of No. 1 wire-gauge standard, as exhibited to us in the room of the Committee of Ways and Means, I should say was about as large as a common wooden lead pencil. From that it runs down to No. 24, the highest number being for the smallest wire. The thickest wire is at the lowest rate, and the thinnest wire at the highest rate of duty.

[Here the hammer fell.]

The question was upon the amendment moved by Mr. BROOKS of New York.

Mr. BROOKS, of New York. I will withdraw my amendment, if there be no objection.

No objection was made; and the amendment was accordingly withdrawn.

The question recurred upon the motion of Mr. ALLISON, to strike out the paragraph.

Mr. BROOKS, of New York. I move to amend the paragraph before the question is taken upon the motion to strike out, by adding to it the following:

Provided, That under this paragraph no rate of duty shall be collected over 100 per cent. *ad valorem*.

Now, I will ask the chairman of the Committee of Ways and Means [Mr. SCHENCK] if he will accept that proposition?

Mr. SCHENCK. No; there is no such duty imposed or intended to be. This proposition of the gentleman's is merely intended as a sort of slur upon the Committee of Ways and Means, for nobody ever thought of imposing a duty of over 100 per cent.

Mr. BROOKS, of New York. Then why not say so?

Mr. SCHENCK. It is a mere trick; I understand the trick.

Mr. BROOKS, of New York. It is intended in good faith. There is a question of veracity between the gentleman from Ohio [Mr. SCHENCK] and myself.

Mr. SCHENCK. Not at all; it is between the gentleman and the Treasury Department.

Mr. BROOKS, of New York. These returns and classifications are so confused and so confounded that [bringing his hand down heavily on the desk] the devil himself could not understand them. [Laughter.]

Mr. STEVENSON. I call the gentleman to order.

Mr. BROOKS, of New York, I tell the gentleman from Ohio [Mr. SCHENCK] that he may talk of slurs and free-traders, and yet he is willing enough to gather information from the iron-mongers of the country. But when I present him with the equally good authority of importers of the highest classes of iron, not of one only but of twenty of them who have made out these tables, he talks about slurs and about free-traders and free-trade Democracy.

Now, I have put him to the test in good faith. There is no harm in my proposition to restrict the duty to 100 per cent. *ad valorem*. If he believes it is not more than that he will not get off by saying that it is a slur. But he should accept the proposition and put it in the law, and thus put me and my indorsers to the blush if it is not true. I do not make propositions like this as slurs. I make them because I aver, not upon my own authority, but upon the authority of experts, that in this classification of iron the duty is over and over again more than 100 per cent. *ad valorem*. I challenge the gentleman to go on the record and assent to this amendment.

Mr. SCHENCK. Will the gentleman allow me a single moment?

Mr. BROOKS, of New York. Certainly.

Mr. SCHENCK. I submit a few statistics from the official report of the Deputy Special Commissioner of the Revenue in charge of the Bureau of Statistics, Treasury Department. If these figures do not demolish the gentleman's pretended "authority" I do not know what will.

Commodities.	Quantity.	Value.	Rate of duty.	Amount of duty.	Total duties.	Average duty, reduced to *ad valorem*.
Band, hoop, and scroll iron, from ¼ to 6 inches wide:						*Per cent.*
Not thinner than ¼ inch	7,415,408	$141,681 96	1¼ ct. per lb	$92,692 60		
	130,984	2,632 00	1½ ct. per lb	1,637 30	$94,329 90	65¼
Under ¼ inch to No. 20	10,216,817¼	212,279 69	1½ ct. per lb	153,252 25		
	2,552,429	55,776 00	1¾ ct. per lb	38,286 44	191,538 69	71¼
Thinner than No. 20	2,044,988	59,297 60	1¾ ct. per lb	35,787 29		
	125,217	6,284 00	1¾ ct. per lb	2,191 30	37,978 59	57¼

Mr. BROOKS, of New York. Those official reports—I have studied them—do not throw any light on this subject; for in this bill we have an ingenious classification made for the purpose of throwing dust in the eyes of those who are not conversant with these subjects. No returns have been made to the Treasury Department under this classification. The gentleman proposes in this bill a new classification, and then offers me, as bearing on the subject, an official document embracing returns made under an entirely different classification. We have had that sort of argument very often in this debate.

Mr. SCHENCK. And the argument from official figures will be very often repeated. The gentleman from New York having concluded, I hope there will now be unanimous consent that debate on this paragraph shall terminate.

Mr. BUCK. I object.

Mr. HOLMAN. I move to amend the amendment of the gentleman from New York by striking out "100" and inserting "50," so as to provide that the duty shall not exceed 50 per cent.

On the amendment there were—ayes 44, noes 67; no quorum voting.

Tellers were ordered; and Mr. HOLMAN and Mr. BEAMAN were appointed.

The committee divided; and the tellers reported—ayes 51, noes 71.

So the amendment to the amendment was not agreed to.

Mr. KERR. I move to amend the amendment so as to insert "75" instead of "100."

The amendment to the amendment was not agreed to; there being—ayes forty-three, noes not counted.

Mr. ALLISON. I move to amend the amendment by striking out "100" and inserting "60." I make this motion for the purpose of calling attention again to the fact that this paragraph ought to be struck out, because the only effect of it is to increase the duty. It does not reduce the duty upon any class of iron, but introduces a new classification, and also increases the rate. I do not know whether the gentleman from New York [Mr. BROOKS] is correct when he says that under this bill certain classes of iron will pay a duty of over 100 per cent. I only know that iron which now pays 1½ cents per pound will pay

under this classification 1¼ cents per pound—an increase of one quarter of a cent.

Mr. SCHENCK. I wish the gentleman would show that.

Mr. ALLISON. I will show it by stating that now all iron under No. 20 wire gauge pays 1½ cents per pound. If this paragraph be adopted all iron above No. 14 wire gauge will pay 1¾ cents per pound. In other words, the duty on all iron between No. 14 and No. 20 wire gauge is increased one quarter of a cent per pound, making an increase on seven numbers. All iron between one eighth of an inch in thickness and No. 20 wire gauge now pays 1½ cents a pound. Under this bill all iron between No. 5 and No. 14 will pay 1½ cents per pound.

Mr. GARFIELD, of Ohio. If the gentleman will allow me, I will say I made an effort once while on the Committee of Ways and Means to ascertain what "wire gauge" means, whether it had relation to the number of diameters in an inch, or what it did mean; but I found that no member of the Committee of Ways and Means and nobody who appeared before that committee knew. I do not suppose it is easy to find out. I am told from the best intelligence I have that it is utterly arbitrary. No. 9 wire gauge is about telegraph wire size. Therefore when we duplicate this classification we are working pretty much in the dark. To simplify the classification is, in my judgment, the best thing we can do. It is difficult to tell whether the new section increases or decreases the rate of duty. I think all the numbers intervening between No. 14 and No. 20, namely, six numbers, are advanced by this from 1½ cents to 1¾ cents.

[Here the hammer fell.]

Mr. MAYNARD. In reply to the suggestion of the gentleman from Ohio I will say that I understand No. 5 wire gauge——

Mr. STEVENSON. I rise to a point of order. Is not debate exhausted?

The CHAIRMAN. It is not.

Mr. MAYNARD. No. 5 wire gauge is one sixteenth part of an inch, and iron in the bill, thin iron, thinner than No. 14, is not raised in the present law.

Mr. ALLISON. I am told that No. 11 is about the one eighth of an inch. Between No. 5 and No. 11 there is an increase of one quarter of a cent per pound.

Mr. GARFIELD, of Ohio. No. 9 wire gauge is about one eighth of an inch; but the number wire gauge has no relation to the number of diameters in an inch.

Mr. MAYNARD. It is well understood by iron men.

Mr. ALLISON. I withdraw my amendment.

Objection was made.

The amendment was rejected.

Mr. STEVENSON. I move that the committee rise.

The committee divided; and there were—ayes 38, noes 64.

Mr. STEVENSON demanded tellers.

Tellers were not ordered.

So the committee refused to rise.

The question recurred on the amendment of Mr. BROOKS, of New York.

The committee divided; and there were—ayes 55, noes 64.

Mr. BROOKS, of New York, demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. BROOKS, of New York, and Mr. KELLEY.

The committee again divided; and the tellers reported—ayes 53, noes 67.

So the amendment was rejected.

Mr. BUCK. In line three hundred and forty-seven I move to add the words "and on iron hoops and on cotton ties made of hoop iron, 1¾ cents per pound."

Mr. STEVENS. I rise to a point of order, that the amendment is not germane to this paragraph, but belongs to a subsequent paragraph.

Mr. BUCK. I recognize that fact; but it is in the old law.

The CHAIRMAN. The Chair sustains the point of order.

The question recurred on Mr. ALLISON'S motion to strike out the paragraph.

The committee divided; and there were—ayes 64, noes 66.

Mr. ALLISON demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. ALLISON and Mr. ARMSTRONG.

The committee again divided; and the tellers reported—ayes 72, noes 59.

So the amendment was agreed to.

The Clerk read as follows:

On all sizes of sheet or plate iron not glazed or polished and not thinner than No. 24 wire gauge, 1½ cents per pound; thinner than No. 24 wire gauge, not including tagger's iron, 1¾ cents per pound.

Mr. ALLISON. I move to strike out that paragraph.

Mr. SCHENCK. I move that the committee rise.

The motion was agreed to.

So the committee rose; and Mr. SCOFIELD having taken the chair as the Speaker *pro tempore*, Mr. WHEELER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Leave of absence was granted, by unanimous consent, to Mr. HAWLEY for to-morrow.

And then, on motion of Mr. HOOPER, of Massachusetts, (at ten o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. COX: The petition of Rosannah Allison, for a pension.

By Mr. HOAR: The petition of Nathan T. Revere, for bounties.

By Mr. HOLMAN: The petition of Lot North, for relief on account of the robbery of the post office at Patriot, Indiana.

By Mr. MAYNARD: The petition of Mrs. Sarah Armstrong, of Benton, Tennessee, widow of Captain Baker Armstrong, tenth regiment Tennessee cavalry volunteers, who was killed by a band of guerrillas on the 29th of November, 1864, while in the discharge of his duty, praying for a pension.

Also, the petition of Thomas Smith, of Knoxville, Tennessee, a blind beggar, who lost his sight while in the wagon service during the war, and who lost his senior, unmarried son, private company K, tenth regiment Tennessee cavalry volunteers, who was slain in battle at Franklin, Tennessee, December 18, 1864, praying for a pension.

By Mr. RICE: The petition of James H. Rogers, of Hancock county, Georgia, asking to be relieved from political disabilities imposed by section three of the fourteenth article of amendments to the Constitution.

By Mr. STRICKLAND: The memorial of A. B. Witherber and 78 others, citizens of Flint, Michigan, opposing the seventh section of the funding bill.

Also, the memorial of J. F. Ingalls and George S. Wheeler, of Menomonee, Michigan, asking a grant of land to aid in the construction of the Deer Creek and Marble Quarry railroad.

Also, the memorial of C. H. Whittemore and 31 others, citizens of Tawas, Michigan, opposing any repeal of the duties on lumber.

Also, the memorial of W. O. Taylor and others, of Tawas City, Michigan, opposing any repeal of the duties on lumber.

Also, the memorial of A. Gould and others, of the city of Owasso, Michigan, opposing the passage of the seventh section of the funding bill.

Also, the memorial of J. C. Goodale and 25 others, citizens of Chessaning, Michigan, opposing a change of the line of the Jackson, Lansing, and Saginaw railroad.

By Mr. SWANN: The petition of G. W. Ward, W. R. Riddle, Tabott Denmead, Alexander Brown, and 200 others, citizens and firms of the city of Baltimore, against the coercive feature of the funding bill in relation to the national banks.

By Mr. WELKER: The petition of John F. Hudson and 69 others, citizens of Holmes county, Ohio, asking that the duty on tea and coffee be abolished and the duty on sugar and molasses greatly reduced.

IN SENATE.

WEDNESDAY, *April* 27, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of yesterday was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 902) limiting the appointment of certain officers in the Treasury Department was read twice by its title, and referred to the Committee on Retrenchment.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Military Affairs:

A joint resolution (H. R. No. 267) in relation to the burial-place for the remains of General John A. Rawlins; and

A joint resolution (H. R. No. 268) directing the Secretary of War to deliver certain condemned cannon to the Ladies' Monument Association of Peoria, Illinois.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT. The Chair will lay before the Senate the report of the Second Auditor of the Treasury, communicating, in obedience to law, copies of all accounts which have been received at that office from persons charged or intrusted with the disbursement or application of moneys, goods, or effects of any kind for the benefit of the Indians, from July 1, 1868 to June 30, 1869; which will be referred to the Committee on Indian Affairs. The document is so bulky that the Chair will not propose its printing unless the committee desire it.

PETITIONS AND MEMORIALS.

Mr. SAWYER presented the petition of V. J. Tobias, of Charleston, South Carolina, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. ROSS presented a petition of citizens of Cherokee county, Kansas, praying for such action as will protect cattle-dealers from the payment of tax levied upon them by the various Indian tribes in the Indian territory; which was referred to the Committee on Indian Affairs.

Mr. SCOTT presented the petition of Edmund Blanchard, executor of the estate of Captain Evan M. Buchanan, deceased, praying that the estate may be released from the payment of a certain amount now standing charged on the books of the Treasury Department against Evan M. Buchanan as commissary of subsistence; which was referred to the Committee on Claims.

Mr. BOREMAN presented the petitions of Charles A. Tackett, Stafford county, Virginia; of John H. Austin, Rockingham county, Virginia, and of John E. Roller, Rockingham county, Virginia, praying the removal of their political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred a joint resolution (S. R. No. 43) to refer the claim of the administrator of the estate of Captain John Davis, deceased, to the Court of Claims, to report it adversely. The committee are of opinion that there are no special circumstances in the case which would warrant remitting the statute of limitations, which is the point of the joint resolution. I move that it be indefinitely postponed.

The motion was agreed to.

Mr. EDMUNDS. I am instructed by the same committee, to whom were referred various papers, petitions, and documents respecting the removal of causes in certain cases from the State courts to the United States courts, to report a bill on that subject.

The bill (S. No. 844) for the removal of causes in certain cases from the State courts to the United States courts, and for other purposes, was read and passed to a second reading.

Mr. HOWE, from the Committee on Claims, to whom was referred the memorial of Joseph Curry, representing that he was disabled while employed as an armorer in the Government armory at Harper's Ferry, during the war of 1812, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

He also, from the same committee, to whom was referred the petition of William Watson, praying for compensation for services as a soldier from August 30, 1864, to March 18, 1865, a period after his term of service had expired, and in the Army and during which he was in hospital sick, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Peyton S. Alexander, for himself and other heirs of Robert R. Minton, deceased, praying compensation for forage taken and used by United States troops in 1865, reported adversely thereon, and moved that the petitioner have leave to withdraw his petition and papers; which was agreed to.

He also, from the same committee, to whom was referred the petition of J. M. Johnson and E. Ann Johnson, executors of H. and W. Ellison, executors of William Ellison, praying to be reimbursed for property destroyed by United States troops on April 19, 1865, reported adversely thereon and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom were referred two petitions of Mary W. D. Orme, of Washington, praying for compensation for property destroyed by Federal soldiers during the late war, asked to be discharged from its further consideration; which was agreed to.

Mr. RICE. The Committee on the Judiciary, to whom was referred the amendment of the House of Representatives to the bill (S. No. 95) for the sale of the Hot Springs reservation, in Arkansas, have instructed me to report it back with a recommendation that the Senate do not concur in the amendment of the House, and ask for a committee of conference. I therefore move that the Senate nonconcur in the amendment of the House.

The VICE PRESIDENT. The Senator from Arkansas reports from the Committee on the Judiciary adversely on the amendment of the House of Representatives to the Senate bill in regard to the sale of the Hot Springs reservation, in Arkansas, and asks for the appointment of a committee of conference on the disagreeing votes of the two Houses. Is there objection? The Chair hears none, and it is so ordered.

Mr. EDMUNDS. Let the Chair appoint the committee of conference.

The VICE PRESIDENT. That order will be made if there be no objection.

The VICE PRESIDENT subsequently appointed Mr. RICE, Mr. EDMUNDS, and Mr. HAMILTON of Maryland, as the committee on the part of the Senate.

Mr. HOWELL, from the Committee on Pensions, to whom was referred the petition of Harriet De Witt Mitchell, daughter of General O. M. Mitchell, deceased, praying for a pension, reported a bill (S. No. 845) granting a pension to Harriet De Witt Mitchell; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the petition of Rebecca Shoemaker, widow of Absalom Shoemaker, a private in company I, twenty-first regiment Ohio volunteers, who died of disease contracted in the service, reported a bill (S. No. 846) granting a pension to Rebecca Shoemaker; which was read, and passed to the second reading.

He also, from the same committee, to whom was referred the petition of Peter Toole, praying for a pension, asked to be discharged from its further consideration; which was agreed to.

Mr. SCOTT, from the Committe on Claims, to whom was referred the bill (H. R. No. 698) for the relief of Daniel K. Wunderlich, of Chambersburg, Pennsylvania, reported adversely thereon, and moved that the bill be indefinitely postponed; which was agreed to.

Mr. McDONALD. The Committee on Territories, to whom was referred the bill (S. No. 679) to organize the Territory of Oklahoma, consolidate the Indian tribes under a territorial government, and carry out the provisions of the treaties of 1866 with certain Indian tribes, have directed me to report the bill back with sundry amendments and a report, and to ask that the report be printed and the bill rereferred to the committee.

The VICE PRESIDENT. The report will be ordered to be printed, and the bill will be recommitted to the committee, if there be no objection.

Mr. SAWYER, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 40) to confirm the title of William M. Garvey to a certain tract of land, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Thomas A. Cook, of Alabama, praying the restoration to him of certain property sold by the United States for direct taxes, submitted a report, which was ordered to be printed, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of John B. Chapman, praying the confirmation of his title to certain land in Washington Territory, asked to be discharged from its further consideration; which was agreed to.

Mr. HAMILTON, of Maryland, from the Committee on Patents, to whom was referred the petition of Richard M. Hoe, submitted a report, accompanied by a bill (S. No. 847) to extend the term of letters-patent issued to Richard M. Hoe.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. PRATT. The Committee on Claims, to whom was referred the joint resolution (H. R. No. 224) for the relief of Mrs. Margaret P. Robinson, of Kentucky, and also the petition of that lady, referred to the committee by order of the Senate on the 3d of February, 1870, have had the same under consideration, and have directed me to submit a written report, and to recommend the passage of the House joint resolution. I wish to say in this connection that the committee have had under consideration a great many claims of a kindred character to this, raising the question how far Congress will compensate loyal owners of property in the South destroyed during the war or appropriated and used by the Government. Several bills have been reported, some of them have been passed over on the Calendar, and other bills will be reached to-day raising that question. Whenever it suits the convenience of the Senate I shall be glad to address some remarks to this body upon the general proposition involved in those bills, and if it will suit the convenience of the Senate this morning I should be glad if they would take up the bill (S. No. 249) for the settlement of claims for quartermaster's and commissary stores furnished to or taken by the United States within the States in rebellion during the late war, that I may address some remarks to the merits of that bill.

Mr. WARNER. I move that the Senate take up Senate bill No. 249 to allow the Senator to submit his remarks.

Mr. TRUMBULL. Before proceeding with that I should like to be allowed to make some reports.

The VICE PRESIDENT. If there be no objection the proposition of the Senator from Alabama will be regarded as concurred in.

Mr. EDMUNDS. Is it merely for the purpose of allowing the Senator from Indiana to express his views?

Mr. PRATT. That is all.

The VICE PRESIDENT. The Chair understands that consent is given to the Senator from Indiana to address the Senate upon the bill referred to by him; but in the mean time he yields for morning business.

Mr. TRUMBULL. The Committee on the Judiciary, to whom were referred two Senate bills to fix the time for the election of Representatives and Delegates in the Congress of the United States, and also a bill from the House of Representatives for the same purpose, have instructed me to report back the bill (H. R. No. 1705) to fix the time for the election of Representatives and Delegates in the Congress of the United States, with a recommendation that it pass.

The VICE PRESIDENT. It will be placed on the Calendar.

Mr. TRUMBULL. I move that the bill (S. No. 727) to fix the time for the election of Representatives and Delegates in the Congress of the United States, and the bill (S. No. 308) to establish a uniform time for holding elections for electors of President and Vice President of the United States and Representatives in Congress in all the States in the Union, be indefinitely postponed.

The motion was agreed to.

Mr. STEWART. I am very anxious that the bill (S. No. 810) to enforce the fifteenth amendment to the Constitution of the United States shall be made a special order. I offered a resolution for that purpose, and I hope the vote will be allowed to be taken on that resolution.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent to allow the proposition submitted by him, to place the bill to enforce the fifteenth amendment on the Calendar of special orders, to be now acted upon.

Mr. FERRY. Let us go on with the regular order. That resolution is on the Calendar of resolutions, I suppose.

The VICE PRESIDENT. Reports of committees are still in order.

Mr. WILSON, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 172) directing the survey of a route for a railroad on the west bank of the Potomac river from a point opposite Georgetown to Harper's Ferry, reported it without amendment.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred a letter of the Secretary of the Interior communicating papers in relation to the claim of T. Bruguier and Goewey for subsistence furnished for the protection of Fort Union in 1866 and 1867, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

BILLS INTRODUCED.

Mr. CAMERON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 848) to incorporate the Connecting Railway Company of Washington, District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 849) to authorize the sale of certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

ENFORCEMENT OF FIFTEENTH AMENDMENT.

The VICE PRESIDENT. The Senator from Indiana is now entitled to the floor.

Mr. STEWART. I should like to have a vote on the question of making Senate bill No. 810 a special order.

Mr. FERRY. I object.

Mr. HAMILTON, of Maryland. What is it?

Mr. STEWART. It is a bill to enforce the fifteenth amendment.

The VICE PRESIDENT. The Senate, by unanimous consent, agreed to allow the Senator from Indiana to call up a bill for the purpose of consuming the remainder of the morning hour in discussing its merits, not for action on the bill.

Mr. STEWART. He is willing to give way to allow a vote to be taken on my resolution.

The VICE PRESIDENT. Does the Senator from Indiana give way for that purpose?

Mr. PRATT. Yes, sir.

The VICE PRESIDENT. The resolution referred to is the third on the Calendar.

Mr. STEWART. We shall reach it in a moment.

The VICE PRESIDENT. The resolutions on the Calendar of resolutions laid over will be stated in their order. The first resolution is one offered by the Senator from Oregon [Mr. WILLIAMS] to amend the recent rule of the Senate.

Mr. STEWART. I move that it be passed over.

The motion was agreed to.

The VICE PRESIDENT. The second resolution on the Calendar is one offered by the Senator from Michigan [Mr. CHANDLER] for a recess from five to half past seven o'clock, for the consideration in the evening of bills reported from the Committee on Commerce.

Mr. STEWART. I move that that be passed over.

The motion was agreed to.

The VICE PRESIDENT. The next resolution is the resolution of the Senator from Nevada that the bill (S. No. 810) to enforce the fifteenth amendment be made a special order.

Mr. POMEROY. Is that on the Calendar?

Mr. STEWART. It is on the Calendar.

The VICE PRESIDENT. Not on the printed Calendar.

Mr. POMEROY. I ask the Chair, is it on the printed Calendar of resolutions for the morning hour?

The VICE PRESIDENT. The Chair holds that it is on the Calendar, and for this reason: when a committee report a bill, any motion naturally growing out of that bill is in order, because the bill is then before the Senate; but it is subject to the rules of the Senate. The Committee on the Judiciary reported by the Senator from Nevada this bill, and asked that it be made a special order, introducing a resolution to that effect. The resolution was objected to, and therefore, like other resolutions, went over one day for consideration.

Mr. POMEROY. If the Senator from Nevada introduced a resolution to that effect I have nothing to say.

Mr. EDMUNDS. It was not necessary that it should be in writing unless that was required by some Senator.

The VICE PRESIDENT. The Chair regarded it as a resolution, as in the case of the bill with regard to mail-steamship service with Australia, which was discussed several days in the morning hour on a resolution of the Committee on Post Offices and Post Roads to refer it to some other committee. The resolution to make this bill a special order is before the Senate, and it requires a two-thirds vote.

Mr. MORRILL, of Maine. What will be the effect of thus assigning it as a special order?

The VICE PRESIDENT. It will make it the next special order after the bill for the abolition of the franking privilege, which is now the only special order on the Calendar.

Mr. MORRILL, of Maine. I desire to have the Senate consider the legislative, executive, and judicial appropriation bill very soon.

The VICE PRESIDENT. The Chair will state that special orders when reached can be passed over by a majority vote, as any bill on the Calendar can be passed over.

Mr. MORRILL, of Maine. I do not exactly see why this bill should be made a special order at the present time. If there is any obstacle to considering a special order when it is made it seems to me we should not make it; and if it is the intention to consider it to the exclusion of the legislative, executive, and judicial appropriation bill, I think I ought to object. I wish, therefore, to have a distinct understanding whether it is the intention of the Senate, after having gone through the regular call of the Calendar according to the present order, to make any order whatever which shall further postpone the consideration of that appropriation bill.

Mr. STEWART. There will be no disposition to antagonize this bill against the appropriation bills; but I should like to have it in such a condition that it can be reached as soon as any ordinary business is transacted. It is quite important that it should be passed on account of several State elections that are to take place.

Mr. MORRILL, of Maine. I do not wish to interpose any objection to any desire of the Senate, except that I wish it distinctly understood that when the Calendar has been gone through under the present order I shall desire the Senate to proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. STEWART. We all understand that.

Mr. FERRY. It certainly appears to me that there is no necessity for placing the bill upon the Calendar of special orders. It is objectionable at any time to place a bill upon that Calendar unless there be immediate, pressing necessity for its passage. It breaks in on the general order of business; and there are orders here, as to which we have been waiting an indefinite period of time for them to reach the attention of the Senate, which stand now at the very head of the list of general orders, and by this action of the Senate they will again be, as it were, postponed indefinitely.

Now, what is the necessity? This is a bill to enforce the fifteenth amendment, of course relating to elections in the States; and its practical operation cannot be called for until after the adjournment of the present session of Congress. There may possibly be one of the Pacific States in which there is to be an election before the adjournment of Congress; but I know of no other. So that if the bill is passed at any time during the present session it will meet the evils which it is intended to meet precisely as well as if it were placed on the Calendar of special orders and were passed to-morrow. It is a bill which must inevitably involve considerable debate. The third section of the bill—I think that is the section—unintentionally doubtless, in effect repeals every registry law in the United States in my judgment, though the bill itself as a whole I approve of and shall vote for. But I do certainly insist that it shall not push other business equally pressing out of the way when there is no immediate necessity for its passage. I call for the yeas and nays on the motion. It requires a two-thirds vote.

The yeas and nays were ordered.

Mr. POMEROY. I have been so anxious to proceed with the Calendar of general orders that I feel reluctant to vote for any special orders at all. Now, if the Senator from Nevada will move to put this bill at the head of the Calendar of general orders, we can, when we proceed to the Calendar again, take it up. If it is made a special order, it only comes up after the franking bill, which has already been a special order for a month and has not yet been reached. This bill will not be reached any quicker by making it a special order than by putting it at the head of the Calendar of general orders. Then, under our rule, when we can return to the Calendar of general orders, it will be the first bill to be considered. Will not that suit the Senator?

Mr. STEWART. We may as well take a vote on the resolution as it stands. I do not wish to make any remarks about it, as I do not desire to interfere with the Senator from Indiana.

Mr. POMEROY. A majority of the Senate can put it at the head of the Calendar of general orders, but it requires a two-thirds vote to make it a special order.

Mr. STEWART. Very well; I want to take the sense of the Senate upon it. I shall not occupy any time upon it, as I do not wish to interfere with the Senator from Indiana.

Mr. SUMNER. The bill which the Senator from Nevada has in charge is certainly very important, and no one can take a greater interest than I do in it; but I suggest to the Senator whether it would not be better to let it stay on the Calendar and then take his chance of moving it some time after one o'clock, which he could do against any pending business, unless we were in the execution of an order, as we are to-day. But I suppose at any time, when we have up, if you please, the franking bill or the appropriation bill, it would be in order for the Senator to move to postpone either of those measures in order to proceed with this bill, and that could be done by a majority vote.

Mr. STEWART. I would prefer to accept the suggestion of the Senator from Kansas. Let the bill by unanimous consent be placed at the head of the Calendar of general orders.

Mr. FERRY. I object. That is the same thing precisely.

Mr. EDMUNDS. I will not occupy any time; but the rules provide for special orders. In special and exceptional cases of transcendent public importance the rules foresaw that the body should have a right to act upon them in preference to everything else without the fear of any member putting it off, short of a majority, or embarrassing it. Now, I admit that no bill ought to be made a special order unless it is a matter of general public pressing importance. If it is it ought to be put at the head of the Calendar, which is merely a special order, and other things ought to wait for it. It seems to me that this is one of those measures. I am generally opposed to special orders; but this is a measure that affects the rights and interests of the people in all the States respecting their internal affairs growing out of the fifteenth amendment, in respect to which, although they may not have elections until next fall, it is necessary that they should know in advance what the machinery of the law is to be, so that their executive and other officers can adjust their action and put their State machinery into an order of conformity with it. Therefore, although I cannot discuss the merits of the bill on this motion, and do not wish to do so, it is a matter of great public importance to be acted upon and disposed of. There may be faults in the bill; undoubtedly there are. They can be corrected; but we

certainly ought to dispose of it immediately. I hope, therefore, that the Senate will make it a special order.

Mr. CORBETT. I hope that this bill will be made a special order. The election comes off in our State on the second Monday in June, and it is absolutely necessary that this bill should be disposed of before that time.

The question being taken by yeas and nays, resulted—yeas 39, nays 12; as follows:

YEAS—Messrs. Abbott, Ames, Anthony, Boreman, Brownlow, Cameron, Cole, Corbett, Cragin, Drake, Edmunds, Fenton, Flanagan, Harlan, Harris, Howard, Howell, Kellogg, Morrill of Maine, Morrill of Vermont, Nye, Osborn, Patterson, Revels, Rice, Robertson, Ross, Sawyer, Schurz, Scott, Sherman, Spencer, Stewart, Sumner, Trumbull, Warner, Willey, Wilson, and Yates—39.

NAYS—Messrs. Bayard, Buckingham, Casserly, Davis, Ferry, Hamilton of Maryland, Hamlin, McCreery, McDonald, Norton, Pomeroy, and Stockton—12.

ABSENT—Messrs. Carpenter, Cattell, Chandler, Conkling, Fowler, Gilbert, Hamilton of Texas, Howe, Johnston, Lewis, Morton, Pool, Pratt, Ramsey, Saulsbury, Sprague, Thayer, Thurman, Tipton, Vickers, and Williams—21.

The VICE PRESIDENT. Two thirds having voted in the affirmative the bill is made a special order, and will go upon the Calendar as a special order for to-morrow, to come in after the bill for the abolition of the franking privilege.

MILITARY SUPPLIES IN REBEL STATES.

The VICE PRESIDENT. The Senate now resumes the consideration, by unanimous consent, of the bill (S. No. 249) for the settlement of claims for quartermaster and commissary stores furnished to or taken by the United States within the States in rebellion during the late war, upon which the Senator from Indiana [Mr. PRATT] is entitled to the floor.

Mr. PRATT. Before proceeding to discuss the merits of this bill I wish to call the attention of the Senate to the act of Congress of February 21, 1867, which this bill in part repeals. I will read the act. It is not a long one:

"*Be it enacted, &c.*, That the provisions of chapter two hundred and forty of the acts of the Thirty-Eighth Congress, first session, approved July 4, 1864, shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of or used by the armies of the United States, nor for the occupation of or injury to real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States, where such claim originated during the war for the suppression of the southern rebellion, in a State or part of a State declared in insurrection by the proclamation of the President of the United States, dated July 1, 1862, or in a State which by an ordinance of secession attempted to withdraw from the United States Government: *Provided*, That nothing herein contained shall repeal or modify the effect of any act or joint resolution extending the provisions of the said act of July 4, 1864, to the loyal citizens of the State of Tennessee, or of the State of West Virginia or any county therein.

Mr. President, we have spent much time this session in maturing measures to preserve the national credit. We are looking hopefully forward to the extinguishment of the national debt. All have concurred in the necessity of preserving the nation's faith toward its creditors. We feel a just pride that our public securities command such confidence in the money markets of the world. We even hope to negotiate new bonds to take the place of the existing ones at a less rate of interest than any other nation pays. This hope comes from the confidence we have inspired in the country's resources and in its justice and honor. These are the important elements of a nation's credit, as they are of that of individuals. The fact is patent, that after a devastating civil war of four years' duration, within a period of less than five years of peace, such is our recuperative energy, so great and multiplied our resources, so spotless our integrity, that our public securities have risen to nearly the par of gold; and this, too, although our debt is the largest of any nation save one.

But beyond our recognized debt expressed in our bonds and legal-tender issue there is a vast outlying indebtedness, having no form of recognition, from which we persistently turn away our eyes. We refuse to take its measure, to calculate its height and depth. We would fain reason ourselves into the belief that we may intrench ourselves with quotations from the publicists, with apt extracts from Grotius, Bynkershoek, and Vattel, and avoid meeting this indebtedness face to face. Day by day the claimants throng these corridors and clamor for justice. Day by day the justice of the Government is impeached and its honor questioned. Sooner or later, sir, we must pass definitely upon the legal and moral questions which underlie all these claims. Why occupy the time of the committees with their laborious investigation if they are not to be paid? Why subject the claimants to the expense of preparing their proofs, and coming here year after year, if after all it be our determination to make no recompense for their losses?

The claims of which I speak are those which grew out of the operations of the land and naval forces during the war, in the seizure, appropriation, or destruction of the property of loyal men. A part only are covered by the bill under consideration.

We are dealing with these questions not as a court of admiralty charged with the condemnation of property seized or captured in war, but as the political department of the Government. The property of loyal men, entitled to its protection, and innocent of crime, has been lost to them, and their only redress is through Congress. If denied here there is no forum to which they may resort. In disposing of these questions Congress is circumscribed by no narrow, technical rules. It were derogatory to its high character to allow itself for a moment to be trammeled by them. As representing the moral sense of the nation, it is bound to do what is just, what is equitable, what is becoming our Christian civilization. While we are the custodians of the national treasure we are likewise guardians of the national honor.

Assigned to duty on the Committee on Claims in this body, it has been my opportunity to know how much cruel injustice is being done to hundreds of worthy men and women and orphan children in withholding from them their just dues. In presenting in a collective body these unrecognized creditors of the Government whose claims, in my judgment, are as valid and sacred as those of the bondholders, it will facilitate my purpose to classify them so far as I am able.

Their losses have arisen, then, either—

First, in the seizure by our troops from loyal men of food, forage, fuel, live stock, and farm products generally for use, ranging mostly under the head of what are termed quartermaster and commissary stores, and which took the place of just so much property or supplies necessary for the Army, and which otherwise must have been purchased.

Secondly, in the seizure of like property to prevent its falling into the hands of the enemy.

Thirdly, in the seizure of vessels in southern waters belonging to loyal owners, or recapturing such vessels from the enemy after seizure by them.

Fourthly, in the occupation and use of houses, buildings, and lands of men friendly to the Government for the use of the Army, and for injuries done them, the fences, and crops.

There is a fifth class, whose merit I do not discuss, consisting in wanton or accidental destruction of property belonging to loyal owners during the operations of the Army, which would not have occurred had the Army not been there; or being there, would not in many cases have happened had proper discipline been maintained. There may be and doubtless are cases not falling within this classification; but this will suffice for my purpose.

In order to bring home to the Senate the real merits of these claims, let me present a few examples from cases now lying upon your table awaiting your action. Bear in mind in every case the property was lost to the loyal man, not in consequence of any crime or fault of his, but because it was on the theater of war or in the pathway of the Army. It was lost in consequence of the war and as an incident of the war.

When General Burnside was in command of Knoxville, with his ill-provided army, and the rapid approach of Longstreet was known, obeying that necessity which admits of no delay and knows no law, he seized two hundred and fifty-six bales of cotton belonging to a loyal mercantile firm of the city and used them to complete his works of defense. They were used for making parapets and traverses. At Fort Saunders, where the assault of the enemy was made with the greatest vigor, and where they were repulsed with greatest slaughter and with little loss to us, every traverse and bomb-proof was of cotton. That memorable siege has passed into history, and is one of the bright spots of the war. That hastily constructed fortification of cotton bales probably saved Knoxville and the army. In the hurry of military operations no vouchers were given to the patriotic merchants who readily threw open their store-houses upon the general's demand. This cotton, or a great part of it, was wasted and destroyed by fire while under the control of the military authorities. Well, sir, in a case so seemingly plain as this, the owners of this cotton have been seeking justice of this Government since 1864 through every avenue of approach. Their papers, soiled with much handling, show the marks of a dozen different officials. But all has been to no purpose, and they have at last brought their case before Congress. General Burnside and the officers under his command bear the most generous testimony to the loyalty of these claimants, and show how freely they yielded their property to the necessities of the army, and how meritorious is their claim for recompense; and yet we hesitate.

And here is a case of another kind, belonging to a numerous class. A colored man, with a large family, freed by his aged mistress, had accumulated upon her plantation in Virginia, within the military district of Washington, upward of two thousand dollars in live stock and farm products. And I will say to my friend from Kentucky [Mr. McCREERY] that this is the case to the consideration of which he objected the other day when it was called on the Calendar. His mistress had a safeguard which extended to person, house, and property. This section of the country was often visited by detachments of troops. They encamped on and near the plantation. They needed food and forage, and it was furnished unstintedly so long as it lasted. His farm was well stocked with horses, cattle, sheep, and hogs. In a few months every hoof was gone; all his corn, oats, hay, and meal were appropriated. Sometimes vouchers were given, oftener not. Those given were not in proper form. He was always told, when he parted with his property, that the Government would reimburse him. He was stripped of everything; but he never complained. He was a friend of the soldiers. He knew their mission and generously trusted to their assurances that the Government would make him whole. This colored man, fit type of his race in his simple trust and loyal devotion, is here with his petition for relief. But what, sir, should be said of the large body of loyal men in Virginia inhabiting the Shenandoah and connecting valleys whose property was so ruthlessly driven away and consumed by fire in the fall of 1864? You remember the letter of instructions of General Grant to General Hunter under which this devastation occurred. It ran thus:

"In pushing up the Shenandoah valley, where it is expected you will have to go first or last, it is desirable that nothing should be left to invite the enemy to return. Take all provisions, forage, and stock wanted for the use of your command; such as cannot be consumed destroy. It is not desirable that

the buildings should be destroyed; they should rather be protected; but the people should be informed that so long as an army can subsist among them recurrences of these raids must be expected; and we are determined to stop them at all hazards.

Says the historian:

"This order Sheridan, in returning down the valley, executed to the letter. Whatever of grain and forage had escaped appropriation or destruction by one or another of the armies which had so frequently chased each other up and down this narrow but fertile and productive vale was now given to the torch. Some of it was the property of men who not only adhered to the Union, but were fighting to uphold it; more belonged to Quakers, Tunkers, &c., who abhorred bloodshed and had taken no part in the strife unless under absolute constraint."

General Sheridan, in writing from Woodstock, Virginia, on the 7th of October, 1864, to General Grant, thus tells the story of the devastation:

"On moving back to this point the whole country from the Blue Ridge to the North mountain has been made untenable for a rebel army. I have destroyed over two thousand barns filled with wheat and hay and farming implements; over seventy mills filled with flour and wheat; have driven in front of the army over four thousand head of stock, and have killed and issued to the troops not less than three thousand sheep. This destruction embraces the Luray valley and Little Fort valley, as well as the main valley. A large number of horses have been obtained, a proper estimate of which I cannot now make."

Still later than this, on 27th November, 1864, General Sheridan issued his orders to General Merritt, commanding first cavalry division, to proceed next morning, with two brigades of his division, to a certain section of the valley, which includes Loudon county, and to consume and destroy all forage and subsistence, burn all barns and mills and their contents, and drive off all the stock. He adds, by way of emphasis, "This order must be obeyed literally."

Such, Mr. President, is war. Its mission is to kill, capture, and destroy. It aims to inflict upon the enemy the greatest amount of mischief consistent with rules of civilized warfare. Between independent nations it is the struggle of giants for mastery, often for national life. War represents the collective force of one nation dealing powerful blows upon its adversary. It means the concentration of all its energies in the work of destruction. It seeks to annihilate or capture the armies and to possess or destroy the resources of the enemy. Considered in this light, there can be no just criticism upon this harsh war measure. It was not in retaliation for the recent burning of Chambersburg nor the arson and butchery at Lawrence. Its true scope and purpose were to destroy the resources upon which the rebel armies subsisted in that valley of plenty.

Well, sir, from this diversion I come back to the illustration I was about to give. In this single county of Loudon were two hundred and thirty-two sufferers from these orders whose loyalty to the Government at the time their property was captured and destroyed is beyond dispute, just such men as the historian describes; men who not only adhered to the Union, but were in many cases fighting to uphold it. What shall be done with their cases? They present their bills, with appraisements certified to be fair, for property burned, $199,228 24; for live stock driven away, $61,821 13. The live stock taken was all appropriated by the Government. A part thus gathered up from the valleys was sold by a special agent of the Treasury, and brought $83,588 59, which has gone into the Treasury. But the most valuable part of the cattle seized were culled out and slaughtered for the use of the Army, while a large number of the best cows were kept back for the use of hospitals and the quarters of officers and soldiers.

I ask again, on the plain facts as I have stated them, what shall be done with these bills? These two hundred and thirty-two loyal men are at the bar of the Senate demanding justice. Their property, what was not consumed, has come into the possession and use of the Government, and has never been paid for.

I come now to speak of another class of losses.

In time of war capture of the enemy's vessels is one of the legitimate methods of reducing his resources and overcoming his resistance. The captured vessel becomes a prize of war. It is the duty of the captors to take it within the jurisdiction of a prize court and have it libeled and condemned. The lawful course in such cases is to give public notice of the proceedings in admiralty, so as to allow all claimants of the vessel to come forward and assert their claims. If the vessel captured belonged in fact to a friend of the Government who was not responsible for its predicament at the time of capture, upon making this fact known to the court he is entitled to its restoration upon payment of salvage. But if there be no appearance, judgment of condemnation goes by default. If the owner lived within the rebel lines it was scarcely possible that notice of the proceedings against his property should reach him. It was of frequent occurrence that the vessel was needed by the Navy or land forces, and was not thus sent into port for condemnation, and in the vicissitudes of war was lost or destroyed. Most commonly it was condemned and sold, and the proceeds divided, one half going to the captors and the remainder into the Treasury. Vessels were in some cases seized to prevent their falling into the hands of the enemy. I will give some illustrations of this class of losses to loyal owners.

While General Grant was in command at Cairo, apprehending an advance of the rebels, he issued an order for the seizure of all steamers and water craft, in order to prevent their falling into the hands of the enemy and being used by them to transport their forces across the river. One steamer belonging to a citizen of Illinois, in an unfinished condition, was sunk while in process of being towed to Cairo under this order. The owner was a loyal man. All his means had been invested in the building of this boat. And here let me say that yesterday the Senate passed a joint resolution referring this gentleman's claim to the Court of Claims. General Grant proposed to him to rebuild his vessel, but in the hurry of military events at that stirring period of the war it was neglected. This occurred in the fall of 1861; but to this day this loyal owner has never been reimbursed by his Government, though all the facts as I have stated them are certified to be true by General Grant. This man, too, is before Congress for relief.

Another loyal man who lived in my own State owned a valuable steamboat which was employed in navigating the Mississippi and its lower tributaries. Early in the war he was engaged in the transportation of passengers and freight from Memphis up White river. His boat was seized by the rebel military authorities and pressed into their service. The owner, glad to escape with his life, came North and afterward entered the Union service, and died before the close of the war. He, too, had invested all his means in this boat. After its seizure by the rebels he never saw it again. He was reduced to poverty. In the course of the war this steamer was recaptured by the gun boat flotilla under Commodore Foote, at the fall of Island No. 10. It was a clear case of postliminy. The owner had done nothing to forfeit his rights. The rebels had no prize court, and of course the boat had never been condemned. By the clearest principles of international law he was entitled to his boat upon payment of salvage. Congress had affirmed this right. Other vessels captured at the same time belonging to rebels were taken into port and regularly condemned in a prize court. But this man's boat being useful as a transport was turned over to the land forces, and used by them for months, until, while in the service of the United States, it was accidentally destroyed. A clearer case of a valid demand upon the Government could not well be imagined. And yet his widow, who supports her family by her needle, has been for years a suppliant at the bar of Congress, ineffectually appealing to its justice.

And here is still another case ranging under the same head. A northern firm doing business at Mobile at the outbreak of the war had their steamers seized by the rebel authorities and pressed into their service. When our fleet entered the bay of Mobile one of these vessels was sunk, another captured; proceedings for its condemnation were instituted in a distant northern court; but the owners had no notice of them. The vessel was condemned, sold, and the money divided between the capturing vessels and the Government. That which was paid into the Treasury is there to-day. The senior of the firm, a gray-haired old man whose loyalty was the admiration of rebels even, and who lost the great bulk of his fortune in consequence of his loyalty, demands of the justice of Congress that the money in the nation's Treasury received from the sale of his steamer shall be paid him. And yet this modest demand has not yet been heeded.

I will state one more case of peculiar hardship belonging to this class. A devoted friend of the Government, not able to make his escape northward, was thrown into a southern prison. He owned valuable property in a northern State. His agent who was looking after it enlisted in the Army of the Union. A base informer falsely charged him with disloyalty. His property was seized under the stringent laws enacted in 1861 and 1862, condemned as enemy property, and sold. Of course there was a default. How was it possible that he, languishing in a southern prison, should have notice of what was transpiring? When the war was over and he could make his way North he found his property confiscated and others in possession of it. When he made his application to court to be allowed to defend and repel the base charge of disloyalty upon which his property had been swept away the court did not hesitate on the proofs to set aside the judgment. The stain upon his honor was removed, but the court could not restore him his property. The officers of the law and the informer had a good part of the money realized from its sale. The remainder, sir, is in the Treasury of the United States, and Congress thus far has failed to do him the poor justice of giving back to him this remnant, not more than one sixth part of the value of his property.

Time would fail me, Mr. President, to comment upon that untouched class of losses where buildings, public and private, fences, standing timber, and other property savoring of realty, belonging to men wholly loyal, suffered the ravages of war. You know, sir, how large was the demand of the Army for buildings as store-houses, for hospitals, and for quarters for officers and troops. You know how forests were felled, and the timber and fences used for fuel, fortifications, and bridges. I need not pause to do more than allude to this familiar class of losses.

In some cases the necessities of war required the destruction of buildings. In the Shenandoah valley only barns and mills were burned, and then only because they stored forage, grain, and food. But sometimes it happened, as in Paducah, for instance, that the position of a fort required the destruction of buildings in the neighborhood which sheltered sharp-shooters. A gentleman in that city who had built a costly residence before the war had to submit to the hard necessity of seeing it burned by order of the officer in command for the safety of his men. Is it matter of surprise that he is here asking Congress to make him whole.

But, Mr. President, I will not weary the Senate by multiplying instances. I have said enough to illustrate the character of the losses for which relief is sought.

I come now to the point where we encounter

the objections urged against their payment. But before considering these let me allude to familiar facts. When a loyal man residing in the South, or living North butowning property in the South, joined the Union Army and served the country he was paid his bounty and drew his regular pay as a soldier; if he died or was disabled in the line of his duty a pension was awarded. In the northern States the necessary supplies for the Army, including munitions of war, were generally purchased. When under pressing emergency they were appropriated they were paid for. In those parts of the country where the laws were in operation the constitutional prohibition against taking private property for public use without just compensation was scrupulously observed. Nor, in the purchase of those supplies, was any account taken of the political sentiments of those who furnished them. They might be enemies of the Government. Still they were paid; paid in the promises of the Government which now constitute a part of the national debt. Thus it might happen, and did happen in hundreds of cases, that the Government purchased its needed supplies from rebels or those who sympathized with rebels. Between a purchase and appropriation without purchase there is not either in law or morals any distinction in the obligation of payment. If the appropriation be a tort there is an implied assumpsit to pay the value of the thing taken. That is the common law as to individuals, and the Constitution makes it law against the Government.

And now, sir, I will consider the objections urged in this Chamber against the payment of the losses I have described. Generally it is said that our late civil war attained the magnitude of a public war, and is to be governed, so far as this question of losses is concerned, by the rules of international law. It is said that the rebels were a belligerent power, organized first as hostile States and then into a hostile confederate government, with appropriate political machinery, complete in all its departments, claiming independence of the parent Government and recognition as an independent power; and that they were recognized by several commercial nations as belligerents *de jure*, and by the Government as belligerents *de facto*. It is further urged that they exercised all the powers of government in raising armies and navies, in compelling allegiance from all in the revolted States, in punishing disloyalty, in compelling military service, and in levying and collecting taxes wherever their legislation and power could operate upon persons and property. That consequently all persons within the rebel jurisdiction who thus against their will might be made to contribute aid to carry on the war waged by the insurgents against the United States are to be regarded as constructive enemies, let their sentiments have been ever so loyal, and that their property is to be regarded as enemy property from the predicament of that property, from its condition to be useful in aiding the rebellion. Therefore, says the argument, wherever property was captured or taken within the limits of the rebellion before the supremacy of the law had been reëstablished it was liable to be treated as fair prize of war, and whether consumed by the Army, or sold and the proceeds paid into the Treasury, or destroyed outright, no liability rests upon the Government to make compensation. This, Mr. President, is the argument as I understand it.

The advocates of this theory, however, cannot alter settled definitions. They cannot destroy the essential distinctions between what publicists call a perfect war and a civil war, which was ours. A perfect war is defined to be where one whole nation is at war with another nation, and all the members of both nations are authorized to commit hostilities against all the members of the other in every case and under every circumstance permitted by the general laws of war. On the other hand, a civil war, which is a war between the members of the same society, is what Grotius calls a mixed war, and it is, according to him, public on the side of the established Government and private on the part of the people resisting its authority. Mark the distinction, sir, between the two kinds of war. In that which is public all the members of both nations are enemies to each other and authorized to commit hostilities against each other. But in a civil war those only who resist the Government are enemies. It is a private war, says the definition "on the part of the people resisting its authority." That means the insurgents and excludes the friends of the Government.

It is due to candor, however, Mr. President, to admit that the rebellion assumed the proportions and magnitude of a public war. I do not forget, sir—who can? that on the 13th of May, 1861, the queen of Great Britain made haste to issue her proclamation; that she was followed by France and other commercial nations, all of them recognizing the existence of war between the United States and the so-called confederate States, and the rights of each to exercise belligerent powers on the ocean. I do not forget that the United States instituted a blockade; that they exercised the right of stopping and searching neutral vessels on the high seas; that they captured vessels as prizes of war; also vessels carrying contraband of war or attempting to break the blockade. I do not forget that we dealt with all such captures as prizes of war, and that the records of our courts are full of adjudications made, all proceeding upon the rules of international war. And it is true that in these respects and in others, such as cartels, exchanges of prisoners, flags of truce, and in the treatment of prisoners, we ourselves recognized the rebels as belligerents *de facto* and exercised the courtesies and humanities common in public, international wars.

Yet, sir, while all this is true, the course of the Government was dictated by considerations of humanity and policy to prevent retaliation and mitigate the severities of war. Though thus treated practically as belligerents they were never recognized as such *de jure*. To have done that would have been to recognize their nationality and the war would have ceased to be a civil one. No, sir; we recognized them as belligerents *de facto*, but not *de jure*. The distinction may seem nice, but we made it. It was the theory upon which the war was waged on our part all through the protracted struggle. If we recognized them as rightful belligerents they were no longer traitors. It became a contest between nations. We could no longer punish treason or claim jurisdiction over the territory they held and defended. This theory was illustrated in the case of one Smith, who had entered the naval service of the rebels. He was taken, tried, and convicted as a pirate, though he produced a commission from the rebel president. Though sentenced to death by the court, Mr. Lincoln suspended the sentence and held him a prisoner of war. So with the crew of the rebel privateer Savannah. In both cases the prisoners were guilty as criminals of treason, but were treated by the political department as belligerents, not of right, but in fact; and this was done for policy's sake. Though treated as enemies they were held to be traitors.

I pause here to inquire if for policy's sake the lives of rebels and pirates were spared taken in the very act of waging war against their Government, what for policy's sake should be done with friends of the Government fighting these enemies to uphold it when stripped of their property, not by the enemy, but by their own Government?

But we are cited by those Senators unfriendly to the payment of these losses to the decisions of our courts, to the prize cases, and the cotton case of Mrs. Alexander.

Grant all that is said in these and similar cases, and what after all do they establish as rules for our guidance? We must not forget that these opinions relied on are expositions of the law of nations as applicable to a state of existing flagrant war; that they were pronounced at a time when no mortal mind could predict the result; when if the revolt were successful all persons living in the revolted States would be citizens of another nationality and owe allegiance to it. Still, with all this allowance, expressions dropped from the lips of the judge who in the prize cases pronounced the opinion of the majority of the court open to grave criticism. He says:

"All persons residing within this territory"—

That of the States in rebellion—

"whose property may be used to increase the revenues of the hostile power, are in this contest liable to be treated as enemies, though not foreigners. They have cast off their allegiance and made war on their Government, and are none the less enemies because they are traitors."

Now, it is notorious that thousands of men whose home was in the insurgent territory were, at the very time this cruel charge was made, in the ranks of the Union Army, exiles from home because of their loyalty, fighting against rebels to uphold that Government of which they are pronounced enemies. Thousands, yes, tens of thousands, shut up in the prison-house of the South and not able to serve their Government except by their prayers, were at this very moment putting up their supplications morning and evening for the success of the Union arms. Judge Grier adds:

"The produce of the soil of the hostile territory as well as other property engaged in the commerce of the hostile power as the source of its wealth and strength is always regarded as legitimate prize without regard to the domicile of the owner, and much more so if he reside and trade within their territory."

If this be true, then a Union soldier living in the North who chanced to have property within the lines of the rebellion was liable to have it confiscated by his own Government if the rebels spared it. I have said before, this decision was made at a time when the war was raging. The court was passing upon and pronouncing what were the powers of the political department of the Government, if it chose to exercise them, in the tremendous struggle it was making to save the life of the nation. It was held that for the time being the whole terrible enginery of war might lawfully be brought to bear against the insurgents and the territory they held to suppress the insurrection. The court held that the Government was not bound to pause to inquire who were its friends and who its enemies; that the rebel government was a hostile organization, and controlled the action of all within the limits of its power, and might convert them and their property into instruments of warfare or defense. Therefore it was that all were classified for the time being as enemies. Therefore it was that all the property situate within the limits of the *de facto* rebel government was stamped as enemy property and held liable to seizure. The court was announcing the law of nations in case of war. The question was not what a parent Government like ours should do in the way of discrimination between its friends and enemies, but what it might do by the sanction of the laws of war.

But it was conceded on the argument of this case, by the very able counsel representing the United States, that though the right of capture existed it was still for the political power to say whether it would forego its exercise. He was speaking of a vessel captured as prize of war belonging to one living in the rebel territory, and says:

"You may capture it and refuse to restore it to the claimant while he so resides and the war lasts, even if you compensate or remunerate him afterward. But that is a political question. The courts can only condemn if the political power asks for its condemnation."

Mark, sir, the terms of the proposition. It may be captured and held while he resides in enemy territory and while the war lasts. But how is it when it ceases to be enemy's terri-

tory? How is it when the war ceases? Suppose the capture remains on hand undisposed of when the war ends, who gets it, the Government or loyal owner? Suppose it to have been sold in the mean time by order of a court or by a Treasury agent, and the proceeds of the sale have been paid into the Treasury, whose is the money? Shall the Government withhold it from the owner?

These decisions, therefore, do not touch the question of the duty of the political power at this time or any time. They simply assert what were the war powers of the Government if it saw fit to exert them while the war lasted.

Now, sir, if I grant these powers to exist as claimed, it does not affect the main question here. That question is, what was the correlative duty of the Government when those powers were exerted? If private property be taken for the public use, and taken from a friend, and taken under the war powers, what is the duty of compensation? Can you maintain the cruel fiction that he was a constructive enemy, when peace returns and he seeks compensation? That is the practical question.

But on this question of a man being at the same moment loyal in fact and an enemy by fiction of law I want to say something.

I desire to call the attention of the Senate to the distinction preserved all through the war, in the legislation of Congress and in the proclamations of the President, between the loyal and disloyal inhabitants of the States and parts of States in rebellion. They were never for a moment confounded. Never at any time were they regarded or treated as all traitors. It is a historical fact that some of the rebel States were divided geographically upon the question of secession. It was so in Virginia and Tennessee. Wherever in those States and in the mountainous portions of North Carolina, Alabama, and Georgia few slaves were held the great majority of the people resisted secession. All through the war the Government had no firmer friends than those non-slaveholding people of the southern States who flocked from their mountain homes to our standards.

In many cases by the sheerest fraud on the part of those controlling the political machinery of a State she was precipitated against the protests of her best citizens into the rebellion. My friend [Mr. WARNER] says that was the case with Alabama. The ordinances of secession in many of those States never received the popular sanction. They were either not submitted to the people, or submitted under such circumstances that a fair expression of opinion was not obtained. All this was known to the country and constantly recognized by the President and Congress, as I will show. It would have been monstrous injustice and wicked stupidity, under the circumstances, to to have confounded patriots with traitors. It was never done, nor intended to be done. When the Government put on its armor, and prepared for the great struggle, it directed its energies, not against States, but against such of the inhabitants as were in a state of insurrection resisting the laws. It struck at hostile organizations with arms in their hands, not against peaceable men. The penalties denounced by Congress were not against the law-abiding, but against those assisting in rebellion. Where property was directed to be seized and confiscated it was not that of friendly citizens of the South. Take for illustration the acts of Congress of August 6, 1861, and July 17, 1862. The first subjects all property employed or used in promoting the rebellion with the *consent* of the owner to lawful capture wherever found, to be condemned and confiscated.

What is the inference if the consent were wanting? That of 1862 is more comprehensive in its scope. Whose property by this famous act was directed to be seized, and confiscated? Not that of men friendly to the Government, but that of men holding offices and appointments under the rebel government or in their army or navy. Then there was a sweeping clause by which the property situate in a loyal State, of any person assisting the rebellion should be seized and applied, or its proceeds, to the support of the Army of the United States. In none of the provisions of this law or any other on the statute-book was it ever contemplated that the property of one friendly to the Government, wherever situate, should be subject to confiscation. There is, on the contrary, the strongest implication that it was to be protected.

Mr. Lincoln, in his proclamation of the 15th April, 1861, appealed to all loyal citizens, wherever situated, to lend their aid in maintaining the honor, integrity, and existence of the national Union. He declared that in the effort to repossess the forts, places, and property which had been seized from the Union the utmost care would be observed to avoid any devastation, any destruction of or interference with property, or any disturbance of peaceable citizens in any part of the country. Was there not here, sir, ample promise to loyal men everywhere against interruption or disturbance? What pledge of protection to their property could be more explicit?

Need I pause to say how this appeal of the President was responded to by patriotic men of the South? But to show in a more striking manner the policy of Congress toward loyal men in the seceding States, I read the act of July 31, 1861:

"*Be it enacted, &c.*, That the sum of $2,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the President of the United States, in supplying and defraying the expenses of transporting and delivering such arms and munitions of war as in his judgment may be expedient and proper, to place in the hands of any of the loyal citizens residing in any of the States of which the inhabitants are in rebellion against the Government of the United States, or in which rebellion is or may be threatened, and likewise for defraying such expenses as may be properly incurred in organizing and sustaining while so organized any of said citizens into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion."

Here, sir, $2,000,000 are appropriated from the national Treasury for the benefit of this loyal class of citizens in the seceding States. It is to be expended in furnishing them with arms and munitions of war for their protection against the very insurrection which the Government was striving to suppress. Does this look as if Congress regarded them as enemies, though living in enemies' country? No, sir; this aid is extended to them as friends, and to enable them to coöperate with the Government in restoring the supremacy of law.

At a still later day Congress enacted that escaped slaves should not be delivered up to such owners as had borne arms against the United States, clearly implying that where the owner was loyal this species of property, even upon the theater of war and amid the clash of arms, should be restored to him.

There is still another law where this distinction is clearly marked. I refer to the act of June 7, 1862, for the collection of direct taxes in insurrectionary districts. Ordinarily when land should be sold by the tax commissioners the redemption by the owner must be made within sixty days after the sale or his title is gone. But should the owner be a loyal man, the provision is that he may make his application to redeem at any time within one year from the sale, and the tax commissioners may then, because of his loyalty, extend the period of redemption one year more, or two years in all. In other words, the rebel must redeem in sixty days; the loyal man may in two years.

There is another feature in this law which so forcibly illustrates the policy of Congress toward the friends of the Government in the disloyal States that the argument would fail in its completeness without noticing it. Congress undertook to deal with the lands of those owners who abandoned them to join the rebel forces or otherwise aid the rebellion. It did deal with them by providing for their lease or sale. It was contemplated that a large fund would be accumulated in every seceding State from this source.

How, sir, was this fund to be disposed of? You will find the answer in the twelfth section of the act of July 7, 1862. I have not time to read it. One-fourth of this accumulated fund is to be paid from the Treasury of the United States after the insurrection is put down for the purpose of reimbursing the loyal citizens of the State. Could a stronger case be put to illustrate the policy of the law-making power, that in waging war against the rebellion the distinction between loyal men and rebels in the insurrectionary States was ever present in the mind of Congress. Not only this, but the principle of compensation to loyal men is here recognized.

And still again, in the act of March 3, 1863, for the collection of abandoned property in insurrectionary districts, special provision is made in case the abandoned or captured property of loyal men is sold that they may enter the Court of Claims at any time within two years after the suppression of the rebellion and reclaim the proceeds.

One more reference to this illustrative legislation and I leave this branch of the argument. On the 4th of February, 1862, Congress directed that the name of every rebel in arms and every sympathizing rebel be struck from the pension-roll. The loyal pensioner, though living amid the flames of the rebellion, was excepted.

Moreover, sir, we invited these constructive enemies to enter our Army and Navy, and they did so by thousands, and hundreds of them and their widows and children are now borne upon the pension-roll of the nation.

Why, sir, how many of these constructive enemies to whom we turn the cold shoulder do you imagine were recruited in the revolted States during the rebellion? I hold in my hand a statement prepared by the Adjutant General. Here it is:

Statement of number of men recruited in the revolted States for the United States service during the rebellion.

States in which recruited.	*Approximate number of white enlistments.*	*Number of colored enlistments.*	*Total.*
Virginia	880	5,723	6,603
North Carolina	3,200	5,035	8,235
South Carolina	-	5,462	5,462
Georgia	160	3,486	3,646
Florida	2,050	1,044	3,094
Alabama	2,296	4,969	7,265
Mississippi	984	17,869	18,853
Louisiana	5,488	24,052	29,540
Texas	2,132	47	2,179
Arkansas	5,942	5,526	11,468
Tennessee	24,940	20,133	45,073
Aggregate	48,072	93,346	141,418

Every one of these eleven seceding States is here represented. Of white enlistments there were 48,072; of colored enlistments there were 93,346. The grand total of men denounced on this floor as constructive enemies, for whose losses we are to make no compensation, who entered the Union service, is 141,418. Thousands of others who would gladly have entered it were prevented.

Is not this summary complete? Are we not concluded by our own legislation against this monstrous doctrine? Can we with this discriminating legislation before us refuse to treat these men now as we have treated all other loyal men who were sufferers by the war? What case of civil war has been produced where such pledges were given to loyal men in the insurgent territory? In all the authorities that have been cited in this discussion and in the Sue Murphey case I do not recall one where the Government had thus committed itself by pledges of protection and reimbursement to those styled, by reason of the domicile, constructive enemies. And herein those authorities are fallacious guides. But let the law of nations be what it may on the question, is not Congress a law unto itself? Is there anything written down in the Constitution which prohibits it from doing justice? And let us not forget, sir, that the real question before us is not what by international law

may a nation do to save itself from destruction, but what does its honor, what does justice require it to do afterward by way of reparation, and particularly what does honor require us to do in the face of the proclamation of the President and the acts of Congress I have recited.

Mr. President, when a life went out in this war in upholding the Government, we were wont to say of such a one that his death was glorious. We pointed to his example to excite emulation. We cherished his memory. His vacant chair by the home fireside was evermore sacred. We raised monuments to such. We pensioned their widows, their young children, and dependent mothers. We gathered their dear remains from every battle-field, and laid them tenderly away in rustic graveyards and great national cemeteries. Thither every spring when the grass is green and the birds are among the trees the nation repairs with uncovered heads and strews the graves of the fallen patriots with flowers and moistens them with tears. How just we have been to the dead! The nation pays $30,000,000 a year to the families of those who died in her service and to the disabled survivors. Who challenges this debt or gainsays its justice? Not one. All political parties hold it sacred. We have written it down in the national Constitution in perpetual memory that this portion of the national debt shall never be questioned.

Now, how stands the case of the Union man of the South who held fast to his loyalty during the storm of secession; who for his country's sake, for his love of her flag, for the sake of the Union and the Constitution, braved insolence, outrage, and persecution; who endured confiscation, conflagration, exile, and often, too often, death? How stands his case, sir, when he or his heirs come to the bar of this Council Chamber of the nation, where its intellect, moral sense, and conscience are represented, and demands, not reparation for the spoliations of the enemy, not even compensation for losses incident to war, but indemnification simply for what his own loved Government has appropriated or destroyed—his own Government, for which he has endured, and proudly endured, so much—what answer do we make him? I can fancy him, while hunted by blood-hounds, taking refuge in the swamps or in the wooded steep, or looking out from his cave in the mountains upon his home in conflagration, his property swept away, sustained and upheld by the thought, "This sacrifice is for my country. All this I can endure that constitutional liberty may live, that my country may be preserved from disintegration, and that the blessed institutions of freedom may be preserved."

Sir, the records of patriotism during the world's history do not show sublimer examples of fortitude than were furnished by southern loyalists during this devastating war. The raging fires consumed every loyal thing. Life, liberty, property, all went down before the storm. Ties of kindred, social, domestic, religious ties, were snapped asunder. Every muniment of title by which man holds rights of the State perished like flax in the flames.

At length the deliverer came, with plumes and banners, with marching columns and the sweet music of cannon. The poor, hunted loyalists went forth to meet him with tears of joy. What a spectacle of sorrow they presented in their rags, with their hollow cheeks and sunken eyes.

But this advancing army, multitudinous, its wings widely stretched out, must be fed. It has many wants, and they must be supplied. No time then to discriminate and inquire who have been true, who false. This conquering host must fulfill its mission. Individual rights must give way to the imperative demands for subsistence, supplies, and quarters to make it effectual to accomplish its grand errand. The laws are silent amid the clash of arms. Cultivated fields are desolated, fences destroyed, property seized. No law of peace survives. The law of war reigns supreme. No man can dispute or resist it. It were worth his life to hold back what is demanded. The bayonet extorts and expels. Where treason so much abounds the conquerors regard with suspicion every profession of loyalty. Such, again, Mr. President, is war. Primarily, carnage, mutilation, and every form of physical suffering are its incidents; secondarily, the destruction of values, the impoverishment of the country, the laying waste of cultivated fields, the conflagration of homes, the interruption of industrial pursuits. And then, in the background, who can take account of the flowing tears, the bruised hearts, and blasted hopes which war entails? The deadly missile that made a gap in the advancing line sped its way to a northern home and buried itself in a wife, a mother, or sister's heart.

But, sir, the war is over; its ravages are no longer visible. The bloody stains have been washed from the face of the earth; the bleaching bones have been gathered into national cemeteries; industry has resumed its pursuits; the country has regained its prosperity; we have measured our resources and determined we are able to pay every dollar of indebtedness. We have now time to look into these bills which I have described. Shall we do it? Sir, no nation can afford to be unjust, least of all ours. So much blood and treasure were not poured out to preserve a Government false to the principles of common honesty. It is the poorest policy in the world for a State to deny justice to its creditors.

The question has a domestic and foreign aspect. It is well for a proud nation to desire its credit abroad to be above question. But a Government wants the respect and good will of its own citizens much more. It wants its laws and institutions respected. It wants to attract immigration and prevent migration. It wants to attach as with hoops of steel all within its borders, and make them proud of their country and contented with their lot. How can this be done so effectually as in the practice of good faith? Consider what repudiation has done for certain States. The swift-rushing years have borne along the stain. Governments may refuse to recognize honest demands upon their justice year by year; but they do not, therefore, die out. No, sir; there is no statute of limitations that a State may plead until she has first opened her courts or departments to claimants. The claims which exist now and demand recognition will exist fifty years hence. The evidence will be collected and laid away. They will descend from father to child. They will become the subject of barter, and pass into the hands of the speculator, who will compensate himself for his risk and trouble. These Halls will be besieged year after year by these claimants, their representatives and assigns. Our consciences will be pricked every year. We can give no honest answer—no answer satisfactory to ourselves why these claims should not be recognized. Every prayer we listen to here in the morning hour will remind us of a duty undone. We cannot open our Bibles without being convicted of injustice. How shall we excuse ourselves from doing justice with this taxing power we hold? Ay, sir, with this sovereign taxing power we wield over forty million people, to be swelled within a generation to one hundred millions; this taxing power which now gathers into our Treasury in a single year near four hundred million dollars; and for what purpose, sir, I pray, unless it be, in the language of the Constitution, to pay the debts of the United States, as well as to provide for the common defense and general welfare? I say, how shall we excuse ourselves if, with this taxing power in our hands and the ample resources of the nation at our command to answer every demand upon its justice, we neglect our duty?

For that portion of our debt expressed in our bonds we never allow the sun to go down upon our default. We collect in gold $180,000,000 by taxes in a single year to maintain scrupulous faith with our bondholders. We do well; we could not do otherwise by those who trusted the Government in its hour of peril and extreme need. But, sir, every dollar of the claims that now lie upon your table is just as sacred as our bonded debt when it represents the property of a loyal owner taken and appropriated by those representing the Government or destroyed from military necessity.

But, sir, the question recurs, when shall we begin the work of recognizing the claims of these loyal sufferers? It is only a question of time. No nation which recognizes the Christian Bible as its rule of action can refuse always to open either its courts or departments to their investigation and payment. It must begin some time. Why not begin now, and in the form of the bill under consideration, amended so as to clothe the Court of Claims with ampler jurisdiction to hear and determine what is now upon *ex parte* evidence heard and determined by Congress?

Sir, when the objection to the allowance of these claims comes to be analyzed it will be found to consist, if we will make honest confession, not so much in our doubt of their justice as in their magnitude. It is that which appals us. It is said if we allow one we must allow all others of the same class; that we open a floodgate and the Treasury will be bankrupted. That is the conclusive argument. It is the insolvent's plea. We refuse to look into our affairs. We who had the courage to fight and put down our enemies, to tax our people, in order to carry on the war, as no people were ever taxed before; we, with this unlimited taxing power to liquidate every honest demand; we afraid to look into our liabilities! That, sir, were to turn pale at sight of the mouse when we have confronted the lion.

These liabilities, what if they are large; have we not large resources to meet them? Is not a great and glorious future spread out before us? They will never grow less till we pay them. But if we cannot pay them now or pay them at all, let us at least give the claimant a certificate that we owe him. Let it, if you please, read something as follows: "This certifies that the United States forces went into Georgia to put down the rebellion, to restore the supremacy of the law, and compel every knee to bow to the authority of the Government. The bearer of this was a citizen of Georgia. He remained faithful to his Government. He never took up arms against it, nor willingly lent aid or comfort to the rebellion. For his loyalty he suffered greatly at the hands of his rebel neighbors and the rebel authorities. He was spoiled of his goods, persecuted, outraged, hunted down, imprisoned. What the rebels spared the United States forces appropriated when the delivering army reached Georgia. Between enemies and friends he lost everything. It would have been more profitable for him to have joined the rebels; but he kept the faith, and in perpetual memory of such transcendent virtue this certificate is given him. The United States would owe him $100 for that much of his property actually appropriated and used by its needy Army if they dare acknowledge that to take and use his property created any liability."

Now, sir, why not give him this certificate? It expresses the truth, does it not? It might create some astonishment in the Treasury Department; the opening of a novel set of books. Doubtless there would be mysterious shakings of the head of venerable Treasury clerks. No doubt the thing would be pronounced quite out of the beaten track, anomalous, unprecedented. But it is the truth, is it not? Now, look again at what this certificate expresses. Why, sir, it concedes, nay, it stands out as the prominent dominating fact, that the Government has got and used and never paid for the property of one of its citizens, and he a friend, who committed no crime,

whose loyalty, on the contrary, was as bright and pure as gold in the refiner's pot. What does the Government plead? No, sir, not the Government, but its advocates in this Chamber. Simply this, that his property chanced to be in enemies' country; within lines of jurisdiction that shifted with every battle, always contracting. It was his misfortune, says the argument, to be there, although it was his birth-place; although it was part of the national domain; although the Constitution was always the supreme law of the land there, and he entitled to its protection; although we sent our armies there to reëstablish and vitalize the doctrine that no man should be deprived of his property without due process of law, nor private property be taken for public use without just compensation.

To all this it is answered, during the time it was thus enemies' country did not his duty to the Government remain unchanged? Was there ever a time when he was absolved from his allegiance; when he was not liable to bear arms, to pay taxes, and perform all other duties of the citizen? Was there ever a moment when the Constitution and laws of the United States were not the supreme law of the land there, affecting him in common with all others? Was it not the whole theory of the war that secession ordinances were void and the governments instituted by traitors usurpations, and every form of aid to them treason? And why treason, if the national law was not always there?

Sir, Government owes protection where it exacts allegiance. Its function is to protect. If government be a compact, then the people in their collective capacity undoubtedly agree with the individual to take care of him in the three grand divisions of his rights—life, liberty, and property. They covenant to guard these rights against invasion and to give him the benefit of every necessary preventive and remedial law.

What, in turn, do the people in their collective capacity exact of the citizen? That he shall disarm himself and trust to his Government to protect him. For this protection he agrees to fight for it in war, to maintain its cause against all its enemies, to forego comfort, endure fatigue, expose health and life, to pay taxes on his capital and earnings in order to maintain it in decency, and to respond to all its calls for money as well as its calls to arms. Yes, sir, protection; that is all the citizen asks from Government in exchange for its unlimited drafts upon his services and substance; protection against violence, riots, tumults; protection against private wrongs through the instrumentality of courts. If he does not get this thing protection, pray what does he get? What fruit or recompense does Government yield in exchange for what it exacts?

Let me suppose this citizen obeying both his duty and his instinct of loyalty by serving in the ranks of the Army while insurgents are ravaging his property, burning his dwelling, his barns and stacks. He is consoled in thinking his Government is doing all in its power to put down the insurrection. But suppose while he was fighting at Gettysburg another branch of the Army on a distant field, in Mississippi, was driving off his flocks and herds for its support in "enemies' country;" is there no liability here? Shall he, clothed in the national uniform, drawing pay as a soldier, fighting at this very moment for his country, be denounced a constructive enemy and stripped of his property as if he were a traitor? Does not the case I put scatter to the winds the dogma upon which compensation is denied him?

Sir, if it be true that the few whose cause I plead must endure their losses, why not strike all the pensioners off the rolls? Nay, why pension at all? To what end are these many millions of pension money drawn from the industry and capital of the country every year? Do you say it is to compensate those whom the fortunes of war have crippled and made less able to support themselves? Why, by the same rule, should you not indemnify those whose substance contributed, in conjunction with the soldier's valor, to bring about the result? Why and upon what principle are you guilty of the inconsistency of compensating and pensioning a man as a Union soldier, and robbing him of his property as a constructive enemy?

Sir, when I consider the results which have followed the war I feel that no amount of money we can expend in doing justice can measure the benefits to liberty, humanity, and freedom we have acquired. The imagination cannot take in the grand future in store for this nation if it be true to the principles upon which it is founded. That cause of shipwreck which the fathers feared has disappeared. That rock to which all political prophecy pointed as the one against which the ship of State should be dashed to pieces has sunk forever in the ocean. She floats upon a calm sea with no cloud visible in all the horizon. There are no more bond and free. The sun which looks down upon forty million people sees not a single slave in the whole of this Republic. We have ingrafted upon the Constitution that freedom and civil and political equality henceforth belong to all.

Shall we in whose keeping is now the good name of the nation; shall we who are writing its history, blot the page which records the complete restoration of the Union by an act of signal injustice to these suffering loyal men? No, sir; let us rather so administer our trust, while the honor of this great nation is in our keeping, that men shall ever say its greatness was excelled by its virtue. Let us do nothing that shall cause this good loyal soul for whom I plead to heave a sigh, so gentle, it may be, as to fall only upon the all-listening Ear; a sigh bubbling up from this wounded heart, scarce confessed, that this unjust Government was not worth the sacrifices made to save it. No, sir; in disposing of this question let us do nothing to make him doubt the justice of God or mourn the ingratitude of his country.

[During Mr. PRATT'S remarks the morning hour expired; but by unanimous consent he was allowed to finish his speech.]

Mr. McCREERY. Mr. President——

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) This bill having been taken up by general consent, the regular order of business must be taken up, which is the Calendar.

Mr. McCREERY. I suppose that what little I have to say will not be objected to on the part of any Senator present.

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent to continue this discussion. Is there any objection? The Chair hears none, and the Senator from Kentucky will proceed.

Mr. McCREERY. The distinguished Senator from Indiana [Mr. PRATT] in the opening of his remarks took occasion to allude to the fact that I objected to a bill which he introduced the other day in behalf of a colored citizen of the State of Virginia. The Senator omitted, inadvertently no doubt, to state the reasons. If he had given the reasons of my objection it would have been unnecessary for me to supply that deficiency. I objected to the proposition on the ground that I was opposed to singling out a solitary individual and giving him the benefit of a law for his special relief, while a class, and a very large class, according to the gentleman's own showing, occupied the same position. The gentleman has spoken earnestly and ably, as he always does; but he failed, as I remarked before, to give the reasons which induced me to interpose the objection which I did yesterday.

I am in favor of going much further than the gentleman himself goes. He seems to me to occupy a sort of half-way position. I move to strike out the word "loyalty" wherever it occurs in the bill upon which he has spoken. This, instead of impairing its force, will make it more extended and more beneficent in its operation. I hope that neither this motion nor the reasons adduced in its support will fall harshly upon the ears of the Senate.

It is time, in my judgment, that the statesmen of this country were engaged in devising measures to promote the welfare and prosperity of the whole people. That great object cannot be attained by the enactment of discriminating laws. If you regard party success as paramount to all other considerations, sound policy would dictate the necessity of adopting milder measures toward the southern people. Conciliation follows kindness as naturally as alienation follows revenge. On the field of Appomattox the sword was returned to its scabbard, where I hope it will rust forever. In the friendly embrace of the commanders, and in the cordial greetings of their followers, the horrors of the bloody strife were forgotten. The articles of capitulation were such as a generous conqueror could extend to a fallen foe. By the fortunes of war they stood upon that field in the attitude of victor and prisoner; and the victor, instead of seeking to add humiliation to defeat, adopted the wiser policy of guarantying his peaceful intentions in the generosity of his terms.

From the moment of that capitulation military operations ceased; but a legislative campaign soon opened which promises to be interminable in its duration. The pen, and not the sword, is the instrument, and degradation and ruin are the ends. Prominent among these are a system of measures known under the general name of reconstruction, from which it may be learned that a State is a State for the purpose of ratifying a Radical constitutional amendment, but that in other respects a State is not a State until it has subscribed and sworn to a string of fundamental conditions which, when stripped of their pompous phraseology, mean simply "you are in as long as you vote the Radical ticket." The negroes of the South are in the enjoyment of suffrage, while the white people are disfranchised, except so far as their disabilities are graciously removed by act of Congress.

Confiscation, too, has done its work. Mrs. Lee has been excluded from Arlington, the home which she and her children inherited from their revolutionary ancestors. Aged, infirm, and feeble as she is, she has been forced to seek a shelter between the mountains of Virginia. What was the crime of this prostrate and helpless woman? Her only crime is that she married the man of her choice; and for that she has been despoiled, not only of her houses and lands, but of the relics, the gifts, and the mementoes that were left to her family by the Father of his Country. A bill has passed the lower House to restore this personal property to its owner; and I hope before the adjournment of this Congress some Radical member of generous impulses will introduce a measure to restore to her her houses and lands.

The word "loyalty," whatever may have been its primary signification, now means an unfaltering devotion to the fortunes of the Radical party, and has no connection whatever with efforts made to preserve or destroy "the life of the nation." General Morgan, whose perilous retreat from Cumberland Gap in the face of superior force has given him high rank among the heroes of the war, was not loyal enough to hold a seat in the last Congress, although a large majority of the qualified electors of his district had voted for him; but General Longstreet, whose advancing columns carried defeat and dismay to Union hearts on more than one occasion, is precisely loyal enough to hold the surveyorship of the port of New Orleans. General Morgan is a Democrat and General Longstreet may be a Radical!

The leading objection to this system of measure has been that frauds will ensue, by which it is meant, I suppose, that persons who were really inimical to the Government might by competent proof establish the contrary and draw the money. Still another embarrassment

might arise which has not been foreseen. A very recent convert to Radicalism, with the lines of penitential grief deeply marked upon his countenance, might present his claim with an assurance that, like Saul of Tarsus, the scales had fallen from his eyes. He demands pardon for his crime, fellowship in your ranks, and compensation for his corn. Under the rule in the Longstreet case I ask you if you would not be bound to pay this man the market value of his provender?

The adoption of my amendment will remove all inducement to imposition and fraud, and will extend an act of impartial justice to all the citizens of the country. In the progress of civilization the cruelties of wars have been greatly ameliorated. In the beginning they were waged to extermination; but each successive age has rendered them less sanguinary. In civilized warfare a hostile commander will settle with a citizen for any necessary invasion of his rights. General Scott, in his march upon the Mexican capital, was scrupulous upon that point; and can we not mete out the same measure of justice to our own fellow-citizens that we accorded to the alien enemies of the Republic? Hostilities, as the gentleman has remarked, have ceased; five years of peace have intervened; and it is time that some attention was paid to the rights of a common citizenship. If the Army were reduced to ten thousand men, which is amply sufficient for a peace establishment, enough could be saved in a single year to pay for all the dwelling-houses the destruction of which we have had such an eloquent description of. If such a course as this could be adopted it would do more to restore sentiments of fraternity among the people than all the reconstruction acts and fundamental conditions which ever can be enacted. We would move on in harmony, if not in prosperity, under the operation of equal laws and bound together in the destinies of a common Union.

Mr. EDMUNDS. Let us have the regular order.

SAMUEL MILLER.

The PRESIDING OFFICER. The Calendar is now in order. The first bill to be considered to-day is one which was placed at the head of the Calendar yesterday, being the bill (S. No. 673) for the relief of Nicholas M. Page, executor of Samuel Miller, of Campbell county, Virginia.

The bill was read the second time, and considered as in Committee of the Whole.

Mr. EDMUNDS. I ask that the report be read.

The Secretary read the following report, made by Mr. SCOTT on the 16th of March:

The Committee on Claims, to whom was referred the claim of Samuel Miller, of Campbell county, Virginia, asking reimbursement of certain moneys in the Treasury, proceeds of certain bonds of the State of Indiana, make the following report:

In the examination of this claim the committee have been aided by a certified copy of the legal proceedings referred to, from which they have derived all the material facts of the case.

The confiscation act of June 17, 1862, provided that—

"To insure the speedy termination of the present rebellion it shall be the duty of the President of the United States to cause the seizure of all the estate and property, money, stocks, credits, and effects of the persons hereinafter named in this section, [*i. e.*, section five of the act,] and to apply and use the same, and the proceeds thereof, for the support of the Army of the United States."

Among the persons named is, "any person who, owning property in any loyal State, or in the District of Columbia, shall hereafter assist and give aid and comfort to such rebellion."

Section seven of the act provides—

"That to secure the condemnation and sale of any such property after the same shall have been seized, so that it may be made available for the purpose aforesaid, proceedings *in rem* shall be instituted, in the name of the United States, in any district court thereof, or in any territorial court, or in the United States district court for the District of Columbia, within which the property above described, or any part thereof, may be found, or into which the same, if movable, may first be brought, which proceeding shall conform as nearly as may be to proceedings in admiralty or revenue cases; and if said property, whether real or personal, shall be found to have belonged to a person engaged in rebellion, or who has given aid or comfort thereto, the same shall be condemned as enemies' property, and become the property of the United States, and may be disposed of as the court shall decree, and the proceeds thereof paid into the Treasury of the United States for the purposes aforesaid."

Section eight provides that the several courts aforesaid shall have power to make such orders, establish such forms of decree and sale, and direct such deeds and conveyances to be executed and delivered by the marshals thereof, where real estate shall be the subject of sale, as shall fitly and efficiently effect the purposes of this act, and vest in the purchasers of such property good and valid titles thereto. And the said courts shall have power to allow such fees and charges of their officers as shall be reasonable and proper in the premises.

In the case of Samuel Miller, the present claimant, the following facts are well established:

During the rebellion he resided at or near Lynchburg, Virginia, of which State he was a citizen; that he gave no aid or comfort to the rebellion beyond the payment of taxes imposed upon his property by the rebel laws; that he was the owner and possessor of five per cent. State bonds of the State of Indiana, amounting to $100,000, and $12,000 cash; that a person of the name of Thatcher, some time in the year 1863, passed through the Union lines and visited Miller at his house in Virginia, Thatcher having full knowledge of the fact that Mr. Miller had these bonds, and having with him a description thereof. Thatcher urged Mr. Miller to intrust the bonds to him, with a view of placing them in hands where they would be secure at the North; Mr. Miller peremptorily refused to part with the bonds.

Upon these facts being made known to the United States district attorney of the district of Indiana the latter, on the 20th of February, 1864, filed in the district court an information or libel against Mr. Miller and said bonds.

One Browning became the informer. A monition in the usual form was issued by the court, ordering the marshal to "attach the certificates of said stock and said money, and to detain the same in his custody," &c., and to give notice by publication for all persons to appear in the court on the 16th of March, and make their allegations.

To this process the marshal, by his deputy, made the following return:

"In obedience to the within warrant I have arrested the property within mentioned, and have cited all persons having or pretending to have any right, title, or interest therein, as by said warrant I am commanded to do."

If by the expression "arrested the property" the marshal intended to be understood that he had seized and taken into his custody the bonds in question, the return was manifestly false, for on the bill of review, shortly to be noticed, the deputy who made it expressly swears that—

"So far as the material papers representing the stocks they were not. I did not see the certificates or bonds of the State. I did not have them in actual custody at any time, nor did any deputy of the marshal, or the marshal himself, to my knowledge."

But notwithstanding this singular and suspicious return of the marshal, Mr. Miller was, on the return day, called and defaulted, and a decree was rendered by the district judge on the sole testimony of Thatcher, and an order made for the sale of the bonds, the interest upon them being due from the 1st of January, 1862; that the bonds and interest were condemned by the court as enemies' property and declared forfeited to the United States. The auditor and treasurer of Indiana were directed to pay to the marshal the interest on the bonds, to the amount of $10,900, and the latter ordered to sell the bonds at public auction on a *venditioni exponas*, and give the purchaser a certificate. And it was further ordered that the agent of the State, auditor, and treasurer of Indiana—

"Should execute and deliver to the purchaser new certificates of stock in lieu of the outstanding original certificates, and that the original outstanding certificates (bonds) should be forever null and void."

At the May term of the court, 1865, the marshal made return that he had sold said bonds to two purchasers (William H. English and Edwin G. Whitney) for the sum of $82,286 25, and that he had also received two years' interest thereon, amounting to $10,900, making a total of $93,186 25; that out of this amount he had retained $4,410 03, and paid into the court the sum of $88,776 22.

The court ordered to be paid to the attorneys of the United States $5,000, and that of the balance, after paying clerk's fees and other costs, one half should be paid into the United States Treasury and the other half retained for the informer. This was done.

At this sale, on the *venditioni exponas*, the bonds were not present; and the deputy who made the sale swears:

"I had the writ of *venditioni exponas*, described in the question, issued for the sale of said stocks in my hands from the date of its test, and was employed in its execution as the deputy marshal under Colonel Rose. I was present at the sale described in said return indorsed on the writ now before me. Marshal Rose cried the sale; I took down the bids and made the return, which is subscribed in my own handwriting, and delivered the writ, with the return thereon, into the office of the clerk of said court. I saw nothing of said stocks or certificates; so far as I know they were not, nor was any part of them, actually present at said sale; nor, so far as I know, had they or any part of them ever been in the actual custody of said marshal or any of his deputies."

The committee cannot recognize the validity of this judicial sale. It will be seen that by the seventh section above quoted the proceedings are *in rem*. The statute did not contemplate the trial of the owner of rebel property for treason; that could only be upon a formal indictment for the crime and trial by jury; but the whole proceeding is directed against the *res*, the property itself, and is to "conform, as nearly as may be, to proceedings in admiralty or revenue cases," and is to be had in the district "within which the property above described, or any part thereof, may be found, or into which the same, if movable, may first be brought." The property in this case consisted of the State bonds, which were payable to Mr. Miller or his assigns, being, as they read upon their face, "stock issued for principal under the acts of January 19, 1846, and the act supplementary thereto of January 27, 1847, to provide for the funded debt of the State and the completion of the Wabash and Erie canal to Evansville." They are in the nature of commercial paper and assignable at law; not mere certificates of "credit" granted to Mr. Miller. They are articles subject to sale and transfer, by which the purchaser becomes vested with a legal title to receive the money, principal and interest, promised to be paid. It is not easy to see how their legal character differs from an ordinary bank note, promissory note, or bill of exchange payable to bearer or to order and properly indorsed. In popular understanding these bonds represented money, and were as much property in the popular sense, and we think in the legal sense, as such negotiable paper.

It need hardly be added that where the judicial proceeding is *in rem* the law requires that the court or its proper officer shall have actual possession of the property which is the subject of it, before such property can be affected by its judgment or decree. The principle is analogous to the rule of law and of universal justice that no judgment is valid as against the person of the defendant where he has received no notice to appear in court and answer the suit. In the present case there is, indeed, no pretense that the bonds were during the proceeding out of the possession of Mr. Miller, who resided and kept them in Virginia; and we cannot conceive, therefore, how the district judge could have come to the conclusion which he seems to have entertained that he had jurisdiction over the bonds and could order their sale. The return to the warrant does not conform to its command, which was to attach the certificates of stock, and to detain them in his custody until further order of the court. Instead of this the marshal merely says in his return that he has "arrested said property," but not that he has it in his possession. And we are equally at a loss to see by what law or authority the court could adjudge, as it did adjudge, the bonds to be null and void. Surely, the alleged circumstance that they were owned and held by a rebel could not affect their validity as commercial paper as against the State of Indiana, whose obligation to pay them was not affected by the fact of their being so owned and possessed. And if they were null and void they surely could furnish no basis or consideration upon which valid duplicates could issue. Neither can we see by what authority the judge ordered the issue of such duplicates. It is true section eight of the act empowers the court to make such orders and establish such forms of decree and sale as shall fitly and efficiently effect the purposes of the act; but surely this clause gives the court no power either to assume jurisdiction of the *res* not in its actual possession and control, and much less to compel a State officer to issue an obligation binding upon his State without explicit authority to be found in the statutes of the State. It is believed that none such exists, and your committee refer on this point to the letters of the attorney general and auditor of State hereunto annexed.

We are therefore of opinion that the whole proceedings, so far as the original bonds and duplicates issued in lieu thereof were concerned, was in fact void for want of jurisdiction.

But the case now assumes another and an anomalous aspect. On the 29th of May, 1866, the case having been transferred from the district to the circuit court, in consequence of the death of the former district judge and the disability of his successor to sit in the case, Mr. Miller filed a bill of review, alleging various errors and irregularities under the former libel, and asking for a rehearing on the merits.

One object of this bill of review was to prevent the remainder of the fund being paid over to the informers, of whom there were two, John C. Browning and Oliver Ludlow. Each filed his answer claiming a moiety of the fund, reasserting the matters charged in the original libel, and denying the allegations of the bill of review. The issues were made up on the 15th of June, 1867, and the court appointed J. D. Howland, its clerk, as special commissioner to take the testimony in the case. On the 26th of November Mr. Howland filed the depositions he had taken. This evidence, proceeding from Mr. Miller's neighbors and intimate acquaintances, taken on the spot in Virginia and upon due notice to the informers, is entirely conclusive upon the question of his loyalty, and negates overwhelmingly the charge in the original libel that he had given aid and assistance to the rebellion. The witnesses were numerous, and their testimony left no doubt upon the mind of the court of the falsity of that allegation. A perusal of the depositions leads your committee to the belief that the charge against Mr. Miller was trumped up by a band of conspirators who sought to rob him of his property by fraud and perjury.

On the 28th of February, 1868, the circuit judge passed an order setting aside the decree of the district court by which the stock and money were declared forfeited to the United States as enemy's property, so far as respected the net proceeds of the sale then on special deposit, as erroneous and irreg-

ular; and that the cause, so far as respected that fund, should stand for review and new trial as prayed for by Mr. Miller's petition.

On the 14th of May, 1868, after final hearing upon the allegations and proofs, the circuit court passed a final decree that the original libel in the district court be dismissed, and that Mr. Miller "go hence thereof without delay." And the same final decree contains the following clause:

"And it is further adjudged and ordered as follows, to wit, that the said Samuel Miller is well entitled to have paid over to him, and that the clerk do pay over to him or his attorney forthwith, the said net proceeds of the said stocks and moneys now on special deposit under the orders of this court, freed and discharged from any and all claims of either the said Browning or the said Ludlow, the informers who have heretofore interposed a claim, each of them, for a moiety of the proceeds of the sale of said stocks by the marshal, as shown in the previous proceedings in this cause; and freed and discharged also from the claim or claims of the United States of all persons whomsoever; the clerk of this court to retain from such proceeds the following sums for the services particularly specified, to wit:

"For costs in this cause to the clerk, $26 10; to John D. Howland, as commissioner in managing said fund for three years, at the rate of $250 per annum, amounting to $750; for costs in case No. 889, in which the new trial was allowed of this cause; to the clerk, $56 75; to the marshal, $41 30; to John D. Howland, as commissioner in taking depositions, $500. The said several sums amounting in all to $1,374 15, which are hereby allowed and ordered to be paid."

The following is a description of the original bonds issued to Mr. Miller, and the subject of such judicial sale, and now, as is supposed, in his possession, namely:

No.	Amount.
512	$12,000
699	4,000
715	4,000
1328	9,000
1519	2,000
1540	3,000
1604	5,000
1663	4,000
1708	3,000
12007	4,000
53	16,000
2[illegible]	22,000
354	13,000
419	3,000
1015	5,000
Total	$109,000

In lieu of these bonds the State officers of Indiana have issued duplicates to the pretended purchasers, English and Whitney. The committee cannot persuade themselves that these duplicates are proper and legal substitutes for the originals. They can find no statute of Indiana which authorizes their issue, and they cannot admit the principle on which the district judge seems to have acted, that the confiscation act of 1862 authorizes the court to compel a State officer without the warrant of a State statute thus to metamorphose the securities of the State; and we regret that in this case the question had not been by a proper proceeding passed upon by the highest tribunal of the land.

If these duplicate bonds are not valid as against the State, and if the pretended sale of the originals was, as we think it was, void for want of jurisdiction in the district court who ordered it, then the originals are still good and valid against the State.

But Mr. Miller, by accepting that part of the proceeds of the sale set apart for the informers, seems to have recognized and ratified the sale, and cannot while he has in hand the money thus derived insist that the sale was void. And by now asking Congress to pay over to him the other moiety of the proceeds which was paid into the United States Treasury he further confirms the sale and evinces his willingness to have the originals treated as canceled and discharged, or at least as no longer available securities in his hands. We think, therefore, that if Congress shall see fit to pay over to him the moiety in the Treasury he ought to deliver up to some officer of the Government the original bonds for safe-keeping, to await the action of the Legislature of Indiana as to the final disposition as well of them as of the duplicates.

The reasons of the judgment of the circuit court awarding to him the other moiety of the proceeds we cannot but regard as embracing the money now claimed. The evidence before the court applied to each moiety alike, and there is no equitable or legal view which does not apply with equal force to each. The sale was made by the district court, the whole amount of proceeds paid into court, and the moiety supposed to belong to the United States paid over into the Treasury before the bill of review was filed, and while, in point of law, the proceedings were unfinished and the fund still subject to the final action of the court. Had the Government portion of it been still in the control of the court there cannot be the least doubt that it would also have been awarded to Mr. Miller; but being at that time in the United States Treasury, it was of course beyond the reach of the court, and can be reclaimed only by an act of Congress. The case is one of peculiar hardship, and raises a strong suspicion of a criminal combination to defraud an innocent man.

Mr. Miller having died since his petition was presented, we think his executor, on surrendering up the original bonds and making them subject to the action of the Legislature of Indiana, is fairly and equitably entitled to receive from the United States the remaining proceeds of the sale, and report a bill accordingly.

It appears from the record that the bonds were sold under the order of the district court, at the May term, 1865, for $82,286 25, to which should be added, for two years' interest collected on the same by the proper officer of the court, as shown by the record, in cash, $10,900; whole amount proceeds, $93,186 25.

From the letter of the solicitor of the Treasury of the 18th of February, 1869, hereto annexed, it appears that on the 6th of July, 1865, the clerk received for the United States in the case the sum of $41,309 40, which was embraced in the certificate of deposit of the First National Bank of Indiana, inclosed in his letter to the solicitor of the Treasury of the 10th of the same month, copies of both of which are hereto annexed.

A considerable portion of the fund, the exact amount your committee have not the means of stating, was paid over for costs and fees by order of the district judge. But as Mr. Miller, as shown by his receipt of May 15, 1868, hereto annexed, has seen fit to treat the sale as valid by accepting a benefit under it in the shape of a part of the proceeds, your committee do not deem him in equity entitled to a reimbursement of those costs and fees, but only to the sum now remaining in the hands of the Government, which is $41,309 40, as is further shown by a letter from the solicitor of the Treasury of February 23, 1869, hereto attached.

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TREASURY DEPARTMENT,
SOLICITOR'S OFFICE, *February* 18, 1869.

SIR: I have the honor to return herewith the letter of Hon. J. M. HOWARD, of the United States Senate, referred by Mr. Assistant Secretary Hartley to this office on the 16th instant, asking information as to whether the sum of $41,309 40, being half the amount of proceeds of the sale of $109,000 of Indiana State stocks, sold under the decree of the district court of Indiana in 1864, under the confiscation act, had been paid into the United States Treasury as the moiety of the United States. In reply I have to say that, under date of July 6, 1865, J. D. Howland, esq., clerk of the United States courts for the district of Indiana, reported that in the case of the United States *vs.* "$109,000 Indiana State Bonds, &c., and Samuel Miller," he had received for the United States in the circuit court the sum of $41,309 40. No certificate of deposit was sent to this office by the clerk for said amount, but I find upon examination of the books in the office of the Secretary of the Treasury that the First National Bank of Indianapolis, in its lists of deposits to the credit of the Treasury of the United States for the week ending July, 1865, reported a deposit by J. D. Howland, clerk United States courts, of the sum of $41,411 73 on account of confiscation. The clerk had received about the same time the sum of $102 33 for the United States in another confiscation case, which, added to the amount received in the case in question, $41,309 40, would make up the exact amount deposited by him to the credit of the Treasury on the 8th of July, 1865, namely, $41,411 73.

I have the honor to be, very respectfully,
EDWARD JORDAN,
Solicitor of the Treasury.

Hon. H. MCCULLOCH, *Secretary of the Treasury.*

—

[Copy of certificate inclosed.]

FIRST NATIONAL BANK OF INDIANAPOLIS, INDIANA,
INDIANAPOLIS, *July* 6, 1865.

$41,411 73.

I certify that John D. Howland, clerk of the United States circuit court, has this day deposited to the credit of the Treasury of the United States $41,411 73 on account of money realized from confiscation cases, for which I have signed triplicate certificates.

No. 424.

JOHN C. NEW, *Cashier.*

—

CLERK'S OFFICE, UNITED STATES COURT,
INDIANAPOLIS, INDIANA, *July* 10, 1865.

SIR: Inclosed please find statements of moneys received by me as clerk of the United States circuit and district court for the district of Indiana, amounting to $42,896 85, and for which amount I have this day mailed certificates of deposit to the Treasurer of the United States.

Very respectfully, your obedient servant,
J. D. HOWLAND, *Clerk.*

Hon. EDWARD JORDAN,
Solicitor of the Treasury, Washington, D. C.

—

In the Circuit Court of the United States, district of Indiana.

UNITED STATES *vs.* $109,000 INDIANA STOCKS, &c.—Confiscation. No. 759. Transfer from district to circuit court.

Copy of receipt for moiety retained in registry of court, subject to the decision of the court as to who was the informer; and finally on review awarded to Samuel Miller.

May 15, 1868.

I have this day received of J. D. Howland, clerk, in bonds, of the fund in the registry of the court in this case, $46,400, and, in cash, $1,006 02, making in all $47,406 02, being the amount this day ordered by the court to be paid to Samuel Miller, less the costs and allowances.

J. MORRISON,
Attorney for Samuel Miller.

—

A true copy.
[L. S.]
February 18, 1869.

J. HOWLAND, *Clerk.*

OFFICE OF THE ATTORNEY GENERAL,
February 19, 1869.

DEAR SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, asking information as to whether there is any law or statute of Indiana authorizing any officer of the State to issue duplicate State bonds.

Under the arrangement of the State debt, by the acts of 1846-47, (Acts 1846, p. 5, sec. 4; and Acts 1847, p. 26, amendment K, sec. 4,) it is provided that "the stock created pursuant to this act shall be transferable only in the city of New York, in books to be provided for that purpose by the State, by the holder or holders thereof, or his, her, or their assignees, or duly constituted attorney, in pursuance of such rules as may be adopted by the agent of State, or may be prescribed by law; but no transfer shall at any time be permitted except in the surrender and cancelment of the outstanding certificate; provided, however, that possession of a certificate of stock, with an indorsement thereof on the back to the possessor, purporting to be by the holder under his hand, attested by two witnesses, shall be deemed a sufficient power of attorney, in all cases, to authorize and warrant the agent of State to transfer on the book, in the name of such holder, such stock to such possessor; and the agent of State shall at all times be deemed the agent of the parties for making the transfers under such circumstances; and no rule of transfer shall be adopted by the agent of State or prescribed by law incompatible herewith; provided, however, that the State shall in no case be held responsible for the genuineness of such indorsement or attestation. But the fact that an indorsement is made on such certificate, attested as aforesaid, accompanied with actual possession of such certificate, shall be sufficient evidence of right, and shall be a sufficient warrant to said agent of State, for and in the name of the holder of such stock, to transfer the same to the possessor of such certificate on the surrender and cancellation of the same."

The above section of the act of 1847 is all and the only law I have been able to find on the subject. Hoping that it may aid you in arriving at a conclusion, I remain your most obedient servant,

D. E. WILLIAMSON,
Attorney General of the State.

Senator HOWARD, *Washington, District of Columbia.*

—

STATE OF INDIANA,
OFFICE OF AUDITOR OF STATE,
INDIANAPOLIS, *February* 18, 1869.

DEAR SIR: In response to your note of the 15th instant I have to state that the duplicate certificates of Indiana five per cent. stocks, amounting to $109,000, which were confiscated as the property of one Miller, of Virginia, were issued under a decree of mandate from the United States district court.

There was and is no statute of the State of Indiana under which such proceedings could be had.

Very respectfully,
JOHN D. EVANS, *Auditor of State.*
By T. G. PALMER, *Deputy.*

Hon. T. A. HENDRICKS.

—

TREASURY DEPARTMENT,
SOLICITOR'S OFFICE, *February* 23, 1869.

SIR: I have the honor to acknowledge the receipt on the 22d instant of your letter of 19th instant, inclosing a copy of a certificate of deposit of the First National Bank of Indianapolis, for the sum of $41,411 73, issued to J. D. Howland, clerk United States court, on account of money realized from confiscation cases, &c., and to say in reply that the amount mentioned in said certificate was covered into the Treasury by warrant No. 553, first quarter 1867, as appears from the records of the office of United States Treasurer.

The sum of $41,309 40, included in said certificate, is stated by the clerk of the court to have been received by him for the United States in the case of "The United States *vs.* $109,000 Indiana State bonds and Samuel Miller."

Very respectfully,
EDWARD JORDAN,
Solicitor of the Treasury.

Hon. J. M. HOWARD, *United States Senate.*

Before the reading of the report was concluded,

Mr. POMEROY. I think there are objections to the bill of such a nature that it cannot pass unanimously, and therefore there is no need of spending any further time in reading the report.

The PRESIDING OFFICER. Objection being made, the bill goes over.

Mr. SCOTT. I do not understand the Senator from Kansas to object.

Mr. HOWARD. It is a very just bill.

Mr. SCOTT. The Senator from Indiana not now in his seat [Mr. MORTON] objected yesterday when this bill was called up, but after reading the report he called on me and stated that the facts were recalled to his recollection and that it was a case in which Mr. Miller, whose executor is now seeking relief, had been made the victim of a most unjust and nefarious conspiracy. This money is now in the Treasury of the United States, and it is

but an act of justice that this bill should be passed to refund it to his executor. I could state in a few moments the result of the recent decision in the case, and I think that would obviate all objections to the bill.

Mr. POMEROY. The view which I take of the matter is this——

Mr. SCOTT. With the consent of the Senator from Kansas I will state in a very few words the result of the recent decision in the case.

Mr. POMEROY. I have no objection to that.

Mr. SCOTT. After the first decree was made, as the clerk was about reading, a bill of review was filed, and upon an examination of the testimony in full the former decree was vacated. The money raised from the sale of the State bonds of Indiana had been divided by the decree of the court, adjudging one half to the United States and one half to the informers, after the payment of expenses. The one half adjudged to the United States had been paid into the Treasury. The one half adjudged to the informers had not yet been paid to them. After a full hearing upon the bill of review the former decree was vacated, and the one half which had been adjudged to the informers was paid over, under that subsequent decree, to Mr. Miller. He came into court, and waiving, perhaps, objections which he might have made to receiving that amount of money, $41,000, when really he ought to have received over $50,000, he accepted it. Now, then, the other half, which is in the Treasury of the United States, being $41,000 more, is what is here claimed, and that money is by the decree of the circuit court of Indiana adjudged to be the property of Mr. Miller, he having been shown to be the victim of a conspiracy gotten up by persons in Indiana to rob him of his money.

Mr. HOWARD. And in New York.

Mr. SCOTT. And in New York. It is not necessary to detail the circumstances which led to that conviction. The honorable Senator from Indiana himself yesterday, after having made the objection, stated, on looking into the report, that he knew it to be a most nefarious conspiracy upon the part of certain persons in Indiana and New York. Mr. Miller was an undoubted adherent of the Government. He had these bonds in his possession in Virginia. He refused to deliver them up to this man, who by some means got through the rebel lines for the very purpose of getting them out of his hands and defrauding him of them; and, failing in getting them out of Mr. Miller's hands by false pretenses, he then came back, and having got a memorandum of the number of them, entered into this conspiracy, which resulted in the judicial proceedings in the State of Indiana in the absence of Mr. Miller, and in a decree against him. It is simply a case in which the Government is now asked to refund to the estate of Mr. Miller the money which came into the Treasury as the result of this conspiracy against Mr. Miller.

The reading of the report was concluded.

Mr. HOWARD. I wish simply to say one word. During the last session, I think it was, while I was a member of the Committee on Claims, this matter was referred to me for examination, and I went through all the proceedings. I had a copy of the proceedings of the court in Indiana before me, and I investigated the case very carefully; and I think the report which has just been read was written by myself.

Mr. SCOTT. Yes, sir.

Mr. HOWARD. I came to the conclusion that Mr. Miller was the victim of a most scandalous conspiracy, and that the Government was justly indebted to him in the sum which had been placed in the Treasury under a formal judicial sale ordered in Indiana. I think the claim is a very just one, and the bill ought to be passed.

Mr. POMEROY. The theory of the case, as it struck me on hearing the report, was like this: those bonds were confiscated; they were not taken or sold, because they could not be; Miller held them all the time. At a subsequent session of the court that judgment was pronounced a nullity. That made those bonds good in his own hands. That is one view of the case. Another is that if you now pay him the parties who bought the bonds will have a claim on us. One theory or the other must be true, and this bill ought not to pass as I understand it—I have not investigated it—until some one can make that point clear.

Mr. SCOTT. If the Senator from Kansas will permit an explanation, I think I can satisfy him on that point. The decree of the court directed new bonds to be issued by the State of Indiana in lieu of those which were adjudged to be void in the hands of Mr. Miller. Those new bonds were issued. This bill directs the executors of Mr. Miller to deposit in the Treasury the old bonds which were in his possession, and leaves the question, if there be one arising, for a contest between the owner of the old bonds and the new bonds, to be decided by the State of Indiana. Mr. Miller cannot claim the bonds, because he is required to deposit them in the Treasury when he receives the money.

Mr. POMEROY. Do I understand the Senator to say that he gave up the old bonds?

Mr. SCOTT. The bill, if now passed, requires him to give them up when he receives the money at the Treasury Department.

Mr. POMEROY. What about the new bonds?

Mr. SCOTT. The new bonds were issued under the decree of the court, and that will leave the question to be settled by the State of Indiana, whether they will take the new bonds or the old ones. There will be no holder of the old bonds.

Mr. POMEROY. What becomes of the man who bought these bonds and paid his money for them? Supposing they are all pronounced a nullity, what becomes of that purchaser?

Mr. SCOTT. He has all the bonds in his possession issued by the State of Indiana. These bonds will be deposited in the Treasury of the United States. They will not claim them, and of course the State of Indiana cannot be called upon to pay any more than one set of bonds.

Mr. POMEROY. Let me ask the Senator, if the decree was void under which these new bonds were issued, what were the bonds good for? The bonds were void.

Mr. HOWARD. Let Indiana settle that question.

Mr. SCOTT. Then the owner of the new bonds can come here and with the assent of the State of Indiana get the old bonds deposited in the United States Treasury.

Mr. POMEROY. I do not see it clear enough to vote for the bill, I confess.

Mr. TRUMBULL. I do not understand it either. I should like to know, when these bonds were sold, if somebody did not buy them?

Mr. SCOTT. Yes, sir.

Mr. TRUMBULL. That somebody paid for them, as I understand it, eighty-odd thousand dollars?

Mr. SCOTT. Yes, sir.

Mr. TRUMBULL. What has he got?

Mr. SCOTT. He has the new bonds which the court directed to be issued.

Mr. TRUMBULL. They are in the hands of the purchaser?

Mr. SCOTT. They are in the hands of the purchaser. The State of Indiana issued them, in obedience to the decree of the court, and now, in order to protect the State of Indiana, before the claimant is paid, his executor is required to give up the old bonds, so that there can be but one obligation against the State of Indiana.

Mr. EDMUNDS. I think this bill had better go over for further consideration. I should like to look into it.

The PRESIDING OFFICER. Does the Senator from Vermont object?

Mr. EDMUNDS. Yes, sir.

The PRESIDING OFFICER. The bill will be passed over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ISAAC STROHM, one of its clerks, announced that the House had passed a bill (H. R. No. 1866) to relieve certain persons therein named from the legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States, and for other purposes, in which it requested the concurrence of the Senate.

DISTRICT TERRITORIAL GOVERNMENT.

The PRESIDING OFFICER. The Calendar will now be proceeded with at the point where its consideration was left off yesterday.

The first bill was the bill (S. No. 594) to provide a government for the District of Columbia.

Mr. CRAGIN. I do not think it will be of any advantage to read that bill. We cannot pass it now.

Mr. SHERMAN. It is very important.

Mr. CRAGIN. I object to it.

Mr. SUMNER. Let it be read.

The PRESIDING OFFICER. It is not in order if objected to.

Mr. CRAGIN. I am willing that it shall be read.

Mr. EDMUNDS. That will not be any good. It will be a waste of time.

Mr. SHERMAN. I am very much in favor of the bill.

Mr. HAMLIN. Nine tenths of the Senate are.

Mr. SUMNER. Why not allow a vote to be taken on it?

Mr. CRAGIN. I understand the order we are acting under is to go on with bills not objected to.

The PRESIDING OFFICER. Such is the rule. The next bill will be read.

KANSAS PACIFIC RAILWAY.

The next bill on the Calendar was the bill (S. No. 458) to authorize and aid the Kansas Pacific Railway Company to extend and construct its railroad and telegraph line to El Paso, in New Mexico.

Mr. KELLOGG. I object to that.

The PRESIDING OFFICER. The bill will be passed over.

REMOVAL OF DISABILITIES.

Mr. FLANAGAN. I should be very much gratified if I could get unanimous consent to take up House bill No. 1866, for the removal of the disabilities of some Texans recently elected to the Legislature and to other offices in the State. The Legislature was to meet yesterday, and it would be a great favor to pass it now.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent to take up the bill indicated by him.

Mr. CRAGIN. I am appealed to very strongly to withdraw the objection to the territorial bill. I do not care about it personally. If the Senate chooses to take up time to read it and consider it, let it go on.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent to consider a bill.

Mr. HAMLIN. Let this go on first.

DISTRICT TERRITORIAL GOVERNMENT.

The Secretary proceeded to read the bill (S. No. 594) to provide a government for the District of Columbia.

Before the reading was completed,

Mr. SCHURZ. This is a very important bill, and I think it likely that it is a very good one. I may vote for it; but it ought to be considered, and so I object to its present consideration.

The VICE PRESIDENT. It will be passed over, and the next bill will be read.

Mr. SUMNER. Why not let the reading be finished?

Mr. SCHURZ. I have no objection to the reading of the bill.

Mr. WILLIAMS. If it is not to be considered to-day there is no use in reading it. It will have to be read when taken up again.

REMOVAL OF DISABILITIES.

The VICE PRESIDENT. The next bill on the Calendar will be stated.

Mr. FLANAGAN. I had asked unanimous consent to take up House bill No. 1866, for the removal of political disabilities.

The VICE PRESIDENT. The present occupant was out of the chair at the time.

The bill (H. R. No. 1866) to relieve certain persons therein named from the legal and political disabilities imposed by the fourteenth amendment to the Constitution of the United States was read the first time by its title.

Mr. POMEROY. How many persons are named?

Mr. FLANAGAN. Eleven. They are prominent members of the Legislature, and other elected officers. The Legislature convened yesterday, and it is important to get this bill through.

Mr. POMEROY. Where a single person was appointed or elected to office we have sometimes removed his disabilities without a reference of the bill to a committee; but we have always referred the cases to a committee where there are more than one or two embraced in a bill.

Mr. FLANAGAN. I know these gentlemen, and can indorse them beyond question.

Mr. POMEROY. Does the Senator know them personally?

Mr. FLANAGAN. Yes, sir; I know them personally, and have known them for many years.

The VICE PRESIDENT. The bill will be read the second time in full, and will then be open to objection.

The bill was read the second time, and considered as in Committee of the Whole. It proposes to remove all legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States by reason of participation in the late rebellion from the following persons, namely: Charles I. Stockbridge, Washington county, Texas; Charles E. Bolles, Harrison county, Texas; Hugh C. McIntyre, Washington county, Texas; George T. Haswell, Robertson county, Texas; Camillus Jones, Colorado county, Texas; A. J. Vaughn, Colorado county, Texas; James G. Seawell, Galveston, Texas; John S. Jones, Galveston, Texas; L. W. Cooper, Houston county, Texas; John G. Scott, Anderson county, Texas; H. B. Simonds, Hunt county, Texas, and Richard Jordan, of Texas, formerly of Maine.

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

CITIZENS OF LOUDON COUNTY, VIRGINIA.

The next bill on the Calendar was the bill (S. No. 685) for the relief of loyal citizens of Loudon county, Virginia, therein named.

Mr. HOWARD. That bill will lead to a great deal of discussion. We may as well stop at once.

The VICE PRESIDENT. The Senator desires to have the bill passed over.

Mr. WILLEY. I wish to make a suggestion to the Senator before he objects.

Mr. HOWARD. I will hear the suggestion.

Mr. WILLEY. I will merely state that this bill does not involve any question of the destruction of property, but only payment for property which has been sold, and the proceeds of which are now in the Treasury of the United States, for the larger proportion, at least, of the amount named in this bill, and the residue of the property for which this bill provides payment, was slaughtered and used in the Army under the order of General Sheridan.

Mr. HOWARD. Undoubtedly it will lead to a great deal of discussion. It may be a very meritorious bill, but I think we had better go on with the Calendar.

The VICE PRESIDENT. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 686) for the relief of loyal citizens of Loudon county, Virginia, therein named.

Mr. EDMUNDS. That is a bill of the same title as the other. It will go over, of course, with it.

Mr. HOWARD. The same objection applies.

The VICE PRESIDENT. This bill will be passed over.

MASSACHUSETTS HEAVY ARTILLERY.

The next business on the Calendar was the joint resolution (S. R. No. 145) for the relief of the first battalion heavy artillery of Massachusetts volunteers. It proposes to place the first battalion heavy artillery of Massachusetts volunteers on an equal footing with volunteers as to bounties, and provides that all laws relating to bounties be applicable to them, as to the other troops of a similar character referred to in joint resolution No. 54, approved July 13, 1868.

Mr. EDMUNDS. I should like to hear that explained by the committee reporting it.

The VICE PRESIDENT. The joint resolution was reported by the Senator from Massachusetts not now in his seat, [Mr. WILSON,] from the Committee on Military Affairs.

Mr. SUMNER. It comes from the Committee on Military Affairs; and I hope it will be acted upon.

Mr. SHERMAN. Is there a report accompanying it?

The VICE PRESIDENT. There appears to be no written report.

Mr. SHERMAN. Then let it go over.

The VICE PRESIDENT. It will be passed over.

Mr. SUMNER. I hope not. It ought to be acted upon. Here is my colleague now.

The VICE PRESIDENT. The Senator from Massachusetts [Mr. WILSON] is now in the Chamber. Does the Senator from Ohio insist upon his objection?

Mr. SHERMAN. I want to know something about it. I am perfectly willing to hear an explanation from the Senator. I think a bill of this importance ought to be accompanied by a written report; but I will hear a statement.

The VICE PRESIDENT. The Senator from Ohio withdraws the objection.

Mr. WILSON. I will simply say that this battalion of heavy artillery was assigned by the Government of the United States to Fort Warren, held that fort, guarded the prisoners who were sent there, and did all the other duties required of them, and were ready to be sent to any portion of the country, in obedience to the orders of the Government, and were completely under the control of the Government. They were in no sense of the word a State militia, and they served through three years. They stand precisely on the same footing as the troops raised in Missouri.

Mr. SHERMAN. Did they serve three years?

Mr. WILSON. Yes, sir; they served three years regularly.

Mr. EDMUNDS. Under what authority of Congress was this battalion raised?

Mr. WILSON. It was raised and accepted and mustered into the service of the United States under general law.

Mr. EDMUNDS. By regular enlistment?

Mr. WILSON. Certainly.

Mr. EDMUNDS. Then why in the world are they not entitled to bounty under the general law?

Mr. WILSON. They were raised precisely like other troops. One battalion of this regiment was retained by the Government in Boston harbor, and remained there throughout the war. It was in no sense of the word a State militia; but it was under the orders of the Government during the whole time, and stands precisely in the same condition as troops raised in Missouri, in Maryland, and in some other portions of the country, to whom we have allowed bounty by special act. We allowed these persons to come in; but by a mistake and overlooking of the matter this battalion of about four hundred men have never received any bounty whatever.

Mr. EDMUNDS. Why are they not entitled to it under the general law, if they enlisted in the regular way?

Mr. WILSON. In the first place, these troops were not raised in the general way. They were accepted under the laws of Congress and put under the control of the Government. They were, in the first place, raised by an order of Governor Andrew, and the Government of the United States ordered them to Fort Warren and kept them there, and they could have been removed to any other place at any time, and were just as much under the control of the United States as any troops in the service.

Mr. SHERMAN. I think we ought to have a written report in such a case as this. The claim seems to be so clear as the Senator states it that I do not see why it has not been paid under the general law; but I think the Senator ought to present a written report.

Mr. WILSON. These troops are on precisely the same footing as the troops that were raised in Missouri whom we paid bounty by an act of Congress.

Mr. POMEROY. They were paid for their services, not bounty.

Mr. WILSON. Yes, sir; those troops were paid bounty.

Mr. SHERMAN. I think that we ought to have a written report in a case like this, which involves a great many thousand dollars.

The VICE PRESIDENT. Objection being made, the joint resolution will be passed over.

Mr. SHERMAN. I suggest to the Senator from Massachusetts whether it would not be better to recommit the joint resolution, so that we may have a written report.

Mr. WILSON. I have no objection to that.

The VICE PRESIDENT. The joint resolution will be recommitted to the Committee on Military Affairs.

REVISION OF ARMY REGULATIONS.

The next bill on the Calendar was the bill (S. No. 668) to enable the Secretary of War to revise the general regulations for the government of the Army.

Mr. EDMUNDS. I think that had better go over, because it involves a new principle and will lead to debate, authorizing the Secretary of War to make laws for the Army.

The VICE PRESIDENT. It will be passed over.

MRS. MARY DUNN.

The next bill on the Calendar was the bill (S. No. 687) for the relief of Mrs. Mary Dunn, of South Carolina.

Mr. HOWE. I guess that will be objected to, and I do not think it is worth while to read it.

The VICE PRESIDENT. The bill will be passed over.

CHARLES P. REDMOND.

The next bill on the Calendar was the bill (S. No. 688) for the relief of Charles P. Redmond.

The VICE PRESIDENT. This as well as the last bill was reported from the same committee, the Committee on Claims, by the Senator from Rhode Island, [Mr. SPRAGUE.] Is it desired that this bill shall be passed over?

Mr. RICE. No, sir; there is no objection to that.

There being no objection, the bill was read a second time, and considered as in Committee of the Whole. It provides that on payment to the United States of any money received and all rights acquired by John Zebrell, or his legal representatives, to an

undivided half interest in half lot in block A, E, 2 L, city of Little Rock, Arkansas, assessed in the name of Scraggs & Brother, and the other half lot and interest, tax, and costs paid by W. C. Scraggs at a tax commissioner's sale, held May 4, 1865, pursuant to act April 7, 1862, the Commissioner of Internal Revenue shall pay to Charles P. Redmond, of Little Rock, Arkansas, $625, he being the legal representative of Zebrell, and unable to acquire possession of the property from defective description or otherwise.

Mr. POMEROY. This is the first time that I have ever heard of the Commissioner of Internal Revenue being authorized to pay money. He has no money to pay.

The VICE PRESIDENT. Does the Senator from Kansas move to amend by inserting the Secretary of the Treasury?

Mr. POMEROY. No, sir.

Mr. WILLIAMS. I should like to hear the bill explained.

Mr. RICE. I will explain the bill.

Mr. TRUMBULL. Is there a report?

The VICE PRESIDENT. There appears to be no written report.

Mr. RICE. At the direct tax sale in Arkansas in 1864 these lots were sold and bid for by Mr. Zebrell, I believe. Mr. Redmond became the assignee of Zebrell and paid over the money for him. The lots sold did not correspond in description to the lots assessed. The Government received the money, but is unable to make title or deliver possession because of the defect in description. This bill provides that Redmond shall release to the Government all claim to the property and receive his money back.

Mr. TRUMBULL. I should like to know if the doctrine of *caveat emptor* does not apply there? Is the Government of the United States going to pay back the money where lands are sold for taxes and the party does not get a good title?

The VICE PRESIDENT. Does the Senator from Illinois object to the bill?

Mr. TRUMBULL. No, sir; I do not object to its consideration, but I shall vote against its passage as I understand it.

Mr. RICE. The fault was in the description of the property. The Government could not convey the land which was sold, and cannot convey it; and the purchaser has got no title and has acquired no land.

Mr. POMEROY. The Senator means the Government could not give even a tax title.

Mr. TRUMBULL. But a tax title is as good as any if it is all perfect. Most of the tax titles in my State have been failures. There is generally some defect in the proceeding; acres of land sell for cents, and people take their chances; but they never expect to get the money back that they bid out of the State treasury in case they do not get a good title to the land.

Mr. RICE. I wish to make a further statement. This tax sale is different from the ordinary tax sale. Here the property sold for pretty near its value, and all the money went to the Government. It was not like a tax sale where the property sells for a mere nominal price, but the property sold for approximately its value. The Government sold a piece of property different from that which was assessed; a piece of property that was not forfeited to the Government; a piece of property that was not taxed in one sense of the word, or in any sense, so far as that sale was concerned. This was a direct tax sale. The taxes were paid on the property as described, so far as it appears; but they sold another piece of property entirely.

Mr. POMEROY. I move to amend the bill by striking out the words "Commissioner of Internal Revenue" and inserting "Secretary of the Treasury."

The amendment was agreed to.

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

Mr. WILLIAMS. I do not wish to object to the bill; but I do not see on what principle the Government can refund this money. As I understand, the law is general that a man who bids off property at a sale for taxes bids at his peril. There is no warranty of title on the part of the Government. It is his business to know before he bids whether the description of the land is correct or not. He ought to have examined the assessment roll and the proceedings to ascertain whether or not they were regular. If he went to a tax sale and bid off property blindly and inconsiderately, I cannot see upon what principle he can ask the Government to refund the money that he paid. If these titles should fail in any case for any irregularity on the part of the Government, the principle would require the Government to refund the money. An irregularity in describing the property is no more fatal than any other irregularity in a tax proceeding for the sale of property.

Mr. TRUMBULL. It is one of the most common.

Mr. WILLIAMS. Yes, sir; and if you affirm the doctrine that where a title fails in cases where property is sold for taxes the Government must refund the money we shall have to pay back about all the money the Government has received on account of tax sales in the southern States. It is a very dangerous precedent to establish. I should be very glad to see this man get his money; but I consider this bill as objectionable on account of the precedent, and it seems to me the Senator from Arkansas will see that it is objectionable in that respect.

Mr. SHERMAN. The Senator from Illinois and the Senator from Oregon fail to make a distinction between an ordinary tax sale and a sale by a commissioner under the direct tax law of 1862. There is a very striking difference made by the law, and it was made purposely. In the sale under the direct tax law the whole property is sold, not a portion of it. Under the tax laws of the various States a portion of the land is sold. Under the law of Ohio, I know, the purchaser bids how much of the property he will take and pay the taxes. That I believe is the usual law in the different States; and the law prescribes which portion of the land to be sold for taxes the purchaser shall bid for. I believe it is the northwestern corner, &c. He takes so much of the land and pays the taxes. But a sale under the direct tax law by a commissioner is a very different thing. There the land is sold, and a patent, or something in the nature of a patent, is issued to the purchaser; and in many cases, especially in South Carolina, the land is sold for several times, perhaps a hundred times the amount of the taxes. It seems to me in this case, if the United States have really got the money for land to which they had no title, and their officers so conducted the sale as not to convey anything to the purchaser, the United States cannot do less than refund the money received. It seems to me there is a sufficient distinction between this case and the ordinary case of a tax sale, under the laws of the States, to justify us in refunding the money that we have got without consideration, and the consideration for which failed by the fault of our own officers. I therefore shall vote for the bill.

Mr. HARLAN. It seems to me this case must be misunderstood, or there could be no question about it. As I understand from the Senator from Arkansas, there was a piece of property knocked off at a tax sale on which there were no taxes due; and this is a bill to refund to the bidder the amount of money he paid in as taxes on property on which there was no tax due, and for which no deed or certificate has been given. Money is refunded in my State every day under such circumstances. If the auctioneer puts up to sale and knocks off to a bidder a piece of property on which there is no tax due, and for which the authorities give no title whatever, it refunds the money to the bidder as a matter of course.

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

SOPHIA A. MOEN.

The next bill on the Calendar was the bill (H. R. No. 1413) for the relief of Sophia A. Moen.

The VICE PRESIDENT. This bill was reported from the Committee on Patents, was considered by the Senate in Committee of the Whole on a previous occasion, and the morning hour expired before final action was had upon it. The Secretary will report the bill as amended. The amendments were previously agreed to in Committee of the Whole.

Mr. WILLEY. To meet the objection made by the Senator from Illinois, which I think was perhaps well taken, I offer another amendment to the bill.

The VICE PRESIDENT. The Secretary will report the bill as it was amended previously in Committee of the Whole and then the amendment of the Senator from West Virginia.

The Secretary read the bill, as amended, as follows:

An act for the relief of Sophia A. Moen.

Be it enacted, &c., That the Commissioner of Patents be, and he is hereby, authorized to hear and determine the application of Sophia A. Moen, administratrix, and Philip L. Moen, administrator of Augustus R. Moen, for an extension of letters-patent, granted on the 26th day of February, 1856, and reissued to the said Augustus R. Moen on the 8th day of April, 1856, for a new and useful improvement in the construction of basement, cellar, vault, conduit, and other like walls, so as to render them impervious to water, upon evidence in the same manner and with the same effect as if the said application had been made within the time prescribed by law: *Provided*, That in case said extension shall be granted no person shall be held liable for damages for infringement thereof between the date of the expiration of the original patent and the date of such extension.

The VICE PRESIDENT. The Senator from West Virginia now moves to further amend the bill. The amendment will be reported.

The Secretary read the amendment, which was to add as an additional proviso the following:

And provided further, That any persons or persons who shall have engaged in the manufacture of the said invention since the expiration of the letters-patent aforesaid, and prior to any renewal thereof by virtue of this act, may continue the manufacture thereof and sell said manufacture without any liability therefor to the said Moen, his heirs or assigns.

The amendment was agreed to.

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

It was ordered that the amendments be engrossed, and the bill read the third time.

The bill was read the third time, and passed. Its title was amended so as to read, "A bill for the relief of Sophia A. Moen, administratrix, and Philip L. Moen, administrator of Augustus R. Moen."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 228) to enlarge the jurisdiction of the probate courts in Idaho Territory;

A bill (H. R. No. 230) to require the holding of additional district and circuit courts of the United States in the district of Indiana, and for other purposes; and

A joint resolution (H. R. No. 269) to amend the act of April 20, 1870.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 779) to redefine a portion of the boundary line between the State of Nebraska and the Territory of Dakota; and it was thereupon signed by the Vice President.

RESTORATION OF ARMY MEDICAL OFFICERS.

The next business on the Calendar was the joint resolution (S. R. No. 127) to authorize

the President of the United States to restore to the active list certain officers of the medical department; which was read. It proposes to authorize the President to restore to the active list of the Army Chief Medical Purveyor Richard S. Saterlee and Assistant Medical Purveyor Charles McDougall, who were retired by order of the President on the 23d day of February, 1869, and whose places have not been filled, if he is of opinion that these officers are capable of performing the duties of their offices, and that the public interest will be promoted by their restoration to the active list.

Mr. EDMUNDS. I move that that joint resolution be indefinitely postponed. I know something about the circumstances under which it originated; and I think the object is not entirely to provide for these two venerable gentlemen who have been retired, one of whom is seventy and the other nearly eighty years old. I believe the committee are pretty well satisfied of the propriety of the motion.

Mr. WILSON. I think the resolution had better be passed over.

Mr. EDMUNDS. Very well. Let it be passed over.

The VICE PRESIDENT. This joint resolution will be passed over. The next bill will be reported.

FORT GRATIOT RESERVATION.

The next bill on the Calendar was the bill (H. R. No. 945) to provide for the survey of the Fort Gratiot military reservation, in the State of Michigan; which was considered as in Committee of the Whole. It proposes to appropriate $3,000 to complete the survey and subdivision of the Fort Gratiot military reservation in pursuance of law, and the money is to be returned to the Treasury from the proceeds of the sale of any part of the reservation.

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

J. B. READ.

The next bill on the Calendar was the bill (S. No. 691) for the relief of Dr. John B. Read; which was read the second time, and considered as in Committee of the Whole. It proposes to appropriate $17,000 to Dr. John B. Read, in full satisfaction of all his claims for the use by the United States of his inventions and improvements in projectiles for rifle cannon, his acceptance of which sum shall be deemed a full satisfaction of all his claims arising under his agreement with the War Department, entered into in the year 1856.

Mr. HOWARD. I move to amend by striking out in line seven all after the word "cannon" and inserting "up to the time of the approval of this act;" so as to read:

That the sum of $17,000 be, and the same is hereby, appropriated out of any moneys not otherwise appropriated, to Dr. John B. Read, in full satisfaction of all his claims for the use by the United States of his inventions and improvements in projectiles for rifle cannon up to the time of the approval of this act.

The amendment was agreed to.

Mr. EDMUNDS. I should like to hear the report in that case. That is quite a large sum of money.

The Secretary read the following report submitted by Mr. HOWARD, from the Committee on Military Affairs, on the 22d of March:

The Committee on Military Affairs and the Militia having had under consideration and examined the memorial of Dr. John B. Read, asking compensation for improvements and discoveries made by him in the form and material of projectiles for rifled ordnance, submit the following report thereon:

The original patent and the public experiments of Dr. Read date from the year 1856, at which time rifled ordnance of large caliber practically did not exist in any country, as shown by the fact that the United States Government then only possessed one absolute rifled gun, and the text-books of the Military Academy at West Point contained no allusion to the now important subject of rifled ordnance.

The public experiments of Dr. Read were conducted during three years, and chiefly at his own expense; but before the close of 1859 his system of projectiles had been proved to be practicable, from field-pieces up to ten-inch columbiads.

It has been shown to the satisfaction of the committee that Dr. Read was the first to discover and to demonstrate the feasibility of using hard metals, as wrought iron, copper, and brass, for the expanding sabots of rifle projectiles; a system upon which the success of rifled ordnance of large caliber is evidently dependent.

Besides this he has matured improved forms of projectiles, from which there is good reason to expect still greater efficiency and safety in the service of the heavy rifled guns, now indispensable for iron-clad warfare.

These improvements gave such promise of usefulness as to induce a written agreement with the Secretary of War in 1856, placing them at the disposal of the Government upon its own terms as to remuneration. A copy of this agreement is hereto annexed.

As nothing has yet been paid the inventor under this contract, and as the agreement itself has probably saved the Government a large amount of money, and as the present development of our rifled ordnance by the use of cast iron for guns, a cheaper material than is available with the rifle-shell systems of Europe, emanated directly from the early improvements and experiments of Dr. Read, the committee recommend that the sum of $17,000 be appropriated in vindication of the good faith of the Government and as remuneration for the use of his improvements and as an indemnity for his actual expenses in perfecting them, as well as for the time and attention devoted to them.

Mr. FOWLER. I should like to know of the Senator who has this bill in charge whether there was any contract on the part of the Government?

Mr. HOWARD. Yes, sir; a contract entered into between the Secretary of War, then Jefferson Davis, and Doctor Read. The Clerk will find it on the next page of the document containing the report.

The Secretary read as follows:

Copy of papers from War Department in relation to Dr. Read's shells for rifled ordnance.

ORDNANCE OFFICE,
WASHINGTON, *April* 19, 1856.

SIR: Before incurring the heavy expense incident to the further experiments with the elongated, iron, expanding projectiles from rifled cannon proposed by you it will be necessary to enter into some arrangement to secure to the United States on reasonable terms the use of your suggestions should the result of the trials make it advisable for the Department to adopt them. I have therefore to propose that you assign to the United States the right to make further trials of, and afterward forever, freely use for all Government purposes the improvements, inventions, and suggestions covered by your patent, should they be deemed worthy of adoption, in consideration of which use forever, should it be adopted, you will receive such compensation as may be awarded by the Secretary of War upon the report of a board of Army officers to be designated by him. The cost which has already accrued and will hereafter accrue to the United States in the development and trial of your suggestions and inventions to be a matter of consideration in fixing the measure of compensation.

Respectfully, your obedient servant,
H. K. CRAIG,
Colonel of Ordnance.

Dr. J. B. READ, *Washington City.*

ORDNANCE OFFICE,
WASHINGTON, *May* 1, 1856.

SIR: The within letter from Dr. John B. Read, of Alabama, dated April 29, 1856, conveys his unconditional assent to the terms on which this Department, with your sanction, proposed to prosecute further experiments with his compound iron projectiles. It is believed that this acceptance of the terms of Dr. Read secures the interest of the Government should further trials be directed by you. I inclose a copy of the terms proposed to Dr. Read, (A,) copy of his letter of conditional acceptance, (B,) copy of letter from this office requiring unconditional acceptance, (C,) and letter from Dr. Read giving unconditional assent, marked (D.)

Very respectfully, your obedient servant,
H. K. CRAIG,
Colonel of Ordnance.

Hon. JEFFERSON DAVIS, *Secretary of War.*

[Indorsement.]

The arrangement is approved, with the understanding that the board of officers in fixing the measure of compensation shall report their decision as to what part of the plan presented is an invention of Dr. Read, and also what part of his invention is considered worthy of adoption in the United States service; and remuneration shall be limited to the part so found to be new and useful.

JEFFERSON DAVIS, *Secretary of War.*
July 28, 1856.

Mr. HOWE. I see that this arrangement was made between a former Secretary of War and a citizen of Alabama, Dr. Read. I should like to know where Dr. Read resided from 1860 to 1865?

Mr. HOWARD. I suppose he resided in Alabama.

Mr. HOWE. I inquire of the Senator from Michigan if the Committee on Military Affairs had any evidence before them as to the part he took in "the late onpleasantness" between the two portions of the Union?

Mr. HOWARD. I am not aware of any particular showing having been made to the committee as to his taking a part in the recent unpleasantness. The committee, however, considering this matter, looked upon Dr. Read, whatever he may have been politically, as a mere scholar, as an inventor of somewhat remarkable genius in that line. That he made great improvements in the matters of projectiles for rifled guns there can be no doubt; and he took out a patent, which is still in existence, I believe, to protect his inventions. The Government of the United States availed itself of his inventions, under the agreement made between himself and Mr. Davis, while the latter was Secretary of War. Dr. Read has never been paid a farthing by the United States or any other persons for the use of his inventions.

Mr. SUMNER. Anterior to the war?

Mr. HOWARD. Anterior to the war or since the war; he has never been compensated at all; never has received a cent. The committee thought, therefore——

Mr. WILLIAMS. I ask the Senator if any report has been made by a board of officers as to the value of the invention?

Mr. HOWARD. No, sir; there has never been any such report to my knowledge. No board has ever been constituted with a view to perform the function referred to in the indorsement of Mr. Davis.

Mr. WILLIAMS. Then how did the committee arrive at the conclusion that this invention was worth $17,000 to the Government?

Mr. HOWARD. They arrived at the conclusion from an examination of a vast amount of papers in manuscript, and from talking with other persons who had knowledge on the subject. If a claim could be made in behalf of Dr. Read for the use of his invention by the United States during the war he would recover a very large amount under his patent. The sum mentioned in the bill now before the Senate the committee regarded as simply a not illiberal, but very low compensation for his time, his expenses, the use of his talents as an inventor, &c.

Mr. SUMNER. Was he loyal during the war?

Mr. HOWARD. I am not able to say whether he was loyal during the war. All I can say is what he said to me himself, and that I will state with perfect frankness——

Mr. SHERMAN. I wish to ask the Senator whether he did not really superintend the making of these same guns for the rebels during the war?

Mr. HOWARD. That is what I was coming to. He told me that at the breaking out of the war he came up to Richmond to give instructions to the ordnance officers of the rebel government in the use of his invention, but that he never took any other part in the war at all; never held a commission, and took no other step.

Mr. SUMNER. What more could he do?

Mr. HOWARD. This undoubtedly is against him.

Mr. HOWE. Slightly! [Laughter.]

Mr. HOWARD. I wish to state the whole case.

Mr. CHANDLER. Let the bill go over.

Mr. SPENCER. I hope it will not go over. It is a very just bill, and ought to pass.

Mr. HOWARD. Let me be understood, Mr. President. Even admitting that Dr. Read was a rebel and participated in the war against the United States, it remains nevertheless true that our own country availed itself of his inventions and discoveries to a very great extent.

Mr. EDMUNDS. That was prize of war.

Mr. HOWARD. No; not exactly prize of war, because Read had a contract with the Government, which has just been read, for the use of his invention. Now, I have nothing

more to say. If the Senate think that a man so situated is not deserving of any compensation at all for the use of his invention so be it. It seems to me that he is to be treated as an inventor, as a man of genius, as a scholar, devoting his whole life to inquiry, the fruits of which have been availed of by the Government of the United States.

Mr. HOWELL. I ask the Senator if he had a contract with the rebel government during the war?

Mr. HOWARD. I never heard that he had. I suppose he had not.

Mr. SUMNER. He taught the rebels.

Mr. HOWELL. I understand the rebels used the same gun.

Mr. SUMNER. He taught them how to use it.

Mr. HOWELL. They had the benefit of it as well as the national forces. I think the bill had better go over.

Mr. SUMNER. Mr. President——

Mr. EDMUNDS. No; let us vote on it.

The VICE PRESIDENT. Does the Senator from Iowa withdraw his objection?

Mr. SUMNER. Allow me one minute.

Mr. HOWELL. I do not object to the consideration of the bill.

Mr. SUMNER. I should like to ask my friend whether in his judgment, independent of positive law, the Government from which the patent right proceeds ought to pay for the use of the patent? My own judgment is to the contrary; and I propose at an early day to bring in a bill declaring that the United States shall be entitled to use, without compensation, any patent issued by this Government. The Senator is aware that the highest courts in England have recently asserted that principle, merely in the interpretation of the patent laws. As I understand it, in England now the Government may use any patent without paying for it. It seems to me that is an equitable rule; and as our courts in the face of our statutes may not be able to declare it I hope Congress will enact it. Now, to apply that principle to this case, it seems to me that unless we are positively obliged to pay this patentee we ought on general grounds to refuse.

Mr. HOWARD. I shall not enter into a discussion of the legislative policy to which the honorable Senator refers. It does not arise here at all. We know that under our present patent laws if the United States see fit to use a patent they must pay for it.

Mr. SUMNER. They ought not to do so.

Mr. HOWARD. I do not know about that. I am not by any means certain about it; but such at present is the law.

Mr. SHERMAN. As this bill is objected to, we are wasting time in debating it.

The VICE PRESIDENT. The Senator from Ohio renews the objection, and the bill will be passed over.

MINING CLAIMS.

The next bill on the Calendar was the bill (H. R. No. 562) to amend an act granting the right of way to ditch and canal owners, over the public lands, and for other purposes; which was read.

The VICE PRESIDENT. The amendments reported by the Committee on Mines and Mining will be read.

Mr. STEWART. I am instructed by the Committee on Mines and Mining to withdraw the amendments. After having consulted with the Commissioner of the General Land Office I think they are unnecessary.

The VICE PRESIDENT. The Senator from Nevada, on behalf of the Committee on Mines and Mining, proposes to withdraw the amendments reported by the committee to this bill. The Chair hears no objection to that course, and the amendments will be regarded as withdrawn.

Mr. TRUMBULL. I inquire of the Senator from Nevada whether there is anything in this bill, or whether it is intended in any way to interfere with the rights which were granted to Mr. Sutro?

Mr. STEWART. Not the slightest. There is nothing in the bill which will possibly touch him.

Mr. TRUMBULL. My attention was called to it by Mr. Sutro. He was apprehensive that the thirteenth section might interfere with some rights granted in the former act to him. If the Senator has no objection I will send to the Chair a proviso that this shall not interfere with that act.

Mr. STEWART. I do not know why the Senator should want to send this bill back to the House of Representatives for a matter of that kind. It certainly contains nothing that does interfere with Mr. Sutro's rights. It was suggested that the amendment might be construed in that way, but it will not have that effect. Sutro's act was a special act granting to him certain special rights on the Comstock lode. A general act would not interfere with it anyhow. Then again there is a special reservation in this very section in these words:

Provided, however, That nothing in this act shall be deemed to impair any lien which may have attached in any way whatever to any mining claim or property thereto attached prior to the issuance of a patent.

That was a special act giving him the grant of certain privileges; and a general act would not abrogate it.

Mr. TRUMBULL. A general act might interfere with the grants of a special act. The section is rather broad, and I am not prepared to say what may be its precise effect.

Mr. STEWART. Another thing. His act applies to quartz lodes. This section only applies to placer mines. They do not apply to the same subject-matter at all. It has no more effect on Sutro than would the grant of a piece of land in Illinois by Congress have effect upon him. They are different subjects-matter. These are sections extending the preëmption laws to placer claims. The language is:

That the act granting the right of way to ditch and canal owners over the public lands, and for other purposes, approved July 26, 1866, be, and the same is hereby, amended by adding thereto the following additional sections, Nos. 12, 13, 14, 15, 16, and 17, respectively, which shall hereafter constitute and form a part of the aforesaid act.

And further:

That claims usually called "placers," including all forms of deposit, excepting veins of quartz or other rock in place, shall be subject to entry and patent under this act under like circumstances and conditions, and upon similar proceedings as are provided for vein or lode claims.

This bill does not apply to quartz claims at all. Why, then, send the bill back to the House?

Mr. TRUMBULL. I apprehend that there will be no difficulty in the House concurring in an amendment of this kind. The bill is not intended, as I understand by the Senator from Nevada, to affect any rights under the act to which he has referred; but he will see that this thirteenth section is very broad:

That where said person, corporation, or association, they and their grantors, shall have held and worked any claim authorized to be patented by this act or the act to which it is amendatory"—

"Any claims"—

Mr. STEWART. Any placer claims.

Mr. TRUMBULL. Where a person has worked any claims authorized to be patented—

"for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this act, in the absence of any adverse claim."

I am not sufficiently advised as to the fact whether there may not be placer claims that might interfere with these rights in this way.

Mr. STEWART. I am, perfectly.

Mr. TRUMBULL. As it is not intended to interfere with it, and the parties interested in that claim suppose it may interfere, I cannot see what objection the Senator can have to accepting the proviso which I propose to offer. There can be no objection certainly, except that it will require the concurrence of the other House.

Mr. STEWART. I have objection to sending this important bill back to the other House in the state of business there.

Mr. TRUMBULL. There is no trouble in the House in concurring in the amendment. I will send my amendment to the Chair, and I hope it will be adopted. I think the Senator will agree to it when he hears it. I move to amend the thirteenth section by adding to the proviso it contains the words which I send to the Chair.

The words proposed to be added were read, as follows:

Nor to repeal, impair, or in any way affect the provisions of the act granting to A. Sutro the right of way and other privileges, to aid in the construction of a draining and exploring tunnel to the Comstock lode in the State of Nevada, approved July 25, 1866.

Mr. STEWART. I am most certainly opposed to that. I am opposed to any more legislation about Sutro; for him or against him, I am opposed to any more of that humbug one way or the other. It is a mere advertisement for Sutro.

Mr. TRUMBULL. If the Senator is opposed to any legislation for or against Sutro, let this amendment go on the bill, and that will be the end of it.

Mr. STEWART. No; it is simply an advertisement of Sutro's tunnel. You find it all the time in the papers. All these propositions are mere advertisements of it. This amendment has nothing to do with the bill. It does not apply to the same subject-matter; and I do not propose to make every particle of our legislation in regard to mines the machinery for advertising Sutro's scheme. That is all it is. This section of the bill simply applies to placer claims; and there is a reservation that is complete and perfect, so that it cannot possibly affect him.

Mr. TRUMBULL. The Senator from Nevada speaks with some warmth with regard to this matter. I certainly do not wish to impair the effect of the bill at all; but it is suggested to me that apprehensions are entertained that this bill would interfere with rights under the law specified in the proviso which I have offered. The Senator from Nevada does not intend it that way. The Senate does not intend to pass a bill indirectly to effect an object in this way. It does relate to the same subject-matter. The subject of this section is mining, obtaining title to mining property. That it has effect on the claim of Mr. Sutro I am not prepared to say as a lawyer. I have not sufficiently examined to decide that point; but those who have examined it think it might be construed to affect his claim.

Mr. STEWART. Any respectable lawyer in the world who has examined it knows it will not affect it.

Mr. EDMUNDS. Then the amendment will do no harm; let it go.

Mr. STEWART. No; I do not propose to have this bill advertise Sutro.

Mr. EDMUNDS. You are advertising him now.

Mr. STEWART. Our tables have been filled for the last two or three years with all sorts of publications about Sutro and his tunnel. He seems to have been tunneling Congress and not the mines. He never will make his tunnel.

Mr. FOWLER. In the Committee on Mines and Mining I gave my consent to the bill with the understanding that it should not touch the rights of any person. Not being thoroughly acquainted with the subject, I was not prepared to judge of the mining interests it would affect. Our attention was brought to this very matter, however, and the Senator from Kansas [Mr. Ross] and myself addressed a letter to the Commissioner of the General Land Office, to which he replies that it may affect the rights of this party. He says: "The design and scope, therefore, of section thirteen are not entirely clear to my apprehension." I of

course do not understand the rights and interests of these parties in the mining sections of the country, because I have not had much opportunity to look into the subject-matter.

Mr. STEWART. Will the Senator hand me that letter?

Mr. FOWLER. Certainly.

Mr. TRUMBULL. If the statement just made is correct the amendment certainly had better be adopted.

Mr. COLE. I have some amendments that I should like to offer to this bill.

Mr. EDMUNDS. Let this one be acted on now, as we have been talking about it.

Mr. HARLAN. As objection is made to the amendment I think the bill had better go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. STEWART. I hope the Senator from Iowa will not object. Let us take the vote on it. I appeal to him to withdraw his objection.

Mr. HARLAN. No; I think the bill had better go over.

Mr. THAYER. If we can come to a vote, why not let us vote? If there is to be no more discussion, why postpone the bill?

The VICE PRESIDENT. The Chair understands the Senator from Iowa to persist in his objection. The Secretary will report the next bill on the Calendar.

MATHILDA VICTOR.

The next bill on the Calendar was the bill (S. No. 699) for the relief of Mathilda Victor.

Mr. EDMUNDS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

JAMES L. RIDGELY.

The next business on the Calendar was the joint resolution (H. R. No. 125) for the relief of James L. Ridgely, collector of internal revenue for the second district of Maryland; which was considered as in Committee of the Whole. It proposes to authorize the Secretary of the Treasury and the accounting officers thereof, in the settlement of the accounts of James L. Ridgely, collector of internal revenue for the second district of Maryland, to credit him with the sum of $1,617 75, internal revenue stamps stolen from his office, if it shall appear the loss was without fault or negligence on his part.

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

MINERVA LEWIS.

The next bill on the Calendar was the bill (S. No. 700) for the relief of Minerva Lewis, as administratrix of Ezekiel Lewis, deceased.

The bill was read.

Mr. HOWARD. Let that bill go over.

The VICE PRESIDENT. It will be passed over.

Mr. PRATT. Is that bill objected to?

The VICE PRESIDENT. Objection is made by the Senator from Michigan.

CHINA STEAMSHIP LINE.

The next bill on the Calendar was the bill (S. No. 331) to increase mail steamship service between the United States and China and Japan.

Mr. McCREERY. I object to that.

Mr. RAMSEY. I hope the Senator will withdraw his objection. There is no bill of as much national importance now pending in either House of Congress. We ought not to hesitate one minute to pass the bill. We ought really to pass it.

Mr. McCREERY. It is a matter of considerable importance, and I insist on my objection.

Mr. RAMSEY. I hope the Senator will not persist in it.

Mr. COLE. I trust the Senator from Kentucky will withdraw his objection and allow this bill to pass.

The VICE PRESIDENT. The bill is not before the Senate, objection being made to its consideration.

NAVAL PROMOTIONS.

The next business on the Calendar was the joint resolution (S. R. No. 163) for the relief of certain officers of the Navy; which was considered as in Committee of the Whole. It proposes to authorize the Secretary of the Navy to organize a board of three officers, not below the grade of rear admiral, who shall examine into the cases of such officers as may deem themselves unjustly passed over by promotions made in conformity with the act of Congress approved July 25, 1866. This board are to report their conclusions to the Secretary of the Navy for such action by the Executive and Congress as to them may seem proper.

Mr. CRAGIN. I propose to amend the joint resolution slightly, by striking out the word "this" before "board" in the eighth line, and the word "to" after "board" and inserting "shall," and by striking out all after the word "Navy" in the ninth line and inserting "who shall report the same to Congress;" so as to read, "which board shall report their conclusions to the Secretary of the Navy, who shall report the same to Congress."

The amendment was agreed to.

Mr. DRAKE. I move to amend by adding the following additional section:

And be it further resolved, That officers who have been promoted in pursuance of the ninth section of the act to amend certain acts in relation to the Navy, passed March 2, 1867, shall be entitled to receive, from the date of such promotion, the same pay when not on active duty that they were, at the time of being so promoted, entitled to when not on such duty, under the laws then in force regulating the pay of officers of the retired and reserved lists of the Navy, and the said ninth section of said act is hereby repealed.

Mr. EDMUNDS. What is the effect of that?

Mr. DRAKE. I will explain, in response to the inquiry of the Senator from Vermont, that this is a section of a bill heretofore passed by the Senate more than a year ago. There was a report made on the subject to the Senate by the Committee on Naval Affairs, and a bill introduced which was afterward incorporated into a bill containing other provisions, and that bill has never been acted upon in the other House.

The amendment was agreed to.

Mr. SPENCER. I object to the consideration of the joint resolution.

The VICE PRESIDENT. The joint resolution will be passed over.

Mr. CRAGIN. Then I move that the Senate adjourn.

Mr. DRAKE. It is perfectly evident that the Senate is in no condition to do business this afternoon if bills are to be thrown over in this way by a single objection. I hope the Senate will adjourn.

The VICE PRESIDENT. The Senator from New Hampshire moves that the Senate do now adjourn.

Mr. CRAGIN. I withdraw the motion; but I wish to state——

Mr. WILSON. Any Senator has a right to object to a bill.

Mr. CRAGIN. Certainly, I reserve that right myself. This little bill is of no earthly consequence to anybody except a few naval officers. It does not involve one cent of expense. It is a mere provision for furnishing to the President and the Committees on Naval Affairs the reasons why a man should be advanced in his grade. The law authorizes it now, and there are constant appeals made to us, and there are several nominations pending which we decline to act upon until we know the reasons. We propose that this board of high naval officers take the whole subject into consideration so as to be able to tell us why particular men should be advanced for meritorious services. That is all there is of it.

Mr. SPENCER. The reason why I object to this bill is because I am opposed to some features of it, and I wish to speak upon it at some future time in connection with other bills in regard to the Navy.

The VICE PRESIDENT. The joint resolution is objected to, and the next bill will be read.

BERGEN HEIGHTS ARSENAL.

The SECRETARY. The next business on the Calendar is the joint resolution (S. R. No. 10) directing the Secretary of War to sell Bergen Heights arsenal.

The joint resolution was considered as in Committee of the Whole. It is a direction to the Secretary to sell at public auction, to the highest bidder, the lands and tenements belonging to the United States, situate in the county of Hudson and State of New Jersey, and known as the Bergen Heights arsenal. The sale is to be made on the ground, after thirty days' notice in the Newark Daily Advertiser and Newark Evening Courier, papers published in the city of Newark, and in the Daily Times and Evening Journal, papers published in Jersey City, New Jersey. The proceeds arising from the sale are to be paid into the Treasury of the United States.

Mr. WILSON. I will simply say that it is believed that this land will bring into the Treasury from seventy-five to one hundred thousand dollars, and the War Department is in favor of selling it.

Mr. EDMUNDS. I move to amend by adding to the list of newspapers in which this publication is to be made the New York Times and the New York Tribune. I think there ought to be a publication in New York city papers. The papers named in the bill may not circulate among the parties who may want to buy the property.

Mr. WILSON. I have no objection to the amendment.

The amendment was agreed to.

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

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

GEORGE S. ATKINSON.

The next business on the Calendar was the joint resolution (H. R. No. 197) for the relief of George S. Atkinson, late assistant quartermaster of volunteers; which was considered as in Committee of the Whole. It is a direction to the proper accounting officers of the Treasury Department, in adjusting the accounts of George S. Atkinson, late assistant quartermaster of volunteers, to credit and allow him $2,043 01, the proper vouchers for which sum were lost and destroyed at Mobile, Alabama, in May, 1865, by the burning and destruction of the Government vessel Kate Dale.

Mr. WILSON. I will simply say that this resolution came from the House, was referred to our committee, and reported by the Senator from Pennsylvania, [Mr. CAMERON,] a member of the committee. It simply provides for paying this officer this small sum of money. The vouchers were in a safe on board a vessel, which was blown up in the harbor of Mobile.

Mr. WILLIAMS. And this simply provides for a credit in his accounts?

Mr. WILSON. Yes, sir.

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

PUBLIC BUILDING IN ALBANY.

The next bill on the Calendar was the bill (S. No. 708) to provide for a building for the use of the post office, custom-house, United States circuit and district courts, and internal revenue offices at Albany, New York; which was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to cause to be constructed a suitable building, fire-proof, at Albany, New York, for the accommodation of the custom-house, post office, United States circuit and district courts, and internal revenue offices; and appropriates for this purpose $300,000, to

be expended under the direction of the Secretary of the Treasury, who shall cause proper plans and estimates to be made, so that no expenditure shall be made or authorized for the full completion of the building and payment for the site thereof beyond the amount herein appropriated; but no money hereby appropriated is to be used or applied for the purposes mentioned until a valid title to the land for the site of such building shall be vested in the United States, nor until the State shall also duly release and relinquish to the United States the right to tax or in any way assess the site or the property of the United States that may be thereon during the time that the United States shall be or remain the owner thereof.

Mr. MORRILL, of Vermont. It is suggested to me that the title should be approved by the Attorney General. I have no objection to that amendment.

Mr. WILLIAMS. That is always done.

Mr. MORRILL, of Vermont. It is always done as a matter of course, I suppose.

Mr. WILLIAMS. The Departments never take a title until it is approved by the Attorney General.

Mr. MORRILL, of Vermont. I will not insist on the amendment.

Mr. WILLIAMS. I will state that that is the invariable rule of the Departments. I have had business of that kind with the Departments on several occasions, and they never accept a title except it is approved by the Attorney General.

Mr. FENTON. I have no objection to the amendment which is suggested.

The VICE PRESIDENT. The Senator from New York states that he has no objection to the proposed amendment, and it will be regarded as agreed to.

Mr. HOWE. I wish to suggest to the Senator from Vermont if there ought not to be a provision in the bill limiting the cost of the building.

Mr. FENTON. It is limited.

Mr. HOWE. I did not hear it.

Mr. MORRILL, of Vermont. It is provided as stringently as possible that nothing is to be done until previous estimates have been made, and the contracts have been made, so as not to exceed the amount appropriated.

Mr. SUMNER. I am ready to take anything on this subject that the Senator from Vermont reports.

Mr. MORRILL, of Vermont. We propose to report but three or four bills of this character, and they will be for buildings in the capitals of States.

Mr. HOWE. The very gracious state of mind in which I find the honorable Senator from Massachusetts rather mortifies me, [laughter;] but nevertheless I should like to hear the bill reported once more.

The Secretary read the bill.

Mr. HOWARD. I move to strike out the word "three" and insert "two," so as to make the appropriation $200,000.

Mr. MORRILL, of Vermont. I suggest to the Senator from Michigan that this is to be a building in a very considerable city, where the postages amount to nearly one hundred thousand dollars a year, and they have no Government buildings there whatever. This building is to accommodate the district and circuit courts, the custom-house, internal revenue offices, marshal's office, and the post office, and we have put the sum down $200,000 below what the petition and the various reports on the subject demanded. Believing that $300,000 would answer the purpose, and that nothing less would, we reported that amount.

Mr. HOWARD. The Government erected a similar building at Cleveland, Ohio, a similar one at Detroit, Michigan, another one of the same kind at Milwaukee, all of those cities, I think, being larger than Albany——

Mr. MORRILL, of Vermont. Oh, no.

Mr. HOWARD. Possessing a larger commerce, more important in the scale of commerce, to say the least, than Albany; and I think that neither of those buildings cost more than $110,000. It seems to me the Albany people are asking a pretty large amount to build a similar structure in Albany.

Mr. RAMSEY. I have no doubt that the Government is now paying more for the rent of public buildings there than the interest on this sum amounts to, and if a building is to be erected by the Government of the United States there it certainly should not be a mean building.

Mr. MORRILL, of Vermont. I will state to the Senator from Michigan that we had various delegations from the city of Albany before us representing all the facts in the case, and it will cost something considerable even to obtain the proper site for the building. We have left it in a way that will probably force the citizens of Albany to contribute at least one half of the cost of the site in order to have a proper building for the city as the capital of the largest State in the Union.

Mr. RAMSEY. And a building erected by the Federal Government you certainly do not want to be a mean one.

Mr. HOWARD. I should like to have a vote of the Senate on my amendment.

Mr. COLE. The amount of the appropriation was made lower than it otherwise would have been on account of a suggestion made by a committee of citizens there that the city of Albany itself would in all probability furnish a site for the building, so that the entire appropriation might be expended in the erection of the building. There is a hope that that may be the case, and it is supposed if that is the case that $300,000 would only make an adequate building to supply the needs of the city.

Mr. HOWARD. If that be the case $200,000 would be quite sufficient. If the good people of Albany intend to furnish the site for the building, that will lessen the cost somewhat of the entire structure. I insist on my amendment.

Mr. COLE. The Senator certainly did not understand my remark. I stated that it was supposed that $300,000 would be only adequate to put up the building even if a site should be procured. The estimates were considerably more than that, for the building and the site would cost we do not know exactly how much; probably fifty or one hundred thousand dollars.

Mr. HOWARD. The honorable Senator cannot be unmindful of the fact that it will depend very much on the kind of building that is put up whether it will cost $300,000 or $3,000,000. It seems to me that $200,000 is sufficient.

Mr. RAMSEY. When we consider the character of the city, the amount of its population, and the character and resources of the nation that is to erect this building, without any disrespect to the Senator from Michigan, I hope we shall vote down the amendment.

Mr. MORRILL, of Vermont. I will state that the other bills we have reported for smaller cities are limited to $100,000; but in consideration of the vast amount of business of the circuit and district court, the custom-house, the internal revenue offices, the post office, and various other departments to be accommodated in this building at Albany, we put it at the very lowest possible sum that would erect the building and make it a respectable public edifice for the State of New York.

Mr. FENTON. I do not wish to discuss this bill; I am sure it is not necessary. The committee have carefully considered the matter and came to the conclusion that $300,000 was a good and sufficient sum for the proposed improvement. Looking to the business, wealth, and population of Albany, I thought the sum small, but the liberality of the Albanians is an assurance that any deficit important in the construction of a first-class building will be made up. I hope the amendment of the Senator from Michigan will be voted down and the bill passed as it is now reported.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Michigan to reduce the amount to $200,000.

The amendment was rejected.

Mr. STOCKTON. I move to amend the bill by striking out "three" and inserting "four," so as to make the appropriation $400,000.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

JAMES C. SLOO.

The next business on the Calendar was the joint resolution (S. R. No. 144) for the relief of James C. Sloo.

The Secretary read the joint resolution. It requires the Postmaster General to allow James C. Sloo, late postmaster at Cairo, Illinois, an additional credit of $2,000 as services as such postmaster from July 1, 1864, to July 1, 1866.

The Committee on Post Offices and Post Roads reported the joint resolution with an amendment, to strike out "$2,000" and insert "$1,400.

The VICE PRESIDENT. There is a report accompanying this joint resolution.

Mr. EDMUNDS. Let it be read.

Mr. ANTHONY. Probably the Senator reporting it can state the substance of it to save time.

Mr. EDMUNDS. No; let us have the report read.

The Secretary read the following report, submitted by Mr. RAMSEY, from the Committee on Post Offices and Post Roads, on the 29th of March:

The Committee on Post Offices and Post Roads, to whom was referred the joint resolution (S. No. 144) for the relief of James C. Sloo, having had the same under consideration, beg leave to make the following report:

That from the 1st day of July, 1864, to the 1st day of July, 1866, James C. Sloo was postmaster at Cairo, Illinois, at a salary fixed at $3,000, in pursuance of the law of July 1, 1864, which provides that "whenever the compensation of postmasters of the several offices for the two consecutive years preceding the 1st day of July, 1864, shall have amounted to an average annual sum not less than $3,000, such offices shall be assigned to the first class;" and the pay of postmasters of this class cannot exceed $4,000, nor be less than $3,000.

The basis of estimate of the salaries of the various classes named in said act was the average compensation of the postmasters of the respective offices for the two years next preceding the 1st of July, 1864, according to the former method of compensation.

The claimant represents that under the former system, namely, that of commissions and box rents, his salary would have been more than $3,700 a year instead of $3,000, and that in consequence of the salary being improperly fixed at $3,000, on account of the Post Office Department not being in possession of accurate information at that time of the amount of revenue derived from box rents, he should now be allowed the $1,400 difference.

It appears that the office at that time was the distributing office for our southwestern army, and that the service was of an extent and character to demand more than the ordinary care and labor appertaining to an office of that class: in fact, was second in that respect to no other office in the West except that of Chicago.

In support of this application the claimant produces letters from Hon. A. W. Randall, Postmaster General, and from Hon. St. John B. L. Skinner, First Assistant Postmaster General.

Mr. Randall, in reply to a letter addressed to him by Mr. FERRY, of the House of Representatives, states that there is no doubt but that the postmaster at Cairo received less salary for the two years mentioned than he would have under the old commission system, as under that his pay would have been $3,700 a year instead of $3,000, making a difference of $1,400 in his favor. He adds: "But the salary having been fixed as required by law, I did not feel justified in reviewing the matter without further legislation. The claim seems to be equitable." Mr. Randall's letter contains the following indorsement by the present Postmaster General:

POST OFFICE DEPARTMENT, *March* 5, 1870.

On a careful examination of the within statements made by the late Postmaster General I am satisfied they are as therein set forth.

JNO. A. J. CRESWELL,
Postmaster General.

The letter of Mr. Skinner is corroborative of the figures of Mr. Randall's letter, and of the statement of the claimant that the labor at this office was very arduous.

Mr. Skinner's letter is as follows:

POST OFFICE DEPARTMENT,
WASHINGTON, D. C., *April* 22, 1868.

SIR: In accordance with your request, made some days since, the papers in the case of the Cairo, Illinois, post office have been again examined.

In fixing the salary from the 1st of July, 1864, as required by the postal act of that date, the actual amount derived from box rents could not be ascertained, because no full return had been made thereof. Hence, in fixing the salary, $2,000 of the amount was put down as arising from the commissions, and the other, $1,000, estimated as the receipts from box rents, fixing the salary at $3,000 a year; but the actual returns from box rents for the subsequent two years ending June 30, 1866, showed that the box rents amounted to $1,700 a year instead of $1,000, as estimated. Therefore, had the postmaster been paid under the former system of box rents and commissions his salary would have been $3,700 a year instead of $3,000. In other words, the box rents were underestimated.

The labor at this office was very arduous, and should an allowance be made under the circumstances it should not be taken as a precedent for other cases.

The papers left by you are herewith returned.

I have the honor to be, sir, very respectfully, your most obedient servant,

ST. JOHN B. L. SKINNER,
Acting Postmaster General.

HON. ALEXANDER RAMSEY, *Chairman Committee Post Offices and Post Roads, United States Senate.*

James N. Tyner, a special agent of the Post Office Department, states that he had charge of the office for sixty days prior to the appointment of Mr. Sloo, and that he frequently visited the office on official business between the fall of 1863 and the summer of 1866. He says that "the postmaster performed more labor and assumed greater obligations than any similar officer in the West for the same compensation." He says, also, that injustice was done Mr. Sloo, the claimant, in the adjustment of his salary.

A resolution granting the desired relief passed the House of Representatives during the second session of the Fortieth Congress, but failed on account of a want of time to obtain any action from the Senate.

The committee, therefore, are of the opinion that the salary of the claimant for the time mentioned was inadequate to the services rendered, and that he is entitled to an allowance based upon the entire receipts of the office for the years 1862 and 1863, and do, therefore, recommend the passage of the accompanying joint resolution.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

Mr. POMEROY. I have never been able to understand this case precisely, and could not in committee. I ask that it be passed over.

The VICE PRESIDENT. It will be passed over.

Mr. RAMSEY. It is as plain a case as ever was presented.

Mr. POMEROY. I have no objection to the chairman explaining it. I tried in committee to understand it, but could not. I will withdraw my objection if the chairman desires to explain it.

The VICE PRESIDENT. The Senator from Kansas withdraws his objection.

Mr. POMEROY. I understand it will give rise to debate, and I think it had better go over.

The VICE PRESIDENT. It will be passed over.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1866) to relieve certain persons therein named from the legal and political disabilities imposed by the fourteenth amendment to the Constitution of the United States; and it was thereupon signed by the Vice President.

OBJECTIONS WITHDRAWN.

The next bill on the Calendar was the bill (S. No. 716) to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes.

The VICE PRESIDENT. If there be no objection the Secretary will report the bill.

Mr. WILSON. It has been read, I think.

Mr. STEWART. Before that bill is read I should like to appeal to the Senator from Iowa to withdraw the objection that he made to House bill No. 562, so that it can come up to-morrow morning when the Calendar is called again.

Mr. SUMNER. How many pages are there of the bill we have now reached?

The VICE PRESIDENT. There appear to be only fifty-four pages.

Mr. CHANDLER. It will not take long.

Mr. HARLAN. I do not desire by my single voice to prevent the consideration of the bill which was under consideration a few moments since, and in which the Senator from Nevada feels a deep personal interest. I am willing to withdraw my objection with a view of its remaining on the Calendar, and during the evening or to-morrow morning I can look at the bill.

The VICE PRESIDENT. Is there objection to the bill reported by the Committee on Mines and Mining, and on which there was some discussion as to an amendment proposed by the Senator from Illinois, being placed at the head of the Calendar for to-morrow? The Senator from Iowa withdraws his objection, and the Senator from Nevada asks that it be placed at the head of the Calendar for to-morrow. The Chair hears no objection.

Mr. HAMLIN. I desire to ask the Senator from Alabama if he will not withdraw his objection to Senate joint resolution No. 163, constituting a naval board, so that it may be placed at the head of the Calendar, and he can look at it during the evening, and be ready for its consideration in the morning.

Mr. SPENCER. I withdraw the objection for that purpose.

Mr. SUMNER. Would not the Senator from Missouri [Mr. SCHURZ] be good enough to withdraw his objection, and in the course of this evening look at the bill providing for a territorial government in the District of Columbia?

Mr. HOWE. I rise to inquire of the Senator from Massachusetts if he will not be good enough to look at the bill for the relief of J. Milton Best? [Laughter.]

Mr. SCHURZ. I was just going to ask the Senator from Massachusetts why his objection should not be withdrawn to a bill of mine.

The VICE PRESIDENT. By unanimous consent these two bills are to be placed at the head of the Calendar.

Mr. SCHURZ. Which bills?

The VICE PRESIDENT. Not the bill to which the Senator refers, but the bill reported from the Committee on Mines and Mining, to which the Senator from Iowa [Mr. HARLAN] objected; and the joint resolution reported from the Committee on Naval Affairs, to which the Senator from Alabama [Mr. SPENCER] objected.

Mr. ANTHONY. Will the Senator from Wisconsin who objected to the bill (S. No. 687) for the relief of Mrs. Mary Dunn, of South Carolina, withdraw his objection and let it be placed at the head of the Calendar?

Mr. HOWE. I did not object to that. I only said that it would be debated by others. I had heard it intimated that it would be. I have no objection to it.

Mr. ANTHONY. If it is to be debated, then there is no use in placing it at the head of the Calendar.

Mr. POMEROY. Let it go over.

Mr. RAMSEY. I should like to appeal to my honorable friend, the Senator from Kentucky, to withdraw his opposition to the China steamship bill. That is a great national enterprise, and I hope he will not persist in his objection.

The VICE PRESIDENT. The Senator from Kentucky [Mr. MCCREERY] is appealed to by the Senator from Minnesota.

Mr. RAMSEY. I appeal to the honorable Senator to withdraw his objection to the China steamship bill. It is a great national enterprise, and I hope he will not persist in his objection.

Mr. MCCREERY. That bill deserves the serious consideration of the Senate before it is passed, and it should not be passed in this way.

The VICE PRESIDENT. The Senator from Kentucky declines to withdraw his objection.

Mr. EDMUNDS. I move that the Senate adjourn. It seems that we cannot do any business.

The VICE PRESIDENT. The Senator from Vermont has risen to a privileged motion, which is that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 27, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read.

FUR-BEARING ANIMALS IN ALASKA.

Mr. DAWES. I rise to a question of privilege. I desire to correct the Journal. I asked yesterday to have a bill which I introduced to prevent the extermination of fur-bearing animals in Alaska printed, and referred to the Committee on Commerce. The gentleman from Rhode Island [Mr. DIXON] asked to have printed with it his substitute for a bill from the Senate on the same subject. I observe that the Journal states that he reported back his bill to the House, and asked to have it printed and recommitted. That was not the motion.

The SPEAKER. The Chair did not so understand the motion. It was merely that the bill should be in possession of the committee and printed.

Mr. DAWES. That was the understanding.

The SPEAKER. The Journal of yesterday need not be interfered with if to-day it be ordered that the motion by which the bill was recommitted be reconsidered and that the motion to reconsider be laid on the table.

There being no objection, it was so ordered.

The Journal of yesterday was then approved.

CALL OF THE ROLL.

Mr. SCHENCK. I move that the roll of members be called.

The question was put; and there were, on a division—ayes 69, noes 50.

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

The SPEAKER. The yeas and nays will be a call of the roll.

Mr. BEAMAN. I want the yeas and nays.

On ordering the yeas and nays there were—ayes forty; more than one fifth of those present voting affirmatively.

So the yeas and nays were ordered.

The SPEAKER. The Chair will state that if the vote is in the affirmative the roll under this call will be called twice.

Mr. BEAMAN. That will be just right. If gentlemen want to spend time in calling the roll, let them do so.

The question was taken; and it was decided in the negative—yeas 54, nays 116, not voting 57; as follows:

YEAS—Messrs. Ambler, Ames, Arnell, Asper, Beatty, Beck, Bird, Blair, Burdett, Cessna, Clinton L. Cobb, Cook, Conger, Cowles, Eldridge, Ferriss, Ferry, Finkelnburg, Fitch, Getz, Hambleton, Hay, Heflin, Holman, Johnson, Thomas L. Jones, Knapp, Lawrence, McNeely, Eliakim H. Moore, Jesse H. Moore, Morphis, Negley, O'Neill, Orth, Rice, Rogers, Schenck, Scofield, Shanks, Starkweather, Stiles, Swann, Upson, Van Auken, Van Trump, Ward, Wheeler, Whitmore, Willard, John T. Wilson, Winchester, Wood, and Woodward—54.

NAYS—Messrs. Allison, Armstrong, Atwood, Axtell, Beaman, Benjamin, Bennett, Biggs, Bingham, Booker, George M. Brooks, James Brooks, Buck, Buckley, Buffinton, Burchard, Roderick R. Butler, Cake, Calkin, William T. Clark, Cleveland, Amasa Cobb, Coburn, Conner, Cox, Cullom, Dawes, Dickinson, Dixon, Dox, Farnsworth, Fisher, Fox, Garfield, Gilfillan, Haight, Hale, Hamill, Hamilton, Harris, Hawkins, Hays, Hill, Hoar, Hooper, Hotchkiss, Ingersoll, Jenckes, Alexander H. Jones, Kelley, Kellogg, Kelsey, Kerr, Ketcham, Knott, Laflin, Loughridge, Lynch, Mayham, Maynard, McCarthy, McCormick, McCrary, McGrew, McKee, McKenzie, Mercur, William Moore, Morgan, Samuel P. Morrill, Myers, Niblack, Packard, Paine, Palmer, Peck, Perce, Peters, Phelps, Platt, Poland, Pomeroy, Prosser, Roots, Sargent, Sawyer, Lionel A. Sheldon, Sherrod, Shober, John A. Smith, Joseph S. Smith, William J. Smith, William Smyth, Stevens, Stokes, Stone, Stoughton, Strader, Strickland, Strong, Sweeney, Taffe, Tanner, Taylor, Tillman, Townsend, Twichell, Tyner, Van Wyck, Cadwalader C. Wash-

burn, Welker, Wells, Williams, Eugene M. Wilson, Winans, and Witcher—116.

NOT VOTING—Messrs. Adams, Archer, Ayer, Bailey, Banks, Barnum, Barry, Benton, Boles, Bowen, Boyd, Burr, Benjamin F. Butler, Churchill, Sidney Clarke, Covode, Crebs, Davis, Degener, Dickey, Dockery, Donley, Duval, Dyer, Ela, Gibson, Griswold, Haldeman, Hawley, Heaton, Hoge, Judd, Julian, Lash, Logan, Marshall, Milnes, Daniel J. Morrell, Morrissey, Mungen, Packer, Porter, Potter, Randall, Reeves, Ridgway, Sanford, Schumaker, Porter Sheldon, Slocum, Worthington C. Smith, Stevenson, Trimble, Van Horn, Voorhees, William B. Washburn, and Wilkinson—57.

So the House refused to order the roll to be called.

During the call of the roll,

Mr. WHEELER said: I beg to state that my colleague [Mr. CHURCHILL] is absent on account of the train having failed to connect at Harrisburg last night.

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

UNITED STATES COURTS IN INDIANA.

Mr. KERR. I ask the consent of the House, as a matter of importance of a local character entirely, that I may be permitted to report a bill from the Judiciary Committee, which is approved by the whole delegation from my State, and approved unanimously by the Committee on the Judiciary.

There was no objection.

Mr. KERR accordingly reported back from the Committee on the Judiciary, with a substitute, the bill (H. R. No. 230) to regulate the times and places for holding the courts of the United States in the district of Indiana, and for other purposes.

Mr. KERR. I desire the substitute to be put on its passage.

The substitute was agreed to.

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

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

The latter motion was agreed to.

On motion of Mr. KERR, the title was amended so as to read: "An act to require the holding of additional district and circuit courts of the United States in the district of Indiana, and for other purposes."

RECONSTRUCTION EXPENSES.

Mr. DAWES, from the Committee on Appropriations, reported a joint resolution (H. R. No. 269) to amend the act of April 20, 1870; which was read a first and second time.

The question was on ordering the joint resolution to be engrossed and read a third time.

The joint resolution, which was read, provides that the first proviso in the act approved April 20, 1870, (which prescribes the conditions under which the disbursement of the appropriations therein contained for defraying expenses incurred in carrying into effect the act to provide for the more efficient government of the rebel States shall be made,) shall not be held to apply to accounts for services rendered or for supplies furnished under regulations or orders issued by the respective commanders of the several military districts, under the authority of the seventh section of the act of March 23, 1867, and which accounts have been duly certified and audited, and have been approved, and the payment ordered by said commanders.

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

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

The latter motion was agreed to.

DUTIES ON IMPORTS.

Mr. PAINE, by unanimous consent, introduced a bill (H. R. No. 1885) to reduce the duties on imports; which was read a first and second time, and referred to the Committee of the Whole on the state of the Union.

Mr. STILES. I call for the regular order of business.

REMOVAL OF POLITICAL DISABILITIES.

Mr. FARNSWORTH. I rise to a privileged question. I desire to report from the Committee on Reconstruction a bill (H. R. No. 1886) to relieve certain persons therein named from the legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States, and for other purposes.

The SPEAKER. What does the gentleman propose to have done with the bill?

Mr. FARNSWORTH. I desire to have it passed. It contains only the names of a few citizens of Texas.

Mr. WOOD. I do not understand that this bill has ever been before the Committee on Reconstruction.

Mr. FARNSWORTH. The names of the members of the committee consenting to it are on the back of the bill.

Mr. WOOD. It is an informal proceeding, and not the action of the committee. I protest against its being presented as a report of the committee.

The SPEAKER. Does the gentleman raise the question that this is not the report of the committee?

Mr. WOOD. I do.

Mr. WOODWARD. My friend has misunderstood the matter. It was necessarily done a little irregularly because of the absence of the chairman of the committee. This report was submitted to every member of the committee who was in the House, and he has indicated his assent to it.

Mr. WOOD. There was a meeting of that committee yesterday morning, and this subject was not presented to the committee, nor has it been referred to the committee by the House; and I raise the question of order that until it shall be it cannot be considered.

The SPEAKER. It is the duty of the Chair when a member raises that point to submit it to the House. Is it the pleasure of the House to consider this as the report of the Committee on Reconstruction?

Mr. FARNSWORTH. I ask that the indorsement on the bill be read.

The Clerk read as follows:

We consent that this bill be reported:
JAMES F. FARNSWORTH,
OLIVER H. DOCKERY,
WILLIAM LAWRENCE,
HALBERT E. PAINE,
GEORGE C. McKEE,
JAMES B. BECK,
GEORGE W. MORGAN,
WILLIAM H. UPSON,
FERNANDO C. BEAMAN.

Mr. BROOKS, of New York. I rise to a point of order, and it is that the very certificate there shows that there was no meeting of the committee.

The SPEAKER. That is not a point on which, under the rules, the Chair can rule. It is the duty of the Chair whenever the point is raised to submit it to the House. Is it the pleasure of the House to regard this bill as the report of the Committee on Reconstruction?

The question was put; and there were—ayes 65, noes 42; no quorum voting.

Mr. WOOD. I call for the yeas and nays. It involves a great principle under the rules of the House.

The yeas and nays were not ordered, only seventeen members voting therefor.

No quorum having voted, tellers were ordered; and Mr. WOOD and Mr. FARNSWORTH were appointed.

The House divided; and the tellers reported—ayes eighty-two, noes not counted.

So the bill was received as the report of the Committee on Reconstruction, and was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. BROOKS, of New York. I raise the point of order that the bill has not been engrossed.

The SPEAKER. The point of order does not apply at this stage. The question now is whether the House will order the bill to be engrossed.

Mr. BROOKS, of New York. I know that; but the Chair the other day found me not in time, and I intended to be in time now.

The SPEAKER. The gentleman was too late then, and he is too early now. [Laughter.]

Mr. FARNSWORTH. I hope the bill will be engrossed while I yield to one or two gentlemen.

Mr. BROOKS, of New York. I do not want to be factious, but I want to ask a question, and that is when, if ever, does the Committee on Reconstruction intend to make a general amnesty report?

Mr. FARNSWORTH. So far as I am concerned I am in favor of doing it to-day—any day; but I am not the chairman of the Reconstruction Committee; I am only acting as such in the absence of the chairman. The chairman of the Committee on Reconstruction has been authorized to report a bill which, with some substitutes, has been ordered to be printed. Whenever it shall be the pleasure of the House to take up that bill I have no doubt it will be acted upon.

Mr. BROOKS, of New York. I would inquire if this bill includes any names except of some ten or a dozen men from Texas? If not, why not?

Mr. FARNSWORTH. This bill includes the names of persons who have been elected to office in Texas but who cannot qualify because of disabilities. To the removal of their disabilities there is no sort of objection from any point. The members from the State of Texas desire very much that these men shall have their disabilities removed in order that they may qualify and enter upon the offices to which they have been elected. There are very few of these persons named in this bill.

Mr. WOOD. Will the gentleman yield to me for a few moments?

Mr. FARNSWORTH. Certainly.

Mr. WOOD. By permission of the gentleman from Illinois, [Mr. FARNSWORTH,] I desire to explain in a very few words the grounds of my opposition to this mode of transacting the business of this House. I take no exception to the persons whom it is proposed to relieve by this bill; but I do take exception to the practice which overrules and overpowers the minorities in this House and on the standing committees of this House. Under the precedent just established any two or three or four members of any committee of this House can get together in the cloak-room, in the absence of every one of the minority members of the committee, and sign a paper and come here and present it as a report of the committee. Now, I take exception to this mode of transacting business in the dark. It is improper, it is irregular, it is unparliamentary, and in contravention of the rules of this House. I object and protest against any members of any committee producing a paper here and calling it a report of a committee in the absence of the chairman of the committee and in the absence of a majority of the members of the committee. That is the ground of my opposition to this measure.

Mr. FARNSWORTH. The Committee on Reconstruction consists of fifteen members. It therefore requires eight members to constitute a quorum of that committee. At the last regular meeting of the committee no quorum appeared, and of course the committee could not, as a committee, act upon matters of this kind. The Representatives on this floor from the State of Texas, desiring that the persons who are named in this bill should have their political disabilities removed, obtained the individual consent of a majority of the members of the committee to have this bill reported to the

House. It is true that action was a little informal; but the question has been submitted to the House, and the House has determined to receive this as the report of the committee. I can see no objection, therefore, to the bill on that score.

I now yield to the gentleman from Kentucky, [Mr. BECK,] a member of the Committee on Reconstruction, who has signed this report, and who is of the minority of this House.

Mr. BECK. I would not trouble the House at this time except for the objection which has been made by my colleague on the committee, the gentleman from New York, [Mr. WOOD.] I hold that we have done the only thing under the circumstances that we could do to give this House an opportunity to act upon this bill. There was a meeting of the Committee on Reconstruction yesterday, upon the regular day of meeting of the committee. My colleague on that committee, the gentleman from Ohio, [Mr. MORGAN,] and myself, with some others, were there present. But we did not have a quorum present and could not get a quorum. The gentleman from New York [Mr. WOOD] saw fit to absent himself from the regular meeting of the committee, and thereby, in part, he prevented us from having a quorum.

Mr. WOOD. I ask the gentleman to allow me to interrupt him a moment.

Mr. BECK. Certainly.

Mr. WOOD. I was in the adjoining committee-room attending to the Howard investigation. The gentleman from North Carolina [Mr. DOCKERY] was told by me to send if they wanted me. I was not sent for, though I could have been there had my presence been desired.

Mr. BECK. All I can say is that the gentleman was not there, for reasons satisfactory to himself no doubt; but as he was not there, and as we were advised by the members from Texas in this House that there were some five or seven men—I forget how many exactly—who have been elected to offices in Texas and must be sworn in by the end of this week, if they are to hold those offices at all, and as the chairman of the committee [Mr. BUTLER, of Massachusetts] was absent and would not be back before Tuesday next, I saw no reason why this bill should not be presented to the House for such action as they should see fit to take upon it.

Now, whether this House should pass this bill or not is another question. But when a meeting of the committee is held and members choose to absent themselves, whether right or wrong, and the minority of the committee who are there cannot have a quorum for business on account of the absence of those members, then, I say, the minority of the committee have a right to agree that a bill shall be reported to the House which would have been reported if those who absented themselves had been there and had taken part in the action of the committee.

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

Mr. BECK. Yes, sir.

Mr. ELDRIDGE. Does the gentleman mean to assert that a minority of this House may come in here and legislate for the country without the presence of a quorum? Does he mean to assert that a minority may exercise controlling power either in a committee or in the House?

Mr. BECK. No, sir; but I mean to assert that when a majority of a committee, fully and fairly representing the committee, get together and agree on a report, as this bill was agreed to by a majority of the Committee on Reconstruction, the gentleman from Ohio, [Mr. MORGAN,] the gentleman from Pennsylvania, [Mr. WOODWARD,] and myself, three out of the four Democratic members, concurring in the report, no member of the minority has the right to reflect upon his colleagues and charge that they have done wrong in assenting to the presentation of a report which would at any rate have been agreed to if he had been present and aiding to make a quorum.

Mr. ELDRIDGE. I utterly deny the right of a minority to act as the committee in the absence of a quorum.

Mr. BECK. I deny that a minority of this committee have so acted. A majority of the members of the Committee on Reconstruction have signed this report.

Mr. WOODWARD. I am in the same position with reference to this matter as the gentleman from New York, [Mr. WOOD.] I am one of the minority of the Committee on Reconstruction, and I was not present at the meeting of the committee yesterday. In this respect I stand *in pari delicto* with him. I do not think, however, that these circumstances constitute any reason for refusing to pass this bill. The gentleman from New York [Mr. WOOD] admits that the bill is right in itself. What does it propose? It simply proposes the removal of the disabilities of nine men in Texas, who, having been elected to public office, cannot qualify unless a bill of this kind be passed. That is the whole scope of this legislation. The bill was submitted to me here in my seat, and I was asked to assent to it. I saw what it was, and I did assent. The question whether the report of a minority of a committee shall be accepted as the report of the committee is not presented in this case, because the majority of the committee concur in this report. True, it was an informal concurrence, but an intelligent and honest concurrence, and ought to be regarded by the House just as valid as if it had been more formal.

Mr. COX. Will the gentleman from Illinois yield to me for one word?

Mr. FARNSWORTH. I have agreed to yield to the gentleman from Ohio, [Mr. MORGAN.]

Mr. MORGAN. Mr. Speaker, I regret more than I can express in words the course which my honorable friend from New York [Mr. WOOD] has seen fit to pursue on this occasion. Yesterday was the day for the regular meeting of the Committee on Reconstruction. My friend from New York, who, I believe, is upon two committees meeting on Tuesday, was not present at the time for the regular meeting of the Committee on Reconstruction, and a quorum was not present. A majority of the committee afterward consented to report this bill, which proposes the removal of the disabilities of some persons in Texas. Certain gentlemen on this floor, professing extreme sympathy for the people of the South, have been peculiarly sensitive upon all questions connected with the removal of political disabilities, and have sought upon every technical ground to prevent the passage of bills for that purpose. The gentleman from New York [Mr. BROOKS] is one of those. I do not include in this category the other gentleman from New York, [Mr. WOOD.] This is the first time I have heard from him any objection to a measure of this kind, and I greatly regret that he interposes an objection now. For my own part, I here declare that I am ready now, as I have always been, to vote for the removal of political disabilities of any citizen of the South, whether such relief be proposed by the Committee on Reconstruction or by an individual member of the House on his own responsibility. More than this, I have been from the first in favor of a general bill removing from the southern people all political disabilities. Until such a bill can be passed I stand here ready to act with any gentleman in endeavoring to remove such disabilities in individual cases as they may be presented.

Mr. FARNSWORTH. I have agreed to yield to the gentleman from Wisconsin, [Mr. COBB,] who wishes to move the insertion of an additional name.

Mr. COBB, of Wisconsin. I move to amend by inserting the name of H. B. Simonds, of Hunt county, Texas. This is the first motion this character that I ever made, and I am pretty sure it will be the last. This gentleman was clerk in a court of his county during the rebellion. He was formerly a citizen of Wisconsin, residing in my own district. I knew him well. Since the practice of relieving disabilities by Congress commenced he has written to me at least half a dozen times soliciting the removal of his disabilities, and each time I have handed his letter to the chairman or some member of the Committee on Reconstruction. While everybody's name has turned up in some of these bills, this gentleman's name has not. He is now overlooked. He has been reëlected, under the late election, clerk of the circuit court of that county. I desire his name inserted for that purpose.

Mr. COX. I ask the gentleman to yield to me.

Mr. FARNSWORTH. I have agreed to yield to the gentleman from Maine.

Mr. PETERS. I move to amend the bill by inserting the name of Richard Jordan, of Texas, formerly of Maine. I put in the qualification of former residence because I think he may have a middle name which I do not now recollect. He is a very repentant rebel, and has written a letter which I have not at hand.

Mr. ELDRIDGE. Has he agreed to vote the Republican ticket?

Mr. BEAMAN. Has he made application?

Mr. PETERS. He has written a letter asking to have his political disabilities removed. I have not the letter just now at hand.

Mr. BEAMAN. Has he any application on file?

Mr. PETERS. He has no application on file. I can get his letter and file it. He was a supporter of the gentleman who was recently elected Governor of Texas. He was formerly from Maine. He is a cousin of mine, very repentant, and I hope God will forgive him for the part he took in rebellion. [Laughter.]

Mr. FARNSWORTH. I demand the previous question.

Mr. COX. I ask the gentleman to yield to me for a moment. I think he is partial in his favors as well as in his amnesty.

Mr. JONES, of Kentucky. I ask the gentleman from Illinois to yield to me.

Mr. FARNSWORTH. I decline to yield. This is a small bill. I did not think it would occupy so much time or I would not have brought it in.

Mr. COX. Report a general bill and stop all this special legislation.

The House divided; and there were—ayes 78, noes 43.

Mr. COX demanded tellers.

Tellers were not ordered.

So the previous question was seconded.

The main question was then ordered.

The question recurred on the amendment of Mr. COBB, of Wisconsin; and it was agreed to.

The question next recurred on the amendment of Mr. PETERS; and it was agreed to.

The question recurred on ordering the bill, as amended, to be engrossed and read a third time.

The bill, as amended, was ordered to be engrossed and read a third time.

Mr. COX. I call for the reading of the engrossed bill.

The Clerk proceeded to read the bill.

Mr. COX. I rise to a question of order. The two names added to the bill have not been engrossed.

The SPEAKER. The Chair sustains the point of order.

Mr. FARNSWORTH. I move to reconsider the vote by which the bill was ordered to be engrossed; and I yield to my friend from New York for a few minutes.

Mr. COX. Mr. Speaker, I wish to say this generally on the bill, in behalf of myself and my colleague, [Mr. BROOKS,] who represent metropolitan districts, that we have many constituents there who are connected with the people of the South, as all know. We are in

favor, as is the great body of the House, of a general system of amnesty. We believe, and experience illustrates our belief, that so long as you pass bills for partial amnesty legislation for general amnesty will be postponed. I know that the majority of the House, and many members of the Republican party representing districts in the South, representing negro votes, and representing truly the negro vote, are ready to vote for a system of general amnesty. The gentleman from Illinois [Mr. FARNSWORTH] himself is in favor of it. These bills are gotten up, and the country will take notice, to enable men to take office, old office-holders who are seeking to be revamped into public favor and rehabilitated, for the purpose of taking office. Such bills as this, Mr. Speaker, are nothing more nor less than premiums given to certain parties for their profligacy and for their desertion of what they once conceived to be the right doctrine and the right politics. I wish to say, on behalf of the great body of the people, whom I believe to be in favor of general amnesty, that they are not represented in the postponement of a general bill from week to week and from year to year.

Mr. FARNSWORTH. I do not know that I can yield further.

Mr. COX. The negroes of the South are far more generous toward their white brethren than are their white Representatives. I would rather trust them to-day in this matter. I would rather trust their kindness of heart and generosity of disposition toward their old masters to do what was right than I would trust the white Representatives who are postponing the issue of a general amnesty, and I believe would wish to postpone it until the day of judgment.

Mr. FARNSWORTH. I cannot yield further to the gentleman from New York, [Mr. COX,] and now yield two minutes to the gentleman from Ohio, [Mr. MORGAN.]

Mr. MORGAN. I have asked two minutes, but I do not know that I will occupy one. I beg to say that the remarks of the gentleman from New York misrepresent the sentiments of the whole southern people. I have corresponded with hundreds of them, and in my action in this matter I have known no party, and will know none. I say, sir, that in dealing with this question the members of this House should rise to the dignity and responsibility of feeling themselves to be Representatives of the whole American people, without regard to party. I am willing to grant amnesty to the man who comes here asking amnesty, I care not who he is or what his name may be.

Mr. ELDRIDGE. Will the gentleman allow me to make a remark?

Mr. MORGAN. I have only two minutes, and cannot yield. I want this fact to be known to the country, that the gentlemen on this side of the House, except two or three who have objected, have always been in favor of removing the political disabilities of the people of the South.

Mr. BROOKS, of New York. I have not objected.

Mr. MORGAN. The gentleman may be in favor of a general amnesty, but he has constantly and persistently objected to the removal of the political disabilities of individuals.

Mr. FARNSWORTH. I now yield two minutes to the gentleman from New York, [Mr. BROOKS.]

Mr. BROOKS, of New York. It is well known to those who have been members of this House that I have been in the front rank of those who have objected to the removal of individual disabilities. I found that what was proposed was in the main a party removal, a removal of the disabilities of those who were opposed to me in politics; while the removal of their disabilities are refused to those who were in favor of the party to which I belong. I have repeated again and again that I was in favor of pardoning anybody and everybody. I believe the day is now come for a universal amnesty, and so far as I am in a position to judge the state of public opinion I reiterate the assertion of my colleague [Mr. COX] on that subject. No man has been more opposed to negro suffrage in this House than I have been. But at this hour and at this moment, from what I hear and see of the action of southern negro Legislatures, I would trust myself and my friends sooner for amnesty to the Africans of the South than I would to the majority of this House for a general, universal amnesty bill, so far as I can form a judgment from the reports of the Reconstruction Committee to this House.

Mr. GARFIELD, of Ohio. That is a good bid for their vote.

Mr. BROOKS, of New York. I am for the pardon of every person who was engaged in the southern rebellion. I think that the hour is now come for a measure which will secure that object. The whole course of my action and of my policy in opposing individual bills has been to awaken and arouse the attention of the House to the injustice of this mode of procedure, and by arousing that attention to get more early action for the removal of all disabilities.

Mr. COVODE. I ask the gentleman from Illinois [Mr. FARNSWORTH] to yield to me for a few moments.

Mr. FARNSWORTH. I must, in the first place, yield for two minutes to my friend from Texas, [Mr. DEGENER.]

Mr. DEGENER. Mr. Speaker, it is a very common practice with gentlemen on the Democratic side of the House to reproach our party with vindictiveness. I beg to say that I have never yet refused to indorse the petition for pardon of any man who chose to ask for it over his own signature. That is the extent to which our vindictiveness goes. Certainly the boon of franchise is sufficiently valuable to make it worth while for a man to sign a document with his own name in order to obtain it, and I have always insisted upon that before I would agree to propose a man's name for pardon. This is a peculiar case; and we would not be so urgent if it was not so peculiar. To-day the Legislature of Texas meet. The Governor will be inaugurated to-morrow. It is necessary to officer our State. These gentlemen have been elected to office, but labor under disabilities. They cannot take the oath if you do not to-day remove their disabilities. A similar bill is being pressed on the Senate for this reason, and I ask the House to pass this bill and not to delay it with any further amendments. Some of the men whose names are included in this bill are Democrats. They have condescended to ask for pardon over their own signatures, and we Radicals of Texas have indorsed their claims. That is all I have to say.

Mr. FARNSWORTH. I now yield for two minutes to the gentleman from Pennsylvania, [Mr. COVODE.]

Mr. BENJAMIN. I rise to a point of order. I believe the motion of the gentleman from Illinois is to reconsider the vote by which the main question was ordered.

The SPEAKER. That is not the motion. The motion is to reconsider the vote by which the bill was ordered to be engrossed.

Mr. COVODE. Mr. Speaker, I do not know how many children the gentleman from New York [Mr. BROOKS] has, but while he was so eloquently insisting upon removing the disabilities of all these men I was reflecting upon the policy and the fate of Ahab. [Laughter.] The gentleman from New York should go back and read the Bible and reflect upon the doings of Ahab, who was so very merciful as to pardon Benhadad. I recollect that in consequence of that act he not only lost his own life for the mercy he showed to that rebel, but he lost the lives of all his sons, and they were numerous—I think more so than the family of the gentleman from New York. [Laughter.] He does not, therefore, run so much risk in disobeying the commands of Heaven as Ahab did. [Laughter.] I want gentlemen on the other side of the House to read the Bible, [laughter,] and reflect upon what the policy of God was in dealing with the enemies of the country, the enemies of His people. The gentleman from New York, [Mr. WOOD,] upon a former occasion, insisted on my repeating this little story, but after it was done he declared to me that he did not know whether I was quoting from the Bible or from Josephus. [Great laughter.] If he will look in the second book of Kings he will find that it is from the Bible, and that it was the policy of the Lord to punish the men that attempted to destroy His people. [Laughter.]

Mr. MORGAN. I greatly fear that the policy of the people will not be advanced by the devil quoting scripture. [Laughter.]

Mr. FARNSWORTH. I will detain the House but a moment. I know nothing, nor did the Committee on Reconstruction, of the politics of the men who names are in this bill, but I am informed by the members from Texas that two of them are Democrats. I have never stopped to inquire what the political opinions of any man were who has asked for the clemency of this Government in this direction. The facts contradict the statement of the gentleman from New York [Mr. BROOKS] in reference to this being a partisan proceeding. During the last Congress we relieved from disabilities gentlemen in order that they might take their seats upon this floor and vote against the Republican party here. We have relieved Democrats as well as Republicans, and I believe that it has not been the practice of the Committee on Reconstruction to inquire into the political opinions of any one except so far as to inquire whether they accepted the situation in good faith, repented of their rebellion, and were now for maintaining the Government. I am willing myself to strike hands with the colored Senator from Mississippi, who has presented to the Senate the memorial of the Legislature of that State asking amnesty for all the citizens of that State; I am willing to extend this clemency to every citizen of the United States. I do not believe that it either makes the Government stronger or the Republican party stronger to refuse to relieve from their disabilities any of the people of the country. So long as rebels vote, so long as all the white men in the south vote, which is the case now in nearly every State, it makes but little difference whether they can hold office or not. In fact, they would have less cause for irritation and offense, less cause to hate the Republican party and the Government, if we would allow them to hold office as well as vote, than if we do as we are now doing—allow them to vote and exclude them from the right to hold office. I believe that it is the policy of the Republican party as well as the true policy of the Government, to wipe out these disabilities, to repeal the test-oath, and to place the citizens of the United States upon an equality in that regard. Mr. Speaker, I am appealed to by the gentleman from Indiana [Mr. VOORHEES] to yield him five minutes. I will do so with the promise that I will yield no further, but will then withdraw the motion to reconsider.

Mr. VOORHEES. Mr. Speaker, I would not seek to participate in this debate were it not for some difference of opinion that prevails on this side of the House. I regard political proscription as wrong entirely. There is no part of it right in principle. I would disfranchise no citizen of this country on account of what occurred during the rebellion, nor, indeed, on any other account.

Looking at this subject in that light, I cannot sympathize with those of my own friends on this side of the House who object to this bill because it is partisan in its character. It may be so; the bill may be brought here with persons named in it who are expected to vote a certain ticket. But even admitting that to be the case, is it supposed that I would vote against relieving those persons from their political disabilities because they do not vote for

my party? That would make me as much a partisan and as wrong in principle as those who refuse to relieve my political friends who would vote as I vote. Such an example I cannot follow.

I cannot recognize a man's political opinions at all in discussing the right to vote and hold office in this country. While men obey the laws and pay their taxes I shall make no further inquiry as to their partisan views. It matters not to me if every one named in this bill shall vote with the Republican party. It is a higher question than that. It is the question of constitutional government. It is by the right that I stand, whatever may be the political bias or sentiment of these persons. Having said this as a matter for present consideration, let me respectfully express to the House my profound regret that mercy does not flow faster and freer; that it should come in that strained and stinted measure, which is condemned by the philosophy and the religion of civilized mankind; that it should be so slow in these Halls, and that universal amnesty has not been proclaimed. Indeed, it is one of the wonderful features of the times which should rebuke the minds of men here, that even the colored race of the South is asking for an amnesty which shall wipe away all the bitterness and the acrimony left by the lamentable war through which we have passed. In their simplicity they speak but the voice of untutored nature.

I have some reason to complain; and if my private disappointment governed my conduct here I might vote against this bill. I have this session tried hard to get just one man, an excellent, quiet gentleman, relieved from political disabilities. It was at one time agreed that his name should be put in the bill which passed the House this winter; but in some way or other unknown to me the name was dropped out at the last moment. It was done possibly because I recommended him. The bill was in the hands of a Representative from South Carolina who is here no longer. Possibly the fact that my name was upon the application weighed with him, if not with other members of that committee.

I have to-day been to the gentleman from Illinois [Mr. FARNSWORTH] and asked him for the privilege of putting in this bill the name of the gentleman. The opportunity was refused me. But what matters that? Am I to stand here in a spirit of spite? Am I to say that because this man cannot have his political disabilities removed, therefore I will range myself upon the side of proscription, hate, malevolence, and malignancy? Sir, I cannot do that. I have received many letters from gentlemen in the South on this subject. Some of them have written that inasmuch as they could not have their own disabilities removed therefore they desired that none should be removed. I cannot concur in that sentiment. It is wrong. I expect to vote for every measure of relief, whether it is for one person, for two, for three, for six, or for a dozen—the more the better, of course. I shall vote for every one until this relic of despotism, this wrong, this blot and blemish upon the legislation of the times, this crime against the true principle of government, shall be wiped out. It may come slowly and it may be done slowly, but it will be done at last. This vestige of the dark ages and instrument of monarchies in their oppressions will at last pass away, and then all will wonder why it remained so long to cumber this progressive Christian era.

It will be a bright day when the last bill of this kind shall be offered here and passed. It will be a brighter day still when this Congress shall rise up and honor itself by saying, once for all, that the end has come and a universal amnesty, like the love of God, shall fill all the borders of the land. But until I can hail that blessed day I will take what I can get and be glad. As a member of the minority I will gratefully accept whatever may be offered in favor of the general principle which I indorse, the entire relief of all from political proscription.

[Here the hammer fell.]

Mr. FARNSWORTH. I withdraw the motion to reconsider.

The SPEAKER. The Clerk will finish the reading of the engrossed bill.

The bill having been read, the question was on its passage.

Mr. FERRISS. I call for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

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

The latter motion was agreed to.

LOUISIANA ELECTION CONTEST.

Mr. STEVENSON presented, from the Committee of Elections, a report in the contested-election case of Morey *vs.* McCranie, from the fifth congressional district of the State of Louisiana.

The following resolution, accompanying the report, was read:

Resolved, That there was no legal election in the fifth congressional district of the State of Louisiana for Representative in the Forty-Frst Congress, and that neither George W. McCranie, nor Frank Morey, nor P. J. Kennedy is entitled to a seat as Representative in the Forty-First Congress from the fifth congressional district of the State of Louisiana.

The report was laid on the table, and ordered to be printed.

Mr. STEVENSON. I give notice that I intend to call up this case to-morrow after the morning hour.

CLAIMS OF LOYAL CITIZENS.

Mr. BUCK, by unanimous consent, introduced a joint resolution (H. R. No. 270) to extend the provisions of the act of July 4, 1864, limiting the jurisdiction of the Court of Claims to the loyal citizens of the States lately in rebellion; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROTECTION OF POLITICAL RIGHTS.

Mr. SCHENCK, by unanimous consent, introduced a bill (H. R. No. 1887) to protect the political rights of persons in places purchased within the States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROBATE COURTS IN IDAHO.

Mr. KELLOGG. I ask unanimous consent to report a bill of local interest which has been unanimously agreed upon by the Committee on the Judiciary, and upon which I propose to call the previous question. It simply provides for probate courts with a jurisdiction to the extent of $500 for the Territory of Idaho, corresponding precisely with a bill which has been passed with reference to the Territory of Montana. In some counties of Idaho the people are from two to four hundred miles from a United States court; and it is impossible to obtain the administration of justice in small cases. I am directed to report an amendment providing that the bill shall not affect any suit now pending in the district courts of the Territory.

Mr. INGERSOLL. Is the bill a copy of the Montana bill?

Mr. KELLOGG. It is precisely similar. It is a measure important for the convenience of the people of Idaho. I have been trying for two months to report it.

Mr. INGERSOLL. I hope there will be no objection.

There being no objection,

Mr. KELLOGG, from the Committee on the Judiciary, reported back, with an amendment, a bill (H. R. No. 228) to enlarge the jurisdiction of the probate courts in Idaho Territory.

The bill, which was read, provides in the first section that the probate courts of the Territory of Idaho, in their respective counties, in addition to their present jurisdiction, shall be authorized to hear and determine all civil causes wherein the damage or debt claimed does not exceed the sum of $500, exclusive of interest, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury. These probate courts are not to have jurisdiction in any matter where the title, boundary, or right to the peaceable possession of land may be in dispute, or in chancery or divorce causes. It is further provided that in all cases an appeal may be taken from any order, judgment, or decree of the probate courts to the district court. The second section repeals all acts or parts of acts inconsistent with the provisions in this bill.

The amendment reported by the committee was read, as follows:

Add to section two the following:

Provided, That this act shall not affect any suit pending in the district courts of said Territory at the time of its passage.

The amendment was agreed to.

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

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

The latter motion was agreed to.

ENROLLED BILL SIGNED.

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

An act (H. R. No. 779) to redefine a portion of the boundary line between the State of Nebraska and the Territory of Dakota.

WASHINGTON AQUEDUCT.

Mr. COOK, by unanimous consent, reported from the Committee for the District of Columbia testimony taken by the committee in relation to the construction of the Washington aqueduct; which was ordered to be printed, and recommitted.

LAND DISTRICT IN COLORADO.

Mr. VAN WYCK. Let me appeal to the gentleman who has called for the regular order of business to yield for a moment to the gentleman from Iowa.

Mr. SMYTH, of Iowa. I ask unanimous consent to take from the Speaker's table Senate bill No. 177, to create an additional land district in the Territory of Colorado.

Mr. INGERSOLL. Perhaps this is right, but I wish the aid of the gentleman to go to the Speaker's table, and I must object.

Mr. VAN WYCK. This bill has been unanimously approved by the committee of the House. The gentleman knows that Delegates have little opportunity to get their business before the House, and as the Delegate from Colorado is desirous to have this bill taken up and passed I hope the gentleman will not object.

Mr. INGERSOLL. I will help the gentleman to go to the business upon the Speaker's table.

Mr. STILES. I call for the regular order of business.

DEPARTMENT OF JUSTICE.

The SPEAKER. The regular order being called, the morning hour has now begun, and the pending question is House bill No. 1328, to establish a department of justice, reported yesterday from the Committee on Retrenchment by the gentleman from Rhode Island, [Mr. JENCKES.]

The question was on ordering the bill to be engrossed and read a third time.

Mr. JENCKES. Mr. Speaker, I wish to explain to the House as briefly as may be the scope and purpose of this bill. It does not propose to create a new department in this Government, but simply to transfer to an exist-

ing Department some things properly belonging to it, but which are now scattered through other Departments. It proposes to make one symmetrical whole of the law department of this Government; and in order to understand its application to the existing state of things I will review the history and origin of these law officers.

Under the judiciary act of 1789 it was provided that a law officer should be appointed in each district of the United States, to be called the district attorney, and that a person learned in the law should be appointed an Attorney General of the United States; one chief law officer at the seat of the Government, with subordinate law officers in each district of the United States. That continued to be the law force, if I may use the phrase, of this Government from 1789 down to 1830. In that year an act was passed to establish the office of solicitor of the Treasury. The tradition concerning the passage of that law, as I have heard it, is that it was passed to create an office for a particular person, in the expectation of reconciling the hostility breaking out between the then President and Vice President of the United States. The office was created, but the hoped-for result was not obtained. In many respects that statute was anomalous. It created a law officer in one Department of the Government for certain purposes, placing him to a certain extent under the authority of the Attorney General, but to a greater extent making him independent. These continued to be the principal law officers until the establishment of the Court of Claims, in 1855, when it became necessary in order to have the Government properly represented before that court to have a solicitor to manage its cases. Subsequently an assistant solicitor was created. The law business of the Government increased, and in 1859 an act was passed authorizing the appointment of an assistant attorney general.

At the commencement of the rebellion, therefore, the law officers of the Government were the Attorney General, the solicitor of the Treasury, the solicitor of the Court of Claims, and the assistant attorney general. In 1861, there being a pressure upon the law department, the Attorney General was authorized to employ assistants to the district attorneys, and under this power eminent lawyers were employed in different parts of the United States to conduct special cases in each of the districts. At this time the law business of the Government greatly outgrew the capacity of the persons authorized to transact it, and the number of outside counsel, if I may use the phrase, appointed subsequent to 1861 was greater than all the commissioned law officers of the Government in every part of the country. The attention of the Committee on Retrenchment, soon after its organization in the Thirty-Ninth Congress, was called to the great expense the Government was put to by the employment of these extra counsel. They required reports from the different Departments by order of the House, and they obtained some knowledge of the extent to which this power was used, if not in some cases abused.

Early in the Fortieth Congress a bill was prepared to remedy this evil, and referred to the Committee on Retrenchment; and a similar bill with the same design was offered by the gentleman from Ohio, [Mr. LAWRENCE,] and referred to the Committee on the Judiciary. These bills had the same purpose and the same scope. They were referred to subcommittees of these committees, which consolidated them into one bill. And if the Judiciary Committee had been called for reports in the last Congress the bill of the gentleman from Ohio would have been reported. But neither of those committees was called after the bill was perfected during the Fortieth Congress. This bill was again introduced during the present Congress, and early referred to the Committee on Retrenchment, who now report it. The special reason why they have reported it earlier than any other relating to the organization of the Departments is the great expense the Government have been put to in the conduct of the numerous litigations involving titles to property worth millions of dollars, rights to personal liberty, and all the numerous litigations which can arise under the law of war. It has been impossible, with the force created by law, to attend to these matters properly in the various courts of the United States.

To give the House some idea of the magnitude of this business I will state the results obtained from the reports communicated to the House and to the committee by the officers of the Treasury. These have been presented at two different times, one terminating at the close of the year 1867 and the other embracing the years 1868 and 1869. From a report made to the House by the Secretary of the Treasury, in answer to a resolution passed February 11, 1868, it appears that there had been allowed or paid for extra legal services, through the First Comptroller's Office, from January 2, 1864, to February 19, 1868, the sum of $64,986 86; that there was paid through the Commissioner of Customs, between May 4, 1860, and January 16, 1867, the sum of $55,400 26; that there was paid through the same channel for captured and abandoned property, from September 4, 1865, to December 28, 1867, the sum of $112,841 15. There were paid under the authority of the Attorney General the following sums: for assistance to the Attorney General in 1866–67, $14,645; for special counsel to assist the district attorneys between the years 1861 and 1867, $57,739 50; for assistant district attorneys between the years 1861 and 1867, $91,928 99; for special counsel, $6,500. There was paid through the State Department, between the years 1861 and 1867, $71,148 66. These various sums make a total of extra law expenses, principally for three or four years, of $475,190 42.

Mr. VAN WYCK. Will the gentleman allow me to ask a question?

Mr. JENCKES. Certainly.

Mr. VAN WYCK. Is there any provision in this bill to prevent the recurrence of charges of the same nature?

Mr. JENCKES. This bill is shaped for that purpose, to cut off all this outside work. In the years 1868 and 1869 these sums were proportionally increased instead of being diminished. In 1868–69 there were paid through the office of the Commissioner of Customs, out of the appropriation for the collection of the revenue, $43,290; for services in 1868 in the cases relating to captured and abandoned property, $19,462, and in the cases relating to the cotton laws, $11,868 28; in 1869, for captured and abandoned property, $39,447 56; from April 10, 1868, to February 5, 1869, recovery of confederate property in foreign countries, $21,913 01. There were expended during 1868–69 by the War Department, for the services of counsel, the sum of $21,409 37; by the internal revenue department, $58,197 24; for miscellaneous services, Treasury Department, $13,168 65; for the United States district attorneys employed by the Treasury in 1868–69, $22,709 50; for additional counsel in 1868, $2,550. In connection with the Post Office Department there were expended $5,002 83.

In these two years, the sum expended for this extra counsel was $258,018,44, equal to the sum of $129,000 per annum, in addition to the salaries of the regular law officers of the Government. The whole amount thus expended from 1864 to 1869, principally in that period, although some small sums were expended previously, was $733,208 86. This is the amount, so far as we have been able to obtain it from the Treasury Department. There were a large number of outstanding contracts with counsel for fees at the time of making these reports, large amounts for fees in what are called the sugar cases in Louisiana and the champagne and sherry cases in New York, and other revenue cases of the same character. The officers of the Treasury informed the committee that it would be impossible to state the amount of their actual liabilities at the present time; but judging from the returns which we have, we estimate that these additional outstanding claims are at least $100,000, and perhaps nearer $200,000.

Mr. ARNELL. I desire to ask the gentleman to tell us the amount paid by the quartermasters's department for looking after abandoned property, particularly after the southern railroads?

Mr. JENCKES. We have no returns of that expenditure. We have only got the fees of counsel as they have been paid at the Treasury Department. We have not been able to get the sums expended in the manner indicated by the gentleman because no return has come to the officers of the Treasury in that specific form which shows what has been paid for counsel's fees.

One of the objects of this bill is to establish a staff of law officers sufficiently numerous and of sufficient ability to transact this law business of the Government in all parts of the United States. We have now in the Attorney General's department the Attorney General himself and two assistants. We propose to create in that department a new officer, to be called the solicitor general of the United States, part of whose duty it shall be to try these cases in whatever courts they may arise. We propose to have a man of sufficient learning, ability, and experience that he can be sent to New Orleans or to New York, or into any court wherever the Government has any interest in litigation, and there present the case of the United States as it should be presented. We do not complain that the officers of the Government have heretofore employed these leading counsel, nor of the amount of fees paid to them in some cases. It seemed impossible to transact the business of the Government properly without having their assistance; and if they employed eminent counsel, taking them out of their regular business, for the Government service, it was only reasonable to pay them what seem at first sight to have been large fees.

But the evil was in the fact that the necessity existed for going outside of the proper law force of the Government, that the Government could not always command the services of men of sufficient ability and learning to transact its law business. We believe that the addition of this officer would be sufficient to keep well in hand the business of the United States in its own courts. Of course he cannot perform all the duties himself. In some cases extra counsel may be required, but the district attorneys with his assistance can generally perform these duties; and we provide that if the Attorney General, under the authority given him by existing law, shall employ assistant counsel in any district he shall designate those counsel as assistant district attorneys or assistants to the Attorney General, and give them commissions as such in the special business with which they are charged, in order that they may be responsible to him and to the Government for the performance of their duties. The committee have been convinced most thoroughly by our investigations that no person should be charged with the conduct of litigation in behalf of the United States unless he holds a commission under the United States and is responsible to the law and the proper authorities. By this scheme we hope to have a law department equal to the present emergencies of the law business of the country.

Mr. LOGAN. I desire to ask the gentleman a question. I see from his argument that he has investigated this matter most thoroughly, and I see by the bill that the Judge Advocate General and the naval solicitor are included. Now, I would ask the gentleman if in organizing a department of justice to be called the department of law they include the Judge Advocate General and the naval solicitor, why not

include all officers of that class who are necessary?

Mr. JENCKES. If the gentleman will hear my explanation of that part of the bill I think he will be satisfied; if not, I will hear any amendment he may desire to offer, and allow him to submit it to the House.

Mr. LOGAN. I beg your pardon. I thought you were treating the subject generally.

Mr. JENCKES. I am giving generally the reasons why the Committee on Retrenchment thought that this evil which I have already explained should be corrected as soon as practicable and in as efficient a manner as possible.

Upon looking into the question further they found the other difficulty indicated by the question of the gentleman from Illinois, [Mr. LOGAN;] that is, that we have gone on creating law officers in the different Departments of this Government who are entirely independent of the head of the law department and of the Attorney General of the United States. Following the precedent set in the creation of the solicitor of the Treasury by the act of 1830, we have authorized the appointment of an assistant solicitor of the Treasury, and also a solicitor of the Internal Revenue Bureau; and during the war we had a solicitor of the War Department and an assistant solicitor of the War Department. In both of these last named cases the Government was fortunate in securing without great expense the services of accomplished lawyers, equal to the performance of any duties required of the law officers of the Government. We also created a law officer for the Navy Department, and in the course of time a law officer has been created for the Post Office Department, charged with special duties.

I need not dwell upon the manner in which these officers have performed their duties. I have no doubt they have performed them to the best of their ability and honestly in every case. But we have found that there has been a most unfortunate result from this separation of law powers. We find one interpretation of the laws of the United States in one Department and another interpretation in another Department. In fact, we had brought to our notice here early in the session an instance of different opinions upon the same subject, where the Paymaster General of the Army obtained one opinion from one law officer and another officer of the Government obtained from another law officer a different opinion upon the same subject, neither obtaining the opinion of the Attorney General, who ought to have been consulted. The consequence is a difference of opinion and a difference of advice in each case upon the same statute.

We have found, too, that these law officers, being subject to the control of the heads of the Departments, in some instances give advice which seems to have been instigated by the heads of the Department, or at least advice which seems designed to strengthen the resolution to which the head of the Department may have come in a particular instance. We found one most remarkable case, or the chairman of the committee [Mr. WELKER] did, when he went to California, in the case of a lease of land in San Francisco, which was said to have been done upon the advice of a former solicitor of the Treasury. Upon producing the letter of the solicitor it was found that it did not contain any such advice, although it had evidently been so worded as to seem to sanction this act of his chief, and the committee, upon looking further, found that there was no authority in any law for the Secretary to act in the manner he did; and it would have been strange if he had so acted under the advice of any law officer.

Mr. MAYNARD. Does the gentleman think it peculiar to this country for a law officer to give an opinion to sustain the attitude of his superior? Has it not been done more than once in the office of the Attorney General of the United States?

Mr. JENCKES. I have not made any charge against any of these officers. It is a misfortune that such should be the case, whether with legal or with other officers. It is a misfortune that there should be different constructions of the laws of the United States by different law officers of the United States. Whether the opinion of the Attorney General be right or wrong, it is an opinion which ought to be followed by all the officers of the Government until it is reversed by the decision of some competent court. It is for the purpose of having a unity of decision, a unity of jurisprudence, if I may use that expression, in the executive law of the United States, that this bill proposes that all the law officers therein provided for shall be subordinate to one head.

The question the gentleman asked has deeper significance, however, and the idea should be understood and borne in mind in considering every part of this bill. The head of a Department may act according to his own judgment, with or without the advice of his solicitor, and contrary to the advice of the Attorney General. If he does, he is responsible to the President of the United States for what he does as the head of a Department, and to nobody else. But we propose that if he takes advice at all, if he wishes to be fortified by the opinion of law officers, then he shall go to the fountain-head and receive the opinion of the chief law officer of the Government, and then act upon it or not, upon his own responsibility. This bill, if it shall become a law, will have that effect, which we deem will be highly beneficial.

Mr. MAYNARD. The gentleman will understand the idea I had in my mind, when I remind him of the anecdote of a former President who sent word to his Attorney General that if he could not find law for a particular policy he (the President) would find an Attorney General who could find law for it.

Mr. JENCKES. I have heard such anecdotes. It is true that the head of a Department or the President may act on his own responsibility, but he cannot in such a case shelter himself behind the opinion of a solicitor. This bill proposes to transfer these several solicitors from the Departments in which they are now located and to place them under the control of the Attorney General, as the head of the department of justice; that any advice or legal opinion which may be sought by any officer of the Government shall be sought at the Attorney General's Office; that he shall refer these questions to such officers as may be appropriate; questions relating to the Treasury to the solicitor of the Treasury; questions relating to internal revenue to the solicitor of the internal revenue department. When the opinions come back to the Attorney General they are to be recorded in his office, and when approved, they are to be the executive law for all the inferior officers of the Government.

We have now this great anomaly: the Attorney General is bound to conduct all the cases of the United States in the Supreme Court of the United States; yet in the majority of instances he never hears of the cases until the printed record is in his hands, and there is no place in Washington to which he can go to ascertain the history of the case. Under the law as it stands the solicitor of the Treasury may advise the district attorneys in certain cases. The Attorney General has a general supervision and control over the district attorneys in all cases; but this general supervision and control have never been defined by law or usage or in any opinion of the Attorney General. Hence the district attorneys have a divided responsibility. They have also a third responsibility—to send their accounts to the Interior Department to have them settled there. In every case they look for their guidance and for the settlement of their accounts to the Attorney General's Office, the office of the solicitor of the Treasury, and the Department of the Interior. This bill proposes to unite all these functions in one department and have the law business of clerks, district attorneys, and marshals of all the courts of the United States settled in the office of the Attorney General, or rather in the department of justice, subject, of course, to the same control in every respect that the accounting officers of the Treasury now have over these expenditures.

We have found instances in which not only direct supervision, but direct responsibility to the head of the Department is absolutely necessary for the protection of the Government. Ever since I have been making investigations upon the Committee on Retrenchment I have been inquiring why certain bonds to the United States which have been forfeited for several years have not been put in suit, and I have never obtained any satisfactory answer. Being in court not long since, I found a district attorney of the United States attempting to sustain suit upon distillery and warehouse bonds, where the language of the condition, as framed by some solicitor of the internal revenue department, or assistant solicitor of the Treasury, departed from the language of the statute requiring the bond; and this, too, though the bonds are in their nature compulsory, and should, as every lawyer of education knows, be in strict conformity to the statute. In consequence of that blunder or carelessness on the part of some solicitor or solicitor's clerk the Government failed to enforce payment on those forfeited bonds, and the money can never be recovered. This is only one instance; similar instances may be found in a great many cases.

Mr. WARD. I desire to ask the gentleman whether this bill creates any new offices?

Mr. JENCKES. Only one.

Mr. WARD. Does it do away with any existing offices?

Mr. JENCKES. No, sir; but it does away with the employment of outside counsel.

Mr. WARD. It does not do away with any of the solicitors?

Mr. JENCKES. No; but it transfers the solicitors to the Attorney General's department, and avoids the expense of employing outside counsel, which expense has amounted in some instances to $100,000 a year. The only additional expense involved by this bill is about thirteen thousand dollars per annum. The annual expenditure now is $130,000, so that the increase is about one tenth of what is sought to be saved. There will of course have to be employed some special assistants for the district attorneys; but, as I have said, they will be appointed by special commissions, receiving a fee to be agreed upon or determined by the Attorney General, and by him alone, and which in no case will exceed the compensation properly allowable for the service rendered.

Mr. MAYNARD. Does the gentleman think it practicable for us to organize by this bill a force adequate to all the emergencies and exigencies of the Government?

Mr. JENCKES. We cannot, of course, foretell with precise certainty how the system will operate; but we anticipate that the force organized by this bill will be able to transact the present law business of the Government. Cases in which the Government is concerned are constantly arising in different courts in various parts of the country. If a sugar case is to be tried to-day, the Attorney General can send his solicitor to attend to the trial. The champagne cases and the whisky cases and other revenue in New York could be postponed until the solicitor general can go there and try them. In the course of a year one competent lawyer could try all these important cases, and thus dispense with these numerous counsel. In order to show how much this expense has been, I will refer, without intending to be invidious to anybody, to the cotton cases in New Orleans. A retainer of $10,000 was sent to an eminent lawyer there, but we cannot find that he ever did anything. In the sugar cases a retainer of $10,000 was sent to another distinguished lawyer. He has tried them and succeeded, and has received additional fees. Retainers of $3,000 and $7,500 have been

sent to counsel in other parts of the United States. Some have rendered service, and some we cannot find rendered any at all. Nevertheless the money has been paid.

But, sir, this money has not been paid under any authority of law, but out of the gross sum appropriated for the collection of the revenue, which, as gentlemen know, is contained in the general appropriation bill, to the amount of eight or ten million dollars. Into that fund they put their hands to pay these extra expenses. If these extra services are needed I wish to have officers to attend to them.

Mr. MAYNARD. Can the law prevent it if these officers of the Government take the responsibility?

Mr. JENCKES. We propose to make it illegal for the Secretary of the Treasury to do so. If he wishes to engage counsel in any case he must send to the Attorney General. If the Attorney General cannot try the case and the emergency requires assistant counsel, he can employ them. It is then done by the head of the law department, and not by the head of the Interior Department or the head of the Treasury Department. He is responsible as the chief law officer of the Government. If any error is committed we shall know who is chargeable with it. We have then the assurance, if he be the proper person, that the office will be administered economically. These are the principal provisions of the bill. They may not provide a perfect system, but they are certainly adequate to the present law business of the country.

Mr. GARFIELD, of Ohio. With the gentleman's permission I wish to ask a question. Before doing so I wish to say that I have listened with great interest to the remarks of the gentleman from Rhode Island, and I think the whole House ought to be indebted to the gentleman for this move in the right direction. It is valuable substantive legislation to take up the scattered and fragmentary work now being done in the name of the law and to put it under one organization and one head. While I entirely approve of the bill so far as I have examined it, and feel myself greatly indebted to the gentleman from Rhode Island for the labor he has performed, I wish to know what will become of the Judge Advocate General with eight assistant judge advocates. Are they to be transferred?

Mr. JENCKES. He is not transferred. "Judge Advocate General" is the title of an officer of the Navy Department.

Mr. GARFIELD, of Ohio. It reads here Judge Advocate General.

Mr. JENCKES. That is the naval Judge Advocate General. We do not touch in this bill the Bureau of Military Justice of the Army nor the Judge Advocate General of the Army. They are out of the scope of this civil law business.

Mr. GARFIELD, of Ohio. I wish to ask the gentleman from Rhode Island the reason for not adding the Judge Advocate General to this department. Of course there is great dissimilarity between military and civil law; but it seems to me that this department of military justice should be in some appropriate way subordinated to the civil law. The gentleman has examined this subject sufficiently to say whether the two are incompatible. If they are, I will not press the matter.

Mr. JENCKES. We have examined it.

Mr. WOODWARD. I wish to say in answer to the suggestion of the gentleman from Ohio that I understand there is no such civil officer as Judge Advocate General. It is a monstrosity which has grown up, and in my opinion it ought to be thrown overboard. It is a military office and does not belong to the civil service at all. Instead of being transferred to the Attorney General's department it should be abolished. I would not disfigure our civil system by retaining or transferring this to it.

Mr. JENCKES. It is an entirely different branch of law, and ought to be under a military chief and not a civil law officer.

Mr. GARFIELD, of Ohio. Why, then, include the naval Judge Advocate General? Are not the duties similar to those of the Judge Advocate General of the Army?

Mr. JENCKES. The duties of the naval Judge Advocate General are, as we learned on inquiry, purely civil. He has nothing to do with courts-martial. His duties are similar to those formerly performed by the solicitor of the War Department. He gives advice when the Department comes into conflict with the civil Departments.

Mr. GARFIELD, of Ohio. I do not agree that the office of Judge Advocate General of the Army should be thrown overboard. It has been of very great service in subordinating courts-martial in the Army to some general review.

Mr. WOODWARD. Does the gentleman from Rhode Island propose to legislate in reference to the Judge Advocate General as a civil officer?

Mr. JENCKES. Not at all. That is out of the scope of this bill altogether, and belongs to the Military Committee.

Mr. LOGAN. I should like to say a word in reference to that point.

Mr. JENCKES. Mr. Speaker, how much time have I left?

The SPEAKER. Twelve and a half minutes.

Mr. JENCKES. I yield to the gentleman for a few moments.

Mr. LOGAN. I desire to say a word or two in consequence of the remark made by the chairman of the Committee on Retrenchment that he thought this was purely a military office, and that it therefore belonged to the Committee on Military Affairs. Heretofore the system in the Army with regard to courts-martial was the same as that which prevails in the Navy now. Detail was made, it being always understood that any intelligent officer in the Army was sufficiently competent to be a judge advocate on a court-martial. Lieutenants were generally detailed for the purpose. During the war this system sprung up. Since the war we have had judge advocates from the rank of brigadier general downward, any number of them, thus doing away entirely with the old system. Some of these men, however, are judges of civil courts in Virginia, while at the same time judge advocates of the Army, drawing pay, I presume, for both offices. From the facts which have come within my knowledge I think there are too many of them. I believe, too, that many questions relating to civil matters are referred to the Judge Advocate General to be decided by him. For instance, a question as to the assessment of the taxes on salaries was referred by the Adjutant General to the Judge Advocate General of the Army, a question which ought, of course, to have gone to the Attorney General. In the Army they have got into the habit of referring every legal question, civil as well as military, to the Judge Advocate General. I think that the decision of all these questions should be in one department, so as to subordinate the military to the civil, which is the theory of our Government. I would prefer to have it in that way. And when the gentleman says that he leaves that to the Committee on Military Affairs, I will make this suggestion to him. The gentleman proposes to organize a bureau of justice. This belongs to his committee. If I were to come before the House to propose a bill of that kind from our committee we would be attacked as we have been heretofore, and charged with a desire to act to the prejudice of the Army.

I hope the gentleman from Rhode Island will succeed with his measure, and that he will include in it the Judge Advocate General, leaving him as many judge advocates as the committee may consider to be necessary, after examination, doing away with the rest, because there are some of them down here who hold judgeships in civil courts, getting pay in that capacity, and who as judge advocates are of no advantage to the Army or the country.

Mr. BECK. With the permission of the gentleman from Rhode Island, I desire to make a suggestion in connection with the remarks just made by the gentleman from Illinois, [Mr. LOGAN.] An important case came before the Committee on Reconstruction the other day. Governor Senter, of Tennessee, sent a message to the President of the United States asking for troops and authority to use them. That communication was referred to the Judge Advocate General, and his opinion was laid before the Reconstruction Committee of this House to govern theirs. I think it is clear that the opinion which should have been given in such a case was that of the Attorney General.

Mr. JENCKES. The committee have preferred to confine the bill entirely to the officers who belong to civil Departments, and not to transfer to the department of justice any military office. But if the gentleman from Illinois has any amendment to offer to the bill on this subject I am willing that he should take the sense of the House upon it.

Mr. LOGAN. I do not desire to act in opposition to the Committee on Retrenchment. I merely made a suggestion to the committee which I think is a proper suggestion. The Judge Advocate General is not properly a military officer. He has military rank, but not military command. He holds merely a military title, but is a law officer and not a military officer. I think what belongs to the legal aspect of the War Department will be transferred to the department of justice. But I will trespass no further on the gentleman's time.

Mr. JENCKES. The committee had this matter fully under consideration, and went into it very carefully. They found two systems existing entirely distinct. They did not wish to mingle the military law and the civil. They wished to keep the offices distinct, as far as practicable, and to hold the War Department, as well as all others, to their responsibility, so that in asking legal advice they should go to the proper office, the Attorney General's. But these courts-martial are not composed of lawyers, but of officers. The military law which is enforced in those courts has very little analogy to the common law or the civil law. The modes of proceeding are entirely different, and as the gentleman has said, almost any well-informed officer, either of the Army or the Navy, can act as judge advocate.

Mr. WOODWARD. I wish the gentleman would provide in his bill for doing away with the office of Judge Advocate General of the Army, and clear away this whole excrescence which grew up during the war.

Mr. JENCKES. That is a question belonging to the Committee on Military Affairs.

Mr. GARFIELD, of Ohio. I think the gentleman from Pennsylvania [Mr. WOODWARD] ought not to let it go on the record that this office is an excrescence. We have in the whole range of the Army judicial questions arising in relation to military men, and their examination and trial, and there ought to be some general supervising power.

Mr. JENCKES. The committee have carefully considered this whole subject; yet I do not propose to call the previous question upon the bill this morning. If gentlemen wish to offer any amendments in regard to the administration of military law they will have time to do so. The opinion of the committee was clear that those questions should not be intermingled with the objects provided for in this bill. If the House thinks otherwise it can be easily done by an amendment. I will now yield the floor, trusting that the gentleman to whom the floor may be awarded will allow me to take the floor and move the previous question after he shall have concluded his remarks.

Mr. LAWRENCE. Mr. Speaker, for nearly two years and a half I have been urging upon

the attention of the House the necessity of passing a bill substantially in the form of the one now under consideration. I trust that after it shall have received the attention it deserves it will receive the sanction of the House and will speedily become a law.

The general purpose of the bill now before the House (H. R. No. 1328) will be readily understood from its provisions and from the explanations given of them. The necessity for its passage will be apparent from a consideration of the statutes providing law officers for the Government, and the evils which have grown and are likely to grow out of the present system. These laws are all, or nearly all, referred to in a speech which I had the privilege of making in this House on the 19th of February, 1868, and they are generally so well understood that I need not repeat any reference to them now.

They provide a law officer for the War Department, the Navy Department, the Post Office Department, the State Department, several for the Treasury Department, for the Court of Claims, and an Attorney General, who is a mere officer, not the head of a Department. There is no law department. These various officers have no common head or superior. Each gives his opinions, and they are the guide for officers, bureaus, or Departments. Not only these, but the Comptroller of the Treasury, and the Auditors and other officers, decide the gravest questions of law and frequently give opinions. This host of officers, giving opinions or deciding questions, are not controlled by any common head to secure uniformity, and the result is that no citizen, no lawyer, can ever learn what has been decided, what are the rules governing any Department, bureau, or, officer; or if these could be learned, so great is the confusion and conflict that we might as well attempt to read the whirlwind.

It may be proper to allude to an example or two.

On the 17th of January the Comptroller of the Treasury gave an opinion on section one hundred and nineteen of the internal revenue act of June 30, 1864, as amended by section thirteen of the act of March 2, 1867, and directed the Assistant Treasurer at New York to retain the income tax from salaries paid by him.

But a week prior to that time the Judge Advocate General of the Army had advised the Paymaster General that the income tax could not be deducted, and a circular was issued accordingly by the Paymaster General to the paymasters of the Army. These conflicting opinions may be found in the speech of my colleague [Mr. SCHENCK] made in this House on the 19th of January. The bill now under consideration proposes to remedy this by providing that—

> The officers of the law department, under the direction of the Attorney General, shall give all opinions requiring the skill of persons learned in the law necessary to enable the President and heads of the Executive Departments to discharge their respective duties, &c.

No opinion will be authority to a Department unless approved by the Attorney General. This will secure uniformity.

I will cite another case showing the necessity of this bill. On the 15th of August, 1865, the Comptroller of the Currency, a most able and faithful officer, in an elaborate and very learned opinion of twenty-six printed pages, advised the Secretary of the Treasury that a *bona fide* holder of "Texas indemnity bonds," issued under the act of September 9, 1850, but not indorsed by the Governor of Texas, as required by the act of the Legislature of that State of December 16, 1851, was entitled to payment. Since that opinion, one hundred and seventy-five of these bonds, not indorsed by the Governor, have been paid at the Treasury, some of them previously sold in England by rebel agents of Texas to aid the rebellion.

The Supreme Court has recently decided that no holder could claim payment unless the bonds were indorsed by the Governor, and by a Governor, too, not in rebellion. (Texas *vs.* White & Chiles, 25 Texas Rep., Supplement by Paschal.)

Mr. MAYNARD. The heads of Departments and of bureaus are charged with the execution of the law, and of course they must execute it as they understand it. If they have to interpret the law and execute it accordingly, how are we to prevent it? What remedy have we?

Mr. LAWRENCE. I have referred to a case in which an opinion was given to the Secretary of the Treasury by a subordinate officer of the Treasury Department. The Secretary of the Treasury seems to have called upon the Comptroller of the Treasury for a legal opinion, and here it is in a printed pamphlet of twenty-six pages. Now, we propose to say by this bill that it shall be the duty of the law officers of the Government to give all the opinions necessary to enable the President, heads of Departments, heads of bureaus, and all officers, to perform their respective duties. We will make the law, and if these officers do not obey it the fault will be theirs. If this bill passes no such opinion can again be given. And it will clearly be the duty of officers executing the laws to ask for opinions of the proper law officers in all cases admitting of doubt or construction.

Mr. MAYNARD. I suggest to the gentleman that the Secretary of the Treasury is the head of these several chiefs of bureaus, and yet each one is independent. It is the duty of the First Comptroller to pass upon certain cases, and so with the other comptrollers and the several auditors. The Secretary of the Treasury has personally about as little to do with the matter as the gentleman has or I have.

Mr. LAWRENCE. One great object of this bill is to provide a law officer whose opinion shall be asked upon all questions admitting of doubt, and whose opinions shall become the rule of action for the Departments and for the several heads of bureaus. That will be the effect of this bill. And if this bill had been the law when this opinion of the Comptroller of the Treasury was asked we would have had the opinion of the Attorney General instead of the opinion given, and it is not probable that the Attorney General would have given such an opinion as this.

Mr. COX. The opinion of the Attorney General was asked and given, and it confirmed the opinion of Comptroller Tayler, and many payments were made under it.

Mr. LAWRENCE. I have read the manuscript opinion of the Attorney General, (Mr. Stanbery,) and his opinion was not given upon the facts and questions presented either in the opinion of Comptroller Tayler or in the opinion of the Supreme Court of the United States. His attention was not called to the act of the Legislature of Texas upon which the decision of the Supreme Court turned. If the opinion of the Attorney General had been asked upon all those questions it is not probable that he would have given the same opinion as that upon which the Treasury Department acted.

Mr. COX. The gentleman must not understand me as objecting to the bill at all. I believe some such law is necessary. I approve of the bill, so far as I understand it.

Mr. LAWRENCE. The object of this bill is to carry out precisely the purpose which the gentleman indorses, and which I and others also indorse.

And now I proceed to show further the necessity of passing this bill. The Auditor of the Post Office Department, in charge of the prosecution of mail depredations—immense in number and importance as they are—and controlling them throughout the country, is merely a fourth-class clerk. He gives opinions and directions, and has compiled and published the Post Office laws without the aid of or the accuracy to be secured by the profounder attainments and riper skill of the Attorney General. The law officers of the Treasury Department and Internal Revenue Bureau decide questions involving millions annually wholly independent of the Attorney General, who may frequently give different and conflicting opinions. Examples might be multiplied without number, but these are sufficient for illustration. The fault is not in the officers who have been called upon to discharge these legal duties, but in the system itself. This bill is necessary, then, to secure uniformity in the legal advice given to the President, heads of departments, bureaus, and officers.

This bill is also a measure of economy. It will reduce expenditures for legal services to the Government and put an end to a system which might be perverted to purposes of favoritism.

Under various laws, and sometimes, perhaps, without any very definite law, a practice has grown up largely since 1860 of giving employment to counsel for the Government in almost every conceivable capacity and under a great variety of circumstances—to counsel who are not officers of the Government, nor amenable as such. Under appropriations for collecting the revenues, and other general purposes, very large fees have been paid for services which could have been performed by proper law officers at much less expense. As an example I may say, that in one year—1867—over one hundred thousand dollars were paid for fees and expenses for counsel employed by Departments and officers of Government, in addition to salaries paid district attorneys and other regular law officers of the Government.

I submit a statement, as follows:

Statement of allowances for legal services during the year 1867.

By the Treasury Department	$67,311 16
By the Attorney General's department in Supreme Court of the United States	6,050 00
By the special counsel to assist district attorneys	7,950 00
By the assistant district attorneys	6,092 96
Special counsel employed	6,500 00
By the State Department, (about)	5,500 00
Total for one year	$99,404 12

Besides this, the fees in the Surratt case were paid. (See House Executive Documents, Fortieth Congress, second session, Nos. 198, 221, 289, [298,] 338; also, Senate Executive Document, second session Forty-First Congress, No. 4.)

I have not deemed it necessary to compile the expenditures for other years, but they are such as to demonstrate the necessity for speedy retrenchment and reform.

In some instances the amount paid one single attorney for a series of years has largely exceeded the whole salary of the Attorney General. As an example of this I submit the following statement of fees and expenses paid:

Year.	*To whom.*	*Employed by—*	*Amount.*
1861...	W. M. Evarts...	Attorney General	$1,250 00
1863...	W. M. Evarts...	Attorney General	2,500 00
1864...	W. M. Evarts...	State Department	11,845 86
1864...	W. M. Evarts...	Treasury Department,	7,500 00
1865...	W. M. Evarts...	Treasury Department,	8,500 00
1867...	W. M. Evarts...	Treasury Department,	10,500 00
1867...	W. M. Evarts...	Attorney General	5,450 00
Total			$47,545 86

Of this sum for the years 1864, 1865, 1867, the amount paid was $43,795 86, or an average of $14,598 62 each year; and this does not include fees paid by the State Department in the case of the United States *vs.* John H. Surratt, tried in Washington in 1867 for the assassination of the President.

The contingent funds of the Departments are now sometimes used to employ counsel. And in all the forms and under whatever authority counsel are employed there is now no limit on the fees that may be paid, and none of the sanctions of official authority.

For some time there has been in the Treasury Department a most excellent lawyer in charge of what are called the "cotton-claims"

cases, and cases relating to captured and abandoned property in the rebel States. He is not an officer of the Government. No law fixes or limits his salary or fees. But he is there enjoying all the advantages of a law officer of the Government, with none of the official sanctions or responsibilities of an officer. He is employed under general appropriation laws. I do not allude to this to complain of him or of any officer of the Government, but to point out defects in our system of securing law services for the Government. No one more faithful, honest or competent could be found to perform the duties he is so faithfully rendering; but all legal services should be performed by regularly authorized law officers.

This bill proposes to prohibit the employment of counsel unless specifically authorized by law in terms, and not by vague generalities. It devolves all legal duties on the proper law officers of the Government, and will thus secure efficiency in legal services, economy in the expenditures therefor, and prevent the danger of favoritism and the lavish expenditure of money. I hope this long-delayed measure may pass and speedily become a law. For more than two years it has been before committees of Congress.

On the 12th December, 1867, this House adopted a resolution, which it was my privilege to offer, instructing the Judiciary Committee to consider the propriety of reporting a bill to consolidate all the law officers of the Government at Washington into one law department.

On the 19th February, 1868, I had the privilege of reporting on leave of the House a bill (H. R. No. 765) to establish a law department, which was referred to the Judiciary Committee, though an error in the print on the bill makes it read "to the Committee on Retrenchment."

On the 15th of May, 1868, I reported this bill back from the Judiciary Committee, with an amendment, in the nature of a substitute, substantially in the form of the original bill, and it was recommitted to the Judiciary Committee. This committee subsequently agreed to the bill, and I was directed to report it to the House and recommend its passage; but in the order of business it could not be reached in the House for want of time.

On the 3d of February, 1868, the gentleman from Rhode Island [Mr. JENCKES] introduced a bill (H. R. No. 610) "to establish a department of justice," which was referred to the Committee on Retrenchment, but no action was had in the House.

Soon after the commencement of the Forty-First Congress, on the 5th of April, 1869, I again introduced a bill (H. R. No. 379) "to establish a law department," substantially in the form I had previously reported it from the Judiciary Committee. This was referred to the Committee on Retrenchment.

On the 24th of February, 1870, the gentleman from Rhode Island introduced a bill (H. R. No. 1328) to establish a department of justice; which was referred to the same committee.

The bill now before the House contains substantially the provisions of all these bills, and in good part in the same words.

[Here the hammer fell.]

The SPEAKER. The morning hour has expired, and this bill will go over until to-morrow.

DEBATE IN COMMITTEE.

Mr. SCHENCK. Before I move to go into Committee of the Whole upon the special order I ask, as relating to that subject, the unanimous consent of the House for the adoption of the resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That when the House shall be again in Committee of the Whole on the state of the Union on the special order, the bill to amend existing laws relating to the duty on imports, and for other purposes, in case debate should arise on any one of the paragraphs relating to the duty on any form of iron, such debate shall not be allowed to extend beyond twenty minutes on such paragraph.

The SPEAKER. It requires unanimous consent.

Mr. ELDRIDGE. I object.

Mr. WOOD. Permit me to say that I have not participated at all in the discussion upon this bill, and therefore I do not speak on my own behalf. But I do think ample opportunity should be given to members of this House to discuss every one of the duties proposed in this bill.

The SPEAKER. It requires unanimous consent, as it proposes a suspension of the rules.

Mr. SCHENCK. I know that, and was in hopes no one would object. However, I shall be driven only the more frequently to move that the committee rise for the purpose of closing debate.

Mr. ELDRIDGE. There are other paragraphs as important as any we have considered, and they should be debated.

ORDER FOR A NIGHT SESSION.

Mr. SCHENCK. I move that the Committee of the Whole be directed to take a recess this afternoon from half past four to half past seven o'clock.

The question was taken; and upon a division, there were—ayes 53, noes 61; no quorum voting.

Tellers were ordered; and Mr. SCHENCK and Mr. ELDRIDGE were appointed.

Mr. INGERSOLL. I understand that the New Yorkers have a sociable to-night.

Mr. HOTCHKISS. Yes; and their last one.

Mr. INGERSOLL. Then I think we should not have a session to-night.

The House again divided; and the tellers reported that there were—ayes 64, noes 68.

Before the result of the vote was announced,

Mr. CONGER called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were twenty-seven in the affirmative.

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

The question was then taken; and it was decided in the affirmative—yeas 100, nays 66, not voting 61; as follows:

YEAS—Messrs. Allison, Ambler, Ames, Archer, Armstrong, Asper, Atwood, Beatty, Benjamin, Bennett, Bingham, Bird, Blair, Booker, George M. Brooks, James Brooks, Buckley, Buffinton, Burchard, Roderick R. Butler, Cake, Cessna, William T. Clark, Amasa Cobb, Coburn, Conger, Conner, Covode, Cowles, Cullom, Dawes, Farnsworth, Ferry, Finkelnburg, Fisher, Fitch, Fox, Getz, Gilfillan, Hay, Heflin, Hoar, Hooper, Kelley, Kellogg, Laflin, Lawrence, Logan, Loughridge, Maynard, McCarthy, McCormick, McCrary, McGrew, Mercur, Milnes, Eliakim H. Moore, William Moore, Samuel P. Morrill, Myers, Negley, O'Neill, Packard, Packer, Palmer, Peck, Phelps, Poland, Pomeroy, Roots, Sanford, Sargent, Schenck, Scofield, Shanks, Lionel A. Sheldon, John A. Smith, William Smyth, Stevens, Stevenson, Stoughton, Strickland, Strong, Taylor, Tillman, Townsend, Tyner, Upson, Van Auken, Van Wyck, Ward, Welker, Wheeler, Whitmore, Willard, Williams, Eugene M. Wilson, John T. Wilson, Winans, and Witcher—100.

NAYS—Messrs. Adams, Arnell, Ayer, Barry, Beaman, Beck, Biggs, Burdett, Calkin, Cleveland, Clinton L. Cobb, Cook, Cox, Dickinson, Dockery, Dox, Eldridge, Ferriss, Griswold, Haight, Hale, Hamill, Hamilton, Harris, Hawkins, Hill, Hotchkiss, Ingersoll, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Judd, Kelsey, Kerr, Knapp, Knott, Mayham, McKee, McKenzie, McNeely, Jesse H. Moore, Morphis, Niblack, Paine, Perce, Peters, Platt, Prosser, Rice, Rogers, Joseph S. Smith, William J. Smith, Stiles, Stokes, Stone, Swann, Sweeney, Taffe, Tanner, Voorhees, Cadwalader C. Washburn, Wilkinson, Winchester, Wood, and Woodward—66.

NOT VOTING—Messrs. Axtell, Bailey, Banks, Barnum, Benton, Boles, Bowen, Boyd, Buck, Burr, Benjamin F. Butler, Churchill, Sidney Clarke, Crebs, Davis, Degener, Dickey, Dixon, Donley, Duval, Dyer, Ela, Garfield, Gibson, Haldeman, Hambleton, Hawley, Hays, Heaton, Hoge, Holman, Julian, Ketcham, Lash, Lynch, Marshall, Morgan, Daniel J. Morrell, Morrissey, Mungen, Orth, Porter, Potter, Randall, Reeves, Ridgway, Sawyer, Schumaker, Porter Sheldon, Sherrod, Shober, Slocum, Worthington C. Smith, Starkweather, Strader, Trimble, Twichell, Van Horn, Van Trump, William B. Washburn, and Wells—61.

So the order for a recess was agreed to.

Mr. MORRILL, of Maine. I move that the New York delegation be excused from attendance at the session of to-night in consequence of their arrangements for a social gathering this evening.

Mr. FERRISS. I hope that motion will prevail.

Pending the motion,

J. H. ESTES.

Mr. SHELDON, of Louisiana, asked and obtained leave to have withdrawn from the files of the House the papers in the case of J. H. Estes.

D. D. T. FARNSWORTH.

Mr. McGREW asked and obtained leave to have withdrawn from the files of the House the petition and papers in the case of D. D. T. Farnsworth, for the payment of a claim for $1,000.

LEAVES OF ABSENCE.

Mr. HOGE was granted leave of absence for thirty days.

Mr. HILL was granted leave of absence for one day.

Mr. ROGERS was granted leave of absence for one day.

Mr. CALKIN was granted leave of absence for one day.

Mr. DIXON was granted leave of absence for one day.

Mr. HAWKINS was granted leave of absence for two weeks from to-morrow.

WALLIS PATTEE.

Mr. SCOFIELD asked and obtained unanimous consent for discharging the Committee on Naval Affairs from the further consideration of the claim of Wallis Pattee, and referring the same to the Committee of Claims.

CHARLES FIERER.

On motion of Mr. LOGAN, by unanimous consent, the Committee of Claims was discharged from the further consideration of papers in the case of Charles Fierer, and they were referred to the Committee on Revolutionary Claims.

LOCATION OF A NATIONAL BANK.

Mr. GARFIELD, of Ohio. I ask unanimous consent that Senate bill No. 746, providing for the change of the location of a national bank, be taken from the Speaker's table and put upon its passage. It is necessary it should be passed at once. There will be no debate on the question, or if there should be, I will not press the matter.

Mr. INGERSOLL. I object. I want the House to go to business on the Speaker's table and dispose of it regularly.

LEAVE OF ABSENCE.

Mr. PROSSER obtained leave of absence from the evening sessions of the House on account of sickness.

Mr. MORRILL, of Maine. I renew my motion that the New York delegation be excused from attendance during the session this evening.

The SPEAKER. Does the gentleman make the motion at the request of the New York delegation?

Mr. VAN WYCK. None of the New York delegation are asking this.

Mr. MORRILL, of Maine. I have made the motion by request of a New York member.

The SPEAKER. The Chair understands the gentleman from New York [Mr. VAN WYCK] has objected.

Mr. ELDRIDGE. I ask that the whole Pennsylvania delegation be excused from attendance while the tariff bill is under consideration. [Laughter.]

Mr. SCHENCK. I decline to yield for that motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had disagreed to the amendment of the House to the bill (S. No. 95) in relation to the Hot

Springs reservation in Arkansas, asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. RICE, Mr. EDMUNDS, and Mr. HAMILTON of Maryland, the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution (H. R. No. 52) for the relief of Albert B. Winslow, of Portland, Maine.

The message further announced that the Senate had passed House bills of the following titles, with amendments, in which the concurrence of the House was requested:

An act (H. R. No. 268) for the relief of Captain George E. Grisham, of Tennessee; and

An act (H. R. No. 1084) to incorporate the Washington Market Company.

The message further announced that the Senate had passed joint resolutions and bills of the following titles, in which the concurrence of the House was requested:

Joint resolution (S. R. No. 133) concerning the pay of customs officers in North Carolina;

Joint resolution (S. R. No. 157) conferring upon the Court of Claims jurisdiction to hear and determine the claim of William B. Campbell;

An act (S. No. 72) granting lands to the State of Wisconsin to aid in the construction of the Green Bay and Lake Pepin railway;

An act (S. No. 84) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the British steamer Labuan;

An act (S. No. 263) to establish certain post roads in the State of Alabama, and for other purposes;

An act (S. No. 455) to incorporate the Washington Butchers' Benevolent Association of the District of Columbia;

An act (S. No. 460) to incorporate the Washington Association for the Improvement of the Condition of the Poor of the District of Columbia;

An act (S. No. 509) for the relief of the inhabitants of Salt Lake City, in the Territory of Utah;

An act (S. No. 532) to authorize the appointment of shipping commissioners by the judges of the several district courts of the United States, to superintend the shipping and discharging of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen;

An act (S. No. 569) to provide for the disposition of useless military reservations;

An act (S. No. 583) to incorporate the United States Aid Association of Washington, District of Columbia;

An act (S. No. 584) to incorporate the Island Institute, of Washington, District of Columbia;

An act (S. No. 610) for the relief of the Stockbridge and Munsee tribe of Indians, in the State of Wisconsin;

An act (S. No. 665) for the relief of William H. Harman; and

An act (S. No. 674) for the relief of the heirs or legal representatives of George T. Wiggins, of Keokuk, in the State of Iowa.

TARIFF BILL.

Mr. SCHENCK. I now move that the House resolve itself into Committee of the Whole on the special order.

The motion was agreed to; there being—ayes eighty-eight, noes not counted.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The pending paragraph was read, as follows:

On all sizes of sheet or plate iron, not glazed or polished, and not thinner than No. 24 wire gauge, 1½ cents per pound; thinner than No. 24 wire gauge, not including taggers' iron, 1¾ cents per pound.

The CHAIRMAN. The pending question is on the motion of the gentleman from Iowa, [Mr. ALLISON,] to strike out the paragraph which just has been read.

Mr. SCHENCK. This paragraph preserves the rates of duty precisely as they are under the existing law, making only a slight change in the classification. But as the proposition will probably elicit a debate of the same character as that we had yesterday in regard to classification, the Committee of Ways and Means have instructed me to say that they have no objection to striking out the paragraph.

Mr. HAY. I move to strike out the pending paragraph, and in lieu thereof to insert the following:

On boiler or other plate iron not less than three sixteenths of an inch in thickness, 1¼ cents per pound.

Mr. Chairman, the bill increases the rate of duty from 1½ cents to 1¾ cents per pound. As the proposition is to strike out, and the committee agree that shall be done, I propose there shall be a proportionate reduction on the articles specified, as has been agreed to upon pig iron and upon other manufactured iron. My amendment is to reduce the duty in the present law one quarter of a cent, which will be a proportionate reduction as on other forms of manufactured iron.

The committee divided; and there were—ayes 37, noes 64; no quorum voting.

No further count being demanded, the amendment was disagreed to.

The Clerk read as follows:

On iron hoops, and on cotton ties made of hoop iron, cut to lengths, all sizes and descriptions, 2½ cents per pound.

Mr. BUCKLEY. I move to strike out "2½" and insert "1," so the duty will be 1 cent per pound. Mr. Chairman, this is an entirely new classification of this material. Cotton ties have been introduced heretofore under the class of manufactured iron, as enumerated in the paragraph preceding under the head of hoop iron. Now, from the 1st of September, 1868, to the 1st of September, 1869, there were introduced into this country 15,000 tons of cotton ties, used expressly in the southern States for the purpose of putting up cotton bales. The great advantage in getting these cotton ties as cheap as possible is in the fact that they are so much superior to rope in baling cotton. When exposed to fire the cotton bale bound with iron ties will not burn, but the fire will pass over it. The center of the cotton will not take fire. When bound up with rope, when the rope is burned the whole bale will burst open and the cotton will of course be entirely consumed. It is owing to this fact that the insurance on cotton in transit has been decreased. I ask, Mr. Chairman, in view of these facts, and in view of the reduction of duty on pig iron, that the reduction I propose in this paragraph may be agreed to.

Mr. STEVENS. What is the present duty on this article?

Mr. BUCKLEY. Thirty-five per cent. *ad valorem* even.

Mr. Chairman, I wish to say that when the Committee of Ways and Means introduced this bill I was, for one, very glad. The present tariff was made when the South had no representation upon this floor, and I thought when the committee introduced this bill that some of the industries of the South would be protected. But what do we find? We find in reference to everything produced in the South there has been an effort to bring it in at a lower rate of duty, while upon articles we do not produce the duty has been very largely increased. What has been the case with sugar, which needs protection if any production of this country needs it? The tariff has been reduced on sugar 33⅓ per cent. And when we come to the cotton interest we find that the same effort has been made to depress it. When we came to cotton bagging, in which cotton is put up, we found the tariff, the enormous duty of 8 cents put on that article. This is the tariff which was levied when the South was not represented in Congress, and when cotton was at such a price that we could pay almost any rate for bagging. When we come to rice produced at the South we find that the tariff has been reduced. We have no objection to lowering the tariff; but I do say that on the articles not produced in the South we should have a corresponding reduction. Therefore I have moved this amendment.

Mr. SCHENCK. Mr. Chairman, this present rate of duty proposed in the bill for this, which is in one sense a new article, the committee have long since concluded was too high, and came to the conclusion that about 2 cents would be a fair rate of duty. I was instructed to offer the amendment which I hold in my hand, to strike out "one half," which would reduce it from 2½ to 2 cents. I was applied to by a gentleman from the South representing a cotton State who desired to move the same amendment, and I promised to give him the opportunity to offer it. I did not intend to yield to the gentleman from Alabama [Mr. BUCKLEY] who has just spoken, but to another gentleman from the South; and it was under a misapprehension that he in this way got ahead of the committee. The other gentleman, also representing a cotton State, was willing to go for 2 cents. But I suppose he will now, like all the other gentlemen, go for the lowest rate of duty that may be proposed.

I wish to give a brief explanation in regard to these ties. They are a comparatively recent but admirable invention, and are used instead of cording for baling cotton; that is, iron is used instead of ropes. They are made of hoop iron. The hoop iron of which these are made pays, according to the classification, 1½ or 1¾ cents per pound. These cotton-ties, as a manufacture from hoop iron, were not known in commerce and were just being introduced into the country at the time of the passage of the last tariff. By taking hoop iron of a certain class and cutting it up into lengths, and preparing it with what is called the "arrow tie," a sort of buckle to draw it around a cotton bale, it ceases to be hoop iron. It was not described in the tariff, and it fell under the general rate of 35 per cent. on manufactured iron unenumerated. The consequence was that a thing which was really manufactured, but which had been lately introduced, came in at a less rate of duty than the kind of iron out of which it was manufactured.

Well, then, what the committee propose is, that as the class of hoop iron from which these ties are made, as gentlemen themselves describe it, is a valuable and good class, not made to the same extent in this country, as they say there is a demand for it, though there is some doubt as to that—this article shall come in not at 1¾ cents, at which hoop iron comes in, but that one quarter cent shall be added on it as manufactured iron. That is all that is proposed. The committee, therefore, have to decide between leaving these cotton-ties to come in at a lowe rrate of duty as an unenumerated article, a much lower rate of duty than the hoop iron from which they are made, or else, treating them as they are, as a new manufacture which has been introduced, charging upon them as a manufactured article. But all that is proposed is that one quarter cent shall be added to the rate of duty above what is laid on what may be called the raw material, the hoop iron itself. Therefore we have thought that while a rate of 2½ cents was too high, a rate of 2 cents, being one quarter cent more than the duty on hoop iron itself, should be the rate of duty on this article.

CALAMITY AT RICHMOND.

Mr. PLATT. I desire to make a most painful announcement to the House. The court of appeals of Virginia was this morning to have given their decision in the case brought to test the constitutionality of the enabling act recently passed by the Legislature. It was a case in which great interest was taken, and a

large concourse of citizens was attracted to the court-room. During the proceedings the floor of the court-room gave way, precipitating its occupants into the room below, where the Legislature was in session, and the result was, I deeply regret to say, that a large number of persons were killed or wounded.

Mr. McKENZIE. I do not suppose that the Legislature could be in session, as they do not meet till twelve, while this occurred at eleven. The number of killed would have been very much greater had the Legislature been in session.

Mr. PLATT. I send to the desk to be read a telegram I have received with reference to this most deplorable occurrence.

The Clerk read as follows:

[Received at Washington, 3 p. m.]

RICHMOND, VIRGINIA, *April* 27, 1870.

To Hon. J. H. PLATT:

Nearly forty killed. Among them Patrick Henry Aylett, Dr. James B. Brock, Enquirer; Samuel Eaton, clerk to Chahoon; Bland, senator; N. H. Howard, lawyer; W. A. Charters, chief fire department; E. M. Schofield, brother of general; Governor Wells fatally wounded, since reported dead. Number wounded very large. Among them Judge Meredith, L. H. Chandler, Lawyer Neeson, George Chahoon, and many other prominent citizens.

Mr. COX. I would suggest that, in view of this calamity, the committee rise. After receiving such tidings I hardly think the House is in a fit condition to go on with business.

Mr. SCHENCK. Though the announcement which has been made is exceedingly distressing, I think we had better go on with the public business. If we were near enough to be of any service the case would be different. But we are not in a position to be of any service whatever.

Mr. COX. In deference to the view of the chairman of the committee, and of my friends near me, I withdraw the suggestion which I ventured to make.

TARIFF BILL.

The committee then resumed the consideration of the tariff bill.

Mr. SCHENCK. I had a single remark to make when I gave way. I meant to conclude by saying that if this proposition to put it at 1 cent per pound, which is less than the duty on the hoop iron of which it is made, shall be voted down, I will then move to reduce it to 2 cents, which is only a quarter of a cent more than the duty on hoop iron. I am instructed by the Committee of Ways and Means to make that motion.

Mr. BUCK. I move to make it 1¼ cents per pound. The chairman of the Committee of Ways and Means says this is a new article of manufacture. That is very true, but the labor of manufacturing it is very small. It is not substantially different from the article of flat hoop bands in the second paragraph preceding this one. We have put the duty on that down to 1½ cents, and I see no reason why this should not come down to the same figure, being substantially the same article. It will be seen by the report of last year's importations that this article only costs 2 cents a pound in the foreign market. There were 15,657,761 pounds brought into the country at a cost of $315,522, being about 2 cents per pound. It cost in this country, with the present tariff of 35 per cent. *ad valorem*, 7 cents a pound, and when you raise the duty to 2 cents a pound you raise it from 35 to 100 per cent, and you will make the cost of the article in this country much more. I think from the facts already presented by my colleague [Mr. BUCKLEY] that a duty of 1½ cents per pound is sufficiently large to answer the purposes of protection as well as of revenue. I withdraw the amendment.

Mr. LOGAN. I renew the amendment, and I do it for the purpose of saying to the committee that if I understand aright there is none of this article manufactured in this country. It comes in antagonism with no manufacture in this country. But there is another interest besides that of cotton which is largely interested in this article. Gentlemen will remember that there is a large hay interest in the western country, and perhaps all over the country, and the people are getting to bale their hay as cotton is baled, with iron hoops. The whole hay interest, as well as the whole cotton interest, of the country is interested in this particular article, and I cannot see why there should be a desire to put the tariff upon it at so high a rate when it comes in competition with no manufacture in this country.

MESSAGE FROM THE SENATE.

The committee rose informally, and the Speaker having resumed the chair, a message from the Senate, by Mr. HAMLIN, one of its clerks, announced that the Senate had passed, without amendment, the bill (H. R. No. 1886) to relieve certain persons therein named from the legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States, and for other purposes.

TARIFF BILL.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. LOGAN. This article with this catch or buckle, or whatever it is, is manufactured nowhere in this country, but is imported for this particular purpose of baling cotton, baling hay, baling rags, baling sacks, and various articles of that kind. I cannot understand why the tariff should be raised to what I would consider an exorbitant rate on this particular article, which comes in competition with nothing manufactured in this country. My own view is that 1¼ cents per pound would be a sufficient duty, but I am willing to vote for 1½ cents; but I think the proposition of the chairman of the Committee of Ways and Means to put it at 2 cents is an exorbitant rate. This article now comes in at 35 per cent. *ad valorem*, costing, I believe, 7 cents per pound. It comes in under the present law as one of the articles not enumerated, and hence it comes in at 35 per cent. *ad valorem*. If it comes in under the classification of band and hoop iron it would come in at 1¼ cents per pound or 1½ cents or 1¾ cents per pound. The highest rate on band and hoop iron under the old law is 1¼ cents per pound. Gentlemen say it ought to bear a higher rate because it is manufactured. It is merely cut, and it may be fastened with this buckle or with a rivet. Much of it is fastened together with mere rivets. It is not such a manufactured article as should bear a high tariff. I hope the proposition of the gentleman will be agreed to, although I think myself it is one quarter of a cent higher than it ought to be.

Mr. MAYNARD. I think if the Committee of the Whole shall come to understand this matter properly they will find very little difficulty in disposing of it in the right manner. The gentleman from Illinois [Mr. LOGAN] says there are no cotton ties made in this country. The reason for that is very obvious. We manufacture the hoop iron out of which cotton ties are made, but the duty on hoop iron is higher than the duty on cotton ties, for a reason which I will state. When the present tariff on hoop iron was established there were no hoop-iron cotton ties in use in this country, at least not to any great extent. Cotton ties were an article not generally known, and were not mentioned in the tariff law. There is a general provision in the law that unenumerated manufactures of iron shall be subject to a duty of 35 per cent. *ad valorem*. The hoop iron of which cotton ties are made is taxed 1¼, 1½, and 1¾ cents per pound, according to thickness, which duty is higher than that on cotton ties under the head of "unenumerated manufactures of iron," and thus operates as a discrimination against the cotton-tie manufacture in this country.

Mr. LOGAN. Is there any difficulty at all in the way of our manufacturers making these cotton ties?

Mr. MAYNARD. None in the world, except that the duty is less on the cotton tie after its manufacture than upon the hoop iron before it is so manufactured. A discrimination is made against the manufacture of cotton ties in this country. The price of cotton ties along the sea-board is 8 cents per pound. But when they get into the interior, as my friend from the northwestern portion of Alabama [Mr. DOX] tells me, they are sold for 14 cents per pound.

Mr. BUCKLEY. In my own city of Montgomery they are sold for 7 cents per pound.

Mr. MAYNARD. Thirty-five per cent. of 7 cents is $2\frac{45}{100}$ cents. But they are undervalued upon the importer's invoices, as everything else is that is imported under an *ad valorem* duty.

Mr. PERCE. Is not the cotton tie further protected by a patent upon the tie itself?

Mr. MAYNARD. One kind of cotton ties is patented in this country. That shows still more the enormity of this whole thing. An American has a patent-right for making what is called the "arrow tie," patented in 1861. Instead of manufacturing it in this country he goes abroad and has it manufactured in England, and it is then brought into this country at a duty of 35 per cent. *ad valorem*, and at an undervaluation, thus operating against the American manufacturer, which in my judgment ought not to be done. We have thought there should be a duty of 1¼ cents per pound put upon the hoop iron of which these ties are made, and also that the manufactured ties made of this hoop iron ought at least to pay a little higher duty than that charged upon the raw material out of which they are manufactured. There is no injustice in this, because when these ties are put upon the bale they are sold as cotton. They are bought as iron at 7 cents per pound and sold as cotton at 25 cents per pound.

Mr. LOGAN. How is it with hay, which is cheaper than iron? No profit is made upon the hoop-iron ties used in baling hay.

Mr. MAYNARD. That is true. But the amount of hay baled with these iron ties I undertake to say is very inconsiderable. But every bale of cotton requires some seven ties, and each tie weighs from two to three pounds, for there is an interest in having the ties as heavy as possible; and as there are some two or three million bales of cotton put up every year, an immense amount of iron is required for ties, as gentlemen can very readily calculate.

The question was then taken upon the amendment to make the duty 1½ cents per pound; and upon a division there were—ayes 38, noes 68; no quorum voting.

Tellers were ordered; and Mr. LOGAN and Mr. SCOFIELD were appointed.

The committee again divided; and the tellers reported that there were—ayes 58, noes 60.

So the amendment was not agreed to.

Mr. ROGERS. I move to amend so as to make the duty 1¼ cents per pound. I do this for the purpose of making a few remarks upon the tariff generally, and upon this specific item of hoop iron or cotton ties in particular. It has been stated by the chairman of the Committee of Ways and Means that this iron tie is a new invention. I wish to say that within my own knowledge it was in use very extensively prior to the recent war, as far back as twelve years ago. It has been said also that this article is not manufactured in the United States. From this assertion I also dissent. It is manufactured here now and has been for years past. It is an article used very extensively not only in the southern States for the baling of cotton, but in the West for baling wool, and in our principal cities for the baling of rags, and various other purposes.

Mr. MAYNARD. Will the gentleman tell us where in this country these cotton ties are manufactured?

Mr. ROGERS. I cannot; but I will state upon my veracity as a gentleman of business that they are manufactured in this country, that they were used previous to the war, that

I have bought and sold cotton baled in them prior to the war and since the war. So much for the judgment of the Committee of Ways and Means upon this subject. Now, what is this article? It is simply hoop iron with a curl in it so that the ends of two pieces catch one into the other, and the iron is thus secured around the cotton. There are, I believe, some three or four patents in connection with these cotton ties. Some of them are fastened with a little button and screw, so as to secure the bale of cotton very compactly. Now, in view of the usefulness of this article, I submit to the House whether it is proper that it should be taxed 2½ cents or even 2 cents a pound simply because it is used for the purpose of packing cotton in the South. I do not mean to say that the committee propose to impose this additional tax because of the utility of the article in the South, but I believe they have been led into an error. The utility of this article is not confined to the people of the South, but extends to those of the West, and I may say to the whole country. This article, as I have remarked, is nothing more nor less than hoop iron. Why should three quarters of a cent additional be imposed upon it simply because it undergoes this manufacturing process which curls the ends so that the iron can be used more readily for the purposes intended?

Mr. ALLISON. I desire to know the thickness of this iron, because that will control my vote. Is it less than No. 20 wire gauge or above that?

Mr. ROGERS. It is about that.

Mr. ALLISON. Then the present duty is 1½ cents. If it is above No. 20 wire gauge, then the duty is 1¾ cents.

Mr. ROGERS. I never measured it; but it is quite a thin iron. Now, I ask why should this article be taxed 2 cents a pound when hoop iron is taxed only 1½ cents a pound?

Mr. SCHENCK. I desire to say a word, that the facts in connection with this matter may be fully understood, and then I have not much doubt what the vote will be. The gentleman from Arkansas [Mr. ROGERS] says that these cotton ties have, within his knowledge, been made for the last ten or twelve years. That is certainly extraordinary, inasmuch as I hold in my hand a communication from the importers in which they tell me that the patent first issued for the making of these ties was in 1857; but that the invention then made was soon cast aside, the present patent for fastenings being adopted in 1861.

Hoop iron was used for this purpose ten or twelve years ago, it being imported, and paying whatever was the ordinary duty; but at that time rivets were not used. The improvement by the application of rivets was, as I have remarked, made in 1857. The contrivance is a sort of buckle. But that not being found to work satisfactorily, another invention was introduced in 1861, which is now used. Now, what is the state of the facts? Hoop iron comes in at 1¼, 1½, and 1¾ cents.

Mr. ROGERS. As far back as 1858 a tie was used with a catch for holding the ends of the iron.

Mr. SCHENCK. Yes, sir; but it was made by those who used the hoop iron for baling; and on the importation of the iron the regular duty was paid. That is what I am talking about. After the invention of what is called the arrow tie they began to send abroad and to have the hoop iron cut up into lengths fit for use with this patented invention of arrow tie. When they came to be presented at the custom-house it was asked what is this; is it hoop iron? It is not described in the tariff; what is it, then? It falls under the general catch-all provision of 35 per cent. *ad valorem* upon all non-enumerated articles. Thus they got the manufactured article of hoop iron, cut into lengths fit for use, at the rate of 35 per cent. *ad valorem*. They are bringing it in at 1¾ cents per pound.

I say that it is 1¾ cents per pound. Why? Because that is the tariff on the thinnest kind. Gentlemen from Texas who deal in cotton, and all gentlemen who deal in cotton, know that they use the thinnest. Why? Because there is no tare on cotton bales, and the purchasers of cotton would complain if you were to use the thicker and clumsier iron.

Mr. CONNER. The gentleman says there is no tare on cotton. There is none in the American market.

Mr. SCHENCK. Yes, sir.

Mr. CONNER. Does not the gentleman know that there is a tare in the Liverpool market, which controls the cotton market of the world? In that market on which our trade depends there is a tare.

Mr. SCHENCK. That is an evasion of the question. This does not affect that foreign market at all. Now, since the gentleman proposes it, I challenge any dealer in cotton on this floor to deny this fact, that while he pays 7 cents per pound now for his cotton ties—that is the average, I think, as the gentleman from Alabama can say—he gets, as he sells without tare, when cotton is 25 cents per pound, 25 cents per pound for the iron he bought at 7 cents. He gets 18 cents profit.

Mr. CONNER. There is a tare in Liverpool.

Mr. SCHENCK. I appeal from the gentleman, who was an officer in the Army, and not a cotton-dealer, to the gentleman from Texas [Mr. CLARKE] and other gentlemen who are dealers in cotton. I say that there is no tare in the United States.

Mr. BUCKLEY. I beg the pardon of the gentleman from Ohio. He is wrong if he says that the price of cotton in Liverpool does not control the price of cotton in this country.

Mr. SCHENCK. I am talking about the planter and the man who buys and trades with the planter. The outcry is that this is against the freedmen and those who raise the cotton. I tell you, sir, that those who sell cotton in this country get the price of cotton per pound for every pound of this iron, and it would be to their interest that the thickest kind of iron should be used; but it is objected to because there is no tare here, and the consequence is that the thinnest is used; and the thinnest being used it comes in now at the duty of 1¾ cents per pound. What we propose is that, being cut into lengths to avoid the duty, it shall pay one quarter of a cent more.

Mr. SHERROD. There is a tare on cotton sold in Liverpool taken off. The price in the United States is controlled by the price in Liverpool. We approximate that price. Consequently, while we have no tare here, in so many words, yet there being tare in Liverpool, the effect is in reality to make a tare here.

Mr. SCHENCK. This is only taking up my time without altering the facts.

[Here the hammer fell.]

The question recurred on Mr. ROGERS's amendment.

Mr. ROGERS, by unanimous consent, withdrew his amendment.

Mr. CONNER. I renew the amendment. Mr. Chairman, I believe the disposition of the House is to reduce this rate of duty. As I understand, the present tariff on cotton ties is about 1½ cents per pound, or 35 per cent. *ad valorem*. The amendment of the gentleman from Arkansas, [Mr. ROGERS,] which I have renewed, should commend itself to the favorable consideration of the House, because it implies a reduction which corresponds with that already made by the House on other articles of trade.

It has been suggested by the gentleman from Illinois that there were none of these cotton ties made in this country. If so, why then wish to put any duty on them at all? As I understand, in levying a tariff for revenue the object is to make it fall as heavily as possible on luxuries that are consumed by the non-producing wealth of the country. But in this instance these ties, not being manufactured here, the duty upon them is a tax laid upon the industry, the labor, the toiling millions of the South, who produce your cotton, and upon the farmers in the West, who raise your hay.

But it has been suggested that these articles are produced in this country. If that be true, there cannot be more than three or four establishments engaged in their manufacture. Hence you see the contest is between the producers of 3,000,000 bales of cotton and three or four Pennsylvania manufacturers. In all such contests you will find me advocating the cause of my people and fighting the battles of labor when arrayed against capital. I have been very much astonished at the action taken by the gentleman from Tennessee, [Mr. MAYNARD.] Had I been a spectator in the gallery I would have taken him for a lawyer admitted to the floor of the House to plead the cause of the iron-men of Pennsylvania, rather than a member sent here to represent the interests of Tennessee.

The question of tare has been referred to by the chairman of the Committee of Ways and Means, and that gentleman seems to lay great stress upon the fact that in the markets of New York and of this country generally there is no tare upon cotton. He seems to forget that the cotton market of the world is controlled by Liverpool and Manchester. There there is a tare. And as the markets of our country depend upon the prices there, anything that affects the article in those markets affects it correspondingly here. For instance, a decline of one penny in Liverpool implies a corresponding decline in New York, and *vice versa*. Hence I am constrained to believe that this effort on the part of some gentlemen to convince this House and the country that we sell iron ties for 20, 25, or 30 cents per pound, while we purchase them for 6 or 7 cents, is a contemptible and unworthy subterfuge.

[Here the hammer fell.]

ENROLLED BILL SIGNED.

Here the committee rose informally; and the Speaker having taken the chair,

Mr. BEATTY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. No. 1866) to relieve certain persons therein named from the legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States, and for other purposes; when the Speaker signed the same.

TARIFF BILL.

The Committee of the Whole on the state of the Union resumed its session.

Mr. ROGERS. I rise to oppose the amendment.

The CHAIRMAN. It is the gentleman's own amendment. [Laughter.]

Mr. MAYNARD. Before the gentleman proceeds I would like to answer myself a question which I propounded to him on the subject of the manufacture of cotton ties in this country. I was aware that they had been manufactured, several years ago, both at Pittsburg and in Boston; but that the parties engaged in the business were obliged to suspend the manufacture for reasons which I mentioned. But I am informed by our friends from northern Alabama that they are now manufacturing these ties to some extent in every part of the State. I was not aware of this, but I consider it an additional reason why we should discriminate so as to protect them.

Mr. ROGERS. Mr. Chairman, I did not rise for the purpose of saying anything in opposition to the amendment, but for the purpose of calling the attention of the committee to one or two points in connection with this subject. I am not in favor of making a tariff which shall be for the benefit merely of this or that particular locality. I desire to have a tariff which shall be for the interest of our common country, and which shall keep all the interests of the country in view so far as it is possible to group them together in a bill of this

kind. Nor, sir, is it with a view of making a little capital at home that I get up here and make remarks on a question of this sort. It was stated a little while ago that these iron ties get the same price as the cotton at home; in other words, that when the cotton is sold at 20 or 30 cents per pound, the same price is got for the iron ties used in packing the cotton. That may be true; but suppose they could buy the ties at 6 cents instead of 8 cents, should they not have the difference between the two amounts? I say that they can be bought for 6 cents, any quantity of them. I have purchased them no longer ago than last fall at 6 cents per pound.

I opposed this item because this article was made to bear an unequal burden as compared with other articles of iron, and because the proposition was therefore unjust, more especially to the section of country which I represent. And not only so, but I say it is an injustice to the whole country to tax one section for the benefit of another section. The tariff ought to be constructed with a view to revenue, and it would at the same time give that protection which such a tariff must necessarily afford, without, however, being constructed in the interest of any particular class of men in any particular section of the country.

[Here the hammer fell.]

Mr. CONNER. I withdraw the amendment.

Mr. ARMSTRONG. I renew it. I do so for the purpose of calling the attention of the committee to a single fact. These hoops are made of the best iron and rolled very thin—7 feet to the pound. A ton of 2,240 pounds, at 7 feet to the pound, will produce 15,680 feet, or hoop enough for putting around 224 bales of cotton. Taking these hoops at 70 feet to the bale it would cost 70 cents to wrap one bale of cotton, and yet they sell it at the same rate as cotton, which is 28 cents a pound. It would cost them for a bale 70 cents for hoops, and they would get upon the sale $2 80 for the same hoops, selling them at the rate at which cotton sells, making 228 per cent. profit upon the hoops. I withdraw the amendment.

Mr. LOGAN. I move to make the duty 1¾ cents per pound. I have heard a great many gentlemen speak here in reference to cotton hoops and all that sort of thing, and I dare say they have all had more experience than I have, but what little I have had I hope it will not be offensive to the House for me to state. Shortly after the war closed I happened to have something to do with purchasing and selling cotton myself. I had something to do with raising cotton. I raised fifty bales of cotton close to where I live in Illinois, baled it, and shipped it to New York, and sold it. I was also interested in the purchase of cotton and in shipping and selling it in New York. And when gentlemen tell me that these iron bands for baling cotton and hay and rags and things of that kind are a manufactured article any more than being cut in two with a cold-chisel, I tell them they know nothing about it and I do know something about it. They are merely cut to certain lengths, and these buckles that are talked about here are manufactured in this country.

Mr. SCHENCK. I did not say otherwise.

Mr. LOGAN. You did not say otherwise, but the impression was left on the House that the buckle is connected with the manufacture of the hoops, and it is no such thing. The hoop is a separate thing.

The gentleman from Tennessee [Mr. MAYNARD] who is so very learned on the subject of iron bands, and hoops, and skirts, and wire, and twisted rope, and everything on earth, knows, if he knows anything about cotton—and he ought to, being a southern man—that this hoop iron which he talks of as a manufactured article can be manufactured in a blacksmith's shop as easily as anywhere with a cold-chisel and a hammer. I want the House to understand this matter, because I know what hoops are. You may think my explanation is not good because it does not come from the Committee of Ways and Means. But I have, perhaps, had as much experience in the hooping and baling of cotton as the gentleman from Tennessee, and I expect a good deal more.

Now, these are the facts in reference to this article, and I ask the House not to impose an exorbitant duty on this iron because it happens to be cut in certain lengths, so as to make the hay balers and the cotton balers and the rag balers pay a duty over and above that which other men pay on mere hoop iron; for that is all there is of it. The committee have voted down the proposition to make the duty 1½ cents per pound, which I renewed when the gentleman from Alabama [Mr. BUCK] withdrew it. I did it because I thought I knew something about this thing, although I am not a member of the Committee of Ways and Means. I move now to make it 1¾ cents per pound, making it equal to the duty on hoop iron.

When gentlemen talk about this being the thinnest iron hoop they do not know what they are talking about, because it is not. There is a thinner hoop iron than the iron used for baling cotton and hay and rags. There is the hoop iron used for hooping buckets and articles of that kind, which is a thinner class than the iron used for baling hay and cotton. Every gentleman who has had any experience in the matter knows this fact to be true.

If any gentlemen will read the old law they will see that on hoop iron of a certain thickness the duty is 1½ cents per pound, on the next thickness and a certain width 1½ cents, and then on the thinnest iron 1¾ cents. The thinnest iron has the highest duty on it under the old law. It is not the thinnest hoop iron. It is the iron that pays 1½ cents per pound under the old law; that is what it is. But inasmuch as the Committee of the Whole has voted down the proposition of 1½ cents per pound, I ask that it shall be placed at 1¾ cents per pound, which under the old law is the rate of duty imposed upon a more valuable kind of iron than that used in the manufacture of these cotton ties.

[Here the hammer fell.]

Mr. MAYNARD. Mr. Chairman, I do not arrogate to myself any superior amount of knowledge upon this or upon any other subject. I feel my want of it probably as painfully as any other gentleman in this House. But whatever views I entertain upon any subject I feel it my duty to express them, and I always endeavor to do so in language respectful and deferential to other members of the House. I am not aware that I have said anything that would justify the remarks that have just fallen from the gentleman from Illinois, [Mr. LOGAN.]

Mr. LOGAN. If I have said anything in the world offensive to the gentleman from Tennessee [Mr. MAYNARD] I am totally unconscious of it. I may have talked earnestly, but I certainly meant no offense. Because I said I did not get my information from the Committee of Ways and Means, that is not offensive, I hope.

Mr. MAYNARD. All I have to say is that I have heard of persons who were not always mad when they looked ugly. [Laughter.]

Mr. LOGAN. The gentleman is an illustration of that himself.

Mr. MAYNARD. To come back to the subject of this paragraph. It reads, "on iron hoops and on cotton ties made of hoop iron, cut to lengths, all sizes and descriptions." It will be seen that this includes not merely cotton ties, but all iron hoops cut to lengths. The reason why the committee thought that article should bear a heavier rate of duty is this: in cutting hoop iron into lengths there is an amount of waste material, beyond that of the iron as it comes from the rolling-mill. Ends are cut off, which are lost, and are valueless except for purposes of manufacture. Take for example ordinary hoop iron and cut it up into cotton ties, or into anything else that requires specific lengths, and the waste will be from 15 to 25 per cent., as I understand, according to the respective lengths. It is for that reason the Committee of Ways and Means thought that hoop iron cut into lengths, as well as cotton ties, ought to pay a higher rate of duty than hoop iron not cut into lengths. That is all there is in this matter. I think it is very easily understood, even by one having a very limited amount of information on the subject.

Mr. McCORMICK, of Missouri. Cannot the hoop iron be drawn out into distinct and specific lengths?

Mr. MAYNARD. It cannot, because when you come to pass your iron between the rollers it is not easy to fix the exact amount each time.

Mr. McCORMICK, of Missouri. I should think it might be drawn out into such lengths as to make a specific number of cotton ties, for instance.

Mr. MAYNARD. It is invariably made longer or shorter, as the case may be, owing to the different amounts of iron placed between the rollers, and owing to defects in the iron, &c.

[Here the hammer fell.]

Mr. GRISWOLD. I hope the amendment to the amendment will be withdrawn.

Mr. LOGAN. I will withdraw it if the gentleman will renew it.

Mr. GRISWOLD. I will renew it. I wish merely to call attention to the principal argument used here by the chairman of the Committee of Ways and Means [Mr. SCHENCK] in favor of a high duty on this article. That argument, as I understand it, is that the iron with which cotton is hooped is sold at the rate of 25 cents per pound, at the same price at which the cotton is sold. It seems to me that argument is not entitled to a great deal of weight. I suppose every man when he buys cotton pays for the cotton, and does not mean to buy iron. He pays what he thinks the cotton is worth. The iron does not enter into the estimate at all. He does not pay a farthing for the iron, but pays for the cotton, and the iron is taken off and thrown away as utterly worthless.

Mr. MAYNARD. It weighs, nevertheless.

Mr. GRISWOLD. Suppose it does; when the cotton is sold in England the tare deducted on each bale is eighteen pounds, and when it is sold in this country it is sold with reference to the tare deducted abroad. The purchaser here knows that each bale will be rated at just eighteen pounds less in England. That is always taken into calculation, so that the seller of the cotton really never gets a cent for the iron with which the bale is hooped. It seems to me it ought not to enter into the account at all. Yet the principal argument used here in favor of raising the duty is that the producer of cotton sells the iron with the cotton for 25 cents a pound. In point of fact he does not do anything of the kind.

Mr. SCHENCK. I think we are making a great ado about a matter which is not very large. All that the Committee of Ways and Means want is that hoop iron when cut into lengths abroad for use in this country, in order to evade the duty on hoop iron, shall not come in at a less rate than hoop iron. That is the whole story. I admit that this is not much of a manufacture. I never said that this tie which I have exhibited to the House was manufactured abroad. It is the invention, doubtless, of some ingenious Yankee. By means of it hoop iron when cut into pieces is fastened in very much the same manner as you would fasten a strap round a trunk, this tie serving in place of a buckle. As to the price at which the iron is sold with the cotton, all I meant to say was that the planter has not much ground for complaint when he buys the iron at 7 cents a pound and sells it at 25 cents a pound.

Mr. GRISWOLD. He does not sell it at all.

Mr. SCHENCK. Well, I think the gentleman is mistaken. I simply wish to read from a document which ought to have some weight, for it comes from the agent of the arrow tie, at Memphis, who imports two thirds of all the iron that is used for this purpose in the coun-

try, and who does not want any tariff beyond the 35 per cent.:

"The first attempt at fastening the ends of bands without the aid of rivets was invented, patented, and tried in 1857. And notwithstanding the palpable and apparent advantages of a metallic non-elastic binding for so inflammable an article as cotton, to say nothing of the increased security of iron over rope as a protection against expansion, fire, and waste, the capital invested in the manufacture of rope fought desperately against the introduction and use of iron, and successfully until 1861, when the palpable superiority and advantage of iron became so apparent that transporters and insurance companies discriminated in favor of iron, and the popular prejudice gave way.

"The consumption of iron bands and ties has steadily increased since 1861, and the present demand is only limited by the cotton crop, as iron takes precedence over rope wherever it can be had. The demand for 1869 was equal to 12,000 tons, and the prospective demand for the current year is equal to 15,000 tons.

"The attempts to manufacture stock in this country have been very perseveringly tried, with this constant difficulty, that to obtain the necessary strength the bands had to be made too heavy to escape threatened tare on cotton for the weight of both bagging and bands, while with proper iron, giving the necessary toughness and strength, with required lightness, no complaint exists or tare is exacted unless an excess of over six bands is used.

"The arrow tie we represent has hitherto been found the most available and practical device."

Here is a man engaged in importing, whose interests are in favor of the lowest possible duty, or no duty at all; and he says that they are obliged to use the thinnest iron which will answer the purpose, because if they use thick iron tare would be charged. Now, I do not care much if the amendment of the gentleman from Illinois [Mr. LOGAN] be adopted; but I think the duty upon this iron, when cut in lengths, ought to be at least as high as the duty on the hoop iron out of which the lengths are cut. I think, perhaps, it ought to be a little more, because, although there is not much of a manufacture involved, yet the iron is in fact cut and punched, and prepared ready for strapping round the bale.

The question being taken on Mr. LOGAN'S amendment to the amendment of Mr. BUCKLEY, it was agreed to.

The question then recurred on the amendment of Mr. BUCKLEY, as amended; which was read, as follows:

In line three hundred and fifty-four, strike out "2½ cents," and insert, "1¾ cents."

The amendment, as amended, was agreed to.

Mr. CONNER. I move to strike out the paragraph. The duty under the existing law, which is 35 per cent. *ad valorem*, is equivalent to about 1¾ cents per pound. I do not understand why this House should undertake to increase the present rate of duty. If we strike out this paragraph the duty will be left as fixed in the existing law and as it has stood for some time past. Why should we vote an additional bounty to these manufacturing monopolies? They should be satisfied to be left undisturbed. They have been prospering under the bounty which has been granted them by Congress. This legislation is sectional. It affects but two interests, the hay-raisers of the West and the cotton-producers of the South. An increase of the tariff will be a blow at one section of the country alone. The agricultural interests of the great West have an interest in this question; but the southern people, who produce cotton and who use the greater portion of these ties, will suffer more particularly. We have but recently passed through a most terrible civil war, and the hand of the maddened destroyer fell heavily upon our people. The interests of that section, as a consequence, have been for a long time languishing; but the people there are putting their shoulders to the wheel and endeavoring to resurrect themselves. The effort on the part of the chairman of the Committee of Ways and Means, and some other gentlemen on this floor, to oppress the industrial interests of that section is not in my judgment sound statesmanship or good policy. The blow is one which falls entirely upon the laboring interests. It will be felt by the negroes who work upon the plantation for one fourth the crop. These "wards of the nation" will suffer from this increased duty. I hope, therefore, that my patriotic friends who are the guardians of these wards will ponder well and hesitate long before deciding to increase this duty.

[Here the hammer fell.]

Mr. CONGER. Mr. Chairman, I rise to oppose the amendment. If it be the wish of the gentlemen from the cotton States to strike out this paragraph I for one have no objection. I have no objection to anything my friends from the cotton States may wish to reduce. The time will come when we can act in reference to duty on sugar. I will aid them and will be happy to join them in any reduction of the tariff.

Mr. ELDRIDGE. I rise to a question of order. The gentleman says that he has no objection to the amendment. If he has no objection to it, then I insist he has no right to the floor to oppose it.

The CHAIRMAN. The Chair rules the point of order to be well taken. [Laughter.]

Mr. CONGER. The gentleman from Wisconsin is mistaken in his assertion; but I forgive him as he is so frequently mistaken in his assertions. I said that I had no objections to strike out certain portions of the bill.

Mr. ELDRIDGE. I understood the gentleman to say that he had no objection to the proposition of the gentlemen from the cotton States.

Mr. CONGER. I do not mean to say but what the gentleman is occasionally right, and to his credit I say it; but the regret of his friends is that he is more frequently wrong. [Laughter.] I said in regard to striking out the paragraph that I am willing to go with the gentlemen who are in favor of reducing the duty. I am opposed to the amendment of the gentleman from Alabama, because it does not reduce the duty as much as the people of the North require. And as to the duty on sugar, I hope when we return to it we shall also be able to reduce the duty there.

I am opposed to the amendment of the gentleman from Texas [Mr. CONNER,] which leaves the rate of duty as it is under the present tariff which would be $2 45 per hundred. I wish to call the attention of gentlemen who desire reduction of duty to the fact that 35 per cent. *ad valorem* is equal to $2\frac{45}{100}$ cents per pound. I am in favor of reduction. If my friends from Texas and Alabama wish to make the duty higher, then I am opposed to their amendments, because I am in favor of lowering the rate of duty.

Mr. HOLMAN. I move to insert after the word "descriptions" the words "or twisted ties made of wire."

The hour of half past four o'clock p. m. having arrived, the Committee of the Whole on the state of the Union, pursuant to order of the House, took a recess until half past seven o'clock.

EVENING SESSION.

At half past seven o'clock p. m. the Committee of the Whole on the state of the Union resumed its session, (Mr. WHEELER in the chair,) and proceeded with the consideration of the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. The Clerk will report the pending paragraph.

The Clerk read as follows:

On iron hoops and on cotton ties made of hoop iron cut to lengths, all sizes and descriptions, 2½ cents per pound.

The CHAIRMAN. To this an amendment has been moved by the gentleman from Indiana, [Mr. HOLMAN,] which the Clerk will report.

The Clerk read as follows:

After the word "descriptions" insert "or twisted ties made of wire."

The CHAIRMAN. There is also a motion pending, made by the gentleman from Texas, [Mr. CONNER] to strike out the paragraph.

Mr. HOLMAN. I ask that the following statement may be read, as it explains the duty now imposed on this particular form of iron.

The Clerk read as follows:

"I take the liberty of directing your attention to the article of 'twisted ties' in the tariff bill lately reported by the Committee of Ways and Means. For the last two years these have been imported as iron hay bands, at a duty of 35 per cent., under the head of 'manufactures of iron not otherwise enumerated.' Farmers have been supplied with them at about the cost of wooden hoops, and wherever introduced they consequently have gone into general use. The proposed duty of 5 cents per pound is equal to 135 per cent. *ad valorem*, and amounts to a prohibition, to the manifest injury of the farmer, loss of revenue, and without benefit to any except to one or two wire-drawers of New England, through whose cunning manipulations wire hay bands are mystified into 'twisted ties.'

"Iron cotton ties are fixed by this bill at 2½ cents per pound. A like rate on hay bands would be 68 per cent. *ad valorem*. The southern planter pays for his iron tie about 6 cents per pound, which is returned to him fourfold in the sale of his cotton, on which no tare is allowed; but owing to the small value of hay the hay farmer gets back comparatively nothing."

Mr. HOLMAN. I trust that the real point here will not be misapprehended. There appears to have been some confusion in the debate on this paragraph in representing that the hoops used for baling cotton are also used for baling hay. This is not the case. The material used for baling hay, and extensively introduced in the West for that purpose, is what is called the "twisted tie," the duty to be imposed upon which is put in this bill at 5 cents per pound.

Mr. HOOPER, of Massachusetts. If the gentleman can show where there is any such charge as 5 cents per pound imposed upon this article I should like him to point out the paragraph which imposes that rate of duty.

Mr. HOLMAN. The article of which I am speaking I understand to be covered by this language in the three hundred and seventy-sixth line: "all iron, or steel-wire rope, or twisted ties made of wire not less than No. 16 wire gauge, 5 cents per pound." And it is this twisted tie or wire, as I understand the matter, which is made use of in baling hay. That is my understanding of the subject. If the gentleman from Massachusetts can give any other explanation I trust he will do so.

Mr. HOOPER, of Massachusetts. I think the gentleman is entirely mistaken in representing that the article he refers to is embraced in the description in the three hundred and seventy-sixth line as wire, not less than No. 16 wire gauge. The wire he refers to cannot be included under that heading.

Mr. HOLMAN. I think the gentleman from Massachusetts must be laboring under a misapprehension. I am satisfied that the article referred to in line three hundred and seventy-six is that which is used in baling hay.

Mr. GRISWOLD. I wish to say a word upon this subject. I understand that this twisted tie is what is used by the farmers in baling their hay. Formerly wooden hoops were used for baling hay; but now, and for some years back, you will see in the city of New York the hay baled about, not with wooden hoops, but with this wire. The duty hitherto upon this baling, or these wire bands, has been 35 per cent. *ad valorem*. And now the article is taken and put into this section at a duty of 5 cents per pound. I believe that no gentleman of the committee would have known what the "twisted ties" in the bill meant if they had not been told by some gentleman familiar with the subject. I am sure that no gentleman on this floor would have supposed that this language had reference to hay-bands. "Twisted ties" might mean anything with which you tied things up, whether made of rope, or wood, or iron. It looks very much as if it had been intended by some party interested in the manufacture of this article that this language should be surreptitiously introduced.

Mr. HOOPER, of Massachusetts. I rise to a question of order. I submit that the amend-

ment of the gentleman from Indiana [Mr. HOLMAN] does not properly come in as an amendment to the paragraph now pending, which refers entirely to iron hoops and cotton ties made of hoop iron. The article to which the gentleman refers is not made of hoop iron.

Mr. HOLMAN. Will the gentleman from Massachusetts inform the committee what class of iron is intended to be indicated by the description "twisted ties?"

Mr. HOOPER, of Massachusetts. If those words in the three hundred and seventy-sixth line include the article to which the gentleman from Indiana refers I think they should be stricken out.

Mr. GRISWOLD. I desire to make another remark. It may be that hay is sometimes banded with hoops, but the article of wire is an article that is in very common use with hay producers for binding up hay after it is pressed, and I think it must be intended to be covered by the words "twisted ties."

Mr. HOOPER, of Massachusetts. Then those words may be struck out in the other paragraph.

Mr. GRISWOLD. Of course wire used in banding hay could not come in under the heading of hoop iron.

Mr. HOOPER, of Massachusetts. And it is for that reason I think the amendment is out of order as moved to the pending paragraph.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. BROOKS, of New York. I understand that the gentleman from Massachusetts, [Mr. HOOPER,] on behalf of the Committee of Ways and Means, assents to the amendment to the extent that "twisted ties" for banding hay shall be put on the same footing as cotton ties.

The question was put on Mr. HOLMAN'S amendment; and there were on a division—ayes 87, noes 57; no quorum voting.

The CHAIRMAN, under the rule, appointed tellers; and appointed Mr. HOLMAN, and Mr. HOOPER of Massachusetts.

The committee again divided; and the tellers reported—ayes 88, noes 83.

So the amendment of Mr. HOLMAN was not agreed to.

The question recurred on Mr. CONNER'S motion, to strike out the paragraph.

The question was put; and the motion was not agreed to.

The Clerk read as follows:

On all iron rolled or hammered in shapes, and on iron known as angle iron, whether in forms of T, L, and H, or any other forms than round, square, or flat, not otherwise specified, 1¼ cents per pound.

Mr. SCHENCK. I move to amend that paragraph by striking out the word "specified" and inserting in lieu thereof the words "provided for, but not including iron rails for railroads."

Mr. McCORMICK, of Missouri. I would ask the chairman of the Committee of Ways and Means what quality of iron the letters T, L, and H apply to if not to railroad iron?

Mr. SCHENCK. It is used in the construction of buildings and bridges, as girders, and in various ways; but inasmuch as there is a doubt whether that might not raise the price of railroad iron, the committee thought it best to put in a provision that it shall not apply to railroad iron.

Mr. GARFIELD, of Ohio. I would say to the gentleman from Missouri that the tubular bridge at Montreal is made almost exclusively of this kind of iron.

Mr. SCHENCK. It is to prevent its raising the price of railroad iron and to confine it to these girders for bridges and things of that kind that the amendment is offered.

The amendment was agreed to.

Mr. BURCHARD. I move to amend the paragraph by striking out "1¼ cents per pound" and inserting "$20 per ton." The present duty is 1¼ cents per pound. Heretofore, where the duty was 1¼ cents per pound, as in the paragraph on page 15, commencing with "iron bars," the Committee of the Whole has fixed the duty at $22 40 per ton. To correspond with the amendments heretofore adopted the rate on this class of iron should be $22 40 per ton, or $20 a ton, as some members of the Committee of the Whole have proposed. I think that $20 a ton would be a fair duty proportioned to the duty imposed on the classes of iron we have passed. I therefore move the amendment.

Mr. TOWNSEND. I hope the amendment will not be adopted. This iron known as "angle iron" in forms of T, L, and H, is principally manufactured in Pennsylvania, and is used for the purpose of making bridges for railroads and for common roads. It is also used for girders and beams in fire-proof buildings, for the fronts of warehouses and establishments of that kind. The rate of duty proposed in this bill is the same rate of duty under which it has been for the last four or five years. It is a manufacture of iron that is comparatively new. It requires that it should be carefully protected by a judicious tariff. In conversation with men who are engaged in making it I have learned that there is very little profit on it at the rate at which it is sold now in the American market. Of so little profit is it to the manufacturers that the superintendent of one of the most extensive manufactories in Pennsylvania told me that during the last year the profits of the manufacture of their establishment did not exceed 6 per cent., and they only kept up the manufacture of it for the purpose of taking care of their workmen, providing them a living, and keeping them together. That manufactory has, I think, in its employment about 1,500 persons making this kind of manufacture. There are others in my district employing three or four times as many as that. I think there are 6,000 persons at least at work at it now in my district, and upon whom depend some four or five times as many persons for their living. Twenty-five thousand people in that single congressional district in Pennsylvania depend upon this manufacture. If this duty is changed from $28 a ton, that is, 1¼ cents per pound, down to $20 a ton, it will put it down so low that it will promote an inundation of this kind of iron from abroad, and will throw out of employment all that number of individuals of whom I have spoken.

Now, I do know as a matter of fact, from my own experience that this manufactory has not only given employment to that number of men, but that it has afforded a market to a large number of farmers within ten, fifteen, and twenty miles around it; and the price of land around that manufactory has, within a very short time, risen from something like $60 an acre to $120 an acre, for agricultural purposes. It is therefore a kind of manufacture that ought to be encouraged; and if we permit this duty as it stands to-day, and as it has stood during the infancy of this manufacture, to be stricken down, the result will inevitably be to close up these manufactories and turn out of employment something like six thousand people in the county of Chester alone, and probably one hundred thousand or more in the State of Pennsylvania.

[Here the hammer fell.]

The question was taken on Mr. BURCHARD'S amendment; and it was rejected—ayes twenty-four, noes not counted.

Mr. BURCHARD. I now move to make it $22 40 per ton. This iron is imported, whatever there is of it imported, as "unenumerated iron" at 1¼ cents per pound. Its average value is 2 cents per pound. The present duty is 66 per cent. The duty that I now propose would be 50 per cent. I want to know of the gentleman from Pennsylvania if a duty of 50 per cent. on iron is not sufficient? I find that very little of this unenumerated iron has been imported for the last two or three years; very few tons comparatively, and of very little value. And the duty I have proposed will correspond, as I have said, with the duty which the Committee of the Whole has already fixed, which was reported by the Committee of Ways and Means at 1¼ cents per pound; the Committee of the Whole reduced that to 1 cent per pound, or $22 40 per ton. It seems to me that there is no necessity for keeping up this rate of duty when we have reduced the duty upon the raw material, pig iron, and when the Committee of Ways and Means reported a duty upon pig iron $2 less than the present duty. If the duty on this iron shall be kept up the consumer will get no benefit whatever from the reduction upon pig iron, but it will be solely for the benefit of the manufacturers of iron.

Mr. CESSNA. We will put the duty back on pig iron.

Mr. BURCHARD. You cannot get it up to $9 per ton, and perhaps not up to $7 per ton. We do not propose that the manufacturers of iron shall get all the benefit of this reduction on the raw material, but want that the consumers of the country, who are interested in cheap transportation and in cheap railroads and in the cheap forms of iron consumed in this country, shall get the benefit of it, and not the manufacturers of iron.

Mr. TOWNSEND. As the gentleman from Illinois [Mr. BURCHARD] has appealed to me in regard to this matter, I wish to say that he is mistaken in reference to the price of this kind of iron. If I remember aright the price of this iron ranges from $75 to $85 per ton.

Mr. BURCHARD. In this country?

Mr. TOWNSEND. Yes, in this country. The amount of iron imported under the head of unenumerated articles, which includes this kind of iron, was over $5,000,000 during the last year, and a greater part of it, I believe, was of this kind of iron. In order to keep it out, so as to give us a fair share of the market, we want this duty kept precisely where it is to-day.

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. McCORMICK, of Missouri. I move to amend the amendment by striking out "40 cents," so as to make the duty $22 per ton. I do this for the purpose of calling attention to the difference in the duty upon this quality of iron, which enters into the structure of bridges, the duty upon which is $28 per ton, and the duty upon railroad iron which is now $14 per ton, according to the existing law.

Mr. MAYNARD. Does the gentleman want us to go abroad, to England, for instance, to get our bridge iron?

Mr. McCORMICK, of Missouri. Yes, if we can get it cheaper there.

Mr. KERR. Of course we do.

Mr. McCORMICK, of Missouri. There is this wonderful difference made in the duty on iron; the duty on iron necessary for the building of bridges, and which is just as essential to railroads as railroad iron itself, is put at $28 per ton in this bill; while under the existing law railroad iron is put at a duty of $14 per ton. I hope the amendment of the gentleman from Illinois [Mr. BURCHARD] will be adopted, I withdraw my amendment to the amendment.

The question recurred upon the amendment moved by Mr. BURCHARD, to make the duty $22 40 per ton; and upon a division there were—ayes 55, noes 71.

Before the result of the vote was announced, Mr. DOX called for tellers.

Tellers were ordered; and Mr. HOOPER, of Massachusetts, and Mr. BURCHARD were appointed.

The committee again divided; and the tellers reported that there were—ayes 58, noes 72.

So the amendment was not agreed to.

Mr. ASPER. I move to amend this paragraph by striking out "1¼ cents per pound" and inserting in lieu thereof the words "$24 per ton." The argument in support of this amendment, it seems to me, has been made very pointedly by the gentleman from Illinois, [Mr. BURCHARD.] I do not know that it is necessary for me to add another word in that

direction. It seems to me that having reduced the duty upon pig iron we should also reduce it upon all the other classifications of iron in the same proportion.

Mr. BLAIR. It would be better and wiser to put up the duty on pig iron.

Mr. ASPER. The gentleman from Michigan [Mr. BLAIR] says it would be wiser to put up again the duty upon pig iron. But the gentleman must remember that the committee of Ways and Means did report a reduction of $2 per ton on pig iron, and the Committee of the Whole made a further reduction of $2 per ton, or a total reduction of $4 per ton. The articles comprised within this paragraph enter largely into the building of bridges and into various other uses, and it seems to me this duty ought not to be kept up.

The gentleman from Pennsylvania [Mr. TOWNSEND] argues that if this duty is reduced, then this establishment and that establishment and the other establishment within his district will stop, and some two or three thousand of his constituents will be turned out of employment. Now, I do not believe it to be true that those men will be turned out of employment if a reduction be made in the amount of this duty. Is it possible that in order to keep those men at work, in order to continue those establishments in operation in manufacturing iron and sending it over the country, they must have a bounty paid to them by the consumers? For this high duty implies necessarily an increased price of the article. They call it "protection to the manufacturing interests," which implies an increase of price. Now, it seems to me that no such extreme protection is needed; that $24 a ton ought to be a sufficient protection to enable these gentlemen to carry on their business at a fair profit. The amendment which I offer will bring this paragraph into harmony with the reductions which have already been made in the bill, and which I believe will be hereafter sustained by the vote of the House.

Mr. SCHENCK. I rise to oppose the amendment, and ask for a vote.

The question being taken on the amendment of Mr. ASPER, there were—ayes 48, noes 79.

Mr. ELDRIDGE called for tellers.

Tellers were ordered; and Mr. ASPER and Mr. SCOFIELD were appointed.

The committee divided; and the tellers reported—ayes 54, noes 67.

So the amendment was not agreed to.

Mr. LOGAN. I move to amend the paragraph by striking out "1¼ cents per pound" and inserting in lieu thereof "$26 per ton." I offer this amendment in good faith. By the amendments already adopted the duty on "iron bars, rolled or hammered, comprising flat bars less than one and a half inches, or more than four inches wide, and less than one half of an inch and not less than three eighths of an inch thick, and on iron bars, rolled or hammered, more than two inches thick" has been fixed at $22 40 per ton. That was the vote of the Committee of the Whole yesterday. When we come to examine this angle iron which is spoken of by the gentleman from Pennsylvania, [Mr. TOWNSEND,] and which is used for the purpose of bridge-building, it will be found, I think, (I do not profess to be conversant with the different kinds of iron,) that though it is a superior quality of iron, yet so far as regards the labor involved the difference is not material. If the committee has acted in good faith heretofore in making the reduction on the other classes of iron, $2 a ton is certainly not too great a reduction on this. The duty named in the bill, 1¼ cents per pound, is equivalent to $28 per ton. My motion proposes a reduction of $2. In our previous tariff bills this kind of iron, strange to say, (and I call the attention of the committee to the fact,) has not been recognized as a distinct class, but has been included in iron "not otherwise provided for."

Mr. BURCHARD. "Rolled and hammered iron, not otherwise provided for."

Mr. LOGAN. Yes, and the rate has been 1¼ cents. Hence this class of iron has not been recognized as of that high quality which the remarks of the gentleman from Pennsylvania would imply. If it had been it would have been specified as other irons of high quality are, and a particular rate of duty imposed. But admitting that the gentleman from Pennsylvania is right, my proposition to make a reduction of $2 a ton is simply in accord with the reductions which have been made on other classes of manufactured iron. We have reduced the duties in about this ratio, sometimes a little more, sometimes a little less, on manufactured iron; while on pig iron a greater reduction, $4 on the ton, has been made. Hence, I say, if the committee are acting in good faith, if they are in earnest in reducing this tariff, then it is their duty to vote for this proposition. If they are not, but intend when they go into the House to restore the duties where the Committee of the Whole have reduced them, then they had better say so now. If they are honest and do not intend to cheat the country we ought to make a corresponding reduction on all these kinds of iron. I think this proposition is a fair one, and I hope the proposition will be adopted.

[Here the hammer fell.]

Mr. KELLEY. Mr. Chairman, the quality of iron now under discussion is required to be the best, the most tenacious, and the most perfectly wrought of any class of iron. It is for the purpose of girders for large buildings and store-houses. It is for the purpose of bridges over which heavy trains are to be borne rapidly. It should be as accurately tested as iron can be. It is rolled or hammered iron. There should be a responsibility attached to this iron which may be easily reached. It is most important it should be of home manufacture, and that the character of the firm or establishment that makes it should be responsible to the people if an accident happens by reason of the inferiority of the quality of iron or its imperfect manufacture. The proposition now under consideration proposes no advance in the rate of duty. It proposes to maintain it, and is only brought before the Committee of the Whole because it was suggested to the Committee of Ways and Means that under this description it might be alleged we had intended to embrace T and N rail, and therefore a clause was inserted excluding them from its operation and keeping them where they stand, at 70 cents a hundred pounds.

Now, there is no sense in running a muck at every branch of manufacture. There is no propriety in trying to derange the industries of the country on small questions such as are raised by the gentleman from Illinois, [Mr. LOGAN.] We are not engaged in a party contest; we are not engaged in any matter of political strife; we are legislating for the revenues of the country, and as far as we can, having due regard to the revenues of the country and the interests of consumers, for the industries of the country.

Mr. Chairman, this is comparatively a new branch of business. In the course of his remarks in the general debate my colleague on the committee from Iowa, [Mr. ALLISON,] or rather I believe it was in the course of my remarks, stated there were only three or four establishments making this iron. Their number is growing; they are using the best iron from the Marquette region, and the best iron from the Champlain region; and the establishments of this kind in the district of my colleague from West Chester [Mr. TOWNSEND] are giving employment to every railroad between the Marquette region and the heart of Pennsylvania, and every railroad from the Champlain region southward to the same district. They have established their character. They are, like other establishments competing with them, responsible. The bridges built all over the country, and the large store-houses built in Boston, New York, Chicago, and other large cities, are guaranteed by their character, which would not be the case if this heavy iron were imported under low rates of duty.

Mr. VAN TRUMP rose.

Mr. KELLEY. In the last minute of my five minutes I cannot yield, although I should be glad to yield to the gentleman from Ohio. The blow can only be at the laborers. One year ago 40 per cent. were added to the duty existing by law under the price of gold. One year ago gold was selling at 143, and it is now selling at 113. There has been a reduction of 30 per cent., which the manufacturers of this article feel. Gentlemen refer to the repeal of the internal revenue tax. We are collecting $170,000,000 of internal revenue tax. With this tax still existing you cannot make a reduction in the tariff at the cost of any other people than the laborers of the country.

[Here the hammer fell.]

The question recurred on Mr. LOGAN's amendment.

The committee divided; and there were—ayes 57, noes 70.

So the amendment was disagreed to.

Mr. WOODWARD stated that he was paired with Mr. FARNSWORTH.

Mr. SCHENCK. I think we have had enough talk about this angle iron. I ask unanimous consent that the debate on this paragraph may now cease.

Mr. HOLMAN. I hope we may be allowed five minutes more.

Mr. SCHENCK. Since I cannot have unanimous consent to close the debate I move that the committee rise, and I will move in the House that the debate shall close in half a minute.

The motion was agreed to.

The committee accordingly rose; and Mr. GARFIELD, of Ohio, having taken the chair as Speaker *pro tempore*, Mr. WHEELER reported that the Committee of the Whole on the state of the Union, according to the order of the House, had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

Mr. SCHENCK. I move that when the House shall again resolve itself into Committee of the Whole on the state of the Union for the consideration of the special order all debate on the pending paragraph be closed in half a minute after the consideration of the same shall have been resumed.

Mr. HOLMAN. I move to amend by limiting the time to fifteen minutes.

The question was put on Mr. HOLMAN's amendment; and there were, on a division—ayes 41, noes 75.

Mr. HOLMAN demanded tellers.

On ordering tellers there were—ayes eighteen.

So (one fifth of a quorum not having voted in the affirmative) tellers were not ordered.

Mr. HOLMAN. I call for the yeas and nays on my amendment.

On ordering the yeas and nays there were—ayes thirty-three.

So (more than one fifth of those present voting in the affirmative) the yeas and nays were ordered.

Mr. SCHENCK. I ask the gentleman from Indiana [Mr. HOLMAN] if he will be satisfied with ten minutes, and not insist on calling the roll.

Mr. ELDRIDGE. We will not be satisfied with the gentleman's proposition. The gentleman's compromise is offered too late.

The question recurred on Mr. HOLMAN'S amendment, on which the yeas and nays had been ordered.

The question was taken; and it was decided in the negative—yeas 48, nays 114, not voting 65; as follows:

YEAS—Messrs. Adams, Archer, Axtell, Beck, Biggs, Bird, James Brooks, Burchard, Clinton L. Cobb, Cook, Conner, Cox, Degener, Dockery, Dox, Eldridge, Finkelnburg, Fox, Getz, Griswold, Haight,

Hambleton, Hamill, Hay, Hays, Helman, Johnson, Judd, Lynch, Mayham, McCormick, McKee, McNeely, Niblack, Sherrod, Shober, Stevenson, Stiles, Swann, Sweeney, Twichell, Van Auken, Van Trump, Whitmore, Wilkinson, Eugene M. Wilson, Winans, and Winchester—48.

NAYS—Messrs. Allison, Ambler, Ames, Armstrong, Arnell, Asper, Atwood, Barry, Beaman, Beatty, Benjamin, Bennett, Benton, Blair, George M. Brooks, Buck, Buckley, Buffinton, Roderick R. Butler, Cake, Cessna, Churchill, William T. Clark, Cleveland, Amasa Cobb, Coburn, Conger, Covode, Cowles, Cullom, Dawes, Ferriss, Ferry, Fisher, Fitch, Garfield, Gilfillan, Hale, Hamilton, Harris, Hawkins, Hawley, Heflin, Hoar, Hooper, Hotchkiss, Ingersoll, Jenckes, Kelley, Kellogg, Kelsey, Ketcham, Knapp, Laflin, Lawrence, Maynard, McCarthy, McCrary, McGrew, McKenzie, Mercur, Milnes, Eliakim H. Moore, Jesse H. Moore, William Moore, Morgan, Samuel P. Morrill, Myers, Negley, O'Neill, Orth, Packard, Packer, Paine, Palmer, Peck, Perce, Peters, Phelps, Poland, Pomeroy, Roots, Sanford, Sargent, Sawyer, Schenck, Scofield, Shanks, Porter Sheldon, John A. Smith, Joseph S. Smith, William J. Smith, William Smyth, Stevens, Stokes, Stoughton, Strader, Strickland, Strong, Taffe, Tanner, Taylor, Tillman, Townsend, Tyner, Upson, Van Wyck, Ward, Welker, Wheeler, Willard, Williams, John T. Wilson, and Witcher—114.

NOT VOTING—Messrs. Ayer, Bailey, Banks, Barnum, Bingham, Boles, Booker, Bowen, Boyd, Burdett, Burr, Benjamin F. Butler, Calkin, Sidney Clarke, Crebs, Davis, Dickey, Dickinson, Dixon, Donley, Duval, Dyer, Ela, Farnsworth, Gibson, Haldeman, Heaton, Hill, Hoge, Alexander H. Jones, Thomas L. Jones, Julian, Kerr, Knott, Lash, Logan, Loughridge, Marshall, Morphis, Daniel J. Morrell, Morrissey, Mungen, Platt, Porter, Potter, Prosser, Randall, Reeves, Rice, Ridgway, Rogers, Schumaker, Lionel A. Sheldon, Slocum, Worthington C. Smith, Starkweather, Stone, Trimble, Van Horn, Voorhees, Cadwalader C. Washburn, William B. Washburn, Wells, Wood, and Woodward—65.

So the amendment was not agreed to.

During the call of the roll,

Mr. WOODWARD. I am paired with General FARNSWORTH. If I were at liberty to vote I would vote "no."

Mr. VOORHEES. I am paired with Mr. MORRELL, of Pennsylvania, who has been called home. If I had been at liberty to vote, I would have voted "ay."

Mr. McNEELY. I desire to state that my colleague, Mr. MARSHALL, is confined to his room by sickness.

Mr. DICKINSON. I beg to state that on all questions relating to the tariff I am paired with Mr. DONLEY, of Pennsylvania.

Mr. O'NEILL. I beg to state that my colleague, Mr. DICKEY, is paired on all votes relating to the tariff. I do not remember with whom he is paired.

Mr. BENJAMIN. I am requested by the gentleman from Kentucky, Mr. RICE, to state that he is paired with Mr. SHELDON, of Louisiana.

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

Mr. SCHENCK. I move the previous question on my motion.

The previous question was seconded and the main question ordered; and under the operation thereof the motion to close debate in half a minute was agreed to.

Mr. SCHENCK. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole upon the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. By order of the House all debate upon the pending paragraph will terminate in half a minute.

Mr. SCHENCK. I propose to occupy the half minute by asking the House to vote down first the amendment of the gentleman from Illinois, [Mr. LOGAN,] and after that the amendment to strike out the paragraph offered by that interesting young gentleman from Texas, [Mr. CONNER.] [Laughter.]

The CHAIRMAN. There is no motion pending to strike out the paragraph.

Mr. LOGAN. I do not know what the chairman of the Committee of Ways and Means intends by his remark. My amendment was voted on long ago and voted down.

The CHAIRMAN. The gentleman from Ohio [Mr. SCHENCK] is entirely mistaken. The amendment proposed by the gentleman from Illinois [Mr. LOGAN] has been rejected, and the gentleman from Texas [Mr. CONNER] has made no motion to strike out the paragraph.

Mr. SCHENCK. Then I was mistaken, and I take it all back.

Mr. HOLMAN. I offer the following amendment, to come in at the end of the paragraph:

Provided, however, That the duty imposed by this paragraph shall not exceed 50 per cent. *ad valorem*.

Mr. ELDRIDGE. I move to amend the amendment by striking out "50" and inserting "35."

The question was put on the amendment to the amendment, and there were—ayes 23, noes 80; no quorum voting.

Tellers were ordered; and Mr. ELDRIDGE, and Mr. HOOPER, of Massachusetts were appointed.

The committee divided; and the tellers reported—ayes 33, noes 86.

So the amendment to the amendment was rejected.

The question recurred on Mr. HOLMAN'S amendment; and being put, there were—ayes 34, noes 94.

So the amendment was rejected.

Mr. BENJAMIN. I offer the following, to come in as a new paragraph immediately after the pending paragraph:

On railroad iron made to pattern and fitted to be laid down, 60 cents per 100 pounds.

The CHAIRMAN. Debate is exhausted.

Mr. BENJAMIN. I offer that as an additional paragraph, and I desire to say a word.

The CHAIRMAN. The gentleman cannot debate it.

Mr. BENJAMIN. I am not attempting to debate it; but I rise to a question of order. I offer this as a separate paragraph, and not as an amendment to the paragraph on which debate has been closed.

The CHAIRMAN. It is not in order until this paragraph is disposed of.

Mr. BENJAMIN. I understand that the paragraph is disposed of.

The CHAIRMAN. Are there any further amendments to the pending paragraph? None being offered, the gentleman now offers his amendment as a separate paragraph.

Mr. SCHENCK. I rise to a question of order. Every such amendment proposed as an independent paragraph is held to attach to the paragraph preceding, unless it comes in at the close of the section in relation to dutiable articles.

The CHAIRMAN. The point of order is well taken.

Mr. BENJAMIN. But my amendment will be held not to be germane to that portion of the bill.

The CHAIRMAN. The Chair holds that this proposition will be in order after the next paragraph which relates to railroad iron shall have been reached. The Clerk will read the next paragraph.

The Clerk read as follows:

On railway splice bars, side bars, fish plates, and finger-bars, punched or unpunched, 1¼ cents per pound; on railway chairs, frogs, frog points, of iron, 2 cents per pound.

Mr. BENJAMIN. Now I propose an amendment.

Mr. SCHENCK. I have an amendment to move on behalf of the Committee of Ways and Means.

The CHAIRMAN. The amendment of the Committee of Ways and Means will be first entertained.

Mr. SCHENCK. I move to amend the pending paragraph by inserting the words "wrought iron" before the words "railway chairs, frogs, frog points;" and also by striking out the words "of iron" after the words "frog points."

The amendment was agreed to.

Mr. BENJAMIN. I move to amend the pending paragraph by adding to it the following:

On railroad iron made to pattern and fitted to be laid down, 60 cents per 100 pounds.

Mr. INGERSOLL. Is that amendment in order until the Committee of the Whole have perfected the paragraph in the bill? The amendment of the gentleman from Missouri [Mr. BENJAMIN] might not be analogous to this paragraph after it shall have been amended.

The CHAIRMAN. The Chair rules that the amendment is germane and in order. It does not preclude amendments to perfect the paragraph.

Mr. BENJAMIN. Railroad iron is not included——

Mr. HOOPER, of Massachusetts. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOOPER, of Massachusetts. My point of order is that what the gentleman has proposed is in the nature of an independent paragraph.

The CHAIRMAN. The amendment is offered as an addition to the pending paragraph.

Mr. BENJAMIN. As I was about to say, railroad iron is not included in any of the items of this bill. I suppose the intention of the Committee of Ways and Means in so reporting, was to permit railroad iron to remain at its present rate of duty of 70 cents per hundred pounds. In my judgment the duty ought rather to be reduced to 50 cents per hundred pounds. But I am willing that the duty should be made 60 cents per hundred pounds, the rate at which it was placed by the tariff of 1865. Now, there is no iron which is manufactured that the country feels the want of to a greater extent than railroad iron. Every farmer in the country, and especially in the western country, is interested in the building and extension of railroads. In many portions of the West the farms of the people are almost entirely worthless to their owners, because of the want of facilities to transport their products to market. Not only in the West, but in the South, and, indeed, in every portion of the country, the people are struggling to extend these railroad facilities, to penetrate the interior with roads, in order that their farms may be made valuable and their products taken to market. Not only each State, but each county, and nearly every town, is to-day putting forth every energy and exerting every nerve to build railroads for that purpose.

I find, by reference to a table which I have before me, that the present duty on railroad iron amounts to about 55 per cent. *ad valorem*, a very large percentage of duty upon an article of that character, which is so much needed in the country and the want of which is so much felt. By reference to the laws it will be found that from 1847 to 1857 inclusive the duty upon railroad iron was only 30 per cent., and in 1857 it was reduced to 24 per cent. Under that rate of duty the older States have laid down their rails and built their roads. They now propose to require us in the newer States to pay a duty of 55 per cent. upon all the railroad iron imported for our use.

Now, it seems to me that the rate of duty which I have proposed is not a very great reduction; still it is something, and will assist very materially the people of the new States in laying down rails for the benefit of the country the resources of which they are now trying so energetically to develop. I find further, by reference to this table, that in 1865, when we had a heavy internal revenue tax on this iron, the duty upon railroad iron was about the same as I propose by my amendment. There was no complaint then that I know of that the railroad iron makers were not making a fair profit; but they asked that the duty might be increased

because of the internal revenue tax. Now that internal revenue tax has been abolished, and we ask that the duty on railroad iron may be reduced to what it was before the internal revenue tax was levied. I trust my amendment will prevail.

[Here the hammer fell.]

Mr. KELLEY. Mr. Chairman, no advantage can come to the country or the railroad companies from such a reduction as is proposed by the gentleman from Missouri, [Mr. BENJAMIN.] By no possibility can benefit result from any action that would increase the importation of British rails. I hold in my hand a circular of the leading railroad house of Great Britain, dated February 28, 1870, being a statement of the export of rails from Great Britain, compiled from official returns and published by authority of the House of Commons. While, during the month of December, 1867, we imported but 7,880 tons, we imported during the corresponding month in 1868 22,681 tons. During the year ending December 31, 1867, we imported 165,036 tons, and in the year ending December 31, 1869, we imported 300,446 tons. We import nearly one half of all that England exports to the world. We import three tons for every one that the British dependencies import—India, British America, Australia, and all the other dependencies of Great Britain. Under the tariff existing on pig iron and railroad iron we have become great manufacturers; and if by such reductions as are proposed here we should close our furnaces and our rolling-mills the demand on England for iron is so great that the price will go up and not down. Proclaim the fact that we have closed our furnaces and forges, even by a long strike against a reduction of wages, and the price of railroad iron will go up instead of going down.

Mr. WELKER. The gentleman will allow me to suggest that Congress in its legislation with reference to the Pacific railroads required that the roads should be constructed of American railway iron.

Mr. KELLEY. Yes, sir; I am aware of that fact.

Mr. COX. Will the gentleman from Pennsylvania allow me to ask him how, if the price goes up, it will hurt Pennsylvania?

Mr. KELLEY. If the price goes up after the establishments of Pennsylvania are closed and her skilled workingmen have settled on homesteads upon our public lands to become farmers and compete with western agriculturists in raising grain it will hurt Pennsylvania, for it will be years before she can regain her skilled laborers and reorganize her great industries. What Pennsylvania wants is a steady market with moderate profits secured by the general prosperity of the country. What she wants is not grain with no market and farmers who are no longer consumers for her products, but the industries of the country so balanced that while the manufacturing districts shall furnish a market for grain and provisions the agricultural districts shall afford a market for the products of the forge, the furnace, and the mill.

Mr. ELDRIDGE. For whom is the gentleman speaking; for Pennsylvania iron-mongers or for the farmers of the West?

Mr. BENJAMIN. If the theory of the gentleman from Pennsylvania [Mr. KELLEY] is correct, I would like to know how it is that in 1860, under a duty of 24 per cent., the price of railroad iron was but a little more than one half what it is to-day?

Mr. KELLEY. In 1860 the tide of emigration was settling from the United States to England; [Several members. "Oh, no;"] and when in my own city 300 men were wanted to lay a street railroad, 5,000 skilled mechanics offered themselves at 60 cents a day.

Mr. ELDRIDGE. One hundred and fifty-three thousand six hundred and forty people came to this country from foreign countries during the year 1860.

Mr. KELLEY. No, sir; 91,000 came from abroad and more than that number left. Turn to the report of Mr. Commissioner Wells, and you will find that in two successive years, under the rate of duty which has been mentioned, the immigration into this country was reduced to between 91,000 and 92,000.

Mr. INGERSOLL. I move to amend the amendment by striking out "60" and inserting "50," so as to make the rate of duty 50 cents per 100 pounds. Mr. Chairman, I desire to ask this committee whether it intends to be consistent with itself? Was the committee jesting when it declared that the tariff on pig iron should be $5 per ton?

Mr. KELLEY. Yes; of course it was. That was a practical joke.

Mr. INGERSOLL. I imagine the gentleman has answered most truthfully. Pennsylvanians and those interested in the high price of iron have treated the subject and this committee since the vote reducing the duty on pig iron as though that vote was a jest.

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

The CHAIRMAN. The gentleman will state it.

Mr. STEVENSON. It was ruled last evening that it was out of order to discuss the State of Pennsylvania and pig iron. [Laughter.]

Mr. NEGLEY. That was only in reference to the gentleman from Ohio.

Mr. STEVENSON. The rule was applied to me, and I want it applied to others.

Mr. NEGLEY. It was because the gentleman knows nothing about the subject.

Mr. STEVENSON. I think I can tell the gentleman more than he knows.

Mr. INGERSOLL. Now, let us see what the committee has done and what they propose to do. I insist that a duty of 70 cents on the 100 pounds upon railroad iron is altogether out of proportion to $5 a ton duty on pig iron.

Mr. STEVENSON. I again insist upon my point of order, and demand the decision of the Chair.

The CHAIRMAN. The Chair thinks the gentleman from Illinois is in order.

Mr. INGERSOLL. I am obliged to the Chairman.

Mr. STEVENSON. I am glad to have the decision of the Chair that it is in order to discuss pig iron.

Mr. INGERSOLL. I call the gentleman to order; I have the floor.

Mr. STEVENSON. Is it in order to discuss pig iron?

The CHAIRMAN. The Chair has already decided. Does the gentleman take an appeal?

Mr. STEVENSON. I do not. If the Chair decides that it is in order to discuss pig iron I am satisfied.

Mr. INGERSOLL. I have stated that the duty of 70 cents on the 100 pounds on railroad iron is out of proportion to a duty of $5 a ton on pig iron. In 1864, and back to the year 1860, the duty was 60 cents, and previous to that year the duty was 24 per cent *ad valorem*. In the year 1864 the iron interest complained of the burden of the internal revenue tax. In that year Congress imposed a duty of $3 a ton on railroad iron, and in order to compensate the iron interest for that tax of $3 a ton they advanced the duty to 70 cents on the 100 pounds. Now be it remembered that in the interest of the iron manufacturers of this country that internal revenue tax has been entirely abrogated. That and other iron industries, directly or indirectly, have been relieved from this tax, and now when we propose to reduce the duty on railroad iron the gentleman from Pennsylvania informs us that the railroad iron manufacturers of Pennsylvania will have to close their establishments and consequently England will acquire a monopoly in furnishing railroad iron to this country. Pennsylvania is not sincere in that declaration. The gentleman does not believe the rolling-mills of Pennsylvania will stop.

Mr. KELLEY. I do.

Mr. INGERSOLL. He does not believe the rolling-mills of the country are going to close if you reduce the duty to 60 cents per 100 pounds.

Mr. KELLEY. I believe it, because it will necessitate a great reduction of the wages of labor.

Mr. INGERSOLL. The gentleman knows that the iron producers in this country do not pay the wages to labor they did in 1864 and 1865. You have reduced the price of commodities entering into the manufacture of iron; the price of beef and pork and corn and flour has been materially reduced since 1864.

Mr. KELLEY. There has been no reduction in the price of beef or pork.

Mr. INGERSOLL. I say there has been a reduction in the price of both beef and pork. Corn is no more to-day than one half what it was in 1865. I wish this House to tell the country that we are not trifling with them. We believe that the iron manufacturers will be protected in making pig iron at a duty of $5 a ton. We believe our manufacturers can make railroad iron and be protected with a duty of 50 cents the 100 pounds. And I want the country to know that we of the western States, where new railroads are being rapidly built, are to-day paying from $1,200 to $1,500 for the privilege of putting down American iron. At 70 cents per 100 pounds, and 100 tons being required for each mile of railroad, it will be seen that some $1,500 bounty is paid to the State of Pennsylvania on each mile of railroad built in the West.

[Here the hammer fell.]

Mr. ASPER. I think no question has yet come up in relation to this tariff as important as the one now pending. The entire producing interest of this country, all the industries of the West, are interested in bringing down the cost of transportation, and that cost of transportation depends upon the price of the iron rails over which the locomotive moves. The gentleman from Pennsylvania [Mr. KELLEY] says that if you reduce the duty to 60 cents the 100 pounds every rolling-mill in the United States manufacturing iron rails will stop. Now let us see in the light of that assertion what the figures are as to the manufacture of iron in this country.

Mr. SCHENCK. I rise to a point of order. The gentleman from Illinois [Mr. INGERSOLL] moves to amend the amendment and makes a speech. The gentleman from Missouri [Mr. ASPER] gets up to oppose it, and speaks on the same side as the gentleman from Illinois. There may be too much even of a good thing.

Mr. ELDRIDGE. Surely that is not possible on this tariff bill.

The CHAIRMAN. The gentleman from Missouri under the rule must speak against the amendment. The gentleman will proceed in order.

Mr. ASPER. I am speaking against the adoption of the amendment of the gentleman from Illinois and in favor of the amendment of my colleague, [Mr. BENJAMIN.] Mr. Chairman, I desire to call the attention of the committee to the amount of railroad iron manufactured in this country. I hold in my hands a letter dated the 16th of April instant, from Mr. McAllister, who is secretary of the American Iron and Steel Association. He says that in 1866 there were 430,766 tons of railroad iron rolled in this country, in 1867 there were 462,108 tons, in 1868 there were 516,000 tons, and in 1869 there were 580,000 tons, on which the duty of 70 cents will make an aggregate of $8,127,000 as the bonus which the railroad interest of the country takes from the producing interest of the West and of the South. That is the sum which the producing interest, wherever railroads are to be extended, is compelled to pay to these few men who are manufacturing this iron. Are we to be told with these facts before us, in view of the immense profits which the manufacturing estab-

lishments are making upon these rails; are we to be told that they are to be shut up if we reduce the duty by the pitiful amount of 10 cents on the 100 pounds? Why, sir, it seems to me that we should reduce the rate even below this in order to cheapen the rates of transportation to the producing interests, to the farmers, to the men who send their produce, their wheat, their grain to the East to feed these establishments, and in order that they may be the better able to send their surplus produce to the markets of Europe, where there is a demand for it.

[Here the hammer fell.]

The CHAIRMAN. Debate has been exhausted on the two pending amendments.

The question was put on Mr. INGERSOLL's amendment to the amendment of Mr. BENJAMIN, and there were, on a division—ayes 52, noes 60; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. INGERSOLL and Mr. KELLEY.

The committee again divided; and the tellers reported—ayes 51, noes 66.

So Mr. INGERSOLL's amendment was not agreed to.

Mr. SCHENCK. I think that everybody knows everything about railroad iron. I therefore ask unanimous consent that debate on this paragraph may now be closed.

Mr. KERR. I hope not.

Mr. WILSON, of Minnesota. I desire to offer an amendment.

Mr. SCHENCK. I appeal to the committee to stop debate. I ask unanimous consent that debate on the pending paragraph shall close in ten minutes.

Mr. COX. I object.

Mr. SCHENCK. Then I move that the committee rise, for the purpose of making that motion in the House.

Mr. WILSON, of Minnesota. I give the gentleman notice that if he insists on this he will lose instead of gaining time. This is the most important proposition in the whole bill.

The question was put on the motion that the committee rise; and there were, on a division—ayes 66, noes 37.

So the motion was agreed to.

The committee accordingly rose; and Mr. GARFIELD, of Ohio, having taken the chair as Speaker *pro tempore*, Mr. WHEELER reported that the Committee of the Whole on the state of the Union, according to the order of the House, had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

Mr. SCHENCK rose.

Mr. COX. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr SCHENCK] is recognized by the Chair.

Mr. SCHENCK. Before moving that the House resolve itself again into the Committee of the Whole, I move that all further debate on the pending paragraph and amendments be closed in ten minutes after its consideration shall be resumed. And on that motion I call the previous question.

The SPEAKER *pro tempore* put the question on seconding the demand for the previous question.

Mr. ELDRIDGE. I rise to a privileged motion.

Mr. COX. I rise to a point of order. I made a motion to adjourn.

The SPEAKER *pro tempore*. The Chair cannot recognize either the gentleman from Wisconsin or the gentleman from New York while a division is being taken on seconding the demand for the previous question.

Mr. ELDRIDGE. I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair cannot now entertain the appeal, while the House is dividing.

The question was on Mr. SCHENCK's motion that debate on the pending paragraph be closed in ten minutes after its consideration should be resumed in Committee of the Whole.

The House divided; and there were—ayes 58, noes 5.

The SPEAKER *pro tempore*. No quorum has voted, and the Chair will order tellers.

Mr. ELDRIDGE. I move that the House do now adjourn, and I demand the yeas and nays on that motion.

The SPEAKER *pro tempore*. While the House is dividing that motion is not in order. The Chair appoints Mr. SCOFIELD and Mr. INGERSOLL tellers.

Mr. ELDRIDGE. I rise to a point of order. The Chair had counted the House and found that no quorum voted, and thereupon I moved that the House adjourn, and I insist that that motion is in order.

The SPEAKER *pro tempore*. While the House is dividing the motion is not in order.

Mr. ELDRIDGE. The House was found without a quorum, and it was in order to move to adjourn. I made the motion after the division was over.

The SPEAKER *pro tempore*. The Chair is unable to tell whether we are without a quorum or not until there has been a count by tellers. The Chair has ordered tellers.

Mr. ELDRIDGE. I appeal from the decision of the Chair. I insist that the motion to adjourn is in order.

The SPEAKER *pro tempore*. The Chair has a duty to perform, and will not recognize the appeal until it is performed.

Mr. ELDRIDGE. It will be too late then to recognize the appeal. The time when the House has a right to decide it is when the question arises. I say that this is the most arbitrary proceeding that was ever heard of.

The SPEAKER *pro tempore*. The gentleman will take his seat.

Mr. ELDRIDGE. I insist that my appeal be entertained. The Chair is out of order.

The tellers having taken their places, the House divided on seconding the previous question, and the tellers reported—ayes 81, noes 18; no quorum voting.

The SPEAKER *pro tempore*. The House now finds itself without a quorum. The Chair has not recognized any motion to adjourn while the House was dividing.

Mr. ELDRIDGE. The Chair has not entertained an appeal when it was taken, either.

The SPEAKER *pro tempore*. There is no quorum present.

Mr. COX. I move that the House do now adjourn.

Mr. SCHENCK. On that motion I demand the yeas and nays.

Mr. ELDRIDGE. I move that when the House adjourns to-night it adjourn to meet on Friday next; and on that motion I demand the yeas and nays.

Mr. CESSNA. I move to lay that motion on the table. [Laughter.]

The SPEAKER *pro tempore*. That motion is not in order, but the motion of the gentleman from Wisconsin [Mr. ELDRIDGE] is in order.

On ordering the yeas and nays on Mr. ELDRIDGE's motion, there were—ayes 25, noes 102; not one fifth in favor thereof.

Mr. ELDRIDGE called for tellers.

Tellers were ordered; and Mr. ELDRIDGE and Mr. SCOFIELD were appointed.

The House divided; and the tellers reported thirty-two in the affirmative.

A further count not being insisted on, the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 5, nays 142, not voting 80; as follows:

YEAS—Messrs. Adams, Cox, Eldridge, McNeely, and Winchester—5.

NAYS—Messrs. Allison, Ambler, Ames, Archer, Armstrong, Arnell, Asper, Atwood, Barry, Beaman, Beatty, Beck, Benjamin, Bennett, Benton, Biggs, Bird, Blair, Booker, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Cake, Cessna, Churchill, William T. Clark, Amasa Cobb, Clinton L. Cobb, Coburn, Cook, Conger, Conner, Covode, Cowles, Dawes, Dickinson, Dockery, Dox, Ferriss, Ferry, Finkelnburg, Fisher, Fitch, Fox, Garfield, Getz, Gilfillan, Griswold, Haight, Hale, Hambleton, Hamill, Hamilton, Harris, Hawkins, Hawley, Hay, Hays, Heflin, Hoar, Holman, Hooper, Hotchkiss, Ingersoll, Jenckes, Johnson, Kelley, Kellogg, Kerr, Knapp, Laflin, Lawrence, Logan, Loughridge, Lynch, Maynard, McCormick, McCrary, McGrew, McKenzie, Mercur, Eliakim H. Moore, Jesse H. Moore, William Moore, Myers, Negley, Niblack, O'Neill, Orth, Packard, Packer, Paine, Palmer, Peck, Peters, Phelps, Poland, Pomeroy, Roots, Sanford, Sargent, Sawyer, Schenck, Scofield, Shanks, Sherrod, Shober, John A. Smith, Joseph S. Smith, William J. Smith, William Smyth, Starkweather, Stevens, Stevenson, Stiles, Stokes, Stoughton, Strader, Strong, Swann, Sweeney, Taffe, Tanner, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Van Trump, Ward, Welker, Wheeler, Whitmore, Willard, Williams, Eugene M. Wilson, John T. Wilson, Winans, and Witcher—142.

NOT VOTING — Messrs. Axtell, Ayer, Bailey, Banks, Barnum, Bingham, Boles, Bowen, Boyd, James Brooks, Burdett, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Sidney Clarke, Cleveland, Crebs, Cullom, Davis, Degener, Dickey, Dixon, Donley, Duval, Dyer, Ela, Farnsworth, Gibson, Haldeman, Heaton, Hill, Hoge, Alexander H. Jones, Thomas L. Jones, Judd, Julian, Kelsey, Ketcham, Knott, Lash, Marshall, Mayham, McCarthy, McKee, Milnes, Morgan, Morphis, Daniel J. Morrell, Samuel P. Morrill, Morrissey, Mungen, Perce, Platt, Porter, Potter, Prosser, Randall, Reeves, Rice, Ridgway, Rogers, Schumaker, Lionel A. Sheldon, Porter Sheldon, Slocum, Worthington C. Smith, Stone, Strickland, Trimble, Van Auken, Van Horn, Van Wyck, Voorhees, Cadwalader C. Washburn, William B. Washburn, Wells, Wilkinson, Wood, and Woodward—80.

So the motion of Mr. ELDRIDGE was not agreed to.

The question recurred upon the motion of Mr. COX, that the House adjourn; and being taken, upon a division there were—ayes 67, noes 60.

Before the result of the vote was announced,

Mr. LYNCH called for the yeas and nays on the motion to adjourn.

The question was taken upon ordering the yeas and nays; and there were twenty-three in the affirmative.

Before the result was announced,

Mr. LYNCH called for tellers on ordering the yeas and nays.

The question was taken on ordering tellers; and there were eighteen in the affirmative.

So (the affirmative not being one fifth of a quorum) tellers were not ordered.

The yeas and nays were not ordered, the affirmative not being one fifth of the previous vote.

The motion to adjourn was accordingly agreed to; and (at ten o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BROOKS, of Massachusetts: The petition of Margaret Coggin, widow of Philip Coggin, late a private in company A, eleventh regiment Massachusetts volunteers, for a pension.

Also, the petition of James McMorrow, late a private in company G, nineteenth regiment Massachusetts volunteers, for a pension.

By Mr. FINKELNBURG: A petition of grand and petit jurors of the western judicial district of Missouri, asking for increase of jury fees.

Also, a petition of the People's Savings Institution, of St. Louis, Missouri, asking payment of certain quartermaster vouchers.

By Mr. McKENZIE: Petitions of the trustees and faculty of Randolph Macon College, Mecklenburg county, Virginia, asking for an appropriation to repair damages done to the college by United States troops in 1865.

By Mr. PROSSER: The petition of John C. Burch, of Nashville, Tennessee, praying for the removal of his political and legal disabilities.

By Mr. ROGERS: The petition of Egbert B. Steele, of Lafayette county, Arkansas, for the removal of disabilities.

By Mr. TANNER: The petition of Henry Smalley, for compensation for setting buoys in the Hudson river.

WITHDRAWAL OF PAPERS.

The following notice of leave for the withdrawal of papers was given under the rules:

By Mr. O'NEILL: Papers, &c., in the case of Thomas H. Dickson, for reference to the Committee of Claims.

IN SENATE.

THURSDAY, *April* 28, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Secretary proceeded to read the Journal of yesterday.

Mr. CHANDLER. I move that the further reading of the Journal be dispensed with.

Mr. SUMNER. I object.

The VICE PRESIDENT. The Senator from Massachusetts objects. The reading will be resumed.

The Secretary resumed and concluded the reading of the Journal.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 228) to enlarge the jurisdiction of probate courts in Idaho Territory; and

A bill (H. R. No. 230) to require the holding of additional district and circuit courts of the United States in the district of Indiana, and for other purposes.

The joint resolution (H. R. No. 269) to amend the act of April 20, 1870, was read twice by its title, and referred to the Committee on Appropriations.

WASHINGTON SAVINGS BANK.

The VICE PRESIDENT laid before the Senate a letter of the treasurer of the Washington City Savings Bank, of Washington city, District of Columbia, communicating, in obedience to law, the annual statement of the bank; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS. I present the petition of Miss Jennie Stacy, of Vermont, the daughter of the late consul of the United States at Reval, in Russia, setting forth that her father died in the performance of his duties in Russia, and owing to the indigence of the family they have been unable, without assistance from the Government, to bring his body back to America, and praying that proper provision may be made for that purpose. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. SPENCER presented a petition of James Hopkins and others, ship-masters and shipowners of New Orleans and Mobile, in favor of an amendment to the act to establish and declare the railroad and bridges of the New Orleans, Mobile, and Chattanooga Railroad Company as hereafter constituted a post road, and for other purposes, approved March 2, 1868; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HAMLIN presented the petition of Olive Coombs, of Castine, county of Hancock, Maine, step-mother of Isaac G. Shepherd, late a soldier in the Army of the United States, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HARLAN presented a petition of citizens of Iowa, residents of Des Moines valley, praying that the grant of lands of July 12, 1862, shall not include any tract between the Racoon Fork and the northern boundary of the State on which any *bona fide* settler was settled before the passage of the act; which was referred to the Committee on Public Lands.

Mr. POMEROY. I am charged with a memorial, very numerously signed, representing that there are institutions of learning in the District of Columbia and in some of the States of the Union which have been endowed by acts of Congress and by State Legislatures in which there is an unjust discrimination against persons entering those seminaries on account of sex. The memorialists represent that such institutions should be opened equally to males and females alike, and that the distinction which has operated hitherto as a bar against the admission of females in those colleges should be removed. This memorial is very ably drawn, and is very numerously signed, and I ask its reference to the Committee on the District of Columbia, because, so far as it relates to this District, we have the right to legislate on that subject.

The VICE PRESIDENT. It will be so referred.

Mr. SUMNER. I present the petition of the national executive committee of the colored people of the United States, signed by their president, George T. Downing, and their secretary, F. G. Barbadoes, in which they ask that the word "white" be struck from the naturalization laws. In presenting this petition I take occasion to say that in the last Congress I introduced a bill to strike the word "white" out of our naturalization laws, which failed to pass; and again at the beginning of the present Congress I introduced another bill with that object, and it has slept a long sleep in the room of the Judiciary Committee. I hope that they will report on it very soon. Meanwhile, I ask the reference of this petition to that committee.

The VICE PRESIDENT. It will be so referred.

Mr. EDMUNDS. I desire to say a word in regard to the reference of that petition. The word "white" ought be struck out of all laws undoubtedly; but it covers in this matter a great many other questions than African ones; and the Judiciary Committee has been charged with bills revising the whole naturalization laws, which include that subject as well as others. Our friend from Massachusetts undoubtedly would have perfected a bill of that complication and difficulty long ago, and have reported one, as he always does, promptly from his committee, but we being somewhat more slow, are hard at work at it still, and we hope to report in a very short time.

Mr. SUMNER. I hope the Senator will not take as much time as he has about the pension for Mrs. Lincoln.

Mr. EDMUNDS. The trouble with that is that we are taking testimony on the subject of the pension for Mrs. Lincoln, and we have not yet been able to examine my friend from Massachusetts.

The petition was referred to the Committee on the Judiciary.

Mr. JOHNSTON presented the petitions of Edmund Pendleton, of Richmond, Virginia; of M. T. Fristor, of Warren county, Virginia; of David Jessee, D. W. Horton, and William Broadwater, of Scott county, Virginia; of Robert H. Henley, of Henrico county, Virginia; of E. H. Sanders, of Marion, Smyth county, Virginia; of C. C. J. Aston, of Jonesville, Virginia; of Arthur F. Clift, of Stafford county, Virginia; of Melville P. Shelton, of Nelson county, Virginia; of William H. Clopton, of Charles City, Virginia; of Licinius T. Logan, of Washington county, Virginia; of William P. Windrick and James Q. Windrick, of Richlands, Virginia; of James Fulcher, of Washington county, Virginia; of William Sellers, of Rockingham county, Virginia; of M. H. Buchanan, of Washington county, Virginia; of A. C. Maxwell, of Abingdon, Virginia; of George W. Alderson, of Washington county, Virginia; of William P. Milnor, of Washington county, Virginia; of James L. Campbell, of Washington county, Virginia; of Jacob H. Johnson, of Washington county, Virginia; of Walter Johnson, of Washington county, Virginia; of John H. Allen, of Lee county, Virginia; of Hamilton S. Neale, of Eastville, Northampton county, Virginia; of Thomas I. Boyd, of Newbern, Pulaski county, Virginia; of R. C. Heywood, of Gloucester county, Virginia; of Joshua Duncan, of Carroll county, Virginia; of William W. Braud, of Roanoke county, Virginia; of Joseph H. Holston, of Wytheville, Virginia; of W. B. Reed, of Richmond, Virginia; of Henry S. Hathaway, of Lancaster county, Virginia; of Isaac Webb, of Carroll county, Virginia; of Esau Worrell, of Carroll county, Virginia; of Andrew J. Litton, of Lee county, Virginia; of Riah Billups, Jonathan Smith, and William T. Moore, of Tazewell county, Virginia; of William E. Roberts, of Bradford, Smyth county, Virginia; of Addison Hall, of Lancaster county, Virginia; of S. R. Johnson, of Mecklenburg county, Virginia; of Baker P. Lee, jr., of Elizabeth City county, Virginia; of Daniel Lindamood, of Smyth county, Virginia; of Charles R. Forsee, of Powhatan county, Virginia; of Joseph J. Palmer, of Halifax county, Virginia; of Thomas W. Darst, of Pulaski county, Virginia; of James P. Carter, of Scott county, Virginia; of John Jett, of Scott county, Virginia; of Jesse A. Parker, of Isle of Wight county, Virginia; of E. S. Eley, of Isle of Wight county, Virginia; of William G. Russell, sen., of Winchester Virginia; of Roderick Bland, of King and Queen county, Virginia; of R. T. Gordon, of Orange Court-House, Virginia; of John A. Sanders, of Speedwell, Wythe county, Virginia; of W. W. Parsons, of Spring Grove, Surry county, Virginia; of E. C. Cundiff, of Bedford county, Virginia; of W. Wade Woodson, of Wythe county, Virginia; of T. I. Hughes, of Gloucester Court-House, Virginia; of Samuel A. Ferguson, of Nelson county, Virginia; of A. C. Williams, of Marion, Smyth county, Virginia; of Garland S. Bruce, of Lebanon, Russell county, Virginia; of James Gallemore, of Carroll county, Virginia; of William H. Hubbard, of Charles City county, Virginia; of J. E. Roe, of Washington county, Virginia; of John L. Johnson, of Wythe county, Virginia; of Andrew J. Rabey, of Nansemond county, Virginia; of James Hubbard, of Charles City county, Virginia; of Robert S. Bruce, of Halifax county, Virginia; of John J. Clarke, of Charles City county, Virginia; of Henry P. Barrow, of Charles City county, Virginia; of J. C. Killinger, of Marion, Smyth county, Virginia; of I. T. S. Young, of Dinwiddie, Virginia; of George Walker, of Charles City county, Virginia; of John L. Walker, of Charles City county, Virginia; of Samuel Waddill, of Charles City county, Virginia; of Robert J. Vaiden, of Charles City county, Virginia; of John H. Crawford, of Washington county, Virginia; of S. N. Willson, of Rockbridge county, Virginia; of W. B. Davidson, of Richmond, Virginia; of William F. Melone, of Greene county, Virginia; of R. L. Cooper, of Stafford county, Virginia, praying to be relieved from the legal and political disabilities imposed upon them by the fourteenth amendment to the Constitution of the United States; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. CHANDLER presented additional papers in relation to the claim of John Haley for a pension; which, with his petition and papers, already on the files of the Senate, were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. TRUMBULL, from the Committee on the Judiciary, to whom was referred the bill (S. No. 813) fixing the time for holding the

terms of the circuit court in the district of West Virginia, reported it with amendments.

Mr. EDMUNDS. I am instructed by the Committee on Pensions, to whom were referred certain papers relating to the claim of Dr. John Templeton for services as surgeon in the tenth Tennessee cavalry, and for losses sustained by him during the war, to report them back, and ask to be discharged from their further consideration. They do not relate to the subject of pensions at all. I imagine they should go to the Committee on Claims.

Mr. HOWE. Oh, no; do not send them back to the Committee on Claims. I think that that committee has once or twice acted on this case.

The VICE PRESIDENT. The Committee on Pensions will be discharged from the further consideration of the papers, and they will lie on the table.

Mr. EDMUNDS. Very good.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom was referred the bill (S. No. 829) in relation to fraudulent trademarks upon foreign watches, reported it without amendment.

Mr. MORRILL, of Vermont. I am also directed by the same committee, to whom was referred the bill (H. R. No. 891) for the relief of Charles E. Dole, to report it with an amendment, and as the amendment merely changes the title I ask to have the bill considered now.

Mr. EDMUNDS and Mr. FERRY. No; let it go on the Calendar.

Mr. MORRILL, of Vermont. Very well.

Mr. WILLIAMS, from the Committee on Finance, to whom was referred the bill (S. No. 823) for the relief of Macoudray & Co., Dupuy, Foulkes & Co., Thomas S. & F. S. Hathaway, Pioche, Bayergne & Co., Fox & O'Connor, P. Maury, jr., Dickson, De Wolf & Co., and Compton & Davidson, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. PATTERSON, from the Committee on Retrenchment, to whom was referred the bill (H. R. No. 902) limiting the appointment of certain officers in the Treasury Department, reported it without amendment.

Mr. WILLEY, from the Committee on Patents, to whom was referred the bill (S. No. 790) for the relief of John Tyler, reported it with an amendment.

Mr. WARNER, from the Committee on Finance, to whom was referred the joint resolution (H. R. No. 173) to enable the Secretary of the Treasury to collect wrecked and abandoned property, derelict claims, and dues belonging to the United States, reported it without amendment.

Mr. DRAKE, from the Committee on Naval Affairs, to whom was referred the petition of George Henry Preble, submitted a report accompanied by a bill (S. No. 850) for the relief of Captain George Henry Preble, of the Navy of the United States. The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. PATTERSON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 572) to amend an act incorporating the National Junction Railway Company, reported it without amendment.

Mr. HOWELL, from the Committee on Pensions, to whom was referred the petition of Sophia Holmes, widow of Malachi Holmes, praying to be allowed a pension, asked to be discharged from its further consideration, and that the petitioner have leave to withdraw her petition and papers; which was agreed to.

Mr. FERRY, from the Committee on Patents, to whom was referred the petition of Eben N. Horsford, praying an extension of letters-patent issued to him on the 10th day of October, 1854, for certain compounds for neutralizing chlorine, asked to be discharged from its further consideration; which was agreed to.

STENOGRAPHER FOR DISTRICT SUPREME COURT.

Mr. HAMLIN. I believe that I have been in my seat every day of the session of Congress from its commencement until now, and I believe I have been absent no consecutive hour of the session in any one day; and I now wish to ask a little reward of merit. A few days since a bill reported by the Committee on the District of Columbia came up for action, authorizing the supreme court of this District to appoint a stenographer. I think there was no objection to the bill save that certain Senators thought there ought to be a provision imposing certain fees from which to pay that stenographer, and the bill was recommitted. I think there was no other objection urged to it. I have prepared, and the committee have now authorized me to report back the bill with that amendment to pay the stenographer from fees imposed, to wit, two dollars upon each case; and as I desire to be absent to-morrow with my family I ask the Senate to consider the bill at this time.

Mr. CAMERON. I have no objection to the bill, but it seems to me wrong that we should encourage the breaking up of good habits. Everybody begins his bad habits at some particular time, after having been good. Now, I am afraid if we let the Senator from Maine go off after having so long continued here without ever absenting himself he may want to go away next week again. [Laughter.] I will make no objection.

By unanimous consent, the bill (S. No. 481) to provide for the appointment of a stenographer to the supreme court of the District of Columbia was considered as in Committee of the Whole.

The amendment was to strike out all of the bill after the enacting clause and to insert:

That the justices of the supreme court of the District of Columbia shall have authority to appoint a stenographer at a salary of $2,500 per annum, payable quarterly by the clerk of said court, out of the fund and in the manner hereinafter provided for, who shall be a sworn officer of the court, and whose duty it shall be to make reports as the court shall direct of the proceedings and evidence in the cases before said court.

SEC. 2. *And be it further enacted*, That in all actions or suits commenced or entered in said supreme court, by declaration, bill, or otherwise, the party or parties commencing or entering the same shall, in addition to the fee or fees already prescribed, pay to the clerk of said court, at or before the commencement of such action or entering of such suit, the sum of two dollars in each and every action or suit so commenced or entered; and that said sum of two dollars, in each and every case aforesaid, shall be applied by said clerk to the payment of the salary of said stenographer, as hereinbefore provided; and in case the fund thus created for the payment of the salary of said stenographer shall be inadequate for that purpose, the clerk of said court is hereby authorized and directed to charge and collect two dollars in each suit in which the United States shall be a party, in addition to the fees now allowed by law, which shall be paid to said stenographer; but he is not to receive more than $2,500. And the said fees authorized in this act shall be charged in the accounts of said clerk and allowed in the adjustment of said accounts in accordance with the provisions of an act entitled "An act to provide the modes of settling the accounts of the clerk of the supreme court of the District of Columbia," approved July 25, 1866.

The amendment was agreed to.

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

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

BILLS INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 851) granting a pension to Olive Coombs; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. CORBETT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 852) for the sale of certain lands in the States of California and Oregon and Washington Territory; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 853) to restore Benicia, in the State of California, as a port of entry; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 854) to incorporate the National Academy of Letters and Arts; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. ROBERTSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 855) to relieve all persons engaged in rebellion from the disability imposed by the fourteenth amendment to the Constitution, with certain exceptions; which was read twice by its title, referred to the select Committee on the Removal of Political Disabilities, and ordered to be printed.

Mr. AMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 856) granting lands to the Memphis and New Orleans Levee Railroad Company; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. FENTON. I have been requested by a gentleman well known to me to ask leave to introduce a bill of which no previous notice has been given. I have not examined it, and do not know that it has my approval; but I am assured that it asks no lands, no money, no bonds, and that it is well prepared to carry out the object which it declares. I ask that it may be referred to the Committee on Foreign Relations, and printed.

There being no objection, leave was given to introduce a bill (S. No. 857) to incorporate the Washington Transatlantic Telegraph Company, and to facilitate telegraphic communication between America and Europe; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. THAYER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 858) to make uniform the pensions of widows of staff officers of the Navy; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 859) revising the laws relative to the mints, assay offices, and coinage of the United States; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. SHERMAN. I present a letter from the Secretary of the Treasury to the Finance Committee, and also a report by John J. Knox in regard to the bill just introduced; and I move that they be printed with the bill.

The motion was agreed to.

Mr. SHERMAN. I also move that five hundred extra copies be printed for the use of the Department.

The motion was referred to the Committee on Printing.

Mr. POMEROY submitted an amendment intended to be proposed by him to the bill (S. No. 770) to incorporate the El Paso Railroad Company; which was ordered to be printed.

PERSONAL EXPLANATION—SUTRO TUNNEL.

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

The VICE PRESIDENT. The Senator from Nevada states that he rises to a question of privilege. He will state it.

Mr. STEWART. I find in the Globe of the 24th of March a speech of Mr. FERRISS, in the House of Representatives, in which, speaking of the bill to repeal a clause in the act granting certain rights to Sutro, he says:

"I shall, before closing my argument, refer to the

contract and show how unfounded is the position of those gentlemen who propose here to repeal the third section of this Sutro tunnel act. I say that Mr. Sutro has not violated any of the fundamental conditions of the contract. If he had done so, if time were of the essence of the contract, a sufficient answer upon that point has already been given upon this floor. It has been satisfactorily shown why he did not conform to the provisions of the contract which required him to procure subscriptions to the amount of $3,000,000 by the 1st of August, with $300,000 paid in to commence the work. The very men who procured the extension of that contract, long before the time had expired, exerted themselves to defeat its execution by Mr. Sutro. The telegram which has been read here, directed to Hon. WILLIAM M. STEWART and Hon. JAMES W. NYE, demonstrates the good faith with which these men act and their assurance, and charging that Mr. Sutro did not fulfill the contract in accordance with its terms and ought not to have the benefit of it.

"Now, I do not know but I would be justified in calling attention to the fact that some men who have the privileges of this floor are presenting themselves under most unbecoming circumstances, endeavoring to induce this body to undo what they induced it to do four years ago. I think I am not violating the proprieties of this House in calling attention to that fact. I do not suppose that any man on this floor is verdant enough to believe that the men who were instrumental in framing that act did not understand its provisions. The idea that this man Sutro, who is no lawyer, perpetrated a fraud, in the framing of the act, upon members of this House, lawyers of distinguished ability and legal acumen, is so absurd that it can, I think, meet with no favor in the opinion of this body."

Mr. POMEROY. I make the point that replying to a speech made in the House of Representatives is not a question of privilege in this body.

The VICE PRESIDENT. The Chair does not yet understand what the question of privilege raised by the Senator from Nevada is.

Mr. STEWART. The question of privilege is that a member of the House made remarks reflecting upon a member of the Senate—that he acted in bad faith in his course on this subject, and was guilty of unbecoming conduct.

The VICE PRESIDENT. The Chair will state to the Senator from Nevada that if he desires to discuss that question his remarks will be in the nature of a personal explanation. If he desires to introduce a resolution that the privileges of the Senate have been infringed, that is a question of privilege.

Mr. STEWART. I simply wish to discuss the question of that charge against me.

The VICE PRESIDENT. If it is discussion without some action it is not a question of privilege.

Mr. POMEROY. That is the point I wanted the Chair to decide, whether this was a question of privilege or not.

Mr. STEWART. I wish to state what the facts are in connection with that transaction.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent to make a personal explanation in regard to a statement made in the House of Representatives.

Mr. POMEROY. A personal explanation is one thing, and a question of privilege is another.

The VICE PRESIDENT. Is there objection to the Senator from Nevada making a personal explanation in regard to the statement just read by him from the Globe? The Chair hears none; and the Senator from Nevada will proceed.

Mr. STEWART. I think it is due that I should make a statement so that it may be understood what this great Sutro tunnel is, how it came into existence, what it is for, and all about it. I shall state it in a very few words. About the year 1864 there was a large amount of water near the surface in the Comstock lode, and there were various projects for draining this water and working the mines. It was thought when they got down deeper the water would not continue. Mr. Sutro proposed the tunnel project. He called on me and desired me to assist him in the project by giving him the use of my name to act as president of the company. Desiring to encourage him in anything he might undertake in that line, and thinking the tunnel would perhaps be useful—and I think if it had been prosecuted it would have been a useful work, though subsequent developments have shown that it was not as necessary as we then supposed it was—I consented to become the president of the company. After I was elected to the Senate Mr. Sutro desired legislation by Congress giving him the right of way and certain privileges in connection with the construction of the tunnel. I told Mr. Sutro that whatever the owners of the mines desired to be done I would try to carry out; that I wished to carry out the wishes of those who owned the property, and I advised him to consult them. He did so, and a contract was the result, in which he undertook to do certain things. The first article of that contract was in these words:

"ARTICLE 1. The parties of the first part, in consideration of the premises, and in consideration of the covenants and agreements hereinafter mentioned to be kept and performed by the party of the second part, covenant and agree to and with the party of the second part, that the parties of the first part will, on or before the 1st day of August, 1867, commence and with reasonable energy and vigor, and at their own expense, run, excavate, and complete the tunnel and lateral drifts hereinafter mentioned, and put the same in condition for use, in accordance with the provisions of the said act of the Legislature of the State of Nevada, and with the covenants in this agreement contained, for the purpose of draining the mines on the said Comstock lode, and furnishing other conveniences for working the same,"

Again, it was provided:

"ART. 3. The parties of the first part covenant and agree that the work shall be commenced at the time specified, by running the tunnel from the foot hills of Carson valley; and also by simultaneously sinking at least three shafts of sufficient capacity on the line of the tunnel; and when the shafts have reached the depths required for the level of the tunnel, then to drift in both directions from the bottom of each shaft so that there shall be at least seven places of excavation going on from the time that all of the shafts shall reach the requisite level, all the time until the tunnel is completed, unless connections between some of the shafts are sooner made; and the said work at all times shall be prosecuted continuously and without any interruption, except from unavoidable accident, until the completion of the tunnel and of the works which, under this agreement, are to be considered as draining the mine of the party of the second part; and in case of any such interruption occurring, the cause thereof shall be removed or remedied and the work resumed without delay." * * * * * * *

"And the parties of the first part covenant and agree that on or before the said 1st day of August, 1867, there shall have been subscribed in good faith, and by apparently responsible persons, at least the sum of $3,000,000 for the purpose of carrying on and completing the said tunnel and the lateral drifts hereinafter mentioned; that of said sum at least ten per cent. shall have been actually paid in cash; that during the first year in which the work shall be prosecuted, commencing on said 1st day of August, 1867, there shall be expended upon or on account of the work not less than the sum of $400,000, and during each succeeding year thereafter, until the work shall be completed so as to drain the mine of the party of the second part within the meaning of this agreement, not less than the sum of $200,000."

Article four provides:

"If the work shall not be commenced on or before the said day, and with said sum of $3,000,000 subscribed and ten per cent. thereof actually paid in cash, as hereinbefore provided, or if, after so commencing, the parties of the first part shall during any year fail to expend on account of the work the sum of money hereinbefore agreed to be expended during such year, this agreement shall, at the option of the party of the second part, cease and determine, and thereafter be of no effect."

After this agreement was made Mr. Sutro came to Washington and desired to have an act passed giving him the right of way, a place for his dumping pile, &c., so that he might induce capitalists to invest in his enterprise. I followed it out, and did as I had told him I would. I had told him I would assist him to the extent of my ability in accordance with the wishes of the miners. On the 25th of July, 1866, an act was passed at my instance granting him the right of way and certain privileges. In the third section of that act there is a provision which has been very unfairly construed by Mr. Sutro. In drafting the bill, the patents not having been at that time issued for the mine, the question arose whether or not the successors of these companies would be bound by the contracts they had made. It was important, if he was to raise money, that he should have the sanction of Congress in some way and such legislation as would bind the successors of these mining companies, after they should get a patent from the United States; in other words, to make the contracts of these mining companies covenants running with the land. I was acting with the intention of carrying out the wishes of the mining companies who owned the property. Mr. Sutro did not own any of the property. Vast amounts of money had been expended on the property. It was one of the most productive properties in the United States. It has been producing for the last ten years from ten to eighteen million dollars a year. Much of it was worked at great loss, it is true; many have lost fortunes, but some have made a great deal of money. It has been the most productive mine discovered in the United States. It had then been worked for many years. At the time these contracts were entered into the stock in these mining companies was held all over the United States, distributed everywhere. It was held in Boston and New York and elsewhere. The various mining companies on the Comstock lode had their stock on the market everywhere, and I was very careful to have the contract procured in the first instance, and I intended to carry out the views of these parties. The third section of the act reads as follows:

"SEC. 3. *And be it further enacted*, That all persons, companies, or corporations owning claims or mines on said Comstock lode, or any other lode, drained, benefited, or developed by said tunnel, shall hold their claims subject to the condition (which shall be expressed in any grant they may hereafter obtain from the United States) that they shall contribute and pay to the owners of said tunnel the same rate of charges for drainage, or other benefits derived from said tunnel or its branches, as have been or may hereafter be named in agreements between such owners and the companies representing a majority of the estimated value of said Comstock lode at the time of the passage of this act."

It bound the successors to pay the rate named in the agreement; but there was no intention to exonerate Mr. Sutro from his part of the obligation to construct the tunnel within the time prescribed. Such an act as that would have been an act of bad faith on my part. I had no right to extend their contracts, and I did not undertake to do it. No such construction was put upon this act until quite recently. The construction that he could hold this forever, and build the tunnel when he pleased, and have the two dollars' royalty named in the contract for each ton has been sprung recently for speculative purposes, as I shall hereafter show.

The dispatch that Mr. FERRISS refers to was also read in the House, and I call attention to the date. The date is very important. It will be seen by the contracts that he was to commence on the 1st of August, 1867. He did not commence then. He did nothing. Instead of boring the hills he commenced to bore Congress for a subsidy of money to run a tunnel which everybody knew was absurd. I could not ask for that. I should have been laughed out of the Senate if I had. He asked from Congress five millions of money to run it. Instead of going to private capitalists he came to Congress to ask them for money. Things passed on; 1867 came, no tunnel was commenced, and by the winter of 1868 these companies had sunk down below the five-hundred foot level and below where the water was. They found it practicable to work without a tunnel, and they went to work spending large sums of money, getting additional engines and stronger ones, and started a project of building a railroad. It was found that large amounts of the ore are near the surface, and the project of a railroad was started. Mr. Sutro was in Washington boring Congress for an appropriation of $5,000,000 to enable him to build this tunnel and get this royalty out of the owners of the Comstock lode without putting any of his own money in. In January, 1868, after

the time had expired, this dispatch came to the Senators from Nevada:

VIRGINIA, NEVADA, *January* 15, 1868.

Received at Willard's Hotel, Washington, D. C., January 16, 1868.

To Hon. WILLIAM M. STEWART and JAMES W. NYE:

We are opposed to the Sutro tunnel project, and desire it defeated if possible.

WILLIAM SHARON,
CHARLES BONNER,
Superintendent Savage Company.
R. F. SHERWOOD,
President Central Company.
JOHN B. WINTERS
President Yellow Jacket Company.
JOHN P. JONES,
Superintendent Kentuck Company.
J. W. MACKEY,
Superintendent Bullion Company.
THOMAS G. TAYLOR,
President Alpha and Superintendent Crown Point and Best and Belcher Companies.
F. A. TRITLE,
President Belcher Company.
ISAAC L. REQUA,
Superintendent Challer-Potosi Company.

This dispatch came on after he had failed to comply with the law, and of course the representatives of that State here could not continue to aid Mr. Sutro in the way he desired. I introduced a bill in the Senate to rectify that third section so as to make it comply with the contracts, and let Mr. Sutro stand on his contracts.

I may be asked why it is important for me to make these statements and what the object is. Sutro's tunnel is a proposition to run four miles in hard rock. It will take a large number of years. You will see in the contracts they have made provision that there shall be at least seven places they should work on. They were to sink three shafts and run from those and from the face, and should commence in 1867. All this has been neglected. Now after they have expended their money, after they have built their twenty-three miles of railroad, after the parties who own the mines have made every improvement and are doing something for the country, Mr. Sutro contends that if he ever gets the tunnel built he can have his two dollars a ton royalty. The working on the Comstock lode has got so that ore is got from the top rock, which is not benefited by the tunnel, and it would not be profitable to work it and pay the royalty, so that he would have the whole thing in his control.

It must necessarily take a very long time to run this tunnel, working only from one end. Consequently he has made a stock-jobbing operation of it. I make these statements so that nobody shall be fooled by my once having been president of this company. Everybody must see that it is going to take a great many years to run four miles of tunnel, working from one end only. He commenced last fall, and you see a dispatch almost every day in the papers that there are so many feet run. He has just sixty feet of the tunnel proper, and then he has a dirt drift without timber running some hundreds of feet. When he comes to the rock he has got to make a regular tunnel. If Sutro can get two dollars a ton on all this vast amount of ore it will be a big thing. Every time the progress of the tunnel is telegraphed across the continent every poor fellow who has a little stock in any of the companies on the Comstock lode thinks that Sutro is going to be in there and get his property.

There is no necessity for modifying this law at all, except to prevent those who own shares in the companies on the Comstock lode in good faith from being alarmed. You can imagine how long it will take to run such a tunnel. Take the Hoosac tunnel in Massachusetts, working from both ends, for eighteen or twenty years past, I suppose, and there is very little of it done. There are a large number of stockholders in the mining companies on the Comstock lode, the Gould and Curry Company, the Savage Company, the Yellow Jacket Company and others, and I wish all their stockholders to see that there is no danger in this business of Sutro. He is not going to get in his tunnel while they live, and if the mines continue to pay dividends while they live they ought to be satisfied.

I have said this to show the Senate that there is some other interest to be looked to besides that of Sutro. He never produced any bullion there. A great many miners there have produced it and have made the country richer; but he has not. It occurred to me that it was time to make these statements when I saw that a bill relating to another subject could not come up yesterday without a proviso being offered declaring that it should not injure Sutro. The effect is to cause statements to be made that Congress has recognized Sutro's title and it will be telegraphed over the country, and poor people who own the stock in these mining companies will think Sutro is going to be in there soon and get their ground.

In the first place, I do not believe as a matter of law that if he should build his tunnel now that section is capable of the construction he puts upon it. I believe he has forfeited all his rights. I do not believe that he can compel them to pay the royalty of two dollars a ton under that act of Congress unless he complies with his part of the contract, and if he did, nobody would complain. If he had done that, there would have been no railroad built, and there would not have been the money spent which has been recently expended so largely for developing these mines. He has not done it, and I do not believe he can. I make this statement more that people shall not be deceived about this project than anything else; and having done that, I do not care if you put on every bill that comes up here a proviso that it shall not injure Sutro.

SENATOR FROM FLORIDA.

Mr. TRUMBULL. A week or two ago, perhaps, I reported from the Committee on the Judiciary a resolution in reference to the claim of Mr. Hart to the seat in the Senate now occupied by Mr. Gilbert. That report has been lying on the table. The resolution declares that Mr. Gilbert is entitled to the seat. I think it ought to be disposed of. Mr. Hart is here in attendance. I would ask that it be taken up, and let the report and resolution be read; and unless it leads to debate—I do not know that it will at all; the facts are stated in the report—let it be disposed of so as not to be pending. It is a privileged question.

The PRESIDING OFFICER. The Chair hears no objection to taking up the case referred to. The report will be read.

The Secretary read the following report, submitted by Mr. TRUMBULL from the Committee on the Judiciary on the 13th instant:

The Committee on the Judiciary, to whom was referred the petition of Ossian B. Hart, of Florida, claiming a seat in the Senate from the State of Florida, for the term which commenced March 4, 1869, report as follows:

In consequence of the rebellion the State of Florida was without representation in the Senate of the United States from 1861 till 1868. In pursuance of a constitution framed and adopted under what are known as the reconstruction acts a Legislature convened in Florida Monday, June 8, 1868, the members of the assembly and half of the senate having been elected for two years, and the other half of the senate for four years.

This Legislature, on the 16th day of June, 1868, being the second Tuesday after its meeting and organization, proceeded, in accordance with the act of Congress of July 25, 1866, "regulating the times and manner of holding elections for Senators in Congress," to take action for the election of two United States Senators to fill the then existing vacancies for the terms expiring on the 3d of March, 1869, and the 3d of March, 1873. On Wednesday, the day following that on which each house had separately but without result voted for Senators to fill the two existing vacancies, the members of the two houses convened in joint assembly, elected a Senator to fill the vacancy expiring March 3, 1869, and adjourned till the next day, when they again assembled and elected a Senator for the term expiring March 3, 1873, and adjourned without date.

The next day (Friday) the members of the two houses, each house having previously concurred in a resolution to that effect, assembled again in joint convention for the election of a Senator to succeed the one whose term would expire on the 3d of March, 1869, when Abijah Gilbert, the present sitting member, was elected.

The petitioner was chosen by the same Legislature in January, 1870, to represent the State in the Senate for the term commencing March 4, 1869, and now claims the seat occupied by Mr. Gilbert.

The elections in 1868 all took place before the passage of the act of June 25, 1868, which declared Florida entitled to representation in Congress.

Two objections are taken to the election of the sitting member:

1. That he was chosen by the Legislature of a State not at the time recognized as entitled to representation in Congress;

2. That he was not elected in conformity with the act of July 25, 1866.

The first objection is answered by the fact that the subsequent recognition of the State, as entitled to representation under the Constitution, in pursuance of which the Legislature was elected and organized, related back to and made valid its acts from the time of its organization. Senators and Representatives from several of the reconstructed States have been chosen before the States were declared entitled to representation, and no one has ever questioned their right to seats when Congress subsequently recognized the government under which they were chosen as entitled to representation.

The only ground for the other objection arises from the fact that the Legislature failed to take action on the "second Tuesday after its organization" in regard to the third Senator who was to be elected; but it took action on the subject of electing Senators, and actually voted, though unsuccessfully, on that day for persons to fill the two existing vacancies.

The object of the act of Congress was to insure the election of Senators by the proper Legislature, and to fix a time when proceedings for that purpose should be commenced and continued till the elections were effected.

The Legislature by which the sitting member was elected was the one chosen next preceding the term which would commence on the 4th of March, 1869, and was therefore the proper Legislature to elect. "The second Tuesday after the meeting and organization of the Legislature" was the time prescribed by the act of Congress for initiating the election of Senators, and that was the time when the Legislature proceeded to that business. There being three Senators to elect, it took action on that day only in reference to two of them. Did its failure to take action on that day and the two subsequent days—which were occupied in electing the first two Senators—in reference to the third Senator render his election, in all other respects, regular, invalid? The committee think not.

The language of the law is: "In case no person shall receive such majority on the first day the joint assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature, and take at least one vote till a Senator shall be elected." No formal adjournment from day to day by vote of the joint assembly was necessary, but it was the duty of the members of each house to meet in joint assembly at noon of each day, and vote at least once till all the Senators whom the Legislature had the right to elect were chosen. This is exactly what the Legislature did.

In no view which the committee can take would the petitioner be entitled to a seat in the Senate, for, if the election of the sitting Senator was irregular, that of the petitioner, by the same Legislature at a subsequent session, was equally so.

The committee recommend for adoption the following resolution:

Resolved, That Abijah Gilbert was duly elected a Senator from the State of Florida for the term commencing March 4, 1869, and is entitled to hold his seat as such.

Mr. ROBERTSON. I move that the report of the committee be adopted.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on adopting the resolution reported by the Committee.

Mr. HOWE. Mr. President, my attention has been called to this report——

The PRESIDING OFFICER. The hour of one o'clock having arrived, it becomes the duty of the Chair to call up the regular order, which is the Calendar.

Mr. HOWE. I do not propose to occupy the time of the Senate more than a very few minutes.

Mr. TRUMBULL. I think we had better dispose of this question, unless somebody wishes to debate it at length. If so, of course it had better go over.

Mr. HOWE. I do not wish to debate it at length.

The PRESIDING OFFICER. The Senator from Wisconsin may proceed by unanimous consent, subject to the objection of any Senator.

Mr. SCOTT. If the Senator does not desire to debate it at length I will not make a statement which I was requested to make by the Senator from Florida, [Mr. GILBERT,] not now in his seat, in case it did give rise to debate.

Mr. HOWE. I do not rise for the purpose of taking any exception to the report of the

committee. My own conclusion is that the report is correct; but I have been requested by the claimant to present and to have read a very brief statement of his upon the questions involved in this controversy, and I think it is perfectly right to have that read. I will send it to the desk.

Mr. TRUMBULL. Let that be read, and I presume we can then vote.

The PRESIDING OFFICER. The paper will be read if there be no objection.

The Secretary read it, as follows:

Last argument of O. B. Hart, April 20, 1870.

When in the Legislature of a State it is proposed to hold an election for Senator in Congress the first proceeding should be to ascertain what are the requirements of the law upon the subject. When the senatorial elections now in question were held there was and still is but one law governing them, to wit, the act of Congress "to regulate the times and manner of holding elections of Senators in Congress," approved July 25, 1866.

If the election is to be held for the purpose of filling a vacancy the authority is to be found in the second section of the law, which directs, among other things, that the manner prescribed in the first section for the election of a Senator for a full term shall be pursued.

If the election is to be for a full term the inquiry should be whether it is the proper Legislature or not, for that is the first requirement of the law. It must be "the Legislature chosen next preceding the expiration of the time for which any person had been elected to represent said State in Congress." If it is not such a Legislature, it has no authority of law to elect a Senator for a full term.

In all those glorious States where secessionists had no control and could not precipitate the loyal people into rebellion, where regular sessions of their Legislatures have not been interrupted, it has all the time, since the enactment of said law, happened that when there was to be an election of a Senator for a full term the Legislatures were such as had been "chosen next preceeding the expiration of the times for which persons had been elected to represent said States in Congress," and there no question like this has arisen. The peculiar position into which Florida had been dragged by the secessionists placed her precisely in that condition, to wit, that when the Legislature of 1868 was chosen there was no senatorial term "for which any person had been elected to represent said State in Congress," and hence that Legislature did not and could not possess the authority given by said law to elect a Senator for a full term, but could act only under the authority given in the second section of said law, to elect to fill vacancies.

It is beyond reasonable question that when on said second Tuesday it undertook to elect the said two Senators for the vacancies it had no belief that it could elect one for a full term. The attempt on Friday to do so was the result wholly of an understanding perfected after the said Tuesday, as can be seen by a careful reading of the journals. (See the resolutions of June 19, 1868, which show the formation of a new joint Assembly, not determined on until that day.) And yet, moved and instigated by influences then deemed satisfactory, it concluded at last to take the step; hastily formed another and new joint Assembly without even on that day voting in either house for a Senator for the full term, but only in the joint Assembly, and thus gave Mr. Gilbert a majority of the votes; who, upon the certificate of the Governor, there being no one here to then object, was admitted.

At the next session an effort was made, under very influential representations in writing, to hold another election, and it was defeated by an extraordinary measure in one of the Houses.

At the last session the Legislature was more successful in electing a Senator according to law, as is seen in my petition and the certificates of the Governor accompanying it, and by the legislative journals.

O. B. HART.

Mr. HOWE. I simply rise to say that while my own judgment is in accordance with that to which the Committee on the Judiciary have given expression, I wish to suggest to the chairman of that committee if there be not an ambiguity in the existing law which might profitably be corrected. It seems that the Legislature of one State has been betrayed into a mistake, betrayed into an attempt to elect a Senator where there was no vacancy, and it suggests the possibility that the existing law might be more accurately stated than it is. I only make the suggestion for the consideration of the committee.

Mr. TRUMBULL. Perhaps that may be so. Practice often shows that laws are not perfect.

Mr. POMEROY. That question is not involved in this case.

Mr. TRUMBULL. No, sir.

The PRESIDING OFFICER. The question is on the adoption of the resolution reported by the committee, declaring Mr. GILBERT duly elected.

The resolution was adopted.

MINING CLAIMS.

The PRESIDING OFFICER. The Calendar is now in order. The first bill to be considered to-day is House bill No. 562, which was ordered to be placed at the head of the Calendar by unanimous consent yesterday.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 562) to amend "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes."

The PRESIDING OFFICER. There is an amendment pending, offered by the Senator from Illinois, [Mr. TRUMBULL.]

Mr. EDMUNDS. Let it be read.

The Secretary read the amendment; which was to insert at the end of the thirteenth section the following:

Nor to repeal, impair, or in any way affect the provisions of the act granting to A. Sutro the right of way and other privileges, to aid in the construction of a draining and exploring tunnel to the Comstock lode in the State of Nevada, approved July 25, 1866.

Mr. TRUMBULL. I think that amendment which I offered, instead of coming in at the end of the thirteenth section, should come in at the end of the bill, and be changed so as to read: "That nothing in this act contained shall be construed to repeal," &c. Let the Secretary alter the wording of it in that way.

Mr. STEWART. I wish simply to make a remark. I have told the Senate what the Sutro tunnel is, and I give notice that it is going to take, with rapid progress, fifteen years; with ordinary progress thirty years; and with Sutro's progress, one hundred and fifty years; that is if the law should be held valid on his construction, that he is not compelled to comply on his part, but others must comply with their contract and Congress will not rectify it. I think I have given notice to those who own stock in New York, Boston, or elsewhere in these great mines, that they need not apprehend any danger from Sutro; that his boring is in Congress, and not in the rock. He bores Congress, and there is where he tunnels. They need not be afraid of his tunneling rocks or mountains. I am entirely satisfied that his boring is all here. He has bored me for the last five years. I tried to be a friend of his as long as he acted with any sort of respect to the rights of others. But in justification of myself, after what has been stated, I wish to make a further remark. This is a House bill. It is a very beneficial bill, a very good bill, and it does not relate to the same subject-matter as the Sutro tunnel. The Sutro act gave him the right of way and the right to a royalty in certain mines on the Comstock lode, and was passed on the 25th day of July, 1866. On the following day, the general act to which this is amendatory was passed, and that allowed owners of quartz veins to obtain a patent. We extended the preëmption system to quartz veins. At that time I undertook to give an extended history of the way these titles had grown up. The act proposed to extend the principle of the preëmption laws to quartz veins. I wish to say to the Senate that that act has been in operation now four years, and so far as quartz veins are concerned it has proved very beneficial. The purpose of this bill is to extend it to placer mines. There was a difficulty at that time in extending it to placer mines, so as to give homes to those who have worked at the diggings of the foot hills of California and elsewhere where there were placer mines. They got no title, and they cannot prosper for that reason. They have got little orchards and little homes, and we want them to get title to their property. They have a placer mine where they can work a little in the winter, perhaps get a few dollars to keep along, and then they have a little orchard and they want one hundred and sixty acres of this land. Now, for the purpose of allowing them to get these homes the bill extends the principle of preëmption to these worn out placer diggings. That is the object of the bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Illinois.

The amendment was agreed to.

Mr. COLE. I wish to move an amendment to the second section of the bill, or section twelve of the amended act, as it is numbered, by striking out in line seventeen "one hundred and sixty" and inserting "ten;" and then at the commencement of line eighteen inserting "at that rate for any;" so that the proviso will read:

And provided further, That no location of a placer claim hereafter made shall exceed ten acres for any one person, or at that rate for any association of persons.

Mr. STEWART. I hope that amendment will not prevail, because then the bill would be no relief at all. Many of the little gardens that they want to take in connection with mines are more than that. There is no reason why it should not be one hundred and sixty acres, the same as is given to other people. I hope the Senator will not press that amendment. The bill will be useless if it is adopted.

Mr. COLE. This bill is an amendment to a bill which was passed——

Mr. POMEROY. If the Senator desires to discuss the bill I think it had better go over. I consented to its being taken up with the understanding that it should not be discussed.

Mr. COLE. I should like to explain my amendment.

Mr. POMEROY. Does the Senator desire to pass the bill?

Mr. COLE. I have no objection to its passage. I am for it if it can be properly amended.

Mr. POMEROY. And not without?

Mr. COLE. And not without.

Mr. POMEROY. The Senator from Nevada does not want it with the amendment. I think it had better be passed over.

Mr. STEWART. We can vote on these amendments.

Mr. POMEROY. But we are proceeding by unanimous consent with the Calendar now.

The PRESIDING OFFICER. Does the Senator from Kansas object to the further consideration of the bill?

Mr. POMEROY. I will not object to voting, but we cannot stop to discuss a bill at length.

Mr. THAYER. I suggest that the Senator from California be allowed a few moments to explain his amendments.

Mr. POMEROY. Very well.

Mr. COLE. This is a bill purporting to be an amendment or rather an addition to a bill that was passed in 1866 of the same title as the one described in the one now before the Senate. That bill related mainly to quartz lodes in the mines of the different States and Territories, not only lodes of gold and silver, but also of copper and cinnabar, and was intended to enable persons who had possession of such mines to obtain titles for their possessions. That bill restricted the operation of the law for all time to follow its passage in the amount that might be taken up by any one person or by an association of persons. As will be seen by a reference to the law, it restricted the amount upon any lode or vein that could be taken by any one person to two hundred feet, and with an additional two hundred feet to the discoverer of the mine, and it restricted associations, no matter how numerous the members of them might be, to three thousand feet. That amount is small compared with the amount that is covered by my amendment. I propose to restrict the amount that may be taken in any placer mine to ten acres, which in my judgment is a very large amount to award to any one person in the mining regions, of mining ground, for we are speaking and legislating about mines, and not about agricultural lands.

The bill as it now stands, and without the amendment, allows one person to take one hundred and sixty acres of mining ground at

$2 50 per acre. The result of it will be to throw the mining lands of California into the hands of moneyed men and speculators to the exclusion of what may be termed, as they often are termed, honest miners. That will be the operation of it unquestionably. This of course is a thing to be avoided. It is desirable, to be sure, that persons shall obtain title to their mines. I concede that the object of the bill so far is good; but to allow a single person to take such a large scope of mining territory as one hundred and sixty acres is certainly a thing not contemplated by those who are engaged in mining in my State at present.

Mr. POMEROY. I agree with the Senator in his amendment. I can see reasons for it, I am sure; but as this discussion is likely to last for some time, I think I shall object to the further consideration of the bill. I do not object to the Senator's amendment.

The PRESIDING OFFICER. The Senator from Kansas objects to the further consideration of the bill.

Mr. POMEROY. Yes, sir, on account of the discussion to which it is giving rise.

The PRESIDING OFFICER. The next bill in order is the bill No. 630 in the order of business, which was placed at the head of the Calendar yesterday by unanimous consent.

Mr. STEWART. I hope the Senator from Kansas will allow this mining bill to be proceeded with. It is simply extending the principle of preëmption to a region of country that is rendered desolate for want of title. The bill has certainly been thoroughly matured.

Mr. POMEROY. Does the Senator from Nevada object to the amendment of the Senator from California?

Mr. STEWART. Certainly I do. The bill would not be of any benefit with that amendment.

Mr. POMEROY. I presume the Senator wants to reply, and it will take all day to discuss it.

Mr. STEWART. No, I do not wish to reply.

Mr. COLE. If the bill is objected to, of course it must go over.

The PRESIDING OFFICER. The bill is objected to.

NAVAL PROMOTIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. No. 163) for the relief of certain officers of the Navy.

The PRESIDING OFFICER. The joint resolution will be read as amended yesterday.

The Secretary read the joint resolution, as amended, as follows:

Be it resolved, &c., That the Secretary of the Navy is hereby authorized to organize a board of three officers, not below the grade of rear admiral, who shall examine into the cases of such officers as may deem themselves unjustly passed over by promotions made in conformity with the act of Congress approved July 25, 1866; which board shall report their conclusions to the Secretary of the Navy, who shall report the same to Congress.

SEC. 2. *And be it further resolved*, That officers who have been promoted in pursuance of the ninth section of the act to amend certain acts in relation to the Navy, passed March 2, 1867, shall be entitled to receive, from the date of such promotion, the same pay when not on active duty that they were, at the time of being so promoted, entitled to when not on such duty, under the laws then in force regulating the pay of officers of the retired and reserved lists of the Navy, and the said ninth section of said act is hereby repealed.

Mr. SPENCER. I objected to this joint resolution last night, but on investigation I find I have no objection to it provided an amendment be adopted which I send to the Chair.

The Secretary read the amendment, which was to add at the end of the second section the following proviso:

Provided, That no claim for arrears of pay shall be allowed by this resolution.

Mr. HAMLIN. That is right.

The amendment was agreed to.

Mr. CRAGIN. I expect to be absent from the Senate to-day and to-morrow, and I am quite anxious to pass a bill for the relief of——

Several SENATORS. Let us dispose of this resolution first.

Mr. HAMLIN. I think there is one other amendment which ought to be adopted in this resolution, and I shall submit it to the consideration of the committee. I ask the Secretary to read the first two or three lines of the resolution.

The Secretary read as follows:

That the Secretary of the Navy is hereby authorized to organize a board of three officers, not below the grade of rear admiral——

Mr. HAMLIN. That will do. I suggest to insert there "who shall in no way be interested in their own action." This should be a board who in their position shall not act on their own cases. That is the point I want to make.

Mr. NYE. The scope of the joint resolution itself would reach that.

Mr. HAMLIN. Are the officers who are to appear before this board all below that grade?

Mr. NYE. Yes, sir.

Mr. HAMLIN. Very well. Then the amendment is unnecessary.

The joint resolution was reported to the Senate as amended.

Mr. DRAKE. I was out of the Chamber at the moment this joint resolution was called up. I hope the Senate will not concur in the amendment to the second section which was inserted in committee.

The PRESIDING OFFICER. With the consent of the Senator from Missouri the Chair will put the question on concurring in the amendments not excepted to, omitting the one to which the Senator objects.

The amendments not excepted to were concurred in.

Mr. DRAKE. The proviso which has been attached to the second section of this joint resolution is one of the most manifestly unjust character that the Senate could under any circumstances be induced to make itself a party to. I should be very glad, indeed, if in a matter of this kind, which is a mere matter of justice, I could get the attention of Senators sufficiently to enable them to understand the point that is in it upon a very brief statement of facts.

In the Fortieth Congress Commodore Oscar Bullus, of the Navy, a veteran officer of the retired list, sent a petition to Congress asking for relief from a most unjust and oppressive act of Congress operating in his case. The Committee on Naval Affairs examined the matter with the utmost care, and finding that his request was meritorious, and that several other officers in the Navy on the retired list were in exactly the same position that he was, they reported a bill of the substance of the second section of this resolution; but afterward, instead of presenting that bill separately by itself, they put the bill as a provision in another bill which was subsequently reported, and in which it passed the Senate. That bill went over to the House, and there it has been lying for fifteen months, complicated with the everlasting controversy between the line and the staff; and no legislation can be got through the two Houses of Congress to-day on the subject of the Navy because of the controversy between the line and the staff.

Now, sir, I wish to state in a very few words the facts with regard to this class of officers, of whom there are some four or five; and if I cannot make it appear to the Senate that this provision is one of most manifest injustice, then let the provisio be adopted.

Mr. POMEROY. Does the proviso relate to all the cases?

Mr. DRAKE. The proviso cuts off all the cases that would come under the second section.

Mr. POMEROY. If it is to be debated I desire to object to the bill.

Mr. DRAKE. Well, Mr. President, let gentlemen object if they please, and throw a meritorious and righteous bill overboard when it is in the very act of its passage; if they choose to do so.

Mr. POMEROY. I am willing to take a vote on the amendment.

Mr. DRAKE. But how can the Senator understand why the Senate should reject an amendment in the Senate which was adopted in Committee of the Whole, unless I can have three minutes to explain it?

Mr. POMEROY. You can have five.

Mr. DRAKE. On the 2d of March, 1867, Congress passed an act for the reorganization of the Navy, by the ninth section of which it was provided—

"That officers on the retired and reserved lists of the Navy shall be entitled to promotion as their several dates on the active list are promoted; but such promotion shall not entitle them to any pay beyond that to which they were entitled when retired, unless upon active duty, when they shall receive the full pay of their respective grades."

They shall not be entitled to any pay "beyond that to which they were entitled when retired." Mark that point in the case. Perhaps I can explain the matter better and in shorter time by reading the report of the Committee on Naval Affairs on the petition of Commodore Bullus:

The case of the petitioner is one of several similar in kind existing in the Navy, growing out of the terms of the ninth section of the act to amend certain acts in relation to the Navy, passed March 2, 1867, hereinafter set forth. The facts of his case, in connection with the legislation of Congress, are as follows:

On the 28th of February, 1855, the act to promote the efficiency of the Navy was passed, authorizing the placing upon the reserved list of such officers as might, by the board required under that act to be constituted, be "found incapable of performing the duties of their respective offices, ranks, or grades."

Among the officers placed on the reserved list by the action of that board was the petitioner, the cause being a lameness resulting from an accident which befell him when on duty at sea in the year 1821; which, however, had not before the passage of the act last mentioned been deemed sufficient to prevent his performing active service in all the grades of the Navy, up to that of commander, in which he was at the time of the passage of that act. The date of his retirement from the active list was September 13, 1855.

By the second section of the act of February, 1855, it was provided that officers placed on the reserved list should receive the leave of absence pay, or the furlough pay, to which they might be entitled when so placed. At the time the petitioner was placed on the reserved list the leave of absence pay of a commander was $1,800 per annum, and so remained until the passage of the act to establish and equalize the grade of line officers of the United States Navy, July 16, 1862, by which it was fixed at $1,400.

Previous to the passage of this act, namely, on the 11th of July, 1862, Commander Bullus was promoted to captain on the reserved list, his pay still remaining at $1,800 until it was reduced to $1,600 by that act.

At this last-named figure it would still be but for the ninth section of the act of March 2, 1867, which provides as follows: "That officers on the retired and reserved lists of the Navy shall be entitled to promotion as their several dates upon the active list are promoted; but such promotion shall not entitle them to any pay beyond that to which they were entitled when retired, unless upon active duty, when they shall receive the full pay of their respective grades."

Under this section Captain Bullus was promoted to the rank of commodore on the reserved list, but, singular enough, not only with no increase, but with a reduction of his pay.

Were that section strictly construed he would be entitled to the pay of a commander, as it stood when he was retired, in 1855, which, as before stated, was $1,800. But it is held by the Navy Department that the several acts referred to are to be so construed as to give him only the pay of a commander, as fixed by the act of July 16, 1862, to wit, $1,400. The result is, that though he has received for nearly five years the pay of a captain, $1,600, and was promoted from that to the next higher grade, the effect of that promotion, under the rule laid down by the Navy Department, is to cut him down to the pay of a commander, $1,400. We are unable to see any justice or propriety in this, but, on the contrary, great injustice to a veteran and worthy officer.

This singular state of things is owing to the language of the above-quoted section of the act of March 2, 1867, which limited the pay of these officers to that which they were allowed "when retired," regardless of the fact that they had, in the mean time, been promoted to and received the pay of a higher grade.

The committee are of the opinion that this should not be continued. Mere justice to Commodore Bullus, and other officers in the same position in regard to this matter, seems to us to demand that their pay should remain at least as it was when they were promoted under the act of March 2, 1867, and not be reduced to what it was when they were retired, in a lower grade than that from which they were promoted under that act.

To carry out that view, the committee herewith report a bill applicable to all such cases, and respectfully recommend its passage.

It will be seen from the report that the promotion of Commodore Bullus to the rank of commodore on the retired list costs him $200 a year, docks his pay $200 a year. This second section is only intended to allow him to retain the same pay that he had when he was promoted. It does not add a dollar to his pay, but only lets him keep on at the pay he was receiving when he was promoted instead of by his promotion cutting him off $200 a year. Now, the amendment of the Senator from Alabama provides that he shall not receive any back pay for two, or three, or four years. You have cut down his pay $200 by making him a commodore, and now the Senator from Alabama wishes that we shall not give him that money. We are to give it to him hereafter, but are not to give him his back pay. A more manifest injustice could not possibly be done by the Government to a meritorious and brave officer.

Mr. SPENCER. The amendment offered by the Senator from Missouri, which was adopted, and to which my amendment was made, repeals section nine of the act of March 2, 1867. Section nine of the act of March 2, 1867, reads as follows:

"*And be it further enacted*, That officers on the retired and reserved lists of the Navy shall be entitled to promotion as their several dates upon the active list are promoted; but such promotion shall not entitle them to any pay beyond that to which they were entitled when retired, unless upon active duty, when they shall receive the full pay of their respective grades: *Provided*, That no promotion shall be made to the grade of rear admiral upon the retired list while there shall be in that grade the full number allowed by law."

The amendment of the Senator from Missouri repeals that section, and I am informed, I may say officially, from officers of the Navy Department, that that amendment will cost the Government about fifty thousand dollars. If it only affects four or five officers, as the Senator from Missouri says, I am not opposed to it.

Mr. DRAKE. I investigated the matter before the report was made in the Fortieth Congress, and every word I have stated to the Senate I found out upon examination, and the Naval Committee so reported.

The PRESIDING OFFICER. The first question will be on concurring in the amendment of the Senator from Alabama to the amendment of the Senator from Missouri.

The amendment to the amendment was nonconcurred in.

The PRESIDING OFFICER. The question now is on concurring in the original amendment.

Mr. BOREMAN. What is that amendment? I should like to hear it read.

The Secretary read the amendment, as follows:

And be it further resolved, That officers who have been promoted in pursuance of the ninth section of the act to amend certain acts in relation to the Navy, passed March 2, 1867, shall be entitled to receive, from the date of such promotion, the same pay when not on active duty that they were, at the time of being so promoted, entitled to when not on such duty, under the laws then in force regulating the pay of officers of the retired and reserved lists of the Navy; and the said ninth section of said act is hereby repealed.

The amendment was concurred in.

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

GENERAL STEAMBOAT LAW.

The PRESIDING OFFICER. The first bill on the Calendar after the point where the call of the Calendar ceased yesterday is Senate bill No. 716.

Mr. THAYER. With the indulgence of the Senate, I desire to remark at this point that if Senators will circumscribe their remarks within very brief limits I am willing that any Senator shall have an opportunity to explain any amendment he may offer; but if so much time is to be occupied on one amendment as has been taken up on three bills this morning by three Senators I shall feel bound to object, and the case must go over. If every Senator will feel disposed to stop short after explaining his amendment, he can get a vote on his bill.

Mr. POMEROY. I desire to say, as I have objected to several bills, that I do not object to a vote being taken; but if any speeches are hereafter to be made I shall object to every one during the day.

Mr. THAYER. I agree with the Senator. I do not object to a vote being taken; but if Senators will take up so much time in talking I shall object to the bills.

Mr. DRAKE. I beg leave to say in regard to that matter that I have taken no more time than was absolutely necessary to explain the proposition, and no gentleman has a right to intimate that I have done any otherwise. If gentlemen choose to object to bills because of that, let them do so.

The title of the bill (S. No. 716) to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes, was announced.

Mr. POMEROY. That is a very long bill.

Mr. CHANDLER. It is all right. There will be no debate upon it.

The SECRETARY read the bill; and it was considered as in Committee of the Whole.

Mr. McDONALD. I offer an amendment to insert in section eleven, line seventy-seven, after the word "steam:"

Steam and water registers that will correctly record each excess of steam carried above the prescribed limit and the highest point attained, and each deficiency of water below the prescribed limit and the lowest point reached, which shall be taken wholly from the control of all persons engaged in navigating said vessel and secured by the inspectors.

Mr. CHANDLER. I have no objection.

The amendment was agreed to.

Mr. RAMSEY. I wish to submit an amendment to which I think the chairman of the committee having the bill in charge will consent, to insert before the word "provided," in section ten, line seven, in the regulations with regard to river steamers, "and shall be provided with commodious stairways, in addition to the others, from the saloon deck to the main deck at or near the stern of the vessel."

Mr. CHANDLER. I have no objection.

Mr. RAMSEY. It is to provide for the exit of passengers in case of fire.

Mr. COLE. I suppose that amendment will apply to vessels hereafter built, and not to those in existence now?

Mr. RAMSEY. Of course.

Mr. CHANDLER. You may put in "vessels hereafter built." It is intended to apply to river navigation.

Mr. RAMSEY. I do not wish to interfere with the bill; but there is really no reason why it should be confined to those hereafter built. The protection should commence immediately.

Mr. COLE. I am not particular about it, of course, but I supposed it was intended to apply to those boats hereafter constructed.

Mr. RAMSEY. The chairman consents to the amendment as it is, and I hope the Senator from California will withdraw his opposition.

The amendment was agreed to.

Mr. THAYER. I submit the following proviso, to come in after line thirty-six of section three:

Provided, That every sea-going steam-vessel of over two hundred tons, engaged or employed in carrying passengers or freight, shall be provided in its equipment for the purpose of exhausting water from the hold of such vessel in case of leak or otherwise, with double-acting pumps, centrifugal pumps, or double-suction steam-siphons, in either case to be operated by steam and independent of the machinery of the vessel in case said machinery should become disabled. Said pumps or siphons shall be constructed of suitable material and properly attached to the vessel, and shall be of sufficient capacity to employ at least one fourth of the steam-power of the boilers of such steam-vessel.

Mr. CHANDLER. I would suggest to the Senator from Nebraska that he say "five hundred tons" instead of "two hundred tons." There are no vessels navigating the Atlantic of less than five hundred tons. I do not object to the amendment.

Mr. THAYER. I will so modify it.

Mr. CHANDLER. I have no objection to it, then.

Mr. WILLIAMS. I have not examined this bill, but have relied upon the examination given to it by the Committee on Commerce. I am willing to take the bill as it comes from the committee, but I think it is very unsafe to thrust into a bill of this description these amendments that have not been considered by any committee or by any persons who understand the construction of ships and the mode of managing them. If the bill can be passed as it came from the committee I shall be content; but unless these amendments have been considered I should be very reluctant to see them attached to the bill.

Mr. CHANDLER. I should prefer to pass the bill as it came from the committee; yet the amendments that have been offered thus far are not objectionable in themselves, nor is this one offered by the Senator from Nebraska, if it applies to vessels of five hundred tons, so as not to compel little ships that never go to sea to be provided with these pumps.

Mr. WILLIAMS. Has it been considered by the committee?

Mr. CHANDLER. All these propositions have been before the committee.

Mr. THAYER. This is an additional protection for the lives of passengers.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska as modified.

The amendment was agreed to.

Mr. TRUMBULL. I do not know upon what principle exactly the compensation of the officers of the local boards of inspectors is regulated; but it seems to me that it is not correct as it is. It is provided that "each local inspector of the several districts respectively, shall be paid annually, under the direction of the Secretary of the Treasury, the following compensation, to wit: one inspector of hulls and one inspector of boilers for the district of New York and New Orleans, $2,200 each." That may be correct. I have nothing to say about the sums paid, except that I do not like the proportions—

For the districts of Philadelphia, Baltimore, Buffalo, St. Louis, Louisville, Cincinnati, Pittsburg, and San Francisco, $2,000 each; for the districts of Boston, Detroit, Chicago, and Galena, $1,800 each.

I am quite sure there must be as much business for these officers to do at Chicago as there is at Pittsburg, or Louisville, or Cincinnati, or Buffalo; and it seems to me if the salary is to be put at $2,000 at Pittsburg and Louisville, it should be $2,000 at Chicago; or rather if $1,800 is enough for Chicago, I think $1,800 is enough for Pittsburg, and I will make my motion in that way to amend the bill by striking out the words "$2,000 each," and the words "for the districts of," in lines sixteen and seventeen of section sixty-two; and then it will read:

For the districts of Philadelphia, Baltimore, Buffalo, St. Louis, Louisville, Cincinnati, Pittsburg, San Francisco, Boston, Detroit, Chicago, and Galena, $1,800 each.

I am sure if $1,800 is enough at Chicago, Detroit, and Boston, it is enough at Pittsburg, Louisville, and Cincinnati.

Mr. RAMSEY. I would say to the Senator from Illinois that Pittsburg is the place where most of the smaller class of river steamers are fitted out or repaired. They are either taken there for repair or built there in the first instance. Probably most steamboats are fitted out and repaired there; and it is more important in this view than any other point on the western rivers. I think he is mistaken in supposing there is less business at Pittsburg than at Chicago in that line.

Mr. TRUMBULL. How is it at Louisville and Buffalo? There is certainly not much there.

Mr. RAMSEY. Not so much building there as in Pittsburg. Pittsburg is a place of great importance.

Mr. TRUMBULL. Eighteen hundred dollars is enough for any of them, I think.

Mr. CHANDLER. There is a great deal in what the Senator from Illinois says, and I will accept his amendment.

Mr. CAMERON. I do not think $1,800 is enough. We had better make it $2,000.

Mr. TRUMBULL. Then the others had better be $2,000, for there is no propriety in putting Buffalo at $2,000 and Chicago at $1,800.

Mr. CAMERON. Make them all $2,000.

Mr. TRUMBULL. My motion was to make them all $1,800.

Mr. CHANDLER. Boston is put in at $1,800, and I think Pittsburg ought not to be above Boston. I will accept $1,800. I think it is a fair compensation.

Mr. CAMERON. I do not think it is compensation enough if you expect to get good men to do the duty. It is a very important duty that is to be performed by these inspectors. The life of every passenger is dependent in some measure upon the proper performance of this duty. Give them a good compensation and make them feel it to be their interest as well as their duty to attend to this business properly.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. FOWLER. I do not know on what principle Nashville is stricken out of the list of places having a local board of inspectors. The commerce of Nashville is important, and quite as large as that of many other places mentioned here, and much greater. I therefore move that the following words in lines seven and eight of section sixty-two be stricken out: "and the local board at Nashville, Tennessee, shall be discontinued."

Mr. CHANDLER. It is the opinion of the Department that it is not requisite to have a local board at Nashville. It is on the recommendation of the Treasury Department that those words are inserted. The amount of business there is comparatively small.

Mr. FOWLER. It is certainly much greater than at Evansville or New Albany. The amount of commerce at Nashville is much greater than it is at Evansville or New Albany, or such points as those. I think it would be very inconvenient for shippers at Nashville to subject them to the necessity of going to a local board so far from Nashville as they would have to go under the circumstances. There has been such a board there for a long time; and certainly a port that ships as much as the city of Nashville does, and requires as much transportation, ought to have a local board.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Tennessee.

Mr. FOWLER. I certainly shall object to the consideration of the bill at the present time if this clause is retained, it is so great an injury to the people of my State. They will have no local inspectors under this bill; and considering the amount of commerce and the amount of shipping done from that State, I think it astonishing that such a clause should have been proposed in any bill. That the people of any State should be denied such a commercial advantage when they have so large a shipping interest seems to me astonishing. I cannot understand upon what principle such a clause was introduced. There is no board within several hundred miles.

Mr. CHANDLER. I again say that it was recommended by the Treasury Department. It was the opinion of the board of inspectors that a board at Nashville was not necessary. All the steamers from Nashville pass by another district, and it is not deemed any particular hardship to require them to be inspected elsewhere. At any rate, the Treasury Department recommended the clause.

Mr. SPRAGUE. I should like to make an inquiry of the chairman of the Committee on Commerce. Can he state how many new officers are created by this bill?

Mr. CHANDLER. Yes, sir; not one.

The PRESIDING OFFICER. The Chair understands the Senator from Tennessee to ask for a division on his amendment.

The question being put, the ayes were eight.

Mr. FOWLER. I object to the further consideration of this bill.

Mr. TRUMBULL. I hope the Senator from Tennessee will not do that if the Senate wants to act upon it. It seems that with reference to this matter, the striking out of Nashville, which of course the Senate cannot be very well advised about, the committee have thought there is no necessity for continuing these officers at Nashville. The steamers which go there, I suppose, are inspected at some other point; and the Secretary of the Treasury has recommended that the office at Nashville be discontinued. Now, why cause the bill to go over because of that recommendation? I suppose the Senate is ready to vote; and if the Senator from Tennessee insists upon it we can have the yeas and nays; there is a quorum here. I have no more to say, except to appeal to the Senator from Tennessee not to defeat a bill upon which we have now spent an hour just because of the striking out of these officers at Nashville.

Mr. FOWLER. But is it not a very great injustice to the people of that State, when they furnish their own steamboats and have so large an amount of commerce, to force them to go off so far from their own ports for the purpose of obtaining local inspectors?

Mr. TRUMBULL. I confess I am not advised. I would ask the Senator from Tennessee for information are vessels built to any extent at Nashville?

Mr. FOWLER. They are built to some extent at Nashville; but not to so great an extent are they built there as they are owned there.

Mr. TRUMBULL. The fact of their being owned there does not make any difference. I suppose the vessels would be inspected at the places where they are built. The fact that they are owned at Nashville does not make it necessary that these officers should be at Nashville, as I understand. However, the Senator from Michigan can explain it better than I can.

Mr. FOWLER. Does not a vessel have to be inspected more than once?

Mr. TRUMBULL. Not at the place where she is owned.

Mr. FOWLER. She has to be frequently inspected. One inspection is not enough.

Mr. CHANDLER. All the vessels that trade with Nashville pass either Evansville or Louisville, and they can be inspected at either one of these points, or at Memphis, in Tennessee. There is already an inspection district in Tennessee, at Memphis, and every boat there passes either Louisville or Evansville or Cincinnati.

Mr. FOWLER. I regard it as a very great injustice to the shippers of Nashville that this measure should be incorporated into the bill; but as it is the wish of the Senate to take that action I shall withdraw the objection.

The PRESIDING OFFICER. The Senator from Tennessee withdraws his objection.

Mr. CORBETT. These local inspectors go from one port to another, and I presume inspectors can go to Nashville and inspect the hulls of those boats.

The PRESIDING OFFICER. The amendment is rejected.

Mr. McDONALD. In section forty-nine, line seven, after the words "steam-gauges," I move to insert "steam and water registers," so as to correspond to the former amendment.

The amendment was agreed to.

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1328) to establish the department of justice; and

A joint resolution (H. R. No. 271) making an appropriation for the purpose of making experiments in the ventilation of the Halls of the Capitol.

The message also announced that the House had passed the bill (S. No. 684) to change the time for holding the circuit and district courts for the district of Wisconsin, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S. R. No. 169) for the transfer of an unexpended balance of appropriation to the book fund of the Library of Congress.

The message also announced that the House had passed a concurrent resolution relating to a portrait of Major General George H. Thomas; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message likewise announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 52) for the relief of Alfred B. Winslow, of Portland, Maine; and it was thereupon signed by the Vice President.

HOUSE COMMITTEE ON EDUCATION.

Mr. MORRILL, of Maine. I ask the Senate to take up the joint resolution (H. R. No. 245) making an appropriation to defray the expenses of the Committee on Education and Labor incurred in pursuance of investigations ordered by the House of Representatives. It is important that it should be passed. It will take but a moment. It is a very small matter.

The PRESIDING OFFICER. It requires unanimous consent to take it up out of its order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which makes an appropriation of $3,000, or as much thereof as may be necessary, to defray the expenses to be incurred by the Committee on Education and Labor in conducting the investigation ordered by the House of Representatives by resolution of April 6, 1870.

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

LANDS IN SAN FRANCISCO.

The PRESIDING OFFICER. The consideration of bills on the Calendar in their order will be resumed.

The next bill in order was the bill (S. No. 533) to relinquish the interest of the United States in certain lands to the city and county of San Francisco, State of California.

Mr. COLE. That had better go over.

The PRESIDING OFFICER. The bill will go over.

HARMON E. WENTWORTH.

The next bill on the Calendar was the bill (S. No. 717) for the relief of Harmon E. Wentworth, late second lieutenant fourteenth New York heavy artillery, which was read the second time, and considered as in Committee of the Whole. It is a direction to the Paymaster General of the Army to pay to Harmon E. Wentworth, late second lieutenant company D, fourteenth regiment New York heavy artillery, the full pay and emoluments of a second lieutenant of heavy artillery from the 7th day of June, 1864, to the 16th day of April, 1865, and also to allow him what he may have

refunded of the "three months' pay proper" paid to him under the act of March 3, 1865, deducting therefrom all pay he may have received from the Government as an enlisted man for that period.

Mr. TRUMBULL. Is there any report in that case?

Mr. POMEROY. Perhaps the Senator from North Carolina who reported it [Mr. ABBOTT] can explain it in a moment. I do not understand it.

Mr. TRUMBULL. Let the report be read.

Mr. POMEROY. There is no written report. What are the facts?

Mr. ABBOTT. The facts are just like those of many other cases I have reported, where a man received a commission and failed to get mustered in, but actually performed the duties. I thought it was not necessary to prepare reports in those cases. They are exactly alike.

Mr. POMEROY. What is the amount he will receive?

Mr. ABBOTT. I forget the exact amount.

Mr. POMEROY. It is not stated in the bill.

Mr. ABBOTT. Let the bill be read again.

The bill was read.

Mr. ABBOTT. It is to allow the difference between the pay of a private and of a lieutenant.

Mr. FENTON. I do not remember distinctly the facts of the case, but I know young Wentworth very well, and know that he is a most deserving young man, and I suppose the claim is well founded. I recollect his relating to me something of the case, and I thought remarkably well of it. I did not think there was anything unusual, and especially nothing unjust, in the claim.

Mr. HOWE. Will the Senator from New York or the Senator from North Carolina state why he was not mustered into the service?

Mr. ABBOTT. I do not recollect exactly. I simply recollect that I examined the case and made up my mind as to the facts, and then made the report. There are various reasons why a man was not mustered in. I suppose by looking over those papers I could ascertain at once and inform the Senator why he was not mustered in.

Mr. HOWE. I asked the question because a great many of these cases have been before the Committee on Claims, and we have repeatedly, if not usually, found that the reason why parties were not mustered in was because there was no place to muster them in. They were supernumeraries, lieutenants commissioned in companies which were full.

Mr. ABBOTT. That did sometimes occur. In one single case that I have examined, that occurred; I believe that is the only case where there was no vacancy. In the others the companies were down below the minimum. That case I reported favorably and it has passed the Senate, because the man did actually perform the duties and ought to be paid.

Mr. HOWE. How could he perform the duties, when there was no such place the duties of which were to be performed?

Mr. ABBOTT. The other man was on detached duty, or something of that kind, and he actually performed the duties. I wish to say in regard to these cases that I have examined every one of them with care and made up my own mind in regard to them, or else I should not have reported them. I think if any Senator will give the same examination to them that I have he will be likely to arrive at the same conclusion, if he adopts the principle that when a man actually received his commission, although he was not mustered in, if he performed the duties he ought to have the pay. If you adopt that principle I think you will arrive at exactly the same conclusion in regard to the facts that I did.

Mr. HOWE. The Senator will see that in that way it would be very easy to pay a whole regiment of privates the pay of lieutenants, if not of colonels, because it is very easy to detach or detail men to extra duty; and the moment your Governor gives a private a commission, then the superior officer has only to detail him on some other duty and the Governor issues another commission, so that if he is pleased to furnish a basket full of blank commissions they can all be distributed with the regiment, and then if Congress will pass special bills for the pay of each man the thing is complete.

Mr. ABBOTT. But in point of fact no such thing as that ever occurred.

Mr. HOWE. I guess not.

Mr. ABBOTT. It was difficult enough to get commissions, as I recollect. I do not think there were any commissions sent out by the bushel-basket to any privates in regiments.

Mr. HOWE. I am satisfied not.

Mr. ABBOTT. This is what I say: if you adopt the principle that when a commission has been issued to a man, and the man has actually performed the duties of that office, he should be paid. The reports in these cases are all equitable and just and correct; because they are all exactly cases of that kind.

Mr. HOWE. Yes, Mr. President; but I say, on the contrary, that the law provided but one captain for a company, and we have no right to pay any more than one captain for a company. If the commanding officer of a regiment thinks he can employ that captain on some service more advantageously to the country than to let him lead his company, he can detail him to that extra service; but while he holds the commission of captain nobody else ought to receive that pay.

Mr. ABBOTT. That is not the case.

Mr. HOWE. But it is this very case which the Senator says they provide for paying; only it is the case of a lieutenant instead of a captain.

Mr. ABBOTT. No; I did not say this was a case of that kind. I said I did so report in one case; and I will state it again.

Mr. HOWE. That is unnecessary, perhaps, if I can only ascertain what was the reason why this man was not mustered.

Mr. ABBOTT. I say I do not recollect why this man was not mustered. I can ascertain very speedily by looking at the papers.

Mr. HOWE. Perhaps the bill had better be laid aside until the Senator ascertains.

Mr. ABBOTT. I have no objection.

The PRESIDING OFFICER. The bill will be laid over for the present.

Mr. FENTON. Is it objected to?

Mr. HOWE. It is just laid over for the present until the Senator from North Carolina can examine it.

The PRESIDING OFFICER. The bill is objected to and laid over for examination.

WILLIAM A. RUCKER.

The next bill on the Calendar was the bill (H. R. No. 1101) for the relief of William A. Rucker.

Mr. TRUMBULL. I understand that is a precisely similar bill to the last one. Let them both lie over until the Senator from North Carolina has an opportunity to look into them.

Mr. ANTHONY. Is there a report?

Mr. ABBOTT. I made no written report in the case. The facts are the same in both cases. In some of these cases, where there was any doubt as to the facts, I made a report.

Mr. TRUMBULL. The bill had better be passed over until the Senator has an opportunity to examine it.

The VICE PRESIDENT. The bill will be passed over.

CAPTAIN J. M. KEELER.

The next bill on the Calendar was the bill (S. No. 355) for the relief of Captain J. M. Keeler, late provost marshal for the State of Oregon; which was considered as in Committee of the Whole. It directs the Quartermaster General to adjust and allow the claim of Captain J. M. Keeler, late provost marshal for the State of Oregon, for expenses incurred for transportation from New York city to Salem, Oregon, in the summer of 1863, while in the performance of his duties; but the sum allowed is not to exceed $500.

Mr. ABBOTT. I call for the reading of the report.

Mr. WILLIAMS. I have personal knowledge of the facts in this case. I will simply state that Captain Keeler was on duty in Virginia, and was ordered to go to Oregon and take command there as provost marshal, and the Department refused to pay him transportation. He was compelled to pay his own expenses in going to Oregon for the performance of official duty. I have made personal application on behalf of Captain Keeler to the Department for this transportation, and they declined to pay it for some reason or other.

Mr. TRUMBULL. Was he in the military service?

Mr. WILLIAMS. Yes, sir; a captain in the military service.

Mr. TRUMBULL. And ordered to go to Oregon, and they refused to pay him transportation?

Mr. WILLIAMS. Those are the facts.

Mr. TRUMBULL. There must be some explanation, I imagine, about that.

Mr. HOWARD. There is a report in the case, which had better be read.

Mr. TRUMBULL. I cannot see upon what principle the Department would send one of its officers from one part of the country to another and not pay his transportation.

Mr. ABBOTT. Let the report be read.

The Secretary read the following report, submitted by Mr. ABBOTT, on the 29th of March last, from the Committee on Military Affairs:

It appears that J. M. Keeler was, on the 22d of May, 1863, serving as first lieutenant, fifth New York cavalry; that on that date he was appointed provost marshal for the State of Oregon; that on the next day, May 23, he resigned his commission, and proceeded to Oregon, under orders dated "War Department, May 22, 1863," and signed by "Edwin M. Stanton, Secretary of War;" that he left New York June 13, 1863, and arrived at Salem, Oregon, August 1, 1863, where he entered upon and performed his duties as provost marshal. That on making application for transportation to Oregon he was informed by the officer authorized to issue transportation that no provision had as yet been made for such cases, and that he consequently paid the transportation of himself, servant, and equipage, amounting to $500.

The facts of his (Keeler) holding the commission in the fifth New York cavalry, of his resigning, and of his appointment as provost marshal of Oregon, are sustained by official documents. The statement in regard to transportation and its expense is only supported by Keeler's statement.

In consequence of the apparent good character of the claimant, removing doubt as to the truth of his statement, the committee report the bill back with the recommendation that it pass.

Mr. TRUMBULL. That is a very different case from what I understood. As it now turns out, this is the case of a lieutenant in the military service in the State of Virginia who resigns his office as a lieutenant and is appointed—or before he resigns he is appointed, I do not know which—provost marshal of Oregon. He leaves the military service in order to accept another office in a distant State. Then the question is whether the Government of the United States is to pay his transportation. That involves a very different principle from paying the transportation of an officer. He did not go in the capacity of an officer, nor was he in the military service when he went from Virginia to Oregon. Not being in the military service, upon what principle can he be paid?

Mr. WILLIAMS. I never understood that he had resigned his commission. I understood that he was appointed provost marshal, and ordered to go to Oregon and discharge the duties of that office.

Mr. TRUMBULL. The report says that he resigned his commission in the Army.

Mr. WILLIAMS. I see the report states that to be the fact.

Mr. TRUMBULL. That changes the case entirely.

Mr. POMEROY. The officers who were appointed in the military service were required to obey their first order without pay. After they arrived at the place at which they were to

discharge duty, and entered on the discharge of their duties, if they received any order removing them they were paid transportation; but every person had to obey his first order without transportation.

Mr. TRUMBULL. This man was not in the service.

Mr. POMEROY. He had to report to the place where he was to discharge duty first.

Mr. WILLIAMS. According to this report,

"It appears that J. M. Keeler was, on the 22d of May, 1863, serving as first lieutenant, fifth New York cavalry; that on that date he was appointed provost marshal for the State of Oregon; that on the next day, May 23, he resigned his commission and proceeded to Oregon, under orders dated 'War Department, May 22, 1863,' and signed by 'Edwin M. Stanton, Secretary of War.'"

Mr. HOWARD. What is the date of the resignation?

Mr. WILLIAMS. He resigned after he was appointed provost marshal.

Mr. POMEROY. He resigned to enable him to accept the other office.

Mr. HOWARD. He resigned on a particular day, and proceeded to Oregon.

Mr. WILLIAMS. He was appointed provost marshal on the 22d day of May, 1863, and on the 23d he resigned his commission and proceeded to Oregon, under orders dated War Department May 22, 1863, and signed by Edwin M. Stanton, Secretary of War. It seems that when he received his orders he resigned at the same time; the two acts were simultaneous; and he entered upon and performed the duties of provost marshal. Upon that state of facts the question will be as to whether or not, when he was appointed provost marshal for the State of Oregon, and went there under orders, he ought to pay his own transportation in going from Washington to Oregon in that capacity. It certainly was a very expensive trip to make; and I submit, if he was appointed provost marshal while he was a lieutenant in the Army, and ordered to go to Oregon, whether he was not bound to go in obedience to those orders? Could he refuse? It appears that the order was made upon him. He was appointed while he was lieutenant, and he was ordered to go while he was lieutenant, at the same time that he resigned his commission.

Mr. HOWE. Ordered on the 26th?

Mr. WILLIAMS. No, sir; the report states that "on the next day, May 23, he resigned his commission and proceeded to Oregon, under orders dated 'War Department, May 22, 1863.'"

Mr. HOWE. I understood it was on the 26th.

Mr. WILLIAMS. So that the order was given before his resignation. I do not understand the military regulations. Perhaps it was necessary that he should resign his position as lieutenant in order to go there and obey that order. But certainly he was acting in a military capacity, and acting under orders of the War Department, and acting in conformity to his duty as an officer of the Army in going there. It seems to me the Government ought to pay his expenses.

Mr. BUCKINGHAM. The provost marshal was not necessarily an Army officer; and it was his choice to accept the appointment or not. A lieutenant in the Army appointed provost marshal of any district might resign his office of lieutenant. When he so resigned, and was ordered to a different post, he was like a man who was commissioned in the Army and ordered to join a regiment which was stationed in Virginia or in Mississippi. Under the practice of the Army such an officer was not paid until he reached his regiment and was mustered into the service. No pay was allowed him before that time.

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

Mr. HOWE. I certainly do not think we ought to pass this bill. There is no reason why the Government——

The VICE PRESIDENT. If the Senator objects the bill will be passed over.

Mr. HOWE. I shall not object to voting on the bill, and I do not want to debate it. But there is no more reason why we should pay this man for going to Oregon to accept this office of provost marshal than we should pay him for going there to accept the office of secretary of a Territory or collector of internal revenue, or any other office. He held a commission in the Army which entitled him to certain pay. He would rather have this office. It paid better. It was an act of grace to relieve him from his service in the Army and to confer upon him this office which gave him better pay. He could well afford to travel at his own expense. It seems to me it would be a demoralizing precedent for us to set to undertake to pay such claims. If the Senate is content to do it and to follow the precedent and treat everybody alike, I have no more right to complain than any one else; but I know the Senate will not treat everybody on that principle.

Mr. BOREMAN. I do not understand this bill and the explanation given by the report. I had some experience with regard to these matters during the war, and it certainly was not necessary for an officer of the Army to resign in order to accept the office of provost marshal. That was part of the duty of officers of the Army. In my State we had four or five different officers of the Army succeeding each other as provost marshals. They still retained their commissions in the Army. They were not required to resign. I do not understand why it is thrown out here that this gentleman resigned in order to secure him pay for transportation. If he resigned, that would be a reason to my mind why he should not be paid.

Mr. ABBOTT. I will say to the Senator that I did not argue in the report the question whether he could still have retained his commission or not. I simply stated the fact that he did, on being appointed provost marshal of Oregon, resign his position in the Army. We all know that he might have got leave of absence from his command, but that would not have left a vacancy in the regiment; and no colonel commanding a regiment would allow an officer leave of absence in that way if he were good for anything, and that was undoubtedly the cause of this man's resigning. He was appointed provost marshal of Oregon, and most likely his colonel said to him, "If you accept this office I want you to resign your commission in the regiment." It seems to me there can be no question about paying an officer for traveling that distance. I do not recollect myself what the pay of a provost marshal would have been.

Mr. POMEROY. The same as a captain of cavalry.

Mr. ABBOTT. My idea is that it will be found on examination that the custom was uniform during the war to pay provost marshals when they were traveling in that way. Perhaps the Senator from Pennsylvania [Mr. CAMERON] recollects what the custom of the Department was at that time.

Mr. CAMERON. I recollect that it was entirely against the impression of the Senator. I take it for granted from the statement here that this captain was desirous of going into a new country and starting his fortunes there, and asked to be appointed provost marshal, and in consequence had to resign his position in the Army. If the Secretary of War had thought proper to order him from his duty in the line, and send him to Oregon as provost marshal, his pay would have been given to him, as a matter of course. If he had kept his commission in the Army and been ordered on this service he would have got pay; but the moment he resigned he lost all right to compensation. He was then, as I understand it, upon the footing of any other citizen in the East who receives an office, the duties of which are to be performed beyond the mountains.

Mr. WILLIAMS. I will simply say that Captain Keeler came out to Oregon in his military capacity, and when he was through with his duties as provost marshal he returned, and is now in New York city. He is not in Oregon. I think the Senator from Pennsylvania is mistaken in supposing that it was his desire to emigrate to a new country. I do not know what his motives were, however, and I do not suppose they are at all material so far as this matter is concerned. If he had been ordered while acting as lieutenant to go to Oregon as provost marshal he was bound to go, I suppose.

Mr. CAMERON. Not at all.

Mr. WILLIAMS. Could not the War Department order an officer upon such duty?

Mr. TRUMBULL. Undoubtedly; but that was not this case.

Mr. WILLIAMS. Very well; that is another question. I say that when an officer was in the discharge of his duty as an officer in the Army, and was ordered by the War Department to a certain place to perform the duties of a provost marshal, he was bound to obey that order as much as any other order issuing from the War Department. If he had gone out there as a lieutenant holding his commission in the Army, and had performed these duties, he would have received his pay as provost marshal, and also received his transportation, if he had acted in conformity to that order.

Mr. TRUMBULL. I do not know that he would have received pay as provost marshal; I presume not. If a lieutenant had been detailed to perform provost marshal duty he would only get the pay of a lieutenant.

Mr. CAMERON. That is all.

Mr. TRUMBULL. The very reason why he resigned was to get the additional pay of a captain of cavalry.

Mr. BOREMAN. It seems to me very singular that a gentleman holding a commission in the Army and about to be assigned to a duty which was in consonance with his office should resign that office in order to perform the duties, and then come here and claim pay for transportation to a far distant part of the country. If he had remained in the Army as a lieutenant he would certainly have received transportation in the usual form as an Army officer. There must have been some cause which does not appear here to induce him to resign. He certainly is not entitled to this pay, according to my understanding, unless there is something else which does not appear on the facts of the case.

Mr. BUCKINGHAM. This case is precisely like ten thousand others. A lieutenant in one regiment or one company is promoted to the colonelcy of another regiment. That regiment may be in another army corps a thousand miles distant. He is not obliged to accept the colonelcy, but before he does it he must resign his lieutenancy. When he resigns his lieutenancy his pay ceases. He is ordered to report to the proper place for muster, and to take his position and perform his duties as colonel. He must reach that place without transportation at the cost of the Government; nor does his pay as a lieutenant continue, nor does it commence as colonel, until he takes his place and is mustered in. This is a parallel case, in my judgment.

The VICE PRESIDENT. The question is on the passage of the bill.

Mr. WILLIAMS. Let it go over.

Mr. TRUMBULL. I move to lay it on the table.

Mr. WILLIAMS. I would sooner take a vote on the passage of the bill than do that. I should like to examine the fact as to his resignation.

Mr. TRUMBULL. Let us lay it on the table, and then the Senator can examine it, and if he thinks it is a good case he can bring it up afterward. I move that the bill lie on the table.

The motion was agreed to.

VOTE OF THANKS TO NAVAL OFFICERS.

The next business on the Calendar was the joint resolution (S. R. No. 134) to regulate the effect of a vote of thanks of Congress upon promotion in the Navy; which was considered as in Committee of the Whole. It provides that a vote of thanks by Congress to any officer of the Navy shall be held to affect such officer only; and when as an incident thereof an officer who would otherwise be retired has been or is retained on the active list such retention is not to interfere with the regular promotion of his juniors, to which they would otherwise have been entitled by law; and where any officer has already been retired to a grade lower than he would have been had the provisions of this law been in force he is to be considered in all things as if they had been in force at the time of his retirement; but no promotion is to be made to fill a vacancy occasioned by the final retirement, death, resignation, or dismissal of an officer who has received a vote of thanks unless the number of officers left in the grade where the vacancy occurs shall be less than the number authorized by law.

The Committee on Naval Affairs reported the joint resolution with amendments, to strike out in line seven the words "his juniors to which they" and to insert the words "others who;" and in line eight, after the word "law," to insert the words "to promotion;" and in line eleven to strike out the words "considered in all things" and to insert the words "entitled to the same position;" so that it will read:

That a vote of thanks by Congress to any officer of the Navy shall be held to affect such officer only; and when as an incident thereof an officer who would otherwise be retired has been or is retained on the active list such retention shall not interfere with the regular promotion of others who would otherwise have been entitled by law to promotion; and where any officer has already been retired to a grade lower than he would have been had the provisions of this law been in force he shall be entitled to the same position as if they had been in force at the time of his retirement, &c.

Mr. ANTHONY. Those are merely verbal amendments.

The VICE PRESIDENT. The Chair will put the question on these amendments together if there be no objection.

The amendments were agreed to.

Mr. ANTHONY. The only effect of this joint resolution is, that when an officer is retained upon the active list ten years longer than he otherwise would be in consequence of his having received a vote of thanks of Congress, such being the provision of law, the continued rank and continued pay given him shall be paid out of the Treasury, and not, as it now is, practically assessed upon his juniors. That is the present effect of the law.

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

Mr. CORBETT. Does not this raise the pay of all the other officers under him?

Mr. ANTHONY. It enables the other officers to be promoted when the time comes that they would have been promoted but for the longevity on the active list of the officer above them. The thanks of Congress have been given to only six admirals and seven other officers.

Mr. CORBETT. The effect of this resolution is to raise the pay just one grade of all the officers below?

Mr. ANTHONY. For every rear admiral retained on the active list ten years it provides that the officers below him, one in each grade, shall be raised at the time when they would have been raised if this vote of thanks had not intervened against them. It makes the pay come out of the Treasury, instead of being assessed upon the officers below him.

Mr. CORBETT. In other words, instead of their not being promoted, it promotes them?

Mr. ANTHONY. Certainly.

Mr. CORBETT. With the increased pay?

Mr. ANTHONY. Certainly. When a naval engagement is fought and is successful, as it generally is with our Navy, the commanding officer is sometimes thanked by Congress. The effect of that is to allow him to remain a rear admiral ten years longer than he otherwise would; but as the law is construed, the way it must be construed, it keeps every man who fought under him down ten years longer than he would otherwise have been. All that is given to him is taken from those below him.

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

JAMES M. TROTTER AND WILLIAM H. DUPREE.

The next bill on the Calendar was the bill (S. No. 724) for the relief of James M. Trotter and William H. Dupree; which was read the second time and considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to pay to James M. Trotter, sergeant major of the fifty-fifth regiment Massachusetts volunteers, the pay and allowances of a second lieutenant of infantry, from the 10th of April, 1864, to the 7th of June, 1865, being the time during which he acted as a second lieutenant in the regiment. It also directs the proper accounting officers of the Treasury to pay to William H. Dupree, sergeant in the fifty-fifth regiment of Massachusetts volunteers, the pay and allowances of a second lieutenant of infantry, from the 30th of May, 1864, to the 21st of June, 1865, being the time during which he performed the duties of a second lieutenant in the regiment.

Mr. WILSON. I will simply say that among the papers which accompany the bill is the petition of these men, certified to by the colonel and lieutenant colonel of their regiment, the fifty-fifth Massachusetts regiment, which was a colored regiment. It was sent to South Carolina, and these officers were commissioned by Governor Andrew. One of them was a sergeant in the regiment and the other was sergeant major. When they presented their commissions the mustering-in officer said there was no law of the United States authorizing the commissioning of persons of African descent. The matter was held up for several months, and finally they were mustered in. This bill proposes to pay them for the time for which they acted as commissioned officers before being mustered in, and for which they ought to have been paid. The mustering officer had no right whatever to reject them.

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

THOMAS HENDERSON.

The next bill on the Calendar was the bill (S. No. 725) for the relief of Thomas Henderson; which was read the second time, and considered as in Committee of the Whole. It proposes to entitle Thomas Henderson, of Wayne county, Michigan, his heirs or assigns, to enter at the proper land office where the same lies the back concession of front concession No. 259, in the township of Ecorce, Wayne county, containing eighty acres, more or less, at the sum of $2 50 per acre, embracing the improvements made upon the back concession by Henderson under a claim of preëmption, the same to be surveyed and laid off by the surveyor general at the expense of the claimant, and to be patented to him, his heirs or assigns, on full payment being made; but this act is not to affect the valid claim of any other person to the land.

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

PRIVATE LAND CLAIMS IN NEW MEXICO.

The next business on the Calendar was the joint resolution (S. R. No. 86) to construe an act entitled "An act to amend an act entitled 'An act to confirm certain private land claims in the Territory of New Mexico.'"

The VICE PRESIDENT. The Chair thinks that a House bill on this subject, reported by the Senator from Oregon, [Mr. WILLIAMS,] has already passed.

Mr. WILLIAMS. Yes, sir; it has passed both branches of Congress and become a law. I move, therefore, the indefinite postponement of this joint resolution.

The motion was agreed to.

JAMES F. JOY.

The next business on the Calendar was the joint resolution (S. R. No. 130) for the relief of James F. Joy; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to James F. Joy interest from September 1, 1866, at the rate of six per cent. per annum, upon $132,000, being the amount paid by Joy to the United States for the premises in Chicago known as the marine hospital, of which premises delivery has not yet been made, and such interest is to be so paid until delivery of the premises shall be made.

Mr. TRUMBULL. There is a report I think accompanying the resolution. I can state the facts.

The VICE PRESIDENT. There is no report apparently.

Mr. POMEROY. The Government never pays interest.

Mr. TRUMBULL. I presume the Senator from Kansas will think it right that interest should be paid in this case when he understands it. I can state the facts of the case. I thought there was a report accompanying the resolution; and I think there was a report made at a former session by the Senator from New York not now in his seat, [Mr. CONKLING.] The case is this: an act of Congress was passed in 1864 directing the Secretary of the Treasury to sell the marine hospital in the city of Chicago, and out of the proceeds of that sale to build another hospital. The law provided that the Government should retain possession of the hospital sold until the new one was ready to be occupied. That was in 1864; and it was to be sold for cash. Mr. Joy was the purchaser, at the sum stated, $132,000. I think Mr. Fessenden was Secretary of the Treasury when the sale was made; but directly after Mr. McCulloch succeeded him, and he was opposed to building any marine hospitals, and he refused to carry out the law, and would not take any steps toward building it. So the matter went on from year to year. Mr. Joy was anxious to get possession of the property. He thought the Government was bound to take steps within some reasonable time to build a new hospital. Undoubtedly the Government ought to have done so; but it has run on until 1870. Mr. Joy has been out of his money now six years, and the new hospital is not done yet. We have made an appropriation this winter to finish it, and I suppose it will be done probably the coming season. The Committee on the Judiciary came to the conclusion that two years was a reasonable time within which the Government ought to have given him possession of this property, and that he is entitled to interest on it after two years from the time he paid over his money. That is the whole case.

Mr. CORBETT. Did not Mr. Joy buy it with the understanding that he would not get possession of it until the new building was completed?

Mr. TRUMBULL. Certainly he did. That was the positive law. He was not to have possession until the new hospital was built; but the Senator from Oregon would not suppose that the Government could refuse to build at all and keep his money. They must act within a reasonable time. The committee thought two years was a reasonable time. The difficulty arises out of the objection of the then Secretary of the Treasury to constructing another hospital. He took no steps toward constructing it for several years.

Mr. CORBETT. It depends on how cheap

Mr. Joy bought this property. If he bought the property at much below its value——

Mr. TRUMBULL. It was sold at public sale, and I suppose he gave what it was worth. There is no pretense that he bought it below its value, that I ever heard.

Mr. HOWE. I should like to have the opinion of the Senator as to what the present value of that property is.

Mr. TRUMBULL. I am not able to say. I am not aware that it has appreciated at all. The old hospital is near the mouth of the Chicago river, and that was thought to be an improper place by the city of Chicago. The city petitioned to have that marine hospital sold, and it was sold. Whether that property has appreciated any since I do not know. It may or it may not. Property upon Water street in that neighborhood has not appreciated at all in several years, and I do not know that this has.

Mr. HOWE. Would not the Senator be willing to change this into a bill to refund the money and take the property back?

Mr. TRUMBULL. The money and the interest?

Mr. HOWE. Yes.

Mr. TRUMBULL. That would require a consultation with Mr. Joy. I do not know, but I think it very likely he would accept that; I am not authorized to say.

Mr. HOWE. No; I suppose not. I do not remember these dates.

Mr. TRUMBULL. In 1864, I think, it was sold.

Mr. HOWE. Was the sale made in 1864?

Mr. TRUMBULL. The sale was made in 1864, and this bill allows interest, I think, after two years. The date is given in the bill when interest commences.

Mr. HOWE. When was the first appropriation made for the new marine hospital?

Mr. TRUMBULL. There was never any made until this winter.

Mr. HOWE. That is a mistake.

Mr. TRUMBULL. I think we have never made any appropriation before this winter. There has only been about one hundred and forty thousand dollars expended.

Mr. HOWE. There was an appropriation make a year ago, and the Senator and I had a dispute about it. There was an appropriation made two years ago which I did not know anything about, or we should have had a dispute then.

Mr. TRUMBULL. The Senator from Wisconsin is mistaken. There has not been expended up to this time more than $150,000 on the new building, and the old property sold for $132,000.

Mr. CAMERON. Did we get the money?

Mr. TRUMBULL. We got the money. It was paid in 1864.

Mr. CAMERON. Did it not belong to us before?

Mr. TRUMBULL. The old hospital belonged to us, and was sold at public sale in 1864 to Mr. Joy, and he paid for it; but he has never had possession.

Mr. CORBETT. I suppose that Mr. Joy with others bid upon this property, taking his chances with the Government, as every other person does who deals with the Government, not expecting interest for his money, and that others were deterred from bidding upon this property, and giving, perhaps, its true value, from the fact that they could not obtain possession of the property for an indefinite time. Mr. Joy was willing to take the chance of getting possession of it. He bid a certain amount of money, perhaps a very low price, and he took his chance of getting possession of the property. I do not see that Mr. Joy has any just claim upon the Government. I know we have had claims in our State of ten years' standing that are not settled yet—yes, of fifteen years—and we are not allowed a cent of interest upon them. The Government has established the principle that it will not pay interest. I do not see why this should be made an exception. He purchased this property at a low price and will get possession whenever the Government shall have finished the new building.

Mr. HOWE. I wish the Senator from Illinois would allow this to lie over informally for a few minutes.

Mr. TRUMBULL. Let it be passed over informally.

The VICE PRESIDENT. The joint resolution will be passed over for the present.

NORTH CAROLINA DISTRICT COURTS.

The next bill on the Calendar was the bill (S. No. 677) to change the place of holding the courts of the United States for the Albemarle district of North Carolina; which was considered as in Committee of the Whole. It provides that the district court of the United States for the Albemarle district of North Carolina, now required to be held in the town of Edenton, shall hereafter be held in the town of Elizabeth City, in that State.

The Committee on the Judiciary reported the bill with an amendment, to add the following words:

And no recognizance, writ, process, order, or notice now returnable in said court at Edenton shall be affected by said change, but shall be deemed returnable at Elizabeth City.

The amendment was agreed to.

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

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

CIRCUIT COURTS.

The next bill on the Calendar was the bill (S. No. 723) in relation to the circuit court of the United States in and for the district of Missouri; which was considered as in Committee of the Whole.

The Committee on the Judiciary reported the bill with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That nothing in the act to amend the judicial system of the United States, approved April 10, 1869, shall be construed to require a circuit court to be held in any judicial district in which a circuit court was not required to be held by previously existing law.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill in relation to circuit courts."

IOWA DISTRICT COURT.

The next bill on the Calendar was the bill (H. R. No. 249) concerning the district court of the United States for the district of Iowa, which was reported adversely by the Judiciary Committee.

Mr. POMEROY. I move that the bill be indefinitely postponed.

Mr. HOWELL. This is in my bailiwick; and if the Senator will withdraw the motion I have a word to say.

Mr. POMEROY. I withdraw the motion.

Mr. HOWELL. I prefer that the bill should be put on its passage.

The VICE PRESIDENT. The Senator will allow it to be read first.

The Secretary read the bill.

Mr. TRUMBULL. I should like, on behalf of the Judiciary Committee, if we could have the instructions of the Senate in regard to this class of bills. This is a bill of very considerable importance; and there are now pending in the Judiciary Committee, I think I may safely say, as many as ten applications for a division of judicial districts in the United States, and making new judicial districts; and there are more than that number of applications to increase the places for holding courts. At the present time the United States courts are held at three places in the State of Iowa—at Dubuque, Des Moines, and Keokuk; and this is a bill to have a district court held on the west side of the State, at Council Bluffs. The same applications are made for holding courts in Indiana, Kansas, Michigan, and other States.

I will state the question which I wish to submit to the Senate. The Judiciary Committee have acted upon the principle that it is injudicious to multiply the places of holding United States courts, because by multiplying the places you will directly multiply the districts, and that will increase the number of judges and district attorneys and marshals, and it will increase the business in the United States courts; and as you increase the business in the lower courts, of course the business that comes to the Supreme Court of the United States will be increased. A lawyer living at Council Bluffs, Iowa, if there is a term of the United States court which has jurisdiction of collection cases from abroad to be held in April, and the State court does not meet until May or June, will bring his cases in the United States court, because it is most convenient and he will get judgment sooner. That will be his reason for going into the United States court. In this way you will multiply the business of all the United States courts, and that will multiply the cases that come here to the Supreme Court; and you will finally break down our judicial system. The Supreme Court is not up to its business within two years.

Mr. SUMNER. Two years!

Mr. TRUMBULL. Two years. It takes two years to reach a case in the Supreme Court of the United States. We have recently appointed nine circuit judges, and it is hoped that the Supreme Court will be able to sit here longer than it has heretofore, so as to bring up the docket. The Judiciary Committee have acted upon the general principle of resisting these applications to multiply the places of holding courts and to multiply the districts. It is very unpleasant to assume that position. We are pressed by members and Senators from the respective States. The Senator from Iowa thinks, "Well, we have got no court on the west side of the State; and our people want a court over at Council Bluffs as well as at Dubuque and Keokuk and Des Moines." It is very hard to resist this; but the committee have taken the position that they would not recommend the increase of judicial districts until they saw how the circuit system operates, and we have resisted the multiplication of the places of holding the court unless it has been under some very peculiar circumstances. If the Senate think proper to decide differently, if it is the opinion of the Senate that we should multiply the places of holding the United States courts, there is no objection to this case in Iowa any more than there would be to cases in the other States; and the committee, of course, will follow the direction of the Senate in reference to the matter. Upon public grounds it seems to me that we ought not to multiply these places.

Mr. WILLIAMS. I ask the Senator if it adds to the expense?

Mr. TRUMBULL. It certainly adds to the expense somewhat to hold a court at a different place. It leads directly, I will say to the Senator from Oregon, to the creation of a new district. That has been the experience heretofore. The more you multiply these places of holding courts the greater is the expense. Directly there is an application for a court-house to be built. You have to have a place for holding the court. When the court is first located there is no expense; the people of the place will tell you, "We will furnish a court-room," and that is done; but it presently leads to expense. It increases the expenses and tends to bring business into the United States courts. But, sir, I have said all I desire to say in regard to it.

Mr. HOWELL. Mr. President——

Mr. POMEROY. We cannot settle this to-night.

Mr. HOWELL. I think we can in a few minutes. I appreciate most of what the Sen-

ator from Illinois has said in regard to this matter. I agree to the general policy that the courts of the United States ought not to be held at a large variety of places, or the districts subdivided. As a general rule that is probably very correct policy; but I think that in this case the Senate might make an exception, as the House of Representatives has already done, the members of the House from Iowa concurring in the expression of their desire that it should be done, and that it would be to the interest of the people of the State of Iowa to have a term of the district court of the United States held at Council Bluffs hereafter.

As has been said by the Senator from Illinois, there are now three places of holding the district court of the United States in Iowa, all on the eastern side of the State. Our people want one place on the western side; and as we have the policy of a division in the State of Iowa, it is but right and proper that the division should be made to meet the wants and the wishes of the people of the State. If hereafter it be decided to concentrate the district court of the United States for the State of Iowa at one point and hold all the courts there, there would be no ground of complaint on the part of those in that portion of the State, and they might be concentrated at the capital; but I beg of Senators——

Mr. HOWARD. I wish to ask the Senator from Iowa how many judicial districts there are in the State? More than one?

Mr. HOWELL. I spoke of the district court of the United States being held at three different places in the State.

Mr. HOWARD. Is it the same court?

Mr. HOWELL. I understand it to be the same court and the same judge.

Mr. HOWARD. Then there is but one district?

Mr. TRUMBULL. The State is divided by boundaries into districts, certain counties embracing each district; but the same judge holds the courts.

Mr. HOWARD. How many districts are there?

Mr. TRUMBULL. Three.

Mr. HOWELL. They are sub-districts.

Mr. POMEROY. It is evident that this matter cannot be settled to-night, and therefore I object to the further consideration of the bill.

Mr. HOWELL. One word further, if the Senator from Kansas pleases.

Mr. POMEROY. The Senator can hardly hope by unanimous consent to reverse the report of the committee. However, I am willing to hear the Senator's remarks.

Mr. HOWELL. All I have to say further is that at present the railroad system of Iowa is not sufficiently perfected to admit of parties and witnesses and jurors traveling with facility and convenience and at moderate expense from the different points of the State to other points; but that portion of the State to be included in these boundaries will be easily accessible and convenient to Council Bluffs. I think that in view of the fact that the bill has passed the House of Representatives with the unanimous concurrence of the members of the House from Iowa, the Senate here need not press a particular policy to such a degree as to rule this bill out and reject it, now that it has passed the other House.

The PRESIDING OFFICER. The Senator from Kansas desires that the bill be passed over; and the next bill will be reported.

PROCEEDINGS IN FEDERAL COURTS.

The next bill on the Calendar was the bill (S. No. 151) to further the administration of justice.

Mr. POMEROY. Let that be passed over. The Senator from Wisconsin who reported it [Mr. CARPENTER] is not here to-day, and I understand he desires to address the Senate upon it.

Mr. STEWART afterward said: I should like to inquire if Senate bill No. 151, to further the administration of justice, was objected to?

The VICE PRESIDENT. It was passed over, it being stated that the Senator from Wisconsin [Mr. CARPENTER] desired to speak upon it when it came up.

Mr. STEWART. This is a bill that I do not think he cares to speak about. It was the bill to increase the judge's salaries he wanted to speak about.

Mr. POMEROY. If the Senator knows that I have no objection.

Mr. STEWART. He spoke to me in regard to the bill increasing salaries.

The VICE PRESIDENT. The bill will be stated again, subject to objection.

The SECRETARY. It is a bill (S. No. 151) to further the administration of justice.

The Committee on the Judiciary reported an amendment, to strike out all after the enacting clause of the bill, and in lieu thereof to insert the following:

That from and after the 1st day of July, in the year of our Lord 1870, the several district judges of the United States shall be relieved from all duty of holding the circuit court in their respective districts, and from sitting in the circuit court held therein, except in the absence of the circuit judge and the justice of the Supreme Court allotted to the circuit; but the district judges shall have the same power as circuit judges at chambers to grant writs and orders in cases pending in the circuit court of their respective districts, which are usually granted in the first instance upon an *ex parte* application, and may, in their discretion, also hear and determine applications to vacate or modify such writs or orders by them granted; but no injunction granted by a district judge after this act shall take effect, in any cause pending in said circuit court, shall continue beyond the third day of the next term of the circuit court, after the same shall have been granted, unless continued by order of said circuit court; and any writ granted or order made by said district judge in any cause pending in the circuit court may be modified or vacated by said circuit court.

SEC. 2. *And be it further enacted*, That no judgment, decree, or order of a circuit or district court of the United States in any civil action at law or in equity, rendered after this act shall take effect, shall be reviewed by the Supreme Court of the United States on writ of error or appeal, unless the writ of error be sued out or the appeal be taken within two years after the entry of such judgment, decree, or order; and no judgment, decree, or order of a district court, rendered after this act shall take effect, shall be reviewed by a circuit court of the United States upon like process or appeal, unless the process be sued out or the appeal be taken within one year after the entry of the judgment, decree, or order sought to be reviewed: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, or *non compos mentis*, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within the periods above designated after the entry of the judgment, decree, or order, exclusive of the term of such disability. The appellate court may affirm, modify, or reverse the judgment, decree, or order brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the inferior court as the justice of the case may require.

SEC. 3. *And be it further enacted*, That the Supreme Court may at any time in its discretion, and upon such terms as it may deem just, and where the defect has not injured and the amendment will not prejudice the defendant in error, allow an amendment of a writ of error, when there is a mistake in the teste of the writ, or a seal to the writ is wanting, or when the writ is made returnable on a day other than the day of the commencement of the term next ensuing the issue of the writ, or when the statement of the title of the action or parties thereto in the writ is defective, if the defect can be remedied by reference to the accompanying record, and in other particulars of form where the defect has not prejudiced, and the amendment will not injure the defendant in error; and the circuit and district courts of the United States shall possess the like power of amendment of all process returnable to or before them.

SEC. 4. *And be it further enacted*, That a bill of exceptions hereafter allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof, if more than one judge sat on the trial of the cause, without any seal of court or judge being annexed thereto; and all process issued from the courts of the United States shall bear teste from the day of such issue.

SEC. 5. *And be it further enacted*, That the practice, pleadings, and forms and modes of proceeding in common-law causes in the circuit and district courts of the United States shall conform, as near as may be, to the practice, pleadings, and forms and modes of proceeding existing at the time in like causes in the courts of record of the State within which such circuit or district courts are held, any rule of said court to the contrary notwithstanding.

SEC. 6. *And be it further enacted*, That in suits in equity in the circuit and district courts of the United States the bill of complaint shall concisely state the facts upon which the complainant claims relief; and every fact stated in said bill and not denied by the answer thereto, either expressly or upon the information and belief of the defendant, shall, on the hearing of said cause, be deemed and taken to be true.

SEC. 7. *And be it further enacted*, That in common-law causes in the circuit and district courts of the United States the plaintiff shall be entitled to similar remedies, by attachment or other process against the property of the defendant, which are provided for by the laws of the State applicable to State courts at the time such cause is commenced; and the party recovering judgment shall be entitled to similar remedies upon the same, by execution or otherwise, to reach the property of the judgment debtor, as are provided by the laws of the State within which such district or circuit courts are held in like cases; *Provided*, That similar preliminary affidavits or proofs, and similar security as required by such laws, shall be first furnished by the party seeking such attachment or other remedy.

SEC. 8. *And be it further enacted*, That whenever notice is given of a motion for an injunction out of a circuit or district court of the United States, the court or the judge thereof may, if there appear to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion. Such order may be granted with or without security, in the discretion of the court or judge: *Provided*, That no justice of the Supreme Court shall hear or allow any application for an injunction or restraining order except within the circuit to which he is allotted, or at such place outside of the circuit as the parties may in writing stipulate.

SEC. 9. *And be it further enacted*, That no indictment found and presented by a grand jury in any district or circuit court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant.

SEC. 10. *And be it further enacted*, That in all criminal causes the defendant may be found guilty of any offense, the commission of which is necessarily included in that with which he is charged in the indictment, or may be found guilty of an attempt to commit the offense so charged: *Provided*, That such attempt be itself a separate offense.

SEC. 11. *And be it further enacted*, That on an indictment against several, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment shall be entered accordingly; and the cause as to the other defendants may be tried by another jury.

SEC. 12. *And be it further enacted*, That any party or person desiring to have any judgment, decree, or order of any district or circuit court reviewed on writ of error or appeal, and to stay proceedings thereon during the pendency of such writ of error or appeal, may give the security required by law therefor within sixty days after the rendition of such judgment, decree, or order, or afterward with the permission of a justice or judge of the said appellate court.

Mr. BOREMAN. I prefer that that bill should be passed over.

The VICE PRESIDENT. It will be passed over.

JOSEPH LANMAN.

The next bill on the Calendar was the bill (S. No. 726) for the relief of Joseph Lanman. It provides for paying to Joseph Lanman, rear admiral in the United States Navy, the difference between the pay of a commodore and that of a rear admiral of the United States Navy, from December 7, 1867, to April 14, 1868.

Mr. BUCKINGHAM. Let the report be read in that case.

The Secretary read the report submitted by Mr. STOCKTON, from the Committee on Naval Affairs, on the 30th of March, as follows:

The Committee on Naval Affairs, to whom was referred the petition of Rear Admiral Joseph Lanman, praying the difference of pay between commodore and rear admiral from December 7, 1867, to April 14, 1863, have considered the same, and report as follows:

That on the 18th of December, 1867, the nomination of the petitioner to be rear admiral was made out at the Navy Department, to fill the vacancy caused by the death of Rear Admiral James S. Palmer, December 7, 1867.

That on the same day the nomination so made out was taken by the Secretary of the Navy in person to the President for his signature; that through the mistake or inadvertence of the President's secretary the nomination was mislaid, and did not reach the Senate till April, 1868.

That his commission gives the petitioner rank as rear admiral from December 8, 1868, but that he has been allowed the pay due to that rank only from April 14, 1868, the date of his commission, having been allowed only the pay of commodore from December 8, 1867, to April 14, 1868.

The foregoing statement of facts shows that the petitioner failed to secure his commission as rear admiral, at or about the time of his nomination, only through the mistake or inadvertence of an-

other, which ought not, in justice, to affect injuriously his position in the service, or prevent him from obtaining his just pay.

The committee therefore report the accompanying bill, and ask its passage.

Before the reading was concluded,

Mr. POMEROY. The Senator who reported this bill is not in his seat. He might explain it if he were here, perhaps. I ask that it be passed over.

Mr. ANTHONY. The report explains itself. It is a perfectly clear case. I think the report explains it very fully. There can be but one opinion about it.

Mr. BUCKINGHAM. I hope there will be no objection.

Mr. POMEROY. I will hear the report read through. I did not think it was very clear.

The Secretary resumed and concluded the reading of the report.

Mr. FENTON. I am not certain that I object to this bill; but I wish to submit whether it will not form a precedent that will involve a great many cases of a similar character in the Army as well as in the Navy. I have one in my mind now. A colonel in the one hundred and fifty-second regiment of New York, after the battle at Atlanta, was assigned to the command of a brigade, and upon the recommendation of General Sherman he was commissioned as a brigadier general. In the capacity of a brigadier general he continued until he reached Washington at the grand review in the last of May, 1865, but his commission did not reach him till a few days before; and he was only mustered into the service and had rank from a few weeks before he was mustered out. This is only one of a number of cases that I have in my mind, and I think the passage of this bill will lead to special legislation of this character, which we had better pretty well consider before we enter upon it. I venture to ask that the bill be passed over for the present.

The VICE PRESIDENT. It will be passed over. The next bill will be stated.

Mr. FENTON. The Senator from Connecticut [Mr. BUCKINGHAM] appeals to me to withdraw my objection until he can make a statement.

Mr. BUCKINGHAM. Until we take the vote.

Mr. FENTON. I prefer that it should be passed over.

The VICE PRESIDENT. The Senator from New York insists on the objection, and the bill will be passed over.

EMMOR WARE.

The next bill on the Calendar was the bill (H. R. No. 702) for the relief of Emmor Ware. It provides for paying to Emmor Ware, late postmaster at Buttersville, Indiana, $115 in full for postage stamps of which he was robbed while postmaster, on the night of the 23d day of January, 1868, and for which he has accounted to the Post Office Department.

Mr. CORBETT. That is for refunding money for stolen postage stamps. I think the Senator from Vermont [Mr. EDMUNDS] objects to all these bills. Let it go over until he is present.

Mr. RAMSEY. There is a report in that case. It is a House bill with a House report.

Mr. CORBETT. I ask that the bill go over.

The VICE PRESIDENT. It will be passed over.

Mr. RAMSEY. That is very singular. Why should this bill be objected to? It is for a very small sum, and had better be taken off the Calendar. The Senator from Vermont objected in another case because the proof was not clear to his mind. Here there can be no doubt.

Mr. CORBETT. I understand the Senator from Vermont to object to all these cases.

Mr. RAMSEY. Did the Senator from Vermont desire the Senator from Oregon to object in his absence?

Mr. CORBETT. I object in his absence.

HENRY N. GALPIN.

The next business on the Calendar was the joint resolution (H. R. No. 207) for the relief of Henry N. Galpin, postmaster at Berlin, Connecticut. The bill is a direction to the proper accounting officers of the Treasury, in settling the accounts of Henry N. Galpin, as postmaster at Berlin, Connecticut, to credit and allow to him $150 for postage stamps of which he was robbed by burglars on the night of October 16, 1868, without fault or negligence on his part.

Mr. TRUMBULL. Is there a report in that case?

Mr. WILLIAMS. Does not that come under the rule?

Mr. RAMSEY. Under Mr. EDMUNDS's rule? I appeal to the Senator from Oregon [Mr. CORBETT] whether it does or not.

The VICE PRESIDENT. The Secretary will read the report of the House committee.

Mr. RAMSEY. Does this fall under the rule?

Mr. CORBETT. This falls under the rule of the Senator from Vermont. I object.

The VICE PRESIDENT. The Senator from Oregon objects, and it will be passed over.

Mr. SHERMAN. We have passed several bills allowing such claims in the case of revenue officers who have lost revenue stamps where there was clearly no fault on their part. I do not see why the rule should not apply to postmasters.

Mr. CORBETT. The Senator from Vermont, I believe, desires to be heard on these bills. I object to the consideration of this bill.

THOMAS E. SCOTT.

The next business on the Calendar was the joint resolution (H. R. No. 210) for the relief of Thomas E. Scott, late postmaster at Cerro Gordo, Illinois.

Mr. CORBETT. Let that be passed over. I think the postmaster can stand that loss; it is only sixty-nine dollars.

R. L. D. BURCHFIELD.

The next bill on the Calendar was the bill (H. R. No. 28) for the relief of Robert L. D. Burchfield. By its terms the Paymaster General is directed to pay to Robert L. D. Burchfield, late second lieutenant of company D, third North Carolina mounted infantry, the full pay and allowances of a second lieutenant of infantry, for the time during which he shall make satisfactory proof that he actually served in that capacity without pay.

Mr. TRUMBULL. Is there a report in that case?

The VICE PRESIDENT. There is no report.

Mr. TRUMBULL. We ought to know what it is. Let it be laid aside until the Senator from North Carolina [Mr. ABBOTT] is here to explain it.

The VICE PRESIDENT. The bill will be passed over.

JOHN SHELTON.

The next bill on the Calendar was the bill (S. No. 733) for the relief of Lieutenant John Shelton.

Mr. TRUMBULL. I object to it temporarily, until the Senator from North Carolina comes in. It is of the same character as the last bill.

ISAAC H. ALLEN.

The next bill on the Calendar was the bill (S. No. 734) for the relief of Isaac H. Allen.

Mr. TRUMBULL. That comes from the same committee, is reported by the same Senator, and is the same kind of a bill. Let it lie over.

The VICE PRESIDENT. It will lie over.

DISTRICT POLICE COURT.

The next bill on the Calendar was the bill (H. R. No. 38) to establish a police court for the District of Columbia.

Mr. HARLAN. I have been requested to examine that bill.

Mr. SUMNER. But unless my friend has some objection to it I hope he will let us proceed with it. The chairman of the committee is absent, and he asked me to look after the bill. It has been carefully considered in committee, and I have an amendment to move in the nature of a substitute, to strike out all after the enacting clause and insert the proposition which comes from the committee. It is regarded as important that it should pass.

Mr. POMEROY. What is the amendment?

Mr. SUMNER. The bill has already passed the House of Representatives creating one judge. The Senate committee propose two judges instead of one. The House bill also proposes to make their term of holding office during good behavior, practically for life. The amendment limits it to six years. These are the two essential differences between the two bills. Besides, the Senate bill, if I may say so, is taken into a new draft. It is a more accurate bill.

Mr. POMEROY. I am in favor of the Senate bill and not of the House.

Mr. SUMNER. I hope, therefore, the Senate will proceed with the bill.

Mr. HARLAN. I will withdraw my objection until I hear the bill read.

Mr. SUMNER. Has the Secretary the amendment of the committee? I will send it to the Chair. It is to strike out all after the enacting clause and to insert a substitute.

The Secretary proceeded to read the substitute, but before concluding,

Mr. BOREMAN. Is that substitute offered by the Senator from Massachusetts, or reported by the Committee on the District of Columbia?

Mr. SUMNER. This is the substitute of the Senate committee.

Mr. BOREMAN. The Senator from Massachusetts proposes to offer as a substitute, as I understand, a whole bill——

Mr. SUMNER. That is what is reading now. The substitute from the Senate Committee on the District of Columbia is now reading.

Mr. BOREMAN. My inquiry was whether this was a substitute offered by the Senator or by the committee.

Mr. SUMNER. The Clerk is now reading the report of the Senate Committee on the District of Columbia made by the Senator from Maine [Mr. HAMLIN] who is now absent, being a substitute for the House bill.

Mr. BOREMAN. Reported by the Senator from Massachusetts?

Mr. SUMNER. No; I am acting in a very humble capacity for my friend, the Senator from Maine, who is absent. I am a member of the committee.

Mr. BOREMAN. I was not furnished with what was being read. I find it does not correspond with the printed bill before me.

Mr. SUMNER. The Senator has the House bill. What the Clerk is now reading is the report of the Senate Committee.

Mr. DAVIS. I object to the further consideration of this bill.

The VICE PRESIDENT. It will be passed over.

Mr. SUMNER. I hope the Senator will allow the reading to be finished.

Mr. DAVIS. It will have to be read again when taken up.

Mr. SUMNER. It need not be read again if it is read now.

Mr. DAVIS. I object.

The VICE PRESIDENT. The Senator from Kentucky objects, and the bill will be passed over.

AMERICAN UNION ACADEMY.

The next bill on the Calendar was the bill (S. No. 694) to incorporate the American Union Academy of Literature, Science, and Art.

Mr. WILSON. Let that be passed over.

The VICE PRESIDENT. The bill will be passed over.

PATENT DEVICE FOR SHEARING BOOMS.

The next bill on the Calendar was the bill (S. No. 743) confirming and extending a patent right to Levi W. Pond and the Eau Claire Lumber Company.

The bill, which was read, provides that the rights described in the letters-patent granted on the 4th of August, 1868, to Levi W. Pond and the Eau Claire Lumber Company, of the county of Eau Claire and State of Wisconsin, citizens of the United States, to an invention therein described and referred to, shall be granted, confirmed, and extended to Levi W. Pond and the Eau Claire Lumber Company, their heirs and assigns, for the full term of seventeen years from the 1st day of June, 1870, notwithstanding that the invention may have been to some extent possessed and enjoyed by the public prior to the date of the application for the patent, which was filed on the 23d day of January, 1868, the invention so granted and confirmed being described in the letters and application as an "improved device for sheering booms." All rights and privileges heretofore sold and granted by the patentees to make, construct, use, or vend the invention, and not forfeited by the purchasers or grantees, are to inure to and be enjoyed by such purchasers or grantees respectively, as fully and upon the same conditions during the period hereby granted, as for the term that did exist when such sale or grant was made. Any person who had, more than two years prior to the date of the application for the patent, *bona fide* erected or constructed any such machine or structure for the purpose of putting the invention into use in any of its modifications is to have and enjoy the right of using the invention in any such specific machine or structure so actually erected more than two years prior to the date of the application for a patent in all respects as though this act had not been passed; but no person, without grant or license from the patentees, or their assigns, is to have or enjoy by virtue of this act any other or greater privileges or rights than he would have or enjoy if it had not been passed.

Mr. TRUMBULL. That, it strikes me, is a very extraordinary bill, extending a patent by act of Congress for seventeen years. I have never known such a case.

Mr. WILLIAMS. The invention has been used by the public, it seems.

Mr. WILLEY. This is a bill reported by the Senator from Wisconsin, [Mr. CARPENTER.] The Senate has taken notice that the patent has just been issued, and this is to correspond with the present law. The object of the bill is to validate a patent already issued, there being some doubts about whether it has not been forfeited by the article having been in use more than two years prior to the issue of the patent. The object of this bill is to validate the patent, notwithstanding that that may have been the case. The Senate will perceive that it is a patent for an invention which can be very limited in its use and in its operation, and the monopoly of which would not operate very extensively anywhere. It is for the creation of a boom, and the invention itself is of such a character that it must necessarily have been exposed to the public in the process of its construction; and the whole object of this bill is simply to validate a patent which issued, I believe, in 1868, and to give it the length of term for which patents issue now and for which that patent issued. It did issue for seventeen years, and this bill is only to validate the patent in point of fact for this term, making it seventeen years. It does not increase the term of the patent at all. It is not for the extension of a patent; it is to validate one which has just been issued, in respect to which there is some doubt whether at the time it was issued the patentee had a right to his patent.

Mr. HOWELL. I object to the bill simply on the ground that I do not know anything about it, and because I am thoroughly opposed as a general rule to the extension of patents.

The VICE PRESIDENT. The bill will be passed over.

BENJAMIN S. RICHARDS.

The next business on the Calendar was the joint resolution (S. R. No. 118) to place the name of Benjamin S. Richards on the Navy Register; which was considered as in Committee of the Whole.

The Committee on Naval Affairs reported an amendment, to strike out all after the resolving clause and to insert the following:

That the President of the United States be, and he is, authorized, by and with the advice and consent of the Senate, to appoint Ensign Benjamin S. Richards a master on the active list of the Navy, to date from the 26th day of March, 1869, with the pay of that grade from that date.

Mr. WILLIAMS. I should like to hear that explained.

Mr. DRAKE. I will explain it. This young man was an ensign in the Navy and was required to be examined with reference to promotion to the grade of master. At the time that he was examined he was just recovering from a very severe illness, and was infirm both in body and in mind. He failed to pass his examination, and they placed him on the retired list. Afterward, when recovered his health, he was reëxamined and passed an excellent examination; but he cannot get back to his place on the active list without the authority of Congress.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed. Its title was amended so as to read: "A joint resolution to authorize the restoration of Benjamin S. Richards to the active list of the Navy."

FREEDMEN'S SAVINGS COMPANY.

The next bill on the Calendar was the bill (S. No. 732) to amend an act entitled "An act to incorporate the Freedmen's Savings and Trust Company," approved March 3, 1865.

Mr. PATTERSON. If the Senate has no objection I should like to take up House bill No. 1594, which covers the same subject, and has passed the House; while if we pass the Senate bill it will have to go to the House.

The VICE PRESIDENT. If there be no objection the Senate will consider in place of the Senate bill the House bill of the same title.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1594) to amend an act entitled "An act to incorporate the Freedmen's Savings and Trust Company," approved March 3, 1865. It proposes to add to the fifth section of the act approved March 3, 1865, the words following:

And to the extent of one half in bonds or notes, secured by mortgage on real estate in double the value of the loan; and the corporation is also authorized hereby to hold and improve the real estate now owned by it in the city of Washington, to wit: the west half of lot No. 3, all of lots 4, 5, 6, and 7, and the south half of lot No. 8, in square No. 221, as laid out and recorded in the original plats or plan of said city: *Provided*, That said corporation shall not use the principal of any deposits made with it for the purpose of such improvement.

Mr. DRAKE. I think the Senate should transact to-day some executive business.

Mr. SUMNER. Let us finish this bill.

Mr. DRAKE. This bill, I fear, will take some time to consider. It is four o'clock now, and there is important executive business to be transacted. I move, therefore, that the Senate proceed to the consideration of executive business, and that will leave this bill the first on the Calendar for to-morrow.

Mr. PATTERSON. It is a very short bill.

The VICE PRESIDENT. The Chair will state to the Senator from Missouri that the order of the Senate is that no other business shall be in order until the Calendar has been concluded, and it requires, therefore, unanimous consent to go into executive session.

Mr. DRAKE. I withdraw the motion for the present.

Mr. CAMERON. This amendment of the charter of this company I objected to some time ago. I think it will in the end probably destroy the institution; but the people concerned in its management and those most interested, the colored people, have written to me remonstrating against my course; and if they want to be cheated I do not know that it is worth while for me to make much trouble about it. It is a principle which ought not to go into any banking institution at all. It is endangering the depositors of the funds, the small depositors especially. They are in the hands of persons entirely irresponsible, except the responsibility given by their character. They will be led probably into speculations; and if this money is once invested in real estate it will be very difficult to get it back. My experience has been that whenever institutions of this kind have invested their money in real estate they have gone to destruction. I shall vote against the bill.

The bill was reported to the Senate without amendment, and ordered to a third reading.

Mr. CORBETT. Is that clause contained in the bill giving the right to improve real estate?

The VICE PRESIDENT. The bill will be read.

Mr. CAMERON. I think the bill had better lie over.

The VICE PRESIDENT. It will lie over. If there be no objection the Senate bill of the same title will be indefinitely postponed. The Chair hears no objection.

Mr. PATTERSON. What is the objection to the House bill?

Mr. CAMERON. I object with the intention of preparing an amendment to-morrow which I think will make it less objectionable.

DISTRICT CORPORATION LAW.

Mr. TRUMBULL. We seem to be making very little progress. The Senate is evidently wearied, and there is some executive business that ought to be attended to.

Mr. SHERMAN. If the Senate will pass the next bill we shall be relieved of about one third of the bills on the Calendar, hereafter, I hope.

Mr. TRUMBULL. I have no objection to that.

The VICE PRESIDENT. The next bill on the Calendar is the bill (H. R. No. 1427) to provide for the creation of corporations in the District of Columbia by general law.

Mr. TRUMBULL. While I am up I wish to say that I desire to ask the unanimous consent of the Senate for a short executive session.

Mr. SHERMAN. After this bill is passed I shall have no objection.

Mr. TRUMBULL. Very well.

The Senate, as in Committee of the Whole, proceeded to consider House bill No. 1427.

The VICE PRESIDENT. The bill will be read.

Mr. HOWELL. I know that this bill is a sound bill, and if it be within the rules of order by general consent to pass it at once I should like to see it done. It has passed the House, and been thoroughly examined by the Committee on the District of Columbia.

Mr. POMEROY. The reading can be dispensed with by unanimous consent.

The VICE PRESIDENT. Is there any objection to dispensing with the reading of the bill?

Mr. TRUMBULL. I am as much fatigued and impatient as anybody, but I dislike to have a bill pass the Senate that has never been read.

The VICE PRESIDENT. The Senator from Illinois objects. The Secretary will read the bill?

The Secretary proceeded to read the bill, and having read to the end of the eleventh section,

Mr. TRUMBULL. As that bill will take some considerable time we shall hardly be able to get through with it this evening. I ask unanimous consent that we proceed to the consideration of executive business.

Mr. SUMNER. It being understood that this is the pending business.

Mr. TRUMBULL. Yes, sir.

The VICE PRESIDENT. The Senator from Illinois asks unanimous consent that the Senate proceed to the consideration of executive business.

Mr. SUMNER. The Secretary will continue the reading of this bill to-morrow where he leaves off.

The VICE PRESIDENT. Yes, on page 36, the reading being about two thirds through. The Chair hears no objection to the proposition of the Senator from Illinois. The Sergeant-at-Arms will clear the galleries and close the doors.

After some time spent in the consideration of executive business the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 28, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. ALLISON. I call for the regular order.

Mr. PORTER. I ask unanimous consent to introduce for action at this time a bill for the removal of political disabilities from Isaac H. Christian, of Charles City county, Virginia.

Mr. MAYNARD. Has Mr. Christian made application for the removal of his political disabilities?

Mr. PORTER. He has; and if the House will give me a few moments of time I will explain the necessity for the passage of this bill at this time.

Mr. BENJAMIN. I object.

DARRELL VS. BAILEY—LOUISIANA.

Mr. STEVENSON, from the Committee of Elections, submitted a report upon the contested-election case of C. B. Darrell *vs.* Adolph Bailey, from the third congressional district of the State of Louisiana, accompanied by the following resolutions:

Resolved, That Adolph Bailey is not entitled to a seat as Representative in the Forty-First Congress from the third district of Louisiana.

Resolved, That C. B. Darrall is entitled to a seat as Representative in the Forty-First Congress from the third district of Louisiana.

The report and resolutions were laid on the table, and ordered to be printed.

Mr. STEVENSON. I will call up this case as soon as the condition of the public business will justify it.

Mr. KERR. I ask permission to submit a minority report in this case.

No objection was made; and leave was accordingly granted.

ORDER OF BUSINESS.

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

Mr. McGREW. I insist upon the regular order. If leave is refused to one member to introduce business out of the general order it should be refused to all.

The SPEAKER. The regular order being called for, the morning hour will now begin, at seventeen minutes past twelve o'clock.

Mr. PAINE. When the House adjourned yesterday the pending question was upon seconding the previous question upon a motion to limit debate in Committee of the Whole on the tariff bill.

The SPEAKER. The mere fact of calling the previous question gives a question no higher rank, until the previous question is seconded and the main question ordered. In regard to the tariff bill, that bill having been made a special order after the morning hour, the pending question at the adjournment of the House yesterday will come up immediately after the morning hour of to-day.

CORRECTION OF THE JOURNAL.

Mr. WOODWARD. I am recorded on the Journal as having been absent at the beginning of the session yesterday, when the motion was made for a call of the House. I was present, and voted in the affirmative. I ask that the Journal may be corrected accordingly.

The SPEAKER. The correction will be made.

DEPARTMENT OF JUSTICE.

The House then resumed the consideration of a bill (H. R. No. 1328) to establish a department of justice.

The SPEAKER. The gentleman from Ohio [Mr. LAWRENCE] is entitled to the floor.

Mr. LAWRENCE. I yield to the gentleman from Rhode Island, [Mr. JENCKES,] who desires to move some amendments to the bill.

Mr. JENCKES. I move to amend section three by inserting the word "naval" before the words "Judge Advocate General."

The amendment was agreed to.

Mr. LAWRENCE. I move to amend section fourteen by inserting after the words "necessary to enable the President and heads of Executive Departments" the words "and the heads of bureaus and other officers in such Departments."

Mr. JENCKES. I have no objection to that amendment.

The amendment was agreed to.

Mr. FINKELNBURG. I would suggest the propriety of amending the third section of this bill by inserting after the words "the naval solicitor and naval Judge Advocate General" the words "who shall hereafter be known as naval solicitor."

Mr. JENCKES. I have no objection to that amendment.

The amendment was agreed to.

Mr. ALLISON. I understand the gentleman to say that by this bill the law officers now in the Treasury Department are transferred to the new department. Are they under the control of the Secretary of the Treasury in any way, or are they under the control of the head of the new department?

Mr. JENCKES. They are subordinate to the Attorney General.

Mr. ALLISON. It seems to me they ought in some way to be responsible to the Secretary of the Treasury, for they are constantly required to be in communication with that officer.

Mr. JENCKES. Under this bill they have no necessary connection with the Secretary of the Treasury.

Mr. GARFIELD, of Ohio. On that point I would like to ask a question. When there arises a question as to a payment out of the Treasury, or the settlement of an account or claim, the Secretary of the Treasury may need at once a responsible law officer to come at his order and examine a question of that kind. Now, I want to know whether under this bill the Secretary of the Treasury will be compelled to rely on the Attorney General to detail an officer for such a purpose, or can he directly, as he now does call upon an officer, as he now calls upon the solicitor of the Treasury, to take up the specific business?

Mr. JENCKES. He can call upon the officer directly. That matter has been considered; and this bill does not disturb the existing relations in that particular.

Mr. GARFIELD, of Ohio. I am glad that such is the fact.

Mr. SCOFIELD. I wish to put an inquiry to the gentleman having this bill in charge. If one of the heads of Departments propounds an interrogatory to these law officers through the Attorney General and gets an answer, is he bound by the answer, or may he afterward go on and do as he pleases?

Mr. JENCKES. That was fully explained yesterday. The heads of Departments may act on their own discretion; but when they take advice we want to know what that advice is, so that the law department of the Government shall not be giving different advice to different heads of Departments or different bureaus.

Mr. SCOFIELD. The bill only takes care, then, that these officers shall be well informed on legal questions; and if afterward they choose to go wrong they are responsible.

Mr. GARFIELD, of Ohio. And the decisions of the law officers are to be recorded in a single office.

Mr. JENCKES. Yes, sir. I now insist on the demand for the previous question.

The previous question was seconded and the main question ordered.

Mr. JENCKES. I now yield to the gentleman from Ohio, [Mr. LAWRENCE,] that he may finish his remarks.

Mr. LAWRENCE. Mr. Speaker, when the morning hour closed yesterday I had not quite finished the remarks which I designed to submit to the House on this bill. I had endeavored to establish two propositions: first, that this bill is necessary to secure uniformity in the legal opinions given to the President, the heads of Departments, the heads of bureaus, and other officers of the Government for the guidance of their official action; and secondly, that the bill is important in order to save the unnecessary expenditure of more than one hundred thousand dollars annually for extra-official fees to counsel. I think the facts submitted to the House by the gentleman from Rhode Island, [Mr. JENCKES,] and those which I had the honor also to present, sufficiently prove these propositions. Upon the first point, however—the necessity of securing uniformity in the advice given to the officers of the Government—I propose to submit a few additional remarks.

We all understand that it is the duty of the President to advise Congress by message as to the measures which he deems necessary for the public good. We also understand that by usage there are certain officers of the Government, heads of Departments, who are members of what is called by common usage "the Cabinet." I am well aware that there is no law which organizes the Cabinet; but almost from the foundation of the Government the President has been in the habit of calling a council of the heads of Departments and taking their advice upon all important public matters; and these officers acting in that capacity are in common parlance called "the Cabinet." Now, the Attorney General is one of the officers who, in accordance with this usage, has been consulted by the President. The President takes the opinion of these heads of Departments; yet, as the law now stands, it is perfectly apparent that the law officers of the several Departments may advise the heads of the Departments in one way upon subjects of public importance affecting their Departments, and the Attorney General may advise the President and the Cabinet, when they are assembled, in a totally different way upon the same subject.

Now, I submit to the House that it is utterly impossible that the President can intelligently advise Congress or act without embarrassment on affairs relating to our international rights, obligations, and duties when there is a law officer in the State Department, as now, advising the head of that Department in one way while the Attorney General may be advising the President in a different way. And thus our rights in relation to foreign nations, our duties to them, are controlled, or are liable to be controlled, by different and conflicting counsels. We have an officer called an examiner of claims, the law officer of the State Department, advising the Secretary of State in matters affecting our foreign relations, our duties and obligations, while the President and Cabinet are receiving advice from the Attorney General.

Then the same difficulty, as the law now stands,

arises in almost every other Department of the Government. In the Treasury Department the Secretary of the Treasury is the head of the Department, including the Bureau of Internal Revenue. The Bureau of Internal Revenue has its solicitor, and there is also a solicitor of the Treasury, and these different officers are advising, one the Commissioner of Internal Revenue and the other the Secretary of the Treasury and some of the bureaus, on matters affecting the public interest and involving millions of dollars annually, questions of the gravest importance affecting our revenues, while the Attorney General may be advising the President, who is charged with the duty of executing the laws in a different manner. It will be impossible for the President to advise Congress intelligently or properly execute the laws while this conflict of legal opinions exists, with the conflicting modes of administration resulting from it.

Here, then, are questions of an international character which may affect the peace of our Government and the peace of the world. Here are questions relating to our revenues, affecting the interests of the States, the citizens, and the nation. Here are questions affecting the power of Congress over the States, the duties and obligations of the States to the national Government and their claims on it. As the law now stands there are or may be different and conflicting opinions given by the different law officers of the Government affecting all these questions. One case was alluded to by the gentleman from Kentucky [Mr. BECK] yesterday. Not long since Governor Senter, of Tennessee, applied to the President to furnish troops to aid him in the execution of the laws of that State. That application was very properly referred by the President to the Secretary of War, and he referred it to the Judge Advocate General of the Army. The Judge Advocate gave a written opinion, deciding that troops could not, under the Constitution and laws, be given to the Governor to aid him as he desired. It so happened in that particular case his opinion was correct; but he might have given a different opinion. This case is one of many which may arise when the Judge Advocate General may give one opinion and the Attorney General may give another; and thus the peace of these States would be imperiled by these conflicting, contradictory, irreconcilable law opinions, given either under the authority of law or without the authority of law.

If, then, we would preserve uniformity in the legal opinions which are to guide us in our international obligations, in our interstate obligations, in relation to our revenue upon which the State and the nation may be called to act this bill is a necessity, and one which cannot be properly dispensed with. If the present system be continued the result will be that we will continue to have, as we now have, "confusion worse confounded."

But I think I need not pursue this branch of the subject further. Certainly enough has been said to demonstrate the necessity of this bill to secure uniformity of legal opinions given by the various law officers of the Government on the various subjects on which they are called to act.

So far I have said nothing of the details of the bill, and I wish to say but a few words in relation to these. This bill proposes to establish "the department of justice." I should have preferred to call it the law department, because more in analogy to that which prevails in England, from which we have derived many of our institutions, but I do not regard it very essential whether we call it the department, of justice or the law department. Its purpose is the same whether you call it by one name or another. The bill which I had the honor to introduce on the 19th of February, 1868, in section three provided—

"That the following bureaus shall be established in this department: a bureau of international law; a bureau of revenue law; a bureau of military and naval law; a bureau of postal law; a bureau of land law; a bureau of patent law; and a bureau of the Court of Claims; and there shall be a principal officer in each of said bureaus to be called a solicitor."

I believe that the present Attorney General prefers that the department of justice should not be thus subdivided into bureaus. But all these subjects are covered by the bill, and it is within the power of the Attorney General to assign the duties which would belong to these several bureaus to one or more of the officers authorized by the bill. The bill which I had the honor to introduce and the bill now before the House agree in transferring to the department of justice all the present law officers of the Government at Washington and in consolidating them all into one department, giving the Attorney General a supervisory power over them all, and intrusting to the department all the subjects properly cognizable by such a department, whether they are assigned to various bureaus, as contemplated by my bill, or generally to the department provided for by the bill now under consideration.

There is this difference, however, and it is one to which allusion was made by several gentlemen who spoke on this bill yesterday. The present bill does not interfere with the present Judge Advocate General of the Army, but leaves him and his eight assistant judge advocates to continue as law officers in the War Department. I would have preferred that the Judge Advocate General of the Army and so many of his assistants as were necessary should have been transferred to the department of justice, and that the duties now devolving upon the Judge Advocate General of the Army, and the solicitor and naval judge advocate, should all have been devolved upon one officer; and it would not be material whether that were done under the general provisions of this bill, or by the establishment of a separate bureau in this department, to be denominated, as my bill originally proposed, a bureau of military and naval law.

Mr. BINGHAM. I desire to ask whether the bill is so changed as not to subject the Judge Advocate General of the Army to its provisions?

Mr. LAWRENCE. That is changed as my colleague desired. I beg to say, as I have already stated to the House, and my colleague would have been aware of it if he had been listening, that this bill does not interfere with the Judge Advocate General of the Army or his assistants so far as their official existence is concerned. This bill, however, does transfer to the law department, or the department of justice as it is now called, the cognizance of all subjects of martial law, and the cognizance of all subjects of military and naval law, except that portion of the administration of military justice which relates to military courts-martial, their proceedings, and the supervision of their records. If a question of martial law is to be determined by the law officers of the Government it will now belong to the Attorney General or to this department of justice. It will not belong to the Judge Advocate General of the Army. He will not be called upon for any opinion relating to martial law or military law, except as to that portion of the administration of military law which relates to military justice. In other words, the Judge Advocate General, instead of giving legal opinions to the Secretary of War relating to the status of States of this Union, their right to call upon the Government for military protection or military aid, and other grave constitutional questions, will be limited, as the law under which he was appointed designed he should be, to the mere supervision of the records and proceedings of military courts-martial; and as to these it will be the duty of the President and Secretary of War to ask the opinion of the Attorney General on all important or doubtful questions. The Judge Advocate General will perform duties administrative in their character and almost exclusively so.

I would have preferred, as I have already remarked, that the whole Judge Advocate's office should have been transferred to this department of justice. There are now in the War Department a Judge Advocate General and eight assistant judge advocates. Every duty now performed by these officers would be performed under this bill much better than they will be in the War Department. I hope that the Committee on Military Affairs will take up that subject so as to abolish the offices of the Judge Advocate General and his assistants, with a view to having their duties transferred to the department of justice. If this is done, it will be in the interest of retrenchment, economy, and of the efficiency of the public service of the country. It will tend to unify the construction and administration of the laws of the United States, and to make the administration of this department and of all the law services of the Government symmetrical.

But I will state to the House why, in my judgment, no transfer of the Judge Advocate General or of his duties to the department of justice has been proposed in this bill. If this had been done the bill would have encountered the opposition of some of the officers of the Bureau of Military Justice and their friends, and so great is the power of men in office, so difficult is it to abolish an office, that we were compelled in the consideration of this subject to leave the officers of this bureau untouched in their official tenure in order that this bill might get through Congress. But so far as the solicitor and naval Judge Advocate General is concerned, he is transferred with all his supervisory power over naval courts-martial, and the records and proceedings of such courts; so that to that extent this bill accomplishes the great purpose which it has in view of bringing into one department the whole legal service of the Government. Now, Mr. Speaker, I think enough has been said to show that this bill ought to become a law. I cannot conceive of any objection to it, and none has been presented.

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

Mr. LAWRENCE. Yes, sir.

Mr. ELDRIDGE. I would like to know if this is the same bill, or substantially the same bill, as he introduced and which was before the Judiciary Committee during the last Congress?

Mr. LAWRENCE. Yes; it is much of it in the same words, and I think I am correct in saying that it had the consideration and indorsement of the gentleman from Wisconsin, [Mr. ELDRIDGE,] and I think of every member or almost every member of the Judiciary Committee.

Mr. ELDRIDGE. No; the gentleman is a little mistaken about that. I did not quite agree to that bill. I thought it would add another department to the Government, and ultimately another Cabinet minister, and I think now that will be the result of this bill. I think that is the purpose which the gentleman has in view.

Mr. LAWRENCE. The gentleman from Wisconsin understands very well that by law there is no such thing as a Cabinet officer. There is no law creating a Cabinet in this country.

Mr. BINGHAM. Will the gentleman take notice that there is such a thing in the Constitution as the heads of Departments?

Mr. ELDRIDGE. I was about to remark that.

Mr. LAWRENCE. I have taken notice of the Constitution some time ago.

Mr. BINGHAM. Well, take notice of it in your bill.

Mr. LAWRENCE. The Departments have been organized under the laws of the United States, which authorize the President to call upon the heads of Departments for their written opinions; but there is no law which provides for their assemblage in Cabinet council, or which organizes or recognizes a Cabinet.

The Cabinet is the creature of usage only. But since the establishment of the office of Attorney General the Attorney General has been a member of the Cabinet by usage just as much as any head of a Department. He ought to be in the Cabinet. There ought not to be a Cabinet without a law officer; and this bill, while it creates a department, or converts what is now the office of Attorney General into a department, does not create a Cabinet officer. It is proposed to create a department, and by the usage the Attorney General will continue to be a member of the Cabinet, as he has been since the foundation of the Government. The bill proposes to put the Attorney General precisely upon the same footing as the other heads of Departments of the Government; and to that I think there ought not to be any objection.

Mr. ELDRIDGE. I hear with profound satisfaction the announcement of the gentleman that he looked at the Constitution some time ago.

Mr. LAWRENCE. Yes; some time ago.

Mr. ELDRIDGE. I hope that he will take another observation, and I think then he will come to the conclusion implied in the query of his colleague from Ohio, [Mr. BINGHAM,] that the Constitution does recognize the heads of Departments, and whatever by law, usage, or otherwise, we all know the fact that the President of the United States has a Cabinet. We also know the fact that the number of which it is composed has been increased since the first organization of the Government. We know that the tendency is in that direction. I believe that it is one of the ultimate purposes of this bill to increase the number. It is said that there is wisdom in a multitude of counselors, but there is expense in all this thing. The moment this new department is established the pay of its head will be raised to that of a Cabinet minister, and this is one of the steps that we are taking all the while in the direction of augmented expenditures of the Government. I should have thought the gentleman's love of economy would have led him in the other direction. I suggested that idea to him when the bill similar to this was before the Judiciary Committee in the last Congress, and I supposed that he would have been in favor of and advocating propositions which reduced expenditures, and not of those that are constantly increasing them.

Mr. LAWRENCE. If the gentleman had heard the remarks made yesterday and the figures given he would have seen that this is a measure of retrenchment. But I have said enough to the House on this subject. I hope the vote will now be taken and that the bill will pass.

Mr. JENCKES resumed the floor.

Mr. JONES, of Kentucky. I desire to ask the gentleman one question. I understood the gentleman to say that this bill ought to have included the Judge Advocate General of the Army, and is defective in that respect, and that the reason why a provision in reference to him was omitted was from the fear that that officer would defeat the passage of this bill. I wish to know if it is true that that motive operated upon the committee?

Mr. JENCKES. That matter is not within the domain of our committee, but belongs to the Committee on Military Affairs.

Mr. WELKER. I ask unanimous consent to move an amendment to section seventeen of this bill, by inserting the word "hereafter" before the words "authorized by law;" so that that portion of the section will read:

And no counsel or attorney fees shall hereafter be allowed to any person or persons, besides the respective district attorneys and assistant district attorneys, for services in such capacity to the United States, or any branch or department of the Government thereof, unless hereafter authorized by law, and then only on the certificate of the Attorney General that such services were actually rendered, and that the same could not be performed by the Attorney General or solicitor general, or the officers of the department of justice, or by the district attorney.

Mr. JENCKES. I have no objection to that amendment, and I hope it will be agreed to.

The SPEAKER. As the previous question is operating, it will require unanimous consent.

No objection was made; and the amendment was agreed to.

Mr. WOODWARD. Is it too late to offer amendments to this bill?

The SPEAKER. It is, except by unanimous consent, as the main question has been ordered.

Mr. WOODWARD. I ask unanimous consent to move to amend this bill by adding to it the following:

SEC. —. *And be it further enacted*, That the offices of Judge Advocate General and of all his assistants be, and the same are hereby, abolished.

Mr. ARNELL. I object to that amendment.

Mr. ARCHER. Is it in order now to move that this bill be referred to the Committee on the Judiciary?

The SPEAKER. It is not, pending the operation of the previous question.

Mr. NIBLACK. I move that this bill be laid upon the table.

The question was taken; and upon a division there were—ayes 34, noes 73; no quorum voting.

Tellers were ordered; and Mr. JENCKES and Mr. NIBLACK were appointed.

The House again divided; and the tellers reported that there were—ayes twenty, noes not counted.

So the motion to lay the bill on the table was not agreed to.

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

The question was upon the passage of the bill.

Mr. WARD. I call for the yeas and nays on the passage of the bill.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 20, noes 87.

So (one fifth not voting in the affirmative) the yeas and nays were not ordered.

The bill was then passed.

Mr. JENCKES. I move to amend the title by changing the word "a" to "the," so that the title will read: "A bill to establish the department of justice."

The amendment to the title was agreed to,

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

The latter motion was agreed to.

LIBRARY APPROPRIATIONS.

Mr. PETERS. I have been instructed by the joint Committee on the Library to ask unanimous consent of the House to have taken from the Speaker's table Senate joint resolution No. 169, for the transfer of an unexpended balance of appropriation to the book fund of the Library of Congress.

The joint resolution, which was read, provides for transferring to the fund for the purchase of books for the Library of Congress the sum of $2,500, appropriated by acts approved July 30, 1868, and March 3, 1869, "for the expenses of exchanging public documents for the publications of foreign Governments," the same being an unexpended balance not required for that purpose.

No objection was made; and the joint resolution was taken from the Speaker's table, read three times, and passed.

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

The latter motion was agreed to.

PORTRAIT OF MAJOR GENERAL THOMAS.

Mr. PETERS, from the Committee on the Library, reported the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring therein,) That the joint Committee on the Library be authorized and directed to procure a portrait of the late Major General George H. Thomas, to be placed in a conspicuous position in the Capitol, as a memorial of his great services to his country and his distinguished worth as a soldier and citizen; and that the cost of such portrait, not exceeding $2,000, be paid in equal proportions out of the contingent funds of the two Houses of Congress.

The question was upon the adoption of the resolution.

Mr. PETERS. I propose to call the previous question, and then I will yield for debate if desired.

Mr. NIBLACK. I think there will be no opposition to this resolution. I hope it will be adopted unanimously.

The resolution was then adopted unanimously.

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

The latter motion was agreed to.

VENTILATION OF THE HALLS OF CONGRESS.

Mr. JENCKES, from the joint Committee on Ventilation, reported a joint resolution (H. R. No. 271) in relation to the ventilation of the Halls of Congress; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution, which was read, provides that the sum of $3,000 shall be appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of making experiments in the ventilation of the Halls of the Capitol, to be drawn by the Clerk of the House, and expended under the direction of the joint committee of the two Houses on that subject.

Mr. CULLOM. Does the gentleman wish to ventilate this subject by any remarks?

Mr. JENCKES. One of the objects of reporting this joint resolution is for the purpose of ventilating the subject of ventilation. Within the past few years there have been several special committees of the House appointed on this subject. It is one in which every member of this body is personally interested. The result of the appointment of these committees has been the printing of a considerable body of literature, amounting now to quite a large octavo volume, but without, hitherto, any beneficial or practical result. We have any number of theories upon this subject of ventilation, any number of speculations; and the committee now have before them a number of propositions from different individuals, each of whom thinks himself competent to afford us perfect ventilation and to improve the lighting and heating facilities.

Now, Mr. Speaker, I suppose that when this committee was appointed it was expected to do something; the House did not intend that the committee should waste its efforts in making reports of the conjectures of the members or other persons upon this subject, but desired some practical result.

In order to arrive at any useful conclusion whatever we find it necessary to ascertain the precise state of facts to which all the science that is being poured out upon us is to be applied. We find there is as great a difference in the opinions of these scientific experts as to the evils which they are expected to remedy as there is in the remedies which they offer. They all agree that at some time the air of this Hall is in what may be called an unnatural condition, not conducive to health or to work, and that it is necessary to provide some means to improve it. But as to the precise cause of that condition hardly two persons agree. This may seem surprising, but so it is. I think that if members will confer with each other they will find as many conflicting opinions as there are members. The reason for this every one will

see if he reflects a moment. The subject itself is a very complicated one. The science of ventilation is of very modern date. Experiments in it have seldom been carried on upon a large scale or over any very extensive period of time.

Those who apply scientific theories to this Hall find themselves met at once by the most formidable problem, in regard to the size of the Hall, that could be found anywhere in the world. This is probably the largest Hall devoted to public uses to which the science of ventilation is to be applied. That is one stumbling-block at the outset. Then the committee find upon further inquiry that there are perhaps more disturbing elements in the atmosphere of this Hall than in any other that can be named. In the first place, the plan of forcing air into the Hall, contrary to the processes of nature, is one of the disturbing elements. The opening and shutting of so many doors above and below is also a disturbing element; and another is the ingress and egress of great numbers of people. The lighting of the large number of gas jets above us in the evening is a very great disturbing element, as each one of these gas jets requires more air to keep it burning than is required for the breathing of five adult persons. There are disturbing elements also in the state of the air outside, not only as to heat and cold, but as to moisture or dryness, clouds or sunshine, winds or calm, and many other minor matters that might be named.

Now, in wading through this mass of literature it has seemed to me that those who designed the ventilation of this Hall in the outset omitted the consideration of a great many of the disturbing elements to which I have referred. Upon their theory as to the usual and common use of the Hall, with about as many persons in it as there are now—that is, the average number of members in attendance and some two or three hundred persons in the galleries—the system of ventilation is perhaps practically correct, as nearly so as any that can be devised by the use of the means now employed. But all the other disturbing elements I have named were left out of consideration by the architect of the Capitol, or those who devised the ventilating arrangements. It is when we come to the consideration of these other disturbing elements that we find difficulty in deciding upon the plans now submitted to us. No one of those submitting plans appears to have weighed and measured the extent of these disturbing elements. Some have made experiments upon the atmosphere on the borders of the Hall, near the injection pipes in the galleries, where more heated air ascends. But no experiments, so far as I am aware, have been made with any accuracy or extending over any length of time concerning the condition of the atmosphere in the center of the Hall, where the air becomes foul soonest, remains so longest, and where its effects become the most oppressive. No one has taken observations to ascertain the changes in the condition of the atmosphere as to temperature, moisture, &c., growing out of the ingress and egress of the hundreds of people that sometimes fill these galleries.

Mr. Speaker, before we proceed one step in this matter we desire to have the advice of the House whether we shall proceed at all; for unless we can by some well-conducted experiments test the scientific opinions and facts brought to our attention, it would be worse than useless for us to waste our time on this subject. Nothing can come of it but barren results if we are to depend upon the mere suggestions of scientific men who are interested in this subject. We ask the adoption of the resolution to get the sense of the House, and to the end that we may know whether any practical result shall come from the committee.

Mr. JONES, of Kentucky. I ask the gentleman who is proposed shall be the judge of the most acceptable mode of ventilating the Hall of the House; that is, who is to supervise these experiments?

Mr. JENCKES. The experiments are to be conducted under the direction of the committee, and are to be such as they may order.

Mr. GARFIELD, of Ohio. I wish to ask the gentleman from Rhode Island whether the duty with which it is proposed to charge the committee will extend beyond the mere question of ventilation, and whether it will consider also the lighting and the location of this Hall? I wish to say in this connection that it seems to me we shall never have a Hall fit to be used for the transaction of the public business until we get out next to the outside world, until we take away the lobbies and clerks' rooms on two sides of this Hall, and get some pure air direct from the outside world. I do not think it is possible to devise a worse system than that we now have. I call attention of gentlemen to the thermometers fastened to the sides of the Hall. Such was the extreme confidence of the architect that he ordered thermometers made which would not indicate higher than ninety-five degrees Fahrenheit, in the full confidence that no higher degree would ever be reached in this Hall. Gentlemen who sat here in the month of July, 1867, when the heat was far above ninety degrees, will recollect we had to send out into the city to procure the common thermometers to record the fierceness of the heat in which we were roasting and sweltering in the dead artificial air forced up here from the basement. Still further, I hope the investigations of the committee will extend to the skylights over our heads. Any man sitting here during the evening can feel his skull and brain going through the slow process of roasting from the heat which pours down into this close oven.

A MEMBER. Not very slow.

Mr. GARFIELD, of Ohio. Yes; not very slow. If any one wishes to subject his enemy to the cannibal process of roasting alive, put him here on a July night with a thousand gas-burners shooting their fiery rays down upon him. What a contrast is this when compared with a church-building in this city! If any gentleman will go into the Methodist Episcopal church on the corner of M and Ninth street north, of this city, the church of Rev. Mr. Tudor, he will see a specimen of ventilation as perfect as any I have ever known. By a simple and not expensive device the most delightful coolness pervades that building, and the temperature is completely under control. But here we sit in the worst ventilated modern public building known to civilization.

Mr. Speaker, I hope we shall give this committee ample authority. I trust the scope of the resolution will embrace the question of removing the lobbies and other rooms so as to put us next to the outside world and give us air from the sides as well as from above, and that it also embrace the question whether we shall get rid of these enormous galleries. Not more than twenty men in this House are blessed with sufficient voice so they can sustain themselves for three quarters of an hour and be heard by those who ordinarily sit here and in the galleries. Hence the wisdom and ability of many of our best members are mainly lost to the House because of their inability to make themselves heard. Both Houses of Congress are sacrificed to the galleries. The British House of Commons consists of over six hundred members, and yet they occupy a much smaller hall than this. But a gentle voice can be heard everywhere in their hall. They have no gallery except a little apartment separated from the hall of the House by a lattice-work, large enough to hold about twenty people. The result is that the house is its own audience, and members address the house and not the spectators. This gives the House of Commons business like habits which we would do well to emulate. No man can rise to speak in this hall and be oblivious of the fact that there are from one to three thousand people sitting as auditors in the galleries, and unconsciously to himself he begins to address his whole audience. Hence so little real debate and so many orations in this Hall. A smaller, better ventilated hall will add to the health and comfort of the members, and greatly improve the efficiency and increase the value of their deliberations.

I hope the amplest authority will be given to this committee to investigate the whole subject, and that they will speedily propose a thorough reform.

Mr. JENCKES. The pending resolution covers all those subjects. We wish to reach the best results. I demand the previous question, and will yield the floor a few minutes after it is seconded.

Mr. INGERSOLL. Before we second the demand for the previous question I wish to know how much time further the gentleman proposes to consume on this subject. If he is to consume another hour I hope the previous question will not be seconded, but that the morning hour will be allowed to expire.

Mr. JENCKES. I now move the previous question, and I shall then yield for twenty minutes to several gentlemen who wish to be heard.

The previous question was seconded and the main question ordered.

Mr. JENCKES. I yield two minutes to the gentleman from Maine, [Mr. MORRILL.]

Mr. MORRILL, of Maine. Mr. Speaker, I desire to say a few words with reference to the disturbing elements in the ventilation of this House, which have been very plainly and distinctly alluded to by the chairman of the committee. I want to speak of one of the greatest disturbing elements in the ventilation of this House—and that is tobacco smoke. [Laughter.] It is thick enough from day to day to cut with a knife; and I believe there is no possibility of ventilating this House properly so long as we have such a cloud of tobacco smoke. As long as members smoke here in their seats, all around this Hall, and in the cloak-room, this is a perfect smoke-house; so that in fact, Mr. Speaker, if you wanted to make bacon I do not know of a more appropriate place in this whole country than this very Hall. I presume it would taste considerably of tobacco, but nevertheless it would be bacon. I feel impelled, sir, to put in my protest against the use of tobacco in this Hall. It is one of the most outrageous abuses with which I am acquainted, and it is most detrimental to the ventilation of this House. If the practice is going to be kept up, I propose that with a view of improving the ventilation of the House there shall be a funnel constructed, to connect directly with God's pure air, so as to let out the smoke of this House.

Mr. JENCKES. After this counterblast against tobacco I now yield three minutes to the gentleman from New York, [Mr. WOOD.]

Mr. WOOD. Mr. Speaker, I suppose there can be no difference of opinion in this House as to the fact that ventilation is absolutely necessary to enable members to transact the business here devolving upon them with anything like comfort or anything like continued health. The gentleman who has just spoken attributes the difficulty to smoking cigars. I should be very happy, indeed, to see his views carried out in this House so that we should have nothing of that kind. It would undoubtedly have a tendency to promote the salubrity of the atmosphere. But that is not the main difficulty. The difficulty is that we shut out the air of heaven. In the old Hall, before this wing was built, there was free access of pure air from the south, the ventilation was always good, and we had no complaints on that score. Now, sir, in my view it is not necessary to expend $3,000 or $1,000 in the accomplishment of all that is required for the ventilation of this Hall. I do not think that it is necessary to enter upon any scientific experiments in this matter. In my judgment there are two simple modes by which the im-

provement we all desire may be accomplished, and it can be accomplished for an expenditure inside of $2,000.

How, sir, do they ventilate the hold of a ship? By the introduction of wind-sails. They have wind-sails carried up above the surface of the deck, through which the fresh air passes down to the lowest part of the hold, and thus securing excellent ventilation—certainly very much better than we have in this Hall. That is one mode which I would adopt with reference to the ventilation of this Hall, and it would be available in winter as well as in summer. Then there is a second mode. I would remove the gallery. It would not be necessary to disturb the seats, but I would remove all that part of it which obstructs the entrance of air from the south. I would remove all those rooms, the Speaker's rooms, the Sergeant-at-Arms's rooms, &c.; so that by lifting windows we could let in the air directly from the outside. This can be done without disturbing the Speaker's chair and without disturbing the reporter's gallery, or the adjoining portion of the gallery for the public, so far as the seats are concerned. All this could be done at little expense without going into scientific experiments, which may cost a great deal of money and prove fruitless. If we do this we will remedy the difficulty, and will at all times have pure air in this Hall, whether we have pure politics in it or not.

Mr. JENCKES. I now yield three minutes to the gentleman from Pennsylvania, [Mr. COVODE.]

Mr. COVODE. Mr. Speaker, I have had a good deal to do with trying experiments in regard to the ventilation of this Hall. I have selected some of the best scientific men of the country, and got them to come and make a thorough examination as to the density and purity of the atmosphere here by day and by night. I am satisfied now that until there is ten times as much—yes, twenty times as much fresh air forced in from the apparatus for that purpose, with a flue ten times as large as the present one, you will never get a sufficient amount of fresh air from that quarter. The Hall was constructed wrongly at first. We should have had at least two outside fronts, so as to have pure air. The Hall is so constructed that you cannot get pure air except by artificial means, and then the quantity is entirely insufficient. To carry out the experiments that I have had tried would cost from two hundred thousand to one million dollars, a sum that would build a new Hall with fresh air coming into it.

Mr. Speaker, there is another trouble connected with this matter. When the galleries are full we breathe the foul air from the galleries. It descends in currents from the galleries, and the current sets in from the other side of the House and carries the foul air from the other side of the House to this side. The experiments that I have tried have demonstrated that the foulest air in the House is that immediately around where I stand. [Great laughter.] It is carried here by the current from the west side of the building. The manner in which the House is lighted is another cause. The thick glass of the ceiling with the gas above it acquires sufficient heat to drive two or three engines, and with that burning at nights over our heads it is enough to destroy the health of any person who sits here at night sessions.

Mr. JENCKES. I think the House must now be satisfied that there are different opinions on the subject of ventilation, and that the committee need light in order to make a satisfactory report.

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

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

The latter motion was agreed to.

UNITED STATES COURTS IN WISCONSIN.

Mr. ELDRIDGE, by unanimous consent, from the Committee on the Judiciary, reported back, with an amendment in the nature of a substitute, the bill (S. No. 684) to change the time for holding the circuit and district courts of the United States for the district of Wisconsin.

Mr. ELDRIDGE. I am authorized and instructed by the Judiciary Committee to report this substitute for the Senate bill. The bill relates exclusively to the circuit and district courts of the State of Wisconsin. There was some little difference of opinion with reference to the time the several terms should be held. It was conceded on all hands that a change of the time for commencing the terms was desired. I introduced a bill in the House, and it was referred to the Committee on the Judiciary. Senator CARPENTER introduced and procured to be passed by the Senate a bill which came here, and was also referred to the Judiciary Committee. The only difference, the only difference of any materiality, was with reference to the time for holding the terms. Since the reference to the committee I have had an interview with Senator CARPENTER, and also with Senator HOWE, and with most of the members of the House from our State, and I believe the substitute is satisfactory to all, and also satisfactory to our people. I feel certain there is no objection to the bill as it is now proposed to the House; and I will demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

The substitute was agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

ELECTION CONTEST—MOREY VS. M'CRANIE.

Mr. STEVENSON. I rise to a question of privilege. I call up the report of the Committee of Elections in the case of Morey *vs.* McCranie, from the fifth district of Louisiana.

Mr. SCHENCK. I object to its consideration, and ask a vote of the House.

Mr. STEVENSON. I want to say, if the House will hear me, that my colleague on the committee, [Mr. KERR,] who dissents from the report of the committee, is obliged to go home this week to attend his court. These parties from the State of Louisiana have been attending on Congress for more than a year, and it is very important, at least to them, that the case should be disposed of. We shall not detain the House more than one hour upon it. Both parties have agreed upon that.

Mr. SCHENCK. I want the House to decide whether they will consider this case or the tariff bill.

The question was put; and there were—ayes 43, noes 53; no quorum voting.

Tellers were ordered; and Mr. SCHENCK and Mr. STEVENSON were appointed.

The House divided; and the tellers reported—ayes 73, noes 45.

So the House determined to consider the contested-election case.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. HORACE PORTER, his Private Secretary, announced that the President had approved and signed bills and joint resolutions of the following titles:

A bill (H. R. No. 887) for the relief of Harriet R. Clinton;

A bill (H. R. No. 888) for the relief of Joseph Harmon;

A bill (H. R. No. 1100) for the relief of William A. Scott, late first lieutenant of company F, fourteenth regiment Illinois volunteers;

A bill (H. R. No. 1886) to relieve certain persons therein named from the legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States, and for other purposes;

A joint resolution (H. R. No. 122) donating captured cannon for the purpose of constructing a monument at West Point, New York;

A joint resolution (H. R. No. 116) to construe an act entitled "An act to amend an act to confirm certain private land claims in the Territory of New Mexico; and

A bill (H. R. No. 779) to redefine a portion of the boundary line between the State of Nebraska and the Territory of Dakota.

ENROLLED JOINT RESOLUTION.

Mr. FOX, from the Committee on Enrolled Bills, reported that they had examined and found trully enrolled a joint resolution (H. R. No. 52) for the relief of Alfred P. Winslow, of Portland, Maine; when the Speaker signed the same.

LOUISIANA ELECTION CASE.

The House then proceeded to the consideration of the report of the Committee of Elections upon the contested-election case from the fifth congressional district of the State of Louisiana.

The resolution reported by the committee was read, as follows:

Resolved, That there was no lawful election in the fifth congressional district of the State of Louisiana for Representatives in the Forty-First Congress, and neither G. W. McCranie nor Frank Morey nor P. J. Kennedy is entitled to a seat as Representative in the Forty-First Congress from the fifth congressional district of the State of Louisiana.

Mr. KERR. I move to substitute for the resolution of the committee the following:

Resolved, That George W. McCranie was duly elected Representative to the Forty-First Congress for the fifth congressional district of Louisiana at a regular election held November 3, 1868.

Mr. STEVENSON. I now call the previous question.

The previous question was seconded and the main question ordered.

Mr. STEVENSON. I do not intend to detain the House long in the opening of this case. The committee reported as they did in deference to the action of the House in the case of Sypher, decided the other day. The committee have endeavored to reconcile the action of the House in the two cases of Sheldon and Sypher; and in doing so they accept the judgment in the Sypher case and defer to it, not as a reversal of but as a limitation upon the rule adopted in the Sheldon case.

In the Sheldon case this principle was settled: "that where it appears that certain precincts and parishes of a district have been carried by violence and intimidation the returns thereof shall be rejected, and the result derived from the returns of the peaceable precincts and parishes." In the Sypher case the House refused to apply that rule. The committee, therefore, accept the result in the Sypher case as a limitation on the Sheldon case. They understand the House to mean that the rule adopted in the Sheldon case shall not be applied unless the person claiming the seat shall have a substantial following—a substantial constituency in a substantial peaceable part of the district. We do not undertake to fix the number of votes he should have; but we understand the House to have said that such a vote as Mr. Sypher received, being about 8,000 votes in about one third of the district, cannot sustain a claim to a seat in this House.

The fifth congressional district of Louisiana comprises thirteen parishes in the northeastern corner of the State. It is a vast region of territory, bounded on the east by the Mississippi river, on the north by the State of Arkansas, and extending westward to the Red river.

It is charged by Mr. Morey, and denied by Mr. McCranie, that in eight of these thirteen parishes there was a prevalence of violence and disorder which prevented a fair and law-

ful election. Your committee find from the evidence that this charge is true. They find that in six of those parishes Mr. Morey and Mr. Kennedy, the Republican candidates contesting this seat, received only 5 votes; 5 votes in six parishes; and that the Republicans were prevented by violence and intimidation from voting their sentiments. It is clear, therefore, that the returns from those six parishes cannot be counted. Two other parishes are disputed, and we find that the elections there were not peaceable. In one of them the testimony shows clearly that the election was controlled by violence and bloodshed. In the other, though there was less violence, there was no free election. That makes eight parishes out of the thirteen in the district, containing about two thirds of the territory, a large majority of the population of the district, and casting a large majority of the votes cast at that election.

There were three candidates running in this district for Congress, two Republicans and one Democrat. The two Republicans divided the Republican vote about equally. The total vote cast in the five peaceable parishes was 9,057, of which Mr. McCranie received 2,571, Mr. Morey 3,436, and Mr. Kennedy 3,050. Mr. Morey had a plurality over each of the two other candidates, but a minority of over 2,000 of the entire vote cast. The committee cannot see how the case of Mr. Morey can be sustained by the House consistently with its last judgment on these cases.

As to Mr. McCranie's claim, in the first place, he is disqualified, by reason of having served in the rebel army, and he could not take his seat here, even if he had been elected, without further action by Congress. But if he were qualified, he has in this peaceable part of the district only a minority of votes. If you concede him two more parishes—the only parishes about which there can possibly be any doubt—then he receives in the peaceable part of the district only 4,009 votes, which is a minority of the votes cast in the peaceable part of the district, and a vast minority of the votes in the whole district. Mr. Kennedy, the other Republican candidate, appeared before the committee and claimed the seat; but his vote falls below that of either of the other candidates. Therefore the committee have reported the resolution declaring that there has been no valid election in this district.

I now propose to yield for ten minutes to Mr. Morey, one of the contestants. I may here remark that he differs with both sides of the committee.

Mr. MOREY. If the House intends, as I presume it does, to give me the privilege of speaking, I would prefer that I should have that privilege after the other side of the case has been presented.

Mr. STEVENSON. If the gentleman prefers that, I will yield to him at a later stage in the debate.

The SPEAKER. The Chair will put the question now whether there is any objection to allowing Mr. Morey to speak in this case. Unanimous consent is necessary.

There was no objection.

Mr. STEVENSON. I now yield thirty minutes to the gentleman from Indiana, [Mr. KERR.]

Mr. KERR. Mr. Speaker, I may not occupy all the time the gentleman has granted me; I intend to present, as briefly as possible, the facts and principles necessary in my view for the just determination of this case. I believe, Mr. Speaker, that the committee is a unit in its opinion on several of the material points in this case. In the first place all agree that Mr. McCranie is not now qualified to take the oath prescribed by law and to be admitted to a seat, supposing him to have been elected. We all agree that Mr. Morey is not elected, and could not by possibility have been elected in that district. We all agree that Mr. Kennedy was not elected, and could not have been elected under any state of circumstances that can be supposed to have prevailed. And now I come to another point on which possibly we do not agree. I ask for a moment the attention of my colleague on the committee, [Mr. STEVENSON.] I believe we do agree that Mr. McCranie is not disqualified by the fourteenth amendment, but is only disqualified by reason of service rendered in the confederate army as a captain.

Mr. STEVENSON. There is no evidence before the committee that Mr. McCranie is disqualified under the fourteenth amendment. He was only twenty-two years of age when the war began, and had never held any office requiring him to take an oath to support the Constitution of the United States.

Mr. KERR. On those points, then, we agree. Now, do we not agree that Mr. McCranie is elected? And it is to this point that I desire mainly to address myself for a short time. I hope that gentlemen on both sides of the House will favor me with their attention while I present briefly the facts which are material to the determination of this part of the case.

First, then, I state—and in this I agree with my colleague on the committee—that the entire registered vote of the district prior to that election, according to the registration made in pursuance of law by Republican officials, controlled by Republican superior officers of the State, was 23,113. We also agree that there were cast at that election 20,216 votes, leaving only 2,160 votes out of the entire registration that were not cast. I beg leave to say at this point that 2,160 votes not cast out of 23,113 registered voters do not afford any evidence of the alleged intimidation, force, or violence. So full a vote surely could not have been cast in the midst of so much turmoil, disorder, and bloodshed as is alleged to have existed or occurred. I believe we do not disagree as to the further fact that of the 20,216 votes that were cast Mr. McCranie received 13,716, being a clear majority over both his competitors of 7,216 votes; and, as I have stated, a clear majority upon the entire registration of 2,160. Out of thirteen parishes Mr. McCranie carried nine, Mr. Morey and Mr. Kennedy each two only. Mr. McCranie carried fully three fourths of the district, measured by territory, and was supported by nearly all the tax-payers of the entire district.

I desire now to remark that this district, as has been stated by my colleague, is a country district, composed of agricultural, planting parishes. In most of the parishes the white population exceeds the colored; but in a few the colored population exceeds the white. I say with emphasis, and I desire to challenge the attention of members to the statement, that this was the most peaceable, orderly, law-abiding district, taken altogether, in the whole State of Louisiana. It would compare very creditably with ordinary districts in northern or western States. It has no large, idle, or disorderly population, such as may be found in some large cities. Its white population are nearly all farmers, planters, or business men, accustomed to and engaged in actual, personal labor. There was no riot in that district. There was no public and general disturbance, no interruption in the course of justice and in the administration of the law, or in the common civil affairs of the community. All the disturbance which transpired during the canvass, or for three or four months before the election, or at the polls, was distinctly and always personal in its character, and not political. It had no connection with the politics of the hour. It had but little to do with the conduct of that canvass. This, I believe, is true of every trouble which took place in that parish, except possibly in a half dozen instances, and they were by persons not at all connected with the management of local politics. There were a few murders in this parish, almost all of which were for causes arising out of personal and not political relations, having their roots in personal difficulties dating back in many instances years before the election, and having no material connection with any event which had immediately preceded it, and were not connected with this question or the conduct of this campaign. Yet, notwithstanding this, it is proposed by the majority of the committee, as I believe with the most manifest and impressive disregard of the law of this case and of the rights of Mr. McCranie and this constituency, that full three fourths of this district shall be rejected. Rejected for what? Rejected for alleged intimidation, for alleged violence. No allegation is made here that there was fraud at any of the polls. There is no allegation that by the direct interposition of any unlawful power or influence any voter was prevented from voting as he pleased and precisely according to the dictates of his judgment, his conscience, or his feelings. There is no allegation that any of these returns except from one single precinct in the parish of Washita were tampered with, corrupted in any way, or that we have not to-day before this House the precise condition of the polls at the close of the election in the fifth congressional district of Louisiana on November 3, 1868. These general charges are loose, vague, and reckless; unsustained by any specific and legal evidence that should control the House. In truth the House owes it to its own character and honor to rebuke the growing and most dangerous habit of political adventurers to bring such stuff here to impose upon the judgment or partisan feelings of the House.

As to the one precinct of that parish in which there was some bad conduct, I will not waste time to talk about it. It cannot affect the result in the interest of the gentleman who seeks this seat, or in the estimation of the gentlemen who declare this seat shall be vacant and that no one was elected.

I also beg gentlemen to remember, and I state now what I believe my colleague on the committee will not contradict, that of these thirteen parishes which constitute the fifth congressional district of Louisana eight were always Democratic parishes, Democratic in the spring at the April election, when the present State government of Louisiana was elected, and when the present constitution of the State was ratified. They elected then, with few exceptions, a full corps of civil officers who were in full harmony with the Democratic party. They were elected as Conservatives, as the party organization was then styled. I want here also to call attention to the fact that my colleague, the chairman of the sub-committee, in a spirit of candor and frankness I much admire, uses this language in his report:

"Another objection to the claim of the contestant is that if there had been a peaceable election in every parish and precinct of the district the contestant could not have received a majority or even a plurality of the votes cast, because the rejected parishes were Democratic at best."

Yet it is proposed to reject these parishes, Democratic by right, Democratic in their organization before the election, at the election, and all the time. It is seriously proposed to reject those parishes and declare that in them there was no election, because otherwise this House must hold that McCranie, the Democratic candidate, was duly and legally elected. My colleague further states that these parishes gave a small Democratic majority at the spring election in 1868, and would have increased it considerably at a peaceful election in the fall. Those statements are eminently justified by the evidence, by the condition of things which prevailed in all of these parishes, and by the ordinary relations which previous sympathies and political associations would have brought about. Besides, the old relations of kindness and friendship between the races would naturally attract to the Democratic party many colored voters, whose suffrages were cultivated in all honorable ways.

Mr. PAINE. I wish to ask the gentleman a question. Would not that argue in favor of the claim of the contestant?

Mr. KERR. What statement?

Mr. PAINE. The statement the gentleman has just read.

Mr. KERR. Yes, sir; it argues in favor of Mr. McCranie.

Mr. PAINE. I do not understand the language of the report when it says "another objection to the claim of the contestee."

Mr. KERR. That is a misprint. I want to call the attention of the House to another remarkable fact in connection with the election. The parish of Washita is one of the largest in the district. I believe it may be said to be the metropolitan parish of the district. It is the one in which the representative men, to a great extent, reside. The Republican party had some of its ablest representatives in that parish, and the colored electors in it were to the white electors as two to one. In that parish there was conducted a fair, open campaign on the part of both parties. Yet in Washita, under all these circumstances, where there were none of this alleged intimidation and violence, the Democratic party carried the parish by a clear and honest majority of 244.

No allegation of violence is made against it by Mr. Morey himself, or even of fraud in any of its returns, and the only fraud committed there is believed to have been in his interest. He does not contest Mr. McCranie's right to that parish. He does not deny that the election there was legally held and conducted to its close in all respects. Yet here might most justly have been expected trouble if in any part of the district.

Mr. STEVENSON. We differ about that.

Mr. KERR. How?

Mr. STEVENSON. The fact is this, that according to the evidence there were disorders there, but it was not the interest either of Mr. McCranie or Mr. Morey to have that parish thrown out, for if this had been done Mr. Kennedy would have come in.

Mr. KERR. Does the gentleman mean to suggest that in making his report he has acted on that view of the case?

Mr. STEVENSON. No, sir; I acted on the testimony. There was testimony, but not enough to satisfy the committee as to these disorders. The motive is clear enough. If Washita had been thrown out then Mr. Kennedy, who was running as an independent, would have come in ahead of both the others. But Mr. Kennedy was not contesting the seat with any zeal before the committee, and consequently the testimony was not brought before the committee.

Mr. KERR. I beg the gentleman's pardon. That parish gave Mr. McCranie 1,066 votes, Mr. Morey 822, and Mr. Kennedy 27; so that its rejection could only have affected Mr. Morey injuriously, not Mr. McCranie at all, for his majority would still have been triumphant. Besides, Mr. Kennedy did prosecute his claim.

Mr. STEVENSON. I said not with any zeal.

Mr. KERR. Mr. Morey did not deny that the election in that parish was a fair, legal, and orderly election. Neither did Mr. Kennedy. Neither does the testimony show in any part or paragraph of it that the election in this parish was not orderly. Yet both parties produced witnesses before the committee; and if any other condition of things had existed in that parish, why was it that it was not brought to the knowledge of the committee in some way?

I believe, Mr. Speaker, that in one particular I am at fault. I believe Mr. Kennedy does charge, in reference to this parish, that Mr. Morey, who now claims a seat here, did get up some sort of intimidation and violence in order to control the suffrages of colored men as against both Mr. Kennedy and Mr. McCranie. But the evidence does not sustain his charge.

Mr. STEVENSON. That is what I say. Mr. Kennedy abandoned his case. And it was not in the interest of the other parties to pursue that branch of the testimony.

Mr. KERR. I hope the House also will remember that in this case the Governor, acting upon the returns made to him, certifies that Mr. McCranie, who now claims the seat, and in whose favor I report, was legally elected to represent the fifth congressional district of Louisiana in this House. Mr. McCranie bears that legal certificate to-day. He bears the legal evidence of title to a seat in this House. And if it had been in the power or authority of Governor Warmoth or of the board of State canvassers upon the returns which were made to them to have brought about a different result, it is entirely justifiable on my part to assume, and to ask this House to assume, that Governor Warmoth would have done so, and would have denied this certificate to Mr. McCranie. It is also true that before this certificate was issued by the Governor, Mr. Morey, who now claims the seat, was allowed to be heard by the Governor, and to enter his protest against its being issued, and to make such a case as he could in order to prevent the Governor from acting as he did.

There is some objection made to the returns from two of the parishes—I mean the parishes of Jackson and Franklin. Now, I want, Mr. Speaker, to say generally in reference to the returns, not alone from those parishes, but from all parts of the State, that inasmuch as the parties to these contests in this and in the other districts have in almost all cases failed to charge fraud or irregularity in the making up of the returns, or dishonesty or corruption as to any of the poll-lists, we have not felt called upon with any care or strictness to look into or examine all those returns in detail, because the parties themselves have conceded that they were generally regular and truthful; that they were fair and honest, that they do in fact show the precise result which was attained by that election as regards the number of votes that were cast. In all these parishes it is sought to set aside the returns, for the general reason of intimidation, violence, outrage, murder, and vague charges of that kind. So it is in reference to these two parishes of Jackson and Franklin.

There were some little irregularities in making the returns from those parishes which, under all the rules that have been established by this House and by the highest judicial tribunals of the country, were merely neglects strictly to observe requirements of the local statutes, which are only directory in their character and have never been held to invalidate or annul or justify the rejection of any returns that are so made. The failure of the officer who had to make the returns to make them in precise accordance with the forms of law has never been held to operate to invalidate the returns or to justify their rejection, but it is always held, both by legislative bodies and by the courts of the country, that the supreme object and the highest duty of every tribunal of this kind is and always should be to determine for whom in the particular case the majority of the legal electors did in fact cast their suffrages. Acting upon that rule in reference to these parishes, in reference to all the parishes in this district, and in reference to the district generally, I say that Mr. McCranie was elected by a triumphant majority of the registration, of the votes cast, of the wealth, the tax-payers, the intelligence and virtue of the district, and it is impossible, without the most direct and palpable violation of those principles of law so well and repeatedly established in this country, to give Mr. Morey this seat or to deny it to Mr. McCranie.

Mr. Speaker, the testimony in reference to intimidation and violence in this district, or in any part of it, is such as I have heretofore had occasion to characterize when considering other cases from this State, and I do not desire now to go at length into any examination of it; but I will say briefly that all of the testimony which bears upon these charges of intimidation and violence is of the most shadowy, uncertain, unreliable, and vague character that was ever suffered to be produced before any judicial or *quasi*-judicial body, and that most of it is utterly unworthy either of credit or respect. One of the most respectable witnesses produced to prove intimidation in this particular parish was Mr. W. Jasper Blackburn, a Republican ex-member of this House; a man to whose testimony I once before referred, and who was convicted by the facts, if not by the finding of this House, of being engaged in the business of selling cadetships. I read a short paragraph from his paper in the trial of one of the other cases before the House, and I now desire, in addition to what I have already said in reference to him, and by way of indicating his true character and the real value of his evidence, to invite attention to another extract from his paper, an issue of it published since that from which I read before, speaking of the same little peccadillo on his part, the sale of cadetships—

"All this is true"—

Referring to general charges against Congress—

"'ay, ten times true,' but it matters not; let Congress pay what is justly and equitably and according to all former custom and precedent our due, and the '$1,400' of cadet 'smart-money' shall be forthcoming with interest; and with proof, if wanted, that this 'cadet business' amounts to about the smallest 'irregularity'—or swindle, if you please—ever indulged or perpetratedi in the way of governmental and departmental peccadillos, at the very pious and exceedingly incorruptible city of Washington."

I do not read that because it has any especial value in itself, but merely as fitly characterizing the moral standard and tone of the witnesses who are relied upon to establish these general, reckless, and sweeping charges of intimidation, violence, and wrong against the good people, the respectable and honorable constituency of this district. To subject them to such indiscriminate condemnation is alike unjust to them and discreditable to the judicial character of this House. They are suffering many of the evils and misfortunes of war, many of the retributive punishments which wait upon civil strife and are transmitted by it as a cruel legacy to after years. They are also suffering the disturbing influences of disrupted institutions and changed social and political relations.

It is not in the power of humanity to rise instantly above and superior to all such circumstances and events. The good people, the great mass of the white population, which forms the Democratic party in Louisiana, sincerely deplore all the evils, confusion, and wrongs which grow as inevitable incidents out of the late events in our history. But they are not guilty of any willful aggravation of those evils. They have struggled in good faith to mitigate and allay them, and to effect the easiest and earliest practicable adjustment of society to its new conditions. In those honorable efforts they have been constantly interfered with and thwarted by the malign influences and selfish machinations of political adventurers, who have gone among them to beget strife and use the ignorant and credulous negroes to aid them in getting offices and power. They have sought these results for mean and sordid ends generally, and when attained they have used them for plunder and oppression. They have not in a single southern State rewarded the people for their ill-placed confidence by giving them good laws, good government, or civil protection, but generally by bad laws, mean and corrupt rulers, oppressive taxes and exactions, and extravagant and reckless administration. The people of Mr. McCranie's district gave ample evidence during the political canvass in question that they desired to avoid and prevent any occurrences which could be used even as pretexts for denying them representation here according to their legal choice. They could not—

nobody could—prevent individual violations of law. Some such occurred, committed by bad men, by common criminals of both parties, or of no party, and for them no party should be held responsible here.

I hope that gentlemen will not forget that in this case Mr. McCranie has a majority of 2,160 votes of the entire registration, not of the votes cast, but of the entire registration; and that in every one of those parishes the election was, in a general and in a just sense, legal, orderly, and peaceable; that the returns were legally and fairly made; that they show the precise result of the count of the votes that were cast, and that Mr. McCranie, although he was in the common parlance of the day a rebel, was only a rebel so far as to have taken his stand and fortune with his misguided and unfortunate people.

And here let me say, in behalf of Mr. McCranie, that at the time this war came on he was but a young man, just entering upon life, just marking out his future course. It is conceded, and I trust it will not be denied by any one, that at the inception of our late civil war he was an outspoken, independent, courageous Union man, and that he stoutly and bravely resisted secession to the last hour, until actual and general war was flagrant, and that to this moment he has constantly and faithfully denied the right of secession, and only succumbed and yielded to the all-pervading and all-engulfing power of actual subsisting war, and then took his sword in hand and determined to share the common fate of his people, of his neighbors, and friends. After he had done all he could do, had exercised all the influence he could exercise to keep off this calamity, to prevent secession and war, then, as a last resort and as a duty that he owed to his neighbors and friends, he determined that he would follow their fortunes. This may have been wrong and criminal; but if so, still it illustrated a manly and generous fidelity to the nearer relations of life. Since the restoration of peace no man can truthfully say that Mr. McCranie has not desired and in good faith endeavored to maintain actual peace. He even became a candidate for the seat now in question against his own judgment and in deference to the wishes of his people.

Now I ask the House to remember that in this particular Mr. McCranie sustains the same relations to the House, to that district, and to the Constitution and laws of the country, that several gentlemen have sustained who have been admitted to seats in Congress, and one of whom was admitted but a few days since upon the recommendation of the Committee of Elections. I refer to the gentleman from South Carolina [Mr. SHOBER,] whose relations to the country, to the war, and to the fourteenth amendment, I believe are precisely the same in legal effect as those now sustained by Mr. McCranie. In many other cases where gentlemen have been elected who were disqualified from holding a seat by reason of this kind of ineligibility, their disabilities have been removed. Such was done in behalf of General P. M. B. Young, of Georgia, who was himself a major general in the confederate army, and who was also a graduate at West Point. The same thing was done in favor of Colonel Clift, of Georgia, who had been a colonel in the confederate service. The same thing was done, I believe, for one of the gentlemen who are now in this House from the State of Mississippi on the Republican side. Other members of this House have been relieved in like manner in deference to the wishes of their constituents and in aid of the sacred right of representation. No case of clearer merit was ever presented to Congress than this one; and why not be just toward Mr. McCranie?

In view of all these facts and circumstances I beg the House to remember that it ought not to act upon partisan prejudices, purposes, or feelings, or yield to the temptation to exercise the irresistible power of the majority to reject a Democrat who has been fairly elected. The majority here ought to remember that

> "It is excellent
> To have a giant's strength; but it is tyrannous
> To use it like a giant."

[Here the hammer fell.]

Mr. STEVENSON. I now propose to yield to Mr. Morey for ten minutes. Before doing so I will ask that leave be granted to him to have printed in the Globe additional remarks to those he may make in ten minutes.

The SPEAKER. That will require unanimous consent.

No objection was made, and leave was accordingly granted.

Mr. MOREY. Mr. Speaker, the majority of the Committee of Elections, in presenting their report, refer to the law and state that—

> "The House has heretofore, in the case of Hunt *vs.* Sheldon, adopted the rule that where it appears that certain precincts and parishes (or counties) of a district have been carried by violence or intimidation, the returns therefrom shall be rejected, and the result derived from the returns from the peaceable precincts and parishes (or counties.")

That is the principle which I hold should govern in this case. I have claimed in my brief, as I claim now, that the votes of the peaceable parishes of this district should be counted. I claim that first, because it is right; and then I claim it as the only principle which will teach the lawless element of our population that their efforts at lawlessness and murder and intimidation will be brought to naught. The moment the principle is established by this Congress that the votes of peaceable parishes alone shall be counted, then the only incentive to such a course on their part will be removed, and the practice will be discontinued. The report says that the House decided differently in the Sypher case.

Now, Mr. Speaker, we find that the legal returns received from this district comprise the returns from eleven parishes. In my brief I claim that there was fraud, violence, and intimidation in six parishes out of the eleven. The claim in one parish, that of Catahoula, was not in the judgment of the committee sustained. That left six parishes, in one of which the charge of intimidation and violence was not sustained by the evidence, and in five of which the legality of the election was not questioned, and five parishes in which intimidation and violence did prevail. In those parishes the vote in the spring stood 3,004 Republican votes and 2,901 Democratic, there being, not, as the gentleman on the other side stated, a majority of Democratic votes, but a majority of 103 Republican votes. In two of those parishes there prevailed in the spring the same intimidation and violence that prevailed in the fall. Upon the investigation by the State Legislature a large portion of the votes of those two parishes were thrown out as having been influenced by violence and intimidation; and the Republican members, having received a majority of the votes cast in the peaceable precincts of those two parishes, were seated. Hence the Republican majority in the spring in those lawless parishes is swelled to the extent of 1,100 or 1,200 votes, while at the election in the fall these five parishes cast 29 votes in the aggregate for Grant and Colfax and for the contestant.

Now, those six parishes, in which the contestee does not attack the validity of the election, and in only one of which, Catahoula, have I attacked its validity, which attack was not fully sustained by the evidence, constitute fully one half of the area of the whole district, which is the largest in the State, and one of the largest in the country. Those six parishes contain a majority of the registered voters of the whole district. The committee state that as to the parishes of Catahoula and Caldwell the testimony is not so conclusive. I admit that the testimony is not conclusive as to the parish of Catahoula; but as to the parish of Caldwell we have the testimony of two judges, who are two old citizens, responsible and respectable in every way, men who have not the taint of "carpet-baggery" upon them. They testify that during their lifetime, embracing forty or fifty years, they have never seen such a state of things as prevailed at this election. They had to leave their homes at night under the guard of a party of their friends, a portion of them their political opponents, who stated that they could not control the violent elements in the parish, even as against those life-long residents in the district. Where such was the case with regard to white men, what must it have been in regard to the colored men, who were taken out at night by armed bands of men in disguise, the leaders whipped, and the rest compelled to join the Democratic club and take "protection tickets," which would protect them from what? Which would protect them from the Kuklux organization within the Democratic party. That was the game that was played there; to murder or intimidate the leading white Republicans, and so frighten and intimidate the balance of the colored voters, who were not so ignorant as not to know where their interests lay in this election.

Those five parishes where intimidation existed, cast in the spring some 6,000 votes, the Republican majority being 103, while in the fall 29 votes only were cast for Grant and Colfax, and for myself, as the Republican candidate for Congress. In one of those parishes, which polls about 3,000 votes, 2 Republican votes were cast by two white men, one of whom was taken out a night or two afterward and beaten almost to death; and when he appeared before the committee he was still suffering from the effects of that beating.

In regard to the ineligibility of Mr. McCranie, I wish to state that the case is not parallel with that of those gentlemen who have heretofore been relieved from disabilities and admitted to seats on this floor. In the latter cases there were recommendations from prominent Republicans of their States, setting forth that they had accepted the situation and were in favor of the reconstruction policy of Congress.

This gentleman petitioned to have his disabilities removed last year, and his application was presented by a Senator who, when he heard all the facts in the case, withdrew the application for relief which he had presented. There is no Republican from Louisiana on this floor or in the other House who will indorse his application. And why? Because this gentleman has been one of the strongest opponents of the reconstruction policy of the Government ever since its inception. I know it. He publishes a paper in my town, and I publish another. I am familiar with his record. I placed a file of his newspaper before the Committee on Political Disabilities of the Senate, and one glance through those sheets was sufficient to satisfy them that his application should be denied. Therefore his case was not reported last year. When it was believed that his political disabilities would be removed this year, I received letters from prominent Union men and Republicans protesting against such action. I understand that if anybody's disabilities are to be removed it is the man who accepts the situation, the man who accepts the reconstruction policy in good faith. We do not object to the removal of all political disabilities; but, when the cases are made exceptional, we do protest against the removal of disabilities in the case of a man who all along has opposed reconstruction. Any one who will refer to the Washita Telegraph, edited and published by the contestee, will see that he is not a man whose disabilities ought to be removed.

Take the six parishes which we class as peaceable, and the majority of the registered voters are in those six parishes; they are at least one half of the district in area. The principle which was adopted in the case of Hunt *vs.* Sheldon, of throwing out the parishes where there were intimidation and personal

violence, would throw out the vote of the other five parishes, leaving the result as follows:

Vote of peaceable parishes of fifth congressional district.

Parishes.	*McCranie.*	*Morey.*	*Kennedy.*
Carroll	777	7	1,394
Concordia	196	1,552	7
Madison	149	33	1,435
Washita	1,066	822	27
Tensas	456	1,014	187
Catahoula	794	150	15
Total	3,448	3,578	3,065

Morey's plurality over McCranie	130
Morey's plurality over Kennedy	513
Total Republican vote	6,643
Total Democratic vote	3,448

Now, Mr. Speaker, I believe I have shown conclusively that there was a large Republican majority in the peaceable parishes of this district. In fact the vote cast shows more than a two-thirds vote for Grant and Colfax, which it is true was unfortunately divided between myself and another candidate; technically, however, that is of no consequence in considering this case, for it has always been held by this House that a plurality vote elects the recipient thereof. I hold, sir, that if the principle laid down in the case of Hunt *vs.* Sheldon is worth anything as a precedent, and if it is applied to this case, I am entitled to the seat from the fifth Louisiana district. The logic is conclusive to that result, and cannot be escaped.

Now, sir, as my time is short—and had I the opportunity I could speak all day on this subject, for I have studied it closely—I wish to refer briefly to the effect of the application of the principle which I hold should govern in this and all other cases from our section of the country, namely, that the votes of parishes and precincts where law and order prevailed should alone be counted in ascertaining results. When you establish this principle you say to the Kuklux Democracy, "You can accomplish nothing but your own defeat by this policy, for we refuse to recognize lawlessness, ruffianism, assassination, and intimidation." If you do not now and in future adhere to this principle you then encourage this lawless element, in case they are in the minority, to commit just such excesses as they did in 1868, and by having the election declared null and void defeat the will of the peaceable, law-abiding majority of the people, and deprive them of representation.

If the report of the committee in this case is sustained, and the case referred back to the people, I earnestly hope that the principle for which I contend may maintain in the cases from the third and fifth districts of my State. The establishment of this principle is of more importance to me and to every lover of peace and good government than any result which is merely personal to myself. I make this appeal, Mr. Speaker, in the name of an outraged and a long-suffering constituency, in the name and on behalf of 15,000 voters, with as loyal hearts as ever beat; and although most of them have dark skins, I would to God that the hearts of their white brethren were as loyal and as true to the principles of a republican Government! I make this appeal on behalf of free citizens entitled to the protection of this great Government, for without its protection the exercise of the ballot, that priceless privilege of a free man, one who is free indeed, will only lead to their destruction or maltreatment in some cases, and in other cases to their moral and political degradation, by being forced to succumb to this hellish system of intimidation and coercion inaugurated by the Kuklux and the Knights of the White Camelia, both of which, as the evidence taken in these cases conclusively proves, are organizations within the Democratic party. Without protection in its exercise you could not give to the loyal colored men of the South a greater curse than the ballot, for under the reign of terror which existed in 1868, and which I predict will exist in 1870, these loyal colored men will be forced, ay forced, to vote against the party which they love and to which party the most ignorant voter in the State of Louisiana knows he owes his freedom, his manhood, and his right to make for himself a name, for his family a home, and for his children an inheritance of an education, which will enable them in a greater degree than himself to appreciate the blessings of liberty. The party I refer to is the one which conquered the rebellion, which has established manhood suffrage, and whose greatest enemies are ignorance, bigotry, and the intolerance and hate which are the legacy left by the rebellion to its disappointed and unrepentant followers.

Mr. STEVENSON. Mr. Chairman, I regret exceedingly the gentleman from Indiana [Mr. KERR] and myself cannot agree about anything in these cases.

Mr. MAYHAM. I should like to ask the gentleman from Ohio if it be true, as I figure it, that Mr. McCranie has a majority of 2,160 of all the votes registered in that district? Did he receive 2,160 votes more than one half of all the registered votes in that district?

Mr. STEVENSON. I believe that is so. I was saying how I regret that the gentleman from Indiana and myself, after living together so long in that hot climate last summer, cannot agree about anything. It would seem that we should have melted together. [Laughter.] But he is determined not to agree with me; and if I were to ask him what he wanted and consent to that, he would back out or want more. He says this was a peaceable district, all the parishes were peaceable. Let me give you some idea of what the gentleman calls peaceable. In every one of these eight contested parishes there were murders by the Kuklux Klan and by Knights of the White Camelia. They would take a man out of his house at midnight, march him into the woods, and there kill him, and then disappear in the darkness. There was no public riot. They did not need it. Their quiet, silent, stealthy murders were sufficient.

The gentleman says this was one of the most peaceful districts in the whole State. I say that it was one of the most abandoned regions in the Union. It lay between the Mississippi river on the one side and the Red river on the other. As far as our gun-boats could throw a shell during the war we held it. The rest was neutral territory, and the desperately wicked men from both sides settled in it and possessed it until Phil. Sheridan ran some of them out. Many remained, and some are there yet unhanged. They killed a man the other day for cultivating a plantation he had leased. They sent him a Kuklux warning to leave, and because he did not obey they killed him. The testimony shows that in this district, within sixty days before the election, two hundred and nine men were killed and wounded by gun-shots, and otherwise injured; one hundred and fourteen of them killed. Yet the gentleman from Indiana has the effrontery to stand up in the face of this House and talk about this as a peaceable district.

Mr. KERR. I deny the truth of the gentleman's statement.

Mr. STEVENSON. Oh, yes; the gentleman seems ready to deny any truth which may be stated about these cases.

Mr. Speaker, in six of these parishes only 5 Republican votes were cast. Five votes in six parishes and in two none. How does the gentleman account for that in his peaceable district? Does he deny that also? One of those five men was killed the same day, and another, an honest German gunsmith, was taken by the Kuklux the night after and whipped almost to death, although he had been persuaded by Democrats, who promised him security, to vote the Republican ticket, in order to give an appearance of fairness to their proceedings.

This exhibits the results. These clippings from the map [holding them up] represent the orderly and the riotous parts of the district. That represents the eight parishes which were controlled by violence, and this the five peaceable parishes. You see that the lawless region is twice as large as the peaceable. The Mississippi river bounds the peaceable parishes. In that planting region the blacks were in a majority of nearly two to one, and were able to assert their rights——

Mr. MOORE, of Illinois. Will the gentleman allow me to ask him a question?

Mr. STEVENSON. Certainly, provided it be short.

Mr. MOORE, of Illinois. As I understand, the total number of registered voters in the district was 23,113; the total vote polled was 20,216. How do you account for such a large vote being polled if there was so much intimidation?

Mr. STEVENSON. Because in the eight contested parishes men were compelled to vote the Democratic ticket; they were compelled to join Democratic clubs; they were mustered in; their registration papers were taken from them; they were given protection papers, and told that if they failed to vote the Democratic ticket they would be killed after the election as well as before.

Mr. Speaker, when will the Republicans of the North learn to defend the colored men of the South? When will we begin to stand by them? I almost despair. And my advice to them is to arm and defend themselves.

"Who would be free, themselves must strike the blow."

We do not, we cannot realize their situation, and therefore it is that we do not stand by them. If we would they would take courage to meet their enemies. I trust we shall do better hereafter. If ever the struggle comes again the Republican party must maintain the loyal people of the South. If we do not we shall not deserve that they longer support us.

I have to remark, in answer to the attack of the gentleman from Indiana on one of the witnesses in this case, (Mr. Blackburn,) that you might throw aside his testimony and the case would not be affected the weight of a hair. The extracts from his paper look as if he were turning Democrat. You can find such articles in every Democratic paper in the country. And it is notorious that whenever a Republican is caught in anything wrong and condemned by us, he bundles up his political truck and goes over to that side, where he finds "hale fellows well met," and is welcomed, honored, and rewarded.

Mr. KERR. The paper is full of the warmest sort of Radicalism.

Mr. STEVENSON. But I fear he is falling from grace. And I am inclined to say the worse he becomes the better you will esteem him.

[Here the hammer fell.]

Mr. KERR. I ask leave before the vote is taken to amend my resolution. I send it to the desk in the shape in which I desire to offer it.

The Clerk read as follows:

Resolved, That George W. McCranie was duly elected Representative to the Forty-First Congress for the fifth congressional district of Louisiana at the regular election held November 3, 1868, and after his disabilities shall have been removed should be admitted to his seat on this floor.

Mr. STEVENSON. I object to that.

Mr. KERR. The resolution as originally offered amounts to the same thing.

The SPEAKER. As the previous question is operating, the gentleman cannot be permitted to amend his resolution without unanimous consent.

The question was on agreeing to the resolution offered by Mr. KERR as a substitute for the resolution offered by the committee, as follows:

Resolved, That George W. McCranie was duly elected Representative to the Forty-First Congress for the fifth congressional district of Louisiana at the regular election held November 3, 1868.

The question was put; and there were, on a division—ayes 44, noes 73.

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

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 53, nays 104, not voting 70; as follows:

YEAS—Messrs. Adams, Archer, Beck, Biggs, Bird, Booker, James Brooks, Calkin, Cleveland, Clinton L. Cobb, Conner, Cox, Dickinson, Dockery, Dox, Eldridge, Farnsworth, Fox, Getz, Griswold, Haight, Hambleton, Hamill, Holman, Johnson, Thomas L. Jones, Kerr, Knott, Mayham, McCormick, McKenzie, McNeely, Milnes, Morgan, Niblack, Randall, Rice, Sherrod, Shober, Joseph S. Smith, Stiles, Stone, Strader, Swann, Sweeney, Trimble, Van Auken, Van Trump, Voorhees, Wells, Eugene M. Wilson, Wood, and Woodward—53.

NAYS—Messrs. Allison, Ambler, Ames, Armstrong, Arnell, Asper, Atwood, Ayer, Barry, Beaman, Beatty, Benjamin, Bennett, Blair, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Cake, Cessna, Churchill, William T. Clark, Amasa Cobb, Cook, Covode, Cowles, Cullom, Degener, Ferriss, Ferry, Finkelnburg, Fisher, Harris, Hawley, Heflin, Hill, Hoar, Hoge, Hooper, Ingersoll, Judd, Kelley, Kellogg, Kelsey, Ketcham, Knapp, Lawrence, Logan, Lynch, Maynard, McCarthy, McCrary, McGrew, McKee, Mercur, Eliakim H. Moore, William Moore, Morphis, Daniel J. Morrell, Samuel P. Morrill, Myers, Negley, O'Neill, Packard, Paine, Palmer, Peck, Perce, Peters, Platt, Porter, Prosser, Roots, Sanford, Sargent, Schenck, Scofield, Shanks, Lionel A. Sheldon, Porter Sheldon, John A. Smith, William J. Smith, William Smyth, Starkweather, Stevens, Stevenson, Stokes, Stoughton, Strickland, Strong, Taffe, Tanner, Tillman, Townsend, Twichell, Tyner, Upson, Ward, Wheeler, Williams, John T. Wilson, Winans, and Witcher—104.

NOT VOTING—Messrs. Axtell, Bailey, Banks, Barnum, Benton, Bingham, Boles, Bowen, Boyd, Burdett, Burr, Benjamin F. Butler, Roderick R. Butler, Sidney Clarke, Coburn, Conger, Crebs, Davis, Dawes, Dickey, Dixon, Donley, Duval, Dyer, Ela, Fitch, Garfield, Gibson, Gilfillan, Haldeman, Hale, Hamilton, Hawkins, Hay, Hays, Heaton, Hotchkiss, Jenckes, Alexander H. Jones, Julian, Laflin, Lash, Loughridge, Marshall, Jesse H. Moore, Morrissey, Mungen, Orth, Packer, Phelps, Poland, Pomeroy, Potter, Reeves, Ridgway, Rogers, Sawyer, Schumaker, Slocum, Worthington C. Smith, Taylor, Van Horn, Van Wyck, Cadwalader C. Washburn, William B. Washburn, Welker, Whitmore, Wilkinson, Willard, and Winchester—70.

So the amendment was rejected.

During the roll-call,

Mr. ROGERS announced that he had paired upon this question with Mr. BUTLER, of Tennessee.

Mr. McNEELY stated that Mr. MARSHALL was confined to his room by sickness.

Mr. GETZ stated that Mr. HALDEMAN was paired on this question with Mr. DICKEY; Mr. HALDEMAN would have voted "ay" and Mr. DICKEY "no."

Mr. WINCHESTER stated that he was paired with Mr. DYER. He (Mr. WINCHESTER) would have voted "ay" and Mr. DYER "no."

The result of the vote having been announced,

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

The latter motion was agreed to.

The question recurred on agreeing to the following resolution, reported by the Committee of Elections:

Resolved, That there was no lawful election in the fifth congressional district of the State of Louisiana for Representative in the Forty-First Congress, and neither G. W. McCranie nor Frank Morey nor P. J. Kennedy is entitled to a seat as Representative in the Forty-First Congress from the fifth congressional district of the State of Louisiana.

Mr. CESSNA moved that the resolution be laid on the table.

The motion was not agreed to.

The resolution was then adopted.

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

The latter motion was agreed to.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. BEATTY for ten days; to Mr. BINGHAM for four days; to Mr. WELKER for two days; to Mr. TWICHELL, on account of sickness in his family, for one week from this afternoon; to Mr. WOODWARD for ten days; and to Mr. COOK until Saturday.

ATCHISON, TOPEKA, AND SANTA FÉ RAILROAD.

Mr. CHAVES, by unanimous consent, introduced a bill (H. R. No. 1888) relative to the Atchison, Topeka, and Santa Fé Railroad Company; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

NAVIGATION AND COMMERCIAL INTERESTS.

Mr. LYNCH, by unanimous consent, introduced a bill (H. R. No. 1889) to revive the navigation and commercial interests of the United States; which was read a first and second time, referred to the select Committee on the Causes of the Reduction of American Tonnage, and ordered to be printed.

WASHINGTON AND CINCINNATI RAILROAD.

On motion of Mr. CONGER, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the bill (H. R. No. 178) to incorporate the Washington and Cincinnati National Railroad and Telegraph Company; and the same was referred to the Committee on Railways and Canals.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had passed, without amendment, a bill and joint resolutions of the House of the following titles:

An act (H. R. No. 945) to provide for the survey of the Fort Gratiot military reservation in the State of Michigan;

Joint resolution (H. R. No. 125) for the relief of James L. Ridgely, collector of internal revenue for the second district of Maryland; and

Joint resolution (H. R. No. 197) for the relief of George S. Atkinson, late assistant quartermaster of volunteers.

The message further announced that the Senate had passed House bill (H. R. No. 1413) for the relief of Sophia A. Moen, with amendments, in which the concurrence of the House was requested.

The message further announced that the Senate had passed bills and a joint resolution of their own, of the following titles, in which the concurrence of the House was requested:

An act (S. No. 708) to provide for a building for the use of the post office, custom-house, United States circuit and district courts, and internal revenue offices at Albany, New York;

An act (S. No. 688) for the relief of Charles P. Redmond; and

Joint resolution (S. R. No. 10) directing the Secretary of War to sell Bergen Heights arsenal.

BEACON LIGHT—NORWALK ISLAND.

Mr. KELLOGG, by unanimous consent, introduced a joint resolution (H. R. No. 272) for an appropriation of $1,000 for a beacon or spindle light near Norwalk Island, Connecticut; which was read a first and second time, and referred to the Committee on Appropriations.

ISAAC H. CHRISTIAN.

Mr. PORTER, by unanimous consent, introduced a bill (H. R. No. 1890) to remove legal and political disabilities from Isaac H. Christian, of Charles City county, Virginia; which was read a first and second time, and referred to the select Committee on Reconstruction.

ORDER OF BUSINESS.

Mr. BENJAMIN. I call for the regular order of business.

Mr. ALLISON. I move to reconsider the votes by which bills and joint resolutions have been referred or recommitted; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SCHENCK. I desire to move now that the rules be suspended, and the House resolve itself into Committee of the Whole on the special order.

Mr. INGERSOLL. I desire to move that the House now proceed to the consideration of business on the Speaker's table. I wish to call the attention of gentlemen to the condition of the public business. I am sure the gentleman from Ohio [Mr. SCHENCK] will allow me to do so, or I shall have to appeal to the Speaker to state it. I understand that there are now on the Speaker's table more than one hundred and fifteen bills and joint resolutions.

Mr. RANDALL. Is debate in order?

The SPEAKER. It is not, except by unanimous consent.

Mr. RANDALL. Then I object.

The SPEAKER. The question is upon the motion to proceed to the consideration of business upon the Speaker's table.

Mr. FARNSWORTH. I hope that motion will be agreed to; for it must be evident to all that we must go to the Speaker's table before we dispose of the tariff bill.

Mr. INGERSOLL. Or enlarge the table; one or the other. [Laughter.]

The SPEAKER. Debate is not in order.

Mr. GARFIELD, of Ohio. Is it in order to move an amendment to the motion to proceed to business on the Speaker's table?

The SPEAKER. Only by unanimous consent.

Mr. GARFIELD, of Ohio. I desire to amend the motion so that if the House shall proceed to the consideration of business upon the Speaker's table only those bills, &c., shall be considered to which there shall be no objection.

The SPEAKER. That will require unanimous consent.

Objection was made.

The question was then taken upon the motion of Mr. INGERSOLL to proceed to the consideration of business upon the Speaker's table; and upon a division there were ayes—68, noes 69.

Before the result of the vote was announced,

Mr. INGERSOLL called for tellers.

Tellers were ordered; and Mr. INGERSOLL and Mr. COX were appointed.

The House again divided; and the tellers reported that there were ayes—65, noes 73.

So the motion was not agreed to.

LEAVES OF ABSENCE.

Mr. KELLOGG was granted leave of absence for one week.

Mr. CALKIN obtained an additional leave of absence for two days.

TARIFF BILL.

Mr. SCHENCK. Before I renew my motion to go into Committee of the Whole I desire to say that I find a very general unwillingness to have night sessions. I will not ask one to-night if members will remain here until five o'clock.

Mr. INGERSOLL. We will agree to that.

Mr. NIBLACK. I would rather remain here until six o'clock than to have a night session.

Mr. SCHENCK. I move that all debate on the pending paragraph shall terminate in fifteen minutes after the consideration of the special order shall have been again resumed in Committee of the Whole.

Mr. BENJAMIN. I move to amend so as to make it half an hour. I think that is little enough time to discuss so important a subject.

Mr. SCHENCK. Well, I will modify my motion so as to allow half an hour for further debate, and hope the gentleman will keep quiet on other paragraphs. [Laughter.]

The motion to terminate debate in half an hour was then agreed to.

Mr. SCHENCK. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole on the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. The Clerk will report

the pending paragraph as it has been amended by the Committee of the Whole.

The Clerk read as follows:

On railway splice bars, side bars, fish plates, and finger bars, punched or unpunched, 1½ cents per pound; on wrought-iron railway chairs, frogs, frog points, 2 cents per pound.

The CHAIRMAN. The pending question is upon an amendment moved by the gentleman from Missouri, [Mr. BENJAMIN,] which the Clerk will read.

The Clerk read as follows:

Add to the paragraph the following:
On railroad iron, made to pattern and fitted to be laid down, 60 cents per 100 pounds.

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. WILSON, of Minnesota. I move to amend by striking out "60" and inserting "55." Mr. Chairman, in the discussion had upon this item, one of the most important in the bill, it has been assumed that the tariff upon railroad iron is left the same as in the existing law. This is a mistake. While railroad iron is not named specifically in the bill, yet if gentlemen will turn to line three hundred and ninety-one, they will find a paragraph reading as follows:

On iron of any size or description not included, embraced, or enumerated in this act, 1 cent per pound.

Now, there is no doubt that railroad iron will be included in this paragraph, and, therefore, the duty raised to 1 cent per pound.

Mr. SCHENCK. I am sorry to take away the foundation of the gentleman's argument; but I desire to say to him that in the paragraph which has just been read there was a mistake in the drafting of the bill, which the Committee of Ways and Means long ago decided to correct; and I am instructed to offer, at the proper time, an amendment, striking out the words "included, embraced, or enumerated in this act" and inserting in lieu thereof the words "otherwise provided for." This will leave this class of iron to pay the duty provided in the present law, 70 cents per hundred weight.

Mr. WILSON, of Minnesota. I am glad to hear the gentleman's statement; for we had reason to fear that two of the paragraphs in this bill were intended to raise the present tariff upon railroad iron.

As was stated the other day by the gentleman from Illinois, [Mr. INGERSOLL,] there is a propriety in a reduction on this article. There is a propriety in maintaining the harmony of this bill. We started with a reduction on pig iron, reducing the present duty 55 per cent. The committee proposed to reduce 22 per cent. We have followed it up by corresponding reductions on various articles made from pig iron; and now when we come to railroad iron, which is embraced in the amendment of the gentleman from Missouri, [Mr. BENJAMIN,] we should, I submit, make a reduction. We have reduced the tariff upon the material from which it is made, and it is only fair to all parties interested that a corresponding reduction should be made in this manufactured article. My amendment only proposes a reduction upon present duty of 19 per cent.

This is a matter in which we of the West are particularly interested. We are building railroads, and we have but very little capital. It is important that we should save money where ever it may be possible, and especially upon this article of vital necessity for extending our railroad system. I could not see the logic of the gentleman from Pennsylvania, [Mr. WOODWARD,] when he claimed that the tariff upon iron would assist in extending and promoting the railroads of the West. I cannot by any process of reasoning perceive how increasing the cost of material can benefit our roads. The West all agree that we must make every possible reduction on all articles entering into the construction of railroads, both that we may build more of them, and that when built they may represent a less capital, and thus be enabled to transport our crops to market at a lower rate.

In some general remarks which I made heretofore I stated that according to the estimate of one road the cost of transporting grain from the center of my State to Lake Michigan is increased 4 cents a bushel by the tariff upon iron alone. It will be found all over the country that nothing operates more injuriously upon the interests of the agricultural population than the excessive cost of transportation, and the largest increase in this is occasioned by the high duties on iron.

[Here the hammer fell.]

Mr. LOGAN. If the gentleman from Minnesota will withdraw his amendment I will renew it.

Mr. WILSON, of Minnesota. Very well.

The CHAIRMAN. There being no objection, the amendment is withdrawn by the gentleman from Minnesota, and renewed by the gentleman from Illinois, [Mr. LOGAN.]

Mr. LOGAN. Mr. Chairman, I feel a very great interest, as do, I presume, most of the members of this House, in reference to this particular item of railroad iron. I hope that the gentleman from Pennsylvania [Mr. KELLEY] will not consider me as "running a muck" against everything that comes up because I advocate that which I think is right. I give the gentleman notice that if I am "running a muck" by opposing every proposition which bears oppressively upon my constituents I shall "run a muck" as the people of the East Indies do, until death comes. Nor am I actuated by any disposition to antagonize any political party. In my section of the country this is not regarded as a party question, and I desire that it shall not be so regarded in this House. When gentlemen intimate that I am antagonizing the party to which I belong by opposing these high duties which are calculated to oppress my constituents, I repeat that in my section of the country there is scarcely any difference of opinion among political parties in reference to these questions.

Now, sir, why do we desire a reduction on railroad iron? For the reason that we want the same reduction upon railroad iron that we desire upon every sort of iron. We want generally a reduction of the tariff as it now exists. The people consider that the rate of duty at the present time on railroad iron is too high. I am willing—and I speak, I believe, the sentiments of my constituents—that the Committee of Ways and Means shall report a bill to abolish the internal revenue tax on all articles excepting some three or four, and on them to reduce the tax to such a degree that the people can live in more comfort than they now do. Then we can afford to agree to a little higher tariff than otherwise. But we do protest when we are taxed on every interest, when blood is not only extracted from the large veins of the body-politic, but when it is bound hand and foot and covered all over with gallinippers who are allowed to suck blood from every vein, both large and small. Such is the system at present, and it is a system justly odious in the eyes of the people.

This high tariff upon railroad iron is particularly offensive to the western people. They are largely engaged in the construction of railroads for the purpose of fully developing not only their fruitful soil, but their vast mineral resources. Immigrants from other countries are fast settling down in their midst. The great drawback is in the cost of transportation, and this great cost of transportation depends in a very great measure on the high cost of railroad iron. I speak in the interest of the agriculturists, the men who are the bone and sinew of the land; and in my judgment 50 cents per 100 pounds is a fair tariff on this railroad iron. I think it is ample. It is plenty, and iron manufacturers should not ask for any greater protection. The gentleman from Pennsylvania [Mr. KELLEY] said that 300,000 tons of railroad iron were imported last year under the tariff of 70 cents per 100 pounds. If that be so, I ask what it proves? It certainly does not sustain the proposition of the gentleman from Pennsylvania. On the contrary, it proves incontestably that we are not able in the United States, with all our iron manufacturing establishments, to furnish sufficient iron to meet the demands of our people who are engaged in the building of railroads. Hence you should afford every facility to those interested in the railroad system of this country to procure the supply of railroad iron which they need. For that reason, if I cannot get a lower tariff I shall support the amendment of the gentleman from Minnesota [Mr. WILSON] to reduce the rate of duty on railroad iron to 55 cents per 100 pounds.

[Here the hammer fell.]

Mr. BLAIR. Mr. Chairman, I do not know that it will be of any use to repeat the argument, often enough made before, and which gentlemen constantly ignore but never answer, that it is not the object of these duties by any means to increase prices; that they do not always occasion that increase.

In the discussion had here last night on this subject it appeared there were still large importations of railroad iron. That importation has been rapidly and largely increasing; and I submit to the committee it is the very best evidence which could be given here that the tariff is right as it stands. If we wish to protect American industries and at the same time prevent the increase of price we need to bring about just that state of things when the importations shall be considerable and the manufacture shall be large, so that the two claimants for the American markets, the foreign manufacturer and the home producer, shall be meeting constantly in this country; and when this is the case we may rely on it the article will be selling as low as possible; that the article will be produced and sold as cheaply as it can be in our markets. This has been said often enough, and our experience proves its truth.

But, sir, I wish particularly to refer to the remark of the gentleman from Illinois, [Mr. LOGAN,] which I have heard him make before, that if we should take off the internal tax so as to relieve the people he is willing we shall have a satisfactory tariff and to raise revenue in that way. I wish to say to the gentleman that I oppose constantly any very great reduction of the tariff as it now stands, because I wish to preserve the revenue from the tariff so that when we come to the tax bill we shall be able to take off the tax there. I tell gentlemen, and they must see as they examine it, that every dollar they take from the revenue to be raised by the tariff is a dollar they will be obliged to lay on the people in the internal revenue tax, and that every dollar they put on here they will be able to take off when they come to the tax bill.

That is my theory. I want to abolish the internal revenue tax as rapidly as possible. And because I wish to do that I wish to preserve the revenue derived from the tariff. The tariff affords the easiest, the fairest, the most natural way of raising the revenue which is required for the public service of the country, and that being the case, I endeavor to sustain it all the while. In the remarks which I had occasion some time ago to submit to the Committee of the Whole I said that this was my object, that I wished to preserve the revenue from the tariff for the purpose of reducing the internal revenue. My object is still the same, and I ask the gentleman from Illinois [Mr. LOGAN] not to be in such hot haste, but to leave the tariff in such a state that we shall mainly derive our revenue from it. And then when I meet him on the internal revenue tax bill I will be willing to cut out every dollar that can possibly be spared.

Mr. LOGAN. I desire to ask the gentleman a question.

Mr. BLAIR. I yield for a question.

Mr. LOGAN. If the gentleman is desirous of reducing the internal taxes and keeping the tariff as it is I wish him to explain why the Committee of Ways and Means, of which he is a member, reported any tariff bill at all. If they had not reported a bill the tariff would have been left as it is. I ask, if his intention was as he stated it, why the committee did not leave the tariff alone and report a bill reducing the internal taxes, so that the country might know what they propose?

Mr. BLAIR. I can answer that question easily. The committee was under instructions to report a tariff bill. Under those instructions they gave their attention to the tariff and reported a bill.

The CHAIRMAN. Debate is exhausted on the pending amendment to the amendment.

Mr. LOGAN. I withdraw it.

Mr. TILLMAN. I move to amend the amendment by striking out "60" and inserting "75."

Mr. Chairman, I would prefer to vote rather than talk, but as little of the one and much of the other seems to prevail, I desire to say a very few words on this iron-tariff subject. I believe most of the new members from the South are making a record for themselves for a reduction of the tariff generally, and especially on iron. Mr. Chairman, I think those colleagues thus voting and speaking are going "off into the dance," to use a southern phrase, "on the wrong foot." They say they are moved and are actuated by a desire to protect and advance the agricultural interests of the country—the cotton interest of the South and the grain interest of the West. They say those sections are laboring under great depression; especially is this said for the South, and I make no issue with them as to the fact of depression, but the remedy proposed is what I object to. Poor, without much labor except agricultural, it will be perhaps easy to convince or satisfy constituents of the South that to vote for a reduction of the tariff was for their interests, against the "monopolists of Pennsylvania;" that it opens the door to cheaper iron for building railroads that we are told are so greatly needed to develop our country.

Now, Mr. Chairman, I believe it a great and good thing to develop our country by building railroads. But how? Shall we, as poor as we are, insist on going in debt to a foreign country for the iron, instead of insisting that capital and labor come here and sit down by side of us in our poverty and make the iron to build those roads? If we were to strike the tariff entirely from iron we probably would have it offered cheaper to us for a while; but we would not be made a present of it. In our poverty we cannot pay down and would have to take it on a credit. By the time we had built our roads our notes would be due for the iron, and what will we have been accumulating during the time to pay them? If we build the road-beds with cheap Chinese labor, while that work was going we should doubtless experience a brisker and better market for some of our agricultural products. But when the work was done the laborers would have received cash for their labor and ready to be off for home or elsewhere for another job. The roads and rolling-stock would be on hand, but under mortgage to foreigners for the iron.

Now, Mr. Chairman, this kind of operation might do for people already with a surplus, and who could afford to do a losing business for the style that was in it, but for poor agriculturists, of whom I am one, it does not appear to me to be their interest. My notion is, if we are to incur any debt or tax ourselves in any way to get railroads, we should exactly reverse the operation.

Instead of sending our credit abroad to bring in ready-made iron rails, send a free ticket to cash abroad to come here and make them out of that everlasting mountain spoken of a few days ago as being located in Missouri. We are told by those in favor of reduction, that there will still be left protection enough to keep in blast all our present iron works. But this is questioned by some; and suppose we should not only stop building new works, but the running of present ones, would not our mistake be a sad one for the poor agriculturist? In debt for roads to start our wheat, corn, &c., on to pay England, provided England was hungry and could not get them elsewhere cheaper.

To make so fatal a mistake on the other side in regard to iron, according to my notions, is almost impossible. Instead of reducing the duty on pig iron we had increased it and given assurance of stability; we might not build railroads so fast for a few years, but we would build works to make the rails to lay on them as built, and if we did go slow we would go much surer. Right-minded agriculturists prefer to make improvements with their own labor as much as possible, and not to involve themselves in debt for the mere sake of splendor and style; and to those colleagues from the South who are repeating and renewing the anti-war talk on the tariff and manufactories are, in my humble judgment, relaying the foundation of sectional alienations and jealousies. It was to be hoped that the war had obliterated the great first cause of animosity between the North and South, slavery, with all its attendant causes. But when I see and hear the new, regenerated South speaking through her Representatives the old Democratic doctrine of free trade, speaking calculated, but not intended, to awaken old sectionalism, I fear that as heretofore she is to be misrepresented to her ultimate injury. If the sentiments I hear uttered from the South came from representative men of the "lost cause" it would not appear so strange; but for Republicans who contend that the nation, especially the South, has had a new birth through painful years of travail should yet be trying to put the political gospel of universal and equal rights and privileges into the old bottles of local prejudices and interests, is quite unexpected to me, and I say again I do think they are going off on the "wrong foot."

Mr. ARMSTRONG. Mr. Chairman, it has been repeatedly stated in this discussion—yesterday by the gentleman from Illinois [Mr. LOGAN] and his colleague [Mr. INGERSOLL] and by many others, and reiterated this morning—that as the duty on pig iron has been reduced in committee to $5 per ton, a reduction of $2 from the bill as reported and $4 from the law as it stands, that other forms of iron more advanced should be reduced in like proportion. I venture to say that this reduction will not stand approved by the deliberate judgment of the House. The vote was taken on Monday, when some who had left on the adjournment from Friday till Monday were detained by the floods which interrupted travel and prevented their return. Nor does the vote give any reliable indication of the judgment of the House. There are 228 members on the roll. The vote in committee stood: for the amendment, 66; against it, 64; or 130 votes; and 98 not voting.

Now, sir, I cannot believe that this injustice will be approved, and I venture to predict that the duty on pig iron will be restored to $7 per ton. Sir, Pennsylvania asks nothing she is not willing to concede. She urges and she sustains the protective policy, because she believes it to be a vital necessity not only to her but to all the interests of the country at large. The necessity of protecting iron is conceded, and the only question upon which the committee hesitates is what amount of duty upon foreign iron should be imposed. This is a question of figures and facts. Were the wages of labor in Europe and the United States the same, there would be no necessity for protection, and the question would resolve itself into one of revenue only.

The intrinsic value of a ton of iron, apart from labor, whether in pig or bar, or any of its ultimate forms of highest value, even to needles, watch springs, or watch screws, worth thousands of dollars by the pound, is only the value of the unwrought ores in their native bed; and every dollar of superadded value is labor.

Anthracite pig costs at the furnace, on a fair general average, about $30 per ton. Of this there enters into it of—

Ore, 2½ tons; worth in the ground say 40 cents per ton	$1 00
Limestone, 1½ tons; worth in the ground say 4 cents per ton	07
Coal, 2 tons; worth in the ground say 30 cents per ton	60
Lumber, oil, tallow, waste, fuel, &c.; worth say,	08
Total	$1 75

Or, to cover all possible items which may be reckoned as intrinsic, say $2 per ton.

Thus, in every ton of iron, at $30 per ton, there is not exceeding $2 of orignal value and $28 of labor, and every additional value which it takes to the highest uses of which it is susceptible is but adding labor to labor.

Estimating that which enters into the production of pig iron at an average of $2 per day, there is $28 of labor or employment for 14 men, at $2 per day for every ton produced.

It is too plain for argument that every ton of iron imported is therefore an importation of labor. Assuming ore leave abroad to be equal to ore leave here, and that a day's labor is equally effective there and here, every ton of pig imported is an importation of the labor of 14 men, and just in the proportion of increased value in the higher forms of manufacture does the importation of labor increase.

If this labor were of equal cost we could successfully compete with foreign production. But happily it is not so; our labor is not too dear, but theirs is much too cheap.

Without detaining the committee with a statement in detail of the wages in England, Russia, Norway, and Sweden, the principal countries whose iron competes with ours, it is within limits to say that their rate of labor is less than half that of ours for similar wages. If, then, to further pursue my illustration, and admitting, for the argument, their rate of wages to be half that of ours, a ton of iron costs in the United States, for—

	Per ton.
Ores	$2 00
Labor of 14 men, at $2	28 00
Total	30 00
It would cost in Europe, for—	
Ores, at the same rate	$2 00
Labor of 14 men, at $1	14 00
	16 00
Or a difference per ton, arising solely from the difference in the cost of labor, of	$14 00

The foreign producer thus starts with an advantage from low labor alone of $14 per ton. The freight, exchange, and insurance from ports in Europe to New York vary considerably at different times, but may be taken at a fair average of $6 per ton, to which add the premium on gold at present rates, 13 per cent., $2 14, making $8 14, which subtracted from the margin of $14, leaves him a net profit of $5 86 per ton, by which amount, except for duties imposed, he could undersell the American producer, in our own markets, on the first cost of American iron at the furnace, and this without reckoning anything for the reasonable profits of manufacture. As this difference arises solely from the difference of wages, it is necessary, in order to ascertain the market value of American iron, to add the cost of transportation from the furnace to the market.

That this statement, which, for the convenience of illustration, I have stated in round numbers, is sufficiently accurate, is shown by the last report of the Secretary of the Treasury. For the twelve months ending December 31, 1868, the total importation of pig iron was 241,150,777 pounds, making 107,656 tons. The total valuation was $1,740,294, or $16 16 per ton. For the twelve months ending December 31, 1869, the total importation was 350,541,870 pounds, making 156,402 tons. The total valuation was $2,517,160, or $16 90 per ton, giv-

ing an average for the two years of $16 53 per ton. Now, taking the average value of a ton of American iron as before stated, namely:

1 ton American pig iron and freights		$30 00
Deduct average cost of foreign iron as officially reported in gold	$16 53	
Add premium in gold	2 14	
Freights, insurance, exchange, &c.	6 00	
		24 67
Amount by which the foreign can be put in market less than the cost of American iron		5 33
Add 12 per cent. profit on $30 00		3 60
Lowest amount of tariff that will protect American producers		$8 93

It is thus plain that the American furnaces must go out without protection, or the wages of our men come down just in proportion as the duties are reduced. It requires a duty of $5 33 per ton to place our iron on a level with theirs, and at such rate there is not the least margin of profit to our producers. To invite capital there must be more than this, and at $9 duty per ton there would remain a profit of only $3 67 per ton to cover all the investment and all the risks of a business uncertain at the best, and always subject to the uncertainties of legislation, and the sure and formidable assaults of the free-trade league, and much too precarious to tempt the capital invested in importation from its much more remunerative employment.

Mr. INGERSOLL rose.

The CHAIRMAN. Debate on the amendment to the amendment is exhausted.

Mr. TILLMAN. I withdraw it.

Mr. McGREW. I object.

The question was put on Mr. TILLMAN'S amendment; and it was disagreed to.

Mr. INGERSOLL. I move to amend the amendment by making the duty $12 per ton. Mr. Chairman, we have the spectacle presented to this committee of two great interests antagonizing each other. On the one hand you have 1,000,000 people interested as producers of iron; on the other hand, you have 39,000,000 interested as consumers of iron. Again, sir, you have the producers of iron enlisted on the one side in this contest, and those interested in the construction of railroads on the other. Both interests I admit to be important. Both are entitled to fair consideration. But if one is to be utterly neglected and ignored at the expense of the other, I desire to protest against that. And I wish to proceed to give my reasons for the amendment I have offered.

[Here the hammer fell.]

The CHAIRMAN. The time allowed by order of the House for debate on this paragraph is exhausted. The question is first on the amendment of the gentleman from Illinois, [Mr. INGERSOLL,] which the Clerk will again report.

The Clerk read as follows:

Strike out the words "60 cents per 100 pounds" and insert the words "$12 per ton," so that the amendment will read:

On railroad iron made to pattern and fitted to be laid down, $12 per ton.

Mr. ELDRIDGE. I ask the gentleman from Illinois [Mr. INGERSOLL] to withdraw his amendment and I will renew it.

The CHAIRMAN. By order of the House all debate on the pending paragraph and amendments is terminated.

The question was put on Mr. INGERSOLL'S amendment to the amendment; and there were, on a division—ayes 37, noes 60; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. INGERSOLL and Mr. ARMSTRONG.

The committee again divided; and the tellers reported—ayes thirty-two, noes not counted.

So the amendment to the amendment was not agreed to.

The question recurred on Mr. BENJAMIN'S amendment, as follows:

Add to the paragraph at the end of line three hundred and sixty-two the following:

On railroad iron made to pattern and fitted to be laid down, 60 cents per 100 pounds.

Mr. WILSON, of Minnesota. I move to amend the amendment by striking out "60" and inserting "55."

The amendment to the amendment was disagreed to.

Mr. COX. I move to amend the amendment by striking out "60" and inserting "50."

Mr. BENJAMIN. I believe that was voted on last night.

Mr. COX. Then I withdraw it and will vote for your amendment.

The question recurred on Mr. BENJAMIN'S amendment.

The question was put; and there were, on a division—ayes 72, noes 64.

Mr. STILES. I demand tellers.

Tellers were ordered; and Mr. BENJAMIN and Mr. SCOFIELD were appointed.

The committee again divided; and the tellers reported—ayes 76, noes 69.

So the amendment was agreed to.

Mr. BROOKS, of New York. I move, in line three hundred and sixty-two, to strike out the words "frogs, frog points of iron." This proposes an enormous increase on those articles.

The CHAIRMAN. The Chair would state to the gentleman that the words "of iron" have already been struck out.

Mr. BROOKS, of New York. Then I move to strike out the words "frogs, frog points."

The question was put; and there were—ayes 33, noes 50; no quorum voting.

Tellers were ordered; and Mr. BROOKS, of New York, and Mr. MAYNARD were appointed.

The committee divided; and the tellers reported—ayes forty, noes not counted.

So the amendment was rejected.

Mr. INGERSOLL. I move to strike out in line three hundred and sixty-one the words "and one half;" so that it will read "on railway splice bars, side bars, fish plates, and finger bars, punched or unpunched, 1 cent per pound." That will make it $22 40 per ton.

The amendment was disagreed to—ayes thirty-eight, noes not counted.

Mr. BROOKS, of New York. I move to strike out "1½ cents" and insert "1¼ cents."

Mr. ELDRIDGE. I move to strike out "1¼," so as to make it 1 cent.

The CHAIRMAN. That motion has already been made and lost.

The question was put on the amendment proposed by Mr. BROOKS, of New York; and it was disagreed to—ayes thirty-three, noes not counted.

Mr. INGERSOLL. I now move in line three hundred and sixty-two to strike out "2 cents" and insert "1½ cents;" so that it will read, "on wrought iron railway chairs, frogs, frog points, 1½ cents per pound." I believe that is the existing rate.

The amendment was disagreed to—ayes 31, noes 90.

Mr. BROOKS, of New York. One vote more and I have done. In line three hundred and sixty-two I move to strike out "2 cents per pound" and insert "$40 per ton."

The question was put, and there were—ayes 40, noes 72; no quorum voting.

Tellers were ordered; and Mr. BROOKS, of New York, and Mr. MAYNARD were appointed.

The committee divided; and the tellers reported—ayes 60, noes 70.

So the amendment was rejected.

The Clerk read the next paragraph of the bill, as follows:

On all iron wire or wire of which iron shall be a component part of chief value, including annealed, bright, coppered, galvanized, tinned, or coated with zinc or any other material, not less than No 16, wire gauge, 2½ cents per pound, and, in addition thereto, 15 per cent *ad valorem*; less than No. 16, and not less than No. 25, wire gauge, 4 cents per pound, and, in addition thereto, 15 per cent. *ad valorem*; less than No. 25, wire gauge, 5 cents per pound, and, in addition thereto, 15 per cent. *ad valorem*; *Provided*, That all iron wire covered with silk, cotton, or other textile material shall pay 5 cents per pound in addition to the rates of duty imposed on iron wire not so covered.

Mr. SCHENCK. I am instructed by the Committee of Ways and Means to move to insert in line three hundred and sixty-three after the words "iron wire" the words "or twisted ties;" and I shall follow that up by moving to strike out "twisted ties" in the next paragraph, where they are at a higher rate of duty, at 5 cents per pound. They ought to be in this paragraph.

Mr. BROOKS, of New York. Let us understand this matter of twisted ties. Where does the gentleman propose to insert the words?

Mr. HOLMAN. After the words "iron wire," in the first line of the paragraph.

Mr. SCHENCK. We had put twisted ties in the next paragraph.

Mr. BROOKS, of New York. Twisted ties now come in at 35 per cent. *ad valorem*. The original proposition of the Committee of Ways and Means was to put them at 5 cents per pound, and now they propose to put them at 2½ cents per pound. I want the committee to understand that they now come in at 35 per cent. *ad valorem*. Twisted ties are what farmers use for hay bands and for banding a great many articles of different kinds. It is an article of far more importance to the farming interest of the country than it is to the commercial interest. That is all I have to say. If gentlemen who represent the farmer choose to vote the duty on twisted ties from 35 per cent. *ad valorem* to 2½ cents per pound it is their interest, not mine. I would add that fences of farms on the prairies are also made of these twisted wires.

Mr. HOLMAN. I move to add to the words proposed to be inserted the words "1¼ cents per pound" as the rate of duty to be imposed upon these twisted ties. When the subject of hoop iron and cotton ties was before the committee with a duty of 1¼ cents per pound I insisted that these twisted ties should be placed upon the same footing.

I wish to call the attention of gentlemen, especially those from the West, who are interested in the production of hay, to the fact that it is proposed by this paragraph, even as modified by the amendment just moved by the chairman of the Committee of Ways and Means, [Mr. SCHENCK,] to impose upon twisted ties used for baling hay a duty of one quarter of a cent per pound more than is imposed upon the hoop iron ties used in baling cotton. In other words, a bale of cotton, worth from $100 to $125, is to be baled with a material subjected to a lower rate of duty than the material used for binding a bale of hay worth only $3 or $4. And I will call attention to another fact. It appears that these twisted ties were placed originally in a classification in this bill which subjected them to a duty of 5 cents per pound. I understand there are but two establishments in the United States that manufacture this particular form of iron. Now, I would like to have the gentleman from Massachusetts on the Committee of Ways and Means, [Mr. HOOPER,] or some other member of that committee, explain how it happened that this bill contained a proposition to impose a duty of 5 cents per pound upon a cheap article of iron wire used in baling hay.

Mr. HOOPER, of Massachusetts. The gentleman says there are but two establishments in the United States that manufacture this article. My impression is that there are fifty such establishments. It is simply iron wire, and has always come in before as iron wire.

Mr. HOLMAN. Why is it classified as twisted ties if it is simply iron wire, and charged with a duty of 5 cents per pound? How did that occur?

Mr. HOOPER, of Massachusetts. I think it was entirely by accident.

Mr. HOLMAN. A singular feature is that, as asserted by some of my constituents, there are but two establishments in this country that manufacture this particular article of iron.

Mr. HOOPER, of Massachusetts. It is simply a rod of iron long enough to go around a bale of hay.

Mr. HOLMAN. These cheap ties were put in a classification which imposed upon them a duty of 125 per cent. *ad valorem*, when they are now admitted into the country at a duty of 35 per cent

Mr. HOOPER, of Massachusetts. The Committee of Ways and Means propose now to put the duty upon this article at 2 cents per pound.

Mr. HOLMAN. I think this interest should be treated as fairly as the cotton interest is treated. The duty on this article should not be higher than the duty imposed upon the article used for baling cotton. Both should be put upon the same common footing, enormous as is the duty of 1¼ cents per pound upon cotton ties.

[Here the hammer fell.]

Mr. HOOPER, of Massachusetts. I rise to oppose the amendment of the gentleman from Indiana, [Mr. HOLMAN.] In doing so I wish to state that I think he is under an utter misapprehension in regard to this article. A twisted tie is simply a straight piece of round iron, with one end bent over and twisted around, so as to form a loop through which to pass the other end, and made of such length as is needed for baling hay or other articles. The only manufacturers of twisted ties are those manufacturers that make iron wire. These twisted ties are merely pieces of wire cut into the requisite lengths—simply iron wire.

Mr. HOLMAN. Will the gentleman tell us how it happened that these simple twisted ties over No. 16 were put under a rate of 5 cents per pound?

Mr. HOOPER, of Massachusetts. I fancy that it was owing, perhaps, to a mistake of the clerk in making up the bill. These twisted ties were intended to go in with iron wire, but accidentally got into other paragraphs. The moment my attention was called to the matter I said that it was a mistake.

Mr. HOLMAN. Yet the gentleman opposed putting them in at a duty of 1¼ cents a pound.

Mr. HOOPER, of Massachusetts. Certainly I did, because they do not belong with hoops at all.

Mr. HOLMAN. Does the gentleman think that these ties used for baling hay should pay a duty of 1 cent per pound higher than the hoops used for baling cotton?

Mr. HOOPER, of Massachusetts. We have always imposed a higher tariff upon wires, because they are more expensive articles than hoops.

Mr. ELDRIDGE. I would like to ask the gentleman from Massachusetts [Mr. HOOPER] a question. He says that this is a very simple matter. It may be so to him; but I wish to ask him whether, in his opinion, it is necessary that there should be a protection of 2½ cents per pound upon this article?

Mr. HOOPER, of Massachusetts. There should be the same protection on this article as on iron wire, because it is simply iron wire cut into lengths.

Mr. ELDRIDGE. I ask the gentleman whether this duty is a protection to the laborer or to the capitalist; whether he is proposing to protect the manufacturer or those who labor for him?

Mr. HOOPER, of Massachusetts. I propose to protect the manufacturer and the laborer employed in making iron wires. These articles are simply iron wire, and should bear the same duty as iron wire.

Mr. LOGAN. I would like to make a single remark to the gentleman from Massachusetts, [Mr. HOOPER.] I do not know how this article got into a different classification from that in which it ought to have been put.

Mr. HOOPER, of Massachusetts. And I do not know either.

Mr. LOGAN. I remember very well that I called the attention of the gentleman from Massachusetts to the fact yesterday. At first he did not understand that the duty as reported amounted to 135 per cent. *ad valorem*. Finally I showed him a printed circular in which the calculation had been made, and he admitted the fact that 5 cents a pound amounts to 135 per cent. *ad valorem*, and this upon nothing but hoop iron twisted for the baling of hay. The committee now propose to make the duty 2½ cents per pound, which will amount to 68½ per cent. *ad valorem*, a higher duty than is imposed on any other article of corresponding description. What I have stated is the fact, and the committee did not know it until yesterday, when I called their attention to it.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN] to the amendment of the gentleman from Ohio, [Mr. SCHENCK.]

Mr. SCHENCK. I rise to a question of order. I submit that the proposition of the gentleman from Indiana is not in such a form as to be properly entertained as an amendment to the amendment. The first question is whether twisted ties shall be put in.

The CHAIRMAN. And if they be put in the gentleman from Indiana proposes to fix the duty upon them.

Mr. SCHENCK. That will properly come afterward. It is not germane at present.

Mr. HOLMAN. All that is necessary is a transposition of words, which I propose to accomplish by a further motion.

The CHAIRMAN. The Chair thinks the amendment is in order.

On agreeing to the amendment there were—ayes 51, noes 58; no quorum voting.

Tellers were ordered; and Mr. HOLMAN and Mr. CESSNA were appointed.

The committee divided; and the tellers reported—ayes 72, noes 72.

The CHAIRMAN. The Chair votes in the negative, and the amendment to the amendment is rejected.

The question recurring on the amendment of Mr. SCHENCK, it was agreed to.

Mr. SCHENCK. I move further to amend by inserting after the word "value," in line three hundred and sixty-four, the words "whether rolled or drawn." I will state the object of this amendment. There has been introduced a new method of making wire by rolling it in machinery instead of drawing it; and there has been a discussion in the custom-house as to whether wire thus prepared is or is not wire, or what it is. This amendment is designed to remove that difficulty.

The amendment was agreed to.

Mr. SCHENCK. I move a further amendment, to strike out in line three hundred and sixty-six the words "and one half." The effect of this will be to make the duty 2 cents, instead of 2½.

Mr. ALLISON. I see that the bill refers to not less than No. 16 wire gauge. I wish to know from the chairman of the Committee of Ways and Means when wire begins and when it ends; that is, whether rolled bar iron or round or square iron of this diameter would be wire?

Mr. SCHENCK. I believe I am now able to inform my colleague——

Mr. ELDRIDGE. I very much like to hear the gentleman from Iowa [Mr. ALLISON] and the gentleman from Ohio, [Mr. SCHENCK,] but I am unable to hear them if they address each other and not the Chair.

Mr. SCHENCK. The gentleman from Iowa asked me a question, and I was about to answer when the irrepressible gentleman from Wisconsin intervened.

Mr. ELDRIDGE. The gentleman from Wisconsin is never irrepressible. What I wished was that the gentleman from Ohio should be impressive, so we should be able to hear him.

Mr. SCHENCK. That will very much depend upon the hardness or the thickness or the softness of the subject upon which we undertake to make an impression. Now, Mr. Chairman, I am able to give the gentleman from Iowa [Mr. ALLISON] the information which he seeks. Wire, I find, was divided originally into twenty-two gauges. No. 1 is $\frac{300}{1000}$ part of an inch. It runs up to No. 22, which is $\frac{38}{1000}$ part of an inch. Since then coarser wire has been added, and they have marked with a cipher before No. 1 that which is next larger than No. 1, which is $\frac{311}{1000}$ of an inch, and so on, until the coarsest wire is $\frac{455}{1000}$ of an inch. This embraces what is known in the trade as wire.

Mr. ALLISON. If I understand the chairman the definition of wire gauge fixes what is wire as distinguished from rods. If that be true, rolled iron of that diameter may be considered as wire.

Mr. SCHENCK. It is not wire above a certain gauge. It is well known in the trade, and well known to the custom-houses.

Mr. GARFIELD, of Ohio. I should like to ask the chairman of the Committee of Ways and Means a question.

The CHAIRMAN. The gentleman's time has expired.

Mr. GARFIELD, of Ohio. I rise to oppose the amendment.

The CHAIRMAN. Debate is exhausted.

Mr. MAYHAM. I desire to offer an amendment to the amendment. In line three hundred and sixty-seven I move to strike out "2" and insert "1."

The CHAIRMAN. The amendment is not germane to the pending amendment.

Mr. GARFIELD, of Ohio. For the purpose of saying what I desire, I will move a *pro forma* amendment. In the old law I observe we provide for flat iron, round iron, and square iron. They are distinctly and specifically described. Round iron of a certain diameter bears one rate of duty, while round iron of another diameter bears another rate of duty. I do not see in this bill any distinct provision for round or square iron. When you come to speak of iron wire I understand my colleague to say, and I think he is correct, that iron wire is a technical term applying only to certain numbers of wire gauge, and the thickest and largest number of iron known to wire gauge is less than half of an inch in diameter, so that round iron above $\frac{45}{100}$ of an inch is not wire. I ask my colleague whether in this bill there is any provision for round iron above $\frac{455}{1000}$ of an inch, and whether there is any provision for square iron?

Mr. SCHENCK. There is a number of classes of iron not in this bill; but which are provided for in the law as it is now. There is as much difference between rods and wire as there is between macaroni and vermicelli.

Mr. HOAR. I desire to propose an amendment which I think will remove the difficulty.

The CHAIRMAN. No further amendment is in order.

Mr. GARFIELD, of Ohio, by unanimous consent, withdrew his amendment to the amendment.

The amendment was then agreed to.

Mr. SCHENCK. In line three hundred and sixty-nine I move to strike out "4" and insert in lieu thereof "3½;" so it will read, "less than No. 16 and not less than No. 25 wire gauge, 3½ cents per pound, and in addition thereto 15 per cent. *ad valorem*."

The amendment was agreed to.

Mr. SCHENCK. I move in line three hundred and seventy-one to strike out "5" and insert "4;" so it will read, "less than No. 5 wire gauge, 4 cents per pound, and in addition thereto 15 per cent. *ad valorem*."

Mr. CLEVELAND. I move in line three

hundred and sixty-four after the word "drawn" to insert the following:

Provided, That rolled iron shall not be classified as wire when over one quarter of an inch in diameter.

That would dispose of the difficulty raised by the gentleman as to the difference between wire and iron rods. There is a difference—a difference in cost and a difference in the process of manufacture.

Mr. GARFIELD, of Ohio. If the gentleman will allow me to interrupt him, I will remark that I think he will find there is no difference.

Mr. CLEVELAND. I am entirely familiar with the principle on which the wire gauge is rated, and I propose this amendment in good faith. There are common uses to which rolled iron over the size specified in my amendment is put for which wire is not necessary. It is the cheaper article, and I claim that rolled iron over a quarter of an inch in diameter shall come in as iron rods and not as wire.

Mr. ALLISON. Under the present law round iron less than three quarters of an inch in diameter is rated at 1½ cents per pound. Now, by the gentleman's amendment, if it is under one quarter of an inch it will be treated as wire, and as such will be rated at 2 cents, one half cent more than the present law. That is the objection I have to the gentleman's amendment. The chairman has stated that rolled iron is not classed as wire.

Mr. CLEVELAND. But in this bill the chairman of the Committee of Ways and Means has classed wire up to one half inch in diameter, whether rolled or drawn; $\frac{468}{1000}$ of an inch amounts nearly to half an inch.

Mr. ALLISON. I wish to make an inquiry, and request the attention of the chairman of the Committee of Ways and Means. Round iron now, less than three fourths of an inch in diameter, under the existing law which in this respect is not changed by this bill, pays 1½ cents per pound. This includes all round iron under three fourths of an inch in diameter, whether it be one eighth of an inch, or whatever it may be. Now, we are providing that iron wire, rolled or drawn, shall pay so much; an amount higher than that rate.

Mr CLEVELAND. Before the gentleman proceeds further, I would like him to explain what he means by "wire."

Mr. ALLISON. That is precisely what I wish some gentleman to inform me. I desire to know what is the distinction between rolled iron and wire.

Mr. CLEVELAND. As the matter stands in the bill, it is a muddle for which I am not inclined to vote. If the paragraph passes in its present shape, the two articles will come in conflict. You will not find an examiner in the custom-house who will be able to interpret this part of the bill.

Mr. SCHENCK. I am not a manufacturer of this article, and I have to depend upon the information brought to the Committee of Ways and Means with regard to it. According to that information it appears that they are making wire, and quite fine wire, by rolling instead of by drawing.

Mr. CLEVELAND. Even piano wire is so made.

Mr. SCHENCK. Yes; and it is none the less wire and none the more wire, that instead of the old process of drawing entirely—that is, cutting wire into lengths from ingots and producing it to the required fineness—they now make it by rolling. But whether it be wire, or whether it shall be called rod, depends upon its diameter; and there are known methods in the trade of determining when it ceases to be wire and begins to be rod, or when the rod is fine enough to be called wire.

Mr. CLEVELAND. Yes; and there is plenty of iron rolled down to a point finer than the highest point of the wire gauge, which is $\frac{466}{1000}$ of an inch, nearly half an inch.

Mr. SCHENCK. Precisely; and then it is wire.

Mr. CLEVELAND. By your classification rolled iron nearly half an inch in diameter is classified as wire.

Mr. SCHENCK. If those who make rods do not understand their own tables, or have made their tables inaccurately, that is no fault of mine. I was not engaged in establishing their rules as to the difference between rods and wire.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HOAR. I desire to ask the gentleman from New Jersey if he will allow to be reported for information the amendment I have drawn?

The CHAIRMAN. It is not within the province of the gentleman from New Jersey to prevent it.

Mr. HOAR. Then I desire to offer an amendment to the amendment, which I send to the desk to be read.

The Clerk read as follows:

Begin line three hundred and sixty-three with the following words, "On all iron not more than one fourth of an inch diameter or square, and," so that the paragraph will read:

On all iron not more than one fourth of an inch diameter or square, and on all iron wire or wire of which iron shall be a component part of chief value, &c.

Mr. HOAR. The point which the gentleman from New Jersey [Mr. CLEVELAND] makes is undoubtedly correct, and that is that the question whether an article is wire or rod does not depend upon its size, but upon whether it is drawn or rolled. A piece of iron rolled round is a rod, and a piece of iron drawn cold through a plate, round, is wire. That is the distinction. Now, the committee by their amendment have introduced the term "rolled wire," and there is no such thing as rolled wire. It leaves it, therefore, to be a matter of custom-house construction. The amendment of the gentleman from New Jersey, if I understand it, does not obviate the difficulty which he points out in the amendment of the committee, because it provides that nothing shall be construed to be wire that is above a certain size. He does not say whether or not it shall be construed to be wire if it is rod below that size, and it still leaves a question of custom-house construction and not of legislative enactment. Now, the proposition which I ask him to substitute for his is simply that iron not more than a quarter of an inch in diameter or square shall be classified as wire, whether it be rolled or drawn. As I understand it, by a recent process invented in England, and now in the course of introduction into this country, iron rods are rolled to the size which I hold in my hand.

Mr. CLEVELAND. And smaller.

Mr. HOAR. And still smaller. This article comes into competition with all that class of wire where smoothness and perfect roundness are not essential, and it is very important, therefore, that whatever protection you propose to give to that wire shall be so given as to afford it against the competing article, whatever the process by which it is made. That is the point. Allow me to add one word if my time has not expired. This is a matter which is interesting to a large portion of the country. They manufacture this wire not only in Massachusetts and Connecticut; there is a very large manufactory established in Cincinnati, turning out five or six tons a day of this precise kind; there is also a new establishment at St. Louis, and one at Cleveland.

[Here the hammer fell.]

Mr. CLEVELAND. I oppose the amendment of the gentleman from Massachusetts.

Mr. ALLISON. Will the gentleman yield to me for a question?

Mr. CLEVELAND. I would like to explain this point first. The gentleman from Massachusetts proposes that all iron, whether square or round, above a quarter of an inch shall be classified not as wire. Now, there are sizes of wire above that size properly classified as wire, and which should come in as wire. I claim, therefore, that his amendment is not a proper amendment, and that mine is a proper amendment. It would allow all wire which is properly wire to come in classified as wire, which is right. But rolled iron, which would come in under the amendment of the Committee of Ways and Means as wire, is not wire, but rolled iron.

Mr. HOAR. Allow me one word. It seems to me that this is a mere question of phraseology. We are all agreed as to the result to be accomplished. I think both amendments had better be withdrawn, and one can be drawn up to which we can both agree.

Mr. CLEVELAND. While I am upon the floor I will explain this matter a little further. These iron rods are used for manufacturing purposes, by stove makers to put together their stoves. There is a great difference between wire and iron rods. But by the amendment introduced here by the Committee of Ways and Means they are mixed together, so mixed that an examiner in the custom-house, who will be the party making the decision, will not be able to separate them. By the present habit of manufacturers they might be able to distinguish them by the manner in which they are put up in coils and by the length of the rods. But rolled iron nearly half an inch in diameter under the arrangement of the Committee of Ways and Means would come in as wire when it ought to come in as rolled iron at a less duty. It is of less value, and is used for different purposes. It is softer, unless it is annealed. It is an entirely different manufacture, and should come in at a different duty as it always has done.

[Here the hammer fell.]

Mr. LOGAN. I move to strike out the entire paragraph. I desire to call the attention of the committee to one very strange feature in this proposition.

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

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOAR. Is it in order to move to strike out a paragraph to which amendments are pending?

The CHAIRMAN. The motion to strike out is in order; but the question upon striking out will not be taken until all the amendments are disposed of.

Mr. LOGAN. Under the law as it now stands there is a duty imposed on wire of 1½ cents per pound. In the pending paragraph, which I have moved to strike out, no rate of duty on wire is mentioned less than 2 cents per pound. Another thing: these twisted ties which have been mentioned are rated in this bill, in another paragraph, at a duty of 5 cents per pound, or 125 per cent. *ad valorem*. The chairman of the Committee of Ways and Means [Mr. SCHENCK] has moved to insert twisted ties in this paragraph at a duty of 2½ cents per pound, which is over 60 per cent. *ad valorem*. Even according to this proposition of the Committee of Ways and Means the duty of the present law is nearly doubled.

Now, I wish to call the attention of the gentleman from Ohio [Mr. SCHENCK] to one fact. I do not know whether his constituents are interested in iron wire or not. But I do know that the prairie country is interested in it. The great portion of the fencing of our prairie country is made of iron wire. Our people, therefore, are deeply interested in this matter. Now, I ask where is the necessity for this increase of duty? The duty imposed by the present law was considered by our people to be high, and is still so considered by them. And instead of leaving the duty on this article where it now is the Committee of Ways and Means proposed, first, to increase it from 35 per cent. *ad valorem* to 125 per cent., and now they propose to make it over 60 per cent. Where is the necessity for that increase, or for any increase? I have, therefore, moved to strike out this entire paragraph, so as to let the duty on iron wire stand as it has existed for some years past. We consider that that

law has borne very heavily upon us; but I am willing to take it in preference to what is proposed here.

This whole thing is in such a muddle that the gentlemen of the Committee of Ways and Means themselves do not understand it and cannot understand it. The House does not understand it. One half the men here do not know anything about it; it is a hard matter to understand. I know I did not understand it. I know some of the members of the Committee of Ways and Means did not understand it, because the gentleman from Massachusetts [Mr. HOOPER] and I talked about the matter yesterday, and he certainly did not understand it, nor does he understand it much better to-day.

[Here the hammer fell.]

Mr. HOOPER, of Massachusetts. I did understand it perfectly, but the gentleman did not understand it until I explained it to him. [Laughter.]

Mr. LOGAN. I explained it to you, and you went into your committee and got this change made after I had explained it to you. That is the fact about it.

Mr. SCHENCK. If one who does not understand anything about this matter at all may be permitted to reply to one who knows all about everything on the face of the earth, [laughter]——

Mr. LOGAN. If I did I would learn you something, certain; for I am sure you do not know anything now.

Mr. SCHENCK. That may be true; but the difference between the gentleman and me is that I have never pretended to know a great deal. The gentleman is mistaken, or I am, in regard to this article of twisted ties. They are not mentioned as such in the present tariff law. In some cases they have been held to be iron wire, according to their sizes, in other cases as malleable iron, and in other cases as non-enumerated articles; and the duty on them has been charged at different rates. But they have been held usually to rank as wire. Now, what is the duty upon wire under the present tariff? I will read the classification of the existing law:

"Iron wire, bright, coppered, or tinned, drawn and finished, not more than one fourth inch in diameter nor less than No. 16 wire gauge, 2 cents per pound and 15 per cent. *ad valorem*.

"Iron wire as above, over 16 and not over 25 wire gauge, 3½ cents per pound and 15 per cent. *ad valorem*.

"Iron wire over 25 wire gauge 4 cents per pound and 15 per cent. *ad valorem*."

Now we have struck out the *ad valorem* part of the duty and retained the specific. Instead of being an increase upon iron wire, this is a reduction. Then the question arises, what shall be done with twisted ties? If they were to come in as iron wire, they would under the present law pay a duty, according to size, from 2 cents per pound and 15 per cent. *ad valorem*, to 4 cents per pound and 15 per cent. *ad valorem*. We do not think this a proper rate of duty; hence we have defined them by name and have put them with the cheapest class of iron wire. They are classified in this bill with iron wire paying the lowest rate of duty, that duty being regulated by the size; but as they are made of a larger wire they would fall within the first class, and, under the bill as amended, would pay a duty of 2 cents per pound. If they came in as wire the lowest rate at which they could be imported would be 2 cents per pound and 15 per cent. *ad valorem*, and the highest rate 4 cents per pound and 15 per cent. *ad valorem*. I admit there has been difficulty at the custom-house, and they have been admitted at different rates, because they were not specifically mentioned in the existing tariff. In reply to the gentleman from Illinois, [Mr. LOGAN,] all I desire to be understood as claiming is that when we are trying as best we can to inform ourselves, and then, so far as possible, to inform the House in regard to these matters, it is not pleasant, whether we are right or wrong, to be continually taunted with the statement that the gentleman knows all about everything, and that we do not know anything and cannot answer questions when we are asked.

Mr. LOGAN. I think it fair to myself to say that I have never insinuated that I knew everything, or that the gentleman did not know anything. The gentleman takes occasion all the time to "pitch into" me, because I have occasionally offered amendments to the bill. I said in reference to this particular paragraph that as it stood yesterday the Committee of Ways and Means did not understand the effect of it, and I say so again, because they have told me so themselves.

Mr. SCHENCK. I did not tell the gentleman so.

Mr. LOGAN. The gentleman from Massachusetts [Mr. HOOPER] and the gentleman from Iowa [Mr. ALLISON] did.

Mr. HOAR. I withdraw my amendment.

Mr. CLEVELAND. I also withdraw my amendment.

Mr. GARFIELD, of Ohio. I move to amend by inserting at the beginning of the paragraph the following:

On round iron not less than three quarters of an inch nor more than two inches in diameter, and on squares not less than three fourths of an inch nor more than two inches square, $20 per ton; on round iron less than three quarters of an inch or more than two inches in diameter, and squares less than three quarters of an inch or more than two inches square, $22 40 per ton; and, &c.

I have no doubt the chairman of the Committee of Ways and Means will admit that it was in consequence of an oversight that this was not inserted in a former paragraph. If gentlemen of the committee will turn back to pages 14 and 15, they will see that there are two classes of bar iron, on one of which the Committee of Ways and Means reported a duty of 1 cent a pound, and on the other 1½ cents. The Committee of the Whole have reduced one to $20 per ton and the other to $22 40 per ton. The existing law embraces these same two classifications of bar iron, but in each there are three specifications: first, flat iron; second, round iron; third square iron. In the bill before us, only one of these classes is reported, namely, the flat.

Therefore, having put down the duty on the two classes reported here, they leave rounds and squares where they are in the law and put down flats one fourth of a cent on one class and nearly one fourth on the other. The amendment I propose is to put rounds and squares into the same classification with flats, and put them at the same rate, so that they will be in a parallel situation, as they are in the law now. If we do not make this amendment we will reduce the duty on flat iron and leave round and square iron where they are. I take it no one will think it proper to take one description of this iron and reduce the duty without at the same time reducing the duty on the others. I do not know, but I hope this was an oversight on the part of the committee, and I trust there will be no objection to the amendment.

Mr. SCHENCK. The gentleman has his own reason for moving this amendment which he has given at the close of his remarks. The Committee of the Whole having differed from the Committee of Ways and Means, reduced the duty on flats. He wishes to reduce the duty on round and square iron to make it correspond. That is all proper enough, but when he claims that it is an oversight he is mistaken.

Mr. GARFIELD, of Ohio. I said I hoped it was an oversight.

Mr. SCHENCK. I do not see any reason for his hoping it was an oversight. We do not find any reason for changing the duty on round and square iron, but leave them in the law as they are. We leave them to their proper classification and to the present rate of duty. All I desire is this matter shall be brought distinctly before the Committee of the Whole, so they may know what is proposed. The Committee of Ways and Means think there is no reason for interfering with the present classification and arrangement of round and square iron. The Committee of the Whole having dealt with flat iron by reduction beyond the rate we proposed and with the classification presented by the Committee of Ways and Means, then there may be some reason for the gentleman's proposition.

In accordance with my promise, as it is now five o'clock, I move the committee rise.

The committee accordingly rose; and the Speaker having taken the chair, Mr. WHEELER reported that the Committee of the Whole on the state of the Union, according to the order of the House, had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DOCKERY for two weeks from and after to-morrow, and to Mr. HAIGHT for to-morrow.

RAILROAD IN ARKANSAS.

Mr. ROOTS. I ask unanimous consent to take from the Speaker's table a bill from the Senate which was unanimously passed by the proper committee of the Senate, was considered, and after discussion was unanimously passed by the Senate, has been considered by the Committee on Public Lands, and after due and full consideration, eight of the nine members of the committee being present, it has been unanimously agreed to by the committee, who all urge its passage as an act of justice. It is simply a resolution explaining or extending for a very short period the time limitations of a usual land grant to aid in the construction of a railroad in Arkansas. The entire delegation from the State ask this; and although its legal force will be just as binding a week or a month hence, yet it is very desirable that it be done this day.

Objections were made.

And then, on motion of Mr. COX, (at five o'clock and ten minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. AMBLER: A memorial from the First National Bank of Mount Pleasant, Ohio, protesting against the provisions of the eighth section of the funding bill as it passed the Senate, as likely, if it becomes a law, to compel a large number of the national banks to close, and thus destroy the efficiency of the national banking system, to the injury of the business interests of the country.

By Mr. CULLOM: A petition of citizens of McLean county, Illinois, asking Congress to repeal the national banking law and provide that greenbacks shall take the place of the national bank currency.

By Mr. LOGAN: A petition of members of the Grand Army of the Republic for cannon for a soldiers' monument in Delaware.

By Mr. MORGAN: The petition of Mrs. Nancy Moore, widow of W. H. Moore, sergeant in Wayne's army.

By Mr. PORTER: The petition of Benson M. Wright, of Caroline county, Virginia, for the removal of his disabilities under the fourteenth article of the constitutional amendment.

By Mr. STRICKLAND: The memorial of Hon. J. K. Lockwood, of Alpena, Michigan, and 190 others, opposing any repeal of the duties on lumber.

By Mr. SWANN: The memoria of William Wilkins and Herman W. Grace, partners in the firm of W. Wilkins & Co., in the city of

Baltimore, praying for an increase of ten cents per pound on the duty on French prepared bristles and bristles of a similar kind in assorted sizes ready for use.

IN SENATE.

FRIDAY, *April* 29, 1870.

Prayer by Rev. J. G. BUTLER, Chaplain of the House of Representatives.

The Journal of yesterday was read and approved.

PORTRAIT OF MAJOR GENERAL THOMAS.

The VICE PRESIDENT. The Chair submits a concurrent resolution from the House of Representatives. This is a concurrent resolution emanating from the joint Committee on the Library, reported to the House and sent to the Senate for concurrence. It will be read.

The Secretary read the concurrent resolution, as follows:

Resolved by the House of Representatives, (the Senate concurring therein,) That the joint Committee on the Library be authorized and directed to procure a portrait of the late Major General George H. Thomas, to be placed in a conspicuous position in the Capitol, as a memorial of his great services to his country and his distinguished worth as a soldier and citizen; and that the cost of such portrait, not exceeding $2,000, be paid in equal proportions out of the contingent funds of the two Houses of Congress.

Mr. SUMNER. Has that resolution been reported?

The VICE PRESIDENT. It was reported from the joint Committee on the Library to the House of Representatives, concurred in by that body, and sent to this body for concurrence.

Mr. SUMNER. Should it not go to our committee now? Is it not in order to move its reference?

The VICE PRESIDENT. It is in order to move to refer or to concur.

Mr. SUMNER. I think it had better go to the committee.

Mr. HOWE. I do not see any advantage in sending the resolution back to the committee. The joint Committee on the Library has once acted upon it. I must say I rather regret the action of the committee, not that I am less ambitious of doing honor to the memory of General Thomas than any other man, for among the public men who have been brought into notice during the late war I do not know of a single one for whom I have a higher regard than for General Thomas. But it occurred to me that we were hardly in a situation to commence now the purchase of these portraits. I hardly know where we can take care of them. But it was the opinion of the committee that this purchase should be made. They have reported the resolution. The report was made to the other House, to be sure, but of course if the resolution were to be sent back to them they would make the same report here, and so I think the Senator from Massachusetts had better not press that motion.

The VICE PRESIDENT. Does the Senator from Massachusetts insist on his motion?

Mr. SUMNER. No, I will not, if the chairman of the committee is against it.

Mr. ANTHONY. Is not this a concurrent resolution?

The VICE PRESIDENT. It is.

Mr. ANTHONY. Must not the form of it be changed, as it appropriates money?

The VICE PRESIDENT. It appropriates money out of the contingent fund of both Houses, and therefore comes within the rule of a concurrent resolution. The money is to be paid out of the contingent fund of each House. The question is on the motion of the Senator from Massachusetts to refer the resolution to the Committee on the Library.

Mr. SUMNER. I withdraw that motion. I will not press it against the wishes of the chairman of the committee.

Mr. DAVIS. I do not think this resolution ought to be passed.

Mr. POMEROY. I think it had better be placed on the Calendar, where it can be reached in its order.

Mr. DAVIS. I believe I have the floor. There was no commander in the late Army whom I appreciated higher than the late General Thomas. It was my fortune to know him before the war. I think he was one of the first military men, one of the most spotless patriots, and one of the noblest heroes that came up during the whole conflict. But I object to this resolution because of the precedent. It will be introducing a line of precedents that will have no end. I think it ought not to pass, because it will give rise to the introduction in the course of time of hundreds of other applications of the same kind. With the purest reverence and respect for the virtues, for the noble military capacity and qualities, and for the preëminent services of General George H. Thomas, I desire that this resolution shall not pass; and I know if he were here himself he would concur in this sentiment.

The VICE PRESIDENT. By the twenty-sixth rule resolutions which grant money out of the contingent fund must be treated in the same manner with bills. This concurrent resolution will therefore be regarded as having been read the first and second time, and it is now before the Senate as in Committee of the Whole.

Mr. SHERMAN. I hope it will be referred to the Committee on the Library.

Mr. HOWE. I suppose the Senator from Ohio did not understand what I said. I stated that the committee had already acted upon it.

Mr. SHERMAN. Then let it lie on the table for the present.

Mr. HOWARD. I move that it lie on the table.

Mr. WARNER. I hope the Senator will withdraw that motion. I think every time a man like General Thomas dies we can afford to buy a portrait of him.

Mr. HOWARD. I withdraw my motion for the present as I wish to say a word. There is no officer of the Army to whose memory I would render this honor any sooner than to General Thomas. His military career was most brilliant and of inestimable value to the country, and he is deserving of all the honor the United States can confer upon him. The people of the United States will not be slow to render honor to so great a man. They will not be slow to recognize his great and important services to the country. No picture of him that Congress can purchase and pay for will contribute to the perpetuation of his great fame. Thomas will be known in his achievements and recorded upon the page of history—the most important page the world has ever seen. But while I say this in behalf of Thomas, I cannot forget, nor will other Senators forget, that there are other distinguished generals in the land who have rendered important and inestimable service to the great cause which we have recently achieved; and I would not by singling out one, by singling out even Thomas, furnish the slightest occasion to create rivalries and envies between the great men to whom the country owes so much; and I concur entirely with the Senator from Kentucky in his opinion that if that distinguished general were still alive and could speak to us he would be the first to remonstrate against the step which is now proposed. I hope the resolution will be laid on the table.

Mr. MORRILL, of Maine. Evidently this resolution is to challenge some dissent. I concur in the suggestion of the Senator from Ohio that it had better go to the Committee on the Library. I make that motion.

The VICE PRESIDENT. The Senator from Maine moves that the resolution be referred to the joint Committee on the Library.

Mr. HOWARD. Very well.

The motion was agreed to.

COURTS IN WISCONSIN.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. No. 684) to change the time for holding the circuit and district courts of the United States for the district of Wisconsin.

The amendment was read.

Mr. HOWE. I do not see the chairman of the Committee on the Judiciary in his seat, and I hope that matter will lie on the table for the present.

The VICE PRESIDENT. The bill and amendment will lie on the table for the present.

VENTILATION OF THE HALLS.

The joint resolution (H. R. No. 271) making an appropriation for the purpose of making experiments in the ventilation of the Halls of the Capitol, was read twice by its title.

Mr. ANTHONY. I think we had better pass that now. The chairman of the select Committee on Ventilation is not in his seat, but I ask that the resolution be acted upon.

The VICE PRESIDENT. The joint resolution emanated from the joint select Committee on Ventilation. It was reported to the House of Representatives by that committee and was passed by that body and sent to the Senate for concurrence.

Mr. ANTHONY. I hope we shall concur.

Mr. SHERMAN. It appropriates money, and I think it ought to go to the Committee on Appropriations.

Mr. ANTHONY. It is money for experiments in ventilating the Capitol, to carry out the orders of the two Houses in appointing the select Committee on Ventilation.

Mr. SHERMAN. It ought to be referred to the Committee on Appropriations.

Mr. ANTHONY. I have no objection.

The joint resolution was referred to the Committee on Appropriations.

DEPARTMENT OF JUSTICE.

The bill (H. R. No. 1328) to establish the department of justice was read twice by its title.

Mr. PATTERSON. That bill originated with the joint select Committee on Retrenchment, and was long and thoroughly considered by that committee in the very form in which it comes from the House of Representatives. I therefore move that it be put upon the Calendar.

The VICE PRESIDENT. This bill will be placed upon the Calendar as favorably reported by the joint Committee on Retrenchment, if there be no objection. The Chair hears no objection, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented resolutions of the Legislature of Ohio, requesting the Senators and Representatives in Congress from that State to use their influence to secure the immediate intervention of this Government in behalf of American citizens now confined in British dungeons; which were referred to the Committee on Foreign Relations, and ordered to be printed.

He also presented resolutions of the Legislature of Ohio, requesting the aid of Congress relative to the center water-line of the Chesapeake and Ohio canal; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. WILSON presented the petition of Allen Wood and others, praying the enactment of a law to abolish the manufacture and sale of all spirituous and malt liquors and stomach bitters, except for medicinal and mechanical purposes; which was referred to the Committee on the District of Columbia.

Mr. ROBERTSON presented the petitions of Hugh Aikins, Minyard M. Sanders, Cicero C. Thompson, and John Simpkins, Jackson county, Georgia; of W. Loflin, Troup county, Georgia, and of C. F. Belt, Burke county, Georgia, praying the removal of their political disabilities; which were referred to the select

Committee on the Removal of Political Disabilities.

Mr. ABBOTT presented the petition of Robert M. Douglas, of Washington, District of Columbia, in behalf of William Scott, of Rockingham county, North Carolina, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. SPENCER presented the petition of D. J. Parks, of Lauderdale county, Alabama, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. FLANAGAN presented the petition of B. H. Apperson, of Red River county, Texas, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. POOL presented the petitions of Joseph B. Todd, Watauga county, North Carolina; of Phineas Horton, Wilkes county, North Carolina; of R. W. Logan, Rutherford county, North Carolina; of Samuel Forkner, Surry county, North Carolina; of John A. Young, Charlotte, North Carolina; of E. H. Straughan, Chatham county, North Carolina; and of W. H. Thomas, Waynesville, North Carolina, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. HOWE presented the petition of Elizabeth B. McCormick, widow of William J. McCormick, deceased, praying compensation for losses sustained in consequence of being ejected from certain houses which she occupied, by order of the Secretary of War, January 1, 1864; which was referred to the Committee on Claims.

He also presented a petition of citizens of Grant county, Winconsin, praying the enactment of a law that will entirely abolish the duty upon tea and coffee and will also greatly reduce the duty now levied upon sugar and molasses; which was referred to the Committee on Finance.

Mr. FENTON presented the petition of Florence O'Brien, of company A, fourth New York infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. JOHNSTON presented the petitions of H. F. Givin, Edward Stewart, David V. Ruckman, Adam Stephenson, William Hevener, and Andrew J. Jones, of Highland county, Virginia; Charles Herndon, of Richmond, Virginia; William Stoakes and Baldwin Foster, of Matthews county, Virginia; James A. Goalder, of the county of King and Queen, Virginia; Jacob L. Gilbert, of Rockingham county, Virginia; of Thomas S. Gibson, of Lee county, Virginia; of George Washington Kyle, of Buckingham county, Virginia; of Newton Keene, of Loudon county, Virginia; of Wiley S. Young, of Grayson county, Virginia; of William L. Spencer, of James City county, Virginia; of S. Grear and Robert Vaugh, of Grayson county, Virginia; and of H. D. Vaiden, of New Kent county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. McDONALD presented the petition of Josiah T. Fisher, of Little Rock, Arkansas, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. SUMNER. I present a memorial of citizens of New York and resolutions adopted at a meeting held to consider what should be done with what is now known as the Chinese indemnity fund. Of this meeting Isaac Ferriss, chancellor of the University of New York, was chairman; and I notice among the names, William E. Dodge; our late associate in this Chamber, E. D. Morgan, and other distinguished gentlemen. They set forth that in their judgment this fund, with the accumulation thereon, certainly does belong in equity to the Chinese Government, as the President of the United States has heretofore affirmed; and they go on to say that in the event of the Chinese Government declining to receive it it is expedient that our Government should set it apart for some educational purpose in China, substantially in pursuance of a recommendation made by the late Mr. Burlingame. I move the reference of this memorial and resolutions to the Committee on Foreign Relations.

The motion was agreed to.

Mr. SUMNER. I also present the petition of the national executive committee of the colored people of the United States, signed by their chairman, George T. Downing, and by their secretary, Frederick G. Barbadoes, asking for public instruction for colored persons in the District of Columbia without being proscribed on account of color. This petition sets forth very clearly and strongly what in the opinion of the petitioners are their equal rights in the common schools of the District. I move the reference of this petition to the Committee on the District of Columbia, and that it be printed. It seems to me that the subject is so important that the petition had better be printed.

The motion was agreed to.

Mr. RAMSEY. I present the petition of three hundred citizens of the counties of St. Louis and Carlton, in the State of Minnesota, asking Congress to make a liberal grant of the public lands of the United States within those counties for the improvement of the harbor and the construction of a breakwater at the port of Duluth, in that State. They represent that large amounts of freight are about to be thrown into that port, and no appropriation has ever yet been made by Congress for the improvement of a harbor in the State of Minnesota. Inasmuch as a bill for this purpose has already been reported by the Committee on Public Lands, I move that the petition be laid on the table.

The motion was agreed to.

Mr. HARLAN. I present a letter of the Secretary of the Interior, communicating a supplementary report of the Commissioner of Indian Affairs containing a detailed statement of the numbers and condition of all the Indian tribes within the boundaries of the United States. I move that it be printed, and that five hundred extra copies be printed for the use of the Interior Department.

The VICE PRESIDENT. The document will be ordered to be printed, and the motion for extra copies will be referred to the Committee on Printing, under the law.

BILLS RECOMMITTED.

Mr. CASSERLY. I discover from the Globe this morning that yesterday the bill (S. No. 823) for the relief of Macoudray & Co., Dupuy, Foulkes & Co., Thomas S. & F. S. Hathaway, Pioche, Bayergne & Co., Fox & O'Connor, P. Maury, jr., Dickson, De Wolf & Co., and Compton & Davidson was reported back from the Committee on Finance by the Senator from Oregon, [Mr. WILLIAMS,] with the recommendation that it be indefinitely postponed, and it was indefinitely postponed. That bill is a bill for the relief of a large number of merchants in San Francisco on account of goods destroyed by the falling down of a bonded warehouse. I have conferred with the Senator who reported it back, and with his consent I ask that the bill be recommitted to the committee in order that the parties interested may have an opportunity to present the facts on which they rely.

The VICE PRESIDENT. If there be no objection the indefinite postponement will be regarded as reconsidered, and the bill will be recommitted.

Mr. SHERMAN. I have no objection to the reconsideration; but I think the bill itself had better go to the Committee on Claims if there are any special facts in regard to it. The Committee on Finance never regard these claims unless they involve some question growing out of the revenue laws, and there is a general law forbidding the payment of these claims. If there is a special ground for this claim it ought to go to the Committee on Claims.

Mr. CASSERLY. I moved that reference when I first introduced the bill, but the Senator from Vermont [Mr. MORRILL] who is not here this morning suggested that the Committee on Finance was the proper reference, and I assented to that at once.

Mr. SHERMAN. That is usually the committee to which these claims are referred; but as this claim is barred by the general statute, unless there is some special reason it ought to go to the Committee on Claims.

Mr. CASSERLY. I have no objection to that.

The VICE PRESIDENT. The Senator from California assents to that reference, and the bill will be referred to the Committee on Claims.

Mr. PRATT. I move that the bill (S. No. 623) to grant a pension to Celia Tweed be recommitted to the Committee on Pensions. The attorney of the petitioner thinks the committee has done his client injustice, and I am willing she should have the benefit of another trial.

The VICE PRESIDENT. The bill has been postponed indefinitely, as the Chair understands, and the Senator from Indiana now asks unanimous consent that the vote may be reconsidered and the bill recommitted to the Committee on Pensions. The Chair hears no objection, and it is so ordered.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate of the 11th of January, a statement in tabular form of the number of foreign-built vessels under enrollment or register now employed in the commerce of the United States, with the names of such vessels, whether steamer or sailing vessels, the tonnage of each when built, and the date of the law of Congress, which in each case authorized the registration or enrollment of such foreign-built vessels; which was referred to the Committee on Commerce, and ordered to be printed.

ADJOURNMENT TO MONDAY.

On motion of Mr. FENTON, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

REPORTS OF COMMITTEES.

Mr. ABBOTT, from the Committee on Military Affairs, to whom was referred the petition of John E. Griffin, of company E, second North Carolina mounted infantry, submitted a report, accompanied by a bill (S. No. 860) for the relief of John E. Griffin. The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. OSBORN, from the Committee on Public Lands, to whom was referred the bill (S. No. 592) granting lands to aid in the construction of certain railroads in the State of Florida, reported it with amendments.

Mr. WILLIAMS, from the Committee on Public Lands, to whom was referred the bill (S. No. 112) to aid in the construction of the Oregon Branch Pacific railroad, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 824) authorizing the Southern Minnesota Railroad Company to connect its line with the Northern Pacific railroad, reported it with an amendment.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred the bill (S. No. 713) for the relief of preëmption settlers in the land district of West Point, in the

State of Nebraska, reported it with amendments.

Mr. HOWARD. The Committee on the Pacific Railroad, to whom was referred the bill (S. No. 601) to incorporate the Kansas, Indian Territory, and Gulf Railway Company, and to enable the Missouri River, Fort Scott, and Gulf, and the Leavenworth, Lawrence, and Galveston Railroad Companies to unite upon and construct a single track through the Indian territory and to reach the Gulf, have instructed me to report it back, and ask to be discharged from its further consideration.

Mr. POMEROY. The bill just reported by the Senator from Michigan, from which he asked that the Committee on the Pacific Railroad be discharged, was reported from that committee some time ago, and the committee was then discharged from its consideration, and it was referred to the Committee on Public Lands. It is now before that committee.

Mr. HOWARD. But it was recommitted to the Committee on the Pacific Railroad.

Mr. POMEROY. No; the bill has been before the Committee on Public Lands for some weeks, and was considered this morning by that committee.

Mr. WILLIAMS. I have the bill in my hand.

Mr. HOWARD. Then I withdraw my report. I understood it had been recommitted to the Committee on the Pacific Railroad.

BILLS INTRODUCED.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 861) providing a mode for the selection of cadets to the Military and Naval Academies; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 862) to provide for the settlement of accounts between southern railroad corporations and the United States Government, and collection of balances due from said corporations; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 863) to allow the school trustees in the State of Arkansas to enter land for school purposes under the homestead law; which was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed.

Mr. ROSS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 864) to authorize the settlement of the claims of the State of Kansas for services of the troops called out by the Governor of that State, upon the requisition of Major General Curtis, to repel the invasion of General Price; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 182) in relation to Indian reservations selected by the peace commissioners; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. THAYER asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 183) for the relief of Edward B. Woodbury, Lucius K. Woodbury, and Sylvia M. McIntyre; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. NYE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 185) placing the name of Commander James H. Ward, United States Navy, as captain on the retired list, June 27, 1861; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WARNER asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 186) in aid of the manufacture of American cotton into yarn for export; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

CLAIM OF POTTAWATOMIE INDIANS.

Mr. PRATT submitted the following resolution; which was considered by unanimous consent:

Resolved, That the Committee on Indian Affairs be requested to report to the Senate what action, if any, has been taken upon the report made on the 18th day of January, 1869, to the Secretary of the Interior by the commissioners appointed by the President, under the Senate amendment to the tenth article of the treaty with the Pottawatomie Indians of August 7, 1868, which report ascertains the principal sum due those Indians from the United States to have been in the year 1862 $178,953 43; and what action, if any, has been taken upon the supplementary report of said commissioners, made on the 22d day of January, 1869, ascertaining the interest due on said principal sum at the latter date to be $48,897 95; and that said committee report whether, in their opinion, the results at which said commissioners arrived are correct, and what reasons exist, if any, why the sum so found due said Indians shall not be paid.

Mr. HARLAN. I have no objection to the consideration of the resolution now, or to its reference to the Committee on Indian Affairs; but I would state for the information of the honorable Senator from Indiana that this is an old claim which has been examined by the Indian Committee and rejected by the Senate several times, and the committee at this session have agreed to report it back adversely again; but this resolution probably will require a written report, and perhaps a written report will be desirable. I have no objection to the adoption of the resolution.

Mr. PRATT. I inquire of the Senator from Iowa whether any action has ever been taken on the reports of these commissioners, made on the 18th and 22d days of January, 1869.

Mr. HARLAN. I think no action has been taken on the subject in that specific form; but during the last Congress the same claim was before the committee and reported adversely. It has been submitted to the Senate again and referred to the Committee on Indian Affairs. That committee has agreed to report adversely, but the report has not yet been made. I have no objection to the adoption of the resolution, and the committee will of course, in compliance with its terms, report in writing this time.

Mr. PRATT. Very well.

Mr. POMEROY. The matter to which the Senator from Indiana refers has been called to my attention by letters from my State. These Indians live in the State of Kansas, and they are very anxious to have the claim considered. They think it is very just. It has been reported upon by a commission appointed by the President, and the payment of a certain sum has been recommended; and yet it is so old a claim, and it is made up of so many parts, that the Committee on Indian Affairs have never yet regarded it favorably. I hope they will now, because the intelligent, educated Indians who are living in my State, members of the Pottawatomie tribe, think it is just, and they feel very anxious, as I know from letters I receive from them, that it should be acted on favorably.

Mr. PRATT. My introduction of this resolution is in consequence of being called upon by a citizen of my own State who is largely interested in this claim. I have before me the tenth article of the treaty with the Pottawatomies of August 7, 1868, or rather the Senate amendment to the tenth article of the treaty, which reads as follows:

"It is further agreed that the claims of the Pottawatomies, heretofore reported on by the Secretary of the Interior, under the act of Congress of March 2, 1861, shall be submitted to two commissioners, to be named by the President of the United States, for examination; and said commissioners, after being sworn impartially to decide on said claims, shall make report of their judgment in the premises, with the evidence taken, to the Secretary of the Interior, and the same shall be communicated to Congress at its next session."

These commissioners made a very elaborate report. They examined the treaty stipulations between this tribe of Indians and the United States, and found them contained in nineteen different treaties, from 1795 down to the year 1846. In their recapitulation they find that under eleven of these treaties the balances due to these Indians amount to $178,953 43; and in their supplementary report they find that interest upon these balances is due to the Indians to the amount of $48,897 95. These commissioners were appointed, it seems, in pursuance of the Senate amendment to this treaty, appointed under the provisions of the treaty, and they made a laborious and elaborate examination, and have ascertained these balances to be due to the Indians from the United States. I should hope the Committee on Indian Affairs would be furnished with some very good reasons, after this report, why the sum so found due should not be paid.

Mr. HARLAN. I will only make this additional remark. I know of no way of disposing definitely and finally of any claim against the Government but to pay it. This is a case directly in point. It has been examined over and over again, and always reported adversely; but of course the claimants think it just and they continue to present it, and I suppose the only way finally to get rid of it is to pay it.

The resolution was agreed to.

POSTAL AND TELEGRAPH COMMITTEE.

Mr. COLE submitted the following resolution:

Resolved, That there be appointed a standing committee of the Senate, to be designated the Committee on Foreign Postal and Telegraphic Communication.

Mr. SUMNER. I object to that.

Mr. COLE. Let it go on the Calendar of resolutions.

The VICE PRESIDENT. The resolution will go on the Calendar of resolutions.

MILITARY BUILDINGS AT NEW YORK.

Mr. WILSON. I ask unanimous consent to call up a little joint resolution of the House which it is important should be passed to-day, because it ought to go into operation by the 1st of May. It is a joint resolution in relation to buildings used in the city of New York for military purposes. The Secretary of War says he thinks he can save $14,000 in a small expenditure if the joint resolution can be passed so that he can have it in operation by the 1st of May. It will take but a moment.

The VICE PRESIDENT. The joint resolution (H. R. No. 69) relating to buildings used for military purposes in the city of New York will be read, subject to objection.

The resolution was read. It authorizes the Secretary of War to contract for the purchase or lease of a suitable building or buildings in the city of New York, for the use of the several staff departments of the Army, as offices and store-rooms, if by so doing he can effect a saving of expense to the Government.

Mr. FOWLER. I object, unless I know something about that. It is very indefinite. I do not know what the cost to the Government at the present time is in New York for this purpose. I do not know what it will cost under this joint resolution.

Mr. WILSON. We are expending thirty-five or forty thousand dollars a year for headquarters and buildings for military purposes in New York city. The House passed this resolution some weeks ago. The Committee on Military Affairs had doubts whether we should save anything by it, although the resolution provides that it shall be done if expenses can be saved. The Secretary of War now says that he can save in this expenditure of less than forty thousand dollars a year, if this resolution passes, $14,000. It is necessary to be acted upon before the 1st day of May, as the 1st day of May is renting time.

Mr. FOWLER. What is the reason he cannot make the same arrangement at the present time without this joint resolution? In other words, I do not see any power this gives him over what he has at the present time. It seems he has power to make arrangements for these

same buildings now. What additional power does this give him?

Mr. WILSON. Let the resolution be read, and the Senator will see precisely what it provides.

Mr. FOWLER. I heard it.

Mr. DRAKE. Let it be read again.

The Secretary read the joint resolution.

Mr. SHERMAN. It authorizes the purchase of buildings.

Mr. WILSON. This gives him power to purchase if he can save by it, instead of renting wholly and entirely. The Secretary of War stated a day or two ago to the committee his desire to have it passed, and he believed he could save nearly fourteen thousand dollars a year, which is nearly one half what we now pay, more than a third, by having power to make the purchase.

Mr. FOWLER. I understand it costs the Government now thirty-five or forty thousand dollars, and is it understood that the purchase of the buildings will not cost more than thirty-five or forty thousand dollars?

Mr. WILSON. It may cost more; but the simple question is whether the Government will save money.

Mr. POMEROY. They mean the interest of the purchase will be that much less.

Mr. FOWLER. I shall not object.

Mr. SHERMAN. I think I shall have to object to giving power to purchase buildings in the city of New York. It is very indefinite.

The VICE PRESIDENT. Objection being made, the joint resolution cannot be now considered.

COMMERCE WITH BRITISH AMERICA.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 184) respecting commerce between the United States and British North America; which was read twice by its title.

Mr. FENTON. If there be no objection, as I presume there will be none, I should be glad to have the resolution put on its passage.

Mr. SUMNER. I should like to hear it.

The VICE PRESIDENT. It will be read, subject to objection.

The Secretary read the joint resolution, which proposes to authorize the Secretary of the Treasury to cause an inquiry to be made for the information of Congress relative to the extent and state of trade between the United States and the several dependencies of Great Britain in North America, and for this purpose to designate a suitable person to make such inquiry.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. POMEROY. Why is it necessary to have a joint resolution to do that? Why would not a single resolution do that?

Mr. FENTON. I think a joint resolution is better, so as to get the sanction of both Houses. I believe it was under the administration of the Treasury Department by Mr. Chase that authority equivalent to that conferred by this resolution was given; and a gentleman every way well qualified was appointed. I am not certain but that the authority still exists. I know that the information was important and valuable which was then elicited. I believe it is of great public interest now to have the inquiry made.

Mr. SUMNER. I would remind the Senator that there is no appropriation in the resolution for the expense of the inquiry. Such a person as the Senator has in view would not labor for nothing.

Mr. FENTON. There is no requirement in the resolution. It is simply authority conferred; and the Secretary, I suppose, will exercise his discretion in the matter.

Mr. SUMNER. How can he find his man? That is the point.

Mr. FENTON. That is a matter entirely for him.

Mr. SUMNER. I submit whether it would not be advisable to add words of appropriation: "And a sufficient sum is hereby appropriated to defray the expense thereof."

Mr. FENTON. As I have already remarked, the authority contained in this resolution was conferred upon the Secretary of the Treasury in 1862 or 1863. It has been a continuing authority, and a Mr. Hatch, of New York, was designated to make the inquiry; but for some reason he has been discontinued. I am not certain but that the Secretary of the Treasury now has the authority under existing laws to appoint an agent. I do not know out of what fund he could be paid. I have not cared to raise that question. I desired simply to renew the authority to the Secretary of the Treasury, if necessary, to designate an agent in his discretion. If it shall be found necessary hereafter that a sum of money be appropriated, the Secretary will advise Congress of that fact, and I shall then ask Congress to act upon that matter.

Mr. HOWE. Will the Senator from New York explain what powers he proposes to clothe this agent with that the Secretary of the Treasury is not already clothed with, or what information that agent will be able to lay before the country that the Treasury Department cannot lay before the country at any time?

Mr. FENTON. I am not certain, as I remarked, that this resolution will give to the Secretary of the Treasury any additional authority. Under the authority of law a gentleman was designated to perform the duty indicated in this resolution some years ago, and was continued for several years, making his reports to the Secretary from year to year. I desire simply to renew the investigation. It could be done without this resolution by some agent of the Treasury Department. It could be done by calling on the various collectors of customs along the northern frontier. But as that is not so direct and certain a method of collecting this information, I have thought it was better to renew the authority to the Secretary of the Treasury, if need be, to designate some suitable person to collect this information which is referred to in the resolution.

Mr. HOWE. If the Senator thinks it important that there should be such an office created I shall not oppose it; but I must unite with the Senator from Massachusetts in urging the expediency of making an appropriation and limiting the cost to be incurred. An unlimited authority to spend money in this investigation I should hardly be willing to authorize.

Mr. FENTON. If there is any doubt in the minds of Senators in regard to the propriety of passing this resolution I am entirely willing that it shall be referred to the Committee on Finance.

The VICE PRESIDENT. It will be referred to the Committee on Finance.

STENOGRAPHER FOR DISTRICT SUPREME COURT.

The VICE PRESIDENT. The morning business is exhausted, and the morning hour has nearly expired. The Chair will regard the morning hour as expired, unless there be objection, and the Senate will resume the consideration of the Calendar, and the Secretary will resume the reading of the bill (H. R. No. 1427) to provide for the creation of corporations in the District of Columbia. When the Senate proceeded to the consideration of executive business yesterday the Secretary had read thirty-six pages of the bill.

Mr. CASSERLY. Before the Calendar of business is commenced I wish to enter a motion to reconsider the vote on the passage of the bill (S. No. 481) to provide for the appointment of a stenographer to the supreme court of the District of Columbia. I do it with some reluctance; but I feel as if it were worth my while to make one effort to save the country from what seems to me the inauguration of a very wasteful and improper system.

The VICE PRESIDENT. The motion to reconsider will be entered.

Mr. SHERMAN. Let the bill be reconsidered and put on the Calendar.

Mr. CASSERLY. I move that the bill be reconsidered and placed on the Calendar.

The VICE PRESIDENT. If there be no objection the motion to reconsider will be regarded as agreed to, and the bill will be placed on the Calendar.

VENTILATION OF THE HALLS.

Mr. NYE. I understand that a joint resolution making an appropriation for the purpose of making some experiments in ventilation, upon which committee I have the honor to be, has come over from the House and has been referred to the Committee on Appropriations. If that committee have no objection I should like to have it acted upon now, as we are very anxious to proceed with some experiments. The House resolution appropriates $3,000 for the purpose of making those experiments.

Mr. SHERMAN. I made the motion to refer; but if the appropriation is only for the amount of $3,000 for the purpose of making some experiments I have no objection to the passage of the resolution. I thought it would require a large appropriation.

Mr. NYE. Not at all.

The VICE PRESIDENT. The joint resolution has gone to the Secretary's office.

Mr. NYE. It can be brought back in a moment, I presume. I should like to pass it now.

The VICE PRESIDENT. The motion to reconsider the reference of the resolution will be regarded as agreed to, and the Senator can call it up hereafter.

Mr. NYE. The Secretary now has the joint resolution, and I ask that it may be considered at the present time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 271) making an appropriation for the purpose of making experiments in the ventilation of the Halls of the Capitol. It appropriates $3,000 for the purpose of making experiments in the ventilation of the Halls of the Capitol, to be drawn by the Clerk of the House of Representatives and to be expended by the joint committee of the two Houses on the subject of ventilation.

Mr. TRUMBULL. I have no objection to the joint resolution, but we have been experimenting ever since I have been in the Senate to improve the ventilation of these Halls. We have had various committees on that subject. I recollect that when Mr. Buckalew represented the State of Pennsylvania here he paid a great deal of attention to this subject. In my judgment we never can have proper ventilation in these Halls until we can get to the exterior of the building. I think this will be money thrown away. I have been ready myself for the last ten years, ever since we found out the condition of these Halls, to make the necessary appropriation and give the direction to have the Halls opened in some way to the exterior. It is the only way it ever can be done, and that is the way it ought to be. These grounds around the Capitol, these beautiful parks—and I hope they are to be improved some time on the north and south ends of the Capitol as well as on the east and west—are shut out from us. Members come here and are shut up in the interior of this great building without an opportunity of looking out upon the parks that will surround the Capitol, and of having the benefit of them or having the benefit of fresh air or any air except that which is forced into the room. The ventilation of these Halls, in my judgment, is a perfect failure. Although I do not object to this appropriation of $8,000, I have no expectation that any good will come of it. I should be glad to unite in a proposition to have the Halls rearranged in some way so that they can be extended to the exterior of the building.

Mr. POMEROY. I have noticed that there

has been considerable improvement in the ventilation since I have been here, and especially this year. I have never known the Hall of the Senate to be anything like as well ventilated as it has been this year. I do not know what the improvement that was made last year was, and I do not know who made it, but it was a great improvement.

Mr. NYE. The committee to whom this subject was referred have been quite faithfully at work. We have upon it a distinguished member of the other House, who is quite scientific on the subject of ventilation, and it is for the very purpose of ascertaining whether ventilation can be obtained without the large expenditure proposed to be voted at once by the Senator from Illinois that this appropriation is asked for. The committee thought it would be better to make some experiments, which would be certain, than to recommend a larger expenditure as an experiment. That is the object for which this resolution is asked.

Mr. TRUMBULL. I do not object to the resolution, but I have very little hope of good coming from it.

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

DISTRICT CORPORATION LAW.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1427) to provide for the creation of corporations in the District of Columbia.

The Secretary resumed and concluded the reading of the bill.

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

STEAMSHIP COMPANY.

The next bill on the Calendar was the bill (H. R. No. 897) to incorporate the Washington and Boston Steamship Company.

Mr. SUMNER. I would ask whether it is advisable for us to proceed with these special acts of incorporation now that we have passed a general act?

Mr. PATTERSON. I will say that I understand this company have a boat ready to put on this line, and it will be a great convenience to them to have the bill passed at once.

Mr. HARLAN. I inquire if the bill which has just been passed making a general corporation law for the District is a House bill?

Mr. SUMNER. It is a House bill.

Mr. HARLAN. It surely will cover this and all similar cases.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) It is a House bill, and it was passed without amendment.

Mr. PATTERSON. But it will cause delay to this company if we do not pass this bill now. They have a boat already built ready to put on the line. This is a House bill also.

Mr. SUMNER. I think we had better stop with this.

The PRESIDING OFFICER. Does the Senator from Massachusetts object to the consideration of the bill?

Mr. SUMNER. No, I do not.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and will be read.

The bill was read. By its provisions James S. Grinnell, Wendell T. Davis, Horatio Browning, Alpheus Middleton, W. Albert King, Andrew Potts, A. Gaddis, jr., Edward Hartley, Edwin A. Ryther, William L. Wall, G. M. Wright, William H. Morrison, George P. Goff, George W. Potter, H. F. Zimmerman, and Henry Mayo, and J. W. Seaver, and J. J. Newcomb, and John W. Boteler, Samuel Cross, George Waters, George Rogers, and their associates and successors, or a majority of them, are constituted a body politic and corporate by the name and style of the Washington and Boston Steamship Company. The capital stock of the company is to be not less than $50,000 nor more than $500,000, to be divided into shares of $100 each. The company is to establish and run a line or lines of vessels propelled by steam or other power between the cities of Washington, Georgetown, Alexandria, Norfolk, and other ports in the State of Virginia, on the Potomac river, Chesapeake bay, or the tributaries of the same, and Boston, in the State of Massachusetts.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ARMS FOR COLLEGES.

The next business on the Calendar was the joint resolution (H. R. No. 215) authorizing the supply of arms for instruction and practice to certain colleges and universities; which was considered as in Committee of the Whole. It grants authority to the Secretary of War to issue, at his discretion and under proper regulations to be prescribed by him, out of any small-arms or pieces of field artillery belonging to the Government and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university, under the provisions of section twenty-six of the act to increase and fix the military peace establishment of the United States; the Secretary to require a bond in each case, in double the value of the property, for its care and safe-keeping thereof, and for its return when required.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

RETURN OF DISCHARGE PAPERS.

The next business on the Calendar was the joint resolution (H. R. No. 146) for the return of evidence of honorable discharge to officers; which was considered as in Committee of the Whole.

The Committee on Military Affairs reported the joint resolution with amendments, which were in line four to insert after the word "officer" the words "or enlisted man;" and in line eight, after the word "officer," to insert "or enlisted man;" and in lines ten and eleven to strike out the words "and this provision shall also extend to the discharges of enlisted men" and to insert in lieu thereof "and provided that the fact, date, and amount of such settlement shall first be clearly written across the face of such evidence of honorable discharge, and attested by the signature of the accounting officer;" so as to make the resolution read:

Be it resolved, &c., That in all cases where it has become necessary for any officer or enlisted man of the Army to file his evidence of honorable discharge from the military service of the United States, to secure the settlement of his accounts, the accounting officer with whom it has been filed shall, upon application by said officer or enlisted man, deliver to him such evidence of honorable discharge, providing his accounts shall have been duly settled: *And provided*, That the fact, date, and amount of such settlement shall first be clearly written across the face of such evidence of honorable discharge, and attested by the signature of the accounting officer.

The amendments were agreed to.

The joint resolution was reported to the Senate, and the amendments were concurred in.

It was ordered that the amendments be engrossed, and the resolution read a third time.

The joint resolution was read the third time, and passed. Its title was amended so as to read, "A joint resolution for the return of evidence of honorable discharge to officers and enlisted men."

AIR-MOTOR COMPANY.

The next bill on the Calendar was the bill (S. No. 697) to incorporate Spear's Air-Motor National Company.

Mr. PATTERSON. I think that had better be struck from the Calendar, since the general act has been passed.

The bill was indefinitely postponed.

METROPOLITAN POLICE.

The next bill on the Calendar was the bill (S. No. 31) to amend and consolidate the several acts establishing and relating to a Metropolitan police of the District of Columbia.

Mr. COLE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

REFINING OF BULLION.

The next bill on the Calendar was the bill (S. No. 17) relative to the refining of gold and silver bullion at the Mint of the United States and branches.

The bill, which was read, proposes to authorize the Secretary of the Treasury, whenever in his judgment and in the judgment of the Director of the Mint it is for the interest of the United States to do so, to receive on deposit at the Mint of the United States and the several branches thereof, refined gold and silver bullion suitable for coinage, and in payment thereof to deliver to the parties making such deposits unparted bars, at such rates and upon such terms and regulations as shall be prescribed by the Director of the Mint, subject to the approval of the Secretary of the Treasury.

Mr. COLE. I move to add this proviso to the bill:

Provided, That any depositor may have his bullion refined in the Mint or branches if he shall so elect.

Mr. WILLEY. I do not see any member of the Committee on Finance present.

Mr. STEWART. The Senator from Oregon [Mr. WILLIAMS] has the bill in charge and he is not here now. I suggest that it be passed over until he returns.

The PRESIDING OFFICER. The bill will be passed over temporarily.

O. N. CUTLER.

The next bill on the Calendar was the bill (H. R. No. 1666) for the relief of Otis N. Cutler, of Missouri; which was considered as in Committee of the Whole. The bill appropriates to Otis N. Cutler the sum of $50,000, in full compensation for two hundred and sixty-eight bales of cotton seized by order of General Grant, at Lake Providence, Louisiana, the property of Cutler, used for military purpose in equipping the steamer Tigress for running the blockade of the Mississippi river at Vicksburg, on the night of April 22, 1863, and destroyed.

Mr. TRUMBULL. That is a pretty large sum. Is there a report?

Mr. DRAKE. The bill is reported from the Committee on Claims of both Houses. It has passed both Houses already. It passed the Senate during the last Congress, and has now passed the House of Representatives.

Mr. TRUMBULL. That is a large sum of money. I should like to hear the report.

Mr. DRAKE. It has passed the Senate on a former occasion, and now has passed the House. There is a report in favor of it from the Committee on Claims in both Houses.

Mr. TRUMBULL. Was the report read before?

Mr. DRAKE. Yes, sir.

Mr. HOWARD. I want to hear the report.

The Secretary read the following report of the Committee on Claims, submitted by Mr. HOWE on the 6th of July, 1868:

The Committee on Claims, to whom was referred the claim of O. N. Cutler, have examined the same, and submit the following as their report:

On the 5th day of March, 1863, one William C. Wagley made a written contract with John G. Klinck, assistant quartermaster, for the picking, ginning, and baling of cotton then growing on the lands about Lake Providence, in the State of Louisiana, which had been abandoned by the rebel owners and occupants, and then lately brought within permanent Union lines by the advance and occupancy of the Federal forces.

This contract was approved by Major General McPherson, commanding that district.

By the terms of the contract Wagley was to gather, gin, bale, and deliver at a certain point of shipment certain unpicked and abandoned cotton, in and about Lake Providence, at his own expense. This cotton, when so picked, ginned, and baled and delivered, was to be equally divided, and the Government to have one half and Wagley the other half, and Wagley to have the privilege of shipping his cotton to Memphis, Tennessee, on Government transports, he paying freight therefor.

On the 3d day of April, the same year, after having

picked, ginned, and baled a considerable quantity of cotton under the contract, Mr. Wagley assigned his interest in the contract to Mr. O. N. Cutler, the claimant in this case, then a citizen of Hannibal, Missouri, who thereafter prosecuted the work, and a large amount of cotton was delivered under the contract at Lake Providence and there divided, an officer of the Government taking charge of the one half belonging to the Government and assigning to said Cutler the other half.

While this cotton was lying at Lake Providence awaiting transportation to Memphis General Grant required transportation for his army across the Mississippi river, below Vicksburg. To furnish this it was necessary to run steamboats through the blockade at Vicksburg. To run this blockade it was necessary to so furnish the boats as to protect, as far as possible, their machinery from destruction by the enemy's fire; and by General Grant's order his quartermaster took Cutler's cotton and with it equipped the steamer Tigress to run the blockade. The Tigress and her equipment of cotton were lost on the voyage.

The amount of claimant's cotton so taken and used is shown by Captain B. F. Reno, assistant quartermaster, the officer who seized it under General Grant's order, to have been two hundred and sixty-eight bales.

The weight of the bales is not clearly proven. The claimant states his account as two hundred and sixty-eight bales, weighing one hundred and thirteen thousand and nine hundred pounds, being four hundred and twenty-five pounds to the bale, and he puts it at twenty-five cents per pound, amounting to $62,645.

The original contractor, Wagley, was a citizen of Illinois, employed in this enterprise under the inducement held out by our authorities, and the cotton was the price paid for his labor and risks. The claimant and assignee was then a loyal citizen of Hannibal, Missouri, took the contract off Wagley's hands, and completed the work.

The Government employed them to do the work, paid them for it, and before they could remove the proceeds of their labor and convert it it was seized by the Government for military purposes and destroyed.

It seems to your committee to be a case of private property taken for public use, freed from the complications and questions ordinarily attending claims for the use and destruction of property in an enemy's country in time of war, and should be paid for.

Your committee have had some difficulty in fixing the value of the cotton, but have agreed to report the accompanying bill appropriating $50,000, and to recommend its passage.

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

WYOMING TERRITORIAL ACTS.

The next bill on the Calendar was the bill (S. No. 616) to repeal certain acts passed by the territorial Legislature of Wyoming.

Mr. HARLAN. I should like to know what the laws are that are to be repealed.

The PRESIDING OFFICER. The bill was reported by the Senator from Michigan, [Mr. HOWARD.]

Mr. HARLAN. He is not in his seat just now. I ask, therefore, that it be passed over informally.

The PRESIDING OFFICER. The bill will be passed over informally.

JOSEPH ORMSBY.

The next bill on the Calendar was the bill (S. No. 762) for the relief of Joseph Ormsby; which was read the second time, and considered as in Committee of the Whole. It proposes to allow Joseph Ormsby a pension at the rate of eight dollars per month from the 19th day of June, 1862, the date of the death of his son, Edward J. Ormsby, to the 5th day of March, 1869, the date of the death of his wife, that being the period during which the mother of the deceased was entitled to a pension, but which she failed to make application for under a misapprehension of the law.

Mr. HOWE. If there is a report in that case I think it had better be read.

Mr. PRATT. I made the report myself. I am glad the Senate's attention is called to the report, because the circumstances are peculiar, and I am not certain that the committee came to a correct conclusion. I should be glad to have the Senate's opinion after the report shall have been read.

The Secretary read the following report submitted by Mr. PRATT, from the Committee on Pensions, on the 6th of April:

The Committee on Pensions, to whom was referred the petition of Joseph Ormsby, praying for arrears of pension from the date of his son's death, on June 19, 1862, to March 6, 1869, submit the following report:

The petitioner was the father of Edward J. Ormsby, a private in company I, sixty-ninth regiment of Pennsylvania volunteers, who was mustered on 19th of August, 1861, and who died at Fair Oaks, Virginia, June 19, 1862, of wounds received in action the day previous. He left surviving him his father and mother, Susan Ormsby, and the testimony shows he was their only support. The petitioner is old, in feeble health, poor, and his eyesight and hearing are impaired.

He applied for a pension in 1866, but failed, for the reason that his wife was living. On the death of his wife, on March 5, 1869, he renewed his application, and a pension was awarded him, to commence March 6, 1869.

His first application, which failed, was made under the twelfth section of the act of June 6, 1866, which provides that the father as well as the mother of an officer or soldier shall be entitled to pension under certain circumstances, and he believed, and was so advised by his attorney, that although his wife was living at the time he was the proper person to make the application under the wording of the law.

The case he presents for special relief is grounded, therefore, upon his misapprehension of the law. This may constitute a title to relief if the law, upon examination, shall seem so ambiguous as to mislead a well-informed person, as we must presume his attorney to have been.

By the third section of the pension law of July 14, 1862, Edward J. Ormsby having died, leaving neither widow nor legitimate child, but having left a mother dependent upon him for support, she was entitled to receive the same pension as her son would have been entitled to had he been wholly disabled, the pension to commence at his death and to terminate on her remarriage.

The fourth section of this act gave a pension to the orphan sister or sisters of the deceased under sixteen years of age, where they were dependent upon him for support, and where he left surviving him neither widow, nor child, nor mother.

The twelfth section of the act of June 6, 1866, amended this fourth section so as to extend the provisions to the orphan brother or brothers, as well as sister or sisters, under sixteen years of age, and the father as well as mother of a deceased officer or other person named in section one of the act of July 14, 1862, who were dependent upon him for support in whole or in part.

The act of July 27, 1868, construed these laws so as to give precedence to the relatives of the deceased soldier in the following order: first, mothers; second, fathers; third, orphan brothers and sisters under sixteen years of age; with a proviso that if in any case the deceased soldier left both father and mother dependent upon him for support, then on the death of the mother the father became entitled to a pension, commencing from and after the death of the mother.

Thus it appears that young Ormsby's mother was alone entitled to a pension during her life.

Had the petitioner's application been made within five years after his son's death, as his original application was, it must have failed under this legislative construction of the law; his title to a pension was contingent upon his surviving his wife, and the pension could then date only from her death.

The mother was undoubtedly entitled to one on the facts proved, had she applied. The law of 1862 was explicit as to her rights; but the law of 1866 did undoubtedly breed uncertainty. This is evident from the report of the Secretary of the Interior made to Congress November 18, 1867, who invoked explanatory legislation. The following is a quotation from his report:

"Former laws made no provision for relatives in the ascending or collateral lines. The act of 1862 first gave a pension to the dependent mother of the deceased soldier or officer, or if there were none, to his orphan sisters under the age of sixteen years. The act of June 6, 1866, so amends the fourth section of the act of 1862 as to make its provisions apply to and include the orphan brother as well as sister, and the father as well as the mother. That section, in its original shape, made no mention of the mother, and it is very questionable, when the father and the orphan sisters are the only surviving relatives, whether the former or latter would be entitled to a pension, or whether they would not have a joint claim. The mother is regarded as having the exclusive right when the father is also living; but I suggest that the order in which the relatives should be entitled to take precedence be more clearly defined by declaratory legislation."

The declaratory legislation was had in 1868.

Up to the period of his wife's death the petitioner, except incidentally as her husband, would have derived no benefit under the pension laws. But as he was bound to support her, he would have been relieved to the extent of her pension had she obtained one. He would also have succeeded as her only heir, upon her death, to any money in hand or arrearages of pension due to her.

In view of the evident right of his wife to a pension, and the uncertainty of the law which led him instead of her to apply for one, the committee are of opinion that the relief prayed for ought to be given, and accordingly report the accompanying bill, and recommend its passage.

Mr. HOWE. Will the Senator from Indiana tell us upon what state of case or upon what condition it was that the mother was entitled to a pension under the law of 1862? Was it in any other case than that of her dependence upon him for support?

Mr. PRATT. That was the condition upon which she was entitled to a pension. The evidence shows that she was in very needy circumstances and dependent upon him for support. The construction, however, which these old people put upon the law was that the application must be made in the name of the father; but in this it seems there was a mistake. It should have been made in the name of the mother.

Mr. HOWE. I wish to suggest this inquiry to the Senator: suppose the mother had applied, with a husband then living, how could it have been made to appear that she depended upon her son for support rather than upon her husband?

Mr. PRATT. I can only say that the evidence is very full upon that head. If the Senator listened to the report, it is shown that the present petitioner, the husband, is old and in feeble health, and poor, and his eyesight and hearing impaired, and as my friend on my right [Mr. WARNER] says "of no account at any rate." [Laughter.] He was not in a condition, I suppose, to support his wife.

Mr. HOWE. But is it not manifest that he did support his wife, since she lived?

Mr. PRATT. Undoubtedly she did live; but she died in 1869.

Mr. HOWE. And the son did not support her?

Mr. PRATT. The son did not support her. I cannot tell the Senator how she lived. The evidence is very clear and conclusive——

Mr. HARLAN. I desire to make one inquiry. The mere fact of the father or mother being poor, as I understand the pension laws, will not lay a foundation for a pension on account of the services of the son. It must appear in some form that the soldier had in some way contributed to the support of the mother or father who applies for a pension for the decease of the son. Now, in this case does it appear by the testimony in any way that the father was supported, to any extent, by the son previous to his enlistment or after his enlistment in the Army?

Mr. PRATT. Without recollecting the particulars of the evidence, as it is impossible to carry in one's memory the evidence in so many cases that we are called to pass upon, I can only say the Commissioner of Pensions has found that this father was dependent upon his son for support, and has granted the mother a certificate of pension. He is drawing a pension now, but it dates only from March 5, 1869. Undoubtedly upon that evidence, the evidence upon which the present pension was granted, the application of the mother would have been granted upon the facts shown to the Commissioner had the application been made in her name; but it was made in the name of the father, on account of a misapprehension of the law by the attorney who made the application. That was the sole reason why it failed. Undoubtedly the mother would have been entitled to the pension had the application been made in her name.

Mr. HARLAN. Then this bill is merely to cover the intermediate period?

Mr. PRATT. That is the whole purpose of it.

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

REFINING OF BULLION.

Mr. WILLIAMS. I ask the Senate to take up for consideration Senate bill No. 17, relative to the refining of gold and silver bullion at the Mint of the United States and branches, which was laid over temporarily on account of my absence.

Mr. SUMNER. There can be no objection to that.

Mr. WILLIAMS. I reported it from the Committee on Finance.

The PRESIDING OFFICER. The Chair hears no objection. The bill has been read; it is before the Senate as in Committee of the

Whole; and the pending question is on the amendment of the Senator from California, [Mr. COLE.]

Mr. NYE. That bill will lead to a good deal of discussion. I propose to discuss it.

Mr. WILLIAMS. I will simply state that the bill has once passed the Senate, and is approved by the Secretary of the Treasury and by all the agents of the Government who have examined the subject. At the same time if the Senator objects to its present consideration of course I shall not insist upon it.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. WILLIAMS. With the permission of the Chair and of the Senate I wish to give notice to the Committee on Appropriations of the Senate that I shall move this bill as an amendment to the appropriation bill, on the ground that it tends to reduce the expenses of the Government in connection with the coinage of money. It is a legitimate subject to go upon that bill. I move the reference of the bill to the Committee on Appropriations with that view.

The PRESIDING OFFICER. That reference will be made.

WYOMING TERRITORIAL LAWS.

Mr. THAYER. I ask the Senate now to consider the bill (S. No. 616) to repeal certain acts passed by the territorial Legislature of Wyoming, which was passed over a few moments ago on account of the absence of the Senator from Michigan, [Mr. HOWARD.]

The PRESIDING OFFICER. If there be no objection, the consideration of the bill will be resumed.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to disapprove, repeal, and declare null and void the following acts passed by the Legislature of the Territory of Wyoming, to wit: an act entitled "An act to protect railroad employés who are injured while performing their duties;" also, an act entitled "An act providing for the collection of taxes heretofore assessed and levied in this Territory;" also, an act entitled "An act to create and regulate corporations."

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

Mr. TRUMBULL. What are those acts?

Mr. POMEROY. I want to hear what those statutes are. Do they relate to voting out there?

Mr. RAMSEY. I imagine they relate to female suffrage. [Laughter.]

Mr. HOWARD. They are acts of the Territory of Wyoming, which were passed manifestly with a view of obstructing the operations of the Union Pacific Railroad Company in that Territory, by imposing onerous taxes upon the company and furnishing very unusual remedies for their collection; and also an act which I will read in order to show the tone and temper of the legislation of that Territory. I desire the attention of Senators to it while I read it. It is very short:

"*Be it enacted by the Council and House of Representatives of the Territory of Wyoming*, That any person in the employment of any railroad company in this Territory who may be killed by any locomotive, car, or other rolling stock or property of said company, whether in the performance of his duty or otherwise, his widow or heirs may have the same right of action for damages against such company as if said person so killed was not in the employ of said company. Any agreement he made, whether verbal or written, to hold such company harmless or free from an action for damages in the event of such killing shall be null and void, and shall not be admitted as testimony in behalf of said company in any action for damages which may be brought against them; and any person in the employ of said company who may be injured by any locomotive, car, or other rolling stock of said company, or by other property of said company, shall have his action for damages against said company the same as if he were not in the employ of said company; and no agreement to the contrary shall be admitted as testimony in behalf of said company.

"SEC. 2. This act shall take effect from and after its passage."

That is a most extraordinary piece of legislation, it seems to me. The other acts referred to in the bill before us are too long to be read to the Senate. The Committee on Territories have had them under consideration, and think they ought to be repealed.

Mr. TRUMBULL. I am not quite clear that that act of the territorial Legislature of Wyoming is not a proper one. There has been a great conflict of decisions, as I understand, in the courts as to the right of the employé of a railroad company to recover damages for injuries that he sustains while in the employ of the company, upon this principle, that he being himself engaged in the business of the company, in running the machinery, ought not to be allowed to recover damages for any injury he sustains, because if he could it would induce carelessness, and the public good requires that the employés of the company should run the hazard of any injury they may sustain in order to superinduce vigilance on their part. That is the principle, as I understand it, which some of the courts have held. But, on the other hand, why ought not the employé of a railroad company to recover where the injury does not result at all from his fault, just as much as anybody else? Suppose that the machinery is bad; that in consequence of the defect of a wheel to which he in no way contributed, a brakeman is injured, why should he not recover just as well as a passenger on the train?

Mr. SUMNER. The old law was otherwise.

Mr. TRUMBULL. But there is a conflict of decisions on that subject. Now, the territorial Legislature of Wyoming, as I understand, have passed a law authorizing these employés to recover. Of course they cannot recover in a case where they themselves are guilty of negligence.

Mr. NYE. This act of the territorial Legislature says the company shall not put that fact in evidence. That is the trouble.

Mr. TRUMBULL. No; the law does not provide that if the injury arises from their own negligence they shall recover.

Mr. NYE. It says that shall not be pleaded.

Mr. TRUMBULL. Where the injury arises from their own neglect.

Mr. HOWARD. I read the act.

Mr. TRUMBULL. I do not so understand it. If that is so, of course it is wrong. Will the Senator be good enough to read that part of it again?

Mr. HOWARD. It reads as follows:

"That any person in the employment of any railroad company in this Territory who may be killed by any locomotive, car, or other rolling stock or property of said company, whether in the performance of his duty or otherwise"—

It is plainly intended to cover every case where injury is done to him by the machinery of the company, whether in the performance of his duty or otherwise—

"his widow or heirs may have the same right of action for damages against such company as if said person so killed was not in the employ of said company. Any agreement he made, whether verbal or written, to hold such company harmless or free from an action for damages in the event of such killing shall be null and void"——

Mr. WARNER. I ask the Senator from Michigan to speak a little louder. We cannot hear a word he says on this side of the Chamber.

Mr. HOWARD. The second clause of this act provides that—

"Any agreement he"—

That is, the employé—

"made, whether verbal or written, to hold such company harmless or free from an action for damages in the event of such killing shall be null and void, and shall not be admitted as testimony in behalf of said company in any action for damages which may be brought against them; and any person in the employ of said company who may be injured by any locomotive, car, or other rolling stock of said company, or by other property of said company, shall have his action for damages against said company the same as if he were not in the employ of said company, and no agreement to the contrary shall be admitted as testimony in behalf of said company."

Mr. TRUMBULL. It only amounts to this, that the employé of the company is to be put upon the same footing as any other person. Now, are we prepared to say that that is not right? Some of the courts in this country have held that an employé of a company is upon the same footing as any other person; and I think the Supreme Court of the United States were equally divided in opinion as to whether the employé of a company could recover damages for an injury that he sustained which did not arise out of any negligence of his.

Mr. NYE. That is not this case.

Mr. TRUMBULL. Yes, that is exactly this law. Now, if the territorial Legislature of Wyoming thinks proper to pass a law placing the employés upon the same footing as any other persons, I am not prepared to say that that is wrong; and that is all I understand that law to do. It does not go any further than that. It is a question of some very considerable importance.

Mr. SCOTT. If the Senator from Illinois will permit me, it strikes me the law, as I heard it read, makes a difference between the cases he refers to and the case provided for in it. The question presented in the cases referred to was whether one employé could recover from a railroad company when his injury was caused by the negligence of another employé, and in those cases it was held that he was at the risk; but the Legislature here, if I understand it, gives the employé the right to recover notwithstanding his injuries may have been the result of his own negligence.

Mr. TRUMBULL. No. If it did, it would be wrong; but I do not understand it so.

Mr. HOWARD. Will the Senator hear the language of the first clause of the law again? I think he will see occasion to review his opinion:

"That any person in the employment of any railroad company in this Territory who may be killed by any locomotive, car, or other rolling stock or property of any railroad company, whether in the performance of his duty or otherwise, his widow or heirs may have the same right of action for damages against such company as if said person so killed was not in the employ of said company."

It gives a right of action in every case where death takes place, where the person killed is in the employment of the company, no matter whether he is negligent or not; that is utterly immaterial under this first clause of the law. In every such case the right is given to the widow or to the heirs to bring suit against the company and to collect damages for the death of the decedent. It does not matter whether he was negligent or not. The case would grow out of the statute exclusively, for the common law in such a case affords no remedy whatever, as the Senator very well knows, and the statute must be carried out according to its letter and plain intention. The statute does not require, in order to sustain an action in such a case, that the party himself should have been guilty of no negligence. It is sufficient under the statute if he is killed by any of the machinery of the company, and any agreement he may make with the company exonerating them from that liability is held by the statute to be void, and the company cannot plead it or present it in evidence.

Mr. THAYER. Let me submit this question to the Senator from Illinois: if the party voluntarily relinquishes all claim for damages in such a case ought the Legislature to interfere and set aside that agreement which he makes? It is part of the contract.

Mr. TRUMBULL. I think that would not make any difference. It is against public policy. The public policy of the country requires that caution should be observed and great prudence upon these great thoroughfares, and to allow a party to enter into a contract of that sort, so as to excuse the company and take away the inducement to great care and caution on these lines of communication, would be detrimental to the public interest; and it is doubtful, at least, whether such a contract as that ought to be permitted to be made.

Mr. DAVIS. I think that law of Wyoming is just about right, or very nearly so. I have known two or three brakesmen to be killed from the breaking of a chain connected with their brake. It would certainly be wrong to say that a brakesman who met his death from the breaking of a chain upon which his safety depended should not have cause of action. Suppose that in that case death ensues, not only to that brakesman, but to another employé upon the train; he certainly ought to have a remedy against the company for the defect in that chain or any other part of the machinery. It might be that that criminal defect of the machinery might produce the death of several employés upon the train. That ought not to deprive them of a remedy against the company. I admit—and I do not think the law could receive such a construction—that where the accident resulted from the negligence of the employé he should not have a right of action and be indemnified for the consequences of his own neglect. I suggest that an amendment be made to the law, so as to make an exception where the occurrence results from the negligence of the employé. In every other case certainly every employé who is injured upon a railroad train ought to have a remedy against the company. Therefore, this bill ought not to pass except simply to repeal the law so far as it may be supposed to have application to giving to persons in the employment of a railroad company a cause of action for occurrences that have been the result of their own neglect. There everybody will say that they ought not to have the right to sue. But the idea of a man being bound by his own contract not to sue for damages is preposterous. How many tens of thousands of times do common carriers advertise that they will not be responsible for damage to property or life; but it would be against public policy and it would be against humanity to allow such contracts to be made. There is nothing that would be more against public policy than that. If the honorable Senator from Michigan will restrict the repeal of this law simply to cases in which the employé had been guilty of neglect, and restrict him in his right to sue in such cases, I suppose everybody would agree to it. Beyond that, I believe the law as enacted by the Territory of Wyoming is exactly right.

Mr. HOWARD. Of course at common law in certain cases an employé may bring a suit against the company for damages done to his person; but we all know very well that if he has been guilty of any negligence in the performance of his duty, especially if that neglect has brought upon him the accident, he has no right to recovery; so that we have a law sufficient for that purpose already. The common law itself, the nursing mother, as it is called in reference to statutes, provides a sufficient remedy.

Mr. DAVIS. The honorable Senator will permit me to suggest that I understood him as giving a construction to this act of the territorial Legislature inconsistent with that principle of the common law.

Mr. HOWARD. Undoubtedly the act itself, in my judgment, is utterly inconsistent with the rules of the common law.

Mr. DAVIS. I do not think it is unless it gives the right of action to an employé where he has been guilty of neglect. If it does, I admit it would be erroneous; but so soon as that erroneous feature of it was expunged by an amendment I should think the law would be exactly right.

Mr. BAYARD. I suggest that we are scarcely prepared to vote upon this matter of the repeal of a statute of the Territory of Wyoming until we have that statute more distinctly before us. The bill is reported here to repeal certain laws, giving their titles only. The substance of them has not been before the Senate, although I understood the honorable Senator from Michigan——

Mr. HOWARD. The statute itself is found in Miscellaneous Document No. 67 of this session.

Mr. BAYARD. I am aware that the honorable Senator from Michigan is reading from a copy of it; but I have not seen any myself, nor do I know where it can be procured. But I will say this much: it is no objection *per se* that a statute should work a modification of the common law. There are few States in the Union in which the common law has not been modified with great advantage to the existing state of affairs. The most customary one is a modification of that rule of the common law which forbids the survivancy of an action for personal injuries. We all know that almost all the States now have statutory provisions by which a person who is killed by one of these railroad companies—I do not mean an employé; I mean a passenger or any other person not being a trespasser on their works—has a right of action surviving to his legal representatives, which could not be done at common law. Who shall doubt that a widow is entitled, most properly, to compensation where her husband, who is her sole means of support, has been swept out of existence by the criminal negligence of one of these railroad corporations? It is a very frequent method of amending the common law and perfecting the common law by statute.

Now, a word in regard to this proposition. All that I gather in regard to it is from hearing the statute of Wyoming read by the Senator from Michigan. I have not had the opportunity of examining it, but I think it ought to be examined by the Senate before they propose to repeal a law without knowing precisely what they are repealing. I am not prepared to say that there ought not to be an additional modification of that rule of the common law which prohibits an employé from recovering for damages received by him in his incidental employment. The cases which touch that principle have been subjected to a great deal of refined reasoning both in England and in this country, and the difference between the rules on which those cases have been decided is not always very tangible or distinct. The matter is open for very general and very serious discussion as to whether a man, by entering the service of one of these great corporations and contributing by his own negligence nothing to the injury he receives, should thereby be deprived of every right, either for himself, if he survives, or of his representatives at law should he die, to receive compensation from the corporation, the negligence of whose agents has lost him his health and perhaps life itself. I say that the principle is a very serious and a very grave one; and I am not disposed lightly to take from a Territory the power to pass legislation affecting the corporations within its own limits which shall give to the employé the same right of action that any other person would have for negligence from which he had suffered.

Mr. DAVIS. The position the Senator from Delaware has just stated is the whole effect of this law.

Mr. BAYARD. My honorable friend from Kentucky was referring to the nullity of releases in advance for injuries. That is upon a very plain rule, that you cannot release a possibility of action. You cannot release the action, because it has not come. That is a very common principle; and it is upon that ground that all these attempts of railroad corporations in the country to impress upon their free tickets, or to impress upon their various certificates of travel, a contract between themselves and the passenger or between themselves and the goods which they undertake to carry, which shall release them from their obligation as common carriers, have been overruled under the high policy of the country to carry safely where they undertake to carry at all. It will be an evil day for our country when those corporations shall be able to absolve themselves from that obligation.

This act of the Territory of Wyoming has just been placed upon my desk. My opportunity to examine it has been very slight. As I think, this is a very grave subject, touching the fortunes and the comfort and the happiness of a very large body of men who have not too many advocates in this Chamber—I mean the employés of railroad corporations—and I am disposed to ask that this bill be passed over until a proper examination of it can be had.

The PRESIDING OFFICER. The Senator from Delaware objects, and the bill will go over, under the rule.

Mr. HARLAN. I will inquire of the honorable Senator if he will not be willing to let it pass over informally until he can look at the law?

Mr. BAYARD. I only mean that it be passed over for the purpose of justifying myself in voting upon it, for I think it is a serious question.

Mr. HARLAN. The Senator would be willing to have it taken up to-morrow?

Mr. BAYARD. I do not mean to obstruct the passage of the bill; but it should be considered before its passage.

Mr. STEWART. I will suggest to the Senator that there are some other acts proposed to be repealed by this bill, and he would concur in their repeal. The bill ought to pass so as to repeal some of those acts beyond doubt.

Mr. TRUMBULL. I think that is so. I understand from the Senator from Michigan that there are other statutes which provide for appointing a receiver under certain circumstances to take control of this great road by the courts of Wyoming. I think those statutes ought to be repealed.

Mr. BAYARD. I am perfectly aware of the ample discretionary power of Congress to revise the legislation of a Territory; but I think in a matter of this sort, affecting the private rights of a class of men who have so little power of making themselves heard here, it should be acted upon with deliberation and care.

The PRESIDING OFFICER. The Chair understands the Senator from Delaware to object to the further consideration of this bill.

Mr. BAYARD. For the present.

Mr. HARLAN. I understood the Senator to say that he was willing it might be passed over informally to give him an opportunity of looking at the statutes.

Mr. BAYARD. I have no objection to that.

Mr. THAYER. Say until Monday.

Mr. HOWE. I was about to ask whether there was any serious objection to recommitting this bill to the Committee on the Judiciary.

Mr. TRUMBULL. Oh, no; not to the Judiciary Committee. It belongs to the Territorial Committee. They have had charge of it.

Mr. HOWE. If that is objected to I shall not press it.

Mr. TRUMBULL. There is no need of recommitting it. I think we have discussed this question sufficiently. The Committee on Territories has examined it.

Mr. HOWE. The point is this: the Senator from Michigan, who is a good lawyer, as everybody knows, differs as to the construction of this Wyoming act with the Senator from Illinois, who everybody knows is a good lawyer. Now, upon that point I am bound to say I agree with the Senator from Illinois.

Mr. HOWARD. Then there are two lawyers against one.

Mr. HOWE. Yes, there are two lawyers against one. I cannot think that the Wyoming act has any other object in view but this, to place the employés of the railroad company upon the same footing precisely that strangers are placed when injured by the operations of the company. When a stranger to the company sues the company for damages sustained the question is whether the injury is the result of his carelessness or of the care-

lessness of the defendant. That precise question is raised, or ought to be raised, when an employé sues the company. But when an employé sues the company, they have sometimes defended, and defended successfully, upon the ground that being employed by the company about its business he was bound to work at his peril; that public policy required that he should be held to work at his peril and that the company should not be responsible to him, no matter whose the fault might be, for the injury; that the company should not be responsible to the employé. Now, that is as unjust to my mind as any rule of law can be. If it be the fault of the company that the employé is injured, the company should respond to the employé just as much as to another individual.

Another defense which these companies have sometimes attempted to provide for themselves is to stipulate with the employé that he shall work at his peril, and that if an injury happens to him he shall not sue the company. These two defenses the Wyoming act undertakes to set aside, and only these two, as I read it. It is true the first clause of the act says:

"That any person in the employment of any railroad company in this Territory who may be killed by any locomotive, car, or other rolling stock of said company, whether in the performance of his duty or otherwise, his widow or heirs may have the same right of action," &c.

What does that mean? Not whether he is careless or not, but whether he is actually on duty at the time; if, for instance, he is a conductor, whether he is running on the train or not; whether he is on or off the train; not the question whether he is the guilty party or not whether it is his carelessness or not; but simply whether he is in actual service at the time the injury happens or not.

Mr. POMEROY. The Senator from Delaware has objected to the further consideration of this bill. It is therefore not before the Senate.

The PRESIDING OFFICER. This debate is not in order. The Senator from Delaware at first objected to the further consideration of the bill, but subsequently consented that it be laid aside informally. In either case, debate is not in order.

Mr. HOWE. Debate will not be in order but a moment longer. I was about to conclude. It is because this difference of opinion arises here between these authorities as to the meaning of the Wyoming act that it occurred to me it might be proper to have the judgment of the Judiciary Committee upon it.

Mr. TRUMBULL. That would not settle it. The same difference would arise.

Mr. HOWE. I shall not make the motion. I shall allow it to go over.

The PRESIDING OFFICER. The next bill will be read.

POWERS OF MINISTERS AND CONSULS.

The next bill on the Calendar was the bill (S. No. 632) to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to ministers and consuls and other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860; which was considered as in Committee of the Whole.

The Committee on Foreign Relations reported the bill with an amendment, to strike out all of the original bill after the enacting clause and to insert in lieu thereof the following:

That the act of Congress entitled "An act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to ministers and consuls, or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860, so far as the same is in conformity with the stipulations of the treaty with Madagascar, is hereby extended to that country, and it shall be executed in conformity with the provisions of the treaty and the usages of Christian nations in such cases; and the act shall, in the same manner, extend to any country of like character with which the United States may hereafter enter into treaty relations.

SEC. 2. *And be it further enacted*, That the superior judicial authority conferred on the consul general or consul residing at the capital of any country mentioned in such act, or herein provided for, including the power to make decrees and regulations, is hereby vested in the Secretary of State for the time being.

SEC. 3. *And be it further enacted*, That when any final judgment of the minister to China, or to Japan, is given in the exercise of original or of appellate criminal jurisdiction, the person charged with the crime or offense, if he considers the judgment erroneous in point of law, may appeal therefrom to the circuit court for the district of California; but such appeal shall not operate as a stay of proceedings unless the minister shall certify that there is probable cause to grant the same, where the stay shall be such as the interests of justice may require.

SEC. 4. *And be it further enacted*, That on any final judgment in a consular court of China or Japan where the matter in dispute exceeds $500, and does not exceed $2,500, exclusive of costs, an appeal shall be allowed to the minister in such country, as the case may be: *Provided*, That the appellant complies with the conditions established by general regulations; and the ministers are hereby authorized and required to receive, hear, and determine such appeals.

SEC. 5. *And be it further enacted*, That where the matter in dispute, exclusive of costs, exceeds the sum of $2,500, an appeal shall be allowed to the circuit court for the district of California; and upon such appeal a transcript of the libel, bill, answer, depositions, and all other proceedings in the cause shall be transmitted to the circuit court; and no new evidence shall be received on the hearing of the appeal; and the appeals shall be subject to the rules, regulations, and restrictions prescribed in law for writs of error from district courts of the United States.

SEC. 6. *And be it further enacted*, That on any final judgment of the minister to China or to Japan, given in the exercise of original jurisdiction, where the matter in dispute, exclusive of costs, exceeds $2,500, an appeal shall be allowed to the circuit court as provided in the last section.

SEC. 7. *And be it further enacted*, That the circuit court of California is hereby authorized and required to receive, hear, and determine the appeals provided for in this act, and the decisions of such court shall be final.

SEC. 8. *And be it further enacted*, That the President is hereby authorized to allow in the adjustment of the accounts of the consul general at Shanghae the actual expense of the rent of a suitable building, to be used as a prison for American convicts in China, not to exceed $1,500 a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed $5,000 a year; and to allow in the adjustment of the accounts of the consuls at other ports in China the actual expense of the hire of constables and the care of offenders, not to exceed in all $5,000 a year.

SEC. 9. *And be it further enacted*, That the President is hereby authorized to allow in the adjustment of the accounts of the consul at Kanagawa the actual expense of the rent of a suitable building, to be used as a prison for American convicts in Japan, not to exceed $750 a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed $2,500 a year; and to allow in the adjustment of the consuls at other ports in Japan the actual expense of the hire of constables and the care of offenders, not to exceed in all, $2,500 a year.

The amendment was agreed to.

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

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

HARRIET E. PARKER.

The next bill on the Calendar was the bill (H. R. No. 1669) for the relief of Harriet E. Parker; which was considered as in Committee of the Whole. It declares Harriet E. Parker to be entitled to all the rights which her husband, William H. Parker, deceased, may have had as discoverer to two small islands in the South Pacific ocean, called Johnson's and Agnes's Islands, situated in latitude 16° 46′ north, and longitude 169° 20′ west. It also allows twelve months from its passage to her to perfect title to the islands, and provide for and secure her interests therein, as if it had been done by William H. Parker, deceased, within twelve months after his death.

The Committee on Commerce reported the bill with an amendment, to insert in section two, line three, after the word "same," the words "by possession and occupation;" so that the section will read:

That twelve months from the passage of this act are hereby allowed to the said Harriet E. Parker to perfect title to the same by possession and occupation, and provide for and secure her interests therein as if the same had been done by the said William H. Parker, deceased, within twelve months after his death.

The amendment was agreed to.

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

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time.

Mr. POMEROY. I hope the Senator who reported this bill will state in a few words what it is. I do not understand it.

Mr. SPENCER. The bill explains itself fully. It appears that in 1852 Mr. Parker discovered some small islands of guano in the South Pacific ocean. In 1857 he regularly and peaceably "possessed" them under the act of Congress. On repairing to Washington to file the required bond he died suddenly pending the application. The present law does not convey to Mrs. Parker property left in this condition. The loss of an only son (on whom she depended) in the war of the Union, a minor at his father's death, has delayed her till now, as also the lack of means. It further appears that no other parties possess or claim these islands. The simple reason for the introduction of this bill is that the time had expired within which application should be made. Owing to the death of her husband and ignorance of the law on her part the application was not made within the proper time.

Mr. POMEROY. The rights that he acquired under that act of Congress are good to his legal representatives.

Mr. SPENCER. She thinks not, and her attorney thinks not, and hence the necessity for the passage of this bill. The Committee on Commerce unanimously reported the bill.

Mr. POMEROY. I cannot understand how he had rights that did not descend to his representatives.

Mr. SPENCER. Mrs. Parker thinks not, and we ought to settle that question.

Mr. TRUMBULL. I do not understand how two islands in the South Pacific ocean can be in latitude 16° 46′ north. The South Pacific ocean is not north of the equator, is it?

Mr. SPENCER. No; the South Pacific ocean is not north of the equator, certainly.

Mr. TRUMBULL. This bill speaks of two islands in the South Pacific ocean, "situated in latitude 16° 46′ north, and longitude 169° 20′ west." It strikes me that is inconsistent.

Mr. COLE. That is easily remedied by striking out the word "South" before "Pacific."

Mr. TRUMBULL. That is easily corrected; but this, it seems to me, may be a bill of some importance.

Mr. DRAKE. Ought not the word "north" to come out of the other place—"latitude 16° 46′ north?"

Mr. COLE. Oh, no; I suppose the islands are really north of the equator.

Mr. CORBETT. I presume they are north of the equator.

Mr. COLE. I do not know anything about it myself.

Mr. TRUMBULL. There is a misdescription, evidently.

Mr. COLE. Strike out the word "South."

Mr. SPENCER. This bill has already passed the House.

Mr. TRUMBULL. It would seem to me that the Committee on Foreign Relations ought to look at this bill.

Mr. SUMNER. What is it?

Mr. TRUMBULL. A bill which declares Harriet E. Parker entitled to all the rights her husband may have as discoverer of two small islands "in the South Pacific ocean, latitude 16° 46′ north," which must be a mistake.

Mr. SUMNER. I should say so.

Mr. TRUMBULL. "And longitude 169° 20′ west;" and "that twelve months from the passage of this act are hereby allowed to the said Harriet E. Parker to perfect title to the same, by possession and occupation, and provide for and secure her interest therein," &c.

Mr. SUMNER. That is all new to me, and it seems very important.

Mr. TRUMBULL. The bill evidently needs amendment.

Mr. SUMNER. I think it ought to be looked into. It had better go over.

The PRESIDING OFFICER. The bill is objected to, and will be passed over.

COWAN AND DICKINSON.

The next bill on the Calendar was the bill (S. No. 764) for the relief of Cowan & Dickinson, of Knoxville, Tennessee.

The bill was read. It proposes to appropriate $64,128 to the firm of Cowan & Dickinson, of Knoxville, Tennessee, in full compensation for two hundred and fifty-six bales of cotton belonging to them, seized and taken by order of General Burnside, on the 17th and 18th days of November, 1863, and used in the fortifications for the defense of Knoxville and the army, at the time of the assault by the forces under General Longstreet and the subsequent seizure of that city, and of which cotton said firm have been wholly deprived.

Mr. SHERMAN. What became of the cotton? Is there a report?

Mr. PRATT. There is one word in that bill which is misprinted. It is printed "seizure," when it should be "siege," in the phrase "siege of that city." The report is rather a long one, but as the amount appropriated in the bill is large, I dare say the Senate would like to hear the facts. I do not call for the reading of the report unless some Senator desires it.

Mr. SHERMAN. I call for the reading.

The Secretary proceeded to read the report submitted by Mr. PRATT, from the Committee on Claims, on the 7th of April; but when a few paragraphs had been read,

Mr. TRUMBULL. That case involves a very considerable amount. I wish to inquire of the Senator from Indiana why it should not go to the Court of Claims, which has jurisdiction of the most of the cotton cases? That court has been investigating a great many of them, not perhaps exactly like this; but if the Court of Claims has not jurisdiction of this particular case, why not give it jurisdiction and send it there? This testimony is *ex parte*; it is the statement of the parties themselves. I know nothing of the claim; it may be entirely just and proper, but it seems to me that a claim of this character ought to go before the Court of Claims, that has been investigating the question of loyalty and ownership of cotton and all about it.

Mr. SUMNER. I would add one further remark to what the Senator from Illinois has said. It seems to me that it is imprudent in us to undertake to deal with these cases one by one. They ought to be dealt with in some general way, on some general principle, either through the Court of Claims or through a commission. Let the Court of Claims report upon them or a commission report upon them. Then we shall see them all together; we shall see what they amount to and what is their character, and we can act accordingly. But I confess myself very much at fault in undertaking to act upon a case like this presented singly. Of course if we act favorably it will be a precedent, and we must act in the same way on the next case and the next case.

Mr. POMEROY. Let us pass it over.

Mr. SUMNER. Very well. I was merely throwing out what seemed to me a general idea applicable to this class of cases, and I doubt seriously whether it is advisable for us to undertake to deal with them singly. We ought to act on them on some general principle.

Mr. PRATT. I can say to the Senators from Illinois and Massachusetts that if they would listen to the report and to the evidence which this report contains it would leave, I think, no doubt on their minds of the equitable claim of this firm of Cowan & Dickinson upon the Government for payment for their two hundred and fifty-six bales of cotton that were lost. There is no doubt in the minds of the committee about the facts, namely, that this much cotton was appropriated and used in the defense of Knoxville; that it has been really lost to the owners; that the owners were men of unquestionable loyalty; that they never have derived a single penny from all this cotton; that it was taken in the fall of 1863, and they have been diligently prosecuting their claim against the Government through the Departments and before Congress ever since.

After the exhausting examination of the evidence in the case by the committee I do not myself see anything to be gained by referring this case to the Court of Claims. We have evidence of the very highest nature from the War Department of the appropriation of this cotton, and of its value and of its loss, and that the claimants in this case have never received a dollar.

Mr. SHERMAN. How was it lost?

Mr. PRATT. I will proceed to state. It was put into the fortifications, and while in the fortifications, before it was gathered and taken to the depot, there were some ninety bales that, through the inattention and carelessness of the officers in charge of the fortifications, were stolen or taken away during the night time. At all events, they can furnish no other theory upon which it was lost. At any rate, the cotton bales were minus ninety when they came to gather them and take them to the depot. When the remainder were taken to the depot they were put in an exposed situation, left uncovered, exposed to the elements without any protection or guard whatever, and through the carelessness of some boys the remainder of the cotton was burned, the greater part of it. The Government did send forward some twenty bales, I think, to Louisville, which were sold and the proceeds have gone into the Treasury, and it appropriated and used several bales. The report, if the Senate will listen to it, will show the disposition of all the cotton. It is a case of very great merit, in my judgment. The committee placed the very lowest estimate they could upon the value of this cotton, fifty cents a pound. That is the basis of the bill reported in favor of the claimants. I am satisfied that if the Senate have the patience to listen to this report and to the evidence there will not remain a doubt upon any one's mind that these claimants ought to be paid every dollar awarded them by this bill.

I ought to add, in favor of this claim, that the committee were not approached by an agent. If there is any agent representing this claim in the city I have failed to discover him.

Mr. HOWE. As an individual I have no sort of objection, if it is thought best by the Senate, that this case should go to the Court of Claims. In reference to the suggestion of the Senator from Massachusetts [Mr. SUMNER] I want to say that my own judgment is, after several years' experiment, that the idea of getting a general law for the settlement of such claims as this is utterly impracticable. There is a bill pending here, and has been some two months, which proposes to authorize the Commissary General and the Quartermaster General to settle for such stores as they have taken respectively. That question has been debated here at considerable length. The bill has not been passed yet, and I do not expect to live to see it passed; and if such a law cannot be passed, certainly you cannot establish a general rule for the settlement of such claims as this. I think the Senate will insist that they shall be tried severally, and tried by some tribunal. Hitherto Congress have insisted upon excluding the jurisdiction of the Quartermaster General, the Commissary General, the Auditors, the Court of Claims, and everybody but themselves, and have been very distrustful of themselves in the settlement of these matters. But my judgment has been from the beginning that the Court of Claims was the fittest tribunal to determine such cases as this, and if the Senate will adopt that conclusion and act upon it it will be a great relief to the Senate, a great relief to the Committee on Claims, and I believe a great relief to claimants themselves; but I wish if this case goes there that the Senate will be prepared to send other cases in the same direction.

Mr. SUMNER. I would not now undertake to prejudge this case at all; but I fall back upon a remark I made a moment ago, that it seems to me not advisable to act on this alone; and on that account, and, as I say, without intending to express any definitive opinion on the case, I object now to its further consideration, and I do it in the hope that some system may be matured by which adequate justice shall be done in all these cases, not to any one, not particularly to any one who may succeed in obtaining the favor of one of our committees and the potential support of the Senator from Indiana, but that all of them may be treated alike by being considered before the Court of Claims or before a commission. I am not so distrustful as my friend from Wisconsin is, I think that we may get through Congress a general measure that shall deal with all these cases. Let the Senator bring his ability to it and his knowledge, and I am sure he will be successful.

Mr. HOWE. I hope the Senator will withdraw his objection for one moment.

Mr. SUMNER. I do.

Mr. HOWE. I feel called upon to say on behalf of the Committee on Claims that I think one remark that dropped from the mouth of the Senator was dropped inadvertently, and upon the whole he will not care to stand upon it. It is the suggestion that bills are brought forward here only from time to time as individual claimants can secure the favor of committees. I do not know but that the Senator's observation of the bills reported here from the Committee on Claims has led him to the conclusion that claimants are indebted to the favor of that committee when they get a report in their favor. That is not my judgment of the matter. I have really supposed that the Committee on Claims considered these matters somewhat conscientiously.

Mr. SUMNER. I know they do.

Mr. HOWE. The Senator says aside that he knows they do.

Mr. SUMNER. I say it openly; and now allow me to interrupt my friend to say that he has entirely misinterpreted the language that I employed. I certainly had no such idea as he attributes to me. No one in this Chamber knows better than I do the fidelity and conscience and ability that my friend brings to his duties. I feel that always, and I defer very much to his judgment. If I used an accidental phrase I hope the Senator will overlook it.

Mr. HOWE. I only wanted to call the Senator's attention to the words he used. I did not want to put any idea in his mouth. I thought the words were inadvertently used, and I am sure they did the Committee on Claims injustice. I do not speak, of course, of myself; but I think the committee is a very laborious one, and I think I am authorized to say it is a conscientious one.

Mr. WILLEY. Mr. President——

Mr. POMEROY. This bill is objected to. I hope there will be no further discussion about it.

The VICE PRESIDENT. The Senator from Kansas objects to further discussion.

Mr. POMEROY. If the Senator from West Virginia desires to explain I will withdraw the objection.

Mr. WILLEY. I simply wish to remind the Senate that there has not been a session since the end of the war when the friends of these claims and of justice and of the honor and integrity of the nation have not been pressing upon the consideration of Congress the propriety of organizing a special commission for the examination of such claims; and if now we are to be remitted to any relief that is to come from that quarter it will never come at all.

But what I rose more especially to say is

this: half an hour or more ago we passed a bill of an almost identical character, for almost an identical amount of cotton, used for the identical purpose, and lost in a manner very similar. What is the difference? The claimant in that case lives in Missouri, these claimants live in Tennessee; and that is the only difference. Are not these claimants as loyal as the claimant whose bill was passed half an hour ago? Is not the evidence in this case much more positive and clear? And simply because a loyal man lives in Tennessee is he not to have meted to him the same justice as a loyal man living in Missouri? Sir, we cannot afford much longer to defer justice to these loyal men of the South. We may save a few paltry dollars, but we cannot save our credit or the honor and character of the nation.

Mr. TRUMBULL. If we have passed a bill just like this I think we ought to reconsider it. I was not aware that we had passed just such a bill as this.

Mr. PRATT. Precisely such a bill as this.

Mr. TRUMBULL. What is it? I move to reconsider the vote by which the bill in reference to the Missouri case was passed. I was not aware we had passed just such a bill.

Mr. DRAKE. I object to the reconsideration.

Mr. TRUMBULL. I enter the motion to reconsider.

Mr. KELLOGG. Is that in order?

Mr. FOWLER. I wish to make a remark on this bill.

The VICE PRESIDENT. It will require unanimous consent. The Senator from Kansas having objected, the bill is not before the Senate.

Mr. FOWLER. I think the Senator from Kansas will withdraw his objection for a moment.

The VICE PRESIDENT. The Senator from Tennessee asks unanimous consent to be heard on the question of the bill for the relief of Cowan & Dickinson.

Mr. POMEROY. I withdraw the objection if the Senator wants to make an explanation.

Mr. WILSON. This is a violation of the understanding.

Mr. FOWLER. This is a most singular transaction, Mr. President. Allusion has already been made to the case from Missouri which passed without any objection this morning. I suppose of all the cases that have been brought before the Senate of the United States on the subject of claims, from any section whatever, this is the most meritorious one. As far as the loyalty of the parties is concerned I know of no more illustrious instance that has ever come before the American people than that of this claimant, Mr. Dickinson. In the darkest days of the rebellion under no circumstances did he waver from his purpose. He was marched into the confederate court under a squad of soldiers with drawn bayonets and ordered to take the oath of allegiance to the confederacy, and he said to them: "Gentlemen, my ancestors came to this country in the Mayflower. I have learned to love the Government of the United States down to this time; it is my Government. That which you represent is not mine, and you can under no circumstances compel me to take the oath of allegiance to your government." And he walked out of the court without taking that oath, and never did take it, but used all his influence and all his efforts to restore the authority of the Government of the United States in that section of country; and of all the men of East Tennessee he is by far the most distinguished for the purity of his loyalty and for his political principles. And now, after having sustained this loss for so long a time; after having maintained himself under these circumstances; after having been denied justice from his Government this long period, at the present time to have his claim postponed, with the bare hope that at some time or other a commission may be appointed to adjust it, I think is extremely hard and unjust.

The VICE PRESIDENT. The Secretary will report the next bill on the Calendar.

O. N. CUTLER.

Mr. HOWE. I rise to a question of order. As I understand the rule we are acting under, no business is in order except the business on the Calendar, and that only when not objected to. Now, a short time ago a bill was passed here which has once before passed the Senate in a former Congress. In this Congress it has already passed the House. I refer to the claim of O. N. Cutler. It came up in its order on the Calendar. The report was read and the bill passed. Just now the claim of Cowan & Dickinson came up, and in the course of the discussion upon that it was remarked by some Senator, I do not know by whom, that it was precisely the case of O. N. Cutler. I think that Senator was mistaken. The facts are certainly very different; but whether it involves different principles or not is a question about which a good deal could be said, perhaps, on both sides. I think it involves a different principle. But taking advantage of the suggestion, the Senator from Illinois moves to reconsider the vote by which that bill passed. It seems to me that under the rule we are now acting upon he has not the right to interpose that motion. It is not in order, as it strikes me; but if he has that right, and if he insists upon it, it is just as fatal to the bill for a long time, and perhaps for this session, as anything could be. I hope if the Senator has the right to make the motion——

The VICE PRESIDENT. If the Senator from Wisconsin presents that as a point of order to the Chair the Chair will decide it. If he presents it as an appeal to the Senator from Illinois to withdraw his motion the Senator from Illinois will decide it.

Mr. HOWE. I did presume upon the peculiar character of the case to submit it to both of you at once. I do think it is not in order; and if it is in order I really hope the Senator from Illinois will not press it.

The VICE PRESIDENT. The Chair will decide the point of order so far as it is submitted to him. He holds that a motion to reconsider is in order; but by the order adopted by the Senate it cannot be considered during the continuance of this order for the consideration of the bills on the Calendar which are not objected to.

Mr. POMEROY. The motion can be entered.

The VICE PRESIDENT. The motion can be entered, and that is all that can be done, except by unanimous consent.

Mr. TRUMBULL. In answer to the appeal of my friend from Wisconsin I will say that I have not looked into the case of Cutler; but when the case of Cowan & Dickinson came up it seemed to me to involve a very important principle, whether we should pay for cotton that was used by our Army in erecting fortifications; and if we pay for cotton I do not know why we should not pay for the earth that was used, for the timber that was used, and for everything that was used by our Army in the South in erecting fortifications, and therefore I was not willing that the Dickinson case should pass in this way without an opportunity of examining it. I was then informed by the Senator from West Virginia that the Cutler case involved precisely the same principle. I was in the Senate when the case of Cutler passed and asked to have the report read, but I was interrupted by being called aside, and by other matters, at the moment, and did not understand fully the Cutler case. Now, when informed that it involves the same principle, I am bound to say that I am unwilling to sit here and allow a claim to pass in favor of one party that I object to passing in favor of another party when the principle is the same, and therefore I feel bound to interpose my motion to reconsider, and I will look at the case and the report, and if it does not involve this same principle, then I shall take great pleasure in withdrawing the motion.

The VICE PRESIDENT. The Chair will state to the Senator from Illinois that he is informed by the Secretary of a matter which somewhat complicates this under the order under which the Senate is now acting. This is a House bill, and when it passed the Senate the fact was communicated to the House of Representatives. That communication has been made. The motion to reconsider, therefore, can only be entertained by first agreeing to a resolution calling the bill back from the House.

Mr. SUMNER. I hope that will be done.

The VICE PRESIDENT. But that cannot be done during the execution of this order, but may be done to-morrow or the next legislative day.

Mr. TRUMBULL But that would be a privileged question. It was not intended certainly to prevent motions to reconsider. I make the motion for the necessary order to be entered, if it requires an order. I did not suppose the fact of the passage of the bill had been communicated so quickly to the other House.

The VICE PRESIDENT. The Chair is informed that it has been.

Mr. TRUMBULL. I will make the motion, then, to recall the bill.

Mr. HOWE. I ask the Senator to hold back his motion until to-morrow. He will lose no right by the lapse of time. In the mean time he can look at the report and see if he cares to make such a motion.

Mr. TRUMBULL. The bill seems to have gone very hastily to the other House, and very likely it will be found to be beyond our reach if this motion is not made now. I think the motion had better be made at once.

Mr. HOWE. I object.

Mr. TRUMBULL. I do not think the Senator can object to a privileged motion of this kind. It relates to the business that is transpiring.

The VICE PRESIDENT. That is true; but all resolutions by a positive rule of the Senate must lie over one day if objected to.

Mr. TRUMBULL. Does that apply to a resolution to reconsider? This is a part of the reconsidering resolution. Suppose this were the last day for a reconsideration; suppose this bill passed two days ago, and this were the last day that I could move a reconsideration, should I lose the right to make the motion? Is that the understanding? Is a Senator here to lose the right to move a reconsideration under the order the Senate is acting upon?

The VICE PRESIDENT. The Chair will answer the Senator from Illinois that there is a way in which the majority of the Senate cannot be frustrated from entertaining a motion of this kind subject to the rules of the Senate. The Senator from Illinois can move to rescind the order which is now being executed. If it is rescinded, then all business is in order, and the Senator can then make the motion; but while this business is being transacted under the order of the Senate that no other business shall be transacted, if a Senator objects to the consideration of a motion for the recall of the bill, (which is necessary by the usage of the Senate precedent to entering a motion to reconsider,) the Chair cannot of course command the Senate to act upon it by any ruling from the Chair. This order, however, can be rescinded by a majority vote, and then the motion would be in order, but it still would be subject to the rule that a resolution must lie over one day if objected to.

Mr. HOWE. I shall not take advantage of the question of order. The Senator seems to think the public safety requires this disposition of the bill.

The VICE PRESIDENT. The Senator from Wisconsin withdraws the objection.

Mr. DRAKE. I renew it.

Mr. SUMNER. The motion will be entered, of course.

The VICE PRESIDENT. By the rules of the Senate a motion to reconsider cannot be entered unless the bill is in possession of the Senate. The usage of the Senate has been uniform, as the Chair is informed by the Secretary, that a resolution must first be agreed to recalling the bill, so that it shall lie on the table of the Senate when it is reconsidered.

Mr. POMEROY. That can be done to-morrow morning.

Mr. TRUMBULL. No; it cannot. It should be done now.

Mr. POMEROY. It can be done just as well the next day we meet.

Mr. TRUMBULL. Is a motion to rescind the rule under which we are acting in order?

The VICE PRESIDENT. That is in order.

Mr. TRUMBULL. I move to rescind the rule under which the Senate is acting, for the purpose, I will state to the Senate, of making this motion. That is my only object. And then we can reënact it.

Mr. DRAKE. I would inquire in reference to that motion whether it can be entertained now without unanimous consent.

The VICE PRESIDENT. It can. When any parliamentary body is in the execution of an order for the transaction of business, that order can be rescinded, especially a continuous order like this. It is often done in the House of Representatives, where the rules of course are more numerous and complex than they are here. When the House resolves to proceed to the consideration of business on the Speaker's table Senate bills are first proceeded with; and when the House desires to pass from that business it rescinds the order and proceeds to the consideration of other business.

Mr. DRAKE. Then I would further inquire——

The VICE PRESIDENT. The Chair will state that unless this could be done, if this call of the Calendar should be continued to the end of the session it could not be rescinded except by unanimous consent, and that would destroy forever the power of the majority of the Senate to proceed to other business.

Mr. DRAKE. Then I inquire whether, if the rule be rescinded for the present purpose, it can be reëstablished again without unanimous consent. I was not in the Senate when this arrangement was made last week, but I understand it was done by unanimous consent. Am I right in that, Mr. President?

The VICE PRESIDENT. It was not. The order was adopted by a majority vote of the Senate upon a resolution which lay over under objection.

Mr. WILSON. I hope that, by unanimous consent, an order will be made to bring this bill back, so that a Senator can exercise his right to enter a motion to reconsider. Certainly I hope no Senator will object to that; because otherwise the right of a Senator is lost in this body on these measures.

Mr. ANTHONY. Will the Senator from Missouri allow me to appeal to him? I am in favor of the bill making the appropriation in the Missouri case, and I am in favor of the Tennessee case. I agree precisely with what my friend from West Virginia [Mr. WILLEY] has said upon those cases. But we do our business here by general consent. A Senator has a right within two legislative days to move a reconsideration of any bill that has passed, and when the bill goes out of the possession of the Senate within the two days I think that that courtesy which no one possesses more than my friend from Missouri would lead us all to give a Senator his privilege to allow him to do that which he would have a right to do if the bill had not gone out of the possession of the Senate. Otherwise, we shall be obliged to adopt a rule not to send a bill to the House of Representatives until the time has expired within which a Senator can make a motion to reconsider. I think that is better for us all around.

Mr. DAVIS. I ask the Senator to permit me to make a suggestion. These claims ought to be acted upon. They ought either to be passed or rejected. I propose to the Senate that by general consent they agree to make a test case of the one under consideration or of the Missouri case. Let the subject be set for a particular day and the whole matter be debated, and let the Senate come to a deliberate judgment what it will do, and then members of the Senate will know what rule to conform to.

Mr. DRAKE. Mr. President, I should probably be the last one on this floor who would undertake by a single objection to prevent the accomplishment of a purpose such as the Senator from Illinois has in moving to recall this bill; and if there is one point understood about it I shall not have the smallest hesitation in withdrawing my objection. This bill was not discussed upon the passage of it. The report was read. I said in the hearing of the Senator from Illinois that there was a report in favor of it from the Committee on Claims of each House, that the bill had once passed each House, passed the Senate in the Fortieth Congress, and now passed the House of Representatives. The report of the Committee on Claims of the Senate was read from the Secretary's desk, and the bill passed without a word of objection on the part of any Senator, when a single objection would have taken it over.

Now, if we are to have the bill come back here and have a motion to reconsider made, if it is understood that the bill cannot when it comes back be thrown over by a single objection, thrown off from before the Senate entirely by a single objection, but that the matter can be discussed, that the Senators can individually learn all the facts of the case and then act upon it with a full knowledge of all the facts, I have not the smallest objection to its coming back. But if it is to be brought back here, and the moment a reconsideration takes place a single objection is to throw it over, and we are never to see or hear of the bill at this session of Congress again, then I feel justified in objecting to the motion and in placing every obstacle in the way of it that I can, because I believe the bill to be a most just and righteous one, and because after attention has been challenged to it, as it was this morning, and the statement publicly made as to the reports in favor of it by the Claims Committees of the two Houses, and the passage of it by the two Houses, I do not think we ought to turn around and snatch the bill from its consummation and snatch at the same time the compensation of this citizen for his property taken by the Government. Now, sir, if it be understood that when it comes back here upon the motion to reconsider we can go into a discussion of the bill, and examine it in all its bearings, I have no objection to its coming; but unless that understanding can be had I shall interpose every obstacle I can to its coming back here.

The VICE PRESIDENT. The question is on the motion of the Senator from Illinois.

Mr. DRAKE. I object to the reception of the motion of the Senator from Illinois at this time.

The VICE PRESIDENT. The motion of the Senator from Illinois, now before the Senate, is not that referred to by the Senator from Missouri. The motion of the Senator from Illinois which the Chair has recognized is to rescind the order under which the Senate is now acting.

Mr. TRUMBULL. I move to suspend the order.

Mr. DRAKE. I do not understand that a motion to suspend any rule here is in order without unanimous consent.

The VICE PRESIDENT. This is not a rule of the Senate; it is an order with regard to the order of business of the Senate; and the Chair thinks it can be suspended for the purpose of transacting any business by a majority vote.

Mr. TRUMBULL. I know nothing of Mr. Cutler's claim. I am not opposed to his claim, because I do not know whether I ought to be opposed to it or in favor of it. The Senator from Missouri will understand that I am as much in favor of paying claims that ought to be paid as he is, and I think a person who sits in the Senate and objects to every claim without knowing whether it is good or bad, and opposes a just and honest claim, acts as wrongly as one who advocates an unjust claim. The reason I desired to make the motion the Senator fully understands. I understand the same principle to be involved in this claim, and the Senator from Missouri, I am sure, would be just as unwilling as I am to pass a claim in favor of one person and deny a claim in favor of another person, both involving the same principle. I know he would not do that any sooner than I would.

Mr. DRAKE. Then let us pass the Cowan & Dickinson claim.

Mr. TRUMBULL. The Senator may think it right, but we are not prepared to allow it yet; and we may be complicated by the passage of this bill before that, which may be regarded as a precedent. I certainly should not interpose an individual objection of mine to prevent action on a case that would otherwise be acted upon; but I cannot enter into any arrangement.

The VICE PRESIDENT. The Chair will state to the Senator from Illinois, if he may be excused for the suggestion, that if the resolution should be entertained and agreed to, and when the bill comes back a motion made by the Senator from Illinois to reconsider its passage should be entered, if the Senate should decide to treat it the same as an amendment from the House to a Senate bill, they could proceed to consider it on Monday morning when presented by the Chair. It has been the usage of the Senate to consider House amendments to Senate bills when they are presented by the Chair. If it is the pleasure of the Senate to consider this bill on the question of its passage, in the same way it can be reached immediately after the reading of the Journal on Monday.

Mr. DRAKE. Mr. President, let me be understood. I do not wish that this bill, now that it has passed both Houses and passed the Senate a second time, shall be in a position where it can by the single objection of any Senator be thrown overboard; but I wish it to be placed in a position where, if it comes back here, we can have the opportunity of investigating it and showing to the Senator from Illinois and to every other Senator the entire justice and righteousness of the claim. If the President or if any Senator can suggest any possible way in which this can be done I will at once withdraw all objection to the motion of the Senator from Illinois, and will agree to have the bill sent for.

Mr. THAYER. Does not the report embody all that need be said in regard to it? Does not that give the whole facts?

Mr. DRAKE. The reports of the two committees of the two Houses give all the facts with the utmost particularity; but then, aside from those facts, there is a question raised now by the Senator from Illinois whether under any circumstances the Government shall pay for anything that it took for fortification or for defense during the war; whether it shall pay for anything, for, said the Senator, you might just as well call upon the Government to pay for the earth that it took to make earth-works, or for the timber that it took to build block-houses or for that it cut down to make abattis.

Now, sir, if we are to have this matter before us at all, I concur with the Senator from

Kentucky, that we ought at once to proceed now, after the lapse of more than five years since the rebellion was crushed, to consider and decide upon what principle we shall act in the matter of settling these claims. If you will give the chance upon the Cutler bill, or upon the Cowan & Dickinson bill either, to discuss that matter and to come to a definite conclusion, I am ready to have the Cutler bill come back here; but if it is to be brought back merely to be slaughtered by a single objection, after all the time that the party has been trying to get his money and is now just within an inch of fruition, I shall interpose every difficulty that I can in the way of getting it back here.

Mr. THAYER. I shall object to any further discussion. If we can vote I am willing to let the vote be taken; but if not, I think we should go to the next bill on the Calendar.

Mr. DRAKE. What right has the Senator to object to any further discussion?

Mr. THAYER. I have that right under the rule of the Senate under which we are proceeding.

The VICE PRESIDENT. The Senator from Illinois has moved to suspend that order of business.

Mr. WILSON. I desire to make a suggestion to the Senator from Missouri. I suggest that he withdraw his objection to calling the bill back and trust this body to do justice to him and hear his case. I will say to the Senator that in fifteen years' experience in this body his opposition is the first instance of the kind I ever knew in such a case. We often send bills to the other House where a motion is afterward made to recall them, and I never before heard such a motion objected to. Until a recent rule on the subject we often sent nominations to the President and had motions to recall them, and I never heard anybody object to such a motion. It is the clear right of a Senator to enter a motion to reconsider a vote either on the confirmation of a nomination or on the passage of a bill, and when the nomination or bill has gone out of the possession of the Senate, and a Senator desires to make such a motion, I never knew any opposition to sending to the President or to the House for the return of the nomination or bill. If the Senator from Missouri persists in taking this position, of course the right of any Senator to enter a motion to reconsider is a lost right in this case. This is the first time I ever heard that position taken, and I think if the Senator will consider the subject he will not be the first man to do such a thing in the Senate of the United States.

Mr. DRAKE. One word more by way of inquiry of the Chair. Suppose, now, that the proposition of the Senator from Illinois is carried, and the bill is sent for and brought back from the House of Representatives, and a motion is made to reconsider its passage, I ask the Chair for information, can we discuss the bill on that motion to reconsider?

The VICE PRESIDENT. Certainly, when the motion to reconsider comes up for action, the merits of the bill are involved in the motion to reconsider. The Chair will state that if the bill comes back, on Monday morning the Chair will submit it, of course, like other bills from the House of Representatives. If, however, Senators should then insist on the morning business being continued, the bill could not be proceeded with, unless by unanimous consent. But after the morning business was concluded the Chair supposes the motion to reconsider might be proceeded with by a majority voting to proceed to its consideration.

Mr. DRAKE. That is the point. When will the motion to reconsider ever be heard? When shall we ever get a chance to consider it?

The VICE PRESIDENT. By a majority of the Senate voting to proceed to its consideration, unless by unanimous consent they should consider this bill as in the same position as an amendment of the House to a Senate bill when the Chair lays it before the Senate on Monday morning.

Mr. DRAKE. One other question I wish to ask the Chair. When it comes back here and a motion to reconsider is attached to it, does that entitle any single Senator to throw the bill over under the rule we are now acting upon?

The VICE PRESIDENT. It does not when the motion to reconsider can be proceeded with. It could not be proceeded with, however, during the continuance of this order, because the Senate have decided that during the call of the Calendar under this order no other business shall be in order, not even a motion to go into executive session, except by unanimous consent. If the motion to reconsider should come up at any other time it would be debatable.

Mr. DRAKE. Then if the bill comes back here there will be an opportunity for discussing the merits of it upon the motion to reconsider, when we can get that motion before the Senate?

The VICE PRESIDENT. Certainly.

Mr. DRAKE. Then I withdraw my opposition to the request of the Senator from Illinois.

Mr. TRUMBULL. Then I ask that the usual order be made.

The VICE PRESIDENT. If there be no objection an order will be entered directing the Secretary to request the House of Representatives to return the bill for the relief of O. N. Cutler to the Senate, when a motion to reconsider the vote on its passage can be entered.

A message was afterward received from the House of Representatives, by Mr. LLOYD, its Chief Clerk, returning to the Senate, in compliance with its request, the bill (H. R. No. 1666) for the relief of Otis N. Cutler, of Missouri.

JOHN C. ABERCROMBIE.

The next bill on the Calendar was the bill (S. No. 759) granting a pension to John C. Abercrombie; which was considered as in Committee of the Whole. It provides for placing the name of John C. Abercrombie, late lieutenant colonel of the eleventh regiment of Iowa infantry volunteers, on the pension-roll at the rate of thirty dollars per month, from and after the date of its passage.

Mr. POMEROY. There seems to be no report in that case, and the pension is thirty dollars a month.

Mr. HOWELL. There is no written report, but the Iowa Legislature passed a joint resolution in favor of granting this pension, which states the facts. Many of the members of the Legislature were the companions in arms of Lieutenant Colonel Abercrombie.

Mr. POMEROY. I want to know what the ground is for granting thirty dollars a month.

Mr. HOWELL. John C. Abercrombie entered the service at the breaking out of the war. He was in the three months' service; he fought at the battle of Wilson's creek, reënlisted, and continued in the service until the close of the war. By the universal consent of his companions in arms in Iowa he was the very first on the list of the brave and gallant officers of that State. He endured a great deal of hardship in the service, and he finally left it with a broken constitution and a shattered nervous system, and with an affection of partial paralysis, which finally fell upon his eyes and caused entire blindness. With a family on his hands to support, with no means for their support, he being dependent upon his own exertions for his own and their living, he appeals to the generosity and the liberality of the Government for a pension under the circumstances.

Mr. POMEROY. I called attention to it because the bills we have heretofore passed on this Calendar were to place privates on the pension-roll at eight dollars a month.

Mr. HOWELL. This is the case of a lieutenant colonel in the service, and the bill provides for the ordinary pension for his rank.

Mr. WILSON. Was this officer a lieutenant colonel?

Mr. HOWELL. He was.

Mr. WILSON. Then it is all right.

Mr. POMEROY. I did not know that fact.

Mr. HOWELL. I think it is stated in the bill that he was a lieutenant colonel.

Mr. POMEROY. I did not hear it.

Mr. FENTON. I have no doubt this is a very meritorious case, but I find on looking over the Calendar that this and several other bills from the Pension Committee have no written report accompanying them. I think hereafter it would be the better practice for the Committee on Pensions to accompany each case with a report setting forth specifically the ground for relief.

Mr. HARLAN. There is a memorial of the Iowa Legislature on the table that sets forth all the facts.

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

JAMES H. BUNCE.

The next bill on the Calendar was the bill (S. No. 537) for the relief of James H. Bunce; which was considered as in Committee of the Whole. It provides for placing the name of James H. Bunce, late captain of the United States tow-boat Nick W. Hughes, who lost his left leg in the United States service on the 16th of April, 1865, upon the pension-roll, at the rate of seventeen dollars per month from the 16th of April, 1865.

Mr. HOWELL. I will state that the Pension Committee were not in the habit of making out written reports at the time this bill was reported. I reported it, as was customary, without filing a written report; but there were some peculiar circumstances in the case. James H. Bunce, the applicant, was ordered by a military officer, who had the right to give such orders, to take command of a boat on the Tennessee river, and while in command of that boat and in the execution of orders, either by ambush or by a sally of the enemy, the boat was attacked and he was shot, and lost his leg in consequence of it.

Mr. POMEROY. Why is he not entitled under existing laws to a pension?

Mr. HOWELL. There was some defect in the character of the evidence before the Commissioner of Pensions, as I believe, but I have forgotten the circumstances now.

Mr. POMEROY. There could not be any mistake about his losing a limb.

Mr. HOWELL. This case was before the Committee on Pensions, and fully examined by the chairman [Mr. EDMUNDS] and the other members of the committee, and they decided unanimously in favor of granting the pension. The facts are as I have stated them. As to the defect of proof I do not remember what circumstance of defect caused the rejection of the application at the Pension Office.

Mr. HOWARD. It is rather an unfavorable circumstance, it seems to me, that there was a defect of proof before the Commissioner of Pensions and that the honorable Senator is not able to state what the defect was.

Mr. POMEROY. If the man lost a limb that would be evidence enough, it seems to me.

Mr. HOWELL. I do not see anything astonishing in this matter. If the whole case was so completely made out that the Commissioner of Pensions was bound to grant the party a pension there would have been no occasion for his coming to the Committee on Pensions. It is not a very singular circumstance that I have at this time forgotten the identical fact upon which a doubt rested in the mind of the Commissioner of Pensions, or upon what particular fact this man's failure to get a pension was based. The facts that I have stated are sufficient. If there could have been full technical proof to the satisfaction of the Commis-

sioner of Pensions he would have obtained his pension at the Pension Office; but there was a defect on account of a technicality in some way. I presume the Senator from Kentucky, [Mr. McCREERY,] who had charge of this case originally, will remember what the defect of proof was.

The VICE PRESIDENT. Does the Senator from Michigan object to the consideration of the bill?

Mr. HOWARD. No, sir.

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

EXECUTIVE BUSINESS.

Mr. STOCKTON. I move that the Senate proceed to the consideration of executive business. Senators who were present yesterday at the executive session, when I was not here, may know why I make that motion. It is a matter of importance, and I think it is due to the executive business of the Senate that the Senate should now have an executive session.

Mr. ANTHONY. Will the Senator from New Jersey allow me to say that if we do not sit to-morrow we had better postpone the executive session for half an hour or an hour longer? We shall go into executive session after awhile.

Mr. SUMNER. Half an hour later.

Mr. STOCKTON. It is not a matter of my own; it is a matter of public business. It is my duty to move it and to move it now. I make that motion.

The VICE PRESIDENT. It requires unanimous consent under the present order.

Mr. ANTHONY. I will not object. I will vote against it, but I am willing that the Senator shall take the sense of the Senate on the subject.

The VICE PRESIDENT. If there be no objection the Chair will entertain the motion.

Mr. STOCKTON. If the understanding is that the Senate will have an executive session this afternoon I will not press it now.

Several SENATORS. Yes; it is.

Mr. STOCKTON. I withdraw the motion.

GEORGETOWN IMPROVEMENTS.

The next bill on the Calendar was the bill (S. No. 755) to authorize the corporate authorities of the city of Georgetown, in the District of Columbia, to pave and improve the streets thereof.

Mr. PATTERSON. I move to bring forward from the twenty-third page of the Calendar House bill No. 1635, which is a transcript of this bill.

Mr. ANTHONY. We shall reach that soon. This was not done in the other cases.

Mr. PATTERSON. In one case we brought forward a House bill to take the place of a Senate bill.

The VICE PRESIDENT. In two cases under this order the Senate have substituted House bills of the same title, and indefinitely postponed the Senate bills.

Mr. POMEROY. That is right.

The VICE PRESIDENT. If there be no objection the Senate bill in this case will be regarded as indefinitely postponed, and the House bill will be taken up.

The bill (H. R. No. 1635) to authorize the corporate authorities of the city of Georgetown, in the District of Columbia, to pave and improve the streets thereof, was considered as in Committee of the Whole. It provides that the corporation of the city of Georgetown shall have full power and authority to lay taxes on particular wards, parts, or sections of the city, for their particular local improvements, and to cause the curbstones to be set, the foot and carriage-ways, or so much thereof as they may deem best, to be graded, paved, graveled, or otherwise improved; to introduce the necessary sewerage and drainage facilities under and upon the whole or any portion of any avenue, street, or alley; to cause the same to be suitably graded, paved, graveled, or otherwise improved and repaired, and at all times properly cleaned and watered; to cause lamps to be erected therein, and to light the same. To pay the cost thereof the corporation of Georgetown is authorized, for the purposes of grading, paving, graveling, or otherwise improving or repairing any street, avenue, or alley, or any part thereof, to lay and collect a general tax for the same or any part of the cost thereof upon all the property of the city, or upon all property bordering upon such avenue, street, or alley, or any part thereof that may be graded, graveled, paved, or otherwise improved or repaired; and for the purpose of sewerage, the corporation is to have power to lay and collect a tax equal to the expense, or any part thereof, upon all property bordering upon such avenue, street, or alley that may be so sewered, or any property benefited thereby, and also to be laid or cause to be laid simultaneously with the grading, graveling, paving, or otherwise improving any avenue, street, or alley, or at any other time in which a main water-pipe, main gas-pipe, or main sewer may have been or shall be laid, water or gas service-pipes or lateral house-drains from such water or gas main, or main sewer, to one foot within the curb line in front of every lot, or subdivisional part of a lot, which may bound on such avenue, street, or alley, and to which a gas or water service-pipe or house-drain may not have been already laid; and to pay the cost thereof shall have full power and authority to lay and collect a special tax on every such lot or part of lot.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. No. 784) to authorize the settlement of the accounts of officers of the Army;

A bill (H. R. No. 1891) for the relief of George C. Haynie;

A bill (H. R. No. 1892) making an appropriation to satisfy a judgment obtained against Grenville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty;

A bill (H. R. No. 1893) for the relief of the heirs of John W. Duff, Andrew Kensinger, Jesse Fry, Peter Hart, Edward Bray, Pleasant Trent, and Clinton Luster;

A bill (H. R. No. 1895) for the relief of Major John W. Todd;

A bill (H. R. No. 1896) for the relief of William A. Howard;

A bill (H. R. No. 1897) for the relief of Lot S. Bayless, administrator of Lieutenant Marcus W. Bayless, deceased; and

A joint resolution (H. R. No. 273) donating condemned cannon to the McPherson Monument Association.

The message also announced that the House had passed the following bills and joint resolutions without amendment:

A bill (S. No. 93) legalizing certain locations of agricultural college scrip therein designated;

A bill (S. No. 488) to authorize the officers of the Treasury Department to enter a credit upon the account of Henry Etting, paymaster in the Navy;

A bill (S. No. 527) for the relief of William F. Scott, late adjutant fourth Iowa cavalry volunteers;

A joint resolution (S. R. No. 84) authorizing the President to strike from the rolls of the Army the names of certain officers;

A joint resolution (S. R. No. 90) for the relief of certain officers of volunteers;

A joint resolution (S. R. No. 128) authorizing the issue of clothing to certain enlisted men of the fourteenth regiment of infantry; and

A joint resolution (S. R. No. 141) to provide for survey and estimates of cost of removing obstructions from Bayou Teche, in the State of Louisiana.

The message further announced that the House had agreed to the amendments of the Senate to the following bills and joint resolutions:

A bill (H. R. No. 9) extending the time for revising and consolidating the statutes of the United States;

A bill (H. R. No. 268) for the relief of Captain George E. Grisham, of Tennessee;

A bill (H. R. No. 840) amendatory of the organic law of Colorado Territory, and for other purposes;

A bill (H. R. No. 1413) for the relief of Sophia A. Moen;

A joint resolution (H. R. No. 85) for the relief of Helen Lincoln and Heloise Lincoln, and for the withholding of moneys from tribes of Indians holding American captives;

A joint resolution (H. R. No. 144) to enable the Court of Claims to hear and determine the claim of E. Diekelman, a subject of the king of Prussia; and

A joint resolution (H. R. No. 156) authorizing the sale of certain lands at Springfield, Massachusetts, and for other purposes.

ENROLLED BILL SIGNED.

The message likewise announced that the Speaker of the House had signed the enrolled joint resolution (S. R. No. 169) for the transfer of an unexpended balance of appropriation to the book fund of the Library of Congress; and it was thereupon signed by the Vice President.

ZOOLOGICAL SOCIETY.

The next bill on the Calendar was the bill (S. No. 754) to incorporate a zoological society in the city of Washington, District of Columbia; which was considered as in Committee of the Whole.

Mr. ANTHONY. That comes under the general law we passed, I suppose.

Mr. PATTERSON. There is a single section, the second section, which will take this out of the category of those associations provided for in the general act.

Mr. ANTHONY. Very well.

The Committee on the District of Columbia reported the bill, with an amendment, to strike out the third and sixth sections of the bill, as follows:

SEC. 3. *And be it further enacted*, That the said society be, and is hereby, authorized to occupy the easterly part of the Smithsonian grounds along Seventh street, not exceeding eight acres, as may be designated and set apart by General N. Michler, at present in charge of the public grounds; and the sum of money sufficient to erect a substantial iron fence around the same is hereby appropriated out of any funds not otherwise appropriated; said fence to be constructed under the supervision of the Secretary of the Interior, and the said money to be paid on his warrant.

SEC. 6. *And be it further enacted*, That the authority or permit to occupy said public grounds may be withdrawn at any time on giving the said society twelve months' notice thereof.

The amendment was agreed to.

Mr. ANTHONY. I see that this bill gives the right to import certain articles free of duty. What are those?

Mr. PATTERSON. The articles the bill speaks of are "all birds and animals, and all wire material necessary for the establishment of said garden."

Mr. ANTHONY. I think that is a pretty general and indefinite provision. It may do to let animals come in free; but under that provision they can bring in wire enough for half the country. I move to strike out that part in regard to wire.

Mr. PATTERSON. I have no objection.

The amendment was agreed to.

Mr. POMEROY. I notice another very generous provision, that they may use the Potomac water free. There is no limit to that. They may use the whole of it.

Mr. PATTERSON. It would take a very large garden to use up all the water of the Potomac river.

Mr. POMEROY. I mean to the detriment of the city; they might put in pipes that would draw water away from other portions of the city. There is no limit to it. I am willing that they should have what water they want; but there ought to be some limit. We ought not to give them indefinitely the right to use the water.

Mr. ANTHONY. Is there not some board here charged with the control of the Potomac aqueduct?

Mr. PATTERSON. I suppose there is.

Mr. ANTHONY. Let it be under the direction of that board.

The VICE PRESIDENT. The Senator from Rhode Island moves to add, in regard to the use of the Potomac water, "under the direction of the water registrar."

Mr. PATTERSON. The only object of taking out this water is to supply certain pumps in these gardens and for the use of the animals that may be there.

Mr. ANTHONY. Certainly it is a perfectly proper provision. The society ought to have the water free, but it ought to be under the same regulations that everybody else is under in regard to water. We do not want them to have a power over the water superior to those who have control of the aqueduct.

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

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

INSTITUTE OF APPLIED SCIENCES.

The next bill on the Calendar was the bill (S. No. 735) to establish a national institute of applied sciences.

Mr. SUMNER. That is a very large name for what I am afraid is not a very large thing. I object to it.

Mr. PATTERSON. I agree with my friend that it is a large name, but there can be no objection to blotting out the word "national" and establishing an institute of applied sciences.

Mr. ANTHONY. Does not this come under the general law we have passed?

Mr. TRUMBULL. What is the object of the general bill we passed if no bill comes under it?

Mr. PATTERSON. The fourteenth section of this bill reads in this way:

That the Secretary of War is hereby authorized to allow, for the use and benefit of said institute, the building on Armory square, in this city, known as the city armory building, to be occupied by said institute until same shall be required by the War Department: *Provided*, That the Government shall not resume the use of same without giving to said corporation not less than one year's notice previous to resumption.

Mr. TRUMBULL. I think it would be much better to pass a joint resolution or bill giving that privilege to the association after it is incorporated, and not specially incorporate the association because of that.

Mr. SUMNER. Had not this bill better be dismissed or indefinitely postponed, and let the parties then come in under the general law?

Mr. PATTERSON. Very well.

The bill was postponed indefinitely.

LAND GRANTS.

The next bill on the Calendar was the bill (S. No. 168) granting lands to aid in the construction of a railroad from Lincoln, in the State of Nebraska, to Denver, Colorado Territory.

Mr. KELLOGG. I think we had better pass that over.

The VICE PRESIDENT. The bill will be passed over.

Mr. HOWE. I understand that is an ordinary bill——

Mr. THAYER. I hope the objection will be withdrawn.

The next bill on the Calendar was the bill (S. No. 763) granting lands to the State of Minnesota to aid in the improvement of the harbor of Duluth, Lake Superior, in said State.

Mr. PRATT. I object.

Mr. THAYER. The Senator from Louisiana is willing to withdraw his objection to the bill No. 168.

Mr. KELLOGG. I withdraw my objection.

The VICE PRESIDENT. Is there further objection? The Chair hears none. The bill will be reported.

The Secretary proceeded to read the bill (S. No. 168) granting lands to aid in the construction of a railroad from Lincoln, in the State of Nebraska, to Denver, Colorado Territory.

Mr. PRATT. I object to the present consideration of that bill.

The VICE PRESIDENT. The Secretary will report the next bill.

The SECRETARY. The next bill on the Calendar is the bill (S. No. 428) to grant the right of way through the public lands to the Junction City, Solomon Valley, and Denver railway, and for other purposes.

Mr. PRATT. I object to the consideration of that bill.

FREEHOLD LAND AND EMIGRATION COMPANY.

The next bill on the Calendar was the bill (S. No. 644) to incorporate the United States Freehold Land and Emigration Company, and to confirm certain legislation in Colorado Territory.

Mr. POMEROY. I ask that that bill be passed over.

Mr. ANTHONY. I hope the Senator will withdraw his objection.

Mr. POMEROY. An amendment ought to be prepared.

Mr. ANTHONY. The bill was recommitted to the Committee on Territories after the first report, was amended by that committee, and reported, I believe, in accordance with the views of the Senator from Kansas.

Mr. POMEROY. I did not know that.

Mr. ANTHONY. The objectionable part was the fifth section, which the committee propose to strike out.

Mr. HOWELL. Does the honorable Senator from Rhode Island expect a bill of this kind to pass without discussion?

Mr. ANTHONY. I hope my friend from Iowa will not object. There is no land grant in this bill. This company propose to build a railroad without a land grant. All they ask is the privilege of laying rails on the public lands, and I expect to have the support of the Senator from Iowa.

Mr. HOWELL. I will not object to that.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It was reported from the Committee on Territories with amendments. The first amendment was in section four, line four, to insert the word "directors" after "elections of," and in line five, after the word "nine," to strike out "directors" and to insert "in number;" so as to read:

And thereafter annual elections of directors, not less than five or more than nine in number, shall be held by the stockholders, at meetings to be called for that purpose.

The amendment was agreed to.

The next amendment was to strike out section five, in the following words:

That the general objects of such corporation, and to carry out which it is formed, are, and are hereby, declared to be as follows: to promote and encourage immigration from foreign countries, and to establish settlements on any lands which it now owns or may hereafter acquire, and in connection therewith establish such agencies as it may deem desirable; to purchase, hold, lease, sell, and mortgage real estate in the Territories of Colorado and New Mexico; to survey, lay out, and improve the same; and to establish, maintain, and operate wagon-roads, railroads, and other means of transit to and upon its said property, and to connect the same with other lines of communication in said Territories now or hereafter to be established or operated; and for those purposes such corporation shall possess all the franchises necessary to enable it to build and operate such railroads and other means of transit, and shall be permitted to construct the same over and upon such of the public lands of the United States as are not otherwise appropriated; and such corporation shall also possess all the rights, privileges, and powers that are authorized to be exercised by corporations organized under the provisions of chapter eighteen of the Revised Statutes of Colorado and of all amendments thereto.

And in lieu thereof to insert:

That the general objects of such corporation are, and are hereby, declared to be as follows: to promote and encourage immigration from foreign countries, and to establish settlements on any lands which it now owns, or may hereafter acquire, and in connection therewith establish such agencies as it may deem desirable; to purchase, hold, lease, sell, and mortgage real estate in the Territories of Colorado and New Mexico; to survey, lay out, and improve the same; and to establish, maintain, and operate wagon-roads and other means of transit to and upon its property; to construct and maintain a railroad and telegraph line from any point in the San Louis park, in which park the said company's land lies, to the nearest and most practicable point on either the Kansas Pacific railroad, the Union Pacific railroad, or the Denver branch railroad; and the said company, for the purpose of building and operating such railroad, shall have the right of way through the public lands of the United States, from and between the points aforesaid, the said right of way being to the extent of two hundred feet on each side of said railroad line; and there is hereby granted to said company, along the line of said railroad, grounds for stations, buildings, workshops, switches, side-tracks, turn-tables, and water-stations, not exceeding forty acres of land at any one point; and such corporation shall possess all the franchises necessary to enable it to build and operate such railroad for the transportation of freight and passengers, and to collect and receive compensation therefor; and the powers, privileges, and franchises conferred on said corporation by and under the provisions of chapter eighteen of the Revised Statutes of Colorado, or of any and all amendments thereto, are hereby confirmed.

Mr. POMEROY. I not going to object, but I wish to say that in the amendment of the committee which has been read there is rather a remarkable provision. We legalize by an act of Congress the entire franchises of a corporation created by a territorial Legislature without those powers being defined and without our knowing anything about it. The amendment provides:

And the powers, privileges, and franchises conferred on said corporation by and under the provisions of chapter eighteen of the Revised Statutes of Colorado, or of any and all amendments thereto, are hereby confirmed.

I do not know what they are.

Mr. ANTHONY. I have an amendment that I think will make that provision come within the views of the Senator from Kansas. I propose to amend it so as to read:

"And the powers, privileges, and franchises conferred on corporations"—

That is, by general law—

"by and under the provisions of chapter eighteen of the Revised Statutes of Colorado, or of any and all amendments thereto, are hereby conformed to and invested in said corporation."

That is to say, that whatever powers, franchises, and privileges the Territory of Colorado gives to corporations in general shall apply to this corporation.

Mr. POMEROY. With that amendment I do not object to it.

Mr. ANTHONY. I will explain the reason why that provision is put in. This company is the possessor of a very large tract of land in the Territories of Colorado and New Mexico. The company has made arrangements to introduce into that country twenty thousand emigrants from Holland, emigrants of a very superior character; and they have made arrangements with a house in Amsterdam to furnish the money for this purpose; but this house will not furnish money to a corporation that derives its power from a territorial Legislature, because they do not know the territorial Legislature, and they do know Congress; and this provision which confirms to this corporation all the rights, franchises, and privileges which the territorial Legislature of Colorado gives to all corporations does not add one particle to its powers and franchises, but it satisfies those people from whom alone the money can come, and certainly the object is one which every Senator would desire to advance.

The VICE PRESIDENT. The question is

on the amendment of the Senator from Rhode Island to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was in section six, line two, after the word "obligations" to insert "in such amounts, at such rates, and on such terms as it may deem most for its interest;" so as to read:

That such corporation may make and dispose of its bonds or other obligations in such amounts, at such rates, and on such terms as it may deem most for its interest for the purpose of borrowing money for the purposes aforesaid, and may secure the same by a mortgage upon all or any part of its property and all its franchises.

The amendment was agreed to.

Mr. POMEROY. I have always been in the habit of examining these bills. I have not examined this before; but I find a provision in the first section which allows this company to be sued in the United States and not in the Territory of Colorado, where they are going to do their business.

Mr. DRAKE. The expression is, "all courts of law and equity in the United States."

Mr. POMEROY. But not "in the Territories," and this is a corporation for a Territory.

Mr. DRAKE. The Territory is in the United States.

Mr. POMEROY. It may raise a question whether parties thinking they are offended will not have access to the courts in Colorado. I move, therefore, after the words "United States," in line twelve of the first section, to insert "and the Territory of Colorado."

The amendment was agreed to.

Mr. DRAKE. I remember, Mr. President, that a year or two ago I was led to introduce a bill here to establish a life insurance company in the District of Columbia, and it happened to come before the Senate when some of the Senators were in their critical mood, and I had the satisfaction of finding my bill in fifteen minutes smashed up completely. It was said to be out of the question for the Congress of the United States to be passing charters for everybody all over the country in that way; and consequently my bill went "where the woodbine twineth." [Laughter.] Now, Mr. President, this is rather the most extraordinary proposition that ever I have known to be introduced into the Congress of the United States to create a corporation. I think I am justified in using this language, and I will just read here a few lines of this bill:

That the general objects of such corporation are, and are hereby, declared to be as follows: to promote—

Mr. HARLAN. I object to the further consideration of the bill.

Mr. DRAKE. Can the Senator from Iowa smash my speech in that way? [Laughter.]

The VICE PRESIDENT. The Chair thinks he can, because the right to object accrues at any time before final action.

Mr. ANTHONY. I hope the Senator from Missouri will withdraw his speech and the Senator from Iowa withdraw his objection, and let us pass the bill. I think that is a fair compromise.

Mr. HARLAN. It is impossible to pass this bill without discussion.

Mr. DRAKE. If either the honorable Senator from Rhode Island or the honorable Senator from Iowa supposes I was trifling with this bill and getting up here to make a speech just for the sake of making a speech they are both very much mistaken.

Mr. HARLAN. I had no such thought. The Senator had succeeded in convincing me that the bill ought not to pass, and therefore I objected to it.

The VICE PRESIDENT. The bill will be passed over, and the title of the next bill on the Calendar will be read.

Mr. ANTHONY subsequently said: I believe the Senator from Iowa has examined Senate bill No. 644, and finds that the lion has been taken out of it and the lamb put in its place. I hope he will either allow it to be taken up or else allow it to be passed over informally, and not have it put down as objected to.

Mr. HARLAN. I am willing to adopt the latter suggestion.

The VICE PRESIDENT. Is it proposed to have this bill put in such a position that it shall come up as the first bill in order on Monday morning?

Mr. DRAKE. I ask leave to say one word. I do not know many things that would cause me more regret than to take a position of opposition to a measure which the Senator from Rhode Island seems to take an interest in; but this bill I cannot under any circumstances do any otherwise, in accordance with my views of public policy, than to oppose.

Mr. ANTHONY. Very well; but the Senator has no objection to its being considered. I do not expect him to vote for it.

Mr. DRAKE. I do not wish it to stand on the Calendar and take precedence of other bills.

Mr. ANTHONY. I do not ask that, but I merely ask that instead of being objected to the bill may be considered as passed over informally, and then it will come up again in its place, still being open to objection from any Senator.

Mr. DRAKE. Very well; I shall not object to that; but I shall oppose the bill whenever it does come up.

Mr. ANTHONY. We have passed over several bills informally. They are not considered as objected to, but can be called up at any time when there is no objection to them.

The VICE PRESIDENT. The Chair understands the Senator from Missouri not to object to the proposition of the Senator from Rhode Island.

Mr. DRAKE. I do not object to that.

The VICE PRESIDENT. The bill will be open to objection again when reached in its order.

Mr. DRAKE. Very well, sir.

PUBLIC BUILDING AT MONTGOMERY.

The next bill on the Calendar was the bill (S. No. 731) to provide for a building suited to the use of the post office, the land and revenue officers, and the judicial officers of the United States, in the city of Montgomery, Alabama; which was considered as in Committee of the Whole. By its provisions the Secretary of the Treasury is directed to cause to be constructed a suitable building, fire-proof, at Montgomery, Alabama, for the accommodation of the custom-house, post office, United States circuit and district courts, land and internal revenue offices; and for this purpose there is appropriated $100,000, to be expended under the direction of the Secretary of the Treasury, who shall cause proper plans and estimates to be made so that no expenditure shall be made or authorized for the full completion of the building beyond the amount herein appropriated. No money appropriated by the bill shall be used or applied for the purposes mentioned until a valid title to the land for the site of the building shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax or in any way assess the site or the property of the United States that may be thereon during the time that the United States shall be or remain the owner thereof.

The Committee on Public Buildings and Grounds reported the bill with an amendment, to strike out in line six the word "custom-house."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ROSINA LENZINGER.

The next bill on the Calendar was the bill (S. No. 777) granting arrears of pension to Rosina Lenzinger; which was read the second time, and considered as in Committee of the Whole. Under its provisions the Secretary of the Interior is to pay Rosina Lenzinger, widow of Melchior Lenzinger, late a private in company D of the fifty-sixth regiment of Pennsylvania volunteers, arrears of pension at the rate of eight dollars per month, from the 3d day of February, 1864, the date of her husband's death, to the 9th day of February, 1869, the date of the commencement of her present pension.

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

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 784) to authorize the settlement of the accounts of officers of the Army;

A bill (H. R. No. 1891) for the relief of George C. Haynie;

A bill (H. R. No. 1892) making an appropriation to satisfy a judgment obtained against Grenville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty;

A bill (H. R. No. 1893) for the relief of the heirs of John W. Duff, Andrew Kensinger, Jesse Fry, Peter Hart, Edward Bray, Pleasant Trent, and Clinton Luster;

A bill (H. R. No. 1895) for the relief of Major John W. Todd;

A bill (H. R. No. 1896) for the relief of William A. Howard;

A bill (H. R. No. 1897) for the relief of Lot S. Bayless, administrator of lieutenant Marcus W. Bayless, deceased; and

A joint resolution (H. R. No. 273) donating condemned cannon to the McPherson Monument Association.

MARY HODGSON.

The next bill on the Calendar was the bill (S. No. 778) granting a pension to Mary Hodgson; which was read a second time, and considered as in Committee of the Whole. The Secretary of the Interior is to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Hodgson, widow of Thomas Hodgson, late a private in company F, first regiment Tennessee infantry volunteers, and to pay her a pension at the rate of eight dollars per month, to commence on the 12th day of April, 1863, and to continue during her widowhood.

Mr. PRATT. This bill, and the two following it, are bills reported from the Committee on Pensions by the chairman of that committee, [Mr. EDMUNDS,] who stated to me yesterday morning that he would be unavoidably absent for two or three days. He desired me to state, when these cases were called, that there would be a brief memorandum found among the papers in each case. He reported them without a formal written report, and desired me to state if any objection was made that a brief statement would be found in the papers of the grounds upon which the bill was reported in each case.

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

ELIZA WHITING.

The next bill on the Calendar was the bill (S. No. 779) granting a pension to Eliza Whiting; which was read a second time, and considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza Whiting, widow of the late Brevet Brigadier General Henry Whiting, United States Army, at the rate of thirty dollars per month from the 16th day

of September, 1851, to continue during her widowhood.

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

MICHAEL M'GINNISS.

The next bill on the Calendar was the bill (S. No. 780) granting arrears of pension to Michael McGinniss; which was read a second time, and considered as in Committee of the Whole. It provides for paying arrears of pension to Michael McGinniss, late a musician in the twenty-eighth regiment of Massachusetts volunteers, from the 18th day of August, 1862, the date of his discharge from the regiment, to the 25th day of June, 1866, the date of the renewal of his pension.

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

LEAVE OF ABSENCE.

Mr. POOL. I ask that leave of absence be granted to my colleague [Mr. ABBOTT] until the 10th of May.

The VICE PRESIDENT. That order will be made if there be no objection. The Chair hears none.

EXECUTIVE SESSION.

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

The VICE PRESIDENT. The Chair hears no objection to the motion of the Senator from New Jersey, and the Sergeant-at-Arms will clear the galleries and close the doors.

After some time spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 29, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain of the Senate, Rev. J. P. NEWMAN, D. D.

The Journal of yesterday was read and approved.

REPORTS OF A PRIVATE NATURE.

Mr. SCHENCK. I demand the regular order of business.

The SPEAKER. The morning hour now begins, and committees will be called for reports of a private nature, beginning with the Committee on Military Affairs.

VALENTINE WEHRHEIM.

Mr. LOGAN, from the Committee on Military Affairs, reported back House bill No. 774, to amend an act for the relief of Valentine Wehrheim, approved June 12, 1860; and the same was referred to the Committee on Invalid Pensions.

F. E. GARNETT.

Mr. LOGAN also, from the same committee, reported adversely upon the petition of F. E. Garnett for pay as lieutenant during the period for which he was commissioned but not mustered in; and the same was laid on the table.

LIEUTENANT COLONEL JOHN C. ABERCROMBIE.

Mr. LOGAN also, from the same committee, reported back the joint resolution of the Legislature of Iowa, in favor of granting a pension to Lieutenant Colonel John C. Abercrombie, of that State, corresponding to his rank, and moved that the committee be discharged from further consideration of the same, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

ANDREW MALCOLM.

Mr. LOGAN also, from the same committee, reported back the petition of Andrew Malcolm, of Rolla, Phelps county, Missouri, asking for pay due him from the Government for depredations of Government troops in 1861 and 1862, and moved that the committee be discharged from further consideration of the same, and that it be referred to the Committee of Claims.

The motion was agreed to.

MARY PETRIE.

Mr. LOGAN also, from the same committee, reported back the bill (H. R. No. 1692) for the relief of Mary Petrie, widow of George C. Petrie, late a private seventeenth Michigan infantry volunteers, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

ADVERSE REPORTS.

Mr. LOGAN also, from the same committee, reported adversely on the following joint resolution and petitions; and the same were severally laid on the table:

Joint resolution (H. R. No. 97) permitting Army and Navy officers who are on the retired list to hold civil offices;

Petition for the relief of Brevet Major General Robert Anderson from three hundred and fifty citizens of New York and its vicinity, with accompanying papers; and

Petition of John Q. Adams for pay as signal officer, he having served as such without a commission.

DROPPED FROM THE ROLLS.

Mr. LOGAN also, from the same committee, reported back, with the recommendation that it do pass, the joint resolution (S. R. No. 84) authorizing the President to drop from the rolls of the Army the names of certain officers.

The question was on ordering the joint resolution to be read a third time.

The joint resolution was read. It authorizes the President to drop from the rolls of the Army, W. Barnhart, first lieutenant fourth cavalry, and W. J. Patterson, first lieutenant fifth artillery.

Mr. LOGAN. There is a communication from the War Department with reference to this bill which may be read if any gentleman desires it.

Mr. KELSEY. Let it be read.

The Clerk read as follows:

WAR DEPARTMENT,
WASHINGTON, *December* 6, 1869.

SIR: I have the honor to forward for the information of Congress a list of officers of the United States Army who are absent from their commands without authority, and concerning the present address of whom no information can be obtained. Under the act of Congress of July 13, 1866, section five, "no officer of the military or naval service can be dismissed in time of peace except upon and in pursuance of the sentence of a court-martial to that effect."

As the officers mentioned in this report cannot be apprehended and brought to trial for their offense, it is respectfully recommended that by a resolution of Congress the Secretary of War be directed to drop them from the rolls of the Army. The general resolution introduced at the first session of the Forty-First Congress, authorizing the President to drop officers of the Army from the rolls who absented themselves from their commands without authority for more than three months, does not appear to have passed.

I am, sir, very respectfully, your obedient servant,
WILLIAM W. BELKNAP,
Secretary of War.

Hon. HENRY WILSON,
Chairman Military Committee, U. S. Senate.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

CLOTHING TO SOLDIERS.

Mr. LOGAN also, from the same committee, reported back, with the recommendation that it do pass, the joint resolution (S. R. No. 128) authorizing the issue of clothing to certain enlisted men of the fourteenth regiment of infantry.

The joint resolution was read. It is an authority to the Secretary of War to issue clothing in lieu of and equal in value to that lost by those enlisted men of the fourteenth regiment of infantry whose quarters in Ash barracks, Nashville, Tennessee, were destroyed by fire on the night of the 4th of December, 1869.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. LOGAN also, from the same committee, reported adversely on the following bills and petitions; and the same were severally laid on the table:

Petition of S. P. Storey, first lieutenant United States Army, for a joint resolution authorizing promotion by the President;

Bill (H. R. No. 735) to pay the national guards in the State of Tennessee, called into service by Major General A. E. Burnside;

Bill (H. R. No. 1468) to place the Trumbull guards, a company of Ohio volunteers, on the same footing as other volunteer soldiers; and

Petition of certain of the men of Captain Goldmon Benjamin's company, asking for a proper construction of the act of March 1, 1869.

GEORGE C. HAYNIE.

Mr. LOGAN also, from the same committee, reported a bill (H. R. No. 1891) for the relief of George C. Haynie; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It directs the Paymaster General of the Army to pay to George C. Haynie, late captain of company A, second regiment North Carolina mounted infantry, out of any money appropriated for the pay of the Army, the full pay and allowances of a captain of infantry for such time as he shall make satisfactory proof that he actually served as a captain or was a prisoner in the hands of the rebels after having been appointed and entered upon his duty as such captain.

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

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

The latter motion was agreed to.

GRENVILLE M. DODGE AND OTHERS.

Mr. LOGAN, from the same committee, reported a bill (H. R. No. 1892) making an appropriation to satisfy a judgment obtained against Grenville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read. It appropriates $5,000, or as much thereof as may be necessary, to enable the Secretary of War to satisfy a judgment obtained against Grenville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty under orders from their superior officers, and to defray the costs of defending the suits at law in which such judgments were recovered.

Mr. DAWES. I would ask the gentleman from Illinois if he has considered the effect of the passage of this bill in multiplying such suits?

Mr. LOGAN. I will ask to have the letter of the Secretary of War read.

The Clerk read as follows:

WAR DEPARTMENT, *April* 13, 1870.

The Secretary of War has the honor to report to the House of Representatives that in the year 1865 Major General Grenville M. Dodge, United States volunteers, then in command of the United States

forces on the plains, was directed by this Department, at the instance of the Department of the Interior, to seize certain horses, supposed to have been unlawfully taken from the Indian country, and turn them over to the United States superintendent of Indian affairs for the State of Kansas. The order was duly executed, and the horses were eventually turned over to the United States quartermaster's department, sold at auction to the highest bidder, and the proceeds of the sale applied to the public service. The claimants of the said horses instituted proceedings at law in the courts of the State of Kansas against the officers concerned in the execution of the orders of this Department, which proceedings, by direction of the War Department, were, under instructions from the Attorney General, opposed by the law officers of the United States in the said State. Copies of the proceedings referred to are hereunto attached, and it will be seen from an examination of the same that final judgment has been rendered against the defendants in the sum of $2,928 and costs. This judgment is in immediate danger of being executed upon the personal estate of one of the defendants, the aforesaid Grenville M. Dodge, situate within the State of Iowa, and as it is ascertained that the case can be no further contested in the courts of law, it is recommended that an immediate appropriation of $5,000, or so much thereof as is necessary, be made to enable the Secretary of War to satisfy a judgment obtained against Grenville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty under orders from their superior officers, and to defray the costs of defending the suits at law in which such judgment was recovered. This recommendation is concurred in by the Secretary of the Interior.

WILLIAM W. BELKNAP,
Secretary of War.

Mr. DAWES. I think that letter answers my inquiry where it states that it has been ascertained that no further proceedings can be had. It had occurred to me that if you paid a judgment of an inferior court under these circumstances it would multiply suits all over the land, but if it is such a judgment as cannot be carried further the defendants ought to be protected.

Mr. LOGAN. That is exactly the position of the case.

Mr. PAINE. When I heard the bill read I was under the impression that there were several of these judgments, but on reading the bill myself I find that it refers to but a single judgment against General Dodge and others. The last two lines contain these words: "and defray the costs of defending the suits at law in which such judgments were recovered." I suggest to the chairman of the committee that to remove all doubt he substitute for the word "suits" the word "suit," and for "judgments were" the words "judgment was."

Mr. LOGAN. I have no objection to that.

The amendment was agreed to.

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

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

The latter motion was agreed to.

RELIEF OF VOLUNTEER OFFICERS.

Mr. LOGAN. The Committee on Military Affairs have instructed me to report a bill for the relief of certain volunteer officers. There is a joint resolution from the Senate of the same purport on the Speaker's table. I ask unanimous consent that it be taken up and passed instead of the bill.

There was no objection; and the joint resolution (S. R. No. 90) for the relief of certain officers of volunteers was taken from the Speaker's table, and read a first and second time.

The question was on ordering the joint resolution to be read a third time.

The joint resolution was read. It provides that in every case in which a commissioned officer or enlisted man was detached from his regiment in pursuance of orders from the War Department, and directed to report to Brigadier General Daniel Ullman, in New York city, with a view to being mustered as a commissioned officer in the brigade which General Ullman was authorized by the War Department to raise, and who actually reported in New York without neglect or delay on his part, and under orders from his superior officers entered on duty as a commissioned officer, and was afterward actually mustered, but by reason of there being no legal vacancy, or from other cause beyond his control, and without his own fault or neglect, was not mustered in as a commissioned officer of the date he reported at General Ullman's headquarters, the War Department, after an examination of the facts in each case, shall allow him full pay and emoluments for the rank to which he was assigned, and in which he served, from the date on which he reported at the aforesaid headquarters, deducting therefrom all pay actually received for such period; and that in case of the death of any such commissioned officer or enlisted man prior to or after muster or after honorable discharge his heirs or legal representatives shall be entitled to the pay and allowances of the rank in which such commissioned officer or enlisted man actually served, deducting all pay and allowances received by him or them for such period.

Mr. PAINE. I would like to inquire of the chairman of the committee how long it was after these enlisted men reported to General Ullman before the regiments were organized and they regularly entered upon their duties as commissioned officers?

Mr. LOGAN. These men entered upon their duties at once, and some of them were in battle in Louisiana before being mustered in service.

Mr. PAINE. What I asked the gentleman was, how long it was after these men reported before the regiments were organized in which they served?

Mr. LOGAN. The regiments were partially organized at the time these men reported.

Mr. PAINE. I infer from the language of the bill that these men reported in New York; the regiments in which they served I believe were subsequently organized in Louisiana.

Mr. LOGAN. They reported in New York, and were sent at once to Louisiana.

Mr. PAINE. How long was it before these men began to serve as officers in their regiments?

Mr. LOGAN. They reported as rapidly as they could.

Mr. PAINE. The regiments were organized after they got to Louisiana.

Mr. LOGAN. These men were ordered to Louisiana, and they reported there as soon as they could.

The joint resolution was then read the third time, and passed.

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

The latter motion was agreed to.

DAVID'S ISLAND MARINE HOSPITAL.

Mr. LOGAN. There was referred to the Committee on Military Affairs some time since a letter from the Secretary of the Treasury asking for an appropriation to purchase the building on David's Island, near New York city, for marine hospital purposes. The subject has been investigated by the committee, and they find no objection to granting the request. I move that the Committee on Military Affairs be discharged from the further consideration of this subject, and that the same be referred to the Committee on Appropriations.

The motion was agreed to; and it was ordered accordingly.

M'PHERSON MONUMENT ASSOCIATION.

Mr. LOGAN, from the Committee on Military Affairs, reported a joint resolution (H. R. No. 273) donating condemned cannon to the McPherson Monument Association; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution, which was read, directs the Secretary of War to deliver to the McPherson Monument Association such number of condemned bronze guns as may be required by said association to be used in the erection or ornamentation of a monument to the late Major General James B. McPherson.

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

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

The latter motion was agreed to.

MRS. MARGARET M. RANSOM.

Mr. LOGAN, from the Committee on Military Affairs, reported a bill (H. R. No. 1893) to increase the pension of Mrs. Margaret M. Ransom; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, directs the Secretary of the Interior to increase the pension of Margaret M. Ransom, mother of the late Brevet Major General T. E. G. Ransom, to fifty dollars per month from October 29, 1864, the date of the death of General Ransom, and that the same shall be paid to her after deducting therefrom all money she may have received for any portion of the time since said date as pension under the general law.

Mr. BENJAMIN. I would like to know how the Committee on Military Affairs got jurisdiction of a matter of this kind. It seems to me it is a matter which very clearly belongs to another committee of this House.

Mr. LOGAN. This subject was before the Committee on Military Affairs, and inasmuch as the House referred it to us we thought we would act upon it. I have no objection, however, to the bill being referred to the Committee on Invalid Pensions. I hope the gentleman will report the same bill back to the House, as we have investigated the matter thoroughly, and know it is right.

Mr. BENJAMIN. I move that the bill be referred to the Committee on Invalid Pensions.

The motion was agreed to; and the bill was referred accordingly.

JOHN W. DUFF AND OTHERS.

Mr. LOGAN, from the Committee on Military Affairs, reported a bill (H. R. No. 1894) for the relief of the heirs of John W. Duff, Andrew Kenzinger, Jesse Fry, Peter Hard, Edward Bray, Pleasant Trent, and Clinton Luster; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The preamble of the bill states that it is alleged that the persons named in the title of the bill, of the State of Tennessee, were duly enlisted as soldiers in the service of the United States during the late war, and were killed or captured by the enemy while in such service; but by reason of inadvertence or negligence on the part of their respective company or regimental commanders their names do not appear upon the records of the War Department.

The bill provides that upon presentation of satisfactory evidence of the fact of the enlistment of either or all of said soldiers, and of their capture or death while in the service, it shall be the duty of the Secretary of War to cause their names to be taken up on the rolls of their respective companies and regiments, and their military history to be entered thereon, in accordance with such proof; and their heirs or legal representatives shall thereupon be entitled to the same pay, bounty, pensions, and other allowances to which such heirs or legal representatives would have been entitled had said soldiers been regularly mustered into the service of the United States and their names been borne upon the rolls of their respective companies.

The bill was ordered to be engrossed and

read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

MAJOR JOHN W. TODD.

Mr. LOGAN reported, from the Committee on Military Affairs, a bill (H. R. No. 1895) for the relief of Major John W. Todd; which was read a first and second time.

The bill authorizes and directs the proper accounting officers of the Treasury Department, in the settlement of the accounts of Major John W. Todd, of the ordnance department of the United States Army, to credit him with the sum of $3,000, upon the production of satisfactory proof that that amount was stolen from him by a clerk assigned to duty under him by competent authority, and that such loss occurred to him through no fault or negligence on the part of Todd.

Mr. BENJAMIN. I would like to hear the report in this case.

The report was read. It states that the evidence submitted shows that John W. Todd is a major of ordnance; that in July, 1867, he was in command at Baton Rouge, Louisiana, and had in his service a soldier named Samuel W. Kent, who had been detailed as clerk and assigned to him for such duty by orders from the district headquarters at New Orleans; that being on court-martial duty, and unable to leave Baton Rouge, he sent Kent to New Orleans with a check on the Assistant Treasurer at that place for $8,000, which funds were required to pay the employés at the arsenal; that Kent drew the money and absconded with it; that Todd made great efforts to secure the apprehension of Kent, and subjected himself to considerable expense for that purpose, but that he has not yet been found. In view of the fact that Kent was not employed by Todd, but was detailed for duty with him as clerk by orders from the commanding officer of the district, the committee believe Todd ought not to be held responsible for the loss occasioned by the dishonesty of Kent.

Mr. HOLMAN. Mr. Speaker, I believe that this subject has been before the Committee of Claims. I am not certain but that the very same case has been before that committee. I submit to the gentleman from Illinois [Mr. LOGAN] that it certainly does not appear clearly that it was proper for Major Todd to intrust so large an amount of money, $3,000, to the hands of an entirely irresponsible party.

Mr. LOGAN. This bill was assigned by the committee to the gentleman from New York, [Mr. SLOCUM,] to be reported by him. I know nothing more about the case than appears in the report. There is no doubt that the case presents a claim; but whether this or a similar case has been before the Committee of Claims I do not know. I have no objection to the reference of the bill to that committee. I am satisfied, however, that the claim ought to be paid. But we have no desire to usurp the authority of any other committee.

Mr. HOLMAN. I hope the gentleman will move the reference of the bill to the Committee of Claims.

Mr. MAYNARD. Oh, I hope it will not be referred.

Mr. PAINE. I wish to inquire of the chairman of the committee whether the detail of this clerk was make by the district commander in compliance with a request of the ordnance officer, designating that particular person. That is usual in such cases. If the ordnance officer applied for the detail of this particular clerk, the case would be a very different one from that which would be presented if the detail was made without the officer's application. If he selected the clerk, he ought to be held responsible for his conduct.

Mr. LOGAN. The papers show that the appointment of the clerk was made without the application of Major Todd, who was unacquainted with Kent, and did not select him for detail. This was one of our reasons for reporting the bill. Although the bill may appear to come from an inappropriate committee, yet I am pretty well satisfied that if the Committee of Claims should examine the case they would be in favor of the bill. A reference, however, to the Committee of Claims would doubtless have the effect of throwing the bill over to another session. I prefer that it should be passed at once; but if the gentleman from Indiana insists, I will consent to its reference to the Committee of Claims.

Mr. HOLMAN. As the report is quite brief, I ask that it be again read, for I could not hear it distinctly before in consequence of the confusion prevailing in the Hall.

The report was again read.

Mr. LOGAN. I presume the gentleman is now satisfied, from the reading of the report, that the claim ought to be paid.

Mr. HOLMAN. I am not inclined to make the motion for reference. Perhaps the gentleman from Illinois will make it.

Mr. LOGAN. I do not wish to make the motion, because I am satisfied this man ought to be reimbursed. If the Committee of Claims desire to investigate the case, as it properly belongs to them, I do not object. I am satisfied they will come to the same conclusion we have. I prefer, however, that the bill should be passed.

Mr. HOLMAN. The reason why I wish to have it referred to the Commitee of Claims is, that committee have the question under consideration. I do not know what conclusion has been reached. The question is whether this major who intrusted so considerable an amount of money in the hands of a subordinate officer could not have rendered the custody of the money more secure than he did. It is important that a public officer having charge of public funds should be held to a severe accountability.

Mr. LOGAN. There was nothing unusual in this. The suggestion of the gentleman from Wisconsin [Mr. PAINE] shows that this officer should not be held responsible. This man was detailed to him without his application. There is nothing unusual in it. The detail being made to him he reposed confidence in this man. He did not ask that the man should be detailed to him. We thought it was a case where reimbursement should be made.

Mr. HOLMAN. Could he not have resorted to some securer mode?

Mr. LOGAN. After the money was stolen I suppose he could have suggested a way by which its loss could have been prevented. When a man has had his pocket picked he could say that if he had not taken the money with him he would not have lost it. I hope the bill will be passed.

Mr. FARNSWORTH. Is the evidence conclusive?

Mr. LOGAN. The evidence sustains the report in every particular.

Mr. FARNSWORTH. It seems to me that it makes no difference which committee has charge of it.

Mr. LOGAN. The evidence is voluminous and fully sustains the report.

The bill was again read.

Mr. PAINE. The bill sets forth this credit shall be allowed on satisfactory proof that this money was stolen by a clerk detailed to him. Has the gentleman any objection to insert the words "without his application or request?"

Mr. LOGAN. I do not see any necessity for the amendment. The bill provides that the accounting officers of the Treasury shall not pay unless he produces evidence that the loss was occasioned by no neglect on his part. I do not see any necessity for the amendment. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

SETTLEMENT OF OFFICERS' ACCOUNTS.

Mr. LOGAN, from the same committee, reported back House bill No. 784, to authorize the settlement of the accounts of officers of the Army, with the recommendation that it do pass.

The bill, which was read, authorizes the proper accounting officers of the Treasury, in the settlement of the accounts of disbursing officers of the War Department, arising since the commencement of the rebellion and prior to the 20th of August, 1866, to allow such credits for overpayments and for losses of funds, vouchers, and property as they may deem just and reasonable, when recommended under authority of the Secretary of War by the head of the military bureau to which such accounts respectively pertain. The second section provides that the accounts of military officers, whether of the line or staff, for Government property charged to them, may be closed by the proper accounting officers whenever in their judgment it will be in the interest of the United States so to do, provided that such accounts originated prior to the 20th of August, 1866.

Mr. LOGAN. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

WILLIAM A. HOWARD.

Mr. LOGAN also, from the same committee, reported a bill (H. R. No. 1896) for the relief of William A. Howard; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill, which was read, directs the Paymaster General of the Army to pay to William A. Howard, late colonel of the regiment of marine artillery, out of any money appropriated for the pay of the Army, the full pay and allowances of a colonel of artillery from the 1st day of September, 1861, to the 29th day of May, 1862.

Mr. HOLMAN. I ask that the report be read.

The report was read.

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

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

The latter motion was agreed to.

Mr. LOGAN. I now yield to my colleague on the committee from Indiana, [Mr. PACKARD.]

A. STRINGER.

Mr. PACKARD, from the Committee on Military Affairs, reported adversely on the petition of A. Stringer, private, &c., (detailed as clerk,) for arrears of pay and remuneration for money actually expended for the United States Government while in the service; and the same was laid on the table.

JAMES LINDSAY.

Mr. PACKARD also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 199) for the relief of James Lindsay.

The bill was read. It authorizes the proper accounting officers of the Government to settle and adjust the account of James Lindsay for a battery of three mounted howitzers, caissons, harness, &c., complete, by order of Brigadier General Clinton B. Fisk, dated August 10, 1863, turned over to the United States, and to pay said Lindsay therefor, out of any money in the Treasury not otherwise appropriated, provided that such payment shall not exceed the sum of $874 35.

Mr. HOLMAN. Let the report be read.

The report was read. It stated that the committee had had under consideration the petition of James Lindsay for relief, and found the facts therein set forth to be true, the petition being as follows:

WASHINGTON, D. C., *March* 30, 1864.

General CLINTON B. FISK, *St. Louis, Missouri:*

I called on the Secretary of War the other day and asked him for an order to pay me for my cannons, but he declined doing anything, because there was no previous order for them from his Department.

I now have a bill pending before Congress to pay me, and the Military Committee tell me if I will produce a statement from you stating the circumstance and necessity for taking the guns they will recommend it to pass.

By way of refreshing your memory, you will recollect that Colonel Livingston was fearful they might fall in the hands of the enemy, and as they were light guns he needed them about that time (August 10, 1863) to pursue the guerrillas that were then just below Patterson, and who were at Patterson on the 1st day of August, and captured John Whytack and others.

Your early attention will greatly oblige, very truly, yours,

JAMES LINDSAY.

The committee reported that they had found that said battery and equipment cost the petitioner the sum of $874 35, and were afterward taken by order of Brigadier General C. B. Fisk for the use of the United States Government. The committee, therefore, recommended that the bill for his relief be passed.

Mr. HOLMAN. I wish to inquire why this claim was not paid by the War Department. If those pieces of artillery were taken and turned over to the service of the Government why did not the War Department pay the claim?

Mr. PACKARD. I am only aware that the claim has not been paid, but I cannot say why.

Mr. McCORMICK, of Missouri. I can give some information as to this matter, as it occurred in my town, Colonel Lindsay being a citizen of Ironton, Missouri. During the war, as I understand, the citizens of that vicinity contributed money for the purchase of a small battery. I presume that Colonel Lindsay contributed some of his own funds in the same way. The battery was taken charge of by order of General Fisk, who believed that the battery was exposed where it was in the city of Ironton. My own opinion is that if reimbursement is made it should be made to the persons who purchased the battery, or who contributed the funds which bought it. In that way Colonel Lindsay would get his share with the rest.

Mr. HOLMAN. I would suggest that under that state of facts my colleague [Mr. PACKARD] should move the recommittal of the bill, with a view to calling on the War Department for information.

Mr. PACKARD. I have no objection to that course. I therefore move that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

WILLIAM F. SCOTT.

Mr. PACKARD. I have been instructed by the Committee on Military Affairs to report back the bill (H. R. No. 1522) for the relief of William F. Scott, late adjutant fourth Iowa volunteer cavalry. I will state that there is a bill from the Senate identically the same as the House bill now on the Speaker's table. I ask that it be taken up and passed instead of the House bill.

There was no objection, and the bill (S. No. 527) for the relief of William F. Scott, late adjutant fourth Iowa cavalry volunteers, was taken from the Speaker's table, and read a first and second time.

The question was upon ordering the bill to a third reading.

The bill was read. It directs the Paymaster General of the Army to allow and pay to William F. Scott, late adjutant fourth Iowa volunteer cavalry, out of the appropriation for the pay of the Army, the difference between the pay and allowances of a sergeant major of cavalry and that of adjutant of cavalry from the 23d of March, 1865, to the 10th of June, 1865, inclusive, he having actually acted in the capacity of such adjutant during that time and having received therefor only the pay of sergeant major, not having been actually mustered as such adjutant by reason of the non-receipt of his commission.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

ALBERT REVES.

On motion of Mr. PACKARD, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. No. 747) for the relief of Albert Reves; and the same was referred to the Committee of Claims.

LOT S. BAYLESS.

Mr. PACKARD, from the Committee on Military Affairs, reported a bill (H. R. No. 1897) for the relief of Lot S. Bayless, administrator of Marcus W. Bayless, deceased; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read. It directs the proper accounting officers of the Government to pay to Lot S. Bayless, administrator of Marcus W. Bayless, deceased, late first lieutenant and quartermaster forty-fourth Indiana volunteer infantry, at the rate of the regular pay and allowances of officers of that rank in the Army from 15th January, 1862, to 22d August, 1862, inclusive.

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

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

The latter motion was agreed to.

A. F. M'MILLAN.

Mr. PACKARD, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1331) for the relief of A. F. McMillan.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read. It directs the Paymaster General of the Army to pay to A. F. McMillan, late captain company F, first United States colored artillery, heavy, out of any money appropriated for the pay of the Army, three months' pay proper of a captain of heavy artillery.

Mr. BENJAMIN. Let the report be read.

The report was read.

Mr. BENJAMIN. I suppose this bill extends the provisions of the act of March 3, 1865, granting three months' pay proper to certain officers. That act, it will be recollected, provides that all officers who were then in the service and remained in the service up to the close of the war should be entitled to three months' pay proper. I do not see that this officer comes within either the letter or the spirit of that law. He was in the service on the 2d of March, 1865; but on the 19th of March, 1865, an attempt was made upon his part to get out of the service, which was successful shortly after that. He was neither in the service technically nor within the spirit of the law at the close of the war. The war had not closed at the date when his resignation was actually received. I understand that he claims that though he resigned in March his resignation was not received until April, and therefore he is entitled to the benefit of the act of March 3. Now, at the date his resignation was actually received and he retired from the service the war had not yet closed. If his resignation had not been sent in until the day it was received he would not be within the letter of the law. Now, there are a great many officers who are similarly situated who come nearer to the spirit of the law than does this gentleman. This is only an attempt to extend the provisions of the law to suit this special case; at least I so understand it, and it strikes me that the bill ought not to pass.

Mr. PACKARD. I do not understand that this is an attempt to extend the law. The officer himself does not so understand it, but claims that such is his case that he comes within the law. The law provides that officers in service on the 9th of April shall receive the benefit of that act. This officer was in actual service at that time, not having received notice of the acceptance of his resignation until the 10th of April.

Mr. BENJAMIN. Had the war closed at the time this officer received notice of the acceptance of his resignation?

Mr. PACKARD. The war had closed before he left the service.

Mr. BENJAMIN. I do not so understand it. If the war had closed absolutely at the time he received notice of the acceptance of his resignation he would need no additional legislation for his relief. He is one of those officers who were in service at the date of the passage of the law, but he did not remain in service until the end of the war.

Mr. PACKARD. I have nothing further to say except that this bill has received the unanimous approval of the Committee on Military Affairs.

The SPEAKER. The morning hour has expired, and this bill will go over to the morning hour of the next private bill day.

PUBLIC PROPERTY IN WASHINGTON.

Mr. COBURN, by unanimous consent, reported from the Committee on Public Expenditures a bill (H. R. No. 1898) to provide for inventories and accounts of the property of the United States in the public buildings and grounds thereof in the District of Columbia; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Public Expenditures.

ACCOUNTS OF SENATE AND HOUSE.

Mr. COBURN, by unanimous consent, reported from the Committee on Public Expenditures a bill (H. R. No. 1300) to provide for the accounts and reports thereof of the Secretary of the Senate and Clerk of the House of Representatives of the United States, and for other purposes; which was ordered to be printed, and recommitted to the Committee on Public Expenditures.

ADJOURNMENT TILL MONDAY.

Mr. STILES. I rise to make a privileged motion. I move that when the House adjourns to-day it be to meet on Monday next.

The motion was not agreed to, upon a division—ayes 33, noes 91.

CAPTAIN DAVID BEATY'S SCOUTS.

Mr. MAYNARD, by unanimous consent, introduced a bill (H. R. No. 1899) for the relief of Captain David Beaty's command of independent scouts; which was read a first and second time, and with the accompanying papers, referred to the Committee on Military Affairs.

LOUISIANA ELECTION CASE.

Mr. STEVENSON. I rise to a question of privilege, and ask that the House now proceed to the consideration of the contested election

case of Bailey vs. Darrall, from the third congressional district of the State of Louisiana.

Mr. SCHENCK. I raise the question of consideration as to whether the House will at this time go on with this election case.

The SPEAKER. That question will be submitted to the House.

Mr. FARNSWORTH. I give notice that if the House shall refuse to go on with the consideration of this election case I shall move to proceed to the consideration of business upon the Speaker's table.

Mr. INGERSOLL. Is not that a privileged motion now at the close of the morning hour, and will it not take any member off the floor?

The SPEAKER. That motion could be made, but as soon as made another privileged motion could be made, which would be first acted upon.

Mr. STEVENSON. I desire to say to the House that if this case shall be taken up I propose to call the previous question, and devote but one hour to the consideration of the case.

The question was taken; and upon a division, there were—ayes 42, noes 81.

Before the result of the vote was announced, Mr. STEVENSON called for tellers.

The question was taken upon ordering tellers; and there were eight in the affirmative.

So (the affirmative not being one fifth of a quorum) tellers were not ordered.

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

The question was taken upon ordering the yeas and nays; and there were seventeen in the affirmative.

So (the affirmative not being one fifth of the last full vote) the yeas and nays were not ordered.

The House accordingly refused to proceed with the consideration of the contested-election case of Bailey vs. Darrall.

ORDER OF BUSINESS.

Mr. SCHENCK. I was about to move to go into Committee of the Whole upon the special order.

Mr. INGERSOLL. I hope not; let us go to business upon the Speaker's table.

Mr. SCHENCK. I recognize the propriety of doing something occasionally, at least, toward clearing the Speaker's table. There is a great deal of business there, I am aware. I would suggest that unanimous consent be given to proceed to the consideration of business upon the Speaker's table, with the understanding that if any bill or joint resolution shall create discussion more than five minutes in duration it shall be passed over informally.

Mr. STEVENSON. I object to that.

The SPEAKER. It will be within the power of the gentleman from Ohio [Mr. SCHENCK] at any time to put a limit to the consideration of business upon the Speaker's table by moving to suspend the rules and go into Committee of the Whole on the special order, for the Chair would be obliged to recognize the gentleman at any time to make that motion.

Mr. SCHENCK. I was aware of that. But I wanted to have some limit placed upon the debate upon each bill, for otherwise we might at once upon going to business upon the Speaker's table get into a debate which would use up time that ought not to be devoted to such a purpose now.

The SPEAKER. The Chair will again submit the question. The chairman of the Committee of Ways and Means proposes that the House proceed to business on the Speaker's table, with the understanding, by unanimous consent, that any bill which shall involve more than five minutes' discussion shall be passed over informally without losing its place and relative rank on the Speaker's table.

Mr. SMITH, of Oregon. I object.

Mr. SCHENCK. Well, Mr. Speaker, I desire to say this: the tariff bill is in the way of the funding bill, the tax bill, and everything else——

Mr. STEVENSON. I rise to a question of order. Is this motion debatable?

The SPEAKER. Which motion?

Mr. STEVENSON. The question whether the House shall go to business on the Speaker's table or not.

The SPEAKER. It is always customary to hear the chairman of the Committee of Ways and Means and the chairman of the Committee on Appropriations upon questions with reference to the order of business.

Mr. SCHENCK. I desire to say that I will waive for one hour the motion to go into Committee of the Whole on the tariff bill. I know there is a necessity for doing what we can toward clearing the Speaker's table; but at the end of one hour I shall make the motion to go into Committee of the Whole, and I hope the House will sustain it. While on the floor I wish to state another thing. After a conference with the officers of the House, the chairmen of the several committees, and the Speaker in reference to the time when the carpets shall be taken up and the Hall prepared for occupancy during the warm weather, I wish to say, knowing that gentlemen prefer to have some notice in advance, that it has been suggested I shall on next Thursday make the motion to adjourn over till the following Monday for the purpose I have indicated. This notification will give gentlemen an opportunity to determine in the meanwhile what they will do with that interval from Thursday to Monday.

Mr. INGERSOLL. Is it in order to move that an evening session be ordered by the House for the purpose of considering business on the Speaker's table?

The SPEAKER. The Chair cannot put the motion in that form. Should the House go to business on the Speaker's table a recess could be taken till the evening, and after the recess the business on the Speaker's table would be again prosecuted until interrupted by some more highly privileged matter.

Mr. INGERSOLL. I move that the House now proceed to business on the Speaker's table.

The motion was agreed to.

The SPEAKER. The Chair, if there be no objection, will pass over the executive communications which can be disposed of by unanimous consent, in order to take up bills which cannot be reached in that way.

HELEN AND HELOISE LINCOLN.

The first business on the Speaker's table was the amendment of the Senate to joint resolution (H. R. No. 85) for the relief of Helen Lincoln and Heloise Lincoln, and for the withholding of moneys from tribes of Indians holding American captives.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Interior is hereby directed to reserve from any moneys due or to become due to said Kiowa Indians the sum of $2,500 for each one of said children, and invest the same in United States securities, and use from time to time the income from the said securities in such manner as he may deem expedient for their maintenance, education, and support, during their life time, until they attain the age of twenty-one years, when the principal shall be paid them; and the elder of said children shall be hereafter known as Helen Lincoln, and the younger as Heloise Lincoln.

SEC. 2. *And be it further resolved*, That if either said Helen Lincoln or said Heloise Lincoln should die without issue the entire amount due the decendent shall revert to the United States, and should both die without issue, the whole sum shall revert to the United States; but if either said Helen Lincoln or said Heloise Lincoln, or both, have lawful issue, then at the death of either parent the amount due to her in her own right shall become the inheritance of her issue.

SEC. 3. *And be it further resolved*, That the Secretary of the Interior be authorized and required to withhold from any tribe of Indians who may hold American captives any moneys due them from the United States until said captives shall be surrendered to the lawful authorities of the United States.

Mr. CLARKE, of Kansas. I move that the House concur.

The amendment was concurred in.

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

The latter motion was agreed to.

ARKANSAS HOT SPRINGS RESERVATION.

The next business on the Speaker's table was Senate bill No. 95, in relation to the Hot Springs reservation in Arkansas, with House amendment, in which the Senate non-concurred and asked for a committee of conference on the disagreeing votes between the two Houses.

Mr. KNOTT. I move that the conference asked for be agreed to.

The motion was agreed to.

Mr. KNOTT moved to reconsider the vote by which the motion for a conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF THE STATUTES.

The next business on the Speaker's table was the following amendment to the bill (H. R. No. 9) extending the time for revising and consolidating the statutes of the United States:

Strike out all of the bill after the enacting clause, in the following words:

That the act passed June 27, 1866, providing for the revision and consolidation of the statutes of the United States, be extended for the term of three years beyond the time therein limited. And the President is authorized, by and with the advice and consent of the Senate, to appoint commissioners to fill any vacancy which may exist, or may happen in the board of commissioners appointed under said act, and in like manner may make new appointments at the expiration of the term of the present commissioners: *Provided*, That the commissioners appointed, or to be appointed, shall give their entire time and attention in carrying out the provisions of this act.

And to insert in lieu thereof:

That the act approved June 27, 1866, entitled "An act to provide for the revision and consolidation of the statute laws of the United States," be, and the same is hereby, revived, and the President is authorized, by and with the advice and consent of the Senate, to appoint three commissioners to prosecute and complete the work prescribed by said act: *Provided*, That the said commissioners shall devote their entire time and attention to their duties as commissioners, and shall receive no compensation after said work shall be completed, nor for a longer period than three years from the time when this act shall take effect.

Mr. POLAND. I move that amendment be concurred in. It is only a variation from the bill of the House made necessary by the lapse of time.

The amendment was concurred in.

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

The latter motion was agreed to.

SPRINGFIELD ARMORY LAND.

The next business on the Speaker's table was the following amendment of the Senate to the joint resolution (H. R. No. 156) authorizing the sale of certain land at Springfield, Massachusetts, and for other purposes:

Amend in the sixth line, after the word "jointly," by inserting "with the approval of the Secretary of War."

Mr. HOLMAN. I ask that the bill be read so that we may understand the effect of the amendment.

The bill was read. It proposes to authorize the Secretary of War to sell to Horace Kibbe, of Springfield, Massachusetts, at its full value, to be determined by the superintendent and paymaster, jointly, of the national armory in Springfield, a small detached piece of land belonging to, but of no use or value to the public, lying at the junction of Federal and Armory streets, in Springfield, and containing about forty-three square rods, on the condition that Kibbe shall grant all that portion of the lot lying to the south of the north line of Grant street to the city of Springfield, for use as a public park forever. On full payment of the appraised value and compliance with the condition before stated the Secretary of War is to execute all necessary deeds for the conveyance of the lot to the purchaser. Ryers

street, heretofore opened on the public land at Springfield, Massachusetts, is declared to be a public highway or thoroughfare for general use.

Mr. DAWES moved that the Senate amendment be concurred in.

The motion was agreed to.

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

The latter motion was agreed to.

E. DIEKELMAN.

The next business on the Speaker's table was the following amendment of the Senate to the joint resolution (H. R. No. 144) to enable the Court of Claims to hear and determine the claim of E. Diekelman, a subject of the king of Prussia:

Strike out the words "principles of equity and justice" and insert the word "law."

The joint resolution, which was read, proposes that the claim of E. Diekelman, a subject of the king of Prussia, for damages for an alleged detention of the ship Essex by the military authorities of the United States at New Orleans, in the month of September, 1862, shall be referred to the Court of Claims for its decision, in accordance with the principles of equity and justice, and to award such damages as may be just in the premises, if he may be found to be entitled to any damages.

Mr. JUDD moved that the amendment be concurred in.

The amendment was concurred in.

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

The latter motion was agreed to.

COLORADO PROBATE COURT.

The next business on the Speaker's table was the following amendment of the Senate to the bill (H. R. No. 840) amendatory of the organic law of Colorado Territory, and for other purposes:

Strike out all after the enacting clause and insert: That the organic law of the Territory of Colorado be, and the same is hereby, so far amended that an appeal shall be allowed from any final order, judgment, or decree of any probate court in said Territory to the district court of the district within which such probate court is held, under such proper regulations as shall be prescribed by the law of said Territory, and hereafter no writ of error or appeal shall be allowed from any decision of a probate court directly to the supreme court of said Territory.

SEC. 2. *And be it further enacted*, That the Legislative Assembly of said Territory may, by general incorporation laws, authorize persons to associate themselves together as bodies-corporate for charitable or educational purposes.

The amendment was non-concurred in.

Mr. CULLOM moved to reconsider the vote by which the amendment was non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE E. GRESHAM, OF TENNESSEE.

The next business on the Speaker's table was the amendment of the Senate to a bill (H. R. No. 268) for the relief of Captain George E. Gresham, of Tennessee:

Strike out all after the enacting clause, and in lieu thereof insert:

That the Paymaster General be, and is hereby, required to allow and pay George E. Gresham, late captain company I, eighth Tennessee volunteer cavalry, the sum due as captain of cavalry for the period of six months' service as such immediately preceding the 21st of April, 1864.

On motion of Mr. STOKES, the amendment of the Senate was concurred in.

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

The latter motion was agreed to.

WASHINGTON MARKET COMPANY.

The next business on the Speaker's table was the bill (H. R. No. 1084) to incorporate the Washington Market Company, with Senate amendments.

Mr. TANNER. I desire that the House non-concur in the Senate amendments and ask for a committee of conference.

Mr. VAN WYCK. Are amendments to the bill now in order?

The SPEAKER. Does the gentleman from New York [Mr. TANNER] yield to his colleague?

Mr. TANNER. I would rather not.

Mr. VAN WYCK. I know that there is a great deal of pressing business; but I would like to have a little discussion on this bill, or at least an opportunity of moving some amendments to it.

Mr. TANNER. I should dislike to have the business of the House interrupted by a discussion of this bill.

Mr. VAN WYCK. I conceive that it is the business of the House to discuss such measures. As I understand it, the proposition was to give away property worth $1,000,000 on the payment of the pitiful pittance of $16,000 annually. The Senate increased this to $25,000. I suppose it is the business of the House to consider this proposition, and to determine whether it be right or wrong. There was no attempt to amend the bill when it passed the House, and I ask to have the opportunity now.

Mr. TANNER. I do not yield the floor for that purpose. I demand the previous question.

Mr. SCOFIELD. Is it in order to move to lay the bill on the table?

The SPEAKER. It is.

Mr. SCOFIELD. Then I make that motion.

The question was put on Mr. SCOFIELD'S motion to lay the bill on the table; and there were—ayes 57, noes 53; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. SCOFIELD and Mr. TANNER.

The House again divided; and the tellers reported—ayes 74, noes 59.

Before the result of the vote was announced, Mr. GETZ called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 75, nays 84, not voting 68; as follows:

YEAS—Messrs. Armstrong, Arnell, Beaman, Benton, Bird, George M. Brooks, Buckley, Buffinton, Burchard, Cessna, Churchill, Sidney Clarke, Amasa Cobb, Clinton L. Cobb, Conner, Cowles, Cullom, Dockery, Farnsworth, Ferry, Finkelnburg, Gilfillan, Hamilton, Hawley, Hay, Heflin, Hill, Hoar, Hoge, Alexander H. Jones, Thomas L. Jones, Kelley, Kelsey, Knapp, Knott, Lawrence, McCarthy, McCormick, McCrary, McGrew, McNeely, Mercur, Milnes, Jesse H. Moore, William Moore, Morphis, Samuel P. Morrill, Packard, Packer, Paine, Palmer, Pomeroy, Prosser, Randall, Rogers, Sanford, Sawyer, Scofield, Shanks, Lionel A. Sheldon, Porter Sheldon, John A. Smith, William Smyth, Stevens, Stoughton, Strickland, Sweeney, Taylor, Townsend, Tyner, Van Wyck, Ward, Cadwalader C. Washburn, Winans, and Witcher—75.

NAYS—Messrs. Allison Ambler, Ames, Archer, Asper, Axtell, Barry, Beatty, Beck, Benjamin, Bennett, Biggs, Blair, Booker, James Brooks, Roderick R. Butler, Cake, William T. Clark, Cleveland, Conger, Covode, Dawes, Degener, Dickinson, Dox, Ferriss, Fisher, Fitch, Garfield, Getz, Gibson, Griswold, Hale, Hambleton, Hamill, Harris, Holman, Hotchkiss, Ingersoll, Jenckes, Johnson, Kellogg, Kerr, Ketcham, Laflin, Logan, Mayham, Maynard, McKenzie, Daniel J. Morrell, Myers, Negley, Niblack, O'Neill, Orth, Peck, Peters, Phelps, Poland, Roots, Sargent, Sherrod, Shober, Joseph S. Smith, William J. Smith, Starkweather, Stiles, Stokes, Stone, Strader, Strong, Tanner, Tillman, Upson, Van Trump, Voorhees, Wheeler, Whitmore, Wilkinson, Willard, Williams, Eugene M. Wilson, John T. Wilson, and Winchester—84.

NOT VOTING—Messrs. Adams, Atwood, Ayer, Bailey, Banks, Barnum, Bingham, Boles, Bowen, Boyd, Buck, Burdett, Burr, Benjamin F. Butler, Calkin, Coburn, Cook, Cox, Crebs, Davis, Dickey, Dixon, Donley, Duval, Dyer, Ela, Eldridge, Fox, Haight, Haldeman, Hawkins, Hays, Heaton, Hooper, Judd, Julian, Lash, Loughridge, Lynch, Marshall, McKee, Eliakim H. Moore, Morgan, Morrissey, Mungen, Perce, Platt, Porter, Potter, Reeves, Rice, Ridgway, Schenck, Schumaker, Slocum, Worthington C. Smith, Stevenson, Swann, Taffe, Trimble, Twichell, Van Auken, Van Horn, William B. Washburn, Welker, Wells, Wood, and Woodward—68.

So the House refused to lay the bill on the table.

The question recurred on concurring in the Senate amendments.

The question was put; and there were, on a division—ayes 50, noes 73.

So the House refused to concur in the Senate amendments.

Mr. TANNER. I move that a committee of conference be appointed.

The motion was agreed to.

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

The latter motion was agreed to.

ENROLLED BILL SIGNED.

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

Joint resolution (S. R. No. 169) for the transfer of an unexpended balance of appropriation to the book fund of the Library of Congress.

SOPHIA A. MOEN.

The next business on the Speaker's table was the bill (H. R. No. 1413) for the relief of Sophia A. Moen, with Senate amendments.

The amendments of the Senate were read, as follows:

In line three, after the word "Moen," insert the words "administratrix, and Philip L. Moen, administrator of Augustus R. Moen."

At the end of the bill add the following:

And provided further, That any person or persons who shall have engaged in the manufacture of the said invention since the expiration of the letters-patent aforesaid, and prior to any renewal thereof by virtue of this act, may continue the manufacture thereof and sell said manufacture without any liability therefor to the said Moen, his heirs or assigns.

Amend the title so as to read: "A bill for the relief of Sophia A. Moen, administratrix, and Philip L. Moen, administrator of Augustus R. Moen."

The amendments of the Senate were concurred in.

ANNA E. FREI.

The next business on the Speaker's table was a bill (S. No. 176) granting a pension to Anna E. Frei; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RACHEL H. MILLIKEN.

The next business on the Speaker's table was a bill (S. No. 534) granting a pension to Rachel H. Milliken; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NEW ERA PRINTING COMPANY.

The next business on the Speaker's table was a bill (S. No. 540) to incorporate the New Era Printing Company of Washington, District of Columbia; which was read a first and second time, and, on motion of Mr. KNOTT, referred to the Committee for the District of Columbia.

CHILDREN OF SYLVESTER DREYER.

The next business on the Speaker's table was a bill (S. No. 546) for the relief of the minor children of Sylvester Dreyer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BAILIFF OF COURT OF CLAIMS.

The next business on the Speaker's table was a bill (S. No. 97) to fix the salary of the bailiff of the Court of Claims; which was read a first and second time, and, on motion of Mr. INGERSOLL, referred to the Committee on the Judiciary.

DAUGHTERS OF GENERAL C. F. SMITH.

The next business on the Speaker's table was a bill (S. No. 102) for the relief of the daughters of General Charles F. Smith, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

VICTOR BEAUBOUCHER.

The next business on the Speaker's table was a bill (S. No. 463) for the relief of Victor

Beauboucher, late consul of the United States at Jerusalem; which was read a first and second time, and, on motion of Mr. WILKINSON, referred to the Committee on Foreign Affairs.

NATIONAL CEMETERIES.

The next business on the Speaker's table was a joint resolution (S. R. No. 40) authorizing the Secretary of War to take charge of the Gettysburg and Antietam national cemeteries; which was read a first and second time, and, on motion of Mr. LOGAN, referred to the Committee on Military Affairs.

NATIONAL ASYLUM FOR DISABLED SOLDIERS.

The next business on the Speaker's table was a joint resolution (S. R. No. 140) appointing managers of the National Asylum for Disabled Soldiers; which was read a first and second time, and referred to the Committee on Military Affairs.

HENRY ETTING.

The next business on the Speaker's table was a bill (S. No. 488) to authorize the officers of the Treasury Department to enter a credit upon the account of Henry Etting, paymaster in the Navy; which was read a first and second time.

Mr. SCOFIELD. I am instructed by the Committee on Naval Affairs to ask that that bill be put upon its passage.

The bill was read. It authorizes and directs the accounting officers of the Treasury Department to credit Henry Etting, paymaster in the United States Navy, with the sum of $1,098 51 paid by him to Lieutenant J. C. Rich in 1843, 1844, and 1845 for services as judge advocate of courts-martial ordered by Commodore Perry, commanding the United States naval forces on the west coast of Africa.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

BAYOU TECHE.

The next business on the Speaker's table was a joint resolution (S. R. No. 141) to provide for survey and estimates of cost of removing obstructions from Bayou Teche, in the State of Louisiana; which was read a first and second time.

Mr. SHELDON, of Louisiana. I would like to have that joint resolution put upon its passage. It is necessary that it should be passed at once.

The joint resolution was read. It instructs the Secretary of War to cause a survey and estimate to be made of the cost of removing obstructions from and improving the navigation of Bayou Teche, in the State of Louisiana, provided that the expense of said survey and estimate shall not exceed the sum of $500, and the joint resolution appropriates that sum of money.

Mr. SHELDON, of Louisiana. The subcommittee of the Committee on Commerce have agreed to report a similar provision, and the officers are on the ground ready to make the survey.

Mr. DAWES. I think this bill should go, with other matters in reference to rivers and harbors, to the Committee on Commerce.

Mr. SHELDON, of Louisiana. I repeat that the sub-committee of the Committee on Commerce have considered this joint resolution and agreed to report it. The engineer department say that the officers are on the ground now and can make the survey at much less expense perhaps now than at some future time.

Mr. DAWES. Have the Committee on Commerce considered the matter?

Mr. SHELDON, of Louisiana. The subcommittee for this purpose have considered it.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SHELDON, of Louisiana, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST ROADS.

The next business on the Speaker's table was a bill (S. No. 506) establishing certain post roads; which was read a first and second time, and, on motion of Mr. FARNSWORTH, referred to the Committee on the Post Office and Post Roads.

JUDICIAL DISTRICTS IN FLORIDA.

The next business on the Speaker's table was a bill (S. No. 630) to consolidate the northern and southern judicial districts in the State of Florida; which was read a first and second time, and referred to the Committee on the Judiciary.

AGRICULTURAL COLLEGE SCRIP.

The next business on the Speaker's table was a bill (S. No. 93) legalizing certain locations of agricultural college scrip therein designated; which was taken up, and read a first and second time.

Mr. SARGENT. I think this bill should be referred to the Committee on the Public Lands.

Mr. SAWYER. I hope not; I trust the bill will be passed now.

Mr. WASHBURN, of Wisconsin. If I can have a few moments to explain the bill I think there will be no objection to passing it now.

The SPEAKER. The Chair will state to the House, in order that there may be no misunderstanding, that in considering business on the Speaker's table the Chair will recognize the gentleman who desires to ask the sense of the House upon the passage of each bill or joint resolution as it may be taken up. The bill will be read in full, after which, if no motion be made, the Chair will submit to the House the question upon its third reading and passage.

The bill was read. It provides for legalizing the location of agricultural college scrip allowed prior to December 1, 1867, at the several land offices in the State of Wisconsin, in excess of the maximum quantity authorized by the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and authorizing the Commissioner of the General Land Office to issue patents upon such locations, provided the same shall be legal and valid in all other respects.

The question was upon ordering the bill to be read a third time.

Mr. WASHBURN, of Wisconsin. The law which authorized the issue of this land scrip restricted the amount to be located in any one State to one million acres. Before the books could be posted, as it was afterward found, an excess of some thousands of acres had been located in the State of Wisconsin.

Mr. SAWYER. An excess of seventy-nine thousand acres.

Mr. WASHBURN, of Wisconsin. The Commissioner of the General Land Office asks that the land so located in excess may be confirmed and patented.

Mr. ALLISON. That is all right.

The bill was then read the third time, and passed.

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

The latter motion was agreed to.

LAND DISTRICT IN KANSAS.

The next business on the Speaker's table was a bill (S. No. 369) to establish an additional land district in the State of Kansas.

Mr. CLARKE, of Kansas. I ask that that bill be passed over informally, and allowed to retain its place upon the Speaker's table.

The SPEAKER. That will require unanimous consent.

No objection was made; and it was ordered accordingly.

RELIEF OF ENLISTED MEN.

The next business on the Speaker's table was a bill (S. No. 476) to fix the status of certain Federal soldiers enlisting in the Union Army from the States of Alabama and Florida; which was taken up, read a first and second time, and, on motion of Mr. LOGAN, referred to the Committee on Military Affairs.

J. R. CLARK.

The next business on the Speaker's table was a joint resolution (S. R. No. 94) for the relief of J. R. Clark; which was taken up, read a first and second time, and, on motion of Mr. SARGENT, referred to the Committee of Claims.

BOLIVIAN NAVIGATION COMPANY.

The next business on the Speaker's table was a bill (S. No. 558) to incorporate the National Bolivian Navigation Company; which was taken up, read a first and second time, and, on motion of Mr. INGERSOLL, referred to the Committee on Commerce.

LAND ENTRIES IN ALABAMA.

The next business on the Speaker's table was a bill (S. No. 495) to confirm entries of public land in certain cases in the State of Alabama; which was taken up, read a first and second time, and, on motion of Mr. DOX, referred to the Committee on the Public Lands.

PUBLIC CHARITIES.

The next business on the Speaker's table was a bill (S. No. 637) to relieve public charities from taxation; which was taken up, read a first and second time, and, on motion of Mr. RANDALL, referred to the Committee of Ways and Means.

METROPOLITAN PRESBYTERIAN CHURCH.

The next business on the Speaker's table was a bill (S. No. 603) to incorporate the Metropolitan Presbyterian church of the city of Washington; which was taken up, read a first and second time, and, on motion of Mr. KNOTT, referred to the Committee for the District of Columbia.

ARMS DISTRIBUTED TO STATES.

The next business on the Speaker's table was a bill (S. No. 669) providing for the distribution of arms to certain States; which was taken up, read a first and second time, and, on motion of Mr. LOGAN, referred to the Committee on Military Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, informed the House that the Senate had passed, without amendment, bills and joint resolutions of the House of the following titles:

A bill (H. R. No. 897) to incorporate the Washington and Boston Steamship Company;

A bill (H. R. No. 1427) to provide for the creation of corporations in the District of Columbia by general law;

A bill (H. R. No. 1666) for the relief of Otis N. Cutler, of Missouri;

A joint resolution (H. R. No. 215) authorizing the supply of arms for instruction and practice to certain colleges and universities; and

A joint resolution (H. R. No. 245) making an appropriation to defray the expenses of the Committee on Education and Labor incurred in pursuance of investigations ordered by the House of Representatives.

The message further announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, a joint resolution of the following title:

A joint resolution (H. R. No. 146) for the return of evidence of honorable discharge to officers.

The message further announced that the Senate had passed bills and joint resolutions, in which the concurrence of the House was requested, of the following titles:

A bill (S. No. 677) to change the place of holding the courts of the United States for the Albemarle district of North Carolina;

A bill (S. No. 716) to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes;

A bill (S. No. 723) in relation to circuit courts;

A bill (S. No. 724) for the relief of James M. Trotter and William H. Dupree;

A bill (S. No. 725) for the relief of James Henderson;

A joint resolution (S. R. No. 118) to authorize the restoration of Benjamin S. Richards to the active list of the Navy;

A joint resolution (S. R. No. 184) to regulate the effect of the vote of the thanks of Congress upon promotion in the Navy; and

A joint resolution (S. R. No. 163) for the relief of certain officers of the Navy.

RAILROAD LAND GRANT IN OREGON.

The consideration of business upon the Speaker's table was then resumed, the next business being a bill (S. No. 396) granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon; which was taken up, and read a first and second time.

The SPEAKER. This bill was taken up once before, and then the gentleman from Indiana [Mr. HOLMAN] had the floor upon a motion that the bill be referred to the Committee on the Public Lands.

Mr. HOLMAN. I desire to renew that motion at this time.

The SPEAKER. The Chair will recognize the gentleman for that purpose.

Mr. HOLMAN then addressed the House. [See Appendix.]

Mr. SCHENCK. Is not the hour of the gentleman from Indiana up?

The SPEAKER. The gentleman has two minutes remaining.

Mr. SMITH, of Oregon. It would of course be impossible for me to attempt in that time to make the remarks which I desire to offer. I trust that after the members of the committee have spoken I will be permitted to have the floor in my own right.

Mr. HOLMAN. I shall not object to that. I had intended to yield the gentleman half of my time, and regret that he did not remind me.

Mr. SARGENT. We have twice heard the same speech which we have now listened to from the same gentleman, and I think an opportunity should be given to answer it.

Mr. HOLMAN. I desire to call the previous question on my motion to refer this bill.

Mr. FITCH. How much of the gentleman's time remains?

The SPEAKER. One minute.

Mr. FITCH. I will occupy that one minute by saying that I trust the chairman of the Committee of Ways and Means will permit the speech of the gentleman from Indiana, [Mr. HOLMAN,] which has twice been made, to be replied to by western men here upon this floor, that they may give to the country an expression of their views with respect to this policy of granting lands, a policy now seriously attacked for the first time in ten years upon the floor of the House by either party.

Mr. HAYS. I hope the same privilege will be allowed to gentlemen from the South.

Mr. SCHENCK. I desire gentlemen to bear in mind that it is not merely the special order, the tariff bill, that I am struggling for, but in voting to go on with the tariff bill gentlemen are voting to go on with the funding bill, with the internal tax bill, with the appropriation bills. It stands first and in the way of everything else, and therefore I feel it to be my duty to press it.

Mr. FITCH. I suggest to the gentleman that if he will permit the discussion to proceed, then we can have a test vote, and can determine whether the House means to grant lands to aid internal improvements or not.

Mr. SCHENCK. I doubt very much whether that can be done to-day.

The SPEAKER. The Chair desires that gentlemen shall understand the precise condition of the question. The gentleman from Ohio [Mr. SCHENCK] has been properly recognized by the Chair to test the question on going into the Committee of the Whole on the state of the Union on the special order. Should that motion prevail this bill will necessarily go to the bottom of all the bills upon the Speaker's table. It will be an engrossed bill on its third reading. It will not come up as unfinished business, because the law of unfinished business applies only to that on which the House is engaged at the time of adjournment.

Mr. HOLMAN. Will not the bill go over on the motion to recommit?

The SPEAKER. The motion pending is a motion to refer, but the bill itself is on its third reading. Being a Senate bill, it occupies precisely the same position as a bill to be engrossed.

Mr. FITCH. Then I hope the House will vote down the motion to go into Committee of the Whole on the state of the Union.

Mr. INGERSOLL. If the House shall vote down the motion to go into Committee of the Whole on the state of the Union, and second the demand for the previous question, I desire to know if the friends of the bill will be entitled to one hour to discuss the bill?

The SPEAKER. There would be nobody entitled to one hour if the previous question should be seconded. The rule allowing one hour after the seconding of the previous question applies only to measures reported from committees. This being a bill from the Speaker's table, when the previous question is seconded it will bring the House directly to a vote on the bill.

Mr. WILSON, of Minnesota. On the motion to refer?

The SPEAKER. The previous question will operate until the bill is disposed of.

Mr. SCHENCK. I have no disposition to cut off a matter of so much interest to so many gentlemen here. If I can get unanimous consent that the House shall meet in Committee of the Whole on the state of the Union at half past seven o'clock this evening, to go on with the special order, I am willing to withdraw my motion now.

Mr. SHANKS. I object.

The SPEAKER. That can be settled by a majority vote of the House.

Mr. SCHENCK. I move, then, that the House meet this evening at half past seven o'clock in Committee of the Whole on the state of the Union.

The SPEAKER. The Chair would state to the gentleman from Ohio that that motion can only be made at the time when the House desires to take a recess. It cannot be made in advance. The gentleman can make the motion at the hour when he desires the House to take a recess.

Mr. SCHENCK. Perhaps I can get unanimous consent to make the motion now.

Mr. STILES. I object.

The SPEAKER. The proposition of the chairman of the Committee of Ways and Means is that the House shall meet this evening at half past seven o'clock in Committee of the Whole on the state of the Union for the consideration of the tariff bill. An arrangement of that kind at this stage of the proceedings would require unanimous consent, and the gentleman from Indiana [Mr. SHANKS] and the gentleman from Pennsylvania [Mr. STILES] object. The gentleman can at any given time, when he desires the House to take a recess, make the motion, the motion applying *eo instanti*.

Mr. SCHENCK. Then I will rely on the friends of the bill to give me the floor for that purpose, and I withdraw my motion.

BANKING FACILITIES.

Mr. GARFIELD, of Ohio, by unanimous consent, from the Committee on Banking and Currency, reported a bill (H. R. No. 1900) to increase banking facilities, and for other purposes; which was read a first and second time, recommitted to the committee, and ordered to be printed.

Mr. RANDALL moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROAD LAND GRANT IN OREGON.

Mr. ROOTS. I insist upon the regular order of business.

The SPEAKER. The regular order being called for the House will now resume the consideration of the bill of the Senate No. 396, granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon. The gentleman from Nevada [Mr. FITCH] is entitled to the floor for one hour.

Mr. FITCH. I yield five minutes of my time to the gentleman from California, [Mr. SARGENT.]

Mr. SARGENT. Mr. Speaker, knowing as I do that the gentleman from Nevada, [Mr. FITCH,] in whose time I am speaking, will ably discuss the questions raised by the gentleman from Indiana, [Mr. HOLMAN,] I do not wish to go at large into the consideration of this question. But I want to say, however, emphatically that the proposition to cease giving any aid by the donation of waste public lands to construct railroads through the portions of the country which are now sparsely inhabited should not come from a gentleman who represents here one of what were once properly called the "western States." Those States have already had their great system of internal improvements built up by means of just such grants of public lands as the gentleman now condemns so strongly. Those States have had their cake and eaten it.

Mr. HOLMAN. What States, I would ask?

Mr. SARGENT. The State of Indiana, among others. One of the very first grants of land for public improvements ever made by the Congress of the United States was that to the Erie and Wabash canal, a solid belt for five miles along its entire line of hundreds of miles. Without that grant of land that great improvement would not have been built.

Mr. HOLMAN. I am not aware——

Mr. SARGENT. The gentleman is not aware! Well, I will tell him, but I will not yield to him. I have but five minutes in all, and the gentleman, with an hour of time, refused to yield to me. Let us see what Congress has done for the gentleman's State. The State of Indiana has an area of 21,637,760 acres. Congress has granted to it for its public and local improvements the following lands, as appears from the Land Office reports of 1867:

	Acres.
Wabash canal	1,439,279
Military and other purposes	1,311,956
Swamp lands	1,263,653
Internal improvements	1,609,861
For schools	650,317
For university	46,080
Seats of government	2,560
Individuals, companies, and private claims	479,825
Total	6,803,531

Thus Congress has granted to the State of Indiana almost one third of the entire lands of the State. In addition to this there was a grant to the State of the proceeds of certain public lands for aid in the Cumberland road; and by the act for the benefit of agricultural col-

leges three hundred and ninety thousand acres more, lying in other States, some of which has been selected in my own State. After this liberal supply from the public lands to his State the attitude of the gentleman from Indiana is refreshingly modest. But this is not all. The State of Indiana, for a part of which the gentleman speaks upon this floor, has been benefited by this system of land grants not merely for the construction of its great canal and otherwise, as I have named, but on account of the intimate connection of its business interests with Illinois it has also received vast benefits from the immense land grants which have been made by Congress to that State.

Does the gentleman from Indiana propose that his State shall give back to the United States the land which it has received and used to bring its farmers to markets and build up its prosperous cities? Perhaps he intends to pay the Government for that land. The grants his State has received were considered by Indiana a good thing when it was building up the improvements within its borders—when it was then the almost wilderness that the State of Oregon is to-day. Indiana was then in need of these public improvements, which could be built only by means of these grants. There are now Indianas still further west that await development. The influences that shall arrest that development ought not to come from the gentleman's State.

One word in regard to the policy of land grants for railroads in the future. If they can be carefully guarded, as this bill is, so that while they construct roads the lands shall also go to the settlers in limited quantities at small prices, then I am in favor of them. No settler wants lands so distant from a market and so inaccessible that he cannot dispose of his crop and get the necessaries of life in exchange. The fault of the system heretofore has been that the grants have been made without restrictions to the companies, which could hold them indefinitely for a rise in value. By this means monopolies have been created and the settlers kept from the lands except on the even sections. But we propose to change all that, and do so by this bill. We compel the companies to sell the lands only to actual settlers at not more than $2 50 per acre, and in lots of not more than one hundred and sixty acres.

The only difference it makes to the settler is that he pays double minimum for his land; but the proximity of a railroad is certainly an advantage that counterbalances the price. This system will bless the region that enjoys it. The gentleman's blind rage does not discriminate between this system and that which was unrestricted, and would leave the vast West that needs development a wilderness for the long future.

The gentleman from Indiana [Mr. HOLMAN] also says that the lands along the Union Pacific now sell for ten dollars per acre. The lands that bring that price must be of a very limited quantity; but if any are worth that it is the road that has given the value, for without it they would be worthless. Under this bill the lands can never realize but $2 50 per acre to the company, even if the road makes them worth $100 per acre.

The gentleman from New York [Mr. WOOD] in opposing the policy of land grants has given a reason that well establishes their propriety, and shows that they are honestly used for the purpose of raising the capital for the construction of the roads. If they are the only security that can be furnished to run roads in our thinly-settled regions, and do secure that capital, then their propriety cannot be questioned if they are properly guarded. We must draw this capital from Europe, and employ intelligent means for that purpose. In the far West we have limited capital. The eastern States cannot furnish all we need, and we must look to Europe. Unless railroads are a curse any means to secure them that does not cripple our resources or oppress our people should be employed. So far from being a curse, they are the great instrumentality for the development of the country, and are becoming the pioneers of far-reaching civilization.

Mr. FITCH. Mr. Speaker, the policy of granting lands to aid in the construction of railroads has been favored for many years by the representatives of both political parties. It is a policy which has been fruitful of most beneficent results, and which has been accompanied by but few abuses. If continued it promises to create more States and contribute yet more largely to the wealth and population of the country. But it is demanded now that this policy shall cease, and that hereafter all the public land shall be reserved for homestead and preëmption settlers.

Sir, it is not the homestead-seeker nor the man who proposes in good faith to become a preëmption settler who helps to swell this new-born clamor against railroad land grants. The farmer who has erected his household gods in the wilderness will never complain if we give the adjacent land to a company which constructs a road to his door. The man who purposes to acquire a homestead will never build his cabin outside the limits of a railroad grant if he can find land within those limits. The voice that now makes itself heard upon this floor, crying aloud against the development of the country by means of railroad land grants, is not the voice of the pioneer, but of political partisans, who see signs of tempest on the horizon and cast about for planks with which to strengthen their rival cockle-shells. I beg of them not to tear those planks from the sides of our good ship of progress, and I call upon gentlemen on both sides of the House to reflect, and they will readily see that no substantial partisan advantage can be gained by assisting in the proposed destruction. In thickly-settled States where there is no public land to give for public improvements it is easy enough to mislead the unthinking by denouncing all donations of the public domain. But who can be benefited by such denunciation? If a Democratic county or State convention shall bait a hook for voters with a resolution against land grants the Republican convention in the same locality will be apt to do the same thing. If Republican clubs pass frothy declarations against further grants of public land Democratic clubs will surely pass longer and stronger and more frothy declarations upon the same subject; and while partisans thus experiment in manufacturing factitious public sentiment to meet supposititious party exigencies, they will strike down the arms of their party friends everywhere, and smite with paralyzing power the growth of the West and South.

Sir, if the Democrats upon this floor shall concur with the Democrats at the other end of the Capitol, and following the lead of the distinguished gentleman from Indiana, [Mr. HOLMAN,] shall vote against further land grants to railroads, they will furnish the Republicans of the South and the West and the Pacific coast with a powerful electioneering document. I dare say they may do it. It will be in accordance with their policy for ten years past. I do not mean their land-grant policy, but their political policy. The leaders of the Democratic party seem to have a genius for doing the wrong thing at the wrong time. They are gifted in the line of presenting as party principles the weakest side of the weakest propositions. If it were not for their limitless capacity in this direction and their untiring industry in furnishing us weapons with which to strike them, we might not have so large a majority upon this floor to-day.

But, sir, I am not here to offer advice to the gentlemen on my left. I am here as a western Republican, to entreat my party friends from the country east of the Mississippi not to yield to the artificial clamor against railroad land grants, created by a few men who do not know or who do not care how much the land-grant system has developed the western country. When I ask that this system may be continued and extended I advocate no interest of monopolist or speculator. I plead the cause of the settler against desolation; of the poor against poverty; of the landless against the monopoly of the Indian savage; of civilization against stagnation; of a debt-burdened country against a policy which would delay solvency by obstructing development.

The States east of the Mississippi river contain thirty-five million people and 42,719,982.20 acres of public land. The States and Territories west of the Mississippi, excluding Alaska, contain five million people and 984,036,581.74 acres of public land.

To state the case is to argue it. Is it not to the interest of the nation that all the Territories should become States, and that the States west of the Mississippi river should be as densely populated as those east of that river? Is it not to the interest of the nation that the land should be cultivated; that its resources should be developed; that its tax-paying capacities should be increased? Sir, there is no part of the country but has a direct local interest as well as a national interest in such development. It is your boys and girls, the adventurous and energetic of your people, the pride of your households, who turn their faces every year toward the setting sun, and who do not forget you, although as age creeps on your visions sometimes contract and your minds do not always expand, and the needs and the hopes of your children in the great West are not always clear to you. But we can appeal to your interests not less than to your magnanimity. Would New England obtain a larger market for the creations of her looms? Would New York seek other and wider affluents to enrich the stream of her commerce? Would Pennsylvania receive more extended orders for the product of her furnaces? Would the South gain new customers for her peculiar productions? Would Ohio and Indiana and Illinois procure more purchasers for the fruits of their varied and growing industries? All these may be found in the settlement and development of that vast country which stretches in almost unoccupied desolation from the Missouri to the Pacific.

The great army of occupation has stopped on the banks of the Missouri and the Sacramento. Between these two rivers civilization has picketed some settlements, but they are few and far between. The riches of this land are very great. The forests of Oregon, and Washington, and eastern California; the pastures of Nevada, and Utah, and Colorado, and Wyoming; the prairies of Kansas, and Nebraska, and Dakota, and New Mexico, and Arizona; the mineral wealth of the Sierras and the Rocky mountains—all these are spread out in unclaimed and unavailable affluence. There are beds of salt and soda, and lakes of borax and sulphur, and mountains veined with silver and gold and copper and lead. There is opportunity for almost indefinite expansion of all the industrial pursuits of man. Virgin fields and home markets await the husbandman. Unused powers and equable climate invite the manufacturer. The Indies and the northern seas open untried ventures to the merchant. New combinations of metals demand the assayer's crucible. The application of new remedies to old diseases and old principles to new conditions challenge physician and lawyer. Yosemite defies the artist's pencil. Shasta woos the poet's lyre. The ruins of empires puzzle the antiquarian's research, and the promise of empires fires the philosopher's thought. The very elements are rich in resources. From internal fires which project through the earth a perpetual supply of steam fit for motive power; past alkaline lakes, whose waves could be transformed into refined saleratus, down to the red rocks of San Francisco bay, which are ground into paint, there is wealth in fire and water and earth. And yet this land, with all its riches, stretches away from arctic to tropic seas

in all the majesty of its desolateness, practically unclaimed and unpopulated because it is utterly devoid of either natural or artificial channels of intercommunication.

Unlike Illinois and Indiana and Ohio, and the entire valley of the Mississippi, it is almost destitute of navigable waters. Unlike New England and the middle States, it is measurably without created means of communication with commercial and manufacturing centers. You chide Nevada sometimes because of her sparse population; and you make the Pacific coast feel very often how powerless its Representatives are to protect the interests of their constituents in this thronged Chamber. But if we have lagged behind in the race of empire it is because our path has been the path of the pioneer, and not that broad highway which steam has hewed and paved for you. If you will give us equal opportunities we will emulate you in the generous strife for growth. What could be expected of a land without rivers or railroads except that it should furnish pasture for the buffalo and hunting-grounds for the Indian?

In such portions of this vast country as abound in precious metals adventurous miners have located and built towns; and there the necessaries and comforts of life, the tools and machinery with which to extract the precious metals from the rock, often, indeed, the very lumber and shingles of their houses, are transported from the Pacific at a cost of one to five hundred dollars in gold per ton. So long as this condition of things shall continue it is in vain to look for a large permanent settlement of this country. It will be occupied only by a race of sojourners, by men who do not intend to remain, who will not take their families with them, and who will not seek to build up homes. This vast area, capable of so much growth, will continue to contain, as now, a few hundred thousand nomadic people and hundreds of millions of acres of public land, worthless for settlement and valueless for revenue; land upon which no settler will ever go, and over which only the yell of the Indian and the cry of the wolf will be heard.

If we would settle this country and make it productive and populous we must have railroads; short lines of railroads from mines to timber and water; long lines of railroads from the Columbia to the Colorado, and from the Yellowstone to the Rio Grande; great trunk railroads upon which mighty steeds, with steam-flecked flanks, shall bring the Orient to our feet through gates that face the sunset. If we would have settlers we must furnish them with cheap and rapid means of communication with tide-water. If we would sell the public lands we must create a market for them by making them accessible. If we would have railroads either the Government must build them, or we must offer inducements to private capital to build them; and if by giving up half the land we can sell the other half, and settle a tax-paying community upon all of it, it seems to me we would benefit the Treasury, benefit the people, and benefit the settler.

Sir, the genie who is to lift the burden of taxation from this nation is sleeping in the great West. His head is pillowed upon her treasure-veined mountains, and his vast proportions stretch along her valleys. He wants but the lamp-rub of the congressional Aladdin to spring to a toil that shall make the air musical with the lowing of herds and the hum of industry. He waits but the magic word to smite the hills and cause silver streams to gush forth, streams as life-giving to progress as were those of Horeb to the fainting Israelites. But the exponent of this new policy of stagnation says, "Do not wake him." The apostle of this new doctrine of decay demands that the hand of the magician shall be stayed, and that we shall wait for the demands of commerce and the exigencies of posterity.

Sir, it is idle to talk about "waiting for the demands of commerce." Our western settlements have never been the handmaidens of commerce, but commerce has rather followed upon their track. There is no similarity even between the conditions of their growth and the conditions which encompass the country which we now seek to develop. Those who settled the Mississippi valley settled within a day's journey by team of some water-course, upon which, however rudely or tediously, their produce could be transported to market. But those who settle west of the Missouri have no such advantage. Let them go one hundred miles from the great overland road and their farm products are worthless for the want of cheap means of transportation. Will it not be wise, then, to provide an inlet for settlement and a channel for commerce in the land so neglected by nature, and left for its growth so utterly dependent upon the enterprise of man?

The construction of railroads will also afford a thorough and economical adjustment of the Indian question. We have on the one hand a misguided philanthropy which degenerates into sickly sentimentality and finds its sequence in deeds of savage perfidy and outrage that make the blood run cold. We have on the other hand a spirit of retributive justice and relentless hatred of the offending race, which does not always, perhaps, discriminate in its action, and which shocks the ears of uninformed civilization with the expression of its belief that the good Indians are the dead Indians. Sir, if we throw an iron lariat about this vicious beast who demands nothing less than that civilization shall stop her march in order that the solitude of his hunting grounds may not be invaded, we shall thereby speedily solve the problem of "what to do with the Indian." The Shoshone and the buffalo will be domesticated, the Apache and the panther will be destroyed. Indian traders and Army contractors will lose their present profitable vocations; but the Treasury will be relieved from their assaults, and the public lightened of the burden of their support.

If the swarthy, slothful, filthy, murderous "wards of the nation" are of a race so sacred that they alone deserve exemption from the operations of the primal curse; if the labor of the land must be burdened with their support, we can at least lessen the infliction and the risk by giving them that support in localities nearer to jails and markets. We could furnish every Indian in the country with a suite of rooms at first-class New York hotels with less expense to the nation than is involved in the present mode of dealing with them. We had better bring them in from the plains and forests of the West, and scatter them through the Atlantic States, there to be maintained in idleness, than to exclude the settler from those plains and forests in order that the Indian may receive his winter supply of provisions at fifty cents a pound freight, and enjoy his summer pastime of hunting buffaloes and emigrant scalps.

If it is the experience of centuries that the Indian cannot be domesticated, then it is time for us to domesticate the idea that the continued existence of the Indian is by no means necessary for any wise or beneficent purpose whatever. Let the noble red man who exists only in Fenimore Cooper's novels and Vincent Colyer's fancy, and the dirty, degraded, treacherous, cowardly, worthless, wicked, wild human beast who exists, in fact, be banished from our eastern literature and our western frontier, and let us have order and peace and progress and a land of homes and harvests in his place.

I have no sympathy with that policy which would hold these lands for posterity. I have no fears for those who may come after us. I believe in the possibilities of science; I believe in the growth of invention; I believe in the resources of discovery. If the time shall ever come when the population of this continent shall be so vast that there will be only one square rod of land for every human being, then chemical science will have developed processes by which one square rod of land will support every human being.

It has been urged that by continuing this course of granting lands we will build up railroad land monopolies. If this be true, is not the monopoly of the railroad better than the monopoly of the Pi-Ute and the coyote? There is no great gain without some small loss; and I am no convert to the wisdom of that theory which would exclude civilization from the wilderness because vices and evils, as well as virtues and benefits, accompany their progress.

Isolated effort and individual wealth are unwilling to undertake and unable to accomplish great public works. The inevitable tendency of both capital and labor is, therefore, to centralization. Wherever capital is centralized by incorporations or associations there monopoly is fostered. Wherever labor is centralized by trade-unions and coöperative manufactories and stores there monopoly is fostered. Whether in social or political life, it is true that "in union there is strength." There seems to be no adequate way of centralizing human power so as to effect development or accomplish great results without more or less of monopoly. If this be the disease of an advanced civilization, there should be some better and more philosophical remedy than to kill the patient in order to get rid of the complaint.

Sir, I receive every day letters from my people calling my attention to exactions made of them by the Central Pacific Railroad Company. They complain of high rates of fare and freight, and ask that Congress shall interfere in their behalf. I can only give them the answer that Congress has not reserved to itself the right to interfere; and perhaps I might add, if Congress had reserved such right there might have been no railroad to overcharge them. It would be easy enough to build a railroad or obtain the capital to build a railroad now with less than one half the help which was given by Congress to the Union and Central Pacific; but there was a time when the Central Pacific was fighting its way inch by inch up the steep sides of the Sierras; when, with all its munificent endowments of land and money and credit, its directors could scarcely borrow the money to continue the work; when they begged the capitalists of San Francisco and New York to subscribe to their stock and share the risk and the profits of building the road, and begged in vain; when corporate and individual bankruptcy stared them in the face, and those who now court their favor went by upon the other side, then perhaps the reservation in their franchise of a right to control their rate of charges might have turned against them that scale which trembled in the balance in Wall street, and Nevada might still be blessed with the presence of the overland stage route.

But these Sacramento gentlemen succeeded; they surmounted their day of difficulty; their faith and perseverance were munificently rewarded; they are millionaires; they own the only highway between the Pacific and Salt Lake; they are a monopoly; their management is a close corporation. It is well no doubt to denounce them for exacting a higher price for freight and passage on their road than generosity or even sound business judgment would commend, but it will be better to favor the construction of two other railroads to the Pacific and so help break down their monopoly. It is certainly not logical or sensible to oppose any grant of lands for further railroad improvements, for additional lines to the Pacific and branch lines running north and south, because there may be other and further railroad monopolies.

It is better at last to have a railroad monopoly than to have no railroad at all. Sir, it is not quite four years since I formed one of a party of four gentlemen who journeyed on a political pilgrimage into the Humboldt country in my State. We were three weary days toiling over the desert to make a trip of less than one hun-

dred and fifty miles. We slept at night in cabins and corrals. One of the party—a State officer, and as brave and genial and unselfish a gentleman as ever faced storm or savage to oblige or avenge a friend—contracted on the trip a disease which carried his indomitable heart to an untimely grave. Another is a prominent editor, who thunders loudly now against land grants and railroad monopolies. On that trip we jogged along for days within sight of mountain ranges containing vast deposits of argentiferous galena ore, practically worthless then, because when smelted there was no means of separating the silver from the lead, and the cost of transporting the lead to separating works was greater than the value of both lead and silver when there. And I remember how each predicted the future of that land when the railroad, whose progress we watched so impatiently, should break through the snows of the Sierras, and the iron evangelist of empire should sound his shrill note of triumph in the full face of the morning.

Sir, when I return to my people this summer I will traverse that three days' journey of 1866 in eight hours in a luxurious car. I will overtake trains loaded with lead bars which will sell in San Francisco for sufficient to pay the expenses of mining, smelting, and transportation, leaving the silver contained in them as a clear profit to the miner. I will see furnace fires illuminating those frowning hills. I will visit towns growing up all along the line of the road and in the new mining regions developed by the road. I will observe how new sources of industry have opened; how thousands of men procure profitable employment where once the stillness of desolation brooded; how the State finds newly created wealth to respond to the demands of her tax-gatherers; how the citizen obtains new opportunities for the investment of enterprise and labor and wealth. And then, sir, I shall remember that for hundreds of miles south to the Colorado, and hundreds of miles north to the Columbia, stretches a region richer in natural resources and ready to yield braver harvests in response to similar culture. I shall realize how—

"Progress, the queen, in each mountain gorge,
With robes of silver and plumes of snow,
Waits while the Vulcans of empire forge
The swarthy lace for her beautiful brow."

And knowing as I do that railroads will never be constructed through that country without special inducements to capitalists in the form of special grants and special privileges, I shall feel fully satisfied with every vote I may have given to confer such grants and privileges, and I shall not be at all frightened at the shadow of those settlers of a future generation in whose behalf I am entreated to aid in reserving the public domain from present settlement and absorption.

Why is this specter of the unborn homestead settler of the next century—this specter conjured up from the heated fancy of a Democratic Legislature in Ohio and draped in ghastly horrors by an ambitious and timid Republican club in New York—perpetually paraded before our eyes? Is it in the hope of successfully pandering to some small-sized local prejudice? Are we children to be frightened by such spooks; or knaves to be moved by such petty influences? A settler who objects to railroads! Sir, there is no such settler in reality.

"Hence, horrible shadow! unreal mockery, hence!"

Sir, there are millions upon millions of acres of rich land all over the United States, from Alaska to Florida, now subject to homestead and preëmption entry; land which has been unclaimed for the last generation, and which will, doubtless, remain unclaimed for a century to come; land through which no railroad passes or is projected. If there be those in Ohio or New York or New England or Indiana who contemplate immigration to some place where they cannot market the fruits of their industry; if there be those who prefer to toil over the sandy desert or the muddy prairie in stage or wagon rather than be whirled along by a monopoly on an iron road; if there be those who like the toll-gate man better than the railroad conductor, they can obtain the amplest opportunity for the gratification of their fancies. I do not believe there are one hundred such men in the country. I do not think there are five.

With reference to the policy of limiting the prices and prescribing the conditions of sale of the lands granted in aid of the construction of railroads I am in great doubt. It is a matter which should, in my opinion, be determined to a very great extent by circumstances. Where the addition of such a condition will obstruct negotiations for the sale of bonds, or throw obstacles in the way of procuring money to build the road, I would not annex it. It is of questionable wisdom in any case. We have a better security than legislation can give that the companies will sell their lands to actual settlers at low prices rather than hold them or sell them at high prices to speculators. If the land remains in the hands of the company, or is in the hands of speculators, it will produce nothing to the company. On the other hand, if it is occupied and improved, then its products must be carried upon the railroad to a market, and the freight and passenger business created thereby will, in most cases, fully equal every year the price received for the land. An acre of land will produce twenty bushels of wheat; the freight on that wheat will amount to an average of three dollars. The company will therefore receive more money in five years by selling the land on credit at $2 50 per acre to an actual settler than by selling it to a speculator for five or ten dollars per acre in cash, or by retaining it five years and then selling it for fifteen dollars an acre.

Mr. LAWRENCE. Does this bill contain any provision that the lands granted shall be sold to actual settlers only?

Mr. FITCH. Yes, sir; the bill is carefully guarded in that respect. I believe there has been no instance of a company retaining its land for speculative purposes. The Illinois Central now holds such land as it has left at from five to twenty-five dollars per acre, but the Illinois Central sold most of its land at less than five dollars per acre; and I am informed that on the line of the Union and Central Pacific railroads land can be bought from the companies at lower prices and on more favorable terms than it can be purchased from the Government; that as a matter of fact the railroad land is being purchased and settled upon every day, while the Government land remains unclaimed and unpurchased; indeed, the Northern Pacific railroad proposes not only to sell its land at low prices and on long credit, but to erect a house for the settler and sell it to him also on credit.

It is said, however, as an objection to these grants, that professional franchise hunters are interested in them, and that great profits have been and will be made by operators in congressional railroad jobs. Sir, it is not improbable that somebody will make money out of every railroad that shall be constructed by the aid of a land grant, and it is very probable that it may be somebody who will not invest any money in it. There are beasts of burden and beasts of prey. Every great railroad enterprise is supported by different elements. There are those who invest money and those who invest labor—either of mind or muscle—and those who invest neither money nor labor, but only impudence and a capacity for asking equal to the daughters of the horse-leech. But it would be very small-minded statesmanship which should refuse beneficent legislation because some daring Dugald Dalgetty of the lobby might thereby realize a few ducats.

I suppose that bills pass here every week, not merely bills of a private character, but revenue bills and appropriation bills, which are made in some way to render tribute unto the seedy Cæsars who clamor about their "influence" in the presence of claimants and contractors, and watch about the lobbies for the dissatisfied inventor and the way-faring manufacturer and the guileless Indian trader. But we cannot, therefore, refuse to provide ways and means for collecting and disbursing the public revenues. We cannot neglect to pay a just claim because some brazen rascal may swindle the anxious claimant out of a portion of the money, and we ought not to deny grants of land to aid necessary public improvements because it may be suspected that some person may have an interest in some franchise who designs to sell that interest in place of paying his stock subscription.

Sir, let us disregard all these small, captious objections to a great, wise, beneficent policy. Let us guard these grants as carefully as we can, but let us continue to make them, and continue to build up the western country. I would not give an acre of the public land to aid in the construction of a railroad which would be built without such aid, and on the other hand I would give in order to cause a railroad to be built enough public land in alternate sections to achieve that result, whether it should be six or forty sections per mile.

I believe this to be the true policy. I believe that those who inaugurated and those who continued such a policy acted with wisdom and liberality. It is this policy which has made Illinois opulent and powerful, which has pushed Wisconsin into the front rank of States, which has turned Iowa into a beautiful garden, which has brought the far Pacific to your doors. If it has been a wise policy for these communities, so benefited and advanced, why is it not a wise policy for those who have yet to receive its benefits and feel its generous power?

Sir, we stand here as guardians of a vast landed estate which we hold in trust for the benefit of the people. Shall we administer that trust intelligently and prudently, or shall we bow to the wind of a passing prejudice, and so neglect our duty, and refuse to gain increased value to the property of our ward? We do not need to wait for posterity. There are millions of landless and starving poor flocking the streets of our great cities. Of what use is it to point to rich and unclaimed lands in the great West and say, "Go there and obtain your heritage?" They have no means with which to go; or if perchance they could get there, they would have no employment by which to support life while their crops were growing; and last of all, they would have no way by which to transport their harvests to a market.

Sir, this land-grant policy, if continued, will provide these landless laborers with land accessible to a market; it will give them well-paid work in the vicinity of those lands, by which they can obtain the means of improving them; it will afford them in many instances an opportunity for transportation to their future homes; it will build up a "free, well-ordered progessive civilization" in the wilderness; it will take nine weak, dependent children of the Republic out of their territorial swaddling-clothes and make them vigorous and stalwart sovereignties; it will infuse new life and the elements of mighty growth into the stagnant States of the Southwest; it will invigorate the decaying commerce of the South, and make Virginia and Alabama and the Carolinas musical with the whir of spindles and the clatter of factory wheels; it will make the air of Pennsylvania resonant with the roar of new furnaces; it will fill the engine-shops and car factories of New York and New Jersey and New England with the busy tramp of well-paid and contented labor. Continue this policy, and the pioneer will hurry out to erect his cabin and construct his fences. There civilization will advance in force; desolation will be conquered, the Indian will vanish, property will be created, the wilderness will blossom, towns will spring up, cities will arise, agriculture, manufactures, and commerce shall thrive.

But if we assume the other course, if we refuse to grant lands for these purposes, if,

like the slothful servant, we wrap our talent in a napkin, if we adopt a policy of inertia and retrogression, if we build a breakwater against the tide of progress, what then? Ah! sir, we shall build it in vain; for that tide will not be stayed. The people are intelligent; they cannot be permanently misled by artificial cries and sophistical catch-words. They will vacate our seats and fill them with others who will have wisdom enough to comprehend the true policy of development and courage enough to follow their conscientious convictions.

I now yield for a few moments to the gentleman from Missouri, [Mr. McCORMICK.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of its clerks, requested that the House return to the Senate the bill (H. R. No. 1666) for the relief of Otis N. Cutler, of Missouri, which had been passed by the Senate and returned to the House.

The SPEAKER. If there be no objection the bill will be returned in accordance with the request of the Senate.

There was no objection.

RAILROAD LAND GRANT IN OREGON.

Mr. McCORMICK, of Missouri. I do not, Mr. Speaker, propose to occupy more than a very few minutes. I wish to call the attention of the House to the land policy of the country and the policy which is now governing the Committee on the Public Lands in this House. There seems to me no reason for that fear of landed monopolies which the gentleman from Indiana [Mr. HOLMAN] seems to entertain. This bill secures to the use of actual settlers all the lands granted to the road, and the price is limited to $2 50 per acre, the lands to be sold in quantities not exceeding one hundred and sixty acres to any one individual. It is impossible for any monopoly to grow up under such a system.

It was my lot, Mr. Speaker, to be born and raised beyond the Mississippi river. I have seen the effects of railroads in the development of the western States. No system which has ever been devised has tended to people the country so rapidly and to increase so largely the wealth of the States as does this system of building railroads. It is no robbery of the settlers of the West to donate lands for the construction of railroads. In almost every western State the people, by their Legislatures, have aided in the construction of railroads to the amount of many million dollars. The Legislature of my own State has extended such aid to the amount of $27,000,000. In almost every county through which railroads in the West have passed the people have voluntarily imposed upon themselves a large taxation in order to facilitate the construction of railroads. Not only that, but individual towns have voluntarily taxed themselves for the same purpose. In some instances farmers have offered from one fourth to one half of their lands in order to secure a railroad through the county which they inhabited.

Take the richest land that can be found in the West, and if one hundred miles distant from navigable water or from a railroad, what is that land worth to the settler? If fifty bushels per acre were given to him at the end of each harvest, how would he be benefited? He could not transport it to market, and it would be no advantage to him even if it cost him not one cent to raise it. The railroad affords the only access to a market. In addition to this, we have all through the West large forests which can never be made subservient to commerce or useful to the country in any way except by a system of railroads.

Mr. Speaker, as the gentleman from Oregon [Mr. SMITH] wishes to occupy a few minutes in the time of the gentleman from Nevada, [Mr. FITCH,] I give way for that purpose.

Mr. FITCH. I yield the remainder of my hour to the gentleman from Oregon, [Mr. SMITH.]

Mr. SMITH, of Oregon. As the time of the gentleman from Nevada is so nearly out, I would prefer to be recognized in my own right.

The SPEAKER. There are ten minutes of the hour of the gentleman from Nevada remaining. The gentleman from Illinois [Mr. HAWLEY] claims the right to be heard as a member of the Committee on the Public Lands; and the Chair would be compelled to recognize him in preference to the gentleman from Oregon, unless the latter gentleman waives his right to speak.

Mr. HAWLEY. I do not.

Mr. SARGENT. I hope the previous question will be moved on the bill. I have no doubt the House is disposed to pass the bill at once.

The SPEAKER. It is the right of the gentleman occupying the floor to call the previous question.

Mr. HOLMAN. I rise to a question of order. The gentleman from Nevada [Mr. FITCH] promised, I believe, to call the previous question at the conclusion of his hour.

The SPEAKER. That is a matter between the gentlemen concerned. It does not involve any question of order.

Mr. FITCH. At the conclusion of his hour the gentleman from Indiana [Mr. HOLMAN] proposed to call the previous question, when I suggested to him that I would yield to him for that purpose just before the expiration of my hour.

Mr. INGERSOLL. Is the bill open to amendment?

The SPEAKER. It is not during the pendency of the previous question.

Mr. ELDRIDGE. The gentleman from Oregon is called to speak under embarrassing circumstances, as only ten minutes are allotted to him. I hope the House, by unanimous consent, will allow him to occupy whatever time he may desire, so that he may be untrammeled in speaking in reference to this matter affecting his constituents.

Mr. VAN WYCK. I hope that will be done. Two hours are not enough on a bill of so much importance as this one is.

Mr. ELDRIDGE. We all know under what embarrassment a gentleman speaks who starts out with the knowledge that he is limited to ten minutes.

Mr. SMITH, of Oregon. I do not need much time, not more than twenty minutes; but as it is the desire of friends around me I will only occupy ten minutes, and then yield the floor so that the sense of this House may be tested.

Mr. SCHENCK. Before the gentleman goes on I hope we will have some understanding about the evening session.

Mr. SMITH, of Oregon. I hope this does not come out of my time.

The SPEAKER. It does not. It is proposed to call the previous question at the close of the remarks of the gentleman from Oregon, and if the previous question be seconded the bill will soon be disposed of.

Mr. HAWLEY. I desire to offer an amendment.

The SPEAKER. The motion to refer to the Committee on the Public Lands cuts off amendments. The Chair will state the parliamentary condition of the question. If the previous question be called and seconded and the main question ordered the first question will be on the motion of the gentleman from Indiana, [Mr. HOLMAN,] to refer the bill to the Committee on the Public Lands. If that motion be negatived, the next vote will be on ordering the bill to be engrossed and read a third time.

Mr. FITCH. If the motion to refer be voted down, will amendment then be in order?

The SPEAKER. It will not; for the previous question will still operate.

Mr. FITCH. Will amendments be in order before the previous question is called?

The SPEAKER. The pendency of the motion to recommit will cut off amendments.

Mr. INGERSOLL. Is there any parliamentary process which will enable us to move amendments to this bill?

The SPEAKER. If the House shall refuse to order the previous question, and the gentleman from Indiana [Mr. HOLMAN] shall withdraw his motion to refer, it will then be in order to offer amendments; but so long as the motion to refer is pending amendments cannot be entertained.

Mr. FITCH. I wish to say that the Committee on the Public Lands have considered this bill. There are some amendments which the committee have agreed to, and to which the friends of the bill consent. We want an opportunity to offer them, and I hope the gentleman from Indiana will withdraw his motion to refer, so that opportunity may be afforded to us to offer those amendments. I will tell the gentleman that the amendments are restrictive in their character.

Mr. BECK. I rise to a parliamentary inquiry, not being familiar with the rules, and it is this: if the previous question is seconded and the motion to refer is voted down will there be another hour for debate?

The SPEAKER. This is not a bill reported from a committee; and the hour for debate after the previous question has been seconded applies only to reports coming from committees of the House.

Mr. BECK. There were some remarks by the gentleman from Indiana to which I so thoroughly dissent that I wish to have an opportunity to be heard in opposition to them.

Mr. FERRY. If the previous question is not seconded and the motion to refer is voted down will not amendments be then in order?

The SPEAKER. Certainly.

Mr. HAWLEY. I have amendments which I desire to offer to this bill, and I hope no action will be taken which will prevent my offering them.

The SPEAKER. The matter is entirely within the control of the House.

Mr. STEVENSON. I understand the motion is pending to refer to the Committee on the Public Lands. Suppose that is voted down, may not the bill then be amended?

The SPEAKER. It would be if the previous question were not pending. Members having parliamentary experience in this body know that it has been a custom for many years past when reporting a bill to enter the motion to recommit, so as to cut off amendments. Amendments are not in order during the pendency of the motion to refer.

Mr. HAWLEY. I ask the gentleman from Indiana [Mr. HOLMAN] to withdraw his motion to refer, in order to enable me to offer amendments to the bill.

Mr. HOLMAN. I hope I will not be pressed to do so. I do not wish to withdraw the motion.

Mr. SMITH, of Oregon. Mr. Speaker, have I the floor?

The SPEAKER. Does the gentleman now desire to proceed?

Mr. SMITH, of Oregon. I do.

The SPEAKER. The gentleman from Oregon is entitled to ten minutes from this time.

Mr. SMITH, of Oregon. It will not be expected by the House that I can make, in the space of ten minutes, anything like a satisfactory statement of the local reasons for the passage of this bill. I will not attempt it; nor yet will I accept of the extension of time which the House has tendered me. I want to pass this bill to-day, and do not care to make a speech. But I trust I shall have the attention of the House while I make a very brief statement. I wish, however, to say just this in reference to the matter: that this bill is in the interest of settlers or prospective settlers on the public lands through which this road is designed to pass. The road will be about one hundred and thirty miles long. For fifty miles of that dis-

tance the country is settled; for the remainder of the distance it is not settled, and is not susceptible of settlement unless means of communication through it such as are proposed by by this bill shall be provided. The road ought to extend further up the Willamette valley. The bill introduced by me provided for one the whole length of the valley, and I had hoped to have it passed in that form. The committee failed to report in favor of an extension of the branch southerly, and I accept of what they have reported. A short road is better than none. The Willamette valley, which contains two thirds of the population of the State of Oregon, has no outlet to the sea but by the Columbia river. That river flows across the north end of this Willamette valley. On the west, between that valley and the sea, a mountain range extends along its whole length. Through this range of mountains to the mouth of the river we have no road of any kind.

During the winter the river is often frozen, and we are then entirely cut off from all communication with the outside world. Two years ago we lost half a million dollars by being unable to get our grain to market when it was in demand at good prices. We have not a wagon-road; we have not a foot-path; we have not any means by which we can communicate with the sea when this Columbia river is frozen over. We want this road, to give us an outlet to the sea at all seasons; and we want it to open up the pass we have found through these mountains to the settlement. It is not a question whether by the passage of this bill this land shall be withdrawn from settlement; but the question is whether by the passage of this bill you will open up to settlement a region of country which otherwise never would be settled. It is a question whether it shall be occupied by settlers under the provisions of this bill, or whether it shall remain a wilderness in the future as in the past; whether it shall be the home of a busy, thriving population, or continue to be the home of the elk, and the bear.

For twenty-five years, Mr. Speaker, this land has been open to settlement, first, under a donation law, and now under the homestead law, and yet no man has gone there to settle. No white men ever went there until they went to find this pass for a railroad to the sea. The red man never lived there. It is a forest, an Oregon forest, such as is found nowhere else perhaps in the world. And no settler will ever go there unless there is a railroad through the pass connecting this Willamette valley with the sea. In that event some of the smaller valleys will be opened to settlement. The lands are rich. The timber is abundant. It is valuable. But the land and the timber will remain in the condition they now are for a hundred years to come if this road is not built.

I have a letter in my hand from one of my constituents settled in one of the valleys in the same mountain range further south, who has lived on his land for eleven years, and has had a family grow up around him on it. His land is still unsurveyed; he cannot have schools; he cannot perfect his title; he is living there under the homestead law; is unwilling to remain, and does not dare to go away for fear of losing his land. No man with a knowledge of the condition of the country and its future prospects would ever settle there, in the absence of this railroad. Now, this grant is a limited one. It is barely sufficient to secure the objects in view; and I will state this, that every man in Oregon, of both parties, whether along the line of this road or elsewhere, is in favor of this particular bill, and the man who votes against it here will do that people an injustice and a wrong.

Mr. VAN WYCK. Will the gentleman allow me to ask a question?

Mr. SMITH, of Oregon. I cannot yield to the gentleman, as my time is so limited, out of the ten minutes allowed me. Mr. Speaker, the gentleman from Indiana has remarked in his very remarkable speech that there was no Democrat on the floor of this House who would dare to support land grants. I claim to be as good a Democrat as the gentleman from Indiana, and I am happy to be able to say that distinguished Democrats from that State, who are as well acquainted with the public sentiment of the people of Indiana as that gentleman himself, will vote in favor of this bill, and they will receive the approbation of their constituents for so doing. This is not a party question, and it cannot be made such. This policy really originated with the Democratic party. The first land grant of any magnitude ever made in aid of internal improvements was made for the benefit of the State of Indiana, represented in part by the gentleman who moves to refer this bill. The Wabash and Erie Canal was constructed under just such a grant as is asked for this railroad in the State of Oregon. The first railroad grant was to the State of Illinois, and the bill was introduced by Stephen A. Douglas and supported by a majority of both parties in the House and in the Senate.

Mr. VOORHEES. Will the gentleman allow me to make a statement?

Mr. SMITH, of Oregon. Yes, sir.

Mr. VOORHEES. Two or three years ago, when the Northern Pacific Railroad Company had forfeited its charter by the lapse of time and consequently the entire grant of lands that the Government had made to it, the charter was revived and the land grant insured to them by an act that passed the House with but six Democrats voting against it.

Mr. BECK. On the 1st day of July, 1868.

Mr. SMITH, of Oregon. I am very glad to hear of that. I wish to say one other thing in this regard. At least one, and I think more than one Democratic national convention incorporated in its platform a plank in favor of such grants. And yet the gentleman says that no Democrat can vote for a land grant!

Mr. Speaker, I am informed that my time has nearly expired.

Mr. INGERSOLL. Give me one minute.

Mr. SMITH, of Oregon. Very well.

Mr. INGERSOLL. I desire to state for the especial benefit of the gentleman from Indiana [Mr. HOLMAN] something in the nature of a historical reminiscence, which perhaps he may have forgotten. In 1859, when the Democratic party was supreme in both branches of Congress, they framed what was called the "Lecompton constitution," and that constitution was tendered to the people of Kansas for adoption. In that constitution it was provided that from seven to nine million acres of the public domain should be granted to the State of Kansas upon the adoption of that constitution. Let us not forget that.

Mr. COX. That was in every enabling act.

Mr. INGERSOLL. It does not matter what it was in, and what it was not in. It was put in that constitution by the Democratic party in both Houses of Congress.

Mr. COX. It was not to go to railroad companies.

Mr. SMITH, of Oregon. I will yield one minute to the gentleman from Kentucky, [Mr. BECK.]

The SPEAKER. The gentleman has not a minute left to yield.

Mr. SMITH, of Oregon. Then I move the previous question.

Mr. INGERSOLL. I desire that the Chair shall state the effect of this vote.

The SPEAKER. The gentleman from Oregon [Mr. SMITH] demands the previous question on the motion to refer. If the House seconds the demand, the first vote will be on the motion to refer; if the House shall negative that motion, it will then be brought to a direct vote upon ordering the bill to a third reading.

On seconding the previous question there were—ayes 72, noes 35; no quorum voting.

Tellers were ordered; and Mr. SMITH, of Oregon, and Mr. CULLOM were appointed.

The House divided; and the tellers reported—ayes one hundred and four; noes not counted.

So the previous question was seconded.

The main question was then ordered.

ENROLLED BILLS AND RESOLUTIONS SIGNED.

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

An act (H. R. No. 9) to provide for the revision and consolidation of the statutes of the United States;

An act (H. R. No. 945) to provide for the survey of the Fort Gratiot Military reservation, in the State of Michigan;

Joint resolution (H. R. No. 125) for the relief of James L. Ridgely, collector of internal revenue for the second district of Maryland;

Joint resolution (H. R. No. 144) to enable the Court of Claims to hear and determine the claim of E. Diekelman, a subject of the king of Prussia; and

Joint resolution (H. R. No. 197) for the relief of George S. Atkinson, late assistant quartermaster of volunteers.

RAILROAD LAND GRANT IN OREGON.

The House then resumed the consideration of Senate bill No. 896, granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon.

The SPEAKER. The first question is upon the motion of the gentleman from Indiana [Mr. HOLMAN] to refer the bill to the Committee on the Public Lands.

Mr. HOLMAN. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 74, nays 96, not voting 57; as follows:

YEAS—Messrs. Adams, Ambler, Archer, Arnell, Benton, Bird, Buffinton, Burchard, Cessna, Amasa Cobb, Conner, Cowles, Cox, Cullom, Dawes, Dickinson, Ferry, Finkelnburg, Fox, Getz, Gilfillan, Griswold, Hale, Hawley, Hay, Hill, Holman, Thomas L. Jones, Judd, Kerr, Ketcham, Knott, Laflin, Lawrence, Loughridge, Mayham, McGrew, McNeely, Jesse H. Moore, William Moore, Morgan, Niblack, O'Neill, Packard, Packer, Phelps, Porter, Randall, Reeves, Rice, Scofield, Shanks, Shober, John A. Smith, William J. Smith, Stevens, Stiles, Strong, Swann, Sweeney, Taylor, Tyner, Upson, Van Auken, Van Trump, Van Wyck, Ward, Willard, Williams, John T. Wilson, Winans, Witcher, and Wood—74.

NAYS—Messrs. Allison, Ames, Armstrong, Asper, Atwood, Axtell, Ayer, Barry, Beaman, Beck, Benjamin, Bennett, Biggs, Blair, Booker, George M. Brooks, Buck, Buckley, Burdett, Roderick R. Butler, Cake, Churchill, William T. Clark, Sidney Clarke, Cleveland, Coburn, Conger, Degener, Dox, Eldridge, Farnsworth, Ferriss, Fisher, Fitch, Gibson, Hambleton, Hamilton, Harris, Hays, Heflin, Hoar, Hooper, Hotchkiss, Ingersoll, Jenckes, Johnson, Kelley, Kellogg, Knapp, Logan, Maynard, McCarthy, McCormick, McCrary, McKee, McKenzie, Mercur, Milnes, Morphis, Daniel J. Morrell, Myers, Negley, Palmer, Peck, Perce, Peters, Poland, Pomeroy, Prosser, Rogers, Roots, Sanford, Sargent, Sawyer, Schenck, Schumaker, Lionel A. Sheldon, Sherrod, Joseph S. Smith, William Smyth, Starkweather, Stevenson, Stokes, Stoughton, Strader, Strickland, Tanner, Tillman, Townsend, Voorhees, Cadwalader C. Washburn, Wells, Wheeler, Whitmore, Wilkinson, and Eugene M. Wilson—96.

NOT VOTING—Messrs. Bailey, Banks, Barnum, Beatty, Bingham, Boles, Bowen, Boyd, James Brooks, Burr, Benjamin F. Butler, Calkin, Clinton L. Cobb, Cook, Covode, Crebs, Davis, Dickey, Dixon, Dockery, Donley, Duval, Dyer, Ela, Garfield, Haight, Haldeman, Hamill, Hawkins, Heaton, Hoge, Alexander H. Jones, Julian, Kelsey, Lash, Lynch, Marshall, Eliakim H. Moore, Samuel P. Morrill, Morrissey, Mungen, Orth, Paine, Platt, Potter, Ridgway, Porter Sheldon, Slocum, Worthington C. Smith, Stone, Taffe, Trimble, Twichell, Van Horn, William B. Washburn, Welker, Winchester, and Woodward—57.

So the motion to refer was not agreed to.

During the call of the roll,

Mr. McNEELY said: My colleague, Mr. MARSHALL, is confined to his room by sickness.

The SPEAKER. The question now is upon ordering the bill to be read a third time.

Mr. HAWLEY. I ask unanimous consent to offer some amendments to this bill, which

have been agreed upon by the Committee on the Public Lands.

Mr. STILES. I object.

The SPEAKER. It requires unanimous consent.

Mr. HAWLEY. I understand that, and ask that unanimous consent be given for that purpose.

Mr. SARGENT. The bill, as now framed, is intended to answer the same purpose that it would if amended as the gentleman from Illinois [Mr. HAWLEY] desires to have it amended. The amendments propose simply a change of phraseology.

Mr. FITCH. We have no objections to the amendments.

Mr. STILES. Is debate in order?

The SPEAKER. It is not, without unanimous consent.

Mr. STILES. Then I object to debate.

The SPEAKER. The gentleman from Pennsylvania [Mr. STILES] objects to amendment and to debate.

Mr. FITCH. As the amendments propose merely some changes in the phraseology of the bill, I hope the gentleman will withdraw his objection.

Mr. STILES. Very well; I will withdraw my objection to the amendments.

Mr. VAN AUKEN. I renew the objection.

The SPEAKER. The objection having been renewed, no amendments can be received, as the previous question is operating.

Mr. INGERSOLL. Is it in order now to move to reconsider the vote ordering the main question?

The SPEAKER. That motion is not now in order, because the House is engaged in executing the order for the main question.

Mr. INGERSOLL. When will the previous question be exhausted, so that it will be in order to move the reconsideration?

The SPEAKER. The previous question will be exhausted with the third reading of the bill.

Mr. INGERSOLL. Then let it be read the third time.

The bill was then read the third time.

The SPEAKER. The bill having been read the third time, the question now is: "Shall this bill pass?"

Mr. INGERSOLL. I desire now to move to reconsider the vote by which the main question was ordered.

The SPEAKER. In accordance with parliamentary practice, the Chair is bound first to recognize the gentleman from Oregon, [Mr. SMITH,] who has charge of this bill, if he desires to submit any motion in regard to it.

Mr. SMITH, of Oregon. I call the previous question upon the passage of this bill.

The previous question was seconded and the main question ordered.

Mr. STILES. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 97, nays 69, not voting 61; as follows:

YEAS—Messrs. Allison, Ames, Armstrong, Asper, Atwood, Axtell, Ayer, Barry, Beaman, Benjamin, Bennett, Blair, Booker, George M. Brooks, Buck, Buckley, Burdett, Roderick R. Butler, Cake, Churchill, William T. Clark, Sidney Clarke, Coburn, Conger, Conner, Cullom, Dawes, Degener, Dox, Eldridge, Farnsworth, Ferriss, Fisher, Fitch, Gibson, Hamilton, Harris, Hays, Heflin, Hoar, Hooper, Hotchkiss, Ingersoll, Jenckes, Johnson, Kelley, Kellogg, Knapp, Logan, Maynard, McCarthy, McCormick, McCrary, McKee, McKenzie, Milnes, Jesse H. Moore, Morphis, Daniel J. Morrell, Myers, Negley, O'Neill, Peck, Perce, Peters, Poland, Pomeroy, Porter, Prosser, Rogers, Roots, Sanford, Sargent, Sawyer, Schenck, Lionel A. Sheldon, Sherrod, Joseph S. Smith, William J. Smith, William Smyth, Starkweather, Stokes, Stoughton, Strader, Strickland, Strong, Tanner, Tillman, Townsend, Voorhees, Cadwalader C. Washburn, Wells, Wheeler, Whitmore, Wilkinson, Eugene M. Wilson, and Witcher—97.

NAYS—Messrs. Adams, Ambler, Archer, Arnell, Benton, Biggs, Bird, Buffinton, Burchard, Cessna, Cleveland, Amasa Cobb, Cowles, Cox, Dickinson, Finkelnburg, Fox, Getz, Gilfillan, Griswold, Hale, Hambleton, Hawley, Hay, Hill, Holman, Thomas L. Jones, Judd, Kelsey, Kerr, Ketcham, Knott, Lawrence, Loughridge, Mayham, McGrew, McNeely, Mercur, William Moore, Morgan, Niblack, Packard, Packer, Phelps, Randall, Reeves, Rice, Scofield, Shanks, Shober, John A. Smith, Stevens, Stevenson, Stiles, Swann, Sweeney, Taylor, Tyner, Upson, Van Auken, Van Trump, Van Wyck, Ward, Willard, Williams, John T. Wilson, Winans, Winchester, and Wood—69.

NOT VOTING—Messrs. Bailey, Banks, Barnum, Beatty, Beck, Bingham, Boles, Bowen, Boyd, James Brooks, Burr, Benjamin F. Butler, Calkin, Clinton L. Cobb, Cook, Covode, Crebs, Davis, Dickey, Dixon, Dockery, Donley, Duval, Dyer, Ela, Ferry, Garfield, Haight, Haldeman, Hamill, Hawkins, Heaton, Hoge, Alexander H. Jones, Julian, Laflin, Lash, Lynch, Marshall, Eliakim H. Moore, Samuel P. Morrill, Morrisey, Mungen, Orth, Paine, Palmer, Platt, Potter, Ridgway, Schumaker, Porter Sheldon, Slocum, Worthington C. Smith, Stone, Taffe, Trimble, Twichell, Van Horn, William B. Washburn, Welker, and Woodward—61.

So the bill was passed.

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

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. KNOTT and Mr. HALE obtained leave of absence for the remainder of to-day's session.

Mr. MOORE, of Ohio, obtained leave of absence for four days.

Mr. STILES obtained leave of absence till next Tuesday.

Mr. DOX obtained leave of absence for six days.

Mr. KERR obtained leave of absence till May 16.

Mr. MAYHAM obtained leave of absence for five days from the 1st of May.

Mr. TOWNSEND obtained leave of absence from the adjournment to-day until next Tuesday morning, on account of sickness in his family.

Mr. HAMILL obtained leave of absence till Wednesday next.

Mr. DAWES obtained leave of absence for one week.

Mr. STEVENS obtained leave of absence till next Thursday.

Mr. WOOD obtained leave of absence for three days.

Mr. HILL obtained leave of absence for one week.

Mr. PLATT obtained leave of absence for one week.

Mr. ATWOOD obtained leave of absence for ten days.

Mr. CLEVELAND obtained leave of absence till Tuesday next.

Mr. ELDRIDGE obtained leave of absence for this evening's session.

The SPEAKER asked leave of absence for Mr. HAMILTON and Mr. ARCHER for the session of this evening.

Objection was made.

WASHINGTON MARKET COMPANY.

The SPEAKER announced the appointment of Mr. TANNER, Mr. LOGAN, and Mr. VAN WYCK as the committee of conference on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. No. 1084) to incorporate the Washington Market Company.

HOT SPRINGS RESERVATION, ARKANSAS.

The SPEAKER also announced the appointment of Mr. KNOTT, Mr. ORTH, and Mr. ROGERS as the committee of conference on the part of the House upon the disagreeing votes of the two Houses on the bill (S. No. 95) in relation to the Hot Springs reservation in Arkansas.

ORDERING AN EVENING SESSION.

Mr. SCHENCK. I move that the House take a recess till half past seven o'clock p. m., to meet in Committee of the Whole upon the special order.

Mr. INGERSOLL. I move that the House adjourn. I believe this motion take precedence.

The SPEAKER. The question must first be taken on the motion to adjourn.

On the motion there were—ayes 70, noes 71.

Mr. SCHENCK. I call for the yeas and nays. Let us see who will keep faith. There was an understanding we should have an evening session for the tariff bill.

Mr RANDALL. Let the vote first be taken by tellers.

Mr. SCHENCK. Very well; I withdraw the demand for the yeas and nays and call for tellers.

Tellers were ordered; and Mr. SCHENCK and Mr. INGERSOLL were appointed.

Mr. INGERSOLL. As the gentleman from Ohio [Mr. SCHENCK] intimates that it is bad faith to attempt to dispense with an evening session, I will withdraw the motion to adjourn, although I was not a party to any agreement.

The SPEAKER. The gentleman will not facilitate business at all by withdrawing the motion to adjourn, for it would be immediately renewed.

The House divided; and the tellers reported—ayes 59, noes 69.

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

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 51, nays 94, not voting 82; as follows:

YEAS—Messrs. Archer, Arnell, Ayer, Beck, Biggs, Bird, Booker, James Brooks, Cleveland, Cox, Degener, Dickinson, Eldridge, Ferriss, Fox, Gibson, Griswold, Hambleton, Holman, Hotchkiss, Knott, Mayham, McKenzie, McNeely, Morphis, Niblack, Perce, Peters, Porter, Prosser, Reeves, Rice, Shanks, Sherrod, Shober, William J. Smith, William Smyth, Stevenson, Stiles, Stoughton, Strader, Swann, Upson, Van Auken, Van Trump, Van Wyck, Whitmore, Wilkinson, Williams, Winans, and Witcher—51.

NAYS—Messrs. Allison, Ambler, Ames, Armstrong, Asper, Atwood, Axtell, Barry, Bennett, Blair, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Burdett, Cake, Cessna, Churchill, William T. Clark, Sidney Clarke, Amasa Cobb, Coburn, Conger, Conner, Covode, Cowles, Cullom, Finkelnburg, Fisher, Fitch, Getz, Gilfillan, Hamill, Harris, Hawley, Hay, Heflin, Hoar, Hooper, Ingersoll, Jenckes, Johnson, Kelley, Kellogg, Kelsey, Ketcham, Knapp, Lawrence, Logan, Maynard, McCarthy, McCormick, McCrary, McGrew, McKee, Mercur, Milnes, William Moore, Daniel J. Morrell, Myers, Negley, O'Neill, Packard, Packer, Palmer, Peck, Phelps, Pomeroy, Randall, Roots, Sanford, Sargent, Sawyer, Schenck, Scofield, Lionel A. Sheldon, John A. Smith, Joseph S. Smith, Starkweather, Stevens, Strickland, Strong, Tanner, Taylor, Tillman, Townsend, Tyner, Ward, Cadwalader C. Washburn, Wheeler, Willard, Eugene M. Wilson, and John T. Wilson—94.

NOT VOTING—Messrs. Adams, Bailey, Banks, Barnum, Beaman, Beatty, Benjamin, Benton, Bingham, Boles, Bowen, Boyd, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Clinton L. Cobb, Cook, Crebs, Davis, Dawes, Dickey, Dixon, Dockery, Donley, Dox, Duval, Dyer, Ela, Farnsworth, Ferry, Garfield, Haight, Haldeman, Hale, Hamilton, Hawkins, Hays, Heaton, Hill, Hoge, Alexander H. Jones, Thomas L. Jones, Judd, Julian, Kerr, Laflin, Lash, Loughridge, Lynch, Marshall, Eliakim H. Moore, Jesse H. Moore, Morgan, Samuel P. Morrill, Morrissey, Mungen, Orth, Paine, Platt, Poland, Potter, Ridgway, Rogers, Schumaker, Porter Sheldon, Slocum, Worthington C. Smith, Stokes, Stone, Sweeney, Taffe, Trimble, Twichell, Van Horn, Voorhees, William B. Washburn, Welker, Wells, Winchester, Wood, and Woodward—82.

So the motion to adjourn was not agreed to.

Mr. SCHENCK. I modify my motion, and move that the House take a recess till eight o'clock, to meet in Committee of the Whole on the special order.

On the motion there were—ayes 88, noes 32.

Mr. STILES called for tellers.

Tellers were not ordered.

So the motion was agreed to; and the House (at five o'clock and thirty minutes p. m.) took a recess till eight o'clock p. m.

EVENING SESSION.

At eight o'clock p. m. the Committee of the Whole on the state of the Union, in accordance with the order of the House, resumed its session, (Mr. WHEELER in the chair,) and proceeded with the consideration of the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. The Clerk will report the pending paragraph.

The Clerk read as follows:

On all iron wire or wire of which iron shall be a component part of chief value, including annealed,

bright, coppered, galvanized, tinned, or coated with zinc or any other material, not less than No. 16 wire gauge, 2½ cents per pound, and in addition thereto 15 per cent. *ad valorem;* less than No. 16, and not less than No. 25 wire gauge, 4 cents per pound, and in addition thereto 15 per cent. *ad valorem;* less than No. 25 wire gauge, 5 cents per pound, and in addition thereto 15 per cent. *ad valorem; Provided*, That all iron wire covered with silk, cotton, or other textile material shall pay 5 cents per pound in addition to the rates of duty imposed on iron wire not so covered.

The CHAIRMAN. To this an amendment has been moved by the gentleman from Ohio, [Mr. GARFIELD,] which the Clerk will report.

The Clerk read as follows:

Insert after the word "on," at the beginning of the paragraph, the following:

Round iron not less than three quarters of an inch nor more than two inches in diameter, and on squares not less than three fourths of an inch nor more than two inches square, $20 per ton; on round iron less than three quarters of an inch or more than two inches in diameter, and squares less than three quarters of an inch or more than two inches square, $22 40 per ton; and, &c.

Mr. GETZ. Mr. Chairman, there is no quorum present.

The CHAIRMAN. That can only be determined by a division of the committee. The question is on the amendment of the gentleman from Ohio, [Mr. GARFIELD,] on which debate has been exhausted.

Mr. McCORMICK, of Missouri. I wish to move an amendment to the amendment. I move to strike out "three fourths," and in lieu thereof insert "one half;" so that all sizes over half an inch shall be subject to the tariff of $20 a ton.

Mr. LOGAN. I think the gentleman is mistaken in his amendment.

Mr. GARFIELD, of Ohio. I wish to call the attention of the committee to the pending amendment for one moment. If the gentleman from Missouri will look back to pages 14 and 15 he will see there are two classes of iron bars, one described in the last four lines on page 14, and the other in the first six lines on page 15. The rate has been fixed on those classes of $20 and $22 40 respectively. In the law these same two classes include not only flats, but rounds and squares. The paragraphs as they appear here have reduced the duties on flats, and rounds and squares are left standing in the law higher than flats. In other words, rounds and squares are now left standing in the law at 1 cent per pound, whereas we have put flats down to $20 a ton, and the second class of rounds and squares and flats, in the law, is fixed at 1¼ cents per pound; but flats have been put down here to 1 cent per pound, or $22 40 per ton. My amendment is simply that rounds and squares shall come in with flats and partake of the same reduction.

Mr. McCORMICK, of Missouri. The gentleman misunderstands my amendment. I have no reference to the amount of the tariff, but to the diameter of the iron. He provides for all iron over three quarters of an inch, and my amendment is to make it one half of an inch, so as to agree with the iron on page 14, to which the gentleman has referred.

Mr. GARFIELD, of Ohio. I follow the classification of the law, and do not change it. My amendment is precisely in the language of the law, except as to the rate.

Mr. McCORMICK, of Missouri. I withdraw my amendment to the amendment.

Mr. McNEELY. I object to the gentleman withdrawing the amendment.

The committee divided; and there were—ayes 10, noes 60; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. McCORMICK, of Missouri, and Mr. CESSNA.

The committee again divided; and the tellers reported—ayes 20, noes 102.

So the amendment was rejected.

Mr. ASPER stated that he was paired with Mr. STILES.

Mr. McCORMICK, of Missouri, stated that he was paired with Mr. TOWNSEND.

The question recurred on the amendment of Mr. GARFIELD, of Ohio.

The committee divided; and upon a division there were—ayes 25, noes 50; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. GARFIELD, of Ohio, and Mr. SCOFIELD.

The committee again divided; and the tellers reported—ayes 53, noes 69.

So the amendment was disagreed to.

Mr. HOAR. I move to amend by adding at the end of the paragraph the following words:

Provided further, That rolled iron, not more than three sixteenths of an inch diameter or square, shall be subject to the same duty as wire.

Mr. Chairman, it will be recollected that yesterday afternoon there arose a question as to the correctness of the phraseology used in the description of this class of wire. It was stated that there was a certain product which competed with it, which was rolled to a size of less than three sixteenths of an inch, a specimen of which I showed to the House yesterday. An amendment was offered by the gentleman from New Jersey, [Mr. CLEVELAND,] and an amendment was offered by myself. Those amendments were both withdrawn. On consultation with the gentleman from New Jersey, and with several members of the Committee of Ways and Means, I now propose this amendment, which is merely to make the phraseology of the section correct, the description of "rolled iron three sixteenths of an inch" being used instead of "wire." I presume there will be no objection to this amendment.

Mr. BURCHARD. Mr. Chairman, I desire that the committee shall understand what they are voting upon. There is a class of rods known as brasier's rods that are in common use in the various tin-shops of the country for various purposes. This limitation of size of three sixteenths of an inch would include them.

Mr. HOAR. To meet the gentleman's objection I will add after the words "rolled iron," the words "in coils."

Mr. HOAR's amendment, as thus modified, was agreed to.

The Clerk read the next paragraph, as follows:

On all iron or steel wire rope, or twisted ties, made of wire not less than No. 16 wire gauge, 5 cents per pound; made of wire less than No. 16 and not less than No. 25 wire gauge, 6 cents per pound; made of wire less than No. 25 wire gauge, 7 cents per pound.

Mr. SCHENCK. I move to amend by striking out the words "twisted ties" in the three hundred and seventy-sixth line. These have been already provided for at a lower rate of duty.

The amendment was agreed to.

Mr. GRISWOLD. I move to amend by striking out "5" and inserting "2" in the three hundred and seventy-seventh line; so that that part of the paragraph will read, "On all iron or steel wire rope made of wire not less than No. 16 wire gauge, 2 cents per pound." Mr. Chairman, I move this amendment in part for the purpose of making an inquiry of some gentlemen of the committee. I am informed that these "twisted ties" are really three wires twisted together.

Mr. KELLEY. Twisted ties are struck out.

Mr. GRISWOLD. I am aware of that. I understand also that this wire rope is also twisted wire, but composed of several different strands of this same twisted wire; that it is used in the rigging of vessels and for some other purposes, and that it really ought not be put in here at a higher rate than "twisted ties." It is but little more expensive than the wire. It is merely twisted, and this duty, I believe, is much too large. I want to ascertain whether there has not been the same mistake made with regard to twisted rope as was made with regard to "twisted ties." I am informed that the present duty upon this article by the existing law is precisely the same as the duty on "twisted ties." Now, it seems that gentlemen acquainted with this subject, who have framed this bill, have assented to making the duty on "twisted ties" 2 cents. I suppose that for the same reason this wire rope should also be put at the same duty. I am open to correction, but what I have stated I am informed is the fact.

Mr. KELLEY. Wire rope is made of many strands of twisted wire or spun wire, each strand having in it more labor than the twisted tie has, which is but a single wire. These are three, five, or more strands of wire spun into cord of iron or steel, and then by the ordinary rope-making process made into wire rope. It involves as much labor as almost any form in which you get iron or steel wire. It requires the best forms and characters of iron, for the reason that it is used in hoisting great weights. You find it attached to elevators in hotels; you find it in large warehouses where heavy weights are to be hoisted; you find it on inclined planes where heavy ores and metals are shot from the hillside down for transportation.

Mr. McCORMICK, of Missouri. What is the commercial value of this wire?

Mr. KELLEY. The commercial value varies according to its quality, as the wires vary.

Mr. McCORMICK, of Missouri. The approximate value?

Mr. KELLEY. I have not my Iron Age with me, or any other price current, and therefore I cannot tell the gentleman. But there is a very wide range of prices, as there is a wide range of descriptions. This paragraph contemplates rope made of wire not less than No. 16 wire gauge, that made of wire less than that number, and wire less than No. 25 wire gauge. Each strand of the rope involves, as I have before said, a large number of strands of wire. It is expensive in its manufacture, involving a great deal of labor and increasing in value as the strands are finer.

[Here the hammer fell.]

Mr. LOGAN. I move to strike out the paragraph, and I do it for the purpose of getting an explanation and not of raising the ire of any gentleman. I want to be informed, and I presume everybody does who does not understand this matter, and I confess I do not. The only duty that I can find on wire of this size in the old law is as follows:

"Iron wire, bright, coppered, or tinned, drawn and finished, not more than one fourth inch in diameter nor less than No. 16 wire gauge, 2 cents per pound and 15 per cent. *ad valorem*.

"Iron wire as above, over 16 and not over 25 wire gauge, 3½ cents per pound and 15 per cent. *ad valorem*.

"Iron wire over 25 wire gauge, 4 cents per pound and 15 per cent. *ad valorem*."

I find in the old law these rates: on wire not more than one quarter of an inch in diameter not less than No. 16 wire gauge, 1¾ cents per pound and 15 per cent. *ad valorem;* on wire over No. 16 and not over No. 25, 3 cents per pound and 15 per cent. *ad valorem;* and on wire over No. 25, 4 cents per pound and 15 per cent. *ad valorem*. Now, this paragraph, as I understand it, doubles the duty under the old law, and I want somebody to explain to me why it is, or if that is so.

Mr. KELLEY. I will try and explain it to the gentleman from Illinois in the same good temper that he is exhibiting to-night.

Mr. LOGAN. It is not necessary to mention that. It is not for you to insinuate that I am not in a good temper at other times. [Laughter.]

Mr. KELLEY. I take it back. [Laughter.] The paragraph that the gentleman proposes to strike out does not relate to wire in its simple condition, but wire rope. The duty on wire under the old law was 3½ cents per pound, or about the same as we have inserted in this bill. I know the duty on this wire rope is 35 per cent. *ad valorem*. It is not mentioned in the present tariff, and the committee believed it ought to be. The rate they have reported is rather less than the present rate, but it makes it specific instead of leaving it *ad valorem*.

We endeavor to close the door against frauds, and that without really increasing the rate of duty.

Mr. LOGAN. It is not necessary to talk about frauds. That has been in every speech I have heard from the gentleman yet. I ask the gentleman whether or not this class of iron wire or iron rope was not heretofore taxed 35 per cent. *ad valorem*? And now it is proposed to tax it 5 cents per pound. I tell the gentleman that that is a correct statement, and 5 cents per pound is 135 per cent. *ad valorem*. That is the difference. It is just an increase of 100 per cent. If the duty is placed at 6 cents per pound the increase is more; and at 7 cents per pound it is still more of an increase. That is just the fact about it, and I want to understand it. Now, if there is any necessity for an increase of 100 per cent. I would like to know it.

Mr. KELLEY. There is no increase of duty of 100 per cent. The duty on wire of 25 wire gauge is 3½ cents per pound and 15 per cent. *ad valorem*; the duty on wire over 25 wire gauge is 4 cents per pound and 15 per cent. *ad valorem*.

Mr. LOGAN. That is on wire?

Mr. KELLEY. That is on wire.

Mr. LOGAN. Yes, that is on wire; but we are talking about wire rope.

Mr. KELLEY. When the last tariff was adopted this article of wire rope was not brought to the attention of the Committee of Ways and Means, or to the attention of the House. The article was admitted as an unenumerated article at 35 per cent. *ad valorem*. The manufactured article of wire rope is a finished material, but comes in at a rate of duty lower than the wire from which the finished article is made.

[Here the hammer fell.]

Mr. GRISWOLD. Before the question shall be taken upon the motion to strike out this paragraph, I move to amend it so as to make the duty on iron or steel wire rope, made of wire not less than No. 16 wire gauge, 3 cents per pound.

I wish to call the attention of the Committee of the Whole to the fact that the other day when our attention was called to twisted ties there probably was not a gentleman present who would have known what "twisted ties" meant if it had not been for a circular issued by some one in the city of New York, or somewhere else, who knew what the article was. After a long contest the Committee of Ways and Means finally conceded that a mistake had been made in putting twisted ties in this paragraph at a duty of 5 cents per pound. It has been conceded, then, by those who desired to keep up this duty that those twisted ties ought to be at a duty much less than 5 cents per pound. I think they ought really to be admitted at 35 per cent. *ad valorem*.

As I said, after quite a long contest, we succeeded in getting the duty reduced to 2 or 2½ cents per pound; and instead of that article having been inserted in this paragraph by mistake it seems to me that it was not by mistake, but that twisted ties were intentionally put in with wire rope, upon which the duty ought to be precisely the same as twisted ties. I understand that wire rope is made by machinery in the same way as twisted ties are made, and at a trifling cost. It would seem, from all we can gather here, that some person interested in the manufacture of this article—of course without the knowledge of the Committee of Ways and Means; but some person interested in this particular article, has got it put in this paragraph at 5 cents, or 6 cents, or 7 cents per pound, according to the size of the wire of which it is made. Now it is perfectly apparent, I think, that the duty on wire rope should be precisely the same as the duty upon twisted ties, because it is made in the same way by machinery at a trifling additional cost. This wire rope is frequently used in shipping, and it is important that the duty upon it should be reduced.

Mr. LOGAN. I would suggest also that wire rope is used in the construction of railroad bridges, and extensively used, too.

Mr. GRISWOLD. Yes, sir; and I understand that heretofore it has been admitted at a duty of 35 per cent. *ad valorem*. But it is now proposed to increase the duty on it to 125 per cent. as was conceded in regard to twisted ties.

[Here the hammer fell.]

Mr. CONGER. I do not know whether the Committee of Ways and Means have classified this wire rope properly or not in applying the same rate of duty on iron wire rope that is proposed on steel wire rope. The amendment now proposed is to strike down the duty on steel wire rope to 3 cents per pound, although this paragraph proposes to lay a duty upon steel wire of one description of 5 cents per pound, and upon steel wire of another description 6 cents per pound. Now, it seems to me that it might be proper to make a distinction between the duty imposed on iron wire rope and the duty on steel wire rope, and that the duty on steel wire rope should not be reduced below the duty on steel wire.

By reference to lines four hundred and thirty-nine and four hundred and forty the committee will see that the duty on steel wire less than No. 13 is 5 cents per pound; on wire finer than No. 13 6 cents per pound. It seems to me it would be improper to make the duty on manufactures of iron rope which may be made in this country less than the duty on wire itself. I think this must be apparent to any gentleman acquainted with the process of manufacture and the machinery necessary to carry it on. In the first place it is necessary to braid carefully the strand, then to combine the three into a larger strand, then three strands into a rope, and then three ropes into a cable. If the strands be not twisted evenly, if one be but an inch shorter in one hundred feet than another, the strain upon it breaks first one strand and then another. The report of all engineers is that the failure of iron wire rope or steel wire rope which has occurred in suspension bridges or in raising great weights has resulted from the improper twisting or combining of the strands. This manufacture requires greater care and more accurate machinery than the manufacture of any species of rope made from hemp, or cotton, or anything of that kind; for, as I have remarked, if there is a difference of an inch in one hundred feet, so as to shorten or lengthen one of the strands and bring the strain upon it, the iron or steel wire does not give as would a textile material, so that one strand after another breaks, causing disaster to any work in which this iron rope may be used.

Mr. GRISWOLD. I withdraw my amendment.

Mr. JONES, of Kentucky. I move to amend the section by striking out in line three hundred and seventy-seven, "5" and inserting "3;" by striking out "6," in line three hundred and seventy-nine, and inserting "4;" and by striking out "7" in line three hundred and eighty-one, and inserting "5." I do not profess to know much about this matter; but it seems to me that a duty of 5, 6, and 7 cents is very high; that this would be an immense tariff upon a single coil of wire, and that to cut down the rate as I propose in my amendment would but correspond with the reductions which we have made in other instances.

Mr. KELLEY. The proposition is not to impose these rates on a single strand or coil of wire. The rate of duty is upon iron rope or steel rope in three different grades. The rates proposed by the gentleman for the rope are less than those imposed on the wire. The mode of manufacturing these ropes has been described by the gentleman from Michigan [Mr. CONGER] even more minutely than I attempted to do it. The wires are first spun into thread; three of those are spun together, making again a thread; these threads are again spun into three, and then finally into the rope. They are tarred and painted, requiring a great deal of labor and a large amount of machinery. Yet, in spite of this additional labor and this additional capital required, it is proposed to admit them at lower rates than those imposed on the raw material or wire from which they are made.

Mr. JONES, of Kentucky. Let me remind the gentleman that the Committee of Ways and Means makes a difference.

Mr. KELLEY. The committee makes in the grades of wire a difference proportionate to the duty on the grades of wire. That wire which comes in at a lower duty is placed at a lower duty when spun into rope. That wire which pays a higher duty, as wire, pays a higher duty when spun into rope. Hence the three grades of duty on wire rope, to accommodate the duty on this species of rope to the duties on the wire. To adopt either of the pending amendments will be to declare that wire rope, so important for suspension bridges, for the works at mines, and for the standing rigging of ships, shall not be made in this country; that we may import wire or manufacture it, but we must not manufacture it into rope; we must depend upon foreign nations for the standing rigging of our ships, for the wire required for our suspension bridges, and for all other purposes. If the duty on wire be higher than the duty on the rope, of course the rope will not be manufactured out of wire in this country, but the rope will be imported ready made.

Mr. LOGAN. Will the gentleman answer me this question: is there in this country any manufactory of this quality of iron rope which is asking for this increase of duty?

Mr. KELLEY. I believe there is; and there are among the files of the Committee of Ways and Means elaborate statements of the relations of wire to the rope.

Mr. LOGAN. I should like to know what establishment asks it.

Mr. KELLEY. I cannot give the gentleman information that my memory does not retain. I do remember the committee made an elaborate examination of the facts, and that the papers are in writing among the files of the committee.

Mr. LOGAN. Does the gentleman remember that there is any wire rope manufactured in this country?

Mr. KELLEY. I do not remember the street or number.

Mr. LOGAN. Will the gentleman give me the information?

Mr. KELLEY. If it is not made here it ought to be, for if we get into war it will not do to depend on England either for our rigging or our ships.

[Here the hammer fell.]

Mr. ALLISON. I ask the gentleman from Kentucky to withdraw his amendment.

Mr. JONES, of Kentucky. I will if the gentleman will renew it.

Mr. ALLISON. I will renew it in effect.

Mr. JONES, of Kentucky. I withdraw my amendment.

Mr. ALLISON. I move the following amendment:

In line three hundred and seventy-seven I move to strike out "5" and insert "2½;" in line three hundred and seventy-eight to insert "and 15 per cent. *ad valorem*;" in line three hundred and seventy-nine to strike out "6" and insert "3½;" in line three hundred and eighty to insert "and 20 per cent. *ad valorem*;" in line three hundred and eighty-one to strike out "7" and insert "4;" and also "and 15 per cent. *ad valorem*;" so it will read:

On all iron or steel wire rope or twisted ties, made of wire not less than No. 16 wire gauge, 2½ cents per pound and 15 per cent. *ad valorem*; made of wire less than No. 16 and not less than No. 25, wire gauge, 3½ cents per pound and 20 per cent. *ad valorem*; made of wire less than No. 25 wire gauge, 4 cents per pound and 15 per cent. *ad valorem*.

Now, Mr. Chairman, the gentleman from Pennsylvania [Mr. KELLEY] states that iron wire pays a duty of 2 cents per pound and 15 per cent. *ad valorem*, 3½ cents a pound and 15 per cent. *ad valorem*, and 4 cents a pound and 15 per cent. *ad valorem*; while iron wire rope comes in at 35 per cent. *ad valorem*. I believe that statement to be substantially correct; that is to say, iron rope not being an enumerated article comes in under an *ad valorem* duty. It is also true that steel wire rope comes in at 45 per cent. *ad valorem*. Iron wire rope comes in at 35 per cent. *ad valorem* and steel wire rope at 45 per cent. *ad valorem*. The gentleman says that the reason for this specific classification is because those articles come in at a less rate of duty than the wire of which they are manufactured.

Mr. KELLEY. The rates proposed by the amendment will make them lower.

Mr. ALLISON. Very well; now, I understand the gentleman from Pennsylvania to say that the object is to get a specific rate of duty. I do not understand him to claim that we should increase the rate of duty.

Mr. KELLEY. On wire rope; yes.

Mr. ALLISON. Now, what I propose is, we will give an increase on iron wire rope and leave the steel wire rope to come in as steel wire. I should be willing to give one half cent a pound increase; but the proposition that we shall pay double rates is not, I think, a fair proposition.

Mr. LOGAN. It would add 100 per cent.

Mr. ALLISON. I do not think it is so much.

Mr. LOGAN. I have made the calculation.

Mr. ALLISON. I ask the gentleman from Illinois to listen to me for a moment. Steel wire now pays 3 cents a pound and 20 per cent. *ad valorem*. The proposition is to make it when changed into rope pay 7 cents a pound. I think that is too much for the simple process of twisting wire; that is, the difference between 7 cents per pound and 3 cents per pound. I am willing to give one half cent increase on this, but I wish to preserve that same classification. I wish to call attention to the fact that wherever we make a change to specific duties we always manage to increase the rate of duty.

Mr. ROGERS. I wish to ask the gentleman from Iowa if this rate of duty does not amount to a prohibition upon the importation of this article?

Mr. ALLISON. I do not know whether it amounts to a prohibition or not. I only know it is too high a rate as compared with the existing law, if the only object of the gentleman from Pennsylvania is to correct an error in the classification.

[Here the hammer fell.]

Mr. MAYNARD. I desire to call the attention of my colleague on the committee from Iowa, [Mr. ALLISON,] and of the gentleman from Illinois, [Mr. LOGAN,] who was my colleague on the committee in the last Congress, to the fact that we had this subject of iron and steel wire under consideration in the last Congress, and that in a short bill, embracing a few articles, which was reported from the committee purposely and professedly to cure what were admitted to be defects in the existing law, the subject of iron and steel wire was dealt with. The rates provided in that bill were as follows:

"On iron or steel wire rope, made of wire over No. 16 wire gauge in size, 6 cents per pound; made of wire less in size than No. 16, but not less than No. 25, 7 cents per pound; made of wire less in size than No. 25 wire gauge, 8 cents per pound: *Provided*, That iron wire rod galvanized shall pay one quarter of one cent per pound in addition to the foregoing rates."

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

The CHAIRMAN. A question of privilege cannot be entertained in Committee of the Whole.

Mr. ROGERS. I rise, then, to a question of order. I understand that there are lobbyists on the floor, and I believe there is a rule which excludes them.

The CHAIRMAN. That is a point of order which the Chair cannot entertain. Such a point of order can only be made in the House. If the "lobbyists" are disturbing the order of the committee the Chair will take notice of the fact.

Mr. BECK. Will the gentleman from Tennessee yield to me for a remark?

Mr. MAYNARD. Yes, sir; in a moment or two. I was about to give the reason why, in the last Congress, we introduced the provision I have read, with respect to iron and steel wire rope. It was this—and I may say that the subject was very fully investigated, and the documents relating to it I presume are on file in the committee-room, and still accessible; it was this: that establishments that had been attempting to manufacture this article had found it was perfectly impracticable to do so, since the duty on the ropes was less than the duty on the wire, whether of iron or steel, of which they were made; and that every establishment in the country, of which quite a number had been started, had been closed except one in the State of New Jersey. The committee therefore were satisfied that the existing law was defective, the defect being one of those which would be discovered in the operations of trade and business. And we sought in the last Congress to remedy that defect by a duty still higher than that which we propose in the present bill. This year we have reduced the duty on the several grades 1 cent a pound below the point proposed by the committee in the last Congress.

Mr. BECK rose.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BECK. I understood that the gentleman from Tennessee yielded to me a portion of his time.

The CHAIRMAN. The gentleman from Tennessee had no time left to yield.

Mr. BECK. Then I move to strike out "7 cents" and insert "3 cents." I do not wish to occupy more than a moment, and that for the purpose of making a single remark. In my opinion the length of time consumed in the debate upon these two paragraphs has cost much more in the way of gas to light this Hall, independently of all that has been sent forth upon this floor, than all the revenue derived from this article. In 1869, the amount of duty received on iron wire above No. 25, rated at 4 cents per pound and 15 per cent., was $5 61. The amount received on iron wire covered with cotton, silk, and other material, not less than No. 16, rated at 7 cents per pound and 15 per cent., was $7295; on No. 16 to No. 25, it was $58 36; above No. 25, it was $73 98. At present, therefore, the duties on all these articles are prohibitory. The revenue received from them, notwithstanding all that has been said about them, would hardly pay the salary of a single collector's clerk in a single custom-house for two months. And yet we are asked to put the duty on some of these articles above what it was before.

Mr. MAYNARD. I would observe to the gentleman that we manufacture the greater portion of the wire that we use in the country. The wire rope, however, comes in, not as a specific article, but as an unenumerated manufacture; so that the tables do not show what value of that article is imported.

Mr. BECK. They show that the tariff on iron wire is prohibitory now; and yet you are increasing it to a still higher rate.

Mr. SCHENCK. I think this whole matter is to be thus explained: we have at present certain duties upon the three or four grades of iron and steel wire. Wire rod is comparatively a modern production. Lately we have been making wire rope for tiller ropes and standing rigging of vessels, and for various purposes for which the best hemp cordage was formerly used, and we have been brought into this singular condition of things, that while we have a tariff imposing a certain rate of duty upon different grades of iron and steel wire, the rope which is made out of iron and steel wire has been introduced as a non-enumerated article, at 35 per cent. *ad valorem;* and thus the rope made out of wire has been brought in at a lower rate of duty than the wire itself, which is the raw material out of which it is made.

Now, the object of this amendment of the tariff is to make iron and steel wire rope by specific designation a dutiable article, instead of leaving it among the non-enumerated articles. We make pretty much all our own wire in all its different grades; but while rope made out of wire can come in at far less than the wire itself, then as a matter of course the rope is brought in although the wire is not. The only question then is, having settled the rates of duty upon different grades of iron and steel wire, what you shall do with the iron and steel wire rope. And the committee have thought that this rope ought to pay as much as the wire out of which it is made, and a little more, because of the labor which enters into it in order to convert the iron or steel wire into rope.

Mr. RANDALL. Let me correct the gentleman upon one point.

Mr. SCHENCK. Certainly.

Mr. RANDALL. It is as to the use of wire rope being a modern thing. There is in Philadelphia a suspension bridge of wire rope which has been built for twenty years.

Mr. SCHENCK. That is a different class of rope or twist from that now in constant use and recent use as a substitute for hemp cordage in standing rigging and tiller ropes, and various purposes of that kind for our shipping, and which has in fact gone into use at a comparatively recent date for hoisting in mining and various other ways. They have now made a flexible, valuable rope which is a substitute for the finest and best and strongest hemp cordage.

Now, the question opened to the committee is what ought to be the duty upon cordage of this kind, for it may be called wire cordage. It ought to be something more than that on the wire itself. I am inclined to think that what the gentleman from Iowa [Mr. ALLISON] proposes to reduce it to from what the committee have reported in the bill is nearer right than the bill itself; but certainly it ought to be something more than the wire out of which it is made.

Mr. MAYHAM. I desire to ask the gentleman from Ohio a question. I understand him to say that the wire, which is the raw material out of which this rope is manufactured, is charged with as high a duty as the rope itself. Now, in my examination of this bill I am unable to find any iron wire that is charged at the rate of 7 cents per pound specific duty, while this rope by this bill is charged 7 cents per pound. The question which I desire to ask is whether there is any iron wire charged at the rate of 7 cents per pound specific duty?

Mr. SCHENCK. In the preceding paragraph we have put all iron wire at different rates of duty—at 2 cents a pound and 15 per cent. *ad valorem*, at 3½ cents and 15 per cent. *ad valorem*, and at 4 cents and 15 per cent. *ad valorem*, and steel wire is at present at a somewhat higher rate.

[Here the hammer fell.]

Mr. BECK. I withdraw the amendment to the amendment.

Mr. GRISWOLD. I renew it. I simply wish to call the attention of the committee to one fact. The twisted wire that we had the contest about yesterday is nothing but this twisted rope. It is composed of three wires which make three strands. All wire rope is composed of a certain number of strands. It may be of six strands or of fifteen, or of a sufficient number to make a cable strong enough to hold a ship. Now, the point to which I wish to call attention is this: that these twisted ties which we put in here yesterday at 2 cents

a pound and at 3½ cents and 4 cents, according to the size of the wire, are wire rope, and nothing else, composed of only a few strands.

Now, I would like to understand if there is any such great variation in the expense between these twisted ties and wire rope, because if the rope is composed of nine or fifteen strands it seems to be charged with the same duty as the rope which is composed of one hundred strands, large enough and strong enough to make a cable to hold a ship. Yet it is apparent that by this bill no distinction is made between rope of different sizes and twisted ties, which is put down here at 5 cents per pound, which was conceived by the Committee of Ways and Means to be too high. And I desire to call attention to another point. Wire is put down at 2 cents per pound. It is said that we get these twisted ties and these wire ropes at a lower duty than we do the wire of which those articles are made. There is galvanized wire covered with zinc and copper, which I think is a higher-priced wire than the wire of which these wire ropes are made. Now, I think these twisted ties were put in the same paragraph with wire rope where they should be; and according to the concession of the Committee of Ways and Means, I think that wire rope should be put at precisely the same duty with twisted ties. I now withdraw my amendment to the amendment.

Mr. HOAR. I desire simply to state to the committee——

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. HOAR. I move to amend *pro forma* by striking out the last word. This wire rope, used for suspension bridges, and the larger kinds of wire rope, is ordinarily made of the very finest kind of charcoal wire, the strongest and most expensive wire made—substantially the same quality of iron that is used for horse-shoe nails. I understand, moreover, that this wire rope is made in several places in this country. The principal place where it is manufactured is in the works of John A. Robling's Sons, of Trenton, New Jersey, where was made the wire ropes for the Niagara suspension bridge. Wire rope is also manufactured by Tucker, Carter & Co., of Brooklyn, New York, by Mr. Hazard, of Mauch Chunk, Pennsylvania, and by William Bromwell & Co., of Cincinnati, Ohio.

Mr. LOGAN. I knew it was made in this country; and that is the reason I asked Mr. KELLEY to say if he knew who made it, as he knew so much always. I knew it was made at Trenton, for I had a letter from there.

Mr. KELLEY. Of course, if I should ever come to know as much as the gentleman from Illinois [Mr. LOGAN] I would be one of the wisest men in the world.

Mr. HOAR. I withdraw my *pro forma* amendment.

The question was then taken upon the amendment of Mr. ALLISON; and it was agreed to, upon a division—ayes fifty-eight, noes not counted.

The question then recurred upon the motion of Mr. LOGAN to strike out the paragraph as amended.

Mr. LOGAN. I withdraw that motion.

Mr. HOOPER, of Massachusetts. I renew the motion.

The question was taken upon the motion to strike out the paragraph as amended; and it was not agreed to—ayes eighteen, noes not counted.

Mr. BROOKS, of New York. I ask the Clerk to read the paragraph as it is now amended.

The Clerk read as follows:

On all iron or steel wire rope made of wire not less than No. 16 wire gauge, 2½ cents per pound, and in addition thereto 20 per cent. *ad valorem;* made of wire less than No. 16 and not less than No. 25 wire gauge, 3½ cents per pound, and in addition thereto 20 per cent. *ad valorem;* made of wire less than No. 25 wire gauge, 4 cents per pound, and in addition thereto 20 per cent. *ad valorem.*

Mr. BROOKS, of New York. I move to amend the paragraph by striking out the words "and in addition thereto 20 per cent. *ad valorem*," for the purpose of saying——

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

The CHAIRMAN. The gentleman will state his point of order.

Mr. CONGER. The Committee of the Whole having refused to agree to the motion to strike out the paragraph, is it in order now to move to amend the paragraph?

The CHAIRMAN. By the rules of this House it is in order to amend a paragraph after the question has been taken upon the motion to strike it out. But that is contrary to the practice in State Legislatures, and is also contrary to the ordinary rules of parliamentary law.

Mr. SCHENCK. I rise to another point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SCHENCK. The gentleman from New York [Mr. BROOKS] has moved to strike out words which the Committee of the Whole have just inserted, which is not in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BROOKS, of New York. Then I move to strike out "2½ cents per pound."

Mr. SCHENCK. Upon that I raise the same point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BROOKS, of New York. Then I move to strike out "25 wire gauge" and insert "23 wire gauge." Is that in order?

The CHAIRMAN. That motion is in order.

Mr. BROOKS, of New York. Mr. Chairman, this paragraph proposes a considerable increase of the existing rate. The *ad valorem* rate is an increase of 5 per cent.

Mr. MAYNARD. I call the gentleman to order. I insist that he shall confine his remarks to the question of a reduction from No. 25 to No. 23 wire gauge.

The CHAIRMAN. The point of order is well taken; but the Chair will remark that if the gentleman from Tennessee can hear the gentleman from New York he is more fortunate than the Chair. [Laughter.]

Mr. BROOKS, of New York. Well, I will speak to the question of the reduction from No. 25 to No. 23 wire gauge. I submit that these wire gauges should be so arranged as not to increase the existing duty. But the arrangement of the wire gauge in this bill is an increase of the duty to the extent of 5 per cent. *ad valorem* throughout the rates. I wish that fact to be made a matter of record. Now, as I am compelled to speak strictly in order, let me say that the argument in favor of increasing the duty on this wire rope is that we have enormously increased in the preceding paragraph the duty on wire. To show how the duty on wire has been fixed, I ask the Clerk to read a table which I send to the desk.

The Clerk read as follows:

Table of the price of English wire, and a calculation of what the combined specific duty of 2½ cents per pound and 15 per cent. ad valorem will amount to, as a simple ad valorem duty.

Gauge.	*Sterling price.*	*American gold.*	*Per cent. ad valorem.*
Nos. 0 to 6	£11 5*s.*	$54 68	117
No. 7	12 00	58 52	111
No. 8	12 15	61 97	105
No. 9	13 5	64 40	102
No. 10	14 5	69 25	95
No. 11	14 15	71 68	90
No. 12	15 5	74 10	90

To give a single illustration of how this tariff works, the English wire-workers buy their wire of the manufacturers at 3 cents (not 3 pence) per pound; the American wire-worker pays 10 cents for the same article.

During the reading of the table,

Mr. HOOPER, of Massachusettts, said: I rise to a question of order. We are not now considering the duty upon wire, but the duty upon wire rope.

Mr. BROOKS, of New York. I think the gentleman will save time by letting this table be read.

Mr. HOOPER, of Massachusetts. The paragraph under consideration relates to wire rope.

Mr. BROOKS, of New York. If the point of order is to be argued, I wish to say that I am showing that it is but just to increase the rates on wire rope after we have increased those on wire; and by this table I wish to show how the duties on wire have been increased.

The CHAIRMAN. The Clerk will read the table.

The reading of the table was resumed and concluded.

Mr. BROOKS, of New York. I withdraw the amendment.

The Clerk read as follows:

On iron wire cloth 2 cents per square foot and 35 per cent. *ad valorem;* if painted or printed with figures, 4 cents per square foot, and 35 per cent. *ad valorem.*

Mr. COX. I move to strike out the paragraph just read. I wish to explain to the chairman of the Committee of Ways and Means, who I am happy to say has just been voting with us, precisely what the amount of this duty will be upon iron wire cloth. This iron wire cloth is now taxed, and if this paragraph be struck out, will be taxed hereafter 35 per cent. *ad valorem.* The Committee of Ways and Means have seen proper to add on iron cloth 2 cents per square foot, and on painted wire cloth 4 cents per square foot in addition to the 35 per cent. *ad valorem.* I cannot understand this exactly. A gentleman doing business in New York has come here fully indorsed by a letter of ex-Governor Salomon, of Wisconsin, to the gentleman from that State, [Mr. PAINE.] The letter of this gentleman says that the rate proposed in this bill will operate as an increase upon the present rates of 135 per cent. *ad valorem*, which is equivalent to 170 per cent. on the painted wire cloth, while as to the other wire cloth, that which is not painted, none is imported from abroad, and hence the provision is meaningless—a tub to the whale.

This painted wire cloth can be bought in Germany, where it is made, for 3½ cents, gold; that is the invoice price; freight and other charges being added, it sells wholesale in New York from 6½ to 7 cents in currency. The wholesaler sells it again at 9 cents. The result of the proposition of the Committee of Ways and Means will be to increase for the benefit of a few manufacturers the price of this painted wire cloth which goes into all our houses as screens for windows, which is used in our grocery shops for covering cheese, meat, &c., which is used for one purpose or another by almost everybody, which is now no longer an article of luxury, but almost a matter of necessity. I hope the chairman of the Committee of Ways and Means is giving me his serious attention, for I want him to vote with me on this question. I do not call this duty "robbery," as some others of these duties have been designated, but now in the night season it looks more like burglary. [Laughter.] One hundred and twenty-five per cent. and you add 35 per cent. *ad valorem!* What is the object of it? Is it for the purpose of helping any iron-works here? Do you know why it is proposed? What costs 3½ cents abroad costs 9 or 10 cents to the consumer here.

Mr. JONES, of Kentucky. I wish to say that while my friend from Ohio seems to be addressing entirely the other side of the House he is turning his back upon his friends here.

Mr. COX. I never turn my back upon my friends except when I am fighting my enemies. [Laughter.]

Mr. JONES, of Kentucky. I wish to hear the remarks of my friend from Ohio, and I hope he will address himself to this as well as to the other side of the House.

Mr. COX. I will speak so I can be heard on both sides. I will not call gentlemen on the other side my enemies. I wish to agree

with them on reducing the duty upon these beautiful articles which are woven of wire. I wish to vote with the chairman of the Committee of Ways and Means [Mr. SCHENCK] to strike down this insidious tariff of 125 per cent. I do this for the benefit of the consumer. Is this high tariff here for the benefit of somebody, which I think my friend must know from the smile which plays about his face?

The CHAIRMAN. The gentleman's time has expired.

Mr. COX. I will hand to the gentleman from Ohio samples of the beautiful fabrics woven from wire.

Mr. SCHENCK. I am not acquainted with anybody in this trade at all. Wire comes in at a certain rate of duty. It so happens that wire cloth comes in at less duty than the wire of which it is made. The proposition of the Committee of Ways and Means is to add a little something to cover the labor of converting the wire into wire cloth, and give it the benefit of the same duty as wire. This wire cloth is used for the purpose of keeping out flies—"shoo fly!" you know. [Laughter.]

Mr. COX. There is some nice little dicker about this thing, and I want to get at the bottom of it.

Mr. SCHENCK. The only object is to put a duty on these beautiful things manufactured out of iron wire which shall be equal to the duty on iron wire, and to add some little duty for the purpose of protecting the manufacture in our own country.

Mr. HOAR. For the purpose of stating a few facts in reference to this manufacture I will move to strike out "35" and insert "36."

Mr. Chairman, I believe, if there is a single manufacture which gentlemen on this side of the House should be willing to protect amply it is the particular manufacture under consideration. It is not made in large establishments, as the drawing of wire is. It is made very largely on hand-looms by laborers who direct their individual skill to the production of these wire cloths. They make screens and sieves and wire cloth for all the purposes for which wire cloth is made. This was originally a German manufacture, and Germans skilled in it have come to this country and established it all over the Northwest. They make it in Missouri, they make it in Milwaukee, and they make it where ever a population of skilled German workmen are to be found. We propose to say to them by this tariff, to this intelligent, skilled German labor, that if they wish to make wire cloth for the people of this country they can come over here and do it, and we will protect them in so doing. This is not one of those things which protects the large manufacturing corporations. It protects the skill and handicraft of the working man who lives with his family. It protects this skill of the German workman which he has brought over here, and which he exercises for the purpose of securing for himself and family a decent livelihood. It is in favor of these individual working men that this protection is afforded, and not in favor of the great manufacturing corporations.

Mr. HOOPER, of Massachusetts. I rise to oppose the amendment of my colleague, for the purpose of saying a word in reply to the gentleman from New York, [Mr. COX.] I understand my friend from New York to say that he gets his information from a German friend who had made a large importation which cost only 3½ cents.

Mr. COX. That was the invoice price in gold abroad.

Mr. HOOPER, of Massachusetts. He did not state the name of the gentleman.

Mr. COX. I will give it, and read his letter.

Mr. HOOPER, of Massachusetts. I do not know that I should recognize the name. There was a gentleman who came to me and said that his whole importation had been seized for undervaluation, and asked me to go to the Treasury Department and say a word in his favor. He said his goods were not undervalued; they were the refuse of the manufactories at the end of the season when the best articles had been culled out, and that these were the imperfect articles which had been sent to this country. He believed it was very unjust to expect that they should be valued at the rate at which the fresh genuine article would be sold in the markets of Germany. I am afraid that my friend who came to ask me to assist him is the very gentleman to whom the gentleman from New York refers. I know myself that wire cloth cannot be sold at 3½ cents in gold, unless it be the rejected articles that have been culled over and are imperfect, the class of articles which European manufacturers generally at the end of the season send over to this country to get out of their way. And I am inclined to think that the importation referred to by the gentleman from New York, invoiced at 3½ cents, if not the importation of the gentleman who came to me, is another similar one. I am of the opinion that the article cannot be imported at anything like that price—I mean the genuine article of good quality. That is the way in which our manufacturers are interferred with by European manufacturers, sending over the rejected, the injured, I may say the spurious articles that are left on their hands at the end of the season. Their old stock which they want to get rid of they can bring in at a very trifling rate of duty, as it is subject to an *ad valorem* duty. Therefore the committe proposed to put a specific duty upon this article in order that there may be no inducement to bring those worthless goods into the country to compete with the regular manufactures of this country.

Mr. KELLEY rose.

Mr. COX. I hope the gentleman will yield to me for a word or two.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. KELLEY. I rose to renew the amendment of the gentleman from Massachusetts, [Mr. HOAR,] which was withdrawn by that gentleman. But I will yield the floor to the gentleman from New York, [Mr. COX,] expecting to be able to obtain it at some future time.

Mr. COX. I thank the gentleman for his courtesy. Mr. Chairman, there is no reason in the world why the gentleman from Massachusetts [Mr. HOOPER] should get up a supposititious case with reference to the gentleman I referred to.

Mr. HOOPER, of Massachusetts. I speak of an actual case.

Mr. COX. But he applies it without any reason to this gentleman, who comes here recommended in a letter from Governor Salomon to General PAINE as an industrious and enterprising merchant, who formerly resided in Wisconsin, but now resides in New York, and who imports goods of this character from Westphalia.

Mr. HOOPER, of Massachusetts. The party I refer to said the goods were consigned to him.

Mr. COX. Your man is not this man. Your man is a man of straw most likely.

Mr. HOOPER, of Massachusetts. He brought letters recommending him on quite as high authority as your man.

Mr. COX. That may be, but I have nothing to do with him. The gentleman I speak of is directly and largely interested in this business, and I show to the House that he is a respectable man by his bearing testimonials from the former Republican Governor of a western State.

Mr. CONGER. Did the letter you refer to request that the goods should be relieved?

Mr. COX. Not at all; it had nothing to do with that. But it requested the gentleman from Wisconsin [Mr. PAINE] to assist in preventing the prohibitory tariff of an additional 125 per cent. being put upon this wire cloth. I should like to have the whole letter read, in order to free this gentleman from the reproach which has been heaped upon him in the debate this evening.

Mr. HOOPER, of Massachusetts. I did not mean to assert that the gentleman I referred to was the same gentleman referred to by my friend from New York. But I stated that he brought a letter to me from very high authority.

Mr. PAINE. I may perhaps be expected to say a word, as reference has been made by the gentleman from New York to a letter addressed to me by a former citizen of Milwaukee. That letter was presented to me a day or two ago by a Mr. Marké, who formerly lived in Milwaukee, and who said he knew me there, although I did not happen to remember him. The letter came from ex-Governor Salomon, whom I have known intimately for many years, and I assure the committee that any statement he may make as to Mr. Marké, or any other man, may be received with the fullest confidence.

Mr. COX. I have only a word or two more to say. I do not wish to make any mere *ad captandum* talk about it. This proposition of the Committee of Ways and Means raises the duty from 35 per cent. to 160 per cent., so as to be in fact prohibitory. This may be for the benefit of some manufacturers in some parts of the country. But I ask the committee to allow our shopkeepers a chance to buy this beautiful article, manufactured in Germany, which can be brought to this country so much cheaper than it can be manufactured here.

Mr. KELLEY. I renew, *pro formâ*, the amendment of the gentleman from Massachusetts. The specimens produced by the gentleman from New York, [Mr. COX,] I may say, are not very fine specimens of wire cloth. The Committee of Ways and Means had some before them much more closely woven, and on which was painted with exquisite skill scenes from our own mountains and lakes and those of foreign countries, and scenes of the chase. And while I indorse all that the gentleman from Massachusetts [Mr. HOAR] has said as to the weaving of this cloth giving employment to skilled and ingenious people who have immigrated from abroad, it is also giving employment on works of art which are valuable to the people, and are furnished at a low rate, on screens for windows against insects, and fire screens, and in an infinite variety of ways. And when a duty is imposed upon this painted cloth it is not merely on this kind which is painted by print, but on these works of art. To leave it at anything like the present duty would be to reduce the wages or depress them, of a class of highly-skilled people and highly-skilled artists who are making beautiful works of art familiar to us all by introducing them into the common affairs of life. No part of the bill was better considered by the Committee of Ways and Means than this, and in reference to none were more specimens brought to its attention to show the demand for such a duty as that fixed by the committee upon this wire cloth.

Mr. STEVENSON. Mr. Chairman, I apprehend that here where we reach fine manufactures, I shall be obliged to part company with my gallant friends who advocate reduction. I am in favor of reduction on all articles of necessity and of raw material; but when it comes to an article of fine manufacture there is where, in my judgment, protection comes in, if ever.

Mr. McCORMICK, of Missouri. Do you call this an article of luxury?

Mr. STEVENSON. Yes; an article of luxury.

Mr. McCORMICK, of Missouri. It is needed in every home in the land.

Mr. STEVENSON. It is an article requiring skill and labor. What we want in this country is to bring the raw material in cheap, and then work it up ourselves. There is more labor in 100 pounds of this material, I undertake to say, than in a ton of pig iron. There is probably more in 10 pounds of this material than in a ton of pig iron. There is where the labor comes in. It is the interest of this country to

let the raw material come in free, or as low as possible, and then work it up among ourselves.

Mr. LOGAN. I would like to ask the gentleman from Cincinnati a question.

Mr. STEVENSON. Well, sir.

Mr. LOGAN. I am a good deal bothered on this question of wire cloth. I would like to know the amount of labor bestowed on the wire and in weaving and manufacturing it into cloth, the amount of labor on the wire and then in weaving into cloth, and the amount of labor expended in painting pictures on it. It is necessary to understand all that to know exactly what the tariff on this article ought to be.

Mr. STEVENSON. I do not know myself, but if the gentleman will hold the article very close to his eyes he may be able to see through it. [Laughter.] I think, however, that he would be as old as Methuselah and as blind as Bartimeus before he would make a square foot of it. [Laughter.]

Mr. LOGAN. I have no doubt of that. That is a complete answer. Now, I understand it exactly.

Mr. STEVENSON. I am glad I have been able to enlighten the gentleman.

The formal amendments to the amendment being withdrawn, the question was put on Mr. Cox's motion to strike out the paragraph; and there were—ayes 21, noes 80; no quorum voting.

Tellers were ordered; and Mr. Cox and Mr. KELLEY were appointed.

The committee divided; and the tellers reported—ayes 38, noes 79.

So the amendment was rejected.

Mr. STRICKLAND. I move that the committee do now rise. I think it is about time.

Mr. SCHENCK. Oh, no; we did not begin till 8 o'clock.

The question was put; and there were—ayes 40, noes 76.

So the committee refused to rise.

Mr. COX. I desire to move one other amendment. I move to reduce the duty on painted or printed iron wire cloth to 2 cents per square foot.

Mr. PETERS. Well, do not debate it, and do not call for tellers.

Mr. COX. I will not argue it.

The amendment was not agreed to.

The next paragraph was read as follows:

On iron wire spiral furniture springs, 3 cents per pound.

Mr. SCHENCK. I move to amend the paragraph just read by striking out the word "wire" as being entirely unnecessary.

The amendment was agreed to.

Mr. ALLISON. I move to further amend this paragraph by striking out "3 cents per pound" and inserting in lieu thereof "2 cents per pound, and in addition thereto 15 per cent. *ad valorem*." That will make the duty on this article correspond with the duty imposed by the existing law. I am told that the object of the change proposed in this bill is to make the duty specific. That is all the defense I have heard for the proposed change. I believe it is claimed that there is no increase of duty. Now, that argument might have more force with me if the same course was generally adopted in this bill. But I find that the Committee of Ways and Means in several instances have adhered to the *ad valorem* duty, as in one of the paragraphs which we have considered to-night, the paragraph relating to iron wire, where they propose a duty of so much per pound "and 15 per cent. *ad valorem*." I think, therefore, we had better leave the duty on these spiral springs where it is under the existing law, at 2 cents per pound and 15 per cent. *ad valorem*.

Mr. BURCHARD. The existing duty is 65 per cent. *ad valorem*.

Mr. ALLISON. Very well. As near as I can ascertain from the table of prices before me, a duty of 3 cents per pound would be an increase over the present rate of duty.

Mr. SCHENCK. The fight which the gentleman from Iowa [Mr. ALLISON] is now making is to increase the duty upon this article exactly one tenth of 1 cent per pound. The present duty is 2½ cents per pound and 15 per cent. *ad valorem*. The Treasury returns show that the average invoice price of this article is 4 cents per pound, of which 15 per cent. would be six tenths of 1 cent; which, added to 2½ cents, would make 3⅛ cents. The Committee of Ways and Means propose a specific duty of 3 cents per pound. Therefore, if the amendment of the gentleman from Iowa should prevail, it would increase the proposed duty just one tenth of a cent per pound.

Now, the object of the Committee of Ways and Means was neither to raise the duty nor to lower it materially, but to take away all question about the *ad valorem* rate of duty, and in this, as in most other cases, as far as possible reduce the duty to a specific duty, although it has not seemed best to do so in all cases. In this case, while making the duty a specific duty, we have really lowered it one tenth of 1 cent per pound. I did not know until examining the subject now that we had done that much. But if the gentleman succeeds in restoring the old duty he will get that much duty back again; that is the whole of it. It is true that we have not in all cases reduced *ad valorem* duties to specific duties; but we have sought to do it in a great many instances, and I wish we could have done it in more.

Mr. ALLISON. I find that the existing rate of duty is 67½ per cent. *ad valorem*. As I said before, I do not know whether the duty proposed here, of 3 cents per pound, is a slight increase over or a slight decrease from the present rate of duty. But I cannot understand the proposition of the chairman of the Committee of Ways and Means [Mr. SCHENCK] to provide in this case for absolute specific duty, when it is not done in other paragraphs of the bill.

Mr. HOOPER, of Massachusetts. Will the gentleman permit me to interrupt him a moment?

Mr. ALLISON. Certainly.

Mr. HOOPER, of Massachusetts. I want to show the gentleman the immense importance of his amendment.

Mr. ALLISON. I understand all about that.

Mr. HOOPER, of Massachusetts. There was imported during last year of this article the invoice value of $483, the duty upon which amounted to the enormous sum of $813.

Mr. ALLISON. I am very much obliged to the gentleman from Massachusetts [Mr. HOOPER] for calling my attention to that point. It only shows that this duty of 67½ per cent. is so prohibitive that this article cannot be imported at all. Every one knows that in every household in this land these spiral springs for furniture are used; and with the protection afforded by this duty of 67½ per cent. *ad valorem*, the manufacturers of this country are enabled to produce all the springs used, except about four hundred dollars' worth imported.

Mr. McCORMICK, of Missouri. I move, *pro forma*, to amend by striking out the words "*ad valorem*." The tariff of $67 and upward per ton on spiral springs is simply enormous. It affects the whole manufacture of furniture in this country.

Mr. KELLEY. There is no such duty as the gentleman has just named.

Mr. McCORMICK, of Missouri. Three cents per pound will amount to a little more than $67 per ton. That is the amount of the tariff levied upon this commodity, which enters into the structure of a great deal of the furniture and bedding of the country. It is too much, and should be reduced to certainly not more than 2 cents per pound.

Mr. ROGERS. Mr. Chairman, I have been willing to vote for a tariff such as I thought necessary to raise revenue to carry on the Government; but this measure has assumed a shape which to me is offensive, and I believe it to be offensive to the people of the country. It does seem to me that the tariff men in this House have not acted with reference to revenue at all, but with a paramount view to devising a duty upon iron and manufactures of iron which shall be practically prohibitory, thus defeating the very object for which, as I understand, a revision of the tariff should now be undertaken. I am therefore opposed to this enormous taxation in the shape of duty on iron.

Mr. MAYNARD. I must rise to a point of order. The gentleman is not discussing the amendment.

The CHAIRMAN. The gentleman must confine his remarks to the pending amendment.

Mr. ROGERS. I propose to do so; but I have been making a little circumlocutory turn in order to get at the amendment. [Laughter.]

Mr. NEGLEY. I hope there will be no objection to the gentleman marching and countermarching as much as he pleases.

Mr. ROGERS. I say that the tax upon these spiral springs is too much; but it is in keeping with the whole bill. The duties are all too high. On this article in particular the duty is too high. As has been stated by the gentleman from Iowa, [Mr. ALLISON,] this article is one of general use; it enters into almost every household in the country, or if it does not it ought to, for the beds in which these springs are used are the best beds I have ever lain upon. [Laughter.]

Mr. LOGAN. I move to amend by striking out the paragraph. I do not make this motion for the purpose of detaining the committee at this late hour, for I know that I can give no information; but I do it for the purpose of yielding to the gentleman from Pennsylvania [Mr. KELLEY] that he may explain to the committee how much labor there is connected with spiral springs.

Mr. BURCHARD. I rise to oppose the amendment of the gentleman from Illinois.

Mr. LOGAN. I yielded my time to the gentleman from Pennsylvania.

The CHAIRMAN. He did not avail himself of it.

Mr. BURCHARD. I wish simply to correct an error which has been made as to the present rate of duty on this article, which, as was stated by the gentleman from Iowa, is 2 cents per pound and 15 per cent. *ad valorem*. Gentlemen will see this by looking at the law. I presume the chairman of the Committee of Ways and Means misread the figures. The proposition of the gentleman from Iowa would leave the present law exactly as it is; and the duty now is 67 per cent. It seems to me that is high enough.

The amendment to the amendment was not agreed to.

Mr. BROOKS, of New York. I move to strike out "*ad valorem*." I want to state, in order to make it a matter of record, that the existing duty is practically prohibitory. The importations of this article in 1869, as stated by the gentleman from Massachusetts, [Mr. HOOPER,] yielded only $313, while in 1868 the amount was $758 65, showing a decrease from year to year of the revenue from this source. Further on in this bill it is proposed to make an enormous increase of the duty on hair cloth, which covers these spiral springs and makes furniture. Years ago we were large exporters of furniture made in Boston, New York, and elsewhere, which was shipped to Central and South America, the West Indies, and other foreign countries, including even China; but by the duty on spiral springs, the the duty on hair cloth, the duty on timber, and a variety of other duties, this great and important trade has been nearly lost to us.

Mr. SCHENCK. One would imagine there was a conspiracy to disturb the domestic peace of some gentlemen by levying a tariff on these spiral springs for beds. I do not care whether it is 3 cents or 2½ cents; but I think we are occupying too much time on it. I believe the Committee of Ways and Means is about right.

If gentlemen think otherwise let them lower the duty. Gentlemen propose to restore it to what it is now; that is, to a mixed specific and *ad valorem* duty. The Committee of the Whole have already settled that question by refusing to strike out the paragraph and to leave the duty as it is. The gentleman's amendment only repeats the same proposition to restore the duty.

Mr. BROOKS, of New York. I withdraw my amendment.

The question then recurred on the first branch of Mr. ALLISON's amendment.

The committee divided; and there were—ayes 80, noes 57; no quorum voting.

Mr. HOLMAN. I do not insist on a further count if the question can be taken on the entire proposition of the gentlemen from Iowa, [Mr. ALLISON.]

The CHAIRMAN. The amendment will be considered as rejected, and the question will be now taken on the entire proposition of the gentleman from Iowa.

The committee divided; and there were—ayes 36, noes 58.

No further count being demanded the amendment was rejected.

The Clerk read as follows:

On all insulated telegraphic or electric wires or cables for submarine purposes, 40 per cent. *ad valorem*.

Mr. BENJAMIN moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, Mr. WHEELER reported that the Committee of the Whole on the state of the Union, according to the order of the House, had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

And then, on motion of Mr. SCHENCK, (at ten o'clock and ten minutes, p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. AMES: A petition of citizens of Attleborough, Massachusetts, for a pension to Mr. Vernal Stanley.

By Mr. ARCHER: The petition of Robert P. Lambdin, praying for relief.

By Mr. CHURCHILL: The petition of C. O. Titus and 31 others, citizens of Fulton, New York, against the passage of the funding bill.

By Mr. FERRISS: Seven petitions of citizens of the district of Champlain and others interested in the commerce of Lake Champlain as importers, shippers, &c., praying such legislation as will allow vessels entering and leaving Lake Champlain by the Richelieu river to enter, clear, and pay duties at the port of Rouse's point.

By Mr. INGERSOLL: A memorial of the coal dealers of Washington, District of Columbia, asking for the appointment of an inspector and weigher of coal, &c.

By Mr. MAYNARD: The petition of Andrew Anderson, of Knoxville, Tennessee, a loyal citizen, whose dwelling was burned by military orders from the general in command of the United States troops, and as a military necessity, praying compensation for the same.

By Mr. MYERS: The petition and letter of Christian Pore, of Philadelphia, a soldier of the war of 1812, stating that seventy-one members of the Pennsylvania Association of the Soldiers of the War of 1812 had died in the past year, and urging Congress to do justice to the survivors of this war and their families, by granting pensions to them.

By Mr. ORTH: Resolutions of a meeting of citizens in New York, in reference to the Chinese indemnity fund.

By Mr. PORTER: The petition of George K. Taylor, of Hanover county, Virginia, praying the removal of legal and political disabilities under the fourteenth article of amendments to the Constitution.

By Mr. SCHENCK: The petition of Lewis D. Campbell and others, of Butler county, Ohio, asking Congress to authorize George H. Dick to import free of duty one of Thompson's patent road steamers.

Also, a remonstrance of certain importers and growers of seeds, plants, and trees, against free importation of such articles by private individuals.

Also, the petition of Marshall Brown, of the District of Columbia, praying Congress for compensation for grain, grass, and fences taken and used by United States troops in 1865.

By Mr. SWANN: The memorial of Mrs. M. S. Morse, administratrix and widow of Hon. J. E. Morse, claiming a balance due him as a commissioner to New Granada.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 30, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. GORHAM, its Secretary, notifying the House that that body had passed bills of the following titles, in which the concurrence of the House was requested:

An act (S. No. 537) for the relief of James H. Bunce;

An act (S. No. 632) to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to ministers and consuls and other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860;

An act (S. No. 731) to provide for a building suited to the use of the post office, the land and revenue officers, and the judicial officers of the United States in the city of Montgomery, Alabama;

An act (S. No. 754) to incorporate a Zoölogical Society in the city of Washington, District of Columbia;

An act (S. No. 759) granting a pension to John C. Abercrombie;

An act (S. No. 762) for the relief of Joseph Ormsby;

An act (S. No. 777) granting arrears of pension to Rosina Lenzinger;

An act (S. No. 778) granting a pension to Mary Hodgson;

An act (S. No. 779) granting a pension to Eliza Whiting; and

An act (S. No. 780) granting arrears of pension to Michael McGinniss.

The message further announced that it had passed a bill and a joint resolution of the following titles, without amendment:

An act (H. R. No. 1635) to authorize the corporate authority of the city of Georgetown, in the District of Columbia, to pave and improve the streets thereof; and

A joint resolution (H. R. No. 271) making an appropriation for the purpose of making experiments in the ventilation of the Halls of the Capitol.

ORDER OF BUSINESS.

Mr. ALLISON. I demand the regular order of business.

Mr. JONES, of North Carolina. I ask the gentleman to yield to me for a personal explanation.

Mr. ALLISON. I decline to yield for any purpose whatever.

The SPEAKER. The regular order of business is the call of committees for reports of a private nature.

Mr. ROOTS. I move that the House do now adjourn, with the view of yielding to the gentleman from Vermont, [Mr. POLAND,] who desires to go to business on the Speaker's table.

The SPEAKER. The gentleman has no right to move an adjournment for the purpose of yielding to anybody.

ADJOURNMENT OVER.

Mr. SCHENCK. I rise to a privileged question. After consultation with the officers of the House, I desire now to move, in accordance with the notice which I gave the other day as to the periodical house-cleaning here, the taking up of carpets, putting down the matting, &c., that, to allow time for that purpose, when the House adjourns on Thursday next it be to meet on the Monday following.

Mr. GARFIELD, of Ohio. I should like to make a suggestion to my colleague. The taking up of the carpets and cleaning of the Hall and lobbies always takes more than two days; and though we cannot adjourn over longer than till Monday, I suggest that the understanding be among ourselves, that we will not have any business on Monday, so as to allow the work to be finished thoroughly and completely. We might have that understanding although the adjournment was formally till Monday.

The SPEAKER. The gentleman from Ohio, [Mr. SCHENCK] moves that when the House adjourns on Thursday it be to meet on the Monday following. That is within the province of a majority of the House to determine. The gentleman's colleague [Mr. GARFIELD] desires that it be understood that no business shall be done on that Monday. That requires unanimous consent.

Mr. BUFFINTON. I object to that.

Mr. VAN TRUMP. Will the gentleman from Ohio [Mr. SCHENCK] agree to an amendment to have the adjournment from Friday until the following Tuesday? This arrangement I think would better suit the convenience of members than that which he proposes.

Mr. SCHENCK. I have endeavored to inform myself by inquiry all around the Hall as to views of members. I was inclined myself to prefer the arrangement proposed by my colleague, [Mr. VAN TRUMP,] but most gentlemen with whom I have conversed prefer that the adjournment should be from Thursday till Monday. I believe, however, it is a little doubtful whether we will have a quorum on Monday or not.

Mr. ELDRIDGE. I am informed by the Doorkeeper that unless a longer time is given he will have to work his men here on the Sabbath.

The SPEAKER. Gentlemen are aware that under the Constitution it is impossible for the House to adjourn longer than three days.

Mr. GARFIELD, of Ohio. I move that when the House adjourns on Thursday next it be to meet on the Monday following at seven o'clock in the afternoon.

The SPEAKER. The Chair cannot entertain that motion. It would suspend the standing rule of the House, which requires the House to meet daily at twelve o'clock m.

Mr. SCHENCK. I think that what shall be done on Monday had better be left to those who are here on that day. We can only do what the Constitution permits—adjourn over three days.

Mr. VAN TRUMP. I would inquire of the Chair if I can make the motion which I have suggested?

The SPEAKER. The resolution of the gentleman from Ohio [Mr. VAN TRUMP] can only be reached by voting down that of his colleague, [Mr. SCHENCK.] It cannot be received as a substitute or amendment. If the proposition of the chairman of the Committee of Ways and Means is voted down, the Chair would then

submit the proposition of his colleague, [Mr. VAN TRUMP.]

Mr. ELDRIDGE. I did not understand that the chairman of the Committee of Ways and Means objected to the proposition of his colleague, [Mr. VAN TRUMP.]

The SPEAKER. Nor did the Chair so understand.

Mr. FINKELNBURG rose.

The SPEAKER. The motion is not debatable.

Mr. FINKELNBURG. With the consent of the House I desire to ask a question of the chairman of the Committee of Ways and Means, whether he considers it absolutely necessary that this recess should be taken at all; whether we cannot work right along until the final adjournment?

Mr. ROOTS. I am willing for that. I hope the motion of the chairman of the Committee of Ways and Means will be voted down.

Mr. PAINE. I would ask the chairman of the Committee of Ways and Means how long he supposes the session will last? [Laughter.]

Mr. ALLISON. I ask the chairman of the Committee of Ways and Means whether he will not consent to modify his motion so as to have the adjournment from Friday till Tuesday?

The SPEAKER. It is competent for the chairman of the Committee of Ways and Means so to modify his motion if he thinks proper.

Mr. SCHENCK. My only object in this matter is to accommodate the House. I desire to answer a question put to me by the gentleman from Missouri [Mr. FINKELNBURG] as to the necessity at all for this motion. This has always been done during the long session running into the hot weather. And when the gentleman has had experience of one of these long sessions he will find that it is absolutely essential to health and cleanliness that at some time, usually early in May, we shall have the House cleaned, the carpets which have been for winter use taken up, and matting laid down, &c. I must, therefore, persist in the motion to adjourn over three days. I would myself individually prefer to adjourn over from Friday till Tuesday. A great number of members have, however, remonstrated with me and said they preferred to adjourn from Thursday till Monday. I suggest that a vote be first taken on my motion to adjourn from Thursday till Monday, with the understanding that if that fails a motion will be made to adjourn from Friday till Tuesday.

The question was taken on Mr. SCHENCK's motion; and it was agreed to—ayes 85, noes 32.

So it was ordered that when the House adjourns on Thursday next it adjourn to meet on the following Monday.

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

The latter motion was agreed to.

TRIBUTES TO ABRAHAM LINCOLN.

Mr. LAFLIN, from the Committee on Printing, reported back, with an amendment, a joint resolution (S. R. No. 77) authorizing the distribution of the copies remaining in the Department of State of the Tributes of the Nations to Abraham Lincoln.

Mr. SCOFIELD. Is that a privileged report? It does not relate to printing, but to the distribution of donations to members. Is the committee authorized to report at any time anything except bills and resolutions for printing?

The SPEAKER. This resolution was referred to the committee, and the rule states that the Committee on Printing is authorized to report at any time. It is for the House to say what they will do with the report, but the Chair is unable under the rules to prescribe what they shall report.

The joint resolution provides that the copies of the Tributes of the Nations to Abraham Lincoln remaining in the Department of State shall be distributed as follows, to wit: one copy to each Senator and member of the House of Representatives of the Forty-First Congress who has not already received a copy, and the remainder to be distributed by the Secretary of State to the public libraries in the United States, and to such persons as in the judgment of the Secretary it shall seem proper.

The amendment reported from the Committee on Printing was to strike out all after the words "to wit" and insert in lieu thereof the following:

Three copies to each Senator and member of the House of Representatives of the Forty-First Congress, and the remainder to be distributed by the Secretary of State to such persons as he shall indicate, the Secretary of State having the authority to have refinished at the Government Printing Office such copies as may need the same.

Mr. LAFLIN. This resolution demands but a moment's explanation. There are in the possession of the Secretary of State, and have been for some time, a number of copies of the Tributes of the Nations to Abraham Lincoln, somewhere about a thousand, and this resolution provides that all of them, with the exception of somewhere about thirty-five, shall be distributed proportionately between Senators and members, giving three to each. A portion of those books have been badly damaged by improper storage, and this resolution provides that the Secretary of State may have such books refinished at the Government Printing Office. I now move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to.

The joint resolution, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

A. F. M'MILLAN.

Mr. ALLISON. I demand the regular order of business.

The SPEAKER. The morning hour commences at twenty five minutes to one o'clock, the call of committees for reports of a private nature being in order, and the House resumes the consideration of the bill (H. R. No. 1331) for the relief of A. F. McMillan, reported yesterday from the Committee on Military Affairs by the gentleman from Indiana, [Mr. PACKARD.]

The bill was read. It directs the Paymaster General of the Army to pay to A. F. McMillan, late captain company F, first United States colored artillery, heavy, out of any money appropriated for the pay of the Army, three months' pay proper of a captain of heavy artillery.

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

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

The latter motion was agreed to.

JOHN GRIFFIN.

Mr. PACKARD, from the Committee on Military Affairs, reported back the petition of John Griffin, of Milford, Massachusetts, for special relief, and moved that the committee be discharged from its further consideration, and that the same be laid on the table.

The motion was agreed to; and it was ordered accordingly.

PETER M. JONTE.

Mr. PACKARD, from the same committee, reported a bill (H. R. No. 1901) for the relief of Peter M. Jonte; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, directs the proper accounting officers of the Treasury to pay Peter M. Jonte, late second lieutenant of company E, one hundred and seventeenth regiment United States colored troops, at the rate of the regular pay and allowances of officers of that rank in the Army from June 9, 1865, to July 22, 1865, inclusive.

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

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

The latter motion was agreed to.

FRANCIS A. CONWELL.

Mr. PACKARD, from the same committee, reported a bill (H. R. No. 1902) for the relief of Francis A. Conwell; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, directs the Secretary of War to cause to be paid to F. E. Conwell the full pay and emoluments of chaplain of the first regiment of Minnesota volunteers from May 6, 1864, to July 27, 1865.

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

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

The latter motion was agreed to.

JOHN POWERS.

Mr. PACKARD. I have a resolution here which I would like to have adopted, though it does not come from the Committee on Military Affairs.

The SPEAKER. It requires unanimous consent.

No objection was made; and the following resolution was received and adopted:

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the propriety of granting a pension to John Powers, of Fulton county, Indiana, a soldier of the war of 1812.

ANN M'CARTHY.

Mr. COBB, of Wisconsin, from the Committee on Military Affairs, reported a bill (H. R. No. 1903) to authorize the payment of bounty to Ann McCarthy; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, directs the Second Auditor of the Treasury to issue a certificate for a bounty of $100, payable to Ann McCarthy, of Boston, Massachusetts, in lieu of Treasury certificate No. 309159, payable to John McCarthy, father of said Ann McCarthy, upon the surrender of said Treasury certificate.

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

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

The latter motion was agreed to.

JAMES C. STRONG.

Mr. COBB, of Wisconsin, also reported from the Committee on Military Affairs a bill (H. R. No. 1904) for the relief of James C. Strong; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, authorizes the Secretary of War to recognize James C. Strong as colonel of the thirty-eighth consolidated regiment of New York volunteers, from November 16, 1862, to June 22, 1863, and directs the Paymaster General to pay to said James C. Strong the full pay and allowances of colonel for said period.

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

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

The latter motion was agreed to.

HOWELL H. TRASK.

Mr. COBB, of Wisconsin, from the same committee, reported a bill (H. R. No. 1905) for the relief of Howell H. Trask; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, directs the Paymaster General of the Army to pay Howell H. Trask, late lieutenant in thirteenth regiment of Michigan infantry, out of any money appropriated for the pay of the Army, the sum of $535 61.

Mr. HOLMAN. I ask that the report be read.

The report was read. It states that Howell H. Trask was second lieutenant of the thirteenth regiment of Michigan infantry, and was honorably mustered out May 25, 1865, and after his discharge authorized Wolff & Hunt, attorneys, Washington city, to collect the back pay due him. The attorneys received a check on the Merchants' National Bank of Washington, and upon presenting it for payment they were given by the cashier of said bank a draft on the Ocean National Bank of New York, which draft they forwarded to said Trask, who then resided in the State of Michigan; that Trask sold the draft to a mercantile firm who sent it to New York for collection; that in the mean time the Merchants' National Bank of Washington failed, and the draft was returned protested, Trask being obliged to return to the merchants the money he had received for it. The committee are of opinion that while the Government is not legally responsible to the amount thus lost, it ought in justice to make it good to the soldier, inasmuch as the loss was occasioned by the vicious system of permitting paymasters to draw large amounts from the Treasury and deposit the same in banks. Had the funds been kept in the Treasury instead of deposited with that irresponsible and dishonest banking institution no loss would have occurred. The committee believe the Government should be held responsible for the results of that vicious system, and that the soldier ought not to suffer.

Mr. NIBLACK. I desire to inquire of the gentleman from Wisconsin whether the Committee on Military Affairs have considered the propriety of reporting a general bill covering all cases like this? There are not a large number, but still a good many similar cases within my knowledge, arising in different parts of the country, and particularly in this city. It will be remembered that two or three years ago a bank in this city, called, I believe, the Merchants' National Bank, failed. One of our paymasters charged with the duty of paying to a certain class of soldiers their arrears of pay and bounty had a deposit in the bank, and at the time of its failure his checks were in many instances outstanding. Consequently some $8,000 in the aggregate, in cases that have come to my knowledge, have been lost to various soldiers who held checks of that sort. I submit that Congress ought in honor to provide for the payment of all such claims if it authorizes the payment of any; and I am prepared to vote for a general bill for this purpose. I trust the Committee on Military Affairs will at a proper time report such a measure.

Mr. COBB, of Wisconsin. This case is one identical in character with those alluded to by the gentleman from Indiana, [Mr. NIBLACK.] I will say in reply to his inquiry that this is the only case of the kind, so far as I know, that has come before the Committee on Military Affairs; hence they have not considered the propriety of a general bill. I think, however, that any claim based on similar facts would receive the favorable action of that committee, or I doubt not of any other appropriate committee to which it might be referred.

Mr. NIBLACK. I have no disposition to oppose the passage of this particular bill; I think we ought to pay such claims as this; but I suggest to the gentleman the propriety of allowing this bill to be recommitted, with instructions to the committee to report a general measure covering all such cases. The number of these cases is not large, but they are sufficiently numerous to demand the attention of the House.

Mr. COBB, of Wisconsin. "Sufficient unto the day is the evil thereof." The committee has received no official knowledge of any other cases, and hence I cannot accede to the suggestion of the gentleman from Indiana that the bill be recommitted.

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

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

The latter motion was agreed to.

FIRST NEW YORK MOUNTED RIFLES.

Mr. COBB, of Wisconsin, also reported from the Committee on Military Affairs a bill (H. R. No. 1906) providing for the payment of veteran bounty to certain enlisted men of the first regiment of New York mounted rifles; which was read a first and second time.

The bill directs the proper accounting officers of the Treasury to pay to such enlisted men of the first regiment of New York mounted rifles as reënlisted as veterans the bounty provided by law and paid to other veteran volunteers.

Mr. HOLMAN. Reserving my right to raise a point of order on this bill, which appropriates money out of the Treasury, I ask that the report be read.

The report was read. The committee state that in their opinion the members of the regiment who were reënlisted as veteran volunteers are equitably entitled to receive the bounty paid to other veterans. For a statement of the facts of the case they refer to a letter of the Secretary of War accompanying the report. The letter, which is dated January 27, 1870, states that as the soldiers referred to were undoubtedly veterans, and were reënlisted in the same manner as veteran volunteers, though at a subsequent date, there being at the time a misunderstanding of the law and regulations on the subject, and as no precedent injurious to the United States would be established by extending to their case the favorable action it appears to merit, no objection is perceived to the enactment of a special act for their relief.

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

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

The latter motion was agreed to.

B. RAFF.

Mr. COBB, of Wisconsin, from the same committee, also reported a bill (H. R. No. 1907) for the relief of B. Raff; which was read a first and second time.

The bill, which was read, directs that the Commissioner of the Freedmen's Bureau return to the Secretary of the Treasury Treasury certificate No. 411010, issued for the payment of $300 bounty to John H. Henderson, a soldier of company E, twenty-third regiment of United States colored troops, which soldier died since his discharge, leaving no heirs, and on receipt of the same the Secretary of the Treasury is directed to pay said certificate in the following manner, namely, $60 50 to B. Raff, of Washington, District of Columbia, and the remainder thereof into the Treasury of the United States.

Mr. HOLMAN. I ask that the report be read.

Mr. COBB, of Wisconsin. There is no written report in this case.

Mr. HOLMAN. What is the payment of this money for?

Mr. COBB, of Wisconsin. The facts are about as follows: this colored soldier was mustered out, but there was nothing due him. He was in a destitute condition, without clothing and without any means to return to his home. Mr. Raff furnished him with the means of clothing himself and to return home. After his return he sickened and died. He left no heirs. The committee think that the money advanced by Mr. Raff should be paid out of the bounty-money due this colored soldier. Mr. Raff had no connection with soldiers' discharges, &c., as a broker, and he should be reimbursed what he advanced. I demand the previous question.

The previous question was seconded and the main question ordered.

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

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

The latter motion was agreed to.

MRS. RUHANY BROWN.

Mr. COBB, of Wisconsin, also, from the same committee, reported a bill (H. R. No. 1908) for the relief of Mrs. Ruhany Brown; which was read a first and second time.

The bill, which was read, provides that the Secretary of War shall be directed to place the name of Henry Brown upon the rolls of company H, tenth regiment of Tennessee cavalry, as having enlisted on the 1st day of September, 1863, and as having died at Richmond on the 31st day of January, 1864; and thereupon the proper accounting officers of the Government shall pay to Mrs. Ruhany Brown, widow of said Henry Brown, the pay, bounty, and allowance for commutation of rations due him, and to which she would have been entitled had his name not been erroneously omitted from the rolls of his company.

Mr. COBB, of Wisconsin. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading. Being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

PAYMENT OF BOUNTIES.

Mr. COBB, of Wisconsin, also, from the same committee, reported a bill (H. R. No. 1909) to provide for payment of bounties to certain officers of volunteers; which was read a first and second time.

The bill, which was read, provides that each and every commissioned officer who entered the Army of the United States as an enlisted man after the 19th of April, 1861, for a period of not less than three years, and was promoted from a private or non commissioned officer to the rank of a commissioned officer, and was afterward, while holding the same rank to which he was promoted, honorably discharged on account of wounds received in the line of duty, and whose pay and allowances for the period he served as a commissioned officer were less than the amount he would have received as pay and bounty for the same period had he continued to serve as a private or non-commissioned officer, shall be entitled to receive such sum as bounty as will, together with the amount he received as pay and allowances as a commissioned officer, equal the amount he would have received as pay and bounty had he

continued to serve as a private or non-commissioned officer as aforesaid.

Mr. COBB, of Wisconsin. I move the previous question.

The previous question was seconded and the main question ordered.

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

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

The latter motion was agreed to.

EQUALIZING BOUNTIES.

Mr. COBB, of Wisconsin, also, from the same committee, reported a bill (H. R. No. 1910) to equalize the bounties of soldiers who served in the late war; which was read a first and second time, ordered to be printed, and recommitted.

Mr. SCOFIELD moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES TRICKLER.

Mr. MORGAN, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1140) for the relief of Charles Trickler, of the county of Adams, Ohio.

The bill was read. It directs that there be refunded to Charles Trickler, of the county of Adams, Ohio, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $300, the same having been improperly paid to the United States by the said Charles Trickler as commutation money on the 17th day of June, 1864.

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

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

The latter motion was agreed to.

FORT SNELLING MILITARY RESERVATION.

Mr. MORGAN also, from the same committee, reported back, with the recommendation that it do pass, the joint resolution (S. R. No. 23) for setting apart a portion of the Fort Snelling military reservation for a permanent military post, and the settlement of all claims in relation thereto.

The joint resolution was read. It empowers the Secretary of War to select and set apart for a permanent military post so much of the military reservation of Fort Snelling, not less than one thousand acres, as the public interests may require for that purpose, and to quiet the title to the reservation, and to settle all claims in relation thereto, and for the use and occupation thereof, upon principles of equity.

The joint resolution was ordered to be read a third time. It was accordingly read the third time, and passed.

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

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. MORGAN also, from the same committee, reported adversely on the following petitions and bills; and the same were severally laid on the table:

Claim of Charles Hudson, of Grant county, Wisconsin, for pay for military services;

Petition of Charles H. Sylvester, of North Pownal, Maine;

Bill (H. R. No. 615) for the relief Jacob F. Contryman;

Petition of E. M. Dudley, for relief;

Petition of A. P. Seeley, for relief;

Petition of Henry J. Stockstill, for refunding of local bounty paid substitute in fifty-first regiment Ohio volunteer infantry; and

Bill (H. R. No. 375) for the relief of John McLain.

Mr. STOUGHTON, from the same committee, reported adversely on the following bills and petitions; and the same were severally laid on the table:

Memorial of W. J. Keays, for arrears of pay as an officer of the United States Army;

Bill (H. R. No. 89) for the relief of Major Lucien J. Barnes;

Petition of Mrs. Elizabeth Umphrey, widow of Joseph Umphrey, deceased, private company F, third Tennessee volunteers; and

Petition of B. P. McDaniel, for payment of money expended in defending himself when tried by court-martial.

MILITARY ROAD.

Mr. STOUGHTON also, from the same committee, reported back, with a recommendation that it do pass, the bill (H. R. No. 486) to extend the time for the completion of the military road from Fort Wilkins, at Copper Harbor, in the State of Michigan, to Fort Howard, at Green Bay, in the State of Wisconsin.

The bill was read. It provides that the time for the construction and completion of the military road from Fort Wilkins, at Copper Harbor, in the State of Michigan, to Fort Howard, at Green Bay, in the State of Wisconsin, be extended until the 1st day of January, 1872. It further provides that all the grants, rights, and privileges contained in the original grant be continued in full force and virtue for said time.

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

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

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. STOUGHTON, from the same committee, made adverse reports on the petitions of Jacob Sanderson and Henry Erret; which were severally laid on the table.

MILITARY ROAD.

Mr. HOLMAN. I rise to a privileged motion. I move to reconsider the vote by which House bill No. 486, in relation to a military road, was passed.

The SPEAKER. A motion to reconsider the vote by which that bill was passed has been laid on the table.

Mr. HOLMAN. No one supposed that on the call for private bills the committee was reporting bills to extend land grants.

The SPEAKER. The Journal clerk informs the Chair that the record shows that a motion to reconsider the vote by which the bill was passed was laid on the table. It is usual, as the gentleman is aware, when private bills are reported on which no discussion arises to run them through all the stages until the action to reconsider is laid on the table.

Mr. HOLMAN. I understand that the bill does not extend the land grant.

Mr. STOUGHTON. It merely extends the time for the completion of the road.

Mr. HOLMAN. Then it prevents the forfeiture of the grant. I trust the motion to reconsider will be allowed to be entered.

The SPEAKER. It is not in the power of the Chair to entertain the motion. If the gentleman from Michigan [Mr. STOUGHTON] is willing that it shall be entertained on the ground that the bill was not fully understood by the House it may be done.

Mr. HOLMAN. I hope the gentleman will allow the motion to be entertained.

The SPEAKER. The gentleman is very well aware that when a bill is reported which gives rise to no controversy it passes through the several motions until it is passed and the motion to reconsider laid on the table. The Journal clerk informs the Chair that that has been done in every case this morning.

Mr. HOLMAN. This bill is really a public bill, and not a private bill.

The SPEAKER. It is quite too late to raise that point of order now.

Mr. HOLMAN. When a gentleman is making reports of a private nature members take it for granted that he will not report a public bill.

The SPEAKER. The bill was read in the hearing of the House. It was not for the Chair to make objection unless a point of order was raised. Is the gentleman from Michigan [Mr. STOUGHTON] willing that the matter shall be reopened?

Mr. STOUGHTON. I am not willing to yield further.

Mr. HOLMAN. It has been the uniform practice when a gentleman desires to report a public bill on private-bill day for him to say so to the House.

Mr. RANDALL. I think it was due to the House that the gentleman should have stated that it was a public bill.

The SPEAKER. That is a question of propriety for the gentleman from Michigan, and not for the Chair to rule upon. The bill was read in the hearing of the House; and if gentlemen do not give attention to what is read it is not for the Chair to reverse the action of the House or alter the Journal.

Mr. HOLMAN. Then the Chair holds that the motion to reconsider cannot be made?

The SPEAKER. A motion to reconsider was made and laid on the table. The Chair has no more power over the bill now than any member on the floor.

Mr. HOLMAN. I should suppose the gentleman himself would see the propriety of allowing the motion to be entertained, as he did not state the fact that it was a public bill.

The SPEAKER. That is a question for the gentleman having charge of the bill, and not for the Chair.

WILLIAM P. EMEREY.

Mr. STOUGHTON, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 1218) for the relief of William P. Emerey, late captain fifty-eighth United States colored infantry.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It directs the Secretary of the Treasury to allow to Captain William P. Emerey, late of the fifty-eighth United States colored infantry, the full pay and allowances of a captain of infantry from March 1, 1865, to September 12, 1865, in full payment of pay and allowances for the said time.

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

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

The latter motion was agreed to.

GEORGE W. STEELE.

Mr. STOUGHTON also, from the same committee, reported a bill (H. R. No. 1911) for the relief of George W. Steele, late first lieutenant second New York veteran cavalry; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, directs the Paymaster General of the Army to pay, out of any money appropriated for the pay of the Army, to George W. Steele, late first lieutenant in second regiment New York veteran cavalry, the pay and allowances of first lieutenant of cavalry for such period as he shall make satisfactory proof that he actually served in the capacity of first lieutenant under proper orders and assignment, for which service he received no pay.

Mr. HOLMAN. I ask that the report be read.

The report was read. It states that on or about the 31st July, 1864, this officer was captured by the enemy and was dismissed from the service; that upon a statement of his case after his exchange the order of dismissal was revoked and he was discharged; that an application was made to restore him to his command, and that General Canby, in the expectation that the application would be granted, assigned him to duty, and the officer actually performed duty from February 26, 1865, to November 8, 1865, during which period he participated in several engagements. The committee believe he ought to be paid for the time he was actually on active duty.

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

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

The latter motion was agreed to.

CHARGES OF DESERTION.

Mr. STOUGHTON. I have been instructed by the Committee on Military Affairs to report for consideration at this time a joint resolution in regard to charges of desertion in cases of soldiers honorably discharged.

Mr. RANDALL. Is that a private bill?

The SPEAKER. The Chair is of opinion that it is not a private bill.

Mr. RANDALL. I do not know that I am opposed to the bill, but I object to public bills being considered during the time set apart for private bills.

The SPEAKER. The Chair sustains the point of order.

ALONZO B. RICHARDS.

Mr. STOUGHTON also, from the Committee on Military Affairs, reported back adversely a bill (H. R. No. 743) for the relief of Lieutenant Alonzo B. Richards, and moved that the committee be discharged from its further consideration, and that the same be laid on the table.

The motion was agreed to; and it was ordered accordingly.

FORT CRAIG MILITARY RESERVATION.

Mr. STOUGHTON also, from the Committee on Military Affairs, reported a joint resolution (H. R. No. 274) relating to Fort Craig military reservation; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The joint resolution, which was read, directs the Secretary of War to retain possession of Fort Craig military reservation, in the Territory of New Mexico, if in his judgment the same is required for the use of the Government, and directs the Secretary of the Treasury to withhold any payment of rent for said reservation to the heirs of Pedro Armendariz for or upon a pretended lease of the same, unless the payment of such rent shall be adjudged and decreed by a court having competent jurisdiction thereof.

Mr. RANDALL. Is this a private bill?

Mr. STOUGHTON. It is a private bill.

The SPEAKER. The Chair would hold that it is a private bill.

Mr. RANDALL. I would like to hear some explanation of it.

Mr. STOUGHTON. This subject came before the Committee on Military Affairs on the petition of the heirs of Don Pedro Armendariz for relief. An act of Congress was passed in 1860 confirming a certain grant of land, on the Rio Grande river, to the heirs of Armendariz. Long before that time Fort Craig had been established upon this very grant of land, but there was nothing in the papers before Congress at the time the act was passed confirming the grant to show that Fort Craig was upon this reservation. After that act was passed certain parties applied to the officers in charge of that fort and demanded rent for the land upon which it was located. A lease was made, providing that there should be paid by the Government an annual rental of $2,000 in gold, and that at the expiration of the lease the Government should surrender to the parties claiming to be entitled to the land the fort, with all the improvements connected therewith, amounting in value to over fifty thousand dollars. The Committee on Military Affairs are of opinion, in the first place, that the lease was defective and insufficient, and, in the next place, that there is no evidence whatever to show that Fort Craig is located upon the land really belonging to the heirs of Armendaris.

The committee, therefore, have instructed me to report a joint resolution requiring the War Department to retain possession of this fort, and directing the Treasury Department to pay no money upon this pretended lease until it shall be adjudged proper by some court of competent jurisdiction. As a portion of my remarks I ask that the report accompanying this resolution be published in the Globe.

No objection was made, and it was ordered accordingly.

Mr. CHAVES called for the reading of the report; which is as follows:

The Committee on Military Affairs, to whom was referred the petition of the heirs of Pedro Armendaris, for the use and occupation of Fort Craig military reservation, respectfully submit the following report:

The claim in this case is made by M. Armendaris, administrator and heir of Don Pedro Armendaris, deceased, for himself and other heirs of the decedent, for rent arising out of a pretended lease of the land on which Fort Craig is located.

The lease upon which this rent is claimed was made the 27th day of January, 1865, between Manuel Armendaris, as above stated, and Colonel McFerran, quartermaster United States Army, by order of General Cullen, commanding at Fort Craig, for the period of five years, with an annual rent of $2,000, gold coin, that being the amount of a commission of arbitrators; and containing a further agreement that the lessee, or his successor in office, should deliver, after the expiration of the five years, quiet and peaceable possession, together with all the rights, uses, and improvements which now exist or may hereafter be made by the Government.

There had been three prior leases, one dated February 15, 1854, one dated May 22, 1858, and one dated May 25, 1859, each providing for an annual rental of one dollar per year. These leases contained similar provisions in regard to improvements, and the only one which was submitted to the Quartermaster General, that of May 22, 1858, was declared to be inadmissible, as a combination of a lease and contract unauthorized by law, and not in accordance with the act of April 21, 1808.

The lease of January 27, 1865, upon which $2,000 per year in gold coin is claimed, and which contains the remarkable provision for the surrender of all the rights and improvements at Fort Craig, amounting to over $50,000, was never approved by the Quartermaster General or War Department, and it does not appear that it was ever submitted for consideration until it was presented for payment, when it was virtually disapproved by a refusal to authorize or recommend such payment.

There are two valid objections to the form of this lease:

First. It stipulates to grant, bargain, or give away the property of the United States in violation of law.

Second. It is imperfectly executed. The heirs of Pedro Armendaris, deceased, five in number, are represented as his executors, but the lease is executed by one only, representing himself as administrator.

There is a saving clause running through all these leases evincing a doubt and uncertainty about the title of Armendariz to this land, and providing that they shall be void if there is a better outstanding title. The title of the claimants is based upon a pretended "Spanish grant" in 1820, which it is alleged is protected by the treaty of Gaudalupe Hidalgo in 1848. Under this treaty the United States succeeded to the rights and liabilities of Mexico in the ceded territory, and no more. The provision in this treaty for the protection of property owned in New Mexico is merely declaratory of the recognized law in case of a conquered territory.

In 1859 proceedings were instituted under the act of July 22, 1854, to procure a confirmation of this grant. On the 21st of June, 1860, an act of Congress was passed confirming this with a number of other grants, but providing that such confirmation shall only operate as a quit claim on the part of the United States, and shall not affect any adverse right. But this act neither settles the boundaries, location, or identity of the land. It only relinquishes the right of the Government as the sovereign to that grant, wherever it might be. There is nothing in the description of land in the grant conferred by Congress which shows or tends to show that it covers the Fort Craig reservation. On the contrary, the description is manifestly too vague and uncertain. By supplying the words "which is to serve as a center" after the word "hills," the first boundary mentioned, it might, perhaps, be different; but these words, if in the original Spanish, are not in the certified copies upon which Congress acted in making the confirmation, and which must control.

Fort Craig was occupied as a military post for years before any proceedings were taken to confirm the Armendariz grant. Substantial Government buildings had been erected at the cost of over fifty thousand dollars. Yet in the proceedings to confirm the grant no reference is found to the fact that the Government occupy any part of the land. A land mark of such an important character could not have escaped the attention of the claimants or the surveyor general. The omission is convincing if not conclusive proof that neither the claimants nor Congress understood that Fort Craig was within the limits of this grant. Is it probable that Congress would absolutely relinquish the right of the Government to a military reservation upon which improvements to the amount of $50,000 had been placed? This will hardly be pretended. In the most favorable light in which this claim can be viewed the Armendariz heirs make their own concealment of a material fact the ground of their application for relief.

The military officers who took this lease were doubtless led into an error by the claim of title on the part of the heirs of Armendariz, but their action does not strengthen their title nor impair that of the Government.

The committee recommend the adoption of the following joint resolution.

When the report had been partly read,

Mr. CHAVES said: I will withdraw my call for the reading of the report if the gentleman from Michigan [Mr. STOUGHTON] will yield to me for a few moments, that I may make a statement of the facts in this case.

Mr. STOUGHTON. Certainly, I will yield to the gentleman.

Mr. CHAVES. I do not know exactly what there is in that report; but from the conversations I have had with the gentleman from Michigan [Mr. STOUGHTON] in reference to this matter, I am satisfied that the committee have come to a wrong conclusion in stating that the Fort Craig military reservation is not upon the property which was granted to Don Pedro Armendariz. Now, here is the book containing the papers in the case. Here are the original documents in Spanish, with their translations in English. Every gentleman on this floor knows, for no intelligent man can be ignorant of the fact, that the Territory of New Mexico was originally a province of the kingdom of Spain, and eventually of the republic of Mexico. When a man made a petition for a grant of lands, in what language was he obliged to make known his wishes to the proper authorities? Most certainly in the Spanish language. As I understand, the report of the committee assumes that these parties have not a proper claim against the Government from the fact that in the English translation of the petition on which the title rests the language is as follows:

"I appear before your excellency with all proper respect, and state that being the owner of Valverde, which is tillable land, and keeping thereon a certain number of horses and cattle, which animals increase, I pray your excellency to have the kindness to grant me, where I can place my sheep and enable them to bring forth their young, the following unoccupied land, to wit: opposite the bend (*ancon*) of Valverde, on the opposite side of the river, the first boundary being opposite to the Mesilla del Contadero, which said bend (*ancon*) joins the hills," &c.

Now, the gentlemen of the committee say that in this description there is no initial point; but let us turn to the Spanish, in which language it was that the petition was made upon which the Congress of the United States in 1860, I believe, confirmed this land to Don Pedro Armendariz and his heirs. The Spanish version, literally translated, reads as follows:

"Opposite the bend of Valverde, on the other side of the river, there is a little *ancon* or bottom, the which shall serve as a center"—

That is an initial point—

being the first boundary line opposite the Mesilla del Contadero, where the said little bend strikes the hills.

Now, Mr. Speaker, I submit most respectfully to this House that the report of the committee is entirely without proper foundation, and I trust the gentleman from Michigan [Mr. STOUGHTON] will permit me to make a motion

that the whole subject be recommitted to the committee, in order that they my reëxamine the question. I am acquainted with this property; I have been all over the land. I know the heirs who claim it; I knew the man to whom it was granted. I know that the title of these parties is as good as the title of the Government to the site on which this Capitol is built. I make the motion to recommit the bill and accompanying papers to the Committee on Military Affairs.

The SPEAKER. The gentleman from New Mexico, [Mr. CHAVES,] according to the understanding of the Chair, is occupying the floor by the courtesy of the gentleman from Michigan, [Mr. STOUGHTON,] and cannot make the motion without that gentleman's consent. If the House should refuse to sustain the previous question the Chair would recognize the gentleman from New Mexico to make the motion.

Mr. STOUGHTON. I would like to say a word on this subject. The Committee on Military Affairs have considered this question. There is no doubt in the world that this pretended lease is utterly void. No lease can be made providing for the surrender or giving away of Government property. The improvements upon the Fort Craig military reservation are worth to-day $50,000; and if the relief asked for in this case were granted, and the property surrendered to the heirs of Pedro Armendariz, all those improvements would be sacrificed to these parties. The lease is void to start with. No quartermaster has any right to make such a contract. In the next place we say that the grant is imperfect. I will take the admission of the gentleman himself, and show, according to his own statement, it is clearly so. In the old Spanish grant in the Spanish language there is a point fixed which was to serve as a center. It is the same as in our surveys, which begin at a certain point and run thence in a certain direction, and so round to the place of beginning. The point designated as the center here, and from which the other lines are to radiate, is left out. There is no starting point.

I wish to call attention to another point. At the time this grant was confirmed it was sedulously concealed from Congress that Fort Craig reservation was upon it. If it was on the grant it could not have escaped the surveyor. Is it possible that such a landmark as a United States fort should not have been known to be upon this grant? No, sir. If this fort were upon the grant, then the confirmation of the grant was obtained by fraud. We say the survey made by the surveyor general and the copies of the papers filed before Congress must control, not some language in the old Spanish law. If not, what would be the result? Parties coming here from New Mexico and asking for confirmation of their grants for what would appear only to be one league, after those confirmations were obtained, could go back to some language in the old Spanish law and claim thousands of leagues of land, and thus every acre of the public property be swept away without a single member of Congress knowing anything about it I propose for one this kind of thing shall not receive the sanction of Congress.

Mr. WELKER. I suggest to the gentleman that the authorities connected with the General Land Office have decided in several instances that the Government has the entire right to the Fort Craig reservation.

Mr. STOUGHTON. I am aware of that.

Mr. CHAVES. I do not know, and cannot say, whether at the time this grant was confirmed by Congress it was stated that Fort Craig was on that land or not. I was not here in Washington, and did not know anything about it in New Mexico; but I do know this fact: that the present Fort Craig is upon the Armendariz grant, which the committee say is no valid grant. The history of this matter is as follows: Don Pedro Armendariz employed a lawyer by the name of Hugh U. Smith to prosecute and confirm this self-same grant before this Government, and Mr. Smith was to receive in part payment a portion of this grant. After its confirmation, Mr. Smith chose his portion in the northern part of the grant, upon which, at that time, Fort Conrad was situated. Mr. Smith demanded rent from the commander of the department, which was refused as often as it was made; and in order to avoid any further difficulties, it was determined by the military authorities to remove the post from Smith's land. Armendariz, hearing of this, and considering it advantageous to have a military post upon his land, offered the military authorities any site upon his part of this same grant, for a post for a term of years, the consideration being one dollar a year and the post and other improvements, should they not need it that long. The Government accepted these proposals, and they entered into a solemn contract with Armendariz, or his agents, to that effect. At the expiration of that lease Mr. Armendariz's heirs (he having died in the interval) called upon the chief quartermaster of the department of New Mexico, and entered into a solemn contract with him, as agent for the Government, to lease their property to the Government for a term of years, for $2,000 in gold. So far there was no trouble. But the Quartermaster General, finding that the Government had already had possession for merely a nominal rental for a term of years, and that it had stripped the property of its timber, which was all that made it valuable, and considering that might made right, refused to approve of the contract. This is all there is in this matter. There is no question about Fort Craig not being upon Armendariz's grant. Ninety-nine men out of every hundred who know anything about it will tell you so. If you refuse to pay this rent you place yourselves in the position of acknowledging a man's title when he loaned it, his property, gratis, and calling it a fraudulent claim when he makes a demand upon you to comply with your part of the contract. The present Fort Craig is about eleven miles south of old Fort Conrad. These are the facts as nearly as I recollect them.

Mr. STOUGHTON. I demand the previous question.

Mr. CHAVES. I understand from the gentleman that the matter is to be settled by the courts. If that be so, I do not object.

Mr. COX. Has the Land Office taken possession of this?

Mr. CHAVES. It is as stated by the gentleman from Ohio [Mr. WELKER] that under the laws of Spain the Government had the right to establish a fort even in your house without giving you due consideration therefor.

Mr. COX. I suggest the word "pretended" be stricken out and "alleged" inserted.

Mr. STOUGHTON. I do not object.

The amendment was made by unanimous consent.

Mr. ELDRIDGE. It seems to me this resolution is determining this question: that we are taking away the rights of parties by act of Congress, giving them no day in court and no opportunity to try the question.

Mr. STOUGHTON. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

The morning hour then expired.

SPEAKER'S TABLE.

Mr. INGERSOLL moved that the House proceed to the consideration of the business on the Speaker's table.

The motion was agreed to.

RETURN OF DISCHARGE PAPERS.

The first business on the Speaker's table were the following amendments of the Senate to a joint resolution (H. R. No. 146) for the return of evidence of honorable discharge to officers:

In line four insert after the word "officer" the words "or enlisted man," and in line eight, after the word "officer," insert "or enlisted man," and in lines ten and eleven strike out the words "and this provision shall also extend to the discharges of enlisted men" and insert in lieu thereof "and provided that the fact, date, and amount of such settlement shall first be clearly written across the face of such evidence of honorable discharge, and attested by the signature of the accounting officer;" so as to make the resolution read:

Be it resolved, &c., That in all cases where it has become necessary for any officer or enlisted man of the Army to file his evidence of honorable discharge from the military service of the United States, to secure the settlement of his accounts, the accounting officer with whom it has been filed shall, upon application by said officer or enlisted man, deliver to him such evidence of honorable discharge, providing his accounts shall have been duly settled: *And provided*, That the fact, date, and amount of such settlement shall first be clearly written across the face of such evidence of honorable discharge, and attested by the signature of the accounting officer.

On motion of Mr. HOLMAN, the Senate amendments were concurred in.

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

The latter motion was agreed to.

CHOPTANK LIGHT-STATION.

The next business on the Speaker's table was a joint resolution (S. R. No. 78) relative to the establishment of a light-station on the Choptank river, in Maryland; which was read a first and second time.

The joint resolution proposes to authorize the Light-House Board to establish a light-station to mark the obstruction to navigation in the Choptank river, Maryland, in the vicinity of Castle Haven Point.

Mr. HOLMAN. I ask that the joint resolution be put on its passage; and I desire to have read a letter from the chairman of the Light-House Board.

The SPEAKER. The Chair hears no objection to the joint resolution being passed.

Mr. HOLMAN. Then I will only say that it is recommended by the chairman of the Light-House Board, and requires no appropriation.

The joint resolution was ordered to be read a third time. It was accordingly read the third time, and passed.

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

The latter motion was agreed to.

COLUMBIA RAILWAY COMPANY.

The next business on the Speaker's table was a bill (S. No. 227) to incorporate the Columbia Railway Company of the District of Columbia; which was read a first and second time.

Mr. KNOTT moved that the bill be referred to the Committee for the District of Columbia.

The motion was agreed to.

LAND DISTRICTS IN DAKOTA.

The next business on the Speaker's table was a bill (S. No. 579) to create additional land districts in the Territory of Dakota, to be called the Springfield and Pembina districts; which was read a first and second time.

Mr. SPINK. I ask that the bill be put upon its passage.

Mr. HAWLEY. On behalf of the Committee on the Public Lands I make the same request.

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

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

The latter motion was agreed to.

JUNCTION OF PACIFIC RAILROADS.

The next business on the Speaker's table was a bill (S. No. 580) to fix the point of junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company; which was read a first and second time.

The question was on ordering the bill to be read a third time.

The bill was read. It provides that the common terminus and point of junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company shall be definitely fixed and established on the line of railroad as now located and constructed northwest of the station of Ogden, and within the limits of section thirty-six of township seven, of range two, situate north and west of the principal meridian and base line in the Territory of Utah, and it authorizes the said companies to enter upon, use, and possess said section and sections twenty-five, twenty-six, and thirty-five of township seven, of range two, and section six of township six, and sections thirty and thirty-one of township seven, of range one; all situate north and west of said principal meridian and base line, with the same rights, privileges, and obligations now by law provided with reference to other lands granted to said railroads; provided, however, that the Secretary of the Interior shall designate a section of land in said township belonging to said companies, and reserve the same for the benefit of schools in said Territory, in accordance with the act of February 21, 1855, establishing the office of surveyor general of Utah and to grant land for school and university purposes; provided, also, that said companies shall pay for any additional lands acquired by this act at the regular Government price; and provided further, that no rights of private persons shall be affected by this act.

Mr. COX and Mr. INGERSOLL rose.

Mr. INGERSOLL. I desire to inquire of the gentleman who has charge of this bill, the chairman of the Committee on the Pacific Railroad, whether the committee have examined this bill?

Mr. COX. I was about to make a motion to refer this bill to that committee.

Mr. WHEELER. I hold in my hand, with instructions from the Committee on the Pacific Railroad, a counterpart of this bill. It simply fixes the point of junction of these railroads in accordance with the act passed during the last Congress. It also authorizes the companies to take and enter upon a section of school lands, but with directions to the Secretary of the Interior to substitute for it a section of their own lands. In addition it permits the companies to take several sections of the Government lands on payment of the Government price therefor. The obtaining of these lands is rendered necessary by reason of the fact that at this junction extensive shops will be erected and hundreds of workmen will be employed, and necessarily must have homes in the immediate vicinity. We have now an opportunity without expense to the Government to introduce a little of the Gentile element into the Mormon kingdom. The establishment of a Gentile city under the very shadow of the walls of great Salt Lake City will, in my judgment, be more effectual in destroying polygamy than any thunderbolts of war which we may forge here. As both the railroads are agreed upon it, as nothing is required from the Government, and as all private interests are protected, I can see no just objection to the bill. I demand the previous question upon it.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time.

The question was on the passage of the bill.

Mr. FARNSWORTH. I desire to inquire of the gentleman from New York [Mr. WHEELER] whether the passage of this bill fixing the junction of the two roads will in any manner complicate affairs so as to require the Government to pay a double subsidy for any part of the road?

Mr. WHEELER. It will not donate anything at all. Every section of land that these companies take they pay the Government price for.

Mr. FARNSWORTH. Then the Government will not incur any additional obligations.

Mr. WHEELER. No additional obligation whatever. I demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

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

The latter motion was agreed to.

NATIONAL UNION SAVINGS-BANK.

The next business on the Speaker's table was a bill (S. No. 550) to incorporate the National Union Savings-Bank of the District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

PUBLIC BUILDINGS AT LITTLE ROCK.

The next business on the Speaker's table was a bill (S. No. 334) to provide for a building suited to the use of the post office, the revenue officers, and the judicial officers of the United States in the city of Little Rock, Arkansas; which was read a first and second time, and, on motion of Mr. BEAMAN, referred to the Committee on Appropriations.

ALEXANDER C. TWINING.

The next business on the Speaker's table was a bill (S. No. 704) for the relief of Alexander C. Twining; which was read a first and second time, and referred to the Committee on Patents.

SHAWNEE AND QUAPAW TREATY.

The next business on the Speaker's table was a joint resolution (S. R. No. 168) explanatory of the provisions of the fourth article of the treaty of February 3, 1867, with the Shawnee, Quapaw, and other Indians; which was read a first and second time, and referred to the Committee on Indian Affairs.

CAIRO AND FULTON RAILROAD.

The next business on the Speaker's table was a joint resolution (S. R. No. 165) extending the time for the completion of the first section of twenty miles of the Cairo and Fulton railroad; which was read a first and second time.

Mr. HAWLEY. I ask that that joint resolution be put upon its passage.

Mr. INGERSOLL. I ask my colleague to yield to me for a moment.

Mr. HAWLEY. For what purpose?

Mr. INGERSOLL. I wish to make a motion to refer.

Mr. HAWLEY. No; I cannot yield for that purpose.

Mr. INGERSOLL. Then I want to say a word with regard to it.

The SPEAKER. The Chair has recognized the gentleman from Illinois [Mr. HAWLEY] who represents the Committee on the Public Lands.

The joint resolution provides that in case the Cairo and Fulton Railroad Company shall complete the first section of twenty miles of said road by the 20th day of December, 1870, and the Secretary of the Interior shall be satisfied of such completion, that then the said company shall be entitled to its lands in all respects and to the same extent as it would have been had it been completed by the 28th of April, 1870, as provided by the law relating to said railroad company.

Mr. HAWLEY. As will be seen from the reading of the resolution, its only object is to extend the time so as to enable the company to complete the first section of twenty miles of the road. The act making the appropriation of lands was passed in 1866, and it was provided that this first section of twenty miles should be completed by the 28th day of July last. At the last session of this Congress the Committee on the Public Lands reported and the House passed a resolution extending the time nine months. That time expired the day before yesterday. In anticipation of the expiration of the time, the company not having completed the twenty miles and the people of the section of the country through which it passes being anxious that the road shall be built, this bill was presented to the Senate and passed the Senate, and a bill exactly similar has been examined by the Committee on the Public Lands of the House and unanimously agreed upon, and the only object of this resolution is to give this railroad company until December next to complete this section of twenty miles.

Mr. KELSEY. Has the company commenced the construction of the road?

Mr. HAWLEY. I do not know that it has; but I will explain before I sit down its exact condition as it is represented to the Committee on the Public Lands. It is now in the hands of a company of men who have capital, and we have every assurance that they will go on at an early day and complete this section of twenty miles before the time mentioned in December next. I wish to state also that the counties and cities perhaps through which this road is to pass have subscribed liberally for the purpose of its construction. The grant is of the smallest limit which Congress ever makes, I believe, of ten sections to the mile. The law which appropriates this land to this railroad also provides that this railroad company shall in all future time transport free of expense to the Government all troops and supplies of the Government; which is a very unusual provision to be placed in any bill. Now, as the object of this joint resolution is well understood, I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading, and read a third time.

The question was upon the passage of the bill.

Mr. HOLMAN. Upon that question I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 17, noes 79; not one fifth voting in the affirmative.

Before the result of the vote was announced,

Mr. HOLMAN called for tellers on ordering the yeas and nays.

The question was taken upon ordering tellers; and there were sixteen in the affirmative.

So (the affirmative not being one fifth of a quorum) tellers were not ordered.

The yeas and nays were accordingly not ordered.

The bill was then passed.

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

The latter motion was agreed to.

UNION PACIFIC RAILWAY.

The next business on the Speaker's table was a joint resolution (S. R. No. 129) to amend section ten of an act entitled "An act granting lands to the State of Kansas to aid in the construction of a southern branch of the Union Pacific railway and telegraph from Fort Riley, Kansas, to Fort Smith, Arkansas.

Mr. CLARKE, of Kansas. I ask that that joint resolution be laid aside without losing its place upon the Speaker's table.

The SPEAKER. That will require unanimous consent.

No objection was made; and it was ordered accordingly.

FIRST NATIONAL BANK OF DELHI.

The next business on the Speaker's table was a bill (S. No. 746) authorizing the First National Bank of Delhi, New York, to change its location; which was taken up, and read a first and second time.

The question was upon ordering the bill to be read a third time.

Mr. GARFIELD, of Ohio. I ask that this bill be now put upon its passage.

The bill was read. The first section provides that the First National Bank of Delhi, now located in Delhi, Delaware county, State of New York, is thereby authorized to change its location to the village of Port Jervis, Orange county, State of New York, and that whenever the stockholders representing three fourths of the capital of said bank, at a meeting called for that purpose, determine to make such change the president and cashier shall execute a certificate under the corporate seal of the bank specifying such determination, and shall cause the same to be recorded in the office of the Comptroller of the Currency, and thereupon such change of location shall be effected, and the operations of discount and deposit of said bank shall be carried on in the village of Port Jervis, Orange county, State of New York. The second section provides that nothing in this act contained shall be so construed as in any manner to release the said bank from any liability or affect any action or proceeding in law in which the said bank may be a party or interested; and that when such change shall have been determined upon as aforesaid notice thereof and of such change shall be published in at least two weekly newspapers in each of the counties of Delaware and Orange, in the State of New York, for not less than four successive weeks. The third section provides that this act shall take effect and be in force from and after its passage.

Mr. INGERSOLL. I would inquire of the gentleman from Ohio, [Mr. GARFIELD,] the chairman of the Committee on Banking and Currency, what objection there is to passing a general law on this subject, so that any national bank may change its location on the same terms?

Mr. GARFIELD, of Ohio. That is a question which has been considered. I have here in my desk a letter from the Comptroller of the Currency upon that subject, in which he expresses the opinion that such a measure would be too sweeping, and that it would be better to allow each specific case to stand upon its own merits.

Mr. MAYNARD. What are the reasons applicable to this particular case?

Mr. GARFIELD, of Ohio. It was expected that the business requirements of Delhi and the surrounding section of country would call for two national banks; but it has resulted that the business has turned off to the region of Port Jervis, where it is proposed to transfer this bank. The committee of the Senate, the committee of the House, and the Comptroller of the Currency are agreed that it would be proper to pass this bill. I would also call attention to the statement of the two Representatives from the portion of the State of New York interested in this subject.

The statement was as follows:

Statement of case of First National Bank of Delhi, New York.

There are now two national banks at Delhi; the business wants of that section require but one; whereas at Port Jervis, Orange county, only one bank is located, and the wants of that section require two. The stockholders of the said bank there negotiated for a transfer of the said bank to Port Jervis, and for that purpose have presented a bill in form the same as a bill to change a bank from Brooklyn or Williamsburg to New York city, passed in 1868. We agree as to the facts and propriety of the change desired.

CHARLES KNAPP,
Representative of the nineteenth district New York, in which Delhi is located.
C. H. VAN WYCK,
Representative of the eleventh district New York, in which Port Jervis is located.

The bill was then ordered to a third reading, read the third time, and passed.

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

The latter motion was agreed to.

BURLINGTON AND MISSOURI RAILROAD.

The next business on the Speaker's table was a bill (S. No. 774) to authorize the Burlington and Missouri River Railroad Company, or its assigns, to change the established line of said road in the State of Nebraska; which was taken up and read a first and second time.

The question was upon ordering the bill to be read a third time.

Mr. ALLISON. I ask that this bill be now put upon its passage.

The bill, which was read, provides that the Burlington and Missouri River Railroad Company, or its assigns, in the State of Nebraska, may so far change the location of that portion of its line that lies west of the city of Lincoln, in said State, as shown by the map thereof now on file in the General Land Office of the United States, so as to secure a better and more practicable route, and to connect with the Union Pacific Railroad at or near the Fort Kearny reservation, said new line to be located within the limits of the land grant made by the United States to aid in its construction; provided, however, that said line shall not be located further south than the southern boundary line of township No. 7, in said State; and said change shall not impair the rights to nor change the location of the said land grant, and the said company, or its assigns, shall receive no different as other or greater quantity of land than if this act had not passed and no change had been made in the located line of said railroad.

The bill was then ordered to a third reading, read the third time, and passed.

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

The latter motion was agreed to.

ENTRIES OF AGRICULTURAL COLLEGE SCRIP.

The next business on the Speaker's table was a bill (S. No. 167) amendatory of an act to protect the rights of actual settlers upon the public lands of the United States, approved July 27, 1868, and for other purposes; which was read a first and second time.

Mr. HOLMAN. I hope this bill will be considered now.

Mr. MAYNARD. I hope not. I trust it will be referred to the Committee on the Public Lands.

Mr. INGERSOLL. It proposes a change in our land system and involves questions of great importance.

The SPEAKER. The bill will be reported in full.

The bill was read. It proposes to amend the act entitled "An act to protect the rights of actual settlers upon the public lands of the United States," approved July 27, 1868, by adding thereto the following proviso:

Provided, That all such agricultural college scrip shall be received from actual settlers in payment of preëmption claims in the same manner and to the same extent as is now authorized by law in case of military bounty-land warrants: *And provided further*, That all locations of such scrip made within thirty days after the date of approval of said act of July 27, 1868, if otherwise in conformity with law, are hereby legalized and made valid.

Mr. FITCH. I think this bill had better be referred to a committee.

Mr. ALLISON. So do I.

Mr. INGERSOLL. This is the second bill I have noticed that proposes to increase the value of this agricultural college scrip, the greater part of which has been sold by the States and is now in the hands of speculators.

The SPEAKER. If there be no objection, the bill will be referred to the Committee on the Public Lands.

There was no objection.

Mr. ALLISON moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIANS ON UMATILLA RESERVATION.

The next business on the Speaker's table was a joint resolution (S. R. No. 116) instructing the President to negotiate with the Indians upon the Umatilla reservation in Oregon; which was read a first and second time.

Mr. SMITH, of Oregon. I ask that this joint resolution may be laid aside.

The SPEAKER. If there be no objection, the joint resolution will be laid aside, without losing its place and relative rank on the Speaker's table.

There was no objection.

ABBOTT Q. ROSS.

The next business on the Speaker's table was a bill (S. No. 138) for the relief of Abbott Q. Ross; which was read a first and second time.

Mr. HAYS. I desire that this bill may be put on its passage.

The bill was read. It provides for paying to Abbott Q. Ross, of Cleves, Ohio, $5,000, as compensation for the past and future use in the United States Navy of his invention for using hot water and steam as a weapon in naval warfare, for extinguishing fires, and other purposes.

Mr. COBB, of Wisconsin. I think this bill ought to be referred to the Committee of Claims.

Mr. INGERSOLL. Naval Affairs.

Mr. HAYS. I hope the bill will be put on its passage.

The SPEAKER. The Chair will state to the gentleman from Alabama [Mr. HAYS] that the Committee on Naval Affairs will be the next committee called for private bills.

Mr. ARCHER. The Committee on Naval Affairs has considered this bill and unanimously recommends its passage.

Mr. HAYS. A bill precisely similar has been considered by the committee; and I am authorized to request that this bill be substituted for the House bill, on which the committee are prepared to report favorably.

Mr. COBB, of Wisconsin. If the consideration of the bill at the present time be insisted on I shall raise the point of order that the bill must go to the Committee of the Whole.

The SPEAKER. The Chair would be compelled to sustain that point.

Mr. SCOFIELD. The Committee on Naval Affairs have authorized the gentleman from Alabama [Mr. HAYS] to report a House bill similar to this; and hence I suppose he felt warranted in asking that this Senate bill be put on its passage. But if the point of order be raised the bill will go to the Committee of the Whole; and the gentleman had better consent to the reference to the Committee on Naval Affairs.

Mr. HAYS. Very well; I move that the bill be so referred.

The motion was agreed to.

CORCORAN GALLERY OF ART.

The next business on the Speaker's table was a bill (S. No. 492) to incorporate the trustees of the Corcoran Gallery of Art, and for other purposes; which was read a first and second time, and, on motion of Mr. WELKER, referred to the Committee for the District of Columbia.

APPEALS TO THE SUPREME COURT.

The next business on the Speaker's table was a bill (S. No. 689) granting appeals from and authorizing the issue of writs of error to the supreme court of the District of Columbia in certain cases therein mentioned; which was read a first and second time.

Mr. INGERSOLL. I move that this bill be referred to the Committee for the District of Columbia; and on this motion I wish to say a few words. From the title of the bill no one would understand its import. It is really a bill framed in the interest of the Baltimore and Ohio Railroad Company. It proposes that the company—not by name, but under a general description as a corporation—shall have the right to appeal or prosecute a writ of error to the Supreme Court of the United States in criminal cases, a thing which has never been

allowed during the sixty-nine years that the court has been established.

Mr. BINGHAM. I think the bill, after what has been said on the subject, ought to be referred to the Committee on the Judiciary.

Mr. INGERSOLL. I intend when I get through to withdraw the motion to refer, and to move that the bill be laid on the table.

Mr. Speaker, I wish to say a few words about this matter. The criminal court of the District of Columbia is presided over by one judge. Appeals are allowed in all criminal cases from that court to the court in banc, presided over by the four judges, and their decision is final. Now, it is proposed by the Baltimore and Ohio Railroad Company, after——

Mr. STONE. Is this debatable?

The SPEAKER. The whole question is debatable on the motion to refer.

Mr. INGERSOLL. Now, Mr. Speaker, after the Baltimore and Ohio Railroad Company has been convicted as a nuisance before this court it has failed, as I understand, to appeal to the court in banc, but proposes to have the legislation of Congress in its favor to the exclusion of every other cause before the criminal court. The court in banc has final jurisdiction in all criminal cases, of all cases involving the life, liberty, and property of every person brought before it, and no appeal or writ of error has been allowed by law from that court for sixty-nine years; and now the Baltimore and Ohio railroad, with an effrontery unequaled, asks Congress to allow that corporation, which has been convicted as a nuisance, to take an appeal to the Supreme Court. Why? In order that it may be supreme in this District, defying the courts and people here, as well as the corporate authorities, notwithstanding persons, week after week and month after month, may be deprived of their liberties and even their lives without being permitted to take a like appeal. The object and purpose of the Baltimore and Ohio Railroad Company is to get the case into the Supreme Court, where by the aid of counsel and money it may defeat this case by the "law's delay." If this bill is allowed to pass this company can delay the question in the Supreme Court year after year, and it will become the virtual master of this people. I ask that the bill be read, so that the House may understand exactly what it is.

The Clerk read as follows:

That where by the final judgment, sentence, or decree of the supreme court of the District of Columbia any person, body politic or corporate, is deprived of any right, property, or franchise, or the use of any right, property, or franchise, exceeding in value $1,000, such judgment, sentence, or decree may be reviewed upon appeal or writ of error to the Supreme Court of the United States in like manner as is now provided by law in reference to other final judgments or decrees of said court.

Mr. INGERSOLL. I now withdraw the motion to refer, and move to lay the bill upon the table.

Mr. BINGHAM. I hope the House will not do that without allowing me to be heard.

The House divided; and there were—ayes 94, noes 32.

So the bill was laid on the table.

Mr. BINGHAM. I move to reconsider the vote by which the bill was laid on the table; and on that I desire to be heard.

The SPEAKER. The motion to reconsider is not debatable.

The motion to reconsider was disagreed to.

MARY K. SMITH.

The next business on the Speaker's table was a bill (S. No. 776) for the relief of Mary K. Smith; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NORTHERN PACIFIC RAILROAD.

The next business on the Speaker's table was a joint resolution (S. R. No. 121) authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road, and secure the same by mortgage, and for other purposes; which, on motion of Mr. WHEELER, was laid aside, retaining its relative place on the Speaker's table.

CONTRACTS FOR CARRYING THE MAIL.

The next business on the Speaker's table was a joint resolution (S. R. No. 159) authorizing the Postmaster General to prescribe an earlier time for the execution of contracts by accepted bidders, and for other purposes; which was read a first and second time.

Mr. FARNSWORTH. I ask to have the joint resolution put upon its passage.

Mr. JOHNSON. I hope it will be referred to the Committee on the Post Office and Post Roads.

The SPEAKER. The Clerk will report the joint resolution.

The joint resolution was read. The preamble recites that in the instructions appended to an advertisement issued by the Postmaster General on the 30th day of September, 1869, inviting proposals for carrying the mails of the United States for four years from the 1st July, 1870, in the States of California, Oregon, and Nevada, and in the Territories of Washington, Idaho, Montana, Wyoming, Utah, and Arizona, it is stipulated that the contracts are to be executed by or before the 1st day of July, 1870; and that in view of the importance of the service to be performed, and the damage to the public interests which would result from failure to put said service in operation at the proper time, it is desirable to fix an earlier period than the 1st of July for the execution of the contracts, and to adopt such other precautions as may seem necessary to guard against the failure of bidders or contractors to fulfill their obligations.

The first section authorizes the Postmaster General, in any case in which he may deem it necessary, to require accepted bidders under the advertisement of September 30, 1869, inviting proposals for carrying the mails of the United States in the States and Territories above mentioned, to execute contracts and return them to the Department at an earlier period than the 1st day of July, and, at the discretion of the Postmaster General, as early as the 1st day of June, 1870.

The second section provides that in any case arising under the aforementioned advertisement, in which the Postmaster General shall have good reason to believe that any bid for carrying the mail on any route has not been made in good faith, he shall be authorized to summon the bidder or bidders to appear before him and show cause why such bid should not be set aside or immediately executed by entering into contract with sufficient sureties; and the failure of the bidder or bidders to appear in response to such a summons and satisfy the Postmaster General that said bid has been made in good faith, and that the guarantors thereof are duly responsible, shall be deemed to be sufficient cause for setting such bid aside and entering into contract with the lowest of the bidders who will do so for the performance of the service. And all the bidders shall be seasonably notified that such summons has been issued and that they may be required to enter into such contract.

The question was on ordering the joint resolution to be read a third time.

Mr. FARNSWORTH. With reference to the suggestion of the gentleman from New York [Mr. Cox] I desire to say that it is necessary that this resolution should be passed now, if it is to be passed at all. Its object is to correct an abuse which has arisen from combinations of bidders for carrying the mails. The Postmaster General finds it necessary to be clothed with some such authority as is here provided in order to protect the public interests. I will explain the nature of the evil to be corrected. When proposals are invited for carrying the mails the contractor, who desires to hold on to his contract, will procure what is called a straw man to make a straw bid, away down lower than the bids of any who have made proposals in good faith. Under the law this straw bid is accepted, being the lowest; and under these advertisements he will have till the 1st of July next to qualify and convince the Postmaster General that his bid was in good faith.

Now, the 1st of July is the date when the contract is to commence. When that day arrives the straw man of course cannot be found. He does not respond; he does not appear to qualify. The middle men, the men who have tendered in good faith, and who would undertake the contract if seasonably notified to get ready, have made no preparations. They have purchased no stock, and cannot undertake to carry the mail, simply because they are not ready. What is the result? The Postmaster General is obliged to contract with the man now carrying the mail at his own terms. Many gentlemen will remember that during last Congress a case of this kind occurred with reference to the carrying of the mails across the plains before the opening of the Pacific railroad. The lowest bidder would not qualify, and did not qualify. The middle men, who had tendered in good faith, not being notified, had made no preparations, and it was impossible for them to enter upon the work; and the Postmaster General accordingly was obliged to make the best contract he could with Wells, Fargo & Co., who had been carrying the mails. It is to prevent the recurrence of this abuse that this measure is presented to the House, and I desire the House to pass it now. I will only state further that the Committee on the Post Office and Post Roads have formally considered the subject and I act upon their request. I promised to yield a minute or two to the gentleman from California, [Mr. JOHNSON,] and I will then call the previous question.

Mr. JOHNSON. I do not think that this resolution ought to pass. There are very many objections to it, which must strike any fair-minded gentleman as forcible whenever they are pointed out. In the first place, under the law the bids are put in, and the parties putting them in have a right, after the award has been made, to complete their contracts by filing their bonds before the 1st day of July. That is a vested legal right conferred by act of Congress, and I say that it is a right equal to a right of property, and one that cannot be taken away from a man who puts in a bid without a violation of the constitutional rights vested in him. It is a vested privilege, if not a right of property, and it is a violation of our constitutional authority to take it away from him.

But I have other objections to this measure. As it originally came before the Senate it was a general measure, relating to all the States and Territories, but the names of States and Territories were stricken out, until it comes to us the skeleton it now is. The Territories of Arizona and New Mexico were named in the preamble, and the resolution would have affected the bids upon lines in those Territories. They were stricken out at the instance of interested parties. Why? Because, I say here, and I can prove it, there are more straw bids from those Territories than from all the balance of the United States. To avoid investigation the names of those Territories were stricken out and Oregon and California were allowed to remain in. Why? Because there are two or three important routes running from California into Oregon, and through the State of California, upon which a great many bids have been made, and there are persons in Washington and New York who want to crowd those persons who have put in bids off the track, so that they cannot complete their contracts. I know whereof I speak, and I do not exaggerate when I say that I know this is the object of this resolution. Now, sir, if it is passed at all it should be made general, so as to apply to everybody who has put in straw bids before the Department.

Mr. FARNSWORTH. I must resume the floor.

Mr. JOHNSON. Let me say one word about the routes I have mentioned in Arizona. I can furnish the Post Office Committee of this House in twelve hours, if they will give me time, with written authority to show that there are fraudulent bids and fraudulent awards made upon those Arizona routes. I have the authority of a gentleman of high standing for stating that he has information of that character in his pocket, and the name of that Territory was stricken out in the Senate. If there is any necessity for this legislation now, there will be the same necessity next year, when the bids are opened at the Department. By law now everybody has until the 1st of July to complete his contract, and it is proposed to make contractors in Oregon and California, the most remote portion of the country from this capital, complete their bids by the 1st of June, one month earlier. I have no objection to the second section of the bill, which authorizes the Postmaster General to investigate straw bids. I hope that will be passed; but I hope the gentleman will allow me to make a motion to strike out the first section of the bill, or else to make a motion to include the other States and Territories, so as to make the bill general.

Mr. FARNSWORTH. I will state the reason why I am not willing to allow that motion to be made. This is a Senate joint resolution, which comes here for action, and it happens to hit precisely those States and Territories where the Postmaster General is satisfied there are straw bids; and that is the reason why I ask that it shall be passed. There is a bill before the Committee on the Post Office and Post Roads which will make the law general hereafter; but the Postmaster General is satisfied that in these particular States and Territories, or a portion of them—I will not now mention them—there are these straw bids, and that the Government will be fleeced to the tune of several hundred thousand dollars, in all human probability, unless he is clothed with authority to require them to enter into their contracts earlier.

Now, one word about vested rights. A straw man has no vested rights; not a bit. A man who has made a fraudulent bid has no vested rights, that I know of, which we cannot interfere with. This joint resolution does not deprive any man of the benefits of his bid, but simply requires him to show his good faith by his works. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to a third reading, and read the third time.

The question was upon the passage of the joint resolution.

Mr. JOHNSON. Upon that question I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were—twenty-seven in the affirmative.

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

The question was taken; and it was decided in the affirmative—yeas 112, nays 34, not voting 81; as follows:

YEAS—Messrs. Allison, Ambler, Ames, Armstrong, Arnell, Asper, Atwood, Ayer, Barry, Beaman, Bennett, Benton, Booker, George M. Brooks, Buckley, Buffinton, Burchard, Burdett, Roderick R. Butler, Cessna, Churchill, William T. Clark, Amasa Cobb, Clinton L. Cobb, Coburn, Cook, Conger, Covode, Cowles, Cullom, Degener, Duval, Farnsworth, Ferriss, Ferry, Fisher, Garfield, Gilfillan, Hale, Hamilton, Harris, Hawley, Heflin, Hoar, Hooper, Ingersoll, Jenckes, Alexander H. Jones, Judd, Kelley, Kelsey, Ketcham, Knapp, Laflin, Lawrence, Loughridge, Lynch, Maynard, McCarthy, McCrary, McGrew, McKee, McKenzie, Mercur, Jesse H. Moore, William Moore, Morphis, Daniel J. Morrell, Myers, Negley, O'Neill, Packard, Packer, Paine, Palmer, Peters, Phelps, Pomeroy, Prosser, Sanford, Sargent, Sawyer, Schenck, Scofield, Shanks, Porter Sheldon, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stokes, Stoughton, Strickland, Strong, Taffe, Tanner, Taylor, Tillman, Tyner, Upson, Van Wyck, Ward, Cadwalader C. Washburn, Welker, Wheeler, Whitmore, Wilkinson, Willard, Williams, John T. Wilson, Winans, and Witcher—112.

NAYS—Messrs. Adams, Archer, Axtell, Biggs, Bird, Blair, James Brooks, Conner, Cox, Dickinson, Eldridge, Finkelnburg, Getz, Griswold, Holman, Johnson, Thomas L. Jones, Mayham, McCormick, McNeely, Niblack, Reeves, Rice, Sherrod, Joseph S. Smith, Stevenson, Stone, Strader, Sweeney, Van Auken, Van Trump, Voorhees, Wells, and Winchester—34.

NOT VOTING—Messrs. Bailey, Banks, Barnum, Beatty, Beck, Benjamin, Bingham, Boles, Bowen, Boyd, Buck, Burr, Benjamin F. Butler, Cake, Calkin, Sidney Clarke, Cleveland, Crebs, Davis, Dawes, Dickey, Dixon, Dockery, Donley, Dox, Dyer, Ela, Fitch, Fox, Gibson, Haight, Haldeman, Hambleton, Hamill, Hawkins, Hay, Hays, Heaton, Hill, Hoge, Hotchkiss, Julian, Kellogg, Kerr, Knott, Lash, Logan, Marshall, Milnes, Eliakim H. Moore, Morgan, Samuel P. Morrill, Morrissey, Mungen, Orth, Peck, Perce, Platt, Poland, Porter, Potter, Randall, Ridgway, Rogers, Roots, Schumaker, Lionel A. Sheldon, Slocum, Shober, John A. Smith, Stevens, Stiles, Swann, Townsend, Trimble, Twichell, Van Horn, William B. Washburn, Eugene M. Wilson, Wood, and Woodward—81.

So the joint resolution was passed.

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

The latter motion was agreed to.

STATE OFFICERS OF TEXAS.

Mr. SCHENCK. Before moving to go into Committee of the Whole upon the special order I have been requested by the gentleman from Texas [Mr. CLARK] to ask unanimous consent of the House to act upon a subject which requires immediate attention.

A bill was passed by this Congress, and approved March 30, 1870, requiring persons elected to office in the State of Texas to take an oath prescribed in that act within thirty days from the date of its passage. A telegram has been received stating that on account of the distance at which some of those persons reside from the places where they must qualify for office it has been utterly impossible for them to appear before the proper judges and take the oath prescribed within the limit of thirty days. I therefore ask unanimous consent of the House to introduce for consideration at this time a bill to extend the time for thirty days longer.

No objection was made; and accordingly a bill (H. R. No. 1912) to extend the time within which persons elected to office may take the oath prescribed in the act entitled "An act to admit the State of Texas to representation in the Congress of the United States," approved March 30, 1870, was received and read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, provides that all persons duly elected to office in the State of Texas, and holding the proper certificate of such election, shall have thirty days from April 30, 1870, within which to take, subscribe, and file the oath of office prescribed in the act of Congress, approved March 30, 1870, for the admission of the State of Texas to representation in the Congress of the United States.

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

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SCHENCK. I now move that the rules be suspended, and that the House resolve itself into Committee of the Whole upon the special order. I have no design to ask for an evening session, as to-day is Saturday, but I hope we can work on the tariff bill till five o'clock.

Mr. INGERSOLL. I hope the House will agree to that, as the gentleman from Ohio [Mr. SCHENCK] did not insist upon going into Committee of the Whole to-day before proceeding to the consideration of business on the Speaker's table.

Mr. JUDD. I move to amend the motion of the gentleman from Ohio [Mr. SCHENCK] so as to order that all special orders in Committee of the Whole shall be postponed until after the consideration of the general Calendar therein.

Mr. SCHENCK. Is that motion in order?

The SPEAKER. The Chair thinks it is in order. The Clerk will read from the Digest the paragraph relating to that subject.

The Clerk read as follows:

"A special order may be postponed by a majority vote. And according to the usage, whenever the time arrives for the consideration of a special order in Committee of the Whole, the same may be postponed by a vote in the House."

The SPEAKER. The motion is to be decided by a majority of the House. It is analogous to raising the question of consideration.

Mr. SCHENCK. I raise the further point of order that this is a proposition to postpone in general terms all the special orders. I believe the practice has been to postpone bills as we reach them.

The SPEAKER. It is in the power of the House to postpone all special orders. The gentleman from Illinois moves that all special orders in Committee of the Whole shall be postponed to enable the committee to take up the general Calendar.

Mr. JUDD. I desire to explain my reason for making the motion.

The SPEAKER. The margin of debate upon the motion is very narrow.

Mr. JUDD. I will try to confine myself within the rule.

Mr. SCHENCK. I raise the question whether the House will consider the motion.

The SPEAKER. The motion is in order.

Mr. JUDD. Mr. Speaker, I suppose that the proposition——

Mr. SCHENCK. I object to any debate unless I can have an opportunity to state what will be the effect of this motion.

Mr. JUDD. I will try to confine myself within the limits prescribed by the rule.

The SPEAKER. The only line of debate which can be entertained is simply with reference to the convenience of the business of the House.

Mr. JUDD. That is precisely the line of discussion which I propose to pursue.

The SPEAKER. The gentleman is not at liberty to debate any special order, or any bill on the general Calendar.

Mr. BEAMAN. I rise to a parliamentary inquiry. Will not this motion postpone also the appropriation bills?

The SPEAKER. It would postpone all special orders until the House should take up the general Calendar.

Mr. JUDD. Mr. Speaker, I desire to call the attention of the House to the condition of the business now before it. I wish to get from the House an indication whether it is its intention in the conduct of its business to reach that point in legislation during the present session which shall reduce the taxation upon the people. To that end, Mr. Speaker, I propose to direct attention to the position of the business before the House and the position of the bill which it is the object of this motion to reach.

I have no disguises in stating to the House that my purpose in offering this motion is to postpone all special orders, including the tariff bill, to reach a bill introduced by myself, composed of three sections, which reduces the tariff on sugar, molasses, salt, pig and scrap iron; on tea, coffee, and manufactures of iron and railroad iron, all comprised in a section of fourteen lines; and in another section of fourteen lines, reducing the internal tax by repealing taxes on sales, on gross receipts on domestic articles of household use, all special taxes except on distillers, brewers, compounders, banks and bankers; and the third section containing articles admitted free of duty, being in this respect the same as the one reported by the Committee of Ways and Means, except that I have added to it coal and hides. To get that bill before the House for its consideration is my purpose in asking to postpone all the

special orders, so that the House may judge of the propriety and expediency of considering that short bill which upon its face by percentage and repeal reduces the heavy burden of taxation. In that bill everybody can see that there is a reduction of taxation. It requires no expert to ascertain by computation that fact.

Mr. Speaker, this House has been in session since the first Monday of December. It is now the 1st of May. No bill reducing the burdens of the people has yet been passed upon; one only reported to the House, the tariff bill, consisting of fifty printed pages, being a revision of the duties on imports, creating a new classification of the various articles, before unknown to our laws, and so arranged that in some instances it is impossible, by comparison with old laws, to determine how much the duties are increased or reduced. With such bills in contrast, I desire to get the opinion of the House as to which will most probably effect that which the people demand, a reduction of taxation before we adjourn.

Mr. COX. I rise to a point of order. I think the gentleman from Illinois is attacking the Administration for its dereliction of duty in not reducing taxation. He must confine himself to the question before the House.

Mr. JUDD. I hope my friend from New York [Mr. Cox] will restrain his propensity for jokes while we are engaged in what I believe to be a serious business. I do not make this motion with any disposition to find fault with any individual or any committee; I propose it with a firm conviction that unless some mode of this kind be adopted, this House will not, during its present session, dispose of the question of the tariff satisfactorily to the people, nor shall we reach the question of the reduction of internal revenue taxes.

Let us see what we have been doing. On the 3d of March the discussion on the tariff bill commenced; and that general discussion continued, with such interruptions as the chairman of the committee allowed to take place, till the 3d day of April, when the consideration of the bill by clauses began. Now, on the 30th day of April, only seventeen of the fifty pages of the bill have been passed over in Committee of the Whole. I ask members to think of this. I ask that gentlemen who desire to reduce taxation will think of it in the light of the summer that is coming and the termination of this session. Suppose this bill should be passed; if we are to judge of the future by the past, it will then be too late for any favorable action by the Senate during the present session of Congress. Suppose it be defeated, it will be too late to reach in another and more effectual form the question of the reduction of the tariff. Although it is admitted by the Committee of Ways and Means, and I think by nearly every gentleman upon this floor, that some reduction ought to be made, it is more than probable that the continuance of the consideration of the present bill will leave the present rate of duties in force until the next session of Congress.

Mr. Speaker, I do not believe that bill will become a law. I believe it is to-day the opinion of a majority of the members of the House that that bill will not pass this body. To show what is the feeling of its prompters, and what are their convictions, I hold in my hand an extract which I shall ask to be read. I propose to have read an extract from the correspondence of the Iron Age, in order to show gentlemen what condition we would be left in if this bill be left under discussion for thirty days or more.

The Clerk read as follows:

"Of course it would be idle to deny that a reduction of the duty on pig iron to five dollars would seriously affect the productive interests of Pennsylvania. That it would be permanently destructive of the home trade is not probable. Labor would suffer most, and both first and last; capital only at first. But as there is no great fear of the proposed reduction being adopted, or even of any bill passing at this session, the alarm of the trade is unnecessary, and the effect upon the market may be considered discounted already."

Mr. COX. I rise to a point of order. If the gentleman undertakes to have extracts read from the Iron Age in reference to this tariff bill and the possibility of its passing he will be going into the merits of the tariff question, and there will be no end of it. Besides that, we of this side of the House will have no chance to reply.

The SPEAKER. The Chair sustains the point of order.

Mr. COX. If it is to continue I should like to say something on it myself.

Mr. JUDD. If my friend from Ohio had listened he would have seen that it involves no question of the tariff bill. It is an expression of the opinion that no tariff bill will pass in this session, and is in corroboration of what I have uttered on this floor. I have stated the length of time this bill has been pending and the interest which the public have in having a law passed this session. Let us look a little further into the probabilities of reducing taxation this session if business continues as it has been going on to this time. There is on your table a bill reported by the Committee of Ways and Means revising and codifying the internal revenue system, rearranging the mode of procedure. Do the gentlemen of this House know that bill contains three hundred and seventy-eight pages of printed matter, all of which is to be passed upon section by section, for it will not do to pass such a bill by its title? The mistaken use of a word might make great trouble among the honorable members' constituents in this delicate business of taxation. On Saturday last in debate the chairman of the Committee of Ways and Means stated that a reduction of the internal revenue tax was to be made through that bill by amendments to be offered by the committee. I ask this House, if that bill is to be acted on when will we get through with it if any comparison can be made with the time which has been expended in the consideration of the tariff bill? If this is to be waited for the tax-payer will be compelled to pull out his purse to pay the tax-gatherer more than once while Congress is debating the form of relieving his burdens. The Speaker's table has been partially cleared within a few days. Still there are a number of Senate bills still waiting that have received no attention, not even been referred. The leading committees of the House have had no opportunity to report on the subjects committed to their care, excepting the committees privileged to report at any time, such as the Committee of Ways and Means, the Committee on Appropriations, and the Committee on Reconstruction. The leading committees of the House have had no opportunity to report upon all the various interests committed to them; and, Mr. Speaker, if these two bills, the tariff bill and the internal revenue law, are to be continued under consideration in the manner indicated by the chairman of the Committee of Ways and Means, those committees will not probably be called this session. Is all this mass of public business to be given the go-by for this session?

The next committee to be called in regular order is the select Committee on the Decline of American Commerce. That committee has bills ready to report involving some of the most important interests of the country, and if it gets into the morning hour for debate, gentlemen will see the morning hour taken up with this business day after day for many days. All these things are to be taken into consideration in passing on the question how long this bill shall remain before the House. Considering the impression of its future which is entertained by its friends in the extract read by the Clerk from the Iron Age, let me refer to still another thing. A large majority of the appropriations which are absolutely necessary to sustain the Government have not yet received any consideration in this House, many of them not even reported, because everything is blocked up by this tariff. I am informed that they are ready to be laid before the House for its consideration, but are kept out by this special-order tariff bill. The bill making appropriations for the Army, the Navy appropriation bill, the Post Office appropriation bill, the consular and diplomatic bill, the bill for fortifications, and the bill for river and harbor improvements, and the miscellaneous appropriations for the civil service, are all behind, and have not yet been acted on by this House. I would ask gentlemen to tell us when and how soon these appropriation bills are to be acted upon.

Now, sir, I do not claim, nor do I insist upon it, that a tariff bill should not be acted upon as a part of our duty here. But I do say that there are modes and methods of reaching that question without undertaking a complete revision of the tariff at the present time. I say that to undertake to revise the whole tariff system, under the circumstances, will not fulfill the expectations of the people or be in the interests of the public.

Mr. WARD. I desire to inquire of the gentleman from Illinois whether the bill he has proposed makes any reduction in the duties upon iron greater than the House has already made?

Mr. JUDD. In reply to the gentleman from New York I would say that in the bill which I have prepared——

Mr. SCHENCK. Mr. Speaker, are we to go into a consideration of the merits of the different bills?

The SPEAKER. The Chair has ruled twice that the gentleman cannot discuss the merits of any bill that is in the Committee of the Whole.

Mr. JUDD. I will say then to my friend from New York, [Mr. WARD,] that the bill is on his file and he can examine it. I have stated that the committees of this House, if the business proceed in the manner in which it has gone on hitherto, will not be able to report on public measures during this session. If that be so it is a matter for the consideration of this House at the present time whether its business shall be so arranged and ordered that the various committees can have an opportunity to present to the consideration of the House the various matters committed to them. My conviction is that they will not have that opportunity if this bill is allowed to drag its slow length along, followed by the three hundred and seventy-eight pages of internal revenue law.

Why, to-day there are over twenty contested-election cases not yet considered by the House. And I ask, shall we give the balance of this session, I do not say to the reduction, but to the revision of the tariff, or shall we reach a bill which reduces the tariff within reasonable and proper limits, and thus leave an opportunity for other branches of the public business to be attended to? My own conviction and feeling in relation to it is that we ought to take this course. I shall not attempt to go into the merits of the bill, but should like exceedingly if the gentleman from Ohio [Mr. SCHENCK] would not object to my saying just half a dozen words as to the proposition which I have introduced, so that the House might understand from word of mouth, and without the necessity of reading the bill, that three simple sections dispose of this whole question of internal revenue reduction and tariff reduction for this session.

Let me say one word as to the effect of the amendment which I have offered. My friend from Michigan [Mr. BEAMAN] asked if that would not set aside a special order for the consideration of one of the appropriation bills. I will say that we should look to revenue regulations first and to appropriations afterward. That is the philosophy of legislation and should

be the principle that should regulate our conduct on this floor. The effect of my motion will not be to defeat that appropriation, but its effect will be to pass over all the special orders that have had particular days assigned for them, including this tariff bill, and then when in Committee of the Whole anything that intervenes before the consideration of the bill I have introduced can be passed by informally. Nothing is defeated or killed; it is only a question of the order of business.

Mr. O'NEILL. If the gentleman will allow me I desire to say a word here. In the gentleman's great anxiety to defeat this tariff bill which I and many others consider very important to the interests of this country, and when he is trying to impress upon the House that we must relieve the people of taxation, why does he not put into the category of the important measures yet to be considered by the House the repeal of the inquisitorial and now obnoxious income tax? I presume the gentleman is opposed to the repeal of that tax. Yet he wants it to go abroad to the country that we are not inclined to relieve the people of taxation where ever we can.

Mr. JUDD. I always listen to my friend from Pennsylvania with extreme pleasure, and I shall try to answer any questions he may put to me. In the first place, I would answer him by saying that so far from avoiding the tariff question, my bill is a tariff bill and an internal revenue bill, and there is great propriety in having the two modes of reduction side by side, so that there may be no injustice done to the tax-payer.

Mr. O'NEILL. But not upon the protection question; and there is where I differ with the gentleman in this movement.

Mr. JUDD. The gentleman asks me why I do not propose to repeal the odious income tax. Why, if he will do me the honor to read the little bill that I have introduced, he will find that I propose to raise the exemption to $2,500, and reduce the tax to three per cent. I am afraid he has not read the bill, although it has been on his file for days.

Mr. O'NEILL. I will say to the gentleman that I have not read his bill, but I am with him if he proposes to relieve the people of the income tax entirely; but I want no compromise, either increasing the exemption or reducing the tax.

Mr. JUDD. I will say to the gentleman from Pennsylvania that if he will join me in getting that bill before the House for consideration, all these motions and suggestions as to the repeal of the income tax and every other change that he desires will be considered and acted upon by the House. It is a mere question whether a majority of the House will allow some bill to come before it for consideration that there is a probability that the House can discuss and pass at the present session.

Mr. SCHENCK. Mr. Speaker, as this is a very extraordinary and unusual proceeding, I propose first, if I can, to understand precisely to what extent it goes. I had thought that when you reached a special order that particular order might be laid aside with a view to take up other business. But I was not aware that it was within the rules of the House to make a general motion to set aside all special orders in order to get at the general Calendar; nor did I understand that any question of priority of business was a debatable question. I thought that was forbidden by the rules. I yield, however, to the decision of the Chair upon that point.

The SPEAKER. The Chair did not rule on the latter point; but he did rule that it is competent, according to many precedents, to postpone the special orders. The gentleman from Ohio [Mr. SCHENCK] has allowed the debate to run on, and the Chair supposes he desires himself to participate in it.

Mr. SCHENCK. I certainly do, sir. I only speak of the practice of the House which is in conformity to what I understand to be the rule authorizing only the postponement of each special order as it is reached. However, that is not the motion of the gentleman from Illinois, [Mr. JUDD.] It is to set aside all the special orders of this House, the internal tax bill, all the appropriation bills, and everything else that has been referred to the Committee of the Whole and made a special order, with a view to get, as he says, to the general Calendar, but, as he further admits, not to get at the general Calendar for the sake of whatever business may be contained in the various bills and propositions upon that general Calendar, but when he has reached it, to lay aside in succession, I suppose, every other bill in order to reach what he avows he is after, his tariff bill. In other words, the gentleman proposes to supersede the Committee of Ways and Means of this House and its work in order to substitute himself in its stead. The proposition which he makes has that extent, no more and no less. And the reason assigned by him for thus setting aside the tariff bill and the internal tax bill, which comes next, and all the appropriation bills, which are also made special orders, is that the importance of that bill, and its peculiar merit and superiority to everything else that has been proposed to this House, require that it should have immediate attention. In order to sustain his proposition, he gave a history of legislation in regard to this tariff bill. He has omitted a great deal of that history. Every tariff bill, every bill to amend or revise the tariff must necessarily be a proposition consisting of a great number of details. All those details, in order to be properly understood and acted on, must be considered and disposed of as they arise. Now, when this tariff bill was introduced, with a liberality toward those who are either free traders or opposed to any protective system unexampled, they were permitted to have the fullest indulgence in general debate, and it was thought then and said around the House by gentlemen on both sides that the effect of such indulgence in the expression of their views upon one side or the other of the main question would result in having the matter so fully considered that when we came to the details, each one of them, with some suggestions on the one side and the other of the arguments *pro* and *con*, would be speedily disposed of. But is that the history of the proceedings? Not at all. That gentleman and others in this House from the beginning to the end of this discussion have made themselves responsible for the delay in the progress of business.

Mr. JUDD. Allow me to correct the gentleman.

Mr. SCHENCK. No; I did not interrupt the gentleman and I do not mean to be interrupted by him. If this bill should fail to become a law, as the gentleman so confidently predicts, but which I do not believe, its epitaph may be easily written: "Nibbled to death by pismires." [Loud and continued laughter.]

Throughout the whole discussion upon every little item, amendment after amendment has been offered, very frequently in good faith, very frequently with some result more or less satisfactory to the members of the House; but still more frequently amendment after amendment has been proposed, insisted upon, withdrawn, renewed, and all the time debated, until the patience of all was exhausted, in order that mere delay and dilatory proceedings might result in the defeat of that which gentlemen did not seem at the time or even now to feel they were strong enough to meet fairly, openly, and squarely upon its merits.

It may be said that this permission to continue debate was the fault of the Committee of Ways and Means, and especially of myself as the chairman of the Committee of Ways and Means. Sir, this House will bear me witness that while I have with the most complete liberality allowed great latitude of debate on the details as well as upon the general merits of the bill, and the various propositions it contains, again and again in Committee of the Whole have I appealed in vain to obtain general consent to stop debate, and unwillingness to grant that consent has almost always been manifested. And during evening sessions, and on other occasions when I have moved that the committee rise for the purpose of closing debate, the gentleman from Illinois [Mr. JUDD] and others have opposed me, in order that when we again went into Committee of the Whole opportunity might be still afforded to delay progress upon the bill.

But I suppose the gentleman has not acted without his cue. I had not expected, before his motion was made, that anything of the kind was to be sprung upon the House. But since the gentleman commenced to speak I have found that his motion was to order. I hold in my hand a copy of the New York Evening Post, a paper which, to say the least, has a very strong tendency to free trade. By reference to a leading article in its issue of last evening it will be seen that it is there given out that this movement was to be made for the reason, as that paper states, that—

"It takes the conduct of legislation out of the hands of Messrs. SCHENCK, HOOPER, KELLEY, MAYNARD, and MCCARTHY, who have distinctly espoused the monopoly and bounty principle, which the House has as distinctly rejected. It gives the conduct of the legislation on this subject into the hands of the revenue reformers, who, under the lead of Messrs. LOGAN, ALLISON, WILSON, BENJAMIN, and others, yesterday carried the House in favor of a real remission of indirect taxes on transportation, and of giving the people cheaper railways."

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

The SPEAKER. The gentleman will state his point of order.

Mr. ALLISON. My point of order is, that the course of remark indulged in by the gentleman from Ohio [Mr. SCHENCK] is not legitimate debate upon the question now pending before the House.

Mr. JUDD. I hope the gentleman from Ohio [Mr. SCHENCK] will be allowed to proceed. I will say that I never in the world saw the paper referred to by him. I have had this proposition in consideration for the last ten days.

Mr. SCHENCK. May I not be permitted to say what the next movement will be? According to this paper—

"The next step is obvious. Let the SCHENCK bill, which represents no principle and no party, be dropped at once."

Mr. LOGAN. Allow me to make a remark right here, as the gentleman from Ohio [Mr. SCHENCK] has read my name in this connection. I state here in the presence of this House that I have never read the bill which my colleague [Mr. JUDD] has introduced; and I will state further that I have never entered into any coalition with any man or set of men; that I had no knowledge that this motion was to be made, and that the whole paragraph the gentleman has read is false from beginning to end, and it is very ungenerous in its introduction here.

Mr. SCHENCK. Oh, no sir; not at all ungenerous in its introduction. The publication is so entirely coexistent with this motion, having been published last evening, and the motion pressed to-day at the first opportunity afterward, that I must be pardoned if I thought there was some connection between the two. I have never for a moment intimated that these gentlemen have authorized any such publication, or that they have entered into any combination other than what may appear upon the face of affairs in this House. But if the gentlemen had heard me to the close they would have learned what this editor says, that better things are expected under the lead of these gentlemen who are named; and I submit to the House whether I have not been justified in reading from the article in this connection.

Now, sir, the gentleman puts himself for-

ward, I suppose, as one of these reformers, stigmatizing others as not being so much in favor of reform as himself.

Mr. JUDD. No, sir; I never have done so.

Mr. SCHENCK. I do not know what the gentleman's views in regard to the tariff are, whether they relate to revenue, protection, or consumption, except as they have been developed in his opposition to everything done or proposed upon this floor in connection with the bill which is now the special order in Committee of the Whole; but however the case may be with him, I know that such has been the habit of the gentlemen opposing this bill to vote against every proposition that the other evening when I offered in succession three different amendments reducing the duty upon a certain form of iron manufacture I found many of these advocates of low duties voting against this reduction. What does that mean? Does it mean anything except that, no matter what is in the bill, no matter what is proposed in reference to the bill, no matter what comes from the Committee of Ways and Means, there are those who feel that the committee and its work are in some manner in their way, and who desire to clear the way in order that some more potent genius may with a touch of his rod make all the interests of the country spring up into prosperity and the whole land bloom and blossom as the rose?

Suppose this motion prevails; you set aside not merely this special order, but you set aside, as the gentleman says it is his purpose to do, the internal tax bill. Why? Because he says it is a long bill and can never be acted upon. This is not the first time that just such an effort has been made. You will remember, Mr. Speaker, that more than a year ago, in 1868, when the House had under consideration substantially this same general tax bill, condensing and codifying all the contradictory and ambiguous matter contained in your present internal tax laws, the House was pressed just toward the close of its consideration, and when we were nearly through the bill, to lay it aside in order that there might be brought in a bill in relation to spirits and tobacco alone. That was done. The latter bill was passed in as good form as could be given to it when wrested from its connection with the various administrative matters contained in the bill; and if any gentleman will go to the office of the Commissioner of Internal Revenue, or will consult with any one informed on this subject, he will find that while the bill in relation to tobacco and spirits has resulted in a vast increase of the revenue of the country, yet millions more of benefit would have followed if that by-blow had not been given to the general bill at that time. No man who understands the subject and will examine in detail the matter of that general bill will venture to deny that had its provisions become law there would have been a large accession to the revenue, which we have lost by reason of the kind of warfare then adopted.

But along with the tariff bill this bill in relation to internal taxes is to be set aside. The gentleman cites what I said in debate on this subject, and speaks of the length of time it will require to consider the internal tax bill. Let me tell the gentleman what the Committee of Ways and Means propose in regard to it. It is now bill No. 1 on your Calendar. It has been made a special order. We shall reach it whenever we get through with the special order now under consideration; and when we do reach it the Committee of Ways and Means will have a substitute prepared proposing what we believe, from our conferences with many members of the House, will commend itself to general acceptability; and the more so, because the substitute will have the effect of remitting about thirty million dollars annually of the taxes now imposed upon the people of the country. But it does not suit the gentleman, I suppose, to have taxes reduced, to have any legislation in regard to either our internal revenue or our revenue derived from imports, unless it be according to his pattern, and done under his guidance in some way. It looks very much like that.

I do not know it is necessary for me to protract this argument. The strength of the House, if it be a full House, will be shown on the question. I come back just to that point from which I started, that I cannot understand this, especially from the givings out which we have had on the subject, which seem to be whether gentlemen were parties to the publication or not, (they say they were not, and I believe them,) a premonition of what was to be done or attempted—I cannot regard it as in any other light than a proposition to set aside your present Committee of Ways and Means, and give the management of these matters to some other gentlemen who volunteer for the purpose of taking charge of the interest of the country in this behalf.

Mr. LOGAN. I desire, sir, if I am permitted——

Mr. SCHENCK. How long does the gentleman want, for I do not wish this thing to go on much longer?

Mr. LOGAN. I want certainly to have an opportunity at least to reply to the attack of the gentleman. I wish to know whether the gentleman yields to me or not?

Mr. SCHENCK. I was asked by the gentleman from New York [Mr. Cox] to yield to him and declined to yield to anybody, so that if I yield to anybody I must first yield to him.

Mr. JUDD. I rise to a question of order.

The SPEAKER. The gentleman will state his question of order.

Mr. JUDD. I suppose, as the debate is on my amendment, that I have the control of the floor?

The SPEAKER. The Chair does not so recognize the gentleman. He submitted his motion, made his speech, and took his seat. The gentleman from Ohio [Mr. SCHENCK] then took the floor in opposition to the amendment.

Mr. JUDD. If the gentleman from Ohio has closed his remarks I will resume the floor.

Mr. SCHENCK. I will close my remarks at my own good pleasure. I am now hesitating whether I shall yield to anybody or call the previous question.

Mr. JUDD. Before the gentleman calls the previous question I hope he will yield to me.

Mr. SCHENCK. I now yield to the gentleman from New York, [Mr. Cox.]

Mr. HOAR. Is this question debatable?

Mr. SCHENCK. I objected to the debate, but the Chair overruled me.

The SPEAKER. The Chair stated that the line of debate touching the business of the House could only be allowed within very narrow limits. The gentleman from Ohio did not further object, but let the gentleman from Illinois make his speech without further interruption.

Mr. SCHENCK. I understood the Chair to decide that it was debatable.

The SPEAKER. Only within very narrow limits.

Mr. SCHENCK. I kept within very narrow limits.

The SPEAKER. The Chair did not feel called upon to interrupt the gentleman from Ohio.

Mr. SCHENCK. I hope gentlemen will keep within the same narrow limits.

The SPEAKER. If the point be made the Chair will be compelled to decide that the debate has transcended the rule of the House.

Mr. COX. With the permission of the gentleman from Ohio I desire to say a few words. I wish to get away from here as soon as possible, in June or July. I should like to see the business forwarded, but not at the expense of the people or of the public welfare. I think when it concerns the collection of $180,000,000 by the tariff we ought to have the fullest and largest discussion possible. I do not believe we will shorten the discussion one jota by adopting this proposition of my friend from Illinois, [Mr. JUDD.] His bill, as I have it before me, and I have read it carefully, is a bill which brings up again for debate many matters already debated, and which will increase debate hereafter on matters connected with the revenue, but not connected with the tariff. I do not speak of the merits of the bill, but it goes back again to the question of sugar and tea, to pig iron and scrap iron. Whenever we come to the free list, that will involve the largest discussion connected with the tariff. I do not believe you will gain a single moment by taking out of the hands of the Committee of Ways and Means this tariff bill and putting it into the hands of these revenue reformers.

Now, so far as I am concerned—I speak only for myself, and not for other gentlemen in this House—I have no quarrel with gentlemen on the other side of the House as regards their liberality or illiberality. I do not care whether my friend from Ohio, [Mr. SCHENCK,] belonging to the old red sandstone formation of a hundred thousand years ago, or those gentlemen who are coming up now, as I hope they are, to the Democratic idea of political science and political economy, shall have charge of this matter. That is none of my business. But I want to see business forwarded in this House. When the gentleman from Ohio says there are a lot of insects here nibbling at this bill and killing it in detail I know he has reference entirely to his own side of the House. I know that he sometimes likes to aim a blow at our side, but that blow, I understood, was especially intended for gentlemen on his own side. I fancy there was no mistake about that.

But if the bill is so vulnerable that even the little insects the gentleman spoke of—which I shall not name—can pick it to pieces, item by item, or atom by atom, and almost consume it in the face of the country, I think it must be a very poor measure, not based upon reason, economy, justice, or equality. I am happy to see, Mr. Speaker, that the Republican party in this House is being divided. It is one of the happiest events in my life to stand here and see that in that party there are some great-hearted and generous men who are fighting these old fossils, such as my old and venerable friend from Ohio, [Mr. SCHENCK.] And I want the House and the country to understand that even a small minority can gnaw the net of the lion; that even the little insect can sometimes do work which those large bull-dogs cannot possibly undo.

The gentleman from Ohio [Mr. SCHENCK] thought proper last evening to make some little reference to me. It was a second-hand joke taken from a very bad source, and did no credit to the gentleman. But I desire to say here before the country that this matter of correcting the inequalities of the tariff does not belong altogether to the gentlemen on the Republican side of the House. The Democratic party has something to say about it. We desire, with the aid of good and true men of whatever party, the men representing sound principles of science and economy; we desire, by combining with any class of men from any quarter, regardless of party politics, so to reform this tariff, which takes out of the pockets of the people nearly $800,000,000 that never sees the Treasury, as in the end to do justice to all classes of the people and break down the present enormous system of monopoly.

So far as the conduct of the business of the House is concerned, I agree with the gentleman from Ohio [Mr. SCHENCK] in the view he takes of the motion of the gentleman from Illinois, [Mr. JUDD.] It sets aside all the special orders, the naval appropriation bill, and the other bills which we have to consider soon and promptly, with a view to advancing the public business. The people want reduction of taxation, and if they do not get it the Republican party is responsible. General Grant in his message said he did not want us to reduce the tariff or the internal revenue tax during this session. The whole administration of the

revenue by the Republican party has been a signal failure. It was to-day confessed to be so by the gentleman from Illinois, and it will be so confessed before this discussion is over by every candid-minded gentleman here.

Mr. MAYNARD. I desire to know if the gentleman is in order.

Mr. COX. I have finished all I wished to say.

Mr. MAYNARD. I give notice that I shall insist on the Chair keeping gentlemen within the rules of order.

Mr. LOGAN. I desire to occupy the time of the House but for a very few moments. In doing so I do not wish to enter into controversy with any gentleman, and certainly not with the chairman of the Committee of Ways and Means. But I must say that I was very much astonished at some of the language used by that gentleman. I was very much surprised that he, the leader of the House, the chairman of the principal and leading committee, a courteous gentleman, or who at least, from his position, ought to be courteous, that he should get up in this House and call his colleagues—men that have served with him in this House, men that have served with him on the same committee, men as honest as himself, men as gentle and kind as he is, men who by no act or vote of theirs have given any one the right to use such language with reference to them—that because his bill has been opposed fairly, not ungenerously, by the promptings of honest hearts and fair judgments, in order to procure a reduction of the taxes pressing upon the people of the country—that merely because they desire to represent their constituents honestly and fairly and properly, under the Constitution of our glorious country, which guaranties to every man the right to judge for himself, and to every Representative to determine how he shall best represent his constituents—I say I am very much surprised that if gentlemen, in the discharge of their duty and the exercise of their judgment, think it right to oppose any section of this bill or to oppose it *in toto* the chairman of the Committee of Ways and Means should feel himself warranted to apply to them the appellation or the epithet of nibblers and pismires. I ask, was there ever so unkind, was there ever so ungenerous, was there ever so uncalled for an attack emanating from an honest brain and an honest heart in any deliberative body on the top of God's earth as this unseemly and improper attack made here by the chairman of the Committee of Ways and Means?

Now, so far as he has taken pains to read from a journal that I never read, and call my name in connection with others as intending to destroy this bill and introduce another bill, to do what is now being done, as he seems to claim, I say to him here in my place, as I said a moment ago, that I have never read the bill of my colleague from Chicago, [Mr. JUDD.] He asked me no longer ago than yesterday to read it, but I have not yet done it. I had no knowledge that he was going to make the motion that he has made. I never had any consultation with him, or with the gentleman from Iowa [Mr. ALLISON] who is mentioned, or with any other of the gentlemen mentioned in that journal, in reference to our action in this House on the subject of this bill or any other bill. But when I had told him that the paragraph was untrue, he still persisted in attempting to read it before the House, in order to try to call down the indignation of the House and of his own party, to which I also belong, upon those of us who have had the independence here to oppose that which we believe to be oppressive upon our constituents and upon the people of this country.

Now, sir, let me say this: if attacks of this kind are to be made upon men inside of your own party because they attempt to legislate so as to secure the greatest benefit to their constituents; if we are to be denounced as obstructing measures beneficial to the country, then all I have to say is this: that whether I am denounced by the gentleman or not, whether I am denounced by the Committee of Ways and Means or not, I do not care. I do not claim to know very much; I do not claim or desire to dictate to the House, or to the gentleman, or to anybody else. I never have assumed any prerogative in this House more than that which belongs to me under the rules, nor do I desire to do so; but so long as the Supreme Ruler of all things gives me a heart and mind to reflect and feel and think for myself I will think and act for myself, without any dictation from the chairman of the Committee of Ways and Means, or anybody else in this House. I am acting here for my constituents. I have opposed the bill of the Committee of Ways and Means, so far as it relates to iron, in connection with others, paragraph by paragraph, because I believe the bill is a monstrosity. I believe it is an atrocity, not intentionally so far as the committee is concerned; but I believe they have been deceived by men who understand the machinery of wire-making and all these things better perhaps than they do themselves. I believe that they have been deceived, and that instead of a reduction of $20,000,000 in the burdens of the people the effect of this bill, if it shall pass, will be to prohibit the importation of many of these articles, and to increase instead of reduce the taxes upon the people.

Mr. SCHENCK. Mr. Speaker, if there has not been a mountain made out of a mole-hill, there certainly has out of an ant-hill. [Laughter.] There is nobody in this House upon either side, there is nobody anywhere that has watched the progress of the tariff bill through the Committee of the Whole, who does not know that peculiarly and beyond, perhaps, the manifestation of hostility and attack upon any other measure in th is or almost any former Congress, it has been fought inch by inch, step by step, line by line, word by word, persistently, with heavy attacks and light attacks—and most frequently light, [laughter]—with a view apparently to make all this defeat the bill by dilatory practices. Now, sir, I defy a denial of that. I do not undertake to say what gentlemen's purposes were. But I say that is the way in which the bill has been dealt with, and dealt with all the way through.

Well, sir, in the course of a description of that there happened to occur to my mind, while I was talking, an exemplification of it. In saying what I did, that if its epitaph were written it might be said to have been nibbled to death by pismires, I did not mean to call these gentlemen pismires, [laughter,] or suppose that their residence was an ant-hill; but I meant by what was, perhaps, a coarse and unbecoming figure—the gentleman from Illinois says it was—to describe the character of the warfare to which we who are supporting the bill, and the bill itself, have been subjected. I might have made use of another western phrase, which perhaps would have better pleased the gentleman; I might have said "kicked to death by grasshoppers." [Great laughter.] I have often heard that phrase employed in the West in order to exemplify and describe a slow death by persistent attacks. But I would not have intended in that case, any more than in the other case, to make such insects of any of the gentlemen. Much of the argument upon this bill has been fair, open, clear, intelligent. Much of it has been, as I believe, not so much for the sake of arguing the particular question under consideration, as with the view, by dilatory proceedings and continual annoyance, to delay action upon the bill, and thus to wear out the patience of its supporters, of this House, and of the country. That I have believed; that I believe now, whether I am right or wrong in the conviction. The gentleman from Illinois [Mr. LOGAN] complains that I referred to a paper which was put into my hands for the first time after this discussion commenced.

Mr. LOGAN. I will state the reason why I asked the gentleman the question, and I am sure he will allow me to do so.

Mr. SCHENCK. Oh, I suppose so.

Mr. LOGAN. If it was Mr. HOOPER, of Massachusetts, who handed him the paper, I will only say that Mr. HOOPER brought that paper to Mr. ALLISON and myself this morning, and showed us the article which has been referred to. And we both assured him most positively that it was false from beginning to end.

Mr. SCHENCK. The gentleman cries out before he is hurt, either by the paper or by me.

Mr. LOGAN. Oh, yes.

Mr. SCHENCK. Finding this movement made, and seeing what seemed to be a premonition of the movement, a prefiguration of it, a preparation for it, it was but natural I should put the two together, as I did the moment I cast my eye upon the paper. I heard no remark made about the paper. I did not know it had been shown to anybody else, and I had never seen it before. When I was interrupted in reading an extract from that paper I was not saying that there was any combination on the part of the gentlemen there named. They are not charged with anything of the kind in the paper. Therefore I say the gentleman from Illinois [Mr. LOGAN] cries out before he is hurt. The paper speaks of the propriety of a movement of this kind, in order to take the business of the House out of the hands of the Committee of Ways and Means, or of certain members of that committee who are named by the editor, in order to do what? Not to give it to a combination of members of this House, but to put it in the hands of other gentlemen, whom the editor names as tariff reformers, and whom it would seem the editor desires to have charge of it rather than some of the rest of us.

Mr. LOGAN. Allow me to correct a statement I made. Upon talking with Mr. HOOPER, I understand that Mr. ALLISON was not present when he showed the paper to me; so that, so far as that is concerned, I will correct my statement. I was sitting here when the paper was shown to me, and some gentleman was present.

Mr. JUDD. I ask the gentleman from Ohio to allow me, before——

Mr. SCHENCK. I will finish my own remarks first. I would have gladly said, if those gentlemen had permitted me, something about my own position in regard to the tariff. I am not of those who are called high protective tariff men. I have my own views in regard to a reduction of the present tariff, and this bill if fairly considered shows what those views are. As it was first introduced this bill abates $23,000,000 of the present duties.

Mr. ALLISON. I raise the point that the gentleman is not in order.

Mr. SCHENCK. The gentleman from Illinois [Mr. JUDD] was permitted to express his views of the tariff, and I am not to be allowed to state mine. Very well; I will let it go then.

Mr. BECK. Will the gentleman yield to me for a minute?

Mr. SCHENCK. How much time have I remaining?

The SPEAKER. There are two minutes of the hour remaining.

Mr. BECK. I do not want but a minute or two.

Mr. SCHENCK. I will yield to the gentleman.

Mr. BECK. While I am opposed to the tariff bill now before the House paragraph by paragraph, with very few exceptions, I am very much opposed to the motion of the gentleman from Illinois, [Mr. JUDD,] because if it should be adopted I believe it would be a confession by the members of this House, and the country would so regard it, that we have not capacity enough to understand this bill by detail, if we give it up as now proposed. If we take the bill out of the hands of the Committee of Ways and Means we shall be deprived of the opportunity which we now enjoy

of asking from them information upon the various items as they arise relating to subjects on which they have spent months of labor. As the bill is now proceeding, we can inquire as each paragraph is reached what will be its effect as compared with the existing law, whether it makes a reduction of the duty or a change of classification; and upon the information we may oppose or advocate or amend the provision according to our own judgment. These facilities for acting intelligently on the various questions as they arise would be denied us if the matter were taken out of the hands of the Committee of Ways and Means. More than that, the adoption of this motion would be a reflection upon the capacity of the House; from it the country would understand that we had abandoned in utter despair the effort to revise the tariff, confessing our inability to understand the propositions involved.

Mr. SCHENCK. I now demand the previous question.

Mr. JUDD. I appeal to the gentleman from Ohio to yield to me for a few moments.

Mr. BROOKS, of New York. I would like to say a few words.

Mr. SCHENCK. If I yield to one I must yield to all; therefore I feel compelled to insist on the demand for the previous question.

Mr. JUDD. I think it is unfair for the gentleman from Ohio to impugn my motives and then refuse me the floor for the purpose of a reply. I ask that the House will not sustain the demand for the previous question till I can be heard.

On seconding the demand for the previous question there were—ayes 96, noes 24.

Mr. JUDD. I call for tellers.

Tellers were not ordered.

So the previous question was seconded.

The main question was ordered; which was upon the motion of Mr. JUDD that all special orders in Committee of the Whole be postponed in order to take up the general Calendar.

The motion was not agreed to.

The SPEAKER. The question now recurs on the motion of the gentleman from Ohio, [Mr. SCHENCK,] that the House resolve itself into the Committee of the Whole on the special order.

Several MEMBERS. Let us adjourn.

Mr. SCHENCK. I hope we may sit for about an hour.

Mr. RANDALL. With the permission of the gentleman from Ohio, I will move that the House adjourn. The gentleman has had his victory; he ought now to let us have a little rest.

Mr. FARNSWORTH. I move that the House adjourn.

LEAVE OF ABSENCE.

Mr. SARGENT, by unanimous consent, obtained leave of absence for one week.

Mr. POLAND, by unanimous consent, obtained leave of absence for one week.

Mr. WELKER, by unanimous consent, obtained leave of absence for one week, commencing next Monday.

WITHDRAWAL OF PAPERS.

Mr. WINANS, by unanimous consent, obtained leave to withdraw from the files of the Committee on Invalid Pensions the papers of George W. Henry, Phœbe J. Tracy, and Mary Fisher.

COINAGE.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, transmitting to the House the draft of a bill revising the laws relative to mints, assay offices, and coinage of the United States; which, with accompanying papers, was referred to the Committee on Coinage, Weights, and Measures.

ADJOURNMENT.

Mr. SCHENCK. In compliance with what seems to be the general wish of members, I will withdraw my motion to go into the Committee of the Whole that the motion for adjournment may be adopted.

The question being taken on the motion of Mr. FARNSWORTH, that the House adjourn, it was agreed to.

So the House (at four o'clock p. m.) adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ARCHER: The petition of William Billingslea and 43 others, citizens of Maryland, praying a reduction of the tariff on tea, sugar, and coffee.

By Mr. SCHENCK: The petition of Robert Patterson, a soldier of the war of 1812, praying Congress to grant him a pension.

By Mr. SHELDON, of Louisiana: The petition and documents of J. H. Estes, for additional allowance for carrying mails in the State of Louisiana.

By Mr. WILLARD: The petition of Francis M. Strong and Thomas Ross, of Brandon, Vermont, for relief.

By Mr. WINCHESTER: The petition of Henry B. Miller, praying for back pensions.

IN SENATE.

MONDAY, *May* 2, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of Friday last was read and approved.

COURTS IN WISCONSIN.

The VICE PRESIDENT. The Chair submits an amendment of the House of Representatives to a Senate bill. This was submitted on Friday last, being in regard to circuit courts in the State of Wisconsin, and the Senator from Wisconsin in front of the Chair [Mr. HOWE] asked that it should be laid over until his colleague [Mr. CARPENTER] appeared.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 684) to change the time of holding the circuit and district courts for the district of Wisconsin. The amendment was to strike out all of the original bill after the enacting clause and to insert the following in lieu thereof:

That the circuit and district courts of the United States in the district of Wisconsin shall commence at the city of Milwaukee on the first Monday of April and on the second Monday of October in each year, and on the fourth Monday of June in each year in the city of Madison.

SEC. 2. *And be it further enacted*, That special terms of said courts may be ordered and held by the judges of said courts respectively at either the city of Milwaukee or the city of Madison, as business may require, and that a *venire* may issue for a grand or petit jury to attend any such special term: *Provided*, That no special term of the circuit court shall be called without the concurrence of the circuit judge.

SEC. 3. *And be it further enacted*, That all recognizances, indictments, writs, process, and other proceedings, civil and criminal, now pending in either of said courts, shall be entered, heard, and tried at the times for holding said courts respectively, as herein provided.

SEC. 4. *And be it further enacted*, That this act shall take effect and be in force from and after the 1st day of June, 1870; and all acts and parts of acts authorizing the holding of stated or special terms of either of said courts be, and are hereby, repealed.

Mr. CARPENTER. I move that the Senate concur in the amendment of the House. It is satisfactory in every respect.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. ROBERTSON presented the petitions of James C. Tradewell, of Columbia, South Carolina; of Reuben Harman, of Lexington, South Carolina; of George W. Boswell, of Green county, Georgia; of W. S. Boyd, of Lincoln county, Virginia; of J. H. Brightly, of Oglethorpe county, Georgia; of A. M. Barrett, of Dawson county, Georgia; of Stephen Bawin, of Wilcox county, Georgia; of Amos Turner, of Colquitt county, Georgia; of John T. Floyd, of Twiggs county, Georgia; of William W. Erwin, of Union county, Georgia; and of W. B. Gerry, of Bibb county, Georgia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of Philip R. Simmons, John E. Caldwell, and B. F. Haine, Hall county, Georgia; of S. L. Hilton, of Haralson county, Georgia, and of C. C. Hammock, of Fulton county, Georgia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. STOCKTON presented the petition of Edward Higgins, of Norfolk, Virginia, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. STOCKTON. I also present a remonstrance of certain citizens of New Jersey against the passage of the bill (H. R. No. 1492) for the relief of John Young. I move its reference to the Committee on Patents.

Mr. WILLEY. As the case of Young's patent has been reported upon and is now on the Calendar, I think the petition had better be laid on the table.

The VICE PRESIDENT. The committee having reported, the petition will be laid on the table.

Mr. SPENCER presented the petition of William Powers, of Lauderdale county, Alabama, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. LEWIS presented the petitions of John B. Cary, of Richmond, Virginia; of John H. Ralston, jr., of Rockingham county, Virginia; of John W. Lee, of Port Republic, Rockingham county, Virginia; of R. M. Mooney, of Virginia; of A. H. Fulks, of Cootes's Store, Virginia; of Montilla Clark, of Palmyra, Fluvanna county, Virginia; of B. W. Talley, of Hanover county, Virginia; of Richard Miller, of Shenandoah county, Virginia; of R. W. Crittenden, of Richmond, Virginia; of P. P. Frayser, of Richmond, Virginia, and of William B. Hughes, of Mecklenburg county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. JOHNSTON presented the petitions of F. J. Lundy, of Grayson county, Virginia; of James C. Kasey, of Bedford county, Virginia; of William H. Kelly, of Tazewell county, Virginia; of Marion Clingenpeel, of Floyd county, Virginia; of Arthur E. Hall, of Nansemond county, Virginia; of L. H. Powell, of Franklin county, Virginia; of Lewis Dillion, of Franklin county, Virginia; of Z. Montgomery, of Carroll county, Virginia; of Granville Jones and William J. Clark, of Tazewell county, Virginia; of Alexander Coke, of Princess Anne Court-House, Virginia; of John W. Myers, of Highland county, Virginia; of John Orguin, jr., of Lunenburg county, Virginia; of John Cleek, of Bath county, Virginia; of Inman H. Payne, of Fauquier county, Virginia; and of David G. Cleek and George W. Cleek, of Bath county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. DAVIS presented the petition of Peter P. Pitchlynn, delegate of the Choctaw nation of Indians, praying the enactment of a law authorizing the Secretary of the Treasury to issue and deliver to that nation of Indians the bonds of the United States provided for in the act of March 2, 1861, making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations, &c.; which was referred to the Committee on Indian Affairs.

Mr. FENTON. I present a memorial of

citizens of New York, remonstrating against the extension of John Young's patent for washing and wringing machines. I ask its reference to the Committee on Patents.

The VICE PRESIDENT. The chairman of the committee states that the bill on that subject has been reported upon and is now on the Calendar; and the petition, therefore, will be laid on the table.

Mr. CONKLING presented the petition of William A. Richardson and others, surviving privateersmen of the war of 1812, residing at Marblehead, Massachusetts, praying to be allowed pensions; which was referred to the Committee on Pensions.

He also presented a petition of citizens of New York, remonstrating against a continuance of the income tax; which was referred to the Committee on Finance.

He also presented the petitions of Jesse G. Sims, of Hardin county, Texas; of John Granberry, of Angelina county, Texas; of J. W. Hamilton, of Sumter county, Texas; and of Jefferson Shook, of Cherokee county, Texas, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petition of Willis C. Hadley, late a musician of the twenty-seventh regiment New York State volunteers, praying to be relieved from an order of the Secretary of War of December 4, 1862, wherein he stands charged with desertion from the Army; which was referred to the Committee on Military Affairs.

Mr. SAWYER presented the petition of Reuben Harmon, of Lexington, South Carolina, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. POOL presented the petitions of Alexander Conrad, of Davidson county, North Carolina, and of J. C. S. Harris, of Wake county, North Carolina, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. CAMERON presented two memorials of citizens of Pennsylvania, remonstrating against the passage of the bill (H. R. No. 1492) for the relief of John Young; which were ordered to lie on the table.

He also presented the memorial of Professor Antisell, urging Congress to provide for the cultivation of plantations of the cinchona tree, to the end that this country may secure a supply of quinine, to provide against the destruction of these trees in the region which now produces the supply of this important article; which was referred to the Committee on Agriculture.

Mr. HAMLIN presented a memorial of one hundred and eleven citizens, property-owners of the District of Columbia, living near the Tiber creek, protesting against assessing the cost of arching that creek on property immediately contiguous thereto; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Edward Neal, of Wiscassett, Maine, and a memorial of Elijah Dunbar, of New York, remonstrating against the passage of the bill (H. R. No. 1492) for the relief of John Young, who prays for an extension of his patent for washing and wringing machines; which were ordered to lie on the table.

Mr. SHERMAN. I present certain papers from the Treasury Department, tables, &c., to accompany the report I presented the other day in regard to the bill (S. No. 859) revising the laws relative to the mints, assay offices, and coinage of the United States. I move that they be printed with that report and referred to the Committee on Finance.

The motion was agreed to.

Mr. SUMNER. I present two petitions from corporations and citizens of Boston, protesting against the bill for the extension of John Young's patent for washing and wringing machines. As that bill, I believe, is on the Calendar, I move that these petitions lie on the table.

The motion was agreed to.

Mr. PATTERSON presented a petition of coal dealers in the District of Columbia, asking protection against fraudulent Government contracts in the District; which was referred to the Committee on the District of Columbia.

Mr. TRUMBULL presented the petition of Mrs. Isabella Fogg, of Quincy, Illinois, praying an increase of her pension; which was referred to the Committee on Pensions.

Mr. ROBERTSON presented the petition of David Foulk and others, citizens of Spartanburg and Laurens counties, South Carolina, praying that the old mail route from Spartanburg to Laurensville, via Walnut Grove, Hill's Factory, Mountain Shoals, and Scuffleton, be reëstablished; which was referred to the Committee on Post Offices and Post Roads.

Mr. FLANAGAN presented the petitions of William Pelham, of Travis county, Texas, and of Jim Farr, of Greenville, Hunt county, Texas, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

REPORTS OF COMMITTEES.

Mr. HARLAN, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 577) to provide for the sale of the diminished reserve and trust lands of the Kansas or Kaw tribes of Indians in the State of Kansas, and for the settlement of said Indians in the Indian territory, reported it with amendments.

Mr. HARLAN. The same committee have instructed me to report back to the Senate sundry letters of the Secretary of the Interior making special estimates for the Indian service, with propositions of amendment to the bill (H. R. No. 1169) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations, so called, with various Indian tribes for the year ending June 30, 1871, and for other purposes. I move that these amendments be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. ANTHONY. The Committee on Printing, to whom was referred a motion to print five hundred extra copies of the letter of the Secretary of the Treasury to the chairman of the Committee on Finance, communicating the report of John Jay Knox in relation to a revision of the laws pertaining to the Mint and coinage of the United States for the use of the Treasury Department, have instructed me to report it back and recommend its passage.

The motion was, by unanimous consent, considered and agreed to.

Mr. WILSON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 840) for the better protection of the frontiers of Texas, reported adversely thereon and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (S. R. No. 146) giving officers of the Army detailed at literary institutions the same pay and allowances as those on active duty, reported adversely thereon and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 153) for pay of one year's salary to the executors of General John A. Rawlins, for the benefit of his family, reported it without amendment, and asked for its present consideration.

Mr. EDMUNDS. We shall reach it to-day on the Calendar.

The VICE PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. CAMERON, from the Committee on Agriculture, to whom was referred the bill (S. No. 20) to encourage the production of cotton in the United States, reported adversely thereon and moved its indefinite postponement; which was agreed to.

Mr. EDMUNDS, from the Committee on Pensions, to whom was referred the petition of Mary F. Prindle, praying to be allowed arrears of pension, reported a bill (S. No. 866) for the relief of Mary F. Prindle; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the petition of Walter Harriman, praying that a pension be granted to the widow of Joshua F. Littlefield in accordance with the rank of lieutenant colonel of the eleventh New Hampshire volunteers, to which he had been appointed, submitted an adverse report; and the committee was discharged from the further consideration of the subject.

Mr. EDMUNDS. The same committee, to whom was referred the petition of Mary Louise Garesché, with the bill (S. No. 618) increasing the pension of Mary Louise Garesché, widow of Colonel Garesché, have instructed me to submit an adverse report. I may say in presenting the report that the committee report adversely not from any want of sympathy with this lady, and a great many others in the same situation, but as a matter of duty, which we feel compelled to do on the ground that there are hundreds and thousands of ladies occupying precisely the same position of necessity and of sympathy with respect to the duty of the Government that she does. We think that she and others like her will be obliged to wait until we shall be able to make a general provision for them all alike, when the country gets a little stronger.

The VICE PRESIDENT. If there be no objection the bill will be indefinitely postponed.

Mr. POMEROY. I think that bill had better go on the Calendar.

The VICE PRESIDENT. The bill will be placed on the Calendar, with the adverse report.

Mr. EDMUNDS. The same committee, to whom was referred the petition of Abigail Barton, praying to be allowed a pension, have instructed me to report adversely on the ground that she seems to be entitled to a pension under the general law on the statements in her petition. We ask to be discharged from its further consideration.

The report was agreed to.

Mr. EDMUNDS. The same committee, to whom was referred the petition of Margaret C. Bell, praying for an increased pension, make an adverse report. This petition stands on precisely the same grounds that the bill in favor of Mrs. Garesché does. She is the widow of Rear Admiral Bell, who very gallantly served in the war; she gets thirty dollars a month and wants fifty dollars. Acting upon the same reasons, the committee have instructed me to report adversely on this and to ask to be discharged from its further consideration. If it should be the will of the Senate to grant the increase in this case, there are a great many we shall desire to act on favorably.

The report was agreed to.

Mr. EDMUNDS. The same committee, to whom was referred the petition of William H. Kahns and others, praying for the payment of pensions from March 3, 1865, to June 6, 1866, being the time they were disallowed pensions on account of being employed in the civil service of the United States, have instructed me to report the same back, and ask to be discharged from its further consideration. We do not think it wise to enter on any legislation upon that subject.

The report was agreed to.

Mr. EDMUNDS, from the same committee, to whom was referred the bill (H. R. No. 1467) to construe certain acts therein cited in relation to pensions, approved July 27, 1868, reported it with amendments.

He also, from the same committee, to whom was referred the petition of Joseph Shelton, praying for bounty as a private in company A, thirteenth Kansas volunteers, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of John Coonan, submitted a report, accompanied by a bill (S. No. 865) increasing the pension of John Coonan. The bill was read and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee, to whom were referred the petitions of Pantha Paxton, Ruth Yates, Adam Pence, and Hiram Pepples, praying to be allowed pensions, and that pensions be granted to the surviving soldiers of the war of 1812, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred a memorial of Elias Combs and others, soldiers of the war of 1812, praying that pensions be granted to the surviving soldiers and to the widows of soldiers of that war, asked to be discharged from its further consideration; which was agreed to.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom was referred the petition of Reuben Grindle, submitted a report, accompanied by a bill (S. No. 868) for the relief of Reuben Grindle.

The bill was read, and passed to a second reading; and the report was ordered to be printed.

Mr. WILSON, from the Committee on Military Affairs, who were by a resolution of the Senate instructed to inquire into and report upon the expediency of abolishing the Military Academy at West Point, and of substituting in lieu thereof an assignment of military officers to duty at various colleges throughout the Union, to instruct the youth of the country in military science, or to inaugurate some other system that will relieve the Government of the expense of educating and supporting young men for Army service who never perform the same, and by which opportunity may be given to all who desire it to secure a military education at their own expense, asked to be discharged from the further consideration of the subject; which was agreed to.

He also, from the same committee, to whom was referred the memorial of members of the Universal Peace Union and Friends of Peace in America, remonstrating against any enlargement of the Military Academy at West Point, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of retired officers of the Army, praying that they may be allowed their full salary as such retired officers, asked to be discharged from its further consideration; which was agreed to.

Mr. TIPTON, from the Committee on Pensions, to whom was referred the petition of Mary M. Butts, reported a bill (S. No. 867) granting a pension to Mary M. Butts; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the bill (H. R. No. 1336) granting a pension to Anna B. Snyder, reported it without amendment.

Mr. McCREERY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1410) granting a pension to Sarah R. Dick, submitted an adverse report.

Mr. McCREERY. The same committee, to whom was referred the bill (H. R. No. 1411) granting a pension to Robert H. Brown, of Champaign county, Illinois, have directed me to report it back, and recommend its indefinite postponement, on the ground that if the case is as represented it comes under the general law.

The bill was postponed indefinitely.

Mr. PRATT, from the Committee on Claims, to whom was referred the memorial of L. Merchant & Co., praying Congress to refund to them the amount realized by the Government for the sale of the bark Ingomar, submitted an adverse report; which was ordered to be printed.

Mr. ROSS, from the Committee on Indian Affairs, to whom was referred the memorial of Clement Wetle, praying for damages for depredations committed by the Sioux Indians, in 1861, reported adversely thereon.

He also, from the same committee, to whom was referred the petition of Antoinette Darling, asking indemnity for damages sustained by Indian depredations in Minnesota, reported an amendment on that subject, to be offered to the Indian appropriation bill; which, with the petition and papers, was referred to the Committee on Appropriations.

Mr. SCOTT, from the Committee on Claims, to whom was referred the petition of Andrew J. Richardson, praying that the Court of Claims be authorized to hear his claim for compensation for the use of the steamer Niagara, chartered by the Government on the 27th day of November, 1862, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of William R. Mason, praying compensation for property taken, used, and destroyed by United States troops in 1861, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of William H. Gould, administrator of James Gould, deceased, father of Charles M. V. Gould, deceased, late private company A, third West Virginia volunteers, praying the payment of $100 bounty due the father of deceased soldier, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of J. C. Lewis, praying compensation for property taken from him by the quartermaster's department in 1862 and 1863, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of the United States Express Company, praying that the Secretary of the Treasury may be authorized to issue to said company United States bonds and coupons and interest notes, in lieu of bonds and notes destroyed by fire on the Erie railroad in 1866, submitted a report accompanied by a bill (S. No. 870) for the relief of the United States Express Company.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. WILLEY, from the Committee on Claims, to whom was referred the petition of J. S. Golladay and John W. Bowling, praying to be remunerated for fifty barrels of whisky libeled and sold under act of July 13, 1861, by the district court for the district of Kentucky, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Horace Tyler, praying compensation for deepening the channel across the bar at the mouth of the southwestern pass of the mouth of the Mississippi river, submitted a report accompanied by a bill (S. No. 869) for the relief of Horace Tyler. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the petition of Anna Ella Carroll, praying compensation for suggesting certain plans of operation for the armies of the United States during the late war, submitted an adverse report thereon, and asked to be discharged from its further consideration; which was agreed to.

SHAWNEE RESERVATION.

Mr. ROSS. I am directed by the Committee on Indian Affairs, to whom was referred the joint resolution (S. R. No. 49) directing the Secretary of the Interior to issue a patent to the Indiana Yearly Meeting of the Society of Friends for a certain tract of land in the Shawnee reservation, to report it back without amendment.

Mr. MORTON. If there be no objection I should be glad to have that resolution put on its passage at once.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Secretary of the Interior to cause to be issued to the Indiana Yearly Meeting of the religious Society of Friends a patent for a certain three hundred and twenty acre tract of land on which are located the Friends' manual labor school buildings in Johnson county, Kansas, in pursuance of an agreement entered into on the 18th of September, 1858, between Simon D. Marcy, superintendent, on the part of the Friends, and the agents and councilmen of the Shawnee tribe of Indians, and ratified in a full general council of the Indians, on the receipt of $500 by the Secretary to be paid into their tribal fund for general beneficent purposes.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which the concurrence of the Senate was requested:

A bill (H. R. No. 486) to extend the time for the completion of the military road from Fort Wilkins, at Copper Harbor, in the State of Michigan, to Fort Howard, at Green Bay, in the State of Wisconsin;

A bill (H. R. No. 1140) for the relief of Charles Trichler, of the county of Adams, Ohio;

A bill (H. R. No. 1218) for the relief of William P. Emerey, late captain fifty-eighth United States colored infantry;

A bill (H. R. No. 1331) for the relief of A. F. McMillan;

A bill (H. R. No. 1901) for the relief of Peter N. Jonte;

A bill (H. R. No. 1902) for the relief of Francis A. Conwell;

A bill (H. R. No. 1903) to authorize the payment of bounty to Ann McCarthy;

A bill (H. R. No. 1904) for the relief of James C. Strong;

A bill (H. R. No. 1905) for the relief of Howell H. Trask;

A bill (H. R. No. 1906) providing for the payment of veteran bounty to certain enlisted men of the first regiment of New York mounted rifles;

A bill (H. R. No. 1907) for the relief of B. Raff;

A bill (H. R. No. 1908) for the relief of Mrs. Ruhamy Brown;

A bill (H. R. No. 1909) to provide for payment of bounty to certain officers of volunteers;

A bill (H. R. No. 1911) for the relief of George W. Steele;

A bill (H. R. No. 1912) to extend the time within which persons elected to office may take the oath prescribed in the act entitled "An act to admit the State of Texas to representation in the Congress of the United States," approved March 30, 1870;

A bill (H. R. No. 1950) granting a pension to Mary Lincoln; and

A joint resolution (H. R. No. 274) relating to Fort Craig military reservation.

The message also announced that the House had concurred in the amendment of the Senate to the joint resolution (H. R. No. 146) for the return of evidence of honorable discharge to officers.

The message also announced that the House

had passed the following bills and joint resolutions of the Senate without amendment:

A bill (S. No. 396) granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon;

A bill (S. No. 579) to create additional land districts in the Territory of Dakota, to be called the Springfield and Pembina districts;

A bill (S. No. 580) to fix the point of junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company;

A bill (S. No. 746) authorizing the First National Bank of Delhi, New York, to change its location;

A bill (S. No. 774) to authorize the Burlington and Missouri River Railroad Company, or its assigns, to change the established line of said road in the State of Nebraska;

A joint resolution (S. R. No. 23) for setting apart a portion of the Fort Snelling military reservation for a permanent military post, and the settlement of all claims in relation thereto;

A joint resolution (S. R. No. 78) relative to the establishment of a light-station on the Choptank river, in Maryland;

A joint resolution (S. R. No. 159) authorizing the Postmaster General to prescribe an earlier time for the execution of contracts by accepted bidders, and for other purposes; and

A joint resolution (S. R. No. 165) extending the time for the completion of the first section of twenty miles of the Cairo and Fulton railroad.

The message further announced that the House insisted on its amendment, disagreed to by the Senate, to the bill (S. No. 95) in relation to the Hot Springs reservation in Arkansas, agreed to a conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. P. KNOTT of Kentucky, Mr. G. S. ORTH of Indiana, and Mr. A. C. ROGERS of Arkansas, managers at the same on its part.

The message also announced that the House non-concurred in the amendments of the Senate to the bill (H. R. No. 1084) to incorporate the Washington Market Company, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. A. H. TANNER of New York, Mr. JOHN A. LOGAN of Illinois, and Mr. C. H. VAN WYCK of New York, managers at the same on its part.

The message also announced that the House had passed the joint resolution (S. R. No. 77) authorizing the distribution of the copies remaining in the Department of State of the Tributes of the Nations to Abraham Lincoln, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 9) to provide for the revision and consolidation of the statutes of the United States;

A bill (H. R. No. 945) to provide for the survey of the Fort Gratiot military reservation, in the State of Michigan;

A joint resolution (H. R. No. 125) for the relief of James L. Ridgely, collector of internal revenue for the second district of Maryland;

A joint resolution (H. R. No. 144) to enable the Court of Claims to hear and determine the claim of E. Diekelman, a subject of the king of Prussia; and

A joint resolution (H. R. No. 197) for the relief of George S. Atkinson, late assistant quartermaster of volunteers.

BILLS INTRODUCED.

Mr. POOL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 871) to enforce the fourteenth amendment to the Constitution of the United States, and to secure and protect the rights, privileges, and immunities of American citizenship and to furnish the means of their vindication; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SAWYER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 872) to amend an act entitled "An act to amend an act to establish a court for the investigation of claims against the United States;" which was read twice by its title.

Mr. SAWYER. I wish to say in reference to this bill that the act establishing the Court of Claims, as amended, requires parties making claims against the United States to prove their loyalty in all cases, whether the cause of the claim arose during or before the rebellion or since. This bill is to enable parties who have causes of claim against the United States having no relation to or connection with the rebellion, having arisen in matters entirely indifferent to the rebellion, to come into the court although they cannot aver their loyalty. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. COLE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 873) granting the right of way and lands to the Sacramento Irrigation and Navigation Company; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. ROSS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 874) to reimburse the State of Kansas for moneys expended for the United States in enrolling, equipping, and provisioning militia forces to aid in suppressing the rebellion; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 875) to create a port of delivery at Duluth, Minnesota; which was read twice by its title.

Mr. RAMSEY. I move the reference of the bill, together with the petition on the same subject, which I now present, to the Committee on Commerce.

The motion was agreed to.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 187) extending the time to construct a railroad from the St. Croix river or lake to the west end of Lake Superior and to Bayfield; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

WASHINGTON MARKET COMPANY.

On motion of Mr. MORRILL, of Vermont, it was

Ordered, That the Senate insist on its amendments to the bill (H. R. No. 1804) to incorporate the Washington Market Company, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes on the same.

The VICE PRESIDENT being authorized by unanimous consent to appoint the committee, Mr. MORRILL, of Vermont, Mr. HAMLIN, and Mr. STOCKTON were appointed the committee of conference on the part of the Senate.

SOUTHERN MARYLAND RAILROAD.

Mr. LEWIS. I ask the unanimous consent of the Senate to take up Senate bill No. 597, to authorize the authorities of the city of Washington, District of Columbia, to indorse the bonds of the Southern Maryland Railroad Company, at the present time, and put it on its passage.

The VICE PRESIDENT. The introduction of bills and joint resolutions is still in order; but the Senator from Virginia asks unanimous consent to take up the bill indicated by him.

Mr. POMEROY. I think we had better go on with the Calendar to-day. We want to complete the Calendar, if possible, to-day.

Mr. LEWIS. This bill was reported some time ago from the Committee on the District of Columbia, and came up in its order on the Calendar in my absence and was laid over on account of my absence. I hope there will be no objection to taking up the bill now.

Mr. EDMUNDS. It can be called up when the Calendar is taken up.

The VICE PRESIDENT. Senators suggest that the Senator from Virginia wait until the Senate resumes the Calendar, which will be in a few moments.

USE OF PATENTS BY THE GOVERNMENT.

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

Resolved, That the Committee on Patents be directed to inquire into the expediency of so amending the laws relating to patents that the right to the free use of every patent hereafter issued shall be retained by the United States in all its departments.

O. B. HART.

Mr. HOWE. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Senate be directed to pay out of the contingent fund of the Senate to O. B. Hart, claimant of a seat in the Senate from the State of Florida, the usual mileage of a Senator and the monthly pay from the date of presenting his credentials until the passage of the resolution declaring him not entitled to a seat.

The VICE PRESIDENT. Unless objected to, the resolution is before the Senate.

Mr. ROBERTSON. I object.

The VICE PRESIDENT. The Senator from South Carolina objects. As this resolution appropriates money from the contingent fund, it will have to be considered the same as a bill. It will be regarded as read the first and second time, and the Senator from South Carolina objects to its consideration to-day.

Mr. HOWE. I should like to inquire of the Senator from South Carolina if he desires a reference of this resolution?

Mr. ROBERTSON. Yes, sir.

Mr. HOWE. Let it go to the Committee on Contingent Expenses.

The VICE PRESIDENT. If there be no objection the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

CHANGE OF RULE.

The VICE PRESIDENT. The morning business is exhausted. The Secretary will report the first resolution on the Calendar of resolutions which was laid over under the rule.

The Secretary read the resolution submitted by Mr. WILLIAMS on the 6th of April last, as follows:

Resolved, That the rule last adopted by the Senate in reference to the order of business be so construed as not to apply to the morning hour.

Mr. WILLIAMS. Let that lie on the table.

Mr. ANTHONY. Let it be indefinitely postponed.

Mr. EDMUNDS. It is just as well on the table. That gets it off the Calendar.

The VICE PRESIDENT. If there be no objection the resolution will be laid on the table.

POSTAL AND TELEGRAPH COMMITTEE.

The next resolution on the Calendar was one submitted by Mr. COLE, for the appointment of a standing committee on foreign postal and telegraphic communication.

Mr. EDMUNDS. I move that that resolution be referred to the Committee on Rules.

Mr. COLE. I have no objection.

The motion was agreed to.

TRIBUTES TO ABRAHAM LINCOLN.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. No. 77) authorizing the distribution of the copies remaining in the Department of State of the Tributes of the Nations to Abraham Lincoln.

The amendment was to strike out all after the words "to wit" and insert in lieu thereof the following:

Three copies to each Senator and member of the

House of Representatives of the Forty-First Congress, and the remainder to be distributed by the Secretary of State to such persons as he shall indicate, the Secretary of State having the authority to have refinished at the Government Printing Office such copies as may need the same.

Mr. ANTHONY. I think that had better be referred to the Committee on Printing.

Mr. SHERMAN. It seems to me we might as well dispose of the question at once. I do not care what plan is adopted, but the books ought to be disposed of. They are in the way and are cumbering up the Department.

Mr. ANTHONY. I have no objection to the amendment.

The amendment was concurred in.

Mr. ANTHONY subsequently said: I move to reconsider the vote by which the Senate agreed to the House amendment to the joint resolution in regard to the distribution of the Lincoln testimonial. I think the matter requires examination.

The motion to reconsider was agreed to; and the amendment of the House of Representatives to the joint resolution was referred to the Committee on Printing.

BILLS ON THE CALENDAR.

The VICE PRESIDENT. The Senate will now proceed to consider the bills on the Calendar.

Mr. LEWIS. I ask the unanimous consent of the Senate to consider at this time the bill (S. No. 597) to authorize the authorities of the city of Washington, District of Columbia, to indorse the bonds of the Southern Maryland Railroad Company, which was passed over in my absence last week.

Mr. CONKLING. I dislike to interpose an objection, but I think that bill should never pass, and therefore I am constrained to object to its being taken up now.

The VICE PRESIDENT. The bill will remain on the Calendar.

WYOMING TERRITORIAL ACTS.

Mr. NYE. On Friday a bill was called up providing for annulling certain laws of the Legislative Assembly of Wyoming Territory. Objection was made to the first provision, which was proposed to be annulled. In the absence of the Senator from Michigan, [Mr. HOWARD,] who had charge of that bill, I take the liberty of saying that we will consent to let the first act mentioned be stricken out. I think we can then without much debate pass the rest of the bill. I ask the indulgence of the Senate for that purpose.

The VICE PRESIDENT. The Chair is under the impression that the bill referred to was passed over informally.

Mr. NYE. It was.

The VICE PRESIDENT. If there be no objection it will be resumed, subject of course to objection. The question is on the passage of the bill (S. No. 616) to repeal certain acts passed by the territorial Legislature of Wyoming.

Mr. TRUMBULL. I made some objection to that bill the other day. I think the first act that it is proposed to repeal is not particularly objectionable. I do not see why the Legislature of Wyoming should not pass that bill if they desired to do so. A part of the second act, I think, is objectionable. The fourth section of that act provides that no judge of any court shall restrain the collection of taxes, and the sixth section of that same act declares:

"That the provisions of this act, as near as may be, shall apply to the collection of taxes heretofore assessed and levied on the property of any corporation doing business within this Territory, excepting corporations organized for mining or milling purposes."

I think it should apply to all corporations if it does at all. I do not believe in singling out one. If this bill can be limited to declaring null and void the fourth and sixth sections of the act regarding the collection of taxes, and also declaring void all the sections of the other acts referred to here, I should have no objection to it. I think that the provisions in the other law which authorize the territorial courts in Wyoming to appoint a receiver to take possession of the Great Pacific railroad on a claim of damages or debt by some one very improper. A man who has a claim against the Union Pacific railroad is allowed to go into equity *ex parte* instead of establishing his claim in the first instance, and a receiver is to be appointed to take possession of that road. This is a power that the territorial courts in Wyoming ought not to be vested with, and I am quite willing myself to vote for a bill that shall declare inoperative those provisions of the statute.

Mr. NYE. I have no objection to the alteration proposed by the Senator from Illinois.

Mr. TRUMBULL. My motion is to strike out the words in the fourth line "an act entitled 'An act to protect railroad employés who are injured while performing their duties; also'" and insert in lieu thereof the words "the fourth and sixth sections of an act;" so as to read:

That the following acts passed by the Legislature of the Territory of Wyoming, to wit: the fourth and sixth sections of an act entitled "An act providing for the collection of taxes heretofore assessed and levied in this Territory;" also an act entitled "An act to create and regulate corporations," be, and the same are hereby, disapproved, repealed, and declared null and void.

The title of this last act is not given in the laws we have before us. I inquire of the Senator who has charge of this bill what the title of this act is? It purports to repeal the whole of an act the title of which is not given, and only a few sections of this act are given, forty-nine, fifty, fifty-one, and so on to the fifty-ninth. I should be unwilling to repeal the first forty-eight sections of the act without knowing what they are. I have no objection to repealing these sections.

Mr. EDMUNDS. Repeal "sections forty-nine to fifty-nine inclusive."

Mr. TRUMBULL. After the word "also," in line eight, I move to insert "sections forty-nine to fifty-nine inclusive of an act entitled."

The VICE PRESIDENT. The third line of the bill should read "the following sections of acts."

Mr. TRUMBULL. Yes, sir. Let the Secretary read it now as he has it amended.

The VICE PRESIDENT. The vote ordering the bill to a third reading will be regarded as reconsidered.

The SECRETARY. The bill, if amended as proposed, will read:

That the following sections of acts passed by the Legislature of the Territory of Wyoming, to wit, the fourth and sixth sections of an act entitled "An act providing for the collection of taxes heretofore assessed and levied in this Territory;" also sections forty-nine to fifty-nine, both inclusive, of an act entitled "An act to create and regulate corporations" be, and the same are hereby, disapproved, repealed, and declared null and void.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to repeal certain sections of acts passed by the territorial Legislature of Wyoming."

OFFICE OF EDUCATION.

The VICE PRESIDENT. The first bill on the Calendar in regular order is one reported by the Senator from New Hampshire, [Mr. PATTERSON,] from the joint select Committee on Retrenchment, without amendment, being the bill (H. R. No. 1486) amendatory of an act establishing the Office of Education, discontinuing the Freedmen's Bureau, and for other purposes.

Mr. PATTERSON. Let that be passed over.

The VICE PRESIDENT. The bill will be passed over.

AMBROSE MORRISON.

The next bill on the Calendar was the bill (S. No. 633) for the relief of Ambrose Morrison.

The Committee on Claims reported an amendment, to strike out after the words "sum of," in line three, the following:

Sixteen thousand three hundred and eighty-four dollars and ninety-six cents be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to pay Ambrose Morrison for his property in the city of Nashville, Tennessee, which was taken by the military authorities of the United States for the erection of permanent fortifications: *Provided*, That before the said money hereby appropriated shall be paid as aforesaid the said Ambrose Morrison shall convey to the United States a good title to said lot: *And provided further*, That any moneys heretofore paid the said Ambrose Morrison by the United States on account of the said property shall be deducted from the amount hereby appropriated.

And in lieu thereof to insert:

Four thousand nine hundred and seventy-one dollars and forty-six cents be, and the same is hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated, to pay Ambrose Morrison for his houses and fixtures, in the city of Nashville, seized and used by the military authorities of the United States during the late war of the rebellion, for the erection of a fort on the lot of ground where said houses stood, and also to pay for the use and rental of said lot while in the possession of said authorities, the said sum to be in full satisfaction of the entire claim of said Ambrose Morrison in that behalf.

Mr. SUMNER. I think that bill ought to go with the others that are like it. I do not mean to prejudge it now; but I think they ought all to be taken together.

The VICE PRESIDENT. The bill will be passed over.

FREEHOLD LAND AND EMIGRATION COMPANY.

Mr. DRAKE. I thought that a bill was laid over from last Friday, to be at the head of the Calendar to-day, No. 418 in the order of business, on page 12.

The VICE PRESIDENT. It was passed over informally; but it has not been called up.

Mr. SUMNER. That is the bill to incorporate the United States Freehold Land and Emigration Company.

Mr. DRAKE. I wish to know——

The VICE PRESIDENT. There was no order that it should be placed at the head of the Calendar. It was passed over informally, subject to be called up by the Senator from Rhode Island.

Mr. ANTHONY. I should be very glad to have it taken up. I did not ask to have it placed at the head of the Calendar, because I thought the Senator from Missouri objected to it.

Mr. DRAKE. I do not wish to be considered as making an objection to throw the bill over under the arrangement that one objection can throw it over. I merely wish to signify that whenever the bill is taken up I shall state my objections to its merits.

Mr. ANTHONY. Does the Senator wish to state them at much length?

Mr. DRAKE. No, sir.

Mr. SHERMAN. The bill had better be passed over if it is to be debated.

Mr. ANTHONY. I understand it is not going to give rise to any considerable debate; the Senator can state his objections in a few minutes; and if we can dispose of the bill it will be so much off the Calendar. I should like to have it done if the Senator from Missouri does not desire to debate it at such length as to call forth remarks from others.

Mr. DRAKE. I do not know to what length debate might spring up in regard to the matter. It is a bill *sui generis*, such a bill as the Congress of the United States has never passed, and one to which I have very serious objections. I do not wish to put myself in the position of throwing it over by a single objection, but I wish to state, whenever it comes up, my objections to its passage. I can do that now just as well as at any other time.

Mr. POMEROY. We had better proceed with the Calendar.

Mr. TRUMBULL. It will certainly lead to debate.

The VICE PRESIDENT. The order under which the Senate is acting applies to bills to which objection is not made. The Senator

from Missouri has indicated his objection to this bill. It will be passed over, and the next bill will be reported.

BILLS PREVIOUSLY OBJECTED TO.

Mr. RAMSEY. On Friday last the Senator from Oregon [Mr. CORBETT] felt under an obligation, in the absence of the Senator from Vermont, [Mr. EDMUNDS,] to object to three very small bills reported by the Committee on Post Offices and Post Roads for the relief of postmasters whose funds were lost by robbery. As the Senator from Vermont has now returned, and they were passed over informally, and ought not to incumber the Calendar, I trust the Senate will now consider them. They are numbered 384, 385, and 386 in the order of business. The sums involved are small.

Mr. EDMUNDS. We had better go on regularly.

Mr. POMEROY. The Senator from Oregon objected to those bills. I think they had better go over.

Mr. RAMSEY. He objected in the absence of the Senator from Vermont.

Mr. POMEROY. The Senator from Vermont had nothing to do with it.

Mr. TRUMBULL. He objected on the authority of the Senator from Vermont.

Mr. RAMSEY. The Senator from Vermont disclaims having given any such advice.

The VICE PRESIDENT. Does the Senator from Oregon withdraw his objection to these bills?

Mr. CORBETT. I wish to explain my objections to them whenever they come up.

The VICE PRESIDENT. The Senator still objects. The bills will remain on the Calendar.

PRESIDIO RESERVATION, SAN FRANCISCO.

The VICE PRESIDENT. The next bill on the Calendar is the bill (S. No. 370) granting the Presidio reservation to the city of San Francisco for a public park, reported adversely by the Committee on Military Affairs. The Secretary cannot lay his hand on the bill at this moment, and it will be passed over informally.

Mr. COLE. I ask that it be passed over for to-day.

Mr. POMEROY. It is reported adversely.

Mr. COLE. I should like to have the report that is with the bill printed for the use of the Senate. I believe there is no written report from the committee proper, but there is a communication from the War Department, which I wish to have printed. I do not think the grounds taken by the War Department are well taken against the bill.

The VICE PRESIDENT. The Senator from California moves that the communication of the War Department relative to this bill be printed.

The motion was agreed to.

The VICE PRESIDENT. The bill will be passed over for the present.

EXECUTION OF THE LAWS IN UTAH.

The next bill on the Calendar was the bill (H. R. No. 1089) in aid of the execution of the laws in the Territory of Utah, and for other purposes.

Mr. SPENCER. That is an important bill, and it will give rise to debate.

The VICE PRESIDENT. The bill will be passed over.

SERVICES IN TAKING CENSUS OF 1860.

The next bill on the Calendar was the bill (S. No. 99) to pay loyal citizens in the States lately in rebellion for services in taking the United States census in 1860; which was considered as in Committee of the Whole. It provides that the claims of loyal citizens in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, for services rendered as United States marshals and their assistants in taking the eighth census in the year 1860, may be paid out of any unexpended balance of any moneys hitherto appropriated for the payment of United States marshals and their assistants for services rendered in taking the eighth census in the year 1860; but no part of any such balance is to be paid to or on account of any claimant who participated in the late rebellion or gave to it aid or comfort.

Mr. SUMNER. I observe in that bill no way of determining the question of loyalty. I think if the Senator from South Carolina who has charge of the bill would require that before payment claimants should take the iron-clad oath there would be no objection. It seems to me that ought to be done.

Mr. SAWYER. I will state in explanation of the bill that the claims which it proposes to pay have all been adjusted and audited, and no one has been allowed at the Department of the Interior except in cases where the loyalty has been proved. I have no objection to add a proper amendment.

Mr. SUMNER. Would it not be better, by way of precaution, to require the iron-clad oath? There can be no objection to it, and it would strengthen the bill of the Senator.

Mr. SAWYER. I did not draw the bill myself. It was sent here from the Interior Department. I have a communication from that Department in reference to it, and I think there will be no objection to the bill. Neither do I see any objection to adding that the Department shall take the oath of the party.

Mr. SUMNER. Provide that each party before payment shall take the oath prescribed by the statute of July 2, 1862.

Mr. SAWYER. I have no objection to that.

Mr. CONKLING. May I ask the Senator a question? If the claimants whom he proposes shall receive their money can take the iron-clad oath, why are they not paid under the law now?

Mr. SAWYER. Because there is no appropriation.

Mr. CONKLING. Does the Senator think that is the only reason?

Mr. SAWYER. That is what is stated in the letter of the Secretary.

Mr. CONKLING. This proposition has always been introduced before in connection with the admission that these men were appointed, or rather designated, by the then authorities in violation of the law.

Mr. SAWYER. The Senator misunderstands the case.

Mr. CONKLING. I think not.

Mr. SAWYER. This is to pay for services in taking the census of 1860.

Mr. CONKLING. That is the very case of which I am speaking.

Mr. SPENCER. The Senator from New York is mistaken.

Mr. CONKLING. I repeat, Mr. President, that these claims, as has been stated heretofore, were of men who were designated not according to law, and it has always been admitted that they were represented by those who could not take the so-called iron-clad oath, though it was required, I know, after this service had been performed. That I am aware of.

Mr. WARNER. The Senator is entirely mistaken. This is a bill to pay census-takers for taking the census of 1860.

Mr. CONKLING. No doubt about that. I am not mistaken in that respect, because I see what it is. I am also not mistaken, I think, in remembering that it has been repeatedly admitted here that these claimants, or a number of them, were not appointed according to the law as it stood at that time; and also that they were men who could not take the oath which the Senator from Massachusetts proposes to require.

Mr. SAWYER. Allow me to correct the Senator in a matter of fact. The Superintendent of the Census says there is no reason why these accounts have not been paid, but that an appropriation is wanting for that purpose. His letter is before me, and I can send it to the desk to be read. It seems to me a perfectly clear case.

Mr. CONKLING. Why is it not carried into the appropriate bill, the appropriation bill?

Mr. SAWYER. I do not know any reason. The bill was sent to the Committee on Claims originally, I believe.

Mr. SHERMAN. This case came before the Committee on Finance before the Committee on Appropriations was organized. The facts are very simple. A great number of persons were employed to take the census of 1860 in the southern States, and the war came on before the settlement of their accounts. At that time there were ample appropriations to pay them. As their claims and accounts were not settled before the war, as a matter of course the war cut off the settlement of these claims for the time being, and the appropriations lapsed and went into the general fund. After the war was over certain loyal claimants presented claims for services in taking the census of 1860, but there was no appropriation out of which to pay them. I remember that the committee at the time thought they ought to have their pay, especially if they could prove their loyalty. I doubt very much whether there are many cases of the kind. But that they are entitled to pay under the law of 1860 has not been questioned, and their accounts were not settled and adjusted until after the rebellion broke out.

These are the facts. The Senator from New York, I think, mixes up this class of claims with the claims of assessors and assistant assessors appointed by Mr. McCulloch in 1865 who could not take the test-oath. In that class of cases also the Committee on Finance reported a bill giving pay for the actual service rendered, although the parties were not appointed according to law. These men were appointed in pursuance of law, earned their money, and it was due to them, but was not paid for the reason that the war came on before their accounts were settled. I can see no reason why this bill should not pass; nor can I see any reason why it should not be attached to one of the general appropriation bills, except that it is to pay for services rendered some years ago. I think no one ought to object to this bill, which is confined simply to loyal census-takers who earned their money before the war.

Mr. CONKLING. If I have fallen into an error in reference to this matter it is not the error supposed by the Senator from Ohio. I preserve entirely in my recollection the distinction between these claims and the claims made by assistant assessors and assessors, and I believe collectors also, who were appointed by Mr. McCulloch in 1865 in violation of law. I think, however, I cannot be mistaken in my recollection to this extent: these men stand tabulated at the Interior Department as disloyal claimants for taking the census. It has been stated also in this Chamber, unless I am greatly at fault, that they were not appointed according to law. Of course I do not mean now according to the law of 1862, which was not enacted until after this service had been performed. I hope Senators will not suppose I fall into that error. I think the truth is that they are in the main disloyal claimants, as they have been called. If they are not, and if they hold commissions from the marshals according to the act of 1850, I agree with the Senator from Ohio there is no reason why they should not be paid. But it seems to me that the payment should be made by being included in the proper appropriation bill, the legislative, executive, and judicial appropriation bill, and then there should be some mode adopted of rigidly scrutinizing these claims and distinguishing between those which in fact and in law are due and those which are not. That is the only suggestion I wish to make.

Mr. SAWYER. The history of this bill is this: it came from the Committee on Claims to the Committee on Appropriations; the chairman of the Committee on Claims addressed a note to the Secretary of the Interior asking for information in reference to it. The reply to that note is in the letter which I have sent to the desk to be read. He states the

number of persons whose accounts have been audited, the amount which is due to them, which is absolutely fixed, and another small amount which may or may not be due to other persons, the whole amounting, I should say, to $225,000. These claims, if they had been presented before the money appropriated for them had been covered into the Treasury, would doubtless have been paid. It was thought better by the Committee on Appropriations to report this bill which came from the Committee on Claims in the form in which it came to them than to put it into one of the regular appropriation bills. That is the whole of it. If any of these persons have been disloyal I have no idea that they will receive any pay; but if it be thought wise to append to this bill a proviso that the persons who are to be paid shall take the oath of July 2, 1862, so far as it is applicable to this matter, the expurgatory part of it, I certainly have no objection. It will not, in my opinion, alter the operation of the act one tittle; but if it is desired to add a proviso of that sort I have no objection, if any Senator sees fit to offer it. I hope, however, that the passage of the bill will not be delayed, because these claimants have been kept out of their money for many years, and it is justly due to them.

Mr. SUMNER. If the Senator accepts the proviso which I have proposed I shall make no objection.

Mr. SAWYER. There is one part of the oath of July 2, 1862, which would not be applicable. That is the part requiring the party to swear that he will perform the duties to which he has been appointed faithfully. The expurgatory part of the oath is proper enough. I have no objection to accepting that as an amendment.

Mr. POMEROY. I think we had better pass over this bill until the Senator from Massachusetts can prepare his amendment.

Mr. CONKLING. It will take but a moment. He can suggest it verbally.

Mr. SUMNER. I suggest this amendment:

Provided, That no money shall be paid to any claimant until he has taken the oath required by the act of Congress of July 2, 1862, so far as the same is applicable to the case.

Mr. SHERMAN. If my friend from Massachusetts will allow me, I will say that in one of the bills we have passed, I think the bill in regard to cotton claims, there is phraseology used which I think is much better than requiring the test-oath. Some men might commit perjury in order to get this money. The test-oath is not the best test in my judgment. There is a provision in the cotton-claim act which requires them to prove affirmatively that they have been loyal men during the war. I think that is better. It operates better in practice.

Mr. SUMNER. Very well; I have no objection to that.

Mr. SHERMAN. We should require them to produce positive proof of their loyalty.

Mr. SUMNER. Then say:

Provided, That each claimant shall prove to the satisfaction of the Department that he was loyal throughout the war.

Mr. SAWYER. This proviso in the bill now covers that ground exactly:

Provided, That no part of any such balance shall be paid to or on account of any claimant who participated in the late rebellion, or gave to it aid or comfort.

Is the Department going to take his word for that? Or is the Department, in the proper exercise of its duties, going to demand proof of that fact? No officer under this proviso would pay any claim until that fact was proved.

Mr. SUMNER. I think the statute had better contain a positive requirement.

Mr. SAWYER. This is a positive requirement.

Mr. SUMNER. Not positive. We should provide that the Department shall require satisfactory proof of loyalty.

Mr. SAWYER. If the Senator will allow this bill to go over for the time being and not object to its being called up again we can prepare a proper amendment.

Mr. SUMNER. I shall not object.

Mr. POMEROY. Let it be passed over for the time being.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) If there be no objection this bill will lie over informally, and the next bill will be read.

BLACK BOB INDIAN LANDS.

The next business on the Calendar was the joint resolution (S. R. No. 173) in relation to the sale of the Black Bob Indian lands in Kansas.

Mr. ROSS. I ask that that be passed over informally.

The PRESIDING OFFICER. If there be no objection the joint resolution will be so disposed of.

FRIEND A. BRAINARD.

The next bill on the Calendar was the bill (H. R. No. 1611) for the relief of Friend A. Brainard; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Friend A. Brainard, of Bridport, Vermont, the sum of $300, that sum having been improperly exacted of him as commutation money in 1863, while he was still suffering from wounds received in battle while a soldier in the Army of the United States.

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

JANES, FOWLER, KIRTLAND AND COMPANY.

The next bill on the Calendar was the bill (H. R. No. 1667) for the relief of Janes, Fowler, Kirtland & Co.

The Secretary read the bill. It proposes to direct the Secretary of the Treasury to pay to Janes, Fowler, Kirtland & Co., of New York, contractors for building the Dome of the Capitol at Washington, the sum of $60,000, in full satisfaction of all claim for losses or damages arising from the action of the Government in stopping, ordering, and directing the construction of the work.

Mr. SUMNER. Is there a report in that case?

The PRESIDING OFFICER. There is a House report.

Mr. SUMNER. Let it be read.

The Secretary proceeded to read the report; but was interrupted by

Mr. POMEROY. That matter has been discussed here at great length, and Senators who interested themselves in the debate are not present at this moment. I think the bill ought not to pass.

Mr. SUMNER. The Senator from Vermont [Mr. MORRILL] who is usually interested in that business is not in his seat.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

SCHOONERS ZENOS SNOW AND PATRIOT.

The next bill on the Calendar was the bill (H. R. No. 869) to authorize the issuing of a certificate of registry or enrollment to the schooners Zenos Snow and Patriot; which was considered as in Committee of the Whole. The preamble recites that the schooners Zenos Snow and Patriot are American-built vessels, and have become denationalized by a sale of a small fraction of each to a foreigner, who has since become naturalized; and after seizure by the United States the vessels have been, under the laws, restored to the owners by the Treasury Department. The bill therefore authorizes the Secretary of the Treasury to issue a certificate of registry or enrollment to the schooners Zenos Snow and Patriot.

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

HELEN M. STANSBURY.

The next bill on the Calendar was the bill (S. No. 484) for the relief of Helen M. Stansbury, widow of Major Howard Stansbury, deceased; which was considered as in Committee of the Whole. The Secretary of the Interior is directed by the bill to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Stansbury, widow of Major Howard Stansbury, and pay her a pension at the rate of twenty-five dollars per month from April 13, 1868, deducting therefrom all payments made upon the certificate she now holds.

Mr. POMEROY. I do not understand how the widow of a major gets a pension of twenty-five dollars a month.

Mr. EDMUNDS. The reason is that the law says the widow of a major shall have twenty-five dollars a month for a total disability. The widow of a captain gets twenty dollars. The Pension Office allowed this lady twenty dollars on the ground that the Pension Office thought that the disability originated while her husband was a captain. On looking at the evidence the committee was satisfied that the disability originated while he was a major, and that she is justly entitled to a major's pension.

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

OREGON AND CALIFORNIA RAILROAD.

The next bill on the Calendar was the bill (S. No. 638) amendatory of an act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific railroad, in California, to Portland, in Oregon, approved July 25, 1866; which was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with an amendment, to strike out all of the original bill after the enacting clause, in the following words:

That the company which may have been designated by the Legislature of the State of Oregon to construct that part of the California and Oregon railroad lying and being in the State of Oregon be, and the same are hereby, authorized to file with the Secretary of the Interior, in advance of the map of actually surveyed route, a map designating as near as may be the line of route of said road in Oregon; and upon the filing of said map the Secretary of the Interior shall order the withdrawal, in the usual manner, of the lands granted to said company, on each side of the line of route thus designated, as fast as the same may be surveyed and plats of survey filed with the Commissioner of the General Land Office: *Provided, however*, That when the line of road shall be actually surveyed and map filed with the Secretary of the Interior, showing said line in connection with the public surveys, then the said Secretary shall order an adjustment of the limits of the grant to said line, and the lands falling within those limits and no other shall inure to the company, and the lands which may have been withdrawn but fall outside of said limits shall be restored to the public domain.

And to insert in lieu thereof:

That the Oregon and California Railroad Company, now engaged in the construction of so much of said road as is provided for in the act to which this is amendatory, as lies in the State of Oregon, be, and they are hereby, authorized and entitled, under such rules and regulations as may be prescribed by the Secretary of the Interior, to receive all moneys now unpaid for odd sections taken under the preëmption laws or sold since the passage of said act, within the limits of said grant therein provided for, and also, under like rules and regulations, to receive all moneys that may hereafter become due for odd sections in, or found to be within said limits; and if inclusive of said receipts it shall be determined that the amount of ten sections per mile on each side of said road cannot be obtained under the provisions of said act, then it shall be lawful for said company to make up the deficiency from the ten odd sections outside and nearest to the exterior limits of said grant.

The amendment was agreed to.

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

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

HINTON ROWAN HELPER.

The next bill on the Calendar was the bill (S. No. 789) to authorize the proper accounting officers of the Treasury to settle and close the account of Hinton Rowan Helper; which was read the second time, and considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to settle and close the accounts of Hinton Rowan Helper,

late consul of the United States at Buenos Ayres, set forth and referred to in his memorial to Congress, under date of January 17, 1870, upon the principles of justice and equity; but no money is to be paid out of the Treasury in effecting a final settlement.

The bill was reported to the Senate without amendment.

Mr. TRUMBULL. Let us hear the report.

Mr. POMEROY. There appears to be no report.

Mr. EDMUNDS. Then I hope we shall have an explanation of it.

Mr. SPENCER. There is no written report. Mr. Helper's memorial, which is long, explains the whole case. This bill is only for the purpose of enabling him to settle his accounts. It does not take any money out of the Treasury, and the Government will not lose anything by it.

Mr. TRUMBULL. Let the memorial be read. We ought to know what the case is I think.

The Secretary proceeded to read the memorial, as follows:

To the honorable Senators and Representatives of the American Congress:

Several times within the last seven years through the Department of State, and once in a more direct manner, have I solicited at your hands what I feel to be not merely a measure of justice in my own behalf, but also an act of fairness in furtherance of the dignity and honor of the Government of the United States. I allude to the circumstances which grew out of my acceptance, tenure, and resignation of the office of United States consul at Bunos Ayres.

In addressing you thus again I trust that I may be fortunate enough to secure more effectually your honorable attention; and in order that you may be enabled to arrive, without further delay, at an equitable decision of the points involved, I respectfully present to you the following statement of facts, some of which, although they may at first appear rather irrelevant, will, I think, help to a more rightful and thorough understanding of the whole case.

More than a dozen years ago, when looking abroad over the southern States and taking a general survey of our whole country, I first became convinced of the retardative and pernicious influences of slavery. I at once, without stopping to count contingent expenses, placed myself in an attitude of uncompromising opposition to that system of manifold and gigantic wrong, and was firmly resolved to share with all possible calmness and content whatever consequences might overtake me in the efforts, however humble or unavailing, which I felt called upon to make for its final overthrow. At that time I owed no man in the world a dollar and had something in reserve. Since then I have not seen a day that I was free from debt——

Mr. THAYER. I should like to inquire the length of that memorial?

The SECRETARY. Nineteen pages.

Mr. THAYER. I think the further reading of it should be dispensed with. It does not seem to bear on the question.

Mr. POMEROY. The Senator from Massachusetts [Mr. SUMNER] can probably explain the bill briefly.

Mr. SUMNER. This bill is not reported from the Committee on Foreign Relations. It comes from the Committee on Commerce. But I do know something about the case.

Mr. POMEROY. I hope the Senator will explain it.

Mr. SUMNER. What I know is this: Mr. Helper was our consul——

Mr. THAYER. I do not object to the consideration of the bill, but I object to the reading of that report.

Mr. SUMNER. The Senator is mistaken; it is a petition.

Mr. THAYER. I beg pardon; I should have said "memorial."

Mr. SUMNER. Mr. Helper was for some time the consul of the United States at Buenos Ayres, and while there he received considerable fees, which were paid into the Treasury of the United States; but his salary was not adequate to his support. He ran in debt, and is now very much embarrassed by the obligations which he incurred while in the discharge of his duties as consul of the United States; and he now comes before us and asks relief. He would like the largest possible relief. The relief proposed by the committee, as I understand, is to authorize the Department to audit his accounts, and should any balance be found due him equitably to pay it, I presume out of the surplus fees.

Mr. SPENCER. To give him credit for it.

Mr. SUMNER. To give him credit for it. Now the fact is Mr. Helper was out of pocket there. I understand that he was an excellent consul. Many of us remember him in another relation of a political character. We all know a work of his that had at the time great celebrity. But I believe he made an excellent consul, and I think he deserves, as he also needs, some additional allowance.

Mr. BUCKINGHAM. I think I can state the ground on which the Committee on Commerce make the report in this case. Mr. Helper was our consul at Buenos Ayres. He reported to the State Department that he was unable to sustain himself in that position upon the salary he received. He sent his resignation to the Department, and requested them to accept it unless his salary could be raised. That resignation was not accepted. He did not desert his post; he maintained his position; he discharged all the duties of his position, and then repeated the tender of his resignation, which was not accepted. He still performed the duties of his office, and was not relieved, as the Committee on Commerce thought he ought to have been, at the time he tendered his resignation. They therefore thought he was entitled to some consideration, and this is the least that could be granted.

Mr. TRUMBULL. I should like to inquire if this bill could not be made general? I have had several letters myself from consuls who have told me that their pay was inadequate. The chairman of the Committee on Commerce and the chairman of the Committee on Foreign Relations, I presume, have also received such letters.

Mr. SUMNER. I have received a great many.

Mr. TRUMBULL. If we could make this bill general, so as to pay all consuls and ministers a sufficient sum to enable them to hold their positions, it might save this special legislation. I move to amend this bill by adding "and that the accounts of all other consuls be settled upon the same principle."

Mr. BUCKINGHAM. This bill is not based upon the ground that a man is entitled to more salary because he spends more than his income, but simply upon the ground that this gentleman tendered his resignation as consul, and after he had tendered his resignation, and a long time elapsed, he ought to have been relieved from duty.

Mr. SUMNER. I desire to repeat the remark I made a moment ago, as the Senator from Illinois rather appealed to me, that this bill does not come from the Committee on Foreign Relations, and that my acquaintance with it is only incidental; but I am bound to testify that in my judgment Mr. Helper was a good and meritorious officer, and that he does deserve some addition to his compensation—that he did not receive enough. And here allow me to add that during this session I received a communication from our minister at Buenos Ayres, Mr. Kirk, expressly testifying to the services of Mr. Helper, and that in his judgment he was entitled to what I would call back pay; in short, he ought to receive an additional allowance from Congress. I laid that communication before the Committee on Foreign Relations, but the subject had not been referred to us, and therefore we took no action upon it. This bill comes from the Committee on Commerce, who I doubt not have considered it. I hope it will not be embarrassed by the proposition of the Senator from Illinois, for in my judgment the case of Mr. Helper is peculiar; to use a term which I have heard a good deal on the floor lately, it is *sui generis*. I do not think there is any case precisely like it. At any rate, I am sure it is a meritorious case, and therefore we cannot err if we make an allowance.

Mr. CHANDLER. The Senator from Connecticut has stated the case precisely as it stood before the committee. The bill was reported solely upon the ground that Mr. Helper had tendered his resignation years before it was accepted; that he remained at his post and performed the duties of the office, expecting an advance in his salary or the acceptance of his resignation. If the amendment of the Senator from Illinois should be adopted there would be no end of that class of claims, for I think there is not a consul abroad who does not consider his salary inadequate. I have never heard of one who did not think he ought to have an increase. Each consul believes that the whole dignity of this great Government is upon him, and it costs an immense amount of money to support so much dignity. [Laughter.] They are all miserably paid according to their own ideas.

Mr. TRUMBULL. I happen to know a little about this consulate at Buenos Ayres. I recollect that we had the subject up a year ago, and at that time I understood that the then consul was the only one who had ever returned a surplus of fees, although it seems to be stated now that Mr. Helper returned a surplus. It was stated, I recollect, at that time that the then consul was the first consul who had returned a surplus; and the salary, I think, was slightly raised. I have been informed that at Buenos Ayres the compensation of the consul is inadequate, perhaps more so than at other places. I think that the bill ought to embrace at least the successor of Mr. Helper as well as Mr. Helper himself. I do not know whether the gentleman to whom I refer was the immediate successor of Mr. Helper or not; but the consul who has been there within the last two or three years was broken up by being there. He did not get as much compensation as his expenses amounted to. Why not let this bill, if there is objection to including all consuls, embrace Mr. Helper and his successors at that port? Is there any objection to that?

Mr. CHANDLER. In the new consular bill that I have reported and expect to pass at this session we increase the salary of the consul at Buenos Ayres.

Mr. TRUMBULL. That would not help Mr. Helper's successor, who has already gone out of office. I know the consul at Buenos Ayres at one time was Mr. Hollister, a gentleman from Illinois, and it was stated here a year ago, when there was some discussion of his case, that he had returned to the Government a large amount of fees.

Mr. SUMNER. Has he made any application for an addition?

Mr. TRUMBULL. He did make application last year. I do not know that there is any pending application now. He did make application last year, and it was in connection with that the discussion arose. I would inquire of the Senator from Michigan if he has any objection to an amendment that will embrace Mr. Hollister's case?

Mr. CHANDLER. I think each case had better stand on its merits. If Mr. Helper's successor has a just claim, or a similar claim, he can present it. I should dislike to see any general legislation which would bring the whole consular system on our shoulders.

The PRESIDING OFFICER. Does the Senator from Illinois propose an amendment?

Mr. TRUMBULL. I will not persist in the amendment if the Senator objects to it. I think it would be just in reference to Mr. Hollister, from what I know of the case, that he should be put on the same footing with Mr. Helper; I will not offer an amendment if Senators object.

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

SERVICES IN TAKING CENSUS OF 1860.

Mr. SAWYER. I have prepared an amendment to Senate bill No. 99 which I think will

meet the approbation of the Senator from Massachusetts.

The VICE PRESIDENT. If there be no objection the Senate will resume the consideration of the bill (S. No. 99) to pay loyal citizens in the States lately in rebellion for services in taking the United States census of 1860, which was passed over informally, and the Senator from South Carolina offers an amendment, which will be read.

The SECRETARY. The amendment is to strike out after the word "claimant," in the thirteenth line, the words "who participated in the late rebellion or gave to it aid or comfort," and to insert:

Until he shall have taken and subscribed the following oath: I, A B, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise, the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto. And I do further swear (or affirm) that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion.

Mr. CONKLING. Who is to take that oath?

Mr. SAWYER. The claimant under this bill, before the claim is paid.

Mr. CONKLING. By the claimant shall we understand the man who performed the service or some attorney who may represent perhaps one hundred claims? I suggest that if the Senator wants to make this effective he ought to provide that this oath shall be taken by the original claimant, by the person who insists that he performed the service, and also by the present owner of the claim, if it has changed hands.

Mr. SAWYER. I ask the Senator from New York if he intends to insist upon it that the son of a claimant who may perhaps have succeeded to and inherited his right shall take the oath that his father was loyal, or where the father has died would he cut off all right on the part of the son?

Mr. CONKLING. I do not mean to say that. I only mean to call attention to the fact that the provision now offered, as I understand it, would be so obviously the subject of evasion that it would be hardly worth adopting; for all any man need do is to make me or somebody who could take the oath the claimant and the whole thing is solved, albeit he was disloyal from his head to his feet. If it is worth while to do it at all I submit that it should be so adjusted that the original party, if he claims, should take this oath; and if he does not claim some person who once represented or does now represent the claim should take the oath. Otherwise it need not be taken in a single instance, unless the claimant so chooses, and yet every claim be passed.

Mr. WARNER. The provision suggested by the Senator from New York would not meet the difficulty, because it is always possible to assign the claim to some one who was loyal. Some loyal man might be found to whom the claim could be assigned.

Mr. SAWYER. I beg the attention of the Senator from New York to the remark of the Senator from Alabama, who suggests that it will be always possible to assign a claim to some one who was loyal and who could take the oath. I submit that while I have no objection to making the original claimant furnish proof that he was a loyal man, it does not seem to me fitting to make everybody who may derive from him a right to this compensation to prove the same thing.

Mr. CONKLING. But, if the honorable Senator will allow me, I wish to suggest, as the Senator from Alabama suggested, that every claim may be put in the hands of a loyal claimant, and then, under this provision, the loyal claimant is to take the oath, and it would be entirely impotent as a provision that the original claimant should do any such thing. That is the point of my objection. Therefore, I propose to the Senator that if he means the original claimant he should say "the person alleged to have performed the service." If he means the present claimant merely, any assignee who may represent the claim, that, as he puts it now, would really mean nobody upon whom it would necessarily take any effect.

Mr. SAWYER. Suppose we insert the word "original."

Mr. CONKLING. Why not say "the person alleged to have performed the service?"

Mr. WARNER. I would suggest, to meet the view of the Senator from New York and also of the Senator from Massachusetts, that the bill be so amended as to provide that payment should only be made upon proof of the loyalty of the person who performed the service.

Mr. SAWYER. That is just what the bill provided for before the amendment was offered.

Mr. WARNER. Without providing the specific oath or method of proof, because that could only be taken by the claimant in case he were living; and in the case of the death of the person who performed the service there must, of course, be some other method of proof; and I think that should be left to the accounting officers of the Treasury.

Mr. STOCKTON. I should like to ask the Senator from South Carolina a question. Do I understand that this bill applies to claims that arose before the rebellion? Do I understand that the bill proposes to repudiate the debt of the United States to those who cannot take that oath?

Mr. SAWYER. Apparently.

Mr. STOCKTON. I object to it out of respect to the honor of this country. Are we to take advantage of such a circumstance to repudiate an honest debt?

Mr. SAWYER. I do not understand that the bill repudiates the claim of anybody. It simply indorses the claim of somebody.

Mr. STOCKTON. Cannot a loyal man go and buy all of these claims at five per cent. and get them paid in full under the bill?

Mr. SAWYER. Not under the bill as originally drawn. The bill as originally drawn has this proviso:

Provided, That no part of any such balance shall be paid to or on account of any claimant who participated in the late rebellion, or gave it aid or comfort.

That proviso seems to me yet, notwithstanding the demand to have it amended in some way, to completely fulfill the purpose of the bill and the purpose designed to be sought by the Senator from Massachusetts and the Senator from New York; because I hold that the accounting officers would demand that there should be proof, proper proof, convincing proof of the loyalty of the original claimant under the bill as it stood originally. I doubt whether it can be put in better form.

Mr. HOWE. I want to hear the amendment read.

Mr. STOCKTON. I object to the further consideration of this bill.

The PRESIDING OFFICER. The bill being objected to, goes over.

PACIFIC AND GREAT EASTERN RAILWAY.

The next bill on the Calendar was the bill (S. No. 483) granting lands and the right of way in Missouri and Arkansas to aid in the construction of a railroad and telegraph line along or near the thirty-sixth parallel of north latitude, from the Mississippi river to the Arkansas river; which was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with amendments.

The first amendment was in section one, line nine, after the word "point," to strike out "in the Indian territory on the line of the Atlantic and Pacific railroad as hereafter to be located" and in lieu thereof to insert "on the western boundary of said State on or near the Illinois river;" so as to read:

That to aid in the construction of a railroad and telegraph line from a point on the west bank of the Mississippi river, at or near the town of Cottonwood Point, in the county of Pemiscott, and State of Missouri, in a westerly direction along or near the thirty-sixth parallel of north latitude, by the most eligible railroad route as shall be determined by said company, through the State of Arkansas, to a point on the western boundary of said State, on or near the Illinois river, at or near which said line crosses, or shall cross the Arkansas river, there is hereby granted to the Pacific and Great Eastern Railway Company, a corporation organized under and by virtue of the laws of the State of Arkansas, the right of way through any public lands in the States of Missouri, Arkansas, and the Indian territory, for the construction of said railroad and telegraph line; and the right, power, and authority is hereby given to the said company to take from public lands adjacent to the line of said railroad earth, stone, and other materials for the construction thereof. Said right of way is granted to said company to the extent of one hundred feet wide where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, stock-yards, and water-stations.

Mr. POMEROY. I move to amend the amendment by adding "and to a junction with the Kansas, Missouri, and Texas Railroad Company." There is a road now being built on the line; it may be some little distance from the line, and so I say "to a junction with the Kansas, Missouri, and Texas Railroad Company."

Mr. WARNER. Will that go into the Indian territory?

Mr. POMEROY. It will.

Mr. WARNER. The policy of the committee was to strike out all relating to the Indian territory.

Mr. POMEROY. Yes; but this company should have a right to connect with a railroad that is very near the line if it is not on the line.

Mr. HARRIS. I think this bill had better go over.

Mr. POMEROY. I will withdraw my amendment if it is desired. I do not care anything about the amendment.

Mr. FERRY. I shall object to any land in the Indian territory being granted.

Mr. POMEROY. The bill does not give any.

Mr. FERRY. The bill does.

Mr. POMEROY. We have struck out all the land grant. There is nothing but the right of way in the Indian territory.

The PRESIDING OFFICER. The Senator from Louisiana objects to the further consideration of this bill.

Mr. POMEROY. I will withdraw the amendment. I do not care anything about it.

The PRESIDING OFFICER. Does the Senator from Louisiana object to the consideration of the bill?

Mr. HARRIS. I withdraw the objection.

Mr. POMEROY. If any one has any objection to the amendment I withdraw it.

Mr. FERRY. I prefer that it should be withdrawn.

Mr. WILSON. Does not this grant any land in the Indian territory?

Mr. POMEROY. Not an acre. It grants the right of way, provided the Indians choose to sell it.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Public Lands.

The amendment was agreed to.

The next amendment of the committee was in section one, line seventeen, after the word "Arkansas," to strike out "and the Indian territory."

The amendment was agreed to.

The next amendment was to insert at the end of the first section the words "not exceeding forty acres at any one place."

The amendment was agreed to.

The next amendment was in section three, line eight, to insert the word "or" between the words "Missouri" and "Arkansas;" and

to strike out after the word "Arkansas" the words "or the Indian territory;" and also to strike out the proviso at the end of the section, in the following words:

Provided, That the United States shall extinguish as rapidly as may be consistent with public policy and the welfare of the Indians, and only by their voluntary cession, the Indian title to all lands falling under the operation of this act: *Provided*, That nothing in this act shall give to said company the right to any of the lands within the Indian territory until the extinguishment of the Indian title thereto, and only in accordance with the terms and stipulations then agreed upon between the United States, the Indians, and said company: *Provided, however*, That said company may arrange with the Indian tribe or tribes through whose lands or reservations said line of railway may pass for the right of way to the extent of one hundred feet in width through such lands or reservations, and for the necessary grounds for stations, side-tracks, and workshops.

The amendment was agreed to.

The next amendment of the committee was in section four, line seven, after the word "persons," to strike out the words "or by any Indian tribe or nation through whose lands or reservation the railway herein provided for may pass."

The amendment was agreed to.

The next amendment was to strike out the proviso at the end of section four, in the following words:

Provided, That any such grant or donation, power, aid, or assistance from any Indian tribe or nation shall be subject to the approval of the President of the United States.

The amendment was agreed to.

The next amendment was to strike out section five, as follows:

SEC. 5. *And be it further enacted*, That the said alternate sections of land granted by this act, excepting only such as are necessary for the company to reserve for depots, stations, side-tracks, wood yards, stock yards, standing ground, and other needful uses in operating the road, shall be sold by the company to actual settlers, in quantities not exceeding one hundred and sixty acres, or a quarter section, to any one settler, at prices not exceeding five dollars per acre; and to settlers having valid preemption rights at the time of the passage of this act, (provided the same shall not thereafter be forfeited by non-compliance with the provisions of this act,) at $1 25 per acre: *Provided*, That all lands herein granted to said company, and remaining unsold at the expiration of three years after the completion of said road, may be sold to purchasers upon such terms as the said company may determine.

The amendment was agreed to.

The next amendment was in section six, line five, after the word "Arkansas" to strike out the words "or the Indian territory."

The amendment was agreed to.

The next amendment was in section six, line eight, after the word "manner" to insert "and when such certificate shall be supported by the certificate of the surveyor general of Missouri and Arkansas."

The amendment was agreed to.

The next amendment was in section nine, to strike out the letter "s" at the end of the word "lines," and insert after the word "line" the words "its road;" and in line four to strike out the words "each other" after "intersect;" so that the section will read:

That it shall be the duty of said Pacific and Great Eastern Railway Company, and any other railroad company whose line its road may cross or intersect, to form running connections with each other on fair and equitable terms.

The amendment was agreed to.

The next amendment was in section ten, line six, to strike out "two years" and insert "one year;" in line eight to strike out "fifty" and insert "twenty" before the word "miles," and to strike out the word "third" before "year" where it twice occurs and insert "first;" so that, as amended, the section will read:

That each and every grant, right and privilege herein expressed are so made and given to and accepted by said Pacific and Great Eastern Railway Company, upon and subject to the following conditions, namely: that the said company shall commence the work on said road within one year from the approval of this act by the President, and shall complete not less than twenty miles per year after the first year, and shall construct, equip, furnish, and complete the main line of the whole road by the 4th day of July, A. D. 1878.

The amendment was agreed to.

The next amendment was to strike out the proviso at the end of the section, in the following words:

Provided, That if the said company make any breach of the condition hereof, and allow the same to continue for upward of one year, then in such case, at any time hereafter, the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

The amendment was agreed to.

The next amendment was to insert as an additional section:

And be it further enacted, That the sections and part of sections of land which by such grants shall remain to the United States within ten miles on each side of said road shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder at or above the increased minimum price as aforesaid: *Provided*, That actual and *bona fide* settlers under the provisions of the preëmption and homestead laws of the United States may, after due proof of settlement, improvement, cultivation, and occupation, as now provided by law, purchase the same at the increased minimum price aforesaid: *Provided, also*, That settlers on any reserved sections under the provisions of the homestead law who occupy, improve, and cultivate the same for a period of five years, and comply with the several conditions and requirements of said act, shall be entitled to an amount not exceeding eighty acres each.

The amendment was agreed to.

Mr. HARLAN. I move that this bill be passed over informally, and printed as amended.

The PRESIDING OFFICER. That order will be entered if there be no objection. The Chair hears no objection.

OFFICERS-ELECT IN TEXAS.

Mr. FLANAGAN. I ask the indulgence of the Senate to take up House bill No. 1912, to extend the time of taking the oath by officers elected in Texas thirty days from the 30th of April, 1870. It will explain itself. It is a very important matter. I hope the Senate will indulge me by taking it up.

There being no objection, the bill (H. R. No. 1912) to extend the time within which persons elected to office may take the oath of office prescribed in an act entitled "An act to admit the State of Texas to representation in the Congress of the United States," approved March 30, 1870, was read three times and passed. It provides that all persons duly elected to office in the State of Texas, and holding the proper certificate of such election, shall have thirty days from April 30, 1870, within which to take, subscribe, and file the oath of office prescribed by the act of Congress approved March 30, 1870, for the admission of the State of Texas to representation in the Congress of the United States.

L. L. MERRY.

Mr. CONKLING. The other day, during my absence—the second absence only which has occurred from the city of Washington during the sessions of Congress in all the years I have served here—there was called up a bill relating to a transaction which occurred in the immediate locality in which I live, and which some of my neighbors think would not have been objected to had I been here to bear a word of testimony as to the facts in the case. I refer to the bill to enable Laurence L. Merry, lately a collector of internal revenue, to adjust his accounts with the Treasury Department. The difficulty grows out of an occurrence in the little hamlet in which he lives, the village of Ilion. There occurred some time ago, on the date stated in the report, a burglary, which produced a profound sensation there, being a very extraordinary thing. Not only the post office, but the bank in the place and the office of the express company were entered, the safe blown open by burglars, and a very extensive robbery committed. Among the things stolen were certain stamps lodged in the hands of this collector, and certain stamps lodged in the hands of another party, which stamps, pursuant to his duty, he had carried in part to the bank, as far as he could do so, reserving only those he must have in use after bank hours. Those he deposited on the night in question, as he ought to have done, in the safe of the American Express Company, which safe was blown up, as I said, rifled of its contents, and among other things of these stamps; he being a sufferer in his own right, as I understand, as to his own property. These stamps having been taken, the facts being conceded, within the practice of the Government, which has been uniform, relief would be given. I have here a report, a very brief report, made by the Senator from Oregon, [Mr. WILLIAMS,] from the Committee on Finance, which I beg to have read, thinking that some Senator may desire it, and then I hope there may be no objection to the consideration of this bill.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to proceed to the consideration of the bill named by him.

Mr. HAMLIN. I want to say one word. I think the bill ought to be considered and passed; but if it be, then I think there is another class of bills precisely of the same character that ought also to pass. They were both objected to the other day. I will interpose no objection now to this; but if this bill shall pass I shall ask that the other bills shall also be considered; and the Senate certainly ought to consider both if either.

Mr. EDMUNDS. I shall object to all the others.

Mr. HAMLIN. The cases are precisely alike; they come out of the same safe, and are connected with the same transaction, and you cannot draw a distinction between them. If the Senator from Vermont objects against the postmaster I must object against this bill.

Mr. CONKLING. I ask the Senator to hear me one moment.

Mr. HAMLIN. I will.

Mr. CONKLING. Can my honorable friend find nothing to distinguish this case in the circumstance that on the occasion when it was called up the member of this body who alone by reason of locality could know the facts was absent, and the supposition is that the claimant suffered in consequence of his absence? Now, I beg to say to the honorable Senator that there is no other bill relating to this transaction save one. There is a bill which I admit is the fellow of this precisely in reference to the postmaster, there having been sent to him from Philadelphia by the order of the Government $1,100 worth of stamps, if that was the amount, which stamps were stolen from his office on the same night, as part of the same burglary. It was really one transaction; and I assume that one bill being considered, for convenience' sake, no Senator would wish to reserve the other bill for a separate consideration. The facts are identical. One ought not to pass unless both do. I hope my honorable friend from Maine will allow the two bills, although they are technically two, to be considered, because one would necessarily follow the other.

Mr. POMEROY. If both can be considered I will not object. I am on the Committee on Post Offices and Post Roads. If one is to be considered, and not the other, I do object.

Mr. CONKLING. That will not be, because the facts are identical.

Mr. THAYER. It will take but a few minutes to pass both bills. I hope they will be taken up.

The PRESIDING OFFICER. The Chair hears no objection to the consideration of the bill. The report will be read.

Mr. CONKLING. I do not think it need be read. I am safe in saying that the occurrence was so notorious and so near to me that there can be no doubt that a gang of professional burglars passed by there and succeeded

in a very extraordinary robbery. The honorable Senator from Maine tells me that he investigated it and was satisfied with it, and the Senator from Oregon [Mr. WILLIAMS] assures me of the same thing. One bill is on top of page 8 of the Calendar, being House bill No. 272, and the other is House bill No. 886, at the bottom of page 6.

Mr. EDMUNDS. I have not objected to my friend from New York having this bill taken up, because he stated that he was absent when it was reached, and if here might have explained it in such a way that we should be willing to pass it by unanimous consent. But it seems to me that it involves the same principle, though the facts may differ, as the brood of bills on the Calendar providing for reimbursing public officers who say they have lost money, and probably have in most instances, while in charge of it. I have great doubt as to the propriety of passing a bill of that character in any case. I do not say that I should not vote for this case if it were to be considered; but inasmuch as the whole subject will involve some time in its consideration, and will determine what we are to do in the thousands of cases that will multiply hereafter, it seems to me we ought to go on with the Calendar under the understanding we have had, acting only on those cases to which there is no serious objection. I think we had better go on, because I perceive that I cannot distinguish and suffer this bill to pass by unanimous consent without involving myself in the obligation to suffer the bills of the Senator from Minnesota for all the postmasters to pass by unanimous consent.

Mr. CONKLING. I beg to make two suggestions. In the first place, this is not the case of an officer who was the custodian of funds. On the contrary, it is the case of a man who was the custodian of property, and in point of ethics and morals he was a bailee for hire, and nothing else; and when he had acquitted himself of every duty that devolved upon him, and by unavoidable accident his safe was rifled of this property, he stands acquit, I submit, in every regard which can be considered as a moral question. In the next place, the honorable Senator from Vermont did not object in the first instance, and if he will allow me I should like to appeal from "Philip drunk to Philip sober" in that regard, and ask him to stand by his original good-nature, which prevented him from objecting, on this occasion and let the bill be considered. I submit to the honorable Senator that it is not like bills touching postmasters and persons having charge of funds. It is not that case; and I hope he will find that distinction broad enough to quiet his conscience, if indeed his conscience impels him to object to this, and let the question be considered.

Mr. EDMUNDS. I think the bill had better go over, as it involves the whole question.

The PRESIDING OFFICER. The Senator from Vermont objects.

SERVICES IN TAKING CENSUS OF 1860.

Mr. SAWYER. Will the Senator from New Jersey be good enough to withdraw his objection to Senate bill No. 99? I desire to withdraw the amendment which I offered and send a substitute to the Chair.

The PRESIDING OFFICER. Is there any objection to resuming the consideration of the bill (S. No. 99) to pay loyal citizens in the States lately in rebellion for services in taking the United States census of 1860, which was passed over informally? The Chair hears none. The bill is before the Senate as in Committee of the Whole.

Mr. SAWYER. I move to amend the bill by striking out the proviso and in lieu thereof inserting:

Provided, That no money shall be paid on account of any such claim until proof satisfactory to the Secretary of the Interior of the loyalty to the United States throughout the late rebellion of the person by whom said service is alleged to have been performed shall have been furnished, among which proofs shall be the oath of the person alleged to have performed said service, if such person be living.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

COURTS IN MISSISSIPPI.

The next bill on the Calendar was the bill (S. No. 390) to change the place of holding the courts of the United States for the northern district of Mississippi. The bill provides that the district courts of the United States for the northern district of Mississippi, now required to be held at Oxford, shall hereafter be held at the city of Corinth.

The Committee on the Judiciary reported the bill with an amendment, to strike out the word "Corinth," in line five, and to insert "Holly Springs," and to add at the end of the bill:

And no recognizance, writ, process, order, or notice now returnable in said court at Oxford shall be affected by said change, but shall be deemed returnable at Holly Springs.

Mr. TRUMBULL. Since that bill was reported the Senators from Mississippi have desired to have it changed so as to consolidate two districts. There are two judicial districts now in the State of Mississippi, and they desire to consolidate them. There is but one judge. I have not the amendment prepared, and I ask that the bill be passed over informally until I can prepare an amendment.

The PRESIDING OFFICER. The bill will be passed over informally, there being no objection. The next bill in the order of business will be read.

POSTAGE.

The next bill on the Calendar was the bill (S. No. 793) to simplify and reduce the rate of postage, to abolish the franking system, to limit the cost of carrying the mail, and to regulate the payment of postage.

Mr. SUMNER. I suppose the Senate is not ready to proceed with that now, and it had better be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SUMNER. I propose to move that bill as a substitute for the famous bill of my friend, the Senator from Minnesota.

Mr. CONKLING. Why not take it up now and let the Senator from Minnesota move that bill as a substitute for this?

Mr. RAMSEY. The bill referred to is a special order, and comes up as soon as the Calendar is through.

REMOVAL OF DISABILITIES.

The next bill on the Calendar was the bill (S. No. 794) to relieve certain persons therein named from the legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States, and for other purposes.

Mr. ROBERTSON. I move that that bill be recommitted to the select Committee on the Removal of Political Disabilities for the purpose of making some amendments.

The motion was agreed to.

RAILROAD LAND GRANTS.

The next bill on the Calendar was the bill (S. No. 275) granting lands to aid in the construction of a railroad and telegraph line from Columbia river to Great Salt Lake.

Mr. COLE. That had better go over.

The PRESIDING OFFICER. The bill will be passed over.

The next bill on the Calendar was the bill (S. No. 477) to amend an act entitled "An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," approved May 12, 1864; and to grant lands to aid in the construction of a railroad from O'Brien county, Iowa, to the Missouri river.

Mr. WILSON. That had better be passed over.

The PRESIDING OFFICER. The bill will be passed over.

LOUISIANA PROVISIONAL COURT.

The next business on the Calendar was the joint resolution (H. R. No. 196) for the relief of J. Edwards Clarke, and the heirs and legal representatives of John T. Peabody, deceased; which was considered as in Committee of the Whole.

The Committee on the Judiciary reported the joint resolution with an amendment: in line seven to strike out "$7,451" and insert "$6,101," and in line eleven to strike out "$986 64" and to insert "$403 33;" so as to make the resolution read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Edwards Clarke, late marshal of the United States provisional court of the State of Louisiana, the sum of $6,101 66; and to the heirs and legal representatives of John T. Peabody, deceased, late clerk of said court, the sum of $3,403 33, in full satisfaction for all services, claims, and expenditures of said officers, in behalf of the United States.

The amendment was agreed to.

Mr. COLE. Let the report be read.

The Secretary read the following report, submitted by Mr. STEWART, from the Committee on the Judiciary, on the 18th of April:

This claim is made by J. Edwards Clarke, and the legal representative of John T. Peabody, deceased, for salary and office expenses while serving as marshal and clerk, respectively, of the United States provisional court of Louisiana.

By order of the President of October 20, 1862, the court was constituted and the judge appointed. The same order authorized the judge, among other things, to appoint a marshal and clerk, and named the salary of each.

The judge resigned in December, 1865; and no successor was appointed, but the marshal and clerk continued in the discharge of their duties, and in charge of the records and property, until November 24, 1866, when it would seem, from a receipt furnished, that everything was turned over to the United States district court of the eastern district of Louisiana, in pursuance of the third section of the act of Congress approved July 28, 1866.

This section expressly recognizes the legality of the provisional court by declaring that its judgments and decrees should be binding upon the district and circuit courts.

Up to the time the judge resigned the expenses of the court were paid out of the contingent fund of the War Department, on the certificate of the judge, in pursuance of the executive order establishing the court.

The claim was filed in the War Department, and the board of claims, after causing an investigation to be made by the officers of the War Department at New Orleans, held that the claim was just and should be allowed, but that there was no appropriation then under the control of the Department from which it could be paid.

General Schofield, Secretary of War, approved this report, and transmitted it to the House of Representatives, recommending that an appropriation be made.

Recently, in the case of the bark Grapeshot, the Supreme Court of the United States unanimously held that the provisional court of Louisiana was legally established, and that its adjudications were valid.

Receipts and affidavits are furnished, showing that the expenses actually occurred.

The fact that the judge resigned is no reason why the other officers should be deprived of their pay while continuing in the discharge of their duties; neither did that resignation abolish the court itself.

But the proclamation of the President of April 2, 1866, declared the insurrection in Louisiana at an end, and the act of July 28, 1866, abolished the provisional court of Louisiana and provided for a transfer of its records to the United States courts.

It is believed that one month was sufficient time for a promulgation of the act abolishing the court and for effecting an actual transfer of the records and closing the office. The salary of the claimants should therefore be computed only to August 31, 1868, and it is recommended that the House resolution No. 196 be amended accordingly.

Mr. HOWE. This claim was once before the Committee on Claims of the Senate, and that committee reported adversely to it. Since that time it seems to have passed the House of Representatives and been referred to our Committee on the Judiciary, and that committee made the report which has just been read. Another fact has transpired since the Committee on Claims made their report, and that is, it is said that there has been a decision of the

Supreme Court of the United States affirming the legality of that provisional court in Louisiana. I have not seen that decision.

Mr. STEWART. That is the fact.

Mr. TRUMBULL. We had the decision.

Mr. HOWE. I am not controverting the statement that there has been such a decision made. I have not seen it. I do not know upon what grounds it is based. But whether that court was valid or not seems to me to be an unimportant consideration in determining the validity of this claim. The order of the President appointed a provisional judge there in Louisiana, as I understand, and he authorized, or undertook to authorize, that judge to appoint certain officers, such as a marshal and a clerk, and to fix their salaries. They undertook to pay these officers out of the incidental fund of the War Department. For a certain time that court, so constituted, continued to do business, pronounced judgments, I suppose, and perhaps executed those judgments; but the time came when the judge resigned. The only authority in the world who could confer or who did confer any authority on this clerk and marshal resigned that authority. There was then no longer a provisional court; but these officers seem to have thought they were called upon to hold on to their offices, and they did hold on to their offices, they say. What single duty there was for them to perform I cannot conceive. Not a writ could issue, and therefore I do not know what the marshal could do; and if no writ could issue, or no term of the court could be held, I do not know what the clerk could do. The only reason I have heard assigned for their holding on to their offices was to take care of their records. One would suppose that the records of a provisional court could have been taken care of at less expense than that provided for in this bill. But the bill not only provides for paying these officers from the time the judge resigned up to the time the law passed transferring these records from their custody, but it provides for paying them for a month thereafter, I think.

Mr. POMEROY. I guess you had better object to it, and stop the debate.

Mr. HOWE. You can object if you wish.

Mr. POMEROY. On your statement I shall feel bound to object.

Mr. HOWE. Very well; if you object, let it go over.

Mr. POMEROY. On the statement of the Senator from Wisconsin this bill certainly ought not to pass. I know nothing about it except from his statement; but upon that statement of the case I should object to the bill.

The VICE PRESIDENT. The Senator from Kansas desires the bill to be passed over.

Mr. STEWART. I think it had better be acted on and disposed of now.

Mr. TRUMBULL. It will take no more time now than at any other period.

The VICE PRESIDENT. Does the Senator from Kansas withdraw his objection?

Mr. POMEROY. If the statement of the Senator from Wisconsin is admitted to be a correct statement of the facts, I object to the bill.

Mr. TRUMBULL. But we may as well dispose of it now one way or the other.

Mr. FENTON. I hope my friend from Kansas will withdraw his objection and let us vote on the bill now.

Mr. POMEROY. If there is to be no further debate upon it, and Senators will agree to take a vote, I am willing that the vote shall be taken.

Mr. FENTON. There will be no debate. Let us have a vote.

The VICE PRESIDENT. If no amendment be offered the bill will be reported to the Senate.

Mr. HOWE. Do I understand that the Senator from Kansas has withdrawn his objection?

Mr. FERRY. I object.

The VICE PRESIDENT. The Senator from Connecticut objects, and the bill will be passed over.

CREDITS TO PRISONERS FOR GOOD BEHAVIOR.

The next bill on the Calendar was the bill (S. No. 554) to regulate credits to prisoners for good behavior; which was considered as in Committee of the Whole. The bill provides that prisoners who are now or who may hereafter be confined in prisons of any of the States, as punishment for crimes of which they have been convicted and sentenced by courts of the United States, shall hereafter be entitled to the same system of credits for good behavior as other prisoners confined in the same prison.

The Committee on the Judiciary reported the bill with an amendment, to insert at the end of the bill the following:

And hereafter the act approved March 2, 1867, entitled "An act in relation to persons imprisoned under sentence for offenses against the United States," shall only apply to such persons as are confined in prisons where no credits for good behavior are allowed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

SUPREME AND CIRCUIT JUDGES.

The next bill on the Calendar was the bill (S. No. 521) to increase the number of judges of the Supreme and circuit courts of the United States, and to establish the boundaries of the judicial circuits; which was reported adversely from the Committee on the Judiciary.

Mr. POMEROY. I move that the bill be indefinitely postponed.

The motion was agreed to.

RATIFICATION OF FIFTEENTH AMENDMENT.

The next business on the Calendar was the joint resolution (S. R. No. 136) declaring the ratification of the fifteenth amendment to the Constitution of the United States.

The VICE PRESIDENT. This joint resolution was referred to the Committee on the Judiciary, and the committee were discharged from its further consideration.

Mr. WILLIAMS. I think it had better go over. I move that it be passed over.

The motion was agreed to.

BOUNDARIES OF LAND DISTRICTS.

The next bill on the Calendar was the bill (S. No. 742) to authorize the Secretary of the Interior to change the boundaries of land districts.

The Secretary read the bill. It proposes to empower the Secretary of the Interior to change and reëstablish the boundaries of land districts whenever in his opinion the public interests will be subserved thereby, without authority to increase the number of land offices or land districts.

Mr. EDMUNDS. I think that bill had better go over. It will involve discussion.

Mr. THAYER. I hope there will be no objection to this bill. If the Senator noticed the reading of the bill I do not think he would object to it.

Mr. EDMUNDS. I understand from the Senator from Kansas that by the present law land districts are established by act of Congress, and this bill proposes to put them all into the hands of the Secretary of the Interior, to change the boundaries and reëstablish them at his mere discretion. If that is so, it is a very questionable piece of legislation, in my opinion.

Mr. THAYER. I will state, if I may be permitted, in a very few words, the object of this bill which I introduced. It very often occurs as settlements extend that the boundaries of land districts are required to be changed, and we have been obliged to introduce a bill for each particular case. On consultation with the Commissioner of the General Land Office he thought, or rather I suggested whether it would not be well to authorize the Secretary of the Interior or the President to change them according as circumstances required. For instance, when it becomes necessary to enlarge the boundaries of a district, or modify them, we consult the Commissioner of the General Land Office, and he of course is guided a great deal by the representatives from the locality. The result was that we came to the conclusion that it was better to let him have the power to enlarge the districts or to modify them according as the wants of the settlers required, instead of being obliged to come to Congress in every particular case to pass an act to cover it.

Mr. EDMUNDS. Let the bill go over. It may be that the Senator is right, but I should like to look into it.

Mr. WILLIAMS. I will state that in regard to the State of Oregon it is provided by special enactment that the President of the United States may change the boundaries of the land districts. There certainly can be no objection to that provision. It is in the interest of economy. It does not increase the number of districts.

Mr. THAYER. And it saves legislation.

Mr. WILLIAMS. I think it is a bill that ought to pass. I shall move to amend it by inserting "President of the United States" instead of "Secretary of the Interior."

Mr. COLE. I remember that section seven of the law of 1866 concerning the mining regions, &c., authorized the Secretary of the Interior to establish at will new land districts, and I suppose that would include the power to change the boundaries of the districts.

Mr. POMEROY. We have never allowed any Secretary of the Interior to increase the number of officers. We have sometimes allowed him to change the districts.

Mr. COLE. That certainly is changing the boundaries of some out of which others are carved.

Mr. POMEROY. Under the bill he can change the boundaries if he does not establish new offices. He cannot increase the number.

Mr. THAYER. One word further——

The VICE PRESIDENT. The Chair does not yet know whether the bill is before the Senate or not.

Mr. THAYER. The Senator from Vermont does not object, I presume.

Mr. EDMUNDS. I think I ought to object, because as the bill stands I think it is conferring power on the Secretary of the Interior that ought not to be conferred upon him. I of course do not allude to the present gentleman who occupies that office, because I would trust him with any power that I would trust myself; but we are legislating for all time, my friend must know.

Mr. THAYER. In these cases you legislate upon the report of the Commissioner and of the Secretary of the Interior, and they are guided by the representations of a Senator or member from that State or district. You have to be guided by those representations. My friend would have no knowledge in regard to a land district in the State of Nebraska, its boundaries, or the necessity for a change. He would refer to the Secretary and the Commissioner, and they would consult with the Representative from that district. The object of this bill is to avoid coming here for a special bill in every particular case.

Mr. EDMUNDS. I understand the object of it; but I think it had better lie over until to-morrow, and perhaps I shall withdraw the objection then.

The VICE PRESIDENT. The Senator from Vermont desires that the bill be passed over.

Mr. THAYER. If my friend from Vermont will consent to allow it to come up to-morrow, let it be passed over informally.

Mr. WILLIAMS. I submit an amendment to go with the bill, to strike out "Secretary of the Interior" and insert "President of the United States."

Mr. THAYER. I will accept that.

Mr. POMEROY. That is the effect of the bill now. The Secretary of the Interior is only a clerk of the President.

The VICE PRESIDENT. The Senator from Oregon moves to amend the bill and the Senator from Vermont allows it to be passed over informally, as the Chair understands.

Mr. THAYER. Until he has had time to examine it.

The VICE PRESIDENT. The Senator from Vermont objects, and the bill will be passed over.

Mr. EDMUNDS. I do not object to its keeping its place on the Calendar, and when we get through with the unobjected cases, if Senators wish to consider it, it can be called up again; and I may say the same of the Post Office bills which involve some discussion. I do not wish to put them off in any adverse spirit; but we had better first go through with the cases that do not involve any debate.

The VICE PRESIDENT. This bill will be regarded as passed over informally.

MARINE HOSPITAL AT NATCHEZ.

The next bill on the Calendar was the bill (H. R. No. 1602) donating the marine hospital at Natchez, in Mississippi, to the State of Mississippi for educational purposes.

Mr. SPENCER. I move that the bill be referred to the Committee on Commerce. It properly belongs there, and should have been referred there originally.

Mr. DRAKE. I do not know that it specially belongs to the Committee on Commerce.

Mr. SPENCER. The subject of marine hospitals certainly does belong to that committee. If the marine hospital at Natchez is to be donated to Mississippi for educational purposes we have one in Alabama that we should like to have donated to us, and the Senator from Louisiana [Mr. KELLOGG] has one in his State which he would like to have donated to Louisiana for educational purposes.

Mr. DRAKE. Well, sir, if the passage of this bill so excites the cupidity of my friend from Alabama and my friend from Louisiana as to the hospitals that are situated in their States, I think perhaps the bill had better go to the Committee on Commerce.

The VICE PRESIDENT. The Chair hears no objection to that course, and the bill will be referred to the Committee on Commerce.

PREVENTION OF CRUELTY TO ANIMALS.

The next bill on the Calendar was the bill (S. No. 785) to incorporate an association for the prevention of cruelty to animals in the District of Columbia.

Mr. POMEROY. Since this bill was reported we have passed a general incorporation act, and I presume these people can organize under that act.

Mr. DRAKE. If the Senator from Kansas will allow me a moment, I will state that this is a *quasi* police regulation, which cannot be brought under the general incorporation law.

Mr. POMEROY. I will hear it read. I do not know what it is.

Mr. DRAKE. I should be glad to have it acted upon.

Mr. SUMNER. Let the bill be read.

The Secretary read the bill, and it was considered as in Committee of the Whole.

The Committee on the District of Columbia reported the bill, with amendments. The first amendment was in section five, line two, after the word "shall" to strike out the following words:

As occasion may require, aid the society, its members, or agents in the enforcement of the laws which are now or may be enacted for the protection of dumb animals.

And to insert in lieu thereof the following:

Upon application of any member of the association, arrest offending parties without a warrant, who shall be taken by such police officer before a justice of the peace for trial; and the proper evidence of such membership to a police officer shall be the exhibition of a badge or certificate of membership.

Mr. WILLIAMS. Let that be reported again.

The SECRETARY. Section five, if amended as proposed, will read as follows:

SEC. 5. *And be it further enacted*, That the police force of the District of Columbia shall, upon application of any member of the association, arrest offending parties without a warrant, who shall be taken by such police officer before a justice of the peace for trial; and the proper evidence of such membership to a police officer shall be the exhibition of a badge or certificate of membership.

Mr. WILLIAMS. I ask if that is not conferring rather an extraordinary power on an individual—to cause a man to be arrested simply on application, without any warrant? I do not know but that this is the usual legislation in reference to these organizations, and if it is of course I have nothing to say; but it strikes me that it is giving an individual a good deal of power to allow him to arrest a man without a warrant or anything of that kind.

Mr. HAMLIN. If the Senator from Oregon will listen to me for a single moment, I will state to him precisely what is within the scope of this amendment. It does propose to allow members of this society to call upon a policeman to take a man whom they find abusing an animal before a justice of the peace, and when they get him there a warrant is to be issued, precisely as policemen now arrest men and take them before a magistrate without a warrant. The necessity for it arises from the fact that before you can go and get your warrant the individual who has committed the offense has got away.

Mr. CONKLING. It seems to me that is a very reasonable and just statement; but I beg to ask the honorable Senator a question. Under the language as it stands might not a member of this society, without doing it on view at all, without seeing himself any such cruelty as the Senator refers to, go and do the very thing here provided? If so, then it overlooks a great distinction which has lasted so long in the law, that distinction which provides that a magistrate or a peace officer should arrest either upon process or upon view. Now, if this is to be done upon view alone, the person who does it being responsible for his act, I see no objection. But as I heard the language read, it struck me that any member of this society, if I went and informed him that somebody had abused an animal, or he heard it in any way, might then go without process and without his own view and cause this arrest to be made.

Mr. HOWELL. The words "upon view" might be inserted in the amendment. It was intended so.

Mr. HAMLIN. Let the words "on view" be inserted. This society is made up of clergymen and men of the highest character, who really want to carry out a benevolent purpose. None of them design to cause an arrest except upon view, and then they want the policeman to arrest the person. Let the words "on view" be inserted.

Mr. POMEROY. If this were a society to prevent the stealing of animals in the District it would be much more interesting to me. I have had several stolen.

The VICE PRESIDENT. The Senator from Maine moves to amend the amendment by adding the words "on view." If there be no objection the amendment to the amendment will be made.

Mr. CONKLING. How does it read now?

Mr. HAMLIN. Let it be read as it now stands.

The VICE PRESIDENT. If the Senator from Maine will hear it read probably there will have to be more words added. The Secretary will read the section as it stands without the proposed amendment to the amendment.

The Secretary read as follows:

That the police force of the District of Columbia shall, upon application of any member of the association, arrest offending parties without a warrant, who shall be taken by such police officer before a justice of the peace for trial; and the proper evidence of such membership to a police officer shall be the exhibition of a badge or certificate of membership.

Mr. HAMLIN. The Senator from New York [Mr. CONKLING] suggests to add after the word "association," in the sixth line, the words "who shall have viewed any violation of this act." Let those words be inserted. There is no objection to that. That is the intent of the bill.

Mr. WILLIAMS. I think "witnessed" is a better word.

Mr. HAMLIN. "Upon view" are the better words.

The VICE PRESIDENT. The amendment to the amendment will be regarded as agreed to.

The amendment, as amended, was adopted.

The VICE PRESIDENT. The next amendment will be read.

Mr. HAMLIN. The bill as originally introduced provided that one half of all the fines incurred should inure to the society for the purpose of prosecuting this work. The Committee on the District of Columbia propose to amend that and give the society the benefit of all the fines. That is the next amendment.

The VICE PRESIDENT. The Secretary will report the amendment.

The Secretary read the amendment, which was in section six, line one, to strike out the words "one half of" and to insert the word "all;" so that the section will read:

That all the fines collected through the instrumentality of the society or its agents for violations of such laws shall accrue to the benefit of said society.

The amendment was agreed to.

The next amendment was to add as an additional section the following:

SEC. 8. *And be it further enacted*, That Congress shall have power to alter, amend, or repeal this act at any time.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

CREW OF THE ONEIDA.

The next bill on the Calendar was the bill (S. No. 788) for the relief of the widows and orphans of the officers, seamen, and marines of the United States vessel of war Oneida, and for other purposes; which was considered as in Committee of the Whole. The bill provides that the widow or child or children, and in case there be no widow or child or children then the parent or parents, and if there be no parents the brothers and sisters of the officers, seamen, marines, and others in service who were lost in the United States vessel of war Oneida on the 24th of January, 1870, shall be entitled to and receive a sum equal to twelve months' sea pay of their respective deceased relations, in addition to the pay due to the deceased at the date of the loss of the vessel; and the proper accounting officers of the Treasury Department are authorized to compute the pay up to and including the 24th of January, 1870, the day upon which the vessel was sunk in Yokohama bay, Japan.

The second section directs the proper accounting officers of the Treasury to settle upon the principles of justice and equity the accounts of the officers, sailors, marines, and others, including captain's clerk, on board the Oneida, and to assume the last quarterly return of the paymaster of the vessel as the basis of computation of the subsequent credits to those on board, to the date of such loss, if there be no official evidence to the contrary.

The third section directs the proper accounting officers of the Treasury Department to settle the accounts of Thomas L. Tullock, junior, late paymaster in the Navy, who was lost in the Oneida, with all his accounts and vouchers for expenditures and payments made by him, and with all the money, stores, and supplies procured for the use of the vessel, and to allow

him a credit for whatever sum appears to be due from him on the books of the Department.

The Committee on Naval Affairs reported the bill with an amendment, to insert at the end of the first section the following proviso:

Provided, That Ensigns William E. Uhler, George K. Bower, George K. Adams, James C. Hull, and Charles A. Copp, who were lost in the said vessel, shall be considered as having been commissioned as ensigns, and entitled to pay as such from April 19, 1869, the date from which they were entitled to rank as ensigns, according to their commissions, signed by the President, but not received by them.

Mr. CRAGIN. If it is within my power to do so I propose to withdraw that amendment and offer another.

The VICE PRESIDENT. If there be no objection the Senator from New Hampshire withdraws the amendment reported by himself from the Committee on Naval Affairs. The Chair hears no objection. The Senator from New Hampshire now offers an amendment from the Committee on Naval Affairs, which will be read.

The Secretary read the amendment, which was to add to the first section the following words:

And the said accounting officers are hereby authorized, in adjusting the accounts of such of the officers who were lost on board the Oneida as were entitled by law or regulation to examination for promotion, to allow them the increased pay from the date they became entitled to examination; and the Secretary of the Navy is authorized to issue the commissions of those who were confirmed by the Senate.

The amendment was agreed to.

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

Mr. CRAGIN. I will simply state that this bill is in accordance with several precedents; for instance, the precedents in the cases of the Cumberland and the Congress, which were destroyed by the Merrimac, and some earlier cases, only varying in accordance with the circumstances. The amendment which I have offered simply proposes to allow certain officers who being absent were not examined when the rest of their class were examined, but who have been confirmed by the Senate, this winter a portion of them, a few of them since their death, increased pay from the time they became entitled to examination; and it authorizes the Secretary of the Navy to issue the commissions in two or three cases.

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

ADOLPH KUEHN.

Mr. HAMLIN. Some time since the memorial of Adolph Kuehn, praying for compensation as second lieutenant, less his pay as first sergeant, from January 18, 1865, to July 29, 1865, was referred to the Committee on Military Affairs. They considered it without the evidence which is in the War Department, and they asked to be discharged from its further consideration. I ask that the papers may be re-referred to the committee, in order that the memorialist may be enabled to furnish the committee with the evidence that is in the War Department.

The VICE PRESIDENT. The Senator from Maine asks that the papers in the case mentioned by him be re-referred to the Committee on Military Affairs. The Chair hears no objection, and it is so ordered.

JOSEPH SHELTON.

The bill (S. No. 798) granting a pension to Joseph Shelton was read the second time, and considered as in Committee of the Whole. The Secretary of the Interior is directed by the bill to place the name of Joseph Shelton, late a private in company A of the thirteenth regiment of Kansas volunteers, upon the pension-roll of the United States, at the rate of four dollars per month from the 22d of November, 1862.

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

ANNA M. HOWARD.

The next bill on the Calendar was the bill (S. No. 799) for the relief of Anna M. Howard; which was read the second time, and considered as in Committee of the Whole. The bill directs the Secretary of the Interior to pay to Anna M. Howard, mother of George W. Howard, late a private in company E in the eleventh regiment of New Jersey volunteers, arrears of pension at the rate of eight dollars per month, from the 22d of April, 1863, the date of her son's discharge, to the 12th of February, 1864, the date of his death.

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

ROSWELL M. SHURTLEFF.

The next business on the Calendar was the joint resolution (H. R. No. 208) for the relief of Roswell M. Shurtleff, of New York; which was considered as in Committee of the Whole. The joint resolution requires the proper accounting officers of the Treasury to audit and pay to Roswell M. Shurtleff, of New York city, as first lieutenant and adjutant of the naval brigade and Union coast guard, organized in May, 1861, by Colonel Washington A. Bartlett, of New York, the pay and emoluments of first lieutenant and adjutant, for military service rendered by him without having been mustered into the United States service, from May 15, 1861, to July 23, 1862, deducting therefrom the amount received by him from the United States as a prisoner of war at Richmond, Virginia.

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

J. R. CALLAHAN.

The next bill on the Calendar was the bill (S. No. 453) granting a pension to J. R. Callahan, of Chariton, Iowa; which was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. R. Callahan, of Chariton, Iowa, who was a volunteer serving with the first regiment of Ohio volunteers in the war of 1812, and to pay him a pension at the rate of eight dollars per month, to commence on the 1st of January, 1869, and to continue during his natural life.

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

AMANDA M. RITCHEY.

The next bill on the Calendar was the bill (S. No. 808) granting a pension to Amanda M. Ritchey; which was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place the name of Amanda M. Ritchey, widow of Powers Ritchey, late a contract surgeon in the United States Army, upon the pension-roll, and to pay her a pension at the rate of seventeen dollars per month from the 12th of March, 1864.

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

MARY A. FILLER.

The next bill on the Calendar was the bill (S. No. 809) granting a pension to Mary A. Filler; which was read a second time, and considered as in Committee of the Whole. The Secretary of the Interior is directed by the bill to place the name of Mary A. Filler, foster-mother of Henry Drenning, late a private in company K, of the fifty-fifth regiment of Pennsylvania volunteers, upon the pension-roll, and to pay her a pension at the rate of eight dollars per month from the 4th of March, 1870.

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

INDIAN APPROPRIATION BILL.

The next bill on the Calendar was the bill (H. R. No. 1169) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations, so called, with various Indian tribes, for the year ending June 30, 1871, and for other purposes.

Mr. POMEROY. I suppose we cannot consider that bill to-day. I ask that it be passed over.

The VICE PRESIDENT. It will be passed over.

VOYAGE TO THE ARCTIC REGIONS.

The next business on the Calendar was the joint resolution (S. R. No. 166) relative to a voyage to the Arctic regions.

The Committee on Foreign Relations reported the joint resolution with an amendment, which was to strike out the preamble and all of the original resolution, in the following words:

Whereas Captain C. F. Hall is an enterprising and experienced explorer, who has made two successful voyages in the Arctic regions, and whereas he desires, in the interest of science and for the material advantage of his country, to make a voyage of exploration and discovery under the authority and for the benefit of the United States: Therefore,

Be it resolved, &c., That the President be, and he is hereby, authorized to furnish a naval or other steamer, and, if necessary, a tender, for a voyage into the Arctic regions under the control of Captain C. F. Hall.

SEC. 2. *And be it further resolved.* That the sum of $100,000 be, and the same is hereby, appropriated out of any funds in the Treasury not otherwise appropriated by law, which sum, or so much thereof as may be requisite, shall be paid out on the order and expended under the direction of the President in proper and necessary expenses of said voyage.

And to insert in lieu thereof:

Be it resolved, &c., That the President of the United States be authorized to organize and send out one or more expeditions for Arctic explorations toward the north pole, and to appoint such person or persons as he may deem most fitted to the command thereof; to detail any officer of the public service to take part in the same, and to use any public vessel that may be suitable for the purpose; the scientific operations of the expeditions to be prescribed in accordance with the advice of the National Academy of Sciences, and that a sum of $100,000, or such part thereof as may be necessary, be hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the President.

Mr. WILLIAMS. I think that had better go over.

The VICE PRESIDENT. The bill will be passed over.

SALE OF INDIAN LANDS IN KANSAS.

The next business on the Calendar was the joint resolution (S. R. No. 177) for the sale of certain Indian lands in Kansas; which was read a second time, and considered as in Committee of the Whole. The joint resolution authorizes the Secretary of the Interior to sell and convey by patents, to be issued to the persons occupying the same, who have made settlement and improvement, as required by the preëmption laws of the United States, the lands which were allotted to certain New York Indians who removed to Kansas, and for which certificates for three hundred and twenty acres of land each were issued to the Indians on the 1st of September, 1860, on the receipt of payment in lawful money of the United States at the rate of $2 50 per acre for each tract, the payment to be made into the Treasury of the United States within one year after the passage of this resolution, in trust for, and to be paid to the Indian or Indians entitled thereto or their heirs, upon satisfactory proof of their identity; but such claims are to be established within three years after the date of the sales, and not afterward; and this resolution is not to affect the rights of any of the Indians holding certificates to any of the lands now actually occupied and resided upon by them.

The joint resolution was reported to the Senate without amendment, ordered to be

engrossed for a third reading, read the third time, and passed.

ANNULLING OF NEW MEXICAN STATUTE.

The next bill on the Calendar was the bill (S. No. 782) to annul a portion of a certain statute of the Territory of New Mexico; which was considered as in Committee of the Whole. It proposes to declare null and void the following recited portion of a statute of the Territory of New Mexico, approved February 2, 1865, namely:

"And no writ of execution shall on any account be executed on the real estate of any person if there be no mortgage made by the husband and wife owning the said property, and the mortgage must have been executed with all the formalities required by law."

Mr. WILLIAMS. I suppose that means that no execution shall issue against real property unless the judgment is recovered upon the foreclosure of a mortgage. If that is the understanding of the bill, of course I am in favor of it.

Mr. SHERMAN. That is manifestly it.

Mr. WILLIAMS. I suppose that to be the meaning of it, and therefore I do not object to it.

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

CHARLES C. M'CREARY.

The next bill on the Calendar was the bill (H. R. No. 858) for the relief of Charles C. McCreary; which was considered as in Committee of the Whole. It directs the Paymaster General of the Army to pay to Charles C. McCreary, of Indiana, the pay and emoluments of a second lieutenant of cavalry from the 1st of October, 1864, to the 16th of June, 1865, deducting therefrom the pay and emoluments received by him for that period as a sergeant of cavalry in the fourth regiment of Indiana cavalry.

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

OMAHA AND NORTHWESTERN RAILROAD.

The next bill on the Calendar was the bill (S. No. 393) to aid in the construction of the Omaha and Northwestern railroad and telegraph line from Omaha, via the mouth of Niobrara river, to Fort Berthold, Dakota Territory.

Mr. WILSON. Let that be passed over.

The VICE PRESIDENT. The bill will be passed over.

Mr. THAYER. I do not understand that the Senator from Massachusetts objects.

Mr. WILSON. I withdraw the objection. I am willing to have the bill read.

The VICE PRESIDENT. The bill will be reported, if no Senator desires it to be passed over.

The Secretary read the bill.

Mr. VICKERS. I ask that the bill be passed over.

Mr. THAYER. I ask the Senator if he will consent to allow it to be passed over informally, so that it can be called up again?

Mr. VICKERS. Yes, sir.

The VICE PRESIDENT. The bill will be passed over informally.

KENTUCKY UNIVERSITY.

The next bill on the Calendar was the bill (S. No. 818) for the relief of the Kentucky University.

The Secretary read the bill. It authorizes the Treasurer of the United States to pay to the Kentucky University the sum of $25,000 in full compensation for all claim which could be made by that university, or by Transylvania University, to whose rights it has succeeded, for the occupation of their buildings at Lexington, Kentucky, as a general hospital for United States soldiers, and for all damages and injury caused to the buildings and the grounds adjacent, and to the museums and personal property of the university; but before this sum shall be paid a release in full of all claims against the Government of all rents and damages that might or could be claimed by the Kentucky University, or by Transylvania University, is to be executed in due form by the proper officers of the university, and deposited with the Treasurer along with the receipt for the sum hereby appropriated.

Mr. SUMNER. Is there a report accompanying the bill?

The VICE PRESIDENT. There is a report.

Mr. SUMNER. Let us hear it.

The Secretary read the following report submitted by Mr. SCOTT, from the Committee on Claims, on the 20th of April last:

The Committee on Claims, to whom were referred the petition and supplemental petition of the regent and curators of Kentucky University, asking compensation for the value of the medical hall destroyed by fire while occupied by the Government as a general hospital; also, for damages sustained by the removal of the museum and by the detailed injuries suffered by other property and grounds, and for rent of the same, have had the same under consideration, and submit the following report:

By virtue of an order issued in December, 1862, by General Q. A. Gillmore, then commanding the district of central Kentucky, the medical college situate at Lexington, Kentucky, the property of Transylvania University, was occupied by the United States authorities as a general hospital. The medical college was not at that time conducting its operations, but the building contained a medical library, museum of anatomy and natural history, chemical apparatus, and all the fixtures of a medical school. There were large numbers of sick and wounded soldiers to be accommodated, and to meet the exigency the museum, apparatus, &c., had to be removed in great haste and deposited wherever temporary room could be procured for them. It is alleged that by this removal and consequent exposure great loss and destruction were occasioned, estimated at several thousand dollars.

The interior of the building was entirely changed to accommodate it to hospital uses. The seats, rostrums, staging, lecture tables, &c., were removed; partitions and stairways were taken down; additional floors were put in; and, as rapidly and cheaply as it could be done, it was fitted for the reception of the soldiers. It was so occupied until May, 1863, about the 22d, when it took fire and was entirely destroyed. It is alleged this fire was first discovered upon the roof, near to a chimney which communicated with a flue leading from a small room used as a kitchen. In this kitchen coal had formerly been used for fuel. A short time before this fire occurred permission had been granted to use wood. It is argued that the probabilities are soot had accumulated in the flue and chimney from the use of wood; that the fire originated from this, and that the use of this small room as a kitchen for so large a building and so many men, taken in connection with the change from coal to wood as fuel, make a case of negligence for which the Government should be responsible. The building is alleged to have cost when erected about forty thousand dollars, gold prices, and an architect's estimate, supported by affidavit, puts the cost of restoring it, at present prices, at $75,000.

The petition asks "for a liberal compensation for the loss of this property."

The supplemental petition claims rent and damages sustained by the occupation of Morrison College, the president's house, and their dormitories, which had also been taken for a general hospital before the medical hall, and continued to be so occupied until the close of the war. Alterations were made in Morrison College much in the same manner as those described in the medical hall. During its occupancy, and until it was again repaired, the curators of the university had to procure other accommodations for the academical department. The restoration of these buildings to a condition for occupancy by the school has cost, as stated by the treasurer under oath, over $9,000; "about $7,000 for the Morrison College building, $1,000 for the dormitories, and $1,000 for the other buildings, including only such repairs as were absolutely necessary to make the property comfortable and tenantable for educational purposes, and not including anything for the repairs of fencing, grounds, shrubbery," &c.

These petitions are now presented by the Kentucky University, an act of the Legislature of Kentucky approved 22d February, 1865, having recognized the consolidation of Transylvania University and Kentucky University, and all the funds and property of each, into one corporation, under the name of the Kentucky University. (See Supplement to Revised Statutes of Kentucky, page 19.)

We dispose, first, of the claim for compensation for the medical hall destroyed by fire.

If the Government had leased the building in the absence of an unconditional covenant to repair and deliver in good repair the facts do not disclose such a case as would impose the legal liability to rebuild.

A tenant is only liable when an injury happens to the premises through voluntary negligence, and not for injuries arising from accidental fire, wear and tear of time, or the like. (Chitty on Contracts, page 387; 1 Parsons on Contracts, page 505.)

The statement of the surgeon in charge at the time of the fire is, that it was "purely accidental, and beyond the control of any person connected with the hospital."

But, on the other hand, if in a lease there had been a covenant to pay rent without excepting as to fire the liability to pay during the term would seem to continue notwithstanding the destruction of the premises. (Woodfall, pages 485, 745.)

It may fairly admit of question whether the Government, having exercised its power in taking this property, is entitled at all to be viewed in the same favorable light as if it sustained a contract relation to the owner of this property, in making which contract he might stipulate for his protection in such contingency. It was clearly private property taken for public use, and while in the possession of the Government, after such taking, was destroyed by accidental fire. We incline to the opinion that no rule of public policy or of justice toward individuals requires a less stringent rule as against the Government taking property for its use than would be applied between private parties under contract. We certainly think the Government should at least deal liberally with a party who has suffered because of the occupancy of his property for public use, and not deny him the benefit of rules which would give compensation as against a tenant. Especially should this be so in the case of a public institution such as this one, devoted to educational purposes, and largely endowed by the beneficence of city, State, and individual contributions. Applying this rule, then, the university ought at least to be liberally compensated for the damages that have been done to the building before its destruction, for rent during its occupancy, and for all loss sustained by the removal and injury to its anatomical and natural history museum, library, apparatus, &c.

Second, an application was made for damages done to the other property mentioned in the supplemental petition, confined, however, as would appear by the affidavit of Dr. Bowman, the treasurer of the university, to the carpenter work necessary to refit the Morrison College building. An estimate was made by a board, composed of Lieutenant Colonel Thomas Leeper, Captain Charles W. Hyde, Captain J. V. Brough, and Major T. Lewinski, who, on the 14th June, 1865, met, and adopting an estimate in detail, submitted by the committee representing the university, found that $2,166 would be necessary "to restore the buildings to the condition in which they were at the time they were received by the United States authorities." This estimate is for "damages done to the fences and buildings of Transylvania University while in the possession of the United States, and being used as a hospital."

On the 5th July, 1866, the sum of $2,166 was ordered to be paid to the university in full for all claims against the Government arising out of the use and occupation of this property.

Although the Government does not furnish the evidence of the payment of this money, the authorities of the university admit they received it.

It is evident, however, notwithstanding the generality of the language in the order for its payment, that the estimate made after the destruction of the medical hall does not embrace any claim for that building, for injuries to it, for rent of any of the buildings, nor for the damage to the museum, &c.

In view, therefore, of the whole case, the committee, after considering the details of the evidence, the value of the property destroyed, and injury by removal, the proper rental, &c., recommend the payment to the university of the sum of $25,000 in full of all demands, and have reported a bill accordingly.

Damages to hall before fire	$7,000
Damages to museum, &c.	2,000
Rent of hall, say one year	5,000
Rent of college, three years	7,500
Interest and additional repairs over $2,166 paid	3,500
Total	$25,000

Mr. NYE. I think that bill had better lie over.

Mr. SUMNER. It seems to me that it ought to go with the rest. It is one of a large group of bills, some of which have been before us, and they ought to be treated together.

The VICE PRESIDENT. The bill will be passed over.

ROAD FROM FORT WILKINS TO FORT HOWARD.

The next business on the Calendar was the joint resolution (S. R. No. 174) to extend the time for the completion of the military road from Fort Wilkins, Copper Harbor, Keweenaw county, in the State of Michigan, to Fort Howard, Green Bay, in the State of Wisconsin.

Mr. CHANDLER. I ask that the House bill, which is precisely similar, may be substituted for this resolution.

The VICE PRESIDENT. A House bill with the same title is now lying on the table, and if there be no objection it will be substituted for this Senate joint resolution.

Mr. HAMLIN. I hope the Senator will wait until we reach the House bill in its order.

Mr. CHANDLER. It just came over a few minutes ago, and is now lying on the Secretary's table.

The VICE PRESIDENT. It is a House

bill with the same title, which has just been received from the House.

By unanimous consent, the bill (H. R. No. 486) to extend the time for the completion of the military road from Fort Wilkins, at Copper Harbor, in the State of Michigan, to Fort Howard, at Green Bay, in the State of Wisconsin, was read twice, and considered as in Committee of the Whole. It extends the time for the construction and completion of the military road from Fort Wilkins, at Copper Harbor, in the State of Michigan, to Fort Howard, at Green Bay, in the State of Wisconsin, till the 1st of January, 1872. It also proposes to continue all the grants, rights, and privileges contained in the original grant in full force and virtue till that time.

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

The VICE PRESIDENT. Senate joint resolution No. 174, on this same subject, will be regarded as indefinitely postponed.

OLIVER POWERS.

The next bill on the Calendar was the bill (S. No. 825) for the relief of Oliver Powers.

Mr. SHERMAN. Is there a report in that case?

The VICE PRESIDENT. There is no report. The bill came from the Committee on Military Affairs, reported by the Senator from North Carolina, [Mr. ABBOTT.]

Mr. SHERMAN. Is there any limit to the amount?

Mr. WILSON. The bill was reported by the Senator from North Carolina, who is not present. No report accompanies it; but there are some papers in the case. I have not examined them. I think the matter had better lie over.

The VICE PRESIDENT. The bill will be passed over informally.

L. F. LARKIN.

The next bill on the Calendar was the bill (H. R. No. 520) for the relief of L. F. Larkin, of Weldon, North Carolina, which appropriates $198 88 to L. F. Larkin, postmaster at Weldon, North Carolina, to reimburse him for losses sustained by the robbery of his office of stamps, &c.

The Committee on Post Offices and Post Roads proposed to add the following proviso:

Provided, That it shall be proven satisfactorily to the Postmaster General that stamps and funds belonging to the Post Office Department were stolen, and that the said L. F. Larkin was guilty of no negligence in the custody thereof.

Mr. EDMUNDS. That had better go over with the other cases of postmasters.

The VICE PRESIDENT. The bill will be passed over.

GEORGE W. KEYES.

The next business on the Calendar was the joint resolution (H. R. No. 128) for the relief of George W. Keyes.

Mr. EDMUNDS. I understand this and the next case are just like the other. Let them go over without loss of time.

The VICE PRESIDENT. This joint resolution will be passed over.

A. A. VANCE.

The next bill on the Calendar was the bill (H. R. No. 1718) for the relief of A. A. Vance, postmaster at Morristown, New Jersey.

Mr. EDMUNDS. My objection covers that.

The VICE PRESIDENT. The bill will be passed over.

IOWA RIVER.

The next bill on the Calendar was the bill (H. R. No. 1766) in relation to the Iowa river, in the State of Iowa; which was considered as in Committee of the Whole. It declares so much of the Iowa river, in the State of Iowa, as lies north of the town of Wapello not to be a navigable river or public highway.

Mr. EDMUNDS. I should like to have that explained.

Mr. HOWELL. I will state that this is a navigable river, probably, under the treaty for the purchase of Louisiana; but it is not, and has not been for twenty years, navigable in fact. Above Wapello, the point specified, there are railroad bridges and other bridges and mills and dams all along up the river; and to prevent any trouble arising it is desired that this bill should pass. I do not think there is any objection to it, and there is nobody that could have any interest in it outside of that peculiar locality.

Mr. EDMUNDS. It is quite clear on the statement of my friend, if that is all; but I should like to ask him, and I ask for information because I do not know, whether there have been any grants of land to Iowa for the improvement of that river?

Mr. HOWELL. There have not been.

Mr. EDMUNDS. Then there is certainly no objection to the bill.

Mr. BUCKINGHAM. I will state another thing. It is in accordance with a resolution of the Legislature of Iowa.

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

CINCINNATI AND CHATTANOOGA RAILROAD.

The next bill on the Calendar was the bill (S. No. 671) to promote commerce and to cheapen the transportation of the mails and military and naval stores between Cincinnati and Chattanooga.

Mr. McCREERY. My colleague leaves Washington this evening for his home in Kentucky and he desires to be heard on that bill, or at least to be here when it is considered. I move, therefore, that it be passed over.

The VICE PRESIDENT. It will be passed over.

Mr. SHERMAN. If there is no objection I should like to have it read.

Mr. McCREERY. I do not object to the reading.

Mr. SHERMAN. I want to amend it in one or two respects.

Mr. EDMUNDS. What good does the reading do, because it will have to be read again when it comes up hereafter?

Mr. SHERMAN. No; it need not be read again.

Mr. EDMUNDS. It will not do any good; it will have to be read over again.

The VICE PRESIDENT. The bill will be passed over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ISAAC STROHM, one of its clerks, announced that the House had passed a joint resolution (H. R. No. 282) to establish the 30th day of May in each year a public holiday, in which it requested the concurrence of the Senate.

BENJAMIN COOLEY AND J. W. BOSWELL.

The next business on the Calendar was the joint resolution (S. R. No. 16) for the relief of Benjamin Cooley and James W. Boswell; which was considered as in Committee of the Whole. The preamble recites that the amount of mail matter carried over routes Nos. 3293 and 3304, from Washington city, in the District of Columbia, to Poolesville, in the State of Maryland, during some portion of the time under the contracts for carrying the mails thereon from July 1, 1860, to June 30, 1864, greatly exceeded any anticipated quantity of mails to be carried over said routes at the time the contracts were made, on account of the large number of troops stationed at Poolesville and vicinity, and which could not have been foreseen by the contractors. The resolution therefore directs the Postmaster General to examine and adjust the claims of Benjamin Cooley and James W. Boswell, who were contractors, respectively, for carrying the mails upon the routes named during that period, and to award them such compensation for carrying the increased bulk of mail matter, under those contracts, as may to him seem just and proper, not to exceed the sum of $1,200 to either of the contractors.

The Committee on Claims reported an amendment to strike out the word "twelve," in line ten, and to insert "six," so as to make the amount $600.

The amendment was agreed to.

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

Mr. CASSERLY. I see that there is a report in that case. Let it be read.

The Secretary read the following report, submitted by Mr. HOWE on the 21st of April:

The Committee on Claims, to whom was referred Senate resolution No. 16, for the relief of Benjamin Cooley and James W. Boswell, ask leave to submit the following report:

Benjamin Cooley was contractor to carry the mails from Washington, District of Columbia, to Rockville, in the State of Maryland, under contract for that service for four years ending June 30, 1864, it being post route 3293.

James W. Boswell was contractor for post route 3304, which was a continuation of the line from Rockville to Poolesville, in the same State, so that the two routes (3293 and 3304) constituted the line from Washington to Poolesville, a distance of thirty-two miles.

A communication from George W. McLellan, Second Assistant Postmaster General, shows that the contracts on each route for carrying the mails was $300 per annum for the term, and three trips per week on route 3304, and six trips per week on route 3293; that when the contracts were made, and theretofore, the average amount of mail matter did not exceed from thirty to fifty pounds per trip; that soon after the war commenced a large number of troops were stationed at Poolesville and along the routes, which caused an increase of the mails to the weight of eight to nine hundred pounds, and which increase could not have been anticipated by the contractors when they took the contracts. By the terms of the contract they were required to carry all the mail matter on the route, and no mode of conveyance was specified. The great increase of the mails made it necessary for the contractors to employ a two-horse wagon for a large portion of the time.

One of the petitioners petitioned the Postmaster General, in 1862, for additional pay on account of the great increase of the mails on his route, which could not be granted, as the laws prohibit increase of pay by the Department, except where additional trips or extension of the route had been previously ordered, and in that case only *pro rata*.

The Second Assistant Postmaster General shows that the mails were faithfully carried to the end of the term.

Your committee report the joint resolution back to the Senate, with an amendment; and recommend that it be so amended and passed.

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

HENRY NEWELL.

The next bill on the Calendar was the bill (S. No. 828) for the relief of Henry Newell; which was read a second time, and considered as in Committee of the Whole. The bill proposes to authorize the Secretary of the Treasury to issue to Henry Newell, of Baton Rouge, Louisiana, three ten-forty coupon bonds for $500 each, with coupons, from and including a coupon for March 1, 1867, in lieu of his ten-forty coupon bonds for $500 each, issued by virtue of an act of Congress, approved March 3, 1864, and numbered respectively 34954, 37785, and 37786, the same having been lost and destroyed at sea in the month of October, 1866. Newell is first to give good and ample security to the United States against the appearance and presentation of the original bonds.

Mr. MORRILL, of Vermont. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. HOWE on the 21st of April:

The Committee on Claims, to whom was referred the petition of Henry Newell, ask leave to submit the following report:

The petitioner prays for the issue of three new ten-forty bonds to replace three United States ten-forty coupon bonds for $500 each, numbered respectively 34954, 37785, 37786, belonging to him, and which were lost at sea October 3, 1866, by the sinking and destruction of the steamship Evening Star.

It is shown that the petitioner's wife took passage on said ship, at New York city, on the 29th day of September, 1866, for the city of New Orleans, having in her possession the above described bonds, the property of the petitioner, and that she and her

child, with all her baggage and personal effects taken with her, went down at sea, with the ship, on the 3d day of October following.

It appears in evidence that the bonds were purchased and delivered to claimant's wife, in 1865, by T. Ketchum & Co., bankers and brokers, of New York city.

The records of the Treasury Department do not show the payment of any coupon from said bonds since those of September 1, 1866, and the high character of the claimant is well attested.

Your committee report the accompanying bill, providing for the issue of new bonds, with the condition for ample security against the reappearance of the originals, and recommend its passage.

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

MECHANICS' LIENS.

The next bill on the Calendar was the bill (H. R. No. 983) to amend an act entitled "An act to enforce mechanics' liens on buildings in the District of Columbia;" which was considered as in Committee of the Whole. It provides that any sub-contractor, journeyman, or laborer employed in the construction or repairing of any building, or in furnishing any materials or machinery for the same, may give at any time the owner thereof notice in writing, particularly setting forth the amount of his claim and the service rendered for which his employer is indebted to him, and that he holds the owner responsible for the same; and the owner of the building is to be liable for such claim, but not to exceed the amount due from him to the employer at the time of notice, or subsequently, which may be recovered in an action. Whenever any sub-contractor, journeyman, or laborer shall recover any such claim from the owner of the building the same may be set off by such owner in any action brought against him by the person who otherwise would be entitled to recover the same under the contract.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

FREEDMEN'S SAVINGS COMPANY.

The next bill on the Calendar was the bill (H. R. No. 1594) to amend an act entitled "An act to incorporate the Freedmen's Savings and Trust Company," approved March 3, 1865.

The VICE PRESIDENT. The question is on the passage of the bill.

The bill was passed.

DISTRICT REFORM SCHOOL.

The next bill on the Calendar was the bill (H. R. No. 1025½) to amend an act entitled "An act to establish in the District of Columbia a house of correction for boys," approved July 25, 1866; which was considered as in Committee of the Whole. It provides that the board of trustees of the house of correction, which shall hereafter be known and designated as the Reform School of the District of Columbia, may, at their discretion, receive, take, and keep in their exclusive care, control, and custody: first, any boys under the age of sixteen years who shall or may be liable to punishment by imprisonment under any existing law of the District of Columbia, or any law that may be enacted and in force in said District; second, any boy under sixteen years of age, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison; third, any boy under sixteen years of age, who is destitute of a suitable home and adequate means of obtaining an honest living, or who is in danger of being brought up or is brought up, to lead an idle or vicious life; fourth, any boy under sixteen years of age who is incorrigible or habitually disregards the commands of his parents, father or mother, or guardians, or who resorts to immoral places or practices, or who neglects or refuses at the request or command of his parents, father or mother, to perform labor suitable to his years and condition or to attend school.

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

JOINT TENANCY.

The next bill on the Calendar was the bill (H. R. No. 1456) to abolish joint tenancy in the District of Columbia.

Mr. EDMUNDS. I think that had better go over.

The VICE PRESIDENT. The bill will be passed over.

DISTRICT OF COLUMBIA COURTS.

The next bill on the Calendar was the bill (S. No. 781) to amend an act entitled "An act fixing the compensation for the bailiffs and criers of the courts of the District of Columbia," approved February 22, 1867; which was considered as in Committee of the Whole. It proposes to amend the act of February 22, 1867, so as to read:

That the bailiffs and criers who are required by the marshal or courts of the District of Columbia to attend upon the district, circuit, criminal, or orphans' courts of said District shall be paid by said marshal $3 50 per day for each day's attendance, instead of two dollars, as now provided by law, commencing with the 1st of January, 1866.

Mr. WILLIAMS. I desire to hear that bill read again.

The Secretary read the bill.

Mr. POMEROY. Is it proposed to pay men increased wages back to 1866?

Mr. HAMLIN. The bill is a little awkwardly expressed; but I can state what it is. The bailiffs in the courts now all receive that compensation except the bailiff of the orphans' court; and there was evidently a mistake in the law by which the orphans' court was omitted. This simply puts the bailiff of one court on an equality with the bailiffs of the other courts. I have no doubt it was a simple omission in the original law. That is all there is of it.

Mr. POMEROY. But it is to amend a law approved in 1867, and they are to draw their pay from 1866, a year before the law was passed.

Mr. WILLIAMS. I think this bill needs explanation. As I understand, it provides that the pay of these officers shall be increased $1 50 per day, and that the increase shall be commenced in 1866, so that from 1866 up to this time there shall be added to the compensation of these officers $1 50 per day. That is the way the bill reads. It is impossible to put any other construction on the bill.

Mr. HAMLIN. Let it lie over informally.

The VICE PRESIDENT. The bill will be passed over.

COMMUNICATION WITH VESSELS.

The next bill on the Calendar was the bill (S. No. 800) to prohibit all but certain officers boarding or leaving vessels before entry at the custom-house; which was considered as in Committee of the Whole. It is declared not to be lawful for the master of any ship or vessel arriving at any port in the United States from a foreign port, and having merchandise on board subject to duty, to permit any person to leave or to come on board of his ship or vessel after arriving within the waters of the United States, except in case of distress, save one or more pilots, until after a United States customs officer shall have boarded the ship or vessel, and only while such an officer is on board, and with his consent; but nothing contained in the bill shall prevent the health officer or the warden of the port coming on board such vessel in the discharge of their respective duties. For every person leaving, or for the admission of each person on board of any ship or vessel contrary to the provisions of the act, the master of such ship or vessel shall be subject to a fine of not less than ten nor more than one thousand dollars; and the person so admitted on board of or so leaving any ship or vessel, shall be subject to a fine of not less than ten nor more than two hundred dollars, to be recovered as other fines and penalties for violations of the customs revenue laws.

Mr. WILLIAMS. I should like to inquire of the Senator from Connecticut if this bill has been carefully considered? It is very sweeping in its provisions.

Mr. BUCKINGHAM. I will state the object of the bill. At times persons who arrive from foreign ports on board vessels leave the vessels before a custom-house officer boards it, and they take with them merchandise which is subject to duty. Besides, persons sometimes board vessels as they arrive in the harbor and leave, taking with them such property, before the vessels are boarded by custom-house officers. In that way the revenue is defrauded. This bill is designed to prevent that fraud, and is approved by the Treasury Department.

Mr. WILLIAMS. I think it is perhaps not subject to the objection I supposed it was.

Mr. FENTON. There is only one objection I can see to it. It may be very well to restrict baggage, but it seems to me hard that a ship arriving in port shall be obliged to retain every passenger that is on board. Now, passengers who are well known to the authorities have permission to pass from the vessel arriving at port, without taking their baggage or articles subject to duty with them. In that respect, it seems to me, the bill is a little too sweeping. I shall, however, make no objection to it, as the Senator from Connecticut says it has been considered in committee and has the approval of the Secretary of the Treasury.

Mr. CASSERLY. I should like to have the bill passed over until to-morrow.

The VICE PRESIDENT. The bill will be passed over.

BARON CREUTZ.

The next bill on the Calendar was the bill (S. No. 831) for the relief of Baron Creutz, of the Netherlands; which was read the second time, and considered as in Committee of the Whole. It is a direction to the Secretary of the Treasury to issue to Edward Alexander Ferdinand Baron Creutz, first lieutenant of artillery of the Netherlands, four new registered six per cent. United States bonds of $1,000 each, redeemable in 1882, of the series and numbers hereinafter specified, so soon as proof shall be exhibited to the satisfaction of the Secretary of the loss or destruction of four bonds of the loan and value mentioned numbered 107 and 108, series 4; 41843, series 3; and 10943, series 4; and if Baron Creutz shall give bond with sufficient security to indemnify the United States against any other claim on account of the bonds alleged to be so lost or destroyed.

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

UNSOLD LANDS IN INDIANA.

The next bill on the Calendar was the bill (S. No. 471) in relation to certain unsold lands in the counties of Porter and Lake, in the State of Indiana; which was considered as in Committee of the Whole.

The preamble recites that there is lying along the Little Calumet river, in the counties of Porter and Lake, in the State of Indiana, a body of lands supposed to contain about four thousand acres which has never been sold or surveyed, and which was described in the original Government surveys as impassable morass; that the Calumet Draining Company has been organized under the laws of the said State for the purpose of draining the valley of said river including the morass.

The bill provides that these unsold lands shall be subject to a lien under the laws of the State of Indiana for their proper proportion of the cost of such drainage, and that such lien may be enforced against the lands in the same manner and to the same extent as if they were owned by private persons. The second section provides that the lands may be surveyed and sold to the highest bidder, under the direction of the Secretary of the Interior.

The Committee on Public Lands reported

the bill with an amendment, to add to the first section:

Provided, That no claim shall be held to exist against the United States for such drainage.

The amendment was agreed to.

Mr. PRATT. I move to amend the second section by adding the words "subject to said lien."

The amendment was agreed to.

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

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

BAILIFFS OF DISTRICT COURTS.

Mr. HAMLIN. I now ask to take up the bill (S. No. 781) to amend an act entitled "An act fixing the compensation for the bailiffs and criers of the courts of the District of Columbia," approved February 22, 1867. I will explain it in a moment.

The VICE PRESIDENT. The Senate will resume the consideration of the bill if there be no objection. The Chair hears none. It is before the Senate as in Committee of the Whole.

Mr. WILLIAMS. Let the bill be read.

The Secretary read the bill.

Mr. HAMLIN. Now I will read the law to which that refers, which is precisely this bill, word for word, with the "orphans' court" omitted, as I have said, by accident:

"That the bailiffs and criers who are required by the marshal or courts of the District of Columbia to attend upon the district, circuit, or criminal court of said District"—

Omitting the "orphans' court"—

"shall be paid by said marshal $3 50 per day for each day's attendance, instead of two dollars, as now provided by law, commencing with the 1st of January, 1866."

This bill amends that law, puts in the orphans' court, just as was designed to be put in.

Mr. POMEROY. That is precisely what I said before; this gives $1 50 a day to the crier of the orphans' court since 1866.

Mr. HAMLIN. Precisely; it does that.

Mr. POMEROY. That is the very thing I am opposed to.

Mr. HAMLIN. The others have all had their pay.

Mr. POMEROY. I do not propose to go back.

Mr. HAMLIN. Then move to amend.

Mr. POMEROY. If we give him more let us do it from the date of this law, but not go backward.

Mr. HAMLIN. Say "provided that the bailiff of the orphans' court shall not receive any increased compensation prior to this time."

Mr. POMEROY. This paying a man $1 50 a day more since 1866 is the reason I objected to the bill before.

Mr. DRAKE. I suggest to the honorable Senator from Maine that this bill ought not to be a transcript of that section which he has just read, because upon its face it authorizes the paying of these criers again.

Mr. HAMLIN. No; they have all got their pay.

Mr. DRAKE. But this authorizes them to be put in again. Would it not be better to amend the bill and simply confine its operation to the orphans' court?

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas.

Mr. POMEROY. My amendment is to make the increased pay take effect from this time.

Mr. DRAKE. I move to amend in line nine by striking out the words "of the district circuit, criminal, or;" so as to read:

That the bailiffs or criers who are required by the marshal or courts of the District of Columbia to attend upon the orhpans' court of said District shall be paid by said marshal $3 50 per day for each day's attendance, from and after the passage of this act.

Mr. BAYARD. I would ask how many bailiffs are required for attendance on the orphans' court.

Mr. HAMLIN. Only one.

Mr. BAYARD. Then it had better be put in the singular and not the plural.

The VICE PRESIDENT. The amendment will be regarded as agreed to.

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

Mr. BAYARD. I ask that the bill, as amended, be reported.

The Secretary read as follows:

Be it enacted, &c., That the act entitled "An act fixing the compensation for the bailiffs and criers of the courts of the District of Columbia," approved February 22, 1867, be, and the same is hereby, amended so as to read as follows: that the bailiff and crier who is required by the marshal or courts of the District of Columbia to attend upon the orphans' court of said District shall be paid by said marshal $3 50 per day for each day's attendance, (instead of two dollars as now provided by law,) from and after the passage of this act.

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

Mr. FERRY. The bill as it now stands repeals the whole act of 1867, and makes a new law applicable to the orphans' court.

Mr. HAMLIN. Oh, no. I want the bill read again.

The VICE PRESIDENT. It will again be reported.

The Secretary read the bill.

Mr. FERRY. It strikes out the provision as to all the courts but the orphans' court.

Mr. POMEROY. There is no law to pay the rest of them.

Mr. WILLIAMS. I suggest that the bill be amended so as to provide that this officer shall be paid so much.

The VICE PRESIDENT. If there is no objection that amendment will be incorporated.

Mr. HAMLIN. I will propose an amendment which I think will meet the views of the Senate, although it will not meet my own. I would take the bill precisely as it was reported by the committee, and then I would add at the end of it, "provided that the bailiff of the orphans' court shall receive $3 50 per day from and after the passage of this act." All the others have got their pay.

The SECRETARY. The amendment is to add to the original bill.

Provided, That the bailiff of the orphans' court shall receive the compensation herein provided for only from the passage of this act.

The VICE PRESIDENT. Is there objection to this amendment? The Chair hears none.

Mr. HAMLIN. That makes it distinct.

Mr. WILLIAMS. I do not know what effect that will have. I think we had better pass the bill over and fix it up hereafter; but if the Senator from Maine is perfectly clear about it I shall not interfere.

Mr. HAMLIN. That amendment makes it plain.

The VICE PRESIDENT. The amendment will be made by general consent.

The bill was passed.

JOHN YOUNG.

The VICE PRESIDENT. The next bill on the Calendar is the bill (H. R. No. 6102) for the relief of John Young, which was indefinitely postponed, and the motion to postpone indefinitely was, by unanimous consent, reconsidered.

Mr. FERRY. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

NIAGARA RIVER BRIDGE.

The next bill on the Calendar was the bill (H. R. No. 489) to authorize the construction and maintenance of a bridge across the Niagara river.

Mr. RAMSEY. That bill may go over informally.

The VICE PRESIDENT. It will be passed over informally.

ESTEBAN G. MONTANO.

The next bill on the Calendar was he bill (S. No. 833) authorizing payment of the amount awarded to Esteban G. Montano, a citizen of Peru, under the claims convention between the United States and Peru of December 4, 1868.

Mr. EDMUNDS. That had better go over.

Mr. SUMNER. Is the Senator aware that this bill is to carry out the provision of a treaty, on the recommendation of the President? The President has communicated by message the result of this convention, by which a certain sum has been awarded to Esteban G. Montano. He is the only Peruvian who has prevailed before the convention, while some twelve of our own people have prevailed and have had awards in their favor. By the treaty the provision for the payment on each side must be within four months from the date. Any delay in this case of course must have a tendency to postpone the payment of our own people in whose favor much larger allowances have been made than for this Peruvian. If the Senator has examined the question, and if he sees any ground to go behind the positive stipulation of the treaty, followed by the decision of the commission, I should like to know it.

Mr. EDMUNDS. I am obliged to admit that any delay will, as my friend says, have a tendency to postpone the payment of these claims. Nobody can deny that. But I am not altogether ignorant, although I have not the honor to be a member of my friend's committee, of this case. I believe it to be an unadulterated fraud, to express it flatly. This man has been paid four times already what he was justly entitled to, what he recovered in the courts of law under a previous convention, and he has come in again to get a further payment from the Treasury of money that he is no more entitled to than my friend from Massachusetts or myself, as I believe.

I know that here was a convention, and I know that here was an award; but we were taught by my friend the other day, and taught correctly, that we have a right to go behind a judgment, or a statute even, for any fraud or deceit or improper practice, upon the general rules of equity. He read to us from Aristotle and Bacon those quotations as to equity controlling our conduct. If we are satisfied that this claim is a fraud, and that this commission was either imposed upon or was a party to the fraud, it entitles us justly to protect the Treasury of the people against the perpetration of such a performance as this, I am informed, really is; and if the consequence of our protecting our own people against a fraud by a Peruvian is to deny to our own citizens for a time just claims against the Peruvian Government, they must submit or we must make it good to them in some other way.

If I am rightly informed, and I am quite sure that I am, this is a claim that will not bear investigation at all. This commission has been imposed upon, egregiously imposed upon. This man has not a shadow of a claim. On the contrary, when the facts are displayed to you, as they can be from the documents, I am sure there is not a Senator within the sound of my voice, not even excepting my friend from Massachusetts, who would stand up and say that the claim is at all just, or has any shadow of justice in it.

Mr. SUMNER. I hope I shall be pardoned for making a brief statement. The Senate has already once voted on this claim and allowed some $30,000 on a report which I had the honor to make, and in making it I did not act as the Senator admits that he does, upon the information of others; I acted on the evidence brought before the committee. The case went to the House of Representatives, and there it failed. Meanwhile a commission was constituted, by a treaty between the United States and Peru, to audit the claims of Peruvian citizens against the United States and of citizens of the United States against Peru, and that commission has sat. I have the result of the commission. It was communicated to the Sen-

ate by the President in a message dated April 14, 1870, which is as follows:

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State relative to results of the proceedings of the joint commission at Lima under the convention between the United States and Peru of 4th December, 1868, and recommend that an appropriation be made to discharge the obligation of the United States in the case of the claim of Esteban G. Montano, to which the report refers.

U. S. GRANT.

WASHINGTON, *April* 14, 1870.

Then follows a communication from the minister of the United States at Lima, addressed to the Department of State, setting forth the claims of American citizens, being somewhat numerous and amounting in all to $209,971, which have been recognized by the commission. Then, in setting them forth, the minister proceeds as follows:

"I have not been officially informed of the amount awarded to Stephen G. Montano, the only Peruvian claimant, but understand it has been $57,040 gold, bearing date of 25th February. This award was made by the umpire." * * * * * * *

"As Peru will in all probability pay the aforesaid amounts punctually on their becoming due, I respectfully request that provision be made, according to law, to meet the award to Mr. Montano when the same may be due."

Then follows the award, which is as follows:

To all whom it may concern:

We, the undersigned, commissioners of the American and Peruvian mixed commission, having failed to agree on our final decision upon the claim of Esteban G. Montano, presented to this commission, that claim has been decided upon by the umpire, Mr. F. A. Elmore, on the 25th of February, 1870.

According to that decision the Government of the United States of America has to pay to Mr. Esteban G. Montano the sum of fifty-seven thousand and forty American gold dollars; said sum to be paid, according to article four of the convention of December 4, 1868, between the United States of America and Peru, within four months after the date of this decision.

LIMA, *February 25*, 1870.

[L. S.] M. VIDAL,
Commissioner on the part of the United States of America.
MANUEL PINER,
Commissionado pp. del Peru.

Then follows—and the whole case will be completed—article four of the treaty:

"All sums of money which may be awarded by the commissioners, or by the arbiter or umpire on account of any claim, shall be paid by the one Government to the other, as the case may be, within four months after the date of the decision, and without interest, and without any deduction save as specified in article six hereinafter."

These are the simple facts. The case has been before the Congress of the United States and its validity once recognized in this Chamber. It failed in the other House. It is then presented before the commission and there the case has prevailed, and a larger award has been made to the claimant than was made in this Chamber before. It would have been, therefore, a saving to the United States had the other House seen fit to follow the Senate in its original award. We should have saved some twenty or thirty thousand dollars; but meanwhile the case has gone before the commission in pursuance of treaty stipulations, and the award has been made. Now, shall we not perform our part under the treaty, and especially as we look under that same treaty for a much larger sum to be paid to citizens of the United States? I do not see how we can go behind it, especially on outside information not of a documentary character. My friend, I think, will not say that he has looked into a paper in this case. He is acting on suggestions which I understand perfectly, for they were made to me in advance, but which I deemed it my duty to put aside, feeling that they did not now at this stage belong to the case. Whatever they may be they cannot now be introduced; but I should say that all those suggestions and everything in the case was once carefully considered by the Committee on Foreign Relations some two or three years ago; and you will find among your printed reports a report made on the case.

Mr. EDMUNDS. I admit that it is very presumptuous in me——

Mr. SUMNER. Not at all. Now, I beg the Senator not to treat me in that way. I argued with the Senator fairly, and I know that he is performing his duty.

Mr. EDMUNDS. Then I will withdraw the word "presumptuous." I admit that it is very unwise in me to act upon a suggestion which the Senator from Massachusetts declines to act upon; but still that is one of the rights that belong to Senators here, and he will pardon me for the exercise of it. Now, I wish to ask my friend in all good will, whether, this being an arbitration, he does not recognize that rule of universal equity and justice in respect to arbitrations which enables the losing party if he can establish that the arbitration has come to a result either through fraud or gross mistake—I believe I use technical terms when I say that—to defend against the award upon those grounds?

Mr. SUMNER. As a general principle, undoubtedly.

Mr. EDMUNDS. Then we are not absolutely bound against all right to a rehearing and review on these two grounds, notwithstanding that this mixed commission has decided in favor of this gentleman.

Mr. SUMNER. The Senator will pardon me. I do not admit that it would be applicable to a case of this kind. The Senator is perhaps aware that this very Administration has, on a similar question, taken the opposite ground. Take our claims against Venezuela. That Government alleges fraud in the commission, and especially on the part of the American commissioner, and on that account thus far has refused to make payment; and our Government has declined to open the award saying that what has been decided is decided and cannot now be opened. I do not venture myself to affirm positively one way or the other. I merely call attention to the fact that our own Administration in a kindred case rejected the position of the Senator.

Mr. EDMUNDS. Does my friend mean to say that our Administration has, admitting the fraud, insisted upon the performance of the award?

Mr. SUMNER. I do not say "admitting the fraud." I say our Government has declared that the case cannot now be opened.

Mr. EDMUNDS. Yes. Then the only ground on which it could have declared so was that there were no circumstances which would warrant the implication that fraud had existed, because I hope there never has been an American Administration, as I am sure there is not now, which would take advantage of the fraudulent conduct of its commissioners to extort money from another nation, let it be weak or strong. I think we should all agree to that without respect to party, race, creed, or color, because there are certain principles of decency, honor, and justice which prevail among nations that ought to affect even Administrations. And let me say to my friend that the Senate of the United States in its legislative capacity is not the Administration, and I for one do not propose to be bound by any conduct of an Administration which seems to me to be contrary to the principles of justice and of law too.

We agree that if an award made between nations (because it is nothing but an award proceeding upon the principles of justice by mutual stipulation) is tainted with fraud or is affected with a gross mistake, which is equivalent to it, the party who loses by such an award has a right in justice and in law to refuse to execute that award. We agree so far, I take it. In substance, then, the question is whether there are any circumstances which justify us in assuming such a position here. I am informed—and from the documents, my friend will pardon me for saying—that this citizen of Peru began by a claim in an action at law against the pilot association in that country for damages for the loss of his vessel in consequence of the misconduct of the pilot, for which he recovered the damages that he claimed to the extent of $24,000, the amount of his loss. He could not get satisfaction of his execution, for the reason that this pilot association had not the money to pay him the claim. Then he applied to the State Department here; but the State Department did not pay that attention to his case which perhaps its importance demanded, and the result was that finally we had a mixed commission for the determination of claims.

Mr. SUMNER. The Senator omits that the State Department referred it to the Congress of the United States, and that it was carefully considered, I think, during two sessions in this Chamber.

Mr. EDMUNDS. Did it pass?

Mr. SUMNER. It passed this Chamber. There was a report on it, in which the Senator will find all the facts set forth, which I had the honor of making to the Senate.

Mr. EDMUNDS. Then my friend had not stated the facts entirely, for he omitted that before.

Mr. SUMNER. I beg the Senator's pardon.

Mr. EDMUNDS. My friend will excuse me for saying that the approval of Congress does not reside simply in this Chamber. Of course I agree with my friend that it ought; but the Constitution has so adjusted things that no measure becomes a law without the assent of the other House.

Mr. ANTHONY. Allow me to suggest that I understood at the time this case was up before that the State Department referred it to the State of California, because if there was any claim at all it was against the State of California. I did not understand that the State Department referred it to Congress.

Mr. SUMNER. I dare say the Senator from Rhode Island voted for the bill on a careful report, not a hasty document or a brief one, which the Senator will find on the files of the Senate.

Mr. ANTHONY. Am I correct? Did the State Department refer that case to Congress?

Mr. SUMNER. I cannot speak positively, but my impression——

Mr. HOWE. I am afraid this will lead to debate. [Laughter.]

Mr. EDMUNDS. I have the floor.

Mr. DRAKE. I object to the further consideration of this bill.

Mr. EDMUNDS. But I have the floor. The Senator cannot take the floor from me.

Mr. DRAKE. I was taken off the floor last Friday by an objection of that kind.

The VICE PRESIDENT. The Senator from Missouri was taken off the floor by a similar objection. The objection applies at any time before final action. The bill will be passed over.

Mr. DRAKE. I move that the Senate do now adjourn.

Several SENATORS. No, no; withdraw it.

Mr. DRAKE. I withdraw the motion.

AMERICAN REGISTERS.

The next business on the Calendar was the joint resolution (H. R. No. 131) granting an American register to the British-built schooner W. D. B.; which was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to issue an American register to the British-built schooner W. D. B., wrecked and found abandoned at sea, that vessel being now owned by citizens of Portland, Maine.

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

PORT OF DELIVERY AT VALLEJO.

The next bill on the Calendar was the bill (S. No. 834) to create a port of delivery at Vallejo, California; which was read a second time, and considered as in Committee of the Whole.

Mr. CHANDLER. The Committee on Commerce propose to amend the bill by adding the following as a new section:

And be it further enacted, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint a surveyor for the port of Eastport, in the district of Passamaquoddy, Maine, who shall have the same power and be subject to the same duties as other surveyors of the customs.

Mr. POMEROY. That does not belong on this bill.

Mr. CHANDLER. Yes, sir; it is germane to the bill.

Mr. POMEROY. To a bill to create a port of delivery in California?

Mr. CHANDLER. It is establishing a port of delivery, and is therefore germane. I was authorized to put it on the appropriation bill by the committee.

Mr. POMEROY. This bill is to create a port of delivery in California.

Mr. CHANDLER. The amendment restores a port of delivery in Maine. I was directed to put it in the general appropriation bill.

Mr. COLE. I hope the Senator from Michigan will not put that on this bill. It does not seem exactly germane.

Mr. CHANDLER. It is precisely germane.

Mr. COLE. Maine is very distant from California.

Mr. CHANDLER. This reëstablishes a port of delivery which was dropped by accident.

Mr. COLE. I have no objection; but the Senator from Maine disputes the fact.

Mr. BUCKINGHAM. I notice that the Senator from Oregon has presented a bill not unlike the one, but having reference to Benicia, which, if it shall pass, will render this altogether unnecessary.

Mr. COLE. That bill will not pass; no one wants it passed, I apprehend, though it is reported.

The VICE PRESIDENT. The question is on the amendment of the Senator from Michigan.

Mr. CHANDLER. I withdraw it at the suggestion of Senators.

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

Mr. BUCKINGHAM. I move to reconsider the vote on the passage of the bill.

The VICE PRESIDENT. The motion will be entered.

Mr. COLE. I hope the Senator will present some reason why it should be reconsidered. I do not think it should be done without a reason.

The VICE PRESIDENT. The motion to reconsider will be entered.

AMERICAN REGISTERS.

The next business on the Calendar was the joint resolution (H. R. No. 227) granting an American register to the British-built schooner Venilia; which was considered as in Committee of the Whole.

The Committee on Commerce reported an amendment, to add to the bill the following:

Provided, That the owners of the said schooner Venilia shall pay into the Treasury of the United States a tax or duty of twenty per cent., payable in coin, on the cost or purchase-money of the wreck of said schooner.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue certificates of registry or enrollment and license to the following Canadian-built vessels, namely: to the bark Cambria, the bark Mary Jane, the bark Niagara, and the bark Cecilia, said vessels being owned by citizens of the United States, and having been employed upon the waters of the lakes: *Provided*, That there shall be paid upon each of said foreign-built vessels a tax or duty of twenty per cent. on the present value of said vessels, payable in coin, the value of said vessels to be ascertained in the same manner as upon importations of goods from foreign countries, according to rules and regulations to be prescribed by the Secretary of the Treasury.

Mr. NYE. I object to that bill.

The VICE PRESIDENT. The bill will be passed over.

Mr. RAMSEY. I suggest to the Senator from Missouri to renew his motion. It is time for it. The Senate is doing no business.

Mr. HAMLIN. I want to appeal to the Senator from Nevada to let us take a vote on this joint resolution. I want to make a statement.

Mr. NYE. Here are five others.

Mr. HAMLIN. I want to state the facts, and to appeal to the Senator from Michigan to withdraw his amendment.

Mr. NYE. I have had a fight here over the bark Cambria before, and I am not going to permit a register to be issued to her if I can help it.

Mr. HAMLIN. I am with you.

Mr. NYE. I withdraw the objection for the present.

Mr. HAMLIN. Now I want to state in a very few minutes this case. The bill is a House bill, and it provides for granting a register to a British-built schooner. It has been the practice of our Government always to grant a register to a foreign-built vessel that has been wrecked in our waters, when it has been repaired, and the repairs are equal to three fourths of the cost of the vessel. That is your law. The parties in this case purchased the vessel Venilia on the rock. When purchased she was supposed to be valueless, good for nothing; but by a streak of good fortune and a high tide she got off, and was repaired for a little less than the three fourths of her cost; the papers say more than two thirds. The House of Representatives, on a letter of the Secretary of the Treasury, have passed a bill authorizing the Secretary to give a register to that vessel; and that vessel has been lying in dock for a year. Now it has gone to our committee, and they have put on it an amendment which provides for letting in foreign-built vessels, violating all the law and all the custom of the country. I have seen riders put on to bills by individuals——

Mr. CHANDLER. Will the Senator allow me a moment?

Mr. HAMLIN. Certainly.

Mr. CHANDLER. This was a rider put on by his colleague on this identical bill. We have returned the bill just as it passed the Senate last year and is now before the House. Therefore, I object to the bill, and move that it be laid aside. On examination I find that the bill, just as it stands, as the committee reported it, passed the Senate before, and this, the Senator's vessel, was put on as a rider.

Mr. DRAKE. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 2, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order will be the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, and not to be brought back by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures are in order.

AMENDMENT TO THE BANKRUPT LAW.

Mr. WILLARD introduced a bill (H. R. No. 1913) to amend the bankrupt law; which was read a first and second time, and referred to the Committee on Revision of the Laws of the United States.

ESTATE HELD BY LEWIS M. EDGE.

Mr. BROOKS, of Massachusetts, introduced a bill (H. R. No. 1914) to relieve the estate held by Lewis M. Edge from legacy or succession tax and stamp tax; which was read a first and second time, and referred to the Committee of Ways and Means.

BOUNTY.

Mr. WARD introduced a joint resolution (H. R. No. 275) giving to soldiers who enlisted under the call of July 22, 1861, the same bounty as those who enlisted under the call of May 4, 1861; which was read a first and second time, and referred to the Committee on Military Affairs.

ADDITIONAL BOUNTIES.

Mr. WARD also introduced a joint resolution (H. R. No. 276) applying the act of March 3, 1869, giving additional bounties to the soldiers whose discharges show they have been discharged "by order of the War Department;" which was read a first and second time, and referred to the Committee on Military Affairs.

SIMON D. HURD.

Mr. WARD also introduced a bill (H. R. No. 1915) granting a pension to Simon D. Hurd, a soldier of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions and War of 1812.

LOAN AND TRUST COMPANY.

Mr. WHEELER introduced a bill (H. R. No. 1916) to incorporate the Loan and Trust Company of the United States; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

LEONARD HARDING.

Mr. BENNETT introduced a bill (H. R. No. 1917) for the relief of Leonard Harding; which was read a first and second time, and referred to the Committee of Claims.

REMOVAL OF POLITICAL DISABILITIES.

Mr. COX introduced a bill (H. R. No. 1918) to remove all legal and political disabilities; which was read a first and second time, referred to the select Committee on Reconstruction, and ordered to be printed.

SHIPPING COMMISSIONERS.

Mr. O'NEILL introduced a bill (H. R. No. 1919) to authorize the appointment of shipping commissioners by the judges of the several circuit courts of the United States, to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WRITS OF ERROR.

Mr. STONE introduced a bill (H. R. No. 1920) to regulate appeals or writs of error from the supreme court of the District of Columbia to the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM R. HAUGHTON.

Mr. COBB, of North Carolina, introduced a bill (H. R. No. 1921) for the relief of William R. Haughton, of Chowan county, North Carolina; which was read a first and second time, and referred to the Committee on Commerce.

RENEWAL OF LAND GRANTS.

Mr. BUCKLEY introduced a bill (H. R. No. 1922) to renew certain land grants to the State of Alabama; which was read a first and second time, and referred to the Committee on the Public Lands.

REMOVAL OF POLITICAL DISABILITIES.

Mr. HEFLIN introduced a bill (H. R. No. 1923) to remove the political disabilities of certain persons therein named in the States of Alabama and Georgia; which was read a first and second time, and referred to the select Committee on Reconstruction.

Mr. MORPHIS introduced a bill (H. R. No. 1924) for the removal of political disabilities, and for other purposes; which was read a first and second time, and referred to the select Committee on Reconstruction.

APPEALS AND WRITS OF ERROR.

Mr. SHELDON, of Louisiana, introduced a bill (H. R. No. 1925) to extend the provisions of an act entitled "An act supplementary to an act to allow the United States to prosecute appeals and writs of error without giving security, and for other purposes," approved July 27, 1868; which was read a first and second time, and referred to the Committee on the Judiciary.

FOREIGN DIPLOMATIC SERVICE.

Mr. STEVENSON introduced a joint resolution (H. R. No. 277) to authorize citizens of the United States to accept diplomatic service from foreign Governments; which was read a first and second time, and referred to the Committee on Foreign Affairs.

AMERICAN UNION ACADEMY.

Mr. LAWRENCE introduced a bill (H. R. No. 1926) to incorporate the American Union Academy of Literature, Science, and Art; which was read a first and second time, and referred to the Committee for the District of Columbia.

PACIFIC RAILROADS BONDS.

Mr. VAN TRUMP introduced a joint resolution (H. R. No. 278) in relation to the Pacific railroads interest paid by the United States on bonds, and directing the Secretary of the Treasury to retain certain funds in his hands for indemnity; which was read a first and second time.

Mr. VAN TRUMP. I desire to have the joint resolution reported in full.

The Clerk read as follows:

Whereas by a late report of the Secretary of the Treasury, communicated to this House, it appears that the Pacific railroad companies have failed to pay the interest heretofore accrued upon the bonds issued by the Government of the United States in aid of the construction and equipment of the roads of said companies, which interest said companies were by law bound to pay; and whereas, also, it further appears by said report that the Government of the United States, as the guarantor of said bonds, has been called upon and compelled, as such surety as aforesaid, to pay, and has paid, the interest due on said bonds in the sum of $4,887,590 35, which sum said railroad companies have wholly failed and refused to reimburse the Government of the United States; and whereas it also appears by said report that the Government of the United States has paid in cash, out of the Treasury, for freight and transportation of troops over said roads, the sum of $1,994,074 61, under and by virtue of certain stipulations by which the Government of the United States was allowed to retain one half of the amount due for said freight and transportation as indemnity for said liability as guarantor of the ultimate payment of said bonds, and the half to be paid over to said companies; and whereas the Government of the United States as a surety, discharging the obligation of the principal debtor, is in law entitled to be subrogated to all the right and interest of said principal debtor in and to said fund: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, instructed and required hereafter to retain the whole of said fund so to become due and owing by the Government of the United States to said Pacific railroad companies for freight and transportation of troops over said roads as aforesaid, and that he apply the same, as it shall hereafter accrue, to the extinguishment of so much of the debt from said railroad companies to the Government of the United States for account of interest so paid on said bonds by the Government of the United States as aforesaid.

On motion of Mr. VAN TRUMP, the joint resolution was referred to the Committee on the Pacific Railroad, and ordered to be printed.

ISAAC H. LYNN.

Mr. SMITH, of Ohio, introduced a bill (H. R. No. 1927) granting a pension to Isaac H. Lynn; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AGRICULTURAL REPORT.

Mr. WILSON, of Ohio, introduced a joint resolution (H. R. No. 279) to print extra copies of the report of the Commissioner of Agriculture for the year 1869; which was read a first and second time, and referred to the Committee on Printing.

APPLICATIONS FOR PENSIONS.

Mr. MORGAN introduced a bill (H. R. No. 1928) to repeal the proviso of the sixth section of the act entitled "An act relating to pensions," approved July 27, 1868, which limits applications for pensions to a period of five years from the origin of the cause for pension; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN W. ALVES.

Mr. SWEENEY introduced a bill (H. R. No. 1929) for the relief of John W. Alves; which was read a first and second time, and referred to the Committee of Claims.

REMOVAL OF DISABILITIES.

Mr. STOKES introduced a bill (H. R. No. 1930) to relieve certain citizens of the State of Tennessee of all political disabilities imposed by the fourteenth amendment to the Constitution of the United States; which was read a first and second time, and referred to the select Committee on Reconstruction.

Mr. PROSSER introduced a bill (H. R. No. 1931) to relieve B. F. Cheatham and John C. Burch, of Nashville; W. B. Lowe, of Richardson county, and W. H. S. Hill, of Williamson county, Tennessee, of their legal and political disabilities; which was read a first and second time, and referred to the select Committee on Reconstruction.

JOHN SARTAIN.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 1932) granting a pension to John Sartain, of Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY LINCOLN.

Mr. JUDD introduced a bill (H. R. No. 1933) granting a pension to Mary Lincoln; which was read a first and second time.

Mr. JUDD. I ask action on the bill now.

The SPEAKER. That is not in order under this call.

The bill was referred to the Committee on Invalid Pensions.

REMOVAL OF DISABILITIES.

Mr. ROGERS introduced a bill (H. R. No. 1934) to remove the disabilities from the people lately in rebellion against the Government, imposed by the fourteenth amendment to the Constitution of the United States; which was read a first and second time, and referred to the Committee on the Judiciary.

JOHN C. LANES.

Mr. ROOTS introduced a bill (H. R. No. 1935) granting a pension to John C. Lanes; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRANCIS J. RITTER.

Mr. ROOTS also introduced a bill (H. R. No. 1936) for the relief of Francis J. Ritter; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Military Affairs.

UNITED STATES COURTS IN MICHIGAN.

Mr. STRICKLAND introduced a bill (H. R. No. 1937) to provide for the holding of additional terms of the circuit and district courts of the United States in the State of Michigan, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MAIL STEAMSHIP SERVICE.

Mr. HAMILTON introduced a bill (H. R. No. 1938) authorizing mail steamship service between the ports of Cedar Keys, Florida, and Havana, Cuba; which was read a first and second time.

Mr. HAMILTON. I move that the bill be referred to the select Committee on the Causes of the Reduction of American Tonnage.

Mr. FARNSWORTH. If it is for mail service it ought to go to the Committee on the Post Office and Post Roads. If it is for commerce it might go to the select committee.

Mr. HAMILTON. I would prefer that it should go to the select committee, but I have no objection to its reference to the Committee on the Post Office and Post Roads, if the gentleman desires it.

The bill was referred to the Committee on the Post Office and Post Roads.

NEW ORLEANS, MOBILE, ETC., RAILROAD.

Mr. CLARK, of Texas, introduced a bill (H. R. No. 1939) to amend an act entitled "An act to establish and declare the railroad and bridges of the New Orleans, Mobile, and Chattanooga Railroad Company as hereafter constructed, a post route, and for other purposes," approved March 2, 1868; which was read a first and second time, and referred to the Committee on Commerce.

DUBUQUE AND SIOUX CITY RAILROAD.

Mr. SMYTH, of Iowa, introduced a bill (H. R. No. 1940) amendatory of an act entitled "An act extending the time for the completion of the Dubuque and Sioux City Railroad;" which was read a first and second time, and referred to the Committee on the Public Lands.

WISCONSIN AND LAKE SUPERIOR RAILROAD.

Mr. WASHBURN, of Wisconsin, introduced a bill (H. R. No. 1941) making a grant of land to the State of Wisconsin, in alternate sections, to aid in the construction of a railroad from Augusta, Wisconsin, via Chippewa Falls, to Superior City, on Lake Superior; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REPRESENTATION OF GEORGIA.

Mr. PAINE. I ask leave to introduce a bill to admit the State of Georgia to representation in Congress, and for other purposes, to be referred to the select Committee on Reconstruction; and I also ask, at the instance of the gentleman from Michigan, [Mr. BEAMAN,] to introduce an amendment which he has proposed, and have it referred to the same committee; and that both be printed.

The SPEAKER. It is not in order to introduce amendments to bills during this call.

Mr. PAINE. Cannot unanimous consent be given for that purpose?

The SPEAKER. It is not in order during the morning hour of Monday to ask unanimous consent for any purpose.

Mr. PAINE. Then I will withdraw the bill.

BLACK POINT, SAN FRANCISCO.

Mr. AXTELL introduced a bill (H. R. No. 1942) to relinquish the interest of the United States to certain lands in the city and county of San Francisco, in the State of California; which was read a first and second time, and referred to the Committee on Military Affairs.

J. ROSS BROWNE.

Mr. AXTELL also introduced a bill (H. R. No. 1943) for the relief of J. Ross Browne, late commissioner to China; which was read a first and second time, and referred to the Committee on Foreign Affairs.

LAND GRANTS.

Mr. JOHNSON introduced a joint resolution (No. 280) declaring the intention of Congress in making grants of land, and in allowing entry of rejected Mexican land grants; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PACIFIC CABLE COMPANY.

Mr. JOHNSON introduced a bill (H. R. No. 1944) to incorporate the Pacific Cable Company, and to facilitate and encourage telegraphic communication between California and

China; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

WASHINGTON TRANSATLANTIC TELEGRAPH.

Mr. WILKINSON introduced a bill (H. R. No. 1945) to incorporate the Washington Transatlantic Telegraph Company, and to facilitate telegraphic communication between America and Europe; which was read a first and second time, and referred to the Committee on Foreign Affairs.

RAILROAD LAND GRANTS TO KANSAS.

Mr. CLARKE, of Kansas, introduced a bill (H. R. No. 1946) to amend an act entitled "An act for grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SAMUEL BARNETT.

Mr. McGREW introduced a bill (H. R. No. 1947) for the relief of Samuel Barnett; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

JUDICIAL DISTRICTS OF VIRGINIA.

Mr. WITCHER introduced a bill (H. R. No. 1948) to amend an act entitled "An act to change and define the boundaries of the eastern and western districts of Virginia, and to alter the names of said districts, and for other purposes," passed June 11, 1864; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

W. B. WILSON.

Mr. FITCH introduced a joint resolution (H. R. No. 281) for the relief of W. B. Wilson, for carrying the United States mail in the State of Nevada; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

POSTAL TELEGRAPH.

Mr. TAFFE presented the joint resolutions of the Legislature of the State of Nebraska in relation to a postal telegraph; which were ordered to be printed, and referred to the select Committee on Postal Telegraph Lines.

POST ROUTE IN DAKOTA.

Mr. SPINK introduced a bill (H. R. No. 1949) to establish a post route in the Territory of Dakota; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for the introduction of bills and joint resolutions having been concluded, the next business during the morning hour is the call of States and Territories, for the introduction of resolutions, bills, &c., for consideration at this time, beginning with the State of Pennsylvania, where the call rested at the expiration of the morning hour on Monday last.

PENSION FOR MRS. MARY LINCOLN.

Mr. DICKEY introduced a bill (H. R. No. 1950) granting a pension to Mary Lincoln; which was read a first and second time.

The bill authorizes the Secretary of the Interior to place the name of Mary Lincoln, widow of Abraham Lincoln, deceased, late President of the United States, on the pension-roll, and allow and pay her a pension at the rate of $3,000 per annum from and after the passage of the act.

The question being on ordering the bill to be engrossed and read a third time,

Mr. DICKEY called the previous question.

Mr. BENJAMIN. Mr. Speaker, is this bill introduced for passage at the present time?

The SPEAKER. It is presented for consideration, and the gentleman from Pennsylvania [Mr. DICKEY] calls the previous question.

Mr. BENJAMIN. I hope the House will not second the demand for the previous question.

On seconding the demand for the previous question, there were—ayes 53, noes 49; no quorum voting.

Tellers were ordered; and Mr. BENJAMIN and Mr. DICKEY were appointed.

The House divided; and the tellers reported—ayes 72, noes 51.

So the previous question was seconded.

The main question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill,

Mr. BENJAMIN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 85, nays 65, not voting 77; as follows:

YEAS—Messrs. Allison, Armstrong, Arnell, Ayer, Banks, Bingham, Booker, Bowen, George M. Brooks, Buckley, Burchard, Burdett, Roderick R. Butler, Cake, Calkin, Cessna, Churchill, William T. Clark, Sidney Clarke, Clinton L. Cobb, Cook, Covode, Cullom, Dickey, Ela, Farnsworth, Ferriss, Finkelnburg, Fisher, Fitch, Garfield, Hale, Hamilton, Harris, Hawley, Hay, Hays, Heflin, Hoar, Hooper, Ingersoll, Jenckes, Alexander H. Jones, Judd, Kelley, Kelsey, Ketcham, Knapp, Laflin, Lash, Lynch, Maynard, McCarthy, McKee, Milnes, Daniel J. Morrell, Morrissey, Myers, O'Neill, Perce, Peters, Porter, Potter, Prosser, Randall, Roots, Sanford, Sawyer, Schenck, Scofield, Shanks, Porter Sheldon, John A. Smith, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevenson, Strader, Tanner, Tillman, Upson, Wheeler, Wilkinson, Winans, and Witcher—86.

NAYS—Messrs. Ambler, Archer, Asper, Axtell, Beaman, Benjamin, Benton, Biggs, Bird, Blair, Buffinton, Amasa Cobb, Coburn, Conger, Cowles, Cox, Degener, Dickinson, Duval, Eldridge, Ferry, Getz, Gibson, Hambleton, Holman, Thomas L. Jones, Knott, Lawrence, Loughridge, McCormick, McGrew, McKenzie, McNeely, Mercur, Morgan, Niblack, Orth, Packard, Packer, Paine, Peck, Pomeroy, Reeves, Rice, Rogers, Sheber, Stiles, Stone, Stoughton, Strickland, Strong, Swann, Sweeney, Taffe, Trimble, Tyner, Van Auken, Van Trump, Van Wyck, Ward, Cadwalader C. Washburn, Wells, Whitmore, Williams, Eugene M. Wilson, and John T. Wilson—66.

NOT VOTING—Messrs. Adams, Ames, Atwood, Bailey, Barnum, Barry, Beatty, Beck, Bennett, Boles, Boyd, James Brooks, Buck, Burr, Benjamin F. Butler, Cleveland, Conner, Crebs, Davis, Dawes, Dixon, Dockery, Donley, Dox, Dyer, Fox, Gilfillan, Griswold, Haight, Haldeman, Hamill, Hawkins, Heaton, Hill, Hoge, Hotchkiss, Johnson, Julian, Kellogg, Kerr, Logan, Marshall, Mayham, McCrary, Eliakim H. Moore, Jesse H. Moore, William Moore, Morphis, Samuel P. Morrill, Mungen, Negley, Palmer, Phelps, Platt, Poland, Ridgway, Sargent, Schumaker, Lionel A. Sheldon, Sherrod, Slocum, Joseph S. Smith, Stevens, Stokes, Taylor, Townsend, Twichell, Van Horn, Voorhees, William B. Washburn, Welker, Willard, Winchester, Wood, and Woodward—75.

So the bill was passed.

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

The latter motion was agreed to.

PAY OF J. H. SYPHER.

Mr. MORRELL, of Pennsylvania. I submit the following resolution, on which I demand the previous question:

Resolved, That the Clerk of the House of Representatives is hereby directed to pay to J. H. Sypher, out of the contingent fund of the House, the compensation of a Representative in Congress for one year, in full of expenses in contesting a seat in Congress from the first district of Louisiana.

Mr. RANDALL. I move the reference of this resolution to the Committee of Elections.

The SPEAKER. That motion is not in order pending the demand for the previous question.

Mr. RANDALL. I give notice that I shall make that motion if the previous question be not sustained.

On seconding the demand for the previous question, there were—ayes 48, noes 54; no quorum voting.

Tellers were ordered; and Mr. MORRELL, of Pennsylvania, and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 55, noes 67.

So the previous question was not seconded.

Mr. RANDALL. I move the reference of the resolution to the Committee of Elections.

The motion was agreed to.

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

The latter motion was agreed to.

PAY OF FRANK MOREY.

Mr. MOORE, of New Jersey, submitted the following resolution, on which he demanded the previous question:

Resolved, That the Clerk of the House of Representatives is hereby directed to pay to Frank Morey the sum of $4,000, in full of expenses incurred in contesting a seat in Congress from the fifth district of Louisiana.

The House divided; and there were—ayes nineteen, noes not counted.

So the previous question was not seconded.

Mr. RANDALL moved that the resolution be referred to the Committee of Elections.

The motion was agreed to.

JOHN GALLAGHER.

Mr. BIRD submitted the following preamble and resolution, on which he demanded the previous question:

Whereas John Gallagher, a native of Hunterdon county, in the State of New Jersey, volunteered in the Army of the Union in the year 1863, at the age of sixteen years, but was discharged upon the petition of his mother, both on account of his extreme youth and her great need of his assistance for the support of herself and her two young children; and whereas afterward, in the year of 1866, when about the age of nineteen years, without consideration, he was persuaded to engage with the Fenians in their expedition upon the Canadian frontier, where, with others, he was captured and sentenced to twenty year's imprisonment at Kingston, four years of which period he has suffered, and which has so greatly affected his health that it has recently been found necessary to remove him to a hospital, his mother in the mean time dying of grief and his younger sisters brought to great distress by being deprived of his aid: Therefore,

Resolved, That in view of his youth and the length of time he has already been imprisoned, and the effect thereof upon his health, the President of the United States is hereby requested, if not incompatible with the public interest, to intercede with the proper authorities of Canada or Great Britain in such a manner as he may deem expedient to secure the pardon and discharge of the said John Gallagher from custody.

The previous question was seconded and the main question ordered; and under the operation thereof the preamble and resolution were adopted.

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

The latter motion was agreed to.

ADJOURNMENT SINE DIE.

Mr. STILES. I ask unanimous consent to submit the following resolution:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* on Monday, the 4th of July next, at meridian.

The SPEAKER. That is a privileged question, and can be offered at any time without interrupting the call of the States.

ALABAMA CLAIMS.

Mr. CALKIN submitted the following preamble and resolution, on which he demanded the previous question:

Whereas it is the sentiment of the American people that immediate reparation should be made by the Government of Great Britain for the destruction of vessels belonging to citizens of our Republic by the piratical steamer Alabama and other steamers of like character: Therefore,

Resolved, That the President be requested to press the Alabama claims to an immediate settlement, that our citizens may be promptly remunerated for their losses and our nation's honor maintained.

The House divided; and there were—ayes 35, noes 80.

Mr. CALKIN demanded tellers.

Tellers were ordered; and Mr. CALKIN and Mr. BANKS were appointed.

The House again divided; and the tellers reported—ayes 40, noes 80.

So the previous question was not seconded.

On motion of Mr. BANKS, the preamble and resolution were referred to the Committee on Foreign Affairs.

The morning hour then expired.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PALMER for three weeks; to Mr. AXTELL, on account of sickness in his family, until Tuesday next; to Mr. JOHNSON for three days from to-day; to Mr. SWANN for three days from to-morrow; and to Mr. BOLES, on account of sickness in his family, for twenty days.

PUBLIC HOLIDAY.

Mr. SCHENCK, by unanimous consent, introduced a joint resolution (H. R. No. 282) to establish the 30th day of May in each year a public holiday; which was read a first and second time.

The joint resolution provides that the 30th day of May, being the day appointed and accustomed to be used for the decoration of the graves of soldiers who died in war in defense of the Union against rebellion, be declared a public holiday, to be forever observed as such by the people of the United States.

Mr. SCHENCK. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

CLOSING DEBATE.

Mr. SCHENCK. I offer the following resolution:

Resolved, That when the House shall be again in Committee of the Whole on the state of the Union on the special order, the bill (H. R. No. 1068) to amend existing laws relative to the duties on imports, and for other purposes, the committee shall have power to stop debate on any portion of the bill by a vote of the majority present without an order of the House.

I hope this resolution will commend itself to the judgment of the House.

Mr. HOLMAN. I rise to a question of order. To adopt this resolution is not a suspension of the rules required?

The SPEAKER. It would necessarily require that.

The question was put; and there were, on a division—ayes 113, noes 13.

So (more than two thirds having voted in the affirmative) the resolution was agreed to.

BOUNTY UNDER CALL OF MAY 3, 1861.

Mr. SCHENCK. I rise to a privileged question.

Mr. NIBLACK. I ask the gentleman to yield to me for a moment to submit a resolution which I think will create no discussion.

Mr. SCHENCK. I yield to the gentleman.

Mr. NIBLACK. I submit the following preamble and resolution, on which I desire present action:

Whereas the President, by his proclamation, dated May 3, 1861, called for forty-two thousand and thirty-four volunteer troops for the defense of the Union and the enforcement of the laws of the United States; and whereas about one hundred and twenty thousand troops were accepted by the President and mustered into the service under said proclamation; and whereas the Supreme Court of the United States have decided that all persons who enlisted under said proclamation and were honorably discharged from service are entitled to $100 bounty without reference to the time served by any such persons; and whereas the Second Comptroller of the Treasury has decided that not exceeding forty-two thousand and thirty-four persons are entitled to bounty under said proclamation as construed by the Supreme Court: Therefore,

Resolved, That the Committee on Military Affairs be instructed to report a bill providing for the payment of the bounty promised by said proclamation to all persons who were mustered into the military service of the United States under it and have not already received said bounty.

Mr. COBB, of Wisconsin. Will the gentleman yield to me for a question?

Mr. NIBLACK. Certainly.

Mr. COBB, of Wisconsin. Does the gentleman not know that this House upward of six weeks ago passed a bill containing almost precisely the provision contemplated by this resolution, and that that bill is now pending in the Senate?

Mr. NIBLACK. I was not aware of that fact. My attention was only called to this matter a few days ago, and thinking it a matter of some urgency I prepared this resolution. It will do no harm to pass it.

Mr. JONES, of Kentucky. Does this include more than the seventy-five thousand?

Mr. NIBLACK. It includes all who were mustered in under the proclamation.

The SPEAKER. The resolution can only come in under a suspension of the rules.

Mr. FARNSWORTH. I move that the resolution be referred to the Committee on Military Affairs.

Mr. NIBLACK. To save the time of the House, I am willing to accept the proposition that the resolution shall go to the Committee on Military Affairs.

It was so ordered; and the resolution was accordingly referred to the Committee on Military Affairs.

Mr. ALLISON. I demand the regular order.

HOUR OF MEETING.

Mr. SCHENCK. I had risen to a privileged question. I now move that on Tuesday, Wednesday, and Thursday of this week the hour of meeting be fixed at eleven o'clock a. m.

Mr. VAN WYCK. Do you propose to have an evening session besides?

Mr. SCHENCK. I do.

Mr. INGERSOLL. I desire to move an amendment to the motion of the gentleman from Ohio to insert "ten" instead of "eleven." I wish also to inquire of the gentleman whether if the House agrees to meet at eleven o'clock he intends also to ask for evening sessions?

Mr. SCHENCK. I do. I intend to see how much we can do in these three days.

Mr. INGERSOLL. I think it would better advance the business of the House that we should meet at ten and sit till five, and have no evening session.

Mr. SCHENCK. I am willing that there shall be a vote on the amendment of the gentleman from Illinois, to substitute "ten" for "eleven."

The question was put on Mr. INGERSOLL's amendment; and it was disagreed to.

Mr. SCHENCK's motion was agreed to.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SHERROD for fourteen days, on account of sickness in his family.

Mr. STILES. I desire to take the opinion of the House on my motion as to the final adjournment.

Mr. SCHENCK. I cannot yield for that.

Mr. CULLOM. I demand the regular order.

TARIFF BILL.

Mr. SCHENCK. Before submitting the motion to go into Committee of the Whole on the special order I move that the committee at half past four o'clock p. m. take a recess till half past seven o'clock p. m.

The motion was not agreed to.

Mr. SCHENCK. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole upon the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. When the committee was last in session it had under consideration the following paragraph of the bill:

On all insulated telegraphic or electric wires or cables for submarine purposes, 40 per cent. *ad valorem*.

Mr. SCHENCK. I am instructed by the Committee of Ways and Means to move to amend the paragraph by striking out the words "wires or" and insert in lieu thereof "wire." Those that are used for submarine purposes are all cables.

The amendment was agreed to.

Mr. ALLISON. I move to insert after the word "purposes" the words "and all telegraph wires," so as to place all telegraph wires on the same footing. I suppose there will be no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

On hair-pins made of iron wire, 50 per cent. *ad valorem*.

Mr. BROOKS, of New York. I move to strike out "50" and insert "35," so as to make the duty 35 per cent. *ad valorem*. That is enough for hair-pins.

Mr. SCHENCK. I will state very briefly the reasons which have led to the proposition to fix the tariff upon hair-pins at 50 per cent. *ad valorem*. It seems that there is a very large amount invested in the manufacture of this article in this country, and it is a much more important business than I had supposed until the information was presented to the committee. The claim for the propriety of advancing the tariff rests upon the fact that these hair-pins are made of the next to the finest class of wire, and as the tariff now stands there is a less duty on hair-pins when manufactured than there is upon the wire out of which they are made, and it is to amend that anomalous condition of things that this proposition is made by the committee.

The question was taken on the amendment of Mr. BROOKS, of New York; and it was disagreed to—ayes thirty, noes not counted.

Mr. BROOKS, of New York. I will offer another amendment, for the purpose of calling the attention of the committee to this subject. It is evident that nobody is interested in this tariff when we cannot keep a quorum to vote on it. I move to make the duty 36 per cent. *ad valorem* instead of 35 per cent., the existing duty. The chairman of the Committee of Ways and Means says that this rise of 15 per cent. is made because of the high duty existing on wire. Thus one disease begets another; thus one wrong creates the necessity of doing another; thus one bounty imposes upon us the duty of creating an additional bounty; thus one bad movement at the start of a thing makes it necessary to follow it by a series of bad movements throughout. Now, 50 per cent. *ad valorem* is an enormous bounty on hair-pins. I wish some respect at least to be paid to the garments and gear of the women of the country in this bill. We have already imposed an additional duty on corsets and all the appurtenances thereto belonging, and it is now proposed to add 15 per cent. *ad valorem* on the hair pins which ladies use. I hope the duty will be put at 36 per cent.

Mr. SCHENCK. I suppose I must explain again what operated upon the minds of the committee. It was simply this: hair-pins do not seem to have entered into the minds of those who framed the existing tariff law. They fall, therefore, among the unenumerated articles, and are charged 35 per cent. *ad valorem*, or about 1¼ cents per pound. They come in under one of two classes. There is some dispute as to which, and I believe the decisions have varied. Either is less than 50 per cent. *ad valorem*, as now proposed. Now, these hair-pins are made of the next to the finest

class of wire, and that, after the reduction proposed by the Committee of Ways and Means in this bill, is still held at 4 cents per pound and 15 per cent. *ad valorem*. Therefore this anomalous condition of things exists, that from inadvertence, from omission in the tariff law as it now stands, these articles are permitted to come in at a less cost than the material out of which they are made. We supposed that 50 per cent. *ad valorem* would be a fair valuation compared with that of the wire out of which they are made, and we have regulated it accordingly. They come in now either as iron manufactures non-enumerated, or as iron rolled or hammered, not otherwise provided for. The decision, I believe, has generally been that they shall come in at 35 per cent. *ad valorem* under the present law.

The question was taken on the amendment of Mr. BROOKS, of New York; and it was disagreed to—ayes seventeen, noes not counted.

Mr. HOAR. I offer the following amendment, to come in at the end of the paragraph, after the words "*ad valorem*:"

On machine-card clothing and hand cards, whether of iron, steel, or brass wire, stuck in leather, cloth, rubber, or paper, or however manufactured, 50 per cent. *ad valorem*.

Mr. FINKELNBURG. I rise to a point of order. Is this amendment germane to the pending paragraph?

Mr. HOAR. This is a wire manufacture, and relates to the general subject now before the committee.

The CHAIRMAN. The Chair hardly thinks the amendment germane to the pending paragraph.

Mr. HOAR. The Chair will allow me to state what is the nature of the manufacture included in the amendment, so that the ruling of the Chair may be properly made. The pending order is a paragraph relating to duties on a manufacture of iron wire.

The CHAIRMAN. It would be more germane to the next paragraph.

Mr. HOAR. The Chair will permit me to call attention to the fact that the Chair is ruling, not on a matter of parliamentary law, but on a question of fact, to wit, whether machines and cards come in under the head of wire or manufactures of iron. I think the Chair, if he is acquainted with the manufacture to which my amendment relates, would see very clearly that it belongs to the former class. But as my amendment is to insert a new paragraph between the one relating to wire and the one relating to iron, it would be hardly a practical question as to which it should be attached.

The CHAIRMAN. The Chair does not think the proposed amendment germane to the pending paragraph, which relates solely to hairpins made of iron wire.

The next paragraph was read, as follows:

On iron of any size or description not included, embraced, or enumerated in this act, 1 cent per pound: *Provided*, That iron in any form or of any description charged with a duty under this act shall not be changed from its classification because of any partial or complete manufacture into any article not designated, unless it shall be a part of some finished manufacture composed in chief part of other materials than iron.

Mr. HOAR. I move to amend this paragraph by inserting before the first line the following:

On machine-card clothing and hand cards, whether of iron, steel, or brass wire, stuck in leather, cloth, rubber, or paper, or however manufactured, 50 per cent. *ad valorem*.

The manufacture described by my amendment is one which is not provided for in the present bill and is only protected by the general sweeping clause of 35 per cent. *ad valorem* on manufactures not otherwise enumerated. It is a manufacture which requires the very highest degree of skill. The machine by which this card clothing is manufactured probably comes nearer to human intelligence than any other machinery which is known in the mechanic arts. The machine not only performs the delicate operation of placing the pieces of iron or steel wire in their proper places after cutting them off into proper lengths, but it conducts the operation for a larger number of wires at once; and it is so delicately adjusted that when a single wire gets out of place, or when any portion of the operation is out of order, the machine stops at once and rings a little bell as a sign of distress. In addition to the intelligence and ability of the machine, the working of it requires the highest degree of skill. The average paid to the workmen operating this machine, I am told, is four dollars a day; and it requires three or four years of practice to acquire the proper degree of skill.

Mr. JUDD. Is that a machine used in foreign countries?

Mr. HOAR. Yes; I cannot say where the original machine was invented.

Mr. BANKS. In this country.

Mr. HOAR. My colleague [Mr. BANKS] informs me that it was invented in this country. It is a mechanism that has been improved from year to year. The original manufacture was begun in the town of Leicester, adjoining the city of Worcester, which I represent, and it has spread to various parts of the country. There is a manufactory in Worcester, one in New York, and several in Pennsylvania. Such is the skill required of the workingmen engaged in these manufactories that nearly all of these establishments can be traced to this original Leicester manufactory as their origin.

[Here the hammer fell.]

Mr. ALLISON. I will say but a few words.

Mr. HOAR. Let me say one word more.

Mr. ALLISON. Very well.

Mr. HOAR. I desire to make one more statement. This manufacturing interest is now represented in this country by twenty-six factories, operating thirteen hundred of these costly machines, with a capital of over two million dollars.

Mr. ALLISON. Mr. Chairman, I do not pretend to know to what extent these card machines are imported; but it seems to me the amendment proposes a very large increase of duty, especially when we in the West are trying to develop our manufactures. This duty would impose an additional cost on our people who are buying these machines. Unless the duty proposed is absolutely essential to the people interested in this machinery to enable them to live I trust that the amendment will not be adopted. I am not sufficiently conversant with the subject of the amendment to make any specific opposition to it. I only know that it will tend to increase the cost of manufacturing in the West. I yield to the gentleman from Massachusetts [Mr. HOAR] for any further explanation which he may be prepared to give.

Mr. HOAR. This card machinery now comes in under the head of "non-enumerated articles," paying a duty of 35 per cent. *ad valorem*. But the English card machinery is competing with our manufactures to a large extent; and those engaged in this branch of industry desire this additional protection, to which the Committee of Ways and Means assent; for it is reasonable. That which is protected by the amendment is the machine card, the wire stuck in leather which revolves over the machine, and performs the province of carding wool, cotton, &c.

Mr. MAYNARD. Will the gentleman from Iowa [Mr. ALLISON] yield to me for a few minutes?

Mr. ALLISON. I will yield to any gentleman who can give us light on this subject; and I know the gentleman from Tennessee can do so if any one can.

Mr. MAYNARD. I am informed that a new establishment put in operation during the last year at, I think, Fall River, Massachusetts, found it cheaper to import its card machinery than to employ in making it any of the numerous well-appointed manufactories in that State. This is a condition of things which some of us thought ought to be provided against. I think the amendment is a proper one.

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. BANKS. I move to amend by striking out the last word. The necessity for protection in cases of this kind arises from the delicacy of the machinery, which requires great skill on the part of the persons employed to run it. There is no great supply of labor for this purpose. Each manufacturing establishment has to educate and instruct its own workmen. If the establishments are stopped for ever so short a time the hands become scattered through the community and cannot be regained, so that others have to be instructed to perform the very delicate duty of running these machines. Now a duty of 35 per cent. is much less than the average protection given to the manufacturers of our country.

Mr. HOOPER, of Massachusetts. I think the gentleman is mistaken in supposing the duty to be 35 per cent. If the machines were made of iron that would be the duty; but on unenumerated manufactures of steel and brass the duty is 45 per cent.

Mr. BANKS. I adopted on that point the statement of my colleague [Mr. HOAR] who introduced the amendment. But at any rate, if anything is protected it ought to be these manufactures which are just struggling for a foothold, and where the great point for the manufacturer is to secure skilled workmen. I am not conversant with this precise manufacture; but in cases to which I referred some time ago, and in others arising in connection with the bill, a consideration which ought to be kept in mind is that where there is but a limited supply of a particular kind of skilled labor, if the hands, after going through a course of instruction in the establishments where they are employed, are thrown out of employment by a suspension of business, they cannot be recalled at pleasure, but the establishments, when they resumed business, must educate new laborers to take their places.

Mr. ELDRIDGE. I would like to ask the gentleman a question: following out the theory of the Committee of Ways and Means and the protectionists generally, would it not be well to have a high tariff upon skilled labor, so as to protect it? It seems to me that would reach the gentleman's point more readily.

Mr. BANKS. I am sure I cannot answer the gentleman to his satisfaction; but if there be anything that should be protected it is labor.

Mr. ELDRIDGE. There is no tariff upon skilled labor.

Mr. BANKS. Manufactures which require skilled labor and which are just struggling for existence are precisely and especially the pursuits which require the assistance of the Government at the present time. After the manufacture is well established, and when many persons have been educated in the business, the duty may be reduced; but certainly the protection extended to these manufactures ought not to be less than the average rate of duty. I can say to the gentleman from Wisconsin [Mr. ELDRIDGE] that the great woolen and cotton manufacturing establishments, if their hands leave them, can immediately obtain others to take their places; but in manufactures requiring skilled labor, such as the making of watches, cards, &c., if the hands leave the establishments the establishments must stop until new men can be educated to follow the business.

Mr. COX. Mr. Chairman, I beg to say to the honorable gentleman from Massachusetts that I think the more pertinent and logical mode to get at this would be to establish a bureau or school of instruction.

Mr. BANKS. Propose it.

Mr. COX. Yes, sir; as the gentleman would have it, perhaps these laborers should be instructed by the Government in this special line of business, and afterward be supported by all the other classes of laborers in the country, especially the farmers and agriculturists, with a view to protect establishments employing

only thirteen hundred hands, and in which $2,000,000 are invested.

Mr. HOAR. I will inform the gentleman from New York that such a school as he describes for the instruction of workmen in chemistry, mechanical engineering, and other things of the kind, has been established in the town where this manufacture has gone on, at a cost of $500,000, and very largely by the contributions of the working men themselves who are engaged in this business. Thirty thousand dollars were raised in one shop.

Mr. COX. According to the gentleman from Massachusetts, they want this protection on this branch of manufacture for the purpose of instructing the workmen, when it seems that these manufacturers are making so much already by the bounty of our tariff that they can give $500,000 for the purpose of instructing these skilled workmen.

Mr. BANKS. I do not ask that they shall be instructed by the Government, but I ask that, being instructed, the Government shall not take such a course as to suspend these works and discharge these hands and impose on the manufacturers the necessity of organizing a new set of hands.

Mr. COX. Why does not the gentleman apply that to other subjects?

Mr. BANKS. I will.

Mr. COX. When a man instructed in the law makes $1,000, why do you not give him ten dollars out of the public Treasury? So in regard to the construction of ships in Maine, where the art has almost gone out of existence. Why did you not keep up the building of ships there for fear there would be a diversion of ship-building from that State? All these arguments come down at last to one proposition, that unless gentlemen from Massachusetts, Pennsylvania, or New Jersey, who have special interest, can live out of the public crib they will not live at all. With all their Yankee ingenuity, with all their boastful skill, while they make machines that almost think, which work day after day with nice manipulation, and having the property of easiness and refinement beyond almost human comprehension, these gentlemen come here and say to the Government, You must protect us against the foreigners who are coming here with a better article.

[Here the hammer fell.]

Mr. COOK. I wish to ask the gentleman from Massachusetts [Mr. HOAR] a question. Is the machine of which you speak now being manufactured under a patent, so that the protection the amendment would give would inure to the benefit of a patentee and not of the public?

Mr. HOAR. I am unable to answer the gentleman's question precisely, because the bringing of this machine to perfection has been the result of a number of distinct improvements. I do not understand the machine is protected, as there are some twenty-six manufactories.

Mr. COOK. When did this manufacture begin?

Mr. HOAR. The origin of this manufacture was quite long ago.

The committee divided; and there were—ayes 22, noes 31; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. COX and Mr. HOAR.

The committee again divided; and the tellers reported—ayes 44, noes 54; no quorum voting.

The CHAIRMAN. The committee finding itself without a quorum, it is the duty of the Chair to cause the roll to be called, in order that the names of the absentees may be reported to the House.

The Clerk proceeded to call the roll; and the following members failed to answer to their names:

Messrs. Adams, Atwood, Axtell, Bailey, Barnum, Beatty, Biggs, Bingham, Boles, Bowen, Boyd, Burr, Benjamin F. Butler, Roderick R. Butler, Sidney Clarke, Cleveland, Clinton L. Cobb, Conner, Crebs, Davis, Dawes, Dixon, Dockery, Donley, Dox, Dyer, Eldridge, Farnsworth, Fitch, Fox, Haight, Haldeman, Hamill, Hamilton, Hawkins, Heaton, Hill, Hoge, Hotchkiss, Johnson, Thomas L. Jones, Julian, Kellogg, Kerr, Lawrence, Logan, Marshall, Mayham, McNeely, Eliakim H. Moore, Morgan, Mungen, Palmer, Platt, Poland, Potter, Ridgway, Sargent, Schumaker, Sherrod, Slocum, Stevens, Tanner, Taylor, Townsend, Twichell, Van Auken, Van Horn, Van Trump, Voorhees, William B. Washburn, Welker, Winchester, Wood, and Woodward.

The committee then rose; and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, Mr. WHEELER reported that the Committee of the Whole on the state of the Union having, according to order, had the Union generally under consideration, and particularly House bill No. 1068, to amend existing laws relating to the duty on imports, and for other purposes, and finding itself without a quorum, he had, under the rule, caused the roll to be called, and now reported the names of the absentees to the House, in order that they may be entered upon the Journal.

The SPEAKER *pro tempore*. A quorum having answered to their names, the only thing in order is for the committee to resume its session.

The committee then resumed its session, Mr. WHEELER in the chair.

The CHAIRMAN. The tellers, Mr. COX and Mr. HOAR, will please resume their places. The question is on the amendment proposed by the gentleman from Massachusetts, [Mr. HOAR,] which the Clerk will again report.

The Clerk read as follows:

Before the word "on" in line three hundred and ninety-one insert the following:

On machine-card clothing and hand cards, whether of iron, steel, or brass wire, stuck in leather, cloth, rubber, or paper, or however manufactured, 50 per cent. *ad valorem*.

The committee again divided; and the tellers reported—ayes 64, noes 57.

So the amendment was agreed to.

Mr. BROOKS, of New York. Mr. Chairman I desire to amend that amendment. I move to strike out "50 per cent," and insert "36 per cent.," which is a rise of 1 per cent. on the existing duty.

The CHAIRMAN. The Chair would inform the gentleman from New York that it is not in order to amend an amendment which has just been agreed to by the committee.

Mr. BROOKS, of New York. Then I move to strike it out.

The CHAIRMAN. The gentleman cannot move to strike out what has just been inserted.

Mr. BROOKS, of New York. Is it not amendable in any form?

The CHAIRMAN. It is amendable by addition only. The entire paragraph is still under consideration.

Mr. BROOKS, of New York. I move, then, to add to the amendment the following words:

Provided, That the patents under which these machine cards are manufactured shall be surrendered to the Government.

Now, Mr. Chairman, these gentlemen who have those machines in Worcester——

Mr. HOOPER, of Massachusetts. I beg to inform the gentleman that there are no patents.

Mr. BROOKS, of New York. Then there will be nothing to be surrendered. I am informed that there are patents, and if I am misinformed and the gentleman from Massachusetts is better informed, the public can hereafter judge between us. It is not likely that an ingenious invention when adopted by our Yankee fellow-countrymen would be left unpatented.

Mr. MAYNARD. What does the gentleman propose that the Government shall do?

Mr. BROOKS, of New York. I decline to yield to further interruptions. This is an increase of duty for the benefit of a particular manufacturer, without the authority of the Committee of Ways and Means, and against the report of the Committee of Ways and Means, from 35 to 50 per cent. *ad valorem*. It is a bounty to all intents and purposes for that special business, and if it is carried it is carried into the position in which the ayes and noes can be obtained upon it in this House. It is an enormous bounty created with little or no discussion and inserted in a strange and very anomalous place.

The gentlemen from Massachusetts tell us that their skilled labor requires to be protected. Why! our Yankee countrymen must have greatly degenerated since the time when I left New England, if the brain, ingenuity, capital, and education of New England are not amply sufficient to maintain their skilled labor against all the skilled labor of the world. I have no doubt that this machinery now in question is the best kind and the best form of such machinery on earth, and that these people are now profitably making these very cards at 35 per cent. *ad valorem*, though they are asking for 50 per cent. This bounty for skilled labor is a mere pretext to cover what is against the interests of people who are as intellectual and as cultivated as the people of New England are. This is a mere device to obtain a higher, I will not say protection, but a higher bounty from the Government. That is what it means, and all that it means. And I say that if we begin to yield to every little manufacturer that comes here and demands an additional bounty for a manufacture in which perhaps some 100 people are engaged, and if we tax 40,000,000 consumers for the benefit of this manufacturer, employing some hundred hands, we might as well at once throw this bill out of sight, out at the front door of the House of Representatives, and tell every little manufacturer who is here, or who may come here, to write down what he wants, and we will bring it into the House of Representatives and pass it. I cannot conceive a more indefensible proposition than that which has just been offered, and which, to my utter amazement, has passed by a majority of seven, although in a thin House.

Mr. GRISWOLD. I wish to ask the gentleman whether the duty is not already prohibitory—whether any of these articles are now imported, as the duty stands?

Mr. BROOKS, of New York. I cannot answer the gentleman. Probably the fact is as he indicates. It may be that these gentlemen regulate the prices in such a manner as just to keep the foreigner out, and will put up the prices when they have a monopoly of the market by the duty being put at a rate which is entirely prohibitory.

Mr. HOAR. I am not surprised that the amendment just adopted by the committee seems to the gentleman from New York [Mr. BROOKS] peculiarly offensive. This is not a proposition to encourage the bringing over to this country or the establishment in this country of manufactories of fraudulent voters.

Mr. RANDALL. I rise to a point of order. I submit that the manufacture of votes has nothing to do with the proposition now under consideration.

The CHAIRMAN. The point of order is well taken.

Mr. HOAR. That is precisely what I was intending to say. This is a proposition which will enable the employers of the skilled laborers of this country to continue to pay their skilled workmen, who spend four years in mastering the process, wages of $4 a day, or $1,200 a year, and to prevent their being stricken down by a nation which pays its skilled laborers in the same business one third or one fourth part the same wages. It is not because the labor or the inventive genius of this country cannot compete in skill or in production with that of any other. It is because in this country we have institutions which will not tolerate the keeping of men of skill and brain enough necessary for the manufactures of this class to starvation wages; and the proposition of the gentleman from New York, if it succeeds in defeating the amendment which has just been adopted, will have the effect to do what has been done already within the last year, compel a large number of these manufacturers to close their shops and dis-

charge their workmen, and render the time which the working man has spent in mastering this difficult and complicated process lost to him, and throw a large number of workmen out of employment where their wages are proportioned to their skill, and bring them into a class of ordinary laborers who are merely paid for the muscular work which they perform. But, sir, of course this amendment is not intended seriously. There are no patents that anybody in this House knows of. The amendment provides that the patents shall be surrendered to the Government. He does not undertake to say that American patents exist protecting this manufacture. If they are English patents the proviso would not be very likely to be effectual. What the Government is to do with them, whether it is expected that the manufacture of machine-card clothing will be attached to the Printing Bureau, the gentleman from New York does not inform us. I suppose that after my amendment has been adopted it is unnecessary to take up further time in opposing a proposition like this.

Mr. ELDRIDGE. I move to amend the amendment by adding to it the words:

Provided, That there shall be a record made of it in the Patent Office.

I offer that amendment for the purpose of replying to the gentleman from Massachusetts [Mr. HOAR] in some things that he has said. The gentleman's anxiety, as would appear from his speech, is to protect or to preserve and utilize the skilled labor of the country. Now, I would do anything that the gentleman would to advance the interests of skilled laborers. I am in favor of the laborer; but this method of reaching him, this method of providing for him, I am certainly opposed to. The gentleman would protect the employer in order that he may continue to employ his laborers. We ought to protect the laborers in a more direct manner. In general, the employer is the robber of the laborer, and this, in my judgment, is simply a bounty to the employer to oppress the laborer more and more.

Mr. SCHENCK. I rise to a question of order. An amendment was offered by the gentleman from Massachusetts, [Mr. HOAR,] which was adopted. The gentleman from New York [Mr. BROOKS] proposed to amend by adding to what had been adopted a provision for the surrender of the patents to the Government; but he argued against the amendment already adopted. The gentleman from Massachusetts [Mr. HOAR] replied, and now the discussion is going on upon the merits of an amendment which has been adopted. I make the point of order that gentlemen must confine themselves to the reasons why the pending amendment should be adopted.

The CHAIRMAN. The gentleman from Wisconsin is aware of the rule and will proceed in order.

Mr. ELDRIDGE. Mr. Chairman, these patents are so valuable that you ought to give no bounty at all. I am told by gentlemen who understand this subject that they are the best in the world, and I insist that the skilled laborers whom it is proposed to preserve in employment ought to have protection directly instead of having it go through the hands of the tyrants who would oppress them as well as oppress the people of the West. I insist that if we would protect skilled labor we should do it directly. Let us make provision for skilled laborers and give them bounties, if you will, provide a school for them, as suggested by the gentleman from New York, [Mr. COX;] add another department at West Point and send them there at the public expense; but do not put the money you would give to them into the hands of the employer, so that he may further oppress them. That is all I desire to say.

Mr. SCHENCK. I rise to oppose the amendment, and having made all the speech I want, I will take my seat.

The amendment of Mr. ELDRIDGE to the amendment of Mr. BROOKS, of New York, was not agreed to.

The amendment of Mr. BROOKS, of New York, was not agreed to.

Mr. BROOKS, of New York. I now move, in order to meet the argument of the gentleman from Massachusetts, [Mr. HOAR,] to add to his proposition the following:

Provided, That the workmen in all these factories shall have $1 per day in addition to their existing pay.

The object of my amendment is simply this; we give these manufactures an enormous bounty——

Mr. SCHENCK. I rise to a question of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BROOKS, of New York. I mean to be in order.

Mr. SCHENCK. My point of order is, that the proposed amendment is not germane to a tariff bill; that it is not in order in a tariff bill to undertake to regulate the wages of the workmen in this country.

The CHAIRMAN. The point of order is well taken.

Mr. SCHENCK. I am instructed by the Committee of Ways and Means to move to amend the pending paragraph by striking out the words "included, embraced, or enumerated in this act," and inserting in lieu thereof "otherwise provided for," so that that portion of the paragraph will read, "On iron of any size or description, not otherwise provided for, 1 cent per pound," &c.

The amendment was agreed to.

Mr. SCHENCK. I am instructed by the Committee of Ways and Means to move to further amend this paragraph by striking out the words "materials than iron," and inserting in lieu thereof the words "metal, or of which other metal shall be a component part of chief value;" so that the paragraph will read:

On iron of any size or description, not otherwise provided for, 1 cent per pound: *Provided*, That iron in any form or description, charged with a duty under this act, shall not be changed from its classification because of any partial or complete manufacture into any article not designated, unless it shall be a part of some finished manufacture, composed in chief part of other metal, or of which other metal shall be a component part of chief value.

Mr. ALLISON. I would like to have some explanation of this amendment.

Mr. SCHENCK. I thought the gentleman from Iowa [Mr. ALLISON] and myself and all the rest of the members of the Committee of Ways and Means had agreed to this amendment and understood it perfectly. As the paragraph now reads it is, "unless it shall be a part of some finished manufacture, composed in chief part of other materials than iron." We propose to make it read:

Unless it shall be a part of some finished manufacture, composed in chief part of other metal, or of which other metal shall be a component part of chief value.

The object of the amendment is, that this paragraph shall not apply to cases where there may be a machine, a great deal of which may be composed of wood, leather, or something else than metal, and confine it to those machines of which some metal shall be a chief component part.

The amendment was agreed to.

The next paragraph was read, as follows:

On chains, trace chains, halter chains, and fence chains, made of wire or rods not less than three eighths of an inch in diameter, 2½ cents per pound; less than three eighths of an inch in diameter, and not less than No. 9 wire gauge, 3 cents per pound; less than No. 9 wire gauge, 5 cents per pound.

Mr. SCHENCK. The Committee of Ways and Means have instructed me to move to strike out this paragraph, leaving the tariff as it is.

The motion to strike out was agreed to.

The next paragraph was read, as follows:

On wrought-iron washers, nuts, bolts, or rivets wholly or partially finished, of all descriptions, punched or unpunched, 3 cents per pound.

Mr. SCHENCK. The Committee of Ways and Means have instructed me to move to amend this paragraph so as to make the duty 2½ cents per pound.

The amendment was agreed to.

Mr. SCHENCK. I have been instructed to move to insert after this paragraph the following:

On wrought-iron hinges, weighing not more than two pounds to the dozen pair, 25 per cent. *ad valorem* in addition to the present duty.

Mr. BROOKS, of New York. I want to know the object of this amendment. This is the first I ever heard of it.

Mr. SCHENCK. The gentleman from New York [Mr. BROOKS] inquires the object of this amendment. I am not aware that any objection was made to it in committee; perhaps there was. The Committee of Ways and Means find that there are hinges made of which a dozen pairs very often will not weigh more than a pound, or two pounds, or three pounds. And they propose that in the case of those that weigh less than two pounds per dozen pairs, instead of being subjected to a tariff of 2½ cents per pound, operating as hardly any duty upon them, that there shall be an *ad valorem* duty. Take the case of hinges a dozen pairs of which weigh only a pound, a tariff of 2½ cents on the whole dozen pairs is in very inadequate proportion in any respect whatever to their value. There was no proposition made to increase generally the tariff on hinges, but only to provide for the case of those which are so small that the duty at so much per pound, without an *ad valorem* rate, amounts to no tariff at all.

Mr. BROOKS, of New York. Here is an additional rise of 25 per cent. *ad valorem* on the smaller classes of hinges. Whenever the protectionists or bounty men desire it for their own purposes they go for an *ad valorem* duty; but when that does not suit their purposes they denounce the system of *ad valorem* duties. In this case an *ad valorem* duty is put forward as a part of necessary protection. At other times we are told that specific duties are necessary. In this case a specific duty is changed into an *ad valorem*. I only wish to call attention to the fact that here is another increase of duty as we go along.

Mr. SCHENCK. I ask that the amendment be again read. It is in itself a sufficient argument in reply to the gentleman.

The amendment was again read.

On agreeing to the amendment, there were—ayes 45, noes 32; no quorum voting.

Tellers were ordered; and Mr. HOOPER, of Massachusetts, and Mr. BROOKS, of New York, were appointed.

The committee again divided; and the tellers reported—ayes 69, noes 46.

So the amendment was agreed to.

The Clerk read as follows:

On wrought-iron washers, bolts, or rivets, wholly or partially finished, of all descriptions, punched or unpunched, 3 cents per pound.

On wrought-iron welded pipes, tubes, and flues, of all descriptions, 3 cents per pound.

Mr. BROOKS, of New York. I move to amend the paragraph last read by striking out "3" and inserting "2½," so as to make the duty 2½ cents per pound. A duty of 3 cents per pound on these articles is too high. These tubes, the House will remember, are what steam-pipes, gas-pipes and water-pipes are made of. They are largely in use, and will continue to be, in all parts of the United States. I submit a calculation upon this subject:

Wrought-iron Flues.

	Ad valorem. Per cent.	*Total protection.* Per cent.
Duty 2 cents per pound:		
On 2-inch flues	44 2-100	75 59-100
On 2½-inch flues	52 31-100	84 55-100
On 3-inch flues	52 14-100	84 67-100
On 3½-inch flues	53 71-100	85 35-100

Average *ad valorem*, 50 54-100 per cent.
Average total protection, 82 54-100 per cent.

Duty 2½ cents per pound:		
On 2-inch flues	55 2-100	86 61-100
On 2½-inch flues	65 37-100	97 52-100
On 3-inch flues	65 32-100	98 12-100
On 3½-inch flues	68 91-100	101 67-100
Average *ad valorem*, 63 65-100 per cent.		
Average total protection, 95 98-100 per cent.		
Duty 3 cents per pound:		
On 2-inch flues	66 2-100	97 61-100
On 2½-inch flues	78 35-100	100 68-100
On 3-inch flues	78 44-100	111 23-100
On 3½-inch flues	82 72-100	115 40-100
Average *ad valorem*, 76 38-100 per cent.		
Average total protection, 106 23-100.		

All the above calculations based on gold at 15 per cent. premium.

Now, I put it to the House that upon an article entering so largely into human consumption as tubes and flues, a duty of 3 cents a pound is enormous. I hold in my hand a long remonstrance upon this subject from the boiler-makers of the country. They say:

"The action of your committee in fixing the duty at 3 cents per pound on tubes and flues is an increase of about 10 per cent. on the cost of flues on the other side, the present duty being 2½ cents per pound on flues, and 3½ cents per pound on tubes. The apparent reduction of one half cent per pound on tubes still leaves the duty on this article 'prohibitory' while the advance of one half cent per pound on flues, in addition to the present excessive duty, we regard as very detrimental to our interests. To give you an idea of how important an item the flues are in a boiler, we annex a memorandum taken from our books of several land and marine boilers constructed by us, namely:

One horizontal boiler:	
Cost of boiler iron	$341 64
Cost of lap-welded boiler flues	585 65
Two horizontal boilers:	
Cost of boiler iron	592 39
Cost of lap-welded boiler flues	744 00
One horizontal boiler:	
Cost of boiler iron	117 42
Cost of lap-welded boiler flues	119 09
Two horizontal boilers:	
Cost of boiler iron	630 08
Cost of lap-welded boiler flues	864 00
Two marine boilers:	
Cost of boiler iron	11,500 00
Cost of lap-welded boiler flues	3,500 00
One marine boiler:	
Cost of boiler iron	4,050 00
Cost of lap-welded boiler flues	1,285 00

"In six 'stationary' boilers here enumerated, employed for manufacturing and mechanical purposes, it will be seen that the cost of the lap-welded boiler flues exceeds the cost of the iron by nearly 50 per cent., while in 'marine boilers' the proportionate cost is very much less; but it must be remembered that where one 'marine' boiler is built there are at least one hundred 'stationary' or 'land' boilers constructed. And when it is remembered that this is the 'age of steam,' that no mechanical or manufacturing pursuit of any magnitude can be carried on without its aid, the tribute which the nation pays to support the three manufacturers of lap-welded boiler flues in Pennsylvania and the one in Massachusetts, (the latter but just started,) must appear to any one who will take time to reflect upon it as excessive beyond all reason or propriety.

"It is true that lap-welded boiler flues are not used in all boilers; but the principal reason they are not is their high cost, owing to the enormous duty levied upon them. They are, as every one at all conversant with the subject knows, much more economical in space and fuel and capable of sustaining a much greater pressure of steam by reason of the increased strength imparted by the flues acting as so many braces or stays."

Now, in behalf of the boiler-makers throughout all parts of the country, in behalf of those who use steam, gas, and water-pipes, I hope this duty will be reduced to 2½ cents per pound. Three cents per pound is an enormous duty. There are but three establishments in the United States that now manufacture these articles: two of them are in the State of Pennsylvania, and one in Boston. They so manage their business that whenever the foreign manufacture comes into competition with them they lower their prices, and when they have driven out the foreign article they raise their price. Thus the monopoly is secured to these three manufacturing establishments. This duty is wholly or mainly for their benefit, not for the revenue; it is largely prohibitory. It is a duty which ought not to be sanctioned by the House.

Mr. KELLEY. The gentleman from New York [Mr. BROOKS] has been most egregiously deceived by his informant. He says there are in the country only three establishments manufacturing these pipes and tubes. There are two such establishments in my district, and another immediately on the borders of it. There is an immense establishment in the district of my colleague from Reading, [Mr. GETZ.] There are twenty such establishments in my State alone. There are such establishments in New York and all over New England.

The bill proposes a reduction in the duty. At present the duty is 2½ cents per pound on flues and 3½ cents on tubes. I have before me whole nests of them. The committee had before them importers, manufacturers, and consumers, and none of them could give us the means of distinguishing between a tube and a flue. The law was originally 2½ cents on both. It was increased to 3½ cents under the name of tubes only. After that we imported no tubes, although we imported more of the same article which had come in as tubes. They were shipped as flues. And this important thing has happened, that the representative of Krupp, the great German manufacturer of steel and iron, appealed to the Committee of Ways and Means to make both bear the same duty, in order that his concern might deal with American consumers. He stated to the committee through its chairman that they could send their goods into London and sell them, but could not sell them in the United States, by reason of the fact that the British houses shipped them all as flues and swore them through the custom-houses. Every article before me to-day is paying 3½ cents per pound, and there are twenty varieties. The Secretary of the Treasury was deceived into deciding that part of them were flues and part of them tubes; but after the Treasury had paid back nearly one hundred thousand dollars in gold the decision was reversed.

The bill is not as the gentleman from New York [Mr. BROOKS] represents, a bill to increase the duty, but to decrease the duty from 3½ to 3 cents per pound. No living man can distinguish between those two articles as to whether one is a tube and the other a flue. They are made of the same kind of iron, made by the same process, and used for the same purpose. If imported from Germany, they are tubes. If made in New York, they are tubes. If imported from England, they are sworn to be flues, as part of the English commercial system. So that to adopt the gentleman's amendment is to give England a monopoly of her market against the American and continental producer. I have heard a good deal about monopolies——

A MEMBER. Is there no difference between tubes and flues?

Mr. KELLEY. There is no difference. We had manufacturers, consumers, and importers before us, and no man of them could assign any difference between them. At the custom-house the sole difference is as to whether they are made in England or elsewhere. If made in England they pay 2½ cents per pound. If made in Belgium or Prussia they pay 3½ cents. The result is that the Belgium or Prussian producer is driven out of our markets. This is simply an attempt on the part of the committee to close the door on massive frauds and reduce the duty on a leading article from 3½ to 3 cents.

[Here the hammer fell.]

Mr. RANDALL. I desire to say that I hope the amendment will not prevail.

The CHAIRMAN. Debate is exhausted.

Mr. SCHENCK. I propose to make it 3½ cents for the purpose of making an explanation. There was a time when this word flues was not used in reference to all these articles. They were all considered tubes, as they are really so in one sense as the generic term. They began to be made to a considerable extent in this country, and as the gentleman has represented, a better class of tubes, thicker, of welded iron, not riveted.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, a message was received from the Senate, by Mr. HAMLIN, one of its clerks, notifying the House that that body agreed to the amendment of the House to a bill (S. No. 684) to change the time of holding the circuit and district courts of the United States for the district of Wisconsin.

THE TARIFF.

The committee resumed its session.

Mr. SCHENCK. The difficulty began when we distinguished them into tubes and flues. Unfortunately one day, in legislating on this subject, flues were put at one rate of duty and tubes at another. The duty had been formerly, by the act of 1842, on tubes 5 cents per pound. By subsequent legislation the rates went up and down, being sometimes specific and sometimes *ad valorem*. In 1865 the rate was 2½ cents, but by the act of 3d March, 1865, the duty was raised to 3½ cents on tubes, which were construed to mean flues also. Finally, flues and tubes were distinguished from each other, at the rates at which they stand in the existing law, flues being put at 2½ cents per pound and tubes at 3½ cents, because it was claimed that there was a distinction between them, one being for water pipes and purposes of that kind, and the other for lighter uses. As soon as the articles were distinguished as flues and tubes, the manufacturers discovered that they were all tubes and ought to pay 3½ cents per pound, while the importers discovered that they were all flues, and ought to pay only 2½ cents. And this ridiculous difference went so far with reference to those articles, that on one occasion, when we called in a manufacturer and showed him the specimens now on the desk of my colleague [Mr. KELLEY] he pronounced them tubes, and when immediately afterward we called in an importer, he looked at them and pronounced them flues. Those who wanted them to come in at 2½ cents called them flues; those who wanted them to come in at 3½ cents called them tubes.

Mr. ELDRIDGE. Can the gentleman tell us what is the difference?

Mr. SCHENCK. We spent some days in trying to discover where the difference lay. Some said it was in reference to the thickness or weight; but we found that that was no rule. Some said that it depended upon whether they were welded or not; but we found on examination that that was no rule. And we came to the conclusion that we would take the duty on flues at 2½ cents and on tubes at 3½ cents, and would make one rate, as formerly was the case, and put it at the average between them. That is the explanation of the 3 cents per pound. The principle value is in the articles of the better kind which are now universally called tubes, and not so much in the flues. But we have put tubes and flues together, because so long as you permit them to be imported under different names at different rates of duty you will find that the higher class is sworn down into the lower and the invoices will be framed accordingly.

Mr. ELDRIDGE. I desire to ask the chairman of the Committee of Ways and Means whether he can give the House any information which will enable them to judge which of these articles are tubes and which are flues?

Mr. SCHENCK. I have explained what our difficulties were in drawing a distinction between them. We had an importer and a manufacturer within one hour before the Committee of Ways and Means, and the one took up one of those articles and pronounced it a flue, while the other took up the same article and pronounced it a tube.

Mr. ELDRIDGE. And they could not tell you what was the difference?

Mr. SCHENCK. No, sir.

Mr. ELDRIDGE. Can the chairman of the Committee of Ways and Means tell us?

Mr. SCHENCK. I do not pretend to know. I do not believe that there is any substantial difference. I believe the only difference to be that two rates of duty having been made, that

which will come in at the lowest rate of duty will be called by the name which suits the importer, and that which is to come in at the higher rate will bear the name which suits the manufacturer.

Mr. ELDRIDGE. Is there any difference as regards their use?

Mr. SCHENCK. The parties who came before the committee pretended that there was a distinction in that respect. They told us that tubes were for water and gas, and that flues were to convey smoke. They differed as to whether they were both used for steam or not. We resorted to the only possible solution of the difficulty by going back to the old law and putting them all at the same rate—not the rate of the old law, but the average of the rates under the existing law, namely, 3 cents per pound—so that the country should not be flooded with either tubes or flues by being brought in under the name of flues at the lower rate of duty, 2½ cents.

Mr. BROOKS, of New York. I hope the House will not be confused by this discussion of the difference between tubes and flues. That is not the issue which I make. The issue is this: ought or ought not the rate of duty to be 2½ cents per pound on a heavy article like that? Is not that sufficient protection for anybody or everybody? That is the issue I make, and not whether the article which I hold in my hand is a flue or a tube. This article when compared with the other articles in the list has a sufficient protection when the duty is 2½ cents per pound and not 3 cents, that is over $67 per ton, for a water-pipe or a gas-pipe or any other heavy article of that kind. I said that this was a bounty to three manufacturers. I was mistaken, there are four; and for this statement I have the authority of a boiler-maker in a letter before me; and I have in addition to that the authority of an importer, who also, I think, is well informed. These four who now have the monopoly of the manufacture of tubes and flues are Morrill, Tasker & Co., of Philadelphia; W. C. Allison, of Philadelphia; the Reading Iron Works, Reading; and the National Tube Works, Boston. The three first named are the oldest, and succeeded in crushing out every attempt that was made by others to engage in the same manufacture till the importation of foreign goods commenced. Now, I beg the House to remember—and I repeat it because it is difficult to gain attention—that the question is, whether on heavy articles like these a bounty of 2½ cents a pound to four manufacturers, or twenty, or fifty, or a hundred manufacturers' is not sufficient?

Mr. ELDRIDGE. Can the gentleman tell us what the *ad valorem* duty on this article is?

Mr. BROOKS, of New York. I can. The *ad valorem* duty at 3 cents per pound on two-inch flues is $97\frac{81}{100}$ per cent.; on two and a half inch flues, $106\frac{86}{100}$ per cent.; on three-inch flues, $111\frac{23}{100}$ per cent., and on three and a half inch flues it is $115\frac{40}{100}$ per cent.

Mr. MAYNARD. What is the gentleman reading from?

Mr. SCHENCK. I should like to know the authority.

Mr. BROOKS, of New York. The authority is the house of Secor & Co., boiler and iron works; and the additional authority is the house of Tyng & Co., New York.

Mr. SCHENCK. Importers.

Mr. BROOKS, of New York. Mr. Tyng is an importer, but not an English one, and not a Democrat; he is a son of Rev. Dr. Tyng, of New York, and a man who always votes against me. I withdraw my amendment that the gentleman from Illinois [Mr. JUDD] may renew it.

Mr. JUDD. I renew the amendment. I have listened to this debate in regard to flues and tubes in order to be enlightened somewhat upon the subject. I find that the chairman of the Committee of Ways and Means cannot tell me and acknowledges that his committee do not understand the difference either in use or in manufacture. But I do discover that whenever a number of articles are coupled together in a new classification it always happens that some one of the items in the classification gets a very high raise in taxation. Now, I do not pretend to know anything about this matter except so far as it is represented to me by my constituents. I have letters and petitions and remonstrances from the boiler-makers in my district, a very large interest, as well as from some of the importers, in which they say, after having read this bill as reported by the Committee of Ways and Means, that it is an increase in the tariff on these articles, and they desire that that increase be resisted upon this floor. They say it is interfering with a very important branch of business by taxing it in addition to what the law now imposes. I left them to judge how this bill would operate upon their business by sending them the work of the committee in the form of the bill, and their response is that it is an increase of the duty on the material which they use in carrying on their manufactures. And there is one remarkable circumstance in connection with this thing. One of the earliest petitions that I received from my city recommended a support of this bill and was signed by a large number of manufacturers. Within three days after that time, and after I had sent them the bill, some of those very same manufacturers sent me a special request in regard to flues and tubes and pipes, saying that they had not understood it when they signed the main petition, but that the bill as framed did increase the duty.

I concur with the gentleman from New York [Mr. BROOKS] that if this rate of duty, as it stood before, at 2½ cents per pound, was not high enough, then the rates of duties fixed upon other articles are certainly not high enough. This is an additional tax upon an immense branch of business in the city that I represent, and I hope that this committee will adopt the amendment of the gentleman from New York, leaving the tax where it is, under a classification that the people understand, and under which the importers and users of tubes knew precisely what they were doing when they dealt in the article.

Mr. MAYNARD. I would call the attention of the gentleman from Illinois [Mr. JUDD] and of my colleague on the committee from New York [Mr. BROOKS] to the reports from the Treasury Department. These statistics come from the custom-houses. They are recorded facts that we must accept as the basis of our action. These reports that come to us from, I will not say Tom, Dick, and Harry, but from interested parties, importers, manufacturers, or others, who present *ex parte* statements here, must always be taken with a certain amount of allowance; but statements of this character are entitled to a higher degree of consideration. Now, what do we find in this Treasury report? The rate of duty on wrought steam, gas, and water tubes and flues is now 3½ cents per pound; the average price per pound at which those articles are imported is 6¼ cents per pound, making the duty 54½ per cent. *ad valorem.*

Mr. BROOKS, of New York. Permit me a moment right here.

Mr. MAYNARD. Not now. We propose that the duty shall be reduced from 3½ cents per pound to 3 cents per pound, which will reduce the *ad valorem* duty to very nearly 48 per cent., between 47 and 48 per cent. if I am not mistaken in my calculations. Now, with that statement, I submit whether it is right or fair on the part of my colleague on the committee, [Mr. BROOKS,] or whether it is intelligent on the part of my friend from Illinois [Mr. JUDD] to charge that we are increasing the present rate of duty. Now, I submit that we are not doing any such thing, but on the contrary we are proposing to reduce the tariff.

Mr. BROOKS, of New York. I want to explain that Treasury statement. There is no discrepancy between my statement and the statement from the Treasury. Both statements are correct. Here are tubes and flues of all sorts and sizes; I hold in my hand three different sizes of very different values. The statement of the Treasury is the average *ad valorem* duty. One size of these tubes costs a great deal more than the others. What the Treasury states is the average; what I state is exactly what I did state, and both are true.

Mr. MAYNARD. Does the gentleman from New York [Mr. BROOKS] think he is candid in making his argument here upon the very cheapest tubes per pound, and then holding this paragraph forth as an increase of duty?

Mr. BROOKS, of New York. So much the worse, then, for water and gas pipes, which ought to be cheap, to have an enormous tariff imposed upon them.

Mr. FARNSWORTH. Is it not manifest that the relative duty upon this article would be more or less in proportion to thickness or weight?

Mr. MAYNARD. The *ad valorem* duty would be greater or less according to the value per pound or per foot. Of course that value will depend upon the quality of the iron and other elements that enter into the manufacture of the article.

Mr. FARNSWORTH. Therefore the *ad valorem* is not a deciding affair.

Mr. MAYNARD. It always operates in that way in case of specific duties. As has been remarked by the chairman of the Committee of Ways and Means [Mr. SCHENCK] in the course of this debate, if an *ad valorem* duty can be fairly assessed and collected that would be the more proper way to impose duties. But experience has taught that the *ad valorem* system of duty is open to the perpetration of great frauds, and therefore we have been forced to adopt specific duties.

Mr. FARNSWORTH. Would not 3 cents per pound be a very high rate of *ad valorem* duty on thick, heavy tubes?

Mr. MAYNARD. The gentleman can judge for himself. The average price of this article of tubes and flues is 6¼ cents per pound, as I have stated.

[Here the hammer fell.]

Mr. JUDD. I will withdraw my amendment to the amendment, and move another amendment to make the duty 2½ cents per pound. The argument of the gentleman from Tennessee, [Mr. MAYNARD], based upon the reports of the Treasury Department, it seems to me has been sufficiently answered by the gentleman from New York, [Mr. BROOKS,] that it is a general average made by the Treasury upon all classes of tubes; but I desire to say to the gentleman from Tennessee [Mr. MAYNARD] that the authority which I quoted as giving me the price, and the change that this tariff would make in their business, are as reliable persons as any gentlemen in the country. The bill as reported by the Committee of Ways and Means was laid before them; they took the language of the bill, and then wrote me in reply to it that it would increase the tariff upon the articles that they used in their business.

Mr. MAYNARD. Does not the gentleman see by the bill itself that we propose to reduce the duty from 3½ cents per pound to 3 cents per pound?

Mr. JUDD. It is sufficient for my purpose that here are gentlemen engaged in the use of an article, skilled in every direction, whose business calls upon them to know and act upon what they are doing. And they write to me, not as experts preparing laws, not as committees creating new classifications, but as men engaged in the actual use of the material, that the classification made by the committee and the words used in the bill would increase the tariff upon the articles used in their trade.

Mr. KELLEY. Will the gentleman let me make a suggestion? At that time the old ruling of the Treasury Department was in force, and these articles were coming in, under the title of flues, at 2½ cents per pound. Since then that ruling has been reversed, and they are now

coming in at 3½ cents. While the first ruling was in force the rate proposed in the bill would have been an increase, but now it is a reduction.

Mr. JUDD. Allow me to state that instead of its being a fact that the writers of these letters have been misled by the change of practice in the Treasury Department, they give the exact figures which the article costs them under the present tariff. They do not refer to any change in the action of the Treasury Department. Giving the cost of the article as they are using it under the existing law, they say that the proposition of the committee operates upon them and upon all the consumers of this country as an increase. Now, we do not want any of the speculations or fancied arguments based upon combinations. Here is a fact staring us in the face; and I submit to the committee that on an article of such general consumption as tubes and flues the percentage of duty now in force is a sufficient protection for all practical purposes.

Mr. SCHENCK. Mr. Chairman, it is pretty hard to be held responsible, not merely for our own ignorance, but for that of others. The gentleman from Illinois [Mr. JUDD] says that we cannot give the information desired. Well, I gave at least this information: that the difficulty in determining whether these articles are either flues or tubes, under a construction which was formerly put upon the law, is a difficulty among the makers and importers themselves; and we are hardly to be expected to know more than they do.

Let me give the history of this matter: Prior to 1865 there was a tariff upon tubes and flues which had been varying from 5 cents a pound until it came to be 2½ cents per pound by the act of 1864. On the 3d day of March, 1865, an act was passed, the second section of which provided that from and after its passage an additional duty of 1 cent per pound should be imposed on various articles mentioned, among which were "wrought-iron tubes." The law as it had previously existed did not make any distinction between tubes and flues; they all paid a duty of 2½ cents per pound; but when the act of 1865 went into force imposing an additional duty of 1 cent per pound on wrought iron tubes, which term the law-makers appear to have understood as embracing the whole class, it was claimed that as the word "flues" was omitted they remained at the old duty of 2½ cents per pound; and after that nothing was imported but flues. The very same things that had previously come in as flues or tubes indifferently were suddenly converted and came in only as flues.

The committee in their examination of this subject had before them within the same hour a manufacturer and importer; they both examined the same article—that which is now upon the desk of my colleague on the committee, [Mr. KELLEY,] and one of them said it was a tube, while the other said it was a flue; and neither could give the committee any satisfactory explanation why it should be called either a tube or a flue. The fact is the whole difficulty arose from having taken away the uniform duty upon tubes and flues, putting an increased duty on tubes alone. The Treasury Department has finally settled that difficulty by deciding that the word "tubes" in the law of 1865 includes both tubes and flues; that it is a generic term, so that now they all come in at 3½ cents per pound; which seems to have been the intention of the law-makers. We now propose to sweep away all differences between tubes and flues, putting them all in, not at the present rate of 3½ cents per pound, but at 3 cents, which is half way between what the duty is claimed to be on one side and what it is claimed to be on the other. If gentlemen leave the present law in force they continue the duty of 3½ cents per pound on all these articles, according to the latest construction of the Treasury Department. If the amendment be adopted, it imposes a uniform duty of 3 cents per pound, half a cent lower than is now paid.

The CHAIRMAN. Debate on the amendment is exhausted.

The question recurred on the amendment of Mr. BROOKS, of New York.

The committee divided; and there were—ayes 38, noes 50; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. BROOKS, of New York, and Mr. KELLEY.

The committee again divided; and the tellers reported—ayes 54, noes 61.

So the amendment was rejected.

The Clerk read as follows:

On tinned iron, known as tin plates, and on iron or tin plates galvanized, and on iron coated with zinc or any other metal, 2½ cents per pound.

Mr. SCHENCK. I move in line four hundred and ten to strike out the words "tinned iron, known as tin plates, and on," so it will read "on iron or tin plates galvanized," &c.

Mr. ELDRIDGE. Mr. Chairman, I am glad to see this returning sense of justice. I can, however, scarcely form an opinion as to how it is the gentleman himself should make this amendment. I suppose it is because of the clamor made in the country on this question. I do not know precisely what the effect of the gentleman's amendment may be. But it is gratifying always to see the gentleman yield somewhat to the public clamor, that even the Committee of Ways and Means itself will sometimes give heed to the voice that comes up from among the people.

Here is a proposition to tax an article which enters into the use of almost every family in the land, and which the committee proposed to tax at the rate of 2½ cents per pound. Why did the Committee of Ways and Means report this tax and now ask that it be stricken out? Why did they seek to tax an article entering so generally into use among the poorer people of the country as this? I wish the gentleman from Ohio, when he proposes an amendment of this kind, to give us some idea of the principle on which it is founded. When the committee report a clause, and then come in afterward and change that clause, we ought to have the reason for the change. We supposed after the committee had traveled all over the country, as they did during last summer, they had come to their conclusions upon just and proper grounds. We could not believe that they had formed their opinions capriciously.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, a message was received from the Senate, by Mr. GORHAM, its Secretary, notifying the House that that body insisted upon its amendments, disagreed to by the House, to the bill (H. R. No. 1084) to incorporate the Washington Market Company, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. MORRILL, of Vermont, Mr. HAMLIN, and Mr. STOCKTON as conferees on its part.

The message further announced that the Senate had passed bills of the House of the following titles, without amendment:

An act (H. R. No. 869) to authorize the issuing of a certificate of registry or enrollment to the schooners Zenos Snow and Patriot;

An act (H. R. No. 1611) for the relief of Friend A. Brainard; and

An act (H. R. No. 1912) to extend the time within which persons elected to office may take the oath of office prescribed in an act entitled "An act to admit the State of Texas to representation in the Congress of the United States," approved March 30, 1870.

The message further announced that the Senate had passed a joint resolution and bills of the following titles; in which the concurrence of the House was requested:

A joint resolution (S. R. No. 49) directing the Secretary of the Interior to issue a patent to the Indiana yearly meeting of the Society of Friends for a certain tract of land in the Shawnee reservation;

An act (S. No. 484) for the relief of Helen M. Stansbury, widow of Major Howard Stansbury, deceased;

An act (S. No. 616) to repeal certain sections of acts passed by the territorial Legislature of Wyoming;

An act (S. No. 638) amendatory of an act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific railroad, in California, to Portland, in Oregon, approved July 25, 1866; and

An act (S. No. 789) to authorize the proper accounting officers of the Treasury to settle and close the account of Hinton Rowan Helper.

TARIFF.

The committee resumed its session.

Mr. ELDRIDGE. I wish to have a letter read on this subject which I received from a merchant of Milwaukee, a Republican merchant of great influence in his party, and when the letter has been read I will surrender the floor.

The Clerk read as follows:

MILWAUKEE, *February* 8, 1870.

DEAR SIR: I understand the tariff report by Committee of Ways and Means, among other things, makes the duty on tin plate specific at 2½ cents, which nearly doubles the present duty. I can assure you this would be a very great mistake. This article enters into universal consumption, and is virtually a raw material. It is used for roofing purposes, cans for fruit, vegetables, oysters, blacking, and a thousand and one useful articles. The duty is too high now. I would rather see it reduced than advanced, and trust, if consistent with your views, you will use your influence and vote to have the duty remain as it is.

Very truly, yours, JOHN NAZRO.

Hon. CHARLES A. ELDRIDGE, *Washington, D. C.*

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. SCHENCK. I do not understand that debate is exhausted. Before my time was up the gentleman from Wisconsin, in his eagerness to get at this matter, took me off the floor.

Mr. ELDRIDGE. I beg the gentleman's pardon. I did not intend to do that.

Mr. SCHENCK. I merely yielded for a question, as I understood.

Mr. ELDRIDGE. I wished to have an explanation of the action of the committee.

Mr. SCHENCK. If the committee will allow me, I will gratify the gentleman with the explanation he desires. The old description was "iron known as tin plates galvanized;" that is, not iron, but tin galvanized. In making up this bill, having reference to the language of the old law and this together, the paragraph took the shape in which it now appears in the bill. But it was not more than two or three days afterward when, in looking over the bill, it was discovered that a mistake had been committed. Attention was directed to it, and the committee immediately agreed that it was not intended to charge the rate on common tin plates, and directed the correction to be made. The record of this action the gentleman, if he is curious, will find in the committee-room, and he will also see there that the correction was made a long time ago, before we knew whether it would meet the approval or the disapproval of the gentleman from Wisconsin. But the gentleman from Wisconsin is so anxious to have a fling at the committee that even when he is in favor of an amendment of the committee he has to get up and insist that there is some wrong motive about it. He ought to be ashamed of himself. [Laughter.]

Mr. ELDRIDGE. I proceeded on the general presumption that the committee intended what they put in the bill, and that they must have had some motive for it. They so often act in that way that such a presumption, I think, was warrantable.

Mr. SCHENCK. I do not know any gentleman who has more presumption than the gentleman from Wisconsin. The truth is that as this was not intended it was a long time since

altered in the committee. Among the amendments long since prepared is this one, and I am glad it commends itself to the approbation of the gentleman from Wisconsin, who ought to have given us credit for being as desirous of doing what is right as himself.

Mr. ELDRIDGE. If I had had access to the committee's records I would have known the fact, but the gentleman knows I had not such access.

Mr. SCHENCK. But the gentleman had access to the record I presented this morning, when I stated that the committee desired to correct the bill in that particular. If he thinks he has driven us to it he is welcome to glory in his success. But we happened to have agreed upon this amendment without thinking of the gentleman from Wisconsin and long before we knew of his approval or disapproval. I am afraid I must deduct that much from the gentleman's satisfaction.

Mr. ELDRIDGE. I presume the letter addressed to me by the gentleman in Milwaukee was written without his having the chairman of the Committee of Ways and Means in his mind.

Mr. SCHENCK. Very probably.

Mr. ALLISON. I move to strike out the paragraph, instead of only striking out the words included in the amendment of the chairman of the Committee of Ways and Means. That amendment, I think, practically leaves the law as it is now, which, I understand, is what is proposed by the chairman of the committee. Therefore, as there is the same reason for striking out the whole paragraph as for striking out those words, I move to strike it out.

Mr. PAINE. I understood that it was the purpose of the Committee of Ways and Means to make an amendment here so that the duty on tin plates should remain as it is under the existing law, instead of being raised from 25 per cent. *ad valorem* to 2½ cents per pound, which is about 50 per cent. *ad valorem*. Now, I wish to ask the gentleman from Ohio, the chairman of the Committee of Ways and Means, if I am not correct in the statement I am about to make? I understood it to be the purpose of the chairman of the committee, and of the committee, to reduce the duty on tin plates to 25 per cent. *ad valorem;* that is, to leave it as it is. Is that so?

Mr. SCHENCK. Yes; it is our intention to leave the duty as it is.

Mr. PAINE. Then, as I understand, tin plates are iron coated with tin. And if you make the amendment which has been suggested by the chairman of the Committee of Ways and Means and leave the next clause of the paragraph you will still have a duty of 2½ cents per pound on tin plates. This will be the result of leaving the words "on iron coated with zinc or any other metal, 2½ cents per pound." Certainly that clause covers tin plates, though the chairman of the committee may not intend by those words to cover them; for tin plates are certainly iron coated with tin. I suggest, then, that in order to make his amendment sufficiently extensive to cover what he proposes by striking out a portion of the paragraph he should either strike it out entirely or else modify it so as to leave tin plates exempt from this duty of 2½ cents per pound.

Mr. SCHENCK. Mr. Chairman, the language of the present law is, "on tin plates, iron galvanized or coated with any metal by electric battery or otherwise, 2½ cents per pound." My own impression is that the language of this paragraph, without some further amendment, might be subject to the objection which the gentleman from Wisconsin makes. The difficulty is in the construction, in the dispute that has arisen whether tin plates that are galvanized—that is, plates made of iron in the form generally used for tinning—come in under the general description of iron galvanized. I do not see why there should be that doubt. I believe myself the better way would be to strike out the whole paragraph as the gentleman from Iowa [Mr. ALLISON] proposes, and leave them at the Treasury Department to construe the law as it now stands reasonably.

The formal amendments being withdrawn, the question was taken on Mr. ALLISON'S motion to strike out the paragraph; and it was agreed to.

The Clerk read as follows:

On horse and mule shoes, 2 cents per pound.

Mr. COX. I move to reduce the duty to 1 cent per pound.

Mr. ALLISON. Move to strike out the whole paragraph.

Mr. COX. Well, I move to strike out the paragraph. I speak now in the interest of my constituents, a large body of whom are carters and truckmen, and use horses, and of course horseshoes, and not so much in the interest of those who use mules and mule shoes, who are represented by some of my friends here.

Mr. MAYNARD. The duty on these shoes at present, I believe, is that on unenumerated manufactures of iron, 35 per cent. *ad valorem.*

Mr. BURCHARD. They come in as rolled and hammered iron in shapes, at 1¼ cents per pound.

Mr. MAYNARD. The manufacture of these shoes has come to be an important branch of industry. A great portion of them that used to be made at the cross-roads blacksmiths' shops are now made by very ingenious machinery and at a much lower rate than formerly. The manufacturers of them are certainly entitled to be protected as against the foreign manufacturer. There should be a higher duty upon them than that upon the iron out of which they are made. The Committee of Ways and Means thought that this duty of 2 cents per pound would fulfill those conditions, and hence they fixed the duty at this rate. This is a manufacture which has been to the horse-using and horse-owning portion of the people an exceedingly valuable one, one to which the business of the country is under great obligations, and it is entitled, we thought, to this quantum of protection.

Mr. BURCHARD. I move to amend the paragraph by striking out "2 cents" and inserting "1¼ cents." The present duty on horseshoes, as I understand the law, is 1¼ cents per pound. They come in as "rolled or hammered iron unenumerated." It is true that manufactories have sprung up which by the labor of these costly machines have taken away this business from the cross-roads blacksmiths. Those cross-roads blacksmiths that the gentleman from Tennessee speaks of never had any protection and never asked for any protection. But by the introduction of these ingenious machines the making of horseshoes has been taken away from these men and is now carried on in some four or five places in the United States. The largest and the pioneer establishment is in Troy, New York. There is another one in Buffalo, another at Auburn, another at Providence, and there are one or two in Pittsburg.

Now, the gentlemen who own these factories, I dare say, do not ask for any protection. They have a monopoly of the business. They never have asked for any protection, and they do not need any protection. A bar of iron that is protected by this bill as it now stands at a cent; pound is cut off into lengths by one machinea by another machine these are bent into the shape of horse-shoes; by another machine they are creased and punched, and then they are ready for the blacksmith to put on the toe-piece and corks. That is the operation, and it is much more simple than the making of nails, because a horse-shoe weighs about a pound, and the average weight of nails would be from 50 to 100 to the pound. The making of nails requires motions of the human hand to turn the apparatus, while here you simply put the iron in the machine and the horse-shoes come out manufactured and almost ready for the blacksmith's use.

Mr. SCHENCK. What are they worth?

Mr. BURCHARD. Well, they vary. The greatest demand for horseshoes is late in the year, in September and October, when the farmers who have had their horses out at pasture have to put them upon the road to carry their crops to market. It is then that horses need to be shod, and along in that month the blacksmith provides himself with kegs of shoes. The retail dealer supplies himself a month or two earlier, and the wholesale dealer a month or two earlier than that.

Now, if you pass this provision it will simply have this effect, that by combinations those persons engaged in the wholesale trade of this article can control the market, by buying or ordering to be made all that these establishments can make, and then put up the price as they see fit, at least to the extent of duty here imposed. But if you leave the duty on this article as it now is, such a combination could not be made to stand any length of time. If these shoes are made abroad, and I presume there are machines there for the purpose, an order could be sent across the ocean by telegraph, and in thirty days the shoes could be landed in this country, and in that way such a combination could be prevented.

Mr. McCORMICK, of Missouri. I wish to state, in connection with this subject, that it does seem to me that the amount of protection proposed by the Committee of Ways and Means is very remarkable. Let us look at this subject for a moment. This bill, as it came from the Committee of Ways and Means, provided a protection of $7 in gold per ton on the production of pig iron. Then it provided a protection of 1¼ cents per pound upon bar iron, the raw material of which horseshoes are manufactured. Now the manufacturer of horseshoes is to be protected by the provisions of this bill to the extent of 2 cents per pound in gold; or making an aggregate of about $80 in gold per ton on the raw material used by 250,000 blacksmiths in this country. Now, who is here to speak in behalf of the blacksmiths of this country and of their interests? No one seems disposed to do so. Those men who toil at the anvil for a livelihood have no one here to speak in behalf of their interests when it is proposed to tax the raw material indispensable to their business at the enormous rates proposed by this bill. If this burden is imposed upon them they will be compelled to charge the farmers and teamsters, and all who use or employ horses in this country, a price for horseshoes even higher than when they were forged by the blacksmiths themselves at the cross-roads. It is the fact that men who require to have their horses shod are compelled to pay more for it now than ten years ago. I hope that this paragraph will be stricken out, and that 35 per cent. *ad valorem* will be deemed sufficient duty to be charged on the raw material used by 250,000 blacksmiths of our country.

[Here the hammer fell.]

Mr. MAYNARD. I move to amend the amendment so as to make the duty 2½ cents per pound, for the purpose of saying that I do not understand how 2 cents per pound can be $80 per ton or upward. My figuring does not carry me that far into the mysteries of mathematics.

Mr. McCORMICK, of Missouri. I will explain.

Mr. MAYNARD. I do not need any explanation, for 2 cents per pound on a ton of 2,240 pounds it seems to me is very easily calculated.

Mr. McCORMICK, of Missouri. Add to that 1¼ cents per pound on bar iron and $7 per ton on pig iron and you will make out the figures I stated.

Mr. MAYNARD. We have here an illustration of the effects of the tariff on this article of horseshoes upon a very meritorious and worthy class of our citizens of whom I spoke familiarly as the cross-roads' blacksmiths. Many of us can recollect when in our boy-

hood we took our horses to the country blacksmith's shop and the blacksmith had to manufacture the shoes himself that he used in his business. In order to do that he employed a striker or assistant to do the very heavy part of the work; but now, in consequence of the inventions of Mr. Burden, of Troy, and several others, because there are several inventions of the kind in this country, the blacksmith is enabled to buy readymade the shoes that he needs for his business at a price perhaps a fraction more than the iron itself would cost him, and all that he has to do is to exercise his skill as a farrier to fit them to and nail them upon the horse's feet. He is thus able to make his profit upon his labor and skill without being obliged to perform the very hard work formerly required of him. He can earn twice as much in a day as he could by the old system, and at the same time dispense with the hire of an assistant or striker. Now, this duty of 2 cents per pound, instead of being $80 per ton, is but a little more than half that sum.

Mr. McCORMICK, of Missouri. The gentleman's arithmetic is all wrong.

Mr. MAYNARD. A ton contains 2,240 pounds, and 2 cents a pound would be $44 80. Whatever may be the duty on pig iron or bar iron or any other iron named in the bill that does not affect this matter, which is a plain question of ciphering. I submit that to follow out the notion of some gentlemen here and import horseshoes from abroad, to be used in our blacksmith's shops and nailed upon the feet of our horses, would be to adopt a system the propriety of which I cannot understand. I cannot comprehend why a gentleman representing an interior district, as does my friend from Illinois, [Mr. BURCHARD,] and whose constituents are obliged to use such immense quantities of these articles, should propose to make those constituents dependent in any degree or in any contingency upon sending abroad to England or Scotland to bring horseshoes here to be put upon our plow horses. That is a kind of political economy the philosophy of which I confess I cannot understand. I hope that amendment will not prevail.

[Here the hammer fell.]

Mr. SCHENCK. I cannot assent to the proposition made by the gentleman from Tennessee, [Mr. MAYNARD,] to raise this duty to 2½ cents. I am somewhat shaken in my opinion as to whether we ought to retain the duty at 2 cents. The committee had, as gentlemen will readily understand, but two objects in view. One was to convert an *ad valorem* duty into a specific duty, which would be at least its equivalent, because specific duties are much simpler and are better calculated to prevent frauds. Another consideration operating upon the mind of the committee was that whatever the tariff, the duty on the form of manufactured iron should be, if there were any difference, a little higher than the duty on the iron itself. Otherwise there would be an inducement to make horseshoes abroad and import them instead of the iron, if they could come in cheaper than the iron itself. I understand, however, from the gentleman from Illinois [Mr. BURCHARD] that so far as he knows there are now none imported; and he has been dealing in the article. If so that contingency has not arisen. I would be inclined, with the information which we have, to leave the duty just where it is in the present law, by striking out the paragraph. The committee labored under this difficulty, that as these horseshoes have come in among unenumerated articles, there is no Treasury report upon the subject, and therefore we were obliged to rely upon other sources for our information as to whether 35 per cent. *ad valorem* is equivalent to the rate of duty on the iron of which the shoes are manufactured. I yield the remainder of my time to the gentleman from Illinois, [Mr. JUDD.]

Mr. JUDD. If the gentleman from Tennessee will give me his attention for a moment, I think I can make him understand why this change should be made. Assuming as true what is the fact, that we can make in this country all the horseshoes that we need, and that there is no occasion to import them, that when made they can, in consequence of our advantages with respect to machinery be sold at a fair profit yet more cheaply than they can be made abroad; in view of those two propositions the question is asked why impose any duty at all? Why reduce the duty? Why not make it higher or lower? I will answer the gentleman from Tennessee. The capacity of the machinery supplying our market with horseshoes is known by the jobbers of this country. A combination of large jobbers in New York, Philadelphia, Chicago, and St. Louis may give an order to the extent of the entire capacity of the manufacturers, and they get the entire product. If such an order has been given to an establishment in the county of the gentleman from Tennessee, or in my own county, a monopoly of the stock there manufactured is thus secured. If anybody wants horseshoes he must buy them of this combination or their agents; and they, knowing that they have control of the entire market, fix their own charges and demand a very exorbitant profit. The only security for the other dealers consists in enabling them to give an order abroad. Otherwise the monopoly will be complete and these jobbers will fix their own prices. There is no occasion for giving an order abroad so long as those controlling the manufacture in this country will sell at a fair profit; but when they undertake to extort, the smaller dealer ought to be able to protect himself by giving an order for foreign horseshoes.

Mr. MAYNARD, by unanimous consent, withdrew his amendment.

Mr. CONGER. I renew the amendment. Mr. Chairman, the horseshoes of this character used in this country are made by one machine, or by the combination of other inventions with it, invented in 1857 by Mr. Berdan of Troy, New York. He patented his invention in this country. The same machine which makes this kind of horseshoes in the United States also makes them in England. They are all made by the same patent or some modification of it. As I have said, it is the patent of Mr. Berdan of Troy, New York, patented in 1857, in this country. It was patented in England at the same time, and at once put into operation there. This machine will take a bar of iron, put it into the machine, turn it, stamp it, and bring it into the proper form of horseshoes, at the rate of sixty horseshoes every minute, and turn them out. By careful management that machine will turn out 36,000 horseshoes ready for sale in a day of eleven hours. It will do that here and it will do the same thing in England. The machine that does it here is the same machine that does it there. It has been modified to give different forms, to make flatter shoes, or thinner shoes, or to make them with more or less punch-holes in them.

This machine, which will turn out 36,000 horseshoes here or in England in a day of eleven hours, will supply all the horseshoes needed there or in the United States; and the only ground I can see for imposing any tariff on this article at all is the protection which will afford protection to labor in this country. It will protect the labor which makes these horseshoes in the United States against the labor in England, which is much cheaper and which makes these horseshoes with the same machine. The effect of the tariff upon this particular kind of horseshoes is merely a protection of our labor, and nothing else. Now, if my friends here on my side of the House, with whom I can sometimes vote, if they do really desire to protect the labor of our workingmen, if they, who have shed so many multitudinous tears over the oppressions to which the laboring men are subject, they will support the proposition for imposing a tariff upon this article so as to protect the labor engaged in this production.

Mr. ELDRIDGE. What does it cost a pound to manufacture these shoes?

Mr. CONGER. As I have said, the machine makes thirty-six thousand horseshoes a day. It takes five men to run the machine. Then there is the expense of coal to heat the machine. The iron is forced through and bent by five men. Then there is the expense of the machinery. I cannot tell exactly just now what it costs to make these horseshoes.

Mr. ELDRIDGE. Is not the proposed tariff wholly disproportioned to the cost of this production?

Mr. CONGER. These horseshoes are made by a peculiar kind of machine, patented in this country. It is a machine which manufactures them very rapidly. The same machine is used in England, although an American invention.

Mr. ELDRIDGE. Then, according to the gentleman's remarks, the best thing we could do would be to prohibit the use of the machine and let the laborer do the work.

Mr. CONGER. That is not the point I am on. The gentleman can make his own suggestions on that point.

I was about to say that the iron of which these shoes are made, or ought to be made, is of a superior quality. It ought to be of a particular hardness. Our soft Lake Superior iron is not fitted for the purpose. The iron which is used in the production of these shoes has imposed upon it a duty of 1½ cents per pound. If a little duty be not allowed in favor of our own labor, then my friend from Iowa and my friend from Wisconsin and my other friends on this side of the House have shed their tears in vain.

Mr. ELDRIDGE. The gentleman sheds his tears for the machine.

Mr. ALLISON. I have not shed any tears lately.

[Here the hammer fell.]

Mr. COX. The gentleman from Michigan [Mr. CONGER] has boiled down his proposition to the difference between the wages in this and other countries. The trouble with the gentleman, as with others here and heretofore, is that they forget that there are fewer hours per day or week for the manufacturing operative in England than in the United States. I send to be read a statement which I intended to make in answer to another gentleman the other day.

The Clerk read as follows:

"Some time since the gentleman from New Jersey [Mr. HILL] made an effort to show that wages in the United States are very much higher than in England, France, and Belgium. I have not the means of making a comparison of the wages of labor in this country with those of France and Belgium; but I have with England. I take those of manufacturing operatives given by the gentleman from New Jersey, [Mr. HILL.] Take carders, for instance. He gives the wages of that class of operatives at $4 37 in the United States and $3 85 in England, weekly wages. I believe his table is copied from Commissioner Wells's last report. From whatever source he obtains his facts his statements are not correct. He makes no difference for the hours of labor per week in the two countries. In England the manufacturing operative works but nine hours per day, or fifty-four hours each week. In the United States he works eleven hours each day, or sixty-six hours each week, making twelve hours more of labor per week in this country than in England. Take the carder, and make the proportions thus:

54 : 385 :: 66
66
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381
378
30

In England	$4 70
In the United States	4 37
Excess in England	33

"Therefore, if the carder labored sixty-six hours per week in England, at the same rate of wages he

now receives, he would earn $4 70 per week, or 33 cents more than the American carder earns. I have made the same calculations for all the operatives mentioned in the table of Mr. HILL, which follows:

	United States, 66 *hours per week.*	*England*, 54 *hours per week.*	*England*, 66 *hours per week.*	
Carders	$4 37	$3 85	$4 70	33*
Spinners, (men)	8 32	6 05	7 39	93†
Spinners, (women)	3 91	2 73	3 34	57†
Drawers	5 80	4 13	5 05	75†
Weavers	5 70	4 67	5 52	18†

"Thus you see that the nominal wages of the American operative is not so much in the case of the carder, and but little less in the case of the other operatives, as in England. And the English operative has greatly the advantage of the American, in cheaper food, clothing, and nearly everything else which he consumes. Taking the purchasing power of the wages of that class of operatives in the two countries, and the English operative is much better paid than the American for the same number of hours of labor.

"I do not know how it is with the other classes of artisans and laborers whose wages the gentleman from New Jersey [Mr. HILL] gives, not knowing how many hours per day they work in the two countries. But, I presume the difference would be about the same as in the case of the manufacturing operative. The gentleman from New Jersey [Mr. HILL] is, therefore, very much mistaken in the point which he endeavors to maintain."

Mr. COX. If, therefore, there is but little or no difference in manufacturing wages at home and abroad, I hope there will be a unanimous vote for my proposition. It seeks to strike out the paragraph, and has been seconded by the gentleman who is chairman of the Ways and Means Committee.

Mr. CONGER. I withdraw my admendment to the amendment.

Mr. BURCHARD. I withdraw the amendment.

The question recurred on Mr. Cox's motion, to strike out the paragraph; and it was agreed to.

So the paragraph was struck out.

The Clerk read as follows:

On all screws of iron not otherwise provided for, and on screws of any other metal than iron, 40 per cent. *ad valorem.*

Mr. ALLISON. I move to amend by striking out "40" and inserting in lieu thereof "35."

Mr. SCHENCK. I may state that there is a very heavy duty on wood screws, perhaps quite as heavy as under any circumstances it ought to be. They have been made heretofore under patents. This paragraph, however, includes not what are commonly called wood screws, but screws of iron not otherwise provided for, and puts the duty at 40 per cent. *ad valorem*, instead of the present duty of 35 per cent. On investigating the matter we were satisfied that we would better protect the labor of our own country without incurring any loss of revenue, and might probably get an increase of revenue by making this small addition to the present duty. In readjusting the tariff and making it a little fairer, though the general tendency may be to decrease the rates, still there may be cases like this in which a slight increase may be fair to the parties interested and an advantage to the revenue.

Mr. BROOKS, of New York. I move to amend the amendment by striking out "35 per cent." and inserting in lieu thereof "25 per cent." The history of this wood-screw business is somewhat amusing. At the opening of the war an honorable Senator from Rhode Island, disregardful of all the events about him, fixed upon the country the present wood-screw tariff, remarking at the time that he rejoiced at the absence of the southern men from the Senate Chamber, because it enabled him to carry a sufficiently high tariff on an article in which he was interested. I hold in my hand a memorandum of the rates of duty on the leading sizes of iron wood-screws. It shows that the duty on one-inch screws runs from 50 per cent. to 110 per cent. *ad valorem;* that the duty on one and a quarter inch screws runs from 70 per cent. to 110 per cent. *ad valorem;* that the duty on one and a half inch screws runs from 85 per cent. to 115 per cent. *ad valorem;* that the duty on one and three quarter inch screws runs from 95 per cent. to 120 per cent. *ad valorem;* that the duty on two-inch screws runs from 80 per cent. to 90 per cent. *ad valorem.* The present tariff imposes the following duties on iron wood-screws, namely: 11 cents gold per pound on all sizes up to one and three quarter inches; 8 cents gold per pound on all sizes larger than one and three quarter inches.

The following is the table showing the *ad valorem* rates on the different sizes, as calculated from the specific duties:

Memorandum of rates of duty on the following leading sizes of iron wood-screws.

1 inch by 5, 50 per cent.; 1 inch by 6, 55 per cent.; 1 inch by 7, 60 per cent.; 1 inch by 8, 70 per cent.; 1 inch by 9, 90 per cent; 1 inch by 10, 90 per cent.; 1 inch by 11, 100 per cent.; 1 inch by 12, 110 per cent.

1¼ inches by 7, 70 per cent.; 1¼ inches by 8, 80 per cent.; 1¼ inches by 9, 90 per cent.; 1¼ inches by 10, 100 per cent.; 1¼ inches by 11, 105 per cent.; 1¼ inches by 12, 110 per cent.; 1¼ inches by 13, 115 per cent.; 1¼ inches by 14, 110 per cent.

1½ inches by 8, 85 per cent.; 1½ inches by 9, 95 per cent.; 1½ inches by 10, 100 per cent.; 1½ inches by 11, 110 per cent.; 1½ inches by 12, 115 per cent.; 1½ inches by 13, 115 per cent.; 1½ inches by 14, 115 per cent.

1¾ inches by 9, 95 per cent.; 1¾ inches by 10, 100 per cent.; 1¾ inches by 11, 110 per cent.; 1¾ inches by 12, 115 per cent.; 1¾ inches by 13, 115 per cent.; 1¾ inches by 14, 120 per cent.; 1¾ inches by 16, 120 per cent.

2 inches by 10, 80 per cent.; 2 inches by 11, 85 per cent.; 2 inches by 12, 90 per cent.; 2 inches by 13, 90 per cent.; 2 inches by 14, 85 per cent.; 2 inches by 16, 90 per cent.; 2 inches by 18, 90 per cent.

It is well known to be certainly the characteristic of the Yankees, if not of the people of our whole country—and for myself I am proud of being a Yankee—that by their ingenuity and skill and power they are able to turn everything to their advantage; not only the water-falls, but the muscles and minds of the great body of the people of this country. The whole machinery of the United States continues to be turned in New England. There is but one screw manufacturing company of any sort in this country; and this company have been enabled so far, by the enormous tariff and by their great wealth, to prevent the importation of screws, and have bought off all competitors as fast as they appeared. Their prices are kept at a figure which will just prevent importation. To maintain, therefore, that one establishment our people have to pay for these articles just 100 per cent. more than they ought to do. This 100 per cent. goes into the treasury of a single over-wealthy concern, the Providence Screw Company. I desire the attention of the House and of the country to this very important fact, for there is no article more generally used than screws, wood-screws and screws of all kinds. I shall say nothing further, for I might talk for an hour and not add anything to the weight of what I have already said.

The question was put on the amendment of Mr. BROOKS of New York; and there were, on a division—ayes 35, noes 50; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. BROOKS, of New York, and Mr. NEGLEY.

The committee again divided; and the tellers reported—ayes 46, noes 70.

So the amendment was not agreed to.

Mr. ROGERS. I move to amend so as to make it 30 per cent.

The amendment was disagreed to.

The question recurred on Mr. ALLISON's motion, to strike out "40" and insert "35;" and being put, there were—ayes 54, noes 42; no quorum voting.

Tellers were ordered; and Mr. ALLISON and Mr. CESSNA were appointed.

The committee divided; and the tellers reported—ayes 65, noes 54.

So the amendment was agreed to.

Mr. SCHENCK. That being just what the tariff now is, I move to strike out the paragraph, and also move that all debate on this paragraph cease, or we shall have a long talk about it.

Mr. GARFIELD, of Ohio. I desire to offer an amendment. I move to strike out the words "not otherwise provided for." I do it for the purpose of putting all classes of iron screws on the same footing.

Mr. SCHENCK. What has become of my motion to close debate?

The CHAIRMAN. The Chair supposed the gentleman yielded to his colleague.

Mr. SCHENCK. No, sir; I was overrun. I do not yield.

The CHAIRMAN proceeded to put the question on the motion to close debate; and announced that it was agreed to.

Mr. PAINE. I call for a division.

Mr. CONGER. I have been trying to the extent of my voice to raise a point of order on that motion, and I desire when I address the Chair to be heard.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CONGER. My point of order is, that the resolution offered by the gentleman from Ohio [Mr. SCHENCK] in the House to-day was to the effect that when the House should next go into Committee of the Whole the committee should have power to stop debate by a majority vote. My point of order is that that has exhausted itself; that we have been in Committee of the Whole; have risen on a call of the roll, and come back into committee; and that the resolution has exhausted itself.

The CHAIRMAN. The Chair desires to make a point of order. The Chair desires to inform gentlemen that it is not their province to rise to make points of order while he is putting a question to the committee.

Mr. CONGER. I wish to make one suggestion about that last remark, because it is personal to me. I submit it to the Chair, and I submit it in the presence of all these gentlemen around me, that I addressed the Chair before the Chair attempted to put the question.

The CHAIRMAN. The Chair had recognized the gentleman from Ohio, [Mr. SCHENCK,] and he could not recognize the gentleman from Michigan [Mr. CONGER] while he was putting the question.

Mr. CONGER. I rose to a point of order on the motion of the gentleman from Ohio, [Mr. SCHENCK.]

The CHAIRMAN. The Chair now rules that the point of order taken by the gentleman from Michigan is not well taken. He calls the attention of the gentleman from Michigan to the resolution adopted by the House this morning, which provides that when the House shall again be in Committee of the Whole on the state of the Union on the special order, the tariff bill, "the committee shall have power to stop debate on any portion of the bill by the vote of a majority," without an order of the House. The order relates to any portion of the entire bill. The question now is on the motion to close debate on this paragraph, on which a division is demanded.

The question was put; and there were—ayes seventy, noes not counted.

So the motion was agreed to.

The question recurred on the motion of Mr. GARFIELD, of Ohio, to strike out the words "not otherwise provided for;" and being put, there were—ayes 39, noes 40; no quorum voting.

Tellers were ordered; and Mr. GARFIELD, of Ohio, and Mr. KELSEY were appointed.

The committee divided; and the tellers reported—ayes 52, noes 64.

So the amendment was rejected.

The question then recurred on Mr. SCHENCK'S motion to strike out the paragraph; and being put, there were—ayes eighty, noes not counted.

So the motion was agreed to.

The Clerk read as follows:

On vessels of cast iron not otherwise provided for, and on andirons, sadirons, tailors' and hatters' irons, stoves, and stove plates of cast iron, 1¼ cents per pound.

Mr. SCHENCK. I move to strike out that paragraph.

*More. †Less.

Mr. GRISWOLD. Before the question is taken on striking out the paragraph I move to amend it by striking out the words "and three fourths." I offer that amendment for this reason: if you strike out the paragraph you leave the duty as it now is, and I understand that that duty is a great deal too high. By reference to the amount of importations as given by the Treasury returns it will be seen that of the articles embraced in the pending paragraph, and also of the articles embraced in a following paragraph relating to cast-iron steam, gas, and water pipe, the whole amount imported during 1867 was only about $87,000. This article is made in England of the very poorest kind of iron, the very poorest kind of cast iron that stoves, &c., are made of, the present duty upon which, I believe, is 1½ cents per pound, and is the same with cast-iron steam, gas, and water pipe under another paragraph.

I have a communication upon this subject of cast-iron steam, gas, and water pipes which I ask to have read by the Clerk; but before that is done I wish first to call attention to the fact that by this bill the duty upon cast-iron steam, gas, and water pipe is fixed at the same rate as the duty in the paragraph under consideration, and I suppose what is stated in the communication which I now ask to have read will apply to the pending paragraph as well as to the one to which it more directly relates.

The Clerk began the reading of the communication, when

Mr. SCHENCK said: I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SCHENCK. My point of order is, that any discussion in relation to steam, gas, or water pipes is not now in order, that paragraph not being under consideration.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GRISWOLD. The duty on the two articles is the same, and the first cost is substantially the same.

Mr. SCHENCK. I am instructed by the Committee of Ways and Means to move to strike out the paragraph in relation to cast-iron steam, gas, and water pipes when it shall have been reached. Until then it is not in order for either the gentleman or myself to discuss it.

Mr. GRISWOLD. The reason why I claim this communication to be pertinent is that the paragraph under consideration relates to "vessels of cast iron," made of precisely the same material as the gas and water pipes referred to in the communication. The original cost is about $30 per ton, or a little over 1¼ cents per pound. Therefore what is said in regard to the one is equally applicable to the other. However, I do not wish unnecessarily to take up the time of the committee.

Mr. SCHENCK. It will save time if I inform the gentleman that I have been instructed by the Committee of Ways and Means to move to strike out all the paragraphs succeeding and including the one now under consideration until the paragraphs relating to steel are reached.

Mr. GRISWOLD. Striking out this paragraph will not answer the object I have in view. The duty upon this article is now substantially prohibitory. Everybody knows what a large amount is used in this country, yet only about $87,000 worth was imported during the last year.

Mr. SCHENCK. I move to close debate on the pending paragraph and the three succeeding paragraphs.

The CHAIRMAN. The gentleman must make the motion to stop debate on each paragraph as it is reached.

Mr. SCHENCK. I move, then, to terminate all debate on the pending paragraph.

Mr. GARFIELD, of Ohio. I hope that will not be done.

Mr. CESSNA. I hope it will be.

Mr. GARFIELD, of Ohio. Well, the gentleman has expressed his hope, and I have expressed mine.

The question was then taken upon the motion to close debate; and upon a division there were—ayes 63, noes 30; no quorum voting.

Tellers were ordered; and Mr. MORRELL, of Pennsylvania, and Mr. GRISWOLD were appointed.

The committee again divided; and the tellers reported that there were—ayes seventy-five, noes not counted.

So the motion to close debate was agreed to.

Mr. ALLISON. I hope the committee will now rise, as it is already five o'clock.

Mr. SCHENCK. I suppose I may as well move that the committee now rise. But I should like to inform the country that whether the motion is to insert a paragraph in this bill or to strike one out the same sort of opposition is made.

The motion that the committee rise was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WHEELER reported that the Committee of the Whole on the state of the Union, according to the order of the House, had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

LAWS OF WYOMING.

Mr. CULLOM. I ask unanimous consent to take from the Speaker's table for action at this time Senate bill No. 616, in relation to certain laws of the Territory of Wyoming.

Mr. BIRD. I object.

Mr. CULLOM. I move that the rules be suspended for that purpose.

The motion to suspend the rules was not agreed to; two thirds not voting in the affirmative.

Mr. CULLOM. I think that if the House would consent to hear a brief statement there would be no objection to taking up the bill.

Mr. WARD. I shall object unless the other side can be heard. There are two sides to this question.

Mr. ELDRIDGE. If there are two sides to the question I shall insist on the regular order.

BRIDGE ACROSS MISSOURI RIVER.

Mr. ALLISON. I ask unanimous consent to have reported from the Committee on the Public Lands for consideration at this time House bill No. 1227, to authorize the construction of a bridge across the Missouri river. The bill has been considered by the Committee on the Public Lands, and agreed to by that committee.

Mr. FINKELNBURG. I object.

ENROLLED BILLS SIGNED.

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

Joint resolution (H. R. No. 85) for the relief of Helen Lincoln and Heloise Lincoln, and for the withholding of moneys from tribes of Indians holding American captives;

Joint resolution (H. R. No. 146) for the return of evidence of honorable discharge to officers;

Joint resolution (H. R. No. 156) authorizing the sale of certain land at Springfield, Massachusetts, and for other purposes;

Joint resolution (H. R. No. 215) authorizing the supply of arms for instruction and practice to certain colleges and universities;

Joint resolution (H. R. No. 245) making an appropriation to defray the expenses of the Committee on Education and Labor incurred in pursuance of investigations ordered by the House of Representatives;

Joint resolution (H. R. No. 271) making an appropriation for the purpose of making experiments in the ventilation of the Halls of the Capitol;

An act (H. R. No. 268) for the relief of Captain George E. Gresham, of Tennessee;

An act (H. R. No. 840) amendatory of the organic law of Colorado Territory, and for other purposes;

An act (H. R. No. 897) to incorporate the Washington and Boston Steamship Company;

An act (H. R. No. 1413) for the relief of Sophia A. Moen;

An act (H. R. No. 1427) to provide for the creation of corporations in the District of Columbia by general law; and

An act (H. R. No. 1635) to authorize the corporate authorities of the city of Georgetown, in the District of Columbia, to pave and improve the streets thereof.

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

Joint resolution (S. R. No. 23) for setting apart a portion of Fort Snelling military reservation for a permanent military post, and the settlement of all claims in relation thereto;

Joint resolution (S. R. No. 78) relative to the establishment of a light station on the Choptank river, in Maryland;

Joint resolution (S. R. No. 84) authorizing the President to strike from the rolls of the Army the names of certain officers;

Joint resolution (S. R. No. 90) for the relief of certain officers of volunteers;

Joint resolution (S. R. No. 128) authorizing the issue of clothing to certain enlisted men of the fourteenth regiment of infantry;

Joint resolution (S. R. No. 141) to provide for survey and estimates of cost of removing obstructions from the Bayou Teche, in the State of Louisiana;

Joint resolution (S. R. No. 159) authorizing the Paymaster General to prescribe an earlier time for the execution of contracts by accepted bidders, and for other purposes;

Joint resolution (S. R. No. 165) extending the time for the completion of the first section of twenty miles of the Cairo and Fulton railroad;

An act (S. No. 93) legalizing certain donations of agricultural college scrip therein designated;

An act (S. No. 483) to authorize the officers of the Treasury Department to enter a credit upon the account of Henry Etting, paymaster in the Navy;

An act (S. No. 527) for the relief of William F. Scott, late adjutant fourth Iowa cavalry volunteers;

An act (S. No. 579) to create additional land districts in the Territory of Dakota, to be called the Springfield and Pembina districts;

An act (S. No. 580) to fix the point of junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company;

An act (S. No. 684) to change the time for holding the circuit and district courts of the United States for the district of Wisconsin;

An act (S. No. 746) authorizing the First National Bank of Delhi, New York, to change its location; and

An act (S. No. 774) to authorize the Burlington and Missouri River Railroad Company or its assigns to change an established line of said road in the State of Nebraska.

WITHDRAWAL OF PAPERS.

Mr. RICE obtained leave to withdraw from the files of the House papers in the case of John B. Bland, of Louisville, Kentucky.

And then, on motion of Mr. RANDALL, (at five o'clock and five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. AYER: The petition of Edwin Eunis, for compensation for transporting the

United States mail anterior to the 4th of March, 1861.

By Mr. BIGGS: The petition of E. & A. Betts and others, citizens of Wilmington, Delaware, against the passage of the funding bill in its present form.

By Mr. BUCK: Petitions of merchants and the Board of Trade of Mobile, Alabama, for the passage of an act providing for all revenue taxes on distilled spirits to be paid at distilleries or distillery warehouses, &c.

By Mr. BUTLER, of Tennessee: The memorial of Lieutenant W. D. O'Brien, of Tennessee, praying for compensation for services rendered and property destroyed during the rebellion.

Also, the memorial of A. C. Fondren, of Tennessee, praying compensation for services rendered and money expended during the war for the benefit of the Union cause.

Also, the memorial of Captain R. B. Cochran, in his own behalf and on behalf of the officers and men of the Cochran national guards.

By Mr. CLARKE, of Kansas: The memorial of Amos Sanford, J. S. Vincent, James G. Dunlevy, Milton Douglas, John N. Ritter, Bruce Miller, J. F. McDowell, and C. C. McDowell, county officers and ex-county officers of Cherokee county, Kansas, in favor of annulling the sale of the Cherokee neutral lands to James F. Joy.

By Mr. LASH: The petition of W. R. Lindsay, a citizen of Rockingham county, North Carolina, for removal of disabilities.

Also, petitions of James T. Hunter and Thomas M. Holt, citizens of Alamance county, North Carolina, for removal of disabilities.

Also, petitions of Green D. Sutterfield and John W. Hunt, citizens of Person county, North Carolina, for removal of disabilities.

Also, petitions of John F. Poindexter, Irwin J. Hine, and Calvin H. Hauser, citizens of Forsyth county, North Carolina, for removal of disabilities.

Also, the petition of W. F. Henderson, for the removal of disabilities from John Michael, a citizen of Davidson county, North Carolina.

By Mr. MORPHIS: A petition of several hundred citizens of Monroe county, Mississippi, for removal of Federal court of northern district of Mississippi from Oxford to Aberdeen.

Also, a petition of 794 citizens of Monroe, Lee, and Itawamba counties, Mississippi, for an appropriation to improve the navigation of the Tombigbee river.

By Mr. PETERS: A petition of the Bangor, Maine, Board of Trade, in favor of abolition of compulsory harbor, port, and pilot dues.

Also, a petition of citizens of Bangor, Maine, in behalf of the bills reported by the Committee on the Causes of the Decline of American Commerce.

By Mr. PORTER: The petition of R. B. Moon, of Albemarle county, Virginia, praying the removal of his legal and political disabilities imposed by the fourteenth article of amendments to the Constitution.

IN SENATE.

TUESDAY, *May* 3, 1870.

Prayer by Rev. FRANCIS A. CONWELL, of Minneapolis, Minnesota.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Interior, communicating, in compliance with a resolution of the Senate of April 21, 1870, information in relation to the Indians of southeastern Oregon; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also presented a report of the Secretary of the Navy, communicating, in compliance with a resolution of the Senate of March 9, 1870, further information in relation to the sinking of the United States steamer Oneida; which was ordered to lie on the table.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 1140) for the relief of Charles Trichler, of the county of Adams, Ohio;

A bill (H. R. No. 1218) for the relief of William P. Emery, late captain fifty-eighth United States colored infantry;

A bill (H. R. No. 1331) for the relief of A. F. McMillan;

A bill (H. R. No. 1901) for the relief of Peter M. Jonte;

A bill (H. R. No. 1902) for the relief of Francis A. Conwell;

A bill (H. R. No. 1903) to authorize the payment of bounty to Ann McCarthy;

A bill (H. R. No. 1904) for the relief of James C. Strong;

A bill (H. R. No. 1905) for the relief of Howell H. Trask;

A bill (H. R. No. 1906) providing for the payment of veteran bounty to certain enlisted men of the first regiment of New York mounted rifles;

A bill (H. R. No. 1907) for the relief of B. Raff;

A bill (H. R. No. 1908) for the relief of Mrs. Ruhany Brown;

A bill (H. R. No. 1909) to provide for payment of bounties to certain officers of volunteers;

A bill (H. R. No. 1911) for the relief of George W. Steele, late first lieutenant second New York veteran cavalry; and

A joint resolution (H. R. No. 274) relating to Fort Craig military reservation.

NATIONAL HOLIDAY.

The joint resolution (H. R. No. 282) to establish the 30th day of May in each year a public holiday was read by its title.

Mr. DRAKE. I move that the Senate proceed to the present consideration of the joint resolution.

Mr. SUMNER. I do not know what it is.

Mr. DRAKE. Let it be read at length.

The VICE PRESIDENT. The Secretary will report the joint resolution in full, subject to objection.

The joint resolution was read. It provides that the 30th day of May, being the day appointed and accustomed to be used for the decoration of the graves of soldiers who died in the war in defense of the Union against rebellion, be declared a public holiday, to be forever observed as such by the people of the United States.

The VICE PRESIDENT. The Senator from Missouri asks unanimous consent that the Senate proceed to the consideration of this joint resolution at the present time. Is there objection? The Chair hears none. The joint resolution is before the Senate as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment.

Mr. SHERMAN. I would not interpose by my objection against the passage of the resolution, but I am opposed to the adoption of this class of measures.

In the first place, it is not meet and proper that the same day should be fixed throughout the United States for a purpose of this kind. It is for a floral decoration of graves, and in many parts of the country the time fixed would not be suitable, while it might be in others. And it seems to me now that this is taking advantage of a strong sentiment, a feeling of great kindness, a feeling of extreme deference indeed to those who perished in our civil war, to establish a precedent that may add holidays upon our calendar as numerous as the holidays upon the Catholic calendar, or the calendar of other religious denominations. We have only one holiday, and that is the birthday of American independence, and heretofore we have always refused to recognize any national holiday except that one.

It seems to me that among a practical people like ours, in a practical age like this, we ought not to interpose by law to prevent the people from carrying on their ordinary avocations, and from paying their debts, thus interposing a legal holiday which affects the obligation of contracts and affects a variety of business far more extensive than many perhaps may suppose. A legal holiday affects the performance of contracts in various ways. Now, I do not choose myself to be led by a sentiment of this kind, however strong, to establish a precedent which has never been set heretofore. I think my feeling for the memory of the dead and the services of the dead is probably as strong as that of my honorable friend from Missouri; but I believe this to be a precedent which may be hereafter followed on occasions much too numerous. I shall content myself with voting against the passage of the joint resolution.

The VICE PRESIDENT. If there is objection the resolution cannot be read the third time to-day.

Mr. SHERMAN. I do not object, but I shall vote against it.

Mr. TRUMBULL and Mr. SUMNER. Let it be referred.

Mr. DRAKE. I beg the Senator from Massachusetts to withhold his motion.

Mr. SUMNER. That is debatable, of course.

Mr. DRAKE. I know that. I have simply to say that, in my judgment, when the nation has to decorate the graves of three hundred thousand patriots slain for its preservation, it can afford to set apart one day of the three hundred and sixty-five as a holiday for the purpose, and let contracts and business engagements take care of themselves.

Mr. SHERMAN. There is one other observation which I wish to add to what I have already said. As a matter of course the graves of our dead in a single generation will pass away. In many cases they will be preserved, but only in comparatively few places. Now, this resolution proposes to make the 30th of May a legal holiday in all time to come for this purpose. It perpetuates a transient thing, because the graves of the ablest and the wisest soon disappear. The graves of the revolutionary dead have nearly all disappeared. The graves of many of the revolutionary heroes whose names are certainly prized highly now are entirely forgotten. Probably not a hundred graves of the revolutionary heroes can now be pointed out. I have no doubt that these graves, like others, will disappear. Why, therefore, select a day for all time to come for an event that must be transient in its character?

Mr. DRAKE. When they disappear we shall repeal this act.

Mr. SHERMAN. I think it would be well enough to refer this resolution, and think over it awhile. I will therefore move that it be referred to the Committee on Military Affairs.

The VICE PRESIDENT. The Senator from Ohio moves the reference of this joint resolution to the Committee on Military Affairs.

Mr. POMEROY. I think floral decorations of this kind should be voluntary. I do not believe in requiring by law persons to do what a grateful people are glad to do. If that sentiment of gratitude should ever be effaced from the American people—and I hope it will never be—to then require them by law to do it would be a formal service that would have no merit in it. I like, myself, the sentiment to be cherished, and like the idea of these floral decorations, but not to have them required by law. That takes away all the virtue of them.

Mr. THAYER. The Senator wholly misapprehends the resolution in saying that it requires it to be done by law. It is left to be a voluntary act of the American people; but the resolution sets aside a day for this purpose.

Mr. POMEROY. Is not that set aside by law?

Mr. THAYER. But it does not require the people to decorate the graves. That is a voluntary act of the American people. It recognizes the day as a holiday. It indicates that that will be the appropriate day for this purpose.

The VICE PRESIDENT. The Senator from Ohio moves the reference of the joint resolution to the Committee on Military Affairs.

Mr. DRAKE. Upon that motion I call for the yeas and nays.

Several SENATORS. No; no.

Mr. DRAKE. I insist on the call.

Three Senators rose to second the demand for the yeas and nays.

Mr. DRAKE. I hope we shall have the yeas and nays.

The VICE PRESIDENT. The Chair will again put the question.

The yeas and nays were not ordered, but three Senators rising to second the call.

Mr. WARNER. I should like to have the resolution read.

The Secretary again read the resolution.

Mr. NYE. If I understand the object of the resolution it is simply to declare the 30th of May a holiday, not to make it obligatory at all, that the decoration of the graves shall be had on that day. I hope that the resolution will pass. I think if there is any one thing that this nation is deficient in it is in the number of holidays it has. In other countries great events are commemorated in that way, and certainly no greater event can be commemorated than that which is proposed to be commemorated on the 30th of May. I hope that the resolution, if it should be referred, will soon be reported back and passed. It seems to me it is due to the occasion, due to the dead, and due to the living, that it should pass.

The VICE PRESIDENT put the question on the motion to refer the joint resolution, and declared that the ayes appeared to have it.

Mr. DRAKE. I call for a division.

The question being put, there were, on a division—ayes 36, noes 7.

Mr. DRAKE. I again call for the yeas and nays upon the question. Let us see whether the Senate will refuse the yeas and nays upon this question.

The yeas and nays were ordered, twelve Senators seconding the call.

The VICE PRESIDENT. The question is on the reference of this joint resolution to the Committee on Military Affairs.

The question being taken by yeas and nays, resulted—yeas 37, nays 12; as follows:

YEAS—Messrs. Ames, Anthony, Bayard, Boreman, Buckingham, Cameron, Casserly, Chandler, Cole, Edmunds, Fenton, Ferry, Flanagan, Fowler, Harlan, Harris, Johnston, Lewis, McCreery, Morrill of Vermont, Patterson, Pomeroy, Ramsey, Robertson, Ross, Saulsbury, Sawyer, Sherman, Stewart, Stockton, Sumner, Tipton, Trumbull, Vickers, Willey, Williams, and Wilson—37.

NAYS—Messrs. Carpenter, Conkling, Drake, Hamilton of Texas, Hamlin, Howell, Nye, Osborn, Pratt, Scott, Thayer, and Warner—12.

ABSENT—Messrs. Abbott, Brownlow, Cattell, Cornett, Cragin, Davis, Gilbert, Hamilton of Maryland, Howard, Howe, Kellogg, McDonald, Morrill of Maine, Morton, Norton, Pool, Revels, Rice, Schurz, Spencer, Sprague, Thurman, and Yates—23.

So the motion was agreed to.

PENSION TO MRS. LINCOLN.

The bill (H. R. No. 1950) granting a pension to Mary Lincoln was read twice by its title.

Mr. TRUMBULL. I trust that bill may be put upon its passage.

Mr. SUMNER. I hope so, too.

Mr. TRUMBULL. The subject is well understood by every one, and there seems to be no necessity for referring it.

Mr. SUMNER. Let us have a vote on it.

Mr. TRUMBULL. I trust it may be passed unanimously and graciously.

Mr. EDMUNDS. Of course it will be passed graciously, if at all; but the Committee on Pensions has a bill before it already providing for a pension at a higher rate than this, upon which it is just ready to report. The report is being drafted, and will be perfected and ready to be presented in the course of this week, with some facts and statistics which may justify Senators in voting for or against the bill, as they may be affected by those facts. Therefore I think this bill had better not pass now. I have no objection to its going on the Calendar, because we have the subject before us and can report upon it just as well.

Mr. SUMNER. But the bill for a pension to Mrs. Lincoln was introduced in the last Congress. It seemed at that time that a large part of the Senate was in its favor; but it was objected to——

Mr. EDMUNDS. I do not think this is the time to enter into a debate on this bill, inasmuch as it is not before the Senate for consideration.

Mr. SUMNER. I am not about to debate it. I was only going to reply to the remark of the Senator from Vermont. I understood the Senator to assign certain reasons——

Mr. EDMUNDS. I said that the committee was about to report, and therefore I objected to the present consideration of this bill.

Mr. SUMNER. The bill in the last Congress failed. During the first week of the present Congress, now more than a year ago, I introduced another bill for the same object, and I tried to put it on its passage without a reference to a committee. On the motion of the Senator from Vermont, however, on the yeas and nays, it was referred to the committee of which he is chairman. It was referred to the Committee on Pensions at the very beginning of this Congress, now more than a year ago. During all this time the bill has slumbered in the room of that committee, while the object of this kindness, this beneficence on the part of Congress, has been suffering in poverty——

Mr. EDMUNDS. I rise to a question of order.

The VICE PRESIDENT. The Senator from Vermont rises to a question of order, which he will state.

Mr. EDMUNDS. I had risen before and objected to the present consideration of this bill, or intended to do so, under the rules of the Senate, because I did not wish it to pass, as it must if at all now, by unanimous consent. My point of order, therefore, is that it is not in order to consider the bill and debate it, it having been objected to, having just come in from the House.

Mr. SUMNER. Will my friend allow me to plead with him to allow a vote to be taken?

The VICE PRESIDENT. The Chair must decide the point of order made by the Senator from Vermont if he insists upon it. It arrests the remarks of the Senator from Massachusetts till it is decided.

Mr. SHERMAN. Let the bill go on the Calendar.

Mr. FENTON. The bill will go on the Calendar, I suppose.

The VICE PRESIDENT. The Senator from Vermont suggests that it go on the Calendar.

Mr. SUMNER. Very well.

Mr. EDMUNDS. I should like the point of order to be decided.

The VICE PRESIDENT. The Chair is reluctant to decide points of order when they can be avoided. The Chair understands that by the usage of the Senate, when a bill is read the first and second times, the question then arises, what shall be done with the bill? A motion to refer is in order, but it cannot be read the third time that day, under the rule of the Senate, if any Senator objects. The Chair supposes that the motion to refer would certainly be debatable.

Mr. EDMUNDS. But there is no motion to refer.

The VICE PRESIDENT. There is no motion to refer; but the question then is, what shall be done with the bill? The bill is before the Senate.

Mr. SUMNER. I move that it be read the third time.

Mr. EDMUNDS. I object.

The VICE PRESIDENT. It requires unanimous consent.

Mr. EDMUNDS. Then there is no question pending, and there can be no debate.

The VICE PRESIDENT. The Senator from Vermont did debate the bill.

Mr. EDMUNDS. I beg pardon. I only explained the grounds why I objected to its present consideration.

The VICE PRESIDENT. The Chair does not know the difference in parliamentary law between an explanation and debate. An explanation is in the nature of debate.

Mr. SUMNER. And I would add——

The VICE PRESIDENT. The bill cannot be read the third time to-day, objection being made.

Mr. SUMNER. I merely replied categorically to the remarks of the Senator from Vermont. I did not intend to debate it.

The VICE PRESIDENT. That also is debate. A categorical reply is debate as well as an explanation. The Senator from Vermont moves that the bill be placed on the Calendar.

Mr. EDMUNDS. I do not make any motion. I object to its present consideration.

Mr. FENTON. I move that it be placed on the Calendar.

Mr. EDMUNDS. It goes on the Calendar as a matter of course.

The VICE PRESIDENT. It will if the Senate passes away from its consideration; but it is still before the Senate, and the Senate must decide what shall be done with it. The question is on placing it upon the Calendar.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, Chief Clerk, announced that the House had passed a concurrent resolution for the adjournment of the two Houses on the 4th of July next.

ENROLLED BILLS SIGNED.

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

A bill (H. R. No. 268) for the relief of Captain George E. Gresham, of Tennessee;

A bill (H. R. No. 840) amendatory of the organic law of Colorado Territory, and for other purposes;

A bill (H. R. No. 1413) for the relief of Sophia A. Moen, administratrix, and Philip L. Moen, administrator of Augustus R. Moen;

A bill (H. R. No. 1635) to authorize the corporate authorities of the city of Georgetown, in the District of Columbia, to pave and improve the streets thereof;

A joint resolution (H. R. No. 85) for the relief of Helen Lincoln and Heloise Lincoln, and for the withholding of moneys from tribes of Indians holding American captives;

A joint resolution (H. R. No. 156) authorizing the sale of certain lands at Springfield, Massachusetts, and for other purposes;

A joint resolution (H. R. No. 215) authorizing the supply of arms for instruction and practice to certain colleges and universities;

A joint resolution (H. R. No. 245) making an appropriation to defray the expenses of the Committee on Education and Labor incurred in pursuance of investigations ordered by the House of Representatives;

A joint resolution (H. R. No. 271) making an appropriation for the purpose of making experiments in the ventilation of the Halls of the Capitol;

A bill (S. No. 93) legalizing certain locations of agricultural college scrip therein designated;

A bill (S. No. 488) to authorize the officers of the Treasury Department to enter a credit upon the account of Henry Etting, paymaster in the Navy;

A bill (S. No. 527) for the relief of William F. Scott, late adjutant fourth Iowa cavalry volunteers;

A joint resolution (S. R. No. 84) authorizing the President to strike from the rolls of the Army the names of certain officers;

A joint resolution (S. R. No. 90) for the relief of certain officers of volunteers;

A joint resolution (S. R. No. 128) authorizing the issue of clothing to certain enlisted men of the fourteenth regiment of infantry;

A joint resolution (S. R. No. 141) to provide for survey and estimates of cost of removing obstructions from Bayou Teche, in the State of Louisiana;

A bill (S. No. 579) to create additional land districts in the Territory of Dakota, to be called the Springfield and Pembina districts;

A bill (S. No. 580) to fix the point of junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company;

A bill (S. No. 746) authorizing the First National Bank of Delhi, New York, to change its location;

A bill (S. No. 774) to authorize the Burlington and Missouri River Railroad Company, or its assigns, to change the established line of said road in the State of Nebraska;

A joint resolution (S. R. No. 23) for setting apart a portion of the Fort Snelling military reservation for a permanent military post, and the settlement of all claims in relation thereto;

A joint resolution (S. R. No. 78) relative to the establishment of a light-station on the Choptank river, in Maryland;

A joint resolution (S. R. No. 159) authorizing the Postmaster General to prescribe an earlier time for the execution of contracts by accepted bidders, and for other purposes;

A joint resolution (S. R. No. 165) extending the time for the completion of the first section of twenty miles of the Cairo and Fulton railroad;

A bill (S. No. 684) to change the time for holding the circuit and district courts of the United States for the district of Wisconsin;

A joint resolution (H. R. No. 146) for the return of evidence of honorable discharge to officers and enlisted men;

A bill (H. R. No. 869) to authorize the issuing of a certificate of registry or enrollment to the schooners Zenas Snow and Patriot;

A bill (H. R. No. 897) to incorporate the Washington and Boston Steamship Company;

A bill (H. R. No. 1611) for the relief of Friend A. Brainard; and

A bill (H. R. No. 1912) to extend the time within which persons elected to office may take the oath of office prescribed in an act entitled "An act to admit the State of Texas to representation in the Congress of the United States," approved March 30, 1870.

PETITIONS AND MEMORIALS.

Mr. SUMNER presented the petition of John Seys, minister resident and consul general at Liberia, praying payment of four months' salary withheld from him on account of absence from duty; which was referred to the Committee on Foreign Relations.

Mr. CONKLING. I present sundry memorials of sellers of household wringers of various manufactures of citizens of New York, representing that they have just learned that House bill No. 1492, for the extension of John Young's patent for washing and wringing machines, has been placed upon the Senate Calendar with an adverse report from the committee, and they desire, therefore, to remonstrate against the passage of the bill, and they state that the effect of the extension of the patent would be to increase the cost of these necessary household articles already too heavily burdened with patent tariffs. A bill having been reported in this regard, I move that these memorials lie on the table.

The motion was agreed to.

Mr. JOHNSTON presented the petitions of George K. Taylor, of Hanover county, Virginia; of John F. Smith, of Staunton, Virginia; of John G. Fulton, Augusta county, Virginia; of C. B. Hood, Culpepper county, Virginia; of Allen D. Reade, Gloucester county, Virginia; of William P. Jarman, Nelson county, Virginia; of O. C. Clark, Campbell county, Virginia; of William M. Hamlet, Campbell county, Virginia; of William P. Jones, Norfolk county, Virginia; of John B. Allen, Botetourt county, Virginia; of Richard H. Blythe, Southampton county, Virginia; of William Urquhart, Southampton county, Virginia; of James W. Parker, Southampton county, Virginia; of William S. Goodwyn, Greenville county, Virginia; of G. W. Stainback, Petersburg, Virginia; of W. S. Thornton, Sussex county, Virginia; of Mills B. Powell, Isle of Wight county, Virginia; of A. M. Lenen, City Point, Virginia; of B. R. Lewis, Dinwiddie county, Virginia; of Peterson Wells, Dinwiddie county, Virginia; of W. F. Barrar, Dinwiddie county, Virginia; of John W. Temple, Prince George county, Virginia; of William T. Temple, Prince George county, Virginia; of Henry E. Leath, Prince George county, Virginia; of W. S. Pond, Southampton county, Virginia; of Thomas J. Brister, Southampton county, Virginia; of John Prince, Sussex county, Virginia; of William Briggs, Sussex county, Virginia; of Carter R. Bishop, Petersburg, Virginia; of Lewis E. Mason, Greenville county, Virginia; of William Hardoway, Nottoway county, Virginia; of Robert H. Jones, Petersburg, Virginia; of J. M. Creekmore, Norfolk, Virginia; and of John T. Sutherland, Dinwiddie county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. MORRILL, of Maine, presented the petition of Corbin Washington and others, praying that the crew of the United States frigate Missouri be compensated for the loss of their clothing by the burning of that vessel; which was referred to the Committee on Naval Affairs.

Mr. VICKERS presented the petition of Thomas J. Hudgins, of Matthews county, Virginia, praying for the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. BUCKINGHAM presented a memorial of George T. Goodwin & Co. and J. M. Smith, of Connecticut, sellers of household wringers of various manufactures, remonstrating against the passage of House bill No. 1492, for the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

Mr. FOWLER presented the petition of Thomas R. Smith, of Memphis, Tennessee, in behalf of Robert H. Wood, of that State, praying for the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

He also presented the petition of R. H. Wood, of Bolivar, Tennessee, praying for the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

He also presented a memorial of the Governor of the State of Tennessee, praying an appropriation to that State for materials belonging to the Winchester and Alabama railroad used by the Government during the late war; which was referred to the Committee on Claims.

He also presented the petition and papers of John W. Smith, of Memphis, Tennessee, praying to be remunerated for expenses incurred and losses sustained in the United States service as scout, spy, and partisan in the years 1861, 1862, and 1863; which was referred to the Committee on Military Affairs.

Mr. SUMNER presented additional papers in the case of J. Ross Browne; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 459) to authorize the settlement of accounts of officers of the Army and Navy, to report it back without amendment and recommend its passage. It will be remembered that this bill was originally reported by the Committee on Military Affairs, and on my motion was referred to the Committee on Finance for examination. We have carefully inquired of the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury, who are unanimously of the opinion that this bill ought to pass promptly; and as I interposed an objection to its passage when it was reached on the Calendar, I ask that it be now acted upon.

The VICE PRESIDENT. The Senator from Ohio asks for the present consideration of this bill reported back from the Committee on Finance, stating that he objected to it when it was reached on the Calendar and had it referred to the Committee on Finance, and the committee now report favorably upon it.

Mr. TRUMBULL. Why not let it go on the Calendar?

Mr. SHERMAN. I have no objection to that if Senators desire it. There are letters with the bill from the Secretary of War, the Secretary of the Navy, and the Treasury Department in favor of it.

Mr. TRUMBULL. I am for the bill.

Mr. SHERMAN. It will take but a moment to act upon it.

The VICE PRESIDENT. It has been once reached on the Calendar, read, objected to, and referred to the Committee on Finance for further investigation.

Mr. TRUMBULL. I am in favor of the object of the bill. I will not object.

The VICE PRESIDENT. The Secretary will read the bill unless it is objected to.

The Secretary read the bill.

Mr. EDMUNDS. That had better go on the Calendar.

The VICE PRESIDENT. The Senator from Vermont desires the bill to be placed on the Calendar. It will be placed on the Calendar.

Mr. BUCKINGHAM. I will inquire whether the Senate has not directed that all treaties with Indian tribes shall be considered in open session?

The VICE PRESIDENT. It has.

Mr. BUCKINGHAM. If so I will make a report. The Committee on Indian Affairs, to whom was referred the treaty between the United States and the New York Indians, concluded September 4, 1868, have had the same under consideration, and recommend that the treaty be not ratified. I move that the report be printed.

The VICE PRESIDENT. The report will be printed, and the treaty, with the adverse report, placed on the Calendar.

Mr. POMEROY. What treaty is it?

Mr. BUCKINGHAM. The treaty with the New York Indians.

Mr. TRUMBULL. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 386) prescribing the rules of evidence in certain cases, to report it back adversely, with a recommendation that it be indefinitely postponed.

The VICE PRESIDENT. If there be no dissent the bill will be indefinitely postponed.

Mr. WILLIAMS. I will ask if that is a bill I introduced?

Mr. TRUMBULL. I do not remember who introduced it.

The VICE PRESIDENT. This bill was introduced by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. TRUMBULL. The bill proposes to prevent parties from testifying in cases where executors, administrators, next of kin, and others are interested.

Mr. WILLIAMS. I think I am able to show very good reasons why such a bill as that should pass. It is in conformity to the laws of the States.

Mr. TRUMBULL. I will state to the Senator from Oregon, if he will allow me, that by act of Congress the United States courts conform as to the competency of testimony to the State law. We also have another general law by which in suits by executors, administrators, and persons suing in a fiduciary capacity of that character, where they are parties, the other party is not permitted to testify to any statements made by them.

Mr. EDMUNDS. Made by the deceased?

Mr. TRUMBULL. Made by the deceased. This bill perhaps goes a step further in extending it to the exclusion of vendors and assignors; but we have a statute already adopting the State laws upon this subject, and we thought there was no necessity for this bill.

The VICE PRESIDENT. Does the Senator from Oregon desire the bill to be placed on the Calendar, with the adverse report of the committee?

Mr. WILLIAMS. Yes, sir; let it go on the Calendar.

The VICE PRESIDENT. It will go on the Calendar with the adverse report.

Mr. TRUMBULL, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 386) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, reported it with an amendment.

He also, from the same committee, to whom were referred the bill (S. No. 581) to amend the bankrupt act so as to exempt from its provisions certain interests in life insurance policies, and the bill (S. No. 661) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," reported adversely, and moved their indefinite postponement; which was agreed to.

Mr. PRATT, from the Committee on Claims, to whom was referred the petition of James Kelley, captain of the thirty-fourth United States infantry, praying for pay and allowances of a captain in the United States Army from July 1, 1864, to September 16, 1867, submitted an adverse report thereon; which was ordered to be printed.

Mr. WARNER, from the Committee on Finance, to whom was referred the bill (S. No. 517) to define the intent of an act entitled "An act to allow deputy collectors of internal revenue acting as collectors the pay of collectors, and for other purposes," approved March 1, 1869, reported it without amendment.

He also, from the same committee, to whom was referred the petition of N. H. Fry, praying that a special license tax illegally assessed upon him as a distiller of brandy from fruit in 1868 be refunded, asked to be discharged from its further consideration; which was agreed to.

Mr. SUMNER, from the Committee on Foreign Relations, to whom was referred the petition of Jennie Stacey, praying an appropriation for the purpose of bringing the remains of her father, Henry B. Stacey, late United States consul at Reval, Russia, to this country for interment, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. FENTON, from the Committee on Finance, to whom was referred the petition of Anson W. Aldrich, praying compensation for liquors stolen while in possession of the Government under seizure, the return of duty paid thereon, and costs incurred in procuring their release from seizure, asked to be discharged from its further consideration, and that it be indefinitely postponed; which was agreed to.

GRENVILLE M. DODGE.

Mr. WILSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1892) making an appropriation to satisfy a judgment obtained against Grenville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty, to report it back without amendment.

The VICE PRESIDENT. The bill will be placed on the Calendar.

Mr. HOWELL. I should be very much gratified if that bill could be read a third time and put on its passage now. I shall be greatly obliged to Senators if they will consent to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates the sum of $5,000, or as much thereof as may be necessary, to enable the Secretary of War to satisfy a judgment obtained against Grenville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty, under orders from their superior officers, and to defray the cost of defending the suits at law in which such judgment was recovered.

Mr. HOWE. Is there any report accompanying the bill?

The VICE PRESIDENT. There is no written report.

Mr. HOWELL. The bill has passed the House of Representatives, and is reported favorably here by the Committee on Military Affairs. The circumstances are simply these: in the execution of orders during the war General Dodge took possession of some cattle in Kansas which were replevied, and he not being able to be there to defend the suit judgment was obtained, and the suit was certified to Iowa, and execution has issued in Pottawatomie county, the place of General Dodge's residence, and he is harassed by the issue of execution and levy upon his property. It is a case in which there is no question whatever of the propriety of the action of Congress in the premises, I believe.

Mr. HOWE. How came General Dodge to take the cattle? He was not in the commissary department, was he?

Mr. HOWELL. It was during the war, and he took them in some way.

Mr. TRUMBULL. Under orders?

Mr. HOWELL. They were taken under orders for the military department at the time.

Mr. SHERMAN. There was a general order issued requiring Army officers to seize all the supplies in certain regions of country. I presume that is this case.

Mr. POMEROY. But not in Kansas.

Mr. HARLAN. This order was issued to break up cattle-stealing in the Indian territory with a view of protecting the Indians. The cattle that were taken by order of General Dodge were herds of cattle driven out of the Indian country into Kansas for sale. Certain parties replevied the cattle, and finally got judgment in one case against General Dodge. The transcript of that judgment has been sent to one of the courts in Iowa and docketed, and execution has issued upon it.

Mr. HOWE. What became of the cattle that were seized?

Mr. HARLAN. Some of them were recovered by the parties who replevied, and some of them were used by the Army.

Mr. CONKLING. What is the amount of the judgment?

Mr. HARLAN. I do not remember the exact amount. It is less than five thousand dollars.

Mr. HOWELL. Five thousand dollars, I think.

The VICE PRESIDENT. Does the Senator from Wisconsin object to the bill?

Mr. HOWE. No, sir. I do not want to interpose an objection; but I think it is a little extraordinary that such a bill should be presented about which we can have so few facts as to the amount of the judgment, or the party recovering it, or why he recovered it.

Mr. HOWELL. The amount of the judgment is stated in the bill.

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

BILLS INTRODUCED.

Mr. CAMERON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 188) to furnish medals to certain Pennsylvania and Massachusetts soldiers; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. DRAKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 876) to promote the greater efficiency of the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 877) to regulate the pensions of the Navy and Marine corps, and for other purposes; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 878) to amend an act entitled "An act to establish and declare the railroad and bridges of the New Orleans, Mobile, and Chattanooga Railroad Company, as hereafter constructed, a post road, and for other purposes," approved March 2, 1868; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 879) for the relief of the inhabitants of the city of Black Hawk and Central City, in the Territory of Colorado; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

PRINTING OF A BILL.

Mr. STEWART. I move that the bill (S. No. 810) to enforce the fifteenth amendment to the Constitution of the United States be reprinted.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FERRY submitted an amendment intended to be proposed to the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1871; which was referred to the Committee on Appropriations.

Mr. ROSS submitted an amendment intended to be proposed to the bill (H. R. No. 1169) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations (so called) with various Indian tribes for the year ending June 30, 1871, and for other purposes; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

The VICE PRESIDENT. The morning hour has expired, and the Senate will proceed to the consideration of bills on the Calendar to which objection shall not be made. The Chair will state that since he submitted to the Senate this morning the House bills and joint resolutions lying on his table a concurrent resolution has been received from the other House providing for the final adjournment of Congress on the 4th of July. If it is the pleasure of the Senate the Chair will submit that concurrent resolution to-morrow morning.

Mr. WILSON. I move that it lie on the table.

The VICE PRESIDENT. It will lie on the table for the present, the morning hour having passed, and the Chair will present it to-morow.

Mr. MORRILL, of Maine. I understand that the Calendar is now in order.

The VICE PRESIDENT. It is.

Mr. MORRILL, of Maine. I desire to make an observation to the Senate. We have been now eight days, I think, upon the Calendar, and all this time I have been, as the Senate knows, very anxious to take up the legislative, executive, and judicial appropriation bill, and I think it very important that the Senate should proceed to its consideration; but upon the supposition that the Senate desire to continue this

order to-day I will not interpose now, but I rise to give notice that to-morrow at one o'clock I shall ask the indulgence of the Senate to proceed with the consideration of that appropriation bill. I give this timely notice in the hope that the Senate will be able to-day, as I am sure they can if there is not much speaking, to close up the residue of the Calendar.

SOLDIERS' MONUMENT AT NEWARK.

The VICE PRESIDENT. The Secretary will state the first business on the Calendar, where the call was left off yesterday evening.

The Secretary read the title of the first business on the Calendar, which was the joint resolution (H. R. No. 222) granting condemned guns for soldiers' monuments at Fairmount cemetery, Newark, New Jersey.

The joint resolution was considered as in Committee of the Whole. It confers authority on the Secretary of War to turn over to the managers of the Fairmount cemetery, at Newark, New Jersey, six pieces of condemned iron or bronze guns on hand, unfit for Army purposes, for ornamentation of the soldiers' monuments therein.

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

HINTON ROWAN HELPER.

Mr. MORRILL, of Vermont. I desire to enter a motion to reconsider the vote on the passage of the bill (S. No. 789) to authorize the proper accounting officers of the Treasury to settle and close the accounts of Hinton Rowan Helper, which was passed yesterday. As I understand, it is to enable a party to settle his accounts where the fees of the Government were wrongfully and illegally used.

Mr. SUMNER. Was the Senator present?

Mr. MORRILL, of Vermont. I was not; but I understand there was no division on the bill.

Mr. SUMNER. The Senator cannot make the motion to reconsider unless he was present.

Mr. FERRY. I will make the motion. I was here.

Mr. MORRILL, of Vermont. I understand it is a case where a party as consul had used the fees of the office, and then comes here and asks Congress to make what appears on its face as a fraudulent transaction to be a fair and legal transaction. I think the precedent is wrong.

Mr. FERRY. I hope the motion to reconsider will be acted on now.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) It is moved that the vote by which Senate bill No. 789 was passed be reconsidered.

The motion to reconsider was agreed to.

Mr. WILSON. Let the bill take its place on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

It having been ascertained that the bill had been transmitted to the House of Representatives, the House was, on motion of Mr. MORRILL, of Vermont, requested to return it.

SISTERS OF MERCY AT CHARLESTON.

The bill (H. R. No. 1596) for the relief of the Sisters of Our Lady of Mercy of Charleston, South Carolina, was reached in its order on the Calendar.

Mr. FERRY. Let that bill go over.

Mr. SUMNER. That is a charity.

Mr. SAWYER. I hope the Senator from Connecticut will allow the bill to be considered at this time.

Mr. FERRY. A Senator is absent who should be present when that bill is considered. He addressed the Senate on the bill when it was up before, and I am very desirous that he should be present again.

The PRESIDING OFFICER. The bill will be passed over.

FORT LEAVENWORTH RESERVATION.

The next business on the Calendar was the joint resolution (S. R. No. 12) authorizing the sale of a portion of the Fort Leavenworth military reservation to the Kansas Agricultural and Mechanical Association of Leavenworth county, in the State of Kansas, for fair grounds; which was read.

Mr. CAMERON. I think that had better lie over. It is a very important matter.

The PRESIDING OFFICER. The Senator from Pennsylvania objects to the further consideration of this joint resolution.

Mr. CAMERON. Yes, sir.

Mr. POMEROY. The Senator from Pennsylvania is not aware that our State desires to hold a fair; and this property is to be appraised by officers appointed by the Secretary of War, and whatever sum they report is proper is to be paid.

Mr. CAMERON. I understand that.

Mr. POMEROY. There is no charity about it. Three Secretaries of War have recommended it. I hope the Senator will not object.

Mr. CAMERON. I think all the Secretaries of War acted very wisely in ordering it to be sold to the highest bidder. That is the most valuable tract of country in the whole State of Kansas.

Mr. POMEROY. But there are some six to ten thousand acres in the tract, and this is only authority to use one hundred and twenty-eight and thirty hundredths acres.

Mr. CAMERON. I know all about that. I have been there and seen it.

Mr. POMEROY. The county of Leavenworth has made an appropriation of money to buy this for a fair ground for the society.

Mr. CAMERON. It would bring a very large sum of money if put up to competition. I do not know a more improving section of the whole western country than that around Leavenworth. It is a large city already and improving constantly.

Mr. POMEROY. But this cannot be used for purposes of speculation by anybody. It cannot be sold, but can only be used for this purpose.

Mr. CAMERON. If they can buy it it will be a speculation for the society; and if they are willing to give the full price of it they would not be unwilling to come into competition with others.

Mr. POMEROY. If the Senator desires to amend the resolution by providing for selling the land at public auction, very well.

Mr. CAMERON. Say "at public auction to the highest bidder."

Mr. POMEROY. I have no objection to that.

Mr. CAMERON. I move that amendment.

Mr. POMEROY. Let the Senator withdraw his objection and have an amendment put in that the land shall be sold at public auction instead of appraised by officers appointed by the Secretary of War. The joint resolution now provides that the Secretary of War shall appoint three appraisers.

Mr. TRUMBULL. I doubt the propriety of that amendment unless there is a minimum price established. I think the result of that would be that there would be a combination and understanding by which the property would be bid off at public sale at a very small sum. It would be like the sale of public lands at public auction, when an acre of land that is worth five hundred dollars will only sell for $1 25. That is the experience at the land sales all over the western country. Where improvements have been made and the lands have become valuable no third party is permitted to come in and run up the land; it would be as much as his life was worth.

Mr. POMEROY. It was to avoid that that we put the provision into the resolution that the Secretary of War should appraise the land.

Mr. TRUMBULL. I think if it is to be sold at public auction the Senator from Pennsylvania ought to put in a minimum price below which it should not be sold.

Mr. CAMERON. Perhaps the measure had better lie over until to-morrow, to enable us to prepare an amendment of this substance, that after the board shall have determined the price the land shall be offered at public sale and not sold for a less sum than that.

Mr. TRUMBULL. That would do.

Mr. CORBETT. I understand the resolution provides for land being taken at the appraisement; but if it can be amended so as to be sold at public auction to the highest bidder at not less than the appraisal I see no objection.

Mr. POMEROY. I have no objection to that.

Mr. CAMERON. Let the joint resolution lie over informally, until I prepare an amendment.

The PRESIDING OFFICER. The joint resolution will be passed over informally.

Mr. POMEROY. I understand that the Clerk has an amendment now providing that the land be sold at public auction for not less than the appraised value.

Mr. SHERMAN. How much is to be sold?

Mr. POMEROY. One hundred and twenty-eight and thirty hundredths acres, for fair grounds and agricultural purposes of the society.

Mr. SHERMAN. This is very beautiful and excellent land, and I think we ought not to sell it.

Mr. POMEROY. This particular tract is on the south corner; it is near the bluff, the Senator recollects, and only a part level ground. The Leavenworth County Agricultural Society take a great interest in it. All my interest in it is in accommodating that society and in the public interest.

Mr. SHERMAN. This is to be sold to a private society. I think the joint resolution ought to be passed over.

The PRESIDING OFFICER. It will be passed over.

Mr. SHERMAN. If it is sold to a county, State, or municipal corporation, so that it cannot be alienated——

Mr. POMEROY. It is to be sold to a corporation, and it is the county society.

Mr. SHERMAN. It may be divided up into lots and sold.

Mr. POMEROY. No; it is to be forever used for that purpose and no other. If the Senator had read the bill he would have seen that was provided against.

Mr. SHERMAN. Let it be laid aside informally.

The PRESIDING OFFICER. The joint resolution will be passed over informally.

J. ROSS BROWNE.

The next bill on the Calendar was the bill (S. No. 692) for the relief of J. Ross Browne, late minister to China; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to J. Ross Browne, late minister of the United States to China, the sum of $3,715 30, in full compensation for the period from the 11th of April to the 3d of June, both inclusive, occupied in awaiting instructions, and for certain extra expenses incurred by him while discharging his duties as minister.

The Committee on Foreign Relations reported the bill with an amendment, to strike out after the word "China," in line six, the following words:

The sum of $3,715 30, in full compensation for the period from the 11th day of April to the 3d day of June, both inclusive, occupied in awaiting instructions, and for certain extra expenses incurred by him while discharging his duties as minister.

And to insert in lieu thereof the following:

The sum of $3,774 11, in full compensation for the period from the 11th day of April to the 4th day of August, both inclusive, 1868, at the rate of his salary while waiting for orders and in transit to China, and the further sum of $2,134 in full compensation for certain extra expenses incurred by him while discharging his duties as minister.

Mr. MORRILL, of Vermont. Let the report be read.

The Secretary read the following report, sub-

mitted by Mr. SUMNER from the Committee on Foreign Relations on the 26th of April last:

The Committee on Foreign Relations, to whom was recommitted Senate bill No. 692, for the relief of J. Ross Browne, late minister of the United States to China, have had the same under consideration, and beg leave to report:

J. Ross Browne, late minister of the United States to China, in petition claims compensation for the period between April 11 and August 4, 1868, both inclusive, during which time he held his commission and performed actual services for the Government, and a further sum for certain extra expenses incurred by him in the discharge of his duties as minister.

On reference to the Department of State a reply, under date of 12th of March, 1870, was received, recommending allowance of compensation to Mr. Browne at the rate of his salary for the period from the 11th of April, 1868, to the 3d of June, 1868, both inclusive, being $1,775 30, and for the following items presented in his petition, namely:

Office rent, nine months, $50 per month	$450
Clerk hire for same period, at $100 per month	900
Gate-keeper for same period, $5 per month	45
Keeping express horse for same period, $5 per month	45
Expenses incurred in visiting treaty ports	500
Total	$1,940

An item of $1,000 for "cost of passage to and from Peking in excess of expense incurred by ministers to any other Power" was disallowed by the committee.

In accordance with the recommendation of the Department of State a bill was reported providing for the payment to Mr. Browne of the sum of $1,775 30 salary as above, and the further sum of $1,940 for the other items specified, being in all the amount of $3,715 30.

The Department recognized Mr. Browne's title to salary from June 4 to August 4, 1868, both inclusive, under the existing law. The Comptroller of the Treasury, in a communication to the Secretary of State, under date of April 23, 1870, stated that he did not think himself authorized under the existing law to allow for this period, but adding that he thought the allowance equitable.

The Department of State, under date of April 23, 1870, in a communication to the committee, has recommended that in addition to the provision for Mr. Browne, suggested by the Department in its letter of April 12, 1870, allowance be made for transit expenses at the rate of his salary from June 4, 1868, to August 4, 1868, both inclusive, being the sum of $1,998 81; thus covering the period for which, according to the Comptroller, an allowance would be equitable.

The committee accordingly report an amendment to the above-mentioned bill, allowing Mr. Browne $3,774 11 as salary from April 11 to August 4, 1868, and $1,940 for the extra expenses set forth above, with the addition of ten per cent., or $194, for exchange.

Mr. CAMERON. I believe I was not present in the Committee on Foreign Relations when this bill was acted upon. If I had been I think I should have objected to these allowances. To my mind they are extraordinary and entirely unusual, and I think also improper. It is unusual that a minister should be paid for the time between his appointment and the time he reaches his place of destination. I believe he is ordinarily allowed $1,000 and nothing more. This gentleman is allowed over seventeen hundred dollars for that purpose. Again, he is to be paid office rent during the time he was here and before he entered on his duties, as I understand the bill. Besides that he is to be paid for his expenses while there. In my short service abroad I was not allowed any expenses of a persoual nature. I remember I bought a copy of Webster's Dictionary for the use of the office, and the amount was disallowed in my bills, and I made a present of it to a gentleman who has charge of one of the offices there. I think that Mr. Browne should be allowed his salary for the time he was actually employed and until he returned home, giving him, say, $1,000 for his expenses in going out. That is all that has been usual in other cases.

Mr. SUMNER. My friend was not present at the meeting of the committee?

Mr. CAMERON. No, I was not present.

Mr. SUMNER. The case was before the committee more than once, and it was the subject of correspondence between the committee and the Department of State. Two letters were received from the Department on questions raised in the case, and the report of the committee is in conformity with what is represented by the Department to be the usage. The committee has not transcended that in any respect. One item of $1,000, which Mr. Browne claimed, the committee did not feel authorized to allow. Indeed, I personally told Mr. Browne that I did not think it had the sanction of any usage. That was an item of $1,000. But the other items of expense, considering the place where he was, China, and its somewhat abnormal condition, the committee felt authorized to allow, especially as they acted on the recommendation of the Department of State. The committee and the Department both concurred. Under the circumstances, therefore, I hope my friend will not interpose his objection to the passage of the bill.

Mr. WILLIAMS. I hope the Senator from Pennsylvania will allow the Senate to take action on this bill in some form. Mr. Browne became very much embarrassed in consequence of his early removal from office in China, and in a pecuniary point of view has been ruined. His property has been mortgaged, and there is great necessity that he should have whatever relief Congress is disposed to give him. If there are any particular features in this bill to which the Senator or the Senate cannot consent, let those objections be considered; but if Mr. Browne is to have any relief at all from Congress, that relief ought to be granted at an early day; otherwise it will be of very little value to him. I am very sure that under all the circumstances this allowance is not a very liberal one to him. He was detained here by the request of the Secretary of State, in order to confer with Mr. Burlingame, who was expected, and all his business arrangements were deranged, in consequence of these orders or requests from the Secretary of State; otherwise he would have gone much earlier to his post.

Mr. CAMERON. After the explanation of the chairman of the committee and the statement of the Senator from Oregon, that this gentleman was detained here by the Department, of course I shall make no further opposition. I withdraw my objection.

Mr. SUMNER. I would add one thing further, which appears in the report, that the largest item in this allowance has the consent of the Comptroller of the Treasuary. The State Department supposed it would be paid without an act of Congress; but the Comptroller, while recognizing its intrinsic equity, said that he did not feel authorized to allow it without an act Congress.

Mr. COLE. I do hope that the Senator from Pennsylvania will not interpose any objection to the speedy consideration of this bill.

Mr. CAMERON. I have withdrawn my objection.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Foreign Relations.

The amendment was agreed to.

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

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

PUBLIC PRINTING.

The next bill on the Calendar was the bill (S. No. 475) to further regulate the public printing, and to discontinue the publication of books by the General Government for popular distribution.

The PRESIDING OFFICER, (Mr. ANTHONY.) This bill will be passed over.

REDUCTION OF THE ARMY.

The next bill on the Calendar was the bill (H. R. No. 987) to reduce the number of officers in the Army of the United States, and for other purposes.

Mr. WILSON. I hope the bill will be read, and I should be very glad to have it acted on to-day. At any rate, I hope it will be read, and one or two amendments made to it.

Mr. SUMNER. Let it be read.

Mr. THAYER. I hope it will be read and passed.

The PRESIDING OFFICER. The Committee on Military Affairs report the bill with an amendment in the nature of a substitute. The Secretary will read the amendment reported by the committee.

The Secretary read the amendment, which was to insert in lieu of the original House bill the following:

That the President be, and he is hereby, authorized and directed, on or before the 1st day of July, 1871, to reduce the number of enlisted men in the Army to twenty-five thousand, and thereafter there shall be no more than twenty-five thousand enlisted men in the Army at any one time, unless otherwise authorized by law.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized, at his discretion, honorably to discharge from the service of the United States, officers of the Army who may apply therefor, on or before the 1st of October; and such officers so discharged under the provisions of this act shall be entitled to receive, in addition to the pay and allowances due them at the date of their discharge, as follows: officers who have served more than ten years, two years' pay and allowances; officers who have served more than five years and less than ten years, one and one-half year's pay and allowances; officers who have served less than five years, one year's pay and allowances.

SEC. 3. *And be it further enacted*, That the President be, and he is hereby, authorized, at his discretion, to place on the retired list of the Army, on their own application, any commissioned officers who have been thirty years in the service; and the officers who may be retired by virtue of this section shall be entitled to the same pay and emoluments as are now allowed or may hereafter be allowed to officers retired from active service.

SEC. 4. *And be it further enacted*, That the proviso of the sixteenth section of the act approved August 3, 1861, limiting the number of officers on the retired list to seven per cent. of the whole number of existing officers, be, and the same is hereby, repealed; and hereafter the number of officers who may be retired in accordance with existing laws shall be in the discretion of the President: *Provided*, That the whole number on the retired list shall at no time exceed three hundred.

SEC. 5. *And be it further enacted*, That the offices of General and Lieutenant General of the Army shall continue until a vacancy shall occur in the same, and no longer; and when such vacancy shall occur in either of said offices, immediately thereupon all laws and parts of laws creating said office shall become inoperative, and shall, by virtue of this act, from thenceforward be construed as repealed.

SEC. 6. *And be it further enacted*, That no appointment to the grade of major general shall be made until the number of officers of this grade is reduced to three; after which appointments to this grade shall be made in the manner now provided for by law.

SEC. 7. *And be it further enacted*, That no appointment to the grade of brigadier general shall be made until the number of officers of this grade is reduced to six; after which appointments to this grade shall be made in the manner now provided for by law.

SEC. 8. *And be it further enacted*, That whenever a vacancy shall occur in the offices of Adjutant General, Quartermaster General, Commissary General of Subsistence, Chief of Ordnance, Chief of Engineers, Paymaster General, Surgeon General, and Judge Advocate General, such vacancy shall be filled by the appointment, according to existing laws, of an officer who shall have the rank and pay of a colonel.

SEC. 9. *And be it further enacted*, That the grade of regimental commissary in the several cavalry regiments is hereby abolished; and the lieutenants now holding the appointments of regimental commissary may be assigned for duty to companies of their regiments, and shall fill the first vacancies that may occur in their respective grades of first or second lieutenant in the regiments to which they now belong; and nothing herein contained shall affect their relative rank with other lieutenants of their grade.

SEC. 10. *And be it further enacted*, That the grades of regimental commissary sergeant and regimental hospital steward are hereby abolished. The number of corporals in each company of cavalry, artillery, and infantry, shall be reduced to four, and the said non-commissioned officers shall have the privilege of receiving an honorable discharge, with full pay and allowances to the actual date thereof, if they shall so elect, in preference to remaining in the service in such other grades as may be assigned to them by the Secretary of War.

SEC. 11. *And be it further enacted*, That the General of the Army, commanding officers of the several military departments, and chiefs of the several staff departments of the Army shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties, setting forth specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and directed to constitute a board, to consist of one major general, one brigadier general, and three colonels, three of said officers to be selected from among those appointed to the regular Army on account of distinguished services in the volunteer force during the late war; and on recommendation of such board the President may wholly retire any of the said officers so reported with one year's pay.

SEC. 12. *And be it further enacted*, That all vacancies now existing, or which may hereafter occur, in the cavalry, artillery, or infantry, shall be filled by

the supernumerary officers of infantry, until the entire number of such officers shall be absorbed; and whenever vacancies exist in the grade of second lieutenant in any company of cavalry, artillery, or infantry an additional first lieutenant shall be assigned to such company, in lieu of the appointment of the second lieutenant, until the supernumerary first lieutenants of infantry shall be absorbed.

SEC. 13. *And be it further enacted*, That if any supernumerary officers shall remain after the above provisions are carried into effect, they shall be furloughed, at half pay, until they are assigned to fill vacancies occurring in the cavalry, artillery, and infantry regiments; or they shall be discharged with one year's pay and allowances.

SEC. 14. *And be it further enacted*, That the professors at the United States Military Academy may be retired from active service and placed on the retired list in the same manner and for the same reasons as is or may be provided by law for the retirement of officers of the Army; and any professor so retired shall be entitled to receive as retired pay seventy-five per cent. of the salary he was receiving at the time of his retirement.

SEC. 15. *And be it further enacted*, That the pay of the officers of the Army shall be as follows: the pay of the General shall be $12,000 a year; Lieutenant General shall be $10,000 a year; the pay of major general shall be $7,500; the pay of brigadier general shall be $5,000; the pay of colonel shall be $3,500; the pay of lieutenant colonel shall be $3,000; the pay of major shall be $2,500; the pay of captain, mounted, shall be $2,000; the pay of captain, not mounted, shall be $1,800; the pay of adjutant shall be $1,800; the pay of regimental quartermaster shall be $1,800; the pay of first lieutenant, mounted, shall be $1,600; the pay of first lieutenant, not mounted, shall be $1,500; the pay of second lieutenant, mounted, shall be $1,500; the pay of second lieutenant, not mounted, shall be $1,400; the pay of chaplain shall be $1,400; the pay of aide-de-camp to major general shall be $200 per annum in addition to pay of his rank; the pay of aide-de-camp to brigadier general shall be $150 per annum in addition to pay of his rank; the pay of acting assistant commissary, and acting assistant quartermaster shall be $100 in addition to pay of their rank; and there shall be allowed and paid to each and every commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, ten per cent. of their current yearly pay for each and every term of five years' service: *Provided*, That the total amount of such increase for length of service shall in no case exceed forty per cent. on the yearly pay of his grade as established by this act: *And provided further*, That the pay of a colonel shall in no case exceed $4,000 per annum, nor the pay of a lieutenant colonel $3,600 per annum, nor the pay of a major $3,000 per annum; and these sums shall be in full of all commutation of quarters, fuel, forage, servants' wages and clothing, longevity rations, and all allowances of every name and nature whatever: *Provided*, That fuel, quarters, and forage in kind, may be issued to officers by the quartermaster's department, as now allowed by law and regulations: *And provided further*, That when any officer shall travel under orders, and shall not be furnished transportation by the quartermaster's department, or on a conveyance belonging to or chartered by the United States, he shall be allowed ten cents per mile, and no more, for each mile actually by him traveled under such order, distances to be calculated according to the nearest post routes, and no payment shall be made to any officer except by a paymaster of the Army. Officers retired from active service shall receive seventy-five per cent. of the pay of the rank upon which they retired.

SEC. 16. *And be it further enacted*, That the pay and allowances of the enlisted men of the Army shall remain as now fixed by law until the 30th of June, 1871; and it shall be unlawful for any officer to use any enlisted man as a servant in any case whatever.

SEC. 17. *And be it further enacted*, That section second of the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes," approved March 2, 1867, be, and the same is hereby, repealed.

SEC. 18. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to drop from the rolls of the Army for desertion any officer who is now or who may hereafter be absent from duty three months without leave; and any officer so dropped shall forfeit all pay and allowances due or to become due, and shall not be eligible for reappointment.

SEC. 19. *And be it further enacted*, That no officer of the artillery corps below the grade of field officer shall hereafter be promoted to a higher grade before having passed a satisfactory examination before a board of three artillery officers senior to him in rank, to be appointed by the Secretary of War.

SEC. 20. *And be it further enacted*, That the sixth section of the act approved March 3, 1869, prohibiting new appointments and promotions in certain staff corps and departments of the Army, be, and the same is hereby, repealed, so far as the same applies to the medical and quartermaster's departments and the corps of engineers.

SEC. 21. *And be it further enacted*, That it shall not be lawful for any officer of the Army of the United States on the active list to hold any civil office, whether by election or appointment; and any such officer accepting or exercising the functions of a civil office shall at once cease to be an officer of the Army, and his commission shall be vacated thereby.

SEC. 22. *And be it further enacted*, That nothing in this act shall be construed to prevent the assignment to duty as additional second lieutenants or brevet second lieutenants of the graduates of the Military Academy.

SEC. 23. *And be it further enacted*, That in all cases where it has become necessary for any officer or enlisted man of the Army to file his evidence of honorable discharge from the military service of the United States, to secure the settlement of his accounts, the accounting officer with whom it has been filed shall, upon application by said officer or enlisted man, deliver to him such evidence of honorable discharge; providing his accounts shall have been duly settled, and provided that the fact, date, and amount of such settlement shall first be clearly written across the face of such evidence of honorable discharge, and attested by the signature of the accounting officer.

SEC. 24. *And be it further enacted*, That the system of regulations for the government of the armies of the United States now in force shall be recognized, so far as the same is applicable to the service; and that the Secretary of War be, and he is hereby, authorized to make, with the approbation of the President, such revision and alteration of the same as may be expedient and proper, and not in conflict with any law of the United States.

SEC. 25. *And be it further enacted*, That section thirty-seven of the act entitled "An act to increase and fix the military peace establishment of the United States," approved July 28, 1866, be, and the same is hereby, repealed.

SEC. 26. *And be it further enacted*, That the Secretaries of War and the Navy be, and they are hereby, authorized and directed so to arrange the course of studies and the order of recitations at the Military and Naval Academies that the students in said institutions will not be required to pursue their studies on Sunday; nor shall they be required to take part in drills or parades on that day.

SEC. 27. *And be it further enacted*, That the Secretary of War be authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of any small-arms or pieces of field artillery belonging to the Government and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university, under the provisions of section twenty-six of the act to increase and fix the military peace establishment of the United States; the Secretary to require a bond in each case in double the value of the property for the care and safe-keeping thereof and for the return of the same when required.

SEC. 28. *And be it further enacted*, That from and after the passage of this act the Secretary of War be, and he is hereby, authorized to permit one trading establishment to be maintained at any military post on the frontier, not in the vicinity of any city or town, when in his judgment such establishment is needed for the accommodation of emigrants, freighters, and other citizens; and the persons to maintain such trading establishments shall be appointed by him: *Provided*, That such traders shall be under protection and military control as camp followers. The joint resolution approved March 30, 1864, to authorize the commanding General of the Army to permit traders to remain at certain military posts is hereby repealed.

Mr. WILSON. The Committee on Military Affairs propose to strike out the twenty-third and twenty-fourth sections of the amendment as printed. We have enacted one of them into a law.

The PRESIDING OFFICER. Those sections will be stricken out if there be no objection.

Mr. WILSON. I move to strike out the twenty-seventh section, now made section twenty-five, as we have already enacted it into a law since this bill was reported.

The PRESIDING OFFICER. That section will be stricken out. The question is on agreeing to the amendment proposed by the committee as a substitute for the House bill.

Mr. EDMUNDS. Is that amendment this whole printed bill?

The PRESIDING OFFICER. All that has been read.

Mr. EDMUNDS. Then I move to strike out section twenty-four of the amendment giving the Secretary of War power to establish regulations for the government of the Army.

Mr. WILSON. I have already stricken that out.

The PRESIDING OFFICER. That section has been stricken out by the committee reporting the bill.

Mr. EDMUNDS. Very well.

Mr. CARPENTER. I move to amend the amendment by substituting for section fourteen the following:

That the professors at the United States Military Academy whose service in the Army and at the Academy exceeds twenty-five years shall have the assimilated rank and pay of colonel of engineers; and those whose like service is less than twenty-five and exceeds fifteen years shall have the assimilated rank and pay of lieutenant colonel of engineers; and said professors are hereby placed on the same footing as all other officers of the Army as regards retirement from active service.

Mr. DRAKE. Mr. President, this bill, in my judgment, is too important to be passed or to be acted upon while the Senate is engaged in the present order of business. It cannot be passed without a great deal of discussion, and therefore I feel constrained to object to its further consideration.

Mr. WILSON. I hope the Senator will let us go on and perfect the bill.

The PRESIDING OFFICER. The Senator from Missouri objects to the further consideration of the bill.

Mr. DRAKE. I should be very glad to answer the appeal of the chairman of the Committee on Military Affairs, but I feel constrained to object to the consideration of the bill while this order of business is being acted upon, not a moment longer, of course.

The PRESIDING OFFICER. The Secretary will read the next bill.

THOMAS CLAIR.

The next bill on the Calendar was the bill (H. R. No. 1337) granting a pension to Thomas Clair; which was considered as in Committee of the Whole. The Secretary of the Interior is directed by the bill to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Clair, father of Robert Clair, late a private in company D, twenty-seventh regiment United States infantry, at the rate of eight dollars per month, from and after its passage.

The bill was reported to the Senate without amendment.

Mr. TRUMBULL. What is the amount of that pension?

Mr. SPENCER. Eight dollars a month.

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

WILBERFORCE UNIVERSITY.

The next business on the Calendar was the joint resolution (S. R. No. 181) for the benefit of Wilberforce University; which was read the second time, and considered as in Committee of the Whole. It is a direction to the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, out of the fund in the bureau for the education of freedmen, to pay to Wilberforce University, situated in Greene county, Ohio, the sum of $25,000, in aid of the objects of the institution.

Mr. WILLIAMS. I should like to hear some explanation of this resolution.

Mr. SHERMAN. There is a report accompanying it; let it be read.

The Secretary read the following report, submitted by Mr. DRAKE from the Committee on Education and Labor on the 26th of April:

The Committe on Education and Labor, to whom were referred numerous petitions praying Congress to appropriate $50,000 in aid of Wilberforce University, in Ohio, have had the same under consideration, and beg leave to submit the following report:

This institution is recommended to the liberality of Congress by the joint resolutions of the Legislature of the State of Ohio, in addition to which petitions are presented from citizens of the States of Ohio, Indiana, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, and Kentucky. The committee on federal relations of the house of representatives of Ohio visited the institution, and made to that Legislature a report in regard to it, which, as containing authentic information, we beg leave herewith to present, as follows:

"The committee on federal relations, to whom was referred house joint resolution No. 12, asking for an appropriation by Congress for Wilberforce University, having had the same under consideration, beg leave to submit the following report:

"Wilberforce University is situated in Greene county, Ohio, about three miles from Xenia, at the place formerly known as Tawawa springs. It was organized in 1863. Though designed for the special education of colored youth, its charter prohibits all distinctions on account of race or color among trustees, faculty, or students. The present faculty consists of five persons, two white and three colored, and all the students are colored. On the 14th day of April, 1865, the building was burned to the ground, whether by an incendiary or not will probably never be ascertained, although this is supposed to be the case. The trustees, among whom is John Cousins, a colored man of great energy and perseverance, are now laboring to finish the new building, which has been commenced and so far advanced that a part of it can be used for school purposes. The whole foundation of this new structure is of substantial white lime-

stone; one hundred and sixty by forty-four feet is finished, and the west wing about half finished. It has contracted a debt of $6,000 in order to do this much. To complete and furnish the entire building on the plan proposed will require from thirty-five to forty-five thousand dollars more.

"Five members of your committee, Messrs. Ward, Van Vorhes, Sifford, Fitch, and Baber, on February 13, 1870, visited the institution and found it laboring under great difficulty. The walls are yet unplastered, and the building, inside and out, looks cheerless and dreary. The chapel is not in a condition to be used, and only two of the recitation rooms are fit for use. There are fifty-two acres of ground attached to it, which needs some improvement, and which could be made exceedingly pleasant by the expenditure of a small amount of money. Notwithstanding these disadvantages with which both faculty and students have to contend, there seems to be a very laudable desire on the part of both to make the institution a success; and it may be fairly anticipated that the realization of their desire will be assured by the adoption of the resolution and the favorable action of Congress in the premises. From what your committee have learned from the Rev. Bishop Payne, president of the university, and a colored man of great research and ability, the present indebtedness and the amount necessary to complete the building will be more than they can raise unless they have aid from their friends. It is well known that the colored people of this State are as a class in circumstances which will not allow us to hope that any great pecuniary aid can be obtained from them.

"While visiting the university classes in mathematics, Latin, and chemistry were reviewed by Professor Howard, a gentleman of considerable experience in educational matters in Massachusetts, and candor compels us to admit that the students in all of these, with but few exceptions, acquitted themselves very creditably to themselves and their instructors. Four compositions were read by four of the female students, which, it is according but just praise to say, would compare favorably with like efforts by those who have had equal opportunities in the female seminaries of the State.

"The whole number of students, male and female, is ninety-two. A catalogue of the studies pursued and number in each class is appended to this report.

"Whatever differences of opinion may be entertained as to the propriety of extending the elective franchise to the colored race of the State, but one opinion can be entertained by those who have any claim to liberal views as to the wisdom, indeed, the absolute necessity, of encouraging that race in any and all attempts to improve their mental culture by the establishment not only of primary schools, but by fitting them to be teachers of their own race. The latter is one of the objects, if not the main object, of this university. This necessity will be felt the more if the duties of full citizenship shall be conferred upon them. It cannot be denied that with our present habits of society it is much better that separate schools should be established for the education of the colored race. Whether the social distinctions which exist are owing to any actual superiority of the white race, or to mere prejudice of color, it is not necessary for us to decide. We must deal with the fact as we find it, and it is a notorious fact that the colored children have not the same facilities for acquiring either the rudiments of an English education, or the higher scientific branches that the whites have. Let us then assist them. There is nothing so absolutely indispensable to the existence of a republic as the intelligence of her people. The constitution of the State enjoins upon us the encouragement of schools. Let us, then, obey the spirit of the constitution by encouraging schools where they are most needed. In view of these facts, we think this institution commends itself to our favorable consideration and active encouragement. Information has been received by your committee that there is hope that the appropriation may be obtained if early action shall be taken.

"We therefore recommend the adoption of the preamble and resolutions as amended."

This report was the basis of the action of the Ohio Legislature in favor of this institution.

After a careful examination of all the facts in the case this committee are of the opinion that it would be more for the benefit of the colored race in the United States to appropriate a portion of the fund heretofore accumulated for the education of the freedmen to the support of such an institution as Wilberforce University than to disseminate it in small sums thro gh numerous schools in the South. In developing Wilberforce University the colored people have exhibited great energy and fidelity. It has evidently the confidence of the colored citizens, not only in the northern States, but in the southern. It is in a condition, with moderate help, to become established on a permanent basis, and to exert a beneficent influence by the education of colored teachers to be sent to labor among the colored population of the South.

Upon inquiry the committee find that the fund for the education of freedmen, now under the control of the Bureau of Refugees, Freedmen, and Abandoned Lands, is about one hundred and fifty thousand dollars; and they are of the opinion that it would be a permanent benefit to the colored race to appropriate $25,000 of this fund for the benefit of Wilberforce University; and they accordingly report herewith a joint resolution to that effect.

Mr. PATTERSON. I am not disposed to oppose the passage of this bill; but I rise to ask one or two questions of the chairman of the Committee on Education and Labor respecting it. Before doing so I would say just a word. There are not, as stated in the report just read, $150,000 now remaining of the educational fund of the Freedmen's Bureau; there are only about one hundred thousand dollars. About the time the last report was made there were $140,000, but that has been very much lessened by subsequent expenditures.

Mr. DRAKE. I got my information from the bureau.

Mr. PATTERSON. I have mine also from the bureau. I think it is a very fair question to be considered whether the funds of this bureau should be expended in establishing and maintaining these high institutions of learning or not. I am rather of the opinion that these funds should have been expended from the first in providing for the means of educating the great mass of the colored children of the country, in providing for them common school education instead of collegiate education, either in the southern States or the northern States. I am inclined to think that these funds should be expended in the southern States for the education of the common children in common schools rather than in the northern States. I should like to know from the chairman of the committee if this institution was founded originally by the funds of this bureau or by private contributions.

Mr. DRAKE. Wilberforce University is an institution that has been in existence in the State of Ohio for a number of years. As stated in the report, the reason why there is any application whatever to Congress in the matter is that some part of their buildings was destroyed by fire some years ago, and they have been so far with all their efforts unable to rebuild it.

Now, I will state for the information of the Senator from New Hampshire, and every other Senator who wishes to have information about it, that as an original proposition to appropriate $25,000 to this institution out of the Treasury of the United States it is not at all probable that the Committee on Education and Labor would have regarded it favorably. But this is the position taken by the committee: money has been heretofore appropriated out of the Treasury for the education of the freedmen and placed in the custody of the Freedmen's Bureau; that money has been expended at the discretion of the Freedmen's Bureau in the education of the colored people in the South. It is a fund which has been devoted by the action of the nation, through its Congress, to the education of the people of the South.

Mr. TRUMBULL. I should like to ask the Senator a question there. Does he say that the Congress of the United States has ever appropriated money out of the Treasury for the education of the colored people?

Mr. DRAKE. Perhaps it was not out of the Treasury, but it took money that was on the way to the Treasury.

Mr. TRUMBULL. It was money arising from the sale of abandoned lands that has been used in that region of country.

Mr. DRAKE. Yes, sir.

Mr. TRUMBULL. That is on a very different principle.

Mr. DRAKE. Very well, sir. It is money that would have gone into the Treasury but for that law. It is money which Congress has appropriated or directed to be applied to the education of the freedmen. Now, when the freedmen themselves in large numbers came and petitioned us to help this institution in Ohio it was upon the principle that there were being educated year after year the very pick and choice of the colored boys and young men of the South to go back into the South as teachers of the colored children; and for that reason we considered that the probability was that we could do more good to the colored people of the South by helping this institution that was to supply them with teachers than we could do by scattering this $25,000 in small amounts over the South. There is the whole case. It costs this Government nothing. It furthers the administration of a fund which the Government created for the education of the freedmen; and I should hope that the Senate would not see serious objection to allowing this much of the fund to take this course.

Mr. TRUMBULL. I would like to inquire whether the Senator from Missouri would have any objection to an amendment "that a like sum of $25,000 is hereby appropriated out of the Treasury in aid of each institution of learning in the United States where no distinction is made on account of race or color?"

Mr. DRAKE. Most manifestly the Senator from Illinois does not desire or intend to propose any such amendment. Here is a fund appropriated by law for the education of this particular class of people, and here is an institution to educate teachers for that particular class. It is only a question with us whether that money shall go to the South for little schools, or whether this much shall be devoted to providing teachers for the little schools.

Mr. TRUMBULL. As far as I can understand the principle upon which this bill is based it has simply been the principle that no distinction is made in the Wilberforce University in the education of children on account of race or color. I believe the words "previous condition of servitude" are left out.

Mr. SHERMAN. My friend will allow me to make a suggestion. This school was established for the education nearly exclusively of children from the southern States. I suppose the State of Ohio is not any more interested in it, nor has it many more scholars there, than some other States. It is in the southern part of our State, and ever since its organization the young colored people from Kentucky and Tennessee have been educated there; and now, I am told, a very large majority of the young men that are being educated there are emancipated slaves from the southern States, and very few of them are from Ohio, although a great part of the gratuities thus far given to this very flourishing institution till it was partially destroyed by fire were given by the people of the immediate region in which the institution exists. This is an institution for the education of the young men in the southern States of the very class of people for whom the money now set apart is appropriated. There is no doubt about that.

As to the wisdom of the appropriation of money for this particular school, as against a variety of common schools in the South, that is a question upon which every Senator can judge. My own opinion is that this normal school—for that is the nature of it—for colored people is of more service to the race in the southern States than the establishment of twenty or thirty common schools, because it furnishes them teachers who are willing to teach that race in the South. The great trouble in the education of colored children in the South is to get teachers; the white people generally do not engage in the business, with the exception of a considerable number of ladies who have gone South.

Mr. TRUMBULL. I thought the recommendation of this institution, in the eyes at least of the Senator from Missouri, was that no distinction was made on account of race or color. The Senator from Ohio tells us that this is an institution for the education of colored people——

Mr. SHERMAN. A committee of the Ohio Legislature, composed of both parties, say that under their rules there is no distinction on account of color, but practically white people do not go there because there are other schools to which they can go.

Mr. TRUMBULL. I think it is very objectionable if practically there is a distinction there on account of race or color. That would certainly command the attention of the Senator from Massachusetts, [Mr. SUMNER.] If any bill of that kind in passing here so that practically——

Mr. DRAKE. The practical difference, I would suggest to the Senator from Illinois, is that the white people do not choose to go there, but they are at liberty to go there if they please, just exactly as in the case of the Illinois college, with which the Senator is perfectly familiar, the colored people do not choose to go, though they may have the liberty to go there.

Now, Mr. President, as the Senator from Illinois has had his own sport out of this matter, I hope the Senate will agree to pass the bill.

Mr. SUMNER. As I have been referred to, I should like to ask the Senator from Illinois if there are any words of exclusion in the charter of this society or institution? Are any persons excluded on account of color?

Mr. TRUMBULL. I understand the Senator from Ohio to say that practically in its workings it operates in that way. I thought probably the Senator from Massachusetts would be able to devise some amendment that would get rid of that practical operation. They have an institution in this city, a medical society, that does not make any distinction in its charter on account of color, but we know practically from the Senator from Massachusetts that there has been difficulty in that respect, and he proposes to repeal the charter. I did not know but that he might suggest a repeal of the charter of the Wilberforce University, if practically it is operating to the exclusion of white men, although there is nothing in the charter that prohibits white persons from being received.

But really, Mr. President, there is no principle upon which this bill can stand. Unless the Congress of the United States is prepared to appropriate money to all colleges and institutions of learning throughout the country there is no basis on which this bill can be supported. The principle upon which we took charge of the colored people of the South at the close of the war is a very different thing from this. Then some three or four millions of persons who had been in slavery all their lives were made free in the midst of their masters, who were hostile to their freedom, and it was necessary that the General Government at the close of the war, and as a part of the war policy of the country for securing the freedom of those persons, should temporarily take charge of them in that locality; and where lands in the southern States had been abandoned by their rebel owners and reverted to the Government of the United States the Government made use of those lands for the purpose of placing upon them, in many instances, this colored population, and they made use of other tracts of land for the purpose of educating and preparing them for freedom.

But, sir, that was understood at the time to be a temporary policy. When we passed the Freedmen's Bureau bill, which I was in favor of and took an active part in the passage of, we passed it as a mere temporary measure. It was never intended to be permanent. We have prolonged it longer than was at first anticipated. But the principle upon which the Government took charge of this colored population was a great national question growing out of the war, and not upon the principle of educating the people of the country by appropriations made by Congress. This fund which is said to be on hand—I do not know where it is now——

Mr. DRAKE. In the hands of the Freedmen's Bureau.

Mr. TRUMBULL. Has not the Freedmen's Bureau expired?

Mr. DRAKE. The educational branch of it was specifically reserved in the act of Congress which abolished the bureau.

Mr. TRUMBULL. Till when?

Mr. DRAKE. Indefinitely; until this money is exhausted, I suppose. The money is in the hands of the Commissioner of the Freedmen's Bureau.

Mr. PATTERSON. I will say to the Senator from Illinois that there is a bill now pending in the Senate which will make over all these funds, except that part which is to be devoted to the subject of education, to the War Department, and the entire administration of what has heretofore come under this bureau will be by that bill made over to the War Department, and that part which is to be appropriated for education will be made over to the Bureau of Education.

Mr. DRAKE. I beg the Senator from Illinois, before he resumes the floor on this subject, to remember that if the fund be transferred to the Bureau of Education, as stated by the Senator from New Hampshire, it is to go on with this same work down there in the South for that purpose, and now the question is simply whether it is wise and expedient to take $25,000 of the money to help this institution that is to provide colored teachers for the South.

Mr. PATTERSON. I will say that it is no part of the duty of the Bureau of Education, or will not be any part of their duty under that bill, to make appropriations to colleges either at the North or South.

Mr. DRAKE. No.

Mr. PATTERSON. But simply to assist in establishing common schools for the education of the common colored people.

Mr. MORRILL, of Vermont. Mr. President——

Mr. TRUMBULL. I understand several Senators are going to speak on the bill, and it had better go over.

Mr. MORRILL, of Vermont. I am surprised that there should be any serious opposition to this bill. Has the necessity for educating a whole race been done away with by the expiration of three or four years? If it was important in 1865 and 1866 that this race should be educated, is it any less important now? And here is a mere remnant of what has already been appropriated for the education of this race, which the Committee on Education propose to rescue and devote to a more important purpose. Is it not important that we have colored teachers? Will they not be more efficient than any others in the South? And from every State in the South have come here loads of petitions in favor of this proposition, only asking twice as much as the committee propose to give. They think it is important for their colored young men to go into a free State in order to get an education, and they prefer this in Ohio, which has been established for years, to any and all others. This measure makes no new appropriation, but it merely diverts an existing appropriation to what the committee deem to be a higher and a nobler purpose. And while gratified at the exhibition of humor here this morning, I must say that I am surprised at any hostility to the proposition presented.

Mr. FERRY. Mr. President, I think this bill wrong in principle, and that it ought not to pass, both for reasons applicable to the proper use of the public money and for reasons applicable to the proper treatment of the youth of the colored race. I think that the abstraction of $25,000 from the common schools of the southern States to be appropriated to a northern college is a wrong never intended——

Mr. SHERMAN. I hope my friend will allow me to correct that misapprehension. He says this is a northern college. I assure him that this institution was started for the education mainly of young men from the southern States. He calls it a northern college. It was located in Ohio simply because the laws of the slave States, when it was located, would not allow or tolerate its location in the southern States. It is not, therefore, an Ohio college, or even a northern college; it is a college designed to educate young men as teachers in the South. That is its purpose now, and it simply took refuge in Ohio because there the laws protected it. These young men are just as much residents of the South and educated for the South as if the college was located in Kentucky, where we know public opinion would not tolerate it at the time.

Mr. FERRY. Mr. President——

Mr. HOWE. It is evident that this is going to lead to more debate, and the rule does not contemplate that. It had better go over.

Mr. SHERMAN. I would like to have a vote, simply because Bishop Payne is here taking great interest in it, and it ought to be disposed of.

Several SENATORS. Let us vote.

Mr. SUMNER. Does anybody object?

Mr. FERRY. Yes, sir.

The PRESIDING OFFICER. The joint resolution will be passed over.

SUCCESSION TAX.

The next bill on the Calendar was the bill (S. No. 830) for the relief of the Drew Theological Seminary of Madison, New Jersey, reported adversely by the Committee on Finance.

Mr. POMEROY. That being an adverse report, I think the bill had better be indefinitely postponed.

Mr. HARLAN. No; I think the bill ought to be passed.

Mr. POMEROY. The Senator can hardly expect to defeat an adverse report by unanimous consent.

Mr. HARLAN. I do not think it is susceptible of discussion.

Mr. POMEROY. I will hear the bill read.

Mr. SHERMAN. I can state to the Senate in a few words the facts with regard to this matter. The Drew University paid $6,000 tax under the laws of the United States, and now ask to have it refunded. Under the laws of the United States it was properly collected at the time. The same tax was imposed on all other successions under similar circumstances. We have reported a bill to repeal the law which levied the tax, but it takes effect in the future.

Mr. EDMUNDS. Are you going to pay back all the taxes you have got?

Mr. SHERMAN. This bill proposes to refund the $6,000 paid. The Committee on Finance were of opinion that we ought not to go back and refund money, for if we commence doing it we shall have to refund the whole succession tax, and we cannot attempt to draw nice distinctions as between the charities that have paid this money. Of course we do not want to stand in the way of Drew University or any other good college or institution of learning.

Mr. HARLAN. I understand that there is probably no other just such case as this. This is a double tax, as I understand it. When the lands were bought, on the deed for which the stamps amounted to five or six thousand dollars, the party making the deed put on the stamps covering the tax——

Mr. SHERMAN. The purchase was $100,000. The grantor undoubtedly attached the stamps, which would be $500—not what the Senator states.

Mr. HARLAN. That is part of it; but the deed was made to a trustee, because at the time the institution was not incorporated. This is evidently a just thing to be done. That part at least ought to be refunded.

Mr. EDMUNDS. They paid like anybody else, the stamps.

Mr. HARLAN. They paid twice.

Mr. EDMUNDS. How so?

Mr. HARLAN. Because the deed was made to a trustee on account of the institution not at the time being incorporated, and after the act of incorporation passed the trustee conveyed it to the institution.

Mr. EDMUNDS. That is like all other cases of the transmission of trusts.

Mr. HARLAN. Usually in making such a donation there is but one conveyance, directly from the donor to the institution. There are but very few such cases, I suppose, in the United States; and if it is just *in futuro* to remit this tax, it is just to those on whom the tax has previously been levied.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill. It proposes to remit the succession tax levied on the conveyance by Daniel Drew of one hundred acres of land, with buildings thereon, in Madison township, Morris county, New Jersey, to the trustees of the Drew Theological Seminary of the Methodist Episcopal church, assessed August 1, 1868, by the assessor for internal revenue in the fourth division, fourth district, State of New Jersey, and to direct the proper officers of the Treasury to return the amount of the tax to the trustees or their authorized agent, if the tax shall have been paid before the passage of the act.

Mr. STOCKTON. Mr. President, at an early day in the session I introduced a bill for the purpose of relieving the payment of succession tax on public charities, which was referred to the Committee on Finance, reported favorably with some amendments, and has since passed the Senate. The principle of that bill is eminently proper. The subjects of taxation are property. The Government of the United States undertook, during the necessities of the war, not to tax property, but to tax widows and orphans, who, if not relieved by private charity, would be burdens upon the public, the community. They taxed the charity that kept those parties from being public burdens. The principle is admitted to be wrong, and the Senate has voted to repeal the law. The object, however, of my introducing that bill has entirely failed, for this reason: the case that I alluded to was that of the distinguished engineer, John A. Roebling, who died some six months ago and left to two of the best charities in our State—the Widows' Home and the Children's Orphan Asylum—$20,000 each. They are institutions which have no means whatever, but are dependent from day to day upon the charity of those among whom they are located. Upon these bequests the United States attempted to levy this tax, and did levy it. Upon this question the Finance Committee and the Senate agreed with me; but on a recent visit home I found that the tax had been collected and levied since I introduced the bill, and the money is in the hands of the Government, though my bill has passed the Senate, and the Senate has approved the principle of it. That is a very strong case.

Now I will offer some amendments to this bill, which I will state to the gentleman who introduced the bill have no other effect, and are intended to have no other effect, than to place the case of Mr. Roebling's bequests within the terms of his bill.

Mr. SHERMAN. I think I might as well put an end to this by objecting to the consideration of the bill; and I will state the reason I do so. There are many cases of this kind; I know there are half a dozen bills pending for the remission of these taxes. If we do it in one case we ought to do it in all. The House of Representatives have not yet passed our bill repealing the tax in the future. It is therefore useless to send them bills of this kind. I object to the consideration of this bill.

The PRESIDING OFFICER. The bill will go over.

Mr. STOCKTON. Will not the Senator from Ohio permit my amendments to be read?

Mr. SHERMAN. I have no objection to that. If any proposition passes on the subject it ought to be general in its character, remitting all taxes of this kind.

The PRESIDING OFFICER. The amendments of the Senator from New Jersey will be read.

The SECRETARY. It is proposed in line nine to insert after the words "New Jersey" the words: "And also the succession taxes assessed and paid on the bequests of the late John A. Roebling, deceased, of New Jersey, in favor of certain public charities in the city of Trenton." And in line ten to strike out "is" and to insert "are."

The PRESIDING OFFICER. The bill will now be passed over, under the objection of the Senator from Ohio.

COURTS IN MISSISSIPPI.

Mr. TRUMBULL. I ask the Senate to consider the bill (S. No. 390) to change the place of holding the courts of the United States for the northern district of Mississippi, which was passed over at my instance yesterday. It is merely to change the place of holding the court in the northern district of Mississippi. It was passed over in order that I might confer with the Senators from that State in regard to an amendment. I have since seen them, and the bill as reported is satisfactory, and I ask that it be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 390) to change the place of holding the courts of the United States for the northern district of Mississippi, the pending question being on the amendments of the Committee on the Judiciary, to strike out "Corinth" in line five and insert "Holly Springs," and to add to the bill the following words:

And no recognizance, writ, process, order, or notice now returnable in said court at Oxford shall be affected by said change, but shall be deemed returnable at Holly Springs.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

REMOVAL OF CAUSES.

The next bill on the Calendar was the bill (S. No. 844) for the removal of causes in certain cases from the State courts to the United States courts, and for other purposes.

The bill was read.

Mr. SAULSBURY. I do not rise to discuss now the merits of the propositions contained in that bill. It is of too important a character to be passed summarily in this manner. It is the first time I have heard it read. It takes away from the States, on the mere filing of an affidavit by a party in a civil action, the right to administer their own laws, and confers jurisdiction with the courts of the United States. I object to the present consideration of the bill.

The PRESIDING OFFICER. Being objected to the bill goes over.

HARRIETT DEWITT MITCHELL.

The next bill on the Calendar was the bill (S. No. 845) granting a pension to Harriett Dewitt Mitchell; which was read the second time, and considered as in Committee of the Whole. The Secretary of the Interior is directed by the bill to place on the pension-roll the name of Harriett Dewitt Mitchell, invalid daughter of Ormsby M. Mitchell, late major general of volunteers, who died at Beaufort, South Carolina, on the 30th of October, 1862, of yellow fever, contracted while in the line of his duty and in the service of the United States, and that she be paid a pension of thirty dollars per month during her natural life, to commence on the 31st of October, 1862.

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

Mr. HOWE. Is there any report accompanying that bill?

The PRESIDING OFFICER. There is no report.

Mr. HOWELL. I will state the facts in regard to this case. The reputation and career of Major General O. M. Mitchell are familiar to the country and are on record. The only additional circumstance in this case is, that having died, he left a family of six children, but no widow. They are all in moderate or straitened circumstances. Harriett Dewitt Mitchell has been afflicted with a spinal complaint, and unable, although a lady of accomplishments and education, to do anything for her own support. She has constantly in attendance upon her a physician and is in needy circumstances, and in every way an object which should excite the sympathy of the country. She is now some thirty-six years of age, and there is no other claim upon the Government except in her behalf by the family of General Mitchell.

The bill was passed.

REBECCA SHOEMAKER.

The next bill on the Calendar was the bill (S. No. 846) granting a pension to Rebecca Shoemaker; which was read the second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place the name of Rebecca Shoemaker, widow of Absalom Shoemaker, late a private in company I, of the twenty-first regiment of Ohio volunteers, upon the pension-roll of the United States, and to pay her a pension at the rate of eight dollars per month, commencing from the 7th of June, 1862.

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

HOE'S PATENT.

The next bill on the Calendar was the bill (S. No. 847) to extend the term of the letters-patent issued to Richard M. Hoe.

The Secretary read the bill, which proposes to extend the letters-patent granted to Richard M. Hoe, on the 24th of July, 1847, for improvement in printing-presses, for fourteen years from that date, (which letters-patent were extended by the Commissioner of Patents for the further term of seven years from the 24th of July, 1861,) for the further term of seven years, commencing on the 24th of July, 1868, and ending on the 24th of July, 1875, for the benefit of Richard M. Hoe, his heirs and legal representatives, upon the conditions set forth in the bill. The Commissioner of Patents is directed, upon the presentation of the patent and the payment of the fees and charges provided by law, to make a certificate of the extension thereon, and to cause the record of such extension to be perfected and entered on the records of the Patent Office. And the letters-patent so extended are to have the same effect as if originally granted for the term extending to the end of the term to which it is extended by the act; but the extended patent is to be open to legal inquiry and decision in the same manner as if issued under the general law relating to patents, and all persons enjoying the lawful use of the improvements described and secured by the letters-patent may continue in the use thereof without further payment therefor, and the purchaser of any machine so in use may continue to use the same as if the act had not been passed.

Mr. EDMUNDS. How is that bill reported, favorably or without any opinion?

The SECRETARY. Favorably.

Mr. FERRY. Without any recommendation at all.

The PRESIDING OFFICER. There is a report accompanying the bill.

The SECRETARY. The report concludes as follows:

The committee recommend the passage of the accompanying bill.

Mr. EDMUNDS. Let us hear the report.

The Secretary read the following report, submitted by Mr. HAMILTON, of Maryland, from the Committee on Patents, on the 27th of April:

The Committee on Patents, to whom was referred the petition of Richard M. Hoe, praying an extension of his patent for an improvement in printing machines, beg leave to submit the following report:

During the second session of the Fortieth Congress this petition was before the committee, and after careful consideration the committee reached the conclusion to report the facts in the case to the Senate without recommending action thereon. The committee find no evidence in the case, and perceive no reason to change their previous action. They therefore adopt their former report, which is as follows:

The petitioner sets forth his claim in the following terms:

"That he is original and first inventor of certain valuable improvements in printing machines, which improvements have been secured to him by letters-patent of the United States, bearing date the 24th day of July, 1847.

"That in the year 1861, before the expiration of the original term of the said letters-patent, he made application in due form of law, and on evidence then presented to the honorable Commissioner of Patents, who, after a full hearing, adjudged that your memorialist had failed, without fault or neglect on his part, to realize an adequate remuneration for the value of the said invention to the public, and for the ingenuity, labor, and expense bestowed by your memorialist in the production and introduction of the said invention into public use and thereupon extended the said letters-patent for the further term of seven years, which said extended term will expire on the 24th day of July of the present year, 1868.

"And your memorialist further represents that prior to his said invention there was no printing-press capable of printing within the required time any daily newspaper of more than twenty-five thousand copies, and whenever an edition exceeded that number of copies it was necessary, at great expense, to set up two or more forms of types to be printed on separate presses. That the rapidly increasing circulation of many of the popular journals demanded the invention of some system of printing machinery radically different from anything then known. That with the view to meet this pressing demand many attempts had been made to arrange the forms of type on rotary cylinders, with a view to avoid the waste of time consequent upon the reciprocating motion of flat forms of type, but all such attempts had utterly failed. This apparently forlorn task was finally undertaken by your memorialist, who, after years of study and experiment and at great expense, finally invented, perfected, and successfully reduced to practice the invention described in and secured by the said letters-patent. That by means of the said invention one machine will print and deliver eighteen thousand impressions of the largest newspaper in circulation in one hour, so that but one form of types is now required to print the entire edition of a daily paper of the largest known circulation.

"And your memorialist further represents that the manufacture of printing machinery of such magnitude unavoidably required a large expenditure in the preparation of machinery for the construction thereof, and the number of such machines is very limited, as it is only required for the printing of newspapers of large circulation. That the extended term of the said patent granted by the honorable Commissioner of Patents in the year 1861 unfortunately occurred in the early part of the rebellion, so that, by reason of the condition of the country from that time to the present, the demand for such printing machines has been very limited, and in consequence your memorialist has failed to realize the remuneration which in the year 1861 the honorable Commissioner of Patents, after careful investigation on evidence produced, adjudged to be the just due of your memorialist for the production of an invention of so much value to the public."

On this statement of the case the memorialist asks an extension of his patent for another term of seven years.

1. There can be no doubt that "the invention was new and patentable when the patent was granted."

2. There can be no question that the invention "belongs to a class of inventions requiring great skill and forethought, and worthy of high reward when successful."

3. Has the memorialist received adequate remuneration for such an invention? The evidence before the committee in reference to this point shows that "the whole amount received for such machines in the United States is the sum of $1,237,845 58, and that the share of the memorialist in the profits is the sum of $208,833 74, being three sevenths of the profits. But the invention has also been patented in England, and the memorialist admits the total amount of the share of the profits which he has received is about $300,000.

Considering this case in the light of the usual applications for the extension of patents, the committee would have to decide that the profits aforesaid should be regarded as a fair and reasonable compensation to the inventor, and would not feel authorized to recommend another extension; but it is claimed that this is not an ordinary case, but that the invention is one of such value, and has conferred such great benefits on mankind, as to justify an extraordinary recognition of its merits, including something of honorary distinction as well as pecuniary advantage to its author.

The memorialist has exhibited before the committee letters from nearly all of the printers and publishers of the United States now using his invention, together with letters from a large number of other printers and publishers, some two hundred in all, commending his invention in the highest terms, and expressing a willingness that the extension asked for should be granted. Many of them strongly recommend and urge the extension. These letters are printed in pamphlet form, a copy of which is herewith filed as a part of this report.

The committee, therefore, submit to the Senate the facts aforesaid, without any recommendation. If the Senate should consider that the prayer of the petitioner ought to be granted, then the committee recommend the passage of the accompanying bill.

Mr. CAMERON. Mr. President, being something of a printer myself, I have paid a great deal of attention to this subject. I know that all the principal printers in the country have recommended the renewal of this patent. I do not think one printer in the whole United States has objected to it. Mr. Hoe himself began life as a mechanic. By his extraordinary intelligence he has made himself a character which is known all over the world, principally through the value of this machine. I saw him in Europe in the beginning of the war. He was traveling there in the pursuit of his business; but he devoted his time almost exclusively to the interests of our country. He spent large sums of money in England and upon the Continent in getting societies and individuals to create public opinion in favor of the North. After my return home I found him here, still acting in the same way. He has now come here with this appeal to Congress asking for a renewal of his patent. To be sure, by our laws, the invention of every citizen becomes the property of the public unless he is protected by law. This invention of his has perhaps done more toward the spread of intelligence through the country than any other machine that has ever been invented. At the time he invented his press I believe not more than eighteen or twenty thousand copies of a paper could be worked in the twenty-four hours. Now, many of our newspapers have one hundred thousand issues daily I believe, and sometimes more. They could not be issued at all without some such machine as this. The great argument in favor of this application, however, is that everybody, so far as I know, interested in the business of printing is desirous that this patent shall be extended. It can do no harm to anybody, and it will be not only doing an act of justice to a deserving man, but it will be giving a reward for a most valuable invention. I trust there will be no objection to the bill.

Mr. HOWELL. Let it go over; I want to examine it.

The PRESIDING OFFICER. Being objected to, the bill goes over.

GEORGETOWN AND HARPER'S FERRY RAILROAD.

The next business on the Calendar was the joint resolution (S. R. No. 172) directing the survey of a route for a railroad on the west bank of the Potomac river, from a point opposite Georgetown to Harper's Ferry; which was considered as in Committee of the Whole. It authorizes the Secretary of War to detail a competent officer of the engineer corps, together with such assistants as he may deem proper and necessary, to make a survey of the west bank of the Potomac river, from a point opposite Georgetown, in the District of Columbia, to Harper's Ferry, in the State of West Virginia, and report on the feasibility of running a railroad along the bank of the river, to be used for military purposes, if required; and the expenses of the survey and report are to be paid out of any money appropriated for the engineer's department.

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

NINTH CENSUS.

Mr. CONKLING. I wish to ask the attention of the Senate to a privileged question. I submit a report from a committee of conference.

The report was read, as follows:

The committee of conference appointed by the Senate and House of Representatives upon the disagreeing votes of the two Houses on the bill (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and to provide for their future apportionment among the several States," approved May 23, 1850, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment to the bill of the House and agree to the said House bill, with the following amendment, namely:

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

That the time allowed for transmitting the said copy of the returns of the assistant marshals to the Census Office is hereby further limited, so that the returns of population, upon schedule numbered one, in the act of May 23, 1850, shall be sent to that office on or before the 10th day of September next, and the complete returns upon all the schedules annexed to and made part of that act, excepting upon the schedule therein designated as number two, which schedule is hereby revoked, canceled, and declared to be no longer apart of said act, shall be forwarded to the Census Office before the 1st day of October following: *Provided*, That the Secretary of the Interior shall be authorized to extend the time allowed for returns on the schedules, other than those of population, in any case where it shall appear to him to be necessary: *Provided, further*, That whenever, from the loss or destruction of returns, or from causes beyond the control of the officers charged with the enumeration, it shall be shown to be impracticable to comply with the requirements of this section, the Secretary of the Interior is authorized to extend the time allowed for rendering returns of population, not beyond the 1st day of October next.

SEC. 2. *And be it further enacted*, That the penalty provided in the fifteenth section of said act of May 23, 1850, shall apply to any refusal whatever to answer either of the inquiries authorized by said act.

SEC. 3. *And be it further enacted*, That each assistant marshal or agent shall be paid for making out and returning complete copies of the original census returns, as required in the eleventh section of the act to which this is a supplement, eight cents for each page of the two copies of the original census returns required by the said eleventh section.

SEC. 4. *And be it further enacted*, That the oath to be taken by assistant marshals employed to take the census shall be the oath required by the act of 1850, of which this is an amendment.

And that the House of Representatives concur in the same.

ROSCOE CONKLING,
MATT. H. CARPENTER,
T. F. BAYARD,
Managers on the part of the Senate.
JAMES A. GARFIELD,
WILLIAM B. ALLISON,
S. S. COX,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

Mr. HARLAN. I should like to ask the honorable Senator who made this report what schedule is referred to as No. 1?

Mr. CONKLING. No. 1 is the schedule of population; No. 2, the schedule to be dropped, is the slave schedule.

Mr. HARLAN. If I understood the reading correctly, that return may be deferred until October.

Mr. CONKLING. Everything is by law now deferred until October except the population return.

Mr. HARLAN. Does this report provide an amendment——

Mr. CONKLING. This report, the honorable Senator will allow me to say, has no effect whatever in the particular now in his mind except to hasten as much as possible the return of population, to the end that should the two Houses concur in an apportionment bill, rendering it desirable to have the count of population earlier than we would have it by the law as it stands now, then the effect of this provision is to bring to the earliest date possible the rendition of that return.

Mr. TRUMBULL. How early does this report provide it shall be done?

Mr. CONKLING. It provides that it shall be done before, if possible, and if not before by the 10th of September, that being the earliest possible time which in the estimation of the managers of the conference of the two Houses is attainable.

Mr. WILLIAMS. I believe that the original bill provided that the Secretary of the Interior might allow additional compensation upon the Pacific coast. Is that provision retained in this bill?

Mr. CONKLING. No, sir, it is not; and I think if the honorable Senator had followed all the phases, as he has some of the phases of this history, he would be very glad that I can answer him that that provision has been stricken out, because the latest information which has been afforded to us from the Census Office, and which is not, as some other information has been, made up of supposition, but which is history from the actual accounts on file, shows that nowhere, in a population however dense, is the pay so great as in the regions to which the Senator refers. It shows also that that pay not only should not be increased,

but that a change, if one were to be made, should be a change of diminution; and that even then it would be a very rich reward for the service to be performed.

Mr. WILLIAMS. That may all be so, and I hope it is, but I am not able to see it. Take the case of one county in my State, like Umatilla county, an immense county, sparsely populated. The census-taker is compelled to go from house to house, I suppose, taking the census, and he travels in that county ten times as much, perhaps a hundred times as much, to take the census of the same number of inhabitants that a man would in a county in the State of New York.

Mr. CONKLING. And for every mile he travels he receives ten cents; a pretty respectable mileage, I think.

Mr. WILLIAMS. Then the rate of compensation is changed.

Mr. CONKLING. Not at all.

Mr. WILLIAMS. Under the old law he was paid in proportion to the number of inhabitants.

Mr. CONKLING. I beg the Senator's pardon. Under the old law, as he calls it, the present law, he is paid two cents *per capita*. He is paid in addition ten cents for every mile he travels, and the mode is provided, a very simple and certain mode of doubling together the numbers and the area so as to determine exactly how far he does travel, and not leave him to the mercy of the Government in saying how far he traveled, and not leave the Government to his mercy in pretending the distance which he traveled, but to subject to mathematical demonstration the number of steps he takes in the necessary performance of his duty. If the honorable Senator will read a communication which has been very recently put in print, and in the public prints, by the clerk superintending the census, he will see that twenty-one dollars a day is not in excess of that sum which a census-taker may earn in the very county to which he refers.

Mr. STEWART. I have recently received a long communication from the marshal of Nevada on this subject, in which he said that he had made an effort to find men to take the position of census-takers, and he could not find them. He made an estimate of the actual expenses of travel, and also what he could find was allowed in the law, and it did not anywhere near cover the expenses. I think they are allowed a dollar a day for expenses.

Mr. CONKLING. If my friend will allow me, his correspondent very probably wrote in the light of a communication which preceded the one to which I have referred, a communication now in the possession of the honorable Senator from Delaware, [Mr. BAYARD,] which communication was conclusive as showing the state of facts which this marshal has accepted, namely, that in these outlying regions the pay would be entirely inadequate. That was a matter of computation. It was supposititious, as some other things have been which relate to the census. Subsequently the author of that communication sat down with the accounts on file before him, and took, not what he thought the compensation would be, but what in truth and in fact it had been on the two previous occasions, and then he found and he reported not only that the compensation was adequate, but that in truth in these regions it was too much.

Mr. STEWART. My correspondent, the marshal of Nevada, will be very glad to hear that sufficient compensation is allowed. He was in great trouble about it.

Mr. SHERMAN. I doubt whether there is one marshal in ten who will be able to take the compound equation and make up the sum arithmetically to fix the pay.

Mr. CONKLING. I hope the honorable Senator from Ohio speaks for Ohio in that regard. I have to say to him that in New York the men who are marshals can very easily make the calculation.

Mr. SHERMAN. I doubt it very much.

Mr. STEWART. I have not examined this subject at all; but if the compensation is fixed for traveling at ten cents a mile it cannot be done for that, unless there is some way of making it up. The census-taker there will have to travel on horseback, and it will be impossible for him to travel on horseback for less than four dollars a day to pay expenses. He could not get ordinary meals and travel on horseback for less than four dollars a day.

Mr. EDMUNDS. That is only forty miles.

Mr. STEWART. That is only forty miles; but a man who can travel forty miles on horseback in a day and do any other business must be a very active man, I will tell my friend from Vermont. If he had to hire a horse that would be at least two dollars a day more; and thus his actual expenses for his horse and his expenses in traveling would be about six dollars a day, and there would not be much margin left that the outside world understands anything of to compensate him. If there is some way of fixing it up by construction this marshal said he would like to see it. He said he did not see how it could be done without stealing. I hope there is some construction which will allow sufficient pay for expenses. They do not want to commence out there until somebody shows them how it can be done.

Mr. CONKLING. The honorable Senator from Nevada, I think, will find, if he will take the trouble to look into it, that possibly he, at any rate some of the rest of us, have proceeded upon rather superficial information heretofore in this regard. We have heard it stated previously in debate that $1 81 a day was all that could be earned by a deputy marshal. Now, any lawyer in this body who has tried a cause for some time and endeavored for some days to prove a fact, and after the trial was over had some man come to him and say, "Why did you not call on me? I could have proven that if you had only told me you wanted to prove it," will understand the feeling I had after the debate when two members of this body came to me and said, each of them, "I was a census enumerator in 1860, and I earned nine dollars every day that I attended to business." In the case of one it was in a New England State, and in the case of another it was in a different State. After the debate had passed by and these facts came to be stated the theory that the compensation was inadequate in the densely populated regions was abandoned. Then there came this theory, which the Senator from Nevada suggests now, that in the outlying regions, as they were called in one communication, in the Territories and sparse States, as they were called in another, the compensation would be inadequate. Examination on that subject showed not only the error of the supposition, but, as I have stated before, that the compensation there was greater than anywhere else, and greater than it should be. I will show the Senator from Nevada a communication coming from the Census Bureau which will prove to him that twenty dollars a day is not a greater sum than was in truth received under the existing law in just such regions as those to which he refers.

In addition to that, by the present bill, as the Senator from Delaware reminds me, provision is made for paying for copies of the returns, which goes also to the census enumerator. So that I think the Senator may rely upon it that the compensation is adequate as it stands in the bill. The managers on the part of the House were satisfied of that, and the managers on the part of the Senate also.

Mr. STEWART. I am satisfied. I will send the Globe to-morrow to the marshal.

The VICE PRESIDENT. The question is on agreeing to the report of the conference committee.

The report was concurred in.

WILLIAM M. GARVEY.

The VICE PRESIDENT. The consideration of bills on the Calendar will be resumed in their order.

The next bill on the Calendar was the bill (H. R. No. 40) to confirm the title of William M. Garvey to a certain tract of land; which was considered as in Committee of the Whole.

The Committee on Private Land Claims reported the bill with an amendment, to strike out all of the original bill after the enacting clause, in the following words:

That the title of William M. Garvey, of Ohio, in and to the east half of the northeast quarter of section eighteen, in township sixty-nine, north of range twenty-six west, in the district of lands subject to sale at Des Moines, Iowa, containing eighty acres, be and is confirmed to him, his heirs and assigns, forever.

And to insert in lieu thereof:

That the title of William M. Garvey to the east half of the northeast quarter of section eighteen, township sixty-nine north, range twenty-six west, in the district of lands subject to sale at Des Moines, in the State of Iowa, containing eighty acres, be, and is hereby, confirmed, and that the State of Iowa is hereby authorized to select in lieu of said tract an equal amount of land from the unsold public lands within the limits of said State, subject to sale at $1 25 per acre: *Provided*, That the State of Iowa, through her constituted authorities, shall first relinquish to the United States all right, title, or interest acquired by said State by virtue of the act of Congress of March 3, 1857, entitled "An act to confirm to the several States the swamp and overflowed lands selected under the act of September 28, 1850, and the act of the 2d March, 1849."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed, and the bill read a third time. The bill was read the third time, and passed.

ELECTION OF REPRESENTATIVES.

The next bill on the Calendar was the bill (H. R. No. 1705) to fix the time for the election of Representatives and Delegates in the Congress of the United States.

The Secretary read the bill.

Mr. MORTON. I believe I shall object to the present consideration of that bill.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

MRS. MARGARET P. ROBINSON.

The next business on the Calendar was the joint resolution (H. R. No. 224) for the relief of Mrs. Margaret P. Robinson, of Kentucky.

The Secretary read the joint resolution. It directs the Quartermaster General to pay to Mrs. Margaret P. Robinson, widow of Richard M. Robinson, in her own right, and in full satisfaction of all claims for the use of real and personal property of the premises known as Camp Dick Robinson, in Garrard county, Kentucky, for military purposes, by the military authority of the United States, $5,878 30, for the sole use and benefit of Margaret P. Robinson.

Mr. PRATT. I move that this joint resolution be passed over informally until the report which accompanies it is laid upon the desks of Senators. It is now in the hands of the printer and will be ready by to-morrow. It is but proper that the report should be heard.

The VICE PRESIDENT. The joint resolution will be passed over informally.

TERRITORY OF OKLAHOMA.

The next bill on the Calendar was the bill (S. No. 679) to organize the Territory of Oklahoma, consolidate the Indian tribes under a territorial government, and carry out the provisions of the treaties of 1866 with certain Indian tribes.

Mr. WILSON. I think we had better pass that over.

The VICE PRESIDENT. The bill will be passed over.

WEST VIRGINIA CIRCUIT COURT TERMS.

The next bill on the Calendar was the bill (S. No. 813) fixing the time for holding the terms of the circuit court in the district of West Virginia.

Mr. BOREMAN. Let that be passed over for the present.

The VICE PRESIDENT. The bill will be passed over.

CAPTAIN GEORGE HENRY PREBLE.

The next bill on the Calendar was the bill (S. No. 850) for the relief of Captain George Henry Preble, of the Navy of the United States; which was read a second time, and considered as in Committee of the Whole. The bill proposes to direct the proper accounting officers of the Treasury in settling the accounts of George Henry Preble, a captain in the Navy of the United States, to allow him sea pay as a commander from the 5th of August to the 12th of October, 1862, and leave pay as a commander from the last-named date to the 21st of February, 1863, deducting therefrom any pay he may have received for those periods.

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

TRADE-MARKS ON FOREIGN WATCHES.

The next bill on the Calendar was the bill (S. No. 829) in relation to fraudulent trade-marks upon foreign watches; which was considered as in Committee of the Whole. The bill provides that from and after the 1st of August next no foreign watches of gold, silver, or other metal, or watch movements, shall be admitted to entry at the custom-houses in the United States unless there shall be legibly and distinctly engraved or stamped upon the works or movements the maker's name or distinguishing trade-mark, and in connection therewith, and as a part thereof, the name of the place and country where manufactured; but existing trade marks of foreign manufacturers of watches need not be changed if they distinctly show that the watch movements are of foreign production. If any watches or watch movements of foreign manufacture shall be offered for entry at any custom-house in the United States which shall copy or simulate the name or trade-mark of any domestic manufacturer they are to be forfeited to the United States.

The Committee on Finance reported the bill with amendments. The first amendment was in section one, line four, after the word "watches" to strike out the words "of gold, silver, or other metal."

The amendment was agreed to.

The next amendment was in section one, line seven, after the words "stamped upon the," to insert the words "exposed surfaces of the plates or bridges of the."

The amendment was agreed to.

Mr. MORRILL, of Vermont. In section two, line two, after the words "watch movements," I move to add the words "or parts of watch movements."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

JOHN TYLER'S PATENT.

The next bill on the Calendar was the bill (S. No. 790) for the relief of John Tyler; which was considered as in Committee of the Whole.

The Committee on Patents reported the bill with an amendment, to strike out all of the enacting clause and to insert the following in lieu thereof:

That the Commissioner of Patents, upon due application made to him, is authorized to extend the patent of John Tyler, of West Lebanon, New Hampshire, for improvements in water-wheels, issued to him July 18, 1856, and reissued in 1868, and which will expire July 8, 1870, upon the same evidence and principles as if application had been made to him by said patentee in due time prior to said expiration of said patent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

PACIFIC AND GREAT EASTERN RAILWAY.

Mr. McDONALD. I ask the unanimous consent of the Senate to take up at this time Senate bill No. 483, which was passed over informally yesterday at the request of the Senator from Iowa, [Mr. HARLAN.]

Mr. POMEROY. I hope the Senator will delay it a few minutes until I can look at the bill.

Mr. McDONALD. The bill has been read.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 483) granting lands and the right of way in Missouri and Arkansas to aid in the construction of a railroad and telegraph line along or near the thirty-sixth parallel of north latitude, from the Mississippi river to the Arkansas river.

Mr. HARLAN. This bill was read yesterday, amended, and ordered to be printed at my request.

The VICE PRESIDENT. It was then passed over informally.

Mr. HARLAN. I move further to amend the bill in section one, lines ten and eleven, by striking out the words "at or near which said line crosses or shall cross the Arkansas river." The Senator from Arkansas suggested this amendment himself.

The amendment was agreed to.

Mr. HARLAN. In section two, line seventeen, after the word "such" and before the word "acceptance," I move to insert the words "map and."

Mr. McDONALD. I have no objection to that.

The amendment was agreed to.

Mr. HARLAN. In section two, line nineteen, after the word "market," I move to strike out the rest of the second section in the following words:

And all settlers upon said lands under the pre-emption laws of the United States who shall fail to make proof and payment for their claims within one year from the date of said withdrawal shall forfeit the lands so settled upon, and the same shall revert to the aforesaid railroad company in the manner hereinbefore provided.

The amendment was agreed to.

Mr. HARLAN. In section three, line five, after the word "other," I move to insert the word "public," so as to make it read "public lands;" and after the word "lands," in the same line, I move to insert the words "designated by odd-numbered sections as aforesaid."

The amendment was agreed to.

Mr. HARLAN. In section five, line eight, after the word "manner," I move to insert the words "as a first-class railroad."

The amendment was agreed to.

Mr. POMEROY. The language which I think the Senator ought to use there is this: "as railroads of the first class when prepared for use." That is the language we usually insert. There is no railroad a first-class railroad when it is first opened, and there never was.

Mr. HARLAN. This is the usual phraseology of the text of such bills.

Mr. POMEROY. The phraseology we have used latterly is: "as roads of the first class when opened for service." I do not care about it, but the fact is there are no railroads that can be called first-class roads when they are first opened. They have to be improved; they have to be ballasted; and the depots are not all perfect. There never has been a road opened in the world that was a first-class road when it was opened.

Mr. CAMERON. Oh, yes; there was.

Mr. POMEROY. I never heard of it. You may have had one in Pennsylvania.

Mr. CAMERON. The Senator is mistaken. There is one road in Pennsylvania, of which I was the president myself, and it was all completed and finished ten years ago, and we have had no repairs to make.

Mr. POMEROY. Has not the Senator been improving it ever since?

Mr. CAMERON. Not a bit of it.

Mr. POMEROY. I never heard of such a case before.

Mr. CAMERON. It was finished before it was used. I refer to the Reading railroad.

Mr. POMEROY. And it has never been improved since?

Mr. CAMERON. No, sir; and all the bridging and all the ballasting and everything was done permanently at first; and so all railroads ought to be constructed. There was not a wooden bridge upon it.

Mr. SAULSBURY. I ask the Senator from Iowa how much land is given to this railroad company?

Mr. HARLAN. The bill provides for a grant not exceeding ten sections on each side of the line of the road; but this road lies in the States of Arkansas and Missouri, where, perhaps, the most of the public lands have been sold heretofore. I do not think it probable that the company will receive one half of the amount nominally granted.

Mr. SAULSBURY. How much do you suppose they will get?

Mr. HARLAN. I should think perhaps about one half the quantity named in the bill. I am informed by the honorable Senator from Arkansas that it is estimated at the Land Office, as I understand him, that the company will be able to receive probably about forty-six hundred acres to the mile.

Mr. SAULSBURY. How long is the railroad?

Mr. McDONALD. About three hundred miles.

Mr. HARLAN. Has the amendment suggested by me on page 4 been adopted?

The VICE PRESIDENT. It has been.

Mr. McDONALD. I will state to the Senator from Delaware that this land has been under the graduation act graduated, and the price had been only twelve and a half cents an acre; but that law has been repealed and the land is now in the market.

Mr. HARLAN. There is no graduated land now. That law has been repealed. Therefore it cannot be entered now at less than $1 25 per acre. If the amendment that I offered on page 4 has been adopted——

The VICE PRESIDENT. It has been agreed to.

Mr. HARLAN. I suggest an amendment on page 6, section ten, line three, after the word "within" to strike out the words "ten miles on each side of said road" and to insert the words "the exterior limits of said grant."

The amendment was agreed to.

Mr. POMEROY. I suggested yesterday when this bill was up and the Senator from Iowa objected to it an amendment that should allow this company to connect with a road that is now being built north and south very near the State line, but not on the State line. The State line is an imaginary line; and if you oblige a road to stop on an imaginary line and do not let it get a connection with a north and south railroad running from Kansas to the Gulf you restrain the road against the public interests. It may be ten miles, it may be twenty miles, I do not know how far, but very near the State line a road is now being constructed through the Indian country under an act of Congress.

Mr. HARLAN. I may not have any objection to such an amendment in a supplementary bill next winter, when we shall know where the road to which the Senator refers runs. He is aware that a number of railroad companies are now struggling to obtain lands within the limits of the Indian territory, and I would prefer to stop them all at the boundary line for the present until we see where the roads are to run.

Mr. POMEROY. I do not care about inserting it in this bill, but I claim that it is against public policy to stop a railroad on a State line if it can make a connection with another railroad by going ten miles further, even if it is in an Indian country.

Mr. HARLAN. This other road has not yet been built nor even located across the Indian territory, and supplementary legislation can be had in ample time to answer the Senator's purpose.

Mr. POMEROY. That is true.

Mr. McDONALD. We shall not insist on this amendment at the present time until the other road is provided for.

Mr. POMEROY. I have no objection to deferring it, but I will say that the other road is provided for. There is no other legislation necessary to enable the company to build through the Indian lands into the State of Arkansas; but it is a question of time; they have not built it yet. If the Senator desires to have it wait another year I have no objection.

Mr. HARLAN. I prefer to defer it until we see where the road is to run.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RETURN TO HOUSE OF AN ENROLLED BILL.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House requested the return of the enrolled bill (H. R. No. 1427) to provide for the creation of corporations in the District of Columbia by general law.

The VICE PRESIDENT. If there be no objection this enrolled bill will be returned to the House of Representatives in accordance with its request. The Chair hears no objection, and it is so ordered.

The Chair will state that there is a misnomer in one of the sections, referring to "the first section," when it should refer to "the sixth section." It is necessary to make that correction of one word.

PATENT DEVICE FOR SHEERING BOOMS.

Mr. CARPENTER. I ask the Senate to proceed to the consideration of Senate bill No. 743, which was passed over informally the other day on account of my absence.

There being no objection, the bill (S. No. 743) confirming and extending a patent right to Levi W. Pond and Eau Claire Lumber Company, was read the second time, and considered as in Committee of the Whole.

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

Mr. THAYER. I ask the Senate to proceed to the consideration of Senate bill No. 393.

Mr. PATTERSON. I do not like this way of going back. It seems to me that we had better take the bills in their order. We can take up the Senator's bill after we have passed through the Calendar.

The VICE PRESIDENT. The bill alluded to by the Senator from Nebraska was passed over informally; but it is still subject to the rule. If the Senator from New Hampshire insists on the Calendar being proceeded with regularly it will have to wait until the Calendar is concluded.

Mr. PATTERSON. We only have to act on a few bills more to finish the Calendar.

Mr. THAYER. I do not know why objection is raised against me when two other cases have been allowed to be taken up.

The VICE PRESIDENT. The Senator from New Hampshire persists in his objection. The Secretary will read the next bill on the Calendar.

TREASURY SPECIAL AGENTS.

The next bill on the Calendar was the bill (H. R. No. 902) limiting the appointment of certain officers in the Treasury Department. It proposes to authorize the Secretary of the Treasury to appoint special agents, not exceeding fifty-three in number at any one time, for the purpose of making the examinations of the books, papers, and accounts of collectors, and other officers of the customs, required to be made pursuant to the provisions of the twenty-first section of an act to regulate the collection of duties on imports and tonnage, approved March 2, 1799, and to be employed generally under the direction of the Secretary, in the prevention and detection of frauds on the customs revenue; and the expense thereof is to be charged to the "appropriation to defray the expense of collecting the revenue from customs." These special agents are to be divided into three classes. The first class is to consist of nineteen agents, two of whom shall each receive in addition to the expenses necessarily and actually incurred by him, a compensation of ten dollars per day, and seventeen of whom shall each receive, in addition to expenses necessarily and actually incurred, a compensation of eight dollars per day. The second class is to consist of sixteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of six dollars per day. The third class is to consist of eighteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of five dollars per day. And the Secretary of the Treasury is authorized to make such rules and regulations, not inconsistent with law, for the government of these special agents as he may deem expedient and necessary; but no sum is to be paid to any of them for mileage. No special agent, in addition to the number authorized by the act, is to be hereafter appointed or employed upon any business relating to the customs revenue.

Mr. FOWLER. I object to the passage of that bill now.

Mr. HAMLIN. If the Senator from Tennessee will withdraw his objection a moment, I think if I make a statement in relation to this bill he will not interpose.

Mr. FOWLER. I should like to know whether these are new officers.

Mr. HAMLIN. That is what I want to state.

Mr. FOWLER. I withdraw the objection.

Mr. HAMLIN. Under the existing law, as the Treasury Department hold, they have appointed this class of officers. I think the bill provides for fifty-three. There are fifty-four in commission to-day, and this bill limits the number and makes it one less than it now is. There has been some controversy as to whether the Secretary had the power; but it has always been exercised. I have no doubt he has the power; but this bill systematizes it, and I will add that it diminishes the pay of those who are at present in office. If you pass this bill you cut down the number of these officers by one; you prescribe their duties, and you reduce their compensation. That is all there is in this bill.

Mr. PATTERSON. I will say in addition, that it decreases the expense of the Government for these special agents $36,000 a year, and gives us a law by which they can properly be appointed. They have heretofore been appointed, as was claimed, under the old act of 1799; and it was the opinion of I believe every member of the Committee on Retrenchment that the Secretary of the Treasury had no right to appoint special agents under that act; but this bill gives us a law by which he is entitled to appoint these agents. I will say also, that the Secretary of the Treasury has examined the bill and it meets his entire approbation.

Mr. TRUMBULL. I have no doubt of it. I am in favor of the bill because it regulates the matter by law. It was not regulated at all before, and the Secretaries were in the habit of appointing just as many of these agents as they pleased, and, as I understand, of paying them what they pleased—a most extraordinary practice, it seems to me, and one which, as far as I am able to understand the law, has no warrant in the law. I do not think that there is any authority, or that any can be found in any act of 1799, or any other act, that authorizes this; but it has been the practice. One Secretary after another has followed it; and Secretaries of the Treasury have appointed these persons and allowed them salaries of $5,000 a year, and Congress has never known anything about it. I understand some of these agents have been stationed in cities on a salary of $5,000 and their incidental expenses paid, where they have rented rooms and furnished them extravagantly; and all this has been paid out of the Treasury of the United States, and Congress never had any account of it at all. I am very glad to have a law on the subject; but I am sorry that the Committee on Retrenchment has found it necessary to have fifty-three of these officers. It does seem to me that that is a very large number. I think they ought to be appointed by the President and confirmed by the Senate. They are very important officers. The pay they will receive under this bill is to be ten dollars a day and their expenses. You will have rooms hired in the cities, furnished extravagantly, and this will be a part of their expenses.

Mr. PATTERSON. Let me say to the Senator from Illinois that only two of these agents are to receive ten dollars a day and their expenses. The Secretary was rather desirous of our allowing extra agents to be employed, whom he might send abroad, at $2,000 a year; but the committee thought it was not necessary, and that two of the agents provided for in this bill at ten dollars a day could perform the duties.

Mr. TRUMBULL. Are not all these agents to have their expenses paid?

Mr. PATTERSON. Yes; but they are in three grades.

Mr. TRUMBULL. I am aware that they are in three grades, one at six dollars, one at eight dollars, and the other at ten dollars a day. That is not extravagant.

Mr. PATTERSON. No; two out of the first nineteen are to receive ten dollars, and the remaining seventeen eight dollars; the next eighteen are to receive six dollars; another sixteen five dollars a day, each grade with their expenses in addition to the *per diem*.

Mr. TRUMBULL. The *per diem* is not extravagant, but under this provision to pay their expenses you will find that a very much larger sum than their *per diem* will be paid to them. As they have to travel, perhaps it may be necessary in some instances to pay their expenses; but not only will those who travel have their expenses paid. It has been brought to my notice during the present session of Congress that we have one of these officers of the customs established in one of our cities on a salary of $5,000 a year who has rented rooms and furnished them, I am sure from what I have heard, at not less than $5,000 more. What he does I do not know particularly. I think there was no authority originally——

Mr. FOWLER. I wish to ask what the entire actual expense will be of these fifty-three officers, and what their duties will be?

Mr. TRUMBULL. The entire cost it is impossible to state, because we do not know how much will be allowed them for expenses; but the *per diem*, the Senator from Tennessee will see, is none too large. Five, six, and eight dollars a day is not more than they ought to have. Their duties I cannot state so specifically. I have only a general opinion of what they are; but the particular officers I have been informed about perform very little service, as I understand.

I am in favor of regulating this service by law, and I am not going to complain now, and do not wish to cast any imputation upon the Secretary of the Treasury for appointing these officers. They have been appointed for years; each Secretary followed the practice of his predecessor, and they have understood the law to be that they had authority to appoint these agents and pay them what they pleased. I think it was not a fair construction of the statute; but it is not strange that each Secretary should have followed the practice of the

Department. It is a very convenient power to exercise. The Senator from New Hampshire tells us that the Secretary wants this number of agents fifty-three, he now having fifty-four. I am not able to inform the Senator from Tennessee what these fifty-three or fifty-four agents have to do. It seems to me to be a very large number, and I should like this bill better if it provided for the appointment of these officers by the President and their confirmation by the Senate, that we might know who they were.

Mr. PATTERSON. I will say that the number under the late Secretary of the Treasury was as high as seventy-four or seventy-five. The present Secretary has cut down the number to fifty-four. A delegation of the Committee on Retrenchment went to see the Secretary to ascertain if he could not get along with a less number than fifty-three. He said he could not possibly; that that number was necessary in order to examine the books and to detect frauds which were being committed upon the Government by officers and others in the collection of the revenue and in smuggling. I believe that the whole expense, supposing that the entire number, fifty-three, is appointed, will be about one hundred dollars a day less than the amount now paid for this service.

Mr. HAMLIN. I wish now to reply to another question which I heard the Senator from Tennessee propound to the Senator from Illinois. It was, who are these officers and what are their duties? They are detectives mainly, and they are placed all along around the border at distant points from each other; and my experience in the collection of the revenue is such that I can say, without any doubt whatever, that I have known no single agent who has not been instrumental in putting, I would almost say tenfold the amount of his compensation into the Treasury by the detection of frauds upon the revenue that would never otherwise reach the collectors in the world. They do it on all occasions. I know a very large number of cases. They are in the nature of detectives. When you place one of these men in connection with each of the principal collection districts of the country you will not have very many others to dispose of. There is where they are; they are with the principal collection districts, and they are along the frontier; and they have been a most economical force in aid of the finances of the country. That I know.

Mr. FOWLER. I withdraw my objection, but I wish to make a remark. The entire expense of this force will be $36,500 a year less than what is now paid, as we are told. They may, of course, be necessary and useful for the purpose of collecting the revenue. I do not know enough about that to understand precisely of what benefit they may be; but I believe what the committee have said in regard to it, and I have no doubt they have tried to cut down the expenses of the Government in this way; but I hope still that this force will not be appointed. I do not know that the Government can get along without them; but I am ready to believe, reasoning from my knowledge of the people of the United States, that they could do without this kind of force. I think it a terrible force—fifty-three detectives. It is one class of the numerous swarms of spies and informers that infest the country and will sooner or later eat it up. Perhaps in this department of the service they are less objectionable than in any other, and I will grant that; but still I think the committee ought to have cut down this force at least one half, and I shall vote for the bill only out of respect to their judgment. If I was to determine the question with regard to my own feelings and judgment I believe I should oppose the appointment of any force of this nature.

Mr. HOWE. The Senator from Maine has expressed the belief that this is an economical measure, and that these agents are economical officers; that they have saved a great deal to the Treasury, detected a great many frauds. I should like to inquire of him if he knows of an officer of the customs service who has ever been removed from office through the efforts of these special agents and detectives.

Mr. WILLIAMS. They watch the smugglers.

Mr. HAMLIN. That is what I meant. They detect frauds committed by importers, not by the officers.

Mr. HOWE. The Senator says they have not detected any frauds in the officers of the customs service, but frauds among the importers. Has he known any prosecution instituted by the efforts of these agents?

Mr. HAMLIN. Yes, hundreds. While I was collector at Boston they were as numerous almost as the stars. There was hardly a day that a suit was not instituted through the instrumentality of these men, without which they never would have been instituted.

Mr. HOWE. That is refreshing. I guess, then, we had better increase the number. I do not see the sense of striking down one of these faithful servants who are saving money to the Treasury. Besides that, I want to know what is the ground of the faith expressed by the Senator from New Hampshire that striking off one of these agents will save thirty-five or thirty-six thousand dollars a year.

Mr. PATTERSON. I referred to the number which had been in existence under the last Administration, which was seventy-nine. I said seventy-four before, but there were seventy-nine under the last Administration. The present Secretary has cut down the number to fifty-four, and this bill cuts it down to fifty-three.

Mr. HOWE. This will not save much over the present expense.

Mr. PATTERSON. No; but we do not want the Secretary to have power to appoint an indefinite number.

Mr. HOWE. I do not want him to have that power. I do not know that I shall make any objection to the passage of the bill; but I think officers as important as these should be appointed by the President and confirmed by the Senate. Another question I should like to have explained is what the reason is for discriminating in the grades of these men. Why divide them into classes, and discriminate in the pay to be accorded to them?

Mr. CONKLING. If nobody else is disposed to answer the honorable Senator from Wisconsin I beg to make a suggestion to him. First, if these men be nominated to the Senate and confirmed here a proclamation goes abroad who they are; and then, as the good book says to us, it is idle to "spread a net in the sight of any bird." If you are to notify all the smugglers on the frontiers of New York who the particular man to set to watch them is they will take notice of him.

The Senator asks, why grade them? I confess the doubt the appeal suggests to me on that point is in the other direction. You grade them because you want men of different qualities and different values. A man who is good to act for a certain purpose which the Secretary may have is a wholly inadequate man to perform the functions of some of these officers, if in truth there is any use for them at all, because they require a good deal of comprehension, a good deal of talent. In short, they require a man whose time anywhere would be of considerable use to himself or to somebody else. Therefore, I assume, they are graded.

Now, let me state one thing which strikes me about the bill. As I turn back and recall men whom I have known within the last ten years to occupy these positions in places of importance, I think of men who cannot be hired if they are to receive only $3,650—I believe that is it; ten dollars a day and necessary expenses. If necessary expenses mean expenses aside from personal expenses and family expenses (that is, those expenses only which they incur by reason of their travel and of their official service) it leaves them for their own maintenance and their own compensation $3,650 a year. That will not, I am sure, obtain the services of such men as I can remember. I do not refer at this moment to those who are in the service now, for I do not know so well who they may be; but going back a few years, I am sure I can remember men who I believe were honest, and who I think rendered efficient service, such as the Senator from Maine has spoken of, who would never bargain their time in such service as this for that compensation. Therefore, it seems to me if the service is to go on at all the provision should enable the Secretary, without proclaiming to the world whom he selects, to select his own agents; and then I am strongly inclined to think that in order to render the service efficient there ought to be discretionary power with him, or lodged somewhere else, which will enable him to pay, at least to exceptional men, more compensation than that established by these grades.

Mr. MORTON. I know something about the character of the service performed by these special agents. It is essentially confidential in its character, at least to a very great extent. It seems to me it would be entirely improper to require nominations to be sent to the Senate for these appointments and have them confirmed in the usual way by the Senate. These appoidtments are often temporary; they depend upon the exigencies of the service. The Secretary may want twenty next week for a short time, then to be discharged. I think he should not be limited in the number. If the service required him to appoint seventy-five instead of fifty-three he ought to have the power to do it. The service is of that particular character that he should not be limited in the number. Entertaining these views, I think it my duty to object to the present consideration of the bill.

The VICE PRESIDENT. The Senator from Indiana objects, and the bill will be passed over.

ABANDONED PROPERTY.

The next business on the Calendar was the joint resolution (H. R. No. 173) to enable the Secretary of the Treasury to collect wrecked and abandoned property, derelict claims, and dues belonging to the United States.

Mr. EDMUNDS. That had better go over.

The VICE PRESIDENT. It will be passed over.

SOULE AND COMPANY.

The next bill on the Calendar was the bill (H. R. No. 891) for the relief of Charles E. Dole; which was considered as in Committee of the Whole. By its terms the Secretary of the Treasury is authorized to ascertain, in such manner as may be satisfactory to him, the facts connected with the importation of certain pork, flour, fish, and other supplies, valued at $1,530 40, in 1868, by Soule & Co. at Moose river, in the collection district of Bath, in the State of Maine, and if he shall be satisfied that these articles are as alleged of the produce, growth, or manufacture of the United States, in the same condition as when exported therefrom, the Secretary is authorized to remit or refund the duties accruing on the importation of the same.

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

Mr. MORRILL, of Vermont. An amendment to the title was the only amendment made by the Committee on Finance. After a full examination the bill was found to be correct, but by a singular inadvertence the name of the party was wrongly inserted. This was the firm of "Soule & Co." Charles E. Dole was "company," and the bill was entitled "For the relief of Charles E. Dole," whereas it should have been "For the relief of Soule & Co."

The VICE PRESIDENT. The title will be so amended.

NATIONAL JUNCTION RAILWAY.

The next bill on the Calendar was the bill (H. R. No. 572) to amend an act incorporating the National Junction Railway Company.

Mr. SCOTT. I desire that that bill should go over for the present.

The VICE PRESIDENT. The bill will be passed over.

NATIONAL ACADEMY OF LETTERS AND ARTS.

The next bill on the Calendar was the bill (S. No. 854) to incorporate the National Academy of Letters and Arts.

Mr. HAMLIN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

OMAHA AND NORTHWESTERN RAILROAD.

Mr. THAYER. I ask the Senate now to consider Senate bill No. 393, which was before laid over informally.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 393) to aid in the construction of the Omaha and Northwestern railroad and telegraph line, from Omaha, via the mouth of Niobrara, river to Fort Berthold, Dakota Territory.

The Committee on Public Lands reported the bill with amendments.

The first amendment of the committee was in section two, line six, to strike out the word "timber."

The amendment was agreed to.

The next amendment was to add to the end of section two "not exceeding forty acres at any one place."

The amendment was agreed to.

The next amendment was in section five, line eight, to strike out "1885" and insert "1880," as the time required for the completion of the road.

The amendment was agreed to.

The next amendment was in section seven, line four, to strike out the word "Territories" and insert "of the United States;" so as to read:

That the said Omaha and Northwestern Railroad Company shall be governed by the provisions of the general railroad and telegraph laws of the respective States, and of the United States, through which said railroad and telegraph lines shall pass.

The amendment was agreed to.

The next amendment was in section eight, line two, after the word "act," to strike out the words——

But where the same shall contain timber, so much of the timber thereon as shall be required to construct said road is hereby granted to said company.

So that the section will read:

That all mineral lands shall be excepted from the operations of this act: *Provided*, That the term "mineral lands" shall not include lands containing coal and iron.

The amendment was agreed to.

Mr. WILSON. I move to add as an additional section to the bill the following:

SEC. —. *And be it further enacted*, That the lands granted by this act, excepting only such as are necessary for the company to reserve for depots, stations, side-tracks, wood-yards, standing-ground, and other needful uses in operating the road, and timber and mineral land, shall be sold to actual settlers only, and in quantities not more than one hundred and sixty acres to any one person, at such prices as will secure to said company, its successors or assigns as aforesaid, an average price of not more than $2 50 per acre for the land actually certified by the Secretary of the Interior to said company for each completed section of ten miles of said railroad or branch thereof; and to insure an enforcement of this section it shall be the duty of the company receiving the certificates from the Secretary of the Interior as aforesaid, for the lands granted in aid of the construction of the first section of ten miles of said railroad and branch, without delay to fix a price on each one hundred and sixty acre tract described in said certificates, in such manner and at such rates that the average price of the whole amount certified shall not exceed $2 50 per acre, and report the same to the Secretary of the Interior, exposing a copy of such report to the public in the office of the secretary of such company and in the district land office; and any person actually settling upon said land, or any Government subdivision thereof not greater than a quarter section, shall have the right to purchase, at the price so fixed, any unsold and unclaimed parcel of said land upon payment of said price to the officer appointed to receive the money by said company; and on payment therefor it shall be the duty of the officer of such company to make out triplicate certificates of the sale, under the seal of the company, send one to the Secretary of the Interior, and deliver one to the purchaser, and retain the other for the use of the company; and it shall be the duty of the Secretary of the Interior to issue to such purchaser a patent for the land described in his certificate, as in cases of land sold by the United States. And the same form of proceeding shall be observed with respect to the lands certified by the Secretary of the Interior on each succeeding completed section of ten miles of the main line of said railroad and the branch thereof: *Provided*, That no certificate of lands to such company on any completed section after the first shall be made by the Secretary of the Interior until he shall have received a report as aforesaid of the price fixed on the land certified for the next preceding completed section of said railroad or branch thereof: *And provided further*, That if any of the lands granted as aforesaid, and lying and being situated conterminous with any completed section of ten miles of said road or branches, shall remain unsold and not paid for according to the provisions of this act for one year after the completion of said section, the certificates heretofore issued may be returned to the Secretary of the Interior, whereupon patents to said lands shall be issued to the company. And the Secretary of the Interior shall prescribe all necessary rules and regulations to carry into effect this act.

Mr. STEWART. I hope that will not be adopted.

Mr. POMEROY. This is an amendment which has been attached to some bills. This bill and the Arkansas bill it was not attached to, because in the Arkansas case the lands had been in market a good many years, and under the graduation act they had been offered at a greatly reduced price from $1 25 an acre; and so we thought to now make them average $2 50 might be, if not impossible, injurious to the company. It was not put on to this bill because this road from Omaha northwest to a connection with the Northern Pacific railroad is through a sandy, hilly country west of Omaha where the lands are very light and very poor; and the committee thought, at least I thought, that to put an arbitrary price or any price that would look like $2 50 an acre would be putting a price that would be an injury to the company and to the settlers both. So far as the route follows the valleys, if these lands had not been taken by settlers the amendment would be a very good one; but the valleys have been taken, and the grant is confined now to those bluffs and hills which are not worth the money.

Mr. STEWART. Does this amendment require that lands shall be sold to actual settlers?

Mr. POMEROY. Yes.

Mr. STEWART. How can you have actual settlers on that land till after the railroad is built?

Mr. POMEROY. It requires that they shall be sold to actual settlers at an average of $2 50 an acre.

Mr. HOWE. This subject has been under discussion several times in the Senate. I have not said a word about it, and I am only going to say one or two words now; and the first is that I am opposed to this amendment because it is not honest; it is not a fair proposition. There is not a man living of good sound judgment who, if he owned the public domain, would not be very glad to give one half of any tract of it, twenty miles in width, to have a railroad built through it. These lands now cannot be sold at $1 25 an acre. Whoever builds the road adds value to the whole, that which the Government retains and that which it grants to the company. What it adds to the value of one half of the land certainly the railroad ought to have. The fair thing would be, the honest thing would be, between the Government and the company, to let them have the excess of all the lands over ten shillings an acre. That the Government never has done and never will do; but when they undertake to improve, by the construction of a highway, the value of all the lands, can you do less than to give them the increased value of one half? If it be said that this enables great corporations and large capitalists to keep the public lands out of market I have only to say to those who fear that that they do not understand the ingenuity of frontier settlers. The capitalist that can hold public lands within one of these municipalities a great while and pay taxes must be a heavier man than we have been in the habit of having invest in these lands.

Mr. THAYER. I hope we shall take a vote and that the amendment will not be adopted.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts.

The amendment was rejected.

Mr. SAULSBURY. I offer the following amendment as a new section:

And be it further enacted, That two hundred thousand acres of the public lands are hereby granted to the Junction and Breakwater Railroad Company, in the State of Delaware, to aid said company in the construction of a pier at Lewes, Sussex county, Delaware; said land to be located under the direction of the Secretary of the Interior.

I wish to appeal to the generosity of our western friends, and also to appeal to the members from the Atlantic States, to aid in the passage of this amendment. You are giving away the public lands to the western States, against which States I have no prejudice, and to corporations in the western States, by hundreds of thousands and millions of acres. You have given away to one company as much land nearly as there was in the original States, more land than there is in the New England States, New York, Ohio, and Indiana; and you have given to another company more land than it would take to make an empire as large as that of France. Since you have commenced this work of giving away the public lands, I ask you, what have the old States, the States on the Atlantic border, received? Not one acre. Now, I appeal to my eastern friends to aid me in the passage of this amendment, and I appeal to the generosity of western members to aid in its passage. Are you not willing to give to the whole Atlantic border two hundred thousand acres, the smallest quantity asked for in this bill?

I am not opposing the bill of my friend from Nebraska, but I wish to improve his bill. I wish to know the reason why gentlemen here from the Atlantic States are not asking for some of this public domain, and I want to know what these States have done that in the distribution of this vast domain they cannot be allowed one single acre.

Sir, I am glad to see the development of the West and the improvement of the West; but certainly in this land secured by the common treasure of the country we have some interest, and I ask the Senate to aid me in the passage of my amendment.

We have a railroad now running to the town of Lewes. We need a pier; it is near your breakwater. We are unable to build that pier. The country is interested to the extent of hundreds of millions of dollars in the navigation of the Delaware river and bay. All your shipping that goes out of the port of Philadelphia and all that goes into the port of Philadelphia, and all your shipping that goes to New York, in stress of weather has to put into that breakwater; and I have known the time when vessels and ships have been wrecked on that coast that could have been saved if we had had a pier of sufficient dimensions to enable persons to go out far enough to aid in the saving of property and life.

My friend from Nebraska is very anxious that I should say no more, and I will yield to him; but I shall expect his vote for my amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Delaware.

Mr. NYE. I wish to inquire of the Chair whether it is proper to add an amendment to the amendment?

The VICE PRESIDENT. An amendment to the amendment is in order.

Mr. NYE. Then I move to amend by inserting "lying within the boundaries of the State of Delaware."

Mr. SAULSBURY. I must make a remark upon that amendment. Because Delaware has no public lands, because Virginia has no public lands, because New York has no public lands, because Maine has no public lands, Massachusetts no public lands, Maryland no public lands lying within their borders, but have a common interest in public lands lying within the Territories and, if you please, in the State of Nevada, is the State of Delaware and are the other States I have mentioned to be deprived of their rights?

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada to the amendment of the Senator from Delaware.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Delaware.

Mr. DRAKE. I would inquire whether it has ever been the case that the United States of America have granted lands in aid of a railroad company for a road only a mile and a half long; for I guess that is about the full length of this road in the State of Delaware?

Mr. BAYARD. It would be very well, perhaps, for the Senator from Missouri to get a little more information before he undertakes to speak of subjects like this; and I might say that the remark would not be confined to the present instance. The matter of the Delaware breakwater is one which the merchants of New York have more interest in than the people of the State of Delaware. If there is a work of public importance, one which is not confined by a matter of State lines, it is that which is a shelter for the whole shipping of the United States.

Mr. DRAKE. I certainly did not suppose that I should disturb the equanimity of either Senator from Delaware by the jocose remark that I made. Since he takes it so earnestly I beg to take it all back, and to admit that that railroad is probably a little more than a mile and a half long. [Laughter.]

The VICE PRESIDENT. The question is on the amendment of the Senator from Delaware, [Mr. SAULSBURY.]

The amendment was rejected; there being, on a division—ayes 20, noes 28.

Mr. HARLAN. I move to amend the bill in section one, line thirteen, by striking out the words "their said junction with the said Northern Pacific railroad" and inserting "the northern boundary of the State of Nebraska." As the bill now reads the grant is for a road extending from Omaha in a northwestern direction to the northern boundary of the State, and thence through what is now a reservation made for the Sioux Indians. I think it would be well not to extend the grant into that territory at the present time.

Mr. RAMSEY. The Land Office always put that construction on these grants.

Mr. EDMUNDS. It is better to have it in the law.

Mr. THAYER. Would not the object be accomplished by striking out the words "to their said junction with the said Northern Pacific railroad," without inserting any other words?

Mr. HARLAN. I think the amendment I have proposed will effect the precise object I have in view; that is, to make a grant to the northern border of the State and no further.

Mr. THAYER. I do not object to that, although there is really no reservation north of the State; none has been confirmed.

Mr. HARLAN. There has been one made in pursuance of law, and there are some fifteen or twenty thousand Indians now residing on it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. HARLAN. I move to amend further by adding the following proviso to section two:

Provided, That said road shall not be located within any Indian reservation, except with the approval of the President of the United States, and on such terms and conditions as he may prescribe, which shall not be inconsistent with the laws regulating trade and intercourse with the Indian tribes.

There is, I will observe, an Indian reservation within the State of Nebraska, at the mouth of the Niobrara river, and it may be desirable that this company should tap the north line of the State at the mouth of the river, and if so, it may enter this reservation. I desire that the President may have power to exclude it from the reservation, or if he permits it to enter that the road shall go in with the limitations prescribed by him.

Mr. POMEROY. There can be no objection to that.

Mr. THAYER. I do not object to the amendment.

The amendment was agreed to.

Mr. THAYER. I move to amend the first section, in the ninth line, by striking out the words "at or near Fort Berthold;" so as to read, "and effect a junction in the Territory of Dakota with the Northern Pacific railroad."

Mr. POMEROY. That is to make it in harmony with the other amendment.

Mr. THAYER. Yes, sir.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. THAYER, the title was amended so as to read: "A bill to aid in the construction of the Omaha and Northwestern railroad and telegraph line from Omaha, via the mouth of the Niobrara river, to a point of junction with the Northern Pacific railroad in the Territory of Dakota."

ABANDONED PROPERTY.

Mr. EDMUNDS. I objected a few moments ago to the consideration of House joint resolution No. 173, respecting the collection of wrecked and abandoned property. I have looked at it with the Senator from Ohio, [Mr. SHERMAN,] who has suggested sundry amendments of phraseology, which, while the resolution still accomplishes his purpose, makes it satisfactory to me. I therefore withdraw the objection I made in order that it may be considered.

Mr. SHERMAN. Let it be read as I propose to amend it. This is a bill by which nobody can be benefited except the United States.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 173) to enable the Secretary of the Treasury to collect wrecked and abandoned property, derelict claims, and dues belonging to the United States.

Mr. SHERMAN. I send my amendment to the desk.

The SECRETARY. It is proposed to amend the resolution by striking out all after the resolving clause and inserting:

That the Secretary of the Treasury is hereby authorized to make such contracts and provisions as he may deem most advantageous for the interests of the Government, for the preservation, sale, or collection of any property or the proceeds thereof which may have been wrecked, abandoned, or become derelict, being within the jurisdiction of the United States, or which ought to come to the United States, and which are now withheld or retained by any person, corporation, or municipality whatever, and which ought to have come into the possession or custody of or been collected or received by the United States; and in such contracts to allow such compensation to any person giving information thereof, or who shall actually preserve, collect, surrender, or pay over the same, as the Secretary of the Treasury may deem just and reasonable: *Provided*, That no cost or claim, of whatever name or nature, shall become chargeable to the United States in so obtaining, preserving, collecting, receiving, or making available property, debts, or interests which shall not be paid from such moneys as shall be realized and received from the money so collected, under each specific agreement.

Mr. TRUMBULL. I would inquire of the Senator from Ohio if he purposes to strike out the ninth and tenth lines, which authorize the collection of moneys and dues?

Mr. SHERMAN. The Senator from Vermont [Mr. EDMUNDS] seemed to think that clause went too far. I do not think so myself. He thought it might extend beyond the immediate purpose of this resolution, which is to reclaim property growing out of the war. I think it stood better as the House sent it to us; but it is important to pass it in some form, and I consent to the amendment rather than have delay about it.

Mr. TRUMBULL. The attention of the Judiciary Committee has been called to an amendment which was proposed to make on one of the appropriation bills authorizing the payment of not exceeding two per cent. to the United States attorneys throughout the United States to prosecute bonds and other claims in favor of the Government, to be paid out of the amounts they collected.

Mr. EDMUNDS. That is a different question.

Mr. TRUMBULL. No; this covers "any moneys, dues, or other interests belonging to the United States which are now withheld or retained by any person." This bill would cover that class of cases where a bond has been forfeited. The district attorneys, I understand, are in the habit of obtaining a judgment against the securities, and there they leave it. They do not consider it any part of their business to look after property, to see that executions are issued and money collected upon them; and the consequence is that the Government very seldom collects anything upon these forfeited obligations. It was represented that it would be better to give some inducement to the district attorneys to prosecute that class of cases. Although this bill speaks of wrecked and abandoned property, it will be seen that in its general language it embraces any case where there are dues to the Government of the United States which are withheld by any person.

Mr. SHERMAN. This is a House bill sent to us to accomplish a particular purpose, and I should dislike very much to have it embarrassed with the question of the authority of the Secretary of the Treasury to employ attorneys to collect old judgments.

Mr. TRUMBULL. It is all in this bill, unless the Senator proposes to strike out the words to which I have called attention.

Mr. SHERMAN. Those words are stricken out, and this amendment simply provides for the collection of the proceeds of property wrecked and abandoned.

Mr. WARNER. I hope the Senator from Ohio will withdraw his amendment. I think the occasion of this bill is the fact that it is generally understood that there is throughout the lately rebellious States a good deal of property, once the property of the confederate States, which ought to come to the United States.

Mr. SHERMAN. I will say to the Senator from Alabama that my amendment covers all kinds of property, but it does not include a claim against a private citizen, for instance, not growing out of the war. It covers all kinds of property or proceeds of property that have become derelict.

Mr. EDMUNDS. It includes everything except claims of the United States against its own officers. The language of the joint resolution as originally presented, without the amendment, would cover all balances in the hands of all the officers of the United States. It cannot be the proper policy of the law to commit to the Secretary of the Treasury, or to anybody else, the power to compound and sell out our rights against our own officers without the consent of Congress in each specific case; whereas the object which my friend from Alabama and my friend from Ohio have in view is a perfectly proper one, and the amendment as it now stands will cover that completely.

Mr. WARNER. I do not know where this bill originated; but the attention of the

Finance Committee was called to it, and I saw at once what it was intended to meet. I think if the power given in this bill is wisely used, as I have no doubt it will be by the Secretary of the Treasury, the Government may be largely the gainer thereby. There is a good deal of property in the southern States which at one time or other belonged to the confederate States which has since passed into the hands of other parties claiming it. The Government officers have not held it to be their duty to hunt up, ferret out, and bring into the possession of the United States this property; and it is alleged that other parties may, by giving them some interest, some compensation, do this; and if the amendment does not affect that I have no objection to it.

Mr. EDMUNDS. The amendment covers all that perfectly.

Mr. HAMILTON, of Maryland. The word "abandoned" is a very sweeping word, in my opinion. I object to the present consideration of the bill.

Mr. SHERMAN. The word "abandoned" is limited by the subsequent words, which define it to mean property that ought to belong to the United States. The question must first be determined by the courts. It is only property which is abandoned and under the law belongs to the United States. Certainly abandoned property may belong to the States, and this does not cover that case; it only covers cases where the title is in the United States.

Mr. HAMILTON, of Maryland. Will this cover tax sales made by the United States of property in the southern States?

Mr. SHERMAN. No, sir; only derelict and abandoned property—property that belonged to the confederate government.

Mr. WARNER. I suggest to the Senator from Ohio whether the word "or" in the eighth line ought not to be changed to "and," so as to cover the point raised by the Senator from Maryland.

Mr. EDMUNDS. That part of the measure is stricken out entirely in the amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. FOWLER. I should like to hear the amendment read.

The Secretary read the amendment.

Mr. FOWLER. I object to the consideration of that resolution now.

The VICE PRESIDENT. The Senator from Tennessee objects, and the joint resolution will be passed over.

TREASURY SPECIAL AGENTS.

Mr. PATTERSON. The Senator from Indiana [Mr. MORTON] authorizes me to say that he withdraws his objection to House bill No. 902. It has been read, and I ask that it be considered further.

By unanimous consent, the consideration of the bill (H. R. No. 902) limiting the appointment of certain officers in the Treasury Department was resumed as in Committee of the Whole.

Mr. PATTERSON. I move to amend in the fifth line of the first section by striking out the words "at any one time; "so as to read:

That the Secretary of the Treasury shall be, and is hereby, authorized to appoint special agents, not exceeding fifty-three in number, for the purpose of making the examinations of the books, papers, and accounts of collectors, &c.

Mr. EDMUNDS. What is the effect of that amendment?

Mr. PATTERSON. As the bill now stands it might be interpreted in this way: that he shall have the privilege of appointing fifty-three at one time, and perhaps at another time fifty-three more; so that it would not limit the number. This will limit the number in service at any one time to fifty-three.

Mr. FOWLER. I should like to know what this service costs the Government at the present time.

Mr. PATTERSON. On the 4th of March, 1869, the compensation per day of the seventy-nine agents of the Treasury amounted to $447, and the expenses of these agents ran up to $160 per day, making over six hundred dollars a day in all. Under the present bill the daily compensation of the agents will be $342, and adding $150 for expenses will make $492 in all.

Mr. FOWLER. Heretofore it has cost the Government $600 a day.

Mr. PATTERSON. Yes, sir.

Mr. FOWLER. Last year?

Mr. PATTERSON. Yes, sir.

Mr. FOWLER. This year how much?

Mr. PATTERSON. Four hundred and ninety-two dollars.

Mr. SHERMAN. This bill saves $100 a day.

Mr. FOWLER. I believe the committee has endeavored to do its duty in regard to cutting down this enormous expense. Indeed it is perfectly frightful to think of expending $600 a day for such creatures as these must be. I have understood that some of them are honest and honorable men. I do not know exactly what kind of a man would undertake such a business as this, perhaps that kind of man could be induced to do it, but to pay $600 a day out of the Treasury of the United States for such service as this is to me monstrous. I think if the committee would entertain this bill a little longer they could cut it down to $200 a day certainly. I am certain that the service of the Government would be a great deal better if it were reduced to that.

I do not intend to object to the bill, but still I do not think the committee have brought it anything like to the point to which they should bring it. Instead of reducing the number to fifty-three, I understand the bill is to be so amended as to enable the Secretary of the Treasury to increase it beyond fifty-three. I should certainly object to the consideration of the bill at that point. Fifty-three, to my mind, are certainly adequate. There is one thing I wish to know of the committee, and that is whether these fifty-three officers are to receive a certain portion of the goods that are discovered by them and reported by them to the courts. Are they to receive a moiety?

Mr. PATTERSON. There is no provision in this bill for their receiving it.

Mr. FOWLER. But they will receive it.

Mr. PATTERSON. There is nothing in this bill on that subject. It leaves that matter precisely as it stands now. This bill only cuts down the number of special agents.

Mr. COLE. I think they do now receive some compensation in that form, moieties or something like it.

Mr. FOWLER. In addition to this enormous amount of money paid out to these men, my understanding is and always has been that they receive a certain moiety from all the illegal transactions they discover and report to the courts; at any rate, for all the convictions that are had. Here is another evil of the system. I think the bill ought to provide against that. It ought to provide for paying these officers a sufficient salary to enable them to discharge their duties properly and serve the Government as they ought to serve it, and then deprive them of the opportunity of abstracting a much larger sum from the Treasury of the United States through this moiety system.

Mr. PATTERSON. I suggest that that is not an objection to this bill. It may be an objection to some other law, but not to the bill that is now before the Senate.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Hampshire.

Mr. TRUMBULL. Let it be reported.

The VICE PRESIDENT. It will be reported by the Secretary. The Secretary would like the Senator from New Hampshire to repeat it, and state the precise point where he wishes the amendment made.

Mr. PATTERSON. My amendment is to strike out in the fifth line after the word "number" the words "at any one time."

The VICE PRESIDENT. The Secretary will now report that part of the bill as it will read if amended as proposed.

The Secretary read as follows:

That the Secretary of the Treasury shall be, and is hereby, authorized to appoint special agents, not exceeding fifty-three in number, for the purpose of making the examinations of the books, papers, &c.

The VICE PRESIDENT. The Senator from New Hampshire moves to amend by striking out the words "at any one time."

The amendment was agreed to.

Mr. PATTERSON. I move to amend further by inserting at the end of the second section the words "or any other expenses except such as are actually incurred in the discharge of their official duties;" so that the proviso will read:

Provided, That no sum shall be paid to any such agents for mileage, or any other expenses except such as are actually incurred in the discharge of their official duties.

The amendment was agreed to.

Mr. EDMUNDS. The purpose which this bill has in view is a very good one indeed. The construction of it now is probably what I propose, but to make it sure I move to amend the bill in section three, line one, after the word "that," by inserting the words "the present number of special agents shall be reduced to fifty-three, and;" so that the section will read:

SEC. 3. *And be it further enacted*, That the present number of special agents shall be reduced to fifty-three, and no special agent in addition to the number authorized by this act shall be hereafter appointed or employed upon any business relating to the customs revenue.

The amendment was agreed to.

Mr. CONKLING. Before the bill is reported to the Senate I wish to hear read the provision touching compensation as it stands now.

Mr. McCREERY. I move that the Senate adjourn.

Mr. PATTERSON. Let us finish this bill. It will take but a few moments.

Mr. RAMSEY. I hope the Senator from Kentucky will change his motion to a motion to go into executive session.

The VICE PRESIDENT. Does the Senator from Kentucky insist on his motion or yield?

Mr. McCREERY. I yield to the Senator from New Hampshire.

The VICE PRESIDENT. The Senator from New York asks that the portion of the bill in regard to compensation be read. The Secretary will read it.

The Secretary read the second section of the bill, as amended, as follows:

SEC. 2. *And be it further enacted*, That said special agents shall be divided into three classes. The first class shall consist of nineteen agents, two of whom shall each receive, in addition to the expenses necessarily and actually incurred by him, a compensation of ten dollars per day, and seventeen of whom shall each receive, in addition to expenses necessarily and actually incurred by him, a compensation of eight dollars per day. The second class shall consist of sixteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of six dollars per day. The third class shall consist of eighteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of five dollars per day. And the Secretary of the Treasury is hereby authorized to make such rules and regulations, not inconsistent with law, for the government of said special agents as he may deem expedient and necessary: *Provided*, That no sum shall be paid to any such agents for mileage or any other expenses except such as are actually incurred in the discharge of their official duties.

Mr. CRAGIN. I do not rise to oppose this bill. I am in favor of the general provisions of the bill; but it strikes me the compensation is rather high, especially that indefinite part of it, "expenses." It so happened that some seven or eight years ago I acted as special agent of the Treasury Department for two years, at a compensation of five dollars a day and five cents a mile for travel. If the pay was limited to a certain amount for travel there could be no mistake about it, and no indefiniteness; but when you say "expenses" there is an indefinite quantity.

Mr. PATTERSON. Let me say to my colleague that the proviso strikes out all the expenses for mileage, and provides that they shall receive compensation for no other expenses except such as are actually incurred in the discharge of their official duties.

Mr. CRAGIN. But the actual expenses are not limited. I only make the suggestion.

Mr. CONKLING. I do not wish, either, to oppose this bill. On the contrary, if I can be satisfied that it is an improvement. I wish to be active in its support. But I should like to know at this point, from the Senator having it in charge, if he can give me the information, or from any other Senator, whether the Secretary of the Treasury deems this provision now grading the officers and limiting their pay a suitable one, or an adequate one, to enable him to do what the bill intends? I have not heard that stated at all.

Mr. PATTERSON. I will reply to the gentleman now if he wishes it. I will state that I went with another member of the committee to the Secretary of the Treasury and presented this bill to him, and it met with his entire approbation.

Mr. CONKLING. So that the Senator is able to assure us that the Secretary thinks that being permitted to pay only two men ten dollars a day and everybody else less than that he can obtain the services which are intended here, and which will be equal to those he has heretofore employed?

Mr. PATTERSON. Yes, sir.

Mr. CONKLING. Now, Mr. President, I have this observation to make upon that: the best men who will be employed will not be those who will avail themselves of the opportunity presented by the Senator from New Hampshire, [Mr. CRAGIN.] They will not be the men who will multiply expenses and who by indirection and devious expedients will possess themselves of any more than their salary. On the contrary, they will be those confining themselves honestly to the *per diem* here provided, ten dollars a day, and that is to extend to only two. While I will not set up my assertion against that of the Senator from New Hampshire, [Mr. PATTERSON,] or against any acquiescence which he thinks the Secretary of the Treasury has expressed, I venture to put on record the doubt at least which I entertain about the Secretary's being able, in the case of these two men even, to obtain such services as are here requisite.

Mr. EDMUNDS. What is the present pay?

Mr. CONKLING. The present pay, I believe, is somewhat unregulated and undefined. I am told by Senators that in certain cases it extends to $5,000 a year. I have not any exact knowledge of my own on that subject which authorizes me to undertake to instruct the Senator, but so I am told.

Mr. EDMUNDS. I always understood that the highest rate was six dollars a day and expenses.

Mr. CONKLING. But now, Mr. President, this is the proposition: that of fifty-three men two, and only two, may receive ten dollars a day. If they are to be scheming men; if they are to be unconscientious men; if they are to help themselves under the pretense of "expenses," as suggested by the Senator from New Hampshire, [Mr. CRAGIN,] to more than their pay, then I grant you may command that grade of talent and efficiency adequate for these places. If, on the contrary, they are to be honest men, circumspect and careful men, in denying to themselves everything except that which the law intends they shall receive, then it is untrue, it is economically untrue, that for these two chief places you can find men for ten dollars a day, because their time and their services anywhere else are worth a great deal more.

Now, passing over those two men, let us come to the remaining fifty-one. They are to receive, if I understand it, eight dollars a day and five dollars a day. I have no doubt that as to the majority of them, if only the required capacity and talent are sought after, the pay will be sufficient—as to the majority I say; but I doubt very much the ability of the Secretary of the Treasury or anybody else to find men adequate to the service in these chiefer places for such compensation as is here allowed. But, as I say, I do not mean upon my own motion and upon the very slight knowledge I have to interpose an objection to the bill. I doubt very much, however, whether it is to be systematically and thoroughly a cure for the evils which are complained of.

The bill was reported to the Senate as amended, and the amendments were concurred in. The amendments were ordered to be engrossed, and the bill to be read a third time. The bill was read the third time, and passed.

Mr. EDMUNDS. I move that the Senate do now adjourn.

Mr. DRAKE. Let us have a brief executive session.

Mr. EDMUNDS. No; it is nearly five o'clock. I insist on the motion.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 3, 1870.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Clerk proceeded to read the Journal of yesterday.

On motion of Mr. RANDALL, by unanimous consent, the further reading of the Journal was dispensed with.

GEORGIA.

Mr. PAINE, by unanimous consent, introduced a bill (H. R. No. 1951) to admit the State of Georgia to representation in the Congress of the United States; which was read a first and second time, referred, together with an amendment offered by Mr. BEAMAN, to the select Committee on Reconstruction, and ordered to be printed.

KANSAS WAR CLAIMS.

Mr. ASPER, by unanimous consent, from the Committee on Military Affairs, reported back the bill (H. R. No. 112) to authorize the settlement of the claims of the State of Kansas for services of the troops called out by the Governor of that State, upon the requisition of Major General Curtis, to repel the invasion of General Price, with the recommendation that it do pass; which, with the accompanying report, was ordered to be printed, and recommitted.

ARMY AND NAVY OFFICERS.

Mr. ARCHER, by unanimous consent, introduced a bill (H. R. No. 1952) to equalize the compensation of the officers of the Navy and Army of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ADJOURNMENT SINE DIE.

Mr. STILES. I rise to a privileged question and submit the following resolution, on which I demand the previous question:

Resolved, (the Senate concurring.) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* on Monday, the 4th of July next, at meridian.

The House divided; and there were—ayes 54, noes 34; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. STILES and Mr. KELSEY.

The House again divided; and the tellers reported—ayes 76, noes 40.

So the previous question was seconded.

The main question was ordered to be now put.

Mr. SCHENCK demanded the yeas and nays on the adoption of the resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 82, nays 65, not voting 80; as follows:

YEAS—Messrs. Ambler, Archer, Armstrong, Beaman, Benjamin, Bennett, Biggs, Bird, Burdett, Roderick R. Butler, Calkin, William T. Clark, Cleveland, Clinton L. Cobb, Coburn, Conger, Conner, Cowles, Cox, Dickinson, Dox, Duval, Ferry, Finkelnburg, Fisher, Garfield, Getz, Gibson, Gilfillan, Hale, Hambleton, Harris, Hawley, Hays, Heflin, Hoge, Holman, Hotchkiss, Thomas L. Jones, Judd, Lynch, McCormick, McCrary, McKee, McKenzie, McNeely, Mercur, William Moore, Morgan, Samuel P. Morrill, Morrissey, Niblack, Pomeroy, Randall, Rogers, Roots, Scofield, Shanks, Lionel A. Sheldon, Porter Sheldon, Slocum, Joseph S. Smith, Starkweather, Stiles, Stone, Stoughton, Strader, Strickland, Strong, Swann, Sweeney, Trimble, Upson, Van Auken, Van Trump, Voorhees, Ward, Wells, Whitmore, John T. Wilson, Winans, and Winchester—82.

NAYS—Messrs. Allison, Ames, Arnell, Asper, Beck, Benton, Bingham, Blair, Booker, Buck, Buffington, Cake, Cessna, Churchill, Covode, Farnsworth, Ferriss, Fitch, Hamilton, Hoar, Hooper, Ingersoll, Jenckes, Kelley, Kelsey, Ketcham, Knapp, Laflin, Lawrence, Maynard, McCarthy, McGrew, Jesse H. Moore, Morphis, Daniel J. Morrell, Myers, Negley, O'Neill, Packard, Paine, Peck, Perce, Phelps, Porter, Prosser, Rice, Sargent, Sawyer, Schenck, John A. Smith, William J. Smith, Worthington C. Smith, William Smyth, Stevenson, Stokes, Tanner, Taylor, Tillman, Townsend, Tyner, Van Wyck, Cadwalader C. Washburn, Willard, Williams, and Eugene M. Wilson—65.

NOT VOTING—Messrs. Adams, Atwood, Axtell, Ayer, Bailey, Banks, Barnum, Barry, Beatty, Boles, Bowen, Boyd, George M. Brooks, James Brooks, Buckley, Burchard, Burr, Benjamin F. Butler, Sidney Clarke, Amasa Cobb, Cook, Crebs, Cullom, Davis, Dawes, Degener, Dickey, Dixon, Dockery, Donley, Dyer, Ela, Eldridge, Fox, Griswold, Haight, Haldeman, Hamill, Hawkins, Hay, Heaton, Hill, Johnson, Alexander H. Jones, Julian, Kellogg, Kerr, Knott, Lash, Logan, Loughridge, Marshall, Mayham, Milnes, Eliakim H. Moore, Mungen, Orth, Packer, Palmer, Peters, Platt, Poland, Potter, Reeves, Ridgway, Sanford, Schumaker, Sherrod, Shober, Stevens, Taffe, Twichell, Van Horn, William B. Washburn, Welker, Wheeler, Wilkinson, Witcher, Wood, and Woodward—80.

So the resolution was adopted.

During the vote,

Mr. ASPER stated that his colleague [Mr. BOYD] was absent on leave.

Mr. BENTON stated that his colleague, [Mr. STEVENS,] who was absent on leave, he had no doubt if present would vote in the negative.

The vote was then announced as above recorded.

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

The latter motion was agreed to.

PENSACOLA NAVY-YARD.

Mr. HAYS. I ask unanimous consent to submit the following resolution:

Resolved, That the Secretary of the Navy be directed to communicate to the House of Representatives such information as he may possess as to the necessity of repairing officers' quarters at the Pensacola navy-yard, and also to state what appropriations are necessary for that purpose, and also for other essentials of the naval service at the said Pensacola navy-yard.

Mr. KELSEY. I object, and demand the regular order of business.

CIVIL SERVICE.

The SPEAKER. The morning hour has begun, and reports are in order from the select Committee on the Reorganization of the Civil Service of the Government.

Mr. JENCKES, from the committee just named, reported back House bill No. 1854, to regulate the civil service of the United States, with a substitute.

The substitute was read. It provides, in the first section, that hereafter all appointments of civil officers in the several Departments of the service of the United States, except postmasters and such officers as are by law required to be appointed by the President, by and with the advice and consent of the Senate, shall be made from those persons who shall have been found best qualified for the performance of the duties of the offices to which such appointments are to be made, in open and competitive examinations, and after terms of probation, to be conducted and regulated as herein prescribed.

The second section provides that for the

purpose of carrying into effect the provisions of the preceding section the President of the United States may appoint in the executive department, by and with the advice and consent of the Senate, an officer, to be called the commissioner of the civil service, and two other officers to be called assistant commissioners of the civil service, who shall severally hold their offices for the term of five years, and who shall constitute the civil service commission, among whose duties shall be the following: first, to prescribe, subject to the approval of the President of the United States, the qualifications requisite for an appointment into each branch and grade of the civil service of the United States, having regard to the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; second, to provide, subject to the same approval, for the examinations and periods and conditions of probation of all persons eligible under this act who may present themselves for admission into the civil service; third, to establish, subject to the same approval, rules governing the applications of such persons, the times and places of their examinations, the subjects upon which such examinations shall be had, with other incidents thereof, and the mode of conducting the same, and the manner of keeping and preserving the records thereof, and of perpetuating the evidence of such applications, qualifications, examinations, probations, and their result, as they shall think expedient. Such rules shall be so framed as to keep the branches of the civil service and the different grades of each branch, as also the records applicable to each branch, distinct and separate. The said commission shall divide the country into territorial districts for the purpose of holding examinations of applicants resident therein and others, and shall designate some convenient and accessible place in each district where examinations shall be held; fourth, to examine personally, or by persons by them specially designated, the applicants for appointment into the civil service of the United States; fifth, to make report of all rules and regulations established by them, and of a summary of their proceedings, including an abstract of their examinations for the different branches of the service, annually, to Congress at the opening of each session.

The third section provides that all appointments to the civil service provided for in this act shall be made from those who have passed the required examinations and probations in the following order and manner: first, the applicants who stand highest in order of merit on the list of those who have passed the examination and probation for any particular branch and grade of the civil service shall have the preference in appointment to that branch and grade, and so on, in the order of precedence in examinations and merit during probation, to the minimum degree of merit, fixed by the board for such grade; second, whenever any vacancy shall occur in any grade of the civil service above the lowest in any branch, the senior in the next lower grade may be appointed to fill the same, or a new examination for that particular vacancy may be ordered under the direction of the Department of those in the next lower grade, and the person found best qualified shall be entitled to the appointment to fill such vacancy, provided that no person now in office shall be promoted or transferred from a lower to a higher grade unless he shall have passed at least one examination under this act; third, the right of seniority shall be determined by the rank of merit assigned by the commission upon the examinations, having regard also to the seniority in service; but it shall at all times be in the power of the heads of Departments to order new examinations, which shall be conducted by the commission, upon due notice, and according to fixed rules, and which shall determine seniority with regard to the persons ordered to be examined, or in the particular branch and grade of the service to which such examinations shall apply; fourth, said commission shall have power to establish rules for such special examinations, and also rules by which any persons exhibiting particular merit in any branch of the civil service may be advanced one or more points in their respective grades; one fourth of the promotions may be made on account of merit, irrespective of seniority in service, such merit to be ascertained by special examinations, or by advancement for meritorious services and special fitness for the particular branch of service, according to rules to be established as aforesaid.

The fourth section provides that said commission shall also have power to prescribe a fee, not exceeding five dollars, to be paid by each applicant for examination, and also a fee, not exceeding ten dollars, to be paid by each person who shall receive a certificate of recommendation for appointment or for promotion, or of seniority, which fees shall be first paid to the collector of internal revenue in the district where the applicant or officer resides or may be examined, to be accounted for and paid into the Treasury of the United States by such collector, and the certificates of payment of fees to collectors shall be forwarded quarterly by the commissioners to the Treasury Department.

The fifth section provides that said commission shall have power to prescribe, by general rules, subject to the approval of the President of the United States, what misconduct or inefficiency shall be sufficient for the removal or suspension of all officers who come within the provisions of this act, and also to establish rules for the manner of preferring charges for such misconduct or inefficiency, and for the trial of the accused, and for determining his position pending such trial. Each member of said commission shall have the power of administering oaths in all proceedings authorized by this act, and testimony may be given orally by witnesses in any hearing before said commission or any member thereof, or by deposition to be taken in the manner prescribed by law, or upon such notice or in such manner as said commission shall by general rule or special order direct.

The sixth section provides that the commissioner, or either of said assistant commissioners, may conduct or superintend any examinations, and they may call to their assistance in such examinations such men of learning and high character as they may think fit, or, in their discretion, such officers in the civil, military, or naval service of the United States as may be designated from time to time, on application of the commission, as assistants to said commission, by the President or heads of Departments, and in special cases, to be fixed by rules or by resolutions of the commission, they may delegate examinations to such persons, to be attended and presided over by the commissioner, or by either of his assistants, or by some person specially designated to preside.

The seventh section provides that the said commission may also, upon reasonable notice to the person accused, hear and determine any case of alleged misconduct or inefficiency, under the general rules herein provided for, and in such case shall report to the head of the proper Department their finding in the matter, and may recommend the suspension or dismissal from office of any person found guilty of such misconduct or inefficiency, and such person shall be forthwith suspended or dismissed by the head of such Department pursuant to such recommendation, and from the filing of such report shall receive no compensation for official service except from and after the expiration of any term of suspension recommended by such report.

The eighth section provides that the President shall have power at any time to revoke and cancel the commission of any officer appointed in pursuance of the provisions of this act; provided, however, that said revocation and cancellation shall not take effect if said officer demand a trial upon charges to be preferred against him in the manner prescribed in this act within thirty days from the time of being served with notice of such revocation and cancellation, unless he shall be found guilty upon his trial of the misconduct or inefficiency alleged against him in such charges. The discontinuance of an office shall discharge the person holding it from the service.

The ninth section provides that there shall be an inspection of all the officers subject to the provisions of this act at intervals of four years, and such inspection shall be conducted according to rules to be established by said commission and approved by the President; and upon such inspection all such officers shall be subject to reëxamination in the discretion of the commission, and such officers as may not be found to possess the qualifications required by the rules and regulations hereinbefore authorized to be established shall be recommended for dismissal, and be dismissed accordingly.

The tenth section provides that the salary of said commissioner shall be $6,000 a year, and of each of said assistants shall be $5,000 a year, and the said commission may employ a clerk at a salary of $2,500 a year, and a messenger at a salary of $900 a year; and these sums and the necessary traveling expenses of the commissioner and assistant commissioners, clerk, and messenger, to be accounted for in detail and verified by affidavit, shall be paid from any money in the Treasury not otherwise appropriated. The necessary expenses of any person employed by said commission as assistants, to be accounted for and verified in like manner, and certified by the commission, shall also be paid in like manner.

The eleventh section provides that any officer in the civil service of the United States at the date of the passage of this act, other than those excepted in the first section of this act, may be required by the head of the Department in which he serves to appear before said commission, and if found not qualified for the place he occupies he shall be reported for dismissal, and be dismissed in the manner hereinbefore provided, and the vacancy shall be filled in manner aforesaid from those who may be found qualified for such grade of office after such examination and probation as is hereinbefore prescribed.

The twelfth section provides that any person appointed and commissioned in pursuance of the provisions of this act may be required to serve in the branch and grade to which he may be appointed in any part of the United States where the head of the Department in which he serves may think proper; and in case of removal from one place of service to another, the necessary traveling expenses of such officer, to be ascertained and allowed according to fixed rules, shall be paid out of the Treasury.

The thirteenth section provides that the heads of the several Departments may, in their discretion, designate the offices in the several branches of the civil service the duties of which may be performed by females as well as males, and for all such offices females as well as males shall be eligible, and may make application therefor and be examined, recommended, appointed, tried, suspended, and dismissed in manner aforesaid; and the names of those recommended by the examiners shall be placed upon the lists for appointment and promotion in the order of their merit and seniority, and without distinction other than as aforesaid from those of male applicants or officers.

The fourteenth section provides that the President, and also the Senate, may require any person applying for or recommended for any office which requires confirmation by the Senate to appear before said commission and be examined as to his qualifications, either before or after being commissioned; and the

result of such examination shall be reported to the President and to the Senate.

Mr. JENCKES. Shall we attempt to improve the character of our civil service? That is the question which this bill proposes in part to answer. Its present condition every one is aware of; and its inefficiency is not the fault, perhaps, of the persons who form that civil service, and of those who use it, but arises from the defects in the system itself. We hear every day of defalcations, of irregularities, of inefficiencies, by which the Government loses large amounts of money. This has gone on for many years. At times the evil seems to be less than at others, and occasionally it breaks out with great aggravations, showing that it constantly exists. Shall we attempt to reform these evils? The people have been waiting for many years to have some proposition of this kind enacted into a law or carried out by the executive department. None save this has been presented. This measure has now been substantially before Congress and the country for four years. It has met from time to time with objections in this House and elsewhere, but no one has presented any other plan. If we really intend to do anything to improve the character of our civil service some system should be adopted; and if none better is proposed, I still think we should make experiment with this. This measure has been discussed so often, and so much at length before the House and country, that I shall not consume the time of the House this morning further than to explain the principles and details of the bill in such a general way that they may be understood. I shall not go into any discussion of the condition of the service, or into any of the reasons outside of what appears on the face of the bill for the proposed change. I shall assume that there are evils to be corrected. If gentlemen say that there are not, I should like to hear them attempt to establish the proposition that the civil service as it now stands is of a perfect character.

The scope of this bill includes the minor offices of the Government, those which are called in the Constitution the inferior offices. It does not deal with those who are to be confirmed by the Senate or with the postmasters. It deals with a lower grade entirely, those who are appointed by the heads of Departments. They are the eyes and ears and hands of the Government, through whom and by whom it collects all its revenue, through whom and by whom all the business of the Government is carried on, and if that portion of the service is healthy it is impossible the rest of it shall be unsound. If those persons are employed for their qualifications and hold their offices by virtue of such qualifications they cannot become the tools of those who would rob or swindle the Government or would demoralize the service for their own private benefit. For the purpose of securing a better quality of men in these offices this bill proposes that under the authority of the President of the United States three commissioners shall stand at the doorway of each Department to ascertain who shall enter the public service, and determine the qualifications of those persons, the term of probation during which they shall serve before they receive a regular appointment, what their duties shall be, what misconduct or offenses shall be sufficient to justify their removal and for which they shall be removed, thus securing a better quality of men at the outset and raising the tone of the service throughout.

Now, I wish the House to understand, in the first place, that although three commissioners are to be appointed, yet in fact there is no creation of new officers, as they are to take the place of some thirty officers now existing, and that the expense of this commission, about thirty thousand dollars a year, will be less than one third—yes, less than one fifth of the money which is now paid for performing similar services without efficiency. There are now appointment clerks in all the Departments and in all the great post-offices and custom-houses whose united salaries amount to five times as much as the expenses of this commission, and all these will be dispensed with if this bill becomes a law.

The first quality which these commissioners will exclude from the public service will be ignorance and incapacity. There are officers who are ignorant and incapable in the public service. There should not be and there need not be any. This examination and inquiry into character will necessarily exclude all these ignorant and incapable men; and if there were no other benefit, if appointments should still be made as they are now, by the heads of Departments for political and personal favor, yet it were well to see that none are the subjects of that favor who are thus disqualified to perform the duties to which they shall be assigned. For that alone, if for no other purpose, this commission would be worth more than it will cost.

But there are in the service also persons who are dishonest, who have been kept in by favor, and who should not be there, who should be excluded; and the second provision of this bill prescribing the duties of these commissioners is to see that no rogue or thief remains in the public service. This evil can be ascertained and prevented. It is no new problem. In other countries where a system like this has been in force we seldom, if ever, hear of any defalcations or of any pilfering from the public treasury. In the little community of Belgium, which has had a separate existence for thirty-eight years, and where a system similar to this has been in force, there has been but one instance of peculation during all that period, because of the scrutiny which is applied to officers when admitted and the constant inspection which is kept over them while they are in the service. It seems to me, therefore, to be so clear as to need no further explanation or argument that these two things can be attained: first, the admission of none but qualified persons into the service; and second, the exclusion of all dishonest persons. I need not tell the House how many millions of dollars it would save this Government every year. They know it; they have read it in the reports from the heads of Departments, and in the reports of committees of this House. They read of it every day in the public papers.

I need not tell the House how much would be saved in another way by having efficient officers. When I stated to the House in the Fortieth Congress that a system of this kind would secure an increase of revenue to this Government over expenditures of $100,000,000, I placed it at least $50,000,000 below the mark. By simply raising the tone of the public service, without altering the system of appointment, this Government now saves $100,000,000 a year more than it did under a former Administration, and is enabled to pay its debt at the rate of $100,000,000 annually, and still the same causes that caused the deficiency in those days remain in force now. I think I place it far within the mark when I assure this House that if we had fidelity and intelligence in every branch of the public service we should raise at least $50,000,000 a year more than we do now. We should raise more than the Committee of Ways and Means propose to reduce from taxation by tariff and internal revenue. Is not this a consummation to be desired? Is it not, even if not accomplished in full but only in part, something that ought to be attempted?

But it may be asked, what are your means of doing this? This is a great country; it has a great army of public officers. How can you reach every one of these? I answer by a simple and, as it seems to me, most effective machinery that has been devised for this purpose. It is proposed to establish an independent commission, responsible to the President alone, reporting every year to Congress. They are authorized to employ examiners in all parts of the United States. They prescribe the qualifications; they put down in writing the questions to be submitted to every candidate for office. They are propounded to the candidates for office by these examiners, wherever the candidates may be. The answers are sent back here with the report of these examiners. Now, from that preliminary examination we will certainly obtain one thing—a knowledge of the degree of intelligence and learning of each candidate. That is one great point that will be gained.

Then, in the next place, through these examinations in different parts of the country, we ascertain the other essentials that are required—health, profession, character, standing, and business qualifications of each candidate—and thus are enabled to form some idea of what he is before he enters the public service. But his place is not secure then. He is put into a great custom-house, post office, or Department, with a chief who will have his eye upon him all the time. And if there are deficiencies in respects that were not discovered in the preliminary examinations they can then be detected. He is there on his good behavior. Those under whose eyes he renders service will see if there are deficiencies in his other qualifications which may render him an unsuitable person to remain in the public service.

Is not this done in every counting-room in the land, wherever men who attend to the management of their own business employ men to assist them to carry it on? Is there any place in this country or in the world where persons who are in the employment of another are not subject to scrutiny? And why should not those in the employment of the Government be subject to the same scrutiny? Why have not the people the right to obtain the best talent and most efficient services for the money they pay for that purpose? Who will deny that the people have the right, in the employment of these minor servants or officers, to obtain the most suitable persons to perform those duties? That is a right which belongs to them, and which they should be provided with the means of exercising.

In the second place, the people have the right to have all the ignorant and incapable, the thievish and dishonest excluded from their employment. That is all that is proposed by this bill, and it is secured without any additional expenditure. I have compared the expenditures which will be required by this bill with that now almost wasted upon these appointment clerks. There is a provision in this bill that a fee shall be paid by each applicant for examination, which will more than meet the expenses of the commission. We have thus devised a scheme by which, without additional expense to the Government, we can obtain an approximation to these two beneficial results which I have stated. Now, in order that this system shall work harmoniously, it is necessary that it shall be put into operation without any shock or sudden change. This bill, therefore, does not propose to alter the relations of the existing officers with the heads of their Departments; but it applies to such only as shall hereafter be appointed. This country will be divided into districts for the purpose of selecting candidates, and no precedence or priority is to be given to one district or one part of the country over another. The doors are to be equally open to all, and a certain number of persons are to be selected by this machinery from the whole people. The candidates are to be permitted to come forward freely.

The result will be that the supply will be proportioned to the demand. A Government, like a corporation or an individual, should be at liberty to go into the open labor market of the country and select the best; not by favoritism, by political or personal favor, or by locality, but from the whole mass of the people. It may be said that this is to some extent done now. We have endeavored to ascertain the truth in the matter by examinations of heads of Departments, and examinations of leading officers of

great custom-houses. I wish to read a few lines from the testimony of an officer in the New York custom-house, who gives us the character of these examinations, so that members may see what sort of chance there is now of securing fitness in the minor offices. "The examination," he says, "is not especially severe, nor can it be; for what can you say to a man who tells you, 'Sir, I know nothing about the business at all?' You cannot ask such a man whether he ever discharged a vessel. Perhaps he never saw a vessel."

Such is a custom-house examination. We all know what these examinations are in the Departments here under the act of 1853. Sometimes they are very rigorous, for the purpose of excluding a person who happens not to be a favorite; and sometimes they are as idle as a custom-house examination in New York.

But I am met just here with another difficulty existing in the mind of almost every one. When we speak of the civil service of the United States this body of persons employed here in the Departments at once rises up before us. They are around us all the time. We hear their grievances. They would have us legislate as if they are the only civil servants of this Government that needed looking out for. I care nothing at all for this body of persons. They do not handle the public money. They simply write for the heads of Departments; they do the clerkly duty of the Government. The officers whom I wish to reach are those in the great custom-houses, in the revenue service of the Government all along the frontier and over the whole land, the officers through whom we collect and disburse $300,000,000 every year, and through whose inefficiency we lost at one time at least $150,000,000 every year. And this results not so much from the dishonesty of these men as from their ignorance and incapacity. What can you expect of an inspector of customs who never saw a vessel and is appointed to the duty of discharging a great steamer or even a vessel of the smallest size? He knows nothing about a vessel or a cargo. When a change of officers is made, and such men are put in, the smugglers who have been lying in wait run their cargoes through in our great ports under the very eyes and noses of these incapables. I asked the very witness whose testimony I have been reading what it costs this Government to make an entire sweep of the revenue officers in the city of New York. He answered, "At least $10,000,000;" and he accounted for it. He said that there is very little smuggling of the sort that we usually hear or read about, but that these persons who wish to get in their goods clandestinely—all foreigners, all enemies of the Government—watch their chance, and while the change is being made the goods pile in. The duties are apparently increased; but for the amount of goods that pay duties about one third of the corresponding amount are brought in without the payment of duties. While these ignorant inspectors are looking out for dutiable goods, those upon which the importers wish to pay duties, the others are smuggled in. That is the way we lose from having such a class of men to look after our revenues.

One of the collectors of the city of New York, who held his office about two years, made four hundred appointments in two hundred and forty offices, the inspectors and night-watchmen of that port. What chance had these men to learn their business, what chance even to become acquainted with men doing business at the custom-house? Of course that was a grand holiday for smugglers. Now, I beg gentlemen to exclude altogether from their minds this body of clerks in this city. We are not aiding or striking at them. They already hold their offices. If this bill becomes a law they will not be removed, unless on reëxamination they should be dismissed for want of efficiency. The bill refers mainly to this other class of officers scattered through the country, of which there are some twenty thousand.

Mr. PETERS. Will the gentleman permit me to ask him a question at this point? Does this bill include all assessors, assistant assessors, and collectors of internal revenue?

Mr. JENCKES. It includes the assistants.

Mr. PETERS. And all assistants in custom-houses and all deputy marshals and clerks under the judiciary system of the United States?

Mr. JENCKES. All officers whose appointments do not require confirmation by the Senate—the minor officers.

Mr. PETERS. I wish to say that if this bill applied solely to the Departments here in Washington I should be glad to go for it; but I cannot reconcile myself to such a revolution as the gentleman seems to propose, which might put a Democrat or perhaps a rebel in high office under a Republican administration.

Mr. JENCKES. It does not contemplate any such thing. If the gentleman will look at it carefully he will see that it does not.

Mr. PETERS. Cannot the gentleman from Tennessee put a rebel into office as collector of the internal revenue under this bill?

Mr. JENCKES. Of course not.

Mr. PETERS. Why not?

Mr. JENCKES. Because these commissioners are to prescribe the qualification of these officers, and every officer has to take the oath of office, which would cut out any such person as the gentleman refers to.

Mr. PETERS. Political qualification?

Mr. JENCKES. That is the prescription. There is no more possibility of appointing a rebel than a Chinaman.

Mr. PETERS. Will the gentleman allow me to ask him another question?

Mr. JENCKES. Certainly.

Mr. PETERS. Cannot a man with his hands dripping with the blood of the Union soldier, shed during the rebellion, go before this board of examiners, and if he passes the examination will he not under this bill be entitled to an office?

Mr. JENCKES. Cannot the gentleman from Maine read the English language?

Mr. PETERS. I can.

Mr. JENCKES. There is nothing of the kind in the bill. Does he suppose that the President of the United States would appoint such a man, or that these commissioners would allow this thing to be done? If any President should do such a thing he should be impeached for it.

Mr. PETERS. I will go further. I would not only not have a rebel, but I would not have a Democrat in any high office in any custom-house, or in any collection district of internal or external revenue.

Mr. JENCKES. No high office is within the scope of this bill.

Mr. PETERS. They are all high offices.

Mr. BECK. The gentleman from Maine would not care how many thieves are in office. So they are Republicans he does not care. He would not have a single Democrat.

Mr. PETERS. We have no such things in the Republican party.

Mr. BECK. That certainly is a new discovery.

Mr. JENCKES. I protest against bringing into this discussion these political elements. They do not belong here. I believe, if clothed with this power, these commissioners will use it properly. I ask the gentleman from Maine what is there now in the way of the President, as he expresses it, appointing a rebel, whose hands are dripping with the blood of Union soldiers?

Mr. PETERS. His honesty would prevent it.

Mr. JENCKES. Is he going to lose his honesty because we clothe him with this power?

Mr. PETERS. Will the gentleman allow me to ask him another question?

Mr. JENCKES. Certainly.

Mr. PETERS. I see the thirteenth section provides that the President may require any person applying for an office which requires the confirmation of the Senate to appear before this board and be examined as to his qualifications. Would not that cover this case, that the President could have ordered Judge Strong, of Pennsylvania, and Mr. Bradley, of New Jersey, before this board of examiners to undergo examination as to their fitness for the positions to which they have been appointed on the bench of the Supreme Court of the United States?

Mr. JENCKES. I will answer that question by asking another. Is there anything in the law of the United States now to prevent the President of the United States from calling before him any person whom he chooses to appoint to office to examine him as to his qualifications?

Mr. PETERS. That is a Yankee way of "dodging" the question.

Mr. JENCKES. No, sir; it is a Yankee way of meeting it. The more gentlemen attempt to cover up the more they expose the nakedness of the present system. I do not suppose this measure will meet all the evils of the present system. The wit of man cannot devise a system that will. The most we can do is to take a step in the right direction. That is all we propose here. When the gentleman says that certain things may be done under this bill I say the same things are done in a more flagrant manner under the present system, or rather want of system.

Mr. ELA. Gentlemen have talked of rascalities in office. I ask whether the corruptions and rascalities in office have not been on the part of those who have been long in office, and whether the frauds have not been detected by the recent appointments?

Mr. JENCKES. I thank the gentleman for the question. In the recent case in New York if the minor officers had felt secure in their places, and appointed on account of their qualifications, the defaulting collector never would have had their signatures to his statements. They never would have made false entries in their books, or suffered omissions which concealed falsehoods. It would not be possible for any of these great thieves to take the money from the public Treasury in the way they have done without the knowledge of their subordinates. There is no instance in which it has ever been done by one of these thieves alone and unaided. He cannot put his hand into the public chest, take the money, and go off; there must be an entry in the books. So long as he holds these minor officers in the hollow of his hand, so long will these great peculations continue possible. When this is put an end to, then this thing can be done no longer. The mode provided in the bill is the mode we propose for putting an end to all these stealing practices.

Mr. BENTON. Does the gentleman hold that the President of the United States should appoint to these minor offices?

Mr. JENCKES. No; but we hold that he should cause inquiry to be made as to the qualifications of the persons appointed.

Mr. BENTON. I would ask the gentleman whether, if it is important to have an examination as to the qualifications of the minor officers, it is not much more important to have such an examination with reference to the qualifications of the higher officers?

Mr. JENCKES. That is a matter within the discretion of the President.

Mr. BENTON. Is there any argument applicable to these officers which does not apply to every public officer in the United States?

Mr. JENCKES. The argument is as strong as the proportion of the numbers. There are twenty-three thousand of these officers, and four thousand of the other class. Make the basis right, safe, and secure, and we will be answerable for the superstructure.

Mr. BENTON. Does not the gentleman's argument apply equally well to every member of this House, and to every member of the Government?

Mr. JENCKES. The gentleman represents

a constituency who are answerable for the kind of men they send here, and are able to judge of his qualifications without our providing for boards of examiners. I think he will admit that they give him a pretty severe questioning every two years.

Mr. BENTON. My objection to this bill is that it takes power from the hands of the people to place it in the hands of a board or commission. And I hold that the more you remove power from the hands of the people the less democratic your Government becomes.

Mr. JENCKES. I thank the gentleman for his interruption; for if ever there was a more democratic measure presented to any Congress or any Legislature in the world than this is I would like to have it described. Why, the door is open to all; exclusion is for incapacity and inefficiency alone. Instead of taking away power from the people, it gives it directly to the people, who will stand by and see that in these appointments justice is done to all. Now, when a person gets an appointment, who know the machinery by which it has been gained? What do the people know about it? They see the man in office, but they know nothing whatever of the means by which he got there.

Mr. COX. Will the gentleman from Rhode Island yield to me for a moment?

Mr. JENCKES. Certainly.

Mr. COX. We are all interested in this discussion, and desire to have a thorough understanding of the matter. I have not yet heard any explanation from the gentleman as to the constitutional point which enters into this question. It seems to me that a doubt arises under the second section of the second article of the Constitution. I need not read the clause, but I should like to hear what the gentleman from Rhode Island [Mr. JENCKES] has to say in regard to it, as there are many who doubt not merely the propriety but the constitutionality of passing a bill which places the appointments under the control of a commission, believing that the Constitution comprehends all appointments under our Government, and places them in the hands of the President, with the confirmation of the Senate, and the minor offices with the courts of law, the President alone, and heads of Departments.

Mr. JENCKES. The gentleman will see that this does not conflict with the Constitution. The appointments to these minor offices are made by heads of Departments. All that this bill says is that the heads of Departments shall not appoint a person who has been ascertained to be incapable, or who is known to be vicious. The same rule is now applied to the Army and Navy, where every one is examined before he can get a commission. The President has no right to take a cadet from West Point and make him a major general. Appointments must be made according to law. And in this case the commissioners must exercise their powers according to law. If any appointing power were given to this commission the gentleman's point would be a good one. But the bill carefully guards against their exercising any appointing power. These regulations are to be applied to the Departments, and appointments will be made as heretofore, but only from the class of persons found to be competent. Nor do I suppose, Mr. Speaker, that all of those classes of persons who may be examined will receive commissions. I do not suppose that one in ten will. But men will go before the commission for the purpose of getting certificates of character and ability. It will raise the standard of education throughout the country. Here will be something to which everybody will strive to attain. It will be open to the children of the poor equally as to the children of the rich; to a person with a common-school education as well as to one who has passed through a university. Every one will have the same chance of entering the public service and of promotion as the nephew of a Senator.

Mr. COX. If I understand the gentleman right, notwithstanding this commission, notwithstanding this competitive examination, notwithstanding this very bill, the heads of Departments can appoint as they choose.

Mr. JENCKES. Not at all. They can appoint from this class, just as the Secretary of the Navy appoints midshipmen from the Academy at Annapolis from the class of those who stand an examination. It is precisely a parallel case.

Mr. SARGENT. Will the gentleman yield to me for a moment? I would like to offer an amendment.

Mr. JENCKES. I wish to explain a little further, and then I will yield.

Mr. ELA. I dislike to interrupt the gentleman, but I desire to ask him a question.

Mr. JENCKES. It is no interruption.

Mr. ELA. I would ask the gentleman if all this class of officers, the assistant collectors and assessors and the inspectors in the custom-houses, do not hold their appointments from the Secretary of the Treasury, and if they are not to that extent independent of the officers he speaks of?

Mr. JENCKES. Some of them, as the gentleman well knows, are appointed on the nomination of the assessors and collectors.

Mr. ELA. But having been appointed upon the recommendation of the assessors and collectors, are they not entirely within the control of the Secretary of the Treasury and protected in all their efforts to ferret out frauds and save the Government?

Mr. JENCKES. It is not so as a matter of fact, because if the chief officer, the collector or assessor, or collector of customs, recommends a subordinate for dismissal he is removed; he has no right to stand against his chief; and therein is the cause of all this iniquity. When there is a chief in the custom-house who wishes to lay his hand on the public money, and he has a clerk under him who will detect him and report him, that clerk is quietly removed upon the recommendation of the chief. What this bill intends is to save the honest deputy and expose and remove the dishonest collector.

Mr. ELA. I think the great trouble with this bill would be that it would fill the Departments with educated incompetency, while force and capacity for the real duties of office would be ignored.

Mr. JENCKES. We should obtain intelligence and exclude ignorance. Is it not better to do that? The incompetency that the gentleman speaks of cannot exist, for the reason that no man can perform the duties of an office for a year without exposing his incompetency. How can he serve out his period of probation without disclosing his fitness or unfitness?

Mr. ELA. How do incompetent men remain in the Army and Navy?

Mr. JENCKES. A man totally incompetent cannot. Charges would be preferred against him, and he would be tried and removed. One of the vices of the present system is that we appoint a man first and educate him afterward, and without knowing whether he can ever be educated at all. We appoint him without any inquiry. An inspector in New York is assigned to the duty of discharging a ship who has never seen a ship in his life. I examined one myself who told me he had never been on shipboard until he was brought down from the interior to be an inspector on the wharves of New York. The bill meets these objections by another proposition, which gentlemen have not read the bill sufficiently carefully to see. It provides for excluding incompetent persons in the first instance, and then they may be excluded by abolishing the offices which they hold, or the President may revoke any commission, and oblige the officer to seek redress by demanding an investigation. And in the third place, every one of these officers may be complained of for inefficiency and be tried and removed, and no really incompetent person against whom such a complaint is made will go to a trial; his resignation will be offered as soon as the charge is made. With a view to further security, the committee have proposed an additional section which requires an inspection and reëxamination of all these officers once in four years, when the inefficient can be weeded out and the good officers retained. Gentlemen know very well that some of the officers in the large custom-houses are never turned out. There is an officer in the New York custom-house who has been there for thirty years. There is a deputy surveyor who has been there for seventeen years. These are the men who do the business of the Government at that port; and it is for the purpose of getting that same class of men in greater numbers into the service, and of keeping them there, that this proposition is made to Congress for its action.

Mr. JONES, of Kentucky. Will the gentleman allow me a moment?

Mr. JENCKES. Certainly.

Mr. JONES, of Kentucky. If I rightly apprehend the statement of the gentleman—a portion of his exposition of this bill I have not been able to hear—I understand this bill to provide for an examining commission, or a bureau of examination, who are to examine all the persons applying for office, to see if they are competent to discharge the duties of the offices for which they apply, and also to discover and report those persons in office now who are not competent to discharge those duties.

Mr. JENCKES. That is the general scope of the bill.

Mr. SARGENT. I desire to move an additional section to this bill.

Mr. JENCKES. I will hear it read.

The proposed section was read, as follows:

SEC. 14. *And be it further enacted*, That hereafter it shall be unlawful for any member of either House of Congress or Delegate from a Territory, verbally or in writing, to solicit, recommend, or advise the President of the United States, or any head of a Department, or of any bureau thereof, to appoint any person to office or employment; and it shall be unlawful for the President or any head of a Department or bureau to make any appointment so solicited, recommended, or advised on the privity of the applicant; and any person who shall violate this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding $1,000: *Provided*, That this act shall not apply to the action of Senators upon nominations submitted by the President to the Senate.

Mr. PETERS. I would suggest to the gentleman to make the punishment hanging.

Mr. SARGENT. I should like to explain my amendment briefly. As it is entirely consistent with the bill, does not injure it in any feature whatever, but effects a great reform, I trust the gentleman from Rhode Island [Mr. JENCKES] who has charge of the bill will allow it to be considered as pending. I appeal to members of the House if it is not one of the greatest curses of the position of a member of Congress that there are continual demands made on his time and patience by persons whom it is utterly impossible for him to satisfy, who demand that he shall secure office for them. The enemies we make are disappointed office-seekers almost exclusively. Half a dozen men apply for the same place, and but one can get it. If a member conscientiously selects one in his judgment the best fitted all the rest become his bitter enemies, and he makes a lukewarm friend of the one that he serves. Though a member may come here and work diligently and faithfully during his whole term in Congress, though he make himself illustrious by originating and securing the passage of measures beneficial to his people and to the whole country, still the crowd of disappointed office-seekers in his district cast their grievances in the scale against his usefulness, and by their clamors and slanders injure his reputation more than all his enlightened labors can redeem. Why should we not free ourselves from this bondage? Why not do as we once did in the matter of contracts, put it out of the power of Congressmen to recom-

mend them? We are here for higher duties than to be the unthanked messengers of quarreling selfishness, when, whatever the result of our exertions, we multiply enemies, and when those exertions take precious time that belongs to the whole people.

But my amendment goes further than this. It strikes at an abuse that has grown up in the United States Senate, or at any rate at an abuse of which some Senators have been guilty. There is a greed for controlling office in some few Senators that is perfectly amazing. All measures of practical legislation are subordinated, neglected by such, that some unworthy henchman may have place, or that somebody may admire a Senator's power, or that "milestones may be set up here and there in a State." It has been gravely alleged by a Senator that it is unconstitutional for the President or the head of a Department to take any advice as to appointments except from a Senator of the State in which the appointment is made, because the Constitution says "the President shall nominate, and by and with the advice of the Senate appoint." Of course this is mere puerility, but it shows the tendency of the order of things that I wish to correct. When Senators assume that the President has no right to call upon a Representative for advice, and that Senators only shall have the executive ear, it is time to prescribe a rule that will lead the Senate back to its constitutional duty of advising and consenting to appointments after nominations shall have been made. I know there is too much good sense in the Senate for this absurd doctrine to prevail where the attention of the Senate is directed to the assumption. But confirmations and rejections are made in secret session, and I know of men of high fitness being rejected because a Senator did not recommend them, and men notoriously unfit being confirmed from the impossibility of getting the truth to the ear of the Senate where the Senators interested could intercept it. Under the present custom in the Senate it is almost impossible for a united House delegation to get a good man confirmed if the Senators from the State prefer a bad one; in other words, Senators secure the rejection of those that the President has constitutionally nominated, not because they are not fit for the place in question, but because they did not themselves recommend them.

Now, sir, such action on the part of Senators I believe to be unconstitutional. The oath of a Senator implies that he will act in such matters from higher motives, and such was the intention of the Constitution. I desire to do no injustice to the Senate. There are many Senators, nearly all of them, who act from nobler motives than those I have named, and who have occasionally frowned down the practice in question; but they are often entrapped into injustice under the present system, and do not always know how unworthy are the motives of those with whom they associate. I say, sir, that the motive is unworthy of any Senator who uses his position to defame a good man or disgrace him by a rejection in a Senate of his party merely because that Senator did not recommend his appointment. Now, it would be very much better to take it out of the power of Senators to abuse their position by seeking to control these appointments; and it would be infinitely better for members of this House if they could throw off this influence and stand aloof from this scramble for office, and devote their time and attention to the important duties of their position.

[Here the hammer fell.]

The SPEAKER. The morning hour has expired.

ENROLLED BILLS SIGNED.

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

An act (H. R. No. 869) to authorize the issuing of a certificate of registry or enrollment to the schooners Zenas Snow and Patriot;

An act (H. R. No. 1611) for the relief of Friend A. Brainard; and

An act (H. R. No. 1912) to extend the time within which persons elected to office may take the oath of office prescribed in an act entitled "An act to admit the State of Texas to representation in the Congress of the United States," approved March 30, 1870.

LEAVES OF ABSENCE.

Leave of absence was granted to Mr. WILKINSON and Mr. LOGAN for to-day, on account of illness.

Mr. WARD obtained leave of absence for two weeks from next Thursday.

Mr. VAN AUKEN obtained leave of absence for ten days.

EVENING SESSION.

Mr. SCHENCK. I rise for the purpose of moving that the House resolve itself into Committee of the Whole on the state of the Union, to resume the consideration of the special order; but before making that motion I will move that the Committee of the Whole be directed to take a recess from half past four till half past seven o'clock this evening.

On agreeing to the motion, there were—ayes 78, noes 57.

Mr. ORTH called for tellers.

Tellers were ordered; and Mr. SCHENCK and Mr. ORTH were appointed.

The House divided; and the tellers reported—ayes 68, noes 69.

So the motion was not agreed to.

TARIFF BILL.

Mr. SCHENCK. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole upon the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. When the committee was last in session it had under consideration the following paragraph of the bill:

On vessels of cast iron not otherwise provided for, and on andirons, sadirons, tailors' and hatters' irons, stoves and stove plates of cast iron, 1¼ cents per pound.

On this paragraph debate has been closed. The pending question is upon the motion of the gentleman from Ohio, [Mr. SCHENCK,] to strike out the paragraph.

The question being taken, the motion was agreed to.

The Clerk read as follows:

On glazed, tinned, or enameled wrought-iron hollow ware, and on all descriptions of wrought-iron enameled ware, 4 cents per pound.

Mr. SCHENCK. I move to amend by striking out the paragraph just read.

The motion was agreed to.

The Clerk read as follows:

On cast-iron steam, gas, or water pipe, 1¼ cents per pound.

Mr. SCHENCK. I move to strike out the paragraph just read.

Mr. GRISWOLD. Mr. Chairman, I move to amend the paragraph by striking out the words "and three fourths;" so that it shall read, "on cast-iron steam, gas, and water pipe, 1 cent per pound." The committee propose to place the duty on these articles of extensive and necessary use at 1¾ cents per pound. It will also be seen that in the paragraph next but one above they also propose to place the same duty on the same character of articles, which includes vessels of cast iron, such as caldrons, boilers, kettles, cooking utensils, tailors' and hatters' irons, stoves and stove plates, all articles of necessary and common use. The present duty on the articles I have named in each paragraph is 1½ cents per pound. I now send to the Clerk's desk to be read a communication which I have received upon this subject, from which it will be seen that by the present law the duty is 1½ cents per pound, which is over 112 per cent.

The Clerk read as follows:

Duty on cast-iron water-pipes.

57 SEARS BUILDING, BOSTON, *April* 6, 1870.

DEAR SIR: Some time ago we were requested to procure estimates from Scotland for the supply of cast-iron water-pipes. We had no idea at the time that the duty was higher on these things than on ordinary castings, or we might have saved ourselves considerable trouble and expense. Upon receipt of the estimate (of which we give a copy on the other side) we made inquiry at the custom-house, and found there was a special duty on cast-iron water and gas pipes of 1¼ cents per pound, or over 112 per cent. upon the value of the pipes delivered at any port in the United States.

Several large cities are now contemplating to procure a better supply of water, but the estimates show that the pipes constitute about one half of the entire outlay at the present rate, namely, from $63 to $68 per ton, currency. Now, there is no reason why cast-iron pipe should be sold at a higher rate than the most ordinary plain castings, as they are made by machinery, and the cost of production is little more than that of pig iron.

We think for public works this duty should be remitted, or at least lowered to such a point that at all events some competition might be introduced, as at present Government does not benefit one cent, as the duty is prohibitory; and the masses are heavily taxed to fill the pockets of a few pipe-makers, who have all their own way as regards price.

American shipping would also be benefited if a portion of these pipes were cast in Scotland; and many large cities would not hesitate about procuring a purer and more permanent supply of water, which at present, owing to the enormous cost, is impracticable.

We are, your obedient servants,

F. A. LEIGH & CO.

Prices of cast-iron water-pipes, with turned and bored spigot and faucet joints, coated with Dr. Angus Smith's patent mixture for preventing corrosion, and proved to 300 feet pressure, delivered free on board ship at Glasgow, Scotland, per ton of 2,240 pounds.

Diameter.	Lengths.	Thickness.	Weight.	Price.
Inches.	*Feet.*	*Inches.*	*Cwt. qrs. lbs.*	£ *s.* *d.*
4	9	½	1 2 0	5 11 3
5	9	13-32	2 0 0	5 7 0
6	9	7-16	2 2 0	5 7 0
7	9	7-16	3 0 7	5 6 0
8	9	15-32	3 2 14	5 3 6
9	9	15-32	4 0 11	5 3 6
10	9	1-12	4 3 14	5 3 6
12	9	9-16	6 2 14	5 0 9
14	9	5-9	8 0 14	5 0 9
15	9	½	8 2 14	5 0 9
16	9	½	9 1 14	5 0 9
18	9	½	10 2 14	5 0 9
20	9	½	12 0 00	5 0 9

Average price per ton of 2240 pounds, free on board in Glasgow ..... £5 3*s.* 6*d.*
Freight and insurance to any port in the United States, say 1 0 0

£6 3*s.* 6*d.*

Equal to $28 89, gold.

Mr. GRISWOLD. This statement shows that these articles of extensive use can be delivered here for $29 80 per ton. The duty by the present law, and as proposed to be left by the committee, as a great concession, is 1½ cents per pound, which amounts on a ton—2,240 pounds—to $33 60; that is, the duty is $3 80 more than the original cost of the article delivered in the United States. This statement refers particularly to the paragraph under consideration, but is equally applicable to the class of articles embraced in the other. Both relate to articles made of the cheapest kind of cast iron, sometimes called pot metal, which is substantially common pig iron. It should be remembered by every one who uses these common and necessary articles that they have to pay considerably more than twice the sum that it costs to manufacture the articles in

England, and all expense of transporting the articles to this country; that they are taxed more than the original cost of the article, exclusively for the benefit of the iron manufacturer and iron founderies. Not a dollar goes to the Government, for none is imported or ever can be under the present duty of 1½ cents per pound. I was misunderstood by the reporter upon this subject when continually interrupted last evening. I said the entire value of all importations of castings, as shown by the official statement from the Treasury Department for the year 1869, was but $27,707, which was less than in 1868. But these importations are not for articles embraced in these two paragraphs. They are for the articles included in the third paragraph below, which come in at 35 per cent. *ad valorem*.

Talk about a duty to support the Government! Can you get a duty upon an article where none is or can be imported? And yet the Committee of Ways and Means, after mature deliberation, have proposed to raise the tariff to 1¾ cents per pound. Shall debate be silenced, and the imposition of the present law be continued by the motions of the chairman of the Committee of Ways and Means [Mr. SCHENCK] to strike out the paragraphs, so as to leave the duty under the present law, which is now substantially prohibitory? The present law is not for revenue. It is robbery of the masses, under the forms of law, for the sole benefit of a few manufacturers, who or whose agents are here log-rolling and by combinations to press through provisions of this bill in their interest. Again, sir, the whole quantity of castings of all kinds, as shown by the Treasury Department, imported in 1860 was but 1,201,456 pounds, or about 500 tons. Not a pound embraced in the paragraph under consideration has been imported or could be. The whole amount of castings imported of every kind is trifling; and there are others, more valuable than those enumerated in these paragraphs, which undoubtedly make up the amount imported, and which are not embraced in these two paragraphs.

But assuming that the 500 tons of castings imported were all of the articles named in the paragraphs under consideration, the duty which the Government received under the present law, at 1½ cents per pound, amounts to $33 60 per ton, and on 500 tons to $16,800. Suppose the amount required for use annually in the United States for stoves, &c., under the paragraph above to be 100,000 tons, which is less than 30 pounds to each family, supposing every five persons to compose a family in a population of 40,000,000, 500 tons of the 100,000 tons used are imported, and the Government gets, as we have seen, on that, $16,800. All the rest is domestic manufacture, which is raised by the tariff to the same price as that imported, and upon which the duty is paid. Thus the whole amount used, domestic and imported, being 100,000 tons, is increased in value $33 60 per ton, which amounts on the 100,000 tons used to $3,360,000. The people pay this latter amount on account of the tariff. Every dollar that has gone into the Treasury on account of the tariff is on what is imported, which, as we have seen, is $16,800. In other words, according to this system, the people pay just $200 to get $1 into the Treasury.

This estimate does not include the steam, gas, and water pipe in the pending paragraph, which is used so extensively for gas and water pipe in all our villages and cities, and steam-pipe for all your steam-works and steamboats, as to which it is clear none can be imported, and all the increased price occasioned by the tariff goes to the iron manufacturers.

I oppose the principle of these high tariffs because it is anti-Democratic, because it is legislation for a class at the expense of the many. I oppose it because of its tendency to combine wealth to influence and corrupt legislation. The manufacturers understand all about these protective tariffs. If the people will not examine and understand it, they must suffer for their own want of attention.

Mr. SCHENCK. The gentleman from New York talks about "log-rolling," and says that not a pound of these articles has been imported and not a dollar of revenue has been derived from them. We have had that repeated four times at least. If the gentleman will look at the Treasury returns he will find that between $20,000 and $30,000 worth of duty was derived from these very articles.

Mr. GRISWOLD. How much on each article?

Mr. SCHENCK. I am dealing with the gentleman's statements for the information of the House. Not a single pound has been imported and not a dollar of revenue has been derived. That is the gentleman's statement.

Mr. GRISWOLD. I wish to call the gentleman's attention to a fact——

Mr. SCHENCK. Not now. In 1868 on cast-iron pipes, vessels, stoves, and stove plates we received a duty of $22,935 90. That is all the reply I have to make to such an assertion as that.

Mr. GRISWOLD. How much on stove plates?

Mr. SCHENCK. I cannot tell about that any more than the gentleman can. They are all in the same item in the present tariff. They are retained in the same classification in this bill. There is no distinction made between them in any returns which have come to the knowledge of the committee. I have answered the gentleman so far as the figures are concerned. The present duty is 1½, and I think myself it is too high to raise it to 1¾ cents, and therefore I propose to strike out the paragraph and leave the duty undisturbed. So far as the receipts are concerned, let me say to the gentleman I do not believe it matters whether there is a duty on that article. The American manufacturers can beat the world in cast-iron stoves.

Mr. GRISWOLD. What, then, is the necessity of having duty on them?

Mr. SCHENCK. It is not necessary in that view of it. I have not interrupted the gentleman.

Mr. GRISWOLD. I wish to be perfectly informed if I am correct in my statement.

Mr. SCHENCK. The only reply I make to the gentleman is the return from the custom-houses.

Mr. GRISWOLD. Is not the entire importation of all kinds of cast iron only $27,000?

Mr. SCHENCK. About that.

Mr. GRISWOLD. If the gentleman will look at the subsequent paragraph he will see there is a duty of 35 per cent. *ad valorem* on all other castings of iron not otherwise provided for. Is not the whole amount imported in 1869 about 500 tons? There are 40,000,000 people in the United States, and 8,000,000 families; and thirty pounds of this cast iron for stoves, cooking utensils, &c., for each family will not amount to over $100,000. Now, sir, you can see what proportion it is that is used, and on which the people pay this additional tariff for the purpose of giving the Government a duty upon 500 tons.

Mr. SCHENCK. I would just say that if these articles are manufactured here in great quantities and not imported, and if the competition in the manufacture brings down the price, as I know it does, to a very low figure, the people are not taxed in the way the gentleman speaks of.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. GRISWOLD. With the consent of the committee, I would ask the chairman of the Committee of Ways and Means one question. I would ask him how much of the steam, gas, and water pipe has been imported?

Mr. SCHENCK. The gentleman cannot distinguish between these articles which are classified together. The aggregate amount is given in the reports of the Treasury Department, and it is the aggregate amount of duty I have given.

The question was put on Mr. GRISWOLD's amendment; and there were, on a division—ayes 23, noes 68; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. GRISWOLD and Mr. KELLEY.

The committee again divided; and the tellers reported—ayes 41, noes 74.

So the amendment was not agreed to.

The question recurred on the motion of Mr. SCHENCK, to strike out the paragraph.

The question was put; and the motion was agreed to.

The Clerk read as follows:

On all castings of iron not otherwise provided for, 35 per cent. *ad valorem*.

Mr. SCHENCK. I move to strike out that paragraph.

The motion was agreed to.

The Clerk read as follows:

On all cast iron, or other description of steel, in ingots, blooms, or billets, and on rolled or hammered steel in bars, rods, sheets, slabs, plates, bands, coils, or strips, 3¼ cents per pound.

Mr. ASPER. I move to amend the paragraph by striking out "3¼ cents" and inserting "2 cents." Mr. Chairman, I desire to submit the following tabular statement, showing the quantity of steel imported into the United States in 1869, other than steel rails, the classification of the same for duty, the value of the same per pound, the duty on the same per pound, the gross amount of duty collected, and the *ad valorem* rate of duty on the several qualities:

	Pounds imported.	*Value of same.*
Steel paying 30 per cent. *ad val.*,	5,570,028	$339,793
Steel paying 2½ cents per pound,	25,626,988	1,200,921
Steel paying 3 cents per pound,	12,907,492	1,277,521
Steel paying 3 cents per pound and 10 per cent. *ad val*.....	864,878	117,571

	Value per pound. cents.	*Duty per pound. cents.*
Steel paying 30 per cent. *ad val.*,	6.10	2.00
Steel paying 2½ cents per pound,	4.68	2.25
Steel paying 3 cents per pound,	9.89	3.00
Steel paying 3 cents per pound and 10 per cent. *ad val*.....	13.68	4.86

	Amount of duty collected.	*Ad valorem rate of duty.*
Steel paying 30 per cent. *ad val.*,	$101,938	30 per ct.
Steel paying 2½ cents per pound,	640,674	48.00 per ct.
Steel paying 3 cents per pound,	387,224	30.30 per ct.
Steel paying 3 cents per pound and 10 per cent. *ad val*.....	42,027	35.00 per ct.

This table shows what the importation of steel was in 1869. It shows that the importation of the class of steel paying under the existing rates 2½ cents per pound was 25,626,988 pounds, against 19,342,398 pounds of all the other descriptions of steel. That is a description of steel which costs a little more than iron, probably 1 cent more per pound. It costs in England $72 per ton. And if the rate of duty fixed by this paragraph is to prevail, then it will cost merely for duty in the neighborhood of $75 or $80, perhaps more, to import the article; while with the present duty, 2½ cents per pound, the expense of importation is $61. Now, Mr. Chairman, this article enters largely into all the business of life. It makes the tool of the mechanic. There is scarcely an enterprise to which it is not essentially necessary. Under these circumstances it seems to me that the duty as now proposed is too high. Previous to the war, up to the year 1861, the duty upon this article was 12 per cent. *ad valorem*. Under that rate of duty the manufacturers of steel in this country flourished and were successful, as in their memorial to Congress in 1867 they themselves expressly declared. In 1861 there was a duty imposed which was said to be a compromise between the importer and the

manufacturer of steel; it was, I believe, 1½ cents per pound. In 1862 this was increased, to compensate for the amount which the manufacturer was required to pay under the internal revenue law; so that from 1862 up to the enactment of the present law in 1864 there was only about half a cent per pound protection upon the steel that was manufactured in this country. Yet under this protection the manufacture of steel prospered, and, as the manufacturers of steel stated, "became an assured success." It seems to me, therefore, that there is no necessity for this heavy duty for the protection of the steel interest in this country. It does not require any such protection. I ought to state, Mr. Chairman, that in 1866 the internal revenue tax was removed from the manufacture of steel, and therefore the present duty of 2½ cents per pound is entirely sufficient protection upon this article. I ask, then, are you prepared to increase the duty upon this cheaper class of steel?

Recently a discovery has been made of what is called the excelsior process, by which steel can be manufactured at 1 cent per pound more than the expense of manufacturing iron. The following description of this process is given by the Iron Age:

"*New Process of Making Steel.*—The Allentown Daily News states that a number of gentlemen of that place have formed an association for manufacturing steel and iron by what is known as the 'excelsior process,' patented in 1868. They have commenced operations and have already succeeded beyond their most sanguine expectations. The steel made by the puddling process has been rolled into a light wagon tire three eighths by seven eighths, handsomely finished, strong and hard. A large number of chisels and other tools have been made in which any desired temper can be secured; and some of the most experienced mechanics have used and worked this steel, and declare it to be equal to the best cast steel for strength and retention of fine sharp edge under hard use. At the Allentown rolling-mill they rolled several steel top rails with such perfect success that when the first rail was run out the puddlers and rollers cheered. The lower part of the rail was made of wrought iron and welded so perfectly that by placing a short piece of the rail under the powerful crusher at the mill it broke lengthwise in the iron below the weld. The manufacture of steel under this process, it is claimed, costs but a trifle more than wrought iron."

When steel can be made thus cheaply, I ask, is it necessary that this protection should be given to it? Is it necessary that this additional burden shall be placed upon the people, upon the farmer, upon the mechanic, upon the whole business and industry of the country? It seems to me, Mr. Chairman, that we ought to reduce this duty to 2 cents per pound. I think a duty of $44 80 per ton would be ample protection for this particular interest.

Mr. HAWLEY. I move to strike out the paragraph. I find that by the law as it now stands with reference to the lower grades of steel, those which are included in this paragraph which I propose to strike out, the lowest tariff is 2½ cents per pound. I understand that the class of steel which pays a duty of 2½ or 2¼ cents per pound is that class which is used for the purpose of making plows, hoes, and farming implements of that character. Now, in the West particularly, as every gentleman upon this floor knows, the farming interest must necessarily use a very great amount of this class of steel. In my own district alone I suppose there are more plows manufactured than in any district of country of the same size in the United States. There is a large number of plow-factories there, and of course a great many plowmen, a great many farmers who use these plows, and they are used all over the West.

Now, this bill, as I understand it, proposes to increase the tariff on plow steel 1 cent per pound, and unless some good reason can be given for this I shall feel compelled to oppose it. I think that the higher grades of steel should pay a higher rate of duty, while the lower grades should pay a less duty. But in the bill as it now stands the proposition of the Committee of Ways and Means is to make all these different classes of steel which were classified at different prices and at different grades under the old law now pay 3½ cents per pound. Now, I think that some classification ought to be made something like that in the old law, or else that the whole paragraph ought to be stricken out, so as to let it stand as it is now under the old law. I have no objection to that. I have a very great objection to the proposed change in the law. I believe that I ought to make that objection, and that I ought to be sustained in the interest of that great class of consumers which I, in common with other gentlemen from the West, represent upon this floor.

Mr. CONGER. I would ask the gentleman whether it would not meet his views if the bill was amended so as to admit plows free of duty?

Mr. HAWLEY. I do not know that it would.

Mr. SCHENCK. Mr. Chairman, I want the House to observe that this proposition of the Committee of Ways and Means to amend the law in relation to the duty on steel is much more a question of revenue than it is of protection. The gentleman who proposes the amendment is right in regard to the present rates of duty, but I think he is very far wrong in his proposition to restore them. There are now three classes of steel recognized in the tariff—steel under 7 cents a pound which comes in at 2½ cents a pound, steel between 7 and 11 cents which comes in at 3 cents, and that above 11 cents which comes in at 3½ cents a pound and 10 per cent. *ad valorem*. Now, what is this highest rate? The first two, 2½ and 3 cents, we can readily understand. Three and a half cents a pound and 10 per cent. *ad valorem* on a certain class of steel shows this rate, on application to the Treasury returns, on steel which has been valued in the invoices at the gold price upon which the tariff is laid, at 12¾ cents; 10 per cent. on that is $1\frac{55}{200}$ cents; you may call it 1¼ cents; it is a little more than that; that makes 4¾ cents; so that the rates of duty are 1½, 3, and 4¾ cents. The committee propose to reduce it all to one class, and they put it at 3½ cents.

A very large proportion of the steel is brought in, however, now at 3 cents a pound, and it would seem that 3½ cents is above the average. But the committee found testimony piled upon testimony to show that a very large part of that which comes in at 3 cents per pound ought to be charged at the higher rate of 3½ cents a pound and 10 per cent. *ad valorem*. In this matter of steel we particularly run upon that difficulty which arises always from classification. Wherever you classify, wherever you make grades of an article and that article is of such a kind that it is not easy to distinguish between the different grades, it is inevitable that importations will be made entirely under the lower grades. Steel which ought to have paid 3½ cents per pound and 10 per cent. *ad valorem* has been sworn down habitually by the perjury of importers and foreign manufacturers with false invoices; so that the Government has been cheated hand over hand. There seems to be no remedy for that except to go back to the old scheme of having but one class of steel and putting a like duty on all.

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

Mr. SCHENCK. No; I have not time. We are going to adjourn on the 4th of July by the gentleman's vote.

Mr. INGERSOLL. You do not expect to require all that time to explain steel.

Mr. SCHENCK. I will in a moment. Here, for instance, is a report from the United States consul at Sheffield, the great steel-producing town in England. Among other things, Mr. Abbott reports:

"There is no process practically in appraisement by which experts can determine whether steel be worth £20 or £50 per ton, and a specific duty therefor is the only one which can do justice both to the Government and to the importers and the purchaser of steel in our country."

That is the conclusion at which the Committee of Ways and Means had arrived before they heard through the Treasury Department in regard to the views of our consul at that great steel-producing point. And whether you fix the rates at 3, 3½, or 3½ cents per pound, or any other sum, what I insist upon is that you shall not strike out the paragraph, and thus go back to the old system of habitual, constant, and infernal fraud. We have found fraud in all directions, but in none perhaps more than in regard to this very matter of steel. That arises in a great degree from the fact that there is a difficulty, because of the apparent resemblance of the article, in discriminating between that which should be valued at a higher rate and that which ought justly to be valued at a lower rate.

Mr. INGERSOLL. I desire that the chairman of the Committee of Ways and Means inform this committee what advance on the present rate is proposed by this bill according to the value of the article? What per cent. of advance do you ask us to give over the present duty as a protection to the steel manufacturers of this country?

Mr. SCHENCK. I say that we do not propose any advance; other gentlemen differ from me. I say that the three present classes on which duty is respectively placed are at the rates of 2½, 3, and 4¾ cents per pound. We have proposed one rate of 3½ cents per pound. Gentlemen will say that that is not a medium rate, because the bulk of the steel imported into this country comes in at 2½ and 3 cents per pound, and that we have proposed a higher than the average rate of duty. Yet it is indisputably true that a very large proportion of the higher value of steel which is imported into this country comes in at 3 cents per pound, when it ought to pay a higher rate, and would pay it but for the false invoices which are resorted to to bring it down within classes to which it does not belong.

[Here the hammer fell.]

Mr. ALLISON. I move to amend the amendment so as to make the duty 2½ cents per pound. The object of this classification of steel, as proposed in the bill now under consideration, as I understand it, is to bring within one class what is now comprised within three classes. I have examined as carefully as I could the testimony with regard to frauds at Sheffield in the invoice rates of steel, and I am unable to discover any great fraud in those invoices. I maintain that the testimony that is now before us in the shape of revenue reports proves conclusively that those frauds are not very great in extent. Now, the fact is that of these three classes of steel imported into this country, the first, paying a duty of 2½ cents per pound, amounts to $1,200,000 in value; of the second class, which pays a duty of 3 cents per pound, the total importation is $1,277,000 in value; and of the third classification, paying 3½ cents per pound and 10 per cent. *ad valorem*, the total importation in value was last year only $117,000. Therefore the returns show conclusively that we have the control of the market for the class of steel that pays 3½ cents per pound and 10 per cent. *ad valorem*, because last year there was only $117,000 worth imported into the United States. Now is it possible that the duty on that class of steel materially affects the revenue?

But the chairman of the Committee of Ways and Means [Mr. SCHENCK] says that the class of steel that ought to come in subject to a duty of 3½ cents per pound and 10 per cent. *ad valorem*, really comes in at 3 cents per pound, by means of fraudulent invoices. Yet the total importation of steel at the rate of 3 cents per pound is only $1,277,000 out of the vast mass of steel which is consumed in this country. Now admitting, for the sake of argument, that there may be some undervaluations of this steel, they must be inconsiderable. But what I object to is that for the purpose of curing this supposed evil, the Committee of Ways and Means have raised the duty upon all that class of steel which enters largely into the consump-

tion of the country—I hope the chairman of the committee will pardon me for using that phrase—which enters not only into the consumption of particular localities and particular classes, but into general consumption. The duty on this class of steel is raised 1 cent per pound or $22 40 per ton. I have made a careful calculation of the effect of this increase. I find that a duty of 3½ cents is absolutely an increase of duty upon these other classes, while it largely increases the duty upon the class of steel most needed. Now, if there is a necessity for a uniform valuation upon steel, I submit that the duty should be 2½ cents, and no higher.

I saw only a few days ago a letter written by a large consumer of the cheapest class of steel, showing that under the existing law our own manufacturers at a duty of 2½ cents can underbid and undersell foreign manufacturers in this lower class of steel. Now, I submit that because of the lack of a proper discharge of duty upon the part of our consuls, or the want of proper official vigilance on the part of our custom-house officers—difficulties which can easily be cured—we should not undertake to increase the duty on this lower class of steel by an addition of 33⅓ per cent. If this classification is to remain the duty ought certainly to be not higher than 2½ cents, as I propose.

Mr. KELLEY. Mr. Chairman, I ask the committee to note one fact. The gentleman from Iowa [Mr. ALLISON] says that in the lower grade of steel we can compete successfully with England.

Mr. ALLISON. And on the higher classes we absolutely drive the foreign manufacturers out of the market.

Mr. KELLEY. Now I ask attention to another fact. I have before me the report of imports for the year 1868, as furnished by the Treasury Department. During that year we imported, according to this report, about 30,000,000 pounds of steel. The duty on steel worth less than 7 cents per pound was 2½ cents per pound; on steel worth more than 7 cents per pound, but less than 11 cents the duty was 3 cents; and on steel worth more than 11 cents per pound the duty was 3½ cents per pound and 10 per cent. *ad valorem*. Now, if we can drive the foreign manufacturer out of our market in the lower class of steel, then this whole importation was fraudulent and upon undervaluation; for out of 30,000,000 pounds more than 19,500,000 were imported as steel worth less than 7 cents per pound; 9,000,000 more were imported as steel worth less than 11 cents; and there was imported less than 1,000,000 of the kind with which we cannot compete—the kind paying 3½ cents per pound and 10 per cent. *ad valorem*. That is, two thirds of the quantity which we import are of that kind which, according to the gentleman from Iowa, we can drive out of our market; and one thirtieth is of the kind with which we cannot fairly compete.

Mr. ALLISON. The gentleman does not mean to misrepresent me?

Mr. KELLEY. No, sir.

Mr. ALLISON. I say that we can compete with the English manufacturer in the production of these lower classes of steel, and that the reports show that of the higher classes none is being imported; we have the control of the market.

Mr. KELLEY. On the contrary the report shows, and the Sheffield manufacturers admit, that they have been defrauding us; and the house of Thomas Firth & Sons has written to our Treasury Department asking that we adopt a system of specific duties so that honest men in Sheffield may compete with their neighbors who resort to undervaluation. As I stated yesterday, a Prussian house asks for specific duties in order to give them a share of our market against British perjury and undervaluation. As the gentleman knows, the Sheffield men have recently yielded to the new system of appraisement and valuation. I hold in my hand a copy of the Sheffield and Rotherham Independent of April 2, 1870, which states:

"In pursuance of an arrangement come to for a settlement of the controversy between our steel manufacturers"—

That is, the Sheffield manufacturers—

"and the custom-house authorities in America, the shipment of steel has already been resumed. Some of our principal manufacturers have sent off large quantities during the week; and all the available freightage of vessels that sail from Liverpool for some days to come has been taken up. The American gentlemen who have been here for some weeks assisting to bring about a settlement of the dispute left town yesterday, and will take their departure from Liverpool this morning."

Sir, the honest duty will be paid under this arrangement on nearly 10,000,000 pounds annually, instead of on but 1,000,000, and without that duty they can compete with our manufacturers and drive us from the market. In this connection, Mr. Chairman, I ask to send to the reporter a letter written by a New York agent, and which appears in the Sheffield Telegraph of March 14, 1870, showing how the Sheffield steel manufacturers expect to break up our steel manufacture in America. I append the letter as a portion of my remarks:

[From the Sheffield Daily Telegraph, March 14, 1870.]

THE STEEL DIFFICULTY OF THE UNITED STATES.

To the Editor of the Sheffield Daily Telegraph:

SIR: If the following extracts from a letter which I have received from a correspondent in New York are likely in your judgment to interest your readers they are at your service. I am not at liberty to disclose the name of my correspondent, but he is a gentleman of great experience in the matters which he treats of.

Yours, truly, W. SMITH.

8 CAMPO LANE, SHEFFIELD, 12*th March*, 1870.

NEW YORK, *February* 15, 1870.

DEAR SIR: There probably never was a time when the merchants and manufacturers of Sheffield doing business with the United States were surrounded with more difficulties than at present. It is only right that the rest of their fellow-traders, and through them the town should know what these difficulties are, and how wofully they are arresting the progress of the trade with America. It is not too much to say that at the present time the whole commerce between Sheffield and the United States rests under a cloud of grave suspicion. Whether with or without just cause, it cannot be denied that the Radical heads of the Departments in Washington have imbibed and are acting upon the belief that Democratic New York and Sheffield are in one grand "ring" to rob the Government of a portion of its dues. Now it not only behooves the traders of Sheffield to know this, but it is the solemn duty of those implicated to clear themselves of these suspicions, and restore the town to that high position which thus far she has most justly deserved and maintained.

The opinion has been very freely expressed, both here and in Sheffield, that these embarrassments are caused by the instigations of American manufacturers chiefly. It is very obviously the interest of these gentlemen to load Sheffield houses with all the duties and hinderances they can, especially as the signs of the times have marked so many of them for destruction. The doom of the present monopolist tariff has been most authentically pronounced. On a test vote in the House of Representatives between free trade and monopoly, in which each man did not vote as a party man, a majority of twelve only was found against free trade. The Democratic party, pledged to free trade as their election cry, boast that they can quash that majority in the November elections, and all parties admit that what with the emphatic denunciation of monopolies out West, the access of the votes of reconstructed State Senators and Representatives, all anti-tariff men, and the bickering among monopolists themselves, this session has seen the final effort of protection in Congress with any hope of success, and that in future sessions, bit by bit, or at one grand ugly rush, the whole system will be swept away. With gold declining, their protection in danger, and foreign manufacturers rich, skilled, and ready to rush in at the first opening, is it to be wondered at that the American manufacturers, with assets composed, in many cases, of plant and building, paid for when it required $12 in paper instead of $6 to buy one in gold—is it surprising, I say, that these gentlemen are not unhappy if Sheffielders not in trouble?

If gold goes to par, and the tariff of 1860 is reënacted, there are very few manufacturing concerns in this country that could avoid practical breaking up. It might go under another name, but that is the real one. And though part of the trouble may have come from the American manufacturers, it has only been part. As a rule they have been too confident of the continuance of protection; too oblivious of the rising popular tide on that point; too blind to the course of gold, and too anxious, as Adam Smith said long ago, to eat each other up, to concoct any such schemes. In a vast number of cases eight years of monopoly have ended in the accumulation of no money. It has gone, when made, in new works, competition, extravagant expenses, and wild schemes, so that when the new day dawns Sheffield manufacturers will not have wealthy corporations to meet as once was feared. The efforts of manufacturers here have mainly been turned to overturning the tariff.

[Here follow some forcible remarks on the "steel difficulty." In the present state of circumstances it is perhaps better to omit them.]

While the firms in the steel trade are having their special trouble the houses engaged in the importation of table and pocket cutlery to their own stores in this city have since the first of the year been in difficulty. The Treasury Department has for some time past been inundated with warnings that goods were being sold so low here as to argue the evasion of just duties on the part of some if not all importers. People here again were disposed to credit native manufacturers with being the first movers in the matter; but that is not very clear nor probable. It is their direct interest doubtless to embarrass all the operations of importers; but in this case it is not plain that the hinderance of business, or even the imposition of more duties, would cause the substitution of their goods for those of the Sheffield houses. The goods are of wholly different grades, and compete only indirectly. It is more probable that the severe fall of prices in Sheffield was only partially known to the appraisers and those who set them at work. It is not to be denied either that there are a few, very few, people in the trade who need watching. The result, however, is temporarily a great hinderance to business at a critical part of the season, and it will affect orders most materially. Everybody's goods, suspected or above suspicion, are seized, opened out, appraised, and advanced sometimes 20 per cent. The owner then has to call for reappraisement by competent merchants, involving delay, expense, and a sad mauling of the goods.

Thus far these reappraisements have not sustained the appraisement, and the result has been a victory for the importer. When three or four competent merchants each for himself value a miscellaneous invoice of medium and common Sheffield table and pocket cutlery, purchased probably from a hundred different makers, and come within 5 or 7½ per cent. of the actual invoice certificate (as has been the case) it is plain to any man who understands the business that the owner of the goods intended no fraud and that he proposed to pay all the duty due by law. The table and pocket cutlery now coming from Sheffield is outside of competition from American makers to a great extent. The competition in pocket cutlery, indeed, never was, even when gold was at its highest, a formidable deduction from the trade of Sheffield, and now that gold is getting toward par it will be more and more difficult for native companies to make money. It is enormous protection, depreciated currency, machinery, ingenious and effective, and national prejudice against abundance of highly skilled hand labor, established names and reputation, and completely organized establishments, backed by abundant means.

If Sheffield manufacturers, especially the smaller and more unknown sort, could be persuaded to adopt the machinery and methods in use here they might defy all the other conditions put together. Sober, thrifty men, working with Yankee machinery at home, would distance any foreigner. Why come abroad to do, after infinite pains, what can be as well done in Sheffield? As regards table knives, the American makers monopolize all but a very few leading goods, and the trade can be recovered in no other way than by making the same goods in the same way in Sheffield as here. It is of no avail to hear it averred that the American manufacturers have been losing money for three years and that many are in hard straits. They go on and absolutely monopolize the trade. It is of more use to know that with gold at or under 20 per cent. Sheffield goods are very, very much cheaper than American; and that if the Sheffield quality can be improved and the price of gold kept down the day has come in which the Sheffield makers have a chance. But the efforts are so desultory, and the margin is so small, and the production so limited, that for the present the trade is lost. The American manufacturers do not attempt any advance of duty on finished goods in the new tariff. They aim at putting all hard woods, ivory, and other materials on the free list, thus getting rid of a 10 per cent. duty on material. This will offset the fall in gold somewhat, especially in table cutlery, and is another block to any advance in Sheffield.

The last difficulty under which Sheffield houses now labor, and which I shall name, is one in the dissipation of which this letter may be useful. The table-knife manufacturing concern of Lawson & Good now claim to be the owners of the patent for making "shell-bolster" table knives and forks, acquired in 1866, through one of their partners, William Gardiner. For some time this right has been contested by the equally powerful concern in the same trade, J. Russell & Co. It is now said that the last-named firm, finding it impossible to impeach the patent, have compromised the suit with the Lawson & Good Manufacturing Company, and have paid $25,000 as damages for goods made on which no royalty was paid. During the past few weeks notices of applications for injunctions have been served on several Sheffield houses, and damages have been laid at from $10,000 to $50,000 each. Under this patent the Lawson & Good Manufacturing Company claim all bolsters pinned on the blade, not apparently discriminating between those which do and do not partly

cover the wood or bone scale. If you are able to obtain any samples and affidavits showing that bolsters, in parts or whole, whether partly covering the scale or not, were made and sold prior to 1860, send them out at once. You are aware, doubtless, that if the Lawson & Good Manufacturing Company can exclude the table-knife manufacturers from making this class of goods until 1874, when the patent expires, the table-knife trade, even if machinery is introduced, will be reduced to still smaller limits. If bolsters were ever "run" on the information would be useful.

The CHAIRMAN. Debate has been exhausted on the pending amendment.

Mr. ALLISON. I withdraw the amendment.

Mr. BROOKS, of New York. I renew it. Mr. Chairman, I do say it is astonishing that the gentleman from Pennsylvania [Mr. KELLEY] should so often repeat the declaration that it is impossible for this country to compete with British labor; but it is not necessary to dwell on that declaration, however often the gentleman may repeat it. I wish to call the attention of the committee to some facts on the pending question. Take our sewing-machine. It is a Yankee invention. It pays an enormous duty both on iron and steel. It has the command of all the markets in the world in France, England, Italy, Germany, and all other countries. There are no axes which compete with ours. They are sent all over the world, notwithstanding the high price of our labor, and notwithstanding the enormous duty we pay on iron and steel. There, too, is the Ames shovel, made by a member of this House, a great patriot, who pays an enormous duty on iron and steel, because of his Massachusetts association. The Ames shovels command the markets throughout the world. They drive out in Australia and other British colonies all other shovels brought there. The edge tools of New England which pay these enormous duties, both on iron and steel, are the best edge tools in the world, and as the best, command favorable notice in the markets of the world. If there was no high duty on iron and steel, notwithstanding the apparent greater price of our labor, those edge tools would command the markets of the world. So with the cutlery of Connecticut. The cutlery of Connecticut commands now the markets, not only of this country, but, notwithstanding the enormous duty on steel and iron, commands to a certain degree the markets everywhere. This denunciation of American skill and ingenuity, this "humble-pie" confession by members of this House, that we have not the machinery or the intellectual power to compete with the downtrodden Englishman or tax-ridden Prussian or Frenchman, it is time were done away with. I do not object to the classification which the gentleman from Ohio [Mr. SCHENCK] has made in this bill in reducing all to this class, but that is not the question here. The question is, what shall be the rate of duty? He says 3¼. I think 2 is enough, though I shall vote for 2½. But let us see the ingenuity of the classification, I will not say framed by the gentleman from Ohio, but reported by him from the Committee of Ways and Means. For the last year the importation of steel paying 2¼ cents was 17,646,946 pounds. The importations at 3 cents per pound were 8,500,000 pounds. Those at 3½ cents per pound were only about 1,000,000 pounds. The objection to this horizontal level, this universal cutting down, is that it does not cut down low enough. We ought to cut down to at least 2½ cents per pound, the rate at which there is an importation of over 17,000,000 pounds, the importations of the higher qualities being very much smaller.

[Here the hammer fell.]

Mr. INGERSOLL. Mr. Chairman, the injustice of placing all classes and qualities of steel upon the same footing, for the purpose of taxation, must be apparent to the most casual observer. How many kinds or classes of steel are there? Without undertaking to detail minutely the differences in steel, it is sufficient to say that they may be divided into five kinds, though the present tariff divides them into but three. The lowest class of steel is but one remove from iron, which is capable of being converted into steel by a very inexpensive process. This does not require the same protection as cast steel, for the making of which a very costly and laborious process of manufacture is necessary in order to secure the best results. Now, the Committee of Ways and Means propose that steel costing 22 cents per pound shall pay the same tax as steel costing 6 or 7 cents a pound. There is no justice in such a proposition, and the assertion that it is necessary for the protection of the revenue I think has not been made good. I desire, in this connection, as showing that this proposed duty is not required for the protection of the home manufacture of steel, to call the attention of the committee to a most remarkable letter written by one of the members of this House, Hon. D. J. MORRELL.

Mr. ELDRIDGE. I rise to a point of order. There is so much confusion that we cannot hear the gentleman. The lobby is very large just now in the center of the Hall.

The CHAIRMAN. Gentlemen will please be seated.

Mr. INGERSOLL. It is known that the duty on steel before the war was 12 per cent. *ad valorem* on all classes. At the commencement of the war we began to advance the duty on steel, and during the war, in the year 1864, the direct and indirect tax upon the production of iron and upon the production of steel which the steel manufacturers of the United States showed Congress amounted to 2½ cents per pound. I have said that I desire the attention of the committee to the letter of Hon. D. J. MORRELL, one of the largest iron manufacturers of the country, in which he goes into an elaborate statement to show that the indirect tax entering into the production of steel for every ton of pig iron used was $5 83. I will not stop to enumerate all the details of the tabular statement submitted by Mr. MORRELL, but I will state that at least $2 out of that $5 83 have been entirely repealed by the reduction of tax entering into that production, and the direct tax upon the production has been entirely removed by the act of 1866. Consequently the profits of the manufacture have been augmented in the same ratio in which we have reduced the tax.

Now further, in regard to the cost of the production of steel in this country, it was alleged that as the enhanced value of iron enhances the cost of steel it became necessary to increase the tariff in order to put both on an equal footing. Hence the duty on imported steel was from time to time increased on the showing of the steel manufacturers. They alleged that the tax on iron from which the steel was made was $15 a ton. The tax per ton of blooms used in making steel was alleged to be $3 60; the tax per ton of bar iron used in making steel, $3 60; the excise on cost of crucibles consumed, $3 more; the excise on 10 tons of coal, 60 cents more; the excise on cast-iron molds, castings for repairs, &c., used in making 1 ton of steel, 60 cents more; cost of stamps on letters, &c., 60 cents; the indirect tax on labor on the same basis as estimated by Hon. D. J. MORRELL, at the Cambria Iron Works, on the average value of cast steel, 6 per cent., inclusive of income tax, $23; making in all $50 a ton, or 2½ cents a pound, as the tax paid by the manufacturer of steel in this country to the Government of the United States. The steel manufacturers say:

"Thus it becomes manifest that in the competition in our own markets between the imported and the American cast steel the advantages are all on the side of the foreign article, the difference of a quarter of a cent in the duty being scarcely appreciable."

Now, the average duty at that time was $2\frac{78}{100}$ cents per pound on imported steel, while they paid 2½ cents in the way of direct and indirect taxes to the Government of the United States. Consequently at that time they had protection of but a quarter of a cent per pound; and now that all those direct and indirect taxes have been removed, they have under the existing rates, by their own admission, a protection of 2¾ cents per pound, and yet they cry out for more protection, when there is no need of any other protection beyond that which they already have.

[Here the hammer fell.]

Mr. BROOKS, of New York. I withdraw my amendment, in order that the gentleman from Tennessee [Mr. MAYNARD] may renew it.

Mr. MAYNARD. I renew the amendment with the understanding that I do it as the condition on which I get the floor, and for the purpose of replying to the point made by the gentleman from Illinois, [Mr. INGERSOLL,] a point which attracted the attention of the Committee of Ways and Means and gave them no little anxiety and labor to settle to their satisfaction. The gentleman inquires why the same rate of duty is put upon all classes of steel, or rather upon all steel of all characters. Let me call the gentleman's attention to some facts. It is well known to all those who are familiar with the subject that there is no criterion by which you can tell steel that is valuable from steel that is comparatively of small value, unless you put it into a fire and work it. We had before us a great number of instances illustrating this fact, and I recollect a case like this. A large quantity of steel was imported into the United States several years ago as a very common and low grade of German steel. Something about it attracted attention, and raised the suspicion of the collector or appraiser, and he called upon a practical blacksmith, who put the steel into a fire and tested it, and in that way found out that it was the most valuable kind of cast steel; and when the attention of the importer was called to the fact he very quietly paid the duty without any further trouble. But it would be impracticable in the great majority of cases to apply such a test. Hence the committee saw no better way in which to protect the Treasury than to put a fair, medium duty upon the article of steel without reference to the value of the particular kinds.

Something has been said about the duties on steel before the war. German steel and spring steel we manufactured before the war and manufactured in competition with the world. We can do it now. Cast steel is a manufacture that sprung up and obtained success just about at the beginning of the war. The present duty of 2½ cents on steel below 7 cents, and 3 cents on that below 11 cents, and 3½ cents and 10 per cent. *ad valorem* on steel worth more than 11 cents a pound, has now stood for six years, and the result is that we manufacture very largely in this country in competition with foreign steel. And another result most important to the gentleman's constituents and to my constituents is that the price of steel has gone down, in gold, not less than from 2 to 2½ cents per pound from what it was before the war. The result of our manufacturing it in this country and not depending upon the Sheffield works to produce it under the present law is entirely satisfactory to the manufacturers of steel, if the law could be honestly and fairly enforced, and I believe they would prefer the amendment of the gentleman from Illinois, [Mr. HAWLEY,] to strike out the paragraph altogether, and leave the law as it is, and take their risk to have these undervaluations corrected by the machinery which the present Secretary of the Treasury has brought to bear with such efficiency upon the frauds of Sheffield manufacturers and importers, alluded to in the letter introduced by the gentleman from Pennsylvania, [Mr. KELLEY.] But though the manufacturers might be satisfied, the Treasury would not be. We cannot afford to have frauds practiced systematically upon the revenue of the country as they have been in this matter of steel.

Mr. INGERSOLL. I desire to make a suggestion, which I think is a practical one. I had not known, until the gentleman from Tennessee [Mr. MAYNARD] stated it on this floor,

that there had been a practical test of the quality of the different kinds of steel by a blacksmith in the New York custom-house.

Mr. MAYNARD. It was not in the New York custom-house.

Mr. INGERSOLL. No matter; it might as well have been so tested in the New York custom-house as anywhere else. The test can be applied at any point where the steel is imported. If the collector or the inspector believes that the invoice is fraudulent, what is to prevent him at any time from bringing in his blacksmith and having the test applied in the way the gentleman has indicated?

Mr. MAYNARD. That suggestion, while it is not very practical, because of the immense quantity imported, would not be very acceptable to the importers of steel, who might not care about having their wares subjected to that sort of tariff test or process.

[Here the hammer fell.]

Mr. JUDD. This question of steel and its cost to the consumer is one of very great importance, because that article enters into every place of industry, into every shop where tools are used, while the largest proportion of farming and agricultural implements are made of steel. It becomes, then, an important question how much duty shall be levied upon it so far as the consumer is concerned. A new classification is proposed by the bill under consideration, and according to the statement of the chairman of the Committee of Ways and Means, [Mr. SCHENCK,] and the reports which I have myself examined, it so happens that a low rate of duty is imposed upon the large amount of the article which is imported, while a lower rate of duty is imposed upon the smaller part of the amount imported. And we are told that the reason for this is because of the immense frauds upon the Treasury. Why did not the gentleman tell us at the same time that it is within his knowledge that those frauds have been corrected by the present Secretary of the Treasury?

Mr. KELLEY. I read evidence of it from a Sheffield paper, so that I did not withhold that knowledge.

Mr. JUDD. If the frauds of undervaluation, because of which this classification is pretended to be made, have been corrected, as stated by the gentleman from Pennsylvania, [Mr. KELLEY,] then what occasion is there to impose upon this low-priced steel this immense duty of 8½ cents per pound? The reason given by the gentleman from Pennsylvania [Mr. KELLEY] and the chairman of the Committee of Ways and Means [Mr. SCHENCK] is that this is necessary in order to avoid these frauds; that is the reason given for placing the duty on steel at a uniform rate, as proposed by the Committee of Ways and Means. Yet we are also told that under the energetic action of the present Secretary of the Treasury these frauds have been corrected. Then what proper pretense is there for imposing this enormous duty of 3½ cents per pound upon all classes of steel?

Mr. Chairman, this classification of steel is in the same line that a majority of these new classifications are made, unknown hitherto to any statute before this. We find in the present tariff a classification which yields very little revenue, and upon that it is proposed to reduce the duty; but upon the large mass of steel that enters into the consumption of the people of this country, and which yields a revenue to the Government, it so happens that this classification increases the rate of duty. Now, in reply to the argument of the chairman of the Committee of Ways and Means, [Mr. SCHENCK,] when he says that the committee have proposed a uniform rate of duty of 3½ cents per pound in order to avoid frauds, I refer him to the remark of the gentleman from Pennsylvania, [Mr. KELLEY,] another member of the Committee of Ways and Means, that the present officers of the Treasury have corrected those frauds, and that this now comes in at a proper valuation; at least so I am advised by the Secretary of the Treasury himself. Now if that is true and these facts are so, then there is no occasion for this immense increase of duty upon an article that enters into the consumption of every farm and every shop and every household in the country. And gentlemen understand this when they propose to raise the duty on this low-priced steel.

[Here the hammer fell.]

Mr. MAYNARD. I withdraw my amendment.

Mr. ALLISON. I renew the amendment for the purpose of calling the attention of this Committee of the Whole for a few moments to one or two facts which escaped me when I was up before; that is, in reference to the character of the steel manufacture in our own country. From the best information I can obtain, I believe that last year there was consumed in this country about 45,000 tons of steel; and it is admitted that two thirds of all the the steel consumed in this country is of home production.

Mr. KELLEY. About one half, I am informed.

Mr. ALLISON. Gentlemen who are in the steel business have told me that two thirds of the whole amount of steel consumed in this country is manufactured in this country. Now, more than one half of the entire production of this country is made in the single city of Pittsburg; 17,000 tons of steel were produced in that city alone. Now, the manufacturer of steel in Pittsburg has the advantage of transportation from Pittsburg to the sea-board, and virtually has the control of the entire markets of the West. Now, who are the consumers of steel? They are not alone those persons who consume steel in the form of tools which they use; they are also the manufacturers of tools, as was stated by the gentleman from New York. In other words, protection comes in here to interfere with protection. It seems to me we should be especially desirous to adopt an equitable rule which, while it will build up one class of manufactures, will not tear down and destroy another large class.

I call attention to the following statement of the number and locality of establishments using steel, with the capital of each, and their annual consumption of steel:

	Concerns.	*Men.*	*Capital.*	*Tons of steel.*
Maine	9	895	$410,000	405
New Hampshire	6	1,200	900,000	1,235
Vermont	3	375	125,000	265
Massachusetts	20	5,060	5,610,000	2,559
Rhode Island	3	750	450,000	450
Connecticut	17	3,135	2,420,000	1,625
New York	15	2,625	1,690,000	575
New Jersey	3	150	120,000	60
Ohio	1	200	100,000	50
Indiana	1	50	25,000	25
Illinois	3	400	375,000	225
Michigan	2	20	25,000	10
Total	83	14,860	$12,250,000	7,484

Now, if it is necessary to have a uniform rate upon steel, let us adopt a rate which will be reasonable to the consumers of these articles manufactured from steel and reasonable to the manufacturers of the articles. We now have large exportations of these articles, as will be seen by the following official statement of the value of implements exported from the United States for the year ending June 30, 1869:

Classed as hardware	$2,039,008
Muskets, rifles, pistols, &c	1,983,886
Agricultural implements	1,042,474
Machinery	2,948,165
Steel and cutlery, files, saws, &c	419,273
Sewing-machines	2,051,681
Manufactures of iron and steel not specified	1,079,031
Total	$11,563,518
And for the previous year, ending June, 1868	$10,871,058

I believe that if we increase the duty materially these exportations will be cut off. I submit that in the interest of protection, and in the interest of the manufacturers, we ought not to raise the duty on this raw material so as to cut off this exportation. Gentlemen may say that drawbacks are allowed upon steel imported. This is true to some extent; but we all know that these drawbacks are not always secured or even sought for; and they are no protection. Two and one half cents per pound will make an increase of one quarter of a cent per pound upon the common grades of steel. Of the class of steel which, as the chairman of the Committee of Ways and Means says, pays now over 4 cents a pound, we imported last year only $117,000 worth. Why was that? Was it because we consumed only that amount in the tool manufactures of our country and in the higher forms of manufactured steel? No; it was because the American manufacturer has absolute control of the market for that class of steel.

Mr. KELLEY. It is because it is so undervalued; it comes in at lower rates than it ought to.

Mr. ALLISON. Not at all. The gentleman assumes a fact, and upon it makes an argument. It is not pretended that that class of steel, which ought to pay 4½ cents a pound, now comes in at a duty equivalent to 3 cents a pound. But even admitting that it does, it only amounts to $1,000,000 in value, assuming it all to be fraudulent; so that the American manufacturer of steel has still the control of the market.

We are called upon to raise the duty on the lower grades of steel 1 cent per pound, because it is said we cannot bring down the higher grades below 8½ cents. Now, I assume that as we have the control of the market with reference to the higher grades of steel, the rate which I propose, 2½ cents per pound, will be a fair compromise with reference to all these three classes of steel.

Mr. CLEVELAND. I rise to oppose the amendment. The gentleman from Iowa claims that the duty named in this paragraph would increase the cost of steel in the market. He claims also that the American manufacturers have the control of the market. But if his views were carried out, by the adoption of the amendment which he proposes, the control of the market, which he now acknowledges is held by the American manufacturers, would be taken from them, and instead of paying for the best class of steel 18 or 18½ cents per pound, we should be obliged to pay 16 to 17 cents, as we formerly did. When the duty on steel was only 12 per cent. that quality of steel brought in the market 16 cents a pound, and over, according to the quality.

CORPORATIONS IN THE DISTRICT.

The Committee of the Whole on the state of the Union rose informally, when

The SPEAKER said: The Chair is informed that in the enrolling of the bill "to provide for the creation of corporations in the District of Columbia by general law" an error has occurred by a wrong enumeration of the sections. In order that the error may be corrected the Senate will be requested to return the bill, if there be no objection.

There was no objection; and it was so ordered.

TARIFF BILL—AGAIN.

The Committee of the Whole on the state of the Union resumed its session.

Mr. CLEVELAND. Now, Mr. Chairman, what are the prices in New York? Up to 1858–59, when the American steel-works began to attract attention, the price of English cast-steel was 16 cents per pound, and over, according to quality. It is now at 13½ cents, freely offered. Common steel or spring steel was 12½ cents. It is now to be had at 8 cents and 10 per cent. off. By this statement it will be seen that the best cast steel is sold in New York at 2½ to 3 cents less than when the duty was but 12 per cent. *ad valorem*, and common steel at 4 to 5 cents less, when there were no American steel-works of any account.

Mr. ELDRIDGE. The gentleman from New

Jersey states that by the tariff this article of steel has been decreased in value, that they are obliged to sell it at a less price.

Mr. CLEVELAND. There is no doubt about it.

Mr. ELDRIDGE. Would it not be better for him if he were to take the tariff off and place it where it was? I assure him the consumers of steel would be better off.

Mr. CLEVELAND. The gentleman from Wisconsin, in his little speech, like a great many stump speeches, turns the facts inside out.

Mr. ELDRIDGE. That is what I wish to do.

Mr. CLEVELAND. He reverses his own statement by his own argument. If we went back to the old duty on steel it would wipe out all of the American steel-works. When you take off the weight from one balance the other will go down, and by taking off the duty the price of steel will go up. The gentleman, with all his experience and ability, cannot reverse that order of things. Nature has provided it, and he cannot reverse it.

Mr. ELDRIDGE. Has the gentleman any interest in iron-works?

Mr. CLEVELAND. Fortunately I have no interest in any iron or steel works anywhere, as there are none of them making any money at this time.

Now, to resume my remarks at the point where I was interrupted, no man could make steel in this country at a profit for want of experience and skilled labor and the probable stability of the trade sufficient to make it a fair investment for capital. All who entered the trade to make the finer grades of steel failed, and the English makers had it all their own way. The steel business demonstrated itself first in this country in my district, at the old Adirondack works in Jersey City, where it was shown that we could make the best grades of cast steel from American iron; but the entire control over the market held by the English makers, with a duty only nominal, made it an unsafe investment for capital, and the concern could not go into the manufacture on a scale sufficiently large to insure success, even if they had had the skilled labor, and it stopped. It was undertaken in Pittsburg, in Philadelphia, in Massachusetts, in New York, but all failed except those who made specialties in very low grades. The peculiar circumstances at the beginning of and during the war lifted the steel trade in this country from a state of uncertainty and doubt to a position of positive success. That great calamity worked in the interest of and built up this trade, as it did some others of great importance and of permanent benefit to the country. It was one of the very few redeeming features of that great struggle, and I hope the country will never again be indebted to any such state of things for the cultivation of its manufacturing interests. But the war carried the steel manufacturing business forward, till the tariff took it up and assisted it permanently. The consequence was a fall in the price of steel in the market, as above stated, brought about by the competition between the English and American makers striving for the market.

In 1867 there was imported, invoice value, $2,780,000; the duty paid was $1,093,000, or a little over 39 per cent. *ad valorem.*

In 1868 imported, invoice value, $1,962,000; the duty paid was $775,216, or 39½ per cent. *ad valorem.*

In 1869 imported, invoice value, $2,596,000; the duty paid was $1,080,000, or 41½ per cent. *ad valorem.*

In 1867, by undervaluations, the average value of steel brought in was $6\frac{6}{100}$ cents per pound, and the average duty was $2\frac{58}{100}$ cents per pound.

In 1868 the average was $6\frac{52}{100}$ cents per pound; average duty was $2\frac{57}{100}$ cents per pound.

In 1869 the average value was $6\frac{58}{100}$ cents per pound; average duty $2\frac{74}{100}$ cents per pound.

By the above it will be seen that on the importations for three years the average duty has been less than 2¾ cents per pound by the arrangement of the classes by values, opening the door wide for undervaluations, and the English makers have made the best use of their opportunity.

[Here the hammer fell.]

The amendment was withdrawn.

Mr. ELDRIDGE. I renew it. Mr. Chairman, I do not know that I understand anything about this question of tariff. I often think I do not; but I suppose I stand in a position in common with the great mass of the people. I am tired of the arguments of these learned gentlemen who advocate high duties and who so constantly assert that manufacturers cannot live without additional duties or taxes being imposed upon the people; that they cannot go on with their business unless they have more protection, yet who are all the time telling us these high protective tariffs are reducing the price of manufactures to the consumers. Now, that is an enigma, a conundrum which none of these gentlemen have endeavored to explain or answer. Why is it that these manufacturers come here and tell us constantly that they cannot manufacture this article or that article unless they are more highly protected, and at the same time that the protective tariff already in existence has decreased the price of the article to the consumer? If that be so, how is it that we find the manufacturers here as the only advocates of an increased rate of duty? Why is it that the consumer does not come here and lobby with this House, and labor with the learned gentlemen of the Committee of Ways and Means for the purpose of having the tariff increased? If the representations of these gentlemen are honestly made, and if it is really the fact that a high protective tariff decreases the price to the consumer, it is strange that we find no consumers here advocating the high tariff which they propose to inflict on the people of this country.

Again, we are told here to-day that if we will only increase this tariff the steel-makers will in the course of ten or twelve years at most be able to compete with all the countries that manufacture steel. Mr. Chairman, we have always heard that plea on their behalf. We have been told that our manufactures are in their infancy, that they need to be protected during their tender years, and that when they come to their majority they will be able to get along without all the other avocations of life paying tribute to them. I have heard that song sung long enough. I am sick of it, and believe it to be untrue. As I once before remarked to the committee, it is the heartiest, most expensive infant I ever knew; and we may well ask ourselves, when will it be taken from the breast? When will it have been nursed and supported long enough? When will it grow to its majority? When will it cease to be an infant? What will it cost to raise it, and will it ever pay the expense of the raising? are questions we should like to have answered before we nurse it longer.

The last time the tariff was raised we were told the same story, that but a few years more of protection were necessary to give manufactures all the strength they required. Yet now they come again asking for a tariff over the present rates of from 44 to 225 per cent. on this article of steel. That is the tariff which they ask that the people of this country shall pay—my friend from New Jersey [Mr. CLEVELAND] says—for twelve years. Do gentlemen believe at the end of that time these manufacturers will not be just as clamorous as they are to-day; that they will not demand even a higher duty than they do now? Have they ever been known voluntarily to accept or advise lower rates? For my part I have no idea that any one branch of manufactures will ever outgrow its infancy. No one has during my day, and I never expect any one will. I do not suppose this steel business will ever grow to manhood; that it will ever get beyond the necessity of protection; that it will ever be self-sustaining.

The fact is that the manufacturers and the protectionists desire to live upon the blood and the sweat of labor. They desire to live, not by their own labor, but upon the work and labor of the people. When gentlemen demand this protection they demand it in the interest of capital and against the interest of labor. These lobbies are full of manufacturers and their paid agents urging higher and higher tariffs, higher and higher protection; not that revenue may flow into the Treasury, but that the people's, the masses' money may go into the pockets of these already overgrown capitalists. And labor is depressed day by day, and capital is being centralized and combined in the hands of the few further to oppress it.

[Here the hammer fell.]

Mr. SCHENCK. Mr. Chairman, some things would be very amusing and refreshing if they were not deplorable. Among these I would class the tirade to which we have just listened against the manufacturers, by one who is actually playing into their hands. The manufacturers have not asked this change of classification. They have opposed it. We have forced it upon them, or are trying to do so. And when the gentleman set out by saying that he probably did not know much about this matter he could not have said anything that would be more completely exemplified in all that talk afterward about a baby that needed fostering, and, unlike other babies, was going to live on blood and thunder. I do not care for my part whether it takes milk or blood. I repeat, however, what I said at the commencement of this debate, that this is a question of revenue much more than it is of protection.

It is a question in which the Government and the consumers are interested very much more than it is a question for the manufacturers. I hold in my hand, for instance, a letter addressed to the gentleman from Iowa, [Mr. ALLISON,] a member of the Committee of Ways and Means, by these great steel manufacturers in Pittsburg in December last, in which they ask that the law shall be let alone as it is. We were applied to continually by manufacturers not to interfere with this classification which gentlemen now who are so opposed to manufacturers are endeavoring to maintain. By and by they found that the Committee of Ways and Means were determined to cut up by the roots all these frauds and protect the revenues of the country, and then a letter was received by the gentleman from Tennessee [Mr. MAYNARD] from the same parties, the Black Diamond Steel Works of Pittsburg, stating that they had come to the conclusion that the committee was right in ignoring size and grades, &c.; that the very best classification would be on all steel, ingots, &c., 3¾ cents per pound. That is to say, if the committee is determined to bring it down to one class, if the committee look to the advantage of the Government and insist upon it that they will not leave open this door to frauds any longer, then give us 3¾ cents per pound and we can get along.

Now, sir, what led to this? We found that there were frauds being committed. I hold the proofs in my hand. Here are the reports of the revenue agents sent abroad upon this subject, from one of which I will quote:

"Prior to July, 1846, steel in bars and sheets paid a duty of 2½ per cent. By the act of July, 1846, the duty was changed to the *ad valorem* rate of 20 per cent. Up to the date of the passage of this act steel had been shipped to the United States by the Sheffield manufacturers at uniform rates in like qualities, which, as will appear, were greatly in excess of present invoice rates of like grades. I do not claim for this latter circumstance, however, any further consideration than that to which it may be entitled in so far as the change can be shown to be in excess of the actual decline which has taken place during the intervening period in the market value of steel in Sheffield. I do claim, however, and I propose to

demonstrate that from and after the adoption of the *ad valorem* system of levying duties on steel by Congress many of the Sheffield manufacturers mentioned in my former report, who were at that time and have since been engaged in shipping steel to the United States, commenced and have since carried on through a period of more than twenty years a deliberate and studied system of undervaluation in their mode and rates of invoicing their steel for the United States, by which the Government has been defrauded out of a vast amount of its legitimate revenues and the law successfully and shamelessly evaded for the protracted period that I have named."

I read now from another report:

"It is proper that I should say at the outset that my attention was first directed to this particular article of commerce by Hon. George J. Abbot, the consul of the United States at Sheffield, who has long feared that the Government was being defrauded of a large percentage of its legitimate duties upon imports of steel, but who from the very nature of his official position, and the perfectly devised system of concealment of prices adopted by manufacturers and shippers in Sheffield, was wholly unable to obtain the necessary information upon the subject to enable him to ascertain whether his conjectures were correct or not. Every attempt that was made by Mr. Abbot to obtain the real prices of rteel was met by studied misrepresentation and deception, calculated to mislead him and to lull all his suspicions to rest."

Now, sir, what does this arise from? It arises from our resorting to the *ad valorem* system of duties in reference to an article where valuation is no guide, because it can be so deceptive. Finding this condition of things the committee sought to remedy it by calling before them importers of steel and manufacturers of steel, and persons trading in steel in this country, and at one time they thought that they had perhaps got at the matter by taking the sizes of steel. Why, I recollect that among other witnesses on this subject before the committee we had a gentleman who has been alluded to by the gentleman from New York, [Mr. BROOKS,] a member of this House, [Mr. AMES.] He came to us and showed to the satisfaction of the committee that the size of bars and ignots is no criterion at all, that you might have the largest combined with the finest, and the smallest with the coarsest. We tried other tests of quality which might be described. We found that *ad valorem* would not answer, and we were driven to the conclusion that the way to remedy the matter was to put all steel down in one single class and charge whatever might be right upon it. We refused to give 3¾ cents, which was what the Pittsburg manufacturers thought they might get along with, or 3½ cents, or any other amount, but came down to 3¼ cents. I have explained why we adopted 3¼ cents.

The gentleman from Iowa [Mr. ALLISON] and others insist that we have driven from the market all high-priced steel imported from abroad. That is rather a deceptive view of the subject. We get a good deal of valuable steel from abroad yet, but it comes in at 3 cents a pound, when it ought to pay 3½ cents and 10 per cent. *ad valorem*. It comes in by undervaluation, and while there is no good in the shape of protection to the manufacturer here, there is a vast amount of wrong done to the Government in robbing it of its revenue. I said when I was first up that upon the face of the matter it would seem as if a large proportion of the steel came in at these lower rates of duty, and therefore must be of an inferior class of steel. But I understand that although it comes in at a lower rate of duty it is not to the fullest extent nor in the largest proportion the lowest-priced steel. Look at the operations of this system for the last two years. [Here the hammer fell.] I was about to show that from year to year this discrepancy appears to be greater; the amount of the lowest-priced steel is continually increasing, and it is because those interested in the importation become bolder and bolder in their efforts to shove it down into the lower rates of duty.

Mr. ELDRIDGE. I withdraw the amendment.

Mr. INGERSOLL. I renew it. I regret that the chairman of the Committee of Ways and Means, [Mr. SCHENCK,] usually so amiable and so courteous, should at times display so much irritation, and lampoon those who may see proper to differ with him. I do not think it is in keeping with his general character; I say this to his credit.

Mr. SCHENCK. Whom have I lampooned?

Mr. INGERSOLL. I am not aware of anybody in particular. But I do not think it is the way to meet this question. Having said this much by way of preliminary, I will now proceed to examine the position taken by the gentleman from Ohio, [Mr. SCHENCK.] He tells us that this is not a question of protection, but one of revenue. Now, how much revenue does he expect to collect, even if this bill should become a law? Not exceeding $1,000,000 per annum. Less than $1,000,000 has been collected heretofore, and not more than $1,000.000 can be collected on this article under this bill if it should become a law.

Now, what are the facts? The gentleman proposes, as a question of revenue, that the consumers of the British foreign production of steel shall pay $1,000,000 into the Treasury of the United States; and he also proposes that the consumers of the domestic product of steel in the United States shall take out of their pockets $2,000,000 and give it to whom? Not to the Government of the United States, but to the domestic producers of steel in our country. You propose to take $1,000,000 from the British producer and $2,000,000 from the American consumer. That is the proposition; it has no wider and no less extent than that. I now want to notice the proposition assumed by another honorable gentleman of the Committee of Ways and Means, the gentleman from Tennessee, [Mr. MAYNARD.] He informs this committee that the manufacture of steel had become an assured success in the United States before the war and before the tariff upon it exceeded 12 per cent. *ad valorem*. Be it remembered that the manufacture of steel became an assured success under a tariff of only 12 per cent. *ad valorem*.

Mr. MAYNARD. A scientific success; not a pecuniary success.

Mr. INGERSOLL. I will accept it as the gentleman now expresses it. It became a scientific success. There had to be a practical inducement before capitalists would invest money in it to make it a scientific success. That was under a rate of duty of 12 per cent., while to-day there is a duty of 45 per cent. *ad valorem*. But let us examine whether it has not become a practical as well as a scientific success. In 1864 there were but 7,500 tons of steel manufactured in the United States. In 1868 there were manufactured not less than 30,000 tons, or an increase of 400 per cent. over the production of 1864. That shows that it is not only a scientific success, but it is also a practical success. And I state here, without fear of contradiction by any intelligent gentleman, that there is no business in the United States where the same amount of capital is invested in the manufacture of any article that has paid better during the past five years than the manufacture of steel.

Mr. SCHENCK. How does the gentleman explain the fact that the price of steel is less now, with a duty of from 2½ to 3 cents per pound in gold, than it was when the duty was but 12 per cent. *ad valorem*? Is it not because of the competition in this country which the protection upon it has developed?

Mr. INGERSOLL. I will explain that. The scientific appliances which American genius has enabled our people to make use of in the manufacture of steel have enabled us to produce it at a less price than before.

Mr. SCHENCK. And to use more of it.

Mr. INGERSOLL. But while we import only about 30,000,000 pounds we manufacture in this country 60,000,000 pounds, and that, too, at a profit. It is admitted that the manufacturers have not petitioned the Committee of Ways and Means to advance this tariff for their protection. The committee have taken it upon themselves to advance it for the purpose of revenue. While it is very well known that six eighths, or perhaps seven eighths of all the steel consumed in the United States is of the lower grades, yet it is proposed, for the purpose of revenue, and for the sake of the incidental protection which it may afford to the small amount of capital and the limited number of people engaged in the manufacture of steel in the United States, to take from the pockets of the consumers, including every man who uses a steel plow or an ax or a plane or a mining implement, $2,000,000, to be put into the pockets of the few men in the United States who manufacture steel.

[Here the hammer fell.]

Mr. CLEVELAND. The gentleman who has just taken his seat has made a very singular statement. It may be correct, but I do not believe it is. I do not pretend to be one of the very intelligent men of the House to whom he alludes. But I do know the fact that, notwithstanding the gentleman's statement, in no business in this country, involving an equally large amount of capital, skill, and experience, have so many years been spent in struggling to gain a foot-hold in order to establish an important national industry as in the steel business. I undertake to say that during the last three years no business of the same extent in this country has produced less profit on the investment, considering the industry and talent bestowed upon it, than the steel business. It prospered during the war. By fortuitous circumstances over which it had no control the interests of that branch of industry were promoted during the war. That was the result of such circumstances as I trust may never exist again in this country. I have not time to reply to the various arguments presented on this question; but I desire to submit a few figures which I have prepared showing why the classification adopted by the Committee of Ways and Means should be sanctioned by this committee and enacted into law.

The proportions of importations of the different classes show how the frauds were managed. I speak against those who steal and profit by their stealings, and on behalf of every man who uses steel for manufacturing purposes, of every farmer who uses an agricultural implement, of every plow manufacturer who uses steel molding boards, of every blacksmith who makes a steel toe-calk, of every man who carries a jack-knife, of every woman who buys a pair of scissors, of every family wanting cutlery, of the backwoods lumberman using steel saws; and as iron and steel are the great evidences of and promoters of civilization, I speak on behalf of civilization itself and against the English monopoly when I speak for the American steel interest. I advocate circumstances that have brought and would maintain a low price for steel. The gentleman speaks on behalf of the old English monopoly and a high price for steel. These gentlemen would break down the American steel interest and cause the consumers of steel in this country to pay $1,000,000 annually more than they now pay, in advanced prices for the steel they use.

By the classification in the present tariff law ordinary cast steel is invoiced down to bring it into the class that was intended for cheap blister steel, and the best cast steel is invoiced down to bring it into a class intended for a low grade of cast steel; so that in the class really intended for the best cast steel there was imported only 2½ per cent. last year of the whole importation.

In the old tariff there are three grades at three different rates of duty, and the importations in 1867 were: of the grade at 2¼ cents duty, 65 per cent. of the whole; of the grade at 3 cents duty, 30 per cent. of the whole; of the grade at 3½ cents and 10 per cent. duty, 5 per cent. of the whole.

For 1868 the proportions were: of the grade

at 2½ cents duty, 65 per cent. of the whole; of the grade at 3 cents duty, 32 per cent. of the whole; of the grade at 3½ cents and 10 per cent. duty, 3 per cent. of the whole.

For 1869 the proportions were: of the grade at 2½ cents duty, 65 per cent. of the whole; of the grade at 3 cents duty, 32½ per cent. of the whole; of the grade at 3½ cents and 10 per cent. *ad valorem*, 2½ per cent. of the whole.

The fact that only 2½ per cent. of the whole importation consisted of the better class of steel shows how well this system of bringing in steel at an undervaluation is understood.

Now, to show the absurdity of this arrangement and the perfection to which the English makers have brought the system of valuing to meet the classes in the tariff, let me state that a single edge-tool establishment in this country—I hope my friend from Wisconsin [Mr. ELDRIDGE] will listen to this—uses more steel of the best grade than the whole amount of the importations of last year of that kind, and yet there was plenty of such English steel in the market at all times. Where did it come from? It was imported at a lower value than that intended by the last tariff act. The imports in 1867 were 42,054,449 pounds; in 1868, were 30,077,025 pounds; in 1869, 39,399,358 pounds; and the average *ad valorem* rates were, as before shown, for 1867, 39½ per cent.; for 1868, 39½ per cent.; for 1869, 41½ per cent.

I assume that imported steel, if honestly invoiced, would come in in the following proportions, which, I am confident, are approximately correct, namely: one fourth, or 25 per cent., each of the lowest and the highest; and about one half, or 50 per cent., of the middle or 3 cent class.

Taking the imports of 1869 as a basis, let us see what the result would be at the present rates of duty, and what it would be as proposed by the Committee of Ways and Means.

The average value of the three classes of steel will be found to be as nearly as possible 4½ cents per pound, 9 cents per pound, and 12½ cents per pound, as the true invoice cost.

Pounds.	*Cost, cents.*	*Invoice value.*	*Duty, cents.*	*Amount of duty.*
¼ — 9,849,839 at	4½	$443,242 76 at	2½	$221,621 38
¼ — 19,699,679 at	9	1,772,971 11 at	3	590,991 07
¼ — 9,849,840 at	12½	1,231,230 00 at	3½*	468,867 40
39,399,358		$3,447,443 87		$1,281,479 85

Now, at 37½ per cent. *ad valorem* on the whole value, the amount of duty would be $1,283,972 86, or almost exactly the same amount. At the rate of 3½ cents per pound duty, as proposed by this bill on all grades, it would amount to $1,280,479 08, or about 37⅛ per cent. *ad valorem*. The estimate of the gentleman from Iowa [Mr. ALLISON] of a fair tariff is 40 per cent. average duty. The above shows that on steel the duty would be only 37⅛ per cent.

The trade has struggled nobly through the last five years, until the manufacture of steel in Pittsburg alone, in 1869, equaled the whole importation of that year and exceeded the importations of 1868, leaving out of the account the enormous amount produced in my district and other parts of New Jersey, in Philadelphia, in Illinois, in New York, Connecticut, and Massachusetts. There are many millions of capital invested in this business in this country, and many thousands of native and foreign skilled laborers employed. The struggle is now going on, and the next ten years will show whether American steel or Sheffield steel shall be supplied to those countries where they cannot produce it for themselves, and whether we shall buy our steel of England at a high price, or make it for ourselves at a low price. I know that the proposition I make sounds strange; but who does not know that when this contest is over, if the American trade shall become crippled, and the English makers again get possession of the market, the price will go up to remunerate them for the losses during this struggle?

*And 10 per cent. *ad valorem*.

Mr. SCHENCK. I must now resume the floor, in order to stop this debate.

Mr. RANDALL. I should like to ask the gentleman from New Jersey whether the internal revenue taxes have not been repealed?

Mr. COX. I hope the gentleman from Ohio will allow this new convert to protection on the Democratic side to finish his remarks. It is somewhat remarkable for a man on this side of the House to speak of special interests.

Mr. SCHENCK. I move that debate on this paragraph now cease.

The motion was agreed to.

The question first recurred on the amendment to the amendment of Mr. ALLISON.

The committee divided; and there were—ayes 60, noes 62.

Mr. ALLISON demanded tellers.

Tellers were ordered; and Mr. ALLISON and Mr. CLEVELAND were appointed.

The committee again divided; and the tellers reported—ayes 78, noes 67.

So the amendment to the amendment was agreed to.

Mr. ASPER'S amendment, as amended, was agreed to.

The question next recurred on the motion of Mr. HAWLEY, to strike out the whole paragraph.

The committee divided; and there were—ayes 60, noes 70.

Mr. HOOPER, of Massachusetts, demanded tellers.

Tellers were ordered; and Mr. BLAIR and Mr. COX were appointed.

The committee again divided; and the tellers reported—ayes 64, noes 75.

So the motion was disagreed to.

The Clerk read as follows:

On steel of circular shapes or forms, and on steel of all shapes or forms cast, cut, rolled or hammered to pattern, not otherwise provided for, 4 cents per pound.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, a message was received from the Senate, by Mr. HAMLIN, one of its clerks, requesting the House of Representatives to return to the Senate a bill (S. No. 789) to authorize the proper accounting officer of the Treasury to settle and close the accounts of Hinton Rowan Helper.

It was further announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

An act (H. R. No. 486) to extend the time for the completion of the military road from Fort Wilkins, at Copper Harbor, in the State of Michigan, to Fort Howard, at Green Bay, in the State of Wisconsin;

An act (H. R. No. 858) for the relief of Charles C. McCreary;

An act (H. R. No. 983) to amend an act entitled an act to enforce mechanics' liens on buildings in the District of Columbia;

An act (H. R. No. 1025½) to amend an act entitled an act to establish in the District of Columbia a house of correction for boys, approved July 28, 1866;

An act (H. R. No. 1594) to amend an act entitled an act to incorporate the Freedmen's Savings and Trust Company, approved July 30, 1865;

An act (H. R. No. 1766) in relation to the Iowa river, in the State of Iowa;

A joint resolution (H. R. No. 131) granting an American register to the British-built schooner W. D. B.; and

A joint resolution (H. R. No. 208) for the relief of Boswell M. Shurtleff.

The message further announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

An act (S. No. 99) to pay loyal citizens in the States lately in rebellion for services in taking the United States census of 1860;

An act (S. No. 453) granting a pension to J. R. Callahan of Chariton, Iowa;

An act (S. No. 471) in relation to certain unsold lands in the counties of Porter and Lake, in the State of Indiana;

An act (S. No. 554) to regulate credits to prisoners for good behavior;

An act (S. No. 781) to amend an act entitled "An act fixing the compensation for the bailiffs and criers of the courts of the District of Columbia, approved February 22, 1867;

An act (S. No. 782) to annul a portion of a certain statute of the Territory of New Mexico;

An act (S. No. 785) to incorporate an association for the prevention of cruelty to animals in the District of Columbia;

An act (S. No. 788) for the relief of the widows and orphans of the officers, seamen, and marines of the United States vessel of war Oneida, and for other purposes;

An act (S. No. 798) granting a pension to Joseph Shelton;

An act (S. No. 799) for the relief of Anna M. Howard;

An act (S. No. 808) granting a pension to Amanda M. Ritchey;

An act (S. No. 809) granting a pension to Mary M. Filler;

An act (S. No. 828) for the relief of Henry Newell;

An act (S. No. 831) for the relief of Baron Creutz, of the Netherlands;

A joint resolution (S. R. No. 16) for the relief of Benjamin Cooley and James H. Boswell; and

A joint resolution (S. R. No. 177) for the sale of certain Indian lands in Kansas.

TARIFF BILL—AGAIN.

The committee resumed its session, Mr. WHEELER in the chair.

Mr. GRISWOLD. I move to strike out "4," in the four hundred and thirty-third line, and to insert "2;" so that the paragraph will read:

On steel of circular shapes or forms, and on steel of all shapes or forms, cast, cut, rolled or hammered to pattern, not otherwise provided for, 2 cents per pound.

I do not desire to raise a special discussion on this paragraph. I simply desire to call the attention of the committee to the great importance of this article of steel—raw steel. In whatever shape or state it is found it is one of the most important articles in this country. And when we reduce its price we are acting in the interest of all the mechanics of the country, blacksmiths and others, from North to South and from East to West. We are acting in the interest of all the carpenters, of all the machinists, of all the farmers of the country. It is one of the most important articles in use by any civilized nation. In fact, without it we should almost cease to be a civilized nation. When we oppose any increase of duty on this article we speak not only in the interest of the farmers and other industrial classes of the country, but we speak in the interest of the manufacturers themselves; for the making of steel into the various tools of the mechanic, the farmer, and the machinist, gives employment to manufacturers who outnumber the domestic manufacturers of steel hundreds to one. I send to the desk to be read the statement of an intelligent gentleman of my district, which directs attention to the variety of uses to which this article is put, and which I think is well worthy of the consideration of the gentlemen of the committee.

The Clerk read as follows:

"Steel, in whatever form it comes from the maker, is raw material in its most essential sense. It antedates and precedes all other raw material. There is no other that is worked into so many useful and indispensable articles; nor is there one that receives such an increase of value—often a thousandfold—from labor. There is not one in the whole range of manufacturing that employs so many hands, or so

large a capital, in the innumerable shapes into which it is converted.

"Steel, after it has passed from the hands of the artisan and mechanic, and taken the form of tools and machinery, to which purposes it is almost wholly applied, is still raw material, as much as it was in its primitive condition. It is always, whatever may be the form into which it is converted, an instrument—a means to a further end. Disconnected from such end it is nothing. But for tools our forests could not be cut down or removed, so as to open the soil to the hand of man. But for them, deposits of coal, and of iron, lead, copper, silver, gold, and other ores, could not be uncovered, raised, and rendered the subjects of industry and use. But for them, neither commerce, nor wealth, nor civilization even, could have had an existence. The progress of a people is, in fact, always to be measured by the perfection of their tools and processes, which either abridge labor or render it more efficient and productive. With nothing but the scythe and sickle five times the men now employed could not gather the grain and grass crops of the country. Without tools the works which distribute these crops to the consumer—the ship and the railway—could never have been constructed. Tools lie at the basis of all production and distribution, and a nation is rich in the proper subjects of taxation—accumulated wealth—just in proportion to the perfection, abundance, and cheapness with which they are supplied.

"It has, consequently, for the reasons stated, been the policy of all Governments, and none more than our own, to release raw material, tools, and processes of all kinds from taxation, that that which was comparatively valueless might become the subject of industry and converted into forms fitted for the comfort and support of man. Such were the arguments which led to the recent repeal of all internal revenue laws imposed by the exigency of the late war upon most of the manufacturing processes, and upon coal, cotton, ores, and other material that form the basis of our mechanical industries.

"The excessive duties imposed on steel are among the causes of the decay threatening the destruction of many of our most important branches of industry, such as ship-building and the manufacture of tools and machinery for exportation. All such industries come into direct competition with those of other countries where steel is subject to no other charges than cost. In consequence of high duties our commerce is being rapidly transferred to ships of other nations. For the same reason our mechanics and artisans are being driven out of all foreign markets, for which they formerly competed on equal terms. With the continuance of the present rates we must soon cease to be a commercial people, while our mechanical industries must be wholly restricted to our domestic markets."

Mr. COX. I move to amend the amendment of the gentleman from New York [Mr. GRISWOLD] by substituting 3¼ cents for 2 cents, as proposed by that gentleman. I desire only to say that I think 3¼ cents is an enormous tax on this article, but I make this proposition in order to secure the help of many liberal gentlemen on the other side who are in favor of reducing the tariff rather than of increasing it, and who have acted with us in reducing the rates in some previous paragraphs.

Mr. COBURN. I rise to oppose the amendment to the amendment. As I understand it, there is not much difference in regard to grade or quality between the steel described here as "steel of all shapes or forms, cast, cut, rolled, or hammered to pattern, not otherwise provided for," and the steel described in the previous paragraph as "steel in ingots, blooms, or billets, and rolled or hammered steel in bars, rods, sheets, slabs, plates, bands, coils, or strips." This steel is cut up by machinery without involving any very great expense or the employment of skilled labor. And I do not see why any broad distinction should be drawn between the steel described in this paragraph and that described in the preceding one. The steel described here enters into all manner of tools, agricultural implements, mechanics' tools, and machines. It is the steel used for mill saws and cross-cut saws. It is what is used as steel for machinery, coach-spring steel, shovel steel, hoe steel, common cast steel, blister steel, file steel, horse-rasp steel. It includes these and other kinds of steel that are used in the ordinary implements which laboring men are accustomed to handle daily all over the land.

Now, inasmuch as we have cut down the duty to 2½ cents per pound on plate steel and slab steel and sheet steel, it strikes me that it would be fair to reduce this to about the same level. I will vote for a proposition to make the duty on this class of steel 2½ cents a pound. A duty of 3¼ cents is too high, for there is not a corresponding difference between the steel mentioned here and that on which we have put the duty at 2½ cents. This amendment intimately concerns the whole working population of the country. Every laborer, every farmer, every mechanic who uses a tool or implement, as well as every man who makes or works a mill or machine, is taxed at an increased rate by the provisions of this paragraph, ranging from 44 per cent. on steel for hoes and plows up to 77 per cent. on cross-cut saw plates, and still higher up to steel fish-bars cut to pattern, at the enormous increase of 225 per cent. Good and cheap tools are absolutely necessary to prosperous and profitable work. Compared with the protection of a few persons who cut steel to patterns the protection of the thousands who work with the tools of the mechanic and farmer in the various walks of life is vastly more important. The men who use the implements and machines made from this class of steel are as a thousand to one when compared with those who manufacture it. In view of this fact alone a decision is easily made. The duty under the present law affords ample protection; too much, in fact; and there can be no excuse for supporting the bill, but rather the converse proposition, to reduce the duty fixed by law.

[Here the hammer fell.]

Mr. KELLEY. I rise to oppose the amendment offered by the gentleman from New York, [Mr. GRISWOLD.] I desire to say that the gentleman from Indiana [Mr. COBURN] is seriously mistaken in supposing that the labor involved in the forms of steel embraced in this paragraph is done by machinery, or is not highly skilled labor. I apprehend there is no branch of mechanics that requires a greater degree of precision of eye and hand, and more accurate judgment, than the making of many of the articles embraced in this paragraph. I have stood beside the trip-hammer with not only admiration but surprise at seeing the manner in which a heavy bar was handled, perhaps by two men, while a third guided the strike, or a small bar, turned readily by one man, and the perfection with which the work was done. The gentleman from Indiana probably does not know that we are only now importing skilled workmen in that branch of business, that it has been so recently introduced among us that we have been unable to train any yet, and that there are men earning $25 a day at some of the very branches of work which he says are done by machinery, getting extraordinary wages for the privilege of introducing these skilled branches of work into our midst, and giving to the young American workmen in steel works the advantage of the example of the highest experience and training from the continent of Europe.

Mr. ELDRIDGE. Will the gentleman allow me a question right there?

Mr. KELLEY. If it be a pertinent one, yes.

Mr. ELDRIDGE. I will endeavor to make it pertinent. The gentleman says we are importing skilled workmen from the Old World; I suppose from the "pauper-labor" countries of Europe.

Mr. KELLEY. Please put your question.

Mr. ELDRIDGE. Ought we not to put a tariff on that class of skilled laborers in order to protect our own people so that we can educate skilled workmen in this country?

Mr. KELLEY. I am thankful to the gentleman for having asked that question. This country is the asylum for the oppressed and downtrodden. It is an ample and adequate asylum. Under all its acres lie vast stores of mineral wealth, and we bring the oppressed laborer of Europe under the wages that I am striving to maintain for him, and we make him and his children free and enlightened American citizens. I am ready, sir, to keep our doors as widely open as they are to the skilled men or unskilled men that come and add value to our acres and skill to our producing capacity. The wages they get abroad are so small that they come gladly to us while we keep a tariff that will protect our system of wages. But when, as in 1859 and 1860, we get the tariff down to free trade, and they have to come to a strange land to compete with the wages of home from which they have fled, they cease to come; they bear in their own homes the ills they know rather than fly to others among strangers of which they know not. Sir, in 1860 and 1861, with a free-trade tariff, we saw, what we had seen in 1837–38 under a similar tariff, more men emigrating from the United States than there were coming into it as immigrants, and a few votes such as the last given here will have an effect on wages in this country that will check the immigration that is adding to the value of every acre of land in Wisconsin, that is peopling it, that is cheapening transportation from one end to the other of our country by developing mines, building forges, furnaces, and steel-works, and giving to your railroad companies local travel and local freight and transportation both ways.

As I have had occasion to remark more than once, we now pay double transportation on our wheat. It is sent to the sea-board, and the cars are returned empty. We pay double transportation on our autumn shipments of goods to the West, because the cars run freighted only one way. I am for welcoming the skilled and unskilled men of Europe. Give us free trade in stalwart men, men who were raised through puny infancy and childhood, through boyhood, into stalwart manhood, and the condition of skilled workmen at the expense of other nations. Let them come to us and make us rich and powerful.

[Here the hammer fell.]

Mr. COX. I will modify my amendment so as to make it 3 cents instead of 3¼ cents. I believe we can carry that.

Mr. ELDRIDGE. Mr. Chairman, the gentleman from Pennsylvania [Mr. KELLEY] makes substantially the same argument that my friend from New Jersey [Mr. CLEVELAND] makes. He tells us that one of the objects of protection is to prevent the poor people, the laboring classes of America, from being obliged to compete with the pauper labor of Europe. And in the next breath he tells us that manufacturers are importing laboring men from Europe, skilled men, and that the object of the tariff is to enable them to bring in the skilled labor of foreign countries to compete with the poor laborers of this country. And yet he goes to the people, and tells them that all his efforts are in the interest of the masses, in the interest of the laboring men, and not in the interest of the manufacturers.

Mr. KELLEY. I yielded to the gentleman for a question. Will he now return the compliment?

Mr. ELDRIDGE. I will, if, as the gentleman said to me, it is a pertinent question.

Mr. KELLEY. Are you not likely to increase the rate of wages on the other side of the water by drawing their skilled workmen from them by the offer of higher wages here? And are you in favor of immigration?

Mr. ELDRIDGE. I will answer the last question of the gentleman first. I am in favor of immigration. I say now that the only way in which the gentleman's question is at all pertinent is that his object in importing the skilled labor from Europe to this country is to increase the wages of labor in Europe.

Mr. KELLEY. In the interest of mankind everywhere.

Mr. ELDRIDGE. Instead of working in the interest of the people in his own district, in his own State, in his own country, he is working in the interest of the people of foreign countries. In that the gentleman is perfectly consistent, and the position is characteristic of himself. Instead of representing the manufactures and the manufacturers of his own district, he is constantly proclaiming upon this floor that he is laboring in the interest of the people of my district, the farmers of my State,

the agricultural population of the West. Now he has become cosmopolitan in his representation, and is seeking to raise the wages of labor in Europe in the interest of "God and humanity."

The fact is the gentleman was unable to answer the question I put to him. If his purpose were truly and honestly to work in the interest of the laboring population of this country, the masses, he would put a prohibitory tariff upon the pauper and labor immigration from other countries. He would seek to prevent the skilled workmen of Europe from coming here to compete with our own labor. He tells us that he is working in the interest of mankind everywhere. Still great in his conception, still grand in his purpose, he is working to bring the laboring population of Europe over to this country, to make them citizens of this country, to give them the advantages of a free country, where they may work out a noble destiny, as he phrases it. If that is his purpose, then he is certainly helping Europe; for so far as he helps European labor he must bring them in competition with the laborers of this country. If his doctrine be right, if his positions are true, then the true way to protect the American laborer is to put a prohibitory tariff upon the immigration of any class of working people into this country from foreign countries. The gentleman cannot escape that conclusion of his premises. And this would be a much more direct way of accomplishing his object than by giving high protection to the manufacturer, so as to enable him to import labor from Europe to compete with or deprive of work our own laborers. The fact is the gentleman's premises are wrong, and his conclusion, or the natural conclusion therefrom, is wrong too.

[Here the hammer fell.]

Mr. GARFIELD, of Ohio. I do not desire to take up the time of this Committee of the Whole further than to present one point for its consideration. The classification proposed in this bill I am sure is better than the classification in the present law, so far as protecting us from frauds upon the revenue is concerned. This classification is not like the old, where one kind or one quality of steel is placed in one class and another quality in another, for blistered steel and the higher qualities of cast steel are equally in the two classes here proposed. These classes relate chiefly to the forms of the material of the same quality.

Class No. 2 of this bill consists of steel which is imported cut into peculiar shapes, and fitted for peculiar kinds of manufactures. But I think the Committee of the Whole will agree with me that there should not be so great a difference between the rates of duty on the two classes as proposed in this bill. Without saying anything more as to the rate of duty which should have been fixed upon the first class, except that I think the Committee of the Whole has made it too low, I will say that I think there should not be so great a relative difference as the committee have reported, and for this reason: these peculiar forms which are imported from England are cut by machinery.

It makes but little difference in the price of the steel whether it is cut into one shape or another. For instance, a large amount of steel is brought into this country cut into shapes for plowshares and plow-molds, and a large number of agricultural implements are thus blocked out in the rough by machinery, and brought over to this country, needing but little labor to finish them for use. I do not believe that there is a difference of three fourths of a cent per pound in the value of the articles embraced in these two classes; and I think that to make so great a difference as is here proposed in the rates is to discriminate against the agricultural interests of the country.

Therefore, if the duty is to stand as now fixed by the Committee of the Whole on the first class, I think we ought to have something like the proposition now pending in regard to the second class. I think that one half a cent per pound, or $11 20 per ton, is a sufficiently great difference in the rates of duty on these two classes.

Mr. SCHENCK. I would like to ask my colleague a question.

Mr. GARFIELD, of Ohio. Very well.

Mr. SCHENCK. The gentleman says that half a cent difference, in his opinion, is enough.

Mr. GARFIELD, of Ohio. Certainly.

Mr. SCHENCK. But the gentleman also says that a duty of 2½ cents per pound upon the first class is too low. Now, because wrong has been done in that respect is he going to follow it up by another wrong?

Mr. GARFIELD, of Ohio. When I see a vote of twelve or fifteen majority, as was the case on this clause, I think the power of a fact accomplished has something to do with it.

Mr. SCHENCK. I propose to vote for what I consider just and right in reference to each paragraph.

[Here the hammer fell.]

The CHAIRMAN. Debate upon the amendment, and upon the amendment to the amendment is exhausted.

The question was then taken upon the amendment to the amendment, to make the duty 3 cents per pound; and upon a division, there were—ayes 61, noes 64.

Before the result of the vote was announced,

Mr. COX called for tellers.

Tellers were ordered; and Mr. Cox and Mr. KELLEY were appointed.

The committee again divided; and the tellers reported that there were—ayes 73, noes 66.

So the amendment to the amendment was agreed to.

Mr. CESSNA. I now move to amend the amendment just adopted by inserting after the word "three" and before the word "cents" the words "and one half," so that it will read, "on steel of circular shapes or forms, &c., 3½ cents per pound."

Mr. FARNSWORTH. I rise to a question of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FARNSWORTH. Is it in order to amend what has just been adopted by the Committee of the Whole?

The CHAIRMAN. It is in order to amend by adding to it, in no other way.

Mr. FARNSWORTH. I dislike to wrestle with the Chair on a question of order; but it seems to me that if this amendment should be allowed it would be precisely as if the committee had adopted a certain number of dollars, say ten dollars, and a member should move to amend by adding ten dollars more. This amendment proposes to add, it is true; but it is equivalent to voting out what the committee has just voted in.

The CHAIRMAN. It is not voting out what the committee has put in. The general parliamentary rule is that an amendment which has been adopted can be added to.

The question was upon the amendment of Mr. CESSNA to the amendment of Mr. GRISWOLD, as amended by the adoption of the amendment of Mr. Cox.

Mr. CESSNA. I call at once for tellers on my amendment.

Tellers were ordered; and Mr. CESSNA and Mr. FARNSWORTH were appointed.

The committee divided; and the tellers reported that there were—ayes 71, noes 69.

So the amendment to the amendment was adopted.

The question was upon the amendment of Mr. GRISWOLD, as amended, to make the duty 3½ cents per pound.

Mr. ELDRIDGE. I move to amend the amendment so as to make the duty 3¼ cents per pound.

The CHAIRMAN. That is taking from the amendment as adopted by the Committee of the Whole. It can now be amended only by adding to it. The Clerk will read the rule upon the subject.

The Clerk read as follows:

"An amendment which has been inserted may be added to."

The amendment, as amended, was then agreed to.

No further amendment was offered to the paragraph.

The next paragraph was read as follows:

On steel railway bars, 2 cents per pound, and on all railway bars made in part of steel, 1½ cents per pound: *Provided*, That metal converted, cast, or made from iron by the Bessemer or pneumatic process, of whatever form or description, shall be classed as steel.

Mr. BENJAMIN. I move to amend the paragraph just read by striking out the proviso and inserting in lieu thereof the following:

And on metal converted, cast, or made from iron by the Bessemer or pneumatic process, of whatever form or description, 1 cent per pound.

Mr. Chairman, there is no paragraph in this bill of greater importance than the one under consideration, and to which I have offered this amendment. The production of steel rails by what is known as the Bessemer process is of recent origin, and bids fair to work a complete revolution in the manufacture of railway bars. The invention consists in part in bringing out the steel direct from the pig iron without its having to undergo the expensive intermediate process of puddling. The actual expense of manufacturing steel rails but little exceeds that of iron, while its actual value for railroad purposes is probably five times greater. It may be made to greatly reduce the cost of transportation and greatly increase the speed and safety of railway travel. Of course so important an invention has been patented. In this as in other countries the patentee and his assigns have exclusive privileges in its manufacture.

This privilege in the United States is limited to three individuals. One is an honorable gentleman, a member of this House, who of course will vote against my amendment to reduce the tax. Another is a distinguished ex-member, who has been diligent in honoring us with his presence on this floor during the whole discussion of these iron and steel items. Members are largely indebted to this gentleman for his valuable counsel and advice. With these two is associated a distinguished gentleman of Albany, in the State of New York, the three having a perfect monopoly of the whole business in manufacturing these Bessemer rails in the United States. Not one pound can be made without paying royalty to them. The present rate of duty on Bessemer steel is 45 per cent. *ad valorem*, which is about the rate contemplated by my amendment. This bill proposes to double the present duty and to tax this article $44 80 per ton, or about $4,500 for every mile of road on which these rails are used. This is not laid for the purposes of revenue, for it will work a prohibition. To relay the roads now in operation in Missouri and iron those in process of construction and projected would require an increased cost of more than $13,000,000.

The argument so often used that protection is necessary to sustain infant manufactures, and that domestic competition will eventually regulate prices, is not available here. No domestic competition is permitted in this case, and in your acts incorporating the various Pacific railways you require the companies to use the home-manufactured rail, thus effectually closing the door against competition from abroad. Thus for the next twelve years at least the monopoly in these three assignees of the patentee of the Bessemer rail is complete.

Mr. Chairman, the proposition to tax steel rails $44 80 per ton, if successful, will be a great outrage on the people of the West, and indeed of the whole country. Were it necessary in order to sustain the credit of the nation, or were

it required for its preservation or defense, it would be cheerfully borne. But such an exorbitant tax for the benefit of a few wealthy monopolists will awaken the most determined opposition from one end of the land to the other. I cannot believe this committee is prepared to double the present rate of duty on Bessemer steel rails merely to put money into the pockets of the few gentlemen who have the monopoly of the manufacture in this country. I hope the amendment will be adopted.

[Here the hammer fell.]

Mr. ELDRIDGE. I rise to a question of order. I stated I make it on the assertion of the gentleman from Missouri. The gentlemen to whom he has referred, although not both members of this House, yet, as I understand him, both are upon the floor of the House advising members how to vote.

The CHAIRMAN. That is not a point of order which the Chair can entertain. If the gentleman makes the point of order that they are disturbing the House the Chair will entertain it.

Mr. ELDRIDGE. Under the rules of the House they are not entitled to be here.

Mr. BENJAMIN. One is a member, and one is privileged to the floor.

Mr. ELDRIDGE. No outsider is privileged to come upon this floor for the purpose of advocating measures pending before the House.

The CHAIRMAN. The gentleman must be aware that a question of privilege cannot be entertained in committee.

Mr. KELLEY. Mr. Chairman, I recognize the importance of the question now before the committee and desire to say a few words on it in reply to the gentleman from Missouri, [Mr. BENJAMIN.] And I begin by saying that the gentlemen who founded the new Bessemer steel-rail works which have been built up in this country have proven themselves to be benefactors of the whole people of the country and have added millions to the property of all the railroad companies in the country. I will further say to the gentleman from Missouri that one of these companies under the existing tariff, when the duty was at the rate of $67 50 per ton instead of $44, which the gentleman complains of; that under that duty one of the companies has failed, and its stock fully paid up can be bought for 40 cents in the dollar. I allude to the Freedom Company of Pennsylvania. I desire to say that my colleague [Mr. MORRELL] is not a manufacturer of Bessemer rails. The company of which he is an officer, and in which I trust he is a stockholder, have constructed works for their manufacture, but——

Mr. BENJAMIN. I did not say that a member of the House was a manufacturer. I said that he was one of the assignees of the patentees, which I think the gentleman will not deny.

Mr. KELLEY. He or one of his company is one of the assignees. But with that advantage and with Bessemer rail-works already built they cannot make rails and sell them in the market except at a loss. Therefore the effect of reducing the duty below what the committee propose will be to close every Bessemer rail-mill in the country and make this country dependent upon the mills of Great Britain. And what will be the result of that? Before American competition began, in 1864, you could not buy a ton of these rails for less than $150. Two railroad companies, the Pennsylvania Central and the Baltimore and Ohio, sent agents to scour England for this article, and for less than $150, gold, delivered on the American wharf, not a ton could be bought. The duty was then 45 per cent., equal to $67 50 per ton. Gold was then at 100 or more premium, so that every ton imported in 1864 cost about $400 currency when delivered. Close your Bessemer mills in this country and the price of rails will go up again.

I know, sir, the method by which it was intended to fight this proposition. I hold in my hand the St. Louis Democrat of April 23, in which I find the following lie. I say "lie," because Colonel Grosvenor, the editor of the paper, knows the statement to be false, having within a period of two months published my denial of ownership in any manufacturing stock. He says, in his leading editorial, written as I believe from this Hall, for he was here at the time:

"Then came Mr. KELLEY (Republican) of Pennsylvania, a very large iron manufacturer, one of the owners of the Bessemer steel process (not steal) and the great advocate of a protective tariff."

I desire to reiterate, in the face of this deliberate lie, the assertion I have more than once made that I have not directly or indirectly, by myself or by connection either by blood or marriage with any man living—for I stand almost isolated among the men of my country—an interest in any manufacturing stock or establishment, or in any mine or mining stock.

MESSAGE FROM THE SENATE.

Here the committee rose informally, and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, a message was received from the Senate, by Mr. HAMLIN, one of its clerks, which announced that the Senate had passed without amendment, a joint resolution and bills of the House of the following titles:

Joint resolution (H. R. No. 222) granting condemned guns for soldiers' monuments at Fairmount cemetery, Newark, New Jersey;

Bill (H. R. No. 1337) granting a pension to Thomas Clair; and

Bill (H. R. No. 1892) making an appropriation to satisfy a judgment obtained against Grenville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and to provide for their future apportionment among the several States," approved May 23, 1850.

The message further announced that, agreeably to the request of the House of Representatives, the Senate returned to the House the enrolled bill (H. R. No. 1427) to provide for the creation of corporations in the District of Columbia by general law.

THE TARIFF.

The Committee of the Whole on the state of the Union resumed its session.

Mr. KELLEY. I desire to say further that here is one of the leading interests of the country, closely identified with the prosperity of our great transportation interest, and it is unfair to the country, as it is to individuals, to attempt to settle it by prejudiced arguments against the interests of individuals, or by libels such as that——

[Here the hammer fell.]

Mr. BINGHAM. I move to amend the amendment of the gentleman from Missouri [Mr. BENJAMIN] by striking out "30" and inserting "36," so as to make the duty $36 per ton. I desire to say, Mr. Chairman, that England now demonstrates to the world that under the present tariff of the United States it is utterly impossible for the American people to manufacture steel rails, because she is offering it to-day in England at $40 a ton. Adding the duty which I propose of $36 a ton will enable the United States to manufacture steel rails for the world.

Mr. BROOKS, of New York. Ninety per cent.

Mr. BINGHAM. Yes; the gentleman may call it 90 per cent. Everybody knows that England herself cannot afford for any great length of time to manufacture steel rails at $40 a ton. She can only do it for the time being, by reason of the condition of things in England so well understood—the unjust relation of labor to capital. In England men must either labor at whatever price capitalists choose to give them or starve.

Mr. KELLEY. Will the gentleman yield to me for a single moment? I want to make a single suggestion.

Mr. BINGHAM. Well, make your statement.

Mr. KELLEY. They are acting under the advice of Lord Brougham, given as early as 1815, to expend any amount of money to strangle infant industries developed in the United States by the exigencies of war, and when they have done that prices will go up.

Mr. BINGHAM. Mr. Chairman, England notified the American people long ago of her power for a time to reduce the cost of the products of iron below the power of the American people to produce them; and having put out our fires, disbanded our workmen, and compelled us to look to her for iron, she reimbursed herself the loss thus incurred by charging twofold the price that iron had theretofore paid in the American market. Mr. Chairman, the same thing will happen with regard to steel rails unless we take care of our own interests by a reform of the present tariff.

The point I desire to make, however, to the committee is this: I was stating when interrupted that England herself, with all her appliances, her sublime mechanics of human depravity, by which she coerces at will her toiling millions, cannot make steel rails at a lower figure than $40 a ton. Add to that, if you please, the cost of transportation, say $8 per ton; add to that the duty of $36 per ton, which I propose, and you put it at $84 per ton.

That is not an extravagant price for steel rails, as compared with the ordinary prices paid under the most favorable circumstances for iron rails. They will last five times as long as iron rails, as I understand, when laid down, and add to the security of human life. Sir, foster this great interest and thus give the industrial power of America an opportunity to enter into successful competition with the cheap labor of England and the cheap labor of continental Europe in this great branch of manufacture, now known to be so essential to the personal safety of the people who daily trust their lives to the railways now girdling our continent. I venture the prediction that under the operation of the proposed duty in a very few years America will be the foremost manufacturer of steel rails in the world, and furnish it, of course, by the force of competition, at as low a rate as it ought to be sold for, leaving a reasonable profit for its production.

The duty proposed in my amendment is greatly below the amount reported by the Committee of Ways and Means. I have satisfied myself, upon reflection, that the amount I propose is all-sufficient to build up this great interest in this country. The committee propose a duty of 2 cents per pound, which is $44 80 per ton. The difference, therefore, between what I propose and what is reported by the commitee is $8 80 per ton. I think that a sufficient reduction. Enough has been said by the gentleman from Pennsylvania [Mr. KELLEY] to satisfy the committee that at present, under the existing duty, there is no hope of the manufacture of these rails, so essential to the interests of the people, in this country. Mr. Chairman, the other view which has been taken of this matter ought to have its weight with gentlemen in this House. Multiply the industries of the people of the United States, and you thereby promote the prosperity of the whole mass of the people. What market have you now for your agricultural products anywhere in the world outside of this country save in case of foreign war or famine? None whatever.

Mr. Chairman, I stand upon the philosophy of Andrew Jackson, the "noblest Roman" of all the Democrats, who said that in proportion as you multiply the industries of the people you promote the prosperity of all. I do not propose to do this by establishing any great monopolies. I have said enough to show that if you impose this rate of duty upon this interest you induce capitalists to enter upon it: and the time is not far distant when, as the result of competition, the American product of steel rail will be brought as low as any reasonable man in America ought to demand, and at the same time the railroads of the country will be enabled to lay down this strong rail, so necessary for the security of life and limb all over this continent, in lieu of that rotten material which so often makes vacant places about the hearthstones of the people.

[Here the hammer fell.]

Mr. BROOKS, of New York. Mr. Chairman, I feel it my duty, in deference to an old colleague in this House, to ask the reading of the letter which I send to the desk.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
WASHINGTON, *April* 19, 1870.

DEAR SIR: It has been intimated to me that it is the intention of some members of Congress opposed to the proposed tariff on steel to assail the parties representing the pneumatic or Bessemer process in this country as monopolists, and to claim that the protection asked for is to enable them to make large profits, not only as owners of the patents, but also as manufacturers thereunder.

As a matter of justice, will you do me the favor to say that out of at least four hundred stockholders in this country interested in manufacturing under these patents only three individuals are interested in the patents, and these three only to a very small and immaterial extent?

These patents are in no sense a monopoly, any one who may wish being able to use them on payment of the royalties charged.

The royalties are the same to all parties using the patents, and have always been less than those paid by foreign manufacturers.

Very truly, yours, JOHN A. GRISWOLD.

Hon. JAMES BROOKS.

Mr. BROOKS, of New York. Mr. Chairman, I see nothing in that letter inconsistent with what was said by the gentleman from Missouri, [Mr. BENJAMIN,] but it is rather in confirmation of it. Let me now read another paper which comes from what I deem good authority, and states the following facts:

"Mr. JOHN A. GRISWOLD, of Troy, and his associates purchased of Mr. Bessemer his patent for this country, and as it was afterward found to conflict with a patent owned by E. B. Ward, of Detroit, Mr. Representative MORRELL, of Pennsylvania, and others, these two interests were merged, and they together now hold the control for the next eight years of the process known as the Bessemer, and under which steel rails are made. The royalty charged is $5 to $10 per ton, consequently if the duty on steel rails is raised as proposed to 20 per cent. it will, we think, act prohibitively, and Mr. Ward, Mr. GRISWOLD, Mr. MORRELL, and their associates will either have a monopoly of the business or will levy a tax on every ton made by others who may wish to enter the business."

Mr. BENJAMIN. Will the gentleman permit me to interrupt him a moment? The letter which the gentleman has just read speaks of this patent continuing for eight years. The fact is that the patent will continue in force for twelve years; it will not expire until the year 1882. This I learn at the Patent Office.

Mr. BINGHAM. I withdraw my amendment that the gentleman from Kentucky [Mr. BECK] may renew it.

Mr. BECK. I renew the amendment. I rise merely to add a word to what was said in the first instance by the gentleman from Missouri [Mr. BENJAMIN] in regard to an effort on the part of persons purporting to be railroad men to obtain an increase of duty on steel rails. The paper which I hold in my hand, and which has been referred to, is in the hands of perhaps every member of the House. It is signed by such men as J. Edgar Thomson, president of the Pennsylvania Central railroad, and a large number of others. It has been circulated all over the West. The president of one of the most important roads in my State sent me a letter on this subject the other day inclosing the circular, which I think tells the whole truth. I will read it. He says:

"The inclosed effort to induce the railroad companies to ask of Congress that we be permitted to pay $40 per ton more for our steel rails for the benefit of a few Pennsylvania gentlemen, who though great celebrities in railroad circles are probably more greatly interested in the manufacture of rails, is about the coolest piece of impudence of these extraordinary times, when it seems one need not be surprised at anything.

"The very active and widespread effort and high-sounding railroad names attached will doubtless gull somebody. I send it you as a curious specimen of political impertinence."

That is just what it is—a specimen of impertinence. There is not a man in this House who does not know that we are paying from $1,500 to $2,000 a mile on every railroad of the country for the purpose of protecting a few of these iron manufacturers, and we have now forty-five thousand miles of railroad in the country. In view of the magnitude of the interests involved, and the importance of getting the very best class of rails at the very lowest possible price in order to cheapen the transportation of the productions of the country, it would be better that there should be no protection at all on this class of articles so that they may be obtained at the cheapest possible rate.

We have only to look at the condition of the country as it has grown up and is growing under our railroad system to realize the importance of cheap railroad transportation. Wheat cannot be transported two hundred miles by any other mode of conveyance on land without absorbing the value of it in the cost of transportation. Of course the wheat of the West could not be taken to the sea-board but for the railroads. I call attention to the following figures. From the first settlement of this country till 1830, when the first railroad was opened, the national wealth which had accumulated was estimated at $2,653,000,000. Mr. Wells gives the following as the increase of the number of miles since constructed, increase of wealth, and increase of wealth per mile of road:

Time.	*Miles.*	*Increase of Wealth.*	*Increase per mile.*
From 1830 to 1840.....	2,818	$1,111,000,000	$390,000
From 1840 to 1850.....	6,203	3,371,780,000	540,000
From 1850 to 1860.....	21,615	9,023,220,000	410,000

In his last report he says:

"The number of miles of new railway constructed in the United States during the past year will, it is believed, approximate to five thousand; making a total construction since and including the year 1865, the year of the termination of the war, of about thirteen thousand. If it is assumed that a line of railway gives access to fifteen square miles of country on each side of it, or thirty square miles altogether, then the thirteen thousand miles of railway, which it is estimated have been constructed during the five years from 1865 to 1870, will have opened up three hundred and ninety thousand square miles of what, for the purposes of general production, may be considered new territory; a tract of country larger than the whole area of France and nearly three and a half times larger than the whole area of Great Britain."

In another table he shows our present and prospective accumulation of wealth and the proportion it now bears and will hereafter bear to our national debt. I give it:

Year.	*National wealth.*	*Percentage of debt to property.*
1860.....	$16,159,000,000	-
1870.....	32,318,000,000	7.84
1880.....	64,636,000,000	3.92
1890.....	129,272,000,000	1.96
1900.....	258,514,000,000	.98

Hon. Joseph H. Wilson, Commissioner of the General Land Office, perhaps the best informed officer connected with the Government, in his report just published, says, in speaking of the population of the country:

"The total population of the United States in 1860 was, in round numbers, 31,500,000. In 1865 it is estimated that the population was 35,500,000, including the inhabitants of the Territories, estimated at 360,000 persons on January 1, 1865. At the present time, October 15, 1869, according to the most satisfactory estimate, it is about 40,000,000. In 1870, according to existing ratios, the population of this country will be over 42,250,000. At the end of the present century, 107,000,000."

The transportation necessary for our immense products and our numerous population depends solely upon our railroad system; and our roads ought to be constructed of the very best quality, yet at the least possible cost. It is now proposed to increase the tariff so as to make us pay $44 80 per ton for rails for which we are now paying $27. This increase will be simply an additional tax upon the whole labor of the country, present and prospective. It ought to be diminished rather than increased.

[Here the hammer fell.]

Mr. SCHENCK. Mr. Chairman, I have been very sorry to see the direction attempted to be given to this debate from the very start. I suppose that there is scarcely any article in the country manufactured by anybody in the production of which some individual or some company is not interested. As a gentleman suggests, none of these articles produce themselves. This fact has afforded occasion for striking at everybody by talking of "monopolists," as if there were no monopolies except among the manufacturers. It does seem as if some gentlemen could not see the matter in any other light. Here, for instance, is an editor in Chicago, the columns of whose paper teem day after day with attacks upon the "grasping monopolists," meaning the manufacturers of the country; yet when there is a little apprehension that something may be done to affect the interests of the banks of the country that editor, deeply interested in the matter, hurries on to the Committee of Ways and Means in order to implore that nothing shall be done in any way affecting the banking interest.

I take it that all the people of this country are endeavoring, in one way or another, to make something beyond subsistence. Some are building, some are engaged in manufactures, some in banking, some in farming operations; and in each of these diversified pursuits every one is trying to do the best he can for himself. I think that when we are discussing a subject of this kind it would be well to see whether we cannot rise above attacks upon individuals by calling them "monopolies," or by striking at them in any other way, and see whether the interests of the country at large are or not involved in the question we are considering. Now, what is the fact in regard to these Bessemer rails? Being unknown in commerce at the time of the passage of the present tariff law, they are not specifically provided for in any existing provision, but come in among unenumerated articles at a duty of 45 per cent. They were never manufactured in this country until 1867, having been introduced into England only a short time before. When our first purchases were made we paid from $250 to $300 a ton to the English manufacturers for those rails. Gentlemen, public spirited, but of course not without the desire to make money for themselves by building up this interest and this manufacture here, entered into the production of Bessemer steel rails on this side of the water. What has been the consequence? The production here has brought down, brought down, brought down, the price of these rails until gentlemen talk about their being purchased at $40 or $45 in gold imported from England. Perhaps a fair estimate would be about $75. I hold the present low rate is part of the game played by the English manufacturer to break down the possibility of this struggling manufacture in this country being well established; and if they succeed we will go back to something like the old figures again, to something like the former high prices, as has always been the case when a game of this kind has been successfully played by them. Now, sir, one gentleman on this floor, a colleague of mine, [Mr. WINANS,] in debating this question of the tariff deprecates the idea of anybody having the benefit of any tariff law for the purpose of revenue. He says a tariff for revenue may give benefit to some one, and if so it is a thing pitiful, a thing to be deplored,

I do not so regard it. I do not care how many men profit by that which is done for the public benefit at large. The more we profit incidentally in this way the better it is. I think that is the fair way to regard this whole matter. This cry is made because the property in the patent, as I understand it, is in the hands of a few gentlemen who demand a royalty. I believe Mr. GRISWOLD—who has been referred to with more or less of good taste—himself pays a royalty to the owners of this patent, that royalty being from $1 to $1 50 per ton on the rails produced—no great thing comparatively, no matter who pays it or who receives it. But, Mr. Chairman, that is not the question before the committee. It is an inquiry whether the country at large will be benefited by building up, no matter in whose hands, in this country an interest which will hold the producers in England in check, so we shall get what we want for the benefit of the people at large and for their various enterprises at lower rates. I hold in my hand testimony entirely different from that furnished by some one connected with the railroads in Kentucky, and produced by the gentleman from Kentucky [Mr. BECK] who has just taken his seat. It is the petition of all the leading officers of railroads, representing in the aggregate some 22,000 miles of road, asking that Bessemer steel rails be put at 2 cents per pound, for the purpose of getting them at a cheap rate. It is true there is a letter from Vanderbilt; but everybody knows he is not a monopolist, but quite the other way.

The amendment was withdrawn.

Mr. COX. I renew the amendment. As I understand it it fixes the duty at $36 per ton. I do not intend to vote for that rate of duty. I wish to have the whole paragraph stricken out, so as to have it at 1 cent per pound.

As to the letter of Commodore Vanderbilt, referred to by the chairman of the Committee of Ways and Means, I think it ably answers for itself:

NEW YORK, *March* 24.

DEAR SIR: I am in receipt of your letter inclosing a copy of a petition to Congress, asking that instead of the present *ad valorem* duty on steel rails a specific duty of 2 cents per pound be levied, and requesting our official signature thereto. I can readily conceive the benefits which would accrue to American steel-makers in the event of an increase of duty as petitioned for; but in what manner the railroads of the country are to be enriched I must confess I am at a loss to discover. Thirty-three out of the thirty-six of the signatures to the petition are well-known representatives of leading railroads, a majority of them being located in or running through Pennsylvania, and were they given unofficially I would conclude their principal interest was centered in the steel works, and not in the railroads which they represent. You urge the advantage of sustaining the home competition as the only defense upon which dependence can be placed to secure our railroad companies against the extortions of foreign manufacturers.

We are decidedly in favor of sustaining competition; not home competition alone, but both home and foreign, and do not propose to advocate any measure which will prevent it or place us in the hands of home extortionists, who would undoubtedly be as inexorable in their demands as foreign manufacturers would be were the same protection given them. A monopoly in the production of steel rails, the value and importance of which to railroads have been thoroughly demonstrated, would often compel us to take an inferior article at any price the monopolists might choose to put upon it. We would not have you believe that we are adverse to patronizing our own manufactories. We only desire to be allowed to purchase from whom we can get the best article at the lowest price, and in my judgment these important considerations can only be attained by keeping up a vigorous competition. As an argument of the justice of the petition, it is claimed that the signers thereto represent railroads that have laid more than three fifths of all the steel rails used in this country. In order to correct any wrong impression that might obtain on this point by reason of the position we take, we desire to say that we alone have used on the railroads represented by us (the New York Central, Hudson River, and New York and Harlem) fully one fifth of all the steel rails imported to this country. We were among the first in this country to adopt steel instead of iron rails, and intend continuing so to do as rapidly as the earnings and price will warrant.

With respect, I am yours, truly,
CORNELIUS VANDERBILT,
President.

S. M. FELTON, esq.,
Philadelphia, Pennsylvania.

I will come now to a matter which not only concerns New York State, but fifty thousand miles of road in the several States, which are all more or less interested in this attempt to raise the tariff from 45 per cent. *ad valorem* to some 90 per cent. *ad valorem*. The present duty equals 1 cent per pound. It is to be made specific in this bill at 2 cents a pound. The present cost of the manufacture of this steel is about $49 per ton, and that is a little more than 2 cents per pound. The duty, therefore, on these rails is very nearly equal to their first cost, and that is the amount of bounty we pay for the benefit of these few inventors or manufacturers.

I say it could be proved, if time were allowed for the discussion, that, as has been well suggested by the Evening Post newspaper, which has been so much abused here of late—

"The railroads could well afford, first, to pay to the Government $1,000,000 per annum in place of the few thousand dollars now received from the duty on steel rails; second, to buy up all the steel rail-mills now existing and burn them; third, to pension the small force of possibly five hundred to one thousand men now employed in steel rail-mills at $1,000 each for the term of their natural lives, say at a cost of $1,000,000 per annum.

"All this being done, they would still save money on the construction and repairs of roads to the extent of $5,000,000—more than the expenses of such commutation in the first year, if they could get Bessemer steel rails at $60 per ton for only a single year, free of duty.

"We would also suggest that the present steel makers, if pensioned at $1,000 per annum each, would be larger consumers of farm products than now; and as they would be scattered over the country and not concentrated in Pittsburg, there would be less loss of the mineral elements of the soil, now wasted in the sewers which discharge into the Ohio river."

Now, if I only had time to go into the calculations which I have before me, I could show that these gentlemen who pretend to be benefactors of this country are paid in a proper way under our patent laws for their benefactions. There is a way by which men who invent and make machines, such as this Bessemer machine for making steel out of raw iron at a minimum expense, and thereby calculated to reduce the price of what is now an important necessary of life—I say there is a way by which they are repaid without making them leeches on the Government, and without making every man, woman, and child tributary to a few men who are either inventors or manufacturers. If, as inventors, or as assigns of the inventor, these gentlemen want a bounty, let the Government pension them in a proper way. But this proposition is merely a new mode of satisfying the greed of these parties. Do gentlemen in this House know exactly what this steel-rail business is doing? It is driving out the old rails in making repairs on our railroads.

And how much is wanted for this purpose every year? We have now in the United States about 50,000 miles of railroad, upon which there are 100 tons of rails per mile, or 5,000,000 tons. The lowest estimate of the new rails needed for repairs is 7 per cent., and the common estimate is 10 per cent. At the latter rate, 500,000 tons of rails are annually required for repairs only. The old rails taken up furnish about one half the requisite material, leaving an annual requirement of 250,000 tons of absolutely new rails for repairs. There were constructed in this country in the year 1869 over 5,000 miles of new railroads, which at 100 tons per mile, required 500,000 tons of rails. It is probable that in 1870 over 7,000 miles will be built, and 700,000 tons will be needed. In point of fact, one half of the total construction of iron in the United States is used in the consumption of railroads; or about 50 pounds per head of population. In the long run it would be cheaper to use steel rails in place of iron for every mile of road and for all repairs, even at 50 per cent. higher cost. To meet this need of nearly 1,000,000 tons in 1869, we had only 50,000 tons of steel rails, of which the American steel makers, under a protection of 45 per cent. duty and 3,000 miles of distance, succeeded in furnishing 15,000 tons, or 1½ per cent. of the whole.

[Here the hammer fell.]

Mr. SCHENCK. I shall continue the line of remark I was making when I had an opportunity a short time ago of addressing the committee. I believe I spoke of Commodore Vanderbilt as one of the two or three exceptions among railroad men—and I admit his large interest in railroads—who oppose this proposition of the Committee of Ways and Means to put a duty of 2 cents per pound on Bessemer steel rails. And I will say that I believe everybody knows that Commodore Vanderbilt is no monopolist at all.

Mr. COX. Not in this business.

Mr. SCHENCK. And every one knows that he is content to get on in a quiet way; that he does not believe in accumulations of capital; that he never would make a corner if he could; that he has never had anything to do with attempting to break down or oppress anybody else. Everybody knows Commodore Vanderbilt.

Now, it is fair to allude to the fact that the opposition comes almost exclusively from a source like that, in the face of the fact that a petition has come signed by ninety-five of the presidents and representative officers of as many of the different railroads of the country; that the aggregate roads they represent are twenty-two thousand miles in length; that they constitute half of all the railroads built in the entire United States, and that they are gentlemen from all parts of the country. I find, for instance, the following names: Samuel Tate, president Southern Railroad Association, &c.; H. S. McComb, vice president Southern Railroad Association, &c.; W. Wilson Byrne, president D. and D. Railroad Company; John W. Brooks, president Burlington and Missouri River railroad, &c.; C. C. Trowbridge, president Detroit and Milwaukee railroad, &c.; William L. Scott, president Erie and Pittsburg Railroad Company; W. W. Worthington, secretary and treasurer Cincinnati and Indianapolis Junction railroad; Thomas Woods, president Danville, Hazleton, and Wilkesbarre Railroad Company; George W. Parker, vice president St. Louis, Alton, and Terra Haute railroad; Edwin Slade, vice president Sheboygan and Fond du Lac railroad; and Thomas W. Weakley, treasurer St. Louis and St. Joseph railroad.

I read those names particularly because some of them are representatives of western roads; but there are roads represented here in every part of the country, from the extremest North to the extremest West and South. I allude to this not for the reason that they have any right to dictate to us, but in order to show that in a matter of this kind those whose interest it would be to oppose protection, if there was any injury to be done by putting a proper protection upon these rails, are themselves advocates for the very duty which is proposed.

Mr. RANDALL. Does not the gentleman know that many of those gentlemen are interested in the manufacture of steel rails?

Mr. SCHENCK. No, sir.

Mr. RANDALL. Well, I know it.

Mr. SCHENCK. Well, I should like to have the gentleman tell us how many. Here are ninety-five signers, and I cannot find anybody who suspects more than three.

Mr. ARCHER. I would say to the gentleman from Ohio that the president of the Baltimore and Ohio railroad, one of the largest railroad men in this country, is opposed to this tax.

Mr. SCHENCK. Precisely. When men like Commodore Vanderbilt and John W. Garrett—and everybody knows what his talent and ability are—build up and establish, as it were, monopolies of their own they begin to be against all other monopolies. That is just the way. English capital would frown down and destroy, if it could, any investment of American capital. Wherever there is a large accumulated capital that has grown so enormous by its success and its advancement that it can bid defiance to others, then you find that while it could beg for protection in its early stages

it becomes exceedingly independent, as England does toward us, and talks about free trade and nobody else being protected. The truth is that protection is for those who are beginning; pretection is for those who have not the control of these large amounts of capital; protection is for the country that needs it, for the people that need it.

Sir, so far as this matter of Bessemer steel rails is concerned, and its effect upon the independence of our country in relation to this interest, it falls directly within the argument of General Jackson's famous letter to Coleman, which has never been answered, and cannot be answered, that our doctrine of incidental protection in levying our tariff is a doctrine of national independence; and there never was any one particular in which it has been more strikingly exemplified within a history running only a very few years than this thing of building up an interest in this particular production for the benefit of our transportation here at home.

Mr. RANDALL. The gentleman asks for names. I know only a few. I give him the names of J. Edgar Thomson and Thomas A. Scott, and I find the names of many others who are entirely under their control. They have forgotten that they are Pennsylvania railroad directors and that there is an immense company of stockholders.

Mr. FINKELNBURG. There are thirteen of these gentlemen interested in the manufacture of steel rails, and not three, as the gentleman stated.

Mr. SCHENCK. Well, suppose there are thirteen out of ninety-five; that does not alter the fact at all. These gentlemen are just as desirous to advance their interests as the manufacturers are, and it is fair to presume that they want cheap rails; that they look ahead to continuing means of transportation by cheap means of construction.

[Here the hammer fell.]

The amendment to the amendment was withdrawn.

Mr. FARNSWORTH. I renew it. If we were to decide this question upon the representations of railroad men—which we are not, thank God—it might be proper to discuss the representations of their "representative men," as they are called. As it is, the gentleman from Ohio [Mr. SCHENCK] has not presented the proceedings of any board of directors authorized to pass resolutions in favor of this tariff. He has not presented the resolutions of any set of directors of any railroad company in favor of this tariff. But he presents here—and to my mind it is a very strong argument against the scheme—a long array of names; now a president of a railroad, then a treasurer, and then a secretary of a railroad, and then some other official of a railroad, showing that the men are picked and selected in order that their names upon this memorial may have their effect upon Congress. There are the names of treasurers of railroad companies, who often own but little or no stock of the road, which are presented here as the names of representatives of railroad companies in the United States, and to act as makeweights in favor of this tariff.

I supposed that the theory of this bill was that it should lighten the burdens of taxation; that we could afford now to relieve the country from a portion of the taxation imposed in this indirect manner by a tariff. I never before quite understood the theory upon which the Committee of Ways and Means seem to have acted in reference to this question of the duty upon iron and steel. I now find that they propose to reduce the revenue of the Government from duties on imports, not by reducing the rates of duty, but by raising them. By making a tariff prohibitory you unquestionably reduce the revenues of the Treasury; but you do not thereby lighten the burdens of taxation imposed upon the people.

I have been told—and if I have not been correctly informed I hope I may be informed to the contrary; I am told by those who profess to know, that under the present tariff the manufacturers of these steel rails got along very well with the present rates of duty. At all events, they have experimented under this tariff; it has afforded stimulus enough to lead them to experiment and continue this manufacture of steel by what is called the Bessemer process, which I am informed is a very cheap method of manufacture. They are thereby enabled to make a rail of steel almost as cheaply as a rail of cast iron can be made. I understand that the present tariff upon this article is about $20 per ton. The Committee of Ways and Means propose to raise it to $44 80 per ton, thus prohibiting altogether the importation of this article. In this way the revenues of the Government are to be reduced; but the burdens of taxation upon the people will not be reduced.

The gentleman from Pennsylvania [Mr. KELLEY] talks about our railroads, and speaks about cars going to the sea-board loaded with wheat and returning empty. He then proposes to levy this additional tax upon railroads which indirectly, ay, almost directly, reaches over to the people who patronize the railroads. Well may our cars return empty from the sea-board if the railroads, or rather the people, are to pay this enormous tax. The gentleman from Ohio [Mr. SCHENCK] says that people generally have some selfish interest in view; that almost every manufacturer or business man, no matter in what he may be engaged, is actuated by selfish motives. That, undoubtedly, is true. No doubt Congressmen are sometimes influenced by some such motives. But we ought to keep as free as possible from all these interests and all these combinations. When A, B, and C, when different combinations of men representing different interests, iron, lumber, salt, and various other things, combine, upon the principle of "tickle me, Billy, and I will tickle you," to make up a tariff bill for the people of the United States, I am very apt to mistrust the wisdom of following their advice and counsel.

[Here the hammer fell.]

Mr. MAYNARD. If one should listen attentively to this debate, he might be led to infer that some members supposed that when any man manufactures or produces any article of general consumption, the principle of the greatest good for the greatest number requires that he should produce it for nothing and give it away. Some gentlemen seem to be made perfectly furious by the idea that some American citizens, some one of their own countrymen, may, by his industry and ingenuity, be able to make a competency as he passes along through life. If a man lives in Sheffield, or Manchester, or Glasgow, he may make as much as he chooses; he may riot and revel in the abundance of his earnings; but if he be one of our citizens pursuing his industry in our own country, he is denounced in terms which it is not necessary for me to repeat, so often have they been reiterated upon this floor.

Now, who are the men that have made great fortunes in this country? They are those who have been employed as merchants importing the manufactures and products of other lands and selling them to our people at a profit. It is men of this class who are to-day making enormous incomes. It is men of this class who leave to their children great estates. Their wealth is not accumulated by manufacturing pursuits. These are the men who should be stigmatized, if anybody is stigmatized—I stigmatize no one—as men of large estates, of "overgrown wealth." Such terms are not appropriately applied to the men who forge your iron bars, the men who dig your coal from the mountains, the men who extract the salt from the saline materials below the surface of the earth.

With reference to the subject now under consideration it would seem that if anything has been demonstrated more clearly than another, it is that this superior quality of rail—the steel rail, so essential to the safety of the railway traveler, so essential to the economical management of our railroads—is one of the greatest advantages that has been conferred upon the country by its manufacturing genius and industry during the last decade. It is shown that since 1864, during which year barely 1,000 tons of this article were imported, the price of the article has, by means of our American manufacture, been reduced almost two thirds. No man will venture to deny that this is the result of the enterprise of a few energetic, far-seeing men who, by devoting their capital and their talents to this manufacture, have established it in this country. The result is precisely the same that has followed the establishment of every manufacturer in this country. The foreign manufacturer, determined to crush out his American rival, throws in his fabric at prices which neither we nor he can honestly stand. Foreign manufacturers expect thus to do with regard to all our establishments what they have already done with regard to a portion—compel them to close up. Then they will raise their prices to recover what for the time being they were compelled to lose.

Now, while we are compelled, for the support of the Government, to raise money by levying import duties, the question is whether these duties shall be so levied as to interpose the protection of the law for the benefit of our enterprising citizens who have thus endeavored to establish manufactures in this country, or shall we stand here to denounce and decry and stigmatize them, as has been done in this House?

Mr. POTTER. I would like to ask the gentleman a question. Can he tell me what has been the gross production of rails by Bessemer steel-works in this country during the last twelve months?

Mr. MAYNARD. I have the figures somewhere amid this vast accumulation of papers upon my table, but I am not able to turn to them at this moment, and therefore I am not prepared to answer the question.

Mr. POTTER. Can the gentleman say about how much?

Mr. MAYNARD. Anything I might state without reference to the figures would be but a vague recollection, and I would prefer not to answer, because the question is one which, if answered at all, ought to be answered accurately.

Mr. POTTER. Can the gentleman state what has been the production of Bessemer steel by the establishments in Great Britain during the last twelve months?

Mr. MAYNARD. The capacity of those establishments, as one of my colleagues reminds me, is 50,000 tons a year; and that can readily be doubled.

Mr. POTTER. Can the gentleman tell what was the aggregate production of Bessemer steel-works in England during the last twelve months?

Mr. MAYNARD. On that point also my statistics are inaccessible at this moment. I did not rise for the purpose of presenting any views upon that subject.

Mr. POTTER. Mr. Chairman, I shall thank any gentleman who will furnish us those statistics, for we want the figures before we can be made to believe that it is the works of this country that by their production have caused the reduction of price which has been exhibited within the last few months.

Mr. MAYNARD. In the remarks which I had the honor of submitting to the House the other day I presented figures which would answer the gentleman's inquiry. If he will take the trouble to run his eye over them he will find the information he desires.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. BINGHAM. I do not withdraw my amendment.

Mr. INGERSOLL. I ask the gentleman to withdraw his amendment and I will renew it.

Mr. CESSNA. After this discussion I shall object to any further withdrawal of that amendment.

Mr. BINGHAM. I withdraw the amendment.

Mr. INGERSOLL. I renew it. Mr. Chairman, it is well to inquire, in order that the committee may have some information in regard to this question, what amount of supply of Bessemer steel there is in the markets of the world, and what is the demand as well. Now, I undertake to say that the demand for iron rails, or rails of iron or steel, in the United States is not less than 900,000 tons per annum. I undertake to say, further, that the Bessemer steel works in the United States have not to-day the capacity to supply over 100,000 tons per annum. Hence, if we rely alone on American production, as regards Bessemer steel we have the capacity in the United States to produce only one ninth of the amount we require for the construction of new roads and the repair of old ones.

What is the amount of production in Europe? The amount of production in all Europe will not exceed 500,000 tons of Bessemer steel, probably not more than 400,000 tons. I state the facts as I have them, that the aggregate production will not exceed 500,000 tons in Europe. Hence, if Bessemer steel be substituted for iron rails in the construction of railroads we cannot look to the foreign market entirely and alone for an adequate supply. And the point I make on this state of facts is this: as the Representatives of the American people, not of commerce alone, not of the interest of manufactures alone, not of agriculturists alone, but as the representatives of all the interests of the American people, we must legislate so as not to destroy this great interest of the United States and leave us at the mercy of the European manufacturers. Why? Because if we do so legislate we will leave to Europe the monopoly of the production; then the price would advance. Because our production is not equal to the demand for Bessemer steel, which is rapidly superseding the use of iron in the construction of railroads.

Let us understand the history of this manufacture. In 1864, when the first works were established in the United States, Bessemer steel in the city of New York was worth $150 gold a ton. The tariff of 45 per cent. *ad valorem* levied by Congress resulted in the protection to the American manufacturer of $88 a ton in currency.

Mr. KELLEY. The duty was paid in gold.

Mr. INGERSOLL. I know that; but it amounted to $88 a ton in currency. Now, when Bessemer steel rails are reduced in value to about $50 a ton in Europe, 45 per cent. *ad valorem* makes about $22 a ton instead of $88 a ton, which was the rate when the American interest was first established. In our action in reference to the American interest we must regard the market in Europe.

Mr. FARNSWORTH. I hope my colleague will now tell us what he is for.

Mr. INGERSOLL. I will tell you what I am for. As the interest in the United States advanced in its producing power we find the price of Bessemer steel was reduced; when the price was reduced from $150 to $130, yet there was a protection of $67 to the American manufacturer. This reduction has been steadily going on in the price of Bessemer steel until now it is down in Europe to $50 per ton, or $80 or $85 in New York, which yields a protection of about $22 a ton. Can we compete with the European manufacture at that price? The Committee of Ways and Means say we cannot. Hence they propose to put the duty at $44 80. I think it is too high. I think the amendment of the gentleman from Ohio, [Mr. BINGHAM,] to make it $36, is also too high. I think $30 a ton will protect the American industry so that the American production will within a few years equal the demand.

[Here the hammer fell.]

Mr. BENJAMIN. I desire to modify my amendment so as to substitute $30 per ton for 1 cent per pound.

The CHAIRMAN. It may be done by unanimous consent. Is there objection?

Mr. DICKEY. I object.

Mr. GARFIELD, of Ohio. Mr. Chairman, I am sure that every gentleman here must be impressed with the difficulty of adjusting the relative rates on different articles in a bill as comprehensive as this is. We are now called upon to fix the rate of duty on steel rails. I desire to call attention, first, to the relation of steel rails to iron rails, and secondly, to the relation of ordinary steel to Bessemer steel. And first, a word or two as to the relation of this paragraph to iron rails.

Iron rails now cost in the wholesale market of New York from $60 to $70 in gold per ton, and Bessemer steel rails about $80 per ton; their relative cost being in the proportion of about seven to eight. Now, on iron rails for railroads, the duty is at present 70 cents per 100 pounds, or $15 68 per ton. The Committee of the Whole have reduced it to 60 cents, which would bring it to $13 44 per ton. Well, if a rail is worth $60 to $70 per ton and we tax it $13 to $15 per ton, what ought we to tax a rail that costs about $80 a ton? The tax as it now stands on Bessemer steel rails is equal to about $22 per ton. It is proposed in the amendment of my colleague [Mr. BINGHAM] to put it at $36 per ton, while the proposition of the committee to place it at 2 cents per pound would make it $44 80 per ton. This seems to me a very high rate of duty. The invoice price of the rails in the open market is far less than the $80 per ton which I have spoken of. I have taken the $80 merely to get a scale of comparison between the prices of steel rails and iron rails. I believe at present rates the invoice price of these rails, as they come into market, is not more than $49 per ton, and if we leave iron rails at $15 68 per ton it is asking us to make a great disparity between the value of the two articles to put the duty on the Bessemer rails up to $44 80 per ton.

I now call the attention of the committee for a moment to the material of Bessemer steel. I object to the clause we are now debating in this respect, that it puts this article in the category of steel. The last time the subject was before the House of Representatives for a full and thorough debate a subcommittee of the Committee of Ways and Means was sent away to examine the Bessemer process and ascertain all the facts concerning it. I was a member of the sub-committee that made that examination. It was settled by this House that while we put steel in our bill at 4½ and 5 cents per pound, we put Bessemer steel rails at 2½ cents. In other words, the Bessemer steel rails were put at about one half of the duty on steel of the ordinary kinds, or I might say that we found a midway point between iron and steel, and put Bessemer steel there.

Now, by the pending bill Bessemer steel is classed with steel far above the highest and best kind of iron, and put up among shear steel, cast steel, blister steel, and all the other forms of steel comprehended in this bill. It seems to me, Mr. Chairman, that when a great discoverer has brought out a most valuable article that will probably revolutionize the whole railroad interest of the world, and which is valuable not only in its reference to railroads, but for the mass of machinery in the various forms in which it can be used, we ought not to elevate it as if it were the highest kind of the old article of steel. I appreciate the facts that have been given us here to show how this interest is now languishing. I am willing as a compromise to give them some help. I believe it will be best to fix the duty at least below what my colleague from Ohio [Mr. BINGHAM] has proposed, at $36 a ton; but I should not be content to go higher than that on this article.

[Here the hammer fell.]

Mr. SCHENCK. I move that all debate on this paragraph be stopped.

Mr. ALLISON. I hope not.

The question was put; and there were—ayes eighty-five, noes not counted.

So the motion was agreed to.

Mr. BROOKS, of New York. I move that the committee rise. This is too important a matter to be disposed of in this way.

Mr. SCHENCK. Let us vote on this amendment first and then rise.

The question was put on Mr. BROOKS's motion; and there were—ayes 60, noes 80.

Mr. BROOKS, of New York, called for tellers.

Tellers were ordered; and Mr. BROOKS, of New York, and Mr. HOOPER, of Massachusetts, were appointed.

The committee divided; and the tellers reported—ayes 60, noes 78.

So the committee refused to rise.

The question was on Mr. BINGHAM's amendment to the amendment offered by Mr. BENJAMIN, to strike out "$36" and insert "$30."

Mr. BROOKS, of New York. I desire to move an additional amendment.

The CHAIRMAN. There are two amendments now pending.

The question was put; and there were—ayes 71, noes 60.

Mr. BENJAMIN called for tellers.

Tellers were ordered; and Mr. BINGHAM and Mr. BROOKS of New York, were appointed.

The committee divided; and the tellers reported—ayes 78, noes 63.

Mr. COX. I rise to a point of order, and I make it with all respect to a member of this House. My point of order is that the gentleman from Pennsylvania [Mr. MORRELL] has voted on this question, and it has been shown by the debate that he is directly interested.

The CHAIRMAN. The Chair cannot entertain that as a point of order.

Mr. COX. I move that the committee rise and report that fact to the House, with a view of having a decision of the House on the subject.

The CHAIRMAN. The Chair will announce the vote. The tellers reported—ayes 78, noes 63. So the amendment to the amendment is agreed to, and the question recurs on agreeing to the amendment of the gentleman from Missouri, [Mr. BENJAMIN,] as amended.

Mr. BROOKS, of New York. I demand the reading of the rule.

The CHAIRMAN. What rule?

Mr. BROOKS, of New York. The rule in reference to members voting on questions in which they are interested.

The CHAIRMAN. The Clerk will read the rule.

The Clerk read as follows:

"No member shall vote on any question in the event of which he is immediately interested."

The CHAIRMAN. The Chair decides that there is no evidence whatever of the interest of the gentleman from Pennsylvania [Mr. MORRELL] in this question.

Mr. BROOKS, of New York. I move that the committee do now rise.

The question was put; and there were—ayes 60, noes 77.

Mr. ELDRIDGE called for tellers.

Tellers were ordered; and Mr. KELSEY and Mr. ELDRIDGE were appointed.

The committee divided; and the tellers reported that they were unable to agree in the count.

The CHAIRMAN thereupon appointed Mr. MAYNARD and Mr. RANDALL as tellers.

The committee again divided; and the tellers reported—ayes 73, noes 71.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WHEELER reported that the Committee of the

Whole on the state of the Union, according to the order of the House, had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

FREEHOLD AND IMMIGRATION COMPANY.

Mr. SCHENCK. I rise to move that the House now adjourn, and will first give way to myself, [laughter,] and ask unanimous consent of the House to introduce a bill and have it referred to the Committee on Territories, and ordered to be printed.

The SPEAKER. That will require unanimous consent.

Mr. ALLISON. I will not object if the gentleman will then yield to his colleague, [Mr. GARFIELD,] who desires to present a report from the committee of conference on the census bill.

Mr. SCHENCK. I will not myself object to that. I will withdraw the motion to adjourn, and ask consent to introduce a bill to incorporate the United States Freehold Land and Immigration Company, and to confirm certain legislation of Colorado Territory.

No objection was made; and accordingly the bill (H. R. No. 1953) was received, read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

Mr. ELDRIDGE moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISASTER AT RICHMOND, VIRGINIA.

Mr. JONES, of Kentucky. I rise to a privileged question, and submit the following resolution for consideration at this time:

Resolved, In view of the appalling calamity that has fallen upon the city of Richmond by which so many human beings were hurried from time to eternity, and many others dangerously injured, and in consideration that to-morrow, the 4th instant, has been set apart by the authorities and people of that city as a day of fasting and prayer, that this House, in respect for the dead, sympathy for the living, and a proper appreciation of such a signal manifestation of Providence, when it adjourns to-day adjourn to meet at eleven o'clock on Thursday next.

The SPEAKER. The Chair is compelled to rule that the resolution submitted by the gentleman from Kentucky [Mr. JONES] does not involve a privileged question. A motion or a resolution to adjourn over for a day, assigning a reason in the resolution for so doing, has always been held not to be a privileged question, for it involves other matters than the mere question of adjournment. This resolution will, therefore, require unanimous consent for its consideration at this time.

Objection was made by several members.

Mr. GARFIELD, of Ohio. I rise to make a privileged report from a committee of conference.

The SPEAKER. The report will be read.

Mr. JONES, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES, of Kentucky. Will it be in order for me to offer my resolution without the preliminary part of it?

The SPEAKER. It would be in order for the gentleman to make the simple motion that when the House adjourns to-day it be to meet at eleven o'clock a. m. on Thursday next, if he had the floor for that purpose; but the gentleman from Ohio [Mr. GARFIELD] is upon the floor to make a privileged report.

Mr. JONES, of Kentucky. Who objected to my resolution?

The SPEAKER. It was objected to by several members.

Mr. JONES, of Kentucky. Have I not a right to know who objected?

Mr. AMES. I object.

Mr. JONES, of Kentucky. You ought to be marked for objecting to such a resolution.

Mr. AMES. Well, mark me, then.

NINTH CENSUS.

Mr. GARFIELD, of Ohio. I present the report of the committee of conference upon the disagreeing votes of the two Houses upon the census bill. I do not ask action upon it now, but will ask that it be printed in the Globe.

The report was received, and ordered to be printed in the Globe, as follows:

The committee of conference appointed by the Senate and House of Representatives upon the disagreeing votes of the two Houses on the bill (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and to provide for their future apportionment among the several States," approved May 23, 1850, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendment to the bill of the House, and agree to the said House bill, with the following amendment, namely:

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

That the time allowed for transmitting the said copy of the returns of the assistant marshals to the Census Office is hereby further limited, so that the returns of population upon schedule No. 1, in the act of May 23, 1850, shall be sent to that office on or before the 10th day of September next, and the complete returns upon all the schedules annexed to and made part of that act, excepting upon the schedule therein designated as No. 2, which schedule is hereby revoked, canceled, and declared to be no longer a part of said act, shall be forwarded to the Census Office before the 1st day of October following: *Provided*, That the Secretary of the Interior shall be authorized to extend the time allowed for returns on the schedules other than those of population, in any case where it shall appear to him to be necessary: *Provided further*, That whenever, from the loss or destruction of returns, or from causes beyond the control of the officers charged with the enumeration, it shall be shown to be impracticable to comply with the requirements of this section, the Secretary of the Interior is authorized to extend the time allowed for rendering returns of population, not beyond the 1st day of October next.

SEC. 2. *And be it further enacted*, That the penalty provided in the fifteenth section of said act of May 23, 1850, shall apply to any refusal whatever to answer either of the inquiries authorized by said act.

SEC. 3. *And be it further enacted*, That each assistant marshal or agent shall be paid for making out and returning complete copies of the original census returns, as required in the eleventh section of the act to which this is a supplement, eight cents for each page of the two copies of the original census returns required by the said eleventh section.

SEC. 4. *And be it further enacted*, That the oath to be taken by assistant marshals employed to take the census shall be the oath required by the act of 1850, of which this is an amendment.

And that the House of Representatives concur in the same.

ROSCOE CONKLING,
MATT. H. CARPENTER,
T. F. BAYARD,
Managers on the part of the Senate.
J. A. GARFIELD,
WILLIAM B. ALLISON,
S. S. COX,
Managers on the part of the House.

LEAVE OF ABSENCE.

Mr. HOLMAN obtained ten days' leave of absence from to-morrow.

Mr. STRADER obtained leave of absence for Thursday next, and for twenty days from Monday next.

Mr. ALLISON. I move that the House do now adjourn.

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

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. COOK: A memorial of the reorganized church of Jesus Christ of Latter-Day Saints, in reference to polygamy.

By Mr. JONES, of Kentucky: The petition of Thomas Owens, of Mount Olivet, Kentucky, for the relief of his political disabilities.

By Mr. NIBLACK: The memorial of John Woolsey, late a private in the twenty-second regiment of Indiana volunteers, praying for a pension.

By Mr. O'NEILL: A communication of citizens of Philadelphia, numerously signed, asking for the enactment of the civil service bill.

By Mr. PORTER: The petition of J. G. Hurkamp and 201 others, citizens of Virginia, praying an appropriation by Congress of $100,000 for the removal of obstructions from the Rappahannock river in Virginia.

By Mr. SARGENT: A memorial of the commissioners of the Yosemite Valley and Big Trees, California, and of citizens of said State, praying for a grant of land for constructing a turnpike road to said localities.

IN SENATE.

WEDNESDAY, *May* 4, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and to provide for their future apportionment among the several States," approved May 23, 1850.

CORRECTION OF AN ENROLLED BILL.

The message also announced that the House of Representatives requested the concurrence of the Senate in the following resolution, passed by the House:

Resolved, (the Senate concurring,) That the word "first," in line one of section nine of the enrolled bill (H. R. No. 1427) to provide for the creation of corporations in the District of Columbia by general law, be erased, and the word "seven" inserted, so that the section of said bill be referred to by the proper number.

The VICE PRESIDENT. This refers to the general corporation act for the District, the enrolled bill in regard to which was yesterday returned by the Senate to the House of Representatives, which now asks the concurrence of the Senate in striking out the word "first" and inserting "seventh" in the section referred to in the House resolution.

Mr. HAMLIN. I will state that in the section of that bill mentioned in the resolution reference is made to the first section, when it should have been a reference to the seventh section. The word "first" should read "seventh," and I ask unanimous consent that that change be made.

The VICE PRESIDENT. If there be no objection that change will be ordered to be made. It is so ordered by unanimous consent, and the resolution of the House is concurred in.

FINAL ADJOURNMENT.

The VICE PRESIDENT. The Chair presents to the Senate the concurrent resolution of the House of Representatives providing for the final adjournment of this session of Congress. It will be reported by the Secretary.

The Secretary read the House concurrent resolution, as follows:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* on Monday, the 4th of July next, at meridian.

Mr. HAMLIN. I move to amend that resolution by striking out "Monday, the 4th of July," and inserting "Saturday, the 2d of July."

Mr. SUMNER. I move that the resolution lie on the table.

The VICE PRESIDENT. The Senator from Maine moves to amend the resolution by striking out "Monday, the 4th of July," and inserting "Saturday, the 2d of July." The Senator from Massachusetts moves that the concurrent resolution lie on the table.

Mr. SUMNER. We had better not pass it.

Several SENATORS. Let us pass it and work up to it.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts, that the concurrent resolution and amendment lie on the table.

Mr. SUMNER. On that motion I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 41; as follows:

YEAS—Messrs. Chandler, Cole, McDonald, Morrill of Maine, Nye, Pool, Ramsey, Schurz, Sprague, Stewart, Sumner, Trumbull, Warner, Wilson, and Yates—15.

NAYS—Messrs. Ames, Anthony, Bayard, Boreman, Buckingham, Cameron, Carpenter, Casserly, Conkling, Corbett, Drake, Edmunds, Fenton, Ferry, Flanagan, Hamilton of Maryland, Hamlin, Harlan, Harris, Howe, Howell, Johnston, Kellogg, Lewis, McCreery, Morrill of Vermont, Morton, Osborn, Patterson, Pratt, Rice, Robertson, Ross, Saulsbury, Sawyer, Scott, Spencer, Tipton, Vickers, Willey, and Williams—41.

ABSENT—Messrs. Abbott, Brownlow, Cattell, Cragin, Davis, Fowler, Gilbert, Hamilton of Texas, Howard, Norton, Pomeroy, Revels, Sherman, Stockton, Thayer, and Thurman—16.

So the motion did not prevail.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Maine.

Mr. HAMLIN. I think, upon reflection, that I will withdraw that amendment, and vote for the resolution as it comes to us from the House of Representatives, from two considerations. One is that the time fixed in the resolution is ample for us to conclude our business; and second, if we fix a time two months in advance, my judgment, my experience, without a single exception in any session of Congress, is that we shall perform more labor and accomplish more result with a day certain fixed for adjournment two months from now than we shall in four long months with no day determined upon. I say, sir, that that is the experience of every Senator here, and every session of Congress will demonstrate it to a mathematical proposition. Every Senator knows that in the three months to which we are limited in what is called the short session our appropriation bills are all passed, and I think I may say as much of legislation very nearly as comes from a long, tedious summer session. Believing, therefore, that we have ample time by the day fixed, and that by fixing a time we shall hasten the day of adjournment, I prefer, while I do not like the particular day named, to take the resolution precisely as it comes to us from the House; and I will therefore withdraw my motion to amend, and vote for the resolution as it is.

The VICE PRESIDENT. The Senator from Maine withdraws his amendment.

Mr. MORRILL, of Vermont. I move that the resolution be referred to the Committee on Finance. I am inclined strongly to the opinion that we may be able to adjourn as early as the time named in the House resolution; but we ought to act intelligently, and not be driven to any indecent haste in the last hours of the session. If the resolution shall be referred to the Committee on Finance, they will be able to examine what subjects are indispensably necessary to be legislated upon, and confer with the Committee on Appropriations; and as the Committee on Finance will meet to-morrow the resolution will be immediately reported back for action to-morrow. I hope, therefore, that by general consent it will be deemed wise and prudent to refer this resolution for examination to a committee.

The VICE PRESIDENT. The Senator from Vermont moves the reference of the concurrent resolution to the Committee on Finance.

Mr. WILSON. I hope that motion will prevail. It seems to me that whether we shall be able to adjourn on the 4th of July or not, it is a very singular position for Congress to take before a single appropriation bill has passed, before we act upon the reduction of taxes, upon the tariff bill, upon the funding bill, upon the admission of Georgia, upon all the leading questions of this session, and before any of them are consummated, to assume to fix a day of adjournment. Everybody knows there never has been, at any rate during the last dozen or fifteen years, a Congress that has sat more hours or that has talked more and done less than the present Congress. Little has been accomplished. We have sat a great many hours; there has been a great deal said; but there has been but very little accomplished. We have passed within the last few days several bills, not very important ones, but still bills that ought to be acted upon; but all the leading measures of the session, all the appropriation bills for the next year, remain unacted upon.

Mr. EDMUNDS. Oh, no.

Mr. WILSON. Not one has passed.

Mr. POMEROY. Oh, yes.

Mr. WILSON. What one?

Mr. FERRY. The invalid pension bill.

Mr. TRUMBULL. And the West Point appropriation bill.

Mr. WILSON. Those are little picayune things, the merest trifling matters in the world, hardly worth talking about here or anywhere else; but all the principal appropriation bills are unacted upon, and all the leading measures of this session. I hope the motion made by the Senator from Vermont, to refer this resolution to the Committee on Finance, will be agreed to, and that we shall remain in our seats and work Saturdays, and work early and late and do our business, and not fix a time of adjournment, and then have the intermediate time used for the purpose of defeating some of the main and leading measures of this session.

Mr. TRUMBULL. Mr. President, I shall vote for the motion to refer this resolution to the Committee on Finance, and I quite agree with what was said by the Senator from Massachusetts as to the impropriety of fixing a day of adjournment now. It is our duty to see to the public business of the country, and the great measures that are pending certainly ought not to fail of attention at our hands by the fixing of a day of adjournment, so that they cannot be properly considered. The country expects the taxes to be reduced. The country expects the tariff to be remodeled. The country expects some sort of a financial bill to be passed. The western country and the southern country expect increased banking facilities to be extended to them. The country expects a bill to be passed to enforce the fifteenth amendment; and there are a great many measures besides the ordinary appropriation bills that it is the duty of this Congress to act upon.

It is now barely eight weeks until July. We are all anxious to get away; no one more so than I am; but do we propose to leave our positions here without doing the business of the country, and fix a time now, at the end of eight weeks, when, whether the business of the country is done or not, we are to adjourn? It seems to me that as persons charged with the public business of the country it would be improper at this time to do that. Let the resolution be referred and placed in the hands of the Finance Committee, which has charge of some of the most important measures upon which we ought to act, and if the business will justify it, then let us adjourn on the 4th of July, or at an earlier day.

I do not agree at all with what my friend from Massachusetts has said in another portion of his remarks. I have never known a Congress that has worked more laboriously than the present one. I have never known as many bills passed in the Senate as have been passed by this Senate at the present session. It is an entire mistake to suppose that the Senate, and, so far as I know, the House, but I speak of the Senate particularly, have neglected the public business of the country during the present session of Congress. The Senate has never worked more laboriously; it has never perfected more measures; it has never passed more bills in the same length of time. Why, sir, since I have been a member of this body the Calendar of the Senate was never called till the present session. It is the first time in the history of the Senate that I have ever known it to be done. While I am willing to meet early and sit late and do all that can reasonably be required to bring the session to a close, I am opposed to fixing a time now when the Senate will adjourn and leave undone the great busines which the country I know expects of this Congress. I hope the resolution may be referred.

Mr. CAMERON. Mr. President, I trust this resolution will not be referred to the Committee on Finance. I am surprised that the motion should have been made; although my friend, the Senator from Vermont, almost always does that which is right and nothing else; but why this resolution should be referred to this committee above all others I cannot see. If I know anything about their duties this winter, during the whole session I believe, the only thing prepared by that committee was the bill upon the currency, or the funding bill. We spent two months about it, and sent it over to the other House, and it is there still. Now, if we should refer this resolution to them, and they should act upon it with their ordinary diligence, we should perhaps about the 10th or 15th of July get a report on this subject. By that time the summer will be half over, and we shall have been wasting our time to no purpose.

I do not believe this Congress is a bit worse or a bit better than any other Congress I have seen, and I have seen a great many. Every year when you come to talk about adjournment you find Senators rising and charging all sorts of bad conduct upon their associates and upon themselves. They remind me very much of the monks in the Middle Ages who ran about with haircloths upon them and a rope in their hands whipping themselves for the sins which they charged themselves with. Now, if we would add the rope, and give ourselves a little punishment for the sins which the Senator from Massachusetts charges himself and all the rest of us with, it might be well enough. But, sir, to my mind the less business we do in a general way the better for the country. I believe we spent three months upon the Georgia bill, and one night by a single dash of the pen of the Senator from Kansas [Mr. POMEROY] our whole work was destroyed and we got an entirely different bill, and one which the country did not expect. Now, the Senator from Illinois says the country expects us to pass a tariff bill, expects us to pass a currency bill, expects us to pass the Georgia bill. I do not believe the country expects any such thing. My belief is that the country expects us to pass the appropriations necessary to carry on the Government, reduce the taxes, and then go home and attend to our own private affairs. When we are at home we do no harm to the public, and while we are here we do very little good; and therefore I think the sooner we get off the better for ourselves and the better for the country.

Mr. NYE. I should like to ask my friend a question, whether he had not better get a rope for himself. [Laughter.]

Mr. CAMERON. Perhaps I had, but I would much rather see it in the hands of the Senator from Nevada.

Several SENATORS. Let us vote.

Mr. CAMERON. Very well, I will say no more.

Mr. EDMUNDS. I rise to say but a single word. I wish to say in a good spirit to my friend from Illinois that I like that speech which he has delivered, I think, better every time I hear it. Heretofore I have not generally heard it from him; but every long session, as the Senator from Maine has said, whenever we have tried to fix a day for adjournment, be it early or be it late, precisely the same arguments in opposition are made, and generally from the same gentlemen, who are so constituted that they think nothing can be done if a day is fixed within which it must be done; whereas human experience has proved to us,

as the Senator from Maine has said, that the best possible way to do business is to fix a time beyond which we see that we must take the responsibility of either doing something or going back to the people and telling them that we are unable to do anything. If any unforeseen event occurs which makes it indispensable that we should sit later the two Houses can postpone the time.

Mr. SAULSBURY. I shall vote for this resolution for reasons which have been assigned against it by other Senators. I admit that in the eleven years that I have been here I have never known more done in the same time; but I will also remark, without any disrespect to the body, that I have never known more mischief done in the same time. I do not know that I have ever known so much proposed legislation remaining to be done; but certainly I have never known so much fraught with danger as remains to be done. It has been remarked that the country expects certain measures to be passed. It may be that the country expects it; because judging from the past it may expect you to do these things. It does not follow, however, that the country desires these measures to be passed. For these reasons, I shall vote for the resolution.

Mr. CRAGIN. Mr. President, it is only about five years that I have had the honor of occupying a seat in the Senate, and I have observed during all that time that some members of this body are extremely anxious to adjourn early, and the argument generally has been that the country is anxious that Congress should adjourn. Now, sir, I do not believe any such thing. I believe that we are more anxious to adjourn, as a general thing, than the country is to have us do so.

I am myself opposed to fixing at this time any day for the final adjournment of Congress. I admit, I know that this session has been a laborious one, an exceedingly laborious session; but up to within ten days comparatively little business has been done; few bills have been passed. The most of the time has been spent in debate, properly undoubtedly; but some of the time, with all the patience that I have possessed, I have inquired of myself whether the silent members of this body, or those of us who speak only occasionally, have any "rights which white men are bound to respect." But, sir, I hope that time has passed, and I hope we may now come to business—to real business. I agree with the Senator from Illinois that the country expects of this Congress certain things to be done; especially does it expect that this Congress will pass a funding bill by which the interest on the public debt may be largely reduced, thereby saving expenses and reducing taxation. It also expects that the taxes will be largely reduced, and I am not willing to fix any time for final adjournment until some bill shall be perfected and acted upon looking to such a result.

This present Administration in its first year has reduced the expenses of the Government largely, more than $60,000,000; and I am anxious that it shall continue this reduction; and we must as a Congress enact some laws reducing the taxes. I say the people expect it; they demand it; and I appeal to my party friends in this Chamber, and tell them that if they go away from here this summer without meeting that demand of the people our majority in the next Congress will be less than it now is.

I give them this notice here to-day, and though they may have no wish to stay here personally, yet, if they have any regard for the interests of the party which we love, I ask them to remain here sufficiently long to perfect certain measures at least. The newspapers say—I do not know whether truthfully or not—that the Secretary of the Treasury remarked on the floor of the House the other day that he did not believe this Republican Congress could afford to adjourn or would dare to adjourn till they had given him the opportunity at least to try to fund the debt at a lower rate of interest. I do not know whether he ever made any such remark; but it is in the newspapers, and I only repeat it here. If he did not so remark, I will say the same thing, and commend the consideration of the subject to every member of this body.

Mr. DRAKE. I do not propose to discuss the propriety of adopting this resolution; but I have one subject to make a remark about to the chairman of the Judiciary Committee and to the members of that committee. For months they have had before them bills upon a subject of the gravest importance to this whole country, to wit, the subject of naturalization, and we have never heard one word from that committee yet that I am aware of, and the session is now drawing toward its close, and it would be a great satisfaction to me, as it would be to others, to know whether we are to hear anything from that committee during the remainder of the session upon that subject.

Mr. EDMUNDS. The Senator will pardon me for correcting him. It was only three or four days ago, in the absence of my friend from New York, [Mr. CONKLING,] that attention was called to that subject by the Senator from Massachusetts, [Mr. SUMNER,] when I stated publicly that the committee were busily engaged in perfecting a bill, and I had no doubt it would be presented within a week or two; that it was in the charge of the Senator from New York, who was then on a visit to his home.

Mr. DRAKE. I am very happy to hear it. I did not hear the statement made by the Senator from Vermont at the time he states he made it. I am very happy to hear that the subject is in hand.

Mr. STEWART. I do not know that the Judiciary Committee needs any defense; but I must say that I think it is as hard-working a committee as any in this body. They meet as many times a week, and work as many hours, and perfect as many bills as any other committee. The subject of naturalization is a subject which the committee have had under consideration and have been examining diligently. It is a very difficult subject. On all occasions when it is proposed to fix the time for adjournment or anything else the Judiciary Committee seems to be the general obstacle; it seems to be the great point of attack. If my friend from Missouri was a member of the committee, and worked as hard as some of us do, he might have a little mercy, and not attempt to crush that committee.

Mr. DRAKE. I was not attacking the committee.

Mr. MORRILL, of Vermont. The motion which I made is the ordinary motion. I do not know of any case that has occurred when such a resolution as this has not been referred to the Committee on Finance, and I suppose that the Senate now will, almost by a unanimous vote, consent that that committee shall have charge of the subject. It does not follow that we shall not adjourn as soon as the time named in the resolution if it shall be committed; but it would follow that we should have some reasonable cause for adjourning if the committee, on examination, should report in favor of it.

In relation to the business of that committee I will say that while it is true that that committee must wait for the action of the other House on most important matters before they can come under consideration here, yet if there is any committee that has been more assiduous and more attentive to its business than that committee I am not aware of it. I suppose the Senator from Pennsylvania is so immersed in the business of the Committee on Agriculture that it is impossible for him to see the business of any other committee; but if he had paid any attention to the Committee on Finance he would have seen that at least it is only second in importance to the Committee on Agriculture. [Laughter.]

Mr. SHERMAN. I am personally very desirous to adjourn as early as the 4th of July, and I believe that by a proper method of conducting our business we can adjourn at that time; but I do not think that it would now be wise to fix the day of adjournment. I shall vote for the reference proposed by the Senator from Vermont.

But I ought to go one step further in regard to a matter of public business. The Committee on Finance have been laboring for some time industriously, examining the question of the reduction of taxation. We have the pleasing prospect before us of largely reducing our taxes to fully perhaps as large an amount as Senators expect from statements that have been made in the public prints and from the Secretary of the Treasury. The difficulty about the subject is that the Senate cannot originate a tax bill, although the Senate may originate a bill repealing taxes. The Senate might, in anticipation of the action of the House upon the internal revenue bill and the tariff bill, introduce a bill here for the reduction of taxes; but the Committee on Finance have felt some hesitation in doing it lest we might seem to trespass upon the proper functions of the House of Representatives. I am satisfied, though, now, from the state of business in the House of Representatives, that it is wise and prudent for the Senate to enter upon the discussion of the reduction of taxes.

Perhaps I may go so far as to say that the Committee on Finance in due time, probably within a very few days, will be able to report some bill on that subject; but certainly until that question is disposed of, or in the way of being disposed of, we cannot fix the day of adjournment; nor can we properly fix the day of adjournment, in my judgment, until the appropriation bills are in a further state of advancement than they are now. Up to this time I believe not a single regular annual appropriation bill has passed the Senate.

Mr. MORRILL, of Maine. Except the invalid pension bill.

Mr. SHERMAN. The invalid pension bill is a mere matter of form. All the other appropriation bills are back. I can only say that if the resolution is referred to the Committee on Finance, I, as one member of it, will certainly try to facilitate the business of that committee so as to adjourn on the 4th of July, because I believe legislation here in July and August would be very vicious indeed. It is destructive to the health of Senators and members, and I think we ought to go home to our constituents by that time, and I believe we can do so by properly husbanding the intermediate time. I shall vote for the reference of the resolution.

Mr. WILLIAMS. I do not agree with the other members of the Committee on Finance who have spoken on this subject, and although I am indifferent as to whether or not the resolution is referred I think we might pass it at this time without the consideration of any committee. Many complaints have been made in Congress and out of Congress about the number of speeches that are made here, and those complaints will continue and the speeches will be made until Congress becomes satisfied that it must work and not speak; but just so long as the matter is left open every question that arises here will be discussed at a great expenditure of time. It appears to me that within the next two months, if we see the necessity for so doing, we can accomplish all that we are expected to accomplish. The bills that have been referred to are bills that are generally passed within the last two or three weeks of the session. Since I have been here the appropriation bills have generally been huddled into a few of the last days of the session, and that will be the case now. We may sit here until next October, and we shall not pass those bills until just at the end of the session; and if we adjourn on the 4th of July we shall pass them just before Congress adjourns. That is the inevitable course that

those bills take. I shall vote for the resolution as it passed the House of Representatives.

Mr. MORRILL, of Maine. I concur with the Senator from Ohio. I doubt whether it is wise to fix the day of adjournment at the present time. I cannot say that it is not practicable to accomplish all that Congress expects to accomplish, or that the country expects to be accomplished by Congress, by the 4th of July; but can any Senator here tell me that he knows it can be done? Has any Senator here information sufficient on that subject to justify a judgment that it can be done? There is the tariff bill. What of it? Who knows about that? Can any Senator rise in his place and say that the tariff bill is in that condition that he believes it will come from the House to the Senate in season for the Senate to consider it and to pass it within the time named? If he does he knows more than I do. If he can tell us that the tariff bill is likely to reach the Senate in this month he knows more than I do. If he thinks the probabilities are that it will, he knows more of the probabilities, even, than I do. Now, I ask any Senator here whether, with that great measure pending which has occupied the attention of the House of Representatives for five months, he is willing to say to the country now that he will fix on the 4th of July to leave here, whether that bill passes or not? Will it not go to the country as the judgment of the Senate that it is more important to adjourn on the 4th of July than to pass that bill?

Besides, sir, what of the tax bill? A tax bill has been reported in the House of Representatives. It is a very big subject. It will cover a great deal of time necessarily in the House. It will be antagonized against the appropriation bills, almost all of which, of any consequence, except the legislative, executive, and judicial appropriation bill and the Indian bill, are still lingering in the House. With those in antagonism, who can tell how much time will be consumed on those two bills? Are we ready to say to the country that we will fix the day of adjournment now, whether those bills are properly considered by the House or not?

It may be said that the House know what they are about; and they have sent this resolution with all those bills before them. That may be. They may think that they can pass these bills during the next month; but they ought to reflect that bills which have required them six whole months to consider ought reasonably perhaps to be considered by the Senate, and unless they are to be taken as a whole there is very little probability in my judgment that the Senate will be in a condition to adjourn on the 4th of July, unless Senators are willing to say to the country, by fixing the day, "We will adjourn on that day whether those bills are considered or not." It strikes me that it is inexpedient to take any step from which such an inference can be drawn by the country. We ought to sit here patiently and await the action of the House, in which these bills necessarily originate, and when they come to us we can tell when we can adjourn, and it seems to me we cannot do so before.

I wish to say a word now with reference to a remark which has fallen from my friend from Delaware, [Mr. SAULSBURY,] and I do not know but that the idea has been given currency to on the other side of the Chamber; and that is, that this Congress has talked a great deal, which I agree is true, and done little, very little, next to nothing. I do not sympathize with that idea; I do not feel, in the first place, that I owe any apology to the Senate for talking on my part; and in the second place, I believe it is true that Congress has been as industrious this session in its labors as at any other since I have been in the Senate. I believe it will show in the bills which have been passed, which I trust will commend themselves in some good sense to the judgment of the country, in the number and importance of the bills, that it has been as productive of results as any session since the close of the war at any rate. Now, sir, we have passed at this session three hundred and eighty-nine bills through the Senate. One hundred and forty-five of those bills have been passed in the last eight days under the general rule under which we have been acting; and if the work has been well and considerately done I submit to my honorable friend from Delaware that that is a record of business of which the honorable Senator may well be proud, being a constituent member of the Senate. As to the mischief which he thinks has been contemplated and which has not been done, he should be hopeful that the mischief which we have prevented heretofore will be prevented in the future.

Mr. SAULSBURY. If my honorable friend will allow me to make a remark, I know that "hope springs eternal in the human breast;" but, from my observation in this body for a number of years, all hope has left me of any good to be derived from its action.

Mr. MORRILL, of Maine. If my friend was more "human" he would be more hopeful. [Laughter.]

The VICE PRESIDENT. The morning hour has expired, and the Senate resumes the consideration of the Calendar. This resolution will go on the Calendar of resolutions.

Mr. CONKLING. Is not this a privileged question?

The VICE PRESIDENT. Whether privileged or not it is subject to the rules of the Senate. The Senate has adopted an order, to be in force after one o'clock each day unless dispensed with by unanimous consent or rescinded, to proceed to the consideration of the Calendar. This resolution must therefore go on the Calendar of resolutions.

PETITIONS AND MEMORIALS.

Mr. McCREERY. Will it be in order to present a petition?

The VICE PRESIDENT. It will be by unanimous consent. The order of the Senate is now about to be executed, one o'clock having arrived. There has been no morning business received this morning. Is it the pleasure of the Senate that the Chair shall call for the morning business? ["It is."] Then the Chair will first call for petitions and memorials.

Mr. McCREERY presented the petition of John B. Bland, of Louisville, Kentucky, praying to be remunerated for certain losses sustained by him during the late war in the burning of a building used by United States troops; which was referred to the Committee on Claims.

Mr. SPENCER presented the petitions of Gooden Adcock, John Reeves, C. A. Smith, A. G. Emory, B. F. Matthews, F. A. McMurray, C. C. Enlow, J. M. Mickle, J. M. Anderson, David Manley, L. D. Ford, and W. E. White, of Randolph county, Alabama; of E. Baker, W. S. Penick, G. W. Benson, and S. D. Oliver, of Elmore county, Alabama; of A. B. Eiland, and S. F. Waddell, of Russell county, Alabama; of G. F. Taylor, F. B. Holliday, J. S. Roberson, A. L. Roberson, George M. Micham, and J. M. Hill, of Chambers county, Alabama; of P. H. Carmichel, and J. F. Hurst, of Coosa county, Alabama; of J. S. Holliday, of Atlanta, Georgia; of P. H. Brassell, of Fayette county, Georgia; of A. J. Daniel, Jeptha Daniel, H. H. Cook, Rufus Wood, and W. M. H. Watts, of Heard county, Georgia; of Stephen Renfrow, of Fayette county, Georgia; of W. M. Bartlett, of Farbon county, Georgia; of J. W. Steel, of Gonzales, Texas; of J. M. Norwood, L. F. McCoy, S. Toomer, and George D. Hooper, of Lee county, Alabama; of S. M. Baker, of Russell county, Alabama; of W. H. Nance and L. E. Parsons, of Talladega county, Alabama; of John V. Wright, of Winchester, Tennessee; of Thomas C. Clark and Samuel W. Cockwell, of Eutaw, Alabama; of William A. Glover, Alfred Glover, William Glover, and Walton Glover, of Forkland, Alabama; of Samuel E. Johnson, J. McKee Gould, and Daniel G. Mayes, of Boligee, Alabama; of William Mitchell, of Alabama, and of Turner Reavis, of Gainesville, Alabama, praying for the removal of the legal and political disabilities imposed upon them by the fourteenth amendment of the Constitution of the United States; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. SCOTT presented a memorial of citizens of Philadelphia, Pennsylvania, sellers of household wringers of various manufactures, remonstrating against the passage of the House bill No. 1492, for the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

Mr. MORRILL, of Vermont. I present the memorial of H. Moffit & Co., of Waterbury, Vermont, remonstrating against the extension of the patent of John Young for washing and wringing machines; and they state that according to their best information not less than two hundred thousand wringing machines are manufactured and sold per annum, and this number is increasing yearly; and that it will reduce the cost largely to the public if the patent is not extended. I move that this memorial lie on the table.

The motion was agreed to.

Mr. FENTON presented the petition of Phebe Hepburne, of Waverly, Tioga county, New York, praying to be indemnified for losses sustained in the accidental destruction of certain land warrants; which was referred to the Committee on Claims.

Mr. FENTON. I desire to present, also, the memorial of a large number of ship-owners of the city of New York, among whom are the firms of C. H. Marshall & Co., Griunell, Minturn & Co., and Nathaniel L. and George Griswold. These gentlemen are so prominent in the business of New York, and so well known to the country, that I will take the liberty of stating pretty fully the object of their memorial. They ask to be heard in opposition to the passage of the bill known as the Lynch bill, providing for subsidies to certain lines of American vessels. Such subsidies can only be injurious, they state, to the general shipping interests of America, by increasing the present ruinous competition. They further represent that if Congress shall decide to grant subsidies for the encouragement and increase of the American shipping interest justice requires that such subsidies should be equitably apportioned among all American vessels, without distinction, which are employed in foreign trade, where they are exposed to the competition of the ships and steamers of foreign nations. Other considerations are presented why the bill known as the Lynch bill should not receive the favorable consideration of Congress. I move that this memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. SAWYER presented the petition of Sarah Carson, of Barnwell county, South Carolina, praying compensation for property destroyed by the United States troops during the late war; which was referred to the Committee on Claims.

Mr. CONKLING presented two memorials of citizens of New York, sellers of household wringers of various manufactures, remonstrating against the passage of the House bill No. 1492, for the extension of John Young's patent for washing and wringing machines; which were ordered to lie on the table.

Mr. HARLAN presented a petition of James Smith, William Syphax, William Cook, and others, messengers in the Department of the Interior, praying for an increase of compensation; which was referred to the Committee on Indian Affairs.

Mr. JOHNSTON presented the petitions of Jonathan W. Wright, John B. Wright, David Filler, Noah Counts, William Sutherland, Jacob Deel, James H. Deel, John Clevinger, Mat-

thew Stiltinner, George W. Hagg, Solomon Row, Joseph Looney, jr., B. W. Compton, Benjamin Staby, David McClanahan, John S. Rallipp, John M. Rallipp, E. Vance, Joseph Kelley, Joseph Looney, sr., John A. Compton, Drewny Packett, John W. Childress, all of Buchanan county, Virginia, and of A. W. Graves, Madison county, Virginia, praying to be relieved from their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of Daniel Brown, Andrew Patterson, and Joseph Walker, Rockbridge county, Virginia; of Edmund Winston, Hanover county, Virginia; of Stephen B. Duff, Washington county, Virginia; of John Sanders, Wythe county, Virginia, and William E. Stone, Montgomery county, Virginia, praying for the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. SPRAGUE presented a memorial of citizens of Providence, Rhode Island, sellers of household wringers of various manufactures, remonstrating against the passage of House bill No. 1492, for the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HAMILTON, of Maryland, it was

Ordered, That the petition and papers of Levi Hertzog be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. CONKLING, it was

Ordered, That the letter of the Secretary of the Interior, of February 15, 1869, communicating an account of the Northwest Fur Company for provisions and payment of men necessary for the defense and protection of Government property at Fort Union in 1866 and 1867, be taken from the files of the Senate and referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 595) to repeal an act entitled "An act for the survey of grants or claims of lands," approved June 2, 1862, reported it without amendment.

Mr. WILLIAMS, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 406) to expedite the survey of private land claims, reported it with an amendment.

Mr. SCOTT, from the Committee on Claims, to whom was referred the bill (S. No. 758) for the settlement of the account of Captain E. M. Buchanan, late commissary of subsistence of volunteers, reported without it amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 689) for the relief of Hull & Cozzens, and John Naylor & Co., reported it with an amendment.

Mr. HOWELL. I am directed by the Committee on Pensions, to whom was referred the memorial of Mary B. Winship, protesting against a reduction of her pension, to report it back. The case has been decided adversely, and will abide the result of our action on the general law. I move that the committee be discharged from its further consideration.

The motion was agreed to.

Mr. HOWELL, from the same committee, to whom was referred the petition of Henry C. Weatnerby, submitted a report thereon, accompanied by a bill (S. No. 880) granting a pension to Henry C. Weatherby.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. SPRAGUE, from the Committee on Claims, to whom was referred the petition of J. George Harris, praying for compensation for property taken and used for public purposes by the United States military authorities during the late war for the suppression of the rebellion, reported a joint resolution (S. R. No. 189) to enable the Court of Claims to hear and determine the claim of J. George Harris, paymaster United States Navy; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the petition of John L. Miles, reported a joint resolution (S. R. No. 190) to compensate John L. Miles, late second lieutenant second Indiana battery, for one horse lost in the service; which was read, and passed to a second reading.

Mr. TRUMBULL, from the Committee on the Judiciary, to whom was referred the petition of George Bushhead, principal chief of the Cherokee Indians of North Carolina, and others, on behalf of those Indians, praying an investigation into the acts of William H. Thomas, James H. Terrell, and S. H. Swetland, formerly agents for those Indians, and that such measures be taken as will compel them to account for and pay over to the Indians certain money improperly retained by them, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

BILLS INTRODUCED.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 881) to amend the act to incorporate the National Academy of Sciences; which was read twice by its title, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 882) to authorize the sale of the pine timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 883) granting a pension to John W. Salyers, a soldier of the war of 1812; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 884) to incorporate the International Society of the United States for the Promotion and Protection of Immigration; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 191) granting an American register to the British-built bark Busy; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

GEORGETOWN AND HARPER'S FERRY RAILROAD.

Mr. VICKERS. I move a reconsideration of the joint resolution passed yesterday (S. R. No. 172) directing the survey of a route for a railroad on the west bank of the Potomac river, from a point opposite Georgetown to Harper's Ferry.

The VICE PRESIDENT. The motion to reconsider will be entered.

DEPARTMENT OF JUSTICE.

Mr. WILSON. Let us go on with the Calendar.

The VICE PRESIDENT. The Senate resumes the consideration of the Calendar. The Secretary will report the first bill on the Calendar at the point where it stopped yesterday.

The first bill on the Calendar was the bill (H. R. No. 1328) to establish the department of justice.

Mr. HAMILTON, of Maryland. I think that bill ought to go over.

Mr. PATTERSON. I would ask the gentleman why?

Mr. HAMILTON, of Maryland. The name strikes me very sensitively.

Mr. PATTERSON. The gentleman ought not to object on that ground. I will say that the bill has been considered very thoroughly, and during two Congresses. Let it be read.

Mr. TRUMBULL. I wish to say in regard to this measure that I think it a very important bill and a very proper bill to be acted upon. In regard to the particular details of this bill I am not prepared to express an opinion; but this is a subject that certainly deserves attention. The bill came from the Committee on Retrenchment. It has not been examined by the Committee on the Judiciary; but I have looked over it somewhat, and I trust the Senate will take action upon it.

Mr. PATTERSON. I will say to the Senator from Illinois that this subject was first referred to the Committee on Retrenchment in the Thirty-Ninth Congress, immediately after the Committee on Retrenchment was organized. The committee secured information from various Departments of the Government touching the subject. In the Fortieth Congress a bill was introduced by Mr. JENCKES in the House and referred to the Committee on Retrenchment. A similar bill was introduced by Judge LAWRENCE in the House, and referred to the Judiciary Committee of the House. The two committees met and framed a bill which was in substance the bill now before the Senate. It was reported from the Committee on Retrenchment in the House at this session and passed the House without amendment. It was reported from the Committee on Retrenchment here, and is now upon the Calendar, and I hope we shall proceed with its consideration.

The VICE PRESIDENT. The Senator from Maryland has withdrawn his objection to allow the bill to be reported, as the Chair understands.

Mr. HAMILTON, of Maryland. Yes, sir; let it be read.

The Secretary proceeded to read the bill.

Mr. DRAKE. I consider this bill of too great importance to be passed under the present order of business, and I object to its further consideration.

Mr. SUMNER. I submit to my friend that he had better allow it to be read through.

Mr. DRAKE. Why?

Mr. SUMNER. So that it will be in a condition to be acted on.

Mr. CONKLING. I think that is the very reason why it should not be read. If it is not to be acted on now, the reading ought to be dispensed with.

The PRESIDING OFFICER. The bill will be passed over, objection being made.

RECONSTRUCTION EXPENSES.

Mr. MORRILL, of Maine. I ask consent to make a report. The Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 269) to amend the act of April 20, 1870, have instructed me to report it back without amendment, and I ask unanimous consent to have it considered now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It declares that the first proviso in the act approved April 20, 1870, (which prescribes the conditions under which the disbursement of the appropriations therein contained, for defraying expenses incurred in carrying into effect the act to provide for the more efficient government of the rebel States, shall be made,) shall not be held to apply to accounts for services rendered or for supplies furnished under regulations or orders issued by the respective commanders of the several military districts under the authority of the seventh section of the act of March 23, 1867, and which accounts shall have been duly certified and audited, and have been approved and the payment ordered by those commanders.

Mr. MORRILL, of Maine. I will state for the judgment of the Senate the point of this resolution from the House. In the recent deficiency bill there is this provision:

"To defray expenses incurred in carrying into effect the act to provide for the more efficient government of the rebel States, for various supplies and service, namely, in the first military district, $75,000;

in the fourth military district, $200,000; in the fifth district, $110,000:"—

Now comes the proviso alluded to—

"*Provided*, That no portion of said sums shall be paid except upon vouchers furnished and verified upon oath by the party furnishing said supplies or performing such service, to the satisfaction of the proper accounting officers of the Treasury."

I am told that as a matter of fact it is impracticable to furnish that evidence. Instead of the evidence required in this law, which provides "that no portion of said sums shall be paid except upon vouchers furnished and verified upon oath by the party furnishing said supplies," this resolution declares that proviso "shall not be held to apply to accounts for services rendered or for supplies furnished under regulations or orders issued by the respective commanders of the several military districts under the authority of the seventh section of the act of March 23, 1867, and which accounts shall have been duly certified and audited, and have been approved and the payment ordered by said commanders." It will be seen that the proviso of the original bill was to require the oath of the person who furnished the supplies. It is said at the Treasury that that is impracticable, because the parties that performed the service have all gone out of office and disappeared, and it is utterly impracticable to obtain this oath. Now, it will be seen that under this joint resolution it is made to rest upon an affirmation of the accounts certified and audited, and which have been approved and the payment ordered by the commanders. I believe I have stated the case as it is.

Mr. EDMUNDS. When was that reported?

Mr. MORRILL, of Maine. This morning; and I asked unanimous consent to consider it.

Mr. EDMUNDS. I ask my friend whether he thinks we can adjourn on the 4th of July if we pass this now?

Mr. MORRILL, of Maine. I think this will have a tendency perhaps to get us in readiness to do that.

Mr. EDMUNDS. Then I shall not object.

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

MARGARET P. ROBINSON.

Mr. PRATT. I move that the Senate take up the joint resolution (H. R. No. 224) for the relief of Mrs. Margaret P. Robinson, of Kentucky. The case was passed over informally yesterday because the report of the committee was not printed and laid upon the desks of Senators.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Indiana asks unanimous consent to proceed to the consideration of House joint resolution No. 224, which was laid aside informally yesterday. The Chair hears no objection.

The Secretary read the joint resolution.

Mr. SUMNER. Is there a report with that?

Mr. PRATT. Yes, sir.

Mr. SUMNER. I think this is one of that group of cases which have been objected to. They ought all to be considered together.

The PRESIDING OFFICER. This was laid aside informally.

Mr. PRATT. If the Senator will take pains to look over the report he will see exactly what the case is.

Mr. SUMNER. I looked over it this morning. It is a very excellent document indeed, but it was reading that document——

Mr. PRATT. I do not speak of the document, but of the facts.

Mr. SUMNER. It was very well done indeed. I must object to the measure to-day.

The PRESIDING OFFICER. Being objected to the joint resolution goes over.

JOHN E. GRIFFIN.

Mr. STEWART. I move that the Senate proceed to the consideration of House joint resolution No. 86.

Mr. RAMSEY. Are we not to go through the Calendar?

Mr. STEWART. This resolution was passed over.

Mr. RAMSEY. We are within three or four cases of being through the Calendar.

Mr. STEWART. I will wait until it is through.

The PRESIDING OFFICER. The Secretary will read the next bill on the Calendar in order.

The next bill on the Calendar was the bill (S. No. 860) for the relief of John E. Griffin; which was read a second time, and considered as in Committee of the Whole. It proposes to direct the Paymaster General to pay to John E. Griffin, late private of company E, second North Carolina mounted infantry, out of any money appropriated for the pay of the Army, the full pay and allowance of a private of infantry, from the 1st of September, 1863, to the 16th of August, 1865.

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

O. N. CUTLER.

Mr. MORRILL, of Maine. I ask the unanimous consent of the Senate to take up House bill No. 1666, for the relief of Otis N. Cutler, of Missouri, simply to make a motion.

Mr. RAMSEY. Why not let us go through the Calendar? We are within four or five numbers of the end of the Calendar.

Mr. EDMUNDS. Let us go straight on.

Mr. RAMSEY. I do not like to object to any matter the Senator from Maine desires to bring up, but I am anxious to have the Calendar gone through with. I think we had better go through the Calendar.

Mr. MORRILL, of Maine. I simply want to call up the bill with a view of recommitting it. A motion was made by the Senator from Illinois [Mr. TRUMBULL] to reconsider the vote on this bill, which passed the Senate on Friday. I wish to call it up, with a view of having it reconsidered and recommitted. It is a bill in favor of Mr. Cutler. The Senator from Illinois made the motion to reconsider. Now, I wish to call that up and have it reconsidered, with a view of recommitting the bill to the committee, and as a reason for it I will send to the Chair a letter from the Secretary of the Treasury, and ask that it be read.

Mr. TRUMBULL. Let us hear the letter.

The Secretary read the following letter:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY, *May* 3, 1870.

DEAR SIR: The person who expressed to me the opinion that the Cutler claim ought not to be paid is Mr. Whitney, who may be found at General Butler's residence, corner of Fifteenth and I streets. At my request he called upon me to-day, and without giving me any specific information reiterated his opinion, and spoke of two persons in New York as having knowledge of the subject, whose names, however, he did not give to me. He also suggested that there were papers in the Treasury Department which contained information or statements prejudicial to the Cutler claim; but Mr. Lovett, who has charge of the papers, informs me that they throw no light upon the claim pending in Congress.

I am, very truly, yours,
GEORGE S. BOUTWELL,
Secretary.

Hon. LOT M. MORRILL,
United States Senator, Washington, D. C.

Mr. MORRILL of Maine. Now I ask the indulgence of the Senate to say one word about this matter. I know Mr. Cutler, and I do not wish his case to be prejudiced by any suspicion or by any inference of suspicion on my part as to his claim; but with such information as that from the Treasury Department I do not suppose the Senate would like to pass the bill. At any rate, as a friend of Mr. Cutler, I should not like to have the bill go through the Senate with that information in my possession. Therefore, I suggest whether it would not be better to have the vote reconsidered and the bill recommitted, with a view of having the matter investigated.

Mr. TRUMBULL. I made the motion to reconsider in consequence of a statement made by the Senator from West Virginia, [Mr. WILLEY.] I think that the same principle was involved in this case as in another case to which I made some objection, and I thought it important that all should be treated alike. I have no specific knowledge in regard to the Cutler claim. I have since looked into it, and I think the same principle is involved in it as is involved in the claim of Cowan and Dickinson, who had cotton at Knoxville. I think they should go together. The matter that the Senator from Maine has now brought out I knew nothing about. I have no objection to the bill being recommitted to the committee, but think it proper it should be done on that letter of the Secretary of the Treasury. I hope the passage of the bill will be reconsidered, and then, on the statement made by the Secretary of the Treasury, I think the facts should be inquired into.

Mr. MORRILL, of Maine. I make that motion.

Mr. DRAKE. As I interposed the other day to prevent the recalling of this bill from the House of Representatives, I deem it proper, since the matter has been brought out that the honorable Senator from Maine has presented here, in justice to myself to say that when I made that resistance I knew nothing at all of any person in the world having made any such statement as Mr. Whitney is represented in that letter to have made. I was firmly impressed with the conviction that the bill was a just one; but as this matter has been brought out in this way by the honorable Senator from Maine, I think it is only proper, and indeed demanded, that the matter should go again to the Committee on Claims; and if that committee has not already a general power to send for persons and papers, I think that, in connection with this reference, that power ought to be specifically given. I inquire of the chairman of the committee whether the committee has such a power, under any general rule of the Senate?

Mr. HOWE. I do not suppose the committee has any power to subpena witnesses unless it is conferred upon it by resolution of the Senate.

Mr. DRAKE. Then I suggest to the Senator from Maine that after the bill is reconsidered the recommitment of it to the Committee on Claims shall be accompanied with power to the committee to send for persons and papers, and send for this Mr. Whitney and put him under oath and compel him to tell who it is that assails this claim, and whose names he would not give to the Secretary of the Treasury. I hope the Senator from Maine will let the matter take that course.

The PRESIDING OFFICER. The question is, will the Senate reconsider the vote by which the bill (H. R. No. 1666) for the relief of Otis N. Cutler, of Missouri, was passed.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. It is now moved that this bill be recommitted to the Committee on Claims, with power to send for persons and papers.

The motion was agreed to.

RAILROADS IN FLORIDA.

The next bill on the Calendar was the bill (S. No. 592) granting lands to aid in the construction of certain railroads in the State of Florida.

The Secretary read the bill.

Mr. BAYARD. I shall object to the passage of that bill.

The PRESIDING OFFICER. Being objected to, it goes over.

ABANDONED PROPERTY.

Mr. FOWLER. Yesterday I objected to the passage of the joint resolution (H. R. No. 173) to enable the Secretary of the Treasury to collect wrecked and abandoned property, derelict claims, and dues belonging to the United States, on the ground that I was not aware

of the definite object of the joint resolution. Having become satisfied that it ought to pass, I withdraw all objection to it.

Mr. SHERMAN. As the Senator withdraws his objection, and the resolution has been amended and is now on its third reading, I hope the Senate will act upon it at once.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to take up House joint resolution No. 173, objected to yesterday, the objection now being withdrawn.

By unanimous consent the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The joint resolution was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in. It was ordered that the amendment be engrossed, and the joint resolution read a third time. The joint resolution was read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PORTER, his Secretary, announced that the President had this day approved and signed the bill (S. No. 396) granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon.

OREGON BRANCH PACIFIC RAILROAD.

The PRESIDING OFFICER. The consideration of bills on the Calendar will now be resumed in their order.

The next bill on the Calendar was the bill (S. No. 112) to aid in the construction of the Oregon Branch Pacific railroad; which was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with an amendment, to strike out all after the enacting clause and to insert in lieu thereof the following:

That for the purpose of aiding in the construction of a railroad and telegraph line from a point on the Central Pacific railroad, at or near but not east of the north bend of the Humboldt river, in the State of Nevada, by the nearest eligible route to a point at or near Eugene City, at the upper end of the Willamette valley, in the State of Oregon, there is hereby granted to the Oregon Branch Pacific Railroad Company, a corporation organized pursuant to the laws of the State of Oregon, for the purpose of constructing a railroad and telegraph line, by articles of incorporation dated the 9th day of July, A. D. 1868, the right of way through the public lands of the United States of the width of one hundred feet on each side of said road, and all necessary grounds for stations, depots, shops, buildings, side-tracks, turntables, and water stations, not exceeding forty acres at any place; and also the right to take from public lands adjacent to the line of said railroad timber, stone, water, and other materials necessary for the construction thereof; and also each alternate section of said public lands nearest to the said road and within the limits of ten alternate sections in width on each side thereof designated by odd numbers to the amount of ten such alternate sections on each side thereof per mile, which shall not have been reserved or disposed of by the United States, and to which homestead, or preëmption, or miner's possessory rights shall not have been attached at the time the line of the road shall be fixed.

SEC. 2. *And be it further enacted*, That when the president of said company shall notify the President of the United States under oath that ten miles of the said railroad and telegraph line have been completed, the President of the United States shall appoint three commissioners to examine the same, and if the commissioners shall report that ten miles of said railroad and telegraph line have been completed, and are furnished with the rolling stock and necessary equipments, the President of the United States shall cause the lands hereinbefore granted, in respect of the said ten miles, to be surveyed, designated, and set apart for the benefit of said company.

SEC. 3. *And be it further enacted*, That when the said company shall file with the Secretary of the Interior their resolution duly certified under their seal, accepting the grants hereinbefore made on the terms and conditions hereinafter specified, and shall also file with the said Secretary their duly certified plat of the line of the said road as surveyed and established by them, the said Secretary shall designate the lands so conditionally granted, and cause such designation to be entered on the plats of the proper land offices, and thereafter the lands so designated shall be subject to sale only in accordance with the provisions of this act.

SEC. 4. *And be it further enacted*, That the lands granted by this act, excepting such as are necessary for the company to reserve for depots, stations, side-tracks, wood-yards, standing-ground, and other needful uses in operating the road, and excepting mineral lands, and timber lands not fit for cultivation after the timber thereon is removed, shall be sold to actual settlers only, in quantities not exceeding one quarter section to any one person, under such regulations and restrictions as may be prescribed by the Secretary of the Interior, at such prices as will secure to said company, its successors or assigns, as aforesaid, an average price of not more than $2 50 per acre for the land actually certified for each completed section of ten miles of said railroad; and to insure an enforcement of this section it shall be the duty of the company receiving the certificates from the Secretary of the Interior as aforesaid, for the lands granted in aid of the construction of the first section of ten miles of said railroad, and within one year thereafter to fix a price on each one hundred and sixty acre tract described in said certificates, in such manner and at such rates that the average price of the whole amount certified shall not exceed $2 50 per acre, and report the same to the Secretary of the Interior, exposing a copy of such report to the public in the office of the secretary of such company; and any person desiring to actually settle upon and improve said land, or any Government subdivision thereof, shall have the right to purchase, at the price so fixed, any unsold parcel of said land upon payment of said price; and on payment thereof it shall be the duty of the secretary of such company to make out duplicate certificates of the sale, under the seal of the company, send one to the Secretary of the Interior, and deliver the other to the purchaser; and it shall be the duty of the Secretary of the Interior to issue to such purchaser a patent for the land described in his certificate, as in cases of land sold by the United States. And the same form of proceeding shall be observed with respect to the land certified by the Secretary of the Interior on each succeeding completed section of ten miles of the main line of said railroad: *Provided*, That no certificate of lands to such company on any completed section after the first shall be made by the Secretary of the Interior until he shall have received a report, as aforesaid, of the price fixed on the land, certified for the next preceding completed section of said railroad or branch thereof: *And provided further*, That the sections of land which shall remain to the United States within the limits of this grant shall, except when located under the homestead act, be sold at $2 50 per acre, to actual settlers only, and in quantities not greater than one hundred and sixty acres to any one person, under such regulations and restrictions as may be prescribed by the Secretary of the Interior.

SEC. 5. *And be it further enacted*, That the said company shall file with the Secretary of the Interior its assent to this act within one year from the date of its passage, and the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph within two years from its passage, and twenty miles each year thereafter until the whole shall be completed.

Mr. WILLIAMS. I move to amend the amendment by striking out in section one, lines nineteen and twenty, the words "by the nearest eligible route to a point at or near Eugene City, at the upper end of the Willamette valley," and inserting "by the nearest eligible route in the States of Nevada and Oregon to a junction with the line of the Oregon and California railroad in the Rogue River valley."

The amendment to the amendment was agreed to.

Mr. WILLIAMS. I move further to amend the amendment in section four, line twenty-five, by inserting after the word "company" the words "and another in the land office of the district."

The amendment to the amendment was agreed to.

Mr. HARLAN. I ask the honorable Senator from Oregon if this amendment as it now stands will not grant the mineral lands? I call his attention to page 5, the thirty-fourth line of the first section of the amendment.

Mr. WILLIAMS. If it does an amendment excepting them will not be objected to. It is an oversight if it does.

Mr. HARLAN. I move to amend the amendment by inserting after the words "public lands," in the thirty-fourth line of the first section, the words "not mineral, except iron and coal lands." I believe that exception is generally made.

Mr. WILLIAMS. Yes, sir; that is the usual exception.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

SOUTHERN MINNESOTA RAILROAD.

The next bill on the Calendar was the bill (S. No. 824) authorizing the Southern Minnesota Railroad Company to connect its line with the Northern Pacific railroad; which was considered as in Committee of the Whole. The bill proposes to authorize the Southern Minnesota Railroad Company, within the State of Minnesota, for the benefit of which a grant of public lands has been made to the State by the United States, and whose western terminus has been fixed at the western boundary of the State, to extend its line of road to and to connect it with the line of the Northern Pacific railroad at such point in the Territory of Dakota as the company shall designate, not further west than the one hundred and third parallel longitude west from Greenwich; and it is to be entitled to and receive the same privileges, grants, and immunities for and in respect to such extension of its road, and be subject to the same liabilities, restrictions, and conditions in respect thereto as are contained in the act of Congress approved July 4, 1866, making a grant of lands to the State in aid of the railroad, and the act of Congress approved July 13, 1866, relating to the lands so granted; and the road which may be built to form such connection is to be considered and treated to all intents and for all purposes as a continuation of the Southern Minnesota railroad; but the time allowed for the construction of the railroad is not to be extended beyond the time designated in the act of Congress approved July 4, 1866.

The Committee on Public Lands reported the bill with an amendment, in line eleven to strike out the word "third" and insert "second;" so that the clause will read "not further west than the one hundred and second parallel of longitude west from Greenwich."

The amendment was agreed to.

The next amendment of the committee was to amend the proviso at the end of the bill so as to make it read:

Provided, That the time allowed for the construction of said railroad shall not extend beyond the time designated in the act of Congress approved July 4, 1866.

The amendment was agreed to.

Mr. RAMSEY. Mr. President, I can explain this bill in a very few words. The Southern Minnesota road extends from the east to the west line of the State of Minnesota, in a nearly west course, through the southern tier of counties, and ends at the west line of the State, "out on the prairie," as at present chartered. Its length is about three hundred miles, of which about one hundred miles are completed and operated; ten or twelve miles more are graded and waiting the opening of spring to procure iron; and some seventy miles more will be completed and in running order the present season, besides some twenty miles of branch connecting road, being built by the same parties. It is in the hands of active, energetic, live men, who are building the road as fast as it can be well and economically done. The present bill is intended to give the road a western connection. The proposed extension is about two hundred and twenty-five miles in length, more or less, varying with the point of connection with the Northern Pacific road, which point itself must be determined by the facilities or difficulties—difficulties that may be met with in the construction of the road and selection of a route. This extension passes through an entirely wilderness country, not a settler on the whole route, and interferes with no other projects. The Delegate from the Territory of Dakota strongly favors the extension, and says that in no otherwise can the country be opened up or settled, as there is no navigable stream on the whole route. Over a considerable part of its course the road will pass over what is called the "coteau country," where the land is of no value and never will be. The company ask the same land grant through this unsettled country that they have in Minnesota, and no more, namely, ten sec-

tions only to the mile. I trust that the bill will be put on its passage.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

PREËMPTION SETTLERS IN NEBRASKA.

The next bill on the Calendar was the bill (S. No. 713) for the relief of preëmption settlers in the land district of West Point, in the State of Nebraska; which was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with amendments. The first amendment was in line four, to strike out the words "West Point land district in the," and in line eight, after the word "withdrawal," to insert the words "for railroad grants;" so that the bill will read:

That settlers upon the public domain within the limits of the State of Nebraska, who, prior to the 1st day of January, 1870, had filed their declaratory statements under the preëmption laws for tracts once offered at public sale, and afterward included in the lateral limits of any withdrawal for railroad grants, where such lands were at date of filing, as aforesaid, subject to disposal under said preëmption laws, and who, through erroneous belief that by such withdrawal the lands so settled upon and claimed became subject to the designation of "unoffered" lands, have failed to make the proof and payment required by law within one year from the date of alleged settlement, shall be, and they are hereby, allowed and authorized to make such proof and payment within one year from the passage of this act, upon showing a full compliance with all other provisions of the preëmption laws.

The amendment was agreed to.

Mr. HARLAN. I should be glad if the honorable Senator who reported this bill would explain the purpose of it.

The PRESIDING OFFICER. There is another amendment reported from the committee. Shall that amendment be acted upon first?

Mr. HARLAN. Certainly.

The next amendment was to add to the bill the following proviso:

Provided, That such settlements were upon the even-numbered sections, and do not include cases declared to be invalid by the Commissioner of the General Land Office.

Mr. HARLAN. That will cover the point I had in my mind.

The amendment was agreed to.

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

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

The title of the bill was amended so as to read "A bill for the relief of preëmption settlers in the State of Nebraska."

M'PHERSON MONUMENT.

The next business on the Calendar was the joint resolution (H. R. No. 273) donating condemned cannon to the McPherson Monument Association; which was considered as in Committee of the Whole. It proposes to direct the Secretary of War to deliver to the McPherson Monument Association such number of condemned bronze guns as may be required by that association to be used in the erection or ornamentation of a monument to the late Major General James B. McPherson.

Mr. WARNER. I claim the indulgence of the Senate for a few minutes.

Mr. President, I speak on this resolution with feelings of unusual interest, growing out of the remarkable character of the man whom it is intended to honor, and of my long association during the late war with him. I first met him just after we had fought so successfully the battle of Fort Donelson, when he was a lieutenant colonel on the staff of General Grant, and from that time until the hour of his death I was in the same army, campaigns, and battles with him. During the ever-memorable and brilliant Atlanta campaign it was my honor to serve as an inspector general on the staff of General Sherman, and as such was brought much in contact with General McPherson, and had large opportunities of learning his character and services, and the regard in which he was held by the Army and by his military peers and superiors. That esteem was in some respects peculiar. General Sherman had, above all others, the supreme confidence of the entire Army in his military skill and bold energy, and none stood higher for personal patriotism, purity, and integrity—an integrity of Roman firmness, rigidity, and self-denial. These qualities are well shown in his refusal to accept, in the beginning of the Atlanta campaign, a commission as major general in the regular Army, on the ground that the Government had already sufficiently rewarded and honored him for his services, and that it should be held up as a prize for the most meritorious service during the campaigns then about to be begun, of Atlanta and the Wilderness. General Thomas, in his Washingtonian greatness, solidity, and purity, had universal respect and confidence throughout the entire Army. General Schofield, though less widely known than either Sherman or Thomas, yet had the entire confidence and perfect respect of his own army, and of all who were competent to judge him, as a soldier of skill and courage, and as a pure patriot and just man. But McPherson, added to the utmost confidence in his military skill and personal courage, had such noble beauty of form and countenance, such winning gentleness of expression and manner; his face, which in repose had an expression of almost womanly sweetness, would so light up and blaze with fiercest courage and daring in the moment of battle, that in danger he was worshiped as a hero; in quiet regarded in tenderest love as a man. It seemed as though the love of the beautiful one whom he worshipped, but whom the fates in blind cruelty decreed he might never wed, so lighted the noble soul which God gave him as to illuminate his face and make gentle and true and winning his life, his own love attracting to him the love of all other men.

And then the circumstances of his life and death were so touching and tragic. At two o'clock of the morning of the memorable 22d of July, 1864, when General Sherman's army was laying close siege to Atlanta, I was called by him and ordered to go to General McPherson, some six miles distant on our left, and inform him that the enemy had evacuated his works in front of our center, and with directions for him to pursue by certain roads in case the enemy had abandoned his whole line and Atlanta. I found him at daylight in bed. Waking him up, he gave instantly the necessary orders for a reconnoissance to ascertain the movements of the enemy. We ate breakfast together, mounted our horses, rode to the front, and found the enemy had only retired about a mile to an inner and shorter line. We then rode to his skirmish line and outside of it, and a mile in front of the ground on which the great battle was fought later in the day, passing twice over the spot on which he fell a few hours later. Very near this spot we met General G. M. Dodge, and then General McPherson gave him the order to halt his two divisions of the sixteenth corps, which were then marching by the flank in a direction at right angles to our line, the head of the column being then less than a mile from our extreme left. Neither McPherson nor Dodge nor General Frank P. Blair, who was with us, then comprehended the mighty and happy influence which this order, given only to await the intrenching by working parties of the extended and advanced line on our left, which Dodge was to occupy, was to have on the day's battle, whose stillness was even then upon us. One may well regard it as providential. No one then knew or thought that Hood had during the night before contracted his line so as to be able to spare Hardee with a corps of ten to fifteen thousand men, to make by a night march of fifteen miles a circuit round our left to attack us in flank and rear, and who was then, just out of our sight, forming his troops for the attack. We left the field on our left and rode rapidly to the center, to General Sherman, at the Howard House, an abandoned private dwelling near the center of our line and within easy reach of the enemy's rifles. On our way we halted for a few moments at the tent of Major General Frank P. Blair. While there Blair's surgeon reported that rebel cavalry had been seen near the hospital of the seventeenth corps, which held our left. It was also reported to McPherson that rebel cavalry had been seen near his headquarters, located in the rear of our left, on Decatur road. The necessary orders were given by McPherson and Blair to guard against dashes of bands of cavalry, but no importance was attached by any one to the fact of their appearance, as it was so common, though in fact it was the first patterings of the great storm of battle which was so soon to burst upon the two armies and prostrate in wounds and death ten thousand brave men. A few moments after dismounting at General Sherman's headquarters the sharp, rattling fire of musketry was heard in the direction of our left rear. Sherman and McPherson listened to it attentively for a few moments, both detecting in it the decisive sound of coming battle, when McPherson quickly mounted his horse and rode rapidly toward it. In less than two hours his dead body was laid at Sherman's feet on the porch of the Howard House.

In riding from the right of General Dodge's line through the interval that separated it from the left of Leggett's division of the seventeenth corps by a blind road through the woods, attended only by an orderly, his staff having all been sent away with orders for the conduct of the battle, he was halted by a squad of rebel infantry and ordered to surrender. Raising his hat as if in token of surrender he essayed to rein his horse quickly away and plunge into the woods and escape. The rebels, instantly detecting his purpose, fired a volley, and the brave and chivalrous McPherson fell to rise no more.

I can never forget the touching scene at the Howard House as his body lay there still and beautiful in death. McPherson was betrothed to a girl of rare beauty and worth in Baltimore, and had the promise of a leave of absence in the spring of 1864 to go to Baltimore and be married. The exigencies of the military service, in connection with the grand movements of the Atlanta and Wilderness campaigns, which General Grant directed should be begun simultaneously, compelled General Sherman to the painful necessity of denying this leave. He wrote a kind and touching letter to the girl, taking the whole responsibility, and begging her to consider that General McPherson had no option but obedience or soldierly dishonor, and promising him leave the earliest time the service would allow. As we looked on his face, pale and cold in death, even the remembrances of his virtues and his value to the Army and to the country was hushed in the thought of the deep love which but a few hours before had lent such light to his eyes and such geniality to his manners, and of the irreparable sorrow soon to come to one from whom death had so cruelly snatched her beautiful hero. Sherman slowly paced the floor, frequently stopping short to receive reports of the progress of the fight, or to give orders for its conduct, or to gaze into the lifeless face of his beloved captain, the tears meanwhile rapidly coursing down his war-worn face.

Mr. President, the tears shed on the battle-field over his dead body by his great chief Tecumseh and his brave men, would have made his most fitting monument, had the skill of other than a divine artist been equal to the task of gathering them in the form in which they fell, and of giving them the perpetuity as they had the radiance of diamonds, of fashioning them into "a form of beauty," sparkling in God's light while time shall last the story of his virtues. But earth caught them, mingled with the blood of those who shed them, and her flowers, nourished by them, will be nature's

sympathetic testimony to his kindred beauty of form and soul.

The high military renown of General McPherson, together with the possession by him of those gentle qualities which won for him the *sobriquet* of "the beloved McPherson," so peculiarly distinguished him as to warrant us in making this contribution, to aid in raising a monument which shall tell to all future ages of his services and fame.

Mr. YATES. Mr. President, though unprepared to address the Senate, I cannot permit the opportunity to pass, as perhaps I shall never have a better one, to say something in relation to General McPherson. My personal acquaintance with him was when the Army started out under General Grant for Vicksburg. I was six months with him, and during those six months I remember now that I became more attached to him than to any other man in the Army from my own or any other State. I saw him in every variety of situation. I saw him exposing himself, as I must confess—and perhaps that is not to his credit—unnecessarily to danger; so much so that General Grant once said, "McPherson is going too far." That was at Port Gibson, when he was reconnoitering the position of the enemy in some plantation houses.

Mr. President, I do not hesitate to say now that of all the officers of our Army, from the General-in-Chief down to the lowest subordinate officer, McPherson had more the hearts of the Army of the Southwest than any man dead or living. He was a soldier from head to foot; he was a gentleman; and when I remembered him in those mighty struggles which we were making to open the Mississippi from its source to the Gulf; when I remembered how prompt he was, while at the same time he was the most reticent, modest, and retiring of all the officers of the Army; when I remembered his appearance, so young, so robust—not robust in body, but in physical strength—with so much personal beauty; when I heard the news of his death, it seemed to me it was a pity that he should die. But, sir, he was a sacrifice upon the altar of his country; he is one of the jewels that we cast out to save liberty and the country. He has gone; but while I live I shall never reflect upon him without a tear coming to my eye and affection filling my heart.

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

KANSAS INDIAN LANDS.

The next bill on the Calendar was the bill (S. No. 577) for the sale of the diminished reserve and trust lands of the Kansas or Kaw tribe of Indians, in the State of Kansas, and for the settlement of said Indians in the Indian territory.

Mr. MORRILL, of Maine. Let that go over.

Mr. HARLAN. I hope the honorable Senator will permit the Senate to act on that bill.

Mr. MORRILL, of Maine. I gave notice yesterday that I should call the attention of the Senate to the legislative, executive, and judicial appropriation bill to-day. I think I will make the motion to take it up now. I move to rescind the present order, with the view of enabling me to submit a motion to proceed to the consideration of the appropriation bill of which I gave notice yesterday.

Mr. HARLAN. If the Senator will withhold that motion for a moment until I make an appeal to him——

Mr. MORRILL, of Maine. Certainly.

Mr. HARLAN. This bill in relation to the Kaw Indians in the State of Kansas and the bill relating to the Osage Indians ought to be acted on at a very early period. There has been a railroad constructed directly through the Kaw reservation, people are going on to the lands, and it is very important that arrangements should be made at an early day for the removal of those Indians to the Indian territory, where they have agreed to go; but no such arrangement can be made until the President is authorized to dispose of their lands and to secure a reservation for them within the limits of that territory. The same remark may be applied to the Osages. This is comparatively a short bill, and will not occupy, I think, ten minutes of time, and its passage will be a great relief to the people of the State of Kansas, particularly to those living in the vicinity of this tribe of Indians. The bill has been very carefully matured by the Committee on Indian Affairs; and if it be passed with the amendments of the committee I am quite sure no evil can grow out of it to any one.

Mr. PATTERSON. I ask my friend from Iowa whether that bill is on the Calendar?

The PRESIDING OFFICER. It is on the Calendar, but is not on the printed Calendar. The printed Calendar is exhausted.

Mr. SUMNER. Why are we not proceeding with the Calendar?

The PRESIDING OFFICER. The Senator from Maine has moved to rescind the order under which the Senate is now acting.

Mr. SUMNER. But that motion cannot be made except by unanimous consent.

The PRESIDING OFFICER. It is in order to make a motion to change the order under which the Senate has been acting.

Mr. SUMNER. I hope my friend will allow us to finish the Calendar.

Mr. MORRILL, of Maine. The Calendar as printed is finished; and if not postponed till the end of this Calendar I shall give up in despair. The bills will come in every morning as fast as they can be disposed of. We have now gone through with the Calendar as printed, and I hold that the order has been substantially complied with. There are some sixteen more bills reported yesterday and to-day since the Calendar was printed.

The PRESIDING OFFICER. There are sixteen bills on the Calendar not yet reached, not including those reported to-day. The Chair is advised that many of the bills on the Calendar are pension bills, that probably will pass without objection.

Mr. MORRILL, of Maine. I am appealed to on all sides to give way for various propositions. I do not believe there is any measure before the Senate that compares at all in importance with the bill which I present to the Senate. I would very willingly yield to the honorable Senator from Iowa to pass the bill he proposes, but there are others behind me who are just as urgent. If I can have to-day and to-morrow I think I can secure the passage of the appropriation bill; and then I do not propose to bring up another appropriation bill for a week at least, during which interval of time other bills, which must await action on the appropriation bills, can be brought forward. I therefore feel constrained to make this motion, and I ask the judgment of the Senate whether I shall not be allowed to go on with the legislative, executive, and judicial appropriation bill.

Mr. POMEROY. There are several bills which were passed over informally, to which there were some amendments, not prepared at the moment, to be offered—two or three at least that I know of. I think we ought to consider those bills that were passed over informally, where the amendments have since been perfected.

Mr. MORRILL, of Maine. The Senate can recur to that order again. Senators will see that if I put myself on my rights I can dispose of this whole order by an objection; but I do not wish to do that.

Mr. POMEROY. I do not understand what the Senator means by his rights.

Mr. MORRILL, of Maine. I have a right to proceed with my bill. I think that is one of the rights the Senate has ordinarily accorded the chairman of the Committee on Appropriations. I gave notice yesterday that I should call it up to-day. I think under this rule I can exercise the right, in common with other Senators, to object to any bill. That is all I mean.

Mr. POMEROY. The Senator has the rights of any other Senator.

Mr. MORRILL, of Maine. I think after nine days spent on this docket in the consideration of private bills I have a right to ask the Senate of the United States to proceed to a bill of a general character. That is what I mean to say; and I have a right to interpose that general bill against the consideration of private bills.

Mr. THAYER. I think all conflict as to business can be removed, and we can satisfy the Senator from Maine and the Senate. If we proceed this afternoon with the Calendar we can reach the end of the Calendar and take up every case which is on it before we adjourn. Then I suggest that instead of dispensing with this order, by unanimous consent we set apart to-morrow and next day or a sufficient time to finish the appropriation bill which the Senator from Maine desires to bring up. I shall certainly aid him in getting up that bill for action. We can finish the Calendar to-day, and then agree that the Senator from Maine can have the floor. Would that be acceptable to him?

Mr. MORRILL, of Maine. I should like to finish the appropriation bill this week.

Mr. THAYER. I propose that the Senator shall have sufficient time to pass the appropriation bill to which he refers.

Mr. MORRILL, of Maine. I should be glad to have the general consent of the Senate to take up my bill without making my motion.

Mr. THAYER. I prefer that this should be done and not dispense with the present order, but let the Senator have the floor on the appropriation bill for to-morrow. I suggest to the Chair to propose that to the Senate as an arrangement.

Mr. RAMSEY. I desire to say a word before that is proposed to the Senate. The bill from the House of Representatives abolishing the franking privilege has now been a special order for more than two months. The House of Representatives, as every one knows, are impatient for its consideration here; and the Senate, I have no doubt, desire its consideration as well as the mass of the people. I think I should not be doing my duty if I did not object to anything that would displace that bill in its proper order.

Mr. THAYER. Does the Senator object to this proposition?

Mr. RAMSEY. Of course I object.

Mr. THAYER. I hope not. The Senator can perform his duty by simply stating his views, without making an objection.

Mr. POMEROY. I wish to inquire of the Chair whether the order that was agreed to by unanimous consent to proceed with the Calendar has been executed?

The PRESIDING OFFICER. It has not been; but the Senator from Maine moves that the order be rescinded.

Mr. POMEROY. Can the Senator make that motion?

The PRESIDING OFFICER. In the opinion of the Chair it is competent at any time to move to change the order of business under which the Senate is proceeding.

Mr. POMEROY. I thought the Senator from Maine moved to proceed to the consideration of the appropriation bill.

The PRESIDING OFFICER. The Senator from Maine moved to rescind the order, with a view of then making a motion to take up the appropriation bill. The Chair will mention to the Senator from Minnesota that the bill for the abolition of the franking privilege will not lose its place by this proceeding.

Mr. RAMSEY. I am aware that it will not lose its place; but when will it come up? It has not lost its place, and yet months have passed since it was made a special order.

Mr. SHERMAN. There is one bill of gen-

eral importance in regard to the accounts of officers of the Army and Navy on the Calendar, and which, under the rule, can be reached in a few moments. It is the only bill in which I feel an interest, and I feel that interest only in common with every one else. If that bill can be disposed of now before the motion of the Senator from Maine is made I should feel disposed then to support him. This bill to aid in the settlement of the accounts of officers of the Army and Navy I think will take but a few minutes to read and pass.

Mr. POMEROY. I, too, have a bill that was laid aside informally yesterday. When that is disposed of I shall be willing to vote with the Senator from Maine.

Mr. WILSON. I suggest to the Senator from Maine that in one hour we can finish what we have on the Calendar, and we had better ge through with it. There are two or three bills that I should be very glad to have acted on.

Mr. MORRILL, of Maine. If the Senator is of the opinion that sixteen bills can be passed in one hour——

Mr. WILSON. Most of them can be disposed of very quickly.

Mr. ROSS. I very much prefer that the bill called up by the Senator from Iowa [Mr. HARLAN] should be passed over for the present. I move that it be passed over informally.

Mr. SUMNER. I supposed our object in adopting the order under which we have been working so successfully during the last week was to avoid and supersede these sterile discussions every morning on the order of business; and now I find that we are plunged in the midst of one of those very discussions. I lament it; I deplore it. I am sorry that my friend from Maine has undertaken to arrest the operation of an order which has been so beneficent, and which I think we ought all to desire to see executed to the end. As soon as the order is completed, which ought to be before we adjourn this afternoon, then the way will be open to consider the motion of the Senator from Maine.

The Senate is also aware that there is a special order in executive session, and I give notice that I shall deem it my duty, at as early a day as I can, to move an executive session, with a view to consider that special order; but I do not wish to antagonize any business committed to me with the execution of this general order. I hope the Senate, therefore, this afternoon will proceed with the bills that remain on the Calendar.

Mr. RAMSEY. May I ask how many bills yet remain to be considered under this order?

The PRESIDING OFFICER. Sixteen.

Mr. SHERMAN. I rise to a point of order. This is all out of order. The Senator from Maine has no right to submit this motion under the rule without giving one day's notice.

The PRESIDING OFFICER. The Chair thinks it is competent to move to rescind the order under which the Senate is acting at any time. It was so decided by the permanent Presiding Officer.

Mr. SHERMAN. The resolution itself provides that nothing shall be in order until this rule is executed. That is a rule of the Senate. I merely raise the point of order in order to prevent debate.

Mr. CONKLING. Is it a rule or a resolution?

The PRESIDING OFFICER. The point of order was made before, and it was decided by the permanent Presiding Officer, that it was always in order to move to rescind the order of business under which the Senate was proceeding.

Mr. MORRILL, of Maine. Now, I want to say one word in reply to the Senator from Massachusetts. I have been ready to proceed with this appropriation bill (which is a bill of a public character, which affects the entire civil service of this country, and which involves about nineteen million dollars) for three weeks, and waiting an opportunity and have waited here patiently for this general order during the last nine days. This is the ninth day, and the Senate has devoted itself during these nine days to the consideration of bills of a private character almost exclusively. We have now got to the end of the printed Calendar, and we have got almost to the end of the entire Calendar, only sixteen bills remaining, every one of a private character.

Now, I submit to the honorable Senator from Massachusetts whether he thinks that at this stage of the session, with all the considerable appropriations behind, it is my duty to subordinate this bill of this public character to indulge the Senate in going on and considering bills of an entirely private character when he knows, and we all know, that when this bill is once through, and it must go through some time, then there will be an opportunity for the Senate to take up and consider these other bills. I know very well that if this bill goes over to-day I must run my chances to get it up to-morrow or Monday; and there is the Senator from Minnesota on my back, watching for the bill for the abolition of the franking privilege, always ready to bring that up; and here on my right I am appealed to to give way to another bill, said to be of great public importance, for the enforcement of the fifteenth amendment; and where is this to end if I yield? I think I will take the judgment of the Senate, and if the Senate say it is not proper to go on with this appropriation bill, of course I shall submit; but I will make one effort to get the judgment of the Senate.

Mr. MORTON. It seems to me that this special order ought now to be set aside. While it has done much good, I believe there are many bills pending before the Senate, each one of which is of more importance than all the bills which have been passed under this special order put together As has been stated by the Senator from Maine, they are generally of a private character; and while they are important to the persons who are interested in them they are not of importance to the country. There are many very important bills of a general character that it seems to me the Senate should now proceed to the consideration of. This order has worked long enough; it has done well; and it can be recurred to again after a few weeks, if it should be found necessary.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine, to suspend the order under which the Senate is now acting.

Mr. RAMSEY. Will that necessarily displace the special orders that have been made?

The PRESIDING OFFICER. It will not affect the special orders.

Mr. RAMSEY. Will they come up, then, immediately, for consideration?

The PRESIDING OFFICER. They will, unless the Senate vote to take up the appropriation bill.

Mr. RAMSEY. Then it will require another motion to take up the Senator's bill?

The PRESIDING OFFICER. It will.

Mr. RAMSEY. I have no particular objection, then, to this motion, but I hope the Senate will take up the bill to abolish the franking privilege.

The PRESIDING OFFICER. If this motion prevails, the first business in order then will be the bill for the abolition of the franking privilege.

Mr. POMEROY. I suggest that this order be suspended, for the purpose of considering the appropriation bill, and we can then resume the consideration of the Calendar.

Mr. MORRILL, of Maine. Of course I purpose to reach my bill by the appropriate motion.

Mr. POMEROY. If the pending order can be suspended temporarily, for the sake of considering the appropriation bill and then returning to this order again—if that is the effect of the Senator's motion, I will vote for it.

Mr. RAMSEY. Would the Senator displace the bill to abolish the franking privilege?

Mr. POMEROY. That bill does not go into effect until July.

Mr. RAMSEY. The country is anxious to know the position of Senators on that question. I should like to know the position of my honorable friend.

Mr. POMEROY. There is plenty of time for that between this and July. The Senator himself is not very anxious about it.

Mr. RAMSEY. I am, as I think the Senator must see from what I have said this morning.

Mr. SUMNER. Why suspend the order? Why not proceed to execute it? We can finish it before we adjourn this afternoon, and then there will be nobody to complain. It seems to me that it is indiscreet for the Senate now even to consider the question of interfering with the execution of this order, it has gone on so very well; and why not carry it on to the end, only an hour or two longer?

Mr. MORRILL, of Maine. My answer to that is that here is a bill of high public importance demanding action, and the rest of the Calendar is simply private bills that can afford to wait until Monday.

Mr. SUMNER. I do not know that they can afford to wait until Monday. There they are on the Calendar, and I am willing to give them the benefit of the same order that the others have enjoyed.

Mr. MORRILL, of Maine. My answer is that I am not willing to give them the benefit of the time of the Senate to the exclusion of a bill of a public character. They are private, and ought to be subordinated to the demands of the public.

Mr. SUMNER. There are a great many bills of a public character on the Calendar, as the Senator well knows.

Mr. MORRILL, of Maine. There is no single bill to be considered yet that is not of a private character; not one. I have examined them.

Mr. SUMNER. I mean that of those we have passed there are a great many of a public character.

Mr. MORRILL, of Maine. But those now remaining to be considered are every one of them of a private character.

Mr. SUMNER. Then let us go on and finish them.

Mr. NYE. I wish to make a suggestion to the honorable Senator from Maine, whether, to get rid of this controversy, it would not be better to have a general understanding that we take up that appropriation bill to-morrow morning and go through with it.

Mr. RAMSEY. How can we have such a general understanding?

Mr. NYE. What do you want to get up—that franking privilege bill?

Mr. RAMSEY. That is just the thing. The Senate has made it a special order.

Mr. NYE. There are not three Senators on this floor in favor of its passing.

Mr. RAMSEY. I should like to see the vote.

Mr. NYE. They have not courage enough to beat it.

Mr. RAMSEY. I think I shall prove by the vote that three fourths of the Senate are for it.

Mr. NYE. I have no doubt you will have their votes; but they are not for it, and you know it.

Mr. RAMSEY. I do not know it.

Mr. NYE. I suggest whether that would not be a fair compromise. The franking privilege bill we can take care of in the morning.

Mr. RAMSEY. You have been taking care of it two or three months.

Mr. NYE. My friend mentions it every time there is an opportunity for fear the Tribune will scold him for not calling it up. [Laughter.]

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine to suspend the order under which the Senate is now acting.

Mr. MORRILL, of Maine. If it is the general desire of the Senate to proceed with the Calendar, and by general consent and without a struggle to-morrow I can go on with the appropriation bill, I shall yield; otherwise I must insist on my motion.

Mr. NYE. I have no doubt you can.

Mr. RAMSEY. Now I feel it my duty, in behalf of the committee that instructed me to report the bill abolishing the franking privilege, to ask that it shall be considered as soon as it comes up in order. As I stated before, nearly three months ago it was made a special order, and the country is inquiring why the Senate does not respond to the House in regard to this bill. I feel it my duty, simply as the representative of my committee, to oppose the proposition of the Senator from Maine. His bill proposes to vote eighteen or nineteen million dollars out of the Treasury, and my bill proposes to save $5,000,000 a year to the Treasury.

Mr. NYE. The country is inquiring why it was ever introduced.

Mr. RAMSEY. The country has answered that. A million of the people of the country have petitioned for the passage of the bill.

Mr. NYE. By order of the Postmaster General.

Mr. MORRILL, of Maine. I am rather impressed with the idea that the Senate of the United States to-day would rather give its attention to the consideration of private claims than bills of a public character; and I will withdraw my motion, and take my chances with the Senator from Minnesota to-morrow.

Mr. SUMNER. That is right; now let us go on.

The PRESIDING OFFICER. The bill in order is the bill (S. No. 577) to provide for the sale of the diminished reserve and trust lands of the Kansas or Kaw tribe of Indians, and for the settlement of said Indians in the Indian territory.

Mr. ROSS. I prefer that that should be passed over informally.

The PRESIDING OFFICER. It will be passed over informally if there be no objection. It is so disposed of. The next bill will be read.

JOHN COONAN.

The next bill on the Calendar was the bill (S. No. 865) to increase the pension of John Coonan; which was read the second time, and considered as in Committee of the Whole. It provides for an increase of the pension of John Coonan, late sergeant in company A in the eighteenth regiment of New York cavalry, from eight dollars to fifteen dollars per month, from the date of the passage of the act.

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

MARY F. PRINDLE.

The next bill on the Calendar was the bill (S. No. 866) for the relief of Mary F. Prindle; which was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to pay to Mary F. Prindle, widow of Jerome V. Prindle, late private in company H, first regiment of Vermont volunteers, from the 3d day of November, 1861, the date of her husband's death, to the 10th day of November, 1868, the date of commencement of her present pension.

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

MARY LOUISE GARESCHÉ.

The next bill on the Calendar was the bill (S. No. 618) increasing the pension of Mary Louise Garesché, widow of Colonel Garesché, which was reported adversely from the Committee on Pensions.

Mr. HOWELL. Let that bill be passed over informally, subject to be called up.

The PRESIDING OFFICER. It will be passed over informally.

PENSION LAWS.

The next bill on the Calendar was the bill (H. R. No. 1467) to construe certain acts cited therein in relation to pensions.

The Committee on Pensions reported the bill with amendments.

The amendments were, in line eight to strike out the words "either increasing or reducing," and to insert the words "to increase;" in line nine, to strike out the word "authorized," and to insert the word "directed;" in line ten, after the word "pensions," to insert "nor shall said acts be construed so as to reduce the same;" in line thirteen, after the word "entitled," to insert "in excess of the rate fixed by general law for the rank in respect to which such special pensions may have been or may hereafter be granted;" and also to add as an additional section the following:

SEC. 2. *And be it further enacted*, That this act shall have the effect to restore to the persons affected hereby any sums heretofore withheld from them by the construction hereinbefore prohibited.

So that the bill, as amended, will read as follows:

That neither the act of July 25, 1866, entitled "An act increasing the pensions of widows and orphans, and for other purposes," nor the act of July 27, 1868, entitled "An act relating to pensions," shall be so construed as to increase the amount directed to be paid in any special act of Congress granting a pension; nor shall said acts be construed so as to reduce the same whenever such acts fix definitely the amount of pension to which the person therein named shall be entitled in excess of the rate fixed by general law for the rank in respect to which such special pensions may have been or may hereafter be granted.

SEC. 2. *And be it further enacted*, That this act shall have the effect to restore to the persons affected hereby any sums heretofore withheld from them by the construction hereinbefore prohibited.

Mr. SHERMAN. I am very much in favor of that bill, but have some doubt as to the amendments. The bill was amended to prevent a construction of the act which reaches some of the pensions some of which were called to my attention, but I do not see the chairman of the Committee on Pensions in the Chamber. I do not wish to delay the bill.

Mr. THAYER. Let it be laid aside for a short time until he comes in.

Mr. SHERMAN. I do not want to object to it.

Mr. THAYER. Nor do I, but I would like to look into it.

The VICE PRESIDENT. The bill will be laid aside informally, as the chairman of the Committee on Pensions is not in the Chamber at this moment.

MARY M. BUTTS.

The next bill on the Calendar was the bill (S. No. 867) granting a pension to Mary M. Butts; which was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place the name of Mary M. Butts, widow of Joseph Butts, late a private in company G, of the seventh regiment of Maryland volunteers, upon the pension-rolls, and to pay her a pension at the rate of eight dollars per month, commencing from the date of the passage of the act.

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

ANNA B. SNIDER.

The next bill on the Calendar was the bill (H. R. No. 1336) granting a pension to Anna B. Snider; which was considered as in Committee of the Whole. The Secretary of the Interior is directed by the bill to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna B. Snider, mother of Henry Snider, late a private in company I, tenth Ohio cavalry, at the rate of eight dollars per month, from and after the passage of the act.

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

REUBEN GRINDLE.

The next bill on the Calendar was the bill (S. No. 868) for the relief of Reuben Grindle; which was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to issue to Reuben Grindle, of Castine, Hancock county, Maine, three new five per cent. United States bonds, two of $100 each, and one of fifty dollars, redeemable after February 28, 1874, of the numbers hereinafter specified, so soon as proof shall be exhibited, to the satisfaction of the Secretary, of the destruction of three bonds of the loan and value above mentioned, numbered 27525, 27526, and 2866, if Reuben Grindle shall give bond with sufficient security to indemnify the United States against any other claim on account of the bonds alleged to be so destroyed.

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

HORACE TYLER.

The next bill on the Calendar was the bill (S. No. 869) for the relief of Horace Tyler.

The Secretary read the bill. It directs the payment by the Secretary of the Treasury to Horace Tyler, of New Orleans, of the State of Louisiana, the sum of $46,410 42, in full satisfaction for all work done by him, or by his authority, on the bar at the mouth of the Southwest pass of the mouth of the Mississippi river, under and by virtue of a contract entered into between him and Brevet Lieutenant Colonel M. D. McAlester, of the date of 5th November, 1866.

Mr. TRUMBULL. How much is the amount appropriated by the bill?

The SECRETARY. Forty-six thousand four hundred and ten dollars and forty-two cents.

Mr. TRUMBULL. I should like to hear the report in that case.

Mr. KELLOGG. It is a good claim.

Mr. TRUMBULL. It may be; but I should like to hear the report.

Mr. KELLOGG. There is a report, I believe, on file.

The VICE PRESIDENT. This bill was reported by the Senator from West Virginia [Mr. WILLEY] from the Committee on Claims.

Mr. WILLEY. Has the report been printed?

The VICE PRESIDENT. The Secretary has not yet received it. He has sent for it, however. The bill will be passed over until the report can be found, if it is printed.

Mr. KELLOGG. I should like to inquire of the Senator from West Virginia if the report is not printed? Is it in manuscript yet?

Mr. WILLEY. I understand from the Chair that it is printed and will be here in a moment.

Mr. KELLOGG. I ask that the report be sent for.

The VICE PRESIDENT. The manuscript has been sent to the printing office, and the report has not yet been returned in print.

Mr. WILSON. Then let the bill be passed over informally.

The VICE PRESIDENT. The bill will be passed over informally.

UNITED STATES EXPRESS COMPANY.

The next bill on the Calendar was the bill (S. No. 870) for the relief of the United States Express Company.

The Secretary read the bill. It directs the Secretary of the Treasury of the United States to issue and deliver, or cause to be issued and delivered, to the United States Express Company, a joint stock association, having its principal place of business in the city of New York, duplicates of the following described bonds, heretofore issued in pursuance of the several acts authorizing them, which original bonds were destroyed by fire on the New York and Erie railroad on the 30th day of January, 1866, while in the possession of the express company for transportation, namely: of United States six per cent. bonds, commonly described as five-twenties, issued in pursuance of an act of Congress passed June 30, 1864, ten of the denominations, respectively, of $500, and numbered 15645, 15646, 12276, 12285, 12281,

12278, 4581, 7128, 10030, 12279; of United States bonds, commonly known as five-twenties, issued in pursuance of the act of Congress of March 3, 1865, two of the denomination, respectively, of $500, and numbered 11946, 11947.

The Secretary of the Treasury is also required to issue and deliver, or cause to be issued and delivered, to the United States Express Company duplicates of all the coupons attached to the originals of the foregoing bonds, except those that were due and payable previous to January 30, 1866. Before the issue of duplicates of the bonds the United States Express Company are to execute and deliver, or cause to be executed and delivered, to the Secretary of the Treasury such bond of indemnity as shall be approved by the Secretary of the Treasury upon the issue of the duplicates of the bonds.

Mr. TRUMBULL. Is there a report in that case?

The VICE PRESIDENT. The report made by the committee has been sent to the printing office, and has not yet been returned.

Mr. WILSON. Let the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

FAMILY OF JOHN A. RAWLINS.

The next business on the Calendar was the joint resolution (H. R. No. 153) for pay of one year's salary to the executors of General John A. Rawlins for the benefit of his family; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the executors of the estate of General John A. Rawlins, late Secretary of War, for the benefit of his family, one year's salary as Secretary of War, less the amount paid to him as salary prior to his death.

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

ARMY AND NAVY ACCOUNTS.

The next bill on the Calendar was the bill (S. No. 459) to authorize the settlement of the accounts of officers of the Army and Navy; which was considered as in Committee of the Whole. It proposes to authorize the proper accounting officers of the Treasury, in the settlement of the accounts of disbursing officers of the War and Navy Departments arising since the commencement of the rebellion and prior to the 20th of August, 1866, to allow such credits for over-payments and for losses of funds, vouchers, and property as they may deem just and reasonable, when recommended under authority of the Secretaries of War and Navy, by the heads of the military and naval bureaus to which such accounts respectively pertain. The accounts of military and naval officers, whether of the line or staff, for Government property charged to them, may be closed by the proper accounting officers whenever, in their judgment, it will be for the interest of the United States so to do, where such accounts originated prior to the 20th of August, 1866.

The VICE PRESIDENT. The Chair will state that this bill was reached on the Calendar, but at the suggestion of the Senator from Ohio [Mr. SHERMAN] was referred to the Committee on Finance for examination, having been previously reported by another committee. It has since been reported back by the Committee on Finance, and is now again reached on the Calendar.

Mr. WILSON. I hope it will be put upon its passage.

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

PAY OF DEPUTY COLLECTORS.

The next bill on the Calendar was the bill (S. No. 517) to define the intent of an act entitled "An act to allow deputy collectors of internal revenue acting as collectors the pay of collectors, and for other purposes," approved March 1, 1869; which was considered as in Committee of the Whole. The bill declares the true intent and meaning of an act approved March 1, 1869, entitled "An act to allow deputy collectors of internal revenue acting as collectors the pay of collectors, and for other purposes," to be that any deputy collector of internal revenue who has performed, or may hereafter perform, under authority of law, the duties of collector of internal revenue in consequence of any vacancy in the office of collector, shall be entitled to and shall receive the salary and commissions allowed by law to such collector, or the allowance in lieu of salary and commissions allowed by the Secretary of the Treasury to such collector, and that the Secretary of the Treasury is authorized to make to the said deputy collector such allowance in lieu of salary and commissions as he would by law be authorized to make to the collector. The deputy collector is not to be debarred from receiving the salary and commissions, or allowance in lieu thereof, by reason of the holding of another Federal office by the collector during the time for which the deputy collector acts as collector; but all payments to the deputy collector are to be upon duly audited vouchers.

Mr. WILSON. What committee does that bill come from?

The VICE PRESIDENT. It was reported by the Committee on Finance.

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

AMENDMENT OF BANKRUPT LAW.

The next bill on the Calendar was the bill (H. R. No. 386) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; which was considered as in Committee of the Whole.

The VICE PRESIDENT. This bill was reported by the Senator from Illinois, [Mr. TRUMBULL,] from the Committee on the Judiciary.

Mr. POMEROY. Reported adversely.

Mr. TRUMBULL. No, sir; it is reported favorably, with an amendment. I hope it will be acted upon.

The Secretary read the bill. It provides that the jurisdiction conferred upon the supreme courts of the Territories by the act to which this is in amendment may be exercised, upon petitions regularly filed, by either of the justices while holding the district court in the district in which the petitioner or the alleged bankrupt resides, and the several supreme courts are to have the same supervisory jurisdiction over all acts and decisions of each justice thereof as is conferred upon the circuit courts of the United States over proceedings in the district courts of the United States by the second section of the act of 1867. The second section of the bill provides that in case of a vacancy in the office of district judge in any district, or in case any district judge shall from sickness, absence, or other disability be unable to act, the clerk of the district court of such district shall be authorized and empowered by leave or order of the circuit judge of the circuit in which such district is included to make, during such disability or vacancy, all necessary rules and orders preparatory to the final hearing of all causes in bankruptcy.

The Committee on the Judiciary reported the bill, with an amendment to strike out the second section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read a third time. The bill was read the third time, and passed.

RULES OF EVIDENCE.

The next bill on the Calendar was the bill (S. No. 886) prescribing the rules of evidence in certain cases.

The VICE PRESIDENT. This bill was reported by the Senator from Illinois [Mr. TRUMBULL] from the Committee on the Judiciary adversely.

Mr. TRUMBULL. I move its indefinite postponement.

Mr. SUMNER. What are those cases? Let the bill be read.

The Secretary read the bill, as follows:

Be it enacted, &c., That in actions, suits, and proceedings, by or against the executors, administrators, heirs-at-law, or next of kin, of a deceased person, or by or against any person whose interest in or claim to the subject-matter of the controversy has been acquired directly or indirectly from a deceased person, neither a party nor the vendor or assignor of the subject-matter of the controversy, nor any person who has a legal or equitable interest which may be affected by the event of the action, suit, or proceeding, shall be allowed to testify for any party as to any transaction or conversation with or statement by the testator or other deceased person, unless called to testify thereto by the opposite party.

SEC. 2. *And be it further enacted*, That this act shall apply to actions, suits, and proceedings in the courts of law, equity, and admiralty.

Mr. SUMNER. I hope the bill will be indefinitely postponed.

Mr. WILLIAMS. I object to its indefinite postponement.

The VICE PRESIDENT. The Senator from Oregon has risen to debate the motion. Does the Senator desire the bill to be passed over?

Mr. WILLIAMS. Yes, sir.

The VICE PRESIDENT. It will be passed over. That has priority of the motion to indefinitely postpone.

MARY LINCOLN.

The next bill on the Calendar was the bill (H. R. No. 1950) granting a pension to Mary Lincoln.

The Secretary read the bill. It proposes to authorize the Secretary of the Interior to place the name of Mary Lincoln, widow of Abraham Lincoln, deceased, late President of the United States, on the pension-roll, at the rate of $3,000 per annum from and after the passage of the act.

Mr. TIPTON. I ask that that bill be passed over.

Mr. SUMNER. Will not the Senator allow us to vote upon it?

Mr. TIPTON. I will not. The chairman of the Committee on Pensions is absent preparing his report in that case.

ARTIFICIAL LIMBS TO SOLDIERS.

The VICE PRESIDENT. The Chair will state that the Calendar is now exhausted. There are fourteen or fifteen bills that have been informally passed over in the progress of the Calendar.

Mr. WILSON. I desire to call up a bill that was passed over. It is the bill (H. R. No. 785) to provide for furnishing artificial limbs to disabled soldiers.

The VICE PRESIDENT. The Senator from Massachusetts calls up a bill which was passed over informally. The Secretary will report the bill, subject to objection.

The Secretary read the title of the bill.

The VICE PRESIDENT. There is an amendment offered by the Senator from South Carolina [Mr. SAWYER] pending. The Secretary will report the bill as it was amended on a previous day in the Senate.

The SECRETARY. The bill has been amended to read as follows:

Be it enacted, &c., That every soldier who was disabled during the late war for the suppression of the rebellion, and who was furnished by the War Department with an artificial limb, or apparatus for resection, shall be entitled to receive a new limb or apparatus as soon after the passage of this bill as the same can be practically furnished, and at the expiration of every five years thereafter, under such regulations as may be prescribed by the Surgeon General of the Army.

SEC. 2. *And be it further enacted*, That every soldier who lost a limb during the late war, but from the nature of his injury was not able to use an artificial limb, and consequently received none from the Government, shall be entitled to receive the money value thereof, at the following rates, namely: For artificial legs, seventy-five dollars; for arms,

fifty dollars; for feet, fifty dollars; for apparatus for resection, fifty dollars.

SEC. 3. *And be it further enacted*, That the provisions of this act shall be extended to soldiers of the Mexican war who lost limbs in said war, and to such soldiers as lost limbs in the war of 1812.

The VICE PRESIDENT. The Senator from South Carolina has offered an amendment to the bill, which is now pending, and it will be read.

The Secretary read the amendment, which was to add to the end of the third section the following proviso:

Provided, That the benefits of this act shall not be extended to any soldier of the war of 1812, or of the war with Mexico, who aided and abetted the cause of the late rebellion.

The VICE PRESIDENT put the question, and declared that the ayes appeared to have it.

Mr. SAULSBURY. I ask for a division, and I will make one remark.

The VICE PRESIDENT. So few Senators have voted that, the Senator from Delaware having risen to debate it, if there is no objection the Chair will regard the question as not having been put.

Mr. SAULSBURY. Mr. President, suppose it to be true that a man in the war of 1812 volunteered to fight the battles of his country, fought them bravely, fought them well, did all that could be required of him as a faithful soldier. Did not the country acknowledge then, would you not acknowledge now, that the country owed such a man a debt of gratitude? Then suppose it to be true that in the late struggle between his section and the opposing section he did what you believe to be wrong; that he gave aid and comfort to the section of the country to which he belonged. Does the subsequent wrong done by him relieve you from the obligation of discharging a just debt? Just as well might you say, if you owed a man in the southern States a sum of money honorably, and he held your obligation for it, that simply because he gave aid and comfort to southern forces you would not pay your honest debts. I call the attention of the Senate to this question as a question of sound morality. How does a subsequent error discharge you from the performance of a debt of gratitude and a debt of honor? I will not say anything further on this subject; but such morality as that strikes me as more than questionable.

Mr. SAWYER. I am rather indifferent about this amendment. I offered it rather to make the legislation of the country in regard to these matters harmonious than for any other reason. I do not suppose as a matter of fact it will affect a dozen men in the country, probably not half that number. But it is well known that every soldier in the United States who aided and abetted the rebellion, and who prior to the occurrence of that event was on the pension-rolls, has had his name stricken from those rolls, and that to-day the United States is paying no pension to a man who before the war enjoyed it, unless he can prove that he was not an aider and abettor of the rebellion. If the country has been able up to this time to allow its sense of justice, if such be the sense which is to be affected by this kind of bill, to sleep from the war of 1812, and the Mexican war down to this time in these cases, it does seem to me that the participation of these men in the late rebellion gives no particular reason for giving them wooden legs or arms.

I have no special objection to giving these half dozen or dozen men arms or legs which might be found to be needed if this amendment were not attached to the bill; but it would be entirely inharmonious with the rest of the legislation of Congress on this subject. We passed a bill the other day to pay those men in the southern States who took the census in 1860; but we insisted upon a proviso that they should prove their loyalty during the late rebellion. There is a law on the statute-book which forbids the payment of any claim to any southern claimant or any claimant having a cause of claim that arose before the war unless he can prove that he was loyal during the war. Now, why shall we in a bill of this kind make an exception to the general current of legislation on this subject? I, perhaps, might agree more nearly with my friend who has just taken his seat on this question on abstract principles than he is aware of; but we have legislated in the opposite direction in every other case. Why in this particular case should we violate the current spirit of the legislation of the last ten years?

Mr. WILSON. Mr. President——

Mr. SAULSBURY. I will not continue this debate, but as——

The VICE PRESIDENT. The Senator from Massachusetts first addressed the Chair, if he insists on the floor.

Mr. WILSON. I will simply say to the Senator from South Carolina that this amendment has no possible connection with the bill. It is unnecessary. This bill only applies to soldiers who were disabled during the late war for the suppression of the rebellion, not for the men of any other war.

Mr. SAWYER. I beg the Senator's pardon; the bill has been amended to include the soldiers of the war of 1812, and of the Mexican war.

The VICE PRESIDENT. On the motion of the Senator from Indiana and some other Senator the soldiers of the two preceding wars were included.

Mr. SAULSBURY. As I remarked, I will not continue this debate. I will only suggest to the honorable Senator from South Carolina that if it be true that he agrees with me in the abstract principle he does not answer his own private views or my suggestion by saying that the action of Congress heretofore has been in a contrary direction. If the action of Congress heretofore has not been right in principle I suggest to the Senator that it is better to come back to the principle, even if it should disturb the harmonious action of the legislation of Congress and the symmetry of its record.

Mr. SAWYER. I did not mean to convey to the Senator an absolute acquiescence in his views about the abstract justice of this matter. I said we might be nearer together than he perhaps supposed; but I saw no particular reason at this time for making an exception to the whole legislation of Congress for the last ten years on this subject. There may come a time, in my opinion, when Congress will have a disposition to pay for services rendered to the Government even though the person rendering such service may have subsequently committed faults in the eye of the Government. But let it be upon some general principle, and not pick out a half dozen cases here and there.

Mr. MORTON. I hope that time will not come very soon. If it is proper to buy wooden legs for persons who engaged in the late rebellion it is proper to pension them. It involves the same principle; and allow me to say that that is the direction, in my opinion, in which the Democratic party is drifting. I was not present the other day, but I read the debate between my colleague [Mr. PRATT] and the Senator from Kentucky, [Mr. MCCREERY,] in which the Senator from Kentucky moved to strike out the word "loyalty" from a bill which provided for the payment of claims for property taken during the late war, so that rebels could be paid for property taken by our Army, as well as loyal men. That is on the same principle and is in the same direction. I doubt not my honorable friend from Kentucky expressed the sentiment of his party in Kentucky in making that motion. I believe that the Democratic party of the South would desire to strike out the word "loyalty," and that rebels along with Union men should be paid for their property.

One argument used by my friend from Kentucky was that it would conciliate and tend to bring about harmony and restore the era of good feeling. Well, sir, if it would conciliate and restore the era of good feeling to pay rebels for their property taken by our Army in putting down their rebellion, then to pension the rebel soldiers and put them on the same footing with the Union soldiers would also be a conciliatory measure, and would go further, perhaps, than anything else toward restoring the era of good feeling! If that would have that effect, then go one step further, and pension the widows and orphans of rebel soldiers and put them on the same footing with the widows and orphans of Union soldiers! Cannot the Senator see that that would do more than any other measure that has been proposed toward restoring the era of good feeling?

Now, sir, as I have before remarked, if we may provide wooden legs for persons engaged in the late rebellion, we may pension them; and if we may pay the claims of rebels, and put them on a footing with the claims of loyal men, we should pension the rebel soldiers and put them on a footing with the loyal soldiers, and pension their widows and orphans. Sir, that is the direction and the drift of the Democratic party. Bring that party into power, and almost the first step it would take toward the restoration of good feeling would be to put the rebel soldiers and their widows and orphans upon the same footing with loyal soldiers, their widows and orphans.

Mr. MCCREERY. I will remark, Mr. President, that the bill proposing to pay for forage and commissary stores taken by the Army during the war is not before the Senate for consideration at this time; neither is there any proposition before us to pension the soldiers engaged in the southern cause during the rebellion. The simple proposition before us, as I understand it, is to furnish wooden legs to such poor cripples as may have been maimed and deprived of their means of locomotion during the war. If there is any poor man, whether he fought under the stars and stripes or the stars and bars, reduced to that situation by reason of his participation in this war, I am willing, as a representative from Kentucky, to put him on his feet again, and give him a wooden leg, or a wooden arm, or fifty dollars in lieu of either. I cannot understand why the gentleman seems so much opposed to striking hands with these men. The war is over; it is time we had peace, and as I said before I would take the step I have indicated. Nor am I to be singled out and cried down for any view I entertain on this or any other subject. I support measures here just as I think proper and as duty calls upon me; and I would, as I said before, give to any of these men a wooden leg or a wooden arm, I do not care which side he was engaged on.

Mr. SAULSBURY. There is one thing I have observed as occurring in this body whenever the honorable Senator from Indiana rises to address it. Although he preserves good temper and advocates with a great deal of force and a great deal of ability his views, yet he cannot, for the life of him, address the Senate upon any subject whatever, however important or however trivial, without referring to the Democratic party and what it would do if it got into power. From what I had heard in this Chamber and read in the Republican papers I was inclined to think that at least the honorable Senator and his party thought the Democratic party was dead. If it is dead why do you not let it sleep? Why upon all occasions do you refer to it in the debates in this body? Why do you scent danger in the distance?

Mr. President, I wish to suggest to the honorable Senator, when he presumes to speak as to the intentions of the Democratic party if it should get into power, and what it would do, that I do not know who has made him acquainted with the intentions of that party. I do not think he is a member of our political church. I have never met him either in political love-feast or class-meeting; and I do not think that he is in a situation to be able to speak for that organization or for its members. If the Sen-

ator will only devote his great abilities to the preservation of his own party, without suggesting anything in reference to what the Democratic party will do, I think he will find that he will have enough to do.

Sir, when the Democratic party comes into power, as it will in the course of time, it will announce its own policy through its own organs. The Senator's party, although shaping its legislation and enacting its measures with a view to a perpetual existence, is bound to give way; some other party must take its place; and that will be the party which made the country what it is, and kept it what it is, the old Democratic party. I hope my friend will confine himself in future to the expression of views as to the purposes and objects of his own party. I am perfectly satisfied that he is acquainted with them, and I wish he would tell us fully all about them, all that they design, and not keep anything back. He will pardon the suggestion that he is in no situation, from association or otherwise, to know our purposes and our designs.

Mr. MORTON. Mr. President, I will——

Mr. HARLAN. I rise to a question of order. I think the original understanding was to consider bills that could be considered without discussion, or with discussion not to extend over five minutes.

The VICE PRESIDENT. By unanimous consent.

Mr. HARLAN. I object to the further consideration of this bill.

Mr. MORTON. I hope the Senator will withdraw his objection for a moment.

Mr. THAYER. This is rather an interesting diversion, and I hope the Senator from Iowa will allow the debate to proceed.

Mr. HARLAN. I know it is interesting; but I am very anxious to get at several bills which I have referred to before, but have failed to get considered on account of the desire of the Senate to execute its order with regard to the Calendar. I am not willing that this discussion shall go on. If the Senate can come to a vote on the pending bill I am perfectly willing to agree to that.

The VICE PRESIDENT. If the Senator from Iowa makes the point, the Senate will pass from the further consideration of the bill.

Mr. HARLAN. I do make it, unless a vote can be taken without further discussion.

ORDER OF BUSINESS.

The VICE PRESIDENT. The Senator does make the point, and the Senate passes from the consideration of the bill. It is not now before the Senate. The bill abolishing the franking privilege is now before the Senate, the Calendar having been concluded, and that being the first special order.

Mr. HARLAN. I move to postpone all prior orders with a view to taking up Senate bill No. 529.

Mr. MORTON. I object.

The VICE PRESIDENT. The Senator from Indiana objects.

Mr. HARLAN. A majority of the Senate can take up the bill.

Mr. THAYER. I rise to a question of order. Is it not now in order to take up those bills which have been laid aside informally? Was not that the understanding?

The VICE PRESIDENT. The order of the Senate, under which they have been acting some eight or nine days, was that no other business should be transacted until the Calendar was gone through with. The Calendar has been gone through with. The bills passed over informally have to be called up by unanimous consent the same as all other bills.

Mr. THAYER. Are they subject to an objection?

The VICE PRESIDENT. They have been passed over, and the order having been executed, the Senator from Iowa moves to take up another bill.

Mr. THAYER. They were passed over with a view to being called up before this order was disposed of.

The VICE PRESIDENT. That was not so stated. They were passed over informally, and some of them have been reached during the progress of the Calendar; but the Chair thinks the rigorous order under which the Senate has been acting has now exhausted itself, the foot of the Calendar having been reached. The Senator from Iowa is entitled to the floor.

Mr. STEWART. I move to pass over the special order, the bill to abolish the franking privilege, with a view of reaching the second special order, the bill to enforce the fifteenth amendment.

Mr. HARLAN. I of course am willing to agree to that, for it is my motion with the exception of the latter clause of the honorable Senator's motion. I desire it to be passed over with a view of taking up the bill for the sale of the Osage Indian lands.

The VICE PRESIDENT. The motion of the Senator from Iowa was to postpone the present and all other orders for the purpose of considering the bill he has named. If a division is demanded, the first question will be on the postponement, and the next on taking up the bill he has indicated.

Mr. RAMSEY. I ask for a division of the motion.

Mr. WILLIAMS. I ask the Senator if he will not allow a bill to be taken up which was passed over informally on the Calendar? It is a bill in relation to a railroad that runs out west of Iowa. I believe all the railroad bills have been passed pretty much with this exception. It seems a little hard that this bill should be excluded from the operation of the order, while all other bills of a similar nature should be passed.

Mr. THAYER. Was that laid aside informally?

Mr. WILLIAMS. Yes, sir; it was passed over. It is Senate bill No. 477, reported by the Senator from Kansas [Mr. POMEROY] from the Committee on Public Lands.

Mr. THAYER. I should like to submit this question to the Chair for information: what do we gain by having a bill laid aside informally if we are deprived of the right to call it up before this rule of proceeding with the Calendar is dispensed with?

The VICE PRESIDENT. The Chair ruled on several days when the present occupant was in the Chair, that during the execution of this order bills which were passed over informally could be taken up, although they had been passed over informally, before the conclusion of the Calendar. They were subject to be called up the next day. Some were laid over until the next day for the purpose of obtaining some further information. But when the foot of the Calendar was reached the operation of the order ceased, in the opinion of the Chair.

Mr. THAYER. Then some of us were acting under a misapprehension. We ought to have called up our bills before the last one on the Calendar was reached.

The VICE PRESIDENT. The Chair would have called up the bills passed over informally if no Senator had risen to another question for the transaction of other business. The question now is on the motion of the Senator from Iowa. The bill to abolish the franking privilege is regularly before the Senate.

Mr. RAMSEY. I hope the Senate will proceed with the consideration of that bill.

Mr. SHERMAN. On that question I am disposed to stand by my friend from Minnesota, and get that troublesome question out of the way if possible. No one will want to discuss it, especially as it has been stated in the Senate to-day that there only two or three Senators here in favor of the bill, while a large majority will oppose it. On the face of that statement I should like to have a vote on the bill, so as to dispose of it and get it out of the way.

The VICE PRESIDENT. Does the Senator from Iowa withdraw his motion?

Mr. HARLAN. I cannot do so; and if the Senate will pardon me I will state a reason which I think will be sufficient to control the judgment of every member of the Senate. On these Osage lands there are now settled, I suppose, over twenty thousand white people. A large part of the Indians are still on the lands. The Indians and whites are commingling there. There is danger of absolute conflict between the Indians and the white people, so great a danger that the Government has sent, as I understand, two companies of United States troops there to preserve the peace. Everybody knows that it costs the Government about a million dollars a year to keep on foot a regiment of soldiers. That is about a thousand dollars for each soldier kept on foot. To keep two companies of troops on these Osage lands to preserve the peace will cost the Government at the rate of not less than $200,000 per annum, besides running the risk of bloodshed.

Mr. MORTON. Is this debate in order? The bill is objected to.

Mr. HARLAN. It is competent for a majority of the Senate, as I understand the Chair has ruled, to take up the bill.

The VICE PRESIDENT. A majority of the Senate can postpone the present and all other orders, special orders included, and proceed to the consideration of any bill that is moved by a Senator who obtains the floor. The Senator from Iowa moves to postpone the present and all other orders for the purpose of considering the bill providing for the sale of the Osage Indian lands. The Senator from Kansas demands a division of the question. If the first part of the motion should be voted down, the bill to abolish the franking privilege will be before the Senate as the special order.

Mr. WILLIAMS. I move to amend the motion——

The VICE PRESIDENT. It is not amendable. That has been repeatedly decided in the Senate.

Mr. MORRILL, of Maine. I desire to make an inquiry. I wish to know if the motion to postpone prevails, whether a motion will then be in order to proceed to the consideration of the legislative and executive appropriation bill?

The VICE PRESIDENT. It will be, if the latter part of the motion of the Senator from Iowa, to proceed to the consideration of the other bill, fails; but it has been repeatedly ruled in the Senate by the predecessors of the present occupant of the chair that a motion to proceed to the consideration of any bill is not amendable. It is an independent motion standing by itself, and to be acted upon by itself and not subject to amendment.

Mr. RAMSEY. I understand the Chair to decide that the bill to abolish the franking privilege is now before the Senate?

The VICE PRESIDENT. It is.

Mr. RAMSEY. And a proposition is made to set it aside?

The VICE PRESIDENT. The first part of the motion of the Senator from Iowa is to postpone the present and all other orders, and if that prevails the second part is to proceed to the consideration of the bill in relation to the Osage Indian lands. The question is on the first part of the motion of the Senator from Iowa.

Mr. STEWART. I should like to inquire, if the motion prevails what will be before the Senate—the bill of the Senator from Iowa?

The VICE PRESIDENT. The latter part of the motion of the Senator from Iowa will then be before the Senate, to be decided in the affirmative or negative. If that should fail, then a motion to proceed to the consideration of any other bill would be before the Senate, to be decided by a majority vote.

Mr. HARLAN. I ask for the yeas and nays on my motion; for I want the responsibility put upon the Senate and not on myself for any bloodshed that may grow out of the delay in acting on this bill.

The yeas and nays were ordered.

Mr. SUMNER. I wish to mention a reason why, personally, I do not desire that the Senate should proceed with the franking bill to-day. I have given notice of a substitute, and I did not expect that it would be proceeded with to-day, and I am not ready to consider it. It is a substitute presenting a series of amendments to our whole postal system, on which I wish to speak. As I say, I am not ready now. Therefore I hope the bill will not be pressed to day.

Mr. RAMSEY. The Senator will observe that it is now nearly four o'clock, and we shall not progress very far with it to-day if we take it up.

Mr. SUMNER. Then why take it up? If we are going to transact any business to-day let it be that of the Senator from Iowa, or let us begin on the appropriation bill.

Mr. STEWART. Or on the bill to enforce the fifteenth amendment.

Mr. WILSON. I suggest to the Senator from Minnesota that he withdraw his opposition and let the bill of the Senator from Iowa be called up. We can dispose of it to-night and have it out of the way, and then the Senator's bill will come up.

Mr. RAMSEY. If there could be a general understanding to that effect I would not object.

Mr. WILSON. This is a very important bill, and it should be disposed of. The interests of peace, order, law, and justice demand it.

Mr. STEWART. Is it any more important than the bill to enforce the fifteenth amendment?

Mr. WILSON. The bill of the Senator from Iowa is very important just now, and it can probably be disposed of in twenty minutes.

Mr. MORTON. They are all important.

Mr. POMEROY. The bill to which the Senator from Iowa refers has been read, and it is only necessary to take the vote on its passage.

The VICE PRESIDENT. If there be no objection the Chair will again submit the question to the Senate on the motion of the Senator from Iowa.

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

The yeas and nays were ordered.

Mr. HOWE. I want to say one word in justification of the step I have taken. I certainly do not wish to prejudice or delay the bill urged by the Senator from Iowa. I concede that there are very few bills on the Calendar which ought to be passed at all that ought not in strict propriety to be considered as early or earlier than the bill which stands now a special order. But this Congress has been so long abused upon the allegation of its utter insincerity; it has so long been held up to the country as holding out merely the hope, making the pretense of a purpose to repeal or to abolish this privilege, as they will have it, of franking letters and franking books and franking newspapers, that if it is possible to rebut that allegation I want it done. I want that done as an act of justice to our own characters. We have character enough left to be worth preserving. We cannot afford to discount any more of it; and I do not know of any better way to take care of that little relic than to just bring this matter to an issue; and therefore I want a vote of the Senate on that question.

Mr. SUMNER. I desire to observe that I do not think we shall benefit our characters much by sacrificing the public business; and that I understand is the proposition which my friend from Wisconsin now sustains. Here are public interests represented by my friend from Iowa, represented by my other friend, the Senator from Maine, and now by the Senator from Nevada. I am for considering these measures, each of them, before I consider a measure merely to take care of my character.

Mr. HOWE. Well, Mr. President, I confess that I could not recommend the Senator from Massachusetts to postpone anything for the purpose of taking care of his character, and I have not so profound a regard for my own as to propose to sacrifice the public business for the purpose of taking care of it.

Mr. RAMSEY. This is public business.

Mr. HOWE. I propose to discharge all my duties to the public, and I conceive that one of them is to pass this bill. I do not propose to sacrifice any other measure. I propose to sit here until the 1st of December next, if it be necessary, to consider every measure. The only question now is whether we shall act upon this bill, which we have put at the head of the Calendar. We have given it that place. We did so when we were professing a desire to pass it. We have been told over and over again that we were making believe. I do not know whether we were or not. For one, I was not; and when I voted to place it there I voted to place it there because I wanted it to pass. I have struggled for the passage of this bill whenever I have had an opportunity to do it. I did it in the last Congress. I propose to do it now. I suppose the Senate is in earnest in concurring with the House. Let us pass this bill, and then we can take up the bill of the Senator from Iowa. But when this bill is proposed to be postponed upon a notice, first, that before it can be considered the bill of the Senator from Iowa must be, and then all the bills of the Committee on Appropriations, and the bill represented by the Senator from Nevada, and every other bill, when that notice is given to the country, there is some ground for thinking that we have been making believe all this time.

Mr. HARLAN. I desire to say one word in the way of appeal to the honorable Senator from Wisconsin. If his wife and children were living under the shadow of savages, and likely to be massacred any day when he might leave them without the protecting shelter of his own arm, would he think it more important to pass a bill that would not take effect for two months than to provide for their relief? That is the precise condition in which thousands of people living on these Osage lands are to-day. The President has been compelled to send United States troops there with a view of protecting the white people who have crowded on to these lands. The Senator knows very well, and every citizen knows, that it is not the intention that the franking privilege bill shall take effect until the 1st of July next, two months in the future. There will be ample time to pass it, if it is intended, indeed, by the Senate that it shall pass.

Mr. WILSON. There is no doubt of its passage.

Mr. HARLAN. I suppose it will be passed when we shall have an opportunity to vote on it.

Again, if these Indians are to be moved they ought to be moved in time to plant their crops. Two months hence corn planted will not mature. If this bill is to be passed, if they are to be lifted out from the white people and sent to their own country, it ought to be done within the next thirty days.

Is it necessary that I should stand here and appeal to the American Senate, after they have passed through the regular order, and have executed it, to take up this bill and pass it, the effect of which will be to save human life, when they know that these Indians are at the very point of striking the white people who are commingling among them, when they know that the lives of the women and children are at stake and involved in this issue?

Mr. HOWE. In answer to the appeal of my friend from Iowa, allow me to say with all sincerity that, as far as I know myself, if my wife and children were in that imminent danger to which he has alluded I should not stop to pass either of these bills; and I am further inclined to think that if my wife and children were in that imminent danger I should not have sat here very contentedly for two weeks while we have been considering and passing private bills. But inasmuch as those women and children, whoever they are, could tolerate our spending two weeks on the Private Calendar, I do not know but that they may stand it while we consider the bill which now stands at the head of the Calendar of special orders.

Mr. HARLAN. The Senator intends that as a reflection on me. The Senator knows very well, or he may know if he will look at the Globe, that this is not the first appeal I have made to the Senate to take up this bill.

Mr. HOWE. I did not intend any word I uttered to be a reflection on the Senator from Iowa, and I do not think he can contend that any such reflection was contained in anything I said.

Mr. YATES. I rise simply to speak a word of comfort to my friend from Wisconsin. I think his character will not suffer much more than it has. [Laughter.]

Mr. HOWE. That is poor comfort.

Mr. YATES. He thinks we should have considered the bill for the abolition of the franking privilege long ago. I have a sort of secret desire, satisfaction, that the press of the country shall go on abusing Senators because they do not want the bill abolishing the franking privilege taken up; but we know, as a matter of fact, that that bill will have nearly every vote in the Senate. It has not been delayed except for pressing and important measures. I think the best policy would be to have an understanding with the chairman of the Committee on Post Offices and Post Roads that he may call up that bill on Monday, or some other day next week, and let these other measures be passed in the mean time.

I have always been for the abolition of the franking privilege ever since boyhood. I remember an instance which may be of some service to my friend, the Vice President, in the chair. It goes away back to the days of my boyhood, when the Vice President of the United States franked a package to his wife in Kentucky; and when it was opened, or the package was broken or worn off at the corners, there were revealed a nice black silk dress and other private and public documents [laughter] from the Vice President to his wife. The Senators from Kentucky will remember the circumstance very well. We who were then boys, and fought for Clay against Jackson and Van Buren, and especially against the Vice President, Colonel R. M. Johnson, remember that fact. What the present Vice President, in the abuse of the franking privilege, may have sent we do not know—whether a primer, or a book, or something of that kind to some of the young Schuylers whose feet patter around the cabin doors away out in the Hoosier State. These things may have occurred; but he and all of us will be for the immediate abolition of the franking privilege. The chairman of the Committee on Post Offices and Post Roads is not uneasy. He would just as soon you would take this bill up next week as take it up now, because he knows that he has the votes to pass it. Scarcely a man here will raise his head to vote against the abolition of, not the franking privilege, but against a tremendous burden to himself and a nuisance to the country.

Mr. WILSON. Mr. President, as we have but a few moments left, and as the passage of the franking privilege bill seems to be assured, I hope by common consent, without any opposition, the Senate will allow the taking up of the Osage land bill and passing of it to-night. We can pass it in a few moments I am confident. I ask unanimous consent to take up the bill.

The VICE PRESIDENT. The Senator from Massachusetts asks unanimous consent to take up the Osage Indian bill. Is there objection? The Chair hears none.

Mr. CAMERON. I rise for a moment to ask a question of the Senator from Illinois. He stated a historical fact about which I have some doubt. I was under the impression that the Vice President of that day had no wife. How is it? He says he franked a package for his wife.

Mr. YATES. I will reply to the Senator if

he has no objection. As he makes no distinction of color now [laughter] I need say no more.

Mr. HOWE. I want to know what the effect of this unanimous consent will be on the position of the pending order.

The VICE PRESIDENT. It will still leave it at the head of the Calendar as the first special order. The Chair hears no objection to the suggestion that the bill moved by the Senator from Iowa be taken up.

OSAGE INDIAN LANDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 529) to provide for the sale of the Great and Little Osage Indian reservation, in the State of Kansas, and for the settlement of said Indians in the Indian territory.

The Committee on Indian Affairs reported the bill with amendments.

The first amendment of the committee was in section one, line eleven, to strike out "$1,600,000," and to insert "$2,000,000;" so as to read:

That the United States shall assume the absolute control and ownership of all the lands known as the Great and Little Osage reservation, in the State of Kansas, including all lands in said State ceded to the United States in trust, by article second of the treaty between the United States and said Indians, concluded September 29, 1865, as well as the so-called diminished reservation, for which the said Indians shall be allowed and paid the sum of $2,000,000.

Mr. POMEROY. I hope the committee will not press that amendment. The Indians agreed to take $1,600,000, and why make the amount $2,000,000? I hope the amendment will not be concurred in, because it is $400,000 more than the Indians themselves asked.

Mr. HARLAN. I shall not press it. My personal judgment concurs with that of the honorable Senator from Kansas, but a majority of the committee thought $2,000,000 ought to be given.

The amendment was rejected.

The next amendment was in the same section, line twenty-one, before the words "per cent." to strike out "five" and insert "four;" so as to read:

The residue of said $1,600,000 shall be placed to their credit on the books of the Treasury of the United States and bear interest at the rate of four per cent. per annum, to be computed from the date of the approval of this act, said interest to be payable semi-annually.

Mr. HARLAN. That amendment should not be concurred in now.

Mr. POMEROY. It ought to fall with the other.

The amendment was rejected.

The next amendment was in the same section, line twenty-four, after "one hundred" to insert "and twenty-five" so as to read, "the interest on $125,000 shall be paid for the support of schools in said nation."

Mr. HARLAN. Both that and the next amendment ought to be rejected.

The amendment was rejected.

The next amendment was in line twenty-six, to insert "and seventy-five" before "thousand;" so as to read, "the interest on $375,000 shall be paid in cash for national purposes."

Mr. POMEROY. That amendment should also be rejected.

The amendment was rejected.

The next amendment was at the end of section three, to insert "which payment, when accepted, shall be held to be a full payment of all such claims;" so as to make the clause read:

That if the amount of just claims shall exceed the sum of $40,000, the said amount of $40,000 shall be divided *pro rata* among the different claimants whose claims shall have been established and allowed, which payment, when accepted, shall be held to be a full payment of all such claims.

The amendment was agreed to.

The next amendment was to insert as section four the following:

SEC. 4. *And be it further enacted*, That there shall be paid to the members of the Great and Little Osage tribe of Indians a just and fair compensation for horses stolen from them by white citizens of the United States since the ratification of the treaty of September 29, 1865, to be ascertained by the agent of said tribe and the superintendent of Indian affairs, who shall make a careful and thorough examination of each case within six months after the passage of this act, and report the same to the Secretary of the Interior for his approval or disapproval: *Provided*, That the whole amount to be paid for such claims shall not exceed $40,000; and if the amount of claims established as hereinbefore provided, shall exceed said sum, the said sum of $40,000 shall be paid *pro rata*, and be accepted in full satisfaction.

The amendment was agreed to.

The next amendment was in section [seven] eight, line four, after the word "determine" to insert "from time to time."

The amendment was agreed to.

The next amendment was in section [eight] nine, line two, to strike out "$1,600,000" and insert "$2,000,000."

Mr. POMEROY. That will be rejected now, of course.

The amendment was rejected.

The next amendment was in line five of the same section, after the words "in section two," to insert "and section four."

The amendment was agreed to.

The next amendment was in the same section, line twenty-seven, after the words "highest bidder," to insert "at not less than $1 25 per acre."

The amendment was agreed to.

The next amendment was in the same section, line thirty-one, after the words "second section," to insert "and fourth section."

The amendment was agreed to.

The next amendment was to strike out in line thirty-two "$1,600,000" and to insert "$2,000,000."

The VICE PRESIDENT. This will be regarded as disagreed to, following the others.

Mr. BUCKINGHAM. It appears to me this bill ought not to be amended as it has been, and in the Senate I shall move to restore "$2,000,000" instead of "$1,600,000."

The VICE PRESIDENT. That will be in order when the bill is reported to the Senate, and the other amendments will follow the first if agreed to.

The next amendment was after the word "interest," in line thirty-three of section [eight] nine, to insert "including in such estimate the proceeds of the sales of the so-called Osage trust lands which may have accrued before the approval of this act;" so as to read:

And after the United States shall have received from the proceeds of the sale of said lands, over and above the cost of the survey and sale thereof, the amount provided for in the second section and fourth section of this act, and the said sum of $1,600,000, with accrued interest, including in such estimate the proceeds of the sales of the so-called Osage trust lands which may have accrued before the approval of this act, the residue of said lands shall be disposed of as other public lands.

The amendment was agreed to.

The next and last amendment of the committee was to add the following as an additional section:

SEC. 10. *And be it further enacted*, That there be, and is hereby, created an additional land office in the State of Kansas, to be located as centrally as practicable in the part of said Osage lands which may be from time to time brought into market. And the said lands, including diminished reserve and trust lands, shall constitute a separate land office district; and the said land office shall be so conducted as to enable the proper accounting officers of the Treasury to keep a separate and distinct account of the proceeds of the sale of said lands from the proceeds of the sales of other lands.

The amendment was agreed to.

Mr. SHERMAN. I should like now to have the bill read in full as it stands. It is a somewhat lengthy bill I know, but it is a very important one and involves a large amount of money.

Mr. POMEROY. There are some amendments that I wish to move.

Mr. SHERMAN. Very well; I withdraw the call for the reading of the bill until those amendments are acted on.

Mr. POMEROY. The amendment I propose to offer I believe will be agreed to by the chairman of the Committee on Indian Affairs. If there are any of them that he thinks are not right I shall not move them. In the first section, in line three, it is provided "that the United States shall assume the absolute control and ownership" of these lands. I wish to insert after the word "shall" the words "and hereby does."

Mr. HARLAN. I have no objection to that.

Mr. MORRILL, of Maine. I have objection. I want the amendment explained.

Mr. POMEROY. I want the time fixed at the passage of this act at which the Government does assume the control and ownership of these lands. The bill provides that the United States shall do it at some time in the future; but I want it done now. If the Senator objects to the amendment, I shall not delay the passage of the bill by insisting upon it.

Mr. MORRILL, of Maine. It raises a very important question——

The VICE PRESIDENT. Does the Senator from Kansas withdraw the amendment?

Mr. POMEROY. I withdraw it. Without this amendment, however, it is an open question at what time the Government assumes control.

Mr. MORRILL, of Maine. If the amendment is withdrawn I will not consume time upon it now.

Mr. POMEROY. I withdraw it, because I do not wish to delay the passage of the bill. The next amendment I wish to offer is in line thirty-eight of the first section, to strike out "national" and insert "tribal;" so as to read: "for the benefit and support of their tribal government." We uniformly designate the government of a tribe of Indians as their tribal government. I suppose there can be no objection to this amendment.

Mr. HARLAN. The word "nation" has been used in their treaties from time to time. The treaty is with the Great and Little Osage nation of Indians. I do not know, however, that the amendment is at all material.

Mr. POMEROY. It seemed to me like dignifying them to call them a nation; but of course it is merely a technical matter. If the Senator objects I will not move the amendment.

Mr. MORRILL, of Maine. I do not see the propriety of the amendment.

Mr. POMEROY. Very well; I withdraw it. The next amendment I wish to offer is in section six, line three, after the word "being" to insert "an Indian and." It now reads:

If any individual belonging to said tribe of Indians or legally incorporated with them, being the head of a family, shall desire to commence farming, &c.

I wish it to read "being an Indian and the head of a family."

Mr. HARLAN. I have no objection to that.

Mr. POMEROY. I do not think white people ought to go and get adopted into the tribe and then have the benefits of the tribe. This amendment confines it to Indians.

The amendment was agreed to.

Mr. POMEROY. In section seven, line four, there is a misprint. It reads "carrying into effect the fourth section thereof." As the bill is now amended that "fourth" should be "fifth."

The VICE PRESIDENT. That amendment will be made as a matter of course, it being rendered necessary by the incorporation of a new section as section four.

Mr. POMEROY. Then in the sixth line of the eighth section I wish to insert "and by the surveyor general of the proper land district;" so as to read, "shall be surveyed under the direction of the Commissioner of the General Land Office and by the surveyor general of the proper land district, as other public lands are surveyed."

Mr. HARLAN. I do not know that that is necessary. If the Commissioner of the General Land Office can manage to survey this

tract at a less rate per mile, as he has done in several other cases. I do not see why he should not be allowed to do so.

Mr. POMEROY. And as he has not done in several other cases, too.

Mr. HARLAN. I shall not object to the amendment if the Senator persists in it.

Mr. POMEROY. I have seen contracts let at rates higher than those established by law. The Commissioner has these surveying contracts let at the rates fixed by law; but the work may possibly be done for less.

Mr. HARLAN. I will not object to the amendment.

The amendment was agreed to.

Mr. POMEROY. I have one more amendment to propose. The bill has already been amended to provide for a new land district. The amendment which I now offer is merely to provide for the appointment of a register and receiver for the land district already provided for in the bill, as the committee's amendment does not provide for the appointment of the officers. This amendment is to add to the last section of the bill as it now stands:

And there shall be a register and a receiver appointed, as provided by law, for the aforesaid land office; and they shall perform like duties and receive the same amount of compensation as is provided by law for the registers and receivers of other land offices in the State of Kansas.

The amendment was agreed to.

The VICE PRESIDENT. Does the Senator from Iowa desire action now on the amendments reported by the Committee on Indian Affairs to the preamble of the bill?

Mr. POMEROY. I think the preamble might all be stricken out.

Mr. HARLAN. I have no objection to the whole preamble being stricken out.

The VICE PRESIDENT. The preamble will be regarded as stricken out if that course be not objected to. The Chair hears no objection, and it is stricken out.

Mr. ROSS. I laid upon the table some time ago an amendment intended to be offered by me to this bill as a new section. I now offer the amendment, and ask that it be read.

The amendment was read, as follows:

And be it further enacted, That the Leavenworth, Lawrence, and Galveston Railroad Company, the Atchison, Topeka, and Santa Fé Railroad Company, the Missouri, Fort Scott, and Santa Fé Railroad Company, the Union Pacific Railway Southern Branch Company, the Leavenworth and Topeka Railway Company, and the Lawrence and Neosho Valley Railroad Company, (corporations duly organized under the laws of the State of Kansas,) shall have the right to purchase the aforementioned lands, except the sixteenth and thirty-sixth sections, reserved for school purposes, on the following terms and conditions, to wit: the Leavenworth, Lawrence, and Galveston Railroad Company, and the Atchison, Topeka, and Santa Fé Railroad Company, may each purchase five sixteenths of said lands by each paying $31,250 in cash, and each executing and delivering its bond for the further sum of $468,750; and the Missouri, Fort Scott, and Santa Fé Railroad Company, and the Lawrence and Neosho Valley Railroad Company may each purchase one eighth of said lands by each paying $12,500 in cash, and each executing and delivering its bond for the further sum of $187,500; and the Union Pacific Railway Southern Branch Company, and the Leavenworth and Topeka Railway Company may each purchase one sixteenth of said lands by each paying $6,250, and each executing and delivering its bond for the further sum of $93,750. Each of said companies shall make its said cash payment and execute and deliver its said bond to the Secretary of the Interior within ninety days from the passage of this act; and the bond of each company shall be for the payment of the sum named to the United States, in ten equal annual installments, with interest, payable annually, at the rate of five per cent. per annum, from the date thereof; and if either of said companies shall fail to pay to the Secretary of the Interior in full said hand payment, or any part of the principal or interest of its bond, within thirty days from the date when the same becomes due and payable, it shall not be entitled thereafter to receive any part of said lands or of the proceeds thereof, as hereinafter provided. The Leavenworth, Lawrence, and Galveston Railroad Company shall, within three years from the ratification of this treaty, (or within one year after a railway bridge shall have been constructed across the Kansas river at or near Lawrence, for the use of said Leavenworth, Lawrence, and Galveston Railroad Company,) said company, its successors and assigns, shall construct, or permanently control for its use, and operate a continuous line of railway from Fort Leavenworth to the southern boundary of the State of Kansas, via Lawrence. The Atchison, Topeka, and Santa Fé Railroad Company shall, within twelve months from the passage of this act, and each and every year thereafter, construct and equip twenty-five miles of its railroad from Topeka, via Emporia, crossing the Arkansas river on the lands herein authorized to be sold, to the southern or western boundary of said lands, in the general direction of Santa Fé, New Mexico. The Lawrence and Neosho Valley Railroad Company shall, within eighteen months after the passage of this act, and each and every year thereafter, construct and equip twenty-five miles of its railroad from Lawrence in the direction of Emporia until a junction with the Atchison, Topeka, and Santa Fé railroad is made. The Missouri, Fort Scott, and Santa Fé Railroad Company shall, within eighteen months from the passage of this act, and each and every year thereafter, construct and equip twenty miles of its railroad, until its line is constructed and equipped from Fort Scott, Kansas, to a junction with a railroad running westward on the said lands. The Union Pacific Railway Southern Branch Company shall, within eighteen months from the passage of this act, construct and equip its railroad from Junction City or Fort Riley to its point of intersection with the line of the Leavenworth, Lawrence, and Galveston railroad in the Neosho valley. The Leavenworth and Topeka Railroad Company shall, within eighteen months from the passage of this act, and each and every year thereafter, construct and equip twenty-five miles of its railroad from Leavenworth to Topeka, Kansas. And said railroad companies shall, after the construction of their said roads, or any part thereof, always transport for the United States all mails, troops, munitions of war, and supplies for troops or for Indian tribes, at the same rates as are or may be prescribed by law for similar transportation on the Union Pacific railroad. A failure on the part of either of said companies to construct any section of its line within the time specified above shall work a forfeiture of all its rights under this act, except to lands patented to it as hereinafter provided, unless the President, with the advice and consent of the Senate, for good cause shown, shall consent to an extension of such time. All persons being heads of families and citizens of the United States, or members of any tribe at peace with the United States, who have settled on any part of the said Osage reservation, and are at the date of the passage of this act residing thereon as *bona fide* settlers, shall have the privilege, at any time within one year from the date hereof, of purchasing from the United States one hundred and sixty acres, at $1 25 per acre, to be selected in a compact body, according to legal subdivisions, and to include, as far as practicable, the improvements of each settler; all of said lands, except such as shall be purchased by settlers at $1 25 per acre, as hereinbefore provided, shall, in parcels, as may be necessary, be appraised after survey, subject to the approval of the Secretary of the Interior, by three disinterested appraisers, to be appointed by him, who shall each be paid for services and expenses not exceeding ten dollars per day, for the time actually and necessarily occupied in the duties of such appraisement; and any of said lands not claimed by settlers may be reappraised, at the request of the company or companies interested, at the expiration of every two years: *Provided*, That no timber land shall ever be appraised higher than $7 50 an acre; and no prairie land, lying within ten miles of the located line of either of said railroads, higher than five dollars an acre; and no prairie land, lying more than ten miles from such located line, higher than $2 50 an acre. Whenever any section or sections of not less in all than twenty-five miles of either of said railroads shall have been constructed and equipped, and notice thereof given to the Secretary of the Interior, he shall ascertain by the report of three disinterested commissioners, to be appointed by him, whether such section is completed and equipped as a good and efficient railroad; and if satisfied of that fact he shall accept such section. Each of such commissioners shall be paid not more than ten dollars per day, and necessary traveling expenses during the time actually occupied in traveling to and from and inspecting such section. All expenses of such surveys, appraisements, and inspections shall be paid by the Secretary of the Interior out of the proceeds of sales of the lands to settlers, or out of the hand payment made by the said companies, and shall be appropriately charged to the respective companies, and reimbursed by them at the next payment of interest or principal of said bonds, or, when said bonds shall have been paid, shall be reimbursed from the proceeds of sales of said lands to settlers. All of such lands except such as are settled upon and shall have been purchased as hereinbefore provided shall be and remain open to settlement, preëmption, and purchase, as follows: any head of a family, having made such settlement on said lands as is required of preëmptors, may purchase, at the land office of the proper district, a quarter section, or less, in legal subdivisions, to include his improvements, by paying one half of the appraised value of the land claimed in cash, within one year from the date of such settlement, and the balance within one year after such first payment: *Provided*, That no such preëmption or purchase shall include more than forty acres of timber land: *And provided further*, That the lands of the reserve shall not be open to such settlement or preëmption until after the date, to be fixed by the Secretary of the Interior, for the selection by the Osages of their lands in severalty, as hereinafter provided. The proceeds of all sales to settlers, after deducting therefrom amounts chargeable to the said companies, shall be credited to them severally, *pro rata*, as payments on the amounts next thereafter falling due on the principal or interest of their respective bonds. When the whole of the bond and interest and proportion of expenses due from either of said railroad companies shall have been fully and punctually paid as herein provided, and when the whole of the lines of railroad herein required to be built shall have been completed, equipped, and accepted, as herein provided, the Secretary of the Interior shall cause to be selected, reserved from sale and patented to each company, its due proportion in average value of all the lands herein authorized to be sold, which at that date remain unsold to settlers; and shall also pay over to each company its proportion of any proceeds of sales to settlers remaining or accruing, to its credit after its bond and interest and expenses have been fully paid, as aforesaid: *Provided*, That no patent shall issue to any such company for any land on which part payment has been made by a settler, unless such settler shall fail to make final payment when due; and the Secretary of the Interior, for good cause shown, may extend the time for final payment by any settler: *And provided further*, That each patent issued to such company shall contain the condition that the lands therein conveyed shall be sold by said company within five years from the date thereof, and in default of such sale the lands so patented shall revert to the United States, to be sold in trust for the benefit of the Osages. And no patent shall issue to any grantee of such company. If either or any number of said companies less than the whole shall forfeit its or their right of purchase, as hereinbefore provided, the other company, or either or all of the other companies, which shall have performed all the requirements hereof, may, with the approval of the Secretary of the Interior, within sixty days from the date of such forfeiture, (and notice thereof given by the Secretary of the Interior to all of said companies,) assume all the obligations herein imposed on the company or companies forfeiting, and be entitled to all the rights and privileges forfeited, subject to all the conditions herein prescribed. But in case such forfeiture occurs, and no other company is so admitted to the privileges forfeited, then the Secretary of the Interior shall sell the lands to which such company would have been entitled under the provisions hereof to actual settlers, at such appraisement as he shall approve, and on the terms of payment hereinbefore prescribed; and after deducting the proportion of expenses of survey and appraisement which would have been otherwise chargeable to such company, shall invest the proceeds for the benefit of the Osages, as hereinbefore provided. If either of said companies shall consolidate with, or assign its franchises to, any other company legally authorized to construct the line of railroad herein required to be built by it, such other company shall be subrogated to all the rights and obligations under this act of such company herein named: *And provided also*, That the said Osage Indians shall have the right to select lands in severalty on the said reservation, not theretofore selected and occupied by settlers, to the extent of one hundred and sixty acres for each head of a family, and eighty acres each for all other persons, belonging to the said tribe, and the same shall be patented to the person so selecting, or to his or her guardian, if a minor or incompetent, the lands so selected and patented to be inalienable, except by the consent of the President. All moneys paid to the United States for the said lands shall be applied, on the hand payments herein required, to the credit of the several companies signifying their acceptance of these propositions, and in the proportions hereinbefore indicated.

Mr. SAULSBURY. I offer the following amendment to the amendment, to be added to it:

Provided, That the said several sums shall in the aggregate amount to a larger sum of money than can be obtained for said lands at public sale in quarter sections after the same shall have been fully advertised under the direction of the Secretary of the Interior: *And provided further*, That the Secretary of the Interior shall report to the next session of Congress that the above provise has been faithfully complied with.

The VICE PRESIDENT. The question is on the amendment of the Senator from Delaware to the amendment of the Senator from Kansas.

The amendment to the amendment was agreed to; there being, on a division—ayes 23, noes 21.

Mr. ROSS. I should like to have the yeas and nays on that proposition. I do not think it was the intention of the Senate to agree to that.

The VICE PRESIDENT. The Senator from Kansas calls for the yeas and nays on the amendment to the amendment.

Mr. MORRILL, of Maine. Let me suggest to the Senator that he can have the yeas and nays in the Senate after the bill shall have been reported from the Committee of the Whole.

Mr. ROSS. Very well; I withdraw the call now.

The VICE PRESIDENT. The amendment to the amendment is agreed to; and the question recurs on the amendment of the Senator from Kansas as amended.

Mr. HARLAN. I hope that will not be adopted.

Mr. BUCKINGHAM. The object of the amendment is entirely different from the object of the original bill. It proposes to take the lands from the Indians at twenty cents an acre and pass them over to railroad companies who will sell them for a much larger amount. I hope the amendment will not be adopted.

Mr. ROSS. So far as the objection of the Senator from Connecticut is concerned I do not think it will avail. He is willing that the Government shall pay the Indians twenty cents an acre for these lands, and get title at that price. I do not suppose the Government means to make a speculation out of these lands; but if it is to do so, I do not see why it should be any worse for a railroad corporation than for the United States to engage in such business. This amendment which I have offered is one of very great moment to the State of Kansas. It tends to perfect a system of railroads in that State which will give to it a high degree of prosperity. Representations have been made that the people of the State and the people on these lands are opposed to this method of disposing of them; but that is a mistake, as I know from my own observation and association with the people. The Legislature of the State of Kansas has asked for the adoption of this proposition by a vote of five or more to one; and I know from association with the people on these lands that they desire that some such method of disposing of them shall be adopted. What they want there is railroads. They are living one hundred or one hundred and fifty or two hundred miles from railroads, and they find that in that condition of things they cannot get along with any degree of profit or make any great progress; and this is the only way yet offered by which they can get railroads.

If the Senate has paid attention to the reading of this amendment it will have seen that there is no monopoly in it. Every acre of the land is to be appraised, and the limit of the appraisement is fixed according to its quality. The people, of whom some twenty thousand, as stated by the Senator from Iowa—and I think he is correct—are now living on the lands, have the right under this provision of purchasing their homesteads at $1. 25 an acre. That is all they ask. They are perfectly willing that the rest of the land, or its proceeds, should be devoted to the construction of railroads; and it is just as well it should go to them as to the Government, because if it does not go to them it will go to the Government and become a matter of speculation to the Treasury.

This relieves us of the payment of $2,000,000 from the Treasury, which I think is a great advantage to the proposition. In addition to all that, the corporations are compelled by this provision to dispose themselves of every acre of the land within five years after the construction of the railroads, which will be not more than six or seven years from this time, if as long. Failing to do so the lands revert to the Government and are to be sold for the benefit of the Indians. So that there is no possibility whatever of its becoming to any extent a land monopoly, but it will secure the building of railroads in our State, which we need, which every person living in a border State knows we do need, and without which we can never enjoy that degree of prosperity which we desire and ought to have.

Mr. EDMUNDS. I am quite satisfied that we cannot finish this bill to-night, and there are some matters that ought to be considered in executive session, of routine, to be sure, but important. I move that the Senate proceed to the consideration of executive business.

Mr. HARLAN. I think we can pass the bill.

Mr. EDMUNDS. There is no hope of it.

Mr. HARLAN. Let us try it.

The VICE PRESIDENT. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 4, 1870.

The House met at eleven o'clock a. m. Prayer by Rev. GEORGE P. VAN WYCK, of New York.

The Journal of yesterday was read and approved.

WAGES OF SEAMEN.

Mr. BUFFINTON, by unanimous consent, reported back from the select Committee on the Causes of the Reduction of American Tonnage a bill (H. R. No. 1720) to repeal the payment of extra wages upon the discharge of seamen, and for other purposes; which, with accompanying papers, was referred to the Committee on Revision of the Laws of the United States.

JOHN C. ABERCROMBIE.

On motion of Mr. McCRARY, by unanimous consent, the bill (S. No. 759) granting a pension to John C. Abercrombie was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

Mr. MAYNARD moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEVEE AND DRAINAGE COMPANY.

Mr. WELLS, by unanimous consent, reported from the Committee on Railroads and Canals a bill (H. R. No. 1954) to incorporate the Mississippi Valley Levee and Drainage Company; which was read a first and second time, recommitted, and ordered to be printed.

MAIL STEAMERS FOR THE GULF.

Mr. WELLS also, by unanimous consent, reported from the select Committee on the Causes of the Reduction of American Tonnage a bill (H. R. No. 1955) authorizing mail steamship service in the Gulf of Mexico between the port of New Orleans, Louisiana, and certain ports in the republic of Mexico; which was read a first and second time, recommitted, and ordered to be printed.

COCHECO RIVER, NEW HAMPSHIRE.

Mr. ELA, by unanimous consent, submitted the following resolution; which was referred to the Committee on Commerce:

Resolved, That the Secretary of War be instructed to cause a survey and report to be made of the estimated cost of removing the obstructions to navigation in the Cocheco river at Dover, New Hampshire.

MILITARY ADMINISTRATION IN GEORGIA.

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

Resolved, That the Secretary of War be, and is, directed to furnish to this House copies of all reports in detail made by Brevet Major General Alfred H. Terry, in any way relating to Georgia, not already communicated to either branch of Congress.

Mr. BECK asked unanimous consent to submit the following resolution:

Whereas it is alleged that General Alfred H. Terry, the military commander in the State of Georgia, is causing citizens of the State of Georgia to be arrested and tried before his military subordinates for alleged violations of the laws of the State of Georgia, and refuses to allow to such citizens the benefit of the writ of *habeas corpus*, or a trial by jury in the civil courts: Therefore,

Be it resolved, That the President of the United States be, and he is hereby, requested to inform this House by what authority, if any, citizens in the State of Georgia are tried for offenses against the laws of the State, by or before the military officers there, and why they are denied the privilege of the writ of *habeas corpus* and a trial by jury in the civil courts of the State having jurisdiction to try such cases.

Mr. SHANKS and others objected.

The SPEAKER. The resolution is not before the House.

Mr. BECK. I would like to know who objects.

The SPEAKER. Several gentlemen; among others the gentleman from Indiana, [Mr. SHANKS.]

Mr. BECK. Then I call the regular order, and I shall insist on that from now till this House adjourns on the 4th of July next.

Mr. SHANKS. That does not change my objection.

NINTH CENSUS.

The SPEAKER. The first business in order is the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses upon the census bill.

The report was read, as follows:

The committee of conference appointed by the Senate and House of Representatives upon the disagreeing votes of the two Houses on the bill (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and to provide for their future apportionment among the several States," approved May 23, 1850, having met, after a full and free conference have agreed to recommend, and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the bill of the House, and agree to the said House bill, with the following amendment, namely:

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

That the time allowed for transmitting the said copy of the returns of the assistant marshals to the Census Office is hereby further limited, so that the returns of population upon schedule No. 1, in the act of May 23, 1850, shall be sent to that office on or before the 10th day of September next, and the complete returns upon all the schedules annexed to and made part of that act, excepting upon the schedule therein designated as No. 2, which schedule is hereby revoked, canceled, and declared to be no longer a part of said act, shall be forwarded to the Census Office before the 1st day of October following: *Provided*, That the Secretary of the Interior shall be authorized to extend the time allowed for returns on the schedules other than those of population, in any case where it shall appear to him to be necessary: *Provided further*, That whenever, from the loss or destruction of returns, or from causes beyond the control of the officers charged with the enumeration, it shall be shown to be impracticable to comply with the requirements of this section, the Secretary of the Interior is authorized to extend the time allowed for rendering returns of population, not beyond the 1st day of October next.

SEC. 2. *And be it further enacted*, That the penalty provided in the fifteenth section of said act of May 23, 1850, shall apply to any refusal whatever to answer either of the inquiries authorized by said act.

SEC. 3. *And be it further enacted*, That each assistant marshal or agent shall be paid for making out and returning complete copies of the original census returns, as required in the eleventh section of the act to which this is a supplement, eight cents for each page of the two copies of the original census returns required by the said eleventh section.

SEC. 4. *And be it further enacted*, That the oath to be taken by assistant marshals employed to take the census shall be the oath required by the act of 1850, of which this is an amendment.

And that the House of Representatives concur in the same.

J. A. GARFIELD,
WILLIAM B. ALLISON,
S. S. COX,
Managers on the part of the House.

ROSCOE CONKLING,
MATT. H. CARPENTER,
T. F. BAYARD,
Managers on the part of the Senate.

Mr. COX. The chairman of the conference committee [Mr. GARFIELD, of Ohio,] is absent, as is also the gentleman from Iowa, [Mr. ALLISON,] my other colleague on the committee. Although I do not like to press action on the matter in the absence of my *confrères*, yet there is a great necessity for the immediate passage of the bill.

Mr. KELSEY. Does the report embrace all there will be of the law if the bill be passed?

Mr. COX. It does.

Mr. KELSEY. Then I hope the report will be adopted.

Mr. COX. I believe this is the only measure on this subject that will meet the concurrence of the Senate.

Mr. CULLOM. I think the report ought to be concurred in.

The report was agreed to.

Mr. COX moved to reconsider the vote by

which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL SERVICE.

The SPEAKER. The morning hour has now begun, and the first business in order is House bill No. 1354, to regulate the civil service of the United States, reported back by Mr. JENCKES from the select Committee on the Reorganization of the Civil Service of the Government, with a substitute, on which the gentleman from Tennessee [Mr. MAYNARD] is entitled to the floor.

Mr. LYNCH. I understand the gentleman from Rhode Island will give way to the business of the select Committee on the Decline of American Commerce.

Mr. JENCKES. If it is the understanding that the pending business shall come up afterward.

The SPEAKER. That is what the Chair understands.

Mr. PAINE. That can only be done by unanimous consent.

Mr. BECK. I am opposed to any more unanimous consents.

The SPEAKER. It requires unanimous consent to authorize committees to change places.

Mr. CULLOM. I object.

Mr. JENCKES. I believe some portion of the time allowed me under the rules is still left.

Mr. MAYNARD. I do not wish to take the floor from the chairman of the committee. I desire, however, to be heard upon this bill.

The SPEAKER. The Chair supposed that the gentleman from Rhode Island had concluded his remarks.

Mr. JENCKES. No, sir.

CORPORATIONS IN THE DISTRICT.

The SPEAKER. The Chair informed the House yesterday that in the enrolling of the bill to provide for the creation of corporations in the District of Columbia by general law an error had occurred by a wrong enumeration of the sections. In order that the error might be corrected the Senate was requested to return the bill. The bill has been returned and the correction made. If there be no objection it will be returned to the Senate.

CIVIL SERVICE.

Mr. FINKELNBURG. I ask the gentleman from Rhode Island to yield to me to offer two amendments to the bill.

Mr. JENCKES. I will hear them.

Mr. FINKELNBURG. Mr. Speaker, I wish to say that I am friendly to the main objects of this bill. I believe a change in the mode of appointing men to the civil service so as to make it depend less on congressional influence and more on qualification is desirable. But there are two features in this bill to which I am opposed. The first one is part of section three, which provides that appointments shall be made from the applicants who stand highest in the order of merit. Now, I believe that that is refining too much on this system; that all those who have been found qualified for the position should stand upon an equal footing; and that if you make it otherwise the commission practically will be able to designate who shall be appointed by stating that any one, two, or three are best qualified, and thereby narrowing the limits, so as to make necessary the appointment of those one, two, or three, whoever they may be. Therefore the first amendment I have prepared has reference to this point, and I send it to the desk to be read.

The Clerk read as follows:

On page 3 of the bill, section three, strike out all the said section down to the word "whenever," in the eleventh line, and insert the following:

That all appointments to the civil service provided for in this act shall be made from those who have passed the required examination and probation, and have been found qualified for the particular branch and grade of the civil service in which the appointments are to be made.

Mr. FINKELNBURG. Mr. Speaker, the adoption of that amendment would put all those who have passed an examination and been found qualified on an equal footing. The second amendment strikes out another feature of the bill. I believe, Mr. Speaker, that the heads of Departments, or at least the President of the United States, ought to possess the power of removal without the examination, trial, and judgment of this board of commissioners. In other words, I believe that the discipline and inefficiency of the service require that the inferior officer should be responsible directly to his superior, and not to an outside tribunal. To expect the President of the United States or the head of a Department to appear as an accuser or prosecutor before this commission is, to my mind, to expect what would be impracticable and improper. They would probably submit to almost anything rather than subject themselves to so disagreeable and difficult a process. Just as in any common business of life an employé is responsible to his employer alone, so I would like to see the inferior officer responsible to his superior officer. I will say further, before closing, that there are times of great national emergency, such as we had in 1861, when a total, thorough, and prompt overhauling of the entire civil service may be necessary to the interests of good government and to the very existence of the nation itself. And there should be a power of removal without going through the formalities of this bill. I send to the Clerk's desk the second amendment which I have prepared.

The Clerk read as follows:

Amend, on page 6, section seven, by adding the following proviso:

Provided, That nothing in this act contained shall deprive the President of the United States and the heads of Departments from suspending, dismissing, or revoking the commission of any officer appointed under this act in cases where they have such power under existing laws.

Mr. JENCKES. I accept those amendments, to be considered as pending. I now yield to the gentleman from North Carolina, [Mr. COBB.]

Mr. COBB, of North Carolina. Mr. Speaker, how much of the time of the gentleman from Rhode Island [Mr. JENCKES] remains?

The SPEAKER. Five minutes.

Mr. COBB, of North Carolina. Mr. Speaker, it would be impossible for me in that limited time to submit the arguments which I had intended to address to the House on the pending bill. I had proposed not to discuss the details of the measure, which were explained yesterday by the gentleman from Rhode Island, [Mr. JENCKES,] but to go into the discussion of its general merits, in connection with the question which the gentleman so pertinently put to the House: whether we were ready to reform the civil service of this Government?

I also intended to submit, with the consent of the gentleman from Rhode Island, an amendment which I have prepared, and which is not designed in any way to antagonize the bill. I desire to state that I am heartily in favor of the provisions of the bill. I have become convinced, from my short experience here as a member of Congress, that a reform is needed. My observation, slight as it has been, has convinced me that the tendency of the present system is demoralizing and that the whole organization of the civil service of the country stands in need of reform, and is in fact, I might almost say, a disgrace to the genius of this Government. I am sustained in this conclusion by the evidence of officers of the Government, strengthened by the opinions of the leading men of the United States and the leading gentlemen who are the heads of Departments.

Now, sir, the question is this: is the Congress of the United States inclined to adopt this bill, perfecting it if necessary to meet all the requirements of the case? Is it prepared to take an initial step toward the reorganization of the civil service; or shall we go to our homes with the humiliating confession that we saw an evil, that we recognized and appreciated its proportions, that we knew it did exist, and yet had not the courage to meet it and apply the remedy?

Now, Mr. Speaker, there are three great evils or defects in the civil-service system in this country which are sought to be met by the bill under consideration. The first is the usurpation by members of Congress, by the legislative branch of the Government, of the functions of the Executive; another is the lack of qualifications in the applicants for these civil offices; and the third is the uncertainty of their tenure. These are all sought to be met by this bill, and they are met by the bill. As I have said, perfection is not attainable at once, but improvements will from time to time suggest themselves after the initial step is taken, and we may hope in a few years to attain to that precision and accuracy in the organization of our civil government which obtain in the monarchies of Europe. Now, Mr. Speaker, I believe my time has nearly expired, and the gentleman from Rhode Island cannot yield to me further. I ask the Clerk to read an amendment, in the nature of an additional section, which I propose to offer at the proper time.

The Clerk read as follows:

And be it further enacted, That the commission shall cause to be prepared the number of employés of all grades required in the Departments at Washington, and that in the appointments to the same an equal number shall be given to each of the congressional districts of the States and Territories: *Provided, however*, If there be no applicant from a congressional district from which a vacancy is to be filled, the head of the Department may supply the same from candidates at large, having due regard to fitness, character, &c.

Mr. COBB, of North Carolina. Now, Mr. Speaker, in case this bill passes and becomes a law, and there is to be a reform in the civil service, I say, then let these offices be open to the youth of the country. Just now there is an unjust and illiberal discrimination against many of the States of this Union in the distribution of these offices in and around Washington city. I have taken pains to have caused to be prepared a statement showing how unjustly and unfairly my own State and other States in the South have been treated, not by the Administration, not by the heads of Departments, but by the iniquitous operation of the present system, and I would be glad to read it.

[Here the hammer fell.]

Mr. MAYNARD obtained the floor.

Mr. COBB, of North Carolina. I hope the gentleman from Tennessee will allow me five minutes.

Mr. MAYNARD. The gentleman from North Carolina appeals to me to allow him five minutes. I am perfectly willing to yield to him if the House is willing to give him the time, but I have so arranged with other gentlemen who desire to participate in this discussion that I cannot yield any portion of my own time. If the House is willing to extend the gentleman's time I have no objection.

Mr. COBURN. I hope unanimous consent will be given to the gentleman from North Carolina to proceed. He does not often trouble the House.

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] proposes to yield five minutes to the gentleman from North Carolina, [Mr. COBB,] provided it does not come out of his hour. Is there objection?

Mr. KELSEY. I object.

Mr. MAYNARD. Mr. Speaker, I cannot help thinking that the defects in the civil service have been a good deal overestimated. Incompetence, general worthlessness, there undoubtedly is—more of it than any of us would wish or desire to see. But from my observation I am compelled to believe that downright, painstaking, intelligent honesty predominates; that usefulness is the unobserved rule, and that worthlessness is the much

observed exception. I think we may present the civil service in a favorable light, as compared with the service in private employment throughout the country; for I venture to say that where there has been defalcation in the public service there has been a great deal more among cashiers, tellers, clerks, accountants, book-keepers, conductors, ticket agents, and other employés of our large corporations and of our private establishments. I am inclined to think that if we could get perfect wisdom and perfect honesty another form of Government than ours might, perhaps, be the best—a Government of one man; but in the present state of things we do not find that element; we find nowhere perfect wisdom or perfect honesty. We are obliged to take men as they are. And I think a great deal has been set down against the civil service of this country which is properly chargeable to our common human nature.

When we organized our Government the problem attempted to be solved was to produce the best form of stable government with the minimum of virtue and intelligence. And for that purpose we made the people the basis of all power, and required the various officers of the Government to go back to the people, and to be kept near to them. We ourselves have to face the people once in every two years; our associates in the Senate once in every six years; the executive officers, and indirectly all the officers of the civil service, once in every four years. It is not an idle figure of rhetoric, it is not a wild scream of the American eagle, to say, as has been said a thousand times, that we have the best Government the world ever saw.

This bill proposes to remove the officers of the civil service one step, and a very long step, further from the people by interposing between the President and Congress on the one hand, and the civil service on the other, a council of four men who are to be charged with the whole supervision of the civil service, without whose behest no man can be appointed, without whose permission no man can be removed. Now, this council of four is to be removable, or is not to be removable, at the pleasure of the Executive. Upon that point the bill is silent, and I did not observe that the gentleman from Rhode Island [Mr. JENCKES] in the general debate on this bill gave us any opinion on this point. If he did I did not hear it.

Mr. JENCKES. They come under the general law.

Mr. MAYNARD. If they are removable, then you will have a convenient shelter behind which a weak or unprincipled Executive may retire and shelter himself from public responsibility. If they are not removable, then you will have a power which will be above the President, above the Senate, and above the people. You will have four men with authority over twenty-three thousand subordinate officers, not amenable to the people, to reach whom I can see no method which can be devised by the people or their Representatives. We are sometimes referred to the civil service system in Europe. I beg to call attention of gentlemen to the fact that the European system and our system are very different. The object of government in Europe is to get as far as possible away from the people. The people, on the other hand, have been trying to get at the Government for many years past. That is the struggle which has long been going on there. That is the meaning of the *senatus consultum* and the *plebiscite* now agitating France; the question whether the Government shall be or shall not be independent of the people. That is the meaning of the contest which has been going on in Spain for more than a year. That is the meaning of the many struggles which have agitated Europe for the last two hundred years. The object in this country is to keep the Government near to the people. We have had struggles to remove the Government from the people. The late rebellion was such a movement. The meaning of the rebellion was to make the Government further removed from the people. It was not a rebellion against this Government merely, but against all free and popular Government.

I call the attention of gentlemen to the second page of this bill that they may see what it is proposed these four commissioners shall have power to do. In the first place, they are to prescribe the qualifications requisite for an appointment in any branch of the public service. Then they are to examine every public officer, either by themselves or by their subordinates. Now, of these public officers there are twenty-three thousand who will be subject to examination. I suppose it will not be too much to say that it will, on the average, require one hour to examine each person. Allowing, then, one hour to each person, and allowing six working hours to a day, which is about the time usually devoted to the public business, it will require three thousand eight hundred and thirty-three days, or between twelve and thirteen years, to examine these twenty-three thousand officeholders.

Then recollect that not only are these officeholders to be examined, but all applicants for office also; and allowing at a moderate calculation at least six applicants for each office, and allowing one hour for each person examined, you will have seventy-five years of labor here provided for. And all this is to be done by this council of four and their assistants. Why, it is a power that is perfectly astonishing, appalling to contemplate. It is a machine of great, overwhelming, and overshadowing authority which we ought not to set up in this land without the most deliberate consideration. The expense, although a comparatively small matter, because we can afford to pay for whatever is worth paying for, is not to be overlooked. The salaries, necessary traveling expenses, &c., provided in the ninth section to be paid to the commissioners themselves would not amount to very much; but there is a further provision that "the necessary expenses of any persons employed by said commissioners as assistants" are to be accounted for and verified, &c. Why, sir, these seventy-five years of labor at this rate would amount to a sum which my mathematical abilities do not enable me to calculate even satisfactorily to my own mind.

I wish to call attention also to the thirteenth section of the bill. It is a short section, but a very suggestive one. It provides—

> That the President, and also the Senate, may require any person applying for or recommended for any office which requires confirmation by the Senate to appear before said board and be examined as to his qualifications, either before or after being commissioned; and the result of such examination shall be reported to the President and to the Senate.

This provision would enable a hostile President or a hostile senatorial majority to mortify any officer of the Army or Navy, or in the diplomatic or judicial service, or the head of any bureau or Department, by calling him before this council of four and subjecting him to an examination in case he happened to be beyond their reach.

Now, who will compose this council of four? Certainly they will not be men of the highest class. First-class men will neither seek nor accept these offices. We shall be obliged to content ourselves with at least second-rate men. It is within the range of possibility that we may have a hostile President or an Opposition Senate who will start against some public man a suggestion for an examination, as such a suggestion was sprung in this House the other day for an investigation, which is now being pursued, concerning the character of one of our Army officers. It strikes me that this is a dangerous and unnecessary power.

Mr. FARNSWORTH. As the law now stands a hostile President may turn out an officer without examination.

Mr. MAYNARD. He cannot turn out the Chief Justice of the United States or the General of the Army.

Mr. FARNSWORTH. This bill does not relate to such officers.

Mr. MAYNARD. My friend from New Hampshire [Mr. ELA] made yesterday a suggestion which I thought entitled to more consideration than some members were inclined to give it, as to the character of men who would be likely to obtain offices under such an examination as is contemplated by the bill. They would be, as the gentleman suggests, men of mere books, men who could answer perchance questions in algebra or geometry, but not men of practical ability. Under such a system, if I may say it without disparagement, a corps of superannuated college boys would come in to take the places that ought to be filled by men.

Mr. Speaker, I have consumed more time than I intended. I now yield ten minutes to my friend from Maine, [Mr. PETERS.]

Mr. PETERS. Mr. Speaker, I was opposed to this bill yesterday, and I am still more opposed to it to-day. I said yesterday, and I repeat to-day, that if this bill were designed as a piece of machinery to be confined entirely in its operations to the clerks in the Departments here at Washington I might be willing to vote for it as an experiment. But I think that even with regard to the Departments here the bill contains more machinery than is necessary; or, adopting a nautical phrase, there is too much horse-power of steam in the bill for the craft which it is to carry; for I believe that in relation to the Departments here at Washington, if we had a few stringent rules and regulations made by the heads of the Departments, and decently observed, there would be no need of a measure of this kind, even as far as the employés at Washington are concerned. But, sir, to apply the machinery of this bill to all the offices outside of Washington, is, in my opinion, impolitic and impracticable and impossible. In the limited moments I now have all that I shall seek to do will be to notice a few salient points in the bill.

Now, sir, this bill covers all the deputies of all the collectors and of all the assessors in the internal revenue, and all the deputies, all the inspectors, and all the under officers of all the collectors in the external revenue departments of the Government. It covers all the detectives in both of those departments. If I understand the bill, it covers all the deputy marshals in the United States. I hold it also covers the clerks of the United States courts wherever they exist. I want to know who can judge best whether a man be a fit person as deputy collector? I ask whether the best judge is not the collector, who knows the man, his character, his qualities? Is he not a better judge, with all his experience, than a board of strangers who may be sent to the locality from Washington?

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

Mr. PETERS. Be as brief as possible.

Mr. JENCKES. Suppose the collector means to be a thief, would you then let him appoint his deputy?

Mr. PETERS. The President must look after the collector. Turn him out.

Mr. JENCKES. How can he do it without this bill?

Mr. PETERS. This bill does not undertake to look after the collectors.

Mr. JENCKES. It does.

Mr. PETERS. I say, sir, that as the merchant can tell best whom he wants as his clerks, so the collector can tell best whom he wants as his deputies. Would you leave the deputies of marshals of the United States to be appointed by a board of commissioners? Shall that board appoint a deputy of the marshal of the State of Maine, for instance, for whom the marshal has to give a bond, and for whose official conduct he is responsible? Will you have that appointment taken from the marshal, the man who has to bear the responsibility, and give it to this board of four men, who have no knowledge of the candidate, no

acquaintance with him, his character, his experience, his fitness for the office? Although a board of four men might examine a candidate in what might be called scraps of learning in etymology, syntax, and prosody, how are they going to get hold of the real character of the candidate? How are they going to know his natural ability? How are they going to know his official aptitude? How are they going to know his standing in the community? Would you trust it to a board of four strangers, or to the collector or the marshal, who know more about the applicants for this office?

But, Mr. Speaker, I must pass along. I object to the bill because it gives to four men the control of the entire patronage of the United States. I object to the bill in all offices less than senatorial appointments, because virtually, although you may put in a technical denial, it appoints men for a service for life. We should then have a civil pension list; for when a man has once got his situation through this board of four schoolmasters you cannot easily get rid of him, unless by a sort of court-martial. I object to this bill because these persons, who are virtually put in for life, may be changed about, because a deputy collector in Bangor, Maine, may be sent to New Orleans, Louisiana. I object to this bill because it gives the power to the heads of Departments to say what proportion and grades of the appointees shall be females. If this becomes the law, by and by you may get some fanciful gentleman in the Treasury Department who will appoint females generally as deputy collectors, assessors, and for other public positions. Power is given in this bill by Congress to raise up an army of female office-holders, if we should at some time get as the head of one of these Departments some fastidious, fanciful, and partially insane man on this subject.

I object to this bill, Mr. Speaker, for its cumbrousness. Suppose, for illustration, a deputy collector is to be appointed in Bangor, Maine. There are five hundred men in that city fit for the office. All are candidates, and all prove on examination that they are competent and fitted for the office. One only can be appointed. What will you do with the other four hundred and ninety-nine? Will you trust these four schoolmasters or the judgment and information of the collector in the community where the candidates live to make a designation of the person most fitted and worthy of the place? And I would put the objection in another view. If the bill passes, what are you going to do with the thousands of crippled soldiers all over this country who, though they may not be able to pass the highest examination, and even may not, many of them, be able to spell all words with strict correctness, or construct the most grammatical sentences, will yet fill an office with reasonable and reputable efficiency? What are you going to do with them after the promises we have made them? Will you take the civilian and college-bred boy, who can most easily pass such examinations as are had, and put aside the soldier who yet can discharge the duties of the office well enough, and quite as satisfactorily as others who have filled the offices before him?

Mr. Speaker, the common argument and illustration has been that by means of this bill we will be able to reform the civil service in the city of New York. I know that New York is a sample of everything and an exception to everything under heaven. But I would ask the gentleman from Rhode Island [Mr. JENCKES] how these four gentlemen appointed by the President are going to possess the transcendant power to purify all the official conduct of New York city? If the people cannot do it, if Congress cannot do it, no power short of that of the Almighty can do it. These gentlemen would find that they were engaged in a work of supererogation.

There is a great taste in mankind for taking medicine, and there is a similar taste for legislation for all ills, imaginary and real. There is a fancy that all defects of political society can be easily cured by the interference of Congress; and this bill seems to me one of the useless attempts. The machinery provided is wrong, the principle of this bill is wrong, and if you should pass it there would be no end to the confusion that would ensue under its administration. The old Quaker advised his young friend that marriage would be an end of all his troubles. The young man, after having had some unfortunate experience of matrimony, upbraided the Quaker for such advice, when the Quaker replied: "My good boy, I did not tell you what end it was; I meant that it was that end which is the beginning of all trouble; the first end, and not the last." So I am afraid that this bill, instead of being a panacea and cure for anything that is wrong in our system, will be that end which will prove to be the beginning of trouble.

If the board sits here in Washington, swarms of the constituents of gentlemen will congregate here. And if the commissioners rove over the country, this traveling board of schoolmasters, tasty and educated gentlemen, and Yankees of course, because none but Yankees can be schoolmasters—what a scene of delightful array and confusion there will be in the various spots where the crowds surround them at their very wise examinations!

Such is the machinery provided by this bill. Mr. Speaker, if there is any abuse in the exercise of patronage on the part of members of Congress, it is just in those cases which this bill does not cover, namely, the senatorial appointments, which it does not attempt to reach, except in the ridiculous manner which has been commented on by my friend on my right, [Mr. MAYNARD.] Now, for one, I beg to say that I do not believe that members of Congress desire to exercise any patronage. They would be glad to get rid of it if they could. In advising an appointment, instead of making one friend every Congressman makes ten enemies. It is no personal interest which I take in this matter. I have nothing to do with the appointments of the officers covered by this bill even of an advisory character, and the newspaper arguments and allegation, that by the provisions of this bill Congressmen would lose any power or position is unfounded. I have other objections to this bill, and could name various further points in which it is impracticable. But I am admonished that I have no time to state them. I will just further say that I do not care what other men may say or how they may vote; I, for one, boldly and unequivocally denounce this bill—with all respect for my friend from Rhode Island, for whose learning and genius I have not only respect but admiration—as a scholarly, refined, speculative, utopian humbug.

Mr. MAYNARD. I resume the floor, and yield fifteen minutes to the gentleman from Ohio, [Mr. BINGHAM,] but shall be glad if he will give a portion of that time to the gentleman from Wisconsin, [Mr. PAINE.]

Mr. POTTER. With the permission of the gentleman from Ohio, I desire to offer an amendment.

The SPEAKER. The gentleman may offer his amendment in the way of notice. As many amendments are now pending as can be entertained. The Clerk will report the amendment offered by the gentleman from New York, [Mr. POTTER.]

The Clerk read as follows:

Amend the second section by adding after the word "regard," in the eighth line of page 2, the word "only;" and after the word "enter," in the eleventh line of the same page, the words "and not to his political views."

Mr. BINGHAM. Mr. Speaker, in my judgment this bill ought not to receive the approval of the Representatives of the people. However desirable it may be to reform the civil service of the United States it is certainly not desirable to attempt it in the mode and manner presented by the bill now under consideration. I think the learned gentleman from Rhode Island [Mr. JENCKES] failed yesterday, in my judgment, utterly to answer the objection which was suggested to him while he was addressing the House upon this bill. It was intimated to him very clearly yesterday that this bill was in conflict with the spirit, if not with the letter, of the Constitution of the United States upon its contemporaneous and continuous construction from the day of its adoption to this hour. The learned gentleman avoided the question by referring to the regulations which have been prescribed from time to time by the legislative department of the Government touching the land and naval forces.

Mr. Speaker, the learned gentleman from Rhode Island overlooked the fact, when he made the reply, that it is a specific provision of the Constitution of the United States that the Congress may "make rules for the government and regulation of the land and naval forces." Now, let the gentleman, if he please, refer to the parallel passage in the Constitution of the United States that authorizes the Congress of the United States to make rules and regulations concerning appointments to civil offices, other than those prescribed in the Constitution. It is provided in that Constitution, and I call the attention of the House to it, that the President of the United States—

"Shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law."

The establishment of rules and regulations concerning the land and naval forces is "herein otherwise provided for" by the express provision that the Congress of the United States may "make rules for the government and regulation of the land and naval forces."

The other provision of the Constitution of the United States providing for the appointment of officers is as follows:

"But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

Beyond that, sir, the Congress cannot go.

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

Mr. BINGHAM. My time is limited.

Mr. HOAR. It applies to this very point.

Mr. BINGHAM. Very well.

Mr. HOAR. It is whether the legislative power that creates the office itself cannot provide its qualifications?

Mr. BINGHAM. The qualifications may be provided for, but it is the appointing power I am speaking of. This is not a mere question about qualifications. It relates to the appointing power.

Mr. Speaker, a provision of this bill to my mind very objectionable, but of which I can only speak very briefly—restricted as I am to ten minutes—is, that the appointing power of the United States, as to all civil officers of the United States, except postmasters and such officers as are by law required to be appointed by the President, by and with the advice and consent of the Senate, shall be limited to the will of a commission composed of four commissioners! Sir, without the consent of these commissioners neither the President, nor the heads of Departments, nor the courts to whom this power is confided by the Constitution, can appoint any civil officer, except as already stated. This is not a mere question of qualification; it is a question of appointment. The bill provides that "hereafter all appointments of civil officers," except as stated, "shall be made from those persons" found qualified by the commissioners, &c. The gentleman has suggested the point of the power of Congress to prescribe qualifications of inferior officers! I would like to know whether the Congress of the United States can confer the authority to prescribe the qualifications of civil officers upon a board of commissioners? Are they to be clothed with legislative powers to say that no

man in America shall be eligible to any inferior civil office in this country unless he is skilled in the higher calculus and capable of teaching it in our universities? If the commissioners may determine qualifications, and also decide whether the person possesses them, do they not control appointing power?

This brings me, in the hurry of this discussion, to another suggestion that follows logically from this, and that is that this is a bill to create an aristocracy, a privileged class in this country, in the very face of that wise provision in our Constitution that neither the United States nor any State of this Union shall confer titles of nobility. You propose to create here a board of commissioners who are to sit in judgment upon every man in the land who applies for an appointment to an inferior office, and to say to one of our maimed heroes, because he cannot answer, as one of these boards did require a young soldier to answer the other day, questions in astronomy, therefore he is not to be permitted to keep ordinary accounts in the Treasury Department. It is an absurdity, as my friend from Illinois [Mr. CULLOM] near me remarks. The world found out long ago that even the author of "The Mechanism of the Heavens" did not prove himself a very skillful man in civil affairs when called to a civil trust by the first Napoleon. And so I think it will be under the rules which may be prescribed by this board of commissioners.

Another objection which I have to this bill, and which ought to be fatal to it, is that it clothes this board of commissioners, or board of examiners, with power to draw from your Treasury annually $23,900. If I heard aright the amendment of the gentleman from Rhode Island, [Mr. JENCKES,] as suggested by him on yesterday, one of these commissioners is to receive $6,000 a year.

Mr. JENCKES. The gentleman is so entirely wrong as to his statements in regard to these commissioners and their duties that I could not correct him on this point without taking too much time.

Mr. BINGHAM. If the gentleman cannot state a fact he is in a most deplorable condition.

Mr. BENTON. The bill provides——

Mr. BINGHAM. I can read for myself what the bill provides,

Mr. JENCKES. If the gentleman will take my hint he can ascertain from the bill.

Mr. BINGHAM. But the gentleman had something read from the Clerk's desk which is not in the bill. He asks me to refer to the printed text of the bill, and I will do so. This provides for a commission of four persons at a compensation of $5,000 each, making $20,000. Then there is to be a clerk at $2,500, and a messenger at $900 a year, which makes in all $23,400. Then come the expenses of travel, and the power of this board to appoint an indefinite number of persons to make these examinations all over the country, and their expenses and the expenses of the board are to be paid out of the general Treasury of the United States, thereby creating literally a swarm of officers to eat out the substance of the people.

As I am now limited to ten minutes I must be very brief in my statements; but if there is to be a full discussion of this bill I challenge the gentleman to it. I care not how many presses have been pensioned in this country to herald the expediency of this legislation; no man can successfully defend this bill, whatever may be his capabilities, whatever may be his admitted learning. I repeat what I said before, and I stand upon it, that this bill is in conflict with the spirit and with the letter of the Constitution. It is putting it in the power of this board to restrain your President, to restrain the heads of your Departments, to restrain your courts, who are the only appointing powers as to "inferior officers" named in the Constitution, from appointing anybody as such inferior officers without their leave. It is clothing men with power to establish moot courts, and put men on trial for every species of crime or misdemeanor they may choose to define as "misconduct," from a breach of good manners to murder or perjury, to be tried upon such evidence as may be taken under rules to be prescribed by them.

[Here the hammer fell.]

Mr. MAYNARD. I now yield to the gentleman from Wisconsin, [Mr. PAINE.]

Mr. PAINE. I cannot believe it possible that any such measure as this will pass this House. In the short time allowed me by the courtesy of the gentleman from Tennessee [Mr. MAYNARD] I can point out but one or two of my objections to the practical operations of this bill. Let me suppose a case. The Secretary of the Treasury has, I will suppose, in his Department a bureau, the organization of which is entirely satisfactory to himself. The people of the United States hold him responsible for the proper discharge of the duties of that bureau, and he is able to acquit himself of that responsibility because he has subordinates of his own choice, and either directly, or through the interposition of the President of the United States, he can remove any man who shall prove himself incompetent or unfaithful. We have, then, a Secretary responsible to the people for his own conduct and that of his subordinates, and the Secretary has the power to acquit himself of that responsibility. He has his own chosen assistants and can keep them or remove them as in his judgment the public interest shall demand. But pass this bill, and how then will the case stand? It will be impossible for him without the consent of this irresponsible triumvirate either to shake off a thief or keep an honest man. This board of three has absolute and sole power under this bill to prescribe what misconduct or inefficiency shall be sufficient for the removal or suspension of the Secretary's subordinates, and to make rules for the manner of preferring charges against them, and for their trial and for determining their position pending such trial. Then they may drag before them, under their rules so established, the Secretary's tried and trusted officers, and examine them, and recommend their dismissal; and thereupon they must be forthwith dismissed by the Secretary, and the moment these mighty inquisitors file this recommendation the pay of the officers stop. The Secretary is absolutely helpless, absolutely remediless. He can neither determine what is a good ground for removal nor whether such ground exists. He must see his chosen coadjutors swept away from him by a tribunal which has never had a counterpart among any free people, by a board of three men, whose tenure of office is for five years—longer than that of the President himself—a legacy, it may be, handed down by a former corrupt Administration to thwart and hamper and trample on a patriotic and able and honest Secretary, who is powerless in their hands. The Secretary, nay the President himself, may deem the retention of these men absolutely essential to the well being of the Treasury. They may both protest against their removal. It all avails them nothing. By the pending bill they have no power; this irresponsible triumvirate has all power. Is not this monstrous? Is it not absurd? But does the gentleman deny that such are the provisions of the bill? Read, then, the first clause of section five. It is in these words:

SEC. 5. *And be it further enacted*, That said board shall have power to prescribe, by general rules, what misconduct or inefficiency shall be sufficient for the removal or suspension of all officers who come within the provisions of this act, and also to establish rules for the manner of preferring charges for such misconduct or inefficiency, and for the trial of the accused, and for determining his position pending such trial.

And read also the seventh section. It is in these words:

SEC. 7. *And be it further enacted*, That the said board may also, upon reasonable notice to the person accused, hear and determine any case of alleged misconduct or inefficiency, under the general rules herein provided for; and in such case shall report to the head of the proper Department their finding in the matter, and may recommend the suspension or dismissal from office of any person found guilty of such misconduct or inefficiency, and such person shall be forthwith suspended or dismissed by the head of such Department, pursuant to such recommendation, and from the filing of such report shall receive no compensation for official service except from and after the expiration of any term of suspension recommended by such report.

And what is true of the Treasury Department under this bill is true of all the other Executive Departments of the Government. And it is true not only as to bureaus and officers stationed here in Washington, but also as to officers on duty elsewhere throughout the entire length and breadth of the Republic, except only the local postmasters. It is true as to the State, Navy, War, Interior, Post Office, and Attorney General's Departments and all their bureaus. It is true as to the thousands of officers scattered over the United States and Territories, of the classes named, excepting postmasters. Secretaries cannot be responsible to the people, for they must keep or surrender whatever subordinates this mighty board shall recommend to them to keep or surrender. Comptrollers and Auditors cannot be responsible to the people, for they must retain knaves or give up honest men at the bidding of these three irresponsible commissioners. Deputy assessors and collectors cannot be held accountable for the proper performance of their own duties, for they must retain thieves and rogues, and lose honest, sterling assistants at the bidding of this board, which has all power, and is for five years responsible to nobody.

Sir, I never encountered a measure so subversive of all just principles of responsibility on the part of officers to the people or the Government. But this is not the worst of it. Not only can this board of three step into any Department of the Government and drag out, against the will of the Secretary and of the President, any subordinate officer therein, but a single member of the board may do it. Nay, worse, more monstrous, more absurd than all this, this mighty triumvirate may actually delegate this power to outsiders at their discretion. They may authorize a creature of their own to invade the Departments and do what the President cannot do, what no Secretary can do, what no court can do—drive out the subordinate officers of the Government. Does the gentleman deny this? Then let me read the sixth section of the bill. It stands in these words:

SEC. 6. *And be it further enacted*, That any one of said commissioners may conduct or superintend any examinations, and the board may call to their assistance in such examinations such men of learning and high character as they may think fit, or, in their discretion, such officers in the civil, military, or naval service of the United States as may be designated from time to time, on application of the board, as assistant to said board, by the President or heads of Departments, and in special cases, to be fixed by rules or by resolutions of the board, they may delegate examinations to such persons, to be attended and presided over by one member of said board, or by some person specially designated to preside.

But this is not all. Though the President shall find in one of the Departments a knave fit only for the penitentiary he cannot remove him under this bill without the permission of these grand examiners, if the thief shall demand a trial and appeal to them. A scoundrel caught in the actual commission of crime can boldly appeal from Secretary and President to the mighter committee of three, and laugh them to scorn until this committee shall pronounce their judgment. Is this denied? I read, then, the bill itself:

SEC. 8. *And be it further enacted*, That the President shall have power at any time to revoke and cancel the commission of any officer appointed in pursuance of the provisions of this act: *Provided, however*, That said revocation and cancellation shall not take effect if said officer demand a trial upon charges to be preferred against him in the manner prescribed in this act within thirty days from the time of being served with notice of such revocation and cancellation, unless he shall be found guilty upon

his trial of the misconduct or inefficiency alleged against him in such charges. The discontinuance of an office shall discharge the person holding it from the service.

There is another remarkable provision in this bill. It is the last section. I read it:

SEC. 13. *And be it further enacted*, That the President, and also the Senate, may require any person applying for or recommended for any office which requires confirmation by the Senate to appear before said board and be examined as to his qualifications, either before or after being commissioned; and the result of such examination shall be reported to the President and to the Senate.

This applies to officers before and after they are commissioned. It is a modest provision, whereby a majority of the Senate or an incoming President may send before this drum-head committee obnoxious justices of the Supreme Court, judges of the circuit and district courts, Secretaries of War, of the Navy, and Attorney Generals, to be examined as to their fitness and qualifications for their varied duties. What a farce! What an unmitigated humbug!

While, then, no Secretary can remove an unfaithful officer, even though caught in the commission of crimes, while the President of the United States cannot do it, yet this board can do it; a single member of the board can do it; even an outsider who is not a member of the board at all, but who is selected by the board for this purpose, can do it. He may make an examination, and, for reasons which this board may have prescribed, may remove officers who are entirely satisfactory to the Secretary and to the President, thus interposing between them and the faithful discharge of their duties.

I can vote for no such measure as this. We understand what the law now is. Under it the Secretary of the Treasury and the other heads of Departments are able to discharge their duties, to acquit themselves of their responsibilities, because whenever they find faithful subordinates they can keep them, and when they find unfaithful officers they can effect their removal. But pass this bill, and unfaithful officers may be fastened upon them; faithful officers may be removed by this board which neither President nor Secretary can control. I can vote for no such measure as this. I admit that the evils of our present system are numerous and ought to be removed; but this remedy is infinitely worse than the disease. It would cure a toothache by administering to the body-politic the cholera or small-pox.

I protest against interposing between the President of the United States or the heads of Departments and their subordinate officers any such powerful irresponsible tribunal. I protest against the provision of the bill which enables mere strangers, men who are not appointed by the President or approved by the Senate, but who are the creatures and delegates of this board, to exercise in the removal of the subordinate officers of the Departments a power which heads of Departments and even the President himself cannot exercise.

[Here the hammer fell.]

Mr. MAYNARD. I now yield to the gentleman from Indiana [Mr. NIBLACK] for fifteen minutes.

Mr. NIBLACK. Mr. Speaker, by those who have opposed this bill much has been suggested that had previously occurred to me; and therefore I shall omit very much I intended to say in what I have to submit to the House in opposition to it.

This bill seeks to do by legislation what can only be done, in my opinion, by a vigorous and healthy public sentiment. The doctrine that "to the victors belong the spoils" has a hold in party politics that cannot be dislodged by a measure like this bill or by any other means so glittering and so general. As much as this doctrine has been denounced by parties out of power, all parties like to practice it when in power. It is but natural, reluctant as we may be sometimes to admit it, for us all to prefer those who sustain us to those who oppose and would defeat us, when we have patronage to bestow. This preference is often, I concede, capriciously and unwisely exercised; gross abuses are often practiced under the unbridled control of patronage by those in possession of the Government. We have daily instances of this under the Administration now in power, as we have had during many preceding Administrations. But, sir, these abuses are not peculiar to our Government; they are more or less incident to all Governments and all forms of government. With us all power rests with the people, and if the people exercise their power wisely all goes well. If they fail to do this, weakness and corruption necessarily follow. If the people are deceived by those in whom they confide, Congress cannot repair the injury by enacting a civil-service bill.

[Here the hammer fell.]

The SPEAKER. The morning hour has expired. The gentleman from Tennessee [Mr. MAYNARD] has fifteen minutes remaining, of which the gentleman from Indiana [Mr. NIBLACK] will be entitled to ten minutes to-morrow morning.

ORDER OF BUSINESS.

Mr. SCHENCK. I rise for the purpose of moving that the House resolve itself into Committee of the Whole on the special order.

Mr. WHEELER. I move that the House proceed to business on the Speaker's table.

Mr. SCHENCK. I understand that the gentleman from New York and others desire very much to take up business on the Speaker's table; and they assure me that if this proposition be agreed to there will probably be no opposition to a night session. If we can go to the Speaker's table with an understanding that at the end of an hour the House shall go into Committee of the Whole, and at half past four o'clock take a recess till half past seven, I will yield for that purpose. If we take up the business on the Speaker's table I shall ask unanimous consent that it be considered under a five-minutes rule with reference to debate. In this way we may dispose of a great many bills.

Mr. INGERSOLL. I desire to suggest to the chairman of the Committee of Ways and Means that he allow us to consider business on the Speaker's table till two o'clock. That will give us an hour and forty minutes. If this be agreed to I think there will be no objection to a night session.

EVENING SESSION.

Mr. SCHENCK. I move that when the House shall again resolve itself into Committee of the Whole on the special order the Committee of the Whole be instructed to take a recess at half past four o'clock p. m. till half past seven.

Mr. FARNSWORTH. I do not understand the gentleman proposes to go into the Committee of the Whole on the state of the Union.

Mr. SCHENCK. I do not.

Mr. FARNSWORTH. The motion is not in order before the motion is made to go into the Committee of the Whole on the state of the Union. It is a problematic motion, that if we do so and so, then we shall do so and so. It is an unheard-of motion.

The SPEAKER. The gentleman from Illinois thinks the motion unheard of. It is perfectly competent for the House not only to provide a recess for this evening, but for one week in advance.

Mr. FARNSWORTH. Suppose we should not go into the committee?

The SPEAKER. Then the recess of the committee would fall.

The House divided; and there were—ayes 82, noes 49.

Mr. FARNSWORTH demanded tellers.

Tellers were ordered; and Mr. SCHENCK and Mr. FARNSWORTH were appointed.

The House again divided; and the tellers reported—ayes 74, noes 73.

Mr. DOX. I demand the yeas and nays.

Mr. BROOKS, of New York. Let us have the yeas and nays, in order to have a pledge of those who will be here to-night.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 77, nays 91, not voting 59; as follows:

YEAS—Messrs. Allison, Ambler, Ames, Armstrong, Bennett, Benton, Bingham, Blair, George M. Brooks, Buffinton, Burdett, Roderick R. Butler, Cake, Calkin, Cessna, Churchill, William T. Clark, Sidney Clarke, Amasa Cobb, Coburn, Conger, Covode, Cowles, Dickey, Duval, Ela, Finkelnburg, Fisher, Fitch, Garfield, Gilfillan, Hale, Hawley, Hoar, Hooper, Ingersoll, Jenckes, Kelley, Kelsey, Knapp, Lynch, Maynard, McCarthy, McCrary, McGrew, Mercur, Milnes, Elinkim H. Moore, William Moore, Daniel J. Morrell, Myers, Negley, O'Neill, Packer, Peck, Phelps, Roots, Sargent, Sawyer, Schenck, Scofield, Porter Sheldon, John A. Smith, Worthington C. Smith, Starkweather, Stevenson, Strickland, Taylor, Tillman, Townsend, Upson, Van Wyck, Ward, Cadwalader C. Washburn, Wheeler, Willard, and John T. Wilson—77.

NAYS—Messrs. Adams, Archer, Asper, Ayer, Beck, Benjamin, Biggs, Bird, Booker, James Brooks, Buck, Burchard, Cleveland, Clinton L. Cobb, Cook, Conner, Cox, Cullom, Degener, Dickinson, Dox, Eldridge, Farnsworth, Ferriss, Getz, Gibson, Griswold, Hambleton, Hamill, Hamilton, Harris, Hay, Heflin, Holman, Hotchkiss, Alexander H. Jones, Thomas L. Jones, Judd, Ladlin, Lash, Lawrence, Logan, Loughridge, Marshall, Mayham, McKee, McKenzie, McNeely, Jesse H. Moore, Morgan, Morphis, Morrissey, Niblack, Orth, Packard, Paine, Perce, Peters, Pomeroy, Potter, Prosser, Randall, Reeves, Rogers, Sanford, Shanks, Lionel A. Sheldon, Shober, Slocum, Joseph S. Smith, William J. Smith, William Smyth, Stiles, Stokes, Stone, Stoughton, Strader, Sweeney, Taffe, Trimble, Tyner, Van Trump, Voorhees, Wells, Whitmore, Wilkinson, Williams, Winans, Winchester, Witcher, and Wood—91.

NOT VOTING—Messrs. Arnell, Atwood, Axtell, Bailey, Banks, Barnum, Barry, Beaman, Beatty, Boles, Bowen, Boyd, Buckley, Burr, Benjamin F. Butler, Crebs, Davis, Dawes, Dixon, Dockery, Donley, Dyer, Ferry, Fox, Haight, Haldeman, Hawkins, Hays, Heaton, Hill, Hoge, Johnson, Julian, Kellogg, Kerr, Ketcham, Knott, McCormick, Samuel P. Morrill, Mungen, Palmer, Platt, Poland, Porter, Rice, Ridgway, Schumaker, Sherrod, Stevens, Strong, Swann, Tanner, Twichell, Van Auken, Van Horn, William B. Washburn, Welker, Eugene M. Wilson, and Woodward—59.

So the House refused to order a recess.

During the vote,

Mr. CONGER stated that his colleague [Mr. BEAMAN] was compelled to leave the House on account of sickness.

Mr. FINKELNBURG stated that his colleague [Mr. MCCORMICK] had been called home by sickness in his family.

The vote was then announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. COOK from to-day to the 16th instant, on account of sickness in his family; to Mr. GARFIELDE, of Washington, for the remainder of the session; to Mr. MCCORMICK, of Missouri, for two weeks, on account of sickness in his family; to Mr. MERCUR until the 17th instant; to Mr. STRONG for two weeks, and to Mr. COBB, of North Carolina, for three weeks.

THE TARIFF

Mr. SCHENCK. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole upon the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. When the committee was last in session it had under consideration the following paragraph of the bill:

On steel railway bars, 2 cents per pound; and on all railway bars made in part of steel, 1¼ cents per pound: *Provided*, That metal converted, cast, or made from iron by the Bessemer or pneumatic process, of whatever form or description, shall be classed as steel.

On this paragraph debate has been closed. The pending question is upon the motion of the gentleman from Missouri [Mr. BENJAMIN] to

amend the paragraph just read by striking out the proviso and inserting in lieu thereof the following:

And on metal converted, cast, or made from iron by the Bessemer or pneumatic process, of whatever form or description, $30 per ton.

To which the gentleman from Ohio [Mr. BINGHAM] has moved an amendment to make it $36 a ton.

Mr. FARNSWORTH. I desire to move to amend the text of that portion of the paragraph which it is proposed by the motion of the gentleman from Missouri [Mr. BENJAMIN] to strike out.

The CHAIRMAN. Only an amendment to the amendment is in order, and that is not what is proposed by the gentleman from Illinois.

Mr. FARNSWORTH. I understand that when it is proposed to strike out it is proper to amend the text before a division is taken on the question of striking out. The gentleman from Missouri moved to strike out the paragraph beginning with the word "provided" and to substitute another. I propose to amend that paragraph before it is struck out.

The CHAIRMAN. The Chair has ruled that the gentleman's amendment would not be in order.

Mr. FARNSWORTH. I must take an appeal from the decision of the Chair. I had supposed that there could be no controversy as to the right of the committee to perfect what has been proposed to be stricken out.

Mr. BINGHAM. I object to any debate on the appeal from the decision of the Chair.

The question was put; and the decision of the Chair was sustained.

Mr. RANDALL. I rise to a parliamentary inquiry. The amendment of the gentleman from Ohio [Mr. BINGHAM] putting the duty at $36 per ton has been adopted by the committee. Would it be in order to move to strike out the word "six," so as to leave the duty $30?

The CHAIRMAN. The Chair rules that it would not.

Mr. RANDALL. Then I understand the Chair to decide that while if the rate had been $30 in the motion it would be in order to make it $36, the converse is not in order?

The CHAIRMAN. The Chair since yesterday has consulted with the author of the "Digest of the Rules," and finds his decision corroborated: that when the committee has taken certain action you cannot detract from the force of what the committee has done, but you can add to it.

Mr. FARNSWORTH. Then I move to add the words "less $6." That, I think, would be in order according to the ruling of the Chair.

The CHAIRMAN. The Chair rules that this amount of $36 cannot be made mathematically less. He rules that it may be increased, but not diminished.

Mr. RANDALL. I desire to know at what stage of the proceeding it would be in order to move a substitute?

The CHAIRMAN. Whenever a proposition is definitely presented the Chair will rule upon it. The Chair will state what he understands to be the parliamentary situation of the question. If members of the committee are not satisfied with the rate the committee has fixed, $36, they have to vote down the amendment of the gentleman from Missouri, as amended by the proposition of the gentleman from Ohio. If this should be done, the whole proposition will be open to amendment. Any amendment may then be offered which the committee has not definitely rejected. The question is now on the amendment proposed by the gentleman from Missouri, [Mr. BENJAMIN,] as amended.

Mr. COX. Would it be in order now to move a substitute for the whole clause?

The CHAIRMAN. The gentleman may offer a substitute, but a vote cannot now be taken on it.

Mr. CULLOM. What is the question now before the committee?

The CHAIRMAN. The question before the committee is on the amendment of the gentleman from Missouri, as amended. As many as favor it will say "ay."

Mr. BURCHARD. I desire to offer an amendment to the pending amendment.

Mr. SCHENCK. The gentleman cannot offer an amendment while a division is taking place.

The committee divided; and there were—ayes 61, noes 73.

Mr. SCHENCK called for tellers.

Tellers were ordered; and Mr. BENJAMIN and Mr. SCOFIELD were appointed.

The committee again divided; and the tellers reported—ayes 76, noes 72.

So Mr. BENJAMIN's amendment, as amended, was agreed to.

Mr. BENJAMIN. I now move to strike out the paragraph.

Mr. BROOKS, of New York. I desire to make a parliamentary inquiry. If the paragraph is not struck out, will the Chair decide that it is then amendable?

The CHAIRMAN. It will be in the power of the committee to amend it.

Mr. STEVENSON. Is it in order to move to strike out a paragraph after it has been inserted?

The CHAIRMAN. It is.

Mr. PETERS. I move to amend by inserting at the end of the paragraph the following:

But from and after January 1, 1871, the duty on railway steel bars, made by the Bessemer or any other process, shall be 1½ cents per pound only.

Mr. BENTON. I rise to a question of order. I submit that the gentleman cannot offer an amendment that reduces the rate which the committee have already voted.

Mr. PETERS. This is an entirely distinct proposition, a different time being fixed.

The CHAIRMAN. The Chair rules that it is an independent proposition. Up to the time it names it would not interfere with the duty remaining as fixed by the committee.

Mr. PETERS. Is my amendment debatable?

The CHAIRMAN. It is not.

The question was put on Mr. PETERS's amendment; and there were—ayes 65, noes 70.

Mr. CULLOM called for tellers.

Tellers were ordered; and Mr. CULLOM and Mr. STEVENSON were appointed.

The committee divided; and the tellers reported—ayes 68, noes 76.

So the amendment was rejected.

Mr. BROOKS, of New York. I move to add the following as an additional proviso:

Provided, That the royalty of the patentees shall not be over 50 cents per ton.

Mr. SCHENCK. I shall raise a question of order, that we cannot regulate individual matters of this sort, unless the gentleman will modify his amendment so as to provide that the publishers of the New York Express shall not charge more than so much for advertisements.

The CHAIRMAN. The Chair holds that the amendment is not germane.

Mr. BROOKS, of New York. I want to appeal *pro forma* from that decision, to state my point.

Mr. KELSEY. Debate has been closed.

The CHAIRMAN. No debate is in order on the pending paragraph.

Mr. BROOKS, of New York. I ask to be permitted to state my proposition.

The CHAIRMAN. The gentleman asks unanimous consent to state his proposition.

Mr. SCHENCK. I object. That is evidently debate.

Mr. ALLISON. I move to strike "2" out of line four hundred and thirty-four and insert "1½," and to strike out the proviso.

Mr. CESSNA. I raise a point of order on that. The proviso has already been stricken out, and a substitute for it inserted.

The CHAIRMAN. The point of order is well taken, and only the gentleman's first proposition is in order.

Mr. ALLISON. Then I move to strike out "2" and insert "1½."

Mr. SCHENCK. Where was the $36 a ton inserted?

The CHAIRMAN. At the end of the clause. It relates simply to iron made by the Bessemer or pneumatic process.

The question was taken on Mr. ALLISON's amendment; and it was disagreed to—ayes 47, noes 70.

Mr. HOLMAN. I move to add at the end of the paragraph a proviso that the amount of the duty shall not exceed 50 per cent. *ad valorem*.

Mr. MAYNARD. I make the point of order that an amendment, to be received and acted on, must be submitted in writing.

The CHAIRMAN. The point of order is well taken.

Mr. HOLMAN. I will write it in a moment.

Mr. SCHENCK. While the gentleman is reducing his amendment to writing I would like to know who is to settle the duty so that it shall not exceed 50 per cent. *ad valorem*——

Mr. BROOKS, of New York. I call the gentleman to order. No debate is in order.

The CHAIRMAN. Debate is closed, and that is a question for the committee, and not for the Chair.

Mr. HOLMAN. I now offer the following amendment, to come in at the end of the paragraph:

Provided, however, That no duty imposed by this paragraph shall exceed 50 per cent. *ad valorem*.

The question was put on the amendment; and there were—ayes 34, noes 60; no quorum voting.

Tellers were ordered; and Mr. HOLMAN and Mr. CESSNA were appointed.

The committee divided; and the tellers reported—ayes 55, noes 70.

So the amendment was rejected.

Mr. BROOKS, of New York. I offer the following additional proviso:

Provided, That the patent recorded in the Patent Office for Messrs. Morrell, Griswold & Winslow for this Bessemer or pneumatic process for twelve years be surrendered.

Mr. KELSEY. I raise the point of order on that amendment that it is not germane to the bill.

The CHAIRMAN. The point of order is well taken.

Mr. BROOKS, of New York. I shall appeal in good faith from that decision of the Chair, which I am certain is wrong.

The amendment was again read.

Mr. BROOKS, of New York. I call the attention of the Chair to the words "this Bessemer or pneumatic process."

The CHAIRMAN. The Chair rules that this is a bill relating to general interests, and it is not germane to introduce into it private legislation.

Mr. BROOKS, of New York. The whole bill is private. I can get $3,000,000 for this one item. I will bring the richest men in the country here in forty-eight hours who will put into the Treasury $3,000,000 for the bounty afforded by this paragraph with the patents these men have, with a guarantee by Congress that the 2 cents per pound given by the Committee of Ways and Means shall run as long as the patents run.

The question was then taken upon sustaining the decision of the Chair; and upon a division, there were—ayes eighty-eight.

Before the noes were counted,

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

The CHAIRMAN. The committee is now dividing.

Mr. COX. I want to raise my point of order before the announciation of the vote.

The CHAIRMAN. The gentleman can raise his point of order after the vote has been taken upon the pending question.

Mr. COX. It would be too late then.

The CHAIRMAN. Unless the point relates

to some irregularity in the division it is not in order.

Mr. COX. It relates to an irregularity in the voting. My point is that Mr. MORRELL, of Pennsylvania, is voting upon a proposition in which he is directly interested.

The CHAIRMAN. The Chair will rule, as he did yesterday, that that is not a question for the Committee of the Whole to consider.

Mr. COX. I want to state——

Cries of "Order!" "Order!"

Mr. COX. Then I will have to raise the question in the House.

The CHAIRMAN. That is the only place where such a question can be decided. It is not the province of the Committee of the Whole to determine any collateral question of that kind.

Mr. SCHENCK. I raise another question of order: that while one point of order is pending, undecided, another point of order cannot be raised.

Mr. COX. Will it not be too late for me to raise the point of order after the vote has been announced?

The CHAIRMAN. The Chair has ruled that the question cannot be raised in Committee of the Whole at any time. It must be raised in the House if at all.

Mr. COX. Can I not move that the Committee of the Whole now rise, so that I may raise the question in the House?

The CHAIRMAN. It is not in order to move that the committee rise while the committee is actually engaged in dividing upon a question. Those voting in the negative upon the question whether the decision of the Chair shall stand as the judgment of the committee will now rise in their places and stand until counted.

The negative vote was announced as 7, which, with the affirmative vote, 88, did not make a quorum.

Mr. CONGER. Is there not a rule of the House requiring all members present to vote unless excused?

The CHAIRMAN. There is; but it must be enforced by the House and not by the Committee of the Whole.

Mr. CONGER. There is a quorum present, but members will not vote.

Tellers were ordered; and Mr. BROOKS, of New York, and Mr. KELSEY were appointed.

The committee again divided; and the tellers reported that there were—ayes one hundred and five, noes not counted.

So the decision of the Chair was sustained.

The question recurred upon the motion of Mr. COX, to strike out the entire paragraph as amended and to insert in lieu thereof the following:

On steel railway bars, 1½ cents per pound, and on all railway bars made in part of steel, 1½ cents per pound; and on all metal converted, cast, or made from iron by the Bessemer or pneumatic process, of whatever form or description, $33 60 per ton.

Mr. MAYNARD. I rise to a question of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MAYNARD. My point of order is that the Committee of the Whole have already passed upon each of these propositions.

The CHAIRMAN. The latter portion of the proposition the Chair rules is not in order.

Mr. MAYNARD. As I understand it the whole of the proviso has been acted on.

The CHAIRMAN. The gentleman is correct.

Mr. BENJAMIN. I move a substitute for the amendment of the gentleman from New York [Mr. COX] to make the paragraph read "on Bessemer steel of all kinds, $33 50 per ton."

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

The CHAIRMAN. The gentleman will state his point of order.

Mr. BENTON. The Chair ruled yesterday that an amount fixed by the Committee of the Whole could be added to but not diminished.

The CHAIRMAN. The amendment of the gentleman from Missouri [Mr. BENJAMIN] is substantially a substitute for the entire paragraph, which the Chair rules to be in order.

The question was taken upon the amendment of Mr. BENJAMIN to the amendment of Mr. COX; and upon a division, there were—ayes 42, noes 60; no quorum voting.

Tellers were ordered; and Mr. BENJAMIN and Mr. MAYNARD were appointed.

Before the tellers took their places,

Mr. McNEELY said: Some of us here think that Mr. MORRELL, of Pennsylvania, ought not to vote upon this question about to be voted upon, on account of the direct personal interest which he has in it, as was shown in the debate on yesterday. In what way can we bring up that question so that there may be a decision upon it?

The CHAIRMAN. The committee may rise and report the subject to the House for consideration.

Mr. McNEELY. Then I move that the Committee of the Whole now rise, in order that I may submit to the House the question I have indicated. I want to see whether a man has a right to put millions of dollars in his own pocket by his own vote on this floor.

Mr. CESSNA. Is that motion now in order, the committee being engaged in dividing upon a question?

The CHAIRMAN. A motion that the committee rise may be entertained at any time, when the committee is not actually engaged in voting.

Mr. COX. I desire to move an amendment.

The CHAIRMAN. A motion for the committee to rise is not amendable or debatable.

The question was taken upon the motion that the committee rise; and upon a division, there were—ayes 39, noes 70.

Mr. McNEELY. I call for tellers.

Tellers were ordered; and Mr. McNEELY and Mr. BENTON were appointed.

The committee again divided; and the tellers reported that there were—ayes 46, noes 78.

So the motion that the committee rise was not agreed to.

While those opposed to the motion were passing between the tellers,

Mr. McNEELY arrested the count and said: Has the gentleman from Pennsylvania, Mr. MORRELL, a right to vote on this question?

The CHAIRMAN. The Chair rules that he is entitled to vote.

The voting was resumed and concluded, and the result announced as above.

The question recurred on the amendment of Mr. BENJAMIN, on which, no quorum having voted, Mr. BENJAMIN and Mr. MAYNARD had been appointed tellers.

The amendment was again reported, as follows:

Strike out the paragraph, and insert in lieu thereof the following:

On Bessemer steel of all kinds, $30 50 per ton.

The committee divided; and the tellers reported—ayes 51, noes 66.

So the amendment was not agreed to.

MESSAGE FROM THE SENATE.

The Committee of the Whole on the state of the Union rose informally; and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

An act (S. No. 829) in relation to fraudulent trade-marks upon foreign watches;

An act (S. No. 850) for the relief of Captain George Henry Preble, of the Navy of the United States;

An act (S. No. 743) confirming and extending a patent-right to Levi W. Pond and the Eau Claire Lumber Company;

An act (S. No. 845) granting a pension to Harriet Dewitt Mitchell;

An act (S. No. 846) granting a pension to Rebecca Shoemaker;

An act (S. No. 790) for the relief of John Tyler;

An act (S. No. 692) for the relief of J. Ross Browne, late minister to China;

An act (S. No. 390) to change the place of holding the courts of the United States for the northern district of Mississippi;

An act (S. No. 393) to aid in the construction of the Omaha and Northwestern railroad and telegraph line from Omaha, via the mouth of Niobrara river, to Fort Berthold, Dakota Territory; and

An act (S. No. 483) granting lands and the right of way in Missouri and Arkansas to aid in the construction of a railroad and telegraph line along or near the thirty-sixth parallel of north latitude, from the Mississippi river to the Arkansas river.

TARIFF BILL.

The Committee of the Whole on the state of the Union resumed its session.

The question then recurred upon the amendment of Mr. COX; which was read, as follows:

Strike out the paragraph, and insert in lieu thereof the following:

On steel railway bars, 1½ cents per pound, and on all railway bars made partly of steel, 1 1-10 cents per pound.

On agreeing to the amendment, there were—ayes 18, noes 70; no quorum voting.

Tellers were ordered; and Mr. COX and Mr. PETERS were appointed.

The committee divided; and the tellers reported—ayes 29, noes 80; no quorum voting.

The CHAIRMAN, under the rule, ordered the roll to be called; when the following-named members failed to answer:

Messrs. Atwood, Axtel, Ayer, Bailey, Barnum, Beaman, Beatty, Bennett, Boles, Bowen, Boyd, Burr, Benjamin F. Butler, Crebs, Davis, Dawes, Dockery, Donley, Dyer, Fox, Haight, Haldeman, Hawkins, Heaton, Hill, Hoge, Holman, Johnson, Julian, Kellogg, Kerr, Knott, Logan, McCormick, Mungen, Paine, Palmer, Perce, Platt, Poland, Pomeroy, Porter, Ridgway, Schumaker, Lionel A. Sheldon, Sherrod, Stevens, Stevenson, Stiles, Tanner, Twichell, Van Auken, Van Horn, Van Wyck, Voorhees, William B. Washburn, Welker, and Woodward.

During the roll-call the following announcements were made:

Mr. DICKEY. The gentleman from Illinois, Mr. LOGAN, is absent on a conference committee.

Mr. LAFLIN. My colleague, Mr. TANNER, is absent on a committee of conference.

Mr. CONGER. My colleague, Mr. BEAMAN, has left the Hall on account of sickness.

Mr. BECK. My colleague, Mr. KNOTT, is sick in bed.

Mr. COBB, of North Carolina. Mr. HEATON is at home sick.

The names of the absentees were announced as above stated.

The committee then rose; and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, Mr. WHEELER reported that the Committee of the Whole on the state of the Union having, according to order, had the Union generally under consideration, and particularly House bill No. 1068, to amend existing laws relating to the duty on imports, and for other purposes, and finding itself without a quorum, he had, under the rule, caused the roll to be called, and now reported the names of the absentees to the House, in order that they may be entered upon the Journal.

The SPEAKER *pro tempore*. A quorum having answered to their names, the only thing in order is for the committee to resume its session.

The committee then resumed its session, Mr. WHEELER in the chair.

The tellers resumed their places.

The committee again divided; and the tellers reported—ayes 50, noes 80.

So Mr. COX's substitute was rejected.

The question then recurred on Mr. BENJAMIN'S motion, to strike out the paragraph as amended.

The committee divided; and there were—ayes 20, noes 83.

So the motion was disagreed to.

The Clerk read as follows:

On steel wire not less than No. 13 wire gauge, 5 cents per pound; finer than No. 13 wire gauge, 6 cents per pound: *Provided*, That wire for piano and other musical instrument strings, and steel wire covered with silk, cotton, or other textile material, shall pay 25 per cent. additional.

Mr. SCHENCK. I am instructed by the Committee of Ways and Means in line four hundred and thirty-nine, after the words "on steel wire," to insert "whether rolled or drawn."

The amendment was agreed to.

Mr. SCHENCK. In line four hundred and forty-one I move, after the word "that," to insert "steel."

The amendment was agreed to.

Mr. SCHENCK. In line four hundred and forty-three, after the word "pay," insert "in addition."

The amendment was agreed to.

Mr. SCHENCK. In line four hundred and forty four strike out "additional" and insert "*ad valorem*."

The amendment was agreed to.

As amended, the paragraph then read:

On steel wire, whether rolled or drawn, not less than No. 13 wire gauge, 5 cents per pound; finer than No. 13 wire gauge, 6 cents per pound: *Provided*, That steel wire for piano and other musical instrument strings, and steel wire covered with silk, cotton, or other textile material, shall pay, in addition, 25 per cent. *ad valorem*.

Mr. ALLISON. In line four hundred and thirty-nine I move to insert "less than one third of an inch in diameter;" in line four hundred and forty strike out "5" and insert "2½," and after the word "pound" insert "and, in addition thereto, 20 per cent. *ad valorem*;" in line four hundred and forty one strike out "6" and insert "3," and after the word "pound" insert "and, in addition thereto, 20 per cent. *ad valorem*."

Mr. HOAR. I have an amendment which comes in before that.

Mr. ALLISON. I will withdraw my amendment for the present.

Mr. HOAR. In line four hundred and thirty-nine, after the word "wire," I move to insert the words "and wire of which steel shall be a component part;" in line four hundred and forty-four, at the end of the line, add the following:

Provided further, That all steel in coils not more than three sixteenths of an inch diameter or square, coated with zinc or other metal, and not so coated, shall pay the same duty as steel wire.

Mr. Chairman, the gentlemen will remember that when the matter of iron wire was under discussion the question arose on the part of the gentleman from New Jersey [Mr. CLEVELAND] and the gentleman from Illinois [Mr. BURCHARD] as to the correct description of wire, it having been ascertained that recently a new process had been invented. By agreement on the part of the Committee of Ways and Means a phraseology was adopted correctly describing this process; that is, providing all rolled iron of less than a certain size should be known as wire. I desire to move the same amendment in regard to steel. I desire the question taken on both amendments at once.

The committee divided; and there were—ayes 31, noes 37; no quorum voting.

Mr. ALLISON. I do not understand there is any objection to the first amendment of the gentleman from Massachusetts.

Mr. HOAR. I withdraw the amendment, and offer the first branch of it, so as to be first voted on.

Mr. BROOKS, of New York. The present duty on steel wire is 2½ cents per pound and 20 per cent. *ad valorem*. The proposition of the committee is to make it 5 cents per pound, and the gentleman from Massachusetts [Mr. HOAR] proposes to insert a new thing under that classification. I think the duty on this steel wire is high enough now. Everybody ought to be satisfied with it; but I object for the present to the gentleman introducing a new thing here. I shall object to the doubling of the rate by and by.

The CHAIRMAN. The tellers, Mr. KELSEY, and Mr. BROOKS of New York, will please take their places.

The committee divided; and the tellers reported—ayes 90, noes 35.

So Mr. HOAR's amendment was agreed to.

Mr. ALLISON. I now move the amendment which a short time ago I stated I should offer.

The Clerk read as follows:

In line four hundred and thirty-nine, as amended, after the word "value" insert "less than one quarter of an inch diameter, and:" and in line four hundred and forty-four strike out "5" and insert "2½," and after the word "pound" insert "in addition thereto, 20 per cent. *ad valorem*;" in line four hundred and forty-one strike out "6" and insert "3," and after the word "pound" insert the words "in addition thereto, 20 per cent. *ad valorem*.

Mr. ALLISON. I offer this amendment for the purpose of making this paragraph conform as nearly as may be to the existing law, the exception being that the committee have substituted No. 13 wire gauge for No. 16 wire gauge, so that even if my amendment were adopted all steel wire between No. 13 and No. 16 would pay a higher rate of duty. I have not changed the wire gauge numbers as proposed in the bill. Now, I do not understand that it is proposed generally to make an increase of the rates of duty upon steel wire.

Mr. MAYNARD. Will the gentleman allow me to ask if I am correct in understanding his amendment to be that instead of 5 cents per pound he substitutes 2½ cents and 20 per cent. *ad valorem*, and instead of 6 cents per pound 3 cents and 20 per cent. *ad valorem*?

Mr. ALLISON. Yes; I desire to make the paragraph conform exactly to the existing law with reference to this steel wire, except that I substitute the proposal of the committee with reference to the wire gauge, leaving it No. 13 instead of No. 16, as it is now in the existing law. The proposition of the Committee of Ways and Means increases the rate of duty upon this class of steel wire by substituting a specific duty of 5 cents per pound where a specific duty of 2½ cents per pound and an *ad valorem* of 20 per cent. now exists.

Mr. BROOKS, of New York. Can the gentleman state what percentage of increase that will be?

Mr. ALLISON. I cannot just now state what the exact increase will be, but it will be a very large percentage.

Mr. BROOKS, of New York. It will be an increase of 100 per cent.

Mr. ALLISON. I am aware that it is a large increase. We have already reduced somewhat the duty on the steel from which this wire is made, and the importations of steel wire under the existing rate of duty are very small indeed; therefore there can be no possible reason for increasing this rate of duty upon steel wire. I desire to have a vote on my amendment.

Mr. MAYNARD. I rise in order to ascertain if I correctly understand the gentleman's amendment. If I do, I think it is a proper one. I understand that it is to make the section read as it does, except substituting for 5 cents, 2½ cents and 20 per cent. *ad valorem*, and for 6 cents, 3 cents and 20 per cent. *ad valorem*. I think that is better than what is proposed in the bill for this reason, that there is a great difference in price between the different qualities of wire; and as the duty in the form proposed by the gentleman from Iowa will be something like a correct relative rate of duty on the different grades, I shall support the amendment.

Mr. ALLISON. Then I presume there will be no objection to the amendment.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. HOAR. I move to amend by striking out the last word. The increased rate of duty proposed by the committee, as I understand, only corresponds to the increase in the rates of duty on the kind of steel which the manufacturer is obliged to purchase for his wire. That is, it is made to correspond as nearly as possible. And I think the question whether the duty should be reduced, as proposed by the gentleman from Iowa, should depend on what rate of duty is left by the committee on steel.

Mr. KELLEY. If the gentleman will permit me, I will say a word or two. The committee seem to have had two objects in view in reporting as they have done upon wire—the first the conversion of an *ad valorem* into a specific duty, and the second a proper adjustment of the rates of duty. By reference to the Treasury report of the importations of 1868, the last we have, it appears that the rate of duty at 2½ cents a pound and 20 per cent. *ad valorem* on wire less than 16 wire gauge averaged about 84¼ per cent., and upon the finer wire but about 27½ per cent.; so that looking to the increased amount of labor involved in the manufacture of wire, an article drawn cold and frequently annealed, losing a part of its substance at each annealing, and the desirableness of getting rid of the *ad valorem*, the committee fixed the rates as they are proposed in the bill. Rolled steel is that out of which the wire is often drawn, and therefore it is proper to embrace it in this paragraph, as has been done, but it is not really wire. It is treated as wire because it could be imported as rolled steel under other grades of duty if it were not put here. These are the reasons that influenced the committee, and I think they are sufficient to control the Committee of the Whole.

The question was taken on Mr. ALLISON's amendment; and it was agreed to.

Mr. BROOKS, of New York. I move to strike out the proviso as follows:

Provided, That wire for piano and other musical instrument strings, and steel wire covered with silk, cotton, or other textile material, shall pay 25 per cent. additional.

There is a celebrated line of poetry that has attracted much attention, and it is—

"Woodman, spare that tree."

I beg one side of this House to have respect to the piano and the strings of the piano, and of the harp—ay, even of the banjo, for sometimes they may be of wire. I beg the committee at least to spare the pianos and the piano wires. I have appealed in vain in behalf of the ladies of the country for their hair-pins, and it was of no use. I have appealed in behalf of their corsets, and the House was equally deaf to that appeal. In the name of the muses, in behalf of the piano, which graces almost every home in the country, I respectfully beg the attention of this steel majority—I mean to spell the word as in the bill, [laughter]—I respectfully beg their attention to this new tax of 25 per cent. *ad valorem* upon the wire which goes into pianos, in addition to the existing duty. I hope those who have been deaf to all other appeals will at least not be deaf to music, and will not deserve the stigmatizing line of the poet who speaks of those who have no music in their souls.

Mr. MAYNARD. Mr. Chairman, my friend from New York seems to have been singularly touched by our action on the subject of corsets. He comes back to that "mutton" every day or two, or once or twice every day, and I suppose, having made that point upon us, he has now accomplished the object of his amendment, and I shall not waste any time in showing that this class of products is more expensive and involves a great deal more labor than ordinary wire. I rose, however, for the purpose of moving a verbal amendment to the proviso before the vote is taken on striking it out. Instead of the rather awkward phraseology found in the bill, "wire for piano and other musical instrument strings," I move to

insert the words "wire for strings of pianos and other musical instruments."

Mr. MAYNARD'S amendment was agreed to.

The question recurred on the motion to strike out the paragraph.

Mr. HOAR. The purpose of the gentleman from New York [Mr. BROOKS] is to refrain from imposing upon a luxury, a particular and expensive kind of luxury of the parlor, the same duty which we have imposed on the hairpins and corset-wires of the poor laboring woman, the factory girl, and the servant in the kitchen. This is a tax on a luxury simply, a necessary of life to no person; and it seems to me that if any revenue is to be raised by duties on imports, no person can claim that it is proper to reduce the revenue upon this particular article.

The question was put on Mr. BROOKS's motion; and on a division, there were—ayes 40, noes 62; no quorum voting.

Tellers were ordered; and Mr. COX and Mr. MAYNARD were appointed.

The committee divided; and the tellers reported—ayes 49, noes 66.

While members were passing between the tellers,

Mr. SCHENCK said: Is it in order to call attention to the fact that while there are one hundred and seventy members here we can hardly get a quorum to vote?

The CHAIRMAN. The Chair has no control over that matter.

Mr. SCHENCK. Then I withdraw the remark.

The tellers having reported, the Chair announced that the amendment was rejected.

Mr. HOAR. I move to amend this paragraph by adding to it the following:

Provided further, That all steel in coils, not more than three tenths of an inch diameter or square, coated with zinc or other metal, or not so coated, shall pay the same duty as steel wire.

My amendment is designed simply to remove an ambiguity of expression in the bill as it now stands, and not to alter the duty as proposed by this paragraph. When the subject of iron wire was before the Committee of the Whole the other day the gentleman from New Jersey [Mr. CLEVELAND] and the gentleman from Illinois, [Mr. BURCHARD,] the latter of whom was very earnestly in favor of a reduction of the duty, and both of whom had been practically engaged in dealing in this article of wire—both of those gentlemen made exception to the phraseology of the Committee of Ways and Means. The committee had made use of the expression "steel wire, either rolled or drawn." It was agreed here by gentlemen on both sides who were practically acquainted with the business, that the distinction between wire and rod does not lie in the matter of size, but depends upon the fact whether the article is rolled, an operation which is performed when the iron is hot, or whether it is drawn through a plate, an operation performed while the iron is cold.

Now, a tariff intended to protect steel wire does not protect it against competition from an article of the same size but which is produced by another process. By an invention recently brought to perfection in England, and now in process of introduction into this country, both iron and steel are rolled to the size of the piece which I now hold in my hand, and to a size still smaller. Upon that criticism being made upon the bill it was suggested that as it was a mere question of phraseology and not of substance, undoubtedly a phrase could be selected which would meet the objections of gentlemen on both sides. Accordingly, the precise phraseology which I have employed in my amendment to be applied to steel was agreed to by the Committee of the Whole in regard to iron without objection from any one. I desire that the Committee of the Whole shall adopt this amendment in regard to steel wire. I understand that my friend from Iowa [Mr. ALLISON] assents to my proposition.

Mr. BROOKS, of New York. I desire to inquire of the gentleman from Massachusetts [Mr. HOAR] if he includes hoop-skirt wire in his amendment?

Mr. HOAR. I suppose not. I do not know what amount of hoop-skirt wire is made of steel.

Mr. COX. The other day, when the subject of iron wire was before the Committee of the Whole, gentlemen said that it did not include hoop-skirt wire. Now, when we are considering the article of steel wire, I want to know if it includes hoop-skirt wire covered with cloth. I understand from my friend from Utah—I beg his pardon, I mean the gentleman from Massachusetts, [Mr. HOOPER,] that hoop-skirt wire is not included in this pending paragraph, but it may be included in a subsequent paragraph. I will therefore wait until it comes up for consideration.

The amendment of Mr. HOAR was then agreed to.

Mr. BROOKS, of New York. I am sorry I have this duty to perform, but it is nevertheless a duty. I move to further amend this paragraph by adding to it the following:

Provided, There shall be no rates of duty levied upon steel wire over 75 per cent. *ad valorem*.

I must nibble away at this bill, even upon the article of iron, no matter in what category of insects I may be classed by the chairman of the Committee of Ways and Means, [Mr. SCHENCK.] I must, therefore, nibble away at this wire and at these amendments which the gentleman from Massachusetts [Mr. HOAR] has been able to have ingrafted upon the original bill, and for which that wire factory in Worcester, in the district which he so ably represents here, should be thankful, which they no doubt will highly appreciate, and for which he will most thoroughly deserve not only their thanks, but the thanks of all the wire manufacturers in and about the Worcester district, which he represents. But I would beg the honorable gentleman from Massachusetts, [Mr. HOAR,] I humbly beg of him, not only in behalf of those who use pianos, but also in behalf of those who wear skirts, to be content with a bounty of 75 per cent. *ad valorem*, at the utmost, and not to ask for more.

The rate of duty on wire is now 2½ cents and 20 per cent. *ad valorem*. The increase of this duty to 5 and 6 cents per pound is an increase of from 100 to 140 per cent. upon these wires. A bounty so enormous as this is too much to ask from this House. In behalf of almost all classes of wire, not only that used in pianos, but even that employed in making rat-traps and bird-cages, I most respectfully ask the gentleman from Massachusetts to accept my proposition and to be content with a bounty of 75 per cent. *ad valorem*. Before I sit down I will make a single further remark. I see that the honorable gentleman from Pennsylvania [Mr. KELLEY] is about to make a speech based upon a little book which he and I have thoroughly studied and fully comprehend; in other words, he is going to give us from the Treasury reports a new recitation of the story of *ad valorems*. I have heard it repeated over and over again; and in answer to the intended speech of the gentleman, and if possible to save him the necessity of making the speech, I will say that though the average of duties in the Treasury report may be below 75 per cent., what I propose is that upon all wires now rating in duty above 75 per cent. *ad valorem* the duty shall be only 75 per cent. I will not dispute the Treasury returns, and I do not think the gentleman should object to my proposition.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and the Speaker having resumed the chair, a message from the President of the United States, by Mr. HORACE PORTER, his Private Secretary, announced that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 9) to provide for the revision and consolidation of the statutes of the United States;

An act (H. R. No. 268) for the relief of Captain George E. Grisham, of Tennessee;

An act (H. R. No. 840) amendatory of the organic act of Colorado Territory, and for other purposes;

An act (H. R. No. 869) to authorize the issuing of a certificate of registry or enrollment to the schooners Zenas Snow and Patriot;

An act (H. R. No. 897) to incorporate the Washington and Boston Steamship Company;

An act (H. R. No. 945) to provide for the survey of the Fort Gratiot military reservation, in the State of Michigan;

An act (H. R. No. 1413) for the relief of Sophia A. Moen, administratrix, and Philip L. Moen, administrator of Augustus R. Moen;

An act (H. R. No. 1611) for the relief of Friend A. Brainard;

An act (H. R. No. 1635) to authorize the corporate authorities of the city of Georgetown, in the District of Columbia, to pave and improve the streets thereof;

An act (H. R. No. 1912) to extend the time within which persons elected to office may take the oath of office prescribed in an act entitled "An act to admit the State of Texas to representation in the Congress of the United States;"

Joint resolution (H. R. No. 125) for the relief of James L. Ridgely, collector of internal revenue for the second district of Maryland;

Joint resolution (H. R. No. 144) to enable the Court of Claims to hear and determine the claim of E. Diekelman, a subject of the king of Prussia;

Joint resolution (H. R. No. 146) for the return of evidence of honorable discharge to officers and enlisted men;

Joint resolution (H. R. No. 156) authorizing the sale of certain lands at Springfield, Massachusetts, and for other purposes;

Joint resolution (H. R. No. 197) for the relief of George S. Atkinson, late assistant quartermaster of volunteers;

Joint resolution (H. R. No. 215) authorizing the supply of arms for instruction and practice to colleges and universities;

Joint resolution (H. R. No. 245) making an appropriation to defray the expenses of the Committee on Education and Labor incurred in pursuance of investigations ordered by the House of Representatives; and

Joint resolution (H. R. No. 271) making an appropriation for the purpose of making experiments in the ventilation of the Halls of the Capitol.

THE TARIFF.

The Committee of the Whole on the state of the Union resumed its session.

Mr. KELLEY. The personal intimacy between the gentleman and myself during the last ten or twelve months has been so great that we have sounded each other's depths and shoals thoroughly. For once he has found a factory outside of Pennsylvania. The gentleman's speeches are so admirable in the "buncombe" way that I will only say a word in reply to them. This motion is purely "buncombe," for the gentleman knows very well the *ad valorem* duty on wires ranges between 27½ and 34¾ per cent.; and he makes the motion to have it voted down so he may tell his constituents next year, because he knows what it is, not that we have imposed a duty of 75 per cent., but that we refused to lower it at 75 per cent. I hope gentlemen will give him the benefit of that argument to his enlightened constituency.

Mr. HOAR. I move to strike out the last word. Mr. Chairman, I wish to say to the gen-

tleman from New York, [Mr. BROOKS,] who urges the necessity for protection of "rat-traps," that it seems to me his appeals are entirely thrown away when there is so great a cat in the meal. This is an interest, although not among the most important interests, of the district I have the honor to represent. It is one of the very many interests which are carried on there. It is important to the country that it should be kept up. It requires skilled industry and experience to carry it on. We are here asking for no more protection on our interests and industries than we are willing to concede to all the rest of the country. The people of my district have supported by their representation here, almost since the Government was founded, the great policy of granting Government aid for the improvements of the harbors and rivers of the West. They have sustained the great policy by which the rapid settlement of the western States has been promoted by giving freely and at a mere nominal price grants of the public land to actual settlers. They have earnestly advocated the policy which has enfranchised the labor in the South, which has enabled it to start out in a new career; and they are perfectly willing in regard to all these industries, if they desire it, and the condition of the country can afford to have us inaugurate the principle of free trade—they are willing to look out for themselves and to trust to themselves in the race for a livelihood on that principle; but while iron and steel and coal, the foundation of their industries in this country, are protected by high rates of duty they claim that the manufactures in which they are interested shall receive equal protection.

Now, one word as to this wire. It is an industry not confined to any one locality. The manufacture of this wire is growing up all over this country. It has been established in Massachusetts, in Connecticut, in New York, in Cincinnati and St. Louis and Cleveland; there are establishments in all these places, as well as in other places I have not indicated; and they are manufactories, as I observed the other day, which depend most entirely on the very highest form of skilled labor. The protection which they receive is a policy that says to the skilled laborers of Germany and England, the best and most valuable class of citizens, if they desire to supply these articles to our people they can come over here and establish their manufactories. The policy of protecting this wire interest is bringing skilled workmen from England and Germany to the doors of the very gentlemen who sit upon this floor as Representatives of the western part of this country. We do not ask protection as a local matter, but in the great interest of the American people.

[Here the hammer fell.]

Mr. COX. I move to strike out "75" and insert "60," simply for the purpose of saying that the gentleman from Massachusetts [Mr. HOAR] talks very well in favor of his own special interests. I never knew him to fail to speak for his district, and his constituents would do wrong if they failed to send him here to speak for his district. But when he goes beyond and speaks for manufactures in New York, Cleveland, and everywhere else, that raises a question for a larger discussion. This proviso is that wire for pianos and other musical instruments shall pay an additional duty of 25 per cent. *ad valorem*. The gentleman refers to what his people have done. Does he not know that in the last thirteen years we have had thirteen tariffs made in the interest of Pennsylvania and his people, for I would not forget Pennsylvania on this occasion, and they have taken nearly $1,050,000,000 in gold from the pockets of the people during the last thirteen years? This was for the purpose of raising revenue and incidentally or directly protecting a certain class of manufacturers. Now, so far as the free-trade element in this House is concerned, I have to say that we are willing to adopt the definition given by the great organ of the protectionists in this country, the New York Tribune. We say that we hold as a distinguishing tenet of the free-trade party—

"That no duty shall be imposed on the importation of foreign products except for revenue, and that the highest rate on any article shall be that which shall put most money into the Treasury."

This is substantially the proposition of my friend from Illinois, [Mr. MARSHALL;] and every free-trader, every Democrat especially, and every man progressing in that direction must stand on that definition of Mr. Greeley and fight down those propositions which look to fostering these various infant manufactures throughout the land. I care not where they come from, whether they are intended to protect the piano-makers or whether they are to apply to the negroes who play the banjo with these wires which are so covered as to make music. All I know is that in the end the people pay for the music, and they pay it to a few persons, and those few persons, as is developed by every debate here, reside in one or the other of the protected States of this country—I mean either in Massachusetts or in Pennsylvania. Now, Mr. Chairman, by this clause now engaging the attention of the committee there is an attempt by the Committee of Ways and Means to add 25 per cent. to the present tax on these wires. That is as I understand it. If I am wrong in that understanding, the chairman of the Committee of Ways and Means will correct me. Yet it is claimed that this is a tariff for the reduction of revenue, although on these various items, as we have shown, item by item, there is an increase. Am I not correct in the statement I have just made?

[Here the hammer fell.]

Mr. SCHENCK. The gentleman is very much troubled about wire. I do not know why he should be. I had occasion to step out of the Hall a little while ago, and he and others took advantage of my absence to raise very much the duty on wire; and I say this in the presence of my friend from Iowa, [Mr. ALLISON,] who, I understand, made the motion which has that effect. The present duty on wire, which the amendment of the gentleman from Iowa has restored, is 2½ cents per pound, and 20 per cent. *ad valorem* on one class, and 3 cents per pound and 20 per cent. *ad valorem* on the other. Now, on the 2½ cent wire the average invoice valuation—and the importers always put it low enough—is 17 cents per pound; 20 per cent. on that and 2½ cents added makes a duty of $5\frac{20}{100}$ cents per pound. Then, as regards the class on which there is a duty of 3 cents and 20 per cent. *ad valorem*, I find that the average valuation is 40 cents per pound; 20 per cent. on this would be 8 cents, and adding the 3 cents the duty will be 11 cents per pound. The Committee of Ways and Means, believing that duties of $5\frac{20}{100}$ cents on the one class and 11 cents on the other were too high, proposed to lower them to 5 and 6 cents. But inasmuch as everything that the Committee of Ways and Means does must be wrong, and inasmuch as gentlemen are exceedingly anxious to strike out their work and put something else in its place, they have returned, as I understand, to the old duty or its equivalent, and have thus added to what the committee proposed, nine tenths of a cent in one class, and nearly double what they proposed in the other class.

I do not know why the gentleman should be afraid of the consequences of making some proper provision for this covered wire, which is introduced in the last clause of the paragraph. There is a good deal of ingenuity, industry, mechanical skill, and application of machinery in the covering of the wire, and what is proposed is that there shall be an additional duty of 25 per cent. *ad valorem*.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. COX. I withdraw it.

Mr. ALLISON. I renew it. It seems that, very unfortunately for the Committee of Ways and Means, the chairman of the committee had occasion to step out of the Hall, and that thereby the duty upon iron was increased. I do not know precisely how the gentleman figures it out when he says that the Committee of Ways and Means, thinking the duty too high, proposed a reduction. If that was what was proposed by the Committee of Ways and Means, it is the most remarkable proposition that ever has come from them, because in every provision of this bill having reference to iron and steel the device of the Committee of Ways and Means has been to increase the duty.

There has not been a classification introduced here the effect of which has not been to increase the rates of duty, except perhaps in a few accidental cases, and I call upon the committee to remember that the Committee of the Whole have reduced time after time the rates proposed by the Committee of Ways and Means because they were so enormously increased that the Committee of the Whole would not endure that increase. Now, what is this provision? As the gentleman states, the Treasury report shows that the duty on this steel wire of the first class is 34¾ per cent. *ad valorem*, and on the second class 27½ per cent. *ad valorem*, and yet we have been here day after day putting duties of 65 and 70 per cent. upon iron and steel. The chairman of the Committee of Ways and Means says that during his accidental absence, in defiance of the wish of that committee, who desired to reduce these enormous duties, we have increased the duties upon this steel wire.

Now, it may be possible that the duties on some classes of steel wire may be increased a fraction by the proposition which I offered on the percentage as shown by the average rates here. But my proposition is an *ad valorem* coupled with a specific duty, which passes through all this bill whenever it suited the purpose of the Committee of Ways and Means to tack on an *ad valorem* duty, but whenever it does not suit their purpose to tack on an *ad valorem*, they strike out the *ad valorem* and make a specific duty. Now, I have no desire to attack the bill of the Committee of Ways and Means in any sense, and I have not assumed that attitude here, but as a Representative I have a right to offer amendments reducing duties or increasing duties as I see proper, and I have made these propositions with as much good faith as the chairman of the Committee of Ways and Means has made any proposition with reference to this bill.

I believed that the proposition of the committee increased the rates by placing specific duties upon this wire, and my amendment was opposed by the gentleman from Massachusetts, [Mr. HOAR,] who represents this interest. I have no doubt that he and his constituents, who are interested in wire, understand the proposition of the Committee of Ways and Means to be an increase of duties, whatever the chairman of the Committee of Ways and Means may say. The duty under the existing law, compared with other duties, I admit is a low one, and if the gentleman from Ohio is content with an *ad valorem* duty of 34 and 27 per cent., I am content with that duty. If he thinks that duty is too high, I will vote with him to strike out any portion of that *ad valorem*, and it can be done now as well as at any other time.

[Here the hammer fell.]

Mr. SCHENCK. My colleague on the committee answers as to everything except the fact which is a matter of figures and calculation which he himself will not contradict. As to his assignment of motives to the Committee of Ways and Means, I let all that pass. He is a member of the Committee of Ways and Means.

Mr. ALLISON. I have assigned no motives to the Committee of Ways and Means.

Mr. SCHENCK. I thought he said they

were very ingeniously attempting in every case to raise the duties.

Mr. ALLISON. No, sir; I said no such thing, nor anything which can be tortured into it.

Mr. SCHENCK. He said "by all kinds of devices." I think I was not mistaken in the language. As the gentleman is one of that committee, I leave him to take his share of any charges he makes against the committee, only saying that the rest of the committee, I apprehend, are just as honest in their motives as he is. If he does not mean to impeach the motives of anybody on the committee he does not attack himself. If he does, I think he will have to be included in the general onslaught. But that does not at all answer the question. Now, I aver that by the present tariff the class of wire that bears a duty of 2½ cents a pound and 20 per cent. *ad valorem* is introduced, at the low valuation the importers put upon it, at 17 cents a pound; 20 per cent. upon 17 cents added to the 2½ cents makes $5\frac{20}{100}$ cents. We put it at 5 cents. The gentleman proposes to go back to the $5\frac{20}{100}$ cents. The other class is at $3\frac{30}{100}$ cents, and by the returns from the custom-house I find that it is by the average invoice valuation imported at 40¾ cents. I did not calculate the three fourths of a cent, or it would have been a little higher Take it at 40 cents, and 20 per cent. on 40 cents is 8 cents, and 3 cents added to 8 cents is 11 cents; and we have reduced it to 6 cents, but the amendment carries it back to 11 cents. That is all I said. I simply said that it did not come well from those gentlemen who object, in reference to covered wire, to some little additional protection on account of the use of machinery for wrapping or covering the wire, and the industry employed in the manufacture, when they themselves prefer not to abide by that which the Committee of Ways and Means had reported, but to go back to a very much higher rate of duty. I do not find that anybody contradicts that; I believe the gentleman from Iowa [Mr. ALLISON] will not contradict it. And that was the whole of my argument. My reference to the fact that I had been absent from the Hall for a few moments was rather intended to be playful; but it seems my jocular remarks cannot be understood as such. I am always so much in earnest, in contradistinction to the gentleman from New York, [Mr. Cox,] who is always so funny that he is generally supposed to mean nothing, which I believe is usually the fact. [Laughter.]

Mr. ALLISON. I will withdraw my amendment, and move instead to amend line four hundred and forty-three, by striking out "25" and inserting "5" as the additional per cent. to be paid. If we have made this duty so enormously high in the preceding lines of the paragraph, I think the amendment I have moved will be a fair compromise.

Mr. MAYNARD. I must raise the point of order on that amendment, that it is proposing to reduce what the Committee of the Whole have agreed to, upon the proposition of the gentleman from Iowa, [Mr. ALLISON,] we both agreeing that it would be perfectly right. As we voted it in I must object to reducing it.

Mr. ALLISON. I desire only to reassert what I stated before, that the specific duty of the Committee of Ways and Means was an increase of duty. I will leave it to experts, or gentlemen familiar with the subject, to decide the question between the chairman of the Committee of Ways and Means [Mr. SCHENCK] and myself. But if my amendment is right I trust it will be adopted.

Mr. MAYNARD. Is it in order to move to strike out what has been inserted?

The CHAIRMAN. Such an amendment would not be in order.

Mr. ALLISON. The Committee of the Whole have inserted nothing in the proviso of this paragraph. I have moved to amend the proviso, which has not yet been acted upon by way of amendment.

Mr. MAYNARD. In that case my point of order would not apply.

Mr. HOAR. I understand that the amendment of the gentleman from Iowa [Mr. ALLISON] is not moved upon his understanding of the effect of the amendments already adopted to this paragraph.

Mr. ALLISON. I move it merely to correct the error which the chairman of the Committee of Ways and Means [Mr. SCHENCK] says I fell into.

Mr. HOAR. Then if the gentleman from Iowa [Mr. ALLISON] has been unwittingly led into an error, as asserted by the chairman of the Committee of Ways and Means, [Mr. SCHENCK,] the proposition now pending is to remedy it by diminishing the proposed additional duty upon piano wire, &c. As I understand the matter, the gentleman from Iowa was correct in his original proposition; and as I understand the effect of his original proposition, it was to diminish the rate of duty in the bill reported by the Committee of Ways and Means. I trust, therefore, that he will withdraw the pending amendment moved by him.

The CHAIRMAN. Debate has been exhausted on the pending amendment.

Mr. ALLISON. I withdraw the amendment, if some gentleman will renew it.

Mr. BROOKS, of New York. I renew the amendment. I wish to put upon record the authority of an expert in this matter of wire, an authority vouched for by many other experts, men thoroughly conversant with the trade. I refer to the authority of W. Oothout, who certainly understands the value of wire, and who certifies that this is the fact in reference to this bill. The duty proposed here on steel wire not less than No. 13 wire gauge is 5 cents per pound, while the present duty is 2½ cents per pound and 20 per cent. *ad valorem*, or an increase of 100 per cent. less the 20 per cent. *ad valorem* of the present duty. The duty proposed here on steel wire less than No. 13 wire gauge is 6 cents per pound, while the present duty is 2½ cents per pound and 20 per cent. *ad valorem*, and 3 cents per pound and 20 per cent. *ad valorem*, or an increase of 140 per cent. in some cases and 100 per cent. in other cases, less the 20 per cent. *ad valorem*. And in addition to those rates it is proposed to put 25 per cent. additional on wire for piano and other musical instrument strings, and steel wire covered with silk, cotton, or other textile material.

Now, it may be easy to laugh at eminent men who are engaged in trade, of high character, whose word is as good as law, and who would no more certify to these statements over their own signatures, if they were not correct, than they would commit forgery or willingly go into bankruptcy. I know them to be men of the highest character, of the strictest integrity, and who have exercised the greatest care in preparing these statements. It is easy to say that they are importers, and therefore interested parties. It would be equally easy for me to reply that there are manufacturers who are equally interested. The question is not what are the men, but what are the facts. The facts are as I have stated, and in my judgment they cannot be gainsaid, but can be fortified by any amount of other testimony. It is in vain to recite here Treasury statements of average *ad valorems*, of 34 per cent. and 27 per cent., because big wire and little wire and wire of various kinds and gauges have an indefinite classification of prices. Some are very high and some are very low, and the Treasury statement shows merely the average value, while the statement to which I have referred shows what will be the additional duty by this bill upon certain classes of wire specified.

I ask, therefore, not for buncombe—for that is a county which I do not represent and have never represented upon this floor—I ask as a guarantee to the public that this is not a fraud upon them, that we shall give them a pledge that there shall be no duty collected on these articles over 75 per cent. *ad valorem*. The reply is not sufficient that I am making a speech for buncombe. The proper reply would be to take me at my word and ingraft that pledge upon this bill, unless it was meant to collect more than 75 per cent. *ad valorem*.

Mr. SCHENCK. I desire to make no reply to the amendment of the gentleman from New York, [Mr. BROOKS,] except to read two or three lines from the report of the Secretary of the Treasury, to show, as the gentleman from Iowa [Mr. ALLISON] has said, that on one class of wire the duty has been 34¾ per cent., and on another class 27 per cent. I refer to the following:

Quality of wire.	Quantity imported.	Value.	Rate of duty.	Amount of duty collected.	Average dutiable value per pound.	Average duty reduced to *ad valorem*.
	Pounds.				*Cents.*	*Cents.*
Steel wire less than ¼ of an inch in diameter and not less than No. 16 wire gauge.....	115,161	$10,326	2½ cents per pound and 20 per cent. *ad valorem*...	$6,744 23	17	34¾
Finer than No. 16.....	69,220	30,151	2½ cents per pound and 20 per cent. *ad valorem*...	8,107 10	40¾	27¼
	10,531	2,421	20 per cent. *ad valorem*...	800 13		

If the speech of the gentleman from New York [Mr. BROOKS] is not for buncombe, then it does not partake of the character of like speeches which have been made all through this discussion. I now move that debate on the pending paragraph be considered closed.

The motion to close debate was agreed to.

The question then recurred upon the amendment of Mr. ALLISON, to reduce the additional duty on piano wire, &c., from 25 to 5 per cent. *ad valorem*; and being taken it was not agreed to.

The question then recurred upon the amendment moved by Mr. BROOKS, of New York, to add to the paragraph, as amended, the following:

Provided, There shall be no rate of duties levied and collected upon wire over 75 per cent. *ad valorem*.

Upon a division there were—ayes 40, noes 61; no quorum voting.

Tellers were ordered; and Mr. BROOKS, of New York, and Mr. CESSNA were appointed.

The committee again divided; and the tellers reported that there were—ayes 46, noes 78.

So the amendment was not agreed to.

The question then recurred upon the motion of Mr. BROOKS, of New York, to strike out the proviso; and being taken, it was not agreed to.

Mr. SCHENCK. I have been instructed by the Committee of Ways and Means to move to insert immediately after the pending paragraph the following:

On crinoline, corset, and hat steel, commercially known as wire, whether covered with cotton or other textile material, or not covered, 9 cents per pound and 10 per cent. *ad valorem.*

Here is an opportunity for gentlemen to distinguish themselves. I am very sorry that my friend from New York, who has put in print a very eloquent speech on corsets, but which I am told he did not actually deliver, had not reserved himself till now.

Mr. BROOKS, of New York. That is not the fact.

Mr. SCHENCK. I refer to the other gentleman from New York, [Mr. COX.]

Mr. BENJAMIN. Is this amendment debatable?

The CHAIRMAN. It is not; debate has been closed on this paragraph.

Mr. SCHENCK. My amendment is a new paragraph.

The CHAIRMAN. No amendment can be received and considered except as an amendment to the pending paragraph, subject to all the incidents and conditions of that paragraph

The question was on the amendment moved by Mr. SCHENCK.

Mr. BROOKS, of New York. Is it debatable?

The CHAIRMAN. It is not.

Mr. SCHENCK. Then I withdraw it if I cannot explain it.

Mr. ELDRIDGE. If in order, I should like to have the gentleman from New York [Mr. COX] repeat the speech to which the gentleman from Ohio has referred.

The CHAIRMAN. There is no question before the committee.

The Clerk read as follows:

On steel railway frogs, frog-points, fish-bars, side-bars, splice-bars, cutter-bars, finger-bars, crow-bars, and sledge molds, 3¼ cents per pound.

Mr. ALLISON. I move to strike out 3¼ and insert 2½ cents per pound. I do not desire to occupy any time in discussing the amendment. Most of the articles are composed of the lowest grade of steel. Indeed, most of them are composed of steel known as Bessemer steel. There is very little manufacture about them. They are generally molds. Therefore, inasmuch as these enter into general use the rate is too high. The existing rate is 45 per cent. *ad valorem* on this class of articles. Two and a half cents per pound is as high a rate of duty as these articles ought to bear.

The committee divided; and there were—ayes 62, noes 50.

Mr. NEGLEY demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. NEGLEY and Mr. ALLISON.

The committee again divided; and the tellers reported—ayes 65, noes 58.

So the amendment was agreed to.

The Clerk read as follows:

On steel car wheels, 3¼ cents per pound.

Mr. INGERSOLL. I move to amend that paragraph so as to make it 2¾ cents per pound. I do not intend to make any extended remarks on this amendment, as the subject by this time must be thoroughly understood by the committee. But I will say, while we are proposing to some extent to protect the steel manufacturing interest in this country, let us not forget the transportation interests of the country, or, in other words, let us remember the great interest the producers have in cheap transportation for bringing western products to market.

Mr. MAYNARD. I hope this amendment will not be adopted. I see no good reason for it. We have fixed the duty on steel in several shapes at 3 cents a pound, and we ought not to reduce the duty as proposed by the gentleman from Illinois on steel car wheels; for their manufacture is more expensive, requiring a more advanced kind of labor. The duty ought not to be reduced on the mere suggestion of any gentleman who may get up here.

Mr. INGERSOLL. Will the gentleman inform the House whether it costs any more per pound to make a steel car wheel than to make steel railway bars?

Mr. MAYNARD. Certainly.

Mr. INGERSOLL. How much—I want a specific answer—how much more?

Mr. MAYNARD. This is steel of a higher grade, requiring a superior quality of skilled labor.

Mr. SCHENCK. I propose to amend the amendment to make it 1 cent higher. There are some curious things developed in the course of a debate of this kind; and one is the eager desire of gentlemen to protect the poor people, the mass of the citizens of the country in the enjoyment of cheap commodities. One would think that men, women, and children went about with car wheels in their pockets, and with steel railway frogs, fish-bars, cutter-bars, crow-bars, and sledge molds. Now, what does it all mean? You must break down the manufactures which are monopolies. For whose benefit? Not that the people may get car wheels, and frog-points, and steel railway bars; but that great railway corporations shall get them cheaper. What does the gentleman say? Ah, says he, but they will get the benefit of it in cheaper transportation. Not a bit of it. That argument will not apply to manufactories. Where you have one manufactory you are perfectly free to build another manufactory alongside of it. Where you have one railroad line, everybody is not allowed to build a competing railroad line alongside of it. From one class of corporations, with whom everybody can compete, you are to legislate in such way as to take all protection in order, not to give it to the people, but to give it to another class of corporations which are protected, because you cannot build alongside them competing lines of competing corporations. If I believed this thing was going to cheapen transportation to the people, I could understand it. I can understand how, where you have a manufactory established, of steel car wheels, for instance, which is profitable, other manufactories will be established, and they will continue to grow until car wheels are brought down to the cheapest possible rate.

But it is not so with railways. They are under special charter. They occupy particular ground and monopolize that ground, and there is a limit to the competition with them. And the consequence is that there is no power more strong, monopolizing, and tyrannical over the people of this country and their interests than is to be found in this great railway connection. See how it operates through our country everywhere. There is a great railway line running through my district. Right alongside this railroad line there are mills and warehouses filled with flour, which the owners want to send to New York. They have to send it back twenty or thirty miles to Cincinnati in order to have it taken as through freight, and then have it brought back past their mills in order to reach New York. They find it cheaper to do that than to ship it at their own mills. Why? Because these great railway companies in this matter of transportation not being competed with, as manufacturers are, can hold the whole thing in their hands to put whatever rates of transportation they please on the products which the people of the country desire to send to market. I marvel very much, as I said the other day, when I see a man interested in banks quite willing to see manufactures broken down, but he rallies to the rescue if you touch banks in any way. In like manner a man who is interested in railroads can see no monopoly there, no exercise of a great tyrannical power, and, though he allows the manufactures of the country to be attacked, will rally to the rescue in favor of railroads and railroad corporations. Now, as regards this matter of the production of railway car wheels, I will only say that everybody is at liberty to make them, and if they are too high in price they will be brought down by competition. But so far as railroads are concerned they occupy very peculiar ground, because there is no open competition as to them. And this amendment is simply, though I am sure not so intended by my friend from Illinois, [Mr. INGERSOLL,] to legislate against the manufacturer of the car wheels in favor of the railroad corporations.

Mr. PETERS. Mr. Chairman, I have taken no part in this debate up to the present time. I do not wish to take the part of the demagogue which the gentleman from Ohio assumes to be the part taken by some gentlemen on this floor. I am interested, and so are my constituents, in the building of railways. What has been said by the gentleman who has just taken his seat may have some truth and some application as regards certain localities; but it has no particular application so far as my section of the country is concerned. When we wish to build a railroad in our section of the country all the inhabitants along the line of the road subscribe according to the extent of their ability. Then we obtain the corporate liability of all the towns whose interests are to be served by the railroad, and then we get assistance from the Legislature. And we find it hard to build a railroad when all interests, all parties, and all kinds of capital coöperate to that end.

In the State of Maine—and I speak of that State because I know more about it than of any other locality—we have built roads, and we are undertaking to build more roads. This must be done by the farmer, by the poor man, by the middle-man, and by all kinds of men; and it is almost a death struggle to accomplish it. Well, sir, in the construction of our railroads we want to get everything as cheap as we possibly can obtain it. But at the same time, while our interest lies in that direction, I want to give in the raising of revenue a protection, an ample protection to the iron interest and to all the other interests in the United States. I have sat here patiently and candidly listening to the statements and arguments of gentlemen on both sides, in order, if possible, to find out where the truth lies, so that I may act accordingly when called upon to give a vote.

Well, now, in the previous paragraph we have struck down the duty on steel railway frogs, &c., from 3¼ cents to 2½ cents a pound, and the gentleman from Iowa, [Mr. ALLISON,] a member of the Committee of Ways and Means, stated that that was higher than the present rate of duty. No member of the Committee of Ways and Means and no other gentleman denied that, and therefore I voted for the amendment, believing that a tariff which was put on iron and steel in the middle of the war is a sufficiently protective tariff at this time. When we come to this item of steel car wheels the same rate of reduction would be from 3½ cents to 2¾ cents, which, I believe, is the amendment moved by the gentleman from Iowa. If 2¾ cents is as high as the present rate of tariff I will vote for no higher rate. If it is not as high as the present tariff I will vote for a higher rate. That is my position on this question.

Mr. SCHENCK. I withdraw the amendment to the amendment.

Mr. INGERSOLL. I renew it. The argument put forward by the chairman of the Committee of Ways and Means is certainly a very singular one. He is in favor of promoting the construction of railroads, and seems to talk in favor of competing lines, and yet he insists that cheap iron, cheap rails, cheap car wheels, and everything else that enters into the construction of railroads will have no tendency to create competing lines. That is a strange argument. It might possibly apply to some of the old

States where they have no idea of building additional roads, but it has no application to the Northwest or to the southern States. The truth is, and the gentleman knows it, that many railroads would be built now and would have been built heretofore, if instead of costing $35,000 a mile the materials had been so cheapened that they could have been constructed for $15,000 a mile. I hold this to be true, that there are points between which there is no railroad communication now because railroads could not be constructed for less than $35,000 a mile; yet if by a reduction in the cost of the iron and steel and everything else entering into the construction of the roads, the cost might be reduced to $15,000 a mile, the roads would be built and would pay a profit upon that $15,000 a mile, whereas they would be run at a loss if they cost $35,000 a mile.

Mr. MAYNARD. I would ask the gentleman how much of the $35,000 a mile is in the grading of the road and how much in putting on the superstructure?

Mr. INGERSOLL. It depends very much upon where the road is and what kind of a country it is built through. There are roads where the grading costs more than what is put upon it, and there are roads where the grading costs almost nothing, and what is put upon it costs $15,000 or $20,000 per mile. I cannot give a very definite answer unless the gentleman will name a particular locality.

Mr. MAYNARD. Well, suppose the grading of the road costs $30,000 a mile, the superstructure costs no more than it would on a road costing half that amount.

Mr. INGERSOLL. I think I am correct in what I say. Now, in order to induce competition let us cheapen the cost of iron and rails and car wheels and all the other materials that enter into the construction of railroads. Thus you will have competing lines. I do not believe the gentleman can point to a single instance where a competing railroad would pay where it would be impossible to procure the passage of a law authorizing it to be built. I remember when we had but one line of railroad from the lakes to the sea-board. Now we have a dozen competing lines; we have two or three in a single State, and if it would pay, and if you can induce capital to believe that it would pay, there would be no trouble in getting the necessary legislation. Now the present duty on steel car wheels is 45 per cent. *ad valorem*, and I insist that 3½ cents a pound is a large increase over 45 per cent. *ad valorem*, and that 2¾ cents a pound, as proposed by me, is still an increase on 45 per cent. *ad valorem*.

Mr. BLAIR. Mr. Chairman, when the gentleman from Maine [Mr. PETERS] was on the floor I desired to ask him a question; but he had not time to allow me to do so. I propose to ask the question now, and perhaps to answer it myself. What I wished to ask him was this: after his people have made their subscriptions for building a railroad, when they have laid the road and borrowed the money, selling bonds in order to do so, who own the road? I suppose our experience in the West is very similar to that of the people of Maine. I have seen something of these subscriptions, as have other gentlemen from my part of the country. The people do subscribe, and subscribe very liberally. At the same time they understand that their subscriptions are a donation; that when the road comes to be built and is in the hands of a corporation the donation is not worth a dollar except so far as it has helped to furnish a road to the neighborhood; the monopoly is precisely what it would have been if the gentlemen who at last take the bonds and the mortgage on the road had furnished all the necessary capital in the first place. The people have enabled them to build the track and to secure their monopoly. They come and tell the neighborhood that if a certain amount is subscribed, if the people will vote so much, as we do in our country, to get a road for them, they will put the iron and the rolling-stock upon it and run the road. This is the almost universal practice.

Now, let me make a single remark in reference to what was said substantially by the chairman of the Committee of Ways and Means, and what is observed by others, that the railroad system of the country is a monopoly. I have heard gentlemen denouncing it constantly during this session of Congress. These companies come together and establish among themselves their rates for carrying freight; and I venture to say that almost everywhere throughout the country there exists the same inequality which was referred to by the chairman of the committee. It will be found from one end of the United States to the other that these companies unite to fix rates which will be beneficial to all of them. The manufacturers cannot come together and unite as to the charges which they will make for their wares. They are too numerous; too many are constantly coming in and creating competition. But the railroad corporations thus unite, and there is force in the statement that what is done in this direction does not necessarily go to the benefit of the people, although it inures to the advantage of the corporations.

Mr. HALE. Will the gentleman allow me to ask him one question?

Mr. BLAIR. Certainly; I will do precisely what the gentleman's colleague [Mr. PETERS] refused to do.

Mr. HALE. Is it not the fact that if a road can be built more cheaply, even though the capitalists eventually get control of it, the people along the line who contribute will pay so much less? In other words, suppose that in the case of a railroad enterprise the people contribute a certain portion of the expense, which goes to the benefit of those who finally own the road; if the road can be built for a smaller sum will not the proportional share paid by the people be so much less?

Mr. BLAIR. That would be so if the people furnished the iron and the rolling-stock; but that is precisely what they do not do. By our legislation here we are not cheapening the cost of digging and grading or the cost of the ties which go to make the road. What it is proposed to cheapen here is that portion which is paid for by the capitalists. I admit that perhaps in the long run something might be gained by the people; but it would depend upon a great many other considerations than those involved in this question. All I ask is that these duties shall be equal and fair. I have no hostility to the railroads or to the manufacturers. I want to see them all prosper together, and for that reason I support this bill.

[Here the hammer fell.]

Mr. ALLISON obtained the floor.

Mr. INGERSOLL. I withdraw my amendment, that the gentleman from Iowa [Mr. ALLISON] may renew it.

Mr. PETERS. I wanted to ask my friend from Michigan [Mr. BLAIR] whether 2¾ cents is equivalent to the present duty?

Mr. ALLISON. These car wheels, if I understand correctly, are not made of the most expensive steel. They are made in molds, as are the iron car wheels. I believe that steel car wheels have been but lately introduced, in consequence of the adoption of cheaper modes of making steel. They are made of steel manufactured by the Bessemer process, the cheapest mode of making steel.

Mr. MAYNARD. I wish to correct the gentleman. These wheels are made from cast steel.

Mr. ALLISON. They may be made from cast steel.

Mr. COBURN. I wish the gentleman from Tennessee [Mr. MAYNARD] would state the value of the steel from which these car wheels are made.

Mr. MAYNARD. From 8 to 10 cents a pound, as I am informed.

Mr. ALLISON. By the existing law, locomotive tires, whether of steel or iron, pay a specific duty of 3 cents per pound; and last year our importation of these tires amounted to only $1,899 in value. I take it, therefore, that a duty of 3 cents per pound is practically prohibitory. It certainly costs no more to manufacture steel car wheels than it does to manufacture steel in other circular shapes or forms. Yet the duty proposed upon these steel car wheels is 3½ cents per pound. On the whole wheel as imported the duty is 45 per cent. *ad valorem*. I do not know the exact value of these wheels. The gentleman from Tennessee [Mr. MAYNARD] says it is 10 cents per pound. I think it cannot possibly be that much, or even 7 cents. I am in favor of a specific rate of duty, and I believe the specific rate proposed by the gentleman from Illinois, [Mr. INGERSOLL,] 2¾ cents per pound, will afford ample protection to any persons in this country who wish to manufacture steel car wheels.

I agree with the chairman of the Committee of Ways and Means that these railroad corporations are great monopolies, and deserve no favors in the legislation of Congress. But the increased cost of the materials for running their roads is made by these companies the excuse for their high rates of transportation. I do not know what may be the fact in other States, but in the State in which I reside the people of every county and township are to-day subscribing liberally to build lines which shall compete with these monopolizing corporations that now have the absolute control of the carrying trade in the new States. Whether iron rails shall cost $50 a ton or $75 a ton, whether a locomotive shall cost $9,000 or whether it shall cost $12,000, are questions which affect the starting of these new roads. All these are elements in the cost of the construction of the roads. I desire to be fair to the manufacturers, fair to the railroads, and fair to the consumers. I believe the specific duty proposed by the gentleman from Illinois is just to all.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had concurred in the resolution of the House to correct the enrollment of the bill (H. R. No. 1427) to provide for the creation of corporations in the District of Columbia by general law.

The message also announced that the Senate had passed House bills of the following titles with amendments, in which the concurrence of the House was requested:

An act (H. R. No. 902) limiting the appointment of certain officers in the Treasury Department;

An act (H. R. No. 891) for the relief of Charles E. Dole; and

An act (H. R. No. 40) to confirm the title of William M. Garvey to a certain tract of land.

TARIFF BILL—AGAIN.

The Committee of the Whole on the state of the Union resumed its session.

Mr. MAYNARD. I rise to oppose the amendment. I do not propose to go into the subject of steel manufacture in this country. That was discussed very largely yesterday, and it was shown that this manufacture employs a great deal of capital and a large amount of labor. The earnings of one establishment which I have in my mind give support to no less than 30,000 people. The effect of the introduction of the steel manufacture in this country in cheapening the price of the article to the consumer has already been fully and undeniably stated. This subject of steel car wheels connects itself with all the branches of steel manufacture heretofore considered. These wheels are made from cast steel, and that of a comparatively high grade. They must be made with great care, and when made must be subjected to severe tests, the flaws or defects requiring the rejection of a considerable proportion of those manufactured. The rate of duty proposed by the Committee of

Ways and Means is the same as that fixed by the Committee of the Whole upon "steel of circular shape, cut or hammered to pattern." If there is to be any uniformity in our action, if we are to have any regard to what we have already done with reference to other varieties of steel of the same general character, quality, and cost, the rate proposed by the Committee of Ways and Means is certainly not too high. Some gentlemen seem to think it a matter of course that they must attack the rate of duty proposed by the Committee of Ways and Means, whether it be high or low; and I venture to say that if the committee, instead of reporting 3½ cents per pound, had proposed on this article a duty of $10 per ton, the gentleman from Illinois [Mr. INGERSOLL] would have insisted on reducing it to at least $7.

Mr. FARNSWORTH. Will the gentleman from Tennessee give me some information on a point in reference to which he must be well informed, and that is whether any steel car wheels have been imported into this country thus far?

Mr. MAYNARD. I understand they have.

Mr. FARNSWORTH. To what extent?

Mr. MAYNARD. I cannot tell the number of wheels or the number of pounds, as I have not the figures by me. They come in as non-enumerated manufactures of steel. The introduction of steel for railroad purposes is of recent date. It has been introduced into the manufacture of rails, car wheels, and locomotives within a few years. The introduction of it for making car wheels for railroad purposes is of comparatively very recent origin.

Mr. FARNSWORTH. If it be of recent origin, and the manufacture has grown up in this country under the present tariff, so that very few or none of these car wheels have been imported, is there any reason why at this time we should increase the rate of duty?

Mr. MAYNARD. I have not stated that there were none imported.

Mr. FARNSWORTH. I am told by gentlemen they are not imported.

Mr. MAYNARD. I am told by gentlemen who know that they are. I am not an importer myself. My information is they are imported, and imported quite largely.

[Here the hammer fell.]

The amendment was, by unanimous consent, withdrawn.

Mr. COBURN. I renew it, for the purpose of making a few remarks on this question. The gentleman from Tennessee [Mr. MAYNARD] says that out of the present duty steel manufactories are doing well, and there has been in this country a largely increased production of steel. If the steel manufacture has increased rapidly under the present rate of duty, why not let it remain as it is? Why increase it? If they are furnishing these articles so as to cheapen transportation to the great mass of the people, why add to the existing duty? If they can undersell the foreign manufacture, if we can get these articles so much cheaper from our own steel producers, and this fortunate state of affairs has resulted from the present rate of duty, what good reason can be given for making the duty so high as this bill proposes? The gentleman suggests that steel of this character is worth about 10 cents per pound. The duty at 45 per cent. *ad valorem* would leave the value of steel in the market over and above the duty at 5½ cents per pound. At the proposed rate of 3½ cents per pound the duty will be over 63 per cent. I do not see any reason why we should add any additional burden of that kind in the building of railroads, and thus increasing the cost of transportation.

Gentlemen argue here that it makes no matter what it costs to build a railroad, whether it costs $10,000, $40,000, or $50,000 a mile, because these railroads are monopolies, and made so by help of the people, and that the cost of transportation will be the same, no matter whether the cost of building the railroad has been more or less. An argument of that kind is absurd. The cost of transportation does depend upon the cost of building the railroad. A railroad which costs only $10,000 a mile to build it, and which can procure car wheels and other materials at a like cheap rate, as in other branches of business, can afford to charge for transportation at a much less rate than if the road and materials cost from $40,000 to $50,000 a mile.

The railroads of the country will be run with less margin, with more care and economy, and with reference to their cost hereafter. The laws of trade and acts of legislation will authorize and regulate their fares and freights; and it is idle and useless to say that the cost of these roads and of their transportation will not enter into the calculations in fixing their charges upon the people for their use. Cheap wheels are an important element.

[Here the hammer fell.]

Mr. SCHENCK. I move an amendment, to add three quarters per cent. I wish to close the debate, and I will yield a portion of my time to gentlemen who have not been heard and desire to be heard. Before doing so I wish to set myself right in regard to the remarks which I made. I wish this rate of duty to be just what it ought to be, no more and no less. We reported what we considered right. The gentleman from Illinois [Mr. INGERSOLL] proposes to reduce it. It is proposed to reduce it for the benefit of the consumer, and the consumer is the railroad company. He says that that operates, however, immediately on the people. So far as it does so that is an argument; but what I have marveled much at is to see a sort of monomania here on the subject of manufactures of different kinds, as if they were so much the monopolies of the land that everything else might be left out of sight. Now, manufactories are no more monopolies than any other accumulation of capital for industrial or other purposes. Everybody can compete with them. You can build one manufactory alongside the other; and even if a manufactory is conducted by an incorporated company, they have no right to exclude others from establishing the same business in their immediate neighborhood.

It is not so with railways. The railway corporations occupy their ground by charters, and frequently they are without any competing line, and it is next to impossible to get one established. And therefore it was that I called the attention of gentlemen to the fact, that while they are raising a clamor about the monopoly exercised by manufactures, in escaping Scylla they are running into Charybdis, and legislating against manufactures in order to legislate for the benefit of railroads. For the railroads, while they exercise their monopoly by means of legislation, are not often apt to let the people get the benefit of the low price of any of the materials which they purchase. I now yield to my colleague, [Mr. GARFIELD.]

Mr. GARFIELD, of Ohio. Mr. Chairman, I desire simply to call the attention of the committee to one or two facts. The Committee of the Whole have put down the duty on cast steel to 2½ cents per pound, except where it is cut in peculiar shapes, and then the duty is 3½ cents. Now, car wheels made of cast steel, admitting that they are made of the ordinary steel and not of the Bessemer, are simply cast in molds. They are a very heavy form of manufacture. The proposition as it stands here in the printed bill is to put them at 3½ cents per pound, being 1½ cents per pound higher than the duty on hammered or rolled bar steel provided for in the bill as passed upon by the committee.

Now, if the propositions in the bill should prevail with regard to the duties on the other forms of steel, the 3½ cents per pound provided for car wheels will be much higher than the average of the duties on other forms of bar steel. It seems to be out of proportion to anything now in the law on the subject of steel. Everybody knows that locomotive tire steel is of a much higher quality than cast car steel, and requires a much more costly process to produce it. Under the present law, which has been the law since 1864, the duty on locomotive tire steel is but 3½ cents, and that rate is so prohibitory that but $1,300 worth of it was imported last year, according to the report of the Treasury Department.

I ask the attention of the committee to another point. I ask, is it necessary to single out by themselves for a specific duty these car wheels which hitherto have always been included in the residuary class of "steel not otherwise provided for?" They were not so singled out in the bill which passed the House in 1866, but did not become a law. It has not been thought necessary in any law hitherto to pick out car wheels by themselves and put a specific duty on them, and I see no good reason why they should have this eminence given them. But, as they have been made the subject of a distinct paragraph, I hope the rate will be put down to correspond with the rates which we have fixed for other forms of steel. In accordance with the understanding on which the chairman of the Committee of Ways and Means yielded me the floor, I now move that debate on the pending paragraph be closed.

Mr. BROOKS, of New York. I hope we shall have ten minutes more.

Mr. HAWLEY. I understood the gentleman from Ohio [Mr. SCHENCK] to agree that ten minutes should be allowed after his colleague had closed.

Mr. SCHENCK. To give the opportunity desired by the gentleman from Illinois, [Mr. HAWLEY,] and other gentlemen, I shall say fifteen minutes, and now move that all debate on the pending paragraph be closed within that time.

The motion was agreed to.

Mr. BROOKS, of New York. I rise to say only two or three words in reply to the chairman of the Committee of Ways and Means. Yesterday, in advocating the enormous duty on steel rails, he took the ground of an advocate for railroads. He cited as an argument in favor of the 2 cents per pound on steel rails, the authority of officers of ninety different railroads.

Mr. SCHENCK. I said they were satisfied.

Mr. BROOKS, of New York. He stated further that those officers represented 22,000 miles out of the 55,000 miles of railroad in this country. The main force of the gentleman's argument turned on this point, that the railroads of the country were willing to have the increase, and advocated the increase, in order to have a cheaper rail. To-day he takes quite different ground. In endeavoring to avoid both Scylla and Charybdis, in my judgment he tumbles into both. For to-day his argument is a denunciation of all the railroads as monopolies, while yesterday he argued for those monopolies and brought them to his aid. In my judgment, he has not only fallen into the Scylla and Charybdis of the ancient classics, but he has "jumped Jim Crow" of the modern classics, too, on the subject of railroad monopolies.

Now, Mr. Chairman, the reply to all the arguments of the gentleman from Ohio is this, that the cheaper you can build railroads the greater will be the number of competing lines. Nor is it true, as he alleges, that the railroads between the Atlantic and the West, by which all the produce of the West is transported to the East, are exclusive monopolies. There are four rival lines existing, and I hope I shall live to see twenty, if rails are cheap enough and car wheels and frogs and bars are cheap enough to enable them to be constructed. The existing lines, which are constantly competing with each other, are the New York Central running through Canada; and Canada, by the way, is going to take away much of our transportation under their free-trade system, with no tax upon railroad iron, no tax upon frogs nor upon steel bars. They are going to take away a large

amount of our railroad transportation from the greater facility with they can carry produce. Then there are the New York and Erie, the New Jersey Central, the Pennsylvania Central to Pittsburg, and the Baltimore and Ohio; and another great line is likely to be established from Norfolk, Virginia, by way of the Kanawha river, to Charleston, on the Ohio river. My argument is that the lower the rates of duty, the cheaper the material, the greater will be the inducement for the construction of railroads, and the more you multiply competing lines the cheaper will be the transportation of produce. At present produce of some species is worth little or nothing in the West, in Iowa and Nebraska, because of the cost of its transportation to the East. Make railroads cheaper, multiply competition, reduce the rates of freight, and you add to the value of every bushel of wheat and corn and every pound of pork throughout the whole West.

[Here the hammer fell.]

Mr. HAWLEY. Mr. Chairman, I wish to say something in answer to the arguments advanced by the chairman of the Committee of Ways and Means. What I wish to say is this: that it must be true that to the extent that we can cheapen the means by which railroads are constructed, either in their road beds or their iron, or their rolling material, to that extent we must necessarily cheapen transportation. Now, I do not rise here to advocate the interests of railroad companies as such. The railroad companies as corporations are able to look out for themselves; but I do speak for the people of my section of country, removed so far as they are from the sea-board, and I will favor any measures which are proper and just for the purpose of cheapening the means of transportation over the thousand miles which they are removed from the sea-board.

Now, it must be true that if under any system we can adopt the building of railroads could be cheapened, new railroads would be built; and those new railroads, built at a less expense, must necessarily be able to transport more cheaply what the people of the West want transported from the East to us, and transport our crops from the West to the East. To illustrate it by the case of my own town. From that locality we have now two or three railroads running to the East. One of those roads has been completed within the last six months, and it has had the effect to reduce passenger fares and to reduce freights. During this present summer we expect to complete two more roads. Now, suppose that those two roads to be built this summer can purchase their iron for one third less than the two roads already built paid, will it not be true that they can transport over those roads at a cheaper rate than the roads now built can? Certainly; every man must see that such will be the effect. If a year or two from now still another road can be built, connecting with the great Pacific railroad, at a still cheaper rate, would they not be able to transport still cheaper? I say they certainly would, and every man must see the force of such an argument.

To say that it does not make any difference what railroad iron costs, or what car wheels cost, is to state that which is not correct. While the railroad companies may be able to build their roads notwithstanding the high price of railroad iron, they must necessarily take from the people whose crops, produce, or other freight passes over their roads enough to make up for this excess of price or this greater charge that they are compelled to pay, for the purpose of obtaining both the iron for the road and the rolling stock to put upon it. I say, then, that when we advocate a reduction of these duties we are in favor of cheapening the cost of transportation. I have no purpose of advocating amendments which will reduce the tariff upon this or any other article to such an extent as will ruin or seriously injure or cripple any interest in this country. But I understand it to be conceded by the chairman of the Committee of Ways and Means [Mr. SCHENCK] and other gentlemen here that the tariff as proposed to be fixed by the amendment of my colleague [Mr. INGERSOLL] will still be an increase of the tariff on this article under the existing law.

[Here the hammer fell.]

The amendment to the amendment was withdrawn.

Mr. COVODE. I renew it for the purpose of saying that I have listened to the remarks made upon this steel car-wheel question, and I have found that a great many gentlemen have been talking without a knowledge of the views of railroad men. It is not cheap car wheels that railroad men want, but wheels which will enable people to ride in cars over the roads with safety to life; that is what is for the interest of railroad companies. One of the difficulties which we have to contend with when we import car wheels and axles and rails from abroad is that we do not know who makes them, or who is to be held responsible for the material of which they are made. But when we use wheels and axles and rails that are made in the United States, railroad companies know every man who makes them. There is not a rail or wheel or axle broken on any of the leading railroads of this country but what it is known what mill has made it, if it was made in this country. And if any man makes an inferior class of rails he will soon find himself without orders. It is the same thing with regard to steel car wheels. It is not the cost of the steel wheel, but the quality of it, that is of importance. We want the very best steel in the world in wheels. There is more at stake of life and property in the use of wheels made of poor material than in anything else connected with railroads.

There is probably but one man in this House who is more interested in getting car wheels at the most reasonable price than I am. But I do not want wheels that are merely cheap; I want them to be also good. It is not a question of price at all. And I say that the best way to get good wheels is to hold the manufacturers responsible for them. Now, in reference to what the gentleman from Illinois has said about competition, who seems to have discovered that it is the want of competition that is the trouble. The gentleman says that he has no competition at all at the mills he speaks of. But when he gets to Cincinnati with his produce he will find four competing lines of railroad, as the gentleman from New York [Mr. BROOKS] has said. There is abundance of competition on these railroads. The leading railroads of the country for several months last year did not make a dollar on their through freight, for it was carried below cost for months, on account of the competition between these companies which gentlemen call monopolies. And their revenues had to be made up on the local trade so as to enable them to declare dividends. Another word about the cost of building railroads. In Pennsylvania, where the main lines have cost us over $70,000 per mile, we are carrying freight lower than it is being carried in Illinois, where it does not cost more than $15,000 per mile to build railroads.

[Here the hammer fell.]

Mr. STILES. Mr. Chairman, while we have under consideration that portion of the tariff bill in relation to iron and steel, I desire to say that I have voted to sustain the Committee of Ways and Means upon these important interests. But I have obtained the floor for the purpose of saying a few words upon the action of the House in Committee of the Whole in reducing the duty on pig iron. In the absence of myself and my colleague from the Berks district, [Mr. GETZ,] unexpectedly and untimely, with nearly a hundred members of the House, including a number of Republicans from Pennsylvania, a vote was taken upon the proposition of the gentleman from Massachusetts, [Mr. BUTLER,] to reduce the duty upon iron from $7 to $5. Both Mr. GETZ and myself, had we been here, would have voted against that proposition. That vote was not a finality, however, and when the question is submitted to the House we will be found upon the record in favor of the highest rate of duty that shall be proposed.

The attack upon the iron interests of the country is traceable to the report of Commissioner Wells, a Radical officer of the Government, who recommended in his report the reduction of the duty from $9 to $3. The report was seized upon by those opposed to the tariff laws favoring the iron interests of Pennsylvania. I shall not now stop to discuss the errors in Mr. Wells's report. It has been demonstrated through the press and upon this floor that his statistics in reference to the cost of iron are all wrong. His calculation was intended to deceive and mislead, and when he says that pig iron can be produced at from $24 to $26 per ton, and in some instances at a less figure in the anthracite districts of Pennsylvania, predicated upon some kind of information, his report becomes a dangerous weapon in the hands of those who seek to crush out the great interests of the State I in part represent. Memorials to this Congress from all the leading furnace companies in eastern Pennsylvania claim that pig iron cost more than $29 per ton in 1868 and 1869, exclusive of interest on capital and the expenses of removal from the furnaces.

I hold in my hand a statement, furnished me by a reliable friend, showing the actual cost at one of the furnaces in the Lehigh valley, as follows:

	1866.	1867.	1868.	1869.
Cost on cars at furnace..	$34 66	$29 37	$28 68	$32 03
Cost in the market.....	36 20	31 33	30 78	33 57
Price obtained.....	42 26	39 86	34 41	35 58
Profits per ton.....	6 06	8 53	3 63	2 01

In this estimate nothing is included for interest on capital invested, which would increase the cost about $3 per ton in each year. The cost of coal to make a ton of iron was: 1866, $11 02; 1867, $8 32; 1868, $7 97½; 1869, $10 00¾. The figures may not be entirely correct, but I believe them, from my own observation and knowledge, to be very nearly so. Nor can these statements be successfully contradicted. All this talk, therefore, in reference to the immense profits now made in the iron business is without foundation in fact.

In former years the question of a tariff was a national question; but the long, tedious, protracted discussion upon this bill has shown that now it is a local issue. The New England States seek protection for their manufactures, the West upon her wool, hemp, and other productions, while the great iron State of Pennsylvania asks protection upon iron. The different sections seek such a duty as shall yield a return for the capital necessarily invested.

In this struggle for sectional interests I see no good reason why we are not right in demanding for our people such legislation as will insure to them a fair profit for the capital invested in the furnaces of the State of Pennsylvania.

I had hoped that some system of duties would be adopted which would be acceptable to all sections of the country; that some one who could command the confidence of Congress and the people, one who could grasp all the great interests of this people, would submit such a bill as would meet the universal approval of the nation. In such a proposition I would protect the industrial interests, agriculture, and labor. I had hoped to see some one of the Radical party in this House rise above party, who would take a statesmanlike view of this perplexing subject. In these degenerate days we have no statesmen, all are partisans. As no one will meet the exigencies of these perilous times, we shall therefore be left to deal with this vital question as best we can.

What is demanded in this country, sir, is a uniform rate of duty. The large expenditure in the erection of our immense iron-works, the large capital invested, demand that they

shall not be threatened every year with a change, with new rates of duty. Place capital and labor in the power of Congress, ever changing in political sentiment, and you effectually crush out enterprise and retard the development of our great and varied resources. Let capital know whether your policy will be uniform. Place high duties this year and reduce them next year, and you create such distrust as to force capital to seek another and a different field for its operations. If it be our policy to impose such a duty as to starve out the laboring men of the land, you must send our people away and force capital out of the country. If ample protection is to be our policy, it should be known and acknowledged. Then you will give confidence and security to the capital of the country; then you could invite foreign capital here with the assurance that it would find a safe and certain security in the vast improvements and manufactories all over the States of this Union.

The policy of this Government upon this question of a tariff within the last thirty years has been most extraordinary. Under the tariff of 1842 iron was $9 per ton. The tariff of 1846 made it 30 per cent.; not much, if any, reduction, yet it was changed. That was denominated a free-trade tariff, yet I consider it to-day the fairest of all. The tariff of 1857 reduced pig iron to 24 per cent. The tariff of 1862 reduced pig iron to $6; this was under a Republican Administration and Congress; while the tariff of 1864 raised it to $9 per ton, where it still remains; and it is proposed by the committee to reduce it to $7 per ton. The Radicals here are not content with this reduction, and the great leader of this House, from Massachusetts, proposes to reduce it to $5.

We who represent large interests here have a right to complain of this reduction; we complain that it unsettles the business of the country, and we complain that now, when unjust, unequal, and onerous taxation oppresses the people, you should not strike down an interest that has contributed so much to make the nation prosperous and powerful. And, sir, for my own people, representing their varied and important interests, I protest against your action upon this subject. I protest against it, too, in the name of the laborer, the mechanic, and in behalf of the great agricultural interests of the State I have the honor in part to represent. You strike down the great furnaces, rolling-mills, forges, and workshops of Pennsylvania, and the fatal blow reaches every man in the Commonwealth. It does more, sir; it affects the whole country, North, East, West, and South. It will depress trade, labor, agriculture, and all kinds of business far beyond the limits of a single State. Nor is this the time, this the hour to strike such a blow, when we are oppressed with a national debt of millions without ability now to meet it. I shall vote, therefore, for the highest duty proposed upon pig iron, as will every member of the delegation, I have no doubt, from my State.

It will not be in the interest of monopoly. No man on this floor detests more heartily than I do the men who seek to build up monopolies upon the labor of others. I shall vote for these measures because it is demanded in justice and in right. I conceive it to be to the interests of the poor men whom I represent, and whose interests here I trust I shall always protect and defend. You reduce the duty upon iron, and you reduce the price of labor. England and France and Belgium cheapen labor when they produce cheap iron.

But, sir, one word more. The discussion on this bill has mostly been confined to the Radical portion of this House. I have listened to this debate from the beginning. The free-trade theories of the Republican leaders have reached beyond this Capitol. Your speeches, your votes are before the country. The motion to reduce iron below the rate proposed by your committee comes from your chief and leader. You have resistless power in both branches of Congress; you must take all the responsibility; you must take all the odium that attaches to this legislation; you cannot, you shall not escape that responsibility before the people. If you deceive them now be prepared to meet their condemnation.

[Here the hammer fell.]

Mr. COVODE. I will withdraw the amendment to the amendment.

The question recurred upon the amendment of Mr. INGERSOLL, to reduce the duty on steel car wheels proposed in the bill from 3½ to 2¾ cents per pound.

Mr. CESSNA. I move to amend the amendment so as to make the duty 3 cents per pound.

The question was taken upon the amendment to the amendment; and upon a division there were—ayes 54, noes 50; no quorum voting.

Tellers were ordered; and Mr. CESSNA and Mr. INGERSOLL were appointed.

The committee again divided; and the tellers reported that there were—ayes 70, noes 67.

So the amendment to the amendment was agreed to.

The question was then taken upon the amendment, as amended; and upon a division there were—ayes 62, noes 50; no quorum voting.

Tellers were ordered; and Mr. MAYNARD and Mr. JUDD were appointed.

The committee divided; and the tellers reported—ayes 73, noes 43.

So the amendment was agreed to.

Mr. INGERSOLL. I move to amend by adding to the pending paragraph the following:

Provided, That after the 1st of January, 1871, the duty shall be 2¾ cents per pound.

Mr. BENJAMIN. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WHEELER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

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

An act (H. R. No. 486) to extend the time for the completion of the military road from Fort Wilkins, at Copper Harbor, in the State of Michigan, to Fort Howard, at Green Bay, in the State of Wisconsin;

An act (H. R. No. 858) for the relief of Charles C. McCrary;

An act (H. R. No. 983) to amend an act entitled "An act to enforce mechanics' liens on buildings in the District of Columbia;"

An act (H. R. No. 1025½) to amend an act entitled "An act to establish in the District of Columbia a house of correction for boys," approved July 25, 1866;

An act (H. R. No. 1337) granting a pension to Thomas Clair;

An act (H. R. No. 1594) to amend an act entitled "An act to incorporate the Freedmen's Savings and Trust Company," approved March 3, 1865;

An act (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and to provide for their future apportionment among the several States," approved May 23, 1850;

An act (H. R. No. 1766) in relation to the Iowa river, in the State of Iowa;

An act (H. R. No. 1892) making appropriation to satisfy a judgment obtained against Granville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty;

Joint resolution (H. R. No. 131) granting an American register to the British-built schooner W. D. B.;

Joint resolution (H. R. No. 208) for the relief of Roswell M. Shurtleff, of New York; and

Joint resolution (H. R. No. 222) granting condemned guns for soldiers' monuments at Fairmount cemetery, Newark, New Jersey.

LEAVE OF ABSENCE.

Mr. GIBSON obtained leave of absence for two days.

Mr. WHEELER obtained leave of absence till Monday next.

Mr. McCARTHY obtained leave of absence for two days.

Mr. CESSNA obtained leave of absence for the first three days of next week.

Mr. POMEROY obtained leave of absence for to-morrow.

Mr. BINGHAM obtained leave of absence for to-morrow.

Mr. WITCHER obtained leave of absence for twenty days from Monday next.

Mr. NEGLEY obtained leave of absence for six days from next Thursday morning.

Mr. RANDALL. I move that the House now adjourn.

COMMITTEE CLERKS, ETC.

Mr. CAKE. I hope my colleague [Mr. RANDALL] will withdraw his motion that I may present a privileged report. I am directed by the Committee on Accounts to report the following resolution:

Resolved, That the Committee on Revolutionary Claims and the Committee on Revolutionary Pensions and War of 1812 be each allowed to employ a clerk from April 1, 1870, and during the present session of Congress, at $4 80 per day; and also that a messenger be stationed in the Speaker's room from the same date at $3 60 per day.

Mr. COX. I understand that this resolution proposes to provide a messenger to be stationed in the Speaker's room. To that I think no one will object.

Mr. FARNSWORTH. If the gentleman from Pennsylvania [Mr. CAKE] will report a separate resolution providing for such a messenger I am sure no one will object to it; but there is too much in this resolution.

Mr. SARGENT. Cannot the question be divided, so that the vote may be taken on the propositions separately?

Mr. CAKE. I am willing that the resolution shall be divided.

Mr. RANDALL. I insist on my motion to adjourn.

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

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. COBB, of North Carolina: The petition of Fenner J. Satchwell, of Beaufort county, North Carolina, praying for the removal of his political disabilities.

By Mr. COBURN: A remonstrance of citizens of Indianapolis, Indiana, against the extension of John Young's patent for washing and wringing machines.

By Mr. FERRISS: A petition of 109 members of the New York Legislature, asking such legislation as will allow the masters of vessels entering or leaving Lake Champlain by way of the Richelieu river to enter and clear their vessels and pay duties at the port of Rouse's Point, which is the first port of entry reached by vessels coming from Canada.

Also, a petition of 44 citizens of the district of Champlain, asking the same legislation.

By Mr. HALE: The petition of Samuel Silsby and others, asking for a reduction of the duties upon tea, coffee, sugar, and molasses.

By Mr. HOLMAN: The petition of Elijah Brittingham, for relief from the effects of a tax sale.

By Mr. LASH: Petitions of Ezekiel W. Hancock, William M. Edwards, and William M. Ellington, citizens of Rockingham county, North Carolina, for removal of disabilities.

Also, the petition of T. C. Hanson, a citizen of Yadkin county, North Carolina, for removal of disabilities.

Also, the petition of Samuel M. Tomlinson, a citizen of Guilford county, for removal of disabilities.

Also, the petition of William F. Henderson, for removal of disabilities from George Makepeace, of Randolph county, and William Badgett and John A. Heitman, of Davidson county, North Carolina.

By Mr. MORGAN: The petition of Joseph Miller and 110 others, citizens of Ohio, praying Congress to abolish the national banks, to redeem the matured bonds deposited by them, to issue $500,000,000 in Treasury notes, and make the same receivable for customs dues and all other taxes due the Federal Government.

Also, the petition of John Darner and others, citizens of Ohio, to the same effect.

By Mr. SWEENEY: A petition of sundry citizens of Hopkins county, Kentucky, for the establishment of a post route in said county.

By Mr. VAN TRUMP: The petition of William West, praying for relief.

IN SENATE.

THURSDAY, *May* 5, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. JOHNSTON presented the petitions of Samuel S. Bralley, E. J. Bralley, and A. Thompson, of Wythe county, Virginia; of R. C. Rives, of Dinwiddie county, Virginia, and of Francis K. Elliot, of Scott county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of Charles A. Weatherson, Jeremiah Jennings, William M. Mitchell, William Rankin, Garland Anderson, James Anderson, Randolph Collins, and Peyton G. Hale, all of Grayson county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. SPENCER presented the petition of William H. Walker, of Limestone county, Alabama, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. VICKERS presented the petition of Edward D. Tippett, praying the appointment of a committee of scientific men to examine a model planetarium, by which can be demonstrated the true principles of the solar system; which was referred to the Committee on the Library.

Mr. EDMUNDS. I present the remonstrance of Levi Underwood, and several other citizens and business men of the city of Burlington, Vermont, representing that they think the coercive clause in the funding bill respecting banks will be injurious to the people, and asking that Congress will not pass it. As that subject has been acted upon by the Senate, I move that the remonstrance lie on the table.

The motion was agreed to.

Mr. EDMUNDS also presented a memorial of sundry manufacturers and business men of Castleton, Vermont, sellers of household wringers of various manufactures, remonstrating against the passage of the House bill No. 1492, for the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

Mr. ANTHONY. I present a memorial from the Providence Tool Company and numerous others, remonstrating against the extension of the patent of John Young for washing and wringing machines. They represent that according to their best information not less than two hundred thousand wringing machines are manufactured and sold per annum, and this number is increasing yearly. I move that this memorial lie on the table.

The motion was agreed to.

Mr. SAULSBURY. I present the petition of N. H. Wood, of Portage City, Wisconsin, praying Congress to provide by enactment for an increased and "elastic" volume of currency, to the extent of $300,000,000; such increase to be made exchangeable for a new issue of gold interest-bearing bonds of the United States, the interest to be made as low as loans are negotiated by European Governments, in good credit, and payable in a new standard of coin of equal fineness and value to the English and Spanish gold and silver coins; and that provision be made in the United States depositories in every State for a daily exchange of such bonds for currency, and *vice versa*; and further praying that $500,000,000 of coin, or its equivalent, be at once recoined, the standard of such coinage to be equal in fineness and value to the English and Spanish coins, and that such coinage, mostly in silver, shall be at once exchanged through the various depositories of the United States for the fractional currency and nickel coin now held by the submissive people of this country; and that such standard of coinage shall be the redeemer of all future issues of the bonds of the United States; and to further provide that the old coinage shall be received for customs and the purchase of the new issues of the bonds of the United States; and also that Congress will by its action forbid further increase of the circulation of the national banks, and provide for the gradual redemption of bonds held by them, and the retirement of their currency and its substitution by legal tenders, and setting forth the reasons in support of the proposition which he submits to Congress. I move the reference of this petition to the Committee on Finance.

The motion was agreed to.

Mr. POOL presented the petition of W. L. Tate, of Haywood county, North Carolina, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. TRUMBULL presented the petition of N. H. Wood, of Portage City, Wisconsin, asking the enactment of a law for an increased and elastic volume of currency; which was referred to the Committee on Finance.

Mr. TRUMBULL. I have also received the proceedings of a meeting held in Plano, in the State of Illinois, of what purport to be disciples of the true faith of the Latter-Day Saints. The memorial is signed by a committee consisting of Joseph Smith, Alexander S. Smith, and several others, in which they protest that polygamy is no part of the faith of the Latter-Day Saints, and they memorialize the Congress of the United States that in the consideration of the questions of polygamy and disloyalty as affecting a body calling themselves the Church of Jesus Christ of Latter-Day Saints in the Territory of Utah the crimes of polygamy and disloyalty may not be made to stain the mantle of the pure faith of the Church of Jesus Christ of Latter-Day Saints. I move the reference of this paper to the Committee on Territories.

The motion was agreed to.

Mr. MORRILL, of Vermont. I present the petition of N. H. Wood, of whom I know nothing. The petition is mailed at New York, but a letter on the outside of it is dated at Boston. The petitioner represents himself to be of Portage City, Wisconsin, and prays for an elastic currency. I move its reference to the Committee on Finance.

Mr. SHERMAN. Before that petition is referred I feel bound to say to the Senate that I presume a similar petition has been sent to every member of the Senate. One was sent to me, with evidences which were, in my judgment, conclusive that the author is unfortunately insane. I merely mention this fact because I have no doubt other Senators have received the same petition. One has already been presented by the Senator from Delaware.

Mr. HOWE. That petitioner seems to hail from the State of Wisconsin. I have never known any such gentleman there. I received the same petition myself, and threw it on the floor, and I think I received a similar petition from the same individual some time along in the winter. I do not know anything about him.

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

Mr. MORRILL, of Vermont, presented the memorial of M. F. Granger, of Randolph, Vermont, remonstrating against the passage of House bill No. 1492, for the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

Mr. HAMLIN. I have received a memorial, very numerously signed, from the county of Washington, setting forth the condition of the county, and concluding with a request that Congress will either grant them a donation of lands for educational purposes, or such an appropriation of money as will enable them to put in full and vigorous operation a liberal system of education. I move the reference of the memorial to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McDONALD, from the Committee on Post Offices and Post Roads, to whom was referred the bill (S. No. 683) authorizing mail steamship service in the Gulf of Mexico between the ports of New Orleans, Louisiana, and certain ports of the republic of Mexico, reported it with an amendment, and submitted a report; which was ordered to be printed.

Mr. EDMUNDS. I am instructed by the Committee on Pensions, to whom was referred the bill (S. No. 19) granting a pension to Mary Lincoln, widow of Abraham Lincoln, late President of the United States, to report the bill, with a written report recommending that it be indefinitely postponed. I ask that it be placed on the Calendar, as I infer that my friend from Massachusetts [Mr. SUMNER] is desirous of having action upon it. I move that the report be printed.

The motion was agreed to.

Mr. TRUMBULL. Does the Senator from Vermont wish the bill delayed until the report is printed?

Mr. EDMUNDS. Yes, sir. The committee had the impression that the facts and circumstances referred to in the report might have some effect on the judgment of the Senate.

Mr. TRUMBULL. I thought that perhaps the report might be read now and the bill acted on.

Mr. EDMUNDS. It had better be printed.

The VICE PRESIDENT. The bill will be placed on the Calendar.

Mr. BUCKINGHAM, from the Committee on Commerce, to whom was referred the joint resolution (S. R. No. 162) to restore to the city of New Orleans the property heretofore occupied by the United States as a branch mint, reported it with an amendment.

Mr. WILSON, from the Committee on Military Affairs, to whom was recommitted the joint resolution (H. R. No. 69) relating to buildings used for military purposes in the city of New York, reported it with an amendment.

Mr. FERRY, from the Committee on Patents, who were by a resolution of the Senate instructed to inquire into the expediency of so amending the patent laws as to secure to the Government in all its departments the free use

of all patents hereafter issued by the United States, submitted a report; which was ordered to be printed.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 876) to promote the greater efficiency of the Navy, reported it with amendments.

Mr. DRAKE, from the Committee on Naval Affairs, to whom was recommitted the bill (S. No. 653) to promote the securing of efficient seamen for the Navy of the United States, reported it with an amendment.

Mr. WILLIAMS, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 542) to restore to certain parties their rights under laws and treaties of the United States, reported it with amendments.

Mr. CORBETT, from the Committee on Commerce, who were by a resolution of the Senate instructed to inquire into the expediency of causing a survey and examination to be made of the line of water communication between the James river and the Ohio river at the mouth of the Great Kanawha, asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. VICKERS, from the Committee on Commerce, to whom was referred the bill (S. No. 318) to regulate the importation of immigrants under labor contracts, reported adversely thereon; and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the joint resolution (S. R. No. 179) authorizing water-gauges to be established and observations to be made upon the Mississippi river and its principal tributaries, with a view to obtaining information required for the protection of the alluvial lands against overflow, and for the improvement of navigation, reported it without amendment.

Mr. SHERMAN, from the Committee on Finance, reported a bill (S. No. 890) to reduce taxation; which was read, and passed to a second reading.

TRIBUTES TO ABRAHAM LINCOLN.

Mr. ANTHONY. The Committee on Printing, to whom was referred the amendment of the House of Representatives to the joint resolution (S. R. No. 77) authorizing a distribution of the copies remaining in the Department of State of the Tributes of the Nations to Abraham Lincoln, have instructed me to report it back and recommend that the Senate concur in the amendment of the House of Representatives, with an amendment. I ask that this matter be acted upon now.

By unanimous consent, the Senate proceeded to consider the amendment of the House of Representatives, which was to strike out all after the words "to wit" in the fourth line of the joint resolution and to insert:

Three copies to each Senator and member of the House of Representatives of the Forty-First Congress, and the remainder to be distributed by the Secretary of State to such persons as he shall indicate, the Secretary of State having the authority to have refinished at the Government Printing Office such copies as may need the same.

The amendment of the Committee on Printing was to strike out the word "three" before copies and insert "two."

Mr. ANTHONY. The effect of the committee's amendment is to reduce by one the number of copies allowed by the House amendment to each Senator and Representative. There are a number of these volumes lying in the State Department that I supposed were to be distributed under the direction of the Secretary of State; but the Secretary asked for some instructions in regard to the distribution, and the Senate passed a joint resolution placing the whole number at the disposal of the Department of State. The other House amended the resolution by giving three copies to each Senator and Representative in the present Congress and the remainder to the Department of State. That reduces the remainder to about thirty-five copies; and, as it seems desirable that a document of this kind, unique in its character, should be at the disposal of the Government for libraries and for future use, the amendment of the Committee on Printing reduces the number to be distributed to each Senator and Representative to two, leaving about three hundred for the State Department.

The amendment to the amendment was agreed to.

The amendment of the House of Representatives, as amended, was concurred in.

PORT OF DELIVERY AT DULUTH.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (S. No. 875) to create a port of delivery at Duluth, Minnesota, reported it without amendment.

Mr. RAMSEY. I presume there will be no objection to the immediate consideration of that bill. It is a very simple proposition.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that Duluth, in the State of Minnesota, shall be a port of delivery within the collection district of New Orleans, and that there shall be appointed a surveyor of customs, to reside at that port, who shall perform the duties and receive the compensation and emoluments prescribed in the act of Congress approved March 2, 1831, being an act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez to be secured and paid at those places.

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

RECOMMITMENT OF A BILL.

Mr. WILSON. I move to take up, with a view to its recommitment, the bill (H. R. No. 785) to provide for furnishing artificial limbs to disabled soldiers.

The motion was agreed to; and the bill was recommitted to the Committee on Military Affairs.

BILLS INTRODUCED.

Mr. COLE. I move to take up a bill that is precisely similar to the one just passed, the bill (S. No. 834) to create a port of delivery at Vallejo, California.

The VICE PRESIDENT. A motion to reconsider was entered by the Senator from Connecticut, [Mr. BUCKINGHAM.]

Mr. HARLAN. I desire to introduce a bill.

The VICE PRESIDENT. The introduction of bills is in order.

Mr. OSBORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 885) authorizing the Secretary of War to purchase certain land adjoining the United States barracks at Barrancas, in the State of Florida; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HARLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 886) authorizing the Secretary of the Treasury to settle the accounts of Colonel James F. Jacques; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 887) for the relief of Rebecca J. Shepherd, of Philadelphia; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SAULSBURY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 888) to aid the Junction and Breakwater Railroad Company, in the State of Delaware, to construct, in connection with said road, a pier in the Delaware bay, at or near Lewes, in Sussex county, and State of Delaware; which was read twice by its title.

Mr. SAULSBURY. As this bill provides for an appropriation of money arising from the sale of the public lands I am in some doubt as to what committee it should be referred, whether to the Committee on Commerce or the Committee on Public Lands. I will thank the Chair to indicate the appropriate committee.

The VICE PRESIDENT. As it is a work of commerce, and bills for that subject have always been referred to the Committee on Commerce, the Chair would think that that would be the appropriate committee.

Mr. SAULSBURY. Then I move its reference to that committee, and that it be printed.

The motion was agreed to.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 889) to provide for holding special terms of the circuit and district courts of the United States for the northern and for the southern districts of Ohio; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

FINAL ADJOURNMENT.

The VICE PRESIDENT. Senate resolutions are now in order. If there are no Senate resolutions the Senate resumes the consideration of the concurrent resolution of the House of Representatives fixing the time for the final adjournment of this session of Congress, and the pending question is on the motion of the Senator from Vermont, [Mr. MORRILL,] that the resolution be referred to the Committee on Finance.

The VICE PRESIDENT put the question, and declared that the noes appeared to have it.

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

Mr. EDMUNDS. Yes, let us have the yeas and nays, by all means.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 36; as follows:

YEAS—Messrs. Anthony, Chandler, Cole, Cragin, Drake, Morrill of Maine, Morton, Osborn, Pomeroy, Ramsey, Schurz, Sherman, Spencer, Stewart, Sumner, Trumbull, Warner, Wilson, and Yates—19.

NAYS—Messrs. Ames, Bayard, Boreman, Buckingham, Cameron, Casserly, Conkling, Corbett, Edmunds, Fenton, Ferry, Flanagan, Fowler, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harlan, Harris, Howell, Johnston, Kellogg, Lewis, McCreery, Pool, Pratt, Rice, Robertson, Ross, Saulsbury, Sawyer, Scott, Stockton, Tipton, Vickers, Willey, and Williams—36.

ABSENT—Messrs. Abbott, Brownlow, Carpenter, Cattell, Davis, Gilbert, Howard, Howe, McDonald, Morrill of Vermont, Norton, Nye, Patterson, Revels, Sprague, Thayer, and Thurman—17.

So the motion to refer was not agreed to; and the question recurred on the adoption of the following House concurrent resolution:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* on Monday, the 4th of July next, at meridian.

Mr. SHERMAN. I move that the further consideration of this resolution be postponed until the first Monday of June. ["Oh, no!"] That is more than a month before the time fixed; and I submit to the Senate whether we are now prepared to fix the day of adjournment, when we have not passed any of the important measures of the session, those which are likely to create long debate, including the Georgia bill and a great number of questions that will occupy considerable time. If we now attempt to fix the day of adjournment we place ourselves under pressure, and I think it is unbecoming the Senate. It is not usual, I think, to fix the time of adjournment so long beforehand. I, for one, am not disposed to vote for a resolution fixing the day of adjournment until we shall see our way to the completion of various important measures that are before us. At the same time I am as anxious to adjourn as anybody, and probably occupy as little of the time of the Senate as others do. For myself personally I hope very much that we may be able to adjourn by the 4th of July.

Mr. EDMUNDS. We can extend the time, if necessary.

Mr. SHERMAN. There may be great difficulty in securing an extension of the time. The members of the House make their arrange-

ments to go home and attend their conventions and various arrangements about their elections which come off this fall. They make their arrangements to go home at the time fixed for the adjournment, and we may be under serious embarrassment in extending the time after it is once fixed. It is better for us to keep the matter within our own power; and, at any rate, by postponing the consideration of the resolution until the first Monday in June we shall then have at least a month before the time fixed in the resolution of adjournment. I really think we ought not to pass it now. It may seriously embarrass us in our business. This time is so long ahead, two months ahead, that I think it will not have the effect Senators suppose; I do not believe it will hasten the action on a single bill. It is always well to fix the time ahead, some two or three weeks before the adjournment, when we can see our way through the public business; but it is much too soon now to fix a day of adjournment, and it is entirely unusual, according to my recollection of the precedents.

Mr. DRAKE. Was it ever done before?

Mr. SHERMAN. It is usual for the other House to send these resolutions over to us in a fit of impatience, simply because its members are more anxious to get home; but I have not known within my recollection that the Senate has yielded to the disposition of the House until a month or less before the time fixed; and that is an ample period, it seems to me, within which to fix a day of adjournment. We ought not to do it until we see our way through the important business of the session.

The VICE PRESIDENT. The Senator from Ohio moves to postpone the further consideration of the resolution until the first Monday in June.

Mr. SUMNER. I agree entirely with the Senator from Ohio, with his motion and with what he has said. I believe the present proposition is premature, and, considering the time at which it is brought forward, absolutely without precedent. I do not remember in my experience a single case of a proposition like this brought forward and sustained in the Senate at this early day. I doubt if ever one has been sent from the House to the Senate at this early day. I may be mistaken in that; but I am sure no such proposition has ever been sustained in this Chamber at this early day.

I say, therefore, it is premature; it is contrary to precedent; and, as the Senator from Ohio has told us, it will tie the hands of the Senate so that we cannot faithfully and completely do the business of the country. We are sent here for a certain purpose. It is to transact the business of the country, to watch its great interests, and see that right and justice are done. We have not yet completed this great work; nor do I find now in the present state of our business any assurance that it will be completed in the time named in this resolution. I think, therefore, the proposition of the Senator from Ohio is wise—not to reject the resolution; that is not the proposition; but to postpone its consideration, so that when we act finally it can be with full knowledge of the case, and with reference to all the interests of the country.

It will not do to say that if we fix a time, during that period all these interests may be fully attended to. That cannot follow. We know, for instance, in the other Chamber that the tariff has already occupied weeks, and no conclusion has yet been reached. Suppose it comes to the Senate, how long may it occupy this Chamber, and are you disposed in advance to cut off debate, to prevent its adequate consideration?

Then, as was said yesterday, there is this other great measure of funding. I insist that Congress before it goes home shall at least give the Secretary of the Treasury an opportunity of reducing the interest on the national debt. No such opportunity has yet been given; and I insist still further that before Congress goes home there shall be means afforded for the reduction of the national taxes. Nothing of that kind has yet been done; and still we are now called to vote an adjournment. Sir, I wish the Senate to understand that to vote an adjournment now, or to fix the time for an adjournment, is to endanger the passage of all these great measures.

Mr. CONKLING. Mr. President, one of the first things I learned in Congress was that a resolution to adjourn the two Houses can always be turned into an opportunity for effect; and if this were not the Senate, and if those here were not Senators, I should have been led to suspect, on yesterday, that the observations induced by the pending resolution were intended for the galleries and for influence beyond the galleries, rather than with the sixty or seventy men by whom the resolution is to be determined. One might almost suppose the Senate divided into two classes; Senators on the one side disposed to do their duty, to remain and attend to the public business and finish it, and on the other Senators disposed to run away, for their own convenience, whether the business be done or not——

Mr. SHERMAN. I do not think it is strictly parliamentary, under the rules and courtesies that always prevail in the Senate, for a Senator to rise in his place and charge persons here adopting a particular course with substantially a demagogical purpose in advocating or opposing a public proposition. That is the whole effect of what the Senator charges. I submit it to his kind temper.

Mr. CONKLING. If my honorable friend had been patient one moment longer, he would not have made that suggestion.

The VICE PRESIDENT. The parliamentary rule is, as the Senator from New York is aware, that imputations must not be made on the motives of Senators.

Mr. CONKLING. Therefore I had made none. I had said that if this was not the Senate and if the men around me were not Senators, observations to which we have listened might be taken as designed for consumption and effect elsewhere.

Mr. MORRILL, of Maine. If they are Senators, what is the inference?

Mr. CONKLING. I shall not hesitate to state any inference I draw frankly. I make no imputations upon the motives of Senators; and speaking of the mode in which the question has been treated, I was, when interrupted, in the act of saying that the suggestions made by the Senator from Ohio, and by some others opposed to the resolution, did not fall within my criticism. Senators will remember that yesterday the matter was treated as if the question was whether we should stay here and do our duty or not, as if that were the sole issue upon which we were to vote. This is not the question, nor is this a fair way of stating it.

It is a practical question as to the mode of doing business; and although we may differ in the decision of the question we can hardly differ as to what the question is, nor can one Senator show more zeal than another in his duty, or more devotion to the public interest, by voting in the negative. There are two ways of proceeding. One is to go on, as courts sometimes do, with the Calendar, going all the way through, leaving undetermined the day of adjournment until all the business is done. The other is to fix a day, and work accordingly. If we had no experience I would not undertake to encounter the honorable Senator from Ohio in the argument he might make in favor of the theory which I think is the untrue one; but we have experience. You and I, sir, have had experience many a year in the other House, and to some extent here, as to the comparative value of these two modes. What is it? Have we not always found that when a day of adjournment was fixed, whether by the Constitution in the alternate session, or by the resolution of the two Houses in the long session, we worked up to it and disposed of the business? And how many times, even since you, sir, have occupied the chair, have you heard the same thing by way of admonition, and even more cogently put than we have had now? The familiar allegation is that if we fix a day of adjournment we are to go off and the business is not to be done. See how unreasonable this is now.

The honorable Senator from Illinois [Mr. TRUMBULL] told us yesterday that never during his long experience had there been so much business done in a single session as had already been done during this session. And so said the honorable Senator from Maine, [Mr. MORRILL]. Very well. Now, with more than a session's work done already, what is proposed? To fix a day of adjournment which gives us still a greater length of session than the entire short session of Congress. Why more time than a short session? Because, although nominally the short session is three months in length, nothing is done until after the holidays, so that not two months of solid time remain. And yet we are told, when we have already disposed of more business than any other session has transacted, that if we fix a day which leaves us now two months of time we cannot transact the business; and why? Because Georgia was debated for six weeks. Yes, sir; and will my honorable friend from Ohio say that he believes, with a resolution adopted fixing the adjournment two months in advance, six weeks would have been given to the debate of Georgia? He will not say that. So the House has long debated the tariff bill. Yes, sir; and knowing the state of its own business the House has also sent us this resolution, by a large majority, I am told; and had the resolution been adopted in advance no such time would have been consumed in debating the tariff.

I am in favor of staying here as long as is necessary. I am in favor of reducing the taxes too; and I give my gage to the honorable Senator from Massachusetts, that when the time comes I will vote for a reduction of taxes for which I fear he will not vote. Let us see. I will vote for such a dismissal of internal taxes that the tariff will not need debate for six weeks in this Chamber. Will the honorable Senator so vote? We shall see whether his zeal exceeds the zeal of others. I will vote also for a funding bill, and probably we shall pass some funding bill, and deal with the tariff, and deal with Georgia, and deal with everything else necessary, and probably some things unnecessary; and that we may deal with them thoroughly and promptly without overmuch of talk, I am for the resolution.

To advance business and secure its dispatch let us fix the time by which it shall be done. The 4th of July is quite far enough off; then every member must take notice of the need of diligence, and govern himself in reference to the fact that if by uncurbed debate, or by delay of any sort, measures are postponed and hindered they may be altogether lost. We need such a danger; it is wholesome. In this way and in no other way, as I submit the experience of every member proves, can we go on expeditiously and thoroughly with the public business and bring the session to a close at an appropriate time, not for the convenience of members merely, but consulting every consideration which properly belongs to it.

Mr. STEWART. If it is in order I move to amend the resolution by striking out "the 4th of July" and inserting "Wednesday, the 20th of July."

The VICE PRESIDENT. The motion to postpone has priority of a motion to amend, and must first be disposed of.

Mr. STEWART. I hope we shall postpone action on the resolution until the 1st of June.

Mr. SUMNER. Let the vote be taken on that.

Mr. STEWART. I have uniformly voted with the Senator from New York on his view of the question of adjournment; but that was, as I conceive, under a different state of cir-

cumstances than now exists. I believe we have so much important public business on hand that it is unsafe to fix the day of adjournment as early as the 4th of July. I am afraid we cannot dispose of the business in that time. Let us work on for a month, and then if we can see our way through I shall be glad to vote for the resolution; but I prefer that its consideration should be deferred until the 1st of June. If we try hard and work up to it, and if we see by that time that we can get ready to adjourn by the 4th of July, we can take action in that direction at that time. But I should very much regret now to see the limit of the 4th of July put on the session with the present amount of business on hand. I fear we shall be placed in the position of leaving important public business unfinished, although we might work as expeditiously as possible. The Calendar looks to me in that light.

Mr. WARNER. It hardly belongs to me, a new and young member of this body, to judge as to what is best on such a matter as this, looking to the prosecution of the public business; but when I see on the vote just taken that the chairman of nearly every important committee having in charge public business has rendered his judgment in favor of referring this resolution and against fixing a day of adjournment I am bound to follow. I find that the chairmen of the Committees on Finance, Commerce, Appropriations, Foreign Relations, Judiciary, Military Affairs, Post Offices and Post Roads, Naval Affairs, Printing, Public Lands, Education, and Manufactures, having in charge great measures of public utility, and who are perhaps in the best position to judge as to what is best to be done, have all of them rendered their judgment against now fixing a day of adjournment. I am as anxious as any Senator can be to go home; but until certain great measures of common interest to the whole country are put beyond the danger of defeat I do not want to leave these Halls. For my own section, until we have got banking facilities, until we have got a reduction of taxation, until we have got legislation to pay loyal men for their claims, until we have got the bill for the enforcement of the fifteenth amendment, and for the whole country a dozen other measures, until the success of those measures is put beyond peradventure, I do not want to see a day fixed for the final adjournment of Congress.

Mr. MORRILL, of Maine. Some allusion has been made to the remarks which fell from me yesterday on this subject. I had no purpose yesterday to say more, certainly, than to express a conviction to the Senate that it did not seem to me at the present moment that we had information upon the business of Congress, and particularly those measures which are before the other House, to justify us in fixing a day for adjournment. Whether or not I was unfortunate in the expression of my conviction, so as fairly to lead to the criticism of the honorable Senator from New York, the Senate will judge. I am not particularly sensitive about those matters. But I am more thoroughly convinced to-day, upon the best reflection I can make on the subject than I was yesterday that the Senate ought not at this time to fix upon a day for adjournment; that it is safer for the Senate to hold in its own hands the right to determine the question of adjournment when the business from the House, which we know is of the utmost importance, shall come to us. I do not see until that time how it is that the Senate can fix intelligently upon a day for adjournment. I shall therefore vote for the postponement of the resolution.

Mr. WILSON. I wish to say one word before this question passes away, as I suppose it is evident from the vote of the Senate what the result is to be. I wish to call the attention of the Senate to the action of the Senate two years ago, when we had the Senator from New York making the same speeches and taking the same position that he now takes. The House of Representatives did not then, early in May, send us a proposition to adjourn, but they sent a proposition to us on the 30th of June to adjourn on the 15th of July, and we declined to fix that day. I repeat, they did not send it to us early in May, but on the 30th of June, and proposing to adjourn on the 15th of July, and we refused to fix the day, and held it here, in spite of the repeated speeches of the Senator from New York, until we had our business in such a condition as to fix the time, and then we fixed it, and adjourned, I think, on the 27th of July. Now, sir, if such a resolution as this should come here on the 30th of June, or on the 15th or 20th of June, it might be considered. But it appears to me, coming here when we have really done nothing on all our important business, it is placing us before the country in the position of trying to shirk our duties.

ORDER OF BUSINESS.

The VICE PRESIDENT. The Senator from Massachusetts will please suspend his remarks. The morning hour has expired, and the resolution goes over until to-morrow. The Senate resumes the consideration of the bill for the sale of the Great and Little Osage Indian reservation, and the pending question is on the amendment of the Senator from Kansas, [Mr. Ross.]

Mr. MORRILL, of Maine. Mr. President——

Mr. HAMLIN. I rise to a question of order.

The VICE PRESIDENT. The Senator from Maine in front of the Chair rises to a question of order. He will state it.

Mr. HAMLIN. I desire to know if this adjournment resolution is not a privileged question?

The VICE PRESIDENT. The Chair decided yesterday, in response to the Senator from New York, that whether privileged or not it was subject to the rules of the Senate, and the rule of the Senate is that at one o'clock the unfinished business of the preceding day shall have priority even over special orders.

Mr. HAMLIN. Not over a privileged question.

Mr. CONKLING. The Chair will allow me to say that I understood the Chair yesterday to suggest, which seemed to me quite right, that under the special order which we were then executing that would be so. I did not understand the Chair that it would be so as to unfinished business.

The VICE PRESIDENT. That is a special order, and the Chair cannot think that this resolution is privileged beyond a special order which is made by a two-thirds vote of the Senate. The fifteenth rule of the Senate in regard to the unfinished business reads as follows:

"The unfinished business in which the Senate was engaged at the last preceding adjournment shall have the preference in the special orders of the day."

Mr. CONKLING. Shall have preference of special orders?

The VICE PRESIDENT. "Preference in the special orders of the day;" which means, as construed and ruled in the Senate, preference over the special orders of the day.

Mr. CONKLING. So I understand. The suggestion, however, of my friend on my left [Mr. HAMLIN] is, this resolution being in the estimation of the Chair and the usage of the Senate a privileged question, it takes higher rank and would not be thrust aside by the unfinished business.

The VICE PRESIDENT. The Chair will answer that question, as the point has been raised twice. In the House of Representatives it is a privileged question, but the Chair is informed that in the Senate it is not held to be privileged against special orders.

Mr. CONKLING. A resolution fixing the final adjournment of the body not a privileged question?

The VICE PRESIDENT. The Chair is informed that it has not previously been held to be privileged.

Mr. POMEROY. This is simply a concurrent resolution of the House of Representatives to fix the day of adjournment, and it has no privilege in this form.

Mr. CONKLING. A resolution to fix the day of final adjournment has no privilege?

Mr. POMEROY. Not in this form.

The VICE PRESIDENT. There are some questions of privilege which are higher than privileged questions, namely, affecting the rights of members to their seats; and the predecessors of the present occupant of the chair have ruled that they must be taken up by a vote of the Senate; that even a question of privilege, which is the highest question of all, must be proceeded with by a vote of the Senate in antagonism to any other question pending under the rules.

Mr. MORRILL, of Maine. I move that the present order be suspended and postponed with a view to proceed to the consideration of House bill No. 974.

Mr. POMEROY. The unfinished business is now in order, not the special order.

The VICE PRESIDENT. The unfinished business of yesterday is before the Senate.

Mr. POMEROY. I understand the Senator from Maine to move to postpone the special order.

Mr. MORRILL, of Maine. I move to postpone the order before the Senate; the present order.

Mr. HARLAN. I hope that will not be done.

The VICE PRESIDENT. The Chair will state that this motion to postpone is debatable. The motion to proceed to the consideration of another bill is not debatable.

Mr. MORRILL, of Maine. I do not desire to debate it. I state to the Senate that I make this motion with a view of proceeding to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. HARLAN. I hope the pending bill will not occupy more than twenty or thirty minutes, and then I shall have no objection, of course, and I suppose no other Senator will, to proceeding with the appropriation bill.

Mr. MORRILL, of Maine. I will say to my honorable friend that I do not think he can expect to dispose of this bill in twenty or thirty minutes.

Mr. HARLAN. It cannot take very much time, and if it is ever to be passed or disposed of in any way we had better do it to-day, I think, than to defer it.

The VICE PRESIDENT. The Senator from Maine has moved to postpone the present and all other orders for the purpose of proceeding to the consideration of the executive, legislative, and judicial appropriation bill. The Chair will take the sense of the Senate on the first branch of the motion, which is to postpone the present and all other orders.

The VICE PRESIDENT put the question, and declared that the noes appeared to have it.

Mr. MORRILL, of Maine. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SUMNER. As I shall vote against the postponement, I desire to assign in one word my reason. The Senate yesterday deliberately commenced the consideration of the bill which my friend from Iowa has in charge, and seemed at the time of adjournment as if they had nearly reached a conclusion. Indeed it seemed as if we were about to vote upon it. It has now come over to-day; it is unfinished business; and I do think, out of justice to a measure which has important present interest and in justice to my friend from Iowa, we ought to proceed with it to the end. I do not think it ought to be interfered with.

Mr. MORRILL, of Maine. I should like to know how this involves a question of injustice to the Senator from Iowa. I do not understand that it is a matter personal to the Senator from Iowa at all. But I desire to remind the Senator from Massachusetts that yesterday he pledged himself to this appropriation bill

when that bill was not up. I endeavored to bring this appropriation bill to the consideration of the Senate yesterday before the conclusion of the regular order, the Calendar, and the Senator from Massachusetts certainly, if I am not greatly mistaken, pledged himself to the support of this bill to-day, and I was told that to-day there would be no objection to proceeding with it. But I am not going to debate the question.

Mr. EDMUNDS. I think we ought to consider first the bill to enforce the fifteenth amendment, and second the appropriation bill. We can pass them both in two days, I think; but the motion of the Senator from Maine passes by the fifteenth amendment bill as well as everything else. Now, in order to reach my object, I make a motion which will supersede his; and that is, that the pending order be passed over, which will then enable us to move to take up the fifteenth amendment bill.

The VICE PRESIDENT. That motion, under the new rule, has priority, and it is not debatable.

Mr. CRAGIN. I rise to make an inquiry, whether we are now acting under the order to proceed with the consideration of the Calendar, acting on those bills not objected to?

The VICE PRESIDENT. The operation of that order ended yesterday about half past three o'clock.

Mr. CRAGIN. I understood we went back and took up this bill, it having been previously passed over, the objection being withdrawn.

The VICE PRESIDENT. No; it was taken up by unanimous consent.

Mr. RAMSEY. The Senator misunderstands. The bill abolishing the franking privilege was up, and we simply gave way to let the Senator from Iowa pass his Indian bill.

The VICE PRESIDENT. The Senator from Vermont [Mr. EDMUNDS] has made a motion higher in its character than that of the Senator from Maine, which is to pass over the present bill. Under the new rule that motion will be decided without debate.

The motion was not agreed to—ayes thirteen, noes not counted.

The VICE PRESIDENT. The question recurs upon the motion of the Senator from Maine, [Mr. MORRILL,] on which the yeas and nays have been ordered, to postpone the present and all prior orders.

Mr. ANTHONY. Yesterday, when the Senate had nearly completed the Calendar, and when the Senator from Maine claimed, as by the precedents of the Senate the chairman of the Committee on Appropriations always has a right to claim, the floor with a bill which had been reported for some time, there was a general understanding that to-day he should have the right to call up his bill if he would waive it for the present and allow the Calendar to be gone through with. I think it is a matter of good faith toward the Senator from Maine, as well as for the promotion of the public business, that we should take up the appropriation bill now.

Mr. RAMSEY. How about good faith to others?

Mr. ANTHONY. We are talking about an adjournment; and here are the appropriation bills that must be passed before we can adjourn. I think it is a matter of fairness to the chairman of the Committee on Appropriations that we should take up his bill now.

Mr. HARLAN. That of course was with the understanding that we should be able to complete the bill which was taken up on my motion before the adjournment yesterday evening; but the Senate thought it advisable to adjourn and complete the bill this morning. All I desire is that the work shall be accomplished this morning that the Senate agreed to finish yesterday evening. There are the same reasons for it this morning that there were then, and after a discussion of some length the Senate, by unanimous consent, agreed to take up the bill. The sense of the Senate has already been expressed, and I hope my honorable friend from Maine will withdraw his motion. He has already seen that there were only thirteen voting in favor of the motion of the honorable Senator from Vermont, and that, certainly, is a sufficient indication of the sense of the Senate that this bill ought to be proceeded with.

Mr. SAWYER. I thought there was unanimous consent yesterday that this appropriation bill should come up to-day when the morning hour expired. That was the general understanding. There certainly was no objection made when that proposition was suggested. The bill of the Senator from Iowa was allowed to come up in consequence of that understanding.

Mr. HOWE. I never heard of this universal understanding until this morning. If it was universal I do not belong to the universe, because I was no party to the understanding. The bill which stood at the head of the order of business yesterday was the bill which is especially interesting to the Senator from Minnesota. I profess to take a little interest in that question myself. I urged upon the Senate the importance of proceeding with the consideration of that bill, and not postponing it for anything. But the Senator from Iowa [Mr. HARLAN] made rather a fervid, almost a passionate appeal to us, an appeal in the name of women and children—an appeal that I am never deaf to altogether—to proceed to the consideration of that bill, which is the unfinished business now. I did not readily yield to that; but when his appeal was seconded by several other Senators about me I acquiesced, and supposing that to be a case of extreme emergency, by unanimous consent everything else was postponed and the Senate took up that bill.

Now, I think we had better finish the consideration of that bill. I had called for the yeas and nays, and they were ordered on the question of postponing the bill for the abolition of the franking privilege. I want to say that if I can get an opportunity I shall want the yeas and nays upon the question of postponing that to any other bill that I know of on the Calendar, and especially to an appropriation bill, because if there is a bill on the Calendar which it is less important to proceed with the consideration of now than that for the abolition of the franking privilege it is an appropriation bill. Everybody knows that we shall not adjourn till we have provided for our own pay for the next session. Everybody knows that we never shall adjourn till we have disposed of all the appropriation bills. But I begin to have some little doubt myself—I have not had any until within a day or two; the country has had doubt for a great while—whether we should adjourn before we found time to pass the bill the Senator from Minnesota has in charge. Until within a day I have not had a doubt. To-day I would not make an affidavit that we shall not adjourn without the passage of that bill; but we shall not adjourn till all the appropriation bills pass. Therefore I do not know a bill on the Calendar that I should sooner postpone to the consideration of the bill for the abolition of the franking privilege than an appropriation bill. I think we had better go on with the consideration of the measure we now have before the Senate, and when that is finished we can take the vote on postponing the franking privilege bill.

Mr. SAULSBURY. If my ears did not deceive me yesterday, when the Senator from Maine ceased to persist in his attempt to get his bill before the Senate, he stated distinctly that if it should be understood that he could have the privilege of taking it up this morning he would cease urging it at that time. That was distinctly stated by the Senator, as I understood.

Mr. MORRILL, of Maine. It was.

Mr. SAULSBURY. Now, Mr. President, the Senator from Wisconsin may not belong to the universe and yet he may belong to the general body of the Senate. It was certainly distinctly understood here on this side of the Chamber that the Senator from Maine yielded urging taking up the appropriation bill yesterday with the understanding that he should have the privilege of taking it up this morning. If that was the general understanding, although not universal, it is a great deal better to adhere to the general understanding of the Senate, to preserve an understanding inviolate, than to violate that understanding for any temporary purpose, however urgent.

Mr. President, we have been told frequently in this Chamber that the country understands and the country urges. Why, Mr. President, this country is composed of some forty million people. How is it that to any one individual the understanding of the whole country can be imparted? How do we know what the understanding of the country is? How do we know what the country demands? I submit, Mr. President, that good faith entitles the Senator from Maine to go on with his appropriation bill.

Mr. MORRILL, of Maine. I think I ought to say one word about this understanding. It will be recollected by those who gave attention to the subject yesterday that I undertook to antagonize this appropriation bill against the rest of the Calendar, the Calendar not printed, after that portion of the Calendar which was printed had been gone through with. I then supposed the rule had been exhausted, and I endeavored to bring up this appropriation bill. Thereupon a discussion arose as to going through with the cases on the Calendar, but which were not on the printed Calendar. I was then appealed to by the Senator from Nevada, [Mr. NYE,] who said that we might all be accommodated by allowing the Calendar to be disposed of yesterday, and to-day at one o'clock, by general consent, this bill should come up. That was stated very broadly. I replied to it that if that would satisfy the Senate, if the Senate would consent that this bill should come up without contest, seeing a disposition on the part of the Senate to continue the Calendar, I would withdraw, and on that proposition I did withdraw. There was no dissent from any part of the Senate.

Mr. RAMSEY. I will ask the Senator from Maine whether at that time I did not protest, with numbers about me on this side of the Chamber?

Mr. MORRILL, of Maine. I wish to say one other thing in reference to my honorable friend from Iowa as to his bill. His bill comes up in this way: he was not on the floor, and was not antagonizing my motion; after the Calendar had been gone through with under the order, and the order was exhausted, and the Chair so ruled, the Senator from Iowa took up his bill by the general judgment of the Senate, saying that it would only occupy a few minutes. Now, I submit in candor to that honorable Senator whether he did not take it up, whether he must not be regarded as having taken it up in subordination to the general understanding that to-day I should be at liberty to go on with the appropriation bill?

Mr. HARLAN. The bill the honorable Senator refers to was a different bill. I antagonized with his bill in the first instance the bill for the sale of the Kaw Indian reservation.

Mr. MORRILL, of Maine. I do not have any reference at all to anything of that kind. I only say that the understanding that I should have to-day originated on the question of proceeding with the general Calendar yesterday. That is what I mean to say. But the honorable Senator's bill, after the general Calendar had been gone through with, came up, and of course it came up subject to the general understanding.

Now, one word more and I have done. If the Senate proceed now to take up this appropriation bill and pass it, when it is through the bill of which the honorable Senator has charge will be in order, and it can be finished.

Mr. HARLAN. It will not, as I understand the rules of the Senate. It has now priority; but when once postponed it will be no longer the unfinished business. I wish to make one further observation: this appropriation bill is for the current expenses of the fiscal year beginning on the 1st of July next. All the money needed to run the Government up to the 1st of July is provided for. There is, therefore, no urgent necessity for passing that bill to-day or to-morrow. If passed at any time between this and the 1st of next July it will be in ample time for all the wants of the Government, for not one dollar of the money can be used previous to that time. The deficiency bills have already been passed. This, then, is to provide money for running the Government during the next fiscal year. It comes in antagonism this morning with the unfinished business, which is a bill to dispose of Indians who are occupying nearly one fifth of the whole territory of Kansas, in which organized counties exist, some three or four counties that are now represented in the Legislature of that State. These Indians, not civilized Christian Indians, but savages, blanket Indians—Indians that live by the chase and by war—are mixed up with those white people. The President has been compelled to send troops there for the purpose of preserving the peace and preventing bloodshed. Now, I inquire again, as I did yesterday evening, will the Senate pass this exigency over and take the hazard of their want of action in the premises?

The VICE PRESIDENT. The motion is to postpone the present and all prior orders, and the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 26, nays 28; as follows:

YEAS—Messrs. Anthony, Bayard, Boreman, Casserly, Cole, Conkling, Cragin, Hamilton of Maryland, Hamlin, Harris, Johnston, Kellogg, Lewis, McCreery, Morrill of Maine, Morrill of Vermont, Morton, Robertson, Saulsbury, Sawyer, Spencer, Stewart, Stockton, Thayer, Vickers, and Warner—26.

NAYS—Messrs. Buckingham, Carpenter, Chandler, Corbett, Drake, Edmunds, Ferry, Flanagan, Fowler, Hamilton of Texas, Harlan, Howe, Howell, McDonald, Osborn, Pomeroy, Pool, Pratt, Ramsey, Rice, Ross, Schurz, Scott, Sumner, Tipton, Trumbull, Wilson, and Yates—28.

ABSENT—Messrs. Abbott, Ames, Brownlow, Cameron, Cattell, Davis, Fenton, Gilbert, Howard, Norton, Nye, Patterson, Revels, Sherman, Sprague, Thurman, Willey, and Williams—18.

So the motion of Mr. MORRILL, of Maine, was not agreed to.

MARKET-HOUSE COMPANY.

Mr. MORRILL, of Vermont. I ask the Senator from Iowa to give way to enable me to make a report from a committee of conference.

Mr. HARLAN. Certainly.

Mr. MORRILL, of Vermont, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1084) relating to the Washington Market Company having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from the amendment numbered 11.

That the House recede from their disagreement to the amendments of the Senate numbered as follows: 1, 2, 3, 4, 6, 8, 9, 10, and 12, and agree to the same.

That the House recede from their disagreement to the fifth amendment, and agree to the same with an amendment to insert in lieu of the words "National Hotel" the words "Department of the Interior," and the Senate agree to the same.

That the House recede from their disagreement to the seventh amendment of the Senate and agree to the same with an amendment, as follows: in section three, lines twenty-three and twenty-four, strike out the words "another of their number to be" and insert "appoint a," and the Senate agree to the same.

And the committee of conference further recommend an amendment to the paragraph commencing with the words "B wing," page 18, line two, by inserting after the words "market stalls" the words "not less than twenty feet high."

JUSTIN S. MORRILL,
H. HAMLIN,
JOHN P. STOCKTON,
Managers on the part of the Senate.
ADOLPHUS H. TANNER,
JOHN A. LOGAN,
Managers on the part of the House.

Mr. CONKLING. The form of that report apprises nobody of the result of the conference. I ask the honorable Senator from Vermont to let us know a little about what we are to vote upon.

Mr. MORRILL, of Vermont. I will state that essentially all the amendments of the Senate are agreed to. The eleventh amendment was in relation to the $25,000 fund, which by the House bill was to be entirely appropriated for the support of paupers. This was amended by the Senate, so that it might be in part appropriated for the establishment and maintenance of schools. The House committee of conference refuse to agree to that, and the Senate yield.

Then, in relation to the place where the subscriptions are to be taken, the Senate had inserted, instead of the office of the company, the National Hotel. That is by this report changed to the Department of the Interior.

By the seventh amendment we have changed the appointment of the treasurer, who, under the bill, was to be a director of the company, so that they may appoint any other person as treasurer.

The last recommendation is merely in relation to the height of the stalls in the clear; that they shall be not less than twenty feet in height.

Mr. CONKLING. What is to be the occupation of the building, except for stalls?

Mr. MORRILL, of Vermont. That is not specified in the bill. It will be whatever the corporators shall see fit.

The report was concurred in.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. LLOYD, Chief Clerk, announcing that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (H. R. No. 486) to extend the time for the completion of the military road from Fort Wilkins, at Copper Harbor, in the State of Michigan, to Fort Howard, at Green Bay, in the State of Wisconsin;

A bill (H. R. No. 858) for the relief of Charles C. McCreary;

A bill (H. R. No. 983) to amend an act entitled "An act to enforce mechanics' liens on buildings in the District of Columbia;"

A bill (H. R. No. 1025½) to amend an act entitled "An act to establish in the District of Columbia a house of correction for boys," approved July 25, 1866;

A bill (H. R. No. 1337) granting a pension to Thomas Clair;

A bill (H. R. No. 1594) to amend an act entitled "An act to incorporate the Freedmen's Savings and Trust Company," approved March 3, 1865;

A bill (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and to provide for their future apportionment among the several States," approved May 23, 1850;

A bill (H. R. No. 1766) in relation to the Iowa river, in the State of Iowa;

A bill (H. R. No. 1892) making appropriation to satisfy a judgment obtained against Grenville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty;

A joint resolution (H. R. No. 131) granting an American register to the British-built schooner W. D. B.;

A joint resolution (H. R. No. 208) for the relief of Roswell M. Shurtleff, of New York; and

A joint resolution (H. R. No. 222) granting condemned guns for soldiers' monuments at Fairmount cemetery, Newark, New Jersey.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. HORACE PORTER, his Secretary, announced that the President had this day approved and signed the following bills and joint resolutions:

A bill (S. No. 93) legalizing certain locations of agricultural college scrip therein designated;

A bill (S. No. 488) to authorize the officers of the Treasury Department to enter a credit upon the account of Henry Etting, paymaster in the Navy;

A bill (S. No. 527) for the relief of William F. Scott, late adjutant fourth Iowa cavalry volunteers;

A bill (S. No. 579) to create additional land districts in the Territory of Dakota, to be called the Springfield and Pembina districts;

A bill (S. No. 684) to change the time for holding the circuit and district courts of the United States for the district of Wisconsin;

A bill (S. No. 746) authorizing the First National Bank of Delhi, New York, to change its location;

A joint resolution (S. R. No. 78) relative to the establishment of a light-station on the Choptank river, in Maryland;

A joint resolution (S. R. No. 84) authorizing the President to strike from the rolls of the Army the names of certain officers;

A joint resolution (S. R. No. 128) authorizing the issue of clothing to certain enlisted men of the fourteenth regiment of infantry;

A joint resolution (S. R. No. 159) authorizing the Postmaster General to prescribe an earlier time for the execution of contracts by accepted bidders, and for other purposes;

A joint resolution (S. R. No. 141) to provide for survey and estimates of cost of removing obstructions from Bayou Teche, in the State of Louisiana; and

A joint resolution (S. R. No. 169) for the transfer of an unexpended balance of appropriation to the book fund of the Library of Congress.

MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 1956) to authorize the Secretary of the Treasury to issue a register to the schooner Cavallo Marino; and

A bill (H. R. No. 1899) for the relief of Captain David Beatty's company of independent scouts.

The message also announced that the House had passed the bill (S. No. 369) to establish an additional land district in the State of Kansas, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 902) limiting the appointment of certain officers in the Treasury Department;

A bill (H. R. No. 40) to confirm the title of William M. Garvey to a certain tract of land; and

A bill (H. R. No. 891) for the relief of Charles E. Dole.

Mr. HARLAN and Mr. MORTON submitted amendments intended to be proposed to the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1871; which were referred to the Committee on Appropriations.

OSAGE INDIAN LANDS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. No. 529) to provide for the sale of the Great and Little Osage Indian reservation, in the State of Kansas, and for the settlement of said Indians in the Indian territory, the pending question being on the amendment proposed yesterday by Mr. ROSS.

Mr. ROSS. Mr. President, it is now two years that this proposition has been pending before the Senate. During that time a degree

of prejudice has been excited against it which was probably never before created against a merely local measure. It is not necessary to inquire into the motives which instigated the crusade that has been waged, but it is sufficient at this time to state that that criticism and prejudice are the result of an entire misapprehension of the facts in relation to it, and I shall ask the indulgence of the Senate for a few moments to state as briefly and succinctly as I may what those facts are.

In the first place, this amendment proposes to authorize certain railroad corporations in the State of Kansas to purchase, ostensibly, eight million acres of Indian lands in that State at twenty cents per acre, but in reality about seven million acres at about twenty-five cents, as five hundred thousand acres are reserved for school purposes, and about as much more for the benefit and occupancy of the Indians, in addition to the expenses of appraisement, survey, &c., which have to be paid by the purchaser.

The corporations proposing to purchase are six in number, are all living organizations, chartered under the laws of the State, three of them now under rapid process of construction, and aggregating altogether seven hundred and fifty miles of railroad within the State. With this endowment these seven hundred and fifty miles of railroad will all be completed probably within two, and certainly within three years from the passage of this act. The amendment is intended to be so framed as to secure the construction of every mile of these respective roads, and not an acre passes into their hands until completion.

On these lands there are less than four thousand Indians. They insist that they have long since sold their lands, and all they now want is their money. I know it has been asserted that they are dissatisfied with the sale, and ask that it be not ratified; but I also know from the official records of the Interior Department, and from personal intercourse with many of them, that it is not true.

A most unreasonable and exaggerated idea exists in regard to the value of these lands. It is true that this tract comprises as beautiful and fertile lands as can be found anywhere in the West; but it is also true that this constitutes but a limited portion of the whole, while the great bulk of the reservation is of an inferior quality. If there is such a place as the great American desert, it is in the southwestern part of Kansas and the northwestern part of the Indian territory. Vast portions of it are nothing but dry, barren, sandy plains, utterly destitute of both water and fuel, the land alkaline and the water brackish. This I know to be its character, for I have seen it. I am confident, too, that there is not a capitalist in the country who would pay this price for it, unless he had the means and intended to construct internal improvements to or through it, which would bring it within the reach of civilization and of markets; for only in this way could he ever expect a return of his investment.

The Indians are provided with a liberal allowance of land for homes in severalty, wherever they choose to take it within the reservation, where the money they receive for the surplus may be applied with some hope of success for their civilization and improvement, and the Government relieved from the annual appropriations which we now have to make for their care.

There are some twenty or thirty thousand white settlers now on the lands. They have gone there generally with the consent of the Indians, in most cases paying them an annuity for the use of their lands until their sale could be ratified by Congress. These people have of course taken up all the best of the lands, and by this amendment they are guarantied the right to purchase their homes at the minimum price of public lands. The balance, not settled on at this date, and comprising all the poorest part of the reservation and none of the best, is to be appraised by Government appraisers, and the maximum of that is fixed according to quality and contiguity to the roads. After appraisement the lands are open to all to settle upon and purchase at the appraised value as freely as upon any part of the public lands.

Another noticeable feature, and one which ought to commend the bill to those who profess a desire to aid the construction of railroads, but fear the effect of investing titles to large tracts of lands in corporations, is that these roads do not get title to an acre of land until they are completed. During all the time employed in their construction the lands are open to preëmption and settlement, the same as public lands. Following up and even preceding the construction of the roads, as settlements inevitably will, there will at that time be but little if any valuable lands left, nothing but the sterile sand banks, to fall into the hands of the corporations, and even these they must dispose of within five years of the completion of their roads, or forfeit them, to be sold for the benefit of the Indians.

Great stress has been laid by the opponents of this scheme upon the assumed impropriety of selling great tracts of land to corporations. It is claimed that they should be reserved for future generations of the landless poor. The meaning of that, in brief, is that they should be reserved for haunts for the buffalo and the savage; that they should be preserved as lurking places from which a vengeful foe to civilization can spring upon the defenseless settlements of the pioneer, burn his cabin, drive off his stock, murder him, and take captive his women and children. That is what it amounts to, and nothing else. Of what use will they be to the coming generations of landless poor, or to anybody else, with such incumbrances as that? How else are you going to bring these great interior plains within the bounds of civilization and development but by the influence of internal improvements? And how else are you going to secure those internal improvements but by offering reasonable inducements to capitalists to invest their money in the construction of those improvements? What difference does it make to the Government what becomes of these lands so long as the rights of its wards and its citizens are protected? It does, however, make this difference: the adoption of this amendment will, within the next ten years, create $1,000,000,000 of wealth where now is nothing but a barren sand-bank—$1,000,000,000 of wealth, more than would be evolved in forty years without these roads.

In communities of comparatively recent origin, like those of the West, with but little money, but an abundance of land, we have no means within our reach so effective for the construction of railroads, and consequently in stimulating development and promoting the general prosperity as the appropriation of lands. As appears upon the face of the proposition, it takes nothing from the Government, but actually adds to its resources, by opening up sources of production which do not now exist and which can never be developed but by the construction of railroads. It works no hardship to the settler, but directly the reverse, because in paying the increased price required for his home he buys with a certainty that within a reasonable time he will be furnished with a remunerative market at his door for every pound of vegetable and animal product of his land, with the additional advantage of the certain advance, far beyond its cost, of his homestead whenever he desires to sell it.

So apparent and well understood is this that in nine cases out of ten of inquiries at the local land offices and elsewhere for eligible locations upon the public lands almost the first question asked is whether they will be within the reach of projected lines of railroad. It is also proven by the experience of every land-endowed railroad company in the West. Not less than seven hundred thousand acres of railroad lands in my own State have been sold to immigrants within the last three years, in many cases at enhanced prices, simply because they were within reach of these improved means of communication. The immigrant prefers these rather than go out upon the public domain, away from schools, churches, and society, where lands could be had at one quarter or one tenth the price. He has been content to pay more if necessary and own correspondingly less land, and remain where he can send his children to school, enjoy the benefits of society, and, above all, have a market at his door for all he has to sell.

This one substantial fact is worth more than all the theorizing of the opponents of land subsidies to railroads, and demonstrates in a most practical and convincing manner the wisdom and beneficence of the system which our Government has adopted. To the State, also, this system of appropriating lands is a great gain, because the construction of every mile of road within its borders increases directly to the amount of its cost the aggregate of its taxable property, which is also still further increased in an endless ratio by the additional attraction to immigration and consequent increased production; so that, instead of any being losers, all are gainers.

The time was when we might look for prosperity and development in the distant and isolated regions of the interior, when the stage-coach and the flat-boat subserved the wants of commerce and furnished ample means of trade and communication. But that time has gone by, and cities cannot now be successfully built or farms profitably cultivated away from the great arteries of commerce and of thought afforded by the railroad and the telegraph.

Perhaps as signal an instance as any to be found of the beneficent influence of the land-grant system, long since wisely adopted by the Government, is in the State of Kansas. We have in that State completed and projected, with a certainty of completion, some three thousand miles of railway, nearly all of which is aided and all of which is largely stimulated by grants of land. One thousand miles of these roads are now in operation, costing an aggregate of $20,000,000 for construction and many millions more for stocking.

Contrary to the received idea of that country, capitalists and railroad builders found there a region which needed only the developing power of the railroad to make it what it has since proven to be, the most productive spot on the continent for grains and fruits and vegetables. The result has been that where sixteen years ago, there was not a white man living, or ten years ago, at the admission of that State into the Union, when there were but one hundred and seven thousand white people, we have to-day six hundred thousand people, and a population increasing at the rate of two thousand a day. During the last year our contributions to the support of the Government have increased three hundred per cent.; and that contribution is rapidly increasing from month to month. It is a remarkable fact, too, that this great increase both of people and of wealth is confined to the localities which are or are certain soon to be penetrated by railroads. At least two thirds of this vast influx are seeking homes on lands comprised within the railroad withdrawals. They appreciate the importance and value of the proximity of railroads; and while they can go anywhere upon the public lands, and take a homestead for the asking, they prefer to pay the prices they do and remain within the limits of trade and civilization.

It will not be denied that no way has yet been devised so promotive of the settlement and improvement of the West as the reasonable appropriation of its lands to the building of railroads. It is not alone the lands that are traversed that are benefited; but the initial and terminal points also, far removed from them, are made important centers of trade and trans-

portation; and their citizens, together with the people on the otherwise worthless lands of the interior, are made rich and prosperous. New York and Boston, as well as San Francisco and Portland, are thus directly benefited by the construction of these interior lines.

The value of every man's farm on either side of a railroad is at once immensely enhanced. Immigration is attracted, and all lands open to settlement in the vicinity are rapidly taken up. The increased means of transportation practically bring the consumer of the East to the door of the producer in the West. Schools and churches are established and maintained where, before the advent of the railroad, settlements were too sparse and poor to admit of these peculiar indices of prosperity and progress. Society is increased, strengthened, and improved, and the political importance of the State is augmented by every vote that is secured by the added facilities for business and for comfortable living afforded by railroads.

It is in this way that the railroads give the lands to the Government instead of the Government giving them to the railroads, by giving them value and making them attractive to immigration and productive of wealth and revenue. The disposition of the public domain is largely a question of dollars and cents to the country—a question as to how much shall be realized out of them. As a source of cash revenue it has long since been conceded that nothing is or can be realized directly from their sale by the Government; that the $1 25 per acre received for them as an item of revenue is so insignificant as to be unworthy of consideration; that the return to be anticipated from their sale is in their development and the production from them of taxable property, and not in the price per acre received for them.

The great bulk of the public lands are hundreds of miles from railroad communication, and consequently that distance from market. Suppose the settler goes out and takes up a homestead, getting his land for comparatively nothing, it is inevitable that in the absence of liberal grants of lands he must remain there many years before railroad communication will be much nearer to him than now. In the mean time he is fortunate and succeeds in raising abundant crops of grain and vegetables and stock. His neighbors are, like himself, producers and not consumers. The country is sparsely settled, because there are no unusual facilities for transportation and trade, and nothing, in the absence of railroads, to concentrate settlements and build up towns. His produce is a drug in his own neighborhood and region of country because of the absence of towns, and consequently of consumers. When his crops mature and the marketing season of the year comes round he has therefore to load them into his wagon and carry them these hundreds of miles before he can sell them at anything like the ruling rates of the markets. It takes him a week or more to reach that market, and nearly as long to return. Who cannot see that the necessary outlay of teams, of money, and of time, and especially of the latter, if properly valued, would leave the farmer a very small dividend, or rather none at all, at the end of the round trip? He would return creditor to his farm if not in debt to his grocer. How many men would go out upon the public lands in this age of railroad development with the prospect before them of an indefinite continuance of this state of things? It cannot be said that the rapid development of the West disproves this theory, for not one in ten of the immigrants to the West have gone there but in the confident expectation of in a few years enjoying all the benefits of near railroad communication and the advantages of a close market.

As a single illustration of this fact, scarcely were the settlements organized in the valley of the Kansas river before the agitation of the proposition to make that the route of the Pacific railroad was commenced, and it was largely the confidence which was felt even at that early day that the project would ultimately succeed that attracted and retained the two hundred thousand people now in that valley. This is my observation and experience; and the same considerations will apply with equal force to all parts of the West, proving that it is absolutely cheaper and better for the frontiersman to pay the enhanced value given to his lands by the presence of railroads than to take them for nothing and remain long distances from communication and markets.

Settlers do not go upon lands to which there is in their judgment no probability of the extension of railways. There are now open to settlement in the West, under the homestead law, millions of acres of the finest lands that lie under the sun, which the Government is begging the poor of the country to take as a gift, across which a stream of emigration is daily pouring, seeking more distant and no better lands, simply for the purpose of getting within reach of railroads, or rather of securing locations where railroads will be sure to come at no very remote day.

It must be clear to every one that out upon the great plains of the West, far removed from market, devoid of water communication, and scant of fuel, the progress of settlement must be exceedingly slow unless there be a reasonable expectation of a remedy for these disabilities, by a timely provision of better means of transportation than they now have. That remedy consists in the construction of railroads. Suppose we cause by the appropriation of lands the construction of roads across and through these plains. We cause at the same time the building of innumerable towns and cities, and a concentration of business and capital. Every settler upon them will be brought within an easy day's drive of a station and a market. He saves his weeks of time in getting to and from a market. He avoids the necessity of large investments in teams, and more than all he receives at his door for his load of produce a price approximating if not equal to that of the East.

Who does not see that that region, in large part now barren and desolate, becomes at once a desirable country to live in? Under this stimulus hundreds of thousands of the people of the East are silently wending their way to it to possess and enjoy their share of the benefits to be derived from this appropriation of the public lands. Who does not see, too, that this increase of production and accumulation of property add directly to the volume of national wealth and the enlargement of the sources of national revenue? And who does not see, too, that this development in Kansas directly tends to reduce taxation in Massachusetts as well? So that in this way, and this only, can these lands be made productive of good to all the people, and not to corporations and localities merely. The corporations purchasing these lands propose to enhance their value by improving them; and the terms of the sale rigidly guaranty that improvement. They propose to expend many millions of money upon them in this improvement, and having made that immense outlay in redeeming what will otherwise remain a barren waste until long after this generation shall have passed away, who would deny them an adequate, even a munificent, return upon their investment?

Suppose a corporation of individuals purchase a swamp in the vicinity of this city, and expend large sums of money in filling it up and making it habitable for the purposes of production and trade, would it be right to say that those who have thus expended their means in enhancing the value of their property and increasing the wealth of the community should receive no adequate return upon their investment of time and money? This is a parallel case. Here is a region of country far removed from civilization, effectually sealed up against settlement and development in the absence of railroads, and can only be made habitable and inviting to the farmer, the artisan, and the merchant, by the construction of these artificial means of communication and trade. Much of it is literally a barren waste of sand, and utterly valueless, except as it may be brought into proximity to valuable internal improvements.

If these corporations expend their money in making it habitable and attractive, thus adding millions upon millions to the wealth of the country, where is the justice of estopping them from the sale of the lands whose value they have thus enhanced, at prices at least approximating a fair return? And where is the wrong to anybody—the Indian, the settler, or the Government? Capital is hesitant about engaging actively in those improvements until this, our almost only resource, can be safely pledged. It is useless to aver that railroads will be built as fast as the country needs them without this encouragement, that we now have already projected all the railroads we need, and that these are sure to be built whether they have the aid of these lands or not. That is all true; but the young men of to-day do not want to wait until they are gray-haired before they can enjoy the commercial advantages which these roads will give them. Their fathers before them tried that and found it a poor investment of time. Each generation lives essentially for itself, and it is the duty of each for itself and for its own good to seek the highest possible stage of development, and not leave for the next what can and should be done within and for itself. We want and the country needs these railroads now, and we can have them and wrong nobody, but rather benefit everybody, by the plan I propose.

We have been admonished, in the course of the debates on this subject, that we are but hastening a conflict between railroad corporations and the people; that the time is coming, to quote the words of gentlemen, "when these corporations will be our masters." Let me admonish gentlemen, in turn, that there are better ways of averting that danger, if any such exist, than by stopping the construction of railways; better ways of averting the evil, if there be grounds for its apprehension, than by permitting our vast interior to remain the undisturbed haunt of thieving savages instead of planting upon it the flag of civilization and progress. When that danger comes, if it ever does, I have no fear that there will not be virtue and independence in the people sufficient to devise effective means for the correction of the evil. This generation wants the roads, and the next will be quite as competent to take care of itself as we ourselves have been to take care of this. It is folly to deny ourselves a substantial good for fear our children may not know how to use and control it.

Mr. President, it is objected to the appropriation of lands to railroads that it creates great landed monopolies of the corporations receiving them; that they tie up and withdraw from settlement the lands of the nation, which should be held open for the benefit and occupation of those who are to come after us. It is usually true of those who make this criticism that they are great admirers, and justly, too, I think, of the beneficent public-land system which has so long been followed by the Government. Now, what has been the practical working of that system? In the western States many million acres of the public lands have been purchased and obtained even by preëmption, in large tracts, by a few individuals, and held without any improvement whatever for purely speculative purposes, the holders waiting for the settlement and development of contiguous lands to enhance the value of their own. Here is a monopoly as great as that of which gentlemen complain on the part of railroad corporations, and far worse in its effects, because these contribute nothing to the improvement of their own or their neighbors' lands, while the railroad contributes largely to both. Yet do we hear any outcry against this absorption of the public lands in the hands of

non-improving speculators? Not at all. That is all reserved for those who spend their money by the million in giving value to their own and their neighbors' property.

There is another source of land monopoly, under the guise of a benevolent gratitude, which has been largely practiced in this country. We are told, in the reports of the Commissioner of the General Land Office, that seventy-five million acres of the public lands have been appropriated to the satisfaction of soldiers' land warrants. Seventy-one million acres of those warrants have been laid upon the public lands. By whom were they laid? The Commissioner tells us that not one in five hundred of those acres has been entered by the soldiers to whom the warrants were issued.

It will be remembered that immediately at the close of the Mexican war these warrants, or the right to draw them, were sold at New Orleans, by the soldiers returning from Mexico, by the thousand, at from sixteen to twenty-five dollars each. Speculators swarmed in that city to gather up these warrants, afterward to lay them upon immense tracts of the public lands and hold them for speculation against those seeking homes upon the public domain. A few years ago an act of Congress authorized the issuance of ten million acres of college scrip, to be also passed into the hands of speculators, as it largely has, and at almost nominal rates.

Congress has appropriated up to this time fifty-eight million acres of land to aid in the construction of railroads to the fourteen States of Illinois, Iowa, Michigan, Wisconsin, Minnesota, Missouri, Kansas, California, Oregon, Arkansas, Louisiana, Mississippi, Alabama, and Florida. These grants have secured the construction (and it could not have been secured otherwise) of seventeen thousand miles of railroad in those States, exclusive of the two thousand five hundred miles of Pacific railway, and created directly by their influence many thousand millions of public and private wealth. Yet in contrast to this fifty-eight million acres so appropriated, with such incomparable results, we have, by the Commissioner's report, eighty million acres given away in the form of soldiers' bounty and college scrip, and thrown almost wholly into the pockets, not of soulless corporations, as they are sometimes derisively termed, who expend many times the original value of the lands in making them habitable and valuable, but into the pockets of the land speculator to encourage and build up that most disastrous of all monopolies to the West, the private land monopoly. If we are to have any monopoly in lands, I certainly prefer that one which develops and enriches the country to that one which degrades and impoverishes it.

But I do not concede that the granting of lands for building railroads in any real sense creates monopoly. Railroads cannot exist where there is no production, and there can be no production where there are not communities of enterprising and industrious people. It is therefore imperative that they should sell their lands at reasonable rates and thus encourage settlement and production. To state the case is to prove it, and it is proven in the practice of nearly if not quite every land-endowed railroad in the West.

Mr. STEWART. I cannot allow this occasion to pass without returning my thanks to the Senator from Kansas [Mr. Ross] for having thrown more light on this subject than has been thrown by all the speeches heretofore made at this whole session on the subject of the real merits of the question of disposing of the public lands for the benefit of railroads. He shows that he is familiar with the subject on which he talks. He did not get his information from resolutions of meetings convened for some other purpose, and, not knowing what they were talking about, railing generally against monopolies. He understands the fact, and a little reflection will lead the Senate and the country to understand the fact, that civilized man from the earliest periods of history has been confined to the borders of the rivers and oceans and navigable waters. There has been no attempt to settle the interior of any continent by civilized man previous to the attempt made by our own people.

If you examine the map of Asia you will find that the thickly-settled portions are all along the ocean and the borders of the great rivers. There are no railroads there. With all the teeming population of Asia they have been unable to leave the borders of the water-courses. It is so with Africa. Of course we know but very little of that continent and how it is inhabited. The interior of the American continent has been a sealed book until within a few years past. Europe has running all through it water-courses upon which there is navigation, and consequently it was more generally settled. If you will look at the map of the world you will find that civilized man, from the earliest period down, has confined his operations near to water-courses, where there was navigation, until the invention of steam and railroads. Prior to that time there had been no attempt to utilize the interior of any continent. Ours was the first attempt. Russia is attempting it now. She is building railroads to the East and attempting to utilize and civilize the interior of Asia. But it was never before attempted. It is only by means of railroads that it can be done.

We are attempting it on our continent, and the railroads are pressing onward. And yet we have speeches here day after day saying if you give a railroad company the alternate sections of land to make an artificial means of communication to take settlement into the interior you are taking away homes from the settlers. The only way in which settlers can get homes one hundred miles west of the Mississippi river and the Missouri river, and those other navigable rivers—and probably fifty miles would be as far as they could go otherwise—is by means of railroads, and there is no other conceivable way of making those railroads but by land grants. Congress is not going to appropriate money directly to railroads; and everybody knows that running a railroad where there is no traffic and no people cannot pay. How are you going to get railroads into that country without continuing this system?

I think the Senator from Kansas has demonstrated by facts and figures how you can dispose of your public lands and how you can get homes for the settlers; and he has also pointed out by facts and figures the great mistake this Government has made in allowing large bodies of the public land to fall into the hands of private parties through the means of your various scrips issued under humanitarian guises, whereby the worst frauds ever committed in the world have been committed upon the settlers by these speculators lying in the track of civilization. I hope Senators who have not paid attention to that speech will read it. The Senator from Kansas has given the facts and figures how the lands are disposed of where you have railroads, and how worthless they are where there are none. There are between the navigable waters of the two sides of this continent two thousand miles that can only be utilized in any degree by this system of railroads.

Now, with regard to this amendment of the Senator from Kansas, I am not sufficiently familiar with how these roads run, not sufficiently familiar with the map of the country, not sufficiently familiar with their individual merits, to act upon it. But if it is to perfect a system of railroads whereby these lands can be sold and the money realized at once and the people get homes, it seems to me there is a great deal of merit in it. I think it would be well if this amendment could be considered in connection with the bill. I do not know how the bill stands now. There have been so many amendments made to it that I cannot tell how it stands. I do not like the frame of the bill. It is too complicated. If we are to do nothing with regard to railroads in this bill, if we are not to make provision for them, I suggest to both the Senators from Kansas, who are especially interested in this matter, that it would be better to have a simple bill transferring the Indians and providing homes for them, and let these lands be disposed of under the preëmption laws of the United States. You can then make your land grants in alternate sections and double the price of the remaining lands. There are eight million acres of land in this tract. By means of these railroads you will get some five or six millions. You can determine in the bill the amount given to the Indians and made a simple proposition of it.

It seems to me there is too much negotiation in the bill as it stands. If you pass this bill you complicate the system, and have different systems of disposing of the public lands. I think this whole subject should go to the Committee on Public Lands so far as the disposing of the lands is concerned, and let the Committee on Indian Affairs provide for taking care of the Indians. But the disposition of the lands should be considered by the Committee on Public Lands, so that there may be no complication in their mode of disposition.

I am satisfied that this bill ought to be re-referred and further considered. I am in favor of the passage of the bill at a very early day; but it seems to me that we have here a very complicated proposition. If it is to be passed there are several things in it to which I shall desire to call the attention of the Senate. I do not believe that we shall be able to get through with the bill to-day. I think it had better be considered again in committee. I understand from the Senator from Kansas [Mr. Ross] that the Legislature of Kansas have unanimously resolved in favor of a proposition of the kind submitted by him. That proposition brings just as much to the Treasury of the United States, just as much to the Indians, and much more to the settlers. I think it is a great deal better proposition than the original bill, and I should like to see the bill re-referred to some committee and have this proposition considered in connection with the bill.

Mr. POMEROY. I will not occupy the time of the Senate. I will say, however, that I have listened with great interest to the remarks of my colleague, and I am glad that he has submitted to the Senate those views, because they are eminently wise. Although they are not applicable to all the provisions of this bill, yet they are such remarks as would, if the proposition could be concurred in, greatly benefit the State of Kansas. I have no doubt that the statistics and facts to which he has referred are of great value.

The only reason why this Indian reservation cannot be administered upon under the regulations that have been established by law as to the manner of disposing of lands is that this disposition of these lands will make an entire change, so far as it applies to this reservation, in our system of disposing of the public lands. It is always difficult to change a system. All the roads named in the amendment of my colleague are very desirable and valuable franchises, and they are all cherished by the citizens of my State, and all have claims upon our citizens as well as upon the country, because some of them are of great national importance.

But, as I have said, the system upon which we dispose of the public lands has not been to give lands to railroad companies that do not build railroads through the lands. One of the companies named in the amendment has the right of way through these lands. That is the Atchison, Pike's Peak, and Santa Fé Railroad Company. It proposes to build a road through them, and it is eminently just and proper that the usual grant of public lands, when these lands become public lands, should be made to that company. There is no doubt of that. The other companies named propose to build railroads near these lands, but not through them.

They are in that vicinity. But the manner of disposing of the public lands under the system that has been adopted since 1856 does not apply to these other railroads, and although I am personally friendly to them and would be glad to do everything in my power for them, yet, as chairman of the Committee on Public Lands, administering the land laws of the United States impartially among all the States, I cannot agree to deviate from that established rule. It has become such a rule that it is now almost a law that our land grants shall be given to railroads, if they are given at all, where they pass through the lands; that they shall be given in alternate sections within prescribed limits, and only as the road is built. Those are the boundaries of our land grants, and we have never deviated from them.

Mr. STEWART. I should not like to see that system deviated from.

Mr. POMEROY. One of the roads named in the amendment of my colleague does pass through these lands, and it has the right of way and should have a land grant in alternate sections with the restrictions I have spoken of.

But, Mr. President, I desire to say that the bill for disposing of this Indian reservation comes to us from the Committee on Indian Affairs, and not from the Committee on Public Lands. The Committee on Indian Affairs have not seen fit to make in it any provision for internal improvements through that section of the State where the land lies. I am sorry they did not; but there is such a necessity laid upon us who are familiar with this whole question, as it relates to the peace of the State, that we cannot temporize with any temporary policy in regard to the particular manner in which the lands shall be disposed of as hazarding the question whether they shall be disposed of at all or not.

The Senate must bear in mind the fact that although this is an Indian reservation, yet the Indians have agreed to sell it. They have entered into a treaty to that effect. That fact has been known and published in all the States, and we had an exhibition this spring in the State of Kansas such as we had never had before, men from every State of the Union coming in—I will except the Pacific coast, but I will except no other States—to take possession of these lands which the Indians had sold. They had not removed. They think they have sold them, and they are only waiting now for the money. The Indians directed these settlers to their settlement, and things went on very peaceably for awhile; but the Indians not being removed, their treaty being delayed here and finally withdrawn by the President, the Indians thinking they were never going to get any money, and the settlers pressing in upon these lands, hostility between them has arisen to some extent. Difficulties have arisen. The Indians are beginning now to ask money from the settlers to entitle them to stay. The settlers refuse to pay money to the Indians; they think they should deal with the Government. These difficulties have progressed in the State to such a degree that the President of the United States has sent some troops there to protect the settlers and keep the peace. I received this morning a telegram stating that a whole regiment will be necessary; that the two companies sent by the President are not sufficient; that there is a most alarming state of affairs there.

In view of these facts, I desire to coöperate as far as possible with the Committee on Indian Affairs, and dispose of this reservation so that the Treasury of the United States shall not be depleted, so that the settlers will get the land, and so that the railroad company whose road does run through the land shall have the usual grant. Upon that basis I should be glad to have this bill passed.

Mr. FOWLER. What company is that?

Mr. POMEROY. The Atchison, Pike's Peak, and Santa Fé road. That road runs through these lands, and that is the only road that does run through them. It now has the right of way, but not a land grant, because it was a reservation at the time. When these become public lands, and the United States get back the money they propose to pay the Indians, the usual grant would naturally apply to that company, and they should have it.

It has been thrown out here that the people of the State of Kansas wanted to wrest these lands from the Indians; that they were going to commit some great outrage upon the Indians. That cannot be so at all. Before the settlers went on the lands, the Indians proceeded to sell the lands to the Government of the United States, according to the provisions of a treaty made by the officers of the United States Government. That treaty we found did not meet a ready approval in the Senate, and the President finally withdrew it after it had been laid on our desks for a year. We could not get any action upon it. During the pendency of that treaty, men from other States, as I say, entered upon these lands. They were welcome of course to the State of Kansas, but they were not citizens of the State who wanted to wrest the title of these lands from the Indians. They had already proposed to part with their title; and now men from other States, from almost every State in the Union, as I am told this morning, over twenty thousand of them, have taken possession of these lands.

I know the Senator from Maine [Mr. MORRILL] and others will argue that this is all wrong; that they ought not to have taken possession of them; but to argue in that way is to argue in the face of the stubborn fact. It is already done. They have possession, and they have it with the consent and acquiescence of the Indian when he agreed to remove. The only difficulty in this matter is that the Indian has not been furnished with the means for his removal, and the Government has not carried out the provision which the Indian made in his treaty. If that had been done last year there would have been no difficulty; there would have been peace and quiet in that section of the State, and we should have been spared the expense this Government will be to; and I think the expense will equal the whole value of these lands—I mean the expense of the Military Department of this Government on these lands this summer if the bill is not passed.

Mr. President, I know there is more anxiety to pass this bill than there is to make speeches about it. And while I agree with every word that my colleague has said, he could not have pressed the subject more strongly than I should have been glad to do, as the manner in which he proposes to dispose of the public lands is not in harmony with our system, except so far as it relates to one of these companies, I shall, reluctantly though it may be, have to vote against his amendment, with an understanding that an amendment protecting the rights of the company that does pass through the lands will be adopted. When that is done I shall vote for the bill. I prefer to take a vote rather than to discuss it at any greater length.

Mr. ROSS. I rise simply to correct a misapprehension of my colleague in regard to the location of these roads. Three of these roads actually traverse these lands. Out of the three there will not be far from four hundred miles of railroad lying actually on the lands; one line entirely through from east to west, another one entirely through from northeast to west, and another on the east side touching the tract.

Mr. POMEROY. My colleague and myself cannot differ about it. What I say is that one road has the right of way through it and by act of Congress is authorized to build through it. The others are merely proposed roads, and are not authorized by any act of Congress to build through it. They are not real roads, not roads having any standing in the law.

Mr. MORRILL, of Maine. Mr. President, the bill is before the Senate for its consideration, and as I have some views to express in regard to it I may as well submit them at the present time. If I could hope to arrest the attention of the Senate on this bill I should be very glad to state to it some of its characteristics which in my judgment deserve the most serious consideration of the Senate. It belongs to a class of measures that in my judgment at the present time are of more importance to the country than any which engage its attention. I think I can show to the Senate that this bill is of the most questionable character, the passage of which would be little less than a legislative scandal, to be pointed to in the history of the country as so extraordinary as to be wholly unjustifiable upon grounds either of legislative expediency or legislative wisdom.

I have been very much in the habit of concurring with my honorable friend from Kansas who has just taken his seat [Mr. POMEROY] upon questions touching the Indians; and I regret extremely that the remarks which my honorable friend has seen fit to submit to the Senate to-day were not characterized, if he will allow me to make that remark, with his usual candor on that subject. He tells the Senate that there is very great difficulty and trouble in Kansas, and that the trouble originates with the Indians.

Mr. POMEROY. No; I did not say so.

Mr. MORRILL, of Maine. Will the Senator be good enough to define himself then?

Mr. POMEROY. The Senator never intends to misquote me, I know. I did not say the trouble was solely with the Indians. I said difficulty had grown up between the Indians and these settlers. I did not say the trouble was solely with the Indians.

Mr. MORRILL, of Maine. I will explain what the trouble is, if I can, and if I know, and I think I do. I say the trouble is not with the Indians; the trouble is not chargeable to the Indians in this instance at least, and I challenge contradiction from that Senator or any other Senator; and I think I know.

Now, sir, what are you about to do? Dispose of an Indian reservation. Why? It is a question of peace and war, the honorable Senator tells us. My honorable friend from Iowa [Mr. HARLAN] who has charge of the bill invokes the judgment of the Senate to avert the perils of war. A regiment is already ordered, the honorable Senator from Kansas [Mr. POMEROY] tells you, to preserve order on one of the reservations belonging to a tribe of Indians which has the guarantee of the Government of the United States for its protection and security. That is the predicament in which we are placed. Well, sir, who is going to make war? Have the Indians proclaimed it? No. How does it come? It comes by conflict, my honorable friend explains now, between the settlers and the Indians. Does he mean to tell the Senate that there is a settler in that territory?

Mr. POMEROY. Yes, sir.

Mr. MORRILL, of Maine. He does. Well, I mean to say that there is no such thing as a settler on that territory, and I know what I am saying. From the nature of the case there can be no settler. If there is anybody there he is a trespasser. If he is there he is there in violation of the rights of the Indians, and he is there in violation of the plighted faith of this nation; and nobody knows that better than my honorable friend; and when he uses the term "settler" he misuses the term altogether. The Indians hold that reservation by the faith of this nation pledged to them, and no man has a right to go there without the consent both of the Indians and of the Government. To talk about settlers there is to talk most inaccurately. To talk about settlers and the rights of settlers there is to talk altogether outside of the record. There is no white man there who has any right whatever to be there. He is there in violation of law, in violation of the solemn treaty of the Government of the United States, and if the Government were true to its obligations, he would not be there.

Now, my honorable friend apologizes, and

says there was an understanding that the Indians were going to give up this territory. He says they proposed to give it up, and made a treaty by which they agreed to give it up; but somehow or other it was not ratified; but the settlers rushed in. Does not the honorable Senator know that no man can be a settler on the public domain until it is opened for settlement by authority of law? Of course he knows he cannot.

Mr. President, the whole difficulty comes from the fact that lawless men, men who were desirous of obtaining these lands, unscrupulous men, men disregardful of the rights of the Indians, have gone on there in great numbers, flocked in, perhaps, from other States, as the Senator says. I have no disposition to single out the people of Kansas for offensive criticism; but there is the fact—if there is trouble on that reservation it comes from lawless aggression of whites on the rights of the Indians.

Why, sir, the Secretary of the Interior sent to the House of Representatives the history of this case; he called the attention of Congress as early as March last to the condition of things in Kansas on this territory. What does he tell you? He asks an appropriation of $50,000 to feed these Osage Indians. Why? He says while these Indians were off on their hunt, as they had a right to be, in the latter part of the fall and early part of the winter, people rushed into that reservation, occupied their possessions, and when the Indians returned they found them in full possession of their cultivated lands, their corn-fields, their corn, their houses, their buildings; and they hold them to-day; and the Government of the United States has never lifted its hand to protect these Indians although there stands the treaty obligations. Although there stands the faith of the nation pledged in a solemn treaty to protect these Indians, twenty thousand squatters are there, and this nation is to send a regiment of men, at an expense, the honorable Senator says, greater than the whole value of this land, to protect what? To protect, as my honorable friend from Iowa said yesterday, the white women and the children from the tomahawk and the scalping-knife of the savage. That is his representation.

Sir, if the United States have a duty to perform there—and they have as high and as holy as a nation can have—it is to protect the Indians against the lawless and reckless depredations of these twenty thousand squatters, who are there disregardful of the rights of these Indians. That is the duty of this Government, and if the Government would attend to that duty there would be no occasion for rushing a bill of this character through the Senate of the United States. It all comes, as our whole difficulties with the Indians come, from the lawless spirit of invasion on the border, which this Government must rebuke if it intends to have peace, and if it intends to keep its record and its reputation and its faith pure. If any Senator has the curiosity to see how these Indians have been treated let him read this communication. They are in a state of starvation. They are wandering over that territory, and the military has been called in to protect them against the violence of these men. Here it is set out how many of them have been violently assaulted, their stock taken, provisions taken, and everything upon which they subsist, and the Army called in to protect the white population, it is said, against the Indians; and then the Senate of the United States is invoked to complete the wrong thus begun by expelling the Indians, turning them off to wander and to perish. This is the spirit in which this bill arises, and this is the necessity for this proposed legislation. Sir, the fact is that this Government has neglected to perform its treaty obligations to these Indians. It has neglected to give them that protection they had a right to expect; it has neglected to do those things which it ought to have done. That is the difficulty, and there is no other.

It is said these are savages. My honorable friend from Iowa says they are blanket savages, plains savages, by which he means to imply, I suppose, the worst kind of savages. I am confident that is an exaggeration. Let us see if it is not. Is there any American scholar at all acquainted with our history who does not know something about the Osages? These are the Osages, who have inhabited that region of country known as the Osage country for a period beyond the memory of the white race, long ago. We have been treating with these Indians now for sixty years and more. We have taken them under our friendship. We have pledged to them our friendship and our protection. They have been our allies, as you will see if you look into the treaty stipulations. We have cultivated terms of friendship with them. They have observed their treaties; that the history shows. And now, forsooth, when having by these treaty stipulations reduced their entire dominions, which once covered the entire State of Kansas and more, down to five million acres, we propose to call in the military and eject them by force; and in order to palliate the sin we brand them as savages, blanket savages, plains savages! Let us look at this for a moment. I have here the report of the Commissioner of Indian Affairs, in which he speaks of the Osages; and he says:

"They number about four thousand, and were before the late rebellion making a fair progress in civilization, being the possessors of large numbers of cattle, horses, and hogs, and cultivating fields of corn, and having an interest in education manifested in sending their children to the excellent manual-labor schools established in the nation under the Catholics. But between the contending armies they were despoiled of their property."

That is the character given by the Commissioner of Indian Affairs; and I submit to my honorable friend that by his nationality and his blood he may be a credible witness on that subject. He may be relied upon.

But, Mr. President, I do not intend to dilate upon this subject. I propose to call the attention of the Senate to two or three features of the bill. What I have already said will suffice as to the character of this measure as a "peace measure," and the necessity out of which it grows. Now I want to appeal to the legal sense of the Senate for a moment, if Senators will give me their hearing. Referring to the first section of the bill, let us see what this legal proposition is:

Be it enacted, &c., That the United States shall assume the absolute control and ownership of all the lands known as the Great and Little Osage reservation.

Here, sir, is a legislative proposition that the Government of the United States "shall assume the absolute control and ownership of the Osage reservation." And this we propose to do by act of Congress in face of the fact that the Indians hold this entire reservation by treaty stipulation. I have before me a treaty made with these Indians in 1865, one of a series of treaties running back to 1808, by which this particular reservation, in lieu of what had been theretofore ceded, is secured to them by the faith of the nation. Treaties made under the Constitution of the United States are what? The supreme law of the land, are they not? Very well. You propose to override that solemn treaty stipulation by an act of Congress. That is the first proposition.

Well, sir, why do you treat with these people? Because it is supposed in all fairness and decency that when we take away their property they have a right to be heard. But now, sir, by your arbitrary power, by the exercise of arbitrary legislative power, you propose to turn these people off this reservation and "assume ownership" over the reservation which you have said belongs to them, and which you have declared that you would guaranty to them. You propose by your legislation without their being heard upon the subject, they being no party in court and having no day in court, to take it arbitrarily away from them and override your solemn treaty stipulations.

Was that ever done before in the legislation of this country? Was it ever done anywhere before? Will anybody say that we ought to do a thing of that sort to a feeble and impotent people who are in your power with no power to resist and no voice to be heard? Will anybody say that any such act as that ever was known in any civilized country and in any deliberative body? But that is this proposition. You propose by this act of legislation to override a solemn treaty made with these Indians and in which your faith is pledged by an act done in their absence, giving them no voice and no day in court; and all this is to be done by the Representatives of a Christian people.

There may be some way by which the complication alluded to by the Senator from Kansas can be cut and by which the difficulty which I recognize to exist growing out of the lawless state of things I have described in Kansas on this reservation may be pacified; but I am sure that the Congress of the United States will pause before it puts upon the record of the legislation of the nation a proposition by an act of Congress to override a solemn treaty, which cannot be made but by the consent of two competent contracting parties.

Now, let us take one step further. That is one proposition, but there is another embraced in the same section of the bill:

"The United States shall assume the ownership of the Osage reservation known as the Great and Little Osage reservation, in the State of Kansas, including"—

I wish the Senate to observe this—

"all lands in said State ceded to the United States in trust."

What is that? Not only to take the Osage reservation, but it proposes to take that portion of the lands which heretofore have been ceded by these Indians to the United States in trust. The Congress of the United States now undertake by a legislative act to say what they will do in regard to a trust which they have undertaken by a solemn treaty to perform. Let us see how it is proposed to manage that. This trust is this: by the second article of the treaty of 1865 it is provided:

"The said tribe of Indians also hereby cede to the United States a tract of land twenty miles in width from north to south, off the north side of the remainder of their present reservation, and extending its entire length from east to west, which land is to be held in trust for said Indians, and to be surveyed and sold for their benefit by the Secretary of the Interior, under such rules and regulations as he may from time to time prescribe, under the direction of the Commissioner of the General Land Office, as other lands are surveyed and sold. The proceeds of such sales, as they accrue, after deducting all expenses incident to the proper execution of the trust, shall be placed in the Treasury of the United States to the credit of said tribe of Indians."

This nation by that treaty accepted that trust. What was it? That it would take care of these lands and sell them at a reasonable price—I think the price is $1 25 an acre—and it shall be put into the Treasury to the credit of the Indians. Now what is proposed? It is proposed that we shall "assume the ownership" of these lands as for ourselves; and what are we to do with them? We are to sell them, and are to pay these Indians for them at the rate of about eighteen cents an acre. That is what we propose to do, and that is the way we propose to execute a trust which we solemnly entered into in 1865. Having then told these people that we would survey these lands, put them into the market and sell them, and that they should have the proceeds of the sales, we now propose to say that we will "assume the ownership" of them absolutely, and that they shall be put off with eighteen cents an acre. What do you think of that, sir? Will the Congress of the United States do that with their eyes open? Will you execute a trust which you solemnly entered into with the Indians in 1865, by which you told them they should have the benefit of the money arising from a certain reservation—will you execute that trust now by an arbitrary act of Congress saying that you "assume the ownership" of the land and will put them off with eighteen cents an acre? That is the propo-

sition here; and that you propose to do in the face of this treaty stipulation; and that you propose to do under the plea of a necessity to avoid a war with the Indians and a conflict with the savage that has grown up as I have shown you.

Now, Mr. President, I ought to say in this connection, to show you the gravity of this proceeding, that this trust reservation, amounting to between three and four million acres of land—a little short of four million, I think—worth to-day on an average, I doubt not, from the information I have received——

Mr. MORTON. To what lands is the Senator now alluding?

Mr. MORRILL, of Maine. I am now alluding to what are called the trust lands which are conveyed by this treaty to the United States by these Indians in trust, to be disposed of in a particular way.

Mr. MORTON. Which added to the others would make about twelve million acres.

Mr. MORRILL, of Maine. No, about eight millions. These trust lands are between three and four million acres, worth on an average, my information and belief are, not less than four dollars an acre; and you propose to dispose of them in this arbitrary way, and allow the Indians eighteen cents an acre; and that is called the execution of a solemn trust entered into by treaty stipulations in 1865! I ask Senators whether, when such a thing as that can be proposed in the Senate of the United States, it should be a matter of surprise to anybody here or anywhere else that there are Indian disturbances on the border?

Now, sir, let us follow this matter a little further. I have stated the first two propositions that arise in this bill. Now, what is proposed to be paid to these Indians for these lands? Here are eight million acres of land that this bill proposes to take from these Indians arbitrarily without their consent, without an opportunity to be heard. It is their all. It is all they have. It is the last of the great dominion over which their ancestors roamed centuries ago; and what do we propose to give them? The bill originally as it went to the committee proposed $1,600,000. My honorable friend from Iowa, the chairman of that committee, or the committee itself, with his approbation, I do not doubt, raised it to $2,000,000; but my honorable friend from Kansas thought $2,000,000 too much. Oh! he would not think of giving the savages $2,000,000 for eight million acres; seventeen cents an acre is enough for the Indians.

Mr. POMEROY. If the Senator had read my remarks he would have seen that the reason I gave was, that they had agreed in their treaty to take $1,600,000. That was the reason why I said I would fix that amount. That was their contract.

Mr. MORRILL, of Maine. I am very sorry that my honorable friend makes that apology.

Mr. POMEROY. Since we assumed this trust they have come on here and agreed with the Government to modify the trust, and agreed to take $1,600,000 for the whole—the trust lands and all.

Mr. MORRILL, of Maine. The trust lands were not conveyed by that treaty.

Mr. POMEROY. Yes, sir; they were named in the treaty.

Mr. MORRILL, of Maine. That is not my recollection of it.

Mr. POMEROY. I refer to the Senator from Iowa.

Mr. MORRILL, of Maine. I refer to the record.

Mr. POMEROY. I refer to the Senator from Iowa whether the trust lands were not included in the treaty.

Mr. MORRILL, of Maine. I will not have any question raised about that. My honorable friend thought $2,000,000 too much. He says the Indians made a solemn agreement with the Government of the United States to convey the trust lands. I wonder why the Senate of the United States did not agree to take them at their proposition. Will the Senator tell me that? It lay here a long time, it seems, but was never brought into the Senate for ratification; or, at any rate, it was not ratified.

Mr. POMEROY. I will refer to the Senator from Maine, as he was upon the committee at the time that treaty was pending. He can give the reasons why it was not brought into the Senate.

Mr. MORRILL, of Maine. I was a member of the committee and never thought, so far as I was concerned, of ratifying that treaty; and there is a little episode in regard to it that I may as well mention here to show the character of this thing. While it was before me I had the honor of having all the parties to it before me except the Indian. The Indian was not represented; he was not in court; he had no day in court; he did not appear; but I will tell you who did appear. First, the agents of the railroad to which the land was granted; second, another railroad that wanted a part, that wanted to divide, that contended there was enough to subsidize two big roads. Who else? The squatters were there. Who else? Agents from the State of Kansas who wanted a portion of the land for their school fund. There might have been another party.

Mr. POMEROY. The Senators from the State of Kansas did not go before the committee, I reckon. I know I did not.

Mr. MORRILL, of Maine. I did not refer to the honorable Senator nor to his colleague in Congress from his State.

Mr. POMEROY. I never appeared before the committee in regard to it.

Mr. MORRILL, of Maine. Here were two railroads—the railroad to which the land was to be granted, and the railroad that wanted a part—the squatters, and the State. There were four parties and they argued the question before the committee. The question between the two railroads was, as I have said, for a division of the spoils; and on that point we got some information as to the value of these lands. The railroad company that was on the outside and wanted to get in, insisted upon it that they were very valuable. The other road said they were no more than they wanted; but the road that wanted to get in and share the profits said they were worth at least $40,000,000 and were enough to subsidize both the roads. The squatters wanted to be made easy in their settlements. They were very anxious to have their rights protected or their wrongs made legitimate, made rights.

Some member of the committee, I remember, asked these gentlemen who represented the Indians; and it was apparent that all the parties did not see the wit of that question. They did not seem to think that the Indians had anything at all to do with it; and the idea of anybody's making inquiry as to what the Indians had to do with a treaty or with the disposition of eight million acres of lands belonging to them seemed a very strange inquiry for a committee of the Senate of the United States to make. Why, they were to give them eighteen cents an acre, and they were going to have an asylum in that limbo, the Indian territory, to which all hapless Indians in that region go sooner or later!

The question is whether this bill is right. The treaty was not ratified; the squatters went in. My honorable friend said—I may as well speak of it in this connection—that after this treaty was made and there were some expectations that it might be confirmed, that the Indians might be dispossessed of these lands, people rushed in from various States, I presume to Kansas, upon the idea that the lands were to be opened for settlement; but the difficulty, I say to my honorable friend about that theory is, that eight thousand were there before the inception of the treaty, and nobody knows better than my honorable friend that the very purpose and necessity for making that treaty in the beginning was to relieve the men who had got in there in violation of the rights of the Indians, and quiet the difficulties then apparent. That is the way these things are done.

Mr. POMEROY. Does the Senator mean to say there were eight thousand on this diminished reserve?

Mr. MORRILL, of Maine. I mean to say on the lands we are talking about.

Mr. POMEROY. No, sir; on the trust lands that had been ceded by a previous treaty, but not one of them on this land contained in the diminished reserve.

Mr. MORRILL, of Maine. I say the evidence before us was that on the land for which we were treating there were at least eight thousand squatters.

Mr. POMEROY. That was because it included the trust lands.

Mr. MORRILL, of Maine. I do not think that alters or modifies at all what I am saying. I say here that the necessity for making these treaties always is that the Indian territory is invaded by lawless men. That is the history of the whole subject of reservations. We make a reservation to-day, set aside for the Indian so much land, and we say to him in solemn phrase, "This shall be to you and your posterity forever, and our faith is in it." The swelling tide of population rushes on, and coming in contact with the Indians they communicate to them the worst of our vices, rarely any of our virtues, and nothing of protection.

And what then? Troubles come. The Indian resists. They strip him of his possessions. They then come to Congress and a new reservation must be made, and the Indian pushed further off. That is the history of the whole subject of reservations in this country, and the whole subject of dealing with the Indians. And so the necessity for making a treaty here was that the reservation was invaded. Kansas did not protect the Indians. The United States did not protect them. The squatters invaded their country, and for peace it was necessary to make a treaty. The treaty having failed, this tide of squatters still kept pushing in upon this territory, and now has come a crisis in our affairs when the Indian must be removed at the point of the bayonet to preserve the peace. That is the necessity which arises here, and it is no misconduct on the part of the Indians. Neither of the honorable Senators will say that.

My honorable friend, who knows very much indeed of Indian affairs in this country, who is very familiar with the subject and whose views on all such matters are eminently humane, will not tell you that any of these troubles lie at the door of the Indians. The Indians have molested nobody. The Indians have been disturbed; the rights of the Indians have been violated. That is what causes the disorder; that is what sends your regiment of troops there.

But, sir, enough of that. Now let us see what is to be done. It is proposed to pay these Indians eighteen cents an acre; and what shall become of the land then? These squatters are to have it at $1 25 an acre. On what principle? They are trespassers to-day; they have no rights whatever there; their whole history is wrong; and now on what principle is it that you propose to make their title good? On what principle is it that you propose to say that, having violated the rights of these Indians, having put the peace of that region of country in peril, having thus rendered it necessary to call out the military of the country to keep order—on what principle is it that these men are to be preferred to all other and peaceful citizens of the United States, and are to have a right to have their possessions, taken in violence and wrong, made good to them?

Can anybody in law or in conscience answer that question? Bear in mind that these lands are valuable and among the richest in the West. These squatters go on in advance of the rights of other and law-abiding honest citizens to have the pick and the fat of the lands. Whatever there is that is choice there

these men have got; and now they come here and have the face to ask the Congress of the United States to give them these choice lands to the exclusion of the honest men who are awaiting the action of the Government to open these lands to settlement before going upon them. Are you going to do that? If the Senate of the United States do that they invite lawlessness, they give a bounty on this sort of freebooting which makes all this trouble on the border, and which gives you Indian wars, and which subjects our Government to the expense of many million dollars annually for war expenses in connection with the Indian department. If you propose to do that be it so, but do not complain of what follows in the future.

No, sir; I say to every man on that territory, "You shall take no advantage whatever by your lawlessness; we assure to you nothing; when we have settled this question with the Indians we will settle the question with you, and we will take care that you get no advantage of the law-abiding people of this country who have a right to purchase lands as well as you have, and who have a right to wait until the public lands are open to settlement and the Indians are off it; and no advantage shall be had by making a foray into the Indian country." I protest, therefore, that this bill shall not assure to these men one single rood of land. If they are to have that land let them have it upon some principle of fair and open competition with the honest and law-abiding people who are waiting to have the lands opened; but this bill assures it to them.

Another point. What is to become of these Indians? There are four thousand of them. What are you going to do with them? You arbitrarily assume the "absolute control and ownership" of their lands. Is not that lofty language now for the Senate of the United States, representing forty million people, to say that they choose, notwithstanding their treaty obligations, to declare that we assume the absolute control and ownership of land which this Government in 1865 guarantied to these savages, as my honorable friend chooses now to designate them? What sort of an assumption is that? Is that worthy of a Christian people? Is not that a bold and arrogant assumption, to say the least of it; and will the Senate of the United States stand up in the face of the American people and say, with the knowledge of that treaty in their minds, that they assume absolute and arbitrary control over this reservation and over the rights of these parties to dispose of it without their consent, and without their being in a condition to give their assent, as the United States choose? I trust not. I trust the temper of the Senate of the United States has not yet got to that point.

But, I ask, what are you going to do with the Indians? What is going to become of them under this bill? They are to be driven at the point of the bayonet out from Kansas and out from this reservation. Where? God only knows where. Does the bill provide for them? No, I think not. They are to go out into the Indian territory vagabonds, I greatly fear.

Mr. FOWLER. Are they living on this land now?

Mr. MORRILL, of Maine. Living on it, and have been living on it beyond the period to which the memory of man runs to the contrary. The Osage nation have been living there nobody knows how many centuries. They have a history. Their country, as I had occasion to say before, covered the entire territory of Kansas. It has dwindled down by treaty stipulations with this Government now to these five million acres; and here it is proposed to "assume"—that is the language—to assume absolute control and ownership over this land.

Mr. MORTON. I ask the Senator if fifty years ago the whole country was not called the "Osage country?"

Mr. MORRILL, of Maine. Certainly it was. It is historic. There is not an American student who does not know it.

Mr. FOWLER. I wish to find out whether this land now is the land that has been reserved to them and which they occupy as a home at the present time, and the only land they have.

Mr. MORRILL, of Maine. Certainly it is their only land. It has dwindled down to this. This is the only home, the only refuge they have anywhere, and this bill proposes to force them at the point of the bayonet, if necessary, out of it, and the military are already there to do it, and to send them wandering vagabonds over the earth. This is scarcely an exaggeration. There was a provision in this bill when it went to the Committee on Indian Affairs that the President of the United States should be bound to furnish them a home in the Indian country. What has become of that? Stricken out.

Mr. CORBETT. It is in the bill now, in the fifth section.

Mr. SHERMAN. It was in the bill I read yesterday.

Mr. MORRILL, of Maine. I will see. I hope I am mistaken. I hope it is here. I see, however, that it is stricken out in my bill.

Mr. SHERMAN. I should like to know how the fact is.

The VICE PRESIDENT. Section five was not stricken out.

Mr. SHERMAN. The reason I interrupted the Senator was because I was about to ask whether the President had really selected a home for these Indians to go to?

Mr. MORRILL, of Maine. I see that I have been misled by the way the brackets are placed in the printed bill. I understood them as striking out the whole section, whereas they apply to the number of the section. Then I am wrong in saying that that provision is stricken out.

Mr. MORTON. I will call the Senator's attention in that connection, however, to the fact that the new home to be provided for them is in the Indian territory; and it seems that is not yet the property of the Government, and whatever it costs the Government of the United States is to be taken out of the sum they are to get for their eight million acres.

Mr. MORRILL, of Maine. I had not forgotten that. The bill does apparently provide for that, and I will read what the provision is:

It shall be the duty of the President to procure lands for a permanent home for said Osage Indians in the Indian territory, equal in quantity to one hundred and sixty acres for each member of said tribe, or such part thereof as said Osage Indians may desire, to be paid for out of the proceeds of the sale of said reservation in the State of Kansas, the price per acre of such lands to be procured in the Indian territory not to exceed the price paid by the United States for the same.

The President of the United States is to obtain the lands; how? Who knows that they will be obtained? I am wrong in saying that the committee have not made some apparent provision; but am I wrong in saying that there is really no substantial provision? The President of the United States is authorized to obtain the lands; but who has them for sale? Are not all lands in this Indian territory dedicated to other uses. Does not everybody know that all there is in the Indian country is dedicated already by formal treaty stipulations? Therefore, whatever apparent provision there may be for these Indians, I submit I am substantially correct in saying that no provision is made, and I am sure no provision is made upon which the Senate of the United States will feel that they have a right to rest when they take the homes of four thousand people out of a country which has been theirs from time immemorial, and force them into a foreign country, into the midst of hostile bands of Indians, the reservation itself having been designated by the peace commissioners appointed in 1867 as a general receptacle for all the tribes that may be gathered in that country. Therefore, Mr. President, I submit to the Senate, with very great confidence, that it will be found that no provision has been made for these Indians which ought for a moment to be regarded as suitable.

There is another peculiarity in this bill to which I call the attention of the Senate. I mean that it is peculiar to all that class of legislation which relates to the Indians. I call the attention of the Senate to it for the reason that in this particular case I think it ought not to apply; and in this particular case and at this particular time I think the Senate of the United States ought to set its face against any further legislation in that direction. I refer now to the third section of the bill:

SEC. 3. *And be it further enacted*, That all debts owing by the Great and Little Osage nation of Indians, and unpaid at the date of the signing of said treaty, either to whites or Indians by said Osages, shall be liquidated and paid out of the funds arising from the sale of the lands herein directed to be sold, so far as the same shall be found just and valid on an examination thereof, to be made by the agent of the tribe and the superintendent of Indian affairs for the central superintendency, subject to the approval of the national council of the Osage nation, in each individual case, and of the Secretary of the Interior: *Provided*, That the amount so allowed and paid shall not exceed $40,000.

Now, Mr. President, what are these debts? Does anybody know? To whom are they owing? Are we under any obligation to pay them? My experience in these matters justifies me in the presumption that this clause is put in—of course I absolve my honorable friends from all complicity in it in every way—in the interests of a set of men who are always hanging about these Indian tribes. It is so much money in their pockets, without regard to the obligation on the part of the Indians either in the contraction or the payment of the debt.

Another noteworthy proposition is to be found in the fourth section:

That there shall be paid to the Great and Little Osage tribe of Indians a just and fair compensation for horses stolen from them by white citizens of the United States.

Are we quite willing to put it on the records of the Senate of the United States that the citizens of the United States are horse-thieves? I do not mean to say any severe things about the citizens of Kansas. It may be that some of the people guilty of these practices came from my State, as the Senator intimates. [Laughter.] This reservation is situated in Kansas, which ought to be, and I trust is, a law-abiding State; and these Indians, by an article of their treaty with the Government, are entitled to the protection of the American people, protection in their rights of property and person; and yet we are expected to put on the records of the Senate of the United States that our citizens in times past have dealt with these Indians in such a treacherous and felonious way that we acknowledge ourselves indebted to them for "horses stolen from them by white citizens of the United States since the ratification of the treaty of September 29, 1865." In these five years how many horses are we to understand have been so stolen? The committee say that this payment shall not exceed $40,000. Why not? Why not pay for the whole?

Mr. POMEROY. If the Senator will permit me to interrupt him, I will remark to him that when we had the appropriation bill before Congress, only a few weeks ago, I moved to strike out precisely such a provision as this, and urged it, and insisted that the people should not be convicted of horse-stealing until they had had a trial in court. But the Senator from Maine carried the provision in that language against me.

Mr. MORRILL, of Maine. I am not contending that the horses have not been stolen; but I refer to it for the lesson of wrongs if teaches have been practiced upon these Indians.

Mr. POMEROY. That is what I urged then; but I could not convince the Senator from Maine.

Mr. MORRILL, of Maine. My honorable friend seems to be converted, and thinks it is

best for the people to confess their sins. It is very easy to confess the sins of other people, and therefore I hope my honorable friend will not be particularly nervous on this subject.

Mr. POMEROY. I am not at all converted; but I found then that the Senator from Maine insisted on retaining this very language.

Mr. MORRILL, of Maine. We say that we will pay for this stolen property, but with a proviso that we will not pay for stolen property to an amount beyond $40,000. Why that limitation? The implication, of course, is that we have stolen a larger sum.

Mr. MORTON. I should like to ask the Senator from Maine who he understands to hold these claims for stolen horses?

Mr. MORRILL, of Maine. I have no information on that subject. If the Indians have had the good fortune, if they had any claims to hold them to this day, it is contrary to my experience. They have probably passed into the hands of some expert manipulator, who is here in the interest of the Indians to see that their rights arising from stolen property are at least recognized by the Senate of the United States, to the end that somebody shall get the pay.

Then I find on the eleventh page of the bill a proposition for the distribution of the money after the Government of the United States shall receive back what they propose to pay. It reads as follows:

And after the United States shall have received from the proceeds of the sale of said lands, over and above the cost of the survey and sale thereof, the amount provided for in the second section and fourth section of this act, and the said sum of $2,000,000, with accrued interest, including in such estimate the proceeds of the sales of the so-called Osage trust lands, which may have accrued before the approval of this act, the residue of said lands shall be disposed of as other public lands: *Provided, however*, That nothing in this act shall be so construed as to prevent the application of the so-called "town-site laws," and the law making a grant of the sixteenth and thirty-sixth sections in each township of the public lands to the State of Kansas for the support of public schools, to said lands, in such a manner as not to interfere with the prior rights of actual settlers as aforesaid.

You will perceive that the Indians have no interest in that; that after having confirmed the title of the squatters at $1 25 an acre, treating them precisely as if they had been *bona fide* settlers under the preëmption laws of the Government, the balance of the land is to be disposed of for the public interest, not for the Indians.

My honorable friend from Kansas [Mr. POMEROY] yesterday moved to strike out of this bill in several places the word "nation." He thought it was too dignified a phrase altogether to be used in reference to these tribes of Indians. From the very great respect I have for my honorable friend I was extremely sorry that he should feel called upon to rise in the Senate of the United States and make an objection to the passage of a bill, or, in other words, move to modify a bill, because in describing these Indian tribes they were called "a nation." I ask my honorable friend whether he thinks that violates the history of this country? I should like to ask whether he thinks applying the word "nation" to the Indian tribes of this country is either in bad taste or contrary to generally recognized fact in the history of this country?

Mr. POMEROY. I do say that we have generally called them "tribes" latterly. When the white people were few and the Indians many we got in the habit of calling the Indians a nation; but latterly they have dwindled down to almost nothing, and we call them "tribes."

Mr. MORRILL, of Maine. That is the explanation above all others that I regret my honorable friend should make, and that is a most sorry commentary upon our dealings with the Indians.

Mr. POMEROY. If the Senator will read the Constitution of the United States he will find they are there called "tribes," not "nations."

Mr. MORRILL, of Maine. Let us look at that explanation for a moment. My honorable friend says that in early times, when we were weak and the Indians were powerful, we did out of deference to them call them "nations," but now we have become strong, and they under our policy have become feeble and in some sense fugitive; now we withdraw the appellation of "nations" and call them savage men; now it is no longer becoming in us to call them a nation!

Why, sir, the Indians constituted nations before we had a national existence. Does not my honorable friend know that? Does he not know that there were the Six Nations who were historic in this country, and in the annals of Great Britain, the mother country, and always recognized as nations? Does he not know that while we were fighting the battles of the Revolution the Continental Congress sent commissioners on their bended knees to treat with these people as a nation? Do we not know that General Washington invited these Indians to conference; and did he not say in the most graceful and courteous language to these Indians, "You are our brethren?" Did he not say, "We make common cause with you against the invaders of our common country?" And during that great struggle did we not enter into treaties of amity and commerce and alliance, mutually binding ourselves with them in a common cause for this country, calling it their country, our country?

And now the honorable Senator from Kansas, representing a constituency who in a peculiar sense have succeeded to the inheritance of the Indians, and these people have been stripped of the last refuge of their country, feels authorized to rise in his place here and publicly to withdraw from them the appellation of "nation;" and in the arrogance of pride of power—I say it in no offensive sense—says they have "dwindled" to an insignificance beneath our notice; and notwithstanding the great Washington could salute them as brethren and invoke their coöperation in the great cause of liberty, now, in their day of weakness, we spurn them, we treat them with contempt; now they are savages, blanket savages, plains savages. In the name of Heaven, if we will exterminate these people, as we will, let them have the record which belongs to their name at least. Let them go into history as nations once existing in this country, now scattered, broken, and fugitive. If you will not throw the protection of your power about them, to shield them from the oppression and extinction which wait upon them, at least do not brand them.

There has been a telegram received in this city to the effect that "Mr. Joy has sent a large body of men across the Osage lands, and they have broken ground in the Indian territory, and that settlers are already organizing to follow and take possession of the Cherokee lands." That does not surprise me. This is a telegram just received.

Mr. POMEROY. Mr. Joy has not sent a man across the Osage lands, because there are no Osage lands on the line of his road—not a foot.

Mr. MORRILL, of Maine. This is signed by Felix R. Brunot.

Mr. POMEROY. Mr. Joy has not sent a man on the Osage lands. The Osage lands do not lie on the line of his road. The statement is not true.

Mr. MORRILL, of Maine. This comes from Felix R. Brunot, chairman of the Indian commission.

Mr. HARLAN. Where is it dated?

Mr. MORRILL, of Maine. It is not dated. It has just been handed to me.

Mr. POMEROY. The Senator himself knows that these Osage lands are not on the line of any road that Mr. Joy is building.

Mr. MORRILL, of Maine. No; I do not. The Senator assumes what I do not know. I do not say it is so.

Mr. POMEROY. I know it.

Mr. MORRILL, of Maine. Now, let us look at page 5 of this bill. It is a rich bill. I do not know that I will ever be able to get through with it. [Laughter.] On page 5 we find some provision for the distribution of this fund:

And after deducting the cost of land for a permanent home in the Indian territory, and the amount of their ascertained indebtedness, as hereinbefore provided, and the necessary cost of removal to their new homes and temporary support for a period not exceeding six months—

Mind you, all these things are to be deducted—

the residue of said $1,600,000 shall be placed to their credit on the books of the Treasury of the United States, and bear interest at the rate of five per cent. per annum.

That is too much interest for an Indian. That is altogether too much for a blanket Indian. It is not enough for a civilized man by a good deal. We have been trying to get our bonds off at five per cent. We are paying six per cent. semi-annually. But five per cent. for an Indian is too much, say the committee; that must be put at four per cent. You might just as well say "four" as "five," because you have the power; you are assuming the absolute dominion; the Indians have no voice in it; and so it is amended to read four per cent.

The interest on $125,000 shall be paid for the support of schools in said nation.

I am glad to see that; but that is a pretty liberal appropriation for savages, and blanket savages at that, and only four thousand of them. Another provision:

The interest on $375,000 shall be paid in cash for—

What?

national purposes.

Why not say "tribal purposes?" Why call them "national purposes?" If you have scruples at calling these people a nation, why talk about "national purposes?" How is that? The symmetry and harmony of that thing are not quite apparent to me. What are these national purposes? Can anybody imagine? The chairman of the committee can tell if he will, doubtless, but he has not done so; and therefore I am left entirely to conjecture.

The interest on $375,000 shall be paid in cash for national purposes.

That may mean one thing; it may mean another; it may mean a great many; but whatever meaning you apply to it, it is most extraordinary that the committee, who are nervous over the application of the appellation of "nation" to these people, should think it worth while to appropriate the interest of $375,000 for "national purposes."

Mr. HARLAN. Does the honorable Senator want to know now why those items are put in?

Mr. MORRILL, of Maine. I should like to know what those "national purposes" are.

Mr. HARLAN. I hold in my hand a copy of the treaty which provides that—

"The interest of $300,000 shall be paid in cash for national purposes."

Mr. MORRILL, of Maine. What treaty is that?

Mr. HARLAN. The treaty signed by the Indians.

Mr. MORRILL, of Maine. Of what date?

Mr. HARLAN. It is the same treaty to which the honorable Senator referred as having been before the committee when he was its head—the treaty of June 13, 1868.

Mr. MORRILL, of Maine. I hope my honorable friend will not seriously answer me by calling that a treaty, a proposition which somebody made and which was rejected.

Mr. HARLAN. Very well; we will come to that presently.

Mr. MORRILL, of Maine. We are on it now.

Mr. HARLAN. The honorable Senator wants to know why these funds are to be distributed in a certain manner.

Mr. MORRILL, of Maine. I do.

Mr. HARLAN. I say it is because the Indians insisted that they should be.

Mr. MORRILL, of Maine. They did?

Mr. HARLAN. They did.

Mr. MORRILL, of Maine. Well, the Indians are not here, and I cannot deny it. [Laughter.] They are not here to testify; they are not in court and are not likely to be; but I know and the Senator knows that the Indians sometimes have very little voice in these matters, and if he has no other explanation as to what "national purposes" mean than to present a treaty here which was refused by the Senate of the United States then I am all afloat again.

Mr. HARLAN. If the Senator will pardon me, the Senate of the United States have never refused the treaty.

Mr. MORRILL, of Maine. Nor have they ever ratified it.

Mr. HARLAN. Neither.

Mr. MORRILL, of Maine. Neither. Then it goes for no treaty, of course. Then if it is offered here for no purpose, of course it proves nothing. It is merely a proposition that was never ratified.

Mr. HARLAN. It proves the assent of the Indians, if they can assent to anything. I understood the Senator to be very much aggrieved because the Indians have never been heard, have never had their day in court; and when I bring in their formal agreement, signed, sealed, and delivered between themselves and the Government of the United States he denies the authenticity of the document.

Mr. MORRILL, of Maine. My answer to that is it never was a treaty; it was a proposition never ratified; and if it were the inquiry is still open, what do "national purposes" mean; whether this appropriation is specified in the treaty or not? The inquiry is still pertinent, and I am still in the dark as to what the phrase means.

The sum named in the bill for national purposes is $375,000. The Committee on Indian Affairs can tell, I suppose, why that $75,000 was added. I believe that was not in the treaty.

Mr. HARLAN. Yes, this clause is a literal copy of the treaty.

Mr. MORRILL, of Maine. Will the Senator refer me to the treaty?

Mr. HARLAN. It will be found on page 9 of the copy of the treaty as printed by the Senate:

"The interest on $300,000 shall be paid in cash for national purposes."

Mr. MORRILL, of Maine. How much?

Mr. HARLAN. Three hundred thousand dollars.

Mr. MORRILL, of Maine. Now, I suppose my honorable friend can tell me why the sum of $75,000 was added. That is not in the treaty. If he can, that will help me out.

Mr. HARLAN. That is easily explained. That is not in the text of the bill now before the Senate.

Mr. MORRILL, of Maine. Yes, it is. I beg the Senator's pardon. That is the amendment of the committee. It says "the interest on $375,000."

Mr. HARLAN. The $75,000 has been stricken out, to make it conform to the treaty.

Mr. MORRILL, of Maine. But still the $75,000 was reported by the committee for national purposes.

Mr. HARLAN. If the Senator really wants to know, and the inquiry is not for captious purposes, I will explain it. The treaty, or the agreement, or the proposition for a treaty, provides that the Indians shall receive $1,600,000 for the land. The bill as introduced into the Senate provides precisely the same thing. It was referred to the Committee on Indian Affairs, and that committee changed the amount of money to be paid from $1,600,000 to $2,000,000. Then to make a distribution of $2,000,000 instead of $1,600,000, as the Senator will perceive, would change the amount of each item. That is all there is in it.

Mr. MORRILL, of Maine. That is, you make the one sum bear the same relation to the other that they did in the original treaty?

Mr. HARLAN. Certainly.

Mr. MORRILL, of Maine. That leaves the question which I have asked, what these "national purposes" are, still unanswered; but my honorable friend will answer it, I have no doubt, in due time.

Mr. HARLAN. I am left in doubt as to whether the Senator desires it to be answered. I sometimes think he is intending to amuse the Senate or amuse the country, because I know he is thoroughly informed on this subject; and yet his whole speech is a misrepresentation of the real facts.

Mr. MORRILL, of Maine. This is a good time to say now in what particular I misrepresent this clause.

Mr. HARLAN. The Senator would make the Senate and the country believe that he really does not know what "national purposes" are when applied to an Indian tribe. He himself, in the beginning of his speech, mentioned one of the national purposes. He said these Indians had a school; that they had their children at a Catholic mission school, where they were being educated. The cost of education, he knows, is a national purpose with the Indians.

Mr. MORRILL, of Maine. My friend's argument seems to limp at that point, because that is provided for in the preceding clause.

Mr. HARLAN. I am now simply referring to the Senator's own speech, for the purpose of showing that he himself knows very well what is meant by "national purposes" as applied to Indian tribes.

Mr. MORRILL, of Maine. The bill provides that "the interest on $125,000 shall be paid for the support of schools in said nation;" so this clause upon which I am speaking cannot embrace that. "National purposes" are stated as against schooling. The term does not mean that. But I will pass on:

Five thousand two hundred dollars thereof shall be paid as compensation to the chiefs and councilors of the nation; $5,000 shall be expended for the encouragement of agriculture.

Three hundred and seventy-five thousand dollars are to be paid for national purposes; 175,000 for schooling; $5,000 for agriculture. I suppose that is a national purpose. Well, if schooling is national, and agriculture is national, then what is the $375,000 for? I have great fear it covers a "multitude of sins!"

Now, to show my honorable friend that the "national purposes" mentioned here cannot be such as he refers to I will pursue this subject a little further, and in the mean time I hope that he will be able to specify what those "national purposes" are. The bill proceeds:

The object being to encourage real industry among them; and the remaining $4,800 shall be expended, under the direction of the council and agent for the tribe, in the payment of such other expenses as may be necessary for the benefit and support of their national government.

There you have the word "national" again. My honorable friend will see the necessity of some explanation of these "national purposes," because we take out the schools, we take out the agriculture, we take out then the expenditure of a large sum of money "for the benefit and support of their national government." Here stands the $375,000, a generality without specification, which of course must mean somthing else than agriculture, something else than education, and something else than the support of the national government. Of course if it does not suit the honorable Senator's convenience at the present moment to explain that question, I must be content.

Mr. President, my own belief is that this bill ought not to pass. We cannot afford to pass it. That some arrangement ought to be made to relieve the state of affairs existing in Kansas I am fully persuaded. I think it not unlikely that the Indians ought to be removed. I have no doubt in the condition of affairs which exists in Kansas that one of two things must happen: either the white trespassers and squatters who are there without authority of law and against the treaty obligations of the United States must be dealt with as they richly deserve, and removed from that reservation, and they are twenty thousand strong it is said, or the Indians must be removed; and as the Indians in the latter history of our country have always gone to the wall in these conflicts, and will now, I have no doubt, I am only solicitous, recognizing that fact, that provision shall be made for these Indians out of this reservation; that they shall not be stripped of it; that it shall be sold honestly and fairly as a matter of trust for the benefit of the Indians, and become a trust fund for them; that wheresoever they go, whether they shall find a home in the Indian country or whether they shall roam still further, the Government of the United States shall hold the full benefit of this reservation, pitiful remnant of an empire, for the protection and the support of these Indians.

With that view I think this bill ought to be recommitted to the committee with instructions, and those instructions are to provide, with the consent of the Indians, for their removal to some suitable place. I am opposed to an arbitrary assumption of ownership over land that we do not own. I am opposed to putting upon the records that we arrogantly assume to deal with these people according to our arbitrary will. I would humanely and compassionately provide for them somewhere where they can have security, and then provide that these lands shall be sold under the direction of the Secretary of the Interior, the proceeds of the sale to be carefully preserved, and the interest of it to be applied to the support and protection of these people. I will send to the Chair a resolution which I will read, as I think I am probably a better reader of my own writing than the Clerk:

Resolved, That the bill under consideration be recommitted with instructions to report a bill for the removal of the Osage Indians to the Indian territory, with their consent, and for the sale of the reservation upon the most advantageous terms for cash, as other public lands, for the use and benefit of said Indians.

I do not know whether this is in order at the present time or not; but if it is in order, I submit it.

The PRESIDING OFFICER, (Mr. MORRILL, of Vermont, in the chair.) The Chair thinks the motion is in order. The Senator from Maine moves to recommit the bill with instructions.

Mr. MORRILL, of Maine. I do not know whether my friend from Iowa desires to go on at present. If he does not I will make another motion.

Mr. HARLAN. I desire to go on now, unless it can be understood that I shall have an opportunity to reply at one o'clock to-morrow.

Mr. EDMUNDS. Let us take up the appropriation bill and finish it.

Mr. HARLAN. I prefer to go on to-night and finish this bill if possible.

The VICE PRESIDENT. The Senator from Maine moves to recommit this bill with instructions.

Mr. STEWART. I hope this bill will not pass from the consideration of the Senate until I can be allowed to make a few observations upon it. I appear for the settlers. I wish to say a word in their behalf. I do not think they are as bad as they have been represented. I wish to appear for a few minutes in behalf of the settlers before this bill passes from the consideration of the Senate.

The VICE PRESIDENT. The Senator from Nevada is entitled to the floor if he claims it.

Mr. EDMUNDS. I rise to make a motion which has precedence. My friend from Maine

has brought forward many considerations against this bill, some of which may be answered, and perhaps all; but it certainly needs reflection. Therefore, for the time being I move to pass over this bill, which will keep it in its place on the Calendar, in order that we may consider the appropriation bill for a day or two and then return to this bill.

Mr. STEWART. I hope that will not take me off my feet.

The VICE PRESIDENT. This bill not being at the head of the Calendar of special orders, if passed over will go back to its place on the general Calendar.

Mr. EDMUNDS. Yes, sir; just where it is now, and we can take it up any time on a vote of the Senate.

Mr. STEWART. Is a motion of that kind in order when a Senator has the floor?

The VICE PRESIDENT. It has been so ruled and decided by the Senate on appeal, that a motion to pass over a bill and place it at the foot of the Calendar has rights under the new rule as a question of order, and is to be entertained by the Presiding Officer the same as a point of order.

Mr. STEWART. That is a pretty cool way of taking me off my feet; but I will wait for the vote.

Mr. CORBETT. Mr. President——

The VICE PRESIDENT. The Senator from Vermont moves that this bill be passed over, and that motion is not debatable.

Mr. RAMSEY. What will be the effect of that motion on the special orders on the Calendar? [Laughter.]

The VICE PRESIDENT. The bill for the abolition of the franking privilege will be the next bill to come up if this bill should be passed over.

Mr. RAMSEY. That bill comes up next?

The VICE PRESIDENT. That will be the next bill in order.

Mr. SAULSBURY. I suggest, with the consent of the Senate, the propriety of passing a resolution that the chairman of the Committee on Post Offices and Post Roads has fully discharged his duty in reference to the bill to abolish the franking privilege. [Laughter.]

The VICE PRESIDENT. That motion is not now in order. The motion of the Senator from Vermont is not debatable.

The question being put, there were, on a division—ayes 26, noes 18.

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

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 27; as follows:

YEAS—Messrs. Ames, Anthony, Bayard, Casserly, Conkling, Drake, Edmunds, Fenton, Fowler, Hamilton of Maryland, Johnston, Lewis, McCreery, McDonald, Morrill of Maine, Morrill of Vermont, Morton, Pratt, Saulsbury, Sawyer, Schurz, Scott, Sherman, Spencer, Stockton, Thayer, Vickers, and Warner—28.

NAYS—Messrs. Buckingham, Cameron, Carpenter, Chandler, Cole, Corbett, Cragin, Flanagan, Hamilton of Texas, Harlan, Harris, Howe, Howell, Osborn, Pomeroy, Pool, Ramsey, Rice, Ross, Sprague, Stewart, Sumner, Tipton, Willey, Williams, Wilson, and Yates—27.

ABSENT—Messrs. Abbott, Boreman, Brownlow, Cattell, Davis, Ferry, Gilbert, Hamlin, Howard, Kellogg, Norton, Nye, Patterson, Revels, Robertson, Thurman, and Trumbull—17.

So the motion was agreed to.

ORDER OF BUSINESS.

The VICE PRESIDENT. The Senate resumes the consideration of the bill (H. R. No. 986) to abolish the franking privilege.

Mr. STEWART. I move that that bill be passed over with a view to reaching the bill to enforce the fifteenth amendment, and upon that motion I call for the yeas and nays.

Several SENATORS. Oh, no; you do not want the yeas and nays.

Mr. CONKLING. I should like to know the reason.

The VICE PRESIDENT. The Chair will state that the motion of the Senator from Nevada to pass over the pending bill is not debatable except by unanimous consent.

Mr. CONKLING. Was the motion to pass over the bill?

The VICE PRESIDENT. That is the motion of the Senator from Nevada.

Mr. CONKLING. I thought it was to postpone. I hope it will not be passed over.

Mr. COLE. The statement was to pass it over with a view to take up another bill.

The VICE PRESIDENT. The Senator from Nevada stated that as the object of his motion. The bill he alludes to is the next special order on the Calendar.

Mr. COLE. I supposed when we disposed of the bill in regard to the Osage lands we were going to proceed to the consideration of the appropriation bill.

The VICE PRESIDENT. That motion was not made, and is not made up to this time. If it were made the motion to pass over would have priority of it.

Mr. RAMSEY. I ask for the yeas and nays on this motion.

The yeas and nays were ordered.

Mr. KELLOGG. What is the question?

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada, to pass over the bill abolishing the franking privilege, the Senator from Nevada stating that he desires to reach the next bill on the Calendar, which is the bill to enforce the fifteenth amendment.

Mr. MORTON. I should like to make an inquiry. Does this motion determine anything except the passing over of the pending bill?

The VICE PRESIDENT. That is all.

Mr. STEWART. It brings us to the next bill, which is the bill to enforce the fifteenth amendment.

Mr. CONKLING. It merely prevents our going on with the franking bill.

The question being taken by yeas and nays, resulted—yeas 25, nays 30; as follows:

YEAS—Messrs. Ames, Boreman, Corbett, Drake, Edmunds, Flanagan, Fowler, Harris, Kellogg, Lewis, MDonald, Morrill of Maine, Morrill of Vermont, Osborn, Pomeroy, Rice, Sawyer, Schurz, Spencer, Sprague, Stewart, Sumner, Thayer, Warner, and Williams—25.

NAYS—Messrs. Anthony, Bayard, Buckingham, Carpenter, Casserly, Chandler, Cole, Conkling, Cragin, Fenton, Hamilton of Maryland, Harlan, Howe, Howell, Johnston, McCreery, Morton, Pool, Pratt, Ramsey, Saulsbury, Scott, Sherman, Stockton, Tipton, Trumbull, Vickers, Willey, Wilson, and Yates—30.

ABSENT—Messrs. Abbott, Brownlow, Cameron, Cattell, Davis, Ferry, Gilbert, Hamilton of Texas, Hamlin, Howard, Norton, Nye, Patterson, Revels, Robertson, Ross, and Thurman—17.

So the motion was not agreed to.

The VICE PRESIDENT. The bill for the abolition of the franking privilege is before the Senate.

Mr. CONKLING. I hope we shall proceed with it.

Mr. MORRILL, of Maine. I move to postpone the present and all other orders, for the purpose of proceeding to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. RAMSEY. I shall call for the yeas and nays again on that motion.

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

The yeas and nays were ordered.

Mr. CONKLING. I wish to say simply this: if we are disposed to do so, before we leave our seats to-day there is no difficulty in disposing finally of the bill for the abolition of the franking privilege. Why should we not do it?

Mr. DRAKE. Debate is not in order upon the motion.

Mr. CONKLING. This motion is debatable.

Mr. DRAKE. The Senator from Maine moves to pass over the pending bill.

The VICE PRESIDENT. The motion is not to pass over, but to postpone the franking bill, which is a debatable motion.

Mr. CONKLING. I do not wish to debate it further than to say that we can dispose of this bill once for all to-day if we will.

Mr. MORRILL, of Maine. I wish to say in reply to that remark, with the indulgence of the Senate, that there is not the slightest probability of any such thing. The honorable Senator from Massachusetts [Mr. SUMNER] has prepared an amendment in the nature of a substitute for the bill, on which I understand he desires to speak.

Mr. CONKLING. Let me ask my honorable friend this question. Does he believe it is likely that extended debate will take place on the franking bill?

Mr. MORRILL, of Maine. I think so.

Mr. EDMUNDS. There is no question of it.

Mr. CONKLING. I beg to say to my honorable friend there is great question of it, unless that debate is to be continued by Senators who do not speak to the merits of the question. So simple is the question that the debate cannot be, I submit, very extended; and I have no idea that any member of the body wishes to debate it merely to postpone a vote.

Mr. EDMUNDS. Of course not.

Mr. CONKLING. Especially I think I have a right to assume that as the question is within very narrow limits, if we will only give ourselves to it now, after it has been taken up and laid down so often, we can and we shall dispose of it before we adjourn. I submit there can be no difficulty in doing it.

Mr. WILLIAMS. I undertake to say that if this bill passes in the shape in which it came to us from the House of Representatives it will be impracticable for the Government to transact its business. It will be necessary to amend the bill in order to enable the Government to transact its business, and those amendments will necessarily excite more or less discussion. The bill cuts off the franking privilege from every Department of this Government, and every person in the country, and provides no substitute.

Mr. RAMSEY. The Departments of this Government can pay their postage very readily, as well as any other expense that they incur.

Mr. EDMUNDS. Out of what fund?

Mr. RAMSEY. The funds of the Departments. There is no difficulty on that score at all.

Mr. CONKLING. I desire to ask a question of the Senator from Oregon. I ask him whether in his judgment it is important that such a revision of the postal laws as this bill makes necessary should be made in this identical bill; whether it will not do perfectly well to make, as the chairman of the Committee on Post Offices and Post Roads proposes to make, in a separate bill all those changes which the abolition of the franking privilege will entail? If so, then I submit we may pass the bill, pure and simple, as it is, or make it better if we can; and then when we come to a general revision of the postal laws let us make those changes which there has been no difficulty in making in England, in Germany, or anywhere else where they wanted to make them.

Mr. WILLIAMS. When it is conceded that if this bill becomes a law it will be necessary to amend it, I should like to know what haste there is about its enactment? The Senator says we may pass this bill and then amend it in a general revision of the postal laws, admitting, of course, that this bill cannot stand as the law of the country. Now, sir, what assurance have we if we pass this bill that we can agree upon the details of any bill revising the postal laws of the country? I think we ought to make this bill a law that will be practicable before we pass it, and not pass a bill when we know it ought not to be the law, hoping at some future time to amend it and make it what the necessities of the country require.

Mr. CONKLING. I beg to say to the honorable Senator that I did not say what he imputes to me, that this bill would require amendment. I simply said that if the franking privilege were swept away, no matter by what bill,

of course in regard to other matters in the postal laws some legislation would be necessary. That is conceded. I did not say that this bill would require amendment; and I say now, and I hope I shall not be tempted to vex the ears of the Senate again on this subject, that all we need do is to pass this bill precisely as it is, not taking any effect until a day still distant, and in the mean time, in one of those bills which must inevitably be passed for other purposes, let us make those revisions and changes in the postal laws which will be necessary. To assume that when we pass this bill we shall not adopt the appropriate measures to go with it I submit to the honorable Senator is entirely out of all reasonable question.

Mr. SUMNER. The Senator from New York assumed that when the franking privilege was abolished in England it was done pure and simple as is now proposed here, without any accompanying measures. He is entirely mistaken.

Mr. CONKLING. I did not assume any such thing, I beg to say to the Senator. I stated quite the contrary. In England and Germany, and elsewhere, the requisite changes that go with it have been made with it, and so the requisite changes can be made here.

Mr. SUMNER. I understood the Senator to say they were made distinct from the abolition. The Senator again will excuse me for saying that he is mistaken in assuming that there has been any abolition of what I would call the franking system either in France or in Germany. Has it ever existed in either of those countries?

Mr. CONKLING. I did not say it ever had in France; but I do say in Germany it was abolished.

Mr. SUMNER. The franking privilege in Germany was left for a long time in the hands of the noble house, the Princes of Tour and Taxis, who originally had the whole postal franchise for all Germany; but I am not aware that the privilege was extended beyond the heads of Governments. It found no parallel to what I would rather call the system in England and in our own country. When the system was abolished in England it was done upon inquiry, reasonably, with consideration, and in combination with other important measures, by which the whole postal service of the country was modified and changed. It was at that time that cheap postage, or penny postage, was established; and naturally, by a very natural process accompanying that great transition, the franking system disappeared. You have no such proposition before you now. It is proposed to abolish the franking system, pure and simple, without providing any substitute, and without giving to the people an equivalent in cheap postage. In England that equivalent was afforded. They received the great boon of penny postage, one of the greatest boons ever vouchsafed to a people; and that was the consideration for the abolition of the franking system.

Now, I have on the table a proposition, which I hope to move as a substitute for the pending measure whenever it comes up for consideration, having in it some of the same conditions which will be found in the English system. That is a measure to cheapen the postal service of the country, to simplify it, to facilitate it, and at the same time to abolish the franking privilege. I have a measure which I hope is to a certain extent, I will not venture to say complete, but certainly more complete than this raw proposition merely to obliterate the franking system.

The Senator from New York assumes that the pending question can be treated by itself; that we may go on and vote ay or no for or against the franking system. I have already given notice that I propose to move as a substitute a broader measure, proposing to cheapen the whole postal service of the country and to simplify it, while at the same time we remove the franking system. Shall not that be considered; or shall we press to the absolute abolition of the franking system without considering in any way any substitute?

I do not think the Senate is this afternoon disposed to proceed with the consideration of the broad question that is opened by this proposition; and I would say I am not. I did not anticipate that it could come up to-day, and I am not prepared with statistics and papers which, at the proper time, I shall have occasion to present. I think, therefore, we had better proceed with the appropriation bill, and then in due time take up the bill of my friend, the chairman of the Committee on Post Offices and Post Roads, and proceed with its consideration. When we consider it let us mature it; let us not accept it in its present raw shape and condition, but let us make it a measure of mature legislation on which we are willing to stand before the country. Who is willing to stand on this measure alone without anything else? Is it worthy of the Congress of the United States? Is it worthy of this Chamber? I think, sir, it is for us to apply the corrective to the haste of the House, and, considering this whole question, to present a system which will be beneficent in its operation.

Mr. CAMERON. Mr. President——

Mr. RAMSEY. Will the Senator give way to me for a moment?

Mr. CAMERON. I think I would rather not. Mr. President, we have wasted the whole of this day. We have had before us three or four very important questions, not one of which we have perfected. We have not progressed a single step in the consideration of any one of them. That makes me think that we are not in a condition to-day for legislation; and I have always found that when the Senate, or any other large body so respectable as this always is, gets in that peculiar condition, becomes demoralized, to use the expression that was used in the Army, it was better to adjourn. I think the Senate is demoralized to-day, and therefore I move that the Senate do now adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania, that the Senate do now adjourn.

The motion was not agreed to.

Mr. WILLIAMS. Let us take up something, so as to leave it as the unfinished business.

Mr. MORRILL, of Vermont. As usual, we seem to be wasting time. I therefore make a motion which is not debatable. I move to pass over the present measure.

Mr. SUMNER. Oh, no. Let us take a vote on the proposition of the Senator from Maine.

The VICE PRESIDENT. The Senator from Vermont submits a motion which has priority under the new rule, which is, to pass over the pending bill.

Mr. CONKLING. May I inquire, has not that motion been voted upon without the intervention of any business except a motion which has not yet been disposed of?

The VICE PRESIDENT. There have been business and debate since. The pendency of this motion is business.

Mr. CONKLING. Is that sufficient business to allow of this motion being made again?

The VICE PRESIDENT. The Chair thinks it is. The very fact that the pending motion has been made since the motion to pass the bill over might induce Senators now to vote to pass it over. The Chair thinks it changes the status sufficiently to allow the motion to be made.

Mr. TRUMBULL. I think the status has been sufficiently changed to renew the motion of the Senator from Pennsylvania. I was so impressed by his remarks and the propriety of what he said that I renew the motion to adjourn.

The VICE PRESIDENT. The intervening motion to pass over would justify a renewal of the motion to adjourn.

Mr. TRUMBULL. I make that motion.

The question being put, there were, on a division—ayes 27, noes 24.

Mr. CONKLING called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 26, nays 30; as follows:

YEAS—Messrs. Anthony, Bayard, Cameron, Casserly, Chandler, Cragin, Fenton, Flanagan, Fowler, Hamilton of Maryland, Harris, Johnston, McCreery, Morton, Osborn, Ross, Saulsbury, Scott, Spencer, Sprague, Stockton, Sumner, Tipton, Trumbull, Vickers, and Yates—26.

NAYS—Messrs. Ames, Boreman, Buckingham, Carpenter, Cole, Conkling, Corbett, Drake, Edmunds, Harlan, Howe, Howell, Kellogg, McDonald, Morrill of Maine, Morrill of Vermont, Pomeroy, Pratt, Ramsey, Rice, Robertson, Sawyer, Schurz, Sherman, Stewart, Thayer, Warner, Willey, Williams, and Wilson—30.

ABSENT—Messrs. Abbott, Brownlow, Cattell, Davis, Ferry, Gilbert, Hamilton of Texas, Hamlin, Howard, Lewis, Norton, Nye, Patterson, Pool, Revels, and Thurman—16.

So the Senate refused to adjourn.

The VICE PRESIDENT. The question recurs on the motion of the Senator from Vermont, to pass over the pending bill.

Mr. ANTHONY. I ask unanimous consent to make a remark. ["No!" "No!"]

Mr. STEWART. No; I was taken off the floor by this rule.

Mr. ANTHONY. The Senator from Nevada will not object, I know, if nobody else does. I wish to make an appeal to the Senate.

Mr. DRAKE. I object to debate on this motion.

Mr. ANTHONY. The Senator from Nevada does not object.

Mr. DRAKE. I object; and my objection is as good as that of the Senator from Nevada.

Mr. ANTHONY. Yes, sir; and better than anybody else's, for the Senator from Missouri will not give up.

The VICE PRESIDENT. The motion is not debatable. It is to pass over the pending bill.

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

The yeas and nays were ordered; and being taken, resulted—yeas 36, nays 21; as follows:

YEAS—Messrs. Ames, Bayard, Boreman, Casserly, Cole, Corbett, Drake, Edmunds, Flanagan, Fowler, Hamilton of Maryland, Harlan, Harris, Johnston, Kellogg, Lewis, McDonald, Morrill of Maine, Morrill of Vermont, Osborn, Pomeroy, Pool, Pratt, Rice, Robertson, Sawyer, Schurz, Spencer, Sprague, Stewart, Stockton, Sumner, Thayer, Vickers, Warner, and Williams—36.

NAYS—Messrs. Anthony, Buckingham, Cameron, Carpenter, Chandler, Conkling, Cragin, Fenton, Howe, Howell, McCreery, Morton, Ramsey, Saulsbury, Scott, Sherman, Tipton, Trumbull, Willey, Wilson, and Yates—21.

ABSENT—Messrs. Abbott, Brownlow, Cattell, Davis, Ferry, Gilbert, Hamilton of Texas, Hamlin, Howard, Norton, Nye, Patterson, Revels, Ross, and Thurman—15.

So the motion was agreed to; and the bill was passed over.

The VICE PRESIDENT. The next special order is the bill (S. No. 810) to enforce the fifteenth amendment to the Constitution of the United States, which is before the Senate.

Mr. MORRILL, of Maine. I move that all prior orders be postponed, with a view of taking up the appropriation bill.

The VICE PRESIDENT. The Senator from Maine moves that the present and all prior orders be postponed for the purpose of proceeding to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. MORTON. Let us stand by the bill before the Senate.

Mr. STEWART. Let it remain there. We have had great tribulation in getting to it. Now let us hold on to it.

Mr. ANTHONY. With the permission of the Senator from Missouri, I would like to state that yesterday we made a distinct agreement with the Senator from Maine that if he would allow the Calendar to be proceeded with, after those bills that were upon the printed record had been disposed of and we had disposed of the entire Calendar, we should to-day take up the legislative appropriation bill. Never, since I have been a member of this body, has the Senate refused to give the floor to the Senator having charge of the appropriation bills when he demanded it, and I think it is treating the Senator from Maine with great unfairness unless

we stand by the agreement which we made yesterday. It was distinctly understood, no man objecting to it except the Senator from Minnesota, [Mr. RAMSEY,] who said he would antagonize against it the bill to abolish the franking privilege, and nothing else. That is what the Senate agreed to.

Mr. SUMNER. I move that the Senate adjourn.

The VICE PRESIDENT. The Senator from Maine has moved to postpone all prior orders for the purpose of considering the appropriation bill, pending which the Senator from Massachusetts moves that the Senate do now adjourn.

The motion was not carried; there being, on a division—ayes 14, noes 37.

Mr. STEWART. I hope the Senate will proceed with this bill to enforce the fifteenth amendment. Since it is up we may as well dispose of it. It can be acted upon as speedily at this time as at any other period. The appropriation bill is bound to pass.

Now, in regard to the arrangement spoken of by the Senator from Rhode Island, I was not a party to any such arrangement. I did not know of any such arrangement; but there was a strong vote in favor of letting the Senator from Iowa [Mr. HARLAN] perfect his bill, and there was a general understanding that that bill should be disposed of; but right in the midst of its consideration the Senate did not consider themselves so far bound as not to take a Senator right off his feet and say they would not go any further. I do not think that we are under any higher obligation to the appropriation bill than we were to the bill of the Senator from Iowa. The Senate all the time has the matter under its control. It seems to me the fifteenth amendment bill being before the Senate had better be disposed of.

Mr. SAULSBURY. I simply wish to remark to the Senator from Nevada that his bill is a bill of—

"So frightful mien
As, to be hated, needs but to be seen."

Mr. HOWE. In reference to the agreement of which the Senator from Rhode Island spoke just now I wish to say that I have acted to-day, all through the day, as if no such agreement was made, and my excuse for it is that I did not hear of any such proposition while this question was pending yesterday; but when a motion was made to postpone the Indian bill to take up the appropriation bill I called the yeas and nays on that. I think that was the motion. They were ordered. Subsequently the Senator from Massachusetts [Mr. WILSON] appealed to the Senate for its unanimous consent to take up and consider that bill, the bill moved by the Senator from Iowa.

I heard no conditions about it. I simply rose and asked the Chair what would be the state of the Calendar if that was done; what would be the next order; and the Chair replied, "The bill to abolish the franking privilege." Therefore I made no objection, and I consented for that reason. I never heard a word about an agreement that the Senator from Maine should have the floor to-day. If I had understood it, of course I should have felt bound by it to-day. I state these things as my apology for having voted as I have this afternoon. I certainly never would recede from any agreements I make, or that I understand to have been made by the unanimous consent of the Senate.

Mr. EDMUNDS. I hold in my hand the Globe, which shows what did take place yesterday, and I am bound to say although I was not present, that the Senator from Maine, in my opinion, is justified in asking that the Senate without discussion as to which shall be taken up shall take up his bill. He had asked that that should be done then.

Mr. NYE made a suggestion to the Senator from Maine:

"Mr. NYE. I wish to make a suggestion to the honorable Senator from Maine, whether, to get rid of this controversy, it would not be better to have a general understanding that we take up that appropriation bill to-morrow morning and go through with it."

Then the Senator from Minnesota [Mr. RAMSEY] said:

"How can we have such a general understanding?"

Mr. NYE replied:

"What do you want to get up—that franking privilege bill?

"Mr. RAMSEY. That is just the thing. The Senate has made it a special order."

Then there were a few words as to how many Senators were for it that it is not necessary to read here, Then Mr. MORRILL, of Maine, said:

"Mr. MORRILL, of Maine. If it is the general desire of the Senate to proceed with the Calendar, and by general consent and without a struggle to-morrow I can go on with the appropriation bill, I shall yield; otherwise I must insist on my motion.

"Mr. NYE. I have no doubt you can.

"Mr. RAMSEY. Now I feel it my duty, in behalf of the committee that instructed me to report the bill abolishing the franking privilege, to ask that it shall be considered as soon as it comes up in order. As I stated before, nearly three months ago it was made a special order, and the country is inquiring why the Senate does not respond to the House in regard to this bill. I feel it my duty, simply as the representative of my committee, to oppose the proposition of the Senator from Maine. His bill proposes to vote eighteen or nineteen million dollars out of the Treasury, and my bill proposes to save $5,000,000 a year to the Treasury.

"Mr. NYE. The country is inquiring why it was ever introduced.

"Mr. RAMSEY. The country has answered that. A million of the people of the country have petitioned for the passage of the bill.

"Mr. NYE. By order of the Postmaster General.

"Mr. MORRILL, of Maine. I am rather impressed with the idea that the Senate of the United States to-day would rather give its attention to the consideration of private claims than bills of a public character; and I will withdraw my motion, and take my chances with the Senator from Minnesota to-morrow.

"Mr. SUMNER. That is right; now let us go on."

The result of that is, we may refine it as much as we please, that both these Senators having charge of those two bills understood, and had a right to understand, that the only contest to-day was as to which of the two should be taken up. That was left open. Now the Senate has decided that it will not take up the franking privilege bill, and we are bound in honor, as I think, to take up the other.

Mr. MORRILL, of Maine. That is the way it occurred.

Mr. STEWART. I think that explodes the whole idea of an agreement when a man says he will come the next day and take his chances.

Mr. ANTHONY. Take his chances with one single bill, and upon a bill which we have passed over.

Mr. STEWART. That has been set aside. He had a controversy with the Senator from Minnesota. If he was going to take his chances on any bill, if it was not a positive agreement, nobody is bound by it.

Mr. WILLIAMS. I rise to a question of order. I insist——

Mr. STEWART. It is an agreement to have a private contest between two Senators.

The VICE PRESIDENT. The Senator from Oregon has risen to a question of order.

Mr. WILLIAMS. I insist there is no question before the Senate for discussion, and we must proceed with the bill which has been taken up.

The VICE PRESIDENT. The Chair overrules the point of order. The question before the Senate is the motion of the Senator from Maine to postpone the present and all prior orders for the purpose of considering the legislative, executive, and judicial appropriation bill; and the motion to postpone is debatable, especially in regard to the bill proposed to be postponed.

Mr. SHERMAN rose.

Mr. STEWART. I have not concluded.

The VICE PRESIDENT. The Senator from Nevada was interrupted by the question of order.

Mr. STEWART. I desire it distinctly understood what amounts to an agreement here, because I never will violate an agreement. I wish to know whether an understanding between two Senators that they will antagonize their bills on the next day and take their chances is binding on the Senate, so that they cannot press any other bill. Is such an understanding and agreement binding upon the Senate?

Mr. ANTHONY. It is if the Senate agree to it, as they did in this case.

Mr. STEWART. Did anybody else say anything in regard to it? Show any note of it. In the Globe we find a contest was agreed upon, as to which bill should come up, between these two Senators. Was anybody else a party to it? Does anything appear of that kind? It does seem to me that we ought to proceed now with the consideration of the bill to enforce the fifteenth amendment. It is important that it should be passed at an early day before contests arise in the States. There are questions of registration in California and Oregon, and contests arising constantly in regard to it.

Mr. MORTON. Local elections all the time.

Mr. STEWART. Local elections constantly; and if this bill is passed I am confident in the belief that it will enforce itself, that it will be observed; but if you delay action upon it and allow elections to pass on, the passions of the people will become excited on the subject. They will be discussing it and taking their positions upon it. Let Congress declare at once that it intends to enforce the fifteenth amendment in good faith, and that will put an end to all controversy. I believe this is as important a measure as any we have before us, and it is important to have speedy action upon it. There is time enough for the appropriation bill. I do not like to antagonize this bill against a bill of that character; but it seems to me we can spend a couple of days now on this bill and dispose of it this week. There will be no difficulty in disposing of the bill to enforce the fifteenth amendment this week. It can be disposed of and got out of the way, and there is no trouble in doing it. Stick to it and follow my lead, and you will have it disposed of this week. There is no trouble in doing it. I will guarantee it; and I will not leave my chair while it is under consideration.

Mr. SHERMAN. I shall vote for the motion of the Senator from Maine for a very plain reason to me. He has charge of eight appropriation bills, bringing before the Senate all the expenditures of the national Government. I know it is physically impossible for him to watch these bills and stay with them, as he must stay with them when they are taken up through day sessions and through night sessions, unless the Senate will allow him the usual courtesy uniformly given since I have been a member of the Senate to the person who has charge of the appropriation bills, to select his time for their consideration. I say it is physically impossible for the Senator from Maine to sit by and see these bills through unless he has an opportunity to take them up in the order in which he desires to present them.

Now, in regard to the bill to enforce the fifteenth amendment, it is well known that there is a very large party majority here in favor of it. We have it in our power to pass it; and it seems to me we ought in this matter to defer to the Senator from Maine.

Mr. MORTON. Mr. President, I should like to appeal to the Senator from Maine on this subject for certain reasons. There is a political necessity for the immediate passage of a bill to enforce the fifteenth amendment, not because there is any doubt about the bill passing this body ultimately, but there is a political necessity in the country, and there is a demand coming from various directions to have a law passed to enforce this amendment. I am ready to take up the appropriation bill as the next measure to be considered, and I think it ought to be taken up; but I know of no bill now before Congress for which there is such a strong political necessity as for this fifteenth

amendment bill. I hope my friend from Maine will give way and allow us to pass it, with the assurance that we shall then take up the appropriation bill and go through with it.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine.

The motion was agreed to; there being, on a division—ayes thirty-one, noes not counted.

The VICE PRESIDENT. The bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1871, is now before the Senate as in Committee of the Whole.

Mr. POMEROY. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 5, 1870.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. KELLEY. I ask unanimous consent to introduce a resolution for reference.

Mr. BECK. I object to any unanimous consent. I asked to introduce a resolution yesterday inquiring why the writ of *habeas corpus* was refused by General Terry in Georgia, and it was objected to.

Mr. PETERS. If I can get the floor I will move that the House adjourn.

Mr. INGERSOLL. I ask unanimous consent to submit to the House a unanimous report from the Committee on Commerce, granting an American register to a little shallop of twenty tons burden. There can be no ojection to it. It is now lying rotting in an American harbor.

Mr. BECK. A gentleman who puts himself up here as a general objector must make himself odious in the House; and I shall therefore object no further.

IMPROVEMENT OF RONDOUT HARBOR.

Mr. VAN WYCK, by unanimous consent, introduced a joint resolution (H. R. No. 283) appropriating $100,000 for the improvement of the harbor at Rondout, on the Hudson river, in the State of New York; which was read a first and second time, and referred to the Committee on Commerce.

SCHOONER CAVALLO MARINO.

Mr. INGERSOLL. I ask unanimous consent to report from the Committee on Commerce a bill (H. R. No. 1956) to authorize the Secretary of the Treasury to issue a register to the schooner Cavallo Marino, a vessel now lying in the harbor of Indianola, Texas, and owned by Samuel Marx. The two Committees on Commerce, of the House and the Senate, have met and had a conference on the subject of granting registers to foreign-built vessels under peculiar circumstances. In this particular case this schooner was libeled and sold as a wreck found floating in the Gulf of Mexico upon the American shore. It was sold by the United States marshal for $150, and the purchaser has put $1,500 worth of repairs in American materials and American labor upon it. She is but twenty tons burden, and I hope there will be no objection to it.

Mr. MAYNARD. Is not this the pioneer for larger cases which are to follow?

Mr. INGERSOLL. I hope no man will be so suspicious as to imagine this little bill has been put forth as a pioneer or as a pilot-boat for larger cases to come in this session. We have passed already two or three cases like this.

Mr. MAYNARD. Upon the same strong statements as the gentleman from Illinois now makes.

Mr. NIBLACK. The gentleman from Illinois is good-natured and does not object; but I insist that he shall not be further interrupted.

Mr. INGERSOLL. I like to treat all gentlemen fairly and give all the information I can. This American citizen bought this wreck at a public sale for $150 and spent $1,500 in repairs upon it. The law of 1856 authorizes where repairs to three fourths of the value of a wreck have been put upon it the owner shall be entitled to a register.

Mr. ALLISON. Who objects?

Mr. INGERSOLL. No one, I hope. I demand the previous question.

Mr. CALKIN. I shall object unless I have further explanation.

Mr. INGERSOLL. I will answer any question. This is a unanimous report from the Committee on Commerce. I further answer, that the Secretary of the Treasury and other Treasury officials who have examined this matter recommend that an American register be issued to this schooner. The committee directed me unanimously to report the bill and ask the House to pass it.

Mr. CALKIN. The gentleman is so good-natured I will not insist on my objection.

The bill was received, and read a first and second time.

Mr. SCOFIELD. Before the gentleman calls the previous question I desire to be permitted to say a word. The citizens living along the borders of the lakes separating Canada from the United States have always been in the habit of dealing with the Canadians in the buying and selling of vessels. Latterly the Committee on Commerce have refused to give a vessel an American register when it was purchased from Canada. A great number of persons in the city of Erie in my district who have made conditional purchases of Canadian-built vessels have been refused American registers by the committee. Yet every little while they see that the committee have reported in favor of giving an American register for some foreign-built vessel on the Atlantic coast, or in some other part of the country, and then they write to me to know why this committee or this House will not give to them the same privileges that they are giving to citizens in other parts of the country. I know that when such a register is given there is almost always some specialty pleaded. I am asking the committee to report several bills which I have introduced for the granting of American registers, and I desire that they should apply the same principle to all such applications; that they should grant all or none. I desire that citizens who live along the borders of the lakes and who wish to buy Canadian-built vessels shall have the same privileges as citizens in Texas or in Maine have with respect to buying foreign-built vessels. The committee never report bills of the class which I have introduced, and yet every little while the owners of some favorite little ship like this come forward and ask for an American register, and for some reason or other obtain it, their case being made a specialty; and when this is done every gentleman representing districts along the lakes is written to and asked by his constituents why they cannot get these privileges; why citizens of Texas or Maine should be granted an indulgence which is refused to all the balance of the people? What I desire is that we should have a uniform rule. Let the Committee on Commerce report a general law, that all may have an equal chance.

Mr. BENNETT. I ask the gentleman from Illinois to allow me to say a word or two.

Mr. INGERSOLL. I do not think that I can yield to the gentleman from New York, [Mr. BENNETT.] I want to reply to the gentleman from Pennsylvania, [Mr. SCOFIELD.] I will state to that gentleman that the Committee on Commerce have not agreed to a single bill which provides for the issuing of an American register to a foreign-built vessel when she has become the property simply by purchase of an American citizen. No bill of that kind has been reported to the House, and no such bill has been passed during the last two years. I may state further that by the law of 1856, which was a general law, any foreign-built vessel wrecked in American waters might be libeled, condemned, and sold, and repaired by her purchaser in any American yard; and provided the repairs amounted to three times as much as the original purchase-money, then the Secretary of the Treasury was authorized to issue an American register. In this case the Secretary of the Treasury would have issued the register, if he had been satisfied that the little shallop had been built in a foreign country. It was required at the Treasury Department that the purchaser of the shallop should show affirmatively that she was a foreign-built vessel, although she was sailing under the Mexican flag at the time she was wrecked, and although there was no evidence whatever that she had been built in the United States. After a full and thorough examination the officers of the Department were satisfied that she was a foreign-built vessel. There was no room for the suspicion that she was built in the United States, and therefore she comes absolutely within the provisions of the law of 1856. I demand the previous question.

The previous question was seconded.

Mr. BENNETT. I move to lay the bill on the table.

The motion to lay the bill on the table was not agreed to.

The main question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

COMPENSATION IN ELECTION CONTESTS.

Mr. PAINE, from the Committee of Elections, reported a bill (H. R. No. 1957) regulating compensation in cases of contested elections; which was read a first and second time, recommitted to the committee, and ordered to be printed.

HENRY BARTON.

On motion of Mr. MORGAN, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the petition of Henry Barton, praying for a pension; and the same was referred to the Committee on Invalid Pensions.

PRINTING OF A BILL.

Mr. KELLEY, by unanimous consent, submitted the following resolution; which was referred, under the law, to the Committee on Printing:

Resolved, That there be printed for the use of the Treasury Department five hundred copies of the bill revising the laws relating to the mints, assay offices, and coinage of the United States, together with the accompanying report of John Jay Knox, Deputy Comptroller of the Currency.

CAPTAIN DAVID BEATTY'S COMPANY OF SCOUTS.

Mr. COBB, of Wisconsin, by unanimous consent, from the Committee on Military Affairs, reported back, with an amendment, the bill (H. R. No. 1899) for the relief of Captain David Beatty's company of independent scouts.

The bill was read. The preamble recites that David Beatty, of Fentress county, Tennessee, did, on the 25th day of January, 1862, organize a company of independent scouts, numbering one hundred and two men, including himself, as captain, and his first and second lieutenants; that the said company was on continuous duty, engaged in the work of suppressing the rebellion, from the date of its organization until the 1st of June, 1865, serving under the orders of the commander of the army in Tennessee; and that the said company was never legally mustered into the service of the United States by any properly authorized mus-

tering officer, and neither the officers or privates have ever received compensation. The bill provides that the organization referred to in the preamble shall be recognized as a part of the military forces of the United States engaged in suppressing the recent rebellion, and the members thereof, on making proof of actual service, are declared to be entitled to the same pay and pensions as though they had been regularly mustered into the service of the United States as cavalry.

The amendment reported by the Committee on Military Affairs was to add to the bill the following provisos:

Provided, That there shall be filed in the War Department a roll of said company, which shall be sworn to by the captain and two lieutenants of said company: *And provided further*, That each soldier on applying for payment under this act shall be required to make oath as to the length of his service in said company.

The amendment was agreed to.

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

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

The latter motion was agreed to.

ORGANIC LAW OF COLORADO.

Mr. CULLOM. I desire to make a statement for the information of the House. A month or two ago a bill was passed by the House, reported from the Committee on the Territories, amendatory of the organic law of Colorado Territory. It went to the Senate, and there amendments were put upon it and it came back here. On my motion the amendments made by the Senate were non-concurred in. By a mistake of the Clerk, through inadvertence, the bill was engrossed as if the amendments of the Senate had been concurred in. The bill has gone to the President, and has been approved and signed by him. I make this statement to the House. I do not know what can be done.

Mr. FARNSWORTH. What does the Journal show?

Mr. CULLOM. Just what I state, that the amendments were non-concurred in, and therefore the bill did not really become a law. I desire to state further that on consultation with the Delegate from the Territory I am willing, if it can be done, that the amendments shall be regarded as concurred in, and that, by unanimous consent, the bill shall remain as it is.

Mr. SCOFIELD. That, of course, is so now. The signature of the Speaker covers everything back of it.

The SPEAKER. The Chair would inform the gentleman from Illinois that the only possible way of reaching the result of correcting the mistake would be by regular process of repeal. A mistake of the Clerk, or any mistake in any of the intermediate stages of the bill, does not affect the validity of the enactment, provided it has received the signatures of the Speaker of the House, the President of the Senate, and the President of the United States.

TICE METER.

The SPEAKER, by unanimous consent, laid before the House the following communication:

TREASURY DEPARTMENT,
OFFICE OF SECRETARY,
May 5, 1870.

SIR: I have the honor to request the House of Representatives to return to the Treasury Department the communications of the Secretary of the Treasury relative to the "Tice meter," together with the report of the Commissioner of Internal Revenue upon the same subject.

I have the honor to be, very respectfully, &c.,
GEORGE S. BOUTWELL,
Secretary.

Hon. JAMES G. BLAINE, *Speaker of the House of Representatives, Washington, D. C.*

The SPEAKER. The papers mentioned in this communication have been referred to the Committee of Ways and Means, and ordered to be printed. If no objection be made the committee will be discharged from the further consideration of the same, and they will be returned to the Treasury Department.

No objection was made; and it was ordered accordingly.

J. E. AND D. E. BAILEY AND A. D. DENNEY.

Mr. BENNETT, by unanimous consent, introduced a bill (H. R. No. 1958) for the relief of J. E. and D. E. Bailey and Alonzo D. Denney; which was read a first and second time, and referred to the Committee of Claims.

INVALID PENSION BILLS.

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

Resolved, That the evening session of Thursday, May 12, be devoted to the consideration of reports from the Committee on Invalid Pensions.

HUGH ALEXANDER.

Mr. BENJAMIN. I ask unanimous consent that the Committee on Invalid Pensions be discharged from the further consideration of the petition and papers in the case of Hugh Alexander, late captain company G, one hundred and ninth Pennsylvania volunteers, praying the passage of a bill granting him the arrears of pay due him up to the time of his discharge from the service of the United States, and that the same be referred to the Committee on Military Affairs.

No objection was made; and it was ordered accordingly.

CLAIM OF MRS. ELLIOTT.

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

Resolved, That the Secretary of War be instructed to return to this House the papers in reference to the claim of Mrs. Elliott, of South Carolina, for restoration of property taken during the war.

CEMETERY AT HARPER'S FERRY.

Mr. McGREW asked unanimous consent to have taken from the Speaker's table, out of its regular order, a joint resolution (S. R. No. 72) providing for the repair of the inclosure of the cemetery at Harper's Ferry, West Virginia, for reference.

No objection was made; and accordingly the joint resolution was taken up, read a first and second time, and referred to the Committee on Military Affairs.

J. R. BRADY AND OTHERS.

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

Resolved, That the Secretary of State be requested to communicate to this House the papers in his Department in reference to the claim of J. R. Brady, and others, against the Government of Venezuela.

ORDER OF BUSINESS.

Mr. ROGERS. I call for the regular order of business.

Mr. ALLISON. I move that the House now adjourn.

Mr. INGERSOLL. I hope not. There is a quorum present, and we may as well devote to-day to the consideration of public business.

The motion to adjourn was not agreed to.

MESSENGER FOR SPEAKER'S ROOM.

Mr. CAKE, from the Committee on Accounts, reported the following resolution:

Resolved, That a messenger be stationed in the Speaker's room, from April 1, at $3 60 per day.

The SPEAKER. The Chair desires to state, lest this may be considered a matter personal to himself, that the Speaker's room or parlor, on the floor of this Hall, is now, as of right it ought to be, a reception room for those ladies who are entitled to the privilege, ladies belonging to the families of members, &c., and the Chair is very desirous, of course, that it shall continue to be used for that purpose; but if so used it is necessary that some person should be stationed there to have charge of the room. No person has ever been placed in charge of the room, and anything left there is altogether insecure. This appointment is not to oblige the Chair, but for the purpose of obtaining security for that room.

Mr. PETERS. I would inquire if personal effects have not been stolen from that room this session?

The SPEAKER. There have been, in two different instances.

The resolution was then adopted.

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

The latter motion was agreed to.

RECLAMATION OF DESERT LANDS IN UTAH.

Mr. HOOPER, of Utah, by unanimous consent, introduced a bill (H. R. No. 1959) granting lands to aid in the reclamation of desert lands in the Territory of Utah; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. RANDALL moved to reconsider the various votes by which bills and joint resolutions had been referred or recommitted to-day; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MAYNARD submitted a similar motion in reference to references and recommitments ordered by the House yesterday; which was agreed to.

CIVIL SERVICE.

Mr. ALLISON. I call for the regular order of business.

The SPEAKER. The regular order being called for, the morning hour will now begin, at twelve minutes to twelve o'clock, and the first business in order is resuming the consideration of House bill No. 1354, to regulate the civil service of the United States, on which the gentleman from Indiana [Mr. NIBLACK] is entitled to the floor for ten minutes remaining of his time.

Mr. NIBLACK. I yield for a moment to the gentleman from Maine, [Mr. PETERS.]

Mr. PETERS. I ask leave to have printed in the Globe, as supplementary to my speech of yesterday, a letter which I have received on the subject of the civil service from a crippled soldier. The argument which he gives from his stand-point is better than any I can make.

The SPEAKER. If there be no objection, the letter will be ordered to be printed in the Globe.

There was no objection.

The letter is as follows:

WASHINGTON, D. C., *May 4, 1870.*

DEAR SIR: In yesterday's Star I read over what was said in the House in reference to the civil service bill introduced by Mr. JENCKES, and from remarks made by yourself take the liberty of addressing you, that you may see the gross injustice that would follow the passage of this bill, at least to a certain portion of not unworthy men who have been fortunate enough to secure a Government position here—those who have shown themselves to be men on the field. I will cite my own case, but do not doubt but many more are in the same situation. My enlistment in the United States service dates 22d July, 1862, when I was seventeen years of age. I entered the Army in spite of all remonstrances of both parents and friends; and why? Because I felt it only my duty to do so. I remained with my command nearly two years, when (under Grant) I was severely wounded. One leg (not foot) was taken off, and the other was left hanging to me in a really critical condition. From these wounds I recovered but slowly, and can never again recover my health, being confined to my room for eighteen months afterward; and it was over two years before these wounds were healed. During this period of time I suffered death itself a thousandfold, so far as known to this world; and if this was not for my country, then for whom?

This "bill" contemplates unquestionably the re-examination of those now in the civil service, and what would be the result in my case? I have only a common-school education, poorly enough at that; am married; have purchased property in this city (under the firm belief that my tenure of office was to be good for the present Administration) which is not quite half paid for at this date; am a Republican; going, in 1868, to my native village, nearly five

hundred miles distant, to vote for Grant and Colfax; as a clerk am punctual in attendance, discharge the business assigned me with as much conscientiousness as a man can, and for efficiency would be perfectly satisfied with the report of my superiors in the office. I will also add that during the past two and a half years I have not smoked a cigar or pipe, nor have I used tobacco in any form, and that no spirituous liquors have been drank by me—beer, or anything known by the name of "drinks," unless it be milk and clear water; and yet, sir, the provisions contained in this bill are such as would insure my removal from office. I feel that I could protest both loud and strong against the adoption of such a measure, but my voice would be of no avail. It is doubtful whether this bill would secure any better, more competent, or more reliable men. Mr. JENCKES acknowledges that it affects the minor offices only. This being the case, where is the good result? It is certainly not the minor officers that are draining the public Treasury; it does not come within their power, beyond the compensation paid them.

It is not talent, it is not an extensive knowledge of books, that makes up the good clerk; it is more adaptability than either. Men having a finished education are looking for something higher than a Government clerkship, though they may accept one for a stepping-stone; but, under such circumstances, do they do or intend to do as would the man who sought for the place because he felt himself competent to fill it and intended to gain an honest livelihood thereby? There are clerks who have a collegiate education. They favor the bill because it is to their interest to do so; but their services, rendered as clerks, are in many, many instances much inferior to those who cannot make the boast of such a course of study. To the above facts, each and every one, I am willing to affirm on honor; and I devoutly hope the bill in question will never become a law. We may need reorganizing, but this is not the correct *modus operandi*. I believe, at least, a proviso should be added, securing to such honorably discharged soldiers as have lost a leg or an arm in the United States service, now in the Government employ, retention during good behavior, and so long as their services equal the amount of compensation received by them. This would not suit many other employés, but, sir, I think we have dearly earned a distinction of this kind. It would be a fool indeed who would swap places with a man who is crippled for life; no getting over it, not for a day or an hour even; never again permitted to be himself.

I submit this, sir, for your consideration, and trust you will make further inquiries into the workings of this bill; and it would be a gratification, a decided relief to many soldiers, to see a clause of some such nature as indicated above appended to the bill now under agitation. I ask as a favor that you preserve this letter, and I will try and learn your address, for the purpose of speaking with you. Being a soldier, I consider it my privilege to address a member from any State, as I fought for no State in particular, but for the whole United States.

Very truly, yours,

A UNITED STATES CRIPPLE.

Hon. J. A. PETERS, *M. C. from Maine.*

Mr. NIBLACK. Mr. Speaker, I regard the bill which we are considering as a sort of complement to the tenure-of-office act, which was so prominent before the country two years ago, which caused so much popular excitement, which was productive of so much embarrassment to the executive branch of the Government, and which has been since modified and substantially repealed by Congress. In my opinion all the objections so forcibly urged against the tenure-of-office act are applicable, to a greater or less extent, to the bill under consideration. By this bill the executive branch of the Government, and indeed all other branches of it that are invested with any appointing power, are left in the possession of all the power they have heretofore had in reference to appointments to office, while it tends to abridge their authority with respect to the removal of officers and to circumscribe to some extent the number of persons from whom the selections may be made. So far as I am able to ascertain, the bill will have no other practical result.

The bill leaves in the Executive the same discretion at present exercised as to who shall be appointed. Under its provisions, if literally followed, all the appointments under the Government might be made from one of the States of this Union, because it provides that persons who pass the most creditable examination shall be entitled to preference in receiving appointments. I do not believe that those controlling the present Administration, nor do I hope that any future Administration, would undertake to practice a literal conformity to the provisions of the bill, if by so doing political opponents should receive appointments in preference to political friends. No party, as parties are now organized in this country, would feel itself compelled to do this by any law permitting any discretion whatever with reference to appointments. This bill would simply enable the persons controlling appointments to evade responsibility where they did not want to assume it, while they would assume responsibility when they saw proper to do so from any personal or party considerations. In other words, it would enable them to do by indirection that which they now do directly.

So far as my observation has gone all these pretended examinations connected with the Departments (and we have them now) are but means of enabling the Departments to select from among their friends those who suit them best without saying in so many words, "We select this man because we prefer him, and we reject the other because we do not like him." Nobody regards the rejection of an applicant or nominee by one of these Departments as any indication that the person is disqualified for the discharge of the duties of the office; such rejections simply signify that the examining board from some cause, either because they do not happen to admire the personal appearance of the applicant or because they are not much in love with the gentleman nominating him, or from some other capricious motive, choose to get rid of him in a way which allows the applicant no relief, but only inflicts upon him mortification and annoyance.

Sir, it may become just as important under this bill to have somebody to examine the commissioners as to have an examination of those appearing before them. If we have a faithful Executive, firm, resolute, and determined, he can accomplish all that this bill seeks to accomplish. There will be no efficiency in the machinery put in motion by the bill. So that, sir, I regard it merely as a means of embarrassment to any administration, without any corresponding benefits to result so far as I am able to ascertain. I think if the bill shall become a law you will find the friends of the Administration whom those in power desire to have appointed will still be appointed, and you will find means will be resorted to to get rid of obnoxious persons in some way or other notwithstanding the provisions of this bill. Even if you should make the bill much more stringent on the subject of removal there is such a process known as "freezing out" persons who are not desired to be kept in office. If nothing else can be accomplished men can be driven to resignation, which is as effectual a mode of getting an officer out as the exercise of the power of removal.

I am assured by gentlemen familiar with the several Departments of the Government that the provisions of this bill, if rigidly and honestly enforced, would require the rejection of at least three hundred persons in one of the Departments alone, maimed soldiers and men who served during the war, more or less defenseless persons, having claims upon the Government, who are able to perform the clerical duties required of them acceptably, but who could not come up to the standard required by these gentlemen from schools and colleges, or pass examination by the class of men clearly contemplated as examiners under this bill. There is no necessity for any such thing as this; and I will not, therefore, hold the floor any longer.

Mr. MAYNARD. How much time have I left?

The SPEAKER. Eleven minutes.

Mr. MAYNARD. I yield to the gentleman from Maine [Mr. MORRILL] for three minutes.

Mr. MORRILL, of Maine. Mr. Speaker, I do not know it is necessary for me to make any extended remarks, although I have sometimes thought I should like to speak at some considerable length on this important bill. I am not in sympathy with the principle or the details of the bill. I do not believe it has one redeeming quality to correct the evils of which it complains.

In the first place, so far as the clerks of the Government are concerned, they have now to undergo an examination into their literary qualifications. I have no doubt they would examine into the honesty or laziness on the part of those who are employed as clerks in the various Departments of the Government if they had the power so to do. The efficiency of the clerical force in the various Departments of the Government may be secured now as the law defines and specifies at the present time, and that is to have the heads of the Departments have the control of all matters in the Departments over which they preside. I know the grand difficulty in all the Departments, for I have been a clerk in one of these Departments myself. I am perhaps the only member upon this floor who has been a clerk here.

Mr. MAYNARD. I did not know the gentleman had been a clerk, and I yield to him two minutes longer.

Mr. MORRILL, of Maine. I have been a nominal clerk here in one of the Departments, and know the difficulty in the way of purifying the clerical service. All the clerks in all the Departments have got there under the influence of some member of Congress—some Senator or some Representative—or some essential or important personage in the Government, who has recommended certain individuals for their positions. They have gone into the clerical service perhaps under an examination, oftentimes without; and by the exercise of favoritism on the part of the examiners, sometimes those who have been essentially qualified to fill the clerical position to which they have been recommended have been discarded simply because they wished to put in others not so well qualified. Such is the case, although the law is as stringent as it can be made under the gentleman's bill.

The great difficulty in purifying the service, so far as the clerical force is concerned, is that where a man has been found to be incapacitated for the position to which he has been assigned, and he is notified his services are no longer required, the Senator or Representative who placed him there says to the Secretary, "This man must be retained." Now, sir, if Representatives and Senators will just act upon the principle "hands off," and allow the Departments to control their own clerical force, they will have accomplished a great deal in the purification of the service, and place the clerical force, so far as that is concerned, and perhaps every other department of the civil service, in a satisfactory position.

[Here the hammer fell.]

Mr. MAYNARD. I now yield for a minute to the gentleman from Pennsylvania, [Mr. COVODE.]

Mr. COVODE. Mr. Speaker, I have only asked one minute for the purpose of stating very briefly the reasons why I am disposed to vote against this bill, or to vote to lay it on the table. In the first place I look upon it as an attempt to establish an aristocracy of office-holders, and to follow in the lead of the Governments of Europe, disregarding the voice of the people who are instrumental in putting the men in power who control the public offices. I further object to the bill because in its operation it is calculated to ignore the claims of the disabled and wounded soldiers, to whom we are bound by the strongest possible obligations to give the preference in filling those offices. It would furnish an excuse to the men who may be appointed as examiners to reject the soldier when under other circumstances he would get the office to which he is entitled. I further object to the bill because it would relieve the Administration of the responsibility of running the Departments. The result might be that we might find the Departments run against the Administration for the time being in office, who ought to have the responsibility of the management of the Departments.

Mr. MAYNARD. Mr. Speaker, I will only add a word to what has been said. Suppose this bill had been the law in 1861 when Mr.

Lincoln came into office, and he had found this council of four men standing between him and his appointments, those familiar with the condition of things at that time can readily see what the unfortunate result might have been. I am appealed to by many gentlemen to take the sense of the House upon the bill; and I therefore now move that it be laid on the table.

Mr. JENCKES. I hope the gentleman will not make that motion, or that at least he will withdraw it, to allow me an opportunity to reply. I propose, at the close of my remarks, to move to recommit the bill.

Mr. MAYNARD. Along with such amendments as may be offered?

Mr. JENCKES. Yes. I propose to have all the amendments printed and committed with the bill.

Mr. MAYNARD. Then I withdraw my motion.

Mr. INGERSOLL. I desire, at the proper time, to offer an amendment, which I send to the desk to be read for information.

The Clerk read as follows:

On page 2, line three, after the word "commissioners," insert the following: "two of whom shall be women."

Mr. KELSEY. I renew the motion to lay the bill on the table. I think sufficient time has already been consumed upon it.

Mr. JENCKES. I hope the motion will be voted down.

Mr. KELSEY. I demand the yeas and nays on my motion.

Mr. JENCKES. Very well; let us see who want to cut off debate.

Mr. SCOFIELD. Before the question is put, I wish to inquire whether this is a vote between tabling the bill and recommitting it?

Mr. JENCKES. It is.

Mr. SCOFIELD. I think there can be no harm in recommitting it.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 42, nays 104, not voting 81; as follows:

YEAS—Messrs. Asper, Ayer, Biggs, Bird, Buck, Cake, Cleveland, Amasa Cobb, Conner, Covode, Dickey, Dickinson, Getz, Gilfillan, Hamilton, Harris, Heflin, Hotchkiss, Ingersoll, Kelsey, Mayham, Maynard, Mercur, Milnes, Samuel P. Morrill, Morrissey, Niblack, Orth, Packard, Peters, Reeves, Shanks, Lionel A. Sheldon, William J. Smith, Stiles, Sweeney, Tyner, Van Trump, Van Wyck, Wilkinson, Williams, and Winans—42.

NAYS—Messrs. Allison, Ambler, Ames, Arnell, Banks, Beaman, Beck, Bennett, Benton, Blair, Booker, George M. Brooks, James Brooks, Buckley, Buffinton, Burchard, Burdett, Cessna, Churchill, William T. Clark, Sidney Clarke, Clinton L. Cobb, Coburn, Conger, Cowles, Cox, Cullom, Degener, Dixon, Donley, Dox, Duval, Ela, Farnsworth, Ferriss, Ferry, Fisher, Fitch, Hale, Hawley, Hay, Hoar, Hooper, Jenckes, Alexander H. Jones, Kelley, Ketcham, Knapp, Knott, Lash, Lawrence, Loughridge, Lynch, McCrary, McGrew, McKee, McKenzie, McNeely, Eliakim H. Moore, Jesse H. Moore, William Moore, Daniel J. Morrell, Myers, O'Neill, Paine, Peck, Perce, Phelps, Potter, Randall, Rice, Rogers, Sargent, Sawyer, Schenck, Schumaker, Scofield, Shober, Slocum, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevenson, Stokes, Stone, Stoughton, Strickland, Tanner, Taylor, Tillman, Townsend, Trimble, Upson, Voorhees, Cadwalader C. Washburn, Wells, Wheeler, Whitmore, Willard, Eugene M. Wilson, Winchester, Witcher, and Wood—104.

NOT VOTING—Messrs. Adams, Archer, Armstrong, Atwood, Axtell, Bailey, Barnum, Barry, Beatty, Benjamin, Bingham, Boles, Bowen, Boyd, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Cook, Crebs, Davis, Dawes, Dockery, Dyer, Eldridge, Finkelnburg, Fox, Garfield, Gibson, Griswold, Haight, Haldeman, Hambleton, Hamill, Hawkins, Hays, Heaton, Hill, Hoge, Holman, Johnson, Platt, Poland, Pomeroy, Porter, Prosser, Ridgway, Thomas L. Jones, Judd, Julian, Kellogg, Kerr, Laflin, Logan, Marshall, McCarthy, McCormick, Morgan, Morphis, Mungen, Negley, Packer, Palmer, Roots, Sanford, Porter Sheldon, Sherrod, John A. Smith, Stevens, Strader, Strong, Swann, Taffe, Twichell, Van Auken, Van Horn, Ward, William B. Washburn, Welker, John T. Wilson, and Woodward—81.

So the House refused to lay the bill on the table.

During the roll-call,

Mr. SCOFIELD stated that Mr. ARMSTRONG had paired for the day with Mr. HOLMAN.

Mr. FINKELNBURG stated that he had paired on this question with Mr. BINGHAM. Mr. BINGHAM would have voted "ay," and he (Mr. FINKELNBURG) "no."

The result was announced as above recorded.

Mr. JENCKES. I rise to close the debate, and at the close of my remarks I shall move to recommit the bill and all the amendments pending to the committee. I now yield five minutes of my time to the gentleman from New Hampshire, [Mr. BENTON.]

Mr. BENTON. Mr. Speaker, I regard the vote just taken as no indication whatever of the sense of the House on the merits of this bill. As I look upon it, the motion to lay the bill upon the table after it has been assailed by its opponents through a long period of discussion without giving the gentleman who reported the bill an opportunity to reply, was hardly fair play, and for one I voted against it, although I am opposed to the bill.

This bill is offered as a grand panacea to remedy all the evils with which the body-politic is afflicted by maladministration or mismanagement of the civil affairs of the Government. And, sir, I consider it wholly inadequate to accomplish the ends for which it is recommended and which its mover professes to believe it is adequate to accomplish. It was said by one of the wisest statesmen that ever adorned the annals of this country that the qualifications for office were honesty, capacity, and fidelity. These are the three grand criterions that should be applied to every individual who is selected and appointed to any important office. Now, this bill seeks to provide for securing one of these qualifications only. Its aim is to secure educational qualifications of the highest degree; and I undertake to say that no board which can be constituted by any appointment under this Government can have the means under the provisions of this bill of ascertaining whether a man is competent to fill an office possessing the first and most essential qualifications, that of honesty or integrity. He may be one of the best scholars from our public schools and yet be utterly wanting in the essential elements necessary to constitute a faithful officer. He may not possess the requisite qualification of honesty. He may not be faithful. His habits may be such that he might be entirely unfaithful if appointed to office.

Now, would any business man having charge of an important business think of adopting any such measures as these for the purpose of determining the qualifications of the men he should employ? Would the agent of any large corporation appoint a board to examine the men he may desire to employ in his business? Would any competent business man adopt such a utopian scheme as this? I take it, not. Now, the qualifications for office in the public service are just the same, and nothing more or less, as the qualifications required for the various business departments of life. In many cases—and I might say that it is almost the general rule—those individuals that graduate from our schools with the highest honors have the least capacity for the practical common business of life. And so it would prove in regard to public offices, I apprehend. You may go into any Department to-day and you will find that the difficulty is not the want of educational qualifications. The difficulty is in the want of integrity on the part of the appointees.

Now, the gentleman seeks to ignore entirely the principle laid down that an Administration that has been elected to power shall have the opportunity to surround itself with its friends; not on the principle that "to the victors belong the spoils," but upon the principle that the Administration shall appoint to sustain its measures those friendly to it and desirous to render it successful. Now, I regard this scheme as a cunningly devised one for the purpose of keeping them out of office unless they belong to a particular, select, favorite class, and of keeping men in office who have once secured positions.

The bill provides that a man shall not be turned out of office if he can sustain himself against the charges that are preferred against him. Now, the gentleman who reported this bill voted in favor of the repeal of the tenure-of-office act, so as to give to the President of the United States the sweeping power to remove every one from office without assigning any cause or reason whatever, and yet he would take from the heads of Departments who have the charge and the responsibility of administering the public service the power to decide whether the men under them shall be in sympathy with the Administration. I undertake to say that no Administration can ever come into power except by a political party; that no Administration can sustain itself in power unless it has attached to it the support of political friends. That principle this bill utterly ignores, and I repudiate it as wholly impracticable.

[Here the hammer fell.]

Mr. JENCKES. I will now yield to the gentleman from Pennsylvania [Mr. KELLEY] for one minute.

Mr. KELLEY. I cannot say much in one minute. But I want to thank the gentleman from Rhode Island [Mr. JENCKES] for having introduced a bill which I believe will lead to one of the most vital and essential reforms of our Government that can be projected. As a member of the Committee of Ways and Means I have listened to testimony from all classes of men, public officers, importers, travelers, and others, and on no point was the testimony more entirely concurrent than that the frequent changes of officers, dependent upon mere political influence or character are alike destructive of the revenues and the general good service of the Government. This change cannot be made without some great difficulties. I see the hammer about to fall, and having given in my adhesion to what seems to be so unpopular a cause in this House I will take my seat.

Mr. JENCKES. I am not disappointed at the reception which this measure has met with in this House, for I have frequently said, what I wish to reiterate here in the presence of my associates, that I believe if any two hundred and twenty-eight men were selected by lot throughout the United States, you would find fewer among the men so selected who would oppose this measure in some form than you will find among the two hundred and twenty-eight members who now compose this House. That opposition arises from the defects of the present system, which this measure in part seeks to remedy. And I wish to have that evil stated, and the proposed remedy considered fairly and met squarely, so that if anything is to be done or is not to be done the people may know how their Representatives view a proposed reform of this nature.

I take the testimony of the gentleman from Maine [Mr. MORRILL] as to the extent of this evil. He has placed himself upon the stand, and I ask no better evidence concerning the condition of the service in the Departments here. He speaks from experience, and I hope the country will give his remarks due weight, as I do.

But the evil to which he refers is but a small part of that which we seek to remedy. The Government loses little by the negligence or even by the dishonesty of the clerks employed in these Departments; that is simply but a waste of time and the money paid to them. But the loss is in the laziness, indifference, incapacity, and dishonesty of the twenty odd thousand who handle the public money. And to that portion of the public service this remedy should be applied. I wish the House and the country to know that this measure is not aimed at these Departments. It is aimed to reform the great civil service of the country, and to save to the tax-payers of the country the millions that now go into the pockets of thieves and their associates and confederates.

I wish to meet the arguments against this bill which have been made here; to meet them one by one, and see how they will bear the

test of discussion and examination. In the first place, I address myself to the gentleman from Tennessee, [Mr. MAYNARD.] He says this is a measure to remove officers one long step from the people. Sir, let me ask, what chance have the people now to gain admission to these minor offices? Who ever obtains an appointment except through some political or personal influence? Who of the thousands of men wishing to serve their country can go up to the doors of our custom-houses or of the Departments here, and say, "I am qualified to perform the duties required here; test me and let me try;" who can go up and say that, and obtain admission there, even by showing that he possesses the greatest merit? Every one knows that would be impossible; and this bill proposes to break the barrier that now stands in the way of the people; to throw the doors open, so that the competent may enter and the faithful be retained. If that is removing offices further from the people then I certainly misunderstand the scope of the measure I have proposed.

The gentleman says it is impossible to carry this bill into effect on account of the number of examinations. The gentleman certainly did not do justice to his own experience when he made such a remark as that. Does he not know that the largest school can be examined in a day? Are not all the colleges in the land examined in four days?

The gentleman entered into a fanciful calculation to show that thirteen years in one aspect and seventy-five in another would be required for these commissioners to perform their duties. Why, sir, the gentleman overlooked the fact that the commissioners are to examine only those who apply hereafter; they are not to take in hand the force now in office. This disposes not only of this objection, but of several objections made by those who followed the gentleman in this debate. This measure takes effect upon the business of the country as it is; and as vacancies occur they are to be filled by those who are found most meritorious. For the future the Government is to go into the labor and skill market, saying, "We want the best we can get for our money." This is the meaning of the bill in this aspect.

The gentleman says that it is no flourish of rhetoric to say that this is the best Government the world ever saw. I agree with him. The temple erected by Solomon was the most glorious and magnificent upon the earth; yet that did not prevent his degenerate successors from making it a den of thieves. Have we not seen our civil service turned to the same vile uses?

Let me remind the gentleman from Maine [Mr. PETERS] who followed the gentleman from Tennessee that he misstates, if he does not misunderstand, the duties of these commissioners. They are to have no appointing power, no control over the Departments; they are not by the mere fact of their creation to regulate admissions or rejections. They are not heads of Departments, nor are they clothed with any of the powers which the Constitution says Congress may confer on the heads of Departments. They simply, by their labors, enable the President to see that no rogues, thieves, or incapables enter the public service, and enable the heads of Departments to weed out those who may have gained admission. This is the extent of their power and authority, nothing more.

The gentleman says this is a task too great to undertake. He asks, "Who can reform New York?" Certainly if the Government of the United States cannot reform its part of New York, its public offices in that city, it had better abdicate its duties. Because the task is great should we refuse to undertake it? If so, let us abandon our places. I admit the task is great. We have to contend with one of the greatest sources of corruption that exists in this country. But because the task is great the greater is our duty to perform it. While we are losing, as we know we do, millions every month by the misconduct and inefficiency of our public officers in that place, shall we say that to reform those offices is a task too great to be undertaken? The Government may as well abdicate which admits that its corruptions are too formidable to be extirpated. Sooner or later it must yield to them and be overthrown.

The gentleman says it would not do to apply this to the offices as they now are. I do not propose to do that; but looking around in these Departments I find a good many reasons why the gentleman from Maine should be opposed to the bill, as also gentlemen from New Hampshire. I find that in the Treasury building there are as many employés from the States of Maine and New Hampshire as there are from eighteen other States. I am prepared to give the list. There are one hundred and sixty-nine officers from these two States with eight Representatives, and but one hundred and sixty-seven from eighteen States with eighty-two Representatives. Here is a vast preponderance of reasons in favor of these gentlemen keeping things as they are.

Mr. PETERS. In reply to this personal allusion, the gentleman will allow me to say that I have in the Treasury Department but one appointee. All the appointments charged to my district were made by my predecessor. I never want to make another appointment, and I hope I shall never have an opportunity.

Mr. JENCKES. I was about to refer to the gentleman's statement that he did not wish to have any patronage.

Mr. ELA. As the gentleman has referred to New Hampshire, I wish to say that only one appointment has been made by me during the three years of my service as a member.

Mr. JENCKES. If these gentlemen do not control these appointments it may be a question whether the appointees do not control them.

But I was somewhat surprised that the gentleman from Maine, in his imaginary description of how the President would carry out the provisions of the bill, should cast a fling at the Chief Magistrate of the nation, at the head of our party, when nearly a year ago he was so urgent on this floor to increase the salary of the President-elect, and early in this Congress was so busy to obtain the repeal of the act which prevented the chief importer of the country from becoming Secretary of the Treasury. A change has come over gentlemen since that time. Has this question of patronage anything to do with it?

Mr. PETERS. Allow me, in a matter personal to myself, to say that I never used any influence to have Mr. Stewart retained as Secretary of the Treasury.

Mr. JENCKES. I state only a fact which was within my personal knowledge. I make no imputations and draw no inferences.

In replying to the remarks of the gentleman from Ohio [Mr. BINGHAM] I shall not waste time upon what he has said about the cost of this commission. The few thousand dollars which he figured up as its total expense will be more than covered by the fees from candidates, and if the equally fanciful estimates of the gentleman from Tennessee are to be adopted, the excess of receipts over expenses would be some hundreds of thousands of dollars. But both calculations are unreliable and fallacious.

The gentleman falls into the same error as the gentleman from Maine, [Mr. PETERS,] when he says that these commissioners exercise or control the appointing power. They merely find fit persons for the appointing power to be exercised upon. But whatever the power proposed to be conferred upon them may be, the gentleman says that it cannot be performed under the Constitution. "It conflicts," he says, "with the spirit, if not the letter, of the Constitution of the United States." If there was the ghost of a constitutional question lurking anywhere within this bill it would be discovered by the gentleman from Ohio. But when we march squarely up to it we find it to be the merest shadow. It is no more than this: that because the Constitution authorizes Congress to confer the appointing power upon heads of Departments as to such inferior offices as may be established by law, that therefore Congress has no right to declare what the qualifications for such offices shall be, or to describe the class of persons from whom they shall be filled; in other words, that although the offices must be established by act of Congress, and their duties defined by such act, yet because the same act confers the appointing power upon some Secretary, the question of qualifications for those duties cannot be considered by Congress; that this clause in the Constitution amounts to a prohibition upon Congress against defining the qualifications, while it may define the duties of the minor officers whose appointment it may authorize. The statement of the proposition is its own refutation. The innate absurdity of it provokes ridicule rather than argument. "The contemporaneous and continuous construction from the day of its adoption to this hour," says the gentleman, shows the conflict of this bill with "the spirit of the Constitution."

Have Congress, then, been wrong when they have declared that their judicial and legal officers shall be "meet persons learned in the law," from the first judiciary act which authorized the appointment of the Attorney General and the district attorneys down to the bill which has just passed the House reorganizing the law department? Under what hallucination were these hasty and ill-considered remarks about the insufficiency of the constitutional powers of Congress over offices and the incumbents of offices which exist only by its volition, uttered in the heat of this debate? The great expounder of the Constitution in this House, who delights to tell us that to himself in great part the authorship of the fourteenth and fifteenth amendments is due, must give more thought to the propositions of constitutional law he puts forth if he would continue to preserve our respect. The question of the gentleman from Massachusetts [Mr. HOAR] exposed the fallacy of the position of the gentleman from Ohio.

The clause in the Constitution authorizing Congress "to make regulations concerning the land and naval forces" to which the gentleman from Ohio referred was made necessary because the President had been made by another clause Commander-in-Chief of these forces, and would thereby have the exclusive power of making such regulations, if it had not been expressly reserved and conferred upon Congress. It was a means of subordinating the military to the civil power. But no such clause was needed with regard to civil officers, which are but the creatures of the laws of Congress, and who are at all times within its control.

I pass now to the singular speech of the gentleman from Wisconsin, [Mr. PAINE.] He has printed more than he spoke; but in all that he has printed there is but a single approach to an idea, and that is that the responsibility for the character and conduct of subordinates rests upon the heads of Departments, and that we must hold them responsible. To be sure he is responsible, and we must hold him so. Your Secretary of the Treasury must be responsible for a collector in New York; but what can he personally know of every collector's qualifications and capacity? It is all beautiful in theory, this idea of responsibility in the chiefs, but those who have reflected upon the subject have discovered its fallacy. Have we not tested it sufficiently to ascertain its utter worthlessness? Was it not done in the attempted impeachment of Andrew Johnson?

The machinery by which this ideal responsibility is to be enforced is too cumbrous and unwieldy to be put in motion in time to be of any effect. What prevented Andrew Johnson from sending one of his pets down to New Orleans as collector for a period sufficiently long to

enrich himself and his confederates, whose nomination was never expected to be confirmed, and with whose frauds and peculations the Government have been busy ever since? He defied the remedy of impeachment for such acts. The officers' terms have long since expired, and money was stolen and cannot be recovered; the people must suffer the loss, and this is the whole of this fanciful responsibility of superiors.

But true and just responsibility in all officers, is what this bill seeks to enforce. It enables the President and heads of Departments to find out whether candidates are fit for the places they seek, and whether those in office are fit to be retained.

The gentleman from Wisconsin misreads, or rather reads backward every provision of this bill. He undertakes to state a proposition which he says is contained in it, and then quotes a sentence as sustaining his view of the proposition, when in fact it states exactly the reverse. But the sophistry and its refutation go forth together. Either he misunderstands the meaning of the language I have used with much care, or I do. Let those who read judge. I will not stop to answer such pretense of argument. It is not worthy of refutation, or even of respectful consideration.

But the gentleman from Indiana [Mr. NIBLACK] meets my proposition in a fair, manly, and straightforward manner. He acknowledges his adherence to the maxim that to the victors belong the spoils. He favors no restrictions upon the President or heads of Departments in the making of appointments. The party that wins should have the offices; a clean sweep and no favor, is his creed. He opposes all "tenure-of-office" bills, all restrictions upon the discretionary appointing (and removing) power of the executive chiefs. He does not believe in any improvement of the civil service. Its evils are owing to erring human nature, the circumstances of the time, the demands of party, the necessities of administration.

I can respect an honest and manly opponent who plants himself squarely upon these propositions, which are in direct antagonism to those which I maintain. It is for the purpose of taking these minor offices out of the turmoil of politics, and of protecting the faithful incumbents from the chances and revenges of political change that I bring this measure before the House and the American people. The officers who transact the routine business of the Government, those who keep its records, who preserve its archives, who keep its accounts, who assess its taxes, who collect its revenues, who disburse the public moneys, should be protected from all the consequences of political agitations. Far down in the sea, it is said, the waters are always still, and the business of these offices is transacted far below the surface-current of party. If there is any portion of the power of the Government outside of the judicial power which should be protected from political agitation, it is that which is executed by these subaltern clerks and revenue officers. These subaltern offices and their incumbents should not be tossed upon the angry waves of party, but should be, if none others are, anchored in still water.

I mean no disrespect. I cast no slur upon the meritorious persons in the civil service of the United States by what I say. While the great body are respectable, we all know that there are many in that service who taint its character. The worthy have to suffer for the conduct of the unworthy. No worthy person in that service imagines that I mean any disrespect to him. I have been laboring for years to make that service respectable and to secure permanence in office for the meritorious, while, at the same time, this taint may be removed, this stain wiped away, and the foul ulcer of corruption be cut out and wholly extirpated. And I know that I have the sympathy of every honest and honorable man in the service.

Shall we attempt to make a reform is the question? I present this bill in its broad scope, to invite discussion, not to prevent it. I care not whether the principle be applied to all the Departments of the Government or to only one, so that it be fairly tested. If it were a new invention or discovery of mine, I should hesitate to ask consideration for it at all. But it has been tried and found valuable in the experience of all civilized nations, and I have the hope that it may be tried with advantage here. We have not invented or discovered all that is useful either in government or in administration. There are many things in the executive and administrative departments of other nations that we may study and copy with benefit in our own.

The remedy may seem to be cumbrous, but the evil is vast, and must not be nibbled at, but comprehended and destroyed as a whole. It cannot be mastered by an attack in part or in detail. It may be impaired by favoritism or partisan feeling. I regret that I am obliged to say that nothing in governmental science can wholly escape the blighting curse of these malignant political diseases. Yet in a great degree their virulence may be mitigated and their evil consequences lessened. The remedy now offered has been found the most effectual of any heretofore discovered or devised. It may be attacked by those who are interested in perpetuating the means by which this peculation and thievery can be made profitable, and it may be criticised unfavorably by the thieves' advocates. But this kind of opposition furnishes the best evidence of its merits.

The notion has been again brought forward in this debate that this bill proposes to create an aristocracy. I have several times before exposed this bugbear. Who would compose this dreaded aristocracy? Who but the inspectors, tide-waiters, light-house keepers, gaugers, Department clerks, messengers, and assistant assessors and collectors? A formidable array, indeed, and one likely to subvert the liberties of the country, whose humble dependants they are! Not a hundred of the officers within the scope of this measure receive over $2,500 a year, and the great majority less than $1,200. The queens of this aristocratic society, I suppose, would be found among the ladies who count money in the Treasurer's office, or who make copies in the Post Office and Patent Office at $900 a year. What a fearful, nay terrible aristocracy to plant among the institutions of a representative republic! But the subject is too ludicrous to be pursued in this grave debate. The opponents of this measure are at liberty to make free use of this "aristocracy" argument.

The evils in the present system are admitted, and it is testified on all sides that they result in great loss to the Government. On the other hand the objections to the remedy are all technical. I have not heard a single gentleman attack the principle of this measure. I have read through the debate of yesterday with great care, and I do not find a phrase or a line which fell from the lips of any of the gentlemen here attacking the principle or decrying the end and purpose of this measure. All that was said simply attacks the details. Those details may be modified if necessary, by consultation with the executive department, or otherwise, so that some measure may be evolved which shall begin to penetrate and destroy this great evil. But while gentlemen decry the details, it is to be observed that no one has proposed any other remedy. If there is such a remedy I should like to hear it. It may be better than this, and if so I would gladly accept it. I am not wedded to this or that form. I simply say to the House and to the country, "If you have anything better to offer than this, we will take it; if not, try this."

Mr. ELA. I wish to ask the gentleman a question. He has talked of the defalcations of men in office. I would ask him if the proportion of men in office who plunder the Government is greater than the proportion of defections among clergymen, or any other class of men?

Mr. JENCKES. I will answer the gentleman's question. The subject he alludes to is one which I have investigated. The proportion is as ten to one. Hundreds of these defalcations of Government officials are never heard of. Men who have plundered the Government quietly slide out of offices which they have occupied, and are never prosecuted.

[Here the hammer fell.]

The SPEAKER. The morning hour has expired.

Mr. WHEELER. I move to proceed to business on the Speaker's table.

Mr. JENCKES. I appeal to the gentleman to waive his motion for a little while. I desire only about ten minutes more, and we may then dispose of this matter by recommitting the bill.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent to proceed for ten minutes. The Chair hears no objection.

Mr. JENCKES. Gentlemen have argued this matter as if no one were interested in this reform or in this subject except members of this House and these subordinate employés of the Government, who are mainly nominated by members of this House. I submit that there are millions who are interested in it. Is not every tax-payer interested when he knows that $50,000,000 of our revenue is either not collected or is wasted? Do they not pay higher taxes on everything they eat, drink, or wear to make up for the money thus stolen or lost? Are not the people interested in keeping away from the public crib those who come to it merely to feed and not to serve? Are they not interested in seeing that the public revenues are not consumed by idle, incapable, and inefficient persons, or stolen by the dishonest? I say they are interested.

There is not a lumberman wielding the ax in the woods of Maine who is not interested in having honesty and fidelity in every fiber of this Government. There is not a fisherman on our seas, sailing by St. George's banks, or those of Newfoundland,

"Bent grimly o'er his straining lines or wrestling with the storms,"

but is interested in knowing that the public affairs are honestly, ably, and faithfully cared for at home. There is not a farmer now driving his plow through the cold soil in our northern States who does not at times stop to think whether the public servants are dutiful and faithful. There is no planter watching his crops in the cotton lands or rice lands of the South; no miner delving among the Sierras; no herdsman tending his herds on the plains of Texas; no shepherd guarding his flocks among the mountains and along the hill-sides, who is not interested in the subject we now have before us. They work with nature; their return is what God's blessing gives to faithful, working and waiting and watching and tending and guarding. Upon them at last fall all the burdens by which this Government is sustained and the nation lives.

Is it nothing to this vast multitude of honest workers and toilers and delvers that their burdens of taxation are increased by the incapacity and dishonesty of those whom they pay liberally for service and protection? Is it nothing to these millions who are wresting a scanty subsistence from the reluctant elements by daily and nighty toil, that those and those in their pay who are watching the chances for what are called "pickings and stealings" around our great custom-houses and throughout our internal revenue? Is it not a matter of thought with them that there are hundreds and thousands fastened on to our revenue service in both branches who have attached themselves to it, not to serve and collect, but to waste and steal?

I for one believe that this is a matter which goes straight to the hearts of the people. Others as well as myself have for the last few

years been writing and speaking upon this subject; and what we have said has not fallen unheeded. The nation has been set to thinking upon this question. The seeds of thought have fallen upon good soil. The relations of the public servants to the Government and their duties and responsibilities are better known and considered. There are few among the workers in this nation who are not watching to note what action this Congress may take upon this subject. But whatever may be the sentiments of members here, if their action be adverse to this great reform, I appeal from the Representatives of the people against that action to the American people themselves. I believe that I know that they are always desirous of having faithful and efficient public servants, and that they are not slow to bestow upon them honors and rewards. I believe that they wish to see in every Department of the public service men who are faithful, diligent, and honest. I do not think this is a matter to be brushed away lightly. Wherever there has been an opportunity to speak the people have spoken one unanimous voice—through the press, which reflects the popular mind. Wherever and however expression has been given to the popular thought, or where thought has been given to this subject, there has been commendation of a measure of this kind. I care nothing about details. Wipe them all away if you choose. But while the magnitude of the evil is admitted, and while a remedy is believed to be possible, give us some measure which will be a stand-point from which the enemy can be attacked and destroyed.

I do not think that any Department of this Government can long afford to have charges of what I may call cadetship scandal brought against it year after year; and the exercise of the present mode of appointments is simply the exercise of cadetship appointments upon a large scale. It is a source of corruption in every way. There is nothing honest, faithful, or manly about it. I hope to live to hear its death-knell sounded. If I have a minute left I yield it to the gentleman from Ohio, [Mr. SCHENCK.]

Mr. SCHENCK. Mr. Speaker, I only want this minute from my friend from Rhode Island for the purpose of putting myself upon record in connection with this bill of his. I have watched the great ability and patient labor with which he has so long prosecuted his purpose of bringing about a reform in relation to the civil administration of the Government; and I desire, for one, to thank him for that labor. If the bill should be recommitted he will take it back for consideration of the various suggestions that have been made in reference to its details; but before it is thus recommitted, having no time to present any argument, as occasion to do may hereafter arise upon the general subject embraced in his proposition, I wish to say, for one, that he can hardly put the bill in any shape whatever, so that he preserves the principle of it, in which I will not give it my hearty support as the initiation of a salutary and much-needed reform.

Mr. JENCKES. I now move that the bill and such amendments as may be pending or offered be recommitted to the committee and printed.

Mr. ARNELL. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Amend in section twelve by striking out all after the word "act," in the third line, down to the word "and," in the tenth line, as follows: "And the heads of the several Departments may, in their discretion, designate the offices in the several branches of the civil service the duties of which may be performed by females as well as males, and for all such offices females as well as males shall be eligible, and," and inserting in lieu thereof the words "without distinction of sex."

In the thirteenth line strike out all after the word "aforesaid" to the end of the section, as follows:

And the names of those recommended by the examiners shall be placed upon the lists for appointment and promotion in the order of their merit and seniority, and without distinction other than as aforesaid, from those of male applicants or officers.

Mr. LOUGHRIDGE. I offer the following amendment:

After the word "grade," in line eleven of section three, insert the following:

Provided, That in making appointments to such positions a fair and just distribution shall be made to each State, in proportion to its population, when there are applicants of sufficient merit, qualifications, and ability, even although to make such equal distribution the general order of absolute precedence on the list shall be waived.

Mr. STEVENSON. I desire to offer the following amendment:

Amend section seven by striking out of line seven the words "found guilty of such" and inserting in lieu thereof the words "so charged with."

Strike out in line eight the word "shall" and insert in lieu thereof the word "may."

Mr. O'NEILL. I move to strike out section four, providing for a fee of five dollars to be paid by each applicant for examination and a fee of ten dollars for each certificate of recommendation.

Mr. TOWNSEND. I give notice that I will move to amend this bill by striking out the proviso of the eighth section.

The proviso was as follows:

Provided, however, That said revocation and cancellation shall not take effect if said officer demand a trial upon charges to be preferred against him in the manner prescribed in this act within thirty days from the time of being served with notice of such revocation and cancellation, unless he shall be found guilty upon his trial of the misconduct or inefficiency alleged against him in such charges. The discontinuance of an office shall discharge the person holding it from the service.

The bill, with the proposed amendments, was ordered to be printed, and recommitted to the select Committee on the Reorganization of the Civil Service of the Government.

Mr. JENCKES moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PARAGUAYAN DIFFICULTIES.

Mr. ORTH. I rise to make a privileged report. I am instructed by the Committee on Foreign Affairs to submit a report upon the investigation in regard to the Paraguayan difficulties, and ask that it be laid on the table, and, with the accompanying testimony and resolutions, be printed for the use of the House.

The resolutions accompanying the report were read, as follows:

Resolved, That Rear Admiral S. W. Godon, in neglecting to aid Mr. Washburn in reaching the Government to which he was accredited, failed to discharge his duty as commander of the South Atlantic squadron.

Resolved, That Messrs. Bliss and Masterman were members of the personal suite of Mr. Washburn, and were therefore, under the law of nations, entitled to the protection of the officers of the United States.

Resolved, That the forcible arrest and detention of Messrs. Bliss and Masterman by the Government of Paraguay was a violation of the law of nations and a gross insult to the honor and dignity of the United States.

Resolved, That we approve the action of the President in withdrawing our minister, General McMahon, from the Government of Paraguay and in declining to hold further diplomatic intercourse with said Government.

Resolved, That it is clearly the duty of our naval officers on foreign stations to render all reasonable assistance to the diplomatic officers of the United States in the discharge of their duties; and that a refusal or neglect to render such assistance when required, or any discourtesy by such naval officers toward such diplomatic officers, should be the subject of inquiry and punishment by the Naval Department.

Mr. WOOD. On behalf of the gentleman from Maryland, [Mr. SWANN,] a member of the Committee on Foreign Affairs, I ask consent to submit a series of resolutions as expressing the views of the minority upon this subject, and to have the same printed with the report of the majority. I ask that the resolutions be read.

The resolutions were read, as follows:

Resolved, That the forcible arrest and detention of Messrs. Bliss and Masterman, while under the protection of the American flag, was an outrage which demanded prompt reparation.

Resolved, That the submitting to the insults of President Lopez, in his refusal to grant passports to Messrs. Bliss and Masterman, and the separating himself from them in the streets of Asuncion, and leaving them in the hands and at the mercy of the Paraguayan authorities, was a serious compromise of the American flag, and could not be justified upon any consideration of personal safety; and that Minister Washburn, in justice to his position and the honor of his flag, ought not to have accepted his passport until permitted to withdraw with every member of his legation.

Resolved, That in the hostile or unfriendly attitude assumed by Minister Washburn toward Lopez and the Paraguayan Government in his relations and intercourse with the president of that republic, and in associating Bliss and Masterman with his legation, (one a British subject suspected by Lopez of a conspiracy with his enemies and the enemies of his country—both adventurers and of doubtful reputation,) Minister Washburn committed a grave act of imprudence, which resulted in most, if not all of the complications attending his residence in Paraguay.

Resolved, That Admirals Godon and Davis, in command of the South Atlantic squadron, have committed no act to subject them to the censures of this Government or the intervention of a court-martial, said officers having to the best of their judgment and understanding complied with the instructions of the Navy Department, and received its approval.

Resolved, That no legislation is required on the part of Congress growing out of the facts stated in this record and the correspondence now on file in the State and Navy Departments.

Resolved, That this committee be discharged from the further consideration of the subject.

Mr. ORTH. I modify my motion so as to print the resolutions of the minority with the report of the majority, and also the testimony and documents. I give notice to the House that I shall call up the question for action at as early a day as possible.

Mr. WILLARD. In connection with this report I desire to say that while I do not dissent from some of the resolutions proposed by the majority, nor from some of those proposed by the minority, yet in my judgment the testimony and papers before the committee presented nothing calling for any action by the House. When the question comes up I shall endeavor to support my views by some remarks.

The motion of Mr. ORTH, as modified, was agreed to; and the majority and minority reports, together with the testimony and documents, were laid on the table, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had concurred in the amendment of the House to the joint resolution (S. R. No. 77) authorizing the distribution of the copies remaining in the Department of State of the Tributes of the Nations to Abraham Lincoln.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, with amendments, in which the concurrence of the House was requested:

An act (H. R. No. 386) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; and

Joint resolution (H. R. No. 173) to enable the Secretary of the Treasury to collect wrecked and abandoned property, derelict claims, and dues belonging to the United States.

The message further announced that the Senate had passed, without amendment, bill and joint resolutions of the following titles:

An act (H. R. No. 1336) granting a pension to Anna B. Snider;

Joint resolution (H. R. No. 153) for pay of one year's service to the executors of General John A Rawlins for the benefit of his family;

Joint resolution (H. R. No. 269) to amend the act of April 20, 1870; and

Joint resolution (H. R. No. 273) donating condemned cannon to the McPherson Monument Association.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

An act (S. No. 112) to aid in the construction of the Oregon Branch Pacific railroad;

An act (S. No. 459) to authorize the settlement of the accounts of officers of the Army and Navy;

An act (S. No. 517) to define the intent of an act entitled "An act to allow deputy collectors of internal revenue acting as collectors the pay of collector, and for other purposes," approved March 1, 1869;

An act (S. No. 713) for the relief of pre-emption settlers in the State of Nebraska;

An act (S. No. 824) authorizing the Southern Minnesota Railroad Company to connect its line with the Northern Pacific railroad;

An act (S. No. 860) for the relief of John E. Griffin;

An act (S. No. 865) increasing the pension of John Coonan;

An act (S. No. 866) for the relief of Mary F. Prindle;

An act (S. No. 867) granting a pension to Mary M. Butts; and

An act (S. No. 868) for the relief of Reuben Grindle.

POST ROUTES.

Mr. COX, from the Committee on the Rules, reported the following:

Resolved, That the rules of this House be amended as follows, namely:

Insert at the end of Rule 115: "But the Speaker shall not entertain a motion for leave to introduce a bill or joint resolution for the establishment or change of post routes, and all propositions relating thereto shall be referred, under the rule, like petitions and other papers, to the appropriate committee."

The resolution was adopted.

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

The latter motion was agreed to.

PUBLIC LANDS.

The SPEAKER stated that a memorandum had been placed upon his desk from the Committee on the Public Lands that Senate bill No. 167, amendatory of an act to protect the rights of actual settlers upon the public lands of the United States, approved July 27, 1868, and for other purposes, and Senate bill No. 495, to permit entries of public lands in certain cases in the State of Alabama, which were referred to that committee by misapprehension, be placed back upon the Speaker's table.

There was no objection; and it was ordered accordingly.

SPEAKER'S TABLE.

Mr. INGERSOLL moved that the House proceed to the consideration of the business on the Speaker's table.

The motion was agreed to.

JOINT INDIAN COMMITTEE.

The first business upon the Speaker's table was a concurrent resolution of the House in reference to the appointment of a joint Committee on Indian Affairs, which had been returned from the Senate with the following substitute:

Resolved by the House of Representatives, (the Senate concurring,) That a joint special committee, to consist of ten members, five from the Senate and five from the House, be appointed, to whom shall be referred the propriety of a change or modification of the Indian policy and system of governing the Indian tribes; and said committee shall not continue beyond the present session: *Provided*, That to constitute a majority of said committee a majority of the members chosen from each House shall be necessary.

Mr. CLARKE, of Kansas moved that the concurrent resolution and the amendment of the Senate be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. CLARKE, of Kansas moved to reconsider the vote by which the concurrent resolution and Senate amendment were referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOULE AND COMPANY.

The next business on the Speaker's table was an amendment of the Senate to House bill No. 891, for the relief of Charles E. Dole.

The amendment was read as follows:

Amend the title of the bill by striking out "Charles E. Dole" and inserting "Soule & Co."

Mr. PETERS. I move that the amendment of the Senate be concurred in.

The amendment was concurred in.

Mr. PETERS moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM M. GARVEY.

The next business on the Speaker's table was the bill (H. R. No. 40) to confirm the title of William M. Garvey to a certain tract of land, which was returned from the Senate with the following amendment:

Strike out all of the original bill after the enacting clause, in the following words:

"That the title of William M. Garvey, of Ohio, in and to the east half of the northeast quarter of section eighteen, in township sixty-nine, north of range twenty-six west, in the district of lands subject to sale at Des Moines, Iowa, containing eighty acres, be and is confirmed to him, his heirs and assigns, forever."

And insert in lieu thereof:

"That the title of William M. Garvey to the east half of the northeast quarter of section eighteen, township sixty-nine north, range twenty-six west, in the district of lands subject to sale at Des Moines, in the State of Iowa, containing eighty acres, be, and is hereby, confirmed, and that the State of Iowa is hereby authorized to select in lieu of said tract an equal amount of land from the unsold public lands within the limits of said State, subject to sale at $1 25 per acre: *Provided*, That the State of Iowa, through her constituted authorities, shall first relinquish to the United States all right, title, or interest acquired by said State by virtue of the act of Congress of March 3, 1857, entitled 'An act to confirm to the several States the swamp and overflowed lands selected under the act of September 28, 1850, and the act of the 2d March, 1849.'"

The amendment was concurred in.

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

The latter motion was agreed to.

APPOINTMENTS IN TREASURY DEPARTMENT.

The next business on the Speaker's table was a bill (H. R. No. 902) limiting the appointments of certain officers in the Treasury Department, with Senate amendments.

The amendments of the Senate were read, as follows:

On page 1, line three, strike out the words "at one time."

On page 2, at end of line eight, insert "or any other expenses, except such as are actually incurred in the discharge of their official duties."

On page 2, line nine, after the word "that" insert the words "the present number of special agents shall be reduced to fifty-three and."

The amendments of the Senate were concurred in.

ADDITIONAL LAND DISTRICT IN KANSAS.

The next business on the Speaker's table was the bill (S. No. 369) to establish an additional land district in the State of Kansas; which was read a first and second time.

Mr. HAWLEY. I move to strike out all after the enacting clause and insert a substitute which I send to the desk, and which has been considered and I believe unanimously agreed to by the Committee on the Public Lands.

The substitute, which was read, provides in its first section that all that portion of the western land district, created by the act approved March 3, 1857, entitled "An act to establish three additional districts in the Territory of Kansas," which is situated north of the township line dividing townships ten and eleven south, in said State, shall constitute a new land district to be called the Republican district.

The second section authorizes the President, whenever the public interests shall require, to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the end of the next session of Congress after such appointment, a register and a receiver for the district hereby created, who shall respectively be required to reside at the site of their offices, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties which are or may be prescribed by law in relation to other land officers of the United States in said State.

The third section provides that the public lands in said district shall be subject to sale and disposal upon the same terms and conditions as other public lands of the United States, provided that all sales and locations made at the office of the old district of lands situated within the limits of the new district, which shall be valid and right in other respects up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed.

Mr. HAWLEY. I will state that the only object of the bill and of the substitute is to establish a new land district in the State of Kansas, and it is believed that the boundaries as defined by the substitute will answer better the convenience of all interests than those defined in the Senate bill. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the substitute was agreed to.

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

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

The latter motion was agreed to.

LAND GRANT FOR UNION PACIFIC RAILROAD.

The next business on the Speaker's table was the joint resolution (S. R. No. 129) to amend section ten of an act entitled "An act granting lands to the State of Kansas to aid in the construction of the southern branch of the Union Pacific railway and telegraph from Fort Riley, Kansas, to Fort Smith, Arkansas.

Mr. CLARKE, of Kansas. I move that the bill be laid aside for the present.

The motion was agreed to.

INDIANS ON THE UMATILLA RESERVATION.

The next business on the Speaker's table was a joint resolution (S. R. No. 116) instructing the President to negotiate with the Indians upon the Umatilla reservation, in Oregon.

The joint resolution was read. It requests the President of the United States to negotiate with the Indians upon the Umatilla reservation, in Oregon, with the view of ascertaining on what terms they will relinquish to the United States all their claim or right to the reservation, and remove to some other reservation in the State or Washington Territory, or take lands in severalty, in quantities not exceeding one hundred and sixty acres each, on their present reservation, and to report to Congress; and to defray the expense of such negotiation the sum of $2,000 is appropriated, or so much thereof as may be necessary.

Mr. MAYNARD. That ought to be referred.

Mr. SMITH, of Oregon. The Committee on Indian Affairs have had under consideration a bill on the same subject, which they have instructed me to offer as a substitute.

Mr. MAYNARD. It ought to be referred. If that is not agreed to, I raise the point of order that it makes an appropriation, and must go to the Committee of the Whole on the state of the Union.

Mr. SMITH, of Oregon. If the gentleman will give me his attention for a moment, while I make a brief explanation, I think he will withdraw his objection. The Committee on Indian Affairs have unanimously instructed me to report the bill, and desire its passage. I will state to the gentleman that this is in the interest of economy. This is a reservation on which a small band of Indians is maintained at a great expense. The object of this is to do away with the reservation altogether, saving the Government thousands of dollars annually.

Mr. MAYNARD. The Indians have no representatives in this House. Their opponents—I will not say their enemies—have a great many representatives. I have seen so much injustice, so much crying injustice done to that race of people, that I feel bound to interpose a word in their behalf. And, if I can do no more, I can invoke the rules of the House in their interest.

The SPEAKER. The gentleman from Tennessee insists on the point of order, but is willing that the bill shall be referred to the Committee on Indian Affairs.

Mr. SMITH, of Oregon. I do not wish to have it so referred.

The SPEAKER. Then it will have to go to the Committee of the Whole on the state of the Union.

Mr. SMITH, of Oregon. I ask that it be laid aside informally.

Mr. MAYNARD. I have no objection to that; but I give the gentleman notice that unless he can bring forward other reasons than he has given for the passage of the joint resolution I shall insist on its reference.

The joint resolution was then passed over informally.

NORTHERN PACIFIC RAILROAD.

The next business on the Speaker's table was a joint resolution (S. R. No. 121) authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road, and to secure the same by mortgage, and for other purposes; which was read a first and second time.

Mr. WHEELER. I desire to have that joint resolution put upon its passage.

The joint resolution was read. It authorizes the Northern Pacific Railroad Company to issue its bonds to aid in the construction and equipment of its road, and to secure the same by mortgage on its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise as a corporation; and provides that, as proof and notice of its legal execution and effectual delivery, said mortgage shall be filed and recorded in the office of the Secretary of the Interior. It also authorizes the said company to locate and construct, under the provisions and with the privileges, guarantees, and duties provided for in its act of incorporation, its main road to some point on Puget sound, via the valley of the Columbia river, with the right to locate and construct its branch from some convenient point on its main trunk line across the Cascade mountains to Puget sound; and in the event of there not being in any State or Territory in which said main line or branch may be located at the time of the final location thereof the amount of lands per mile granted by Congress to said company, within the limits prescribed by its charter, then said company shall be entitled, under the directions of the Secretary of the Interior, to receive so many sections of land belonging to the United States, and designated by odd numbers, in such State or Territory, within ten miles on each side of said road, beyond the limits prescribed in said charter, as will make up such deficiency on said main line or branch to the amount of the lands that have been granted, sold, reserved, occupied by homestead settlers, preëmpted, or otherwise disposed of subsequent to the passage of the act of July 2, 1864. It requires that twenty-five miles of said main line between its western terminus and the city of Portland, in the State of Oregon, shall be completed by the 1st day of January, A. D. 1872, and forty miles of the remaining portion thereof each year thereafter, until the whole shall be completed between said points. All the lands hereby granted to the company which shall not be sold or disposed of, or remain subject to the mortgage authorized by this resolution at the expiration of five years after the completion of the entire road, shall be subject to preëmption and settlement like other lands, at a price to be paid to said company not exceeding $2 50 per acre; and in case the mortgage hereby authorized shall at any time be enforced by foreclosure or other legal proceeding, or the Government lands hereby granted, or any of them, shall be sold by the trustees to whom such mortgage may be executed, either at its maturity or for any failure or default of the company under the terms thereof, the lands shall be sold at public sale at places within the States and Territories within which they shall be situate, after not less than sixty days' previous notice, in single sections or subdivisions thereof to the highest and best bidders. It is further provided that in the construction of the said railroad iron or steel only shall be used, the same to be manufactured from American ores only. The second section reserves to Congress the right at any time to alter or amend this joint resolution, having due regard to the rights of the company and of other parties.

Mr. WHEELER. Mr. Speaker, I only await the call of the Committee on the Pacific Railroad to report and put upon its passage a joint resolution similar in all respects to the one just read.

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

Mr. WHEELER. I will.

Mr. RANDALL. How many acres of land are donated by this grant?

Mr. WHEELER. I am utterly unable to tell the gentleman now; but he will understand what is the extent of the grant before I get through.

Mr. RANDALL. I am surprised the gentleman should support a bill when he is unable to tell us the number of acres of land granted by it.

Mr. VAN WYCK. I desire to say——

Mr. WHEELER. I do not yield for interruptions.

Mr. VAN WYCK. I do not propose to interrupt the gentleman, but to say——

Mr. WHEELER. I decline to yield to any one until I shall have concluded the remarks I desire to make upon this subject. It is not often that I can succeed in obtaining the floor, and now that I have it I desire to say what I have to say without interruption from any one. When I have concluded I will call the previous question, and if it shall be sustained I will then yield to gentlemen.

Mr. Speaker, this second continental enterprise, which is to unite by iron bands the great lakes with Puget sound and the Pacific ocean, which the war and the financial condition of the country temporarily suspended, is now inaugurated under such auspices as to command its speedy completion. Backed by wealthy capitalists, ground has been broken upon the road, and henceforth the work is to be pressed with all the energy and indomitable will which characterize all American enterprises. The day for arguing the absolute necessity of this road has long since passed. By every consideration of foreign and domestic policy it has confessedly no superior among the public works of the country. Congress has declared this by its previous liberal grants to this company. The company is not here to-day to ask for money or enlarged subsidies in lands. It seeks by this legislation three things.

First, it wants to put the national impress upon its mortgage by recording and filing it in the office of the Secretary of the Interior. This makes the bonds more desirable in the estimation of foreign capitalists, who have great respect for Uncle Sam's sign-manual since it was so successfully and indelibly stamped upon the recent rebellion.

Secondly, the company wants to change the route of its main line and branch as defined by the original act of incorporation. It wants now to build its main line by way of the valley of the Columbia river, instead of over the Cascade mountains as intended at the outset. When the company was chartered there was little definite knowledge of a portion of the country it will traverse, and particularly of the mountain passes. It was inferred from the report of Stevens that the road could be constructed over the Cascade mountains, and this is probably the case, but the work would involve greatly enhanced labor and expense.

The route by the valley of the Columbia river is far more feasible and can be built in much shorter time and with the means which this bill will enable the company to command. This change takes the road direct to Portland, thus giving it business upon its completion to that point and enabling it to use the river for the transportation of material during the progress of construction; advantages upon which I need not enlarge.

As to the branch, this bill will enable the company to shorten the line and thus relieve it to that extent. It may be asked here, will this change of routes give the company more lands?

And here I will ask the attention of the gentleman from Pennsylvania, [Mr. RANDALL,] who interrupted me at the beginning of my remarks to ask how much additional lands will be granted should this bill become a law. That depends upon the fact whether the lines will be longer than the original ones. This can only be determined by actual survey. If more land is taken it will be only for the additional distance and for the quantity per mile granted by the original charter.

Thirdly, the company asks to have made good to them the lands originally granted, and no more. This bill makes up the deficiency which has been created since the original charter by reason of grants to individuals, homestead settlers, and preëmptors, for lands which have been taken in expectation of the building of this road, which has alone made them available. These are briefly the provisions of this bill.

Mr. Speaker, there lie between Lake Superior and Puget sound and the mouth of the Columbia river half a million square miles of territory, alternating in prairie and pine forests, and teeming with coal, iron, gold, silver, and copper, the sure elements of national wealth, and waiting the countless thousands who are there to find homes and develop every condition of social growth and prosperity. It is now the home of the Indian, the buffalo, the elk, and the antelope. It is now wholly inaccessible, unproductive, and dead property to the United States. To develop it is a work of such magnitude as completely to defy any combination of private capital.

There are gentlemen sitting in the sound of my voice who were part of Chicago—soon to be, if not now, the grain mart of the world—when the paltry amount of wheat marketed there found its way over the prairies by ox teams in a journey of from one to two weeks, the freighters traveling by compass, and camping with their cattle at night. Look at Chicago and Illinois to-day, with one fifteenth of the population of the United States and paying nearly twenty-five million dollars annually of the national taxes. What has wrought this mighty change? The question has but one honest answer. It is our policy of governmental aid in national railway building, as illustrated in the grant of lands to the Illinois Central railroad. The locomotive is the "open sesame" to the vast region of which we are speaking, and the sole agency by which we can spread law, order, population, industry, and wealth over the thirty-two degrees of longitude which this road is to traverse, thereby increasing the taxable resources of the country, adding to its revenues, and lessening the burden of the public debt. Wise statesmanship, therefore, dictates that we give this great enterprise all consistent aid and stay up the hands of the men who in its successful completion are to add new luster to the American name.

I know well many of the men who have this work in hand and at heart. They will neither hold these franchises unused or hawk them

about the streets. An intimate acquaintance for years with the late Governor of the Green Mountain State, who stands at the head of this company, justifies me in saying that he is the embodiment of New England pluck and enterprise. Bold, energetic, and tireless, give him these additional sinews of war and he will push on, defying all natural obstacles, and, subjugating mountain and plain to the dominion of the rail, he with his efficient co-workers will present to the nation the full fruition of its most cherished hopes in connection with this great enterprise.

Mr. Speaker, I now call the previous question, and will state that if the House shall sustain the call for the previous question I will then yield the greater portion of my time to others.

Mr. HAWLEY. I hope the gentleman will first allow me to offer an amendment.

Mr. PAINE. If the previous question should be sustained what time will there be for debate?

The SPEAKER. There will be no time for debate should the main question be ordered, because this bill has not been reported from any committee.

Mr. WHEELER. Then I will not now call the previous question, but will reserve my right to do so until near the expiration of my hour. In the mean time I will yield first to the gentleman from Illinois, [Mr. HAWLEY,] with the distinct understanding that I do not yield for any amendment to be offered.

Mr. LAWRENCE. Will the gentleman allow an amendment to be read for information?

Mr. WHEELER. I have yielded the floor for ten minutes to the gentleman from Illinois, [Mr. HAWLEY.]

Mr. HAWLEY. Mr. Speaker, I will first ask to have read, as a part of my remarks, an additional proviso, which I desired to move to the first section of this bill.

The Clerk read as follows:

And provided further, That all the lands granted to said railroad company shall be sold to actual settlers only, and in quantities not greater than one hundred and sixty acres to any one person, and for a price not exceeding $2 50 per acre.

Mr. LAWRENCE. That is the very amendment I desired to offer.

Mr. HAWLEY. It would ill become me, as a Representative from the great State of Illinois, to rise in my place upon this floor and oppose all land grants. I believe that the system of land grants when properly made, under proper circumstances and with proper restrictions, is the best policy that can be pursued by this Government for the purpose of settling the great western domain between the Mississippi river and the Pacific ocean.

It has been said on this floor that Illinois has grown and prospered beyond parallel. It is conceded that under the coming apportionment, upon a basis of two hundred and seventy-five members in this House, the State of Illinois will gain five Representatives, while no other State in this Union will gain to exceed two. And if we look for the reason of that growth, that great progress of the State of Illinois, we will find it more than anywhere else in the construction and operation of the great Illinois Central railroad, stretching north and south the whole length of the State, and reaching out with its arms to its eastern and western borders.

Not only that, but as the result of the grant to the Illinois Central railroad the State of Illinois for all time to come will receive into its treasury seven per cent. of the gross earnings of the railroad company, which in times of peace, at all events, will pay all the necessary expenses of that great State. It would not, then, become me to say to these younger States of the West, "You shall have no part in the public lands for the purpose of developing your resources, for the purpose of enabling you to get to the markets of the country." But, sir, while I believe that land grants ought to be made under proper restrictions in suitable cases, I believe they should never be made without restrictions. I know that the western country has suffered perhaps more from land monopolies than from all other causes. I would insert in every bill making a grant to a railroad a provision that the land should be sold to actual settlers only, in quantities not greater than one hundred and sixty acres, and at a price not exceeding $2 50 per acre.

It is claimed by the chairman of the Committee on the Pacific Railroad [Mr. WHEELER] that it is not right to impose such a restriction in this bill, for the reason that Congress granted this land to the company long ago. But the company comes here to-day and asks further rights and privileges from Congress. It has now by law a grant of land in alternate sections extending forty miles on either side of the road, thus embracing a distance of eighty miles in width. The act making the grant gave the company the additional right to go ten miles further upon each side of the road for the purpose of making up deficiencies. This would extend the width of their grant to one hundred miles. Now, by the resolution before the House it is proposed to give the company ten miles additional upon each side, making one hundred and twenty miles of country over which this company may go for the purpose of making up its land grant. Thus this company is to be endowed with a vast empire one hundred and twenty miles wide, and extending from Lake Superior to the Pacific ocean.

Now, I propose if the opportunity be offered to present the amendment which has been read and obtain a vote of the House upon it. I wish to ascertain whether this House proposes to close this vast extent of land against the actual settlers of the country, those for whose benefit we should construct railroads, and give it into the hands of this railroad company. I believe that the policy of Congress should be in every case to give these railroad companies merely certificates for the lands, these certificates showing the company to be entitled to the proceeds of the odd-numbered sections when sold, but that the Government should always hold the title to the land and grant the patent to the actual settler only. Thus we would prevent these great railroad monopolies from swallowing up the public lands. These companies not only swallow up the lands but they sell them out to other great organized companies all over the country, who buy up these lands simply for the purpose of speculation. Thus actual settlers are prevented from occupying them.

Sir, I am not alarmed at the cry that all these lands will be taken up and that there will be none left for those who shall come after us. In looking over the report of the Commissioner of the General Land Office I find that not one third of the public lands of the country have been surveyed. More than that, there are in the State of Texas, which has the control of her own lands, more than eighty million acres, to be added to the vast extent of territory now owned and held by the United States. The country extending westward from the Mississippi river to the Pacific ocean can never be settled without railroads. I am, as I have already said, in favor of land grants for this purpose when they are made under proper restrictions; but I would not vote to give another acre to these railroads without such restrictions as will secure the interests of the actual settler.

Now, it has been often said on this floor—it was said the other day by the gentleman from Nevada [Mr. FITCH] in his speech in favor of the Oregon bill—that this Northern Pacific railroad stands ready not only to sell its lands for less than $2 50 per acre, but actually to construct thereon homes for settlers. Then why, if this railroad company proposes to deal honestly and fairly with the settlers, does it oppose this restriction providing that it shall in no case sell lands for a price exceeding $2 50 per acre?

In connection with this subject I desire to present the following table, exhibiting the area of the States and Territories now or heretofore having public lands, together with the amount surveyed and unsurveyed June 30, 1869:

Tabular statement showing the number of acres of public lands surveyed in the following land States and Territories up to June 30, 1868, during the last fiscal year, and the total of the public lands surveyed up to June 30, 1869; also the total area of the public domain remaining unsurveyed within the same.

Land States and Territaries.	Area of the land States and Territories.		Number of acres of public lands surveyed up to June 30, 1868.	Number of acres of public lands surveyed prior to June 30, 1868, not heretofore reported.	Number of acres of public lands surveyed within the fiscal year ending June 30, 1869.	Total of the public lands surveyed up to June 30, 1869.	Total area of public lands remaining unsurveyed.
	In acres.	In square miles.					
Wisconsin	34,511,360	53,924	34,511,360	-	-	34,511,360	-
Iowa	35,228,800	55,045	35,228,800	-	-	35,228,800	-
Minnesota	53,459,840	83,531	24,023,425	-	1,071,961	25,095,386	28,364,454
Kansas	52,043,520	81,318	23,906,087	-	2,155,502	26,061,589	25,981,931
Nebraska	48,636,800	75,995	16,318,905	-	545,240	16,864,145	31,772,655
California	120,947,840	188,981	30,403,426	271,162	199,196	30,878,784	90,069,056
Nevada	71,737,741	112,090	1,368,426	84,534	1,510,167	2,963,127	68,774,614
Oregon	60,975,360	95,274	7,258,433	-	1,110,126	8,368,564	52,606,796
Washington Territory	44,796,160	69,994	4,451,472	11,424	600,879	5,063,775	39,732,385
Colorado Territory	66,880,000	104,500	3,166,702	-	1,190,130	4,356,832	62,523,168
Utah Territory	54,065,075	84,476	2,517,912	-	7,930	2,525,872	51,539,203
Arizona Territory	72,906,304	113,916	-	470,531	215,497	686,028	72,220,276
New Mexico Territory	77,568,640	121,201	2,982,753	-	-	2,982,753	74,585,887
Dakota Territory	96,595,840	150,932	3,531,730	-	1,347,218	4,878,948	91,716,892
Idaho Territory	55,228,160	86,294	225,111	-	255,862	510,973	54,717,487
Montana Territory	92,016,640	143,776	183,847	22,451	613,074	819,372	91,197,268
Wyoming Territory	62,645,120	97,883	-	-	-	-	62,645,120
Missouri	41,824,000	65,350	41,824,000	-	-	41,824,000	-
Alabama	32,462,080	50,722	32,462,080	-	-	32,462,080	-
Mississippi	30,179,840	47,156	30,179,840	-	-	30,179,840	-
Louisiana	26,461,440	41,346	23,461,440	-	-	23,461,440	3,000,000
Arkansas	33,406,720	52,198	33,406,720	-	-	33,406,720	-
Florida	37,931,520	59,268	26,631,520	-	-	26,631,520	11,300,000
Ohio	25,576,960	39,964	25,576,960	-	-	25,576,960	-
Indiana	21,637,760	33,809	21,637,760	-	-	21,637,760	-
Michigan	36,128,640	56,451	36,128,640	-	-	36,128,640	-
Illinois	35,462,400	55,410	35,462,400	-	-	35,462,400	-
Indian Territory	44,154,240	68,991	-	-	-	-	44,154,240
Alaska	369,529,600	577,390	-	-	-	-	369,529,600
Total	1,834,998,400	2,867,185	496,884,754	860,102	10,822,812	508,567,668	1,326,430,732

I also submit the following table, exhibiting the amount of the public lands heretofore granted by the Government for the construction of railroads and wagon roads in the several States and Territories:

States.		Estimated number of acres granted for wagon roads.	Number of acres certified and patented under the grants.	Estimated number of acres inuring under the grants.
Illinois		-	2,595,053.00	2,595,053.00
Mississippi		-	908,680.29	2,062,240.00
Alabama		-	2,288,138.50	3,729,120.00
Florida		-	1,760,468.39	2,360,114.00
Louisiana		-	1,072,405.45	1,578,720.00
Arkansas		-	1,793,167.10	4,744,271.63
Missouri		-	1,715,435.00	3,745,160.21
Iowa		-	3,215,669.46	7,331,207.98
Michigan		-	2,717,496.51	5,327,930.99
Wisconsin		-	1,479,710.05	5,378,360.50
Minnesota		-	2,510,283.64	7,783,403.09
Kansas		-	-	7,753,000.00
California		-	-	2,060,000.00
Oregon		-	-	1,660,000.00
			22,056,507.39	58,108,581.40
Corporations:	Pacific railroads	-	164,891.48	124,000,000.00
Wagon roads:	Wisconsin	250,000.00	153,505.74	-
	Michigan	1,718,613.27	-	-
	Oregon	1,813,600.00	19,153.73	3,782,213.27
Total		-	22,393,968.34	185,890,794.67

Our true policy should be to develop the country and at the same time secure the lands beyond a peradventure for the settler. The country has long since settled down upon the conviction that Congress ought not further to grant the public domain to objects which will place the lands where the settler cannot obtain them, or if obtained at all only at a high price per acre.

The chairman of the Pacific Railroad Committee, [Mr. WHEELER,] who has this bill in charge, and who has just addressed the House, stated in his remarks that he did not know the amount of acres granted to this railroad company. That the House may know something of the magnitude of the subject with which we are dealing, I will state that the lands granted will exceed fifty million acres, being fifteen million acres more than are embraced in the whole State of Illinois. Sir, you search the annals of ancient and modern history in vain to find a parallel for so munificent a gift as this. No prince or potentate, State or sovereignty, ever gave so rich a dowry.

At $2 50 per acre this grant would yield the enormous sum of $125,000,000. Sir, if we shall now let pass the opportunity to secure these lands to actual settlers we will place ourselves but little above "the base Indian who threw a pearl away richer by far than all his tribe." We will fail to meet the expectations of the people, and will excite in their minds just alarm in regard not only to this grant but in relation to others upon which we may be called to pass, unless we now insist upon the imposition upon this grant of the terms I propose. From this rule Congress should never depart. If always adhered to the country would not view with alarm as it now does the granting of the public lands to aid in the construction of railroads through the new and unsettled portions of the country.

A grant judiciously made may result in great good to all. It will build roads through the wild and unsettled regions of the West, and furnish cheap lands to the pioneer, with the means of transporting his crops to market. I know full well that the great body of the country lying between the Missouri river and the Pacific ocean, and also between Lake Superior and the Pacific, can never be settled without the construction of railroads. There are in that vast region but few navigable streams, and without railroads settlers will have no means of transportation. I realize fully the great importance to be attached to the early construction of one or more roads to the Pacific ocean, not only as a means of settling the country, but as a great highway upon which the commerce of this and other lands may pass.

Nothing can more surely advance the prosperity and growth of the whole country than internal improvements. Let the water communications be perfected where practicable and railroads be constructed whenever capital can be induced to invest in new enterprises. Give full scope and employment to all the labor and skill of the whole country. Make the regions now given up to the Indian and the wild beast to resound with the busy hum of industry, and fill them with happy homes and firesides. Let the farmer go with his plow, the miner with his pick and shovel, and the artisan with the implements of his skill.

The completion of the Pacific railroad last year marked one of the grandest epochs in the history of our times. As a great triumph of skill, energy, and perseverance, it stands unparalleled in the history of railroad construction. The driving of the last golden spike on that fair May day of last year completed the last link in the iron chain that bound the two oceans together. It completed the grand highway upon which with the speed of the winds the messenger of a new civilization, with dazzling brow, breath of steam, and lungs of fire, dragging the wealth of nations at his heels, should pass from ocean to ocean. It completed, too, another link in that golden chain of Union, the forging of whose links has cost this nation so much of blood and treasure.

As I have said upon a former occasion, nothing can so strongly tend to make the people of this vast country one in interest and in feeling as the furnishing of convenient and cheap facilities for commerce and intercourse. The enterprise and energy of our people are shown in the fact that in this country there are now about fifty thousand miles of railroad completed and in operation. The finished railroads of the world, as shown by Poor's Manual, embraced at the close of 1868 an aggregate of one hundred and nine thousand one hundred and seventy-seven miles. Thus it will be seen that already this country has almost half of the entire railroads of the world.

One of the strongest arguments in favor of railroads and railroad grants in the unsettled portions of the country is the fact that they furnish when built the surest and best means of transportation for troops and supplies in all our military operations against the Indians. It not only enables us to transport troops and supplies for a price greatly below what we would otherwise pay, but it enables us to control the Indians with a much less number of troops than would otherwise be necessary, because with the railroads we can move them rapidly from one place to another as they are needed.

To show the economy of rail over wagon transportation for the purpose of transporting troops and supplies, I call attention to the following table of freights over the one hundred and fifty-three miles of the Kansas Pacific railroad in 1867, as reported by the Military Committee of this House:

	Wagon transportation.	*Rail transportation.*	*Saving in favor of rail transportation.*
Government freight	$1,143,462 03	$368,310 02	$775,152 01
Government troops	163,135 65	108,757 10	54,378 55
Government mails	51,693 38	34,841 12	16,852 26
Total	$1,358,291 06	$511,908 24	$846,382 82

General Grant, in discussing this subject in his report as Secretary of War, said:

"During the last summer, and before I caused inspections to be made of the various routes of travel and supply through the territory between the Missouri river and the Pacific coast, the cost of maintaining troops in that section was so enormous that I desired if possible to reduce it. This I have been enabled to do to some extent from the information obtained from these inspections; but for the present the military establishment between the lines designated must be maintained at a great cost per man. The completion of the railroads to the Pacific will materially reduce this cost, as well as the number of men to be kept there. The completion of these roads will also go far toward a permanent settlement of our Indian difficulties."

But I do not deem it necessary to pursue this branch of the subject further. All will admit that the construction of railroads through the western territory would be desirable if they could be built by private capital. For my own part I believe there are cases when a wise statesmanship will aid them by limited grants of land, and upon the terms and conditions I have indicated. I would not, however, in any case, permit the lands to be sold to other than actual settlers or for a price greater than $2 50 per acre. By such a course cheap lands will be furnished the settler, both as to lands granted for the benefit of the railroad company and as to the alternate sections retained by the Government, and which may be sold at $2 50 per acre or settled under the homestead and preëmption laws.

For a brief period we of the present Congress hold in our hands the title deeds to a broader empire than that over which Cæsar swayed the scepter of his power, and the people will hold us to a strict accountability for the manner in which we manage or dispose of this vast estate. The march of events is carrying us forward in the race of progress and glory with unparalleled rapidity. In all the elements of progress and power which characterize a great and free people we occupy a position among the foremost nations of the earth. And yet we stand but in the morning of our country's day. Her present compared with her future is like the few faint streaks that mark the east, betokening the coming of the day-god, compared with the glory of his shining when he shall have reached the full meridian of his power.

Mr. WHEELER. I now yield to the gentleman from Minnesota, [Mr. WILSON,] my colleague on the committee.

Mr. WILSON, of Minnesota. Mr. Speaker, my State has a greater interest in this measure than any other of the Union. The road commences on Lake Superior, in my district, and runs two hundred and fifty miles through it. While one half of the territory of Minnesota lies above the forty-sixth parallel nearly all of its population is below it. The upper portion of that State has not been settled, although its lands are good, because it has no communications to market. We know this road passing through it will produce for it the same marvelous development which the southern half of our State has exhibited under the land-grant system.

This grant was made some six years ago, and complaint is made that nothing has been done. This only shows the grant is not too large for the purpose for which it was given. Although some of the best men in the coun-

try are connected with it, although they have labored earnestly and long, they have not been able to get capital to construct this road. The Union Pacific and the Central Pacific were granted pecuniary aid by the Government. Sixty-four million dollars of bonds were loaned them to aid in their construction. This not only built their road, but worked disadvantageously to the Northern Pacific. By the discrimination made in favor of the Central route their better secured bonds crowded out of the market all attempts of this road to secure capital for construction. Within the last few months, however, these arrangements have been made. More men of capital have taken hold of the enterprise, and the building of the road is a fixed fact if this bill becomes a law.

This is no increase of land over that which has already been given to this road. It only gives them additional land for an additional piece of road, which they now propose to construct from Portland up to Puget sound. The old grant is not increased one acre. A proposition is made here that we shall attach to this the $2 50 provision, requiring that the land granted shall be held by the Secretary of the Interior withholding the title from the company, and allowing it to be sold only to actual settlers at the price just named. This company has vested rights which cannot be interfered with by any such provision. If attached it would prevent the construction of this road. Had such a condition been applied to the Union and Central Pacific railroads they would never have been built. There are roads in the States where it may be desirable to attach such a provision; but it has never before been attempted upon any of these grand-trunk lines across the continent.

Mr. VAN TRUMP. Mr. Speaker, I would very much like to know from the gentleman from Minnesota why it is that the Northern Pacific Railroad Company, by this new bill, proposes to abandon their originally established route direct to Puget sound by diverging south to the Columbia river, then down said river to near Portland, and from thence north through Washington Territory to their first contemplated terminus?

Mr. WILSON, of Minnesota. I will answer the gentleman. The old grant provided for running across the mountain, and also for building a branch to Portland. This company, having no Government subsidy, is obliged to be as economical as possible. It desired for the present not to cut through the Cascade mountains, but via the Columbia river to Portland, and thence to Puget sound, thus having temporarily the advantage of navigation on that mighty river to aid in construction.

But to return to the subject of this $2 50 clause, I say it never was the intention of the Committee on the Public Lands to attempt to burden these great enterprises with such a condition. On the contrary, the committee held a meeting to discuss this very question, and determined that it was not proper or prudent to do so, and that we should recommend the passage of the bill from the Speaker's table. Thus it has received the sanction both of the Pacific Railroad Committee and the Public Lands Committee of this House.

Mr. HAWLEY. I did not distinctly hear the gentleman. Does he say that this bill was approved by a majority of the committee?

Mr. WILSON, of Minnesota. I stated that the Public Lands Committee had a meeting and considered the bill on the table, and concluded to recommend its passage.

Mr. HAWLEY. I believe the absent members were opposed to it.

Mr. WILSON, of Minnesota. I think the gentleman is mistaken.

But I desire to say a word specially to my Democratic friends. A worthy member of our political faith [Mr. HOLMAN] endeavored a few days since to commit the whole party to opposition to land grants. That this is Democratic policy I deny. The system was initiated by that great Democratic statesman, Stephen A. Douglas, and gallant General Shields, who led off with the Illinois Central grant, a policy that did more than all other agencies combined to produce the wonderful prosperity of that State. Girt round as she was with water transportation, yet her boundless interior prairie would have lain fallow for many long years had not this policy given impetus to internal improvement and brought population to its rich acres.

Thomas Jefferson thought the public lands should be devoted to internal improvement. Benton gazed with confidence into the future, when the Federal Government should aid these great roads to the Pacific. Democratic Congresses between 1850 and 1860 made more than forty land grants, and the system was firmly ingrafted in their policy at the time they were in the full tide of glorious success. They were then the party of progress, and victory was upon their banners. It was only when pausing in our course, when becoming a negative instead of a positive party, that we were beaten. We cannot succeed now by blocking the wheels of enterprise and clogging the advancement of our country. I look to the great West as the theater of success for our party and its principles. But this will not be if we adopt principles antagonistic to internal improvement. We cannot carry a single State carved out of these immense plains if we fight their best interests. If we pursue a policy to retain in the wilderness what might be speedily redeemed for civilization we cannot see the moral or political distinction by which gentlemen can vote millions for their harbors upon the eastern shores and refuse to let these western lands improve themselves. It is not old Democracy, and it will not be new Democracy.

What has been the history of this system? South Wisconsin was settled under it; the marvelous development of Iowa is attributable to it; Kansas would have been still an uninhabited prairie without it. My own State struggled for years in poverty, forming a thin line of settlements along the navigable streams, until the land-grant system gave it new birth and brought teeming thousands to occupy as rich land as the sun ever shone upon, but with all its richness valueless until its occupants could have transportation to market. Missouri, Arkansas, Mississippi, Alabama, California, and Oregon are all participants in this system and recipients of its great blessings.

That there are evils also growing out of it I admit. Some of these are inseparable from great improvements and others are the result of improvident State legislation. They do not argue against the system, but against its improper exercise. But with all these evils, real or imaginary, there has never in the whole history of our Government been any bounty, donation, or expenditure that has in proportion been productive of such large returns. You may consider it in the light of the interest of the whole people of a nation, or of the particular section where applied, and the same wonderful result appears.

Congress has granted to fourteen States fifty-eight million acres, but of this only twenty-two millions have been actually certified and received, and with this alone we will deal.

No one conversant with lands would value this at the time of the grant at over fifty cents per acre. It would not be worth more now without the improvement consequent upon this system. Much of it had already been in market twenty years, and was graduated as low as twelve cents per acre. The value of the donation was then but $11,000,000. There have been built from the effect of this thirteen thousand miles of railroad. Value this with equipment at $40,000 per mile, which is below the American average for construction alone, and we have added to the country a wealth of $520,000,000, giving employment to thousands of men and benefits incalculable in the interchange of commodity and growth of commerce. It has opened an area of settlement under the immediate influence of these lines of transportation of two hundred and fifty million acres, to which, if there has been given an increase of value of but two dollars an acre, as the result of the railroad construction, we have five hundred millions more added to the national wealth.

Thus far we can calculate; but there are other greater benefits that in their magnitude burst the bonds of figures. These thirteen thousand miles of road have given a million and a half of one hundred and sixty acre homesteads, within easy reach of market, and homes for six million people, one half of whom at least are foreign immigration that we would not have had without this policy. But consider the Government in the mere light of a property owner, disconnected from its duty to do all that will swell the nation's wealth and expand its greatness, and how handsome a profit would it have made by its grants as a mere speculator. The land granted was worth but $11,000,000. The retained even sections would be worth but the same. And yet by the construction of these roads its average price has been thereby raised to $2 50 per acre, or an aggregate of $55,000,000, a handsome profit of $44,000,000 above expenditures. These have been borne out by the facts, for the Government has been enabled to sell these sections much more readily at the double minimum than at the $1 25 away from the roads. It is the only plan of bounty to internal improvements that brings the donor an immediate return that really costs nothing.

But, thanks to growing wisdom, the Government no longer stands in the attitude of land speculator. Its public domain is not held for purposes of revenue, but offered freely for the taking to the landless of the world. The paltry amount derived from sale is lost in consideration of the infinitely more important matter of settlement, and free homesteads are draining the Old World to people the New. Each new inhabitant arrived at the age of maturity is worth to the country more than a thousand acres of land.

It is then the condition of these new settlers, whether from our own surcharged cities or from foreign lands, that should be considered. What course will bring the largest immigration, induce the largest development? Will the homestead policy alone? It is applicable to all our vast area, and yet where are the settlements? Are they out upon the ocean-like prairies, where the whistle of the locomotive never disturbs the death-like stillness of the plain? No; you find them closely hugging these land-grant roads. Within the limits of the grant only an eighty acre homestead can be taken, while outside the privilege embraces one hundred and sixty acres. But who does not know the eighty acre homesteads are always taken first, showing that the settlers themselves would give half their land for railroad communication?

There is another important aspect in which this system is beneficial to the country. This is in the enlistment of foreign capital in our enterprises. Of the $525,000,000 invested in land-grant roads more than half has been procured directly from Europe. This has distributed money in regions that would have been sorely in need without it. It has gone into substantial improvements which cannot be taken away from us. The interest we pay upon the loans is but a trifle compared with the resulting benefits. We bind to us foreign nations through the strong bond of interest. They would be loth to take up arms against us, when war must be so damaging to their investments. The interest of capitalists reflects itself upon the poorer people who immigrate. We get an *entrée* to their attention that we could not otherwise have. Thus we keep up our streams of immigration. Our land-grant roads are our best immigration agencies.

But I speak not in the interest of any rail-

road company, but for the people interested in their construction. I never owned a dollar of stock in any railroad, and in my professional life have been always opposed to them. But I have been land poor, with my neighbors around me, and have seen my little all made valuable in the general enhancement of property consequent upon the development of this system. I know that inordinate and improper grants have been made, and that corporations are grasping and extortionate. But all this pertains to the manner of carrying out this policy, and does not militate against the policy itself. A grant should be made of the least quantity always that will insure the building of the road, and, as a general thing, should not be made along navigable streams or lakes, where the natural means of transportation will insure settlement and in due time bring railroads without a grant. Every State should, like Wisconsin and Kansas, retain by constitutional provision full control of her railroad charters, and when they attempt to oppress the people lay upon them the heavy hand of legislative intervention.

No one more than myself gazes into the future with apprehension for the consequences of the powerful combination of corporations that is now taking place in our country. I fear the rule they will exercise over our land. I can see the oppression that this destruction of healthy competition may bring upon the people, how their profits may be all absorbed by transportation. But this is not the result of the land-grant system, nor will a stoppage of the policy in any manner prevent it, except you might adopt the absurd theory that the building of all railroads should be stopped. The roads of New York, Pennsylvania, and other eastern States certainly exercise as much undue influence in their respective sections, as any road of the West aided with a land subsidy.

Again, gentlemen say railroads will be built as fast as population demands it. That is so; but there is the rub. Population will not in your or my lifetime demand it. They will not go out upon the prairies except they have railroad facilities or speedy prospects of some. They must be enabled to get lumber for their fences, and have an opportunity to exchange their surplus grain for the necessaries they cannot raise. Our foreign emigration would stay at home without land rather than be set down in a sea of it hundreds of miles from market. Admit that by gradual settlement it may in time all be taken, which is the wiser course, to await the slow gradation of lifetimes, or to leap within a decade to an accomplishment of development that would otherwise require a century to achieve? It is a choice between the ox-train and the locomotive; between plodding under the dead weight of old fogyism or the swift gait of glorious progress. We have outstripped others in the great march of nations, not merely by our free Government, but by new and advanced ideas of improvement; by casting aside the trammels of prejudice and grasping the future in the novelty of our invention and the grand originality of our enterprise. Thus we have accomplished in a hundred what required other nations a thousand years. Shall we pause in this course? Shall we relinquish the ascendency we have gained? Shall we clog the wheels of our magnificent promise, and leave posterity, far down the lapse of time, to realize what our own eyes might see and our ears hear? Yield to the theory of thus opposing grants, and the myriads of acres that go rolling bleak and desolate from the Missouri to the Pacific will remain through the lives of your grandchildren the pasture-ground of the buffalo and the hunting park of the savage. But go on in the good course from which the nation has reaped such rich rewards, and many within the sound of my voice will see those vast plains, teeming with population, villages, and cities, vocal with the busy hum of industry, the whitened farm-house, the school-house and church, dotting the whole landscape, and everywhere the broad fields laden with yellow grain. Providence helps those who help themselves. Let us not abandon the wise means that have thus far given us so much prosperity.

Time will not permit entering into the peculiar merits of this Northern Pacific line. The great lakes stretch almost half way across the continent on the east, Puget sound comes in from the west, and it seems as if the finger of Providence had marked this as the great pathway of nations. It passes through the great wheat belt, to which we must look for our supply of this article as the capacity to raise it dies out elsewhere. It will compel to civilization the numerous savages who now murder and rob the frontiersmen and retreat beyond reach to the vast region which this road proposes to traverse. It is a part of the system of the Northern, Central, and Southern routes by which we must bind our country together, and conquer the wilderness that has parted the Atlantic from the Pacific.

Let gentlemen reflect upon the magnitude of this undertaking, upon its national benefit. Let them rise above this spirit of opposition to everything that may help another more than themselves. Let all parts of the country join in developing the national domain. The growth of the West must enrich the East. It will join in bearing the national burdens and make lighter the yoke of all. Pass the bill and you will be doing a good work; for you will have made a giant stride in the road of your country's greatness.

Mr. WHEELER. I now yield five minutes to my colleague, [Mr. WOOD.]

Mr. WOOD. Mr. Speaker, I am opposed to this bill. I am opposed to it for very many reasons, many more than I could possibly state or discuss within the five minutes allowed me by my colleague. I shall endeavor, however, to state briefly the grounds of my opposition. And I shall commence by referring to the closing remarks of the gentleman from Minnesota, [Mr. WILSON,] to the effect that it was the Democratic party which originally initiated this policy. I will make no issue with the gentleman upon that question. I do not care who initiated the policy of donating the public lands. I am opposed to it as wrong in principle, as an outrage upon the tax-payers of this country, and as in violation of our plighted faith to our constituents who sent us here to legislate for the protection of the public property and for the liquidation of the public debt, and not to donate the public property to private corporations for private and selfish, and not for public purposes. This road has already received forty-five million acres of the public lands, and this bill proposes to give them two and a quarter million acres more.

There is a feature of the bill which to me has the appearance of a combination of the protective tariff interests on behalf of this bill. The chairman of the Committee on the Pacific Railroad also presides over the Committee of the Whole, and by his ruling endeavored to force, and did force through the Committee of the Whole, the high protective tariff upon steel and iron rails. Now, this bill provides that no other but steel and iron rails of American manufacture shall be used upon this road. The result is that he brings to his aid the whole Pennsylvania protective interest for the purpose of securing the passage of this bill. Now, sir, I am opposed to this principle of legislation. We want these public lands for the public Treasury. We want them for the actual occupation and actual settlement by the hard-fisted yeomanry and working men of the country. We do not want them to be made the basis in Europe of railroad speculations or speculations of any character whatever. It is upon these grounds and many others which I could enumerate if I had time that I am opposed to this bill, and I hope the House will not pass it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1084) relating to the Washington Market Company.

NORTHERN PACIFIC RAILROAD.

Mr. WHEELER. I now yield five minutes to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. Mr. Speaker, I wish to call the attention of the House to the position of this grant and to the extent of territory which is to be benefited by it before they vote. In this whole portion of territory west of the head of Lake Superior, where this grant applies, there is not a single railroad, or part of a railroad, in a distance of five hundred miles wide and about eighteen hundred miles long, and almost that entire country is to-day almost as unknown to the people of these United States, except along some of its rivers, as is the interior of Africa; whether it be good land or poor land, or what its advantages are, is unknown to the people of this Union.

Any one who will look upon the map will see that between the Union Pacific railroad and our northern boundary line there is an extent of territory over five hundred miles in width and eighteen hundred miles in length, which is almost entirely unsettled and almost entirely unknown, in which the Government of the United States has to-day almost entire control of the soil of nine hundred thousand square miles of land. I speak by the book. There are nine hundred thousand square miles of land that this Government owns to-day, amounting to five hundred and seventy-six million acres. There are no land offices there. There are no roads within the greater portion of this territory. There are no settlers there.

There are five hundred and seventy-six million acres of land belonging to the great landed proprietor, the United States, perfectly inaccessible to immigration, perfectly inaccessible to settlement, and the amount that is to be granted to this railroad, large as it is, immense as it may seem to the minds of a great many men here, if it were marked on the map on this extent of territory, five hundred miles wide and eighteen hundred miles long, would be scarcely perceptible. This projected road goes through many Territories. It crosses the heads of many rivers. It goes through the great wheat district of the world. I say to gentlemen upon this floor to-day that it passes through a region of country which shall yet be the granary of the world, besides which the Genesee valley and Ohio and Illinois and Iowa, with their immense wheat-fields, shall sink into insignificance. It has the climate, it is in the range, it has the soil for producing cereals to a greater extent than any territory of the same extent in the known world.

Let me say further that there is now no mode of communication to the British North American possessions north of the great lakes. England has striven for years to find a passage north of Lake Superior to its Red river settlements and the British possessions on the Pacific, and has failed. It has spent thousands and hundreds of thousands of dollars to find a communication north of the lakes, and it has failed. The building of this road will not only open that immense territory of our own, but it will be the natural and only outlet for all British North America west of Lake Superior. It will be the best means of promoting annexation that could be devised.

[Here the hammer fell.]

Mr. WHEELER. I now yield five minutes to the gentleman from New Hampshire, [Mr. ELA.]

Mr. ELA. I hope the House will not sustain the call for the previous question on this joint resolution without giving us an opportunity to look into it and see what is in it. Now, sir, what is this proposition? Why, sir, it is practically a proposition to enable this corporation to go into the money market of the world to borrow money with a mortgage upon forty-seven million acres of land, in competition with the Government, which has nothing but the public faith of the people to guaranty it in what it may want to borrow, and to be damaged by the chance of Democratic successes, if these plunder schemes are to be put through a Republican Congress.

Why, sir, it has not even the merit of being a bill for the protection and benefit of American labor. What is the demand for this hot haste? It is to enable these men to scour the purlieus of Europe, for what? To get the scum of the population of Europe to be brought in here to compete with the farmers of the West, who to-day, if we can believe the gentleman from Illinois, [Mr. BURCHARD,] cannot produce wheat except at a loss of $4 67 per acre on the average. Here is a proposition to mortgage to the money-holders of Europe a domain bigger than half a dozen of their small kingdoms for the purpose of bringing in the lower classes of their population to compete still further with the farmers of the West and to depress them still further. It is a proposition also to bring in the vagrant hordes of Asia to build this road; a population not at all desirable, of alien blood, with an alien religion, and with alien views of government, and sure to become a source of weakness to our Government.

And if the effort is to be made to obtain money in our own money markets, where capital is scarce, with this mighty advantage over everybody else, it will make it but the harder for the Government to obtain money for its purposes, and thus increase the burdens of the tax-payers. And is such a scheme as this to be driven through this House with only half an hour of discussion, in order that these foreigners may be brought into our country; and for what purpose? Is there any occasion to develop this region of our country? Are not our crops now greater than we consume? And what other object can there be except to build up the enormous fortunes of foreign money-holders.

Mr. WHEELER. Before I yield again I desire to say in reply to the allegation that this joint resolution is to be put through without consideration, that it has been printed and on our files since January last——

Mr. VAN WYCK. What is the object of reading a bill on the files, if no amendments can be offered to it?

Mr. WHEELER. At least to understand it. I now yield five minutes to the gentleman from Pennsylvania, [Mr. O'NEILL.]

Mr. O'NEILL. I should not have said a word upon this bill, the passage of which I approve, had not the gentleman from New Hampshire [Mr. ELA] referred by name to a Philadelphian of great distinction, a citizen whom everybody honors, a man of great business enterprise, and of unquestioned integrity. I refer to Mr. Jay Cooke, the head of the firm of Jay Cooke & Co., and what I have said of him I can say of all the members of that firm. They rendered great and important services to the Government, for which they were paid; but every dollar of subscription obtained through their means went into the coffers of the Government, and not one dollar of it went into their pockets excepting such amounts as they were entitled to in the way of commissions.

Mr. VAN WYCK. As there is only an hour of discussion on this bill, I hope the gentleman will occupy it in this mode of discussion.

Mr. O'NEILL. I have before advocated on this floor the granting of public lands to aid in the construction of leading railroads. I believe that the people of Philadelphia, whom I in part have the honor to represent, and that the people of the State of Pennsylvania have a great interest in having the railroad system of the country extended; and wherever it is not well populated, as in the northwestern States and the far western Territories, I am willing to grant lands to such corporations in order to aid the construction of lines to connect the Atlantic with the Pacific by as many different routes as may be needed.

Does it become a Representative from Pennsylvania to oppose these grants? Pennsylvania is an old State, thickly populated, with immense means in the hands of individuals; and it would come with poor grace for her members to oppose any such legislation, the more so because she has never yet come to Congress and asked for one dollar to help her in any individual enterprise. By the contributions of her own citizens, $800,000,000 have been expended in building railroads within her boundaries. By means of this enterprise she now has more than five thousand miles of iron and steel rails traversing different parts of her soil. I am ready to assist in carrying out the railroad system of the country. I do not believe any constituent of mine, or any citizen of Pennsylvania, will find fault with any one of her Representatives for advocating the passage of measures which will throw open the great Territories of our country to emigration and settlement by citizens who wish to establish homes in the great West.

I wish I had more time to speak on this question. It is one in which I feel great interest. I have always had a deep concern in railroads and internal improvements. I have been educated in a State which embarked early in the cause of internal improvement. Pennsylvania has been in this respect the pioneer of the country; she has been to the whole world a bright example of enterprise, energy, and liberality in carrying to success great lines of railroads and canals.

[Here the hammer fell.]

Mr. WHEELER. I now yield five minutes to the gentleman from Washington Territory, [Mr. GARFIELDE.]

Mr. GARFIELDE, of Washington. Mr. Speaker, as my Territory is perhaps more directly affected by this measure than any other portion of the United States, so far as its lands are concerned, I have sought the opportunity to say a word or two upon this bill. In the first place I wish to refer to the proposition which has been urged to impose on the company a limitation providing that the lands shall be disposed of to actual settlers only at a price not exceeding $2 50 per acre. I beg to say that a rule which would operate well in Illinois or Indiana or Ohio is entirely impracticable upon the great plains of the West. I have traveled over the line of this road for a distance of five hundred miles, and I know from my own observation that there are places where for five, ten, fifteen, or twenty miles no water can be found. The substratum is basaltic, the heaving is perpendicular; so that you may dig down to any possible depth without finding water. Now, would you divide such land as that into tracts of one hundred and sixty acres and say that they shall never be sold unless to a settler who will go upon them to parch with thirst? I speak of what I know, and I say that if you wish to throttle this bill, if you wish to destroy this enterprise, limit the control of these lands in the hands of the company and you will accomplish it.

Mr. Speaker, this bill involves a question greater than the Northern Pacific railroad itself, greater than the interests of the region of country through which the road passes, greater, to my mind, than any question which has been presented to the House this session. Sir, there are epochs in the history of the world that control the destinies of nations for ages; and to my mind an epoch is now approaching in the commercial history of mankind which is to influence through the indefinite future the destiny of nations so far as regards their commercial supremacy. For ten centuries commerce moved with slow and painful strides across the deserts of central Asia. That commerce built up populous cities, and spread the civilization of the age wherever it went. But the discovery by Vasco de Gama of the route round the Cape of Good Hope broke up the line of travel and trade that had been used before. Then the cities of the desert went to desolation. The sands of the desert swept over them, and cities which had once been great and prosperous were known no longer in the history of the world. Commerce then entered upon its second stage, taking the route by the Cape of Good Hope, and for three centuries it buffeted the storms of that stormy cape. To my mind another great change is about to take place in the history of the commercial world. Commerce is now about to enter upon the third stage of its career. We are now to witness the struggle between the isthmus of Suez, the isthmus of Panama, and the great transcontinental route of America. My time does not permit me to refer to the characteristics of these several routes.

Time is becoming as important an element in the trade and travel of the world as the cost of transportation. Now, a reference to the time between New York and the great sea-ports of eastern Asia will develop some important facts. Take 100 as the unit of time from New York to Yokohama, in Japan, by the North Pacific railroad route, and the time by the Union and Central roads will be 112, by Panama 150, and by Suez 190. The result from London to the same point is equally striking, and is as follows: North Pacific route, 100; Union and Central routes, 112; Panama, 142; Suez, 153.

These facts are going to control the commercial destiny of the world. The people of the United States possess a territory spanning the continent from ocean to ocean, over which will pass the commerce of the world. It lies within the grasp of the American people to control that commerce; and I invoke this Congress, in the light of the public prosperity, in view of the decadence of the American shipping interest, to remember that the future and most glorious achievement of the American marine will be upon the Pacific, where we look out upon the vast empires of eastern Asia, and where we are to-day producing a revolution tending to our great advantage among the effete civilizations of the Old World.

[Here the hammer fell.]

Mr. COX. I ask the gentleman from New York to yield to me.

Mr. WHEELER. I cannot yield.

Mr. COX. I protest against this crucifixion.

Mr. VAN WYCK. So do I.

Mr. COX. Between two thieves.

Mr. WHEELER. I now demand the previous question on the passage of the bill.

Mr. COX. I hope the previous question will not be seconded.

The House divided; and there were—ayes 64, noes 53.

Mr. RANDALL demanded tellers.

Tellers were ordered; and Mr. WHEELER and Mr. RANDALL were appointed.

The House again divided; and the tellers reported—ayes 78, noes 59.

So the previous question was seconded.

Mr. STILES moved that the bill be laid on the table.

Mr. COX demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 58, nays 85, not voting 84; as follows:

YEAS—Messrs. Adams, Ambler, Arnell, Asper, Benjamin, Biggs, Bird, James Brooks, Buffinton, Burchard, Sidney Clarke, Cleveland, Coburn, Cox, Cullom, Dickinson, Duval, Ela, Eldridge, Finkelnburg, Getz, Griswold, Hawley, Hay, Heflin, Alexander H. Jones, Judd, Knapp, Knott, Lash, Lawrence, Loughridge, Marshall, Mayham, McCrary,

McGrew, Eliakim H. Moore, Jesse H. Moore, William Moore, Morrissey, Orth, Packard, Potter, Randall, Reeves, Sargent, William J. Smith, Stiles, Stone, Sweeney, Taylor, Tyner, Van Trump, Van Wyck, Williams, John T. Wilson, Winans, and Wood—58.

NAYS—Messrs. Allison, Ames, Armstrong, Ayer, Banks, Barry, Beaman, Bennett, Benton, Blair, Booker, Bowen, George M. Brooks, Buck, Buckley, Cake, Cessna, Churchill, William T. Clark, Conger, Conner Covode, Cowles, Degener, Dickey, Dixon, Dox, Ferriss, Ferry, Fisher, Fitch, Hale, Hamilton, Harris, Hays, Hoar, Hooper, Hotchkiss, Jenckes, Kelley, Kelsey, Ketcham, Laflin, Logan, Lynch, Maynard, McKee, McKenzie, Milnes, Morphis, Daniel J. Morrell, Samuel P. Morrill, Myers, O'Neill, Peck, Peters, Phelps, Porter, Prosser, Rogers, Roots, Sanford, Sawyer, Schenck, Lionel A. Sheldon, Porter Sheldon, Shober, John A. Smith, Joseph S. Smith, Worthington C. Smith, Starkweather, Stokes, Stoughton, Strickland, Taffe, Tanner, Tillman, Townsend, Trimble, Upson, Voorhees, Cadwalader C. Washburn, Wheeler, Whitmore, and Eugene M. Wilson—85.

NOT VOTING—Messrs. Archer, Atwood, Axtell, Bailey, Barnum, Beatty, Beck, Bingham, Boles, Boyd, Burdett, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Amasa Cobb, Clinton L. Cobb, Cook, Crebs, Davis, Dawes, Dockery, Donley, Dyer, Farnsworth, Fox, Garfield, Gibson, Gilfillan, Haight, Haldeman, Hambleton, Hamill, Hawkins, Heaton, Hill, Hoge, Holman, Ingersoll, Johnson, Thomas L. Jones, Julian, Kellogg, Kerr, McCarthy, McCormick, McNeely, Mercur, Morgan, Mungen, Negley, Niblack, Packer, Paine, Palmer, Perce, Platt, Poland, Pomeroy, Rice, Ridgway, Schumaker, Scofield, Shanks, Sherrod, Slocum, William Smyth, Stevens, Stevenson, Strader, Strong, Swann, Twichell, Van Auken, Van Horn, Ward, William B. Washburn, Welker, Wells, Wilkinson, Willard, Winchester, Witcher, and Woodward—84.

So the House refused to lay the bill on the table.

During the call of the roll,

Mr. McNEELY stated: I beg to say that on this question I am paired with Mr. SHERROD, of Alabama. If he had been here he would have voted "no," and I would have voted "ay."

Mr. NIBLACK. On this question I am paired with Mr. McCORMICK, of Missouri. If he were present he would vote "no," and I would vote "ay." I beg also to state that my colleague, Mr. HOLMAN, is paired on this question with Mr. ARMSTRONG, of Pennsylvania. Mr. HOLMAN would have voted "ay."

Mr. SLOCUM. I beg to state that I am paired with Mr. WILKINSON, of Minnesota. If I could have voted I should have voted in the affirmative. Mr. WILKINSON would have voted in the negative.

Mr. WINCHESTER. I am paired with Mr. WELLS, of Missouri. He would vote "no," and I would vote "ay."

Mr. RICE. I am paired with Mr. AXTELL, of California. If he had been present he would have voted "no," and I would vote "ay."

Mr. COBB, of North Carolina. I am paired with Mr. BURR, of Illinois. If he were here he would vote "ay," and I would vote "no."

Mr. COBB, of Wisconsin. On this bill I am paired with Mr. POLAND, of Vermont. If he were present he would support the bill and vote against the motion to lay on the table; while I would vote for the motion to lay on the table.

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

Mr. COX. I move that the House do now adjourn.

Mr. SCHENCK. Before the question is put on the motion to adjourn I desire to make a proposition to the House. I ask unanimous consent to make an arrangement in regard to the hour of meeting on Monday. I understand that a good many members who are going home cannot be here until an hour later than the regular hour of meeting. Under the Constitution we cannot adjourn till a later day than Monday, and unless by unanimous consent the meeting must be at the usual hour, twelve o'clock. I ask the House to agree by unanimous consent that the hour of meeting on Monday shall be five o'clock instead of twelve.

Mr. ELDRIDGE. Say half past seven.

Mr. SCHENCK. I have no objection to that.

Mr. ALLISON. And let it be understood that no business shall be done.

Mr. SCHENCK. Of course. No one expects that.

Mr. MAYNARD. Would it not be within the constitutional rule if we adjourned till ten o'clock on the succeeding day, Tuesday?

The SPEAKER. It would not. It is in the power of the House to adjourn to any hour on Monday up till twelve o'clock midnight, but not to any hour after that. Is there unanimous consent that on Monday the House shall meet at half past seven?

Mr. FARNSWORTH. I object.

The question recurred on the motion to adjourn.

The House divided; and there were—ayes 58, noes 71.

Mr. COX demanded tellers.

Tellers were ordered; and Mr. Cox and Mr. MAYNARD were appointed.

The House again divided; and the tellers reported—ayes 57, noes 76.

Mr. ELA demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 54, nays 93, not voting 80; as follows:

YEAS—Messrs. Adams, Ambler, Asper, Benjamin, Biggs, Bird, James Brooks, Sidney Clarke, Cleveland, Amasa Cobb, Coburn, Cox, Crebs, Cullom, Dickinson, Duval, Ela, Eldridge, Farnsworth, Finkelnburg, Getz, Griswold, Hawley, Hay, Heflin, Ingersoll, Alexander H. Jones, Thomas L. Jones, Knott, Lawrence, Loughridge, Marshall, Mayham, McCrary, Jesse H. Moore, William Moore, Morrissey, Orth, Packard, Potter, Randall, Reeves, Shanks, William J. Smith, Stevenson, Stiles, Sweeney, Tyner, Van Trump, Van Wyck, Williams, John T. Wilson, Winans, and Winchester—54.

NAYS—Messrs. Allison, Ames, Ayer, Banks, Barry, Beaman, Bennett, Benton, Blair, Booker, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Cake, Cessna, Churchill, William T. Clark, Clinton L. Cobb, Conger, Conner, Covode, Cowles, Degener, Dickey, Dixon, Donley, Dox, Ferriss, Ferry, Fisher, Fitch, Hamilton, Harris, Hays, Hoar, Hooper, Hotchkiss, Jenckes, Judd, Kelley, Ketcham, Knapp, Laflin, Lash, Logan, Lynch, Maynard, McGrew, McKee, McKenzie, Milnes, Eliakim H. Moore, Morphis, Daniel J. Morrell, Samuel P. Morrill, Myers, O'Neill, Peck, Peters, Phelps, Porter, Prosser, Rogers, Roots, Sanford, Sawyer, Schenck, Lionel A. Sheldon, Porter Sheldon, Shober, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stokes, Stone, Stoughton, Strickland, Taffe, Tanner, Taylor, Tillman, Townsend, Trimble, Upson, Cadwalader C. Washburn, Wheeler, Whitmore, Willard, and Eugene M. Wilson—93.

NOT VOTING—Messrs. Archer, Armstrong, Arnell, Atwood, Axtell, Bailey, Barnum, Beatty, Beck, Bingham, Boles, Boyd, Burdett, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Cook, Davis, Dawes, Dockery, Dyer, Fox, Garfield, Gibson, Gilfillan, Haight, Haldeman, Hale, Hambleton, Hamill, Hawkins, Heaton, Hill, Hoge, Holman, Johnson, Julian, Kellogg, Kelsey, Kerr, McCarthy, McCormick, McNeely, Mercur, Morgan, Mungen, Negley, Niblack, Packer, Paine, Palmer, Perce, Platt, Poland, Pomeroy, Rice, Ridgway, Sargent, Schumaker, Scofield, Sherrod, Slocum, John A. Smith, Stevens, Strader, Strong, Swann, Twichell, Van Auken, Van Horn, Voorhees, Ward, William B. Washburn, Welker, Wells, Wilkinson, Witcher, Wood, and Woodward—80.

So the House refused to adjourn.

Mr. FARNSWORTH. I rise to a privileged question. I move to reconsider the vote ordering the main question; and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 60, nays 83, not voting 84; as follows:

YEAS—Messrs. Adams, Ambler, Arnell, Asper, Benjamin, Bird, James Brooks, Buffinton, Burchard, Sidney Clarke, Cleveland, Coburn, Cox, Crebs, Cullom, Dickinson, Donley, Duval, Ela, Eldridge, Farnsworth, Ferry, Finkelnburg, Getz, Hawley, Hay, Heflin, Ingersoll, Alexander H. Jones, Knapp, Knott, Lawrence, Loughridge, Marshall, Mayham, McGrew, Eliakim H. Moore, Jesse H. Moore, William Moore, Morphis, Morrissey, Orth, Packard, Potter, Randall, Reeves, Sargent, Shanks, Stevenson, Stiles, Stone, Sweeney, Taylor, Tyner, Van Trump, Van Wyck, Williams, John T. Wilson, Winans, and Wood—60.

NAYS—Messrs. Allison, Ames, Ayer, Banks, Barry, Beaman, Bennett, Benton, Blair, Booker, Bowen, George M. Brooks, Buck, Buckley, Cake, Cessna, Churchill, William T. Clark, Conger, Conner, Covode, Degener, Dickey, Dixon, Dox, Ferriss, Fisher, Fitch, Hale, Hamilton, Harris, Hays, Hoar, Hooper, Hotchkiss, Jenckes, Judd, Kelley, Kelsey, Ketcham, Laflin, Lash, Logan, Lynch, Maynard, McCrary McKee, McKenzie, Milnes, Daniel J. Morrell, Samuel P. Morrill, O'Neill, Peck, Peters, Phelps, Porter, Prosser, Rogers, Roots, Sanford, Sawyer, Schenck, Lionel A. Sheldon, Porter Sheldon, Shober, John A. Smith, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stokes, Stoughton, Strickland, Taffe, Tanner, Tillman, Townsend, Trimble, Voorhees, Cadwalader C. Washburn, Wheeler, Whitmore, and Eugene M. Wilson—83.

NOT VOTING—Messrs. Archer, Armstrong, Atwood, Axtell, Bailey, Barnum, Beatty, Beck, Biggs, Bingham, Boles, Boyd, Burdett, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Clinton L. Cobb, Cook, Cowles, Davis, Dawes, Dockery, Dyer, Fox, Garfield, Gibson, Gilfillan, Griswold, Haight, Haldeman, Hambleton, Hamill, Hawkins, Heaton, Hill, Hoge, Holman, Johnson, Thomas L. Jones, Julian, Kellogg, Kerr, McCarthy, McCormick, McNeely, Mercur, Morgan, Mungen, Myers, Negley, Niblack, Packer, Paine, Palmer, Perce, Platt, Poland, Pomeroy, Rice, Ridgway, Schumaker, Scofield, Sherrod, Slocum, William J. Smith, Stevens, Strader, Strong, Swann, Twichell, Upson, Van Auken, Van Horn, Ward, William B. Washburn, Welker, Wells, Wilkinson, Willard, Winchester, Witcher, and Woodward—84.

So the House refused to reconsider the vote by which the main question was ordered.

Mr. ELA. I move that the House now adjourn.

Mr. STILES. And on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 45, nays 89, not voting 93; as follows:

YEAS—Messrs. Adams, Ambler, Arnell, Asper, Benjamin, Bird, James Brooks, Cleveland, Amasa Cobb, Coburn, Cullom, Dickinson, Duval, Eldridge, Farnsworth, Finkelnburg, Getz, Griswold, Hay, Heflin, Ingersoll, Alexander H. Jones, Thomas L. Jones, Knott, Lawrence, Marshall, Mayham, McCrary, Jesse H. Moore, William Moore, Morrissey, Orth, Potter, Randall, Reeves, Shanks, William J. Smith, Stevenson, Stiles, Tyner, Van Trump, Williams, John T. Wilson, Winans, and Wood—45.

NAYS—Messrs. Ames, Ayer, Banks, Barry, Beaman, Bennett, Benton, Blair, Booker, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Cake, Cessna, Churchill, William T. Clark, Clinton L. Cobb, Conger, Covode, Cowles, Degener, Dickey, Dixon, Dox, Ferriss, Ferry, Fisher, Fitch, Hamilton, Harris, Hays, Hoar, Hooper, Hotchkiss, Jenckes, Judd, Kelley, Kelsey, Ketcham, Knapp, Laflin, Lash, Lynch, Maynard, McGrew, McKee, McKenzie, Milnes, Eliakim H. Moore, Morphis, Daniel J. Morrell, Samuel P. Morrill, O'Neill, Peck, Peters, Phelps, Porter, Prosser, Rogers, Roots, Sanford, Sawyer, Schenck, Lionel A. Sheldon, Porter Sheldon, Shober, John A. Smith, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stokes, Stoughton, Strickland, Taffe, Tanner, Taylor, Tillman, Townsend, Trimble, Upson, Cadwalader C. Washburn, Wheeler, Whitmore, Willard, and Eugene M. Wilson—89.

NOT VOTING—Messrs. Allison, Archer, Armstrong, Atwood, Axtell, Bailey, Barnum, Beatty, Beck, Biggs, Bingham, Boles, Boyd, Burdett, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Sidney Clarke, Cook, Conner, Cox, Crebs, Davis, Dawes, Dockery, Donley, Dyer, Ela, Fox, Garfield, Gibson, Gilfillan, Haight, Haldeman, Hale, Hambleton, Hamill, Hawkins, Hawley, Heaton, Hill, Hoge, Holman, Johnson, Julian, Kellogg, Kerr, Logan, Loughridge, McCarthy, McCormick, McNeely, Mercur, Morgan, Mungen, Myers, Negley, Niblack, Packard, Packer, Paine, Palmer, Perce, Platt, Poland, Pomeroy, Rice, Ridgway, Sargent, Schumaker, Scofield, Sherrod, Slocum, Stevens, Stone, Strader, Strong, Swann, Sweeney, Twichell, Van Auken, Van Horn, Van Wyck, Voorhees, Ward, William B. Washburn, Welker, Wells, Wilkinson, Winchester, Witcher, and Woodward—93.

So the House refused to adjourn.

Mr. ELA. I move that there be a call of the House, and on that motion I demand the yeas and nays.

Mr. DICKEY. I rise to a point of order. I submit that that motion is not in order while the previous question is operating.

The SPEAKER. The Chair sustains the point of order.

Mr. STILES. I appeal from the decision of the Chair.

Mr. MAYNARD. I move to lay the appeal on the table.

Mr. RANDALL. And on that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SCHENCK. I desire to make an inquiry of the Chair.

The SPEAKER. The Chair will hear it.

Mr. SCHENCK. There is a rule in regard to dilatory motions after the call for the previous question has been sustained. Is not an appeal from the decision of the Chair a dilatory motion of that kind?

The SPEAKER. Dilatory motions are cut off only by a suspension of the rules on Mondays. But a motion to adjourn having been voted down, it is not in order to renew the motion at the same stage of the business of the House; not till some other business has been transacted by the House.

Mr. LAWRENCE. I ask unanimous consent to make a suggestion to the House which I think will settle all this difficulty. I ask leave to make a speech on the tariff for an hour, and I am sure there will be no quorum present by the time I get through, [laughter,] and an adjournment can then be carried without difficulty.

Mr. DICKEY. I object.

The SPEAKER. The pending question is upon the motion to lay on the table the appeal from the decision of the Chair, upon which the yeas and nays are ordered.

The question was then taken; and it was decided in the affirmative—yeas 133, nay 1, not voting 93; as follows:

YEAS—Messrs. Allison, Ambler, Arnell, Asper, Ayer, Banks, Barry, Beaman, Benjamin, Bennett, Benton, Biggs, Bird, Blair, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Cake, Cessna, Churchill, William T. Clark, Sidney Clarke, Amasa Cobb, Clinton L. Cobb, Coburn, Conger, Conner, Covode, Cowles, Cox, Crebs, Cullom, Degener, Dickey, Dickinson, Dixon, Donley, Dox, Duval, Ela, Farnsworth, Ferriss, Ferry, Fisher, Fitch, Gilfillan, Hamilton, Harris, Hawley, Hays, Heflin, Hoar, Hooper, Ingersoll, Jenckes, Alexander H. Jones, Thomas L. Jones, Judd, Kelsey, Ketcham, Knapp, Laflin, Lash, Lawrence, Loughridge, Lynch, Marshall, Mayham, Maynard, McCrary, McGrew, McKee, McKenzie, Milnes, Eliakim H. Moore, Jesse H. Moore, William Moore, Morphis, Daniel J. Morrell, Samuel P. Morrill, Myers, O'Neill, Orth, Packard, Peck, Peters, Phelps, Porter, Potter, Prosser, Rice, Rogers, Roots, Sanford, Sargent, Sawyer, Schenck, Shanks, Lionel A. Sheldon, Porter Sheldon, Shober, John A. Smith, Joseph S. Smith, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevenson, Stone, Stoughton, Strickland, Taffe, Tanner, Taylor, Tillman, Townsend, Trimble, Tyner, Upson, Van Trump, Voorhees, Cadwalader C. Washburn, Wheeler, Whitmore, Willard, Williams, Eugene M. Wilson, John T. Wilson, Winans, and Wood—133.

NAY—Mr. Hay—1.

NOT VOTING—Messrs. Adams, Ames, Archer, Armstrong, Atwood, Axtell, Bailey, Barnum, Beatty, Beck, Bingham, Boles, Booker, Boyd, James Brooks, Burdett, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Cleveland, Cook, Davis, Dawes, Dockery, Dyer, Eldridge, Finkelnburg, Fox, Garfield, Getz, Gibson, Griswold, Haight, Haldeman, Hale, Hambleton, Hamill, Hawkins, Heaton, Hill, Hoge, Holman, Hotchkiss, Johnson, Julian, Kelley, Kellogg, Kerr, Knott, Logan, McCarthy, McCormick, McNeely, Mercur, Morgan, Morrissey, Mungen, Negley, Niblack, Packer, Paine, Palmer, Perce, Platt, Poland, Pomeroy, Randall, Reeves, Ridgway, Schumaker, Scofield, Sherrod, Slocum, Stevens, Stiles, Stokes, Strader, Strong, Swann, Sweeney, Twichell, Van Auken, Van Horn, Van Wyck, Ward, William B. Washburn, Welker, Wells, Wilkinson, Winchester, Witcher, and Woodward—93.

So the appeal was laid on the table.

Mr. ELA. I move that the House now adjourn.

The SPEAKER. Business having intervened since the last motion to adjourn, that motion is again in order.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 67, noes 62.

Before the result of the vote was announced,

Mr. WILSON, of Minnesota, and Mr. FITCH called for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

Mr. VAN WYCK. Before the vote is taken by yeas and nays on the motion to adjourn I ask to be excused from voting.

Mr. ALLISON. I hope not.

Mr. FARNSWORTH. I call for the yeas and nays on excusing the gentleman from voting.

Mr. PETERS. I think the gentleman ought to be excused, because he is paired with my colleague, Mr. HALE.

The question was taken upon ordering the yeas and nays; and they were ordered.

Mr. RANDALL. I now renew the motion to adjourn.

The question was taken; and upon a division there were—ayes 64, noes 65.

Before the result of the vote was announced,

Mr. INGERSOLL called for tellers on the motion to adjourn.

Tellers were ordered; and Mr. WHEELER and Mr. INGERSOLL were appointed.

Mr. VOORHEES. I would suggest that we are doing no good here, but wasting time fruitlessly. I am satisfied it would not be wise to press this measure to a vote to-day. I rise, therefore, to suggest that there be an agreement that the vote upon this bill may be taken, say on Wednesday next at a given hour. I have conferred with the chairman of the Committee on the Pacific Railroad, [Mr. WHEELER,] of which committee I am a member, and I believe this suggestion meets his approbation.

Mr. FARNSWORTH. So far as I am concerned I shall have no objection to that, provided the gentleman having charge of the bill would allow the amendment of my colleague [Mr. HAWLEY] and the other amendments which have been proposed to be voted on.

Mr. WHEELER. To that I cannot consent.

The SPEAKER. The Chair will state the position of the question. The previous question is operating, and if the House should adjourn this bill will come up as unfinished business when the House meets again; but on Monday the unfinished business is not taken up till the expiration of the morning hour; on every other day the unfinished business comes up immediately after the reading of the Journal.

Mr. STILES. Would it be in order to move to refer the bill?

The SPEAKER. It would not while the previous question is operating.

Mr. SARGENT. I appeal to the gentleman from New York [Mr. WHEELER] to allow an amendment to be considered as pending that will secure rights in these lands to actual settlers. Without it I cannot vote for it, and many others are with me.

Mr. WHEELER. I must decline. I am willing to assent to the arrangement that the vote shall be taken at two o'clock on Wednesday next.

Several members objected.

The SPEAKER. Tellers have been appointed, and they will take their places.

Mr. CULLOM. I desire to know why the chairman of the Committee on the Pacific Railroad refuses to allow amendments to come before the House that members may vote on them?

Mr. RANDALL. And refuses to allow debate.

The SPEAKER. The tellers are on the floor, and no debate is in order.

The House divided; and the tellers reported—ayes 73, noes 67.

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

The yeas and nays were ordered.

LEAVES OF ABSENCE.

Mr. MOORE, of New Jersey, by unanimous consent, obtained leave of absence for two days from Monday next.

Mr. KNAPP, by unanimous consent, obtained leave of absence for twelve days from and including next Monday.

Mr. STILES, by unanimous consent, obtained leave of absence for Monday next.

Mr. MORGAN, by unanimous consent, obtained leave of absence for ten days from next Monday.

Mr. BIGGS, by unanimous consent, obtained leave of absence for Monday next.

Mr. JENCKES, by unanimous consent, obtained leave of absence for ten days from next Monday.

Mr. CULLOM, by unanimous consent, obtained leave of absence for one week from next Monday.

Mr. ALLISON, by unanimous consent, obtained leave of absence for next Monday.

NORTHERN PACIFIC RAILROAD—AGAIN.

The question recurred on Mr. RANDALL'S motion to adjourn, on which the yeas and nays had been ordered.

The question was taken; and it was decided in the negative—yeas 66, nays 73, not voting 88; as follows:

YEAS—Messrs. Adams, Allison, Ambler, Asper, Beaman, Beck, Benjamin, Benton, Biggs, Bird, Blair, James Brooks, Burchard, Sidney Clarke, Cleveland, Amasa Cobb, Coburn, Cox, Crebs, Cullom, Dickinson, Duval, Ela, Eldridge, Farnsworth, Finkelnburg, Getz, Hawley, Hay, Heflin, Alexander H. Jones, Thomas L. Jones, Knott, Lawrence, Loughridge, Marshall, Mayham, McCrary, McGrew, Milnes, Jesse H. Moore, William Moore, Morphis, Morrissey, Orth, Packard, Potter, Randall, Reeves, Rogers, Sargent, Shanks, John A. Smith, William J. Smith, Stevenson, Stiles, Sweeney, Tillman, Tyner, Van Trump, Cadwalader C. Washburn, Willard, Williams, John T. Wilson, Winans, and Wood—66.

NAYS—Messrs. Ames, Ayer, Banks, Barry, Bennett, Booker, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Cake, Cessna, Churchill, William T. Clark, Clinton L. Cobb, Conger, Covode, Cowles, Degener, Dickey, Dixon, Dox, Ferriss, Ferry, Hamilton, Harris, Hoar, Hooper, Hotchkiss, Jenckes Judd, Ketcham, Laflin, Logan, Lynch, Maynard, McKee, McKenzie, Eliakim H. Moore, Daniel J. Morrell, Samuel P. Morrill, Myers, O'Neill, Peck, Peters, Phelps, Porter, Prosser, Roots, Sanford, Sawyer, Schenck, Lionel A. Sheldon, Porter Sheldon, Shober, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stokes, Stoughton, Strickland, Taffe, Tanner, Taylor, Townsend, Trimble, Upson, Voorhees, Wheeler, Whitmore, and Eugene M. Wilson—73.

NOT VOTING—Messrs. Archer, Armstrong, Arnell, Atwood, Axtell, Bailey, Barnum, Beatty, Bingham, Boles, Boyd, Burdett, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Cook, Conner, Davis, Dawes, Dockery, Donley, Dyer, Fisher, Fitch, Fox, Garfield, Gibson, Gilfillan, Griswold, Haight, Haldeman, Hale, Hambleton, Hamill, Hawkins, Hays, Heaton, Hill, Hoge, Holman, Ingersoll, Johnson, Julian, Kelley, Kellogg, Kelsey, Kerr, Knapp, Lash, McCarthy, McCormick, McNeely, Mercur, Morgan, Mungen, Negley, Niblack, Packer, Paine, Palmer, Perce, Platt, Poland, Pomeroy, Rice, Ridgway, Schumaker, Scofield, Sherrod, Slocum, Stevens, Stone, Strader, Strong, Swann, Twichell, Van Auken, Van Horn, Van Wyck, Ward, William B. Washburn, Welker, Wells, Wilkinson, Winchester, Witcher, and Woodward—88.

So the motion to adjourn was not agreed to.

Mr. VAN WYCK. I rise to a privileged question. I ask to be excused from voting on the passage of the bill.

Mr. ROOTS. Is not the gentleman paired?

Mr. FARNSWORTH. If so, that is a good reason why he should be excused.

The SPEAKER. The Chair would state to the gentleman from New York [Mr. VAN WYCK] that requests to be excused from voting are only entertained immediately before the taking of the vote on which the excuse is desired.

Mr. VAN WYCK. I appeal from the decision of the Chair.

The SPEAKER. The Chair has not made any decision, but only a suggestion.

Mr. VAN WYCK. I insist on my request, and ask that the question shall be put on granting it.

Mr. DICKEY. No one will object to the gentleman being excused.

Mr. STILES. I move a call of the House.

The SPEAKER. The gentleman from Pennsylvania moves there be a call of the House, which is not in order, the previous question having been seconded.

Mr. STILES. I appeal from the decision of the Chair.

Mr. RANDALL. I move that the appeal be laid on the table.

Mr. STILES. On that motion I demand the yeas and nays.

Mr. HOAR. I rise to a point of order, that it is not in order to appeal from the decision of the Chair on any question of order after the previous question has been seconded. If it were otherwise it would be in the power of a minority of this House to delay interminably the passage of any measure to which it was opposed.

Mr. COX. I call the gentleman to order.

The SPEAKER. The gentleman need not argue the point. The uniform practice of the House is to the effect that it is within the power of one fifth of the members present, except under a suspension of the rules, which can only be done on Monday or in the last ten days of the session, to prevent action on bills by dilatory motions. The Chair overrules the point of order.

Mr. HOAR. Then the minority can prevent action on this bill until Monday morning.

The SPEAKER. It is a question of physical endurance, if the minority insist upon their right to make these dilatory motions.

Mr. MAYNARD. I wish to make a proposition to the House. I have sustained this bill at every stage, and voted with its friends on every motion. It is manifest that its opponents do not intend to let it pass this evening. I suggest, therefore, we allow the question to go over until Monday next. The debates will be reported in the Globe, and in the mean time we can read them, and inform ourselves on the subject.

Mr. RANDALL. Neither debate nor amendment has been allowed to this bill.

Mr. DICKEY. I rise to a parliamentary inquiry. The gentleman from New York has asked to be excused from voting on the final passage of this bill. I understand he is paired with the gentleman from Maine. Does that excuse them both?

The SPEAKER. The House can take no cognizance of pairs. That is a matter between the members themselves.

Mr. VAN WYCK. I make a point that debate is out of order.

The SPEAKER. The Chair does not entertain the motion of the gentleman to be excused from voting on the final passage of this bill, as that motion is not now before the House. Nor does the Chair entertain the motion that there be a call of the House, as that motion is not in order during the pendency of the previous question.

Mr. MAYNARD. I ask unanimous consent that action be postponed on the bill until Wednesday after the morning hour.

Mr. COX. I object.

Mr. INGERSOLL. I hope in the mean time the bill and amendments will be ordered to be printed, so that members may inform themselves in reference to the provisions of this bill, as I do not think they understand them now.

Mr. SARGENT. I object to any arrangement, unless I am authorized to move an amendment protecting actual settlers. I shall object to anything unless that is agreed to.

Mr. CULLOM. I hope the gentleman from New York will consent to this postponement.

Mr. WHEELER. I cannot consent.

The yeas and nays were ordered on the motion to lay the appeal upon the table.

Mr. WOOD. I move that the House do now adjourn.

Mr. INGERSOLL. I rise to a parliamentary question. Is it in order for me to move if the House should adjourn this afternoon without final action on the bill that the bill and amendments be printed?

Mr. ELDRIDGE. I hope that will be done.

Mr. FARNSWORTH. The bill and amendments ought to be printed before we are asked to act upon them.

Mr. WOOD. I insist on my motion to adjourn.

Mr. WHEELER. I am perfectly willing to let this bill go over, provided it is the understanding that the vote shall be taken on Wednesday next, at one o'clock.

Mr. VAN WYCK. I object to that.

The question recurred on the motion to adjourn.

The House divided; and there were—ayes 71, noes 67.

Mr. DICKEY demanded the yeas and nays.

The yeas and nays were ordered.

Mr. VAN WYCK. I ask to be excused from voting.

The SPEAKER. The Chair cannot entertain the motion to excuse the gentleman from voting on the motion to adjourn.

Mr. VAN WYCK. I appeal from that decision.

The SPEAKER. The Chair cannot entertain the appeal. The rule is explicit that on a motion to adjourn no member has a right to be excused, and for a very obvious reason.

Mr. McNEELY. I rise to a parliamentary inquiry. If I am paired, cannot I be excused from voting?

The SPEAKER. Pairs are a matter of personal honor between members, and are not recognized by the rules.

The question was taken; and it was decided in the affirmative—yeas 76, nays 66, not voting 85; as follows:

YEAS—Messrs. Adams, Allison, Ambler, Arnell, Asper, Beaman, Beck, Benjamin, Benton, Biggs, Bird, Blair, Booker, James Brooks, Burchard, Sidney Clarke, Cleveland, Amasa Cobb, Coburn, Cox, Crebs, Cullom, Dickinson, Duval, Ela, Eldridge, Farnsworth, Getz, Gilfillan, Hawley, Hay, Heflin, Ingersoll, Alexander H. Jones, Thomas L. Jones, Knott, Lawrence, Loughridge, Marshall, Mayham, Maynard, McCrary, McGrew, McKenzie, McNeely, Eliakim H. Moore, Jesse H. Moore, William Moore, Morphis, Morrissey, Orth, Packard, Potter, Randall, Reeves, Rice, Rogers, Sargent, Shanks, Shober, William J. Smith, Stevenson, Stiles, Stokes, Sweeney, Tillman, Townsend, Tyner, Van Trump, Cadwalader C. Washburn, Willard, Williams, John T. Wilson, Winans, Winchester, and Wood—76.

NAYS—Messrs. Ayer, Banks, Barry, Bennett, Bowen, George M. Brooks, Buck, Buckley, Buffington, Cake, Cessna, Churchill, William T. Clark, Clinton L. Cobb, Conger, Conner, Covode, Cowles, Degener, Dickey, Dixon, Dox, Ferriss, Ferry, Filkelnburg, Fitch, Hamilton, Harris, Hoar, Hooper, Hotchkiss, Jenckes, Judd, Kelsey, Ketcham, Ladin, Logan, Lynch, McKee, Daniel J. Morrell, Myers, O'Neill, Peck, Peters, Phelps, Porter, Prosser, Roots, Sanford, Sawyer, Schenck, Lionel A. Sheldon, Porter Sheldon, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stoughton, Strickland, Taffe, Tanner, Taylor, Trimble, Upson, Wheeler, Whitmore, and Eugene M. Wilson—66.

NOT VOTING—Messrs. Ames, Archer, Armstrong, Atwood, Axtell, Bailey, Barnum, Beatty, Bingham, Boles, Boyd, Burdett, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Cook, Davis, Dawes, Dockery, Donley, Dyer, Fisher, Fox, Garfield, Gibson, Griswold, Haight, Haldeman, Hale, Hambleton, Hamill, Hawkins, Hays, Heaton, Hill, Hoge, Holman, Johnson, Julian, Kelley, Kellogg, Kerr, Knapp, Lash, McCarthy, McCormick, Mercur, Milnes, Morgan, Samuel P. Morrill, Mungen, Negley, Niblack, Packer, Paine, Palmer, Perce, Platt, Poland, Pomeroy, Ridgway, Schumaker, Scofield, Sherrod, Slocum, John A. Smith, Stevens, Stone, Strader, Strong, Swann, Twichell, Van Auken, Van Horn, Van Wyck, Voorhees, Ward, William B. Washburn, Welker, Wells, Wilkinson, Witcher, and Woodward—85.

So the motion to adjourn was agreed to.

Mr. SCHENCK. Before the result of the vote is announced I desire to renew my request that we come to some understanding in relation to the business on Monday. It is very manifest that there will be no quorum here on that day. And if gentlemen object to changing the hour of meeting till the evening there may be an understanding that there shall be no business transacted on Monday. I also give notice that on Tuesday I shall press for a call of the House if there is not a quorum here on that day.

Mr. FARNSWORTH. And I will press for a call of the House if there is not a quorum present on Monday.

Mr. VAN TRUMP. The gentlemen who are not going away ought to be a little liberal to those who are.

The SPEAKER. The gentleman from Ohio asks unanimous consent to an understanding that there shall be no business transacted on Monday.

Mr. FARNSWORTH. I object.

Mr. INGERSOLL. I ask unanimous consent to move that the pending bill be printed.

There was no objection; and it was so ordered.

The result of the vote on the motion to adjourn was then announced as above recorded; and the House accordingly (at four o'clock and fifty minutes p. m.) adjourned till Monday next.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ARNELL: The petition of Leonard Harkless and others, praying to be allowed pay, bounty, and allowances.

By Mr. COBB, of Wisconsin: A petition of citizens of Lawrence county, Tennessee, for the abolition of import duties on tea and coffee, and for a reduction of the rate of duty on imported sugar.

By Mr. LASH: The petition of Charles Brentz, a citizen of Forsyth county, North Carolina, for removal of disabilities.

Also, the petitions of William Bodenhammer and George Smith, citizens of Davidson county, North Carolina, for removal of disabilities.

By Mr. LYNCH: The petition of Jacob Libby, of Naples, Maine, for a pension.

By Mr. PETERS: A petition of citizens of Bangor, Maine, against the funding bill.

By Mr. PORTER: The petition of Thomas T. T. Tabb, of Goochland county, Virginia, praying that his legal and political disabilities imposed by the fourteenth article of amendments to the Constitution, be removed.

By Mr. STEVENSON: The petition of Sarah R. Steer, A. R. McDonald, and 733 others, citizens of Cincinnati, Ohio, praying an amendment of the Constitution of the United States of America so as to acknowledge God as the source of power.

By Mr. VAN TRUMP: The petition of N. H. Wood, praying for an increase of the circulating medium of the country.

IN SENATE.

FRIDAY, *May* 6, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of yesterday was read and approved.

LAND DISTRICT IN KANSAS.

The VICE PRESIDENT. The Chair presents the amendment of the House of Representatives to the bill (S. No. 369) to establish an additional land district in the State of Kansas.

The Secretary proceeded to read the amendment, but was interrupted by

Mr. POMEROY. I should like to have that lie on the table for a moment until I can see what the amendment is.

Mr. ROSS. Would a motion to concur be in order?

The VICE PRESIDENT. A motion to concur would be in order. The Senator's colleague desires it to lie on the table until he can examine it.

Mr. POMEROY. If my colleague has examined it I will not insist upon that.

Mr. ROSS. I have examined it, and it is substantially the same as the bill introduced by myself originally some months ago.

Mr. POMEROY. Does it create a new land district?

Mr. ROSS. Yes, sir.

Mr. POMEROY. And retains the one in the north?

Mr. ROSS. No, sir.

Mr. POMEROY. It strikes out that?

Mr. ROSS. Yes, sir.

Mr. POMEROY. Then I wish it to lie on the table for the present. I want to see what it is.

The VICE PRESIDENT. The Chair will present it at some later period in the day.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1956) to authorize the Secretary of the Treasury to issue a register to the schooner Cavallo Marino was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 1899) for the relief of Captain David Beatty's company of independent scouts was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the petition of John Rosenheimer, of Bexar county, Texas, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. PATTERSON presented a petition of

citizens of New Hampshire, praying an appropriation of $30,000, subject to the order of Mrs. Josepha S. Griffing, for the relief of the poor of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. WILLEY. I present a petition of a citizen of Wythe county, Virginia, by the name of W. Wade Woodson, setting forth a good many reasons why he ought to be relieved from his political disabilities, and concluding very penitentially as follows:

"I am, I know, a true friend of the Administration, and will imitate the example of Scævola before my arm shall ever again wage war on the Government. May I not hope that your honorable body will

"Show pity and forgive,
Let a repentant rebel live?"

[Laughter.]

I move its reference to the select Committee on the Removal of Political Disabilities.

The motion was agreed to.

Mr. JOHNSTON presented the petitions of R. E. Grant, Wythe county, Virginia; of George T. Wescoat, Franktown, Northampton county, Virginia; of William H. B. Custis, Accomac county, Virginia; and of D. B. Fisher, Franktown, Northampton county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. HAMILTON, of Texas, presented the petition of Mary Ann Montgomery, widow of the late William W. Montgomery, of the first Texas cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CONKLING presented a memorial of sundry citizens of New York, sellers of household wringers of various manufactures, remonstrating against the passage of the House bill No. 1492, for the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

Mr. WARNER presented the petition of Marcus C. Lane, of Greenville, Alabama, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. STOCKTON presented a petition of citizens of New Jersey, praying that a pension be granted to Franz Schumann, late sergeant major seventy-fourth Pennsylvania volunteers; which was referred to the Committee on Pensions.

Mr. MORTON. I present the memorial of Colonel Daniel McClure, Assistant Paymaster General United States Army. This memorialist shows that he was the acting paymaster with General Twiggs in Texas in 1861, at the time the rebellion first developed in Texas; that the rebel authorities attempted to seize his money; that they seized nearly three hundred dollars of the amount at Austin, but he got away with the balance, about forty thousand dollars. But he had at the same time $1,100 on deposit with the sub-Treasurer in the city of New Orleans. The rebel authorities seized his funds there, and he still stands charged with that amount upon the books of the Treasury Department. His memorial asks to be relieved from this liability on the books of the Treasury Department. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

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

Mr. SUMNER. That is right.

Several SENATORS. No; no.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut, that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. CONKLING. That motion, I believe, is debatable?

The VICE PRESIDENT. It is debatable.

Mr. CONKLING. I see that the Senator from Maine [Mr. MORRILL] is here. I thought at the moment he was not in. I understood yesterday that the appropriation bill was to be taken up to-day, with a view of proceeding with it and completing it, if possible, this week. I hope we shall sit to-morrow, and go on with the appropriation bill.

Mr. SUMNER and Mr. TRUMBULL. I hope not.

The question being put; there were, on a division—ayes 24, noes 17.

Mr. STEWART called for the yeas and nays; and they were ordered.

Mr. TIPTON. I understand that some Senators are voting against adjourning over under the apprehension that the Senator in charge of the appropriation bills desires us to work to-morrow. I understand from him that he has no objection to an adjournment over.

Mr. MORRILL, of Maine. If it is the pleasure of the Senate to work to-morrow upon the appropriation bill of course it will be my pleasure to be here to attend to it. I express no desire or wish about it. I am entirely willing that the Senate shall take such course as they see fit. So far as I am concerned, it would satisfy my convenience to be here to-morrow to attend to the appropriation bill. Still it is a question for the consideration of the Senate whether they will sit to-morrow or not.

Mr. CONKLING. The Senator is ready to proceed with the appropriation bill?

Mr. MORRILL, of Maine. I am ready to proceed with it.

The question being taken by yeas and nays, resulted—yeas 31, nays 21; as follows:

YEAS—Messrs. Boreman, Buckingham, Cameron, Carpenter, Drake, Fenton, Ferry, Hamilton of Maryland, Hamilton of Texas, Harris, Howard, Johnston, Kellogg, Lewis, McCreery, McDonald, Nye, Patterson, Ramsey, Robertson, Ross, Saulsbury, Scott, Spencer, Sprague, Stockton, Sumner, Tipton, Trumbull, Vickers, and Williams—31.

NAYS—Messrs. Ames, Anthony, Cole, Conkling, Cragin, Edmunds, Hamlin, Harlan, Howe, Howell, Morrill of Maine, Morrill of Vermont, Morton, Osborn, Pomeroy, Schurz, Sherman, Stewart, Warner, Willey, and Wilson—21.

ABSENT—Messrs. Abbott, Bayard, Brownlow, Casserly, Cattell, Chandler, Corbett, Davis, Flanagan, Fowler, Gilbert, Norton, Pool, Pratt, Revels, Rice, Sawyer, Thayer, Thurman, and Yates—20.

So the motion was agreed to.

LAND DISTRICT IN KANSAS.

The VICE PRESIDENT again laid before the Senate the amendment of the House of Representatives to the bill (S. No. 369) to establish an additional land district in the State of Kansas.

The amendment of the House of Representatives was to strike out all after the enacting clause and in lieu thereof to insert:

That all that portion of the State of Kansas lying south of the fourth standard parallel, and west of the east line of range twelve, east of the sixth principal meridian in said State, shall constitute an additional land district, to be called the Arkansas district, the location of the office of which shall be designated by the President of the United States, and shall by him, from time to time, be changed as the public interests may seem to require.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized, whenever the public interests shall require, to appoint, in accordance with existing laws authorizing appointments to office, a register and a receiver for the district hereby created, who shall each be required to reside at the site of the office for said district, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties which are or may be prescribed by law in relation to other land officers of the United States.

SEC. 3. *And be it further enacted*, That all sales and locations made at the offices of the districts in which the lands embraced in this district have hitherto been included, situated within the limits of this district, which shall be valid and right in other respects, up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed.

Mr. POMEROY. I have examined the amendment, and I move that the Senate concur in it.

The VICE PRESIDENT. The Chair understands both the Senators from Kansas desire the concurrence of the Senate in the amendment of the House of Representatives.

The amendment was concurred in.

REPORTS OF COMMITTEES.

Mr. HAMLIN, from the Committee on the District of Columbia, to whom was referred a memorial of a committee on behalf of the grand jurors of the District, praying for increased compensation, asked to be discharged from its further consideration; which was agreed to.

Mr. HAMLIN. The same committee, to whom were referred the bill (H. R. No. 1166) to incorporate the Linthicum Institute of Georgetown; the bill (S. No. 89) to incorporate the Uniontown and Washington City Railroad Company, in the District of Columbia; a petition for the incorporation of a tobacco manufacturing company; a petition for the incorporation of the National Union Manufacturing Company; and a petition from the National Union Bricklayer's Association for an act of incorporation, have directed me to report back the same, and ask that the committee be discharged from their further consideration, a general act having been passed meeting the case.

The committee were discharged from the further consideration of the petitions; and the two bills were postponed indefinitely.

Mr. HAMLIN, from the same committee, to whom were referred sundry petitions asking that suffrage be granted to women in the District of Columbia, a petition for limited suffrage, and a petition against granting the right of suffrage to women, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 54) for the further security of equal rights in the District of Columbia, moved that it be postponed indefinitely; which was agreed to.

Mr. PATTERSON, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 214) in addition to the several acts for establishing the temporary and permanent seat of the Government of the United States, and to resume the legislative powers delegated to the citizens of Washington and Georgetown and the levy court, in the District of Columbia, asked to be discharged from its further consideration; which was agreed to.

Mr. COLE. The Committee on Public Buildings and Grounds, to whom was referred a petition of Foster Henshaw and others, citizens of Washington city, praying the establishment of the grade of Virginia avenue between New Jersey avenue and Third street east, have had the same under consideration, and directed me to report, asking to be discharged from its further consideration, the city authorities having full power to fix the grade of the avenue referred to.

The report was agreed to.

Mr. WILLIAMS, from the Committee on Public Lands, to whom was referred the bill (S. No. 439) to grant lands to the Sierra Iron Company, reported it with amendments.

Mr. CARPENTER, from the Committee on the Judiciary, to whom was referred the bill (S. No. 605) to provide for the compensation of the clerk, district attorney, commissioner, and marshal of the western district of Arkansas, and for criers and bailiffs in attendance upon the United States district court for said district, moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 456) to provide for the compensation to the grand and petit jurors in the Federal courts for the eastern and western districts of Arkansas, reported it with an amendment.

He also, from the same committee, to whom was referred a petition of the marshal of the United States for the western district of Arksansas, praying for an increase of compensation, asked to be discharged from its further consideration; which was agreed to.

Mr. RAMSEY, from the Committee on Post Offices and Post Roads, to whom was referred the bill (H. R. No. 1691) for the relief of Tim-

othy Baker, of St. John, Michigan, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SUMNER, from the Committee on the District of Columbia, to whom was referred the petition of Mrs. A. M. Gangewer and others, managers of the Industrial Home School, praying that certain tools be granted to that school, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom were referred sundry petitions of colored citizens of Washington and Georgetown, praying for such action as will provide a uniform and impartial system of public schools for the entire District, under one board of managers, and to whom was referred the bill (S. No. 361) to secure equal rights in the public schools of Washington and Georgetown, reported the bill with an amendment.

Mr. HOWELL, from the Committee on the District of Columbia, to whom was referred a letter of the Secretary of the Interior, communicating an account of S. Seymour of expenses in making a survey of a bridge across the Potomac river, in pursuance of a joint resolution approved March 2, 1867, asked to be discharged from its further consideration; which was agreed to.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred the bill (S. No. 741) for the relief of Thomas L. Griffy, reported adversely, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 510) granting land to aid in the construction of a railroad from Sioux City, Iowa, to Columbus, Nebraska, reported it with amendments.

Mr. WILSON, from the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 216) relative to the Champaign County Ohio Monumental Association, reported it without amendment.

Mr. VICKERS, from the Committee on the District of Columbia, to whom was referred the report of the Surgeon General, communicating a statement of expenses in the construction of the Providence Hospital, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a report of the Surgeon General, communicating a copy of a contract made with the Providence Hospital for the care of transient paupers during the year ending June 30, 1870, asked to be discharged from its further consideration.

Mr. WILLEY, from the Committee on Patents, to whom was referred the petition of Josiah Copeland, praying for the extension of a patent for a new and useful improvement in bootcrimps, submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1146) for the relief of the heirs of Jonathan Haines, deceased, submitted an adverse report, and recommended the indefinite postponement of the bill. The report was ordered to be printed, and the bill was indefinitely postponed.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred the bill (S. No. 889) to provide for holding special terms of the circuit and district courts of the United States for the northern and for the southern districts of Ohio, have directed me to report it back adversely, with a recommendation that it be indefinitely postponed.

Mr. SHERMAN. I should like to have it placed on the Calendar.

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

Mr. TRUMBULL. I will state to the Senator from Ohio that the committee think the judges already have authority to hold special terms, which is ample.

Mr. SHERMAN. I have not carefully examined the bill, but I understand it proposes to authorize the judge in the southern district to hold a term in Columbus, and also to allow the judge of the northern district to hold a term in Toledo, when they think the interests of justice will be thereby promoted.

Mr. CONKLING. They have that power already.

Mr. SHERMAN. I should like to look into it. Let it be placed on the Calendar.

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

Mr. TRUMBULL, from the Committee on the Judiciary, to whom was referred a petition of citizens of Illinois, praying for the enactment of laws to prohibit the importation of liquor, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 990) to amend an act entitled "An act exempting certain property of debtors in the District of Columbia from levy, attachment, or sale on execution," approved February 5, 1867, reported adversely, and moved its indefinite postponement; which was agreed to.

Mr. TRUMBULL. I am also directed by the same committee, to whom was referred the bill (S. No. 670) extending the provisions of an act relating to *habeas corpus* and regulating judicial proceedings in certain cases, approved March 3, 1863, to certain other cases, and for other purposes, to report it back adversely; but I desire it to go upon the Calendar.

The VICE PRESIDENT. It will be placed upon the Calendar with the adverse report of the committee.

REDUCTION OF THE ARMY.

Mr. WILSON. I ask the unanimous consent of the Senate to take up the bill (H. R. No. 987) to reduce the number of officers in the Army of the United States, and for other purposes. I desire to make one or two amendments to it this morning, which will take but a few moments.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. WILSON. The bill has been read, and the amendment reported by the committee in the nature of a substitute is pending, to which the Senator from Wisconsin [Mr. CARPENTER] moved an amendment.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Wisconsin to the fourteenth section of the amendment reported by the committee.

Mr. WILSON. I will accept the amendment to the amendment if there is no objection.

Mr. SHERMAN. I should like to hear it read.

The Secretary read the amendment to the amendment, which was to strike out the fourteenth section of the amendment of the committee, in the following words:

That the professors at the United States Military Academy may be retired from active service and placed on the retired list in the same manner and for the same reasons as is or may be provided by law for the retirement of officers of the Army; and any professor so retired shall be entitled to receive as retired pay seventy-five per cent. of the salary he was receiving at the time of his retirement.

And to insert in lieu thereof:

That the professors at the United States Military Academy whose service in the Army and at the Academy exceeds twenty-five years shall have the assimilated rank and pay of colonel of engineers; and those whose like service is less than twenty-five but exceeds fifteen years shall have the assimilated rank and pay of lieutenant colonel of engineers; and said professors are hereby placed on the same footing as all other officers of the Army as regards retirement from active service.

The VICE PRESIDENT. The question is on the amendment to the amendment.

Mr. NYE. I wish to inquire of the Senator from Massachusetts whether he proposes to put this bill on its passage to-day?

Mr. WILSON. I do not.

The VICE PRESIDENT. The Senator from Massachusetts states on behalf of the Committee on Military Affairs that he is willing to accept this amendment to the amendment. If there be no objection it will be regarded as agreed to.

Mr. WILSON. I now move to strike out the twelfth section of the committee's amendment, in the following words:

That all vacancies now existing, or which may hereafter occur, in the cavalry, artillery, or infantry, shall be filled by the supernumerary officers of infantry, until the entire number of such officers shall be absorbed; and whenever vacancies exist in the grade of second lieutenant in any company of cavalry, artillery, or infantry, an additional first lieutenant shall be assigned to such company, in lieu of the appointment of the second lieutenant, until the supernumerary first lieutenants of infantry shall be absorbed.

And to insert in lieu thereof:

That all vacancies now existing, or which may hereafter occur, in the cavalry, artillery, or infantry, shall be filled in due proportion by the supernumerary officers of infantry, having reference to rank and seniority as provided in the existing law regulating promotions in the Army, until the entire number of such officers shall be absorbed; and whenever vacancies exist in the grade of second lieutenant in any company of cavalry, artillery, or infantry, an additional first lieutenant shall be assigned to such company in lieu of the appointment of a second lieutenant until the supernumerary first lieutenants shall be absorbed.

The amendment to the amendment was agreed to.

Mr. WILSON. I propose to amend the fifth section of the amendment by striking out in the seventh line the words "to be construed," and to insert the words "held to be."

The VICE PRESIDENT. If there be no objection that amendment to the amendment will be regarded as agreed to.

Mr. WILSON. The substitute reported by the committee has now been perfected in accordance with their views. I do not myself propose to act upon it this morning, but I wish to ask the Senate to assign the consideration of this bill for Tuesday next. I think we can act upon it and pass it in an hour. I shall probably be compelled to leave here in a few days, and will perhaps be gone several days, and I should like to have this bill acted upon before I go away. I move to place it at the head of the special orders with the intention of taking it up on Tuesday if possible.

Mr. STEWART. Oh, no; I cannot agree to that.

The VICE PRESIDENT. The Chair will state to the Senator from Massachusetts that it will require unanimous consent to place it at the head of the special orders, as there are already two special orders on the Calendar; but a two-thirds vote of the Senate can make it a special order to come in next after the bill to enforce the fifteenth amendment.

Mr. STEWART. I have no objection to its being made a special order after that bill.

Mr. WILSON. I will not antagonize this bill with that bill.

Mr. STEWART. Let it be placed at the foot of the special orders.

Mr. WILSON. Very well; I make that motion.

The VICE PRESIDENT. The Senator from Massachusetts moves that this bill be made the special order for Tuesday next. It will then rank below the bill to enforce the fifteenth amendment and the bill to abolish the franking privilege.

Mr. SHERMAN. I should like to have the amendment of the committee as it now stands printed.

The VICE PRESIDENT. If there be no objection the substitute proposed by the Committee on Military Affairs, as amended, will be ordered to be printed in connection with the House bill. The question now is on the motion to make this bill the special order for Tuesday next.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a joint

resolution (S. R. No. 192) in relation to the claims of Ward B. Burnett; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

FINAL ADJOURNMENT.

The VICE PRESIDENT. If there are no Senate resolutions, the Senate resumes the consideration of the concurrent resolution of the House of Representatives providing for the final adjournment of this session of Congress on Monday, the 4th day of July next, and the pending question is on the motion of the Senator from Ohio, [Mr. SHERMAN,] that the further consideration of it be postponed to the first Monday of June next.

Mr. SHERMAN called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. SPRAGUE. I have paired with the Senator from Delaware, [Mr. BAYARD.] He would, if here, vote nay, and I would vote yea on this motion.

Mr. HAMILTON, of Maryland. I would vote nay if I were not paired with the Senator from Missouri, [Mr. DRAKE.] He would vote yea.

Mr. WARNER. On this question I am paired with the Senator from California, [Mr. CASSERLY,] who, if present, would vote in the negative on this motion, and I in the affirmative.

The result was announced—yeas 23, nays 28; as follows:

YEAS—Messrs. Anthony, Buckingham, Chandler, Cole, Cragin, Kellogg, McDonald, Morrill of Maine, Morrill of Vermont, Morton, Nye, Osborn, Pomeroy, Ramsey, Sawyer, Schurz, Sherman, Spencer, Stewart, Sumner, Trumbull, Wilson, and Yates—23.

NAYS—Messrs. Ames, Boreman, Cameron, Carpenter, Conkling, Edmunds, Fenton, Ferry, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howe, Howell, Johnston, Lewis, McCreery, Patterson, Robertson, Ross, Saulsbury, Scott, Stockton, Tipton, Vickers, Willey, and Williams—28.

ABSENT—Messrs. Abbott, Bayard, Brownlow, Casserly, Cattell, Corbett, Davis, Drake, Flanagan, Fowler, Gilbert, Hamilton of Maryland, Norton, Pool, Pratt, Revels, Rice, Sprague, Thayer, Thurman, and Warner—21.

So the motion to postpone was not agreed to.

Mr. STEWART. I move to amend the resolution by striking out "Monday, the 4th of July," and inserting "Wednesday, the 20th of July."

Mr. EDMUNDS. No; let us take it just as it is.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada.

Mr. SUMNER. I move to amend the amendment by inserting "Monday, the 1st day of August."

Mr. STEWART. I accept that amendment.

The VICE PRESIDENT. The question then is on the amendment of the Senator from Nevada, to strike out "Monday, the 4th of July," and insert "Monday, the 1st of August."

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

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 29; as follows:

YEAS—Messrs. Chandler, Cole, Lewis, McDonald, Morrill of Maine, Nye, Osborn, Pomeroy, Ramsey, Schurz, Sherman, Spencer, Stewart, Sumner, Trumbull, Wilson, and Yates—17.

NAYS—Messrs. Ames, Anthony, Boreman, Buckingham, Cameron, Carpenter, Conkling, Cragin, Edmunds, Fenton, Ferry, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howell, Johnston, McCreery, Morrill of Vermont, Robertson, Ross, Saulsbury, Scott, Stockton, Tipton, Vickers, Willey, and Williams—29.

ABSENT—Messrs. Abbott, Bayard, Brownlow, Casserly, Cattell, Corbett, Davis, Drake, Flanagan, Fowler, Gilbert, Hamilton of Maryland, Howe, Kellogg, Morton, Norton, Patterson, Pool, Pratt, Revels, Rice, Sawyer, Sprague, Thayer, Thurman, and Warner—26.

So the amendment was rejected.

Mr. SUMNER. Mr. President, it seems to me that the adoption of this resolution will be of great detriment to the public service. I am sure that the business is not in such a condition that we can advantageously adopt it now. I rose with a view of proposing a compromise. I am not much given to compromises; but I see that the Senate does not incline to the date which I would fix, being the first Monday in August, and I have thought perhaps a middle term might be more agreeable. I propose, therefore, to say Monday, the 25th day of July.

Mr. CONKLING. Why not say June?

Mr. SUMNER. I hope I shall have the vote of my friend from New York. I am driven from the 1st of August. I am driven from that position; and I offer now an intermediate position.

Mr. CONKLING. If the Senator will only follow his good sense, and make it the 25th of June, I will vote with him.

Mr. EDMUNDS. I hope my friend will withdraw his amendment, because it is within a few minutes of one o'clock, and to require the taking of the question will be to throw the resolution over until to-morrow.

Mr. CONKLING. That is the whole purpose.

Mr. SUMNER. I beg the Senator's pardon; it is not the whole purpose; but it is very evident that we cannot act on it to-day. I therefore move that the resolution lie on the table. That vote can be taken.

The VICE PRESIDENT. The Senator from Massachusetts moves that the resolution lie on the table.

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

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

YEAS—Messrs. Chandler, Cole, Cragin, Howard, Kellogg, McDonald, Morrill of Maine, Morton, Nye, Osborn, Pomeroy, Ramsey, Sawyer, Schurz, Sherman, Spencer, Stewart, Sumner, Trumbull, Wilson, and Yates—21.

NAYS—Messrs. Ames, Anthony, Boreman, Buckingham, Cameron, Carpenter, Conkling, Edmunds, Fenton, Ferry, Fowler, Hamilton of Texas, Hamlin, Harlan, Harris, Howell, Johnston, McCreery, Morrill of Vermont, Patterson, Robertson, Ross, Saulsbury, Scott, Stockton, Tipton, Vickers, Willey, and Williams—29.

ABSENT—Messrs. Abbott, Bayard, Brownlow, Casserly, Cattell, Corbett, Davis, Drake, Flanagan, Gilbert, Hamilton of Maryland, Howe, Lewis, Norton, Pool, Pratt, Revels, Rice, Sprague, Thayer, Thurman, and Warner—22.

So the motion was not agreed to.

The VICE PRESIDENT. The morning hour has expired.

Mr. HAMLIN. I think the most efficient method to progress here in business will be to dispose of this resolution. I desire to inquire of the Chair if I can make a motion to pass over all prior orders, and if that would not leave this resolution still before the Senate?

The VICE PRESIDENT. It would.

Mr. HAMLIN. I then move to pass over all prior orders for the purpose of disposing of it, and I do so simply on the ground that we shall make more progress and more rapid progress in business by doing that. The votes which have been taken this morning I think show what the disposition of the Senate is. That will leave my colleague's bill precisely where it is.

Mr. MORRILL, of Maine. I inquire of the Chair what bill that motion supersedes?

The VICE PRESIDENT. The legislative, executive, and judicial appropriation bill is now before the Senate as the unfinished business of yesterday. The Senator from Maine [Mr. HAMLIN] moves to pass all the orders over to continue the consideration of this resolution.

Mr. SUMNER. When you have passed this over, what next?

The VICE PRESIDENT. Then the legislative, executive, and judicial appropriation bill will be taken up as soon as this resolution shall be disposed of. The question is on the motion of the Senator from Maine.

Mr. CHANDLER called for the yeas and nays; and they were ordered.

Mr. HAMILTON, of Maryland. I am paired with the Senator from Missouri, [Mr. DRAKE,] and the Senator from Rhode Island [Mr. SPRAGUE] is paired with the Senator from Delaware, [Mr. BAYARD.] But as the Senator from Rhode Island and myself are both present and on opposite sides, we have concluded to vote.

Mr. SPRAGUE. In pursuance of that arrangement and understanding I will vote on this motion.

The question being taken by yeas and nays, resulted—yeas 26, nays 25; as follows:

YEAS—Messrs. Ames, Boreman, Buckingham, Cameron, Carpenter, Conkling, Edmunds, Fenton, Ferry, Fowler, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harlan, Howell, Johnston, Kellogg, McCreery, Robertson, Saulsbury, Scott, Stockton, Tipton, Vickers, Willey, and Williams—26.

NAYS—Messrs. Anthony, Chandler, Cole, Cragin, Howard, McDonald, Morrill of Maine, Morrill of Vermont, Morton, Nye, Osborn, Patterson, Pomeroy, Ramsey, Ross, Sawyer, Schurz, Sherman, Spencer, Sprague, Stewart, Sumner, Trumbull, Wilson, and Yates—25.

ABSENT—Messrs. Abbott, Bayard, Brownlow, Casserly, Cattell, Corbett, Davis, Drake, Flanagan, Gilbert, Harris, Howe, Lewis, Norton, Pool, Pratt, Revels, Rice, Thayer, Thurman, and Warner—21.

So the motion of Mr. HAMLIN was agreed to.

The VICE PRESIDENT. The concurrent resolution is before the Senate, and the question is on its passage.

Mr. MORTON. Mr. President, on the statement made here the other day with regard to the business yet to come before the Senate, it seems to me to be impossible that it should be transacted intelligently by the time fixed for adjournment in this resolution. There is one great subject on which the other House has been engaged for a number of weeks, and which will encounter just as much difficulty in the Senate as in the House. I allude to the question of the tariff. That is a vexed question. It is very important to the country that that question shall be settled correctly, and it is very important to the Republican party that it shall be settled correctly. I speak of that simply as one question. It is much more important that we shall do the business of this country, and do it right, than it is to adjourn by the 1st of July or by the 1st of August. I am sure that I stay here with as much difficulty and with as much reluctance as anybody, and I do not think there is a Senator in this body who is more anxious to get away than I am; and yet I feel that if I were to so act as to hurry through such important business, or to go away leaving it undone, I should be derelict in the performance of my duty.

There are many other important questions besides that of the tariff which we are yet called upon to consider; and I do hope that the Senate will not fix a time now, but leave it open for several weeks until we can see at what time we can with propriety adjourn. Why, sir, there seems to be a mania for adjournment; it seems to me to be almost a mania. When this time was first suggested I thought favorably of it, because I supposed we might get through; but upon consideration I am satisfied we cannot get through; and if there be Senators here who from any cause cannot remain until the end of the session, it would be better for the Senate to give them leave of absence and let them go away and leave their associates here that the business may be done. There are some great questions yet to be disposed of, and questions that ought to take time.

Mr. President, there has been a good deal of complaint about the length of time that has been consumed in debate upon certain questions. Those questions were not questions of an economical character; they were not in regard to the disposition or the acquisition of public lands; but they were great questions that went to the very existence of the Government, and in my judgment there has not been an hour too much spent in the discussion of those questions; for, sir, the public mind is yet unsettled with regard to them, and the action of this body shows that after all the discussion that had taken place there were Senators who were scarcely able to make up their minds on which side they should vote. And when there are questions of so great difficulty to be disposed of those Senators cannot better serve the country than by taking time to consider them. This is especially intended to be a deliberative body, and I do not sympathize with those who claim that the Senate ought to vote with-

out understanding what they are voting upon. A single error committed in regard to a great question of reconstruction, or some question that goes to the future peace of generations, and it may be to the existence of the Government—a single error of that kind cannot be atoned for. The time that is taken in considering such questions is not time lost.

There is a question coming before us now upon which the best minds in Europe and in America have been divided for the last hundred years—the question of the tariff. It is a question that we ought to consider fully, and we cannot do our duty to ourselves and to our country unless we do consider it fully. But, sir, if we bind ourselves to adjourn by the 4th of July we cannot do it. That will be equivalent to saying to the country that we shall vote on that question without discussion. I do not pretend that I understand that question. There are some people who always understand every question from the time it is first mentioned, who understood the Georgia question and every other from the time it was first mentioned. I do not belong to that category. I find occasion to change my mind frequently, and my mind is often changed by the result of discussions on this floor. I am open to the reception of light from discussions, and I invite it. I do not belong to those who understand everything from the beginning and think the Senate ought to vote on the most difficult questions without discussion.

Now, sir, we are confronted with the tariff question as we never have been before. It is a question that involves considerations too vast politically and in every other way to be described this morning. And yet we propose to put ourselves in such a position that we cannot discuss that question, or only very slightly, but shall vote on it hap-hazard. Sir, the responsibility shall not be with me for doing this.

Mr. HARLAN. I rise to make a motion which will be to some extent in accord with the opinion just expressed by the honorable Senator from Indiana, and that is, to postpone this resolution and all prior orders with the view of proceeding to the consideration of the bill for the sale of the Osage Indian lands and for the removal of those Indians to a new home in the Indian territory. I do this in justice to the Committee on Indian Affairs, and in justice——

The VICE PRESIDENT. The Senator from Iowa moves to postpone the present and all prior orders for the purpose of considering the bill indicated by him.

Mr. HARLAN. I desire to submit a reason or two in favor of this motion.

Mr. HAMLIN. Oh, no; the motion to pass over must be taken without discussion.

The VICE PRESIDENT. The motion of the Senator from Iowa is to postpone.

Mr. EDMUNDS. So that the merit of the adjournment resolution is still before us, but not of the Indian bill.

Mr. HARLAN. Mr. President, if the vote yesterday on the motion of the honorable Senator from Maine [Mr. MORRILL] had been a little more decisive I would not have ventured to intrude on the attention of the Senate with the motion I have now made. It was decided, it may be remembered by honorable Senators, by 28 affirmative votes to 27 negative votes, the Senate at that time not being very full. I have been impressed with the importance of immediate action on this subject, and have stated to the Senate some of the reasons which impressed me with that conviction. I think the vote yesterday evening was taken under a misapprehension. It was a little unusual in its character; and on inquiry I learned from the honorable Senator who made the motion that he made the motion under a misapprehension. The Senate by unanimous consent agreed to consider this bill, and after consuming nearly the whole legislative day in listening to a very able speech on the part of the honorable Senator from Maine [Mr. MORRILL] the bill was passed over, as I have just remarked, without giving the committee in charge of the bill an opportunity to be heard. I submit that this is unusual, so unusual that the honorable Senator from Vermont [Mr. EDMUNDS] who made the motion in explanation to me stated that he misapprehended my wishes in the matter.

But, Mr. President, there are reasons why this bill should be taken up and disposed of now. I desire to address myself to the Senate on that question. The honorable Senator from Maine seemed to misapprehend the facts in the case. They may be stated briefly, thus——

Mr. EDMUNDS. The Senator cannot discuss the merits of the bill. I will assist him in getting it up as soon as we pass the appropriation bill.

Mr. HARLAN. I am appealed to by my honorable friend from Vermont not to state the reason why I wish to proceed with this bill now. He kindly assures me that he will assist to get the bill up when the appropriation bill shall be disposed of. But, sir, by his vote the further consideration of the appropriation bill has been postponed for the purpose of considering a resolution of the House to fix a day for the adjournment of both branches of Congress. Sir, my proposition is not in conflict with the appropriation bill. I do not propose to antagonize it again with the appropriation bill; but surely, in the light of the reasons presented by the honorable Senator from Indiana I may antagonize it with a proposition to fix a day for the definite adjournment of Congress. If the appropriation bill were now before the Senate, if the Senate had not within the preceding twenty minutes decided to postpone its consideration for the consideration of another matter, I would not have made this motion.

The VICE PRESIDENT. The Chair will remind the Senator from Iowa that one line of debate is prohibited by the rule specifically, and that is the merits of the bill proposed to be taken up. That is expressly excluded by the rules. The merits of the bill proposed to be taken up cannot be debated on the proposition to take it up.

Mr. HARLAN. I am very much obliged to the Chair for the information, and I hope the Chair will require me to observe the rule so soon as I may transgress it; but perhaps until I do violate the rules the admonition may be dispensed with.

The VICE PRESIDENT. The Chair did not make it in the shape of an admonition. The Senator from Iowa has the right, on his motion to postpone, to debate the merits of the proposition now before the Senate, the measure proposed to be postponed; but he stated in the commencement of his remarks, when interrupted by the Senator from Vermont by a side remark, that he wanted to show the necessity for the passage of this bill, and the Chair therefore stated to him that the merits of the bill proposed to be considered were by the rules excluded. The Chair does not admonish Senators.

Mr. HARLAN. The Chair is correct, as the Chair usually is in the citation of facts. I did say it would be necessary, I thought, to cite a few facts, in order to enable the Senate to arrive at a conclusion in reference to the importance of immediate action on this bill. If I am to debate the question of the propriety or priority of time in the consideration of a measure, how shall I do it unless I am permitted to state facts justifying the position I have taken?

As I was about to observe, I am sure there has been a misapprehension in relation to the condition of affairs in this territory, and in relation to the position of the two branches of Congress, out of which arises the necessity of legislation on this subject, and also a misapprehension in relation to the position of the present Administration. It has been insisted that Congress ought not to pass bills in relation to the removal of Indian tribes. How else can this be effected except by treaty? But it is well known that the present Administration has declared itself in opposition to the further negotiation and ratification of treaties with the Indian tribes. I have before me the report of the Secretary of the Interior, containing the report of the Commissioner of Indian Affairs, from which I will read the following passage—

Mr. EDMUNDS. Now, Mr. President, I rise to a question of order, with all friendliness to my friend from Iowa.

The VICE PRESIDENT. The Senator from Vermont rises to a question of order. He will state it.

Mr. EDMUNDS. My question of order is that my friend from Iowa is transgressing the rule to which the Chair has alluded. His remarks are distinctly addressed to the merit of this Indian bill. That must be obvious to him, as well as to the Chair.

The VICE PRESIDENT. The Senator from Iowa has not yet proceeded far enough in his remarks to indicate whether he intends to discuss the merits of the bill or not. He proposes to read something now from the report of the Commissioner of Indian Affairs. The Chair would prefer to decide the question when the point shall properly be made. The Senator from Iowa has already responded to the Chair in a manner which indicated that he thought the remarks of the Chair were out of place.

Mr. HARLAN. I did this with the utmost kindness for the Chair.

The VICE PRESIDENT. The Chair only desired to indicate to the Senator from Iowa the limits of debate under the rule of the Senate.

Mr. HARLAN. I am always gratified to receive an intimation of that kind from the Chair.

The Commissioner of Indian Affairs says:

"While it may not be expedient to negotiate treaties with any of the Indian tribes hereafter, it is no doubt just that those made within the past year and now pending before the United States Senate should be definitively acted upon."

"While it may not be expedient to negotiate treaties with any of the Indian tribes hereafter"—plainly indicating that in the opinion of the Department the relation of the United States with the Indian tribes must be regulated in some other way than by the negotiation of treaties. This is known to be in accord with the opinion of the Secretary of the Interior, and, as is believed, with the opinion of the Chief Magistrate of the United States. I hold in my hand a pamphlet copy of the Laws of the United States for the year 1869, from which I read the following section of one of those laws:

"SEC. 5. *And be it further enacted*, That nothing in this act contained, or in any of the provisions thereof, shall be so construed as to ratify or approve any treaty made with any tribes, bands, or parties of Indians since the 20th day of July, 1867."

That is a law of the land enacted by both branches of Congress, with the approval of the President of the United States. To show that the opinion of the other branch of Congress at least has not changed on this subject I desire to call the attention of the Senate to a clause in one of the appropriation bills which the Senate has received recently from the House of Representatives. I refer to House bill No. 1169, the second section of which reads as follows:

"SEC. 2. *And be it further enacted*, That nothing in this act contained, or in any of the provisions thereof, shall be so construed as to ratify or approve any treaty made with any tribes, bands, or parties of Indians since the 20th day of July, 1867."

And, sir, that is a copy of the bill as it has been received by the Senate from our Committee on Appropriations.

The VICE PRESIDENT. The Chair will now decide the point made by the Senator from Vermont. The bill which the Senator from Iowa proposes to consider is a bill to settle questions with Indian tribes by legislation and

not by treaty. That is the intent of it, apparent on its face and in all its sections. The Senator from Iowa is now submitting to the Senate considerations why these questions should be settled by legislation, as proposed, instead of by treaty. The Chair thinks that if that is not discussion of the merits of the question proposed to be considered it would be very hard for the Chair to rule it as affecting anything else. Certainly the consideration of the merits of the question proposed to be considered is the line of debate in which the Senator from Iowa is progressing, in the opinion of the Chair.

Mr. HARLAN. I am obliged to the Chair for pronouncing that opinion, and I will proceed to show why this bill should be taken up, for the reason that the subject cannot be reached in any other way. I shall attempt to proceed to show it more strongly from the present condition of this Indian tribe and the white people by whom they are surrounded and the white people living among them. I do not expect to refer to the bill, Mr. President. This is the opinion of the Committee of the Senate of the United States on Appropriations——

Mr. EDMUNDS. I rise to a question of order again. I wish to know whether the remarks of my friend from Iowa are in order or not.

The VICE PRESIDENT. The Chair has not heard the additional remarks of the Senator from Iowa since the Chair has ruled. The Chair will listen to them. The merits of the question proposed to be considered cannot be debated on this motion, under the rule.

Mr. HARLAN. I will inquire of my honorable friend who is so anxious that I should be in order to-day to state what part of the Osage Indian bill I have referred to.

Mr. EDMUNDS. Why, Mr. President, it is useless to disguise this matter. The Senator from Iowa has risen with a purpose that he understands as well as all the rest of us do, to reply to the Senator from Maine who made a speech yesterday when the bill was up; and if there is any force or fairness in the rules they cannot be evaded by stating that he is not going to name the bill. He is discussing the subject of Indian affairs when the question before the Senate is the question when we shall adjourn. That is my answer to my friend.

Mr. HARLAN. Very well; suppose that was my purpose when I arose, and, being informed by the Chair that I was out of order, I adopted another line of policy and another line of argument?

Mr. EDMUNDS. You are jumping out of the frying-pan into the fire. You are getting worse and worse.

Mr. POMEROY. I submit that in many years, experience in this body I have never known it to be held that a Senator had not a right to express his opinions on any subject pertaining to a subject of debate. I know, to be sure, that the merits of a bill, in the technical language of our rule, cannot be discussed on this motion; but who among us has ever yet been held to any technical line of argument when he proposed to address the Senate? I have never known a case where a Senator when he commenced talking could not say what he chose.

The VICE PRESIDENT. The Chair will reply to the Senator from Kansas that that was undoubtedly the practice for many years until in March, 1868, about two years since, when the rule which has been sought to be applied this morning was adopted. The Chair was not present in the Senate when it was adopted.

Mr. POMEROY. We have also a rule that a Senator shall not read a newspaper in the Senate Chamber. We have several rules of that kind; but do we strictly enforce them? Has the Senator from Iowa done anything that we need strictly enforce the rule that he is obliged to speak upon a definite line? I admit that the Chair rules rightly. That is not my point.

Mr. HARLAN. Mr. President, I am very much obliged to my honorable friend from Kansas for his kind interposition. I do not intend to proceed out of order. I intend to confine my remarks, as far as I have the capacity to do so, within the rule.

Mr. FOWLER. I wish to ask a question.

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. HARLAN. I will hear the honorable Senator.

Mr. FOWLER. I wish to know what subjects the Senator from Iowa may properly discuss at the present time on his motion?

The VICE PRESIDENT. That opens a broader question than the Chair can answer.

Mr. HARLAN. I have no objection to answering it. My purpose was to convince the Senate, if I could, that it was more important to take up for consideration what is known here as the Osage bill, than to proceed with the consideration of the pending question, the House resolution to fix a definite period for adjournment.

Mr. EDMUNDS. Because that is a bill which has merit in it, and is a subject that requires action.

Mr. HARLAN. That was my purpose, and I desire to proceed, if I can be permitted to do so, and to proceed under the rule and not outside of the rule. I have no wish to transgress the rule, although I have expressed my feelings of gratitude to the honorable Senator from Kansas for interposing in my behalf.

Mr. WILSON. Will the Senator allow me to make a suggestion?

Mr. HARLAN. Certainly.

Mr. WILSON. I would suggest that we take up this Osage bill, the Senator from Maine giving way to-day, and that the question be settled. It will be remembered that it was taken up the day before yesterday, and that yesterday the Senator from Maine addressed the Senate in a very elaborate and able speech, covering the whole question, with great thoroughness. The Senator who has the care of that bill desired to reply at the time, and it seemed to me right that he should have the floor to do so. I think therefore, it will be better to postpone this resolution of the House, postpone the appropriation bill, and let the Senator proceed to consider that question, and let the Senator from Iowa address himself to the merits of the bill itself. We shall progress more rapidly in that way, and we certainly ought to settle that matter. It is an important matter and it ought to be settled, and I think it can be settled better now than hereafter, and I think the Senator ought to have the privilege of speaking upon the question without being interrupted in this way; that is, by having the direct question before us. I hope that will be permitted.

Mr. MORRILL, of Maine. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Maine?

Mr. HARLAN. Certainly, with great pleasure.

Mr. MORRILL, of Maine. I wish to say a word in reply to the suggestion made by the Senator from Massachusetts. I understood it to be the deliberate judgment of the Senate yesterday that it would proceed to-day with the appropriation bill. The Senator from Massachusetts asks me now to give way to allow a bill which was under consideration yesterday, to be taken up and proceeded with to-day. Now, if my honorable friend from Massachusetts is willing to take the responsibility of this appropriation bill and allow me to retire from it, I will do so with great pleasure.

Mr. WILSON. I will say to the Senator that I do not wish to take any responsibility in the matter. I am aware that the Senator is chairman of the Committee on Appropriations, and that he should have the direction of the bill, but he will certainly remember that when the bill of the Senator from Iowa came up yesterday he himself addressed the Senate in a very elaborate and lengthy speech, discussing the whole question, and that the chairman of the committee who reported it, the Senator from Iowa, was exceedingly desirous yesterday of going on with the bill and of replying to the speech of the Senator from Maine, that he thought ought to be replied to at once and on the spot. Now, the Senator's bill has been postponed by a vote of the Senate; I voted against that——

Mr. CONKLING. Not at all. It has simply been passed over informally.

Mr. WILSON. It has been passed over, and we have another question up. Whether that is going to take all day or not I do not know. Therefore, I made the suggestion that it seemed to me we had better get the Osage bill out of the way, or at any rate allow the Senator from Iowa to explain that bill.

Mr. MORRILL, of Maine. By the judgment of the Senate it is not in the way, and I have struggled now for ten days to get the appropriation bill in a position to be acted on; and I say to the Senate squarely that I will not make another motion antagonizing the business of the Senate with this bill. It stands now on the Calendar in the order of business No. 312. If any gentleman desires to take this bill out of my hands he is at liberty to do so; but if it is set aside, if the Senate by its deliberate judgment puts it out of its order again, I shall, so far as I am concerned, leave it to come up on the Calendar again in its regular order. It comes up regularly in order, I understand, when this resolution is disposed of, which I hope will be disposed of without debate. As it is obviously the judgment of the Senate that it ought to concur with the resolution from the House, I hope we shall act upon it without any further debate. Then I suggest to my honorable friend from Iowa, who is desirous of speaking on this bill, that we proceed to the consideration of the legislative, executive, and judicial appropriation bill, on which the honorable Senator has given my committee notice that he will move his bill as an amendment. That opens the whole subject, and gives my friend the opportunity he desires to discuss the question; and we shall reach that in ten minutes.

Mr. HARLAN. That will be perfectly satisfactory to me. ["Agreed," "Agreed."]

Mr. MORRILL, of Maine. If it suits his convenience——

Mr. HARLAN. I withdraw my motion.

The VICE PRESIDENT. The motion is withdrawn. The question recurs on the concurrent resolution of the House of Representatives for final adjournment.

Mr. EDMUNDS. I do not rise to make any speech, but I wish to express my gratitude to my friend from Massachusetts, [Mr. WILSON,] who has voted to stave off this adjournment question every time, in mildly getting up at the last moment and suggesting that it be again laid over for some purpose.

Mr. STEWART. This is debatable, I think.

The VICE PRESIDENT. It is.

Mr. STEWART. I think I shall make a few remarks on the resolution. I do not believe the attention of the Senate has been attracted sufficiently to the condition of business, for I am confident they are not disposed to place themselves in a position where it cannot be transacted. We have two bills, of which I have charge, from the Judiciary Committee, which will involve more or less discussion. I do not want to discuss them; but I have had notice all around that there will be protracted discussion upon them. One is to enforce the fifteenth amendment. It will be conceded on all hands that it is important that that bill should pass, and pass at this session. If the protracted discussion with which we have been threatened on

that measure is indulged in, we cannot tell but that it may be as long as on the Georgia matter. The other bill is to enforce the fourteenth amendment, to extend to all persons the equal protection of the laws; and there is no more important bill pending in this Senate than that. On the Pacific coast there is a large class of persons who are denied the protection of the laws.

Mr. SAULSBURY. May I ask the Senator what class he alludes to?

Mr. STEWART. I allude to the Chinese. They have been denied the protection of the laws for the last twenty years, and are now, and that country has been disgraced by that denial. I have said it there during the whole of that period. They are excluded from testifying in the courts, they are excluded from every right of protection by law, and we do need the interposition of the power of this Government, not only to vindicate the fourteenth amendment to the Constitution, but our treaty stipulations in regard to those people. That bill will lead to protracted discussion. I do not want to place the business of the Senate in the power of those who are disposed to drag out discussion on these questions, to the loss of other important bills. They will occupy a great deal of time.

If this resolution could be postponed, as suggested by the Senator from Ohio, until the 1st of June, and let us see how we can progress with these matters, it would be better. Then there are all the appropriation bills behind and various other matters, and a long Calendar of contested bills, some of which have been considered. It does seem to me that fixing a day to adjourn at this time, and placing these bills in the power of those who have threatened to discuss them to death, by limiting ourselves, is premature and wrong, and I do hope it will not be done. I do not want to offer factious opposition to the will of the Senate. If the majority really think the business can be accomplished by the time fixed, be it so; but Senators having charge of a great deal of the business, the various chairmen of committees, have voted against this proposition. The chairman of the Committee on Appropriations and the chairman of the Committee on Finance think it is premature. The chairman of the Committee on the Judiciary having charge of a great deal of business votes against it. It seems to me that it might be postponed until the 1st of June, and then we may see what the chance is to get through. If we limit ourselves at this time I am confident it will be premature.

Mr. YATES. Not only do I not want to prolong this debate, but I am sorry that it should have been carried to the extent it has gone. I rise now because I do not wish to remain silent and hear every member give his reasons for his vote for or against this proposition. I have been waiting anxiously for the vote, and yet have been compelled to sit and wait and wait. Now I propose to say a few words myself.

Mr. President, no joint resolutions which are introduced in the two bodies are so much calculated to retard legislation and the proper business of the Senate as these resolutions for adjournment. But, sir, I disagree entirely with the Senator from Nevada and with the Senator from Massachusetts when they say that it has not been the practice to introduce these resolutions at an early day of the session. On the other hand, in all my legislative experience these resolutions are introduced at the beginning of the session, and especially has it been so heretofore when the members received pay while they were sitting. The history of these propositions is simply this: a resolution is offered early in the session to adjourn on a certain day. That has to be debated, consuming two or three hours. Then various propositions are made—to lay on the table, to postpone to a day certain—all having to be discussed. Every member who has a proposition upon his table is anxious for it to be decided, and he is influenced by his personal convenience and private interests. Some men get through with their business, their papers, the little bills they have on hand, and they say "I am through and I would like to go home." This is the history of all motions that are made to adjourn.

But, Mr. President, who knows—I do not—but that we may adjourn long before the 4th of July? I am voting against this proposition as much on that account as any other. We have two full months, May and June; and I vote against this proposition that we shall be compelled to stay here until the 4th of July. It may not be necessary. Legislation may progress more rapidly than is supposed or than it has heretofore. Suppose we want to adjourn before the 4th day of July, then comes up this debate again, to retard the progress of legislation; then we must necessarily adopt a joint resolution rescinding the resolution already passed. Then comes up another protracted debate.

That is one reason why I object to this proposition. The other reason is because no Senator can tell whether these two Houses will be in a position to adjourn on the 4th day of July. I will not repeat the measures which have been already mentioned, but I know enough of the business of the session to know that we cannot now see that we can adjourn on the 4th day of July. I would rather squelch these propositions until the proper time comes when Senators can form a just opinion as to whether the time for adjournment has come or not.

For these reasons I have voted against this resolution in all its shapes; voted to lay it on the table, voted to postpone it, and I shall so continue to vote. I think there are interests, high and solemn and important to the country, important to the Republican party, which require our attention. Policies have yet to be formed and will be formed which are to divide parties. The Republican party has no longer that uniting element of the war. We have no longer the uniting element of opposition to human slavery and aspirations for freedom. The issues upon which the next campaign is to be fought are yet not decided. Policies are not yet established, and Congress will have enough to do, in my opinion, between now and the 1st of August, if it does its full duty to the measures which are now before the Senate.

The VICE PRESIDENT. The question is on the passage of the concurrent resolution of the House.

Mr. SUMNER. I move that that resolution be amended by inserting instead of "Monday, the 4th of July," "Monday, the 25th of July." I make that as a last effort in the nature of a compromise.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts.

Mr. SUMNER called for the yeas and nays; and they were ordered.

Mr. CAMERON. I trust the Senator will withdraw that motion. He must see that it will do no good.

Mr. SUMNER. I am serious in this. I feel that this proposition is detrimental to the public service, and it is on that account that I make this motion. I further believe that if the Senate takes time to consider it will not differ materially from myself. I know that other Senators are as anxious for the public service as I am; but I believe that they do not now take into consideration the extent to which they will imperil the bills that are now pending and other important bills that have not yet been introduced into this Chamber.

Look at your Calendar, sir. Notwithstanding our very considerable effort the other day there are still some twenty pages of bills for consideration, some of them of very great importance. Now, if you fix so early a day as is proposed, it is in advance to declare that you will not consider those bills. You kill them by indirection.

Mr. CHANDLER. Will the Senator allow me to make a suggestion?

Mr. SUMNER. Yes.

Mr. CHANDLER. I would suggest that we postpone the further consideration of this question until Friday, the 20th of this month, and let us see what progress we may make.

Mr. SUMNER. I accept that proposition.

Mr. CHANDLER. The Committee on Commerce will require at least two weeks of the time of this body, and I do not see how we can get through our measures in less. I hope by general consent——

The VICE PRESIDENT. The Chair did not hear the motion to postpone. Until what time?

Mr. CHANDLER. Until Friday, the 20th of May, two weeks from to-day.

The VICE PRESIDENT. The Senator from Michigan moves to postpone the further consideration of this resolution until Friday, the 20th of May.

Mr. POMEROY. I have not taken and did not intend to take any part in this discussion. I only want to say now that when any committee of this body that has public measures in charge, the Committee on Appropriations or the Committee on Finance, shall have considered this question and reported it back saying that we can adjourn on the 4th of July or the 1st of July, I will vote to adjourn then. I think some committee who have the leading measures in charge, like the Committee on Appropriations or the Committee on Finance, should report on this resolution. I do not care anything about the measures which I have in charge particularly, but a measure of this kind as to when it is proper to adjourn should be considered by some committee and reported on. We have always done that.

Mr. EDMUNDS. Every Senator on this floor understands the general current of business just as well as any committee does. There is no use of disguising the truth in that way; but it has not happened once in five times since I have had the honor to be here that any such resolution has been referred.

Now, one word to my friend from Massachusetts, [Mr. SUMNER.] I can myself remember word for word his making that very speech almost every session, I may say certainly every long session, on questions of adjournment. He has given us notice in advance that we were leaping before we came to the stile, that we were moving in the dark, and that great measures remained to be considered; all of which he felt, no doubt. But the Senate nevertheless voted to adjourn, and then my friend found that his great measures were considered and everything went on with perfect smoothness. It will be so now, sir.

Mr. NYE. I deem it my duty to say to the honorable Senator from Vermont that there are two very important bills reported from the Committee on Territories that will require some time to consider. One is with regard to the Mormon question, and the other is the question of organizing a territorial government for the Indian territory; and then there is the question of organizing Alaska as a Territory. While my honorable friend from Vermont has so good a memory as to remember the speech of my friend from Massachusetts, five times at least I recollect hearing him repeat the same speech he has made to-day, [laughter;] the same thing precisely.

Now, I undertake to say that the Senator from Vermont does not know as well what is before other committees as what is before his own, how long it will take to consider them, or what length of time it has taken the committees to consider them, and with what doubt they have come to the conclusions they have. They are about to appeal to the Senate from their own opinion, to take the sense of the Senate in regard to the propriety of their action. The measures which I have suggested are measures that command and will receive the attention of this country through its legislative body, and if they do command that attention which I think the position of some of them requires it will require more than one

week or two of the debates of this body to settle the questions satisfactorily to ourselves, and to try to settle them satisfactorily to the country.

Now, Mr. President, it is almost eight weeks before the time at which it is proposed to adjourn this session. If a stranger were sitting in these galleries to-day, looking down on this hasty legislation, he would come to the conclusion that there was some vital interest at stake which demanded at the hands of the legislative body all this action immediately, or all was lost. I repudiate any such idea as that. The honorable Senator from Illinois [Mr. YATES] says if we cannot get ready by the time fixed we must pass a joint resolution to extend the time. Sir, sensible men had better see the end of their business before they attempt to fix limits and to say when Congress shall adjourn. I deny that the fixing of the 4th day of July now will hasten business one moment. I deny that any Senator here will, after we do it, say upon his own responsibility that he will fail to utter what he deems it proper to address to the Senate upon these important questions that are to be submitted here in view of the day that adjournment must take place.

Sir, it is trifling with the judgment of sensible men to pretend that such an effect will be produced at all. Who among this body of men is going to be choked off from saying what he desires and what he deems it his duty to say upon important questions that are here submitted because this 4th day of July stands in our view? And then, when that is reached, and we find ourselves unable to adjourn, there is to be another just such an exhibition as this on a resolution to postpone or extend the time. That involves two questions; first, a resolution to postpone, and then a resolution when we shall adjourn. This has taken three or four days; and if that will take twice as many days, one third of the time will be lost between this and then on that question. I submit, Mr. President, to this Senate, in its senatorial character, whether it is prepared now to set the bounds and say "Thus far and no further shall you go this session."

Now, sir, what is the necessity for this haste? The honorable Senator from Maine, [Mr. HAMLIN,] who is really the father of the Senate, moves to postpone the important bill in charge of his honorable colleague, upon which the bread and butter of the nation depend, and to make it give way to this all-important question of adjourning on a given day.

Mr. HAMLIN. Who is delaying action on it?

Mr. NYE. I am delaying action, not upon your motion. This is the first and only speech I propose to make on this subject. I feel, as the honorable Senator from Indiana feels, that if this thing is to be done, it is due to the world that it should be known who does it. From the gravity with which the honorable Senator from Maine put forward this motion strangers would have got the impression that one of the most important questions this body was ever called upon to decide was to displace an appropriation bill in order to fix a day of adjournment eight weeks in advance.

What will occur in that time nobody knows. What questions will arise no one can tell. Sir, I sat here for eight weeks this winter, and heard the Georgia question discussed during that whole time. That bill has gone to the other House, as the Senate well knows, and they are to send us back a new bill, upon which, without employing the classic language of my friend from Michigan, [Mr. CHANDLER,] all these speeches will have to be made over again, with such additions and addenda as time has suggested, and as the new features of that bill suggest. My friend from Michigan would call it "hash." I do not know what the features of the bill will be, but those speeches are as sure to come again as that bill comes.

Why, sir, here are nine or ten Democrats in this Chamber, who fight every inch of that ground, and they would not be true to their convictions, probably—at least they would not be true to their actions heretofore, if they did not fight it; and they can use up the whole of these eight weeks in speeches upon it. The world has got evidence of their power to speak and of their power of endurance; and yet my honorable friend from Maine and my honorable friend from Vermont, who is always in favor of taking the first proposition to adjourn, think it is better to give them the time. Why, sir, I can see eight or nine two or three day speeches upon the unconstitutionality of the whole question of reconstruction, and we have got to have it all over again from A to Z.

Mr. SAULSBURY. I wish to suggest to my friend from Nevada that whatever tho capacity of the Democratic members to talk may be, I believe they have not exhibited much disposition to discuss this question; and if the honorable Senator will only do as the Democrats do on this occasion we shall have a vote on it in a very short time.

Mr. NYE. My friend from Delaware, when he talks so low that he cannot be heard, always says something interesting; but I could not hear him. [Laughter.] But I know his power to speak, and his disposition to speak on that question.

Mr. SAULSBURY. I will repeat my remarks in a louder tone for the benefit of my deaf friend. [Laughter.] My remark was this: that whatever might be the capacity of the Democratic members of this body to talk, they have not manifested much disposition to talk upon this question for the purpose of delaying its consideration; and if my honorable friend will only do as we are doing on this occasion we can have a vote in a very few minutes.

Mr. NYE. I understand that perfectly well. They do not propose to discuss this question, for they want the resolution adopted, and then they will occupy most of the intervening time in the discussion of the Georgia question and similar matters. That was what I was warning the Senate against. I understand that perfectly well.

Now, Mr. President, I desire to say only one thing further. I do not think the immediate consideration of this question is of importance enough to displace the ordinary business of the body. I shall therefore most cheerfully vote to postpone its consideration, in accordance with the suggestion of the Senator from Michigan, and it seems to me that no one here should oppose that suggestion. I am willing that this resolution shall go even to the Committee on the Judiciary, [laughter,] to consider and report at the end of that time whether we are in a position to adjourn, or to the Committee on the District of Columbia, or the Committee on Foreign Relations or Domestic Relations—any committee that understands the business that is to be done, and I will take their report.

Mr. CRAGIN. My friend from Nevada, who is chairman of the Committee on Territories, has alluded to a subject to which I have given very much consideration during the past two years, the question in relation to affairs in the Territory of Utah. Although I have no hope of changing the judgment of the majority of this body in relation to the question of adjournment, I desire to say to the Senate that if the time shall be fixed to adjourn on the 4th of July I shall have no hope whatever of reaching the bill to which the Senator from Nevada referred, the bill to enforce the laws in the Territory of Utah. If I supposed that every member of the Senate fully understood the condition of affairs in that Territory I would not occupy their time for a moment upon the question; but to my mind the condition in affairs in that Territory is most disgraceful to this country. The Federal officers there are perfectly powerless; the courts are powerless. Men are murdered almost daily, and jurors under the dictation of Brigham Young and the leaders of that theocracy refuse to indict and to convict. In my judgment this subject is one of magnitude. The Republican party in 1856 made it a part of its platform, and declared that it was not only the right but the duty of Congress to prohibit slavery and polygamy in the Territories of this country. Slavery has been not only prohibited in the Territories, but has been abolished in all the States; but the other "twin relic of barbarism" exists, and to-day defies and insults the Government of the United States. I had hoped that we should be able to reach that bill and consider it during this session, but my hopes will be very faint if we agree to adjourn on the 4th of July.

Mr. MORRILL, of Vermont. Yesterday we wasted a considerable share of the first part of the session in discussing what we were to do, and then we wasted an hour at the close of the session as to what we were to do. To-day one half of the session is already gone, and we have not yet commenced the regular business assigned for to-day. Now, while I am very much opposed to the adoption of the resolution of the House at the present moment, believing it would be better to wait a week or two and see what is the progress of business before it shall be adopted, yet it being apparent that a large majority of the Senate are in favor of acting upon the resolution, I hope Senators will not further consume time in trying to avoid meeting the question.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan, to postpone the further consideration of this resolution until the 20th of May at one o'clock.

Mr. CHANDLER. That is two weeks from to-day.

The question being put, there were on a division—ayes 26, noes 20.

Mr. EDMUNDS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 26, nays 25; as follows:

YEAS—Messrs. Buckingham, Chandler, Cole, Cragin, Harlan, Howard, Kellogg, Lewis, McDonald, Morrill of Maine, Morrill of Vermont, Morton, Nye, Pomeroy, Ramsey, Sawyer, Schurz, Sherman, Spencer, Sprague, Stewart, Sumner, Thayer, Trumbull, Wilson, and Yates—26.

NAYS—Messrs. Ames, Anthony, Boreman, Cameron, Carpenter, Conkling, Corbett, Edmunds, Fenton, Ferry, Fowler, Hamilton of Maryland, Hamlin, Harris, Howell, Johnston, McCreery, Robertson, Saulsbury, Scott, Stockton, Tipton, Vickers, Willey, and Williams—25.

ABSENT—Messrs. Abbott, Bayard, Brownlow, Casserly, Cattell, Davis, Drake, Flanagan, Gilbert, Hamilton of Texas, Howe, Norton, Osborn, Patterson, Pool, Pratt, Revels, Rice, Ross, Thurman, and Warner—21.

The VICE PRESIDENT. The resolution is postponed until Friday, the 20th of May. The Chair inadvertently added "at one o'clock;" but as this resolution will go on the Calendar of resolutions, it may be reached before one o'clock, at the conclusion of the morning business of that day. It is postponed until Friday, the 20th of May, without any hour being fixed, and will be reached when the Calendar of resolutions shall be reached on that day. The Senate now resumes the consideration of the bill making appropriations for the legislative, executive, and judicial expenses of the Government.

REDUCTION OF TAXES.

Mr. MORRILL, of Vermont. I wish to state that as I shall be compelled to be absent for some time after Tuesday next, I shall be compelled to ask the indulgence of the Senate on Monday morning for a time sufficient to make some remarks in relation to the bill (S. No. 890) reported by the Committee on Finance yesterday to reduce taxation, and on the tariff.

The VICE PRESIDENT. The Senator from Vermont gives notice to the Senate that he will ask the Senate on Monday next to be permitted to make some remarks on the bill reported by the Committee on Finance yesterday.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. HORACE PORTER, his Secretary, announced that the President had this day

approved and signed the following bill and joint resolution:

A bill (S. No. 744) to authorize the Burlington and Missouri River Railroad Company, or its assigns, to change the established line of said road in the State of Nebraska; and

A joint resolution (S. R. No. 165) extending the time for the completion of the first section of twenty miles of the Cairo and Fulton railroad.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CORBETT, it was

Ordered, That the papers in the case of J. and C. M. Daily, relating to a claim against the Sisseton and Wahpeton Indians, be taken from the files of the Senate and referred to the Committee on Indian Affairs.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871.

The VICE PRESIDENT. The amendments reported by the Committee on Appropriations will be acted upon as the reading of the bill progresses, unless otherwise ordered by the Senate, after which the bill will be open to amendment by any Senator.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was in line eleven, to reduce the appropriation "for compensation and mileage of Senators" from $425,000 to $420,000.

The amendment was agreed to.

The next amendment was in the clause appropriating "for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate," to insert after "principal clerk," in line seventeen, "financial clerk;" and in line twenty to strike out "eight" and insert "seven;" so as to read "seven clerks in office of the Secretary of the Senate."

The amendment was agreed to.

The next amendment was in the same clause to strike out in line thirty-seven "$1,800" and insert "$2,160" as the compensation of the superintendent of the folding-room.

The amendment was agreed to.

Mr. SHERMAN. I desire to offer an amendment to an amendment which has been just acted upon. I wish to make the same increase in the salary of the clerk of the stationery room, I think he is called.

The VICE PRESIDENT. The keeper of the stationery.

Mr. SHERMAN. Yes, sir. I should like him to have the same increase. I submit the matter to the Senator from Maine. I wish to amend the amendment by adding that officer, so that he shall receive the same additional increase of salary.

Mr. MORRILL, of Maine. If the Senator pleases, I should like first to have the amendments proposed by the committee considered.

Mr. SHERMAN. I was going to offer an amendment to one of the committee's amendments, but if the chairman prefers that it should be offered hereafter I will not press it now.

Mr. MORRILL, of Maine. The Senator will oblige me by allowing the amendments of the committee to be first acted upon.

Mr. SHERMAN. Very well; I will offer the amendment at another stage.

The next amendment was in the same clause after "dollars," in line fifty-one, to insert "one laborer in charge of private passage, $864; one laborer in stationery room, $864; one special policeman, $1,000."

The amendment was agreed to.

The next amendment was, in the same clause after the word "dollars," in line fifty-five, to insert "chief engineer, $1,800; two assistant engineers at $1,440 each; two firemen at $1,095 each; three laborers at $730 each."

Mr. POMEROY. I remarked to the Senate the other day that I had noticed that the ventilation of the Senate Chamber had been very much improved; that I did not know who had improved it, but I knew by remaining here all winter that we never had this Chamber in anything like as good condition as it has been this year, so far as purity of air, moistness of the atmosphere, and ventilation are concerned. Since I made those remarks I have had my attention drawn to the man who did it and to the means he used; and I find that it has been done by this officer, the chief engineer. He did the most of it, and contrived it without incurring any expense particularly on the Government. He borrowed something, to be sure, from the Navy Department, and he has put in the apparatus.

Now, the committee have recommended to make the salary of the superintendent of the folding-room $2,160. That may be all right; but if that officer should have that salary, why should not the chief engineer, who has done all this work and who has superintended it and contrived it, and at such little cost to the Government, have as much? We appropriated $3,000 the other day to make an experiment in ventilation; and yet this whole improvement has been done for less than that, and without any experiment, by this officer. I suggest to the Senator who has charge of this bill, if he does not want it amended at this stage, that I shall move hereafter, and I trust with his concurrence and assent, that this chief engineer have the same compensation as the superintendent of the folding-room, which is $2,160. I should like to have that amendment concurred in now by unanimous consent, because what I allude to is apparent to every Senator who has been here any length of time. I think the Senator from Maine will not object to it.

Mr. MORRILL, of Maine. What is the proposition?

Mr. POMEROY. The amendment which I want to move is, that the chief engineer shall have the same salary as the superintendent of the folding-room, $2,160.

Mr. MORRILL, of Maine. The Senator will understand that that is not within the rule. It is not in order now.

Mr. POMEROY. I know all about the rule; but I said there was such a manifest improvement here in the ventilation that I believed the Senate would unanimously agree to this amendment.

The VICE PRESIDENT. The Chair will state that the amendment on which the Senate are acting is an amendment reported by the Committee on Appropriations, and it is subject to further amendment.

Mr. MORRILL, of Maine. The Senator from Kansas now moves to amend that amendment by increasing the appropriation.

Mr. POMEROY. I have a right to do so under the rule.

The VICE PRESIDENT. Under the rule the Senator has that right, for the reason that the amount as proposed by the committee, if agreed to and placed in the bill, is fixed, and it cannot be changed except by unanimous consent.

Mr. POMEROY. There is no difficulty about the rule. The only difficulty is in getting a vote upon the amendment.

The VICE PRESIDENT. All the amendments of the Committee on Appropriations are amendable under the rule; but under the usage of the Senate the amendments of the committee are first to be disposed of before new propositions can be offered by other Senators.

Mr. MORRILL, of Maine. Do I understand that the amendments of the Committee on Appropriations may be amended on motion so as to increase the appropriation?

The VICE PRESIDENT. Unquestionably.

Mr. POMEROY. If it is not a new amendment it can be.

The VICE PRESIDENT. This is a new amendment reported by the committee, and the Senate has the power to reduce the amount named in the amendment or to increase it.

Mr. POMEROY. I trust the Senator does not suppose that we have not the power to increase or diminish the amount named in his amendments to the bill. That is always within our rule.

Mr. CRAGIN. You cannot increase it.

Mr. POMEROY. You cannot move a new amendment increasing an appropriation, but you can amend an amendment of the committee, either increasing or diminishing the amount.

Mr. HAMLIN. I desire to add a word or two in corroboration of what the Senator from Kansas has said. I think there ought to be some additional compensation for whoever ventilates this Hall. There is an awful wind around here sometimes. [Laughter.] I do not know where the current comes from, but I know precisely where it hits me. I do not know the rules by which it is directed, but I know that it always strikes me directly in the back of my head, [laughter,] and it literally drove me from my seat yesterday to my room with a sick headache. If that kind of ventilation does not require additional compensation, then I confess "raising the wind" does not require additional pay. [Laughter.] Sir, it is a humbug from beginning to end. The ventilation may be a little better; but humbug requires to be paid for as well as anything else.

Mr. POMEROY. The Senator from Maine is so unfortunate as to sit in the draft when the door behind him is thrown open.

Mr. HAMLIN. No, sir; I cannot tell where it comes from.

Mr. POMEROY. I can.

Mr. HAMLIN. But it comes when the door is as close as a door can be; and I think my friend from Massachusetts [Mr. WILSON] will corroborate my statement. Whither it cometh and where it goeth no man knows. It is like the flowing of the wind. I have not quoted the scripture exactly; but that is the idea. I think this compensation ought to be increased evidently.

Mr. POMEROY. There is no mystery about this; there is no guessing about where wind comes from in this body. [Laughter.] If the Senator will examine the drawings and the structure of this Chamber he will see that the present system of ventilation is according to the most approved rules and plans.

Mr. HAMLIN. It hits me to a *t*. [Laughter.]

Mr. POMEROY. The Senator may sit near a door; but that has nothing to do with the ventilation of the room. I can place myself in a draft from any of these doors for the time being and feel very uncomfortable; but that is not this question at all. Senators who have been here from six to ten or twelve years know that there has been a great change in the atmosphere of this room. It is now moist and comfortable. In other years we have sat here for months when it has been dry and detestable, so that Senators in perfect health, like myself, who never complain of any sickness, have been made to suffer from the bad atmosphere here. If the Senator has got too much wind I am glad of it. It is much more healthy to have too much than not to have enough. The only inconvenience which the Senator and myself have experienced in that direction is being in the draft of the door of the cloak-room and Senators being in there smoking. That has been the only trouble.

The VICE PRESIDENT. Does the Senator make the motion to amend, or reserve it until after the amendments of the committee shall have been concluded?

Mr. POMEROY. I would rather make it now.

Mr. MORRILL, of Maine. I should very much prefer it if Senators would allow the committee to go through with their amendments, and then they can offer such amendments as they choose.

Mr. POMEROY. Does the Senator object

to my amendment? I thought it would be accepted unanimously.

Mr. MORRILL, of Maine. If Senators feel at liberty to amend this bill by changing the service and the compensation for the service here they enter at once upon a very large subject, because while the Senator from Kansas may favor this particular amendment, he will find other Senators who will want to provide for other officers in the service.

Mr. POMEROY. If it comes to that I shall have to ask why the salaries of certain other employés have been raised. The committee have done that, and I do not object to it.

Mr. MORRILL, of Maine. In what instance?

Mr. POMEROY. One I see before me, the salary of the superintendent of the folding-room.

Mr. MORRILL, of Maine. That is not raised.

Mr. POMEROY. The House of Representatives fixed that at $1,800, the same as the salary of the chief engineer, and the committee report in favor of fixing it at $2,160—for very good reasons, I have no doubt, and I do not stop to inquire what they are.

Mr. MORRILL, of Maine. The Senate committee has in no single instance that I am aware of changed the salary of any officer of the Government.

Mr. POMEROY. You have amended this bill in that regard.

Mr. MORRILL, of Maine. We adhere strictly to the principle of appropriating for the demands of the Government as fixed by law. After that has been done, and the bill has been gone through with, if Senators desire to change the service, of course they can move to do so. I suggest that as the most convenient and expeditious way of disposing of the bill.

Mr. POMEROY. I do not like to do anything against the wishes of the chairman of the committee, and therefore, as the Senator from Ohio withdrew his amendment, I will withdraw mine, and give notice that I shall renew it at the proper time.

Mr. COLE. The Senator will have to move to pass over the pending amendment, because we are now acting upon the subject-matter.

Mr. POMEROY. But it is subject to be amended hereafter.

Mr. MORRILL, of Maine. It can be moved at another time.

The VICE PRESIDENT. The amendment can either be moved in the Senate, or else the Senator from Kansas can reserve his right to move to amend this clause.

Mr. POMEROY. When we come from Committee of the Whole to the Senate we can concur in this amendment, with an amendment. I know where to move it.

The VICE PRESIDENT. If there be no objection the right of the Senator from Kansas to move to amend this clause will be reserved.

Mr. POMEROY. I reserve that right.

Mr. SHERMAN. I give notice, so that there may be no controversy hereafter, that I shall move to raise the pay of the superintendent of the document-room from $1,800 up to the pay that is allowed the superintendent of the folding-room. These two officers have always gone together, and they ought not to be separated in their salaries.

The VICE PRESIDENT. That part of the bill has not been changed by amendment. It will be open to amendment without unanimous consent. The amendment now pending in the fifty-fifth line will be regarded as agreed to, if there be no objection.

Mr. TRUMBULL. This mode of increasing the pay of these officers strikes me as very objectionable indeed. It is not understood at all. You do it in an appropriation bill. It seems to me there ought to be a provision for their regular payment. The appropriation bill comes in, and some one makes a motion to increase the pay of a certain officer. That proposition is not discussed. Does that fix the salary for subsequent years? Does the Senator from Ohio mean that? I suppose he does.

Mr. SHERMAN. I will state to the Senator that, with regard to this particular class of officers, that is held to be sufficient. This is not an appropriation of $1,800 for a particular officer, but it is a large appropriation for the contingent expenses of the Senate, or to officers of the Senate; and although I think it may, in strictness, require an affirmative law to raise a salary, yet I know the accounting officers have always allowed these salaries to be raised in this way—by simple act of Congress in the appropriation bills.

Mr. TRUMBULL. Does that make it a permanent raising of the salary? I am not objecting to raising this salary. I do not know but that it ought to be raised. I am not advised about it.

Mr. SHERMAN. It will have that effect. It would not in an ordinary case where the salary was fixed by law. Then it would require a specific law to raise the salary, and a mere appropriation of an increased sum would not be sufficient. The accounting officers would refuse to pass the account; but they have held in regard to the officers of the House and the officers of the Senate that an increase of the appropriation amounts to an increase of salary.

Mr. TRUMBULL. Does the Senator think it advisable to single out a single clerk in this way and raise his salary without any investigation?

Mr. SHERMAN. I express no opinion in favor of that; but I say that if the salary of a certain officer is raised by the action of the Senate, that is, the superintendent of the folding-room, the superintendent of the document-room, who has been an officer here for twenty years in charge of his department, and who is a very valuable officer known to us all, certainly ought to be kept at least on a footing with the superintendent of the folding-room. That is rather a mechanical employment than otherwise, while the superintendent of the document-room, Mr. Titcomb, is an old officer of the Senate, who has been here much longer than I have been, and who is invaluable as an index to public documents.

Mr. TRUMBULL. I think very highly of the officer named by the Senator from Ohio, and have no objection to his salary being raised, if it ought to be raised; but the principle upon which it is proposed to be done strikes me as very objectionable. The Senator from Ohio puts it upon the ground that the salary of some other officer is raised, the superintendent of the folding-room, I believe.

Mr. SHERMAN. Yes, sir.

Mr. TRUMBULL. On that ground he proposes to raise the salary also of the superintendent of the document-room. That is the way we always get up these salaries. A salary is proposed to be raised for some particular officer, and then the suggestion is made that he is no more deserving than another one, and that other one should be put on the same footing. In that way we have raised the salaries of favorite officers. I think it a very objectionable way of doing it. I am not going to resist this motion of the Senator from Ohio.

Mr. SHERMAN. I have made no motion.

Mr. TRUMBULL. I think well of the officer to whom he refers.

The VICE PRESIDENT. The Senator from Ohio has made no motion to amend. He has only given notice of his intention to offer an amendment.

Mr. SHERMAN. The Senator, to carry out his purpose, ought to resist the amendment of the Committee on Appropriations.

Mr. TRUMBULL. I think it is objectionable on their part to increase the salary of a single individual in that way.

Mr. POMEROY. The Senator from Maine says he has not done it. I called his attention to that point, and he says he has not raised the salary of the superintendent of the folding-room.

The VICE PRESIDENT. The Senator from Ohio did not offer an amendment. He simply gave notice of his intention to offer one. The Secretary will report the next amendment of the Committee on Appropriations.

The next amendment was in the same clause, lines fifty-nine and sixty, to increase the total appropriation for salaries of officers and persons in the service of the Senate from $99,380 to $111,800.

The amendment was agreed to.

The next amendment was in the appropriations for contingent expenses of the Senate, to strike out "and" in line sixty-five and insert "$9,250;" and in lines sixty-six and sixty-seven to strike out "$17,250" and insert "$8,000;" so as to make the clause from lines sixty-three to sixty-seven read:

For stationery and newspapers for seventy-four Senators, at the rate of $125 each per annum, $9,250; for stationery for committees and offices, $8,000.

Mr. SUMNER. I do not precisely understand that.

Mr. MORRILL, of Maine. That simply makes a division, so that in keeping the accounts they will be kept distinct.

Mr. SUMNER. Then there should be a stop after the word "dollars" in the sixty-fifth line.

Mr. MORRILL, of Maine. The Clerk will take care of that.

Mr. MORTON. A comma.

Mr. SUMNER. A semicolon.

The VICE PRESIDENT. There should be a semicolon.

Mr. SUMNER. That is what confused me.

The VICE PRESIDENT. The Secretary will insert that in connection with the amendment in that line.

The amendment was agreed to.

The next amendment was in line sixty-eight, to strike out "$20,000;" in line sixty-nine, to strike out "for" before "fourteen;" in line seventy, to strike out "$5,000;" in line seventy-one, to strike out "for" before "horses" and insert "and;" and in line seventy-one, to strike out "$5,000" and insert "$30,000;" so as to make the clause from line sixty-eight to line seventy-two read:

For clerks to committees; fourteen pages, at the rate of $2 50 per day while actually employed, and horses and carryalls, $30,000.

The amendment was agreed to.

The next amendment was, after "apparatus," in line seventy-three, to strike out the words "plumbing and gas-fitting, and for expenses of ventilation," and to reduce the appropriation in line seventy-four from $15,000 to $6,000; so as to make the clause from line seventy-three to line seventy-five read, "for fuel for the heating apparatus, $6,000."

The amendment was agreed to.

The next amendment was to strike out line seventy-six, in these words: "for new furniture, $5,000."

Mr. SUMNER. Is not that needed? I should like to have some explanation on that point.

Mr. MORRILL, of Maine. The Senator will see that it is included in the next amendment. The object is merely to simplify these items.

The amendment was agreed to.

The next amendment was in line seventy-seven, to insert before "repairs" the words "furniture and;" and to increase the appropriation in that line from $5,000 to $10,000; so as to read: "for furniture and repairs of furniture, $10,000."

The amendment was agreed to.

The next amendment was, in the appropriations for contingent expenses of the Senate, in line eighty-three, to increase the appropriation

"for miscellaneous items, exclusive of labor," from $10,000 to $20,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the Capitol police, to strike out "twenty" before "privates" in line ninety-two, and insert "thirty;" to increase the appropriation, in line ninety-three, from $21,600 to $32,400; and to increase the appropriation, in line ninety-six, from $32,100 to $42,900; so as to make the clause from line eighty-nine to line one hundred read:

Capital police:

For one captain, $1,800; one lieutenant, $1,500; thirty privates, at $1,080 each, $32,400; and eight watchmen, at $900 each, $7,200; making in all $42,900, one half to be paid into the contingent fund of the House of Representatives, and the other half to be paid into the contingent fund of the Senate: *Provided*, That no disabled soldier shall be discharged by reason of this act.

Mr. HAMLIN. I should like to know what is the necessity for increasing the Capitol police. We have got plenty here now, in fact ten more than are necessary. I have some knowledge of this police. The Presiding Officer of this body had at one time the control of it, and I know there were more policemen than were wanted. I know that twenty are not required; but here the committee have increased that number by ten, and carried the twenty up to thirty. I state what I know when I say we do not want twenty policemen around this building. This amendment is utterly unnecessary. I want to know why the committee have increased the force fifty per cent. It is because somebody wants a place. That is the whole argument, and there is not anything else in it.

Mr. MORRILL, of Maine. I will say to my colleague that the committee were not influenced by that consideration. The committee have no knowledge of any parties that want places. That was not the object; that was not any consideration with the committee. The fact is that the law provides for thirty policemen, and the committee have followed the law and provided for precisely as many as the law fixes, no more. The Committee on Appropriations have not assumed the duty, if it is their duty, in any sense whatever, to say what the service ought to be.

Some four years ago this subject of the Capitol police was reported upon by the Committee on the District of Columbia, and they were established at thirty privates, I think, and two lieutenants and one captain. Now the House sent this bill to us providing for twenty privates. To concur with the House was to ask the Committee on Appropriations to consider the question of the necessity of a less number of policemen than were really established by law, and the committee simply did not understand that to be its duty. It may turn out that my colleague is entirely correct—on that point I give no opinion—that twenty men are enough. The action of the other House may perhaps fairly furnish that presumption; but at the same time the Senate committee, refusing to take into consideration either the number in the service or the compensation for the officers, contented itself by looking at the statute, and finding precisely what the statute required, they so provided. If you say that twenty are enough, then non-concur with the House; but, at the same time, my colleague will see that there should be an amendment to the statute, for there stands the statute establishing this police, not a clause in an appropriation bill, but a statute standing by itself, providing for thirty privates of this police. If my colleague, being chairman of the committee that has sometimes had the care of the building here—I am sure the act originally came from the Committee on the District of Columbia—is of opinion that twenty are enough, then I would suggest to him that he offer an amendment to repeal so much of the act.

Mr. HAMLIN. I was not aware of the act to which my colleague refers, but I think it was passed during the war when it was believed a larger number were necessary than at the present time.

Mr. MORRILL, of Maine. I think that is true.

Mr. HAMLIN. It was when a great many people were around this Capitol, thousands of them, and there was perhaps a necessity for a larger number of policemen. I only say that my knowledge of the matter leads me to believe very clearly that no twenty men are wanted, nor anything like that number; but if the law is as my colleague says, perhaps we are obliged to make the appropriation for the whole number. If so, you will have the whole number appointed. That will be all there is of it.

Mr. MORRILL, of Maine. They are all in office now.

Mr. HAMLIN. All I can say, then, is that the Senate can do as it pleases. You have twice as many as you want. I think these are times when useless expenditures should not be incurred.

Mr. FOWLER. I do not know how many are needed; but I know that the appropriation bill for 1868 and also for 1869 provides for thirty privates, as this amendment does.

The PRESIDING OFFICER, (Mr. SHERMAN in the chair.) The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. MORRILL, of Maine. I wish to say now that if my colleague desires to repeal that law he can draw up a section for that purpose.

Mr. HAMLIN. I will see to it before this bill gets into the Senate.

Mr. MORRILL, of Maine. I move to strike out the proviso to that clause, "provided, that no disabled soldier shall be discharged by reason of this act." As we have not reduced the force the proviso may be stricken out. I make that motion.

The motion was agreed to.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in line one hundred and four, to reduce the appropriation "for compensation and mileage of members of the House of Representatives and delegates from Territories" from $1,500,000 to $1,325,000.

The amendment was agreed to.

The next amendment was in the items appropriating for contingent expenses of the House of Representatives, in line one hundred and sixty-three, after "fuel," to strike out "and lights, including plumbing, gas-fitting, repairs, and materials;" and to reduce the appropriation in line one hundred and sixty-four from $15,000 to $7,000; so as to make the item read, "For fuel, $7,000."

The amendment was agreed to.

The next amendment was in the appropriations for the public printing, in line two hundred and five, before the word "letter," to insert "envelopes;" and after "copperplate," in line two hundred and seven, to insert "or by lithographing;" so as to make the proviso from line two hundred and five to line two hundred and seven read:

Provided, That hereafter no envelopes, letter, or note sheets for the use of Congress or any Department or officer shall be printed from steel or copperplate, or by lithographing.

The amendment was agreed to.

The next amendment was to strike out the following proviso from lines two hundred and thirty-four to two hundred and thirty-nine, under the head "Library of Congress:"

Provided, That all the appropriations herein made for the support and increase of the Library of Congress are made on the condition that the Library shall be kept open from seven o'clock p. m. to ten o'clock p. m. every secular day in addition to the hours it is now required to be kept open.

Mr. SUMNER. I should like to know of my friend the chairman why the committee recommend to strike out that proviso?

Mr. MORRILL, of Maine. The first answer is that it is not for the Committee on Appropriations to know whether that is a proper thing to do or not; and second, the Committee on the Library were consulted on the subject, and did not think it expedient to do it. In the third place, a proposition like this, saying that the Library shall be kept open, without making an appropriation to keep it open, would not accomplish the purpose. The House, therefore, have not done enough to accomplish what they designed. It will require a pretty large appropriation to enable the Library to be kept open at night.

Mr. SUMNER. Why a large appropriation?

Mr. MORRILL, of Maine. In the way of chandeliers and gas. There is no gas there.

Mr. SUMNER. It would require a new set of fixtures?

Mr. MORRILL, of Maine. It would require pretty large appropriations in the way of gas-fixtures and the introduction of gas, besides of course the increase of the force. The Committee on the Library had it under consideration, and did not feel that it was expedient on the whole to keep it open. This Congressional Library is accessible to the people during all hours of the day, and we were inclined to think that on the whole it would not be so great a thing to light up the building and keep it open for such persons as at night may seek access to it from this city.

The amendment was agreed to.

The next amendment was in line two hundred and eighty-two, after the word "Congress" to insert "and other steam-heating apparatus in the central building;" so as to make the clause from line two hundred and eighty-one to line two hundred and eighty-four read:

For compensation of the person in charge of the heating apparatus of the Library of Congress and other steam-heating apparatus in the central building, $864.

The amendment was agreed to.

The next amendment was in the items making appropriations for the Court of Claims, to increase from $3,000 to $3,500, in line two hundred and ninety-eight, the appropriation "for compensation of attorneys to attend to taking testimony, witnesses, and commissioners."

The amendment was agreed to.

The next amendment was to strike out the following proviso, from line three hundred and seven to line three hundred and twelve:

Provided, That no judgment of said court for any sum exceeding $5,000 shall be paid until the same shall be specifically appropriated by Congress. But this proviso shall not affect the right of any party to appeal from a judgment rendered by the Court of Claims to the Supreme Court of the United States.

The amendment was agreed to.

The next amendment was to insert after line three hundred and seventeen, among the executive appropriations, "for compensation of secretary to sign patents for public lands, $1,500."

The amendment was agreed to.

The next amendment was after "messenger," in line three hundred and twenty-three, to insert "at $1,100," and to increase the appropriation in lines three hundred and twenty-four and three hundred and twenty-five from $13,800 to $14,060; so as to make the clause from line three hundred and twenty to line three hundred and twenty-five read:

For compensation to the Private Secretary, assistant secretary, (who shall be a short-hand writer,) two executive clerks at $2,300 each; steward, and messenger, at $1,100, of the President of the United States, $14,060.

Mr. MORRILL, of Maine. I ask that that amendment be disagreed to.

The amendment was rejected.

Mr. HAMLIN. I wish to ask my colleague, where is the appropriation for the Private Secretary of the Vice President?

The PRESIDING OFFICER, (Mr. SHERMAN in the chair.) That is in the first part of the bill, under the head of "Senate."

Mr. MORRILL, of Maine. It is in line forty-two, page 3.

Mr. POMEROY. I desire to move an

amendment at the proper time, when it is in order, to increase the compensation of the assistant doorkeeper of the Senate. I see that we have increased the compensation of several subordinate officers over his, which is, to say the least of it, ridiculous. The long and faithful services of a man who has grown gray in the service, who has been here since he has been a boy, cannot be passed over in silence.

The PRESIDING OFFICER. It is the duty of the Chair to remind the Senator that an amendment to that part of the bill cannot be made now.

Mr. POMEROY. I only ask the privilege of saying a few words. I know it is not in order now to move such an amendment; but I shall contrive, some time before this or some of the appropriation bills are finished, to do at least reasonable justice to a man who has been so long and so faithfully in the service of this body.

The PRESIDING OFFICER. The reading of the bill will proceed.

The next amendment was, in the appropriations for the Department of State, after "chief clerk," in line three hundred and thirty, to insert "$2,200;" after "three," in line three hundred and thirty-three, to insert "one examiner of claims, $2,500;" after "messenger," in line three hundred and thirty five, to insert "$840;" and after "assistant messenger," in line three hundred and thirty-six, to insert "$720."

Mr. SUMNER. I should like to ask the chairman whether in this section is included the list of additional clerks that was provided for in a bill that passed the Senate some six weeks or so ago?

Mr. MORRILL, of Maine. What is that?

Mr. SUMNER. There is a bill which passed the Senate providing for the appointment of an examiner of claims and also several additional clerks.

Mr. MORRILL, of Maine. They are all here.

Mr. SUMNER. All that were provided for in that bill?

Mr. MORRILL, of Maine. So I understand.

The amendment was agreed to.

The next amendment was, after "form," in line three hundred and forty-one, to strike out "and in newspapers of the States and Territories and in the city of Washington," and to insert, "provided, that all acts and parts of acts which provide for the annual publication of the laws of the United States and treaties with foreign Powers be, and the same are hereby, repealed;" so as to make the clause read:

For publishing the laws in pamphlet form: *Provided*, That all acts and parts of acts which provide for the annual publication of the laws of the United States and treaties with foreign Powers be, and the same are hereby, repealed, $50,000.

Mr. SUMNER. I wish to know the operation of that clause.

Mr. MORRILL, of Maine. Before that is acted on I move to strike out "$50,000" and insert "$10,000" before the proviso, so as to read; "For publishing the laws in pamphlet form, $10,000;" and then let the proviso follow.

Mr. SUMNER. Before that is acted on, I should like an explanation of this whole proposition. Do I understand that it does away with the publication of the laws in the edition which is so well known to us of Little & Brown?

Mr. MORRILL, of Maine. No, sir, it provides for that; but it does away with the publication of the laws in the newspapers. That is the recommendation of the State Department. The law, as it now stands, provides for the publication of the laws in two papers in each of the States and Territories. The experience of the State Department, (and it is the general experience, so far as my observation goes, to a very great extent,) is that that publication is useless; and it must be so in the nature of the case. These laws and treaties are now published in two newspapers in each of the States and Territories. The laws of course are not publications for general readers. Rarely or never do they attract any notice. So far as giving any special publicity to the laws in that way is concerned, they are of no value. It is done at an expense of about eighty thousand dollars a year, and the State Department thought it might be dispensed with without any detriment to the public service. I hope it will be the pleasure of the Senate to adopt the amendment, and at any rate try the experiment.

Mr. WILLIAMS. I am opposed to the amendment that the chairman of the committee advocates, on the ground that I think the publication of the laws in the newspapers is a necessity. I do not care to have the treaties published; I think they are of very little consequence; but when the laws are enacted it takes a long time to have them all published in pamphlet form, and they go into operation, and the people are ignorant of them unless they are published in the newspapers of the country. It is so particularly on the Pacific coast and in the distant parts of the country. I know that when these laws are published in the newspapers in the State of Oregon great pains are taken to cut them out of the newspapers. Lawyers are very anxious to cut them out and paste them into a book, so that they can know what laws have been enacted. I do not know how long time occurs, but several months, I think, transpire after the laws are enacted and after Congress adjourns, before we receive any pamphlet laws in Oregon. I suppose that is true of other remote parts of the country, if not of all parts of the country.

I think the Government can very well afford the expense of publishing these laws in two newspapers in each State for the information of the people, and I think it will be money well expended, and great harm will come to the country if some means of this kind are not adopted for the publication of the laws.

Upon the Pacific coast and in other remote parts of the country great injury results from ignorance of the laws. They go into operation; they are not known, and men act unadvisedly. We have passed a bill at this session illustrative of that. A law was passed two years ago providing that certain agricultural scrip should not be located after the passage of the law, except three sections in a township. That law was not known in California for thirty days, and people acted in ignorance of the law and located their land scrip in accordance with the old rule. The consequence was that we had to pass a special act for the benefit of those people. That simply illustrates the necessity of making the people everywhere acquainted with the laws as soon as practicable. I hope the amendment will not be adopted.

Mr. POMEROY. I heard this matter discussed at considerable length by the chairman of the Committee on Printing some time since, and this very proposition was recommended by him; but he failed to convince me that it was best. The people of this country are held responsible for a knowledge of the law when it comes to a question of crime or disobedience, whether they have seen the law or not; and unless there are some means provided by which they can have reasonable access to the statutes without buying the volumes it seems most unreasonable to hold them to any accountability and responsibility.

I remember being in a court not long since, and I heard the judge charge the jurors in a given case that had been tried, where the party insisted upon it that he did not know a certain provision was the law, that the law was published in the newspaper in the man's town where he lived; and he thought that was the most conclusive argument that he ought to have known the law. But suppose it had not been published; suppose the law was locked up in a volume, and lawyers had it, the Senator from Oregon had a copy, and all the Senators had a copy—they are only a handful; that is, only one in a thousand of the people; and yet every individual in the community has to obey the law, is responsible for his conduct under the law, and ought to know the law.

We pay very little; we do not pay enough to make it any object for a newspaper to have the contract. We have to ask almost every newspaper in the country, and to tease the editors, to get them to publish these laws, unless it be some country paper that has very little advertising. The city press that have large advertisements never want to publish the laws. Therefore it is no speculation and I think it is a convenience. I know the Senator from Rhode Island argued at considerable length the other morning that we should abandon publishing the laws in the newspapers. I fail to see the reason for that. The Committee on Appropriations, I see, have followed his suggestion; but I believe myself we had better publish the laws in this way.

Mr. MORTON. Mr. President, I am opposed to the adoption of this amendment. As the Senator from Kansas has observed, we require the people to take notice of the passage of our laws; but they have no means of knowing anything about them ordinarily, except through the publications in the newspapers. It was said of an ancient tyrant that he caused the laws to be inscribed on tablets placed so high that they could not be read ordinarily by the people, and then held them responsible for their violation. To pass laws which are not published and hold the people responsible for the violation of them is very much like that illustration in history. The laws published in pamphlet form are not published until the end of the session; that I believe will not be until the 4th of July, and perhaps a little longer; but they are published in the newspapers as fast as they are approved. Those already passed and approved are now in the course of publication in the newspapers of all the States. The people have an opportunity to get at them and the members of the bar have. It is particularly important to them. But if we cut off this publication in the newspapers they must send here and get a certified copy of the Secretary of State, at a heavy expense, or they must wait until the end of the session and two or three months after that to get them in pamphlet form. Now, sir, I think, as a matter of public justice, that the number of newspapers in which these laws are published should be increased instead of cutting off the publication entirely.

Mr. HOWELL. They ought to be published in one paper in each congressional district.

Mr. MORTON. I think it is only two to a State now, under the present law. The number is entirely too small. There would be much more justice and propriety in requiring the publication in every congressional district than in cutting off the publication altogether; and I would very much prefer to have an amendment providing for the publication of these laws in every congressional district. It would be somewhat expensive, but if it is important to enact the laws it is important to give the people the means of finding out what they are.

Mr. MORRILL, of Vermont. Mr. President, in the first place no ordinary newspaper published in the country can afford to take these laws as advertisements and publish them, because if they publish the entire laws of the United States it must be done to the exclusion of almost all other reading matter. Then, instead of being published as fast as they are passed, the Senator from Indiana is entirely mistaken. Many of the papers that publish them do not get through with them until after the next session of Congress begins. The papers that have anything to live on by way of patronage utterly refuse to take them at the price proposed by the United States. In my State especially they are confined ordinarily to that class of papers which have not the largest circulation. Sometimes papers of large circulation may take them; but ordinarily they are not confined to that class.

Mr. NYE. Will the honorable Senator allow me to ask him a question?

Mr. MORRILL, of Vermont. Certainly.

Mr. NYE. I will ask if these first-class newspapers, although I suppose it to be a fact that they cannot afford to publish the laws at the price paid by the Government, do not regard it as a privilege to publish them?

Mr. MORRILL, of Vermont. No, sir.

Mr. NYE. I know it is so in my State. They regard it as a privilege, or rather as their duty, to publish them.

Mr. MORRILL, of Vermont. There are many newspapers in my State that utterly refuse to publish the laws of the United States as advertisements. Six years ago we had all the treaties and all the laws of the United States published in a little six by eight paper out here in Georgetown. Does anybody believe that that was of any service to the country?

Mr. POMEROY. That is an exception.

Mr. MORRILL, of Vermont. They were published also in another very small paper in this District. The United States have to pay the expense of the publication of the pamphlet form of the laws, which is a reform on the past practice of Congress and is really a benefit, for members of Congress are enabled to distribute them to almost all the prominent men and lawyers in their respective States. That is a publication which I think ought to be continued; but this publication of the laws in the various papers of the United States as an advertisement I regard as an abuse, and it ought to be discontinued.

Mr. ROSS. So far from the argument of the Senator from Vermont being any reason against the publication of the laws in the newspapers of the country, in my judgment it is a very good reason why we should increase the price for the work instead of cutting off the publication altogether. I do not think we can appropriate a like sum of money so profitably for any purpose as for distributing among the people the laws which are to govern them.

Mr. ANTHONY. The Committee on Printing have had this subject under consideration and in some remarks that I made some time ago on the public printing I gave my views on this subject. I do not suppose anybody remembers them now.

Mr. POMEROY. I do, very well.

Mr. ANTHONY. The publication of the laws in the newspapers, in my judgment, is an entire waste of the public money; and I think my friend from Iowa [Mr. HOWELL] will agree with me. It costs the Government about one hundred thousand dollars a year. The publication of the laws, as the Senator from Vermont has said, is not concluded in most of the newspapers until long after the session of Congress has adjourned, frequently not until the next session has commenced.

Mr. MORRILL, of Vermont. The private acts are of no consequence to be printed any way.

Mr. ANTHONY. We do not print them. Treaties are printed, but not Indian treaties. When the publication of the laws was first commenced in the newspapers it was very proper, because then that was the only means which the public had of becoming acquainted with the laws; but it is very different now. All the laws that are of any sort of consequence are printed in the newspapers simultaneously with their passage. Indeed, the people are kept acquainted through the newspaper press not only with the laws that are passed by Congress, but with the progress of legislation. The people know what has passed the House, what has passed the Senate, how the bills have been amended, and what has been the result of conference committees; and when the laws are completed, and have gone to the State Department, and been placed on the rolls, and are then printed in the newspapers, they are so old that any person interested who wishes to see them has seen them long before.

I have thought it might be useful to authorize the Secretary of State to make a compilation of such of the legislation of each Congress as in his judgment might be necessary for publication in the newspapers, because we often place in the appropriation bills important legislation. But to spread before the country at public cost all our appropriation bills, all the money that we appropriate for the Kickapoos and the Assiniboines and other Indians, and every item of appropriation for every branch of the public service, is so much waste of paper and ink. I do not think they are read, and I do not think they are of any consequence to anybody if they are read. I have had some consultation with the Secretary of State on this subject, and he fully agrees with me and with the Committee on Printing that this is an entire waste of the public money.

The publication of the laws in pamphlet form is convenient, and perhaps it is well enough to continue that, although the Statutes-at-Large are now published by Little, Brown & Co. in a very convenient and accessible form and at a moderate cost. After all, the publication of the general laws is useful mainly to those of the legal profession. If a man wishes to know anything about the law he goes to a lawyer. He does not go to a newspaper to find out what laws have been passed affecting his rights or interests.

I hope this amendment will be adopted, and I propose to add an amendment to it to discontinue the publication of the Biennial Register, called the Blue-Book. That is an entirely useless expense, although it is not very costly to print it. I presume, however, it costs considerable to prepare it; but there is no need of it at all. I shall move before this discussion closes, as soon as I can prepare the proper amendment, to omit that publication.

Mr. SHERMAN. I wish to enter a motion to reconsider an amendment that was adopted while I was temporarily occupying the chair. It is the amendment on page 14, line three hundred and thirty.

Mr. NYE. Is that in order before we dispose of this amendment?

Mr. SHERMAN. I only wish to enter the motion.

The VICE PRESIDENT. The Senator from Ohio states that he merely desires to enter the motion. The motion will be entered. It is to reconsider the vote adopting the amendment making an appropriation of $2,200 for the chief clerk of the State Department, on page 14.

Mr. SHERMAN. I now give way to the Senator from Nevada.

Mr. NYE. I hope this amendment will not prevail. The honorable Senator from Rhode Island and the honorable Senator from Vermont know but little of the difficulties attendant upon the attainment of a knowledge of these laws in a country situated, for instance, like my own State; a country where the population is sparse. There you find mining camps at great distances from each other, but in almost every camp is published a newspaper, each of which publishes these laws that are furnished them by the local newspapers designated for the purpose. We are told in answer to this that the laws are published in pamphlet form; but how are those people to get copies of the pamphlet edition? If a member of Congress wishes to send the pamphlet of the laws to one of his constituents he must send it at his own expense, if he does not send it very quickly, in view of the bill pending here to abolish the franking privilege. This amendment is really equivalent to saying to the people in distant settlements and in distant portions of the country, "You shall not know what the laws of the United States are."

Mr. President, I wish to demonstrate this by a single proposition which has been alluded to by the honorable Senator from Oregon. A man in my own town was the victim of the loss of $15,000 because he was one day behind the time, according to a law passed here, in entering scrip that he had purchased honestly. For more than thirty-four days the land offices of that State were not apprised of the passage of the law, and with a law standing on your statute-book of which the people there were entirely ignorant they invested their money honestly, but were cheated out of it.

Mr. ANTHONY. If the Senator will allow me to make a single remark at this point, that was done with the laws published in two papers in every State in the Union.

Mr. NYE. No, sir; do not be too fast. It takes you a little more than one day to get a law from here to Nevada or California to be published.

Mr. ANTHONY. But there was a law authorizing the publication.

Mr. NYE. The law will prevail; but what I was complaining of was that the honorable Senator from Rhode Island proposes to keep the people there ignorant of the laws for fifteen or twenty days at least, when if they were sent immediately on their passage they could get there now in a week, and they would be published in our newspapers.

The honorable Senator from Rhode Island, representing the intelligent people of Rhode Island, and the honorable Senator who represents the equally intelligent people of Vermont, where you find at every other door a lawyer, whether they have much or little to do, where every town is a law establishment with little fellows running around to cry out what the law is, [laughter;] they do not share in the feelings or sympathize with our people in the extreme West who do not have that class of people to tell them all about the laws. Our people are engaged in mining. They read the newspapers and see what the laws are; and yet my friends here, who live in these more enlightened communities, would deprive them of that opportunity. My friend from Vermont takes to the law intuitively and instinctively. Although he has never studied it as a profession, yet he has been so long engaged in making laws that it has become second nature to him. He knows what the laws are going to be before they are enacted, and can advise his intelligent constituents on the subject. My people, not having representatives so ready and able, will suffer if this amendment should be adopted. They look in their newspapers where, by law, it is provided that they shall look to find the statutes of the country. That is the only intelligence they get. It is their guide; it is their direction; it is their safety. If this amendment is to be pressed I shall move to amend it so as to say that the laws shall not be published in New England, but shall be in all the other States; or, if that is too broad, I will say that they shall be published in two newspapers in each State and Territory west of the Missouri river; but I should be glad if they were published in more.

Mr. HOWELL. I think probably there is a better way of providing for this publication of the laws than either of those suggested, and one which borders somewhat upon the idea suggested by the Senator from Rhode Island. It is not necessary, nor does it meet the wants of the people, that all the statutes passed by Congress should be published in the newspapers; yet those that need to be published should have a wider circulation and be more generally accessible than they are under the present system. Now I think a system might be adopted—it would require a law, I suppose, to put it into effect—whereby certain general laws, to be selected by a commission or by the Secretary of State, or some person duly authorized so to do, should be published at once upon their passage in one paper at least in each congressional district of the United States. That might be done without increasing the expense under the present system, and it would very much increase the value of the publication.

There are, as has been said, a great many laws published in the ordinary way in two newspapers in each State, a knowledge of

which is of no immediate public utility. If the laws that are of a general bearing, and which have an important relation to the people of the country generally, could be published at once upon their passage in one newspaper in each congressional district where they would be accessible it would be a great improvement upon the present system, and would not probably increase the expense of the present system, and it would induce the people to look into those papers for the laws, and they would rely upon them.

My experience is that it is not true that the laws are generally published in the newspapers as a matter of news. It is not true in any sense that they are so published. Here and there, occasionally, a newspaper publishes some important law of a general bearing, or of peculiar and particular interest and moment to the locality in which the paper is published.

As I said in the outset, I think the system might be improved; but I do not think it is good policy to pass laws and then keep them from the public knowledge for weeks and months, almost a year after they are passed. That is as bad as the Roman system of which we read in our boyhood, where the emperor issued edicts, and posted them in compliance with the law, but so far out of reach that they could not be read, and then punished the people who violated them because of their lack of knowledge of the laws which he put out of their reach.

Mr. CORBETT. I am opposed to this amendment, and until the Senator from Rhode Island shall present some better plan than that heretofore adopted I think we had better stand by the old system. I know that the people of our section of the country expect the publication of the laws in the newspapers, and the publication is of very great advantage to them. We do not receive the laws published in pamphlet form until some time after they are enacted, and then it is a long time before we can frank them and forward them to our friends. Besides, before this session of Congress shall have passed away, as the Senator from Nevada suggests, we may do away with the franking privilege, and that may deprive us of the benefit of the publication of the laws in that form; or we may determine to publish no documents at all. Therefore I am in favor of continuing the publication of the laws in at least two papers in every State. I know it is considered of great importance in our State. The paper there next to the most important in the State publishes these laws. I think we had better continue the system.

Mr. PATTERSON. It seems to me that it would be a great saving if we should adopt this amendment. My friend from Nevada represents that the people of his State seize upon these laws when published in the newspapers and read them with great avidity. If that is true I should think it was hardly necessary to make an appropriation of Government funds to publish them in the newspapers of Nevada. I should suppose it would be a profitable work for the newspapers there to publish the laws without any special appropriation by Congress for the purpose, because it would increase their circulation.

So far as my observation goes, the papers which can live in our country without the publication of the laws do not care to have them, and will not accept this proffer of the publication of the laws on the part of the Government. The only papers which desire the publication are some small county papers that cannot live without it; and the very fact that they cannot live without the publication of the laws is one of the reasons why they should not publish them, because they have so small a circulation that the people do not get access to them.

Mr. NYE. Allow me to ask the Senator whether his State paper does not publish them?

Mr. PATTERSON. It does when the State paper happens to receive that honor.

Mr. NYE. When the honorable Senator designates that as one of the papers in which this publication shall be made.

Mr. PATTERSON. They are passed around; sometimes given to one and sometimes given to another. The publication of the laws has been offered to some papers who have refused it.

Mr. NYE. Exactly; but I undertake to say that the State paper of New Hampshire is publishing these laws.

Mr. PATTERSON. What does the Senator mean by "State paper?" All the papers in my State are State papers.

Mr. NYE. I mean the paper published at the capital of the State.

Mr. PATTERSON. We have several papers published at the capital.

Mr. NYE. I mean the leading Republican organ.

Mr. PATTERSON. None of those published there cares to be called the "leading organ." They are all leading.

Mr. NYE. I presume the papers published in the capital of the State might be considered more leading papers than the papers published in the town of the honorable Senator. A paper published at the capital of the State has a larger circulation, I suppose, than his local paper.

Mr. PATTERSON. One of the papers, certainly, published at the capital of the State has refused to publish these laws, for the reason that it does not pay; and the papers that desire to publish them are simply county papers. If it is an object to keep up the circulation of the county papers that may be a reason for making an appropriation of $50,000 for that purpose; but unless that is desirable I do not think we ought to expend $50,000 for this purpose.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. ANTHONY. I hope that now, when we are endeavoring to economize the expenses of the Government, we shall strike out this appropriation. No newspaper wants this publication. It is very true that some papers of large circulation and character may consent to publish these laws because it gives a certain prestige. Then, again, some papers have always published the laws, and therefore they would not like to give up the publication; but no newspaper that has never had it would take it, unless it is a paper of very small circulation indeed, and then it is of no value to them. It is no favor to any paper to give them this job. It costs almost as much to set the type as the publication amounts to.

The publication of a compilation of the laws in each congressional district, as suggested by my friend from Iowa, to be paid for, as it would have to be, at the ordinary rates of advertising, would cost half a million and perhaps a million dollars. It is a thing we could not think of. I hope this amendment will prevail.

The Senator from Nevada says that a constituent of his met with a very great loss because he did not see a certain law of Congress in time. Well, this system prevailed then; so that he would be no worse off if we did not publish the laws than before.

Mr. WILLIAMS. I wish to inform the Senator that at that time it took about thirty days, I believe, for a mail to go to Nevada.

Mr. ANTHONY. He would not have read it when it did come, because the people of Nevada have their own laws, and manage their own affairs pretty much in their own way.

Mr. NYE. I wish that was so; but the honorable Senator is mistaken. I mentioned that fact simply to illustrate what I consider a wrong practice on the part of Congress. A law is passed here, to take effect immediately, which affects all the whole landed districts of this country, and the people are not aware of it for some time afterward.

Mr. ANTHONY. That is a great mistake, undoubtedly, on the part of Congress.

Mr. NYE. Now, in the present course of the mails, we should have such a law out there in nine or ten days at the outside, and it could be guarded against as much as possible; but to pass laws here to take effect immediately, affecting our lands or our mines, is a great injustice, and it works hardships beyond my power to describe. I hope, whatever may be done on this subject, some means will be provided to enable the people to know when laws are passed, if they are pssed in that way.

Mr. ANTHONY. That certainly is very desirable and very proper.

The Senator from Iowa says that the newspapers do not publish the laws. They do not generally publish them at length, and officially, and formally; but they publish the substance of them. The substance of all important laws is conveyed by telegraph to every part of the country, and is published in every considerable city in the Union just as soon as it is published in the city of Washington. Then, if a man wishes to know the exact, formal, and technical law, he does not go to a newspaper; he goes to a lawyer, if he is a man of any sense; he goes to a man who can interpret and expound the laws. If he wishes to know the general law he finds that in every newspaper in the land.

If we are to continue the publication of the laws in this way there should be some provision requiring the newspapers to publish them immediately after their promulgation. Now, they do not publish some of them until six months after they are promulgated. I venture to say that Senators are in the receipt every day of newspapers containing the publication of the laws of the last session of Congress, and they are not completed yet. I think it is an entire waste of public money.

Mr. PATTERSON. I should like to ask the Senator, if we should require the newspapers to publish the laws as soon as they are passed, whether that would not be impracticable? Would it not take up the entire space of many of the papers?

Mr. ANTHONY. I think it would be necessary to pay a much higher price for the work.

Mr. PATTERSON. It would destroy their circulation for all other purposes.

Mr. ANTHONY. I do not think advertising them in the newspapers is the proper way of promulgating the laws of the United States. I do not think it is the best for the people, and I do not think it is the most economical for the Government. If this amendment is going to be lost I do not wish to offer an amendment to it; but if I offer an amendment to it, and it is lost, I presume I can offer the amendment again in another part of the bill.

Mr. MORRILL, of Vermont. I suggest to the Senator to offer his amendment separately, and let us try the question on this amendment of the committee first.

Mr. ANTHONY. The amendment I was going to suggest was to insert in line three hundred and forty-five, after the word "powers," the words "and of the Biennial Register." I think Senators will all agree to discontinue that publication. It is not of the least possible use.

Mr. SHERMAN. I think that is the most convenient thing we have.

Mr. ANTHONY. It was due six months ago, and has not been printed yet.

Mr. SHERMAN. That is the fault of the printer.

Mr. ANTHONY. There is not a single thing in this Biennial Register, except the catalogue of female clerks, that is not printed in another form, more authentic, and half the time, later.

Mr. SHERMAN. Are the names of the postmasters printed in any other publication?

Mr. ANTHONY. The list of postmasters is printed by the Postmaster General in an official list, and two years later than this publication half the time. So is the Army Register; so is the Navy Register; so is the Diplomatic and Consular Register; and there is nothing left to be inserted in this Biennial

Register except the names of the clerks in the Departments, and I believe most of the Departments have a departmental directory. This work does not cost a great deal, and is not distributed very largely, but it is an utter waste of money to publish it.

Mr. SHERMAN. That is not published by the Government.

Mr. ANTHONY. Certainly it is.

Mr. SHERMAN. It was not formerly.

Mr. ANTHONY. Since I have been connected with the public service it has been.

Mr. WILLIAMS. Where is the appropriation for it in this bill?

Mr. ANTHONY. I suppose there is an appropriation in this bill for it. No; I am mistaken; it comes out of the general appropriation for the public printing.

Mr. POMEROY. I am sure I have never seen any appropriation for it.

Mr. ANTHONY. There is a joint resolution of Congress ordering its publication, and the cost of it comes out of the general appropriation for the public printing. I will not offer the amendment to the amendment now. I will try my luck upon the amendment of the committee.

Mr. SAWYER. Although a member of the Committee on Appropriations I was not on the committee at the time this amendment was adopted by that committee; and while I do not like to oppose anything that has been adopted by the committee, I feel that there is some importance in publishing these laws, especially in the part of the country from which I come.

I am well aware that in the more populous States, where newspapers are circulated very much more largely, and where there is indeed a population of such a character as to get much more familiar with the public acts of Congress than in the section of country which I have the honor in part to represent, it is not of much consequence; but with us we want every possible means of diffusing information as to the acts of Congress that can be obtained. And we are at this present time having the publication for the first time of acts of Congress that were passed during the war. There is a large body of the legislation of Congress which has never been published in the southern States at all, and which is not accessible to the public in any form whatever; and I regard it as of great consequence that this publication should continue, so that somewhere in those States, in some form, the entire laws of Congress should be published at some time.

There are other reasons which could be adduced, but that which I have stated will be sufficient to govern my vote on this question; that is that the laws ought to be published at some time in every one of the States, and they have not been so published. If this amendment prevails it does not enable the general public in those States to understand at all what the laws are.

In reply to the remark made by the honorable Senator from Rhode Island that nobody reads these laws, I will say that those men who are interested in the application of any special statute do read them. I know the general public do not read the long list of laws which are published, even their own State laws; but if there is any subject which applies to the particular vocation or the particular interests of any citizen, when he sees the title of such an act he reads that act. It is of use to him, and every such publication is of use to some class of citizens, and is attended to by some class of citizens.

Mr. ANTHONY. The Senator from South Carolina, I suppose, refers to a very good-natured piece of folly (if it is proper for me to use that term of an act of Congress) that was passed some sessions ago, authorizing the publication of the laws of previous Congresses in the States which had been in rebellion, which gave to the people of South Carolina, Georgia, and Louisiana the valuable information of how much money we paid to the Choctaws, and how much money we paid to the Kickapoos, and how much we paid for the pages, and how much we paid for stationery for every year during the time of the rebellion. The object of that law was to give a certain support to the Republican newspapers of those States, and there was no other object and no other reason whatever for it; and the money—I say with great respect to those papers and with great sympathy for my professional brethren in those States who are struggling to maintain the principles which I believe are identified with the good of the country—was entirely thrown away. That bill, as it came from the House, gave to the papers in those States the ordinary rates of advertising for publishing those laws, which would have made the cost of the publication, I think, more than $1,250,000. It was amended in the Senate so as to pay only the ordinary price allowed for the publication of the laws, which I think is not more than ten per cent. of the customary price of advertising.

I do not suppose the adoption of this amendment will cut off that amount of patronage, whatever it is, and I am perfectly willing to have it modified so that it shall not. We have authorized the publication of the back laws of those States, and newspapers have been contracted with, and I think we ought to keep faith with them. I think it was a very foolish provision, but I would not have it abrogated now.

The Senator says they have not yet got through publishing those old laws. It was three years ago that their publication was authorized, and it is not finished yet. Of what use is the promulgation now to the people of the southern States of laws passed years ago? If any man has his interests or his rights affected by any of these laws he goes to a lawyer. Whatever effect any of them may have has been accomplished long before he will ever see them in a newspaper published five or six years afterward.

Mr. MORRILL, of Maine. Mr. President, this proposition has been argued upon a theory which I do not think is justified. The Senator from Oregon suggested that we demand obedience to the law, and of course should furnish opportunity of knowledge of the law. Now, there is a fiction in the law that every man is presumed to know what the law is; every man, it is held, is bound to know what the law is; but of course not every person is held to have a perfect knowledge of the law. Nobody ever supposed that, and no Government ever felt itself bound to furnish the opportunities of people being acquainted with the law. Nor is it according to anybody's knowledge or belief or experience that the great bulk of the community even read these acts or ever would read them if they were to be published in all the newspapers of the country. You may publish these laws in all your papers throughout the country, and they will be read by very few, and they will be understood by a very small portion of those who do read them. If a man wants to know what the law is he goes to his lawyer or somebody in whom he confides. Now, to say that with our system of railroads and telegraphs and presses any American citizen anywhere within our broad limits is in danger of being entrapped because the laws we are passing in Congress are not disseminated, or because they are put high above their heads, as my friend from Indiana suggested by way of illustration, so that they could not be reached, has no force. That illustration has no application in our history. No law is inaugurated here that is not flashed over the wires, if it is of any consequence. Here are the lookers-on, the agents of the people, anxious for everything that interests the people anywhere, and it is flashed over the wires, North, East, South, and West, even when it is merely contemplated; and when it takes the form of an act that act goes everywhere. So, then, when you come to the real necessity of publishing these laws to protect the legal rights of the people, I do not think there is any necessity for it. That the publication is of some advantage to particular presses I can understand; but we are not legislating in that interest particularly, though I would be the last man to legislate against it. I would give the press all the facilities I reasonably could; but looking at it as a question of legislation, I doubt exceedingly whether there is that necessity for the publication of the laws in the newspapers which justifies the outlay.

The VICE PRESIDENT. The question is on the amendment of the Committee on Appropriations as modified.

The question being put, the amendment was declared to be agreed to.

Mr. WILLIAMS. I should like to have a division.

Mr. MORRILL, of Maine. The Senate is thin now, and I suggest that there can be a division in the Senate.

Mr. WILLIAMS. Very well; I will take the vote in the Senate, and withdraw the call for a division now.

The VICE PRESIDENT. The amendment is agreed to.

Mr. SHERMAN. I hope now the motion made by me to reconsider the amendment in regard to the chief clerk in the State Department will be acted on.

Mr. MORRILL, of Maine. Let the vote be reconsidered, and then pass the matter over.

Mr. HAMLIN. I suggest that it be reserved until we come into the Senate.

Mr. SHERMAN. I may not be here then, and I think it may as well be acted on now.

The VICE PRESIDENT. The vote on the amendment referred to will be regarded as reconsidered; and the question is on agreeing to the amendment.

Mr. MORRILL, of Maine. I have no objection to the reconsideration.

Mr. EDMUNDS. Let the effect of the amendment be stated to the Senate in a word.

Mr. SHERMAN. I will call the attention of the Senate to it. In line three hundred and thirty there was an amendment adopted, adding, after the words "chief clerk," "$2,200;" so as to make the appropriation for the salary of the chief clerk of the State Department $2,200. The practical effect of that is to raise his salary. That will not be the legal effect though, because the salary of the chief clerk of the Department of State is fixed by a general law which gives the chief clerk of each Department the salary of $2,000 a year. This appropriation of course cannot change the law. The purpose is to change the law. If we are going to change the salary of any chief clerk, we must change the salary of all. I hope the amendment will not be agreed to unless a general rule is adopted applying to all.

Mr. MORRILL, of Maine. Let the matter be passed over.

Mr. SHERMAN. I have no objection to that.

Mr. SUMNER. What is the disposition of this matter?

The VICE PRESIDENT. The amendment passes from the consideration of the Senate without being acted upon.

Several SENATORS. Let us act on it now.

Mr. SHERMAN. I think we had better act on it now.

Mr. SUMNER. Is the chairman of the committee going to give his consent to that being struck out?

Mr. MORRILL, of Maine. I have given no consent about it.

Mr. SUMNER. The Senator seemed to regard it with great complacency, I thought. Senators ask me what is the reason for this amendment. The reason is that the chief clerk of the State Department has been in the service there more than twenty years; I rather think twenty-three or twenty-four years.

He has largely the confidence of the head of the Department. His relations are very confidential. All the public official correspondence passes through his hands.

Several SENATORS. Who is he?

Mr. SUMNER. Mr. Chew. "The laborer is worthy of his hire." He really is worthy. Now, I do not think it right when this increase is proposed that he should encounter the objection of the Senator from Ohio, who asks why we do not do the same in other cases.

Mr. SHERMAN. I have no doubt that Mr. Chew is a very valuable clerk. As far as I know, he discharges his duties well. The chief clerks of the Departments generally are carefully selected men, selected with a view to their efficiency and their service, generally men of experience. At the same time the rule ought to be equal. It is not proposed to raise the salary of all the chief clerks to $2,200.

Mr. HARLAN. I wish to inquire of the honorable Senator whether all the other departmental chief clerks do not receive $2,200 salary? I know it is so in the Interior Department.

Mr. SHERMAN. The disbursing clerk of the Interior Department, like the disbursing clerk of every other Department, gets $200 a year in addition to his salary.

Mr. HARLAN. No; that Department has a separate disbursing clerk.

Mr. SHERMAN. When the chief clerk is disbursing clerk he gets the benefit of that allowance; but the salary of the other chief clerks is fixed at $2,000.

Mr. SUMNER. I should like to know the precedents.

Mr. MORRILL, of Maine. We are told that $2,000 a year is the salary of the chief clerk of a Department.

Mr. SUMNER. But the Senator from Iowa says that in the Interior Department it is $2,200.

Mr. SHERMAN. He is also disbursing clerk.

Mr. POMEROY. No; the chief clerk in the Interior Department is not disbursing clerk.

Mr. HARLAN. The Blue Book shows the salary of the chief clerk of the Interior Department to be $2,200.

Mr. SUMNER. Will the chairman of the committee give attention to that? Twenty-two hundred dollars is the salary in the Interior Department. Should not the Foreign Department be as much regarded as the Interior Department?

Mr. MORRILL, of Maine. The answer to that is, that on that officer has been devolved an additional duty, that of disbursing clerk.

Mr. SHERMAN. There are a great many duties devolved upon the chief clerk of the Department of State.

Mr. ANTHONY. I find on referring to the Blue Book that the chief clerk of the Post Office Department receives a salary of $2,200 a year.

Mr. SHERMAN. That is simply because the chief clerk is generally disbursing clerk.

Mr. SUMNER. That does not appear.

Mr. HARLAN. In the Interior Department that is not the fact.

Mr. ANTHONY. I find that the chief clerk of the War Department receives $2,200.

Mr. SUMNER. We have now testimony that in the Post Office Department the pay of the chief clerk is $2,200, in the Interior Department $2,000, and in the War Department $2,200.

Mr. SHERMAN. That is where they disburse money, and therefore have to give bond.

Mr. SUMNER. But the Senator from Iowa, who has been at the head of the Department of the Interior, says that is not the case in that Department. The Senator from Rhode Island now tells me further that the Blue Book, which is before him, shows the salary of the chief clerk of the Treasury Department to be $2,200. Certainly the chief clerk of the Treasury is not a disbursing clerk. My friend from Maine finds that the precedents are against him. The only question is about putting the Department of State on an equality with the other Departments.

Mr. SHERMAN. The Senator is mistaken about that.

Mr. ANTHONY. I find by the Blue Book that in the Navy Department the chief clerk has $2,200, and the disbursing clerk $2,000.

Mr. SHERMAN. I find, on looking at the estimates, that the estimate is $2,200, and the law is referred to. If that is the law for all the Departments I have no objection.

Mr. ANTHONY. I find, on looking further at the Blue Book, that in the State Department the chief clerk receives $2,200.

Mr. SUMNER. Then there is no occasion for striking these words out.

Mr. SHERMAN. What is the use of inserting them? They ought to be stricken out and this chief clerk left to the general law.

Mr. SUMNER. I wish to know of my friend from Maine why he proposed to insert these words? The Senator from Ohio moved to strike them out, and believed that in striking them out he reduced the salary. It was to counteract that effort that I proposed to keep them in.

Mr. SHERMAN. I simply say that this salary ought to stand on the general law, and not be singled out by special legislation.

Mr. SUMNER. I want equality. "Equality is equity," the Senator knows.

Mr. MORRILL, of Vermont. It seems to me that this whole paragraph with the amendment is left in entire confusion. If the amendments proposed shall be adopted how will it read? In the first place "the chief clerk $2,200." Then "eight clerks of class four, additional to one clerk of class four, as disbursing clerk, and eight clerks of class three, one examiner of claims, $2,500." And then it goes on in like manner; and then, in line three hundred and thirty-six, "nine laborers and four watchmen, $63,300." It seems to me it will not do to pass this paragraph in this state. The whole sentence is in a state of confusion.

The VICE PRESIDENT. The question is on striking out the words proposed by the Senator from Ohio.

The motion was agreed to.

Mr. MORRILL, of Maine. I wish to make a suggestion to the Senator from Ohio which may obviate this difficulty. I understand from him that there is a law fixing the salary of the chief clerk.

Mr. SHERMAN. Yes; I have here a reference to the law. There is no necessity for putting it in here as a special appropriation. It ought to be stricken out; it is included in the general amount.

Mr. MORRILL, of Maine. Has the Senator that statute at hand?

Mr. SHERMAN. I have.

Mr. MORRILL, of Vermont. I move to pass over the paragraph to give the chairman of the Committee on Appropriations time to prepare it in proper form. It evidently now is not in proper shape to be passed into a law.

Mr. SHERMAN. Here is the law referred to. On page 13 of the estimates reference is made to the tenth volume of laws, page 669, section four.

Mr. MORRILL, of Maine. But the Senator will find that that is nothing more than appropriation bill.

The VICE PRESIDENT. The Senator from Vermont desires that this paragraph be passed over for the present.

Mr. MORRILL, of Maine. I should like to have this question settled, because I propose to make some further amendments which are proposed by the committee.

The VICE PRESIDENT. The clause in regard to $2,200 was stricken out.

Mr. MORRILL, of Maine. It can be moved again in the Senate. I have other amendments to move.

Mr. ANTHONY. If this is disposed of I should like to ask the consent of the chairman of the committee who has the bill in charge to put in an amendment here which, although it does not come from the committee, is one that comes in appropriately here, which I had intended to move as an amendment to the one last adopted; and that is:

And that all acts which provide for the biennial publication of the register of officers and agents, civil, military, and naval, in the service of the United States, be, and the same are hereby, repealed.

I propose to put that in the amendment just adopted; and this is the place where it appropriately comes in. I propose to offer it with the consent of the Senator from Maine.

Mr. MORRILL, of Maine. I have no objection.

Mr. SHERMAN. I hope that will not be adopted, because this Biennial Register is the most convenient record of the officers of the Government. It is true each Department publishes a record of its officers; but there are a great number of them, and you can never find them together. I know that it is very convenient for me. We print but five hundred, I think.

Mr. ANTHONY. We print seven hundred and fifty, and they are printed only once in two years. The register of the Post Office, the Army Register, the Navy Register, and the Diplomatic and Consular List are all published annually, and everything that there is in that book published biennially is published annually, except a very few unimportant officers. More than half of those are the female clerks, and clerks of the first, second, and third classes in the Departments. If any person desires to know anything in the Post Office List, he does not go to the Blue Book, but he goes to the list published by the Department.

Mr. SHERMAN. I go to the Blue Book.

Mr. ANTHONY. Then the Senator does not get his information from the most convenient source, as he generally does. The list published by the Department is annual, and this is biennial. So as to the Army Register and the Navy Register. Then this is all prepared at the Department of State, whereas the other registers are prepared at the appropriate Departments.

The VICE PRESIDENT. If objected to, the Chair thinks that is a new amendment and must be reserved until the amendments of the committee are through with. The Chair will state that on page 35 of the bill the Biennial Register is distinctly referred to.

Mr. ANTHONY. Then it will be more appropriate there. I withdraw the amendment now.

The next amendment of the Committee on Appropriations was, in lines three hundred and fifty and three hundred and fifty-one, to increase the appropriation "for stationery, furniture, fixtures, and repairs" for the Department of State from $3,500 to $5,000.

The amendment was agreed to.

The next amendment was to strike out lines three hundred and fifty-two and three hundred and fifty-three, in the words "for miscellaneous items, $2,500."

The amendment was agreed to.

The next amendment was in line three hundred and fifty-four, to increase the appropriation "for books and maps" from $1,500 to $2,500.

The amendment was agreed to.

The next amendment was to strike out "labor" in line three hundred and fifty-eight, and increase the appropriation in lines three hundred and fifty-eight and three hundred and fifty-nine from $30,000 to $32,500, so as to make lines three hundred and fifty-seven, three hundred and fifty-eight, and three hundred and fifty-nine read:

For contingent expenses, namely, rent, fuel, lights, repairs, and miscellaneous expenses, $32,500.

The amendment was agreed to.

The next amendment was in the appropriations for the Treasury Department, to strike out in lines three hundred and sixty-four and three hundred and sixty five "nine heads of divisions, at $2,500 each;" after "assistant messenger," in line three hundred and seventy, to insert "$720;" and to reduce the appropriation in lines three hundred and seventy-one and three hundred and seventy-two from $290,840 to $271,060; so as to make the clause from lines three hundred and sixty-one to three hundred and seventy-three read:

For compensation of the Secretary of the Treasury, $8,000; two Assistant Secretaries of the Treasury, at $3,500 each; chief clerk, $2,200; forty-nine clerks of class four, additional to one clerk of class four as disbursing clerk, thirty clerks of class three, twenty-six clerks of class two, twenty-seven clerks of class one; thirty-two female clerks, at $900 each; eleven messengers, one assistant messenger, at $720; and ten laborers; in all $271,060.

The amendment was agreed to.

The next amendment was in the appropriations for "the construction branch of the Treasury," after "dollars," in line three hundred and seventy-six, to strike out "each;" in line three hundred and seventy-nine, before "clerks of class four" to strike out "two" and insert "three;" and to increase the appropriation in lines three hundred and eighty and three hundred and eighty-one from $26,740 to $28,540; so as to make the clause from line three hundred and seventy-four to line three hundred and eighty-one read:

In the construction branch of the Treasury: for supervising architect, assistant supervising architect, chief clerk photographer, $2,500; two assistant photographers, one at $1,600 and one at $1,200; three clerks of class four, four clerks of class three, three clerks of class one, and one messenger, $28,540.

The amendment was agreed to.

The next amendment was in the clause making appropriations for the "superintendent's branch of the Secretary's office," to strike out in lines three hundred and eighty three and three hundred and eighty-four the words "one superintendent, $2,500; one clerk of class four, one clerk of class one."

The amendment was agreed to.

The next amendment was in the same clause, line three hundred and eighty-eight, to strike out "$720" and insert "$820;" so as to read, "thirty watchmen, at $820 each."

The amendment was agreed to.

The next amendment was in the same clause, lines three hundred and ninety-four and three hundred and ninety-five, to reduce the total amount appropriated from $69,100 to $66,880.

The amendment was agreed to.

The next amendment was in the clause appropriating for the office of the First Comptroller of the Treasury, after "assistant messenger," in line four hundred, to insert "at $720;" and in line four hundred and two to increase the total amount appropriated from $77,300 to $77,320.

The amendment was agreed to.

The next amendment was in the clause appropriating for the office of the Second Comptroller of the Treasury, after "assistant messenger," in line four hundred and eight, to insert "at $720;" and in lines four hundred and ten and four hundred and eleven to increase the appropriation from $36,780 to $36,800.

The amendment was agreed to.

The next amendment was in the clause appropriating for the office of the Commissioner of Customs, to strike out "eight" and insert "nine" before "clerks of class two," in line four hundred and fourteen; to strike out "five" and insert "seven" before "clerks of class one," in line four hundred and fifteen; and to increase the amount appropriated in lines four hundred and sixteen and four hundred and seventeen from $36,960 to $40,760.

The amendment was agreed to.

The next amendment was in the clause appropriating for the office of the First Auditor of the Treasury, after "assistant messenger," in line four hundred and twenty-one, to insert "at $720;" and to increase the amount appropriated in line four hundred and twenty-three, from $58,260 to $58,280.

The amendment was agreed to.

The next amendment was in the clause making appropriations for the Second Auditor's office, to insert in line four hundred and twenty-nine, after "five assistant messengers," the words "at $720 each;" and in lines four hundred and thirty and four hundred and thirty-one to increase the total amount appropriated from $384,180 to $384,280.

The amendment was agreed to.

The next amendment was in the clause making appropriations for the Third Auditor's office, to strike out "eleven" and insert "fourteen" before "clerks of class four," in line four hundred and thirty-three; in line four hundred and thirty-five to strike out "twenty-eight" and insert "thirty-two" before "clerks of class three;" after "two assistant messengers," in line four hundred and thirty-eight, to insert "at $720 each;" and in lines four hundred and forty and four hundred and forty-one to increase the total amount appropriated from $329,600 to $341,460.

The amendment was agreed to.

The next amendment was in the clause making appropriations for the Fourth Auditor's office, to insert in line four hundred and forty-six, after "assistant messenger," the words "at $720;" and to increase the total amount appropriated in lines four hundred and forty-seven and four hundred and forty-eight from $76,500 to $76,520.

The amendment was agreed to.

The next amendment was in the clause making appropriations for the office of the Auditor of the Treasury for the Post Office Department, after "assistant messenger," in line four hundred and sixty-one, to insert "at $720;" and in lines four hundred and sixty-two and four hundred and sixty-three to increase the total amount appropriated from $228,140 to $228,160.

The amendment was agreed to.

The next amendment was in the clause making appropriations for the office of the Register of the Treasury, to strike out in line four hundred and eighty-three "twelve" and insert "thirteen" before "clerks of class three;" after "two assistant messengers," in line four hundred and eighty-five, to insert "at $720;" and in lines four hundred and eighty-six and four hundred and eighty-seven to increase the total amount appropriated from $84,480 to $86,100.

The amendment was agreed to.

The next amendment was, to insert at the close of the appropriations for the office of the Solicitor of the Treasury, in line four hundred and ninety-four, "for purchase of law books, $1,000."

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the office of the Light-House Board, to strike out, in line four hundred and ninety-seven, "one clerk" and insert "two clerks" before the words "of class three;" in line four hundred and ninety-eight to insert "one messenger;" and in lines five hundred and five hundred and one to increase the amount of the appropriation from $6,920 to $8,360.

Mr. SUMNER. I have before me a copy of a letter from the Secretary of the Treasury, in which he makes a recommendation different from what I find in the amendments of the committee in regard to the Light-House Board. The Secretary of the Treasury proposes that this shall be amended so as to read:

"For compensation of the chief clerk of the Light-House Board, $2,000."

That is in the text:

Two clerks of class four.

It is put down here in the text.

Two clerks of class three.

The recommendation of the Secretary is "two clerks of class four." Then he proceeds—

"One clerk of class three."

The text is "one clerk of class two." The Secretary then proceeds—

"One clerk of class two."

The text says "one clerk of class one." The Secretary then proceeds—

"One messenger and one laborer; in all $10,160."

Whereas the appropriation is $8,360. That is the recommendation of the Secretary of the Treasury, who adds:

"By this change the clerical force in this office will be placed upon the same basis as the clerical force in my own immediate office; and the reason given in my former letter to the House committee in relation to the latter will apply with equal force to this."

Can the chairman of the committee give any reason for not following the recommendation of the Secretary of the Treasury? I propose to follow the recommendation of the Secretary.

Mr. MORRILL, of Maine. That is what the committee followed.

Mr. SUMNER. In line four hundred and ninety-seven I would make it "two clerks of class four" instead of "class three." That is the recommendation of the Secretary. Then, in the next line, "one clerk of class three," instead of "class two;" and "one clerk of class two," instead of "class one." Is there any objection to following the recommendation of the Secretary?

Mr. MORRILL, of Maine. The committee thought they did follow it. The committee followed the estimates precisely for that office:

"One chief clerk, $2,000; two clerks of class three."

That is the estimate of the Department. That is what the committee of the Senate have given. The House gave one, and the committee of the Senate have given two. That corresponds precisely with the estimates.

Mr. SUMNER. But has my friend seen the letter of the Secretary of the Treasury which is addressed to Hon. LOT M. MORRILL, chairman of the Committee on Appropriations, from which I have now read, in which the Secretary positively recommends——

Mr. MORRILL, of Maine. What is the date of that?

Mr. SUMNER. March 10, 1870, addressed to a distinguished friend of my own.

Mr. MORRILL, of Maine. How came that letter in the possession of the chairman of the Committee on Foreign Relations?

Mr. SUMNER. It is a copy that has been supplied to me. I have not intruded among the papers of my friend.

Mr. MORRILL, of Maine. I should like to know if my friend from Massachusetts has any information that the chairman of the Committee on Appropriations ever received the original? I do not remember anything about such a letter, and the committee have appropriated according to the original estimates of the Secretary of the Treasury.

Mr. SUMNER. That is of last year, the Senator is aware.

Mr. MORRILL, of Maine. No; the estimates of the present year.

Mr. SUMNER. Very, well. Now the Senator understands that here is a communication from the Secretary of the Treasury, dated March 10, 1870, from which I have read; and will he allow me to move that this clause be amended in conformity with the recommendation of the Secretary of the Treasury?

Mr. MORRILL, of Maine. What necessity does the Senator think there is for increasing these clerks?

Mr. SUMNER. The necessity I understand is found in the recommendation of the Secretary of the Treasury. We all know he is an economist, a faithful student of his duty, and he, on the responsibility of his office, makes this recommendation. Then I have information of my own with regard to the working of this particular branch of the service, from

which I understand that this change is needed for the efficiency of that bureau.

Mr. MORRILL, of Maine. Does the Senator believe that those two clerks now holding the places of clerks of class three will resign their places if they are not promoted to fourth-class clerkships? That is what his amendment means, promotion.

Mr. SUMNER. I cannot state positively as to that; but I believe they are very excellent persons.

Mr. MORRILL, of Maine. Nor does the Senator believe they will be less efficient as third than fourth-class clerks?

Mr. SUMNER. I confess to my friend that I am governed very much by the positive recommendation of that great economist, the Secretary of the Treasury.

Mr. MORRILL, of Maine. So were the Committee on Appropriations; but where we had two recommendations, one diametrically opposite to the other, it seemed to be optional with the committee to choose between them.

Mr. SUMNER. But my friend is aware that this is the last recommendation.

Mr. MORRILL, of Maine. It is not necessarily, therefore, more accurate than the first.

Mr. SUMNER. I beg the Senator's pardon; the last may be considered as the one made with the maturest knowledge.

Mr. MORRILL, of Maine. The committee were precisely in this predicament: here are two recommendations from the same officer, one when Congress meets to appropriate for two clerks of class three; and at a later period, after the House of Representatives had passed on the subject, he asks us to appropriate for those two clerks in class four. Senators will see at once that it does not increase the service, nor does it increase the efficiency of the service in any way, but simply increases the pay of these officers. He does not ask for any additional force, but for additional pay. And what is true, I would say here of those two clerks, is true of all the clerks, as will be seen before this bill is closed, in the Departments.

Mr. SUMNER. I move that "four" be inserted in the place of "three" in line four hundred and ninety-seven: and I give as my authority the recommendation of the Secretary of the Treasury, under date of March 10, 1870, which I have read.

Mr. MORRILL, of Maine. That amendment increases the appropriation, and is not in order.

The VICE PRESIDENT. The Chair will state to the Senator from Massachusetts that the amendment he proposes now is an amendment to the text of the bill, which the Committee on Appropriations have not changed. The Chair will suggest that it had better be reserved until the committee's amendments are disposed of.

Mr. SUMNER. But the Chair is aware they do make a change in that article.

The VICE PRESIDENT. But not in regard to the precise word the Senator proposes to strike out, and the Senator from Maine makes the point that the amendment involves an increased appropriation of money, and has not been submitted to the Committee on Appropriations as yet.

Mr. SUMNER. I think my friend is mistaken about that.

The VICE PRESIDENT. Will the Senator from Massachusetts reserve the amendment?

Mr. SUMNER. No. The point I submit is, that the Committee on Appropriations do amend the clause; they strike out "one" and insert "two;" and I submit that that puts the whole clause in question before the Senate, so that it is open to amendment.

The VICE PRESIDENT. The Chair overrules the point made by the Senator from Massachusetts. The words "class three" have not been touched by the Committee on Appropriations.

Mr. SUMNER. The Chair then limits the power of the Senate in making amendments.

The VICE PRESIDENT. The amendment can be reserved and offered hereafter. The Senator from Maine objects to it now, and the Chair is compelled by the usage of the Senate to sustain his objection, as the amendment of the committee does not change the text as regards the words proposed to be amended by the Senator from Massachusetts. If the Chair ruled otherwise he might be involved in long paragraphs to which various amendments might be proposed. The amendments to this paragraph will be regarded as agreed to. It will be open to further amendment after the committee's amendments are concluded.

The next amendment of the committee was to strike out the following proviso, from lines five hundred and eight to five hundred and fourteen:

Provided, That in addition to the foregoing there may be expended for temporary clerks, under the approval of the Secretary of the Treasury, out of the unexpended balances to the credit of said office, the sum of $18,280; and the remainder of said balances shall be, and hereby is, covered into the Treasury of the United States.

The amendment was agreed to.

Mr. OSBORN. I offer an amendment to the bill under consideration, and move that it be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. NYE. Is seems to me the Senate have arrived at a good point now to adjourn. I therefore move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

IN SENATE.

MONDAY, *May* 9, 1870.

Prayer by Rev. A. ELDRIDGE, D. D., of New York.

The Secretary proceeded to read the Journal of Friday last.

Mr. MORRILL, of Vermont. I move that the reading of the Journal be dispensed with.

Mr. TRUMBULL. I hope not.

Mr. MORRILL, of Vermont. I hope the Senator will not object this morning.

Mr. TRUMBULL. The reason why I proposed to object was that I supposed the Senator wanted the morning business to go on, and there is no Senate here to do business.

Mr. KELLOGG. The Senator from Vermont desires to address the Senate this morning.

Mr. TRUMBULL. If the purpose is simply to allow the Senator from Vermont to make a speech I have no objection, but if anything is to be done I object to it.

The VICE PRESIDENT. The Chair hears no objection, and the reading of the Journal will be dispensed with.

PETITIONS AND MEMORIALS.

Mr. WILLEY presented the petition of S. M. Sommers, of Marion county, West Virginia, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. SCOTT presented the petition of Rev. David R. Junkin, praying for the passage of an act to authorize the accounting officer of the Treasury to balance the account of his son, William M. Junkin, deceased, late a paymaster in the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. FENTON presented a petition of citizens of Tonawanda, New York, manufacturers and importers of logs and timber, praying Congress to authorize the Secretary of the Treasury to admit round logs and ship timber free of duty; which was referred to the Committee on Finance.

Mr. SAWYER presented the petition of Rev. Charles I. White, D. D., and others, praying the enactment of a law incorporating the St. Matthew's Commercial College, in the city of Washington, District of Columbia; which was referred to the Committee on Education and Labor.

Mr. JOHNSTON presented the petitions of William B. Payne, Pittsylvania, Virginia; of Matthew Houston and Robert Houston, Smyth county, Virginia; of Henry F. Woodhouse, Princess Ann county, Virginia; of Crocket I. Saunders, Franklin county, Virginia; of C. A. Spotts, of Virginia, and of Richard L. Brewer, Nansemond county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. LEWIS presented the petitions of John W. Landram and Henry R. Robey, of Fredericksburg, Virginia; of William H. Cranage, King George county, Virginia, and Charles C. Moore, Alexandria, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. HOWE presented the petition of the trustees of the village of Menasha, Wisconsin, praying aid for the improvement of the Wisconsin river; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Mount Hope, Grant county, Wisconsin, praying the abolition of the franking privilege; which was ordered to lie on the table.

Mr. HARLAN presented the memorial of Frances Johnson, widow of Richard Johnson, late of Decatur county, Indiana, praying relief on account of a defect in the assignment of a land warrant; which was referred to the Committee on Public Lands.

Mr. TRUMBULL presented the memorial of L. D. White and others, citizens of Quincy, Illinois, remonstrating against the extension of the patent of John Young for washing and wringing machines; which was ordered to lie on the table.

Mr. CARPENTER presented the petition of A. L. Chapin, president of Beloit College, and other citizens of Beloit, Michigan, praying for the abrogation of legacy and succession taxes; which was referred to the Committee on Finance.

He also presented a memorial of citizens of Fond du Lac, Wisconsin, remonstrating against the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

He also presented the petition of Herman J. Schulters, late first lieutenant first Wisconsin cavalry, praying for the passage of a special act of Congress granting him a pension; which was referred to the Committee on Pensions.

Mr. CONKLING presented two memorials of citizens of New York, remonstrating against the extension of John Young's patent for washing and wringing machines; which were ordered to lie on the table.

Mr. ANTHONY. I present resolutions of the Board of Trade of Boston, recommending the construction of a harbor of refuge at Block Island. I move their reference to the Committee on Commerce, and I ask the attention of my friend, the chairman of that committee, to the consideration of this subject as a national work, and not a local work. It is for the security of navigation and the safety of life.

The motion to refer was agreed to.

Mr. ROBERTSON presented the petitions of Josiah Beck, J. R. Thomason, and William L. Bell, of Carroll county, Georgia; of A. G. Cameron, Telfair county, Georgia; of W. S. Darnell, Baldwin county, Georgia; of D. W. Cameron, Telfair county, Georgia; of John J. McArthur, Montgomery county, Georgia; of John C. Maund, Talbot county, Georgia; of Gilbert C. Carmichael, Macon, Georgia; of George N. Lester, Cobb county, Georgia; of W. Scott Thomas, Gwinnett county, Georgia; of M. H. McWhorter, Oglethorpe county, Georgia; of Littleton C. Jones, Macon, Georgia; of James H. Rogers, Hancock county, Georgia; and of William H. Huntly, Troup county, Georgia, praying the removal of their

political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of J. C. F. Clarke, Terrell county, Georgia; of Solomon J. Harrell, Webster county, Georgia; of Richard E. Kennon, Clay county, Georgia; of R. P. Lester, Whitefield county, Georgia; of Jesse W. Jackson, Fulton county, Georgia; of William I. Hudson, Harris county, Georgia; and of Lewis C. Graddy, Spalding county, Georgia, praying for the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of Joseph J. Bradford, John W. Pearce, John H. Hall, Joseph Ellis, E. H. Shackleford, and W. A. Byrd, of Mitchell county, Georgia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of William Smith, Lowndes county, Georgia; of Thomas J. Roberts, Georgetown, Quitman county, Georgia; of James D. Frierson, Athens, Clark county, Georgia; of John J. Hamilton, Pulaski county, Georgia; of John L. Parkes, Macon, Georgia; of Thomas C. Sullivan, Sumter county, Georgia; of N. H. Mobley, Pulaski county, Georgia; of A. H. Hansell, Thomas county, Georgia; of William T. Dickerson, Rabun county, Georgia; of Thomas F. Green, M. D., Milledgeville, Georgia; and of Daniel B. Juhan, Labon J. Smith, James M. Blalock, and H. F. Merrell, Carroll county, Georgia, praying for the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. HOWELL presented a petition of H. K. Edson and others, of Denmark, Iowa, for a new mail route from Fort Madison, via Denmark and Parish, to Danville, Iowa; which was referred to the Committee on Post Offices and Post Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WILLEY, it was

Ordered, That the petition of William Burley, of Alexandria county, Virginia, praying for compensation for forage taken from him during the late rebellion, be taken from the files of the Senate and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs, to whom was recommitted the bill (H. R. No. 785) to provide for furnishing artificial limbs to disabled soldiers, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 1903) to authorize the payment of bounty to Ann McCarthy, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 274) relating to Fort Craig military reservation, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 475) to extend the time for the presentation of claims for additional bounty under act of July 28, 1866, reported it with amendments.

Mr. WILSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 874) to reimburse the State of Kansas for moneys expended for the United States in enrolling, equipping, and provisioning militia forces to aid in suppressing the rebellion, to report it back without amendment and to recommend its passage.

Mr. POMEROY. I should like to have that bill disposed of as soon as possible, and perhaps we can pass it now. It is simply a copy of the Indiana bill under which the Morgan raid was paid for in Indiana, authorizing the appointment of a commission to go there and ascertain how much the State has paid.

Mr. MORTON. Not the Morgan raid.

Mr. POMEROY. What raid was it?

Mr. MORTON. No particular raid. That bill was to pay for the services of the Indiana militia.

Mr. POMEROY. This is a copy of it. We copied that law exactly.

The VICE PRESIDENT. The Senator from Kansas asks the unanimous consent of the Senate to proceed to the consideration of the bill just reported back from the Committee on Military Affairs by the Senator from Massachusetts. The Secretary will report the bill at length, after which the Chair will ask for objections if there be any.

The Secretary read the bill.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. TRUMBULL. I object. The reading of the Journal was suspended this morning with the distinct understanding that nothing was to be done but the morning business, and that then the Senator from Vermont desired to address the Senate. This bill may be a very proper one, but I think when we waive the reading of the Journal, which ought to be read every morning in order to prevent just this kind of legislation when there are not a dozen Senators here, for an express reason, advantage should not be taken of it to pass anything else.

Mr. POMEROY. I did not know that the reading of the Journal was waived for any express purpose.

Mr. TRUMBULL. It was so stated.

Mr. POMEROY. I did not hear it.

The VICE PRESIDENT. The bill will be placed on the Calendar.

Mr. TIPTON, from the Committee on Pensions, to whom were referred the petition of Abraham Goldsmith, praying for a pension; the petition of Daniel Tubbs, praying for a pension, and the petition of Joseph Wallace, a surgeon in the war of 1812 and 1814, praying for a pension, asked to be discharged from their further consideration; which was agreed to.

Mr. HOWELL, from the Committee on Pensions, to whom was referred the bill (S. No. 817) granting a pension to Oscar Eastman, late lieutenant colonel first regiment North Carolina Union volunteer infantry, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. SPENCER, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1341) granting an increase of pension to Edmund Johnson, reported adversely, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the petition of Joseph Curry, of West Virginia, praying for a pension, reported adversely, and moved that the petitioner be allowed to withdraw his petition and papers; which was agreed to.

Mr. WARNER, from the Committee on Public Lands, to whom was referred the bill (S. No. 574) to extend the time for the reversion to the United States of the lands granted by Congress to the State of Michigan to aid in the construction of a railroad from Pere Marquette to Flint, in said State, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 268) granting public lands in the States of Alabama and Mississippi to the Decatur and Aberdeen Railroad Company to aid in the construction of a railroad to be built from Decatur, Alabama, to Aberdeen, Mississippi, reported it with amendments.

Mr. WILLIAMS, from the Committee on Public Lands, to whom was referred the bill (S. No. 601) to incorporate the Kansas, Indian Territory, and Gulf Railway Company, and to enable the Missouri River, Fort Scott, and Gulf, and the Leavenworth, Lawrence, and Galveston Railroad Companies to unite upon and construct a single track through the Indian territory and to reach the Gulf, reported it with an amendment.

Mr. STOCKTON, from the Committee on Public Buildings and Grounds, reported a bill (S. No. 892) to provide for a building suited to the use of the post office, the pension and revenue officers, and the judicial officers of the United States in the city of Trenton, New Jersey; which was read, and passed to a second reading.

ORDER OF BUSINESS.

Mr. RAMSEY. There was a bill reported some days ago from the Committee on Post Offices and Post Roads upon which I regard action as very important; and with the consent of the Senator entitled to the floor I ask the Senate to proceed now to the consideration of the bill (H. R. No. 489) to authorize the construction and maintenance of a bridge across the Niagara river. It will consume no time, I think.

Mr. EDMUNDS. No; let us go on.

Mr. MORRILL, of Vermont. The Senator from Illinois withdrew his objection to the omission of the reading of the Journal this morning on the condition that I should take the floor as soon as the morning business was through.

BILLS INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 891) to regulate the fees of the register of wills for the District of Columbia, and for other purposes; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. ROSS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 893) to establish an additional land district in the State of Kansas; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 894) for relief of the Oneida Indians residing in the State of Wisconsin; which was read twice by its title.

Mr. HOWE. I move that the bill, with the paper which I hold in my hand, being a communication from the chiefs of that tribe of Indians, be referred to the Committee on Indian Affairs, and printed.

The motion was agreed to.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 895) requiring the publication of unclaimed dividends and deposits; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 193) to admit round logs and dressed ship timber free of duty; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

A PROTECTIVE TARIFF OR FREE TRADE.

Mr. MORRILL, of Vermont. I now call up the order of the day, which is the legislative, executive, and judicial appropriation bill; and it being up, I wish to have it laid aside informally. I have been desirous of addressing the Senate for nearly a month, but have been unwilling to interpose myself when more important business was being considered. I should not even now ask the indulgence of the Senate but for the fact that as soon as this bill is disposed of I shall necessarily be absent for some little time and shall not be here when the bill reducing taxes will be under consideration. I therefore ask that for the time being the bill reported by the Committee on Finance for the reduction of taxation be considered.

The VICE PRESIDENT. The Senator from Vermont asks that the bill (S. No. 890) to reduce taxation may be taken up for the purpose, not of action at the present time, but of allowing him to make remarks in regard to the finances of the country. Is there objection? The Chair hears none, and that bill is before the Senate.

Mr. MORRILL, of Vermont. Mr. President, owing to the policy of our present Administration we shall soon be able to part with all direct taxation or all internal taxes, and the only subject then that will remain for serious consideration will be the subject of the tariff. I propose to-day to consider that subject.

Mr. President, composed as the Republican party now is, of Republicans proper, and of all other Union men, ready at the outbreak of the rebellion to band together, and to sink or swim in battling for the preservation of the Government, it is to be expected, although heretofore united in creating a comparatively high tariff as a war measure, that there might be some contrariety of opinion, as the danger passes away, about the proper gauge of duties, protection, or non-protection, which ought to mark our public policy.

I propose to explore the ground upon which the Republican party, the party of the Union, stands on this question, and to see whether there is necessarily any such antagonism as should on principle now or hereafter divide the votes of its members.

First, we have to consider a tariff for revenue with discriminations for the protection of American industry. Second, free trade absolute. Third, a tariff for revenue solely, alias "revenue reform," and showing no more favor to American interests than to those of Europe or Africa, or of New Zealand, or of the Tycoon of Japan. Practically the first is the extremest point asked for by the advocates of protection. The second is what the antagonists of the first proposition commend without meaning to adopt, as they extol a beauty whom they would by no means wed; and they studiously conceal the fact that direct taxes on land, excises, and taxes on incomes tread on the heels of free trade, and would become, if that were to prevail, the only source of revenue. The third proposition is what is really aimed at by all the most decorous supporters of free trade as well as by all those who indulge in the most virulent denunciations of protection. All these unite in general dogmatism, as they unite upon a tariff which would throw upon our own people all its burdens, shorn of all compensating benefits, or a tariff that would leave foreign free-traders nothing to ask for, and everything for our own people in the way of taxation to lament.

Mr. President, the importance of the subject, the difference of opinion among good men, and nothing in my manner of treatment will justify me in taxing the patience of the Senate to listen to a speech, as it may be almost assumed that every Senator would rather deliver his own opinion in advance than to hear an argument on this vexed and grave question of political economy; but as one of the Senators coming from an agricultural State I may at least claim in its consideration credit for impartiality, and I hope, also, for truthfulness and candor.

CONSTITUTIONAL AUTHORITY.

Some of the opponents of protection to American industry have occasionally ventured to deny the power of Congress to levy duties for any other object than revenue. Although this denial flies in the face of the fact that the power has been much more broadly exercised in all our history, from the first Congress to the last, by the early framers of our Government and all their successors, by Federalists and Republicans, Whigs and Democrats, still it may not be improper to stop a moment to consider the question of constitutional authority. It is not enough to remember that one of the main reasons for escaping from colonial bondage was that we might foster and protect the trade and commerce of young America; but we must examine the work of their hands, and show that they did not stultify themselves by placing restrictions in the Constitution which would prevent them from offering either direct or incidental encouragement and protection to agriculture or manufactures or commerce. The second act of the First Congress, passed on the 4th of July, 1789, has in its preamble this distinct avowal of its purpose: "for the encouragement and protection of manufactures," which is an interpretation of the Constitution made by its founders, carried into effect at the earliest possible moment, that no amount of ingenious caviling can reverse or confound.

Free trade is a dogma of modern growth, and among the early American statesmen was unknown and without a champion. It had then no foothold in the legislation or policy of any civilized nation, living or dead, and it would be absurd to claim that the revolutionists of 1776 incorporated into their Constitution a policy not then begun even in Great Britain, for the policy of Sir Robert Peel had no legislative birth until 1846! Free trade is by no means an American invention; and were we to adopt it now, to use the language of Franklin, experience would soon "rap our knuckles."

Great Britain had so hampered our export trade, that it was deemed important expressly to provide that no tax or duty should be laid on articles exported from any State. This was done to enable every part of our country to sell whatever they produced free of tax, and to compel the Government to resort to duties on imports for its support, and not to an export duty bearing upon one portion of the country and not another. The framers of the Constitution well knew that taxing imports and letting exports go free tends to place the balance of trade on the right side and always in our favor, unless the currency is deranged. But as to duties on imports, there was no limitation, except that all duties, imposts, and excises were to be "uniform throughout the United States," and this condition, that they should be uniform, was to make them more efficient. The separate States, like the German States in recent times, surrendered their power over foreign trade, and for greater advantages and protection established what may be called the Zolverein. The power is granted in the following truly national and unlimited terms:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

And, again, full power is granted—

"To regulate commerce with foreign nations and among the several States and with the Indian tribes."

These provisions only need to be once read to see that the power of Congress to levy duties and to regulate commerce with foreign nations is commensurate with all its obligations to our own people, and entirely clear of any pretended and impracticable restrictions which would limit its operations to the sole idea of revenue. The power is sovereign and to be exercised solely at the discretion of the representatives of the people. They are to judge what it is expedient to do to pay the public debts, provide for the common defense and general welfare. We can levy duties upon twenty articles or a thousand, put them in the form of specifics or *ad valorems*, and all articles at one rate or a hundred different rates, only they must be "uniform throughout the United States." Under this power we have established an embargo, non-intercourse, countervailing or retaliatory duties. We have protected our shipping interests by levying higher duties upon merchandise coming in foreign ships than in American, and also by higher duties upon the indirect trade beyond the Cape of Good Hope than the direct trade, and further still by giving to our own vessels the monopoly of the coasting trade.

The constitutional power of Congress in arranging a tariff of duties plainly and palpably goes far beyond the mere power of securing revenue. It is too late to deny the power of protection, or that power which places higher duties upon luxuries than upon the necessaries of life. Of course practically we shall not attempt to raise more revenue than may be actually required for an economical support of the Government, but within that limit no friend of the American Constitution, it seems to me, would expunge one of its most beneficent and paternal features, or deny that we have the power to make our own selection of the dutiable articles, and to fix the rates, discriminating or not discriminating, as sound policy may require. That policy may change, but the Constitution will forever maintain the power of protection. It is for Congress alone to judge what is expedient. Its power is imbedded in the foundation stones of the Republic.

MONOPOLY OF COLONIAL TRADE.

The Old World in the seventeenth century gratified its supremest pride in the establishment and maintenance of the colonial system in the New World, not for the purpose of conferring benefits upon man socially, politically, or even religiously, but with the paramount design of monopolizing trade for the advantage of the mother country. To this end they built navies, made wars, exterminated the aborigines, and enslaved the African race. Spain, England, France, Holland, and Portugal were all equally nefarious and equally emulous rivals in their ambition, greed, and brutality.

Spain wrought out its purpose by confining the whole commerce of New Spain to the flota and galleons which annually departed from Seville or Cadiz to Vera Cruz or Carthagena, where in a fair of forty days they contrived, by fixing the prices of both what they sold and bought, to sell dearly their own manufactures and to buy cheaply the more valuable products of the New World, especially the silver brought to the fair by caravans of mules, which often subsequently, while on board the plate fleet, became the prize of the Tortuga buccaneers.

England reached a similar result by her navigation laws, only repealed in 1849, which confined the trade exclusively to British ships clad with British sails and manned by British seamen. Her colonies were made dependent upon the mother country for the whole of their supplies, and in return could dispose of no more of their own products than were called for by the mother country, and at prices fixed without competition with the demands of any other portion of the world. The colonists might fell forests, delve in mines, raise tobacco; but, said even Lord Chatham—

"The British colonists in North America have no right to manufacture so much as a nail for a horse-shoe."

All true Britons still argue in the same groove, and with the same purpose, though since 1847 they hide it under the name of free trade, but they are all thoroughly persuaded that any colony, or even the United States, is guilty of superlative folly when they or we undertake manufactures, while Britons could do it so much more profitably if others were only content to supply them meantime with cheap bread, as they might, and be satisfied to glut their own market and Great Britain's too with that very necessary article. But Lord Sheffield went further than even Lord Chatham, saying:

"The only use of American colonies, or the West India islands, is the monopoly of their consumption and the carriage of their produce."

This is still the idea of English statesmen, and some of their best thinkers are striving to slip away from the expense involved in the ownership and defense of colonies, and yet retain by some undefined reciprocity of good-will and citizenship, or by a dim protectorate, the same monopoly of trade.

For instance, if the Canadas will only adhere to monarchical institutions they may extemporize peerages and parliaments in any way they please; and if they will not close the door to British trade, they may at any time, after a little "reluctant, amorous delay," be independent; not only so, but shall have a treaty guarantee, should any such burly aggressors as Grant, Sherman, or Sheridan become

belligerent, that the ancient mother will fly to the rescue.

The American soil has not, however, proved favorable to the perpetuity of colonies. European nations, one after another, have had their names erased from the western continent, and if some tattered remains of feudal conquests still linger, the memory of former political and commercial vassalage commends neither a close nor a perpetual alliance with Powers which have so relentlessly sought to squeeze wealth out of their poverty. It has been judicially declared that to breathe the air of England makes every man a freeman. How long will the same air continue to make every colonist a subject of British subjects?

A recent English writer, Viscount Bury, M. P., is forced to declare that—

"At the commencement of the war of independence America could import nothing except in English ships; she could export nothing except to England and Scotland; she could not even send her surplus goods to Ireland, nor could she import any commodities except from Great Britain."

Must we be blamed for lack of faith in the modern economical doctrines of a nation which abandoned such a commercial tyranny as her own writers now confess this to have been only after a seven years' war? Disinherited of their conquests, it is no marvel that they should seek compensation through the subtleties and strategy of some free trade speculation. If the former colonies would only adopt this policy all that was most desired by imperial rulers, by Lord North or his master, would be accomplished, and that without cost. But "doth a wise man utter vain knowledge and fill his belly with the east wind?" Let us wait and see.

Formerly the colonies were treated as preserves, where the game was kept for the privileged classes of the mother country. Then the colonists were stripped of all they earned, but were allowed a frugal support. Now the mother country, grown more acute by her misfortunes in war, wants the same preserves, whether the former colonists can support themselves or not.

Adam Smith, the author of the Wealth of Nations, printed his work at the commencement of the year 1776, while the American colonies were sternly refusing to contribute revenue to the support of the Government of Great Britain, wherein they were not represented, and the last words of that renowned work were as follows:

"If any of the provinces of the British empire cannot be made to contribute towards the support of the whole empire, it is surely time that Great Britain should free herself from the expense of defending those provinces in time of war, and of supporting any part of their civil or military establishments in time of peace, and endeavor to accommodate her future views and designs to the real mediocrity of her circumstances."

The stinging reproach at the end of these last words was intended to shame the British nation into a more energetic attitude. The great free-trader insisted that the colonies should not have free trade, but must pay or fight. The colonies must be made to contribute or Great Britain must resign itself to mediocrity. This shows not only that the questions of 1776 survive to the present day, but that the only policy which dictates the rule of colonial establishments was and is that of tribute, either in the direct form of taxes or monopolies of trade. When these cease, motherly affection vanishes, and the idea of separation is debated without a pang. What are moderate tariffs, compared with the protection to manufactures, which has been lavished and is still lavished in expenditures for the maintenance and defense of colonial markets? The expenditures in India are annually from eight to twelve million dollars in excess of the revenue; but Great Britain has free trade there, and her school of practice, like the dissecting-rooms for students of surgery, for her Clive, Hastings, and Wellington! Australia and New Zealand, the West Indies and Ceylon, Africa and the Canadas, Labrador and the Cape of Good Hope, Columbia and one hundred and fifty million of the rice-fed race of India, are all made to minister to the power of Great Britain, to maintain and retain at home, though in the lowliest condition, eight to ten millions more of people than it would be possible to maintain but for the constrained assistance of these millions of inferior foreign people who are subjugated and emaciated by British free trade. The protection given to British manufactures is measured by the cost of the motto, "Britannia rules the waves," or of the perpetual drum beat around the globe to guard these colonial markets, and is dearer than any ever dreamed of in any American tariff.

IRELAND THEN AND NOW.

Before the union of Ireland with England Irish manufactures were protected. Since then protection from time to time has been removed. Ireland formerly abounded in linen and carpet manufactures. They wove silk, printed calicos, combed wool, and the people were prosperous. Ever since the act of union Ireland has had forced upon her free trade with and the competition of her richer and more skilled neighbors, the English and the Scotch; and what is the result? Irish manufactures are extinguished, and Ireland, the emerald gem of the ocean, is a national pauper. Its land, once occupied by its owners, is now only occupied by tenants. Beeves, sheep, and grain are abundant, but they are shipped to England, while the native-born Irish are too poor to help themselves to anything but potatoes, riots, rows, and revenge. This example of free trade at the very doors of England I commend to the study of all true Americans, and especially of Irish Americans.

It is clear that our revenue must be raised either by duties upon foreign importations or by some system of internal and direct taxation. Internal taxes are very efficient when briefly resorted to in an overwhelming emergency; but for ordinary service our late experience of their onerous character will not be likely to lead to their permanent retention; and whenever the revenue can be safely relinquished the major part of such taxes will be quickly abandoned. There is, then, no probability that duties upon imports as a permanent source of revenue will soon be dropped. Internal or direct taxes must first become obsolete. The only questions remaining are whether the tariff at the present time is a source adequate to our wants or not, and whether it shall be so husbanded as to retain if not to enlarge the number of people now employed in mechanical and manufacturing pursuits, or otherwise. A tariff for revenue alone is one that disregards all the interests of labor and all investments of American capital. It merely takes care of the Government, and ignores the general welfare. A tariff for protection is one that levies duties upon articles which to some extent are or can be produced at home, and which it is desirable in larger measure to have produced at home. Home labor is thus protected and encouraged. A tariff for protection as well as revenue makes a discrimination in favor of our own people against all strangers, and sometimes imposes a higher rate, although securing no more revenue than a lower one, because it may be necessary to shield some young and struggling industry from the merciless competition of the world at large. Our annual importations of dutiable foreign merchandise cannot be expected to go much beyond $400,000,000. Last year, stimulated by a large export of bonds, they were $416,718,994; and the amount of revenue indispensable from the tariff is $150,000,000 to $160,000,000. It is thus apparent that the average rate of duties must be not less than 37½ to 40 per cent. in order to secure even the lowest amount of revenue required. This opens a field wide enough for protection, and discloses the grave of free trade. The present average rate of duty upon importations is less than 42 per cent. This presents a narrow field of battle for the conflict of opinions. Duties removed in one place must be added in some other. The common sense of our people will only demand that we adjust the tariff wisely, yielding nothing to mere class selfishness, but everything to the general welfare.

For some years to come the demands upon the Treasury will be of such magnitude as to require a large sum to be raised from duties upon foreign merchandise. These duties have been solemnly pledged for the payment of the interest and principal of the public debt. Low duties will not raise the requisite amount of revenue, and these must remain at much higher rates than would be necessary if protection were the only object, or if only one half the sum was required. And our experience now, after trying the experiment, shows that every increase of the tariff has brought an increased revenue. The question comes up, can we with propriety avail ourselves of the opportunity forced upon us in raising this revenue to continue or to make some proper discriminations in favor of our own people as against outside nations? There is ample room to do this and still keep far within the boundaries of prohibition, which may be called absolute protection. If we have any duties that are practically prohibitory, then let them be diminished. All protection, and no revenue, is neither demanded by our circumstances nor by any portion of our people. Nothing more is wanted than a chance for fair competition. Let us give manufactures a reasonable hope for prosperity, but no power to become our masters.

PROTECTION MOST NEEDED SOUTH AND WEST.

There are many establishments started in the West, and, since the close of the war, in the South, in consequence of our war tariff. To cut down the tariff largely at once, beyond the unquestionable fact that the revenue cannot be spared, would be to strangle in the cradle these new and extensive enterprises which our policy has invited. Such a course would be even more unjust to the men thus employed than to their employers.

The data for any statement as to the astonishing development of manufactures in the West and South are not obtainable; but last August an exhibition of textile fabrics was held at Cincinnati, representing one hundred and fifty-five exhibitors from twenty States by over three thousand samples of piece goods. A more extensive exhibition even might have been made in other departments of manufactures.

Let us not rudely crush out the many thousands of hopeful enterprises but just started where they are as much needed as educators of the people as auxiliaries of their material prosperity.

The action of the States of Maine and Vermont—neither of them especially manufacturing States—shows that in the judgment of their respective Legislatures the encouragement given to the manufacturing interests of the country has not been too great, for both of these States have offered and now offer, beyond the protection found in the tariff, additional inducements to all that may be established within their limits. Maine, by statute of March 8, 1864, enacts that all manufactures thereafter commenced shall be exempt from taxation for ten years, provided the towns in which they are located consent to the same. Vermont, by statute of November 21, 1867, has the same provision for five years. These States thus invite manufactures because they know the advantages which would accrue to their people. If such statutes are wise in Maine and Vermont, why not in South Carolina and Alabama? Other States through manufactures have largely increased their wealth and population, and Vermont and Maine feel very much as did Themistocles when he declared "that the trophies of Miltiades would not allow him to sleep."

The leaders of public opinion in the South have heretofore persistently denounced all

those engaged in manufactures and all who gave them any countenance. They had a class of laborers without wages which it was neither useful nor safe to advance or to protect. All this is now changed. It is obvious that protection by diversifying the industry will add immensely to the wealth of the southern States. Self-interest will soon triumph over passion, and chronic prejudices will pass away. Capital will instinctively go where it is wanted and safe to go, and it has no invincible repugnance to migrating in a direction where it may find some assurance of hospitality. If unjustly persecuted, it silently folds its tents and departs to lands of greater promise, to establish new emporiums of manufactures and trade where the surroundings are tolerant and congenial. The South, we may take it for granted, will not long consent to sacrifice its present vital interests to past theories of which slavery was so long the conspicuous prop, and which were ingulfed at the same moment when that prop was knocked asunder.

BRITISH FREE TRADE UNPROFITABLE.

I shall make no apology for frequent reference in the course of what I have to say to facts touching the history of Great Britain, for, singularly enough, the patrons of free trade embroider all their arguments with illustrations from this source, or from the journal of a nation which reached its highest point of prosperity and power under the rigid enforcement of the principle of protection, and which certainly has not increased the prosperity of its people nor added anything to its relative power among nations by the adoption of later theories.

It is frequently urged that if the policy of free trade and direct taxation should be adopted it would diminish the expenditures of the Government, on the ground that taxes indirectly collected are more lavishly used. Great Britain is an example coming the nearest to free trade of any civilized nation, and not unfit to show whether this argument is or is not founded upon any facts. The revenue of Great Britain in 1846 was £53,050,353; expenditures, £49,232,713. But the expenditures of 1869 had increased to £75,497,816, and the revenue was only £72,591,991. This shows the marvelous increase of expenditures since the free-trade policy was adopted of over 50 per cent., or £26,265,103, or about $125,000,000, while the increase of population was exceedingly small and disproportionate. This fact sufficiently illustrates the vaunted economy of free trade, but it is not the whole of the lesson taught. The debt of Great Britain is larger than that of the United States, and the interest and charges paid on this account last year were £26,618,323, or, reckoning $5 to the pound sterling, $133,091,615, being more than that paid by the United States. To sustain her public credit the annual income of Great Britain should not fall below her annual expenditure. In 1846, the last year of protection, it did not, as there was then an excess of £3,817,640, but in 1868-69 there was a deficiency of £2,905,825. This shows a balance of about $19,000,000 on the right side under protection, and a balance of $14,000,000 on the wrong side under free trade.

This is by no means all that must be charged to the account of free trade. Long years of protection to agriculture had doubled the products of the land—that preëminence is still maintained; but even this increased yield has not proved equal to the strain of free trade. Other nations are snatching from her every unprotected article, every undefended outpost; and the trade of Great Britain, though very large, yields no contentment to the working class, and very little profit to the capital invested. Pauperism increases much more rapidly than population. In the last ten years indoor paupers, wholly supported, increased $23\frac{78}{100}$ per cent.; the outdoor paupers (assisted) increased $13\frac{22}{100}$ per cent. The expenditures on account of paupers increased $34\frac{83}{100}$ per cent. In London during the same time the paupers increased from 68,826 to 144,469, or 110 per cent. These facts are undeniable and sufficiently impressive, but there is one more that should not be omitted. The increase of lunatics in the same period has been 45 per cent. For only the last ten years that would seem to be enough. These are the fruits of free trade in Great Britain, where that theory might be expected to succeed, if anywhere; but even there, in view of these facts, it is a painful and humiliating failure.

Is not the fact that the increase of wealth from 1851 to 1861 in England was only 37 per cent., while that of the United States from 1850 to 1860 was 126 per cent., a thorn in the side of English free trade?

There is still another item in this deplorable account. Almost in proportion to the poverty and misery of any people will be found their excessive use of intoxicating liquors. Of these there were consumed in Great Britain, in the past year, enough to float the Royal Navy, and at a cost of £89,000,500, or nearly $450,000,000. How much of this was used to drown the misery of free trade in merry old England who can tell? Finally, there is no other nation which provides on a vast scale, publicly and privately, the means for her people to emigrate from their homes. In 1868 the Government of Great Britain chartered ten ships to send off population no longer wanted at home; but these ships were equal, it will be seen, to only a fraction of the immense business, for 196,825 of her people departed from her shores never to return; enough to load 400 ships, or more than one huge steamer for every day in the year, and enough to people a respectable State in our Republic! And these were not confined to their Irish subjects, whose departure they have ceased to deplore; but the Scotch and English went in even larger numbers. They did not stand upon the order of their going, but went by ship-loads, on deck or in the hold, and by thousands.

Need I give any more facts—and I derive them all from British authority—to show up the infelicities of free trade? Can any one after this *exposé* want the American people to copy this far-fetched, ill-starred experiment?

Contrast our own position with that where free trade is supposed to culminate in its highest perfection, which we have just been considering. Our national revenue is abundant and the public debt is being rapidly diminished. Free schools are maintained, and the ratio of pauperism is less than that of any other people. At the same time the cost of intoxicating liquors consumed is only a little more than one fourth part of the amount consumed in Great Britain. Our country is the one toward which the eyes of the world are turned. It is the magnet which attracts emigration from all Europe and parts of Asia. In Germany men know that they can earn in the United States much more than from $16\frac{8}{10}$ to 24 cents a day, and women believe that they can here earn much more than from $8\frac{4}{10}$ to $14\frac{4}{10}$ cents per day. These are the rates they now receive. They know, what is the fact, that our country is the one before all others where the poor can get rich.

At a public meeting in Toronto,* Canada, (March 25th,) it was stated by Mr. John Gordon that "England, with her free-trade policy, had at the present time 1,500,000 able-bodied men out of employment and 1,000,000 of paupers." With us there is plenty of work, and to find willing hands is our greatest difficulty.

The American policy is boldly to invite foreigners, of whatever race or language, to reside with us, labor with us, and become naturalized citizens if they choose. While obeying our laws, even resident aliens may travel all the avenues of industry which are open to our own citizens. We only say by our tariff laws that they shall not do so except at the price of becoming residents. By this course we are not only willing but hope to invite foreign enterprise, capital, and skill as a perpetual reënforcement to American industry and thrift.

The blood, bone, and sinew of the Old World are coming to our shores mainly from the fact that here labor commands respect and enjoys peculiar favor. It is protected. There have been landed, according to Commissioner Wells, 352,569 immigrants within the past year. By the encouragement of manufactures we encourage skilled artisans, men of brains, with more or less technical culture in their heads and capital in their pockets, to immigrate instead of those who come in the uniform of the work-house, only to dig ditches or to crowd the slums of cities. If the last must come let us induce a reënforcement from the better classes also to come. If we have room for one class let us make room for all—for agriculturists, artificers, merchants, and professional men. Less than twenty-five per cent of all the lands in the southern States have ever been rent by the plow. For the coming generation the profits from the products of these States must eclipse all others. The young giant States of the West also, with their almost illimitable expanse, need only to circumscribe their swine fields to make way for the half of Europe. Here is cheap bread and cheap coal, and here in due time will manufactures find their chosen seat.

Free trade would make us not only to bear our own calamities, but those of all other nations. When any disaster befalls a nation, so that it becomes unable to consume its own products, and they fall in price below the cost of production, free trade opens the doors for their introduction elsewhere, but at the same time throws out of employment and brings ruin upon those who might otherwise have enjoyed an undisturbed prosperity.

Protection regulates trade. Where that exists only partially, as in England, and the current of trade begins to flow adversely, the only remedy seems to be to apply the torture of bank contraction and to put up the rate of interest until merchants can no longer obtain credit on terms which permit them to import foreign merchandise, or until prices of domestic products are so much depressed that they are worth less at home than anywhere else, and therefore may be profitably exported.

Free trade grinds out its products by grinding down wages. That is its first and foremost mission. The lowest paid and worst fed workmen must beat down all others and command, though in an agony of sweat, the markets of the world. Free trade enters into bonds from the start to work for a smaller reward than all the rest of the world, not excluding even the breech-clothed and rice-fed Asiatics. Free trade demands that the Irishman after he lands here and votes the free-trade ticket shall not be any better fed, clad, or housed than he was in the land to which he so lately and sadly bid farewell forever. When our railroads are finished, and immigrants from the Emerald Isle lay down the shovel and the hoe for some other avocation, our free-trade merchant princes will give no more for fabrics made in America than for fabrics made in Ireland. Is that the feast to which our Irish fellow-citizens thought they were invited? Free trade assumes that the German shall not gain upon the wages which doomed him to perpetual poverty in his fatherland and sent him to bed supperless every rainy day. It assumes that all labor shall be flung into one world-wide arena to contend with the most wretched and sorriest races on the globe.

Wages should be high enough to induce men, not cattle, to work well and regularly. Such wages offer at all points a better support, and workmen perform more and better labor in consequence. I would not have men avoid and shirk honest labor. Those who cannot or will not work are, of all men, most miserable. They are useless and superannuated, tormented with disease and helplessness before their time. But for all those who do work I would secure

*This meeting was called by free traders, but a large majority turned out in favor of passing a resolution for protection.

the most ample and certain rewards. It should be so liberal as to afford attraction to brains as well as to stomachs.

Our form of government, our whole framework of society and education, leads us from inclination as well as necessity to treat workingmen as men, and therefore we must shield them from being reduced to the level of the most unfortunate and abject of the human species, or to the level of those anywhere to be found, willing to remain forever, they and their children, in the lowest rank of ignorance and degradation. When laborers are treated as men there must be protection against those treated little better than slaves and serfs.

PRACTICE WISER THAN ABSTRACT THEORIES.

Political economy is promulgated as an abstract science, and those who teach it seem to expect their listeners will exhibit what Sidney Smith called "a dropping-down deadness" while in their presence; but it is quite evident that scientific men in different ages cannot be in exact harmony as to what that science teaches. Reasoning upon the inductive system of facts, a new science might be brought forth in every age and every nation. Every age in knowledge and skill differs from the past, and every nation in its habits and traditions from every other, and each from year to year with itself, as in peace or war, abundance or famine. Harmony can only follow the assumption of the gigantic fiction that all the facts and conditions of every age and of every people are immutable and eternal. It is claimed that the doctrine of free trade is scientific, and it is funny to see the airs which smart people put on when they think they are standing in the reflected glory of science. They feel that they are philosophers of some sort because they despise the want of discernment on the part of the common herd, whom they look down upon from their eminence, and they know they can be profound in abuse and earnest in violent denunciations, as there they are acknowledged experts. Free trade has never been anywhere at any time more than a theory. The absolute application of the doctrine among civilized nations has never been witnessed, although it holds an unchallenged empire in nearly all of our colleges and in most of the leading newspapers of commercial cities; and practically nowhere else, except in the wigwams of savages. For a hundred years some writers of great industry and vigor have built up massive reputations by works on free trade; but no nation has built up itself on any other doctrine than that of protection, whether avowed or disavowed. No nation dares venture upon trying the experiment of absolute free trade, and hence its followers may hold up their heads until it comes to grief by an actual trial. Teachers remain self-deceived because they never have been, and perhaps never will be, subjected to the rude test of actual experiment. The commercial press cannot afford to look out upon the whole country, for whose rural labors, manners, and opinions it has equal contempt, because all of its profits from advertisements are bounded by city limits. They will not cut their own throats by doctrines which find no sympathy in the foreign trade from which their income is so largely derived. Students must cling to the doctrine they have been taught, or be content to abandon all the so-called learning they possess on the subject of political economy, unless perchance they are called into public life, where they are compelled to examine the interests of the future as well as of the present, of all parts and all classes of their country, or unless they become engaged in productive business; and then, if partisan ties do not constrain them into an adherence to their collegiate idols, they are soon compelled to break their graven images of free trade and study a new gospel according to the practical experience of the civilized world.

The cloistered sophists of our colleges and schools and the peddling propagandists of free trade, like the cock who, as it has been said, thinks "the sun rises on purpose to hear him crow," are doubtless as learned as the sophists of old or as the loudest of feathered bipeds, and, on this subject, practically as useless. These free-trade channels of instruction need to be Americanized, as they are now foreign to our sentiments, hostile to our prosperity, subversive of scientific truth, and dangerous to independence of thought and reasoning. Carey's Social Science illustrates the proverb that "a prophet is not without honor save in his own country and in his own house." It is profoundly to be regretted that our ablest and best teachers should have so little intellectual independence as to accept, generation after generation, with perpetual mental slovenliness, the text-books of Europe, or tame American copies, on a subject of such vital importance to our country; but it argues well for the robust intelligence of the vast majority of our people that such teachers, felt only as brakes that occasionally retard our career, have borne so little sway in conducting national affairs. Whenever any one of these teachers has the responsibility devolved upon him of dealing practically with these great national questions he finds what he had vainly supposed were cardinal truths only the melody of a dimly-remembered fiction, and what seemed so luminous in theory while being expounded by some fluent professor after all groundless, without home or country, and only applicable to the mythical Arcadias and Utopias of romance.

CATCH-WORDS.

The school of free trade rely upon catch-words, and of these among the most potent have been, "Buy where you can buy cheapest," which doubtless have bewitched large numbers of well-meaning people; but followed up this bat-eyed advice means, "Sell where you must sell cheapest;" and for a large portion of the world it means, "Buy not at all," or that poverty which is incapable of buying anywhere.

There may have been times when the world has been governed by words; but to-day it is more wont to be governed by ideas. Free men, free soil, free speech, free schools, free trade, form a happy alliteration; but the doctrine enveloped in the husk of free trade is so hostile to the general drift of all the rest of these potential watch-words that a similarity of sound will never impose its ill-fraught substance upon an age and people like our own, eminently practical and eminently devoted to the material growth and manly culture of a new world.

SELFISHNESS OF FREE TRADE.

No nation preaches free trade or sends out missionaries for the conversion of the "almighty dollar" but England, and she practices it only in certain directions, as may be seen in many of her legislative acts. Her agriculture has been lifted to surprising perfection by encouragement of manufactures, but her colossal colonial system was built up and is now maintained solely for the protection of her manufactures. That colonial system has now no element of imperial strength. It accepts free trade only from compulsion. Millions of inferior people are made tributary to the limited population represented in the British Parliament. They subsidize great lines of steamships to America, to the Mediterranean, and to India for the protection of their trade. The owners of the ships avow that to them it is indispensable, and the nation endures the tax because cheap raw materials must be sought as well as markets for their manufactures. Great Britain manufactures for the world, and not merely for her own consumption. She must have what she calls free trade to compass her ends, at whatever cost or misery to her own people or any others. She asks other nations to adopt her example and make free whatever she makes free. She does not make sugar and tobacco free, because she has none to sell; but whatever she has to sell her profoundest moral convictions assure her that other nations must refrain from taxing, and she believes it a fatal mistake for them to come in conflict with her policy. If, however, free trade is really so beneficial, why is it that Great Britain is so discontented with her apparent monoply of the theory? Can it be pure philanthropy that makes her statesmen and philosophers so eager to have others share its blessings? Their fanatical laudation of free trade wears a sinister look. As has been observed of women who get a bad husband, "they turn round and praise him, as if they wanted to sell him."

For such a name as that of Cobden and for such a man as Bright I cherish a profound admiration. They illustrate the mighty force of earnestness and persistency when directed by only even one or two strong men. But I cannot forget, when they are quoted on this subject as authorities, that both were cotton manufacturers—the latter still being one of the largest—nor that their life-labor has been to promote the prosperity of British manufactures, on which hangs the immense commerce of Great Britain, compared with which that of ancient Venice, Tyre, and Carthage all combined was but as a retail trade. As statesmen these honored names have never been found in hostility to the profits of the trade to which they were bred. From the same interested point of view the conversion of Sir Robert Peel to free trade may be more easily explained. Cobden signalized his career as a peace man, as does Mr. Bright, doubtless on principle, but also in entire harmony with their business interests. Hence they opposed every war in which their country embarked, and denounced most of the wars of the past. Wars contributed nothing to the prosperity of the cotton trade. I do not say these eminent men advised their countrymen wrongly; but is it not evident that their advice never seems to have been at war with their private interests?

But it is urged that free trade is based upon an invariable, undying, and universal principle. That must be denied, for it must be conceded by all that what might be sound policy for Great Britain in the year of our Lord 1870 would not have been so in 1770, or even in 1840. That country ripened into free trade by the growth of many summers, even centuries, of protection. This growth has not been entirely beneficial, because land and capital has been monopolized by a few aristocratic hands, debarring all protection to labor; but free trade is the ultimate goal of protection; or, in other words, it tends to cheapen commodities so that protection becomes as superfluous as a steam-engine on a down grade, and is no longer needed.

The repeal of the corn laws by Great Britain, in 1847, was in fact one of the largest measures of protection to British manufactures ever achieved. It was a victory of cheap bread, won by workingmen and manufacturers, by Cobden and Bright, over hereditary land-owners, and without which any increase of English operatives or extension of British manufactures had become impossible. Famine prices for corn could not be kept up and continue the manufacture of cheap iron and cheap cloth. Bread had to be cheapened, or the laboring men must have emigrated or starved.

PRODUCERS AND CONSUMERS.

Let me for a moment examine the selfish view of the question, and consider the interests of the individual apart from the interests of the whole people, if that be possible.

If the farmer buys more than he sells, then his interest may seem to justify him in being a free trader; but if he produces more than he consumes, then he should be a protectionist. Every seller is interested in having prices dear; but if all sell the same article they are all competitors, and all must sell cheaply or not sell at all. The theory of free trade assumes that there are more consumers than producers; but this absurdity is only proven by adding both classes together as consumers. If that were true the world would grow poorer year by year; but directly the contrary is the fact. A

certain amount is annually added to the wealth of the country by the excess of production over consumption. The doctrine of protection teaches that any civilized country is rich in proportion as it produces everything it wants at home, sending abroad only whatever is produced at the most profit; but free trade insists that such a country is poor unless it can go abroad for everything it wants, exchanging therefor even what it produces without profit.

Persons living upon salaries and having nothing to sell may fancy that their personal interests lie in the direction of free trade; but they should not forget that their salaries are graduated upon the average profits of the whole people, and if they should be reduced a reduction of salaries must soon follow.

A FALLACY EXPOSED.

There is one fallacy which rises like an Alpine peak so much above all others that it deserves to be exposed, and that is the averment that a duty upon an imported article adds the same amount to the price of all similar articles produced at home; or, if we charge 40 per cent. on $800,000,000 of imports, we are in return charged 40 per cent. by home producers on about $6,000,000,000 of home products, amounting to $2,400,000,000 actually paid in order to get only $120,000,000 of revenue into the Treasury! Such a wind-bag statement hardly needs to be punctured, and yet it is constantly paraded by free traders. We imported 78,792 bushels of Indian corn in 1869, upon which a duty of 10 cents a bushel was paid, and the argument would be that we raised the price of the 880,451,707* bushels produced in the United States 10 cents per bushel; but the fact is that the importation of the corn, if it had any effect, reduced the price of the American corn, and the foreign producers had to accept the market price here, less the duties, which wholly fell upon the foreigner. This result manifestly follows in many cases with other importations.

When any country is dependent upon some other for a market for any of its products whatever duties are there levied fall mainly upon the producers, and prices are not greatly enhanced where such products are consumed. If we were not among the largest purchasers of fruits, Greece could not find a market for her dried currants nor Spain for her raisins; and therefore, with high duties, some considerable share falls upon the producers abroad, or they do not realize so much as they would if the duties were low or if currants and raisins were admitted free. It is the same with sugar from Cuba and teas from China and Japan. Prices depend upon the extent of the demand. If Great Britain cannot find elsewhere a market of equal value for the products annually sent to the United States or to the extent of $125,000,000 it is plain she must reduce her prices to retain our market, and it is a matter of grave interest to her whether our duties are high or low, for when these are reduced she can advance home prices. But it is unnecessary to demolish a falsehood so big that it crushes its authors with its own weight.

MANUFACTURES INCREASE THE PROFITS OF AGRICULTURE.

I have no wish to make our country a manufacturing country exclusively if it were possible, as happily it is not. I would prefer that the great bulk of our population should find employment on their own land in the rural districts, where the conditions are most favorable to intelligence coupled with virtue, and where the destinies of a free Government may be most safely confided. But this population should have the highest measure of prosperity possible. Labor and thrift should have more substantial inducements than the unreliable profits of unknown foreign markets, and this can be obtained only by stimulating manufactures until they shall have furnished a liberal home market for the food and raw materials produced on our own soil. This once established never fails, but a foreign market is always precarious. American wheat finds no market abroad unless offered cheaper than any other, from whatever quarter of the world it may come. Its sale can now or hereafter only be increased abroad by diminishing its price at home. American cotton is not sought until its quality or its price pushes aside the cotton of Egypt and of India. Even a fourth part of this crop, possibly now a third, manufactured at home, has unquestionably raised and will continue to raise the value of the whole crop from one fourth to a third above what it would be if the whole had to find a market at Liverpool. The cotton crop of the world is to-day about as large as before the late rebellion, but England no longer monopolizes its manufacture. Other nations on the continent of Europe have largely and successfully engaged in its manufacture. Competition for the raw material has raised its price, as it will of all the food and raw materials produced in America.

A proper balance of industries must be created at home to secure the greatest good of the greatest number. The adoption of the policy of free trade beyond doubt would injure people dependent upon manufactures, but it would injure those dependent upon agriculture far more seriously. Protection to one branch of industry, like taxation upon one branch of industry, affects all others more or less. Taxation depresses and protection elevates; but the distribution is inevitable. To favor manufactures is to favor the tillers of the soil much more. To favor free trade is to build up commercial cities and drain the rural districts of their wealth and population. All cities, it is true, are engaged more or less in manufacturing and the mechanic arts, but free trade would subordinate these home industries and small profits of the many to the large profits of the few engaged in foreign trade. It appears to me more desirable to encourage the opportunities for the production of wealth and its distribution at home than for the production of trade and exchange abroad, which can benefit only a limited number. When our own people are all supplied with whatever we can produce, if there is any surplus, and the surplus though different would unquestionably be quite as great, we need not fear with the American proclivities to trade that there will be any lack of commercial agents or middlemen willing to offer all needful foreign facilities for its disposal.

POVERTY THE RESULT OF TRADE IN BREADSTUFFS AND RAW MATERIALS.

Why should we permit England—a small island that raises no silk, no cotton, and not half the wool her mills require, and that mainly long combing wool—to take home our raw materials, and send them back with their value so much increased as not only to cover the first cost and transit twice across the Atlantic, but also the cost of a multitude of cargoes of food for the support of millions of her people while at work using up the raw materials obtained from American soil? A large share of the freighting business of the world is unnecessary and a positive loss. Shops, mills, and factories ought to be as much within reach as churches and school-houses. Two bushels of corn ought not to be wholly lost in sending one bushel to market. Two and a half tons of quinine are obtained from one hundred tons of Peruvian bark. South America has neither the capital nor the skill required to manufacture quinine, but who does not perceive the immense loss in the freight of so much bark for the inconsiderable net result? Might it not be called a small bite for so much bark?

Of cotton and wool we show a capacity to produce beyond what is required for home consumption. There is no reason why that portion which will be ultimately consumed here should not remain here from the outset and give life and support, first and last, to our own people. Of silk even it would seem that ere long we might produce in quality and quantity such an abundance as to bring fabrics made from this beautiful staple within the common reach of persons possessed of only moderate means.

IRON.

English iron, such as we get, is much inferior in quality to American iron, whether to be used by the blacksmith or the ship-builder. Then why not prefer and encourage our own? The almost universal proximity of coal and iron ores has long given to England preëminence in the iron trade; but this advantage is already contested in the United States, and fresh discoveries daily advance our ability to challenge sharper competition. The largest annual product of pig iron in the United States up to 1861 was 932,582 tons, having grown from only 50,000 tons in 1810. But under the recent large protection the product has increased within the last nine years to an estimated amount of 1,950,000 tons, or a greater increase than in the previous half century! Can it be doubted that this immense addition to the annual stock of iron has kept the price the world over far below what it might otherwise have been? The recent discovery of a mode of dispensing with the process of puddling will, if it proves a success, turn out malleable iron at a cost but little above that of crude metal. Pittsburg takes the lead! Can it be doubted that it may now safely abate somewhat of its demands for protection? Protection to iron in Pennsylvania, Missouri, or Kentucky assures no monopoly to Pennsylvania, Missouri, or Kentucky, for the people of Michigan, Ohio, and many other States have the power and are at full liberty to engage in the same enterprise upon equal terms, and are quite likely to do it. This is the surest and most potent way of arousing rivalry and of setting the furnace fires ablaze all over the country. These fires will be on the hill-tops, and cannot be hidden. If profitable, more will be kindled, and other men will go and do likewise.

HARMONY OF INDUSTRIES.

The commingling of many industrial branches of business is the true way to organize all the forces of a community so that every man may follow a congenial pursuit, and thus develop the entire strength of all the component parts, whether skilled or unskilled, strong or weak, those having genius or otherwise. Then all will be harmoniously engaged in doing the best they know how. The farmer does not put his stoutest man about his lightest work or where a boy will answer the same purpose, nor does he, if wise, confine his land to a single crop; but by having more he utilizes all his time and help, as well as all his varieties of soil, taking care of one crop after another in regular progression until the whole is grown and harvested. Thus he takes advantage of every occasion for economy, and greatly multiplies the sources and chances of profit.

Nations guided by an equally enlightened self-interest follow the same policy and have never yet failed and never will fail to demonstrate that diversified employments prove immeasurably more productive in the aggregate than where they are more restricted. Such industries are mutual insurers, and when disaster befalls any special branch the loss is made up from the better fortune of all other branches, leaving the major part always successful; but those nations confined to a single venture, whether of manufacture or agriculture, of fisheries or of lumbering, like the farmers who rely on a single crop in case of failure, are cut off from all other resource or compensation elsewhere. In our country agriculture transcends in importance all other interests combined, and always must and should take the lead. Other interests derive much of their beneficial power from the direct aid which they afford to its pursuit and the indirect aid they afford by increasing its rewards through the consumption of its surplus products.

The greatest rulers of the world have confirmed these truths by their example. Cromwell, Peter the Great, Napoleon, were protec-

*The product of 1859.

tionists. In England the elder and the younger Pitt, and in France Colbert—ministers and statesmen whose far-reaching sagacity has never been impeached, and whose fame still shines brightly over the civilized world—were in favor of the sturdiest kind of protection, and went not only to the verge of what might practically prove to be prohibitory duties, but sometimes to prohibition in terms. Napoleon went so far as to say that duties should never be a fiscal instrument, but a means of protecting industry. Pitt went so far, in 1802, as to specially legislate against the competition even of the United States, and by protection he triumphantly sustained the finances of his country through a long and most expensive war. "Under his administration," says the historian Allison, "the revenue, trade, and manufactures of England were doubled, its colonies and political strength quadrupled, and he raised an island in the Atlantic, once only a remote province of the Roman empire, to such a pitch of grandeur as to be enabled to bid defiance to the world in arms." Macaulay styled Pitt "the greatest master of the whole art of parliamentary government that has ever existed." And yet the polished sophists of free trade would have us believe that such men as these lived and died ignorant of the sound principles of political economy. They heeded not free trade. The master mind of our own country, Hamilton, sought by his famous report, supported by one of the first acts of Congress, for which Madison voted, to "encourage manufactures" by the protection of American products. Our most generous statesman, Henry Clay, and our boldest, General Jackson, as well as the coolest and most astute, John Quincy Adams,* were protectionists in head and heart. The ship of State was in no danger of foundering under the pilotage of these men, and, if their policy was wise, time has furnished no reasons for change except in degree. Perfection of means and ends may be so nearly reached that favor is no longer required as to many articles; but others from necessity lag at unequal distances in the race, and still require to be nursed.

Nations which rely on the fertility of their soil, or upon a single crop, with no alternative means of subsistence, place even their moderate prosperity in continual jeopardy, and their average accumulation of profits must remain lean and scant forever. The same would be true of a people confined to manufactures exclusively. In any season of scarcity, when other nations are without a surplus of breadstuffs, the dependent people are exposed to starvation. A community relying upon one branch of manufactures, though surrounded by a grain and cattle-producing country, is subject to severe fluctuations; but when these branches are largely multiplied the unprosperous manufactures form only the exception and not the rule.

HOME-MADE ARTICLES BEST AND CHEAPEST.

A liberal interfusion of manufactures among all agricultural communities thus appears to me desirable for several reasons. First, it begets a wider knowledge of general subjects, especially of the practical sciences, and forms a more intelligent people. Second, it increases the wealth and independence of farmers by the avoidance of the immense cost of shipments to and from foreign lands. Fair trade—very different from free trade—consists in an exchange of products costing an equal amount of labor. If these are all produced in the same locality, all the facts are known and no advantages can be long concealed, and the result is fair trade. When the farmer of Illinois sends wheat to England in exchange for Sheffield cutlery, London watches, or Nottingham laces, he can form no just estimate of the actual value of what he receives, and does not know whether he is cheated or not; but if he can exchange his wheat for such commodities made in his own neighborhood he will know all about it. When he buys an Illinois plow or an Illinois wagon or Illinois watch he always gets a prime article at a fair price. The knack of machinery and the profits of trade are no secret at home. The profits on foreign articles are unknown, except that they are known to be generally much greater than upon those of domestic origin. Hence dealers have an interest in handling foreign to the exclusion of American goods, and the greater profits thus derived enable them to liberally patronize the press, as well as to subsidize peripatetic philosophers of free trade. A particular style of foreign goods is more easily monopolized than those made at our own doors, and if found salable cannot at once and so easily be duplicated by neighboring competitors. A domestic article, however, if found salable, will at once be multiplied, and can be ordered by any number of dealers in such quantities as to cause a reduction of prices by a destructive competition. American articles of a staple kind, produced in large quantities, like cut nails, prints, delaines, cotton cloth, white lead, shoes, and boots, are usually sold at a bare commission, and often without any profit at all, whether at wholesale or retail. Many dealers in imported goods keep and sell lines of staple American goods at cost as baits to catch customers for the trade in more profitable commodities.

Purchasers have a fashionable partiality for goods of foreign make and style, and have not yet found out that American iron, cotton, and woolens are tougher, stronger, and more durable than such as are usually imported. This prejudice and ignorance has to be conciliated by a reduction of price, and a superior American article is often sold for less than an inferior foreign article of the same sort readily commands. It is true that the relative merits of American manufactures, as compared with some others, appear to be better understood in some places abroad, and British manufacturers have been lately often detected in using the stamp and brand of American manufacturers in order to fraudulently dispose of their own goods in far-off markets. Very likely our manufacturers have undervalued the artistic training and culture of their workmen; but it is a vital point which cannot longer be safely neglected. It is not the role of America to follow, but to lead.

A LIBEL REFUTED.

It is a libel to charge, as it has often been charged, that protection is always increasing its demands for further legislative favors. That is not the history of England, nor of any land where protection ever had a foot-hold, and surely it is no part of our own history. The facts are all the other way. Experienced manufacturers are always moderate in their demands. Only those unskilled, or working with inferior machinery, clamor for extravagant protection, and such extravagances may be properly rejected, just as clamor in the opposite direction may be rejected. Prudent men know that large protection rouses a host of wild and reckless competitors, who flourish for a day and go down with a crash, carrying with them even those whose more prudent management deserved success.

In 1861 our tariff was largely changed to specifics; not much raised, though made more protective by being unchangeable; not vanishing to a minimum when a maximum is most needed, as *ad valorems* vanish upon a fall in prices; but the change was not asked for, and but coldly welcomed at the time by manufacturers, who always and justly fear instability. It was, however, as favorable to their interests as to those of agriculture, then more directly acknowledged, or of the Government, which sought a more honest method of collecting its revenues by treating all importers with a fixed and unalterable measure. Our recent war compelled us from year to year to increase our revenues immensely. Instead of one symmetrical law, like that of 1861, we have from necessity an accumulation of amendments. For revenue purposes, and not for protection solely, 50 per cent. in many instances has been added to the tariff, denounced as a Chinese wall, to enable our home trade to bear the new but indispensable burdens of internal taxation. Already we have relinquished most of such taxes, and have ceased to collect more than a mere pittance on the sale of home manufactures. So far, then, as protection merely is concerned, if the revenue could be spared, we might safely remit a percentage of the tariff on a considerable share of our foreign importations, but the question is whether it would be wise at present to diminish the receipts of the Treasury at all or not; (the President and the Secretary of the Treasury think not;) and if wise, whether the revenue can be released on imposts or from other more direct taxes with the greatest advantage to our people. It seems clear to me that it will be sound policy to make our resources abundant until our debt shall be funded at a lower rate of interest, and that the least burdensome of our taxes are those imposed upon foreign importations.

At the same time it is a mistake of the friends of a sound tariff to insist upon the extreme rates imposed during the war, if less will raise the necessary revenue. Nor should the rates be so high as to make smuggling with all its risks a profitable business. It may be admitted that these rates should only be maintained at a point high enough to cover any unusual taxation. Whatever percentage of duties were imposed upon foreign goods to cover internal taxes upon home manufactures, should not now be claimed as the lawful prize of protection when such taxes have been repealed. There is no longer an equivalent. The small increase of the tariff for this reason on iron, salt, woolens, and cottons cannot be maintained except on the principle of obtaining a proper amount of revenue. Protection has here no legitimate claims, and it may be taken off whenever direct taxes are repealed and less revenue is desired. The war duties on tea, sugar, coffee, and salt were never intended to be more than temporary.

These articles, to be sure, can be more certainly relied on for a stable revenue than any others, but they are consumed by the poor almost as much as by the rich; and a republican country cannot afford to tax exclusively, or even largely, that class of articles, as is and may be done in Great Britain. An aristocracy will, of course, make all classes below them, if they can, contribute as much *per capita* as they do for the support of Government. Republicans, however, must charge the highest duties upon such articles as are consumed by persons of wealth and fashion. Tea, coffee, and sugar are not luxuries to the American people unless taxed so as to make them so, and if war has made taxes a necessity, as fast as that necessity diminishes just in the same ratio ought the duties to be diminished.

Tea and coffee will not be grown for the present, if ever, in the United States, and duties on such articles can have no other object than revenue. Sugar can be had both from the cane and sugar beet. That it ought to be grown to the full extent of all our wants, greater *per capita* than those of any other country, will not be denied. France at first protected the manufacture of beet-sugar until at last its success was so great that the cane sugar of her colonies had to be protected by the imposition of an internal tax upon home-made beet-sugar. Some of our people formerly objected to eating slave-grown sugar, and yet protection was demanded and conceded even to slave-grown sugar. Shall we now refuse it when grown by

*This list might be indefinitely increased from the ranks of the old Republican party by such names as that of Thomas Jefferson, who writes in 1815 as follows: "The prohibitory duties we lay upon all articles of foreign manufacture which prudence requires us to establish at home, with the patriotic determination of every good citizen to use no foreign article which can be made within ourselves, without regard to difference of prices, secures us against relapse and foreign dependency."

freemen? Something is due, it seems to me, to encourage a much larger production of cane and beet sugars, and something is due to a revival and multiplication of sugar plantations in our southern States.

France and Russia, both adherents of the doctrine of protection in the broadest sense, do not go on from year to year asking for more, but have each lately considerably reduced their tariffs, proving conclusively that they have each made an advance. Russia, some years ago, was almost entirely an agricultural nation, enjoying the so-called prosperity of free trade, and British shop-keepers were almost as much at home in St. Petersburg as in London; but she changed her practical relations with other nations by adopting the policy of protection to home industry. Her products were at first rude and unsatisfactory to all except herself, but she has succeeded in establishing many of the staple manufactures of the world, and has made more progress—there being admitted room—in freedom, wealth, and general intelligence than any other European nation within the last twenty years. A diversified industry is the natural enemy of slavery, ignorance, and poverty. Russia is making rapid strides in civilization, and is now reducing her tariff as her ability allows, but at every point she carefully guards the interest of her millions of people with the policy of protection. By giving freedom to her people and by protection to manufactures Russia shows that she does not intend to be any longer overmatched by European Powers having not one tenth of her area nor one half her population.

The dense population of the older civilized nations; their accumulated deposits of capital from the labor of centuries, and the ages of trained rivalry through which they have passed, give them an advantage in nearly all the industrial arts over new and younger nations of the world. They have got the start. The United States, though as facile to create as to adopt labor-saving machines, have not failed in their due proportion of contributions to the arts, as the numerous trophies of American genius to be found in the Patent Office or already marching around the world abundantly proves, and the time may yet come when the United States, if it pleases, can enter the race of free trade as to a very large number of articles, if not as to all, against all comers, regardless of their rank, history, or civilization. If this were not so protection would be indefensible. It is competition, equals with equals, nation with nation, man with man, that sharpens the wit, enforces economy, and most speedily reduces the cost of all products. Nations holding monopolies dictate prices and regulate markets, but the first blow of competition brings down prices as irresistibly as the strong wind bends the tops of the loftiest trees.

This result is easily proven by existing facts and notwithstanding the unusual load of taxation which all American products have borne since the commencement of the recent rebellion. The words of Chaucer five hundred years ago, applied to everybody:

"A Sheffield whitel bare he in his hose,"

but no longer to the Yankees, who now both use and make an American "whitel." A recent parliamentary report exhibits a list of a large number of articles made in Birmingham which are already largely displaced in the markets of the world by productions of the United States. Among them will be found shovels, hoes, axes, cut nails, horse-nails, pumps, locks, latches, gimlets, clocks, penknives, scissors, muskets, pistols, agricultural implements, weighing-machines, sewing-machines, gas-fittings, lamps, table glassware, &c. Of course all these articles have passed the Rubicon of protection, being bought and sold here as cheap, if not cheaper, than they can be made anywhere else in the world. For all time to come Americans will be supplied with these articles at as little cost as any other people, knowing at the same time that they are of American origin and that there are none better. The open-mouthed calumny that protection is always increasing in its demands in face of these facts should shut its lips forever.

RAW MATERIALS.

As a general rule it is true that sound policy requires the admission of raw materials free of duty into all countries claiming any pretensions as a home for manufactures. The only exception to this rule is as to raw materials which are indigenous, or such as might be easily and profitably introduced and naturalized. A duty on raw materials is wholly a tax on the manufacturer, except when produced so cheaply and abundantly that there is an excess beyond what is required for home consumption, rendering any tariff inoperative, or when compensated for by an equal or greater duty upon the foreign-made articles composed of the same materials. For instance, the process of manufacturing silk is tedious and delicate, requiring consummate skill in all stages of its manipulation. The wonderous colors, elegant patterns, and glossy surface require a scientific knowledge of dyeing, an aptitude in the conception and drawing of beautiful forms, a mastery of complicated machinery, and the finest touch in the finishing process. Capital and labor in lavish proportions are indispensable to its production in its highest perfection. Its introduction into new and untried fields could not be ventured upon at all if raw silk were to be loaded with a duty. Perhaps this manufacture at this time owes its partial foot-hold in our country to the necessity which called for the imposition of war duties upon manufactures of silk. It is quite possible the manufacture may yet win its way to a place among our most considerable branches of industry, even though the present duties, (so high as perhaps to tempt illicit trade,) should be reduced. Happily the raw material seems likely ere long to be supplied in abundance within our own borders. The climate of the Pacific coast is such as to produce, without the peril encountered elsewhere from thunder and lightning, four crops of large and healthy cocoons in a single season, presaging a supply far beyond the wants of our own people, and no more requiring the protection of the Government than fruits in the garden of Eden.

WOOL AND WOOLENS.

On the other hand, wool manufactures can be successfully attempted by the rudest civilization. Something can be and has been achieved everywhere and in almost every age. True it is that a technical knowledge of the true composition of dyes, of pattern-drawing, and of the most improved machinery gives power to minister to something more than the bare necessities of mankind, and to supply some share of the more costly comforts and elegancies of life; but the domestic manufacture of common woolen cloth to some extent has existed and must exist in nearly all countries. The coarse and cheaply-made goods when not produced through the aid of modern mills must be had through the simple spinning-wheel and hand-loom. In northern climates woolen clothing is not less vital than food itself, and no country should be dependent upon foreign and distant lands for either one or the other. If our Government did not connive at smuggling blankets from our enemy in the recent war, as it did in the war of 1812, we yet in point of fact obtained a considerable part of our first supplies from abroad. That a country continental in its dimensions, surpassingly rich in its broad extent of pasturage, should be unequal to the production of the wool it annually consumes is not for a moment to be supposed. It is a fact, however, that for years we have drawn from abroad a large quantity of the wool we have consumed, as well as a much larger proportion of woolens.

The amount of wool imported in 1868 was 26,449,321 pounds, and 49,812,392 pounds in 1869, valued at $7,688,348, or at an average cost of 14.4 cents per pound. The value of woolens in 1869 amounted to $35,054,407. Of carpets alone we imported 3,881,830 yards, valued at $4,261,258. These facts prove that the duties on wool and woolens are by no means prohibitory.

It is true that many classes of woolens do not bring first cost, but that is true of cotton goods, and is to be attributed to the general depression of trade and the character of our currency; and it is also true that no wool produced above forty degrees north latitude now brings over three fourths of its actual cost.

The policy or impolicy of a duty on foreign wool has long been debatable ground both here and abroad. In France the duty on wool was 20 per cent. *ad valorem* up to 1855, when it was made free, but the price there for fine wool in 1867 was less than 25 cents per pound. The Romans at an early day introduced the spinning of wool and weaving of woolen cloth to the inhabitants of England, who previously were only clothed in skins. Woolen manufactures were firmly established in England in the reign of Edward III, A. D. 1331. Only six years thereafter the exportation of wool was interdicted, and the "wear of any cloth made beyond the sea" prohibited. From the reign of Charles II until a recent period no one was permitted to be buried unless wrapped in a woolen shroud. The importation of even Irish wool was prohibited in 1696, and the non-exportation law, as to English wool, was not repealed until 1824. The British tariff on wool in modern times has been fluctuating. In 1819 it was raised to 6 pence per pound. In 1824 it was reduced to 1 penny per pound on wool costing 1 shilling or over per pound, and to a half penny on all costing less; but it admitted colonial wool free. Prices fell; Southdown wool brought 1*s.* 4*d.* in 1825, and only 6 pence in 1829. In 1844 it was provided that all wools should be admitted free. Surely this is a checkered record of the road to free trade! Very recently the increase in the production of wool the world over has been prodigious. The broad, unfenced plains of South America, Africa, and Australia seem to have been suddenly covered with flocks of sheep in untold numbers, and the chief expense of raising wool is reduced almost to the bare expense of washing and shearing the flocks, and for even that some machinery is resorted to. The quantity outstrips the present requirements of the world. Australia, according to M. Thiers in a recent speech, produced last year 330,000,000 pounds, and could furnish 600,000,000. La Plata could produce, he says, a similar quantity. Commissioner Wells says, "The wools of the United States are mainly the merino clothing wools, which can be produced in any quantity and at prices which defy foreign competition;" and he mentions Texas wools as having been produced at a cost only of 7 cents per pound, which sold for 25 cents in gold. The defiance is a very bold utterance, but one not likely to find any backers among wool-growers.

It is possible that on the wild prairies of the far West, and in California and Texas, some faint competition can be maintained with countries having similar pasturage abroad; but it is obvious that where any ownership to land is maintained, or where it possesses any marketable value, unprotected wool cannot long be grown. We might as well undertake to compete with the mountains of the moon as with the unclaimed tropical plains. Iowa, Missouri, Wisconsin, and Illinois, as well as Ohio, Pennsylvania, New York, and Vermont, must abandon sheep husbandry, so indispensable to the continued fertility of their soil, if the wools of the unsold, unfenced, untaxed, wild wastes of the southern half of the globe are to be permitted to enter our markets free of duty. Nor will any *ad valorem* duty serve any good purpose. The foreign valuation is at so low a figure that an *ad valorem* duty of even 50 per cent. is but a bagatelle. We have tried 30, 40, and even 50 per cent., and always

with the same result. Nothing short of a specific duty will give any positive protection. It is true that the present prices of wool are so low that the number of sheep has been very greatly reduced within the last year in Australia, as well as in large portions of the United States. No industry there or here now pays less profit than sheep husbandry; but it may legitimately be expected henceforth to improve. Besides this, it ought never to be forgotten that the fiber of most foreign wool is exceedingly tender, while that grown in the United States is strong. Cloth made of American wool is much more durable than that made of foreign wool. The future of the American wool-grower is not too bright; it has no advantages to excite envy; and it is the duty of an American Congress to do all in its power to preserve one of the highest forms of agricultural industry, and at all hazards to save it from being crushed by evasions of the law, by the patrons of free-trade opinions, or by the blind selfishness of a few manufacturers. The exaggerated prices of wool and woolens during the war have passed by, and free-traders would have us believe that the present low prices are the legitimate result of high protective duties. They predicted, on the passage of the wool tariff, that the poor man would have to pay many dollars in the shape of a bounty to the wool-grower on every suit of clothes bought; but it so happens that the poor man never bought woolen clothes cheaper than at the present moment. The consumer has nothing to complain of, and has not been sheared by the wool-grower.

THE COTTON TRADE.

The price of cotton having doubled and its manufacture having been extended among many nations heretofore nearly altogether dependent upon England for cotton stuffs, competition is likely to maintain high prices for the raw material, although the supply of the world is no less than in 1860, when England monopolized the crop. On the continent of Europe and in India as well as the United States they have begun to spin and weave for themselves. Lancashire suffers. Her people are out of work, and denounce free trade and the reciprocity treaty with France. Thereupon the London Times of September 18, 1869, discourses as follows, namely:

"Why, for example, should the Americans, who used to be well pleased that we should spin cotton while they grew it, resolve now to be spinners and growers too? Why, again, should we be told, as a correspondent did tell us plainly, that we had better let the Hindoos resume their old trade of cotton spinning and work up the produce of their own fields? How is it that France finds it for her advantage to take up this manufacture which was our monopoly so short a time ago?" * * * *

"New cotton fields have been opened, but new cotton factories have been opened too, some under the shelter of protection, some perhaps in a more natural atmosphere. There is a more extensive demand for the raw material, which rises in price accordingly, and that rise in price deprives us of a condition essential to the superiority we once maintained."

This is a confession from which we ought to profit. The workingmen of Great Britain are in distress. The guardians of charities for the poor cannot relieve the sore wants of all their supplicants. But her statesmen do not find any relief springing from their so-called system of free trade. That neither feeds their people nor furnishes a market for their products, when other nations begin to assert their independence and their freedom from British monopoly. We may commiserate their people, but we cannot yet afford to adopt their policy.

THE NEW FORCES OF LABOR-SAVING MACHINES.

New inventions and the application of labor-saving machines in modern times have greatly improved the condition of laborers. They are no longer slaves and serfs, nor are they treated as beasts of burden, but as men responsible for their acts and to whom others are equally responsible. Under our free form of government, with no hereditary estates, all or nearly all of our citizens are engaged in some industrial employment or business which demands a chief share of their time. Age and physical infirmity furnish almost the sole exceptions to this rule.

In 1841, Chevalier, a distinguished French author, sought numerical expressions for the advance in productive power caused by modern improvements, which were not only curious but seem to have been unimpeachable as to their general accuracy. Since that date further advances have been made, but he then estimated the increase of power as to manufacture of iron as twenty-five or thirty to one; of bread, since the time of Homer, as one hundred and forty-four to one; of cotton fabrics within the last century, as three hundred and twenty to one. He also found that one American in the transport of goods was equal to six thousand six hundred and fifty-nine of the subjects of Montezuma, and that one man attending a mule in England or America is equal to three thousand two hundred and sixty-four natives of India spinning by hand. The author of Plutology says, that forty years ago three men with difficulty made four thousand sheets of paper per day; now they easily produce sixty thousand. Lace used to be produced by hand at the rate of three meshes per minute, but a Nottingham machine will now bring it forth at the rate of about twenty-four thousand meshes per minute. Three tons of coal, it has been estimated, will give an amount of force equal to a strong man working twenty years, three hundred days in each year. All this is modern. The present age is so much in advance of the past, and this advance is for the benefit of the whole race, and not for feudal chiefs, or a few aristocrats, or a single nation.

The improvements in agriculture from its nature could not be expected to show such conspicuous strides; but it is a moderate estimate to say that the agriculturist who seizes hold of the best and most improved implements does one half better than could his father in the old way. Human labor is abridged and yet brings about greater results. In the bleaching of linens the work of eight months is now performed in a single hour. First, sulphuric acid, then chlorine, and last, chloride of lime, has supplanted the ley and buttermilk and green grass of Holland, and linens may be bleached without much loss of time wherever they are made. Obviously intelligence, not mere muscle, now contends for the mastery. Labor is lifted from its degradation and carries no unnecessary load on its back.

In order that any country should largely increase its wealth, it must increase its material productiveness, and this can only be done by adding to such forces as may have been bestowed by nature upon the country and its people, the artificial forces of steam and other labor-saving instrumentalities. Free trade invites a trial of strength and skill on an empty stomach with all the world, but extends no welcome to any auxiliary power beyond the naked hands. Protection, on the contrary, brings out as a well-fed reënforcement all the engines and marvelous contrivances of human wit from the foundation of the world. It guaranties capital at the outset against a total loss if it shall venture to enlist the impassioned forces of fire and water. It employs the engine, a dumb giant, whose hairs are not yet gray with age, to do the work of a regiment of men without a cry of pain or fatigue. It even aids agriculture. There it does not merely fret the surface of the earth with the prong of a tree, the old plow of Cincinnatus, but with a steel plow, or with a gang of steam plows it plunges deeply into the virgin soil, turning the whole field upside down, and is rewarded by a crop of a hundredfold. With the hand-sickle it no longer gathers a few sheaves; but with the American reaper, more potent than the war-chariots drawn by the elephants of Hannibal, harvests acre after acre of the golden grain in a single day. It does not doom the blacksmith to the hard labor of earning twenty-five cents per day by making 6 or 8 pounds of hob nails,* but pays $1 50 per day, and with a curious American machine makes as many hundred pounds, and crowds the market with cut nails, much better for use, at a price only a little more than one fourth of a cent per pound above that of bar iron. Through an American machine, too, almost as intelligent as appeared of old the automaton chess-player, and attended by a child only, the long iron wires are changed in the twinkling of an eye to wood screws, superior to anything ever before seen and for much less than half the former cost.

Steel, the elder brother of iron, by the slight additional protection afforded in the tariff of 1861, has been so far established as an American product as to sensibly diminish its present cost. The Bessemer steel, made from pig iron, is one of the great and most beautiful triumphs of science; and the new process of melting wrought iron in a hot bath of pig iron, and thereby converting the whole mass into steel, promises to revolutionize prices, and place steel on a par with iron. Protection stimulates human genius and produces wonderful works, but free trade relies not upon sweat of the brain, but upon sweat of the brow alone, measuring its products by the measure of past generations, and desires to slumber and to be let alone. Protection means progress, or individual and national advancement. Free trade means where no manufactures exist there none ever ought to exist. It strikes the forge, the loom, the engine with paralysis.

It must be conceded that it was not alone the advantage of numbers possessed by the North which enabled the Government to achieve a victory over the late rebellion, but it was also its mighty auxiliaries, in the shape of water-moving and steam-propelling mills and machinery. The force of the free States was thus more than duplicated, and this gave them power and vigor to conduct the prolonged contest with less expenditure and more assurances comparatively, day by day, of ultimate success. The seceding States were stronger at the first shot than at any day thereafter. The loyal States girded up their loins year by year, and at the close of the contest would have regarded it almost as a holiday to have been afforded a fair opportunity for a deadly grapple with one or two of the first-rate Powers of Europe. Foreign foes rather than kinsmen were hungered after. Our Army and Navy were not only large, but they were in fighting order, especially if only ordered to avenge national injuries, received while our hands were tied, and because they were tied. Our mills, foundries, and machinery remedied all deficiencies almost as soon as known. This additional force, beyond all doubt, had been created by tariffs for revenue with moderate discriminations for protection, which discriminations were most opportunely invigorated by the act of 1861, and, it may be added, were subsequently largely increased. In any contest which the future may have in store for us with any foreign Power, especially a maritime Power, this auxiliary force will be vastly more important. If we mean to accept and hold the rank of a first-rate Power among nations we cannot forego the many advantages of manufactures and the mechanic arts. Here lies the royal road to power and independence. During the late contest the people of the South, with more cotton than all the world beside, were distressed for even common sewing thread. It was like the story of—

"Water, water, everywhere,
Nor any drop to drink."

To maintain an undoubted independence our role of construction must embrace all the indispensable articles, from the least to the greatest, from a needle to an iron-clad ship. Our national pride demands that we shall not now

*More than two hundred years ago, when hob nails were just supplanting wooden pins, Fuller, in the Worthies of England, says "that coin of gold and silver may be better spared in a Commonwealth than nails."

nor at any time abandon the foundation of our strength at home and our security abroad by the imbecility of treating the doctrine of protection to American industry with legislative contempt.

CONCLUSION.

Shall we not, from the considerations presented, and from a proper regard for the present position of the American people, all agree

First, that it is expedient to rely mainly on duties upon the importations of foreign merchandise for revenue to support the General Government?

Secondly, that in levying these duties such reasonable protection should in all cases be given as will favor the consumption of home-made and home-grown products?

Thirdly, that such articles as are usually grouped among the necessaries of life, and such raw materials as we do not produce, should bear the least amount of taxation in any form?

Fourthly, that having to some extent created for agricultural products a home market, it ought not to be surrendered and made free to foreign rivals, near or remote, who have never contributed to the support of such a market?

Fifthly, that American manufacturers ought not to be forced by free trade to demand such terms of workingmen as many of the latter came to our country only to escape from?

Finally, the Republican party has the destinies of the American people in its hands, and it should not subordinate them to the mastery of every other country filled with cheaper capital and cheaper labor. Labor here is not only honorable, but here obtains its highest rewards; and it should be our mission to perpetuate this national distinction. The marvelous accession of force added to the productive power of nations by machinery and the archimedean leverage of the mechanic arts, must not be wholly abandoned to our rivals. The aptitude of our people for all the useful arts; their inventive genius, as displayed in the past and so full of promise for the future; the vast theater wherein they are called to operate and find scope, deserves something more than the cold disregard and the heartless indifference of free trade. The recently emancipated population of the South should be furnished with grander opportunities than it has hitherto had, both of profit and culture, by which its best examples of intelligence may hope to rise above the universal level of the old cotton plantations. Let the energies of our whole people be put in motion, by making industry and enterprise prosperous in all directions—of the plow, the loom, and the anvil—and thus give assurance at home and abroad that the year of our deliverance is not remote, when all debts, public and private, will have been honorably discharged, and when to be an American will be to be a citizen of the happiest, freest, and foremost nation of the world.

During the course of Mr. MORRILL's speech,

The VICE PRESIDENT. The Senator from Vermont will please suspend his remarks. The morning hour has expired, and the legislative, executive, and judicial appropriation bill is before the Senate.

Mr. BUCKINGHAM. I move that the appropriation bill be passed over for the present in order to allow the Senator from Vermont to conclude his remarks.

The VICE PRESIDENT. The Chair hears no objection, and the appropriation bill will be passed over informally.

Mr. MORRILL, of Vermont, having concluded,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice President:

A bill (S. No. 369) to establish an additional land district in the State of Kansas;

A bill (H. R. No. 902) limiting the appointment of certain officers in the Treasury Department;

A bill (H. R. No. 40) to confirm the title of William M. Garvey to a certain tract of land;

A bill (H. R. No. 891) for the relief of Soule & Co.;

A bill (H. R. No. 1336) granting a pension to Anna B. Snider;

A joint resolution (H. R. No. 153) for payment of one year's salary to the executors of General John A. Rawlins for the benefit of his family;

A joint resolution (H. R. No. 269) to amend the act of April 20, 1870; and

A joint resolution (H. R. No. 273) donating condemned cannon to the McPherson Monument Association.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. HORACE PORTER, his Secretary, announced that the President had, on the 6th instant, signed the bill (S. No. 580) to fix the point of junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company; and that the President had, on the 7th instant, signed the following joint resolutions:

A joint resolution (S. R. No. 90) for the relief of certain officers of volunteers; and

A joint resolution (S. R. No. 23) for setting apart a portion of the Fort Snelling military reservation for a permanent military post, and the settlement of all claims in relation thereto.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, communicating, in compliance with a resolution of the 26th ultimo, full and entire copies of the following dispatches of J. Somers Smith, esq., late commercial agent of the United States at San Domingo, to the State Department: dispatch dated San Domingo city, September 4, 1869; dispatch dated San Domingo city, September 9, 1869; and dispatch dated San Domingo city, October 8, 1869; which was ordered to lie on the table and be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDING OFFICER, (Mr. RAMSEY in the chair.) The Senate now resumes, as in Committee of the Whole, the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871. The Secretary will resume the reading of the bill, and the amendments reported by the Committee on Appropriations will be acted upon as they are reached in their order.

The Secretary resumed the reading of the bill.

The next amendment was in the clause making appropriations for the office of the Commissioner of Internal Revenue, after "three assistant messengers," in line five hundred and twenty-four, to insert "at $720 each;" and to increase the amount appropriated in lines five hundred and twenty-six and five hundred and twenty-seven from $351,200 to $351,220.

The amendment was agreed to.

The next amendment was after the clause appropriating $40,000 "for temporary clerks for the Treasury Department," to strike out the following proviso in lines five hundred and twenty-nine, five hundred and thirty, five hundred and thirty-one, and five hundred and thirty-two:

Provided, That no temporary clerk shall receive a greater compensation than at the rate of $1,200 per annum for the time actually employed.

The amendment was agreed to.

The next amendment was in line five hundred and thirty-three, to strike out "rent" before "dies," and to strike out in lines five hundred and thirty-three and five hundred and thirty-four the words "incidental expenses, including the cost of subscriptions;" so as to make the clause from line five hundred and thirty-three to line five hundred and thirty-eight read:

For dies, paper for stamps, and for such number of copies of the Internal Revenue Record and Customs Journal as the Secretary of the Treasury may deem necessary to supply to revenue officers, $200,000.

The amendment was agreed to.

The next amendment was to modify the following clause:

For salaries and expenses of collectors, assessors, assistant assessors, supervisors, detectives, and storekeepers, together with the expense of carrying into effect the various provisions of the several acts providing internal revenue, excepting items otherwise estimated for, and for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws, or conniving at the same, in cases where such expenses are not otherwise provided for by law, $8,100,000.

So as to make it read:

For salaries and expenses of collectors, assessors, assistant assessors, supervisors, and storekeepers, together with the expense of carrying into effect the various provisions of the several acts providing internal revenue, excepting items otherwise estimated for, $6,500,000: *Provided*, That after the passage of this act the proprietors of all internal revenue bonded warehouses shall pay to the collector the current expenses and salaries of storekeepers or other officers in charge of such warehouses. And the Secretary of the Treasury is authorized and required to make such rules and regulations as are necessary to enforce this act; and all acts and parts of acts inconsistent herewith are hereby repealed. For detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws or conniving at the same in cases where such expenses are not otherwise provided for by law, $100,000: *And provided*, That the Secretary of the Treasury may, at his discretion, discontinue any two or more collection and assessment districts and unite them into one, whenever the same can be done without injury to the efficient assessment and collection of the revenue, and shall report thereon at the next Congress.

Mr. MORRILL, of Maine. The Committee on Appropriations instruct me to offer an amendment in lieu of that paragraph, which I will send to the desk. It is the same thing in better form. I move to strike out the paragraph commencing in line five hundred and thirty-nine, on page 23 of the bill, down to line five hundred and sixty-one, on page 24, and to insert in lieu thereof the following:

For salaries and expenses of collectors, assessors, assistant assessors, supervisors, detectives, and storekeepers, together with the expense of carrying into effect the various provisions of the several acts providing internal revenue, excepting items otherwise estimated for, $7,000,000: *Provided*, That after the passage of this act the proprietors of all internal revenue bonded warehouses shall pay to the collector the current expenses and salaries of storekeepers and other officers in charge of said warehouses. And all sums so collected in the nature of reimbursements to the United States for payments on account of expenses and salaries of storekeepers or other officers in charge of said warehouses, or that may hereafter be so collected, shall be carried to the credit of the appropriation for salaries and expenses of collectors, storekeepers, &c. And the Commissioner of Internal Revenue and the accounting officers of the Treasury are hereby authorized and directed to take the necessary steps to carry this proviso into effect: *And provided further*, That the President may at his discretion divide the States and Territories respectively into convenient collection districts, or alter the same, or alter two or more districts, or two or more States or Territories, into one district; and may exercise said power from time to time as in his opinion the public interest may require.

For detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws, or conniving at the same, in cases where such expenses are not otherwise provided for by law, $100,000.

Mr. COLE. I think that amendment had better go over and be printed. It has not been before the committee I think.

Mr. MORRILL, of Maine. Yes, sir; it was adopted by the committee as a substitute.

Mr. COLE. I thought the committee agreed upon what is here presented in the bill.

Mr. MORRILL, of Maine. This amendment was drawn by the Commissioner of Internal Revenue in order to cover that. It covers precisely the same thing, but in a more explicit form.

Mr. TRUMBULL. I should like to see the amendment printed. Let it go over until to-morrow and be printed, so that we can see it in print.

Mr. MORRILL, of Maine. I have no objection to that.

The PRESIDING OFFICER. The amendment will be passed over for the present, and will be ordered to be printed.

Mr. POMEROY. Do I understand the Senator from Maine to move the amendment which has been read? Has that been adopted?

Mr. MORRILL, of Maine. It has not been adopted.

The PRESIDING OFFICER. It goes over, and is ordered to be printed.

Mr. POMEROY. Has the amendment which the committee moved on page 23 been adopted?

Mr. MORRILL, of Maine. While it was being perfected I moved what was read as a substitute for it; and on that question the Senator from Illinois asked that it be printed. I had no objection to that.

Mr. POMEROY. Then that amendment has not been agreed to.

The PRESIDING OFFICER. No, sir.

Mr. TRUMBULL. It will not delay it any to let it be printed, because it is an important amendment.

Mr. POMEROY. I know it is an important amendment.

The next amendment was in line five hundred and sixty-five, under the head "of incidental and contingent expenses of the Treasury Department," to strike out "labor" after "copying," and to increase the appropriation from $50,000 to $83,000; so as to make the clause read:

In the office of the Secretary of the Treasury and the several bureaus, including copying, binding, sealing, ships' registers, translating foreign languages, advertising, and extra clerk hire for preparing and collecting information to be laid before Congress, and for miscellaneous items, $83,000.

The amendment was agreed to.

The next amendment was in line five hundred and seventy-nine, to strike out "labor" after "light;" so as to make the clause read:

For fuel, light, and miscellaneous items for the Treasury building, and other buildings occupied by the Treasury Department, $50,000.

The amendment was agreed to.

The next amendment was in line five hundred and eighty-six, to increase the appropriation for the pay of the officers and employés in the Assistant Treasurer's office at New York from $90,000 to $149,000.

The amendment was agreed to.

The next amendment was in line five hundred and eighty-nine, to increase from $20,000 to $23,000 the amount appropriated for the pay of the officers and employés in the office of the Assistant Treasurer at Boston.

The amendment was agreed to.

The next amendment was in line six hundred and one, to increase from $17,700 to $18,200 the amount appropriated for the pay of the officers and employés in the office of the Assistant Treasurer at San Francisco.

The amendment was agreed to.

The next amendment was in line six hundred and six, to increase the amount appropriated for the pay of officers and employés in the office of the Assistant Treasurer at Philadelphia from $20,000 to $34,823.

The amendment was agreed to.

The next amendment was in line six hundred and ten, to increase the appropriation for officers and employés in the office of the Assistant Treasurer at St. Louis from $8,000 to $10,800.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the Assistant Treasurer at New Orleans, to strike out "$4,000" in line six hundred and thirteen and insert "$4,500" as the salary of the Assistant Treasurer; to strike out "$3,000" in line six hundred and fifteen as the compensation of two clerks and insert "$3,300;" in line six hundred and seventeen, to strike out "$1,200" and insert "$1,440" as the compensation of two watchmen; and in lines six hundred and eighteen and six hundred and nineteen, to increase the total amount appropriated from $13,600 to $14,640.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the Assistant Treasurer at Charleston, to insert in lines six hundred and twenty-one and six hundred and twenty-two "one clerk, $1,800;" after "clerk," in line six hundred and twenty-two, to strike out "$1,500" and insert "$1,600;" and in line six hundred and twenty-three to insert "and one messenger, $720."

The amendment was agreed to.

The next amendment was in the appropriations for the office of the depositary at Baltimore, to strike out after "cashier," in line six hundred and twenty-five, "$1,800," and insert "$2,500;" after "one clerk," in line six hundred and twenty-six, to strike out "$1,500" and insert "$1,800;" after "two clerks," in line six hundred and twenty-seven, to strike out "$2,400" and insert "$1,600 each;" in line six hundred and twenty-nine, to insert "two clerks, $1,400 each;" and in lines six hundred and thirty-one and six hundred and thirty-two, to increase the total amount appropriated from $7,540 to $12,140.

The amendment was agreed to.

Mr. WILLIAMS. I would ask the Senator from Maine if these changes indicate an advance in salaries?

Mr. MORRILL, of Maine. They do not. They indicate simply that we are making the bill conform to the estimates. They provide for the service in conformity with the annual estimates submitted from the Treasury Department. I will say that the proper agents of the Treasury were before the committee and satisfied the committee that the amendments ought to be made in conformity with the estimates.

Mr. WILLIAMS. I understand, then, that the bill as it passed the House of Representatives was below the estimates made by the Treasury Department?

Mr. MORRILL, of Maine. Yes, sir.

Mr. WILLIAMS. And these amendments are simply putting the bill according to the estimates?

Mr. MORRILL, of Maine. Yes, sir.

Mr. POMEROY. I have no doubt this is right, but I do not understand it. I see in this paragraph one of the amendments, "two clerks, $3,300." There is no class in which two clerks can draw $3,300.

Mr. MORRILL, of Maine. What does the Senator refer to?

Mr. POMEROY. Line six hundred and fifteen. I presume it is right, but I do not understand it. It says, "two clerks, $3,300." There is no class in which two clerks can draw that sum.

Mr. COLE. It is in New Orleans.

Mr. POMEROY. I know it is in New Orleans; but the clerks are classified.

Mr. MORRILL, of Maine. This is in the office of the Assistant Treasurer, and the clerks there are not classified. They range all the way from $1,000 to $2,000. They are not classified.

Mr. POMEROY. Perhaps that will account for it. I supposed they were classified; I had been so informed.

Mr. MORRILL, of Maine. They are not. There are some clerks no higher than $1,000.

Mr. POMEROY. It may be all right.

Mr. COLE. Their salaries are fixed by law.

Mr. KELLOGG. I have just returned to the Chamber, and I am informed that the clause relating to the Assistant Treasurer at New Orleans has been acted upon. I desire to inquire what action, if any, has been taken upon the amendments?

The VICE PRESIDENT. The amendments reported by the Committee on Appropriations have been agreed to. The Secretary will resume the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in the appropriations for the office of the depositary at Chicago, after "cashier," in line six hundred and thirty-three, to strike out "$1,800" and insert "$2,500;" after "two clerks," in line six hundred and thirty-five, to strike out "$2,400" and insert "$2,800;" after "one clerk," in line six hundred and thirty-six, to strike out "$1,000" and insert "$1,200;" and in lines six hundred and thirty-eight and six hundred and thirty-nine to increase the total amount appropriated from $7,540 to $8,840.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the depositary at Cincinnati, to strike out after "cashier," in line six hundred and forty, "$1,800" and insert "$2,000;" after "one clerk," in line six hundred and forty-one, to strike out "$1,500" and insert "$1,800;" in lines six hundred and forty-two and six hundred and forty-three to strike out "two clerks, $2,400," and insert "three clerks, $3,600;" in lines six hundred and forty-three and six hundred and forty-four to strike out "one clerk, $1,000," and insert "three clerks, $1,000 each;" in line six hundred and forty-four to insert "one messenger, $720;" and in lines six hundred and forty-five and six hundred and forty six to increase the total amount appropriated from $6,700 to $11,120.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the depositary at Louisville, after "cashier," in line six hundred and forty-seven, to strike out "$1,800" and insert "$2,500;" after "watchman," in line six hundred and fifty, to strike out "$840" and insert "$720;" and in lines six hundred and fifty-one and six hundred and fifty-two to increase the total amount appropriated from $5,340 to $6,920.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the depositary at Pittsburg, after "cashier," in line six hundred and fifty-four, to strike out "$1,500" and insert "$1,800;" after "one clerk," in line six hundred and fifty-five, to strike out "$1,200" and insert "$1,400;" in line six hundred and fifty-six to insert "one clerk, at $900;" and in lines six hundred and fifty-eight and six hundred and fifty-nine to increase the total amount appropriated from $3,420 to $4,820.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the depositary at Santa Fé, after "one watchman," in line six hundred and sixty-two, to strike out "$840" and insert "$720."

The amendment was agreed to.

The next amendment was in lines six hundred and seventy-three and six hundred and seventy-four, to strike out the words "in addition to premium which may be received on transfer drafts" before "$50,000;" so as to make the clause read:

For contingent expenses under the act of the 6th of August, 1846, for the collection, safe-keeping, transfer, and disbursement of the public revenue, $50,000: *Provided*, That no part of said sum shall be expended for clerical services.

The amendment was agreed to.

The next amendment was in line seven hundred and thirteen, to increase from $12,000 to $16,000 the appropriation "for wages of workmen" at the branch mint at Denver.

The amendment was agreed to.

The next amendment was to strike out lines seven hundred and fourteen and seven hundred and fifteen from the appropriations for the Denver branch mint, in the following words, "for two clerks, at $1,800 each, $3,600," and and in lieu thereof to insert, "for three clerks, at 1,800 each, $5,400."

The amendment was agreed to.

The next amendment was in line seven hun-

dred and seventeen, to increase the appropriation "for incidental and contingent expenses, including repairs and wastage," at the Denver branch mint, from $3,000 to $5,000.

The amendment was agreed to.

Mr. MORRILL, of Maine. I ask the Clerk to go back to page 28.

The VICE PRESIDENT. The Senator from Maine now desires to go back to page 28.

Mr. MORRILL, of Maine. On page 28, line six hundred and sixty-three, in the appropriation for the depositary at Santa Fé, it will be seen an amendment was made reducing the sum appropriated for one watchman from $840 to $720, but the aggregate is not changed. It stands in the bill at $4,040. It should be amended so as to read "$3,920."

The VICE PRESIDENT. That amendment, which is rendered necessary by the previous amendment, will be made, reducing the aggregate appropriation to $3,920. The Secretary will now resume the reading of the bill, on page 30, line seven hundred and twenty-eight.

The Secretary resumed the reading of the bill.

The next amendment was after line seven hundred and eighty-seven, to insert among the appropriations for the Territory of New Mexico, "for compensation and mileage of members of the Legislative Assembly and contingent expenses for the year ending June 30, 1870, $5,000."

Mr. MORRILL, of Maine. That amendment should be disagreed to. That item has already gone into the deficiency bill.

The amendment was rejected.

The next amendment was in the appropriations for the Department of the Interior, after "two assistant messengers," in line eight hundred and thirteen, to insert "at $720 each."

The amendment was agreed to.

The next amendment was in line eight hundred and fifteen, to increase the amount appropriated for the compensation of the Secretary of the Interior and the clerks and employés in his office from $37,500 to $37,540.

The amendment was agreed to.

The next amendment was to strike out in the clause making appropriations for the Bureau of Education the following words, from line eight hundred and nineteen to line eight hundred and twenty-six:

One clerk at $1,800; one clerk at $1,600; one clerk at $1,400; one messenger at $840; stationery, $600; library, $1,000; collecting statistics and writing and compiling matter for annual and special reports, $3,000; contingencies, $1,260; in all, $14,500.

And in lieu thereof to insert:

And two clerks of class one; in all $5,400.

So as to make the clause read:

For Commissioner of Education, $3,000; and two clerks of class one; in all $5,400.

Mr. DRAKE. I would inquire of the chairman of the Committee on Appropriations for the reason which governed the committee in striking out so much of the section as they report in favor of striking out.

Mr. SUMNER. Which section is that?

Mr. DRAKE. Beginning at line eight hundred and seventeen, on page 34 of the bill.

Mr. SUMNER. I intended to ask that same question myself. I deplore that action of the committee.

Mr. MORRILL, of Maine. The committee struck it out to make it conform to the provisions of the law as it now stands. Last year Congress repealed the act establishing a department of education, except that the provision which is in the bill as it now stands presented by the committee was provided for. It repealed the law establishing a department of education and made it a bureau attached to the Interior Department. As the appropriation now stands, as reported by the Committee on Appropriations, it conforms to the action of Congress last year.

Mr. DRAKE. I will state that there is nothing in the fact that the organization of that department was changed last year which makes it at all necessary to cut down this appropriation. If I remember aright—not having before me just at this moment the papers that I have on the subject; they are at my house—the section as it stood, as it came from the House without the amendment, was that which has heretofore been passed repeatedly in connection with this department, and that the amendment which the Committee on Appropriations now desires to have made is simply to put it in the attitude it was last year, and which was made by the act repealing the department of education and constituting it a bureau of the Interior Department.

Mr. President, we all know perfectly well how and why it was that the change was made in the organization of this department, and we all understand perfectly well that if this Bureau of Education is to be composed simply of a Commissioner and two clerks it had better a great deal be abolished at once. It is utterly without any use to the Government when it is composed of nothing but a Commissioner with but two clerks. I think it would be better that the whole thing should be wiped out from the statute-book than that it should be reduced to such a shadow as that.

The subject came up in the House of Representatives just as it did here. The committee there reported it in its skeleton form, as the committee here desire it to be left. But when the matter was brought before the House, and properly stated to them, the House inserted the clause as it came to us, and the committee now desire it to be amended so as to throw it back to what it was at first there.

If there is any value at all in a bureau of education—and manifestly Congress considered that there was value in it, or it never would have been established—then let us put it upon that foundation which will enable it to fulfill the beneficent purposes for which it was intended. It cannot do so, I am informed by the newly appointed Commissioner of Education, with any such force as himself and two clerks. It is utterly in vain to attempt to do anything of real value to the Government or the country upon such a force as that.

Now, Mr. President, it is no objection to an appropriation that there is not an existing law creating the subject to which that appropriation is to be applied. I would inquire of the chairman of the Committee on Appropriations whether this is the only case in this appropriation bill where an appropriation is made without an existing law to sustain it?

Mr. MORRILL, of Maine. Will the Senator repeat the inquiry?

Mr. DRAKE. My inquiry is, whether this is the only case in this appropriation bill where an appropriation is proposed to be made without having a statute upon the statute-book on which to base it?

Mr. MORRILL, of Maine. Probably not, though I do not recall any to my mind at the present moment.

Mr. DRAKE. I have learned ever since I came into the Senate that offices are created and continued from year to year by the mere fact of an appropriation being on the statute-book without any statute formally creating the office. I venture to say that in a score of instances you can find in this very bill appropriations made which have no foundation in any existing law whatever. The Senator from Maine on my right [Mr. HAMLIN] says he can point me to some.

I do not understand the chairman of the Committee on Appropriations or the committee to be hostile to this bureau as an integral part of the machinery of the Government, but only to strike out all of this clerical force and to reduce it down to zero simply because there is not a law somewhere authorizing the specific clerical force. I do not understand the chairman of the committee to be opposed to the interests of education so far as they are identified with this bureau. That being the case, and Congress having heretofore settled the policy, by the creation of this bureau, that the country ought to have a bureau of education, that the country ought to give attention to the interests of education, I ask the Senate to disagree to the amendment which has been proposed by the Committee on Appropriations, and put this department of the governmental machinery in proper working order.

Mr. MORRILL, of Maine. Mr. President, there is a little history connected with this matter to which I think the attention of the Senate ought to be directed on this occasion. Some years ago, perhaps within the last five years, Congress created a department of education. Last year in the appropriation bill that law was repealed, and there was substituted for it a bureau of education attached to the Interior Department; and that is what has been appropriated for by this committee. This year the House of Representatives, on the recommendation, I understand, of the Committee on Appropriations of that House, have added to the bureau additional clerks, with a view of strengthening that service, I suppose. Now, sir, whether that is a good thing to do or not was not a subject-matter for the Committee on Appropriations to consider under the rule on which it acts. It was enlarging very greatly the service of a bureau established by law; and it would require a good deal of investigation on the part of anybody to see whether or not that was a proper thing to do; but whether it was or not, admonished by the action of Congress last year in repealing the law establishing the department and substituting this particular bureau, your committee thought the proper thing was to adhere to the legislation of Congress last year, and not take the responsibility of the increase of this bureau so largely simply in an act of appropriation.

Whether this bureau ought to be increased or not I do not feel called upon to say. I may say that I was opposed to the repeal of the department of education last year. If that bill, or something like that, were before the Senate at the present time, I should not favor it; but I am entirely opposed to the idea of patching up a measure of this kind. When Congress chooses to establish a bureau of education let it say so, and let it say so by an act which shall not be liable to the fluctuations and changes of an appropriation bill. Everybody understands, who is at all familiar with this subject, that a former appropriation does authorize a subsequent appropriation. A particular subject having been appropriated for, the Committee on Appropriations, other things being equal, will consider that authority to continue the appropriation so long as the subject lasts. Is there any friend of education here or elsewhere who believes that if this subject is worthy of consideration at all, and if you are to do anything in regard to it, it is worth while to have it floating between the two branches, a disputed question as to what it is or what it ought to be, simply upon an appropriation bill?

Now, sir, for that reason the Committee on Appropriations on the part of the Senate said, it is not our duty to consider this; we have not the opportunity nor the means in any way whatever; and therefore we will leave it where the law left it last year, and submit it to the judgment of the Senate whether it is worth while in this temporary sort of way to legislate upon the great question. I have sufficiently explained the action of the committee.

Mr. SAWYER. Mr. President, I think the Senator from Missouri [Mr. DRAKE] is under a misapprehension as to the facts in this case. The Bureau of Education has not in its functions been materially changed by the repeal of the act creating the department. It was an independent bureau until the act of the last Congress bringing it into connection with and subordinate to the Department of the Interior, but its function has been the same, and it has gone on in precisely the same way. The last

appropriation which was made after its subordination to the Department of the Interior was, I think, precisely the same as that which had been made for it in the preceding year. If there was any difference it was a difference, perhaps, arising from a transfer of the clerks from the second or third class to the first class; but there was no material difference in the amount of appropriation, no material difference in the administration of the functions of the office.

If I understand the change which has been made by the House of Representatives it is simply with a view to provide for another field of labor, which, it is anticipated, will be occupied by the Bureau of Education, and that is that part of the duties which have been performed hitherto by the Freedmen's Bureau in reference to the education of the colored people of the South; and it is with the view of giving them facilities for carrying on that educational work which has up to the present time been managed and controlled by the Freedmen's Bureau, but which in the future it is expected will be managed and controlled by the Bureau of Education, that the House of Representatives have made this change. Now, whether it is proper to make it in this form in this bill at this time or not I leave it entirely for the Senate to say; but I thought it necessary that the facts should be understood, and I believe I have substantially stated them correctly.

Mr. SUMNER. Mr. President, I hope there may be no hesitation in refusing to agree to this amendment. It seems to me that the House of Representatives have acted wisely in increasing the appropriation, and we shall act very unwisely if we fail to unite with the House. We, sir, are a republic; we are living under republican institutions; and, as I understand them, one of their essential elements is education. Now, sir, here is an agency associated with the national Government having education for its object; and what is the appropriation proposed by our excellent committee? It is $5,400. That is all. Looking on the opposite page of the bill, I find an appropriation of $9,000 for stationery, furniture, and books for the Interior Department; I find an appropriation of $16,000 for fuel and lights of the Interior Department; and yet we propose to give only $5,400 to create and support a Bureau of Education! Why, sir, is that decent? It seems to me at this age, at this period of our history, when more than ever we are beginning to see the transcendent advantage of education, how much we owe to light—

"Hail holy light!"

it seems to me strange that we should now cut down the appropriation for the Bureau of Education. By turning on I come to the Department of Agriculture, and there I find an appropriation of $72,170; and then I turn back again to the $5,400 for the Bureau of Education. I think the House did not go far enough when they made the appropriation $14,500. I would make the appropriation as large as that for the Agricultural Department, and I know full well the period is at hand when all of you will rejoice to make an appropriation for the Educational Bureau twice more than that for the Agricultural Department.

As to the question whether there is any existing statute to sanction this appropriation, I dismiss it entirely. It is merely a technicality, and it ought not now on this appropriation bill, at this stage, after the vote of the House, to be allowed to stand in the way.

Mr. PATTERSON. Mr. President, I should be very sorry to have this part of the House bill cut down, or to have the amendment proposed by our Committee on Appropriations adopted. As has been stated by the Senator from South Carolina, this $14,500 was put into the bill in anticipation of the passage of a bill through the Senate transferring to the Bureau of Education that part of the work which relates to education that is now done by the Freedmen's Bureau. That bill has passed the House and is now awaiting the action of the Senate. If that bill passes and becomes a law it will be utterly impossible for the Commissioner of Education and those who act with him to carry out the law with any efficiency unless there shall be an appropriation made to enable him to do so.

The bill is now before us in which that appropriation should be made; and had we better stick upon mere form, when in every appropriation bill which has passed Congress since I have been in Congress legislation has occurred in making appropriations? Why should we begin just here on a matter of paramount importance, for I believe that the Bureau of Education is as essential to the material prosperity of this country, to say nothing of its moral prosperity and general safety, as the Department of Agriculture. Skilled labor is more important than agricultural reports, and your skilled labor comes from the school, and we need somebody to take charge, to have the oversight of the education of the interests of this country; and why starve that department by a little petty appropriation of $5,400 when we are giving away hundreds of thousands of dollars in every appropriation bill for matters of not a tithe of the importance of this Bureau of Education?

I think, sir, it would be unworthy of the United States Senate to pass this amendment. If the House has set us a noble example let us follow it; and if we make any amendment let us increase the sum rather than cut it down. I think the action proposed would be an economy which would be equivalent to waste. There is such a thing as that, when by giving we might increase the income and the prosperity of our industry.

Mr. SAWYER. I heartily agree with what has been said by the Senator from Massachusetts on the general subject. Nobody can overestimate the value of education by itself, or its value to the Republic. It but is a truism to say that the strength of a republic rests in the education of its people. But I think that this matter rests on an entirely different foundation. The appropriations which have been made for the bureau of agriculture have been made to develop a system or what has grown into a system of investigation of the science of agriculture. The bureau of agriculture has been organized so that the public know what its work is, and the bureau of agriculture itself knows what its work is.

Now, unfortunately up to this time I think there is not a Senator on this floor who distinctly understands what the business of the Bureau of Education has been. I think that there is the great misfortune of this question, that there is not one of us here who in the experience of the last few years has been able to find out what the specific duty of the Bureau of Education was. That it is education no one will pretend, because the United States has not attempted to go into the several States and provide for the educational wants of the people.

Mr. SUMNER. Because it has not had the means.

Mr. SAWYER. It has not attempted to do that. When the question comes before the Congress of the United States whether the United States shall go into the several States and take charge of the educational institutions of those States it will be a much larger question than is affected by the smallness or the greatness of this appropriation. I am not opposed to this appropriation; on the other hand, I am in favor of agreeing with the House measure in this matter, but it is because I wish to give the Bureau of Education, which has taken a new start, an opportunity to define its work, to lay out a plan which shall be intelligent and intelligible, and show that it can be of value to the country.

I suppose that the reason the appropriation has been made so small heretofore is because so small results have been seen from the appropriation made; and one reason of my wanting the appropriation proposed by the House passed is to give the Bureau of Education under its new head an opportunity to show whether it can do anything that is worth doing; not because it is a great educational movement; not because this looks to the education of the American people, for after all the most we can expect it to do is to collect some few statistics, collate them, and present them in reports to the country so that they may be of general use.

When the Senator from Massachusetts points to the insignificant amount of this appropriation, and to the much larger amount of the appropriation for fuel and light, &c., I point him to the appropriations made by the proper people for this subject, and that is the people of the States. The work of this bureau seems to me to be to stimulate the people of the various States to educational progress, not to raise money to carry on the educational work proper. In that view I shall vote to agree with the House.

Mr. HOWARD. Mr. President, I feel disposed to follow the suggestion of the committee. I take it for granted they have examined the whole subject carefully and adjusted the appropriation upon a sound and wise principle. I shall therefore vote to concur in the amendment they have suggested. I should feel better satisfied to vote literally for sustaining what is called the Bureau of Education created by a former act of Congress, if I could see any of the real fruits of that legislation; but thus far, although I have given some attention to the subject and made some inquiry, I confess that I have not seen any very wonderful results that have flowed from the establishment of this bureau. We created it several years ago; and I believe during the war or shortly after the close of the war.

Mr. DRAKE. About three years ago.

Mr. HOWARD. Shortly after the close of the war. I have seen no results from this Bureau of Education except the publication of a very large and thick volume; some people would call it a fat volume; so voluminous, at any rate, that I have not been able to read it with much care; and I do not think that the country have much ground to expect large results in the way of education from this bureau. It is not one of the functions of the Government of the United States to impose taxes for the purposes of education in the States. Such is not one of its ordinary functions at least; and probably we shall never undertake, as a Government, to disseminate education among the people of the United States until we shall find it necessary to do so by way of carrying out that clause of the Constitution which requires Congress to guaranty every State a republican form of government.

I admit that the time may come when Congress may find it necessary to exercise that power in the States, and I think they may do so constitutionally and fairly when the exigency shall arise. But ordinarily education is placed under the safeguards of State legislation. Taxes are raised to pay schoolmasters and schoolmistresses by the Legislatures of the States, and all the business of education thus far has been confined to State legislation. I doubt very much the aptness of the Government of the United States in the prosecution of the ordinary work of education. I think this Government is not well fitted for such a purpose.

I might go further and I might say—and in so doing I shall only express my own conviction, that the abolition of this Bureau of Education would do no damage to the people of the United States. I think the reformation might go still further than that. I think it might include what is known as the Bureau of Statistics. I know of no good, I must confess, which has flowed from either of these bureaus thus far. There may be some hidden

virtues in them which have thus far remained beyond my perception, and I would not disparage their real merits if they possess any; but, as said before, thus far I do not think the fruits that have flowed from their establishment are of very particular importance.

I think the Committee on Appropriations have done very properly in recommending the reduction of the amount appropriated by the House of Representatives for the Bureau of Education from $14,500 to the sum of $5,400. It seems to me a mere figure-head, a mere appendage of the Government, set up more for show than for utility. I trust that Senators will take this matter into serious consideration. Do we want this bureau? Of what sort of importance is this Bureau of Education established by the Government of the United States to the educational system that prevails in New England, New York, or in the other States of the Union? Of what benefit is it to Harvard University or to the college at New Haven, Connecticut? Of what utility is it to the University of Michigan, or any other of the educational institutions of the land? None whatever. Every State provides its own system of education and supports it by taxing its own people. That is a function peculiarly belonging to the States; and I do not think, as I said before, that the people of the United States are deriving much benefit from this Bureau of Education. The law had not been in force but a short time before it was substantially repealed, leaving the Commissioner of Education to be the mere head of a bureau and connecting him with the Department of the Interior. I think we acted wisely then, and I think that that legislation was an indication that sooner or later this bureau was to be dispensed with; and I think the Committee on Appropriations have had in view that final result in the sum which they have recommended for the use of the bureau. I hope we shall sustain the action of the Committee on Appropriations.

Mr. HOWELL. Mr. President, I am gratified to have the opportunity of supporting an amendment, reported by the Committee on Appropriations of the Senate, which reduces the appropriations made by the House of Representatives. This is the first that I have observed that had that tendency, while there are many others that increase the appropriations many scores of thousands of dollars.

But I have another reason for the support of this amendment. I regard this plan of legislating offices and legislating bureaus into being by appropriation bills as simply vicious and demoralizing; and I think it ought not to be continued by the Congress of the United States, whatever may have been the custom heretofore. Let us have such legislation as may be needed for the establishment of such offices and such bureaus as may be required in the administration of the Government, fixing the salaries of such officers and the expenditures required for them by law; and then let us make our appropriations to meet the legal requirements of those established offices and bureaus, and not come in here in an appropriation bill and increase the official compensation of the various officers of the Departments, and not come in by an appropriation bill to create, as it were, a department or a bureau to the extent that this educational bureau is provided for in this provision of the House bill. I am heartily in favor of the amendment of the Committee on Appropriations of the Senate.

Mr. FERRY. I am in favor of the amendment proposed by the Committee on Appropriations, and I think that to increase or attempt to increase the functions of the Bureau of Education recently created can only result disastrously to the real interests of education in this country. Not only is it my judgment that the encouragement and support of education belongs properly to the States under our system of Government, but it is also my judgment that nowhere else will those functions be properly discharged. I think that no greater injury can be done to the cause of education in the States than to teach the people of the States and the authorities of the States to be looking up to the Federal Government for means from its Treasury to procure the education of their own people. So diversely are the States situated in reference to their internal organization of society, the organization of their local communities, that a system perfectly applicable to one of our New England States would probably be entirely inapplicable to one of the Gulf States. Each State can best take care of its own educational interests, and each State will best take care of its own educational interests when it knows that upon itself that care must devolve.

Mr. YATES. I desire to say a few words on this subject; and in the beginning I will say that it looks as if in the formation of our Departments and bureaus we had begun at the bottom instead of at the top, and it is now to the disgrace of America that we have not a national bureau of education. I can inform Senators that so far as my experience is concerned, judging from conversations with intelligent men and educated men, men most deeply interested in the prosperity of the country, they are astonished that we have not a national bureau of education. If the argument of the Senator from Connecticut is sound we might as well have no agricultural bureau. Agriculture belongs to the States just as much as does education.

I remember that a distinguished foreigner once called upon me and said that he had been making a tour of the United States to find out the American system of education, to gather statistics to carry with him to Europe, and he said that there was no bureau at Washington in which he could find those statistics. He complimented the State of Illinois by saying that he had obtained from our State superintendent, Hon. Newton Bateman, more information in regard to education in the United States than he had from any other source. He insisted, as every reasonable man must insist, that there should be a head somewhere to this great department.

Is there any subject more interesting to the people at large? Are the subjects connected with the duties of the Committee on Commerce or the Committee on Agriculture more important than those connected with the Committee on Education? For the sake of uniformity, for the sake of the information of our people, we should have a national bureau of education. We should, so far as we can, have a uniform standard of education throughout the United States. We need a head to this great department, where can be collected the reports of the commissioners and superintendents of public schools in the States, and compendiums made of them and preserved here in the city of Washington, where they can be open to the inspection of all.

Now, Mr. President, there is feeling on this subject in the country. The country stands astonished that we do not have a national bureau of education. Education is the foundation of republican institutions, and at a time like this, when there is to be launched upon the country, as all say, an uninformed and uneducated people from the far East, and when we have set free four million uneducated people in our midst, and when we have among us records to show that thousands of our white people are uneducated, not attended to by the States, not taken care of by the States, we need a head to this system, something to give it direction, something to give it force; and we ought not to be told that this is a mere experiment. You do not permit the experiment to be tried when there is an objection to the appropriation of $14,000 for this great and mighty and moral purpose of education. Why, Mr. President, I could offer an amendment, and I could appeal to Senators with arguments and reasons to sustain me, if I had investigated this question, increasing the appropriation to $100,000. I can see no reason why the people of the United States, now at least the second empire in the world, and destined to be the greatest, should on this great subject fail to provide adequate means to support a national bureau of education.

These are my sentiments on this subject; and I repeat again, as I sit down, that in my estimation, though I do not mean, of course, to reflect upon the opinions of other Senators, it is a disgrace to this great country and to this great Government of ours that we have not laid the foundations strong and deep by which our institutions are to be preserved and maintained. I shall vote very cheerfully for the appropriation made by the House, regretting only that the amount is not larger; and if we want to see the effects of a wise system let us give the means, make the appropriations as you do to the other Departments of the Government, have your Committee on Education, and with such a chairman as we have for that committee you need not fear that these means will not be properly expended, and with a proper national superintendent of education we need not fear that the most important advantages will not result from this appropriation.

Mr. EDMUNDS. I move that at half past four o'clock the Senate take a recess until half past seven. This is the month of pleasant weather and of cool temperatures, when everybody who desires to do the public business can do it the best. I think we had better go on with this bill to-night.

Mr. DRAKE. Does not that require unanimous consent?

Mr. SUMNER. Of course it does.

The VICE PRESIDENT. The Chair, if compelled to decide the point, must hold that under the eleventh rule it requires unanimous consent, unless this bill be laid aside or laid on the table.

Mr. EDMUNDS. Does the Senator from Missouri object to my making the motion?

Mr. DRAKE. I object.

Mr. EDMUNDS. Then, for the purpose of reaching the question, I move that this bill be passed over for the moment, so that I may then be enabled to submit a motion for a recess.

The VICE PRESIDENT. The question is on the motion of the Senator from Vermont that the bill be passed over.

The motion was agreed to—ayes thirty, noes not counted.

Mr. EDMUNDS. Now I move that at half past four o'clock the Senate take a recess until half past seven o'clock this evening.

The motion was agreed to.

Mr. EDMUNDS. I now move that the Senate resume the consideration of the appropriation bill.

The VICE PRESIDENT. It was passed over and will now be resumed as a matter of course, the intermediate business having been disposed of. The question is on the amendment reported by the Committee on Appropriations to the clause concerning the Bureau of Education.

Mr. TIPTON. Mr. President, I desire to say but a very few words on this amendment. I have been quite gratified at the views presented to the Senate by the Senator from Michigan, [Mr. HOWARD.] They accord entirely with my experience on this subject, and I should certainly regret the day when appropriations would be made by Congress largely for the purpose of taking charge of the educational interests of our country. We want no consolidation in this matter. Your Bureau of Education here cannot exist at all, except so far as we in the States furnish it with the material out of which to get up its annual reports. You may have a head to your educational system here, but he must look to us, the people of the States, and our systems, and from them he can

become a great compiler, and when he sends us out his annual report we examine it, and our State superintendents sit in judgment upon it, and they charge him with having been a compiler of their annual reports; and that is all he can ever aspire to.

We have the gift of the Government in all our western States; we have lands for our common free school system; we have lands for our agricultural colleges and State universities. We have our State superintendents. We have our county associations meeting just as often and regularly and successfully as they have them in the older States of this Union. We have in our State library an exchange kept up constantly from the little State of Nebraska with the other States of the Union. We have their annual reports of education and they have ours. We profess to be able to make our own compilations and to scatter over our own States the results that we gain from them; and by the permission and the indorsement of the Senator from Michigan I would say that I smile at your whole system and look upon it as a great national farce. No, sir; with your munificent grants to us throw upon us the responsibility of developing a system of education that shall bring up our people to your standard of education: and if I were to continue my remarks, they would only be upon the same basis that I want no centralization of education in this country; but I want those institutions that light up every State to be reflected over the whole land; and in a general exchange of writings and reports upon the subject let the people be agitated, and I think in that manner success will come to our educational enterprises better than by undertaking to establish here a bureau of education for the purpose of reflecting back upon us our statistical reports.

Mr. DRAKE. Mr. President, when this amendment came up I was not prepared to discuss it as fully as it ought to be discussed, for the reason that I found that the documents which I had in reference to it were not at my desk. The range which the discussion has taken has led me to look into the matter as well as I could here at the moment, and I am surprised to find how much of misapprehension on this subject there is in the minds of Senators, and how little really they or I knew of the details of the subject. Now, I wish to show the Senate precisely how the matter stands, and I can do it in a few words. I can do it so as to show the Senator from Michigan and the Senator from Connecticut and the Senator from Nebraska that they have spoken as I consider under an entire misapprehension with regard to this whole thing.

I must go back to the act establishing the department of education, passed on the 2d of March, 1867. You will perceive that the department has only had a three years' existence. The Senator from Michigan says it ought never to have had three minutes. Well, sir, as the Senator from Michigan was in the Senate when the bill was passed and I was not, I would like to know from the Senator from Michigan whether when the bill establishing the department was before the Senate he opposed the establishment of it.

Mr. HOWARD. I do not remember what I may have done on that occasion. My convictions always have been that the bureau, so called, was entirely useless and was nothing but an incumbrance to the Government; and such I believe to be the fact and always will be the fact.

Mr. DRAKE. Very well, Mr. President, now is just as good a time as any other to determine whether this bureau shall continue to exist; and I beg the attention of the Senate to the facts of the case. Let us see what the bureau is, what it was established for. The Thirty-Ninth Congress was not so very far behind the Fortieth and Forty-First in wisdom and good sense that it should be accused of establishing a department of the Government which ought never to have had, as the Senator from Michigan says, three minutes of existence. Let us look at it and see what it was that the Thirty-Ninth Congress established. I read from the act of March 2, 1867, the first section of which provided:

"That there shall be established at the city of Washington a Department of Education for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country."

Now, sir, that was the foundation upon which the department of education was established by the Thirty-Ninth Congress. To do this a Commissioner of Education was appointed, and the third section of the act declared as follows:

"That it shall be the duty of the Commissioner of Education to present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which this Department is established."

That was the work which this Commissioner had to do, and in order to do it the act of 1867 appropriated $4,000 for his salary, and gave him a chief clerk at $2,000, one clerk at $1,800, and one at $1,600, making $9,400 for the Commissioner and his clerks. Now, sir, they have cut down the Commissioner to $3,000, and they propose to give him only two clerks of class one at $1,200 apiece.

The office went on until the 30th day of June, 1869, when the department was abolished and there was established a Bureau of Education, with a salary to the chief officer, the Commissioner, of $3,000, and who should—

"Under the direction of the Secretary of the Interior"—

Mark it—

"discharge all such duties, and superintend, execute, and perform all such acts and things touching and respecting the said office of education as are devolved by law upon said Commissioner of Education."

The duty, the function, the power originally invested in the Commissioner of the department of education all continued in the chief of the Bureau of Education. Now, sir, the chairman of the Committee on Appropriations says that for this Bureau of Education there is no law giving the clerks that the House of Representatives specify in the bill. I beg leave to reply to that in this way: that in the very act, an appropriation act, which abolished the department of education and devolved the functions on a Bureau of Education, there was provision made for a chief clerk at $2,000, for one clerk at $1,800, and one clerk at $1,600, the very same that had existed when it was a department of education. And now the result is that the amendment of the Committee on Appropriations, so far as regards the clerical force, is itself cutting down that which was previously authorized by law.

Mr. SAWYER. Will the Senator allow me a question?

Mr. DRAKE. Yes, sir.

Mr. SAWYER. I ask the Senator what the appropriation was for last year; whether it was not precisely what the committee now recommend?

Mr. DRAKE. The appropriation for the last year? I was reading from the appropriation act of 1868.

Mr. SAWYER. Eighteen hundred and sixty-nine, I understood the Senator.

Mr. DRAKE. No, sir; I read the act which stated that he should have a chief clerk at $2,000, one clerk at $1,800, and one clerk at $1,600 from the act of 1868, making appropriations for the year ending June 30, 1869.

Mr. SAWYER. The act making appropriations for the year ending June 30, 1870, the Senator will find, appropriates the same as is recommended by the Committee on Appropriations in this bill. That is my impression.

Mr. DRAKE. Suppose it to be so; if the Senator can find the appropriation act for the year ending the 30th of June, 1870, and shows that, what does he show? Simply a cutting down of the appropriation last year from that which was authorized at the very time the department was abolished and the bureau substituted. Now, the House of Representatives, in regard to the clerical force, asks us to go back to what it was fixed at in 1868; and that is all they ask.

But sir, there is another point of view. You will remark that in this $14,500 there are embraced several items besides the clerical hire. Here is "stationery, $600;" then "library, $1,000; collecting statistics, and writing and compiling matter for annual and special reports, $8,000; contingencies, $1,600." Those items enter into the $14,500. The clerical appropriation is not a dollar more than it was by the act abolishing the department and creating the bureau. What do we find in regard to incidentals? Why, sir, in the act of 1868 there was not less than $10,600 appropriated for incidental expenses. Now, the appropriation of the House only asks $5,860; only asks about one half what the act of 1868 gave.

Sir, there are two things before the Senate in this connection: first, the objection to the existence of the bureau at all. If the Senate considers that the bureau ought to cease to exist, then strike out the appropriation and declare that it shall cease to exist. On the other hand, if it is not to be abolished, the proper provision should be made for making it effective. I call the attention of the Senate to the fact that the appropriation which the House put upon this bill is very much lower than any appropriation that was made for the same objects while it was a department, and yet the bureau is charged with all the duties and responsibilities that devolved upon the department.

I hope, sir, that the amendment of the Committee on Appropriations will not be agreed to. Why should we confer the means, the occasion, the opportunity for such remarks as the Senator from Michigan has made, assailing this institution of the Government, by crippling the bureau to such an extent that it cannot do anything, and then abolish it because it does nothing? One of two things should be done: either abolish the bureau—come right square up to it and strike it out of existence—or else give it some vitality; give it back something of the force it had as a department, and do not pay a Commissioner $3,000 a year merely to hold his hands and do nothing.

Mr. MORRILL, of Maine. I think it is now apparent that the committee acted wisely in not undertaking by an appropriation to change an established law upon a branch of the public service. There is nothing more absolutely necessary, if the Senate intends to make any progress with the appropriation bills, than that they should confine themselves to what the law is, and not undertake to regulate the service. The Committee on Appropriations of the Senate has confined itself to the law as it stands that provided for the Bureau of Education, and the effort now is to change that service.

Mr. DRAKE. If the chairman of the committee will permit me, I beg leave to say to him that the proposition he has just enunciated is a mistake of facts; and I think I have it in my power in a moment to show the Senator that he is mistaken in the facts.

Mr. MORRILL, of Maine. I will hear it.

Mr. DRAKE. When the department of education was abolished and the bureau substituted, in the very act, in the very section that did that thing, it provided for the compensation of the Commissioner; for a chief clerk at $2,000; for a clerk at $1,800; and for a clerk at $1,600. In the very same section that made the change that was the provision which was made; and we only ask to go back to that; that is all. Since that time it

has been reduced. I beg the chairman to look at the thing in that light.

Mr. MORRILL, of Maine. What act does the Senator read from?

Mr. DRAKE. I read from the appropriation act of 1868 for the year ending the 30th of June, 1869.

Mr. MORRILL, of Maine. Is that the repealing act?

Mr. DRAKE. That is the repealing act; to be found on page 106 of volume fifteen of the Statutes-at-Large. Now, sir, all I ask is to go back to that.

Mr. MORRILL, of Maine. I was going to state that an additional reason which arises is the bill referred to by my honorable friend from New Hampshire. It seems that this whole subject has been under consideration in the House of Representatives, and a bill has passed there, and been favorably reported upon in the Senate, which makes this a bureau and not an office. It is a bill entitled "A bill amendatory of an act establishing the office of education," &c. In this bill it is declared to be a Bureau of Education, and there are certain provisions in the bill which undoubtedly are intended to and do enlarge the service of the office of education which now exists. Now, I make this suggestion. I am not going to argue the question, because I do not wish to be understood as being hostile to this Bureau of Education; when that bill passes enlarging the service of the Bureau of Education, then will be the time to make your appropriation. At the present time I submit to Senators they should allow it to stand as it was last year, and when the other bill passes we shall have ample time to make the appropriation necessary for the enlarged service, because it is very clear that you cannot make the appropriation now which will anticipate the passage of the other bill. I hope, therefore, the Senator from Missouri will not persist in his opposition to the amendment of the committee.

Mr. SAWYER. I have before me the act of Congress of April 10, 1869, one section of which reads as follows:

"That the two clerks of class one in the office of education authorized by an act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1870,' approved March 3, 1869, shall be appointed by the Secretary of the Interior, and all laws and parts of laws authorizing the employment of other clerks in the department or office of education shall, after the commencement of the next fiscal year, be repealed."

This I quote to show that the committee did act exactly according to law; that the law provided for two clerks there, and two only, and two clerks of class one, instead of those which were before provided for the Bureau of Education. The facts are that when the department of education existed certain clerks were provided for. When the department of education was absorbed into the Department of the Interior the same clerks were provided for; but last year in the appropriation act the appropriation was made for two clerks of class one, and only that, and all provisions authorizing any others were repealed.

Mr. PATTERSON. I ask my friend if that was not an act of legislation in an appropriation bill?

Mr. SAWYER. It was an act of legislation in an appropriation bill.

Mr. CONKLING. It was restrictive, however.

Mr. SAWYER. I do not quote this to show that it is not competent for the Senate to put into this appropriation bill the provision which the House has put into it, for I am rather desirous than otherwise that it should be there, but to relieve the committee from the charge of having gone contrary to law in this matter, for they have done exactly what the statute required.

Mr. DRAKE. I did not know of that fact at the time I spoke; but now I wish to suggest to the chairman of the Committee on Appropriations instead of striking out all of the clause after line eight hundred and seventeen that he strike out only down to the word "stationery."

Mr. MORRILL, of Maine. I think the Senator had better allow us to pass this bill making the appropriation as required by law; and when this other bill passes we can then make the appropriation intelligently to meet the demands of the service as it shall be provided for by that bill.

Mr. DRAKE. I still appeal to the chairman of the committee.

Mr. MORRILL, of Maine. I suggest that my friend, if he desires to do so, when this other bill passes, can amend it and provide for the appropriation called for by the terms of the bill on the very bill itself.

Mr. DRAKE. But the chairman of the committee can get me out of all this difficulty and get the Senate out of it very easily. There ought to be appropriations made for the incidental expenses of the bureau. Now the law stands, as he says it does, in regard to the clerical force. I ask him just to strike out so much of the House provision as refers to the clerical force, and leave the appropriation there for incidental expenses instead of striking out both the clerical force and the incidental expenses.

Mr. MORRILL, of Maine. Suppose it should turn out that that is all provided for in this bill which the Senator from New Hampshire contemplates bringing before the Senate——

Mr. DRAKE. And which may never pass; and if it does not pass the result is you have got the Bureau of Education here, with a Commissioner and two clerks, without a dollar for incidental expenses.

Mr. MORRILL, of Maine. I suggest to the Senator that if the additional force is not given, of course he would not need so much for incidental expenses.

Mr. DRAKE. We have only about one half what we gave the department, with about the same clerical force there is here. I ask the Chair if the amendment of the committee is open to amendment?

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) Certainly it is open to amendment.

Mr. CONKLING. Not to an amendment increasing the amount, however, I submit.

Mr. DRAKE. I should be glad if the Chair would tell me exactly how I can get at the point I am anxious to get at. I wish to keep in the appropriation for the incidental expenses of the bureau and leave the amendment of the Committee on Appropriations in regard to the clerical force as they have reported it.

The PRESIDING OFFICER. It is in order to move to amend the paragraph or section by way of perfecting it preparatory to its being all stricken out. Therefore, it would be in order for the Senator to move to strike out all of the text, except such words as he wishes to retain, before the question is taken on the italicised amendment of the committee.

Mr. DRAKE. The amendment of the committee strikes out the whole appropriation for clerical force and for incidental expenses. I wish to take the sense of the Senate upon leaving in the appropriation for incidental expenses.

Mr. MORRILL, of Maine. I suggest to the Senator that he move to strike out what he thinks should go out. Beginning in line eight hundred and nineteen he can move to strike out "one clerk at $1,800, one clerk at $1,600, one clerk at $1,400, one messenger at $840." I presume the Senator is willing that those words should go out.

Mr. DRAKE. I am willing that they should go out. The law is in favor of the committee's amendment.

Mr. MORRILL, of Maine. Then why not move to strike them out?

The PRESIDING OFFICER. The hour of half past four o'clock having arrived, by order of the Senate it takes a recess until half past seven o'clock this evening.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

NIAGARA RIVER BRIDGE.

Mr. RAMSEY. Would not this be a good time to pass the Niagara bridge bill?

Mr. TRUMBULL. I think the better bill to take up would be the bill to abolish the privilege of franking. [Laughter.]

Mr. SUMNER. I am for the Niagara bridge bill. Let us have that bill.

Mr. MORRILL, of Maine. I should like to inquire whether the Senator from Minnesota wishes to pass the franking privilege bill now? [Laughter.]

Mr. RAMSEY. If it is the general desire of the Senate, of course I should like to have it acted upon now. [Laughter.]

Mr. TRUMBULL. I am in favor of taking up that bill.

Mr. RAMSEY. Very well.

Mr. SUMNER. If the Senate will adopt my substitute we can have a unanimous vote upon it.

Mr. HAMLIN. Oh, no; let us take up the Niagara bridge bill.

Mr. FENTON. I hope the bridge bill will be taken up. It is a local bill to which there is, I think, no opposition.

Mr. RAMSEY. The bill is very much desired by all the parties interested.

Mr. TRUMBULL. I understand the Senator from Michigan [Mr. CHANDLER] has an amendment to offer to it.

Mr. FENTON. I conferred with him this afternoon, and we had an understanding on the subject. There is now no disagreement about it.

Mr. RAMSEY. The bill will not occupy five minutes. It is the general desire of all parties interested in the subject that the bill should pass. The contractors are now prepared to go on with the work. It is House bill No. 489. There can be no objection to it.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The Senator from Minnesota asks unanimous consent to lay aside informally the pending bill for the purpose of proceeding with the bill indicated by him. Is there objection?

Mr. PRATT. I object.

Mr. FENTON. I hope the Senator from Indiana will withdraw his objection. It will not take more than three minutes to pass the bill.

Mr. PRATT. I object solely on the ground that the Senate is thin to-night. There is not a quorum here. I do not know anything about the measure.

Mr. RAMSEY. It is so very unobjectionable that if the Senator will only hear it read I am sure he will not object to it.

Mr. HAMLIN and others. Let it be read.

The PRESIDING OFFICER. If there be no objection the bill will be read for information.

The Secretary read the bill (H. R. No. 489) to authorize the construction and maintenance of a bridge across the Niagara river. It provides that any bridge and its appurtenances which shall be constructed across the Niagara river from the city of Buffalo, New York, to Canada, in pursuance of the provisions of an act of the Legislature of the State of New York entitled "An act to incorporate the International Bridge Company," passed April 17, 1857, or of any act or acts of the Legislature amending the same, shall be lawful structures, and shall be so held and taken, and are authorized to be constructed and maintained as provided by the act and such amendments thereto, anything in any law or laws of the United States to the contrary notwithstanding;

and such bridge is declared to be an established post road for the mails of the United States; but this act is not to be construed to authorize the construction of any bridge which shall not permit the free navigation of the river to substantially the same extent as would be enjoyed under the provisions of the New York act and the amendments thereto, heretofore enacted and now in force; but the location of any bridge, the construction of which is hereby authorized, is to be subject to the approval of the Secretary of War; and such bridge is to have at least two draws of not less than two hundred feet in width, in the clear, between the piers, which are to be located at the points best calculated to accommodate the commerce of the river; and the location and plan of them are to be subject to the approval of the Secretary of War.

The PRESIDING OFFICER. Is there any objection to the present consideration of the bill?

Mr. PRATT. I withdraw my objection.

The PRESIDING OFFICER. The Chair hears no objection. The bill is before the Senate as in Committee of the Whole; and the amendment reported by the Committee on Post Offices and Post Roads will be read.

The Secretary read the amendment, which was in lines twenty-four and twenty-five, to strike out the words "of not less than two hundred feet in width in the clear between the piers," and after the word "location," in line twenty-seven, to insert the word "width;" so that the proviso will read:

And provided further, That such bridge shall have at least two draws which shall be located at the points best calculated to accommodate the commerce of said river; and the location, width, and plan of the same shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

Mr. RAMSEY. I offer a further amendment at the instance of the Committee on Post Offices and Post Roads, to come in as an additional proviso:

And provided further, That the bridge herein named shall be subject in its construction to the supervision of the Secretary of War of the United States, to whom all plans and specifications relative to its construction shall be submitted for approval; and all railway companies desiring to use the said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto.

Mr. FENTON. This language was taken from the act of the New York Legislature.

Mr. HAMLIN. I do not care what it was taken from. The other language ought to be inserted. I think the amendment differs from what it was when it came from the committee. The committee agreed to it in a somewhat different form, by having at the end of it the words "upon such terms and conditions as shall be prescribed by the Secretary of War," or equivalent words. The reason for putting those words there is that one company built this bridge, and this amendment gives other companies the right to go over the bridge. That is all very right; but I submit that the parties who built the bridge ought to have some compensation for the use of it, and they get none at all by the amendment as it now stands.

Mr. FENTON. If the Senator will allow me for a moment, I will say that there is no language which was agreed on by the committee that has not been reported and now adopted.

Mr. HAMLIN. I am on the committee, and know.

Mr. FENTON. This was a proviso added to the bill after conference with the interests in Canada and the persons representing here the various lines in the United States, and is substantially the latter clause of the seventh section of the act of 1857, as passed by the New York Legislature. I believe there is nothing in this that was not in the original bill as it came from the committee, except the omission of a proposition that they shall have at least two tracks.

Mr. HAMLIN. This amendment was submitted to the committee and the words which I have suggested were put upon it by vote of the committee.

Mr. FENTON. I beg pardon; I perceive that the Senator refers to the amendment now proposed.

Mr. HAMLIN. Yes, sir.

Mr. FENTON. I have no objection to those words being added.

Mr. RAMSEY. Very well; let those words be added.

Mr. FENTON. I suppose the Senator from Maine refers to words erased in this amendment.

Mr. HAMLIN. Yes, sir.

Mr. FENTON. Very well; let those words be added to the amendment as offered.

Mr. HAMLIN. Let the Secretary read the words.

The CHIEF CLERK. The words erased in the amendment sent up were at its close:

Under and upon such terms and conditions as shall be prescribed by the Secretary of War, if the parties shall not agree.

Mr. HAMLIN. That is it.

Mr. FENTON. I have no objection to that.

Mr. HAMLIN. That provision evidently ought to be there. They ought not to make this bridge for other parties. It is going to cost them $1,000,000 or more.

Mr. RAMSEY. Very well; let us not debate it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota.

Mr. MORRILL, of Maine. I wish to ask my colleague if he has charge of this bill——

Mr. HAMLIN. No, I have not charge of it. It came from the committee of which I am a member. The Senator from Minnesota has charge of the bill.

Mr. MORRILL, of Maine. I notice by the phraseology of the bill that it authorizes the bridge to be built and declares it a legal structure, and says it shall not interfere with the navigation of the river to any greater extent than is provided by the act to which it refers, an act of the State of New York which authorizes the construction of the bridge. Can the Senator from Minnesota inform the Senate what that act authorizes, whether that act stipulates what the bridge shall be, or whether it is left entirely discretionary with the parties? because if it leaves it entirely discretionary with the corporation it will be seen at once that this proviso does not guard the public interests at all, but leaves them entirely, as it occurs to me, in the hands of the company, and protects the rights of the public no further than that act protects them. It may be that that act sufficiently protects the public rights; but evidently the bill here undertakes to protect the public rights; and my suggestion is that whether it does or not will depend entirely on the construction of the act to which it refers. Perhaps some Senator is familiar with the terms of that act and can tell.

Mr. FENTON. The act of New York of 1857 which is referred to, and the amendments, I believe, of 1866 to that act, seem to me, as I have examined them hastily, very well guarded to protect the public interests.

Mr. MORRILL, of Maine. Allow me to ask the Senator from New York if that act specifies the width of the span of the bridge?

Mr. FENTON. No, sir; I think not.

Mr. MORRILL, of Maine. It will be seen that the bill, as introduced here, specified the length of the span, two hundred or two hundred and fifty feet, I think; but now that is struck out, and it is left to be built in conformity with the act of the Legislature of New York.

Mr. RAMSEY. Under the discretion of the Secretary of War.

Mr. MORRILL, of Maine. The Secretary has no discretion as to that.

Mr. RAMSEY. Entirely. The width of the span and the draws are left to the Secretary of War.

Mr. MORRILL, of Maine. I think it quite extraordinary that the whole subject of the commerce of a river should be left to the discretion of the Secretary of War.

Mr. RAMSEY. Under the instructions of the engineer department almost all the great works of the country are now subject to his supervision.

Mr. MORRILL, of Maine. No; that is a matter of fact to be determined by the law-making power.

Mr. RAMSEY. The wants of commerce may require a larger draw than the Legislature of New York or Canada has provided for.

Mr. MORRILL, of Maine. But who is to be the judge of its wants?

Mr. RAMSEY. The Secretary of War.

Mr. MORRILL, of Maine. I never knew of such an instance as that.

Mr. TRUMBULL. I was about to call attention to the same thing. Here is this river which, if improvements should be made below Buffalo, might be navigable to a very great extent by vessels passing to the upper lakes.

Mr. NYE. It is now.

Mr. TRUMBULL. And the provision here is for erecting a bridge, without determining at all what the width of the draw is to be. When we have authorized bridges to be erected on the Ohio river we have required a draw of at least four hundred feet in the clear. I have just looked at one statute to see what our provisions are in those cases. Here is one:

"That the consent of Congress be, and the same is hereby, given to the erection of a bridge over the Ohio river, from the city of Cincinnati, Ohio, to the city of Newport, Kentucky, by the Newport and Cincinnati Bridge Company." * * * * "*Provided*, That said bridge is built with an unbroken or continuous span of not less than four hundred feet in the clear."

The Senator from Minnesota insisted upon that condition in that case. Now, we are about to authorize a bridge over the Niagara river without determining what the width of the draw is to be, leaving the whole thing to be determined by the Secretary of War. It seems to me that that is a very extraordinary provision; and further than that, we are authorizing the construction of this bridge according to a law that we know nothing about; and not only according to a law that we know nothing about, but according to laws hereafter to be passed, as I understand this bill. This bill declares—

That any bridge and its appurtenances which shall be constructed across the Niagara river from the city of Buffalo, New York, to Canada, in pursuance of the provisions of an act of the Legislature of the State of New York entitled "An act to incorporate the International Bridge Company," passed April 17, 1857, or of any act or acts of said Legislature amending the same.

We have not got that act; it has not been stated to the Senate what the legislation of New York is; and then——

Mr. RAMSEY. Read the provision that says the Secretary of War shall supervise it.

Mr. TRUMBULL. I am not for vesting the Secretary of War with the authority to determine the character of the bridges that are to be erected over our great navigable streams. The Senator from Minnesota would not allow that a year ago; he was very particular——

Mr. RAMSEY. But in almost all your bills recently passed for bridging the great rivers of the West you leave the supervision of the work to the Secretary of War.

Mr. TRUMBULL. But we fix the width of the draw, and have done so in every instance.

Mr. FENTON. I see no objection to leaving the width of the draw in.

Mr. TRUMBULL. But it ought to be four hundred instead of two hundred feet.

Mr. FENTON. I do not see that there is any necessity for a draw of that width. I doubt whether a bridge could be constructed there with a draw of that width.

Mr. TRUMBULL. It can be there as well as anywhere else.

Mr. SUMNER. I have been told that with two hundred feet width it will be an impossibility there.

Mr. FENTON. I should think it would be very difficult. The stream is very rapid there.

Mr. SHERMAN. We built a bridge of two hundred and fifty feet, and then one of three hundred feet, and both are now pronounced to be nuisances on the Ohio river; and the Niagara river is a river much more important, because the time will come when we shall get around the Erie canal, and get rid of going through it and go around the falls.

Mr. TRUMBULL. They are nuisances because the span is now too narrow at three hundred feet.

Mr. SHERMAN. Certainly it is; and the later laws require four hundred feet.

Mr. TRUMBULL. Here it was proposed to build one of two hundred feet in the first place; but the committee have struck that out.

Mr. SHERMAN. I should certainly oppose any bill that would throw a bridge across the Niagara river unless navigation was sufficiently protected.

Mr. TRUMBULL. I think a four hundred feet span ought to be required.

Mr. FENTON. I have sent for the statutes of New York, but I find that the Library is closed. The proviso and the bill recite substantially all that is important to the protection of the public in the passage of this bill. I believe now, upon further reflection, that the act of New York mentions the width of the draw, the same as was provided in this bill before the amendment was made by the committee, which is two hundred or two hundred and fifty feet. I do not know that there is any objection to having it reinserted in the bill. I am not authorized to consent to any width of draw larger than that mentioned in the original bill, for I think that is taken from the act I referred to as passed by the Legislature of New York in 1857.

Mr. TRUMBULL. The Senator from New York remarked that they could not build a bridge with a four hundred feet draw over the Niagara river.

Mr. FENTON. I do not know that they could.

Mr. TRUMBULL. Why not there as well as on the Ohio or the Mississippi?

Mr. MORRILL, of Maine. I think I must insist on the regular order. This bill will evidently lead to considerable debate.

The PRESIDING OFFICER. The Senator from Maine calls for the regular order. The bill before the Senate will therefore be laid aside, and the Senate will resume the consideration of the legislative appropriation bill.

Mr. SPRAGUE. Before that is done I ask the chairman of the committee to allow me to offer a resolution calling for papers from a Department.

Mr. MORRILL, of Maine. Certainly.

ANTHONY POLLOCK'S REPORT.

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

Resolved, That the Secretary of the Treasury furnish for the use of the Senate a copy of a report made by Anthony Pollock to the Secretary of the Treasury, the last of 1863 or the beginning of 1864, relating to the operations of the Bank of England and the Bank of France.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ANTHONY. I wish to offer an amendment to the pending appropriation bill, House bill No. 974, to be referred to the Committee on Appropriations. This amendment is reported from the select Committee on the Rules.

The PRESIDING OFFICER. The amendment will be received and referred to the Committee on Appropriations.

Mr. RAMSEY submitted an amendment intended to be proposed to the bill (H. R. No. 1169) making appropriations for the current and contingent expenses of the Indian department for the year ending June 30, 1871; which was referred to the Committee on Appropriations.

Mr. SCHURZ submitted an amendment intended to be proposed to the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871; which was referred to the Committee on Appropriations.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations in relation to the Bureau of Education.

Mr. MORRILL, of Maine. I want to inquire what the exact question is.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations, to strike out from line eight hundred and nineteen to eight hundred and twenty-six, inclusive, the words in brackets, and to insert the words in italics preceding the same, in the printed bill in relation to the Bureau of Education.

Mr. MORRILL, of Maine. I understood the Senator from Missouri [Mr. DRAKE] to offer an amendment to the amendment of the committee.

The PRESIDING OFFICER. He did not offer any amendment.

Mr. MORRILL, of Vermont. I hope the Senate will not concur with the Committee on Appropriations in this amendment. If this is the most proper subject for reduction that there is in this bill it shows a very careful scrutiny on the part of that committee. My impression is most decidedly that a prejudice exists against this appropriation in consequence of the way in which the office has been filled heretofore. We had a very worthy and most accomplished gentleman as Commissioner, but his age was so great that he could not show himself an efficient, energetic executive officer, and for that reason and no other the office is somewhat under a shade. Now, that objection is removed. We have a younger man, an efficient man at the head of the bureau, one who has already distinguished himself in Tennessee in the administration of duties similar to those which he will be called upon now to discharge. We ought either to abolish the whole thing and not appropriate a dollar, for the small sum that is proposed to be appropriated will be entirely useless and thrown away, or else we ought to appropriate enough to enable this new officer to organize his forces so as by the next session or within a year to bring about some results. I admit it is an experiment, but it is an experiment that ought to be fairly and honestly tried; and without appropriating more than a sum sufficient to pay the salary of a Commissioner and two clerks it obviously cannot be done.

Mr. DRAKE. Mr. President, I was disposed this afternoon at the time the recess was taken to accede to the proposed appropriation measuring the clerical force of this office; but now I would first prefer to do in this appropriation bill just what has been done in all the appropriation bills with reference to the clerical force in this department. It has been established from the first, and subsequently increased or diminished in appropriation bills; and there was no more propriety in the appropriation act in 1869 in reducing the clerical force than there would be now in this act in increasing it. Now, in order to get at the sense of the Senate with regard to this bureau, I send to the Chair an amendment to the amendment, to come in at the end of the clause.

The Secretary read the amendment to the amendment, which was to insert after the word "dollars," in line eight hundred and twenty-six, the following proviso:

Provided, That from and after the 30th day of June, 1870, the clerical force in the office of said Commissioner shall be as in this section authorized.

Mr. DRAKE. That amendment is offered with the view and hope that the Senate will disagree to the amendment of the committee, and will restore the clerical force to what it was in the first instance and from which it was reduced last year. The circumstances under which the bureau is going on now are very different from what they were before. I think we ought either to give this bureau a fair trial or else abolish it altogether. If this amendment should be adopted, then I hope the Senate will reject the amendment offered by the Committee on Appropriations.

The PRESIDING OFFICER. The question is on agreeing to the amendment moved by the Senator from Missouri to the amendment of the Committee on Appropriations.

The question being put, it was declared that the ayes appeared to have it.

Mr. SHERMAN. I ask for a division.

Mr. WILSON. Do not divide the Senate now.

Mr. MORRILL, of Maine. The Senate is not very full at present.

Mr. SHERMAN. My own conviction is that this is a useless and impracticable appropriation. If it is intended for the benefit of education—an object we all certainly ought to have in view—it is totally insufficient. Every State in this Union, I believe, now provides by its constitution for common-school education. I believe the common-school system is now ingrafted on the policy of every State without exception. Since the admission of the southern States the system of common schools is universal. What has the national Government to do with it? Is it proposed to appropriate money to carry out and sustain schools by the national Government? In the State of Ohio we have a fund which, I believe, now amounts to three or four million dollars annually, securing to every young person not only a common-school education, but at his choice a pretty good collegiate education in the higher classes of schools. Nothing this Government can do within the amount any one would propose to appropriate could add to the benefits of the system. The system has now become universal in the States. If the States are good for anything at all, if they are to have any powers whatever, they must have the care and custody of their children and the charge of the domestic relations of life. It seems to me we ought to leave it with them. I would rather vote to abolish this bureau ingrafted on us at the close of the war as a kind of experiment. Suppose we appropriate this sum of money and organize a bureau here with the Commissioner and half a dozen clerks, what can they do?

Mr. DRAKE. Only three clerks.

Mr. SHERMAN. I know; but what can they do?

Mr. DRAKE. If the honorable Senator from Ohio will permit me, I think he was not in his seat this afternoon when I read the section of the act establishing the department in the first place. It seems to me that that is quite a sufficient answer to the remarks of the gentleman; but I do not wish to interrupt him.

Mr. SHERMAN. I was here and heard the debate this afternoon, and I was here when this bureau was organized. It was then called an experiment, and it was an experiment that utterly failed. What value is there now to the books that have been published by the Bureau of Education? This expense is only an entering wedge. The cost of the publication of its books, the various expenses that we have been put to, of what good are they? The schools throughout the United States have their own voluntary organization, just as different societies have. They have their modes of meeting

and their modes of correspondence. I cannot see any good whatever that will result from this appropriation. The habit of multiplying the bureaus of the various Departments of the Government has gone a great way. We have a bureau for almost everything now in the national Government. My own opinion is that it would be better to abolish some of them. It was expected at the last session of Congress by an amendment, if I remember correctly, put on an appropriation bill reducing this bureau, that it would be gradually abolished and got rid of. I do not think we ought to take a backward step. I am a little surprised, indeed, that the House of Representatives now, when they are proposing to reduce expenses, should put back this appropriation to something like the old standard. I am very glad to see our Committee on Appropriations confining themselves to an appropriation to carry into effect the existing law.

Mr. HAMLIN. I wish to make a suggestion to the Senator from Ohio, and it is one the force of which must be obvious to him when he casts his eye around the Senate. I appeal to him if it is not better to allow the final question to be taken in the Senate, and not call for a division now?

Mr. SHERMAN. I think that the Senator from Missouri ought to withdraw his amendment and submit it in the Senate when we have a full Senate. The action of the Committee on Appropriations ought to be taken to be final until reversed.

Mr. HAMLIN. I do not think it amounts to a finger's difference which way it is done, so that we have a full Senate to settle it. My impression is that I shall vote with the Senator from Ohio.

Mr. SHERMAN. Indeed, I would not take time to speak on the subject now, only that if I did not the time would be consumed in some other way. I hope the Senator from Missouri will withdraw his amendment and submit it when the Senate is full. Now, there has been a division, and unless the amendment is withdrawn there is no way except to have it offered before the Senate.

Mr. WILSON. I think it would be better to have the vote in a full Senate; but if that is not to be I wish simply to say that I assented to this change that was made in committee; but since then, from what I have learned in regard to the matter, I have been led to a different conclusion. I think one thing ought to be taken into consideration as a practical fact. When we established this bureau we did not give to it much to do, and we put a gentleman there who could not have done it if we had given him anything to do. In fact the affair was established rather for his benefit, I apprehend. At that time we had the Freedmen's Bureau, which did a great deal for the cause of education. Now that bureau ends, and we ought to consider that this bureau has thus something to do, to encourage education in portions of the country where it needs encouragement. It needs nothing in New England, nothing in New York, nothing in the great States of the West; but in the southern country there cannot be any question that something should be done to encourage the establishment of schools and the education of the people in that section of country. Therefore I shall vote for the proposition made by the Senator from Missouri; but I think it will be better to move it in a full Senate, when we can have a full vote, and proceed now to act upon those portions of the bill that there will be but little opposition to.

Mr. DRAKE. I was going to suggest, if the chairman of the Committee on Appropriations has no objection, to just pass over this portion of the bill until to-morrow, when we come into a full Senate, and recur to it then.

Mr. MORRILL, of Maine. I have no objection to that.

Mr. SUMNER. Before that passes away I wish to make one comment on a single word of the Senator from Ohio. The Senator said that he hoped we should take no backward step; and yet his speech and his proposition was a backward step. Sir, there is nothing that any State or any nation can do for education that is not for civilization itself; and now the Senator from Ohio is against appropriating a paltry sum of $10,000 for education.

Mr. SHERMAN. No; for two or three clerks.

Mr. SUMNER. My friend will pardon me, for education. He is against making this paltry appropriation for education, and he reminds us that in his great State $3,000,000 are set apart for this purpose. Is it not shameful that while $3,000,000 are set apart for this purpose in his great State, so small a sum as is now proposed is to be set apart by the nation? Am I told that the nation has nothing to do with this question? Allow me to reply at once, it has everything to do with it; it has more to do with it than the State of Ohio, inasmuch as in the nation are all the States. Ohio is only one State; all the States compose the nation; and the nation is responsible for the civilization of all the States. The nation is the presiding genius, not only of Ohio, but of all the associate States of the Union. Therefore, sir, should the nation by every means in its power, by appropriation, by a department, by a bureau, by clerks, by officers, do everything possible to promote the interests of education.

But the question may be asked, What can it do? With the sum proposed, unhappily very little; too little. But let us not give up doing even that little. A little in such a cause is much. If nothing else, information may be accumulated, statistics may be gathered, facts may be brought together which can be laid before those interested in education all over our own country and in foreign lands. That may be a specific object of the Bureau of Education.

Then again, it may supply a general impulse to education in every State, even in Ohio, with its $3,000,000 appropriated to that purpose. Permit me to say the State of Ohio, great as it is, is not yet above the reach of educational influences, and I am sure that this bureau, if properly organized, might be of advantage even to the great State which my friend represents with so much ability on this floor. I therefore adopt the language of my friend when he said, "Let us take no backward step." I would increase this appropriation rather than diminish it. I wish it were $100,000; ay, sir, $500,000.

Mr. MORRILL, of Maine. I hope this amendment will be allowed to pass over for the present, and go on with the rest of the bill.

The PRESIDING OFFICER. It is proposed that this item in the bill, entitled "Bureau of Education," be passed by informally for further consideration. If there be no objection it will be passed by.

Mr. SAWYER. In what condition does that leave the amendment proposed by the Senator from Missouri?

The PRESIDING OFFICER. It leaves that pending for consideration in the Senate when the subject shall be again taken up.

Mr. SAWYER. Not decided?

The PRESIDING OFFICER. Not decided. Is there objection to its being passed over? The Chair hears none, and the Clerk will continue the reading of the bill, and the amendments proposed by the Committee on Appropriations will be acted on in their order.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was after "1869," in line eight hundred and thirty-two, to insert "creating the office of superintendent of the Interior Department;" so as to make the clause read:

And section seven of the act of April 10, 1869, creating the office of superintendent of the Interior Department, is hereby repealed.

The amendment was agreed to.

The next amendment was to insert after line eight hundred and forty-three the following item:

For rent of building on G street, corner of Eighth street, from the 8th day of May, 1870, until the 1st day of June, 1871, at an annual rental of not exceeding $10,000, to be determined by the Secretary of the Interior, such sum as may be necessary is hereby appropriated.

The amendment was agreed to.

The next amendment was in the appropriations for the General Land Office, to strike out in line eight hundred and fifty-seven, "three assistant messengers" and insert "four assistant messengers, at $720 each;" and in lines eight hundred and fifty-nine and eight hundred and sixty, to increase the total amount appropriated from $171,720 to $171,800.

The amendment was agreed to.

The next amendment was in the appropriations for the Indian Office, after "messenger," in line eight hundred and eighty-six, to insert "at $720," and in line eight hundred and eighty-eight to increase the appropriation from $2,260 to $2.280; so as to make the clause read:

For one messenger, one assistant messenger at $720, and one laborer; in all, $2,280.

The amendment was agreed to.

The next amendment was in the clause making appropriation for the Pension Office, after "five assistant messengers," in line eight hundred and ninety-seven, to insert "at $720 each," and in lines eight hundred and ninety-nine and nine hundred to increase the total amount appropriated from $327,800 to $327,900.

The amendment was agreed to.

The next amendment was to strike out of the appropriations for the Patent Office the following item in lines nine hundred and ten and nine hundred and eleven:

For assistant commissioner, $3,000.

Mr. WILLEY. Unless there be some information in the possession of the chairman of the Committee on Appropriations more than I have I doubt the expediency of this amendment. I do not know what the considerations were which led the committee to propose it.

Mr. MORRILL, of Maine. It is an appropriation for a new office.

Mr. WILLEY. I desire to make a statement to the Senate which I think ought to convince the chairman of the committee that this new office proposed ought to be created. Although it creates a new office yet this appropriation bill provides for many less officers in the Patent Office than have been provided for heretofore. Last year, by the acts of 3d of March, 1869, and 10th of May, 1869, the clerical force of the Patent Office, not including examiners, and females and laborers, consisted in all of one hundred and thirty-two persons. According to the provisions of this bill these employés amount only to one hundred and nineteen, so that there is a less force employed by the appropriation in this bill than was by the appropriation in the bills of last year of about thirteen clerks of various classes. So that in point of fact, if this additional officer should be allowed, the expense will be much less for the discharge of the duties of the Patent Office this year than it was last year.

Then, in point of fact, there can be no objection on that ground. The Commissioner of Patents does not ask the force this year that he had last year to discharge the duties of that office; but he does ask that he may have a gentleman specially set apart to assist him in the discharge of his peculiar duties, and I beg to ask the attention of the Senate for a moment to an extract from a note which I have received from the Commissioner. He states that the assistant commissioner is to perform the duties of the superintendent of the annual report, and to relieve the Commissioner, "for, as I have stated in my report, no one man can now perform the duties of Commissioner. From May 1 to December, 1869, I was not out of my office but six nights, except during my vacation; and I usually work eleven hours per day.

Still, the work gains upon me." He states that the motion of the Committee of the Whole of the House to strike out this appropriation received but few votes, and he hopes the Senate will allow this provision to be retained which the House bill contains. Any person at all conversant with the affairs of that office must know that the duties of the Commissioner are very arduous and more than he can discharge properly. If he could have an assistant, who would take from him the special duty of superintending the preparation of the annual report, it would leave him much more time and leisure to devote to the special duties of his office, which are very arduous.

I think it would be for the benefit of the service, for the benefit of the country, to allow this provision in the House bill to remain, and to give the Commissioner of Patents the assistant that he desires. The aggregate result of the force provided for in this bill, as I have already stated, will then be much less than it was last year, and I hope that it may meet the views of the Committee on Appropriations to allow this.

Mr. MORRILL, of Maine. Allow me to ask the Senator what particular force does he understand to be dispensed with?

Mr. WILLEY. This is in point of fact not creating a new office, as the Senator from Maine supposes; but it is substituting an assistant commissioner in place of the superintendent of the annual report. Last year we had one superintendent of the annual report at $2,500; six third-class clerks at $1,600 each; fifty-six second-class clerks at $1,400 each; fifty-four first-class clerks at $1,200 each; six clerks at $1,000, and nine clerks at $900, making an aggregate of these clerks of one hundred and thirty-two, and the aggregate sum necessary to pay them for their service was $169,400. Now this bill provides for one assistant commissioner in lieu of the superintendent of the annual report at $3,000. It increases the salary of that officer, but it does not make an additional officer. It substitutes one officer instead of another whose duties shall be a little different.

Mr. MORRILL, of Maine. Does the Senator understand that the duties of the superintendent of the drawings of the annual report are to be done by this assistant commissioner?

Mr. WILLEY. I understand he is to have the superintendence.

Mr. MORRILL, of Maine. What other duties?

Mr. WILLEY. To assist the Commissioner as far as he may in any duties assigned to his office, to aid him, counsel him, advise him, and to relieve him of the discharge of his duties as far as he can.

Mr. MORRILL, of Maine. I suppose the Senator will understand that this superintendent is a very recent officer in that Department.

Mr. WILLEY. I do.

Mr. MORRILL, of Maine. If he is found to be a supernumerary it will be a question simply whether we had better not dispense with him entirely without providing for the other officer. He was created, I think, this very last year, and has not had his office yet a year.

Mr. WILLEY. It is substituting an assistant as a commissioner in the place of this superintendent. The desire is to get a person with a little more experience and skill and ability, so that he may not only discharge the duties which have heretofore been assigned especially to the superintendent, but may also aid the Commissioner himself in the discharge of his duties to some extent. The cost of the force, excluding examiners and females and laborers, last year amounted to $169,400. Giving the Commissioner the assistant he asks for this year and the clerks which he asks for, the cost will be only $153,600; several thousand dollars less than it was last year; and I think it is but reasonable that the Commissioner should be allowed to have the assistance which he desires.

Mr. MORRILL, of Maine. I wish to say only one word; for the committee in proposing to strike this clause out passed no judgment at all upon the necessity of the office; but, as they noticed, it was not estimated for by the Secretary of that Department; and as it was the creation of a new office, we felt that it was our duty to non-concur, to the end that the subject might be brought to the attention of the Senate at any rate. I wish to make a single observation, and that is on the constant tendency to these things in the service. About their giving up clerks as a consideration, I do not presume my honorable friend supposes there is much in that.

There is, in my judgment, a very great surplus of clerks, or, in other words, if they were as efficient as they should be there would be a very great surplus in the various Departments. I have no doubt if it could be reformed, if you could have efficient clerks, you might numerically have thirty-three per cent. less; but if the House of Representatives have discriminated fairly here, the presumption is that they have dispensed with no more clerical force than they found consistent with the demands of the service. This is simply an exchange of the superintendent of the drawings. It was thought by Congress last year necessary to have a man who should attend to that *speciale*, as superintendent of the drawings of the annual report.

Now, it seems that that particular officer is not considered necessary, but that one of a more general character, one whose business it shall be to aid the Commissioner in his general duties, is to be provided. That may be right; I am not saying that it is not; I have no judgment on the question; but I think it my duty to say to the Senate that there is this constant tendency in all the Departments to ask for additional assistance. First it was thought to be a little extraordinary that you should have an assistant to a Secretary; but with the exception of the Secretary of the Navy all the heads of Departments now have an assistant, and most of them two, a first and a second assistant. Now, here is a proposition to have an assistant to the head of a bureau. It may be well; that is not for the Committee on Appropriations to judge; it belongs to the committees who have charge of these Departments. Still I feel it my duty to call the attention of the Senate to the subject.

Mr. HAMLIN. My attention having been called to this clause in the appropriation bill, I wish to say a very few words in relation to it. I did not hear all that fell from the chairman of the Committee on Patents, and I do not know precisely what was the entire scope of his remarks. I desire, however, to say this: as I understand the matter, when the appropriation bill was drawn in the House this portion of it relating to the Patent Office was drawn after a consultation between the Commissioner of Patents and the chairman of the Committee on Appropriations of the House, and upon that consultation the Commissioner of Patents consented and agreed to reduce his force then in the office by thirteen, and to diminish the expense by fourteen or fifteen thousand dollars; to do away with the services of the superintendent of the annual report; and for all that there was to be given to him an assistant.

Now, what my colleague says in relation to the large amount of force in the various Departments I think is very true. I concur with him in opinion; but I submit to the Senate that the Patent Office stands upon an entirely different foundation from any of the Departments. In the progress of the war, when the business of all the Departments, perhaps save the Post Office, was very much increased, there was a very great necessity for increasing the force, and in all those Departments the business may be, and I doubt not is, daily diminishing, rendering it not only highly proper but necessary to diminish the force. But how is it with the Patent Office? The statistics show you that the business there is increasing in a wonderful degree. I examined the matter this morning. The figures have escaped my recollection and I dare not state them; but has not the business there doubled within ten years? I think it has increased more than that.

Now, sir, with the large number of patents that are being issued, and with the large number that are in existence, there must necessarily come a greater number of applications for extensions, and a greater number of appeals from the decision of the Commissioner. I say from my investigation of the matter that it is a physical impossibility for the Commissioner of Patents to discharge all those various duties, and if you desire that the business in the office shall be properly discharged you must give to that Commissioner some additional aid of a higher order than a clerk, and of a higher order than a superintendent of an annual report, who may also be an inspector of drawings. It is a thing which commends itself to the judgment of every man who will investigate it.

I say that after the Commissioner was called to a conference with the committee who framed the bill, and he upon his part suggested every point where there might be a curtailment, in return for which one slight addition was to be made at another point for the purpose of rendering the service of the department or bureau, whatever you may call it, more efficient, and which is absolutely necessary, it is eminently unjust to strike that additional person from this bill. I hope the Senate will not do it.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations, striking out the words "for assistant commissioner, $3,000."

The question being taken, it was declared that the noes appeared to have it; and a division was called for.

Mr. HAMLIN. Let the question be taken in the Senate finally.

Mr. MORRILL, of Maine. I suggest that if this provision is to stand it ought to be with an amendment. This officer will be an officer of some importance, and I suggest whether it would not be better to add the words "by and with the advice and consent of the Senate."

Mr. HAMLIN. I think my colleague is precisely right. I had a conference with him and I made the same suggestion. I think he is right, but that can be done in the Senate. It is doubtful whether there is a quorum here. Let it be passed over now, and the chairman can prepare the proper amendment to attach to it.

Mr. MORRILL, of Maine. Very well; then we will not divide the Senate on that. I shall propose that amendment at any rate.

Mr. HAMLIN. I will agree to that amendment when it shall be prepared.

The PRESIDING OFFICER. On agreeing to this amendment the Chair expressed the opinion on a *viva voce* vote that the noes had it. Is a division called for?

Mr. MORRILL, of Maine. I will divide in the Senate on the question.

The PRESIDING OFFICER. The amendment is disagreed to. The reading of the bill will proceed.

The next amendment of the Committee on Appropriations was to strike out of the appropriations for the Patent Office the following item in lines nine hundred and thirty-one and nine hundred and thirty-two, "For one superintendent (female) of female copying division, $1,400."

Mr. WILLEY. I desire to submit to the chairman of the Committee on Appropriations whether, if they are to have a corps of fifty female copyists, the superintendent of that division of work ought not to be a female officer? It is not a matter very material to the service, but I suggest it as a question of propriety and convenience.

Mr. MORRILL, of Maine. This is creating an office again, and it runs through the bill. The committee came to the conclusion that

there was no especial reason for it. It is simply to select one of the female copyists and give her an additional compensation in this way.

Mr. DRAKE. I will inquire of the chairman of the committee whether he has ever been in the room of these female copyists in the patent department and become acquainted with the lady superintendent there?

Mr. MORRILL, of Maine. I have not the honor of any particular acquaintance with her.

Mr. DRAKE. I presume if the chairman had been there, and become acquainted with her, and seen the duties that she performs, the Committee on Appropriations would not probably have offered this amendment.

Mr. MORRILL, of Maine. Very likely I might have been influenced as my honorable friend appears to have been. [Laughter.]

Mr. DRAKE. She is a lady of very remarkable, energetic, and business-like character, who renders better service there than many clerks who get $1,600 and $1,800 a year. I have been there.

Mr. MORRILL, of Maine. While chairman of the Committee on Appropriations, whose duty is not to raise salaries, probably I had better not be subjected to that influence. [Laughter.]

Mr. DRAKE. I think the public interest would be subserved by overruling the amendment of the committee, and leaving a lady there to superintend those fifty female copyists.

Mr. MORRILL, of Maine. This is just one of those very convenient sort of arrangements by which very worthy ladies and very worthy people get a comfortable sort of promotion. It is very difficult indeed to object to them; but it is a discrimination that is not founded, as I believe, in any substantial reason. It is very disagreeable to object to such a proposition; but if the service is not limited somewhere and bounded somewhere your appropriation bills will be filled with all sorts of projects for the raising of salaries, having no other foundation than the kindly feeling of some gentleman toward some very good person, without much regard to the public service.

I ought to have stated before that similar propositions run all through this bill. The committee in every instance that has come to their notice have endeavored to strike them out. If it should be the pleasure of the Senate to increase the salaries of the employés, that is one thing; or if it should be the pleasure of the Senate to adopt the amendment proposed by the Senator from Oregon, [Mr. WILLIAMS,] which is to increase the salaries of certain heads of bureaus, then a proposition of this sort might come up; but if it should be the pleasure of the Senate to adopt the amendment proposed by the Senator from Illinois, [Mr. TRUMBULL,] which is to put all the female clerks into classes of clerkships, then of course my honorable friend from West Virginia would accomplish his purpose without this special legislation. I hope, therefore, my friend will not at this time press his objection.

Mr. WILLEY. I do not wish to press the objection particularly; but still I desire that the Senate shall have a correct understanding of what are the facts in the case. The Senator from Maine appeals to the Senate against the practice of making provision for friends, and so forth——

Mr. MORRILL, of Maine. No; I do not mean that.

Mr. WILLEY. Thereby increasing the numbers in the service and the expenses of it. Now, what are the facts in that respect here? Last year the number of female copyists and clerks was fifty-three. Now, the provision in this bill, instead of making places for additional persons, in point of fact diminishes the number by one. It is true there is a provision for one female superintendent at a salary of $1,400; but the bill only provides for fifty-one female copyists besides, so that, including the female superintendent, if this provision shall be retained, there will be fifty-two female copyists or clerks in this department this year instead of fifty-three last year, and one of them will get $1,400, being the superintendent of the rest. The expenses will be to some extent reduced if the provision as the House proposed it should be retained, and there will not be an increase, so that no additional place will be made for any person whatsoever. The relation of this lady to the other clerks will be changed. The propriety of having a female superintendent of a great body of female copyists seems to me to be most obvious; and when it neither increases the number nor increases the expense of the service, and most obviously contributes to the propriety of the service, as it seems to me, I think the provision had better remain as the House passed the bill.

Mr. TRUMBULL. I will state to the Senator from West Virginia that this whole subject will come up on an amendment of which I have given notice, and which is printed and on our tables, providing that all the females who are employed in the various Departments of the Government shall be classified and receive the same pay in the classes to which they are assigned as is paid to males. Then a clerk who is at the head of a division will be a second-class clerk and receive $1,400, no matter whether it is a man or a woman. If that amendment should prevail, as I hope it will, then all female clerks will be placed on the same footing in regard to compensation as males. The clerks who are at the head of divisions in any of the Departments now are usually either second or third class clerks, and if second-class clerks they get $1,400, the same that is to be given to the superintendent of the copying division. Undoubtedly if that amendment should prevail, as I hope it will, it will provide for all these cases. I would rather test the question upon the general amendment than in reference to one individual. It does not seem to me that there is much propriety in paying one single female clerk $1,400 and no other one a like sum who may be performing similar service. I hope the Senate will consent to amend this bill so as to place all the female clerks upon the same footing as males.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment was to strike out lines nine hundred and thirty-three and nine hundred and thirty-four in the words, "for fifty female copyists, at $900 each, $45,000," and in lieu thereof to insert, "for fifty-one female copyists, at $900 each, $45,900."

The amendment was agreed to.

The next amendment was to strike out lines nine hundred and sixty-two, nine hundred and sixty-three, and nine hundred and sixty-four, being the last item under the head of "United States Patent Office," in the following words:

For expenses of receiving, arranging, and taking care of copyrights, books, charts, and other copyright matter, $2,000.

Mr. WILLEY. There is a bill which has been passed by the House of Representatives, and is now before the Committee on Patents, transferring this matter to the Library. Whether it will pass the Senate or not is more than I can now tell. If it should not pass the Senate as passed by the House of Representatives, and the duty should remain in the Patent Office which has heretofore been performed by that office, it will then require some person to take charge of the duty and perform it. I understand that there was no provision made for this service last year, and I am informed by the Commissioner that it was an oversight of Mr. Fessenden, who then had charge of the Committee on Appropriations, and was simply omitted by inadvertence, and would have been provided for if it had been thought of. Under these circumstances I do not know what it is best for the Senate to do, whether to make provision for the service by providing the salary for a clerk, or to allow the amendment to pass as reported by the Committee on Appropriations here. If it should turn out to be the case that the Senate fail to pass the bill now before the Committee on Patents, transferring these duties to the Librarian of Congress, then here will be a duty to be performed in the Patent Office for which no provision has been made; or at least the duty will have to be assigned to some other clerk than the special clerk who has heretofore performed that service. The matter is not material to me; I merely mention these facts that the Senate may vote advisedly. This service has been provided for up to last year, and the omission last year was made inadvertently by the chairman of the committee, whose attention happened not to be directed to the subject at that time.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after line ten hundred and eleven the following item:

For compensation of the surveyor general of the Territory of Wyoming, $3,000, and the clerks in his office, $4,000.

Mr. CORBETT. I think the Senator from Missouri [Mr. SCHURZ] spoke of the item in lines ten hundred and three to ten hundred and eleven. I think he wished to be here when it was considered.

Mr. MORRILL, of Maine. I understand he desires to move an amendment, but he can do it in the Senate just as well after the bill shall be reported.

Mr. CORBETT. I should like it to be passed over.

Mr. POMEROY. I notice that the committee have not reported the amendment in reference to the expenses of the surveyor general's office in the State of Kansas, which was recommended by the Secretary of the Interior. I suppose they expected that the Committee on Public Lands would move that amendment at the proper time.

Mr. MORRILL, of Maine. I will say to the Senator that I have notice of several amendments which the Committee on Appropriations were not informed of until the bill had been reported to the Senate. I have noted them, and after the amendments that are reported by the committee are gone through with I intend to call the attention of the Senate to them.

Mr. POMEROY. The only amendment I would suggest is that some additional clerk hire is necessary in the surveyor general's office on account of a fire that burnt up one of our district offices. The fire burnt up the records, and they have to be duplicated. It is only a small additional item which the Commissioner of the General Land Office recommended. I will not move it now, but will wait until we get through the reading of the bill.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in the clause appropriating for the compensation of the officers and employés of the Department of Agriculture, to strike out in lines ten hundred and thirty-one and ten hundred and thirty-two "three female copyists, at $900 each," and insert "four copyists, at $1,000 each;" and in lines ten hundred and thirty-eight and ten hundred and thirty-nine to increase the total appropriation from $67,880 to $72,170.

The amendment was agreed to.

The next amendment was in the appropriations for the Department of Agriculture, to strike out line ten hundred and sixty in the words "for keep of horse, $400," and in lieu thereof to insert "for keep of horses, $1,500."

The amendment was agreed to.

The next amendment was in line ten hundred and sixty-one, to increase the appropriation for "new furniture" from $200 to $1,000.

The amendment was agreed to.

The next amendment was in line ten hundred and seventy-three, to increase the appro-

priation for "collections for the herbarium" from $500 to $1,000.

The amendment was agreed to.

The next amendment was to add to the appropriations for the Department of Agriculture the following item as lines ten hundred and eighty-three and ten hundred and eighty-four, "for incidental and miscellaneous items, $2,000."

Mr. YATES. I move to amend the amendment by striking out "$2,000" and inserting "$5,000."

Mr. MORRILL, of Maine. That is out of order.

Mr. YATES. I desire to call the attention of the Senator from Maine and the Senate to this amendment.

The PRESIDING OFFICER. The Chair feels obliged to rule, under the objection of the chairman of the Committee on Appropriations, that this motion of the Senator from Illinois is not in order, as it increases the appropriation, unless it be reported by a committee and referred to the Committee on Appropriations. The rule expressly provides that no motion of this character shall be in order except under the special limitations named in the rule.

Mr. YATES. It will be in order in the Senate, I suppose.

The PRESIDING OFFICER. The Chair does not understand that it will be in order at any time to move an increase of the appropriation except it be to carry out the provisions of an existing law, or in pursuance of the estimate of the head of a Department.

Mr. HAMLIN. I had the impression that that rule applied to an original, distinct motion to amend, and did not apply to an amendment reported by the committee. The committee reporting an amendment, I take it, it is in order to increase or diminish the amount named in that amendment, but not to offer a distinct proposition by which you increase the appropriation. That was my impression.

The PRESIDING OFFICER. The thirtieth rule provides that—

"No amendment proposing additional appropriations shall be received to any general appropriation bill unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments."

The Chair is of the impression, although unschooled in this office, of course, that the fair construction of this language applies to any proposition to increase the appropriations in a bill as it stands before the Senate. The Chair may be in error, and will submit to the judgment of the Senate on that point.

Mr. YATES. I ask the Senator from Maine if he will not withdraw his objection?

Mr. MORRILL, of Maine. I suggest to the Senator that he can accomplish his object by giving the Committee on Appropriations notice of his amendment and moving it again to-morrow in the Senate.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

Mr. HAMLIN. To obviate the very objection just made, while I do not think it quite necessary, and to conform to what my colleague suggests, I want to give notice of an amendment and have it referred to the Committee on Appropriations. I shall move to amend the bill in lines thirty-four and thirty-five by striking out "$1,800" and inserting "$2,000" as the compensation of the superintendent of the Senate document-room. I desire that amendment to be referred so that I may move it in order hereafter.

The PRESIDING OFFICER. The Chair suggests to the Senator from Maine that a notice of that character has already been given to the Committee on Appropriations, under the rule, from the Committee on Rules.

Mr. YATES. I give notice that I will propose an amendment in line ten hundred and sixty-six, appropriating cases for the library, changing the appropriation from $500 to $1,000, and also to increase the appropriation for "miscellaneous items" from $2,000 to $5,000; and I also give notice that I will offer an additional item for paper, twine, &c., for the folding-room of the Agricultural Department, $500. All these items relate to that Department.

The PRESIDING OFFICER. These proposed amendments will be referred to the Committee on Appropriations.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Appropriations was in the appropriations for the Post Office Department, to strike out in lines eleven hundred and nineteen and eleven hundred and twenty the words "one assistant messenger, $720," and to insert in lieu thereof "three assistant messengers, $720 each;" and to strike out in lines eleven hundred and twenty-two and eleven hundred and twenty-three the words "for two pages, $720."

The amendment was agreed to.

The next amendment was in the appropriations for the War Department, to insert in line eleven hundred and thirty-one, after the word "messengers," the words at "$720 each;" in lines eleven hundred and thirty-two and eleven hundred and thirty-three to change the amount appropriated from $46,460 to $46,520; and in line eleven hundred and thirty-four to increase the amount appropriated for contingent expenses from $5,000 to $10,000; so that the clause will read:

For compensation of the Secretary of War, $8,000; chief clerk; five clerks of class four; for additional to one clerk of class four, as disbursing clerk, $200; for six clerks of class three; three clerks of class two; eight clerks of class one; one messenger; three assistant messengers, at $720 each; one laborer, $46,520. For contingent expenses, $10,000.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the Adjutant General, in line eleven hundred and forty to increase the appropriation for contingent expenses from $7,500 to $15,000.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the Quartermaster General, to increase the total sum appropriated in line eleven hundred and forty-seven from $171,700 to $171,760.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the Paymaster General, in line eleven hundred and fifty to strike out "one clerk of class three" and insert "three clerks of class three;" in line eleven hundred and fifty-one to strike out "twenty" and insert "twenty-three" before "clerks of class two;" in line eleven hundred and fifty-two to strike out "twenty" and insert "twenty-five" before "clerks of class one;" and in lines eleven hundred and fifty-two and eleven hundred and fifty-three to increase the appropriation from $64,280 to $77,680; so as to make the clause read:

For chief clerk; four clerks of class four; three clerks of class three; twenty-three clerks of class two; twenty-five clerks of class one, and two messengers, $77,680.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the Commissary General, in line eleven hundred and fifty-eight to strike out "eight" and insert "ten" before "clerks of class two;" to strike out "fifteen" and insert "twenty" before "clerks of class one;" and in lines eleven hundred and fifty-nine and eleven hundred and sixty to increase the amount from $34,880 to $43,680; so as to make the clause read:

For one clerk of class four; one clerk of class three; ten clerks of class two; twenty clerks of class one; one messenger, and two laborers, $43,680.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the chief engineer, in line eleven hundred and seventy-one to strike out "four" and insert "five," so as to allow five clerks of class four; and in lines eleven hundred and seventy-three and eleven hundred and seventy-four to increase the amount appropriated from $25,560 to $27,360.

The amendment was agreed to.

The next amendment was in the appropriations for the office of the chief of ordnance, in line eleven hundred and seventy-nine, to strike out "two" and insert "three" before "clerks of class four;" in line eleven hundred and eighty, to strike out "three" and insert "five," before "clerks of class two;" to strike out "four" and insert "eight" before "clerks of class one;" and in lines eleven hundred and eighty-one and eleven hundred and eighty-two, to increase the amount appropriated from $18,640 to $26,840; so as to make the clause read:

For chief clerk, three clerks of class four, two clerks of class three, five clerks of class two, eight clerks of class one, and one messenger, $26,840.

The amendment was agreed to.

Mr. CORBETT. I see that the number of the clerks in all these bureaus is increased. I should like to inquire of the chairman if that is in accordance with the law or the regulations, or the former number employed, or upon what principle it is based?

Mr. MORRILL, of Maine. We have amended the bill to make it conform to the estimates. If the Senator will look at the book of estimates he will find that these amendments make the bill conform to the estimates. They were cut down by the House of Representatives.

Mr. CORBETT. How do they compare with the number employed last year?

Mr. MORRILL, of Maine. I cannot say.

Mr. CORBETT. I simply inquired, thinking that perhaps as the Army was about to be reduced, the House had with that view reduced the number of these clerks. I do not know whether this is as large a number as was employed last year, or whether there was a reduction in the estimates.

Mr. MORRILL, of Maine. The number of clerks in these various bureaus is provided for by the statutes which are referred to in the estimates. These amendments are not additions. Our amendments are simply to provide for the service as fixed by law.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in the clause making appropriations for the office of military justice, in line eleven hundred and eighty-seven, to insert the words "one of class two," and also to strike out the word "one" and insert "two" before the words "clerks of class one," and in line eleven hundred and eighty-eight to increase the amount appropriated from $4,600 to $7,200; so that the clause will read:

For one clerk of class four, one clerk of class three, one of class two, two clerks of class one, $7,200.

The amendment was agreed to.

The next amendment was to strike out lines eleven hundred and ninety-three, eleven hundred and ninety-four, and eleven hundred and ninety-five, in the following words:

Office of the Inspector General and inspector of the Military Academy:
For one clerk of class four, $1,800.

The amendment was agreed to.

Mr. DRAKE. I am instructed by the Committee on Naval Affairs to offer an amendment to line twelve hundred and eighteen. I do not know whether this is the proper time to offer it.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Missouri that the usual practice is to go through with the amendments reported by the Committee on

Appropriations first, unless the amendment proposed to be offered is an amendment to an amendment reported by the Committee on Appropriations. If the latter be the case, now is the time to offer it.

Mr. MORRILL, of Maine. After we have gone through with the amendments of the Committee on Appropriations the Senator can offer his proposition.

Mr. DRAKE. I do not wish to interfere with the general practice of the Senate.

The PRESIDING OFFICER. The reading will proceed.

The next amendment was in the appropriations for the Navy Department, line twelve hundred and nineteen, to strike out "$2,200" and insert "$2,500;" so as to read, "for compensation of the chief clerk of the Navy Department, $2,500," &c.

Mr. SPENCER. I inquire of the chairman of the Committee on Appropriations the reason for that amendment, making the compensation of the chief clerk of the Navy Department $2,500? The chief clerks of all the other Departments are paid $2,200 a year salary.

Mr. MORRILL, of Maine. The reason of that is that there is no Assistant Secretary of the Navy. I propose to amend that clause, and as my attention is called to it, with the permission of the Senate, I will do it now. I propose to amend by inserting after the word "dollars" the words "when there is no Assistant Secretary;" so as to read, "for compensation of the chief clerk of the Navy Department at $2,500 when there is no Assistant Secretary."

Mr. SPENCER. I wish to inquire further when there is no Assistant Secretary who is the chief clerk under?

Mr. MORRILL, of Maine. Under the particular direction of the Secretary.

Mr. SPENCER. I inquire what duty Vice Admiral Porter, at a salary of $6,000 a year, is assigned to in the Navy Department—a salary much larger, I believe, than that of any Assistant Secretary?

Mr. MORRILL, of Maine. The chairman is not well informed about the duties of the admiral. I suppose, perhaps, the Committee on Naval Affairs can give the information.

Mr. SPENCER. It strikes me that the amendment is improper.

The PRESIDING OFFICER. The question is first on agreeing to the amendment recommended by the Committee on Appropriations, striking out $2,200 and inserting $2,500. After that amendment the amendment of the Senator from Maine will be in order. The question now is on agreeing to the amendment reported by the committee.

Mr. SHERMAN. I shall ask for a division on that question. I ask the Senator from Maine if there is now an Assistant Secretary of War?

Mr. MORRILL, of Maine. I think not.

Mr. SHERMAN. The reason why there is not an Assistant Secretary of War or of the Navy is that there are heads of bureaus in the War and Navy Departments with much higher pay and much higher relative rank than any officers in any of the other Departments. There is no occasion, therefore, for giving to the heads of the War and Navy Departments the same amount of superior intellectual ability surrounding them as assistants, as there is in the Treasury Department and in other Departments of the Government. If you raise the pay of the chief clerk of the Navy Department to $2,500 you cannot refuse to do it, certainly, to the chief clerk of the Treasury Department, whose duties are infinitely more responsible.

The Navy Department is a regular machine, with very little to do except in the ordinary routine of business. Indeed, I think the Secretary of the Navy could be dispensed with; and it has been suggested by high officers of the Government that one officer could properly discharge the duties of Secretary of War and Secretary of the Navy, since the chief duties of those two Departments are discharged by high officers of the Army and Navy. For instance, the head of the quartermaster's department is now a major general, and will be a brigadier general in the regular Army after the reduction. So of the other officers who are heads of bureaus both in the War and Navy Departments. There is no such occasion, therefore, for any such superior ability surrounding the Secretary of the Navy as in other Departments. I believe during the last summer the Navy Department ran along very well under the charge of the Admiral, without much supervision by the Secretary. It is very clear, therefore, that there ought not to be any increase of the pay of the chief clerk of the Navy Department unless it is extended to other Departments.

Mr. COLE. I hope the recommendation of the Committee on Appropriations will be adhered to in this instance. As has appeared from the debate already, there is no Assistant Secretary of the Navy, and the chief clerk performs the service that is usually performed by an Assistant Secretary. The Senator from Ohio [Mr. SHERMAN] speaks of the Assistant Secretary of the Treasury. He receives a salary of $3,500, and I believe there is more than one Assistant Secretary of the Treasury; there have been more than one, certainly. But this officer, the chief clerk in the Navy Department, performs similar service, as much service, I will say, as is performed by an Assistant Secretary in any one of the other Departments. "The laborer is worthy of his hire." This is a very efficient officer, as I am informed, and as the Committee on Appropriations, in fact, are informed, and his duties are very arduous. I hope there will be no discrimination of this kind against him, and no attempt to reduce the recommendation of the committee. Indeed, I would rather see his salary put upon a par with the salaries of the other officers who perform the same service in other Departments. In nearly all the other Departments, for example, in the Interior Department as well as in the Treasury Department and in the Post Office Department, there are assistants to the head of the Department, and they receive invariably larger salaries than is accorded by the amendment here to the chief clerk of the Navy Department, who performs the duties of an Assistant Secretary.

Mr. SHERMAN. The Assistant Secretary of the Navy proper gets about seven thousand dollars a year. What is the pay of a commodore of the Navy? I think it is about six thousand dollars.

Mr. ANTHONY. He gets his regular pay, not as Assistant Secretary of the Navy.

Mr. SHERMAN. That is the effect of it.

Mr. COLE. The officer referred to may be on duty here, or on ship-board, or at some navy-yard, and draws a large salary, a larger salary in proportion than is awarded to these civil officers; but that does not alter the fact in this case. This man does perform the service that is usually performed by an Assistant Secretary, and he should receive at least the small addition to his regular salary that is recommended by the committee. I hope it will be adhered to by the Senate.

Mr. CRAGIN. I rise to concur in the remarks made by the Senator from California. I know from personal observation, almost daily observation, that this officer is perhaps more overworked than any other similar officer in the city of Washington. In March, 1869, we passed an act abolishing the office of Assistant Secretary of the Navy, and also reducing very largely the clerical force in the Navy Department, and the result has been to throw greatly increased labors upon the chief clerk, Mr. Offley. I have been there early in the morning, and at night, and have found him there at work. I know personally that he has been once during this session made sick and obliged to leave the office in consequence of this overwork. He is a very valuable, very efficient, and competent officer. Not only do I hope that this amendment will be adopted, but I have on my desk another amendment which has been agreed upon by the Committee on Naval Affairs, which I shall offer at the proper time.

Mr. SHERMAN. What is that?

Mr. CRAGIN. Giving him for past services some portion of the salary which was appropriated for the Assistant Secretary, and not drawn.

Mr. TRUMBULL. We have gained very little by our legislation since the war in abolishing the extra officers who were created in consequence of the war, if we are now to pay, under another name, the same salaries that we paid to Assistant Secretaries. There was no such thing known before the war as an Assistant Secretary of the Navy or an Assistant Secretary of War. Those offices were created in consequence of the great amount of business thrown upon those Departments during the war. After the war was over, Congress very properly abolished the offices; and now it is proposed under another name to pay somebody else the same salary that was paid to an Assistant Secretary.

Mr. DRAKE. I hope the Senator will allow himself to be corrected.

Mr. TRUMBULL. Certainly.

Mr. DRAKE. The Assistant Secretary of the Navy received a salary of $3,500, the chief clerk at the same time getting $2,000. Now the assistant secretaryship is abolished, and the proposition is to add $500 to the salary of the chief clerk. The consequence is that the expense will be $2,500 for salary to the chief clerk, but it is $3,000 less than it was before.

Mr. TRUMBULL. Not $3,000 less than the Assistant Secretary had.

Mr. DRAKE. No, sir; $3,000 less than it was when there was an Assistant Secretary.

Mr. TRUMBULL. Than the two had. In other words, we have reduced the compensation of the officers of the Navy Department $3,000 since the close of this great war. We ought to have reduced it more than $300,000.

Mr. CRAGIN. It has been reduced more than that.

Mr. TRUMBULL. I hope we have reduced it much more; but in this instance it would seem to be $3,000. Why, sir, we ought to go back to the old peace establishment, and so far from increasing the salaries of these officers because we have disposed of the extra officers who were appointed when there was perhaps forty times as much business in the Navy Department as there is now, we should put them all back to the position that they occupied before the war. I see no sort of propriety in increasing the salary of this officer; and as has been justly said, if you do it in one Department you must do it in the others. Now, I believe we have got no Assistant Secretary of War. At one time we had two Assistant Secretaries of War. I think they have both been abolished. If they have not been they ought to be.

I trust that this amendment of the committee will not prevail. If we intend to economize, as seems to be the proclaimed doctrine now-a-days, we shall not accomplish it by increasing the salaries of these officers. This may be a very valuable person—I know not how that is—but that is no reason for raising the salary of the office, because it happens to be filled at this time by a very valuable incumbent.

Mr. DRAKE. Mr. President, I think that whether the increase of a salary is right or not in the Senate depends very much upon where the increase happens to light. Here upon the desks of all Senators is an amendment to be offered by the Senator from Illinois to this bill increasing the compensation of all the female clerks in the Departments $300 apiece at least, and perhaps more. Hundreds of them are to get this increase of $300 or more apiece. But now when there is a request made to give one most meritorious officer, worked nearly to

death, $500 a year more, the Senator from Illinois sees in it a very great wrong, and says we ought to go back to the peace establishment. Sir, does the Senator propose to put the female clerks of the different Departments upon a war footing, that he offers $300 a year more to them? I find it makes a great deal of difference where the favor lights in the Senate Chamber.

Mr. TRUMBULL. I am sorry that the Senator from Missouri cannot see the difference between a proposition increasing the salary of a chief clerk beyond that of any other chief clerk, and a proposition equalizing the pay of those who perform the same service. Does it follow because I am unwilling to take a chief clerk out of one of the Departments and pay him $500 more than any other chief clerk receives, that therefore I must oppose paying to one person the same compensation for the same duty that is paid to another in the same service? I am sure the Senator from Missouri can see that there is no analogy between the two cases. The amendment that I intend to offer proposes to place persons performing the same service upon the same footing as to pay. The Senator from Missouri is supporting an amendment to put a person performing the duties of a chief clerk in one of the Departments above every other chief clerk in every other Department of the Government.

Mr. DRAKE. One word more. The chief clerks in the other Departments, I find upon examining the bill, get $2,200, and we are only adding $300 to the annual pay of this chief clerk. I call the attention of the Senator from Illinois to the fact stated here, and which he will see in this bill, that the Secretary of the Treasury has two assistants; the Postmaster General has three assistants; the Secretary of the Interior has one assistant; and in all those Departments the chief clerk gets $2,200. In the Navy Department, with no Assistant Secretary at all, we only ask to add $500 to the pay of the chief clerk, a man who does the work that the Assistant Secretary, who got $3,500, used to do. It does seem to me that the Senator from Illinois is unjust in the discrimination which he would make in this case.

Mr. HOWELL. I do not know that I am very well entitled to speak upon a subject of this kind, if an actual practical knowledge of the duties assigned to these clerks be a prerequisite for speaking here; but I notice that the Senate has been leveling up all the time upon the salaries of all or most of these officers. The argument was used awhile ago that some chief clerk in some Department must have his salary raised because the chief clerk of some other Department had a larger salary, and therefore we should equalize upward the salary of that chief clerk. Now, we have a chief clerk here in a Department which certainly has no business to be compared in amount with the business of the Treasury Department or of some other Departments of the Government, and we are asked to raise his salary $300 over and above what has been assigned to any other chief clerk in any other Department, while it is known and asserted here that officers of the Navy do act in the capacity of Assistant Secretaries or heads of bureaus, and therefore must relieve to a great extent the duties which would otherwise fall upon the Secretary of the Navy or upon the chief clerk.

I can see no reason why now, since the war is over and is past, when the people of the country are demanding economy at our hands, when the Administration came in pledging economy to the people of the country, we should raise, as we are raising here in the Senate, the salaries of officers so outrageously and so enormously. The people demand a reduction of salaries throughout the country. The House of Representatives, immediately representing the people, and coming here from the people, and going back to the people this fall, have reduced the salaries or have placed the salaries at a much lower figure in this bill and the expenditures at a much lower figure than is reported by our committee in the Senate. By these amendments we force them, or give them, at least, a pretense to say that they are forced to raise the salaries all through, and thus to increase the expenses of the Government for no sufficient reason, in my judgment.

I do not believe that any of these officers of the Government are overworked to such an extent as is complained of here. How long do they work? How many hours do they put themselves down to hard work, compared to what men have to work in the private business of life—lawyers, physicians, farmers, or merchants throughout the country? I do not believe in this complaint of overwork on the part of public officers. I have seen very little of it and heard very little of it in my perambulations about Washington since I have been a Senator, or before; and in my judgment there is very little of it to be complained of here or elsewhere. Therefore it is that I am opposed to this whole system of increasing the salaries of officers, whether they be heads of Departments or the heads of bureaus, or the chief clerks or the minor clerks. In my judgment the time has come for reducing salaries, and the Senate should come down to the work and do what the people of the country expect and require and demand of them, and what the party and the Administration have pledged themselves to accomplish before the country.

Mr. POMEROY. I do not desire to take any part particularly in this debate, but I see that the heads of the different bureaus in the Navy and War Departments, especially the Navy Department, have more pay than the same officers in the civil Departments. I suppose there is some reason for it, but I do not know what the reason is.

Mr. CRAGIN. If the Senator wants an answer I will give him one. They have no salaries; they draw their pay as officers of the Navy.

Mr. POMEROY. I was going to compare what they did draw with what officers in the civil Departments who perform similar service receive.

Mr. CRAGIN. They do not draw near as much as the same officers in the bureaus of the War Department.

Mr. POMEROY. I notice that the chief of the Bureau of Yards and Docks receives $5,233 33; the chief of the Bureau of Navigation receives yearly $4,233 33; the chief of the Bureau of Equipment receives $4,233 33; the chief of the Bureau of Construction receives $4,233 33; the chief of the Bureau of Steam Engineering receives $4,000; the chief of the Bureau of Provisions and Clothing receives yearly $3,733 33; the chief of the Bureau of Medicine and Surgery receives $3,500; the chief of the Bureau of Ordnance receives yearly $3,733 33.

Mr. NYE. Why does he receive it? Because he gets his pay as an officer of the Navy.

Mr. POMEROY. I understand that is his salary. What I am speaking of is that that is more than is paid in the civil service, more than is paid in the Treasury Department for the same kind of service, and more than is paid in the Interior Department.

Mr. NYE. Does the honorable Senator propose to change the pay of the officers of the Navy?

Mr. POMEROY. No, sir.

Mr. NYE. Then what is the use of talking about it?

Mr. POMEROY. There is an effort now to raise the salary of the chief clerk of the Navy Department. I suppose it has some relation to the fact that the heads of bureaus and other officers there receive more salary than is paid in the civil service.

Mr. NYE. Not at all.

Mr. POMEROY. Then will you tell me what it is for?

Mr. CRAGIN. Will the Senator give way for an explanation?

Mr. POMEROY. Certainly. There must be some reason for it.

Mr. CRAGIN. The only reason why the Committee on Naval Affairs support this amendment is, that this officer is performing the labor which is performed by several officers in the other Departments. The clerical force of the Navy Department last spring was so far reduced that labor has been thrown upon this officer to an undue extent. Any one who is conversant with the business in the Navy Department, who goes there but once, will see it. It is not so in the War Department. There are several officers there who perform the same duty. The chief clerk of the War Department does not perform two hours labor a day where this man performs three. There is not any doubt about that.

Mr. POMEROY. I do not know anything about this man. The question with me is how much the office ought to be remunerated year by year. I have no knowledge of the gentleman who now fills the office. I presume he discharges his duties well, and does a great deal of labor. But I notice that in the other Departments where we have chief clerks they do not have the salary that is contemplated by this amendment. There must be some reason for it. If it is from the fact that the other heads of bureaus in the Navy Department by virtue of drawing their pay as officers of the Navy get a larger compensation than is had in the civil service by heads of bureaus who perform like duties, I cannot see the reason why we should raise the salary of the chief clerk, unless it be to make the whole system harmonious, to make it expensive all the way through.

I notice that there are Assistant Secretaries to the other heads of Departments, and they receive $3,500 until we come to the Attorney General, who has two assistants, and they receive four or five thousand dollars, I believe. They have had an increase. By the bill of the 11th of March the assistants in the Attorney General's Department receive an additional compensation. It is said they have important duties to discharge, opinions to give that are of great value and importance to the country. But how is it when we come to the Interior Department, where there is no solicitor and only one assistant to whom are appealed all questions relating to lands; all the immense appeals from every land district in the United States? Questions that affect land titles for generation after generation are decided by the Assistant Secretary of the Interior, without any help, without any solicitor. He discharges the duties of a solicitor and an Assistant Secretary, and often of chief clerk too; yet we see no effort here to raise his salary, not even to make it equal to the salary of an Assistant Attorneys General, of whom there are two.

I presume that those who have charge particularly of the Navy Department know some reasons for this proposition that I do not; but I can see no reason why persons who discharge the duties of a civil office should have any more compensation than is paid in other Departments of the civil service. These other salaries are large from the fact that the officers are officers in the naval service of the country, and draw their pay and rations and commutation, and in that way their salaries reach up to the amounts I have named. I do not suppose they can be reduced. There is no effort in that direction. But I do not see why we should increase the salaries of those who simply discharge civil duties.

Mr. TRUMBULL. The Senator from Kansas has called attention to what is very obvious on looking at this bill. The only ground on which the Senator from Missouri bases his support of this proposition is to be found in what he alleges to be the fact, that the Secretary of the Navy has no assistant, while the Secretaries of the other Departments have.

Mr. POMEROY. Not of the Interior.

Mr. TRUMBULL. Yes, there is one Assist-

ant Secretary there. Now, it matters not what you call the persons who assist the head of a Department. In the Treasury Department there are some four or five Auditors and several Comptrollers. All these persons are heads of bureaus and assistants to the Secretary of the Treasury. In the Post Office Department they have a First and Second Assistant Postmaster General, and perhaps a Third Assistant Postmaster General. One of them is at the head of the contract office, and another is at the head of some other bureau of the Post Office Department. Now, in the Navy Department we have quite a number of these chiefs of bureaus.

Mr. SHERMAN. Eight of them.

Mr. TRUMBULL. There are eight assistants, then, to the Secretary of the Navy; and it is not, as the Senator from Missouri supposes, that these chiefs are performing the duty of naval officers. I will say to my friend from Nevada, who seemed disposed to think they were acting as naval officers, that they are not on board ship when they are acting as the chief of the Bureau of Equipment, or the chief of the Bureau of Construction and Repair, or as the chief of the Bureau of Provisions and Clothing.

Mr. NYE. I was aware of that before the honorable Senator declared it so solemnly; but I should like to ask him whether they are any the less naval officers from that fact? I knew what he stated before he told me.

Mr. TRUMBULL. I should like the Senator from Nevada to inform me what becomes of this money that is appropriated here? For instance, I find an appropriation "for chief of Bureau of Equipment and Recruiting, chief clerk," who gets but $2,000; "one clerk of class four," who gets $1,800; "one clerk of class three," who gets $1,600; "two clerks of class two," $1,400 each; making $2,800; "two clerks of class one," $1,200 each; "one messenger," $750; "and one laborer; $15,460." The whole of these clerks together get but $12,100. What becomes of the other $3,360? Does not the chief get it?

Mr. NYE. It pays the salary of the officer.

Mr. TRUMBULL. It pays the salaries of all these officers, leaving out the chief of the bureau. He must get the balance.

Mr. NYE. The honorable Senator will allow me to say that the chiefs of these bureaus get just precisely what their naval pay is, and they are detailed to this service. That is what they are to do.

Mr. TRUMBULL. Then I should like an explanation from somebody, from the Senator from Nevada if he can give it. The amount fixed by law for the various clerks in these bureaus does not make the aggregate that is appropriated here for salaries; it lacks several thousand dollars of it; and I should like to know if the chief does not get the rest of it?

Mr. NYE. He does get it.

Mr. TRUMBULL. So I supposed. Then it appears that the chief of the Bureau of Navigation gets $3,900. The Senator from Kansas has the official statement, by which you will see the sum that each one gets; but taking the appropriation bill as we have it before us it will be found that these various assistants, for they are nothing else, of the Secretary of the Navy are receiving salaries of from three to four thousand dollars, and there are some eight of them. They are not called assistants. It is not necessary that the head of the contract office in the Post Office Department should be called an Assistant Postmaster General. He would be just as much an assistant if he were called the chief of the contract office as he is when he is called the Second or Third Assistant Postmaster General. So it will be seen that we have in the Navy Department these chiefs of bureaus who have an appropriation in this bill for their compensation. They do not receive their compensation, it seems, through the ordinary appropriation for the officers of the Navy. I suppose there is an appropriation in this bill somewhere to pay the officers of the Navy generally.

Mr. DRAKE. No, sir; that is in the naval appropriation bill.

Mr. TRUMBULL. That is in another appropriation bill, then; but here in this bill they are paid as civil officers.

Mr. DRAKE. The same salary that they would receive if they were on shipboard as naval officers.

Mr. TRUMBULL. Then it is the same thing as if they were civilians, and you have these eight persons here performing the duties of civilians who are receiving salaries of from three to four thousand dollars and are the mere assistants of the Secretary of the Navy. This sweeps away entirely the whole basis upon which the Senator from Missouri rests his support of the proposition to increase the salary of this chief clerk.

Mr. CRAGIN. I will not prolong this debate; but I supposed every Senator in this body knew that the money was appropriated annually to pay the salaries of the heads of the bureaus in the Navy Department and War Department as officers of the Army and Navy, instead of coming out of the appropriations for the civil service.

Mr. SHERMAN. I beg leave to correct my friend. He certainly does not want to fall into an error in a matter of this kind. I have the law before me. The law gives to the heads of these bureaus $3,500 a year each. Where ever their pay as officers of the Navy exceeds the salary they draw their pay. Wherever the pay is less than the salary they draw the salary of the head of a bureau. For instance, the pay of the officer who has charge of the Bureau of Equipment—Mr. Lenthall, I think—probably would fall under the pay of a head of a bureau. The salary is fixed at $3,500, unless otherwise provided by law.

Mr. CRAGIN. It is "otherwise provided" in every case.

Mr. SHERMAN. I suppose they all get probably over that,

Mr. CRAGIN. All of them get more than $3,500, according to their rank in the service.

Mr. TRUMBULL. Not by this bill. They do not get over $3,500——

Mr. CRAGIN. I think every one of them gets more than that.

Mr. TRUMBULL. If you will compute the amounts the bill appropriates, and take out the pay of the subordinate clerks in some of these bureaus, you will find that there is not $3,500 left.

Mr. CRAGIN. I am not quite positive; but I think the lowest bureau officer in the Navy Department is a captain, and I think the pay of a captain, including allowances, is over $3,500.

Mr. ANTHONY. Three thousand seven hundred and thirty-three dollars.

Mr. POMEROY. The lowest officer is $3,733 33.

Mr. CRAGIN. There are some heads of bureaus who are rear admirals; and they draw the pay of rear admirals. Those who are commodores draw pay of commodores; those who are captains the pay of a captain. Just so it is in the War Department. It is true that these bureau officers are of assistance to the Secretary and to some extent they take special charge of the business pertaining to their bureaus. But the chief clerk of the Navy Department has a general business to perform. It is well known that there are thousands, I may almost say, of officers of the Navy scattered all over the world. They are in constant correspondence with the Department; and this chief clerk is the man who has to write all the letters to all the officers of the Navy scattered throughout the length and breadth of the world.

Mr. TRUMBULL. What are the three clerks of class four in his office doing?

Mr. CRAGIN. Some of them undoubtedly assist him. Then in the matter of appointments and the matter of promotions and the matter of commissions——

Mr. TRUMBULL. He has at least twenty clerks to assist him.

Mr. CRAGIN. Whatever may be the duties of the other clerks, if anybody will look over this bill, I think he will find just fifty-one clerks, civilians, in the entire Navy Department and in all its bureaus combined. The force was reduced last spring, I think, thirty-three and one third per cent. at least, and it has actually thrown great burdens on the chief clerk. I know from observation, I know from the general testimony of the office, that that is the fact. If it is the judgment of the Senate that his salary ought not to be increased, I have nothing to say.

I am myself opposed generally to the increase of salaries; I would rather go for a reduction; but having seen this man in the performance of his duty day after day, knowing that he works out of office hours and almost Sundays—I know he does on some occasions work on the Sabbath day, and is compelled to do so to keep up his work—I felt willing, and I am anxious, this little pittance should be given to him.

Mr. CONKLING. Mr. President, I am opposed to the increase of salaries; but although this increase is small, involving as the amendment does the principle of the increase of salaries, it is of some importance. I rose, however, to direct attention to another point. If I apprehend the argument made in favor of this increase, it is the appropriate argument to show, not that the increase here suggested should be made, but to show there is an unequal distribution of duties and of labors in this Department. I infer from what is said by the Senators from Missouri and New Hampshire that either occasionally or continually the person whose interest is here involved is doing a much larger share of duty than would pertain to him in case there were anything like an equal distribution; and I submit, if that be so, the remedy is not to graduate the pay by the fact that the particular officer for the present is a good one, nor by the fact that at the moment he has devolved upon him extraordinary and temporary duties. The remedy is rather to remove the evil, to provide either by legislation or by administration for a more just and equable distribution of labor.

The honorable Senator from New Hampshire said, if I understood him, at first that this officer conducted all the correspondence himself. That would be very strange if it were so; but modifying his statement he says some of the clerks aid him. Very well; if clerks enough do not aid him to enable him to complete his duties without working nights and Sundays, as it seems he does, then more clerks of those that are there should be aiding him, rather than aiding some other head of a bureau or chief who it appears from these statements has much lighter labors than are devolved on this particular individual. Therefore I see no reason, for one, for voting for this increase, but rather, if the evil exist, for voting for something, if legislation be necessary, which shall apply the appropriate cure.

Mr. HARLAN. I suppose the honorable Senator who has charge of this bill does not expect to dispose of it to-night. It is now nearly ten o'clock. I move that the Senate adjourn.

Mr. MORRILL, of Maine. If the Senator will withdraw that motion I think we may get through with the reading of the text of the bill. There are only four or five more pages, and I thought we might get through reading the text of the bill.

Mr. HARLAN. I do not wish to embarrass the Senator in the consideration of the bill if it is his wish to continue.

Mr. MORRILL, of Maine. If the Senate will allow this question to be passed over until to-morrow we can then complete the reading of the bill in ten or fifteen minutes.

Mr. CONKLING. Why not let that be done?

Mr. HARLAN. Very well. I withdraw the motion.

Mr. MORRILL, of Maine. I ask, then, that the pending amendment be passed over for the present.

The PRESIDING OFFICER. The Senator from Maine suggests that this amendment in regard to the salary of the chief clerk of the Navy Department be passed over for the present informally. The Chair hears no objection to that course. The next amendment will be stated.

The next amendment was in the appropriations for the Navy Department, in line twelve hundred and twenty-one, to strike out "three" and insert "four" before "clerks of the third class."

The amendment was agreed to.

The next amendment was to increase the appropriation for the compensation of the force in the office of the Secretary of the Navy from $24,180 to $26,080.

The amendment was agreed to.

The next amendment was in line twelve hundred and ninety-one, to increase the appropriation for the contingent expenses of the office of the Attorney General from $6,000 to $10,000.

The amendment was agreed to.

Mr. ROSS. I desire to give notice that to-morrow I shall move an amendment to this bill which I ask may be referred to the Committee on Appropriations.

The PRESIDING OFFICER. It will be so referred. The reading of the bill will proceed.

The next amendment of the Committee on Appropriations was in section two, line three, to strike out the word "bill" and insert "act," and in line six to strike out "$700" and insert "$720;" so as to read:

SEC. 2. *And be it further enacted*, That the compensation of all messengers, assistant messengers, laborers, and watchmen, whether day or night, provided for in this act, unless otherwise specifically stated, shall be as follows: for messengers, $810 per annum; for assistant messengers, $720 per annum; for laborers and watchmen, $720 per annum.

The amendment was agreed to.

The next amendment was in section two, line eleven, after the word "official," to strike out the words "or clerical;" so as to read;

And after the passage of this act no moneys herein or otherwise appropriated, or that may be hereafter appropriated for contingent, incidental, or miscellaneous purposes, shall be expended or paid for official compensation; and it shall be the duty of the accounting officers to reject and disallow all such payments as illegal.

Mr. SHERMAN. I hope that amendment will not be concurred in. With the word "clerical" stricken out the provision does not amount to anything. It simply renders all that precedes it nugatory.

The amendment was rejected.

Mr. SHERMAN. I move that the Senate adjourn.

Mr. WILSON. I hope the Senator will withdraw that motion until I make a statement.

Mr. SHERMAN. Certainly.

Mr. WILSON. I wish to state that I desire to have a short time to-morrow to take up the Army bill, and I have so notified the chairman of the Committee on Appropriations. There is a necessity for its being done.

Mr. SUMNER. I ask my colleague how long he expects that that bill will take?

Mr. WILSON. I think we can dispose of it in an hour or two.

Mr. TRUMBULL. The regular Army bill? That is an important bill.

Mr. WILSON. It is.

Mr. TRUMBULL. It seems to me that it is unfortunate we should lay aside this appropriation bill when we have progressed with it as far as we have.

Mr. SHERMAN. I renew the motion to adjourn.

Mr. TRUMBULL. I hope the Senator will withdraw the motion for a moment further. I think this matter ought to be understood before we adjourn.

Mr. SHERMAN. The appropriation bill is pending. I withdraw the motion for a moment.

Mr. TRUMBULL. I understand the reason the Senator from Massachusetts has given this notice is that he is necessarily called away. That changes the circumstances very much.

Mr. SUMNER. It will be observed that the Army bill has been made the special order for to-morrow.

Mr. SHERMAN. I have no doubt the Senate will heed the notice to-morrow. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 9, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of Thursday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees and not to be brought back by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures are in order for printing and reference.

Mr. ALLISON. I move that the House do now adjourn.

Mr. FARNSWORTH. I move that there be a call of the House.

The SPEAKER. The gentleman from Iowa [Mr. ALLISON] has the floor, and has moved that the House adjourn.

Mr. FARNSWORTH. I hope the House will not agree to the motion to adjourn. I call for the yeas and nays on it.

The yeas and nays were ordered.

Mr. ALLISON. I desire to say that on Thursday there was a general understanding that no business——

The SPEAKER. The motion is not debatable.

Pending the motion to adjourn,

LEAVE OF ABSENCE.

Mr. POLAND was granted an extension of his leave of absence until Wednesday next.

Mr. DAWES was granted an extension of his leave of absence for four days.

Mr. WASHBURN, of Massachusetts, obtained additional leave of absence for one week, on account of sickness in his family.

Mr. TANNER was granted leave of absence until Thursday next.

Mr. JULIAN was granted additional leave of absence until Friday next.

ENROLLED BILLS, ETC., SIGNED.

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

An act (H. R. No. 40) to confirm the title of William M. Garvey to a certain tract of land;

An act (H. R. No. 891) for the relief of Soule & Co.;

An act (H. R. No. 1386) granting a pension to Anna B. Snider;

A bill (S. No. 369) to establish an additional land district in the State of Kansas;

Joint resolution (H. R. No. 153) for pay of one year's salary to the executors of General John A. Rawlins, for the benefit of his family;

Joint resolution (H. R. No. 269) to amend the act of April 20, 1870;

Joint resolution (H. R. No. 273) donating condemned cannon to the McPherson Monument Association; and

An act (H. R. No. 902) limiting the appointment of certain officers in the Treasury Department.

MEMBER-ELECT.

The SPEAKER, by unanimous consent, presented the certificate of election of Joseph H. Lewis, member-elect from the third congressional district of the State of Kentucky, to fill the vacancy occasioned by the resignation of J. S. Golladay; which was referred to the Committee of Elections.

The question recurred upon the motion to adjourn; and being taken, it was decided in the affirmative—yeas 79, nays 55, not voting 93; as follows:

YEAS — Messrs. Adams, Allison, Arnell, Ayer, Banks, Beaman, Beck, Benton, Bird, George M. Brooks, Buck, Benjamin F. Butler, Cake, Calkin, William T. Clark, Sidney Clarke, Conner, Degener, Dickinson, Donley, Dox, Ela, Eldridge, Fitch, Gibson, Gilfillan, Griswold, Haldeman, Hamill, Heaton, Hoar, Hooper, Johnson, Thomas L. Jones, Judd, Knott, Logan, Mayham, McNeely, Daniel J. Morrell, Morrissey, Negley, Niblack, Orth, Paine, Peters, Phelps, Pomeroy, Prosser, Reeves, Rice, Sawyer, Schenck, Scofield, Shanks, Lionel A. Sheldon, Porter Sheldon, Joseph S. Smith, Worthington C. Smith, William Smyth, Stiles, Stokes, Stone, Stoughton, Sweeney, Tillman, Trimble, Twichell, Tyner, Upson, Van Trump, Voorhees, Cadwalader C. Washburn, Wheeler, Wilkinson, Williams, John T. Wilson, Winans, and Winchester—79.

NAYS — Messrs. Ambler, Asper, Barry, Beatty, Benjamin, Bennett, Blair, Buffinton, Burchard, Roderick R. Butler, Churchill, Amasa Cobb, Coburn, Conger, Cowles, Duval, Dyer, Farnsworth, Ferriss, Finkelnburg, Fisher, Harris, Hawley, Hay, Heflin, Kelsey, Ketcham, Laflin, Lash, Lawrence, Loughridge, Maynard, McGrew, McKee, McKenzie, Eliakim H. Moore, Morphis, Samuel P. Morrill, O'Neill, Packard, Peck, Perce, Rogers, Roots, Sanford, Sargent, Starkweather, Stevenson, Strickland, Van Wyck, Wells, Whitmore, Willard, Eugene M. Wilson, and Wood—55.

NOT VOTING — Messrs. Ames, Archer, Armstrong, Atwood, Axtell, Bailey, Barnum, Biggs, Bingham, Boles, Booker, Bowen, Boyd, James Brooks, Buckley, Burdett, Burr, Cessna, Cleveland, Clinton L. Cobb, Cook, Covode, Cox, Crebs, Cullom, Davis, Dawes, Dickey, Dixon, Dockery, Ferry, Fox, Garfield, Getz, Haight, Hale, Hambleton, Hamilton, Hawkins, Hays, Hill, Hoge, Holman, Hotchkiss, Ingersoll, Jenckes, Alexander H. Jones, Julian, Kelley, Kellogg, Kerr, Knapp, Lynch, Marshall, McCarthy, McCormick, McCrary, Mercur, Milnes, Jesse H. Moore, William Moore, Morgan, Mungen, Myers, Packer, Palmer, Platt, Poland, Porter, Potter, Randall, Ridgway, Schumaker, Sherrod, Snober, Slocum, John A. Smith, William J. Smith, Stevens, Strader, Strong, Swann, Taffe, Tanner, Taylor, Townsend, Van Auken, Van Horn, Ward, William B. Washburn, Welker, Witcher, and Woodward—93.

So the motion was agreed to; and accordingly (at twelve o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BEAMAN: The remonstrance of Samuel Warner and others, against the passage of House bill No. 471, for the change of the line of the road of the Amboy, Lansing, and Traverse Bay Railroad Company.

Also, the remonstrance of E. A. Rockwell and others, to the same effect.

By Mr. CHURCHILL: The remonstrance of D. N. Rasbach and 20 others, citizens of Canastota, New York, against the passage of the funding bill.

By Mr. COWLES: A petition of volunteers of Cayuga county, New York, under act of July, 1864, for bounty.

By Mr. HAMILL: A remonstrance of citizens of Carroll county, Maryland, against the passage by Congress of the funding bill as now proposed.

By Mr. MAYNARD: The memorial of Joseph Bent, a loyal citizen of Knoxville, Tennessee, praying compensation for two dwelling-houses destroyed by military order during the war.

Also, the memorial of Lieutenant Jesse P. Green, second Tennessee cavalry, praying pay from date of commission to date of muster.

IN SENATE.

TUESDAY, *May* 10, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions of the Grand Encampment of the department of New York, Grand Army of the Republic, in favor of the adoption of a plan for the monthly payment of pensions; which were referred to the Committee on Pensions.

Mr. FERRY presented the petition of Sarah N. Eagleton, praying an extension of the letters-patent granted to her husband, Joseph Eagleton, May 20, 1856, and reissued June 24, 1856, for a new and useful improvement in annealing furnaces; which was referred to the Committee on Patents.

Mr. PRATT presented the petition of Nancy S. Ledford, widow of Christopher M. Ledford, late private company F second North Carolina mounted infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PRATT. I also present a memorial of citizens of Elkhart county, in the State of Indiana, who remonstrate earnestly against the passage of House bill No. 1492, for the extension of John Young's patent for washing and wringing machines. They say in their remonstrance that the effect of the extension of the patent would be to increase the cost of these necessary household articles, already too heavily burdened with patent tariffs. According to their best information not less than two hundred thousand wringing machines are manufactured and sold per annum, and this number is increasing yearly. It will be, in their opinion, greatly for the interest of the public if the price of these necessary articles can be reduced to some reasonable proportion to their cost of manufacture. If this patent is extended this will be impossible, as they know from past experience; and at least $100,000 per annum will flow into the treasury of the few, which, without injury to any person, should remain in the pockets of the many.

I move the reference of this memorial to the Committee on Patents.

The VICE PRESIDENT. The Committee on Patents have reported on that subject, and it will be laid on the table.

Mr. PRATT. Adversely or favorably?

The VICE PRESIDENT. The Chair thinks adversely. The memorial will be laid on the table.

Mr. LEWIS presented the petitions of John A. B. Thornton, Gloucester county, Virginia; of Selas Shaples, Albemarle county, Virginia; of H. G. Segar, Richmond, Virginia; of George A. Lipscomb, Charlotte county, Virginia, and of Thomas Cheatham, Lunenburg county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. McCREERY presented the petitions of R. M. Young, John H. Arthur, and W. J. Cantrell, of Calhoun, Gordon county, Georgia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. MORRILL, of Maine, presented a petition of women employed as sweepers and scrubbers in the Treasury Department, praying an increase of compensation; which was referred to the Committee on Finance.

Mr. COLE presented the petition of Maria A. Burton, widow of Henry S. Burton, late colonel of fifth regiment of artillery, United States Army, and brevet brigadier general, praying an increase of her pension; which was referred to the Committee on Pensions.

Mr. JOHNSTON presented the petitions of Thomas W. Dandridge, M. D., of Madison, Rockingham county, Virginia, and of Sabat Griffin, of Brunswick, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. SHERMAN presented resolutions of the Cleveland Labor Union, against grants of lands to railroad companies and other corporations; which were referred to the Committee on Public Lands.

He also presented the petition of Anne Jeffries, of Wheeling, West Virginia, praying arrears of pension; which was referred to the Committee on Pensions.

Mr. TRUMBULL presented the petition of Sebastian Riechert, praying that the Commissioner of the General Land Office be directed to state an account with him in relation to certain lands in St. Clair county, Illinois, and that he be refunded the amount of purchase-money with six per cent. interest from the time that payment was made for such lands; which was referred to the Committee on Private Land Claims.

Mr. McDONALD presented resolutions of the Legislature of Arkansas, in favor of a grant of one hundred sections of land to the Arkansas Institute for the Blind; which were referred to the Committee on Public Lands.

Mr. POMEROY. I present a memorial in the nature of a protest against the bill proposing to make a territorial government for the District of Columbia, unless the right of suffrage be extended to all citizens without regard to sex. The memorialists represent that if all the citizens of this District who are citizens of the United States should be allowed to vote they would favor the government of this District in that manner, but not otherwise. As the Committee on the District of Columbia have reported on this subject, I move that the memorial lie on the table.

The motion was agreed to.

Mr. SUMNER presented the memorial of S. Allen's Sons, of Greenfield, Massachusetts, remonstrating against the extension of the patent of John Young for washing and wringing machines; which was ordered to lie on the table.

Mr. SUMNER. I also present the petition of N. H. Wood, of Portage city, Wisconsin, asking that Congress will provide for a further increase of the circulation of the national banks, and setting forth ways and means to secure a return to specie payments. I move the reference of this petition to the Committee on Finance.

The motion was agreed to.

Mr. CASSERLY. I present a petition of citizens of Yolo and Solano counties, California, bordering on the Rio de los Putos, praying for the establishment of a post route from Vacaville to Buckeye, a distance of about twenty miles. The district is a very important and growing agricultural one, and I respectfully commend the petition to the favorable consideration of the Committee on Post Offices and Post Roads, to which I move its reference.

The motion was agreed to.

Mr. KELLOGG presented the petition of John S. Smith, of New Orleans, Louisiana, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

He also presented the petition of William H. Colledge, praying compensation for clerical labor performed in the Third Auditor's Office, Treasury Department, from May 11 to the 11th of October, 1859; which was referred to the Committee on Claims.

Mr. WILSON presented a petition of Charles Stoddard and other citizens of the United States, praying for a reduction or repeal of the legacy and succession taxes; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. WILLIAMS. I am instructed by the Committee on Finance, to whom was referred the bill (S. No. 551) declaratory of an act entitled "An act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," approved August 5, 1861, to report it back with amendments. I will state that the object of the bill is to provide for the repayment of certain duties imposed on the importation of Russia hemp. The Committee on Finance are unanimously of the opinion that the act of Congress approved August 5, 1861, by which a duty of forty dollars per ton was imposed upon unmanufactured Russia hemp, while at the same time a duty of twenty-five dollars per ton was imposed upon Manila and other hemps, is in violation of the treaty between the United States and Russia, made on the 11th of May, 1833, by which it was provided that no higher or other duty should be imposed upon the importation into the United States of any article the produce or manufacture of Russia than was imposed upon like articles the produce or manufacture of any other foreign country. A majority of the committee are of the opinion that the duties that were collected upon the importation of Russia hemp in violation of this treaty ought to be refunded, and the bill that I have reported is to provide for refunding them.

The VICE PRESIDENT. The bill will be placed on the Calendar.

Mr. SHERMAN. I am not able to agree with the report of the committee as to the necessity or propriety of refunding duties already paid by citizens of the United States. I think they have no just cause to complain, although I agree with the committee that the duty on Russia hemp is in violation of the spirit of the treaty. I am directed by the Committee on Finance to report a bill to correct in the future the levy of the duty on Russia hemp, or to make the duty on Russia hemp the same as on Manila hemp; but I do not think we ought to refund what has already been paid.

The bill (S. No. 896) relating to the duties on Russia and other hemps was read and passed to the second reading.

Mr. FERRY. The Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution to pay to O. B. Hart the usual mileage of a Senator for one session and the monthly pay from the date of presenting his credentials until the passage of the resolution declaring him not entitled to a seat, have had the same under consideration, and instructed me to report it back to the Senate and recommend its passage; and I ask for its present consideration.

The VICE PRESIDENT. Is there objection?

Mr. CHANDLER. I object.

The VICE PRESIDENT. Objection being made, the resolution will be placed on the Calendar of resolutions.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (S. No. 622) to grant a pension to Nancy E. Ammons, reported it without amendment, and submitted a report; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 682) to increase the pension of Marie Antoinette Rousseau, widow of the late General L. H. Rousseau, submitted an adverse report; which was ordered to be printed; and on his motion, the bill was indefinitely postponed.

Mr. WILLEY, from the Committee on Claims, to whom was referred the petition of William Spence, praying compensation for property taken and used by the Army of the United States in the years 1862 and 1863, submitted a report, accompanied by a bill (S. No. 897) for the relief of William Spence.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. WARNER, from the Committee on Public Lands, to whom was referred the bill (S. No. 804) in aid of the New Orleans, Baton

Rouge, and Vicksburg railroad, reported it with an amendment.

BILLS INTRODUCED.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 898) to aid in the maintenance of the Arkansas Institute for the Blind; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. HOWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 899) to regulate the pensions of disabled officers and enlisted men; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 900) to incorporate the Loan and Trust Company of the United States; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 901) for the relief of Sarah N. Eagleton, executrix of the last will and testament of J. Joseph Eagleton, deceased; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. COLE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 902) granting lands to the State of California to aid in the construction of a railroad and telegraph line from the town of Vallejo to Humboldt bay, in the State of California; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. OSBORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 903) to extend the provisions of an act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. ROSS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 194) to enable the Leavenworth, Lawrence, and Galveston Railroad Company to relocate a portion of its road; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. TIPTON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 195) authorizing the Midland Pacific Railway Company to build a bridge at or near Nebraska city, and connect its road with other railroads; which was read twice by its title, referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

INVASION OF INDIAN TERRITORY.

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

Resolved, That the Secretary of the Interior be directed to communicate to the Senate any information in his possession of any unauthorized invasion of the Indian territory, so called, by citizens of the United States.

REDUCTION OF THE ARMY.

The VICE PRESIDENT. The morning business is exhausted.

Mr. WILSON. I now move that the Senate proceed to the consideration of the Army bill, laying aside the pending bill.

The VICE PRESIDENT. The Senator from Massachusetts moves to pass over all prior orders for the purpose of considering the Army bill.

Mr. EDMUNDS. I suggest that the appropriation bill be laid aside informally by unanimous consent.

Mr. SHERMAN. It has not come up yet.

Mr. EDMUNDS. I beg pardon. The regular morning business is finished when we get through with resolutions.

The VICE PRESIDENT. There being no resolutions laid over, the appropriation bill now comes up, and it is proposed to pass over that bill informally. The Chair hears no objection. The legislative, executive, and judicial appropriation bill is passed over informally, and the bill called up by the Senator from Massachusetts will be stated.

The SECRETARY. It is the bill (H. R. No. 987) to reduce the number of officers in the Army of the United States, and for other purposes.

The VICE PRESIDENT. Is it the pleasure of the Senate to have the House bill read, or the substitute reported by the Senate Committee on Military Affairs amended by the Senate? The Secretary will report the substitute as amended.

Mr. WILSON. The substitute has been read. I think it would be better to proceed with its consideration.

The VICE PRESIDENT. The question is on agreeing to the substitute as amended by the Senate some days since.

Mr. WILSON. I propose before that is done to strike out the twenty-third section and insert what I send to the Chair in lieu of it.

The SECRETARY. The words proposed to be stricken out are:

That section thirty-seven of the act entitled "An act to increase and fix the military peace establishment of the United States," approved July 28, 1866, be, and the same is hereby, repealed.

And it is moved to insert in lieu thereof:

That the Secretary of War shall prepare a system of general regulations for the administration of the affairs of the Army, which, when approved by the President, shall be in force and obeyed until altered or revoked by the same authority; and said regulations shall be reported to Congress at its next session: *Provided*, That said regulations shall not be inconsistent with the laws of the United States.

And be it further enacted, That the provisions of the act of July 28, 1866, which declare that the existing regulations for the Army shall remain in force, are hereby repealed.

The amendment to the amendment was agreed to.

Mr. TRUMBULL. This is a very important bill. It was read some days ago. Although I do not know but I am willing to agree to the whole substitute, I confess I have not examined it sufficiently to think we ought to pass it without having it again read to the Senate, or some opportunity given to look into it. I do not know how it is with other Senators; but it strikes me in this way: here is a bill, a very important one, in regard to the organization of the Army, reducing the Army, making very great changes in pay and compensation; and we are about to act upon this substitute, consisting of twenty-five sections, without having examined it at all in the Senate.

Mr. WILSON. I will explain the different sections.

Mr. TRUMBULL. I think the Senator from Massachusetts had either better explain the substitute to us and show how it differs from the original bill, or else it had better be read in the hearing of the Senate. I am sure this is a bill that ought to command the attention of every Senator.

Mr. WILSON. I suggest, as the way to have it best understood, that we take it up section by section, have each section read, and I will explain any section on which an explanation is desired. I do not desire to consume the time of the Senate in making a general speech on the subject, though I had intended to do so.

Mr. SHERMAN. I think that would be the better way.

The VICE PRESIDENT. The Secretary will report the first section of the substitute, and the Senator from Massachusetts will explain each section as it is reported, if that is the desire of the Senate.

The Secretary read the first section of the matter proposed to be inserted by the amendment of the Committee on Military Affairs, as follows:

That the President be, and he is hereby, authorized and directed, on or before the 1st day of July, 1871, to reduce the number of enlisted men in the Army to twenty-five thousand, and thereafter there shall be no more than twenty-five thousand enlisted men in the Army at any one time, unless otherwise authorized by law.

Mr. WILSON. I will say that the number of enlisted men in the Army at the present time is thirty-five thousand. This section proposes to reduce the number to twenty-five thousand by the 1st of July, 1871, thirteen or fourteen months hence. The terms of enlistment of some eighteen or twenty thousand of the men now in the Army will expire between this and that time. It is left to the discretion of the President to make this reduction at any time between now and July 1, 1871. If it should so happen that the condition of the country should require the present force to be kept up we can make the necessary change next winter. But it is important to reduce the force, if possible, down to the lowest cost. This reduction, if adopted, and if the condition of the country will permit it on the 1st of July, 1871, will save from six to seven million dollars every year. I hope, therefore, is will be adopted. Then if any Indian or other troubles in the country should require the force to be kept up at the next session of Congress we can repeal so much of this act as reduces the rank and file, as it does not go into effect until July, 1871.

Mr. TRUMBULL. I should like to inquire what the number of the Army is fixed at by the House bill?

Mr. WILSON. By the House bill the number of the Army, rank and file, is not affected in any way.

Mr. TRUMBULL. They left it the same as it is now?

Mr. WILSON. Just as it stands now.

Mr. TRUMBULL. They reduced the officers and not the men?

Mr. WILSON. Yes, sir; they reduced the officers and not the men.

Mr. POMEROY. Mr. President——

Mr. SHERMAN. As I understand the Senator from Massachusetts, each section was to be read and the Senator was to explain it, and then when we got through with the sections in that way we were to vote on amendments. Otherwise we shall get into a debate on a single section.

Mr. POMEROY. I have no remarks to submit on the general bill, excepting on this section.

Mr. SHERMAN. I wanted to hear the Senator from Massachusetts as to the whole, and then we can go back and the whole measure will be open to amendment.

Mr. POMEROY. Has the Senator from Massachusetts anything more to say on this section?

Mr. WILSON. Nothing more. I hope we shall go on and take up the other sections, and I will explain the whole bill in this way.

Mr. TRUMBULL. The better way would be, if there is any suggestion to be made in regard to this section, to make it now.

Mr. POMEROY. I have a suggestion to make about it. I do not believe in providing for a reduction of the Army now, to take place on the 1st of July, 1871. The disguise of this thing is too flimsy, too thin. It is not a reduction of expenses. If you will examine the compensation provided for in the section relative to the payment of the officers who are retained you will find that the aggregate expense will exceed the amount of the reduction, even if you reduce the Army to twenty-five thousand men. Therefore, as a pecuniary question, this measure is not worth one cent. If we cannot save any money by it, is there any reason existing in the country why we should provide for a reduction of the Army now, when that reduction is not to take effect until Congress will have been together again and have had another session, when we shall have the facts and the condition of the country before us as they shall then exist? No Senator who comes from the section of country from which I receive correspondence almost

every morning can fail to feel that we are threatened with a war on our frontier more formidable than has ever existed, or at any rate more formidable than has existed for many years. The President has notified the country, and the Secretary of War has been here informing Senators and the chairman of this committee that we cannot reduce the Army; it is impossible; the condition of the country will not permit it; and yet we are to provide, as the first section of this bill does, a proposition to reduce the Army some time between now and July 1, 1871, on account, as it is alleged, of effecting a reduction of seven or nine millions in expenses; and yet when that section comes before the Senate which provides for the pay of the Army, you will see that we increase the expenses, and the amount of increase will exceed the amount of reduction even if we reduce the Army, which we do not intend to do, or at any rate not until July 1, 1871. Therefore, instead of this measure being in the interest of retrenchment, it is not in that interest. It will not save to the Treasury a dollar; for this year certainly it will not reduce the Army, but it will increase the expenses. That is my conviction. I do not want to argue it, for I know the amount of business there is pressing before the Senate, and I do not wish to occupy time. I have simply expressed my conviction upon the question.

Mr. WILSON. I am sorry to say that the convictions of the Senator are not correct. In the first place, if the Army were reduced from thirty-five thousand, rank and file, to twenty-five thousand, it would be a saving of $6,500,000. That we understand.

Mr. POMEROY. I ask the Senator whether he does propose to reduce the Army this year?

Mr. WILSON. If the Senator will listen I will give him all the information he can desire about this subject. The enlistments of more than eighteen thousand soldiers of the United States expire in the course of eight or nine months. The question is whether we shall keep the Army full to thirty-five thousand men.

Now, what does this bill provide? It was originally intended to make this reduction on the 1st day of next January, but it was feared that if the reduction of ten thousand was then made, and we failed to reënlist men whose terms would expire in the mean time, it might be against the public service, and therefore the time is changed from the 1st of January next to the 1st of July, extending it six months. This will give the War Department discretionary power, and they will be governed by the needs of the country. If the needs of the country require it they will not make the reduction until toward July, 1871. If it shall be found at the next session of Congress that the thing cannot be done, then the act may be modified. But if we are to make any reduction at all this gives a year in which to make it, and make it, not by turning soldiers out of the Army, but by failing to enlist more men. I believe that if we have no Indian war there can be no question at all about it, that in a year from this time the Department can work the Army down to twenty-five thousand, rank and file; and if it can do so we shall save $660 on every man reduced, for that is the average cost of every soldier of our Army annually.

Mr. RAMSEY. What is the number of the rank and file at this time?

Mr. WILSON. Between thirty-five and thirty-six thousand.

Mr. RAMSEY. Really or nominally.

Mr. WILSON. Really.

Mr. RAMSEY. I know that many of the companies on the remote posts of the Indian frontier supposed to be full are but half full. Companies of fifty men, for instance, are in a post surrounded by a great number of Indians, and there is no other post containing troops within a hundred miles. It is a miserable way of protecting the frontier.

Mr. WILSON. The War Department has the precise number of enlisted men in the Army in every location and station of the country. These men are scattered all over this broad land in two hundred and fifty-two military stations.

Mr. RAMSEY. Is it not true that in many of those posts there are but twenty-five or fifty men, and no post again for a hundred miles?

Mr. WILSON. Certainly.

Mr. RAMSEY. That is a wretched system.

Mr. POMEROY. I have listened to the Senator from Massachusetts, and he has not varied the statement he made before; and that is that the Secretary of War does not propose, in view of the condition of the country, to reduce the Army before 1871, and that if there is any public exigency then Congress will be in session and we can repeal at that time so much of this law as requires him to reduce it. I submit, Mr. President, that is not the way to legislate. That is legislating in such a way as to provide for the repeal of your legislation before the time comes for it to go into execution.

The Senator says finally that there are eighteen thousand men whose terms of enlistment will expire within a few months, and yet the bill proposes to decrease the Army only ten thousand, and there are therefore only eight thousand to be enlisted, or new enlistments to that extent are to be made in any event.

Mr. WILSON. Certainly.

Mr. POMEROY. If the Army is to keep up the machinery of recruiting for eight thousand there will be very little additional expense in recruiting twelve or fifteen thousand. It is the recruiting machinery that is expensive, rather than the number of men that are recruited; so that in this respect there is no saving of expense.

My remarks are directed only to this feature of the bill. I understood it was coming in with a view of decreasing the expense of the Army; that, having passed out of the rebellion and peace being restored, we were to put the Army upon a peace footing at a greatly reduced expense. If the Senator will show that this bill would reduce the expenses, though the whole western frontier were thereby exposed, I might perhaps submit to the reduction proposed by the bill.

Mr. WILLIAMS. I will inquire of the Senator if he has observed that by the first section of this bill the President may forthwith commence the reduction of the Army if in his judgment it shall be advisable so to do. It is not necessary that he should wait until the 1st day of July, 1871; he can commence immediately on the passage of this bill, and if the public exigencies will permit he may reduce the Army forthwith, or, if in his judgment it be advisable to make the reduction gradually, he may go on until the 1st day of July, 1871.

Mr. POMEROY. I understand that; but I made the remarks I did knowing that the head of the War Office does not believe the country is in a condition to reduce the Army at all at present, and there is no intention on the part of those who conduct military affairs to reduce the Army, as I understand. That is my understanding about it. I will not take up time on this matter; but I do not believe we ought to provide for the reduction of the Army unless we can greatly reduce the expense; but this bill does not do it.

Mr. ROSS. Mr. President, this is not a question simply of saving a few dollars here and there to the Government, but it is a question whether we shall protect human life and property on the plains and on the borders of our settlements. It is well known to every Senator here that there has been a constant demand for years for more troops than we have been able to get on the plains. Month after month, and day after day almost, for years the Senators and members from the West have been importuning the President, the Secretary of War, and the General of the Army for more troops for that country. Their uniform answer has been that they had not troops to spare; that we could not have them. The consequence is that we have had war on the plains for the last four years; we have war there now, and we have had that war and have it now simply because we have not had troops enough in the Army.

It seems to me, sir, to be idle to say that we can increase the Army hereafter if circumstances shall necessitate it. Why diminish it at all? It is well known that it is a great deal easier to keep the Army at its present status than to increase it after it shall once have been reduced, and I should do so in view of the constantly threatening condition of things there.

I hope, sir, that this amendment will not prevail. The troubles on the plains must continue from year to year until some much more satisfactory system of governing the Indians than we now have shall have been devised. The only way now of keeping peace there is by force, and that is likely to be the only way for years to come. Our settlements are extending too far into the West; the accumulation of property is too great and of too much importance to the Government to risk the sacrifice of millions there for the sake of saving a few hundred thousands here.

Mr. WILSON. Mr. President, at the close of the rebellion we had one million and thirty-four thousand men under arms. In 1866 we reorganized the Army of the United States and provided for about fifty-four or fifty-five thousand men, which could be, however, extended to eighty thousand. That force has been reduced, reduced by the law two years ago, until it now stands at thirty-five thousand, rank and file, actually in the service. It is believed that we ought to reduce this force if possible to twenty-five thousand men, and for that purpose this bill has provided, and has provided in the most careful way, leaving the Executive to commence now and to continue along from month to month for the next thirteen months making this reduction, or to keep the force up till near that time, and if when we approach the time it should be necessary to keep up a larger force we can then do it; but if it should not be necessary to do it the force will then stand twenty-five thousand, and we shall save $6,500,000 annually. It is a plain, simple proposition. I hope the proposition will be adopted.

Mr. WARNER. Mr. President——

The VICE PRESIDENT. The Chair was about to ask whether the suggestion of the Senator from Ohio should be carried out, that this substitute be read through by sections, the chairman of the committee explaining each section, after which the proposition will be open for amendment and general debate. The Senator from Ohio stated that he understood that to be the proposition. This debate seems to be confined to the first section. [A pause.] There seems to be no response. The Senator from Alabama is entitled to the floor.

Mr. HAMLIN. I want to make a response to that, and I suggest that if we read each section, and consider each section by itself, and listen to a separate explanation from the Senator from Massachusetts, we shall have just so many distinct and separate debates as there are sections in this bill. Now, I say let us adopt the suggestion of the Senator from Ohio; let the Senator from Massachusetts give us an explanation of each section as it is written, and then let us have one debate instead of as many debates as there are sections in the bill, for it will come to that if we do not adopt the suggestion of the Senator from Ohio.

Mr. SHERMAN. My suggestion was that the Senator having charge of the bill should have the first section read, then the second section, and if nothing needed to be explained, go on, and by the time he gets to the end of the bill each Senator will have formed a pretty good opinion as to whether he ought to vote for the bill or not.

Mr. POMEROY. I have no objection to that.

Mr. TRUMBULL. I think that is very well if it is understood that a question may be asked of the Senator from Massachusetts as he goes along. He is not going to make, as I understand, any set speech; but this is practically to inform the Senate what the bill is and what the changes are; but when a section is read and the Senator from Massachusetts explains it, I should like to have the privilege, for information, of inquiring of him as to the bearing of any particular provision.

The VICE PRESIDENT. The Senator from Alabama is now entitled to the floor; and if there be no objection, after the Senator concludes, that will be the understanding.

Mr. WARNER. If it is the understanding that we are to go through with this bill and have explanations——

Mr. STEWART. I object to any understanding, because I believe it will be a waste of time.

Mr. SHERMAN. It is the right of the Senator from Massachusetts, when he gets the floor, to make his speech in that way; and that will be the natural way of explaining the bill.

Mr. STEWART. But I do not think it is worth while to spend time going through the bill in that way, for I am confident that we are unable now to pass any bill reducing the Army when the facts are developed.

Mr. WARNER. Mr. President——

Mr. WILSON. If the Secretary will read the next section I will explain it, if anybody desires an explanation of it.

Mr. WARNER. I should be very glad to have the Senator from Massachusetts go through with this bill, and let the Senate have the benefit of his explanations of every section, and then let us make up our minds as to the propriety of going on with the bill at all. If it is taken up section by section with that understanding I shall be very glad to withhold any observations I may have to make. This bill will require very extended discussion, and will occupy a good deal of time.

The VICE PRESIDENT. The object can be attained by the Senator from Massachusetts incorporating the bill as part of his speech. It can be read section by section as part of the speech of the Senator from Massachusetts until its conclusion. Afterward it will be open for amendment and general debate. The first section has been read. The second will now be read.

The Chief Clerk read the second section of the substitute of the Committee on Military Affairs, as follows:

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized, at his discretion, honorably to discharge from the service of the United States officers of the Army who may apply therefor, on or before the 1st of October; and such officers so discharged under the provisions of this act shall be entitled to receive, in addition to the pay and allowances due them at the date of their discharge, as follows: officers who have served more than ten years, two years' pay and allowances; officers who have served more than five years and less than ten years, one and one half year's pay and allowances; officers who have served less than five years, one year's pay and allowances.

Mr. WILSON. I should like to have two or three other sections read that apply to the same matter.

The VICE PRESIDENT. The Secretary will continue the reading until the Senator from Massachusetts claims the floor.

The third and fourth sections were read, as follows:

SEC. 3. *And be it further enacted*, That the President be, and he is hereby, authorized, at his discretion, to place on the retired list of the Army, on their own application, any commissioned officers who have been thirty years in the service; and the officers who may be retired by virtue of this section shall be entitled to the same pay and emoluments as are now allowed or may hereafter be allowed to officers retired from active service.

SEC. 4. *And be it further enacted*, That the proviso of the sixteenth section of the act approved August 3, 1861, limiting the number of officers on the retired list to seven per cent. of the whole number of existing officers, be, and the same is hereby, repealed; and hereafter the number of officers who may be retired in accordance with existing laws shall be in the discretion of the President: *Provided*, That the whole number on the retired list shall at no time exceed three hundred.

Mr. WILSON. By the reduction of the number of infantry regiments we have fifteen colonels, eighteen lieutenant colonels, twenty-one majors, one hundred and seventy-two captains, two hundred and six first lieutenants, and fifty-one second lieutenants as supernumerary officers on hand. One of the great objects of this bill is to relieve the Government of the support of this number of four hundred and eighty officers. The House bill provided that there should be a board appointed to examine all the officers of the Army. In the first place it would take a board two or three years to examine the officers of the Army properly, and therefore that would be an impracticable measure. In the second place there can be no need of examining the great body of the officers of our Army. Most of those officers have served in the war; more than five hundred of them have been wounded in battle. They have seen more service in the field probably than the officers of any army that treads the planet to-day. Nearly all of them are officers of capacity, character, and large experience, and there can be no need whatever of sending those officers before any board for examination. There are about three hundred officers whose records are not very good. Many of them have good records in the past in the field, but some of them by their misconduct in some way or other have now records that would justify the sending of them before a board. Now, it is provided that a board shall be appointed to examine such officers; but in order to make this reduction of four hundred and eighty officers it is provided in this bill, in the first place, that the President shall accept the resignation of any officers who may choose to apply under the conditions of the second section, offering them a certain amount of pay in case they shall resign. It is believed that several officers would offer their resignations under the provisions of the second section.

Then it is provided in the next section that officers who have served thirty years may on their own application go on the retired list. This is rather an honorary section, saying to officers who have served the country for thirty years, "On your own application you may go on the retired list;" but it does not force them there contrary to their own wishes.

The third section makes the number of the retired list three hundred. We have about sixty or seventy officers who have been wounded or broken down in the service who ought to be retired, and we have some old officers who ought to be retired. It is believed that under the provisions of the third section at least one hundred officers out of the four hundred and eighty will be retired. They ought to be retired on account of their wounds, their disabilities growing out of the war, and their age.

The PRESIDING OFFICER, (Mr. WILLIAMS in the chair.) The Secretary will read the next section.

The Secretary read section five, as follows:

SEC. 5. *And be it further enacted*, That the offices of General and Lieutenant General of the Army shall continue until a vacancy shall occur in the same, and no longer; and when such vacancy shall occur in either of said offices, immediately thereupon all laws and parts of laws creating said office shall become inoperative, and shall, by virtue of this act, from thenceforward be held to be repealed.

Mr. WILSON. Let the next section be read.

The Secretary read section six, as follows:

SEC. 6. *And be it further enacted*, That no appointment to the grade of major general shall be made until the number of officers of this grade is reduced to three, after which appointments to this grade shall be made in the manner now provided for by law.

Mr. DRAKE. I will inquire of the chairman of the committee whether the intention of that section was not to limit the number of major generals to three?

Mr. WILSON. Certainly.

Mr. DRAKE. It does not accomplish that intention. It accomplishes the exact opposite. It only prevents any appointment being made until the number is reduced to three, and then they may increase the number again just as now authorized by law. I suggest to the chairman a verbal amendment in that section and in the next one, to strike out the word "to" before "three" and insert the word "below," and then to strike out all of the section after the word "three" and insert "which shall thereafter be the number of major generals allowed by law."

Mr. WILSON. I accept that amendment.

Mr. DRAKE. I have marked it in pencil for both sections, and substituted the word "that" for "this."

Mr. TRUMBULL. Let it be read as amended.

The SECRETARY. If amended as proposed, the section will read:

That no appointment to the grade of major general shall be made until the number of officers of that grade is reduced below three, which shall thereafter be the number of major generals allowed by law.

Mr. TRUMBULL. "Below three!" That would not be right.

Mr. DRAKE. No appointment is to be made until they are reduced below three, the intention being to fix three as the number of major generals: and of course there could not be any appointment until the number was reduced below three.

Mr. WILSON. I accept that amendment. The next section will require a similar amendment.

The PRESIDING OFFICER. This amendment to the amendment will be regarded as agreed to if there be no objection. The next section will be read.

The Secretary read section seven, as follows:

SEC. 7. *And be it further enacted*, That no appointment to the grade of brigadier general shall be made until the number of officers of this grade is reduced to six, after which appointments to this grade shall be made in the manner now provided for by law.

Mr. DRAKE. That should be amended by making it conform to the other section, so as to read as follows:

That no appointment to the grade of brigadier general shall be made until the number of officers of that grade is reduced below six, which shall thereafter be the number of brigadier generals allowed by law.

The PRESIDING OFFICER. That amendment to the amendment will be made, if there be no objection.

Mr. WILSON. I will state in regard to the sixth and seventh sections that the House bill provided that the number of major generals should be fixed at three, and of brigadier generals at six. That would require the dismissal of some of those officers. The death of General Thomas has reduced the number of major generals to four. It would be a very difficult thing to select from among these major generals one to be removed from the Army. And so with the brigadier generals. These two sections differ from the provisions of the House bill in this, that they provide that the force shall be reduced as these officers die or resign.

Mr. TRUMBULL. How many brigadiers have we now?

Mr. WILSON. We have eight. I think two of them can be retired in a year or two.

Mr. WARNER. I should like to ask the chairman of the committee what reason of public policy there is for Congress now declaring while men who have rendered distinguished services to the country are occupying the places of General and Lieutenant General, that they are a superfluity and unnecessary, and that it is only by grace we allow them to continue, and propose to abolish the grades hereafter?

Mr. WILSON. If it is ever to be done it may as well be done now as at any other time. If one of these officers should die there would be a strong pressure to fill his place. We must begin somewhere. This is no attack on these

officers. They are continued in the same way as the major and brigadier generals.

The PRESIDING OFFICER. The Secretary will read the next section of the amendment of the committee.

The Secretary read section eight, as follows:

SEC. 8. *And be it further enacted*, That whenever a vacancy shall occur in the offices of Adjutant General, Quartermaster General, Commissary General of Subsistence, chief of ordnance, chief of engineers, Paymaster General, Surgeon General, and Judge Advocate General, such vacancy shall be filled by the appointment, according to existing laws, of an officer who shall have the rank and pay of a colonel.

Mr. WILSON. I will simply say that the House bill provided that the officers now at the heads of these departments should be reduced to the rank of colonels. That would be a very extraordinary proceeding, and, it seems to me, would be wholly unjustifiable. Therefore we have provided that when these officers resign or die, when vacancies occur, colonels shall be placed at the heads of these several departments.

Mr. DRAKE. It is suggested by several Senators in conversation that perhaps the phraseology I suggested in the amendments to sections six and seven is in reality not the best that could be adopted for effecting the proposed object. I will inquire what is the language that the Senator from Ohio suggested?

Mr. SHERMAN. It is to strike out lines four and five of section six and insert the words "after which the number of major generals shall not exceed three."

Mr. DRAKE. That would be more explicit, I think, and by general consent I suppose there would be no objection to making that change. And the same change should also be made in regard to the brigadier generals in section seven.

The PRESIDING OFFICER. That change will be made in sections six and seven, if there be no objection. The next section will be read.

The Secretary read section nine of the committee's amendment, as follows:

SEC. 9. *And be it further enacted*, That the grade of regimental commissary in the several cavalry regiments is hereby abolished; and the lieutenants now holding the appointments of regimental commissary may be assigned for duty to companies of their regiments, and shall fill the first vacancies that may occur in their respective grades of first or second lieutenant in the regiments to which they now belong; and nothing herein contained shall affect their relative rank with other lieutenants of their grade.

Mr. WILSON. Let the next section be read.

The Secretary read section ten, as follows:

SEC. 10. *And be it further enacted*, That the grades of regimental commissary sergeant and regimental hospital steward are hereby abolished. The number of corporals in each company of cavalry, artillery, and infantry shall be reduced to four, and the said non-commissioned officers shall have the privilege of receiving an honorable discharge, with full pay and allowances to the actual date thereof, if they shall so elect, in preference to remaining in the service in such other grades as may be assigned to them by the Secretary of War.

Mr. WILSON. I will state that the ninth and tenth sections have once passed the Senate in a previous bill at another session, and had the sanction of General Grant while Secretary of War.

The Secretary read the eleventh section, as follows:

SEC. 11. *And be it further enacted*, That the General of the Army, commanding officers of the several military departments, and chiefs of the several staff departments of the Army shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties, setting forth specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and directed to constitute a board to consist of one major general, one brigadier general, and three colonels, three of said officers to be selected from among those appointed to the regular Army on account of distinguished services in the volunteer force during the late war, and on recommendation of such board the President may wholly retire any of the said officers so reported with one year's pay.

Mr. WILSON. I will simply say that this section provides for the appointment of a board to examine such officers as the General of the Army, the commanding officers of the several military departments, and the chiefs of staff shall recommend the Secretary of War to send before the board. The number will not exceed three hundred, and probably not more than two hundred or two hundred and fifty. This work, it is believed, can be done in the course of six months.

The Secretary read section twelve, as follows:

SEC. 12. *And be it further enacted*, That all vacancies now existing, or which may hereafter occur, in the cavalry, artillery, or infantry shall be filled in due proportion by the supernumerary officers of infantry, having reference to rank and seniority as provided in existing law regulating promotions in the Army, until the entire number of such officers shall be absorbed; and whenever vacancies exist in the grade of second lieutenant in any company of cavalry, artillery, or infantry an additional first lieutenant shall be assigned to such company, in lieu of the appointment of the second lieutenant, until the supernumerary first lieutenants of infantry shall be absorbed.

Mr. WILSON. There are in the cavalry forty-five vacancies, in the artillery thirty-one, and in the infantry twenty-nine, being one hundred and five vacancies of second lieutenants. There are also some vacancies in the staff departments to be filled. This provision will provide for about one hundred and twenty of the supernumerary officers.

The Secretary read the next section, as follows:

SEC. 13. *And be it further enacted*, That if any supernumerary officers shall remain after the above provisions are carried into effect they shall be furloughed at half pay until they are assigned to fill vacancies occurring in the cavalry, artillery, and infantry regiments; or they shall be discharged with one year's pay and allowances.

Mr. WILSON. The object of this section is simply to provide that if after the examination is made, and after these changes are made, there shall be a few officers left the War Department may furlough them for a few weeks or months until some vacancies occur, and then they may be appointed to fill those vacancies, instead of appointing new men, or they may be discharged, at the discretion of the President, with one year's pay and allowances. The probabilities are that there will be forty or fifty officers who will be left, and we have about that number of vacancies in a year in the Army ordinarily. These are officers of experience, and we ought not to throw away their services if they can be usefully retained.

The Secretary read the next section, as follows:

SEC. 14. *And be it further enacted*, That the professors at the United States Military Academy whose service in the Army and at the Academy exceeds twenty-five years shall have the assimilated rank and pay of colonel of engineers, and those whose like service is less than twenty-five but exceeds fifteen years shall have the assimilated rank and pay of lieutenant colonel of engineers; and said professors are hereby placed on the same footing as all other officers of the Army as regards retirement from active service.

Mr. CARPENTER. The other day, when this bill was under consideration, I moved that section as an amendment to the section originally offered by the committee. I have since learned that on a consultation between the Secretary of War and one of the professors at West Point a section has been drawn which is satisfactory to both parties, and I will send it to the Chair in place of the amendment to this section which I offered the other day.

Mr. WILSON. I will accept the amendment.

The Secretary read the amendment to the amendment, which was to strike out the fourteenth section after the enacting clause and to insert in lieu thereof the following:

That the professors of the United States Military Academy whose service in the Army and at the Academy exceeds thirty-five years shall have the pay of colonel, and those whose like service is less than thirty-five but exceeds twenty-five years shall have the pay of lieutenant colonel; and all the other professors shall have the pay of major; and hereafter there shall be allowed and paid to such professors ten per cent. of their current yearly pay for each and every term of five years continuous service: *Provided*, That such addition shall in no case exceed forty per cent. of said yearly pay. And said professors are hereby placed upon the same footing as regards retirement from active service as officers of the Army.

The PRESIDING OFFICER. If there be no objection this amendment to the amendment will be regarded as adopted. It is adopted, and the Secretary will read the next section.

The Secretary read section fifteen, as follows:

SEC. 15. *And be it further enacted*, That the pay of the officers of the Army shall be as follows: the pay of the General shall be $12,000 a year; Lieutenant General shall be $10,000 a year; the pay of major general shall be $7,500; the pay of brigadier general shall be $5,000; the pay of colonel shall be $3,500; the pay of lieutenant colonel shall be $3,000; the pay of major shall be $2,500; the pay of captain, mounted, shall be $2,000; the pay of captain, not mounted, shall be $1,800; the pay of adjutant shall be $1,800; the pay of regimental quartermaster shall be $1,800; the pay of first lieutenant, mounted, shall be $1,600; the pay of first lieutenant, not mounted, shall be $1,500; the pay of second lieutenant, mounted, shall be $1,500; the pay of second lieutenant, not mounted, shall be $1,400; the pay of chaplain shall be $1,400; the pay of aid-de-camp to major general shall be $200 per annum in addition to pay of his rank; the pay of aid-de-camp to brigadier general shall be $150 per annum in addition to pay of his rank; the pay of acting assistant commissary and acting assistant quartermaster shall be $100 in addition to pay of their rank; and there shall be allowed and paid to each and every commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, ten per cent. of their current yearly pay for each and every term of five years' service: *Provided*, That the total amount of such increase for length of service shall in no case exceed forty per cent. on the yearly pay of his grade as established by this act: *And provided further*, That the pay of a colonel shall in no case exceed $4,000 per annum, nor the pay of a lieutenant colonel $3,600 per annum, nor the pay of a major $3,000 per annum; and these sums shall be in full of all commutation of quarters, fuel, forage, servants' wages and clothing, longevity rations, and all allowances of every name and nature whatever: *Provided*, That fuel, quarters, and forage in kind, may be issued to officers by the quartermaster's department, as now allowed by law and regulations: *And provided further*, That when any officer shall travel under orders, and shall not be furnished transportation by the quartermaster's department, or on a conveyance belonging to or chartered by the United States, he shall be allowed ten cents per mile, and no more, for each mile actually by him traveled under such order, distances to be calculated according to their nearest post routes; and no payment shall be made to any officer except by a paymaster of the Army. Officers retired from active service shall receive seventy-five per cent. of the pay of the rank upon which they are retired.

Mr. WILSON. This is a very important section, and I hope Senators will give it a careful examination. It was understood when the House bill passed that a great reduction of expenditure had been made, and that impression has gone out to the country, and the Military Committee of the Senate has been especially criticised for not hurrying it at once through the Senate and thereby securing a great reduction in the expenses of the Army.

Sir, I am one of those who believe that the present mode of payment is the result of years of experience and is the wisest and the best that can be devised for our Army and our kind of service; but it was thought best in the bill that came from the other House to adopt a new system, to pay a round sum, as it is called, to the officers of the Army, and I will now state how that affects the pay of the officers.

Under the provisions of the bill as it came from the House of Representatives in this respect, and which we have adopted substantially as the fifteenth section of our amendment, the pay is, as I will state, in comparison with the present pay. Under existing laws a colonel who has served less than five years receives $2,736 annually. Under the bill of the House he would receive $3,500, being an increase of $764. As we have sixty-eight colonels, or shall have in the Army if this bill shall pass, it would be an increase of compensation for the colonels of the Army of $51,000. If a colonel had served twenty years in the Army under existing laws he would receive $3,174. Under the bill as it came from the other House he would receive $4,500, being an increase of $1,326—an increase for all the colonels of the Army, if they had served twenty years, of $90,000. A lieutenant colonel under existing laws receives $2,446 50. Under the proposed bill he would receive $3,000. When he had served twenty years he would receive $2,884 50 under existing laws, and under the House bill he would receive $4,000, being an increase of $1,115.

I have here a list made up in this way of the pay of all the officers of the Army. I will not detain the Senate by reading it over, but will state the results. The amount added by the House bill to the expense for the pay of officers of the Army would be, if none of them received the ten per cent. extra, something over five hundred thousand dollars. Supposing them to have been in the Army over five years on the average, they would receive an increase of over seven hundred thousand dollars; and when all of them should have served twenty years the increase in the compensation of the officers of the Army would be $1,154,000.

The pay of the General of the Army is reduced $3,800, and of the Lieutenant-General $4,200, making $8,000, and the pay of thirty-two chaplains is reduced $219 each, making $7,000, or a reduction of $15,000. Taking both sides of the account, instead of reducing the pay of the officers of the Army, this bill, to begin with, for the first year will add at least $600,000 to their pay.

I will add that this statement does not take into consideration the commutation for fuel and quarters; but the bill as it came to us from the other House provides for fuel and quarters in kind. Fuel and quarters in kind will cost quite as much as the commutation. In fact, the commutation system was adopted to protect the Government against the other system, the furnishing in kind, because it was believed to be cheaper for the Government. If the provision for furnishing fuel and quarters in kind be continued in the bill, the increase will be about seven hundred thousand dollars to begin with, and at the end of twenty years, provided the officers average that length of service, will be nearly twelve hundred thousand dollars. If that is stricken out of the bill the increase will not be so large; but there will still be an increase.

Some believe, and it is possible that may be so, that there will be a more equal distribution of pay to the officers of the Army. The committee adopted the pay provisions of the House bill as the fifteenth section of their proposition, with slight amendments, increasing the compensation of the chaplains $200, and providing that the pay of colonels, lieutenant-colonels, and majors should not be quite so large as it is put in the House bill.

Mr. STEWART. As I understand the Senator, it would be economy to strike out the section.

Mr. WILSON. I have stated the facts of the case.

Mr. STEWART. Then it had better be stricken out.

Mr. TRUMBULL. I should like to inquire if the thirty-eighth, thirty-ninth, and fortieth lines are intended to be a limitation upon all the officers, or only a limitation on the colonels, lieutenant colonels, and majors? The words read:

> These sums shall be in full of all commutation of quarters, fuel, forage, servants' wages, and clothing, longevity rations, and all allowances of every name and nature whatever.

Is that proviso intended to apply to the generals, or only to the colonels, lieutenant colonels, and majors?

Mr. WILSON. And all officers under them.

Mr. TRUMBULL. Then if this bill passes the generals will still be entitled to commutation for fuel and forage?

Mr. WILSON. No sir. I will say that this provision applies to generals and to all officers of the Army; but there is another provision that quarters, fuel, and forage in kind may be issued to officers by the quartermaster's department, as now allowed by law and regulations. There can be no commutation for fuel and quarters for any officer of the Army from the General down; but all officers of the Army, from the General down, can receive fuel and quarters and forage in kind according to existing regulations.

Mr. TRUMBULL. I supposed, perhaps, that was what was intended; but if the Senator from Massachusetts will look at the wording of this proviso, going back to the thirty-fourth line, I think he will see that the latter part of the proviso will only apply to the officers named in this part of it. Let me read it, going back to the thirty-fourth line:

> That the pay of a colonel shall in no case exceed $4,000 per annum, nor the pay of a lieutenant colonel $3,600 per annum, nor the pay of a major $3,000 per annum; and these sums shall be in full of all commutation of quarters, fuel, forage, servants' wages and clothing, longevity rations, and all allowances of every name and nature whatever.

Now, I think the legal construction of that would be to confine the latter part of the proviso to the officers named in the first part; and it would need a little change of phraseology if the Senator intends to cut off the commutation for quarters, &c., from generals as well as colonels.

Mr. WILSON. It is intended for all. If the Senator will frame a modification we will agree to it.

Mr. TRUMBULL. I will look at it, I should think, as it is worded here, it would be limited to the officers named in the first part of the proviso.

Mr. WILSON. It is not so intended.

Mr. NYE. I should like to inquire of the chairman of the Military Committee whether, if this section is stricken out, it will leave the pay of the officers the same as at present? If so, in due time I shall move to strike out the section.

The PRESIDING OFFICER. The Secretary will read the next section.

The Secretary read section sixteen, as follows:

> SEC. 16. *And be it further enacted*, That the pay and allowances of the enlisted men of the Army shall remain as now fixed by law until the 30th of June, 1871; and it shall be unlawful for any officer to use any enlisted man as a servant in any case whatever.

Mr. WILSON. If this section should not be adopted, on the 30th of June the pay of the soldiers of the Army will be reduced to eleven dollars a month. We have provided that the pay shall continue as it is, sixteen dollars a month, for another year. It may be that when the end of the year comes around, if we shall have come to specie payments and a general reduction of the cost of living shall have been effected, we can enlist men for less than sixteen dollars a month. The latter part of the clause prevents soldiers being used as servants. I do not think any soldier should ever be a servant to any officer, but it has been the practice to allow officers to use soldiers for that purpose, they allowing for their pay and all expenses connected with them. In fact, the pay of an officer's servant is the pay of a soldier. It was thought that if we passed this bill paying a round sum to the officers and making no provision for servants it might lead to the use of soldiers as servants without any consideration to the Government. Therefore we provide that no soldier shall be used as a servant under any circumstances whatever.

The PRESIDING OFFICER. The next section will be read.

The Chief Clerk read the seventeenth section, as follows:

> SEC. 17. *And be it further enacted*, That section second of the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes," approved March 2, 1867, be, and the same is hereby, repealed.

Mr. WILSON. That repeals certain provisions made for the purpose of arresting to a certain extent the influence of President Johnson in the management of the Army.

The PRESIDING OFFICER. The next section will be read.

The Chief Clerk read the eighteenth, nineteenth, and twentieth sections, as follows:

> SEC. 18. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to drop from the rolls of the Army for desertion any officer who is now, or who may hereafter be, absent from duty three months without leave; and any officer so dropped shall forfeit all pay and allowances due or to become due, and shall not be eligible for reappointment.
>
> SEC. 19. *And be it further enacted*, That no officer of the artillery corps below the grade of field officer shall hereafter be promoted to a higher grade before having passed a satisfactory examination before a board of three artillery officers senior to him in rank, to be appointed by the Secretary of War.
>
> SEC. 20. *And be it further enacted*, That the sixth section of the act approved March 3, 1869, prohibiting new appointments and promotions in certain staff corps and departments of the Army be, and the same is hereby, repealed, so far as the same applies to the medical and quartermaster's departments and the corps of engineers.

Mr. STEWART. I should like to have that explained.

Mr. WILSON. Last year we provided that the staff departments should not be filled up; that there should be no promotions in them. This section provides that the medical and quartermaster's departments and the corps of engineers may be filled up and promotions made in them. In the medical department there are forty-six vacancies. They should be filled up. That department employs now one hundred and eighty surgeons at an expense of over two hundred thousand dollars a year, and it will be cheaper and better to have the medical department filled up.

As to the quartermaster's department, there are some seven or eight vacancies; but the quartermaster's department not only employs all the officers connected with it, but from three to four hundred other persons to aid them. Our Army is scattered all over the country in two hundred and fifty-two military stations. They must be clothed, must be moved, must be taken care of.

In the corps of engineers there are a few vacancies. That corps employed in 1868 ninety-one civil engineers and thirty-eight draughtsmen at the large expense to the country of $197,500; in 1869 seventy-five civil engineers and forty-four draughtsmen, being one hundred and nineteen persons, at a cost of $201,000. It is cheaper and better that this corps should be kept full.

Mr. WARNER. I should like to ask the chairman of the committee the reason for excepting from the provisions of this section which allows promotions the adjutant general's and pay departments?

Mr. WILSON. It is believed that the adjutant general's department can get along a year or two longer without making this change. As to the pay department of the Army, it is admitted by the officer at the head of that department that in the course of a year or two a small reduction can be made in the number now in the service. They can get along with the present force, and we do not wish to have the staff any larger than is absolutely necessary, although the staff is a very important part of an army, admitted to be so by all writers on the subject, in our own and in other lands.

The PRESIDING OFFICER. The next section will be read.

The Secretary read the twenty-first section, as follows:

> SEC. 21. *And be it further enacted*, That it shall not be lawful for any officer of the Army of the United States on the active list to hold any civil office, whether by election or appointment, and any such officer accepting or exercising the functions of a civil office shall at once cease to be an officer of the Army, and his commission shall be vacated thereby.

Mr. WILSON. By the House bill all the officers of the Army, those in active service and those on the retired list, are excluded from holding a civil employment. This modifies that section by allowing retired officers to be appointed or elected to office.

Mr. TRUMBULL. Why should we change the House bill in that respect? It seems to me that if military officers are to be precluded from holding civil offices it should be a general provision. If they are to be put on the retired list simply to take a civil office and then be restored afterward, the law will be evaded. It seems to me if a person in the military service thinks proper to accept a civil appointment—he is not compelled to take it—he should vacate his military position in the Army. I do

not see any hardship in it, because taking the civil office is a voluntary matter entirely.

Mr. WILSON. I will say in reply to the Senator that it was very clear to the committee that officers in active service should not be appointed to any civil office and retain their places in the Army. But we retire certain officers on account of age, physical disability incurred in the line of duty, or wounds; we provide in this bill that their number may be three hundred. We have provided also that they shall not be detailed by the President on any service. That is the existing law. The President cannot detail these officers.

Mr. TRUMBULL. Are they not detailed as presidents of colleges?

Mr. WILSON. No, sir; they cannot be detailed for any service whatever. They are excluded by law from being detailed to do any military duty.

Mr. TRUMBULL. But I understood that class of officers were detailed as professors of colleges.

Mr. WILSON. No, sir; those are officers in active service.

Mr. TRUMBULL. Is there any objection to detailing them as professors in colleges?

Mr. WILSON. I do not think myself there would be any objection to detailing them for colleges, or detailing them for courts-martial, or detailing them for boards, or to be at the head of the Soldiers' Home. I would be willing to adopt a section—and I have written one to that effect—that on their own application they may be detailed for these places. But it seemed rather hard that an officer who had been retired on account of wounds or disabilities incurred in the line of duty should be denied the privilege of filling any little place that his neighbors might offer him. Take, for instance, the case of General Fessenden, the son of our late lamented associate. He had a leg shot off in battle; he has been retired from the service, is at his home. I saw a statement recently that he was mentioned as a candidate for mayor of the city of Portland. There is no public reason why this officer, having lost a leg in the service of his country, should not fill any little office his neighbors might elect him to. I shall not be strenuous about it, but it did seem to me rather hard to exclude all the retired officers.

Mr. TRUMBULL. I will make no motion about it now. I have called attention to it. I believe it is not intended to amend the bill at present.

The PRESIDING OFFICER. The next section will be read.

The Secretary read sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, and twenty-six, as follows:

SEC. 22. *And be it further enacted*, That nothing in this act shall be construed to prevent the assignment to duty as additional second lieutenants or brevet second lieutenants of the graduates of the Military Academy.

SEC. 23. *And be it further enacted*, That the Secretary of War shall prepare a system of general regulations for the administration of the affairs of the Army, which, when approved by the President, shall be in force and obeyed until altered or revoked by the same authority; and said regulations shall be reported to Congress at its next session: *Provided*, That said regulations shall not be inconsistent with the laws of the United States.

SEC. 24. *And be it further enacted*, That the provisions of the act of July 28, 1866, which declared that the existing regulations for the Army shall remain in force, are hereby repealed.

SEC. 25. *And be it further enacted*, That the Secretaries of War and the Navy be, and they are hereby, authorized and directed so to arrange the course of studies and the order of recitations at the Military and Naval Academies that the students in said institutions will not be required to pursue their studies on Sunday; nor shall they be required to take part in drills or parades on that day.

SEC. 26. *And be it further enacted*, That from and after the passage of this act the Secretary of War be, and he is hereby, authorized to permit one trading establishment to be maintained at any military post on the frontier, not in the vicinity of any city or town, when in his judgment such establishment is needed for the accommodation of emigrants, freighters, and other citizens; and the persons to maintain such trading establishments shall be appointed by him: *Provided*, That such traders shall be under protection and military control as camp-followers. The joint resolution approved March 30, 1864, to authorize the commanding General of the Army to permit traders to remain at certain military posts, is hereby repealed.

The PRESIDING OFFICER. The reading of the substitute has been concluded.

Mr. TRUMBULL. I wish to suggest an amendment in section fifteen, to which I called attention while the substitute was being read. In line thirty-seven, after the word "annum," I would make a period and begin a new sentence, striking out the word "and" and striking out "these sums," and inserting "the pay allowed by this section;" so as to read:

The pay allowed by this section shall be in full of all commutation of quarters, fuel, forage, servants' wages and clothing, longevity rations, and all allowances of every name and nature whatever.

That will make the section clear, while as it is the legal construction of it would be to limit only the persons mentioned in the fore part of the proviso, whereas it is intended to apply this cutting off of commutation of quarters to all the officers.

Mr. WILSON. I do not think there can be any doubt about the legal construction of the section; but if the Senator thinks there is, I have no objection to an amendment which accomplishes precisely the object.

The amendment to the amendment was agreed to.

Mr. DRAKE. I would call the attention of the chairman of the committee to the second section, line five. To what year does that month of October belong?

Mr. WILSON. This year.

Mr. DRAKE. It should be stated what year it refers to. I think after that word "October" should be added "1870."

The PRESIDING OFFICER. That amendment to the amendment will be regarded as adopted unless objection be made.

Mr. WILSON. Certainly I will not object to it. It refers to the 1st of October next; it must mean the October of this year; but if there is any doubt about it this fixes it.

The PRESIDING OFFICER. The amendment to the amendment will be regarded as agreed to.

Mr. ROSS. I move to amend the amendment of the Senator from Missouri by putting it "1871."

Mr. DRAKE. I call the attention of the chairman of the committee to the suggestion of the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas moves to amend the amendment proposed by the Senator from Missouri so as to make it 1871 instead of 1870.

Mr. WILSON. I hope that will not be adopted. We have four hundred and eighty surplus officers, made so by reducing the infantry regiments last year.

The PRESIDING OFFICER. Will the Senator from Massachusetts suspend for a moment? It is the opinion of the Chair that the amendment proposed by the Senator from Kansas is not in order, as the amendment offered by the Senator from Missouri is an amendment to an amendment.

Mr. EDMUNDS. We can reach that by disagreeing to the amendment of the Senator from Missouri and then letting the Senator from Kansas move a fresh amendment.

The PRESIDING OFFICER. By common consent the question may be considered as before the Senate.

Mr. TRUMBULL. I would like to know if the amendment of the Senator from Missouri ought not to be adopted.

Mr. DRAKE. I simply inquired of the chairman of the committee as to what year he intended that month of October to apply, as no year was stated in the section, nor did it say "before the 1st of October next." I asked the chairman of the committee what year he meant and he said 1870, and I suggested that that be put in.

Mr. TRUMBULL. If we adopt that will it not still be subject to the other motion after that is agreed to?

The PRESIDING OFFICER. No.

Mr. FENTON. It was adopted.

The PRESIDING OFFICER. It was adopted.

Mr. DRAKE. We may by common consent open it again. I move a reconsideration of the vote upon the insertion of "1870," so that the question can then be taken again.

The PRESIDING OFFICER. It is moved that the vote by which the amendment proposed by the Senator from Missouri was adopted be reconsidered.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on the adoption of the amendment of the Senator from Missouri, to insert "1870" after the word "October," in section two, line five.

Mr. EDMUNDS. I should like the Senator from Kansas to state to us why he thinks it ought to be 1871 instead of 1870; because if 1871 is the best number to insert we all want to vote against the amendment of the Senator from Missouri in order to give the Senator from Kansas an opportunity to move his. As this whole bill is an amendment, we can only take one amendment to it at a time. Therefore, in order to vote understandingly, I should be glad to have the Senator from Kansas advise us why he thinks 1871 is preferable to 1870.

Mr. SHERMAN. I think the Senator from Kansas perhaps suggested his amendment by inadvertence. This is a preliminary proposition. This section authorizes the President to accept the resignation of officers who choose to resign before the 1st of October; and in case they do resign it gives them one year's pay. That is a preliminary weeding out of the officers of the Army, getting rid of those who choose to resign. After that the other sections take effect, by which those who do not resign will be examined by a board and finally discharged. It seems to me the section as now prepared is well worded and ought not to be changed. "October next" was intended no doubt, and that ought to be inserted.

Mr. ROSS. I do not regard this in the light in which the Senator from Ohio speaks of it. I regard it not merely as a preliminary measure to the reduction of the Army, or as an opportunity given for a voluntary resignation, but as a threat to these gentlemen that unless they do resign they will be mustered out involuntarily.

I oppose it on another ground, because I am opposed to the reduction of the Army. I do not think we have any too many officers. I think that the faith of the Government is to some degree pledged to the men now in these positions. They accepted these appointments with the understanding that they were received for meritorious services, and that they were to be continued as life appointments. As I oppose the further reduction of the Army, I hope the present number of officers will be retained, as, instead of reducing the Army, I should favor an increase if any change is to be made.

Mr. WILSON. I am a little surprised that the Senator should suppose there is anything like a threat in this. The proposition is one of generosity, such as was never offered by any country, I think, to any body of men. It says to the officers of the Army, "If you wish to resign, and the President chooses to accept your resignation, you shall be entitled to receive, in addition to the pay and allowances due you at this time, if you have served more than ten years, two years' pay and allowances; if you have served more than five years and less than ten years, one and a half year's pay and allowances; and if you have served less than five years, you shall receive one year's pay." It is an act of liberality and generosity, born of nothing but respect and kindness to these officers. Some of the officers, unquestionably, will offer their resignations. Some of them will be accepted. Perhaps others may not be. Some certainly should not be.

We have four hundred and eighty officers in excess of the demands of the service, officers attached to no regiments and belonging to no one of the departments of the Army. We have provided by this bill that about one hundred and twenty of these officers shall fill up vacancies, and about one hundred more of them will be retired, making two hundred and twenty, which will leave about two hundred and sixty officers. We then offer this generous proposition to the officers of the Army, that any of them who choose may resign and receive this extra pay. Then we propose to examine a portion of the officers of the Army, those who have any charges against them or anything that disqualifies them, before a board. The majority of that board is to be made up of men who were in the volunteer service. By these resignations and by the action of this board we hope to reduce the number of these officers. The whole plan is intended to work as easily and as kindly as possible, so as to reduce the number of officers in excess. I do not believe there is the slightest feeling or intention in either House to strike a blow at these officers or to injure them in any way whatever. We have this number of supernumerary officers, and in some form or other we must reduce that force.

Mr. NYE. If I understand the object of this provision, I am opposed to it *in toto;* and with no idea that the Committee on Military Affairs of either House has intended to do any injustice to these crippled and infirm officers, I desire to show, if I can, in a moment, that the operation of this provision would be not only detrimental to them, but utterly destructive.

If there is one thing that a nation cannot afford to do, it is to treat with apparent or real unkindness those who have served it in the hour of peril, who have periled their lives upon a thousand fields, and have endured every climate that the continent possesses. These officers are old, for instance. In whose service have they grown old? They have grown old in the service of their country. Suppose they are young, but infirm; how came they so? They have become so from the exposures incident to a soldier's life. They are found at the present moment battling with the snows and the wild tribes of the West upon the highest peaks of the Rocky mountains, in the mountain gorges, and at the sources of rivers. They are disqualified, perhaps, for active duty, and this bill proposes to give them a year's pay in order to get them out of the service.

Sir, if there is a nation that should be grateful to its soldiery it is ours. Where among the nations of the earth, from Russia to our own continent, whose Governments are almost purely military, has a nation ever adopted a theory like this? Not one. France, be it said to her credit, not only provides for her old officers, but her old soldiers. There is no one thing to-day that makes and keeps alive the fragrance that surrounds the memory of the old Napoleon like that grateful tribute he has reared in that most beautiful city of Paris, the *Hôtel des Invalides*. There, instead of being turned out with a year's pay, the old soldiers are covered all over with badges of honor.

Sir, I would have this nation do that also. I discard *in toto* this idea of economizing upon the wasted systems and frames of worn-out soldiers. No nation can afford to economize over the mangled and disabled bodies of its soldiers. In behalf of that class of men I interpose my objection to this legislation, and I interpose the dignity and honor of this nation in their behalf.

We are to give them a year's pay, and the honorable chairman of the Committee on Military Affairs says that is magnanimous and liberal! Why, sir, a year's pay would be gone before six months roll around; and where would these men go then? There is nothing left to them but penury and want and an almshouse staring them in the face. Can this great and proud nation afford to do that? I should be ashamed to look one of them in the face as I met him upon his crutches or crawling around asking alms from door to door if I had been one of those who had closed against him the doors of the bounty of the nation to which he was entitled, a nation that he has saved. To turn him off with a year's pay is an insult to the injured, and unbecoming the majesty and dignity of the nation.

Sir, we are apt in these times of spasmodic economy to do great injustice. There is no man on this floor who desires the expenses of this nation cut down more than I do; but the man is not sane who expects ever again to see the expenditures of this great nation what they formerly were. It covers twice the space that it did; the frontiers that we defend are quadrupled in proportion; and yet the effort seems to be to cut down the Army and kick out the old and decrepit soldiers.

Sir, the memories of this nation gather around the field of Gettysburg and the bloody fields around Richmond, and the countless fields that the late contest has made sacred and dear. When these men were there, bearing the standard of their country amid a shower of bullets, who would have proposed then among all the members of both Houses of Congress to dismiss those crippled soldiers at the end of the war with twelve months' pay, and above all, who would propose to put it in the power of a board to say to one of these men, "You are disqualified from duty, and you must go out?"

If the nation would ever command the warmest sympathies of its citizens it cannot afford to do this thing. If the drum should again beat to battle, and the bugle should again sound the danger of the hour, and the citizens should be called upon to muster again with their arms to fill up the scattered ranks of the Army, where would you find them? They would turn back to this day's doings, and they would find that the honorable Senator from Massachusetts had provided that as soon as the war was over their reward should be twelve months' pay and a dignified national kick: "Go, take care of yourselves." The theory is not sound, and the practice would be destructive to the energy of the Army of the United States. I say again, I repudiate all such injustice, and it will be accounted an injustice by the enlightened and intelligent world.

Sir, I appeal to my honorable friend on my right, [Mr. FENTON,] who mustered the citizens of the old and honored State of New York, did he not give them a pledge that they should be cared for, living or dead? Is this the way you keep it? Is this the way that the pledge of this great Government is to be carried out? "You shall receive twelve months' pay and the nation that you have saved knows you no more in its charities." Sir, it is not a national charity; it is demanded by national justice. The pledge of my honorable friend from New York would be unfulfilled to the sons of the farmers of his native hills; the pledge of our Military Committee would not be carried out in that way.

I appeal to the honorable Senator from Massachusetts himself, who mustered brave men to the field, what pledge did he give to the sons of Massachusetts, to the fathers and mothers who kissed the last tear off the cheeks of their departing sons? Did he tell them then that it would be born of him that twelve months' pay and a dilapidated and broken system should be their reward thereafter? No, sir; he gave the pledge of this generous and just nation; he gave the pledge that was the offspring of his own heart, that they should be cared for, not only in the present, but in the future. Away, then, with this beheading of four hundred crippled officers!

Mr. President, upon one of the bloodiest fields on which Napoleon ever fought he saw with his quick eye one of his Old Guard go down. He went to his side, and said, "Is there anything I can do for you?" The soldier replied that there was. "What is it?" "I ask that my name shall never be stricken off the roll of the Old Guard." And quick and generous as Napoleon was he issued the order that whenever thereafter that soldier's name should be called a living sergeant should step out and say, "Fell on the battle-field of Jena." That was the appreciation of the great Napoleon for the services of his soldiers. He spoke for France; he spoke for a nation; and I believe I speak to-day for this nation when I protest against this enormous cruelty.

We are told there are only four hundred of these officers. My God, sir, I wonder there are not four times four hundred! Only four hundred supernumeraries, as my friend calls them; and yet he would take his legislative saber and demolish them with a blow. Better by far that they had found graves upon the generous soil of their country, better that they had fallen upon the field, than to have lived to fall by the ungrateful legislation of their country.

It is said that this bill is going to cut down expenses. The reduction will not amount to a sixteenth of a mill to each inhabitant of this nation. Go and canvass your own town, and you will not find one man in whose veins runs red blood but will laugh you to scorn at such a proposition. Economy! Sir, a nation can never afford to economize at the sacrifice of its honor. A nation that puts its dollars in the balance with its gratitude, when that is demonstrated to the world and to the people out of which armies are made, will be lost in coming conflicts.

I hope, sir, that this provision will not pass. I speak in behalf of these crippled and maimed officers. I speak in behalf of their bended forms and mutilated limbs. I protest in the name of a generous people against the infliction of such a wrong. Sir, who is there who would not take one of these men to his own hearth-stone and make him comfortable? And yet here on the hearth-stone of the nation it is proposed to pauperize them forever. Others may do as they please, but I desire that my vote and my voice shall be raised against such ingratitude.

I appeal to the honorable Senator, the chairman of the Committee on Military Affairs, to withdraw that offensive section. It will not be savory in the nostrils of this country in the present nor in the future. Let these officers linger to their appointed time; let a generous nation feed and clothe them with the little pittance of their salaries; and let them find at least a welcome grave in a genial, patriotic soil, whose grass shall be made fresher and greener by the recollections of a grateful people.

Mr. WILSON. Mr. President, I am sure if the Senator from Nevada had read this bill with care he never would have made the speech he has now made, in which he has exhibited so much zeal and so little knowledge. The Senator has traveled all around the world in his discursive flights, but he has not touched the question. The section of the bill to which he refers does not provide for anything of the kind he suggests, and if the Senator will read it he will see it.

Mr. President, no nation since the dawn of creation has ever been so liberal and generous toward the men who fought for it as has this nation, and nearly every line on the statute-books of the country that has made up this generosity came from the committee of which I am chairman. Nearly every proposition, from 1861 to this time, to be found on the statute-books of the country in regard to our soldiers or in regard to our armies originated in the Committee on Military Affairs of the Senate; and looking at them as they stand on the statute-books to-day, I say that in generosity, liberality, kindness, forethought, and provision for the soldiers there is nothing in the history even of France, or of any other Power on the globe, that compares with them for a moment.

Then, sir, why should the Committee on Military Affairs, who have to deal with this unpleasant subject—a hard one, I admit—be held up before the Senate as submitting a proposition to turn out old, wounded, worn-out

soldiers upon the country with a year's pay? There is no such proposition before the Senate, and the Senator ought not to have made that assertion.

There are five hundred wounded officers in the Army, men who bear upon their persons scars received in battle. Now, what is the proposition? That every one of these wounded men who cannot perform duty may be retired, not on a year's pay, but retired with seventy-five per cent. of his pay. Take the case of a colonel, wounded, broken, shattered in the service of the country, old, worn out in the public service; and what do we propose? To retire him with seventy-five per cent. of $4,000; to give him $3,000 a year to live on all the rest of his life. That is the proposition of the House bill adopted by the committee. Then why does the Senator say that the proposition is to retire him on a year's pay? There is no such thing in the bill. No word ever fell from that Senator's lips more unjust to any man on earth. I repeat, there is nothing of the kind in the bill.

Then, what is there in this measure? It is a simple measure in these three propositions to reduce the four hundred and eighty supernumerary officers, made supernumerary by the discharge of infantry regiments last year. We consolidated the regiments, and we have these supernumerary officers. Now, what is proposed? In the first place, we enlarge the retired list so that we may have three hundred retired officers instead of about one hundred and seventy, and in that way we take care of the wounded, the old, the worn out and decrepit, the men who have suffered in the service, so that they may be retired on seventy-five per cent. of their pay; giving a captain who receives $2,000 a year $1,500 a year to live on for the remainder of his life. Can anything be more liberal, more generous, more just?

As I have said, we have an excess of four hundred and eighty officers. We shall retire about one hundred or one hundred and twenty of them. We shall put about one hundred and twenty more into the active service, into the cavalry and artillery, where there are vacancies; and we propose to put first lieutenants where vacancies exist in the second lieutenants. We do not make them second lieutenants, but we propose to have two first lieutenants in a company until the time comes for promotion and filling up—a liberal, just, and humane provision. This will take care of about one half of these men. Then what do we propose besides? We say to the officers of the Army, one and all, to the young men not thirty years old, strong and healthy, who are in the service, "If any of you, gentlemen, desire to go into other business and retire from the Army we will give you a years' pay if you have not been in the service five years; if you have been in the service between five and ten years we will give one and a half years' pay; and if you have been in the service longer than that we will give you two years' pay in advance," which would pay an old colonel who has been long in the service seven or eight thousand dollars. I have letters from officers in the Army applauding this proposition, urging it, and saying that it is generous and liberal. That is the proposition that we have before us. I believe that under it one or two hundred of these officers will resign, not because they are old or worn out or broken down, but because they will see that in times of peace there is a greater opening in other professions, and they will go out of the Army as Grant and Sherman and many good officers went out of the Army in times of peace in the past; and they will unquestionably gain by it; for I do not believe that the Army in times of peace, or with only these Indian troubles, will be a great place for the exercise of talent or the gratification of ambition for years to come.

In this section we simply provide that a board of officers consisting of five men, a majority of whom shall be officers who served in the war as volunteer officers, having warm sympathies, of course, with the volunteers, shall be appointed, and before this board shall go such officers as shall be sent before them. Let me say to the Senator from Nevada that the Department here at Washington has as complete records of the officers of the Army and their standing and condition as a school-teacher has of the scholars in his school. This section provides that officers who have faults of character, who have done improper things, shall go before this board, and if they shall be proved before that board to be—what? Not old men, not wounded men, not men broken down in the service of their country, but men with personal faults that unfit them for the Army, they shall be mustered out, and we make the generous provision for them—a thing unheard of in the history of the world—of giving them a year's pay. We should be perfectly justified in mustering them out and giving them nothing at all, or at most three months' pay; but we propose to give them a year's pay. We want to be generous and kind to men who have faults that unfit them to continue in the Army.

Mr. NYE. Will the Senator allow me to ask him a question?

Mr. WILSON. Certainly.

Mr. NYE. I wish to ask the honorable Senator, the chairman of the Committee on Military Affairs, if the law does not provide now for getting rid of all such cases as he suggests by courts-martial?

Mr. EDMUNDS. Oh, no.

Mr. NYE. Yes, it does.

Mr. CONKLING. Not unless for a violation of the Rules and Articles of War.

Mr. NYE. The law certainly provides for inattention to duty.

Mr. WILSON. A portion of these cases of course would come under the present law; but this section covers more than that. It applies to men who have been guilty of personal misconduct or faults, but perhaps misconduct or faults not amounting to enough to bring them before a court-martial. That is all there is about it; and we made what seemed to us to be a generous and kindly provision for them.

Now, I desire to say to the Senator that we have in the Army fifty-one men who have served as major generals with full commissions, and seventy four who have been breveted, making one hundred and twenty-five men who have been major generals in the Army. Then we have one hundred and thirty-eight who have been brigadier generals; one hundred and seventy who have been colonels; two hundred and two who have been lieutenant colonels; two hundred and eighteen who have been majors; three hundred and eighteen who have been captains; two hundred and twelve who have been first lieutenants; eighty-eight who have been second lieutenants; making fourteen hundred and seventy-one men who have served in the volunteer service either with full commissions or brevets. I am sure nobody wants to do any injustice to the officers of the Army.

In 1866, when the war closed, we had an Army of one million and thirty-four thousand men. Some of those men in volunteer regiments were kept in the service and were carried on to the frontiers of Texas and into the Indian country. The men were dissatisfied. Great complaint was made. We had to reorganize our Army and allow all our volunteers to go home, having redeemed to them all our pledges and more too, having passed bounty acts costing the country at least $100,000,000 that were not promised. We reorganized the regular Army in 1866. It was no larger than we needed then. The condition of affairs in the rebel States was unsettled. We therefore made an Army of fifty-four thousand men, but it could be enlarged to eighty-two or eighty-three thousand by the President. Last year there was a strong demand to reduce the Army, and we disbanded or consolidated twenty infantry regiments. Instead of having forty-five regiments we now have twenty-five. That left on hand over six hundred supernumerary officers, officers for whom we had no places. Some of them have been appointed Indian agents. Others are at home. Many of these officers have done no duty for a year past, and are at their homes receiving their pay from the Government.

There is a demand in the country, and everybody expects that we are to reduce the number of officers down to our needs. There is no justification for keeping more than we need. More than one hundred of these officers within a year have resigned, or been court-martialed and turned out of service, or have died, so that the number has now been reduced down to four hundred and eighty. The provision of this bill is to get rid of these four hundred and eighty men as easily as possible. We have offered them this liberal provision. I am sorry the Senator does not see the liberality of it, and I am sorry that, not seeing it, he should undertake to put us in a false position before the country, and charge us with doing an unjust, cruel thing to any of the men who served their country. I take it the Senator and myself do not differ in our sentiments or feelings of gratitude toward the men who served the country.

Mr. NYE. One word in reply. If in the course of my remarks I did anything more than say that this was a mistake in judgment on the part of the committee I said more than I intended to say. But knowing the generous manner in which the honorable Senator always felt toward our soldiers it created my surprise to see what I claim to be a change of tactics so soon after the war is over.

Now, sir, I undertake to say that this section, together with the other section that provides for a board, do precisely what I claimed they did do. They in effect say to these officers, "You can go out if you please; if you do not we will put you out through the agency of this board." Sir, how long would you stay in a man's house if he should tell you, "You can go out if you have a mind to do so, but if you stay too long I will put you out?" How long would you regard yourself as a comfortable guest in that house? Establish this guillotine, and establish this crucible through which these officers must pass, and how long do you suppose it will be before they will resign to get rid of it? It compels them, if they have got the spirit of men, to resign their commissions and to throw themselves upon the cold charities of an unfeeling world. The proposition is simply this: "Go out, if you please, of your accord, and we will give you a year's pay, or we will retire you through the agency of this board at the end of a reasonable time; but go out you must; this Army must be reduced." That is the language.

The honorable Senator stands here and tells us that there are four hundred and eighty officers who must be got rid of. Then, why not with one sweep get rid of them? Why torture them by this inquisition that is to follow by the provisions of this bill? You say to them, "Go, if you please, and we will give you a year's pay; stay, and you have got a board pending over your head who will remove you any way."

My honorable friend from Massachusetts says that this is only intended to reach a set of officers who are derelict in their duties. If they are derelict in their duties a tribunal already exists to try them at the will of their commander. I appeal to the honorable Senator from Mississippi, [Mr. AMES,] whose life has been spent in the Army, if a man who is derelict in his duty is not subject to court-martial by the law as it stands now under the Rules and Articles of War. If a dereliction of duty is not a cause for trial before a court martial, go, wipe out one half of the records of your courts-martial, for I have read them with my own eyes; I have heard the sentences with my own ears.

But the honorable Senator says there is another class whose habits and personal indis-

orations have unfitted them for duty. Sir, the law provides for the disabled, from whatever cause it may be, now. If I find a sick and wounded soldier or a dying soldier I do not stop to inquire, and by my permission this board shall not inquire, whether his sickness or disability arises from his own follies or from exposure in the service which he had endured. Who is to be the judge? I come before that board with crippled limbs and broken and shattered frame, and the honorable Senator, sitting in judgment upon me, says, "This is the fruit of your own indiscretion;" while I plead as eloquently as I can that it is the result of my exposure in the defense of my country. Who is to determine? Where is the line to be drawn? Better by far that this Government should support four hundred and eighty officers in idleness than to drive the dagger of ingratitude into the breast of one deserving soldier. Better a thousand times that the Government should bear this imposition, if you please to call it so, than to do injustice to a single man who has dared the dangers of battle and dared the dangers of climate.

I do not know but that this measure will carry; but I shall have the consolation of knowing that I did what I could to defeat it; and in the day of judgment, when the wounded and the sick and disabled soldiers shall stand around me, accoutered differently from what they are now, I shall receive their commendation in that final hour.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri, [Mr. DRAKE,] to insert after the word "October," in line five of section two, the words "1870."

Mr. ROSS. The Senator from Massachusetts dropped a remark a few moments ago, the truth of which is patent to everybody, and the fact has elicited exclamations of astonishment and commendation the world over. That was, that no nation was ever so generous to its soldiers as this nation has been. I trust that it will always be the case, that no stain of injustice or ingratitude will ever mar that record. It is also true that no nation was ever so faithfully served by its soldiers as this nation has been.

Mr. President, I represent a State four out of every five of whose citizens were members of that great Army which championed liberty on a thousand fields, and I feel that I should be derelict in my duty to them, derelict to the memory of that contest, and untrue to a soldier's recollection of their great patriotism and unselfish devotion, were I to consent to this proposition. I have listened attentively to the lucid and comprehensive explanation of the Senator of his amendment, but I fail yet to see the justice or propriety of it. I fail to see the justice of putting it in the power of the President or of any man to give to these gentlemen the polite invitation that we give in this bill, "Unless you choose to resign within the space of the next six months or four months, you shall be mustered out." I hope that the time at least will be extended. I have suggested an amendment simply to perfect the bill if it should pass at all. I am opposed to the proposition as it stands, or as amended even. But if it is to pass, I hope it will be with my amendment.

Mr. SAWYER. I should like to ask the chairman of the Military Committee a question in regard to section fifteen. If I understood him rightly, the pay proposed in section fifteen will be a considerable increase of the present compensation in the aggregate. Am I right?

Mr. WILSON. Yes, sir.

Mr. SAWYER. How much?

The PRESIDING OFFICER. The question before the Senate is on the amendment proposed by the Senator from Missouri to section two.

Mr. SAWYER. I was aware of that; but I have a special reason for desiring this information at this moment if the Senator will give it to me.

Mr. WILSON. What is the question?

Mr. SAWYER. I want to know the amount of increase in the aggregate expenses of the Army made by section fifteen over the present compensation.

Mr. WILSON. I answer the Senator upon the presumption, which is a fair one, that fuel and quarters in kind which the officers are to receive will be the same as the commutation for fuel and quarters. There cannot be any doubt about that, in my judgment, for the provision is that they shall have fuel and quarters in kind according to existing regulations. I am told that in the cities it will increase the expense; that fuel and quarters in kind will cost more than the commutation. Whether that be so or not, leaving that entirely out of the question, taking the pay proper, every colonel in the Army, if he has served less than five years, has an increase of $764; if he has served twenty years he has an increase of $1,326. There are sixty-eight colonels.

Mr. SAWYER. The Senator will pardon me for interrupting him. I listened to those details, but I want the aggregate increase.

Mr. WILSON. If the officers of the Army, when we have reduced them down to what we really need, should be all officers who have not served five years, so as not to receive the ten per cent. increase in lieu of the service rations, the aggregate of increase will be about five hundred thousand dollars. If they have been in the service for five years it will be some two hundred thousand dollars more. In fact, with the exception of the generals of the Army and the chaplains of the Army, by the House bill every other officer of the Army has had his pay increased; and I will tell you exactly how much increased. I have figured it out with my own hand. A colonel receives an increase of $764, without any reference to the service rations or the ten per cent.; a lieutenant colonel, $554; a major, $346; a captain of cavalry, $342; a captain of infantry, $262; a lieutenant on staff duty, $223; a lieutenant, mounted, $142; a lieutenant of infantry, $82; a second lieutenant, mounted, $82; of infantry, $42. That is without any reference to the ten per cent., and that makes an increase of about half a million dollars.

Now, supposing these men are entitled to one ten per cent.—and I suppose they would average nearly two—it would be about seven hundred thousand dollars. If they were all entitled to the additional ten per cent. for twenty years' service—and a great many of them are now—the increase would be $1,154,000.

Mr. SAWYER. Will the Senator be good enough to inform me whether there is no corresponding saving by taking into consideration the rations, the commutation for rations, servants, &c.?

Mr. WILSON. The commutation of rations is $108 for every five years.

Mr. SAWYER. The point I want to get at is, does the Senator count all those rations in the present pay in comparing the present pay with the provisions of this bill?

Mr. WILSON. Certainly they are all in. I have the entire list made here. It is as follows:

Table showing the pay of certain officers of the United States Army under existing laws, and their pay as proposed in the House bill.

Officers.		First five years.		Second five years.		Third five years.		Fourth five years.		Fifth five years.	
Grade.	Service.	Present pay.	Proposed pay.	Present pay.	Proposed pay.	Present pay.	Proposed pay.	Present pay.	Proposed pay.	Present pay.	Proposed pay.
Colonel		$2,786 00	$3,500	$2,845 50	$3,850	$2,955 00	$4,200	$3,064 50	$4,500	$3,174 00	$4,500
Lieutenant colonel		2,446 50	3,000	2,556 00	3,300	2,665 50	3,600	2,775 00	3,900	2,884 50	4,000
Major		2,153 40	2,500	2,262 90	2,750	2,372 40	3,000	2,481 90	3,250	2,591 40	3,500
Captain	Mounted	1,657 50	2,000	1,767 00	2,200	1,876 50	2,400	1,986 00	2,600	2,095 50	2,800
Captain	Not mounted	1,537 50	1,800	1,647 00	1,980	1,756 50	2,160	1,866 00	2,340	1,975 50	2,520
Lieutenant	Regimental staff	1,577 50	1,800	1,687 00	1,980	1,796 50	2,160	1,906 00	2,340	2,015 50	2,520
First lieutenant	Mounted	1,457 50	1,600	1,567 00	1,760	1,676 50	1,920	1,786 00	2,080	1,895 50	2,240
First lieutenant	Not mounted	1,417 50	1,500	1,527 00	1,650	1,636 50	1,800	1,746 00	1,950	1,855 50	2,100
Second lieutenant	Mounted	1,457 50	1,500	1,567 00	1,650	1,676 50	1,800	1,786 00	1,950	1,895 50	2,100
Second lieutenant	Not mounted	1,357 50	1,400	1,467 00	1,540	1,576 50	1,680	1,686 00	1,820	1,795 50	1,960
Chaplain		1,200 00	1,200	1,309 50	1,320	1,419 00	1,440	1,528 50	1,560	1,638 00	1,680

Mr. SAWYER. Then I understand that in stating this increase the comparison which the Senator has made between the entire pay as now fixed by law and the entire pay as proposed by this bill has been fairly stated in the figures he has given us.

Mr. WILSON. Certainly.

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

Mr. WARNER. Mr. President, it strikes me that the most important feature in this bill is the first section; and it seems to me that a more inopportune time could not have been chosen for reducing the Army of the United States. The committee have presented here a proposition to reduce the Army of the United States just at a time when the whole Indian border is exposed; when the entire country is alarmed at the prospect of a murderous Indian war; when the United States garrisons upon the frontier are actually surrounded and confined to their forts by savage Indians, and when every section of the country is being stripped of its troops and are being hurried forward to save our soldiers from capture and the tomahawk. It is proposed to reduce the Army at a time when this Chamber and the other Hall have been ringing with clamors for protection; when the spectacle has been held up here of the failure of this Government to protect its own citizens; when the Senator from Indiana [Mr. MORTON] and other Senators here have recited a long catalogue of outrages, of violations of rights of property, of destruction of life in large sections of the country. At a time when the General of the Army and the President of the United States are being beset every day for more troops to protect American citizens, it is proposed in advance to fix a time when the numbers of the Army shall be reduced.

The troops have already been ordered away from the State of Kentucky, where they served by their mere presence as conservators of the public peace, and I am already admonished

that it is probable that within one week or two weeks the United States troops must be taken from my State and from others of the southern States: and yet in view of these facts it is proposed here in hot haste and in advance to fix a time for the reduction of the Army of the United States. Mr. President, it will be quite time enough when we shall have peace and quiet within our own borders, when the settlers on our western frontier shall be safe in their homes, when the loyal people of the South everywhere are safe in the enjoyment of their rights, when the bands of disguised Kuklux who have been so much spoken of here shall have been put down, for us to talk about reducing the Army of the United States.

Mr. President, it belongs to this Government and to this Congress to exert all the power they can within the limits of the Constitution to protect their own people; and if you withdraw the United States troops from the southern States, where they are recognized as the representatives of the power of the General Government, you devolve on each of those States the charge of organizing a State militia for the enforcement of the laws; and it is seriously apprehended that in some of those States such a force may result, if not in civil war, in local conflicts which will cost a good deal of blood. It is my judgment that the Army of the United States may be used in those States to preserve the peace. I know that the moral effect of their mere presence there is to restrain the violence of the enemies of the Government and the enemies of good order; and I think this Government can do no greater wrong, not only to the people on our western frontiers, but to the loyal people of the South and to all the people, than by now adopting such legislation as will require the withdrawal of the troops from these sections.

You talk about saving $6,000,000 by this reduction. Mr. President, that saving is very desirable; but this Government cannot afford to deny extending all the protection in its power to its people everywhere without regard to cost, and the loyal people of the southern States would gladly and willingly contribute this paltry $6,000,000, if they could do it themselves, rather than see the United States forces withdrawn from their midst.

But, Mr. President, if this measure is to be passed in the interest of economy I think the Army is a poor place to begin. Begin with your regiments of civil office-holders that are swarming all over the land and at every man's door. Begin with your custom-houses, where you have officials fattening on their fifteen, twenty, forty, or fifty thousand dollars a year. Go to New York; cut down the pay of your customs officers there from forty or fifty thousand dollars to the sum you propose to give to the General of your Army. Go to New Orleans and begin your reduction there. You say you cannot afford to the great heroes who have saved your country fifteen or sixteen thousand dollars a year from your Treasury, but you can afford twice and treble and quadruple that sum to civil officers who have never rendered any service that has distinguished them before the country. Go to New Orleans; go down into my own State; your collector of customs there is receiving his $16,000 a year. Will you give him $16,000 a year and deny to the General of the Army, remembering his services and proud of his fame, another $16,000? Will you give to your collector at Charleston his fifteen or twenty thousand dollars a year and deny to Sheridan his $12,000? If economy is the word, begin somewhere else than with the heroes of the war and the saviours of your country.

But, Mr. President, it is proposed to strike down the supernumeraries of the Army. Here again Congress can better afford to begin somewhere else; with the supernumeraries of the civil Departments of the Government rather than to be in such hot and hungry haste to begin with the Army.

What does the fifth section of this bill mean, providing that the office of General and Lieutenant General of the Army shall continue until a vacancy shall occur in the same, and no longer? It means this, and it will be understood by the country and by the world as saying to the distinguished men who hold these places, "You are no longer wanted; we continue you by grace; but you are not wanted; you are supernumeraries, you are superfluities, you are parasites upon the Government; and while we do not propose to-day to strike you down we propose to say to the country that your offices are useless." And in the succeeding section, in which it is proposed to reduce their pay, we withdraw something of the gratitude that was given to them when these offices were created. In the inspiration which followed the war, and in the gratitude which welled up in all men's hearts at the distinguished services of these men, you made these offices and you fixed their salaries. Now that you have gotten the services, now that you have peace, you propose to say to them "We are paying you too much; your services to the country are not worth $17,000 a year; they are only worth twelve or ten thousand dollars; we withdraw something of the acknowledgment of your distinguished services which we have heretofore made." And I shall expect this proposition, if it succeeds, to be followed next year by another to turn them out of office.

Mr. President, disguise it as you may, the Army, the country, and the world will understand that provision to mean that these officers are not wanted, and if I were General of the Army I would not hold the place a moment if that section becomes a law. I would not hold a position which the Congress of my country held to be a useless one; and I would not receive this seeming gratuity from the Treasury of my country. I would say, "I served you not for pay; I did my duty as a citizen of my country, and I am not depending upon your stipend for a living;" and I believe that would be the feeling of every soldier.

The same is true of the sixth and seventh sections. I know well they are not thus intended, but they will be so understood. You say the same thing to your major generals and to your brigadier generals.

I know, Mr. President, that this is the feeling of the Army, that this continued tinkering with the Army, this disposition to reduce, to muster out, to try men by boards, and to legislate continually to affect it, is destroying the *morale*, the *esprit de corps* of the Army, which is its life. The best men in the Army are looking about for something else to do. They feel that their tenure of office is insecure and uncertain, that they are not wanted, and that to-day or to-morrow or next session they will be mustered out.

Mr. President, I think the effect of this provision for a retirement with a year's pay will be to drive from the Army its brains and its energy. The men of brains, the men of energy, the men who will make your future Sheridans and Shermans and Thomases, if you need them, will leave the Army and go into the walks of civil life, where they can do better, so far as pecuniary results are concerned. The worthless men, the men who cannot make a living outside of the Army, will remain in it to draw their pay and to vegetate, simply doing the routine duty which devolves on a regular Army officer, and utterly unambitious to accomplish anything else.

Now, Mr. President, I am not mistaken as to the feeling which the Army entertain in regard to this legislation. I speak whereof I know when I say that that grand old hero, Thomas, who died the other day, felt pained to his heart at this, as he deemed, hostile legislation toward the Army. And I know that he expressed that feeling, and that he said that if he were put upon a board to muster out officers he never would muster out one of them except for personal unfitness; that because a man was a supernumerary he would not muster him out.

But it does not appear that this provision for pay has even the claim of economy. And here I may say that I think before we are prepared to act intelligently on this provision of the bill we should have printed upon our desks a report from the Secretary of War, which should set forth exactly what the pay of each grade of officers is under the existing law and what it will be under this section of this bill. Then we shall be able to determine intelligently how officers of the Army shall be affected by this bill, whether their pay is to be increased or reduced, and how much, and also what is to be the effect upon the Treasury, whether a saving or a loss. And until we have that information in detail, as it certainly can be afforded, I do not think we are prepared to act upon that provision of the bill.

Mr. President, these, in very few words, are my opinions in regard to the bill; but I would repeat again in regard to the first section, which is the vital one to us in our region of the country, that I do not think Congress could be guilty now of a greater wrong, an act which would carry greater dismay to the hearts of loyal people in the South, than the passage of this bill looking to the reduction of the Army. It will be time enough to do it when we shall have peace everywhere, when men and property shall everywhere be safe, when the declaration within our own borders, as abroad over the world, "I am an American citizen," shall be a guarantee of protection. If the humblest citizen of this Republic were abroad in a foreign land, and the finger of a foreign Power were laid upon him, it would rouse the whole country, and the whole material power of the country, even to the extent of war, would be wielded for his protection; and yet the cries come up here day by day from your own citizens of lack of protection, of persecution, and of murder for loyalty in our own country, and they are passed unheeded; and in view of that you propose to diminish, to some degree to strike down one of the greatest instruments for their protection.

Mr. STEWART. Mr. President, I concur with the Senator from Alabama that it is not the time now to reduce the Army. I think it must be clear to anybody who has given it any investigation that that is true. Take, for instance, the Territory of Arizona. There is an inadequate force there, and the people are daily murdered. The list of horrors there is perfectly shocking. When the Governor of that Territory was here I called with him upon the President, the General of the Army, and the Secretary of War, to see if something could not be done to afford protection on the principal mail routes and for the large settlements, without any idea of protecting the Territory generally, but protecting the capital of the Territory, and I was told there were not troops enough; that there were calls from every part of the country. In that Territory from March, 1864, to December, 1869, one hundred and sixty-eight whites were murdered by Indians. The names and dates and places are given, with all the particulars of these outrages. It was estimated that there were at least two hundred more of which they were unable to give the details. This is in a very small population. The names of nineteen are given in the Chronicle of March 10, 1870, furnished by the Governor, killed by slow torture in two counties last winter, and many more names are not known. I saw an estimate of the largest county in the Territory, in which Tucson, the capital, is located, and in eighteen months one ninth of the entire people had been killed. They call for protection, and they get none. Hardly a mail carrier attempts to go through that country. You provide for mail contracts there; you appoint a Governor and other officers to organize a Government there, and the Apaches have charge of the Territory. That is a country where Vincent Colyer does not

go. He never goes to any country of this kind. None of the Quakers have been there. It is a country they do not visit; it is dangerous traveling on the mail routes.

Then, from New Mexico I have a list of forty-four distinct attacks made in one county in 1869. In every instance they carried off property and killed a large number of mail-carriers. I have a detailed list of the cases in New Mexico. Of course I do not mean to go into any lengthened detail; but here is this constant murdering of our people in the populous portions, in organized counties, where the people principally live. I have referred you to cases in the principal counties of those Territories.

It is said there is no trouble on the plains. What are the facts in regard to General Sheridan's department? I think he has rendered sufficient service to make his evidence worth something against those who were never in an Indian country. I propose to have General Sheridan's letter read as to the necessity of soldiers in his department.

The Chief Clerk read as follows:

HEADQUARTERS MILITARY
DIVISION OF THE MISSOURI,
CHICAGO, ILLINOIS, *March* 18, 1870.

GENERAL: The further report of Colonel Baker in reference to the punishment of the Piegan Indians has not yet been received.

It seems strange that there should be such a want of knowledge of the position which Army officers have to maintain in reference to Indian affairs. I have in my command at least five thousand miles of frontier settlements, my chief and only duty being to give protection to the families residing on these long lines against the outrages of Indians. The Government has invited these settlers by opening the lands to them for preëmption and improvement. The number of men, women, and children on this extended frontier is very great, and there is not a day from one year's end to the other that these families are exempt from the fearful thought of being murdered in the most fiendish manner, the men scalped, the women ravished, and the brains of the children dashed out. When I said in a previous letter that eight hundred had met that fate since 1862 I was below the figure and should have said twelve hundred.

My duties are to protect these people. I have nothing to do with Indians but in this connection. There is scarcely a day in which I do not receive the most heart-rending appeals to save settlers from the cruel fate which may come upon them, and I am forced to the alternative of choosing whether I shall regard their appeals or allow them to be butchered in order to save myself from the hue and cry of people who know not the Indians, and whose families have not the fear morning, noon, and night of being ravished and scalped by them. The wife of the man at the center of wealth, civilisation, and refinement is not more dear to him than is the wife of the pioneer of the frontier.

I have no hesitation in making my choice. I am going to stand by the people over whom I am placed, and give them what protection I can. We have not the troops to place at each man's house to defend it, and have sometimes to take the offensive to punish for crimes already committed in order to prevent the perpetration of others. In taking the offensive I have to select that season when I can catch the fiends; and if a village is attacked and women and children killed the responsibility is not with the soldiers, but with the people whose crimes necessitate the attack. During the war did any one hesitate to attack a village or town occupied by the enemy because women or children were within its limits?

Did we cease to throw shells into Vicksburg or Atlanta because women and children were there? If the women and children were saved in these places it was because they had cellars to go into; and should any of the women and children of the Piegans have lost their lives, I sincerely regret that they had not similar places of refuge, though I doubt if they would have availed themselves of them, for they fight with more fury than the men. The soldiers do not want to kill Indians after long years of Indian frontier service; I am satisfied that they are the only good practical friends the Indians have.

We cannot avoid being abused by one side or the other. If we allow the defenseless people on the frontier to be scalped and ravished we are burned in effigy and execrated as soulless monsters, insensible to the sufferings of humanity; if the Indian is punished to give security to these people we are the same soulless monsters from the other side. This is a bad predicament to be in, but, as I have said, I have made my choice, and am going to stand by the people whom the Government has placed me here to protect.

The reservation is the last ditch of the wild Indian; but to get him there he must be forced on by the troops. Those who think he can be induced to go there by other means are mistaken. When on the reservation he will have to be kept there by the presence of the troops, and thus become tangible for the good work of civilisation; and he can only be protected in his rights while there by the troops keeping off the emigrants who encroach on his land. All these points are practically exhibited each year. The Cheyennes, Arapahoes, Comanches, Kiowas, and Apaches have just been forced on by the troops. During the last year, as soon as I withdrew the troops from the Sac and Fox reservation, the emigrants took possession. A flood of emigration almost ten thousand strong moved in solid mass and occupied the Osage reservation, because there were no troops there to keep them off. All the other reservations on which the Indian was set before will be lost in the same manner unless guarded by the military.

Yours, truly, P. H. SHERIDAN,
Lieutenant General.

General W. T. SHERMAN, *Commanding United States Army, Washington, D. C.*

Mr. STEWART. I do not want to prolong this discussion, but it does seem to me that there is an obligation on the nation. When it invites settlers to the frontiers and organizes governments there, advises them to go there and settle, and when we are talking constantly of settlement, and having our emigrant associations, which are favored by all the people; when the whole policy of the Government is to settle the interior, the established policy of the Government by every act of legislation, does it not devolve upon the Government the duty to extend reasonable protection? I have heard so frequently that the Indian troubles are the fault of the settlers, and that they should be driven back, and that this land should be reserved for barbarism; I have heard the settlers abused in these Halls so frequently, that I feel called upon to say one word in their behalf. In the last six years, in the department which General Sheridan commands, he reports twelve hundred assassinations by Indians, and I do not suppose he has two thirds of them in that calculation. These assassinations were of men, women, and children who are settlers, who are as good people as any that ever settled in New England or in Virginia in early times. It is not the Indian speculators, it is not the Indian agents that swarm around your capital and divide the ill-gotten gains you appropriate for a supposed Indian amelioration who are murdered. It is the pioneer that you invite to settle the vast West; he and his family are sacrificed.

Now you propose to cut down the Army so that there shall be no protection. Sir, you are in no condition to cut down the Army until you have protected these citizens; and it is the opinion of the War Department and the opinion of the General of your Army that there are not enough soldiers now for this purpose. The duty and the necessity of protecting the people of Arizona, of protecting the mail r[illegible] from California to Texas, for which you are paying a large amount annually, are acknowledged by the General; but he said Congress has cut down the Army thus, and he did not feel disposed while there was a proposition pending to reduce it over ten thousand more, to reduce it down to twenty-five thousand, to fill up the regiments. He said he could not do it until the pending bill is disposed of. The settlers must be killed; there can be protection to them; the Army must be reduced!

Now we hear from the South a call for more troops. We hear of an organization in the South known as the Kuklux Klan which is in open rebellion, and you propose to pass bills to empower the President of the United States to suppress them. You have them pending here for discussion and propose to pass them, and yet you propose to cut off the Army so that he will have no power to execute what you enact. What is the use of passing them? We should certainly have thirty-six thousand men now provided for, the regiments filled up, and we should certainly keep the peace a few years before reducing the Army, rather than let anarchy and ruin prevail. There is nothing so demoralizing to a country, nothing so expensive to a country as to allow its citizens to be murdered. There is nothing that breeds discontent so rapidly, that demoralizes, that breaks down law and order so much as to allow such crimes to be committed with impunity. I tell you if we have laws we must enforce them at all hazards if we would make the people respect the Government. If we are to pass laws for the protection of life and property we must use the means to enforce those laws, and I think it is premature to reduce the Army. With a view of testing the sense of the Senate on the subject, I move to lay the bill on the table for the present that the appropriation bill may come up.

Mr. WILSON. I hope the Senator will withdraw that motion.

Mr. STEWART. For what purpose?

Mr. WILSON. If the Senator desires to strike out the first section I will not oppose it, if that is the judgment of the Senate.

Mr. STEWART. Every other section is being discussed. I think we had better go on with the appropriation bill.

Mr. WILSON. There are but two sections on which there can be a division.

Mr. MORRILL, of Maine. If the Senator will yield to me for a minute——

Mr. STEWART. Certainly; I withdraw the motion to hear the Senator.

Mr. MORRILL, of Maine. No such motion is necessary. This bill is before the Senate by consent, and the other bill may come up at any moment. This bill proceeds only by general consent. Whenever the regular order is called for I understand it must be taken up.

Mr. STEWART. Then I call for the regular order.

Mr. WILSON. I hope the Senator will allow this bill to go on for half an hour longer, and see if we cannot come to some conclusion in regard to it.

Mr. MORRILL, of Maine. I would yield to that, but it is very obvious that the expectations of the Senator from Massachusetts about the passage of this bill are not to be met; that there is discussion which may last several days; and under these circumstances, I submit to the Senator whether he can think it worth while——

Mr. WILSON. Will not the Senator allow me a short time?

Mr. MORRILL, of Maine. I cannot object to that.

Mr. WILSON. I will not take up the time of the Senate.

The PRESIDING OFFICER. Does the Senator from Nevada withdraw his motion to lay the bill on the table?

Mr. STEWART. I will withdraw it for half an hour to accommodate the Senator from Massachusetts; but I have no idea that we are going to pass this bill. If it is to be pressed I have a good deal more to say. I do not care to talk more just now.

Mr. WILSON. I will consent to have the first section of the bill, reducing the Army, stricken out if Senators desire it. My own judgment is that it will be better to keep it in; but if that is against the judgment of the Senate I am willing that it shall be stricken out. There are several provisions in the bill that ought to pass, and if the first section is stricken out I do not know any other section likely to create much division except probably the fifth section, in regard to the pay of officers.

I wish to say, Mr. President, to the Senator from Alabama that I know something about the officers of this Army. Twenty-six thousand men have passed through my committee since I have been chairman of it, and that has given me occasion to inquire into the men who have been in the service. I know quite a number of them personally, perhaps as many as any other man in this body. I have received letters from officers all around the country taking very different ground from what the Senator says is the judgment of the Army.

Now, I wish to take no further time about this bill, but if any Senator will move to strike out the first section I will assent to it.

I will say, in regard to one remark made by the Senator from Alabama, that the sections of this bill which refer to the General and Lieu-

tenant General of the Army, instead of being a reflection, are a high compliment. There was a feeling here to abolish the offices of General and Lieutenant General. They were both preserved for the two men who now fill them, and everybody supposed when they should resign or there should be a vacancy the offices would cease. Instead of being any reflection on, it is a compliment to those men, and I hope no idea of that kind will be thrown out here, and I have no suspicion that they have such a feeling. Now, if any Senator will move to strike out the first section I will not object.

Mr. WARNER. I will only say in reply that I know the Army has never had any better friend than the Senator from Massachusetts. We all recognize that. We know he does not mean anything of the kind. I long ago, before the war ended, learned to recognize him as the friend of the Army. I know that he does not himself intend any reflection on the General or the Lieutenant General, and I did not so charge. I only say it is so regarded, in spite of the intentions of the Senator from Massachusetts. I move to strike out the first section of the committee's amendment.

The PRESIDING OFFICER. The question before the Senate is on the amendment proposed by the Senator from Missouri, to insert "1870" after the word "October," in the fifth line of the second section.

Mr. WARNER. I suggest that that amendment be passed over for the present.

The PRESIDING OFFICER. It may be passed over by common consent. The Chair hears no objection, and it will be passed over. The Senator from Alabama moves to strike out the first section of the amendment of the Committee on Military Affairs.

The question being put, there were, on a division—ayes 22, noes 12; no quorum voting.

Mr. HAMILTON, of Maryland, called for the yeas and nays; and they were ordered.

Mr. DRAKE. I think, Mr. President, if there are provisions in this bill which the chairman of the Committee on Military Affairs believes ought to become laws independent of the first section, the bill should not now be forced upon us, but it should be laid aside to let the chairman embody in a separate bill those provisions which he thinks ought to be retained; and in order to accomplish that object I call for the regular order.

Mr. WILSON. I hope the Senator will not do that. There is no reason why we should not go on with this bill—at any rate for a short time. I think there are only two sections in it that can excite any opposition here.

The PRESIDING OFFICER. According to the understanding of the Chair, the present bill, upon the call of the Senator from Missouri, gives way, and the appropriation bill becomes the regular order of business.

Mr. DRAKE. Yes, sir.

Mr. WILSON. If any member calls for the regular order, must the appropriation bill come up on that call?

The PRESIDING OFFICER. That is the understanding of the Chair. When this bill was taken up the present occupant of the Chair did not preside, and according to his understanding the regular order, the appropriation bill, was laid aside informally, and this bill was taken up by unanimous consent, subject to be laid aside at any time by a call for the regular order.

Mr. WILSON. A few minutes ago I asked half an hour to have the bill perfected, that we might get it passed. If we go on half an hour I think we can put it in such a shape that it may finally reach a committee of conference.

Mr. THAYER. I appeal to the Senator from Missouri to withdraw his call, and let us see if we cannot get through the bill this afternoon. The sense of the Senate was manifested plainly in regard to the first section. Let it be stricken out if that is the sense of the Senate, and let us proceed to perfect the other sections. We have got to push our business forward or it will be crowded into the latter part of the session. Why not go through with this bill to-day, to accommodate the Senator from Massachusetts, the chairman of the Military Committee?

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his call for the regular order?

Mr. DRAKE. No, sir.

The PRESIDING OFFICER. Then the appropriation bill is before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1964) to change the boundaries of the Stockton land district, in the State of California; in which it requested the concurrence of the Senate.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Interior, communicating, in compliance with a resolution of the 15th ultimo, a statement of the lands belonging to the United States lying in the State of Louisiana remaining undisposed of, and of the amount of public lands in that State disposed of during the years 1865, 1866, 1867, 1868, and 1869; also the number and location of the respective land offices in the State and the annual cost of maintaining them; which was referred to the Committee on Public Lands, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1871.

The reading of the bill was resumed at the point where it was left off last evening.

The next amendment of the Committee on Appropriations was to strike out all of the third section after the enacting clause, in the following words:

That all acts and parts of acts, and joint resolutions and parts thereof, making appropriations for an unlimited period, and in which no amount is named, known as "indefinite appropriations," and all acts and joint resolutions or parts thereof, and all resolutions of either House of Congress granting extra compensation or pay, be, and the same are hereby, repealed, to take effect at the close of the present fiscal year.

And to insert in lieu thereof:

That the appropriations made by the following parts of acts and resolutions, be, and the same are hereby, repealed, to take effect from and after June 30, 1871, namely:

Section five of the act of June 26, 1848, being an appropriation for the salaries of special examiners of drugs, medicines, chemicals, &c. And said salaries shall from and after June 30, 1870, be paid from the appropriation for collecting the revenue from customs;

Section four of the act of July 20, 1867, being an appropriation for the pay and expenses of the commissioners, under the treaty between the United States and the republic of Venezuela;

Section two of the act of June 27, 1864, being an appropriation for the pay and expenses of the commission under the treaty between the United States and her Britannic Majesty for the settlement of the claims of the Hudson Bay and Puget Sound Agricultural Companies;

Section three of the act of April 7, 1869, being an appropriation for the pay, expenses, and advances on account of the commission under the treaty of the United States and the republic of Mexico;

Section thirteen of the act of July 28, 1866, being an appropriation for salaries and contingent expenses of the Bureau of Statistics;

Sections one and seven of the act of March 3, 1849, being an appropriation to pay for horses, mules, &c., lost or destroyed while in the military service;

Section one of the act of July 27, 1861, being an appropriation for refunding to States, expenses incurred in raising volunteers during the late rebellion.

And hereafter it shall be the duty of the proper Department to submit estimates for the expenses and expenditures under these several heads, in the usual manner; and the appropriations of the amounts received from transfer drafts to the account of contingent expenses of the independent Treasury, and of the amounts received from fines, penalties, and forfeitures to the account for expenses of United States courts, shall cease from and after June 30, 1870.

The amendment was agreed to.

The next amendment was to strike out all of the fourth section after the enacting clause, in these words:

That whenever any moneys appropriated for the use of any Department or bureau, or for any purpose, shall remain unexpended for one year after the expiration of the fiscal year in which the act appropriating the same shall have been passed, it shall be the duty of the person having in charge the disbursement of said appropriation to inform the Secretary of the Treasury of the fact; and the Secretary of the Treasury shall thereupon immediately cause said unexpended balance of appropriation to be covered into the Treasury to the credit of the surplus fund, unless it be in said act of appropriation otherwise provided; and all such sums shall be covered into and restored to the Treasury, whether they shall stand to the credit of any bureau in the proper books of the Treasurer of the United States, or have been placed to any other account, or are under the control of any officer or agent of any Department,

And in lieu thereof to insert the following:

That on the 1st day of June in each year the Secretary of the Treasury shall transmit to the head of each Department a statement of the balances of appropriations for the service of his Department, which shall appear by the books of the Treasury Department to be unexpended at that time.

SEC. 4. *And be it further enacted*, That on receipt of such statement the head of the Department to whom it is sent shall cause to be certified thereon how much of each unexpended balance will be required to meet outstanding liabilities properly chargeable thereto, and how much thereof may be carried into the general Treasury; and said statement thus certified shall be returned to the Secretary of the Treasury within fifteen days after its receipt.

SEC. 5. *And be it further enacted*, That upon the return of said statement the Secretary of the Treasury shall issue a warrant thereon, directing all amounts which by said statement "may be carried into the general Treasury" to be charged to the proper appropriations and credited to the general account of appropriations; and all amounts thus disposed of shall remain in the Treasury like other unappropriated money, and shall not be transferred, withdrawn, applied, or used, except upon specific authority of law.

SEC. 6. *And be it further enacted*, That all balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury whose duty it is to settle accounts thereunder, and the Auditor shall examine the books of his office and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his office; and if it shall appear that such balances will not be required for this purpose then the Secretary may include such balances in his warrant, whether the head of the proper Department shall have certified that it may be carried into the general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which Congress may have given a longer duration of law, shall be thus treated.

Mr. SHERMAN. I have an amendment to offer as a substitute for the amendment of the committee, and I have submitted it to the Senator from Maine. It is to insert in lieu of the words the committee propose to insert—

That all balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year, and such balances not needed for the said purposes shall be carried to the surplus fund: *Provided*, That this section shall not apply to appropriations known as permanent or indefinite appropriations.

Mr. MORRILL, of Maine. It is difficult for me to say precisely what the effect of that proposition would be. I think it covers one of the objects of the amendment of the Committee on Appropriations, but I am not sure that it does the whole; I think it does not. The object aimed at by the House of Representatives seems to have been to correct what has been understood to have been an error in the practice of the Departments in regard to the appropriations, and to correct what has been considered an abuse of using funds appropriated for one object for objects for which they were not appropriated; and the House intended to cover all balances unexpended for any purpose at the end of the year into the Treasury. Sympathizing with that purpose, the Committee on Appropriations of the Senate in the first three sections of this amendment have undertaken to provide how those balances shall be ascertained. The committee understand that one of the difficulties in the way of getting these balances covered into the Treasury has been that it was

very difficult for the Secretary of the Treasury to know what the balances were. For instance, Congress appropriates to one of the Departments, or to one of the bureaus, if you please, a certain sum. Let us take the Navy Department for illustration. We had the subject of that Department so recently before us that I think the Senate will understand it, and so I refer to it. Congress appropriates to the Bureau of Steam Engineering, if you please, in the Navy Department, two or three million dollars for the current year, for the year which will end on the 30th of June. Whatever is unexpended in that bureau the House desire shall be covered into the Treasury, and not be available for that bureau or any other bureau in that Department for the next year. That is what it aims at.

But the committee of the Senate did not think that the section was specific enough to accomplish the object, and therefore have undertaken to say what things shall be done. In the first, second, and third sections of this amendment the committee have undertaken to prescribe precisely what shall be done by the different Departments in order to enable the Secretary of the Treasury to know what the balances are, so that they may be covered into the Treasury; and to that end the committee have devolved it as a duty on the head of each of the Departments to certify to the Secretary of the Treasury, on or before a given day near the close of the fiscal year, precisely the balances which remain unexpended in their Departments.

I do not see that there will be any practical difficulty about that. None occurred to the committee; and I do not see that the provision of the Senator from Ohio touches that at all. If there is any practical difficulty in the provisions which are made by the committee touching that point it did not occur to the committee. The Senator's large experience on the Committee on Finance may enable him to detect any such difficulty, if there be one. The sixth section, as reported by the committee, is substantially, I think, the provision of the Senator's amendment, not in terms, but I am sure the object is the same. It may be that the section drawn by the Senator from Ohio is more complete and will accomplish the object which I suppose both of us have in view better than the committee's. I will listen to his explanation on that point, and if his proposition is more perfect I will accept it; but I desire to invite the attention of the Senator to the fact that I do not understand his proposition touches the first three sections of the amendment of the committee at all.

Mr. SHERMAN. This is a subject of far more importance than probably Senators are aware of; and the imperative necessity for some provision in regard to it grows out of a condition of affairs that has sprung up only since the war. There were on the 30th of June last balances of unexpended appropriations made during and since the war of $102,390,159 67. We annually appropriate by the appropriation bills enough money to carry on the operations of the Government during the year; but these balances of old appropriations are carried to new accounts. There are also placed to the credit of those accounts the new appropriations, and thus the fund to be drawn upon is nearly twice as large as the appropriations. Hence there were last July in the various Departments to the credit of the various heads of appropriations, $102,390,159. Last year we appropriated for the same heads of expenditure $111,733,000. That was all that was required really for the expenses of the Government in the opinion of Congress; but the truth is that by lapping over or continuing the old appropriations and adding them to the new, there was to be drawn from, a fund of $206,101,000. I hold in my hand the official statement of balances and appropriations on the 30th of June last. There was in the Department of War more money to the credit of that Department than was appropriated last year. There were $41,548,477 of unexpended appropriations there, and by the mode of keeping the accounts they can expend money during the present fiscal year that was appropriated years ago when the circumstances were very different.

During the war there was practically no limit to appropriations. We had to give whatever was asked, because in the midst of a great war it was impossible to make accurate estimates. Ever since the war I have been desiring to carry over these unexpended balances to the general or surplus fund, and then commence with new sheets. This object we all have in view. I believe the House of Representatives undertook to do it by the proposition you will find on page 57 of this bill:

That whenever any moneys appropriated for the use of any Department or bureau, or for any purpose, shall remain unexpended for one year after the expiration of the fiscal year in which the act appropriating the same shall have been passed, it shall be the duty of the person having in charge the disbursement of said appropriation to inform the Secretary of the Treasury of the fact, and the Secretary of the Treasury shall thereupon immediately cause said unexpended balance of appropriation to be covered into the Treasury, to the credit of the surplus fund, unless it be in said act of appropriation otherwise provided.

The principal difficulty about this is that although the money appropriated may not be drawn from the Treasury during the fiscal year, yet there may be unpaid balances due for the service of that year; as, for instance, the officers of the Army may not be paid until two or three months after their wages are due. So with the other branches of expenditure. Unsatisfied contracts may still have to be drawn for. The House proposition, therefore, is too sweeping in its character. It would carry into the surplus fund all unexpended balances due on the 1st of July, the close of the fiscal year, and leave nothing to carry into execution existing contracts or to pay existing liabilities. The amendment proposed, I have no doubt with the best intentions, by the Committee on Appropriations is also objectionable. I will read the first section of it:

That on the 1st day of June in each year the Secretary of the Treasury shall transmit to the head of each Department a statement of the balances of appropriations for the service of his Department, which shall appear by the books of the Treasury Department to be unexpended at that time.

And further:

That on receipt of such statement the head of the Department to whom it is sent shall cause to be certified thereon how much of each unexpended balance will be required to meet outstanding liabilities properly chargeable thereto, and how much thereof may be carried into the general Treasury; and said statement thus certified shall be returned to the Secretary of the Treasury within fifteen days after its receipt.

This requires, one month before the year expires, the Secretary of the Treasury to call upon the heads of the different Departments to state how much they will want for the rest of that year. It is practically impossible for the head of the Navy or the War Department to tell that. It is not in the nature of things for him to estimate it. The result is that he will say "I want it all." That has been the result heretofore, and I have here the official statements of the different heads of Departments, or rather of the clerks who make out these estimates, that all these unexpended balances are necessary for the next fiscal year, and they are all included and carried over to the next fiscal year. So I think practically the amendment proposed by the Committee on Appropriations will not change the matter at all. It will call forth before the year expires statements which probably will either be very inaccurate or very general in their character, and which will be no limitation or restraint, the practical effect of which will not be to carry any of the unexpended balances to the surplus fund. I have drawn with a great deal of care this proposition, which carries out what we all desire, and yet will not, I think, embarrass the Government at all.

That all balances of appropriations contained in the annual appropriation bills—

Because there are what are called permanent and indefinite appropriations, such as the interest on the public debt, the expenses of the collection of the customs, and the carrying on of other operations of the Government—paying for war expenses and the like, that are permanent in their character as long as the accounts are properly presented. They are called indefinite appropriations technically.

That all balances of appropriations contained in the annual appropriation bills, and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year or to the fulfillment of contracts properly made within that year; and such balances not needed for the said purposes shall be carried to the surplus fund: *Provided*, That this section shall not apply to appropriations known as permanent or indefinite appropriations.

The effect of this will be that if any money shall be paid out after the expiration of the fiscal year it can only be charged to an appropriation made in the preceding year, when it is for the purpose of carrying out contracts made in the previous year, or paying expenses actually incurred in the previous year. I think with this limitation the whole mass of these appropriations will be transferred to the surplus fund, and we shall commence with new books. Then the appropriations made in this and other appropriation bills will be placed to the credit of the proper fund at the beginning of the next fiscal year, and these unpaid and old unexpended balances can only be applied to the payment of existing liabilities or to the execution of contracts made properly during the last year.

Mr. WILLIAMS. I suggest to the Senator from Ohio that from his amendment it appears that there is no limitation of the time. According to the phraseology of the amendment, as I understand it, it is left to the head of each Department to determine as to when these liabilities that have accrued against an appropriation may end or when contracts may be satisfied. He may so conclude, years after the appropriation is made, that the balance ought to be transferred.

Mr. SHERMAN. No; my friend is mistaken about that. The head of no Department has anything to do with the statement of accounts. The proper Auditor or Comptroller determines for himself, and he is the only person to see whether or not the contract was made within the fiscal year or whether this expenditure was incurred within the fiscal year. The objection I have to the proposition reported by the Committee on Appropriations is that it does refer the matter to the head of the proper bureau.

Mr. WILLIAMS. I may have mistaken the term when I said "head of a Department," but the head of any office whose business it is to determine whether these moneys are necessary to meet the expenses incurred or to satisfy contracts. Does not the amendment allow him an indefinite time and an indefinite control of the fund for the purpose of deciding that question?

Mr. SHERMAN. On the contrary, these judicial officers, because they are such, passing upon higher matters even than the Supreme Court, have got to find judicially that the contract was made within that fiscal year, or that the expenditure was incurred within that fiscal year, although paid out in the following year. But I have no objection to the sixth section of the amendment standing as it is. That cuts off all balances at the end of two years, which would leave one year in which to settle all accounts; and then, at the end of two years, all these balances would be transferred to the surplus fund. Leaving the sixth section to stand, perhaps that, with my amendment, would better accomplish the object we have in view.

Mr. MORRILL, of Maine. The Committee on Appropriations is in entire harmony with the views of the Senator from Ohio, the chairman of the Committee on Finance. The only

question is which mode is most efficient and best calculated to accomplish the object. I am not very confident about that, but I desire still to call the attention of the Senate to the amendment of the committee specifically, so that it will be seen precisely what the point aimed at is, and then the Senate will judge for itself which is most likely to accomplish the object. Bear in mind the object to be accomplished is to carry into the Treasury at the end of the fiscal year all the funds appropriated for any object not necessary to discharge the actual expenditures of the Government for that year. Having that in view, the committee did what? First they say that on the 1st day of June in each year the Secretary of the Treasury shall transmit to the head of each Department a statement of the balance of appropriations for the service of his Department which shall appear by the books of the Treasury to be unexpended at that time. That is with a view of taking the first step by the Secretary of the Treasury to ascertain what the balances of appropriations for that year really unexpended are. That is the first step, and it seems to me the proper step. The Secretary of the Treasury, whose books always should show and always are presumed to show the balances that have not been drawn by these heads of Departments or remain unexpended by the heads of Departments, is to call on the heads of Departments who have drawn the funds to show how much of the funds they have drawn are really unexpended and will not be needed for the current year.

What is the next step? The next step is that on receipt of such statement the head of the Department to which it is sent shall cause to be certified thereon how much of the unexpended balances will be required to meet outstanding liabilities, &c., and he shall return that to the Secretary of the Treasury. Now, put the two things together; first, near the close of the fiscal year it is the duty of the Secretary of the Treasury to put the inquiry to the heads of the several Departments how much of the moneys credited to their Department will be needed in their Departments in that year. Then on their official oaths, or in the line of their official duties, they are to answer how much. My honorable friend says that they will not answer.

Mr. SHERMAN. How can they? They have not the books or accounts.

Mr. MORRILL, of Maine. They can answer, I think. Take the Secretary of the Navy. His Department asked for a deficiency this winter. We sent to the Secretary to know how much of the appropriations made for that Department and for the several bureaus of that Department were really unexpended, and they sent to us an accurate account of it; there was no difficulty at all. Each head of a bureau certified the condition of his bureau to the Secretary of the Navy, so that the Secretary of the Navy was enabled to certify to the Senate of the United States what were the appropriations unexpended in the several bureaus, about twenty millions. If they had made that same statement under a law to the Secretary of the Treasury it would be seen, assuming that that was accurate, that the Secretary then would have had the data upon which he could have covered into the Treasury the balance unexpended. Therefore, I submit to my honorable friend that the object being to ascertain the balances, the committee's amendment applies to the true sources. In answer to the assertion that this cannot be done, I submit that the very proposition which the chairman of the Committee on Finance proposes leaves to the Secretaries the exercise of the same discretion, if I do not misunderstand it. Let us see——

Mr. SHERMAN. If my friend will allow me to interrupt him, I will tell him just the difference. In his case it depends on an estimate made by the head of the Department, who has not the books and accounts before him, and cannot tell him how much is disbursed and how much is to be disbursed; while the amendment I propose leaves it as a matter of judicial inquiry by the proper Auditor and Comptroller to state whether or not the money has been paid for the service of the fiscal year. One is a judicial fact to be determined after the thing, and the other is a mere estimate made by the head of a Department.

Mr. MORRILL, of Maine. Here is the point on which I base the question, "and such balances." What balances? "Such balances of appropriations, not needed for said purposes, shall be carried to the surplus fund." Who is to ascertain whether they are needed or not?

Mr. SHERMAN. The proper Auditor and Comptroller, on examination of the accounts.

Mr. MORRILL, of Maine. If the proper Auditor and Comptroller can ascertain that to the satisfaction of the Senator, I submit whether that is not precisely on a line with the amendment of the Committee on Appropriations. That is exactly what we intend to do. We say to the Secretary of the Treasury, "You make this investigation on the 1st day of June to the heads of the several Departments as to what the balances are." Now, upon that inquiry we have the same means of information that there will be under the requirements of the Senator's amendment, and they have an additional stimulus because here they are directed specifically by blanks which are to be prepared by the Secretary of the Treasury, addressed to the head of each Department, and they are to answer specifically; and then, that being furnished, the next question is what shall be done?

Then comes in the fifth section, which is the third proposition of the amendment, that upon the return of the statement the Secretary of the Treasury shall issue a warrant thereon, directing all amounts which by said statement may be covered into the general Treasury to be charged to the proper appropriations; and it further provides that it shall not be drawn out or transferred except as other moneys appropriated.

I am not very confident in my own opinion, because the Senator from Ohio has had very much more experience than I have; but still I am quite unable to see that the proposition of the Senator is really an improvement on that of the committee.

Mr. SHERMAN. I will state one further fact.

Mr. MORRILL, of Maine. Does the Senator understand that that proposition is at all inconsistent with the first three propositions of the committee? Suppose, in other words, the honorable Senator proposes that in addition——

Mr. SHERMAN. It is inconsistent with th first three sections. The last section of the committee, I think, we ought to adopt any way.

Mr. MORRILL, of Maine. The first three sections would be simply a method by which to ascertain the result contemplated by the proposition of the Senator from Ohio.

Mr. SHERMAN. On the contrary, there the Senator mistakes the effect of the amendment. The amendment I offer confines the unexpended balances to the payment of two classes of expenditure; first, where the expenditure has accrued during the fiscal year, but the money has not been paid out till after the year expires; second, to the satisfaction of contracts made during the fiscal year but not fully satisfied until after the fiscal year, and that is a question to be passed upon by the accounting officers of the Treasury Department.

Now, I wish to state one other fact to the Senate, without imputing any fault to any officer, because I do not want to criticise the conduct of officers. The present law requires the heads of Departments to furnish statements of the balances of appropriations that they do not need. I have here the statement of unexpended balances reported by the heads of Departments, by which it appears that out of $102,000,000 of unexpended balances they only report, as being proper to be carried to the surplus fund, $7,367,000. It is manifest that they either never examined the subject or would not examine it; it is not in the line of their duty. But if you tell an accounting officer to say to a disbursing officer that unless he pays a given fund on his expenditures of a given year he shall not be credited, he will take care not to pay except during that year; and if he does it, if he misapplies public money, the proper accounting officer, the Auditor and then the Comptroller, will say, "This was paid from an improper fund, and we will suspend your accounts."

The truth is the proposition of the Committee on Appropriations leaves all these unexpended balances as a matter of estimate to the heads of Departments; it will operate to some extent to call their attention to these balances, and will require them to make an estimate, while the amendment I have offered, which I have drawn with great care, will require it as a matter of judicial investigation by the accounting officers. I assure the Senate that I have examined this matter carefully, and the effect of the amendment which I propose will be to carry all the balances of the annual appropriations, at the end of the fiscal year, over to the surplus fund, unless in the opinion of the accounting officers, as will be shown by the vouchers furnished them, the amounts are needed for two specific purposes for the service of the previous fiscal year. Then section six of the amendment proposed by the Committee on Appropriations will carry all the balances to the surplus fund absolutely at the end of the second year. I think with these two propositions we shall get rid of the unexpended balances on the Treasury books.

Mr. MORRILL, of Maine. Then the Senator limits his amendment to striking out on page 58, down to the sixth section?

Mr. SHERMAN. Yes, sir. I think the sixth section is now the law as to the Army and Navy.

Mr. TRUMBULL. This is an old subject. We have discussed it several times before. It is a very important question. I have been examining the Globe to see if I could not turn to the former debate. We have been trying for several years to put some provision upon these appropriation bills which would limit the Departments in the expenditure of money, and it seems to me singular that we have not been able to accomplish it. I do not know but that the Senator from Ohio has got an amendment that will do it. I have not had time to study it sufficiently to say.

Mr. SHERMAN. I will state to the Senator that we did last year accomplish a wonderful reform in correcting an abuse which had grown up in the Departments; and that was preventing the transfer of appropriations.

Mr. TRUMBULL. I recollect that has been one subject of difficulty, and this has been another. We made very large appropriations, amounting to hundreds of millions of dollars during the war. Those appropriations were not used when the war closed. Now they ought to be, I believe the technical term is, covered into the Treasury, and those laws making the appropriations ought to be repealed.

Mr. SHERMAN. Carried to the surplus fund.

Mr. TRUMBULL. "Carried to the surplus fund," if that is the proper term. Instead of doing that, when we inquire of these Departments how much money there is appropriated that is not needed, they answer generally that there is very little. I know that some of the heads of bureaus, when called upon to report how much of appropriation may be needed in their bureau, say, "We cannot exactly tell; make it large enough; we will not use the money if it is not needed; but it is best to be on the

safe side;" and out of over $100,000,000, it seems they only reported $7,000,000 that could be turned over to the surplus fund.

Now, it is very important as every one will see, if the action of Congress is to amount to anything, and if we are to have any control over the disbursements made by the Government, that the money should not be left thus at loose ends, hundreds of millions appropriated and unused which these bureaus and Departments may continue to use as they may find occasion for. I do not see myself why we might not repeal these appropriations absolutely. I suggest that to the Senator from Ohio. I am not sufficiently familiar with this matter and did not know it was coming up today, and I have not looked into the various statutes. It would take, I presume, a long time for me to become sufficiently advised on the subject so as to draw a provision that would accomplish the object. The Senator from Ohio has turned his attention to it and thinks he has such a provision. I hope he has. I shall certainly support it unless the matter can be made more specific. Now, I should like to inquire of him what would be the objection to repealing absolutely all those provisions of law which made appropriations during the war? This grows out of the war. The war has been closed for four or five years. Suppose we were to repeal absolutely every statute, in general terms, appropriating money for any purpose whatever, that was passed prior to 1866?

Mr. SHERMAN. If the Senator will look at the book which I hold in my hand he will find a long list of appropriations which in their nature ought not to be repealed; for instance, the appropriations for the interest on the public debt, and for paying for the expenses of the collection of the customs.

Mr. TRUMBULL. The appropriation for the interest of the public debt we make annually, do we not?

Mr. SHERMAN. No, sir. There is in this book a return of what are called the permanent and indefinite appropriations. They are in the nature of permanent appropriations. It would be utterly idle to put them in the annual appropriation bills. There are certain objects that must be secured beyond peradventure of the failure of Congress to pass the appropriation bills. If the Senator will look at this list he will see that they are all of that character.

Mr. TRUMBULL. Could not they be excepted? Is there no way in which we could make an absolute repeal of those old statutes?

Mr. SHERMAN. The very amendment I have drawn excepts them and carries to the surplus fund everything that is not necessary for the expenditures of the present fiscal year. If the Senator can make it more specific I should be glad to have him do so. If he will read it carefully he will find that these are excepted, and all other balances carried to the surplus fund.

Mr. TRUMBULL. Is this amendment sufficiently specific as to the time when they are to be carried there?

Mr. SHERMAN. I think so.

Mr. TRUMBULL. "And said balances, not needed for said purposes, shall be carried to the surplus fund; provided, that this section shall not apply to appropriations known as permanent or indefinite appropriations." Now, why not put on another proviso to repeal all the appropriations formerly made up to a certain date? Would not that get rid of the whole of this difficulty at once?

Mr. SHERMAN. I think it might be dangerous to do that. I think this carries them to the surplus fund. It is a general act, and they cannot be taken out of the surplus fund without an appropriation by law.

Mr. TRUMBULL. I admit I have not sufficiently studied this matter to enable me to suggest any improvement upon the amendment; but I see the Senator from Maine and the Senator from Ohio have not entirely agreed in reference to it. I wish they would take the time to make it so specific that there shall hereafter be no trouble about it. I shall vote for the proposition of the Senator from Ohio, and shall be very glad if it accomplishes the object.

Mr. MORRILL, of Maine. If the Senator from Illinois will pardon me, I will call his attention to pages 55 and 56 of the bill, in which some of the difficulties to which he refers have been anticipated by the Committee on Appropriations and provided for to some extent. That class of indefinite and permanent appropriations have been examined under instructions from the Senate, and a provision for their repeal has been made, as he will see, by reference to those two pages of the bill.

Mr. TRUMBULL. I see that those pages repeal specific laws, but the House put in a sweeping provision of repeal. It seems to me it is certain that under the general provision of the House we should have repealed all these appropriations; but when you come to specify them, whether you have specified them all or not, I cannot say.

Mr. MORRILL, of Maine. Nor is it perhaps quite easy to tell whether it is so; but upon the very best examination, under the instruction of a resolution introduced by the Senator from Ohio, the committee studied that question thoroughly, examined all the appropriations of a permanent and indefinite character with a view of ascertaining what could safely be repealed and what could not. It will be seen by a reference to the bill that several of that class of appropriations which are called indefinite and which relate to the expenses of the war have been repealed. I make that remark because it is in reply to a suggestion of the Senator whether it would not be proper to repeal all the appropriations with reference to the war. There may be some of an indefinite or permanent character touching the war which are not repealed, but none occurs to me at the present time.

The Senator will see on page 56 of the bill that "sections one and seven of the act of March 3, 1849, being an appropriation to pay for horses, mules, &c., lost or destroyed while in the military service," are repealed. That is an old act; but during the war it became vastly more important than prior to the war. The committee were satisfied that that might be repealed, but they required, as will be seen by the last clause of that amendment, that "hereafter it shall be the duty of the proper Department to submit estimates for the expenses and expenditures under these several heads." That is to say, instead of having what are called permanent and indefinite appropriations, which may be drawn upon indefinitely as to amount and as to time, there does not seem to be as to this class of cases any real difficulty in the heads of Departments making the estimates annually for them so as to bring the subjects distinctly before Congress.

Mr. HAMLIN. We made very excellent progress with this bill last evening; and I think if we take a recess this afternoon from half past four until seven o'clock we can get this bill out of committee and agree to all the amendments which do not lead to a division, and thus be ready to-morrow morning to close it up upon those only on which there will be disagreement. I therefore move that the Senate take a recess from half past four o'clock until seven o'clock.

The VICE PRESIDENT. Is there objection to that motion?

Mr. HOWARD. I object, and I beg to say one word.

Mr. HAMLIN. I am on the floor still.

The VICE PRESIDENT. The Senator from Maine still retains the floor.

Mr. HAMLIN. I move to pass over this bill for the purpose of giving me the opportunity of making the motion for a recess.

Mr. HOWARD. I wish to state a reason for not holding a session this evening. The Committee on the Pacific Railroad hold a meeting this evening at half past seven o'clock, at which eleven Senators will be present, and must be present in order to transact business properly, as the committee consists of that number, and it will be utterly impossible for that committee to be in attendance here this evening if they do their duty as a committee, as I trust they will. We have a subject of a great deal of importance before us that ought to be disposed of.

Mr. MORRILL, of Vermont. Why not have that meeting to-morrow morning?

Mr. HOWARD. The meeting of the committee is already called.

Mr. HAMLIN. I wish to suggest further that the session of last evening was devoted to those portions of the bill which did not produce a division, and any amendment on which a division was required was passed over. The session of this evening would be little more than a formal one; that is, to dispose of such parts of the bill as would not lead to a division or discussion in the Senate, so as to bring the bill into the Senate to-morrow morning and then act upon those portions which Senators want to divide upon. That was my object in submitting the motion, and we can just as well do it as not. I suppose the Senator's committee will meet here, and if there is a division they can have an opportunity of voting. I think we had better do it.

Mr. WILLIAMS. I submit to the Senator that there is nothing left in this bill that I know of about which there will not be a division. We passed over one or two matters about which it will be necessary to divide, and I suppose that the amendments that will be presented by the different committees here will, of course, be contested.

Mr. TRUMBULL. We are on the last section of the bill now.

Mr. WILLIAMS. I do not know of anything there is left, except such amendments as may be introduced by other committees, on which it will not be necessary to have a division. There are two or three amendments passed over, about which we must divide.

Mr. HAMLIN. There are several amendments, I know, to be proposed; probably I may propose one or two myself. I am not certain about it. I know the Senator from Rhode Island proposes to submit one, and I think there are other Senators who propose to submit amendments, which we could consider this evening, and get them through committee, and then they will all be ready to be acted upon in the Senate, and with a full Senate, to-morrow morning. My object is to forward business along, and it seems to me we can do it in that way.

Mr. MORRILL, of Maine. If my colleague will yield to me, if he proposes to make this motion, I hope he will enjoin it upon the Senate not to leave us without a quorum, as was the case last evening. I should be very glad if the Senate would agree to meet here this evening and proceed with this bill.

Mr. HAMLIN. I should like to submit the question to the Senate, and let them determine it.

The VICE PRESIDENT. The Senator from Maine insists on his motion to pass over the pending bill.

Mr. HAMLIN. I do; but only for the purpose of enabling the Senate to determine whether they will have an evening session or not.

The VICE PRESIDENT. The Senator from Maine has stated the object of his motion. The question is on the motion.

The motion was agreed to; there being, on a division—ayes 23, noes 20.

Mr. HAMLIN. I now move that the Senate take a recess from half past four o'clock until seven o'clock.

Mr. POMEROY and others. Say half past seven o'clock.

Mr. HAMLIN. Well, I will say half past seven o'clock.

Mr. MORRILL, of Maine. I ask whether it will not be agreeable to the Senate to take the recess at five o'clock, so as to give us another half hour this afternoon?

Several SENATORS. No; no.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine, that the Senate take a recess to-day from half past four o'clock until half past seven o'clock.

The motion was agreed to; there being, on a division—ayes 22, noes 20.

The VICE PRESIDENT. The Senate resumes the consideration of the legislative, executive, and judicial appropriation bill, and the question recurs on the amendment proposed by the Senator from Ohio [Mr. SHERMAN] to the amendment of the Committee on Appropriations.

Mr. MORRILL, of Maine. I should like to have the amendment to the amendment specified exactly.

The VICE PRESIDENT. It is to strike out what the committee propose to insert down to and including section five, and to insert the amendment proposed by the Senator from Ohio.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The VICE PRESIDENT. The Secretary will report the next amendment.

Mr. HAMLIN. There are quite a number of executive papers lying upon your table, sir, and I think they could all be disposed of in fifteen minutes. I therefore move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. There is only one more amendment of the Committee on Appropriations. I hope that will be disposed of first. It will take but a moment.

Mr. HAMLIN. I withdraw the motion.

The VICE PRESIDENT. The Secretary will report the next amendment. The amendment reported as section six, the Chair understands, is considered to be agreed to.

Mr. SHERMAN. Yes, sir.

The VICE PRESIDENT. The Secretary will now report the next and last amendment of the Committee on Appropriations.

The Secretary read the amendment, which was to strike out all of section seven after the word "to," in line seven, in the following words:

Which is given the authority to expend the appropriations herein made to expend any sum in excess of such appropriations during the current year, or to involve the Government in any contract for the future payment of money in excess of the sums herein appropriated.

And to insert in lieu thereof:

Expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriations.

So that the section will read:

SEC. 7. *And be it further enacted*, That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations, &c.

The amendment was agreed to.

Mr. STEWART. Are the amendments of the committee through with?

The VICE PRESIDENT. They are now concluded, except those which have been reserved.

EXECUTIVE SESSION.

Mr. HAMLIN. I now renew the motion for an executive session. I think we can dispose of the executive messages on the table before the recess.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. At half past four o'clock the doors were reopened, and the Senate took a recess until half past seven o'clock.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

MINNESOTA AND WINNIPEG RAILROAD.

Mr. RAMSEY. There is some little interval of time before the Senate will collect in sufficient numbers to enter on the consideration of so important a bill as the appropriation bill.

Mr. COLE. I was aware of that, and I was about to call up a little bill to which there will be no objection.

Mr. RAMSEY. If the Senator will hear me for a moment, I think he will agree that I am right in what I am about to propose. I failed so wretchedly on Thursday last in attempting to pass through the Senate the franking privilege bill that to assuage my grief a little I hope the Senate will now allow me to pass Senate bill No. 381. [Laughter.]

Mr. SUMNER. What is the title of that bill?

Mr. RAMSEY. It is entitled "A bill granting lands to aid in the construction of a railroad from the western boundary of Minnesota, at the junction of the Sioux Wood river with the Red river of the north, to the Winnipeg district of British America." It is a road to go to the Winnipeg country. It will be the best political stroke in the world if you will pass that bill now.

The PRESIDING OFFICER, (Mr. HOWE in the chair.) The Senator from Minnesota asks the unanimous consent of the Senate to proceed to the consideration of the bill indicated by him. Is there any objection? The Chair hears none. The bill is before the Senate, and will be read.

Mr. MORRILL, of Vermont. While I do not propose to object to this bill myself, I know there are other Senators who if present would desire to offer some amendments to it.

Mr. RAMSEY. I hope the Senator will allow the bill to be read at least.

Mr. MORRILL, of Vermont. I will allow it to be read.

Mr. RAMSEY. Very well; let it be read. I hope the Clerk will proceed with the reading.

The Secretary read the bill.

Mr. MORRILL, of Vermont. Let the bill be passed over.

The PRESIDING OFFICER. The further consideration of the bill is objected to, and it will be passed over.

PORT OF DELIVERY AT VALLEJO.

Mr. COLE. I wish to take up for action a little bill that will not take over three minutes, I presume, which is pending upon a motion to reconsider. It is Senate bill No. 834, to create a port of delivery at Vallejo, California. It passed the Senate on the 2d of May, and it stands on the motion of the Senator from Connecticut [Mr. BUCKINGHAM] for reconsideration.

The PRESIDING OFFICER. The Senator from California asks the unanimous consent of the Senate to proceed to the consideration of the motion to reconsider the vote on the passage of the bill to which he has referred. Is there objection? The Chair hears none.

Mr. MORRILL, of Vermont. Let the bill be read for information.

The SECRETARY. "A bill (S. No. 834) to create a port of delivery at Vallejo, California. Passed the Senate May 2, 1870. Motion made to reconsider vote on the passage of the bill."

Mr. MORRILL, of Vermont. I desire to know who entered the motion to reconsider.

Mr. COLE. The Senator from Connecticut now in his seat, [Mr. BUCKINGHAM,] and he has no objection, I believe, to the passage of the bill.

The PRESIDING OFFICER. The question is on the reconsideration.

Mr. KELLOGG. Will the Chair inform me when the motion to reconsider was entered, and by whom?

The PRESIDING OFFICER. The Chair is informed that it was entered on the 2d of May by the Senator from Connecticut.

Mr. KELLOGG. Very well, sir; I have no objection to it.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote on the passage of the bill.

The motion was not agreed to.

DECATUR AND ABERDEEN RAILROAD.

Mr. SPENCER, I ask unanimous consent to take up Senate bill No. 268, granting public lands in the States of Alabama and Mississippi to the Decatur and Aberdeen Railroad Company to aid in the construction of a railroad to be built from Decatur, Alabama, to Aberdeen, Mississippi. I do not think there will be any objection to it.

Mr. MORRILL, of Vermont. I suggest to the Senator from Alabama that on a question where he knows the Senate is so equally divided it is hardly fair to take up a bill. I do not know that I shall object to the bill, but I think it is hardly fair to those who are absent, when there are Senators who desire to offer amendments to all these land-grant bills.

Mr. SPENCER. I think if the Senator will listen to the reading of this bill he will find it perfectly unobjectionable.

Mr. MORRILL, of Vermont. I object to taking up any railroad bills with so small a number present.

JOHN L. MILES.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of the bill for the relief of John L. Miles. It is a bill appropriating $150 for the payment of a horse, and was reported by the Committee on Claims.

The PRESIDING OFFICER. The Secretary has not a copy of the bill. It has not been returned from the printer apparently.

WILBERFORCE UNIVERSITY.

Mr. WARNER. I ask unanimous consent to take up the bill relating to the Wilberforce University, to be considered now.

Mr. FERRY. I object to that.

SEA ISLANDS, SOUTH CAROLINA.

Mr. SAWYER. I ask unanimous consent to take up Senate bill No. 252. The purpose of the bill is to make provision for closing out the direct tax commission in South Carolina.

The PRESIDING OFFICER. Is there any objection to the consideration of this bill? The Chair hears no objection, and the bill (S. No. 252) to provide for the sale of certain lots and lands of the sea islands, Beaufort county, South Carolina, and for other purposes, is before the Senate as in Committee of the Whole.

The bill was read.

Mr. KELLOGG. I am informed that the Senator from South Carolina who is not now in his seat [Mr. ROBERTSON] desired whenever this bill was taken up for consideration to offer an amendment, and understanding him to desire to offer an amendment to strike out section ten I make that motion. I move to amend the bill by striking out that section.

Mr. WILLEY. I wish to inquire if this bill comes from the Committee on the Judiciary?

Mr. SAWYER. It comes from the Committee on Public Lands.

Mr. WILLEY. It involves some very nice questions, I think. I do not know anything about the bill. It is very complex in its provisions, and it seems to me it ought to be considered by that committee.

The PRESIDING OFFICER. Does the Senator from West Virginia object to the consideration of the bill?

Mr. WILLEY. I am merely inquiring about it. I desire to suggest to the Senate and to the Senator from South Carolina himself that this is a bill of a character that ought to be closely scrutinized.

Mr. SAWYER. I think there is nothing in the bill which is liable to any objection even by the Committee on the Judiciary. If the

Senator objects to its consideration it must go over; but I have been trying for three or four months to get it before the Senate. It is a bill of some importance to the inhabitants of South Carolina, and especially that portion of them who are living in this neighborhood.

Mr. WILLIAMS. I think the main effect of the bill is to settle up this old commission business that has been hanging along there for two or three years. There ought to be some settlement of it and an end put to it. It is a matter of expense to the country. Things are in a state of great uncertainty there, and will remain so until we settle the matter.

Mr. SAWYER. I will explain the points upon which the Senator from West Virginia might perhaps feel anxious; but first I desire to say, in reference to the amendment proposed by the Senator from Louisiana——

The PRESIDING OFFICER. The amendment proposed by the Senator from Louisiana will be reported before it is open to debate.

The Secretary read the amendment, which was to strike out the tenth section of the bill in the following words:

SEC. 10. *And be it further enacted*, That the lands known as Pinckney Island be, and they are hereby, excepted from the foregoing provisions of this act; and the tax commissioners aforesaid are hereby authorized and required, upon the passage of this act, to convey said Pinckney Island to Charles Cotesworth Pinckney, Caroline Seabrook, and Mary E. Pinckney: *Provided*, That the said Charles Cotesworth Pinckney, Caroline Seabrook, and Mary E. Pinckney shall, for themselves and their executors, their administrators, or assignees, release to the United States all claims for rents, profits, or uses of said lands, and for any damages that may, at the date of said conveyance, have accrued in consequence of the possession and occupancy of the said lands by the United States or their lessees.

Mr. SAWYER. I was not aware that my colleague desired to offer any amendment to this bill. I have frequently had conversations with him in reference to it, and he never has expressed to me a desire to offer any amendment. He has said something about this section, and I infer that his objection to the bill, if he has any, is to this section. I will state that this provision was inserted in the bill in consequence of a petition which was presented to the Congress of the United States as long ago as the session of 1867–68. On that petition Mr. Morgan, of New York, made a report. The petition for the restoration of Pinckney Island was supported very strongly by high United States officials and various parties, and the then Senator from New York, Mr. Morgan, in making his report closed it in this way:

"While we do not recommend that the prayer of the petitioners"—

That is, for the restoration of the island—

"in this case be granted, nor indeed be considered with a view to releasing property taken in the manner and under the circumstances under which that under consideration was, nor until the policy of the Government upon so grave a question shall be settled, yet the committee beg leave to say that this case affords a proper one for favorable consideration should Congress determine to restore property in the insurgent States."

Now, I wish to say with regard to this particular property that the Government of the United States have received very nearly, if not quite, seven thousand dollars over and above the taxes that were due from it in the way of rent. This particular property has yielded to the Government something over seven thousand dollars. A year ago it was over six thousand dollars above the tax which was due for which the place was sold. I do not propose to discuss it, because I do not wish to occupy the time of the Senate. If it is the pleasure of the Senate that the section should be stricken out I do not propose to resist it any further. I only read this quotation from the report of the late Senator from New York to show how it was considered by him. I will state that the petition for its restoration was indorsed by the assistant commissioner of the Freedmen's Bureau for South Carolina, the present Governor of South Carolina, by General Howard, the Commissioner of the Freedmen's Bureau, and by General Grant, at that time General of the Army, and by the direct tax commissioners.

Mr. BAYARD. I am constrained to object to the further consideration of this bill at this time. I consider that there are questions involved in it which should be passed upon by the Judiciary Committee of this body. It is not only affecting the title to lands, but it is undertaking to change the law by substituting the action of two commissioners instead of three, and as I understand of two instead of three in regard to past action. I think the proposition a very grave one, and it ought not to be taken up and disposed of in this summary way. I object to its consideration.

The PRESIDING OFFICER. The Chair understands the Senator from Delaware to object to the further consideration of the bill.

Mr. BAYARD. I do.

Mr. SAWYER. Will the Senator withdraw his objection for one moment?

Mr. BAYARD. I will do so for one moment, certainly.

Mr. SAWYER. I wish to state precisely the object of that provision. At some of these sales the land was bid off by commissioners for the Government of the United States. One of the commissioners had the impression that no certificate of sale such as was issued to third parties who purchased lands at these sales was necessary when the Government became the purchaser, and consequently that one of the commissioners declined to sign the certificates of sale as an entirely unnecessary act. The other two commissioners did sign those certificates of sale. Those certificates of sale are often brought into court as evidence. They are objected to on the ground that two only out of three commissioners signed them. There is no instance in which a certificate of sale was not signed by three commissioners if the purchaser was a private party. I beg the Senator to reconsider his objection to the bill.

Mr. BAYARD. I am very willing to hear an explanation as to the substitution now of the judgment of two officers instead of three. This whole bill is to be passed through to confirm in some way these tax titles against people who never have had an opportunity of defending their rights in respect to the sale. I think it is passing upon a very grave question, and one affecting the rights of people who I think are especially entitled to protection just now. I think the bill should be debated at length if it is to be passed at all, and as it is brought up now rather irregularly, if I may so say, not making any reflection upon any gentleman, and is interpolated into debate just now, I think it had better go over.

The PRESIDING OFFICER. The Senator from Delaware objects to the further consideration of the bill, and it will be passed over.

Mr. COLE. I ask the unanimous consent of the Senate to consider Senate joint resolution No. 115, which has been under consideration before the Senate, and to which I think there will be no objection, and which can be passed in a moment.

Mr. WARNER. I ask the Senator to allow me to make a motion which will not interfere with him, that the bill just under consideration——

Mr. PATTERSON. I should like to know what has become of the appropriation bill. I supposed we were to consider that this evening.

Mr. COLE. There is not a quorum here yet.

Mr. MORRILL, of Maine. I call for the regular order.

The PRESIDING OFFICER. The Senator from Maine calls for the regular order.

Mr. WARNER. I wish to submit a motion to refer the bill called up by the Senator from South Carolina to the Committee on the Judiciary.

Mr. MORRILL, of Maine. That can be done in the morning.

Mr. SAWYER. I have no objection to that reference.

Mr. COLE. I believe I have the floor. I was recognized, and gave way to the Senator from Alabama for a moment.

The PRESIDING OFFICER. But the Senator from Maine interposes, and calls for the order of the day.

Mr. COLE. If he insists, of course I will yield; but I hope the Senator will allow me to take up this joint resolution. It will take but a moment. If it gives rise to any discussion of course I will give way. The joint resolution has been read and considered, and I presume will pass in a moment.

The VICE PRESIDENT. The Chair understands the Senator from Delaware not to object to the reference of the bill of the Senator from South Carolina to the Committee on the Judiciary.

Mr. BAYARD. I do not object to that. Indeed, I rose to make that motion.

Mr. TRUMBULL. I believe the bill refers to private land claims, and I think it ought to go to the Committee on Private Land Claims. But I would like to make one inquiry of the Senator from South Carolina. I should like to know if these tax commissioners are still in office.

Mr. SAWYER. They are, certainly.

Mr. TRUMBULL. In all the States?

Mr. SAWYER. No; in the State of South Carolina, which was specially excepted.

Mr. TRUMBULL. I think it is high time they were discharged.

Mr. SAWYER. I have been soliciting the attention of the Senate for pretty much the whole session to try to get them out of office, but it seems to be impossible.

Mr. TRUMBULL. I had no idea they were holding office yet.

The VICE PRESIDENT. Does the Senator from Delaware consent to the reference of the bill to the Committee on Private Land Claims?

Mr. WILLIAMS. Allow me to suggest that that is quite unnecessary. This bill was before the Committee on Public Lands. The only question about it on which a doubt can be raised is as to whether we in Congress can validate legally and properly these tax sales, and that is a judicial or legal question. Otherwise there cannot be any possible objection to this bill.

Mr. TRUMBULL. I wish to ask the Senator from Oregon a question right there. If the proceedings by two commissioners are good where three were required to act, the courts will so decide. If two could not perform the acts I should like to inquire of the Senator from Oregon whether Congress can make their acts valid?

Mr. MORRILL, of Maine. I insist on the regular order.

The VICE PRESIDENT. There seems to be objection to the reference of the bill to either committee. The Senator from Maine demands the regular order, which is the appropriation bill.

Mr. SPRAGUE. Will the Senator from Maine yield to me one moment to pass a bill which the Clerk was unable to find when I called it up before?

Mr. MORRILL, of Maine. I have just called for the regular order against the Senator from California, and took him off his feet.

Mr. SPRAGUE. But I gave way to take up the bill of the Senator from South Carolina. There will be no discussion about this little matter.

Mr. MORRILL, of Maine. If I yield at all, I must yield to the Senator from California.

Mr. SPRAGUE. I yielded to all the Senators before me.

Mr. COLE. I do not know what authority the Senator from Rhode Island has for saying the chairman of the committee cannot yield to me to pass this bill.

Mr. MORRILL, of Maine. I must insist on the call for the regular order.

The VICE PRESIDENT. The Senator from Maine insists on the taking up of the appropriation bill.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871.

Mr. MORRILL, of Maine. I believe there are some amendments passed over.

The VICE PRESIDENT. There are six amendments reserved.

Mr. MORRILL, of Maine. I call attention to those amendments now.

The VICE PRESIDENT. The first amendment reserved is on page 14, in regard to the Department of State. A suggestion was made that the language of this paragraph should be somewhat changed, as the amendments rather confused it.

Mr. SUMNER. Will the Senator from Maine attend to the amendment on page 14?

The VICE PRESIDENT. That is the one to which the Chair was directing his attention. That was the first one reserved. Has the Senator the language ready which is to be offered?

Mr. MORRILL, of Maine. Not yet.

The VICE PRESIDENT. It will be passed over. The next reserved amendment was in page 15, in the paragraph with regard to publishing the laws.

Mr. SUMNER. There is one passage there that can be amended. In line three hundred and thirty-three the "$2,500" should be "$3,500." It is, I think, a typographical or clerical error. I have already spoken to the chairman of the committee on the subject, and I think he concurs with me.

Mr. MORRILL, of Maine. I am not sure what that amount ought to be according to the act passed.

Mr. SUMNER. I can state to the Senator, for I reported that measure from the Committee on Foreign Relations, and it fixed the salary of the examiner of claims at $3,500; and that has passed the Senate.

Mr. MORRILL, of Maine. Well, sir, if that was the act, it was his intention to conform to it.

Mr. SUMNER. I therefore move that it be so amended; and I was instructed by the committee to make that motion.

Mr. MORRILL, of Maine. It may be regarded as a typographical error.

Mr. SUMNER. Assuming that it might not be an error, I was instructed to make the motion. I wish the clause to be corrected by striking out "two" and inserting "three."

Mr. MORRILL, of Maine. I do not suppose it to be the subject of amendment; but by general consent I hope it may be corrected, to conform to what I understand the Senator to say the act is, by fixing the appropriation at $3,500.

The VICE PRESIDENT. It will then read "one examiner of claims at $3,500." If there be no objection, and the Chair hears none, the phraseology is so altered. The next amendment reserved was on page 15, immediately following the paragraph just under consideration. The Secretary will report the pending amendment on page 15.

The CHIEF CLERK. The amendment is in lines three hundred and forty-one and three hundred and forty-two, to strike out the words:

And in newspapers in the States and Territories and in the city of Washington.

And to insert in lieu thereof:

Provided, That all acts and parts of acts which provide for the annual publication of the laws of the United States and treaties with foreign Powers be, and the same are hereby, repealed.

So that the clause will read:

For publishing the laws in pamphlet form, $10,000: *Provided*, That all acts, &c.

Mr. WILLIAMS. I understood that the arrangement in reference to that was that the vote should be taken when the bill was reported to the Senate; that the amendment of the Committee on Appropriations had been sustained nominally by the Committee of the Whole, and that the vote should be taken when the bill came into the Senate.

Mr. MORRILL, of Maine. But the Senator will remember that in addition to that there was an amendment moved by the Senator from Rhode Island. I suppose that can be acted on in committee.

Mr. ANTHONY. The amendment with regard to the Blue Book?

Mr. MORRILL, of Maine. Yes.

Mr. ANTHONY. My impression was the same as that which the Senator from Oregon has received, that it was with the assent of the Senator from Maine that this question should be reserved until the bill came into the Senate. I have a very decided opinion upon the extravagance and wastefulness of publishing the laws in the newspapers, and I think the publication of the Blue Book is entirely unnecessary; and in the first view I am sustained by the Secretary of State, who has charge of that Department, and in the second I am sustained by the Secretary of the Interior. While my opinion on that subject is very decided, yet, as the proposition is a change of some importance, I am quite willing that it should be decided in a full Senate and passed over at present.

The VICE PRESIDENT. What was stated by the Senator from Oregon was suggested at the time; but in the debate which followed it was not insisted upon, and therefore the amendment was passed over. If there be no objection, the Chair will regard this amendment as agreed to, subject to a separate vote in the Senate.

Several SENATORS. That is it.

Mr. POMEROY. Do I understand the amendment of the Committee on Appropriations is so amended that it includes the non-publication of the Blue Book?

The VICE PRESIDENT. It does not.

Mr. ANTHONY. It prohibits publishing the laws in the newspapers, but the Blue-Book amendment is not included.

The VICE PRESIDENT. The Senator can move that in the Senate.

Mr. TRUMBULL. I shall object to striking out the Blue Book. I think it is one of the most useful books we publish.

Mr. ANTHONY. I shall have the vote of the Senator from Illinois to strike it out, I am sure, when he hears the statement I will make.

Mr. POMEROY. I have heard the statement the Senator from Rhode Island has to make on the subject, and it has not convinced me, and I do not think it will convince the Senator from Illinois.

The VICE PRESIDENT. The Secretary will report the next reserved amendment, on pages 23 and 24, in regard to the expenses of collecting the internal revenue.

The Chief Clerk read the amendment, which was to strike out the following paragraph:

For salaries and expenses of collectors, assessors, assistant assessors, supervisors, detectives, and storekeepers, together with the expense of carrying into effect the various provisions of the several acts providing internal revenue, excepting items otherwise estimated for, and for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws or conniving at the same, in cases where such expenses are not otherwise provided for by law, $8,100,000.

And in lieu thereof to insert:

For salaries and expenses of collectors, assessors, assistant assessors, supervisors, detectives, and storekeepers, together with the expense of carrying into effect the various provisions of the several acts providing internal revenue, excepting items otherwise provided for, $7,000,000: *Provided*, That after the passage of this act the proprietors of all internal revenue bonded warehouses shall pay to the collector the current expenses and salaries of storekeepers or other officers in charge of such warehouses; and all sums so collected in the nature of reimbursements to the United States for payments on account of expenses and salaries of storekeepers or other officers in charge of such warehouses, or that may hereafter be so collected, shall be carried to the credit of the appropriation for salaries and expenses of collectors, storekeepers, &c.; and the Commissioner of Internal Revenue and the accounting officers of the Treasury are hereby authorized and directed to take the necessary steps to carry this proviso into effect: *And provided further*, That the President may at his discretion divide the States and Territories respectively into convenient collection districts, or alter the same, or unite two or more districts or two or more States or Territories into one district, and may exercise said power from time to time as in his opinion the public interest may require.

For detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws, or conniving at the same, in cases where such expenses are not otherwise provided for by law, $100,000.

Mr. SPRAGUE. The chairman of the Committee on Appropriations has introduced an amendment to this bill covering matters connected with the assessors and collectors of internal revenue. The amendment as proposed by the committee directs the Secretary of the Treasury to investigate whether or not the public interests will be best subserved by uniting two districts in one. The President of the United States is now authorized, if in his judgment the public interests will be conserved by it, to unite two or more districts in one. I would observe to the honorable Senator that that is now the law. The collectors and assessors are assigned to their respective districts by the President of the United States, as I understand, without an act of Congress assigning any particular number to the respective collection and assessment districts. The object of the provision of the bill as reported by the committee was to put the responsibility of reporting the fact whether or not there could be any one of the collection or assessment districts discontinued in any of the collection districts of the United States on the Secretary of the Treasury, and require him to report the facts at a subsequent session of Congress. This does not amount to anything, does not effect anything. No purpose is accomplished by the provision.

Mr. MORRILL, of Maine. Does the Senator understand that this amendment changes in the particular referred to, or in any other respect than in devolving the duty upon the President instead of on the Commissioner, the proposition originally reported?

Mr. SPRAGUE. Yes, sir.

Mr. MORRILL, of Maine. That is not my understanding. It will be seen that as the bill was proposed it authorized the Commissioner to alter the districts. It was thought, upon further consideration, that the exercise of the power ought to be devolved upon the President and not upon the Commissioner, following the existing statutes. I am not aware that it changes the power in any other respect.

Mr. SPRAGUE. Does the Senator understand that the President has now the power?

Mr. MORRILL, of Maine. I do not suppose he has to this extent.

Mr. COLE. I think this does differ from the amendment as reported by the committee in some other important particulars. I read, commencing on the twenty-eighth line of the amendment—

That the President may at his discretion divide the States and Territories respectively into convenient collection districts, or alter the same, or unite two or more districts or two or more States or Territories into one district, and may exercise said power from time to time as in his opinion the public interest may require.

There is nothing there to prevent the division of a State or Territory into any number of districts. Perhaps some State or Territory, one of the smaller States there, may be now but one collection district. There is nothing to prevent the division of that State into half a dozen or more districts if it should be thought it would be for the best by the Department. There is a great deal more discretion I think in this amendment that is proposed by the Commissioner than was embodied in the amendment originally proposed by the committee, and reported with the bill as first printed. I think it differs in some other respects. I have not examined it very carefully; but I see a great deal more discretion given than was embodied there and than was intended, as I understand, by the committee.

Mr. MORRILL, of Maine. The only difference there is is very obvious. In the bill as reported by the committee "the Secretary of the Treasury may at his discretion discontinue any two or more collection and assessment districts, and unite them into one." Now, by the proposed amendment, the power is devolved on the President; and what may he do? He "may at his discretion divide the States and Territories respectively into convenient collection districts." That does not increase his power. Or in lieu of that he may "alter the same or unite two or more districts or two or more States or Territories into one district." The only additional power that is here, I submit, is that he has the right, after having divided them, to alter the arrangement. As the law now stands the Secretary unquestionably may unite districts or he may divide, but this power is given directly to the President, and he may unite two or more States or Territories. As the law stands, the Secretary of the Treasury may declare a State to be a collection district. This, therefore, devolves the same power on the President, but enlarges it to this extent, that he may put States together, and if that does not work well he may alter his arrangement. That I conceive to be the extent of the power. If that is objectionable it had better be stricken out; but it did not occur to me so.

Mr. COLE. Does not the chairman of the committee understand that he may divide a district into two or three or four districts? It says that he "may at his discretion divide a State or Territory."

Mr. MORRILL, of Maine. He may put them together and may alter them.

Mr. COLE. Yes, sir; alter them in one way or the other; that is, by making more or making less.

Mr. MORRILL, of Maine. If the Senator's inquiry is whether it gives the President the power to divide a single district, I say no.

Mr. COLE. To divide a State. Perhaps a State is composed now of one district. He may divide a State, which would be equivalent to dividing that one district.

Mr. MORRILL, of Maine. I think the Senate understand the proposition.

Mr. WILLIAMS. I ask the chairman of the committee whether this amendment he has suggested has been submitted to the Commissioner of Internal Revenue?

Mr. MORRILL, of Maine. It was drawn there. Upon some suggestions having been made after this bill was reported by the Committee on Appropriations the Commissioner called upon me and I went to his office, and in connection with the Commissioner and the First Comptroller of the Treasury, under whose supervision all this business comes, we together drew up this amendment; or rather, it was drawn up in the office of the First Comptroller, Mr. Tayler, and under his direction, and it conforms substantially to the amendment of the committee as first reported.

The VICE PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The next reserved amendment is on page 34, line eight hundred and seventeen, which will be reported. It relates to the Bureau of Education.

Mr. HAMLIN. Now, I suggest that these amendments be agreed to or disagreed to *pro forma*. It is immaterial, it seems to me, which way the vote is to-night. Let them go into the Senate when we have a full Senate, and there let the vote be taken which will finally settle them.

Mr. TRUMBULL. We gain nothing by that.

Mr. SUMNER. Nothing at all.

The VICE PRESIDENT. The Secretary will report the amendment to the amendment.

The CHIEF CLERK. The Committee on Appropriations report to amend the clause by striking out the words "one clerk at $1,800; one clerk at $1,600; one clerk at $1,400; one messenger at $840; stationery, $600; library, $1,000; collecting statistics and writing and compiling matter for annual and special reports, $3,000; contingencies, $1,260; in all, $14,500." and to insert in lieu thereof the words "and two clerks of class one, in all $5,400;" so as to read: "For Commissioner of Education, $3,000; and two clerks of class one, in all $5,400" It is proposed by the Senator from Missouri [Mr. DRAKE] to amend the part which the committee propose to strike out, by adding the following proviso:

Provided, That from and after the 30th day of June, 1870, the clerical force in the office of said Commissioner shall be as in this section authorized.

The PRESIDING OFFICER. The question is on the amendment to the amendment offered by the Senator from Missouri, [Mr. DRAKE.]

Mr. SUMNER. The question is on the proviso, is it not?

The VICE PRESIDENT. The first question is on the amendment to the amendment offered by the Senator from Missouri.

Mr. SUMNER. Is there anything more than the proviso in that amendment?

Mr. WILLIAMS. No.

Mr. SUMNER. I am in favor of the proviso, but I am not in favor of the other amendment.

The VICE PRESIDENT. The first question is upon adding this proviso to the part proposed to be stricken out, and the next question will be on striking out the clause as amended.

Mr. SUMNER. I hope the proviso will be adopted.

The VICE PRESIDENT. The first question is on adding the proviso.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now recurs on the amendment as amended, which is to strike out all of the clause and to insert an appropriation for the Commissioner of Education and two clerks only.

Mr. SUMNER. I hope that will not be done. I do not know that it will be of any value to debate it further. Ample reasons were assigned yesterday. If the occasion required I should be perfectly willing to go on and mention other reasons. I hope that now when we are giving up the Bureau of Freedmen and when we have the responsibility for the education of the freedmen we shall not begin by this act of abdication.

Mr. WILLEY. Objection was made yesterday to this department of education on the ground that it appeared it had not accomplished any very beneficial purpose. Sir, it is not strange, and will not be strange if it shall not hereafter accomplish much. It seems to me it is as ungenerous as it is unjust first to create a department for a specified purpose, then to fail to give it the means to accomplish that purpose, and then to decry and denounce it because it has not accomplished the purpose.

Mr. FERRY. Will the Senator from West Virginia state for what purpose the department was created?

Mr. WILLEY. I will state the purpose for which I understand it was created. The main purpose, in my judgment, was this: it is to answer the purpose in regard to the subject of education that our present census laws do in regard to population and to the wealth and the various interests of the country embraced within the duties of our census-takers. That is the primary purpose of this department, to collect statistics of education. It is so nominated in the bond. If the Senator from Connecticut had turned his attention to the act creating the original department of education, which is the law of the present Bureau of Education, he would have seen that that was the primary object. Can there be a more important object? We take means to ascertain the agricultural statistics of the country. We take the necessary means to ascertain the commercial statistics of the country. We take the necessary means to ascertain the population of the country, the age of the different classes of persons, and a thousand other things which we think are material to be known in order to form a just estimate of the condition of the country, and upon which to predicate our legislation. Now, sir, can there be anything more necessary to ascertain correctly and perfectly than the statistics of education—education lying at the basis of all the fundamental principle of our national prosperity, whether you refer to the industrial interests of the country or to the political existence of the country itself? Why, sir, other nations have gone so far as to devise a compulsory system of education; and shall we in this country, where we profess that all just laws are derived from the consent of the governed, thereby implying an intelligent consent, where we profess that the education and intelligence of the people lie at the foundation of our liberties themselves, fail to take the necessary measures to ascertain what is the condition of the country in these important respects? We send out our census-takers for the purpose of ascertaining how many cattle there are in the country, how many chickens are roosting in the hen-houses of the farmers of the country, and yet fail to ascertain what is the condition of the education and the intelligence of the country so as to advise our statesmen what is necessary to be done in that direction. It seems to me there could be no more important object to be ascertained in regard to the matter of statistics than the statistics of education. If we are to have a department in that respect at all let us give it the necessary aid to make it perfect and to obtain for us the information that is to be ascertained by the organization of such a department.

Mr. FERRY. The error into which the Senator from West Virginia has fallen, as it seems to me, consists in assuming that we have not already a well-defined educational system for the people of the United States carried on where it is best carried on, by the local authorities in the several States; and, as I remarked yesterday, any legislation by Congress which would tend to draw the attention and the interest of the people from the local means of education employed in the States, and direct that attention and interest to Federal legislation would, in my judgment, be entirely disastrous.

I inquired of the Senator what were the purposes to which he was alluding for which this department of education was created. He says if I had read the act I would have ascertained for myself. The act was read here yesterday, and it contained substantially what the Senator has stated. This department of education was created for the purpose of collecting educational statistics; and yet not one iota of power or capacity is given by any law to the department of education for the purpose of collecting those statistics. It is not like the Census Bureau. You establish that bureau, and then you appoint officers all over the United States to go among the people, to question them, to collect the statistics, and you make it incumbent upon them, through their various superior officers, to make their reports to the head of the Census Bureau in Washington.

But what is the Commissioner of Education to do? No man in the United States is compelled by law to make any report to him. He can simply write to this State superintendent and to that State superintendent and ask the one or the other as to the condition of education in their respective States, and they may reply or not just as they choose. He may gather together the annual reports of the State superintendents and extract from them the pictures of school houses and put them into his annual reports, as has been done.

Now, sir, I have not only read the act creating the department of education, but I think I have done what almost no other Senator has done—I have read the volume of many hundred pages which was printed by the depart-

ment of education at the close of the first year of its existence, and that volume of statictics, for the purpose of gathering which it is said this department was created, is simply made up of extracts from the various educational journals throughout the United States, extracts from the reports of State superintendents, and copies of engravings in those annual reports published by the States. I do not blame the Commissioner who at that time held this office for this condition of things. He could not help himself. And as the law stands now you may appoint forty Commissioners, and they cannot help themselves.

If you are to have a Bureau of Education that is to do anything in the way of collecting statistics which shall be of any value, which shall contain anything new and not known to the various State superintendencies throughout the United States already, you must then create a system of collecting those statistics through subordinate officers who shall return their reports to the head of your Bureau of Education. In other words, you must begin the creation of a system of education carried on through Federal functionaries, instead of having those systems carried on through the functionaries of the several States as they are now. It is because I believe that the addition of expense in this Bureau or department of Education is but paving the way toward drawing to the Federal Government legislation over this subject of education, and thereby tending to withdraw that subject from the superintendence of the States, and tending to diminish the interest of the local authorities of the State in the subject, that I deprecate it. I deprecate myself the very existence of this Bureau of Education; but if you wish to have a bureau such as is existing under the law as it stands, merely for the purpose of collecting such statistics as the State superintendents or persons interested in education in the different States may choose voluntarily to contribute, then a Commissioner and two clerks are all sufficient for the purpose. If you ask for more you have got to have further legislation, having the effect, as I have already said, perhaps too often, of drawing from the States the superintendence of the system of education.

Mr. SPRAGUE. Mr. President, my impression is that if this proposition were sent to the Committee on Appropriations it would come back to the Senate with a recommendation to the Senate concurring in the action of the House. I was absent during the consideration of this proposition in the committee, and was not aware that it received a negative vote in the committee until the bill was presented to the Senate.

If I had my way I would make this a department of education, and I would give its head the position of a Cabinet officer, and I would appropriate for its benefit $1,000,000. There is a wide difference in reference to the subject; but I make these statements upon deep and cautious and deliberate consideration. There is, to be sure, certain educational machinery in the different States, apparently performing its proper functions, where the responsibility is apparently upon the shoulders of those who are more intimately connected with the education of the people than it could be if it were located in the national Government.

But, sir, I have some knowledge in connection with the State of the Senator from Connecticut, where I know from experience that these functions have not the proper operation and motion to give effect to the system. I say it with shame and with sorrow; and I also say it with a feeling of anxiety touching the future, that we in New England need especial attention from some quarter directed to know whether the youth of the country are receiving that instruction that will prepare them to become citizens of this Republic, capable of giving their sanction to measures affecting the interests and the life of the nation. There are a bookful of considerations that would influence me to modify to an extent beyond any other Department of this Government a department of education. It may not be so considered to-day, but I am quite sure that before the end of the term of the Senator having the longest term who now sits in his seat there will be forced upon the attention of this body considerations that will compel a vote giving sanction to a department of that character.

Mr. YATES. I did not expect to say anything further on this subject, but some thoughts have struck me at the moment. They are not momentary, but so far as my past life has been concerned, so long as I have been in public life, for thirty years it has been my solemn conviction, from conversation with intelligent men, educated men, and even with good men who were not educated, that the first, the grandest, the highest, the noblest department in the Government should be a department of national education—not that we would deprive the States, as the Senator from Connecticut, who always speaks ably on every subject, says, of any power whatever upon this subject. We leave them to do all that they can for education, and when they have done all that they can they have not done enough. When the national Government has done all that it can, then enough has not been done. The theory of this Government, as I understand it, is radical. All men are to vote. The preservation of this Government, the union of these States, and the prosperity of this country depend upon education. That is the foundation-stone; all else are but the pillars of this superstructure.

Now, Mr. President, if I understand the present proposition before the Senate it is to strike out the clause as it came from the House, and also the proviso of the Senator from Missouri. Am I right?

The VICE PRESIDENT. It is.

Mr. YATES. Then we are left with an appropriation of $5,400, which pays $3,000 to the Commissioner, and $1,200 apiece to two clerks, not enough to educate a single Chinaman or three negroes in the United States. [Laughter.] That is the proposition now, as I understand it, contended for by the chairman of the Committee on Appropriations. That is the appropriation to be made for this great subject of national education at this important crisis in our country, when we are getting down to the foundation theory of the Government, the Declaration of American Independence, when we say, as I do from my heart, that this Government consists of all the people, high and low, rich and poor, ignorant and learned, with equal rights. All depends upon that.

I do not say that we shall survive the experiment of self-government. We may be landed on the other side of Jordan in this great experiment, that all men shall have equal rights. But, sir, that is the theory of the Government; that is the position upon which I have placed myself; and we will trust in the providence of God and in the wise legislation of Congress and of all of our State governments, that there will be education and intelligence enough to counterpoise the ignorance that may meet us on every hand. We will trust to that. That is our theory. We know as well as we know anything that there are men not qualified to vote, and yet they have rights as dear as yours or mine. The humblest blacksmith in the land has the same rights and understands his wants better than the able Senator from Massachusetts [Mr. SUMNER] understands the wants of that blacksmith; and he is a better legislator upon the subject of his trade than that most distinguished Senator could be. This is the theory of this Government.

The Senator from Rhode Island said that he would establish this bureau with $1,000,000 of appropriation. I said the other day that I would establish it with an appropriation of $100,000; and I now say that I would go to any and the highest limit to which the Senate of the United States would go to make this bureau a grand national institution. I would give it a building equal to any that has been erected for any purpose, with its library, its halls, its officers, and its clerks, suitable in every respect to the character of a great and mighty nation such as we are. That is the kind of an institution I would have.

Gentlemen talk about this as a mere institution to collect statistics, &c. Why, sir, that would be the least of the duties of this department when it is properly organized. We must have information from every State for the legislation of Congress, because connected with this department are all the interests of the Government. Commerce, agriculture, and all the interests that are referred to here are insignificant compared with this noble and worthy object of education.

Mr. President, I am not making these remarks without having thought on the subject heretofore. I am not making this speech in any impulsive mood. I do not know that the views I present would be popular with a large portion of our tax-paying constituents; but I do know that a Government like ours, that aspires to be the first Government in the world, should do everything to promote intelligence among the people. It should be an example to other nations. It should do everything to promote the moral power and influence of the Government at home and abroad. The legislator who cannot come up to high-water mark on this question, in my opinion, thirty years from now, as this nation grows in power and intelligence, will be sorry to find his name recorded for a commissioner and two clerks for a national bureau of education. I would rather sign my death warrant than to cast such a vote.

Sir, must we have State rights come up against every question where this nation proposes to take a subject in its hands? Must we say that this belongs to the States and that belongs to the States? It would be very fine for Connecticut, for she has an admirable system of schools, her people are educated and intelligent. But how will it be in Georgia, in North Carolina, in South Carolina, when the Democrats come into power, as they will unless the legislation of this Congress is materially changed? How will it be as to education there? You may put it in your Constitution if you please that they shall educate their people, but will they do it? How long will it be before Arkansas and Alabama will have the advantages of Connecticut?

Sir, there is every interest at stake in this measure. This is a new period in the history of the world. By the kind providence of God we stand upon a new era; and it is the era of reform. There is no preservation for this Government or this Union unless we make education run *pari passu* with our increasing ignorant population. I wish I had time from notes that I have made to present the various subjects which would properly claim the attention of such a bureau as this. Why, sir, if properly constituted, it would be the pride of America; it would be her glory. Her capital might stand, but the building in which the bureau of national education was placed would tower above it.

Sir, if I thought that Senators came up to my view on this subject I would have this clause of the bill referred again to the Committee on Appropriations, of which the Senator from Maine is the able head. I would have them make an appropriation for an edifice which should not be inferior, though not perhaps as large, as any other of your public buildings; which should be beautiful in its construction, and arranged with reference to all the important matters that should come before this bureau. I speak on this subject from my mind and from my heart. This bureau would inspire in the States emulation, would communicate with them, and derive information from them which would be general and could be received by the other States. It could collect statistics from foreign nations, from the most advanced peoples of Europe. Sir, let not this Senate

pass by the untold advantages of such a bureau and the high character and the honor that it would give to the people. Let us not leave it for a future Senate to see the importance of such an institution.

Let us not pass it by. Most of the members of this House are connected with measures which have saved our country, and this bureau now comes at the very proper period of time. It is the sequence, it is the moral and legal sequence of what has been done. Four million slaves have been set free; millions upon millions of Chinamen, uneducated, and not speaking our language, are coming to our country; we have started out anew and fresh upon the broad field of equality and liberty. So far as the legislation of Congress is concerned, since 1776 we have not been a democratic or a republican Government. We have not carried out the provisions of the Constitution to make every State a republican government; and we shall have more to do yet with other States. Massachusetts—I say it in the face of her Senators—must abolish that provision in her constitution which denies suffrage to Germans who land upon American soil, who have become citizens there, but who cannot read and write. Massachusetts must abolish that part of her constitution and laws, or she must not have Senators and Representatives on these floors. New York, which requires a property qualification of $250 for each negro who votes must abolish that infamous proscription in her constitution, or she must not be represented on these floors. What is good for the South is better for the North; and so far as there is any anti-republican element in our systems of government, or in our free institutions, it must, it will be abolished, for such is the voice of the American people; or we go down as a party.

I say, then, as a sequence to the liberation of the slave, to the introduction of such extensive foreign immigration, and as at the ballot we decide all questions of government, we must do everything in our power for education. Tell me not, "Leave it to the States." If so, leave agriculture to the States, leave commerce to the States, leave all those questions to the States. No, sir; while it is not my desire or design to consolidate this Government, while I leave every State to do for education or for any other purpose what it can, I want a Government, I want a nation, a mighty nation, grand in her history as this has been; but now I want her eye turned to that future of peace wherein God designs that this chosen people, if they are true, shall promote the great arts of peace, the interests of agriculture, of commerce, and especially and fundamentally of education, universal education. The Constitution of our country is not safe, our Government is not safe while there is a single man who cannot read the Constitution of his country, or write his protest against oppression and misrule.

These are my sentiments. And while I shall not make any motion now, because I wish to speak on this subject with more mature reflection; while I would like to have the amendment referred to the committee with the understanding that we are to have a national Bureau of Education which is to occupy a position corresponding with that of the other Departments of this Government, prominent in every respect; while I will not offer the motion for its reference, yet I say that if we are to vote but $5,400 we had better abolish the bureau. Why give a man $3,000 as Commissioner, and the balance of the sum to two clerks? Why not abolish it? No, sir; this must be a Bureau of Education, or we must have nothing.

When the foreigner comes to this country to find out how many educated people we have, how much ignorance there is, what our systems of education are, what our modes of teaching are, what the qualifications of our teachers are, he must travel through the State of Connecticut and the length and breadth of the land to obtain accurate information, when here at the center, at the capital, in a national Department he should be able to obtain all the information; and it should go out, not only to every State in this Union, but to every country abroad, that the institutions of America were complete, every State had its system, and that it had its head at the national capital, where all information could be obtained.

This is my theory on the subject, and, sir, I cannot vote for this amendment. I should hope that it would be referred, that the subject might be longer and better considered.

Mr. SCHURZ. Mr. President, I beg pardon of the Senate for detaining them a single moment longer on this subject. It is not my intention to make a speech on the general beauties of education. I think we are all fairly impregnated with that idea. I merely desire to make a few observations in reply to my friend from Connecticut.

It seems to me that he entertains some apprehensions which are not entirelyju stified in fact. He argues that if we maintain a Bureau of Education here it will to a certain extent centralize the direction of the educational interests of the country, and absorb the attention of the people of the States with relation to that matter. I think he might just as well argue that the establishment of a bureau of agriculture would centralize and absorb the agricultural interests of the country; and he knows very well that that is not the case. Certainly in most of these States we have our own systems of education in successful operation; we have our schools, we have our superintendents, and so on. So we have in all the States our agricultural societies; and nevertheless, although each State may be capable of taking care of its own agricultural interests, nobody will deny that this great center of information, where knowledge is collected, and from which it radiates, called the bureau of agriculture, is of very great advantage to the country, and is at this moment very highly appreciated by the people.

I do not think that we should establish a department of education here and intrust it with the direction of the whole educational machinery of the country; but I do indeed think that we might form here a center for the collection of information, not only of statistics, as has been suggested, for an intelligent head of such a bureau might inform himself of the different methods of education adopted in other countries, for our own rather mechanical methods are capable of great improvement; of the different kinds of school-books existing in other countries; might put himself in correspondence with the persons in the different States taking an interest in the subject of education; might transmit the information he himself has collected to them, and thus stimulate and feed that interest which we already perceive now all over the country——

Mr. EDMUNDS. Different foreign States you allude to, as well as domestic.

Mr. SCHURZ. I mean that he might gather information from foreign States and disseminate it all over this country. In so far I believe that just as the Agricultural Department, which now exists, and which certainly does not absorb nor centralize the direction of the agricultural interests of the country, has become of eminent advantage to the farmers of the United States, and eminently popular with them, an educational bureau, intelligently conducted, might perform the same office.

When it is said that so far that office has not been very successfully performed, that may be true. It may be argued that it has been laboring under very great disadvantages, that the means at its command were very insufficient, that it was not aided by precedent and experience, and all that; all of which may be correct. But we have made the attempt; we have tried the experiment. The experiment is worth making, and I do not think that it would be well to give it up now when we have started anew, and when there is a fair prospect of success; and in order to secure that success we ought to grant to this Educational Bureau at least those means which are absolutely necessary to render a successful performance of its task possible.

Mr. CORBETT. Mr. President, I have been long of the opinion that the nation should establish some system of education. In other countries we have seen the advantages of such a system. Our eastern States and the new States have established systems of education which they saw were for their interest and for free institutions. Such an interest has not been manifested in the States which were formerly the slave States. They did not see that it was for their interest to educate the masses of the people to that extent that we did in the free States. We now have abolished slavery, and to me it seems that it is our next duty to educate all the people. To make it an object for the States to educate their people, to show them the benefits of that education, it is necessary for us to gather together statistics here that they may be distributed throughout the southern States, that they may reap the advantages of those statistics gathered from the eastern States and by that means establish on similar foundations their system of education. Many of those States have not the advantages of the endowments of land that the new States have had, such as Iowa and others, who have large endowments of lands that have been disposed of at good prices, thereby building up institutions of learning in every portion of those States of the West.

I should like to see a system established in the nation whereby every child would be educated, by which every child below the age of fifteen would be required to attend school from the time it is old enough to learn its letters until it shall have arrived at that age. I understand that there is a law now existing in the State of Connecticut whereby manufacturers, and perhaps others, are not at liberty to employ any one below the age of fifteen who does not receive at least three months' education in the year. Unless they are schooled at least three months in the year they are not allowed to be employed in manufacturing establishments. I believe if such a system was universal throughout our country, throughout every State in the Union, and the education of all the children of the land was required, upon that would rest the safety of our institutions. It has always seemed to me that the ignorance pervading the slave States among the masses, not only among the negroes, but many of the whites, had the result of leading them blindly into a rebellion, for which they were not responsible. There were a few leading minds, those who were educated, that led those people into this terrible war. I think that a system of education should be established that will be an honor to our country. It seems to me this amount of money is totally inadequate for the means to be attained.

I certainly should oppose striking out the sum fixed by the House of Representatives. I am opposed to the amendment of the committee. I would rather vote $50,000 than to strike out the sum proposed in the bill, and give only $5,000. I think $50,000 is not too much to give in order to collect statistics and place this bureau upon a firm foundation, and one that shall be of great interest and great benefit to the whole country. It certainly would be of very great benefit to those States that have not had the advantages of a system of education. I trust, therefore, that this amendment will not be adopted; and if an amendment is proposed increasing the amount appropriated to $50,000 I shall vote for it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations, as amended.

The question being put, it was declared that the ayes appeared to prevail; and a division was called for:

Mr. MORRILL, of Maine. I hope we shall not divide the Senate to-night.

Mr. MORRILL, of Vermont. Let the vote be taken to-morrow.

Mr. MORRILL, of Maine. Allow it to stand as it is, and then get it into the Senate to-morrow.

Mr. HOWE. Let it stand open without a vote.

The VICE PRESIDENT. It may be passed over, or may be regarded as agreed to, and a separate vote taken in the Senate.

Mr. MORRILL, of Maine. I think the amendment might as well be regarded as agreed to.

Mr. SCHURZ. Why not divide and settle it now?

Mr. SUMNER. I shall insist on dividing the Senate rather than agree to the proposition of the Senator from Maine. I do not wish for a moment that the Senate should agree to such a proposition.

Mr. MORRILL, of Maine. The Senator perhaps would rather keep us here all night than have the question go into the Senate, where it can be taken to-morrow without consuming time.

Mr. SUMNER. I said it might be passed over, but I did not wish to have the proposition of the committee agreed to.

Mr. SHERMAN. There is a quorum here. I do not see why we should not divide.

Mr. MORRILL, of Maine. If so, the question may be taken.

The VICE PRESIDENT. The Chair thinks there is a quorum in the Senate Chamber and rooms adjoining.

Mr. WILLEY. I understood this vote was taken upon the amendment of the Senator from Missouri.

The VICE PRESIDENT. No; that was agreed to previously. The question now is on the amendment as amended. The vote was very close, but the Chair thought the ayes appeared to have it. The suggestion of the Senator from Maine is that this amendment be passed over for the present. ["Agreed."] There is one more amendment reserved, on page 50, relating to the chief clerk of the Navy Department. This is the last reserved amendment. The Secretary will report it.

The CHIEF CLERK. The amendment is in line twelve hundred and nineteen, to strike out "$2,200" and insert "$2,500;" so as to read, "For compensation of the chief clerk of the Navy Department, at $2,500." And also to add after the word "dollars" the words "when there is no Assistant Secretary."

Mr. SHERMAN. I call for a division on that.

Mr. MORRILL, of Vermont. Allow that to go over until to-morrow.

Mr. SHERMAN. I have no objection; but there is a quorum here.

The VICE PRESIDENT. This amendment will be passed over till to-morrow.

Mr. MORRILL, of Vermont. I now move an amendment, of which I gave notice, from the Committee on Public Buildings and Grounds, for the purpose of putting up a building for the State Department. It is to insert as a new section:

SEC. —. *And be it further enacted*, That the sum of $500,000 be, and hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, for the construction, under the direction of the Secretary of State, on the southerly portion of the premises now occupied by the War and Navy Departments, of a building which will form the south wing of a building that, when completed, will be similar in the ground plan and dimensions to the Treasury building, and provide accommodations for the State, War, and Navy Departments; the building to be of such kind of stone as may be hereafter determined; three stories in height, with basement and attic; the height of the pavilions to be increased if necessary; the building to be of fire-proof construction, and in the renaissance style of architecture; the plans to be approved by the Secretary of State, the Secretary of War, and Secretary of the Navy before any money is expended under the provisions of this act.

It will be remembered, Mr. President, that at the last session of Congress a resolution passed both Houses unanimously, instructing the Secretary of the Treasury, the Secretary of State, and perhaps one other Secretary, the Secretary of War probably, to examine and report at the succeeding session, which is the present, a suitable site for a State Department building, and also to prepare plans for such a building, to be considered by the present Congress. In obedience to that resolution, approved by the President, they made a report. A majority of the persons assigned to make this examination reported in favor of taking the center of La Fayette square as the site for the State Department, and if that should be rejected they were then unanimously in favor of Scott square.

On the assembling of the present session of Congress the Committees of the two Houses on Public Buildings and Grounds examined with great care and particularity the respective places indicated by the report to which I have alluded, and also various other places, including Judiciary square; and after mature consideration have decided most emphatically to reject the spoliation of La Fayette square by putting a building in its center; and then they almost with equal unanimity decided against Scott square, which is a very small square, made up, since the city has been laid out, out of the junctions of Vermont avenue, I street, and Fifteenth street, where there is nothing but a large space formed by the junctions of the streets, which has been inclosed, by what authority I do not know, and is styled Scott square.

Finally, after looking the ground all over, the committees have reached the conclusion that the most suitable site for this building is that occupied in part now by the Navy and War Departments; and they merely propose in this proposition the erection of a building on the south part of this square, which will not interfere at all with the present buildings there, either the War or the Navy Department building; and it will be ample for the accommodation of the State Department for at least fifty years to come, and perhaps for all time; and whenever Congress shall be disposed, to extend the building for the further accommodation of the Navy and War Departments; so that the building, when completed, shall be a complement to the Treasury Department on the further side of the White House, it will be entirely competent on the part of Congress to do so; and the site will be a very fine one, and will accommodate not only all three of these Departments when the building shall be completed, but most likely the office of the Attorney General also.

It is evident, Mr. President, that the office of the Secretary of State ought to be one in close contigdity with the White House. The functions of the Secretary of State, both general and particular, require him to be often in consultation with the President. The present location of the State Department is exceedingly inconvenient to the Secretary, to the entire Congress, and to the President. It takes over half an hour now to communicate from the White House to the State Department. The building is a hired one, totally unfit for such a Department; and the documents, which probably would be considered the most valuable as to its archives of any Department we have, are exposed to fire at any time, for the building is not fire-proof. We have a library there adapted to the State Department which if destroyed it would be impossible to replace.

I have plans not only of the ground but also of the building proposed to be erected, which will be in a slightly different style from the Treasury Department, but will most likely be constructed of stone, and therefore will be a proper complement to the Treasury Department building on the further side of the White House. I do not suppose that there can be any necessity for arguing this question. I take it that we shall be as nearly unanimous in relation to putting up suitable accommodations for the State Department as upon any question that can arise.

I will add one thing more and that will conclude what I have to say, for the present at any rate. This south wing will cost something like a million dollars. It may slightly exceed it. It is impossible to tell precisely what it will cost; but somewhere about one million dollars will be the expense; and it is as low and a little less probably than we could erect an independent building elsewhere for. It will form a very fine specimen of architecture, be an ornament to the city and creditable to the Government whether the building shall be extended or not, but it will be so arranged that it can be extended if at any time hereafter it shall be thought proper.

Mr. COLE. I of course am very much in favor of this amendment to the bill, and of the construction of a building for the use of the State Department, but I observe in the seventh line of the amendment as proposed that this is to be the south wing of a building which shall be the complement of the Treasury Department. I was rather under the impression, and I call the attention of the chairman to it, that we were to commence at the north end of the building, and that this was to be the north wing.

Mr. MORRILL, of Vermont. No, if the Senator will remember, it was found on further examination that that could not be done without tearing down the War Department, and it can be commenced at the south wing without any interference with the Navy Department.

Mr. COLE. Perhaps so; but according to a plan I saw—I do not know whose it was, but probably some other than the Senator has——

Mr. MORRILL, of Vermont. That was an old plan, and was for a very much smaller building.

Mr. COLE. According to that plan we should be able to erect the building without any interference with the construction of the present War Department; and that was the idea I had as to the plan that prevailed in the committee. I however seem to have been misled or to be mistaken in regard to that. I am well aware of the very great necessity there is for the construction, as soon as it can be done, of a building for the use of the State Department. That Department at present occupies a rented structure far out on Fourteenth street; certainly too far away from the other business of the Government; and the building itself is not fire-proof; and the valuable records, all the records relating to the foreign relations of this country, are in a building that is liable at any time to be destroyed by fire. That condition of things should not be suffered to exist a longer time in this great nation. I hope, therefore, the proposition embodied in the amendment may be adopted by the Senate.

Mr. SCHURZ. I should like to have a little information from my friend from Vermont. He says that the south wing of the new building to be erected will cost probably a trifle over a million dollars. I should be glad to know how much the whole building will cost, which is to include the War and the Navy Departments, the Attorney General's Department, &c. Will not that cost some five or six million dollars?

Mr. MORRILL, of Vermont. I suppose when the building shall be completed it may cost four or five, or possibly six million dollars; but I assure the Senator from Missouri that it will cost much less to build it here than it would at St. Louis. [Laughter.]

Mr. SCHURZ. The observation I was going to submit upon this amendment to the appropriation bill had no reference at all to the matter which the Senator from Vermont was touching upon. I consider it rather a smart piece of strategy on his part to turn the flank of what I was going to say by such a previous remark. However I do not intend to let him escape in that way.

We are asked here to commence a building, one small portion of which will cost in all probability, as the Senator states, something over a million dollars. Now, it is a very well known fact that the buildings required for this Government always cost about double the amount of the estimates made beforehand; so that if the Senator says $1,000,000, before we get done with it that one wing will in all probability cost not only two but perhaps even three million dollars; and before we get the whole building finished, which undoubtedly will be done before the necessities of the case call for it, we shall have a structure there costing from seven to ten million dollars.

It has of late been fashionable in the Senate to raise the cry "Down with the taxes!" and I think that it is a very proper cry. I believe it is very highly appreciated by the people of the United States; but that cry has almost uniformly been accompanied by another cry: "Up with the appropriations!" How these two things are to go together I cannot clearly understand.

A few days ago we listened to very eloquent speeches, one delivered by my friend from West Virginia, [Mr. WILLEY,] and another by my friend from Indiana, [Mr. PRATT,] members of the Committee on Claims, on the losses suffered by southern loyalists during the war, and the complaints brought before Congress by them, that their just demands are not satisfied, demands, however much they may appeal to our sympathies, we have shown no willingness and disposition yet to satisfy. Certainly there are a great many claims standing against us of a similar kind, which the honor of the nation will oblige us to respect; and before we have discharged the most urgent of our just obligations, it seems to me it would be eminently proper for us not to raise the appropriations so high as to curtail our ability to pay without making heavier the burden of the taxes already weighing so grievously upon the people. I therefore appeal to the Senate, before they run into millions of appropriations, that they first coolly consider whether and how the taxes are to be reduced while the appropriations are to be raised.

The Senator from Vermont has favored us with another amendment to the appropriation bill, also amounting on the face of it to $500,000, to enlarge the Capitol grounds, so that when we step out of these marble halls our eyes may be gladdened by a fine piece of landscape gardening; all of which may be very pleasant and beautiful, but I humbly submit that before we go into such luxuries we should first satisfy those who have just claims against this Government. We should first listen to that urgent cry for the reduction of the taxes rising all over the country; a cry which tells us that the interests of this country are suffering, and that we should not go into the lavish expense of millions before having wisely provided for the manifold necessities pressing upon the Government.

Mr. HOWELL. Mr. President, I concur entirely with what the Senator from Missouri has just said; and I would allude still further to the remark of the Senator from Vermont. Why will he not "accept the situation?" It is plain, events have already settled it, that the capital of this nation must go to the center of population, and that that center of population is to be, probably before he gets the building that he seeks an appropriation for completed, in the valley of the Mississippi. Let us, then, "accept the situation." It is just before us, fully in the view of the nation, that this capital, the capital of the nation, shall go to the Mississippi valley. We can get along here very well with the buildings that we have. We need not go into this immense appropriation now when we are overwhelmed with national indebtedness, and when, as has been said, creditors and those who have suffered during the war are crying to us daily for relief and for payment of their just claims upon the Government.

We have got along for many years; we can get along for a number of years yet to come; and it will not need many years until the Senate of the United States, as well as the people of the United States, will be satisfied that this is not the permanent seat of the Government for this Union, and that it is not wise to invest such an enormous amount of capital in erecting buildings at this point. Therefore it is that in view of the condition of the country now in regard to the indebtedness that rests upon us, in regard to the claims against us, in regard to the fact that we seek to reduce the taxes of the country, and that the people demand a reduction of taxes, and demand economy and retrenchment—I say in view of all these facts it does come with a very bad grace, and will be so regarded by the people of the country, for the Committee on Public Buildings and Grounds to lay the foundation for the expenditure of millions upon millions of dollars here for the erection of buildings that must prove eventually, and at no distant date, useless for the purpose for which they are designed.

Mr. STEWART. Mr. President, I was rather inclined to vote against this appropriation when it was first proposed by the Senator from Vermont on the ground of economy, and because I thought perhaps we could wait awhile before beginning the building; but if it is made an issue whether the capital shall remain here or be put on wheels, I think all the arguments of economy are in favor of an immediate appropriation. If appropriations are to be opposed on that idea, and the refusal to make appropriations is to be construed as an intimation that the national capital is to float around over the country and to be a bone of contention and discord for the next twenty years, I shall vote for appropriations all the time.

I believe that this is as eligible a point as there is in the United States for the capital, considering the climate, the location, and all the associations that surround it. I do not believe this capital is to be moved. Our present facilities for travel place the capital nearer the Pacific coast in point of time than it was fifty years ago to Massachusetts. You can go from here to San Francisco in seven days. It took that length of time to go from here to Boston when the capital was located here.

Mr. SUMNER. The Pullman cars take a company from Boston through in five days, I think.

Mr. STEWART. So that distance is overcome, and there is no inconvenience in having the capital here. It is a beautiful place, a healthy place. The only objection I have is the want of a right of way to it, and the want of a little enterprise in improving it. Now, if the question is to be agitated whether we are to have a removal of the capital, I am in favor of making all reasonable appropriations for the improvement of these grounds so that they shall look proper. I am in favor of the public property being taxed the same as private property is here, and let that be a fund which shall be annually appropriated to improving the streets and grounds and inaugurating a system of sewerage and beautifying the city. Then let us have railroads built to it. Let us have one thing in the United States which is permanent.

If you start this question of the removal of the capital you will have every little town in the Mississippi valley of two thousand inhabitants putting in a claim, and you will practically have the capital on wheels. It will be more expensive; there will be more uncertainty, and it will do more to disparage the credit of the nation to start this capital on wheels, and to make the people feel dissatisfied with their Government, than any other thing you could do.

There are memories surrounding Washington that the people love and revere, memories that should not be disturbed. Let us have some memories and some associations that we regard as sacred. Now, do not make that an issue, because you will make me extravagant on this question of appropriations. If my friend from Iowa wants to defeat these appropriations let him not put his opposition on the ground that he is opposed to the spending of money here because he wants the capital removed.

Mr. HOWELL. I was going to ask the Senator from Nevada what those memories were that he bases so strong an argument on.

Mr. STEWART. Does the Senator inquire what are the memories to which I refer?

Mr. HOWELL. I do.

Mr. STEWART. Here is the point that was agreed upon by our fathers, after a struggle and a compromise made on the establishment of the Government. This is the point that the Father of his Country took an active part in locating. This is the point near which his remains lie. Here is the point near which over forty thousand soldiers of the late war are buried. Here is the place around which the patriotism of this nation rallied to save the capital they loved. Here is the place to which the eyes of the whole world were directed when it was threatened by the hands of traitors. Massachusetts sent her hosts, Pennsylvania sent her patriots, and Iowa and Illinois were not behind, to guard these sacred grounds. This is the point for which more blood has been shed, for which more prayers have been sent up, than any other point. There is no point in America like Washington, surrounded by such memories. The memories of the compromise of the Revolution; the memories of the struggles of the great rebellion cling about this place. Tear it down; tear down these walls for which you have fought; put the capital on wheels, and you will trifle with the dignity and the honor of the nation.

I am astonished that the Senator from Iowa, the economist of the Senate, the man who would save the public lands, the man who would save everything, should now propose to tear all this up and put the capital on some creek in Iowa, on the swamp lands that the State received as a special bonus on the Mississippi. No; let us stay where we are. We shall never get so good a place; we shall never get a place that will satisfy the people as well. We shall never get a place in the United States upon which as many men will agree as upon this. Do not make that issue. If you do I will vote for appropriations, and I will vote for appropriations not only to build a Department of State, but to build an elegant presidential mansion, to pave the streets, to beautify the grounds. Let us have one place that we hold sacred, one place that we protect, one place that shall be permanent, one place that shall be the pride of America.

Mr. MORRILL, of Vermont. Mr. President, I trust we shall not on an amendment of this kind raise a discussion about the removal of the capital. When that question comes up seriously gentlemen will find that there are plenty of arguments, and they will be met toe to toe. Now it is a question of necessity, even if the Government were disposed to move its buildings. We ought to have a fire-proof building to accommodate the archives, the library, and the officers of the State Department; and this argument in favor of economy—of course I do not like to characterize it; but it is too thin and too transparent to be disguised even by the ingenuity of my friend from Missouri or by the stubborn assertions of my friend from Iowa.

Mr. HOWELL. If the Senator will permit me, I should like to ask him a question. He says this is a matter of absolute necessity, as I understand him. I cannot comprehend the necessity any more than I can comprehend the argument as to the memories that cluster around this place. That argument does not reach any practical result. Neither do I see anything in the necessity that the Senator from Vermont alludes to, that a building to cost some $10,000,000 shall be erected here or com-

menced. I believe it is not calculated to cost that much the first year.

Mr. MORRILL, of Vermont. If there is any Senator here who has no memory for the past, I say God help him. The memories of the past are alone what saved this capital during the last struggle. It was not a strategic point in a military point of view. It was the precious memories that clustered about here, around the heads of all our ancient statesmen. All the archives of the Government are lodged here. All the historical reminiscences of the past, legislative, executive, and judicial, are located here. When we lose the prestige of that, I say to the Senator from Iowa we are in more peril than we ever were from secession. When we shall dislocate our memories from what centers here at this place, and remove our capital to a new and far-off location from what it now occupies, then I say we shall encounter some danger, and not till then.

But, sir, I do not suppose that this is contested as a serious question, I do not so regard it at the present time. I regard it as an effort pervading a small, an infinitely small part of our country in comparison with the whole. I know of no place where it exists except in sporadic spots in Iowa and in Missouri, and possibly in Illinois, and there it has been stimulated mainly by one peripatetic propagandist.

Mr. President, this is a plain and simple proposition, merely for the accommodation at the present time of the State Department. We only propose to appropriate $500,000 this year, and if gentlemen desire to contest the matter next year they will have abundant opportunity. Then we shall propose enough to complete the building, if we should live and be here. But at the present time all that is asked is $500,000 to commence this building, the necessity for which is obvious to every Senator. As I said when I rose, I protest against raising a great debate upon a small matter. I hope that we shall at least pass upon this question without consuming a large amount of time. I am perfectly willing, so far as I am concerned, to take the question without a further consumption of time, although I am quite ready to allow any gentleman to reply to what I have said.

Mr. HOWARD. I wish to ascertain whether this appropriation has been recommended by any committee of this body?

Mr. MORRILL, of Vermont. It has been, by the Committee on Public Buildings and Grounds, and notice of it was given, and the amendment is printed.

Mr. HOWARD. I do not think that at the present time there is a very pressing necessity for commencing a new State Department building. If I understand it rightly the State Department is tolerably well accommodated now in the Orphan Asylum building which it occupies. I wish to inquire of the honorable Senator from Vermont if he is able to inform the Senate what the Government is paying in the shape of rent for the use of that building?

Mr. MORRILL, of Vermont. We are now paying $10,000 rent, and the lease will soon expire, and then we shall be at the mercy of the proprietors.

Mr. HOWARD. Well, sir, I hardly think it worth while at present to commence the building of a new State Department. I think the rate of rent which we are paying for the building in question is quite too high, so far as I am able to judge of its value. If it is desirable that a building at a lower rent should be procured for the use of the State Department I think it may be in this city without much inconvenience; but at present it strikes me we had better not increase the expenses of the Government beyond what is absolutely necessary.

The people are already complaining seriously under the weight of taxation, and we ought, if possible, speedily to lighten their burdens so far as is practicable. Let us not undertake to do too much during our own generation. We are to have posterity who will be just as able to carry on the affairs of this Government and pay its debts as we are. Let us not undertake to pay off the whole of the national debt, for instance, during this generation. Posterity will do their share, and do it as willingly as we have done ours. We have performed our task with admirable fidelity, at least to the great cause of liberty and popular Government; and for one I am willing to trust something to the future. At all events, I do not now see the necessity of undertaking the enterprise which is contemplated by this amendment. I think we can get on very well for a few years to come, until at least the burden of the internal revenue is somewhat lightened without going into this expense.

Mr. SUMNER. Mr. President, I have no desire to enter on the great themes that have been opened to-night by the distinguished Senators around me.

Mr. SCHURZ. The Senator does not refer to me, I am sure, as I have opened no new theme.

Mr. SUMNER. You are one of them. Then there is the Senator from Iowa, [Mr. HOWELL,] and the Senator from Nevada, [Mr. STEWART,] each of whom has presented to the Senate what I would call the larger proportions of this question. I wish to say just one word in reply to my friend from Michigan [Mr. HOWARD] on the question of necessity. He thinks there is no occasion for a building now. The necessity has been demonstrated by my friend from Vermont in introducing this proposition; but having some acquaintance with this building ever since the Department has occupied it, and knowing also something of the necessities of the Department, I am bound to say that the building is grossly inadequate. In the first place, it is merely a tinder-box. There is nothing except the constant watch and ward that is kept there that saves it from being burned to the ground any night. A spark entering it might touch it off. It is filled with papers, the archives of this Republic. If we have any papers of value, any that are most worthy of preservation, they are there, and all of them exposed to this relentless element.

Then it is at a distance, more than a mile removed from all the active walks of the capital.

Mr. HOWARD. Two miles.

Mr. SUMNER. My friend says two miles. So much the worse. It is out of the way. It ought to be, as was observed, near the President's House.

Then it is a hired building. It does not belong to the Government, and the Senator who finds that we pay too high a rent for it says we can easily find another building. To that I answer that it is within my knowledge that when the Department was carried there a most earnest effort was made to find another building, but without success. There is no other building now to be had in Washington which would be adequate to the purpose.

I therefore come back to the necessity of the case. I avoid embarking on those great themes. I leave those to others, to the eloquent Senators, the orators of the Chamber. I content myself with pressing upon the Senate the absolute necessity of the case. The Department of State in our political hierarchy ranks as the first of the Departments. It is named first in the legislation of the country, and the head of the Department, as you all know, is the first among the advisers of the President; and yet that Department is without any home at the national capital. It was dislodged, as you know, and its building destroyed in order to make way for the Treasury Department; and since then it has been no better than a vagabond living in an orphan asylum. [Laughter.] And now my friend from Michigan wishes to turn it out of that to get cheaper quarters. It is in an orphan asylum, and my friend from Michigan wants it to find something still cheaper, [laughter;] or he would turn it into the street.

Mr. NYE. He wants to put it in an almshouse.

Mr. SUMNER. The Senator says he wants to put it in an almshouse. It would have to go to an almshouse to find anything cheaper. [Laughter.] Now, Mr. President, I think we had better come back to the proposition of the committee, and discarding all the lofty and most suggestive topics which have been introduced into the debate, simply vote on the proposition.

Mr. HOWELL. I claim the floor for a moment. I do not propose to be put down either by sarcasm or irony. When I take a position here I propose to maintain it against all comers to the extent of my ability. I know that economy either in money or in lands is not very popular in this body. If I had had the fortune to be here as long as the Senators who ridicule economy and who ridicule the preservation of the public lands for the benefit of the people, probably I should not appreciate economy in these respects any more than they do. They must therefore attribute it to the fault of my education, not having had the benign influences of those Senators to mold and fashion me into their views as yet.

In regard to the question of this appropriation, the Senator from Vermont says that he wants $500,000 now anyhow, and then the question as to how much more shall be appropriated can come up properly next year. That is not the way to go to work to build a house, either as pointed out by Scripture or as known to the practical men of our day. It is proper first to make your plan, and count the cost, and then to go to work and erect a building. I want to know beforehand what kind of a building I am voting for here before I vote an appropriation. I am not willing to leave it to the future to designate the character of the building for which I shall vote an appropriation of $500,000 to-night or to-morrow.

Mr. MORRILL, of Vermont. I will say to the Senator that the committee have taken all the pains which he indicates to ascertain that precise information. We have had a plan made; we have had a careful estimate made; and I will say to the Senator that the last building put up here by the Government did not exceed the estimated expense. I refer to the building for the Agricultural Department. I have great confidence in the gentleman who made the present estimate, that it will not exceed his estimate, for he is rather an extravagant man in making estimates.

Mr. HOWELL. Then the Senator's remark in regard to the appropriation now of $500,000, and deciding a year hence in regard to what further appropriations may be necessary, was not in accordance with the plan which has been agreed upon by the committee, as I understand him.

Mr. MORRILL, of Vermont. Certainly, it is. I stated that it would cost probably something over a million dollars—from a million to a million and a quarter of dollars—for this building; but all that could be profitably expended this year was about half a million, which is all we ask for.

Mr. HOWELL. Then I wish it understood that my idea on this subject is that we should get along at present, in the universally acknowledged embarrassed condition of financial affairs in this country, without making even an appropriation of $500,000 to inaugurate a building which is to cost several times that amount hereafter. I base it on the ground, in the first place, that we do not need it at present as much as we need to do justice to those who have claims upon this Government, and to do justice to those who are ground down with the heavy taxation which we have imposed upon them, and which we are continuing to impose upon them.

There is no desire, as I have gathered since I came here, for economy, for the retrenchment and reform which we have promised in financial matters. I wish to see some indica-

tion of it here in the Senate, as well as elsewhere among the people.

Mr. PATTERSON. I should like to ask my friend if he thinks it would be cheaper to move the Capitol, and put up buildings for all the Departments out on the Mississippi river, than to build this one building here?

Mr. HOWELL. I have not come to that yet.

Mr. PATTERSON. No; and the country has not.

Mr. HOWELL. And the country has not. But when we do come to that, I want to have the matter as free from embarrassments as practicable—from unfinished buildings, from immense preparations and plans and calculations; for we are coming to that. That question will be before us as a practical question in our day. There is no doubt about it whatever.

We have lived to see things moving at a more rapid rate than that, and greater events accomplished in this country. Now, to come back to the memories upon which my friend from Nevada [Mr. STEWART] dwelt so feelingly. I am not one of those who have no sentiment, who are destitute of sentiment or of the feelings of patriotism or the love of country, or who are unmindful of the memories that cluster round sacred places, places that have become sacred because they are connected with the memories and the achievements of our soldiers and the battles for liberty and for the preservation of the country. But Washington is not distinguished above other places, I opine, in this country for such memories as those. I opine there are plenty of places that have a significance to the patriotic heart quite as touching and quite as profound, and which did not cost the lives and the treasure to protect that have been, not squandered, but that have been bestowed for the protection of Washington city in the past. It is not that I wish to contemn those memories at all; but that I would not hold them as a practical ground or reason for locating or continuing the capital of the United States at any special point. If that be the consideration that is to overcome all other considerations, I do not know a man in the Senate who cannot think of other places in this country which have superior claims upon our sympathies and upon our patriotism and our love of liberty than this city of Washington.

But in my first remarks on this subject I wanted simply to have it understood that an appropriation now to afford temporary accommodation for the Department of State, or whatever other Departments might need accommodations, is all that the financial circumstances of the country and the circumstances attending the administration of the Government here demand at the hands of the Congress of the United States. What other permanent provision may be made in the future let it be left for the future to decide. For the present, I insist that it is true economy, that it is sound policy for the Congress of the United States, for the country, and for the party which is responsible for what is done here, to make temporary provision for the accommodation of the executive offices of the nation.

Mr. SCHURZ. I desire to say a very few words in reply to my friend from Vermont.

Mr. SUMNER. Will the Senator give way for an adjournment?

Mr. SCHURZ. Not now. I shall not occupy more than two or three minutes.

Mr. SUMNER. The Senator can then reflect on his remarks to-night.

Mr. SCHURZ. I do not need any further reflection upon the remarks I wish to make. I think we can dispose of this matter now, so that it will not be necessary to reopen it to-morrow.

I said I wished to make a few observations in reply to my friend from Vermont, who treated the matter of the removal of the capital in a becomingly serious manner. The Senate will bear me witness that I did not allude to that subject when I first rose. But since the discussion has been started, I may as well venture upon expressing my views. I do not form my opinions very hastily, nor do I think I am easily swayed by what may be called local influences.

I may say that I had an opinion on this subject long before the question of the removal of the capital to the valley of the Mississippi had been mooted in my section of the country or anywhere else, and the conclusion which I had formed was that the capital of a country is very liable to be changed as soon as the geographical proportions and the relations of the population of that country change. There is nothing very strange or very fearful in this. It may be a very natural and quiet process. We have seen such things before. It occurred, for instance, in Russia, where the capital was moved from holy Moscow to St. Petersburg mainly for the reason that the emperor of Russia deemed it highly important to that empire to create a great navy and make it a maritime Power.

Mr. MORRILL, of Vermont. But the Senator knows they are about to go back again.

Mr. EDMUNDS. He did not follow a central position exactly.

Mr. SCHURZ. If Senators will have patience I shall make a remark bearing on that point. It is probably well known to Senators that at the present moment the question of removing the capital is agitated in Russia again.

Mr. NYE. Moving it back again?

Mr. SCHURZ. Not moving it back again to Moscow, but moving it to a more convenient and more central place, a place more likely to be the center of gravitation of the Russian empire, namely, Kiev.

It is also known that as soon as the geographical proportions of the kingdom of Italy had undergone a very important change the capital of that kingdom was removed from Turin to Florence. This happened in our day; so it may be said that there is nothing peculiarly strange in the removal of the capital of a country from one place to another.

I do not think it is a question of sentimentalism, or of memories, or of local prejudice. In most cases it is one of those questions which are decided by the sense of national interest entertained by the people. So it is my belief that the capital of this country is going to be removed from this city to the Mississippi valley. That removal will not require my voice to agitate it or to advance it. The interests which will gather to bring about that result will be far stronger than agitation carried on by a few individuals. Nor do I think that all the eloquence that can be evaporated here on the floor of the Senate will be sufficient to prevent it. And if you erect the buildings proposed here they will make the removal only more expensive, but no less certain. That is my opinion. I give it for what it is worth. Of course there are opinions to the contrary, and each man may stand upon his own.

Mr. EDMUNDS. How soon?

Mr. WILSON. When?

Mr. SCHURZ. I will not venture any prediction on that point.

Mr. NYE. I will ask the honorable Senator if he does not think that the roof of this edifice will need repairing before that is done? [Laughter.]

Mr. SCHURZ. If the Senator from Nevada will inquire closely he will find the roof of this edifice is in need of repairs now.

Mr. NYE. Certainly.

Mr. SCHURZ. Then I think that question answers itself.

Now, as to the propriety of moving the capital, as to the interests which will command such an event, and as to the results which will follow it, there is great variety of opinion, and legitimately so. I do not mean to go into an argument on that question now. The Senate will bear me witness that I did not bring forward the issue. I spoke upon the question of economy, and referring to that once more, I am a little surprised at my friend from Massachusetts, [Mr. SUMNER,] who, when he made his first financial speech on the floor of the Senate at this session, a speech which created a great sensation in the country, and which I am sure was very highly appreciated by his friends, raised the cry "Down with the taxes!" and I do not think that cry could be pronounced with more emphasis than he pronounced it, "Down with the taxes!"

Mr. SUMNER. I repeat it now.

Mr. SCHURZ. It cannot be too often repeated. And yet now, because the State Department is a little uncomfortably located, which I admit; now, because some change may perhaps be needed with regard to securing the archives, he, instead of looking for an economical way to remedy the evil, is at once ready to rush into an appropriation of $500,000 to start on, and which will inevitably involve another appropriation of five or six millions to complete the work. I leave it to him to establish the consistency of his cry, "Down with the taxes," and his other cry, adopted to-night, "Up with the appropriations." I fear I cannot trust my friend's financial speeches any longer if they are followed up by such practical applications.

Mr. YATES. Mr. President——

Several SENATORS. Let us adjourn.

Mr. MORRILL, of Vermont. Oh, no; let us settle this question first.

Mr. YATES. I only wish to speak a little while.

The VICE PRESIDENT. The Senator from Illinois desires to proceed.

Mr. HAMILTON, of Maryland. Will the Senator yield for a motion to adjourn?

Mr. YATES. If it is the desire of the Senate I will do so; but I wish to submit a few remarks on this question.

Mr. HAMILTON, of Maryland. If the Senator yields for that purpose, I move that the Senate adjourn.

Mr. YATES. I will say what I desire to say to-night.

The VICE PRESIDENT. The Senator from Illinois prefers to make his remarks now.

Mr. YATES. Mr. President, the question of the removal of the capital, as I understand it, is germane to this question; because if the capital is to be removed there is no necessity for erecting a building here at an expense, as we are told, of $1,500,000, but which will probably amount to $3,000,000 or $4,000,000, and we do not know but to $10,000,000——

Mr. HOWARD. With the leave of the Senator from Illinois I will move now that the Senate adjourn.

Mr. EDMUNDS. No; let us finish this bill.

The VICE PRESIDENT. The Senator from Illinois yields to the Senator from Michigan, who moves an adjournment.

Mr. SPRAGUE. Will the Senator from Michigan give way one moment to permit me to offer a petition?

Mr. HOWARD. It may as well be introduced in the morning.

Mr. SPRAGUE. I desire that it should go to a committee that meets to-morrow morning.

Mr. HOWARD. Very well.

Mr. SPRAGUE presented a petition of Caleb White and Mrs. Bertie A. Thomas, praying to be reimbursed for overcharges in the shipment and sale of certain cotton seized by order of the general commanding at Baton Rouge in 1865, and sold by an agent of the Government; which was referred to the Committee on Claims.

The VICE PRESIDENT. The Senator from Michigan moves that the Senate do now adjourn.

The motion was not agreed to, there being on a division—ayes 18, noes 19.

The VICE PRESIDENT. The Senator from Illinois is entitled to the floor.

Mr. YATES. I think the remarks I am sub-

mitting would be more appropriate and in better shape if I had more time to collect information, and especially to present statistics. I was remarking that the question of the removal of the capital was germane to this amendment, because if the capital is to be removed this building should not be erected. Now, Mr. President, I do not know that I shall vote against this appropriation, for, as I understand, I do not know but that Chicago would proffer the stone of this new building, all wrought-up, ready for the erection of the new Capitol in the West. I do not know but that we have the quarries which would furnish the material for a capital such as these buildings are made of.

Mr. President, has it appeared in the history of this country that the people of Washington and the people surrounding Washington, in Virginia and Maryland, have respected the memory of the immortal Father of his Country as the people upon the banks of the Mississippi have done? Where, sir, is the memory of Washington more sacredly held than in those northwestern States? Who has stood up so clearly to what he said when he declared that the Union was the palladium of our political liberties and salvation? Was it in the city of Washington; was it in Maryland; was it in Virginia? No, sir.

The gentleman referred to somebody that he called, I think, a peripatetic adventurer in the House, from the State of Illinois, who was for the removal of the capital——

Mr. WILSON. No; he did not say that.

Mr. YATES. Yes; he said from Illinois.

Mr. MORRILL, of Vermont. I meant a gentleman whose name has figured largely in connection with this matter, Mr. Reavis.

Mr. YATES. I will say to the Senator from Vermont, without depreciating him, that that same man might well and ably fill his chair. I know him well and I know his abilities, and I know that his heart is in the question.

Mr. MORRILL, of Vermont. I said nothing against the character of the gentleman; I merely alluded to him as a gentleman who was affected by this epidemic. That was all.

Mr. YATES. As a sort of visionary character; that was the meaning of the Senator. But, sir, there is nothing visionary in what he has proposed about the removal of the capital. I do not know that I shall oppose the appropriation proposed by the Senator from Vermont for the reason that I have said, and say now, that Chicago herself will take the contract to move all these buildings from turret to foundation-stone. And I answer the Senator who asked the question whether it would cost less to remove these buildings than it would to make this appropriation for a State Department building, that it will cost the Government nothing, not one cent, to remove this capital to the West. We may provide for Washington; we may appropriate these buildings to some other purpose; but if they are to be removed it will cost this Government nothing.

Mr. President, the memory of Washington is as dear to us in Illinois as it is to the people of Washington city or the people of the surrounding States. It would not even do much harm if the remains of the Father of his Country were transferred to a State where rebellion and treason had never raised its bloody head, nor that the pilgrimage to the tomb of the Father of his Country should be among a people whose hands were high lifted to bear aloft the standard of the Republic in the days of danger and of peril. It may be painful to Virginia, but we must not sacrifice to such a consideration the feelings of a great and mighty people, and especially of those young men and those old men who have gone out from the East to plant the institutions of freedom in the West, and build school-houses and raise the humble frame church, with its steeple pointing to heaven, and who have carried there the thousand charms of civilization and Christianity.

You must not talk to me of the memories surrounding the city of Washington. The people of the West have their memories bright and sweet and cheerful for the father of our country, for this city of Washington, and for the buildings we have here erected.

But, sir, I will say to the Senator from Vermont that his language, or at least his manner, if it did not seem to be a sneer, at least seemed to intimate that this was a question of no serious magnitude. Sir, somebody asked the time when this capital would be removed. I answer it here to-day that the capital of the United States of America will be removed in less than ten years from this time. These are not idle words. It was a much longer period in which I predicted the abolition of slavery, but it came around in the course of human events.

What will remove this capital? I have no particular feeling against the people of Washington. I admit that perhaps forty or fifty thousand of our noble dead are buried here, and their memories are to be cherished as much as they are upon the banks of the Father of Waters or on the Tennessee; for they all sleep in sacred graves. But, sir, the little State of Illinois, if you call her little, sent two hundred and fifty-eight thousand men to this war, all of whom regard Washington and its institutions and its history as much as the people here do, and perhaps more.

The reason why the capital of the United States will be removed is, to come to the fact, that this is a Government of majorities; ours is a Government where the majority rules; and where the power is there is the legislation of this country, and when the voice of the people comes up for a measure it must and will be adopted.

Well, sir, the center of our continent is upon the Mississippi river; the power of empire is there; the center of our trade and commerce and business is there. There center the railroad communications and enterprises of this country. The South will come up with one united voice for the establishment of the capital of the nation at St. Louis, or at Quincy, or at some point upon the Father of Waters where we have communication to the Gulf, and with foreign Powers, and markets for our cotton, our grain, and our productions of all kinds. Besides our connection with the East by thousands and hundreds of thousands of miles of railroad all concentrate there within a belt of four hundred miles, controlling and to control the destiny of this country.

Why, Mr. President, the removal of the capital has been sneered at; but let me assure Senators that ridicule, sarcasm, sneers, are nothing when you have to meet the voice of the millions of the people of the United States who say that now the capital is not central, as when the war began the capital was not in the center of a loyal population. It should be in the interior, where men will rally around it, stand by it, and support it. The capital should be accessible to the business of the country, to the commerce of the country. These are the considerations which are to control the investigation of this subject. Notwithstanding these marble halls and these public buildings, magnificent in architecture and construction, yet it is manifest destiny that the capital of the United States must and will be removed.

Mr. President, there are reasons for it. In the first place I would have the capital removed to reduce the mileage of my honorable friend from Nevada. He gets too much mileage, sir. [Laughter.] I know it will diminish my mileage when we get the capital in Illinois.

Mr. STEWART. Will the Senator allow me to interrupt him?

Mr. YATES. I will allow the Senator to say a word.

Mr. STEWART. I hope the Senator from Illinois will have that omitted in his speech, because jealousy or envy of the good fortune of others is not an element of his character. His generosity is well known.

Mr. YATES. I only want to show it by way of argument that we must get to the center of trade and population, and where the power and commerce and business of the country concentrate; and while it reduces my mileage it will also reduce the mileage of the honorable Senator, and increase the mileage of the Senator who is in the chair, [Mr. BAYARD.]

Mr. President, I would prefer to speak to-morrow on the subject. I only speak now because there has been a lull on this question of the removal of the capital; but there is a deep feeling in the heart of the people of the Northwest, in the valley of the Mississippi, and in the southwestern States, that there are no reasons why this capital should remain here.

There are some memories about this place which are not so sacred as those already referred to. The battle of Bladensburg, and the burning of the Capitol in 1814, because it is no commercial point, because it is no point where protection can be afforded, as it would be if it were surrounded by brave men with brave hearts and interested in this country in the central States, are not agreeable memories. There is another memory, when the Government of the United States with its capital, Washington, was cut off from supplies by the removal of one hundred and fifty rails or so from a railroad track—the only railroad track from the city—and we were left at the mercy of the enemy. Then if Breckinridge had been as brave in war as he was bold in treason, the capital was at the mercy of the army that surrounded it.

It is astonishing, it is amazing to me that when every county in Illinois has a railroad, and two crossing each other, and so throughout the West, all our communications in a business aspect should point everywhere except to Washington. It is amazing that there has been no prosperity in Washington except what has been inspired and engendered by appropriations like that now proposed by the Senator from Vermont. I stand amazed, when that Senator, perhaps, will vote that the Educational Bureau shall have only $5,400.

Mr. MORRILL, of Vermont. The Senator probably did not hear my remarks on that subject.

Mr. YATES. I did not.

Mr. MORRILL, of Vermont. I was for the larger sum.

Mr. YATES. Other Senators are voting that the Educational Bureau shall have only $5,400—$3,000 for the Commissioner and the balance for clerks; not enough to educate one single Irishman who lands on the wharf in New York and says he is going to vote the "Dimmycratic ticket;" and yet these Senators will stand up here and say that with accommodations all around him, the Secretary of State, with these public buildings, in which he can find a convenient and splendid place to put his Department at any time, this vast expenditure shall now be undertaken. I venture to say that some bureau of the Government would be willing to occupy that old building with a tin roof which has been spoken of, with proper repairs, and in some of the larger structures, like the Patent Office or Treasury building, the Secretary of State could find a very comfortable place.

Now, Mr. President, in conclusion I have to say that at this period of our history—and I say it for the benefit of the Republican party—this is no time to increase the taxes by building monumental structures to the memory of Washington. A crazy feeling seems to have come over this people all at once for the memory of the immortal dead. I venture to say that there is not a man in the United States who has a greater regard for the memory of Washington than my friend from Nevada, [Mr. NYE,] and he lives out on the mountains away off toward the Pacific coast, where the air is pure and clear; and he will have just as much regard for the memory of Washington when the capital is removed as he has now.

I will say that I myself have not agitated this question of the removal of the capital. I have had my reasons for it. There is a tide in human affairs when it is right to strike for such a question. Already the voice of the Northwest and of portions of the South show that people to be alive to this question. You may treat this as an idle matter if you choose, but I hope that the Senator from Massachusetts [Mr. SUMNER] in his fourth term will stand by his desk upon the banks of the Mississippi and utter forth his theories, his speculations, his desires, and his arguments in favor of human liberty. When he gets out there, gets away from his beloved Massachusetts—perfect in all respects in her institutions of education and religion and morals, and imagines that while he is so surrounded all the world is as happy and blessed as he is—he will find that further West, on those bleak plains and on those hillsides and on these little brooks where the cabins are, and upon the tops of the mountains where the poor men reside—he will find there perhaps a wider theater for his great and noble eloquence and for the dissemination of education and the principles which are to maintain and preserve this Government.

Mr. President, I know that the Senate is tired, and I shall not detain it much longer. I may say more on this subject in a more digested form hereafter, as I have intended to do at the proper time. But for the present I conclude, and conclude by saying to the Senator from Vermont, that it will not bear a joke that a building can be built cheaper here than it can in St. Louis. If it costs five times as much to build a building in St. Louis as it does in Washington it will be built; it will be built by the men who are able to build it, it will be built by the men who are willing to build it, it will be built where it ought to be built, where the center of power and the center of population is.

Mr. NYE. The Senator from Iowa [Mr. HOWELL] suggests that it ought to be built at Keokuk. [Laughter.]

Mr. YATES. Yes, Keokuk would be a good place. That is the argument which we would call the argument *ad absurdum*, that the capital must stay here because there might be half a dozen other places which would contest for the site. Yes, sir, there will be candidates, different places where this capital should be placed, but the bill will be passed with a blank "that the capital of the United States is removed and located at blank."

Mr. NYE. That is a good place to move it to. [Laughter.]

Mr. YATES. It is a good place, because under the direction of the President, or commissioners, or whosoever the Government may authorize, that blank will be filled. I can say to my friend that the word "blank" is sometimes better than to have the note or the bill filled up, and so it is in this case. It is manifest destiny; it is written in the progress of this country; it is written in the streams and tides of population, in the business and commerce of this country, upon those great rivers that God Almighty gave us, and in the railroads which human ingenuity and art have built. It is written, as plainly as if it were written upon the sky in stars, that the capital of the United States will be removed.

Mr. President, I am not arguing this point, as I hope, with a view of merely pleasing my constituents, but I believe that it will not cost this Government one cent if the proper measures are taken to remove the capital. I could have three Senators here, whom I would name, go and buy the land at fifty or a hundred dollars an acre, in a convenient neighborhood for the United States, a good many sections of land which would be laid off with the Capitol in the center, and with the grounds for the other public buildings, and by the sale of lots, &c., they would get double the expense which the nation would be at in the removal of the capital; and when that is done I will undertake to say that in that broad valley of the Mississippi, upon the banks of our noble river, in the center of our great and enterprising population, buildings more magnificent in structure, if possible, more conveniently arranged and better adapted to the members of Congress and to the people of the United States, and with accommodations far exceeding those which we now have, we shall have there.

You may depend upon it I speak for a constituency that are not mean nor niggardly, that are full of enterprise, that have capital; capital not only in the cities, but in the farms everywhere over the broad West. They are only your more energetic sons, I say to you New England men—only your more energetic sons that have gone to the wilderness to meet its vicissitudes and there plant forever the institutions of liberty and freedom, but younger and more enterprising than you. They are interested in the West, in the South, and in the Southwest, and having the majority of the votes—which at last is where the joke comes in, for the majority rules in this country—we will do it. It is our history that the capital of the United States of America will be removed in less than ten years from this date.

Mr. MORRILL, of Vermont. As there will be ample time to discuss that question on another occasion, I ask unanimous consent that this question shall be taken to-morrow morning without debate.

Mr. MORRILL, of Maine. We all agree to that.

The PRESIDING OFFICER, (Mr. BAYARD in the chair.) Senators, have you heard the proposition? Is there any objection to the understanding or agreement? The Chair hears no objection.

Mr. SPRAGUE. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 10, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read and approved.

PENSIONS APPROPRIATION BILL.

Mr. KELSEY, from the Committee on Appropriations, reported back the amendment of the Senate to the bill (H. R. No. 781) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1871, with the recommendation that the amendment be non-concurred in and a conference asked on the disagreeing votes thereon.

The amendment of the Senate was not concurred in.

Mr. KELSEY moved that a committee of conference be asked upon the disagreeing votes of the two Houses.

The motion was agreed to.

SPENCER H. STAFFORD.

Mr. MOORE, of Ohio, by unanimous consent, introduced a bill (H. R. No. 1960) for the relief of Spencer H. Stafford; which was read a first and second time, and referred to the Committee on Military Affairs.

CUSTOMS REVENUE LAWS.

Mr. BUTLER, of Massachusetts, by unanimous consent, reported back from the Committee on the Judiciary House bill No. 1460, to remedy certain defects in the judical administration of certain customs-revenue laws, with amendments; which, with the accompanying report, was ordered to be printed and recommitted.

FUNDING THE PUBLIC DEBT.

Mr. CONNER. I ask unanimous consent to introduce for consideration at this time a bill to repeal a portion of the act approved April 12, 1866, entitled "An act to amend an act entitled 'An act to provide ways and means to support the Government,' approved March 3, 1865."

The SPEAKER. The bill will be read, after which it will be in order to object to its consideration at this time.

The bill, being then read, proposed to repeal so much of the act referred to in the title as authorized, or as may be construed to authorize, the Secretary of the Treasury to fund the public debt or any portion thereof, or exchange the outstanding issues of bonds and notes, or any portion thereof, for any other bonds or notes.

Mr. ALLISON. I object.

STOCKTON LAND DISTRICT, CALIFORNIA.

Mr. SARGENT. I ask unanimous consent to introduce for consideration at this time a bill to change the boundaries of the Stockton land district in the State of California.

Mr. CONNER. I object.

Some time subsequently,

Mr. CONNER withdrew his objection, and

Mr. SARGENT said: Mr. Speaker, the gentleman from Texas withdraws his objection. This bill makes a change in the boundaries of the Stockton land district, in accordance with the petition of one hundred and fifty citizens, residents of the townships to be detached from the Sacramento district. These townships are in San Joaquin county, where Stockton is situated. The petitioners say that it is proper that all the lands in San Joaquin county should belong to the Stockton land district on grounds of public convenience, and to save expense of settlers. I have consulted the Commissioner of the General Land Office, and he approves of the change.

No further objection being made,

The bill (H. R. No. 1964) was introduced and read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, provides that all of townships four and five north, ranges five, six, seven, eight, and nine east, Mount Diablo base and meridian, now within the Sacramento, California, land district, shall be detached from said district and annexed to the Stockton district, in said State.

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

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

The latter motion was agreed to.

GEORGE T. WIGGINS.

Mr. McCRARY. I ask unanimous consent to have taken from the Speaker's table for reference Senate bill No. 674, for the relief of the heirs and legal representatives of George T. Wiggins, of Keokuk, in the State of Iowa.

No objection was made; and accordingly the bill was taken up and read a first and second time, and referred to the Committee of Claims.

PENSION BILLS REFERRED.

Mr. BENJAMIN. In view of the fact that by order of the House the evening session of Thursday next is to be devoted to the consideration of reports from the Committee on Invalid Pensions, I ask unanimous consent that all pension bills from the Senate now on the Speaker's table be taken up and referred to the Committee on Invalid Pensions.

No objection was made; and it was ordered accordingly.

ASSISTANT MARSHALS.

Mr. LAWRENCE. I ask unanimous consent to introduce for consideration at this time a bill relating to the qualifications of assistant marshals of the United States.

The SPEAKER. The bill will be read, after which it will be in order to object to its consideration at this time.

The bill provides that all competent persons,

without regard to sex, shall be eligible to be appointed and to act as assistant marshals of the United States, and to perform all duties authorized by the act of May 23, 1850, providing for taking the seventh census, &c., and the acts amendatory thereof.

Mr. PETERS. I object.

M. S. WALL AND COMPANY.

Mr. GETZ, by unanimous consent, introduced a bill (H. R. No. 1961) for the relief of M. S. Wall & Co.; which was read a first and second time, and referred to the Committee of Claims.

J. R. DUNDORE.

Mr. GETZ also, by unanimous consent, introduced a bill (H. R. No. 1962) for the relief of J. R. Dundore; which was read a first and second time, and referred to the Committee of Claims.

WILLIAM T. STOTTS.

Mr. LOUGHRIDGE, by unanimous consent, reported from the Committee on the Judiciary a bill (H. R. No. 1963) for the relief of William T. Stotts; which was read a first and second time, ordered to be printed, and recommitted.

AMENDMENT OF THE RULES.

Mr. PAINE, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the Rules:

Resolved, That the following be adopted as a rule of the House:

Bills and resolutions ordered by committees to be reported may be presented to the Clerk, and shall thereupon be entered upon the Journal and printed, and their titles entered upon a special Calendar, which shall be printed and laid upon the tables of Representatives on Monday of each week; and on the next Saturday, immediately after the reading of the Journal, and before the House shall proceed to any other business, the Speaker shall cause the same to be called for action by unanimous consent. All bills and resolutions to which no objection shall then be made shall pass without amendment; all others shall be placed in their order upon the next special Calendar. Bills and resolutions so presented may be brought before the House for action in the regular call of the committees for reports. No debate shall be in order pending the proceedings herein provided for.

BEAR RIVER, ETC., CANAL COMPANY.

Mr. HOOPER, of Utah, by unanimous consent, introduced a bill (H. R. No. 1965) to incorporate the Bear River and Caché Valley Canal Company, and for a grant of land to aid in the construction of a canal for irrigation and other purposes in the Territories of Utah and Idaho; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MELISSA RANKIN.

Mr. COBURN, by unanimous consent, introduced a bill (H. R. No. 1966) for the relief of Melissa Rankin, mother of O. S. Rankin, late first lieutenant tenth Indiana volunteers; which was read a first and second time, and referred to the Committee of Claims.

MRS. HARRIET SHACKLETT.

Mr. MORRELL, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 1967) for the relief of Mrs. Harriet Shacklett; which was read a first and second time, and referred to the Committee of Claims.

PART OWNERS OF VESSELS.

Mr. PETERS, by unanimous consent, introduced a bill (H. R. No. 1968) defining the rights of part owners of vessels in certain cases; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DISCHARGE OF POOR CONVICTS.

Mr. PETERS also, by unanimous consent, introduced a bill (H. R. No. 1969) in regard to the discharge of poor convicts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF COMMANDER EDWARD P. WILLIAMS.

Mr. PETERS also, by unanimous consent, introduced a bill (H. R. No. 1970) granting relief to the minor children of the late Edward P. Williams, of the Oneida; which was read a first and second time, and referred to the Committee on Naval Affairs.

SURETIES OF CAPTAIN A. R. HENTZELL.

Mr. MAYNARD, by unanimous consent, introduced a bill (H. R. No. 1971) for the relief of the sureties of the late Captain A. R. Hentzell; which was read a first and second time, and referred, with accompanying papers, to the Committee of Claims.

CUSTOMS STOREHOUSES AT NEW YORK.

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

Resolved, That the Secretary of the Treasury be directed to furnish to this House the correspondence between the Department and the commissioners of the sinking fund of New York city in regard to sale of part of the Battery to the Government for the erection of customs storehouses thereon.

LOSS OF THE ONEIDA.

Mr. WILLIAMS, by unanimous consent, introduced a bill (H. R. No. 1972) authorizing the payment of pensions to the nearest relatives of persons lost on the United States steamer Oneida; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GOVERNMENT OFFICERS IN TEXAS.

Mr. WHITMORE, by unanimous consent, introduced a bill (H. R. No. 1973) to provide for a building suited to the use of the post office, the revenue offices, and the judicial offices of the United States in the city of Tyler, Texas; which was read a first and second time, and referred to the Committee on Appropriations.

JOHN W. SALYERS.

Mr. TYNER, by unanimous consent, introduced a bill (H. R. No. 1974) granting a pension to John W. Salyers, a soldier of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions and War of 1812.

ORDER OF BUSINESS.

Mr. VAN TRUMP. I rise to a parliamentary inquiry. I wish to know whether the call of States for bills and resolutions goes over till next Monday on account of the adjournment yesterday?

The SPEAKER. It does. These bills are all introduced by unanimous consent.

RECONSIDERATION OF REFERENCES.

Mr. ALLISON moved to reconsider the various votes by which bills, &c., had been referred and recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF WITNESSES AND JURORS.

Mr. BARRY, by unanimous consent, introduced a bill (H. R. No. 1975) to increase the pay of witnesses and jurors in United States courts of Mississippi; which was read a first and second time, and referred to the Committee on the Judiciary.

POST ROADS IN MISSISSIPPI.

Mr. BARRY also, by unanimous consent, introduced a bill (H. R. No. 1976) to establish certain post roads; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

WILLIAM SNELLING.

On motion of Mr. SCOFIELD, by unanimous consent, the Committee on Naval Affairs was discharged from the further consideration of the petition of William Snelling, of Philadelphia, Pennsylvania; and the same was laid on the table.

PACIFIC SUBMARINE TELEGRAPH.

On motion of Mr. KETCHAM, by unanimous consent, the Committee on the Public Lands was discharged from the further consideration of the bill (H. R. No. 1778) to incorporate the Pacific Submarine Telegraph Company, and to facilitate telegraph communication between America and Asia; and the same was referred to the Committee on Foreign Affairs.

IMPROVEMENT OF NAVIGATION TO HOUSTON.

Mr. CLARK, of Texas, by unanimous consent, introduced a joint resolution (H. R. No. 284) to provide for a survey for a channel of navigation from the city of Houston, Texas, through Buffalo bayou and Galveston bay, to Bolivar channel, near the outer bar in the Gulf of Mexico; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GOVERNMENT RECEIPTS AND EXPENDITURES.

Mr. CONNER. I ask unanimous consent to submit the following preamble and resolution:

Whereas the Constitution of the United States article one, section nine, provides that "a regular statement and account of the receipts and expenditures of all public money shall be published from time to time;" and whereas, pursuant to this provision of organic law, the House of Representatives did by its standing order of December 30, 1791, as amended by the act of August 26, 1842, provide "that it shall be the duty of the Secretary of the Treasury to lay before the House of Representatives on the fourth Monday of October in each year, if Congress shall then be in session, or, if not then in session, within the first week of the session next following the said fourth Monday in October, an accurate statement and account of the receipts and expenditures of all the public moneys," down to the last day of the preceding month of June, "distinguishing the amount of the receipts of each State or district, and from each officer therein; in which statement shall also be distinguished the expenditure which shall fall under each head of appropriation, and shall be shown the sums, if any, which remain unexpended, and to be accounted for in the next statement of each and every of such appropriation;" and whereas it does not appear that such annual detailed account of the public moneys has been published since the year 1866: Now, therefore,

Be it resolved, That the Secretary of the Treasury is hereby requested to inform this House why such account has not been published, as required by the Constitution and the laws.

Mr. SCHENCK. I move that preamble and resolution be referred to the Committee on Appropriations.

Mr. MOORE, of New Jersey. I object to the resolution.

MEMBER SWORN IN.

Mr. PAINE. Mr. Speaker, I rise to a question of privilege. The House yesterday referred to the Committee of Elections the credentials of Joseph H. Lewis, Representative-elect from the third district of Kentucky. There has been no meeting of that committee this morning; but I have conferred with such of the members as I could find in the House, a majority of the committee I believe, and we are unanimously of the opinion that the credentials are regular. I therefore move that Mr. Lewis be now sworn in. Having been relieved of political disabilities imposed by the third section of the fourteenth amendment of the Constitution he will take the oath of office in such case provided.

The motion was agreed to.

Mr. LEWIS then presented himself at the Speaker's desk and was duly sworn in.

NORTHERN PACIFIC RAILROAD.

The SPEAKER. The first thing in order this morning is the unfinished business of Thursday last, a joint resolution (S. R. No. 121) authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road, and to secure the same by mortgage, and for other purposes; and on ordering the joint resolution to a third reading the main question has been ordered.

Mr. FARNSWORTH. I ask that the joint resolution be read.

Mr. ARNELL. I object.

Mr. FARNSWORTH. I ask unanimous consent to make a statement of one minute's length.

There was no objection.

Mr. FARNSWORTH. Mr. Speaker, there are two amendments which gentlemen of this House desire to have voted on. One is reserving to Congress the right to fix the tariff of rates for freight and fare upon this road, and the other to confine the sales of land in limited quantities to actual settlers. With the right to vote on these two amendments, and with a brief discussion of this joint resolution, which grants over fifty millions acres of land to this corporation, and it may be seventy-five or one hundred millions acres from the phraseology used—only one hour of debate having been allowed on it, and that portioned out to those only to whom the gentleman having charge of the joint resolution saw fit to yield—with the right to vote on the amendments, I have suggested, and a brief discussion, I think the members I am operating with will be content. Without them I for one am disposed to fight the proposition. It is too big a dose.

Mr. WHEELER. I ask unanimous consent to say a word in reply.

There was no objection.

Mr. WHEELER. The matter of charges for Government transportation is fully regulated by the original charter. I have repeatedly declared that I did not regard it as equitable to attach a provision to this old grant limiting the price of the land. In this opinion the Senate has by a very large majority concurred; so has the House Committee on the Pacific Railroad and on the Public Lands. The bill as it now stands has been sustained by a decided majority of the House at every stage. I do not therefore feel at liberty, if I had the power, to consent that it shall be changed. The responsibility of delaying its passage and of stopping the wheels of legislation is entirely with those who are not content with the action of the majority. I insist on the previous question.

Mr. HAWLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAWLEY. I rise simply for the purpose of denying that a majority of the Committee on the Public Lands ever consented to the passage of this joint resolution.

Mr. FARNSWORTH. I move that there be a call of the House.

Mr. CLARKE, of Kansas. And on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 46, nays 118, not voting 64; as follows:

YEAS—Messrs. Adams, Ambler, Arnell, Asper, Beck, James Brooks, Burchard, Sidney Clarke, Amasa Cobb, Coburn, Crebs, Dickinson, Duval, Dyer, Farnsworth, Finkelnburg, Hawley, Hay, Ingersoll, Thomas L. Jones, Knott, Lawrence, Lewis, Loughridge, Mayham, McGrew, McKenzie, Eliakim H. Moore, Jesse H. Moore, William Moore, Orth, Packard, Potter, Reeves, Rice, Sargent, Shanks, Stiles, Sweeney, Tyner, Van Wyck, Williams, John T. Wilson, Winchester, and Wood—46.

NAYS—Messrs. Allison, Ames, Axtell, Ayer, Banks, Barry, Beaman, Beatty, Benjamin, Benton, Biggs, Bingham, Bird, Blair, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Benjamin F. Butler, Roderick R. Butler, Cake, Calkin, Cessna, Churchill, William T. Clark, Cleveland, Conger, Conner, Covode, Cowles, Cox, Davis, Degener, Dickey, Donley, Ferriss, Fisher, Fitch, Getz, Gibson, Gilfillan, Griswold, Haight, Haldeman, Hambleton, Hamill, Hamilton, Harris, Hays, Heflin, Hill, Hoar, Hooper, Hotchkiss, Johnson, Kelley, Kellogg, Kelsey, Ketcham, Laflin, Lash, Maynard, McCarthy, McCrary, McKee, Milnes, Morphis, Daniel J. Morrell, Samuel P. Morrill, Morrissey, Myers, Negley, Niblack, O'Neill, Paine, Peck, Peters, Pomeroy, Prosser, Rogers, Roots, Sanford, Sawyer, Schenck, Schumaker, Lionel A. Sheldon, Porter Sheldon, Shober, Slocum, John A. Smith, Joseph S. Smith, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevens, Stokes, Stoughton, Strickland, Swann, Taffe, Taylor, Tillman, Townsend, Trimble, Twichell, Upson, Van Auken, Van Trump, Voorhees, Cadwalader C. Washburn, Wells, Wheeler, Whitmore, Wilkinson, Willard, and Eugene M. Wilson—118.

NOT VOTING—Messrs. Archer, Armstrong, Atwood, Bailey, Barnum, Bennett, Boles, Booker, Boyd, Burdett, Burr, Clinton L. Cobb, Cook, Cullom, Dawes, Dixon, Dockery, Dox, Eldridge, Ferry, Fox, Garfield, Hale, Hawkins, Heaton, Hoge, Holman, Jenckes, Alexander H. Jones, Judd, Julian, Kerr, Knapp, Logan, Lynch, Marshall, McCormick, McNeely, Mercur, Morgan, Mungen, Packer, Palmer, Perce, Phelps, Platt, Poland, Porter, Randall, Ridgway, Scofield, Sherrod, Stevenson, Stone, Strader, Strong, Tanner, Van Horn, Ward, William B. Washburn, Welker, Winans, Witcher, and Woodward—64.

So the motion was not agreed to.

The SPEAKER. In announcing the result of the vote just taken the Chair will state that he has allowed the motion to be entertained at this time, although strictly under the rules it might not have been in order. The Clerk will read the one hundred and thirty-second rule.

The Clerk read as follows:

"A call of the House shall not be in order after the previous question is seconded, unless it shall appear, upon an actual count by the Speaker, that no quorum is present."

The SPEAKER. The Chair preferred to allow the count to be made by the actual roll-call, although under the rule just read he might have ruled out the motion.

Mr. VAN WYCK. I move that the House do now adjourn.

Mr. CLARKE, of Kansas. And on that motion I call for the yeas and nays.

On ordering the yeas and nays there were—ayes twenty-three; not one fifth of the last vote.

Mr. FARNSWORTH. I demand tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. WHEELER and Mr. FARNSWORTH were appointed.

The House divided; and the tellers reported ayes thirty-seven, a sufficient number.

So the yeas and nays were ordered.

Mr. FARNSWORTH. I move that when the House adjourns to-day it be to meet to-morrow at eleven o'clock. I think we ought to meet a little earlier. And on that motion I demand the yeas and nays.

Mr. FITCH. I rise to a parliamentary inquiry. I desire to know if it is in the power of the House, except by unanimous consent, to permit amendments to the joint resolution now pending?

The SPEAKER. It is not.

Mr. FINKELNBURG. It will be on next Monday.

Mr. SCHENCK. I rise to the point of order that the hour for the meeting of the House is fixed by the rules, and that the motion to meet at an earlier hour cannot be entertained except by unanimous consent, or by a suspension of the rules.

The SPEAKER. The Chair sustains the point of order.

The question recurred on the motion that the House do now adjourn.

Mr. FARNSWORTH. I move that when the House adjourns to-day it be to meet on Wednesday next.

Mr. SCHENCK. That does not require a motion. When the House adjourns to day it will be to meet to-morrow under the rule.

Mr. ORTH. I would suggest to the gentleman from Illinois that he substitute Thursday for Wednesday.

Mr. FARNSWORTH. I accept the suggestion, and will modify my motion accordingly.

Mr. MAYNARD. I would ask the gentleman from Indiana [Mr. ORTH] how he voted on the resolution providing for a final adjournment on the 4th of July next?

Mr. ORTH. I did not vote on it at all. I was not present when the vote was taken.

Mr. CLARKE, of Kansas. I ask to be excused from voting.

Mr. VAN WYCK. I demand the yeas and nays on the question that the gentleman from Kansas shall be excused from voting.

The yeas and nays were ordered.

Mr. MAYNARD. I rise to a question of order. I ask for the reading of the last section on page 209 of the Digest of the Rules.

The Clerk read as follows:

"'Every member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without debate.'—*Rule* 31.

"[But on motions to adjourn, to fix the day to which the House shall adjourn, and for a call of the House, it has been held not to be in order to ask to be excused from voting; and for the obvious reason that nothing but a desire to consume time, and thereby delay legislation, or to prevent a majority from adjourning, could possibly influence a member in making the request.]"

The SPEAKER. The Chair stated that that was the rule on Thursday last, but the Chair was not disposed to enforce it, because there are other motions which the minority may alternate, and the vote may just as well be taken on one as on the other. The Chair is disposed to entertain any motion that may be made so long as a point of order is not raised. There is no limit to the power of a minority to delay action if they are strong enough to call the yeas and nays upon such motions as may be made. The point of order having been made, however, the Chair sustains it.

Mr. MAYNARD. I think it would be more decorous to keep within the rules of the House.

The question was upon the motion that when the House adjourns it adjourn to meet on Thursday next; and being taken, it was decided in the negative—yeas 7, nays 148, not voting 73; as follows:

YEAS—Messrs. Lawrence, Reeves, Sargent, Stiles, Sweeney, Van Trump, and Van Wyck—7.

NAYS—Messrs. Allison, Ambler, Ames, Archer, Arnell, Asper, Ayer, Banks, Barry, Beaman, Beck, Benjamin, Bennett, Benton, Biggs, Bingham, Bird, Blair, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Roderick R. Butler, Cake, Calkin, Cessna, Churchill, William T. Clark, Cleveland, Amasa Cobb, Coburn, Conger, Conner, Covode, Cowles, Cox, Davis, Degener, Dickinson, Donley, Dox, Duval, Dyer, Ela, Eldridge, Farnsworth, Ferriss, Finkelnburg, Fisher, Fitch, Gibson, Gilfillan, Haight, Haldeman, Hambleton, Hamill, Hamilton, Harris, Hawley, Hay, Hays, Heflin, Hill, Hoar, Hooper, Hotchkiss, Ingersoll, Johnson, Thomas L. Jones, Judd, Kelley, Kellogg, Kelsey, Ketcham, Laflin, Lash, Lewis, Logan, Loughridge, Lynch, Maynard, McCarthy, McCrary, McKee, McKenzie, Milnes, Eliakim H. Moore, Jesse H. Moore, William Moore, Morphis, Daniel J. Morrell, Morrissey, Myers, Negley, Niblack, O'Neill, Orth, Packard, Paine, Peck, Peters, Phelps, Pomeroy, Potter, Prosser, Rice, Rogers, Roots, Sanford, Sawyer, Schenck, Schumaker, Shanks, Lionel A. Sheldon, Porter Sheldon, Shober, Slocum, John A. Smith, Joseph S. Smith, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stokes, Stoughton, Strickland, Swann, Taffe, Taylor, Tillman, Townsend, Trimble, Twichell, Tyner, Upson, Van Auken, Cadwalader C. Washburn, Wells, Wheeler, Whitmore, Wilkinson, Willard, Williams, Eugene M. Wilson, John T. Wilson, and Winans—148.

NOT VOTING—Messrs. Adams, Armstrong, Atwood, Axtell, Bailey, Barnum, Beatty, Boles, Booker, Boyd, James Brooks, Burdett, Burr, Benjamin F. Butler, Sidney Clarke, Clinton L. Cobb, Cook, Crebs, Cullom, Dawes, Dickey, Dixon, Dockery, Ferry, Fox, Garfield, Getz, Griswold, Hale, Hawkins, Heaton, Hoge, Holman, Jenckes, Alexander H. Jones, Julian, Kerr, Knapp, Knott, Marshall, Mayham, McCormick, McGrew, McNeely, Mercur, Morgan, Samuel P. Morrill, Mungen, Packer, Palmer, Perce, Platt, Poland, Porter, Randall, Ridgway, Scofield, Sherrod, Stevens, Stevenson, Stone, Strader, Strong, Tanner, Van Horn, Voorhees, Ward, William B. Washburn, Welker, Winchester, Witcher, Wood, and Woodward—73.

So the motion was disagreed to.

During the roll-call,

Mr. McNEELY said: On this bill, and on all dilatory motions, I am paired with Mr. SHERROD, of Alabama.

The result of the vote having been announced as above recorded, the question recurred on Mr. VAN WYCK'S motion, that the House do now adjourn, upon which the yeas and nays had been ordered.

The question was taken; and it was decided in the negative—yeas 16, nays 142, not voting 70; as follows:

YEAS—Messrs. Adams, Asper, Dickinson, Ela, Eldridge, Hawley, Thomas L. Jones, Lawrence, Eliakim H. Moore, Reeves, Rice, Stiles, Sweeney, Van Auken, Van Trump, and Van Wyck—16.

NAYS—Messrs. Ambler, Archer, Armstrong, Arnell, Axtell, Ayer, Banks, Barry, Beaman, Benjamin, Bennett, Benton, Bingham, Bird, Blair, Booker, Bowen, George M. Brooks, James Brooks, Buck,

Buckley, Buffinton, Burchard, Burdett, Benjamin F. Butler, Roderick R. Butler, Cake, Calkin, Cessna, Churchill, William T. Clark, Sidney Clarke, Cleveland, Amasa Cobb, Coburn, Conger, Conner, Covode, Cowles, Cox, Degener, Dickey, Donley, Dox, Duval, Dyer, Farnsworth, Ferriss, Finkelnburg, Fisher, Getz, Gibson, Gilfillan, Griswold, Haight, Haldeman, Hale, Hambleton, Hamill, Harris, Hay, Hays, Heflin, Hill, Hoar, Hooper, Hotchkiss, Johnson, Judd, Kelley, Kellogg, Kelsey, Ketcham, Knott, Laflin, Lash, Lewis, Logan, Loughridge, Lynch, Mayham, McCarthy, McCrary, McKenzie, Milnes, Jesse H. Moore, William Moore, Morphis, Daniel J. Morrell, Samuel P. Morrill, Myers, Negley, Niblack, O'Neill, Orth, Packard, Packer, Paine, Peck, Perce, Peters, Pomeroy, Potter, Rogers, Sanford, Sargent, Sawyer, Schenck, Shanks, Porter Sheldon, Shober, Slocum, Joseph S. Smith, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevens, Stokes, Stoughton, Strickland, Swann, Taffe, Taylor, Tillman, Townsend, Trimble, Twichell, Tyner, Upson, Voorhees, Cadwalader C. Washburn, Wells, Wheeler, Whitmore, Wilkinson, Willard, Williams, Eugene M. Wilson, John T. Wilson, Winans, and Wood—142.

NOT VOTING—Messrs. Allison, Ames, Atwood, Bailey, Barnum, Beatty, Beck, Biggs, Boles, Boyd, Burr, Clinton L. Cobb, Cook, Crebs, Cullom, Davis, Dawes, Dixon, Dockery, Ferry, Fitch, Fox, Garfield, Hamilton, Hawkins, Heaton, Hoge, Holman, Ingersoll, Jenckes, Alexander H. Jones, Julian, Kerr, Knapp, Marshall, Maynard, McCormick, McGrew, McKee, McNeely, Mercur, Morgan, Morrissey, Mungen, Palmer, Phelps, Platt, Poland, Porter, Prosser, Randall, Ridgway, Roots, Schumaker, Scofield, Lionel A. Sheldon, Sherrod, John A. Smith, Stevenson, Stone, Strader, Strong, Tanner, Van Horn, Ward, William B. Washburn, Welker, Winchester, Witcher, and Woodward—70.

So the House refused to adjourn.

Mr. ORTH. I move that the House take a recess until half past seven o'clock this evening, and on that motion I demand the yeas and nays.

The question was put on ordering the yeas and nays, and twenty-eight voted in the affirmative, not one fifth of the last vote.

Mr. FARNSWORTH called for tellers.

Tellers were ordered; and Mr. ORTH and Mr. NEGLEY were appointed.

The House divided; and the tellers reported thirty-four in the affirmative.

So the yeas and nays were ordered.

Mr. FARNSWORTH. Is it in order to move to amend this motion so as to make the time of meeting this evening eight o'clock?

The SPEAKER. That motion will be in order.

Mr. FARNSWORTH. Then I make the motion; and upon it I call for the yeas and nays. Half past seven is too early for an evening session now.

The question was taken upon ordering the yeas and nays, and there were thirty-three in the affirmative.

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

The question was then taken upon the amendment moved by Mr. FARNSWORTH; and it was decided in the negative—yeas 20, nays 127, not voting 81; as follows:

YEAS—Messrs. Asper, Blair, Crebs, Dickinson, Ela, Eldridge, Finkelnburg, Haldeman, Thomas L. Jones, Lawrence, McCarthy, Reeves, Rice, William J. Smith, Stiles, Sweeney, Van Auken, Van Trump, Van Wyck, and Wood—20.

NAYS—Messrs. Ambler, Archer, Armstrong, Barry, Beaman, Beatty, Beck, Benjamin, Bennett, Benton, Bird, Booker, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Burdett, Benjamin F. Butler, Roderick R. Butler, Cake, Cessna, Churchill, Cleveland, Amasa Cobb, Coburn, Conger, Conner, Covode, Cowles, Cox, Davis, Degener, Dickey, Donley, Dox, Duval, Dyer, Ferriss, Fisher, Fitch, Garfield, Getz, Gibson, Gilfillan, Griswold, Hambleton, Hamill, Hamilton, Harris, Hawley, Hay, Hays, Heflin, Hill, Hooper, Hotchkiss, Judd, Kelley, Kellogg, Ketcham, Laflin, Lash, Lewis, Lynch, Mayham, Maynard, McCrary, McKee, McKenzie, Milnes, Eliakim H. Moore, Jesse H. Moore, William Moore, Daniel J. Morrell, Morrissey, Myers, Negley, Niblack, O'Neill, Orth, Packard, Packer, Paine, Peck, Peters, Pomeroy, Potter, Prosser, Roots, Sanford, Sargent, Sawyer, Schenck, Shanks, Lionel A. Sheldon, Porter Sheldon, Shober, Slocum, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevens, Stokes, Stoughton, Strickland, Swann, Taffe, Taylor, Tillman, Townsend, Trimble, Twichell, Tyner, Upson, Cadwalader C. Washburn, Welker, Wells, Wheeler, Whitmore, Wilkinson, Willard, Williams, Eugene M. Wilson, and Winans—127.

NOT VOTING—Messrs. Adams, Allison, Ames, Arnell, Atwood, Axtell, Ayer, Bailey, Banks, Barnum, Biggs, Bingham, Boles, Boyd, James Brooks, Burr, Calkin, William T. Clark, Sidney Clarke, Clinton L. Cobb, Cook, Cullom, Dawes, Dixon, Dockery, Farnsworth, Ferry, Fox, Haight, Hale, Hawkins, Heaton, Hoar, Hoge, Holman, Ingersoll, Jenckes, Johnson, Alexander H. Jones, Julian, Kelsey, Kerr, Knapp, Knott, Logan, Loughridge, Marshall, McCormick, McGrew, McNeely, Mercur, Morgan, Morphis, Samuel P. Morrill, Mungen, Palmer, Perce, Phelps, Platt, Poland, Porter, Randall, Ridgway, Rogers, Schumaker, Scofield, Sherrod, John A. Smith, Stevenson, Stone, Strader, Strong, Tanner, Van Horn, Voorhees, Ward, William B. Washburn, John T. Wilson, Winchester, and Woodward—81

So the amendment was not agreed to.

BILLS, ETC., APPROVED.

A message from the President, by Mr. HORACE PORTER, his Private Secretary, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

A bill (H. R. No. 486) to extend the time for the completion of the military road from Fort Wilkins, at Copper Harbor, in the State of Michigan, to Fort Howard, at Green Bay, in the State of Wisconsin;

A bill (H. R. No. 858) for the relief of Charles C. McCreary;

A bill (H. R. No. 983) to amend an act entitled "An act to enforce mechanics' liens on buildings in the District of Columbia;"

A bill (H. R. No. 1025½) to amend an act entitled "An act to establish in the District of Columbia a house of correction for boys," approved July 25, 1866;

A bill (H. R. No. 1337) granting a pension to Thomas Clair;

A bill (H. R. No. 1427) to provide for the creation of corporations in the District of Columbia by general law;

A bill (H. R. No. 1594) to amend an act entitled "An act to incorporate the Freedmen's Savings and Trust Company," approved March 3, 1865;

A bill (H. R. No. 1595) to amend an act entitled "An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and to provide for their future apportionment among the several States," approved May 23, 1850;

A bill (H. R. No. 1766) in relation to the Iowa river, in the State of Iowa;

A bill (H. R. No. 1892) making appropriation to satisfy a judgment obtained against Grenville M. Dodge, late an officer of the United States, and others, for acts done by them in the line of their duty;

A joint resolution (H. R. No. 131) granting an American register to the British-built schooner W. D. B.;

A joint resolution (H. R. No. 208) for the relief of Roswell M. Shurtleff, of New York; and

A joint resolution (H. R. No. 222) granting condemned guns for soldiers' monuments at Fairmount cemetery, Newark, New Jersey.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of its clerks, informed the House that the Senate had passed a bill, in which the concurrence of the House was requested, of the following title:

A bill (S. No. 875) to create a port of delivery at Duluth, Minnesota.

NORTHERN PACIFIC RAILROAD.

The House resumed the consideration of the joint resolution (S. R. No. 121) authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road, and to secure the same by mortgage, and for other purposes.

The pending question was upon the motion of Mr. VAN WYCK, that the House take a recess until half past seven o'clock p. m., upon which the yeas and nays had been ordered.

The question was taken; and it was decided in the negative—yeas 13, nays 116; not voting 99; as follows:

YEAS—Messrs. Amasa Cobb, Dickinson, Finkelnburg, Haldeman, Lawrence, McCarthy, Orth, Reeves, Rice, Sargent, William J. Smith, Stiles, and Van Auken—13.

NAYS—Messrs. Adams, Ambler, Ames, Archer, Armstrong, Axtell, Ayer, Banks, Barry, Beaman, Beatty, Beck, Benjamin, Bennett, Benton, Biggs, Bingham, Bird, Blair, Bowen, James Brooks, Buck, Buckley, Buffinton, Burchard, Burdett, Roderick R. Butler, Cake, Calkin, Cessna, Churchill, William T. Clark, Cleveland, Coburn, Conger, Conner, Covode, Cowles, Cox, Crebs, Davis, Degener, Dickey, Dockery, Dox, Duval, Dyer, Ferriss, Fisher, Fitch, Garfield, Getz, Gibson, Haight, Hambleton, Hamill, Hamilton, Harris, Hay, Heflin, Hooper, Hotchkiss, Ingersoll, Kelley, Kellogg, Kelsey, Ketcham, Laflin, Lynch, McKee, McKenzie, Milnes, William Moore, Morphis, Daniel J. Morrell, Samuel P. Morrill, Negley, Niblack, O'Neill, Packard, Packer, Peck, Perce, Peters, Pomeroy, Prosser, Roots, Sanford, Sawyer, Schenck, Shanks, Lionel A. Sheldon, Slocum, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stokes, Stoughton, Strickland, Swann, Taffe, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Welker, Wells, Wheeler, Wilkinson, Willard, Eugene M. Wilson, Winans, and Wood—116.

NOT VOTING—Messrs. Allison, Arnell, Asper, Atwood, Bailey, Barnum, Boles, Booker, Boyd, George M. Brooks, Burr, Benjamin F. Butler, Sidney Clarke, Clinton L. Cobb, Cook, Cullom, Dawes, Dixon, Donley, Ela, Eldridge, Farnsworth, Ferry, Fox, Gilfillan, Griswold, Hale, Hawkins, Hawley, Hays, Heaton, Hill, Hoar, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Judd, Julian, Kerr, Knapp, Knott, Lash, Lewis, Logan, Loughridge, Marshall, Mayham, Maynard, McCormick, McCrary, McGrew, McNeely, Mercur, Eliakim H. Moore, Jesse H. Moore, Morgan, Morrissey, Mungen, Myers, Paine, Palmer, Phelps, Platt, Poland, Porter, Potter, Randall, Ridgway, Rogers, Schumaker, Scofield, Porter Sheldon, Sherrod, Shober, John A. Smith, Stevens, Stevenson, Stone, Strader, Strong, Sweeney, Tanner, Trimble, Van Horn, Van Trump, Van Wyck, Voorhees, Ward, Cadwalader C. Washburn, William B. Washburn, Whitmore, Williams, John T. Wilson, Winchester, Witcher, and Woodward—99.

So the motion that the House take a recess till half past seven o'clock p. m. was not agreed to.

Mr. VAN WYCK. I move that the House adjourn; and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ELA. I move that when the House adjourns to-day it adjourn to meet on Friday next; and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken on the motion of Mr. ELA; and it was decided in the negative—yeas 13, nays 124, not voting 91; as follows:

YEAS—Messrs. Adams, Ela, Eldridge, Haldeman, Ingersoll, Thomas L. Jones, Lawrence, Orth, Reeves, Rice, William J. Smith, Van Trump, and Wood—13.

NAYS—Messrs. Allison, Ambler, Archer, Armstrong, Arnell, Ayer, Banks, Barry, Beaman, Beatty, Beck, Benjamin, Bennett, Benton, Bird, Blair, Booker, George M. Brooks, James Brooks, Buck, Buckley, Buffinton, Benjamin F. Butler, Roderick R. Butler, Cake, Cessna, Churchill, William T. Clark, Cleveland, Amasa Cobb, Conger, Conner, Covode, Cowles, Cox, Crebs, Davis, Degener, Dickey, Dickinson, Donley, Dox, Duval, Dyer, Ferriss, Finkelnburg, Getz, Gibson, Gilfillan, Haight, Hale, Hambleton, Hamill, Hamilton, Harris, Hays, Heflin, Hill, Hoar, Hooper, Hotchkiss, Judd, Kelley, Kelsey, Ketcham, Laflin, Lewis, Lynch, Maynard, McCarthy, McCrary, McKee, McKenzie, Milnes, Eliakim H. Moore, Jesse H. Moore, Morphis, Daniel J. Morrell, Samuel P. Morrill, Morrissey, Negley, Niblack, O'Neill, Packard, Packer, Paine, Peck, Peters, Pomeroy, Prosser, Roots, Sanford, Sawyer, Schenck, Shanks, Lionel A. Sheldon, Shober, Slocum, John A. Smith, Joseph S. Smith, Starkweather, Stevenson, Stokes, Stoughton, Strickland, Swann, Sweeney, Taffe, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Cadwalader C. Washburn, Welker, Wells, Wheeler, Whitmore, Wilkinson, Williams, Eugene M. Wilson, John T. Wilson, and Winans—124.

NOT VOTING—Messrs. Ames, Asper, Atwood, Axtell, Bailey, Barnum, Biggs, Bingham, Boles, Bowen, Boyd, Burchard, Burdett, Burr, Calkin, Sidney Clarke, Clinton L. Cobb, Coburn, Cook, Cullom, Dawes, Dixon, Dockery, Farnsworth, Ferry, Fisher, Fitch, Fox, Garfield, Griswold, Hawkins, Hawley, Hay, Heaton, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Julian, Kellogg, Kerr, Knapp, Knott, Lash, Logan, Loughridge, Marshall, Mayham, McCormick, McGrew, McNeely, Mercur, William Moore, Morgan, Mungen, Myers, Palmer, Perce, Phelps, Platt, Poland, Porter, Potter, Randall, Ridgway, Rogers, Sargent, Schumaker, Scofield, Porter Sheldon, Sherrod, Worthington C. Smith, William Smyth, Stevens, Stiles, Stone, Strader, Strong, Tanner, Trimble, Van Auken, Van Horn, Van Wyck, Voorhees, Ward, William B. Washburn, Willard, Winchester, Witcher, and Woodward—91.

So the motion that when the House adjourns to-day it adjourn to meet on Friday next was not agreed to.

LEAVE OF ABSENCE.

Mr. WOODWARD, by unanimous consent, obtained five days additional leave of absence.

Mr. BARNUM, by unanimous consent, obtained leave of absence for one week.

Mr. FISHER, by unanimous consent, obtained leave of absence for two weeks from Saturday next.

Mr. FOX, by unanimous consent, obtained leave of absence till the 21st instant.

NORTHERN PACIFIC RAILROAD.

The question recurred on the motion of Mr. VAN WYCK, that the House adjourn, on which the yeas and nays had been ordered.

The question was taken; and it was decided in the negative—yeas 17, nays 122, not voting 89; as follows:

YEAS—Messrs. Adams, James Brooks, Dickinson, Eldridge, Finkelnburg, Haldeman, Hamilton, Ingersoll, Thomas L. Jones, Lawrence, Rice, Shanks, William J. Smith, Sweeney, Van Trump, Winans, and Winchester—17.

NAYS—Messrs. Allison, Ambler, Ames, Archer, Armstrong, Arnell, Asper, Ayer, Barry, Beaman, Beatty, Beck, Bennett, Benton, Biggs, Bingham, Bird, Booker, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Burdett, Benjamin F. Butler, Roderick R. Butler, Cake, Cessna, William T. Clark, Cleveland, Amasa Cobb, Coburn, Conger, Conner, Covode, Cowles, Cox, Crebs, Degener, Dickey, Dox, Duval, Dyer, Ferriss, Garfield, Getz, Gibson, Gilfillan, Haight, Hale, Hambleton, Hamill, Harris, Hay, Hays, Heflin, Hill, Hooper, Hotchkiss, Judd, Kelley, Kelsey, Ketcham, Laflin, Lewis, Lynch, Maynard, McCarthy, McCrary, McKee, McKenzie, Jesse H. Moore, William Moore, Morphis, Daniel J. Morrell, Myers, Negley, Niblack, O'Neill, Packard, Packer, Paine, Peck, Perce, Peters, Pomeroy, Potter, Prosser, Rogers, Roots, Sawyer, Schenck, Lionel A. Sheldon, Porter Sheldon, Shober, Slocum, John A. Smith, Joseph S. Smith, Worthington C. Smith, Starkweather, Stevens, Stokes, Strickland, Swann, Taffe, Taylor, Tidman, Townsend, Twichell, Tyner, Upson, Voorhees, Cadwalader C. Washburn, Wells, Wheeler, Whitmore, Wilkinson, Willard, Williams, Eugene M. Wilson, John T. Wilson, and Wood—122.

NOT VOTING—Messrs. Atwood, Axtell, Bailey, Banks, Barnum, Benjamin, Blair, Boles, Boyd, Burchard, Burr, Calkin, Churchill, Sidney Clarke, Clinton L. Cobb, Cook, Cullom, Davis, Dawes, Dixon, Dockery, Donley, Ela, Farnsworth, Ferry, Fisher, Fitch, Fox, Griswold, Hawkins, Hawley, Heaton, Hoar, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Julian, Kellogg, Kerr, Knapp, Knott, Lash, Logan, Loughridge, Marshall, Mayham, McCormick, McGrew, McNeely, Mercur, Milnes, Eliakim H. Moore, Morgan, Samuel P. Morrill, Morrissey, Mungen, Orth, Palmer, Phelps, Platt, Poland, Porter, Randall, Reeves, Ridgway, Sanford, Sargent, Schumaker, Scofield, Sherrod, William Smyth, Stevenson, Stiles, Stone, Stoughton, Strader, Strong, Tanner, Trimble, Van Auken, Van Horn, Van Wyck, Ward, William B. Washburn, Welker, Witcher, and Woodward—89.

So the House refused to adjourn.

During the vote,

Mr. McNEELEY stated that his colleague, Mr. MARSHALL, was confined to his room by illness.

The vote was then announced as above recorded.

Mr. WINANS. I move that the House take a recess until half past six o'clock p. m.

Mr. CLARKE, of Kansas. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CLARKE, of Kansas. I move to amend so that the House take a recess until quarter to seven o'clock, p. m.; and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 13, nays 109, not voting 106; as follows:

YEAS—Messrs. Dickinson, Ela, Finkelnburg, Hamilton, Ingersoll, Thomas L. Jones, Orth, Reeves, Rice, Sargent, William J. Smith, Van Trump, and Winchester—13.

NAYS—Messrs. Allison, Ambler, Archer, Armstrong, Arnell, Axtell, Ayer, Banks, Beaman, Beatty, Beck, Benjamin, Benton, Biggs, Bird, Booker, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Burdett, Roderick R. Butler, Cake, Cessna, William T. Clark, Cleveland, Amasa Cobb, Coburn, Conger, Conner, Covode, Cowles, Crebs, Degener, Dickey, Donley, Dox, Duval, Dyer, Ferriss, Fitch, Garfield, Getz, Gibson, Hale, Hambleton, Hamill, Harris, Heflin, Hill, Hooper, Hotchkiss, Judd, Kelley, Kellogg, Lewis, Lynch, McCarthy, McCrary, McKee, McKenzie, Milnes, Eliakim H. Moore, Daniel J. Morrell, Myers, Negley, Niblack, O'Neill, Packard, Packer, Paine, Peck, Peters, Pomeroy, Sawyer, Schenck, Lionel A. Sheldon, Porter Sheldon, John A. Smith, Joseph S. Smith, William Smyth, Starkweather, Stevens, Stevenson, Stokes, Stoughton, Strickland, Swann, Taffe, Taylor, Tillman, Townsend, Twitchell, Tyner, Upson, Voorhees, Cadwalader C. Washburn, Welker, Wells, Wheeler, Whitmore, Willard, Williams, Eugene M. Wilson, and Wood—109.

NOT VOTING—Messrs. Adams, Ames, Asper, Atwood, Bailey, Barnum, Barry, Bennett, Bingham, Blair, Boles, Boyd, James Brooks, Burr, Benjamin F. Butler, Calkin, Churchill, Sidney Clarke, Clinton L. Cobb, Cook, Cox, Cullom, Davis, Dawes, Dixon, Dockery, Eldridge, Farnsworth, Ferry, Fisher, Fox, Gilfillan, Griswold, Haight, Haldeman, Hawkins, Hawley, Hay, Hays, Heaton, Hoar, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Julian, Kelsey, Kerr, Ketcham, Knapp, Knott, Laflin, Lash, Lawrence, Logan, Loughridge, Marshall, Mayham, Maynard, McCormick, McGrew, McNeely, Mercur, Morgan, Morphis, Samuel P. Morrill, Morrissey, Mungen, Palmer, Perce, Phelps, Platt, Poland, Porter, Potter, Prosser, Randall, Ridgway, Rogers, Roots, Sanford, Schumaker, Scofield, Shanks, Sherrod, Shober, Slocum, Worthington C. Smith, Stiles, Stone, Strader, Strong, Sweeney, Tanner, Trimble, Van Auken, Van Horn, Van Wyck, Ward, William B. Washburn, Wilkinson, John T. Wilson, Winans, Witcher, and Woodward—106.

So the House refused to take a recess until quarter to seven o'clock this evening.

Mr. VAN TRUMP. I wish to ask the chairman of the Committee on the Pacific Railroad whether he is determined to force the House——

Mr. NEGLEY. I object to debate.

The question then recurred on Mr. WINANS's motion that the House take a recess until half past six o'clock this evening, on which the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 12, nays 115, not voting 101, as follows:

YEAS—Messrs. Davis, Dickinson, Finkelnburg, Ingersoll, Thomas L. Jones, Orth, Reeves, Sargent, Shanks, William J. Smith, Stiles, and Van Trump—12.

NAYS—Messrs. Allison, Ambler, Archer, Armstrong, Arnell, Ayer, Beaman, Beatty, Benjamin, Bennett, Benton, Bingham, Bird, Booker, Bowen, George M. Brooks, Buckley, Buffinton, Burchard, Roderick R. Butler, Cake, Cessna, William T. Clark, Cleveland, Amasa Cobb, Coburn, Conger, Conner, Covode, Cowles, Cox, Crebs, Degener, Dickey, Dox, Dyer, Farnsworth, Ferriss, Fitch, Garfield, Getz, Gibson, Gilfillan, Hale, Hambleton, Hamill, Hamilton, Harris, Hawley, Hay, Heflin, Hoar, Hooper, Hotchkiss, Judd, Kelley, Kellogg, Kelsey, Laflin, Lash, Lewis, Lynch, McCarthy, McCrary, McKee, Eliakim H. Moore, Jesse H. Moore, William Moore, Daniel J. Morrell, Myers, Negley, Niblack, O'Neill, Packard, Packer, Paine, Peck, Perce, Peters, Pomeroy, Prosser, Rogers, Roots, Sawyer, Schenck, Lionel A. Sheldon, Porter Sheldon, John A. Smith, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevens, Stevenson, Stokes, Stoughton, Strickland, Swann, Taffe, Taylor, Tillman, Townsend, Trimble, Twichell, Tyner, Upson, Welker, Wells, Wheeler, Whitmore, Wilkinson, Willard, Williams, Eugene M. Wilson, and Wood—115.

NOT VOTING—Messrs. Adams, Ames, Asper, Atwood, Axtell, Bailey, Banks, Barnum, Barry, Beck, Biggs, Blair, Boles, Boyd, James Brooks, Buck, Burdett, Burr, Benjamin F. Butler, Calkin, Churchill, Sidney Clarke, Clinton L. Cobb, Cook, Cullom, Dawes, Dixon, Dockery, Donley, Duvall, Ela, Eldridge, Ferry, Fisher, Fox, Griswold, Haight, Haldeman, Hawkins, Hays, Heaton, Hill, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Julian, Kerr, Ketcham, Knapp, Knott, Lawrence, Logan, Loughridge, Marshall, Mayham, Maynard, McCormick, McGrew, McKenzie, McNeely, Mercur, Milnes, Morgan, Morphis, Samuel P. Morrill, Morrissey, Mungen, Palmer, Phelps, Platt, Poland, Porter, Potter, Randall, Rice, Ridgway, Sanford, Schumaker, Scofield, Sherrod, Shober, Slocum, Stone, Strader, Strong, Sweeney, Tanner, Van Auken, Van Horn, Van Wyck, Voorhees, Ward, Calwalader C. Washburn, William B. Washburn, John T. Wilson, Winans, Winchester, Witcher, and Woodward—101.

So the House refused to order a recess till half past six.

Mr. VAN TRUMP. I am informed that the gentleman from Pennsylvania from the Pittsburg district [Mr. NEGLEY] withdraws his objection to my putting a question to the chairman of the Committee on the Pacific Railroad.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address a question to the gentleman from New York, [Mr. WHEELER.] Is there objection?

Mr. HOTCHKISS. I object.

Mr. FINKELNBURG. It being very evident that we are to do no business to-day, I move that the House adjourn.

Mr. VAN WYCK. On that motion I demand the yeas and nays.

Mr. FINKELNBURG. Let us have a division first.

Mr. VAN WYCK. I withdraw the demand for the yeas and nays.

The question was put on the motion to adjourn; and there were, on a division—ayes 59, noes 66.

Mr. FINKELNBURG. I demand tellers.

Mr. HOOPER, of Massachusetts. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

Mr. ASPER. I move that when the House adjourns to-day it be to meet on Saturday next.

The SPEAKER. That motion cannot be entertained. It is against the Constitution of the United States.

Mr. ASPER. Then I move that when the House adjourns to-day it be to meet on Friday next.

Mr. CLARKE, of Kansas. On that I call for the yeas and nays.

On ordering the yeas and nays, there were—ayes thirty-seven a sufficient number.

So the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 15, nays 117, not voting 96; as follows:

YEAS—Messrs. Adams, Benjamin, Sidney Clarke, Dickinson, Ingersoll, Thomas L. Jones, Knott, Lawrence, Reeves, Rice, Sargent, Shanks, Stiles, Van Trump, and Van Wyck—15.

NAYS—Messrs. Allison, Ambler, Ames, Archer, Armstrong, Arnell, Axtell, Ayer, Banks, Barry, Beaman, Beatty, Beck, Bennett, Benton, Bingham, Bird, Booker, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Burdett, Cake, Cessna, William T. Clark, Cleveland, Amasa Cobb, Coburn, Conger, Conner, Covode, Cowles, Cox, Crebs, Davis, Dickey, Dox, Duval, Dyer, Ela, Ferriss, Finkelnburg, Fitch, Garfield, Getz, Gibson, Hale, Hambleton, Hamill, Hamilton, Harris, Hay, Hays, Heflin, Hoar, Hooper, Hotchkiss, Judd, Kelley, Kellogg, Kelsey, Ketcham, Laflin, Lash, Lewis, Lynch, McCarthy, McKee, McKenzie, Jesse H. Moore, William Moore, Negley, Niblack, O'Neill, Orth, Packard, Packer, Paine, Peck, Perce, Peters, Pomeroy, Potter, Prosser, Roots, Sawyer, Schenck, Lionel A. Sheldon, Porter Sheldon, Joseph S. Smith, William J. Smith, Worthington C. Smith, Starkweather, Stevens, Stevenson, Stokes, Stoughton, Strickland, Swann, Taffe, Taylor, Townsend, Trimble, Twichell, Tyner, Upson, Cadwalader C. Washburn, Welker, Wells, Wheeler, Whitmore, Wilkinson, Willard, Williams, and Eugene M. Wilson—117.

NOT VOTING—Messrs. Asper, Atwood, Bailey, Barnum, Biggs, Blair, Boles, Bowen, Boyd, James Brooks, Burr, Benjamin F. Butler, Roderick R. Butler, Calkin, Churchill, Clinton L. Cobb, Cook, Cullom, Dawes, Degener, Dixon, Dockery, Donley, Eldridge, Farnsworth, Ferry, Fisher, Fox, Gilfillan, Griswold, Haight, Haldeman, Hawkins, Hawley, Heaton, Hill, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Julian, Kerr, Knapp, Logan, Loughridge, Marshall, Mayham, Maynard, McCormick, McCrary, McGrew, McNeely, Mercur, Milnes, Eliakim H. Moore, Morgan, Morphis, Daniel J. Morrell, Samuel P. Morrill, Morrissey, Mungen, Myers, Palmer, Phelps, Platt, Poland, Porter, Randall, Ridgway, Rogers, Sanford, Schumaker, Scofield, Sherrod, Shober, Slocum, John A. Smith, William Smyth, Stone, Strader, Strong, Sweeney, Tanner, Tillman, Van Auken, Van Horn, Voorhees, Ward, William B. Washburn, John T. Wilson, Winans, Winchester, Witcher, Wood, and Woodward—96.

So the motion was disagreed to.

The question recurred on Mr. FINKELNBURG's motion that the House do now adjourn, on which the yeas and nays had been ordered.

The question was taken; and it was decided in the negative—yeas 28, nays 110, not voting 90; as follows:

YEAS—Messrs. Adams, Benjamin, Bird, Sidney Clarke, Cleveland, Dickinson, Farnsworth, Finkelnburg, Hamill, Hawley, Hay, Ingersoll, Thomas L. Jones, Judd, Knott, Lawrence, Orth, Paine, Potter, Rice, Sargent, Shanks, William J. Smith, Stevens, Stiles, Stokes, Sweeney, and Van Trump—28.

NAYS—Messrs. Allison, Ambler, Ames, Archer, Armstrong, Arnell, Axtell, Ayer, Banks, Beaman, Beatty, Beck, Bennett, Benton, Biggs, Bingham, Blair, Booker, George M. Brooks, Buckley, Buffinton, Burchard, Roderick R. Butler, Cake, Cessna, William T. Clark, Amasa Cobb, Coburn, Conger, Conner, Covode, Cowles, Cox, Davis, Dickey, Dox, Duval, Dyer, Ferriss, Fisher, Fitch, Garfield, Getz, Gibson, Hamilton, Harris, Hays, Heflin, Hill, Hoar, Hooper, Hotchkiss, Kelley, Kelsey, Ketcham, Laflin, Lash, Lewis, Lynch, McCarthy, McCrary, McKee, McKenzie, Milnes, Eliakim H. Moore, Jesse H. Moore, William Moore, Samuel P. Morrill, Morrissey, Myers, Negley, Niblack, O'Neill, Packard, Packer, Peck, Perce, Peters, Pomeroy, Prosser, Rogers, Sawyer, Schenck, Lionel A. Sheldon, John A. Smith, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevenson, Stoughton, Strickland, Swann, Taffe, Taylor, Tillman, Townsend, Trimble, Twichell, Tyner, Upson, Voorhees, Calwalader C. Washburn, Wells, Wheeler, Whitmore, Wilkinson, Willard, Eugene M. Wilson, and Wood—110.

NOT VOTING—Messrs. Asper, Atwood, Bailey, Barnum, Barry, Boles, Bowen, Boyd, James Brooks,

Buck, Burdett, Burr, Benjamin F. Butler, Calkin, Churchill, Clinton L. Cobb, Cook, Crebs, Cullom, Dawes, Degener, Dixon, Dockery, Donley, Ela, Eldridge, Ferry, Fox, Gilfillan, Griswold, Haight, Haldeman, Hale, Hambleton, Hawkins, Heaton, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Julian, Kellogg, Kerr, Knapp, Logan, Loughridge, Marshall, Mayham, Maynard, McCormick, McGrew, McNeely, Mercur, Morgan, Morphis, Daniel J. Morrell, Mungen, Palmer, Phelps, Platt, Poland, Porter, Randall, Reeves, Ridgway, Roots, Sanford, Schumaker, Scofield, Porter Sheldon, Sherrod, Shober, Slocum, Stone, Strader, Strong, Tanner, Van Auken, Van Horn, Van Wyck, Ward, William B. Washburn, Welker, Williams, John T. Wilson, Winans, Winchester, Witcher, and Woodward—90.

So the House refused to adjourn.

Mr. CLARKE, of Kansas. I move that the House take a recess until to-morrow morning at ten o'clock; and on that motion I ask for the yeas and nays.

Mr. VAN WYCK. Will the gentleman allow me to offer a resolution which may resolve the difficulty in this matter?

Mr. DICKEY. I object.

The SPEAKER. A resolution cannot be entertained so long as there is objection.

Mr. DICKEY. I object to any resolution.

Mr. CLARKE, of Kansas. I hope the gentleman from Pennsylvania will at least hear the resolution read.

Mr. DICKEY. No, sir; I object.

Mr. VAN WYCK. I did not hear the remark of the gentleman from Pennsylvania. [Laughter.]

Mr. DICKEY. I object. [Laughter.]

On ordering the yeas and nays, twenty-four voted in the affirmative, not one fifth of the last vote.

Mr. CLARKE, of Kansas, called for tellers.

Tellers were ordered; and Mr. BEAMAN and Mr. FARNSWORTH were appointed.

The House divided; and the tellers reported thirty-seven in the affirmative.

So the yeas and nays were ordered.

Mr. FARNSWORTH. I think ten o'clock is too early for us to meet. [Cries of "Order!"] I move to amend the motion of the gentleman from Kansas so as to make the hour of meeting half past ten o'clock, and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 13, nays 121, not voting 94; as follows:

YEAS—Messrs. Beaman, Bird, Cowles, Hay, Ingersoll, Thomas L. Jones, Knott, Lawrence, McKenzie, Orth, Rice, Stokes, and Willard—13.

NAYS—Messrs. Allison, Ambler, Ames, Archer, Armstrong, Arnell, Axtell, Ayer, Beatty, Beck, Benton, Biggs, Bingham, Blair, Booker, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Burdett, Roderick R. Butler, Cake, Calkin, Cessna, Churchill, William T. Clark, Cleveland, Amasa Cobb, Coburn, Conger, Conner, Covode, Cox, Davis, Degener, Dickey, Dickinson, Dox, Duval, Dyer, Ela, Ferriss, Finkelnburg, Fisher, Fitch, Garfield, Getz, Gilfillan, Hamill, Hamilton, Harris, Hawley, Heflin, Hill, Hoar, Hooper, Hotchkiss, Johnson, Judd, Kelley, Kelsey, Ketcham, Laffin, Lash, Lewis, Lynch, Mayham, McCarthy, McKee, Milnes, Jesse H. Moore, William Moore, Daniel J. Morrell, Samuel P. Morrill, Myers, Negley, Niblack, O'Neill, Packard, Packer, Paine, Peck, Perce, Peters, Pomeroy, Prosser, Rogers, Sanford, Sawyer, Schenck, Shanks, Lionel A. Sheldon, Shober, Slocum, John A. Smith, Joseph S. Smith, Worthington C. Smith, William Smyth, Stevens, Stevenson, Stoughton, Strickland, Swann, Taffe, Tillman, Townsend, Trimble, Twichell, Tyner, Upson, Voorhees, Cadwalader C. Washburn, Welker, Wells, Wheeler, Whitmore, Wilkinson, Williams, and Eugene M. Wilson—121.

NOT VOTING—Messrs. Adams, Asper, Atwood, Bailey, Banks, Barnum, Barry, Benjamin, Bennett, Boles, Boyd, James Brooks, Burr, Benjamin F. Butler, Sidney Clarke, Clinton L. Cobb, Cook, Crebs, Cullom, Dawes, Dixon, Dockery, Donley, Eldridge, Farnsworth, Ferry, Fox, Gibson, Griswold, Haight, Haldeman, Hale, Hambleton, Hawkins, Hays, Heaton, Hoge, Holman, Jenckes, Alexander H. Jones, Julian, Kellogg, Kerr, Knapp, Logan, Loughridge, Marshall, Maynard, McCormick, McCrary, McGrew, McNeely, Mercur, Eliakim H. Moore, Morgan, Morphis, Morrissey, Mungen, Palmer, Phelps, Platt, Poland, Porter, Potter, Randall, Reeves, Ridgway, Roots, Sargent, Schumaker, Scofield, Porter Sheldon, Sherrod, William J. Smith, Starkweather, Stiles, Stone, Strader, Strong, Sweeney, Tanner, Taylor, Van Auken, Van Horn, Van Trump, Van Wyck, Ward, William B. Washburn, John T. Wilson, Winans, Winchester, Witcher, Wood, and Woodward—94.

So the amendment was not agreed to.

The question recurred upon the motion of Mr. CLARKE, of Kansas, to take a recess until to-morrow morning at ten o'clock, upon which the yeas and nays had been ordered.

The question was taken; and it was decided in the negative—yeas 16, nays 117, not voting 95; as follows:

YEAS—Messrs. Biggs, Bird, Duval, Finkelnburg, Haight, Hay, Ingersoll, Thomas L. Jones, Lawrence, McKenzie, Orth, Shanks, Stevens, Stokes, Sweeney, and Williams—16.

NAYS—Messrs. Allison, Ambler, Archer, Arnell, Ayer, Banks, Beaman, Beatty, Bennett, Benton, Bingham, Booker, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Burdett, Benjamin F. Butler, Roderick R. Butler, Cake, Cessna, Churchill, Amasa Cobb, Conger, Conner, Covode, Cowles, Cox, Davis, Degener, Dickey, Dickinson, Donley, Dyer, Ferriss, Fisher, Fitch, Garfield, Getz, Gilfillan, Hambleton, Hamill, Hamilton, Harris, Hill, Hoar, Hooper, Hotchkiss, Judd, Kelley, Kelsey, Ketcham, Knott, Laflin, Lash, Lewis, Lynch, Mayham, Maynard, McCarthy, McCrary, McKee, Milnes, Eliakim H. Moore, Jesse H. Moore, William Moore, Morphis, Daniel J. Morrell, Samuel P. Morrill, Myers, Negley, Niblack, O'Neill, Packard, Packer, Paine, Peck, Perce, Peters, Pomeroy, Potter, Rogers, Roots, Sanford, Sawyer, Schenck, Lionel A. Sheldon, Shober, Slocum, John A. Smith, Joseph S. Smith, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevenson, Stoughton, Strickland, Swann, Taffe, Tillman, Townsend, Trimble, Twichell, Tyner, Upson, Cadwalader C. Washburn, Welker, Wells, Wheeler, Whitmore, Wilkinson, Willard, Eugene M. Wilson, Winans, and Wood—117.

NOT VOTING—Messrs. Adams, Ames, Armstrong, Asper, Atwood, Axtell, Bailey, Barnum, Barry, Beck, Benjamin, Blair, Boles, Bowen, Boyd, James Brooks, Burr, Calkin, William T. Clark, Sidney Clarke, Cleveland, Clinton L. Cobb, Coburn, Cook, Crebs, Cullom, Dawes, Dixon, Dockery, Dox, Ela, Eldridge, Farnsworth, Ferry, Fox, Gibson, Griswold, Haldeman, Hale, Hawkins, Hawley, Hays, Heaton, Heflin, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Julian, Kellogg, Kerr, Knapp, Logan, Loughridge, Marshall, McCormick, McGrew, McNeely, Mercur, Morgan, Morrissey, Mungen, Palmer, Phelps, Platt, Poland, Porter, Prosser, Randall, Reeves, Rice, Ridgway, Sargent, Schumaker, Scofield, Porter Sheldon, Sherrod, Stiles, Stone, Strader, Strong, Tanner, Taylor, Van Auken, Van Horn, Van Trump, Van Wyck, Voorhees, Ward, William B. Washburn, John T. Wilson, Winchester, Witcher, and Woodward—95.

So the motion to take a recess was not agreed to.

Mr. ROGERS. I move that the House now adjourn.

Mr. WELLS. On that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were thirty in the affirmative.

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

Mr. CLARKE, of Kansas. I move that when the House adjourns to-day it be to meet on Thursday next at one o'clock.

The SPEAKER. That motion cannot be entertained.

The Clerk began the call of the roll on the motion to adjourn, when

Mr. CLARKE, of Kansas, said: I rise to a point of order.

The SPEAKER. The Chair cannot entertain a point of order during the call of the roll.

Mr. CLARKE, of Kansas. I was on my feet and made the point of order before the Clerk began to call the roll.

The SPEAKER. The gentleman may have been on his feet; he certainly did not make any point of order.

Mr. CLARKE, of Kansas. I differ from the Chair.

The SPEAKER. The gentleman has that right. The Clerk will proceed with the call.

The roll-call was then concluded; and the question was decided in the negative—yeas 62, nays 85, not voting 81; as follows:

YEAS—Messrs. Adams, Ambler, Asper, Beck, Benjamin, Biggs, Bird, James Brooks, Burdett, Benjamin F. Butler, Cleveland, Amasa Cobb, Crebs, Dickinson, Duval, Dyer, Ela, Eldridge, Farnsworth, Finkelnburg, Getz, Gilfillan, Haight, Haldeman, Hamill, Hamilton, Hawley, Hay, Heflin, Ingersoll, Knott, Laflin, Lawrence, Mayham, McCrary, Eliakim H. Moore, Jesse H. Moore, Niblack, Orth, Packard, Paine, Potter, Reeves, Rice, Rogers, Sargent, Shanks, Shober, Slocum, William J. Smith, Stevens, Stiles, Sweeney, Tillman, Tyner, Van Trump, Willard, Williams, John T. Wilson, Winans, Winchester, and Wood—62.

NAYS—Messrs. Allison, Armstrong, Arnell, Ayer, Beaman, Beatty, Bennett, Benton, Blair, Booker, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Roderick R. Butler, Cake, Calkin, Cessna, Churchill, William T. Clark, Coburn, Conger, Conner, Covode, Cowles, Davis, Degener, Dickey, Donley, Dox, Ferriss, Fisher, Fitch, Garfield, Hale, Harris, Hill, Hoar, Hooper, Hotchkiss, Kelley, Kelsey, Ketcham, Lewis, Lynch, Maynard, McCarthy, McGrew, McKee, Milnes, William Moore, Morphis, Myers, Negley, O'Neill, Packer, Peck, Perce, Peters, Pomeroy, Prosser, Sanford, Sawyer, Schenck, Lionel A. Sheldon, John A. Smith, Joseph S. Smith, Worthington C. Smith, Starkweather, Stoughton, Strickland, Taffe, Taylor, Townsend, Trimble, Twichell, Upson, Cadwalader C. Washburn, Welker, Wells, Wheeler, Whitmore, Wilkinson, and Eugene M. Wilson—85.

NOT VOTING—Messrs. Ames, Archer, Atwood, Axtell, Bailey, Banks, Barnum, Barry, Bingham, Boles, Boyd, Burchard, Burr, Sidney Clarke, Clinton L. Cobb, Cook, Cox, Cullom, Dawes, Dixon, Dockery, Ferry, Fox, Gibson, Griswold, Hambleton, Hawkins, Hays, Heaton, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Judd, Julian, Kellogg, Kerr, Knapp, Lash, Logan, Loughridge, Marshall, McCormick, McKenzie, McNeely, Mercur, Morgan, Daniel J. Morrell, Samuel P. Morrill, Morrissey, Mungen, Palmer, Phelps, Platt, Poland, Porter, Randall, Ridgway, Roots, Schumaker, Scofield, Porter Sheldon, Sherrod, William Smyth, Stevenson, Stokes, Stone, Strader, Strong, Swann, Tanner, Van Auken, Van Horn, Van Wyck, Voorhees, Ward, William B. Washburn, Witcher, and Woodward—81.

So the motion to adjourn was not agreed to.

Mr. FARNSWORTH. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. FARNSWORTH. I wish to inquire how far the previous question will operate?

The SPEAKER. The main question, which was ordered by the House on Thursday last, will exhaust itself on the third reading of the bill, which, as this is a Senate bill, is an analogous stage to the engrossment and third reading of a House bill.

Mr. FARNSWORTH. If, when the question is upon the passage of the bill, the previous question should be voted down, would it then be in order to discuss the measure or to move its reference to a committee?

The SPEAKER. After the third reading of the bill the Chair, according to the ordinary usage of the House, would be obliged to recognize in the first instance the gentleman having charge of the bill. He would of course test the sense of the House by some motion relating to it, according to his discretion.

Mr. FARNSWORTH. If he should call the previous question and it should not be sustained——

The SPEAKER. If he should lose the control of the bill, of course some gentleman adverse to the bill would be recognized.

Mr. ELDRIDGE. I hope the House will allow me to make a single remark, which, I trust, will bring us to some understanding.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDRIDGE] asks unanimous consent to make a statement. The Chair hears no objection.

Mr. ELDRIDGE. I have taken no particular interest in this contest. I have simply voted as I thought my duty required me to do. It seems that the two sides of this House are at loggerheads and are unable to agree. The question has become simply one of physical endurance. It seems to me that the majority of the House, who desire to pass this bill, or at all events are opposed to adjournment, have accomplished all that they can desire. They have shown to the country their wish to facilitate legislation and to dispose of the bill in some way this afternoon. The usual hour for adjournment has now arrived, and the majority having accomplished their purpose and fulfilled their duty as completely as is possible under the circumstances, they should, I think, consent now that the House adjourn, throwing upon the minority—the factious minority, if they see fit so to call it; throwing upon the opposition the responsibility of this day's work, and just so many similar days' work as they see fit to take upon themselves.

I have always believed, when I have been

engaged in these filibustering efforts—and I have at times been to some extent engaged in them—that if we could bring ourselves to that position we accomplished all that the country could expect of us, the responsibility resting upon those who simply fight against time and against physical endurance. I hope, therefore, that the House, out of respect for itself, out of respect for such a body as this House ought to be, and out of respect to the country which we represent, will in a dignified and decorous manner adjourn this proceeding, and allow a night of reflection to bring the House to a proper consideration of the subject. I therefore move that we now adjourn.

The SPEAKER. The Chair cannot entertain that motion until some business intervenes, a motion to adjourn having just been negatived.

Mr. ELDRIDGE. I did not mean to move an adjournment. I hope the motion will come from the other side.

Mr. WHEELER. I have desired to make a statement——

Several MEMBERS. The regular order!

Mr. WHEELER. I simply wish to say to the House that I design——

Mr. SARGENT. I object to debate.

The SPEAKER. No debate is in order except by unanimous consent.

Mr. CESSNA. I move that the House take a recess till half past seven o'clock this evening.

The motion was not agreed to.

Mr. WHEELER. I move that the House do now adjourn.

The motion was agreed to; and (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BANKS: Letter of Otis Clapp, in relation to ventilation of the Halls of the Capitol.

Also, letters of V. A. Thompson and Thomas Boyd, in relation to the same subject.

By Mr. BEATTY: The petition of Horace McKee and 150 others, citizens of Morrow county, Ohio, asking for the passage of a bill introduced by Hon. J. J. WINANS to divide the State of Ohio into three judicial districts.

By Mr. BUFFINTON: The memorial of W. C. N. Swift, of New Bedford, Massachusetts, praying that an act may be passed authorizing the Secretary of the Treasury to issue an American register to the ship Robert L. Lane.

By Mr. COBURN: The memorial of the trustees of the Indiana University, to obtain the detail of retired officers of the Army as military professors in colleges and universities.

By Mr. HAMILL: A remonstrance of citizens of Frederick, Maryland, against the further assessment and collection of the income tax.

By Mr. ROGERS: The petition of James Thompson, of Washita county, Arkansas, for removal of his disabilities.

By Mr. TWICHELL: The petition of Charles Stoddard and others, of Boston, Massachusetts, for reduction of legacy and succession taxes.

By Mr. VAN TRUMP: The petition of Henry Summersett and 15 others, soldiers of the war of 1812, residents of Ross county, Ohio, praying for the passage of a bill granting a pension to all the surviving soldiers of the war of 1812.

By Mr. WILSON, of Ohio: The petition of David Ruggles, praying for such congressional enactments as will prevent the extermination of the American buffalo.

By Mr. WINCHESTER: The petition of William Gusil, praying for relief.

Also, the petition and accompanying papers of Herman Detweiler, praying for a pension.

IN SENATE.

WEDNESDAY, *May* 11, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of A. M. Gangewer, chief clerk Third Auditor's office, praying to be allowed the difference of pay between that of chief clerk and that of Third Auditor from December 9, 1869, to April 20, 1870, being the time he performed the duties of Third Auditor; which was referred to the Committee on Appropriations.

Mr. FENTON presented two memorials of sellers of household wringers in Canandaigua and Auburn, New York, remonstrating against the extension of John Young's patent for washing and wringing machines; which were ordered to lie on the table.

Mr. VICKERS presented the petition of N. H. Wood, of Portage city, Wisconsin, asking for an increased volume of currency to the amount of $300,000,000; which was referred to the Committee on Finance.

Mr. JOHNSTON presented the petitions of Valentine Hylton, of Patrick county, Virginia; of Thomas Trice, of Middlesex county, Virginia; of Claiborne Akers, of Patrick county, Virginia; of William Critz, of Patrick county, Virginia; of H. G. Richardson, of Charlotte county, Virginia; of Madison T. Lawson, of Patrick county, Virginia; of John T. Hoskins, of Essex county, Virginia; of Jefferson Lawson, of Patrick county, Virginia; of Campbell B. St. John, of Marion, Smyth county, Virginia; of Joseph Edwards, of Patrick county, Virginia; of Charles D. Vest, of Floyd county, Virginia; of Henry B. St. Myth, of Burksville, Nottaway county, Virginia, and of John Shelor, of Patrick county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of B. R. Battaile, of Westmoreland county, Virginia; of Dr. Samuel C. Smith, of Lunenburg county, Virginia; of John T. Lynn, of Loudon county, Virginia; of E. J. H. Redd, of Accomac county, Virginia; of R. H. Baker, of Nansemond county, Virginia, and of William A. Webb, of Goochland county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petition of Richmond Robinson and others, citizens of Essex county, Virginia, in behalf of A. G. D. Roy, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. FLANAGAN presented the petition of Zephaniah G. Matthews, of Hopkins county, Texas, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. SCHURZ presented the petition of Marcus Ottenburg, praying compensation for services rendered as chargé d'affaires of the United States to the republic of Mexico; which was referred to the Committee on Foreign Relations.

Mr. BOREMAN presented the petitions of James H. Ballard and William H. Garland, of Albemarle county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. SPRAGUE presented the petition of Henry A. Bartlett, captain United States Marine corps, praying compensation for losses sustained by him while in the service of the United States; which was referred to the Committee on Claims.

Mr. CONKLING. I present a memorial of the Citizens' Association of New York, in reference to a bill incorporating an international society of the United States for the promotion and protection of immigration. The memorial sets forth a state of facts well worthy of the attention of Congress touching the treatment to which immigrants are subjected. A bill with reference to this subject has been introduced and referred to the Committee on the Judiciary; and I move that this memorial be referred to the same committee.

The motion was agreed to.

Mr. CONKLING also presented the petition of N. H. Wood, of Portage city, Wisconsin, praying an increased and elastic volume of currency to the amount of $300,000,000; which was referred to the Committee on Finance.

Mr. HARLAN. I present the memorial of Hon. George W. Jones, formerly a Senator of the United States from Iowa, relative to a bill now pending, proposing to grant to the city of Dubuque a certain lot heretofore used by the Catholic church in that city for a burial place. The memorialist states that this lot was set apart for burial purposes by the commissioner of the United States originally, when the city was laid off, and has been used by the Catholic church there for that purpose up to this time. He prays that the bill may not be passed, or if it should be passed, that time be given to the authorities of the church to make a representation of the facts. I move the reference of the memorial to the Committee on Private Land Claims.

The motion was agreed to.

Mr. MORRILL, of Vermont. I present a memorial of the Providence Tool Company, of Providence, Rhode Island; of the Eureka Clothes-Wringing Machine Company; of the Boston Elastic Fabric Company; and of C. McBurney; Clapp, Evans & Co.; Cutter, Tower & Co., and Colby, Brothers & Co., of Waterbury, Connecticut, remonstrating against the extension of John Young's patent for washing and wringing machines. I move that it lie on the table.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. EDMUNDS, it was

Ordered, That the petition of John W. Salyers, of Indiana, praying for a pension on account of military services during the war of 1812, be withdrawn from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. EDMUNDS, it was

Ordered, That Catharine Barry have leave to withdraw from the files of the Senate her petition praying for a pension.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Pensions, to whom was referred the petition of Elizabeth A. Spurgeon, widow of S. N. Spurgeon, late sergeant company D, fourth United States veteran volunteers, reported a bill (S. No. 904) granting a pension to Elizabeth A. Spurgeon; which was read, and passed to a second reading.

Mr. COLE, from the Committee on Public Buildings and Grounds, to whom was referred a communication from the War Department on the subject, submitted a report, accompanied by a bill (S. No. 905) to extend Winder's building for the use of the War Department. The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. SCOTT, from the Committee on Claims, to whom was referred the petition of Moses Van Name and others, owners of the schooner M. Van Name, of New York, praying compensation for damages caused to her by the revenue-cutter Nemaha, asked to be discharged from its further consideration, which was agreed to, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 209) authorizing the Secretary of War to audit

and pay the claim of Robert T. Kirkpatrick, a loyal citizen of Tennessee, reported it without amendment.

Mr. SPRAGUE, from the Committee on Claims, to whom was referred the bill (H. R. No. 794) for the relief of H. Lawrence Scott, late agent for the sale of internal revenue stamps in the thirteenth district of Pennsylvania, reported it without amendment.

Mr. PRATT, from the Committee on Claims, to whom was referred the petition of Charles and Henry W. Spencer, of St. Louis, Missouri, praying relief for an alleged illegal seizure of their boat "O. K." at Madrid, Missouri, together with the cargo of the boat, submitted a report thereon, accompanied by a bill (S. No. 906) for the relief of Charles Spencer and Henry W. Spencer. The bill was read and passed to the second reading, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 907) to aid in establishing and developing commercial intercourse and provide for carrying the mails between the United States and the countries lying on the west coast of South America; which was read twice by its title.

Mr. CONKLING. That is a bill the foundation of which is mail service. I move that it be printed and referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 908) to grant lands to the Alabama and Tennessee Railroad Company; which was read by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 909) for the relief of Albert Tracy; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. HAMLIN. In the same connection I desire to present an amendment which I shall propose to that bill, and which I move be referred to the same committee, and printed.

The motion was agreed to.

Mr. THAYER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 910) for the relief of John E. Wheeler; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

ARTIFICIAL LIMBS TO SOLDIERS

Mr. WILSON. I ask the unanimous consent of the Senate to take up House bill No. 785, to provide for furnishing artificial limbs to disabled soldiers.

The VICE PRESIDENT. If there are no Senate resolutions—there appear to be none—the Senator from Massachusetts asks the unanimous consent of the Senate to proceed to the consideration of the bill mentioned by him. Is there objection?

Mr. EDMUNDS. Let it be reported at length for information, in order that we may see how it stands. It will save reading in committee.

The VICE PRESIDENT. It will be reported, subject to objection.

Mr. EDMUNDS. Let the bill be reported as it will stand if amended as proposed by the Committee on Military Affairs.

The SECRETARY. The Committee on Military Affairs report in favor of striking out all of the bill except the first clause, in the following words:

That every soldier who was disabled during the late war for the suppression of the rebellion, and who was furnished by the War Department with an artificial limb or apparatus for resection, shall be entitled to receive a new limb or apparatus as soon after the passage of this act as the same can be practicably furnished, and at the expiration of every five years thereafter, under such regulations as may be prescribed by the Surgeon General of the Army.

Mr. WILSON. The other sections of the bill have been stricken out by the committee, and the bill now presents the simple question of furnishing these artificial limbs to disabled soldiers. I hope it will be put upon its passage.

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

The VICE PRESIDENT. If there be no objection, the amendment reported by the committee will be regarded as agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read a third time. The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. STEWART. Mr. President——

Mr. EDMUNDS. I call for the regular order.

Mr. STEWART. I should like to pass a bill.

Mr. EDMUNDS. What is it about?

Mr. STEWART. It is House joint resolution No. 86.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent that the Senate proceed to the consideration of House joint resolution No. 86.

Mr. STEWART. It is in regard to confirming a grant to the Southern Pacific Railroad Company.

Mr. CASSERLY. I object.

Mr. EDMUNDS. Let us have the regular order.

Mr. SUMNER. I should like to appeal to the Senate for unanimous consent to take up the House bill granting a pension to Mrs. Lincoln. Let us have a vote upon that.

Mr. EDMUNDS. Let us have the regular order, Mr. President.

The VICE PRESIDENT. The Senator from Vermont insists on the regular order.

Mr. SUMNER. Does the Senator from Vermont propose to object to considering this House bill?

Mr. EDMUNDS. The Senator from Vermont does exactly what he says, insists on the regular order.

Mr. SPENCER. I ask unanimous consent to have a bill taken up and read for information.

Mr. EDMUNDS. Let us have the regular order.

O. B. HART.

The VICE PRESIDENT. The Senator from Vermont insists on the regular order, which is now on the Calendar of resolutions. The only resolution pending is a resolution reported favorably by the Committee to Audit and Control the Contingent Expenses of the Senate. The Secretary will report it.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of the Senate be directed to pay, out of the contingent fund of the Senate, to O. B. Hart, claimant of a seat in the Senate from the State of Florida, the usual mileage of a Senator and the monthly pay from the date of presenting his credentials until the passage of the resolution declaring him not entitled to a seat.

Mr. STEWART. I move that that be passed over.

Mr. HOWE. Why shall we not act on it? Let us just take the vote.

Mr. STEWART. Very well; I withdraw the motion.

Mr. McDONALD. I desire that an order be made to allow the Commissioner of Internal Revenue to withdraw a report, in order to make a verbal correction.

The VICE PRESIDENT. A demand for the regular order has been made, which precludes that at present. The Senator must withhold his motion until some other time. The Senator from Vermont insists on the regular order, and the question is on agreeing to the resolution reported by the Committee to Audit and Control the Contingent Expenses of the Senate, relative to making a certain payment to O. B. Hart.

The resolution was agreed to.

WITHDRAWAL OF EXECUTIVE COMMUNICATION.

Mr. STEWART. I now move to take up House joint resolution No. 86.

The VICE PRESIDENT. The legislative, executive, and judicial appropriation bill is now before the Senate, the morning business having been concluded, and the Senator from Nevada moves——

Mr. STEWART. To pass that over for the present.

The VICE PRESIDENT. The Senator from Nevada moves to postpone the present and all other orders for the purpose of considering the bill indicated by him.

Several SENATORS. What is it?

Mr. McDONALD. Will the Senator from Nevada yield to me for a moment?

Mr. STEWART. I yield for that purpose.

Mr. McDONALD. I send to the desk a letter to be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
WASHINGTON, *May* 10, 1870.

SIR: I have the honor to request the Senate to return to this office for a few verbal corrections the report of the Commissioner of Internal Revenue, dated March 25, 1870, in response to Senate resolution of March 11, 1870, calling for information relative to the Tice spirit-meter.

J. W. DOUGLASS,
Acting Commissioner of Internal Revenue.

The VICE PRESIDENT. If there be no objection the request of the Commissioner of Internal Revenue will be granted. It is so ordered.

SOUTHERN PACIFIC RAILROAD.

Mr. STEWART. I renew my motion.

The VICE PRESIDENT. The Senator from Nevada moves to pass over the present and all other orders for the purpose of considering House joint resolution No. 86, in regard to the suspension of the sale of certain lands in California.

Mr. EDMUNDS. Let that be read for information.

Mr. STEWART. Let the substitute of the committee be reported.

The Chief Clerk read the substitute reported by the Committee on the Pacific Railroad.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

Mr. CASSERLY. Mr. President——

The VICE PRESIDENT. The question is not debatable except by unanimous consent. The joint resolution is not before the Senate. The motion is simply to take it up.

Mr. CASSERLY. I hope it will not be taken up at this time.

Mr. STEWART. I hope it will.

The VICE PRESIDENT. The motion of the Senator from Nevada is to pass over the present and all other orders for the purpose of considering this joint resolution.

The motion was agreed to, there being, on a division—ayes 22, noes 15; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 86) in regard to the suspension of the sale of certain lands in California, the question being on the amendment reported by the Committee on the Pacific Railroad, which was to strike out all of the original resolution after the resolving clause and to insert in lieu thereof the following:

That the Southern Pacific Railroad Company of California shall construct its road and telegraph line, as near as may be, on the route indicated by the map filed by said company in the Department of the Interior on the 3d day of January, 1867; and upon the construction of each section of said road, in the manner and within the time provided by law, and notice thereof being given by the company to the Secretary of the Interior, he shall direct an examination of each such section by commissioners to be appointed by the President, as provided in the act making a grant of land to said company, approved July 27, 1866, and upon the report of the commissioners to the Secretary of the Interior that such section of said railroad and telegraph line has been constructed as required by law, it shall be the duty of the said Secretary of the Interior to cause patents to be issued to said company for the sections of land conterminous to each constructed section reported on as aforesaid, to the extent and amount granted to said company by the said act of July 27, 1866.

Mr. STEWART. I will explain the proposition. It makes no additional grant of land, but remedies a technical defect. In the act of 1866, making a grant of land for the Atlantic and Pacific railroad, the eighteenth section provided:

"That the Southern Pacific railroad, a company incorporated under the laws of the State of California, is hereby authorized to connect with the said Atlantic and Pacific railroad formed under this act at such point near the boundary line of the State of California as they deem most suitable for a railroad line to San Francisco, and shall have a uniform gauge and rate of freight or fare with said road; and in consideration thereof, to aid in its construction, shall have similar grants of land, subject to all the conditions and limitations herein provided, and shall be required to construct its road on the like regulations as to time and manner with the Atlantic and Pacific railroad herein provided for."

In pursuance of this provision, on the 3d day of January, 1867, the company filed a map of the route from San José to the Colorado river on the thirty-fifth parallel, taking, as they deemed, the most eligible route. The Secretary of the Interior, in pursuance of that map, in May following withdrew the lands granted in aid of the construction of the road. Upon the faith of this withdrawal and this grant the Southern Pacific Railroad Company purchased the road running from San Francisco to San José for some three or four million dollars, and contracted for the construction of thirty miles of road, complying with the conditions of the act. They have now invested some seven million dollars in the enterprise. Certain persons who desired to enter this land by means of college scrip, it having been surveyed and being subject to private entry, applied to the Secretary of the Interior to set aside this withdrawal for the reason that the California charter to the Southern Pacific Railroad Company did not run on that line, and that Congress could not confer upon the company additional corporate authority. The Secretary of the Interior made an order setting aside the withdrawal; but upon a resolution being passed through the Senate he granted a rehearing. That matter was again taken up last fall by the Secretary and he came to the conclusion that the former ruling was right, and that there was not a technical compliance with the California charter.

The matter was brought up in both Houses and examined by the Committee on the Pacific Railroad in each House, and both committees came to the conclusion that the company had acted in good faith and had invested its money upon the faith of this grant. They reported that there should be some legislation; and a similar resolution to the one now pending was reported in both Houses by the Committee on the Pacific Railroad.

Pending these proceedings the Legislature of California, in order that the grant might not be lost, passed an act, a copy of which I send to the Chair, enlarging the powers of this corporation and saying that the company might have these lands that were withdrawn. I ask for the reading of the act of the Legislature of California passed at its recent session, a few weeks ago.

The Secretary read as follows:

STATE OF CALIFORNIA,
Department of State.

I, H. L. Nichols, secretary of State of the State of California, do hereby certify that the annexed is a true, full, and correct copy of chapter five hundred and seventy-eight of the laws of 1869-70, of said State, now on file in my office.

Witness my hand and the great seal of State, [L. S.] at office in Sacramento, California, the 5th day of April, A. D. 1870.

H. L. NICHOLS,
Secretary of State.
By LEW. B. HARRIS,
Deputy.

An act to aid in giving effect to an act of Congress relating to the Southern Pacific Railroad Company.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Whereas, by the provisions of a certain act of Congress of the United States of America, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from San Francisco to the eastern line of the State of California," approved July 27, 1866, certain grants were made to, and certain rights, privileges, powers, and authority, were vested in and conferred upon the Southern Pacific Railroad Company, a corporation duly organized and existing under the laws of the State of California; therefore, to enable the said company to more fully and completely comply with and perform the requirements, provisions, and conditions of the said act of Congress, and all other acts of Congress now in force or which may hereafter be enacted, the State of California hereby consents to said act, and the said company, its successors and assigns, are hereby authorized and empowered to change the line of its railroad so as to reach the eastern boundary line of the State of California, by such route as the company shall determine to be the most practicable, and to file new and amendatory articles of association; and the right, power, and privilege is hereby granted to, conferred upon, and vested in them to construct, maintain, and operate, by steam or other power, the said railroad and telegraph line mentioned in said acts of Congress, hereby conferring upon and vesting in the said company, its successors and assigns, all the rights, privileges, franchises, power, and authority, conferred upon, granted to, or vested in said company by the said acts of Congress, and any act of Congress which may be hereafter enacted.

SEC. 2. This act shall take effect and be in force from and after its passage.

WILLIAM H. HOLDEN,
President of the Senate.
GEORGE ROGERS,
Secretary of the Assembly.

Approved April 4, 1870.
H. H. HAIGHT, *Governor.*

[Indorsed.]

Senate bill No. 668.
Passed the senate March 31, A. D. 1870.
JOSEPH ROBERTS, jr.,
Secretary of the Senate.
Passed the assembly March 31, A. D. 1870.
ROBERT FERRAL,
Clerk of the Assembly.

Mr. STEWART. I will state in addition that the line upon which the map was filed in order to reach the Colorado river on the thirty-fifth parallel is about three hundred miles shorter than it would be to have followed the route indicated by the charter; that is, down the coast to San Diego, and thence up to the thirty-fifth parallel. It makes a difference of about three hundred miles in length, and is the route upon which the company desire to build.

I will state further, for the benefit of those who think this is an enormous grant, that the company gets very little land on this route on account of large Spanish grants, and the private entries, and the swamp and overflowed lands that were taken through the Sierra Nevada. Taking it from San José to the Tejon or Tchatchiefie pass, through the San Joaquin valley, a distance of two hundred and forty miles, the Commissioner of the General Land Office estimates that the alternate sections will amount to a million and a half acres, which is a little less than one section to the mile. It is true they can go ten miles further to make up deficiencies.

Mr. CASSERLY. I should like to inquire of my friend, the Senator from Nevada, upon what ground does he make that statement?

Mr. STEWART. I state it from a letter which I hold in my hand from the Commissioner of the General Land Office.

Mr. CASSERLY. Because the report of the Secretary of the Interior, which was laid on the desks of Senators last December, states it at seven million acres.

Mr. STEWART. The report of the Secretary of the Interior is made up, like a great many statements, by taking it for granted that it was all public land. I have had an investigation made on this subject, which has taken some weeks, and the Commissioner says:

"From San José to Tejon pass it is estimated at two hundred and forty miles, and ten alternate sections to the mile on each side of a drawn line will make fifteen hundred thousand acres."

Which is a little less than one section to the mile. It is true they can go ten miles further on each side to make up deficiencies. The Commissioner has not estimated that. But suppose that that will give seven hundred thousand acres more—it will not probably give that amount—the whole amount will be less than a section and a half to the mile that this road gets.

The company have invested more money of their own on this road than any other of the Pacific railroad companies have, except the Central and Union roads and their branches. They have purchased the San José road, have built thirty miles; and I will state that the thirty miles already built are on an undisputed line. There is no dispute whatever about that section. This proposition is intended simply to do away with technical difficulties and give to this company what Congress intended it should have originally, and what the company is entitled to by its good faith and by complying with the law. That is all that it is proposed to do.

Mr. CASSERLY. Had I been allowed, awhile ago, to state to the Senate the reasons for my desire, then expressed, to postpone this joint resolution for to-day, I think the Senate would have agreed with me. The Senator from Nevada is well aware, though the great majority of the Senate is not, that probably I shall not object to the passage of this resolution provided it can be so amended as to protect the interests of the large number of persons who have actually settled on the lands affected by the resolution.

In the beginning of this session I was instructed by the Legislature of my own State to resist the grant of lands to the South Pacific Railroad Company proposed by the pending measure. In other words, I was instructed to sustain the decision of the Secretary of the Interior annulling the withdrawal of lands made on account of this road, as having been made in violation of law. Since those instructions were received the Legislature of my State, for reasons satisfactory to itself, and which I assume were reasons of great public policy, receded from its first position in regard to these lands, and passed the act which the Senator from Nevada has just read. The effect of that act is, so far as the State of California can, to validate the previous withdrawal of lands made in the Department of the Interior on account of this road. I have therefore no desire either to commence, or to continue if commenced by another, any contest with the company in its efforts to obtain the benefit of the lands as withdrawn by the Department of the Interior.

My desire to defer for to-day the consideration of this measure was prompted by a different reason. In December last, in reply to a resolution offered by me, and which the Senate did me the honor to adopt, the Secretary of the Interior made a report, which was laid upon the tables of Senators, but which in the interval has doubtless been forgotten by them. That report gives a clear and connected history of the whole transaction of the withdrawal of the lands in this case and the subsequent rescinding of that withdrawal. It also shows something else, which is more important to my present position, because it shows that on the entire tract withdrawn on account of the railroad company, which is about seventeen million acres, there were at the date of the report, December 21, 1869, more than two thousand actual settlers. These are the people whom I want to see protected in the passage of this joint resolution.

Mr. STEWART. Will the Senator allow me to say a word with regard to that point? Those were settlers previous to the withdrawal, and they are not disturbed. I also addressed an inquiry to the Commissioner of the General Land Office as to whether there were any settlers on these lands since then, and in his reply he says:

"In this connection I have the honor to state that after the withdrawal settlers cannot file on the odd sections unless settlement is made prior to withdrawal."

These are settlements that were made prior to the withdrawal, and are not affected by the resolution. I ought to state further, in explanation——

Mr. CASSERLY. I cannot consent to allow the Senator from Nevada to make a speech in the middle of my remarks.

The VICE PRESIDENT. The Senator from California resumes the floor.

Mr. STEWART. I want to get at the facts.

The VICE PRESIDENT. The Senator from California declines to yield further.

Mr. CASSERLY. If the Senator has any fact to state without a speech upon it I have no objection to his stating it.

Mr. STEWART. I was simply about to state, in regard to those settlers, that they were settlers who made their settlements prior to the withdrawal, and the land is deducted in their favor in this estimate, because their title is not affected by the withdrawal.

Mr. CASSERLY. It is difficult to argue upon any state of facts with the Senator from Nevada, because, taking what he states as of his own knowledge, which in this case must be extremely limited for him or for anybody, and the inferences he draws from the papers before him, which the papers do not sustain, a discussion with him must be very fruitless. I prefer to rely on the papers themselves. The letter which the Senator has read from the Commissioner of the General Land Office comes very far short of sustaining his assertion that the two thousand settlers on these lands had settled on them before the withdrawal. All that the letter says is that settlers cannot file upon lands which have been withdrawn. What I said was that there were more than two thousand actual settlers upon this tract of seventeen millions. I said so because the report of the Secretary of the Interior says so. My resolution of inquiry was as to the number of "settlers located on the lands withdrawn." He reports that there were two thousand and sixty-seven. He does not speak of settlers who had filed upon the lands, but of settlers who had "located" on them. But if these are settlers who went on after the withdrawal why not protect them? I know well what will be the claim of the Senator from Nevada. He will say that settlers, after the withdrawal, were not lawfully here, because there can be no valid settlement on lands once withdrawn. But Senators will perceive that this is a question of an illegal withdrawal, of a void withdrawal, of a withdrawal pronounced void by the judgment twice rendered by the Secretary of the Interior—pronounced legally void by the report of the Committee on the Pacific Railroad sent in here with the very bill now before us. By all these concurring judgments the withdrawal was illegal and void. On what ground, therefore, can the Senator call on the Senate to overlook the equities of men who, knowing the withdrawal was illegal and void, went upon the lands which belonged to them as a portion of the people of the country?

My present impression is that I shall offer no opposition to the passage of the resolution; but I should be ashamed of myself if I could sit here and permit the rights of two thousand people who have gone upon lands which were public lands, and had not been withdrawn from the operation of the general land system by any legal act of any Department, to be swallowed up in a railroad bill without raising my voice in their behalf. For their sake I ask that the further consideration of this measure may be postponed until to-morrow or the day after, in order that we may act intelligently for their protection.

Mr. MORRILL, of Maine. Mr. President——

The VICE PRESIDENT. The Senator from California moves to postpone the further consideration of this joint resolution.

Mr. STEWART. I hope that will not be done. It is very hard to get up bills here.

Mr. CASSERLY. I gave way to the Senator from Maine. I did not give way to the Senator from Nevada.

Mr. MORRILL, of Maine. I hope the vote will be taken on the motion to postpone.

The VICE PRESIDENT. The motion to postpone is debatable.

Mr. MORRILL, of Maine. I move, then, to pass over this joint resolution, with a view to proceed to the consideration of the appropriation bill.

Mr. CASSERLY. I have no objection.

Mr. STEWART. I appeal to the Senator from Maine to let us have a few minutes.

The VICE PRESIDENT. This motion is not debatable.

Mr. TRUMBULL. The Senator from Nevada had better let this matter go over. The Senator from California makes a fair proposition.

Mr. MORRILL, of Maine. The Senator from Nevada must perceive that his bill will be debated.

The VICE PRESIDENT. The Senator from Maine moves to pass over this joint resolution for the purpose of resuming the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. HORACE PORTER, his Private Secretary, announced that the President had this day approved and signed the bill (S. No. 369) to establish an additional land district in the State of Kansas.

PRINTING OF DOCUMENTS.

On motion of Mr. SAULSBURY, it was

Ordered, That five hundred additional copies of the letter of the Secretary of War, and five hundred additional copies of the letter of the Secretary of the Treasury, relative to the surveys which have been made in the harbor at the Delaware breakwater, with a view to the erection of a pier at Lewes, be printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1977) to supply a deficiency in the appropriation for compensation and mileage of members of the House of Representatives and Delegates from Territories for the fiscal year ending June 30, in the year 1870, in which it requested the concurrence of the Senate.

BILL RECOMMITTED.

On motion of Mr. SPENCER, it was

Ordered, That the bill (H. R. No. 1669) for the relief of Harriet E. Parker be recommitted to the Committee on Commerce.

PRINTING OF A PETITION.

Mr. CONKLING. I move that an order be entered to print the memorial of the Citizens' Association of New York, which is quite brief, that I presented this morning. I think it ought to be printed.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871.

The VICE PRESIDENT. Last night, before the adjournment, the Senate unanimously agreed that on the resumption of the consideration of this bill to-day the Senate would vote on the amendment reported from the Committee on Public Buildings and Grounds by the Senator from Vermont, [Mr. MORRILL,] for the building of a new State Department, without further debate. The Secretary will report the amendment.

The SECRETARY. The amendment is to insert the following as a new section:

SEC. —. *And be it further enacted*, That the sum of $500,000 be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the construction, under the direction of the Secretary of State, on the southerly portion of the premises now occupied by the War and Navy Departments, of a building which will form the south wing of a building that, when completed, will be similar in the ground plan and dimensions to the Treasury building, and provide accommodations for the State, War, and Navy Departments; the building to be of such kind of stone as may be hereafter determined, three stories in height, with basement and attic; the height of the pavilions to be increased if necessary; the building to be of fire-proof construction, and in the renaissance style of architecture; the plans to be approved by the Secretary of State, the Secretary of War, and Secretary of the Navy before any money is expended under the provisions of this act.

Mr. COLE. I hardly think we ought to confine it to a particular style of architecture. We had better leave that to the good taste of the architect. I suggest to the chairman of the committee that we might with propriety strike out the provision as to the style of architecture. The architecture of the public buildings thus far in this city is of a very fine order, and in good taste. The proposition now is to adopt, instead of the ancient style we have adhered to so closely, a modern style.

Mr. MORRILL, of Vermont. I do not desire to debate the question, and I hope a member of the committee will not do so, because there was an agreement to vote without debate. The plan is already prepared, and I think nobody will disapprove of it.

Mr. COLE. I am very much in favor of the building, of course——

Mr. MORRILL, of Maine. I must remind the Senator that there was an agreement to vote without debate.

The VICE PRESIDENT. That is for Senators to enforce, and not the Chair.

Mr. COLE. I did not understand that. I was not present when any such agreement was made.

The VICE PRESIDENT. That was the understanding agreed to at near eleven o'clock last evening.

Mr. MORTON. I do not wish to violate any understanding. I was not here last night. I think it would be highly improper to adopt this amendment in this way, determining the style of the building, without knowing anything about it, whether it will cost six, seven, or ten million dollars. It is taking a leap in the dark. I think we ought to know what we are about before we make an appropriation to start a building which, once started in a particular way, must be completed in that way. We do not know what we are about. There are terms here employed that I think a large portion of the Senate do not know what they mean; I know I do not.

Mr. SPRAGUE. I desire to observe to the Senator from Indiana that the proposition that the question should be taken without debate was suggested when the Senate had but four or five members in their seats, and can hardly be binding on the Senate. A question of such great interest should receive the attention of Senators who may not have been in their seats at that time.

Mr. MORRILL, of Maine. I hope my honorable friend will not take that exception. I take it that during the session of the Senate the Senators who absent themselves are bound by the action of the Senate. ["Certainly."] They are bound by the acts of the members who are here while the Senate is in session, as if they chose to remain in their seats and share in the deliberations of the Senate. If that is not to be the case, I shall oppose most strenuously those sessions which leave us without a quorum.

Mr. TRUMBULL. I entirely agree with what the Senator from Maine has said. I was not here when that arrangement was made; but I should by no means violate it. I should be very glad to have the opportunity of saying a word in reply to the Senator from Indiana; but if understandings among ourselves are to amount to anything, those Senators who are not here when the understandings are made certainly should not come in and object to carrying them out.

Mr. SUMNER. I will remark that this proposition will be open to consideration at the next stage of the bill when it is reported to the Senate. Therefore, it may be voted on now, and at the next stage Senators will have an opportunity of speaking on the question.

Mr. COLE. I wish to state to the chairman of the committee and the Senate distinctly that I knew of no such understanding. If I had, I would not have made any remark.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Vermont.

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

The yeas and nays were ordered; and being taken, resulted—yeas 41, nays 15; as follows:

YEAS—Messrs. Ames, Anthony, Bayard, Boreman, Brownlow, Buckingham, Cole, Conkling, Corbett, Davis, Drake, Edmunds, Ferry, Flanagan, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Johnston, Lewis, McDonald, Morrill of Maine, Morrill of Vermont, Nye, Osborn, Patterson, Ramsey, Rice, Robertson, Saulsbury, Sawyer, Scott, Stewart, Stockton, Sumner, Thayer, Tipton, Trumbull, Vickers, Warner, and Willey—41.

NAYS—Messrs. Casserly, Chandler, Cragin, Harlan, Harris, Howell, Kellogg, Morton, Pratt, Ross, Schurz, Sherman, Spencer, Sprague, and Yates—15.

ABSENT—Messrs. Abbott, Cameron, Carpenter, Cattell, Fenton, Fowler, Gilbert, Howard, McCreery, Norton, Pomeroy, Pool, Revels, Thurman, Williams, and Wilson—16.

So the amendment was agreed to.

Mr. MORRILL, of Vermont. I now offer another amendment from the Committee on Public Buildings and Grounds, to enlarge the grounds surrounding the Capitol. I believe the Clerk has a copy of it.

The VICE PRESIDENT. The amendment of the Senator from Vermont will be read.

The Chief Clerk read the amendment, which was to add the following sections to the bill:

And be it further enacted, That the public grounds surrounding the Capitol shall be enlarged, (according to the plan approved by the Committees on Public Buildings of the Senate and House of Representatives, respectively, which plan is hereby directed to be deposited in the custody of the Secretary of the Interior,) by extension between First street east and First street west, in the following manner: northwardly to the south side of north B street, and southwardly to the north side of south B street, including, in addition to so much of the reservations, avenues, and streets as are necessary for such extension, the two squares designated on the plan of the city of Washington as Nos. 687 and 688, respectively.

And be it further enacted, That it shall be the duty of the Secretary of the Interior to purchase from the owner or owners thereof, at such price, not exceeding its actual cash value, as may be mutually agreed on between the Secretary and such owner or owners, and not exceeding the appraisal made by the commission of nine in their report to Robert Ould, United States district attorney for the District of Columbia, on the 21st day of January, 1861, such private property as may be necessary for carrying this act into effect, the value of the property so purchased to be paid to the owner or owners thereof out of any money in the Treasury not otherwise appropriated on the requisition of said Secretary: *Provided*, That before such payment shall be made the owner or owners of the property purchased shall, by good and sufficient deed or deeds, in due form of law, and approved by the Attorney General of the United States, fully release and convey to the United States all their and each of their several and respective rights in said titles to such lands and property so purchased.

And be it further enacted, That if the Secretary of the Interior shall not be able to agree with the owner or owners of any private property needed for the purposes of this act upon the price to be paid therefor, or if for any other cause he shall be unable to obtain the title to any such property by mutual agreement with the owner or owners thereof, it shall be his duty to make application to the supreme court of the District of Columbia, which court is hereby authorized and required, upon such application, in such mode and under such rules and regulations as it may adopt, to make a just and equitable appraisement of the cash value of the several interests of each and every owner of the real estate and improvements thereon necessary, to be taken for the public use, in accordance with the provisions of this act, and to which the Secretary has been unable to obtain the title by mutual agreement with the owner or owners thereof.

And be it further enacted, That the fee-simple of all premises so appropriated for public use, of which an appraisement shall have been made under the order and direction of said court, shall, upon payment to the owner or owners respectively of the appraised value, or in case the said owner or owners refuse or neglect for fifteen days after the appraisement of the cash value of said lands and improvements by said court to demand the same from the Secretary of the Interior, upon depositing the said appraised value in the said court to the credit of such owner or owners respectively, be vested in the United States; and the Secretary of the Interior is hereby authorized and required to pay to the several owner or owners respectively the appraised value of the several premises as specified in the appraisement of said court, or pay into court by deposit, as hereinbefore provided, the said appraised values; and the sum necessary for such purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

And be it further enacted, That said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving possession. The costs occasioned by the inquiry and assessment shall be paid by the United States; and as to other costs which may arise, they shall be charged or taxed as the court may direct.

And be it further enacted, That no delay in making an assessment of compensation or in taking possession shall be occasioned by any doubt which may arise as to the ownership of the property or any part thereof, or as to the interests of the respective owners, but in such cases the court shall require a deposit of the money allowed as compensation for the whole property or the part in dispute. In all cases, as soon as the United States shall have paid the compensation assessed, or secured its payment by a deposit of money, under the order of the court, possession of the property may be taken.

And be it further enacted, That the Washington and Georgetown Railroad Company and the Metropolitan Railroad Company be, and they are hereby, required to remove their tracks, respectively, from the Capitol grounds, as hereby established, and to run the same as they may be directed from time to time by the officer in charge of the public buildings and grounds, as the grading and filling up of said grounds may render necessary.

And be it further enacted, That the sum of $50,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended by the direction of the Secretary of the Interior, under the supervision of the architect of the Capitol extension, in grading, filling up, removing buildings, and improving the public grounds and streets around the Capitol, as herein enlarged; and the Secretary of the Interior is hereby authorized to sell at public auction such materials in the buildings in squares No. 687 and 688 as are not necessary for the public works in this District; and further, that the moneys realized by such sales shall be applied to the improvement and extension of the Capitol grounds.

Mr. MORRILL, of Vermont. Mr. President, this is an old acquaintance of the Senate, the amendment being almost identical in language with a bill that has twice before passed the Senate almost unanimously. Having been passed by the Senate during the war, though it was deemed proper to complete the Capitol, it was thought advisable on the part of the House to wait until the Capitol was finished before final action should be had upon the extension of the grounds. Senators who have taken notice of the grounds will see that we own two squares now on the west side of the Capitol, north and south, more than has been hitherto improved. In order to complete the symmetrical form of the grounds it is necessary that the two squares on the east side should be purchased and incorporated into the grounds, which will then be none too large for this most beautiful and magnificent building that has been erected within the last ten years.

Mr. President, I present this as a measure of sheer economy. If the Government had taken these squares when it was first proposed to take them they could have been obtained for one half the price for which they can now be obtained. The Congress of the United States from time to time has had this subject under consideration, and has had all the titles investigated, with a view of incorporating these two squares into the Capitol grounds. The Committee on Public Buildings and Grounds within the last year have had parties to consult with all the proprietors, and have ascertained about what they will be willing to accept as the price of the property owned by them, and it is ascertained that it will cost a fraction over $500,000, if a mutual agreement should be had. If the squares should be taken possession of under process of law and the land be condemned, whether it would be appraised at so much or appraised at more, is beyond the knowledge of the committee.

But it is so obviously a matter of economy, that if ever these two squares are to be incorporated in the public grounds it should be done now, that I think it can need no argument. Any Senator who has ever observed the grounds at all will at once concede that they will not be any too large, if large enough, after these two squares shall have been purchased and incorporated into them. Until this can be done it is manifestly impossible to properly lay out and improve the squares we already own. I do not desire to occupy further time of the Senate on the amendment unless it should be necessary in the progress of the debate.

Mr. CORBETT. I should like to ask the Senator whether the two blocks to which he has referred are those on either side of the square in front of the Capitol?

Mr. MORRILL, of Vermont. Yes, sir.

Mr. CORBETT. That are now occupied by buildings?

Mr. MORRILL, of Vermont. Yes, sir.

Mr. CORBETT. I understand it is proposed to take one square on each side of the east front?

Mr. MORRILL, of Vermont. Yes, sir.

Mr. TRUMBULL. It takes the square where Whitney's corner is and the square where the Casparis House is on the other side.

Mr. POMEROY. Does the Government own any of the land about here?

Mr. TRUMBULL. The Government owns to B street north and B street south now. They own to B street on each side; and now it is proposed to take these other two squares to B street, the square where the Whitney House is, and the square where the Casparis House is.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The question is on agreeing to the amendment reported by the Committee on Public Buildings and Grounds.

The amendment was agreed to.

Mr. SUMNER. I send to the Chair an amendment which I move under the direction of the Committee on Foreign Relations. It is simply the transfer of a small sum.

Mr. MORRILL, of Maine. If the Senator will permit, I suggest the propriety now, as the Senate is full, of acting upon the amendments of the Committee on Appropriations which were postponed until we had a full Senate.

Mr. SUMNER. Will the Senator let me have this amendment acted on, which I have sent to the Chair, now?

Mr. MORRILL, of Maine. Very well, sir.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts will be reported.

The Secretary read the amendment, which was to insert the following:

And be it further enacted, That the unexpended balance of appropriations on account of the Paris exhibition of 1867 shall be applied, under the supervision of the Secretary of State, to enable citizens of the United States to take part in the proposed international exhibition at London in 1871.

Mr. SHERMAN. I have no objection to the appropriation of a sum of money to carry out the purpose of that amendment if the Committee on Foreign Relations think it necessary; but I give notice now that I shall object to the transfer of appropriations and to the transfer of balances. It is only a cover for appropriations, and I think from this time forward the word "transfer" in an appropriation bill ought to be abandoned or considered as a new appropriation, as it undoubtedly is. That ought to be regarded as a rule. It is merely another name of appropriating money. It is commonly said, "This money is already appropriated to another purpose, but is not used, and we might as well turn it over to this purpose." That is simply a new appropriation of money. If the Senator will modify the form of this amendment, if he will say how much of this money is unexpended and how much is necessary for the purpose proposed, I may possibly be willing to vote for an appropriation. I will give the Senator an illustration. By making a transfer of a fund I can transfer $40,000,000 without attracting the attention of the Senate.

Mr. SUMNER. I will make an explanation which I think will satisfy my friend. The Senator is aware that there is to be an international exhibition at London in the coming year, and that the English Government, through their minister here, have invited the participation of American citizens. The Secretary of State has communicated the correspondence on that

subject to the committees of both Houses of Congress. The Committee on Foreign Relations of the Senate has had it under consideration, and has directed me to report according to the recommendation of the Secretary of State, and it is to the effect of supplying our agent or commissioner there, who gives his own labor gratuitously, with about twelve or thirteen thousand dollars which is to be applied to the purposes of this exhibition. Now, it seems that on closing the accounts of the great Paris exhibition it was found that there is a surplus just to this amount.

Mr. SHERMAN. How much?

Mr. SUMNER. Of twelve or thirteen thousand dollars; that is all.

Mr. SHERMAN. Why not appropriate that amount?

Mr. SUMNER. Then you leave the other balance to the credit of the Paris Exposition.

Mr. SHERMAN. That goes to the surplus fund by an amendment we adopted yesterday, as do all these balances at the end of the fiscal year.

Mr. SUMNER. It seemed to me that the course proposed was simpler and more original. The exhibition in London is, if I may say so, a child of the larger exhibition in Paris. It is conceived in the same interest, and our people, who gained so much at the Paris exhibition, have certainly a strong interest in having all reasonable facilities at the coming London exhibition. The proposed appropriation is very small. Everybody will see that it is very small, almost trivial.

Mr. CONKLING. For what purpose is it to be applied?

Mr. SUMNER. It is to employ agents on the spot, who shall receive the goods and who shall aid American exhibitors and who shall protect their interests. The commissioner says:

"The condition-precedent to the admission of foreign products is 'that they shall obtain certificates of admission from their respective Governments.'"

That necessitates the presence of an American agent or commissioner, and the Secretary of State has already designated for that purpose the gentleman who performed that duty so acceptably at Paris. The commissioner further says:

"To comply with this rule, and enable the citizens of the United States to participate in the proposed exhibition, the products of applicants must be examined and certified by competent judges.

"This service, I have no doubt, will be performed in a judicious and satisfactory manner gratuitously; but there will be some expenses attending the work, for which provision is requisite."

Now, in reply to the Senator from New York, I have here the items:

	Estimate.
1. Printing and advertising to give suitable publicity	$1,000
2. Office rent for correspondence and proceedings of commission	2,500
3. Stationery, blanks, postage, cab hire, and office expenses	1,500
4. Warehouse rooms for the examination of products, and labor, unpacking and packing, receipt and delivering, &c.	2,000
5. Clerk hire, porter, and assistance in the office	3,000
6. Reporter to join in the English reports, as proposed by the English commission, to report separately on the exhibition, as the Government may direct	3,000
Total	$13,000

It so happens that this sum proposed by the commissioner as needed in London represents just about the balance which remains of the money appropriated to the Paris exhibition. It seemed, therefore, on the whole, most convenient that Congress should simply authorize the application of that unexpended balance to this purpose. I hope under the circumstances the Senate will allow this amendment to pass as it is.

Mr. THAYER. I should like to ask my friend from Massachusetts and those who are in favor of this amendment, and who opposed the making of an appropriation for an exhibition in this city, if they would object to transferring this unexpended balance so that it could be used in favor of an exhibition here at home, in Washington?

Mr. SUMNER. I cannot answer for others. My present motion is that it be applied to the exhibition at London, for the benefit of our own citizens.

Mr. TRUMBULL. If the Senator from Massachusetts will allow me, I should like to ask him before he sits down how much was appropriated for the Paris exhibition in all?

Mr. SUMNER. About two hundred thousand dollars. The Senator remembers the scale on which that exhibition was held, and the number of agents and commissioners appointed by the United States, half of whom received salaries from the Government; that they had associated with them other commissioners from different States, and then still further that they were obliged to pay for the room they occupied at the exhibition; they were obliged to put it in order, to furnish it, to equip it. On this occasion there is nothing of the kind. This exhibition, while it is to be of considerable importance to our people, is to be comparatively inexpensive. The exhibition will apply especially to the fine arts, scientific inventions, new discoveries of all kinds, manufactures, (including pottery, wool and worsted fabrics,) educational improvements, (including school-buildings, maps, globes, appliances for physical training,) and there will also be an exhibition in horticulture associated with it.

Mr. WILLIAMS. I think I am not mistaken when I say that at the time the first proposition was made to appropriate money for the Paris Exposition it embraced a very small amount of money. Certain Senators objected to that appropriation on the ground that it would open the door for a very large expenditure of money before the Paris Exposition was completed. Answer was made that such would not be the result. It turned out that those predictions were correct, and that the Paris Exposition did cost this country some two or three hundred thousand dollars, as was predicted when the first proposition to appropriate $50,000 was made. Now, I desire to know if this small appropriation of fifteen or twenty thousand dollars for this London exposition is to open the door for another expenditure of two or three hundred thousand dollars before we conclude legislation in this matter.

Mr. SUMNER. I answer my friend most sincerely, according to my knowledge and conviction, it is not. I stated a moment ago that this whole exhibition is conceived on a different scale of expense and also of extent from that of Paris; and my own conviction is that the present appropriation is all that it will require on our part. If there is anything beyond I have no information with regard to it.

Then, on the subject of the Paris Exposition, I am not sure that that appropriation even now can be open to criticism when we consider its amount, as stated by the Senator, and consider the result.

Mr. CONKLING. I should like to ask, if the Senator will allow me, about the result.

Mr. SUMNER. Certainly.

Mr. CONKLING. Does the Senator know any American acquainted with the exhibition made at the Paris Exposition who is proud of the appearance of our country there?

Mr. SUMNER. I am very glad the Senator from New York puts me that question, because I happen to have in my hand an article, certainly by a very competent person, being President Barnard—Frederick A. P. Barnard—United States commissioner to the Paris Universal Exposition, which is published in the American Journal of Science and Arts for March of this year, where he answers the very inquiry of the Senator. This is not my answer, but it is that of President Barnard, who was present, and I will read a very brief passage:

"The United States was not largely represented as respects numbers in its own section of the Exposition. The country was too much occupied with new and extraordinary domestic questions; industry was unsettled in many respects; the subject had not attracted the earliest attention, and the field was very distant. Yet our national exhibit, although not extended in scale, was excelled in quality only by France itself, and that in no very considerable degree, while the percentage of awards relative to the number of exhibitors was double the corresponding percentage for England and her colonies."

I think this is an answer to the inquiry of my friend.

Mr. MORRILL, of Vermont. Mr. President, if there is anything left of that Paris Exposition fund, I say let us save it in the Treasury. I am not a very ardent admirer of the exhibit we made there. Whenever we do make an exhibit of the industry of the country I want it to be upon a national scale, and one that we can be proud of. This is a sort of back-door exhibition on the part of England herself; and when we made so poor a show at one of the grandest world's expositions ever yet seen, I think so recently thereafter, whether England invites us, or Russia, or any other of the European Powers, we had better remain modest and quiet for a little time until we are ready. I hope this amendment will not be adopted. If there is a single dollar left of the money we appropriated for the Paris Exposition I desire to save it.

Mr. SUMNER. It is evident that my friend did not listen to the testimony which I read from President Barnard.

Mr. MORRILL, of Vermont. I not only listened to it, but I have read it, and I was there and saw the Exposition, and I know more about it than I choose to tell.

Mr. SUMNER. The Senator puts his testimony against that of the commissioner?

Mr. SHERMAN. I have turned to the official report of the balances of appropriations unexpended. The Senator from Massachusetts is mistaken somewhat as to the amount, but not very materially. The amount unexpended on the 30th of June last was $18,244 46. Consequently the amount to be transferred to this new exposition will be $18,000 and over.

Mr. SUMNER. There have been some expenditures for printing since, by which it is reduced to about thirteen thousand dollars. So I have been told.

Mr. SHERMAN. I do not care about that. I want to call attention to these figures again, as they affect a subject we had up last night. The State Department estimated that of the whole $18,244 46 every cent of it was necessary to close the expenses of the Paris Exposition. The law requires the heads of Departments first to give a statement of the balances unexpended, and next the amount of those balances that will be required for the expenditures of the next fiscal year. Strange as it may seem, although there was a balance to the credit of the State Department under various heads of appropriation of $1,063,460 41, every dollar of it was estimated as being necessary for the expenses of the next fiscal year, and not one dollar was carried to the surplus fund.

It seems to me that we ought to stand by the proposition we adopted last night, to carry all these balances over to the surplus fund; and then if appropriations are needed make them out of new money in the Treasury of the United States. The example now about to be set by the Senator from Massachusetts shows the facility with which these transfers can be made and the danger that is constantly pressing upon us, because the same plausible proposition might be made to carry over a million dollars to the State Department alone to the service of other purposes than those for which the money was appropriated.

I do not mean to express any opinion in regard to the necessity of paying any more money on account of the Paris Exposition. I am one of those who think expositions are very useful, and I think our own exhibition at Paris probably resulted to the people of this country in the saving of much more money than the whole cost of the Paris Exposition. In some heads or branches we certainly did

make a pretty creditable show, and I believe we got more out of the Paris Exposition than we expended for it. But the thing is ended; it was three years ago, and the balance ought to have been carried to the surplus fund, under the existing law, two years ago. It was not done. I trust that no amendment will be adopted now that will justify this mode of leaving unexpended balances of appropriation. If the Committee on Foreign Relations say that they want eleven or twelve thousand dollars——

Mr. SUMNER. Thirteen thousand dollars is the sum.

Mr. SHERMAN. If they say that that sum is needed to start a new show at London I am perfectly willing to acquiesce in the appropriation; but I hope they will do it in an open way, and not by a transfer of an unexpended balance.

Mr. NYE. Do you not think it would be better to appropriate this sum to the Washington exhibition rather than send it to London?

Mr. SHERMAN. That is a question of choice. I leave that to the Senator from Massachusetts.

Mr. SUMNER. Does the Senator from Ohio move an amendment?

Mr. SHERMAN. Yes, sir; I will move that $13,000 be appropriated in the ordinary language of appropriations for the purpose.

Mr. TRUMBULL. I have before me the Globe containing the debate of February 22, 1867, when a discussion arose in regard to the Universal Exposition that was to take place at Paris; and in the debate on that occasion it was stated:

"When this question was before the Senate at a former session we then were applied to on the same point"—

This was on an application for additional sums of money. There had been appropriated at that time, according to a statement made by the Senator from Massachusetts, $150,000, and he then asked an appropriation of $93,000 more. This debate was upon that subject:

"When this question was before the Senate at a former session we then were applied to on the same point, and were inquired of by the Senator from Iowa (Mr. Grimes) in what sort of an enterprise we were embarking, where it was to lead, and whether future appropriations would be necessary. In reply to that question the Senator from Massachusetts then said: 'I do not understand that there is any obligation, direct or indirect, to any future appropriation on this subject.'"

That is what we were assured of by the Senator from Massachusetts when he commenced with the Paris universal exhibition.

"To-day he tells us you have either to abandon the thing or make these appropriations."

Mr. MORRILL, of Maine. Will the Senator yield to me for one moment, that I may ascertain whether the amendment is in order?

Mr. SUMNER. I move it under the direction of the Committee on Foreign Relations.

Mr. MORRILL, of Maine. Was notice given of it?

Mr. SUMNER. Notice was given in open Senate, and a copy communicated to the chairman of the Committee on Appropriations.

Mr. MORRILL, of Maine. I did not find it on my file. I suppose the Senator is right, but I have not the evidence before me.

Mr. TRUMBULL. I find that on the same occasion to which I have referred, in some remarks which I submitted, I said, alluding to the Senator from Massachusetts:

"Then he did not understand that there was any obligation whatever, direct or indirect, to make future appropriations; and in that way the Senate, beguiled by the persuasive manner of the Senator, embarked in this exhibition, thought it would cost little or nothing to have the country represented abroad, to bring to notice its agricultural and mineral and scientific resources, by exhibiting them in Europe—'a very simple thing,' he said. The Senate and Congress were thus beguiled and led along to make the first appropriation. Indeed, I believe originally the first resolution did not call for any money. The proposition only fixed the salary of the general agent, and it was said to be a very small matter, involving no obligation afterward."

I will not read the whole of the debate; I only call attention to it for the purpose of showing how we were seduced into the Paris Exposition by the Senator from Massachusetts, beginning with calling it a very simple matter, just as he does now, starting out to pay an agent at Paris, till he finally got the Senate to appropriate $250,000. He even got more than he wanted. It seems he got so much that it could not be used, and now he is starting another exhibition for London to try to find use for that appropriation. Evidently this will lead to another very large expenditure. The Senator from Massachusetts does not think so to-day. He did not think so when he started originally with the Paris Exposition, and I have no doubt he was sincere in it.

Mr. SPRAGUE. May I ask the Senator a question?

Mr. TRUMBULL. Certainly.

Mr. SPRAGUE. I ask if the Senator is aware of any additional expense besides the $300,000 that was charged to our appropriations for printing?

Mr. TRUMBULL. I am not posted on that subject. I do not know.

Mr. SPRAGUE. I am informed that something like two hundred thousand dollars in addition has been expended in that way, making the whole expense but little short of half a million dollars, perhaps.

Mr. TRUMBULL. That only makes it worse; and I think that is a reason why we should not embark in this enterprise now. I trust, Mr. President, that we shall not appropriate the money; and as to this transfer I quite agree with what has been said by the Senator from Ohio, that it is only another name for taking money out of the Treasury, and a blind way of doing it. If we are to appropriate money for this purpose, let us do it directly and know what we do. I hope the amendment will obtain, and then I hope the Senate will vote down the proposition as reported.

Mr. CHANDLER. I opposed the appropriation for the Paris Exposition, but my recollection is that the Senator from Massachusetts' first proposition was for something about twenty thousand dollars. I may be in error, but that is my recollection. Perhaps it was for the salary of the commissioner; but the whole amount, I think, was about twenty thousand dollars, and the Senator from Massachusetts assured the Senate that it was a very trifling matter, and there could be no demand for anything more. Even so trifling a matter as $20,000 I opposed, and I opposed every stage from beginning to end, never having voted one farthing, and I shall not vote for this.

Mr. SUMNER. This is in England.

Mr. CHANDLER. That does not help it much with me. [Laughter.] I hope this proposition will be voted down. I think we can spend money at home to better advantage than we can in London, and that it will do more good in every respect.

Mr. SUMNER. I do not like to occupy the time of the Senate on this question. I, however, say that I accept willingly the amendment of the Senator from Ohio. My simple object, and the object of the committee, was to provide the means which the Department of State recommended in order to give our citizens the opportunity of enjoying the benefits of this exposition, and on inquiry we were satisfied that all this could be accomplished by an appropriation of thirteen or fifteen thousand dollars.

Then it was suggested that the better way would be to transfer the unexpended balance of the Paris Exposition appropriations. That was the first proposition before the Senate. Now, the Senator from Ohio moves to amend that by a direct appropriation of a similar amount. I have already said I accept that amendment very freely, my simple object being to obtain an adequate provision.

And now, sir, as to the chance of any further expenditure, I have already stated that, according to the information supplied to me, I do not think there will be any further call upon Congress. If there should be, it will be a surprise to me. No Senator here will be more surprised at it than I shall be.

Now, the simple question is whether you shall make this little appropriation in order to give the citizens of our country the opportunity of sharing in the benefits of this exposition. Why, sir, the Paris Exposition did infinite good to the civilization of the age. It advanced manufactures, the arts, the fine arts, everything that enters into civilized life. The proposed exhibition of London, as I have already said, is not to be on the same large scale; but it will in its way contribute to civilization, and shall not our citizens enjoy the benefits of it? It is a small appropriation, I submit, for the boon we may justly expect.

I am unwilling to see our people excluded from these privileges on this very small question of money. The amount is too small, too insignificant to be set up as a bar to the very considerable advantages that will be enjoyed. Much more than this sum will come back to the country in increased knowledge—ay, sir, in direct orders addressed to your manufacturers and mechanics, for the machines and other articles that will be exhibited there. We shall get it all back. We are sowing an acorn that will come back an oak. I hope that the Senate will make the appropriation.

Mr. CONKLING. The Senator from Massachusetts says this sum is too insignificant to be the object of serious objection. He ought to have added that it is too insignificant to be available or efficient for the purpose to which it is to be devoted. Twelve or thirteen thousand dollars, as every man must see in the light of the experience of the French experiment, or without it, will never answer this purpose. Therefore, however it may be disguised, we are called upon now to vote whether, beginning with this sum, we are going to appropriate a large amount for this London exposition. I submit, Mr. President, that we ought not to do it; and that we ought not to do it in deference to the spirit of the age, if I may borrow an expression. The spirit of the age and the progress of civilization, and the cause of amelioration generally, I think, will be conserved best now in such respects by frugal administration, by dismissing and withholding as far as we can the burdens which press upon the people, not in England nor in London, but here, everywhere throughout this broad Republic.

Therefore it seems to me that every time a thing like this is presented it is an instance of surplusage; it is an instance in which the appropriation is not necessary, be it more or less; and when, as in this case, a small beginning implies inevitably a greater end of appropriation, it seems to me that the decency of common consistency requires men who individually and as a political party are professing economy and frugality to resist all these appeals. Therefore, while I am glad that the amendment is to take the form suggested by the Senator from Ohio, as I trust every proposition to appropriate money will, to the end that we may do in the light and not in the dark what we intend, yet I hope this amendment will fail, as I hope to see fail every proposition to appropriate money which need not be appropriated now, if indeed it should ever be appropriated at all.

Mr. MORRILL, of Vermont. Mr. President, whatever form this appropriation may assume, being confined to twelve or thirteen thousand dollars, it is just large enough to make it contemptible. I think if we can only reach a vote we can vote it down in any shape, and therefore I hope we may be able to take the vote without further debate.

Mr. SUMNER. Mr. President, a proposition is not to be put down by hard words. My friend says that it is contemptible——

Mr. MORRILL, of Vermont. In point of amount.

Mr. SUMNER. Very well. Then why does the Senator from New York oppose it as open-

ing the way to such expense, and adduce it as adding to the expenditures of the country? He calls for frugality. I offer a specimen of frugality. Here is a proposition of only $13,000, in order to secure to our people opportunities worth, I will not say how much, but infinitely more. I call that frugality. Then my friend from Vermont calls it contemptible, and wishes on that account that it shall be voted down. In reply to him I content myself with saying that the commissioner selected by the Department of State, familiar with the subject, who has acted as commissioner throughout the Paris exhibition, and therefore knows the cost, reports that the total required will be $13,000; and he gives the items which I have already read. Now, sir, I infer from these items and this report of the commissioner that this exhibition is not to be on the scale of the Paris exhibition.

Here is no open door to subsequent appropriations; but here is a simple, frugal appropriation in no respect contemptible, because it is adequate, and if it is adopted it will open the door to very considerable advantages for our people. Sir, our position among the nations as a manufacturing people, as a commercial people, as a civilized people, has its obligations. We must take part in the great movements of civilization, and our people have a right to expect through their Government that these opportunities shall be secured. Here is a very small, simple proposition by which these opportunities shall be secured. Will the Senate of the United States throw itself in the way?

Mr. YATES. Mr. President, as was remarked by the Senator from New York, this is the hour for frugality. This amount will not accomplish the object, and as to voting a larger amount I do not intend to do it. We understand that this Congress is a Congress in favor of retrenchment and reform. I would make a motion, if it were necessary to kill the proposition of the Senator from Massachusetts, to strike out this appropriation of $13,000, and insert an appropriation of $13,000 to be applied to the purchase of an artificial limb for each of our soldiers who lost a leg or an arm in the war for the suppression of the rebellion. I know that my friend from Massachusetts is a friend of the fine arts and that this exhibition would contribute very much perhaps to improvement in the fine arts, especially if the appropriation be large enough; but I think $13,000 will not help the fine arts very much, and I think at this time, when our argument is retrenchment and reform, we had better think a little about the rough arts than the fine arts. Let us provide for our soldiers, reduce the taxes, if we can; and, in regard to every proposition of this kind where the argument is, "It is a small sum; it will not hurt the Treasury," let it be remembered that in the aggregate these small sums amount to more than we give to our soldiers; more than we give to what is useful to the country. I hope the proposition will not be adopted.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Massachusetts [Mr. SUMNER] as modified on the suggestion of the Senator from Ohio, [Mr. SHERMAN.]

Mr. SUMNER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 12, nays 36; as follows:

YEAS—Messrs. Anthony, Brownlow, Flanagan, Hamilton of Texas, Harlan, Nye, Sawyer, Spencer, Sprague, Sumner, Vickers, and Warner—12.

NAYS—Messrs. Ames, Bayard, Boreman, Buckingham, Casserly, Chandler, Cole, Conkling, Corbett, Cragin, Davis, Drake, Edmunds, Fenton, Ferry, Hamilton of Maryland, Hamlin, Howe, Howell, Johnston, Lewis, McDonald, Morrill of Maine, Morrill of Vermont, Osborn, Pratt, Ramsey, Ross, Scott, Sherman, Stewart, Tipton, Trumbull, Willey, Williams, and Yates—36.

ABSENT—Messrs. Abbott, Cameron, Carpenter, Cattell, Fowler, Gilbert, Harris, Howard, Kellogg, McCreery, Morton, Norton, Patterson, Pomeroy, Pool, Revels, Rice, Robertson, Saulsbury, Schurz, Stockton, Thayer, Thurman, and Wilson—24.

So the amendment was rejected.

Mr. WILLIAMS. I desire to offer an amendment to come in on page 30, at the end of line seven hundred and thirty-two.

Mr. MORRILL, of Maine. I ask my friend to allow me now to finish the amendments reported by the Committee on Appropriations.

Mr. WILLIAMS. Very well.

Mr. MORRILL, of Maine. I desire to have a vote taken now on the amendment of the Committee on Appropriations, on page 34 of the bill. I ask that the amendment be reported, so that we may see precisely how it stands.

The CHIEF CLERK. The Committee on Appropriations report to amend the clause by striking out the words "one clerk at $1,800; one clerk at $1,600; one clerk at $1,400; one messenger at $840; stationery, $600; library, $1,000; collecting statistics and writing and compiling matter for annual and special reports, $3,000; contingencies, $1,260; in all, $14,500," and to insert in lieu thereof the words "and two clerks of class one, in all $5,400;" so as to read:

For Commissioner of Education, $3,000; and two clerks of class one, in all $5,400.

This clause of the bill has been amended by adding the following proviso:

Provided, That from and after the 30th day of June, 1870, the clerical force in the office of said Commissioner shall be as in this section authorized.

Mr. DRAKE. I do not wish to prolong the discussion on this amendment. I would appeal to the Senator from Maine, the chairman of the Committee on Appropriations, to withdraw this amendment from this bill.

Mr. MORRILL, of Maine. The Senator will see that the chairman of the committee has no control over that. It is an amendment of the committee. But as the sense of the Senate is apparently with the Senator, I submit to him that we might as well take the vote upon it now.

Mr. DRAKE. I should be glad if the chairman would do so much justice to himself, to the committee, and to the Senate as to withdraw his advocacy of the amendment.

Mr. MORRILL, of Maine. If the Senator puts it on that ground I have a word to say to him. The Committee on Appropriations do not ask the judgment of the Senator from Missouri on the question of the justice of their action. I had occasion to say that the committee reported this amendment in harmony with the law; and standing on the law they do not understand how it is that they are obnoxious to the judgment of the Senate for having done their duty in that regard. That is all that the chairman of the committee has said; and that is the attitude of the committee. Now, if the Senate chooses to increase the service beyond the provisions of the law, neither the chairman of that committee nor the committee itself has questioned the propriety of so doing. Therefore I submit to my honorable friend that there is no occasion for making an appeal before the Senate or the country to relieve the committee from putting themselves in the way of what he supposes to be manifest justice toward a great cause. I had not felt nervous about this subject at all, though there had been a great deal of discussion in the direction as if the committee were putting itself in the attitude of hostility to the cause of education. All the comments I have made on the subject heretofore have been simply by way of explaining why it was that we moved the amendment; and secondly, touching the question of education, if you please, that this was a very inadequate mode of accomplishing what its friends desire.

Mr. DRAKE. If the honorable Senator from Maine had not interrupted my remarks, he would have perceived in less than a minute after he did interrupt them that there was no occasion for the resentment he has displayed on account of what I said. The appeal to him was based upon the fact that the bill has now been so amended as to get rid of the objection which the committee found to allowing the House provision to remain in the bill. The Senate has put on an amendment declaring by law what shall be the clerical force of that bureau; and because that had been done, it seemed to me to take away the substantive ground for the action of the Committee on Appropriations in moving to strike out the extra provision which the House had inserted in the bill. It was solely upon that ground that I appealed to the committee to be just to itself; that the ground having been removed upon which it based its amendment there was no longer occasion for the amendment to be pressed; not because I wanted to pass any censure upon the committee or to comment upon its action unfavorably in any way.

But, Mr. President, as I said, I do not wish to prolong the debate on this subject. The subject has been presented, and in my opinion the simple point of choice before the Senate to-day is this: whether they will give the Bureau of Education a sufficient force to work with to any effect, or whether they will strangle it by suffocation—make it imbecile, and then abolish it because of its imbecility.

Mr. HOWELL. I have a word or two to say on this question in addition to what I said the other day. I am opposed, as I said then, to this appropriation outside of the provisions of law. I do not know for my own part what are the functions and what are the purposes of this Bureau of Education. I am convinced of one thing, however: if this appropriation for the Bureau of Education is to amount to anything practically the appropriation should be $1,000,000 per annum rather than the amount named in the bill.

The Bureau of Education has been compared to the bureau of agriculture, and Senators have relied upon the advantages which have resulted to the country from the bureau of agriculture as promising equal advantages from a bureau on the subject of education. There is no similarity whatever between the two subjects, or between the operations of the Department of Agriculture and the Bureau of Education. It is not practicable, in the first place. The question of agriculture, or the promotion of the agricultural interests of the country, is not a subject that the States by legislation take hold of and organize so as to carry it into all the townships and school districts and neighborhoods of the country, and actually to manipulate and support and sustain by provisions of law, even under the State laws, a system of agriculture. The agricultural departments of the States are, as a general thing, organized voluntarily and supported incidentally by small appropriations and by regulations of the State laws and State authorities. The United States Government can come in and aid those operations of the various States of the Union by collecting information, by collecting specimens of agricultural products in different parts of the country and in foreign countries, and thus introduce them into the various States, for the benefit of the various State agricultural societies and the local societies of the country.

But in this matter of education we have a very different subject to deal with. If the department of education is to amount to anything, as it does in the States, you must, in the first place, organize a State department in each State, which shall supervise and regulate all the schools of the State down to the school districts, and take actual practical supervision of them; you must make appropriations by law for the support of the schools; and you must provide by law that in each school district taxes may be levied and imposed on the citizens of the school district, in accordance with State law, for the purpose of supporting the schools and promoting education. All the provisions in regard to common-school education are made by State law, and carried out under State superintendence, and brought home to the people in the school districts, and there manipulated under State authority entirely.

Now, how are you to come in with an edu-

cational bureau from the city of Washington and mix in this affair of State education under the systems of the State organizations of common schools throughout the United States? How is it to be done to any practical purpose? Are you to come in and take the subject out of the hands of the States and run the common schools as national institutions? If you do not do that, if you interfere in any other way than to take the subject out of the hands of the States and take it into the hands of the national Government, you will only embarrass and discourage the cause of education in the States; you will do no good.

It has been said before that if you confine yourselves simply to the collection of statistics of information on the subject of education it amounts to nothing. All those questions, so far as common school education is concerned, (and that is what this bureau certainly must apply to,) have already been theoretically and practically evolved, agitated, and settled in the various States of the Union for themselves; and they must be settled by the States, by the people, down to the school districts, for themselves. You cannot inaugurate and carry on a system of education away above and out of the reach of the sympathies and the actual interest which the people themselves may take in it; and any attempt to interfere with the State systems of education, any attempt to run the machinery of education by the United States Government, will simply prove a failure and a discouragement and a distraction to the cause of education and the friends of education throughout the country.

Therefore the simple question is, whether this Bureau of Education shall be continued to collect the reports of the superintendents of the various States, and to manipulate those reports and extract from them, and get up volumes to be disseminated again through the States. It has been said here that there is no authority of law by which this bureau can lay its hand upon any officer in any of the States of the Union and compel him to aid in carrying out its system of education. There is no law by which in any manner whatever any practical influence can be exerted by the Bureau of Education upon the cause of education in the country. Then why continue this, as I think, useless, inefficient, and inadequate instrumentality for the promotion of education in the country? It has just comparatively such an insignificant kind of appropriation at the best as that which was spoken of just now in regard to the exposition at London. It would have no significance; it would be of no account at all; it would only serve to bring into contempt the cause which it professes to promote and favor, aside from the general question in regard to the impropriety, and the unconstitutionality, it may be, (for it would be questionable,) of this interference upon the part of the United States Government in the affairs of education in the States of this Union.

Mr. SPRAGUE. Mr. President, Congress settled the policy when it established originally the Bureau or Department of Education, and the fifteenth amendment has determined its necessities. Properly it has determined that every citizen of the United States shall vote without qualifications, and it is very right to-day, with that privilege, to have accorded to all men every facility for education. It was the old policy and the necessity in the southern States that a large portion of the population should be deprived of education. It was a necessity incident to their condition and circumstances. In my judgment it is the duty of Congress to observe, to note, and to understand whether those facilities are accorded to that portion of the population that have become citizens, as well as to go into the Northeast and North and Northwest and observe as to whether those who are coming from foreign parts are also accorded the facilities which it is necessary for them to have to fit them properly to consider the subjects which the citizens of the United States are now and will hereafter be compelled to consider.

Mr. SAWYER. Mr. President, I regard this question as one entirely distinct from the question which has been considered by the Senator from Iowa. This is not a question, it seems to me, of a system of national education nor of the national Government going into the several States to interfere with their educational institutions, to control them, or to exercise any power whatever over them. It is simply a question whether a national bureau of statistics of education is desirable; whether it is desirable that there should be in this city, under the control of the Government and supported by the Government, a bureau whose business it shall be to collect all the facts in reference to the state of education in the various parts of the country, and to lay them before the country, so that the people of each State may know what is going on among the people of all the other States on this very important subject.

Various systems of education prevail in the different States. The people are in different conditions in the several States with regard to their educational facilities. All their educational conditions are different. We desire that there should be an officer here who can collate and compare those systems, bring them together, furnish a report on these various conditions, and enable the country generally to know what its condition is in this regard.

The stranger who goes to the State of Ohio, the State of New York, or the State of Massachusetts has access to the reports of the superintendents of education for those several States. He can judge of the educational condition of the people there. But there is no place where a foreigner can go in this country and obtain information as to the general condition of education in all the States. This bureau is designed for that purpose.

It needs no compulsory measures to get at the facts which will enter into such a report any more than the bureau of agriculture needs to have the power to go and demand of every man engaged in that pursuit that he shall tell all about his business and the mode in which he conducts it. The Commissioner of Agriculture has no difficulty in finding out what the state of agriculture is in the several districts of the United States. The Commissioner of Education will have no difficulty in finding out the facts in regard to education in the several States without the assistance of a police officer to help him. These educational officers in the several States and counties would gladly send all their reports here.

Mr. CONKLING. May I ask the Senator a question?

Mr. SAWYER. Certainly.

Mr. CONKLING. The Senator, I understand, states that every State with a school system has some depositary of its own of this information.

Mr. SAWYER. Precisely.

Mr. CONKLING. May I inquire whether it is asking too much of foreigners and wayfarers who want this information to go to the trouble of calling upon as many States as they want to hear from to furnish it to them? Is it not rather carrying the argument to an extreme to insist that it should be the duty of this Government to assemble somewhere at a given point the statistics and reports of all the States, to the end that foreigners and others, in place of being compelled to apply to the different States, may find them all ready to their hand by asking one single person?

Mr. SAWYER. In reply to the inquiry of the honorable Senator I would say that it may not be necessary that we should have this for foreigners; but it is desirable that the national Government should furnish to its own citizens all the information upon the systems of education which exist in different parts of the country in such a way as to render it of value to those citizens. It is an utter impossibility for the citizens of the United States who are interested in educational affairs to read all the reports which come from all parts of the country on the subject; but it is quite competent for the Government at a very trifling expense to provide an officer whose duty it shall be to collate all these reports, to find out all these facts, and to put them into a volume of very limited compass, and to make them accessible to the people of the whole country. It is in the interest of education in South Carolina that she should know what is done in Massachusetts, in Ohio, in Wisconsin, and in other States that are more advanced in the cause of education. She cannot know that by having sent broadcast among her people the reports of all these States. In the first place, those reports are published in very limited quantity. They are published for the people of the several States where they are issued. They are published and circulated in small numbers elsewhere. The office of the Commissioner of Education is to make a compilation, not merely of the numerical statistics of education, but of the various systems, modes of teaching, educational practices generally in the various States, to elucidate theories of public education.

Mr. CONKLING. May I interpose once more?

Mr. SAWYER. Certainly.

Mr. CONKLING. I beg then to say to the honorable Senator that I understand him now to assert that the mission of this bureau is to compile and put out a digest, if I may so say, within convenient limits, of the various works produced in the different States touching the cause of practical education. If that be it, then I beg to say to him that useful as such a manual might be, I will put in competition against it more than a score—yes, more than a hundred other manuals which I could suggest to him. If this appropriation is to be made for the purpose of collating, or digesting, or producing a book like that, then, by parity if not by superiority of reasoning, we should go on and appropriate for divers and sundry other works. I believe myself the whole thing is a fallacy; that every State with a system of education of its own will take care of its own better than it can be taught to take care of it by any officer here. Therefore, I shall vote for the smallest appropriation, or none at all, whenever I get the opportunity to do so.

Mr. SAWYER. By the same reasoning, Mr. President, we should abolish the bureau of agriculture. By the same reasoning we would abolish the Bureau of Statistics. Every State can take care of its own agriculture, and if left to itself will take care of its own agriculture.

Mr. CONKLING. The difference is that the States are not furnished with such an apparatus now.

Mr. SAWYER. Many of the States are furnished with that apparatus at the present time for collecting all the statistics of agriculture. But it is not simply a digest that the proper man for Commissioner of Education would make at all. A digest of all these reports is not what we want, not in the sense in which the Senator uses the term "digest," but a report of the condition of education, which is attainable by means of publications that are made in various parts of this country, and of information which we obtain from foreign countries as well as our own. In short, it is a work which, if properly performed, will tend to invigorate and to renovate the educational systems of the whole country.

Now, there are States in this Union which formerly had the reputation of being foremost in public education which have fallen behindhand; States which for a long time carried the palm in this matter of common-school education, which are falling behind some of their younger sisters. We want the benefit of putting before the American people all that has been done by all the people of all the States for the promotion of this great interest, and we want it done at the public expense,

because it is a public benefit, because it is the greatest possible public benefit that can be achieved with so small a sum as the largest one that has been proposed in this bill.

Mr. PATTERSON. I will add but a word to what has been said, for I do not think it is necessary to prolong the discussion. As I had the fortune to be a member of the committee of the House of Representatives from which the bill establishing the department of education emanated, I should like to state the circumstances under which it originated.

There was a meeting in this city of the National Association of the Teachers of the United States. The question of national education was under discussion in that assembly. There were men there from all the States in which systems of education had been established. It was found that there was a great want of uniformity in the various States in respect to their systems of education. It was found that in many of the States, even where systems of education had been established, there was a lack of public interest in the subject. It was found that in large sections of the country, I may say in the whole southern section of the country, and in some other portions of the country, there were no systems of popular State education.

Therefore, the teachers of the country in their assembly here—and I will say that that assembly was composed of the most public-spirited men in the country, men who have been laboring for the advancement of the nation in every great interest—thought it was necessary that there should be brought into existence in Washington a bureau of education, which should not only collect statistics upon educational subjects from the various States where systems of education had been established, but a bureau which should be a center from which information should go forth into those sections of the country where systems of education did not exist. Not only this, but it was necessary that there should be a central bureau of education at the capital of the nation in order to awaken in the whole country, especially the southern portion of the country and in the southwestern part, and the extreme western part, where new States were coming into existence, a feeling of interest in the subject of popular education, to create a proper public spirit, a proper enthusiasm and interest in this subject. It was thought necessary also, if possible, to unify and harmonize the work of education in the various States, to create a unity of effort and a unity of purpose among the educators of the country.

A petition was started in this National Assembly, and was presented to the House of Representatives by Mr. GARFIELD, of Ohio, who was made chairman of the committee appointed upon the introduction of that petition. The present Secretary of the Treasury was also a member of the committee, and I had the honor of being a member of the committee. This bureau originated in that movement of the National Teachers' Association.

Now, as to its efficiency. I am frank to confess that it has not, in my judgment, accomplished all that it ought to have accomplished, or all that it might have accomplished; and for two reasons: first, it has not had sufficient means to accomplish all that its nature would give us reason to believe it would accomplish; and secondly, I believe the money which has been appropriated to this purpose has not been judiciously expended.

There is no difficulty in collecting statistics on this subject. They come here in such profusion that it is impossible or has been impossible for the Commissioner of Education to generalize the information, to put it into proper form to send it out to the country; and I happen to know that vast quantities of material have been lying here in Washington ready to be worked up, and which it was impossible for the Commissioner to work up because he had not the clerical force to work it up.

Now, sir, what we ask is simply an appropriation sufficient in amount to give the Commissioner of Education, the head of this bureau, an opportunity to collect information, to digest it, to put it in form, and send it out into the country, and send it abroad. I happen to know that within a fortnight several volumes upon the subject of popular education abroad have come here to the Commissioner of Education; and how were they obtained? Simply by a system of exchanges, such as the secretary of the Smithsonian Institution established in that institution. That system of exchanges, established in the Smithsonian Institution, has created in that institution a library on the whole circle of scientific subjects the finest in this country, and one of the first in the world on scientific subjects, and brought it here to this country free of one dollar's expense; I mean one dollar's expense for the books. Of course it cost something to bring about the correspondence. But that library, the first scientific library in this country, and one of the first in the world, has been given to the United States Government gratis in this way. There is no difficulty in securing, without any further machinery, all the information which may be required by the Commissioner of Education.

This is not the time to go into a general discussion of this subject. If it were I should be glad to discuss it. One sixth of the voting population of this country can neither read nor write; and it has been proven by statistics that giving to a people the ability to read and write gives to that people a skill which adds twenty-seven per cent. to the productiveness of a country and to the increase of its wealth.

There is no department in this Government so much demanded, not simply for the safety of the country, but so much demanded for our material prosperity, so much demanded for the advancement of the country in civil power, in industrial power, in all those great interests which advance a nation as a department on this subject of education. Why should we be higgling over an appropriation of $10,000 when the teachers of the country in a national assembly have demanded it, when the educated people of this country demand it? It will be of no great use to New England. The section of country from which I come will not be very much advanced by this Bureau of Education. But gentlemen from all sections of the country know full well that New England is deeply interested in this as a matter of public utility. You know full well that in laying the foundations of New England society education was made the basis on which both its social and its industrial system rest; made the basis on which its political strength and power and purity rest; and for the education which the institutions of New England gave to her people this country, in its length and its breadth, in every State and in every Territory, is to-day under deep obligations.

Why, sir, mental culture, mental discipline, so to speak, is a part of the religion of New England; and it is of prime importance in this country. Agriculture is nothing as compared with this, because it is less fundamental; and why should we hesitate? Let us give to it this $14,000. I wish it was ten times $14,000; I would vote for it gladly, though I am earnest to reduce the expenses of the Government.

Mr. HOWE. Mr. President, I rise to say just two things: first, to return my very cordial thanks to the Senator from New Hampshire for the support he has given this measure; and second, to say that if the Senate is prepared to vote now, and will sustain the House of Representatives in their action, I will not make a speech on the question.

Mr. SUMNER. I will make the same promise.

Mr. HOWE. But if this amendment is carried in Committee of the Whole I shall seek an opportunity to renew the controversy when the bill is reported to the Senate, and I promise the Senate that I will then make a speech on the question. Now the Senate see the fate that is before them, and I hope they will vote in view of it. [Laughter.]

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations as amended.

Mr. SUMNER called for the yeas and nays; and they were ordered.

Mr. DRAKE. I ask that the amendment be reported again.

The VICE PRESIDENT. The Secretary will report the amendment of the Committee on Appropriations as amended by the Senate.

The CHIEF CLERK. The amendment is to strike out:

> One clerk at $1,800; one clerk at $1,600; one clerk at $1,400; one messenger at $840: stationery, $600; library, $1,000; collecting statistics and writing and compiling matter for annual and special reports, $3,000; contingencies, $1,260; in all, $14,500: *Provided*, That from and after the 30th day of June, 1870, the clerical force in the office of said Commissioner shall be as in this section authorized.

And to insert in lieu thereof "and two clerks of class one; in all $5,400;" so as to make the clause read:

> For Commissioner of Education, $3,000; and two clerks of class one; in all, $5,400.

Mr. WARNER. I understand if this amendment is voted down it will leave the proposition as it came from the House.

The VICE PRESIDENT. Yes, sir; with the amendment of the Senator from Missouri added to it.

Mr. COLE. As a member of the Committee on Appropriations I shall sustain, as a matter of course, the amendment that has been reported by the committee. I do it for several reasons besides that. In the first place, the whole appropriation, as it came from the House, of $14,000, is a mere trifle; and the difference between that and the $5,400, for the purpose for which it is to be applied, amounts to but little. It is only a small appropriation at best. But the committee have seen fit to make the appropriation conform to the law as its exists and as it has been made heretofore by Congress. That fully justifies the committee in the reduction they have recommended to the Senate. I am not opposed to education; no man is more earnestly for it than I; and if the law can be changed, if the proposition can be brought forward in a proper shape, I shall as cordially as any Senator vote to increase and very much increase the appropriation; for this is an excellent object. If a proposition were brought forward to create a department of education it would meet with my approval, because I believe it is as necessary as almost any other Department of the Government.

The question being taken by yeas and nays, resulted—yeas 19, nays 38; as follows:

YEAS—Messrs. Casserly, Chandler, Cole, Conkling, Davis, Fenton, Ferry, Hamilton of Maryland, Howard, Howell, Johnston, McCreery, Morrill of Maine, Saulsbury, Sherman, Stockton, Tipton, Trumbull, and Williams—19.

NAYS—Messrs. Ames, Boreman, Brownlow, Buckingham, Corbett, Cragin, Drake, Flanagan, Hamilton of Texas, Hamlin, Harlan, Harris, Howe, Lewis, McDonald, Morrill of Vermont, Morton, Nye, Osborn, Patterson, Pomeroy, Pratt, Ramsey, Rice, Robertson, Ross, Sawyer, Schurz, Scott, Spencer, Sprague, Stewart, Sumner, Thayer, Warner, Willey, Wilson, and Yates—38.

ABSENT—Messrs. Abbott, Anthony, Bayard, Cameron, Carpenter, Cattell, Edmunds, Fowler, Gilbert, Kellogg, Norton, Pool, Revels, Thurman, and Vickers—15.

So the amendment was rejected.

Mr. MORRILL, of Maine. Let us go now to the amendment with regard to the assistant commissioner of the Patent Office.

The VICE PRESIDENT. The Senator from Maine calls for action on the amendment which was passed over on page 38.

Mr. SUMNER. I would ask my friend's attention to an earlier one, on page 14, as to the chief clerk of the State Department. That was passed over.

Mr. MORRILL, of Maine. I move now an amendment on page 38. The amendment of the committee was reserved striking out the

words "for assistant commissioner, $3,000," in lines nine hundred and ten and nine hundred and eleven. I move to amend that by substituting—

For one assistant commissioner, (to be appointed by the President, by and with the advice and consent of the Senate, who shall act as Commissioner in case of the death, resignation, absence, or sickness of the Commissioner, and who shall perform such other duties as shall be assigned to him by the Commissioner,) $3,000.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment reserved is on page 50, in regard to the pay of the chief clerk of the Navy Department. The amendment will be read.

The SECRETARY. The Committee on Appropriations report to strike out in line twelve hundred and nineteen "$2,200" and insert "$2,500," and after "dollars" to insert "when there is no Assistant Secretary;" so as to read:

For compensation of the chief clerk of the Navy Department at $2,500, when there is no Assistant Secretary.

Mr. SHERMAN. I have no opposition to the incumbent of this office. I think probably he is a deserving man. If the Senate think the Secretary of the Navy needs an Assistant Secretary of the Navy, let them provide one; but if you make a new classification of the chief clerks in the Departments you will have to go clear through all the Departments, and the committees of this body will be—I will not say pestered, because we ought not to treat the applications of our fellow-citizens in that way; but we shall be urged to put all these officers on the same footing. Every little discrimination of this kind operates unjustly. In one or two cases there are chief clerks who get more than twenty-two hundred dollars, but they are chief clerks appointed in special bureaus which are self-paying. Otherwise the uniform rule is $2,200 for a chief clerk of a Department, $2,000 for the chief clerk of a bureau, and the other clerks from $1,800 down, the various clerks being graded according to rank.

This is a discrimination in favor of the chief clerk of the Navy Department, the Department of the Government which has least to do, and which is assisted by eight officers of the Navy, all of them of the rank of commodore or higher. If that Department cannot get along without raising the pay of the chief clerk we shall have to do it in all the other Departments.

I trust, therefore, if the Senate have made up their minds because this gentleman is a very upright gentleman and has behaved very well from time to time that they must give him extra pay they will call him Assistant Secretary of the Navy, so that we shall not have this controversy running through all the other Departments of the Government. I think $2,200 pays very well for the services of the chief clerk in the Navy Department. There is no occasion for an increase.

Mr. MORRILL, of Maine. I call the attention of the Senator to the fact, which he will find on page 38 that the chief clerk of a bureau there has $2,500 salary.

Mr. SHERMAN. That is in the Patent Office.

Mr. MORRILL, of Maine. Yes, sir.

Mr. SHERMAN. I will state to my honorable friend that the Patent Office officers get considerably more, in some cases twenty per cent. more, than officers of the same rank in other bureaus; but that is for a special reason. The expenses of the Patent Office are paid by the patentees themselves. The Commissioner of Patents, for instance, gets $4,500, while a corresponding officer in the other bureaus gets only $3,000; and the examiners get $2,400 or 2,500, I forget which. But that is a special bureau where special talent of a particular kind is required, and the expenses are paid for out of a fund collected from the Patent Office themselves.

Mr. MORRILL, of Maine. If my friend means to say that that is predicated on the idea of superior skill, I think that argument is conclusive to me; but if he means to say that because the money is collected off the people we have a right to allow the employés in that office to take what we would not allow in other cases, I submit that his argument is not sound.

Mr. SHERMAN. It is true that under the provisions of the patent law the officers in the Patent Office require peculiar skill, and that is the ground on which we gave the increased salaries.

Mr. MORRILL, of Maine. That is true in regard to the examiners undoubtedly, but it is not true in regard to the clerks. But I am not going to argue the question. Here is the head of a Department that has no assistant secretary, and here is a confidential clerk sustaining the relations to him of that officer, and upon his request the committee thought it not unreasonable that this officer should have $2,500 salary. I leave it to the Senate.

The VICE PRESIDENT. The question is on the amendment making the pay of the chief clerk of the Navy Department $2,500.

The question being put, there were on a division—ayes 19, noes 16; no quorum voting.

Mr. DRAKE called for the yeas and nays; and they were ordered.

Mr. TRUMBULL. Is this an amendment of the Committee on Appropriations?

The VICE PRESIDENT. It is.

Mr. TRUMBULL. To increase a salary?

Mr. DRAKE. Yes, sir.

Mr. CRAGIN. The Committee on Appropriations recommend it.

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

YEAS—Messrs. Ames, Brownlow, Cole, Corbett, Cragin, Drake, McDonald, Morrill of Maine, Nye, Osborn, Ramsey, Rice, Ross, Sawyer, Schurz, Scott, Stewart, Sumner, Thayer, and Warner—20.

NAYS—Messrs. Boreman, Buckingham, Chandler, Conkling, Davis, Fenton, Ferry, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harlan, Harris, Howe, Howell, Johnston, McCreery, Patterson, Pomeroy, Pratt, Robertson, Saulsbury, Sherman, Spencer, Sprague, Tipton, Trumbull, Williams, Wilson, and Yates—29.

ABSENT—Messrs. Abbott, Anthony, Bayard, Cameron, Carpenter, Casserly, Cattell, Edmunds, Flanagan, Fowler, Gilbert, Howard, Kellogg, Lewis, Morrill of Vermont, Morton, Norton, Pool, Revels, Stockton, Thurman, Vickers, and Willey—23.

So the amendment was rejected.

Mr. MORRILL, of Maine. On page 14 there was an amendment in regard to the chief clerk of the State Department.

The VICE PRESIDENT. The Senator from Maine now calls up the amendment on page 14 in regard to the State Department. The Secretary will read it.

The CHIEF CLERK. The clause has been amended to read:

For compensation of the Secretary of State, two Assistant Secretaries of State; for chief clerk; eight clerks of class four, additional to one clerk of class four as disbursing clerk; eight clerks of class three; one examiner of claims at $3,500; three clerks of class two; three clerks of class one; one messenger at $840; one assistant messenger at $720; nine laborers; four watchmen, $3,300; two clerks of class four to make indexes of the records of the State Department and one clerk of class three, $5,200.

Mr. SUMNER. I inquire of the chairman of the Committee on Appropriations what is the compensation of the chief clerk? I observe that in his new draft he omits the specification of it.

Mr. MORRILL, of Maine. It is now fixed at $2,200.

Mr. SUMNER. Why does the chairman omit that specification in his new draft? All the other chief clerks throughout the bill have their pay specified.

Mr. MORRILL, of Maine. No; it is the contrary.

Mr. SUMNER. No; if the Senator will look——

Mr. MORRILL, of Maine. It was not specified here, and the purpose was to increase it where it is not specified. The pay of a chief clerk where not specified is $2,000?

Mr. SUMNER. Then, do I understand the Senator to propose to reduce it to $2,000.

Mr. MORRILL, of Maine. The Senator will see by the text of the bill that the committee propose to increase it $200, so as to make it $2,200.

Mr. SUMNER. Where is that proposition?

Mr. MORRILL, of Maine. On the fourteenth page of the bill.

Mr. SUMNER. What is the language? Will the Senator be good enough to indicate it?

Mr. COLE. It is in line three hundred and thirty.

The VICE PRESIDENT. The Chair will state to the Senator from Maine that the amendment printed in italics in the bill was agreed to, and then on motion of the Senator from Ohio [Mr. SHERMAN] was reconsidered and disagreed to, and consequently those words are now out of the paragraph as read by the Secretary.

Mr. MORRILL, of Maine. I suppose the Senator from Massachusetts wishes to preserve those words.

Mr. SUMNER. I wish to preserve the original report of the committee, $2,200.

Mr. MORRILL, of Maine. The committee acted on this proposition. The committee found that the estimates put the chief clerk at $2,200, which was in harmony with the appropriation last year; but the House of Representatives put it at $2,000 in this case, and the committee amended the clause so as to conform to the appropriation last year and to the estimates of the Department for this year.

Mr. SUMNER. Do I understand that that amendment of the committee is preserved now?

Mr. MORRILL, of Maine. No, sir; it is out by the action of the Senate.

Mr. SUMNER. I wish to have a vote on that taken.

Mr. MORRILL, of Maine. The Senator can reserve that, I suppose, until we come into the Senate.

Mr. SUMNER. But is it not pending now?

The VICE PRESIDENT. It is open to amendment at the present time. The Chair will suggest to the Senator from Maine that probably these words were stricken out on account of a misunderstanding in the debate which occurred at that time. The impression seemed to be that the salary of chief clerks of Departments was $2,000; but on examining the bill it was found that other chief clerks were in the bill at $2,200. The recollection of the Senator from Ohio will perhaps confirm the Chair in that respect.

Mr. SHERMAN. I am indifferent about it, whether these words are in or out. The chief clerk will get his $2,200 whether it is so stated in the bill or not. I see similar words are in other places in the bill, and then again in other places they are not, as for instance on page 34.

Mr. SUMNER. As there is a question on this matter I think these words had better go in.

Mr. SHERMAN. I do not care.

Mr. SUMNER. Then there will be no question about it. Let the clause stand as originally reported by the committee, $2,200.

Mr. MORRILL, of Maine. That is agreeable to the committee, of course.

The VICE PRESIDENT. If there be no objection the clause will be regarded as so amended.

Mr. SHERMAN. I see that in some instances the amount of the salary is fixed and in other parts of the bill it is not; for instance, on page 34 the provision is "for compensation of the Secretary of the Interior, Assistant Secretary, chief clerk, four clerks of class four," and so on, stating the aggregate amount appropriated without mentioning the amount for each one. That was the old way, and I think it is the better course.

Mr. MORRILL, of Maine. The House of Representatives have not been uniform in this bill in that respect.

The VICE PRESIDENT. If there be no

objection the words "at $2,200" will be put in the bill. The Senator from Maine suggests also that the words "examiner of claims, at $3,500," be transposed to come in after the provision as to the chief clerk.

Mr. MORRILL, of Maine. That will be better and more in harmony.

The VICE PRESIDENT. That change will be made.

Mr. MORRILL, of Maine. Now an amendment is necessary to increase the aggregate appropriations for the State Department, on page 15, in consequence of the amendments which have been made. In line three hundred and thirty-seven the amount "$63,300" should be changed to "$66,820." I move that amendment.

The amendment was agreed to.

Mr. WILLIAMS. I ask now for action on my amendment.

Mr. SAWYER. Will the Senator allow me to offer an amendment authorized by the Committee on Appropriations?

Mr. WILLIAMS. I suppose the amendments of the Committee on Appropriations are entitled to precedence.

Mr. SAWYER. On behalf of the Committee on Appropriations I move to insert after line three hundred and ninety-five the following clause:

And the first proviso in the act of Congress entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1869," and for other purposes, approved March 3, 1869, is hereby repealed.

I will state briefly the object of this amendment. It will be observed that the Senate, on the recommendation of the Committee on Appropriations, have stricken out in lines three hundred and eighty-three and three hundred and eighty-four, on the sixteenth page of the bill, an appropriation for one superintendent of the Treasury building, $2,500, and for one clerk of class four and one clerk of class one. It is thought proper to dispense with the superintendent of the Treasury building and return to the old system of management of that building. The proviso alluded to in the amendment which I have offered is a proviso that the contingent expenses of all the bureaus in the Treasury Department shall be certified to by this superintendent. Of course if the superintendent is dispensed with the contingent expenses of all the bureaus will hereafter pass through the same channel as before the appointment of that officer, and be subject to the approval as before, by law, of the Secretary of the Treasury.

The amendment was agreed to.

Mr. SAWYER. I have one more amendment from the Committee on Appropriations. It is to strike out on page 21 the provision made from lines five hundred and two to five hundred and eight, for the office of the Comptroller of the Currency, and in lieu thereof to insert:

For Comptroller of the Currency, $5,000; for deputy comptroller, $2,500; ten clerks of class four, $18,000; twelve clerks of class three, $19,200; eight clerks of class two, $11,200; eight clerks of class one, $9,600; twenty-four female clerks, $900 each, $21,600; four messengers, two laborers, and two night watchmen, $5,760; in all $92,860.

The amendment was agreed to.

Mr. COLE. I have an amendment to propose from the Committee on Appropriations. It is on page 51, to strike out lines twelve hundred and forty-two, twelve hundred and forty-three, twelve hundred and forty-four, and twelve hundred and forty-five, providing for the Bureau of Navigation in the Navy Department, and in lieu thereof to insert:

For chief of Bureau of Navigation, chief clerk, one clerk of class three, one clerk of class two, and one messenger and one laborer, $9,460.

Mr. MORRILL, of Maine. That is just as it stands now.

Mr. POMEROY. This amendment changes the clerks, but does not increase the amount appropriated.

Mr. TRUMBULL. A clerk of class three has more than a clerk of class two.

Mr. COLE. This amendment is placing the clerks in a different class from that provided in the bill, so as to conform to the provision for the other bureaus. For some reason or other, or by some oversight, their grade has been reduced.

Mr. TRUMBULL. The amendment evidently changes the amount, because a clerk of class three has a larger salary than one of class two.

Mr. COLE. I ask, then, that the amendment be passed over until the matter can be examined more fully.

The VICE PRESIDENT. It will be passed over.

Mr. WILLIAMS. Now I call for action on the amendment that I submitted some time ago.

The VICE PRESIDENT. The amendment of the Senator from Oregon will be read.

The amendment was read, being to insert after line seven hundred and thirty-two, on page 30:

Provided, That the Secretary of the Treasury is hereby authorized, whenever in his judgment and in the judgment of the Director of the Mint it is for the interest of the United States to do so, to receive on deposit at the Mint of the United States and the several branches thereof refined gold and silver bullion suitable for coinage, and in payment thereof to deliver to the parties making such deposits unparted bars at such rates and upon such terms and regulations as shall be prescribed by the Director of the Mint, subject to the approval of the Secretary of the Treasury.

Mr. WILLIAMS. I will state that this amendment has been recommended by two Secretaries of the Treasury, has been twice or three times considered in the Committee on Finance, and recommended by that committee, and has once passed the Senate; and I suppose that ought to be sufficient to commend it to the consideration of the Senate at this time.

Mr. TRUMBULL. I should like to know what is meant by an unparted bar.

Mr. WILLIAMS. I will state briefly. When dust, or, as it is sometimes called, bullion, is taken to the Mint the depositor receives a certificate for the dust, stating the quantity and the value. The dust is then assayed, by which assay the base metals and the earthy matter are taken from the bullion, and it is melted into a bar which contains gold and silver, and that bar is called an unparted bar, a bar in which the gold and the silver are melted and mixed together. To refine that gold it is necessary to take the bar and put it through a process necessary to separate the gold from the silver, and by the refining process the pure gold is delivered by itself and the pure silver by itself.

This amendment simply provides that the Secretary of the Treasury and the Director of the Mint, if in their judgment it be advisable, may cause this process of refining to be done elsewhere than in the Mint, so that the Mint will conduct its business altogether with refined gold instead of unparted bars.

I can state briefly some reasons for this amendment.

First, it will save the United States from a considerable loss which necessarily occurs in refining gold. When the unparted bar is taken it is subjected to various processes, such as granulation, washing, and drying, and other processes of that description, by which more or less of the gold escapes or is lost; and it is also subject to be abstracted by the persons who are employed in the Mint. If this business of refining is performed by private establishments all this loss will be saved to the United States. Hundreds of thousands of dollars can be saved to the Government in this way.

After the dust is assayed the depositor is paid in coin the value of the unparted bar. Then it becomes the property of the United States, and is put in with other bars that may be procured from other persons, and melted, and it is impossible to take an account of that particular gold until the expiration of six months or a year, when there is a "cleaning up," as it is generally called, when all the vats, carpeting, clothing, everything that can absorb gold about the establishment, is taken and burned up with a view of getting out the gold. To save the United States all this trouble is one object of this amendment.

Then, again, the commercial value of these unparted bars is greater than their value for coinage, and therefore they are exported from the country. England, in her royal mint, receives only refined gold. There is no process of refining in that establishment. That is abolished, and the refining business in England is altogether conducted by private establishments, because it can be done at less expense, and the business of the mint is confined entirely to coinage; and that is what is contemplated by this amendment.

Mr. HAMLIN. I wish the Senator from Oregon would allow me to ask him a question for information. I ask him if these unparted bars are in a condition to enable the proper officers at the Mint to determine the per cent. of gold and silver in them; or how they get at the value?

Mr. WILLIAMS. They obtain the value by an assay. When a bar is made, after it is melted small pieces are cut off from each corner of the bar and assayed, and by that process the value of the bar is ascertained, and the man who deposits the dust is paid out of the bullion fund for his bar. At this time two thirds of the refining in San Francisco are done by private establishments, because they are able to do it much cheaper than the United States.

Mr. NYE. To whom is it cheaper?

Mr. WILLIAMS. Cheaper to the United States.

Mr. PATTERSON. If the Senator from Oregon will allow me, I will read some passages bearing directly on his argument from testimony which was taken by the select Committee on Retrenchment in San Francisco last fall on this particular subject. I propose to read from the testimony of R. B. Swain, who was for some years superintendent of the mint. I read from his examination by the Senator from Ohio, [Mr. THURMAN,] who I am glad to see is to-day in his seat. Mr. Swain having testified that the refining could be done cheaper outside the mint, was then asked further questions on the subject; and his testimony is as follows:

"*Question.* What would be your mode of having it done outside; by exchanging it?

"*Answer.* By simply exchanging the crude bullion for the same value of refined gold; and let it be done simultaneously, so that there is no risk whatever to the Government. In the mint they charge the depositor a certain charge, from eight to eleven cents an ounce, for refining; most of it is eleven cents an ounce. The Government could make a contract with the refinery here to do it at eight cents an ounce, leaving a clear profit to the Government of three cents an ounce, besides taking some patronage out of the mint that I think ought to be removed.

"*Question.* Would that lessen the number of employés in the mint?

"*Answer.* It would, and save one manipulation of the precious metals in which there may be some loss."

* * * * * * * * * *

"*Question.* You think it would not only lessen the number of employés, but also be some security against losses that might occur in the manipulation?

"*Answer.* Yes, sir; the less you work the precious metals in the mint, in my opinion, and the simpler you make the process, the better for the Government, so long as you can get outside parties who will do the same work without any injury or danger or expense."

I will say that every witness who was before the committee took precisely the same ground.

Mr. NYE. Will the Senator from New Hampshire tell me who the witnesses were?

Mr. PATTERSON. R. B. Swain, who had been superintendent of the mint, was one; William Ashburner, of San Francisco, was another; James Heron, also a resident of San Francisco and cashier of Wells, Fargo & Co.'s express, was another.

Mr. NYE. And an owner in the refining establishment.

Mr. PATTERSON. Very likely; and therefore well qualified to answer on this question.

Louis A. Garnett was also examined, the general manager of the San Francisco Assay and Refining Works; and several others.

Mr. WILLIAMS. I do not wish to protract the discussion; but out of an annual product of some forty millions of gold and twelve millions of silver on the Pacific coast, the branch mint now is only parting about seven millions, the remainder being either parted at private refineries or exported unrefined. It is necessary for the Government of the United States to keep just as many persons employed at the mint to refine seven millions as to refine fifty millions; and here now is a business of refining confined to seven millions in the branch mint at San Francisco, which might be dispensed with without any loss, with an advantage to the Government, and therefore all the employés who are engaged about this business of refining these seven millions could be dispensed with and so much saved to the United States.

The private refineries can afford to refine this gold at a much less expense than the United States; in the first place, because they have ample accommodations, and in the second place because they have another and a different process, a modern process, the latest invention by which very much is saved in refining. Then again there are products in this process of separating the gold from the silver which nearly compensate these private establishments for the work of refining. The Senator from New Hampshire [Mr. PATTERSON] suggests to me that the private refineries use sulphuric acid, while the Government refinery uses nitric acid. Sulphuric acid is much cheaper, and in an establishment adapted to its use it can be made to do this work at a very much less expense.

Mr. MORTON. What is to hinder the Government from adopting the most economical process?

Mr. WILLIAMS. The buildings of the Government at this time are not adapted to the use of this process by the Government, and at the same time I believe we have a contract by which the Government is bound to use the nitric-acid process. I will read from the report of Mr. Linderman, the special agent of the Treasury, in which he explains this point:

"It is proper to explain why private refiners can afford to refine at a less cost than the mint. It is mainly due to the fact that they have adopted a process which, in Europe and elsewhere, has for some years superseded that still retained in our mints, which is known as the sulphuric-acid process, the economical advantages of which are that the acid itself is about one fourth the cost. The operations require about one third the time, and the residues are manufactured by them into valuable by-products which are utilized in manufacturing, mining, and agricultural pursuits."

The residuums left in the hands of the private refineries after the gold and silver are separated from each other are valuable, and enable these private refineries to do the business at much less expense, while in the Government refineries they are all lost.

Mr. EDMUNDS. What are these residuums?

Mr. WILLIAMS. I have seen them, but I cannot remember the names of the various compounds.

Mr. EDMUNDS. Are they valuable on account of the gold in them?

Mr. WILLIAMS. No; they are used for mining, manufacturing, and agricultural purposes; some in agriculture for manuring purposes, and some in manufacturing for coloring purposes, &c. This report says further:

"It may be asked why the mint cannot use the same process. The reason seems to be that the sulphuric-acid process is too offensive to be maintained in the heart of a city, where it is necessary that the mint should be located for convenience and safety. Moreover, it requires much more space than the nitric-acid process, or than can be afforded in such institutions."

I will say that this amendment simply leaves it discretionary with the Secretary of the Treasury and the Director of the Mint, if in their judgment it will save expense to the United States, to adopt this mode of refining gold; but if otherwise, there is no obligation upon them. The experience of England testifies that private refineries can do this work for less cost than the Government; and so in England a law has been passed by which all unparted gold is excluded from the mint; the mint is prohibited from receiving any such unparted gold, and the business of refining is confined exclusively to private establishments. The object of this amendment is to prepare the way for the adoption of the same policy in the United States, and it seems to me, as it is manifest that it will save expense to the Government, it ought to be adopted.

Mr. MORRILL, of Maine. I remember that this particular subject was before the Senate and before the Committee on Appropriations perhaps a year or two ago; and I then endeavored to get some knowledge in regard to it; and I remember, although I cannot now state very accurately, that I then thought it a very delicate and difficult question. What it occurs to me to say now is that it seems to me very doubtful whether such a matter as this is a proper subject for an appropriation bill. I understand that this particular provision is in a bill reported by the Committee on Finance, covering some other questions, and that it is germane to that bill. It does not seem to me to be germane to this.

Mr. PATTERSON. I ask my friend whether a bill accomplishing the same purpose as this amendment has not already passed the Senate?

Mr. MORRILL, of Maine. That I do not know.

Mr. PATTERSON. Such a bill did pass last year.

Mr. MORRILL, of Maine. Perhaps that is what I referred to. I knew my attention had been called to the subject.

Mr. NYE. So far from it, the law is expressly against any such thing.

Mr. PATTERSON. But the bill I referred to passed the Senate.

Mr. NYE. However that may be, the law is expressly against such a thing, and that provision was put into the law at the suggestion of my colleague and myself.

Mr. MORRILL, of Maine. I have an indistinct recollection of the facts; but I wish to state to the Senate simply how the question strikes me. It is a question of so much delicacy that it certainly ought not to go upon an appropriation bill; it ought to require more consideration. The proposition is, if I understand it, to allow the Government to exchange unrefined bars for bars that are refined, for gold that is in a condition to be coined. That is the proposition. How do we get at it? The miner goes to the Mint and deposits his gold dust; the Government weighs it, puts it into a pot and melts it, and assays it. It is then in what is called a crude bar, in a condition to be refined. Now the process is for the Government to go on and refine it. It is Government property the moment it is melted and in the bar. The Government owns it, and pays the miner, and it becomes the Government's property. Now the question is, why should not the Government refine it? The argument you have heard. It is that private parties can do it better; but you will see that now the Government has the means of doing it, and is doing it. This amendment provides that having those bars assayed and melted, instead of refining them, the Government shall turn them over to private parties, and they may refine them on such terms as the Secretary of the Treasury may determine.

Mr. SHERMAN. And the Director of the Mint.

Mr. MORRILL, of Maine. You see where the margin is; and this is what created the doubt in my mind. The margin is in fixing these "terms." Of course if it could be ascertained to a demonstration that the Secretary has such knowledge of the facts in connection with the refining of the Mint that we can exchange the unparted bars for refined bars on better terms than we can refine them ourselves it would be a clear proposition that that ought to be done. But it seems to me that dealing with a matter of so much consequence as gold, when you have the assayed bar, when it is your property, when you have paid for it, and when you have a process by which you can refine it, there can be no cheating and no mistake about it; we ought to be able to do it as well as private establishments can; and then you will not be open to the suggestion which I make, (and it is but a suggestion,) that in the making of the terms between the refiners and the Secretary, or between those representing the Government and those who represent the private establishments, the Government might not be as safe as it would be if it were in its own hands.

Mr. WILLIAMS. I think the Senator is laboring under a misapprehension. This amendment does not contemplate that the Secretary of the Treasury shall make any terms with private refineries; but when one of these private refiners brings a bar of refined gold to the Mint it authorizes the Secretary of the Treasury and the Director of the Mint to give to him an unparted bar.

Mr. MORRILL, of Maine. On some terms.

Mr. WILLIAMS. Of course there is an exchange.

Mr. MORRILL, of Maine. That is all I meant—that they would make an exchange on some terms. Whether that is equitable or not I do not know; whether that it practicable or not I do not know. I mean to say that it is so delicate a subject and it is fraught with so many difficulties that it seems to me it ought not to go on an appropriation bill, and particularly as the Senate already has before it a bill which embraces the same subject.

Mr. SHERMAN. This is a pretty delicate subject, and I for one am always indisposed to legislate about the mints without grave consideration. They are specialties, generally complicated, and outside persons usually do not understand the complications of the mints. This proposition, however, has received a great deal of consideration. It has been submitted by the officers of the Government now for two years, and the Committee on Finance has certainly given it a good deal of attention. The thing resolves itself into very simple elements.

There are, I may say, three different processes through which unrefined ore or dust goes before it becomes the gold coin of the United States. It is brought in by the miner in a mixed lot and is melted by the United States. The miner has the right to receive the full value of that metal. It is melted and assayed by the Government. That is a very simple process, I am told, and the precise value of this nugget of gold is ascertained and paid to the miner. After that it has to be refined; and that process separates the silver and the alloy from the gold and reduces it to what is called standard gold, nine tenths fine and one tenth alloy. That is called the refined bar. It is then ready for coinage.

Mr. NYE. Not quite.

Mr. SHERMAN. The Senator, I suppose, is familiar with the process. There must be certain alloys added then, perhaps.

Mr. NYE. Certainly. It has to be annealed.

Mr. SHERMAN. That is the general process through which it goes. This refining heretofore has always been done at the Mint of the United States for all the gold coinage; but recently an invention has been made, I think by a Mint officer, by which sulphuric acid is introduced into the process in the work of refining, that is changing the original nugget into refined gold, by which the process is simplified and cheapened. That process cannot be carried on at the mints of the United States because sulphuric acid is so offensive in its nature that in the limited space occupied by our mints——

Mr. NYE. Allow me to state that probably there is not a mint anywhere in the country situated in a more dense population or in a more confined locality than the assay office

in New York, and yet the sulphuric-acid process is used there entirely; and by an improvement the offensive odor is altogether removed.

Mr SHERMAN. It is said that in California—and this can only affect our mint in California, for that is the only place where there are private parties prepared to do the refining—the great body of our gold is exported in bulk or in the form of bullion, and never goes through the process necessary to make it coin of the United States. It is exported in a different form, and consequently the great body of the gold of the United States is put in the form of bullion for exportation by private refineries. The whole operation of this amendment is to enable the Secretary of the Treasury and the Director of the Mint, when they think something can be saved by it, to exchange the unparted bars, or nuggets, as I call them, for the refined gold ready for coinage or ready to be prepared for coinage. After the fullest examination, it seems to me, on this statement of the facts, which appear to be undisputed—we have the official reports of one or two Directors of the Mint, and of various officers of the Government on the subject—that it cannot work injuriously to the Government.

Whether or not such a provision ought to be put upon an appropriation bill, every Senator can judge for himself. The whole effect of it is to authorize a portion of the work done on the gold to be transferred from the mints of the United States to private refineries, under such rules and regulations as may be prescribed by the Director of the Mint and the Secretary of the Treasury.

The effect will be probably to increase the coinage of gold. Less of it will be exported abroad in the form of bullion, and more of it will go into the gold coinage of the United States. That seems to me an advantage, because the Government derives a small revenue from coining gold, and it is certainly a matter of public policy to convert as much of the bullion of the United States into gold coin as possible, rather than to export it in the form of bullion. The advantage that the Government gets, also, is in saving whatever can be saved in the difference between the cost of refining by private persons and the cost of refining at the public mints. That probably will not be very much, but it is something. There is no possibility by which the Government can lose anything, it seems to me, and therefore the Finance Committee thought the arrangement was an advantageous one. It is recommended by different officers of the Government, and I cannot see, after analyzing the matter carefully, that by any possibility the Government can lose by it. It may deprive some of the mints of the United States, like that at Carson City, for instance, of a portion of their work. That, I suppose, is one of the benefits to be derived from the proposition.

Mr. NYE. That is one of the objects you have in moving it.

Mr. SHERMAN. It might result that the mints of the United States would have a little less to do, but certainly that would not be a loss to the Government if we could thereby save money.

Mr. NYE. Then I should like to inquire of the honorable Senator from Ohio why he persists in building a mint at San Francisco four times as large as the present one if the refining is to be taken away?

Mr. SHERMAN. I do not persist in building any mints. I imagine that if anybody is voting to build a new mint it is the Senators from Nevada and the Senators from California. My impression is that I am rather on the other side.

Mr. NYE. If this question is to be discussed here it will take some time to do it. It is a question upon which I have a good deal of feeling, and it is a question that needs more discussion than it can have here on this proposition as an amendment to this bill. Now, I submit to the honorable Senator who has moved this amendment that there is a bill on the Calendar to regulate the mints of the United States. Let this be a part of that, and then we shall enter on its discussion deliberately and coolly. In regard to two or three of the positions I wish to discuss I have not the authorities at hand to refer to.

Mr. MORTON. I would like to ask the Senator one question. Suppose this amendment passes and goes into operation and shall be accepted by the superintendent of the mint in San Francisco, I ask whether the effect would not be to break up the melting and refining establishment on the part of the Government of the United States, and after that to leave the Government in the hands of the private refineries?

Mr. NYE. That is what I was about to say. I am not disposed to enter on the discussion of this question if the honorable Senator from Oregon will just let it pass over to the mint bill, and then we can have time to debate it fully. It seems to me to be more germane to that. I propose, if we want to cheapen our mint, to have it done in the way proposed by the honorable Senator from California, [Mr. COLE,] by taking off all charge for coining. If you mean to cheapen the labor of your mint take off the cost of coinage. All these points have got to be discussed if this amendment is to be urged on this bill, and it will take more than to-day to do it. It is now almost time to adjourn.

Mr. WILLIAMS. This question has been urged upon the Committee on Finance for two or three years by the Secretaries of the Treasury and by the persons connected with the business of refining and minting in the United States, and there is no division of opinion among them as to the necessity of this legislation to the Government. It has been demonstrated in England that this is the true policy, and a law has been passed there——

Mr. NYE. When was it passed?

Mr. WILLIAMS. Within the present year, 1870.

Mr. NYE. Have you got it?

Mr. WILLIAMS. I have a copy of the law.

Mr. NYE. Let us see it.

Mr. WILLIAMS. I will show it to the Senator. The Committee on Finance have reported a separate bill for the purpose of producing this result; and when it was called up the other day the Senator from Nevada objected to the consideration of the proposition in the shape of a separate bill, and then I gave notice that I would move, under the instructions of the Committee on Finance, to amend this appropriation bill by putting this measure upon it, on the ground that in connection with the business of melting and refining, for which provision was made in the bill, it would reduce the expenses of the Government, so that it was a legitimate matter to go upon this appropriation bill.

I have no discretion in this matter; I am acting under the instructions of the Finance Committee; and the question may as well be considered here as in any other place. I think the Senator from Nevada is mistaken in supposing that this legislation will necessarily injure the branch mint at Carson City, for if the Secretary of the Treasury in his judgment shall deem it advisable to have the refining done at the branch mint in Carson City for that mint he will so order; but if otherwise, if the refining can be done elsewhere, and the bullion refined can be furnished to that mint, of course the Secretary will so order; but it does not necessarily follow that this will injure the branch mint.

Then, while I should be very unwilling, if I could avoid it, to disoblige the Senator, or to do any harm to that branch mint, yet upon a great question affecting the whole United States and the interests of the Government, it seems to me that consideration alone ought not to control it.

In addition to what I said before, there is no doubt that it can be demonstrated with mathematical certainty that the refining of this gold at private refineries will increase the coinage of the United States, for the reason that now an unparted bar is worth more for exportation than it is for purposes of coinage. If a man can go into the city of San Francisco and buy an unparted bar and take it to England and have it refined for nothing, men will speculate in these bars. They will buy them up and take them out of the country, take them to England to have them refined and to have them coined. Business of that kind will be conducted, and the amount of coinage in the United States will be largely reduced by that business. To-day there is a large business going on between San Francisco and Europe by which unparted bars are purchased up there by persons and transported to England for the purpose of being refined, because profit can be made upon it. It is for the purpose of keeping these bars in the United States and having them converted into coin here, and having that coin put into circulation in this country, that this amendment is proposed, as well as the saving of expense to the United States in other ways.

Now, sir, this business of refining is a new business in the Mint of the United States. Prior to the war the business of the Mint was exclusively coinage; but when gold was discovered in California, and the necessities of the war came upon us, then the business of refining was added to the business of coinage in the Mint. It has been found to be productive of loss and expense to the United States. The necessity for continuing this system has passed away; and this amendment simply proposes to return to that condition of things which existed prior to the war.

Mr. NYE. Does the honorable Senator mean to say that there was no refining in our Mint before the rebellion?

Mr. WILLIAMS. There was for a little while before the rebellion.

Mr. NYE. A good while before.

Mr. WILLIAMS. There was not any before the vast amount of gold produced in California made it necessary to establish this business of refining in connection with the Mint. I do not remember the precise year; but I undertake to say that for the greater portion of the time since the organization of the Government the business of the Mint has been coinage. The only legitimate business of a mint is to coin money; and to refine gold is no more the business of the Mint of the United States than it is to dig gold.

Mr. STEWART. Mr. President, this is a simple proposition which goes to the economy of the Government and to enhancing the value of bullion. The miner has an interest in it if the value of his bullion can be enhanced by cheapening the process. He takes his bullion in a crude state to the Mint. It is there melted and assayed, and he is paid for it, after deducting the charges of the Mint. Then the bullion becomes the property of the United States. The United States then refine it and coin it; but in doing that they make a large allowance for wastage. The defalcations in the Mint have occurred, not in the assaying, for there is no chance of any there, but in this subsequent refining. The defalcation in San Francisco of several hundred thousand dollars resulted from this wastage going up through the chimney in this refining process.

If the Government did not refine at all, but received refined bars, and disposed of its bullion for the exact assayed value of the received refined bars, they would avoid this risk, for which the allowance is very large in the Mint. The allowance for what may be lost in this process of refining may run up, as I understand, as high as $100,000 in a year. That risk, which the Government take in this delicate process, can be avoided if they can find private establishments that will do the work and bring them refined bullion. Of course they would not make the exchange unless it could be refined cheaper there than it could be in the Government establishment.

When the Secretary of the Treasury and the Director of the Mint concur that the exchange may be made you avoid this expense. If it is done cheaper, it enhances the value of the bullion for the purposes of coinage. This proposition is against the interest of the bullion speculator, who buys crude bullion to ship to Europe, because he wants the shipping value of it higher than the coinage value, and every difficulty, every risk, and every obstruction that is in the way suits him. But if the Government of the United States were liberated from this refining process, and your coinage charge should be taken off—and I think it ought to be taken off, and I hope the Committee on Finance will take off that charge—then the coinage value would be greater than the export value, because we could make it into coin here, and it would be worth more for coinage than for exportation, and you would have more coin in the country. But the expense of the machinery that is necessary for this purpose, and the cost of refining in the Mint are so great, and then your royalty added to that, that you increase the export value so much that those who wish to ship the bullion, and who want to prevent it going to the Mint, have great advantages as the matter now stands.

By this proposition the Government simply relieves itself from an expensive manufacture without incurring any risk, for the value is stamped after the assay; the value is then determined. The depositor, the miner, or whoever deposits the bullion, is paid according to that assayed value. The bar then becomes the property of the United States. If the United States can avoid the risk of refining, and save money by it, and take no chance of losing, and get it refined cheaper than they can refine it, you will not have so large a margin for wastage, for what goes up the chimney. Private refineries and private parties can manufacture cheaper than the Government. All these delicate processes can be done cheaper by private enterprise than by the Government. This proposition opens the business to the whole world, and it cannot possibly injure anybody. The machinery of the Mint in the mean time remains there, and if the private establishments cannot do this work cheaper and make a saving to the Government then that machinery can be again used.

Mr. MORRILL, of Maine. Will my friend from Nevada allow me to say a word to him?

Mr. STEWART. Yes, sir.

Mr. MORRILL, of Maine. I raised the point that this amendment was not germane to this bill, and the effort which the friends of the measure seem to deem it necessary to make to convince the Senate that it ought to go on the bill it seems to me is a pretty conclusive argument, if the debate is to be continued, that it ought not to go on this bill.

Mr. STEWART. Well, we will stop discussing it.

Mr. NYE. Mr. President, the idea of this plan did not originate with the Secretary of the Treasury, nor with the Director of the Mint. It originated far away from here, in that section of the country where nearly all the gold and silver of the country are produced. It was born of the fact that an immense establishment has grown up there; and undoubtedly if they are allowed to control the whole separating of these ores they can do it cheaper, a very little cheaper than it is done by the Mint. Having that establishment, from their desire to handle and control the whole bullion of the Pacific coast, this project was born, not from the Mint, not from the Secretary of the Treasury, not from the Director of the Mint.

I desire to call the attention of the Senate to one or two considerations on this subject.

One of the great purposes of a mint is that it is the guarantee, the promise of the Government that whatever goes in there for coinage shall be honestly manipulated, honestly separated, and that the individual depositor shall get his return honestly. That consideration gives confidence to the depositor in the Mint.

If this were a question merely of cheapening the coinage of this country I would undertake to find men who would stamp your coin with the dies that the Government may make itself for one fourth what the Government charges now. If this were simply a question of cheapness in coinage I could get every branch of that labor performed cheaper than the Government performs it. I can stamp with a single machine all the coin that this Government produces; and I have no doubt this same company would be willing to coin it for a quarter of what the Government charges now. But, sir, that is not the way in which the coin of this country was intended to be manipulated or made. It is a contract on the part of the Government that this work shall be performed honestly and well, and a guarantee on their part that the depositor shall get his return.

I acknowledge that if you take, for instance, the city of San Francisco, in the State of California, that point where the large proportion of the precious metals centers, where there are establishments holding large amounts of the solution that is necessary for separating and refining these metals, they can do it cheaper than it can be done by the United States. But, sir, the Government is to-day building a mint in California four times as large as the one now used, in which there is provided room for all these refining processes. They are carrying the work on to perfection. There is not a mint nor a branch of the Mint in the United States but what has all the machinery necessary for refining in it now.

Sir, make this contract, or give the Secretary of the Treasury the power to make it; take this machinery all out of your mints, and when it is all out who is to do your refining and at what expense? Suppose the time should come when the persons with whom the Secretary of the Treasury and the Director of the Mint are to contract should disagree about the terms, and your refining processes are all taken from your mints, what are you going to do then? Will you go to work and build a great Government refinery? No. Will you compel these men to come to your terms? No, you cannot; but you will have to go to work and reinvest every one of your mints with this process and with the power to refine.

Sir, this proposition is one that is liable to objection in many points of view, and I desire the attention of the Senate while I read a communication which, at my express request, I have got from the Senator from California, [Mr. COLE,] from the melter and refiner of the mint at San Francisco. He says:

MELTER AND REFINER'S OFFICE,
UNITED STATES BRANCH MINT,
SAN FRANCISCO, *February* 21, 1870.

DEAR SIR: A few days since I forwarded you a copy of the new Mint laws, with the views of the several operative officers of this branch upon some of the most important articles contained therein, which I hope you have received.

After a conversation in reference to taking the refining out of the mints and giving it to private refiners, they urged me to give you my views at length touching that matter, which I have concluded to do, hoping they may prove useful to you when the question comes before you.

In giving the refining to private refineries there are many obstacles to be considered, as well as the loss to the Government. These obstacles I will endeavor to state as briefly as possible, so as to be well understood, and I think that when you fully understand them you will bear me out in my statement.

First, the bullion will have to come to the mint and be received and receipted for by the treasurer, as is now done, then melted by the deposit melters, and sent back to be reweighed, after melting, by one of the treasurer's clerks, then sent to the assayer to be chipped for assaying, then sent back and held by the treasurer until all of each day's deposits are assayed and reported upon by the assayer; then, instead of turning them over to the melter and refiner, as is now done, the treasurer will deliver it over to private parties to be refined. So you see the same work will have to be done that is now done before the bullion can be handed over to be refined.

Mr. WILLIAMS. I will ask the Senator if that letter is written with reference to this amendment?

Mr. NYE. Precisely; the same thing.

Mr. WILLIAMS. Then the man who writes it does not understand his business, that is all I have to say; because this amendment does not contemplate anything but an exchange, the mere purchase of the refined bars with unparted bars.

Mr. NYE. Then I propose to show the Senator that he has been unfortunate in the language he has used before I get through:

Again, the Government will have to pay the refinery nearly as much as is now charged by the Mint.

Second, will they refine this bullion without being allowed a percentage loss for wastage? And is it likely that the refinery will return any of this allowance for loss? I answer no; for they can keep it if they wish. The Government allows the melter and refiner a percentage for loss; he works the bullion with the greatest care, and does not lose more than one fourth of the amount allowed, therefore making a great saving to the Government.

Again, in all bullion which assays 950 fine in gold there is no account taken of the silver contained. Now, the Government gains all this silver, but would lose it if refined by private refineries.

Again, when gold comes from our refinery it is ready for making into ingots at once. But the fine gold brought in by the refineries up to this time is first weighed by the treasurer, assayed and computed by its weight as received, and then delivered to the melter and refiner to go into ingots.

When the Government gets through the refining the gold is ready to be made into ingots, but when the refining is done by these private refiners the bar is brought back and has then to be taken in hand by the Government operatives and made into ingots for coinage:

But before he can make it into ingots it has to be toughened by putting it into pots and subjecting it to a strong heat with the use of corrosive sublimate, which costs one dollar per pound. Besides, there are the labor, fuel, and loss of gold in toughening, which latter loss is no small amount; and my opinion is that the gold which they would refine for the Mint would not be near so good as the gold they now bring in, consequently the loss and expense of working it would be so much the greater.

I do not look at this with any selfish motive, but for the true interest of the Government; for I sincerely believe the Government will be the loser by leaving out the refining.

There are many other reasons which I might urge, but I fear I may tire your patience. But one other matter I will speak of in this connection. Every deposit now has a paper of grains, which are pounded from the flux used in melting it. Will the refinery take those grains and receipt for them as of the same fineness as the deposit to which they belong, as I now have to do? I think not, for they are not as fine as the deposits to which they belong. So here is another obstacle. And what will the treasurer do with them? If he melts them into a bar he will be subjected to the same loss that I now am, namely, a loss in fineness and in weight; and as he is allowed nothing for wastage his accounts will run short, for he has already paid the depositor for the grains as if they were of the same fineness as the deposit.

So the Senate will see the depositor now gets paid for these grains as of the same fineness as the bulk of the metal, whereas he would lose that if these private refiners had to do this work.

Now, I desire the attention of the Senate to what follows. They will see what this private company want:

Since I have been melter and refiner the grains amount to nearly five hundred ounces. This amount the depositor never got before, because the flux which contained those grains was not pounded up and washed, as it is now, but was passed into the sweep cellar, and the melter and refiner received the benefit of it to make up his accounts.

Again, the melter and refiner receipts to the treasurer for the chips and scraps which the assayer takes from each deposit, and has to hold the assayer for them. Now, to give these out to be refined it will be necessary to remelt and reassay them, thus incurring an expense not now necessary.

The assayer holds the chips used for assaying for some weeks, in order to rectify any mistakes which might occur. Thus the Government cannot turn over any of the deposits in full, either separately or in bulk. As a consequence it would be necessary to reweigh and recompute each deposit separately, or to remelt several deposits together, then reassay and recompute them before giving them out to be refined. In fact the bullion cannot be given out for refining without involving the trouble, expense, and delay of remelting, reassaying, and recomputing.

I have talked with a great number of our heaviest business men in this city on the subject, and they are all opposed to it, and I do assure you that nearly every business man and every miner in the State would sign a petition protesting against it, and I think your friend, who is well acquainted in the mining region, will bear me out in my statement.

J. P. COCHRAN.

Sir, there is the experience of one of your own public servants; a man of course competent to judge, or the Government would not have him in its employ; a man entirely familiar with the manipulation of bullion in all its phases, or this Government would not trust him with that responsible position. He says that this cannot be done, and you will see by the presentation which he makes that it would increase necessarily the clerk hire in the Department by this remelting, reassaying, and recomputing more than it could possibly save by being sent out. This Government officer understands this matter better than I do, and, it may be, quite as well as the honorable Senator from Oregon. He speaks like a man of truth. He speaks like a man knowing whereof he speaks.

Now, Mr. President, what is it that is to be done? The honorable Senator from Ohio, in a manner not quite his own, suggested to me that he did not know but that it might hurt our mint in Nevada. Sir, I did not procure the passage of the law——

Mr. SHERMAN. I certainly did not say that with any unkindness to the Senator from Nevada. I said that this would only operate in San Francisco, because that was the only city where there were private refineries; that probably private refiners would not locate themselves anywhere else.

Mr. NYE. Long before I was a member of the Senate, and long before Nevada was a State, the appropriation was made for the mint at Carson City.

Mr. SHERMAN. I wish the Senator to understand that I disclaim utterly meaning anything unkind to him or to the mint at Carson City. What I said was of general application. This measure is intended, as a matter of course, to draw the refining to San Francisco.

Mr. NYE. Perhaps I am a little oversensitive on that point. I hear on all corners, from persons who are anxious to have this process brought about of relieving the Government from any expense of refining, that my opposition to it arises from the fact that we have a mint in Nevada. Sir, I should be recreant to the State which I represent, I should be recreant to my own judgment, if I should stand here and see an arrangement made by which my own people were to be injured and wronged and not protest against it. I tell you, sir, the object of this arrangement is to control the bullion in California, and Nevada produces as much bullion as California does; and why should I not stand up for the mint in Nevada? It has got its swaddling-clothes on yet, and it has got to struggle every moment of its existence against persons desirous of producing the result now proposed by the honorable Senator from Oregon; that is, to abolish the mint at Carson City; or, as the former Secretary wanted to call it, an assay office. I have run about here enough to amount to a voyage across the plains on foot in order to get a Secretary of the Treasury to send out the money for its construction, when there was a plain requisition of law requiring him to do so.

I know whereof I speak about this thing. I speak with some feeling for Nevada. She has yet got the marks of her swaddling-clothes around her. She is young, but striving with her youth to assume the position in this nation to which she will be entitled if she is not choked in her progress as she advances. Why should I not stand up here for Nevada and her interests? She has honored me, and I will be true to her. Why should I not stand up for Nevada when her mountains yield the bullion that this company seek to handle and employ? Sir, I stand here for the miner of my own State, who goes with his bullion to the mint and there receives the Government security and indemnity that he shall have an honest return for it. Why drive him to a private assay office, where God knows who may handle it? What security is the Secretary of the Treasury to take for the millions that he hands over to this private assay office? Can the Director of the Mint at Philadelphia know whether the bonds are ample and sufficient for this assay office? Who shall be responsible to the depositor? The Government will find out when it comes to pay its deficit. Suppose to-day that the establishment of this company, by some misfortune, with millions of Government gold in its hands, should be consumed in a night, and all of this liquid metal which they have on hand, which often amounts to millions, consumed and lost.

Mr. SHERMAN. I hope my friend from Nevada does not suppose that we have reported a proposition here that shall authorize the gold of the United States to be transferred to private parties under any circumstances. It provides expressly that the exchange shall be made to parties for unparted bars.

Mr. NYE. I understand what this means precisely. It means simply that the Government will not take the crude bullion, but will drive the depositor to this private concern to have his metal refined. That is what it means.

Mr. SHERMAN. On the contrary, if my honorable friend will reflect a moment he will remember that the law which authorizes the miner to go to the mint or to an assay office with his product and to receive the gold and silver coin of the United States for the full value of that product is not impaired in the least. This only authorizes the exchange of the gold bullion for unparted bars.

Mr. NYE. Now let me tell my honorable friend that if he takes a million to the mint at San Francisco to-day to be assayed to-morrow morning they will give him a million in coin for it.

Mr. SHERMAN. Certainly.

Mr. NYE. Very well; then it needs none of this legislation to say that they will take a refined bar; they will take it any way. It needs no additional legislation for that. I can take gold 900 fine, go to the mint in San Francisco, or in my own town, and get coin for it to-morrow morning; not that that bullion is coined, but it is assayed and its value ascertained, and therefore I get my coin. No man is obliged to wait until the process is completed for his money. They have in each of the mints what they call a bullion fund, a fund to pay the depositor when the value of his metal is ascertained. If it is 700 fine they pay him accordingly; if it is 900 fine they pay him accordingly. They first ascertain that, and then pay him the coin; and I may state still further that they give him the value in coin, irrespective of any loss in refining. The Government takes the risk of that; and there is not so much lost as Senators imagine. My colleague said it went up the chimney. I guess it went out on boots. [Laughter.] I do not think much gold passes up through the chimney, and never did. Its tendency is not upward, but downward. Gravitation has something to do with gold. This idea of gold going up the chimney was in a day when the process of coinage was not attended to. I trust the day of coining that kind of gold that goes up the chimney is done with. Perhaps this mining and refining company have some process that will prevent it from going up.

Mr. WILLIAMS. I ask the honorable Senator if the officers engaged in refining in the mint did not lose this amount of money, and if the United States did not lose it all; whereas if it had been refined by private establishments the United States would not have lost a dollar?

Mr. NYE. No man in his senses supposed it was lost in refining. That is all humbug. It was lost because it was stolen. That is the plain English of it.

Mr. WILLIAMS. Very well; stolen in refining.

Mr. NYE. Stolen in refining, or stolen before it was refined or after, God only knows which. The officers were dishonest and they lost it, and the Government ought to be responsible for it. Under the present and the late direction of the mint there did not any gold go up the chimney.

Now, Mr. President, the honorable Senator from Oregon, who understands this question much better than I do, says that the great saving in these private establishments is in using sulphuric acid in the process of refining. I expect he is right. I acknowledge that. I know that sulphuric acid is cheaper a great deal than the acid the Government uses by order of the Mint in Philadelphia. Who discovered that? Mint men themselves. A Mr. Baker, who stands A No. 1, clear up above those who seek to be his compeers in knowledge, in the employ of the assay office in New York, made the discovery; and right there, in that not very sparsely-settled city, on the borders of Wall street, he uses sulphuric acid with perfect impunity, and no man complains of it. He exhausts its fumes in chests as they rise; and if that can be done in New York it can be done in Philadelphia; if it can be done in Philadelphia it can be done in California; and if it can be done in California it can be done in my own State.

Mr. President, when the Senate comes to sift this project to the bottom, this measure really proposes nothing that every person has not a right to do now, to take refined bars to the Mint and get his pay for them. But it does not mean to stop there. It means to give this refining to private institutions. That is what the amendment is for. Whether the language conveys the idea I leave honorable Senators to determine. I can take pure bars to-day to the Mint and have them assayed, separated, and refined, and I can get the gold for them as quick as their value is ascertained. Then what is the use of legislation in that respect? Certainly none. But I repeat that is not the object of the proposition; it goes further. It provides:

> That the Secretary of the Treasury is hereby authorized, whenever in his judgment and in the judgment of the Director of the Mint it is for the interest of the United States to do so, to receive on deposit at the Mint of the United States and the several branches thereof refined gold and silver bullion suitable for coinage.

Now, stop there. Does any sane man pretend that it needs any legislation to authorize any mint on this continent or its branch to take that now and to pay the value of it in coin? No, sir. Then what is all this verbiage about? It does not require any legislation up to that point. Now, we will proceed:

> And in payment thereof to deliver to the parties making such deposits unparted bars.

There is where it comes in. They are to take these refined bars and pay for them with unrefined bars. Does that need legislation? No, sir; for the reason that the Mint can pay for them now in coin; and is not that as good as unrefined bars?

Mr. SHERMAN. The Senator has stated up to this point very accurately the meaning of this proposition, unquestionably; but here is the difficulty: under the law as it now stands the Mint cannot pay out those unparted bars for any purpose. They must necessarily refine them.

Mr. NYE. Precisely.

Mr. SHERMAN. The object of this amendment, and the only object so far as I understand it, is to authorize this refining process at private refineries.

Mr. NYE. Outside of the Mint.

Mr. SHERMAN. Certainly.

Mr. NYE. It is to swap bullion. That is what it means.

Mr. SHERMAN. And to pay for the refined bullion which is presented at the Mint unrefined, unparted bars.

Mr. NYE. Precisely so. The honorable Senator and myself understand it precisely alike. Now, what is the object? It is to allow these private establishments to make money in this refining. Are we to be told that the United States with all its skill employed cannot refine with as simple processes as these outside refiners? Has it come to this, that the United States with all its skill cannot do work

as well as A, B, C, and D, in the city of San Francisco?

Mr. SHERMAN. They cannot do it as cheap.

Mr. NYE. Why? I can tell the Senator the only reason why. If these private establishments get the whole of this work they can do it cheaper, I grant you. What, then, is the object? To turn the whole bullion of the Pacific coast into this private refining establishment. Who will then lose the wastage in the process of refining? The man who produces the bullion. There is the point. Every miner in my State loses. Every man who takes his hundred pounds of bullion and is obliged to run it through this crucible loses, unless this establishment does the work at a loss; and God forbid that we should have such generous people on our coast that they are going to refine bullion for nothing! They do not do that. This is a swap of material, where the person who gets the crude bullion wins.

Mr. WILLIAMS. I should like to ask the Senator a question, with his permission.

Mr. NYE. Certainly.

Mr. WILLIAMS. When the miner takes his bullion to the Mint it is assayed, and he receives the full value of the gold and silver which he takes there in coin, and the bar becomes the property of the United States. Now, I should like to know how the miner loses anything? He gets the full value of his bullion in coin after the bar is assayed, and he has no more to do with the refining of that bar than he has with its coinage, not one particle. He does not lose a dollar nor a cent, and there is no way in which it can be shown.

Mr. NYE. Who does lose it?

Mr. WILLIAMS. There is no loss about it.

Mr. NYE. Then what is the object of the swap between your crude bullion and the refined?

Mr. WILLIAMS. I say the object is to enable the United States to dispense with the business of refining, because these private refineries can do it for less money than the United States, as has been demonstrated by experience; and the fact is now that out of more than fifty millions of gold refined in San Francisco two thirds of it to-day is refined by these private refineries. The object of this amendment is simply to allow the Secretary of the Treasury to authorize the balance of it to be refined in the same way.

Mr. NYE. I deny the proposition *in toto* that these people can refine, except in increased quantities, any cheaper than the Government of the United States. They have no better acid. They use the same as the Government. They have no better tools, no better machinery than the Government. If they can do it cheaper, it is because of the increased quantity that is to be given to them. There is where I started, and where I get back; and to get that quantity you have got to give them the control of the bullion trade of the Pacific coast.

Now, sir, I will go a little further, and say, in reply to the honorable Senator from Ohio, that I think his argument is unsound; that it does not need legislation to do what he says is proposed. If a person wishes to take crude bullion or unrefined bars instead of coin, what law exists now that prevents the Director of the Mint from paying him in that way? He would count it as coin. The Director of the Mint might just as well, after he had assayed this bullion, pay in unrefined bullion as to pay in coin, if he did not overpay the value of it. He would be held to account for what he received; and in whatever way he accounts for it, it is a full receipt to him.

Now, Mr. President, here is a part of the proposition to which I desire to call attention:

> Unparted bars, at such rates and upon such terms and regulations as shall be prescribed by the Director of the Mint, subject to the approval of the Secretary of the Treasury.

What is that arrangement to be? Does not that mean in terms that the Secretary of the Treasury may make such allowances for this refining as in his judgment he sees fit? There comes in the compensation to these private establishments. For instance, he says, "I will give you such an additional per cent. in crude bullion if you will return me refined bullion." Who, then, is to get your scraps and your scrapings and your leavings that have become, as we are told here, valued at thousands and hundreds of thousands a year? This letter that I have read from the melter and refiner of the mint at San Francisco says that it amounts to five hundred ounces a year, and each ounce of that is worth eighteen dollars; and that he says the Government saves. By this arrangement the Government would lose it.

Mr. MORRILL, of Maine. Will the Senator yield to me to make a motion for a recess?

Mr. NYE. Certainly.

Several SENATORS. No, no.

Mr. CONKLING. Can we not finish this bill to-day without taking a recess and without an evening session?

Mr. MORRILL, of Maine. I have very little hope that we can do so.

Mr. NYE. I yield for that purpose.

Mr. HOWE. Has the Senator from Maine any faith that he will accomplish anything by an evening session?

Mr. MORRILL, of Maine. I am somewhat doubtful about it; but I deem it my duty to propose it to the Senate for fear I might be censured for not attempting it at least, and it seems to be the only course which we can pursue.

Mr. HOWE. We did not do anything last night.

Mr. MORRILL, of Maine. All I desire to say to the Senate is, that if it is the pleasure of the Senate to meet here to-night I shall be very glad to go on with this bill; but if we are to propose a recess, and then, as was the case during the last two nights, have no quorum, we shall accomplish but little.

Mr. CONKLING. Would not the Senator prefer an agreement that we stay here and sit the bill out to-night?

Mr. MORRILL, of Maine. I should be very glad, indeed, if we could do so.

Mr. CONKLING. Why not agree to stay here and sit the bill out now?

Mr. SUMNER. There is a reason why we should not. I think there are a great many other amendments to be moved on this bill, and then the bill has not yet been taken out of committee, and therefore all that has been done will be open to consideration again in the Senate. The Senator is aware that there are several propositions to be offered which will probably cause debate in the Senate.

Mr. CONKLING. That is no truer now than it will be to-morrow.

Mr. MORRILL, of Maine. If it is the pleasure of the Senate to continue the session, or at any rate to continue it until we get the bill out of committee, I make no proposition for a recess.

Mr. SHERMAN. I think we had better come back here at seven or half past seven o'clock, and sit the bill out to-night.

Mr. CONKLING. I hope we shall sit it out to-night.

Mr. SHERMAN. If we should continue to sit right on now, at six o'clock the Senate would be without a quorum.

Mr. MORRILL, of Maine. I do not suppose I can make this motion without general consent. I appeal, then, to the Senate for general consent to submit to a motion for a recess at five o'clock until half past seven o'clock. We are now within twenty minutes of five o'clock.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) Is there objection to the motion of the Senator from Maine?

Mr. CASSERLY. I think it ought to be understood that the meeting this evening is to be for the purposes of this bill.

Mr. MORRILL, of Maine. Entirely.

Mr. STEWART. We had better have it understood, because somebody may stay away.

Mr. RAMSEY. We cannot secure a quorum with that understanding.

Mr. CASSERLY. Then I shall vote against the motion if we cannot have that understanding.

Mr. TRUMBULL. I do not think there is the least probability of finishing this bill to-night. There are numerous amendments to be offered to it, some of which will give rise to debate. There is no chance of finishing it to-night, and I think it would be useless to make such an attempt.

Mr. SUMNER. It is utterly impossible.

Mr. CONKLING. We have frequently heard that it was impossible to do things, and sometimes we have seen them done after we had heard that. Whatever progress we make with this bill to-night will be clear gain. If its progress should carry us to the end, so much the better. If it stops short of the end, still it is clear gain. I hope we shall have an evening session, and I venture to suggest to the honorable Senator from Maine that he give notice as a part of his motion that he will ask the Senate to stay here and sit out this bill if it can be done within the limits of reasonable hours.

Mr. TRUMBULL. I beg leave to say to the Senator from New York that we had an evening session last night; I was here and I do not now remember that I had the pleasure of seeing the Senator from New York. Probably I did, but if so I have forgotten it now.

Mr. CONKLING. That shows what a very short memory the Senator has.

Mr. TRUMBULL. At any rate, I was here myself for several hours, and I am not aware that we made any progress at all. I do not think we were any further advanced when we came here this morning than we should have been if we had not met last evening; and I think we shall have the same experience if we come here to-night.

Mr. WILSON. I wish to state to the Senate that to-morrow morning I shall ask them to take up the Army bill and settle it if possible.

Mr. DRAKE. I move that the Senate do now adjourn.

Mr. MORRILL, of Maine. I hope not.

The question being put, there were on a division—ayes 32, noes 20.

Mr. MORRILL, of Maine. I think I had better demand the yeas and nays on this motion.

The yeas and nays were ordered.

Mr. CONKLING. All who want to stay here and dispose of this bill will vote "nay."

The question being taken by yeas and nays, resulted—yeas 30, nays 21; as follows:

YEAS—Messrs. Bayard, Boreman, Casserly, Drake, Fenton, Flanagan, Hamilton of Texas, Harris, Johnston, Kellogg, McCreery, McDonald, Morton, Nye, Osborn, Patterson, Pratt, Ramsey, Rice, Robertson, Scott, Spencer, Sprague, Stockton, Sumner, Thayer, Thurman, Trumbull, Vickers, and Yates—30.

NAYS—Messrs. Ames, Buckingham, Chandler, Cole, Conkling, Cragin, Edmunds, Harlan, Howe, Howell, Morrill of Maine, Pomeroy, Ross, Schurz, Sherman, Stewart, Tipton, Warner, Willey, Williams, and Wilson—21.

ABSENT—Messrs. Abbott, Anthony, Brownlow, Cameron, Carpenter, Cattell, Corbett, Davis, Ferry, Fowler, Gilbert, Hamilton of Maryland, Hamlin, Howard, Lewis, Morrill of Vermont, Norton, Pool, Revels, Saulsbury, and Sawyer—21.

So the motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 11, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read and approved.

PAY OF MEMBERS, ETC.

Mr. BEAMAN, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 1977) to supply deficiencies in the appropriations for the compensation and mileage of members of the House of Representatives and Delegates from the Territories

for the fiscal year ending June 30, 1870; which was read a first and second time.

The bill, which was read, provides that the sum of $500,000, or so much thereof as may be necessary, be, and the same is, appropriated for compensation and mileage of members of the House of Representatives and Delegates from Territories to supply deficiencies in the appropriations for the fiscal year ending June 30, 1870.

Mr. BEAMAN. I now call the previous question.

The previous question was seconded and the main question ordered.

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

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

The latter motion was agreed to.

SHIPPING DUES.

Mr. O'NEILL, by unanimous consent, introduced a bill (H. R. No. 1978) to repeal the act approved March 17, 1800, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NORTHERN PACIFIC RAILROAD.

Mr. SCHENCK. I call for the regular order of business.

The SPEAKER. The first thing in order this morning is the unfinished business of yesterday, a joint resolution (S. R. No. 121) authorizing the Northern Pacific Railroad Company to issue its bonds for the construction of its road and to secure the same by mortgage, and for other purposes; and on ordering the joint resolution to a third reading the main question has been ordered.

Mr. ORTH. I ask unanimous consent to make a brief statement in reference to the pending proposition.

Mr. FITCH. I object.

Mr. KELSEY. I object, unless others can be allowed to be heard in reply.

The SPEAKER. The gentleman must object absolutely.

Mr. KELSEY. I object absolutely, then.

Mr. SARGENT. The gentleman from New York must take the responsibility of delaying the business of the House.

Mr. KELSEY. I take the responsibility, unless we can be heard on this side as well as the other.

Mr. ORTH. I now understand there will be no objection to my proceeding.

Mr. KELSEY. Not if it be understood that we can be heard on this side.

The SPEAKER. The Chair will ask for any gentleman precisely the same privilege he now asks for the gentleman from Indiana. He cannot entertain unanimous consent for one gentleman to speak with the proviso that another shall be allowed to speak. It is not within the rules of the House.

Mr. KELSEY. Then I withdraw my objection.

Mr. SCHENCK. I hope, if he thinks proper to take it, that the gentleman who introduced this joint resolution shall be allowed the same length of time after the gentleman from Indiana has been heard.

The SPEAKER. The Chair cannot doubt the House will accord the same privilege to the gentleman from New York.

Mr. SARGENT. Five minutes each.

There was no objection.

The SPEAKER. The gentleman from Indiana is entitled to the floor for five minutes.

Mr. ORTH. Mr. Speaker, I wish to say to the House for myself, and I think I may add for those who acted with me in this matter yesterday, that the course we then took was taken in no factious spirit, but under a sense of duty to ourselves and to those whom we represent on this floor. We regarded this measure as one of the most important that could engage the attention of this House, so much so that we felt that it was but right to the people of this country whose property is about to pass into the hands of a mammoth corporation that those who differed as to the policy of this measure involving so vast an estate, almost an empire in extent, should at least have an opportunity for brief discussion, and an opportunity to present amendments to the House for its action. That was denied us; we then felt that we could only throw ourselves upon our right as protected by the rules of this House, the right of delaying action upon this matter until members could look into the bill. When it was first presented it was not even printed. Coming from the Senate it was placed upon the desk of the Speaker, and taken thence on the motion of the gentleman who represents the Committee on the Pacific Railroad, and was at once put upon its passage. The House, by a vote of 10 or 12 majority, seconded the previous question. We felt that the importance of this measure demanded that it should receive more reflection. We could only accomplish this object by what would be regarded under ordinary circumstances as a revolutionary and reprehensible proceeding. But under the circumstances existing here those of us who were engaged in that proceeding could not regard it in that light, and we are satisfied to leave the consequences to those who are directly responsible.

I desire now to offer a suggestion to the House; and I believe that this morning calmer judgment will prevail than was likely to prevail here yesterday or on Thursday. I wish now to say to the House that the only object of those who antagonize this measure is that this bill should be referred to some proper committee with such amendments as the House may consent to refer to that committee, that it shall be considered by that committee, and that leave shall be granted to report at any time. As we desire to avoid any unnecessary haste we desire no unnecessary delay. I have therefore, on behalf of those who have acted with me thus far, to propose that we cease these dilatory proceedings, in the hope, and we appeal to the members of the House to realize that hope, that when the previous question is moved on the passage of the bill the House will vote that down, thus giving an opportunity to refer the bill, so that proper and deliberate action may be taken on it. I think I know the members of this House sufficiently to justify me in saying that if our hands had not been tied by the refusal of the motion to reconsider the vote ordering the main question we could yesterday have untied this knot. The only course which, in my judgment, now remains by which the House can untie the knot and place this matter in a different position from that which it now occupies, is that the House should refuse to second the previous question on the passage of the bill. That having been done, it will then be in the power of the House to refer the measure to the appropriate committee, with such amendments as may be offered, and with instructions to report it back to the House for its action on some subsequent day.

Mr. VAN TRUMP. Will the gentleman from Indiana yield to me for a question?

Mr. ORTH. Certainly.

Mr. VAN TRUMP. I desire to ask the gentleman whether he proposes to yield opposition without some understanding with the other side?

Mr. ORTH. I do not yield anything.

Mr. WHEELER. I desire at the outset to say one word of a nature personal to myself. I have been charged with tyranny in the management of this bill. It is the action of this House which has alone precluded amendments to the bill. The majority of this House, as they had the right to do, voted for the previous question on the bill, and this action by the House, as every gentleman understood, and as was announced by the Speaker, precluded all amendments. So much for my personal position in this matter. I simply stand by the action of the majority of the House.

Now, sir, one word as to the "vast grant." This Congress is making no vast grant to this corporation. The grant was made in 1864, and is a vested interest. This bill gives to the corporation no additional rod of land except what shall be necessary to make up the deficiency which has been created by reason of the Government having disposed of some of the lands along the route contemplated by this road. The very prospect of the building of this road has enabled the Government to sell a large quantity of lands and put the money into its Treasury.

Mr. INGERSOLL. How much?

Mr. WHEELER. I cannot tell you precisely; I do not know. The Commissioner of the General Land Office can tell you better than I can. Whatever that amount may be—be the same more or less—this company now ask the Government to make up to them, and they ask that their limits may be enlarged in order that they may make up that deficiency. It is alleged by the opponents of this measure that it authorizes the company to mortgage a belt of country one hundred and twenty miles wide. This company to-day does not own one rood of land. It is in the condition of the devil upon the mountain. It has no land to mortgage or to sell, and the gentlemen who are opposing this bill know well that until they have built twenty-five miles of the road they cannot get an acre of land under this grant, and they cannot mortgage an acre until they get a title from the Government. The title to this vast country of which gentlemen speak is in the Government alone, and is not to be parted with except as the road is built in sections of twenty-five miles.

One word as to the reference of this joint resolution. The joint resolution, with the exception of the last proviso, which was put in in the Senate, has been upon the files of this House ever since last January. It has been deliberately considered, both in its original and in its present form, by the Committee on the Pacific Railroad, and approved by every member of the committee with one exception, the gentleman from Massachusetts, [Mr. BUFFINTON.]

Mr. VAN TRUMP. The gentleman does not mean that it was considered by the committee last January?

Mr. WHEELER. I mean that it was considered very soon after it was introduced into the House in January last. I am sure the record will bear me out in that.

Mr. VAN TRUMP. Then the gentleman has made a mistake; for he may add another member of the committee who opposed it, and that is myself, when I was on that committee.

Mr. WHEELER. I never understood the gentleman from Ohio [Mr. VAN TRUMP] to oppose the joint resolution. If he was present when it was acted on in the committee he did not make his opposition known.

I have simply to say further, that nothing is to be gained by delay. This question may as well be met to-day as ever. Gentlemen understand its merits, and if they are disposed to vote the joint resolution down let them do it in a manly, fair fashion. I am not contending here now, at this stage of the proceedings, for the Northern Pacific railroad; it is simply for the right of the majority of this House to shape its legislation, and I cannot consistently abandon this contest until the right of the majority so to do is either vindicated or surrendered.

The question was then put on ordering the joint resolution to a third reading; and there were—ayes 66, noes 70.

Mr. WHEELER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 77, nays 91, not voting 60; as follows:

YEAS—Messrs. Allison, Ames, Armstrong, Atwood, Axtell, Ayer, Barry, Beaman, Bennett, Bingham, Blair, Booker, Bowen, George M. Brooks, Buck, Buckley, Roderick R. Butler, Cake, Churchill, Conger, Covode, Degener, Dickey, Dox, Ferriss, Fisher, Fitch, Gibson, Harris, Hoar, Hooper, Hotchkiss, Kelley, Kellogg, Kelsey, Lash, Lynch, Maynard, McCarthy, McKee, Milnes, Daniel J. Morrell, Myers, Negley, O'Neill, Peck, Perce, Peters, Platt, Poland, Pomeroy, Porter, Prosser, Sanford, Sawyer, Schenck, Lionel A. Sheldon, Porter Sheldon, Sherrod, Shober, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stokes, Stoughton, Strickland, Taffe, Tillman, Townsend, Trimble, Twichell, Voorhees, Cadwalader C. Washburn, Welker, Whitmore, and Eugene M. Wilson—77.

NAYS—Messrs. Archer, Arnell, Asper, Beatty, Beck, Benjamin, Biggs, Bird, James Brooks, Buffinton, Burchard, Benjamin F. Butler, Sidney Clarke, Cleveland, Amasa Cobb, Conner, Cowles, Cox, Crebs, Davis, Dickinson, Donley, Duval, Dyer, Ela, Eldridge, Farnsworth, Ferry, Finkelnburg, Garfield, Getz, Griswold, Haight, Haldeman, Hale, Hambleton, Hamill, Hamilton, Hawley, Hay, Heflin, Hill, Ingersoll, Thomas L. Jones, Judd, Knott, Lawrence, Lewis, Loughridge, Mayham, McCrary, McGrew, McNeely, Eliakim H. Moore, Jesse H. Moore, William Moore, Morphis, Morrissey, Orth, Packard, Paine, Potter, Randall, Reeves, Rice, Rogers, Sargent, Schumaker, Shanks, Slocum, John A. Smith, William J. Smith, Stevens, Stevenson, Stiles, Stone, Swann, Sweeney, Taylor, Tyner, Upson, Van Auken, Van Trump, Van Wyck, Wells, Wheeler, Williams, John T. Wilson, Winans, Winchester, and Wood—91.

NOT VOTING—Messrs. Adams, Ambler, Bailey, Banks, Barnum, Benton, Boles, Boyd, Burdett, Burr, Calkin, Cessna, William T. Clark, Clinton L. Cobb, Coburn, Cook, Cullom, Dawes, Dixon, Dockery, Fox, Gilfillan, Hawkins, Hays, Heaton, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Julian, Kerr, Ketcham, Knapp, Laflin, Logan, Marshall, McCormick, McKenzie, Mercur, Morgan, Samuel P. Morrill, Mungen, Niblack, Packer, Palmer, Phelps, Ridgway, Roots, Scofield, Strader, Strong, Tanner, Van Horn, Ward, William B. Washburn, Wilkinson, Willard, Witcher, and Woodward—60.

So the bill was not ordered to a third reading.

During the call of the roll,

Mr. MOORE, of Illinois, said: I am authorized to say that if my colleague, Mr. CULLOM, were here he would vote "no."

Mr. AMBLER. I am paired on this question with the gentleman from Massachusetts, Mr. BANKS. If here he would vote "ay" and I would vote "no" on this question.

Mr. NIBLACK. On this vote, and upon all others upon this bill, I am paired with the gentleman from Missouri, Mr. MCCORMICK. He is in favor of this bill, and I am opposed to it. I am also requested to announce that my colleague, Mr. HOLMAN, is paired generally with the gentleman from Pennsylvania, Mr. MERCUR, until the close of Monday next. On this bill he would vote "no," while I understand Mr. MERCUR would vote "ay."

Mr. BENTON. On this question I am paired with the gentleman from Illinois, Mr. CULLOM. It has been announced how he would vote if he were here. I would vote in the affirmative.

Mr. MCNEELY. My colleague, Mr. MARSHALL, is confined to his room by sickness; if here he would vote "no."

Mr. BINGHAM. I changed my vote from the affirmative to the negative for the purpose of being able to move a reconsideration of this vote. As the gentleman from New York, Mr. WHEELER, has voted in the negative for that purpose, I will let my name stand as first recorded, in the affirmative.

The result of the vote was announced as above.

Mr. ORTH. I move to reconsider the vote by which the House refused to order this bill to a third reading; and I also move that the motion to reconsider be laid on the table.

Mr. WHEELER, who rose at the same time, said: I move to reconsider the vote last taken, for the purpose of moving to commit the bill to the Committee on the Pacific Railroad.

The SPEAKER. In accordance with parliamentary practice the Chair feels obliged to recognize some gentleman who voted on the prevailing side.

Mr. WHEELER. I voted with the prevailing side for the purpose of making the motion I have indicated.

Mr. ORTH. If the House will consent to refer this bill, with such amendments as may be offered, to the Committee on the Public Lands, with leave to report at any time, I will not object.

Mr. FARNSWORTH. I hope my friend from Indiana [Mr. ORTH] will modify his motion. So far as I am concerned I am willing this bill shall be referred to either of the committees named. What I have desired all the time is an opportunity for fair discussion and to move amendments.

The SPEAKER. The result of the vote just declared is to reject the bill.

Mr. ELDRIDGE. I desire to make an inquiry of the gentleman from Indiana, [Mr. ORTH.] He was not quite understood in his last remarks; at least I did not understand him. We thought, from what he said in his five minutes' speech, that he was bound to have this bill referred to some committee.

Mr. ORTH. I intend to make that motion.

The SPEAKER. If the motion of the gentleman from Indiana, [Mr. ORTH,] as he first submitted it, should be agreed to, it would reject the bill finally.

Mr. ORTH. I have no such desire. I will then ask unanimous consent that the vote just taken be reconsidered, and then I will move to refer this bill.

Mr. BENJAMIN. I wish to make an inquiry. If the vote just taken be reconsidered will not the next question be upon the third reading of the bill?

The SPEAKER. It will be; but the previous question will not operate, having exhausted itself in the vote just taken. The motion to reconsider opens discussion on the bill in its widest range, and should the motion to reconsider prevail the recurring question will be, "Shall the bill be read the third time?" But the bill will be divested of the previous question, and will be open to amendment.

Mr. SCHENCK. If the gentleman from Indiana [Mr. ORTH] will permit me, I would propose that, by unanimous consent, the vote just taken be regarded as reconsidered, and that the bill be referred, with all amendments that gentlemen may offer, to the Committee on the Pacific Railroad, and that the amendments be all printed.

Mr. ORTH. That is what I propose.

Mr. SCHENCK. Why not let it be done by unanimous consent?

The SPEAKER. Is there objection to the proposition?

Mr. SCHENCK. I omitted a part of the proposition, which is that the committee have leave to report at any time. Unless the committee be empowered to do this the reference of the bill might be equivalent to killing it indirectly.

The SPEAKER. The Chair will state the proposition as he understands it to be accepted by the gentleman from Indiana. It is that the vote just taken be regarded as reconsidered, and that the bill, together with all amendments which may be offered, be referred to the Committee on the Pacific Railroad, and that the committee have leave to report at any time.

Mr. BUTLER, of Massachusetts. Let it be referred to the Committee on the Public Lands.

Mr. VAN TRUMP. Unless my colleague [Mr. SCHENCK] will consent to the original proposition of the gentleman from Indiana, [Mr. ORTH,] that the bill be referred to the Committee on the Public Lands I shall have to object.

Mr. BINGHAM. I beg leave to say that that was not the original proposition.

Mr. VAN TRUMP. It was the original proposition of the gentleman from Indiana.

Mr. BINGHAM. It was not his original proposition as stated in the speech which he made before the vote was taken.

Mr. RANDALL. The gentleman from Indiana did not specify either committee.

Mr. ORTH. I make now the motion simply to reconsider the vote just taken.

The motion to reconsider was agreed to.

The question then recurred on ordering the bill to be read the third time.

Mr. ORTH obtained the floor, but yielded to

Mr. COBURN. I ask unanimous consent to have my vote recorded on the question just taken by yeas and nays. I came into the House at the moment the roll-call concluded.

The SPEAKER. The Chair cannot ask unanimous consent for that purpose. A suspension of the rules is necessary to enable the gentleman to record his vote.

Mr. COBURN. I wish to say, then, that I would have voted "no."

Mr. ORTH. I now yield to the gentleman from Illinois, [Mr. FARNSWORTH.]

Mr. FARNSWORTH. I desire to call the attention of the House and of the committee to which this bill may be referred to one or two points in connection with the bill. I think, considering the time we have spent in voting on the bill, a few minutes occupied in discussion will do no harm.

Mr. WHEELER. Will the gentleman allow me to make a suggestion? I wish to suggest that, if the House is willing, gentlemen now propose their amendments and the House make a final disposition of the matter. I am quite willing that the opponents of the bill or those who favor amendments shall offer them now, and the House at once make a final disposition of them.

Mr. FARNSWORTH. I think the sense of the House is rather in favor of the reference of the bill. I wish to say that, as a member of this House, I voted for the passage of the original bill granting lands to aid in the construction of the Northern Pacific railroad. I am in favor of such a road, and I do not wish to retract the vote which I then gave. Four years ago, when this company came here and proposed to give the Government a lien upon one half the lands which we had granted them, provided the Government would indorse their bonds to enable them to build the road, I opposed that proposition, regarding it as impudent in the extreme.

They come here now and ask for an additional, an indefinite grant of lands. It is as indefinite as the lateral road this joint resolution authorizes; they can make the road longer or shorter, as they please. They may build a parallel road the whole distance. They ask that we shall give them authority to mortgage this immense grant of lands, large enough for an empire; to make an absolute mortgage to money-lenders of this land, and allow it to be sold out before the road is built. When they ask this they ask too much for my stomach. Why, sir, four years ago when they came here with the other proposition, their own estimate of the value of the grant was $64,000 per mile.

Mr. CESSNA. I am constrained to rise to a point of order. My point is there is no motion pending. The gentleman from Indiana was recognized, but made no motion.

The SPEAKER. The Chair overrules the point of order. By the reconsideration the question recurs on the third reading of the joint resolution, which opens the widest discussion.

Mr. FARNSWORTH. If the gentleman had not raised his point of order I should have been through. I rose only to call the attention of the House to these facts. When the joint resolution is again presented I may discuss the matter further.

Mr. ORTH. I now yield to the gentleman from Ohio to offer an amendment.

Mr. WELKER. I move to add to the first section the following:

Provided further, That as to all new grants herein of additional lands, such lands shall be sold by said company to actual settlers at a price not exceeding $2.50 per acre, and in quantities not exceeding one hundred and sixty acres to any one person.

Mr. ORTH. I now yield to the gentleman from Illinois.

Mr. HAWLEY. I move to add to the first section the following:

And provided further, That the privileges herein granted are upon the following conditions, namely: all the lands herein and heretofore granted to said railroad company shall be sold to actual settlers only, and in quantities not greater than one hundred and sixty acres to any one person, and for a price not exceeding $2 50 per acre: *And provided further*, That no mortgage that may be given by said railroad company shall operate to prevent the sale to actual settlers only upon the terms and conditions herein provided, of all the lands herein or heretofore granted by the United States to said railroad company; and any violation of this condition shall work a forfeiture of all the lands herein or heretofore granted by the United States to said railroad company.

Mr. ORTH. I now yield to the gentleman from Indiana.

Mr. WILLIAMS. I move to add to the first section the following:

And be it further provided, That the grant of lands herein stipulated to said company is made upon the express condition that the Congress of the United States reserves the right to regulate and limit the rates of freight and fare of passengers on said road whenever in the opinion of Congress the same shall become necessary to protect commerce among the several States.

Mr. ORTH. I yield next to the gentleman from Iowa.

Mr. LOUGHRIDGE. I move to add the following to the first section:

Provided, That no mortgage executed by said company upon the lands granted shall be of any validity as an incumbrance upon the same until the company is by the terms of the law entitled to a conveyance of such lands by the Government.

Mr. ORTH. I yield to the gentleman from New York.

Mr. VAN WYCK. I move to add the following to the first section:

That said company shall charge not to exceed five cents per mile for every passenger carried, and shall charge for transportation of freights not to exceed ten per cent. of the rates charged on railroads from the Mississippi river east to the Atlantic sea-board.

Mr. ORTH. I yield to the gentleman from Ohio.

Mr. WINANS. I move to strike out the following proviso:

Provided further, That in the construction of the said railroad American iron or steel only shall be used, the same to be manufactured from American ores exclusively.

Mr. MAYNARD. I would suggest to the gentleman whether he should not go further, and add words to declare that nothing but English iron and steel should be used.

Mr. WINANS. I cannot accept the gentleman's suggestion.

Mr. ORTH. I now yield to the gentleman from Missouri, [Mr. FINKELNBURG.]

Mr. FINKELNBURG. I offer the following amendment:

Insert after the word "line," in line sixteen, the words "not more than three hundred miles from its western terminus."

Mr. ORTH. I yield to the gentleman from Illinois, [Mr. INGERSOLL,] to offer an amendment.

Mr. INGERSOLL. I offer the following:

After the word "bidder," in line fifty-five, insert the following:

Provided, That no mortgage hereafter executed by this corporation shall be valid or create any lien on the lands hereby or heretofore granted to said corporation, except as to such lands as said corporation shall have received a patent for from the United States.

Mr. ORTH. I now yield to the gentleman from Tennessee, [Mr. ARNELL.]

Mr. ARNELL. I offer the following additional sections:

And be it further resolved, That the even-numbered sections of land on the line of the said Northern Pacific railroad and its branches, and alternate to the sections granted to said Northern Pacific Railroad Company, to an equal number of sections so granted, be, and the same are hereby, donated, and shall be conveyed in trust by patent to be issued by the Secretary of the Interior, to a board of thirteen commissioners, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, which board shall be known as the Freedman's Homestead Commission; and the lands so conveyed may be sold, mortgaged, or otherwise disposed of by said commission, according to regulations to be established as hereinafter provided, and to the best advantage for the work of said commission, and the proceeds thereof shall be applied by said commission to the procurement of homesteads in the States commonly known as the southern States of the Union, and to the settlement thereon of persons formerly held in slavery, and their descendants, and to the promotion of education among them.

And be it further resolved, That said commission shall make all necessary rules and regulations for the sale and disposal of the lands hereby donated thereto, in trust, and for carrying into effect the foregoing provisions; which rules and regulations shall be submitted to the President of the United States for his approval, and when so approved by him shall be valid and binding until in the same manner altered or amended; and the commission shall annually make a full report of its doings at each regular session of Congress.

Mr. ORTH. I now yield to the gentleman from Oregon, [Mr. SMITH.]

Mr. SMITH, of Oregon. I offer the following amendments:

In line thirty-three, page 2, strike out the word "and," and insert the word "provided."

In line thirty-nine, page 3, insert after the word "provided" the word "further."

Mr. ORTH. I now yield to the gentleman from New York, [Mr. DAVIS.]

Mr. DAVIS. I offer the following amendments:

In section one, strike out all after the word "company" in line forty, down to and including the word "road" in line forty-three.

Add to section one the following:

Provided, That the mortgage to be executed under the provisions of this section shall in no case be construed to carry greater rights or privileges than the company possessed at the time of executing the same.

Strike out in section one all after the words "Puget sound" in line seventeen, down to and including the words "sixty-four" in line thirty-three.

Mr. ORTH. I now yield to my colleague from Indiana, [Mr. COBURN.]

Mr. COBURN. I offer the following amendments:

Insert after the word "point," in line sixteen, these words, "not exceeding three hundred miles east of the western terminus."

Strike out lines six and seven and the word "corporation" in line eight, section one, and insert the words "tracks, depots, rolling-stock, and other personal property."

Mr. ORTH. I yield next to the gentleman from Missouri, [Mr. ASPER.]

Mr. ASPER. I offer the following amendment:

Strike out all of section one after the word "points" in the thirty-ninth line down to the fifty-eighth line, inclusive.

Mr. ORTH. I yield to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I offer the following amendment:

At the end of section one add the following:

Provided always, That if this company should refuse the grant with the conditions herewith proposed, nothing herein contained shall be construed as a limitation upon Congress in any effort which may hereafter be made to encourage the building of a Northern Pacific railroad through its vast unoccupied land domain.

Mr. ORTH. I now yield to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. I offer the following as additional sections, to come in at the end of the joint resolution:

And be it further resolved, That the said company shall make reports annually, or oftener, if required by the Secretary of the Interior, of its condition and transactions, and containing all such information as said Secretary may require, and in such form and verified in such manner as he may require. And the United States shall have the right at all times to take possession of and own the road herein authorized, on paying the actual and legitimate cost thereof.

And be it further resolved, That every private soldier and officer who has served in the Army of the United States during the rebellion for ninety days and remained loyal to the Government, and every seaman, marine, and officer, or other person who has served in the Navy of the United States, or in the Marine corps or revenue marine, during the rebellion for ninety days, and remained loyal to the Government, shall, without the payment of any fee or commission to any register or receiver of any land office, be entitled to enter one quarter section of land, not mineral, of the alternate reserved sections of public lands along the lines of all the railroads, or other public works in the United States, wherever public lands have been or may be granted by acts of Congress; and all such entries shall be made under and by virtue of the provisions of the act to secure homesteads to actual settlers on the public domain, and the acts amendatory thereof, and on the terms and conditions therein prescribed; and all the provisions of said acts, except as herein modified, shall extend and be applicable to entries under this act. And every person entitled to the benefit of this act may locate one quarter section as herein provided, at his option, in one entire quarter section or in not more than two subdivisions of a quarter section not more than four miles apart.

And be it further resolved, That the Commissioner of the General Land Office is hereby authorized to prescribe the necessary rules and regulations to carry the preceding section into effect and determine all facts necessary therefor.

Mr. ORTH. I yield now to the gentleman from Ohio, [Mr. AMBLER.]

Mr. AMBLER. I desire to offer the following amendment:

Amend by striking out the words "and rights of property" where they occur in the sixth line of the first section of the bill.

Mr. ORTH. I yield next to the gentleman from Nevada, [Mr. FITCH.]

Mr. FITCH. I offer the following amendment, to come in at the end of the section:

Provided further, That no person other than an American citizen shall be permitted to subscribe to the stock or purchase the mortgage bonds of said road; and none of the lands hereby granted shall be taken out of the country; and all American citizens shall be permitted to ride upon said railroad without charge.

[Laughter.]

Mr. ORTH. I now yield to the gentleman from Illinois, [Mr. MCNEELY.]

Mr. MCNEELY. I offer the following amendment, to come in at the end of the first section:

Provided further, That said railroad company shall pay into the treasury of the several States and Territories through which it shall pass seven per cent. of the gross earnings of said railroad, the proportion to be thus paid to each of said States or Territories to be ascertained by the relative number of miles of such road operated within each of them.

Mr. ORTH. I yield now to the gentleman from California, [Mr. SARGENT.]

Mr. SARGENT. I desire to offer the following amendment:

Amend by striking out the word "hereby," in line forty on page 3, and all after the word "company" in said line, down to and including the word "road," in line forty-three.

Mr. ORTH. I yield next to the gentleman from Kansas, [Mr. CLARKE.]

Mr. CLARKE, of Kansas. I offer the following as an additional section to the joint resolution:

SEC. —. *And be it further resolved*, That the lands granted by this act, and all previous acts to said company, shall inure to the benefit of said company, its assigns and successors, in the manner following, that is to say: that all the lands granted by this act shall be immediately open to settlement, and shall be sold to actual settlers only, who shall be entitled to receive patents therefor in contiguous parcels not exceeding a quantity equal to one quarter section to any one person, and at the price of $2 50 per acre, under such rules and regulations as may be prescribed by the Secretary of the Interior, in accordance with the provisions of this act: *Provided, however*, That such persons shall be citizens of the United States, or shall have declared their intention to become such, before they shall be entitled to become actual settlers under the provisions of this act: *And provided further*, That when the company shall file with the Secretary of the Interior the certificate of the Governor of the State or Territory in which said road is located that any twenty consecutive miles of said road have been completed in a good, substantial, and workmanlike manner, together with a map designating by the public surveys the line of such completed portion, and the points of beginning and ending, the Secretary of the Interior shall thereupon direct the proper district land officers to give public notice to all actual settlers, under the provisions of this act, residing on the granted lands opposite to and conterminous with said completed section, to make proof and payment to the district land officers for their claims within three months from the date of said notice; and the registers and receivers shall report the sale of said lands monthly, as in the sales of public lands; and the amount received shall be placed by the receivers to the credit of the railroad company, in such depository as they may designate: *Provided*, That if any settler shall fail to make proof and pay for his claim within the time herein specified, his right thereto shall become forfeited, and the land shall be patented to the said company: *And provided further*, That patents shall issue to said company for all lands which shall remain unsold after the expiration of three months from the date of completion of each section of said road: *And provided also*, That the railroad company may at any time sell, convey by deed, mortgage, or deed of trust, all of said land to persons or corporations and not actual settlers, and at such prices and on such terms as the parties may agree upon: *Provided*, That when so sold or conveyed, the said lands in the hands of the purchaser, mortgagee, or trustee, or other grantees,

shall be subject to sale to actual settlers within the time limited as aforesaid, and on the same terms as though the said deed, mortgage, or deed of trust had never been made: *Provided*, That if said road is not completed within ten years from the date of the acceptance of the grant herein made, the lands remaining along the uncompleted portions of the road shall revert to the Government and be open to preemption and homestead entry after due public notice by the district land officers, under instructions from the Secretary of the Interior, as provided in the case of public lands.

Mr. ORTH. I yield now to the gentleman from New York, [Mr. VAN WYCK.]

Mr. VAN WYCK. I desire to offer the following amendment:

Amend by adding: "That said company shall not issue mortgage bonds or create other indebtedness to exceed in all $100,000,000." Also, that said company shall transport United States troops and munitions of war free of charge.

Mr. ORTH. I yield now to the gentleman from Tennessee, [Mr. MAYNARD.]

Mr. MAYNARD. I offer the following, to come in at the end of the joint resolution:

Provided, That nothing herein contained shall be construed to prevent the building of the Northern Pacific railroad or in any way to embarrass the same should said company see proper to build it under and by virtue of the original act of incorporation.

Mr. ORTH. I yield now to the gentleman from Illinois, [Mr. CREBS.]

Mr. CREBS. I desire to offer the following as an additional section:

SEC. —. *And be it further resolved*, That all the lands hereby granted shall be sold by said railroad company within fifteen years after the completion of the said road and its branches hereby authorized to be built, and that any of the lands hereby granted that may or shall be owned by said company after fifteen years from the date of its completion shall revert to the Government of the United States: *Provided*, That any sale of any of said lands made by said company to any person or corporation, and resale of the same to said company where no valuable consideration passes for such sale, shall be void, and in such case the title shall revert as aforesaid to the Government.

Mr. ORTH. I understand that there are no further amendments to be offered. I might here say to my friend from New York [Mr. WHEELER] that I have exhibited a liberality in allowing amendments to be offered which it would be well for others to follow hereafter.

In my first statement this morning I stated that the desire of myself and those who have acted with me was that this joint resolution should go to some appropriate committee with the amendments and should there be examined and reported to the House, and that the House shall have such deliberation upon it as the importance of the measure demands. In accordance with the votes of the House taken since that time, I feel that I owe it to the House to move that the joint resolution and the pending amendments be referred to the Committee on the Public Lands, with leave to report at any time; but before making that motion I will yield to the gentleman from Pennsylvania, [Mr. RANDALL,] who desires to offer an amendment.

Mr. RANDALL. I move to insert after the words "Secretary of the Interior," in line ten, the following proviso:

Provided, That nothing in this act shall be construed as a guarantee by the United States of the bonds issued by said company.

Mr. STRICKLAND. I desire to move to amend the motion of the gentleman from Indiana [Mr. ORTH] by substituting the Committee on the Pacific Railroad for the Committee on the Public Lands.

Mr. ORTH. I do not yield for that purpose. I move that the joint resolution and the amendments be referred to the Committee on the Public Lands, with leave to report at any time; and on that motion I call the previous question.

Mr. MAYNARD. I rise to a point of order, and ask that the one hundred and fiftieth rule be read.

The Clerk read as follows:

"It shall be the duty of the Committee on the Pacific Railroad to take into consideration all such petitions and matters or things relative to railroads or telegraph lines between the Mississippi valley and the Pacific coast as shall be presented or shall come in question, and be referred to them by the House, and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient."

Mr. MAYNARD. My point of order is this: that under the rule just read this bill should go to the Committee on the Pacific Railroad. To send it to any other committee is in effect suspending the rule, which cannot be done except by unanimous consent, or on Monday, by a motion to suspend the rules.

The SPEAKER. The Chair cannot sustain the point of order. The rule which has just been read is only for the general direction of the House; it does not prevent the House by a majority vote from referring this bill to any other committee. It is for members to exercise their discretion under that rule.

Mr. ORTH. I now insist upon my call for the previous question upon my motion that the pending bill, with all amendments of which notice have been given, be printed and referred to the Committee on the Public Lands, and that that committee have leave to report at any time.

Mr. WHEELER. I would suggest to the gentleman from Indiana [Mr. ORTH] to include in his motion also a motion to discharge the Committee on the Pacific Railroad from the further consideration of all bills now before it, and that they also be referred to the Committee on the Public Lands.

Mr. ORTH. I will take that into consideration.

Mr. LYNCH. Did not the gentleman state that it was his intention should the motion to reconsider prevail, to move to refer this bill to the Committee on the Pacific Railroad.

Mr. ORTH. No, sir; I purposely avoided naming any committee.

Mr. MAYNARD. I desire to make a parliamentary inquiry. Should the call for the previous question not be sustained by the House, would it then be in order to move to amend the motion to refer by substituting the Committee on the Pacific Railroad for the Committee on the Public Lands?

The SPEAKER. That motion would then be in order.

The question was then taken upon the call for the previous question; and upon a division there were—ayes 61, noes 68.

Before the result of the vote was announced,

Mr. TYNER called for tellers.

Tellers were ordered; and Mr. ORTH and Mr. WHEELER were appointed.

The House again divided; and the tellers reported that there were—ayes 55, noes 90.

So the previous question was not seconded.

The question recurred upon the motion of Mr. ORTH, to have the bill and amendments printed and referred to the Committee on the Public Lands, with leave to report at any time.

Mr. MAYNARD. I move to amend that motion by substituting the Committee on the Pacific Railroad for the Committee on the Public Lands; and on that amendment I call the previous question.

Mr. VAN WYCK. I object to the committee having leave to report at any time.

Mr. WHEELER. That is a part of the original motion, and it is now too late to make that objection.

The SPEAKER. The Chair is compelled to rule that it is too late for the gentleman to object to that part of the motion. It has been three times stated distinctly to the House by the Chair without any objection having been made to it.

Mr. SARGENT. Then I move to amend that motion by striking out the portion which gives the committee leave to report at any time.

The SPEAKER. That motion is not now in order, the gentleman from Tennessee [Mr. MAYNARD] having called the previous question.

The question was taken upon seconding the previous question; and upon a division there were—ayes 75, noes 80; no quorum voting.

Tellers were ordered; and Mr. MAYNARD and Mr. SARGENT were appointed.

The House again divided; and the tellers reported that there were—ayes one hundred and thirteen, noes not counted.

So the previous question was seconded.

The main question was then ordered; and under the operation thereof the amendment of Mr. MAYNARD was agreed to.

The motion recurred upon the motion of Mr. ORTH, as amended on motion of Mr. MAYNARD.

Mr. WHEELER. On that motion I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion, as amended, was agreed to.

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

The latter motion was agreed to.

BILLS, ETC., BECOME LAWS.

A message from the President of the United States, by Mr. HORACE PORTER, one of his Secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 40) to confirm the title of William M. Garvey to a certain tract of land;

An act (H. R. No. 891) for the relief of Soule & Co.;

An act (H. R. No. 1336) granting a pension to Anna B. Snider;

Joint resolution (H. R. No. 153) for pay of one year's salary to the executors of General John A. Rawlins, for the benefit of his family;

Joint resolution (H. R. No. 269) to amend the act of April 20, 1870; and

Joint resolution (H. R. No. 273) donating condemned cannon to the McPherson Monument Association.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, informed the House that the Senate had passed, with an amendment, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 785) to provide for furnishing artificial limbs to disabled soldiers.

The message further informed the House that the Senate had passed a bill, in which the concurrence of the House was requested, of the following title;

A bill (S. No. 834) to create a port of delivery at Vallejo, California.

AMERICAN COMMERCE.

The SPEAKER. The morning hour will now commence, at twenty minutes to two o'clock. The first business in order is the call of committees for reports, beginning with the select Committee on the Causes of the Reduction of American Tonnage.

Mr. LYNCH, from the select Committee on the Causes of the Reduction of American Tonnage, reported back House bill No. 1889, to revive the navigation and commercial interests of the United States.

The question was upon ordering the bill to be engrossed and read the third time.

The preamble of the bill recites that the mercantile marine of the country was nearly destroyed during the late rebellion in consequence of the inability of the Government to protect it; and now, while bearing its share of taxation, has no such protection from foreign competition as is afforded to other great national interests and industries, and is therefore steadily declining; and that the restoration of our commercial marine, constituting as it does one of the most efficient means of defense in time of war, is of great national importance and essential to the maintenance of our position as a first-class Power.

The first section of the bill provides that upon all imported lumber, timber, hemp, Manila, and composition metal, and for iron and steel not advanced beyond rod bars and bolts, plates, beams, and forgings, which may be used and wrought up into the construction of steam or sail vessels built in the United States, whether for the hull, rigging, equipment, or machinery

of such vessels, there shall be allowed and paid by the Secretary of the Treasury, under such regulations as he may prescribe, a rebate or drawback equal to the duties which may have been paid on such material; provided that where American material is used in the construction of iron, steel, or composite vessels or steamers, there shall be allowed and paid, as aforesaid, an amount equivalent to the duties imposed on similar articles of foreign manufacture when imported.

The second section provides that all ship stores and coal to be used and consumed by any vessel on its voyage from any port of the United States to any foreign port may, in such quantity and under such regulations as the Secretary of the Treasury may prescribe, be taken in whole packages in bond and disposed of for such purposes free of import and internal duty and tax.

The third section provides that the owner of any American registered sail or steam vessel which shall be engaged for more than six months in the year in the carrying trade between American and foreign ports or between the ports of foreign countries shall, at the end of each fiscal year in which such vessel has been so engaged, be paid by the collector of the port where such vessel is registered, upon exhibiting satisfactory evidence, in form to be prescribed by the Secretary of the Treasury, that such vessel has been so engaged, upon every sail vessel $1 50 for each registered ton; and upon every steamer running to and from the ports of the North American provinces, $1 50 for each registered ton; and upon every steamer running to and from any European port, four dollars for each registered ton; and upon every steamer running to and from all other foreign ports, three dollars for each registered ton.

The fourth section provides that in lieu of all duties on tonnage now imposed by law a duty of thirty cents per ton is hereby imposed on all ships, vessels, or steamers entered in the United States from foreign ports, but the receipts of vessel paying such tax shall not be subject to the tax provided in section one hundred and three of an act approved June 30, 1864, nor by any act amendatory thereof; provided that ships, vessels, or steamers employed regularly in trade between ports of the United States and Mexico and ports south of Mexico down to and including Aspinwall and Panama, and ports of the British North American provinces, and with the West India Islands, and no other trades, shall not be required to pay the tonnage tax contemplated by this act more than once in each fiscal year.

The fifth section provides that the benefits of this act shall not extend beyond the period of ten years after the 1st day of July, 1870.

Mr. ALLISON. I raise the point of order on this bill, that it ought to be considered in Committee of the Whole. It appropriates money and imposes taxes.

The SPEAKER. Upon what part of the bill does the gentleman make his point?

Mr. ALLISON. Upon the first section, the third section, and the fourth section. I understand, however, that the gentleman from Maine [Mr. LYNCH] desires to make some remarks on the bill. I am willing, therefore, to waive my point for the present, but desire to reserve it.

The SPEAKER. The Chair overrules the point of order upon the well-established construction that no bill is liable to such a point of order unless by its own force it takes money out of the Treasury. This bill provides how money may be taken out of the Treasury; but a separate appropriation would be necessary in order to do so.

Mr. ALLISON. The Chair will allow me to call his attention to the fact that the fourth section provides for a tax of thirty cents per ton upon all ships or vessels. I believe that tax bills must be considered in Committee of the Whole.

Mr. COX. I hope my friend from Iowa [Mr. ALLISON] will not press his objection now. Let the gentleman from Maine be heard.

Mr. ALLISON. I do not press it now if it can be reserved.

The SPEAKER. The gentleman from Iowa reserves the right to raise the point of order.

Mr. LYNCH. If the point of order should be sustained I have another bill to offer; but I prefer that the point should be reserved.

The SPEAKER. The point will be reserved and the gentleman from Maine will now proceed with his remarks.

Mr. LYNCH. Before going on I desire to ask the unanimous consent of the House for an extension of my time fifteen minutes beyond the hour.

Mr. ALLISON. I hope there will be no objection to that.

The SPEAKER. The Chair hears no objection, and the gentleman from Maine will be allowed to occupy one hour and fifteen minutes to day, irrespective of the termination of the morning hour.

Mr. LYNCH. Mr. Speaker, the commercial marine of our country has always been regarded as one of the chief sources of our power; one of the mainsprings of our prosperity, and our most efficient means of national defense. As such it was watched and guarded with jealous care by the early statesmen of the country; and under the wise policy adopted by them with regard to it at the formation of the Government, and steadily adhered to since, under whatever changes of administration, it grew so rapidly that in little more than half a century we had placed ourselves in the very foremost rank of maritime nations—standing in 1860 side by side with Great Britain and disputing with her for the sovereignty of the seas. The earnest discussion by the public press of all measures proposed for restoring our commerce; the messages of the President and the reports of the Secretaries of the Treasury and Navy calling the attention of Congress to it; the appointment by this House of a special committee to investigate its condition and the causes of its decline, and to report measures calculated to revive and restore it, attest the regard in which this great interest is still held, and is evidence that although for a time neglected, while our distracted and shattered country was being reorganized and reconstructed, its importance has not been lost sight of nor its value underestimated.

It would be unnecessary repetition to detail all the causes of the decline of our ocean commerce, or rather the decadence—I had almost said the annihilation—of our shipping engaged in the foreign commerce of the country and the world, these details having been minutely set forth in the report submitted with the bills under consideration. The fact that our shipping has been reduced to its present deplorable condition through the unfriendly action of a rival commercial nation at a time when we were not in a condition to defend it is too deeply graven upon the American mind to be forgotten by the present generation. And the national pride inspired by the recollection of this fact will, I trust, impel us to an effort worthy of a great people to regain our lost position, and that, too, with the least possible dependence upon that nation which has for its own advantage despoiled us.

I believe, sir, that there is a very earnest feeling among the American people, confined to no section of the country, but pervading all classes and all parties, that our present position as a maritime nation is not only unprofitable and unnecessary, but under all the circumstances positively disgraceful. And I believe there is a determination which will manifest itself in our action here when the measures now under consideration come to be passed upon, to regain our power and prestige on the ocean at whatever cost. The loss of our commerce was our misfortune; our failure to regain it, if we do fail, will be our fault.

I am aware that it is less difficult to ascertain the fact of the loss of our shipping and point out the causes which have produced that loss than to prescribe and apply the means necessary to retrieve it. But I think I am safe in saying, and an examination of the evidence taken by the committee will sustain the assertion, that there has never been any important measures proposed to Congress for its action, affecting any leading interest of the country upon which there has been expressed such a unanimity of opinion among those having a practical knowledge of the subject as with reference to those under discussion.

The testimony taken by the committee, and submitted to the House with its report, embraces the evidence of merchants, ship-owners, and ship builders, taken in four of the commercial cities of the country, with letters from leading men of the same classes in all sections of the country, and also from American consuls at the principal commercial ports of the world, representing Republicans and Democrats, protectionists and free-traders; and, as I have said, there is nearly a unanimous agreement of opinion that substantially such measures as have been proposed would, if adopted, accomplish the desired object; and that such measures ought to be adopted.

The object of the bill under consideration is indicated by its title, "to revive the navigation and commercial interests of the United States," and the justice and policy of enacting it are perhaps as well stated in the preamble as I can express them:

"Whereas the mercantile marine of the country was nearly destroyed during the late rebellion in consequence of the inability of the Government to protect it, and now while bearing its share of taxation has no such protection from foreign competition as is afforded to other great national interests and industries, and is therefore steadily declining; and whereas the restoration of our commercial marine, constituting as it does one of the most efficient means of defense in time of war, is of great national importance and essential to the maintenance of our position as a first-class Power,

In order to secure these objects the bill provides for a drawback equivalent to the duties on all imported material used in the construction of vessels built in the United States; and when American material is used in the construction of iron vessels, the payment of an amount equivalent to the duties; the withdrawal in bond of stores for consumption on voyages to foreign ports, and the payment of a small annual subsidy to vessels engaged in the foreign trade. It also provides by section four a tax upon all tonnage engaged in the foreign trade.

The provisions in the bill allowing a rebate or drawback of the duties on imported material used in the construction of vessels, and providing for withdrawing from bond stores to be used by vessels on foreign voyages, are analogous to those of existing laws as applied to merchandise exported, and are the same as are in force in all maritime countries except our own. An American vessel engaged in the foreign trade is the same as exported when she passes out of the country, and, although expected to return again, returns only as the foreign ship enters, to again depart. The foreign ship pays no duty upon her value on entering our ports; for the reason that it is merchandise which is to be reëxported. There is no good reason why the same principle should not apply to the American ship when exported so far as to allow a drawback on everything which has been used in her construction and which has paid a duty.

As the case now stands we exact of the American ship-builder duties on all the material used in the construction of his ship, and allow the foreign ship-builder to work up the same material, with foreign labor in a foreign country, and bring his vessel all finished into the United States free of all duty. It is true the vessel is, so to speak, to be reëxported, but precisely the same as the imported mate-

rial which goes into the American ship is reëxported when she first sails from port for a foreign country. A simple statement of the case shows the advantage given to the foreign shipbuilder over our own, and demonstrates the justice and the necessity for the application of the drawback principle to vessels engaged in the foreign trade. It also demonstrates the great advantage foreigners have over our own builders, and the reason why still further aid should be afforded. So, too, of ship's stores. Every vessel, whether American or foreign, on entering from a foreign country, is allowed to enter the stores which are to be consumed on board free of duty, and to retain a sufficient amount for consumption on its outward voyage. The outfit and stores to be used by an American vessel on its voyage to a foreign country ought certainly to be placed on as favorable footing as those of a foreign vessel which arrives in an American port from a foreign country.

These provisions of the bill, as will be seen, place the American ship-builder and ship-owner upon the same footing, so far as building-material and stores to be used on the voyage are concerned, as the foreign owner and builder is placed by his Government, leaving him to contend only against the cost of transporting his materials and the disadvantage of having to obtain them at a distance from the place where they are to be used, and the additional disadvantage of higher priced labor in constructing and sailing his vessels.

To the builder of wooden ships this drawback of the duty on the material may be sufficient, as he has attained a knowledge and a skill in the art of ship-building which enabled him before the war to build, if not absolutely the cheapest, the best ships that sailed the ocean. With the iron ship-builder the case is different. He is inaugurating a business which is new to this country, but which in Great Britain has, under most favorable circumstances, been brought to great perfection.

It is the unanimous opinion of those engaged in building iron ships that the plates and frames for such vessels can only be advantageously rolled and wrought near where they are to be used; that they must be made to order to save waste and labor, and that it would be expensive and inconvenient to send patterns to England to shape the frames, beams, and plates of a vessel by; that if the iron were imported in the crude shape it would require a larger outlay of capital to work it in connection with the yards where the vessels would be built than could be commanded to start a new and comparatively experimental business of this kind. They are also of opinion that by the use of American iron much better vessels can be built, with a reduced weight of metal, on account of its superior quality.

As an illustration of the superiority of American iron and its appreciation by the underwriters, Mr. John Tucker, the vice president of the Reading railroad, stated to the committee, at its session in Philadelphia, that one of the iron steam-colliers built for his company at Chester, Pennsylvania, while passing Hell Gate, New York harbor, last summer, struck a rock, cutting about ten feet in her bottom. The vessel was raised and the injured piece of iron plate was exhibited and attracted considerable attention. In accordance with their request, the piece was sent to the Lloyds underwriters in France as a specimen of the quality of American iron, and resulted in a reduction of insurance on these vessels of from eighteen to seven and a half per cent. per annum, a saving of ten and a half per cent. per annum in insurance made by the use of American iron.

It was urged before the committee with great force that by the use of American iron we should develop the business and build up a class of vessels that would soon obtain a character for superiority of material and workmanship, and that, as in the case of the collier referred to, the insurance companies would discriminate in their favor; that American invention and ingenuity would be brought into play, and the same superiority in marine architecture would manifest itself in the construction of iron that was formerly manifested in constructing wooden vessels. Americans are ready to adopt new ideas, and are on the *qui vive* for the latest improvements, while the foreigner is apt to plod on in the beaten path and resist all innovations. There can be no doubt that we have in this country, at points proximate to our large navigable rivers in the South and West, as well as on the Atlantic coast, iron, coal, and timber that will, when these resources are fully developed, enable us to compete with any nation in the building of iron or composite vessels, and that it would be of great advantage to the country to encourage and secure the building of such vessels from American iron.

In regard to the practicability of building this class of vessels on our western rivers as cheaply as they can be built in Europe, after the business has been established, I desire to call attention to the letter of John Player, of Philadelphia, who, my colleague on the committee [Mr. MORRELL] informs me, has had large experience in the iron business in Great Britain, as well as in this country. Mr. Player says, (page 208 of report:)

"It is chiefly the lack of organization and the situations of the different establishments that prevent ship plate-iron being cheaply produced. It is a fact beyond dispute that pig iron can be made as cheap, and coal can be obtained cheaper, on the Ohio than on the Tees, in England. Why, then, cannot iron for ship-building be made and ships be built on the Ohio at the same price by ton with American iron as at the Atlantic ports with European iron, even if no duty is paid on it? Simply for want of the organization used in England and the policy used in France." * * * * * * * *

"The best locality for building iron ships in the United States will be found to be on the Mississippi or Ohio rivers above Cairo: and the situation where iron for building the same can be made as cheap as in England is on the Ohio." * * * * * *

"But other questions may be asked. Can pig iron be made on the Ohio and coal worked for converting it into ship-plates at the same price as iron and coal costs in England? The answer is decidedly yes, and scores of places could be pointed out on the Ohio where pig iron can be made and coal delivered quite as cheap as in England, and why this is not generally known could easily be explained if necessary. This subject is one of the greatest national importance, and should be investigated by those who are interested in the prosperity of the country before measures are taken which will only partially assist in improving the condition of ship-owners, and which can never satisfy the nation. With such enormous deposits of iron ore and coal throughout the country in situations most favorable for working them, is it policy to let them remain undisturbed and purchase ships with gold from other nations, or employ capital at home in developing the resources of the country, and give employment to thousands of its inhabitants?"

As an illustration and confirmation of this statement, take the States of Missouri, Alabama, and Arkansas, all having within their borders inexhaustible supplies of iron, coal, and timber near the large navigable rivers. It is estimated that Missouri alone can supply one million tons of iron annually for the next two hundred years. Within the borders of that State is double the area of coal that is embraced within the kingdom of Great Britain. These States have not only this abundance of coal, iron, and timber, but a fertile soil, producing cheap food and the material for cheap clothing. Nothing is wanted but labor, and that is flowing in with constant and ever-increasing volume. We have only to create a demand for this labor to bring it to us and locate it where it is wanted. It is easier and cheaper to bring or attract the labor to our country, where the land, food, and material are cheap and abundant, than to employ and feed the same labor to manufacture for us in a foreign country.

What folly to employ labor in a foreign country when we can so much more advantageously plant it beside the raw material and employ it in our own. Coal has become one of the chief elements of production, and our coal-fields exceed those of all the rest of the world. No exhibit of the future power of the nations is more striking than the following estimates of their respective coal-fields:

	Square miles of coal.
Australia	100,000
Belgium	578
France	2,000
Spain	4,000
Great Britain	12,000
British Provinces	18,000
United States	220,166

The statistics furnished by our consuls, as seen by the report, show that the cost of building in England has been reduced since 1860 nearly twenty per cent., and this notwithstanding materials and labor are now somewhat higher than at that time. The reduction is undoubtedly attributable to the experience acquired in the business. The difference in cost between building in the United States and Great Britain is now not more than thirty-three per cent; and I doubt not that with five years' experience we should entirely overcome this difference. The difference in the cost of labor is not very great, and more than one half of the cost is labor; for although we pay higher rates of wages we overcome the difference largely by the greater intelligence and efficiency of American labor—brains and muscle being combined here while in Europe they are separated. Mr. Morse says on this point, page 220 of Report:

"The labor of all grades and classes of artisans employed in the construction of ships in England and Scotland is cheaper than in the United States, ranging in London from four shillings to seven shillings sixpence per day, on the Clyde one shilling less, and in the north of England even lower. But this does not afford the English builder much if any advantage, because American mechanics perform more labor in a given time than the same workmen do in this country."

This is in accord with the unanimous testimony of ship-builders who appeared before the committee. Much of the labor in iron ships is machine labor, and this is as cheap in the United States as in England.

The importance of introducing this business of iron ship-building into the United States is so great and the amount that it would cost comparatively so trifling, that I hope the proviso which provides for the payment of an amount equal to the duties on imported material when American material is used will not be struck out, but that the section will be allowed to remain as it now stands. I think gentlemen who have not examined the subject specially will be surprised when the facts and figures are presented, to see the trifling cost at which we can establish this most important branch of business upon a permanent basis, adding year by year to our merchant marine a class of vessels which will contribute incalculably to the wealth of the nation in peace, and furnish a most efficient means of defense in case of war.

The small annual subsidy provided for in section three of the bill to be paid to all American vessels engaged in the foreign trade will be more than provided for by the tax upon the tonnage collected under section four. This tax will be largely paid by foreign vessels, particularly steamers, which have most of our carrying trade. The amount per ton is not large, and it is the only tax imposed upon tonnage by the Federal Government. The aggregate revenue derived is considerable, as will be seen by the following calculation:

Tonnage entering United States from foreign ports.		
American		3,402,668
Foreign		5,347,694
		8,750,362
Deduct tonnage in traders paying but one tax per year		1,701,334
		7,049,028
At 50 cents per ton		3,524,514
Paid out to, under the third section of the bill under consideration, sail vessels and steamers, 1,448,126 tons, at $1 50 per ton	$2,232,189	
Steamers, 77,995 tons, at $3 per ton,	233,785	
		2,466,174
Leaving a balance of		$1,058,340

to be applied to transatlantic steamers yet to be built and toward the amount required for the encouragement of building.

One of the proposed modes of relieving our shipping to some extent has been to abolish the tonnage tax altogether; but as we cannot exempt our own vessels from this tax without also exempting those of all foreign countries, our commercial treaties forbidding the imposition of any other or higher tax upon foreign vessels than is imposed upon our own, the exemption would afford us no relief. It is not a question of absolute, but of relative cost of building, or expense of sailing, in competition with the ship-builders and ship-owners of foreign nations that we have to consider; and it matters little what we pay so that all with whom we compete pay the same. By taxing all vessels, and paying a small annual subsidy to our own, we incidentally afford an advantage to American vessels, which compensates them to a certain extent for the increased cost of sailing and manning over that of foreign vessels. The Committee of Ways and Means have, as I understand, agreed to recommend the exemption of coastwise vessels from tonnage tax, and as this class of vessels have absolute protection from foreign competition, they will, of course, support this proposition to relieve our foreign shipping, which has no protection whatever, particularly as it is done without any draft upon the Treasury.

Let us now glance at the rise and fall of our merchant marine, in order that we may fully appreciate the loss sustained in delaying its restoration. In 1830 our total tonnage engaged in the foreign trade was 576,475 tons; in 1840, 899,765 tons; in 1850, 1,585,198 tons; in 1860, 2,546,237 tons; in 1861, 2,642,628 tons; an increase in three decades of more than three hundred and forty per cent., and in the decade from 1850 to 1860 of more than sixty per cent. The increase in the tonnage of Great Britain in the same three decades was about one hundred and fifty per cent., and in the decade from 1850 to 1860 was about forty per cent. From 1861 to 1868 our tonnage had decreased from 2,642,628 tons to 1,565,732 tons, a decrease of forty-four per cent., while in the same time that of Great Britain had increased from 3,082,047 tons to 4,265,349 tons, an increase of nearly forty per cent.

Comparing the amount of freighting to and from American ports in American and foreign vessels the result is still more startling. In 1859 our total imports and exports were $330,037,038, of which $239,272,084 was in American and $90,764,954 in foreign vessels. In 1860 the total was $706,288,550, of which $507,247,757 was in American and $255,040,793 was in foreign vessels. In 1869 the total was $876,442,284, of which only $289,950,272 was in American, while $586,492,012 was in foreign vessels. In other words, prior to 1860 about seventy-five per cent. of our imports and exports were in American vessels, while at the present time we are reduced to thirty-three per cent., foreign vessels carrying sixty-seven per cent. of the exports and imports to and from American ports; and worse than all, our decline in this regard is so steady and so certain that it is only a question of time, and not a very long time either, when our merchant marine will be among the things that were, and we shall be entirely dependent upon foreigners to carry our merchandise and our mails, as well as for the facilities to travel to and from foreign countries.

I hold in my hand a freight circular of Merow & Fell, Glasgow, from which I read:

"There are two startling facts that vividly bring before us the anomalous position of the American flag at present; first, that the amount of American tonnage entered at the ports of the United Kingdom has decreased from 1,647,000 tons in 1861 to 340,000 tons in 1869; second, the extraordinary fact that the immense steam traffic between the United States and European ports should be entirely monopolized by British and continental companies, who are (as it is evident from the large additional amount of tonnage being constructed for them) determined to keep their hold of the trade."

What have we lost and what are we losing by this loss of our commerce? Let us see. It is estimated that the freights are on an average 8 per cent. of the value of the cargoes of vessels. Assuming this estimate to be correct our proportion of the freights on our own exports and imports in 1869 was $23,600,000, instead of $57,000,000, as it would have been had we retained the same percentage of the business that we had prior to the war; a net loss of more than $33,000,000 per annum. This difference not only goes to enrich foreigners and swell the balance of trade against us, but tends directly to strengthen the naval force of our possible enemies, and thus necessitates the maintenance of a larger Navy of our own; as the naval force of every nation must in a great measure be regulated by that of other nations with which conflicts may arise.

And this leads us to the consideration of another loss resulting from the decadence of our merchant marine which cannot be estimated by any pecuniary standard, can neither be weighed nor measured, and yet is as real as the loss of character or credit to an individual; I mean the loss of national "prestige." I cannot better illustrate this point than by quoting from a speech made by Mr. Laing in the British House of Commons, in 1867, upon the proposition to send the English mails to India by French steamers. He said:

"I am not one of those who attach an exaggerated importance to what is called 'prestige.' But when you come to a question like this, when all the steamers that enter the ports of the East, and which are employed in conducting the correspondence and communication with all parts of the East, are seen to carry the French flag, then I say there is nothing so dangerous to the prestige of the English name as to have it supposed that French enterprise and French influence have preponderance, and that the French flag has taken the place of the English. There is nothing, I am satisfied, that tends so surely to keep up the name and influence of England in the East as the sight of those splendid steamers coming and going with the regularity of clock-work on the weekly, fortnightly, or monthly performance of their voyages."

Sir, has not the great Republic, representing as it does all the nationalities of the world, conquering by its moral power and influence rather than by force, an interest in maintaining its "prestige" equal to that of any other nation? And yet our flag, emblem of our nationality and our power, which ought to float on every sea and be displayed in every port of the world, is scarcely to be seen in any, and is fast disappearing from the ocean. A century ago the commercial enterprise of our people excited the wonder and the envy of the nations of Europe, while the admiration of the friends of liberty in the Old World found expression in the glowing language of the great English orator, as commenting upon our national enterprise, he exclaimed:

"While we follow them among the tumbling mountains of ice and behold them penetrating into the deepest frozen recesses of Hudson bay and Davis's strait; while we look for them beneath the Arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes and engaged under the frozen serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that while some of them draw the line and strike the harpoon on the coast of Africa others run the longitude and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries, no climate that is not witness to their toils. Neither the perseverance of Holland nor the activity of France, nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people, a people who are still as it were in the gristle and not yet hardened into the bone of manhood."

Such was the character and "prestige" of our country a century ago. To-day our ships of war are run over and sunk by the merchant steamers of Great Britain with as little ceremony as though they were Chinese junks.

If there were no help for this condition of affairs, if in consequence of natural and insurmountable obstacles we were debarred from participating in the advantages derived from commercial pursuits, we might submit with regret to our fate. But with natural resources unsurpassed, with our country in the very highway of the commerce of the world, washed by two oceans, abounding in the material for constructing ships and freighting them, and with a population proverbially adventurous and enterprising, we have it within our power absolutely to control the world's commerce. If we fail to do it we are unequal to and unworthy of our opportunities.

But, sir, aside from any consideration of profit or of pride, a prudent regard for the safety of the nation should induce us to restore our shipping; and this consideration has always influenced the statesmen of all maritime nations to consider this interest an exceptional one; to be fostered, not to benefit any special class, but as one of the most efficent and economical means of providing for the "common defense." It has been said that "the Americans are a people that soonest forget yesterday," but I cannot think we have quite forgotten the value of our merchant marine as an auxiliary to the Army and Navy during our late struggle for national existence; certainly those who were in positions to know the services rendered by this volunteer naval force during the war fully appreciate its value. The President in his annual message, and again in a special message, has urgently called our attention to its importance, and has condensed into a single paragraph, in his special message, an argument that ought to settle the whole question. He says:

"Our Navy at the commencement of the late war consisted of less than one hundred vessels, of about one hundred and fifty thousand tons, and a force of about eight thousand men. We drew from the merchant marine, which had cost the Government nothing, but which had been a source of national wealth, six hundred vessels, exceeding one million tons, and about seventy thousand men, to aid in suppressing the rebellion."

The Secretary of the Navy, in his annual report, speaking of the advantage which foreign nations had over us in the possession of the large fleet of merchant steamers which we employ in our carrying trade, says:

"Here, then, is a heavy tonnage of possible war vessels, larger than that of our whole Navy on 1st January, 1868. Had our mercantile marine possessed such lines at the breaking out of the late war we might, instead of permitting the rebels to introduce a vast amount of war material before we could collect the means to prevent it, have quickly closed every southern port. A comparatively small force of this kind, appropriately armed and let loose on the ocean, under command of bold and intelligent officers, would be a dangerous foe to the commerce of any country. In giving up this field to the occupation of other nations and yielding to them the commercial advantages which naturally belong to our own position and resources, we at the same time relinquish our own weapons and arm our possible enemies."

And again:

"There is another element of defense against the time of danger, perhaps as effective as any other available to wise and liberal statesmanship. Nations, like men, hesitate to attack those who are prepared to do them serious injury, and in the means of destructive aggression is often found the surest defense against all who have anything to lose. Such means would be at hand if we had lines of ocean-going steamers established running out of our ports in the peaceful pursuit of commercial enterprise, but carrying our own flag and available to our Government in time of need."

Take now the statement of Admiral Porter, probably the highest naval authority in the country, and who has had experience in the merchant service as commander of a merchant steamship. In his testimony before the committee, which may be found on pages 183 to 193 of its report, he says:

"If the United States possessed the steamships plying between New York and Europe the Government would have a better Navy than it ever had. There was not a ship in the American Navy that could compare with the best ships on the English and French lines in point of speed, stability, or for carrying guns. All those vessels could be fitted with masts in a very short time and rigged completely. If the United States had possessed half the number of

steamships now engaged in the European trade with New York he did not think the rebels would ever have got out a bale of cotton from a southern port, and would have had to submit long before they did."—*Page* 183.

In making this statement Admiral Porter calculated upon sixty of these first-class foreign steamers as the number running to and from New York, when in fact the actual number is nearly double that, so rapidly have they increased.

Again, on page 184, to the question—

"I understand you to say that if at the commencement of the late war we had thirty steamers like those running to New York from Europe they would have been as efficient as our entire Navy"—

the Admiral answers:

"Twice as efficient. I say that without hesitation. The ships we had could catch nothing. We never had a vessel that could run down a blockade-runner during the whole war except the Vanderbilt and two others. Our iron-clads are only suitable for harbor defense. In case of war with Great Britain or France our power would be in cutting up their commerce. Great Britain could not stand a war six months with a fleet of vessels that we would send out after her vessels. They would break her up root and branch; and that kind of warfare would be more likely to bring about peace than fighting with iron-clads or heavy war vessels."

The amount appropriated from 1850 to 1860 for the Navy was $73,000,000. One third of this amount appropriated in aid of the merchant steamship service would have established and maintained a hundred such steamships as those described by Admiral Porter, thirty of which he declares twice as efficient as our Navy at the commencement of the war. Who can estimate the millions of treasure and the thousands of lives that would have been saved if this naval appropriation had been thus divided and applied?

It would be folly to mourn over the past, but still greater folly to neglect its hard learned lessons. What is the present application of our dear-bought experience? Our naval force is that of a fifth rate Power. It ought to be second to that of no nation, for upon it we must rely mainly for our means of defense in all our future wars. We have no powerful continental neighbors against whose encroachments it is necessary to keep up a large standing army. Our policy is to engage in no wars of conquest; but, conceding to all nations their rights, stand always in a condition to maintain and defend our own. We cannot expect exemption from future wars, but we may lessen our liability to them by keeping ourselves in such a condition as to make it dangerous for other nations to encroach upon or to attack us.

Another reason for keeping up a respectable naval force is the necessity for furnishing protection to our citizens, who travel more than those of any other nation to all parts of the globe. Every American should feel that he cannot travel so far as to get beyond the protection of his Government. Such is not the case to-day. The citizen of Great Britain or of France is protected in his rights everywhere. The American citizen is sure of protection nowhere except at home. And however we may increase in wealth, however much we may develop our internal resources and commerce, our condition in this regard will not be improved until we reëstablish our power upon the ocean and maintain upon it an armed police capable of affording such protection to our citizens as will secure to them their rights in all parts of the world.

To maintain in peace a navy equal to the demands of war would involve a large and unnecessary expense. That the Navy proper should be more powerful than it is, and that it would be real economy to make it so, I do not doubt. It should approximate more nearly to those of other first-class Powers. The navy of Great Britain has more than four times the effective force of our own, and the amount annually appropriated to it is more than fifty million dollars. She has not only this powerful navy, armed, officered, and equipped to the highest degree of efficiency, but an immense commercial marine, which is the most valuable contingent to the actual navy, and the best portion of which could at any time, like a well-ordered militia, be called into operation to swell the ranks and add tenfold to the efficiency of the regular service in case of war between her and any maritime Power. This immense contingent naval force of more than two thousand steamers, many of them of the largest class and engaged in foreign commerce, supply one hundred and sixty-four lines, and is supported by the nations whose business they perform. We support one hundred and seventeen of this fleet of foreign steamers of the largest class with our business, and pay for maintaining this part of the naval force of foreign nations nearly double the amount which we appropriate for our own Navy. It has long been the policy of Great Britain to connect herself by these lines of steamers and by postal arrangements with all parts of the world, thus increasing her trade and wealth, and at the same time providing a most economical and efficient naval force. The importance which the statesmen of Great Britain attach to their commercial steam marine as a source of profit and of power may be learned from reading the debates in the House of Commons in 1867 on the proposition to employ the French steamer to carry the mails to India, already referred to.

Mr. Crawford, free-trader as he is, protested in the interests of commerce and of the country against sending the English mails in the ships of any foreign country, and declared that it would be carrying the principle of economy too far; that such a course would be "free trade run mad;" that in case of any difficulty with the nation upon whose vessels they depended for carrying their mails they would be placed at such disadvantage as to endanger the safety of the nation; that "it was too much to expect that the interests of this country, commercially, socially, and politically, should be made to depend upon the good will of any foreign Government whatever," &c.

Contrast the policy of the English Government with our own in this regard, dependent as we are entirely upon foreign steamers for transporting our mails. In the same debate, speaking of the services of their ocean steamers in case of threatened or actual war with other nations, Mr. Crawford said:

"The French have seen what the Peninsular and Oriental steamers did in the Crimean war. They then carried upward of sixty thousand men from this country, two thousand officers, and between eleven and twelve thousand horses. We know what was done by another company in the 'Trent' affair. We know how ten thousand men were sent out to Canada by the Cunard line of steamers and other vessels almost at a day's notice."

This last fact is one that the American people ought never to forget; but, keeping it fresh in remembrance, resolve that the principle of economy shall never again be carried to such an extent as to leave us entirely at the mercy of any foreign nation. It is true economy in a nation to avoid war by keeping constantly in a condition to resist aggressions. The maintenance of an army and a navy is the price which a nation pays for its independence. As I have endeavored to show, our main reliance for defense must be upon our Navy; and the most economical as well as the most efficient navy, that which adds to the wealth as well as the power of a nation, is best secured through its merchant marine. Upon this point I quote Admiral Porter again, on page 192, in answer to the question by Mr. JUDD: if the Government should enter upon this system of subsidies how would it affect naval estimates? He said:

"It would save the Government millions of dollars in case of war, because I do not want better ships than those steamships are; and then they are kept in order all the time. There is not a ship running on those lines that is not put into thorough order whenever she comes into port. We can take such ships, run bulkheads across them, and fit them for privateers in a week."

The naval appropriations for the last four years exceed in the aggregate $69,000,000, about one third the amount which Great Britain has appropriated in the same time—certainly not extravagant for a nation of forty millions of people, having a line of sea-coast of more than five thousand miles, and bordering on the two great oceans of the world. If we had increased the appropriation thirty per cent. we could have secured the construction of a larger and more efficient merchant marine than we ever possessed. If our necessities absolutely compelled us to limit our appropriations, then by applying one third of the appropriation actually made we could have done the same thing.

Suppose instead of $69,000,000 we had appropriated $45,000,000 to the Navy proper, and $24,000,000 in aid of our merchant marine. The $45,000,000 would have kept the Navy intact, and the $24,000,000 would have provided a fleet of sail and steam vessels with a naval reserve of seamen worth many times our present Navy for national defense. Applied exclusively to steamers it would have aided in constructing, under the aid afforded by this bill, 100 iron steamships of 3,000 tons each and paid a subsidy toward maintaining them of $3,700,000 per year.

Can there be a doubt that such a fleet of vessels would have more than repaid the Treasury for the expenditure, to say nothing of the addition to our naval strength.

And is not an appropriation in aid of building up such an auxiliary naval force as legitimate as when applied directly to the Navy proper? Can the fact that the Government is relieved of all the expense of taking care of and sailing these vessels in time of peace be urged as an objection so long as they are entirely at its command in time of war?

Having demonstrated what might have been done by a judicious application of the means appropriated, let us now consider what may be done in the future if, profiting by our past experience and the example of other nations we adopt a wise policy. Having considered the value, the necessity of an efficient merchant marine, let us now estimate its cost. The entries at ports of the United States from foreign ports in 1869 amounted to 8,750,362 tons of shipping, of which 5,347,694 tons were foreign and 3,402,668 tons American vessels. In 1861 the total was 7,241,271 tons, of which 2,217,471 were foreign and 5,023,917 tons were American vessels. It has been estimated that sixty per cent. of the registered tonnage of the United States is engaged in the carrying-trade between foreign nations. Assuming this estimate to be correct, this part of our shipping—939,852 tons—probably does not enter our ports more than once a year. The other forty per cent.—626,568 tons—probably averages four times a year, a large portion of it being in the West India and South American trade. According to this estimate the result would be as follows:

Tons.		*Tons.*
939,832	entering once a year	939,852
626,568	entering four times a year	2,506,272
1,566,420	Total entry of American tonnage	3,446,124

Of the foreign shipping 250,811 tons are steamers which enter on an average six times a year, making 1,504,866 tons entering and clearing. The 1,269,790 tons sail shipping probably averages three entries each year. According to this estimate the foreign tonnage engaged in the carrying trade between our own and foreign countries stands thus:

Tons.		*Tons.*
250,811	steamers entering six times each year	1,504,866
1,269,790	sail vessels three times a year	3,809,970
1,520,601		5,314,836

It will be seen that an addition to our merchant marine of 1,269,795, tons of sail and 250,811 tons of steam vessels would suffice for doing our own carrying trade. To build this

amount of tonnage one quarter of iron and three quarters of wood, under the provisions of the bill now under consideration, would cost nearly as follows:

952,312 tons wood sail vessels, $8 per ton	$7,618,736
317,447 tons iron sail vessels, $18 per ton	5,714,046
250,818 tons first class iron steamships, at $27 per ton	6,771,897
Making a total of	$20,104,679

There are nine firms in the country prepared to engage in the building of iron ships, providing the bill now under consideration becomes a law. These firms have been represented before the committee during the present session, and state that they could with their present facilities build on an average 6,000 tons each or 54,000 tons. Allowing three times the amount of wooden tonnage, 162,000 tons, to be built, and it would give us 216,000 tons per year. Allowing for a reasonable increase in the facilities for building iron vessels and the total amount of tonnage 1,520,601 tons could probably be constructed in five years if required by the demands of business. If built in that time, the cost to the Government would be in round numbers $5,000,000 per year; from which would be deducted $1,000,000 surplus received from tonnage tax, leaving but $4,000,000 per year.

If we deduct from this amount the $7,618,736 drawback on imported material for wooden vessels, which we may properly do, as the vessels cannot be built without the remission of duties, so that there would be no real loss of revenue; and we have $12,485,946 to be paid out in the five years, or $2,497,188, less $1,000,000 received from tonnage tax, leaving but $1,497,188 per annum to be actually paid from the Treasury, and for it we should receive twenty first-class iron steamers averaging 2,500 tons each, 60,000 tons iron and 195,000 tons wood sail vessels. In view of the testimony cited can any appropriation for the Navy be so well applied as this small amount for the merchant marine? Will it not add to the Navy even more than the entire naval appropriation when applied to the Navy proper? We cannot expect to carry all our exports and imports in American vessels, but we can under the provisions of this bill regain the percentage we had before the war, and compete on equal terms for the general business of the world.

But it is objected that the payment of subsidies is the establishment of a new principle in legislation. Let us see how this is. There has been granted to the western States and to corporations, for the development and improvement of internal commerce within these States, nearly two hundred million acres of the public domain, the common property of the nation, and at the minimum price of $1 25 per acre, a total in value of lands of $250,000,000, and in cash or bonds, $64,000,000, making a grand total of $314,000,000, paid directly from the common property and the common treasure of the country for developing the internal commerce of the West and South. These subsidies have been distributed among the following States:

	Acres.	*Value.*
Ohio	1,243,000	$1,533,750
Indiana	1,609,861	2,012,325
Illinois	3,000,000	3,700,000
Alabama	4,229,120	5,286,400
Mississippi	2,562,240	3,202,800
Louisiana	2,078,720	2,598,400
Michigan	8,859,000	11,000,000
Arkansas and Missouri	4,200,000	5,200,000
Florida	2,830,000	3,575,000
Iowa	2,664,296	3,330,000
Wisconsin	7,000,000	8,750,000
California	2,500,000	3,125,000
Minnesota	8,200,000	10,250,000
Oregon	3,500,000	4,375,000
Kansas	8,200,000	10,250,000
Nevada	500,000	625,000
Nebraska	500,000	625,000
	63,706,237	79,458,675
To which add 47,875,245 acres swamp lands, worth		23,937,622
		$103,396,298

To which will be added 124,000,000 acres made directly to western railroads. In addition to this, of the appropriations for river and harbor improvements of the $12,000,000 in 1866, 1867, 1868, and 1869, $9,000,000 went to improve the rivers and harbors of the West, and $3,000,000 to sea-coast improvements. Has not the Government been bounteous in its bounties and lavish in its liberality to the interior commercial interests of the country? I rejoice, sir, that it has been thus liberal in its subsidies to the internal commerce of the great West, and I rejoice, too, that the votes of the Atlantic sea-board States are to be found recorded in almost one unbroken affirmative for all these liberal grants. I rejoice that my own State, occupying the eastern extreme of the country, although retarded in growth and prosperity by the drain of its population to the western States, has, nevertheless, whether represented by Whigs, by Democrats, or by Republicans, voted for all these liberal measures. And I know full well that the only reason why the large-hearted and generous West has not reciprocated this liberality of the East is for want of opportunity and not of disposition. Now, sir, can it be contended by any one that bounties paid to railroads located in certain States, the direct benefit of which inures to corporations and the indirect advantages of which are largely local, are more legitimate, more national in their objects, than those paid for building up the foreign commerce of the country? If these railroads extended to all parts of the country and were free to all, as the ocean extends to all parts of the world and is free to all, then the Government aid to interior railways would in its nationality more nearly approximate to that granted to external or ocean commerce.

Sir, on a great national question like that under consideration, a question rising far above any mere local considerations, rising I might almost say even above national considerations, and embracing within its scope the interests of mankind, I should feel that I degraded the subject were I to appeal to any narrow sectional prejudices or interests for support. What is for the interest of any one section of the country is for the interest of the whole country, and what is for the interest of the whole country is for the interest of the world, because all the privileges, all the advantages, all the blessings which we enjoy are open and free to all who will come and partake of them. But I cannot forbear calling attention to the probabilities that the South and the West are to be more directly benefited by the reconstructed American merchant marine, which is to perform its part in the new commercial era which is now dawning upon the world, than either the North or the East.

Let us glance briefly at some of the great facts connected with the commercial revolution now going on in the world. The opening of the Suez canal, the construction of which was so long resisted by the sagacious statesmen of England, and so wisely aided by the sagacious statesman who presides over the destinies of France, has been opened to commerce and has become an assured success. The trade of the Indies, which formerly flowed through the Mediterranean, studding it with populous and wealthy cities and making it the empire of commerce, and which was diverted by the discovery of the passage round the Cape of Good Hope, has returned, and now flows with increased and increasing volume through its ancient channel. This change of the great current of trade from the East to the West has left Great Britain off its line and is destined to work as great a revolution in the ocean commerce of the world as did the discovery of the passage via the Cape of Good Hope. It will turn the currents of trade of southern Europe which now run toward the English channel to the Mediterranean ports, whence it will flow east to the Indies and west to the United States.

Great Britain has become the warehouse of the world by drawing to herself the products of all countries, and either in their crude or in an elaborated form redistributing them. But she cannot long divert trade fifteen degrees of latitude north out of its natural course. The trade of one hundred and eighty million people in Europe will now naturally seek an outlet through the Mediterranean. The ocean routes to the north of Europe are occupied. It would be unwise to try to wrest them from those in possession while more favorable and unoccupied routes invite our attention. We are on the direct line of the world's great current of trade from east to west. A vessel passing from the Mediterranean to the Atlantic has scarcely to change her course a point to strike New York. Between the thirtieth and forty-second parallel of north latitude are embraced the ports of St. Augustine, Savannah, Charleston, Beaufort, Wilmington, Baltimore, Philadelphia, and New York, and on the opposite side of the Atlantic the entrance to the Mediterranean, now the great highway of the commerce of the world, while the passage to the Continent by this route is in the pleasant latitudes, taking in the Azores on the voyage.

Cadiz is as near as Liverpool to New York. It is our policy to strike for this direct trade with the continent of Europe and with India, divert it from Great Britain and bring it to ourselves. We thus tap the trade of Spain, of France, of Italy, of Austria, of southern Germany, of Turkey, and of southern Russia as well as that of all the ports of northern Africa, from Morocco to Suez; and all this trade comes to us south of the forty-second parallel of north latitude. The whole travel to and from the United States as far east as New York, and to and from the continent of Europe and much of that to and from Great Britain, would soon follow this route in preference to encountering the dangers and discomforts of the more northern passage. The present lines of foreign steamers will undoubtedly continue to carry the trade and travel between northern Europe and the extreme east of our own country, together with all that vast and increasing trade between those countries and the present British North American provinces, which are soon to become a great and independent nation.

Let us now turn our attention to other of the great unoccupied routes of ocean commerce, those which in the future are to be the most important of all—the routes between our Pacific coast and the nations of the East. When we consider that these eastern nations, swarming with population, possessing the accumulated wealth of ages, presenting a field for commercial enterprise which all maritime nations have for centuries striven to possess, lie directly in front of our western coast, with only the broad Pacific between; that on this side are the fertile unoccupied lands ready to receive this overflowing population, what mind can conceive, what imagination even exaggerate the possibilities of our future, if we have the wisdom to appropriate and improve the advantages which nature has so profusely placed in our pathway. A glance at a comparative table of distances between London and the ports of China and Japan, and San Francisco and the same ports, is sufficient to show the advantages which we possess as against the world in competing for this trade of the East:

	Miles.
From London to Hong Kong, via the Suez canal	11,070
San Francisco to Hong Kong, steamer, direct	6,350
London to Shanghai, via Suez canal	10,469
San Francisco, direct	5,555
London to Melbourne, via Suez canal	12,570
San Francisco, direct	7,900
London to Yokohama, Japan	11,509
San Francisco, direct	6,900

But there are other advantages besides that of distance in favor of this direct trade between the American Pacific coast and the nations of the East. This commerce is direct and natural, untaxed, unobstructed, and unobstructible; equally adapted to the use of sail or of steam

vessels—peculiarly favorable to sail vessels on account of the trade winds and ocean currents, which by the change of ten to fifteen degrees of latitude can be made favorable, either on the outward or homeward voyage. The navigation of the Red sea is difficult and dangerous to sail vessels. All vessels passing by this route are subject to a tax, and the passage of the canal is liable to obstruction in case of a European war. The advantages I have referred to will, if appreciated and appropriated by us, give us the control of the Pacific. It was said by one of the most sagacious statesmen of England that—

"The nation which controlled the commerce of the world controlled the wealth of the world, and through it the world itself."

I believe it may be as truly said that the nation which controls the commerce of the Pacific controls the commerce of the world, and thereby controls the world itself.

I know it may be said that water carriage is so much cheaper than land carriage that the commerce of the Pacific for this continent will seek the route via the Suez canal to New York; and so it will for the trade that is naturally to be distributed from that port. But the question is, how far inland west can New York distribute the imports from India in competition with San Francisco and the ports in Oregon? Certainly not west of the east line of Missouri, Iowa, Wisconsin, and Minnesota; probably not so far West; leaving all that vast territory between those points and the Pacific directly interested in and connected with the commerce of that coast. Well may the Legislature of California instruct her Senators and request her Representatives in Congress to support the bills for the revival of American commerce, and well may San Francisco send in her petition with the names of five thousand of her enterprising citizens pressing the same request.

Look now at still another of the world's great routes of commerce that is to be, that which is to be made by cutting the isthmus which connects South and North America and separates the Gulf of Mexico from the waters of the Pacific ocean. The construction of a ship-canal across the Isthmus would be of immense advantage to the whole commerce of the country, but particularly to the ports on the Gulf of Mexico and the rivers which empty into it, bringing them into direct communication with the Indies, while the carrying trade of the world which goes by this route must pass by the very doors of these Gulf States. The opening of this route would work a counter-revolution in favor of sail vessels, as by a change of a few degrees of latitude the winds and currents favor both ways. The advantages which sail vessels would have by the opening of this new route may be seen by glancing at any chart upon which the trade-winds and ocean currents are indicated.

With a canal across the Isthmus a vessel could sail from any port on the Gulf of Mexico via the West Indies to the Philippian Islands, Canton, Hong Kong, Shanghai, to ports in Japan, back via San Francisco down the coast of California, Mexico, Yucatan, and Honduras to her port of departure, making the round voyage in about the same time that a steamer would take to make the voyage via the Suez canal from Liverpool to Japan, touching at same ports of the eastern continent. On this route sail vessels, whether from the United States or Europe, would have the advantage in competition with steamers. With this new communication open the Mississippi, the Ohio, and the Alabama would rival the Clyde, the Tyne, and the Tees in ship-building, and the ports of the Gulf States would come to possess a mercantile marine far exceeding that now possessed by the northern and eastern Atlantic States.

Thus it is seen that the internal commerce of the country which has been developed at such immense cost to the nation is to be connected with an ocean commerce, the magnitude of which can scarcely be conceived of. The question for us to settle is whether we shall have such share of this ocean commerce as our commanding position entitles us to, or pursuing a Chinese policy surrender all to foreign nations.

The rapid settlement of the Pacific coast, the development of the untold mineral and agricultural resources of the great and fertile Territories of the West, the reëstablishment of civil governments, and the reorganization of the labor and the revival of the industries of the South, the breaking down of the barriers which for ages have obstructed intercourse with the people of the rich and populous countries of Asia, the dissemination of American and European ideas and civilizations in those countries, the opening of new and shorter channels of communication between the great oceans of the world, are all harbingers of the dawn of an era of the most remarkable commercial activity the world has ever known. But in this commercial prosperity, American ocean shipping is to have neither part nor lot unless we arouse ourselves, and displaying some of the wisdom and statesmanship of the fathers of the Republic in regard to this great interest, place it under the fostering care of the Government. No revival of the commercial business of the world, however great, can aid to restore or revive the ocean tonnage of the United States unless we place it in a condition to compete for that business upon equal terms with the tonnage of other nations, by such aid as other Governments extend to their merchant marine. If more ships are wanted, as they inevitably will be, the yards that built the vessels which lighted the Atlantic and Pacific with the burning hulls of American ships will furnish them, while the grass will be allowed to grow in the yards in which were built those specimens of naval architecture which were once the pride of every American citizen.

I rejoice, sir, that amid the strife and conflicts of partisan warfare which agitate the country we can find one great national question upon which men of all parties can unite; a question not partisan, but American in the broadest sense; a question which concerns our prosperity, our safety, our national pride, and our national honor.

Mr. NEGLEY obtained leave to have printed as part of the debates some remarks on the pending bill. [See Appendix.]

The SPEAKER. The morning hour has expired.

PROTECTION OF TEXAN FRONTIER.

Mr. DEGENER, by unanimous consent, introduced a bill (H. R. No. 1979) for the better protection of the frontier of Texas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SURVEY OF ALASKA, ETC.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Superintendent of the United States Coast Survey asking for an appropriation to survey Alaska and the Aleutian Islands; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIM OF BENJAMIN J. GREEN

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the claim of Benjamin J. Green for John A. Thompson & Co., which was referred to the Committee of Claims.

ELECTION CONTEST—GRAFTON VS. CONNER.

The SPEAKER also, by unanimous consent, laid before the House papers in the contested-election case of Grafton *vs.* Conner, from the second congressional district of Texas; which were referred to the Committee of Elections.

BOUNTY DECISION.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the bounty decision of the Supreme Court; which was referred to the Committee on Military Affairs, and ordered to be printed.

SUBSISTENCE OF INDIAN TRIBES.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, inclosing a copy of a letter from the Commissioner of Indian Affairs, asking for an appropriation of $250,000 for the purchase of subsistence for the Arapahoes, Cheyennes, and other tribes, for the fiscal year ending June 30, 1871; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF OSWEGO HARBOR.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in answer to a resolution of the House of January 26, 1870, transmitting a report of the chief of engineers upon the improvement of the harbor of Oswego, in the State of New York; which was referred to the Committee on Commerce, and ordered to be printed.

CONTESTED ELECTION—GRAFTON VS. CONNER.

The SPEAKER also, by unanimous consent, laid before the House the testimony of Charles H. Cole, in the matter of the contest of B. F. Grafton for the seat of John C. Conner, as Representative in the Forty-First Congress of the second congressional district of Texas; which was referred to the Committee of Elections.

The SPEAKER also, by unanimous consent, laid before the House sundry depositions and other papers in the said contested-election case of Grafton *vs.* Conner; which were referred to the Committee of Elections.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in answer to the resolution of the House of March 28, 1870, transmitting copies of the returns of the election held in the second congressional district of Texas in November and December last; which was referred to the Committee of Elections, and ordered to be printed.

GRENVILLE M. DODGE.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to a suit brought against Grenville M. Dodge in the State courts of Kansas for acts done by him in the discharge of his duty as an officer of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

GENERALS OF THE ARMY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting to the House a statement of headquarter expenses of generals of the Army; which was referred to the Committee on Appropriations, and ordered to be printed.

COLLECTORS OF INTERNAL REVENUE.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of March 21, 1870, transmitting a statement of the balances due from the collectors of internal revenue who are not now in office; which was referred to the Committee of Ways and Means, and ordered to be printed.

RAILROAD LAND GRANT.

The SPEAKER also, by unanimous consent, laid before the House a joint resolution of the General Assembly of the State of Iowa, praying Congress for a grant of land to aid in the construction of a railroad; which was referred to the Committee on the Public Lands, and ordered to be printed.

BUILDINGS RENTED BY WAR DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to private buildings in the District of Columbia rented and occupied by the War Department.

On motion of Mr. WELKER, the communication was referred to the Committee on Retrenchment, and ordered to be printed.

FORT PORTER.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the improvement of grounds owned by the United States in the city of Buffalo, and known as Fort Porter; which was referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM ELLIOTT, DECEASED.

The SPEAKER also laid before the House a communication from the Secretary of War, in answer to a resolution of the House of March 5, 1870, in relation to the claim of the executrix of the late William Elliott, of South Carolina; which was referred to the Committee of Claims.

VENTILATING TREASURY BUILDING.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, inclosing a letter from the supervising arcitect asking an appropriation of $24,630 for the purpose of ventilating the south and north portion of the west wing of the Treasury building; which was referred to the Committee on Appropriations, and ordered to be printed.

WASHINGTON CITY SAVINGS-BANK.

The SPEAKER also laid before the House a letter from the treasurer of the Washington City Savings-Bank, in compliance with section eight of its charter; which was referred to the Committee for the District of Columbia, and ordered to be printed.

BOSTON AND NEW YORK HARBORS, ETC.

The SPEAKER also laid before the House a communication from the Secretary of War, in answer to a resolution of April 25, 1870, in relation to the expenditures on Boston and New York harbors, Delaware breakwater, and the mouth of the Mississippi river; which was referred to the Committee on Appropriations, and ordered to be printed.

EDUCATING THE INDIANS, ETC.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, in answer to a resolution of the House of March 24, 1870, in relation to the efforts that have been made by the Government to educate and civilize the Indian tribes within the limits of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed.

UNITED STATES TRANSPORT STEAMER ILLINOIS.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the United States transport steamer Illinois being transferred to the city of New York by authority of law for quarantine purposes; which was referred to the Committee on Naval Affairs, and ordered to be printed.

SEA-COAST DEFENSE.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting the report of the board of engineers upon their experiments in connection with an efficient system of sea-coast defense in the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

PIEGAN INDIANS.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to late expedition against the Piegan Indians in the Territory of Montana; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ONEIDA.

The SPEAKER also laid before the House further reply of the Secretary of the Navy to the resolution of the House calling for information regarding the Oneida; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MAYNARD submitted a resolution for one thousand extra copies; which, under the law, was referred to the Committee on Printing.

FOX AND WISCONSIN RIVERS.

The SPEAKER also laid before the House a memorial and joint resolution of the General Assembly of the State of Iowa in reference to the improvement of the Fox and Wisconsin rivers; which were referred to the Committee on Commerce, and ordered to be printed.

MILITARY FORCES IN KANSAS.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

In answer to your resolution of the 21st ultimo, requesting to be informed "whether any portion of the military forces of the United States have been sent into the counties of Bourbon, Crawford, and Cherokee, in the State of Kansas, and if so, when, what number, for what purpose, and on whose procurement; and also whether they have been required to erect there any winter quarters, forts, fortifications, or earth-works, and if so, what, for what purpose, and at whose expense, and at what probable expense to the Government have all said acts been done," I transmit herewith a report, dated 18th instant, from the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *April* 20, 1870.

The message and accompanying papers were referred to the Committee on Appropriations, and ordered to be printed.

ESTEBAN G. MONTANO.

The SPEAKER also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, relative to results of the proceedings of the joint commission at Lima under the convention between the United States and Peru of 4th of December, 1868, and recommend that an appropriation be made to discharge the obligation of the United States in the case of the claim of Esteban G. Montano, to which the report refers.

U. S. GRANT.

WASHINGTON, *April* 14, 1870.

The message and accompanying papers were referred to the Committee on Appropriations, and ordered to be printed.

UNIFICATION OF COINAGE.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 9th instant, I transmit a report from the Secretary of State and the paper which accompanied it.

U. S. GRANT.

WASHINGTON, *April* 26, 1870.

The SPEAKER. The communication relates to the unification of the coinage. If there be no objection it will be referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

There was no objection; and it was so ordered.

WITHDRAWAL OF PAPERS.

On motion of Mr. COBB, of Wisconsin, by unanimous consent, leave was granted for the withdrawal from before the Committee on Military Affairs of the claim of Leon Alcan.

LEAVES OF ABSENCE.

Mr. GILFILLAN obtained leave of absence for two days from to-day.

Mr. CLARK, of Texas, obtained leave of absence for to-day.

Mr. FITCH obtained leave of absence until Saturday, the 14th instant.

PUBLIC BUILDINGS AT ALBANY.

Mr. MAYHAM. I ask unanimous consent that the bill (S. No. 708) to provide for a building for the use of the post office, custom-house, United States circuit and district courts, and internal revenue offices at Albany, New York, be taken from the Speaker's table and referred to the Committee on Appropriations.

Mr. INGERSOLL. I object.

EVENING SESSION.

Mr. SCHENCK. Before moving to go into Committee of the Whole on the state of the Union on the special order, I move that the Committee of the Whole be directed to take a recess from half past four o'clock until half past seven o'clock this evening.

The question was put; and there were—ayes 59, noes 56; no quorum voting.

Tellers were ordered; and Mr. SCHENCK and Mr. ELDRIDGE were appointed.

The House divided; and the tellers reported—ayes 79, noes 50.

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

Mr. COX. Gentlemen who vote for this motion are pledged to come here to-night. Let us put them on record.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 87, nays 58, not voting 83; as follows:

YEAS—Messrs. Allison, Ambler, Ames, Armstrong, Arnell, Asper, Atwood, Axtell, Beaman, Beatty, Benjamin, Bennett, Benton, Bird, Blair, George M. Brooks, Buffinton, Burchard, Roderick R. Butler, Cake, Cessna, Churchill, Sidney Clarke, Amasa Cobb, Coburn, Conger, Covode, Cowles, Dickey, Donley, Duval, Dyer, Ela, Ferry, Finkelnburg, Fisher, Garfield, Hale, Hamilton, Hawley, Heflin, Hoar, Hooper, Kelley, Kelsey, Ketcham, Lawrence, Lynch, Maynard, McCarthy, McCrary, McGrew, Eliakim H. Moore, Jesse H. Moore, William Moore, Daniel J. Morrell, Myers, O'Neill, Orth, Packard, Peck, Perce, Peters, Poland, Pomeroy, Porter, Sanford, Sargent, Sawyer, Schenck, Lionel A. Sheldon, John A. Smith, Starkweather, Stevens, Strickland, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Van Wyck, Welker, Wheeler, Willard, Williams, and Winans—87.

NAYS—Messrs. Adams, Ayer, Biggs, Booker, Bowen, James Brooks, Cleveland, Conner, Cox, Dickinson, Dox, Eldridge, Farnsworth, Ferriss, Getz, Gibson, Griswold, Haight, Haldeman, Hambleton, Harris, Hay, Hill, Johnson, Thomas L. Jones, Knott, Laflin, Lash, Lewis, Mayham, McKenzie, McNeely, Morphis, Morrissey, Niblack, Paine, Prosser, Randall, Rice, Rogers, Schumaker, Sherrod, Shober, Slocum, Joseph S. Smith, William J. Smith, William Smyth, Stiles, Stokes, Stone, Swann, Trimble, Van Auken, Voorhees, Cadwalader C. Washburn, Wilkinson, Winchester, and Wood—58.

NOT VOTING—Messrs. Archer, Bailey, Banks, Barnum, Barry, Beck, Bingham, Boles, Boyd, Buck, Buckley, Burdett, Burr, Benjamin F. Butler, Calkin, William T. Clark, Clinton L. Cobb, Cook, Crebs, Cullom, Davis, Dawes, Degener, Dixon, Dockery, Fitch, Fox, Gilfillan, Hamill, Hawkins, Hays, Heaton, Hoge, Holman, Hotchkiss, Ingersoll, Jenckes, Alexander H. Jones, Judd, Julian, Kellogg, Kerr, Knapp, Logan, Loughridge, Marshall, McCormick, McKee, Mercur, Milnes, Morgan, Samuel P. Morrill, Mungen, Negley, Packer, Palmer, Phelps, Platt, Potter, Reeves, Ridgway, Roots, Scofield, Shanks, Porter Sheldon, Worthington C. Smith, Stevenson, Stoughton, Strader, Strong, Sweeney, Taffe, Tanner, Van Horn, Van Trump, Ward, William B. Washburn, Wells, Whitmore, Eugene M. Wilson, John T. Wilson, Witcher, and Woodward—83.

So the motion was agreed to.

LEAVE OF ABSENCE.

Mr. HILL asked leave of absence for the remainder of the day.

Mr. WOOD. I object, if the gentleman voted for an evening session.

Mr. HILL. I did not.

Mr. WOOD. Then I do not object.

There being no objection, leave was granted.

TARIFF BILL.

Mr. SCHENCK. I now move that the House resolve itself into Committee of the Whole on the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The pending paragraph, as amended, was read, as follows:

On steel car wheels, 3 cents per pound.

The pending amendment was one moved by Mr. INGERSOLL, to add to the paragraph, as amended, the following:

Provided, That after the 1st day of January, 1871, the duty shall be 2½ cents per pound.

The question was taken upon the amendment; and upon a division there were—ayes 20, noes 60; no quorum voting.

Mr. BROOKS, of New York, I call for tellers. Gentlemen have voted for a night session, and I insist that we shall have a quorum here to do business.

The CHAIRMAN. No quorum having voted tellers will be ordered, under the rule, and the gentleman from Tennessee, Mr. MAYNARD, and the gentleman from Illinois, Mr. INGERSOLL, will act as tellers.

The committee again divided; and the tellers reported that there were—ayes 61, noes 66.

So the amendment was not agreed to.

Mr. STEVENS. I desire to move an amendment which I understand is not objected to by the Committee of Ways and Means. I move to add to the pending paragraph, "and on steel blooms for car and locomotive tires, rolled or hammered to pattern, 2½ cents per pound." I do not propose to debate this amendment.

Mr. ALLISON. There is no objection to it.

Mr. BROOKS, of New York. Do I understand the gentleman to say that his amendment has the approval of the Committee of Ways and Means?

Mr. STEVENS. So I understand.

Mr. ALLISON. The proposed amendment is a reduction of the present rate of duty.

Mr. CESSNA. I object to debate.

The CHAIRMAN. Debate has been exhausted upon the pending paragraph.

The amendment moved by Mr. STEVENS was then agreed to.

Mr. COX. I move to amend this paragraph by striking out "3 cents" and inserting "2 cents" as the rate of duty, for the purpose of saying——

The CHAIRMAN. No debate is in order, all debate upon the pending paragraph having terminated.

Mr. CESSNA. And I raise the point of order that the word "three" having been inserted by a direct vote of the Committee of the Whole, it is not now in order to move to strike it out.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

On steel carriage, car, locomotive, and other springs of steel, 6 cents per pound.

Mr. SCHENCK. On behalf of the Committee of Ways and Means I move to amend this paragraph by striking out the words "of steel," as being tautological and unnecessary.

The amendment was agreed to.

Mr. SCHENCK. I have been instructed by the Committee of Ways and Means to move to insert an additional paragraph.

Mr. ASPER. I desire to move an amendment to the pending paragraph.

Mr. SCHENCK. Then I will yield for the present.

Mr. ASPER. I move to amend the pending paragraph by striking out "6 cents" and inserting in lieu thereof the words "3 cents" as the rate of duty per pound upon the articles mentioned in this paragraph. I propose this amendment because I believe that 6 cents per pound on this article is too high a duty. There has been no classification of steel hitherto that includes springs for carriages or locomotives; and if imported at all they have been imported under the designation of "other articles manufactured in whole or in part of steel" at 45 per cent. *ad valorem*. And under that classification a large amount of steel has been imported into the United States, amounting during the year 1869 to $3,880,000, upon which more than $1,500,000 of duty has been paid. This article of imported steel, if purchased at all in this country, is purchased in the store, according to New York quotations of March last, at from 7 to 30 cents per pound. If the steel is of American manufacture, it is quoted from 9 to 12 cents per pound. Therefore if the duty upon this article is fixed at 6 cents per pound, then you have an enormous tax imposed upon the persons who use this manufactured article.

Springs for the very lightest wagon or buggy would cost at least $1 for each spring. Therefore this proposed duty would interfere with those small manufacturers at the cross-roads and the little villages all over the country, who make buggies and wagons by their own labor, and it will drive the business entirely into the control of the mammoth concerns, who will then have a monopoly of the business. This duty will rest oppressively upon the people and the masses. I insist, therefore, that this duty is too high.

Before I take my seat I desire to call the attention of the Committee of the Whole to a misrepresentation which was made here last week in reference to the signature of some railroad officer in my State upon the question of the increase of duty upon steel rails. I ask the Clerk to read two telegrams, in order to correct that misrepresentation.

The Clerk read as follows:

WASHINGTON, D. C., *May* 3, 1870.

To L. M. LAWSON, *St. Joseph, Missouri*:

Has your road authorized the use of its name to increase the duty on steel rails?

J. F. ASPER.
G. A. FINKELNBURG.

ST. JOSEPH, MISSOURI, *May* 7, 1870.

To J. F. ASPER and G. A. FINKELNBURG, *No.* 413 *Fourth street*:

No; we have not.

L. M. LAWSON, *President*.

Mr. MAYNARD. That does not touch the point. This telegram does not say whether the company signed the document which we have had before us.

Mr. ASPER. I will say that the document was signed by Mr. Wheatley, who represents himself as treasurer of the company; a young man, a banker, who I presume never saw a rail laid down, never purchased one, and knows nothing about the subject, though doubtless in his line a very good man.

Mr. MAYNARD. The only question is, whether the paper was signed by the man who professes to have signed it and whether he is really what he professes to be. I have very little to say in regard to the proposition now before the committee. This duty relates to a very high grade of steel. The effect of the proposition of the Committee of Ways and Means is simply to change an *ad valorem* duty to a specific duty, for the reason which induced the committee to make a corresponding change in a great many other cases. The average rate of duty under this proposition will not be higher than it is now if the articles are fairly and honestly imported according to their real value. The question is simply whether we shall continue the *ad valorem* system or adopt the specific system.

Mr. COX. I wish the gentleman would state, so that we can hear him, whether 6 cents a pound on these springs is an increase over the present rate, 45 per cent. *ad valorem*?

Mr. MAYNARD. I have just stated that it is not. The effect of the proposition is simply to change the *ad valorem* to a specific rate; and it is believed the point has been fairly and honestly reached. Of course, upon very low grades of articles a specific duty is greater, while upon the higher grades it is less. This is incident to the specific system in contradistinction to the *ad valorem* system. The gentleman understands that, of course.

Mr. COX. Then I suppose the gentleman from Tennessee would have no objection to the amendment which I now propose to offer, providing that no duty levied under this clause shall exceed 45 per cent. *ad valorem*.

Mr. SCHENCK. I wish to state upon what information this change has been made by the committee. We were informed upon what we esteemed good authority, having made various inquiries and investigations, that the prices of these articles range from 11 to 25 cents a pound. The average would therefore be 18 cents a pound. Under the present tariff the rate is 45 per cent. *ad valorem*, there being much room for evasion and fraud. Forty-five per cent. upon this average valuation of 18 cents per pound we found to be just 8$\frac{1}{10}$ cents. We fixed the rate at 6 cents, because we think that a specific duty, though apparently lower than a particular rate *ad valorem*, produces often more revenue and at the same time more protection. We assume that the larger proportion is introduced at the lower rates. Six cents per pound was intended to be an equivalent for the *ad valorem* duty of 45 per cent. As I understand, the steel alone from which these springs are made is imported at a valuation of from 7 to 9 cents.

Mr. MAYNARD. I wish to answer the question which the gentleman from New York [Mr. Cox] asked me a moment ago. The amendment which he proposes, providing that the duty imposed shall not exceed 45 per cent. *ad valorem*, would let in all the evils incident to the *ad valorem* system; it would afford the same inducements to under valuation that prevail at present.

Mr. COX. I move to amend by adding a proviso that the tax levied under this clause shall not exceed 45 per cent. *ad valorem*. I have not the same prejudice that is entertained by the gentleman from Tennessee and the chairman of the Committee of Ways and Means against the *ad valorem* system. The *ad valorem* is a very convenient thing for the gentlemen when it helps to raise duties. But when I propose an *ad valorem* restriction upon the duty on this class of steel, which gentlemen say is not raised, then they think that the *ad valorem* principle will afford room for fraud. The tax will still remain 6 cents per pound, as gentlemen understand, by collecting specifically in one sense and by an *ad valorem* in another. If the gentleman from Pennsylvania is correct, that there is no enlargement of tax, he cannot object to my amendment. I hold in my hand a statement which I wish to have read.

Mr. MAYNARD. The observation made by the gentleman from New York that an *ad valorem* is a convenient system sometimes when you want to raise taxes implies a want of good faith and fairness on the part of those of us who have presented this proposition; and I hope the gentleman will believe me when I say, so far as I am concerned and so far as the committee are concerned, I believe we have recommended specific duties in every case where it was practicable. There are some cases where the difference in value is so great that a specific duty would be inapplicable. Whenever practicable the Committee of Ways and Means have recommended specific duties.

Mr. COX. Mr. Chairman, I cast no personal imputation upon any member of the committee; but the mixing of specific duties in this tariff with *ad valorem* duties is justly the subject of complaint by those who are to be affected by it. They say they are unable to understand, by reason of this admixture, just what duty is proposed to be levied. This tariff is full *ad valorem* whenever it suits the purposes of the protectionists, and when it suits their purposes the duties are made specific. Now, Mr. Chairman, I am not prepared to say there is an increase over the 45 per cent. *ad valorem* by this new specific tariff; but I wish to have read at the Clerk's desk a statement sent to me, as I suppose it has been to others, giving the facts from which it is argued there is an increase.

The Clerk read as follows:

Cost of one ton of steel delivered on wharf in New York, based on average price of one ton spring, Swedes, and cast spring steel, tire, toe-calk, sleigh-shoe, plow, cultivator, and blister steel.

Average price of 1 ton above kinds in England	£15	6s. 5d.
Carriage to Liverpool		10s. 0d.
Shipping charges in Liverpool		2s. 6d.
	£15	18s. 11d.
Cash discount of 2½ per cent. allowed on arrival of steel in New York		7s. 11d.
At 9½ per cent. exchange	£15	11s. 0d.=$75 68
Freight average rate 25 shillings per ton, and primage of 5 per cent., £1 6s. 3d. at 9½ per cent. exchange		6 39
Insurance on £15 18s. 11d. valued at $5 50 gold to the pound sterling is $86. Rate of insurance average 1½ per cent		97
Duty on 1 ton or 2240 pounds at 2½ cents per pound		50 40
Custom-house expenses on entry, fees, and stamps, $5 75 currency, reduced to gold at 120 per cent. premium is $4 79, on average amount of shipments at one time, say 15 tons, is		32
		133 76
Cost in England		71 96
Advance over cost in England per ton, gold.. or 86 per cent. protection.		61 80
Add proposed increase, 1 cent per pound		22 40
Advance over the cost in England equal to 117 per cent.		$84 20

[Here the hammer fell.]

Mr. BURCHARD. What is the amendment moved by the gentleman from New York?

The CHAIRMAN. It is to add a proviso that the duty shall not exceed 45 per cent. *ad valorem*.

Mr. BURCHARD. I wish to move to strike out this paragraph. The statement made in the paper just read at the Clerk's desk would give an average price of 7 cents per pound on this class of steel——

Mr. KELLEY. I wish the gentleman not to forget that that paper was not about steel springs.

Mr. BURCHARD. I know that. I heard it read, and know that it embraces other articles. My recollection is that the price given by the chairman of the Committee of Ways and Means is the currency price of steel springs. The manufacturers' price of common steel springs has been from 13 to 14 cents during the last two years, when gold has been at a premium of from 30 to 40 per cent. I am told by the gentleman from Massachusetts, [Mr. TWICHELL,] who is well acquainted with the subject of locomotive springs, that they have been bought at 13 cents currency some two years ago. I think 7 cents is a fair average of the import price for this class of steel springs. There is higher priced quality, a class of which very little is imported. It is that made from the highest refined steel, and very little, if any, of this is imported in the form of springs under the present duty. I do not know that any are imported. Now, this carries up the rate from about 3 or 3¼ or 3½ cents to 6 cents, which is altogether too high. It seems to me that under the present tariff of 45 per cent. *ad valorem* there would be a duty on each class of springs proportioned to its value, and no difficulty would arise in collecting the revenue. I hear of no frauds charged, and there is no difficulty in distinguishing this higher grade from the lower grade of steel. If in order, I desire to move to strike out "6"——

The CHAIRMAN. That motion is not in order now.

Mr. COX. I will withdraw my motion to allow the gentleman to make his, because it amounts substantially to the same thing.

There was no objection; and Mr. Cox's motion was withdrawn.

Mr. BURCHARD. The currency price of locomotive steel springs during the last few years has been 13 cents. Reduce this to the corresponding gold value; then take off the duty of 45 per cent. *ad valorem*, and it would bring the import price to somewhere about 7 cents per pound, on which the present duty of 45 per cent. *ad valorem* would be a little less than 3¼ cents per pound. The motion of the gentleman from New York [Mr. Cox] having been withdrawn, I will move to strike out "6" and insert "3½."

Mr. COX. I did not propose to withdraw my motion for that purpose. I withdrew mine to allow the gentleman to move to strike out the paragraph.

Mr. BURCHARD. Then I move to strike out the paragraph.

Mr. SCHENCK. The gentleman from Illinois says he has heard of no frauds committed in these importations of steel. That is very possible. If he had had the same opportunities some of the rest of us had of having information brought to him with regard to these matters, he would have learned that this was a very prolific source of fraud and evasion.

Mr. BURCHARD. I meant that I had not heard of frauds from the Committee of Ways and Means.

Mr. SCHENCK. These frauds supplied the reason for converting this from an *ad valorem* to a specific duty, which the gentleman from Illinois also prefers. So far we are agreed. But the committee place the duty at 6 cents, while the gentleman from Illinois would make it 3 or 3½ cents.

Now, let me turn to the gentleman from New York [Mr. Cox] who has given us from this document which I hold in my hand a very learned account of this matter, based on the figures furnished to him of the cost of a ton of the article, brought to the port of shipment, landed at New York, calculated in gold, with the charges added; and he says it only amounts to within some 4 cents of $72 per ton in gold. But unfortunately for the gentleman his document relates only to steel, not to these articles, but to the thing out of which these articles are made. And I am perhaps giving him no very valuable information when I tell him that there is as much difference between a bar of steel and a steel locomotive spring as there is between a roll of leather and a pair of shoes. You might as well rate shoes, saddles, harness, and whatever else is made out of leather, the same as the leather itself, as abide by the rule which the gentleman would lay down for us. Well, take the price at $72, or rather at $76, on which basis I have had a calculation made, and I find the duty, at 45 per cent. *ad valorem*, would be about 13 cents per pound. It seems to me, therefore, that the committee, if they have erred at all, have perhaps erred in bringing these steel springs too low, when they put them down at 6 cents per pound—even taking the gentleman's own calculation and the information on which he bases it.

Mr. COX. Will the gentleman, then, accept my amendment and put the duty at 45 per cent. *ad valorem?*

Mr. SCHENCK. No; for I well understand what all such motions are intended for. You put a duty on an article amounting to 25, 30, or 40 per cent., as the case may be, and these gentlemen, in order to make a telling story to the contrary, move an amendment that the duty shall not exceed 75, 85, or 100, or some other per cent.; their object being that they may go to the country and say, "Look at these protectionists; they vote down the limitations which we think it our duty to propose." That is the game which the other gentleman from New York, [Mr. BROOKS,] who is a member of the Committee of Ways and Means, has been playing at all along. But it is so bald an experiment on the credulity of the people that it can be easily understood. If I were to act in the same way as these gentlemen, I might move an amendment that the duty should not exceed 1,000 per cent. That would be voted down, and then I could go out to the country, and say, "These protectionists will not agree with me that the duty on the article shall be kept below 1,000 per cent." They mean no such thing. They mean to calculate, as reasonable men, for themselves what will be a fair duty upon an article, and then that duty, whether it be an *ad valorem* or a specific duty, can take effect. What I mean to say is, that all the calculations and information furnished by the gentlemen themselves who oppose this provision show that 45 per cent. *ad valorem* amounts to more than the committee have put on these springs.

[Here the hammer fell.]

Mr. BROOKS, of New York. I desire to offer an amendment.

The CHAIRMAN. There are two amendments already pending. The question is now on the amendment to the amendment moved by the gentleman from New York, [Mr. Cox.]

Mr. BURCHARD. I understand that to be withdrawn.

The CHAIRMAN. The gentleman did not withdraw it. He made a proposition to withdraw it if the gentleman from Illinois [Mr. BURCHARD] would make a certain other proposition, which he did not make.

Mr. COX. I did withdraw it on the condition that the gentleman should renew it substantially, by moving to strike out the paragraph, which would leave the duty at 45 per cent., as I take it, on the statement of the gentleman from Tennessee, [Mr. MAYNARD,] who differs from the chairman of the Committee of Ways and Means on this subject.

The CHAIRMAN. The Chair did not so understand.

Mr. BURCHARD. And I have moved to strike out the paragraph.

The CHAIRMAN. The Chair understood the gentleman from New York [Mr. Cox] to say that he was not satisfied with the amendment of the gentleman from Illinois, [Mr. BURCHARD,] and therefore would not withdraw his amendment.

Mr. COX. That was when he proposed 3½ cents a pound. He then moved to strike out the paragraph, and I accepted that.

The CHAIRMAN. Then the question is on the amendment of the gentleman from Missouri, [Mr. ASPER,] to reduce the duty to 3 cents per pound.

Mr. BROOKS, of New York. I move to make it 3¼ cents. The gentleman from Ohio [Mr. SCHENCK] informs us that the duty provided for in the paragraph as it stands is the same as in the existing law, 45 per cent. *ad valorem*, and that he only proposes to change an *ad valorem* to a specific duty. Now, either he is sadly misinformed in his calculations or I am. I am informed on good authority that this duty of 6 cents a pound is an increase of 100 per cent. *ad valorem*, and I am fortified by the statement made by the gentleman on the other side [Mr. BURCHARD] of the price of springs and the additional duty, which is nearly, according to the price, a double duty. But apart from all that consideration, I put it to the House if 6 cents per pound on wagon springs of all sorts, and springs that enter into the consumption especially of the farmers of the country, is a protection, if it is not a bounty, if it does not enable the steel-spring manufacturers of this country to fix their own prices and their own rates independent of all competition from elsewhere, and if it is not intended to be a bounty? The gentleman from Ohio [Mr. SCHENCK] objects to the limitation proposed by my colleague [Mr. Cox] of 45 per cent. *ad valorem*, and says it is a trick and a game. Now, if that species of argument is logical, I tell the gentleman from Ohio that this whole change from *ad valorem* to specific is another trick and another game to throw dust into the eyes of the people. If his statement is correct and he is not misinformed in his calculations, why not stand upon the limitation of 45 per cent. *ad valorem* and be content with that limitation? Why oppose these propositions day after day,

when we propose to affix limitations, and tell us that it is a trick intended for the stump and for elsewhere?

I tell the honorable gentleman from Ohio, whether it is a game or not, that when we come before the people with these propositions and show them these springs and these articles of steel, and these speeches are read before the people showing that we proposed to limit the tax to 45 per cent. *ad valorem*, the cry of "game" from the gentleman from Ohio will not be heeded by the people, but they will say to him, "Why did not you accept the propositions of those who are opposed to you, and fight them with their own game?"

Mr. COVODE. Mr. Chairman——

Mr. BROOKS, of New York. Well, I will yield to Ahab, if I have time. [Laughter.]

Mr. COVODE. I thought the gentleman was through.

[Here the hammer fell.]

Mr. KELLEY obtained the floor.

Mr. SCHENCK. Will the gentleman yield to me for a moment to make a correction?

Mr. KELLEY. Certainly.

Mr. SCHENCK. Mr. Chairman, the calculation made here upon the spot and handed to me was wrong. The average upon the estimates, as we take them from the gentleman from New York and as we have them ourselves, at $76 per ton upon the steel itself would amount to within a very small fraction of 3½ cents per pound. The question now, however, is upon steel springs as enhanced in value above the steel, and upon steel springs the *ad valorem* is 45 per cent. I am of opinion, therefore, that the committee did not make a mistake in supposing that 6 cents per pound was about equivalent to the present *ad valorem* duty of 45 per cent. But I was under a misapprehension in the calculation to which I was speaking; I thought it was shown by the gentleman's own figures that we had proposed to reduce the duty far below the present rate. It was not our intention either to increase or to decrease the duty, but to hold it at about the present rate, changing it from *ad valorem* to a specific duty. But the calculation I made before was all wrong, based upon the figures I then had before me, and would seem to show a very great reduction from the present rate of duty, whereas such is not the case.

Mr. COX. The gentleman concedes that I was pretty near right. I hope he will help me in this matter.

Mr. SCHENCK. No; the gentleman is right and is wrong; right on steel and wrong upon the articles enumerated in this paragraph. These articles are of greater value on account of the industry used in converting the steel into springs, and because of the high quality of the steel used, which is above the average quality of the steel to which the gentleman has referred.

Mr. BROOKS, of New York. I will withdraw my amendment to the amendment.

The question recurred upon the amendment moved by Mr. ASPER, to reduce the rate of duty from 6 cents to 3 cents per pound.

Mr. ALLISON. Is an amendment to the amendment in order?

The CHAIRMAN. An amendment to the amendment would be in order.

Mr. ALLISON. Then I move to amend the amendment so as to make the rate of duty 4 cents per pound. I do not desire to debate my amendment except to say that if the statement made here in reference to the cost of these springs is true, then a duty of 4 cents per pound is a little more than equivalent to the present rate of duty. I think, therefore, that a specific rate of duty of 4 cents per pound is an ample duty upon these springs, especially when the steel of which they are made pays a duty of only 2½ cents per pound, giving the spring-maker a protection of 1½ cents per pound upon his manufacture.

Mr. KELLEY. I desire to say a few words in reply to the gentleman from Illinois [Mr. BURCHARD] as well as the gentleman from New York, [Mr. BROOKS.] And I desire to invite the attention of the Committee of the Whole to the fact that in 1867, when considering this very article of manufacture, the Senate adopted 8 cents per pound as the proper duty. When the bill came to the House—having the sanction of Special Commissioner Wells at that time in that respect—it was reported to the then Committee of Ways and Means, who reported it back to the House with the duty upon this article unchanged; that is, with the duty upon these springs at 8 cents per pound. At that time gold was ranging from 140 to 150, and the duty was of course proportionately enhanced. To-day gold is from 114 to 115, and we talk of its being still lower ere long. Therefore, the duty has been reduced some 25 per cent., with a prospect of a still greater reduction.

In 1867 the Senate and the then Committee of Ways and Means of the House believed that 8 cents per pound would be a proper duty. The present Committee of Ways and Means—getting the best light upon the subject that they could and inquiring in every direction, as they did upon this and upon every other subject—believe that 8 cents per pound would be too high a duty, and that 6 cents per pound would be such an equivalent for the present duty of 45 per cent. *ad valorem* as would enable us both to import and to manufacture this article; as would give a chance for the development of our resources and the maintenance of our industry, and yet not close our markets against importations of this article. The gentleman from New York [Mr. BROOKS] proposes to go before the country adding steel springs to the present contents of his peddler's wagon of hammers, hoes, saws, &c. Sir, there is another aspect of going before the country, other issues rather than those of hoes and spades, the price of which, by the way, I had the privilege not long ago of showing has been so reduced under the present rates of duty that we can sell them in the markets of England.

Sir, the crop is now in the ground in the western and northwestern States which, if there be no widespread failure on either side of the Atlantic, will remain in the hands of the farmer without a market at any price.

With the completion of European railways from the great grain fields of Hungary and the shores of the Baltic, which are already, as the gentleman from Iowa suggests, competing with us—with the completion of those roads a good crop in any year on each side of the Atlantic dooms the producer of grain in our northwestern States to be for that year without a market at any price. Gentlemen think they want transportation. If they do they want good springs for their railroad cars. But there will be no advantage in cheap transportation for that which finds no market anywhere. What is needed is a fair average market the world over. As I predicted two years ago, if there be not a wide diversification of our industries, manufacturing and planting, the Northwest will frequently raise a crop for which there will be no market. We approach that time. Nothing but general drought or excess of rain or widespread war will then give to the farmers of the West a market that will pay them for raising their grain; and this is a matter quite apart from the question of transportation. There are but so many people to be fed; the consumption per head is limited; and the amount of seed sown the world over is in excess of the demand.

[Here the hammer fell.]

The question being taken upon the amendment of Mr. ALLISON to the amendment of Mr. ASPER, there were—ayes 36, noes 54; no quorum voting.

Tellers were ordered; and Mr. ALLISON and Mr. ASPER were appointed.

The committee divided; and the tellers reported—ayes 54, noes 64.

So the amendment was not agreed to.

Mr. ALLISON. I move to amend by inserting "5." I think we ought to make a little reduction if we can.

The amendment of Mr. ALLISON was agreed to; there being—ayes seventy, noes not counted.

The amendment of Mr. ASPER, as amended, was agreed to.

Mr. SCHENCK. This paragraph, as the phraseology has been amended, reads now, "On steel carriage, car, locomotive, and other springs, 5 cents per pound." It has been suggested that the paragraph would be clearer if amended to read, "On carriage, car, locomotive, and other springs of steel," &c. I ask unanimous consent that this modification be made.

Mr. BROOKS, of New York. I do not object to the modification; but I hope that the whole paragraph when amended will be struck out.

The CHAIRMAN. If there be no objection, the modification suggested by the gentleman from Ohio [Mr. SCHENCK] will be made.

There was no objection.

The question then recurred on the motion of Mr. BURCHARD, to strike out the paragraph as amended.

The question was taken; and there were—ayes 31, noes 54; no quorum voting.

Tellers were ordered; and Mr. BURCHARD and Mr. DONLEY were appointed.

The committee divided; and the tellers reported—ayes 47, noes 71.

So the motion was not agreed to.

Mr. SCHENCK. I move to amend by inserting the following as a new paragraph:

On crinoline, corset, and hat steel, commercially known as wire, whether covered with cotton or other textile material, or not covered, 9 cents per pound, and 10 per cent. *ad valorem*.

It will be observed that this amendment proposes an increase of duty upon a particular article, and one in which my friend from New York, [Mr. Cox,] who is now smiling and bowing at me, takes especial interest; and I hope he will repeat that beautiful little speech of his upon crinoline and corsets which I see going the rounds of the press.

It is due to the committee to state the information we had in regard to this particular kind of steel—steel wire, if it may be called so. I wish I had here the sample we had in our committee-room, which looked like an elongated watch spring. However, the familiarity of my friend from New York with the article will enable him to describe it more particularly. We find that this crinoline or corset steel, or hat wire, is first bought in coils of about one fourth of an inch in diameter. It is reduced while cold to round wire. This is done by drawing it repeatedly through plates. It is annealed and cleaned between the different processes, and is made into very fine sizes of wire. After that the round wire is flattened, so as to be made exceedingly thin, quite below what is usually the highest number of wire gauge, 23 or 24. This is run down to a thinness of from 27 to 32 wire gauge. It is done by passing it between steel rollers. This flattened wire is then hardened by heating it in a bath of melted lead. After being taken out of the melted lead it undergoes another bathing process, being put into a bath of oil. The hardened steel wire is tempered by passing through another bath of lead lower in temperature than the first lead bath. This last operation leaves the flattened crinoline, corset, or hat steel wire, tough and elastic-like a watch spring. It answers exactly the purpose of what I see in the papers are advertised as "communion hoops," allowing persons to kneel without at all hurting the hoops.

The hour of half past four o'clock p. m. having arrived, the Committee of the Whole on the state of the Union, pursuant to order of the House, took a recess until half past seven o'clock.

EVENING SESSION.

At half past seven o'clock p. m. the Committee of the Whole on the state of the Union resumed its session, (Mr. WHEELER in the chair,) and proceeded with the consideration of the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Page 19, after line four hundred and fifty, insert the following as an additional paragraph:

On crinoline, corset, and hat steel, commercially known as wire, whether covered with cotton or other textile material, or not covered, 9 cents per pound and 10 per cent. *ad valorem.*

Mr. KELLEY. I move the roll be called.

The CHAIRMAN. The committee has no power to call the roll unless in a certain contingency.

Mr. STILES. I move that the committee rise.

The committee divided; and there were—ayes 8, noes 22.

So the committee refused to rise.

The pending amendment was agreed to.

Mr. KELLEY. I am directed by the Committee of Ways and Means to move the following additional paragraph to come in at the end of the one just adopted:

On sword blades, 35 per cent. *ad valorem;* on swords, 45 per cent. *ad valorem.*

That is to correct an obvious error in the existing tariff which imposes 45 per cent. *ad valorem* on blades, and 35 per cent. on swords. This amendment reverses them, and puts 35 per cent. *ad valorem* on sword blades and 45 per cent. *ad valorem* on swords.

Mr. COX. Who makes these swords? What are they for? [Laughter.] Is it a Philadelphia manufactory?

Mr. KELLEY. I do not know of any Philadelphia sword-blade manufactory.

Mr. STEVENSON. It is to protect the Toledo Blade, Nasby's paper. [Laughter.]

Mr. KELLEY. It is to correct a palpable error in the existing tariff.

The committee divided; and there were—ayes 36, noes 4; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. BROOKS of New York, and Mr. MAYNARD.

The committee again divided; and the tellers reported—ayes 36, noes 4; no quorum voting.

The CHAIRMAN. The committee finding itself without a quorum, it is the duty of the Chair to cause the roll to be called, in order that the names of the absentees may be reported to the House.

The Clerk proceeded to call the roll; and the following members failed to answer to their names:

Messrs. Adams, Archer, Arnell, Axtell, Ayer, Bailey, Banks, Barnum, Barry, Benjamin, Benton, Biggs, Bingham, Boles, Booker, Bowen, Boyd, Buck, Burr, Benjamin F. Butler, Roderick R. Butler, William T. Clark, Sidney Clarke, Cleveland, Amasa Cobb, Clinton L. Cobb, Cook, Conner, Covode, Crebs, Cullom, Davis, Dawes, Degener, Dickey, Dixon, Dockery, Eldridge, Farnsworth, Fisher, Fitch, Fox, Gilfillan, Griswold, Haight, Haldeman, Hambleton, Hamill, Hamilton, Hawkins, Hays, Heaton, Hill, Hoge, Holman, Ingersoll, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Judd, Julian, Kellogg, Kelsey, Kerr, Knapp, Laflin, Lash, Lawrence, Lewis, Logan, Loughridge, Lynch, Marshall, McCormick, McGrew, McKee, McKenzie, McNeely, Mercur, Milnes, Jesse H. Moore, Morgan, Morphis, Samuel P. Morrill, Mungen, Negley, Orth, Palmer, Perce, Phelps, Platt, Porter, Potter, Prosser, Randall, Reeves, Rice, Ridgway, Rogers, Roots, Sanford, Schumaker, Scofield, Porter Sheldon, Shober, Slocum, Joseph S. Smith, William J. Smith, Worthington C. Smith, Stone, Stoughton, Strader, Strong, Swann, Sweeney, Tanner, Taylor, Trimble, Van Horn, Van Wyck, Voorhees, Ward, William B. Washburn, Whitmore, Wilkinson, Winans, Winchester, Witcher, Wood, and Woodward.

The committee then rose, and Mr. CESSNA having taken the chair as Speaker *pro tempore*, Mr. WHEELER reported that the Committee of the Whole on the state of the Union having, according to order, had under consideration a bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and finding itself without a quorum, had caused the roll to be called, and directed him to report the names of the absentees to the House to be entered upon the Journal.

The SPEAKER *pro tempore*. From the roll of absentees reported by the Chairman of the Committee of the Whole it appears that there is no quorum present.

Mr. MAYNARD. I observe that quite a number of gentlemen came in during the call of the roll. There must be more than a quorum now present.

Mr. LYNCH. Would it be in order to call the absentees?

The SPEAKER *pro tempore*. Only two motions are in order; that the House adjourn, or that there be a call of the House.

Mr. MAYNARD. I move that there be a call of the House; and on that I call for a division.

The question was put on ordering a call of the House.

The SPEAKER *pro tempore*. The Chair is unable to decide what has been the result of the division by sound, and will appoint tellers. The Chair appoints as tellers the gentleman from Tennessee, Mr. MAYNARD, and the gentleman from California, Mr. SARGENT.

The House divided; and the tellers reported—ayes 62, noes 55.

So a call of the House was ordered.

Mr. STILES. I move that the House do now adjourn.

The motion was not agreed to.

Mr. SCHENCK. I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. SCHENCK. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole upon the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

On page 19, at the end of the amendment adopted, on line four hundred and fifty, insert the following:

On sword blades, 35 per cent. *ad valorem;* on swords, 45 per cent. *ad valorem.*

Mr. KELLEY. I ask the consent of the committee, so many members having come in since the amendment was moved, again to explain why it is submitted by the Committee of Ways and Means. In the existing tariff the duty on sword blades, which are the raw material, is 45 per cent., and that on swords is 35 per cent. This is an obvious mistake, being a discrimination against the manufacturer of the article in this country by 10 per cent. The committee, therefore, propose to rectify it by simply reversing the rates, so that the duty on sword blades shall be 35 per cent. and on swords 45 per cent. *ad valorem.*

The CHAIRMAN. A division had been ordered on the pending amendment, and the Chair had appointed as tellers the gentleman from Pennsylvania, Mr. CESSNA, and the gentleman from New York, Mr. BROOKS. The tellers will please resume their places.

The committee again divided; and the tellers reported—ayes 87, noes 28.

So the amendment was agreed to.

The Clerk read as follows:

On all manufactures of platinum, except vases and retorts for chemical uses, 20 per cent. *ad valorem.*

Mr. BROOKS, of New York. I desire to ask the chairman of the committee what is the necessity of this paragraph?

Mr. SCHENCK. The explanation is very simple. It is proposed to put all manufactures of platinum at a duty of 20 per cent., which is a decrease of the existing tariff by 20 per cent.; but vases and retorts for chemical uses are excepted, because they are on the free list, there being no manufacture of them in this country.

Mr. BROOKS, of New York. They are on the free list now.

The Clerk read as follows:

On brass in plates, ingots, and bars, 5 cents per pound.

On brass, old and fit only to be remanufactured, 4 cents per pound.

Mr. BUTLER, of Massachusetts. I move to strike out the word "and" after the word "old," in line four hundred and fifty-four, and to substitute the word "or." My object in moving this is to allow the admission of brass in scraps on the same footing as old brass, although they may not be old.

Mr. SCHENCK. I will state to the gentleman that in using the word "and" we have followed the language of the present law. If you say "brass, old or fit only to be manufactured," we do not know what articles might not be brought in under that description which ought to be charged a higher rate of duty. If the language were changed brass in very valuable shapes might be brought in under this heading.

Mr. KELLOGG. I would suggest that the amendment of the gentleman from Massachusetts would bring in ingots and bars, because these are only fit to be remanufactured.

Mr. BUTLER, of Massachusetts. No; these are fit to be manufactured; but it cannot be said that they are only fit to be remanufactured, as might be said of brazen images.

Mr. SCHENCK. Further, if the language were used, "old or fit only to be remanufactured," then all old brass would come in at 4 cents, whereas, according to the bill, the article admitted at that rate must be both old and fit only to be remanufactured.

Mr. BUTLER, of Massachusetts. As the gentleman from Connecticut, where they are full of brass, tells me that this will make no trouble, I withdraw the amendment.

Mr. BROOKS, of New York. I move to amend by reducing the rate to 2 cents per pound. I desire to call the attention of the committee to the fact that the duty now on brass, old and fit only to be remanufactured, is only 15 per cent. *ad valorem.* This is a proposition to make it 4 cents per pound. The Committee of Ways and Means last year, as I see by a memorandum which I have before me, proposed on this article a rate of only 3 cents per pound. That was all that was asked at that time; but the proposition is now to make the rate 4 cents per pound. That is a rise from the 15 per cent. *ad valorem* of at least 100 per cent. on this old brass.

Mr. KELLOGG. I would suggest that this bill may have been drawn in this way for the purpose of making brass, which is a manufactured article, pay at least as high a duty as copper itself. Gentlemen will remember that a year ago, during the last Congress, a tariff was put upon copper in which the duty on copper in ingots, pigs, and bars was placed at 5 cents a pound, and the duty upon copper, old and fit only to be remanufactured, was placed at 4 cents a pound. Now, brass being one step further along in the process of manufacture certainly ought to pay as high a duty as the copper itself; and I presume that it was in view of the copper tariff adopted, not at the request of the East, but at the request, I believe, of western men a year ago, that the tariff on brass is now made to conform to the tariff on copper, copper being a chief component part of brass.

The amendment was disagreed to.

Mr. BROOKS, of New York. I move now to make it 3 cents in lieu of 4 cents a pound, and I hope that will prevail. The gentleman

from Connecticut [Mr. KELLOGG] says that because we have imposed a high duty on copper we should now also do it on brass. I repeat again thus one wrong leads to another, thus one imposition upon the country forces another imposition, thus one outrage upon the consumer compels another outrage upon the consumer. I trust that before we get through this bill we will reduce the duty on copper, and that we shall have the help of all the copper men in the House to reduce the duties, because they have seen by practical experience that they have destroyed some of the copper manufactures of the country, the melting and mixing of copper, and have in point of fact thus reduced the price and value of the copper itself.

Mr. MAYNARD. I would ask the gentleman if he assumes to speak for the copper interest?

Mr. BROOKS, of New York. I am speaking of the brass interest just now. It is the brass interest which demands this enormous duty of 4 cents a pound, an interest of which the gentleman from Tennessee is a very honorable representative upon the floor of this House.

Mr. MAYNARD. I represent somewhat the copper interest, and I thought that if the gentleman from New York also represented it his views were somewhat different from mine.

Mr. BROOKS, of New York. I represent here only the interests of the consumer. This duty upon brass is a brazen demand which I hope the House will not accede to.

Mr. KELLOGG. Mr. Chairman, I do not propose to discuss this question at any length in reply to the gentleman from New York, but I will simply say that this duty upon old brass is made precisely in accordance with the tariff upon copper. If the gentleman will examine the tariff upon copper of February, 1869, he will find that copper is put in at the same duty precisely that brass is here. Now, although I might agree with the gentleman from New York as to the injustice of that copper tariff upon certain manufactures, yet if he speaks for the consumer he must know that there has not been a day for five years when copper was as cheap as it has been since that tariff was passed. Copper and brass both are cheaper to-day and cost less to the consumer by several cents a pound than they did prior to the passage of the tariff of 1869. It may have beggared one or two manufacturers; it may have ruined one in Baltimore, and perhaps one in Massachusetts, for aught I know. But so far as the country at large is concerned, so far as the interests of all the consumers are concerned, the tariff on copper passed a year ago has made copper lower by several cents a pound, as every one familiar with the subject knows, than it had been for five years, or perhaps for ten years. So far as the interests of the consumers are concerned they have no right to complain of the tariff of last year on copper.

Mr. BURCHARD. I would ask the gentleman if we are not a copper-exporting rather than an importing country?

[Here the hammer fell.]

The question was taken on the amendment, and it was rejected—ayes thirty-three, noes not counted.

The Clerk read as follows:

On brass in sheets or wire, 45 per cent. *ad valorem.*

Mr. BROOKS, of New York. That is a rise of 10 per cent. *ad valorem* on brass in sheets or wire. It is now 35 per cent., and here it is put at 45 per cent. I move to reduce it to the old duty of 35 per cent. *ad valorem.*

Mr. KELLEY. I think the gentleman is mistaken. The duty here proposed is the same as under the existing tariff.

Mr. BROOKS, of New York. Why, then, put it in this bill?

Mr. KELLEY. The duty is the same as under the existing law, but there may be some modification of the phraseology.

Mr. SCHENCK. Brass is now subject to a duty of 45 per cent. *ad valorem* when in the shape of plates, sheets, or wire. A specific duty has been put upon brass in plates by this bill, while the *ad valorem* duty is left upon brass in sheets or wire, thus changing the phraseology of the existing tariff.

The question was then taken upon the amendment moved by Mr. BROOKS, of New York, to strike out "45 per cent." and insert "35 per cent.;" and it was not agreed to.

Mr. BROOKS, of New York. I move to strike out this paragraph in order to recite the provisions of the existing tariff upon this article.

"Brass, manufactures of, not otherwise enumerated, 35 per cent. *ad valorem.*

"Brass, in plates or sheets, 35 per cent. *ad valorem.*

"Brass, in bars or pigs, 15 per cent. *ad valorem.*

"Brass, old, only fit to be remanufactured, 15 per cent. *ad valorem.*

"Brass, rolled, battery, or wire, 35 per cent. *ad valorem.*

"Brass, as above, and all manufactures of, of which copper is a component of chief value, 45 per cent. *ad valorem.*"

Mr. HOOPER, of Massachusetts. It says "brass, as above."

Mr. BROOKS, of New York. Yes, I know that. The rate proposed in the bill under consideration is a general rise in the duty on the principal articles of brass.

Mr. SCHENCK. Copper being a component of chief value.

Mr. BROOKS, of New York. Brass in sheets or wire is 35 per cent. *ad valorem.*

Mr. SCHENCK. I think the gentleman should know more about brass than that, and would understand that copper is a component of chief value, and therefore affected by what is called "the copper-tariff bill." The gentleman is reading from Ogden's Compilation of the Tariff, in the later editions of which he will find the copper-tariff bill.

Mr. KELLEY. By the act of February 24, 1869, the duty on all these articles was raised to 45 per cent., copper being a component of chief value.

Mr. BROOKS, of New York. Ogden has it here, and I am sure he is right: "brass, in sheets, 35 per cent. *ad valorem.*"

Mr. HOOPER, of Massachusetts. It also says "brass, as above, and all manufactures of," &c., 45 per cent. *ad valorem.*

Mr. BROOKS, of New York. What difference does that make?

Mr. KELLEY. The object of making this alteration is to secure uniformity. Brass comes in now at some ports as a product of copper at 45 per cent., while at other small custom-houses on the frontier brass is still admitted under the old brass duty of 35 per cent. *ad valorem.* In that way some merchants are paying 45 per cent., while others are paying 35 per cent. upon the same article of brass; the one under the act of February 24, 1869, where it is enumerated as a manufacture of which copper is a component of chief value; the other under the old tariff upon brass. The Committee of Ways and Means thought it would be better to give the article of brass its express place at the existing rate, so that nobody should be misled by Ogden's or Heyl's Compilation of the Tariff, and so that the letter of the tariff shall show what the meaning of the law is in that respect. This is to clear away an embarrassment in the present law.

Mr. BROOKS, of New York. Why not put it at 35 per cent.?

Mr. KELLEY. Because the present rate is 45 per cent. More than one half of the zinc works of the country having stopped, we see no reason for reducing the duty on the chief products of zinc, which brass or spelter is.

Mr. BROOKS, of New York. I have heard that cry for forty years.

Mr. KELLEY. Well, it is true.

Mr. BROOKS, of New York. If they cannot live on 35 per cent. protection they ought to die, and everybody concerned with them.

The question was then taken on the motion of Mr. BROOKS, of New York, to strike out the paragraph; and upon a division there were—ayes thirty-seven, noes not counted.

So the motion to strike out was not agreed to.

No further amendment being offered, the next paragraph was read, as follows:

On castings of brass or bronze, and on all manufactures or articles of brass or bronze, or of which brass or bronze shall be a component material of chief value, not otherwise provided for, 45 per cent. *ad valorem.*

Mr. COX. I move to amend this paragraph by striking out "45" and inserting "35," and by adding, "on castings and articles made entirely of zinc 35 per cent. *ad valorem.*" I make this motion for the purpose of calling the attention of the honorable chairman of the Committee of Ways and Means to the fact that there are, according to my information, a number of castings which are made entirely of zinc. Now, bronze, as I understand, is an alloy of copper with ten or twenty per cent. of tin or other metals, generally zinc. This is the composition of bronze according to the dictionary which I have here. The clause now under consideration proposes a duty of 45 per cent. *ad valorem* on castings of brass or bronze. I have in my hand a letter from John Wilson & Sons, dealers in ornamental bronzes in New York city. They say:

"We import what we know technically as 'real bronze' and 'imitation bronze,' statuettes, groups, &c., for mantel sets. The former is made of brass, and is worth on an average, other things, such as the amount of labor on them, &c., being equal, fully four times as much as 'imitation bronze.' The latter is made entirely of zinc, and of course sells to a far greater extent than the former. Previous to the passage of the late bill increasing the tariff on copper and brass from 35 to 45 per cent., our bronzes all paid 35 per cent. Since that act the officials here not only claim 45 per cent. on real bronze, but also on the imitation bronzes, which are all zinc."

The purpose of these gentlemen in writing to me is not to have the tariff reduced or increased in respect to these articles, but to have the duty on each so specifically stated that the dealers and the custom-house officers may be relieved from all difficulty. Hence I have proposed to reduce the duty provided in this paragraph to 35 per cent. *ad valorem*, and to make a distinct charge of 35 per cent. on castings and articles made entirely of zinc. I hope that the gentleman from Ohio [Mr. SCHENCK] will assist me in having this matter made clear, so that there shall be no trouble at the custom-house and no doubt among importers as to the duties which they ought to pay.

Mr. SCHENCK. It seems to me the gentleman answers his own objection. He is fearful that under the general law of 1869—which is called the "copper law," and which places a tariff of 45 per cent. *ad valorem* upon all articles of which copper is a component part of chief value—articles not made of brass or bronze, but imitations of those metals, may be required to pay a duty of 45 per cent. Now, sir, so far as brass is concerned, I am sure my friend from New York knows too much about the real article to be ever mistaken in regard to an imitation. If the articles to which he refers are only imitations of brass or bronze, there is no danger of their being included in this description. If they be really composed of brass or bronze, a composition of which copper is a component part of chief value, they will pay the duty of 45 per cent.

The object of proposing the bill in this shape has been explained by the gentleman from Pennsylvania, [Mr. KELLEY,] my colleague on the Committee of Ways and Means. At this time there are continual squabbles and doubts arising as to articles of brass and articles of bronze, whether they ought or ought not to come in at a duty of 45 per cent. under the provision imposing that rate of duty upon articles of which copper is a component part of chief value. Our design is to clear away all doubt of this kind. The provision surely cannot affect articles which are only imitations, which are composed of entirely different metal,

zinc for instance. An imitation of bronze made wholly or principally of zinc is not brass or bronze. This description does not go beyond the extent to which we have desired to go; that is, to include articles of which copper is a component part of chief value.

Mr. COX. I wish to ask the gentleman whether there is any provision for a duty on any article composed entirely of zinc? That is what these gentlemen are interested in. The imitation which they describe is composed simply of zinc.

Mr. SCHENCK. It will come under the general provision in regard to manufactured articles.

Mr. COX. What is the duty?

Mr. SCHENCK. Twenty per cent., I think, if the article is not described.

Mr. COX. The difficulty under which these gentlemen labor arises from the uncertainty of the present tariff rather than the amount of the duty.

Mr. SCHENCK. There is a general provision in reference to mixed metals, that on albata, or white metal, argentine, German silver, and the like mixed metals, the duty shall be 40 per cent. *ad valorem*, and on manufactures or articles of nickel, albata, or white metal, argentine, German silver, and the like metals, the duty shall be 45 per cent. *ad valorem*. If it does not come in under either of those, and is not specifically mentioned, it will then come in under unenumerated articles at 20 per cent. *ad valorem*.

Mr. COX. There is no definiteness about the law.

Mr. SCHENCK. It is a question whether brass and bronze, or an imitation of brass and bronze, are the same thing.

Mr. COX. No, sir; if the gentleman will look he will see that the paragraph refers to castings of brass or bronze, and on all manufactures of brass or bronze, or of which brass or bronze shall be a component material of chief value. Brass is not zinc, and bronze is not zinc, and the articles to which I have alluded are made entirely of zinc.

Mr. SCHENCK. The gentleman from New York is aware that in making brass or bronze only one fourth or one fifth part is composed of copper. All we have done is to provide here for articles of brass or bronze, or of which brass or bronze shall be a component material of chief value. If there be imitations of these articles composed entirely of zinc, they would not, of course, come within that description.

Mr. COX's amendment was disagreed to.

Mr. BUTLER, of Massachusetts. I desire to call the attention of the committee to this duty of 45 per cent. *ad valorem* on castings of brass or bronze, and on all manufactures or articles of brass or bronze, or of which brass or bronze shall be a component material of chief value, not otherwise provided for, and to move, instead of 45 per cent. *ad valorem*, to make it 10 cents per pound, which is a little more than 45 per cent. *ad valorem*. The reason for that amendment is this: brass or bronze, or articles of which brass or bronze is a component material of chief value, are here dealt with; but on what are known as bronzes the material is not the chief value, but the execution of the work. The carving, the sculpture, the design is the component part of chief value. Ten pounds of brass or bronze, worth $2, may be wrought into a form which is worth a great deal more. They may be wrought into a form for which there is no need of protection in this country, because our labor does not go in that direction.

A bronze statuette, the value of which as brass or bronze may be only $2 or $3, as a work of art may be worth $30 or $40, liable under this paragraph to pay a duty of some $15. Therefore, as a duty on brass or bronze I ask this committee to consider whether it should be so much per pound when the chief value is not the material of which the bronzes are composed, but the work put upon them?

My proposition is that you ought not to tax works of art as works of art. In the olden time I know, when works of art came in free, certain cunning importers brought in pig lead cast into busts of Washington, Franklin, or La Fayette. In that way they obtained their pig lead free of duty. I do not wish that to be done here; but I wish to ask the gentlemen of the committee whether we shall tax works of art as works of art. As the paragraph now stands these bronzes will be taxed as works of art, according to their value, and I propose that the duty shall be imposed at 10 cents per pound instead of 45 per cent. *ad valorem*.

Mr. SCHENCK. The gentleman from Massachusetts makes an objection, which seems to be this, if I understand him: that while a duty of 45 per cent. *ad valorem*—the present duty, and the paragraph only makes a change of language to make the matter more clear; that while the duty of 45 per cent. *ad valorem* will answer well enough for the ordinary domestic articles of brass or bronze, when it comes to works of art, the chief value of which is the design or execution, a duty of 45 per cent. *ad valorem* will be excessive. I think that is the objection. Now, the committee have thought this: that where works that derive their chief value from the design, or execution, or artistic ability displayed on them were imported, they ranked among articles of luxury, and ought to pay as high a duty *ad valorem* as the useful articles composed of the same materials, with certain exceptions. Those exceptions gentlemen will find set forth on pages 47 and 48. It is there provided that the following articles shall come in free:

Paintings, statuary, fountains, and other works of art, the production of American artists residing abroad: *Provided*, That the fact of such production be verified by the certificate of any consul or minister of the United States indorsed upon the written declaration of the artist.

This exception is made for the encouragement of our own people. The next provision is that—

Paintings, statuary, fountains, and other works of art, imported expressly for presentation to national institutions, or to any State, or to any municipal corporation—

shall come in free. Then follows the provision that—

Philosophical and scientific apparatus, instruments, and preparations, statuary, casts of marble, bronze, alabaster, or plaster of Paris, paintings, drawings, and etchings, specially imported, in good faith, for the use of any society or institution incorporated or established for philosophical, scientific, or literary purposes, or encouragement of the fine arts, and not intended for sale—

shall come in free. That is, we have put upon the free list, in order to encourage American artists residing abroad, and in order to encourage the bringing in of works of art, &c., for educational, philosophical, and other public institutions, these articles if imported with a view to the promotion of the arts and sciences and not intended for sale. But then, when it comes to be an importation for private individuals, or to be sold afterward, of these articles of luxury, we provide that they shall pay an *ad valorem* duty according to their value. That was the design of the committee. We supposed that these articles, being articles almost purely of luxury and of high value, because of their design and execution, the people who imported them could afford to pay for them in proportion to their value, and that the exception should only be in favor of that part of the importation in which the public had an interest.

Mr. BUTLER, of Massachusetts. I move to amend by striking out the last word, in order to make a remark on what has just been stated by the chairman of the Committee of Ways and Means. I can understand the gentleman's proposition when he desires to put a tax on works of art and luxury. But my proposition is that a duty of 45 per cent. *ad valorem* on articles of this class will amount substantially to a prohibitory duty. The rate will be so high that the importation will not be made, and the country, therefore, will fail to get revenue from these articles. I would not object to a rate of 45 per cent. if it could be collected; but if you put that duty on these articles of luxury I am afraid that you will cut off the importation so largely that you will cut off the revenue.

Mr. SCHENCK. My reply to the remarks just made by the gentleman from Massachusetts is very simple. This 45 per cent. *ad valorem* is the present duty, and if the gentleman will but look at the importations of these articles of luxury from abroad, and particularly from France, he will find that the quantity brought in now is alarmingly great rather than a matter to be deplored because it is too small. Those who are disposed to indulge in luxurious appointments and ornaments of this kind for their houses will not be deterred from obtaining them because of the 45 per cent. *ad valorem* charged upon them in the shape of duty. As they are articles purely of luxury, bought by the wealthy classes of our people, they will indulge in those luxuries whatever they cost, and are doing so now to an enormous extent, far exceeding what one might naturally suppose would be the importations of this kind. This is the case notwithstanding this 45 per cent. *ad valorem*, which is the present duty, and which is all that we now propose. And so far as importations from France are concerned, of this or any other material, till the French Government learns to be a little more liberal in the matter of postal arrangements, I do not care if we do on these articles of luxury, imported in so large quantities principally from Paris and the country surrounding Paris, put on a duty which will even in some degree limit the quantity brought here. The duty, however, does not seem to have that effect. And all that we here propose is that those who indulge in such luxuries should pay for them.

Mr. BUTLER, of Massachusetts. I withdraw my amendment.

The Clerk read as follows:

On eyelets of every description, 6 cents per thousand.

On pewter, Britannia, and all like mixed metals of lead or tin, manufactured, 3 cents per pound.

Mr. AXTELL. I move to amend by striking out "3" and inserting "2." I desire to call the attention of the committee to the fact that while the duty on these articles of pewter and Britannia, which are principally composed of tin, is raised from 2 to 3 cents, tin, which now pays a duty of 15 per cent., is put on the free list.

Mr. KELLEY. If the gentleman will yield to me for a moment I will correct him. They now pay 2 cents per pound and 35 per cent. *ad valorem*. Three cents is about equivalent to that, doing away with the *ad valorem*.

Mr. AXTELL. I stand corrected on that point. I did not find in the work I have been consulting the 35 per cent.; I saw only the 2 cents. But I call the attention of the committee to the fact that while block tin and tin in pigs are placed upon the free list, the articles manufactured from tin are kept, as a distinguished gentleman on the committee advises me, at about the same figure; or, as I understand it, are raised, and raised very considerably.

Mr. KELLEY. I beg leave to correct myself. Some of the articles are 35 per cent. *ad valorem*, and some of them 2 cents a pound. The gentleman is correct and I was in error.

Mr. AXTELL. Then, while tin is admitted free, the duty on these articles is raised 33⅓ per cent. This would seem to me to be inconsistent and not certainly in the interest of revenue. The same is true of sheet tin, to which my attention has been directed from the fact that recently there have been developed on our western coast the only tin mines in America, and that we are now able, I believe, to supply the country with tin. But at this time, tin being placed upon the free list, will injure us in our mining interest, and I cannot see who reaps the advantage when the articles manufactured

of tin and the articles of which tin is a component part are kept up to the old standard and in fact raised, as in this instance, 33⅓ per cent.

Mr. MAYNARD. Will the gentleman inform the committee to what extent tin is mined on the western coast, because upon that information, I presume, depends the action of some of us on the article of tin.

Mr. AXTELL. A gentleman writing to me upon the subject, says:

"The San Jacinto tin mines of California have been opened and developed to such an extent that thousands of tons of first-class tin ore lie in sight, ready to be broken down when the necessary machinery shall be erected for stamping and working the same.

"I have personally attended and supervised the opening up of this property, and can speak understandingly about the matter. I have caused to be extracted and worked a considerable quantity of ore, and can show as the result of my labors several thousand pounds of American tin in pigs or bars, and of the very best quality, a sample of which, weighing eighty-two pounds, will be laid before you in a few days."

This is in San Bernardino county, in the southern portion of the State of California. I only allude to this incidentally, although I will now express the hope, as we are able as a people probably to produce our own tin, that it will not be placed on the free list, but will receive the protection that it has had heretofore. But at this point it is certainly in the interest of the people that the articles produced from tin should be at least brought back to the old standard, which is my motion, 2 cents a pound.

Mr. KELLEY. Mr. Chairman, I am very glad that the gentleman from California has brought this subject to the attention of the House even at this early moment. When the Committee of Ways and Means placed tin in pigs and blocks upon the free list no member of it had any information as to the tin developments in California. I cannot speak for the whole committee, but I can for one or two members of it with whom I have conversed, and it is not our purpose to press the maintenance of tin in pigs and blocks on the free list, since it has become apparent to us that there is a real development of the article there. I think the duty on pewter, the present clause, had better remain as it is already in the bill of the committee, as a means of stimulating the development of a mineral which we have hitherto been wholly unable to produce, and for which we export annually $8,000,000 in gold. Nothing could be more gratifying to those interested in the general industries of the country than that we should become independent in the matter of tin. The intelligence of the development of this mine in San Bernardino county, California, and the fabrication from it of tin plates and other articles, is a matter of great interest to the committee, and will, I am sure, induce them to unite with the gentleman in taking block tin off the free list. I now yield to the chairman of the Committee of Ways and Means.

Mr. SCHENCK. I desire merely to say that I can understand why the gentleman from California, [Mr. AXTELL,] since the recent development of the production of tin in his State, should desire to have tin taken from the free list. But I do not understand why he should object to the duty being slightly increased upon pewter, when it is also for the protection of their tin. Now, Britannia and all manufactures of Britannia or pewter are placed at 35 per cent. *ad valorem*, and we gave that just as it is now. But when we came to the raw article, made up of the foreign tin and zinc, we slightly increased the duty upon that, which is in favor of the very interest which the gentleman represents. Therefore it is that I say I can understand why he should wish to have tin taken from the free list and protected, but I cannot understand why he should not wish protection also against foreign pewter made of foreign tin and zinc.

Mr. AXTELL. I thought it unreasonable, as the Committee of Ways and Means had placed pig tin on the free list, to raise the price of articles manufactured of tin.

Mr. SCHENCK. It was thought for a long time that tin could not be produced in the United States.

Mr. AXTELL. I withdraw my amendment.

Mr. BROOKS, of New York. I renew the amendment for the purpose of saying a few words in reference to this discovery of tin in connection with pewter. In all other countries but ours it is considered a great blessing to have discovered some new thing, to have found out some new metal, to have discovered some new raw material, some new native product. But composed as this House is, it is a calamity ever to find out a new thing, to make a new invention or a new discovery. I referred in a long speech I made the other day to the discovery of teasels in the district of my honorable friend from Onondaga, [Mr. MCCARTHY,] which would have been upon the free list, so that all the manufacturers of this country would have been benefited, but for the unfortunate discovery of teasels in my colleague's happy district.

Now, because of the discovery of tin in San Bernardino county, California, every tin plate, every tin can, every tin kettle, every tin concern of every kind throughout the whole of the United States is now to be taxed; and we are informed by some of the members of the Committee of Ways and Means that hereafter every workman who goes daily to his work with his tin pail containing his dinner is to pay a duty to a few workers of tin in San Bernardino county, in the State of California.

Mr. BENJAMIN. Will the gentleman allow me to ask a question at this point?

Mr. BROOKS, of New York. Certainly.

Mr. BENJAMIN. Is the gentleman from New York [Mr. BROOKS] aware that according to the argument of the gentleman from Pennsylvania [Mr. KELLEY] taxing an article only decreases its price? [Laughter.]

Mr. KELLEY. That is the argument of the gentleman from New York himself, as will be seen by referring to the printed pamphlet copy of his speech.

Mr. BROOKS, of New York. Then put a duty on everything, and everything will be cheaper. Turn Chinese barbarian, tax everything from another country, and we will then have reached the acme of civilization.

I am sorry my friend from California [Mr. AXTELL] has constituents who have discovered tin. But is it necessary, in order to protect his constituents interested in that article from a competition which can only reach them by going around the Cape; is it necessary that the hardy laborers of California should be protected by having every tin kettle, every tin plate, and every tin can throughout the United States taxed for the benefit of a few capitalists in San Bernardino county, California?

[Here the hammer fell.]

Mr. AXTELL. I rise to oppose the amendment of the gentleman from New York, [Mr. BROOKS,] and I desire to say that it has been my misfortune through life, perhaps, to have a great deal of tenacity.

Mr. COX, (in his seat.) Tin-acity, eh? [Laughter.]

Mr. AXTELL. When a boy I learned from the gentleman from New York [Mr. BROOKS] some suggestions in relation to the protection of home industry, and it has been difficult for me at once to get rid of those early impressions which I derived from his teaching. In all fairness and candor I called the attention of the Committee of the Whole to the fact that tin was on the free list, while the manufactures of tin were paying a high duty. I suppose we are to raise from the tariff a certain sum of money. We imported last year, up to June 30, tin to the value of $10,300,000, the sheet tin amounting to $7,000,000 and the pig tin to $3,300,000. The pig tin paid to the Government a duty of 15 per cent. Now, my honorable friends on the Democratic side of the House—and I love to act with the Democrats; I have acted with them all my life whenever I could—all acknowledge the propriety of levying duties for revenue.

When we had under consideration the duties upon tea and coffee my friend from Kentucky, [Mr. BECK,] my friend from Illinois, [Mr. MARSHALL,] and my colleague, [Mr. JOHNSON,] all declared their willingness to impose a duty upon these articles, because it did not benefit any particular interest, because it was strictly a revenue duty. They said, "We must have revenue, and we may as well collect it on tea and coffee, because from these duties nobody will get any stealings." Now, why not, on the same principle, impose a duty for the sake of revenue upon block tin? Why not impose a duty on the three or four million dollars' worth of block tin which we are importing into the country annually? Why should this article be put on the free list? Certainly not to please the Democracy, and I cannot see how it can please the tariff men.

In my former remarks I called attention to the condition of this matter: that we have been levying a duty on the manufactured article and letting the article from which it is made come in free. Yet my venerable friend, [Mr. BROOKS, of New York,] who in his latter days comes in here to teach us Democracy, accuses me of advocating strange doctrine. He says that because there is a tin mine in San Bernardino county, California, therefore all his poor constituents who eat their meals from tin plates must pay a tax to the workers in the mines of California. We want no such tax. I have yet to hear the complaints of the poor that their tin plates cost them too much. The trouble is they do not get regular work and good wages. Give to the working men steady employment at reasonable wages and you will hear no complaint from them. They do not complain of the price of such articles as these. The gentleman who lives in his palatial mansion and rides through the street in his carriage behind his fast horses is the one who complains about paying the duty on tin plate. We of the coast of California are not begging for any protection for our mines. If we have a tin mine, as we believe we have, and the only one worked in the world outside of Great Britain, the fact of its possession is wealth enough; but you must have revenue; and, according to the reasoning advanced on both sides of the House, why not raise a portion of it upon tin?

[Here the hammer fell.]

Mr. COVODE. I move to amend by making the duty 40 cents per pound. I wish to say a word in regard to the necessity of admitting tin at a lower rate of duty, with the view of encouraging the manufacture of tin plate in this country. An Englishman of great wealth has come to this country, bringing machinery, and has established a manufactory of tin plate in Pennsylvania, on the line between my district and that of my colleague, [Mr. PHELPS.] He has commenced making tin plate such as was exhibited in the House a few days ago. He has come before the Committee of Ways and Means, and asked that tin may be allowed to be imported duty free. He says that if he were allowed to get his material without paying duty on it he would not ask Congress for any protection on tin plate. He has a large amount of machinery of the finest quality, and is to-day making tin plate equal to any manufactured in Europe. All he asks is that his material may be permitted to come in free.

Now, Mr. Chairman, I should have had something to say upon this tariff question before this time had I not been satisfied that the country has become disgusted with the whole discussion that is going on here on this question. I have been out among the people, and I know how they feel on this question. This is the reason, too, why it is so hard to get a quorum in this House. The House is disgusted, as the country is. We have begun at

the wrong end of the question. [Laughter.] We should have gone to work and taken off the internal taxes. That is what the country is complaining about. The people are not suffering from the duties on imports. They are content that the revenue of the country shall be raised from such duties while the internal taxes are remitted. In this way the prosperity of the country may be advanced beyond anything we have ever witnessed. The people ask that we shall raise our revenue from duties on imports and let the internal industry and trade go on and prosper.

I would have suggested to the committee they should abandon this tariff question long ago. I did not know they had the internal revenue question ready to bring forward. I understand now, however, they have the internal revenue tax bill ready to be reported to the House. I hope the chairman of the committee will report it to-morrow and move to lay aside this tariff bill, which everybody has got disgusted with, so as to let us go to practical legislation. [Laughter.] This legislation is not practical. It stands in the way of all practical legislation. It is blocking up the avenue to legislation, preventing our passing the regular appropriation bills and other measures which the people of this country have a deep interest in, and which they expect us to pass before Congress adjourns. If we do not lay aside this tariff question and go to practical legislation we will have to go home without accomplishing anything wanted by the people of the country, and if we do that, some of us will have trouble next fall. [Laughter and applause.]

Mr. STEVENSON. I rise to a question of order. What is the question before the House?

The CHAIRMAN. The question before the House is the amendment proposed by the gentleman from Pennsylvania, [Mr. COVODE.]

Mr. COX. I rise to oppose the amendment. I was glad to hear the gentleman from Pennsylvania [Mr. COVODE] who spoke this evening without regard to his biblical literature, but who spoke the truth. Truth sometimes creeps unawares on caution. The gentleman from Pennsylvania tells the truth when he tells us that he and his party will have some trouble this fall unless they reduce the taxes. I speak on this question of tin and pewter and so forth in direct reference to tax and revenue matters. I wish to say something now which will be a special answer to what has just fallen from the gentleman from Pennsylvania. Gentlemen on this side of the House have fought this bill and exposed its enormities, and with the help of gentlemen on the other side we have shown that it is not a bill for revenue; that instead of reducing they are really increasing the tariff. We on this side of the House hold that no more revenue should be raised than is necessary to pay the expenses of the Government economically administered. We believe this tariff and the substitute offered for it do not fulfill that condition.

In the next place we hold that the ordinary expenses, excluding the interest on the public debt and a reasonable sum devoted to its liquidation, should not exceed $100,000,000 per annum; that the true scheme of revenue should provide a sufficient sum for the payment of the interest on the public debt and $25,000,000 of the principal per annum, and the ordinary expenditures not to exceed $100,000,000; that the whole machinery of the internal revenue system be done away with, and the internal taxes apportioned among the States, which was suggested at the beginning of the war by some of our wisest men, to be collected on a few articles, and paid by the State governments into the Treasury. Let the State assessors collect it, and let us be done with this great inquisitorial system, and apportion this tax out among the States to be collected by them. We hold that the tariff shall be reduced to the revenue standard, (excluding protection *per se*,) and the rate of duty on all articles taxed shall be no more than 35 per cent. at the highest, and the duties should be *ad valorem*. If gentlemen on the other side do not reduce the taxes they cannot go before the people with any hope of success; and if they do go before the people without reducing the taxes the gentleman from Pennsylvania, that prophetic gentleman, that great friend of the old prophets, from Benhadad down, tells them their doom is sure. [Laughter.]

[Here the hammer fell.]

Mr. SCHENCK moved that debate be closed on the pending paragraph.

The motion was agreed to.

The pending amendment, by unanimous consent, was withdrawn.

Mr. SCHENCK. I have an amendment to correct the language. In line four hundred and sixty-three strike out the word "like," and after the word "metals" insert the word "partly;" so it will read, "On pewter, Britannia, and all mixed metals partly of lead or tin, unmanufactured, 3 cents per pound."

The amendment was agreed to.

The Clerk read as follows:

On nickel, 40 cents per pound.

Mr. GRISWOLD. I move to amend by striking out "40" and inserting "15." This article is a white, hard metal. I believe there are several mines where it can be procured in this country. But there is only one mine which is worked in the United States—and that is in Lancaster county, Pennsylvania—where the article is produced to any considerable extent.

From 1842 to 1846 this article was free; from 1846 to 1857 there was a duty on it of 5 per cent. *ad valorem;* from 1857 to 1861 the duty was 4 per cent.; from 1861 to 1863 the article was free; from 1863 to 1865 the duty on nickel was 10 per cent., and from that year up to the present time the duty has been 15 per cent. *ad valorem*, which is the duty under the existing law. I understand that this metal is worth about $1 per pound in Europe. The Committee of Ways and Means have raised the duty upon it from 15 per cent. *ad valorem* to 40 cents per pound, which is about the same as 40 per cent. *ad valorem*. Thus they have raised it about 170 per cent. on the duty which now exists. It is produced in Europe, as I have said, at a cost of about $1 per pound, so that this duty of 40 cents per pound is an increase from 15 to 45 per cent. *ad valorem*.

This is a metal which is used to some extent in the Mint of the United States. The five-cent coin now in general circulation is composed in part of nickel. And this mine in Pennsylvania has had the entire monopoly of furnishing this metal to the Government for the Mint of the United States. Now, it will be remembered that last March a bill passed this House to change entirely the small coinage of the country, so as to have small coins, one-cent, three-cent, and five-cent pieces, composed of nickel in the proportion of twenty-five to thirty-five per cent., the rest being copper. That bill went to the Senate and was referred to the Finance Committee, and there it has slept ever since. Now, I ask the attention of the House to this fact, that the duty which it is proposed here to raise to 40 per cent. *ad valorem* is entirely in the interest of one company, and to the further fact that when the duty on this article is thus raised there will then remain nothing to be done but to pass through the Senate the bill I have referred to in order to put an immense amount of money into the hands of that company. It was assumed when that bill was under debate here, by gentlemen on both sides of the House, that the amount of coinage would be about $40,000,000. Therefore, taking the proportion of nickel at 30 per cent., the amount of nickel used would be some $12,000,000, on which 40 per cent. would be nearly $5,000,000. Taking the proportion of nickel at 25 per cent., the value of the nickel used would be about $10,000,000, on which 40 per cent. would be $4,000,000. Therefore this duty of 40 per cent. makes an absolute profit of between $4,000,000 and $5,000,000. All that has to be done is to pass that bill through the Senate and there will be a job of some $4,000,000 or $5,000,000, the whole of which the Government will have to pay without getting a particle of revenue from the article.

I cannot ascertain that a single pound of nickel has been admitted under the existing duty of 15 per cent. Therefore I take it for granted that not a pound will be got in under the increased duty if it is raised to 40 cents. As I understand, then, the result will be that the entire product of this mine must be sold to the Government, which will not get a dollar of duty, but will have to pay to the company the increased price which they will be able to exact in consequence of this increase of duty.

[Here the hammer fell.]

Mr. DICKEY. The gentleman who has just spoken has made the wonderful discovery that a profit of $4,000,000 or $5,000,000 can be made out of nickel. I will tell the gentleman that there is not $5,000,000 worth of it produced. There are not 1,000,000 pounds of nickel produced in the world. One half of all the nickel produced in the world is produced in England, and the product there is but 450,000 pounds. At $1 a pound that is $450,000. Where does the gentleman get his millions from? The whole product of nickel in the world is not equal to what the gentleman talks about.

Mr. GRISWOLD. Well, I should like to understand what the gentleman's authority is for saying that there are only 1,000 pounds of nickel in the world?

Mr. DICKEY. I did not say that; I said 1,000,000.

Mr. GRISWOLD. What is the gentleman's authority for that statement? It is certain that it is got from several mines in Europe, and I am told that the supply is unbounded at this mine in Pennsylvania.

Mr. DICKEY. I suppose the supply is equal to the demand. The largest production is in England. More than half the nickel in the world is produced there. The gentleman asks me my authority. I have a pamphlet, published by the British Association, in which the product of England is put down at 200 tons of nickel. The largest amount produced in the world is 200 tons. I have been careful to gather the statistics on this subject, and I can give the gentleman the names of the manufacturers and producers of nickel throughout the world and the quantities that they produce.

Here is an estimate of the production of nickel throughout the world in the year 1869:

1. *In England.*

	Pounds.	
Evans & Askin, Birmingham, England	300,000	
H. Hussey Vivian, Swansea, England	100,000	
Barker, and sundries, in England	50,000	
		450,000

2. *On the continent of Europe.*

Fleitmann & Witte, Iserlohn, Prussia	60,000	
Montifiore & Co., Liege, Belgium	50,000	
Fritz Häussler, Dillenburg, Prussia	50,000	
Schmolz & Co., Berlin, Prussia	25,000	
Geheimrath Gersdoffer, Vienna, Austria	25,000	
Nickel Works near Klefra, Sweden	75,000	
		285,000

3. *In America.*

Joseph Wharton, Camden, New Jersey, United States		135,000
Total minimum production		870,000

The gentleman has made a very great fuss about a very small matter. In this country a single establishment located in the State of New Jersey is capable of producing 135,000 pounds. The ore is mined in my county, as the gentleman says. There is no particular harm in that. I do not know of any particular objection to it. Mr. Wharton, the owner of the refinery in New Jersey, opened a mine there. In the first few years he shipped his ore to England, and it was refined there and reshipped to this country.

In 1867 he established works at Camden, in New Jersey; he imported the skill necessary to produce and refine this nickel; he intro-

duced a practical chemist from Europe. I have here a letter from the late Democratic Director of the Mint at Philadelphia, in which he states that Mr. Wharton's competition reduced the value of nickel from $1 35 to $1 25 per pound. The reduction in the price of gold has broken him down and he has stopped his refinery, and there is a very slight advance in nickel. This nickel is consumed most largely in the States of Connecticut and Massachusetts. The manufacturers of that region who consume this article are desirous that this man should have some protection; that there should be some competition. At present it is a monopoly. Two houses in England alone produce one half of the entire nickel in the world. If there is to be any favoritism I think the preference should be given to the American producer who brings his workmen here. The gentleman is speaking in favor of two monopolists in Europe who regulate the price. They broke down this man because there was no protection to the American consumer of nickel. The manufacturers here are desirous that he shall have some protection, so that he shall be able to go on. For a year past he has been compelled to stop his work.

[Here the hammer fell.]

The amendment of Mr. GRISWOLD was rejected—ayes thirty six, noes not counted.

Mr. GRISWOLD. I offer the following amendment, to come in at the end of the clause:

Provided, That all nickel, pure or unalloyed, and all metals or other substances of which nickel shall form a component part, which shall be purchased in behalf of the Government of the United States by the Director of the Mint, or otherwise, for coinage, shall be admitted free of duty, and that the same shall be so purchased and contracted for at such places and on such terms as shall be best and most advantageous to the Government of the United States.

I have proposed an amendment the effect of which, if it shall be adopted and this bill shall become a law, will be that there shall be no monopoly in this article of nickel; that after Congress has once passed an act which was actually prohibitory of the importation of nickel, the only effect of which was to pay to one company the entire duty upon this article, the Government shall not lose the full amount of duty imposed upon the quantity of the article used by the Government. It is well understood that the bill which has passed this House for a new coinage, as a substitute for the present small coinage of the country, ought to pass, properly guarded in its provisions, and no doubt will pass. That will involve, as was conceded here in the debate upon the bill, as now can be shown by a reference to the report of that debate, a coinage of about $40,000,000. That was conceded by gentlemen on the other side of the House.

Mr. MAYNARD. If the gentleman will refer to page 43 of this bill he will find an express provision that "articles imported for the use of the United States" shall be admitted free of duty.

Mr. GRISWOLD. I could not very distinctly hear the statement of the gentleman from Pennsylvania [Mr. DICKEY] in reference to the amount of nickel produced in this and in other countries. But by reference to the New American Encyclopedia, which is a very late work and a very reliable work, it will be seen that it is there stated that in this mine in Pennsylvania there are inexhaustible quantities of this metal, and that it is to be found in several other places in the United States. And it is also distinctly stated that this metal is found and manufactured in some five or six different countries in Europe.

But now, after it has already been conceded by gentlemen well acquainted with this subject, by gentlemen concerned in proposing this new coinage, that it would amount to about $40,000,000, of which one third or one fourth, at least $10,000,000, was to be nickel, I do not understand how it can be claimed that but a small amount of nickel can be obtained in the world. It certainly is understood that from 25 to 35 per cent. of this new coinage was to be of nickel, and that there was to be about $40,000,000 of this new coinage. I have not been able to ascertain that any amount of this metal has been imported into the United States. Then, why is this great increase of duty from 15 to 40 per cent. proposed at this time upon this metal, which is principally used by the Government of the United States itself?

[Here the hammer fell.]

Mr. KELLEY. The gentleman from New York [Mr. GRISWOLD] has either not been very industrious in his search or he has wandered into strange paths for his information. I hold in my hand the Government report of the amount of importations for the year 1868, the last published, by which it appears that in that year there was imported 118,058 pounds of nickel; or in other words, about 12 per cent. of the entire production of the world, including that of our own country. The production of nickel in no one year has ever been recorded at 1,200,000 pounds.

Mr. GRISWOLD. Was that the importation for last year?

Mr. KELLEY. It was the importation for 1868; that for 1869 was larger, but I cannot state the exact amount.

Mr. GRISWOLD. I would like some assurance that such was the fact.

Mr. KELLEY. I do not know personally that such was the fact; but I know that such is the report of the Government, which shows the amount of duty it received into its Treasury from this article. The gentleman is equally in error in saying that $40,000,000 of nickel would be wanted for the new coinage to which he has referred. I was the author of the expression which he has tried to quote. When the new coinage bill was under consideration I was asked what amount of this new coinage would probably be required for the use of the restored Union. My answer was that it was estimated at $40,000,000, which included the one, two, three, five, and ten cent pieces, the fifteen cent notes, and the twenty-five cent coins. The nickel coinage, or the copper-nickel, the bill proposed should be composed of 75 per cent. of copper and 25 per cent. of nickel. Of the copper-nickel coinage there might probably be $7,000,000, of which one fourth would be nickel and the other three fourths copper. Therefore, the gentleman's $40,000,000 dwindles down to less than $2,000,000.

And the idea that the nickel is chiefly imported for the use of the Government is as absurd as the other statement. It is imported for Britannia ware and white ware. Every cheap caster, spoon, and dish that we see at the refectories at which we stop on the railroad, the handsome breakfast sets, imitating silver in their form and polish, are all made of white metal, albata, or German silver, into which nickel enters as an ingredient.

I suppose the Almighty committed, perhaps, a great fault when, distributing nickel through our broad country, He put a deposit of it in Pennsylvania. It is true, however, that He did so. But that deposit sinks into insignificance beside that at Mount La Motte, Missouri. It is small in comparison with the deposit in Kentucky, or that in old Virginia and West Virginia. It is not much larger than that of Connecticut. But when the Government was paying from $1 50 to $1 70 for every pound of nickel it bought a citizen of Pennsylvania embarked $400,000 in the experiment of opening a nickel mine, and at the end of nearly seven years produced the first American nickel. It takes eight months to convert the ore into the metal. Nickel ore that yields 8 per cent. is considered very rich. It is frequently worked when the yield is only 2¼ per cent. Any ore that promises 2 per cent. of metal at the end of eight months is worked. This is, with the exception of platina, the most remarkable among metals. The gentleman from New York [Mr. POTTER] showed me to-day the works of his magnificent watch made from nickel because it will not rust, because after being immersed in water and allowed to dry in the sun it shows no signs of oxidation. There is scarcely any mechanical purpose for which nickel cannot be used.

The gentleman from New York [Mr. GRISWOLD] pleads for two foreign monopolies. He pleads that the United States shall not interfere with the two monopolies that now supply, to a great extent, this country. All that we ask is that you will enable one or two native mines to be worked; that our Mint may continue to get its nickel at $1 20 per pound, as it now does, instead of paying $1 70; that the manufacturers of Britannia and white ware may get their material at $1 20, instead of $1 50 or $1 70. The simple fact that Mr. Wharton's nickel works in New Jersey made the nickel from the matte of Lancaster county has saved the Government on all the nickel it has bought, whether of American or foreign production, more than the increase of duty now asked; for the effect of this native production has been to bring down the price from $1 50 per pound to $1 20. What is asked is an increase of 25 cents per pound, less than 35 per cent. *ad valorem*, the present price of nickel being $1 20, and the proposed duty being 40 cents per pound.

I have stated simply and briefly the whole story, and though western gentlemen do not like me to say so, I affirm that I plead for Missouri and Kentucky, for Virginia and Connecticut. I plead for the farmer (whose grain will otherwise rot) that he may have mines worked, and factories, forges, and coal-banks opened in his own vicinity, so that there may be near to the grain-field the persons to consume the grain, and afford the farmer a market for his product.

[Here the hammer fell.]

Mr. HOAR. I ask that the pending amendment be read.

The Clerk read the amendment.

Mr. HOAR. I raise the question of order that it is not germane in a tariff bill to provide in what mode the Director of the Mint shall purchase metal for the Government.

The CHAIRMAN. The point of order is well taken. The Chair rules that the amendment is germane only so far as the Clerk will read.

The Clerk read as follows:

Provided, That all nickel, pure or alloyed, and all metals or other substances of which nickel shall form a component part, which shall be purchased on behalf of the Government of the United States by the Director of the Mint, or otherwise, for coinage, shall be admitted free of duty.

The CHAIRMAN. The Chair rules that this portion of the amendment is germane. The remainder is ruled out.

Mr. HOAR. I wish to inquire whether the portion of the amendment ruled to be admissible is not the provision of the existing law?

The CHAIRMAN. The Chair cannot answer that question.

Mr. BROOKS, of New York. I move to amend the paragraph by striking out the last word. Mr. Chairman, in reply to the gentleman from Pennsylvania, [Mr. KELLEY,] who stated in his remarks, not very reverently, that it was the fault of the Almighty who placed the nickel mine in Lancaster county, Pennsylvania, let me say that it was one of the blessings of the Almighty when He bestowed a nickel mine on Lancaster county, Pennsylvania; but it was one of the misfortunes of His creatures there—I speak in no improper sense—of the human beings who in part represent the State of Pennsylvania, that they have tried to make all parts of the United States subject to and pay taxes and bounties to the monopolies and particular interests in Pennsylvania. When they look abroad beyond their own happy and bountiful Commonwealth they attempt to levy taxes upon all other parts of the United States for whatever blessing the good God has bestowed

on the State of Pennsylvania. Now, it so happens that the only nickel mine worked in the United States is by Mr. Joseph Wharton, who, in a letter recently published in the Philadelphia North American, uses these words: "I am the only producer of nickel on this continent." Those are his very words. Although there are nickel mines in Missouri, in Connecticut, and perhaps in other portions of the country, yet no Representative from the West or anywhere else rises here to ask that thirty-six States of this great Union shall pay a tax to some Mr. Joseph Wharton of Missouri, or some other State of the Union.

The great and serious objection to this article of nickel is the tail which it carries along with it. We have on manufactures and articles of nickel, albata or white metal, argentine, German silver, and the like mixed metals, 45 per cent. *ad valorem*. Because nickel is to be raised a whole *posse* of duties are made to follow in its trail. They put nickel ahead of the scheme, and after it follow all the German silver manufactures. It is the boast of the poor people of the United States that they are not forced to use iron knives and forks; but they can use plated ware or ware plated with German silver, a metal used largely in all the domiciles of the country, yet here the duty is first raised on nickel, and then follows an increase of duty on articles of nickel, albata or white metal, argentine, German silver, and the like mixed metals. This bill is a levy upon every fork, every spoon, every caster, every article of German silver, bringing them into the "ring" of the duties imposed upon other articles throughout the country. It is a levy made exclusively for the benefit of Joseph Wharton, of Lancaster county, Pennsylvania. The demand is perfectly enormous. It is now 15 cents per pound, and the demand on this House is to make it 40 cents per pound. It is preposterous, outrageous; and if I could be surprised at anything in this House of Representatives in the way of demand for the protection of special interests, it would be at this demand for this rise on all articles of German silver from 15 to 40 cents per pound. Yet it is in the "ring." It is tied up with wire. It is linked with iron. It is fettered around with hoops. It is wrapped up in cotton and wool. It is clothed in a variety of garments. By the force of that "ring," I fear, at this hour of the night, when there is hardly a quorum present, this will be added to the other enormities of this bill.

[Here the hammer fell.]

Mr. KELLEY. The gentleman from New York says this tax is enormous, yet he has been endeavoring to impress the House and country that we were imposing duties of 100 per cent., 75 per cent., and 50 per cent. on other metals. If that be so, then 35 per cent. *ad valorem* on a new metal, the material for making which lies so bountifully among us, is not enormous.

But it is the current practice of the gentleman to blow hot and cold. He tells us this duty will increase the price; but when he was making his speech in the opening of the tariff debate he showed the country how the duty on copper had reduced its price. The case is analogous, and I will read from page 13 of the pamphlet copy of the gentleman's speech:

"An honorable gentleman from Michigan in the Fortieth Congress (Mr. Driggs) tempted the House to impose a heavy duty upon imported copper, to give a bounty to the copper miners of Lake Superior; and he did it with the belief, I have no doubt, that it would run up the price of the article. My honorable colleague on the Ways and Means, from Michigan, [Mr. BLAIR,] coöperated with him; but the result has been just the reverse of what the honorable gentleman expected—as in the case of wool. Copper ingot in 1868 was 22 cents per pound by the ingot; and pending the agitation for the bounty increase from 2½ to 5 cents per pound the price ran up to 24½ and 25 cents; but after the levy of the 45 per cent. it ran down soon to 22 and 23 cents, and it is now only 20½ cents per pound. So that the copper producer of Michigan, instead of reaping the benefit of his increased bounty, has had the article left upon his hands 3 or 4 cents less than he might have had but for the bounty sought for here."

Yes; that duty developed new works and stimulated capitalists to employ more hands, and copper is cheaper to-day than ever before. But now, when the gentleman pleads for the importers of New York and their foreign principals, when he pleads for the employers of the poorly paid laborers of England and Germany, he tells us that the increase of duty will increase the cost. Sir, this duty will develop the production of this article. I send to the desk to be read a letter from Messrs. Evans & Askin, the great English nickel manufacturers, who tell us that if we put on this duty they will send one of the members of their firm to erect a nickel refinery in this country and contest the market. And then we will have cheap nickel, as we have got cheaper copper by the protective duty, in spite of the gentleman's resistance to it.

The Clerk read as follows:

BIRMINGHAM, *March* 18, 1868.

DEAR SIR: Although it is now some time since we had the pleasure of corresponding we hear from time to time of the progress you are making in the nickel trade in America, and we trust you find the business a remunerative and successful one.

We hear that attempts are being made to influence Congress to increase largely the import duties on refined nickel, and although perhaps we might at first regret that the duties should be raised, we are not quite sure it would not ultimately be to our advantage; for if the duties are so raised as to render the import of nickel almost prohibitory we shall at once adopt measures to send out one of the junior members of our firm and erect a nickel refinery in the States. In fact from the large quantities of nickel and cobalt ores offered to us by mine La Motte, the Haley Smelting Company, and several others, we are almost disposed to do so at once, as we think it might answer our purpose better than forwarding the refined article from this country. We are not, of course, selfish enough to wish a monopoly of the nickel trade in America, but we hope and intend to have a share of it, either by shipment to or refining in the States.

Should we decide upon erecting works in your country may we reckon on any supply of ore from your mine, in addition to other sources?

We are, dear sir, yours, faithfully,

EVANS & ASKIN.

Mr. JOSEPH WHARTON.

Mr. KELLEY I will now ask for the reading of a letter from the late Director of the Mint, Dr. Linderman, as to the effect of Mr. Wharton's enterprise in reducing the price of nickel.

The Clerk read as follows:

PHILADELPHIA, *June* 10, 1869.

DEAR SIR: I have yours in reference to the price paid by the Mint in past years for nickel.

In former years, when the supply of nickel was uncertain, it was customary to purchase lots of foreign nickel, varying in percentage of nickel contained, from 50 to 96 per cent., and the price was predicated on the fineness. Subsequently a rule was established to purchase and pay for the amount of pure nickel contained in the article. When so purchased my recollection is that the price paid was never less than $1 50, gold, per pound, and frequently it was as high as $1 75. Early in 1867, the price under the competition between your establishment and foreign producers fell to about $1 40; subsequently it receded to $1 30, and afterwards to $1 25 per pound. The last-named price, according to my recollection, is the lowest rate at which pure nickel has ever been purchased by the Mint.

Although you have not requested my opinion on the subject, I deem it simple justice to say that the establishment of your nickel refinery has resulted in bringing down the price of the article, and benefited the Government.

Very truly, yours,

H. R. LINDERMAN.

JOSEPH WHARTON, esq.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. SCHENCK. I hope there will be no further debate upon it.

Mr. BROOKS, of New York. I desire to be permitted to say one word in reply to the gentleman from Pennsylvania, [Mr. KELLEY,] and then I shall not object to debate being closed. I desire to say in reply to the gentleman, and in reply to the constant reiteration that I am the representative of the importing interest—I desire to state that I represent a district containing an immense number of people, among whom there are no doubt many importers; yet there are 500 mechanics to every importer there is in the district. And among these mechanics and laborers whom I represent here there is a large, a very large number of German-silver ware manufacturers of various kinds. I speak here for those manufacturers against this enormous duty on nickel.

The CHAIRMAN. The gentleman from Ohio [Mr. SCHENCK] asks unanimous consent that debate on this paragraph shall cease. The Chair hears no objection.

Mr. RANDALL. I object.

Several MEMBERS. Too late.

The question was put on Mr. GRISWOLD's amendment; and there were on a division—ayes thirty-three, noes not counted.

So the amendment was not agreed to.

Mr. RANDALL. I move to amend by striking out "40," in the four hundred and sixty-fifth line, and inserting "30." On this amendment I only desire to say a very few words.

The CHAIRMAN. The gentleman can only advocate his amendment by unanimous consent, debate on the pending paragraph having been closed.

Mr. MAYNARD. I object.

Mr. RANDALL. I only desire to say that I have some practical knowledge of this matter, and that I think a duty of 30 cents is sufficient. But I would like at the same time to tell the committee why I think so.

The CHAIRMAN. Objection is made to the gentleman proceeding.

Mr. RANDALL. I objected to the proposition to close the debate.

Several MEMBERS. The objection was made too late.

Mr. RANDALL. I only wish to state why consider——

The CHAIRMAN. The Chair has every disposition to oblige the gentleman, but it is not in his power.

Mr. RANDALL. I distinctly stated that when the proposition was made to close debate I objected, having in view the amendment which I now propose.

The CHAIRMAN. Upon the statement made by the gentleman is there unanimous consent that he be allowed to proceed? The Chair hears no objection.

Mr. RANDALL. I shall not occupy the time of the House with any figures of speech. I shall confine myself to figures of arithmetic. The quantity produced in the last year of which I have knowledge was 135,000 pounds, and upon that it was alleged that Mr. Wharton could not live, so that his works have been closed for six months. Now, my amendment is to increase that bounty so as to double it. I think that is sufficient, and I am the more confirmed in that judgment when I know that the Government is the main purchaser of this article. The bounty at 15 per cent. is about $20,000; the proposition of the committee proposes to make it $52,000, and by my proposition it will be $40,000. I think we ought not to raise this duty so high as to prohibit entirely importation. The importation in 1868, which my colleague [Mr. KELLEY] tells us is the last year we have any record of, was only about 100,000 pounds; I think he said 108,000 pounds.

Mr. KELLEY. One hundred and eighteen thousand pounds; and I know that in 1869 the amount was larger.

Mr. RANDALL. I think Mr. Wharton, who is a very upright and honorable man, ought to be satisfied if we double the duty.

The amendment to the amendment, to make the duty 20 cents a pound, was disagreed to.

The question was then taken on Mr. RANDALL's amendment, to put the duty at 30 cents a pound; and there were—ayes 39, noes 70; no quorum voting.

Tellers were ordered; and Mr. RANDALL and Mr. KELLEY were appointed.

The committee divided; and the tellers reported—ayes 36, noes 79.

So the amendment was rejected.

Mr. COX. I move that the committee do now rise.

Mr. SCHENCK. Let the next paragraph be read, and then I will move to rise.

Mr. COX. Gentlemen desire to offer further amendments to this paragraph.

The motion was agreed to.

So the committee rose; and Mr. CESSNA having taken the chair as the Speaker *pro tempore*, Mr. WHEELER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

LEAVES OF ABSENCE.

Mr. WOOD obtained leave of absence for one day.

Mr. SWANN obtained leave of absence for one day.

Mr. McNEELY obtained leave of absence for to-morrow.

PRINTING OF A PAPER.

Mr. WELKER asked unanimous consent that the printing of the letter of the Secretary of War in response to the resolution of the House of the 28th March, 1870, giving the number of private buildings used by the War Department, be dispensed with.

There was no objection; and it was so ordered.

WITHDRAWAL OF PAPERS.

On motion of Mr. BECK, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers of Warfield & Co., of Lexington, Kentucky.

On motion of Mr. LAFLIN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the petition and papers relating to the claim of George J. Knight for compensation for the loss of the schooner Experiment during the war of 1812.

ANNEXATION OF DOMINICA.

Mr. BUTLER, of Massachusetts. I desire unanimous consent to introduce a joint resolution in relation to the republic of Dominica. [Laughter.]

Mr. BROOKS, of New York. Monsieur Tonson, encore! I object. [Laughter.]

Mr. SCHENCK. I move that the House do now adjourn.

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

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BOWEN: The petition of William Grant, asking compensation for services rendered the United States Government at Charleston, South Carolina, during the early part of 1865.

By Mr. CHURCHILL: A bill to establish a post road from Lamsons, Onondaga county, by the way of Phœnix, to Pennellville, Oswego county, New York.

By Mr. CLARKE, of Kansas: A petition of citizens of Wabaunsee county, Kansas, praying for the abolition of the tax on tea and coffee.

Also, proceedings of a public meeting of citizens of Montgomery county, Kansas, with resolutions and a memorial to Congress, praying for the removal of the Indians from the Osage diminished reserve, and the opening of the land to settlers.

By Mr. COBB, of Wisconsin: The claim of Alexander Peter.

By Mr. DAVIS: A petition of merchants and others, of Albion, New York, asking that pig lead be admitted free of duty.

By Mr. FERRY: The petition of Mrs. Lois A. Foster, of Grand Rapids, Michigan, praying for payment to her, as sole heir, the amount of withheld pension due to her father, Moses W. Hunt, deceased.

By Mr. PORTER: The petition of S. S. Jones and others, citizens of Richmond, Virginia, praying the passage of a law allowing the importation of pig lead free of duty.

Also, the petition of Dabney M. Miller, of Richmond city, Virginia; of William E. Wade, John A. Eacho, and Z. S. McGruder, of Henrico county, Virginia; of John H. Haskins, of Amelia county, Virginia; of S. T. Hancock, of Chesterfield county, Virginia; of John W. Nixon, of Loudon county, Virginia; and of William E. Clopton, of New Kent county, Virginia, praying the removal of their legal and political disabilities imposed by the fourteenth article of amendments to the Constitution.

By Mr. REEVES: Petitions for repeal of duty on pig lead from Orange Judd, Platt W. Lowerre, John F. Townsend, and 34 others, citizens of Flushing, Queens county, Long Island; from William C. Powell, Isaac Amberman, Lewis H. Clower, and 46 others, citizens of the town of Hempstead, Queens county, Long Island; from H. D. Remsen, John Ruland, John Hewlett, and 40 others, citizens of the town of North Hempstead, Queens county, Long Island; from John T. Gallup, D. O. Crawford, Madison W. Young, and 19 others, citizens of Greenport, Suffolk county, Long Island; and from H. & S. French, E. T. Hedges, O. B. Lucas, and 35 others, citizens of Sag Harbor, Suffolk county, Long Island

By Mr. SARGENT: A memorial of the ship-builders and others of San Francisco, praying for positive rank for naval constructors in the Navy.

By Mr. SMYTH, of Iowa: The petition of R. W. H. Brent and 77 others, citizens of Muscatine, Iowa, asking that the duty on tea and coffee be entirely abolished, and the duty on sugar and molasses greatly reduced.

IN SENATE.

THURSDAY, *May* 12, 1870.

Prayer by Rev. THOMAS M. EDDY, D. D., of Baltimore, Maryland.

The Secretary proceeded to read the Journal of yesterday.

Mr. MORRILL, of Maine. I move that the further reading of the Journal be dispensed with.

The VICE PRESIDENT. The Chair hears no objection, and the further reading of the Journal is dispensed with.

HOUSE BILL REFERRED.

The bill (H. R. No. 1977) to supply a deficiency in the appropriation for compensation and mileage of members of the House of Representatives and Delegates from Territories for the fiscal year ending June 30, in the year 1870, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 1964) to change the boundaries of the Stockton land district, in the State of California, was read twice by its title.

The VICE PRESIDENT. The Chair understands that the Senators from California desire this bill to lie on the table for the present. It will lie on the table.

PETITIONS AND MEMORIALS.

Mr. HOWARD presented the petition of Michael Greiner and others, citizens of Michigan, praying for the abolition of the franking privilege; which was ordered to lie on the table.

He also presented the memorial of Bruckner & Powell, and others, citizens of Michigan, remonstrating against the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

Mr. FENTON presented a memorial of citizens of New York, remonstrating against the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

He also presented the petition of George R. Wilson, superintendent of machinery in the Washington navy-yard, praying remuneration for the invention of what is called "Wilson's gun-carriage;" which was referred to the Committee on Naval Affairs.

Mr. LEWIS presented the petitions of Elbert S. Fuller and J. P. Reid, of Carroll county, Virginia; of I. F. Bailey, of Jarratt's Depot, Virginia; of John M. Williams, of Smyth county, Virginia; of Benjamin Riddick, of Suffolk, Virginia; of John H. Estes, of Pittsylvania, Virginia, and of Edward C. Marshall, of Fauquier county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. McDONALD presented the petition of N. B. Pearce, of Bentonsville, Benton county, Arkansas, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. McCREERY presented the petition of W. L. Goldsmith, of Atlanta, Georgia, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. KELLOGG presented a memorial of T. J. Burdeau, agent of the Mississippi Valley Transportation Company, and others, masters and owners of steamboats and other vessels trading inland from the port of entry of New Orleans, praying for such an amendment to the second section of the act entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Cincinnati, Louisville, Nashville, and Natchez to be received and paid at those places," passed 2d of March, 1831, as will allow the master, owner, or agent of the steamboat or vessel employed in transporting imported goods, or the importer or consignee of such goods, or the lawful agent of either the importer or consignee, to file and certify the duplicate manifest of imported cargo, in accordance with the terms of the law, with the collector of the port of New Orleans, within eighteen hours after the departure of such steamboat or vessel; which was referred to the Committee on Commerce.

Mr. CONKLING presented additional papers, relating to the joint resolution (S. R. No. 192) in relation to the claims of Ward B. Burnett; which were referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILL.

Mr. HOWARD. I wish to give notice that when the general appropriation bill is again taken up I shall offer an amendment, which I send to the Chair.

The VICE PRESIDENT. It will be referred to the Committee on Appropriations, under the rule.

Mr. RAMSEY submitted an amendment intended to be offered to the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871; which was referred to the Committee on Appropriations.

ARKANSAS HOT SPRINGS.

Mr. RICE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. No. 95) in relation to the Hot Springs reservation, in Arkansas, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with the following amendments:

Section one, strike out from the word "find," in the seventh line, to the word "any" in the eighth line.

After the word "final," in the seventh line, insert "decision."

Strike out all from the word "settle," in the eighth line, to the word "the" in the ninth line.

Strike out "suits" and insert "suit" in the ninth line.

Section two, line four, strike out the words "as near as may be."

Strike out all from the word "States," in the sixth line, to the word "and" in the eighth line.

Line nine, strike out "such," and in lieu thereof insert "the."

Line ten, strike out the word "usually."

Line ten, after the word "equity," insert the words "so far."

Section three, line one, strike out the words "process in," and in lieu thereof insert "notice of."

Line three, after the word "thereof," insert the words "with a copy of the petition."

Section four, strike out all of section four.

Section six, strike out all from the word "shall," in the third line, to the word "the" before "United" in the fourth line.

Line three, after the word "shall," insert "decide in favor of."

Section six, strike out all from the word "shall," in the twentieth line, to and including the word "lands," in the twenty-second line, and in lieu thereof insert the words "decide in favor of any claimant."

Line thirty-two, strike out the word "approval," and in lieu thereof insert "appeal."

Line thirty-four, after "appeal" insert the words "in the same manner and with the same effect as in cases of appeal in equity causes from the circuit courts of the United States."

And that the House agree to the same.

B. F. RICE,
GEO. F. EDMUNDS,
WM. T. HAMILTON,
Managers on the part of the Senate.
J. PROCTOR KNOTT,
A. A. C. ROGERS,
Managers on the part of the House.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 467) to repeal section four of the act of March 3, 1869, entitled "An act in relation to additional bounties, and for other purposes," reported it with an amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 268) directing the Secretary of War to deliver certain condemned cannon to the Ladies' Monumental Association of Peoria, Illinois, reported it without amendment.

Mr. RAMSEY, from the Committee on Post Offices and Post Roads, to whom was referred the joint resolution (S. R. No. 195) authorizing the Midland Pacific Railway Company to build a bridge at or near Nebraska City, and connect its road with other railroads, reported it without amendment.

He also, from the same committee, to whom was recommitted the joint resolution (S. R. No. 123) for the relief of C. E. Rogers, reported it without amendment, and submitted a report; which was ordered to be printed.

Mr. FERRY, from the Committee on Patents, to whom was referred the bill (S. No. 901) for the relief of Sarah N. Eagleton, executrix of the last will and testament of J. Joseph Eagleton, deceased, reported it without amendment, and submitted a report; which was ordered to be printed.

Mr. KELLOGG, from the Committee on Commerce, to whom was referred the bill (S. No. 888) to aid the Junction and Breakwater Railroad Company, in the State of Delaware, to construct, in connection with said road, a pier in the Delaware bay, at or near Lewes, in Sussex county, and State of Delaware, reported it without amendment.

He also, from the same committee, to whom was referred the memorial of Mahlon A. Loomis, praying aid to enable him to experiment in a system of telegraphing, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. CORBETT, from the Committee on Commerce, to whom was referred the bill (S. No. 853) to restore Benicia, in the State of California, as a port of entry, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. HAMILTON, of Maryland, from the Committee on Patents, to whom was referred the petition of Lydia E. Carhart, widow of Jeremiah Carhart, praying for the extension of a patent for improvements in reed musical instruments, submitted an adverse report; which was ordered to be printed.

Mr. DRAKE, from the Committee on Naval Affairs, to whom was recommitted the joint resolution (S. R. No. 92) for the relief of certain contractors for the construction of vessels of war and steam machinery, reported it with an amendment.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 911) exempting from taxes certain property in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 912) granting the use of a public reservation in the city of Washington to the Island Institute; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 913) granting the right of way to the Green Bay and Lake Pepin Railway Company for its road across the Oneida reservation, in the State of Wisconsin; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CORBETT asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 196) authorizing the President to withdraw his acceptance of the resignation of R. H. Lamson, late lieutenant United States Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

PENSION APPROPRIATION BILL.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. No. 781) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1871, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM H. KELSEY of New York, Mr. BENJAMIN F. BUTLER of Massachusetts, and Mr. WILLIAM E. NIBLACK of Indiana, managers at the same on its part.

On motion of Mr. MORRILL, of Maine, the Senate proceeded to consider its amendment to the bill (H. R. No. 781) making appropriations for the payment of invalid and other pensions of the United States, for the year ending June 30, 1871, disagreed to by the House of Representatives; and

On motion of Mr. MORRILL, of Maine, it was

Resolved, That the Senate insist upon its amendment to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the Vice President.

The VICE PRESIDENT appointed Mr. MORRILL of Maine, Mr. NYE, and Mr. STOCKTON.

"ELKHORN HUNT."

Mr. MORRILL, of Maine. I offer the following resolution, and ask for its present consideration:

Resolved, That the President be requested to communicate to the Senate any information in his possession in relation to an organized band of persons at Cheyenne or vicinity, and the number and designs of such persons, if not deemed inconsistent with the public interests.

There being no objection, the Senate proceeded to consider the resolution.

Mr. EDMUNDS. Does that mean Cheyenne in the Territory of Wyoming? If it does the words "in the Territory of Wyoming" should be inserted.

Mr. MORRILL, of Maine. Is there any other Cheyenne?

Mr. EDMUNDS. Oh, yes.

Mr. MORRILL, of Maine. Very well.

The VICE PRESIDENT. The resolution will be so modified.

The resolution, as modified, was adopted.

ORDER OF BUSINESS.

The VICE PRESIDENT. The morning business is now concluded.

Mr. WILSON. I now move to take up the bill (H. R. No. 987) to reduce the number of officers in the Army of the United States, and for other purposes.

The VICE PRESIDENT. The legislative, executive, and judicial appropriation bill is before the Senate, and the Senator from Massachusetts moves to pass it over with a view to taking up the Army bill.

Mr. SHERMAN. If the Senator will allow me, I wish to give notice now that as soon as the pending appropriation bill is disposed of I shall move to take up the bill to reduce taxation.

Mr. SUMNER. As that seems to be the fashion of the Senate, I give notice that I shall move an executive session, in order to proceed with a matter which has been made a special order.

Mr. SHERMAN. That will not interfere with this bill.

Mr. STEWART. I give notice that I shall insist most strenuously on the bill to enforce the fifteenth amendment.

Mr. RAMSEY. And I shall insist on proceeding with the special order.

Mr. MORRILL, of Maine. I insist on the regular order now.

Mr. WILSON. After all this insisting, I hope my bill will be taken up and disposed of.

The VICE PRESIDENT. The Senator from Maine insists on the regular order, which is the legislative, executive, and judicial appropriation bill, pending which the Senator from Massachusetts moves to pass over the present and all other orders for the purpose of considering the Army bill.

Mr. MORRILL, of Maine. I hope the Senate will not do that.

The VICE PRESIDENT. It is for the Senate to decide; the motion is not debatable. The appropriation bill is before the Senate, and the question is on the motion of the Senator from Massachusetts to pass over that and all prior orders, for the purpose of taking up the Army bill.

Mr. WILSON. As the chairman of the Committee on Appropriations insists upon going on with the appropriation bill now, I withdraw my motion.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE PRESIDENT. The Senator withdraws the motion. The Senate, as in Committee of the Whole, resumes the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871, the question being on the amendment proposed yesterday by the Senator from Oregon, [Mr. WILLIAMS.]

Mr. COLE. I move to amend the amendment by adding to it: "and hereafter no charge shall be made for coinage in the United States Mint or its branches."

This is a proposition that will meet with approval on the part of all the persons who are engaged in the production and who are interested particularly in the gold and silver bullion of the country. It is a proposition that has been recommended in the form of resolutions by influential bodies. I believe the Legislature of the State of California has passed a concurrent resolution on the subject which has been presented to Congress. The Senator from Oregon states that he will accept the amendment, as far as he is concerned, and if so I do not care to debate it. I hope there will be no opposition to it.

Mr. SHERMAN. I give notice that that proposition, if persisted in, will create more debate than any other which could be proposed to be attached to an appropriation bill. It involves $500,000. It revolutionizes the policy of this country from the foundation. It goes back to a policy adopted by England alone of all the civilized nations of the world, and this year abandoned by England. It has been pronounced against by all the writers on political economy for the last hundred years. The proposition is based on the idea that Government is bound to coin money without cost, to pay the expense of it. It is a great subject; it will lead to a large debate. It is a matter that has often been considered by the Committee on Finance, often proposed in California, but uniformly rejected. It is a sacrifice of immediate revenue to the extent of about half a million dollars. I trust, therefore, that it will not be thrust upon this appropriation bill. If it is, I shall feel it my duty as a member of the Committee on Finance to debate it at considerable length. Certainly I shall oppose it strenuously.

Mr. STEWART. I appeal to the Senator from California to withdraw his amendment, although I am sincerely in favor of it.

The VICE PRESIDENT. The Chair asks the Senator from Oregon if the original amendment is reported from the Committee on Finance, for if so he cannot accept the amendment of the Senator from California?

Mr. WILLIAMS. I did not accept the amendment. I stated to the Senator from California that so far as I was concerned I was willing to agree to it. I am in favor of the proposition, but the Committee on Finance have decided against it. I wish to make that statement, but individually I am in favor of the amendment; but I hope the Senator will not embarrass the amendment offered by me with the one he proposes, although I am in favor of the principle.

I wish to correct a statement made by the honorable chairman of the Committee on Finance about the legislation of England. I have in my hand a copy of the law just passed by England, by which all charges for coinage in the royal mint are abolished. So that they charge nothing in England at this time for coining money.

Mr. COLE. I deem it my duty to correct at least two misstatements made by the chairman of the committee. One is that we are overturning or modifying a policy of the Government that has existed from its foundation. According to my recollection and the information I have received, this coinage charge has only applied since 1853 in this country. Another statement which I regard as not founded upon an investigation of the facts is that this will result in an immediate burden upon the Government amounting to $500,000. The coinage charge is one half of one per cent.

Mr. SHERMAN. On gold.

Mr. COLE. On gold; which would only yield the Government $500,000 in case there were coined each year $100,000,000, as any one can see who is conversant with the simplest rules of arithmetic. The coinage of this country does not amount to $100,000,000 a year, nor to more than a very small proportion of that sum; and the burden upon the Government instead of being $500,000 a year, will be, as I believe, less than $100,000 a year, because I think the coinage does not amount to over $20,000,000 a year.

Mr. MORRILL, of Maine. Will the Senator yield to me?

Mr. COLE. I will not insist upon stating anything further at this time if the matter is not before the Senate.

The VICE PRESIDENT. The question is before the Senate as an amendment to an amendment.

Mr. MORRILL, of Maine. I wish to make one remark.

Mr. SHERMAN. My statement was literally true. Although the coinage is now only about thirty million dollars, and although the seigniorage, as it is called, on the gold coinage is only at the rate of one half per cent., the same principle would extend to the coinage of silver, the coinage of copper, and the coinage of nickel, on which I can show by official reports we now derive a profit of $750,000, or more than enough to pay the entire Mint charges. Of course if we coin gold without charge we must extend it to silver and the various metals. I can show by Adam Smith and all the writers on political economy that the course of England on that subject has been denounced; and the chancellor of the exchequer, in a speech made last August, which I think the Senator from Oregon has read—at least I handed it to him—favored the resumption of a coinage charge. I only allude to these facts to show that this opens a great question.

LEAVE OF ABSENCE.

Mr. WILSON. I ask leave of absence for several days, I do not know how long.

The VICE PRESIDENT. The Senator from Massachusetts asks leave of absence from the Senate for several days. The Chair hears no objection.

REDUCTION OF THE ARMY.

Mr. MORRILL, of Maine. Will the Senator from California yield to me to make a suggestion?

Mr. COLE. Certainly.

Mr. MORRILL, of Maine. The Senator from Massachusetts who has just asked leave of absence from the Senate states to me that he is under an absolute necessity of leaving for home to-night, and he desires to present the military bill for the action of the Senate before he does so. Under these circumstances I do not feel authorized to press the appropriation bill now before the Senate against his bill, and hence I appeal to the Senate to lay aside the appropriation bill informally, that the Senator from Massachusetts may present his military bill to the Senate.

The VICE PRESIDENT. The Senator from California being entitled to the floor yields to the Senator from Maine, who asks unanimous consent that the appropriation bill may be passed over informally for the purpose of taking up the bill (H. R. No. 987) to reduce the number of officers in the Army of the United States, and for other purposes. The Chair hears no objection, and the bill is before the Senate, subject to a call for the regular order. The pending question is on the motion of the Senator from Alabama, [Mr. WARNER,] to strike out the first section of the amendment of the Committee on Military Affairs.

Mr. HAMILTON, of Maryland. The yeas and nays were ordered on that question.

Mr. CASSERLY. They were ordered the other day.

The VICE PRESIDENT. The Chair is informed that they have not yet been ordered. The Senator from Maryland demands the yeas and nays on the motion to strike out.

The yeas and nays were ordered.

Mr. HAMLIN. Before that motion is put I wish to amend the first section by striking out "twenty-five" and inserting "thirty."

The VICE PRESIDENT. That motion is in order and has priority. The Senator from Maine moves, before the question is taken on striking out the first section, to strike out "twenty-five" and insert "thirty," so that the reduced Army shall consist of thirty thousand men. That motion has priority, being in the nature of perfecting the section.

Mr. POMEROY. I think the chairman of the committee and those who are familiar with the subject would be willing to accept that amendment.

Mr. HAMLIN. He cannot accept it.

Mr. POMEROY. The original amendment having been reported by the committee, perhaps it is not in the province of the chairman to accept an amendment to it; but I am confident from conversations that I have had with the Military Committee and others they would be willing to compromise on thirty thousand men instead of twenty-five thousand, and perhaps we can agree to that by unanimous consent. I think the chairman of the committee himself, if he would express his own opinion at any rate, would say that the reduction to thirty thousand would be acceptable.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent that the chairman of the committee may accept the amendment of the Senator from Maine so as to make the section stand at thirty thousand. Is there objection?

Mr. WILSON. I should be very glad to accept thirty thousand.

Mr. DAVIS. I object.

The VICE PRESIDENT. The original amendment being the report of a committee, an amendment to that amendment cannot be accepted except by unanimous consent. The Senator from Kentucky objects. The question is on the amendment of the Senator from Maine.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The section now stands at thirty thousand, and the question recurs on striking it out as amended, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 21, nays 31; as follows:

YEAS—Messrs. Ames, Anthony, Boreman, Drake, Edmunds, Flanagan, Kellogg, Lewis, McDonald, Nye, Ramsey, Rice, Robertson, Ross, Sawyer, Sherman, Sprague, Stewart, Thayer, Warner, and Willey—21.

NAYS—Messrs. Brownlow, Casserly, Chandler, Cole, Conkling, Corbett, Davis, Fenton, Ferry, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howell, Johnston, McCreery, Morrill of Maine, Osborn, Pomeroy, Pratt, Saulsbury, Schurz, Scott, Sumner, Thurman, Tipton, Vickers, Williams, and Wilson—31.

ABSENT—Messrs. Abbott, Bayard, Buckingham, Cameron, Carpenter, Cattell, Cragin, Fowler, Gilbert, Howe, Morrill of Vermont, Morton, Norton, Patterson, Pool, Revels, Spencer, Stockton, Trumbull, and Yates—20.

So the motion to strike out was not agreed to.

Mr. FERRY. Mr. President——

Mr. STEWART. Is the first section still amendable?

The VICE PRESIDENT. The section is still amendable, but the Senator from Connecticut is recognized.

Mr. FERRY. I move to strike out the eleventh section, if that motion is now in order.

The VICE PRESIDENT. If the Senator from Connecticut will reserve that amendment, the Senator from Nevada desires to still further amend the first section.

Mr. FERRY. I will reserve it for the present.

Mr. STEWART. I move to amend the first section by striking out "thirty" and inserting "thirty-four."

Several SENATORS. That cannot be done.

The VICE PRESIDENT. The Senator can move to add the word "four," because that does not strike out anything that has been inserted. That will be within the parliamentary rule.

Mr. HAMLIN. I beg the Chair's pardon. The Senate have struck out the original number and put in a definite sum. They have put in a fixed sum; and it must stand as that sum, and cannot be changed.

Mr. EDMUNDS. On a sum, that is so.

Mr. HAMLIN. Oh, yes; there is no doubt about it. We have struck out certain words and put in certain words. You cannot change those words by increasing them or adding another so as to make the amount thirty-four thousand. The bill must stand in its precise form. When we come into the Senate the Senator can then move his amendment.

The VICE PRESIDENT. The Chair agrees with the Senator from Maine that probably

that would be the better course, the number having been fixed specifically. If they were ordinary words, not figures, they would be liable to amendment; but being figures and specific, the Chair thinks the better way would be to wait until the bill is reported to the Senate.

Mr. STEWART. Very well.

Mr. FERRY. I now move to strike out the eleventh section.

The VICE PRESIDENT. The Secretary will report the section proposed to be stricken out.

The Secretary read the eleventh section, as follows:

SEC. 11. *And be it further enacted*, That the General of the Army, commanding officers of the several military departments, and chiefs of the several staff departments of the Army shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties, setting forth specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and directed to constitute a board, to consist of one major general, one brigadier general, and three colonels, three of said officers to be selected from among those appointed to the regular Army on account of distinguished services in the volunteer force during the late war, and on recommendation of such board the President may wholly retire any of the said officers so reported with one year's pay.

Mr. FERRY. It was stated by the chairman of the Committee on Military Affairs that there are about four hundred and eighty supernumerary officers, I think. The object of the second, third, fourth, and eleventh sections of the bill of the committee is to get rid of these supernumerary officers. The second, third, and fourth sections provide for relieving the Army of such portions of them as will voluntarily resign; and those three sections provide inducements which will tend to lead these supernumerary officers to resign; and I believe that under the operation of these three sections a very large number of the supernumeraries will resign, as it is evidently for their interest to do so.

But the objection to these three sections in connection with the eleventh has already been suggested, to wit, that if the officers do not voluntarily resign under the inducement held out by the second, third, and fourth sections a kind of threat is held over their heads by the eleventh section that a retiring board shall be created which shall dismiss them by its action from the service, whether they will or not.

Now, a large number of these supernumerary officers are, we are informed by the chairman of the Committee on Military Affairs, wounded officers, wounded and disabled in the service of their country in the recent war; others are officers who have been disabled by sickness induced by the exposures of the recent war; some, it is said, are persons who are personally unfit from evil habits or from some other cause to remain officers of the Army. I certainly am unwilling that the officers of the first two classes, those disabled by wounds or sickness incurred in their service in the recent war, shall be compulsorily retired by a board created after the manner of this section. It is not just toward them. It is most impolitic as a presentation of the attitude of the Government of the United States toward its veteran officers who have given their best years and the health of the remainder of their lives in the service of the country. It is all wrong. I think the country will feel that it is wrong. I think, therefore, that if the eleventh section is stricken out a large number, probably from one fourth to one third, of the supernumeraries will be relieved under the second, third, and fourth sections, and that it is better to retain the remainder even as supernumeraries than it is to place the Government in the attitude in which it will be placed by the action of the eleventh section. They are sick or they are wounded, and they will not live long. Let them die out; but do not let them die out with the feeling that an ungrateful country has turned them to the cold charities of the world.

Mr. THAYER. I wish to say one word in reply to the Senator from Connecticut. I see no hardship in this section. If men have become unfit for service by reason of disability incurred while in the service they can be retired on three-quarters pay. Is there any wrong or hardship inflicted on these officers?

Mr. CARPENTER. By this section they are discharged with one year's pay.

Mr. WILSON. Will the Senator from Nebraska allow me a moment?

Mr. THAYER. Certainly.

Mr. WILSON. The House of Representatives passed the bill which comes to us, and to which our bill is a proposed amendment; and the House bill provided in the first section for the appointment of a board of officers with authority to examine into the record, qualifications, and fitness of every officer of the Army, and to report thereon. It seemed to me, in the first place, that the measure itself was an impracticable one, that it would take at least three years to examine twenty-five hundred officers. In the next place, it seemed to me rather a strange proposition on the part of the Congress of the United States to propose to examine all the officers of the Army. Nearly all these officers have seen service in the field. More than five hundred of them have been wounded. They have had large experience. Nearly fifteen hundred of them were officers of volunteers, many of them generals and colonels holding high positions. I would as soon suppose that Napoleon would have ordered an examination of all his Old Guard for any special purpose as that we should examine all the officers of our Army.

This proposition of ours is a simple proposition to examine only such officers whose names shall be sent to the Secretary of War by the General of the Army, the commanders of departments, or the heads of staffs, as officers disqualified by their own acts, by their own misconduct, in whose record there is something wrong or in whose action there is something wrong. I am told by those who know what the record of the officers of the Army is that from two to three hundred at most would be all that would be sent before the board under this section.

Mr. NYE. It does not say so.

Mr. FERRY. The section does not say anything of the kind. These staff officers are to "forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties." The staff officers are to send forward the names of those whom they deem unfit from any cause, whether it be sickness, or wounds, or vice, or anything else.

Mr. WILSON. That is very true; but then it is well known that the record of the officers of the Army is made up in the War Department, and what they have done in the field and elsewhere, their character, their service, is as well known at the War Office and as well understood as a school-teacher ever understood the character of his pupils.

Mr. HOWARD. The Senator from Connecticut seems to misconceive the real effect of this clause. As I understand it the staff officers of themselves cannot send this list without the joint signature of the general commanding the department. It must be the concurrent act of the general himself and the staff officers.

Mr. FERRY. Of course the staff officer sends it through his chief.

Mr. HOWARD. But he must join in it. I understood the Senator from Connecticut to intimate that the staff officers alone would do it.

Mr. WILSON. I wish to say to the Senator from Connecticut that I have no idea, nor has anybody connected with the Army, that more than two hundred and fifty men would go before any such board; and it would be settled in a few months. This proposition, instead of examining the whole Army, is in lieu of the first section of the House bill, which provided for an examination of the whole of the officers of the Army, a long work of three or four years. This can be done probably in less than six months.

Let me say to the Senator further, that there is no menace in it. The first proposition in it is to offer to every officer of the Army an opportunity to resign on certain conditions, offering certain temptations to resign. The next proposition is to enlarge the number of retired officers from about one hundred and seventy to three hundred, so that one hundred and twenty or one hundred and thirty wounded and sick officers, officers broken down in the service, and old officers, may be retired on three-fourths pay; a very liberal, kind, generous provision.

If this section shall be stricken out, I agree with the Senator, the work can be cheaply accomplished, because provision is made in another section that when these sections are executed, if there be any supernumerary officers left, they may be furloughed by the Department, or may be mustered out of the service with one year's pay. So that it will leave it to the President to muster out such officers as he deems fit, until he reduces the number. The expense of retaining these four hundred and eighty supernumerary officers is somewhere from a million to a million and a quarter dollars. Many of these men have been out of employment nearly a year, and some others are in employment as Indian agents.

Mr. HAMLIN. Mr. President, I have listened to the explanation of this section by the Senator from Massachusetts. If the section contained precisely what he says it is its object to accomplish I should be in favor of retaining the section; but it does seem to me that the point taken by the Senator from Connecticut is correct. The section, in other words, is not what the Senator from Massachusetts designs it should be. It is certainly not so if I can understand language.

It does provide that the superior officers named shall, after the passage of this act, furnish a list of officers in their respective commands deemed by them unfit. Unfit for what? For what purpose? From what cause? A man may have no arms and no legs; he certainly is not fit. The Senator says he wants to accomplish this object, and certainly I agree with him: that if there is a class of men in the Army who from their habits and misconduct are so that they are not worthy to associate with Army officers, they ought to be dismissed, in justice to the other officers of the Army. If the section were so amended I would cheerfully vote for it; but I want to suggest for the consideration of the Senator, if it will not be best to add after the word "unfit" in the sixth line, these words, "from their own misconduct or habits," and then to strike out in the eighth line the words "cause of such unfitness," and insert "misconduct or habits complained of;" and then the section would read:

That the General of the Army, commanding officers of the several military departments, and chiefs of the several staff departments of the Army, shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit from their own misconduct or habits for the proper discharge of their duties, setting forth specifically in each case the misconduct or habits complained of.

It seems to me that amendment will make the section precisely what the Senator from Massachusetts says he designs by it; and with that amendment I will cheerfully vote for it. Without that amendment I cannot vote for it. I propose to amend first, by inserting after the word "unfit," in line six, the words "from their own misconduct or habits;" and if that shall prevail, then I will move further to amend by striking out in the eighth line the words "cause of such unfitness" and inserting "misconduct or habits complained of."

Mr. TRUMBULL. I desire simply to inquire of the Senator from Maine if his amendment

will not disgrace every man that is dismissed? Nobody can be turned out, then, unless he be a disreputable man and be disgraced.

Mr. HAMLIN. I do not want anybody else to go out.

Mr. TRUMBULL. Such persons may be discharged from the service now. I do not understand the words "unfit for the proper discharge of their duties" in so broad a sense as the Senator from Maine does. I do not suppose that because an officer of the Army, otherwise qualified and perfect in every respect, an accomplished officer and a brave man, had lost an arm on the field of battle, any general commanding the Army would recommend him as unfit for service. That is not the meaning of the word "unfit" in this connection. He would be the last person that the commanding General or the commander of any department would think of reporting to the Secretary of War as unfit for the service. That class of persons who would be embraced doubtless under the amendment of the Senator from Maine are those who would be reported; but I would not like to have the section passed in a form that necessarily disgraced every man dismissed.

Mr. THURMAN. Mr. President, it seems to me that this section is defective in this: that it makes no discrimination whatever between unfitness for service caused by the officer's own misconduct and unfitness caused by no misconduct of his, but owing to his service in the Army, either wounds or disease happening to him in the service of the country; but here is an absolute power given to the President to retire all alike, those disqualified by their own bad habits and those disqualified by wounds or disease incurred in the service of the country. I do not think that is right; but I think a discrimination ought to be made. I do not think, however, it would be right to adopt the amendment suggested by my friend from Maine, and that for the reason stated by the Senator from Illinois; but I am willing to trust the President with a discretion which will enable him to retire all such as by their own misconduct are unfit for service and to place on the retired list, on precisely the same footing as those provided for in section three, those who have become unfit for service by means of wounds or disease incurred in the service of the country; and for that purpose I shall offer the amendment which I send to the Chair, to come in at the end of the eleventh section.

The VICE PRESIDENT. The Senator from Maine [Mr. HAMLIN] has moved an amendment.

Mr. THURMAN. I will offer it if he will withdraw his, or it can be read for information.

Mr. HAMLIN. Let it be read first.

The VICE PRESIDENT. It will be reported for information.

The CHIEF CLERK. At the end of section eleven the Senator from Ohio [Mr. THURMAN] wishes to insert:

Or may retire them on the same terms, as to pay and emoluments, as are provided in section three of this act.

Mr. THURMAN. That will enable the President of the United States to discriminate between those who ought to be absolutely dismissed from the service because of their unfitness, and because they have no claim upon the country to be retained in the service, and those who have become disqualified without fault of theirs, disqualified by their very service either by disease or by wounds incurred in war; and that will enable the President to do it. I am willing to trust that in his hands. I have no doubt he would exercise that discretion properly as a President and military man, as he is, ought to do; and I think that is the safest way to trust this in his hands. If that be done, then officers who have become disqualified by wounds received in the service or owing to sickness incurred in the service may be placed on the retired list on the same conditions as the officers who have served thirty years, provided for in section three, and I for one am perfectly willing to place in that position any man who has become unfit for service owing to wounds he has received, or owing to sickness incurred in the service of the country.

Mr. CORBETT. I understand that under the act referred to in the proviso to section four there are now retired about one hundred and seventy-five officers. This increases the number to three hundred. This is in order to give the opportunity that those officers may be retired who are worthy, as provided in that section; and the eleventh section is, I suppose, intended to meet certain cases that are not provided for in any other portion of the bill. Under section four there can be added to the retired list one hundred and twenty-five officers; consequently I see no necessity for striking out or amending the eleventh section, but I prefer to leave it just as it is.

Mr. STEWART. I wish to make a suggestion in regard to this section. I do not understand very much about Army discipline; but I understand that under the law as it now exists officers are court-martialed and removed, and I believe there is some system enumerating the definite offenses for which they are removed. Now, according to this section men are to be tried for unfitness "for the proper discharge of their duties, setting forth specifically in each case the cause of such unfitness."

It seems to me that is a very strange way of creating an offense for which a man is to be removed from the service. I am very certain that any respectable officer would rather be put out of the service directly than be subjected to a trial as to whether he was fit or not. Then the question whether he is fit for service or not will depend upon a thousand considerations; in the first place, whether he is in favor with the board. If he is out of favor with the board, if the majority of the board happen to be against him, they will decide one thing to be unfitness at one time and another thing at another time. By this section all the officers of the Army are to be tried, and, it may be, branded with unfitness for the service.

Now, it seems to me that if a man is to be discharged from the Army, which is a punishment, the offense should be defined. I would much prefer to say that they should be put out arbitrarily than that they should be tried by a board which shall define the cause of their unfitness. I do not believe in that. Such a board might not always be just. It is not very safe to allow the same tribunal to prescribe the penalty, make the law as to what shall constitute unfitness, and then discharge the officer. I do not believe that the officers of the Army have committed any such offenses that they should be subjected to such a law as that.

Mr. WILSON. The bill as it came to us from the House of Representatives was very explicit on this point. That bill provided that all the officers of the Army should be examined by a board who should inquire "into the military record, qualifications, and general fitness of all officers of the Army, whether of the line or staff, below the rank of brigadier general." Then it provided for the mustering out of all officers who, "by reason of inexperience, inefficiency, immoral conduct, or other cause, have given evidence of want of adaptation to the military service."

Now, sir, the reason why I did not insert those provisions in the amendment that is now under discussion, which is said not to be definite enough, was that I did not wish to disgrace the men who went before this board.

Mr. STEWART. I think the Senator has improved the House bill very much; but still I object to his amendment. To call up all the officers of the Army and brand them as so many prejudged rascals to be condemned by a committing magistrate, and put them all on proof to show that they are innocent, as the House bill does, it seems to me is the most enormous proposition that I ever heard of.

Mr. WILSON. Well, Mr. President, I hardly know what to say. We have got four hundred and eighty officers whom we do not need and cannot use. We cut off about twenty regiments of the rank and file last year, but did not muster out the officers. We have them on hand and cannot use them. They are not wanted. They cost us over a million dollars a year. We hear a great deal about economy, a great deal about retrenchment. Still there seems to be no way in the world to reach this case.

There came to us with the unanimous vote of the House of Representatives a proposition to send the entire officers of the Army below the rank of brigadier general before a board, who were to take into consideration all the matters affecting them. I felt that that was dealing pretty hard with the Army. I therefore framed this amendment, and after it was prepared, before submitting it to the committee, I submitted it to many officers of the Army, and I venture to say to-day that nineteen twentieths of the officers of the Army are in favor of the Senate bill. I hardly know one who is not. They especially favored this mode of reduction because it was so liberal. In the first place, it offers to all the officers of the Army who choose to resign, who have served under five years, one year's pay; those who have served from five to ten years, a year and a half's pay; and those who have served above ten years, two years' pay. If this bill passes, a captain of the Army who retires, if the President accepts his resignation, if he has served over ten years, will receive $4,000 to take with him to go into any other kind of business that he chooses.

The whole proposition, I think, is liberal and kind and just to the Army. I want to be just to the Army. That is my feeling now, and has been throughout this entire struggle. I have endeavored to frame every act of our legislation, and I think the evidence of it will be found on the statute-books during the last nine years, so as to deal with generosity and liberality toward the officers and men of the Army.

Now, sir, if this section is stricken out I admit that we can reduce the officers without it; but how? Many of the officers will offer their resignations. Some of those resignations will be accepted, and some will not. The resignations of some of the best officers of the Army I do not suppose would be accepted, and they will not be got out any way; their services are too great and too marked. The probabilities are that the poorest men in the service will not offer their resignations. This section was intended to reach that class of men, and to do it in such a way as not to disgrace them. It gives a year's pay to a man who is turned out for his own fault. Suppose a man is intemperate, careless, does not behave well, and he is recommended by the general of his department or by the General of the Army, who has the record before him of that man's conduct and life, to go before this board—not to be court-martialed; the board looks into his record as well as the facts in the case, and recommends that the President muster him out of the service; that he be wholly retired. What do we do? We give him a year's pay to take home with him. Can anything be more generous or liberal?

But, sir, there is one section, if Senators will retain it in the bill, which provides that when these other sections have executed themselves, if there are any of these officers left over, if we have too many officers, they may be furloughed or they may be mustered out of the service with a year's pay.

Mr. STEWART. I should like to ask the Senator a few questions for information.

Mr. WILSON. Certainly.

Mr. STEWART. I understood the Senator to say the other day that about one hundred of these officers had resigned during the last year.

Mr. WILSON. Resigned, died, or been court-martialed, in a little over a year.

Mr. STEWART. And now there are about four hundred and eighty supernumeraries?

Mr. WILSON. One hundred and twenty or one hundred and thirty have resigned, died, or been court-martialed within the last fifteen months.

Mr. STEWART. Then they received no additional pay. There was no inducement offered to them to resign. That was the natural reduction of the Army without any reason, or perhaps because those officers apprehended that the Army would be greatly reduced. It seems to me we might try that system, say, one year longer, and offer them this inducement of a year's pay. If without any inducement one hundred of them, or one fifth of the whole number, left in a year, perhaps if you give them a chance to retire you will get rid of all your supernumeraries in the course of a year. I think you will get rid of them in that way without branding them. I am very confident of it. I believe the officers of the Army are as sensible as other people, and if they think their services will not be required, in the course of a year you will get rid of the supernumeraries. So far as the first section of the bill is concerned I do not see any value in that now, as I understand the whole number of the Army is about twenty eight thousand.

Mr. WILSON. Thirty-five thousand.

Mr. STEWART. The actual number, filled up?

Mr. WILSON. Enlisted men.

Mr. STEWART. Enlisted men, nominally.

Mr. WILSON. Really. That included, however, perhaps fifteen hundred men who had not yet been assigned to any command, men who had been enlisted; I have forgotten the exact number. I had a detailed statement made up to the month of February.

Mr. STEWART. Then this bill reduces it about five thousand.

Mr. WILSON. The first section only makes a reduction of about five thousand. I remember that some weeks ago several of the leading officers connected with the Army here thought it would be very well to have a force of thirty thousand men, but thought I was rather pressing the matter in making it twenty-five thousand.

Mr. STEWART. Does the chairman of the committee know from where those five thousand men can be spared, and in what particular branch of the service?

Mr. WILSON. I think we can bring the Army down to the number we have now fixed within a year. The Senator will remember that this reduction only takes place a year hence, or before that in the discretion of the Preaident and the War Department.

Mr. STEWART. There will be no discretion left to the War Department, for it is provided in the bill that the number shall not exceed thirty thousand.

Mr. WILSON. The reduction is to take place a year from next July. It gives over a year within which to do the work, and if at the end of the year it should be found that the reduction cannot be safely made, Congress before the adjournment of the next session will unquestionably make provision for it.

Mr. STEWART. Would it not be well for the President to have the discretion in a case of emergency to call out more men? Should he not have some little discretion in the matter? Is it wise to fix the number of the Army arbitrarily at exactly thirty thousand? Is it perfectly certain that that number will be sufficient under any circumstances? I understand the number of the Army has been always fixed at a figure far above the actual figure in administration. I would inquire of the Senator, has the War Department shown any disposition to increase the number of enlisted men beyond what was necessary? The limit now, I believe, is fifty-six thousand.

Mr. WILSON. When we had an Army of fifty-four or fifty-five thousand men there was a great deal of opposition to coming down to thirty-five thousand. The Army is nearly twenty thousand less now than it was two years ago.

Mr. STEWART. What is the limit in the law?

Mr. WILSON. By the limit now in the law I think it could be carried up to about forty-five thousand.

Mr. STEWART. Has the Department shown any disposition to raise the Army above what was actually necessary, so as to get up to the limit, or has it fallen below the limit?

Mr. WILSON. I will do the Department the justice to say that I think they have striven to get along with as few men as they reasonably could, and they have seconded the policy of Congress in reducing the Army. The Senator will remember that at the last session we consolidated twenty infantry regiments into the other regiments.

Mr. STEWART. Then, as the Department have shown a disposition to get along with the least possible number, I do not think it is worth while for us to pass the first section, making so small a reduction as five thousand. I do not see the smallest importance in it. I intend at the proper time to offer a substitute for this entire bill. It is the second section with a slight amendment. I think it will cover all the object sought to be attained. It is as follows:

That the President be, and he hereby is, authorized, at his discretion, honorably to discharge from the service of the United States officers of the Army who may apply therefor on or before the 1st day of October, 1871, with the pay, &c.

That is the only change. I propose to give them a year within which to go out voluntarily. I think in that way we can attain all that is desirable; and if at the end of that time we shall still have supernumeraries on hand it will be time enough next year to provide for them.

The PRESIDING OFFICER, (Mr. NYE in the chair.) Does the Senator offer that as an amendment to the eleventh section?

Mr. STEWART. No, sir; I intend to offer it at the proper time as a substitute for this entire bill. I am opposed to the eleventh section. I think this substitute that I shall propose is all the legislation that is necessary.

Instead of a reduction of the pay of the Army being effected by the fifteenth section, we have it from the chairman of the committee himself that that section adds to the aggregate pay largely. There is no clamor about raising the pay of the Army; and as that section adds quite largely to the pay of the Army we do not want to retain that section.

The first section, which fixes the number of the Army, is also unnecessary. There does not appear to be any abuse in that direction. I am quite confident that we shall need all the Army we have; and for the present year there is no need of any legislation in that direction.

As for getting rid of the supernumeraries, which appears to be the other object of this measure, I believe if you will give them a polite invitation to leave with a year's pay you will get rid of the supernumeraries during the next year. Then there will be nobody injured and nobody disgraced, and no harsh treatment, at the same time that the Government will have a sufficient force on hand to enforce the laws.

Mr. CARPENTER. I understand the precise question before the Senate to be the amendment proposed by the Senator from Maine, [Mr. HAMLIN.] Now, I understand from the chairman of our committee that the design of this section is to provide only for sending before this board those men who have rendered themselves unfit for continuance in the service by their own bad habits and course of living. The Senator from Illinois objects, however, to the amendment offered by the Senator from Maine, because, he says, that if men are dismissed specifically for that cause they will be disgraced. The section as it stands at present provides:

That the General of the Army, commanding officers of the several military departments, and chiefs of the several staff departments of the Army shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties, setting forth specifically in each case the cause of such unfitness.

So that by the section as it stands, if a man is sent there to be tried for habitual drunkenness that fact must be specified, and if he is discharged for that reason he is as much disgraced as he would be under the section as proposed to be amended. But if it be the purpose of the Senate to confine this examination to that specific class of offenses, then it is proper that the section should be so framed as to accomplish the purpose. The section now reads that the officers named shall—

"Forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for"—

What? Not for the service, in the technical sense of being unworthy of being officers in the Army, but—

"Unfit for the proper discharge of their duties."

Now, suppose a man is a colonel of cavalry and has lost a leg in battle. He is unable to sit on a horse; he is unfit for the proper discharge of his duties as a colonel of cavalry. He would clearly come within the purview of this section as it is written, but not within what the chairman says was the object and intention of the section. The amendment of the Senator from Maine clears it of any ambiguity, and confines it to the precise class of cases which it is the object of the chairman to try, namely, those persons who have rendered themselves unfit to continue in the service by reason of their own misconduct or habits, and then the entire action contemplated by this section is confined to that class of persons.

So far as the disgrace is concerned it is no greater by limiting the section to the precise class of persons you intend to have it apply to than it is in leaving the provision in its present form. In each case the specification must be made. Again, if a man has rendered himself entirely unfit to be continued in the Army, from his habits of intemperance or other immoralities, the disgrace is not in his being dismissed; the disgrace is in his having contracted that course of life which renders his dismissal necessary and a proper act of justice to the remaining officers of the Army.

Mr. STEWART. Do they not court-martial officers for drunkenness?

Mr. CARPENTER. This may accomplish the same purpose. I do not see myself that the section is necessary, because I think that for every offense for which a man ought to be dismissed from the Army he can be court-martialed; but at all events this is a more speedy and it may be a more graceful way of accomplishing the same purpose.

Mr. MORTON. I should like to call the attention of the Senator from Wisconsin and the Senator from Maine to this consideration: that this section could not properly apply to the case of any officer who is to be tried for misconduct, drunkenness, or bad habits, because it provides that in all cases where the officer is retired under this section he shall be retired with one year's pay. Now, if an officer is to be retired for vices, for misconduct, he is not entitled to one year's pay. Those are causes for dismissal.

Mr. CARPENTER. He is entitled to one year's pay if the law provides that he shall have it, and this section does clearly provide that he shall have it.

Mr. MORTON. Then I think the section is clearly improper.

Mr. CARPENTER. If the Senator will pardon me for a moment, the chairman evidently designed, and he says himself the intention of this section is to meet just that class of cases; and yet the section does provide that in that class of cases, construing the section as the chairman intends to have it read, they shall be retired with a year's pay.

Mr. MORTON. If that is the construction to be given to this section I think the section ought to be stricken out.

Mr. CARPENTER. That is the language of it; it is no construction of it.

Mr. MORTON. I was going on further to say that the language is entirely too broad. To provide that an officer who by his vices has become unfit to be an officer in the Army, or who has been guilty of misconduct, shall be retired with a year's pay on the same footing as others who are retired, perhaps, for physical disability or for disease contracted in the Army, would be injustice certainly to the other class. If this section is to be confined to that class of officers, then the whole section should be stricken out; because there are already laws or regulations that authorize a man to be tried and dismissed for misconduct, for drunkenness, or other vice.

But I desire to call the attention of the chairman of the committee to the language of the section. I was not present in committee when the bill was considered; and therefore I feel at liberty to call the attention of the chairman to the language contained in this section as being too broad, and as giving to superior officers a power that they ought not to possess; because it enables every commander of a department, every staff officer, to place any subordinate on trial for unfitness; and that unfitness is not to be regulated or determined by any law or Army regulation, but may be whatever in his opinion would make the officer unfit. There are dislikes and prejudices and enmities in the Army just as there are out of it. This section enables any of these principal officers to place any subordinate on trial for unfitness whom he does not like, and that unfitness may consist of whatever his imagination may determine.

I know there was a practice during the war of getting rid of obnoxious subordinates in this way; and that called my attention particularly to this subject. Whenever there was a subordinate officer, for instance the colonel of a regiment, who was obnoxious to the commander of the division, it was in the power of the commander to get clear of him, to send him up before a board for examination as to his qualifications; and that board was always, or generally, so organized as to dismiss the officer. I know of very many hard cases of that sort. I see that the Senator from Connecticut [Mr. BUCKINGHAM] nods assent. Every Governor of a State, I doubt not, was called upon to take cognizance of many cases of that kind.

Here is a section which enables any staff officer or commander of a department to place upon trial and to disgrace, any subordinate officer whom he does not like, against whom he has a prejudice. He may say that he is unfit to be an officer of the Army because he has not got the requisite education, or because he is not a gentleman, he has not good manners, or for any other cause that goes to make up his dislike; and he can put the man on trial, and although he may be acquitted he is to some extent a disgraced officer. Therefore, the tenure of office of every subordinate officer is to some extent dependent upon the will and good opinion of his superior. He has no certain tenure, but his standing in the Army is to depend absolutely on the will of the superior officer above him. It is to take away that independence and that absolute right which every officer ought to have in his particular grade.

For this reason I think the language of the section is too broad, that it gives a dangerous power to superior officers. But if the operation of the section is to be confined to those officers who have been guilty of misconduct, and who ought to be court-martialed and dismissed for their vices or for their misconduct, then the section is wrong, because it provides that they shall be retired with a year's pay.

Mr. WILSON. I suggest to the Senator from Maine who has offered this amendment to modify it so as to insert after the word "duties," in the seventh line, the words "from any cause except injuries incurred in the service," in lieu of the words he has proposed.

Mr. HAMLIN. That is a little smoother language and accomplishes the same result. I will, therefore, withdraw my motion with great pleasure and allow the Senator to offer that amendment.

The PRESIDING OFFICER. The Senator from Maine accepts the amendment offered by the Senator from Massachusetts.

Mr. WILLIAMS. I hope we shall now have a vote on that amendment.

The PRESIDING OFFICER. The amendment now offered by the Senator from Maine, as modified by the Senator from Massachusetts, will be read.

The SECRETARY. The amendment is to insert after the word "duties," in the seventh line, the words "from any cause except injuries incurred in the service;" so that the clause will read:

A list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties from any cause except injuries incurred in the service, setting forth specifically in each case the cause of such unfitness.

Mr. WARNER. If the chairman will allow me, I suggest that whatever words are inserted in the section ought to be inserted at the end of the section after the words giving the President authority to retire these officers.

Mr. WILSON. I think the Senator is mistaken in that.

Mr. HAMLIN. This is the proper place.

Mr. WILSON. I think the amendment is in the right place now.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts.

Mr. THURMAN. If my friend from Massachusetts will allow me, I suggest to him that he ought to enlarge that language by adding "or disease incurred in the service." I think a man whose health has been destroyed in the service of the country, without any fault of his, should also be excepted.

Mr. WILSON. If the Senator thinks that disability from disease is not included in the words "injuries incurred," I should have no objection to inserting those words.

Mr. THURMAN. Put in the words "or disease;" so as to read "injuries or disease incurred in the service."

Mr. CORBETT. Suppose the disease should be *delirium tremens*? [Laughter.] It would be very improper to make an exception of such a case as that.

Mr. WILSON. That would not be a disease incurred in the line of his duty. I think the amendment as it now stands comprehends everything.

I wish to say a single word to the Senator from Indiana in regard to this provision, which he has criticised; and there is something in his criticism. I know there are rivalries and jealousies in the Army as there are in civil life. Officers of the Army are human beings, and have their frailties like all the rest of us. But I do not fear in the least degree any injustice under the provisions of this section. The General of the Army, the commanding officers of the military departments who are major generals and brigadier generals of the Army, and the chiefs of the several staff departments of the Army, the quartermaster, commissary, engineer, and other departments, are to designate the officers to be sent before this board. I am confident that but few men will be sent before it. Some of them could possibly be brought before courts-martial and dismissed. If you have got to select out of the Army certain officers to go out of the service there are some who could not be convicted before a court-martial, but who have frailties and faults and have a record that would justify their going out in preference to others. We want to retain, of course, the high-toned, best officers of the Army; and as a body of men in experience, devotion to the country, intelligence, and character, they are nowhere surpassed in the world.

Mr. WILLIAMS. I wish to make a suggestion to the chairman as to this amendment. I suggest that instead of using the word "service" he employ the words "in the line of his duty;" so as to read, "disqualified by injury or disease incurred in the line of his duty."

Mr. CARPENTER. That is right.

Mr. WILSON. I will not object to that modification.

The PRESIDING OFFICER. That modification of the amendment will be made.

Mr. WARNER. I do not think that the amendment of the chairman of the committee after all reaches the point which he is aiming at. What we ought to provide is that no officer shall be discharged from the service because of wounds or disability incurred in the service in time of war, not that they shall not be ordered before a board. You do not want to leave discretion in the hands of these major generals; but you want finally to provide that the discharging power, the President of the United States, shall not discharge a man because of disability or wounds incurred while in the service. It seems to me that a proviso at the end of the section in the words "provided, that no officer shall be retired, without his consent, because of unfitness caused by wounds or disability incurred in the late war," will reach the precise point.

Mr. WILSON. Does the Senator mean retired or mustered out of service, dismissed?

Mr. WARNER. The word which is used in the section by the committee is "retired."

Mr. WILSON. "Wholly retired."

Mr. WARNER. The language is "may wholly retire any of the said officers." The language of the proviso could be made to conform to the language of the section. It means muster out, although the chairman of the committee used in the bill the word "retired," which usually has a different meaning, rather than mustering out.

Mr. WILSON. The words "wholly retired" mean "dismissed." It is a softer phrase than to say "wholly dismissed." I hope we shall have the question on the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts as modified.

Mr. THAYER. Mr. President, I do not suppose any plan can be adopted to which there may not be objections, and which may not possibly work some injustice; but it has been the object of the committee to reach some plan of accomplishing the object in view. There being four hundred and eighty supernumerary officers in the Army it is certainly evident to the Senate that there is a necessity for the reduction of the number of officers. Now, I desire to say that the committee have not received to my knowledge—I certainly have heard of none—a single remonstrance from any officer of the Army against the sections which are now under consideration; but on the contrary, having conversed with several officers of the Army, I am able to state that they regard these provisions as exceedingly liberal and just to officers of the Army.

I have been surprised to hear the denunciations of honorable Senators in this Chamber in regard to this proposed reduction. It seems to me that they have come to a conclusion without giving the subject much consideration. We propose, first, that the General of the Army and the commanding officers of the Army shall report those whom they regard as unfit. That does not dispose of them. Then it is provided that the Secretary of War shall order a board of officers, a majority of whom shall be of those who were appointed from the volunteer service, to pass upon these officers, to examine them. That does not put them out of the Army. The board are to make their report to the President, and then he may—we do not say that he shall—retire them wholly from the Army. He may do it in his discretion. Those several provisions are made; none of them final. There is left to each officer who may regard himself

as aggrieved by the report of his commanding officer, or by the board, an appeal to the President, and an opportunity of being heard by him before he is mustered out.

Every safeguard is put in the bill which could be made to guard against injustice. I have confidence enough in the President and the Secretary of War and the General of the Army to believe that it will be their aim to see that injustice is not done; that decisions are not made according to the prejudices or the partialities of this man or that man. Where specific charges are made, as is suggested by my friend from Oregon, [Mr. CORBETT,] they can be inquired into and reported to the President of the United States.

I should have added that the officers of the Army regard this provision as very liberal, letting those go out who are unfit for service with one year's pay. Then again, under a previous provision, they have the opportunity of going out according to their length of service with two years' pay, or with a year and a half's pay, or with one year's pay.

Mr. President, five years ago a million soldiers were dropped out of the Army and thirty thousand officers or more were dropped out of the Army. We heard no hue and cry about the injustice done to them. They had no year's pay given them. They had been four years in the service of their country. Their business at home had been wholly broken up. They were at sea so far as their private affairs were concerned. They had to start in life anew. Where, then, was the eloquence of my friend from Nevada in regard to the injustice done to those officers? Sir, let us have a regard for all, for the volunteers as well as the officers of the regular Army. We are seeking to do justice to all. Why throw these obstacles in the way? There are four hundred and eighty supernumerary officers in the Army who are not needed. Can we justify ourselves to the country in retaining them?

Mr. STEWART. I should like to inquire of the Senator whether these supernumeraries are not made up by the action of Congress since the war in inviting volunteers who have done good service into the regular Army, and giving them the opportunity to enter the regular Army? Did you not hold out the idea to them at that time that their places were to be permanent, and did they not break up their business to enter the Army?

Mr. THAYER. The officers who have been appointed to the Army since the war are placed on precisely the same footing as the other officers of the Army.

Mr. STEWART. But those who went into the service during the war of course understood that when the war closed they were to go out. After the war closed you provided for appointing a large number of meritorious volunteer officers—and I suppose they were selected from the most meritorious—into the regular Army, with the understanding that they were to be there permanently. I know that was the understanding with a good many of them with whom I conversed. Now, after volunteer officers have got into the regular Army with that idea, you propose to put them out faster than they will voluntarily go out, although they are leaving at the rate of a hundred a year; and it seems to me that is unjust.

Mr. THAYER. I will say to my friend from Nevada that they take their chances with all others. It must have been evident to them that there must be a reduction of the Army. We could not continue to keep up the number of the Army which then existed. If they die or resign at the rate of a hundred a year, we certainly are not imposing a hardship upon those who remain by giving them one year's pay and putting them out of the Army, if so many have resigned without receiving any consideration.

Mr. HOWARD. I have no doubt, Mr. President, that great good may be derived from the principle embodied in this eleventh section by way of reducing the number of supernumerary officers, and that if the section is fairly and honestly and impartially carried out it will be a great benefit to the Army and to the country. But on looking into it carefully it struck me, as it has struck the Senator from Indiana, that there probably will arise instances of great injustice under this eleventh section unless it is amended. The Senate will observe that the proceedings are entirely *ex parte*, entirely one-sided, and without any requisition that notice of these proceedings shall be given to the officer. For instance, it provides—

That the General of the Army, commanding officers of the several military departments, and chiefs of the several staff departments of the Army shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties, setting forth specifically in each case the cause of such unfitness.

In all these cases the person accused, so to speak—there is no formal accusation, to be sure, but the officer interested—has no information whatever of the proceedings taken against him. The Senator from Connecticut [Mr. FERRY] says he is to be regarded as a person accused. Well, he is accused, but he has no opportunity to answer. There lies the difficulty. The accusation may be entirely unfounded and entirely malicious, and he may have no notice whatever of it until his name is placed upon the fatal list and until that list has been furnished to the board to be organized as the section provides; and even that board is not required to give him any notice whatever of the charges brought against him. The whole thing, therefore, from the beginning to the end, may be carried on against the officer, who may be a perfectly innocent, perfectly virtuous, and perfectly meritorious officer, entirely without his knowledge; so that the first news he may receive of it will be an order for his complete retirement from the Army upon one year's pay. It seems to me that this is not exactly in accordance with the analogies which prevail in other *quasi* trials. It seems to me that great injustice may be done, and will be done, by persons who are not disposed to act fairly toward their subordinates or their fellows in the Army. We know very well, as has been remarked, that the officers of the Army are not exempt from that human frailty which goes by the name of envy or jealousy. We know very well that there are bitternesses existing between officers of the Army, and that very often the grossest injustice is perpetrated toward officers, and even toward soldiers, by the unfairness and the oppressive disposition of their superiors.

It seems to me that as this is to be tantamount to a dismissal from the service the person concerned ought to receive notice of the proceeding, and have an opportunity to appear before the board and show cause to the contrary. It is nothing but simple justice, and I do not think it will greatly embarrass the proceedings, or protract them, or render them expensive. I therefore offer an amendment, to come in after the word "pay," in line fifteen of section eleven, in these words:

But such retirement shall not be ordered without allowing such officer a hearing before such board to show cause against it.

I offer this amendment, if it be in order. I wish fair play. I do not wish to see a board organized in secret without the knowledge of the persons concerned, and have that board allowed to proceed.

Mr. WILSON. Let us take the vote on the pending amendment.

The PRESIDING OFFICER, (Mr. NYE in the chair.) The amendment offered by the Senator from Michigan is not in order at this time. The question pending is on the amendment of the Senator from Massachusetts.

Mr. WILSON. Let us have the vote on that amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts, [Mr. WILSON.]

The amendment to the amendment was agreed to.

Mr. HOWARD. Now I move my amendment to come in after the word "pay" at the close of the eleventh section.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. It is proposed at the end of the eleventh section to insert:

But such retirement shall not be ordered without allowing such officer a hearing before such board to show cause against it.

Mr. WILSON. If that amendment is necessary and deemed so by the Senator, I am sure no one would object. It would be an infamy to send these officers before a board and give them no notice and not allow them a word of explanation. That, as a matter of course, they will all have the fullest opportunity to do.

Mr. STEWART. I inquire if there is an appeal from the board?

Mr. WILSON. The President is to act after the report of the board.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

The amendment to the amendment was agreed to.

Mr. STEWART. I should like to hear the section reported as amended.

Mr. WILSON. The question now is on striking out the eleventh section.

Mr. STEWART. Let it be read as amended.

The CHIEF CLERK. As amended the section now reads:

SEC. 11. *And be it further enacted*, That the General of the Army, commanding officers of the several military departments, and chiefs of the several staff departments of the Army shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties, from any cause except injuries received or disease contracted in the line of his duty, setting forth specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and directed to constitute a board to consist of one major general, one brigadier general, and three colonels, three of said officers to be selected from among those appointed to the regular Army on account of distinguished services in the volunteer force during the late war, and on recommendation of such board the President may wholly retire any of the said officers so reported with one year's pay. But such retirement shall not be ordered without allowing such officer a hearing before such board to show cause against it.

The PRESIDING OFFICER. The question now is on the motion made by the Senator from Connecticut, [Mr. FERRY,] to strike out this section.

The motion was not agreed to.

Mr. CARPENTER. I move an amendment by way of an additional section:

And be it further enacted, That an act of Congress approved January 21, 1870, entitled "An act relating to retired officers of the Army," be, and the same hereby is, repealed; and any retired officer may be assigned to any duty except service with troops; but while so serving such officer shall be allowed no additional compensation except actual expenses and mileage provided by law.

The act which is specified in this amendment provided as follows:

"That no retired officer of the Army shall hereafter be assigned to duty of any kind or be entitled to receive more than the pay and allowances provided by law for retired officers of his grade; and all such assignments heretofore made shall terminate within thirty days from the passage of this act."

It is to be borne in mind that the retired officers of the Army are retired, not for misconduct; they are retired because in the discharge of their duty in the field and elsewhere they have been mutilated and maimed in battle and are no longer capable of discharging the active duties of their offices. They are in no case branded. They are subject to no suspicion of disloyalty or of anything else. They are the meritorious officers of our Army. Now they are retired because it is necessary to retire them. That is all right; and they are pro-

vided for as Congress has seen fit to provide for them. But now I ask upon what ground is to stand this act which disfranchises them? There are many duties which they can perform. They can perform duties on courts-martial. There are many duties in the way of inspection of forces and forts and fortifications and improvements, and various things which the War Department can assign these men to properly and profitably with regard to the interests of the service; duties to which they may have to send an officer from the line of his duty which he is required to perform, unless they can avail themselves of retired officers.

The amendment which I have proposed gives them no additional pay and adds no expense to the Government, because any other officer serving in the same way has his expenses and mileage paid, and this merely removes what is an actual disfranchisement on a retired officer. By this act he is branded; it is rendered impossible for him to be assigned to any duty which he is just as fit to perform and just as able to perform as any man in the Army. How that act got through here is more than I know of. It certainly, I think, could not have passed if the attention of the Senate had been called to it.

Mr. MORTON. I wish to ask the honorable Senator what his amendment is?

Mr. CARPENTER. To repeal it, and provide that any retired officer may be assigned to any duty except with troops; that is, he may sit on courts-martial, he may be sent on inspection tours, and all that, and when so serving he shall have his expenses and mileage, and no additional pay except that.

Mr. THAYER. Allow me to ask my friend from Wisconsin a question. What is his view in regard to the assignment of such officers to any civil duty? Does he mean to permit that to be done, or to prevent it?

Mr. CARPENTER. It is undoubtedly owing to the fact that I am a lawyer and not a statesman that I am habituated to confine myself to the question before the Senate. As to the other act which has not passed, if it shall ever come before the Senate I will form an opinion about it; but it is not here now, and I do not suppose it is to be brought here by an amendment to this bill.

Mr. THAYER. I shall oppose the amendment of the Senator if these retired officers will be permitted to be assigned to any civil office separate from the Army.

Mr. CARPENTER. The section is clear of all ambiguity on that subject. An officer in the Army assigned to duty is assigned to military duty. He cannot be assigned to civil duty.

Mr. SHERMAN. I ask the Senator if there is a law which prevents retired officers serving in civil office?

Mr. CARPENTER. There is.

Mr. SHERMAN. Where is that law?

Mr. CARPENTER. It was passed about that time.

Mr. SHERMAN. I think that is barbarous, to prevent retired officers, when out of the Army practically, from holding any little position they may be called to.

Mr. CARPENTER. One cannot be a mayor of a city or elected to any office by the people of the community in which he resides.

Mr. SHERMAN. I do not think there is any such law.

Mr. WILSON. There is.

Mr. SHERMAN. It ought to be repealed. I move an amendment to this section, to add:

And all laws and all parts of laws prohibiting a retired officer from holding any civil employment are hereby repealed.

Mr. WILLIAMS. I call the attention of the Senator to section twenty-one of this bill. Does not that provide that retired officers may hold a civil office? It provides:

That it shall not be lawful for any officer of the Army of the United States on the active list to hold any civil office, whether by election or appointment, and any such officer accepting or exercising the functions of a civil office shall at once cease to be an officer of the Army, and his commission shall be vacated thereby.

The prohibition applies to the officers on the active list. I suppose the implication is that officers on the retired list would have that right.

Mr. TRUMBULL. Before the vote is taken I should like to inquire of the Senator from Wisconsin whether the way his amendment is framed it would allow retired officers to be assigned to duty as professors of colleges. We have a statute now by which officers of the Army may be detailed to the position of professors in colleges to teach military tactics; and I understand that as the law now exists retired officers cannot perform that duty.

Mr. CARPENTER. This amendment, I think, would authorize them so to do. I consulted with the Senator from Mississippi, [Mr. AMES,] who is so recently from the Army, upon the phraseology of the amendment to accomplish the object proposed; and he suggested that the phrase "except service with troops" accomplishes precisely what we want, and will allow them to be assigned to any duty except to the command of troops or to service with them in forts, &c.

Mr. TRUMBULL. Would that be considered a duty according to the definition given by the Senator from Wisconsin, that an assignment to duty necessarily meant military duty? Would that embrace their acting as professors of colleges?

Mr. CARPENTER. I think it would embrace any duty which the Secretary of War is now authorized to assign an Army officer to except with troops.

Mr. TRUMBULL. He cannot do this except on the request of the colleges. It is hardly a military duty. I think it is desirable that retired officers should be permitted to be detailed or assigned to those professorships.

Mr. CARPENTER. Certainly.

Mr. TRUMBULL. It seems to me it might be questionable whether that is a military duty, technically.

The PRESIDING OFFICER. The Senator from Ohio proposes to add to the amendment of the Senator from Wisconsin:

And all laws or parts of laws prohibiting retired officers of the Army to hold civil offices are hereby repealed.

The question, however, is on the amendment of the Senator from Wisconsin.

Mr. SHERMAN. I propose to add my amendment to that.

Mr. WILSON. I will say to the Senator from Ohio that we have taken care of that matter. The amendment of the committee provides that any officers on the active list shall not hold civil offices, but Army officers who have been retired may hold civil offices.

Mr. SHERMAN. Where is that?

Mr. WILSON. In the twenty-first section of our amendment. I will say to the Senator from Wisconsin that the provision of law he desires now to modify was passed a few months ago. It had been passed in the House a long while ago, but was not agreed to here until it was pressed from the highest quarters and with the greatest vigor. I do not believe in it; I did not then and do not now. I am willing to see this amendment adopted. I think some of these retired officers can sit on courts-martial; I think they can sit on boards of inquiry; they can be at the head of the soldiers' homes; they can do duty in the colleges; they can perform anything of a military nature except service with troops; and there is no reason in the world why they should not be allowed to be so detailed. I like this amendment.

Mr. CARPENTER. I will modify the amendment I offered, as suggested by the Senator from Illinois, by adding after the word "troops" the words "and may be detailed to serve as professors in colleges."

The PRESIDING OFFICER. The Senator from Wisconsin modifies his amendment. It will be reported, as modified.

The Chief Clerk read the amendment, as modified, as follows:

And be it further enacted, That an act of Congress approved January 21, 1870, entitled "An act relating to retired officers of the Army," be, and the same hereby is, repealed; and any retired officers may be assigned to any duty, except service with troops, and may be detailed to serve as professors in colleges; but while so serving shall be allowed no additional compensation except actual expenses and mileage provided by law.

Mr. SHERMAN. The Senator from Massachusetts refers me to section twenty-one; and instead of curing it, I fear it only confirms the evil. The pay to a retired officer is nothing but a pension. It is an addition to the pension-list.

Mr. WILSON. A retired officer may hold an office now. General Sickles, our minister to Spain, is a retired officer of the Army.

Mr. SHERMAN. I asked a member of the Committee on Military Affairs distinctly if there was any law forbidding the holding of civil office by a retired Army officer, and he said there were several such laws.

Mr. WILSON. This bill as it came from the House of Representatives provided that no Army officer should hold any civil office. In the twenty-first section of our amendment we have so modified that provision as to say that no officer of the Army on the active list shall hold any civil office, so that Army officers on the retired list may hold appointments or may be elected to office.

Mr. SHERMAN. That is only by inference. I will not press my amendment to this amendment; but section twenty-one reads as follows:

That it shall not be lawful for any officer of the Army of the United States on the active list to hold any civil office, whether by election or appointment, and any such officer accepting or exercising the functions of a civil office shall at once cease to be an officer of the Army, and his commission shall be vacated thereby.

That is right. An officer on the active list owes his whole time to the Government; but an officer on the retired list is a pensioner, retired for good cause with a higher pension than is provided by law in other cases, and I think there ought to be an amendment to that section providing expressly that no provision of law shall be construed to prohibit retired officers from holding a civil position.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin, [Mr. CARPENTER.]

Mr. THAYER. I ask the Senator from Wisconsin if under his amendment retired officers may not be assigned to the performance of the duties of any civil office, as, for instance, superintendent of Indian affairs or Indian agent?

Mr. CARPENTER. I do not think there is any such thing as assigning a military officer to perform the functions of a civil office. If the Senator means to inquire whether a retired officer may be appointed by the President to a civil office, that is another question, and is certainly not provided for by this amendment. This simply authorizes the Secretary of War, or the proper superior, to assign a retired officer to the performance of some military duty. It cannot be anything else, because there is no such thing as assigning an Army officer to be a judge of the Supreme Court, or assigning him to be a postmaster or an Indian agent or an assessor of internal revenue, or anything else.

Mr. THAYER. That has been done, and is done to-day.

Mr. CARPENTER. I guess not.

Mr. THAYER. Supernumerary officers are assigned.

Mr. CARPENTER. Supernumerary officers may be appointed to civil offices.

Mr. THAYER. They are assigned to them.

Mr. TRUMBULL. I hope that we shall pass a law which will prohibit the holding of civil offices by military officers; and I would like to know of the Senator from Ohio if he is in favor of having General Butterfield holding

the office of sub-Treasurer in the city of New York and at the same time an officer of the Army?

Mr. SHERMAN. I am opposed to anybody on the active list holding any civil office; but I should like to put a question to the Senator. Take the case of General Fessenden, a one-legged soldier, who lost his leg in the service and is now on our retired list. Would you deny to him the right to hold the office of mayor of Portland, a thing which I noticed with surprise? I have now in my eye an officer of the highest credit and rank, who lost almost his life in the service of the country, who is now breathing through one lung, who would be honored by the people of Ohio with any office he would accept; would he be denied the right to hold some subordinate place, say that of postmaster, merely because he was wounded in the service of his country? It seems to me revolting.

Mr. TRUMBULL. I suppose that we must make our laws of a general character. It is possible that the Senator from Ohio may be able to adduce instances where he thinks it would be very proper for a retired officer to hold some civil office. I do not suppose the law prevents such an officer from holding an office under State authority. If the people of Portland think proper to elect General Fessenden a justice of the peace or mayor I do not know that the bill as it passed the House would cover his case at all. I suppose it is confined to offices under the United States. I have not the bill before me at this time, but I presume that to be the case.

Mr. EDMUNDS. That would be the legal effect, of course.

Mr. TRUMBULL. That would be the legal effect unless the law were worded so as to prevent his holding a State office. But the difficulty will be that if you allow officers upon the retired list to hold civil offices the law will be evaded. Persons will be placed on the retired list for the purpose of giving them appointments in the civil service. I think that this Government is a civil government. It should be administered by civilians. The Army itself is subject to the civil authorities of the country; and I do not believe in having the civil offices of the country administered by the military authorities, and therefore I am in favor of this twenty-first section, "that it shall not be lawful for any officer of the Army of the United States on the active list to hold any civil office;" and I would strike out the words "on the active list" and say "it shall not be lawful for any officer of the Army of the United States to hold any civil office," except, if you think proper so to provide, or if you think it necessary, that retired officers might be assigned to duty perhaps in the Indian service; and I think they could be under the provision of the amendment of the Senator from Wisconsin.

Mr. WILLIAMS. I object to that exception.

Mr. TRUMBULL. Perhaps it is not best to have the exception, and then you might provide, perhaps, that this should not apply to State officers. But, in my judgment, for the general good of this country, and as a general rule, the exclusion should be absolute; and if persons wish to hold civil offices under this Government let them give up their military positions.

Mr. MORTON. Mr. President, the amendment of the Senator from Wisconsin concludes with a provision that the retired officer who may be assigned to duty shall not thereby have any increase of pay over that which belongs to a retired officer. Now, sir, it seems to me that by adding that to the provision he takes away from it any benefit to accrue to the retired officer. Of what advantage is it to a retired officer to be assigned to active duty when he gets nothing more for it? The precise hardship in the case is that certain officers have been retired who are poor men, who have large families to support, who are quite capable of performing active duty, and who desire to return to active duty that they may get the salary that belongs to an officer on active duty.

I will call the attention of the chairman of the committee to one case. Dr. McDougall, one of the oldest surgeons in the Army, nearly sixty-four years of age, was retired, I believe, in 1866, one of the most eminent men in the profession in the Army, of fine physical and mental vigor, as strong intellectually as he ever was. He has a large family and is a poor man, and he has been seeking in various ways to be restored to the active list and put on active duty that he may get the salary of an officer in the active list. His pay as a retired officer is not sufficient for him. I am in favor of this amendment, striking out that part of it to which I have referred, because if the officer is able to perform active duty, why not give him the pay? Will not the Senator consent to amend it?

Mr. CARPENTER. If the Senator from Indiana moves that amendment I shall certainly vote for it. I desire in this connection simply to state that I would of course prefer the section as he suggests it. I put it, however, in this form at the suggestion of several retired officers who happened to be my personal friends and acquaintances, and who make this plea. It is not so much with them a matter of dollars and cents as it is the indignity that seems to be put upon them by the act which my amendment repeals. They smart under that more than they do under the loss of service and of the additional pay. If the Senator will move the amendment he suggests I certainly will vote for it.

Mr. EDMUNDS. It is not in order now.

Mr. CARPENTER. Whenever it is in order, then?

Mr. MORTON. I will move an amendment, to strike off that part of the proposition.

Mr. EDMUNDS. That is not in order.

The PRESIDING OFFICER. There is an amendment to an amendment now pending.

Mr. SHERMAN. I ask the indulgence of the Senate to reply very briefly to one or two points made by the Senator from Illinois, [Mr. TRUMBULL.] What is the condition of a retired officer? He is simply an officer who has performed his duty well, who is discharged by the United States as no longer needed in the military service of the country. In consideration of his services he is allowed a small sum amounting to from seventy-five to one hundred and twenty-five dollars a month. Now, such an officer as this is forbidden by law, I am told, to hold a civil office, either by election or appointment; and thus is condemned to poverty all the rest of his life, merely because he once rendered good service to the United States of America.

Is there justice in that? Is there any equity in it? Is there any reason in it? Why cannot such an officer hold a seat in the Senate of the United States? Why is he not as worthy to hold a seat here, if he is a man of equal ability, as anybody else? Why should he not hold a seat in the House of Representatives, as a member of that House, if he is elected by his neighbors who know him? Why should he not hold any appointment? Should the fact that he has rendered military service and received this reward of merit, a small pension, prevent him? Would you vote for a law that would prevent a military pensioner from holding any office of trust or honor? Certainly not. There is no ground for it; and the whole basis of this opposition to retired officers holding offices under the Government is a vague idea that the people of the United States have something to fear from military men, or men who have served in the Army. I thought we had outlived that absurd idea. That is the whole of it; that because a man has served in the Army, has been an Army officer, and is called an Army officer, but is on the retired list, discharged from the military service, no longer necessary for service, therefore he is unfit to perform civil duty; he cannot enter the lists with all the rest of us and hold office either by election or appointment. It seems to me that the fear is an idle one; that there is no reason for this exclusion——

Mr. TRUMBULL. Does the Senator from Ohio wish to know why a retired officer cannot be a member of the Senate or the House? He has asked that question.

Mr. SHERMAN. There may be some prohibition of the Constitution.

Mr. TRUMBULL. Do you not suppose there was a reason for it in the Constitution? The Constitution says that no person holding any office under the United States shall be a member of either House of Congress.

Mr. SHERMAN. I doubt very much whether a retired officer is an officer of the Army within the meaning of the Constitution of the United States. The Senator himself says that that provision only applies to a member of the Senate or a member of the House of Representatives. The framers of the Constitution never forbade a man who had rendered military service from holding any other office by appointment or election. There may be reasons why a retired officer or an officer of the Army, especially while an officer, and bound by law to obey a superior, should not hold a seat here in a coordinate branch of the Government; but those reasons do not apply to a person who is on the retired list, a soldier of honor, no longer in your military service, and no longer subject to orders. A retired officer cannot be ordered into the field by the President, cannot be ordered to perform the simplest duty of an officer; he is retired by law. The reason of that prohibition was founded upon the military right of the President of the United States to order an officer of the Army, and therefore he cannot be a Senator or a Representative, because the Senator and the Representative, in theory at least, must be independent and above the power of the President. But, sir, that reasoning does not apply to an administrative officer, nor does the language of the Constitution forbid a retired officer from holding any civil employment conferred upon him by anybody in the various walks of life except only to share in the legislative power. The Constitution thought proper to guard the Senator and the Representative from executive influence.

Mr. President, when I saw in the newspapers that objection was made, for instance, to General Sickles, a retired officer with one leg, holding a civil office, even abroad, and that objection was made that General Fessenden, another wounded officer, could not be mayor of his native town, and when objection was made that retired officers in my own State could not hold the office of postmaster because, forsooth, they had served in the Army and were still on the retired list as pensioners, (because that is all there is of it,) it seemed to me shocking, and that any such prohibition ought to be repealed. I was here when this retired list was first organized. It was simply organized as a mode of increasing the pensions of military officers, and the retired list was limited carefully in number, both of the Army and Navy, to a certain limited proportion of the officers, and it was a means of increasing the pension of those officers. It was a reward of merit, a mark of honor. That was all there was of it. There are now one hundred and seventy——

Mr. WILSON. This bill provides for three hundred.

Mr. SHERMAN. I remember when the proposition was first made to form this retired list it was stated that there were officers in the Army and Navy who were unable to discharge their duties; but they had their offices for life and they could not be turned out, and the Army became inefficient because these brave men, old men, many of them at that time—it was before the war—were unfit to discharge military duty. It was proposed, in order to rejuvenate the Army and Navy to some extent, to form this veteran reserve corps, if I may so

call it. To retire them with an ordinary pension would have given too small an amount to furnish them with bread; and therefore it was that this retired list was devised as a mode of increasing the pension of these meritorious officers, inducing them to go on the retired list if they had arrived at a certain age and receive a small pension, I think one half of their pay proper. That, I believe, amounted to some fifty or sixty or seventy dollars a month, barely enough to keep body and soul together.

Now, shall this pension conferred on them prevent them from holding any office from an idle fear that it may introduce into the councils of this country military influence and military power? Why, sir, it is idle. I hope, therefore, that in some form or other we shall repeal or abolish all laws which prevent these retired officers from holding any office of honor, trust, or profit.

Mr. EDMUNDS. Mr. President, I should have imagined that my friend from Ohio belonged to the regulars, as the saying is. We do not retire volunteer officers; I believe they are turned out of the Army. It is only the regulars for whom this double pension is provided. Every man who is retired belongs to the regular Army.

Mr. SHERMAN. I know; but they were volunteer officers.

Mr. EDMUNDS. Certainly; everybody is a volunteer officer. You do not draft officers for the regular Army or any other army that ever I heard of. They belong to the regular Army, to the regular establishment, and they are the special objects of the favor of the Government, as my friend says, giving them a greater pension than their brethren who have been retired altogether from the Army receive. They are put upon a better footing; they are small in number; they are high in merit, no doubt; but yet, for every retired officer that my friend is so anxious to give an opportunity to grab up every post office in the country that is found in a given town there will be around him twenty men who are just as brave as he, who have served just as long as he, who in every respect are just as deserving as he, who do not get one fourth the pay that he does from the Government now; that is to say, they are on the pension list, and, as my friend from New York suggests, they never did get as much pay when in active service. Where is the use in a republican country, where office is free to all who can get it, in undertaking to say that a particular class, who get higher pensions than anybody else, shall hold two offices at a time, to the exclusion of the other class, who only get half pension and do not hold any office? That is the point.

Mr. SHERMAN. I simply say there is no reason for preventing them from holding any office the people may choose to elect them or the President may choose to appoint them to.

Mr. EDMUNDS. Exactly; that is to say, we provide by an act of Congress to authorize a class of the favorites of the Government, who are small in number, to hold two offices, while there are a number of soldiers who are just as deserving and just as brave, not half as well paid, and they all around them go to starve! That is the proposition. Now I speak for the great mass of the officers of the Army who are mustered out, who fill up every town and village—intelligent, deserving men—on starvation pensions. If offices are to be given, as they ought to be, to the military who have again become citizens let the civil offices be given to them, as they are now civilians. They need them. It costs as much to feed their families and to support them as it does an officer who is still in the regular Army on the retired list, who now gets twice the pay the pension of the other amounts to. Therefore it is an act of justice to provide that in the distribution of these favors, this patronage of the Government, among the soldiers of the Republic, no one soldier should receive two pensions while any of his younger and deserving fellows receive none. This is the proposition.

Mr. THAYER. I had supposed that this Government was founded upon the idea that it was a Government of the people, that the military were subordinate to the civil authority. I certainly have always understood the idea and the system of Government to be that the military should be kept entirely distinct from and under the control of the civil department, and I trust the day is far distant when these two branches of the Government shall be commingled, when the officers, civil and military, shall be blended together, or when military officers shall sit in either House of Congress. Sir, if you once commence in this course of allowing Army officers to hold civil offices, who can tell where it may end? And here let me say to my friend from Ohio that a retired officer is just as much an officer of the Army in one sense as if he were on the active list, for he holds a commission from the United States.

Mr. CONKLING. He is an officer of the Army in every legal sense.

Mr. THAYER. He is in every legal sense an officer of the United States.

Mr. TRUMBULL. Allow me to suggest that the bill as now amended on the motion of the Senator from Wisconsin provides that retired officers may be ordered into active service.

Mr. THAYER. Yes, sir; and hence I am opposed to their holding civil offices. These retired Army officers are commissioned officers. There has been some experience in the appointment or assignment of officers of the Army to civil and diplomatic positions, and I think it should cease. If you permit these officers to hold civil offices, to be postmasters, marshals, Indian agents, the next step will be to elect them to the Senate or House of Representatives. Where will you draw the line? How can you make a distinction? I say it is the duty of Congress to stop the system in the beginning, and not wait until the attempt is made to bring military officers into the legislative halls of Congress. My objection is not against these officers as men, for they are honorable, high-minded gentlemen, but against the system of uniting a civil and military office in the same person.

Sir, in the course of this debate we have heard a great deal about the wrong and injustice done to the officers of the Army retired on seventy-five per cent. of their pay, and to those who go out with a year's full pay, or two years' full pay, or a year and a half's full pay. Do Senators recall to mind the fact that there are thousands and thousands of volunteers who served gallantly, who met danger in the front, who lost both legs or both arms or both eyes, and yet get but a pitiful pittance from the Government of twenty dollars a month? Where is the justice of the United States on this question? A soldier who had both legs shot off, or both arms or both eyes destroyed in the service, gets but the contemptible sum of twenty dollars a month as a compensation for such a fearful loss! Where is your indignation in regard to the injustice of this Government? Sir, it is time that we began to think of equalizing justice among all instead of giving utterance to our indignation and our denunciations upon this proposition to reduce the supernumerary officers of the Army.

Mr. ANTHONY. I wish to ask a question of the chairman of the Committee on Military Affairs or of some of the lawyers who are discussing this bill. I ask how it can be that General Sickles can accept an office and General Fessenden cannot? There seem to be two constructions to the law.

Mr. WILSON. I will answer the Senator by saying that General Sickles cannot accept an office according to the existing law and General Fessenden can. That is the truth about it.

Mr. HAMLIN. The practical fact is just the other way.

Mr. WILSON. Any Army officer may accept an office here at home.

Mr. SAWYER. Under a State?

Mr. WILSON. Yes, or under the Government; but he cannot hold an office as foreign minister or consul.

Mr. CONKLING. There is another statute that the Senator from Massachusetts has overlooked.

Mr. SUMNER. There is a section of an appropriation bill——

Mr. WILSON. Applying to foreign appointments.

Mr. SUMNER. Yes.

Mr. WILSON. The construction in regard to General Sickles I understand to be that he was a retired officer, and it was thought he did not come exactly under the statute. It will be remembered that General Butterfield, who was the colonel of a regiment, was appointed sub-Treasurer at New York.

Mr. ANTHONY. Was that legal?

Mr. WILSON. It was legal as far as I know; I know nothing to the contrary. But I think it was a great mistake in every sense of the word. I ask that the exact amendment pending be stated.

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

Mr. WILSON. I desire to suggest an amendment to the Senator from Wisconsin, to insert after the word "may" the words "on his own application," so that an officer retired may on his own application accept these places, but shall not be forced to accept them and receive no more compensation, because it might cost him several hundred dollars.

Mr. CARPENTER. That is right. I will accept the modification.

Mr. THAYER. Now, I ask the Senator from Wisconsin if he will accept this amendment, to insert the word "military" before "duty," so as to read "assigned to military duty?"

Mr. CARPENTER. I understand that he cannot be assigned to any but military duty. If anybody thinks he can I have no objection to inserting the word "military."

Mr. THAYER. It will be more specific.

Mr. WARNER. There cannot be any question about that.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. CONKLING. Mr. President, the Senator from Ohio a few moments ago appealed to those around him to know whether there were statutes standing in the way of officers of the Army holding civil offices. I was one of those who answered in the affirmative and who helped to mislead him, if in truth such statutes do not exist. I have before me one provision to which reference may be made; it touches consular and diplomatic appointments; and when it is read perhaps Senators will be no better able than they are now to understand how some things have occurred in recent history. It provides—

"That any officer of the Army or Navy of the United States who shall, after the passage of this act, accept or hold any appointment in the diplomatic or consular service of the Government, shall be considered as having resigned his said office; and the place held by him in the military or naval service shall be deemed and taken to be vacant, and shall be filled in the same manner as if the said officer had resigned the same."

This is one of several provisions which authorized those who answered the Senator from Ohio to say that there are statutes prohibiting officers of the Army from holding civil trusts. How does the Senator from Ohio encounter these statutes; how does he encounter the Constitution of the United States? By a very convenient method, a very effectual one, if he is right in one fact. He says retired officers are not officers of the Army; and therefore the reasons which led our fathers to interpose in the Constitution, and which have led their descendants to inscribe these provisions on the statute-book, do not apply.

I submit that the Senator is wrong, not only in law, but in philosophy. He said, among other things, that the Constitution prohibited military officers merely from coming into Congress. He will see that no distinction is made, however, between retired officers and other officers. But he says the objection does not apply to retired officers at all. Why not? Because, he says, they are not liable to orders. What statute says that? Do any of the rules or articles of war say it? Let me ask the honorable Senator, suppose one of them strikes a superior officer or speaks disrespectfully of him, is he to be tried as I should be tried, by a jury of his peers; or is he to be tried under the Rules and Articles of War by a military court—a court-martial? That is the test which the Constitution applies, because unless he be an officer of the Army he is to be tried by the instrumentality of civil jurisdiction.

Thus we see, without further tests, that these men, one and all, holding, as the Senator from Nebraska says, commissions as officers, are officers of the Army. Then I should like to know how we are to experiment with the Constitution and trifle with the statutes, and say that a military officer, by being retired, may be a Senator and at the same time an officer of the Army, or, extending the reasoning, that he may hold other offices?

I submit that for reasons referred to by the Senator from Vermont—and he did not refer to them all—and for other such, it is no more than fair that a man who is in the active service and enjoys all its pay and emoluments shall be deemed and taken to have elected the sphere of life and opportunity which he will enjoy, and that a man who remains on the retired list receiving seventy-five per cent., three quarters of the full pay and emoluments as provided by the very bill before us, shall be deemed and taken to have elected the sphere in which he will enjoy the benefits which are extended to him; and so far from there being injustice in it, despite the civil ineligibility, I submit that there is not in history, there is not since the morning of time an instance in which any Government has treated so liberally, so generously, so well the men who espouse the military profession as this very Government of ours.

Mr. President, I have been led to say thus much, because we all know that one of the problems of the world, one of the difficult riddles for mankind to guess, is the mode, after a great war, of disbanding a great army, not the mode of putting on shoulder straps, but the mode of taking them off. Nothing is easier, nothing certainly in declamation and appeal, if not in argument, than to marshal imposing considerations before the public, and before a body like this, against every proposition to cut down to a peace establishment an army larger than we need; and especially so when we have emerged from a war in which all branches of the Army have covered themselves with imperishable renown. Any man who can declaim at all can so declaim as to suggest objections, to suggest great reluctance in doing such a work. Nevertheless such a work behooves us, and such a work I am glad to know—I was glad last evening to know from a distinguished officer of the Army whom you well know, whom the war found a captain and left a general fearfully mutilated—I was glad to know from him that not only he but his companions-in-arms as a rule, not merely receive with acquiescence and composure the amendment reported by the chairman of the Military Committee, but think in conviction and in feeling that that amendment is right, and that the Senate ought to adopt it.

Mr. CRAGIN. Mr. President, I have only a word or two to say. Some time ago my attention was called to the provision of the bill in relation to retired officers, denying to them the right to hold any office under the Government, and it struck me then as singular. I shall not attempt to argue the constitutional question involved; but it seems to me to be unnecessary to say to these few men—one hundred and seventy I think the chairman of the committee says—that they shall not be eligible to any office to which the people may choose to elect them. There are one hundred and seventy of them; about four and a half men for each of the States of the Union! And yet the Senator from Vermont holds up here the great army of soldiers who have fought so gallantly and nobly during the late war, and seeks to convey the idea that they would be left to starve in consequence of these few men having the right to hold office equally with them.

It is not long, Mr. President, since there was a law upon our statute-book that a pensioner, if he held an office under the Government, during the time he held that office should be deprived of his pension, and he was obliged to swear every time he drew his pension that he did not hold any office under the Government. But Congress in its wisdom saw fit to change that law, and the pensioner now can hold an office under the Government. I do not suppose that one in fifty of these men will ever be elected or appointed to office; but to say to them that they are ineligible is to wound their sensibility, to disfranchise them, and to say to them that they are not equal to their fellow-men. If there is not a constitutional objection insuperable to this being done I hope this provision and bill will not be adopted.

Mr. WARNER. Mr. President, I agree entirely with the Senator from New York that it is very easy to declaim in regard to the merits of our soldiers. The Senator himself is never so eloquent, his periods are never so full and rounded, and his manner is never so impressive as when he is talking of the glorious record of our Army; and it is because he speaks forth the natural emotions of every patriot, the feelings that come to the heart of every friend of his country and of every lover of the heroic. It is because our country was well served by its soldiers. That feeling which stirs eloquence in the souls of men is caused by heroic deeds.

We hear a great deal said about the generosity of this Government to its soldiers. Sir, the soldiers have been far more generous to their country than the country has been to the soldiers. The country has not paid and cannot pay its soldiers; and when we held up here the pensions given to the one-armed and the armless and the eyeless men whom the Senator from Nebraska talks about and speak of them as specimens of generosity, we make a sad mistake.

Now, sir, what is the question here? It is whether these one hundred and seventy men who have done distinguished service, who have been retired because of physical disability, shall be by law prohibited from holding petty civil offices. I can tell the honorable Senator from Vermont that I do not think he echoes the sentiment of the soldiers of Vermont when he says that they ask that any class of their fellow-soldiers shall be debarred by law from holding any petty office, whether they be pensioners or not. And I can say to him further that there is no feeling of animosity between the volunteer soldiers and the regular soldiers. We were under the same flag together. Most of those who are regulars now were volunteers once. We were in a common cause; and there is no feeling of animosity between them. These retired officers are mere pensioners of the Government. It would be just as monstrous a proposition to my mind to prohibit the pensioners of the Government—your one-armed men—from holding a civil office as to apply such a prohibition to these men who are simply pensioners in another form. I cannot conceive a more monstrous proposition, or one which is better calculated to wound deeply the hearts of brave men, than for the country to say that because of wounds and disability incurred in the service of their country, and because they are receiving a pension in the way of partial pay from the Government, therefore the ban of the Government is to be put upon them and they are to be told that they are unfit to hold any office in their country.

Mr. EDMUNDS. I should like to ask my friend from Alabama a question before he sits down. As he speaks of partial pay, I ask him what the pay of a retired officer is by existing law?

Mr. WARNER. I think seventy-five per cent.

Mr. EDMUNDS. The statute which is before me reads, I will inform my friend, that he shall have his full pay proper and four rations a day.

Mr. SHERMAN. The "pay proper" of an officer is scarcely one half of the regular pay and allowances.

Mr. EDMUNDS. "Pay proper" is the pay of the officer; but a retired officer does not get all the allowances for horses, equipages, and quartermaster stores, &c., nor allowances for his responsibility in having charge of public money. That is true.

Mr. WARNER. The pay of an officer is the money he gets in his pocket; and what is called the "pay proper" technically, his monthly pay, is about half what he gets.

Mr. EDMUNDS. How much is it for a colonel?

Mr. WARNER. I cannot tell.

Mr. WILSON. I should like to have the amendment now pending stated. I wish to reach a vote on it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin, [Mr. CARPENTER.]

Mr. MORTON. Is it in order to move an amendment to that?

The VICE PRESIDENT. No; this is now an amendment to an amendment. The substitute proposed by the Committee on Military Affairs is an amendment to the House bill; and this is an amendment to that amendment. After it shall be agreed to it will be in order to add to it; or if it shall be disagreed to another amendment will be in order. The question is on the amendment of the Senator from Wisconsin to the amendment.

The amendment to the amendment was agreed to.

Mr. MORTON. I offer the following as an addition to the amendment just adopted:

Provided, That the foregoing limitation as to pay shall not apply to retired officers who were retired not upon their own application and who have been assigned to active duty.

Mr. WILSON. The officers are retired generally not upon their own application, but on the action of the Government. I hope that amendment will not be adopted. I think we ought not to put retired officers on duty with increased pay. That was the reason I suggested a modification of the amendment proposed by the Senator from Wisconsin, by applying it to those put on active duty upon their own application. I think it wrong to force the retired officers to do duty without some increase of pay.

Mr. MORTON. I thought that modification was to make it apply to those who were retired on their own application.

Mr. WILSON. No; this applies to all retired officers. I think the section as now adopted is right as it stands.

Mr. MORTON. I desire to reach this point: that where an officer has been retired not upon his own application, and is assigned to active duty, he shall have the pay of an officer on the active list. That is a matter of simple justice. That covers the case. The Senator himself had a bill to cover the case of Dr. McDougall.

Mr. EDMUNDS. I think that is right.

Mr. MORTON. It is simply a matter of justice.

Mr. WILSON. I will say to the Senator that probably nineteen twentieths of the officers who are on the retired list were retired

not on their own application, but were retired by the volition of the Government. An existing law provides that these men shall not be employed at all, and they are not employed. These officers are now unemployed. Now, it is proposed to take off that disability. We have just adopted the amendment proposed by the Senator from Wisconsin to take off that disability, so that retired officers on their own application can be assigned to certain duties. They cannot command troops, but can sit on courts-martial, and act in colleges, and sit upon boards, and be at the head of soldiers' homes, on their own application, but without any increase of expense to the Government. Some of these officers would like to have some employment; at any rate, they feel the disability, and we have provided that they cannot increase their pay; but if this amendment be adopted it will increase the expense, and it seems to me it ought not to be adopted.

Mr. MORTON. If these retired officers are assigned to and perform the duties of officers on the active list, and take their places, is there any justice in saying that they shall not have the same compensation?

Mr. WILLIAMS. They ought to have it.

Mr. MORTON. Certainly; it is a mere matter of justice.

Mr. WILSON. If that is going to be the case, I must say to the Senate I shall resist allowing them to go on duty at all. It seems to me that we shall have officers enough in the Army on the active list to do nearly all these duties. There may be some little thing in which some few of these officers might be employed; but we shall have enough Army officers to do these duties without adding this additional expense to the Government. It may be, then, that nearly all these officers will be assigned and have the same pay as though they were on the active list.

Mr. MORTON. I want to refer to a single case that gives rise to this. In 1865 or 1866 Dr. McDougall, of the medical department of the Army, was retired by an intrigue. I am authorized to say that it was by an intrigue. It was a matter of great injustice to him, one of the ablest men in the Army, who had rendered distinguished service in the Army—I presume no man stood higher—still in the very vigor of his life, physically and intellectually, and now only sixty-five years old. But he has lived entirely on his pay, and is a poor man with a large family. He desires to be restored to the active list, first, because he wants to have something to do; and second, because he absolutely requires the pay. This is the case that I have in view. A bill passed the House, I believe, without opposition, to authorize him to be restored to the active list. Now, wherever there is a case where a retired officer can perform the duty of an officer on the active list, and he does perform that duty, is there any principle of justice that would prevent him from receiving the pay of an officer on the active list? It is no favor to authorize a retired officer to perform the duty of an active officer, and yet only get the pay of a retired officer. Very few of them will want to do that.

Mr. WILSON. I admit if the Government should force these retired officers to do these duties there would be some reason in it; but the proposition to which the Senator refers, to restore the officer named to the active list, would not be affected by this amendment. If he is restored to the active list he then has the pay of an officer on the active list.

Mr. MORTON. But my motion would give him pay,

Mr. THURMAN. Is this an amendment to the eleventh section?

The VICE PRESIDENT. It is an amendment just adopted on the motion of the Senator from Wisconsin to add to it the proviso moved by the Senator from Indiana.

The amendment to the amendment was rejected.

Mr. SHERMAN. I now move to add to the section just adopted on the motion of the Senator from Wisconsin, the following:

And all provisions of law prohibiting a retired officer from holding any civil office within the limits of the United States are hereby repealed.

Mr. WILLIAMS. I am perfectly willing that any arrangement should be made in reference to the officers of the Army as to pay, whether they are upon the active or the retired list; but I am opposed to this attempt to consolidate the military and the civil powers of the Government. I think that the theory of our Government is that the military should be separate from and subordinate to the civil authority; and this proposition invades and overthrows that theory; for if it be competent for retired officers of the Army to hold civil offices, then it is competent for officers on the active list to hold civil offices, and the arguments that will justify the one will justify the other. Thousands of men upon the active list of the Army are men of great merit and distinction, and are entitled to the gratitude of the country; but that does not prove that they ought to be eligible to civil offices under the Government.

The Senator from Ohio puts this proposition upon the ground that these persons deserve well of the country, that they have served the country faithfully, and that they have sacrificed much for the country. That is true. But, sir, there are thousands and tens of thousands of others in the country, men who were volunteer officers, men who were volunteer soldiers, who are entitled to as much gratitude and favor as the retired officers of the regular Army, and I think that if a man is an officer of the regular Army, if the Government provides him with a competency during his natural life, the civil offices of the country may very properly be left open to the volunteers in the war and to the civilians.

These retired officers are to all intents and purposes officers of the regular Army; and such men have an advantage in applications for office, because there is a tie between such an officer and the other officers of the Army, and he can bring to his support the influence of the entire Army; and it is very powerful in this country at this time, and its power has been felt more than once in the appointment of civil officers. He can bring the whole power of the Army to which he belongs to his support as against an application for office by a civilian or by a man who has served in the volunteer force of the country.

But, sir, it seems to me that it is not sufficient, to overthrow a principle which underlies the Government, to argue that a certain class of men deserve well of the country. I appreciate as highly as any man can the services of these men. I am willing to extend to them every possible favor that they can enjoy under the Government as officers of the Army; but at the same time I think that it is desirable, as far as practicable, to maintain the distinction between the military and the civil departments of the Government. It might as well be argued that men who belong to the judiciary of the country, because they are eminent as judges should be eligible to any other civil appointment, and so the legislative and judicial and executive departments of the Government should all be blended into one, and no distinction should be maintained, as to argue that the military and civil power should be blended into one, or that men who hold one office and are subject to the authority of their military superiors should be eligible to civil office.

Since the adoption of the amendment proposed by the Senator from Wisconsin these persons are subject to the authority of their superior officers in the Army. I do not know exactly the extent of the authority which is maintained over officers upon the retired list, but I suppose they are still subject to the authority of their superior officers; and if they are, then they cannot be fully and completely responsible to the people and to the Government as civil officers.

I am advised that they are subject to the Rules and Articles of War, like other officers, and may be court-martialed and may be tried like other officers to all intents and purposes, although they are excluded from active employment. Under such circumstances it seems to me that they ought not to be eligible, and they cannot complain if they are made ineligible to civil office, because if a man is elected to a civil office by the people he ought to be solely and exclusively responsible to the people by whom he is elected, and not be subject to the control of some authority not responsible to the people by whom he is chosen. So if a man is appointed to a civil office he ought to be subject to the same responsibilities, he ought to be amenable in all respects like all civil officers. There ought not to be any such distinction maintained as there will be in this Government between officers of the Army holding civil office and civilians who are elevated to civil office; and therefore I feel bound to oppose this amendment of the Senator from Ohio, not because I fail to appreciate the services of these men, not because I am ungrateful in any respect for what they have done, but because I think that it is our duty, as far as practicable, to keep the departments of the Government separate and distinct from each other, and so maintain the theory of the Government.

Mr. SHERMAN. There is one remark made by the Senator from New York and the Senator from Oregon to which I will reply; that is, that these officers are subject to the Rules and Articles of War. In all other respects it is admitted that they are not officers. They are on the retired list; they are not subject to command; they are not liable to be ordered to the field; they are not entitled to promotion; but they are subject to the Rules and Articles of War. Why is that? Simply to maintain over them the discipline of the Army, so that they shall not draw their pensions after they have committed acts that are violative of good order and discipline. That was the object of that requirement, and the only purpose of maintaining this rule was to secure over them the control and power which the Rules and Articles of War prescribe in order to make an Army officer a gentleman in the true sense of the word, to conduct himself properly. If a private citizen who may hold any office of honor, trust, or profit becomes drunk, is intoxicated daily on the streets, or does anything that is bad and injurious to morals, he still is eligible to office. The only purpose of subjecting these retired officers to the Rules and Articles of War is to maintain discipline over their conduct, to preserve their conduct proper and decorous.

There is no reason in the world why these few officers of the Army should be excluded by a rigid rule of law from holding subordinate civil offices. The hardship is that they are excluded by law from holding these offices without any reason or without any principle involved. Perhaps there may not be more than five or six of them who will ever receive an office from the people or from executive authority; but the fact that they are excluded by law from holding these offices is a matter of which they have a right to complain. I trust, therefore, this amendment will be adopted.

Mr. CHANDLER. Mr. President, two years ago the chairman of the Committee on Naval Affairs introduced a resolution and had it referred to the Committee on Naval Affairs authorizing the President to appoint retired naval officers as consuls. I believe the Committee on Naval Affairs unanimously decided to have them appointed to consular offices; but when the proposition came up for discussion the Committee on Commerce had a word to say upon that subject. The Naval Committee had decided that the Navy could spare the officers, but the Committee on Commerce did not decide that they could use them. The truth

is that the business of a consul is to be familiar with the value of the merchandise exported from the place where he is located; and of all the men on earth probably the most unfit men for such places are naval officers who have been retired. I then told the Committee on Naval Affairs that if they would limit the rank to not above midshipman the Committee on Commerce would take the subject into consideration.

I think now, if you are going to take Army officers and put them in civil positions you had better limit them to the rank of first lieutenant on the active list. We have no civil positions under this Government that do not require business capacity, work. Of all the men that we have in these United States I believe the retired Army officer is the least fitted to perform the duties of a civil office. That proposition coming from the Committeee on Naval Affairs was rejected so far as naval officers were concerned. The Committe on Naval Affairs decided, as I said before, that they could spare the retired officers; but the Committee on Commerce decided that they could not afford to take them. Consequently the proposition was defeated, and I hope this one will be. It is a mistaken idea that the civil offices under this Government can be filled properly by worn-out men whose habits of life have been antagonistic to the intended work that is to be performed in these civil offices. I hope that the amendment will not be adopted.

Mr. THURMAN. Mr. President, I think we shall not be able to decide this question correctly unless we bear in mind the fact that civil offices in this country are of two classes. One class is offices of the United States created by law of Congress; the other, civil offices created by the States. Now, in respect to all Federal offices which are created by law, it is competent for Congress to provide what shall be the qualifications for office, and it therefore would be perfectly legitimate to say that no officers of the Army or the Navy, whether in active service or upon the retired list, shall be qualified to hold a civil office under the Federal Government. Over that subject you have plenary power. But so far as civil offices created under State laws and State constitutions are concerned, the qualifications for those offices are dependent upon the State constitutions and State laws, and not upon the Federal Constitution or the Federal law.

Mr. CARPENTER. Will the Senator allow me to ask him a question?

Mr. THURMAN. Certainly.

Mr. CARPENTER. Is it not competent for Congress to enact that if any officer of the Army shall accept a civil office under a State government that shall be equivalent to a resignation of his military rank?

Mr. THURMAN. That is exactly what I was coming to. That you may undoubtedly do; but so far as the qualification for the office is concerned, that is a matter that rests with the State to determine for itself. You may make it a forfeiture of the military office to accept an office under a State; but if you do not make it a forfeiture of the military office, and the State constitution and laws permit such an officer to be appointed or elected to a civil office under the State, then he can hold both. You cannot say to a State that a man in the military service of the Government or the naval service of the Government shall be ineligible to a State office. Certainly you cannot say so in regard to one upon the retired list of the Army or the retired list of the Navy. All you can do is to say to such a man, "If you accept a civil office under a State government or under the Federal Government you shall thereby forfeit your military office." That you may say.

Therefore, the question that is submitted to the Senate by the amendment of my colleague is simply this: will you say to these retired officers, "If you accept a civil office you thereby forfeit your military office?" That is the whole question. Now, in respect to that I can see that there may be a pretty broad distinction between civil offices under the Federal Government and those under the State governments, in respect to this very question. There might be some reasons for saying that a man in the military service, although upon the retired list, should not be eligible to an appointment by the President to a civil office; but so far as a State office is concerned, I put it to the Senate whether there is any reason why the people of a State should be limited in the choice of their officers and prohibited from electing to office a man on the retired list of the Army? Let us see how that is.

My friend from Oregon has very well said that the theory of our Government, the genius of our institutions, is that the military and the civil authorities shall be separate; that the former shall be subordinate to the latter. That undoubtedly was the idea long ago. Whether it has fallen into disuse lately or not I do not stop now to inquire. That was the idea. I hope it will be the idea again.

But who are these retired officers? In the first place, under section three of this bill they are to be men who have been thirty years in the service of the Government. If they have been thirty years in the service of the Government before they can be retired every man who will be retired will be between fifty and sixty years of age. Will he be a man whom you would wish to recall from the retired list into active service again? Not one time in a thousand. Who, then, are the persons under the eleventh section who may be placed on the retired list? They are persons who are unfit for military duty, and being unfit for military duty none of them will ever be restored to the active list. The consequence is that those persons who may thus be retired under the third section, after having been thirty years in the service of the Government, and those persons who may be retired under the eleventh section, because they are unfit for military service, are effectually removed from the Army so far as all active operations are concerned. They are, as my colleague has well said, nothing but pensioners. Now, why shall we not allow the people of Ohio, if they want to elect one of these men to the office of county clerk or county recorder, or the like, to elect him? I do not think many of them will be elected to office. I do not think these old Army officers are, many of them, men who would get a nomination against some active ward politician, who understands the ropes and the manipulations of party conventions and the like. But still, now and then, it might be that the people would want to elect such a man to office, and he might be a very fit man for that civil office, though unfit for military service owing to disease, or owing to wounds he had received in the service, or owing to his advanced age. Why will you limit the power of the people to choose? Sir, I am opposed to disfranchisement; I do not want to say to any man that he shall not be elected to office if the people see fit to choose him. Therefore, so far as State offices are concerned, I see no good reason whatever why these men might not be eligible to those civil offices under the States.

The Senator from Oregon [Mr. WILLIAMS] has said that they would have all the Army to aid them in getting office. There would be some force in that if the appointment was a Federal appointment, one made by the President. The *esprit de corps* of the Army might do something for an officer in getting him a Federal appointment, an appointment to a consulate, an appointment to a collectorship, or to a post office, or the like. But so far as the volunteers are concerned, whom the remarks of the Senator from Oregon seemed to antagonize to the regular Army, let me say to him that there is a much more powerful organization than the Army of the United States in the way of getting office, and that limits its services I believe, to the volunteers. There is the Grand Army of the Republic, which I think gets ten offices, yes, a hundred offices for its friends from the Executive Departments of the Government, where there would be one obtained by the regular Army for one of its officers, however meritorious he might be.

There is no danger that the volunteer officers will lose in the scramble for office—not the least bit of it. They have the inside track now. They are, most of them, trained politicians. They have the Grand Army of the Republic, a body of trained politicians, or at least led by a body of trained politicians, at their back; and these few poor old men of the regular Army who may be placed upon the retired list would have a hard time in a contest with these professional politicians in the scramble for office.

I do not see why we should make any such distinction. So far as I am concerned, when a man has served his country in the way that this bill supposes these retired officers will have served their country, and is retired upon what is a pension, I would leave him like all other pensioners to receive from the people, if they deem it proper to call him to it, any office they see fit to confer upon him. And I do not think that that interferes at all with the principle that the military should be kept in strict subordination to the civil power. If I saw that these retired officers were officers who were ever likely to be called into active service again, that the Government was likely to revoke the order retiring them, and put them on the active list, then I would go with the Senator from Oregon in saying that they should not hold civil office. I would not agree for a moment that the officers on the active list of the Army should hold civil office. I would make them forfeit their military commissions if they accepted civil office. But I think the whole substance of the thing was truly stated by my colleague when he said of these retired officers that they are simply pensioners.

Mr. TRUMBULL. The Senator from Ohio is evidently laboring under a misapprehension in regard to the condition of the retired officers. The retired officer by statute is declared to be—

"Liable to be assigned to such duties as the President may deem him capable of performing, and such as the exigencies of the public service may require."

That is the statute; and although the retired officer may be elected to some office in the State of Ohio, he is subject by the order of the President to be ordered to Washington to sit upon a court-martial. He is subject, in the exigencies of the service, to be put even into active service; and such is the amendment that has been adopted to this bill. So that the Senator from Ohio is entirely mistaken. It is the principle here which is at stake——

Mr. THURMAN. Will my friend allow me to ask him what will be the condition of that law if the amendment of my colleague should be adopted?

Mr. TRUMBULL. The amendment of the Senator's colleague would not affect this law in the least, and has no reference to it. The amendment of his colleague merely repeals all laws prohibiting retired officers from being appointed to civil office, as I understand it.

Mr. THURMAN. What is the effect by implication?

Mr. TRUMBULL. By implication it does not repeal this law that authorizes the President of the United States to assign these officers to duty as the public service requires. It has no effect upon that. The Senator gives up the whole principle; he mixes up the military and the civil offices of the country and speaks of these retired officers being disfranchised and disqualified from holding office. Why, sir, they are no more disfranchised or disqualified than the Senator himself is. We who hold seats in this body are disfranchised in the same sense. If we think proper to hold on to our seats here we cannot hold some other office; but we are at liberty to give up our seats as Senators if we wish to become candidates for other positions or are elected to other posi-

tions. These retired officers can leave the Army and accept office. If they propose to hold civil offices, let them go into civil life. This is no hardship upon them. They are no worse off than hundreds of thousands of others who have served in the Army. Every one of these retired officers is retired upon his full pay.

Mr. SHERMAN. Oh, no.

Mr. TRUMBULL. That is the act of Congress. He gets the same pay as he would get in active service, so far as his regular pay is concerned, and he gets a certain number of rations. He does not get quarters, and he does not get the same amount that he received in active service when he had to take charge of property and when he had expenses incident to his active service; but he gets all the pay proper of his rank. A colonel or a general who is retired gets all the pay proper which a colonel or a general gets in the active service of his country.

Mr. THURMAN. Does not this bill provide that his pay shall only be seventy-five per cent. of the active-service pay?

Mr. TRUMBULL. No, sir.

Mr. WILSON. Oh, yes, it does.

Mr. TRUMBULL. The present law does not. There may be a provision of that sort in this bill.

Mr. WILSON. The fifteenth section of this bill provides that he shall receive seventy-five per cent. of his pay, because we propose to pay hereafter in a round sum.

Mr. CRAGIN. I should like to ask the chairman of the Committee on Military Affairs if a retired officer now gets seventy-five per cent. of the pay of his rank?

Mr. WILSON. No; he does not now. He gets his pay proper and a certain amount of rations.

Mr. CRAGIN. But that does not amount to seventy-five per cent. of what he would get in active service.

Mr. SHERMAN. The pay proper is about one half the full pay, and he receives four rations. A ration is thirty cents, making $1 20 a day in addition.

Mr. CRAGIN. The Senator from Illinois says he gets the same pay as an officer in active service.

Mr. TRUMBULL. He does, and that is the law. I will read it:

"If any commissioned officer of the Army or of the Marine corps shall have become, or shall hereafter become incapable of performing the duties of an officer, he shall be placed on the retired list and withdrawn from active service and command, and from the line of promotion, with the following pay and emoluments, namely: the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, and four rations per day, without any other pay."

That is what he gets. He gets the pay proper of the highest rank that was held by him upon the staff or in the line, and four rations per day. That is the law. The pay of a brigadier general who is retired is $5,254; of a colonel, $3,393.

Mr. SHERMAN. That includes the allowances.

Mr. TRUMBULL. No; the commutation of officers on duty is put in afterward. The average computation of longevity, &c., is added in another column. The commutation of fuel and quarters in the case of a colonel amounts to $1,410. A retired colonel does not get that; but he gets his pay proper, which is $2,736.

Mr. WILLIAMS. And four rations.

Mr. TRUMBULL. And four rations besides. So that it is an entire mistake to suppose that these officers do not get their full pay. Now, the Senator from Ohio is laboring under a mistake as to the present bill. The fifteenth section of the present bill cuts off these extra allowances to the officers in active service, and provides that the retired officers shall have only seventy-five per cent. of what the active officer gets, taking away the commutation for quarters, &c., which he was formerly allowed. The bill under consideration pays a salary to all these officers and classifies their pay so that the country can understand and know what it is. That is a very desirable provision, in my judgment, enabling us and enabling the country to know the pay of an Army officer. As the law now stands none of us are able to ascertain or know what it is. When this bill becomes a law, if it should become a law, then a retired officer will get but three fourths of this salary; but that will amount, I take it, to as much as he now gets. By the bill, as we have it here, the pay of a colonel is to be $3,500. Seventy-five per cent. of that would be something less, perhaps, than the retired officer gets now, but it would be about two thousand seven hundred dollars. A retired colonel would get that amount even if this bill should pass. But the principle of this thing is what I think the Senate should observe; that we should not mix up the civil duties of the country with the military duties of the country.

I do not wish to prolong the discussion; but I do not desire to be placed in a false position by the eulogies that are passed upon the officers of the Army who have performed great service to the country and are now retired. I trust I have as high an appreciation of their services as have other men; but they are not the only deserving persons in the country. There are tens of thousands and hundreds of thousands of others who are not Army officers, who are not drawing this pay of $2,000 or $3,000, and yet who are just as deserving as they are. If these retired officers want to enter the civil service of the country I think they should take their positions among the civilians of the country.

Mr. SHERMAN. I simply wish to correct the Senator from Illinois as to the pay proper. I have it here now. The Senator might have ascertained it by looking at the Army Register. The pay proper of a colonel now, on the retired list, is $110 a month; of a lieutenant colonel ninety-five dollars a month. The pay proper of a brigadier general is $124 a month, instead of $5,000 a year as the Senator said. The pay of a captain is seventy dollars a month; the pay of a first lieutenant is fifty dollars a month, and of a second lieutenant forty-five dollars a month. And then the officer is entitled in addition to four rations, which is equal to $1 20 a day. I am speaking now of the pay of a retired officer. He gets the pay proper of his rank, which I believe is about one third of the full pay.

Mr. TRUMBULL. I hold in my hand a table——

Mr. SHERMAN. And I have here the pay-roll.

Mr. TRUMBULL. The tables do not agree; and that is what I said, that we cannot find out the pay of these officers.

Mr. SHERMAN. Here is the regular Army Register, giving the pay proper, commutation for fuel, quarters, and all the various elements that form the full pay. The pay proper of a brigadier general is $124 a month; of a colonel $110; and so on down to forty-five dollars for a second lieutenant. I knew that it was much smaller than the Senator supposed.

Mr. WARNER. I wish to ask the Senator from Illinois a question. It is objected that this will increase the pay of these men. I ask if it is not supposed that a civil officer earns his money; whether the money paid him is not for work done?

Mr. TRUMBULL. I do not know that I understand the Senator.

Mr. WARNER. Objection is made to these officers holding civil positions because of the increased pay that will be given to them.

Mr. TRUMBULL. I have not heard that objection made.

Mr. WARNER. I do not see the pertinence of arguing as to the pay they receive now as retired officers, unless it is because their pay will be increased by holding civil offices.

Mr. TRUMBULL. The objection I made was to mixing military and civil offices in the same person. I have said nothing about an officer getting the pay of both places, and if any one else has I have not observed it. At any rate I have said nothing about it.

Now, a word as to the compensation of the Army. I know there is a great dispute as to the compensation of Army officers under this bill. The chairmen of the Committees on Military Affairs of the two Houses do not agree about it. The chairman of the Military Committee in the House says that the bill reduces the pay very considerably. The chairman of the Military Committee in the Senate says it increases it. The Senator from Ohio reads a table from the Army Register as to the pay. I have a table also here before me, and it may include, and I suppose it does include, something that is not in the table which he has, or else they would not disagree. The table I have carries out the total amount received by an officer. As it is stated here a colonel commanding a military or geographical department gets $2,736. That is his pay proper. Then he receives as commutation for fuel and quarters $1,410 28, making a total of $4,146 28.

Mr. SHERMAN. The Senator is right. This agrees perfectly with that. This table gives the officers' pay, made up of the pay proper, pay for servants, commutation for fuel, quarters, &c., giving the aggregate correctly. The pay of a retired officer is the pay proper, which I have given. The Senator will find the whole of that in this table.

Mr. TRUMBULL. It is only a matter of dollars and cents as to how much it is. It does not affect the principle at all. My object in referring to the pay was to show that these persons were provided for to some extent by the Government of the United States, and much more largely than pensioners at any rate. There is nobody receiving such a pension as the pay allowed to these retired officers according to any computation. The objection which I made is to the principle involved.

Mr. CASSERLY. It seems to me that the act of Congress just read by the Senator from Illinois [Mr. TRUMBULL] makes this whole question perfectly clear. That act shows the law to be that a retired officer does not cease to be an officer of the Army. It shows not only that he remains upon its lists subject to military jurisdiction, both of which facts we all understood before, but that he is liable to the orders of the President as the Commander-in-Chief. That being the law, the simple question here is whether Senators will now, without any reason given, undertake to overthrow the great public policy which has prevailed in this country almost since the foundation of the Government. That policy has been and still is that officers retired from the Army on half pay shall not hold civil office either under the State or the Federal Government.

I agree with my friend, the Senator from Ohio, [Mr. THURMAN,] that Congress has no power in the least particular to trammel the full freedom of election in the States; but I do not understand the existing rule of law as having any such effect. The only effect of the law is to require from every retired officer of the Army certain duties, certain obligations to the law which made him an officer, and which, when he was retired from the Army, bestowed upon him for life a competent honorable maintenance. One of these duties and obligations is, that while he is a retired officer drawing his pay, being still an officer of the Army, he shall not hold a civil office. Does that limit or in any way impair the free choice of the people of a State in electing to office? Not at all, as it seems to me. The prohibition is not at all addressed to them. It is personal to him; it places on him, and him only, the responsibility of obeying or disobeying the law of Congress, which is and must be his rule of action. If he should disobey he does not vacate the State office and thus deprive the people of the State of their choice. The only result is that being an officer of the Army, still on its lists and subject

to its laws, he would be tried before the tribunals of the Army, as he would be for the violation of any other of the Army rules and regulations. The statutes of the United States respecting officers of the Army are, if I am not mistaken, a part of those rules and regulations, and an officer who violates such a statute is liable to trial and punishment according to military law. The question is not as to the right of the people in a State to elect him to a civil office, but as to his duty under the laws of the United States, and whether or not he will violate that duty by holding the State office.

As to the policy affirmed and imposed by the law there are, as it seems to me, the best reasons in the world for our maintaining it in full vigor, as it has come down to us consecrated by the experience of so many years.

I do not repeat the fundamental objections to the union of the civil and the military authority in the same hands. They have been already stated, and are admitted on all sides. Let me give one or two illustrations of the practical workings of the mischief against which the policy of our Government is aimed.

Let half a dozen retired officers in any one State be elected to the Legislature at a time when a Senator of the United States is to be chosen. Let the President be arrayed determinedly for one candidate and against another. Let the five or six Army officers be doubtful or friendly to the obnoxious candidate for the Senate, who, with their votes, must succeed. What then is to prevent the President from ordering them all off upon distant service out of the State?

In the next place, sir, this country, like most other countries which have a military establishment, never yields up her right to the services of her military children. She maintains them while they are fit for active service, and when they are retired from active service she maintains them, honorably in both cases. But if a great emergency should arise demanding the services even of her retired officers, as in the late war, to take command, for instance, of fortifications, for which their experience would so well fit them and their years would not disable them, what would be the embarrassment of your Secretary of War should he find all the best of his retired officers holding lucrative State offices? If he calls them to service he compels them either to give up their State offices or to violate their duty as military men to the United States. Is that a dilemma to which honorable men should be exposed? If, yielding to the temptations of an office in the State better than that which they abandon in the Army, they refuse to obey his orders, the country loses their services to which she is entitled, and one of the objects of keeping up a military establishment and of the system of retiring officers upon an honorable competence is defeated.

It is unnecessary for me to say to any one who knows me that I assent fully to what has been said here in praise of the officers of our Army. In all respects, tried by any test, they are a remarkably meritorious body of men, an honor to the service and to the country. These considerations, however, have nothing to do with the present question, which is one of grave general public policy; a question of enormous and undefined mischiefs to flow from the inauguration of a bad policy. How can it be called a slight upon any officer to insist upon the established policy which, so long as he holds the commission and takes the pay of an officer subject to duty, treats him as disqualified for holding any civil office? It is no slight, sir, as has been said; it is no odious discrimination against him. It is simply the assertion of a great public principle which governs him and all others in the same class with him, without distinction of persons; which is unjust to no man, because it is designed and enforced for the good and the honor and the security of all the people. It seems to me, with deference to those who entertain the contrary opinion, that the argument of the Senator from Illinois, sustained as it was so amply by his readings from the statutes, leaves nothing more to be added on this subject.

Mr. THURMAN. Mr. President, the argument of my friend who has just taken his seat assumes that should the amendment of my colleague be adopted and become a law officers on the retired list who may be elected to civil office will be still subject in all respects to the orders of the President and to the Articles of War, just as they are now. If that assumption be correct, then his argument is perfectly unanswerable, and I should not for a moment attempt the absurdity of saying that the amendment of my colleague should prevail if that would be the status of the question. The case put by my honorable friend, in my opinion, may be considered an extreme case, that of retired officers being elected to the Legislature of a State, and ordered away by the President in order to prevent them from voting for a particular individual as a member of this body. That, I say, is an extreme case, and one not likely to occur; but there is another thing which might occur. An officer in the Army is prohibited from speaking disrespectfully of the President or of the Congress of the United States. He is bound to speak respectfully of "the powers that be;" and he would not be a very free member of a State Legislature if he was bound to speak at all times respectfully of the President or of the Congress of the United States. I think he would be a very poor man to be a member of a State Legislature. Therefore, if the effect of my colleague's amendment, if adopted, would not be to remove these restrictions upon the man thus elected to a civil office, and to make him a freeman in the discharge of his civil duties, the amendment ought to be voted down at once; it ought to receive no votes at all. But now, sir, I ask that the amendment may be reported so that we may see what its effect is.

The VICE PRESIDENT. The amendment will be reported.

The Chief Clerk read the amendment, as follows:

All provisions of law prohibiting a retired officer from holding any civil office within the limits of the United States are hereby repealed.

Mr. THURMAN. Now, I put it to every lawyer in this Senate if that does not repeal everything in the situation of the retired officer which would be inconsistent with his discharging freely, independently, and fairly the duties of a civil office. Is he fit to discharge the duties of a civil office if he is subject to the Articles of War; if he is subject to be sent abroad at any instant by an order of the President; if he cannot speak disrespectfully of the President or of Congress? Are not those provisions of the laws which forbid him from holding a civil office repealed by rendering the two wholly inconsistent? A greater repugnancy cannot be conceived. If there were nothing in the world but these provisions; if there were no provision in the statute that he should not hold a civil office, or that he should forfeit his military office if he accepted a civil office; if there were nothing of that kind at all, the bare fact that he is subject to the Articles of War, that he is not permitted to speak disrespectfully of "the powers that be," would of itself be repugnant and inconsistent with the idea of his holding a civil office; and the two cannot exist together. But when you declare and enact that all provisions of law which stand in the way of his holding a civil office are hereby repealed you exempt that man, thus elected to a civil office, from the Articles of War; you exempt him from that prohibition which forbids him to speak of "the powers that be" disrespectfully, and you exempt him from the orders of the President to leave at any moment that the President may see fit to order him away. You exempt him from these restrictions; they are inevitably repealed by implication, for two more repugnant things could not be conceived.

Believing this, and believing also that not one of these retired officers who will be elected to office, should the amendment of my colleague be adopted, will ever be ordered into the active military service of the Government, because they are either men who have served thirty years, and are therefore not at all likely to be ordered into active service, or because they are men who under the eleventh section are actually found to be disqualified for service in the military; that being the case practically, I can see no difficulty whatsoever in the question. They will be removed from the operation of the Articles of War; they will not be subject to be sent at the bid of the President here, there, or anywhere else. They will be free and independent men. In a word, they will be simply the pensioners of the Government.

Mr. CASSERLY. Mr. President, I did assume that this amendment went no further than to remove the disability of a retired officer to hold a civil office. I did assume that it did not alter the law as it exists by statute in this country, and, in my judgment, would have existed without a statute in this country, that a retired officer upon the half pay of his Government, whose name is on the Army list, who is under the Army jurisdiction, is subject to be called into service whenever a great emergency of the country requires it. I may be wrong in supposing that this bill, if it should become a law, with the amendment of the Senator from Ohio, [Mr. SHERMAN,] will leave that law as it before stood; and the circumstance that my friend from Ohio [Mr. THURMAN] differs from me is well calculated to make me hesitate. But, sir, I think the authorities which I had occasion in another case a short time ago to examine are such as to fortify me in the confidence that my position is correct.

The holding of a civil office is not necessarily incompatible with the obligation of an officer to render service to his country whenever he shall be called upon. He may be authorized to hold a civil office, and therefore he may lawfully hold it. In time of peace a state of things will hardly ever arise in which his right to hold that office, thus lawfully acquired by him, shall come in conflict with his higher duty to render his service to his Government. The English books which I had occasion to examine lately are full of cases that I think illustrate my position. Those English books universally maintain the doctrine that while an officer on half pay may often acquire a new residence—in that respect differing totally from an officer in active service—yet an officer on half pay is liable just as much to be summoned into service and sent hither and thither at the command and at the discretion of his military superior as the officer in active service is who can acquire no new residence because of his being so subject.

In the case of the half-pay officer under the British laws, the incompatibility, the repugnancy is not a necessary one. It is not one constantly existing. It comes in play only in an exceptional state of facts; but whenever it does come in play the law which gave him a right to acquire a new domicile yields to the higher duty to render his service whenever he is summoned.

But, sir, though I should be wrong in my construction of the effect upon the bill of this amendment, I think I cannot be wrong in this position: that if such is to be the effect of the amendment, then clearly the amendment ought not to be adopted; and it furnishes a stronger reason than any I have thought of against the amendment. Every Senator of course will be guided by his own judgment of the great public policy involved, recognized and maintained by those who founded the Government and who have sustained it since. But in my judgment it would be a capital mistake now to enact what never has been thought a fit or proper thing in the interest either of the Army or of the country at large heretofore.

Mr. STOCKTON. Mr. President, when the Senator from Ohio who sits on my right [Mr. SHERMAN] offered this amendment, the inclination of my mind was to support it; and if the Senator from Ohio was right in the position to which he assigned retired officers of the Army that amendment should prevail. He stated that they were simply in the position of pensioners. If that were true there is no reason in the world why they should not be allowed to take civil office. But, Mr. President, my mind was immediately changed on the reading of the statute by the Senator from Illinois, [Mr. TRUMBULL.] The statute creating this retired list places the officers directly, in words, in a different position. My friend from Ohio on my left [Mr. THURMAN] will pardon me for saying that he has not convinced me by his argument that that statute is repealed by implication by the amendment of his colleague, and I should like to ask the Senator from Ohio on my right [Mr. SHERMAN] if he is willing that that construction shall be put upon his amendment, for it goes too far; it takes the officer off the Army Register; it deprives him of wearing the uniform; it takes away from him his pay and emoluments; in fact, he is no longer a retired officer. The effect of the amendment offered by the Senator from Ohio on my right, [Mr. SHERMAN,] as construed by the Senator from Ohio on my left, [Mr. THURMAN,] is to deprive them of all that is valuable in being on the retired list. No, Mr. President, it is impossible that they shall be in the service of their country as officers liable to be called upon by the President at any time, ordered to any post, wear their uniforms, receive their pay, and at the same time be entitled to hold civil office. I agree with the Senator from California [Mr. CASSERLY] in the views he has expressed on this subject.

Mr. THURMAN. I cannot agree with my friend from New Jersey, that the amendment would have any such effect as depriving a retired officer of his rank or his uniform. There is no repugnancy between his holding his rank and uniform in the Army as a retired officer and wearing his uniform and holding a civil office, and the repeal by implication could go any further than the repugnancy which exists. If it had that effect, of course this amendment ought not to be adopted, but I do not think it will have that result.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

The amendment was rejected.

Mr. TRUMBULL. I now move to strike out in the twenty-first section, lines two and three, the words "on the active list," so as to conform to the will of the Senate just expressed.

Mr. STEWART. Will the Senator accept an amendment to say "except in the Indian service?"

Mr. TRUMBULL. I think we ought to make it general.

Mr. WILLIAMS. I protest against the exception.

Mr. TRUMBULL. I think we ought to make the rule general, although there might be some reason for a particular exception——

Mr. STEWART. I hope the amendment will not prevail without the exception. I move to amend the amendment by saying "except in the Indian service."

Mr. EDMUNDS. That is not in order now.

The VICE PRESIDENT. That will be more properly in order after this question is taken, because if agreed to in this shape the amendment would be to strike out some words and to insert some other words in a different place.

Mr. TRUMBULL. My amendment is an amendment to an amendment.

The VICE PRESIDENT. It is, and that would preclude it. The question is on the amendment of the Senator from Illinois.

Mr. SHERMAN called for the yeas and nays; and they were ordered.

Mr. COLE. Let the amendment be reported.

The VICE PRESIDENT. It is to strike out the words "on the active list," so that the section will read:

That it shall not be lawful for any officer of the Army of the United States to hold any civil office, &c.

Mr. THURMAN. Is our minister at Madrid an officer in the Army now?

Mr. TRUMBULL and Mr. SHERMAN. Yes.

Mr. THURMAN. What will be the effect of this on him?

Mr. TRUMBULL. There is a law already in existence prohibiting him from holding a diplomatic office. It has been read here once or twice.

Mr. EDMUNDS. He can hold it if he gives up his military office.

Mr. TRUMBULL. The existing law declares in so many words that any person in the Army accepting office in the diplomatic or consular service shall thereby vacate his military office.

Mr. EDMUNDS. Is he borne on the Army list yet?

Mr. WILSON. He is a retired officer; and I understand that he had leave of absence for a year, or something of that kind, and under that leave he holds this office. His leave will expire in June, and then he must leave the Army or else resign his office if this amendment prevails.

Mr. THURMAN. I wish to make another inquiry. Did General Schofield forfeit his position in the Army by accepting the post of Secretary of War?

Mr. WILSON. General Schofield was an officer of the Army and was appointed Secretary of War by the President and confirmed by the Senate. It was an appointment. He drew pay, of course, not as an Army officer, but as Secretary of War.

Mr. CONKLING. The statute does not cover that case.

Mr. CORBETT. I wish to ask the Senator from Massachusetts if General Sickles draws the salary of minister and also the pay of an Army officer?

Mr. WILSON. No, sir; he draws pay as minister. We have a general law against drawing two salaries.

Mr. SHERMAN. No retired Army officer, if he holds a civil office, can draw two salaries. This is a far different amendment from the one we have been discussing. This is a proposition that the President of the United States shall not avail himself of the benefit of the experience, patriotism, and ability of an officer of the Army for any purpose whatever for the discharge of any function in civil life. It would have prevented General Schofield from being Secretary of War. It would have prevented General Grant from holding the office of Secretary of War *pro tempore*, because that was an office created by law. It would have prevented General Sickles from holding the office he now holds. It would have prevented the officers of the Army from employment on the plains now, in contact with the Indians, where their services are most needed, where they have been appointed as superintendents of Indian affairs. The whole of the argument of the Senator from Illinois rested upon the twenty-fifth section of the act of 1861, which he read, in the following words:

"Retired officers of the Army, Navy, and Marine corps may be assigned to such duties as the President may deem them capable of performing, and such as the exigency of the public service may require."

That was a mere conjectural provision, contemplating the possibility that the President might order them into service. It would be better far to repeal that little provision in order to remove all doubt and leave the retired officer simply what he is, a pensioner. Then he would not be liable to the command of the President. The whole retired list is framed upon the idea that the retired officer passes from active service. The very words at the beginning of the law require that they are to pass from active service, to be no longer in the line of promotion, no longer subject to command.

For purposes of discipline the Rules and Articles of War may be enforced against them, but they are private pensioners in a higher grade. Now, to say that an officer of the Army, whether on the retired list or the active list, shall never under any circumstances be employed by the President of the United States in any civil employment, that he shall not be elected by the people of the United States to any civil office, is not only reversing the practice of the Government, (for I can show in the history of this country many cases of that kind that have occurred,) but it is aiming a reproach at the President, who has done this repeatedly, and we have ourselves approved the policy of employing these Army officers in the positions of Indian agents and superintendents.

I do not think we ought to do this. I did not call for the yeas and nays on the other proposition simply because I thought that by the phraseology of section twenty-one it was possible that while the officers on the active list were excluded from holding office, which was right enough, the mere exclusion of that class of officers would permit officers on the retired list to hold civil offices.

Mr. WILSON. If the Senator will allow me I will simply say that the House of Representatives in their bill forbade any Army officer from holding any civil office. That seemed to me to be rather hard; and I put into this section the words now proposed to be stricken out, "on the active list," with a view to allow retired officers to hold any of these places.

Mr. SHERMAN. Therefore I was very willing to take section twenty-one, after reading it carefully, and let the allowance for the appointment of retired officers or their election by the people stand upon the constructive exclusion of retired officers from the operation of the twenty-first section; and I am not at all sure but that that would be the legal construction. Perhaps it would. I trust that the Senate will be satisfied with that section as it stands, which provides that an Army officer on the active list, who is liable to duty any day, who is subject to the order of the President, shall be excluded from civil appointments; and if there is any doubt raised by the section quoted by the Senator from Illinois as to the power of the President over the retired officers, while I think it is a man of straw, we had better a great deal repeal that section than pass a law prohibiting these retired officers from holding a civil office. It is not a question that affects the Treasury; because in no event, in case a retired officer was appointed to office, could he draw more than one salary. He could not draw two.

Mr. SUMNER. Mr. President, I have said nothing in this discussion. I hope I shall be pardoned if I now add one word.

There is a principle of our institutions to which reference is constantly made in this debate, which is worthy of constant memory. It is the subordination of the military to the civil power. Mr. Jefferson in his inaugural address, so memorable as a representation of the fundamental principles of republican institutions, expressly declares the subordination of the military to the civil as an essential element of a republic. I accept that idea, and I confess that I have always admired in our system that the Navy Department and the War Department each is in charge of a civilian; that neither a naval officer nor a military officer in the ordinary course of affairs takes his place at the head of either of these Departments, to the end that the Navy and the Army shall see in a civilian the visible head of each. In that I recognize the genius of the Republic.

But now, sir, for the application. I confess I agree entirely with the argument of the Senator from Ohio, [Mr. SHERMAN.] I consider that the demands of republican institutions are completely satisfied, if we exclude men in active service from taking part in civil life. To

go further is to tie the hands of the appointing power, to take from the country the opportunity of securing, it may be, important service; and I think is to be needlessly hard on men who in their day have rendered good service to the country.

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

Mr. SUMNER. Certainly.

Mr. THAYER. Is it in his judgment necessary, in order to find competent men to fill public offices, to go into the Army of the United States, in a nation of forty million people? Is it necessary?

Mr. SUMNER. I do not see that it is necessary or that it is not.

Mr. THAYER. My friend suggested that the President might find the most proper man in the Army.

Mr. SUMNER. I will come to that. It does seem to me that cases may occur—my friend can anticipate them—when it may be important to take into the civil service a retired officer. Why may not that occur in the natural course of events? There is talent, there is experience. Are our offices so well filled, is the public service so completely performed, that we can afford to exclude talent and experience?

Mr. CONKLING. Is not that much more true in regard to active officers?

Mr. SUMNER. There, sir, you come in conflict with the fundamental principle of republican institutions. You cannot, as I submit, fill civil offices from the active service of the Army or Navy without conflict with that fundamental principle.

Mr. CONKLING. Why?

Mr. SUMNER. But I find no such conflict if you take an officer on the retired list.

Mr. CONKLING. Will the Senator point out the distinction?

Mr. SUMNER. The Senator asks, "Why?" For the obvious reason that when the officer is on the retired list he has, for all the ordinary purposes of the service, ceased to be an officer; he enjoys what I think has been called a pension—which in reality is a pension under another name—and he has ceased to be in the active practical service either of Navy or of Army. On that account I see a clear distinction. Therefore, it seems to me, for the sake of the public service, and that we may not be guilty of hardship to any portion of the community, that the words introduced by my colleague in the pending bill ought to be preserved. I hope they will not be struck out.

Mr. TRUMBULL. My motion restores the section precisely to the form in which it passed in the House of Representatives. The House have decided, so far as they are concerned, that no officer of the Army shall hold a civil office. It is proposed here to change that section by the insertion of the words "on the active list," so as to allow the persons on the retired list to hold civil office. That is the question. It is the same question which we decided a few moments ago. All that was said by the Senator from Ohio and others about General Schofield holding office, and other officers in the active service holding office, is answered by their own arguments, and answered by the Senator from Massachusetts, who says he is in favor of the section with the words "on the active list" retained. Therefore, the Senator from Ohio himself is for prohibiting a person in active service from being appointed Secretary of War. He says that is right. The Senator from Massachusetts says that is right. They are for all that. It is according to the genius of our institutions that the military officers of the country should not hold civil appointments. So far we all agree.

Now, about what do we disagree? Whether persons on the retired list who are still subject to Army orders, who still wear the uniform, who are still liable to be ordered upon court-martial and to perform various kinds of duties by the President of the United States, and who are liable to be tried by court-martial, who are subject to the rules and articles of war, shall be permitted to hold civil office or not. I think we had better adopt the amendment. I think we had better make the prohibition general. I see no distinction between these officers and the others. This is the same proposition upon which we have just voted.

Mr. PATTERSON. I should like to ask the Senator a question before he sits down, with his permission.

Mr. TRUMBULL. Certainly.

Mr. PATTERSON. I see that the section provides—

> That it shall not be lawful for any officer of the Army of the United States on the active list to hold any civil office, whether by election or appointment; and any such officer accepting or exercising the functions of a civil office shall at once cease to be an officer of the Army, and his commission shall be vacated thereby.

Does that prevent the President from detailing an officer of the Army to perform clerical duty in the War Department? Suppose another war should arise like that through which we have passed?

Mr. TRUMBULL. I suppose it would not prevent his doing any duty that was connected with the military service. I understand that in active service soldiers are detailed as aids to the commanding officer, to write letters for him; but I do not suppose that makes it a civil appointment. Anything that a detail covers this section does not interfere with.

Mr. PATTERSON. But performing the duties of a clerk, whether by detail or anything else, is fulfilling the functions of a civil office.

Mr. TRUMBULL. No, sir; to fulfill the functions of an office he must be the officer. He must have the power of the officer if he performs the functions of the office. I do not understand that a person can fulfill the functions of a civil office unless he holds the civil office. He must be the officer. That is the meaning of this section as I understand it.

Mr. MORTON. I do not see any occasion for the adoption of this amendment at this time. Nor do I feel the force of the reason offered by the Senator from Illinois. If this amendment should be adopted and become a law the effect of it would be that General Sickles must immediately resign his position in the Army and lose that competence for life which is necessary for him, or he must at once retire from his position as embassador. That is the direct effect of it.

Mr. TRUMBULL. I should like to inquire of the Senator how he gets over the present statute in reference to General Sickles? How does he answer the present statute, which says that any person who accepts an office in the diplomatic or consular service shall thereby vacate his position in the Army?

Mr. MORTON. I would say it is not understood that General Sickles is out of the Army, or that he lost his pay as a retired officer by accepting the position of minister to Spain. If it were so understood he would never have accepted it. There must be some doubt on that question or he would not have taken the place. By the way, here are sixty or seventy officers who have been assigned as Indian agents, who are now performing the duties of Indian agents, and who have taken the oath required by law for the performance of those duties. They have lost their commissions and are out of the Army without knowing it, according to this argument.

Mr. WILLIAMS. I think the law does not apply to such cases. It only applies to the diplomatic and consular service.

Mr. MORTON. That is the old law; but this bill would. The former law would not apply to all the cases referred to, according to the Senator from Oregon; but the present bill applies to them all.

Mr. TRUMBULL. Will the Senator allow me to read the section of the statute, if it will not interrupt him?

Mr. MORTON. Certainly.

Mr. TRUMBULL. Section two of the act passed March 30, 1868, is in these words:

> "That any officer of the Army or Navy of the United States who shall, after the passage of this act, accept or hold any appointment in the diplomatic or consular service of the Government shall be considered as having resigned his said office, and the place held by him in the military or naval service shall be deemed and taken to be vacant, and shall be filled in the same manner as if the said officer had resigned the same."

I apprehend that covers the case of General Sickles.

Mr. MORTON. It was not at the time understood as applying to a retired officer; but the Senator may be right in saying that it does. But whether his construction is right or not, this would cut General Sickles off; it would cut Colonel Parker off; it would cut off every officer who has been assigned to the performance of duty as an Indian agent on the plains; it would cut off the President's secretaries; it would look very much like a direct blow at the Administration, and would be so construed by the country. There is no occasion for it.

Mr. DRAKE. As the yeas and nays have been called for on this motion, I deem it but proper to say a word or two in explanation of the grounds of my vote. I shall vote against the amendment, and I shall do it upon the ground of the very essential and manifest difference between officers on the active list and officers on the retired list. When an officer is on the active list the Government appropriates all his ability, all his time, and all his efforts to itself, and it is not proper that the right of the Government to his ability, his time, and his efforts should be interfered with by any civil office to which he might be elected or appointed. But his position on the retired list is wholly different. It is only within a possible contingency that he may be required to perform some duty or other in the Army in connection with military affairs. He is not required to go into the field. He is out of the range of active duty. All that he would ever be required to perform would be some subordinate duty of no consequence at all, and to perform which he could very easily retire from the civil office.

Mr. WILSON. Under existing law he cannot be ordered to do anything. Under the provision proposed by the Senator from Wisconsin, which has been adopted, on his own application he may be assigned to duty.

Mr. DRAKE. That only strengthens my position. To say that these retired officers who, as the Senator from Massachusetts has said, are in fact pensioners upon the Government, in view of their great services shall never derive the emoluments of the office of justice of the peace or of notary public, or any other minor office in any of the States, seems to me to be a needless deprivation, which might in some instances amount nearly to cruelty.

Mr. WILLIAMS. Mr. President, since the distinguished Senator from Indiana has undertaken to make the Senators who vote for this amendment enemies of the Administration——

Mr. MORTON. I beg the Senator's pardon; I intend no such thing.

Mr. WILLIAMS. The Senator said the amendment looked like a blow at the Administration. I wish to ask him if the private secretaries of the President, and all the officers acting as Indian agents, were not upon the active list of the Army? He proposes to vote for a proposition that will deprive them of their civil or military offices; and yet he claims that because we propose to support this amendment it looks like a blow at the Administration. Now, sir, I do not know of a single military officer who holds a civil office to-day who is on the retired list of the Army, except it be General Sickles.

Mr. MORTON. Is he not on the retired list?

Mr. WILLIAMS. I believe he is; but these other officers to whom the Senator has referred are upon the active list of the Army.

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

Mr. WILLIAMS. Certainly.

Mr. CONKLING. What member of this body knows that the President or anybody else has adjudicated that General Sickles still holds a place on the retired list? Nobody is authorized to say that. We read the statute. The Senator seemed to think this otherwise. I do not know that anybody has the right to say that the War Department or the Executive has ever adjudicated or been called upon to adjudicate that question.

Mr. WILLIAMS. I only know as to General Sickles; and I certainly have no objection——

Mr. MORTON. Allow me to suggest to my friend from Oregon that if this section is amended by striking out the words "active list" it then applies to all officers, active and retired, and makes them all ineligible; does it not?

Mr. WILLIAMS. Most certainly it does.

Mr. MORTON. Then you strike at all these officers.

Mr. TRUMBULL. It does not make them ineligible. It makes them give up their military office if they wish to hold a civil office.

Mr. MORTON. If you adopt the section as it now stands it makes ineligible officers on the active list, and leaves the question open to implication in regard to those on the retired list; does it not?

Mr. WILLIAMS. I ask the Senator if he is not in favor of providing that military officers upon the active list shall be ineligible to civil office? Does he not propose to vote for that? Assuming that he does, then he cannot complain of those who propose to vote to include officers upon the retired list for the reason that they occupy under the law, as the Senator from Illinois has demonstrated, so far as military authority is concerned, the same position as officers upon the active list. I am in favor of either providing that all military officers, without distinction, shall be eligible to civil office, so as to give every man an equal chance, so as to enable the Administration to avail itself of the services of all the military officers of the country for all purposes, or of adopting some principle upon the subject and excluding military men from civil office altogether. The penalty is no punishment. This section simply provides that if a military officer accepts a civil position he loses his position in the Army. That is the only consequence—that he shall not hold both offices.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment offered by the Senator from Illinois, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 34, nays 22; as follows:

YEAS—Messrs. Boreman, Buckingham, Casserly, Chandler, Cole, Conkling, Corbett, Davis, Edmunds, Flanagan, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harlan, Howell, Johnston, Kellogg, McCreery, McDonald, Patterson, Pomeroy, Pratt, Ramsey, Ross, Saulsbury, Schurz, Spencer, Sprague, Stockton, Thayer, Trumbull, Vickers, Willey, and Williams—34.

NAYS—Messrs. Ames, Anthony, Brownlow, Carpenter, Cragin, Drake, Fenton, Howard, Howe, Morton, Nye, Osborn, Rice, Sawyer, Scott, Sherman, Stewart, Sumner, Thurman, Tipton, Warner, and Wilson—22.

ABSENT—Messrs. Abbott, Bayard, Cameron, Cattell, Ferry, Fowler, Gilbert, Harris, Lewis, Morrill of Maine, Morrill of Vermont, Norton, Pool, Revels, Robertson, and Yates—16.

So the amendment to the amendment was agreed to.

Mr. BUCKINGHAM. I move to amend by striking out the entire fifteenth section. I will say, Mr. President, that I have two objections to this section. One is that it reduces the pay of the General and Lieutenant General of the Army. In that respect it is an indication that we regret having placed them in the positions in which we have put them, and regret having provided for the amount of salary which is fixed by law. I do not believe there is any such regret or any such repentance on the part of the people. I believe it is an honor which belongs to those officers to which they are entitled, and of which we should not deprive them. I believe that to adopt this section of the bill would strike a blow at them which they ought not to receive, and which we ought not to inflict.

Another objection to the section is that it provides an increase of pay for other officers of the Army, amounting, as I understand from the chairman of the committee, to something like $700,000 a year. I do not think that in the present condition of this Government, with such a debt upon us as we have, and with the effort which is being made by the Senate to reduce taxation, we ought to adopt this measure unnecessarily to increase the public debt. These are two reasons why I believe this section should be stricken out.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut, to strike out the fifteenth section.

Mr. SCHURZ. Mr. President, I hope that section will not be stricken out without due consideration. I believe that the section as presented to us by the Committee on Military Affairs introduces a very important reform in the system of paying our officers. Heretofore it has been almost impossible to determine what the pay of an Army officer was. If you wanted to learn it you had to go not only to the Paymaster General's office and make an inquiry there, but you had to go from one office to another in order to pick up your information by little items.

I find in a document before me the pay of a colonel in the field $2,736, and including pay proper and commutations. Here is the pay of a colonel at Washington, $4,146 28. Here is the pay of a lieutenant colonel in the field, $2,446 50. The pay of a lieutenant colonel stationed at Washington is $3,608 02; and so it goes through the whole list. How does it happen that the pay of an officer at Washington is so much larger than the pay of an officer in the field? The difference accrues from an increase in the commutation of fuel and quarters which he has here, while he does not enjoy the same advantages in the field.

Now, so far as I am aware, in all other armies in the world the pay of the officer is increased when he goes to take the field in active service, and it is reduced again when service in the field is over and he goes into garrison; and I think so it ought to be. Why is it that there is, as a general thing, so great an urgency of officers of the Army for employment here at Washington? The reason is, simply, that their duties here are easy and pleasant, that they can mingle with civilized society, and at the same time enjoy very great material advantages. It seems to me, therefore, that the reform proposed in the bill presented to us by the Military Committee is a very desirable and just one. It is just to those officers who perform the hard and dangerous military duty, while under the present system those who are in the field, liable to be killed and to endure dangerous exposure in inhospitable regions, are laboring under great disadvantage as compared with those who sit comfortably in their offices here in the capital of the country.

I believe there is no worse system of paying officers than that which we have at present in our Army, where nobody can ascertain but by the most difficult process of minute inquiry what really the pay of an officer is. We have a number of major generals, and there are not any two of them whose pay is the same. Here is Major General H. W. Halleck, whose pay proper is $2,640. The allowances run it up to $9,862 98. Here is Major General Meade, whose pay proper is also $2,640. The allowances run it up to $9,342 05. Here is Major General Hancock, whose pay proper is the same, but whose allowances run it up to $9,785. Here is General Schofield, with the same pay proper, whose allowances make in the aggregate an income of $7,432.

How do these discrepancies arise? From the circumstance that in some places the quartermasters compute the value of quarters, fuel, and forage higher than at other places; a system which necessarily gives rise to great irregularities, and is excessively difficult of oversight and control. It may, indeed, be assumed that thousand and thousands of dollars are thus paid out without our knowing how, why, and wherefore.

Now, it seems to me that the system proposed in this bill is in every respect preferable. If we accept, it then we shall know exactly what the officers of the Army are entitled to and what they receive. That mysterious network of commutations will cease to confuse accounts and to puzzle those who want to know the truth. Then we shall know also that those who are serving in the field against the Indians and are braving the hardships of campaign life are not laboring under any disadvantage as compared with those who sit comfortably in their offices at Washington and unite with all the luxuries of civilized life at the same time pay far higher than that which those receive who do the dangerous work. I therefore earnestly hope the Senate will not reject this section without due consideration.

Mr. TRUMBULL. I believe it is in order to amend the section before it is stricken out.

The PRESIDING OFFICER. It is.

Mr. TRUMBULL. I move to strike out the word "quarters," in line forty-one of the fifteenth section. The section, it will be seen, is inconsistent with itself. By the previous lines of the section, beginning in line thirty-eight, it is declared that the sums allowed to the different officers—

Shall be in full of all commutation of quarters, fuel, forage, servants' wages and clothing, longevity rations, and all allowances of every name and nature whatever.

Then comes the proviso:

Provided, That fuel, quarters, and forage in kind may be issued to officers by the quartermaster's department, as now allowed by law and regulations.

After providing that the pay allowed by the bill shall be in full of all these things, then the proviso declares that fuel, quarters, and forage in kind may be issued. I can understand why fuel and forage in kind might be issued. Perhaps forage ought to be, and fuel also. I do not know but that forage for the horse would come under the same regulation as food for the soldier; and it may be proper to furnish fuel in kind, because it would be very expensive for an officer on the plains sometimes to provide fuel. It might cost, perhaps, fifty dollars a cord. You might allow him fuel and forage; but how you are to issue quarters in kind I do not understand. This is a provision which will be beneficial to officers who have quarters here in Washington, I suppose, in hired houses; but I do not think they should be put on any better terms than the officers who are in the field, and who will have no allowance whatever for quarters. If I understand this matter correctly—I am not sure that I do, and the Senator from Massachusetts will correct me if I am wrong—an officer in the field has no allowance for quarters. Am I right?

Mr. WILSON. He is furnished fuel and quarters in kind.

Mr. TRUMBULL. Does he have quarters in the field?

Mr. WILSON. It depends on where he is.

Mr. TRUMBULL. Suppose he is in a tent?

Mr. WILSON. Not in a tent.

Mr. TRUMBULL. He has nothing but a tent; while if he were stationed in Washington he would have a house costing hundreds of dollars rent. Now, I move to strike out this word "quarters" in the forty-first line of the section.

Mr. WILSON. I shall detain the Senate but a moment in explanation of this matter. Let me say to the Senator from Illinois that striking out the word "quarters" in this section would work a great and gross inequality. The officers of the line are generally furnished

with fuel and quarters. All our forts and all our military stations have quarters for officers and their families. Take Fortress Monroe, Fort Leavenworth, and all the forts and military stations of the country, and there the Government has provided quarters, and furnishes those quarters to the officers and their families; and many of the officers have their families there, and are furnished with fuel and quarters there. But if one of those officers of the line is detailed on special duty, say for recruiting purposes, and sent perhaps to Chicago in the Senator's State, the Government has no quarters there for him. Instead of hiring quarters, the policy has been to commute for quarters; allowing a certain sum instead of hiring quarters for the officers.

Take the case of a captain stationed at Fortress Monroe or Fort Leavenworth, where he has fuel and quarters furnished by the Government, and has his wife and perhaps children with him. He is ordered to go to some other part of the country where the Government has no quarters—to go to New York, or Philadelphia, or Chicago. The Government has no quarters for him there, no station. Then, if he is not furnished with quarters, what is his condition? He has got to take himself there, and his family with him; take his furniture or sell it at a large loss; and instead of being furnished with fuel and quarters he has got to furnish fuel and quarters for himself; he is a ruined officer.

Mr. TRUMBULL. Let me inquire of the Senator, is he any worse off than he would be if he were ordered to active service on the plains?

Mr. WILSON. I suppose nearly four fifths of all the officers are furnished with fuel and quarters in kind. Many of them are stationed where we can furnish them. We have stations over the country that have cost this Government hundreds of thousands and millions of dollars; stations where we furnish quarters for officers, and furnish them with fuel. If we order an officer to leave one of these places and go into an Indian campaign, we furnish a house for him if we can find it anywhere, or barracks, or erect temporary barracks, or give him a tent. That is campaign work, and cannot be helped. Let me tell the Senator that we have furnished officers fuel in kind where it has cost this Government $100 for a cord of wood. In many places we have to purchase wood at enormous rates because they draw it in kind.

Take the case of the staff officers in this city. I know there is a feeling against them. We have fifty members of Congress who have served in the field and rendered good service. I appreciate their services highly; but somehow or other they have got the idea into their heads—I do not know how they got it there—that they did all the work in the war. Why, sir, there are men in these offices in this city who worked five hours to their one, and I think ten to their one, who toiled day and night. Take men like Meigs and Rucker; men who handled the quartermaster's department as the world never saw a quartermaster's department handled before; who took up armies in one part of this broad land and hurled them in a few days at another and distant point. The achievements of the quartermaster's department during the war exceeded anything recorded in the history of military movements. The great movements of Napoleon were child's play alongside of them. We had a great number of very able and competent officers who toiled night and day in these offices. We all know what military movements are. Sometimes officers are exposed; their breasts are bared to the enemy; but that is what a soldier enlists for; that is the place where a soldier loves to be. But there are weeks and months sometimes that the Army lies in camp with everything quiet, with nothing particular for the officers of the line to do.

There has been a disposition to underrate the services of the staff departments of the Army. Sir, without a staff department an army is a worthless thing. You will find that Alison states in Blackwood that the graves around Sebastopol are monuments of the imbecility of the staff department of the English army. He states that never were such regiments sent to a war from England before, but they went out as separate and distinct organizations. By the legislation of Parliament the staff departments had been broken up after the peace of 1815, and that magnificent English army went into that war without staff officers and starved to death in the face of food. Every writer on the subject of an army says, "Have an experienced, well-trained staff; keep that always ready." Calhoun said so when Secretary of War; Crawford said it; Scott said it. All our military men have always proposed that. Have a staff during peace, men who have studied their profession, men who understand all about it, and with such a staff you can create an army and move an army and fight an army anywhere. Without that you may send splendid soldiers into the field, but a great deal of their force is lost.

A sort of prejudice has been raised in the country against the staff department because they commute. The system of commuting was adopted in this country to protect the Government in this way against furnishing fuel and quarters in kind. It was believed that it would save money to the Government. I have not a doubt that the system of commutation that has been adopted has cost this Government during the last ten years far less than it would have cost to have furnished the officers fuel and quarters in kind. I should be willing to adopt a rule that the Government might furnish fuel and quarters in kind according to law and regulations, and commute nowhere.

Now, sir, this amendment, if adopted, will work the grossest injustice. Some officers will be located where they can save a little money to their families; and but few of them can save anything anyhow. Others will be made beggars by its adoption.

Mr. NYE. Will the Senator allow me to ask him a question?

Mr. WILSON. Yes, sir.

Mr. NYE. Why do you not make an allowance to the officers where there are not quarters to be obtained, so as to put them on an equal footing with other officers?

Mr. WILSON. In my judgment to-day of the men who are in the service in the line, who are not detailed for other purposes, four fifths of them have fuel and quarters furnished in kind, and not tents or camps. I mean the men who are moving in the field, who are at our military posts, who are out on the Pacific coast; who are away out at Fort Parker. In all the forts in that region we have fuel and quarters and furnish them to the officers, and they take their wives and children there with them. I think it would be unjust to strike out "quarters" if we are to adopt this section. This section cuts down the pay of the General and Lieutenant General. It seemed to me that it would have been better to leave the whole pay department alone; but as the House adopted it, and it increased the pay in the aggregate, I was willing to increase the pay a little and agree to the proposition, because I thought this section equalized it. This section equalizes the pay better, if you will look it through, than the existing law. There is no doubt about that.

Mr. MORRILL, of Maine. I suppose it is apparent now to everybody that this bill cannot be got through to-night; and as I understand the Senator from Massachusetts will not be here to-morrow morning, I demand the regular order.

The PRESIDING OFFICER. The Senator from Maine calls for the regular order, which was laid aside informally in order to take up this bill.

Mr. TRUMBULL. I hope not. Let us finish this bill. We can finish it in half an hour.

Mr. WARNER. Let us adjourn.

Mr. RAMSEY. Let us quit talking and commence voting.

Mr. MORRILL, of Maine. The Senator from Massachusetts, I think, can now have no expectation of getting the bill through to-day, and therefore I feel authorized to demand the regular order.

The PRESIDING OFFICER. The regular order being called for, the appropriation bill is before the Senate.

Mr. WILSON. I should be very glad to be allowed to finish this bill. At any rate I should like to try it a little while longer.

Mr. STEWART and others. You cannot do it.

Mr. CONKLING. We can if we stop debating immaterial matters.

Mr. WILSON. I hope we shall take a vote on the amendment of the Senator from Illinois.

Mr. TRUMBULL. I am sure that we can finish this bill in thirty minutes if the Senate will only continue it. We now understand it. I have made a motion to amend. I do not want to talk about it, and I am willing to withdraw it if that will bring us to a vote on the bill.

Mr. MORRILL, of Maine. The Senator from Illinois will understand that there is not the same willingness on all hands to finish the bill that he manifests.

Mr. TRUMBULL. I thought there was around me. If there is a disposition to debate it, it cannot be finished, I suppose; but I think we had better go on for a while, at any rate, and try it.

Mr. MORRILL, of Maine. Here is a Senator on his feet [Mr. WARNER] who proposes to make a speech upon it, and I understand there are others who desire to do so.

Mr. TRUMBULL. If it is on my amendment I will withdraw it.

Mr. WARNER. I move that the Senate adjourn.

Mr. SAWYER. I ask the Senator to withdraw that motion for one moment.

Mr. CONKLING and others. No, no; let us vote it down.

Mr. SAWYER. I desire to offer a bill for reference.

The PRESIDING OFFICER. Does the Senator from Alabama withdraw the motion?

Mr. WARNER. No; I will not.

The PRESIDING OFFICER. The question is on the motion to adjourn.

The question being put; there were on a division—ayes 28, noes 21.

The PRESIDING OFFICER. The ayes have it, and the Senate stands adjourned until——

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

Mr. RAMSEY and others. It is too late. The Chair has announced the result of the vote.

The PRESIDING OFFICER. The Senator from Nebraska addressed the Chair before the vote had been announced, and in time, in the opinion of the Chair.

The yeas and nays were ordered.

Mr. THAYER. I now ask permission to make a statement. I will take but a moment.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. THAYER. The chairman of the Committee on Military Affairs is obliged to leave the city under circumstances peculiarly distressing, and he may be kept from the city for several weeks. He desires to have this bill disposed of before he leaves, if possible. I therefore make this statement, and ask the Senate to consider it and dispose of the bill to-night. He is obliged to leave under circumstances which would render it necessary for any of us to leave.

Mr. WILLIAMS. Let us have an evening session.

Mr. CONKLING. Let us vote without further debate.

Mr. STEWART. I suppose this bill will occupy us several days.

The PRESIDING OFFICER. The statement of the Senator from Nebraska was made by unanimous consent, and no further debate is in order pending the motion to adjourn.

Mr. CASSERLY. I should like to have a bill taken from the desk which has come from the House of Representatives, altering the boundaries of a land district in California, for the purpose of reference.

The PRESIDING OFFICER. Is there objection to that being done?

Mr. CONKLING. Which way did the Senator from California vote on the motion to adjourn?

Mr. CASSERLY. I do not think that question is in order. I merely want to refer a bill to the Committee on Public Lands.

Mr. CONKLING. If the Senator voted on the wrong side on the motion to adjourn I am afraid I shall object.

Mr. EDMUNDS. Let us try this question first.

Mr. HAMLIN. Let us have a division again on the motion.

The PRESIDING OFFICER. Remarks are in the nature of an objection. The question is on the motion that the Senate do now adjourn, upon which the yeas and nays have been ordered.

Mr. CASSERLY. I do not think it was intended to object to my motion. It is a motion, of course, to refer a bill that is on the table which came from the House, altering the boundaries of a land district, to the Committee on Public Lands.

Mr. EDMUNDS. You can refer it to-morrow morning. We are losing time.

HOUSE BILL REFERRED.

The PRESIDING OFFICER. If there is no objection the bill to which the Senator from California refers will be considered as referred to the Committee on Public Lands. The Chair hears no objection, and the bill (H. R. No. 1964) to change the boundaries of the Stockton land district in the State of California will be referred to that committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1986) to extend the provisions of the preëmption laws to the Territory of Colorado, and for other purposes.

The message also announced that the House had passed a concurrent resolution to print such additional extra number of the agricultural report of 1868 as will be required to give the members of the House from those States not represented in the Fortieth Congress the same number as was assigned to the members of the House from such States as were so represented.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print one thousand extra copies of the report made by the officers of the United States Naval Observatory of the total eclipse of the sun of August 7, 1869, for the use of the Senate, two thousand extra copies for the use of the House of Representatives, and five hundred extra copies for the distribution among scientific bodies and individuals by the Superintendent of the United States Naval Observatory.

REDUCTION OF THE ARMY.

The PRESIDING OFFICER. The bill (H. R. No. 987) to reduce the number of officers in the Army of the United States, and for other purposes, is before the Senate as in Committee of the Whole. The Senator from Alabama has submited a motion that the Senate adjourn.

Mr. WILLIAMS. I wish the Senator from Massachusetts would make a statement and let us know what he wants us to do.

Mr. WILSON. If we could get through with this bill by seven o'clock I should be very glad to do it. I must leave at that time. I should like to try to get the bill through, at any rate.

Several SENATORS. You cannot do it.

The PRESIDING OFFICER. The question is on the motion to adjourn, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 11, nays 28, as follows:

YEAS—Messrs. Brownlow, Davis, Drake, Ross, Schurz, Sprague, Stewart, Stockton, Vickers, Warner, and Williams—11.

NAYS—Messrs. Anthony, Buckingham, Chandler, Cole, Conkling, Corbett, Cragin, Edmunds, Fenton, Hamilton of Maryland, Hamlin, Harlan, Howard, Johnston, McDonald, Morrill of Maine, Morton, Patterson, Pomeroy, Pratt, Sawyer, Scott, Spencer, Sumner, Thayer, Thurman, Tipton, and Trumbull—28.

ABSENT—Messrs. Abbott, Ames, Bayard, Boreman, Cameron, Carpenter, Casserly, Cattell, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Texas, Harris, Howe, Howell, Kellogg, Lewis, McCreery, Morrill of Vermont, Norton, Nye, Osborn, Pool, Ramsey, Revels, Rice, Robertson, Saulsbury, Sherman, Willey, Wilson, and Yates—33.

So the Senate refused to adjourn.

The PRESIDING OFFICER. Does the Senator from Illinois withdraw his amendment?

Mr. TRUMBULL. Not if we can get a vote on it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois.

The amendment to the amendment was rejected—ayes fourteen, noes not counted.

Mr. MORTON. I desire to suggest to the chairman the propriety of amending the twentieth section.

The PRESIDING OFFICER. The question now recurs on the motion of the Senator from Connecticut [Mr. BUCKINGHAM] to strike out the entire fifteenth section.

Mr. CORBETT. I have been waiting for some one to move to raise the pay of the chaplains. The poor chaplain, I see, has no advocate here. He has always heretofore received the pay of a captain, and it is cut down from the pay of a captain, in this section, which is $1,800, to $1,400. A man who educates himself, enters the Army, and has no promotion, has to live upon $1,400 a year. It looks to me that it is an effort to drive the chaplains out of the Army. I think that these men—there are very few of them—who are willing to sacrifice their time and join the Army in this capacity should have a fair compensation. I move to make the pay of chaplains $1,800, so as to correspond with the pay of captains, the same as it always has been. It is in the nineteenth line of the fifteenth section.

The PRESIDING OFFICER. The Senator from Oregon moves to strike out "$1,400," in the nineteenth line of the fifteenth section, as the pay of chaplains, and insert "$1,800."

The amendment was rejected; there being, on a division—ayes 18, noes 20.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Connecticut, [Mr. BUCKINGHAM,] to strike out the entire section.

Mr. CORBETT. I move now to make the pay of chaplain $1,600, the amount allowed to a lieutenant.

Mr. RAMSEY. The House put it at $1,200 and our committee put it at $1,400. Let it rest at that.

The PRESIDING OFFICER. The Senator from Oregon moves now to insert $1,600 instead of $1,400 as the pay of a chaplain.

The question being put, there were on a division—ayes 28, noes 15.

Mr. HAMILTON, of Maryland. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 15; as follows:

YEAS—Messrs. Anthony, Brownlow, Buckingham, Corbett, Drake, Edmunds, Fenton, Hamlin, Harlan, Howard, McDonald, Morrill of Maine, Morton, Nye, Osborn, Patterson, Pomeroy, Ross, Sawyer, Scott, Spencer, Sprague, Stewart, Sumner, Thayer, Tipton, Trumbull, Warner, Williams and Wilson—30.

NAYS—Messrs. Boreman, Casserly, Chandler, Cole, Conkling, Hamilton of Maryland, Johnston, McCreery, Pratt, Ramsey, Rice, Schurz, Stockton, Thurman, and Vickers—15.

ABSENT—Messrs. Abbott, Ames, Bayard, Cameron, Carpenter, Cattell, Cragin, Davis, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Texas, Harris, Howe, Howell, Kellogg, Lewis, Morrill of Vermont, Norton, Pool, Revels, Robertson, Saulsbury, Sherman, Willey, and Yates—27.

So the amendment to the amendment was adopted.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Connecticut to strike out the entire fifteenth section.

Mr. EDMUNDS. I do not intend to occupy any time; but I will say that I am in favor of striking out this section, first, because I am ashamed to reduce the pay of the General and the Lieutenant General, who have covered themselves and us with glory; but when they die and pass away, and new men come in, we can make a further provision for those successors; but I want them to have, if it is $25,000 a year, all they did have when they did the deeds that they have done. So much for that.

A word now as to the rest of the officers of the Army whose pay will be increased, and it may be ostensibly made more equal by this section. In point of fact, honestly administered, the present system is more equal, because the cost of the living of an officer depends upon where he is sent and where he is bound to go. The officers in this city who get the highest allowances come out at the end of the year poorer than those who get in other places least allowances. Therefore, I believe it is unjust, it is unfair, although apparently equal; and then when you come to the aggregate, the chairman of the committee has satisfied me that it positively increases the cost to the Treasury.

Mr. SCHURZ. I do not think the Senator from Vermont is exact in his statements. He says that the pay of an officer in Washington, on account of the expense of living, amounts really to less than the pay of an officer on the plains. But he does not take one thing into consideration. Most of the officers in the Army have families; and when they are sent against the Indians they cannot have their families along with them; they have got to leave them somewhere. And who furnishes to those families quarters and fuel and all that? Nobody. The officers have to defray the expenses themselves. But officers here in Washington, who can have their families with them, get almost everything they want at the most liberal rates. There is the difference; and therefore I say there is great inequality in the pay, not to speak of the circumstance that those who go to the plains expose their lives and run all the risks of actual war, in case of fatal accident leaving their families in distress, while these gentlemen who are preferred in point of allowances, are seated here comfortably in their arm-chairs out of harm's way. It is for this reason that I think the system which prevails in other countries, where officers get increase of pay when they go into campaign and lose that increase as soon as they return home, is more just and equitable. For this reason I shall vote for the pay section of this bill.

Mr. NYE. If I understand this section, it really increases the pay of the officers below the General.

Mr. TRUMBULL. Does it increase the pay of major generals?

Mr. NYE. When you get below the grade of General it increases the pay of the lower officers. If that is the intention of it I have no objection. There is no branch of the public service of this country that I would more cheerfully sustain than I would the Army and the Navy of the nation. I regard them as worthy of the highest consideration of the nation and the Government.

Mr. President, is it possible that the question is gravely submitted to an American Sen-

ate, and is it possible when it is thus submitted that the Senate is going to vote to cut down the salary of the General and Lieutenant General of its Army? If that idea is entertained I desire to say a few words in opposition to it. I shall not trace, or attempt to trace, the hundred bloody fields and describe the conflicts which were led by the now General of the armies.

Mr. President, it is suggested to me on the left that I move an amendment to leave the pay of the General and Lieutenant General where it is.

Mr. STEWART. I have an amendment to that effect:

Provided, That this act——

Mr. NYE. Will my colleague wait a moment. I insist upon it that this side of Nevada should have a little chance. [Laughter.] It is suggested to me to move an amendment as to those officers, and then let the rest of the section pass. I will move that amendment, and then——

Mr. BUCKINGHAM. I suggest that we try the question first on striking out the whole section.

Mr. NYE. I was about to ask if such an amendment would be in order when the Senator from Vermont rose a short time ago.

Mr. BUCKINGHAM. It will be in order certainly if this section is not stricken out.

Mr. NYE. I will then move my amendment after the vote is taken on striking out. Certainly with that provision in it, as it stands, I shall have to vote to strike out.

Mr. THURMAN. Mr. President, I ask gentlemen to give me their attention for a moment. I find the greatest uncertainty as to the effect of this section if it be adopted. It has been stated here that the chairman of the Committee on Military Affairs of the House insists that in the aggregate it will produce a reduction of the expenses of the Army. On the other hand it is stated that the chairman of the Committee on Military Affairs of the Senate is of the opinion that it will materially enhance the expenses.

Mr. NYE. Seven hundred thousand dollars.

Mr. THURMAN. I do not understand it to be so much as that, but materially enhanced. On the other hand there are great reasons for preferring the system of payment provided by this fifteenth section to the present system, doing away with commutations and providing plainly and fairly and intelligibly what shall be the pay of officers of the Army. What it is now we cannot tell. The aggregate amount of compensation ought not to be increased; but yet it may be proper to make this section in such a shape as to preserve the beneficial feature of it; that is, the certain, fixed, intelligible pay, without at the same time increasing the aggregate cost. That can only be done in a committee; it cannot be done in open Senate. This is a subject of investigation in a committee to find out how, without increasing the aggregate cost of the Army, you can so graduate this pay among the several officers of the Army as to preserve the system provided for in the fifteenth section.

That is one thing I have to say; and then there is another feature of the bill about which there was debate to-day. The amendment of my colleague was voted down, and the amendment of the Senator from Illinois to the twenty-first section was adopted. There is a good deal of difficulty about that, as was suggested by the Senator from Indiana.

Under these circumstances I do not think the Senate is now prepared to act on this bill; nor do I think there is any necessity for the Senate acting upon it now. It can act upon it in two weeks from now just as well as at present. I therefore move that the bill be recommitted to the Committee on Military Affairs, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TRUMBULL. I wish to say one word only. The House of Representatives has passed a bill; the Senate committee has reported a substitute for that bill. There is a disagreement to some extent between the bill of the Senate and that of the House, though the general features of the Senate bill follow that of the House. I think it would be better to pass upon our bill and let this matter go back to the House, and it may possibly in the end lead to a committee of conference, where the two Houses can adjust the matter. That is where in the end it will have to be settled.

Mr. THURMAN. That is the very last thing, in my judgment, that is desirable. I think that of all committees to shape legislation a committee of conference is the worst.

The PRESIDING OFFICER. The motion is that the bill be recommitted to the Committee on Military Affairs, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 18, nays 21; as follows:

YEAS—Messrs. Casserly, Drake, Johnston, McCreery, Morton, Pratt, Ramsey, Rice, Ross, Sawyer, Schurz, Spencer, Sprague, Stewart, Stockton, Thurman, Vickers, and Warner—18.

NAYS—Messrs. Anthony, Boreman, Buckingham, Chandler, Cole, Corbett, Edmunds, Fenton, Hamilton of Maryland, Howard, McDonald, Morrill of Maine, Nye, Osborn, Scott, Sumner, Thayer, Tipton, Trumbull, Williams, and Wilson—21.

ABSENT—Messrs. Abbott, Ames, Bayard, Brownlow, Cameron, Carpenter, Cattell, Conkling, Cragin, Davis, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Texas, Hamlin, Harlan, Harris, Howe, Howell, Kellogg, Lewis, Morrill of Vermont, Norton, Patterson, Pomeroy, Pool, Revels, Robertson, Saulsbury, Sherman, Willey, and Yates—33.

So the motion to recommit was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Connecticut, to strike out the fifteenth section.

Mr. NYE. I move to amend the section so as to make it read:

That the pay of the officers of the Army shall be as follows: the pay of the General, Lieutenant General, major generals, and brigadier generals shall continue as at present. The pay of colonels shall be $3,500, &c.

And let the rest of the section stand as it is.

Mr. EDMUNDS. That will not accomplish the purpose, because that will apply only to the pay proper.

Mr. WILLIAMS. Just strike those officers out of the section, and then the pay will remain.

Mr. NYE. Very well. I move, then, to strike out all down to the pay of colonel, in line seven.

Mr. WILLIAMS. Then insert before the word "officers," in line two, the words "following-named;" so as to read:

The pay of the following-named officers of the Army shall be as follows.

And then strike out all down to colonel, so as not to say anything about the pay of the General and Lieutenant General.

Mr. NYE. That is my amendment.

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

Mr. HAMILTON, of Maryland, called for the yeas and nays; and they were ordered.

Mr. BUCKINGHAM. I shall vote for this amendment, but I shall still hope that the whole section will be stricken out.

The question being taken on Mr. NYE's amendment, by yeas and nays, resulted—yeas 21, nays 19; as follows:

YEAS—Messrs. Anthony, Buckingham, Chandler, Corbett, Drake, Edmunds, Fenton, Harlan, McDonald, Morrill of Maine, Morton, Nye, Ramsey, Rice, Ross, Sawyer, Scott, Sprague, Stewart, Warner, and Williams—21.

NAYS—Messrs. Boreman, Casserly, Cole, Cragin, Hamilton of Maryland, Howard, Johnston, McCreery, Osborn, Pratt, Schurz, Spencer, Stockton, Sumner, Thurman, Tipton, Trumbull, Vickers, and Wilson—19.

ABSENT—Messrs. Abbott, Ames, Bayard, Brownlow, Cameron, Carpenter, Cattell, Conkling, Davis, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Texas, Hamlin, Harris, Howe, Howell, Kellogg, Lewis, Morrill of Vermont, Norton, Patterson, Pomeroy, Pool, Revels, Robertson, Saulsbury, Sherman, Thayer, Willey, and Yates—32.

So the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the motion of the Senator from Connecticut, to strike out the fifteenth section.

Mr. SAWYER. In the thirty-eighth line the bill reads:

And these sums shall be in full of all commutation of quarters, fuel, forage, servants' wages and clothing, longevity rations, and all allowances of every name and nature whatever.

That is a proviso which speaks of the pay of colonel and lieutenant colonel. It would appear that that clause which I have read refers especially to the pay of colonel and lieutenant colonel——

Mr. TRUMBULL. That has already been amended.

Mr. EDMUNDS. I should like to hear the proviso read as amended, beginning at line thirty-four.

Mr. THURMAN. Mr. President, the General of the Army, if I am not mistaken, receives about three times as much pay as a judge of the Supreme Court. His pay amounts to about the aggregate salary of three judges of the Supreme Court, in round numbers. The pay of the Lieutenant General amounts to more than the aggregate salary of two judges of the Supreme Court. The pay of the General amounts to about four times the pay of a Senator in Congress; the pay of the Lieutenant General somewhere near three times as much. I do not say that they receive too much pay. Whether they do or not I do not undertake to determine; but this I do say, that there ought to be some just relationship between the salaries that are paid to the officers of the Government, whether they are in the civil or whether they are in the military service. I see no reason for putting the military service so much higher than the civil service; that the General of the Army shall receive three times the salary of the Chief Justice of the United States. After the amendment that has just been adopted, I shall vote for the motion of the Senator from Connecticut to strike out the whole section.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut, [Mr. BUCKINGHAM,] to strike out the fifteenth section.

The motion to strike out was agreed to; there being, on a division—ayes 23, noes 14.

Mr. BUCKINGHAM. I move to amend the twentieth section, between the fifth and sixth lines, by adding "Adjutant General." The object is to repeal that law which prohibits promotions in the Adjutant General's office.

Mr. STEWART. I think we had better strike out all of that section after the word "repealed." I do not see why there should not be promotions in the ordnance department. A short time ago the chairman of the committee was eulogizing these staff officers. I do not see why a discrimination should be allowed, and why there should be promotions in the medical department and none in the subsistence department, the pay department, or the ordnance department. If the Senator from Connecticut will amend his amendment by striking out all after the word "repealed" it will leave promotions in each of the staff departments.

Mr. BUCKINGHAM. I have no objection.

Mr. STEWART. Then the motion is to strike out in the twentieth section all after the word "repealed."

Mr. MORTON. I desire to say one word in favor of that motion. I am advised that the commissary department requires to be filled up, and that there are promotions necessary in that department; but as the law now stands no promotions can be made in the commissary department. Therefore I think all of the section should be stricken out after the word "repealed."

The PRESIDING OFFICER. The question is on the amendment to the twentieth

section, striking out all after the word "repealed."

The amendment to the amendment was agreed to.

Mr. BUCKINGHAM. I move to strike out the eighth section. The eighth section provides that whenever a vacancy shall occur in the office of Adjutant General and the other heads of the staff departments there shall be no promotions. Now, I claim that those positions require rank as well as pay, and I hope that section will be stricken out.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut, to strike out the eighth section.

The motion was not agreed to.

Mr. WARNER. I move to strike out the fifth section. It accomplishes now no purpose, no economy. It is a mere intimation to the gentlemen holding the places of General and Lieutenant General that they are supernumeraries, and I think it is unworthy of Congress and of the country.

Mr. WILLIAMS. It appears to me that it is a compliment to these men. It says we think more of them than we ever shall of any men in the United States.

Mr. TRUMBULL and others. That is it exactly.

The PRESIDING OFFICER. It is moved to strike out the fifth section.

The motion was not agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment reported by the Committee on Military Affairs, as amended, as a substitute for the House bill.

Mr. WARNER. I desire to offer another amendment. I move to strike out the sixth section of this substitute and to insert in lieu thereof the fourth section of the House bill; and I ask that it be reported.

Mr. TRUMBULL. The effect of that would simply be, instead of letting the number of major generals be diminished as they go out of the office, to turn somebody out. I hope the amendment will not be agreed to.

Mr. WARNER. That is exactly the effect of it. It is to reduce the number of major generals by one.

Mr. TRUMBULL. And by turning somebody out.

Mr. WARNER. I think that reduction will give universal satisfaction.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the Committee on Military Affairs, as amended.

Mr. THURMAN. I should like to have the first section, as amended, read.

The Secretary read the first section of the amendment, as follows:

That the President be, and he is hereby, authorized and directed, on or before the 1st day of July, 1871, to reduce the number of enlisted men in the Army to thirty thousand, and thereafter there shall be no more than thirty thousand enlisted men in the Army at any one time, unless otherwise authorized by law.

Mr. THURMAN. The amendment as reported was to reduce the number to twenty-five thousand.

Mr. TRUMBULL. It has been changed.

Mr. THURMAN. Can we not have a vote on that separately now?

Mr. EDMUNDS. No; you can when we get into the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Military Affairs, as amended.

The amendment was agreed to.

The bill was reported to the Senate as amended.

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

Mr. THURMAN. Now, I wish to have a separate vote on the number——

The PRESIDING OFFICER. The Senator from Ohio can accomplish his object by moving to strike out "thirty" and inserting "twenty-five."

Mr. THURMAN. I make that motion, to strike out "thirty thousand" and insert "twenty-five thousand."

Mr. DRAKE. I move that it be "thirty-five thousand."

Mr. EDMUNDS. The largest number does not come first on this motion.

The PRESIDING OFFICER. No; that rule only applies in filling blanks. The motion first made will be the first put.

Mr. DRAKE. Then I give notice that if this amendment be disagreed to, I shall move to insert "five" after the word "thirty," so as to make the force thirty-five thousand men.

The PRESIDING OFFICER. That motion will then be in order. The question now is on the amendment of the Senator from Ohio to the amendment, to strike out "thirty thousand" and insert "twenty-five thousand."

Mr. THURMAN. I ask for the yeas and nays on that.

The yeas and nays were ordered; and being taken, resulted—yeas 14, nays 25; as follows:

YEAS—Messrs. Casserly, Cragin, Fenton, Hamilton of Maryland, Harlan, Johnston, McCreery, Schurz, Stockton, Sumner, Thurman, Tipton, Trumbull, and Vickers—14.

NAYS—Messrs. Anthony, Boreman, Buckingham, Chandler, Cole, Corbett, Drake, Edmunds, Howard, McDonald, Morrill of Maine, Nye, Osborn, Ramsey, Rice, Ross, Sawyer, Scott, Spencer, Sprague, Stewart, Thayer, Warner, Williams, and Wilson—25.

ABSENT—Messrs. Abbott, Ames, Bayard, Brownlow, Cameron, Carpenter, Cattell, Conkling, Davis, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Texas, Hamlin, Harris, Howe, Howell, Kellogg, Lewis, Morrill of Vermont, Morton, Norton, Patterson, Pomeroy, Pool, Pratt, Revels, Robertson, Saulsbury, Sherman, Willey, and Yates—33.

So the amendment to the amendment was rejected.

Mr. STEWART. I now move to strike out "thirty thousand" and insert "thirty-five thousand."

Mr. RAMSEY. No; let us rest with thirty thousand. That has been settled; we cannot change the judgment of the Senate.

Several SENATORS. Question! Question!

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nevada to the amendment.

The question being put, a division was called for; and the ayes were twelve.

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

The yeas and nays were not ordered, one fifth of the Senators present not seconding the call; and the amendment to the amendment was declared to be rejected, a majority of a quorum not having voted for it.

Mr. McCREERY. I move that the Senate do now adjourn. It is nearly six o'clock.

The motion was not agreed to.

Mr. STEWART. If I cannot have the yeas and nays on my motion, I will move to strike out the section; and on that motion I wish to be heard. When I go to the Departments and to the General of the Army, they say to me that they cannot furnish soldiers to do what they admit themselves is necessary to be done. You are passing laws requiring the use of soldiers, making demand for them, and yet you are cutting the Army down below the limit where the proper authorities say they can supply them; and there is no suggestion that there has been any abuse in keeping even as large a number as the law allows. Now it is proposed to fix the number of troops arbitrarily at thirty thousand, when you need more, admittedly, and to take it out of the power of the President to increase the number in any emergency. You put it down below the number which you absolutely admit that you need, and then you take away the discretion to increase it another man.

Mr. TRUMBULL. Does not the Senator know that this section does not reduce the number at all for a year and a half? It is entirely in the President's discretion for a year and a half. We meet here next winter, and if there is any occasion for it the President will not reduce the Army before that.

Mr. STEWART. It reduces it right away.

Mr. TRUMBULL. No; just look at the bill.

Mr. STEWART. You pass this law, and they will stop enlisting, and it will be below the number fixed.

Mr. TRUMBULL. Not if there is occasion for men. Congress will meet again next winter.

Mr. STEWART. There is no occasion for cutting it down to that figure now.

Mr. TRUMBULL. This does not cut it down. It only gives power to do it.

Mr. STEWART. No; a year and a half hence, if there is necessity for it, we can pass a law reducing the Army; but now we know that there is a necessity for all the soldiers we have, and I do not see why we should discourage enlistments.

Several SENATORS. Let us vote.

Mr. STEWART. I do not see why there should be such a hurry to get this bill out of the way. Why do so foolish a thing? It seems to be a very foolish thing to cut down the Army. ["Question!" "Question!"]

Mr. WARNER. I rise to make an appeal to the Senate. If you want to give peace and safety to all the people of the South; if you want to avoid the necessity of driving the southern State governments into the organization of a local militia, which may involve difficulty, I beg of you not to reduce the Army. You say you do not propose to do it now. Then, where is the necessity of providing for it? I would not leave it even in the discretion of the President. The moral effect of the presence of United States troops everywhere in the South is to preserve the peace. Every loyal man in the South, and particularly every colored man in the South, if his voice could be heard here would beg of you not to withdraw from the limits of the southern States the United States troops. They are there as the conservators of the peace, and there is no necessity for fixing a time in advance to reduce the Army. If you do the President is bound to shape his action accordingly, and to stop enlistments. When we meet next year, if the condition of the country shall warrant it, it will be time enough then to reduce the Army, and we can always do it by discharging the soldiers in the Army. They are always ready to accept a discharge. There is no difficulty in doing that then. I hope it will not be done now.

Mr. STEWART. The chairman of the committee when this matter was up before said he saw no necessity for the section. Why this change? He was willing the other day to let it be struck out. Manifestly there is no necessity for it. If it has any operation it will certainly be prejudicial to the service, and will embarrass it.

Mr. WILSON. I said this: I wished to keep it in; I thought it was right to do it; I believed it would be for the interest of the country to do it; but I had rather have it stricken out than lose the bill.

Mr. STEWART. I did not so understand the Senator's statement.

Mr. WILSON. That was my idea about it. Finally, we agreed on thirty thousand rank and file, which is half way between twenty-five and thirty-five thousand; and I think we had better let it stand.

Mr. ROSS. Gentlemen delude themselves when they say this can work no reduction of the Army for a year and a half. The effect is that the Army will be reduced at once by the expiration of enlistments. As the chairman of the committee stated yesterday, several thou-

sand men will go out in the next eight or nine months, their terms expiring.

Mr. EDMUNDS. But this does not prevent reënlistments until 1871.

Mr. ROSS. It will inevitably prevent reënlistments, because troops are enlisted for five years, and they must be reënlisted when the Army is reduced or it remains reduced.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nevada, which is to strike out the first section of the amendment agreed to as in Committee of the Whole.

Mr. STEWART called for the yeas and nays.

Several SENATORS. Oh, no; no yeas and nays.

Mr. TRUMBULL. I will always rise to second a call for the yeas and nays if a Senator wants them.

Mr. STEWART. I do. I think this is public legislation.

The yeas and nays were ordered; and being taken, resulted—yeas 14, nays 24; as follows:

YEAS—Messrs. Boreman, Drake, McDonald, Nye, Osborn, Ramsey, Rice, Ross, Sawyer, Spencer, Sprague, Stewart, Thayer, and Warner—14.

NAYS—Messrs. Anthony, Buckingham, Casserly, Chandler, Cole, Corbett, Cragin, Edmunds, Fenton, Hamilton of Maryland, Harlan, Howard, Johnston, Morrill of Maine, Schurz, Scott, Stockton, Sumner, Thurman, Tipton, Trumbull, Vickers, Williams, and Wilson—24.

ABSENT—Messrs. Abbott, Ames, Bayard, Brownlow, Cameron, Carpenter, Cattell, Conkling, Davis, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Texas, Hamlin, Harris, Howe, Howell, Kellogg, Lewis, McCreery, Morrill of Vermont, Morton, Norton, Patterson, Pomeroy, Pool, Pratt, Revels, Robertson, Saulsbury, Sherman, Willey, and Yates—34.

So the amendment to the amendment was rejected.

Mr. SAWYER. I move to strike out the eleventh section.

Mr. DRAKE. Let the section as amended be read.

The Chief Clerk read as follows:

SEC. 11. *And be it further enacted*, That the General of the Army, commanding officers of the several military departments, and chiefs of the several staff departments of the Army shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties from any cause except injuries incurred or disease contracted in the line of duty, setting forth specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and directed to constitute a board to consist of one major general, one brigadier general, and three colonels, three of said officers to be selected from among those appointed to the regular Army on account of distinguished services in the volunteer force during the late war, and on recommendation of such board the President may wholly retire any of the said officers so reported with one year's pay; but such retirement shall not be ordered without allowing such officer a hearing before such board to show cause against it.

The PRESIDING OFFICER. The Senator from South Carolina moves to amend the amendment made in Committee of the Whole by striking out this section.

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

The yeas and nays were ordered; and being taken, resulted—yeas 9, nays 30; as follows:

YEAS—Messrs. Morton, Nye, Ramsey, Rice, Ross, Sawyer, Scott, Sprague, and Stewart—9.

NAYS—Messrs. Anthony, Boreman, Buckingham, Casserly, Chandler, Cole, Corbett, Cragin, Drake, Edmunds, Fenton, Hamilton of Maryland, Harlan, Howard, Johnston, McDonald, Morrill of Maine, Osborn, Schurz, Spencer, Stockton, Sumner, Thayer, Thurman, Tipton, Trumbull, Vickers, Warner, Williams, and Wilson—30.

ABSENT—Messrs. Abbott, Ames, Bayard, Brownlow, Cameron, Carpenter, Cattell, Conkling, Davis, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Texas, Hamlin, Harris, Howe, Howell, Kellogg, Lewis, McCreery, Morrill of Vermont, Norton, Patterson, Pomeroy, Pool, Pratt, Revels, Robertson, Saulsbury, Sherman, Willey, and Yates—33.

So the amendment to the amendment was rejected.

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

The amendment was concurred in.

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

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MORRILL, of Maine. I call for the regular order.

The PRESIDING OFFICER. The legislative, executive, and judicial appropriation bill is before the Senate.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 12, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read and approved.

PENSION APPROPRIATION BILL.

The SPEAKER announced the appointment of the following members as the conferees on the part of the House on the disagreeing votes of the two Houses upon House bill No. 781, making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1871, namely: WILLIAM H. KELSEY of New York, BENJAMIN F. BUTLER of Massachusetts, and WILLIAM E. NIBLACK of Indiana.

SURVEY OF ARKANSAS RIVER.

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

Resolved, That the Secretary of War be requested to transmit to this House the recent report made by T. S. Abert of the survey of the Arkansas river.

PERSONAL EXPLANATION.

Mr. HAYS. I ask leave to make a personal explanation of a few minutes.

No objection was made.

Mr. HAYS. I ask the Clerk to read an extract I have marked from the New York Star of Tuesday last:

The Clerk read as follows:

"*Congressional Claim Agents.*—Members of Congress not unfrequently avail themselves of their influence with the Departments to turn an 'honest' penny in putting through the claims of their constituents or of any other clients who come handy and pay well. The South is particularly happy in sending a set of fresh-made residents, imported from that part of the population of the North and West which have not been able to earn a living at home; and as their day of success in the South is coincident only with the continuance of the iron rule of Congress over that unfortunate country, they are determined to make hay while the sun shines in every way practicable and available. West Point cadetships, post offices, and official positions generally command a price, and claims before Congress and Departments return to them a very handsome commission.

"About two years ago an attorney in Washington, of high character and unquestioned integrity, presented a claim which, though admitted to be correct and proper, the Fourth Auditor, under instructions from the Navy Department, decided he had not authority to pay. A memorial was then prepared by the attorney, and, accompanied by the power of attorney to him from the claimant, was presented to Congress, and by it referred to the Naval Committee, which in turn referred it to Hon. CHARLES HAYS, of Alabama, as a sub-committee. The latter, on going to the Navy Department for information, was informed by Admiral Porter that he knew the claimant, and that it would not therefore be necessary to get an act of Congress to pay him, as he could give the necessary certificate. Instead of reporting this to the attorney, who had several times communicated with him in reference to the case, the officious HAYS wrote direct to the claimant soliciting a power of attorney to collect the claim, received one pretending to revoke the first power, and settled with the claimant, leaving the regular attorney to whistle for compensation for his two years' trouble. A representation of this indecent proceeding to SCOFIELD, the chairman of the committee, elicited only a rude and insulting reply.

"And these are a couple of the honorable members of Congress whose virtuous indignation is excited to such a white heat in regard to claim agents. That there are bad men among these latter no one will deny, but in proportion to their number our national Legislature can boast a much larger percentage who misrepresent the intelligence, decency, and moral sentiment of the country. Will Congress act upon our suggestion to appoint a standing committee of investigation on the conduct of their members?"

Mr. HAYS. Mr. Speaker, this article is evidently written by or at the instigation of one Horatio King, of this city, and refers to the case of Charles S. Devine, a claimant for compensation for services as pilot in the Mississippi squadron during the late war. The case was under investigation in the House Committee on Naval Affairs, of which I am a member, and was finally placed in my hands for examination and report. Upon advising with the Navy Department I was informed that congressional legislation was not necessary to the adjustment of Mr. Devine's claim; that a previous refusal by the Department was based upon an order of the then Secretary of the Navy, Mr. Welles, which order having since been revoked by Secretary Robeson left the case open for settlement under the rules of the Department. Accordingly a certificate was issued by the Fourth Auditor for an amount covering the sum claimed, about six hundred dollars, which certificate was addressed to Mr. Devine in my care.

In the meanwhile Mr. Devine, who had learned by some means unknown to me of the favorable action of the Department upon his case, wrote me upon the subject, and requested that I should not deliver the certificate in my possession to a man by the name of Horatio King, a claim agent in Washington, who might assert some right to it, giving as a reason that King's charges for services were exorbitant. The chairman of the Committee on Naval Affairs also received a letter of like import from Devine. Pending these occurrences this claim agent, Horatio King, called upon me day after day, importuning me to give him possession of the certificate. I informed him of Devine's letters, both to me and to the chairman of the committee, protesting against such a proceeding, and insisting that the certificate should be forwarded directly to him. I also stated I would lay the matter before the committee and be governed by their decision. I did so, and was instructed to send the certificate to Devine. I subsequently informed King of the action of the committee and my intention to fulfill its decision. He retorted in an angry tone and manner that he would make me responsible, to which I replied, "Very well, sir."

I immediately mailed to Mr. Devine the certificate drawn to his order, it being the first and only communication I addressed to him. I had no knowledge of the man prior to the case being referred to me by the committee; have received no fee, emolument, or reward in the matter, and had no interest in its settlement beyond the desire to do my strict duty between a claimant on the one hand and the Government of the United States on the other. If I have in any way misstated the facts, I hope the members of the committee who are present will correct me.

Now, sir, these are the simple facts in the case out of which this unprovoked and libelous attack upon me is made—made by a vulture who feeds upon the necessities of mutilated soldiers and sailors; who invades the sanctuaries of the dead, despoils the widows and orphans of the fallen patriots, preys upon the miseries of the dependent and unfortunate, and under the sanctimonious cloak of Christianity seeks in a base and covert way to malign the chairman of the Committee on Naval Affairs and myself for a simple act of justice, by which a deserving sailor receives his just dues from a grateful Government.

As to the charge of my being a carpet-bagger, and dependent upon the sale of my congressional patronage and influence for support, I may dismiss these imputations with the simple remark that I am a native of the State of Alabama, where I have resided all my life, and that fortune has blessed me with a competency which should raise me above the suspicion of dishonesty, if my personal character did not.

AMERICAN COMMERCE.

Mr. SCHENCK. I demand the regular order of business.

The SPEAKER. The morning hour will now commence, and the House resumes the consideration of House bill No. 1889, to revive the navigation and commercial interests of the United States, reported yesterday from the select Committee on the Causes of the Reduction of American Tonnage, upon which the gentleman from Missouri [Mr. WELLS] is entitled to the floor.

Mr. ALLISON. I made a point of order on this bill yesterday, which I do not care to insist upon, if there can be an understanding that amendments may be offered to this bill. I do not think that a bill of so much importance as this ought to be considered by the House without there being some opportunity afforded to offer amendments to it. I do not wish to cut off the present consideration of this bill by having it sent to the Committee of the Whole. If an opportunity for amendment in the House can be had, and a fair opportunity for debate, I will not press my point of order. If I can have such an intimation from the gentleman who has charge of this bill, [Mr. LYNCH,] I will withdraw my point of order.

Mr. LYNCH. If the gentleman will send up his amendments to be read, so that I can hear what they are, I certainly will be inclined to admit them. But I cannot consent to any arrangement by which any gentleman at any time hereafter may be at liberty to offer any amendment he pleases. I would rather the gentleman should insist upon his point of order, and let it be decided at once.

Mr. ALLISON. I do not propose to move any factious amendments to this bill. But I think there are principles involved in it which ought to be fairly tested by a vote of the House, and all I desire is an opportunity to fairly present these questions to the House.

Mr. LYNCH. I should, of course, be inclined to admit any amendment to be voted upon which would not hazard the bill. But I cannot consent to any arrangement with the gentleman in advance, to allow any amendment to be offered which any gentleman might wish to offer at any time. If the gentleman will indicate any amendment he desires to offer I will hear it. If he wishes to insist upon his point of order, I am willing that the Chair should rule upon it now.

Mr. WOOD. I hope the gentleman from Iowa [Mr. ALLISON] will not insist upon his point of order upon a question which can be as well disposed of in the House as in Committee of the Whole. This bill involves very important principles, which are of interest to the whole country. I not only hope that the gentleman from Maine [Mr. LYNCH] will allow full opportunity for amendments to be offered, but that the largest latitude of debate may be had. The proposition of the gentleman from Iowa is but a technical one. The difficulty he seeks to avoid can be as well met in the House as in Committee of the Whole.

Mr. ALLISON. I will withdraw my point of order, and trust that on so important a matter as this the gentleman from Maine [Mr. LYNCH] will not undertake by any technicality, or by any motion, to cut off amendments or to limit debate.

Mr. LYNCH. I assure the gentleman that I have no disposition to cut off debate, but will allow all the latitude of debate that may be agreeable to the House.

The SPEAKER. The gentleman from Missouri [Mr. WELLS] is entitled to the floor.

Mr. LYNCH. Before the gentleman proceeds I will move to recommit the bill to the select Committee on the Causes of the Reduction of American Tonnage.

Mr. ALLISON. I hope the gentleman will not now make a motion which will cut off all amendment, for no amendment can be offered while such a motion is pending.

Mr. LYNCH. I am willing to have any amendment offered which is not hostile to this measure.

Mr. MAYNARD. Does the gentleman propose to allow amendments to be offered?

Mr. LYNCH. Certainly; as I have indicated.

Mr. WELLS. Mr. Speaker, to obtain the carrying trade has been a matter of great interest to all civilized nations. Such trade has enriched all countries which have secured to themselves a large share of this service of wealth. Among the calamities of the late civil war was the destruction of a large number of our vessels. The calamity did not fall on one portion of the country alone. While our vessels engaged in foreign commerce were destroyed by the cruisers sailing under the confederate flag, our vessels navigating the great inland seas of the West were also destroyed by the acts of the same enemy of the Republic. Capital, always timid and avoiding hazardous risks, did not, as in years prior to the war, supply the vessels lost either on ocean or on our western rivers. Hence, at the close of the war we found ourselves with registered and enrolled tonnage greatly reduced. We have not recovered from these losses sustained during the war. The number of vessels, American and foreign, which cleared from the United States for foreign countries and places in 1860, (taken from the annual report of the Special Commissioner of the Revenue, Commerce, and Navigation for 1868, being the last official report published by the Treasury Department,) was 23,594; the tonnage, 8,789,929. In 1868 the number of vessels were 26,276, with a tonnage of 8,279,016. The registered vessels of our country and the tonnage were as follows: 1860, 12,682; vessels and tonnage, 6,165,924. 1868, 9,651 vessels, and tonnage, 3,716,956.

In 1860, the number of foreign vessels which entered our ports was 11,912, with a tonnage of 2,624,005 tons. In 1868, the number of foreign vessels was 16,625, with a tonnage of 4,562,060 tons. This shows the number of American vessels which cleared from our ports for foreign countries in 1868 was about 25 per cent. less than vessels which cleared from our ports for foreign countries and places in 1860, and the carrying capacity in 1868 was nearly 50 per cent. less than in 1860. The number of foreign vessels clearing from our ports in 1860 was 11,912, with a tonnage of 2,624,005 tons; and in 1868 the number of foreign vessels clearing from our ports was 16,225, with a tonnage of 4,562,060 tons, an increase in number of vessels of between 25 and 30 per cent., and an increase of tonnage of about 75 per cent. I leave these facts for further comment to those who represent a constituency engaged in foreign commerce. It shows while Congress has by its legislation been endeavoring to promote and advance manufacturing interests of the nation it has entirely neglected the interest of ship-building, and perhaps I might add that the legislation intended to advance the manufacturing interests operated oppressively on the ship-builders and their interests.

The fact stares us in the face that the ship-building interests of the country have declined, and that the largest portion of our trade with foreign countries is conducted in foreign vessels, and that in 1860 the tonnage of our vessels engaged in foreign commerce was more than double that of foreign vessels which cleared from our ports for that year.

There are stronger reasons for the Government to foster and encourage our ocean commerce than of any other branch of business in which our people are engaged. The merchant marine of our country is the militia of the ocean. If it should be required to increase the Navy, from the merchant marine would be drawn the sailors with which our ships of war would be manned; and should it be necessary to authorize the fitting out of privateers, the vessels already afloat and engaged in the merchant service have always been regarded as the nursery of sailors for our men-of-war.

The agricultural products of our country beyond that which may be required for the consumption of our people must find a market abroad. The internal commerce of the country bears to the sea-board that surplus for exportation and distribution through the country, and the importations as required. There is, therefore, an internal relation between the interior and foreign commerce of the country.

It is true, much of our internal commerce is conducted by means of railroads; but whenever it can be done, such freights are carried on water, such transportation being the cheapest. We are interested to have our exports and imports carried in American vessels. The building, equipping, and navigating of said vessels will give employment to a large number of our people. The freights will be earned by our citizens, and add to the wealth of the nation. We of the West equally desire with you of the East to recover the ship-building business of the country, and make it as prosperous as it ever was; although we of the West believe that not only the steamboats for the western rivers, but a large portion of those for the ocean, will be built on the Mississippi and Ohio rivers. The facilities for procuring all the materials that enter into the construction of an iron vessel, as well as being at the door of the great granary of the country, indicate that the Mississippi valley will not only produce the breadstuffs, but the ships that will float them to foreign markets, and with only a tithe of the aid and fostering care that have been so generously bestowed on a large portion of the manufacturing enterprises of the country, would be the means of restoring that important interest, which should be fostered and protected equally, if not to a greater extent, than any other branch of business, and one that demands immediate relief or to be abandoned to others who have no interest in common with the people you represent.

The price of any given article to the consumer consists, or, at least, should consist, mainly of but two items, the cost of production, and the cost of carriage from the place of production to the place of consumption. Both these items represent added values; the cost of carriage adding value to the article carried, as the labor expended in producing adds value to the article produced. I may go further, sir. The price paid by the consumer for our breadstuffs, over and above the cost of carriage and handling, being assumed as a fair compensation for the labor and capital employed in production, the amount paid for such carriage and handling is to be considered as the true net profit upon or accumulation of wealth from the agricultural labor of a county.

If then, sir, American products are carried to consuming markets by foreign vessels we retain only the cost of the labor employed in the production, and surrender to others that portion of the proceeds of our native and acquired labor which should become the accumulative wealth of the nation, to be utilized in the employment of our industries and the development of a broader production. To give to foreign nations such control of the accumulative wealth produced by our agricultural industry, especially by taxing other industries out of existence, is more than folly; it is national suicide. But, sir, beyond this national consideration for the removal of the taxes and imposts which have so nearly obliterated the ship-building interests of the East, there exists another one personal to the West, as there is one peculiar to the people of the Atlantic States.

The taxes and imports upon material entering into ship-building have also affected our internal water carriage, and, while they have destroyed an important but single interest at the East, have borne directly and heavily upon every industry and pursuit at the West, but

chiefly upon our agriculturists. The West, sir, and the West in the broad signification of that term, the Mississippi valley, is traversed by over sixteen thousand five hundred miles of navigable streams, as follows:

Mississippi and Branches.

	Miles.
Mississippi proper	2,000
St. Croix	80
St. Peter's	120
Chippeway	70
Black	60
Wisconsin	180
Rock	250
Iowa	110
Cedar	60
Des Moines	250
Illinois	245
Maramec	60
Kaskaskia	150
Big Muddy	5
Obion	60
Forked Deer	195
Big Hatchie	75
St. Francis	300
White	500
Big Black	60
Spring	50
Arkansas	603
Canadian	60
Neosho	60
Yazoo	300
Tallahatchee	300
Tallabusha	100
Big Sunflower	80
Little Sunflower	70
Big Black	150
Cumberland	400
Tennessee	720

Red River and Branches.

Red river proper	1,500
Washita	375
Saline	100
Little Missouri	50
Bayou D'Arbour	60
Bayou Bartholomew	150
Bayou Bœuf	150
Bayou Macon	175
Bayou de Glaze	90
Bayou Carre	140
Bayou Lafourche	60
Bayou Rouze	40
Bayou Plaquemine	12
Bayou Teche	92
Grand river	12
Bayou Sorrele	12
Bayou Chene	5

Missouri and its branches.

	Miles.
Missouri proper	1,500
Yellowstone	300
Platte river	40
Kansas	150
Osage	275
Grand	90

Ohio and its branches.

Ohio proper	1,000
Alleghany	200
Monongahela	60
Muskingum	70
Kanawha	65
Big Sandy	50
Scioto	50
Kentucky	62
Salt river	35
Green	150
Barren	30
Wabash	400
Bayou Louis	30
Tensas	150
Lacke Bistenaw	60
Lake Caddo	75
Sulphur Fork	100
Little river	65
Kiamichi	40
Boggy	40
Bayou Pierre	150
Atchafalaya	360
Total	16,674

And, if we accept the assertion of an eminent European engineer, that any stream having a volume of water nineteen feet wide and eighteen inches deep may be made navigable, and is considered a commercial stream in Europe, then there are still as many miles in addition of navigable water in the great basin; making a total navigation of fifty thousand miles for purposes of commerce.

These rivers convey the commerce of sixteen sovereign States, and are most important as crossing different latitudes, thus conveying and effecting an interchange of the products of different climates. I will not pause here to institute a comparison of the population and taxable wealth of these sixteen States with the population and wealth of the Atlantic States since population in this connection is secondary to the extent and variety of the commerce created and maintained by the industry of that population.

The country drained by these navigable rivers contains 1,775,000 square miles, or over 700,000,000 square acres of fertile land, and the returns of the census of 1860 show that of the 838,000,000 bushels of corn raised in the United States, 634,000,000 were grown in fourteen States of the Mississippi valley; that of the 173,000,000 bushels of wheat, 126,000,000 bushels, and of the 172,000,000 bushels of oats, 103,000,000 bushels; of the 434,000,000 pounds of tobacco, 345,000,000 pounds, and of the 2,154,000,000 pounds of cotton, 1,097,000,000 pounds were produced in the same States; an official report in estimating the value of the entire agricultural products of the nation in 1860 at $1,900,000,000, or five times the total value of our exports for the same year, showing that four fifths were interchanged between the States, indicating the value of the commerce of these great producing States.

But this is far below the actual value of this commerce at the present time. Statistics showing that the interchange of the wheat, corn, oats, pork, &c., of the northwestern States for the manufactures of Pennsylvania, the petroleum and salt of West Virginia, the manufactures and products of Ohio, the tobacco of Kentucky and Tennessee, the lead and iron ores of Missouri, the cotton of Arkansas and Mississippi, and the sugar and rice of Louisiana gave to the cities of Louisville, Cincinnati, and St. Louis, and two or three minor points on the Mississippi river, not including New Orleans, Memphis, and Dubuque, in 1865, an import commerce of over seven hundred millions; and as the exports from these cities were fully equal to the imports, these added to the imports, and the estimated value of the commerce of the ports not included, evince that the aggregate trade of the Mississippi valley at that time exceeded $2,000,000,000, a sum treble the value of the entire foreign commerce of the whole United States in 1860. It may not be out of place to state that the total arrivals of steamers at the port of St. Louis alone for the year ending December 31, 1869, were 2,789, and the departures 2,786.

Nor, sir, has this internal commerce yet reached its maturity. The Mississippi valley, as yet but sparsely populated, presents so inviting a prospect to immigrants that each year its producing lands are so increased and multiplied that the Agricultural Bureau, an authority least given to exaggeration, estimates the breadstuff product alone of the northern portion of the basin will in 1900 reach the enormous aggregate of over 3,000,000,000 bushels. To transport this commerce the fourteen producing States of the Mississippi valley owned in 1860, as returned in the census of that year, steam vessels having an aggregate carrying capacity of 996,266 tons. The closing of the Mississippi river by the war and the attendant destruction of that period necessarily reduced this aggregate, and the high price of reproduction has delayed its replacement, so necessary to a full development of our internal resources.

The extent of the ship-building interests and the loss to the agricultural interests by the high import duties upon articles entering into consumption by such building may, however, be fairly computed from the returns of the customs officers for the year 1868. In that year I find enrolled as comprising the tonnage of twelve States, Louisiana, Mississippi, Tennessee, Kentucky, Missouri, Iowa, Minnesota, Illinois, Indiana, Ohio, West Virginia, and Pennsylvania, (and in this only river tonnage,) an aggregate of 2,195 steam vessels, with a carrying capacity of 481,217 tons. The cost of construction of these vessels in 1860 was $70 per ton, and is now $100.

This, sir, is a suggestive statement, as affecting not alone the agriculturist of the West, but the mechanic and the manufacturer in every section of the country. The cost of produce, especially of breadstuffs, is influenced to a very great extent by the cost of carriage to market, and high price in the cost of vessels used upon our interior waters necessarily leads to expensive freight tariffs which absorb a large portion of the profits of the farmer, and at the same time, by increasing the cost of living, necessarily enhance the cost of labor, rendering nugatory the energy and skill of the employing manufacturers. In making this statement comparative of ship-building, which is thus affecting our national prosperity, I have avoided taking the high price per ton in 1864—$1 40 per ton—so as to avoid even the appearance of exaggeration, as that cost represented rather an embarrassed and hampered industry than an increase occasioned by enhanced cost of materials from duties, &c.

But, sir, the mere statement of enhanced cost of construction now over that of 1860 does not fully exhibit the increased import upon the products carried by these western steamers. It must be remembered that the peculiar perils of river navigation and the use of increased power to overcome strong currents, render the duration of vessels employed in such trade much less than of vessels plying on the deep waters of the ocean, and therefore to the original cost must be added that of frequent replacement. Experienced masters and builders of vessels on our western waters estimate the average duration of the present wooden boats at only six years. If iron could be used in hulls, and it would be so used were it not for the excessive import duties upon iron plates and other material entering into the construction of steam vessels, being not less than from twenty-five to thirty per cent. added to the cost of such vessels, this period of duration would be increased nearly fourfold, besides the greater saving effected through greater carrying capacity upon equal depth of water, by reason of less displacement, a most important item upon water of changeable volume.

I will refer to the fact that at this time there is being constructed on the Ohio river an iron steamboat—and if it was not for the great additional cost of this class of vessels, from the causes which have been referred to, they would take the place of the wooden ones on the western waters, as it is being done on the ocean—and would call the attention of the House to some of the advantages claimed by the enterprising builders that she will have over those possessed by wooden boats of her size. In the first place the vessel is divided into many compartments, and should a hole be knocked in her only one of the compartments would fill with water; or should a fire occur no damage could be done to the freight in the compartment in which the fire originated, as she is so constructed that she can be flooded with water in a very few seconds. Is it not the duty of Congress to encourage and foster the construction of this class of vessels by the removal of all obstructions within their jurisdiction, and encourage an enterprise wherein the lives and property of a large majority of the people are more or less interested? But, sir, I am now considering only the present western marine interests. The most competent authorities estimate the period of duration of our present western steamers, as I have stated, at only six years.

Thus is established the fact that at the present high price of construction and over and beyond a fair compensation for running expenses, &c., the people of the Mississippi valley pay out of the returns of their produce, and as a tax the most nearly direct of any tax upon the farmers of the West, over eight million dollars per annum. Of this sum at least two millions may be assumed as added cost by reason of custom duties upon materials entering into construction, and the residue being the actual cost of the replacement of the vessels that float from one State to another, and from all to the ocean. Any measure which would reduce the cost of carriage would not

only be an incentive to increased production in the States of the Mississippi valley and a net gain to consumers in the eastern manufacturing States, but would promote a direct and certain increase in our foreign exports, and consequently in our ocean freight carriage.

I have not, Mr. Speaker, in presenting the claims of the West for a reduction of duties upon articles entering into naval architecture as applied to their waters been necessitated, as have the gentlemen representing sea-board constituencies, to speak in behalf of a single industry. It is obvious that it matters little to our western ship-builders whether these duties are reduced or not. They do not come into competition direct or indirect with builders upon the Clyde or elsewhere. Their prices and the profits they obtain by the construction of vessels used in the river commerce is not affected by the low price of labor abroad, nor yet by the high cost of iron cordage or other material that enters into consumption through their industry, only so far as their enterprise is checked by the depression from a want of freight superinduced by a high cost of carriage. It follows therefore that while the cost of the construction of vessels plying upon our western rivers, and the cost of carrying freight in such vessels would be materially lessened by remission of the duties upon the materials used in such construction, the remission or rebate would not go directly or indirectly into the pockets of ship-builders or to the creation or revival of a new industry. It would not, however, go outside of the country. It would go directly to the agriculturist and the manufacturer, to the producer and the consumer, giving to the one a more adequate return for his labor, and to the other cheaper bread and less expensive cloth. It would not stimulate a single industry, but would increase the returns of all industries. It would not add to the prosperity of a city or a colliery; but its benefits would accrue to country and city, to farmer, mechanic, and merchant alike.

Thus, sir, beyond the national consideration I urged at the commencement of my remarks, and which alone would urge me to support the recommendation of the committee, the people of the West to whose favor I owe a seat in this House, and whose claims I here represent, have an interest direct and personal affecting every industry and each State in the remission of the duties and taxes now imposed directly and indirectly upon ocean, river, and lake shipbuilding, which cannot be gainsaid or overridden except at a sacrifice of the material prosperity of the whole nation.

In conclusion, Mr. Speaker, while I have more especially discussed the merits of this bill in connection with western interests, I would for a moment allude to outside and foreign influences that seem to be warring against this measure. In common with my countrymen I feel profoundly grieved at our rapidly decaying commerce. While the emblem of nationality again floats over a united people, unhappily the American flag has almost disappeared from the ocean.

While I would not revive any imbittered feeling at the part played by Great Britain in the destruction of our merchant ships, I fully recognize the fact that she has been the beneficiary of her own aggressive acts, and upon the reverses of our commerce she has built up her own to colossal proportions. I look upon the passage or defeat of this bill as a triumph of American policy or a victory to the magnates of the Clyde and the huge foreign companies that control our carrying trade. I find them represented here by an apparently gratuitous lobby. Our desks and the hotels are flooded with pamphlets deprecating all aid to American shipping interests, and secret agencies are at work to control the action of Congress. Our opponents appreciate the issues of the bill, and that with its defeat the work of the Alabama and Stonewall will be complete.

Sir, I represent the pride as well as the pockets of my constituents, and I array them both on the side of this bill, believing that I represent the one and protect the other in supporting legislation that will again make the ocean a highway for American vessels freighted with American productions.

In this connection the following extract from a speech delivered by Colonel James B. Eads, the eminent civil engineer now engaged upon the great bridge at St. Louis, delivered before the western river improvement convention, held in St. Louis February 12 and 13, 1867, will be read with interest. The subject is not only a grand one, but the wording is beautiful in the highest degree. Speaking of the valley of the Mississippi he says:

"This great valley lies between those parallels of latitude that are known to be most conducive to health and to the development of the mental and physical energies of man. In its capacity to produce the cereals, grasses, cotton, sugar, tobacco, hemp, vegetables, and fruits of every kind; in the richness and variety of its mineral wealth, the grandeur of its forests, its inexhaustible quarries; in a word, in all the natural resources which conspire to increase the wealth and power of a people, the bounty of Providence has been most wonderfully manifested.

"The stream which in every direction penetrates this favored region, and is the grandest feature of North America, holds in its watery embrace the destinies of the American people. Sooner or later it must give to the dwellers within this valley power and dominion over the whole boundless continent. It is the great arterial system of this Republic, whose heaven-wrought channels should teach the people who possess them that the Almighty designed them to dwell in love and harmony forever as one nation. There is not a drop within its noble veins that is not loyal to the Union. No effort can be made to sunder the Union but will vibrate the alarm along its sensitive courses to their most distant and delicate extremities. Its vital branches and wonderful reticulations permeate and envelop the great body of our country, giving unity to amplitude, value to productiveness, and to the State resistless power, and an existence as enduring as human liberty and intelligence. Through its copious channels for all time to come are destined to circulate the sustenance and surplusage of its people. Life-giving Commerce, who brings in her ever welcome train peace and good will to men, through its many convenient passages will distribute plenty and prosperity throughout the realm. The wealth and luxuries of the generous South will thread its devious currents to their very sources, and will be scattered within the sound of their tinkling rills and sparkling cascades, while every wave that is borne toward the Gulf will be burdened with the reciprocated offerings of the colder latitudes. From its streams will be sent forth to the less favored nations of the earth the bountiful abundance of a land far more blessed than that which the prophet of old was permitted to gaze upon but forbidden to enjoy.

"The influence and power of the people of this valley will be limited only by their virtue and intelligence. They can forever rivet to this Union with bonds firmer than brass or steel the States that lie beyond the mountains, outposts of the nation, and which, fringing the Commonwealth, constitute buttress and bastion, stockade or portcullis, to give safety and repose to the mighty State within their borders. Self-protection, community of interest, ties of consanguinity and national pride, will hold those States to the great central empire as immutably as the planets are held in their just positions by the attraction of the vast central orb whose blessed influence gives them stability, and from whose exhaustless warmth they inherit vitality and nourishment."

I now yield to the gentleman from Missouri, [Mr. FINKELNBURG.]

Mr. FINKELNBURG. Mr. Speaker, as the morning hour has not yet expired, and as no one else seems to be ready to speak at present, I will take this occasion to say that I fully realize the importance of reviving our commercial marine, but that I am totally opposed to the Government bounties and subsidies proposed to be granted by the bill now pending before the House. The true remedy, in my opinion, is not to be found in increased taxation, but rather in reducing the burdens which already depress this as well as every other interest in the country. To be sure, we can have a commercial marine by paying every man for building a ship, and afterward by paying him for running it; but I am inclined to believe that such a system is neither profitable to the country at large nor just to the people who are expected to settle the bill.

In my own opinion the real evil which is destroying American shipping is to be found in an excess of that policy which we are asked by this bill still further to extend—the so-called policy of "protection." Between the protection granted on the one hand to the manufacturer of material for ships, and upon the other hand to the ship-builder, the shipping interest itself has been crushed as it were between two millstones. Thus one evil is the natural sequence of another. Whenever the laws of nature are infringed by over-wise legislation, attempting to improve the natural order of things by arbitrary regulations, those laws always revenge themselves. Where shall we stop? If we go on protecting one industry from the protection of another until we have protected everything to death, the epitaph will be, "Here lie American industry and commerce; died of too much protection."

Mr. WELLS. I now yield to the gentleman from New York, [Mr. WOOD.]

Mr. WOOD. How much of the morning hour remains?

The SPEAKER. Seventeen minutes.

Mr. SCHENCK. Mr. Speaker, I understand the gentleman from New York [Mr. WOOD] does not particularly desire to go on at this time. I propose, if I can have the floor, to move to go into the Committee of the Whole on the special order, that the morning hour be considered as closed, and that the seventeen minutes remaining be added to the morning hour to-morrow, or whenever this bill may be again taken up.

Mr. WOOD. There will be no objection to that.

The SPEAKER. The gentleman from Ohio [Mr. SCHENCK] asks unanimous consent that the morning hour may now be considered as concluded, and that the seventeen minutes remaining be added to the morning hour on next public bill day. The Chair hears no objection.

WILLIAM J. BLOCHISTON.

Mr. STONE, by unanimous consent, introduced a bill (H. R. No. 1980) for the relief of William J. Blochiston; which was read a first and second time, and referred to the Committee of Claims.

REPORT ON TOTAL ECLIPSE OF 1869

Mr. LAFLIN reported back from the Committee on Printing the following resolution; on which he demanded the previous question:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed one thousand extra copies of the report made by the officers of the United States Naval Observatory of the total eclipse of the sun of August 7, 1869, for the use of the Senate, two thousand copies for the use of the House of Representatives, and five hundred extra copies for distribution among scientific bodies and individuals by the Superintendent of the United States Naval Observatory.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was concurred in.

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

The latter motion was agreed to.

AGRICULTURAL REPORT OF 1868.

Mr. LAFLIN also, from the Committee on Printing, reported the following resolution; on which he demanded the previous question:

Resolved, That there be printed of the agricultural report of 1868 such an additional extra number as will be required to give the members of the House, from those States not represented in the Fortieth Congress, the same number as were assigned to the members of the House from such States as are now so represented.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

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

The latter motion was agreed to.

TRIBUTES TO ABRAHAM LINCOLN.

Mr. LAFLIN. I ask unanimous consent to take from the Speaker's table the amendment

of the Senate to the amendment of the House of Representatives to the joint resolution (S. R. No. 77) authorizing a distribution of the copies remaining in the Department of State of the Tributes of the Nations to Abraham Lincoln.

Mr. INGERSOLL. I object.

Mr. LAFLIN. I wish to move that the amendment of the Senate be non-concurred in, and ask for a committee of conference.

Mr. INGERSOLL. Let it lie upon the table until it is reached in its regular order.

Mr. LAFLIN. These books are being spoiled. This resolution has been before the Senate and House for three months. It is necessary these books should be taken from the State Department and rebound, if we wish to preserve them.

Mr. INGERSOLL. What is the matter with these books?

Mr. LAFLIN. They are in a bad way.

Mr. INGERSOLL. I withdraw my objection. The amendment of the House of Representatives was to strike out all after the words "to wit," in the fourth line of the joint resolution, and insert:

Three copies to each Senator and member of the House of Representatives of the Forty-First Congress, and the remainder to be distributed by the Secretary of State to such persons as he shall indicate, the Secretary of State having the authority to have refinished at the Government Printing Office such copies as may need the same.

The amendment of the Senate was to strike out the word "three" before copies and insert "two."

Mr. LAFLIN. I move non-concurrence in the amendment of the Senate, and that the House ask for a committee of conference.

The motion was agreed to.

ROCKAWAY SHOALS.

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

Resolved, That the Committee on Commerce be directed to inquire into the expediency of an appropriation to defray the expense of providing some suitable means for marking the southwest point of Rockaway shoals, near the entrance to Rockaway inlet, on the south coast of Long Island, for the better guidance and protection of mariners navigating the said coast.

REMOVAL OF DISABILITIES.

Mr. STOKES, by unanimous consent, introduced a bill (H. R. No. 1981) to relieve sundry citizens of Tennessee from all political disabilities imposed by the fourteenth amendment to the Constitution of the United States; which was read a first and second time, and referred to the select Committee on Reconstruction.

HUDSON BAY COMPANY, ETC.

Mr. DAWES. I ask unanimous consent to report from the Committee on Appropriations a bill making an appropriation to pay the Government of Great Britain and Ireland, in accordance with the award of the commissioners appointed under the treaty of July 1, 1863, to settle the claims of the Hudson Bay Company and the Puget Sound Agricultural Company.

The Clerk proceeded to read the bill.

Mr. DAWES. One of my colleagues on the Committee on Appropriations desires me to withdraw the bill.

Mr. LAWRENCE. I do not desire the bill withdrawn, but I wish to debate it.

Mr. SCHENCK. I cannot yield for debate.

Mr. DAWES. I withdraw the bill.

PUNISHMENT OF ELECTION FRAUDS.

Mr. DAVIS, by unanimous consent, introduced a bill (H. R. No. 1982) to prevent and punish election frauds; which was read a first and second time, referred to the Committee of Elections, and ordered to be printed.

DISCOVERY OF GUANO DEPOSITS.

Mr. POLAND, by unanimous consent, from the Committee on Revision of the Laws of the United States, reported back a bill (H. R. No. 1679) to amend an act entitled "An act to authorize protection to be given to citizens of the United States who may discover deposits of guano," approved August 18, 1856; and the same was referred to the Committee on Foreign Affairs.

JAMES F. JAQUES.

Mr. HARRIS, by unanimous consent, introduced a bill (H. R. No. 1983) authorizing the Secretary of the Treasury to settle and pay the accounts of Colonel James F. Jaques; which was read a first and second time, and referred to the Committee of Claims.

REMOVAL OF POLITICAL DISABILITIES.

Mr. HARRIS also, by unanimous consent, introduced a bill (H. R. No. 1984) to remove political disabilities from certain citizens of Mississippi therein named; which was read a first and second time, and referred to the select Committee on Reconstruction.

EQUALIZATION OF BOUNTIES.

Mr. BOWEN, by unanimous consent, introduced a bill (H. R. No. 1985) to equalize the bounties paid to United States soldiers, and for other purposes; which was read a first and second time, and referred to the Committee on Military Affairs.

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

The latter motion was agreed to.

PREËMPTION LAWS.

Mr. SARGENT, by unanimous consent, introduced a bill (H. R. No. 1986) to extend the provisions of the preëmption laws to the Territory of Colorado, and for other purposes; which was read a first and second time.

Mr. SARGENT. I desire the bill to be put upon its passage now.

Mr. SCHENCK. I shall not object if it leads to no discussion.

Mr. SARGENT. I will withdraw it if it leads to any further discussion than mere explanation.

The bill was read. It provides for extending to the Territory of Colorado the privileges of the act of May 20, 1862, entitled "An act to reduce the expenses of the survey and sale of the public lands in the United States," and for the repeal of the proviso of the first section of the act approved June 2, 1862, entitled "An act to establish a land office in the Territory of Colorado, and for other purposes."

Mr. INGERSOLL. I shall object to the bill being put upon its passage unless there is some explanation given.

Mr. SARGENT. I shall give an explanation if I am allowed a few minutes. This is a very important bill, and I am satisfied that no one will object to it when its object is understood. In 1862 there was a law passed by Congress establishing a land office in the Territory of Colorado. There was attached to that act a proviso that within six months after the survey in the field settlers should file their declaratory statements under penalty of forfeiture. This law for eight years has been held only to apply to the Territory of Colorado. But recently by a decision of the Secretary of the Interior it has been applied to the whole of the United States, so as to repeal important provisions of the preëmption laws. Under those preëmption laws the settler has three months after the filing of the approved plat of his township in the local land office to file his notice of preëmption. He goes to the land office and has an opportunity to ascertain exactly where his farm is; he can get a copy of the map if he wants it, and can get some local surveyor to assist him in finding his exact subdivision. The plats of survey are frequently not filed for years after the survey is made. A letter from one of the officers of a California land office that I received this morning informs me that twenty-five townships were surveyed in my State, in populous counties, months ago, and the plats are not yet made because the appropriation gave out. The settlers on those lands have all forfeited their homes unless we give relief. They are taken by surprise. Further, they have no means to find out where their lands are. There are no plats to refer to. The stakes are perishable and are illegibly marked. They are often put away in underbrush, where the most careful search would overlook them. But the settler must find them or lose his claim. Congress never intended such consequences. It never intended that a proviso attached to a local bill should repeal the most beneficent provisions of the general preëmption law. I call attention to the circular from the General Land Office that denounces the penalty of forfeiture for a failure to comply with the new rule:

[Circular.]

Instructions respecting rights of preëmption settlers on public lands.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
March 22, 1870.

Whereas by act of Congress approved 27th March, 1854, entitled "An act for the relief of settlers on lands reserved for railroad purposes," "every settler on lands which have been or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to preëmption at the ordinary minimum to the lands settled on and cultivated by them: *Provided*, They shall prove up their rights according to such rules and regulations as may be prescribed by the Secretary of the Interior."

And whereas the first section of the act approved June 2, 1862, (12 Statutes, 413,) provides "that all the lands belonging to the United States to which the Indian title has been or shall be extinguished shall be subject to the operations of the preëmption act of the 4th of September, 1841, and under the conditions, restrictions, and stipulations therein mentioned: *Provided, however*, That when unsurveyed lands are claimed by preëmption notice of the specific tracts claimed shall be filed within six months after the survey has been made in the field; and on failure to file such notice, or to pay for the tract claimed within twelve months from the filing of such notice, the parties claiming such lands shall forfeit all right thereto, provided said notices may be filed with the surveyor general, and to be noted by him on the township plats, until other arrangements have been made by law for that purpose."

Therefore, in accordance with instructions from the Secretary of the Interior, it is ordered that all settlers on lands surveyed at date of settlement, and within the lateral limits of withdrawals for railroad purposes, where settlement was made prior to date of withdrawal, shall be required to file their declaratory statements within three months from the 1st day of June, 1870, and thereafter make proof and payment as required by law. And in all cases hereafter settlers claiming preëmption rights upon surveyed lands under the act of March 27, 1854, aforesaid, shall be required to file their declaratory statements, and make proof and payment in like manner as other preëmptors, in conformity with the requirements of the preëmption laws of 1841 and 1843.

2. That settlers upon unsurveyed lands, including those within the lateral limits of withdrawals for railroad purposes settled upon prior to withdrawal, will be required within six months after survey in the field (or, if surveyed before the publication of this circular, within six months from the 1st day of June, 1870, aforesaid) to file their declaratory statements with the register of the proper land office, or with the surveyor general, where the plat of survey has not been filed with such register, and thereafter to make proof and payment for the tract within twelve months from the date of filing, as required by the act of June 2, 1862, aforesaid. And where settlers on lands unsurveyed at date of settlement have already filed their declaratory statements with the register of the proper land office, they will be required to make proof and payment within twelve months from the 1st day of June next, as aforesaid.

Settlers failing to comply with the requirements of this circular will be held to have forfeited their claims as preëmptors under the law.

JOS. S. WILSON,
Commissioner.

To Registers and Receivers United States Land Offices, and Surveyors General of the United States.

Since this circular was issued great alarm has existed in my State. I consulted with the Secretary of the Interior to see if the ruling could not be reversed, and he said that the law ought to be repealed, but as long as it was in the statute-book he must enforce it. I consulted with Mr. Wilson, Commissioner of the Land Office, who stated that it was against his judgment that the act was extended to the whole of the United States, and that he considered that it ought to be repealed for the hardships it would cause. The chairman of the Committee on the Public Lands, [Mr. JULIAN,] for several days before he was taken

sick, tried to get the floor before the morning hour to get this bill put on its passage, and failed. With this explanation I trust there will be no objection to the passage of the bill.

Mr. HAWLEY. I wish to ask the gentleman if this is the bill which was before the Committee on the Public Lands?

Mr. SARGENT. Yes, sir; and the Committee on the Public Lands are in favor of it.

Mr. ARNELL. Is the bill entirely in the interest of the settlers?

Mr. SARGENT. It is. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

PUBLIC BUILDINGS AT ALBANY.

Mr. MAYHAM. I ask unanimous consent that the bill (S. No. 708) to provide for a building for the use of the post office, custom-house, United States circuit and district courts, and internal revenue offices at Albany, New York, be taken from the Speaker's table, read a first and second time, and referred to the Committee on Appropriations.

There was no objection; and the bill was accordingly taken from the Speaker's table and referred to the Committee on Appropriations.

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

The latter motion was agreed to.

TARIFF BILL.

Mr. SCHENCK. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole upon the special order.

Mr. WOOD. Before the question is put on that motion I desire to ask the gentleman from Ohio [Mr. SCHENCK]a question. I wish to ask him whether, in view of the fact that this bill has now been for three months and a half before the House, and in view of the fact that the session has reached a late stage, with many important appropriation bills not yet acted on, and with other questions of very great importance to the people of this country yet undetermined, he is prepared to continue to urge upon the attention of this House the tariff bill; whether he will do this in view of the fact that it is impossible that this bill can pass the House and that even if it should pass the House the Senate will not entertain or consider it during this session of Congress. Under these circumstances, I appeal to the gentleman from Ohio to allow this bill to be either recommitted or laid aside, that we may go to practical legislation required by the condition of the country and the necessities of the people.

Mr. SCHENCK. With the permission of the House I will reply that I am prepared at all times at least to attempt to do my duty, and that is, as chairman of the Committee of Ways and Means and their organ, to present their work to this House and endeavor to get the action of the House upon it. As to how long we may be occupied in getting action on this bill the gentleman could get more information probably on that point if he were to address his questions to gentlemen immediately around him. If the bill be fairly considered, and no attempts at amendments made except those which are substantial in their character and offered in good faith to raise or to lower duties as we come to the different items, I believe we can get through with the bill in two, three, or four days easily. But if that is not to be the way in which the bill is to be treated then it will depend upon others and not upon me to say what length of time shall be occupied in going through it.

Mr. WOOD. We have discussed and acted on but twenty-one pages of the bill, and there are fifty pages.

Mr. SCHENCK. If the gentleman will allow me I will answer him now. I am aware that we have only disposed of twenty-one pages of the bill and that there are fifty pages; but it so happens that this very morning one or more colleagues of mine upon the Committee of Ways and Means gave me it as their opinion, and consulted me as to my belief in their accuracy, that if we could reason at all from probability, considering the nature of what is yet to come in the bill, about three fourths or more have been finished now in point of time. A very large proportion, about nine pages, of what is to come consists among dutiable articles of drugs, dye-stuffs, and things of that kind, and various kindred articles on which the duties are lowered almost uniformly. All the remainder of the bill, constituting its second section, is the free list, and although it may occasion debate in attempts to put various other articles on that free list, yet I do not apprehend that very much time can be consumed in that. I never know in advance how much talk there may be about bedstead-springs or any other particular thing. But having got over iron and steel, along with the other subjects which preceded them, it seems to me that we have passed almost everything that can be made the subject of any considerable amount of discussion or for attempts at amendments of this bill.

While I am upon the floor I will say this also. There are a great many here who do not intend to vote for any tariff bill at all, and I submit, as they intend not to vote for the bill and do not desire to get it put into any better shape, but are disposed to denounce the bill as it is, whether it would not be well for them in some degree to withhold their present opposition to all its small details and wait and record themselves according to their views against the bill, as they are sure to vote against any such bill. However, I am not entitled to give advice upon that point, and that I leave for gentlemen themselves. I say again that it depends upon others very much more than upon me or upon the Committee of Ways and Means what is to be the fate of the bill, but I think it can be known after another day or two or three days of work whether we are going to get along smoothly, with the probability of reaching a conclusion or not. I propose, therefore, to go on with the work this morning and not debate these questions of probabilities, but to look to the bill itself as a business matter. That is the way to get along with it.

Mr. WOOD. One question.

Mr. SCHENCK. I do not propose to listen to any more questions. I have answered as well as I knew how what has been asked, and I now insist on my motion to go into Committee of the Whole on the state of the Union.

Mr. BENJAMIN. Before that motion is put I desire to move that the Committee of the Whole on the state of the Union be instructed to rise at half past four o'clock, that the House may take a recess until half past seven.

The SPEAKER. By unanimous consent this evening has been set apart for the consideration of business of the Committee on Invalid Pensions.

Mr. SCHENCK. That is my understanding.

The SPEAKER. No matter at what time the House takes a recess, it will meet at half past seven o'clock unless there shall be an absolute adjournment.

Mr. SCHENCK. I shall certainly ask the committee to rise before five o'clock.

The SPEAKER. The House will meet as a House at half past seven o'clock, and not as in committee.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of its Clerks, informed the House that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses on Senate bill No. 95, in relation to the Hot Springs reservation, in Arkansas.

LEAVES OF ABSENCE.

Mr. BIRD was granted leave of absence until Thursday of next week.

Mr. BIGGS was granted leave of absence for two days.

Mr. HAIGHT was granted leave of absence for two days.

Mr. KNOTT was granted leave of absence for two days.

Mr. WILSON, of Minnesota, was granted leave of absence for two days.

Mr. CAKE was granted leave of absence for the remainder of this week.

Mr. JONES, of Kentucky, was granted leave of absence for three days.

Mr. MORRILL, of Maine, was granted leave of absence for two weeks from to-day.

THE TARIFF.

The question recurred upon the motion of Mr. SCHENCK, that the rules be suspended and the House now resolve itself into Committee of the Whole upon the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The pending paragraph was read, as follows:

On nickel, 40 cents per pound.

The CHAIRMAN. All debate upon this paragraph has been terminated.

Mr. GRISWOLD. I move to amend the pending paragraph by striking out "40" and inserting "25."

Mr. KELLEY. Has not that amendment been already voted upon?

The CHAIRMAN. The Chair is advised that this particular amendment has not yet been voted upon.

The question was taken upon the amendment; and it was not agreed to.

Mr. COX. I move to amend this paragraph by striking out "40" and inserting "35."

The question was taken; and upon a division there were—ayes 27, noes 60; no quorum voting.

Tellers were ordered; and Mr. Cox and Mr. DICKEY were appointed.

The committee again divided; and the tellers reported that there were—ayes 40, noes 78.

So the amendment was not agreed to.

Mr. BROOKS, of New York. I have one more motion to make, and then I will give up on nickel. I move to strike out the paragraph.

The CHAIRMAN. That motion was made yesterday and rejected. It is not now in order.

No further amendment being offered, the next paragraph was read, as follows:

On alloy of nickel with copper, and on nickel oxide, 30 cents per pound.

Mr. BROOKS, of New York. I must nibble away as we go along, although nickel is a very hard metal to nibble at. I propose to go back to the old rate of duty of 2½ cents per pound, instead of 30 cents per pound, as here proposed. Though I have been beaten on nickel, I should have been hopeful but for some provision which I see made in this bill for Connecticut. Connecticut is taken care of by a sort of arrangement which is made for the benefit of the special manufactures of Waterbury, Connecticut, as will be seen by reference to this paragraph:

On manufactures of articles of nickel, albata, or white metal, argentine, German silver, and the like mixed metals, 45 per cent. *ad valorem*.

That is an increased protection of 10 per cent. *ad valorem* upon all German silver and other metal manufactures in Waterbury, Connecticut. I remember that while Connecticut

was opposed a year or two ago to this high duty on nickel, she is now softened by this additional 10 per cent. protection on her manufactures, and goes for the nickel mine of Pennsylvania. I repeat what I said the other day, that as we do one wrong we are compelled to do another; and as we levy a bounty upon the people for the benefit of a Mr. Wharton, of Pennsylvania, we are then obliged to give an additional bounty to the manufacturers of Waterbury, Connecticut, of 10 per cent. *ad valorem* upon their articles. Thus the thing works all around.

It does seem to me that in a large part of this House the consumer has no representatives. By mutual arrangement all these various contrivances are made for the benefit of peculiar interests without any regard whatsoever to the great body of the people. And some forty million people, more or less, are taxed throughout this bill by the various arrangements made in it for the benefit of some few hundred interested parties.

Mr. KELLEY. I rise to say simply that I am opposed to the amendment. I do not think it needs any argument.

Mr. GRISWOLD. I move to amend the amendment so as to make the duty imposed by this paragraph 3 cents per pound. This paragraph embraces nickel combined with copper. I understand that this combination is frequently an article of commerce. I also understand that nickel cannot be combined with copper to a greater extent than 33 or 35 per cent. Yet it will be seen that this paragraph proposes to make the duty on this combination of nickel with copper higher than the duty we have already imposed on pure nickel. This combination embraces, as I have understood, two thirds of copper; and copper sells for about 16 or 17 cents per pound. So that the duty in this paragraph amounts to much more than the duty on pure nickel, which is fixed in this bill at 40 cents per pound. While upon this subject I wish to say, as relevant to this question, that I do not see that the statements which I made last evening upon this subject have been contradicted in any material point. I say this after having read the report of last evening's discussion; for I could not distinctly hear all that was said on the other side. It was asserted last evening that the total production of nickel in the whole world was not so great as I had supposed, yet I see that the gentleman from Pennsylvania, [Mr. DICKEY,] in whose district is this mine from which all the American nickel is obtained, states that the production of nickel in one year was 870,000 pounds. The same gentleman says that he understands the supply of nickel to be according to the demand. There is, therefore, good authority for saying that from this one mine pure nickel can be obtained in any quantities which may be required. It thus appears that these men in Pennsylvania furnish the entire supply of nickel for the United States Government.

Mr. DICKEY. The letter from the treasurer of the Mint shows that a large portion of the nickel used by the United States is imported.

Mr. GRISWOLD. In the book from which I read, the American Encyclopedia, published in 1869, it is stated that the entire supply for the Mint of the United States was obtained from that one mine.

Mr. DICKEY. That is a mistake.

Mr. GRISWOLD. Now, that fact proves one of two things: either under the present duty of 15 cents per pound those who furnish nickel from that mine have some special privileges in selling it to the United States, or they are, without special privileges, able to undefsell the importers of foreign nickel. I will assume that they have no special privileges over the importers in selling to the Government of the United States. If that be so, then certainly they have at a duty of 15 cents per pound been able to undersell the importers of the nickel, assuming that the Director of the Mint has done his duty and that there is no law giving special privileges to these American producers of nickel.

Mr. NEGLEY. I think I must raise a point of order on the gentleman. This is the same old story that he told us last night, and it is not germane to the question now before us.

Mr. GRISWOLD. I am speaking upon the subject of nickel. This paragraph relates to the combination of copper and nickel; and therefore I hold that whatever is pertinent to nickel is pertinent to this paragraph. Now, as the chairman of the Committee of Ways and Means has expressed a desire that no amendment shall be offered except in good faith, I wish to say that I have offered this amendment in good faith. The duty on nickel has never been higher than 15 cents per pound, and it has been lower. It is now proposed to raise the duty to 40 cents.

[Here the hammer fell.]

Mr. FARNSWORTH. I would like to put an inquiry to the gentleman from Pennsylvania, [Mr. KELLEY,] who understands this question. Would not his friend in Pennsylvania who makes nickel be willing to accept a bounty from the Treasury in lieu of this duty?

Mr. KELLEY. Mr. Chairman, that question is not one that requires an answer. I am speaking for no one man. I am asking this House to legislate in such a way that the country may possibly become independent as to its supply of one of the metals almost as essential in the modern industrial arts as iron. In reply to the gentleman from New York [Mr. GRISWOLD] I wish to say that he is entirely mistaken; he has been utterly misled in his sources of information. Nickel may be combined with copper in any degree. You may alloy them in any proportions. When the gentleman says that nickel cannot be combined with copper in a greater proportion than 33 per cent. he is doubtless misled by an indistinct remembrance of what took place in the discussion of the coinage question, when it was stated that more than 33 per cent. of nickel cannot be worked into coin because the combination would become so hard as to break the die. That is the point to which the gentleman has alluded. They may be intermingled, and are brought in in all degrees of alloy.

Again, sir, the Lancaster county mine does not yield the whole of the nickel worked in this country. Mine Lamotte, Missouri, ships nickel-matte when first manufactured from the ore both to New Jersey and Swansea. The gentleman from Missouri [Mr. BENJAMIN] is aware of the fact that mine Lamotte is shipping nickel to Swansea. The nickel works in New Jersey are closed, and the matte is being shipped from there also to Swansea. If we do not give adequate protection to this we will establish in perpetuity the monopoly of England, notwithstanding the affluence of our own ore.

The gentleman from New York [Mr. BROOKS] is also equally mistaken in assuming that the Mint has consumed nothing but American nickel. It at no time has received 50 per cent. of its annual supply from American mines in Missouri and Pennsylvania. Every year it consumes of foreign nickel more than it does from these sources. So the gentleman's information is wholly at fault on every point he has made. One hundred and eighteen thousand pounds were imported into the country in 1868, and a larger amount in 1869 went into general use, the Mint taking about as much as of American nickel. This year it cannot buy a pound of American nickel. The ore of Missouri is being transported clear across the ocean to the shipping point of Swansea, and there smelted by English coal and English labor, to be returned in a small percentage of nickel.

Mr. SCHENCK. I move that all further debate on the pending paragraph be closed.

The motion was agreed to.

Mr. GRISWOLD'S amendment to the amendment was rejected.

The question recurred on the amendment of Mr. BROOKS, of New York.

The committee divided; and there were—ayes 19, noes 60.

Mr. BROOKS, of New York. I do not ask for a further count, but I wish the country to take notice that these things are being done without a quorum.

So the amendment was rejected.

The Clerk read as follows:

On nickel-matte or speiss, 20 cents per pound.

Mr. BROOKS, of New York. I move to strike out "20" and insert "15," the duty under the existing tariff. It is high enough, in all reason. If there is any reason for this increase I should like to hear it, if we have not got beyond the age of reason.

The committee divided; and there were—ayes 18, noes 40.

Mr. BROOKS, of New York. I do not ask for a further count.

So the amendment was rejected.

The Clerk read as follows:

On ores of nickel, 10 per cent. *ad valorem.*

Mr. BROOKS, of New York. I move to strike that out. Ores of nickel come in now free.

The committee divided; and there were—ayes 20, noes 64.

Mr. BROOKS, of New York, No quorum has voted, but I do not ask for a further count.

So the amendment was disagreed to.

The Clerk read as follows:

On albata, or white metal, argentine, German silver, and the like mixed metals, 40 per cent. *ad valorem.*

Mr. MAYHAM. I move to strike out "40" and insert "35." Mr. Chairman, I make this motion for the purpose of having the bill conform to what the tariff now is on this article. It seems to me, notwithstanding the declaration of the chairman of the Committee of Ways and Means that there was a disposition to reduce the tariff, we have seen a constant upward tendency on most all of these articles. The tariff is now 35 per cent. *ad valorem*, and it is here proposed to increase it to 40 per cent. *ad valorem*. This is an article which now enters largely into the consumption of the people of the country. It is an article which, when plated, is used as a substitute in poorer families for silver ware. Very much beautiful ware is manufactured from it. For those who are pecuniarily unable to use silver ware, this is an available substitute. And there is scarcely a family in the country that is not to-day using this as an article of table ware. Now, if there is no necessity for extraordinary protection to this article, or if, as is pretended, this tariff is for the purpose of raising revenue with which to meet the demands of the Government, it seems to me that there should be some satisfactory reason presented by the chairman of the Committee of Ways and Means why the duty on this article is increased in this bill. Unless some satisfactory reason is given I think the Committee of the Whole should be willing to go back at least to the duty which was imposed upon this article under the old law.

Mr. KELLOGG. I have no desire to prolong debate on this question. But I rise to oppose the amendment, and I shall state very briefly the reason why I oppose it. The increase in this bill, as the gentleman from New York [Mr. MAYHAM] concedes, is only 5 per cent. The committee reported an increase on nickel, the chief article of value that enters into the composition of this German silver, from 15 to 35 per cent., or 40 cents a pound, which is an addition of 20 per cent. to the duty on the raw material. Now, for the manufactures from the article there is only proposed as an offset an increase of 5 per cent.

My friend from New York, [Mr. BROOKS,] who spoke a few moments ago, seemed to think that there must have been some understanding in order to bring about this new

arrangement. I will say for one that I never heard of this increase of duty at the present session until I saw it reported in the bill. We have not chosen to oppose it, although perhaps we should not have favored the original proposition of an increase of duty on any of these raw materials. But having made such an increase on copper, having done it against the protest in the last Congress of many from my own district, having done it against the protest of many from many other districts in the East, the committee have placed these metals upon the same footing as they placed copper in the last Congress.

I say, then, that there has been no arrangement. The committee will bear me out in saying that I never heard from them of this increase of duty until the bill was reported. So far as Waterbury, Connecticut, is concerned (I suppose the gentleman in speaking of Waterbury alluded to myself) we had heard of a proposed increase in former years, but of this bill we knew nothing until it was reported. But we did not choose to oppose it after the representations of the friends of this proposition on the committee that they will make the article actually cheaper if it can be produced in this country against the competition of foreign producers and foreign importers. The proposed increase, as I have stated, is only 5 per cent., and I think it is not fair to ask that that should be stricken out, when there has been an increase of 20 per cent. on the raw material.

Mr. SCHENCK. I move that debate on this paragraph be now closed.

Mr. BROOKS, of New York. I desire to be permitted to say just a single word on this matter.

Mr. SCHENCK. I insist on my motion. There has been a speech on each side of the question.

The question was put on Mr. SCHENCK's motion to close debate; and there were, on a division—ayes 65, noes 22; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. MAYNARD, and Mr. BROOKS of New York.

The committee again divided; and the tellers reported—ayes 70, noes 24; no quorum voting.

The CHAIRMAN. Is further count insisted upon?

Mr. BROOKS, of New York. I shall not insist on further count, if I am permitted an opportunity for debate.

The CHAIRMAN. As no quorum voted upon the last division the Clerk will call the roll.

Mr. SCHENCK. I call the attention of the country to the conduct of gentlemen on the other side.

Mr. BROOKS, of New York. And I call the attention of the country to this, that while the majority are engaged in robbing the country, they will not allow an opportunity even for protest.

The roll was then called; and the following members failed to answer to their names:

Messrs. Adams, Arnell, Bailey, Banks, Barnum, Beck, Biggs, Bingham, Boles, Bowen, Burdett, Burr, Cake, Calkin, Sidney Clarke, Clinton L. Cobb, Cook, Crebs, Cullom, Dockery, Dyer, Eldridge, Farnsworth, Fisher, Fitch, Fox, Griswold, Haight, Haldeman, Hays, Heaton, Hoar, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Julian, Kerr, Knapp, Logan, Marshall, McCormick, McNeely, Mercur, Eliakim H. Moore, Morgan, Samuel P. Morrill, Mungen, Palmer, Phelps, Platt, Porter, Ridgway, Schumaker, Porter Sheldon, Sherrod, Slocum, Stiles, Stoughton, Strader, Swann, Van Horn, Van Trump, Ward, William B. Washburn, Eugene M. Wilson, John T. Wilson, Witcher, and Woodward.

The Speaker then resumed the chair, and Mr. WHEELER reported that the Committee of the Whole on the state of the Union, according to order of the House, had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and finding itself without a quorum, he had, under the rule, directed the roll to be called, and reported the absentees to the House.

The SPEAKER. Upon the calling of the roll one hundred and fifty-seven members answered to their names. A quorum being present, the Committee of the Whole, under the rule, will resume its session.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States by Mr. HORACE PORTER, one of his Secretaries, informed the House that the President had this day approved and signed a bill of the following title:

An act (H. R. No. 902) limiting the appointment of certain officers in the Treasury Department.

TARIFF BILL—AGAIN.

The Committee of the Whole then resumed its session.

The tellers having resumed their places, the committee again divided; and the tellers reported—ayes 88, noes 31.

So the motion to close debate was agreed to.

The question was then taken on Mr. MAYHAM'S amendment; and it was disagreed to—ayes twenty-nine, noes not counted.

Mr. BUTLER, of Massachusetts. I move to amend the paragraph by inserting after the words "German silver" the words "aluminium and its alloys." That is a new metal and there has never been any tariff on it.

Mr. SCHENCK. I have no objection to that.

Mr. KELLEY. I think that would be an improvement.

Mr. BROOKS, of New York. I should like the gentleman from Massachusetts [Mr. BUTLER] to tell us what this is before I reply to him.

Mr. SCHENCK. I shall be compelled to call the gentleman to order. Debate has been closed on this paragraph.

Mr. CLEVELAND. There is not a pound of this article made in the country—not one.

Mr. KELLEY. It can be made in every State in the Union.

Mr. COX. We are voting on something that we do not even know how to spell. We do not know the name of it. It is something new.

Mr. BUTLER, of Massachusetts. That is a point the gentleman might make at any time.

Mr. SCHENCK. So scientific a gentleman as my friend from New York ought to know all about it.

The question was taken on the amendment, and there were—ayes 51, noes 5; no quorum voting.

Mr. BROOKS, of New York. I insist on a further count, as we cannot have any debate.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. BROOKS, of New York, were appointed.

The committee divided; and the tellers reported—ayes 64, noes 9; no quorum voting.

The CHAIRMAN. The committee finding itself without a quorum, it is the duty of the Chair to cause the roll to be called, in order that the names of the absentees may be reported to the House.

The Clerk proceeded to call the roll; and the following members failed to answer to their names:

Messrs. Adams, Arnell, Asper, Bailey, Banks, Barnum, Beaman, Biggs, Boles, Burdett, Cake, Clinton L. Cobb, Cook, Cullom, Dockery, Eldridge, Fisher, Fitch, Fox, Griswold, Haight, Haldeman, Heaton, Hoar, Hoge, Holman, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Julian, Kerr, Knapp, Logan, Marshall, McCormick, McKee, McNeely, Mercur, Morgan, Morphis, Samuel P. Morrill, Mungen, Myers, Palmer, Perce, Phelps, Ridgway, Rogers, Schumaker, Porter Sheldon, Shorrod, Starkweather, Stiles, Stoughton, Strader, Swann, Tanner, Tillman, Van Horn, Van Trump, Voorhees, Ward, William B. Washburn, Eugene M. Wilson, Witcher, and Woodward.

The committee then rose, and the Speaker having resumed the chair, Mr. WHEELER reported that the Committee of the Whole on the state of the Union having, according to order, had under consideration a bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and finding itself without a quorum, had caused the roll to be called, and directed him to report the names of the absentees to the House to be entered upon the Journal.

The SPEAKER. From the roll of absentees reported by the Chairman of the Committee of the Whole it appears that one hundred and sixty-one gentlemen have answered to their names. A quorum being present, the committee will resume its session.

The Committee of the Whole on the state of the Union then resumed its session, the pending question being on the amendment offered by Mr. BUTLER, of Massachusetts.

Mr. O'NEILL stated that Mr. MERCUR was paired on the tariff with Mr. HOLMAN.

The tellers having resumed their places, the committee again divided; and the tellers reported—ayes 88, noes 31.

So the amendment was agreed to.

The Clerk read as follows:

On manufactures or articles of nickel, albata, or white metal, argentine, German silver, and the like mixed metals, 45 per cent. *ad valorem*.

Mr. BUTLER, of Massachusetts. I move to amend that paragraph by inserting after the word "silver" the words "aluminium and its alloys."

Mr. SCHENCK. That is to correspond with the amendment made in the last paragraph.

Mr. BUTLER, of Massachusetts. Yes, sir; it will make it correspond. Aluminium is a new metal, lately discovered by French chemists, which comes from clay. It can be made everywhere where bricks and pottery can be. It is a difficult chemical process to extract it, so that it is worth from $10 to $15 a pound. It can be cheaply made if made in large quantities. It is a very light metal, its specific gravity being only one quarter greater than that of water. It is used in alloy with copper very extensively. When alloyed with copper it makes oroide, looking like gold, and which is impervious to every acid. It is the foundation of the oroide watch-cases, and it also makes table-ware. The only difficulty in its use in that way is that the salt from the hands or from any other source will corrode it very fast. But wherever salt is not used it is a very valuable metal, and it is coming to be used very extensively in the arts. If we protect its manufacture for a little while this metal will be very cheap among us, because the bases of it are exceedingly cheap.

Mr. CLEVELAND. Instead of being extensively used in the arts, as the gentleman from Massachusetts [Mr. BUTLER] says, this metal is scarcely used at all. The gentleman correctly stated that this is a new metal. It is a hard metal, but malleable and ductile, the lightest of all the metals in weight, as white as silver and more useful in many of the details of the mechanic arts, does not oxidize as readily even as silver, alloys with other metals readily, and is destined to become an important agent in the workshop, and to occupy a prominent position in the metallurgy of the future; but after having been before the public for fifteen years or more, and its base found in every country on earth, it is not yet produced at a price low enough to make it available for general use. It is found in every clay-bank in the country; we all admit that. But we are not skillful enough, our labor is not cheap enough, to enable us to produce this metal in this country at a paying rate.

Now, to put a duty of 45 per cent. *ad valorem* upon this metal, as proposed by the amendment of the gentleman from Massachusetts, [Mr. BUTLER,] would be actually shutting it out from that introduction into the arts which is gradually taking place, but only gradually. It is a metal very little understood, very little used, and if used at all in making the brass-colored watches of which the gentleman speaks

it is used to but very little extent. The cases of those watches are made of a composite metal, known in the trade as "composition metal." They are watches made in imitation of gold; but they do not contain any such expensive metal as the gentleman speaks of, except to a very limited extent. The production of this metal was undertaken in Williamsburg, New York, and it was successfully produced there; that is, so far as science is concerned, but not successfully so far as pecuniary remuneration is concerned. It is not now produced anywhere in this country, so far as it may be considered a success in business. But to prevent us from importing this metal into this country, and gradually introducing it into the arts, as it is the desire of the various artisans of the country to do, would be a hardship upon our mechanics. The formula and implements so far known, and used for extracting it, do not produce it cheaply, yet these gentlemen would double the tariff on it for fear that somebody in France or some other country shall find out a way of producing it cheap enough for our artisans to adopt it. It cannot be pretended that this duty is for the protection of any home industry, for there is no such industry in the country to protect. It was one of the sharp dodges of the gentleman from Massachusetts, placing it in the previous paragraph after debate had been closed by consent, so that the oppression his amendment would work could not be exposed.

Mr. BUTLER, of Massachusetts. I will withdraw my amendment if some gentleman will renew it.

Mr. KELLEY. I renew the amendment, and will say that the remarks of the gentleman from New Jersey [Mr. CLEVELAND] admit the whole case. He admits that this metal is produced, that it is used, and that we do not produce it, although it lies in every clay-bank. It would be an invaluable addition to our list of metals. Its ductility would give us a new and invaluable wire. In combination with copper it makes an imitation of gold which it requires almost scientific skill to distinguish from gold itself. The only means of testing it is by a combination of some saline matter with an acid, for ordinary acids will not affect it. There is probably not a single duty that could be imposed that would add that which is more valuable to the mechanic arts of the country than this. The gentleman from New Jersey says this duty would prohibit its introduction into this country. Already works for its production are struggling into existence, and if properly encouraged in less than one year this country would be able to supply itself, not at the enormous price at which it is imported, but at one half or one fourth of that price, at the same time utilizing the clay from our banks, employing our labor, consuming our fuel, and adding generally to the interests of the country. I thank the gentleman from Massachusetts [Mr. BUTLER] for having brought this matter to the attention of the Committee of the Whole by the amendment he has offered.

Mr. BROOKS, of New York. This new article, or this new word, has a great deal of meaning in it. It compels us who are on the watch here not only to study our dictionaries, but to look far and wide into its history.

I do not wonder the gentleman from Pennsylvania [Mr. KELLEY] thanks the gentleman from Massachusetts [Mr. BUTLER] for proposing this high duty upon aluminium or aluminum. In Ure's Chemical Dictionary will be found this heading to a paragraph: "Preparation of aluminium from kryolite." Now, if you will look a little further along in this bill you will find that it is proposed to admit kryolite almost duty free, at a very low rate of duty *ad valorem*. If you look into the history of the Pennsylvania Salt Company, as contained in this yellow book which I hold in my hand, you will find that this company has the absolute monopoly of kryolite.

Mr. SCHENCK. I rise to a question of order. The gentleman has mistaken the subject. We are not considering kryolite.

Mr. BROOKS, of New York. I am discussing aluminium. If the gentleman will study his books on chemistry he will see the very close relation between aluminium and kryolite.

Mr. KELLEY. Aluminium cannot be produced from kryolite.

Mr. BROOKS, of New York. Here is Ure's Dictionary, which speaks of "a preparation of aluminium from kryolite." This is a better authority than the gentleman.

Mr. KELLEY. It is prepared from the ordinary clay of the brick-yard.

Mr. BROOKS, of New York. Now let me read from this yellow book, which emanates from the Pennsylvania Salt Manufacturing Company:

"The process of manufacturing both soda and alumina from kryolite consists, theoretically, in causing the fluorine to enter into combinations with other bases, leaving the sodium to form new combinations, the kryolite being a fluoride of sodium and aluminium. The base with which the fluorine has been found most readily and economically to unite is calcium, with which it forms a fluoride entirely insoluble, while the sodium and aluminium both absorb oxygen, becoming soda and alumina, and uniting, form aluminate of soda, which is soluble in water."

And the secret of all this is that aluminate of soda is the saponifier of the Pennsylvania Salt Manufacturing Company, which produces annually 30,000,000 pounds of soap, used by our people, mainly in the West. I have thus taken the cover from the cat under the meal and exposed it to the view of the whole House.

[Here the hammer fell.]

The CHAIRMAN. The pending question is on the motion to close debate.

On the question there were—ayes 62, noes 30; no quorum voting.

Tellers were ordered; and Mr. CESSNA, and Mr. BROOKS of New York were appointed.

The committee divided; and the tellers reported—ayes 93, noes 23.

So the motion to close debate was agreed to.

The question then recurred on the amendment of Mr. BUTLER, of Massachusetts.

The question was taken; and there were—ayes 81, noes 36.

Mr. BROOKS, of New York. I call for tellers.

Tellers were ordered; and Mr. BROOKS, of New York, and Mr. MAYNARD were appointed.

The committee divided; and the tellers reported—ayes 79, noes 36.

So the amendment was agreed to.

The Clerk read as follows:

On zinc, spelter, and teutenegue, in blocks or pigs, 2 cents per pound.

Mr. BROOKS, of New York. I move to amend the paragraph just read by reducing the rate of duty to 1½ cents per pound, which is the existing rate. I see no reason for an increase of the duty unless there is something in it for the interest of Connecticut, by the granting of which Pennsylvania is bound to redeem her bargain with Connecticut. I do not think that Connecticut has obtained enough by the arrangement. After the high rate of duty on nickel I think Waterbury will not be treated fairly unless she receives a protection of 40 or 45 per cent. Whether zinc, spelter, and teutenegue are mixed up in this bargain I do not know; but I wish to call the attention of the House to the fact that this paragraph proposes an increase of half a cent per pound on the existing duty.

Mr. KELLEY. I wish to say that Connecticut has no possible interest in this matter. The works where these articles are produced are chiefly at Newark, Jersey City, Trenton, and Bergen, New Jersey; Bethlehem and Birmingham, Pennsylvania; Knoxville, Tennessee, and Mineral Point, Wisconsin.

Mr. MAYNARD. And in Western Virginia.

Mr. KELLEY. Yes; Western Virginia. Connecticut is a large consumer of this article.

Mr. COBB, of Wisconsin. The gentleman has forgotten the establishments at La Salle, Illinois.

Mr. KELLEY. Yes; I omitted to mention two large establishments at La Salle, Illinois, perhaps the largest in the country. Hence, when the gentleman from New York berates Pennsylvania and Connecticut in this connection, he shoots very wide of the mark.

Mr. MAYNARD. I wish to state that according to the custom-house returns, the duty proposed in this paragraph is exactly equivalent to 40 per cent. *ad valorem*. The experience of the zinc works in the portion of the country from which I come demonstrates clearly and conclusively the necessity for such a duty, which is no more than we have imposed upon albata, white metal, &c. The Committee of Ways and Means have thought it proper that this important interest should have this amount of protection. I do not suppose that Connecticut has any concern in the matter. Her interest would rather be on the side of the motion of the gentleman from New York, [Mr. BROOKS.]

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. COX. I renew the amendment for the purpose of making some remarks.

The CHAIRMAN. The amendment has not been withdrawn.

Mr. COX. Well, then, I move to amend the amendment by striking out "1½" and inserting "1¼."

Mr. SCHENCK. I was about to say that I hoped the gentleman would be allowed to speak, as he did not speak at all on the last paragraph. [Laughter.]

Mr. COX. I intend to speak on these paragraphs just as often as I deem it proper, in order to get or to give information. The gentleman from Ohio, [Mr. SCHENCK,] in his rather threatening remarks this morning in regard to those who are opposing this bill item by item, said that if we would only reserve our opposition and vote against the bill as a whole it would be all right. That is a very strange sort of parliamentary ethics! Gentlemen who do not believe in the principle upon which this bill is based, who do not believe in what has already been adopted, and who cannot get their amendments attached to the bill at any stage of this proceeding, are to be precluded from making any amendments because they expect in the end to vote against the measure! Such was the idea thrown out by the gentleman from Ohio this morning. He intimated besides that some of us have spoken rather freely on this bill and its various paragraphs. He would, I presume, have our mouths closed so the enormities of this tariff should go through unexposed. I for one expect to offer amendments so long as the people take an interest in these matters, whether Congressmen do or not. Yes, sir; the people do watch these proceedings and the uncovering of the insidious portions of this bill, as was done just now in reference to aluminium. The gentleman from Massachusetts [Mr. BUTLER] said that we did not know anything at all about it, and yet he did not pronounce the word right. He pronounced it alumin*i*um, when alum*i*nium is what the dictionary calls it.

In reference to this matter of teutenegue I should like to have some information. When we are called upon to vote here we ought to know what we are voting on. This is a sort of Chinese copper I am told; but the gentleman from Pennsylvania [Mr. KELLEY] does not tell us there are any manufactories in Tennessee, or in Pennsylvania, of this kind of copper. In the first place it is not fixed right here in the nomenclature of the bill. It is not the way to spell it according to Webster. When we get up here with a dictionary, either Ure's or Webster's Dictionary, and undertake to impart a little information to the committee, I insist that we are not to be snubbed by the chairman of the Committee of Ways and

Means. We intend to debate every paragraph, so that there may be intelligent action. Here we find teutenegue. We want information about it. We know by the dictionary it is not spelled correctly. It ought to be spelled as it is spelled in the English, so that the people who are to be affected by a tariff drawn up in the English language may be able to understand it. I refer the chairman of the Committee of Ways and Means to the dictionary, so that he may perfect his bill in this regard by having the word spelled correctly. [Laughter.]

Mr. MAYNARD. Had the gentleman from New York to go to the dictionary to find this word?

Mr. COX. No, sir; the dictionary came to me. [Laughter.] But that is an important question for one of the Committee of Ways and Means to ask. The word, as it is spelled here in the bill, is not found in any dictionary. Now, I should like to know from that interesting gentleman whether there is any manufactory of this article in Tennessee?

Mr. MAYNARD. I suppose these three words, "zinc," "spelter," and "teutenegue," as they are used in the bill, are so far synonymous as this: they mean the same kind of metal known by different commercial names.

Mr. COX. They do not agree with the dictionary. That is the reason why we wish to give information. A little while ago the gentleman from New York [Mr. BROOKS] read from Ure's Dictionary something in reference to the new metal of aluminium. The gentleman from Massachusetts, [Mr. BUTLER,] who has been absent for some time, and who brought in the amendment in reference to this metal, astonishes us with a new pronunciation of a strictly technical term. I have no doubt he will claim great credit for having got this proposition through in favor of the watch manufactories of New England. I understood him to intimate when we asked for information that we needed information. When the gentleman makes those slings against those who have been here undertaking to perfect this measure, working at it day and night, he should not absent himself for more than a week; but he should stay at his post and help us in good faith. [Laughter.]

Mr. BUTLER, of Massachusetts. Where was my fault?

Mr. COX. Your faults, my good sir; I could not enumerate your faults if I were to continue speaking from now to the end of eternity. [Laughter.] That is the way you answer me. It is not a good answer; but that is your style. [Renewed laughter.]

Mr. KELLOGG. Mr. Chairman, I do not wish to delay action by debate, and only rise for the purpose of replying to my friend from New York by saying to him that according to my present light on the subject the duty on this article is large enough already. The duty of 1½ cents per pound is enough protection. I find on examination that the duty of 1½ cents per pound is equivalent to 33⅓ per cent. on zinc or spelter. That is higher than the present duty on copper, 3 cents a pound, which is only 22 per cent. *ad valorem*. The duty on nickel, which you fixed to-day at 40 cents per pound, looks large, but when you examine the invoices you will find that it costs from $1 20 to $1 25 per pound; so that it is a duty only of 33 to 35 per cent. *ad valorem;* and the duty on zinc, spelter, and teutenegue is 33⅓ per cent. as the law now stands. Now, if you add this one half cent per pound you will make the duty 45 per cent. The present valuation is 4½ cents per pound. If you place a duty on that of 2 cents a pound it will be equivalent to a fraction below 45 per cent. I am opposed to any such increase of duty upon a raw material like this, which is an injury rather than a benefit to our own labor. The duties upon raw materials are now too high in proportion to those upon manufactures.

I am willing to vote for all the duty which is necessary to protect any interest in Tennessee, in Illinois, in Michigan, or anywhere else. If it is not necessary to raise this duty from 33 per cent. to between 44 and 45 per cent. on a raw material—which I tell my friend from New York is used in Connecticut to a great extent as raw material—this duty ought not to be increased; and I am not satisfied so far during the progress of the debate that the duty should be increased; and unless the committee can give us facts to show why it should be raised from 1½ to 2 cents per pound I think we should let this article as raw material stand at the old duty, which would still be higher than the duty on copper, and about as high as the duty we placed on nickel by our action to-day.

The amendment to the amendment was withdrawn.

Mr. PAINE. I renew it. Mr. Chairman, I am not surprised that the gentleman from New York [Mr. BROOKS] should seek to reduce the duty on zinc, nor am I surprised that the gentleman from Connecticut [Mr. KELLOGG] should seek to reduce it; but I suppose when we come to the next paragraph, which raises the duty on manufactured zinc, we will hear from the gentleman from Connecticut a different story.

Mr. KELLOGG. I am willing that it should remain at the old duty, 2¼ cents.

Mr. PAINE. I have no objection of course to a general reduction. I have no objection to any fair arrangement of these duties; but I have a great objection to falling in with the views of gentlemen who happen to be interested in the manufacture of zinc when they seek to strike down the duty on the raw material and to keep up or increase the duty on the manufactured article. I shall therefore oppose the reduction now proposed.

The question was put on the amendment offered by Mr. BROOKS, of New York, to strike out 2 cents and insert 1½ cents.

The committee divided; and there were—ayes 44, noes 71.

So the amendment was disagreed to.

The Clerk read as follows:

On zinc in sheets, 2¼ cents per pound.

Mr. BROOKS, of New York. I move to strike out "2¼" and insert "2½," the existing duty. I will only say that we have been promised a reduction of the tariff, but here for a whole page we have been increasing the tariff and increasing the taxes instead of reducing them.

The amendment was disagreed to on a division—ayes 50, noes 81.

The Clerk read as follows:

On old type, fit only to be remanufactured, 2 cents per pound.

Mr. BROOKS, of New York. I move to strike out that paragraph. I appeal to the majority of the House on behalf of my profession—the press, the journalists, the newspapers of the country. We have hitherto been allowed to import old type-metal free of duty. This has made our type a little cheaper. It is for the benefit of the newspapers of the country that this old type, fit only to be remanufactured, should come in free. I trust the committee will not consent to the imposition of 2 cents per pound on this article.

Mr. PETERS. What is the present duty?

Mr. BROOKS, of New York. Nothing; I repeat, nothing; and I hope that statement will impress itself on the other side of the House.

Mr. SCHENCK. I will merely say that the duty now on zinc, as a raw material, is 2 cents per pound, and this is simply to put on the same footing the same raw material brought in in another shape, in the form of old type from Europe.

The question was on the motion of Mr. BROOKS, of New York, to strike out the paragraph.

The committee divided; and there were—ayes 55, noes 70.

Mr. BROOKS, of New York. I feel it my duty to call for tellers.

Tellers were ordered; and Mr. BROOKS, of New York, and Mr. CESSNA were appointed.

The committee divided; and the tellers reported—ayes 63, noes 57.

So the motion was agreed to; and the paragraph was stricken out.

The Clerk read as follows:

On mats of goat or sheep skins, plain, fancy, or colored, 50 per cent. *ad valorem.*

Mr. BROOKS, of New York. I only want to say in regard to that paragraph that the duty is now 45 per cent. *ad valorem.*

Mr. COX. I move to strike out the paragraph. Unless the committee can give some good reason for increasing this duty I hope the paragraph will be stricken out.

Mr. SCHENCK. It is simply to create a market for our own goat and sheep skins.

The amendment was disagreed to.

The Clerk read as follows:

On live animals, 20 per cent. *ad valorem: Provided*, That animals specially imported for breeding purposes shall be admitted free, upon proof thereof satisfactory to the Secretary of the Treasury.

Mr. SMITH, of Vermont. I move to amend that paragraph by striking out "20" and inserting "30."

Mr. PAINE. What is the present duty?

Mr. SMITH, of Vermont. The bill reads 20 per cent., and I propose to make it 30 per cent. In the existing law the duty stands at 20 per cent. I do not desire to make any argument or to consume any of the time of the committee. A sufficient amount of time and attention has been given to the encouragement and fostering of the manufacturing interests of the country. We have now for the first time approached a paragraph in which the agricultural interests, of which we have heard so much and to which so many allusions have been made, have a direct and special interest. I am somewhat surprised, on looking at the details of the statistics, to see the great difference that exists in the degree of protection which is afforded to that great and leading interest of the country, and that given to the special interest of manufacturers. I find that on animals the present *ad valorem* duty is 20 per cent.; on butter, 17¼ per cent.; on cheese, 28¼ per cent.; on potatoes, 39 per cent.; on wheat, 15½ per cent.; on flour, 20 per cent.; on rye, 16½ per cent.; on barley, 14 per cent., and on oats, 16⅔ per cent.

Now, I find that the average duties on articles of manufacture which enter very largely into the consumption of the farming and agricultural interests run like this:

	Per cent. ad valorem.
On salt	80 to 108¼
On bar iron of sizes generally used by farmers	66
On iron wire	68
On iron in sheets	59
On iron band and hoop	71
On hammers, sledges, and axles	54
On halter, fence, and trace-chains	67
On stoves and stove-plates	109
On woolen cloths	55 to 60
On flannels	65 to 86
On blankets	78 to 95
On dress goods	61 to 68
On cotton cloths	47 to 73

The amounts of duties which have been collected from this source during the last three years, since the reciprocity treaty was terminated, are as follows: in 1867, $452,748; in 1868, $466,404; and in 1869, $715,119, showing a large and steady increase in the importation. I therefore ask of those gentlemen who have been so very generous in their professions and so profuse in their expressions of sympathy for the agricultural classes, that this duty be raised at least to a point that will bear a respectable comparison with that of other articles.

Mr. SCHENCK. I desire to say, in reference to this matter, that the duty provided for in the bill is the same as under the existing law, 20 per cent. *ad valorem*, as the gentleman from

Vermont [Mr. SMITH] states. The reason for the insertion of it here is that the Committee of Ways and Means thought it proper to insert a proviso which has not heretofore been in the law, that animals specially imported for breeding purposes shall be admitted free upon proof of that fact. Now, there is a great deal of truth in what the gentleman says in regard to the difference in the degree of protection which has been afforded heretofore and now upon farming products and upon manufactured articles. It so happens that with regard to live animals there was no proper protection until 1866, and then an act was passed putting the duty at 20 per cent. I have my doubts whether 20 per cent. is enough. I am willing for one to vote for the proposition of the gentleman from Vermont, [Mr. SMITH,] because I believe a large number of these animals are brought into Canada for the purpose of being imported into our country, competing with the animals raised upon our own farms.

I do not, therefore, feel disposed to oppose the amendment in that view. I simply wish to explain the reason for introducing this provision in this bill imposing the same duty that is imposed by the existing law. Inasmuch as no communication was made to the Committee of Ways and Means asking for a higher protection, we introduced this provision in this bill in order to add to it a proviso that animals imported solely for breeding purposes should be admitted free of duty.

Mr. BLAIR. I move to amend the amendment by striking out the last word for the purpose of making a single remark. I noticed particularly the charge made by the gentleman from Vermont, [Mr. SMITH,] that we are not protecting agricultural products at the same rate that we are protecting manufactured articles. Sir, there is a plain reason for that; they do not need it. The reason for affording any protection at all is the necessity of enabling our manufacturers to enter into a fair competition with those engaged in manufactures abroad. Manufactured articles are transported from foreign countries to this with very slight expense. It costs but little to bring a yard of woolen or a yard of cotton to this country from Europe; next to nothing. But to bring cattle here in competition with us is an impossibility. The very cost of transportation is abundant protection.

This question, therefore, of any protection at all upon agricultural products, is a necessity only along the line between us and the Canadas, for there is no competition in these things from anywhere else. We have found that the little protection which has been heretofore given has been sufficient for that purpose. I venture to say that the farmers along the line have never asked us to increase the amount of protection they now receive. There has been no petition or request presented to this House or referred to the Committee of Ways and Means, that I know of, from the farmers along the line asking for an increase of this protection. I am willing to give them protection to the extent necessary to enable them to compete successfully with the farmers on the other side of the line; but not more than that. If the gentleman will show me that they need it, I will go with him. I know something about that line from my own State. I hear no complaint there that this protection is not abundantly sufficient, and therefore I shall vote for the duty as proposed by this bill.

Mr. WILLARD. I had occasion some days ago, when the tariff was under discussion, to say that the protection of particular interests only was not a fair system of protection; that protection could only be justified when it is given to all branches of American industry which need it in order to enable them to compete with foreign industries of a similar kind. The gentleman from Michigan [Mr. BLAIR] tells the Committee of the Whole that he thinks 20 per cent. is protection enough upon the cattle-growing interest of this country. I do not know but 20 per cent. would be sufficient protection for the cattle-growers of Texas, so far as foreign competition is concerned. But 20 per cent. is not sufficient protection for the cattle-growers along the northern line of the United States, to enable them to compete with the cattle-growers of Canada, where both farms and labor are cheaper than in the States. It is that competition, if any, that is to be protected against. It is only the importation from Canada that is to be considered in this discussion. Cattle are not imported from Europe into this country for beef. But live animals for beef and for other purposes are brought in large quantities from Canada into this country, and they come in competition with the cattle grown in the United States, in the New England States, in New York, and elsewhere along the border.

Now, sir, if protection is good for anything, it is good for a case like this. If the manufacturing interests of this country are to be protected against cheap foreign labor and cheap foreign capital, the farming interests of the country ought also to be protected against similar cheap labor and capital. They ought to be protected wherever there is any need of that protection, in order that they may be able to compete with the productions of the farms of Canada and other foreign countries. The gentleman from Michigan [Mr. BLAIR] has said that the farmers of this country have not asked this increase of duty. Well, sir, I know the farming interest is not so clamorous in this House as the manufacturing interest is. It does not keep lobbies here to inform members of the particular branches of its industries which need protection. It does not come here by its agents or attorneys, insisting that it must have any particular measure of protection. But for all that, sir, is there any reason why it should not be considered? Is there not the same reason for protecting a farmer living in the northern part of the State of Vermont against the importation of cattle grown just across the line, where there is no cost of transportation whatever, as there is for protecting the manufacturer who happens to live in Vermont against an industry located just across the line? I am greatly surprised to see any person who has been so much a champion of protection as the gentleman from Michigan attempt to make a distinction between the manufacturing interests of the country and its farming industries in their need of protection, and the more so, when the farming industry is the great industry of the country, without which the country cannot prosper, and in whose success the whole country finds its greatest prosperity.

[Here the hammer fell.]

The question being taken on the amendment of Mr. SMITH, of Vermont, it was agreed to; there being—ayes 104, noes 30.

Mr. CONGER. I move to amend by adding at the end of the paragraph the following:

And provided further, That a team consisting of not more than two animals, with their harness and tackle, owned by immigrants and in actual use in immigration, not exceeding one team to each family, shall be admitted duty free under such regulations as the Secretary of the Treasury may prescribe.

Several MEMBERS. That is all right.

Mr. CONGER. I was about to advocate this amendment; but as I understand from several gentlemen that it will be generally acceptable, I will not make any remarks.

Mr. SCHENCK. I suggest whether, under a fair construction of the law, teams used in that way may not come in now free as personal effects; this amendment, however, would make it certain.

The amendment was agreed to.

Mr. SMITH, of Vermont. I move further to amend the paragraph by inserting after the word "imported" the words "from Europe;" so that the first proviso will read:

Provided, That animals specially imported from Europe for breeding purposes shall be admitted free upon proof thereof satisfactory to the Secretary of the Treasury.

This corresponds with the provision of the existing law; and unless this or some equivalent provision be inserted in the bill the effect will be to increase largely the importation of animals from the British provinces in competition with those raised in this country. Besides this, the Government will obtain practically no revenue, because all animals brought across the Canadian border will be represented as imported for "breeding purposes."

Mr. SCHENCK. The gentleman from Vermont is mistaken in saying that his proposition is the provision of the existing law. The only provision of the law of 1866, (in which this protection upon live animals was commenced, for it is of recent date,) was that citizens of the United States having live animals upon the other side of the line should be allowed ten days after the taking effect of the act to bring them within our territory. That provision is now obsolete, having accomplished its purpose.

This is not a new question, however, for it was raised in the Committee of Ways and Means; and the gentleman from Vermont, if he prosecutes the consideration of it, will find the same difficulty which we encountered. In the first place, the proposition he submits is in violation of treaty stipulations. We have treaties with different Governments agreeing to admit articles of their production at the same rates as those imposed upon similar articles imported from the most favored nations. The gentleman's amendment would be in conflict with that stipulation. We have endeavored to avoid that difficulty, and I think we have effectually avoided it by requiring in the first place that these animals when admitted free shall be brought in specially for breeding purposes. If the gentleman thinks that this language is not of sufficient intensity, he may amend it by adding "exclusively," or anything else of similar purport. We have further provided, as an additional safeguard, that proof of the animals being introduced for this purpose shall be made to the satisfaction of the Secretary of the Treasury. I do not think we could have gone any further.

The amendment of Mr. SMITH, of Vermont, was not agreed to.

Mr. BROOKS, of New York. I move to strike out the whole paragraph. I make this motion because the paragraph proposes to increase from 20 to 30 per cent. the present duty on live animals. I make the proposition in the interests of the great body of workingmen and workingwomen in the country who are now paying enormous prices for beef; to whom a beefsteak or a piece of roast beef is a rarity because of its exorbitant price. The effect of this increase of 30 per cent. upon the duty on live animals imported from Canada will be to raise still further the present enormously high price of beef.

The House will recollect that there is a scarcity of these animals in this country, as shown by the statistics, this scarcity having resulted from the horrible ravages of the late civil war. There is consequently an inability on the part of producers of animals in this country to supply the quantity necessary for the consumption of our people.

The legislation of the country, at least for the present, ought to admit all animals from the whole Canada line and Nova Scotia and New Brunswick free, certainly while the high prices of beef are now kept up. In a bill pretending to reduce the tariff they have raised the duty on live animals from 20 per cent. to 30 per cent. *ad valorem*. I do not think a proposition like that can be maintained in behalf of the little country bordering on Canada in Vermont. I appreciate, to be sure, the argument of the gentleman from Vermont, [Mr. SMITH,] that they ought to have as high protection there by an *ad valorem* duty as has been granted to

other things in this bill. They ought to have as high protection on live animals as on wood-screws and Bessemer steel and railway frogs and frog points and fish-bars. If there be anything in the tariff system which ought to be kept high it ought to be the duty on animals, as well as on Bessemer steel and railway iron. I am surprised, therefore, he does not demand a duty of 2 cents per pound on all cattle imported. If he had followed out the principles of his argument he would have demanded that. In behalf of all beef consumers in the Atlantic States and in the New England States, although I have no right to speak for them, I hope the paragraph will be stricken out.

Mr. CONGER. My friend from New York [Mr. BROOKS] has a marvelous adaptability upon all the questions which arise here to pit himself against the particular interests which he has heretofore professed to advocate. He has told us heretofore that he stood up in behalf of the farming and agricultural interest of the country. He claimed to be the particular champion in this bill for the protection of the agricultural interest in the United States. In the remarks which he has just made he turns aside from his role as an agricultural protectionist and speaks in behalf of the consumers, the laborers, and the poor who need cheap beef. He forgets the farmers for whom he spoke so warmly only a day or two ago, as though he were their special champion.

Now, Mr. Chairman, I for one, representing as I do an agricultural and a lumber region, may speak in behalf of both these interests, the producing agricultural and the consuming lumber interest. I do not desire less protection for the farmer's produce, for their horses, their cattle, their sheep, and their wool, because the lumbermen in my district purchase horses and cattle to go into the woods where they get out their lumber, and who, of course, desire to get their horses and cattle as cheap as possible. Neither would I afford too great protection to the agricultural interest of my region at the expense of the lumbermen. I would neither legislate for the agricultural interest at the expense of the lumbermen, nor for the lumbermen at the expense of the agriculturists. It seems to me this particular paragraph is as equally right as between two conflicting interests as any which could be voted. I say this, although gentlemen from the West, representing merely agricultural regions, will, when we come to that part of the bill, vote against any protection to lumber. Although I know they are pledged beforehand to vote against any protection to lumber being retained in this bill, yet I stand up in favor of protecting to a reasonable extent their agricultural interests. Our lumbermen buy cattle and horses to the extent of hundreds of thousands of dollars annually, and although the larger portion is spent in the agricultural regions of Iowa, Indiana, and Ohio, as well for cattle and horses as for wheat and oats, still I believe it is true statesmanship as far as possible to protect these interests reasonably and properly. It is for this reason I shall vote against striking out this paragraph.

[Here the hammer fell.]

Mr. TAYLOR. I move to strike out the last word. I rise, Mr. Chairman, for the purpose of giving some views which I entertain in regard to the principles involved in this whole tariff question. In my judgment, now is the proper time to utter them. I have heard free-trade Representatives from New York, men representing importing and purely British interests, professing to be the special advocates of the agricultural interests of this country. Indeed, I have scarce ever heard them speak that they did not declare themselves to be in favor of the downtrodden tax-payers, and that the consumer always paid the duty. I wish here, as an agriculturist and representing an agricultural community, to put in my protest against that position. And here is the proof. Ask any farmer, drover, or miller in the country who buys Canadian horses, cattle, or wheat if the taking off of 20 cents a bushel on wheat would lower the price of wheat 20 cents, and every one of them would tell you that it would not; or if you ask whether taking off the 20 per cent. duty on a horse worth $100 would lower the price of the horse $20 in our market, every one of them knows that it would not.

I present this aspect of the case to the committee and the country, on behalf of the advocates of a protective tariff, for the purpose of nailing to the wall here and forever the unsound doctrine that the consumer always pays the duty. I do not believe it. I know practically that it is not so, and I have taken occasion here, because I think this is the proper time, to present my views upon that particular question. I am in favor of retaining this paragraph in the bill. If it is struck out it will not, as has been asserted by the gentleman from New York, lower the price of beef one atom. On the other hand, if it is retained it brings more money to your coffers, and makes the Canadians, not the American people, pay. They pay the tax, and we get it. If it is asserted that taking off the duty of 20 per cent. on a bullock worth $100 would reduce its price here and make it $80, every drover in the country knows that that would not be the case. And if it does not reduce the price, then at all events the consumer does not pay all of the duty, and we have got an admission of at least part of our argument. The question to be settled will then be one of degree or extent merely, rather than of principle.

[Here the hammer fell.]

Mr. BECK. I rise to oppose the amendment. Mr. Chairman, I would suggest, in the first place, to my friend from New York [Mr. BROOKS] that he should confine his motion to striking out the first portion of the paragraph, so as to leave that portion which permits animals for breeding purposes to be imported free. At present all animals introduced for breeding purposes are taxed 20 per cent. *ad valorem* in gold. This, as I understand, is something that never was done from the foundation of the Government until 1866. When the reciprocity treaty with Canada was abrogated this tax was imposed with the express understanding that so far as animals imported for breeding purposes were concerned they would in a very short time be provided for. This has never been done; and men importing fine horses, breeding cattle, and other animals for breeding purposes only, especially from Europe, paying high prices for them, and making nothing by the importation except so far as improvement of the stock of the country is concerned, have been debarred from making these importations because of the 20 per cent. duty payable in gold on all such animals. The Committee of Ways and Means very properly proposed to take off the duty imposed on animals imported for those purposes, and to restore the condition of things which always existed prior to 1866. I have before me volume sixty-six of the Globe for the year 1868, and I find there the argument made by Mr. MORRILL, of Vermont, in favor of a bill for relieving Israel S. Diehl who had imported Angora goats for breeding purposes. When that bill came down to this House it was approved by the Committee of Ways and Means and passed the House without a dissenting voice. Mr. MORRILL, in the Senate, made this statement:

"Mr. Diehl was sent out as commissioner of the Agricultural Department, and while in Asia Minor he bought about one hundred and sixty of these Angora goats, and brought them to the United States, losing on the way some thirty or forty of them. When he went away the law provided that such animals imported for breeding purposes should be exempt from duty, as they had almost always been from the foundation of the Government; but in May, 1866, after the termination of the reciprocity treaty, in order to obtain a duty upon horses, cattle, sheep, and hogs, which were being imported in large numbers from the British provinces, a joint resolution was passed imposing a duty of 20 per cent. upon all living animals. Of course under such a resolution there was no exemption of animals imported for breeding purposes. That resolution, however, was passed with the expectation that within a month or two from that time the general subject would be taken up, and the usual provisions in relation to the importation of animals for breeding purposes would be adopted; but no legislation having been passed upon the subject, all animals now imported are subject to a duty of 20 per cent."

The bill was adopted; it came, as I said, to this House and was referred to the Committee of Ways and Means; it was recommended by the committee and passed by the House upon the express ground that animals that were brought here from foreign countries at a high price for the express purpose of improving the breed of animals in this country ought not to be taxed. The Committee of Ways and Means have recommended it in this bill; and if the motion of the gentleman from New York [Mr. BROOKS] should prevail striking out the whole paragraph without saving the proviso, then there will have to be paid, as there is now, 20 per cent. in gold upon all animals brought in by public-spirited men for the purpose of improving the breed of horses, cattle, hogs, and sheep in this country. I understand that the gentleman from New York accepts my modification of his motion allowing the proviso to remain, and I trust the committee will agree to that. We have no more interest in this matter in my section of the country than anybody else has except that we have many men of wealth and public spirit there who import high-priced animals, sometimes paying for horses and cattle from $1,000 to $5,000 in gold.

[Here the hammer fell.]

Mr. LAWRENCE. I rise to oppose the motion to strike out the paragraph.

The CHAIRMAN. That has already been done.

Mr. LAWRENCE. Then I move to strike out the last word.

The CHAIRMAN. That motion is already pending.

Mr. TAYLOR. I withdraw my amendment.

Mr. LAWRENCE. Then I move to strike out the first word. I agree in this matter with the gentleman from Kentucky, [Mr. BECK.] I think that we ought to admit animals for breeding purposes free of duty. But there ought to be such a duty upon other animals imported into this country as will give the agriculturists and producers of this country control of the market. I wish to call the attention of the committee to the fact that during the fiscal year ending June 30, 1868, we imported from Canada animals amounting in value to $2,238,641, and from the other British Provinces amounting in value to $36,850, and our export of animals amounted to nothing. I hope that the provision of the bill will be retained as it now stands increasing the duty imposed upon animals other than those imported for breeding purposes.

Mr. SCHENCK. I am willing to rest the case on that appeal, and I move to close all debate on the paragraph.

The motion was agreed to.

The formal amendments being withdrawn, the question recurred on the motion of Mr. BROOKS, of New York, to strike out the paragraph as amended.

Mr. BROOKS, of New York. I accept the suggestion of the gentleman from Kentucky, [Mr. BECK,] and move to strike out all of the paragraph except the proviso.

The CHAIRMAN. There are two provisos to the paragraph. One has been added on the motion of the gentleman from Michigan, [Mr. CONGER.]

Mr. BROOKS, of New York. I do not propose to strike out either of the provisos.

Mr. ALLISON. The gentleman should also move to strike out the words "provided that."

Mr. BROOKS, of New York. I am willing to modify my motion, as suggested by the gen-

tleman from Kentucky, [Mr. BECK,] if he will restate his proposition.

Mr. BECK. My suggestion was that the gentleman should move to strike out of the paragraph as amended the words "on live animals, 30 per cent. *ad valorem:* Provided that;" so that it will read:

Animals specially imported for breeding purposes shall be admitted free, upon proof thereof satisfactory to the Secretary of the Treasury, &c.

Mr. BROOKS, of New York. I will accept that modification of my motion. That will leave the rate as it is now.

The question was taken on the motion of Mr. BROOKS, of New York, as modified, and it was disagreed to—ayes thirty-six, noes not counted.

Mr. WILLARD. I move to amend the paragraph by inserting after the words "Secretary of the Treasury" the words "under such regulations as he may prescribe." I think there can be no objection to that.

Mr. ALLISON. That is right.

The amendment was agreed to.

No further amendment being offered, the next paragraph was read, as follows:

On flour or meal of oats, 1 cent per pound; of wheat, rye, corn, or buckwheat, one half cent per pound.

Mr. CHURCHILL. I move to amend the paragraph just read by striking out the words "on flour or meal of oats, 1 cent per pound; of wheat," and inserting in lieu thereof the words "on flour or meal of oats or wheat, three fourths of 1 cent per pound; of;" so that the paragraph will read, "On flour or meal of oats or wheat, three fourths of 1 cent per pound; of rye, corn, or buckwheat, one half cent per pound." It will be seen that by my amendment I propose to make the duty on oatmeal and on wheat flour the same. By the present tariff oatmeal is subjected to a duty of 10 per cent. *ad valorem*, and wheat flour to a duty of 20 per cent. *ad valorem;* that is, the duty on wheat flour is just twice that upon oatmeal. The Committee of Ways and Means propose by this bill to reverse that proportion, and make the duty on oatmeal twice as high as that upon wheat flour. I think they have made a mistake in so doing.

The average price at which oatmeal was imported during the years 1867 and 1868 was $3 20 per hundred pounds, or about 3¼ cents per pound. The average price at which wheat flour was imported during the time was $3 64 per hundred pounds, or about 3½ cents per pound. If we look, then, at the value of the two articles, wheat flour should bear a trifle more duty than oatmeal. But aside from that wheat flour is a more important article to be protected. The Committee of Ways and Means propose by this bill to raise the duty on oatmeal from about one third of 1 cent per pound, under the existing tariff, to 1 cent per pound, or about treble the present rate of duty. Wheat flour they propose to reduce from $1 32 per barrel, the average rate for the last three years, to 98 cents per barrel, or a reduction of over 25 per cent. But the amendment which I have proposed permits the doubling of the duty on oatmeal, which duty was perhaps too low heretofore, and makes only a trifling addition to the duty upon wheat flour, according to the average price for the last few years, I think it is an increase of duty which the agricultural interests of the country require.

Mr. MAYNARD. I move to amend the amendment of the gentleman from New York, [Mr. CHURCHILL,] by striking out the words "three fourths of," so that the duty on flour or meal of oats or wheat will be 1 cent per pound. I move this amendment for the purpose of showing where, in my judgment, the money will come from that is paid as a duty on this commodity. I was struck by the remarks made by the gentleman from Pennsylvania [Mr. TAYLOR] on this general subject. I happen to have in my possession an illustration of what he said, a couple of bills of sales or invoices, or accounts of sales, both of them actual transactions by a commission house in the city of Detriot within a short time past. The sales in each case were of a hundred bushels of clover seed. One lot was consigned by a farmer, the name omitted, of Kingsville, Canada; the other by a farmer, name also omitted, of Kalamazoo, Michigan. The following are the accounts of sale:

Account sales of clover seed sold for account of Canadian farmer, Kingsville, Canada, by Moses W. Field & Co., Detroit, Michigan.

100 bushels clover seed, at $9		$900
Disbursements and charges:		
Freight and cartage	$15	
Paid United States duties, 2½ per cent. and 30 per cent. *ad valorem*	215	
Commission, 5 per cent	45	
		275
Net proceeds		$625

Account sales of clover seed sold for account of American farmer, Kalamazoo, Michigan, by Moses W. Field & Co., Detroit, Michigan.

100 bushels clover seed, at $9		$900
Charges:		
Freight and cartage	$15	
Commission, 5 per cent	45	
		60
Net proceeds		$840

It will be seen by an examination of these two accounts of sale, that the Canadian farmer paid $215 for the expenses of this Government and as taxes for its support. I think those who cross the line for the purpose of trading in our country and obtaining the benefits of our markets can afford to pay some portion of their profits into our Treasury. For that reason I am in favor of keeping this duty at least as high as it is now.

This bill proposes to reduce the present rate of duty on wheat flour; for one half cent per pound, the duty here proposed, is a reduction of the present rate. The amendment I have proposed, if it shall be adopted, will make the duty on wheat flour 1 cent per pound. The bills of sale which I have just produced here illustrate conclusively where the duty comes from, who pays it, and who is relieved by its payment.

Mr. CHURCHILL. I do not know but I will accept the amendment of the gentleman from Tennessee, [Mr. MAYNARD.]

Mr. SCHENCK. The present duty on oatmeal seems to be designed entirely for the benefit of Canadian millers. I ask the Clerk to read a communication on this subject.

The Clerk read as follows:

APRIL 28, 1870.

SIR: We wish to call your attention to bill H. R. No. 1068, page 21, line four hundred and eighty-seven.

Ten years ago we do not think there were 100 barrels of oatmeal made in the United States in a year; but this branch of manufacturing has increased very fast the last seven years, until there is now made about 40,000 barrels of oatmeal annually in the States of New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Missouri, and Michigan.

The high price of gold the past seven years has been a protective tariff, and has caused large mills to be built for the manufacture of oatmeal in the above-named States, the largest of which is in New Jersey.

There are from forty to fifty oatmeal mills in Canada, and the duty is only 10 per cent. *ad valorem*, while the duty on oats is 10 cents per bushel. To make a barrel of extra oatmeal (200 pounds) it takes 12 bushels of oats, (32 pounds to the bushel;) therefore the duty on the oats to make a barrel of oatmeal is $1 20, while the duty on a barrel of oatmeal is 35 cents; so you will see our present tariff is 85 cents per barrel in favor of the Canadian miller.

The reason for this is, New York city makes the price for oats. You can take the price of oats in New York and deduct the duty, freight, insurance, handling, and selling, and you will have the price in Canada. To freight twelve bushels of oats from Canada to New York would cost $1 50, and you can freight a barrel of oatmeal from the same place to New York for 90 cents; therefore the difference in the freight on the oats in bulk and the oats made into meal is 60 cents. Add this to the duty on the oats that it takes to make a barrel of oatmeal and you have $1 80. An empty barrel in New York costs 65 cents, in Canada 35 cents. Add this difference to the $1 80 and you have $2 10, which is the cost of oatmeal made in New York more than the cost to make it in Canada. This does not allow anything for the extra cost of labor in New York, or the extra expense of doing business. Therefore you will notice that to make the duty 1 cent per pound, as is proposed in the new bill, line four hundred and eighty-seven, does not give the manufacturer in New York or New Jersey any protection, but only places them on the same footing as the Canada miller. You will also notice it does give some protection to the millers in the western or middle States as they have the same advantage on freights as the millers in Canada, that is, the difference between the freight of a barrel of oats made into meal and the freight on the oats in bulk is their protection.

As gold declines this manufacture must stop. We cannot now cope with Canada, and unless this bill passes with the increased duty, every oatmeal mill in the United States must close.

The revenue from the duty on oatmeal in the new bill will no doubt be increased largely. Now, we do not ask you to increase the duty on oatmeal for our protection more than you have, but we do ask you to see to it that it passes as you have it in the new bill. We think the tariff has been in favor of the Canada millers long enough, and as the proposed duty is fair and right in the new bill to all parties we trust it will not be changed.

We would not trouble you with these facts only that oatmeal manufacture being a very important industry in Canada we are satisfied the Canadian millers and importers and receivers of foreign meal are making every effort to have the duty cut down.

Yours, very respectfully,

MILES & HOLMAN,
25 *Whitehall street, New York city.*

Hon. ROBERT C. SCHENCK,
Chairman Committee Ways and Means.

[Here the hammer fell.]

The CHAIRMAN. The question is upon the amendment of the gentleman from Tennessee [Mr. MAYNARD] to the amendment of the gentleman from New York, [Mr. CHURCHILL.]

Mr. MAYNARD. I withdraw my amendment that the gentleman from Indiana [Mr. COBURN] may renew it.

Mr. COBURN. I renew the amendment. I find gentlemen representing particular districts and special industrial interests rise constantly and insist upon the very highest rates of duty for those localities and interests; yet they seem indifferent about extending equal protection to other districts and other industries. Now, if we undertake to pass a tariff law we ought to equalize the duties. This bill has not been, as I think, arranged in that way. We have been putting up the duties all along on various articles; but now when we reach an article universally used the duty is to be cut down more than 50 per cent. A duty of 20 per cent. *ad valorem* would be at the present selling rate of flour in New York $1 10 on a hundred weight. This is under the existing law now.

Mr. KELLEY. The gentleman is referring to the price at which it is imported.

Mr. COBURN. But it cannot be imported, I suppose, for very much less than it sells for in New York. The foreigner is not going to sell his product at very much less than we are giving to our own people for the same product. And the lower the price of flour, the less, of course, will be the duty *ad valorem*. Now it is, I think, a fair estimate to say that flour is worth $5 per hundred weight; and on that a duty of 20 per cent. would amount to $1. The provision of the bill reduces the present duty at least 50 per cent. Gentlemen here propose to protect manufactures of iron and zinc and nickel, and various other articles, by increased duties; but on this great product they propose to cut down the duty.

Mr. ALLISON. I would like to ask the gentleman a question. I am very much impressed with his argument in reference to the farming interest, but I am not quite clear that this duty affects the price of flour in New York.

Mr. COBURN. I have not said that it does.

Mr. ALLISON. I know the gentleman has not. The question I desired to ask him was whether he thinks that any duty which this Congress is likely to impose upon wheat or wheat flour will affect the market in this country, or, in other words, will be any protection to the farming interest?

Mr. COBURN. The gentleman can answer that question as well as I can.

Mr. ALLISON. And I answer it in the negative.

Mr. COBURN. I do not answer it in the negative. I disagree with the gentleman. A large amount of wheat and of flour is produced

in Canada. There is a great wheat-producing region all along north of us, and the wheat and the flour of that region are imported and come into competition with our American products. Our importations of wheat last year amounted in value to $1,270,000; of wheat flour, $406,000; of rye flour, $97,000; and there was also a large importation of oat meal, &c. As we are thus importing large quantities of these articles, the duty imposed may affect the price. The New England States produce very little wheat; must buy almost all they use, and the demand of millions of consumers must affect the price; so, too, with other large districts in the Atlantic States.

[Here the hammer fell.]

Mr. ALLISON. I am not particular as to what this rate of duty shall be. As I understand, this duty upon wheat flour affects particular localities only. I do not believe that any duty we may place upon wheat or wheat flour will materially affect the price of those commodities in the great markets of this country. For instance, it costs the farmer of Iowa more than the amount of this entire duty to transport his wheat from the Mississippi river to Chicago. In addition to that we are constantly exporting our wheat and our flour. This duty, it is true, may affect those upon the border who consume wheat and flour. But I do not wish any gentleman to be misled into supposing that a duty of half a cent a pound on flour or 20 cents a bushel on wheat is any protection to the American farmer. It is not. I believe that as a revenue measure this duty is proper, because the Canadian farmer upon the border is obliged to sell his wheat and his flour to his nearest neighbors upon our side, in Oswego and Ogdensburg, or, if you please, Portland and Boston, and he receives just that much less for his wheat if he sells it in our market. Therefore, I think there is good ground for the argument of the gentleman from Pennsylvania, that this is a revenue measure and not a measure for protection.

Mr. MAYNARD. Will the gentleman accept this as a revenue measure at 1 cent per pound?

Mr. ALLISON. Certainly I will accept it. I yield whatever time I have left to the gentleman from New York, [Mr. CHURCHILL.]

Mr. CHURCHILL. The rate proposed by the committee, as stated by the gentleman from Indiana, [Mr. COBURN,] reduces the average duty on flour. The average duty on a barrel of flour from Canada for the last three years has been $1 32, while this bill will reduce it to 98 cents, which is a reduction of 25 per cent. As to the letter read by the Clerk, at the request of the chairman of the Committee of Ways and Means, on the subject of oatmeal, I think it shows that the protection proposed by my amendment is ample for the purpose of that manufacture. That letter states that ten years ago there was substantially no manufacture of oatmeal in this country, while we now manufacture 40,000 barrels a year. For the first six years there was free trade between Canada and the United States in oatmeal, and for the last four the duty was only 10 per cent. Now, a manufacture which has sprung up from nothing—for six years under free trade, and for four years under a duty of 10 per cent—can flourish under the duty proposed in my amendment.

[Here the hammer fell.]

Mr. MAYNARD'S amendment to the amendment was agreed to.

The question then recurred on Mr. CHURCHILL'S amendment, as amended; and it was agreed to.

Mr. SCHENCK. I move in the four hundred and eighty-eighth line to strike out "one half." Mr. Chairman, when I spoke generally of this bill in the debate before we began to consider the bill by paragraphs——

Mr. CONGER. I rise to a point of order. I wish to hear the chairman of the Committee of Ways and Means, but from the noise in the House I am unable to hear what is said.

Mr. SCHENCK. Mr. Chairman, I gave notice at the time the general debate was closed, as will be remembered, in regard to this bill that as a matter of course no bill could have been reported had we waited until the whole committee had agreed. I differed from the committee, reserving the right to express that difference in the House, in relation to some items retained in the bill. These items we have been considering this morning. Live animals and the cereals are among those on which that difference existed.

Mr. CONGER. I do insist that only one member shall be speaking at the same time, and in order that we may hear the gentleman from Ohio the House shall be kept in order.

The CHAIRMAN called the committee to order, and members holding conversation in the aisles were required to take their seats.

Mr. SCHENCK. It has been my desire in regard to all these products of the farm all over the country to have some protection equivalent to that which is given to manufactured articles, and I have therefore preferred in committee, as I prefer here, if any change be made, it shall be in raising the duties where we seem to be justified in doing so than in lowering them. I agree in part to what has been said by my friend from Michigan, [Mr. CONGER,] that many of these productions, on account of their bulky character, do not need so much protection as small articles of manufacture; but they do need something more than they have generally heretofore enjoyed. It is not a great amount of protection to give 10 per cent. or 20 per cent. on flour made from different grains, when so much more than that is given to the production of different manufactures throughout the country, and though we may not seek to place the figure measure at an *ad valorem* standard at so high a rate for these items as upon many other articles, I claim the policy of those who made tariffs heretofore has been generally to overlook altogether, or put at an unreasonably low figure, those articles which are the products of our own agricultural districts. I think the tariff upon all the meals, including flour of wheat, should have been raised rather than lowered.

I have voted for 1 cent upon wheat flour, which I deemed to be hardly sufficient. And I will vote for 1 cent on the flour or meal of rye, corn, and buckwheat. I do not care if it does carry the duty on those articles above 20 per cent., as it certainly will not, in reference to wheat. I do not agree with my friend from Iowa, [Mr. ALLISON,] who insists that there may be revenue, but that there is no protection in anything of this kind. I find that all along the border, when there is a question as to the importation of live animals and grains, and the products of grain reduced to flour or meal, the very people who are said to be opposed to protection ask for protection upon those articles which they themselves produce. And when there is a petition on the other side coming from along the border you will find that it comes from parties representing the commercial interest. I hold in my hand, for instance, a report of the proceedings of the Board of Trade of Oswego, of which perhaps the gentleman from New York who spoke a little while ago [Mr. CHURCHILL] knows something. They want everything of this kind to come in free. That is the view of a board of merchants. But a letter received from farmers in the neighborhood of Oswego shows that among them a very different spirit prevails.

[Here the hammer fell.]

Mr. ALLISON. I think we had better rise now. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WHEELER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

LEAVES OF ABSENCE.

Mr. HOTCHKISS obtained leave of absence from this evening's session.

Mr. MAYHAM obtained leave of absence from this evening's session.

Mr. POMEROY obtained leave of absence till to-morrow.

Mr. BECK obtained leave of absence for Saturday next.

Mr. HEATON obtained indefinite leave of absence, on account of sickness.

Mr. WELLS obtained leave of absence for two weeks, on account of sickness in his family.

Mr. ARMSTRONG obtained leave of absence from this evening's session.

Mr. BOOKER obtained leave of absence for to-morrow.

RECESS.

Mr. BENJAMIN. I move that the House take a recess until half past seven. Before doing so I desire to state that the business fixed for this evening—the consideration of the pension bills—is of very great importance to the whole country. I hope, therefore, that there will be a quorum in attendance at the hour of meeting.

Mr. RANDALL. I desire to inquire of the gentleman whether he intends to bring up the general pension bill?

Mr. BENJAMIN. Such is my intention.

The motion for a recess was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House took a recess until half past seven p. m.

EVENING SESSION.

The House reassembled at half past seven p. m., pursuant to previous order.

ORDER OF BUSINESS.

The SPEAKER. By order of the House the session of this evening is exclusively for the consideration of reports from the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

Mr. PAINE, by unanimous consent, obtained leave of absence from the evening sessions of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of its clerks, announced that the Senate insisted on its amendment disagreed to by the House to the bill (H. R. No. 781) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1871, agreed to the conference asked by the House on the disagreeing votes thereon, and had appointed Mr. MORRILL of Maine, Mr. NYE, and Mr. STOCKTON, conferees on the part of the Senate.

DOCUMENTS IN INTERIOR DEPARTMENT.

Mr. REEVES. I ask unanimous consent to offer the following resolution for consideration at the present time:

Resolved, That the Secretary of the Interior be directed to report to this House, without unnecessary delay, the titles, number, and condition of such volumes of public documents as may have accumulated in his Department, or within his control, accompanying such report with any suggestions as to the disposition or distribution of said documents which he may see fit to make.

Mr. FERRISS. I object.

PAYMENT OF PENSIONS.

Mr. BENJAMIN, from the Committee on Invalid Pensions, reported a bill (H. R. No. 1987) to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes; which was read a first and second time.

The question was on ordering the bill to be engrossed and read the third time.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within fifteen days immediately preceding the 4th day of March, June, September, and December in each year, the several agents for the payment of pensions shall prepare a quarterly voucher for each and every person whose pension is payable at his agency, and transmit the same by mail directed to the address of the pensioner named in such voucher, who, on or after the 4th day of March, June, September, and December next succeeding the date of such voucher, may execute and return the same to the agency at which it was prepared and at which the pension of such person is due and payable.

SEC. 2. *And be it further enacted*, That upon the receipt of such voucher, properly executed, and the identity of the pensioner established and proven in the manner prescribed by the Secretary of the Interior, the agent for the payment of pensions shall immediately draw his check on the proper Assistant Treasurer of the United States for the amount due such pensioner, payable to his or her order, and transmit the same by mail, directed to the address of the pensioner entitled thereto.

SEC. 3. *And be it further enacted*, That hereafter no pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this act; and no warrant, power of attorney, or other paper executed or purporting to be executed by any pensioner to any attorney, claim agent, broker, or other person, shall be recognized by any agent for the payment of pensions, nor shall any pension be paid thereon: *Provided*, That payment to persons laboring under legal disabilities may be made to the guardians of such persons in the manner herein prescribed: *And provided further*, That pensions payable to persons in foreign countries may be made according to the provisions of existing laws.

SEC. 4. *And be it further enacted*, That in addition to the compensation now allowed by law each pension agent shall be allowed, as full compensation for all service required by the provisions of this bill, including postage, the sum of thirty cents, and no more, for each voucher prepared and paid by him, which amount shall be paid by the United States; and any pension agent or other person who shall take or receive or demand any fee or reward from any pensioner for any service in connection with the payment of pensions shall forfeit and pay the sum of $500, to be recovered by indictment in any court of competent jurisdiction.

SEC. 5. *And be it further enacted*, That the Secretary of the Interior shall cause suitable blanks for the vouchers mentioned in the first section of this act to be printed and distributed to the agents for the payment of pensions, upon which he shall cause a note to be printed informing pensioners of the fact that hereafter no pension will be paid except upon the vouchers issued as herein directed, and he shall also give all necessary instructions for carrying this act into effect.

SEC. 6. *And be it further enacted*, That agents for the payment of pensions are hereby authorized and required, without any fee therefor, to take and certify all affidavits of the pensioners and their witnesses who may personally appear before them for that purpose, in which case the draft for the pension, when due and payable, shall be given direct to the hand of the party entitled thereto if desired, and not mailed to his or her address, as required by the second section of this act. And any person who shall falsely take and subscribe any such affidavit before any agent for the payment of pensions shall be deemed guilty of perjury, and, on conviction, be punished as if the same were taken before an officer authorized to administer oaths and affirmations for general purposes.

SEC. 7. *And be it further enacted*, That section six of an act relating to pensions, approved July 27, 1868, be, and is hereby, repealed, and the following shall stand in lieu thereof: That all pensions which have been granted in consequence of death occurring, or disease contracted, or wounds received in the military or naval service of the United States since the 4th day of March, 1861, or may hereafter be granted, shall commence from the discharge or from the death of the person on whose behalf the pension has been or shall be hereafter granted: *Provided*, That the application for such pension has been or shall hereafter be filed with the Commissioner of Pensions within ten years after the right thereto shall have accrued; except that applications by or in behalf of insane persons, or children under sixteen years of age, may be filed after the expiration of the said ten years, if previously thereto they were without guardians or other proper legal representatives.

SEC. 8. *And be it further enacted*, That section nine of an act entitled "An act supplementary to an act entitled 'An act to grant pensions,' approved July 14, 1862," approved July 4, 1864, be amended and reenacted so as to read as follows: That those persons, not enlisted soldiers in the Army, who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or where persons otherwise volunteered and rendered service in any engagement with rebels or Indians since the 4th day of March, 1831, shall, if they have been disabled in consequence of wounds received in battle, or who were captured in such temporary service, and disabled from disease contracted in rebel prisons, be entitled to the same benefits of the pension laws as those who have been regularly mustered into the United States service; and the widows or other dependents of any such persons as may have have been killed in the temporary service aforesaid, or who were captured in such temporary service and died in rebel prisons, shall be entitled to pensions in the same manner as they would have been had such persons been regularly mustered: *Provided*, That no claim under this section shall be valid unless presented and prosecuted to a successful issue within five years from the passage of this act, under such rules and regulations as the Secretary of the Interior shall prescribe to guard against fraud.

SEC. 9. *And be it further enacted*, That the provisions of sections twelve and thirteen of an act entitled "An act supplementary to an act entitled 'An act to grant pensions,' approved July 14, 1862," approved July 4, 1864, shall be, and the same are hereby, declared applicable to all the various acts relating to pensions.

SEC. 10. *And be it further enacted*, That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. BENJAMIN. Mr. Speaker, the gentleman from Ohio [Mr. LAWRENCE] desires to bring before the House, to be voted on, his substitute. The gentleman from Illinois [Mr. CREBS] also has a substitute which he wishes to offer. I propose to allow these substitutes to be offered, and then I propose to ask the House to second the previous question.

Mr. RANDALL. I desire to ask the gentleman a question. When this subject was referred to the committee I think there were four substitutes referred with it, and ordered to be printed. I had the honor to introduce one of them. I would now like to have that substitute read to the House, and if possible I would like to make some remarks on the subject and to test the sense of the House upon it.

Mr. BENJAMIN. I will state the course which I propose to pursue, if agreeable to the House. I propose that the various substitutes which have been offered and ordered to be printed may be considered as pending, and then I will ask the House to sustain the previous question, and afterward gentlemen will have an opportunity, during the hour that I shall be entitled to, to explain their substitutes before they are voted upon.

Mr. RANDALL. Before the gentleman calls the previous question would it not be well that each of the substitutes should be read to the House?

Mr. BENJAMIN. I have no objection to their being read.

Mr. RANDALL. I think that would be the most intelligent way of proceeding.

Mr. BENJAMIN. I yield now to the gentleman from Ohio [Mr. LAWRENCE] to offer his substitute, and that it may be read.

Mr. LAWRENCE. I move to strike out the first six sections of the bill, and in lieu of those sections to insert what I send to the Clerk's desk to be read.

The SPEAKER. The bill reported by the chairman of the Committee on Invalid Pensions is not the same as the printed bill, and the gentleman's amendment may not be applicable to it.

Mr. LAWRENCE. It is applicable. I listened to the reading of the bill.

The Clerk read Mr. LAWRENCE's substitute for the first six sections of the bill, as follows:

That after the 1st day of December, 1870, all pensions shall be paid once in every three months, commencing on the 4th day of December, 1870, or semi-annually, to pensioners who may so elect, by a proper check drawn by the Commissioner of Pensions, and signed by him or by a clerk designated by him, on any Assistant Treasurer of the United States or on any national bank designated as a public depository, and payable to the order, in every case, of the pensioner entitled to receive the same, or to the guardian of any pensioner under legal disabilities; but pensions payable to persons in foreign countries may be made according to the provisions of existing laws; and for the purpose of delivering such checks to the pensioners or guardians entitled thereto, and of performing the duties herein required, the Secretary of the Interior shall designate in every county of each State and Territory of the United States in which there may be any pensioners such competent and suitable officers of the United States and such national banks as he may deem proper; and it shall be the duty of the Commissioner of Pensions to transmit such checks to any collector or assessor of internal revenue, postmaster, national bank, or Assistant Treasurer of the United States, or other officer designated by the Secretary of the Interior, whose duty it shall be to deliver to the proper persons entitled thereto the said checks on demand, and on compliance with the requirements of law and the rules and regulations which are or may be prescribed to carry this act into effect; and it shall be the duty of every such collector, assessor, postmaster, Assistant Treasurer, and the president and cashier of every such bank to prepare all vouchers, powers of attorney, and other papers, and administer and certify all oaths and do all acts which are or may be required by law or such rules and regulations, and to transmit to the proper accounting officer of the Treasury Department all such vouchers and other papers as may be required by law or such rules and regulations, and no compensation or fee shall be required or received from any pensioner or other person for any service or duty performed under this act, or for any service rendered in assisting or enabling any pensioner to receive payment of any pension; and the Commissioner of Pensions shall transmit to all officers and banks the necessary printed blanks, forms, and instructions to enable them to perform the duties required by this act; and it shall be the duty of the Commissioner of Pensions to certify to every such officer and bank the name and post office address of every pensioner within the county or district to be paid by such officer or bank, with the character and amount of pension, and from time to time certify such changes of residence of pensioners and other information as may be necessary; and the Secretary of the Treasury shall transmit to the Assistant Treasurers and national banks such funds as may be necessary to pay all such checks, and he shall have power to prescribe all rules and regulations necessary to settle and adjust all vouchers, claims, and all accounts of all officers and banks; and the Government of the United States shall have a lien on and hold all bonds of any banking association in the Treasury of the United States for the faithful performance of the duties herein required of any such bank and for the faithful disbursement and accounting for all moneys transmitted to such bank.

SEC. 2. *And be it further enacted*, That it shall be the duty of every examining surgeon in the county of his residence, and of every officer, and the officers of every bank required to perform any duty specified in this act, to report to the Commissioner of Pensions, so far as may come to his knowledge and without unnecessary delay, the date and place of death of every pensioner within such county or district as the Commissioner of Pensions may require; the marriage of all pensioners who may be widows, the removal and place to which a removal is made of all pensioners in such county or district, and such other information as may be required by said Commissioner.

SEC. 3. *And be it further enacted*, That in addition to the means of detecting frauds against the pension laws, authorized by section twelve of the act approved July 24, 1862, entitled "An act to grant pensions," the Secretary of the Interior may require of any postmaster, collector, assessor, or other officer of the United States a report, from time to time, of all information within his knowledge; and the Secretary of the Interior may require them to perform such duties within the counties of their respective residence as may be required of any special agent under said act, and at a compensation not greater than therein prescribed.

SEC. 4. *And be it further enacted*, That in case of the death, removal, or disability of any officer designated to perform any duty under this act, all checks, vouchers, books, and papers which came into his possession by virtue of this act shall be delivered over to the successor of such officer by any person having custody or control thereof, or to such officer or person as the Commissioner of Pensions may require.

SEC. 5. *And be it further enacted*, That if any person in any oath, affirmation, or affidavit herein authorized, shall swear, affirm, or depose falsely, every person so offending shall be deemed guilty of and punished as for perjury. And if any officer or other person herein mentioned shall neglect or refuse to perform any duty or matter required herein or in pursuance hereof, or if any person shall receive any fee or compensation from any pensioner for preparing any voucher or paper herein authorized, or for collecting any pension or rendering any service in relation thereto, every person so offending shall, on conviction thereof, be fined not more than $100 or imprisoned for one month, or both, in the discretion of the court having jurisdiction thereof. And if any person shall falsely make, forge, alter, or counterfeit any check, or any assignment or indorsement thereon, or any voucher, affidavit, or other paper herein authorized, every person so offending shall, on conviction thereof, be deemed guilty of and punished as for forgery. And any person guilty of the larceny of any check drawn in pursuance of this act shall be liable to be indicted and punished as for the larceny of United States notes of equal amount with such check. And if any officer or other person shall deliver to any pensioner or other person not entitled to receive the same any such check, or deliver to any pensioner or his or her agent any such check without the proper power of attorney, vouchers, and proof being first delivered to the proper officer, knowing such to be the case, or if any person shall falsely personate another person, living or dead, or assume a fictitious name in any matter affecting or relating to any pension, or any matter herein mentioned or authorized every person so offending shall be deemed guilty of a crime, and on conviction thereof in any court of competent jurisdiction shall be fined in any sum not exceeding $1,000, or be imprisoned for one year, or both, in the discretion of the court.

SEC. 6. *And be it further enacted*, That the office of agent for the payment of pensions, commonly known as pension agent, shall be, and is, abolished from and after the 1st day of January, 1871, and all duties thereof not inconsistent with this act are devolved on the officers herein mentioned.

SEC. 7. *And be it further enacted*, That the Secretary of the Interior may pay annually out of any money appropriated for the payment of pensions, by checks drawn as herein specified for paying pensions, to the officers and banks herein named and designated for the services rendered as required by this act not exceeding forty cents for each quarterly payment made to each pensioner by any such officer or bank.

SEC. 8. *And be it further enacted*, That every officer designated to perform the duties herein required shall before entering upon the performance of his duties execute and deliver to the Commissioner of Pensions a bond in such sum as said Commissioner may require conditioned for the faithful performance of all duties required of him by this act, and with sureties approved by the collector of internal revenue of the United States in the district in which such officer may reside. And the Secretary of the Interior may from time to time remove at his pleasure all officers so designated and designate others in their places to perform the duties herein required.

The SPEAKER. Did the gentleman from Missouri [Mr. BENJAMIN] give way to have the amendment read or to have it pending?

Mr. BENJAMIN. I gave way to have the amendment read and considered as pending when I call the previous question.

The SPEAKER. The amendment, then, is pending.

Mr. RANDALL. I ask to have read a substitute which I desire to offer to this bill.

Mr. BENJAMIN. I believe but two amendments can be pending at the same time.

The SPEAKER. Except by unanimous consent.

Mr. BENJAMIN. Then I will yield to the gentleman from Illinois, [Mr. CREBS,] as I have already indicated, to offer his amendment.

The SPEAKER. By general consent any number of amendments may be received and considered pending when the previous question is called.

Mr. RANDALL. That was the understanding when the bill was recommitted.

Mr. BENJAMIN. I am willing that the amendment of the gentleman from Illinois [Mr. CREBS] and the amendment of the gentleman from Pennsylvania [Mr. RANDALL] may be considered as pending.

Mr. BUTLER, of Massachusetts. When this bill was under consideration before I offered a substitute for it, which was ordered to be printed and recommitted with the original bill.

Mr. BENJAMIN. Very well; let it be considered as pending.

The SPEAKER. When a bill is recommitted, no matter what amendments may be then pending, when the bill is again reported, it will be in such shape as the committee may choose; and any amendment to be considered must be then moved to the bill.

Mr. RANDALL. I ask that my amendment be now read.

Mr. BENJAMIN. There is no need to read it now.

Mr. RANDALL. I do not think that one hour is sufficient for the discussion of a bill of this importance. But at this stage of the session I will not insist on more time for debating it. At the same time I do not think the reading of these various amendments should come out of the time proposed to be allowed for discussion.

The SPEAKER. Each amendment must be read if required by any member when the House is called upon to vote on it. If read now it must then be again read if any member calls for it.

Mr. RANDALL. Then I will not ask to have my amendment read now.

Mr. BENJAMIN. I now call the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The first question is upon the amendment moved by the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. BENJAMIN. I now yield to the gentleman from Ohio [Mr. LAWRENCE] for ten minutes.

Mr. LAWRENCE. The bill just reported from the Committee on Invalid Pensions by the gentleman from Missouri [Mr. BENJAMIN] is substantially the same as a bill reported from the same committee on the 13th of December last. It differs from it in only two respects: first, that it provides for quarterly instead of semi-annual payments of pensions, and second, that it provides that the Government shall pay the pension agent the fees for preparing the vouchers on which pensions are to be paid.

The number of bills introduced into this Congress having for their object a change in the mode of paying pensions, and the ample discussions to which they have given rise, all seem to indicate that a reform is demanded. It becomes a duty, therefore, to consider the existing law, its defects, and the proper remedy.

There are now two hundred and forty-three thousand pensioners to whom the Government disburses about thirty million dollars a year in semi-annual payments.

The Commissioner of Pensions is charged by law with the duty of determining who may be entitled to pensions, and of granting pension certificates to persons so entitled. Then, there are fifty-nine pension agents, widely separated in different parts of the United States, who are furnished by the Commissioner of Pensions with the name and post office address of every pensioner in the respective districts of each agent, and with the necessary funds deposited, subject to the order of each agent, in a national bank, or with an Assistant Treasurer of the United States.

The agents are furnished with printed blank vouchers, to be filled up by them and mailed to the pensioners, who are required to execute and verify them on oath before a notary public or other local officer, when they are returned by mail to the pension agent, who then transmits a check on the proper bank or Assistant Treasurer to the pensioner, payable to his order.

By the existing law the vouchers on which pensions are paid may be prepared by pension agents, or by pensioners themselves, or by claim agents. If prepared by pension agents they are entitled by law to certain fees and postage, which, with the local fee of a notatary for administering an oath to verify a voucher, is about seventy-six cents, and claim agents charge an average of probably $3 50 for collecting each pension.

The objections to this system in part are:

1. The cost of pension agents and notaries' fees, seventy-six cents for each pension payment, or $1 52 a year for two hundred and forty-three thousand pensioners, making an annual charge on them of $369,360, less the amount saved in the cases where pensioners prepare their own papers.

2. The expense of claim agents, whose average charge for collecting each pension is estimated at $3 50, or seven dollars a year, on at least two hundred thousand of the pensioners; or $1,400,000 a year in all.

3. The delay, inconvenience, and trouble imposed on pensioners in conducting a correspondence requiring the transmission of four mail packages annually for each pensioner, in all nine hundred and seventy-two thousand packages, requiring for postage $58,320, besides nearly as much more for stationery.

But a greater evil still is the delay, trouble, and expense of corresponding to correct errors in vouchers.

I now hold in my hand a specimen notice from a pension agent, which I ask the Clerk to read.

The Clerk read as follows:

UNITED STATES PENSION OFFICE,
DETROIT, *March* 25, 1870.

In the application of Harmon Camburn for payment. Before payment can be made the following corrections are necessary. Return this slip with what is called for.

A. KAICHEN,
Pension Agent.

P. S. No bounty, pension, or other claim agency business done at this agency, nor connected with it.
A. K.

Vouchers cannot be accepted that have been written and prepared by the officer administering the oath or taking acknowledgment of the voucher. Such vouchers being considered illegal, I have to reject vouchers in which purple, violet, or colored inks are used. Therefore, avoid their use.

Mr. LAWRENCE. This notice, I may remark, makes a requisition not required by law. The Commissioner of Pensions has decided that the local notary may prepare or fill in the printed blank vouchers.

4. There is no adequate security against frauds on the pension laws. These consist of false personations of pensioners, living and dead; the collection of pensions by widows after marriage, in violation of a law which itself outrages a principle of humanity; of the misappropriation of money by agents collecting pensions, and of various other frauds.

5. The loss to pensioners and the usurious exactions to which they are subjected by the want of more frequent payments of pensions, amounting to millions annually.

6. The system is expensive to the Government.

The fifty-nine pension agents receive commissions paid by the Government, $250,000, or an average each of $4,237, besides fees from pensioners, which add about $200,000 more, or a total average of about $7,627 to each agent annually.

The cost of examining and settling vouchers in the Treasury Department is unnecessarily large, but no more than the system of settlement now requires.

The bill (H. R. No. 547) of the Pension Committee, as it is now proposed to be amended, will, if passed, prohibit pension agents from charging pensioners with fees, and prohibits claim agents from receiving pay for services in collecting pensions. It will provide quarterly instead of semi-annual pension payments, as it is now proposed to be amended. It will remedy to some extent the first, second, and fifth objections I have pointed out to the present system; but it leaves the others all untouched.

It furnishes no remedy for the delay, inconvenience, and trouble of correspondence, no security against fraud, and it continues the cumbrous and expensive system of pension agents. It relieves the pensioners of the fees now exacted of them by these agents, but it continues the present annual expenditure for commissions to pension agents of $250,000, and adds $291,600 to it to be paid by the Government for fees of thirty cents for preparing each quarterly voucher; thus making a total expenditure for pension agents of $541,600 annually, or an average of $9,169 to each. This is an enormous salary, which no principle of justice or of duty can sanction. Let those who vote for it take the responsibility. It is a vast increase of salary which the people will and ought to condemn. And the bill leaves the pensioners to pay quarter yearly an average of forty cents to local officers for verifying each voucher, or an annual aggregate of $388,800, which, with postage and other expenses, will soon reach $500,000 annually. For this there is no justification or excuse. Let those who vote for it take the responsibility.

All these evils can and ought to be remedied. The bill which I had the honor to introduce (H. R. No. 1098) provides that pensioners shall be paid quarterly. I would have preferred payments bimonthly, but yielded my own convictions to meet what I supposed to be more in accordance with the views of the House. It authorizes the Secretary of the Interior to designate in every one of the seventeen hundred and twenty-eight counties where there are pensioners any postmaster, assessor, collector, or other officer or national bank to perform the duties of agent to pay pensioners in the county of their residence. It provides that the Commissioner of Pensions shall certify to each officer the names and post office address of the pensioners in his county, and transmit to the proper officers checks on the nearest Assistant Treasurer, payable to the order of each pensioner, for the amount of his pension, to be delivered on production of the pension certifi-

cate, and proof of identity when necessary. No public money is to pass into the hands of the officer, but his duty is to deliver checks, the money on which can never be drawn except on the indorsement of the pensioner.

The officers are required to prepare the vouchers, administer oaths, deliver the checks, all without any expense to any pensioner. They will be in a position to know and detect frauds which they are required to report to the proper Department. The bill prohibits all charges by claim agents or others for preparing vouchers, or for services rendered in collecting pensions. In this respect its prohibitions are more extensive and its penalties greater than in the bill of the Pension Committee. In the form in which it is now submitted the compensation of the pay officers is fixed at forty cents for each pension check delivered for all services, being only the amount which the bill of the Pension Committee leaves the pensioner to pay in addition to commissions and fees paid pension agents by the Government.

The advantages of this measure over the existing law and over the bill of the Pension Committee, are: 1. It will save pensioners a vast sum which they are required to pay notaries and local officers for verifying pension vouchers, which on quarterly payments will amount to $291,600 annually.

Mr. ALLISON. I do not quite understand how the bill of the committee takes this sum out of the pockets of the pensioners.

Mr. LAWRENCE. I am very glad to have an opportunity to explain that matter a little more fully. Under the bill of the committee each pensioner must verify his or her voucher before some local officer at the place of his or her residence, and then transmit it one hundred and fifty to two hundred miles to the pension agent. The pensioner will be obliged to pay a notarial fee of forty cents every three months, or $1 60 each year, amounting for all the pensioners in the United States to nearly three hundred thousand dollars a year. My bill remedies that by bringing to the door of each pensioner an officer who shall prepare the proper vouchers, administer the oath, deliver a check for the amount of the pension, and all without any expense to the pensioner.

2. It will save the delay, inconvenience, trouble, risks, and expense of conducting a correspondence by mail with pension agents to procure payment of pensions.

3. It will furnish the most perfect mode of preventing and detecting frauds.

4. While the present system costs the Government for commissions of pension agents $250,000 annually, and costs pensioners about two hundred thousand dollars for pension agents' fees, or a total of $450,000, and the plan of the Pension Committee will cost the Government annually $541,600, and will cost pensioners for local officers' fees for verifying vouchers, $388,000, besides postage, the bill I have proposed will perform the whole work and bring payment almost to the door of every pensioner in the land simply for a small fee paid by the Government to the county pay agents, equal to the amount which the bill of the committee will require the pensioners to pay for notaries' fee. It will work a saving of $541,600 annually; and it will secure every advantage over the present system which can be secured by the bill of the committee, by cutting off annually $1,400,000 now paid claim agents, and by securing more frequent payments of pensions.

And now what are the objections to the measure? It is urged that it will be inconvenient for pensioners to go to an officer in the county of their residence to verify vouchers and receive a check in payment of pensions. It will be difficult to find any pensioner who does not visit his county town more than four times a year. But if there be those who do not, or can not, they can verify a voucher before the nearest officer, as now, and forward it by mail or private conveyance to the proper officer and receive a check in payment of pension without inconvenience or delay. No logic of the gentleman from Missouri [Mr. BENJAMIN] can convince the pensioners that it will be more convenient to receive payment of pensions through pension agents located an average of from one to two hundred miles from them, as the fifty-nine pension agents are, than through an officer located in every county at an average distance of only about fifteen miles from them.

And, if any gentleman here shall deem it material a provision can be inserted requiring the officers, in proper cases, to go in person to disabled pensioners.

But the gentleman from Missouri, [Mr. BENJAMIN,] in his speech of March 15, intimated that the bill I had introduced seemed "to be intended to perpetuate the system of" claim agents. The candor and fairness of such an intimation may be best understood by quoting the words of my bill. It provides that—

> If any person shall receive any fee or compensation from any pensioner for preparing any voucher or paper herein authorized, or for collecting any pension or rendering any service in relation thereto, every person so offending shall, on conviction thereof, be fined not more than $100, or imprisoned for one month, or both, in the discretion of the court having jurisdiction thereof.

My bill authorizes fine and imprisonment both. The bill of the gentleman from Missouri simply provides, in an amendment reported from the Pension Committee on the 25th of February, as a substitute for section four of the original bill, and embodied in his bill now reported from the Pension Committee—

> That every pension agent or other person who shall take or receive or demand any pay from any pensioner, for any service in connection with the payment of his or her pension, shall forfeit and pay the sum of $500, to be recovered by indictment in any court of competent jurisdiction.

This holds out no terror of imprisonment. And under the bill of the committee, requiring correspondence with remote pension agents, the correction of vouchers, &c., claim agents will be almost a necessity; and as the bill threatens no imprisonment, the hope of escaping fines will sometimes induce claim agents or others to take the risk of demanding fees for services which the law makes almost indispensable. I will not intimate that the bill of the committee "seems intended to perpetuate claim agents," for I do not think so; but I do believe it will be inadequate to prevent some persons from charging pensioners for aiding in the collection of pensions.

The gentleman from Missouri [Mr. BENJAMIN] said in his speech that the gentleman from Illinois, [Mr. CREBS,] and I, too, by interposing objections to his bill, had delayed its passage, and thereby, to use his language, "had secured to the piratical crew" of claim agents a large sum for collecting the March pensions, and he exclaims:

> "Let them answer for it to their constituents!"

We will do so. Our answer will be that the bill as it came from the committee proposed to require every pensioner to pay the pension agents forty cents for preparing every pension voucher and for services, which on quarterly payments would take from the pensioners $388,800 annually, when by the law as it stood they might prepare the vouchers themselves, or invoke the aid of some charitable friend, and save all that. Here is a section of the bill as it came from the committee which I will ask the Clerk to read.

The Clerk read as follows:

> SEC. 4. *And be it further enacted*, That as full compensation for the preparation of the voucher and all other service attending the payment of each pension the pension agent shall be entitled to a fee of forty cents, and no more, which may be deducted from the amount due each pensioner; and any pension agent, or other person, who shall, directly or indirectly, take or receive or demand a greater sum than forty cents for such service, shall forfeit and pay the sum of $500 for each offense, to be recovered by indictment in any court of competent jurisdiction.

Mr. LAWRENCE. Let us answer to our constituents that it was "our objections" which compelled an amendment to be reported on the 25th of February, which I have read to the House to be inserted in lieu of this section four, and which, if adopted, will save the pensioners from all this expense.

Then, again, as the bill has stood up to this day, it left the payment of pensions to be semi-annual only.

Let us answer to our constituents that "our objections" have called out at last an amendment from the gentleman from Missouri providing for quarterly payments. Let us answer to our constituents that my bill was introduced on the 4th of February, and from that hour to this I have been ready, willing, and anxious to secure speedy action on the whole subject. And the only objection I ever made to the consideration of the bill of the committee was on the 21st of December, for reasons I gave to the House on the following day. That objection has secured valuable amendments, which will result in benefits to every pensioner. These are the answers we give our constituents.

Mr. Speaker, I do not unite in the spirit of denunciation which declares claim agents a "piratical crew." As a class of men I believe them honest and honorable. But if they be the "piratical crew" they are represented, why has the gentleman from Missouri sat here for five long years a member of the Pension Committee with no measure yet enacted and none proposed until recently to cut off the services of claim agents?

But now I accord to the gentleman the honor to which he is so justly entitled for his efforts to relieve pensioners of the fees of claim agents so far as relates to the collection of pensions. On that subject he deserves the gratitude of the pensioners, and I unite with him in his purpose.

It has been objected that the bill I introduced requires no bonds of the officer. The officers it authorizes to be designated as pay officers are all bonded officers except the assessors. But as no money can come into their hands, I did not suppose new bonds relating to the new duties were material. But I have added a provision requiring bonds, so that objection is obviated.

The gentleman from Missouri draws a fearful picture of some of the postmasters, and insists that they are not the right men to intrust with the duties of pay agents. He says:

> "Most of the postmasters in the country have some trading establishment in which the post office is kept. Some of them are not of a kind that favorably impresses the stranger who looks in upon it while the stage is waiting for the mail to be distributed. This becomes the headquarters of all the pensioners in the county. The head of the establishment is the claim agent for all of them. He has a monopoly of the business licensed by your laws. The pensioner's money first comes to his hands, from which an amount of toll can be taken limited only by his conscience. In many cases the whole grist will be appropriated."

If all that could be said against postmasters were true, it should be remembered the bill I introduced authorized the Secretary of the Interior to designate—

> Any collector or assessor of internal revenue, postmaster, national bank, or Assistant Treasurer of the United States or other officer.

And will it be urged that no one among all these can be found in every county sufficiently competent and honest to perform the duties required? Sir, the gentleman from Missouri did not mean, I hope, to disparage postmasters as a class of men. As a class they are honest, capable, and faithful. The dishonest or incompetent are rare exceptions.

And will any gentleman here venture to go to his constituents and say to them as a reason for not voting to provide some officer in every county, to pay pensioners, that not one officer could be found in every county who has honesty and capacity enough to perform the duties? Sir, republican America can and does furnish competent and honest officers in every county within our wide domain.

Mr. BINGHAM. I would ask my colleague [Mr. LAWRENCE] what section of the bill pro-

posed by the Committee on Invalid Pensions subjects the pensioner to any charge whatever?

Mr. LAWRENCE. I would be glad if my colleague [Mr. BINGHAM] had considered this subject as I think I have.

Mr. BINGHAM. But that is not answering my question.

Mr. LAWRENCE. The first section requires the pensioner "to execute and return the same (a pension voucher) to the agency (the office of the pension agent) at which it was prepared," &c. The law requires it to be sworn to. This requires an oath before a notary or local officer at the residence of the pensioner. The average fees fixed by the laws of the States is forty cents. It is forty cents in Ohio.

I repeat, the bill of the Pension Committee, and the bill now presented to the House by the chairman of the committee, [Mr. BENJAMIN,] makes no provision for paying this fee, but leaves it to be paid by the pensioners. If this feature of the bill shall be remedied it will only be after I have called attention to this great wrong; and now that the previous question is ordered it can only be done by unanimous consent, which the gentleman in charge of the bill [Mr. BENJAMIN] has not asked.

Some of the objections to the bills proposing payment through an officer in every county are most marvelous.

It is alleged that this plan "would cost $200,000 in postage alone." In how long a time is not stated, but a year is probably intended. The lists of pensioners and the checks would go in packages through the mails free, and draw no money from the Treasury for postage. It will cost no more to transmit the lists of pensioners to officers in each county than to the pension agents. The checks will be delivered without cost, delay, postage, or other expenses of correspondence, under my bill, while under the bill of the committee postage and correspondence are required. The present system, and as it would be changed by the bill of the committee, will require at least eight packages by mail to pay four payments each year to two hundred and forty-three thousand pensioners, costing for postage alone $58,320, besides an equal sum for stationery and other expenses.

It is said the number of clerks must be increased in the Departments at Washington to execute this system. It will require no more clerks to settle pension vouchers returned from every county than if returned from the pension agents. The number can be reduced by adopting the checks returned as the basis of settlement, as in cases of other claims on the Government. It will require no more labor to draw the checks at Washington to pay pensions than is now required of pension agents to draw checks. And as the labor is not increased the expenses cannot be increased.

Finally, it is insisted that county officers cannot perform the required services for the compensation proposed. The bill in the form in which I now submit it, as a substitute for the bill of the committee, proposes to give the officer in each county a sum not exceeding forty cents for preparing each voucher and for all services. This is just the sum which the bill of the committee leaves each pensioner to pay out of his own pocket to local officers for verifying vouchers, amounting annually to $388,800. There are one thousand seven hundred and twenty-eight counties in which there are pensioners, having an average number of one hundred and forty pensioners in each. This would make an average annual compensation to each pay officer of $224, or fifty-six dollars for each quarterly payment. The service will not require four days to each quarter, and the compensation will be ample. It will dispense with the whole cost of $541,600 of the pension agent system, and consequently save that sum annually to the Government, including the amount saved to pensioners. In other words, it will save to the Government annually $152,800, and to the pensioners $388,800. And I think the fees of county pay agents might be reduced, and make the saving to the Government still greater. The people have a right to demand this measure of economy.

I do not urge this measure because of any objection to the pension agents; I believe there is no more deserving class of officers; but their personal interests should yield to public necessity and the interests of the pensioners.

Whatever may be the result of our action here, whether the bill reported from the Committee on Pensions or some one of the substitutes offered for it shall be passed, our discussions have been productive of some good.

On the 21st of December last the chairman of the Pension Committee asked the unanimous consent of the House to have the bill of the committee taken up, considered, and put on its passage. I deemed it my duty to object, and thereby secured time for examination. On the next day I stated some of the objections to the bill, and among them especially two: first, that its section four required every pensioner to pay a fee of forty cents to the pension agent at each semi-annual pension payment; and second, that it left the existing law providing only for semi-annual payments of pensions, when, as I insisted, they ought to be bimonthly, or quarterly, at least.

The Pension Committee have been driven from their original purpose, and on the 25th February reported their bill back with an amendment striking out section four and inserting a provision cutting off all fees from pensioners to pension agents, but providing for the payment by the Government of a fee of thirty cents to the pension agents for each pension payment, in addition to salary and commissions, and now the committee propose further to amend their bill by providing quarterly payments.

But for the opposition made to the original bill of the committee these two reforms would not have been proposed, and the pensioners of the country have some occasion to be thankful for the reforms suggested and in a fair way to be inaugurated. I have now performed my duty. It rests with the House to pronounce a decision. I plead the cause of the pensioners, of widows, orphans, maimed and wounded soldiers, of dependent relatives of dead heroes and patriots. I plead the cause of an overtaxed people, and demand a reduction in expenditures unnecessarily increased by the bill of the committee.

Mr. BENJAMIN. I now yield to the gentleman from Illinois [Mr. CREBS] for ten minutes.

Mr. CREBS addressed the House in remarks which will appear in the Appendix.

Mr. BENJAMIN. I now yield ten minutes to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. Before proceeding with my remarks I ask that the Clerk read the substitute I propose for the bill of the committee.

The Clerk read as follows:

That from and after the 1st day of October, 1870, all pensions shall be paid semi-annually, by check on the United States Treasurer, one of the Assistant Treasurers, or one of the Government depositaries for public moneys.

SEC. 2. *And be it further enacted*, That an office is hereby created, to be under the control and direction of the Commissioner of Pensions, and to be known as the disbursing office for pensions. The disbursing officer shall be appointed by the Secretary of the Interior, on the recommendation of the Commissioner of Pensions, and shall receive a salary of —— dollars per annum. He shall give bonds in amount required by the Secretary of the Interior for the safe-keeping and disbursement of all public moneys placed in his hands or under his control. It shall be his duty to make all requisitions on the Secretary of the Treasury for moneys with which to pay all pensioners; said requisitions to be approved by the Commissioner of Pensions. He shall then deposit the money in some one of the Government depositories most convenient for the location in which it is to be used, and which money shall be drawn by his check, payable to the order of the person to whom it is due, or to their administrator or heirs, in case of death of the pensioner. It shall also be his duty to render a strict account of all moneys disbursed by him, as often as once in six months, (or oftener if required,) to the Commissioner of Pensions. He shall also perform such other duties as shall be required by the Commissioner.

SEC. 3. *And be it further enacted*, That the Commissioner shall divide the United States into four pension districts as nearly equal as practicable, which districts shall be numbered from one to four inclusive, and checks shall be mailed to the pensioners living in said districts as follows, namely: No. 1, on the 1st of January and July; No. 2, on the 15th of February and August; No. 3, on the 1st of April and October; No. 4, on the 15th days of May and November.

SEC. 4. *And be it further enacted*, That a list of pensioners and all necessary vouchers upon which pensions shall be paid shall be prepared at the office of the Commissioner of Pensions, and under his auspices, one month before the date when the pensions are due and payable by the provisions of this act, and such vouchers and list so prepared, showing a complete list of all the pensioners in his district shall be transmitted by mail to the assessor of internal revenue.

SEC. 5. *And be it further enacted*, That immediately on receipt of such vouchers and list, as provided in section four of this act, it shall be the duty of the assessor to distribute them to his assistants most convenient to the residence of the pensioner, and together with his assistants he shall make immediate inquiry and examination as to the correctness of the list furnished him, and to this end each pensioner shall exhibit to him their pension certificates either by themselves or by some friend who will swear before such assessor or assistant assessor that he received it from such pensioner; that he is personally acquainted with him, or her, and that such pensioner on the day of presentation of such pension certificate is a resident of such county, and stating also how long such residence has continued, and also state what county and State he was last a resident of, in case of removal, and said assessors and assistant assessors are hereby further authorized to examine any pensioner or other witness under oath to fully satisfy himself of their identity and claim to pension, and after thus fully examining the list of pensioners furnished him and making such corrections, if any he may find to be proper, carefully noting deaths, removals, and in such case to town, county, and State, if known to which they have removed, and any other information he may consider of interest or which may from time to time be required by the Commissioner of Pensions, he shall, at least ten days before the day of paying pensions as provided by this act, return said list of pensioners corrected by him as aforesaid by mail to the Commissioner of Pensions; and all assessors or assistant assessors are hereby authorized to administer any oaths that may be necessary under the provisions of this act.

SEC. 6. *And be it further enacted*, That any pensioner, witness, or other person who shall swear falsely or who shall make a false affirmation to any voucher or any other oath made necessary by the provisions of this act shall be deemed guilty of perjury, and on conviction thereof shall be imprisoned not less than two nor more than five years, at the discretion of the court or jury trying the same.

SEC. 7. *And be it further enacted*, That on the receipt of the pension list, as aforesaid, by the Commissioner of Pensions, after being carefully examined, the exact amount due each pensioner shall be reported to the disbursing agent, who shall then proceed to make a check payable to the order of each pensioner, and also fill out a blank receipt for his signature, which check and receipt shall be placed in an envelope sealed and addressed to the pensioner, and when all the checks and receipts for the entire district of the assessor are complete they shall be put into a package and addressed and forwarded by mail to the assessor of the district, on the receipt of which he will distribute them to his assistants, who, in turn, will deliver them to the person to whom they are addressed, who will sign the receipt inclosed and deliver it to the assistant, by him to be returned to the assessor, who will send it by mail to the Commissioner of Pensions, which receipt shall be the voucher of the disbursing agent in settlement of his account with the Third Auditor.

SEC. 8. *And be it further enacted*, That pensions payable to persons in foreign countries may be made according to the provisions of the present laws.

SEC. 9. *And be it further enacted*, That for the service performed by the assessors and assistant assessors of internal revenue they shall be paid the sum of twenty-five cents for each payment, to be paid by the Commissioner of Pensions.

SEC. 10. *And be it further enacted*, That the office of pension agent, and everything connected therewith as now provided by law, from and after the date when this law shall go into effect, be, and the same are hereby, abolished. The Secretary of the Interior is hereby authorized to employ clerks sufficient to carry this act into effect not exceeding —— in number.

Mr. RANDALL. Mr. Speaker, my substitute having been read in the hearing of the House, it is not necessary that I should make any extended explanation of its features. There are, however, several propositions upon which I think we can all agree. In the first place, the present system of paying pensions ought to be radically changed. The expense and hardship now attending the payment of our two hundred and forty thousand pensioners should be at once obviated. My plan contem-

plates no deduction of any sort from the amount due to the pensioner. I propose that he shall receive his pension in full, without paying one cent for any service connected with its payment.

The bill which I present has been very carefully prepared upon full conference with gentlemen well versed in this subject. It proposes that the Commissioner of Pensions shall provide checks, which shall be transmitted to the assessor in each congressional district, who shall distribute them to the pensioners through the assistant assessors within the district. Each assistant assessor, while in the transaction of the regular duties which he now performs, shall see whether each person for whom a pension is drawn is actually alive. In this way fraud upon the Government will be prevented. The assistant assessor is to pay to each pensioner the check for the amount of pension due him, taking a receipt, which is to be transmitted to the Department and to be regarded as a voucher in evidence of the payment of the money. The present system is not only attended with abuses as regards the pensioners, but it is very expensive, costing the Government $250,000 annually. I am not thoroughly advised as to what is expected to be the expense under the system proposed in the bill recommended by the committee; but I am rather inclined to concur in the statements of the gentleman from Ohio [Mr. LAWRENCE] that the expense would be very nearly, if not quite, $500,000.

Here let me interpose a single remark in regard to compensation of these assessors and assistant assessors. I hold that in consideration of the profitable offices which they now hold under the Government they ought to perform without charge these duties connected with the payment of pensions. But in view of the additional duty assigned to the assistant assessors I am willing that they should be paid twenty-five cents for each payment of pension. This I consider entirely sufficient. Two payments annually to two hundred and forty thousand pensioners would be four hundred and eighty thousand payments; and twenty-five cents for each payment would amount to $120,000. Then I suppose for the salary of the chief disbursing officer here in Washington $3,000 would be sufficient. I have estimated, and those with whom I have conferred concur with me in the estimate, that not more than six additional officers would be required at a salary of $1,800 each annually, making an aggregate of $10,800 for these additional officers. I would then estimate $15,000 for incidental expenses.

It will be seen that the expense to the Government under the plan which I propose will be $143,000 against the present expense of $250,000, making a saving to the Government of more than one hundred thousand dollars. But the saving of expense is not the only consideration. We should listen to the appeal of almost every pensioner throughout the country. There is hardly a pensioner in any district who is not in some way petitioning Congress in reference to this matter. There is not a soldiers' newspaper in any part of the land that is not appealing to Congress in nearly every issue to do away with the abuses of the present system. When we can save to these pensioners all the trouble and expense to which they are now subjected, and at the same time reduce to less than one hundred and fifty thousand dollars the expenditure of the Government in disbursing $30,000,000 annually, it seems to me there should not be the slightest hesitation in adopting such a measure.

Mr. STRICKLAND. I desire to ask the gentleman from Pennsylvania a question.

Mr. RANDALL. Very well; I will hear the gentleman.

Mr. STRICKLAND. Do you account for the charges these assessors would make in your estimate?

Mr. RANDALL. Yes, sir; I give twenty-five cents each time they pay a pensioner. There are two hundred and forty thousand pensioners, and double payments each year would make four hundred and eighty thousand payments, which, at twenty-five cents each, would amount to $120,000 only.

Mr. STRICKLAND. One word further. Do you understand these assistant assessors of internal revenue will long continue in office?

Mr. RANDALL. When they cease to continue you will have to cease your extravagant expenditures of the public money. In my judgment they will not be abolished for years. I beg the gentleman's pardon if he thinks I have brought party into this matter. I believe this question to be far above party. I tell gentlemen when that question shall arise we can then amend the law in a more wholesome manner.

Mr. STRICKLAND. I think it will be more wholesome.

Mr. RANDALL. I fear my friend from Michigan is a member of the Committee on Invalid Pensions, and they cannot stand up here and defend their bill in connection with the expenditure it will cost to the Government as against the measure I propose, which will only cost $120,000. I have made this manifest. I say that these assistant assessors who reap the benefits of office under this Government should be willing to perform this duty without cost either to the Government or the pensioners. I believe nine tenths of them are willing to perform that duty without any cost to the Government.

Mr. STRICKLAND. How much are they paid?

Mr. RANDALL. Five dollars per day.

The SPEAKER. The gentleman's time has expired.

Mr. BENJAMIN. I now yield to the gentleman from New Jersey [Mr. HILL] for five minutes.

Mr. HILL. Mr. Speaker, these pension laws should be made simple and plain as possible, and with little delay and hinderance to the pensioner. It is certain, under the present law and manner of getting pensions and collecting them, it bears very hard on the claimant. It is but little that the disabled soldier or the relatives of deceased soldiers get, and the great difficulties that attend in getting them their just dues should be made easy as possible and with no expense to them. And though this bill offered by the gentleman from Missouri is not such a one as I would like to have, yet it is much better than the present law, and will be a great improvement on that. Many complaints come to me of the great difficulty in getting pensions, and of the trouble of getting them through. A gentleman of high character and position in New Jersey, who served with distinction in the Army, and who has done much to aid disabled soldiers and the relatives of deceased soldiers in getting pensions, writes me on the 6th instant, as follows:

"It does seem to me that Congress should do something to expedite business in the Pension Bureau.

"The importunities of claimants are very harassing. I have twice within the past week been informed that soldiers who had filed claims for pension through me had died in utter want, waiting for their claims to be settled. One nearly dead with consumption takes his post daily across the street, holds himself up by a lamp-post, and seems to derive comfort and hope from looking at my office door. Of course attorneys must take the blame. That such delay is not necessary I know. I served six months in one of the Departments, and know that in many of those cases there is not an hour's work altogether, and it is impossible to convince claimants that it takes from six months to two years."

Mr. Speaker, over a year ago, under the last Administration, I was informed by the Commissioner of Pensions that there was at that time one hundred thousand or more claims on file and unsettled. I do not know how it is at this time, but I do know that under the management of the present Commissioner these cases are receiving more prompt attention and better justice is being done to the claimant.

But, Mr. Speaker, many of those claims are those of poor disabled soldiers and families of deceased soldiers, who know not what to do or how to get their claims settled; and thus their claims lay unsettled, and only want stirring to be properly put in shape by perhaps a single affidavit to prove a small fact of evidence wanting. Two letters I received state that if a widow's pension for herself and children was not received soon they must all go to the poor-house. This case had been pending nearly four years, and all that was necessary was an affidavit to prove a certain fact. Indeed I have had several such cases. It strikes me, Mr. Speaker, we should have some clause in this bill directing the Commissioner to examine all the claims on file unsettled, and notify the claimant of the position of the case and what is required for settlement. In my opinion the families and relatives of those noble men who have sacrificed their lives in defense of the country, and those soldiers who are disabled, some by the loss of a leg or arm, and of health sacrificed in defending our country and its flag, should be the first to be cared for, and every effort made to help them to a settlement of their claims in the shortest and most speedy way possible.

If there is anything to my mind as a nation we have failed in, it is in our care for the families of our soldier dead—of the disabled living, as well as reward and gratitude to all survivors who enlisted in the great army that went forth for the nation's defense. Many of them suffered much and went through great privations while in the discharge of duty. Many died, and now slumber in unknown graves, and we owe it as a solemn duty to protect those they left behind by throwing around them such safeguards for the collection of what is due them that it will not be made a difficult matter, but easy to obtain it. I well remember, Mr. Speaker, the 29th of January, 1865. I think it was when one of the army corps from the western Army arrived in this city. It was one of the coldest days of the winter. I remember one of the regiments in which I was interested arrived in the morning, the soldiers without overcoats—coming from a warmer clime. They were marched to the Fourteenth-street barracks; remained on the street until nearly noon; then marched to Camp Stoneman, about four miles distant, where several regiments were camped out on the ice; then this same regiment was marched back to the city through a heavy snow-storm; and it was night before they were in quarters. Such were the exposures of that army corps in coming here and while in the city that from three to five thousand men were taken sick and placed in the hospitals of the city.

Sir, I have stood by the side of many of these sick and dying soldiers, received their last messages to friends at home, and received their last farewell. Said one of these dying soldiers, with a good deal of feeling, "I expected to go through privations in the camp, in the field, and on the march, and suffered much from cold on the cars; but I did expect here at the capital of the nation we should be both cared for." I have stood in the dead-house, with the weeping soldiers gathered to pay their last tribute of respect to departed comrades; I have followed these dead heroes, wrapped in the old flag, with their comrades, the drummer boy and his muffled drum, to the soldiers grave, who died from the exposures they had been subjected to; and to-day a large number of these men lie among the soldier dead on Arlington heights.

"The muffled drum's sad roll has beat
The soldier's last tattoo;
No more on life's parade shall meet
These brave and fallen few.
On Fame's eternal camping-ground
Their silent tents are spread,
And Glory guards with solemn round
The bivouac of the dead."

Many who are still living are pensioners caused by that exposure, who, with the many thousands of our land like them, ask protection, aid, and assistance at the hands of Congress. I think, Mr. Speaker, these pensioners

ought to be paid oftener. Six months or even three months is a long time for them to wait for their pay. We know but little of the privations and sufferings many of them have to endure. If they could be paid oftener, and, more than all, if they could be paid more than they now get, it would be just and right. We can afford to be liberal toward them; the debt the nation owes these noble dead and the living can never be paid, and those who left relatives behind and the disabled living should receive tender care, just and liberal pensions, and protection at our hands. I think a great saving to the Government might be effected, and accommodation to the pensioners, if they could be paid through the revenue collectors of each congressional district, as the assistant assessors could make out all the vouchers and papers necessary, and living in districts so small would be of convenient access to all claimants. As I remarked before, the bill before us, offered by the gentleman from Missouri, is not such as I would like to have; but with none other that suits me better, and feeling the importance of immediate action in this matter, I shall vote for it.

Mr. BENJAMIN. If I have the attention of the House for a few moments I will endeavor to explain the bill of this committee.

Mr. BUTLER, of Massachusetts. Does the gentleman propose to allow me any time?

Mr. BENJAMIN. I cannot propose to allow any gentleman any time who has not expressed the wish to be heard.

Mr. BUTLER, of Massachusetts. I wish to be heard.

Mr. BENJAMIN. I will yield five minutes to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I beg pardon, I cannot take five minutes.

Mr. BENJAMIN. So much time has been taken up by others that I have but little time left for myself. Will ten minutes suit the gentleman?

Mr. BUTLER, of Massachusetts. Yes, sir; ten minutes is all I ask.

Mr. BENJAMIN. I yield to the gentleman for ten minutes.

Mr. BUTLER, of Massachusetts. I do not expect, Mr. Speaker, to make a speech about the dead or the living for the benefit of my constituents; but I do expect in a few words, in the very short time given to me on a very important subject, to explain a most important bill; and that is a bill to provide for the payment of pensions to the wounded and maimed soldiers. The bill of the committee is no change upon the present system, except that it changes the time of payment from six months to three months, and pays the expenses out of the Treasury of the execution of the law, instead, as heretofore, out of the pensioners' pockets. While it does that it compels every pensioner four times a year to go to a justice of the peace and there, at his own expense, have a declaration made out called a voucher which, at his own expense, is to be forwarded to the pension agent, and returned at his own expense from the pension agent with a draft, which again he is at his own expense to cash. The difference in the bill which I present, and for which I claim no credit for myself—I suggested the idea, and one of the most practical men under this Government drew it to meet every exigency proposed; the difference is this: that the pensioner shall go to the postmaster at his county seat, and on being identified the postmaster shall forward his name on a list, which shall be sent to him, to the Pension Office here, and the Commissioner of Pensions shall then forward a draft for the amount of pension through the post office to the postmaster, who shall deliver it to the pensioner. Now, every man knows that after three or four payments the postmaster will know every pensioner and will be able to identify him. A gentleman suggests to me the question, what will be the average of cases in a county? There can be no average.

Mr. CREBS. About forty is the average.

Mr. BUTLER, of Massachusetts. But in some cases, as in Philadelphia county, for instance, or in Kings county, New York, there would be a very much larger number, and some little time would be required. At present every one of these pensioners is at the mercy of the justices of the peace. The whole pension fund is at the mercy of the justices of the peace. Now I propose to put an end to this whole machinery of pension agents and their expenses, which amount to over half a million annually. Let not the friends of pension agents contradict me by saying that the salaries of the pension agents amount only to $190,000. I say that the pension agents to-day cost the Government over half a million of money, and they cost the pensioners almost a million and a half more under the present system. Further, it is proposed to make the pensions payable quarterly. When the committee first reported their bill they made the pensions payable only once in six months, which was no improvement. But the bill which I propose here as a substitute, and to which I ask the attention of the House, requires payment to be made once in two months. In the country it may not make so much difference, but in the city the poor pensioner discounts the pension before he receives it at the rate of from twenty to twenty-five per cent. a year, in some cases a very much greater rate. And there are between three and four million dollars of the $30,000,000 which we pay out actually eaten up by the sharks who prey upon the pensioners, because we put the pensioners at their mercy.

Now, I propose to bring the payment of these pensions to every man's door by making them payable at the county seat. After a little while the pensioner will know precisely where to go and what to do, and the postmaster will know all the pensioners, so that the Government cannot be defrauded on the one side nor the pensioners on the other. One objection that has been suggested is that the postmaster cannot be trusted with so much money. Pardon me; I do not mean to trust him with a single dollar. All he gets is a draft paid to the order of the pensioner, which he is to hand over to the pensioner, and the pensioner indorses it; and the voucher to the Government is the indorsed draft, which is the only voucher that will be required at the Treasury. And there cannot be a dollar improperly taken from the Pension Office or the Government without forgery, and forgery by the only man who has been intrusted with the draft, and he can be instantly detected.

Now, Mr. Speaker, I should not be so strenuous upon this subject had I not been brought in contact with this pension payment system. Why, sir, if you go to one of these pension offices in one of our cities, you will see one hundred and fifty to two hundred people crowded into a room. The pension agent says "hold up your hands," and they all hold up their hands, and all are sworn in a lump. And that is what is called identification. And then you will see, in the cold bleak winds of March, widows and maimed and crippled men, in long cues reaching along the streets, staying there from early dawn till late at night, day after day, waiting to get their pensions from the pension agent.

Mr. GARFIELD, of Ohio. Will the gentleman allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. GARFIELD, of Ohio. I desire to ask the gentleman (for I am interested in the plan which he is proposing) what protection there is, in the case of the death of a pensioner occurring, that the postmaster may not continue to draw the pension?

Mr. BUTLER, of Massachusetts. The postmaster, being made *ex officio* a pension agent, has to give additional bond for the faithful discharge of his duties in that capacity, and one of his duties is to ascertain and report every time there is a removal or death of one of his pensioners, and to omit to do so would be a breach of his official duty, like any other breach of duty.

I have been told that the Postmaster General says he cannot execute this bill. I have the honor to say that the Postmaster General never saw this bill. He was asked this, whether he could execute a bill to pay pensions through the money-order office, and he said he could not. I saw he could not, and therefore I did not press the matter. But I went to the man who helped to organize the money-order office, and who knows more about the workings of that office than anybody else in it, and I asked him to draw me a bill on a syllabus I gave him which could be enforced, and if gentlemen will only give their attention to the poor maimed soldiers, about whom we hear so many Fourth of July orations on this floor, long enough to ascertain what are the provisions of the bill and how practical they are, I have not the slightest doubt but what they will vote for the bill.

Just spend one hour, spend fifteen minutes in that way, give that time to the soldier, and I know you will vote to afford him that protection which this bill will give him. It is due to him. He asks it. The soldiers' newspapers ask it; the soldiers' conventions ask it; every time and everywhere where the pensioner is heard you will hear his voice come up asking for the passage of this bill, and you cannot find a case to the contrary. But when I introduced my proposition that this business shall be done through the post office, what was the first convocation held in this city? In two days after the pension agents held a convention here, and they have been dinning my ears and the ears of the Committee on Pensions, and the ears of the Commissioner of Pensions, and of every other official, with their cry that the occupation of Alexander the coppersmith is gone.

[Here the hammer fell.]

Mr. BENJAMIN. Now, if I can get the attention of the House, I think I shall be able in the very few minutes left me to give sufficient reasons why the bill of the Committee on Invalid Pensions should pass, and to answer the principal objections, and all of them if I have time, that have been urged against this bill, to the satisfaction of every member of this House. And first let me say, in reply to the gentleman from Massachusetts, [Mr. BUTLER,] that no pension agent has ever approached me on the subject of this bill. I introduced the bill on my own responsibility early in this session and referred it to the Committee on Invalid Pensions. Prior to its introduction into this House I submitted it to the Commissioner of Pensions, a gentleman whom you all know, and who served for years upon the Committee on Invalid Pensions of this House and is familiar with this pension system in all its details, and he gave his assent to the bill. Thereupon I introduced it into the House and referred it to the committee.

Now, what is it? In the first place it continues the pension agents. There are fifty-nine pension agents now in the United States. This office was created more than half a century ago. It was created by law in the year 1809, and has continued without complaint, so far as I am aware, from that day up to the present time. And here let me say that no officers of this Government have, as a general thing, discharged their duties with greater satisfaction to those having business with them than the pension agents. They are now disbursing $33,000,000 a year. They have been disbursing large sums of money since 1861, and will have to disburse hereafter still larger sums than they have ever disbursed yet. Not one dollar of the amount has ever been lost to the Government. Not a single instance can be named in which through the failure of a pension agent, or by his proving a defaulter, or from any other cause, the United States has lost a single dollar.

Mr. BUTLER, of Massachusetts. Are there

not forty indictments pending for the fraudulent payment of pensions?

Mr. BENJAMIN. There has not been a pension agent indicted since the war commenced, to my knowledge; not one. I ask the gentleman to name one.

Mr. RANDALL. I would ask the gentleman if he does not know that within the last three weeks it has been found necessary to send an officer to my own city to investigate the accounts of a pension agent there?

Mr. BENJAMIN. There may have been defaulting agents, but during the period of time that I speak of I say here before the country that so far as is known not one single dollar of the large amount that has been disbursed by pension agents or intrusted to their care has been lost to the Government.

Now, sir, a great hue and cry is raised here against the expense attending this system. The gentleman from Ohio [Mr. LAWRENCE] says that the pension agents are getting $250,000 a year. The gentleman from Pennsylvania [Mr. RANDALL] says they will get $500,000. The gentlemen certainly speak without having the figures before them.

Mr. RANDALL. I said the cost of it under your plan would be $500,000.

Mr. BENJAMIN. To whom do we propose to pay one cent except to the pension agents?

Mr. BUTLER, of Massachusetts. Who will pay the fees for the vouchers?

Mr. BENJAMIN. I will come to that directly. I have the official figures here from the Department, by which it appears that during the last year there was paid to pension agents for disbursing this large amount of money the sum of $191,460. Those are the figures from the Department. The gentleman from Ohio [Mr. LAWRENCE] says $250,000. I ask him his authority for that statement.

Mr. LAWRENCE. The Commissioner of Pensions, who now sits near me.

Mr. BENJAMIN. I have the figures from the Department before me, which I think will not be disputed by any one. In some remarks that I made some time ago in this House, I placed the amount of such expenditure at $200,000; I said that it had never exceeded that amount. Then, how is this amount distributed? No pension agent can get over $4,000 a year; that is the limit which the law fixes at the present time, and the committee do not propose to disturb that limit. Each agent is to be limited to $4,000, he to pay the office rent, clerk hire, and every other expense attending the running of his office. That is all he gets; if he disburses more, he gets the same; if he disburses less, then he gets less. It cannot exceed $4,000, and may not exceed $500.

Mr. LAWRENCE. Will not the fees provided for by this bill——

Mr. BENJAMIN. I will reach that point soon. Direct instructions were given by this House to the Committee on Invalid Pensions to report a bill whereby all these fees now paid to outside parties shall be paid by the Government. The House instructed the committee to so report, and we have done so. Now, what do we propose? Under this quarterly system about four and a quarter millions of these vouchers must be prepared each year. That is a big job. The bill of the gentleman from Massachusetts [Mr. BUTLER] about doubles that number. The bill of the gentleman from Illinois [Mr. CREBS] proposes the same. The gentleman from Ohio [Mr. LAWRENCE] proposes to limit the number of vouchers to the limit fixed by the bill of the committee; that is about four million four hundred thousand of these vouchers are to be prepared each year at the offices of the pension agents, sent by them to the pensioners, and when returned by them drafts are drawn upon the Treasury for the various amounts due to the pensioners.

Mr. BUTLER, of Massachusetts. My bill does not require that system of vouchers.

Mr. BENJAMIN. For doing that work the House has said that the Government should pay instead of the pensioners. In this bill we propose that the Government shall pay the pension agents for the preparation of vouchers and all other matters the sum of thirty cents per voucher, out of which he must pay six cents postage, which amount goes back into the Treasury.

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

Mr. BENJAMIN. Certainly.

Mr. PROSSER. Where is the necessity for paying this fee of thirty cents to the pension agent for the prepapation of these vouchers? According to the best calculation which I can make the fees for the preparation of these vouchers for Philadelphia alone would amount to $23,498, and for other places in the country they would be in proportion. Now, I desire to know if the gentleman proposes to add that amount to the compensation of the pension agents?

Mr. BENJAMIN. We propose to pay in proportion to the number of vouchers prepared. The fee is to be thirty cents, including postage, which will be at least six cents, and in some instances nine cents. Therefore these agents cannot get more than twenty-four cents in any instance. I would inform the gentleman that the Pennsylvania agency will have to prepare thirty thousand vouchers in every year, and a large force must necessarily be employed in doing all this work. The amount which we propose to pay for this service is less than one half of what is now the legal fee for doing the same work.

Mr. PROSSER. The number of pensions paid in the city of Philadelphia is less than twenty thousand.

Mr. BENJAMIN. By imposing this work on the pension agents it will cost the Government a considerable sum of money, but nothing like the amount stated by the gentleman from Pennsylvania, [Mr. RANDALL.] According to a calculation which was prepared with reference to the original bill, which contemplated semi-annual payments, the cost to the Government, including commissions to the pension agents, would be $300,000 all told.

Mr. RANDALL. I would like to ask the gentleman a question. Why is he so anxious to continue these pension agents when the pensioners are unanimously appealing to us to do away with them?

Mr. BENJAMIN. If the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Massachusetts [Mr. BUTLER] had time to read the five hundred letters which I have in my desk from pensioners all over the country, neither of them would get up and say here that pensioners all over the country are demanding the abolition of these agencies.

Mr. RANDALL. I can speak for Philadelphia.

Mr. BENJAMIN. Let me say right here that the Committee on Invalid Pensions, after examining this matter fully, estimating all the cost and listening to all the statements of pensioners and other parties interested, are unanimous in reporting the bill. The Secretary of the Interior, of whose Department the Pension Bureau is a branch, together with the Commissioner of Pensions, recommends the passage of the bill, and condemns the various propositions which are antagonized to it.

In addition to that, the Postmaster General to whose Department it is proposed to transfer this duty, informs us that although that project may be practicable, yet it must necessarily result in a larger expense to the Government, and in inevitable delay in carrying it out. Everybody knows that to constitute two or three thousand officers with whom accounts must be opened at the Departments, will necessarily throw upon these Departments an immense amount of work. I have the authority of the Department for saying that five hundred additional clerks would be required in the office of the Commissioner of Pensions alone, to carry out the provisions of either of the substitutes which are offered to this bill.

Mr. LAWRENCE. Anybody who says that does not understand his business.

Mr. BUTLER, of Massachusetts. Any one who says it is not fit for his place.

[Here the hammer fell.]

The SPEAKER. The previous question has been seconded and the main question ordered. The first questiou is upon the amendment of the gentleman from Ohio, [Mr. LAWRENCE.]

The amendment was not agreed to.

The SPEAKER. The next amendment is that offered by the gentleman from Illinois, [Mr. CREBS.]

Mr. CREBS. The substitute which I have offered is almost exactly the same as that of the gentleman from Massachusetts, [Mr. BUTLER,] the only difference being that his provides for bimonthly payments, while mine proposes to make the payments quarterly. As I prefer his proposition to mine, I withdraw my substitute.

The SPEAKER. The question is next upon the substitute offered by the gentleman from Pennsylvania, [Mr. RANDALL.]

The substitute was not agreed to.

The SPEAKER. The next question is upon the substitute proposed by the gentleman from Massachusetts, [Mr. BUTLER.]

The substitute was read, as follows:

That from and after the 1st day of January, of the year 1871, all pensions to which the pensioners of the United States may by law be entitled shall be due and payable to them bimonthly, at the county seats of each and every county and at the seat of justice in parishes of the several States and Territories of the Union in which said pensioners may at the time be domiciled, on the first days in the months of January, March, May, July, September, and November in each and every year, except when the first days of the said months may fall on Sundays, and in such cases then on the next days thereafter; and in the District of Columbia payment shall be made at the office of the Commissioner of Pensions, and not elsewhere.

SEC. 2. *And be it further enacted*, That the several postmasters at the county seats of counties and at the seat of justice in parishes of the several States and Territories of the Union are hereby made and constituted *ex officio* pension agents of the United States, and shall, in addition to the bonds now required by law, be further required to enter into additional bond in a penal sum not exceeding $5,000, payable to the United States of America, conditioned for the faithful performance of all the duties required of them by this act, which bond shall have one or more sureties, to be approved by the collector of internal revenue of the United States in the district in which said county may be located, or by a judge of a State court exercising common-law jurisdiction over the county or parish where such postmaster and *ex officio* pension agent may reside; and such bond shall be obtained from the postmaster by the Commissioner of Pensions, who shall keep the same on file in his office.

SEC. 3. *And be it further enacted*, That such postmasters and *ex officio* pension agents shall be required to make payment, in the mode hereinafter provided, of all pensions due in their respective counties or parishes, to such pensioners as may be domiciled or permanently resident therein, and to none others; such payment to be made on or before the third days of said months of January, March, May, July, September, and November, in each and every year, or as soon thereafter as practicable, free of any charge whatever to the pensioners; and for such service the postmaster and *ex officio* pension agent shall receive for each payment so made by him the sum of thirty cents, to be paid to such postmaster by the Commissioner of Pensions.

SEC. 4. *And be it further enacted*, That all the necessary vouchers upon which pensions are to be paid shall be prepared at the office of the Commissioner of Pensions, under his direction, and he is hereby authorized to employ such additional clerks as may be required by him to carry this act into effect, not, however, exceeding ——, and that such vouchers so prepared, together with a complete list of all pensioners in each county or parish, shall be transmitted by mail to the postmaster and *ex officio* pension agent in such county one month before the several days on which pensions are due and payable under the provisions of this act.

SEC. 5. *And be it further enacted*, That immediately on the receipt of the vouchers and the list of pensioners, as provided in section four of this act, it shall be the duty of the postmaster and *ex officio* pension agent residing at the county seat to make inquiry and examination as to the correctness of the list furnished him as provided in section four of this act, and to this end he may require all pensioners to exhibit to him their pension certificates, either by themselves or by some friend, who must swear before such postmaster and *ex officio* pension agent that he received it from such pensioner, that he is personally acquainted with him or her, and that the pensioner,

on the day of the exhibition of his or her pension certificate to the postmaster, is a resident of the county; and such friend must also state, under oath or affirmation, how long such residence has continued; and if the pensioner has changed domicile since he last received payment, of what county and State he was last a resident; and said postmaster and *ex officio* pension agent is hereby further authorized to examine any pensioner or other witness, under oath, to fully satisfy himself as to their identity and the claim of the former to pension; and after thus fully examining the list of pensioners furnished him, and making such corrections, if any he may find to be proper, carefully noting deaths and removals, and, in the latter case, the State or Territory and county, if known, to which the pensioner has removed, and any other information which may from time to time be required of him by the Commissioner of Pensions, he shall, at least ten days before the day for paying pensions, as provided in this act, return said list of pensioners, corrected by him as aforesaid, by mail to the Commissioner of Pensions.

SEC. 6. *And be it further enacted*, That on the receipt of the pension list as aforesaid by the Commissioner of Pensions he shall carefully examine and file the same away in his office, and shall, without delay, make out in the name of each pensioner a draft or check on the Assistant Treasurer of New York, or the Assistant Treasurer nearest the residence of the pensioner, for the exact sum due to the latter at such bimonthly payment, and shall transmit such drafts or checks for all pensioners in the county, to the postmaster and *ex officio* pension agent of the county, who, upon receipt thereof, shall deliver to each pensioner the draft or check intended for him, taking his receipt upon the voucher for the amount thereof, and he shall transmit such voucher to the Commissioner of Pensions, after having caused the same to be duly executed in such manner and form as the latter may prescribe; and the said Commissioner shall be required to execute a bond, with approved sureties, to the United States in the penal sum of —— dollars conditioned for his accounting faithfully for all moneys placed in his official control or custody under the provisions of this act, and for the correct disbursement of all sums which he is required to pay out in pursuance thereof, and all such payments made by him shall be carefully examined and audited by the Third Auditor of the Treasury, with whom all vouchers therefor shall be filed by the Commissioner of Pensions, after he shall have duly noted and recorded the same; and the said Commissioner is hereby authorized to make requisition upon the Secretary of the Treasury, which requisition must be approved by the Secretary of the Interior, for so much of the annual amount appropriated out of the Treasury for the payment of pensions as may be required for each bimonthly payment of pensions, as provided in this act; and it shall be the duty of the Secretary of the Treasury to furnish the said Commissioner, upon such approved requisition, with a warrant or warrants for the amount thereof, drawn upon any Assistant Treasurer of the United States whom he may designate therein.

SEC. 7. *And be it further enacted*, That the postmasters and *ex officio* pension agents provided for in this act are hereby authorized to administer all oaths and affirmations that may be required by the said Commissioner in preparing the vouchers, or to administer any other oaths or affirmations that may be necessary under the provisions of this act, and they are authorized to use the post-marking stamp of their respective offices to verify their signatures to all papers relative to pensions or the payment thereof; and at all post offices where the annual salary of the postmaster equals or exceeds $1,000 the chief clerk of such post office, or other clerk or clerks regularly employed therein, who may be specially designated for the purpose by the postmaster thereof, are hereby also authorized to administer such oaths or affirmations; and any pensioner or witness who shall swear falsely, or who shall make a false affirmation to any voucher, or any other written or printed instrument, made necessary or proper by the provisions of this bill, shall be deemed guilty of perjury, and on conviction thereof shall be imprisoned not less than one or more than three years, in the discretion of the court or jury trying the case.

SEC. 8. *And be it further enacted*, That hereafter no pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this act, and no warrant, power of attorney, or other paper executed or purporting to be executed by any pensioner to any attorney, claim agent, broker, or other person, shall be recognized by the Commissioner of Pensions, nor shall any pension be paid thereon: *Provided*, That payment to persons laboring under legal disabilities may be made to the guardians of such persons in the manner herein prescribed: *And provided further*, That pensions payable to persons in foreign countries may be made according to the provisions of existing laws.

SEC. 9. *And be it further enacted*, That any postmaster and *ex officio* pension agent who knowingly, willfully, or for the purpose of defrauding the United States Government, or of aiding therein, shall aid, abet, advise, or assist any person or persons, by means of false personation or false swearing, or in any other way or manner, to procure a pension or any payment whatever of a pension from the United States Government, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than $100 nor more than $1,000, and be imprisoned not exceeding two years, in the discretion of the court or jury trying the case.

SEC. 10. *And be it further enacted*, That the compensations to be made to the postmasters, and *ex officio* pension agents, for their services under the provisions of this bill shall be paid to them twice in each year by the Commissioner of Pensions out of the annual appropriation for pensions, by means of drafts or checks payable to their order, drawn upon an Assistant Treasurer of the United States; and it is hereby made the duty of the Commissioner of Pensions to state in his annual report the whole number of pensioners on the rolls; the number in each branch of the service; the number of pensioners paid at each of the different rates; the number added to the rolls during the year; the number dropped therefrom by reason of death, marriage, or other cause; the total amount paid for pensions during the year, and the separate amount paid to postmasters and *ex officio* pension agents for their services rendered under the provisions of this act.

SEC. 11. *And be it further enacted*, That in cases where from sickness or any physical disability pensioners cannot come personally to the county seat for payment of pensions, the postmaster and *ex officio* pension agent is hereby required to go or to cause his clerk, if empowered by this act to administer oaths, to go to their residence and take the necessary proof, and make the payment to each pensioner: *Provided*, That in addition to the compensation to be made to the postmaster by the Commissioner of Pensions under the provisions of this bill, he shall be permitted to charge such pensioner ten cents a mile for going or sending an authorized clerk to his or her place of residence.

SEC. 12. *And be it further enacted*, That the office of agent for the payment of pensions as now provided by law, from and after the date when this act shall go into effect, be, and the same is hereby, abolished, and that all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 13. *And be it further enacted*, That this act shall take effect and be in force from and after the 1st day of January, 1871.

Mr. BUTLER, of Massachusetts. I offer this as a substitute for the first six sections of the bill of the committee. The other sections of the bill of the committee contain provisions in reference to other matters. I desire to ask a parliamentary question. If my substitute be adopted and the bill is then ordered to a third reading, will it not be in order for me to move to recommit the bill so it may be perfected?

The SPEAKER. The previous question, which now operates, will be exhausted on ordering the bill to be engrossed and read a third time. The motion to recommit will then be in order; but the Chair will have to recognize the gentleman from Missouri, who has charge of the bill.

Mr. RANDALL. I demand the yeas and nays. I wish to test the question between those who wish to abolish the pension agents and those who wish to continue them.

The yeas and nays were not ordered.

The House divided; and there were—ayes 22, noes 91.

So the amendment was rejected.

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

Mr. BENJAMIN demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

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

The latter motion was agreed to.

JOHN C. ABERCROMBIE.

Mr. BENJAMIN, from the Committee on Invalid Pensions, reported back a bill (S. No. 759) granting a pension to John C. Abercrombie, with the recommendation that it do pass.

The bill directs the Secretary of the Interior to place the name of John C. Abercrombie, late lieutenant colonel eleventh regiment Iowa infantry volunteers, upon the pension-roll at the rate of thirty dollars per month, from and after the date of the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

MINOR CHILDREN OF SYLVESTER DREYER.

Mr. BENJAMIN, from the same committee, also reported back a bill (S. No. 546) for the relief of the minor children of Sylvester Dreyer, with the recommendation that it do pass.

The bill directs the Secretary of the Interior to transfer the pension granted to Catherine Dreyer, widow of Sylvester Dreyer, late private company H, tenth regiment Minnesota volunteers, by an act approved March 1, 1869, to the minor children of the same, subject to the provisions of the pension laws.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

REBECCA SCHUMAKER.

Mr. BENJAMIN, from the same committee, also reported back a bill (S. No. 846) granting a pension to Rebecca Schumaker, with an amendment.

The bill directs the Secretary of the Interior to place the name of Rebecca Schumaker, widow of Absalom Schumaker, late a private in company I, twenty-first regiment Ohio volunteers, on the pension-roll of the United States, and pay her a pension at the rate of eight dollars a month, commencing the 7th of June, 1862.

The amendment of the committee was to strike out "commencing the 7th of June, 1862," and insert "during her widowhood, from and after the passage of this act."

The amendment was agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

JOHN COONAN.

Mr. BENJAMIN also, from the same committee, reported back the bill (S. No. 865) increasing the pension of John Coonan, with the recommendation that it do pass.

The bill was read. It authorizes and directs the Secretary of the Interior to increase the pension of John Coonan, late sergeant in company A, eighteenth regiment of New York cavalry, from eight to fifteen dollars per month, from the date of the passage of this act.

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

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

The latter motion was agreed to.

WILLIAM B. LOONEY.

Mr. BENJAMIN also, from the same committee, reported back the bill (S. No. 147) granting a pension to William B. Looney, of Alabama, with an amendment.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William B. Looney, of Alabama, late a scout in the service of the United States, and to pay him at the rate of eight dollars a month, to commence on the 8th day of May, 1865.

The amendment reported by the committee was to strike out the words "on the 8th day of May, 1865," and to insert in lieu thereof, after the word "month," the words "from and after the passage of this act."

The amendment was agreed to.

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

Mr. BENJAMIN moved to reconsider the vote by which the bill was passed; and also

moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. R. CALLAHAN.

Mr. BENJAMIN also, from the same committee, reported back the bill (S. No. 453) granting a pension to J. R. Callahan, of Chariton, Iowa; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Revolutionary Pensions and War of 1812.

The motion was agreed to.

CLARK HALL.

Mr. BENJAMIN also, from the same committee, reported back the bill (S. No. 628) granting a pension to Clark Hall; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Revolutionary Pensions and War of 1812.

The motion was agreed to.

ADVERSE REPORT.

Mr. BENJAMIN also, from the same committee, reported adversely on the bill (S. No. 102) for the relief of the daughters of General Charles F. Smith, deceased; and the same was laid on the table.

W. C. PICKENS.

Mr. BENJAMIN also, from the same committee, reported a bill (H. R. No. 1988) granting a pension to W. C. Pickens; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of W. C. Pickens, of Blount county, State of Tennessee, who was disabled by a gunshot wound received while in the service of the United States, on the night of the 7th November, 1861, and to pay him a pension from and after the passage of this act.

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

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

The latter motion was agreed to.

ANNA F. HART.

Mr. BENJAMIN also, from the same committee, reported a bill (H. R. No. 1989) granting a pension to Anna F. Hart; which was read a first and second time.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna F. Hart, minor child of Byron Hart, deceased, who was acting as assistant surgeon in the Army of the United States, and to pay to her legally-appointed guardian the sum of twenty dollars per month, to commence from and after the passage of this act, and to continue till she attains the age of sixteen years.

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

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

The latter motion was agreed to.

NANCY ANNE SPURGEON.

Mr. BENJAMIN also, from the same committee, reported a bill (H. R. No. 1990) granting a pension to Nancy Anne Spurgeon, widow of Josiah Spurgeon; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Anne Spurgeon, widow of Josiah Spurgeon, of Lewis county, Missouri, at the rate of $8 per month, to commence at the date of the passage of this act, and to continue during her widowhood.

Mr. BUTLER, of Massachusetts. Are there written reports with all these bills?

Mr. BENJAMIN. There is a written report with every bill.

Mr. BUTLER, of Massachusetts. I should like to hear the report in this case read.

The report was read.

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

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

The latter motion was agreed to.

MARGARET C. WELLS.

Mr. BENJAMIN also, from the same committee, reported a bill (H. R. No. 1991) granting a pension to Margaret C. Wells, of Lexington, Missouri; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read. It directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret C. Wells, widow of James G. L. Wells, late a sergeant in company I, second regiment Missouri State militia, and pay her a pension from and after the passage of this act.

Mr. BUTLER, of Massachusetts. I call for the reading of the report.

The report was read.

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

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

The latter motion was agreed to.

MARGARET A. HYDE.

Mr. BENJAMIN, from the same committee, reported a bill (H. R. No. 1992) granting a pension to Mrs. Margaret A. Hyde, widow of Henry W. Hyde, late an assistant paymaster United States Navy; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. BUTLER, of Massachusetts. Is this a Missouri case? I observe that most of the others are.

Mr. BENJAMIN. No; this is a New Jersey case.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Hyde, widow of Henry W. Hyde, late an assistant paymaster in the United States Navy, and pay her a pension corresponding with the rank of her late husband, to commence from the passage of this act and continue during her widowhood.

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

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

The latter motion was agreed to.

JOSEPHENE DONAHUE.

Mr. BENJAMIN, from the same committee, reported a bill (H. R. No. 1993) granting a pension to Josephene Donahue; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. BENJAMIN. This is a Massachusetts case.

The bill was read. It directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Josephene Donahue, widow of George Donahue, late a private in company D, eleventh Massachusetts regiment, at the rate of eight dollars a month, to commence from and after the passage of this act and continue during her widowhood.

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

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

The latter motion was agreed to.

ROBERT W. SIMMONS.

Mr. BENJAMIN, from the same committee, reported a bill (H. R. No. 1994) granting a pension to Robert W. Simmons; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert W. Simmons, late a corporal company B, second regiment Pennsylvania heavy artillery.

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

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

The latter motion was agreed to.

MRS. LUCIA MARDEN.

Mr. BENJAMIN also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 507) for the relief of Mrs. Lucia Marden; and the same was laid on the table.

CHILDREN OF COMMANDER WILLIAMS.

Mr. BENJAMIN also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1673) granting a pension to the minor children of the late Commander Edward P. Williams, who perished in the United States steamer Oneida; and the same was laid on the table.

ADVERSE REPORTS.

Mr. BENJAMIN also, from the same committee, reported adversely on the following petitions, &c.; and the same were laid on the table:

The petition of Captain Norman Comstock, of Coles county, Illinois, for a pension;

The memorial of Mrs. C. Lamber for a pension;

The memorial of the Legislature of Wisconsin, asking for extra pension to Richard D. Dunphrey;

The petition of James Dailey, late a private in company G sixty-ninth Pennsylvania volunteers, for a pension;

The petition of John Hamilton, late sergeant company F, eighth Missouri volunteer infantry, for a pension; and

The petition of Mrs. Casa M. Edmison, widow of Thomas Edmison, late a private in company A, first Georgia State troops, for a pension.

LIZZIE A. MOWER.

Mr. BENJAMIN also, from the same committee, reported a bill (H. R. No. 1995) granting a pension to Lizzie A. Mower; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lizzie A. Mower, widow of Brevet Major General Joseph A. Mower, of the United States Army, and pay her a pension at the rate of fifty dollars per month during her widowhood, from and after the passage of this act.

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

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

The latter motion was agreed to.

MRS. ANNIE L. HAYES.

Mr. BENJAMIN also, from the same committee, reported back, with a recommendation that the same do pass, a bill (H. R. No. 1052) to increase the pension of Mrs. Annie L. Hayes, widow of Brigadier General Alexander Hayes, who was killed in the battle of the Wilderness, May 5, 1864.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, provides that the pension of Mrs. Annie L. Hayes, widow of Brigadier General Alexander Hayes, late of the United States Army, volunteers, who was killed in the battle of the Wilderness on the 5th of May, 1864, shall be increased to fifty dollars per month, commencing from the date of the death of her said husband.

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

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

The latter motion was agreed to.

JOSEPH DAMSON.

Mr. BENJAMIN. I am directed by the Committee on Invalid Pensions to report back the bill (H. R. No. 1418) granting a pension to Joseph Damson, of Virginia, and to move that the committee be discharged from its further consideration, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

BOUNTY.

Mr. BENJAMIN. I am also directed by the Committee on Invalid Pensions to report back the petition of William Vann, of Charleston, South Carolina, and the petition of volunteers for an amendment of the act in relation to bounties, and to move that the committee be discharged from their further consideration, and that the same be referred to the Committee on Military Affairs.

The motion was agreed to.

JOHN C. ABERCROMBIE.

Mr. BENJAMIN. I am also directed by the same committee to move that they be discharged from the further consideration of the bill (H. R. No. 1229) granting a pension to John C. Abercrombie, late lieutenant colonel eleventh regiment Iowa infantry volunteers, and that it be laid on the table. A Senate bill for the relief of the same person has just been passed.

The motion was agreed to.

CHANGE OF REFERENCE.

On motion of Mr. BENJAMIN, the Committee on Invalid Pensions was discharged from the further consideration of the following; and the same were referred to the Committee on Revolutionary Pensions and War of 1812:

The petition of the widow of Joseph McManus, praying for a pension on account of the services of her late husband as a lieutenant of the Tennessee militia in the war of 1812; and

Papers in the case of John Brower, asking a pension for services in the war of 1812.

ARREARS OF PENSION, ETC.

Mr. BENJAMIN. The Committee on Invalid Pensions have directed me to report back the two or three hundred bills which I send to the Clerk's desk, and to move that the committee be discharged from their further consideration. The cases are covered by the provisions of the general bill which has been passed this evening. The great majority of the bills propose to allow arrears of pension in cases where parties failed to make application within the five years allowed by law. The bill passed by the House extends the time to ten years.

The SPEAKER. If there be no objection, the Committee will be discharged from the consideration of the bills, and they will be laid on the table.

There was no objection.

ADVERSE REPORTS.

Mr. BENTON, from the same committee, reported adversely upon the following; which were laid on the table:

A bill (H. R. No. 548) granting a pension to Ursina Fletch; and

Papers in the case of Maria Pratt, of Greene county, Pennsylvania.

HORACE CLOUGH.

Mr. BENTON also, from the same committee, reported a bill (H. R. No. 1996) granting a pension to Horace Clough; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Horace Clough, late a private in company D, sixth New Hampshire volunteers, and to pay him a pension from and after the passage of the act.

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

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

The latter motion was agreed to.

MINNIE HESSE.

Mr. BENTON, from the same committee, also reported a bill (H. R. No. 1997) granting a pension to Minnie Hesse; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Minnie Hesse, widow of Frederick T. Hesse, late sergeant of company H, one hundred and twenty-ninth Illinois volunteers, and to pay her a pension from and after the passage of this act.

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

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

The latter motion was agreed to.

BETSEY ARLIN.

Mr. BENTON, from the same committee, also reported a bill (H. R. No. 1998) granting a pension to Betsey Arlin; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Betsey Arlin, mother of John Arlin, late private in company G, sixty-first Massachusetts volunteers, from and after the passage of this act.

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

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

The latter motion was agreed to.

MARIA PRATT.

Mr. BENTON, from the same committee, also reported a bill (H. R. No. 1999) granting a pension to Maria Pratt; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Pratt, mother of George W. M. Pratt, late a private of company I, sixth Iowa infantry, from and after the passage of this act.

Mr. DONLEY. I move to strike out the words "from and after the passage of this act," and to provide that this pension shall commence on the 25th day of November, 1863. I do so in justice to a poor woman who gave up both husband and son during the late war.

Mr. BENTON. I do not agree to this amendment; but I have consented to allow the gentleman from Pennsylvania to offer it.

Mr. DONLEY. This poor woman gave up both husband and son to the country and she deserves some recompense from the Government. If the members of the House understand the facts of the case I am sure they will make no objection to the adoption of the amendment. This is a case of peculiar hardship.

Mr. BUTLER, of Massachusetts. I should like to hear the report read.

Mr. DONLEY. This bill gives her a pension of eight dollars a month from and after the passage of this act.

It appears from the report of the committee, which was read, that Maria Pratt was a widow at the time her son George W. M. Pratt was killed at the battle of Missionary Ridge, in Tennessee, November 25, 1863. She was the mother of four children, and was, and is still, in indigent circumstances. Her son when killed was only twenty years of age. He was a good soldier and a dutiful son. His mother relied on him mainly for support.

Mr. DONLEY. As I have said, this is a case of peculiar hardship. In 1861 the eldest son of this widow enlisted in the sixth Iowa infantry. In 1862 her husband, who had been giving all his time to the sick and wounded soldiers in the hospitals at St. Louis and other points, received a letter from a colonel of an Iowa regiment, asking him to come to the front where he would be commissioned as the chaplain of the regiment. He started with letters of recommendation from Governor Kirkwood and others, but was murdered at Helena, Arkansas. In a week he would have been commissioned as chaplain and entitled to a pension as having been killed in the service. The son was killed on the 25th of November, 1863, at the battle of Missionary Ridge. This widow is poor and in indigent circumstances, as the committee reports. I know this to be the fact of my own knowledge. For the reason I have given she has been for years asking for a pension. Her claim was in the pension department before the five years had expired; but through some technical or other defect she has failed to obtain a pension. She has been out in Iowa among strangers, no one outside of the family being able to prove that her son was her main support after the death of her husband.

Mr. BENJAMIN. I have no doubt that the facts in the case are as stated by the gentleman from Pennsylvania; but the House will remember that every bill passed to-night has been in the same shape as this one was reported from the committee. The committee have uniformly reported these bills—not only every one we have reported to-night, but every one we have reported prior to this time—to take effect from and after the passage of the act. It seems right that a uniform rule in this respect should apply to all cases, and the committee accordingly have adopted a uniform rule. It would be unjust to numerous other parties, who could present claims equally equitable with this, to make this an exceptional case.

Mr. BENTON. Mr. Speaker, I have examined the papers in this case with great care, and I think I am better acquainted with the facts than any other gentleman here, except the gentleman from Pennsylvania, who is in-

terested in this case in favor of a former resident of his district.

As has been stated by the chairman of the committee, we have adopted as the rule in all cases to make the pension date from the passage of the act. Of course we must find the case to be a meritorious one or we would not recommend a pension at all. In this case application was made to the department for a pension under existing laws, and the party was not able to prove that any assistance had actually been rendered by the son. And although his letters were of a nature to show that he probably would have assisted his mother to the extent of his means if he had lived, he never did actually afford her any direct, positive aid. Therefore it has seemed to the committee that it is right and just that the pension should be granted to this party the same as to other parties, so as to take effect from the date of the act. We see no reason why this should be singled out to be made an exceptional case. We must be not only generous, but just Many have been denied any pensions at all whose claims may have been quite as meritorious as those in this instance.

The question was taken on Mr. DONLEY'S amendment; and there were, on a division—ayes twenty-five, noes not counted.

So the amendment was not agreed to.

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

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

The latter motion was agreed to.

Mr. DAWES. I move that the House do now adjourn.

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

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ATWOOD: The petition of A. L. Chapin, S. J. Todd, and others, citizens of Beloit, Wisconsin, asking for the abrogation of legacy and succession taxes.

By Mr. BEAMAN: The remonstrance of Jared Freeman and 81 others, purchasers of lands granted to the Amboy, Lansing, and Traverse Bay Railroad Company, against a change of the line of said road.

Also, the remonstrance of H. J. Alvord, for the same purpose.

By Mr. BINGHAM: The memorial of John Dickerson and 56 others, colored citizens and electors of the city of Circleville, Pickaway county, Ohio, who had been illegally deprived of their rights of suffrage, praying for the passage of an act for the better enforcement of the fifteenth amendment of the Constitution of the United States, and the redress of like grievances.

By Mr. BUCKLEY: The petition of Kay, Foree & Lapsley, and 24 others, citizens of Selma, Alabama, asking Congress to pass a law allowing the importation of pig lead from foreign countries free of duty.

By Mr. GARFIELD, of Ohio: The memorial of Major J. W. Powell, praying for an appropriation to continue the exploration of the Colorado river.

Also, the memorial of Thomas Donnelly, of Pittsburg, Pennsylvania, praying for an amendment of the thirtieth section of the national currency act.

By Mr. KETCHAM: The petition of Silas W. Tobey and 13 others, of Hudson, New York; of George L. Morris and 27 others, of Chatham Village, New York; of James Lathrop and 43 others, of Kinderhook, New York; and of J. Wesley Stark and 28 others, of Pawling, New York, all for the repeal of the duty on pig lead.

By Mr. LASH: The petition of Haywood Venable, a citizen of Stokes county, North Carolina, praying for removal of disabilities.

Also, the petition of W. H. Roysler, a citizen of Person county, North Carolina, praying for removal of disabilities.

By Mr. VAN WYCK: The petition of Michael Maher, praying for bounty.

IN SENATE.

FRIDAY, *May* 13, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of yesterday was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 1986) to extend the provisions of the preëmption laws to the Territory of Colorado, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

AGRICULTURAL REPORT OF 1868.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; and it was referred to the Committee on Printing:

Resolved, That there be printed of the agricultural report of 1868 such an additional extra number as will be required to give the members of the House from those States not represented in the Fortieth Congress the same number as were assigned to the members of the House from such States as are now so represented.

INVITATION.

Mr. PRATT. I present an invitation by a committee on behalf of the "Washington Target-Shooting Association," of the District of Columbia, requesting the attendance of the Senate at their park grounds, on Seventh street, north of General O. O. Howard's, on Monday next, 16th instant, at four o'clock p. m., on the occasion of the laying of the corner-stone of the monument to be erected to the memory of Baron Steuben.

The VICE PRESIDENT. The invitation will be laid on the table.

PETITIONS AND MEMORIALS.

Mr. TRUMBULL. I have received and been requested to present a memorial of Day, Allen & Co.; John N. Farwell & Co., and others, citizens and merchants of the city of Chicago, objecting to the passage of what is known as the "Cullom bill," in regard to matters in Utah, alleging that the bill in many of its features is oppressive and inconsistent with our free institutions. I move the reference of the memorial to the Committee on Territories.

The motion was agreed to.

Mr. TRUMBULL. I have also received a resolution passed by the constitutional convention of the State of Illinois, recommending to their representatives in the Congress of the United States that they labor to secure the removal of the national capital to some point in the Mississippi valley. I ask that the resolution may be read and printed. It is a short resolution.

The VICE PRESIDENT. The Senator from Illinois desires the resolution of the Illinois constitutional convention to be reported by the Secretary.

The Secretary read the resolution, as follows:

Resolved, That we, the representatives of the people of the State of Illinois, in constitutional convention assembled, do hereby recommend to our representatives in the Congress of the United States, and request of them that they labor to secure the removal of the national capital to some point in the Mississippi valley.

Mr. TRUMBULL. I move that it lie on the table and be printed.

The motion was agreed to.

Mr. CHANDLER presented the memorial of Charles Rush and others, sellers of household wringers in Michigan, remonstrating against the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

Mr. SHERMAN presented the memorial of H. Beatty and others, sellers of household wringers, of Masillon, Ohio, remonstrating against the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

Mr. CONKLING. I present a memorial, numerously signed by the tax-payers and business men, and best men, I may say with propriety, in this city, remonstrating against any action by Congress, authorizing the city of Washington to become indorser or guarantor in any way for railroad or similar schemes. As one of the bills to which this applies has been reported, I ask that the memorial lie on the table; and I beg the Secretary to put it in some connection with the Point Lookout railroad bill, that it may be considered in connection with that bill when it comes up.

The VICE PRESIDENT. The memorial will lie on the table.

Mr. FOWLER presented the petition of Calvin Jones, of Somerville, Fayette county, Tennessee, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. WILLEY presented the petition of James V. Boughner, of West Virginia, praying Congress to perfect his title to certain lands in the State of Missouri; which was referred to the Committee on Public Lands.

Mr. POMEROY. I am charged with the presentation of a memorial from about one hundred citizens in the southern part of the State of Kansas, headed by Mr. George S. Weaver, in which they represent that they are unable to drive cattle from Texas through the Indian country into the State of Kansas, to put them on the railroads to be sent to Chicago and other eastern cities, because of the taxes levied on them by the Indians. They represent that onerous, illegal, and extortionate taxes are levied by the Indian tribes in the Indian country. The matter has been before the several Departments. It has been before the Attorney General, the Secretary of the Interior, the Commissioner of Indian Affairs, and now finally they appeal to Congress to be protected in driving their cattle across the Indian country from Texas against the taxes levied by the Indian authorities in violation of law, as they think. I commend this subject to the Committee on Indian Affairs, and I hope that they will report, and that we shall pass some resolution by which the trade in cattle through Texas to Kansas shall not be interfered with. I move that this memorial be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. STOCKTON presented additional papers in relation to the bill (S. No. 836) for the relief of Jane Allen Birckhead; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. HAMLIN. The Committee on the District of Columbia, to whom were referred the bill (S. No. 479) for the suppression of drinking-houses and tippling-shops in the District of Columbia, and the bill (S. No. 502) to regulate the sale of intoxicating liquors in the District of Columbia and to define the persons who shall share the responsibility, have directed me to report them back, and ask to be discharged from their further consideration.

The same committee, to whom were referred a very large number of memorials asking for a prohibitory law, and also remonstrating against it, have had the same under consideration and have directed me to report back the bill (S. No. 543) for the suppression of drinking-houses and tippling-shops, and to regulate the sale of intoxicating liquors in the District of Columbia, without amendment. I ask that the com-

mittee be discharged from the further consideration of the first two bills, and that the other go upon the Calendar.

The VICE PRESIDENT. The first two bills will be indefinitely postponed if there be no objection, and the other bill will be placed upon the Calendar.

Mr. SUMNER. The Committee on the District of Columbia, to whom was referred a petition of citizens of New Hampshire, praying an appropriation of $30,000, subject to the order of Mrs. Josephine S. Griffin, for the relief of the poor in the District of Columbia, have had the same under consideration, and have directed me to report back to the Senate a joint resolution (S. R. No. 149) for the temporary relief of the poor of the District of Columbia, with an amendment, the joint resolution being one introduced at a former day by my colleague and referred to the committee. If there be no objection I hope the Senate will act on the resolution at once. It is for the temporary relief of the poor in the District of Columbia.

Mr. EDMUNDS. Did we not pass a bill on that subject the other day?

Mr. VICKERS. I object.

The VICE PRESIDENT. The Senator from Maryland objects.

Mr. SUMNER. There is no objection.

The VICE PRESIDENT. Did the Senator from Maryland object or not? The Chair understood that he did.

Mr. VICKERS. I did.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a resolution directing that committee to examine the second and third parts of the Globe of 1866 and 1867, and report what action is necessary to correct the misplacement of dates and pages of those volumes, submitted a report; which was ordered to lie on the table, and be printed.

CONDITION OF INDIAN TRIBES.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print five hundred extra copies of the letter of the Secretary of the Interior to the chairman of the Committeeon Indian Affairs, communicating a statement from the Commissioner of Indian Affairs in relation to all the Indian tribes of the United States, have instructed me to report it back without amendment, and recommend its passage; and I ask for its present consideration.

There being no objection, the resolution was considered, and agreed to, as follows:

Resolved, That five hundred additional copies of the report of the Secretary of the Interior to the chairman of the Committee on Indian Affairs of the Senate, communicating a statement of the Commissioner of Indian Affairs in relation to all the Indian tribes within the bounds of the United States, be printed.

PARIS EXPOSITION REPORT.

Mr. ANTHONY. The same committee, to whom was referred the concurrent resolution of the House of Representatives providing that two thousand copies of the report of the Paris Exposition ordered by the Senate shall be for the use of the House, have instructed me to report back the resolution with an amendment in the nature of a substitute. The reports of the Paris Exposition were not printed by the House of Representatives, but were printed by the Senate; and the House are desirous of having some copies of the work. To reset the whole would be exceedingly expensive, and probably neither the House nor the Senate would desire to do that. It seemed to us that the only way in which we could meet the wishes of the House would be to give them a portion of our own. So we have reported a resolution that one thousand copies of the three thousand remaining for the use of the Senate be given to the House, and we also provide in the resolution for furnishing fifty copies for the library. If there is no objection on the part of any Senator, I should like to have the resolution considered now.

There being no objection, the Senate proceeded to consider the following concurrent resolution of the House of Representatives:

Resolved, (the Senate concurring,) That two thousand copies of the report of the Paris Exposition, ordered March 3, 1868, be printed for the use of the House.

The amendment of the Committee on Printing was to substitute the following in lieu of the original resolution:

Resolved, That one thousand extra copies of the report of the Paris Exposition, ordered to be printed by the Senate on the 3d of March, 1868, be placed at the disposal of the House of Representatives, and that fifty copies be placed in the Congressional Library for its foreign exchanges.

The amendment was agreed to.

The resolution, as amended, was adopted.

BILLS INTRODUCED.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 914) for the relief of Sebastian Reichert; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. SAWYER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 915) for the relief of Mrs. Louisa H. Hasell; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SAULSBURY. I ask the consent of the Senate to proceed to the consideration of the bill reported from the Committee on Commerce yesterday——

Mr. SUMNER. Let us go through the morning business.

The VICE PRESIDENT. The morning business has priority.

Mr. NORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 917) granting lands to aid in the construction of a railroad and a branch road in the Territory of Dakota, and a certain railroad in the State of Minnesota; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. SUMNER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 916) supplementary to an act entitled "An act to protect the citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866; which was read twice by its title.

Mr. SUMNER. I move the reference of the bill to the Committee on the Judiciary, and will add just one word: that as appears by its title it is supplementary to what is known familiarly as the civil rights act; and it proposes to secure equal rights in railroads, steamboats, public conveyances, hotels, licensed theaters, houses of public entertainment, common schools, and institutions of learning authorized by law, church institutions, and cemetery associations incorporated by national or State authority; also on juries in courts, national and State.

I will say that when this bill shall become a law, as I hope it will very soon, I know nothing further to be done in the way of legislation for the security of equal rights in this Republic.

I move that the bill be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. FOWLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 918) for relief of the East Tennessee University; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

WASHINGTON RAILROAD SUBSCRIPTIONS.

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

Whereas several bills have been referred to the Committee on the District of Columbia providing for subscriptions to the extent of several million dollars by the corporate authorities of the city of Washington to the capital stock of certain projected railroad enterprises: Therefore,

Be it resolved, That said committee be instructed to inquire into and report to the Senate the amount of the entire present indebtedness of the corporation of the city of Washington, the market value of its bonds and scrip, and its financial ability to meet the obligations proposed in said bills now pending, and to ascertain what further legislation, if any, is needed for the better protection of the interests of the Government and the property of the citizens; and that said committee have power if necessary to send for persons and papers.

PIER AT LEWES, DELAWARE.

Mr. SAULSBURY. I ask the Senate to take up the bill reported from the Committee on Commerce to aid in the construction of a pier at Lewes.

The VICE PRESIDENT. The Senator from Delaware moves to pass over all other orders for the purpose of considering the bill indicated by him.

Mr. SAULSBURY. It will take but a very few minutes. I will not make any remarks.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 888) to aid the Junction and Breakwater Railroad Company, in the State of Delaware, to construct, in connection with said road, a pier in the Delaware bay, at or near Lewes, in Sussex county, and State of Delaware.

The Committee on Commerce reported the bill with amendments.

The first amendment was in line seven, after the word "Treasury," to strike out the words "arising from the sale of public lands," and in line eight, after the word "appropriated," to strike out the words "or out of any money which may hereafter be paid into the Treasury arising from the sale of the public lands;" so that if amended the clause will read:

That $225,000 be, and the same is hereby, appropriated to the president, directors, and company of the Junction and Breakwater Railroad Company, in the State of Delaware, out of any money now in the Treasury not otherwise appropriated, to aid the said president, directors, and company to construct, in connection with the said railroad, a good and substantial pier of stone or iron in the Delaware bay, at or near Lewes, in Sussex county, and State of Delaware.

The amendment was agreed to.

The next amendment was to insert at the end of the bill the following proviso:

And provided further, That before any part of said sum shall be paid satisfactory security shall be given by the State of Delaware to the United States, to be approved by the Secretary of War, that a good and substantial pier of stone or iron shall be completed in all respects, without further expense to the United States, without unnecessary delay.

Mr. CONKLING. I move to amend the amendment by inserting after the word "given" the words "or caused to be given;" so that it will read, "satisfactory security shall be given, or caused to be given, by the State of Delaware." The reason is that the committee is informed that owing to the non-meeting of the Legislature, in order to make it formally and technically the security of the State of Delaware, valuable time will be lost. The amendment will enable the State (provided, without the convention of its Legislature, the State is able to do so) to furnish satisfactory security to the Secretary of War, although it may not be in form technically the security of the State of Delaware. It may be tantamount and equivalent to that.

Mr. MORTON. What kind of security is the State to give?

Mr. CONKLING. I suppose the State, by the action of its Legislature, can give any security that any other corporate body can give; and in this case the bonds of a corporation, or the bond of individuals justifying in the proper amount, if the Secretary of War was satisfied that the bond was good, would satisfy the statute.

Mr. SHERMAN. Why not allow the company named in the bill to give the security?

Mr. CONKLING. There may be a little risk about that, because, unless the Senator knows more than the committee know about the precise status of that company, it might

be rather insecure to say that the railroad company should give the security.

Mr. SHERMAN. It occurs to me that the same difficulty arises if the State of Delaware is to give this security or cause it to be given. How can it cause it to be given without an act of the Legislature?

Mr. CONKLING. I will say to the Senator that it can be done in this way: if this railroad company, for example, is a solvent corporation, and at the instance of the State of Delaware, no matter how irregularly, or according to the suggestion the Senator has made now, the railroad company come forward with a bond and proffer it, which bond the Secretary of War accepts, that is good to all intents and purposes, and the State of Delaware has caused it to be done although its Legislature has not met, and it is simply done at the informal instance of the State of Delaware. The Senator from Delaware, I think, is satisfied with the amendment, although he preferred originally to have it as the Senator from Ohio suggests that the railroad company may do it. I think the State of Delaware ought to be the actor in this matter, and therefore I propose the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. WILLIAMS. I wish to have the whole bill reported as it stands amended.

The Chief Clerk read the bill, as amended, as follows:

Be it enacted, &c., That $225,000 be, and the same is hereby, appropriated to the president, directors, and company of the Junction and Breakwater Railroad Company, in the State of Delaware, out of any money now in the Treasury not otherwise appropriated, to aid the said president, directors, and company to construct, in connection with the said railroad, a good and substantial pier of stone or iron in the Delaware bay at or near Lewes, in Sussex county, and State of Delaware: *Provided, however*, That the money hereby appropriated shall be expended only in the construction of such pier, and for no other purpose whatever, under the superintendence of a proper officer, to be detailed for that purpose by the Secretary of War: *And provided further*, That any part of said sum, if any, remaining unexpended after the construction of said pier shall be paid into the Treasury of the United States: *And provided further*, That the Government of the United States shall forever, at any and all times, have and enjoy the free use of said pier for any and all purposes whatever, without charge or payment of any sum whatever to the said company: *And provided further*, That before any part of said sum shall be paid satisfactory security shall be given or caused to be given by the State of Delaware to the United States, to be approved by the Secretary of War, that a good and substantial pier of stone or iron shall be completed in all respects, without further expense to the United States, without unnecessary delay.

Mr. POMEROY. I suggest to the Senate to strike out the word "now," in line six, before the words "in the Treasury." It should read "out of any money in the Treasury not otherwise appropriated."

The VICE PRESIDENT. The word "now" will be stricken out if there be no objection. The Chair hears no objection. That amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDER OF BUSINESS.

The VICE PRESIDENT. The legislative, executive, and judicial appropriation bill is now regularly before the Senate.

Mr. STEWART. Will the Senator from Maine allow Senate joint resolution No. 86, in regard to land for the Southern Pacific railroad, that was passed over until to-day, to have five or ten minutes? I presume there will be no discussion on it.

Mr. MORRILL, of Maine. There was a Senator on the floor in regard to that matter.

Mr. THAYER. Will not the Senator from Maine defer the legislative appropriation bill until one o'clock? He will have the whole day then.

Mr. MORRILL, of Maine. No; but I will yield for any morning business.

Mr. RAMSEY. I rise to appeal to the Senator from Maine to allow me to pass the bill that we had up the other evening. It was then simply read. I refer to the Winnipeg railroad bill. It can be disposed of, I think, in fifteen minutes.

Mr. MORRILL, of Maine. The Senator from Nevada has a bill ahead of that.

Mr. RAMSEY. I desire to get mine ahead of his, [laughter,] if I can receive the favor of the Senator from Maine. I presume he could put it in advance of any other bill.

Mr. MORRILL, of Maine. If this were a matter merely personal to the chairman of the Committee on Appropriations he would be very glad to oblige the Senator from Minnesota.

Mr. HOWARD. If it is in order, I wish to make a bill a special order for next Monday. It is Senate bill No. 401.

Mr. SUMNER. What is it about?

Mr. HOWARD. "A bill to amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast by the southern route," approved July 27, 1866—what is known as the Atlantic and Pacific road. It is a bill to amend that act.

The VICE PRESIDENT. It will require unanimous consent at the present time to make it a special order.

Mr. EDMUNDS. We ought not to make a land-grant bill a special order.

Mr. HOWARD. I hope there will be no objection. It is a very important bill.

The VICE PRESIDENT. The appropriation bill is before the Senate.

ADJOURNMENT TO MONDAY.

Mr. DRAKE. I wish to make a motion which properly should have been made during the time of calling the morning business, but I was down in my committee-room at the moment that that order of business was called. I presume the Senator from Maine will not object to the motion. At any rate, when I make the motion, if he does object, it can be withdrawn. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. CONKLING and Mr. EDMUNDS. No, no.

The VICE PRESIDENT. Is there objection?

Mr. CONKLING. Certainly there is.

Mr. EDMUNDS. I object.

Mr. DRAKE. Then I move that all prior orders be postponed for the purpose of submitting that motion.

Mr. TRUMBULL. Be passed over.

The VICE PRESIDENT. The Chair will state that it will only need to pass over the appropriation bill, because before the next bill could be called by the Chair the motion would be in order.

Mr. DRAKE. Very well; I move that the pending bill be passed over with a view of submitting the other motion.

Mr. MORRILL, of Maine. Mr. President——

The VICE PRESIDENT. The Senator from Missouri has risen to a privileged motion.

Mr. MORRILL, of Maine. Allow me to make a suggestion. If the appropriation bill should be completed this afternoon, I suggest to the Senator from Missouri that he may find the Senate more placable than they are now; but if the appropriation bill is not completed this afternoon, I hope the Senator will agree to the necessity of completing it to-morrow.

Mr. SUMNER. We can sit this evening.

Mr. DRAKE. I am very certain that there will be no quorum in this body to-morrow if we continue in session.

Mr. CONKLING. Mr. President——

The VICE PRESIDENT. If there is no objection to debate, the Chair recognizes the Senator from New York.

Mr. CONKLING. I suggest to Senators that if they want to finish the appropriation bill to-day we had better not begin by contracting to adjourn over to-morrow. It will be a very wholesome incentive with those who would like to adjourn over to-morrow to stay here to-day and finish the bill, to the end that they may thus indulge themselves. So I hope the honorable Senator will postpone his motion until at least this bill is completed. I think it may increase even his industry to-day, as he is anxious to adjourn over.

Mr. SUMNER. I hope the Senator will persevere in his motion.

Mr. WILLIAMS. I object to any debate.

The VICE PRESIDENT. The motion is not debatable.

Mr. CONKLING. I believe debate is in order on a motion to postpone.

The VICE PRESIDENT. The motion is to pass over the appropriation bill.

Mr. CONKLING. Then I hope I may be permitted to state to the Senator from Massachusetts that I shall persevere——

Mr. SUMNER. I said that I hoped the Senator from Missouri would persevere in his motion.

The VICE PRESIDENT. The Chair must enforce the rule. The Senator from Oregon has made the point, and the motion is not debatable. The motion is to pass over the appropriation bill for the purpose of entering a motion that when the Senate adjourns to-day it adjourn to meet on Monday next.

The question being put, there were, on a division—ayes 27, noes 19.

Mr. CONKLING, and Mr. MORRILL of Maine, called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 37, nays 17; as follows:

YEAS—Messrs. Casserly, Chandler, Cole, Corbett, Davis, Drake, Fenton, Flanagan, Fowler, Hamilton of Maryland, Hamilton of Texas, Harris, Howard, Johnston, Lewis, McCreery, McDonald, Morton, Norton, Nye, Patterson, Pratt, Ramsey, Rice, Robertson, Ross, Scott, Sherman, Spencer, Sprague, Sumner, Thayer, Thurman, Tipton, Trumbull, Vickers, and Warner—37.

NAYS—Messrs. Anthony, Buckingham, Carpenter, Conkling, Edmunds, Ferry, Hamlin, Harlan, Howe, Howell, Morrill of Maine, Saulsbury, Sawyer, Schurz, Stewart, Willey, and Williams—17.

ABSENT—Messrs. Abbott, Ames, Bayard, Boreman, Brownlow, Cameron, Cattell, Cragin, Gilbert, Kellogg, Morrill of Vermont, Osborn, Pomeroy, Pool, Revels, Stockton, Wilson, and Yates—18.

So the motion was agreed to.

Mr. DRAKE. I move now that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

The VICE PRESIDENT. The Senate now resumes the consideration of the appropriation bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 1052) to increase the pension of Mrs. Annie A. Hays, widow of Brigadier General Alexander Hays, who was killed at the battle of the Wilderness, May 5, 1864;

A bill (H. R. No. 1987) to define the duties of pension agents, and prescribe the manner of paying pensions, and for other purposes;

A bill (H. R. No. 1988) granting a pension to W. C. Pickens;

A bill (H. R. No. 1989) granting a pension to Anna F. Hart;

A bill (H. R. No. 1990) granting a pension to Nancy Ann Spurgeon, widow of Josiah Spurgeon, of Lewis county, Missouri;

A bill (H. R. No. 1991) granting a pension to Margaret C. Wells, of Lexington, Missouri;

A bill (H. R. No. 1992) granting a pension to Mrs. Margaret A. Hyde, widow of Henry M. Hyde, late an assistant paymaster United States Navy;

A bill (H. R. No. 1993) granting a pension to Josephine Donahue;

A bill (H. R. No. 1994) granting a pension to Robert W. Simmons;
A bill (H. R. No. 1995) granting a pension to Lizzie A. Mower;
A bill (H. R. No. 1996) granting a pension to Horace Clough;
A bill (H. R. No. 1997) granting a pension to Minna Hesse;
A bill (H. R. No. 1998) granting a pension to Betsey Arlin; and
A bill (H. R. No. 1999) granting a pension to Maria Pratt.

The message also announced that the House had passed the following bills of the Senate, with amendments, in which it requested concurrence:

The bill (S. No. 147) granting a pension to William B. Looney, of Alabama; and
The bill (S. No. 846) granting a pension to Rebecca Shoemaker.

The message also announced that the House had passed the following bills of the Senate, without amendment:

The bill (S. No. 546) for the relief of the minor children of Sylvester Dreyer;
The bill (S. No. 759) to grant a pension to John C. Abercrombie; and
The bill (S. No. 865) increasing the pension of John Coonan.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871, the pending question being upon the amendment of Mr. COLE to the amendment of Mr. WILLIAMS.

The amendment of Mr. WILLIAMS was to insert after line seven hundred and thirty-two, on page 30, at the close of the appropriations for the Mint, branch mints, and assay offices, the following proviso:

Provided, That the Secretary of the Treasury is hereby authorized, whenever in his judgment and in the judgment of the Director of the Mint it is for the interest of the United States to do so, to receive on deposit at the Mint of the United States and the several branches thereof refined gold and silver bullion suitable for coinage, and in payment thereof to deliver to the parties making such deposits unparted bars at such rates and upon such terms and regulations as shall be prescribed by the Director of the Mint, subject to the approval of the Secretary of the Treasury.

Mr. COLE proposed to amend the amendment by adding to it:

And hereafter no charge shall be made for coinage in the United States Mint or its branches.

Mr. COLE. With the permission of the chairman of the committee, with the understanding that I may renew it at another time and in another place, I withdraw my amendment to the amendment of the Senator from Oregon. It places me in rather an embarrassing position to leave it where it is. I am not in favor of the amendment of the Senator from Oregon, and can only yield to it in the event of the adoption of my own amendment. With the permission of the chairman to offer it another time, at which time I shall present it in a different form, so as if possible to obviate the objections of the Senator from Ohio, I now withdraw it.

Mr. SHERMAN. I object to the withdrawal for a moment, until I can correct a statement I made yesterday. I said then that the amendment of the honorable Senator from California would diminish the revenue $500,000. He disputed it. On a question of that kind I do not like to be found in error. I find on examination that I was in error by stating the amount too low. His amendment, if adopted, would decrease the revenue $1,010,140; so that my error was on the safe side. The amount of coinage charges on gold was $160,140; on silver, $100,000; and the profit on nickel coinage in the mode of levying the seigniorage on the coinage was $750,000; making altogether over a million.

Mr. COLE. Before my proposition of amendment is withdrawn finally I should like permission to make a little statement also. The Senator from Ohio includes all, or nearly all, the revenue to the Government from the business of coinage, including the coinage of the copper cents and nickels. My amendment is intended only to cover the coinage of gold and silver, the metals in which the country is more particularly interested, and in the production of which the country takes a greater interest by far. That there is a large income to the Government from coinage of nickels everybody is aware, because the metal is cheap, and the amount coined is pretty nearly a clean profit to the Government. But my statement is not so far out of the way, after all, I apprehend. The income from the coinage of gold is but one half of one per cent.; and I am quite certain that the Senator from Ohio is mistaken as to the amount of coinage of gold in the United States. He includes in his estimate the charge upon unparted bars. I have the law in my hand, and it speaks for itself. In that it is provided that "there shall be a charge to the depositors, in addition to the charge now made for refining or parting the metals, of one half of one per cent.;" and at the bottom of the same section I find, "nothing contained in this section shall be construed as applying to the half dollar, the quarter dollar, the dime, and the half dime;" so that the actual revenue to the Government from the coinage of silver—there being but very few, if any, silver dollars coined—is nearly nothing. I speak now of the coinage charge proper, not the advantage to the Government that accrues from the exchange of metal in one form for it in another form; but the actual charge for coinage is almost nothing on silver. So far as it relates to the half dollars, the quarter dollars, the dimes and the half dimes, there is no charge, and as we coin no silver dollars, or almost none, the charge for silver coinage, of course, can amount to but a trifle.

I do not include in my estimate the amount of charge made for refining or parting metals, but only the coinage charge, which is one half of one per cent.; and if the amount of gold coinage much exceeds $20,000,000 I am still mistaken. I simply wish to relieve the depositor from the charge of one half of one per cent. for coinage. The other charges I would permit to be continued. I do not object to the charge in the Mint for refiuing, or for parting the metals, or any other charge except simply the charge for coinage, the charge which is in addition to the others of one half of one per cent., and that certainly cannot amount to more than $100,000, or about that sum.

The VICE PRESIDENT. The Senator from California withdraws his amendment to the amendment, and the question recurs on the amendment offered by the Senator from Oregon [Mr. WILLIAMS] from the Committee on Finance.

Mr. NYE. I renew the amendment to the amendment. I should like to inquire of the Senator from Ohio what amount of gold coinage there was last year?

Mr. SHERMAN. The amount of double eagles was $21,000,000; eagles, $209,000; half eagles, $228,000. The whole amount of gold that passed through the Mint was $32,000,000.

Mr. NYE. How much was actual coinage?

Mr. SHERMAN. The actual coinage of gold in the Mint was $22,000,000.

Mr. NYE. What is charged for that—one half of one per cent.?

Mr. SHERMAN. There is one charge called the seigniorage, which is one half of one per cent., but there are various charges.

Mr. NYE. I am inquiring simply as to the coining.

Mr. SHERMAN. There are several charges besides.

Mr. NYE. What do they all aggregate?

Mr. SHERMAN. It depends entirely on the quality of the metal. The whole amount received from the varions forms of mintage charges is over one million dollars.

Mr. NYE. But I am confining my question to gold, or, if the Senator chooses, to gold and silver.

Mr. SHERMAN. The mere charge for seigniorage, as it is called, is one half of one per cent.

Mr. NYE. I desire to occupy the time of the Senate for a few moments on this question. It is certainly of as much and of greater advantage to the country to have the amount of coinage large, or to have coinage at all, than it is to the individuals who own the metal out of which that coinage comes. I have always regarded it as wrong in principle that the Government should charge the producer of bullion one half of one per cent. for putting its stamp on it and making it currency, or the basis of currency operations in this country.

I think that when the producer has got his gold or silver ready for coinage it is of far greater interest to the Government than it can be to the individual to have it coined here. Why? Because that bullion, in whatever shape it may be, will bring the coin of any other country which is par here as readily as it will the coin of our own country. Therefore, to the individual who produces this bullion it is of no sort of profit or advantage to have it stamped by the impress of the Government, or, in other words, to have it coined. That, it has always seemed to me, ought to be done gratuitously by the Government, for it is of no advantage to the particular individual, but of advantage to the many.

I therefore hope that a vote will be taken upon this proposition to free the producer from the charge of coinage, which, according to the statement of the honorable Senator from Ohio, cannot exceed $100,000 a year, or at most a little over one hundred thousand dollars. If the amount coined was $20,000,000 it would be exactly $100,000. It seems to me that the Government can well afford to do that to encourage production and keep the metal of the country, with its own impress on, in the country. I hope the Senate will agree with me in that respect. Certainly it cannot harm the Government more than $100,000.

The mints of our country were never intended, they were not established with any view to affording any profit to the Government. A mint is a Government necessity. It is not a machine run for profit; or if it makes profit it profits out of the producer who produces the gold and silver bullion for minting; and I think the time has arrived when we can take the stand other Governments have, that we will put the impress of our country upon the coin it produces for nothing.

Mr. HOWARD. Do I understand the honorable Senator from Nevada to say that the producer of the bullion practically is made to pay the expense of the coinage?

Mr. NYE. Certainly I do.

Mr. STEWART. More than the expense.

Mr. NYE. He has to pay more than the expense. He has to pay a profit to this Government besides the expense.

Mr. HOWARD. How does that come about?

Mr. NYE. Because they charge one half per cent for minting. If I take $1,000 of bullion to the Mint at Philadelphia they deduct the price of the mintage.

Mr. HOWARD. So that the coinage comes out of the vender of the bullion.

Mr. NYE. Yes. I assert that it was not the theory at all upon which our mints were established, but it is perverting the design of our mints to charge the persons who produce this bullion for putting the impress of the Government upon it.

Mr. HOWARD. Is there any law that requires the reduction to be made from the value of the bullion brought to the Mint?

Mr. NYE. Yes, sir; there is such a law.

Mr. HOWARD. Will the Senator have the goodness to read it?

Mr. SHERMAN. The charge is one half of one per cent.

Mr. HOWARD. That comes out of the vender of the bullion, does it not?

Mr. SHERMAN. Yes, sir.

Mr. HOWARD. So that the whole expense of minting our coin falls upon the owners or venders of bullion?

Mr. NYE. Certainly.

Mr. HOWARD. Instead of falling in an equal weight upon the whole people of the United States?

Mr. NYE. Certainly.

Mr. SHERMAN. If the Senators from the Pacific coast are determined to thrust upon this appropriation bill a discussion of all the various questions arising out of our coinage system, I am entirely prepared to give the Senate all the information they want on the subject, and to do so fully; but it is a very difficult and a very complicated subject, involving the loss of considerable revenue and a change in our laws—laws established for many years. It involves questions of great embarrassment, which are presented to and are now under consideration in the Committee on Finance in a bill revising the whole mintage law. I have avoided replying to observations made here in regard to this subject simply because I do not wish to thrust this debate on this appropriation bill. The proposition of the Senator from Oregon I think is right, and I think it will promote the interests of the Government; but when you come to touching all the charges for coinage, you then present a question of great embarrassment and of great difficulty, which will involve us in a long discussion.

Mr. MORRILL, of Maine. The Senator states a fact now which illustrates the impropriety of putting this sort of legislation on an appropriation bill. I was about to say that under these circumstances I felt like appealing to the Senator from Oregon to withdraw his proposition and let it come up on the general bill which regulates the Mint. He can see that there is hardly any end to this discussion.

Mr. NYE. I have insisted from the first that the amendment offered by the Senator from Oregon would open up this whole subject, and as there was a bill that appertained to it, where it is germane and legitimate, it ought to be reserved for that.

Mr. WILLIAMS. If the honorable Senator from Maine had resisted general legislation upon this bill in the beginning, and had applied some principle to it, of course his appeal to me would be much more plausible than it is; but here have been propositions put on this bill for the expenditure of millions of dollars, while this is a proposition to save hundreds of thousands of dollars to the United States, legitimately connected with this part of the bill; and this is objectionable because somebody is disposed to discuss it! Now, I want to remind my honorable friend from Nevada [Mr. NYE] that the other day when I tried to get this proposition up as a separate bill he objected and would not allow it to come up in that shape, so that it seems to me he ought not to object to this amendment.

Mr. NYE. I objected the other day, and was overruled. But if the honorable Senator from Oregon expects to get this proposition through without discussion, or if the honorable Senator from Maine thinks it justifiable in me to see a whole bullion community sacrificed without discussion, he is mistaken. If this measure is to be thrust on this bill, and I be denied the chance to discuss it fully, I shall feel that I have not been fairly dealt by in regard to a matter of great importance to my constituents.

I repeat now, sir, that this whole thing pertains to the bill regulating the minting of the country. There is where it ought to be tried, and at most to postpone it for that bill can delay it but a few days. I am willing that it shall be considered there; but I am not willing that it shall pass, and I do not intend that it shall, without full and fair discussion.

Mr. COLE. Will the Senator from Nevada yield to me?

Mr. NYE. Yes, sir.

Mr. COLE. I shall claim the privilege of discussing this matter if it is to be pressed to a vote. I think it my duty to do so. It is a matter of very considerable interest to my constituency, a matter of very great consequence to the part of the country that produces gold and silver. That is a commodity for which there is a market the world over; it is the same everywhere. This coinage charge I regard as unjust; but so far as excluding refining from the Mint is concerned I believe it to be not proper.

Mr. CORBETT. This is a very important subject, and it seems to me it should not be passed upon without due consideration. A mining community is composed of men very jealous of their interests, and very jealous of having their bars refined at private establishments.

Mr. WILLIAMS. I wish to inform my colleague that two thirds of the gold and silver produced on the Pacific coast to-day are refined at private establishments upon the application of the miners.

Mr. CORBETT. I have had some dealing as a merchant with the miners, and I know from experience that they are not satisfied with private assays, and that their desire is always to have their coinage done at the United States Mint.

Mr. STEWART. This does not provide for private assays.

Mr. CORBETT. This question of unparted bars is a question of giving the entire amount of this bullion to private establishments. They have the right now to compete for it. They can offer to do it as private individuals, and if the miners can do better by giving it to them they will give it to them. They now have the right to give their bullion to the United States Mint. They take their choice, either to give it to a private establishment or to the United States Mint. This is a proposition to deprive them of that right.

Mr. STEWART. Oh, no.

Mr. CORBETT. I understand that it is to give the exclusive right to a private establishment who are doing a large portion of this business of purchasing bars. This measure should not be disposed of without proper discussion and proper consideration. I desire to offer some remarks upon it if it is to be discussed now. To obviate the objection of the Senator from Ohio to the amendment offered by the Senator from California I would offer this amendment:

Provided, That hereafter the coinage charge of one half of one per cent. is and shall be hereby abolished.

That confines the abolition simply to the coinage charge. Every one knows that if the coinage is $20,000,000 the charge is only $100,000; if it is $30,000,000 it is only $150,000. I understand from the Senator from Ohio that the gold coinage was only about twenty-one or twenty-two million dollars during the past year; but the nickel, silver, and other coinage is larger.

I do not mean to reflect upon the present assayers of the Mint, because I have no reason to do so; but supposing the assayer is dishonest, and he desires to make the bars of less value than they really are; in other words, if the fineness of the gold is 900, and he chooses to make it 800, and stamps it 800, he can thereby defraud the miner out of that difference, making the bar coarser than it really is, and then if it is turned over to a private establishment the private establishment makes that much out of the miner or the person who sells the bar. There might be such collusion. I think this measure should be properly guarded in that respect. I understand there is no check in a case of that kind. Under the present arrangement all this work is done in the Mint. It has to go through all the various checks of the Mint, and it is shown by the amount of alloy and the fineness of the bar how much it ought to produce according to the assay, and if it does not produce according to the assay there is a check upon it.

Mr. WILLIAMS. The Senator evidently misunderstands this proposition. My amendment provides for all those checks in every respect. There is no possible way in which any collusion can be resorted to by which the miner or any one interested in bullion can be harmed. It simply provides for the exchange of unparted bars for refined bullion whenever in the discretion of the Secretary of the Treasury and Director of the Mint it is for the advantage of the United States to make the exchange. The refining is a business that is done in the Mint and is done for the Mint. The refining outside of the Mint is done by private establishments.

Mr. CORBETT. If my colleague will show me where that check is I should like to see it. I have conversed with the gentlemen who have this matter in hand at the Treasury Department, and they tell me that there is no such check; that if an assayer is dishonest and he assays a bar lower than it really is, and it is disposed of to a private establishment at that low rate, the private establishment reaps the benefit of it. Now, who is the loser? The miner who deposits his gold loses that amount of money and the private establishment gains it.

Mr. WILLIAMS. That is precisely the case now. When a miner takes his gold to the Mint he receives a certificate. The gold is assayed, and he is paid his coin upon the assay made by the Mint at the time; and after that the bullion is put in with the other bullion of the United States and melted up together. After the assay is completed and the coin is paid the miner then has nothing more to do with the bullion. He is not concerned about it. There is just as much check under this proposition as there is now. Assuming that the assayers of the United States will cheat the miners and make a false assay, they can do it precisely now as they can under this amendment.

Mr. STEWART. A collusion might occur between the assayer and refiner all the same. And I will state to the Senator from Oregon, [Mr. CORBETT,] having had some experience in this matter, that it is common among miners who are doing any business to have an additional test of their own. Most of them have their bars assayed before they take them to the Mint.

Mr. NYE. I hope it will not be forgotten that I am entitled to the floor.

The VICE PRESIDENT. The Chair remembers that the Senator from Nevada is entitled to the floor; but he yielded it to the Senator from Oregon.

Mr. STEWART. I have not occupied very much time.

Mr. CORBETT. I think I understand this business just as thoroughly as the gentleman from Nevada [Mr. STEWART] does. I represent a mining community, the same as the Senator from Nevada does. I have had dealings with these miners. I have sold them goods; I have purchased their bars. I know that they are in the habit of having their assays made at home by private assayers frequently; but as a general thing they are not satisfied with those assays, and they send the bars to the United States Mint. I deny that there is the same opportunity for collusion when all this business is done by the United States Mint. From the moment the gold is presented there, and in going through the various departments, there are checks upon it, and when it is coined it is ascertained from the fineness whether it produces the requisite amount of coin. If you allow the bar that is stamped and assayed by the United States Mint to be turned over to a private refiner, what security is there? If it is

stamped at a less value than the real worth of the bar, and that is wholly, as I understand it, with the assayer, the miners can be defrauded to that extent. Now, the mining community are a community who are very mistrustful. They should have the privilege of these assays and the unparted bars of the United States Mint just as they have now; and if they choose to sell their unparted bars to private establishments they have the privilege of doing it.

Mr. STEWART. Let me ask the Senator one or two direct questions. Did a miner ever get anything but the assayed value at the Mint? Does he not have it assayed there and get the money for the assay?

Mr. CORBETT. He gets the money there.

Mr. STEWART. What has he to do with it after it is assayed and the value stamped and he gets his money? Is there any check that benefits him?

Mr. CORBETT. I will ask the Senator who gets the benefit, provided the assayer assays a bar at less than its value and stamps it at less than its value?

Mr. STEWART. The assayer who steals it, and nobody else.

Mr. CORBETT. No, sir; the Government of the United States gets the benefit of it, because that goes into the coinage, and they know exactly what that produces.

Mr. STEWART. Not a particle of it.

Mr. CORBETT. The fineness of the bar is stamped upon it, and they know exactly how much coin that bar will produce.

Mr. STEWART. No assayer does that unless he intends to steal it, because no assayer returns in more than he is required to do, and he never has done it in the history of the world. That would be mere larceny, and you have no check against that larceny now any more than you would have under a different state of circumstances, and not as much, because the refiner is in the same room with the assayer in the Mint, and there is not as good a check as if the refiner were separated from the assayer. That is one of the reasons why this measure is better for the miner because it furnishes him more security.

Mr. CORBETT. I understand that it goes from the assayer and the refiner to the coiner. The coinage produces a certain amount of coin, and they know whether that coin is the requisite amount according to the stamp on the bar or not. It is stamped of such a fineness and worth so many dollars; and if it does not produce that many dollars, then it is a cheat, or if it produces more than that it is for the advantage of the Government of the United States. Now, I understand that in this process by the United States Government but one cheat has been ascertained with regard to this assaying, and that was in regard to the certificates. One of the men who received the certificates of the fineness of the bars marked the fineness of those bars on those certificates and sold them to private assayers, and they found that it was not of that fineness. The Government was thereby defrauded to the extent of about twelve thousand dollars, I think. That was discovered from the fact that they could go back to the assayers and compare the certificates of fineness done by one of the clerks. The fraud was thereby discovered and prosecuted.

Now, it is necessary to have this whole process pass through the entire machinery of the Government in order that there shall be proper checks. If the miner desires that, let him have the privilege of it. If he desires, after it is refined by the Government, to sell his bar to this private corporation, he now has that privilege; and they are doing, I presume, a large portion of this business. They want to force the entire amount of it into that establishment. That is the object of this measure. I am of the opinion that it should not pass without proper examination, proper guards, and proper checks.

Mr. WILLIAMS. I wish to make one statement. It is insisted here that my amendment should not pass without a proper examination. Sir, it has been examined by two Secretaries of the Treasury. It has been examined time and again by the Director of the Mint. It is recommended by Dr. Linderman and Mr. Knox, who are special agents in connection with the Mint. The Committee on Retrenchment last summer in San Francisco examined the subject and took testimony, and are in favor of this measure. It has twice or three times been examined by the Committee on Finance, and once passed the Senate; and now it is objected that it ought not to be passed because it has not been sufficiently considered.

Mr. NYE. If the Senator desires to make a speech I will give way.

Mr. WILLIAMS. I merely desired to answer that objection.

Mr. MORRILL, of Maine. I wish to have the fourth rule of the Senate read.

The PRESIDING OFFICER, (Mr. THURMAN in the chair.) The rule will be read.

The Secretary read as follows:

"4. No Senator shall speak more than twice in any one debate on the same day without leave of the Senate, which question shall be decided without debate."

Mr. MORRILL, of Maine. In order to facilitate business, I call upon the Chair now, and during the progress of this bill, to hold the Senate to that rule. It applies to nobody in particular on the floor at the present time, and therefore I have thought that this is a proper time to call attention to it.

Mr. THAYER. I hope the Senator will insist upon that rule.

The PRESIDING OFFICER. The Senator from Nevada [Mr. NYE] is entitled to the floor, and the Chair is not aware that he has spoken more than once on this question.

Mr. NYE. I have not spoken once yet, because I have not got through.

Mr. MORRILL, of Maine. I do not know whether it applies to the honorable Senator or not. He knows, doubtless. But I thought this was a good opportunity to make the point. I know he can bear it.

Mr. NYE. It is a good rule, and I will abide by it. I now yield for a moment to the Senator from Pennsylvania, [Mr. SCOTT.]

Mr. SCOTT. If this debate has satisfied the Senate of anything, I think it has satisfied them of the impropriety of disposing of this question on this appropriation bill; and if anything further were needed to satisfy the Senate of that impropriety I have in my hands what I think would do so. Many Senators are aware that there is upon the files a bill introduced by the chairman of the Committee on Finance to regulate the mints, assay offices, and coinage of the United States, and as bearing upon that bill I had put in my hands this morning the proof-sheets of a very lengthy report made by the Deputy Comptroller of the Currency. Two heads of that report I find embrace the very subjects which we are discussing, namely, "the authority to exchange unparted bars for refined bullion," and "the repeal of the coinage charge." I have not had time to read this report, put in my hands for another purpose than bearing on this question; but I have no doubt there is contained in this report information upon these two questions which would be of great importance to the Senate in disposing of the point now incidentally raised upon an appropriation bill. I trust, in order to give Senators time to examine this report when it shall come in and be placed upon our tables, if the amendment is insisted on, it will be voted down, and the matter can then be taken up in the place where it properly belongs, in connection with that bill for the purpose of regulating the Mint, and the coinage, and all charges in relation to it.

Mr. WILLIAMS. All that is in a report which has been upon our tables here for more than a month.

Mr. SCOTT. We have not had the benefit of seeing it in this form if it has been in other forms.

Mr. STEWART. It has been on the tables all winter.

Mr. CORBETT. I understand there is some other additional information that has been received from the Treasury Department.

Mr. WILLIAMS. It is all in favor of the passage of the amendment I have offered.

Mr. NYE. Now, Mr. President, I desire the attention of the Senate for a moment. I said the other day, in discussing this question, that it was not a question new to the Senate at all. It has been considered almost every year for the last three or four years. Congress in 1869 provided by special enactment—

"That the Mint of the United States and branches shall continue to refine gold and silver bullion; and no contract to exchange crude or unparted bullion for refined bars shall be made until authorized by law."

Mr. STEWART. Is not that in an appropriation bill?

Mr. NYE. Yes, sir; and my honorable colleague helped me to put it there very earnestly.

Mr. STEWART. No; I did not put it there.

Mr. NYE. Yes, you did. Mr. President, that was the solemn judgment of this Senate one year ago. It was the solemn judgment of those who advocate the opposite policy now. I should like to know what has occurred to change the judgment of the Senate upon that question? We are told that new light has been thrown upon it by the Committee on Retrenchment and Reform. I should be very much obliged to that committee if they had called some witnesses that I could have suggested, or if they had let me know when they were investigating the subject, so that I could have had some witnesses examined upon it. I never knew until now, until informed by the honorable Senator from Oregon, that it was a subject of inquiry by that committee.

Mr. PATTERSON. I should like to ask my friend if he states to the Senate that the parties who were before the committee were not trust worthy witnesses?

Mr. NYE. I have not said anything about it. But there was no cross-examination, and I can find men who entertain exactly the opposite opinion. Let me ask the honorable chairman of that committee now, with the utmost kindness, if he examined a witness who was not in favor of it?

Mr. PATTERSON. In favor of what?

Mr. NYE. In favor of this parting outside.

Mr. PATTERSON. Oh, yes.

Mr. NYE. Who?

Mr. PATTERSON. If it were necessary, I could read you the testimony of several witnesses.

Mr. NYE. That is an answer sufficient for my purpose. Then there was a contrariety of opinion; and if the honorable Senator from Oregon declares the opinion of the committee, then he gives us the judgment of the committee, or the majority of it, that this ought to be done.

Mr. PATTERSON. I do not know that I understood the question of the gentleman properly.

Mr. NYE. It is not a matter of any consequence. I ask the honorable Senator if he examined any witnesses who were opposed to separating outside of the Mint?

Mr. PATTERSON. All whom we examined were in favor of refining outside the Government establishment.

Mr. NYE. That answers the question. That is what I supposed; and I could produce as many witnesses to testify on the other side. Therefore, there is no balance to be struck. They called only such witnesses as they were informed of, I presume. I find no fault with them.

Mr. PATTERSON. We generally take that

testimony which is in court; not that which might be brought in.

Mr. NYE. Certainly. I repeat again, if I shall be allowed to go on for a minute, that last year the solemn judgment of the Senate and House of Representatives was that this work should be done in the mints, and nowhere else, for Government purposes. Now, I ask again, what has occurred since that time to change the judgment of the Senate? Nothing, except the persistency of those who desire to make this change.

I was asked another question about the amendment in regard to coinage: whether this charge came out of the depositor. I say it does, and it comes out of the depositor by law. Section six of the act of February 21, 1853, entitled "An act amendatory of existing laws relative to the half dollar, quarter dollar, dime, and half dime," provides—

"That, at the option of the depositor, gold or silver may be cast into bars or ingots of either pure metal or of standard fineness, as the owner may prefer, with a stamp upon the same designating its weight and fineness; but no piece, of either gold or silver, shall be cast into bars or ingots of a less weight than ten ounces, except pieces of one ounce, of two ounces, of three ounces, and of five ounces, all of which pieces of less weight than ten ounces shall be of the standard fineness, with their weight and fineness stamped upon them; but in all cases, whether the gold and silver deposited be coined or cast into bars or ingots, there shall be a charge to the depositor, in addition to the charge now made for refining or parting the metal, of one half of one one per cent."

I call the attention of the Senate to the next clause:

"The money arising from this charge of one half of one per cent. shall be charged to the treasurer of the Mint, and from time to time, on warrant of the Director of the Mint, shall be transferred into the Treasury of the United States: *Provided, however*, That nothing contained in this section shall be considered as applying to the half dollar, the quarter dollar, the dime, and half dime."

There, then, the bald fact stands out, that this Government charges me for putting on the face of my bullion its stamp, making it national currency, coin, one half of one per cent. Gold and silver being the basis, the standard of our currency, they make me pay fifty cents on every $100; they make me pay directly to the United States, for making its own coin, one half of one per cent. Sir, in any other department of this Government such a thing as that would almost produce a revolution. What is its effect and result? The hardy miner who delves into the depths of the earth, and by the sweat of his brow brings up the material out of which Government coin is made, is charged one half of one per cent. for giving to this Government what it claims as its currency, its coin. Sir, I wonder it has been endured so long. I say now to my colleague, and I say to the honorable Senator from Oregon, if you want to reduce the expenses to the depositor, if you want to make the process cheaper, stamp it for nothing. There lies the remedy. It is not in swapping bullion with A, B, and C.

I am obliged to the honorable Senator from New Hampshire, [Mr. PATTERSON,] who now informs me that the testimony that was taken by his committee in San Francisco was all in favor of abolishing this charge for coinage.

Mr. STEWART. I will say to my colleague that I thoroughly concur with him with regard to the propriety of abolishing the charge for coinage. I am in favor of both these propositions.

Mr. NYE. I understand that.

Mr. STEWART. I want to pass them both.

Mr. NYE. But I propose to show that if you will abolish the charge for coinage, which ought to be done, that will cheapen the thing so much that there is no necessity for the other measure. That is my view; and I think that is the view the Senate will take. Abolish this outrageous charge that is wrung from the producer of bullion for the Government putting its own impress on its own coin. There lies the remedy for all this difficulty. Strike off the charge for coinage, and our bullion purchasers can compete with the bullion purchasers of the world, for they do not claim that by this other method they can save the one half of one per cent. I agree in all efforts to cheapen this process; but I insist upon it that the cheapening shall be made right, and not make this Government a great gold merchant for swapping impure for pure metal, or *vice versa*. These Government mints are its crucibles through which the depositor is entitled to the guarantee of the Government from the time his gold enters the mint that he shall receive every dollar that it produces.

But we are told that the bullion is assayed and its value is ascertained in that way. So it is. I speak now upon the hypothesis that the officers are honest; and I appeal to any director of any mint if there had been a mistake in that assay, and the depositor was wronged by the assay, whether in the general result all would not get what their bullion produced? If that is not so our whole minting system is subject to fraudulent transactions, which I do not believe. Sir, if you want to cheapen bullion, if you want to enable our bullion dealers to compete with the bullion dealers of England and of the world, knock off your coinage charge, and then they can defiantly cope with competition anywhere. If you want to deal fairly by the depositors, by the men who delve night and day—and it is all night with them, save when they come up from their shafts and their tunnels—if you want to deal fairly by that set of men, who toil by artificial light from one morning to another, take off your charge for coinage. There lies the remedy. That is beginning were we ought to begin. Assuming that the statement in the book which I obtained from the Senator from Ohio is right, you make to this Government in that way $100,000, or a little over, per year upon gold. The charge upon silver is higher. I ask the honorable Senator from Ohio if I am not right; if the charge upon silver is not two and a half per cent.?

Mr. SHERMAN. It is made up in another way, not in the form of a coinage charge.

Mr. NYE. When my constituents come with their silver bars to the Mint at Philadelphia, and want them coined, two and a half per cent. is deducted from every dollar of the bullion that they bring. In behalf of that toiling multitude I protest against that charge standing upon our statute-book. I ask the Senate if they are not ready to sacrifice the $110,000 a year received in this way? No, sir; it is no sacrifice; I withdraw the word. I ask them whether they are not willing to yield the one hundred and ten or one hundred and twenty thousand dollars a year now wrongfully collected in that way? Sir, let it not be said that this Government is taxing the sweat and toil of the toiling millions in our mines to wring from them a pitiful half of one per cent. upon the coin that it stamps and uses as its currency.

Then, sir, am I not right when I say that if you want to cheapen this bullion and its manipulation to the miner, take away your coinage charge? In so doing you do justice to a worthy class of people, you do justice to the Government itself, for the object of the establishment of these mints was to stamp this coin and keep it in our own possession, so that it should not be transported abroad; and the Government should at least make that much effort to retain it.

A single word more, sir, and I have done; and I shall not violate the rule referred to by the Senator from Maine. What has occasioned this new light on this important subject? Who has discovered that the panacea for all these evils lies in refining or separating metal outside the mint? I ask the skilled laborers of our mints if they are willing to stand up and have it said that private establishments are doing this business better and cheaper than they can do it? If so, the whole minting system of this country needs overhauling and rooting up. If we cannot have the separating of this metal done as cheaply in the Government offices as it is done in private establishments, then there is a degree of imbecility attendant upon their management that demands investigation and reform at once. Let it not be said that our minting system is so imperfect that some Yankee is beating it. That is all nonsense. The only way that men can beat the Mint is by controlling the mass of bullion; and I repeat that the moment this plan is adopted the mints of this country are at the mercy of the private refiners.

Take San Francisco for illustration. There is a great establishment there. I am not finding fault with the persons who control it. I think it is quite likely I should be for it, if I owned the machine. I do not claim to be more virtuous than others. Take that city to illustrate, and the mint there, and what do we find? We find that they coin more gold there than in any other mint in the nation. It has been a most successful mint; sometimes in the hands of bad managers, and sometimes in the hands of good ones. So tenacious are they of their mint that this Government in its generosity or its justice has commenced the erection of a mint there over four times as large as the present one. You saw it, sir, [Mr. THURMAN in the chair.] It covers a whole square. The argument that is used against the little branch mint that I am trying to nurse in Nevada is that arrangements are being made at San Francisco by which they can do all this work; that the mint there will be capacious enough for the whole business of the Pacific coast. And yet we are told, while yet the corner-stone of that building is not covered, that they acknowledge their inability to separate metal as cheaply as persons outside. Sir, if I should go personally to the manager of the mint at San Francisco and charge him with that I should get a specimen of western justice administered to me between the two eyes at once. Go and charge the manipulators of bullion in the mint at San Francisco that they are incapable of manipulating metal to its perfection, and your stay would not be comfortable at the mint. They would suggest to you that you had better travel. And yet we are told here by my colleague and others that that stands as a settled fact. I deny it *in toto*.

That being the case, and the law a year ago saying that this work should be done in the Mint, I call upon Senators on this floor to say whether they will reverse their judgment upon no newly-discovered fact or upon no newly-discovered evidence. Sir, I repeat again, there is a bill on the files of the Senate to rearrange the whole coinage system of the country. This measure belongs upon that bill. If upon full consideration, when that bill comes up, I am convinced that this provision ought to pass, I will vote for it; but I protest against this haste in pushing it upon the appropriation bill, out at least of the ordinary way, and getting a declaration of Congress that the coinage of our country is in hands that cannot compete with private enterprise. If it cannot, change it. If it is important to get this private separating establishment as a part of our mintage, buy it and hire the help that runs it.

Now, one of two things is certain; they are going to separate and refine in the mint at California, or my honorable friend from California [Mr. COLE] will find a motion made here to cut down the size of his mint. One of these two things will be done. Why quadruple the capacity of the mint and take away half its labor? Why spend millions unnecessarily upon that building if the panacea for all our woes lies in a wooden separating building outside the city where sulphuric acid can be used? Why, sir, sulphuric acid can be made in my own State for a penny a pound. We have mountains of brimstone, and it costs nothing but to quarry and to burn it. Cannot the mint get it as cheaply as outsiders? I can put up a sulphuric acid factory for $200. All you want is a furnace and a receiver. Sul-

phuric acid can be made cheaper on that coast than anywhere else. Why do not your mints adopt it? Gentlemen say it is offensive to the smell. Sir, the mint in California is being established with special reference to that; and if anybody hereafter wants to smell sulphuric acid he must move up to the mint, the mint will not move to him. It cannot be smelled at Carson. It is not smelled in New York, and it is used right there in the assay office by that greatest of all thoroughfares of the world, Wall street. There the discovery was made, and it was made by a Government officer, too, he using this sulphuric acid. It is no great discovery, either; but it is claimed that nobody can use sulphuric acid with success unless it is used outside of a mint. Nonsense! Idle, worse than idle! If sulphuric acid is good outside it is good inside; and I guess we can find skilled people enough to work it.

Mr. President, I have said, perhaps, more than I ought to say on this subject. I have no war to make on anything that cheapens the transformation of this bullion into coin. I should be ungrateful to the people that I represent if I did so. Show me how it is to be done, and I will do it. I assert that the way to cheapen it is to knock off your charge for coinage. When you have done that, you have given them all the relief that the present circumstances require.

Mr. STEWART. Mr. President, I am desirous not to occupy time on this proposition, but it is a matter of a great deal of importance. I concur with my colleague fully as to the propriety and necessity of abolishing all coinage charges. I do not concur with him, however, in his opposition to the proposition of the Senator from Oregon; and I wish to say a few words with regard to that.

Refining is manufacturing; it is not coining; it has no relation to coining, and refining is not done in any mint established in the world except in the United States. It was not done in the United States for the first thirty years. The coining, after the establishment of the Mint, was confined to foreign coin; we had no refinery. After the lapse of thirty years it was ascertained that some gold was produced in the United States, but not enough to induce private refineries to manufacture it. Congress then passed a law in 1830 to provide for refining temporarily in the Mint, so that we could coin this small production. This refining in the Mint has been subject to a great deal of loss; it is the place where the loss in the Mint occurs; it is a manufacture; it is of the same nature as if the Government went out and sunk shafts. If you take the bullion in a crude state and manufacture it, why not take it in the amalgam state? If you take it in the state of amalgam, why not take it in the state of ore? And if you take it in the state of ore, why not go to the ground and dig it out? The point is, where shall minting begin and manufacturing leave off? It begins with the article prepared for minting, in all the world.

This was a temporary expedient which was adopted in the early days, about 1830, because there was no private refinery. In 1853 Congress passed an act—

"That when private establishments shall be made to refine gold bullion, the Secretary of the Treasury, if he shall deem them capable of executing such work, is hereby authorized and required to limit the amount thereof, which shall be refined in the Mint at Philadelphia, from quarter to quarter, and to reduce the same progressively as such establishments shall be extended or multiplied, so as eventually, and as soon as may be, to exclude refining from the Mint, and to require that every deposit of gold bullion made therein for coinage shall be adapted to said purpose without need of refining: *Provided*, That no advances in coin shall be made upon bullion after this regulation shall be carried into effect except upon bullion refined as herein prescribed."

This was made applicable to the branch mint in San Francisco in 1861. The charge then was fifteen cents an ounce for refining at the mint. That was the allowance, which came out of the depositors, of course. After a private refinery was established at San Francisco it started to do the work at ten cents an ounce. The mint then reduced its charge to eleven cents. Then the refinery went down to eight cents an ounce; so that nearly half the expense of refining has been taken off at the mint in consequence of the establishment of a private refinery. Now the private refinery is probably prepared to go down to four or five cents. It can go far under the Government and save a large amount.

Now, what is the proposition made? It is that your refining stay in the Mint as heretofore. As you have got refining apparatus there you are to keep it; but when you have crude bullion on hand, and the private refiners have manufactured and fitted it for coinage, and bring it there, you make the exchange, provided it be for the advantage of the Government. There is no bullion given out, as Mr. Cochran, the letter writer my colleague read from the other day, said. He, in his letter, spoke about the United States giving out bullion. The United States do not propose to give out bullion; but if it comes there prepared the exchange may be made whenever in the opinion of the Secretary of the Treasury the Government can make money, can save expense by it. That is the only time when the exchange can be allowed to be made. It will reduce the price of refining. The Mint charge in that respect has got to fall. It will reduce the price of refining much lower than it now is. It must come down necessarily if you allow private refineries to be established.

Now, look at the importance of reducing the price at the Mint. What effect has it? It increases the coin value of your bullion; and the same may be said of taking off the one half per cent. coinage charge; and this argument is good in favor of the proposition of my colleague to take off the Mint charge. With your present Mint charges and your tax for refining the export value of your bullion is greater than its minting value. We have a set of men who buy bullion for the purpose of shipping it to Great Britain. That is their business. They will pay a little more than the Mint charges now, and can afford to pay a good deal more. The charges and expenses run up very nearly to two per cent., and they can afford to pay one and a half per cent. nearly, certainly one per cent., more than they can afford to pay at the Mint and ship it to England. Why? Because when they go to England there is no refining done in the mint and there is no mint charge. The consequence is that the miner is compelled to pay all these charges. He is compelled to pay the Mint charge and the refining charge. All this accumulation of charges falls upon the miner, and the tendency is to enable the exporter to take your bullion abroad before it is manufactured in this country.

That proposition of the Senator from Oregon is certainly important. I do not believe it will affect the Nevada mint, as seems to have been supposed. It has no earthly effect upon it one way or the other. The Government of the United States pays exactly the same for bullion at the Nevada mint that it does at the San Francisco mint or at the Mint at Philadelphia—precisely the same. If depositors want to go to the Nevada mint and deposit their bullion, they can deposit it and get their coin upon the assay the same as they do everywhere else. If we cannot furnish accommodations there, if the people do not wish to deposit there, the mint cannot continue; if they do, it can. Allowing private refineries to exchange fine bullion for unparted bars does not have the slightest effect upon the Nevada mint. I am in favor of giving the Nevada mint a fair trial, and I hope there will be no attempt to strike out the appropriation, so that we may give it a fair trial. I believe it will be of use. The original appropriation for it, as my colleague justly remarked, was made before either of us came here. We have undertaken to start it; we have a fine mint and a good refining establishment there, and it will accommodate our people. At all events, it is perfectly right, after the expenditure has been made for establishing it, to let the experiment be fairly tried whether it is needed or not. But this measure does not affect it one way or the other. It simply takes off some of the incumbrances that are charged upon the miner, some of those things that tend to depreciate his bullion.

There are two classes of bankers: one buying bullion for the purpose of coinage, to accommodate the community, the other buying for the purpose of exportation. When those buying for the purpose of exportation are able to give more for it for that purpose than those buying for coinage, then money is scarce; then you have a deficiency of coin; then you have to pay a bounty for the purpose of inducing coin at all to flow into circulation.

The general principle is plain: let manufacturing be done by manufacturers. My friend from Rhode Island [Mr. SPRAGUE] would not want the Government to undertake to make his prints, and charge for the expense of doing it. He would think he could get it done as cheaply as they could. Nor does the owner of bullion want the Government of the United States to manipulate it at eleven cents an ounce when he can get it manipulated for five or six. All this assists to let the owner of bullion manipulate his bullion as cheaply as he can and take it to the Mint and get its value. Is not that fair? Do you want to prevent men from going into private enterprises by which they can benefit the community, manufacture at home, enhance the price of bullion, and do nobody any injury? I cannot see why there should be the slightest objection to it. Why the Government originally agreed to do refining is explained by examining the history of our Mint. That it should now be abandoned is evident, because there are plenty of refiners in the country who are willing to manufacture the bullion and fit it for coinage.

There is another thing which the Government has to look at. There has been in the San Francisco mint in the last ten or fifteen years a bullion fund always, as there is in other mints. That bullion fund is used in this way: when the crude bullion is brought to the mint it is assayed, its value stamped, and it is paid for in coin. Sometimes there has been a deficiency of the bullion fund, and then parties have had to wait a little while; but there is a bullion fund kept for the purpose of paying depositors as soon as their deposits are assayed. There is also a large allowance made for loss in refining. You have lost in your bullion fund between four and five hundred thousand dollars, and nine tenths of it have been in this system of refining, this manufacturing that the Government ought to have nothing to do with; nine tenths of it have gone in that way; nine tenths of the losses have been in this refining process. You have to have a large amount of the metal in solution in vats all over a large establishment; it requires a great deal of attention; and I undertake to say that the Government is not as well prepared as private individuals to watch and guard those vats, and it has not succeeded so well. When you assay at the Mint you have your assayer there; when you assay a bar, and stamp its value and pay for it, there is no necessity for the Government running that other risk longer, provided private refineries will bring refined bullion and exchange it for your unparted bars.

Mr. SHERMAN. I feel somewhat at a loss to know what my public duty requires in regard to this matter. I will simply say that if this amendment is not voted down I shall consider it my duty then to explain at considerable length the origin and necessity of maintaining the Mint charges now established by law. I do not wish to go into a long debate of this kind at this stage. I hope the question will be taken on the pending amendment, and then I will judge what course to take.

Mr. SPRAGUE. Mr. President, we are copying after England in all our financial forms

of action. Our financial situation is diametrically opposite from that of England. Money there is forced by an irresistible power down in prices; ours, by a power almost as irresistible, is forced upward in price. So that though England farms out even the coinage to private parties we should do no such thing, even in degree. This proposition is in keeping with the drift of the times, to aggregate in few hands the wealth of the country, which is noticeable in the course in business regarding property. Here it is proposed by law to abandon to individuals the handling of the gold dust and silver ore which now goes direct to the Mint. I object to any check of the flow into the Mint of our gold product. No private establishment should be indulged in handling this, the vital business fluid of the country. To prevent the possession at all of the gold and silver production from aggregating in few hands, I would perfect and distribute Government appliances to render into coin gold dust and silver ore. This proposition is not in the interest of the miner, the country, or the Government, but the refiner. I am for the miner, the country, and the Government, and I vote against the proposition.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nevada [Mr. NYE] to the amendment of the Senator from Oregon, [Mr. WILLIAMS,] which is to insert at the end of the amendment of the Senator from Oregon:

And no charge shall hereafter be made for the coinage of gold or silver in the United States Mint or its branches.

Mr. CORBETT. To obviate any objection to that amendment, I ask the Senator from Nevada to accept this as a substitute:

Provided, That hereafter the coinage charge of one half of one per cent. shall be, and hereby is, abolished.

Mr. NYE. That applies to gold.

Mr. CORBETT. That applies to the coinage charge specifically, and applies to the half per cent., so that it cannot reduce the receipts over $150,000, if all the coinage is taken into account.

Mr. NYE. I will accept that.

Mr. HOWARD. I do not care so much about the coinage; but I notice in the act of 1856 that the Government charges at the rate of one half per cent. for coining gold; that is, converting it into money, "current coin of the realm," so called; and this charge is made on the man who brings the bullion to the Mint to have it coined. It is a charge, therefore, for coinage, and acts upon the producer of the bullion. It seems to me that that is not right. It seems to me that this charge for converting gold into coin by the Government of the United States, and fixing upon it the stamp of the nation, by which it becomes lawful money, ought, like other public charges, to rest equally upon the whole people of the United States. Why, sir, how is it in regard to the national currency, and in regard to what we call the greenbacks? Do individuals pay for striking off those evidences of debt, that species of money, circulation? No, sir; it is a charge upon the whole people of the United States, and it is paid for by universal taxation, like any other public charge. I beg to know what propriety there is in making a distinction between this preparation of our paper currency and the preparation of our gold or silver currency by the Government? It seems to me that it is a distinction without any difference. I can see no justice in imposing upon the owner of bullion the whole cost of converting his bullion into coin. It is imposing upon a small class of persons in the United States the whole responsibility of coinage, which I think ought to fall upon all the people of the United States, like any other public charge. I hope, therefore, that this amendment of the Senator from Nevada will be adopted.

Mr. COLE. Mr. President, the question now before the Senate, as I understand it, is the amendment presented by the Senator from Nevada [Mr. NYE] to the amendment of the Senator from Oregon, [Mr. WILLIAMS,] and upon that question I wish to say a very few words. I shall not detain the Senate by any lengthy remarks. It is, indeed, with a great deal of reluctance that I claim the attention of the Senate further in this debate on this question, but I propose to present very briefly a few reasons why the coinage charge should be abolished.

It is believed that the policy of the Government should tend to the retention of American bullion at home rather than allow the difference between the mint charges of our own and foreign countries to operate as a premium to encourage its shipment abroad, and that is the effect of the coinage charge. I observe in the report of the Committee on Retrenchment, who were last summer in San Francisco, in the testimony of one of the witnesses who has had a good deal of experience in mint matters, the following question and reply with regard to bullion, the question being put, I believe, by the present occupant of the chair, [Mr. THURMAN,] a member of that committee:

"*Question.* Has it not generally been more valuable to the exporter to send it off in the form of bullion rather than coin?

"*Answer.* Yes; a very small difference between the value of bullion here and in London carries it there very quickly."

The whole argument upon this point is summed up in that answer. The little difference that is made by the imposition of this charge of one half of one per cent. upon the coinage of bullion drives it to a foreign market, and the bullion is bought up by persons engaged in that speculation for the purpose of meeting checks abroad, and sent there instead of coin, and, indeed, instead of other commodities which would otherwise go to meet the demand of the balance of trade.

It is also true that such a modification of the law would to some extent stimulate mining enterprise, encourage an important but poorly-paid branch of industry, and increase our annual product of the precious metals. To be sure, the effect upon the mining business of a charge of this kind would not, I suppose, weigh very heavily, but it has some effect, and if this is removed it will present another stimulus to mining operations in which the whole business interests of the country are interested. This is not simply interesting to those who produce bullion in a particular section of the country, but the whole country is interested in it.

I may add that the removal of the coinage charge by raising the mint value of bullion above its market value for shipment would increase our coinage, swell the volume of specie in circulation, and stimulate, as I stated a moment ago, the exporting of other commodities than gold and silver. This is a proposition so clear as to need only to be stated to prove itself.

It requires something also in countries between which there is a large commerce, as is the case between this and the various countries of Europe, particularly England, to adjust the balances of trade; and in some slight degree this charge upon coinage, this seigniorage that is placed by the Government upon the bullion that is taken to the mint to be converted into coin, operates upon this demand to meet the balances of trade.

The entire cost of refining the total bullion product of the country in gold, $21,000,000, or $22,000,000 as it appears to be, would not much exceed $100,000; and it is no hazard to say that the benefit to the Government by having the increase that would result from the abolition of this coinage charge, the advantage to trade generally, the advantage to the whole commercial interests of the country, would much more than counterbalance the surrender of that amount of revenue.

It has been stated in the debate that the Committee on Retrenchment while in San Francisco took the testimony of numerous persons upon the subject of coinage in the mint; and it has been said—and I believe the facts bear out the statement—that all the witnesses who were examined upon the subject concurred in the opinion that the coinage charge should be abolished. The testimony of one witness seems to be very pointed, and is worthy the attention of the Senate before the vote is taken on this question. I send to the desk and ask the Clerk to read from the testimony of a person who seems to be conversant with the subject, Mr. Garnett, commencing on page 280 of the committee's report.

Mr. POMEROY. I do not object to the reading of that, but I submit that we ought to vote. We have talked on this question for nearly two days now.

Mr. COLE. The extract is a short one, and I shall not add a word to it.

Mr. POMEROY. I have no objection to its being read, but I want to vote.

Mr. COLE. I only ask for the reading of two questions and answers.

The PRESIDING OFFICER. The extract sent to the Chair by the Senator from California will be read.

The Chief Clerk read as follows:

"*Question.* What is your opinion in respect to the charges the Government ought to impose for coining?

"*Answer.* They now charge one half of one per cent. My opinion is that the charge ought to be abrogated altogether; it should be free.

"*Question.* State your reasons for that opinion.

"*Answer.* That is a question which has been very fully discussed in Europe during the last two or three hundred years; and more recently in England again, growing out of the monetary convention of Paris. I see that the chancellor of the exchequer has made a very astonishing proposition in relation to the English sovereign, to impose a seigniorage or coinage charge of one per cent. The English has been the only Government which has had an absolutely free coinage system. They are now getting a little apprehensive about their stock of bullion and coin. France has seemed to accumulate almost all the gold of the world; and, as a means of checking the export abroad, the English propose levying a seigniorage on their coin by reducing its weight. The technical part of the question is very little understood by the ablest politico-economic writers, and they are very apt to confound two distinct modes of levying a seigniorage or coinage charge, the effects of which are very different. One is such as ours and in France, where you coin the whole amount of a man's deposit into coin of full weight and deduct a proportion of those coins as seigniorage. The other is where you take from him a portion of the metal he brings in, and coin the balance into the same number of coins of less weight that the whole deposit would make of full coins. For instance, if I were to take 537½ ounces of standard gold to our Mint, which is exactly one thousand eagles, the Government would coin that into one thousand eagles, or $10,000, and they would reserve five eagles, which is fifty dollars, or one half of one per cent., for this, making 2.68 ounces; and they would deliver to me 534.81 ounces, or nine hundred and ninety-five eagles, being $9,950. That is, they have taken fifty dollars out of me individually, when all the world is as much interested in coinage as I am. That is the direct mode; that is the mode used by us and by France. The other mode is to take the 2.68 ounces of bullion from me and then turn my 534.81 ounces into one thousand eagles and give them to me as $10,000. There, the coin passes for a greater value than the amount of bullion it contains. That is the mode of seigniorage which prevents the export of coin, and retains the coin in circulation; because it contains less bullion than its current value, and therefore nobody will take it at ten dollars and export it abroad and only get $9 95 for it. That system is a prevention of the export of the coins of a country; and in that view the chancellor of the exchequer has recommended that the sovereign be reduced one per cent. But it would have this effect: it would lead at once to the recoinage of all the old coin in existence; because there would be a clear profit of at least three fourths of one per cent. in doing so. It would deplete France of its coinage, which is of full weight, because there would be a profit of three fourths per cent., and the gold coin of France would go to England and be converted into sovereigns. He evidently does not see that part of the effect it would have. The English idea of money, which is a universal equivalent of values with a certain fixed unit beyond arbitrary caprice or cupidity, which shall at all times represent a certain value, is the real idea of money, I think. In accordance with that, for two hundred years, after having been discussed by the ablest men in England, they have had ever since Charles II's day a free gold coinage; and only now have they suggested this idea of a seigniorage, because of the fact that her coinage being of full weight, a stamped ingot like ours, is apt to be melted down or go abroad."

Mr. POMEROY. I ought to ask pardon of the Senator from California. I see this subject has been under discussion for two hun-

dred years, and I suppose we have just commenced it here.

Mr. SHERMAN. It will take two days' debate here now if it is gone into further.

Mr. POMEROY. By the paper read I see that it has been discussed for two hundred years, and if we commence on it now we shall all die before we get through with it. [Laughter.]

Mr. COLE. It will be under discussion as long as gold remains the currency of the world.

Mr. WILLIAMS. We might as well die in this way as in any other. [Laughter.]

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nevada to the amendment of the Senator from Oregon.

The amendment to the amendment was disagreed to—ayes eleven, noes not counted.

Mr. COLE. I suppose there is a great deal of reluctance to considering the subject in connection with this appropriation bill.

Mr. POMEROY. That is it.

Mr. COLE. This is not a decision of the merits of the question.

Mr. WILLIAMS. No; I am in favor of the proposition, and will fight for it as hard as I can; but it is not properly here.

Mr. COLE. This is not to be regarded at all as a decision of the merits of the question.

Mr. POMEROY. I voted against it because I did not want to put any such legislation on an appropriation bill.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Oregon.

The amendment was declared to be rejected; there being—ayes six, noes not counted.

Mr. EDMUNDS. That is on the same principle.

Mr. WILLIAMS. I give notice that when the bill comes into the Senate I intend to resist the amendments for general legislation that have been put on this bill for the expenditure of millions of money. Whenever a proposition is made to save anything, then of course the Senate cannot consent to it.

Mr. STEWART. I believe it is in time to call for the yeas and nays. I call for them.

Mr. WILLIAMS. You may as well wait now until we get into the Senate.

Mr. STEWART. If a meritorious proposition is not to be considered after it has been discussed this length of time, I think we ought to know it; but I will wait until we get into the Senate.

Mr. MORRILL, of Maine. I would say to Senators that if gentlemen cannot carry their propositions in harmony with the judgment of the Senate I do not think it is well to threaten what they will do on some other proposition, and I do not believe anything will be gained by that sort of argument.

Mr. STEWART. I do not expect to gain anything; but I have a right here in the Senate to allude to the inconsistency of a reason assigned. Senators say that because this is legislation they will not put it on the bill, when they have been legislating on the bill for the last week. If we are to discuss other measures on their merits, and put them on, and this is to be voted down without regard to its merits, because it is legislation, it seems to me it is very inconsistent, and I think I have a right to say so.

Mr. MORRILL, of Maine. What is the question?

The PRESIDING OFFICER. The Chair understood the Senator from Nevada to demand the yeas and nays.

Mr. STEWART. I withdraw the call.

The PRESIDING OFFICER. The amendment of the Senator from Oregon is not agreed to.

Mr. SHERMAN. I desire to offer an amendment, of which I have given notice, in line thirty-four, to raise the amount appropriated for the superintendent of the document-room of the Senate from $1,800 to $2,160. I do that to keep him upon the same footing on which the Committee on Appropriations have put the superintendent of the folding-room. I think these two officers have always had the same salary; they perform the same character of duties, and they ought to be on the same footing.

Mr. POMEROY. I suggest to the Senator from Ohio whether this is not an increase of the salary of the superintendent of the document-room?

Mr. SHERMAN. The same remark might be made in regard to the other proposition. An amendment may have to be put in, raising the salary of these officers to correspond with the appropriation made here. I do it simply because I think these two officers——

Mr. POMEROY. I propose to strike out the other, and leave it where it is by law, and then leave this on the same footing.

Mr. SHERMAN. That is another question.

Mr. POMEROY. Because one officer has been raised by an amendment which has not yet received the concurrence of the Senate, it is now proposed to move an amendment to raise another to correspond. I can see reasons why we should change the salaries of some of our officers, but I can see no reason for this on the ground stated by the Senator from Ohio.

Mr. CONKLING. I understand the Senator from Ohio to say—and I do not wonder he says it—that he moves this amendment by way of equality and justice between these officers, the proposition being to raise the pay of one of the same grade whose services perhaps are in some senses no more valuable at least than those of the officer in whose behalf he moves. Am I right in that?

Mr. SHERMAN. Certainly.

Mr. CONKLING. I wish to make a suggestion, though I do not mean to take issue with the Senator from Kansas. Very likely the whole purpose will be attained if the motion which he announces prevails, to leave this first officer who appears in the bill where he is now. If, however, he alone is to be raised, or if the superintendent of the document-room is to be raised, then I wish to move, as an amendment to the amendment, to embrace one or two other officers who I think ought to have their pay correspondingly raised. I will not suggest it at this moment until I see whether the Senator from Kansas will make his motion first and let us try that. If he does not do that, then I want two changes, which I think should be made, which are required by justice and equality quite as much as this change suggested by the Senator from Ohio.

Mr. POMEROY. I want the Senator from Ohio to put it on another ground. If he wants to raise the salary of this officer let him put it on the ground that it is necessary, not because some other officer has his pay raised. If the Senator will put it on any ground that I can sanction I will vote for it.

Mr. SHERMAN. The facts are just these: the superintendent of the document-room, as we know, has charge of an immense mass of matter; he has been here twenty years, I believe; at any rate longer than I can remember. He is an invaluable index to all the documents, without which a good many of us could not get information so readily. The superintendent of the folding-room is a gentleman who no doubt discharges his duties well. He has charge of the documents that are folded below. I think if one is raised the other ought to be.

Mr. POMEROY. Does the Senator think the one should be raised? That is all I want to know of the chairman of the Committee on Finance.

Mr. SHERMAN. I think they should have equal salaries. That is a question for the Senate to decide.

Mr. ANTHONY. I have been brought in contact a good deal, as I presume most Senators have, with the superintendent of the document-room. He certainly is one of the most valuable officers of this body, and he is a man who, upon the principles on which any private gentleman manages his business, any banker, any merchant, any manufacturer, would receive an advance in his compensation. If you ask him for a document that was printed in the Seventh Congress, he will bring it to you in half an hour. He is a man of information and experience. The Senator from Ohio very fitly characterized him when he called him a living index of the business of Congress.

Mr. POMEROY. If any services of that kind are put as a reason why we should do the thing, I will vote for it.

Mr. CONKLING. I do not mean to detract from anything said on behalf of the superintendent of the document-room, because I agree in all of it. He is a very valuable man, and ought to be treated as a meritorious officer. Nevertheless it is perfectly obvious to all of us, as it was to the Senator from Kansas, that this proposition comes here now, not on account of the merits of this officer, but because another increase is proposed for which as yet no reason whatever has been assigned. It has been proposed for an officer who has not been referred to specially to increase his pay by a certain number of hundreds of dollars; and thereupon, that there need be nothing invidious in his favor, it is proposed to extend that same benefit to another officer; and then we hear, and hear very truly, that the last-named officer is very meritorious.

Now, there are other meritorious officers here, very meritorious officers; and although I am not in favor of an increase of salaries and regret to see it done—regret to see it done by the Senate and upon this appropriation bill for special reasons—yet if it is to be done, if this man is to be added in order that there need not be an invidious discrimination against him, then I shall insist that there are others who ought to be added in order that there need not be an invidious discrimination against them—men who get less pay than these, and who work hard, and who, I think, are very meritorious officers, and for whom an equally strong case can be made.

As I say, I am not in favor of an increase of salaries generally; but to begin by saying that we increase the salary of the superintendent of the folding-room, for which as yet we have heard no reason at all, and then that we will increase the salary of another officer for fear it would be invidious to him if we did not, and then say we will stop there without considering those who may have much stronger cases, I think will hardly do. Therefore, while I concur most fully in all that has been said in favor of this officer, and agree with my friend before me, [Mr. MORTON,] who said in his seat that he ought to have a good salary, yet I say to him that when this is done for these two men, if there are others equally meritorious who get much less pay, we can hardly turn around and say we will not consider them at all.

My impression is that the safe way would be, as suggested by the Senator from Kansas, to stand exactly where we are. I do not understand that the officer of whom we are speaking has made any complaint that his pay is not sufficient. No doubt he would like to receive more pay. He is a very conscientious man. If his pay was in truth inadequate I think he would not hesitate to say so.

There is a consideration in that respect which certainly does not pertain to the mere folding and wrapping up in paper of documents in the room below; and yet the Senate will see that this proposition starts in the idea of increasing the pay of the man who overlooks wrapping-paper around documents. There is no intellectuality about that, no high art of any kind. It is laborious, but it is a mechanical business.

The Senator from Indiana [Mr. MORTON] well directs my attention to the fact that this does require a higher kind of service, and yet it comes here as a secondary consideration,

induced, and induced accidentally, because in the case of another officer an increase was proposed. Now, when I come to compare with the superintendent of the document-room some other officers whom I shall suggest if this be done I think no Senator will gainsay the proposition that they quite as much as he ought to have their pay raised. Though it is ungracious to interpose against any officer, I think we ought to stand where we are at this time. We have refused to raise other salaries; we are going to refuse to raise other salaries; but if we begin we cannot stop with these two men by any means.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. CONKLING. Is the question first on that amendment?

The PRESIDING OFFICER. Yes, sir.

Mr. SHERMAN. The other has been adopted, and I will state that if in the Senate either falls I am willing both should fall.

Mr. CONKLING. Suppose we first take the question on the motion to reconsider the amendment already adopted; will that not be satisfactory to everybody? And if that is not reconsidered I wish to suggest an amendment myself. If it is reconsidered the Senator from Ohio will acquiesce in that. I will move, if that does not stand in the way of anybody's convenience, to reconsider the vote by which the other amendment was agreed to.

The PRESIDING OFFICER. That can only be done by unanimous consent, more than two days having elapsed since the vote was taken.

Mr. SHERMAN. I suppose under the rules that cannot be done until we get into the Senate.

Mr. CONKLING. It can be done by consent. We can test the sense of the Senate on the motion to reconsider. Nobody will object to that.

Mr. SHERMAN. I do not object to that.

Mr. CONKLING. Then let us do it by consent, because if the motion to reconsider does not prevail I want to move an amendment.

The PRESIDING OFFICER. Is there any objection to entertaining the motion to reconsider?

Mr. ANTHONY. I offered an amendment, which was referred to the Committee on Appropriations some days ago, affecting the compensation of three officers of this body, all of whom have been here over twenty-five years, and I think two of them more than thirty years. I do not like to speak of them in their presence as I think, but I will say that I believe nobody has ever been more faithfully served by corresponding officers than the Senate has been by these officers. They are the Chief Clerk, the assistant doorkeeper, (whose compensation is $400 less than the corresponding officer of the House,) and the superintendent of the document-room. The amendment includes those three. There are other officers of the Senate whose pay I should like to increase; but these men were here in the time of Webster and Clay and Calhoun and Benton, and enjoyed, some of them, and I think all of them, their friendship and their confidence. They have been here longer than any member of this body; and certainly upon those principles on which men ordinarily transact their business the time has come when there should be some recognition of the long and faithful services of these men. I have put them all together. The advance proposed is very moderate to each of them. And I believe that if the same service which they have rendered to this body had been rendered to a banking institution or an insurance office, or to a large mercantile establishment, it would have secured them a much higher rate of compensation than they have here; but we all know there is an attraction about public service which keeps men here.

Mr. CONKLING. In the light of that, if we may just take the sense of the Senate on the question to reconsider the amendment already agreed to, which is for neither of those cases, and which stands on an entirely different footing, then, for the grounds which the Senator from Rhode Island has stated, I will go with him with great pleasure for an increase of the pay of those three officers, of whom he shall say nothing in commendation with which I will not agree. But each Senator will see now that we have commenced with a case totally different, and which cannot stand for one moment upon the footing which he assigns for the officers he has named. Now, let the sense of the Senate be taken on the motion to reconsider the previous amendment; and that will dispose of all other similar cases and leave the three specifically named to stand by themselves.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to move to reconsider the vote on the amendment by which the salary of the superintendent of the folding-room was raised. Is there objection? The Chair hears none.

Mr. HOWARD. What is the motion?

Mr. CONKLING. Simply to take the sense of the Senate on raising his salary.

Mr. CRAGIN. I should like to state one or two facts in relation to that officer which may not be known——

Mr. CONKLING. I hope the Senator does not object to the reconsideration.

Mr. CRAGIN. No, sir.

The PRESIDING OFFICER. The question now is on the reconsideration.

Mr. CONKLING. Let it be reconsidered.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment in relation to the superintendent of the folding-room, which is in lines thirty-seven and thirty-eight to strike out $1,800 and insert $2,160.

Mr. CRAGIN. The superintendent of the folding-room is an officer that is required to remain here all the time, not only while the Senate is in session, but during all the vacations, for it is well known that documents are being sent off constantly to Senators at their homes. They are writing letters constantly to be answered, for books, &c., so that this officer is required to be here the whole time; whereas some of the other officers connected with the Senate, clerks, &c., have long leaves of absence during the summer, many of them almost the entire vacation. This, I apprehend, was the reason that induced the Committee on Appropriations to recommend an increase of this salary. I believe that proposition will commend itself to the attention of the Senate, and I think will agree with the committee in their recommendation.

Mr. POMEROY. I ask the Senator whether the superintendent of the folding-room does not have a clerk?

Mr. CRAGIN. Not at all. He has no clerk; he has one messenger, who runs with books. He himself keeps the entire book of accounts, and is the principal, almost the only man in the office.

Mr. MORRILL, of Maine. I think I ought to say one word explaining how it happened that this amendment was reported by the Committee on Appropriations. We made it conform to the salary of the superintendent of the folding-room of the House. I do not know any other reason.

Mr. TRUMBULL. I apprehend that the Senate does not fully understand the increases of salary that are in this bill. I understand that we, if we pass this bill as it stands, are increasing very largely the salary of a number of officers, and I think it ought to be brought to the attention of the Senate. We had up the other day the case of the chief clerk of the Navy Department, and it seems that the House of Representatives had in their bill raised his salary before it came here; and in the printed text of this bill as it comes from the House of Representatives we have raised a number of the salaries. I will instance one. The Sergeant-at-Arms, as the Senator from Kansas says, the Sergeant-at-Arms and Doorkeeper has by this bill $4,320 salary. By the appropriation last year he had $2,400.

Mr. ANTHONY. But his perquisites are cut off by this bill.

Mr. TRUMBULL. Not at all.

Mr. ANTHONY. Yes they are.

Mr. TRUMBULL. Let us see:

Provided, That he shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith.

That does not cut off the mail service, and is not intended to do so. There are no fees or perquisites connected with the office of Sergeant-at-Arms of the Senate, and never were. He gets a fee for summoning witnesses, but that amounts to very little. The Senator from Vermont has an official statement showing that it does not amount to $200 a year, and never did.

Mr. CRAGIN. Allow me to correct the Senator. I will state to the Senator that during the impeachment trial the Sergeant-at-Arms received several thousand dollars.

Mr. TRUMBULL. The official reports, I think, do not show that.

Mr. HOWARD. They ought to.

Mr. TRUMBULL. They ought to if he received it, certainly. That was an extraordinary occasion, which is not likely to occur again. We have a statement from the Secretary of the Senate which shows exactly what the Sergeant-at-Arms received. If the Senator from New Hampshire has that statement I should be very glad to have him refer to it.

Mr. CRAGIN. I remember approving the bills.

Mr. TRUMBULL. I think the report of the Secretary as to the amount paid shows no such state of things.

Mr. CRAGIN. Beyond that, when the Committee on the Conduct of the War was in existence, the Sergeant-at-Arms received quite large fees through all that time.

Mr. TRUMBULL. I should like to inquire of the Senator from New Hampshire if the official reports do not show what he received?

Mr. CRAGIN. I suppose they ought to.

Mr. TRUMBULL. They ought to. Then I think that would be the best source to which to go.

Mr. CRAGIN. I can refer to them.

Mr. TRUMBULL. I would be very glad if the Senator from New Hampshire would furnish a report which shows the facts. I would ask the Senator from Vermont, who made the inquiry and has the facts, to state them.

Mr. EDMUNDS. I had a written statement from the Secretary's office showing how much the Sergeant-at-Arms for the last two years had received beyond his regular official salary, specifying the fees for official services, summoning witnesses, and all that sort of thing; and they were absolutely trifling. They did not amount to $100. There is the carrying of the mails, the pay for horses, &c., which amounts to a large sum; but the items named in the immediate bill before us amount to very little.

Mr. HOWARD. Does that include his fees and mileage for summoning witnesses?

Mr. EDMUNDS. Yes, sir.

Mr. HOWARD. That must be utterly impossible; for I know that the Sergeant-at-Arms, the predecessor of the present incumbent, received thousands and thousands of dollars for mileage and serving subpenas upon witnesses to bring them before committees of inquiry of this body.

Mr. EDMUNDS. That may be. I do not know how the fact is. All I know is that the official statement which I gave to the chairman of the Committee on Contingent Expenses, for whose purposes I obtained it, who does not happen to be here—the official written state-

ment from the Secretary's cashier, going back for the years 1868 and 1869, shows no such thing; but it shows very small sums, and in respect to the last year, I am sure, less than $100.

Mr. TRUMBULL. I think the best evidence in regard to this matter is the amount of money that was paid. The Senator from Vermont has called upon the Secretary and got a statement from him, and the amount paid last year was about one hundred dollars, and the year before very trifling.

Mr. HOWARD. I have not the vouchers before me; but when the Senator from Illinois makes that statement, although he states it on the best information he has, it is by no means correct. The Sergeant-at-Arms has been in the habit of receiving mileage from the Government for summoning witnesses here ever since he has been in office. It has been the practice of the office.

Mr. EDMUNDS. No doubt of it. The only question is how extensive it is within the last year or two.

Mr. HOWARD. If the Senator from Vermont supposes $100 a year would pay him for his services and mileage in summoning witnesses he must see at once that the thing is impossible. I know that one joint committee of the House and Senate, appointed to make inquiry into a certain subject, summoned before them a great number of witnesses from great distances in the country; and Mr. Brown was paid large sums for mileage and travel for summoning all those witnesses.

Mr. ANTHONY. I have no doubt that this bill reduces the compensation of the Sergeant-at-Arms materially.

Mr. HOWARD. I think so.

Mr. ANTHONY. And I dare say very properly. He ought to have an honorable salary, but it should be a fixed salary, about the same as that of a Senator.

Mr. TRUMBULL. Undoubtedly the Sergeant-at-Arms ought to have, and all the officers ought to have, a competent and fixed salary. What I was calling attention to was that we were raising the salary of the Sergeant-at-Arms by this bill some $2,000, and no attention was called to it. The Senator from Rhode Island and the Senator from Michigan think that this bill does not raise it at all; that by taking off certain fees it leaves the compensation really no higher than it was before. The Senator from Vermont, who has taken the trouble to go to the Secretary's office to find out what amount is paid, says that the amount paid for the last year or two has been only $100 a year, or less than that. There was an impeachment trial one year when a great many witnesses were summoned, and perhaps the fees may have amounted to more that year. I should suppose they would. But that was an extraordinary state of things, and there might be some propriety in paying something extra on that occasion. I understand the statement which the Senator from Vermont has, embraces the time since the impeachment trial was over and since the Committee on the Conduct of the War were discharged; but it embraces the ordinary expenses for summoning witnesses and matters of that kind by the Sergeant-at-Arms. The Senate will bear in mind we have very few investigations in this body.

Mr. MORRILL, of Maine. I should like to inquire what the question before the Senate is?

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations on page 3, increasing the pay of the superintendent of the folding-room.

Mr. MORRILL, of Maine. So I supposed. My honorable friend from Illinois is discussing the Sergeant-at-Arms.

Mr. TRUMBULL. I think very properly it brings up the subject of raising the salaries; and the raising of one officer may very properly——

Mr. MORRILL, of Maine. It brings up the subject of raising the salary of this particular officer?

Mr. TRUMBULL. Undoubtedly it does in connection with that. If we raise the others it may be very proper to raise this. One depends upon the other.

Mr. MORRILL, of Maine. I remind my honorable friend as he has a proposition here to raise the salaries of the female clerks, whether he would not be kind enough to postpone his remarks until he comes to that question? [Laughter.]

Mr. TRUMBULL. Mr. President, we are proposing in the bill not to equalize salaries, but to raise the salaries of certain officers; and I would state to the Senator from Maine in all kindness that I do not think he apprised the Senate that he had raised the salaries of these officers. It was only accidentally that my attention was called to the fact that the House had raised the salaries of a number of officers in the bill.

Mr. MORRILL, of Maine. For fear the Senator should be taken by surprise on this matter, I wish to say that the chairman of the Committee on Appropriations does not understand that these officers' salaries to whom he refers are raised by the bill, but on the contrary, accepting the action of the House, they are very greatly reduced. If he takes the action of the House, which includes the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House, he will find a very large saving. I will suggest one thing further by the Senator's indulgence. Having fixed these salaries, having taken away the perquisites of the House Sergeant-at-Arms, which I agree with the Senator from Illinois are much larger than those of the Sergeant-at-Arms of the Senate, and having fixed his salary at $4,300, it was thought to be expedient to fix the salary of the Sergeant-at-Arms of the Senate at the same rate and cut off his perquisites also. On that ground, and with the belief that nothing was lost, but that on the whole, taking all things together, much was saved, it did not occur to me to present this matter to the Senate.

Mr. TRUMBULL. The duties are very different, as I understand. The Sergeant-at-Arms of the House is the disbursing officer of the House. He pays the members. He has very different duties to perform from the Sergeant-at-Arms of the Senate.

Mr. ANTHONY. Does he not receive anything for that?

Mr. TRUMBULL. He gets an allowance; I do not remember what it is. But the Sergeant-at-Arms of the Senate has no such duties to perform. The House has committees of investigation in session nearly the whole time. They are sending for witnesses constantly. They have ten committees before whom witnesses are summoned where the Senate has one.

I have now the statement from the Secretary's office to which I before referred, and I wish the Senator from Maine to hear it, giving the total amount of fees for summoning witnesses, and services of that kind, which are cut off by this bill. The total amount from April, 1869, until April, 1870, is $100 03.

Mr. HOWARD. Will the Senator from Illinois inform us whether that includes any money except that which is paid from the contingent fund of the Senate? Does it include the several appropriations made to pay expenses of investigating committees, witnesses, &c.?

Mr. EDMUNDS. I am informed at the Secretary's office by the cashier, in going through all the various heads, that this is the total sum of money paid to the Sergeant-at-Arms out of anything for that species of service between the 1st of April, 1869, and the 1st of April, 1870. It is $2 20 more than the statement I had the other day, because an account has just been settled which contains that $2 20.

Mr. HOWARD. Undoubtedly it is confined to the contingent fund.

Mr. EDMUNDS. I beg the Senator's pardon. I repeat to him again that it is not confined to the contingent fund, but includes all that has been paid out of various accounts. I went to the financial clerk in the Secretary's office, and he went over three or four accounts, and, unless he has made a mistake, this includes all the money paid for these services between the periods named. Of course it varies from year to year. Nobody doubts that.

Mr. HOWARD. Then I understand from the Senator that that is the whole sum from every source paid to the Sergeant-at-Arms over and above his ordinary compensation. Is that it?

Mr. EDMUNDS. I did not hear the Senator's question.

Mr. HOWARD. Is that $100 the whole sum paid to the Sergeant-at-Arms since April, 1869, from all sources?

Mr. EDMUNDS. Oh, no; not at all. It is the whole amount paid to the Sergeant-at-Arms for summoning witnesses to attend before the Senate or before committees. It does not include the very large sum that is paid to the Sergeant-at-Arms for furnishing horses, carryalls, boxes, and the Lord knows what.

Mr. HOWARD. I was speaking of the summoning of witnesses.

Mr. EDMUNDS. That I understand to be the total for that period of time.

Mr. MORRILL, of Maine. Allow me to ask what period of time that statement covers?

Mr. TRUMBULL. It covers one year, from April, 1869, to April, 1870.

Mr. MORRILL, of Maine. Has the Senator a statement for any other period of time?

Mr. EDMUNDS. No; I was only able to get this for the last year.

Mr. MORRILL, of Maine. I am informed by the Sergeant-at-Arms that his pay for summoning witnesses during the last thirty days has been $200.

Mr. EDMUNDS. Yes; it changes from time to time as there is occasion for summoning witnesses.

Mr. TRUMBULL. The Senator says it is $200 for the last month. The Committee on Printing may have had some witnesses summoned.

Mr. MORRILL, of Maine. And it will be found that for the year before it was very large, and amounted to some thousands of dollars.

Mr. TRUMBULL. I will endeavor to ascertain exactly what it is. I think it will be found that it is not for any year anything like the increase of salary which is proposed by this bill.

Mr. EDMUNDS. It may have been during the impeachment trial.

Mr. TRUMBULL. I think not even then. I think it will turn out that in no year has it been equal to the increase of salary now proposed. Now, the Sergeant-at-Arms of the Senate gets his compensation chiefly from carrying the mails. He is allowed so much for his horses—I do not know how much—and for a certain number of horses, and he delivers the mails, and that is not cut off by this bill. The Senator from Connecticut [Mr. FERRY] is now in the Chamber, and he can state how this is. I understand that the compensation of the Sergeant-at-Arms is made up to a very great extent from the perquisites received in connection with the distribution of the mails and in the keeping of horses, for which so much per day, perhaps, is allowed. That is a great item of expense to the Government, or the great item on which the Sergeant-at-Arms draws money.

Mr. CRAGIN. I wish to allude to one or two facts that do not apply exactly to the present state of things. But during the time that I have been in the Senate we have had, in the first place, the Committee on Retrenchment. Some twenty-five thousand dollars have been appropriated for that committee; and the Sergeant-at-Arms, as my friend from Vermont knows, has received large sums of money for summoning witnesses before that committee. Then we had the Committee on Ordnance,

with the Senator from Michigan [Mr. HOWARD] as chairman. He knows that the Sergeant-at-Arms received a good many thousand dollars for summoning witnesses before that committee.

Mr. FERRY. If my friend will allow me, the witness fees and mileage of the Sergeant-at-Arms for the last year ending April 30, 1870, were just $97 83.

Mr. TRUMBULL. Two dollars and twenty cents have been added to that since.

Mr. HOWARD. The Senator from New Hampshire will allow me to say a word. The joint Committee on Ordnance was created in 1867, and pursued its labors for probably a year. The sum appropriated for the payment of the expenses of that committee, including those of the Sergeant-at-Arms, was $15,000. The Sergeant-at-Arms had the disposition of that sum under the sanction of the committee.

Mr. TRUMBULL. Chiefly for witnesses.

Mr. HOWARD. Yes, sir; the most of it was paid out for the expenses of witnesses.

Mr. CONKLING. And the traveling expenses of those sent to summon them.

Mr. HOWARD. And mileage for the officers who served the subpenas, and other incidental expenses. The whole appropriation was exhausted. There is nothing of it remaining, but there is still a balance due to one of the banks of this city, which ought to have been paid by the former Sergeant-at-Arms, for money advanced to him for the benefit of the committee, over and above the $15,000.

Mr. CRAGIN. I will say in addition—I have the bill before me—that the bill of the Sergeant-at-Arms for the impeachment trial was $4,023. That money, of course, was not all entirely paid to him.

Mr. EDMUNDS. And it was not necessarily in connection with witnesses, either.

Mr. CRAGIN. It was entirely in connection with witnesses.

Mr. SUMNER. What is the amount?

Mr. CRAGIN. Four thousand and twenty-three dollars.

Mr. TRUMBULL. Was that the whole expense of the impeachment trial?

Mr. CRAGIN. That was the whole bill of the Sergeant-at-Arms. It does not include witnesses' fees at all.

Mr. TRUMBULL. Does that include the furniture which was furnished and the tickets printed?

Mr. CRAGIN. It does not. I will give it, and you will see. The fee for each summons is two dollars, and then there is the mileage.

Mr. TRUMBULL. How many summons were there?

Mr. CRAGIN. Perhaps forty.

Mr. TRUMBULL. That is eighty dollars.

Mr. CRAGIN. Then there is the mileage, the travel.

Mr. TRUMBULL. How much is that?

Mr. CRAGIN. They are not footed separately; but those are the large items.

Mr. TRUMBULL. I should like to know what some of those items are. Let us hear how much they amount to. Does any one of them amount to as much as fifty dollars?

Mr. CRAGIN. The Sergeant-at-Arms received for summoning Barton Abel, of St. Louis, $216 40; for summoning J. B. Steadman, of New Orleans, $256; and my impression is that nobody went to New Orleans to deliver the summons. The gentleman was probably in the city of Washington. Then $300 was allowed for the use of horses, and $410 for telegrams.

Mr. TRUMBULL. Four hundred and ten dollars for telegrams and $300 for horses. There is $700 of the $4,000 accounted for.

Mr. CRAGIN. Of course I do not find any fault with the bill, for the bill was approved by the Committee on Contingent Expenses when I was chairman of it. We had occasion to reduce it somewhat; but it was in accordance with law, without any doubt. I only rose to make these suggestions to show that the Sergeant-at-Arms during the past five or six years has received large amounts in addition to his salary, and, in my judgment, altogether more than is provided in this bill.

Mr. EDMUNDS. More than nineteen hundred dollars a year, which is this increase?

Mr. TRUMBULL. In the extraordinary trial of the impeachment it seems that the expenses were some four thousand and odd dollars; I did not catch the exact amount. The Senator mentions two items of it, telegraphing and horses, amounting to $700; but when you come to scan that report I do not believe that the whole witness fees in that extraordinary trial will amount to $1,900, which is the increase proposed in the salary of the Sergeant-at-Arms by this bill. That undoubtedly was the most expensive of any of the investigations that have been had before the Senate. So that I think if we are going to raise these salaries we ought to know it. I am not combating the propriety of raising the pay of the Sergeant-at-Arms. I think it ought to be more than the $2,000 or the $2,300 that it was formerly; I do not remember the precise amount. I think it is proper to raise it. I think it was too low. And I think the assistant sergeant-at-arms, who is one of the most faithful officers we have ever had, should have his salary raised.

Mr. HARLAN. While the Senate is on this subject, I should like to have some information as to the cost of these horses; how many horses are being employed for carrying the mails and for other purposes, and the prices paid. That seems to be about the only thing out of which the Sergeant-at-Arms derives perquisites now.

Mr. FERRY. I will state in answer to the inquiry of the Senator from Iowa that there were paid for horses, carryalls, wagons, &c., employed by the Senate, for the year ending April 30, 1870, $5,488. I believe there are five horses furnished by the Sergeant-at-Arms and two by the Secretary.

Mr. EDMUNDS. Seven by the Sergeant-at-Arms.

Mr. FERRY. If there are seven by the Sergeant-at-Arms, that would make nine in all. They are paid for at the rate of $2 50 per day—such is the present arrangement—during the session of the Senate. During the recess a smaller number are employed. It may be that more horses are paid for than are necessary every day; but it is necessary to have horses and wagons constantly, where they can be immediately had for the use of the Senate, and they are so constantly now. It is now under the consideration of the Committee on the Disbursement of the Contingent Fund to ascertain whether some mode cannot be devised whereby this service can be performed at a cheaper rate than at present. These horses, carryalls, wagons, harness, &c., are owned by the Sergeant-at-Arms, and supported by him. We of course have either got to hire them of him, or of somebody else, or we have got to purchase horses, carryalls, wagons, &c., and take charge of them by other officers of the Government. We are at this very time making inquiry as to the most economical mode of accomplishing the same service with equal efficiency. One thing is certain; the service is now accomplished with very great efficiency. Whenever any animal or vehicle is needed for the use of the Senate it is at once at hand, and no delay is occasioned. Senators would be surprised on an examination to find the very large necessary employment of horses and vehicles in the legitimate service of the Senate. If the Committee on Contingent Expenses find that some other mode may be adopted whereby the service can be performed more economically the committee will adopt that mode, the whole matter being at present under our charge.

Mr. MORRILL, of Maine. I wish to correct a misapprehension about the fees heretofore received by the Sergeant-at-Arms. I have here two items: "fees of the Sergeant-at-Arms for the joint Committee on Ordnance, $5,386,39."

Mr. HOWARD. Will the Senator please give me the date of that bill?

Mr. MORRILL, of Maine. Eighteen hundred and sixty-eight.

Mr. HOWARD. That was paid February 12, 1869.

Mr. MORRILL, of Maine. Then the fees on the impeachment trial were $4,023.

Mr. HOWARD. I stated when I was up before that the Sergeant-at-Arms had received thousands and thousands of dollars for his fees, besides his regular salary, his legal compensation. One bill has been exhibited by the Senator from Maine. The other I called the attention of the Senate to myself. They show that he has received about ten thousand dollars during the last two or two and a half years over and above his regular salary, and principally for the service of process.

Mr. TRUMBULL. Oh, no, not at all; there is no such evidence.

Mr. HOWARD. Let the Senator from Illinois look at the bills which were paid him.

Mr. TRUMBULL. The Senator from New Hampshire has just read the items; and a large portion is for witnesses.

Mr. HOWARD. Who gets the mileage for summoning witnesses?

Mr. TRUMBULL. The witnesses get mileage for their own attendance; but I say to the Senator from Michigan that no evidence has been presented to the Senate, and I venture to say that no evidence can be given to the Senate, that the Sergeant-at-Arms ever in one year received $2,000 for summoning witnesses and mileage in summoning witnesses.

Mr. HOWARD. I will venture to say, Mr. President, that that fact can be proved most clearly.

Mr. TRUMBULL. Let us have it.

Mr. HOWARD. I am not prepared to exhibit the figures now; but I assert that the Sergeant-at-Arms has received for mileage in serving process on witnesses at least $2,000 in some one of the years of the past.

Mr. HARLAN. I desire to get at the facts in this case. It would seem to be very large compensation if the whole of the money that has been mentioned in these bills was paid to the Sergeant-at-Arms as a gratuity; if it were, in fact a part of his salary. But if I understand the mode of applying this money, it is this: the Sergeant-at-Arms is entitled to a fee of two dollars for serving process, and the witness is entitled to mileage and a *per diem*. The messenger that the Sergeant-at-Arms sends for the purpose of serving process is entitled to mileage; and it is in this way, I suppose, that these large sums of money are paid out. They are paid out in the name of the Sergeant-at-Arms; but in each individual case that officer receives two dollars, and the total residue is paid to the witness as his *per diem* and mileage, and to the messenger for his mileage and expenses.

Mr. EDMUNDS. The messenger is the officer of the Sergeant-at-Arms. The Sergeant-at-Arms takes the fees and pays the expenses of the messenger for travel.

Mr. HARLAN. That would raise the question whether the messenger was paid more than he ought to be paid for traveling expenses.

Mr. EDMUNDS. My friend will permit me to correct him as to the matter of fact. The way that is done is this, and it is perfectly lawful as the law stands, and there is no fault to be found with it in that respect: the Sergeant-at-Arms, by usage and according to law, is entitled to two dollars for each witness summoned; he is entitled to ten cents per mile travel, each way, for the distance he travels to summon the witnesses and come back again. If, for instance, a committee authorized by the Senate to summon witnesses before it sends to Baltimore to obtain a witness, it gives a warrant to the Sergeant-at-Arms directing him to

summon the witness. He goes himself or sends one of his deputies, that is, one of his messengers, who are here for that purpose—his officers, just like sheriffs' deputies; and he charges ten cents a mile from here to Baltimore and back.

Mr. HOWARD. And takes the money himself.

Mr. EDMUNDS. He takes that money himself and pays the railroad fare of the messenger; so that the messenger is not out of pocket. He is performing duty. So that whatever gain there is the Sergeant-at-Arms makes, and it is perfectly lawful as the law stands now, and there is no ground to find fault with it. The only question is whether we ought not to change the law.

Mr. CONKLING. I have no ground to find fault with it except this: I do not believe that the law fairly covers constructive mileage.

Mr. EDMUNDS. That is another question. I did not refer to that.

Mr. CONKLING. The Senator from Vermont stated the case just as it is in truth, although the Sergeant-at-Arms may not send a messenger at all. If he mails a letter, on which he pays three cents postage, or if he sends a telegram, for which he pays twenty-five cents, and in response to either of those summonses the witness appears, under the construction given to this law it is held that the Sergeant-at-Arms is entitled to mileage as if his messenger had gone. Now, I agree with the Senator from Vermont that that is done in the name of the law, under the construction given to it; but I submit that whenever we come to revise this subject—and I think the Senate will agree with me—that sort of constructive mileage, at least, ought not to be allowed.

Mr. EDMUNDS. If my friend will pardon me, I wish to say upon that very point that no committee with which I have been connected, either the Committee on Retrenchment, the Committee on the Judiciary, or any other committee that has had occasion to summon witnesses, has ever knowingly allowed a penny for constructive mileage. When I have been called upon to pass the accounts, in order that the Committee on Contingent Expenses might know that they were properly expended, I have always taken pains to find out from the Sergeant-at-Arms whether he had actually been, or sent one of his men; and if he had not, we have never allowed him any constructive mileage.

Mr. CONKLING. May I ask my friend whether he was a member of the committee by which this account was allowed?

Mr. EDMUNDS. Which one?

Mr. CONKLING. The one to which the Senator from New Hampshire [Mr. CRAGIN] refers, the account of the Sergeant-at-Arms for the impeachment trial.

Mr. EDMUNDS. No, sir; I was not.

Mr. CONKLING. Then, of course, the question does not direct itself at all to the Senator in his character as a member of the committee. Notwithstanding, I think anybody scrutinizing that account must see at once, to say the least of it, the great improbability that the Sergeant-at-Arms or anybody else visited St. Louis and New Orleans, and the other distant cities from which the witnesses on that trial came.

Mr. EDMUNDS. I did not intend to speak of that.

Mr. CONKLING. No; I understand the Senator did not. I take that to illustrate; and I am not criticising the Sergeant-at-Arms in that particular instance, or anybody else. I only say that when we come to revise the subject we ought to reform this system under which mileage is paid. If a messenger goes in fact, then I think ten cents per mile is very inordinate pay, because it was graduated in reference to conveyances which have passed away, which were slower and more expensive than the present; but to allow constructive mileage, when no travel whatever is performed by anybody, I think is a very great abuse.

Mr. HOWARD. I think so, too; and if there be a law under which constructive mileage has been habitually, or occasionally even, allowed heretofore it ought to be amended. I will say just here that as the chairman of a committee I have passed upon numerous accounts of this kind, and I do not recollect that in one single case I ever allowed constructive mileage, but always rejected it. I know that a former Sergeant-at-Arms of the Senate claimed constructive mileage in various cases before me, in which I uniformly rejected his claim, never allowing him any mileage at all upon the mere principle of construction, but always requiring proof that the travel was actually performed.

Mr. HARLAN. Then, Mr. President, it amounts to about this: this proviso will not reduce the compensation of the Sergeant-at-Arms on any item that has been referred to except the service of process.

Mr. EDMUNDS. That is it.

Mr. HARLAN. Two dollars for each service.

Mr. EDMUNDS. And his actual travel fees.

Mr. HARLAN. If any messenger or the Sergeant-at-Arms has been paid more, under the head of expenses, than he expended, it would cut that off, provided he is more honest in the future than he has been in the past. I do not understand that the text of the bill will effect that reform.

Mr. EDMUNDS. It will reach witness fees.

Mr. HARLAN. The bill provides—

That he shall receive, directly or indirectly, no fees or other compensation, or emolument whatever, for performing the duties of the office, or in connection therewith.

The whole pay provided heretofore and exhibited in these bills, except the two dollars, is, nominally at least, given to the messenger who performs the service, or to the Sergeant-at-Arms, if he performs the service in person, and to the witness who is subpenaed and travels here, and for his *per diem*. It is a simple question, then, whether in the adjustment of these accounts heretofore the committees have allowed more compensation for travel and expenses than the messenger really incurred. It may be that ten cents a mile would more than cover the expenses; but probably not. On some routes of travel it would not. On some of the railroad lines in Virginia I have paid ten cents a mile for my fare on the road. This does not include a man's meals. Messengers, of course, cannot live without eating when they are sent away from Washington. This computation of ten cents a mile, I presume, is intended to cover the total expenses of the messenger, so that this proviso cuts off no perquisite of the Sergeant-at Arms whatever, except the two dollars for each process which may be served; and in lieu of this diminution, as I understand it, and it is to that point I am coming, the committee propose to raise the salary of the Sergeant-at-Arms about two thousand dollars.

Mr. CRAGIN. The Senator says, as I understand him, that the two dollars for the summons is all that the Sergeant-at-Arms is entitled to. He is entitled to ten cents a mile for travel as mileage, the same that the witness himself is entitled to.

Mr. HARLAN. And anything in addition for expenses?

Mr. CRAGIN. Nothing more than the ten cents.

Mr. HARLAN. That I believe is the uniform allowance for expense of travel for an officer of the Government. When an officer of the Army or an officer of any one of the Departments is sent away from here on service, on account of its being inconvenient to render a bill receipted as a voucher, they commute his expenses and allow him ten cents a mile, including everything, his hotel bills, his hack hire, his horse hire, and his railroad fare. All the expenses are summed up and commuted in the ten cents a mile. There is no perquisite in this, provided it costs ten cents a mile to travel. There are very few men who can travel on less than that, including the necessary expenses; so that in allowing the Sergeant-at-Arms ten cents a mile for travel in serving process you do not augment his pay to the amount of a dime unless there is constructive mileage; that is to say, unless he defrauds the Government; unless he brings in a bill for travel that he has never performed; so that this proviso really cuts off nothing except the two dollars on each writ served.

Mr. MORRILL, of Maine. As this is a very fruitful subject, and is not before the Senate, I submit if it is asking too much that the debate shall be confined to the question before the Senate, or that we take a vote upon it. The question itself is a very simple one.

The VICE PRESIDENT. The Senator from Maine desires that the Senate shall vote upon the pending question, or that the debate shall be confined to that proposition.

Mr. MORRILL, of Maine. Let us vote on that.

The VICE PRESIDENT. The pending proposition is in line thirty-seven of the bill to strike out "$1,800" and insert "$2,160," as the compensation of the superintendent of the folding-room.

The amendment was agreed to—ayes thirty-three, noes not counted.

Mr. ANTHONY. Now, I hope the amendment which I offered the other day from the Committee on Rules, and which was referred to the Committee on Appropriations, will be acted upon.

Mr. SHERMAN. There is an amendment which I offered which is pending, and which should come in next after the amendment which has just been adopted.

The VICE PRESIDENT. The amendment of the Senator from Ohio, which was temporarily laid aside until the other question could be reconsidered and again acted upon, is now pending. It will be read.

The Secretary read the amendment, which was in line thirty-four to strike out "$1,800" and insert "$2,160;" so as to make the compensation of the superintendent of the document-room $2,160.

The amendment was agreed to.

Mr. ANTHONY. Now I ask for the action of the Senate on the amendment which I reported the other day, in relation to the Chief Clerk and the assistant doorkeeper of the Senate.

STEUBEN MONUMENT.

Mr. CONKLING. I ask the Senator to yield to me for a moment. There is on the Vice President's table an invitation which it will take but a moment to read.

The VICE PRESIDENT. The Senator from New York asks that the Chair be allowed to lay before the Senate the following invitation.

The Secretary read as follows:

WASHINGTON, D. C., *May* 12, 1870.

SIR: We have been requested by the German associations of this city to cordially and respectfully invite you, and through you the honored Senators, to be present at the laying of the corner-stone of General Steuben's monument, on Monday, May 16, at four p. m., in the Schützen park, on Seventh street.

General Steuben having been one of the heroes of the war of independence, we confidently hope that the public service may allow an adjournment in time to participate in the festivities of the occasion.

We are, sir, with great esteem, very respectfully, your obedient servants,

S. WOLF,
A. CLUSS,
L. WALDECKER,
Committee.

Hon. SCHUYLER COLFAX, *Vice President of the United States and President of the Senate.*

Mr. CONKLING. Mr. President, the services referred to in that communication are to be devoted to the memory of a hero whose

ashes sleep in New York within a few miles from my home. If I could make a motion more respectful than the one I propose to submit, I should be glad to do so; but the only appropriate motion, I believe, is that the invitation lie on the table.

The VICE PRESIDENT. It will lie on the table.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 1052) to increase the pension of Mrs. Annie A. Hays, widow of Brigadier General Alexander Hays, who was killed at the battle of the Wilderness, May 5, 1864;

A bill (H. R. No. 1987) to define the duties of pension agents, and prescribe the manner of paying pensions, and for other purposes;

A bill (H. R. No. 1988) granting a pension to W. C. Pickens;

A bill (H. R. No. 1989) granting a pension to Anna F. Hart;

A bill (H. R. No. 1990) granting a pension to Nancy Ann Spurgeon, widow of Josiah Spurgeon, of Lewis county, Missouri;

A bill (H. R. No. 1991) granting a pension to Margaret C. Wells, of Lexington, Missouri;

A bill (H. R. No. 1992) granting a pension to Mrs. Margaret A. Hyde, widow of Henry M. Hyde, late an assistant paymaster United States Navy;

A bill (H. R. No. 1993) granting a pension to Josephine Donahue;

A bill (H. R. No. 1994) granting a pension to Robert W. Simmons;

A bill (H. R. No. 1995) granting a pension to Lizzie A. Mower;

A bill (H. R. No. 1996) granting a pension to Horace Clough;

A bill (H. R. No. 1997) granting a pension to Minna Hesse;

A bill (H. R. No. 1998) granting a pension to Betsey Arlin; and

A bill (H. R. No. 1999) granting a pension to Maria Pratt.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. No. 1619) to restore Robert Boyd, jr., to the active list of the Navy of the United States;

A joint resolution (H. R. No. 80) for the restoration of Captain Dominick Lynch, of the United States Navy, to the active list from the reserved list;

A joint resolution (H. R. No. 123) allowing late acting Ensign George M. Smith a share in certain prizes captured by United States steamer Aries;

A joint resolution (H. R. No. 154) for the relief of Jane Dean Bishop;

A joint resolution (H. R. No. 211) for the settlement of the accounts of Charles C. Upham, late paymaster in the Navy, deceased; and

A joint resolution (H. R. No. 285) in favor of Joshua Bishop, late lieutenant commander United States Navy.

The message also announced that the House had passed the joint resolution (S. R. No. 96) to place the name of Charles H. Pendleton on the Navy Register as lieutenant commander, active list, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 95) in relation to the Hot Springs reservation, in Arkansas.

The message likewise announced that the House had passed the following bills of the Senate without amendment:

A bill (S. No. 788) for the relief of the widows and orphans of the officers, seamen, and marines of the United States vessel of war Oneida, and for other purposes; and

A bill (S. No. 850) for the relief of Captain George Henry Preble, of the Navy of the United States.

ARKANSAS HOT SPRINGS.

Mr. RICE. I desire to move a reconsideration of the vote taken yesterday, by which the report of the committee of conference upon the bill with regard to the Hot Springs reservation, in Arkansas, was agreed to, for the purpose of having it re-referred to the committee, to correct a clerical error in the report.

The VICE PRESIDENT. Such a motion requires unanimous consent. The Chair hears no objection.

So it was

Ordered, That the vote of the Senate agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 95) in relation to the Hot Springs reservation, in Arkansas, be reconsidered, and that the said bill be recommitted to the committee of conference on the disagreeing votes of the two Houses thereon.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871.

Mr. ANTHONY. Now I ask that the amendment I offered from the Committee on Rules may be taken up, if the Clerk has it, leaving out that portion which is rendered unnecessary by the adoption of the amendment just made.

The VICE PRESIDENT. The Secretary will report the amendment of the Senator from Rhode Island.

The Chief Clerk read the amendment, which was in line seventeen, after the word "clerk," to strike out "three" and insert "four;" so as to make the compensation of the Chief Clerk of the Senate $4,000.

The amendment was agreed to.

Mr. ANTHONY. There is another amendment in connection with that which I desire to have acted upon.

The Chief Clerk read the amendment, which was in line thirty, to strike out "$2,040" and insert "$2,592," as the compensation of the assistant doorkeeper of the Senate.

Mr. ANTHONY. The effect of this amendment is to make the salary of this officer the same as is paid to the corresponding officer of the House of Representatives.

The amendment was agreed to.

Mr. COLE. I desire to offer an amendment in this connection. It is in line seventeen, after the words "principal clerk," to insert the words "minute and Journal clerk," and in line twenty, to strike out "seven" and insert "six;" so that the clause will read:

Principal clerk, minute and Journal clerk, financial clerk, and principal executive clerk in the office of the Secretary of the Senate at $2,590 each; six clerks in the office of the Secretary of the Senate, at $2,220 each, &c.

This is simply a transfer from one place to another. The amendment is offered in behalf of one of the officers of the Senate who has to be in his seat all the time during the session of the Senate, and then labor at nights in order to make up the Journals for the use of the Senate. I think if there is any person in the service of the Government who deserves this little addition to his compensation it is the officer referred to. It is in immediate connection with the other amendments that have been adopted, and prevents them from being really invidious.

Mr. MORRILL, of Maine. Does the Senator move this amendment from a committee?

Mr. COLE. No, sir; not from any committee particularly; but I hope the Committee on Appropriations will adopt it. I do not suppose that these other amendments came from any committee. I hope that by unanimous consent this may be granted, at all events.

Mr. MORRILL, of Maine. If the Senator asks unanimous consent I raise no question about it, of course.

Mr. NYE. It is all right.

Mr. CONKLING. Unanimous consent to do what?

Mr. COLE. To allow this amendment to be offered.

The VICE PRESIDENT. The amendment is changing the grade of one of the officers at the desk. The Chair hears no objection. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. FERRY. I have two or three amendments to offer from the Committee to Audit and Control the Contingent Expenses, of which I gave notice a few days since to the chairman of the Committee on Appropriations, and to which I believe there will be no objection. On page 3, line forty, I move to strike out the word "seventeen" and insert "twenty." The reason is this: we have now, in accordance——

Mr. WILLIAMS. That is all right. I am in favor of it.

Mr. FERRY. If there is no objection there is no occasion for my explaining it particularly. The only change is to make these officers regular messengers instead of additional.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Connecticut, from the Committee on Contingent Expenses.

The amendment was agreed to.

Mr. FERRY. I am directed by the same committee to offer another amendment. It is on page 4, line sixty-nine, after the word "pages" to insert "for the Senate Chamber, two riding pages, one page for the Vice President's room, and one page for the office of the Secretary of the Senate, making eighteen pages in all;" so that the clause will read:

Fourteen pages for the Senate Chamber, two riding pages, one page for the Vice President's room, and one page for the office of the Secretary of the Senate, making eighteen pages in all, at the rate of $2 50 per day while actually employed.

This is merely the actual condition of things. The amendment makes no more pages. I wish the appropriation to represent the actual condition of things.

The amendment was agreed to.

Mr. FERRY. On the same page——

Mr. MORRILL, of Maine. Before we pass from that last clause, if the Senator will permit me, I desire to call the attention of the Senate to that paragraph, to fulfill an engagement with my young friends here on the floor. It will be seen that these pages are put at $2 50 a day. Heretofore the compensation of these pages has been three dollars. It will be seen that this is a reduction of half a dollar a day on the pages of the Senate. I should state the corresponding fact that the House pages receive $2 50 a day; and I believe that has uniformly been their pay. I will now state the argument of my young friends here for the amendment I shall propose, putting them at their usual pay, and that is, as furnished to me by one of the young lads here, who some time or other I trust will be on the floor of the Senate, that "the Senate is a more dignified body than the House." [Laughter.] I ask the unanimous consent of the Senate to put the compensation of these lads at their old pay—three dollars a day.

The VICE PRESIDENT. Is there objection? The Chair hears none. The question is on the amendment offered by the Senator from Maine.

The amendment was agreed to.

Mr. FERRY. On page 4, line sixty-eight, after the words "for clerks to committees," I move to insert the words "and temporary clerks." There are four tempoarry clerks regularly employed who are not enumerated, as

they ordinarily have been, in the enumeration on this page.

The VICE PRESIDENT. The Senator does not propose to increase the appropriation?

Mr. FERRY. No, sir.

The amendment was agreed to.

Mr. FERRY. I have two other amendments from the Committee on Contingent Expenses. On page 4, line seventy-one, I move to strike out the word "thirty" and to insert "forty," so as to increase the appropriation to $40,000; and I will state the reason why. It will be seen that the appropriation now "for clerks to committees, pages, horses, and carryalls," altogether, is $30,000. The actual expense for the last year, I think, was something over forty-five thousand dollars. The estimate, I suppose, has been made, as ordinarily, for the short session; but when it is considered that the present session may continue for the month of July, and possibly for August, in the next fiscal year, and that by existing law we have also now the first session of the next Congress, which during the last two years has taken the months of March and April, we have to provide for these expenditures for from five to six months; and if we have merely the last session of the present Congress and the first session of the next Congress to provide for, the amount appropriated by the Committee on Appropriations will fall short certainly from ten to fifteen thousand dollars. The Committee on Contingent Expenses are very desirous to get through this year without a deficiency bill. The deficiency bill for the contingent fund for last year was about thirty thousand dollars. With the estimates as made by the committee, by careful examination of the expenses of the past year and estimates of the future, we think that if the additions are made which the committee have reported they will be sufficient to carry us through without a deficiency bill. That is the reason why we move the amendment.

The amendment was agreed to.

Mr. FERRY. I have one more amendment from the same committee. On page 4, line seventy-nine, I move to strike out "eight" and insert "twelve." The present appropriation is "for labor, $8,000." For the current fiscal year from July, 1869, taking the expenses already incurred, and estimating in that ratio up to July next, it will be about fifteen thousand dollars. For the same reason that I stated in reference to the last estimate the committee think this appropriation will be insufficient. The committee have, therefore, moved to amend the clause by raising it from $8,000 to $12,000. Notice of this amendment was given to the Committee on Appropriations.

The amendment was agreed to.

Mr. MORRILL, of Maine. I wish to ask the Senator a question. I have a memorandum on the fourth page, "for additional temporary clerks, $9,000." Has that been moved?

The VICE PRESIDENT. The Senator from Connecticut moved to add after "clerks to committees" the words "and temporary clerks."

Mr. FERRY. Simply to insert "temporary clerks," who are omitted in the enumeration of clerks; but nothing is appropriated in that amendment.

Mr. MORRILL, of Maine. That is already in?

The VICE PRESIDENT. That is already in; and the total amount of the three items is raised to $40,000.

Mr. MORRILL, of Maine. I offer an amendment, to come in as an additional section:

And be it further enacted, That section five of an act approved March 3, 1841, entitled "An act making appropriations for the naval service for the year 1841," shall be construed to have authorized and to authorize the naval officers and surveyors therein mentioned to receive the maximum compensation of $5,000 and $4,500, respectively, as therein named, out of any and all fees and emoluments by them received.

I submit this amendment at the instance of the Attorney General and the Secretary of the Treasury, who have sent me their notes respectively within the last half hour, and my colleague, who understands this matter, has kindly consented to state the facts to the Senate.

Mr. HAMLIN. I believe these are the facts: in 1841—I can read the statute if any Senator desires it—it was found that the collectors of customs were receiving very exorbitant fees and compensation from what were called storage accounts, and in 1841 a statute was passed which limited the storage account in Boston to $6,000, in New York to $6,000, and in the several enumerated ports in the States. It also provided the same limitation upon surveyors and naval officers. It was a limitation. It was a reduction upon the fees which they were receiving, and from 1841 until a little more than one year ago all those officers received the compensation named in that statute.

The Commissioner of Customs made a wonderful discovery about a year and a half ago, that the law of 1841, which gave to these officers that amount of salary, did not give it to them by $2,000. He got a kind of an opinion from the Attorney General, which I have here, and which was given really upon a wrong statement of the case. I am quite sure if I could have seen the Attorney General and explained to him the case precisely as it is the opinion never would have been given.

The offices of surveyor and naval officer, from the foundation of the Government, have always borne a relative proportion, coming very near to that of collector of the port where these officers are, from their responsibility and the responsibility of the office. Under that construction, the naval officer in Boston to-day gets $4,500 and the surveyor gets $4,500, just what his chief clerk and deputy gets, and no more. This section, therefore, is simply to declare the law of 1841 just what it is and nothing else, and to give to these officers the compensation they have had from the passage of the law of 1841 down to about a year ago. It is recommended by the Secretary of the Treasury, and I understand the Commissioner of Customs, who gave the decision, says there should be a correction of it by law. It is to meet that that my colleague has offered this amendment. It ought to be adopted by the Senate.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maine.

The amendment was agreed to.

Mr. WILLIAMS. I am instructed by the Committee on Finance to offer the following amendment, to come in at the end of the bill as an additional section:

SEC. —. *And be it further enacted*, That from and after the close of the present fiscal year the annual compensation of the several assistants in each of the Executive Departments, the Second Comptroller, the Commissioner of Customs, the Solicitor and Register of the Treasury, the Auditors of the Treasury, the Commissioner of Pensions, the Commissioner of Indian Affairs, and the Commissioner of the General Land Office, shall be $4,000.

Mr. EDMUNDS. What is their compensation now?

Mr. WILLIAMS. I suppose it is apparent to every one that this amendment is intended to increase the salaries of the several officers named. I have been unanimously instructed by the Committee on Finance to report this as an amendment to the pending bill and recommend its passage, on the ground that the salaries that are named in this amendment are absolutely necessary, not to say just, but absolutely necessary to enable these officers to support themselves and their families.

Mr. MORTON. You had better explain who these officers are, as some Senators do not seem to understand it.

Mr. WILLIAMS. To satisfy the Senator from Indiana and other Senators I will state that this amendment includes the several Assistant Secretaries in each of the Executive Departments—the Assistant Secretary of State, the Assistant Secretary of the Interior, the Assistant Secretary of the Treasury, and all those assistants.

Mr. MORTON. The Assistant Postmaster General?

Mr. WILLIAMS. And the Assistant Postmaster General. All the assistants are included, and their compensation is fixed at $4,000 a year. Then the Second Comptroller is named in this amendment, who now receives $3,000 a year. The First Comptroller receives $5,000 at this time, and the Second Comptroller $3,000. The Second Comptroller, a man who discharges some of the most responsible duties that devolve upon any officer of this Government, a man who passes accounts amounting to millions upon millions every year, receives the miserable and niggardly compensation of $3,000 a year, while the First Comptroller receives at this time $5,000. There is no sort of doubt in my mind but that the salary of the Second Comptroller ought to be made $5,000; but it was thought advisable not to venture too far in these times of economy, and so we put it at $4,000. Then the amendment includes the Commissioner of Customs, who now receives $3,000; the Solicitor and Register of the Treasury, and the several Auditors of the Treasury. The First, Second, Third, and Fourth Auditors of the Treasury receive now $3,000 per annum, and this amendment proposes to make their salaries $4,000. Then it includes the Commissioner of Pensions, the Commissioner of Indian Affairs, and the Commissioner of the General Land Office. It includes all the Auditors of the Treasury. The expression of the amendment is, "the Auditors of the Treasury."

Mr. EDMUNDS. How about the Comptrollers of the Treasury; how do they stand now?

Mr. WILLIAMS. The First Comptroller now receives $5,000, and the Second Comptroller $3,000.

Mr. EDMUNDS. Ought he not to have more?

Mr. WILLIAMS. I think he ought to have $5,000.

Mr. EDMUNDS. You cannot make a distinction between him and the Auditors.

Mr. WILLIAMS. But I propose to pay the Second Comptroller $4,000 by this amendment.

Mr. EDMUNDS. Is that in the printed amendment?

Mr. WILLIAMS. Yes, sir.

Mr. EDMUNDS. I did not notice it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oregon.

The amendment was agreed to.

The VICE PRESIDENT. The Chair will venture to suggest to the Senator from Oregon that he add to his amendment the words "and the amount necessary to pay the foregoing salaries is hereby appropriated." Otherwise, the amendment will simply raise the salaries without appropriating the money to pay them.

Mr. WILLIAMS. That occurred to me; but the amendment provides that this increase shall take effect after the close of the present fiscal year.

Mr. EDMUNDS. But this appropriation bill is for the next fiscal year.

The VICE PRESIDENT. The Secretary has now the proper words written out: "and the amount necessary to pay the foregoing salaries is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. WILLIAMS. I ask to have the amendment amended in that way.

The VICE PRESIDENT. That amendment will be made if there be no objection.

Mr. DRAKE. I am instructed by the Committee on Naval Affairs to move to amend the bill on page 50, line twelve hundred and eight-

een, by inserting after the word "the" the words "Solicitor and Naval Judge Advocate General, $3,500."

Mr. EDMUNDS. Who is that?

Mr. DRAKE. The Solicitor and Naval Judge Advocate General.

Mr. EDMUNDS and Mr. SHERMAN. His office has expired.

Mr. DRAKE. His office has expired, according to the terms of the law, probably two or three years; but each year Congress has continued it by an appropriation; and I ask that the same thing be done for the coming year. There are now pending two or three bills in each end of the Capitol for making the office permanent. The Naval Committee are unanimous in acceding to the wishes of the Navy Department that this office be continued. The former Secretary of the Navy, under whose administration it was established, urgently asked that it be continued, and the present one continues to ask it; and I hope that the Senate will without hesitation continue the appropriation for another year, until we see at least whether the two Houses will establish it permanently, as there are now propositions in each House to do.

Mr. EDMUNDS. I do not know much about the particular merit of this subject; but I do remember that for a year or two back we have been asked, as a matter of special good will to the gentleman who occupies this office, to let him go over for one year more to wind up his business and go off with credit; that the public service did not require to have that office, which was one of the sprouts of the war, to use an agricultural expression, continued any longer; and I remember that the impression produced upon my mind in that debate was that there was no real necessity for continuing the office any longer. It expired by its own limitation at the termination of the war; but we have voted, as my friend says, for a year or two this appropriation, so far as my vote is concerned, certainly, as a matter of grace and good will to this gentleman, so as not to turn him out suddenly. With that view, I doubt whether it is wise to agree to this amendment.

Mr. DRAKE. I am very much surprised that the honorable Senator from Vermont, usually so accurate in his statements to the Senate, has fallen into such a very great inaccuracy on this subject. Whatever may have been said to the Senator from Vermont in private conversation, I, who have participated in the debates on this question for two successive years, have no recollection of any Senator ever urging on the floor of the Senate the continuance of this office out of personal consideration for any man; but I have very distinct recollection that the continuance of it was urged upon the ground of the public interest and the necessity of the public service; urged upon the ground that the Navy Department requested that the officer should be continued. There has been passed in either House more than once, if my memory serves me, some bill making the office permanent, which has never yet reached its final consummation by being passed in the other House.

Now, Mr. President, it is very strange to me that you will have a Bureau of Military Justice, with a major general at the head of it, and a brigadier general after him, and any number of other officers following on, and will not give one single law officer to the Navy Department. I do not comprehend this. I do not comprehend this annual return of opposition to giving one law officer to the Navy Department, when that officer has to revise annually nearly a thousand cases tried by courts-martial.

Now, Mr. President, if the Senate chooses to refuse this amendment, which is asked for by the Navy Department and asked for by the Naval Committee, the responsibility rests upon them, not on me.

Mr. SUMNER. I hope the Senate will not refuse to second the recommendation of the Committee on Naval Affairs. I am satisfied on general grounds that such an officer is needed at the Navy Department; indeed, I do not see very well how that branch of the public service can proceed satisfactorily without such an officer. My conclusion, therefore, would be in favor of the proposition on general grounds in the absence of any specific evidence or knowledge.

Now, I am so situated that I do know something independent of what seems to be the general argument in its favor, of the pressing necessity of such an office at this time. I am satisfied that there is a large amount of business there which cannot be satisfactorily attended to without the assistance of such an officer. It seems to me, therefore, the recommendation of the committee is at once reasonable and is sustained by evidence.

Mr. ANTHONY. The present Secretary of the Navy and the late Secretary of the Navy both have recommended the continuance of this office. He is the only law officer connected with the Navy Department, and I have no doubt that he saves the Government ten times his salary every year.

Mr. DRAKE. I have simply to add that there has just been placed in my hands a copy of the bill passed by the House of Representatives, and sent here, to establish the department of justice, in which this officer is recognized as an existing and continuing officer of the Government. That has passed the House. Now, we simply ask here that the appropriation be continued for another year, and then we will see whether it is necessary to be continued longer.

Mr. THURMAN. I wish to ask the chairman of the Naval Committee, or the Senator from Missouri, whether there is any such officer in existence now as this amendment provides for?

Mr. DRAKE. The office was established to continue during the war of the rebellion and one year after; and from the time of the expiration of that one year the office has been continued in existence by an annual appropriation, which is always regarded as authorizing the office; and the officer has been performing its duties and is performing them now, and provision is made in the bill passed in the House for the establishment of the department of justice for this officer, and his office is regulated and controlled therein.

Mr. THURMAN. Mr. President, this is really a very large subject. I can very well conceive that every Department will need legal advice, and need some one who will make the law relating to that Department a specialty; and therefore that it might be very well, indeed, to have a law officer belonging to each Department. And yet there have been objections made to that, that it leads to a diversity of interpretations of the laws of the United States, and that it in fact supplants the Attorney General. One thing is very certain, the Attorney General cannot himself decide the every-day questions that arise in the various Departments, and accordingly we find he already has assistants and clerks who do a great deal of the work for him.

But there is now a proposition to establish a department of justice; and whether or not before that matter shall have been considered by the Senate we ought to make further appropriations for this special legal officer is a question that may perhaps be worthy of the consideration of the Senate.

If my friend from Missouri has considered this question, and thinks this appropriation had better be made for another year, I will not oppose it; but if we are to consider at this session whether or not we shall have a department of justice which shall serve to produce uniformity of decision in regard to all these questions, and shall be sufficient for the purpose, then perhaps it might be as well not to consider this question now.

Mr. DRAKE. I will reply to the Senator from Ohio that this amendment comes from the Naval Committee, after full consideration; and I will make this further remark, that if in the establishment of the department of justice it should be the judgment of both Houses that this office may be dispensed with of course this appropriation will not be needed.

The amendment was agreed to; there being, on a division—ayes 20, noes 19.

The VICE PRESIDENT. The Chair desires to state in regard to this paragraph that a discrepancy has been discovered in regard to the chief clerk of the Navy Department between the bill as it passed the House of Representatives and the printed text as it has been before the Senate. The Senate will remember that they debated for some time in regard to the chief clerk of the Navy Department, whether his compensation should be $2,200 or $2,500, the Committee on Appropriations recommending that the text be charged from "$2,200" to "$2,500." Upon an examination of the engrossed bill, the manuscript bill, as it came from the House of Representatives, it appears the House passed the bill with this paragraph fixing the salary at $2,500. That is in the engrossed bill; and therefore the $2,200 in the bill, as printed and referred to the Committee on Appropriations, was an error, and the vote of the Senate on the proposed amendment was a nullity. The Chair states it so that if Senators desire to change this compensation from that named in the House bill they may be able to move such an amendment. The manuscript engrossed bill of the House makes the salary of the chief clerk of the Navy Department $2,500, and has not yet been amended, in consequence of the mistake of the printer in making it $2,200.

Mr. TRUMBULL. I offer the following amendment, to come in after section two as section three:

SEC. —. *And be it further enacted*, That the compensation of the female clerks, copyists, and counters employed in the several Departments and bureaus, whose appointments are made by the several heads of Departments under the provisions of law, shall, from and after the 30th day of June, 1870, be the same as male clerks performing the like or similar services; and it shall be the duty of the several heads of Departments so to classify said female employés as to carry out the provisions of this section; and the amount necessary to pay the increased compensation herein provided for for the year ending June 30, 1871, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. POMEROY. While I am in favor of this amendment I see that it does not include, and I do not know that it can be framed so as to include all the cases that I should be glad in an amendment of this kind to reach. This amendment only applies to female clerks and copyists, and not to those who are employed in service in which there are no gentlemen employed; mere counters. There are a variety of employments in the Treasury Department, as well as in the other Departments of the Government, in which females are engaged, and there is no corresponding grade of service in which men are employed. But, Mr. President, I am willing for this year to vote for this amendment, and I hope it will reach at least cases that are the most meritorious. Living in this city as we do, and seeing what are the expenses of the different clerks, we must know that the expense of dressing and living cannot be less for a female than a male clerk. The services of the former are frequently as valuable as those of the latter; and I can see no reason, in fact I have wondered what reason could exist, why we should discriminate against a female employé where she does the same work, where she works as many hours, where she accomplishes as much as a male employé of the same class. For instance, in the counting bureau I have noticed females employed in counting money who were such experts that they could demand the highest wages paid in any service of that kind in any of our banks; and yet there they are

working at half what is paid a man who is employed performing the same service.

I have no doubt, as is suggested near me, that there can be those found who will do the service for this pay. That is not the question. So there could be found those who would be glad to be Senators for half the pay we get. There could be those found who would perform the service that the male clerks in the different Departments perform at perhaps half their pay. That is not the question. The question for us is, what is a reasonable compensation, in view of the expenses of living in Washington, for persons employed in Government service? I have been mortified and ashamed that we made an invidious distinction between males and females in paying for the services they render. There is no ground on which it can be justified; and I am glad the Senator from Illinois has offered an amendment which is at least a partial relief. It is something; it is a step in the right direction. Although it will not accomplish everything that ought to be accomplished, it will certainly apply to very many cases. There are those employed who rise early and work late, who perform more service than is performed by the average of clerks, and yet who get only a half compensation. I do not know on what ground it can be justified. I do not know what reason can be urged for it. I am certain that there is no man who has been familiar with the service these clerks render, and has seen their labor, and has seen the reports made by the heads of the different bureaus, who would not be willing to place them on equal footing with male clerks who are doing the same kind of work.

I only want to say further that there is in this country to day an organization, commencing, perhaps, in Boston, not to secure the ballot for women, but to secure equal wages and equal pay; and that organization are opposed to granting women the ballot, but they do insist and do urge that she should be paid for her labor, performed for the Government or for individuals, the same that is paid to men for performing the same work. Now, I call upon Senators who are opposed to giving the ballot to woman to at least come up to the position of this organization, and give equal pay for equal work. I notice that a paper is to be started in that interest in a few days, to oppose the ballot, but to insist on equal pay for an equal amount of work.

While I cannot believe that anything short of the ballot is equal protection, and while would rather have a ballot in the hands of any man or woman, to protect him or her, than a standing army under our form of government, yet those who do believe that they can appeal to the common sense and to the good judgment of men to get equal pay for equal work without the ballot should come up now and support this measure. There cannot be in my opinion a more just and suitable measure presented to Congress, to compensate these ladies for what they do exactly on the same basis as we would men if they perform the same service.

Mr. FOWLER and others addressed the Chair.

The VICE PRESIDENT. The Senator from Kansas is still upon the floor. Does he yield to the Senator from Tennessee?

Mr. POMEROY. I see so many Senators who are anxious to come to the rescue and help this amendment, that I am only too willing to have them speak, and not myself.

Mr. FOWLER. I do not want to speak, but only to ask the question whether under this amendment the female clerks may not be excluded and males substituted in their place?

Mr. POMEROY. It does not exclude anybody. It is optional now, except that the bill provides that so many females shall be employed. In one or two of the sections it says there shall be so many males and so many females.

Mr. TRUMBULL. No; it does not say that.

Mr. POMEROY. Not this amendment, but there is another section of the bill in which they are alluded to.

Mr. TRUMBULL. There is an appropriation made for clerks, without determining whether they shall be males or females; and then there is an appropriation made for female clerks. It says "female clerks" in the appropriation.

Mr. FOWLER. The point is this: whether this amendment will not tend to exclude them from this service altogether.

Mr. POMEROY. No, sir. Where the appropriation bill says that in such a Department there are allowed so many male clerks and so many female clerks this amendment will simply require the head of the Department to classify them, to put them into a class, and give them the same pay allowed to the male clerks performing similar service.

Mr. STEWART. Mr. President, I am glad this amendment has been offered. I cannot see why a female should not have the same compensation for the same labor as a male. I never could understand it. Among the arguments I have heard in favor of female suffrage, the strongest has been the fact that performing the same service in various departments of life women were not equally compensated.

Mr. COLE. I think it has come under the Senate's observation that females generally perform different service to that performed by males as a class, and that they are not capable of performing so much labor or the same kind of labor as males, and it only happens in rare instances that the same service is performed by persons of different sexes.

Mr. TRUMBULL. This only applies to such cases.

Mr. STEWART. It only applies to such cases. I admit that males can perform some services for which females cannot be employed, but here is a proposition applying to classes where the same service is performed, and I should like to know if there is any argument why they should not have the same compensation. Why a distinction should be made I cannot understand. There are many positions in which females can perform more service and are more useful, and yet I notice they do not receive equal compensation. This is true in various departments of life. In teaching school you will find a female school-teacher worth half a dozen of the class of male teachers you can get for the same grade of schools, and she does not get the same compensation. You find it also in the various menial employments about houses. You find a great many employments where this discrimination is unjustly made. I say when the Government undertakes to employ persons it should not follow this unjust practice, and where there is the same service and equally valuable service rendered by males and females females should receive equal compensation.

I would remark right here that in these Departments, with regard to the mere matter of copying, the mere matter of writing, that work can be done by females, and as well done; and I think it for the interest of the country that it should be done by them. They should have a chance. I cannot see why a good many male clerks who are indifferent clerks would not be better employed in settling up farms, if they are able to work, why some of them should not be crowded out by females who could perform the labor just as well. It would be better for the community, better for the male clerks to be sent out of the city, and better for all concerned. I do not see why there should be a discrimination because some of the labor is performed by females.

Mr. SAWYER. I sympathize with a great deal that has been said by the honorable Senators from Kansas and Nevada on this question. I see no special reason in the nature of things why a certain amount of service performed by a woman should not be as well compensated as if performed by a man. I say I see none in the nature of things, but I do see a reason in the existence of facts. The truth is that these ladies were put into the Departments of the Government as clerks because they were cheaper.

Mr. MORRILL, of Maine. Will my friend excuse me one moment?

Mr. SAWYER. Certainly.

Mr. MORRILL, of Maine. I rise to make a proposition to which the Senator can address his remarks, if he will allow me.

Mr. SAWYER. Certainly.

Mr. MORRILL, of Maine. I send to the Chair an amendment as a substitute for that proposed by the Senator from Illinois, to strike out all after the enacting clause and insert——

Mr. TRUMBULL. I would be willing to have the Senator's proposition added to mine, but not to agree to it as a substitute.

Several SENATORS. Let us hear what it is.

The VICE PRESIDENT. The Senator from Maine moves to amend the amendment. It will be reported.

The CHIEF CLERK. The amendment of the Senator from Maine is to strike out all after the enacting clause of the amendment of the Senator from Illinois and insert—

That the heads of the several Departments are hereby authorized to appoint female clerks who may be found to be competent and worthy to any of the grades of clerkships known to the law in the respective Departments, with the compensation belonging to the class to which they are appointed.

Mr. POMEROY. I think that, as an addition to the amendment of the Senator from Illinois, would be very appropriate.

The VICE PRESIDENT. The Senator from Maine moves this as a substitute for that amendment.

Mr. SAWYER. I was about to say that there are reasons in the existing state of facts with regard to male and female labor which apply to this case, aside from the principles of abstract justice concerned in it. These ladies were put into the Departments because their labor was cheaper. Female labor is cheaper all over the country, and I maintain that when the Government becomes an employer it employs labor on precisely the same principle as an individual employs it, the best labor at the lowest compensation which it is practicable to get it for.

Mr. FOWLER. Do we not give our pages here about ninety dollars a month—the little boys who wait on us?

Mr. SAWYER. I have no doubt of it. The Government, however, must as a general principle go on that idea, that it employs the best labor that it can for the lowest practicable compensation. Now, if the effect of this proposition were to keep these ladies in the Departments and give them precisely similar labors that are performed by the male clerks, and if they would do the work equally well, pay them equally well, I should have no objection to it. But the practical effect is going to be entirely different. There is not a head of a Department nor a head of a bureau who would not rather have a male clerk in the bureau than a female clerk doing precisely the same work; and the effect will be to drive the females from the Departments and substitute for them male clerks, who, as the Senator from Nevada says, would be better off cultivating the farms of the West. That is going to be the practical effect of this amendment.

Mr. THAYER. I should like to ask the Senator a question; whether he speaks by authority of the heads of bureaus or gives his own impressions?

Mr. SAWYER. I speak on my observation of what men who are superintending such branches of labor desire.

Mr. THAYER. I ask in reference to the heads of bureaus in the Departments.

Mr. SAWYER. I have not consulted with particular heads of bureaus.

Mr. THAYER. The Senator expressed the

opinion that they would give the preference to males and exclude females. I have not come to any such conclusion.

Mr. EDMUNDS. You would not if you were head of a bureau. [Laughter.]

Mr. THAYER. No, if they performed the duties as well they should have an equal chance, and I do not know but that I would give them the preference.

Mr. SAWYER. I have not a doubt that the gallantry of my friend from Nebraska might induce him to let the public service suffer a little, perhaps, in consideration of the benefit he might do to his female friends. [Laughter.]

Mr. THAYER. Not at all. I said expressly on condition of their being able to perform the service equally as satisfactorily for the public good.

Mr. SAWYER. And one of the elements of that satisfaction, of course, would be the pleasure of association. But, Mr. President, I believe the practical effect will be what I have stated, that the moment you put these female clerks into the grades and classify them as you do other clerks, and make them receive the same compensation, they will gradually be worked out of the Departments, and then you will take away from women a source of employment, a source of support which is now given to them, and given to them with advantage to the Government.

I do not want to go into the discussion of the question whether as a general thing female clerks are as efficient as male clerks. I think much might be said on both sides of that question. But I suppose one thing certainly will be conceded, that of the three hundred and thirteen working days of the year they will be absent two days on account of illness for one that a male clerk is absent. I presume that will be conceded; and it is not to be expected that they should endure the physical labor which is necessary to be a clerk in one of these Departments with the same facility that a man endures it. It is not a fact that they do it. They render the Government very good service, and they get paid for it better than almost any other class of female labor is paid for now; and if the voice of the females who are in the Departments could be taken on this question, I have not a doubt that seventy-five per cent. of them would say, "Vote it down;" and it is because those who reflect on this matter anticipate that if it is passed they will be turned out of the Departments sooner or later, and probably soon.

Mr. RAMSEY. I should like to inquire of the Senator from Maine whether he proposes taking a recess to-day?

Mr. MORRILL, of Maine. I thought it very likely that the Senate would prefer to continue the session until we had closed the bill.

Mr. RAMSEY. I simply wished to know.

The VICE PRESIDENT. The question is on the amendment of the Senator from Maine to the amendment of the Senator from Illinois.

Mr. TRUMBULL. I hope the amendment offered by the Senator from Maine will not prevail. It would defeat the whole object of the amendment which I have offered.

Mr. EDMUNDS. Why?

Mr. TRUMBULL. Why? Because it simply authorizes the heads of Departments to appoint females in any class they think proper. That they can do now. There is no law against it; but the practice is against it. There is no habit of appointing female clerks, either as first, second, third, or fourth class clerks; but there is no law to prohibit it being done. All that the Senator from Maine would accomplish by his amendment, if he strikes out the amendment which I have offered, would be to authorize the Departments to do that which they may do now. What would be the practical effect of his amendment? Simply that the Departments would do nothing. These clerks in your Departments who are paid $900 a year sit in the same rooms where men sit who get $1,200 and $1,400, and many of them instruct the male clerks in their duties every day; and they perform as much or more service, and are paid $900, sitting by the side of male clerks who receive instruction in their work from them. I say there can be no reason given, none has been given, and none can be given why these persons, doing precisely the same work and doing it as well, and they are not to be paid unless they do, performing the same service that the men perform, should not have the same compensation. I look upon it as discreditable to the age, as discreditable to the Government, to insist upon paying the female who performs the same service less than it pays to the male.

The amendment of the Senator from Maine strikes all this out. My amendment provides that all these female clerks and copyists who are now performing the same service that your $1,200 clerks are performing, are sitting in the same rooms, doing the same duties, shall have the same compensation. But the amendment of the Senator from Maine does not accomplish that. It simply authorizes the Departments to appoint female clerks in the different classes. They may do that under the amendment I have offered. The amendment which I have offered provides that it shall be the duty of the various heads of Departments so to classify the female clerks the law now has provided for that they shall receive like compensation with males for like and similar services.

Mr. WILLIAMS. I should like to ask the Senator one question. Is it not the general rule that men employed in the service of the Government have families or other persons dependent upon them for support, and is it not the general rule that women do not have persons dependent upon them for support? Is there not some ground in that fact for a distinction? I know that there are clerks who have no families and nobody to support but themselves, and there are some women who support relatives; but, as a general rule, men support their families or relatives and the women support nobody but themselves.

Mr. TRUMBULL. I am glad the Senator has asked that question of me. I do not think I know half a dozen female clerks in all the Departments; but of that half dozen four are widows supporting children by their clerkships.

Mr. EDMMUNDS. And drawing pensions.

Mr. TRUMBULL. No; I think none of those I know are drawing pensions. The Senator from Vermont is chairman of the Committee on Pensions, and has a great deal to do with the widows of soldiers who are pensioned, and may know if some of those are in Departments. If they are there I am glad of it. I think they are deserving persons. The women who have given up their husbands to the country, and have children to support, may very properly be in the Departments, though they get a pension of eight or twelve or sixteen dollars a month, a very inadequate compensation to a soldier's widow left with a family of children, and without property to support them.

Mr. STEWART. I am informed by the heads of Departments that they make it a point to employ only those who have others dependent upon them, that they make that the rule. I think you will find of the ladies employed that nineteen twentieths of them have families to support.

Mr. TRUMBULL. I cannot say in reference to the rule, for, as I said, I know very few of those clerks. I may say further that I do not know one female clerk in any of the Departments who got her position at my instance. It may be possible there are some I recommended years ago who are still in the Departments; but I am not aware that there is one.

Now, Mr. President, it does seem to me so just that these persons should be put upon the same footing in regard to pay that I cannot see how we should refuse it. We had this question up a year ago, and the Senate by a very decided vote inserted in a bill a provision something like the one we now have under consideration; but somehow or other in a committee of conference the provision was lost, I do not know how. The Senator from Kansas says it will be so now. I hope not. I hope if the Senate put it on, as I trust they will, that they will adhere to it, and I cannot think that the House of Representatives will refuse it.

A suggestion has been made by some that if you make the pay the same for females as males the result will be that the females will be driven out of the Departments; that men will come here who are politicians and have votes and who will insist with members of Congress that they shall be appointed to these places. I hope that we may pass a bill before we adjourn that will disconnect members of Congress from these appointments; and that would be an answer to this suggestion; but if we do not do it, I do not see why any such result would follow. It is said men will want to do this work when you pay the females $1,200, there is so much work to be done in the various Departments. The men may just as well insist that the $900 females shall be discharged, and they perform the service at $1,200, as to insist that the $1,200 females shall be discharged. It does not affect the pay of a man at all, because any man who is appointed a clerk in any of these Departments gets $1,200 at least. None of them have less than that; and if they can go to work by their influence and bring to bear such a pressure upon the heads of Departments as to compel them to give them places they may just as well do it now, because by dismissing the $900 female clerks the work which these female clerks do will have to be done by others, and a man will get $1,200 for it. So there is nothing in that suggestion.

Mr. SAWYER. Will the Senator allow me to make a remark?

Mr. TRUMBULL. Yes, sir.

Mr. SAWYER. I think the appropriation bill provides for a certain number of female clerks in each Department and bureau. It provides in the items for the various offices, first, for a certain number of male clerks, and then for a certain number of female clerks, at $900, naming the number of each. Now, I should like to ask the Senator how he is to find out whether the labor of the females is just the same labor as is done by the males. What sort of standard would he adopt? How would he get at the fact?

Mr. TRUMBULL. If the Senator from South Carolina was at the head of a division in one of these bureaus where there were a dozen clerks, half of whom were males and half females, I do not think he would have any difficulty in determining whether the lady clerks performed as good service as the men did. I think he could ascertain without any trouble whether they performed their duties faithfully, and he could report the facts. And if they did not, they ought not to be there. If they did, then they should be paid as well. If he were to sit there and see many of these accomplished ladies who write beautiful hands and write rapidly, and if he were to examine their work and then lay beside it the writing of some males in these Departments, he could have no difficulty in determining that their compensation under the provisions of a law which provided that they should be paid the same for similar work should be the same as that of a $1,200 clerk. I think there will be no difficulty in the practical application of the proposition.

But, Mr. President, I do not wish to prolong the debate. The measure seems to me so obviously just that I cannot but think the Senate will adopt it, and I hope the Senator from Maine will consent to offer his proposition as an amendment.

Mr. EDMUNDS. He does now.

Mr. TRUMBULL. No; he offers it as a substitute. That is an amendment in one sense; but the sense in which I use the word "amendment" is as an addition. The word "substitute" is well understood in parliamentary bodies, and I presume by nobody better than by my friend from Vermont who makes that critical suggestion.

Mr. MORRILL, of Maine. I want to call the Senator's attention to the phraseology of his proposition. "The compensation of the female clerks, copyists, and counters" shall "be the same as male clerks." I submit whether, in order to make it perfect, he should not say "the same as male clerks, copyists, and counters, performing the like or similar services?"

Mr. POMEROY. That is the meaning now.

Mr. TRUMBULL. I think it could receive no other possible construction; but I have no objection to those words being inserted.

Mr. MORRILL, of Maine. As there are no male counters that I know of it would turn out on this phraseology that the counters would have the same pay as male clerks. I suggest whether that was the intention, to give female counters precisely the same pay as the male clerks.

Mr. TRUMBULL. I found a good deal of difficulty in drafting the amendment. We had the same difficulty when we had the matter up a year ago. I recollect then the lamented Senator from Maine, Mr. Fessenden, who was with us, said there was a difficulty about it; and I intended to overcome that difficulty in this amendment by directing that the heads of Departments should make the classification, so as to carry out the provisions of the law. I do not know whether there are any male counters or not, and it may be that the female counters could get no advantage by this provision. I should greatly regret if it were so.

Mr. MORRILL, of Maine. As it stands I think they would.

Mr. TRUMBULL. If they would, then I hope it will remain as it is. They are among the most valuable class of persons in the Departments. These female counters count rapidly, count exactly, and are very valuable officers, and I should hope they would be put upon the footing at least of first-class clerks; and if the provision as I have drawn it will accomplish that I shall be much gratified. I was apprehensive myself it might not; but as the Senator from Kansas has very well observed, if we can pass the amendment in this form, and we find it does not reach some persons who ought to be reached by it, we can provide for them hereafter when we see the practical workings of what we shall have done.

Mr. CORBETT. I am in favor of the continuance of female clerks in the Departments and increasing their numbers in the Departments where they can perform the same service as males; and I desire to propose an amendment to the amendment of the Senator from Illinois, that will accomplish that result; and I hope my friend from Maine will withdraw his proposition that I may offer my amendment. It is substantially to change the word "female" in the amendment of the Senator from Illinois to "male" and the word "male," where it occurs, to "female;" so as to make his amendment read:

That the compensation of the male clerks, copyists, and counters employed in the several Departments and bureaus, whose appointments are made by the several heads of Departments under the provisions of law, shall, from and after the 30th day of June, 1870, be the same as female clerks performing the like or similar services, &c.

This will accomplish the result of adding to the number of female employés where they can perform the same duty for which males are now employed who get higher wages, and the male clerks can seek some better employment, like cultivating our lands in the West, and do other business which females cannot attend to. I desire to give the females the benefit of these places, and by my amendment I have no doubt there will be a great many added to the number of females in the Departments. I believe them to be efficient for the service required there. I believe the intention of the Government originally in employing them was to employ them because they were cheaper in point of pay, and could perform the service equally as well as men and probably better. I think this clerical service in the Departments should be confined entirely to ladies where they can perform it equally as well as men. I hope my amendment will be adopted, and thereby prevent the discharge of these ladies and the appointment of men in their places, for I fear that will be the effect of raising the pay of the female clerks. I think my proposition ought to meet the objections of the Senator from Illinois, and it will equalize the thing.

Mr. COLE. I do not wish to discuss this subject generally; but before the vote is taken I will offer a remark or two in reply to what has been said by the Senator from Illinois.

In the first place, it seems to me utterly impossible to adjust the wages to the labor. If we were to do that, we should raise the pay of some of the first-class clerks to the pay of second-class clerks, and so on up to the fourth-class clerks. Because we see in some of the offices where a good many clerks are employed, clerks of different grades performing precisely the same service and receiving different rates of wages, we cannot hope to get them all on an equal footing, so that each shall be paid for the services which he or she performs.

Now, as a rule, females are unable to perform as much labor as males; and that, I think, is a rule that prevails throughout the Departments. The ladies there employed, as a class, perform lighter work than that performed by the males. It may happen sometimes, and doubtless does, as stated by my friend from Illinois, that a female performs as much service and as arduous service as is performed by a male clerk in the same office. Those are exceptional cases, I take it, however; and there is no rule by which we can adjust all the exceptional cases, or make them all equal and just. If there were any way by which we could gauge the services of all, so that each should be paid for the exact service rendered, we should, of course, adopt such a rule; but it seems to me utterly impossible, utterly impracticable; and I shall therefore vote against the amendment.

Mr. TIPTON. There are three classes of Senators on this question. I discover that two classes have already been represented on this female question: first, those members of the Senate who are single seem to take a deep interest in it; and second, those members whose wives are absent. [Laughter.] I simply desire to say that those who are in the category with myself, whose families are here with them, will also be careful to do their duty.

The VICE PRESIDENT. The question is on the amendment of the Senator from Oregon [Mr. CORBETT] to the amendment of the Senator from Illinois, [Mr. TRUMBULL,] which is to strike out "female" and insert "male," and *vice versa*.

Mr. POMEROY. I hope the original proposition of the Senator from Illinois will be adopted, although the other propositions, especially the amendment of the Senator from Oregon, while they are mere expedients, are steps in the right direction. I think myself there are many men doing service as clerks in the Departments who ought to retire and give place to females. Why, sir, think of an able-bodied man who weighs two hundred pounds sitting in a Department copying a few letters for a few hours a day, and then going home and thinking he has done a day's work! That service could be performed by a child, if the child could work. But I am satisfied that nothing will reach this case that we want to reach in the Departments but the amendment of the Senator from Illinois.

The Senator from South Carolina said we ought to take advantage of the fact that female labor was low, and had been in all ages and all countries, and that we should get it for what we can; and he said there was plenty of it at low prices. I do not like to let that remark go without saying that if these persons had the ballot you could not pass over their claims with impunity. I said to the negro twenty years ago, "You may ask to be put into the cars; you may ask for your rights; but nothing will give you your rights but the ballot." If, when our members of Congress come before the people for election, these persons had the ballot, you would not find them discriminating against them. But now they are disfranchised, and it is on that account that you can degrade their labor. That is why you can get them to work for half pay. Suppose you disfranchised all the blacksmiths, you could after that legislate about the blacksmiths just as you chose, just as your prejudice or your cupidity might direct. But you cannot trample on the rights of a blacksmith with the ballot in his hands, because, having the ballot, he is going to have his equality with other men. So with these persons. But, sir, that subject is not now before us. It is not here, though I hope it will be here before long.

Mr. THAYER. I object to the Senator from Kansas discussing the question of the ballot on this amendment.

Mr. POMEROY. I am discussing what would give these persons equal wages and equal pay. That is the real remedy; but as that remedy cannot apply to this bill, I want that the remedy contained in the amendment of the Senator from Illinois shall be applied to it.

Mr. CRAGIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. CRAGIN. For a question.

Mr. POMEROY. No, sir. I have not spoken a word on this appropriation bill for four days, and in fact did not intend to speak now; but being on the floor I prefer to finish what I choose to say.

Mr. MORRILL, of Maine. Allow me to make a remark. It is very unusual to make these speeches when the galleries are so thin. [Laughter.]

Mr. POMEROY. I am not speaking to the galleries. Let those Senators who speak to the galleries bear that fact in mind; but I do not speak to the galleries.

Anything short of the provisions of this amendment will never be effective. We tried last year to put into the appropriation bill the same amendment that the Senator from Maine proposes now, and we passed it without a division, without a yea and nay vote, it being then urged by the Senator from Maine, among others. It finally fell through in some way. Now, I want an amendment put into the appropriation bill this time that will be effective and that will be carried through. Here are sixty female clerks in the Treasury Department and twenty in another Department. The amendment will certainly reach them. I do not think it will affect those who are employed as mere copyists and counters.

But, sir, I am so anxious to get to a vote on this particular question, and on all questions connected with this appropriation bill, that I will defer any argument on the subject till some other time.

Mr. CRAGIN. I desire to ask the Senator from Kansas this question: whether he pays to his hired girl the same wages that he pays to his hired man?

Mr. POMEROY. Exactly. I have two dining-room servants, one male and one female, and I pay them exactly alike.

Mr. CRAGIN. I mean the man he employs on his farm or to drive his horses.

Mr. THAYER. That is not the same kind of labor.

Mr. CRAGIN. I am aware, Mr. President, that it takes considerable courage to oppose this amendment; but I feel it to be my duty to do so. I have made some inquiries at the Treasury Department, or have heard what some of those in charge there think on this subject, and my information is that while many of the females are very good clerks, they do not perform the same amount of labor that the male clerks perform; and I believe that is true the world over. You may employ ten men and ten women to work at exactly the same business for three months' time, and the men will perform a greater amount of labor. That everybody ought to know and everybody does know. I venture the assertion here to-day that you may go to the Treasury Department, and when you come to the matter of absences you will find two days absence on account of sickness for the female clerks where you will find one for the males. The Senator from Kansas says it is not so. I believe it is so.

Mr. POMEROY. I have the reports.

Mr. CRAGIN. I agree with the Senator from South Carolina that the effect of this will be ultimately to drive out from the Departments the females, which I should very much regret. The Senator from Kansas thinks this is a question that the ladies all over this country care much about. I tell the Senator that the wages received here are very much more now than the same class of persons can receive at home.

Mr. THAYER. I should like to ask the Senator from New Hampshire a question. Why does he regret that females should be driven out of the Departments if they are not equal in efficiency or do not perform their duties as well as male clerks? He complains that they are absent a great deal more than males.

Mr. CRAGIN. I am speaking not of the quality of the work, but of the quantity. As a class you may take one hundred of each, and the males do perform more work in a given time. There is no doubt of it. I say that over the country if you increase these salaries you will cause more dissatisfaction, and possibly you will displease more persons than you will please. I admit that over the country the wages of females are low, too low; I have always so contended; but when you single out a few women in this city, less than a thousand in number, and give them $1,200 a year, whereas at home these same persons as a general thing could not make a quarter part of that sum, those at home will feel it.

Mr. POMEROY. Is not that true of the male clerks also?

Mr. CRAGIN. The difference between what is paid for the labor of males in the Departments is not near as great compared to what they can get at home as it is between what female clerks receive for their labor here and what they would receive at home. I hope the amendment will not prevail.

Mr. THAYER. Mr. President, I will make my speech in one sentence, and it is this: that a refusal on the part of this Government to pay the same compensation to females who perform the same duty as males is utterly indefensible on any rule of justice or right, in my opinion.

Mr. SAWYER. The Senator from Kansas has somewhat taken me to task—I use the expression not offensively—for alluding to the low price of female labor as an existing fact of which the Government ought to take advantage. I agree perfectly with the Senator from Illinois that his proposition is one entirely just in itself. The proposition that a certain amount of labor performed should receive the same compensation, whether performed by one person or another, is a perfectly sound proposition; but it is a very different question whether the Government should put itself in the attitude of upsetting all the existing theories of wages and of labor for the purpose of carrying out abstract justice when everybody else is working on the existing basis. I know that there are female clerks in the several Departments who are worth singly half a dozen of the $1,200 clerks who may be found there. I know there are ladies there who are worth to the Government six times as much as some single clerks who receive $1,200.

The argument is not that the salary of this lady should be raised, but it is that the poor $1,200 clerk should be turned out. That is the real argument.

The effect of this proposition is what I consider. It is not my unwillingness that the ladies should have $1,200 for their work, but it is that this whole class of laborers in the service of the Government will be turned out without any compensation at all. That will be the practical result. I have talked with three or four of the sensible female clerks on this very point, and without exception they say, "Do not vote to give us $1,200;" and why? They say there is a disposition to have as few female clerks as possible. I know that to be a fact. There is a disposition to employ male clerks wherever the heads of Departments and bureaus can employ them according to law. The result of this movement, unless we stipulate in the appropriation acts that there shall be a certain proportion of female clerks employed at these rates, will be to get them out of the Departments and substitute for them this poor trash which it is said will be so much better off cultivating farms.

That is my reason for opposing the amendment. I do not want to degrade female labor; on the contrary, I want to elevate it. But I do not conceive it is proper for the Government to set out and upset all the existing theories about wages in this case, any more than I think it is proper for the Government to agree in the public works to give five dollars a day for labor that private employers can hire for three dollars. I do not believe that it is the duty of the Government to hire men for eight hours a day and give them the wages of twelve hours a day, any more than it is the duty of an individual to do it.

Mr. STEWART. I wish to give notice of an amendment to this bill to increase the salaries of the United States judges.

The VICE PRESIDENT. It will be referred to the Committee on Appropriations.

Mr. MORRILL, of Maine. It is now five o'clock. I want to say to the Senate that I think it is indispensable to finish this bill soon. If we can sit two or three hours longer, I think we shall be able to do it.

Several SENATORS. Let us take a recess.

Mr. MORRILL, of Maine. I am perfectly willing to stay in session until we finish it; but I am appealed to by Senators to let a recess be taken. I should like to have the Senate settle the question whether they will now take a recess until half past seven o'clock and then come back and finish this bill, or whether they will continue in session at the present time.

Mr. RAMSEY. Or adjourn.

Mr. MORRILL, of Maine. No; I am opposed to an adjournment.

Mr. STEWART. If the Senator proposes to finish the bill we had better sit right on. He will not get a quorum at an evening session. We have a full Senate here now, and we had better sit right on.

Mr. TRUMBULL. The Senator from Maine will allow me to suggest that I do not believe it possible to finish the bill by staying here now, or by coming here to-night. There are various amendments yet to be offered by committees. The bill is not yet taken out of the Committee of the Whole. We shall simply punish ourselves and find ourselves without a quorum if we sit much longer. I stayed last evening. I make it a habit to stay always when I can, when the Senate concludes to remain; but in my judgment we shall accomplish nothing by a recess or attempting to pass this bill to-night. I am as anxious as the Senator is to do that; but I think we had better adjourn at this hour and finish the bill on Monday; and if the Senator will allow me, I will move that the Senate adjourn.

The VICE PRESIDENT. The Senator from Maine is in possession of the floor.

Mr. MORRILL, of Maine. I rose to make a suggestion, to obtain the judgment of the Senate whether they would take a recess or continue in session. I am not sure what the sense of the Senate is; and therefore I make no motion, but ask the Senate to continue in session.

Mr. TRUMBULL. Then I will make a motion that the Senate do now adjourn, and that will test it.

The question being put on the motion to adjourn, there were on a division—ayes 32, noes 15.

Mr. MORRILL, of Maine. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 16; as follows:

YEAS—Messrs. Brownlow, Casserly, Cole, Drake, Fenton, Flanagan, Fowler, Harlan, Harris, Howard, Johnston, Kellogg, McDonald, Osborn, Patterson, Pomeroy, Pratt, Ramsey, Rice, Robertson, Scott, Spencer, Sprague, Stewart, Sumner, Thurman, Tipton, Trumbull, and Vickers—29.

NAYS—Messrs. Anthony, Conkling, Corbett, Cragin, Edmunds, Hamlin, Howe, Morrill of Maine, Nye, Ross, Sawyer, Schurz, Stockton, Warner, Willey, and Williams—16.

ABSENT—Messrs. Abbott, Ames, Bayard, Boreman, Buckingham, Cameron, Carpenter, Cattell, Chandler, Davis, Ferry, Gilbert, Hamilton of Maryland, Hamilton of Texas, Howell, Lewis, McCreery, Morrill of Vermont, Morton, Norton, Pool, Revels, Saulsbury, Sherman, Thayer, Wilson, and Yates—27.

So the motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 13, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read.

ADJOURNMENT OVER.

Mr. BENJAMIN. I rise to a question of privilege. I move that when the House adjourns to-day it be to meet on Monday next.

Mr. BUFFINTON and Mr. COBURN demanded the yeas and nays.

On ordering the yeas and nays, there were—ayes ten, not a sufficient number.

So the yeas and nays were not ordered.

The motion was agreed to.

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

The latter motion was agreed to.

CORRECTIONS OF THE JOURNAL.

Mr. LYNCH. I rise to a question of privilege. I desire to correct the Journal. I entered a motion yesterday morning to recommit the bill (H. R. No. 1889) to revive the navigation and commercial interests of the United States, and it does not so appear on the Journal.

The SPEAKER. The correction will be made.

Mr. BENJAMIN. I also desire a correction in the Journal. The Journal states that the bill (H. R. No. 1052) to increase the pension of Miss Annie L. Hayes was passed. It was a substitute reported by the Committee on Invalid Pensions which was passed.

The SPEAKER. The Clerk reports that the correction has been made.

Mr. BLAIR. I demand the regular order.

CHILDREN OF COMMANDER WILLIAMS.

Mr. BUTLER, of Massachusetts. I rise to

a privileged motion. I move to reconsider the vote of last night whereby the bill (H. R. No. 1673) granting a pension to the minor children of the late Commander Edward P. Williams, who perished in the United States steamer Oneida, was laid on the table.

Mr. BENJAMIN. Was not a motion to reconsider that vote made last night and the motion to reconsider laid on the table?

The SPEAKER. The Journal does not make that record.

Mr. BENJAMIN. I certainly made the motion.

The SPEAKER. The Chair is under the impression that the gentleman is mistaken, and that he did not make the motion.

Mr. BENJAMIN. I made the motion with reference to all these bills at the close.

Mr. BUTLER, of Massachusetts. That must be determined by the record in the Journal. It is too late now to correct the Journal.

The SPEAKER. The recollection of the Chair is not in accordance with that of the gentleman from Missouri. And if a point of order were made upon it, it would not be permissible to correct the Journal on a matter of that kind except by unanimous consent, because a reconsideration of votes must be made for each one separately, except by unanimous consent.

Mr. BUTLER, of Massachusetts. I only make the motion as to one.

The SPEAKER. The Chair was making a point against the gentleman from Missouri, [Mr. BENJAMIN.] He could not have made the motion to reconsider touching all yesterday if objected to, and he could not correct the Journal as touching all to day except by unanimous consent; and the Chair understands the gentleman from Massachusetts [Mr. BUTLER] to object.

Mr. BUTLER, of Massachusetts. I do not desire to bring the matter up for action now.

The SPEAKER. Then the gentleman had better enter the motion to reconsider.

Mr. BUTLER, of Massachusetts. I mean simply to enter the motion.

The SPEAKER. The motion will be entered.

Mr. BUTLER, of Massachusetts. I will ask for its consideration hereafter.

ARKANSAS HOT SPRINGS.

Mr. KNOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. No. 95) in relation to the Hot Springs reservation in Arkansas, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with the following amendments:

Section one, strike out from the word "final," in the seventh line, to the word "any," in the eighth line.

After the word "final," in the seventh line, insert "decision."

Strike out all from the word "settle," in the eighth line, to the word "the," in the ninth line.

Strike out "suits" and insert "suit" in the ninth line.

Section two, line four, strike out the words "as near as may be."

Strike out all from the word "States," in the sixth line, to the word "and," in the eighth line.

Line nine, strike out "such," and in lieu thereof insert "the."

Line ten, strike out the word "usually."

Line ten, after the word "equity," insert the words "so far,"

Section three, line one, strike out the words "process in," and in lieu thereof insert "notice of."

Line three, after the word "thereof," insert the words "with a copy of the petition."

Section four, strike out all of section four.

Section six, strike out all from the word "shall," in the third line, to the word "the" before "United" in the fourth line.

Line three, after the word "shall," insert "decide in favor of."

Section six, strike out all from the word "shall," in the twentieth line, to and including the word "lands," in the twenty-second line, and in lieu thereof insert the words "decide in favor of any claimant."

Line thirty-two, strike out the word "approval," and in lieu thereof insert "appeal."

Line thirty-four, after "appeal," insert the words "in the same manner and with the same effect as in cases of appeal in equity causes from the circuit courts of the United States."

And that the House agree to the same.

J. PROCTOR KNOTT,
A. A. C. ROGERS,
GODLOVE S. ORTH,
Managers on the part of the House.

B. F. RICE,
GEO. F. EDMUNDS,
WM. T. HAMILTON,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

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

The latter motion was agreed to.

HORATIO KING.

Mr. WASHBURN, of Wisconsin. I am desired by a gentleman, Mr. Speaker, who thinks he was unjustly assailed here yesterday, to present a communication and ask that it be read. I wish simply to say that I know nothing about the facts, and do not wish to be mixed up in anybody's quarrel.

Mr. SCOFIELD. Is this privileged?

The SPEAKER. It can only be read by unanimous consent.

Mr. SCOFIELD. I want the gentleman to state who the communication is from.

Mr. WASHBURN, of Wisconsin. It is from Mr. Horatio King. I hope no gentleman, after what was said here yesterday, will object to this communication being read.

Mr. STILES. I object.

Mr. WASHBURN, of Wisconsin. Certainly the gentleman from Pennsylvania, after what transpired here yesterday, will not object. Here is a gentleman who has been for more than twenty years in office, occupying high positions, and of an honorable reputation——

Mr. STILES. I object because I do not know what it is.

The SPEAKER. The gentleman from Wisconsin [Mr. WASHBURN] asks, in behalf of Hon. Horatio King, that a letter addressed to him by that gentleman in answer to the charges preferred against him yesterday may be read to the House.

Mr. STILES. I withdraw the objection.

Mr. WASHBURN, of Wisconsin. I desire to say that I know nothing about the charges referred to, and I do not wish to be mixed up with any quarrel. I may say in behalf of Mr. King that he is a gentleman who has occupied high official position in this city for a great number of years.

Mr. SCOFIELD. I object to any debate unless the same courtesy can be extended to the other side, if desired.

Mr. WASHBURN, of Wisconsin. Very well; let the communication be read.

Mr. SCOFIELD. I shall object to the reading of the communication unless an opportunity can be given to reply to any reflections that may be made in it upon the Committee on Naval Affairs.

Mr. WASHBURN, of Wisconsin. I assure the gentleman there is nothing whatever of this kind in the communication.

The communication was then read, as follows:

WASHINGTON, *May* 13, 1870.

SIR: A most unprovoked attack, made on me yesterday by Hon. CHARLES HAYS, of Alabama, in his place in the House of Representatives, imposes on me the necessity of asking you to lay before that honorable body a brief statement of the facts which led to it.

In the first place, I should remark that his charge is untrue that I instigated the newspaper article which he makes the basis of his attack; and he is also at fault in respect to the history of the transaction.

The facts are simply as follows: on the 29th of July, 1868, nearly two years ago, I received from a respectable attorney in Cincinnati a power of attorney from one C. S. Devine to prosecute a claim of his before the Navy Department for pay as first-class pilot, amounting to the sum of $557 75. I immediately took charge of the matter and faithfully prosecuted it for about five months, when the claim was rejected on the ground that there was no law authorizing its payment, and the papers, which were quite voluminous, were returned to me through the Fourth Auditor of the Treasury.

On the 15th of March, 1869, following, having through my associate attorney received from said Devine a memorial, to be presented for relief, the same was presented in the House of Representatives, together with all the other papers of the case, including my power of attorney from the claimant, and referred to the Committee on Naval Affairs. I was unable to get any action thereon at the March session, and the matter rested until the present session, when the case, I understand, was put into the hands of Mr. HAYS for examination and report. My son called on him with reference to it several times, when, at length, some time in the latter part of March, I was surprised by the information that, instead of notifying and leaving me to finish up the case, he (Mr. HAYS) had, without authority from the House, withdrawn the papers, taking them to the Navy Department, and procured authority on which the Fourth Auditor had issued a Treasury certificate, payable to the order of Devine, for the whole amount, and this Treasury certificate, it appeared, had been sent to Mr. HAYS, at his (Mr. HAY'S) request, who informed my son that he had received from Devine instructions not to allow the certificate to go into my hands. Thereupon, on the 2d of April, I wrote Mr. HAYS, giving him a brief statement of my connection with the case, and respectfully protesting against his "paying over any money or handing over any draft in favor of said Devine, to any person whomsoever, without my first having a fair opportunity to be heard in the premises."

In a day or two afterward I called on him, and he informed me that he should relieve himself of the matter by reporting to his committee; whereupon I sought an interview with and placed the whole facts in writing before the chairman, Mr. SCOFIELD, who said that he did not consider that he had anything to do with the matter, and declined to give me any assurance whatever, that our rights should be protected. Meantime, having learned from the Fourth Auditor that when he ordered the Treasury certificate sent to Mr. HAYS he was not aware of my connection with the case, I wrote him a letter stating the result of my efforts with Messrs. HAYS and SCOFIELD, and expressed the opinion that an intimation from him to that effect would no doubt induce Mr. HAYS to return the certificate to him and thus save all further trouble. This letter the Auditor referred to him by the following indorsement, handing it to me unsealed, as I told him I wished to retain a copy, namely:

FOURTH AUDITOR'S OFFICE,
TREASURY DEPARTMENT, *April* 5, 1870.

SIR: I would respectfully refer this letter to you for consideration, and should you desire to be relieved in the premises, I have no doubt Mr. King would attend to the business in an honorable and satisfactory manner were you to return Mr. Devine's certificate to this office. The accounting officers think Mr. King is entitled to remuneration for the services he has rendered in the case.

Very respectfully, yours,
STEPHEN J. W. TABOR, *Auditor.*

Hon. CHARLES HAYS, M. C.

Here the matter rested for two weeks or more, in the expectation on my part that the suggestion of the Auditor would meet with a favorable response, when, meeting Mr. HAYS at the Capitol, I asked him about the certificate, and he said he had sent it to Devine. I said to him, "Then I shall look to you for our commissions," and he replied, "Very well." Not another word passed between us.

The above are the essential and exact facts of the case. I shall not descend to the level of my assailant by bandying epithets, but will leave others to make their own comments.

I have the honor to be, very respectfully, your obedient servant,

HORATIO KING.

Mr. SCOFIELD. I wish to say a very few words in relation to the communication just read, not because of any allusion that it makes to me as chairman of the Committee on Naval Affairs, but on account of the unjust reflections contained in it upon Mr. HAYS, who is a member of that committee. This claim of Mr. Devine, as it is called, was not properly a claim in the strict sense of the word. Some supposed defect in the law prevented Mr. Devine from receiving his pay as an officer of the Government, a pilot in the Navy. An application was made to Congress to have the defect removed by a special act, and the application was referred to the Committee on Naval Affairs. As chairman of that committee I asked Mr. HAYS, who had just been appointed a member of it, to take the papers in his charge and ascertain by inquiry at the Navy Department if it was a just claim, and report the result to the committee. In the course of his investigations before the Department Mr. HAYS ascertained that the legal impediment to the payment of the claim of Mr. Devine had been removed by some subsequent action of the

Department, and that they were authorized to pay him without any special legislation. Mr. HAYS made his report to the committee. We then instructed him to report the papers back to the House, ask that the committee be discharged from their further consideration, and that they be laid upon the table; which was done. That ended the connection of the committee, as well as of the House, with this matter. Inasmuch as Mr. HAYS had taken the papers that were before the committee to the Fourth Auditor of the Treasury that he might examine them, and had left them there, the Auditor, properly or improperly, I do not know which, sent the certificate of pay for Mr. Devine to Mr. HAYS. In some unaccountable way the certificate was detained in the mail for some two weeks, during which time the Fourth Auditor seemed to be interesting himself for this claim agent, Mr. King—who may be just and honorable, as the gentleman from Wisconsin [Mr. WASHBURN] says; I know nothing against him—interesting himself to have the certificate returned to him, in order that he might hand it to Mr. King, that the latter might toll it, I suppose. Mr. HAYS and I told them, when we were inquired of, that we had seen no such certificate; that at least it had not turned up. In the mean time Mr. Devine had learned from somebody, not from me, and I think from no member of the Committee on Naval Affairs, but probably from Mr. King through some claim agent in Cincinnati, that his claim was about to be paid. He sent a letter to me, as chairman of the committee, conjecturing, I suppose, that it was to be paid through some effort of the committee, giving express instructions that the certificate should be sent directly to him at St. Louis, and not handed to any claim agent here. Mr. HAYS also received a similar letter. The certificate at last turned up, and Mr. HAYS brought it to the committee, and asked what he should do with it. We had the instruction of the man to whom the money was due not to hand the certificate, which was payable to him, to another man whom he repudiated as his agent. The committee unanimously recommended Mr. HAYS to send the certificate directly to Mr. Devine at St. Louis, and then if he owed Mr. King anything for services Mr. King and he could settle the matter between themselves; that the certificate having come into his hands it was the only way in which he could discharge his duty to this man and the Government.

Now, as to the article in the New York Star about this matter, whether written or prompted by Mr. King or not I do not know; but stating his version of this matter, presenting his side of the case as he repeatedly gave it, I naturally conjectured, and so did Mr. HAYS, that Mr. King had instigated the article. But he denies it. I can only say that whoever wrote that article was not a man of the high character that the gentleman from Wisconsin [Mr. WASHBURN] describes Mr. King to be. The author of that article was not only malicious, but untruthful. He has stated a good many falsehoods relative to Mr. HAYS. All the alleged facts stated in that article and bearing upon his character are untrue.

I do not wish to say anything against Mr. King, or to assail him in any way. The writer of the article says that I treated him with rudeness. The only justification of that charge is that after Mr. King had written to me many communications, had seen me very often, and taken up more of my time than I thought he was entitled to—after I had repeatedly told him I had nothing to do with the matter, he persistently urging me to see that this Treasury certificate was put into his hands, I told him that he might just as well go to anybody else as to me; that I did not wish to have any controversy with him about the case. This was the only rudeness of which I was guilty. There might have been some little impatience on my part, but I did not mean any rudeness. In anything that I now say I intend no reflection upon Mr. King. He may be an honorable claim agent or a dishonorable one, so far as I know; but I do know that the conduct of Mr. HAYS had the approval of all the gentlemen on the committee, and I believe it would receive the approval of every just man acquainted with all the facts in the case.

PERSONAL EXPLANATION.

Mr. KELLEY. I ask unanimous consent to make a personal explanation, not connected with the matter which has just been under consideration. I will not occupy more than three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. KELLEY. Mr. Speaker, in the course of the debate on Bessemer steel, on the 4th of the present month, I invited the attention of the House to the fact that the St. Louis Democrat had reiterated its assertion that I was the owner of large iron works, and had added thereto the equally false assertion that I was one of the proprietors of the Bessemer steel process. Believing that however indifferent I may be to mere personal slanders I had no right to allow a great cause to be injured by assaults upon me, I deviated from my general rule and brought the paragraph to the attention of the House. As the statement in that paper was a reiteration and exaggeration of a falsehood that had been retracted by its editor after I had good-naturedly called attention to its absurdity, I denounced it as a lie, and named Colonel Grosvenor, the editor of the paper, as the author. I wish to state as publicly as I made the charge that I have a letter from that gentleman, saying that he was not the author of the article, but that it was written by a young man temporarily filling his place while he was away, and inclosing an extract from his paper contradicting the iron story, but making no allusion to that with reference to the Bessemer steel process, thus leaving his readers to believe that that portion of the story is true. This may have been an unintentional omission. But be that as it may, I wish to give Colonel Grosvenor the benefit of his denial. If I did him injustice in charging the managing editor of the paper over which he presides with the reiteration of a falsehood, I wish the public to know that he denies it, both in a letter to me and in an editorial, and that I accept his denial.

This is my personal explanation. It is made rather in justice to another than to myself, for I do not know that any one should apologize for applying an epithet such as I did to the managing editor of a paper which in its carefully-prepared leading articles applies such epithets as "able-bodied liar" to that venerable scholar and thinker, Henry C. Carey.

CREW OF THE ONEIDA.

Mr. SCOFIELD. I call for the regular order.

The SPEAKER. The morning hour now begins, and reports of a private nature are in order from the Committee on Naval Affairs.

Mr. SCOFIELD. I am directed by the Committee on Naval Affairs to ask the House to take from the Speaker's table the bill (S. No. 788) for the relief of the widows and orphans of the officers, seamen, and marines of the United States vessel of war Oneida, and for other purposes.

There being no objection, the bill was taken from the Speaker's table, and read a first and second time.

The bill was read. It provides that the widow or child or children, and in case there be no widow or child or children then the parent or parents, and if there be no parents the brothers and sisters of the officers, seamen, marines, and others in service who were lost in the United States vessel of war Oneida on the 24th of January, 1870, shall be entitled to and receive a sum equal to twelve months' sea pay of their respective deceased relations, in addition to the pay due to the deceased at the date of the loss of the vessel; and the proper accounting officers of the Treasury Department are authorized to compute the pay up to and including the 24th of January, 1870, the day upon which the vessel was sunk in Yokohama bay, Japan; and the accounting officers are also authorized, in adjusting the accounts of such of the officers who were lost on board the Oneida as were entitled by law or regulation to examination for promotion, to allow them the increased pay from the date they became entitled to examination; and the Secretary of the Navy is authorized to issue the commissions of those who were confirmed by the Senate.

The second section directs the proper accounting officers of the Treasury to settle, upon the principles of justice and equity, the accounts of the officers, sailors, marines, and others, including captain's clerk, on board the Oneida, and to assume the last quarterly return of the paymaster of the vessel as the basis of computation of the subsequent credits to those on board, to the date of such loss, if there be no official evidence to the contrary.

The third section directs the proper accounting officers of the Treasury Department to settle the account of Thomas L. Tullock, jr., late paymaster in the Navy, who was lost in the Oneida, with all his accounts and vouchers for expenditures and payments made by him, and with all the money, stores, and supplies procured for the use of the vessel, and to allow him a credit for whatever sum appears to be due from him on the books of the Department.

Mr. SCOFIELD. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

BUSINESS OF NAVAL COMMITTEE.

Mr. SCOFIELD. I ask unanimous consent of the House that Wednesday evening next shall be set apart for the consideration of public bills to be reported from the Committee on Naval Affairs.

Mr. DAWES. What bills?

Mr. SCOFIELD. One of the bills is for the removal of the Brooklyn navy-yard. I do not know what the House thinks of that bill, but it is important we should know what the House will do with it.

Mr. DAWES. I wish the Naval Committee, as well as other committees, to feel the pressure, so we may proceed regularly and rapidly with the disposal of the public business.

Mr. PETERS. I object.

LIEUTENANT COMMANDER A. KAUTZ.

Mr. FERRY, from the Committee on Naval Affairs, reported back House bill No. 585, for the relief of Lieutenant Commander A. Kautz, United States Navy, with the recommendation that it do not pass; and the same, with the accompanying papers, was laid upon the table.

CAPTAIN DOMINICK LYNCH.

Mr. FERRY also, from the same committee, reported back a joint resolution (H. R. No. 80) for the restoration of Captain Dominick Lynch, of the United States Navy, to the active list from the reserved list, with the recommendation that it do pass.

The joint resolution, which was read, authorizes the President of the United States to nominate, and by and with the advice and consent of the Senate to appoint, Captain Dominick Lynch to the active list of the Navy, with the like effect as if said Captain Dominick Lynch had been restored under the provisions of an

act approved the 16th of January, 1857, entitled "An act to amend an act to promote the efficiency of the Navy."

Mr. KELSEY. I hope we will have some explanation of the facts in this case.

Mr. FERRY. There is an elaborate report of all the facts now upon the Speaker's table, but to save the time necessary to have that report read I will make a brief statement of the reasons for the passage of this joint resolution. Captain Lynch was retired from the active list of the Navy on the simple charge of having committed an indiscretion. The testimony shows that the charge was exceptional. The examination was imperfect and incomplete. His record exhibits thirty-one years of useful and gallant service in the Navy. He has been twice promoted while on the retired list for meritorious conduct. The Committee on Naval Affairs unanimously recommend his restoration. The proof is strongly in his favor, not only as a man, but as an able officer; and with the record he has so deservedly won, placing him in the front rank of naval officers for gallant and meritorious service, together with the fact that he has devoted so many years of a life so nobly spent for the defense and benefit of the country, I cannot believe any objection will now be pressed to the passage of the resolution of restoration. I therefore demand the previous question on the passage of the joint resolution.

The previous question was seconded and the main question ordered.

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

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

The latter motion was agreed to.

GEORGE M. SMITH.

Mr. STEVENS, from the same committee, reported back the joint resolution (H. R. No. 123) allowing late acting Ensign George M. Smith a share in certain prizes captured by the United States steamer Aries, with the recommendation that it do pass.

The joint resolution was read. It declares that late acting Ensign George M. Smith, of the United States steamer Aries, who was captured January 7, 1864, on the coast of South Carolina, while in the discharge of his duties and belonging to that vessel, is entitled to receive his share of all prizes captured by that vessel during the time of his imprisonment, and that his name shall be considered as being enrolled upon the ship's books the same as though he had been temporarily absent. The joint resolution further authorizes the Secretary of the Navy, if the money for said prizes or any of them has already been distributed, to order payment to be made from the moiety then belonging to the United States.

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

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

The latter motion was agreed to.

On motion of Mr. STEVENS, the accompanying report upon this case was ordered to be printed in the Globe, and is as follows:

Report in case of George M. Smith.

The facts in this case are as follows: Acting Ensign George M. Smith was attached to and doing duty on board the United States steamer Aries, off Wilmington, North Carolina, in 1863 and 1864.

He was captured by the enemy after destroying a valuable blockade-runner called the Dare, January 7, 1864, having been sent out from his vessel for that purpose, after the vessel had been beached. His orders were to board her, and if possible get her off; failing to do that, to destroy her; which latter purpose he accomplished. A heavy sea running at the time, his boat was capsized and he was captured by the enemy, and held as a prisoner by them over ten months. In the mean time his vessel, the Aries, had captured and assisted in the capture of several prizes, and Mr. Smith, after his release, made due application for his share of the prize-money in process of distribution to the officers and crew of his vessel. The accounting officers were compelled, as they state, to refuse his application, on the ground that the law provides "that only those shall share who are doing duty on board and borne upon the books of the ship." The case was referred to the law officer of the Navy Department, who reported that under the prize act of 30th June, 1864, section ten, Mr. Smith was not entitled to any share in the distribution on the ground before stated, remarking that "it was unfortunate that the prize act makes no provision for a case like this," and recommending legislation.

Under the circumstances of the case, and believing that this officer should not, through the misfortune of an imprisonment, occasioned by the faithful discharge of his duty, be deprived of the benefit of captures from the enemy in which his comrades shared, the Committee on Naval Affairs report back the bill for his relief referred to them, and recommend its passage by the House.

JOSHUA BISHOP.

Mr. STEVENS also, from the same committee, reported a joint resolution (H. R. No. 285) in favor of Joshua Bishop, late lieutenant commander of the United States Navy; which was read a first and second time.

The question was on ordering the joint resolution to be engrossed and read a third time.

The joint resolution authorizes the President of the United States to nominate, and by and with the advice and consent of the Senate to reappoint, Joshua Bishop, late lieutenant commander in the United States Navy, to the place from which he was dismissed.

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

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

The latter motion was agreed to.

On motion of Mr. STEVENS, the accompanying report upon this case was ordered to be printed in the Globe, and is as follows:

Report of the Committee of Naval Affairs on the House of Representatives on the case of Joshua Bishop, late lieutenant commander United States Navy.

The committee having considered the case, report as follows:

This officer entered the service in September, 1854, at Annapolis, Maryland, and graduated No. 6 in his class in 1858, at which time he entered the active service, and served on various vessels to the entire satisfaction of all his commanding officers. He served during the war with credit, being one of the naval officers from the southern States who, notwithstanding the pressure of surrounding and adverse influences, remained true to the Union. In May, 1867, he was executive officer on board the United States steamer Wyoming, then belonging to the Asiatic squadron, under the command of Lieutenant Commander C. C. Carpenter. On the 31st of that month Mr. Carpenter suspended him from duty, but on the same day he was, by order of Admiral Bell, then commanding the squadron, restored to duty, and continued to serve as executive officer of the Wyoming until her arrival in the harbor of Hong Kong the following September, when he was placed under arrest and tried by court-martial for "drunkenness" and "neglect of duty" on the 30th and 31st of May preceding. He was found guilty of both charges and dismissed the service.

At the commencement of the trial Mr. Bishop "pleaded in bar" his restoration to duty under an order from Admiral Bell, and claimed that under the provisions of paragraph twelve hundred and five of the naval regulations the order expiated the offense. The material part of the order, which was produced before the court, was as follows: "You will restore Lieutenant Commander Bishop to duty, to await an opportunity for time to investigate the case." Mr. Bishop claimed that he received the order verbally from Mr. Carpenter, and the second clause of the order was not mentioned, nor at any time thereafter referred to; but the verbal order which he received restored him to duty without any reservation whatever.

The regulation (paragraph twelve hundred and five) provides "that an offense committed at any one time for which a person in the Navy shall have been placed under arrest, suspension, or confinement, and subsequently entirely discharged therefrom by competent authority," * * * * "is to be regarded as expiated, and no further martial proceedings against him for the offense itself are ever afterward to take place."

The court overruled the "plea," and proceeded to try the case upon its merits. It appeared in evidence that on the afternoon of the 30th of May the steamer Wyoming was lying in the harbor of Nagasaki, Japan, and that Mr. Carpenter ordered Mr. Bishop to have the vessel ready to go to sea at daylight the next morning, and then went on shore, returning about five p. m., at which time he sent for Mr. Bishop, who was then at dinner with some friends whom he was entertaining. He again gave Mr. Bishop the order to have the vessel ready for sea, at which time Mr. Bishop told him that no officers were on shore, and that all had been told that the ship was going to sea.

He states that at this time Mr. Bishop was intoxicated, but that he thought that he would get over it. Mr. Carpenter, at about six p. m., went on board the Hartford, the flag-ship of Admiral Bell, and remained there until about eleven p. m., and on his return found that Mr. Bishop had gone ashore. Mr. Carpenter testifies that the executive officer had a general leave to go on shore when the next officer below him in rank was on board; and he states also that the ship was unmoored about six o'clock in the evening, while Mr. Bishop was at dinner; also that he thought Mr. Bishop able to attend to the duties of the ship during his absence, but that his going ashore and not remembering the orders afterward convinced him that he was intoxicated.

It appeared that the ship was got ready for sea at the proper time, in compliance with the orders of Commander Carpenter, through the orders and agency of Mr. Bishop, but that there was some misapprehension among the officers as to the time in the morning she was to sail, and that Mr. Bishop and other officers on board supposed she was not to leave her moorings until the flag-ship, the Hartford, sailed, which it was also understood would not sail until a later hour in the morning; and it was with this understanding that Mr. Bishop went on shore by virtue of his general leave.

Three officers on board the Wyoming testified that in their opinion Mr. Bishop was intoxicated that evening, though one of them says that his opinion was founded on the appearance of Mr. Bishop when he came on board the next morning. It appeared also that there had been some ill-feeling and jealousy among the officers on board the vessel who were introduced as witnesses sufficient to have furnished a motive for doing an injustice to Mr. Bishop in their testimony, and also that before and at the time of the alleged offenses, as well as at the time of trial, Mr. Bishop was suffering with asthma, which was aggravated by confinement on board the ship, and which is urged as an excuse for his going on shore the night in question.

No witnesses were introduced by Mr. Bishop on the trial. He seems to have been surprised by the arrest and proceedings, which he alleges were somewhat hurriedly conducted to avoid detaining one of the vessels of the fleet, which was then under orders for sea, and that the vessel to which he was then attached was under orders and then making preparations for her homeward voyage to the United States. He had been informed that the whole matter had been passed over, and supposed it ended, having performed his subsequent duties apparently to the satisfaction of all; and the first intimation which he had that there would be a trial was on the evening previous to his being placed under arrest, and the second day after the arrival of the Wyoming at Hong Kong, and that it occurred while at the supper-table on board the flag-ship Hartford. The executive officer, Mr. Phillip, having complimented him on the manner in which the Wyoming had "furled sail" that afternoon, Mr. J. H. Read, then principal aid to Admiral Bell, remarked in reply thereto, on leaving the table, "I guess that after to-morrow there will be a different manner of furling sail on the Wyoming." The arrest was made the next morning.

The progress of the trial was interrupted, and Mr. Bishop alleges that his mind was diverted by changes going on in the vessel, and further, that he knew nothing of the result until his arrival in the United States; that although he made all the exertion in his power to ascertain what it was, so as to guard his rights, he had no proper opportunity to take his appeal to the Secretary, and that the findings of the court were approved at the Department before his arrival home. As soon as possible he communicated with the Department, but was there informed that he could have no relief except through the action of Congress.

It seems that the Wyoming was not detained on the morning in question by the absence of Mr. Bishop, but to await the arrival of the United States marshal, who was to sail in her. The professional and moral character of Mr. Bishop, both before and since the aforesaid transaction on board the Wyoming, appears to have been without reproach, while his record as a naval officer stands deservedly high. He has submitted to your committee numerous testimonials from naval officers and civilians commending him for his zeal and attention to duty. He also produces before the committee a letter from a fellow-officer with him on the Wyoming, in which he states explicitly that "he saw him on the evening in question, and that he gave no indication of being under the influence of liquor, and that he was perfectly sober when he came on board next morning."

On a full consideration of the case, your committee are of the opinion that, considering the general good character, the faithful and important services and professional standing of Mr. Bishop, the circumstances under which he was tried, the doubtful character of the evidence, his relief from suspension, his inability to communicate with the Department with a view to relief or appeal, and especially in view of

the extreme severity of his sentence, justice requires some relief at the hands of Congress, and therefore report the following joint resolution and recommend its passage.

ACCOUNTS OF CHARLES C. UPHAM.

Mr. STEVENS also, from the same committee, reported back, with the recommendation that it do pass, the joint resolution (H. R. No. 211) for the settlement of the accounts of Charles C. Upham, late paymaster in the Navy, deceased.

The joint resolution authorizes and directs the Secretary of the Navy to cause the accounts of Charles C. Upham, late paymaster in the Navy, deceased, to be settled and adjusted upon just and equitable principles.

Mr. PAINE. A provision is made by this joint resolution for settling all accounts of this paymaster on just and equitable principles. I wish to inquire of the gentleman who has reported the resolution whether it is intended that all legal rules shall be abrogated and set aside in this case?

Mr. STEVENS. In order to give an answer to the gentleman from Wisconsin I will briefly state the circumstances under which this joint resolution has been reported.

Paymaster Upham, who died, I think, two years ago, was directed by the Government during the war to purchase tar, turpentine, and pitch in North Carolina, in order to supply a pressing necessity of the Navy. I think this was in 1862 and 1863. Of course this was a matter entirely outside of the regular routine of his official duty, so far as the manner of purchase was concerned. The business was carried through in a clandestine way, supplies being brought down at night to the coast, oftentimes secretly deposited, and there taken by the agents of the paymaster. Under such circumstances no vouchers could be had for the outlay of the money. After the close of the war, and on the attempted settlement of the accounts of Paymaster Upham, it was found that this business, these purchases made in this irregular manner, outside of the regular business of a paymaster, could not be settled with justice to Mr. Upham under the provisions of existing law, which required that all disbursements should be verified by proper vouchers coming from the persons who received the payment of the money. That is the whole explanation. The case occupies an entirely exceptional position, and it is but just that special provision should be made for it. I would also state to the gentleman that Mr. Upham, who was a son of Senator Upham, formerly representing the State of Vermont, died without means.

Mr. PAINE. I did not know, from the reading of the joint resolution, but this was one of the many cases of defalcation of which we have heard. I now make no objection to it.

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

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

The latter motion was agreed to.

On motion of Mr. STEVENS, the accompanying report upon this case was ordered to be printed in the Globe, and is as follows:

Report in case of Charles C. Upham, late Paymaster in the United States Navy.

The Committee on Naval Affairs, to whom was referred a joint resolution directing the Secretary of the Navy and accounting officers of the Navy Department to cause the accounts of Charles C. Upham, late paymaster in the Navy, to be settled upon just and equitable principles, have had the same under consideration, and report that the same ought to pass.

The committee deem it advisable to make a brief statement of the general facts in the case, to show the necessity and propriety of the passage of such a resolution. When the late civil war had become so far established that all commercial communication between the North and South was cut off, there soon began to be a scarcity of tar, pitch, rosin, and turpentine, which are almost exclusively southern productions; the prices in market rose to extraordinary rates, and the supply was soon so nearly exhausted that our Navy was greatly embarrassed for want of articles so indispensable to their operations. The Navy Department decided to attempt getting the needed supply of these articles from North Carolina. Instructions to this effect were issued by the Secretary of the Navy to Rear Admiral Lee, then in command of the North Atlantic squadron. On the 22d of August, 1862, Admiral Lee inclosed a copy of these instructions in a letter or order addressed to Paymaster Upham, in which he said: "I hereby appoint you confidential agent for the purpose of carrying out the object of the Department, as set forth therein." Paymaster Upham was then paymaster of the flagship Minnesota, and was also paymaster of the fleet then blockading the ports on the coast of North Carolina. He had been many years in service, and was regarded as a suitable officer to be trusted with the management of this delicate enterprise and the funds necessary to carry it out.

At this time our troops held a few places along the coast, but the great body of the State was in the hands and under the control of the rebel authorities, civil and military. The desired articles, if obtained at all, must be mainly purchased from persons in the interior, who were within the reach and subject to the dangers attendant upon any such dealing with our Army and Navy, if the same became known to the rebel authorities. Hence, on their part, their own safety required that all should be done in the most secret and stealthy manner, and all evidences or traces of it avoided.

The regular official duties of Paymaster Upham were such that it was not possible for him to do the detail work of this agency in person. It was necessary he should have several agents on shore, who could communicate with persons who had the articles to sell which he was authorized to buy. Two or three paymasters in the Army and Navy were employed by him to aid in carrying out his instructions, and several agents employed on shore. To all these persons he advanced funds, as they were needed, from time to time.

The purchases were all in small quantities, often by the single barrel, and delivered at some place where the seller could deliver it with comparative safety to himself. Some time after the purchase began Paymaster Upham was ordered to set up the manufacture of spirits of turpentine and rosin, and this was carried on to a considerable extent.

This business was carried on for a period of considerably more than a year, and Paymaster Upham was furnished and charged with about four hundred thousand dollars, and by the returns of the agents and their accounts rendered, nearly forty thousand barrels were purchased. Some were delivered to different ships of the Navy, but much the largest amount was sent to different navy-yards.

When, after the close of the war, Paymaster Upham presented his accounts for settlement, he presented as vouchers the sums he had advanced to agents and other paymasters acting for and under him, and their returns of how the money had been paid out, it was objected that these were not proper vouchers, that a regular receipt should have been taken of each person from whom any purchase was made or who was paid for any service; and that there was a lack of regular certificates of inspection which the regulations require in the ordinary routine of purchases for the Navy.

It was held by the accounting officers of the Department that they had no power under the law to settle and adjust an account except upon the production of regular and formal vouchers and certificates of inspection. The amounts of the various articles received by the Government did not amount to so much as the money expended, reckoned at what was estimated should have been the cost.

It is evident to the committee that the very nature and exceptional character of the service that Paymaster Upham was set to perform, made it impossible that regular business vouchers for all expenditures could be taken. The persons of whom the purchases were made could not safely give them, and often were not in a situation to give them. It would therefore be unjust to require them, in order to effect a settlement of his accounts. All that should be required is that they should be satisfied that all the money he received was honestly and fairly expended to carry out the duty given him to do.

So far as the committee are informed, it had never been thought or believed that Paymaster Upham ever appropriated a dollar of the public money received by him to his own use. That there was considerable loss is, doubtless, true; it was incident to the enterprise, and unavoidable. The accounts remained unsettled at the time of the death of Paymaster Upham, early in 1863. He left no property at the time of his decease, and left a widow wholly without means of support. There was a small balance due him for salary, but this under the law and regulations could not be paid to his widow, because his accounts were unsettled. No steps were ever taken against Paymaster Upham or against his bail to get payment of the apparent deficit in his accounts.

It is apparent to the committee that justice requires such an extension of power as to authorize this matter to be adjusted, upon the principle of allowing a credit in his accounts for all the money that he fairly and honestly expended. They therefore report back the joint resolution referred to them, and recommend its passage.

NATIONAL CURRENCY ACT OF 1864.

Mr. GARFIELD, of Ohio, by unanimous consent, introduced a bill (H. R. No. 2000) to declare the construction of section fifty five of the national currency act, approved June 3, 1864; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. SCOFIELD moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH HUMPHREYS.

Mr. McCRARY, from the same committee, submitted an adverse report on the claim of Joseph Humphreys for compensation for the use by vessels of the United States Navy of his patent floating anchor or drag.

The report was read. The committee state that the evidence does not satisfy them either that the patent was an invention of value or that it has been used to any extent by vessels of the Navy. The papers referred to the committee being all private papers, have been returned to the claimant, and the committee ask to be discharged from the further consideration of the claim.

The report was laid upon the table and ordered to be printed, and the committee was discharged from the further consideration of the claim.

JANE DEAN BISHOP.

Mr. McCRARY, from the same committee, reported back, with the recommendation that it do pass, the joint resolution (H. R. No. 154) for the relief of Jane Dean Bishop.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution directs that from May 23, 1857, to March 27, 1866, Jane Dean Bishop, widow of the late Surgeon William S. Bishop, United States Navy, shall be allowed the difference of pay between the salary of a passed assistant surgeon and a surgeon in the Navy, according to the established rate of pay during that period.

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

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

The latter motion was agreed to.

ROBERT BOYD, JR.

Mr. HALE, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1619) to restore Robert Boyd, jr., to the active list of the Navy of the United States.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read. It directs that Robert Boyd, jr., be restored to the active list of the Navy of the United States, with the full rank and pay of commander, to which he is entitled by his confirmation by the Senate on the 18th of December, 1868.

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

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

The latter motion was agreed to.

CAPTAIN GEORGE HENRY PREBLE.

On motion of Mr. HALE, by unanimous consent, the bill (S. No. 850) for the relief of Captain George Henry Preble, of the Navy of the United States, was taken from the Speaker's table, and read a first and second time.

The question was upon ordering the bill to be read a third time.

The bill proposes to direct the proper ac-

counting officers of the Treasury, in settling the accounts of George Henry Preble, a captain in the Navy of the United States, to allow him sea pay as a commander from the 5th of August to the 12th of October, 1862, and leave pay as a commander from the last-named date to the 21st of February, 1863, deducting therefrom any pay he may have received for those periods.

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

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

The latter motion was agreed to.

OFFICERS AND CREW OF THE KEARSARGE.

Mr. HALE, from the same committee, reported back, with an amendment in the nature of a substitute, the bill (H. R. No. 1967) to compensate the officers and crew of the United States steamer Kearsarge for the destruction of the rebel piratical vessel Alabama.

The substitute was read. It authorizes and directs the Secretary of State to sell so many of the registered bonds of the United States now under his control belonging to the Japanese indemnity fund as shall realize $190,000, which sum he shall pay, without delay, to the Secretary of the Navy, who shall deposit the same in the Treasury of the United States, and cause the above amount to be paid to Commander John A. Winslow and the officers and crew belonging to the United States steamer Kearsarge while engaged in the capture and destruction of the rebel piratical vessel Alabama, on the 19th of June, 1864; the said sum of $190,000 being the estimated value thereof; the same to be distributed to the officers and crew attached to the Kearsarge at the date above named, according to the pay-roll of the ship at the time, and to be in lieu of the bounty authorized by the eleventh section of the act of June 30, 1864, to regulate prize proceedings, &c., provided that no money shall be paid to any assignee of a mariner entitled to the same, but only to the mariner in person, his wife, or if he has deceased, to his legal representative excluding any such assignee; and provided also that if any of the officers or crew of the said United States steamer Kearsarge shall have received the bounty provided for by the said act of June 30, 1864, the same shall be deducted from the amount to be paid to such officer or seamen under the provision of this bill.

Mr. MAYNARD. It seems to me that this bill ought to be considered by the Committee on Foreign Affairs. This Japanese fund is one that that committee has had under its charge. The chairman of that committee [Mr. BANKS] is now absent from this city, having attended a meeting relating to our foreign affairs which was held in New York city last night. As this bill contains an appropriation, if it is pressed for consideration at this time I shall have to insist that under the rule it must receive its first consideration in Committee of the Whole.

Mr. HALE. This bill merely directs out of what fund this shall be paid. If gentlemen will give me their attention for a few moments I will explain what seems to excite some comment as to the fund from which it is to be paid. The bill is one that has been before this House at two several times; once during the Thirty-Ninth Congress, and again during the Fortieth Congress. It is the bill, with some slight alterations, that was originally reported, giving compensation to the officers and crew of the United States steamer Kearsarge, for engaging with and destroying the rebel cruiser Alabama. It was introduced in the Thirty-Ninth Congress, and failed to pass because it was not reached for want of time. It was again introduced in the Fortieth Congress, when it excited some discussion; and passed this House by a majority of three to one, and went to the Senate. The Senate disagreed with the House as to the amount, and a committee of conference was appointed on the disagreeing votes of the two Houses. That was on the last day of the last session of the Fortieth Congress, I believe, and for the same reason that it failed before it again failed; that is, for want of time. In the mean time the officers, and especially the crew of the Kearsarge, believing that injustice had been done, came before this Congress, and before the Committee on Naval Affairs of this House. They were heard by the committee, and there was but one sentiment, which was that the country in this case owed to these men what the bill proposes to give them. This bill provides for giving them $190,000. To some that may seem to be a large amount, and the question may be asked, how is that amount arrived at? The answer is this: a board of officers was appointed by the Navy Department to estimate the value of the rebel cruiser Alabama and of her armament. From the best information they could obtain they found the value to be something over forty thousand pounds sterling. That is the basis upon which the sum of $190,000 has been decided upon. It is the same as though our gallant sailors had captured the rebel cruiser Alabama and brought her into port, when they would have had the benefit of the capture. That is the reason for fixing the amount at $190,000.

But this bill goes further. A general statute provides that where an enemy's vessel is sunk or destroyed a certain sum *per capita* shall be distributed to the officers and men of the vessel of our Navy rendering that service. That general statute entitles the officers and men of the Kearsarge to the sum of $30,000, and about all of that sum has been paid out of the Treasury of the United States. And the committee believe that this gallant crew and its officers should give credit to the Government for that amount; and by this bill the Government is given credit for the amount of $30,000 already paid. There then is to be paid to Commodore Winslow and the other officers, and to the crew of this vessel, the sum of $160,000 under this bill. I believe this is not too much. I believe that there will be found but one sentiment in the country, and that is that an act so significant as the destruction of the rebel steamer Alabama should be recognized by the Government in some handsomemanner, and that this bill reported by the Committee on Naval Affairs is not open to the charge of extravagance.

Now, this is not the first time when such a thing as this has been done by our Government. There never was a more significant occasion for the exercise of this justice by the Government. This was the only square stand-up sea-fight during the whole war of the rebellion. And this is the only opportunity which has been presented to Congress to recognize the gallantry of our Navy on that occasion.

Congress did this thing repeatedly during the last war with Great Britain. During that war Congress voted $50,000 to the officers and crew of the Constitution for the capture of the British frigate Guerriere. It voted $25,000 to the officers and crew of the Wasp for the capture of the Frolic. And it voted to Commodore Bainbridge and the crew of the Constitution again $50,000 for the capture of the Java, and at that time $50,000 was a comparatively large sum, both in its uses by the men who received it and its value as compared with the value of the vessels fought and destroyed or captured. Fifty thousand dollars was more valuable then than $160,000 is to-day, or $190,000, if gentlemen choose to insist upon that sum. Congress did better with reference to the numerous sea-fights of the war of 1812 than the committee ask Congress to do with reference to this contest—the only square stand-up fight out on the waters of the ocean between single vessels during the whole war of the rebellion.

I ask the attention of the House to the reason for the form in which the committee have reported the bill. It provides that the claims of the officers and crew of the Kearsarge shall be paid out of a certain fund which is now held by the Government, and which was received in the manner I will state. In the month of July, 1863, the American steamer Pembroke was fired upon in the Japanese sea by two Japanese vessels of war—a brig of ten guns and a bark of eight guns—belonging to the Japanese prince of Nagato. It was a wanton, unprovoked insult to our flag. It involved the reputation of the country, the honor of the United States Navy. The United States naval commander out there at once sent up the Wyoming to take speedy vengeance upon the Japanese. A conflict ensued, and several of the Japanese vessels were sunk. The result was that the Japanese Government paid over afterward to the Government of the United States $650,000. That fund is now in the hands of our Government. It has remained invested in United States bonds ever since. It is no more at the disposition of the Government than any other property which goes to make up the funds of the United States. It is a fund distinct in itself. It resulted from the act of the United States Navy. It was paid as reparation for an insult and an outrage that had been inflicted upon the United States Navy and upon the Government.

Mr. MAYNARD. I wish to ask the gentleman whether that Japanese fund was not paid over expressly to reimburse and indemnify certain injuries that had been committed by the Japanese upon certain of our naval vessels, and whether it did not turn out that after a settlement of those matters there was a balance in favor of the Japanese Government?

Mr. HALE. The gentleman is thinking of the Chinese fund. This Japanese fund was paid over on account of the insult upon the Pembroke. It is necessary that gentlemen should not get these two funds confused. The money which now constitutes what is called the "Japanese fund" was not paid over as reimbursement, but, as a lawyer would say, as "exemplary damages;" it was paid over as showing the repentance of the Japanese Government for this act which had been committed, and its obligation to do so no more. This bill provides that the claims of the officers and crew of the Kearsarge shall be paid out of this Japanese fund; that the Secretary of State shall sell enough of the bonds to realize $190,000, which shall be distributed in payment of these claims.

I am requested to state again that the whole amount of this fund originally was $650,000; the accumulated interest amounts to about two hundred thousand dollars, making the aggregate of the fund between eight and nine hundred thousand dollars. This being a distinctive fund the bill is not liable to be carried to the Committee of the Whole by a single objection. The committee considered that as this is a fund arising from a naval engagement a part of it can very properly be used for the payment of the officers and crew of the Kearsarge; and I will state frankly to the House that one reason why the committee so framed the bill as to make payment from this fund was that the claims of these men might not be delayed in this House by a single objection from some member who does not believe in recognizing such claims as those of the men who took part in that engagement.

A MEMBER. How is that fund now invested?

Mr. HALE. The Japanese fund is now invested in Government bonds, and with accumulated interest amounts to nearly nine hundred thousand dollars.

Mr. DICKEY. Here is a printed statement of the figures.

Mr. STEVENS. The figures to which the gentleman from Pennsylvania [Mr. DICKEY] refers are based upon an error which has since been corrected, as is shown by subsequent communications and documents.

Mr. ORTH. Will the gentleman from Maine [Mr. HALE] allow me to make a single suggestion?

Mr. HALE. I propose to call the previous question, and then I will yield to the gentleman.

Mr. MAYNARD. I now renew the point of order which I reserved. It is that this bill contains an appropriation, and must go to the Committee of the Whole.

The SPEAKER. The Clerk will read the part of the bill on which the point is based.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of State be, and is hereby, authorized and directed to sell so many of the registered bonds of the United States now under his control belonging to the Japanese indemnity fund, as shall realize $190,000, which sum he shall pay without delay to the Secretary of the Navy, who shall deposit the same in the Treasury of the United States and cause the whole amount thereof to be paid to Commodore John A. Winslow, &c.

The SPEAKER. The Chair sustains the point of order. It directs the money to be paid into the Treasury of the United States, and then it appropriates it therefrom. It is an appropriation bill.

Mr. ALLISON. Then it ought to go to the Committee of the Whole.

The SPEAKER. "Which sum he shall pay without delay to the Secretary of the Navy, who shall deposit the same in the Treasury of the United States." Then it takes it therefrom, which therefore constitutes it, according to the rules of the House, an appropriation bill, requiring its first consideration in the Committee of the Whole on the state of the Union. The Chair is frank to say if that appropriation had been left out he would not have ruled as he has.

Mr. HALE. I will strike those words out.

The SPEAKER. The gentleman cannot amend the bill if the gentleman from Tennessee insists on his point of order.

Mr. MAYNARD. I insist on my point of order for the reasons I have given.

Mr. HALE. I will withdraw the bill.

Mr. SCOFIELD. Mr. Speaker, this bill was passed unanimously by the House during the last Congress. It was also passed by the Senate. The officers and crew of the Kearsarge have waited this long time for proper recognition and recompense of their gallantry and success in sinking the piratical Alabama, Shall justice to them be still further delayed by a technical point of order being insisted upon? If gentlemen will revert for a moment to the time when this naval contest took place they cannot forget that it attracted the attention of the civilized world. Not only America, but England and France watched the result with anxiety. The telegraph noted every movement of either ship. At last the fight was fought and the Alabama was sunk, and the American people rejoiced that their commerce upon the high seas was once more free from the attacks of a piratical cruiser which had so long preyed upon it. Our people were universally grateful to the officers and crew of the Kearsarge for the victory they had won for our flag and for keeping up our naval renown. In that hour would not there have been an indignant outcry if the justice due to those officers and crew had been attempted to have been delayed by a mere technical objection on a point of order? Has the nation's obligation to these gallant men been diminished by the lapse of time? Certainly not. There is no objection to making this recompense to them. Then why not do it now?

The SPEAKER. The gentleman from Maine asks unanimous consent to withdraw the bill.

Mr. MAYNARD. Nothing can be said in behalf of the officers and crew of the Kearsarge or in praise of their exploit upon the coast of France which I do not most cordially indorse. I regret I am not able to agree to this bill as it stands. My objection is to the source from which this money is to be drawn.

Mr. SCOFIELD. I have no doubt the gentleman from Maine will have the consent of every member of the Committee on Naval Affairs to strike that part of the bill out and to make the appropriation directly from the Treasury.

Mr. MAYNARD. This is the first morning hour of the Committee on Naval Affairs, and they can bring in an amended bill in the next morning hour.

Mr. SCOFIELD. We can get through with it this morning.

Mr. ALLISON. I move to strike out all relating to the Japanese fund.

The SPEAKER. Nothing can be done unless the question of order is withdrawn.

Mr. MAYNARD. I must insist on my point of order.

The SPEAKER. Then the bill must go to the Committee of the Whole on the state of the Union.

Mr. MAYNARD. I do not object to an amended bill, but will support it most heartily.

Mr. HALE. I will withdraw the bill and report it back with the provision in reference to the Japanese fund struck out and the appropriation made directly from the Treasury.

The SPEAKER. The gentleman will change the bill so it can be read correctly.

Mr. SCOFIELD. Let it be made to read thus:

The sum of $190,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be handed over to the Secretary of the Navy, &c.

Mr. FARNSWORTH. Is this a bounty for gallantry?

A MEMBER. It is.

Mr. FARNSWORTH. I have never heard of any appropriations from the Treasury to the soldiers for doing their duty. If you give such a bounty to one branch of the service you should give it to the other. I object.

Mr. HALE. Then I withdraw the bill.

The SPEAKER. The bill is absolutely withdrawn, and is not now before the House.

UNITED STATES STEAMER COLUMBINE.

Mr. HALE also, from the same committee, reported adversely on the bill (H. R. No. 994) for the relief of the officers and crew of the United States steamer Columbine; and the same was laid on the table.

CHARLES H. PENDLETON, ETC.

Mr. ARCHER, from the same committee, reported back the joint resolution (S. R. No. 96) to place the name of Charles H. Pendleton on the Navy Register as lieutenant commander, active list, with an amendment.

The joint resolution was read. It directs that the name of Charles H. Pendleton, lieutenant United States Navy, be placed upon the Navy Register as lieutenant commander, active list, from the 12th day of March, 1868, with the pay of such rank from the date of his commission.

The amendment proposed to strike out all after the name "Charles H. Pendleton" and to add, "and Richard P. Leary, lieutenants United States Navy, be placed upon the Navy Register as lieutenant commanders, active list, from the 12th day of August, 1869, with the pay of such rank from the date of their commissions;" so that it will read:

That the names of Charles H. Pendleton and Richard P. Leary, lieutenants United States Navy, be placed upon the Navy Register as lieutenant commanders, active list, from the 12th day of August, 1869, with the pay of such rank from the date of their commissions.

Mr. KELSEY. If there is a report I ask that it be read.

Mr. ARCHER. There is no report accompanying this joint resolution. This is a Senate resolution containing the name of Lieutenant Pendleton alone. Mr. Leary stood in exactly the same position. They were ordered by the Navy Department on board United States steamers, and when they returned from their cruise were examined, and at their first examination failed only on seamanship with regard to their knowledge of sailing vessels. They were again examined about nine months afterward, and being found perfect in seamanship, as well as in the other branches of their profession, were passed by the board. They are both young men; and this joint resolution has only the effect of bringing them from the retired list and putting them on the active list of the Navy.

Mr. KELSEY. Why, then, does the resolution put them on the active list in August, 1869?

Mr. ARCHER. Because that was the date of their second examination.

Mr. PAINE. I desire to ask the gentleman who reports the joint resolution whether it is in effect an attempt by an act of Congress to appoint or promote officers of the Navy, and if so, whether it should not rather authorize the President to do this?

Mr. ARCHER. They have been commissioned, and their commissions were favorably acted upon in the Senate, and await the passage of this resolution.

Mr. PAINE. Would it not be best, then, to put the resolution in the form of authorizing the President to put these officers on the active list? Certainly the Constitution of the United States prevents our appointing or promoting officers. The most we can do is to authorize the President, with the advice and consent of the Senate, to do so, if this is actually a case of appointment and promotion. If this is not the case I have no objection to the resolution. But if this is an attempt by act of Congress to promote or appoint officers without the appointment of the President, by and with the advice of the Senate, then I say such action by Congress would be unconstitutional.

Mr. ARCHER. This is not an attempt to do what is suggested by the gentleman from Wisconsin. It is merely doing what has already been done by many similar resolutions which have passed Congress. The resolution only makes a change in the position of the officers on the Navy list. It does not even change their designation, but simply transfers them from the retired to the active list.

Mr. PAINE. I do not see how we have a right to do that by act of Congress. We can authorize the President to do it, but we cannot do it ourselves.

Mr. STEVENS. The gentleman from Wisconsin will allow me to call his attention to the fact that these gentlemen are officers of the Navy, and this is merely a transfer from from one grade to the other, and not an original appointment.

Mr. PAINE. Then there is the same difficulty in the way of the transfer from one grade to another by promotion which exists in the case of the original appointment. Congress has no more right to appoint or promote officers of the Navy than civil officers or officers of the Army. If that is all there is of this case we have no right to pass this bill.

Mr. STEVENS. This joint resolution follows the course of the precedents, I think, from the foundation of the Government, as the gentleman will find. It certainly follows the course which has been adopted since I have been a member of the committee, and I never heard the constitutional question raised before.

Mr. ARCHER. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was passed.

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

The latter motion was agreed to.

Mr. ARCHER. I move to amend the title

of the joint resolution, so as to include the name of Richard P. Leary.

The amendment was agreed to.

CHARLES H. WHITNEY.

Mr. ARCHER, from the same committee, reported a bill (H. R. No. 2001) for the relief of Charles H. Whitney, contractor of the iron-clad monitor Keokuk; which was read a first and second time.

The bill was read. It appropriates, out of any money in the Treasury not otherwise appropriated, $50,000 to be paid to Charles H. Whitney in full for his claim against the Government for the enlargement of the iron-clad Keokuk.

Mr. RANDALL. I raise the point of order that that bill makes an appropriation, and must have its first consideration in Committee of the Whole.

Mr. ARCHER. I hope the gentleman will withdraw the point of order until he hears the report read.

Mr. RANDALL. I would waive it to hear the report, but the Chair has ruled that I cannot do that.

The SPEAKER. The gentleman has a right to reserve the point of order until the facts are read.

Mr. RANDALL. I understood the Speaker once to say that I could not object conditionally.

The SPEAKER. The Chair so repeats, but this is a very different point.

The report was read.

Mr. RANDALL. I insist on the point of order. This bill is the forerunner of claims amounting to hundreds of thousands of dollars. When it goes to Committee of the Whole it can be discussed, which it cannot be here.

The SPEAKER. The point of order is well taken, and the bill is referred to the Committee of the Whole House.

ORDER OF BUSINESS.

Mr. ARCHER. How much of the morning hour remains?

The SPEAKER. Two minutes.

Mr. SCOFIELD. The Committee on Naval Affairs have other business to report, but it is hardly worth while for them to do it now. I suppose there will be no objection to their waiving these two minutes.

Mr. ORTH. I am willing to assent to that in behalf of the Committee on Foreign Affairs, which is the next committee to be called.

The SPEAKER. The Committee on Naval Affairs will be entitled to another hour.

HUDSON BAY COMPANY, ETC.

Mr. DAWES, by unanimous consent, from the Committee on Appropriations, reported a joint resolution (H. R. No. 286) making an appropriation to pay the Government of Great Britain and Ireland, in accordance with the award of the commissioners appointed under the treaty of July 1, 1863, to settle the claims of the Hudson Bay Company and the Puget Sound Agricultural Company; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The preamble to the joint resolution recites that by the award made on the 10th of September, 1869, by the commissioners under the treaty of July 1, 1863, between her Britannic Majesty and the United States of America, it was determined that, in full satisfaction of all the possessory rights and claims of the Hudson Bay Company and of the Puget Sound Agricultural Company, there shall be paid by the Government of the United States to the Government of Great Britain and Ireland $650,000 in gold coin, in two annual installments, the first to be paid within twelve months after, and the second within twenty-four months after the date of the said award.

The joint resolution appropriates $325,000 in gold coin for payment to the Government of Great Britain and Ireland of the sum by the said award determined to be due on the 10th of September next.

Mr. DAWES. I yield for a few minutes to my colleague on the committee from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. I hope the House will pay a little attention to the joint resolution now reported for action. It proposes to pay a very large sum, under the award of a commission, to a British company. I have two objections to the joint resolution now before this House, two objections to the payment of this sum. In the first place, it is unnecessarily and unjustly large. In the second place, it is a British claim, and I am opposed to the payment of this or any other British claim until there shall have been made some provision for the liquidation of our claims against Great Britain and the payment of the claims of our citizens against Great Britain.

Upon the first point, that this award is unjustly large, outrageously so, I ask the Clerk to read a letter, which I hold in my hand, from a late superintendent of Indian affairs in Oregon.

The Clerk read as follows:

WASHINGTON, *January* 10, 1870.

DEAR SIR: As requested, I give you such information as I have in regard to my investigation, some eighteen years since, of the value of the possessory rights of the Puget Sound Agricultural Company in Oregon while I was acting as superintendent of Indian affairs in that country. The request for me to make such investigation came from Governor Ogden, then the chief factor or head of the Hudson Bay Company in Oregon. The reasons for asking this of me was to get at some valuation before a proposition was made to the United States to buy out that company's possessory rights.

There was at that time no complaint that the rights of that company had been trespassed upon, although it was claimed that the Indians had killed their cattle running wild in the woods. I first sent an Indian agent to examine the lands and the improvements of that company. I sent for the Indian chiefs of that part of the country where the cattle were said to have been killed by the Indians. The chiefs, one and all, said there never had been any cattle killed by them or their bands not belonging to themselves.

The lands claimed by the Puget sound company were said to be of but little value on account of their dry nature, being so gravelly that but little could be raised on them. Knowing that Governor Ogden thought that the company should be paid as much as $50,000, I put what I thought was a high valuation upon the company's lands and other property, and added largely for cattle lost in the woods, and fixed the gross amount at $20,000, being the same amount I had reported as a full compensation for losses claimed by the Home Missionary Society of Boston on account of damages sustained by them near Walla Walla, at the Whitman mission, in 1848.

I have the honor to be, respectfully, your obedient servant,

ANSON DART,

Late Superintendent Indian Affairs in Oregon.

Hon. WILLIAM LAWRENCE, *M. C.*

Mr. LAWRENCE. It will be seen from this letter that the just claim of the Puget sound company probably does not exceed $20,000. By the award which has been made, and by the joint resolution which we are now asked to pass, a vast sum is to be appropriated in excess of any just demand of that company. In my judgment this is a sufficient reason for opposing the passage of this joint resolution. But I ask the House to go a little further, and consider the question whether we will pay British subjects for claims which they are making upon our Government while our citizens have claims vastly greater upon the British Government unsatisfied. Those claims of our citizens ought to be adjusted before we make compensation to British citizens for their claims. I merely present these two points for the consideration of the House. They seem to me to require no argument; at all events, I do not propose to argue them now. But, for one, I will vote for the payment of no British claim until England shall have made some arrangement for paying our own citizens their enormous claims against that Government.

Mr. FARNSWORTH. I would suggest to the chairman of the Committee on Appropriations [Mr. DAWES] that this joint resolution be printed, and come up for consideration at some future time.

Mr. DAWES. It will not take ten minutes to decide whether the House will pass or will reject this joint resolution. If gentlemen will listen to me for a few minutes—I do not desire to say much on the question—I will then submit the question to the judgment of the House. In 1863 we entered into a treaty with Great Britain by which we agreed to submit to a commission for arbitration the claims of the Puget Sound Agricultural Company and Hudson Bay Company. We have submitted those claims to arbitration, and the commission has rendered its judgment. The gentleman from Ohio [Mr. LAWRENCE] has had read here a letter from a highly respectable citizen, I have no doubt, who thinks the award of the commission was too high. That may be so, but it is an award, after all, made under a treaty stipulation. We are bound to pay it, whether it should have been $20,000 or $400,000, for we agreed to pay what that commission should say we were obliged to pay. So much for the first point made by the gentleman.

Mr. PETERS. Has any suggestion been made of fraud in obtaining this award?

Mr. DAWES. I do not know of any. I did not hear any in the letter which has just been read at the Clerk's desk. There is only a difference of opinion between the gentleman who wrote that letter and the commission who made the award. The second objection made by the gentleman from Ohio [Mr. LAWRENCE] is still more strange. He says that he does not propose to vote for fulfilling the treaty stipulations of this Government because, in his opinion, the kingdom of Great Britain does not perform its duties.

Mr. LAWRENCE. Does not the gentleman agree to the truth of that proposition?

Mr. DAWES. I do not subscribe to any such standard of morals as that. I hold that we are bound to perform our treaty stipulations and to pay our honest debts, and then appeal to the judgment of mankind against the other nations of the earth that they shall do likewise. I do not hold that I am absolved from my obligations merely because somebody else does not choose to perform his obligations. Any such rule of conduct as that would be a disgrace to any civilized nation. I will now only call attention to a communication from the Secretary of State to the Secretary of the Treasury on this subject.

The communication was as follows:

DEPARTMENT OF STATE,
WASHINGTON, *March* 27, 1870.

SIR: By the treaty entered into on the 1st day of July, 1863, between the United States and her Britannic Majesty for the final settlement of the claims of the Hudson Bay and Puget Sound Agricultural Companies, it was stipulated that the sums which might be awarded by the commissioners under the treaty should be paid by the one Government to the other in two annual installments; the first to be paid within twelve months and the second within twenty-four months after the date of the award.

The commissioners appointed under the treaty, by their award, dated September 10, 1869, determined that there should be paid in gold coin by the United States the sum of $450,000 to the Hudson Bay Company, and $200,000 to the Puget Sound Agricultural Company.

I beg to call the attention of the Treasury Department to the fact that the first installment of these awards will become payable, under the terms of the convention, on the 10th day of September next.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. GEORGE S. BOUTWELL,
Secretary of the Treasury.

Mr. DAWES. I now call the previous question.

The previous question was seconded and the main question ordered.

The joint resolution was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

PARAGUAY.

Mr. DAWES, by unanimous consent, submitted the following resolution; which was referred under the law to the Committee on Printing:

Resolved, That five hundred extra copies of the report and testimony of the Committee on Foreign Affairs on the Paraguayan investigation be printed for the use of the House.

ORDERING AN EVENING SESSION.

Mr. SCHENCK. I rise for the purpose of moving that the House resolve itself into the Committee of the Whole on the state of the Union upon the special order; but before submitting that motion I move that the Committee of the Whole be directed to take a recess at half past four o'clock till half past seven.

Mr. INGERSOLL. I desire that the House may have an opportunity to decide whether it will proceed to business on the Speaker's table for one hour, especially as it is the intention to have an evening session. There are more than one hundred bills on the table.

The SPEAKER. The motion to go into Committee of the Whole will take precedence.

Mr. INGERSOLL. I so understand; but I hope the House will vote it down.

The SPEAKER. Should the House negative the motion to go into the Committee of the Whole, the Chair will recognize the gentleman from Illinois [Mr. INGERSOLL] to make the motion to go to business on the Speaker's table.

Mr. BUTLER, of Massachusetts. I wish to ask the chairman of the Committee of Ways and Means whether he thinks it well to bring us here to-night? We have had a session almost every night recently. I find that a great many gentlemen who vote for night sessions do not attend them. I shall vote against a night session, but shall probably attend. I object to making men work here not only all day, but also all night, at the expense of their health.

Mr. SCHENCK. Every gentleman will judge of that matter for himself. I have simply to say that inasmuch as the House has given itself a holiday to-morrow, members will doubtless enjoy their excursion very much more if they carry with them the consciousness of having worked hard for the public up to the last hour, and thus done their duty to their constituents. I want every member when he goes upon the excursion to-morrow to carry with him that consciousness.

Mr. ALLISON. That is a very good moral reflection. I hope the House will acknowledge its force.

The SPEAKER. Before putting the question on the motion of the gentleman from Ohio [Mr. SCHENCK] the Chair will, with the consent of the House, dispose of several requests for withdrawal papers, leave of absence, &c.

MELISSA RANKIN.

On motion of Mr. COBURN, by unanimous consent, the Committee of Claims was discharged from the further consideration of the bill (H. R. No. 1966) for the relief of Melissa Rankin, mother of O. S. Rankin, late first lieutenant tenth Indiana volunteers, and the same was referred to the Committee on Invalid Pensions.

WITHDRAWAL OF PAPERS.

Mr. CESSNA, by unanimous consent, obtained leave to withdraw from the files of the House, for reference to the Commissioner of Pensions, papers in the case of Jacob Baughman, asking for a pension.

LEAVE OF ABSENCE.

Mr. HAMBLETON and Mr. STONE, by unanimous consent, obtained leave of absence for one week from next Monday.

The SPEAKER. The gentleman from Pennsylvania, Mr. VAN AUKEN, asks leave of absence till Thursday next.

Mr. SCOFIELD. What is the reason assigned?

The SPEAKER. No reason has been stated to the Chair.

Mr. SCOFIELD. Is unanimous consent necessary to grant leave?

The SPEAKER. It is.

Mr. SCOFIELD. I do not want to object to granting a week's leave of absence to my colleague, [Mr. VAN AUKEN,] or anybody else; but I believe that I shall hereafter object to granting such leave in any case unless the member assign some good reason for absence—sickness or something of that kind. Some members have obtained indefinite leave of absence, and have been absent from the House an indefinite length of time attending to their private business. I think there ought to be some check upon this practice.

The SPEAKER. The Chair desires to make a statement in reply to inquiries which have been made by several gentlemen. Some members are under the impression that a leave of absence exempts them from the operation of the law which provides for a forfeiture of pay during absence. It has been decided over and over again that a leave of absence does not affect at all the operation of that law.

Mr. SCHENCK. I will unite with the gentleman from Pennsylvania [Mr. SCOFIELD] in objecting hereafter to leave of absence in every case unless a good reason is given for asking leave.

Mr. COVODE. And then stop the pay.

ORDERING AN EVENING SESSION.

The SPEAKER. The question is upon the motion of the gentleman from Ohio, [Mr. SCHENCK,] that the Committee of the Whole on the special order be directed to take a recess at half past four o'clock p. m. till half past seven.

On the motion there were—ayes 54, noes 67.

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

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 88, nays 73, not voting 67; as follows:

YEAS—Messrs. Allison, Ambler, Ames, Arnell, Asper, Atwood, Beatty, Benjamin, Blair, Boyd, George M. Brooks, Buffinton, Burchard, Burdett, Roderick R. Butler, Cessna, Churchill, Sidney Clarke, Amasa Cobb, Coburn, Conger, Covode, Cowles, Dawes, Degener, Dickey, Donley, Duval, Farnsworth, Ferriss, Ferry, Finkelnburg, Garfield, Hale, Hawley, Heflin, Hill, Hoar, Hoge, Ingersoll, Kelley, Kellogg, Kelsey, Ketcham, Lawrence, Lynch, Maynard, McCarthy, McCrary, McGrew, McKee, Eliakim H. Moore, Jesse H. Moore, William Moore, Daniel J. Morrell, Myers, O'Neill, Packer, Peck, Perce, Peters, Poland, Roots, Sanford, Sargent, Sawyer, Schenck, Scofield, Shanks, Lionel A. Sheldon, Porter Sheldon, John A. Smith, Worthington C. Smith, Stoughton, Strickland, Strong, Tanner, Tillman, Townsend, Twichell, Tyner, Van Wyck, Cadwalader C. Washburn, Wheeler, Whitmore, Willard, Williams, and John T. Wilson—88.

NAYS—Messrs. Archer, Axtell, Barry, Beaman, Beck, Bennett, Biggs, James Brooks, Buckley, Burr, Benjamin F. Butler, Calkin, William T. Clark, Cleveland, Conner, Davis, Dickinson, Dixon, Dox, Dyer, Eldridge, Fisher, Getz, Gibson, Gilfillan, Griswold, Haight, Hambleton, Harris, Hawkins, Hays, Judd, Laflin, Lash, Lewis, Logan, Loughridge, Mayham, McKenzie, McNeely, Morphis, Morrissey, Niblack, Orth, Packard, Paine, Potter, Randall, Reeves, Rice, Rogers, Schumaker, Sherrod, Shober, Slocum, Joseph S. Smith, William J. Smith, William Smyth, Stevens, Stiles, Stokes, Stone, Swann, Sweeney, Taffe, Taylor, Van Auken, Van Trump, Voorhees, Wilkinson, Eugene M. Wilson, Wood, and Woodward—73.

NOT VOTING—Messrs. Adams, Armstrong, Ayer, Bailey, Banks, Barnum, Benton, Bingham, Bird, Boles, Booker, Bowen, Buck, Cake, Clinton L. Cobb, Cook, Cox, Crebs, Cullom, Dockery, Ela, Fitch, Fox, Haldeman, Hamill, Hamilton, Hay, Heaton, Holman, Hooper, Hotchkiss, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Julian, Kerr, Knapp, Knott, Marshall, McCormick, Mercur, Milnes, Morgan, Samuel P. Morrill, Mungen, Negley, Palmer, Phelps, Platt, Pomeroy, Porter, Prosser, Ridgway, Starkweather, Stevenson, Strader, Trimble, Upson, Van Horn, Ward, William B. Washburn, Welker, Wells, Winans, Winchester, and Witcher—67.

So the motion for a recess was agreed to.

ORDER OF BUSINESS.

Mr. INGERSOLL. I hope gentlemen will not object now, as we have ordered an evening session, to our going to the business upon the Speaker's table, and devoting an hour or two to its consideration. We will promote the public business much more by doing so than by going at once into the Committee of the Whole on the state of the Union and taking up the tariff bill.

The SPEAKER. The pending question is on the motion of the gentleman from Ohio [Mr. SCHENCK] that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. INGERSOLL. I hope that will be voted down.

The House divided; and there were—ayes 78, noes 28.

Mr. INGERSOLL. I call for tellers.

Tellers were ordered; and Mr. SCHENCK and Mr. INGERSOLL were appointed.

The House again divided; and the tellers reported—ayes 111, noes 7.

So the motion was agreed to.

TARIFF.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WHEELER in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. The Clerk will read the pending paragraph.

The Clerk read as follows:

On flour or meal of oats, 1 cent per pound; of wheat, rye, corn, or buckwheat, one half cent per pound.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Ohio, [Mr. SCHENCK,] to strike out in line four hundred and eighty-eight "half," so it will read "1 cent."

Mr. CHURCHILL. Mr. Chairman, I rise to oppose the amendment, not because I desire to lessen at all any proper protection afforded by this bill to the agricultural interests of the country, but because the rate fixed as it would be by the amendment of the chairman of the Committee of Ways and Means would be excessive. The chairman at the close of his remarks last evening referred to a memorial which came from the Board of Trade of the city of Oswego, and said he supposed they were a commercial body, and therefore anxious for low duties. That memorial is as follows:

To Hon. ROBERT C. SCHENCK, *Chairman of the Committee of Ways and Means, Washington, D. C.:*

The Board of Trade of the city of Oswego, New York, believing that many changes might be made in the existing tariff whereby the revenue of the country might be increased and no detriment ensue to any of the great industrial interests of the nation, but, on the contrary, be of vast benefit to the same, have through a special committee examined into the working of the duties now levied and collected on wheat and rye, and beg leave to suggest a reduction of 10 cents duty per bushel on the former, and 5 cents per bushel on the latter named grains, and for the following reasons:

1. The present high rate of duties is nearly or quite prohibitory. Since the abrogation of the reciprocity treaty the receipts from those sources at this port, where the great bulk of these grains are imported, has steadily but rapidly declined, as will be seen by official records in the custom-house. The total duties collected on wheat for the season of 1867 were $106,879; 1868, $86,430; 1869, $50,976. The duties for the year 1869 would have been still more largely diminished had it not been that during the winter of 1868-69 the scarcity of white wheat made large importations a necessity. Since that time the price of wheats has largely declined, so that at the present time the low price ruling almost entirely prohibits importations.

2. As a consequence resulting from the non-importation of these grains our carrying trade suffers. It is true that they may be imported and transported in bond to New York or other exporting ports, but having entirely lost the benefits of our markets, for the reasons above assigned, they seek the markets of Montreal and Quebec, as will appear by the trade reports of those cities, the receipts and shipments of wheat at those points having as largely increased as those of our ports have decreased. In the item of wheat alone the receipts at Montreal during the past season has increased several million bushels.

The receipts of wheat at Montreal for the past three years are as follows:

	Bushels.
1867	2,939,307
1868	2,426,879
1869	7,317,470

3. As the English and continental markets, and not our own, govern and control the price of these grains, no detriment can ensue to our farming interests were the whole instead of a part of the duty abrogated. These grains now seek the English mar-

kets wholly through foreign waters and in English bottoms, and there come in competition with our own products exported from New York and other United States ports.

Being favorably situated at this point, where the great bulk of the importations of these grains are made, we have no hesitation in saying that were the duties on them reduced as above suggested a very large addition to the revenue would be realized, while, at the same time our canals and railroads would have the benefit arising from their transportation. We would therefore respectfully but earnestly urge upon your committee the necessity of establishing in the present bill the duty on wheat and rye at 10 cents per bushel.

The Board of Trade of the city of Oswego is composed of gentlemen who represent, I venture to say, a larger manufacture of flour and consumption of Indian corn than the entire district of the gentleman from Ohio, [Mr. SCHENCK.] There is no district in the United States the production of flour in which exceeds that in the district of the gentlemen who compose the Board of Trade of the city of Oswego. But as regards this amendment it does not afford and cannot afford any protection whatever to the agricultural interests of the country, for the simple reason that the amount of corn meal we import is entirely insignificant. We imported into this country during the year 1867 from Canada, which is the only country from which we import any corn meal, $80 worth. That was the entire importation of the year. In 1868 we imported $97 worth. In the year 1869 the importation was $519 worth. In other words, we imported less than $700 worth during these three years.

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

Mr. CHURCHILL. Certainly.

Mr. ALLISON. I should like to know how much we exported to Canada during these years, in order to see whether the people in Canada, by retaliation, might not injure our producers.

Mr. CHURCHILL. I have the figures before me and will state them. In the year 1867 the Canadians purchased from our farmers 2,228,590 bushels of corn, 2,034,710 bushels in 1868, and 2,168,144 bushels in the year 1869. And during the same time, in addition to this corn, they also purchased from us 109,387 barrels of corn meal in 1867, 154,923 barrels in 1868, and 126,218 barrels in 1869.

Therefore, if for the purpose of protecting ourselves against this enormous importation of $700 worth of corn meal in three years we put up the duty to a rate which will be certainly 40 per cent. on the cost in Canada, we thereby simply invite the Canadians to place retaliatory duties upon the very large quantity of corn and corn meal which they purchase from us. I desire to submit, as a part of my remarks, a table which shows that in the matter of breadstuffs the Canadians are the very best customers of the farmers of the United States; that while we purchase from them considerable quantities of wheat and barley they purchase from us every year a very considerably greater quantity than we do from them. They have heretofore, notwithstanding the duties, the somewhat heavy duties, which we have imposed on their agricultural products, permitted until the present year our agricultural products to enter their territory entirely free of duty. This year, it is true, they have imposed a small duty upon our grains and flour. But instead of placing a duty of $2 a barrel upon flour, which will be the rate as the tariff is now amended, or proposed to be amended by the chairman of the Committee of Ways and Means, they put only 25 cents a barrel upon wheat and rye flour, and 15 cents a barrel upon all other meals of grain, and upon the grain itself they place a duty of only 4 cents on wheat, and 3 cents on all other grains. This is but a very small proportion of the duty which we charge upon their agricultural products. My objection, then, to the amendment is that it imposes an excessive tariff by putting on corn meal and rye flour, which cost no more than $2 per barrel in the Canadian markets, a duty of 1 cent per pound. The table I submit is as follows:

Statement exhibiting the imports and exports of grain and breadstuffs to and from Canada and British North American possessions during the fiscal years ended June 30, 1864, to 1869, inclusive.

Year.	Wheat.		Rye.		Oats.		Corn.		Barley.		Wheat flour.		Oat meal.		Corn meal.		Not specified.	Total value.
Imports.	*Bushels.*		*Bushels.*		*Bushels.*		*Bushels.*		*Bushels.*		*Cwt.*		*Cwt.*		*Barrels.*			
1864.....	1,790,863	$2,257,212	55,227	$50,168	10,446,302	$3,389,764	30,075	$24,727	2,832,708	$2,917,241	1,008,468	$2,591,281	112,666	$40,333	-	-	$735,283	$12,015,355
1865.....	1,304,717	1,694,916	61,837	72,999	4,792,497	2,216,722	86,032	93,401	3,452,764	4,098,202	5,434,427	2,970,348	49,116	64,958	-	-	364,537	11,572,805
1866.....	-	-	-	354,910	-	970,700	-	30,578	-	4,896,799	-	4,498,824	-	97,381	-	-	873,710	15,307,699*
1867.....	1,927,524	3,262,856	242,538	149,361	681,440	257,085	7,849	4,905	3,247,005	2,012,547	232,966	1,765,275	16,374	45,699	-	-	12,855	7,510,651
1838.....	1,593,823	2,701,131	227,286	214,657	780,606	342,612	920	853	3,783,893	3,104,029	78,833	572,618	28,456	103,736	-	-	21,521	7,084,254
1869.....	1,337,227	1,673,029	198,748	157,731	299,366	131,643	778	733	4,106,899	4,624,007	90,570	445,761	-	-	-	-	50,819	7,084,842
Total...	-	$15,176,826	-	$1,019,826	-	$7,308,528	-	$155,197	-	$21,647,825	-	$12,844,107	-	$361,095	-	$3,572	$2,058,725	$60,575,699
Exports.	*Barrels.*														*Barrels.*			
1864.....	4,116,543	$5,076,890	34,638	$37,395	120,060	$84,715	1,307,175	$1,030,042	52,929	$53,472	865,986	$5,886,306	607	$3,577	48,347	$223,603	$62,829	$12,336,030
1865.....	3,751,813	6,152,386	129,924	128,368	180,370	136,381	1,544,370	1,619,472	2,204	2,554	719,284	6,568,457	1,308	9,162	31,023	209,106	-	14,815,869
1866.....	1,915,003	2,604,532	34,474	21,698	34,246	14,862	2,880,048	2,288,590	-	-	793,117	5,969,290	1,131	6,195	75,409	342,475	$34,015	10,730,600
1867.....	780,410	1,537,272	48,278	36,343	1,947	1,155	1,783,075	2,034,710	-	-	298,529	2,961,503	8,114	61,812	109,387	600,234	13,763	6,995,157
1868.....	5,690,383	4,592,727	3,241	3,692	755	560	1,988,337	2,168,144	6,339	7,170	387,799	3,508,529	4,059	33,747	154,933	940,204	15,051	12,270,503
1869.....	3,383,277	4,592,727	1,065	1,180	290,929	158,792	1,851,098	$10,009,569	-	$63,196	502,679	3,869,599	1,393	11,040	126,218	667,527	-	11,069,133
Total...	-	$25,494,130	-	$228,666	-	$386,468	-	$10,009,569	-	$63,196	-	$28,853,774	-	$125,531	-	$2,993,149	$62,829	$68,217,312

*Expiration of reciprocity treaty, March, 1866.

EDWARD YOUNG, *in charge of Bureau.*
BUREAU OF STATISTICS, *March* 26, 1870.

Mr. SCHENCK. Before the gentleman from New York [Mr. CHURCHILL] closes there is a point to which I desire to call his attention. I wish to know whether he can explain to us how much of these articles which we export to the British provinces goes to the Canadas; whether it does not go to what are called the maritime provinces, which cannot retaliate—Prince Edward's Island, Nova Scotia, New Brunswick, and Newfoundland?

Mr. CHURCHILL. In reply to the gentleman I will say that a considerable proportion of what we send to Canada unquestionably goes to the eastern provinces. Corn and wheat are very largely produced in Upper and Lower Canada, but the wheat which they produce is almost entirely of the high-priced kinds, which they cannot afford to use themselves, and they export it, selling it either in their own markets or in England, and then purchase for their own consumption the cheap wheat of our western States. And the same is true of corn. But with regard to these eastern provinces the only question is as to whether we by our policy will compel them to put such duties upon their grains as will lead to their being taken by the St. Lawrence river to the eastern provinces, driving us out of that market and supplying the market with their own productions.

Mr. CONGER. I move to amend the amendment by striking out the last word. I suppose no one at all familiar with this subject has any question that the Canadians raise far more of these products than they consume. They purchase these products to ship, by the way of Montreal and the St. Lawrence, to Europe and the eastern provinces. It is also true that in respect to every article which they cannot thus use for their own exportation, in regard to every article which they receive from the United States which comes at all in competition with their own productions, their tariff is excessive and amounts almost to prohibition; whether it be for retaliation or for what purpose is immaterial. In regard to all our manufactures—shoes, boots, wagons, and everything that we produce that comes in competition with Canadian labor—their tariff is almost prohibitory. But in regard to those articles which they may purchase and ship to Europe, or are in the eastern provinces, their duties are light, for their own advantage merely. If these duties were removed these things would be brought across all along the border. Large quantities of oat meal are brought into the United States, and have been for years past. Until within a few years our own millers have not been in the habit of grinding and preparing oat meal, and it was shipped across the border. I have seen car-load after car-load shipped to Cincinnati, St. Louis, Chicago, Milwaukee, and to the South generally, through the port where I live. The duty may be higher upon corn meal than is necessary, but in regard to the other articles the duties are not at all too high.

The question was taken on Mr. SCHENCK's amendment, and there were—ayes 51, noes 21; no quorum voting.

Tellers were ordered; and Mr. CHURCHILL and Mr. CONGER were appointed.

The committee divided; and the tellers reported—ayes 76, noes 41.

So the amendment was agreed to.

Mr. SCHENCK. In order to remove a repetition in the language, I ask unanimous consent to move to amend the paragraph so that it will read "on flour or meal of oats, wheat, rye, corn, or buckwheat, 1 cent a pound."

By unanimous consent the amendment was entertained and agreed to.

Mr. CHURCHILL. I offer the following amendment to come in at the end of the paragraph:

On middlings, shipstuffs, shorts, and flour, or meal of grains of any kind ground or mixed for feed, 20 per cent. *ad valorem.*

These are coarse products of the manufactures of grain, which now, I think, come in at

10 per cent. *ad valorem*. The duty should be at least 20 per cent.

Mr. BROOKS, of New York. I am opposed to this increase on the staff of life, in any and every form, for man or beast.

The question was put on the amendment; and no quorum voted.

Tellers were ordered; and Mr. CHURCHILL, and Mr. BROOKS of New York were appointed.

The committee divided; and the tellers reported—ayes 67, noes 29.

Mr. BROOKS, of New York. That is no quorum. But I give up on horse feed, and will call the yeas and nays on the amendment in the House.

The amendment was agreed to.

Mr. SMITH, of Vermont. I offer the following amendment, to come in at the end of the paragraph:

On wheat, 30 cents per bushel; on rye, 20 cents per bushel; on barley, 25 cents per bushel; on oats, 15 cents per bushel.

The existing duty of 20 cents per bushel on wheat is equivalent to an *ad valorem* of about 15½ per cent. The rate here proposed of 30 cents per bushel is equivalent to about 23 per cent. The proposed rate of duty is about 21 per cent. on rye, on barley 23 per cent., and on oats 24 per cent. *ad valorem*. Now, sir, I have moved this amendment in the interest of the revenue of the Government. In 1868 the importation of wheat into this country, reducing the importation of flour to its equivalent of wheat, was of the value of $318,938; of barley, during the same time the amount was $566,547. The proposed increase of duty would, with the same amount of importation, largely increase the revenue of the Government. But further than that, this increase would be in the interest of producers by way of a protection upon their products. As I understood the gentleman from Iowa [Mr. ALLISON] on yesterday, he was willing to agree to such propositions as this as a measure of revenue.

I find that in 1867 the entire export of wheat and other great staples of the kind produced in this country was 12,646,941 bushels, while the import of wheat during the same time was 3,226,944 bushels, the importation being equal to one fourth of the entire amount exported. Now, when we consider that the price of wheat in this country is fixed by the foreign markets; that the foreign dealer fixes the price which our farmers and producers receive for these cereals, we will see that the proposed change in the duty will have a very important influence upon our agricultural interests. It is claimed by our manufacturing friends that we ought to have a market in our own midst for all the wheat and other cereals which can be produced in this country; that by a proper system of duty on manufactures we would be able to absorb the entire product of these articles. But it seems to me that it must be admitted that the price to the producer of wheat is fixed by the price the article brings in the foreign market. It is very apparent that any importation which we may receive from other countries contributes to enhance the supply in this country. Now, while I am not an advocate of protection as a fundamental principle of the Government, I am still prepared to say that if it is right, if it is a sound principle at all, there is no direction in which it should be carried to its full limit and extent more properly and more wisely than in protecting the agricultural interests, even to the extent of prohibition. I do not think this question of protection is a true issue or a pending question. The question of revenue is the pending question, for the simple and obvious reason that the necessities of the Government require a revenue which will be sufficient for the requirements of the Government, and that will give all the protection and encouragement that may be required. I hope the amendment I have offered will be adopted.

Mr. SCHENCK. As I do not rise to oppose the amendment of the gentleman from Vermont, [Mr. SMITH,] I will move to amend his amendment by increasing the proposed rates 1 cent per bushel. I am at all times sorry to be compelled to go against the Committee of Ways and Means; and gentlemen will bear me witness that I have made no factious opposition to their bill. [Laughter.] But so far as these grains are concerned I have always believed, and both in and out of committee I have held the opinion, that we ought to give their production an increase of protection, and that we should have an increased revenue therefrom, both of which we can obtain by adding to the duties on grain. Now let me call the attention of gentlemen to the present duty upon these several grains reduced to an *ad valorem* standard. The duty upon wheat is 11¾ per cent.; upon rye, 14½ per cent.; upon barley, 18½ per cent.; upon oats, 11½ per cent., and on corn, 13½ per cent. That is, from 11½ to 18½ per cent. is the highest duty that those who have hitherto made tariffs have ever allowed upon the grain grown in this great grain-producing country of ours.

The gentleman from Vermont [Mr. SMITH] has reference to the importations of grain from the neighboring provinces and from abroad. They amount to enough to give us a very fair amount of revenue, and the gentleman from Iowa [Mr. ALLISON] says they will not make any appreciable difference in the price here. If that is so, then the gain will be to the Government in the matter of revenue, as the gentleman from Vermont has said.

During the year 1868, in the returns for which the whole amount has been fully carried out—the amount has been increased since—we imported $1,669,738 worth of wheat. Of rye we have imported not so much. Of barley the importation amounted to $2,323,000. It thus appears that of wheat and barley there have been and will continue to be large and increasing importations. Now, sir, when we are adjusting the tariff for the purpose of raising revenue, and at the same time giving protection to the productions of our country, is it too much to ask that the protection shall be extended to the products of our own soil? Is the percentage proposed too large? We get now from 11 to 18 per cent. only; and we ask a small increase, which will not amount to 25 per cent. even, upon these products of our own farms.

It is unnecessary to multiply words upon a subject of this kind. I, with the gentleman from Vermont, [Mr. SMITH,] submit it as a question to the Committee of the Whole whether we are to have an equitable adjustment of the tariff so as to include the agricultural interests along with those of the manufacturers; whether, in making our discriminations, we shall do so in such a way as to help the farming interest, while at the same time we seek the advancement of the revenue.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. SCHENCK. I withdraw the amendment.

Mr. BLAIR. I move to amend so as to make the duty 20 per cent. *ad valorem*. I wish to say a word or two in the line of the remarks which I had occasion to submit yesterday. I must congratulate the committee on having arrived yesterday at a most satisfactory protective principle, somewhat in advance of me and to my very great surprise. In reply to the suggestion which has just been made by the chairman of the Committee of Ways and Means I wish to say that if he differs from the committee I have not been able to perceive it. I think the other members, excepting myself, have run off in a flock after him.

Mr. ALLISON. I hope the gentleman will except me.

Mr. BLAIR. Certainly I except my friend from Iowa, [Mr. ALLISON.]

I have been entirely unable to perceive that there is any question of protection in this matter at all. If I recognized this question as involving the protective principle I would be inclined, as I said yesterday, to go perhaps as far as anybody. The gentleman from Vermont [Mr. SMITH] has shown that we are a grain-exporting, not a grain-importing country; that we have constantly a vast surplus of grain to sell, and hence should seek to increase our market in that respect. Now, can it be said that unless we impose a protective duty the price of our product will be reduced by permitting somebody else to come in with a small amount to be added to our surplus? Though I am a very strong protectionist I have never reasoned in that way. If, for instance, we were to put a duty of 20 cents a pound upon cotton imported into the United States it would be simply a *brutum fulmen*—nothing more. On the same principle, when we are large exporters of grain, if we put an import duty upon the article, it is, so far as protection is concerned, utterly futile.

Mr. LOUGHRIDGE. Is not the gentleman aware that last year we imported more barley than we exported?

Mr. BLAIR. I am quite ready to agree with the gentleman in regard to barley. Even if the gentleman had not mentioned the matter I should have stated before I got through that barley is an exception; that as to barley this country is not an exporter, but an importer. For this reason I can understand very well why gentlemen should propose to increase the tariff on barley; but when they undertake to increase the duty on corn, which is raised so extensively by Iowa and the West generally, and to put a duty of a cent a pound upon corn meal, I do not understand them at all. I will agree to a duty upon anything imported; but I cannot understand the reason for this duty upon articles which we export. Such a duty is, as my friend from Iowa [Mr. ALLISON] has suggested, calculated simply to provoke a retaliatory duty; and this it is certainly not desirable to do.

Another important consideration affecting this question is the interest of the revenue. If this duty be fixed so high that little importation can be made along the Canada border the result is that our revenue suffers. I think that the amount of importation heretofore shows that the duty has been too high. I had never heard before from the chairman of the Committee of Ways and Means that he wished to change these duties at all until I heard it here. Certainly in the committee I understood him to be strongly in favor of protecting agricultural products when we came to hemp and flax and castor beans, and everything of that sort. We did it in committee for him. I did not hear him say that he wished to put an additional duty on corn meal or wheat flour, or things of that sort.

[Here the hammer fell.]

Mr. PAINE. Mr. Chairman, I can quite readily understand the argument of my friend from Michigan [Mr. BLAIR] so far as imported corn meal is concerned; but it seems to me that he admits the whole case so far as wheat and wheat flour are concerned. It is a fact that wheat and wheat flour are exported from the United States; but it is also true that wheat and wheat flour are imported into the United States from Canada. As the gentleman from Vermont [Mr. SMITH] has stated, one fourth of the entire amount of wheat and flour exported from the United States is imported into the United States from Canada. The gentleman from Michigan [Mr. BLAIR] said yesterday that he could see no reason for imposing a duty on live animals, because our stock raisers were sufficiently protected without a tariff by the cost of importation. He seemed to forget how easily and cheaply horses raised just over the Canada line might be brought into the United States. He overestimates the cost of leading a horse from the north end of the village of Derby-line, which lies in Canada, to the south end of that village, which lies in Vermont. He forgets how much advantage Canada

has over the West, over his own State, over my State, over Iowa, and over Minnesota, so far as the cost of transportation of wheat is concerned. He forgets that Canada lies just across the lakes from Oswego, that the wheat-growers of the West must transport their products fifteen hundred miles before they get as near to the eastern market as Canada wheat is when it commences the voyage.

Mr. ALLISON. Does it not cost the producer in Iowa or Wisconsin more in the expense of transportation to market than is covered by these rates of duty?

Mr. PAINE. I have no doubt it does. Therefore, Mr. Chairman, I am in favor, not only of such a regulation of the tariff that our wheat shall not when it reaches Oswego, burdened with this heavy cost of transportation, encounter the competition of free Canadian wheat, but also of such protection of American industry as shall secure us a market nearer to our own grain fields than we now have, either in Europe or in the eastern States. I certainly am in favor of giving all the protection to the agricultural industry of the country which we give to our manufacturing interest.

Now, Mr. Chairman, one word further. I believe in the protection of American industry in all its branches. I am in favor of protecting the mechanical as well as agricultural industries of the country. I am not one of those who oppose these interests, either here or elsewhere. I believe in raising necessary revenue in such a way as to protect the manufactures of the country as well as the agricultural industry of the country. Of course I would not raise money to throw it into the sea. But granting what always must be true, that the Government must raise revenue for its maintenance, I am willing so to raise it as to encourage and foster American industry. And while I say this I am frank to admit that I am not quite certain my views on this subject are the views of a majority of my constituents. I am not quite sure that if these had been the main issues of the canvass in which I was elected to the seat I hold I should have been selected to represent that constituency in this House. For this reason, sir, which applies, I presume, no more to myself than to many other members of the House, I very much doubt whether I have a right at this time to undertake a general readjustment of the tariff.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message was received from the Senate, by Mr. HAMLIN, one of its clerks, notifying the House that that body had agreed to a concurrent resolution of the House for printing two thousand copies of the report on the Paris exhibition, with an amendment, in which the concurrence of the House was requested.

The message further announced that the Senate had passed a bill (H. R. No. 987) to reduce the number of officers in the Army of the United States, and for other purposes, with an amendment, in which the concurrence of the House was requested.

The message further announced that the Senate had passed a bill (S. No. 888) to aid the Junction and Breakwater Railroad Company, in the State of Delaware, to construct in connection with said road, a pier in the Delaware bay, at or near Lewes, in Sussex county, State of Delaware, in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 546) for the relief of the minor children of Sylvester Dreyer;

A bill (S. No. 759) granting a pension to John C. Abercrombie; and

An act (S. No. 865) increasing the pension of John Coonan.

TARIFF.

The Committee of the Whole then resumed its session.

The amendment to the amendment was withdrawn.

Mr. PAINE. I renew it. I do so for the purpose of saying a few words more. I think we ought to make haste to reduce the internal taxes heavily, and some changes should be made in the tariff; but I am opposed to a general readjustment of the tariff now for two reasons. In the first place, this House was not elected upon the tariff issue. It was chosen upon the issues of reconstruction. Very few, if any, members of this House were elected upon any other issues than those affecting the reconstruction of the States lately in rebellion. No one can doubt that it will be a great calamity to the American people if there is to be a general rearrangement of the tariff every year, or every two years, or every three years. I trust that the next adjustment of our tariff will be so wisely and successfully made that its operation will extend over a period of not less than ten years. Believing, then, that this House was not elected with any reference to the questions involved in this legislation, I think it has no moral right to frame a general tariff law to last years; and I am sure that no general tariff law that is not to remain in force ten years ought to be enacted at all.

I am opposed to it for another reason. Even if this House had been chosen on the tariff issue, it certainly does not now fairly represent the political power of this Republic. The basis upon which this House was chosen was fixed by the enumeration of 1860. Since then ten years have elapsed, and they have been more eventful than any other ten years in the history of this Republic have been or will be. During that time the population of this country has shifted more than in any other decade of its existence. Besides that the black race has been emancipated. And this House, therefore, does not, cannot fairly represent the views of the people of the United States upon this question. So that although we may have the constitutional power, in my judgment we shall not have the moral right to make a general revision of the tariff until there shall have been another election upon the basis of the census about to be taken.

Mr. MOORE, of Illinois. I rise to a point of order. I desire to ask the Chairman if general debate on the tariff bill is now in order?

The CHAIRMAN. The Chair must call the attention of the gentleman from Wisconsin to the propriety of his confining his remarks to the pending paragraph.

Mr. PAINE. If there is any objection, I will not proceed with my remarks.

Mr. SCHENCK. The discussion on this paragraph has run into general debate, and I hope the House will now close it.

Mr. BROOKS, of New York. Is this question divisible?

The CHAIRMAN. It is.

Mr. STEVENSON. I desire to ask the chairman of the committee one question before the debate is closed.

Mr. BURCHARD. I desired to make some remarks on this question.

The CHAIRMAN. Does the gentleman from Ohio [Mr. SCHENCK] move to close debate?

Mr. SCHENCK. I move that all debate on the pending paragraph and amendments cease in ten minutes.

The motion was agreed to.

Mr. PAINE. I withdraw the amendment to the amendment.

Mr. BURCHARD. I renew it. Mr. Chairman, this is a question not of protection, but of revenue; no more protection is afforded to the farmer by the amendment, so far as wheat and flour are concerned, than now exists. But the amendment will have the effect of raising the duty from 20 per cent. to 30 per cent. *ad valorem*, and is objectionable, because the increase of duty may prevent the importation of those articles. The only reason why the wheat grown across the line in Canada comes into this country is because it is cheaper to send it through our canals to the sea-board, and by that route export it abroad, than to send it by the St. Lawrence route. But already wheat has been exported directly in vessels going from Chicago through the Welland canal and down the St. Lawrence to the ports of Europe; and if you increase the tariff so that the increased duty exceeds the increased cost of transportation by that route, you will shut out the wheat that passes through our canals to the sea-board; you will cut off at once all importation and all revenue from that source.

So far as the question of protection enters into this matter, there has been a statement made which I desire to correct. The importations of wheat into this country for the year 1869, from 1st January to 31st December, as shown by the Treasury reports, were only 638,715 bushels, and the exports were over 34,000,000 bushels. The statement made that one fourth as much is imported as exported is altogether incorrect, and is based upon old figures of some years ago, 1866 or 1867, instead of taking the importations and exportations of 1868 and 1869. The exports have been increasing and are now increasing from year to year. This is a mere matter of revenue. It is no protection, because as stated by the gentleman from Michigan [Mr. BLAIR] and others upon this floor on both sides of the question of protection or non-protection, the price is governed by the price where the demand is greatest, and that is on the continent of Europe and in England. Hence I say that we should look at this as a question of revenue and as a question of revenue we had better leave the tariff where it is at the present time than raise it and cut off importations. On the question of barley I admit that it may affect it because we do import a far greater amount of barley than we export; but of wheat and flour and corn we export much more than we import.

[Here the hammer fell.]

Mr. CHURCHILL. Mr. Chairman, it is admitted by the gentleman from Vermont [Mr. SMITH] that the price of grain in this country, and particularly of wheat and corn, is fixed by the price in Europe, to which our surplus goes. Now, the surplus of Canada goes to precisely the same point that our surplus does; it goes to Europe, to Great Britain, and it makes no difference whether that surplus meets our surplus in New York or meets it in Liverpool. The effect of the adoption of the amendment of the gentleman from Vermont can be very well explained by what has been one of the effects of the abrogation of the reciprocity treaty in 1866, and that was to change the direction that this grain takes in going to market from our own rivers and canals to the Canadian lines of exportation. The amount of Canadian produce which has gone to Europe by the way of New York has been very considerably less than it was before that time, and for the very good reason that before that time, when Canadian produce came into this country free, it first went to New York, trying the market there, and then went from New York to Liverpool, and it made no difference whether the exportation there was of our own surplus or of the surplus of Canada. The effect of the adoption of this proposition would be to divert entirely from our own lines of transportation the grain of Canada, and drive it by way of the St. Lawrence to Europe.

But as a question of revenue I desire to call the attention of the committee to a few facts. The chairman of the Committee of Ways and Means has informed the House that the present rates of duty are not more than from 11 to 18 per cent. on these grains. If that be true, then I ask the attention of the committee to what the effect has been of the imposition of even those low duties upon Canadian products.

As a matter of protection, it is admitted by the gentleman from Vermont, [Mr. SMITH,] and has been abundantly shown by the gentleman from Michigan, [Mr. BLAIR,] this increase is not necessary. But as a question of revenue, the imposition of even these small duties had this effect upon our importations from Canada. There was a reduction in the importations of wheat from $3,584,082 worth in 1866 to $1,678,629 worth in 1869; in other words, a reduction of more than one half. There was a reduction in our importations of wheat flour from $4,498,824 worth in 1866 to $445,761 worth in 1869, or a reduction of nine tenths. And so of many other articles of importation. So that, so far as revenue is concerned, the increase of duties proposed by the gentleman from Vermont will simply destroy importation, and therefore destroy revenue.

But let me call attention again to what is a matter of interest to gentlemen who represent agricultural districts, and that is that the great producer from which we purchase this grain is Canada. It is the nearest and the best market outside of our own country which the western farmer has. I desire again to call attention to the proportion of each kind of grain which they took from us compared with what we took from them; because if the Canadian takes two bushels of western produce from us to each bushel which we take from him, then of course it is a trade which should be encouraged and not discouraged. In 1869 we took from the Canadians $1,673,000 worth of wheat, while they took from us $4,502,000 worth, or nearly three times as much. In the same year we took $445,000 worth of flour, while they took $3,869,000 worth, or nearly nine times as much. We took from them in the same year $157,000 worth of rye, and they took from us $1,180 worth—a very small amount. Of oats we took $299,000 worth, while they took $290,000 worth, or about the same. But as the result of the whole trade, we purchased from them $7,084,840 worth, while they purchased from us, of the same species of grain, &c., $11,069,133 worth. In other words, they took nearly twice as much from us as we took from them.

[Here the hammer fell.]

The CHAIRMAN. By order of the committee, all debate upon the pending paragraph and amendments thereto has terminated.

Mr. McCARTHY. I ask unanimous consent to be allowed to make a brief statement.

There was no objection made; and leave was accordingly granted.

Mr. McCARTHY. The statement which has just been made by my colleague from the Oswego district, [Mr. CHURCHILL,] shows that we have sold to the Canadas and the provinces about the same that we have bought from them. But he does not give you this fact also, that the sale of these products by the Canadas and provinces to the United States has been mainly to the State of New York and to a portion or to all of the New England States, while our sales, with the exception of corn, have been to the provinces. Now, the balance of trade, one way or the other, does not depend at all upon the tariff, or at least to but a small extent. I represent in part the State of New York. Fully one half of that State buys barley, wheat, and flour for consumption, and it must buy it either from the Canadas or from the West. Now, we say that it is but right that a duty should be put on the Canadian product at least equal to the cost of transporting the wheat, flour, and barley that we buy of the West, for we prefer to buy it from the West.

The gentleman from Illinois [Mr. BURCHARD] is mistaken when he says that a tariff does not benefit the sale of wheat and flour in the West. But you must have this tariff in order to equalize the cost of transportation. We are only thirty-six miles from the lakes, the water communication with the Canadas. And while it costs but 10 cents to get a bushel of wheat or a barrel of flour from the Canadas to the western part of New York, it costs from 25 to 40 cents per bushel or barrel to get these articles from the West. Consequently the West needs this protection to enable it to preserve its own market in New York.

Mr. TAYLOR. I ask unanimous consent to make a statement on this subject.

There was no objection made; and leave was accordingly granted.

Mr. TAYLOR. I rise for the purpose of making a statement of facts, which I think will bear very greatly upon the immediate question now before the Committee of the Whole. I think that statement of facts will reach further, and will bear very materially upon the whole question of protection. That statement is, that of all the agricultural products of this country, save the article of potatoes, those that depend upon a foreign market have averaged during the last ten years from 100 to 300 per cent. more in price than at the present time, while, on the other hand, all those articles, with the exception of potatoes, that depend upon our domestic market are as high now as they have been on the average during the last ten years. Here is a remarkable fact, also: in the month of April of this year, in the Philadelphia market, for the first time in the history of our country, the price of wheat and the price of Indian corn was exactly the same per pound.

As to rye, Indian corn, beef, horses, hay, dairy productions—every article of agricultural production depending upon the local market alone and not affected by the foreign market—the price at Philadelphia is as high as at any time since 1860, while articles like wheat, cotton, &c., depending upon the foreign market, are from 100 to 300 per cent. lower. I wish to say a word in correction of the statement of the gentlemen from Michigan, [Mr. BLAIR,] which, if it had been correct, would have had plausibility. He stated that the reason wheat is brought across the border into the United States is because of the exportation from the border. Now, sir, the present duty on wheat is 20 cents per bushel; and if the freight from any Canadian port to Liverpool were less than 20 cents a bushel, why should the Canadian wheat be sent to New York?

[Here the hammer fell.]

Mr. STEVENSON. I move to amend the amendment by adding the following: "on corn, 15 cents per bushel."

The amendment was agreed to.

Mr. BROOKS, of New York. Does this amendment include hay?

The CHAIRMAN. It does not. The amendment will be reported for information.

The Clerk read as follows:

On wheat, 30 cents per bushel; on rye, 20 cents per bushel; on barley, 25 cents per bushel; on oats, 15 cents per bushel; on corn, 15 cents per bushel.

Mr. STEVENSON. I move to amend the amendment by striking out all relating to barley.

The amendment was not agreed to.

Mr. LOUGHRIDGE. I move to amend so as to make the duty on barley 30 cents per bushel.

The amendment was not agreed to.

Mr. BURCHARD. I move to amend the amendment by striking out all except the part relating to barley.

The amendment was not agreed to.

The question being taken on the amendment as amended, there were—ayes 56, noes 14; no quorum voting.

Tellers were ordered; and Mr. BURCHARD and Mr. MAYNARD were appointed.

The committee divided; and the tellers reported—ayes 78, noes 38.

The amendment, as amended, was agreed to.

Mr. LOGAN. Inasmuch as we have imposed a duty for the protection of corn, wheat, &c., I move, in order to carry out the principle, that a duty of 75 per cent. *ad valorem* be imposed on each current of fresh air that ventilates this Hall. [Laughter.]

The CHAIRMAN. That amendment is not in order.

The Clerk read as follows:

On malt, 30 per cent. *ad valorem*.

Mr. JUDD. I move to amend by striking out the paragraph just read. It seems to me that the Committee of Ways and Means, in proposing an increased duty on malt, have forgotten that such an increase strikes directly at the manufacturer or brewer, and increases the cost of the beverage to the consumer. Malt is a raw material, in the sense in which that term has been defined upon this floor in connection with all other manufactures. The duty upon this article is, under the existing laws, 20 per cent., and the clause that I propose to strike out increases this duty 50 per cent., and adds to that extent to the cost of what is now a universal beverage, and may be considered in these days almost one of the necessaries of life. This change will effect a most important manufacturing interest.

Mr. MAYNARD. What is that?

Mr. JUDD. The making of a beverage which, perhaps, the gentleman sometimes indulges in, or at any rate he must have heard of it. If not, he will allow me to tell him, beer, lager-beer, sometimes ale.

Mr. MAYNARD. Is not the manufacture taxed very heavily already?

Mr. JUDD. I was about to say, what the gentleman from Tennessee suggests in an undertone, that upon the manufactures and from the articles manufactured out of this imported raw material the Government derives more than $6,000,000 of internal revenue annually. Now, when a branch of industry contributes such an amount to the internal revenue for the support of the Government—and they pay it, Mr. Chairman, without any effort to cheat the revenue—are we to entertain for one moment a proposition to increase to the extent of 50 per cent. the tariff upon the raw material used in the manufacture, thus adding still further to the expenses in the production of this article? Twenty per cent. is the present tariff. This bill proposes an increase of 50 per cent. I think my motion to strike out the paragraph should commend itself to the judgment of the House, first, because the proposed increase of duty strikes at a branch of industry that contributes so large an amount of revenue for the support of the Government; and in the next place, because it increases the cost of temperate men's beverage, lager-beer.

Mr. SCHENCK. I hope that the motion of the gentleman from Illinois [Mr. JUDD] will not prevail. If there were no other reason for rejecting the motion, a sufficient one might be found in the action of the Committee of the Whole within the last few minutes. We have put a duty of 25 cents a bushel upon barley, a duty which, reduced to an *ad valorem* standard, is probably from 23 to 25 per cent. Malt is now 20 per cent. under the existing tariff, and the bill proposes to raise it to 30 per cent., thus putting a tariff on the prepared article, the manufactured article, which has to go through the hand of the maltster in this country, at something reasonable, a little beyond what is put on that which is brought in in its raw condition. If we are to make any discrimination between manufactured articles and raw materials from which they are prepared, that discrimination should be observed in this as in any other thing.

But, sir, the gentleman speaks, I think, for the brewers. He must remember there are farmers in the country as well as brewers. He must remember in Ohio, Indiana, Michigan, and in various parts of the country—to a very large extent in my own State I know—barley can be produced and is produced, and the production is increasing until it is approaching something like a supply for the entire demand for the purposes of brewers. They still import because we are beginning to be a large beer-consuming country, as no one can better know than the gentleman from Chicago. They import, to be sure, some 3,000,000 bushels, which is mostly consumed for the purpose of

manufacturing beer. We propose to furnish that, as far as may be by the protection of barley, from our own farmers.

So far as malt is concerned, which is but barley in its changed form, that is a profitable business, as it probably always has been, and the maltster can well afford to help competition between the home-grown and the producer in the British provinces by paying a little something for his barley and a little something more for his malt, the rule being to protect the manufactured article a little beyond the raw material from which the manufactured article is produced.

Now, sir, these brewers have not had much to complain of, yet they have and do still complain. They have always advanced their own product beyond any burden we have laid upon it, always beyond any tax we have levied. They have formed combinations for the purpose of adding now a dollar and then another dollar on every cask or part of a cask of beer. I know it is usual in this country to pay great deference to the lager-beer producer. I have the deference of the gentleman from Chicago for the lager-beer producer. I have all that deference; but I believe they can afford to bear the burdens of the country as well as other citizens. It does not make any difference to the brewers, however, what burden we impose, for they do not bear it, but it comes at last upon the consumer. The competition among brewers themselves has the effect to bring down prices, just as competition does between the producers of other articles. I have stated they had nothing to complain of, because the *ad valorem* duty on barley was only 20 per cent. and the duty on malt only 20 per cent.; and therefore the articles which they mostly consumed have had less protection than other like articles produced in the United States; that is, the production of barley in the United States has had less protection from the competition of the foreign production brought into the United States than wheat and some other articles.

[Here the hammer fell.]

Mr. BROOKS, of New York. I move to amend the amendment so as to bring the duty down to 10 per cent. Now, Mr. Chairman, I call the attention of the House, first, to the very important fact that there has been a large decrease within the past year in the consumption of beer. This is to be accounted for by the high price of malt liquor; yet with this fact staring us in the face, the proposition of the chairman of the Committee of Ways and Means is to raise the duty on barley, and to increase the duty on malt 10 per cent. additional. In other words, it is proposed to destroy this one means of revenue from the brewers, for the brewers of the country furnish one of the largest sources of revenue which the Government has. It is a cut-throat process throughout, with the vain idea of protecting the farmer. In reply to that, let me say that in a large portion of this country the barley which is raised is not the barley which the brewers desire. It is not until we reach the high northern latitudes of northern Iowa and Minnesota that that species of barley is produced which the brewers desire to have; and the consequence is that Canadian barley always commands in the market 10 or 15 cents more per bushel than the barley of Ohio, or the barley of southern Indiana, or the barley of Pennsylvania. An increased duty, therefore, is a high tax, first, upon all the brewers of the country, and then upon all the consumers of malt liquors, and lastly upon an immense population of Germans in the United States, with whom this is a most favorite drink.

Mr. Chairman, if this proposition increasing the duty on barley 5 cents a bushel and the duty on malt 10 per cent. *ad valorem* is adopted, and if this bill becomes a law, there will be one universal outcry from every German in New York, Philadelphia, Buffalo, Cincinnati, Toledo, Chicago, Omaha, Richmond, Virginia, and elsewhere—one universal outcry from every German as he, with his *frau* and *frauleines*, sits at table and demands his *swei lager*, *drei lager*, *veir lager* for himself and his wife and children. [Laughter.]

I hope the majority of this House will have some respect for the large German population of the country to whom beer is both victuals and drink.

[Here the hammer fell.]

Mr. JUDD. I always listen with pleasure to the chairman of the Committee of Ways and Means when discussing any question. He always interests me, even when I disagree with his logic and his views. The gentleman [Mr. SCHENCK] has done me the honor to say that I knew something of this article of beer; and when I admit that, he must allow me to say that as a beverage, as a promoter of temperate habits, it is infinitely preferable to Dayton or any other whisky. I venture to say that there is no one branch of business in this country that has advanced more rapidly within the last few years than this branch of business. Throughout the United States there is an immense capital invested in the business, and the business is legitimately and honestly carried on. The argument presented by the gentleman for these various tariff duties is that he would protect the home manufacturer and the home producer. He would not make a Chinese empire of this country and shut us out from all intercourse with the balance of the world, but only so far restrict that intercourse as justice to home industries requires. He says that under the tariff as it now stands the home production has grown to be about equal to the consumption. If that is so it shows clearly that the present rate of duty is high enough, and that there is no necessity for this increase. His statement was that it had advanced so rapidly that it would soon become equal to the home consumption. That fact shows clearly and incontrovertibly that the present tariff is high enough and that there is no occasion for adding 50 per cent. to the duty.

The gentleman says further that the brewers are very shrewd men, and that any tax levied upon them they add to the cost of the article, selling it for a dollar or so more a keg. Let me reply to him that in compelling them to do that you reach the pockets of the consumers; and hence in this attempt to increase the tariff upon this article he is taxing both the manufacturers and the consumers. You propose by this increase of duty on malt to add just so much to the immense taxation to which this kind of business is subjected. I voted, Mr. Chairman, against the increase of the duty on barley because the gentleman alleged that the present tariff gave it such adequate protection that the home producer was now substantially supplying the demand. Now, if it is true, as stated by the chairman of the Committee of Ways and Means, that the present rate of tariff is such that it is bringing this product forward in such a manner that it will soon supply all the demand, there is no excuse for this additional tax, and I tell gentlemen that they are striking at a very important business interest, and which, if oppressed, will make itself felt in this land, and so connected with the customs, habits, and taste of a large portion of the citizens of this country that it must he fairly and not oppressively dealt with.

Mr. KELLEY. I move to amend the amendment by striking out the last word. I desire to say that I am taking no part in the discussion of these agricultural questions, though I have voted for each amendment that proposed to increase duties.

Mr. NIBLACK. I thought the gentleman claimed to be the especial representative of the western agricultural interest.

Mr. KELLEY. I was going on to show that I am, and I was going on to remark that we are not legislating for this year or for the next, but we are legislating with reference to the general policy of the country; with reference, not to the interests of a few people who are within certain geographical limits or those limits themselves, but to the future of our country.

And I have voted for each increase of duty upon agricultural products because I believe the Canadian, or other provincial exporter, pays the duty and will feel it. I believe that by enabling our own farmers to diversify their industry, and to raise barley, by securing them a market for it, we shall benefit them. And I believe that, by our pursuing this course, the people of the British provinces, comparing their want of prosperity with our abundant prosperity, will continue to emigrate to this country as they have been doing, and will finally find out that their only prosperity in the future is under the stars and stripes and the Constitution of our country. It is on this ground that I maintain the duty on coal, and on this ground that I shall vote for this duty on barley.

Nearly one hundred thousand British subjects have come from the provinces to us this year. And if we make these high duties on all their articles of production, one hundred thousand more will come every year, and the lean masses left behind, unable to maintain their Government, and observing the beneficial effects of a protective system, in contrast with the Government influences which are impoverishing them, they will, as I have said, add their territory to ours, and give us free trade through their entire region. And then the American citizen will have, without duty, Canadian barley for his beer, and the New England States will have their own coal supplies lying upon their borders in Nova Scotia. And the great maritime and commercial enemy of our country, England, will not have a frontier extending from the eastern promontories upon the Atlantic to Puget sound and the Pacific ocean from which to harass us in war or in times of intestine trouble. It is not, therefore, on the mere question of protection, but with reference to broad and statesmanlike views in regard to the future limits of our country, its future peace and general prosperity, that I shall vote for every increase of duty which will make the British subject north of the dividing line pay into our Treasury a price for enjoying the benefit of our markets.

[Here the hammer fell.]

Mr. SCHENCK. I move that all debate now cease on the pending paragraph.

The motion was agreed to.

The question was on the amendment of Mr. BROOKS, of New York, to strike out "30" and insert "20."

Mr. RANDALL. The amendment will make the duty the same as under the present law—will it not?

Mr. JUDD. I would suggest to the gentleman from New York that my motion to strike out the paragraph will leave the duty as it is.

Mr. BROOKS, of New York. I withdraw my amendment.

The question was put on Mr. JUDD's motion to strike out the paragraph; and there were, on a division—ayes 60, noes 46; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. BROOKS, of New York, and Mr. NEGLEY.

The committee again divided; and the tellers reported—ayes 54, noes 71.

So the motion was not agreed to.

Mr. JUDD. I now move to amend the paragraph by striking out "30" and inserting "20."

The question was put; and there were, on a division—ayes 55, noes 62.

Mr. JUDD demanded tellers.

Tellers were ordered; and Mr. JUDD and Mr. MAYNARD were appointed.

The committee again divided; and the tellers reported—ayes 57, noes 69.

So the motion was not agreed to.

Mr. STEVENSON. I move to amend by striking out "30" and inserting "25."

The question was put; and there were, on a division—ayes 31, noes 79; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. STEVENSON and Mr. FERRISS.

The committee again divided; and the tellers reported—ayes twenty-six, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

On apples, garden fruit, and edible vegetables, and roots, in a green or fresh state, not otherwise herein provided for, 10 per cent. *ad valorem.*

Mr. DAVIS. I move to strike out the paragraph. Mr. Chairman, it must be perceived that this provision of the bill can be of but small importance. It can only have any effect where cities are located, in the neighborhood of the adjacent provinces, and the effect is simply one of great embarrassment upon those who live in such cities. The people of Canada who live in the neighborhood of Detroit, Buffalo, and other cities similarly situated, and who furnish the articles mentioned in this section, in my judgment ought not only to be permitted, but should be encouraged to do so, such a traffic being chiefly for the benefit of the people who are supplied with these articles. This tax upon these articles operates simply as a great embarrassment and prejudice in the neighborhood of the line between the two countries, and leads to the production of ill feeling between those who ought to be neighborly in the immediate vicinity of that line, while it is productive of no pecuniary benefit. I hope, therefore, that this paragraph will bestricken out.

Mr. SCHENCK. I do not know that I have any great objection to striking out this paragraph, because the tariff now is precisely the same, and by striking it out the duty will be kept at 10 per cent., with the exception of dried fruit. The language of the present law is: "on fruits, green, ripe, or dried, not otherwise provided for." Then vegetables come in, under a general provision, of non-enumerated articles at 10 per cent. *ad valorem.* So that we have not altered the existing law except in respect to dried apples, dried peaches, and other dried fruits, upon which we propose a specific duty of 3 cents per pound.

Mr. DAVIS. My object in moving to strike out this paragraph was to move afterward to add these articles to the free list.

Mr. SCHENCK. These garden fruits and edible vegetables in a fresh state ought to pay but a small duty, if any at all; we have therefore put them at the same rate that they now are subject to, 10 per cent. *ad valorem,* because they comprise articles which will not bear transportation to any great distance. Apples are brought in considerable quantities from over the border, and they are produced in almost unlimited quantities in the northern part of the United States. So far as they are concerned, the duty is very reasonable. There is no departure here from the present duty upon these articles, except in regard to dried fruit.

Mr. MAYNARD. There is an interest in this country which I think ought to be protected; that of the gardeners and vegetable producers along the South Atlantic coast. This is all the protection they have against the vegetable productions that come from the West India Islands, the Bermudas, &c. I think this provision should be retained.

[Here the hammer fell.]

Mr. CONGER. I move to amend this paragraph by striking out the words "edible vegetables," for the purpose of calling the attention of the Committee of the Whole to the protection which may be needed by the products of the northern States along the borders of Canada. The gentleman from Tennessee [Mr. MAYNARD] speaks of the protection which is needed against the productions of the West India Islands. There is a very large amount of capital invested in orchards and gardens in Michigan, Minnesota, Wisconsin, Ohio, and northern New York—much larger, perhaps, than gentlemen of this committee are aware of, unless they have given the subject some reflection. A careful estimate has been made of the production of apples and peaches, and the small fruits of the gardens and the forests in the State of Michigan. A very careful estimate has been prepared for the year 1869, and by reference to that statement I find that these articles in the State of Michigan alone amount to over $1,500,000. That, I think, is an interest that is deserving of some protection.

Mr. ALLISON. I would ask the gentleman from Michigan [Mr. CONGER] where the people of his State find a market for their fruits?

Mr. CONGER. A large portion of the peaches raised in Michigan are sent to the western States.

Mr. ALLISON. How as to apples?

Mr. CONGER. A large portion of the apples raised in Michigan are sent to the eastern States and to Europe, being shipped in many instances directly from the ports of Michigan. In this way hundreds of thousands of barrels of apples are shipped every year from our State. Now, although our production in this respect may not appear to be very large, yet it is one which comes into competition with the production across the line; and I trust that at least our agricultural friends who are so desirous to protect the farming interest will favor the protective duty of 10 per cent. proposed upon these fruits. The raising of them is a branch of industry requiring considerable care and the investment of a good deal of capital. The protection of this interest is demanded by the interests of our people.

Mr. SCHENCK. I move to close debate on the pending paragraph.

The motion was agreed to.

The question being taken on the motion of Mr. DAVIS, to strike out the paragraph, it was not agreed to.

Mr. ROGERS. Mr. Chairman, it has been my custom here to seek to understand as far as possible the questions presented to me for my vote; and I see in this paragraph an item——

The CHAIRMAN. Debate on the paragraph has been closed by order of the committee.

Mr. ROGERS. I would like to put a question to the chairman of the Committee of Ways and Means.

Mr. MAYNARD. That is debate, and I object.

The CHAIRMAN. Objection is made.

Mr. ASPER. I move to strike out in lines four hundred and ninety and four hundred and ninety-one the words "and roots."

Mr. ROOTS. I rise to a question of privilege. [Laughter.] I protest that it is wrong to strike out "roots."

The amendment was not agreed to.

The Clerk read as follows:

On oranges, lemons, and limes, and on bananas, plantains, shaddocks, mangoes, pineapples, grapes, and cocoanuts, 10 per cent. *ad valorem: Provided,* That no allowance shall be made for loss by decay on the voyage, unless the said loss shall exceed 50 per cent. of the quantity.

Mr. SCHENCK. I have been directed by the Committee of Ways and Means to offer several amendments to this paragraph. In the first place I move to amend by striking out "50" and inserting "25."

The hour of half past four o'clock having arrived the Committee of the Whole, pursuant to the order of the House, took a recess till half past seven o'clock p. m.

EVENING SESSION.

At half past seven o'clock p. m. the Committee of the Whole on the state of the Union resumed its session, (Mr. WHEELER in the chair,) and proceeded with the consideration of the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes.

The CHAIRMAN. The Clerk will report the pending paragraph.

The Clerk read as follows:

On oranges, lemons, and limes, and on bananas, plantains, shaddocks, mangoes, pineapples, grapes, and cocoanuts, 10 per cent. *ad valorem: Provided,* That no allowance shall be made for loss by decay on the voyage, unless the said loss shall exceed 50 per cent. of the quantity.

The CHAIRMAN. The pending question is upon an amendment of the gentleman from Ohio, [Mr. SCHENCK,] which will be read.

The Clerk read as follows:

Strike out, in line four hundred and ninety-seven, "50" and insert "25."

The amendment was agreed to.

Mr. SCHENCK. I move to amend by adding at the end of the paragraph the following:

And the allowance thus made shall be only for the amount of loss in excess of 25 per cent. of the whole quantity.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The Committee of the Whole on the state of the Union rose informally, when a message from the Senate, by Mr. HAMLIN, one of its clerks, announced that the Senate had reconsidered its vote agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 95) in relation to the Hot Springs reservation in Arkansas, and ordered that the report be recommitted to the committee of conference for the purpose of correcting clerical errors therein.

TARIFF BILL.

The Committee of the Whole on the state of the Union resumed its session.

Mr. BUCKLEY. I move to amend the pending paragraph by striking out "10" and inserting in lieu thereof "15," so as to make the duty "15 per cent. *ad valorem.*" This paragraph proposes a reduction of 15 per cent. upon the existing duty on all these articles. I move this amendment with special reference to oranges. The culture of oranges is a very extensive business in some of the southern States, especially Florida. It is a business which has been entered into largely since the close of the war. The production of the orange groves is a slow process. The wild growth is first taken and transplanted, and it takes some five or six years before the husbandman receives any reward for his work. Now, just about the time these orange groves begin to bear and the growers of oranges to receive some benefit for their labor expended some five or six years ago, the Committee of Ways and Means propose to make a large reduction of some 15 per cent. on oranges.

In addition, Mr. Chairman, I see there is a proviso attached to this paragraph which in my opinion amounts to nothing. It is provided that no allowance shall be made for loss by decay on the voyage unless the said loss shall exceed 50 per cent. of the quantity. The importers of oranges invoice their cargoes at such a low figure as to cover all this loss by decay on the voyage. There is therefore nothing in that proviso. I hope there will be no objection to the 5 per cent. increase I propose. We have just left paragraphs imposing duties upon imported products of 100, 75, 50, 40, and 35 per cent. *ad valorem.* Now we have got down to 10 per cent. It is the second time we have had a duty of 10 per cent. proposed. We are on the brink of ruin. We are near the edge of the precipice. One step more will bring us to the heresy of free trade.

[Here the hammer fell.]

Mr. SCHENCK. Mr. Chairman, it is well, perhaps, for the House to understand what is the effect of the amendment to this duty as proposed by the Committee of Ways and Means. The present duty on oranges and lemons is 25 per cent., on limes 20 per cent., on bananas and plantains 25 per cent., on shaddocks 10 per cent., on mangoes 10 per cent., on pineapples 25 per cent., on grapes 20 per cent., and on cocoanuts 25 per cent. The committee have regarded all these, not

only as foreign productions, but as foreign productions coming little, if at all, into competition with anything produced in this country. As the gentleman from Alabama has explained, so far as oranges are concerned, it may be there is a fruit raised in this country entitled to be considered in whatever duty we impose on products coming from abroad.

Mr. BUCKLEY. Take oranges out of this paragraph.

Mr. SCHENCK. Treating these as fruits which do not come into competition with anything at home, the committee thought it better to put a low rate of duty, to produce from them whatever revenue we can, and at the same time put them within the reach of the people of this country as products from abroad, which are not the products of our own farms or soils in any way. I trust, as the gentleman's only objection is in reference to the article of oranges, he will confine whatever amendment he offers, with a view to the protection of the orange interest in Florida, to oranges, and let the rest stand at this reduction of the duty to 10 per cent. all round on the fruits we do not produce in this country.

Mr. FINKELNBURG. I ask whether the gentleman does not recognize all these articles as luxuries, and whether, as such, it would not be proper they should be subjected to a revenue tariff of 25 per cent.? Ought we not to reduce the taxes on the necessaries of life and increase them on the luxuries?

Mr. SCHENCK. I do not regard them particularly as luxuries. I think the use of these articles is common and general throughout the country wherever they are within the reach or means of our population.

Mr. MAYNARD. Allow me to suggest to the chairman of the Committee of Ways and Means that pineapples are largely produced in Florida; and it is a production which is largely increasing, the production this year being much greater than last year, and last year's production was greater than that of the year before.

Mr. SCHENCK. I make this explanation, feeling indifferent about the whole matter: we propose to put a half dozen different commodities now imported at a half dozen different rates of duty all at one small duty, so as far as possible to place them within the reach of our people, as they do not compete with anything raised here. The objection of the gentleman from Alabama is that this does interfere with the production of oranges and the new orange-growing interest of Florida, and therefore it was that I suggested he should confine himself to that. As regards the pineapples, I did not know that they were grown to such an extent; but if I might be allowed to express an opinion, I would say that I do not think there is a good pineapple to be had unless brought from near the equator, from Guayaquil or other such localities.

Mr. COX. I move to strike out the paragraph. The Committee of Ways and Means can certainly thank me, if they do not assist me in this motion, as striking out the section leaves the tariff as it is upon these articles of luxury, oranges, lemons, limes bananas, &c. The present bill reduces the tariff on all these fruits except on mangoes. The reduction is 10 per cent. *ad valorem* on lemons, limes, bananas, and grapes, and 15 on oranges, plantains, lemons, &c. Having an æsthetic sense of the congruities, I desire to keep the tax high on grapes, oranges, and lemons. My reasons are that grapes, oranges, lemons, bananas, &c., are a production of this country, and may be said to be in their infancy, and being an infant manufacture, the infants naturally hanker after them. The census of the United States develops the fact that there are under twelve years of age a certain number of children of both sexes. These children I desire should grow up to be healthy and loyal, friends of the flag and of American industry, but if the oranges of Algiers and Sicily, and the grapes of Malaga, or the bananas of St. Thomas and San Domingo are allowed to come in at the cheap rate of 10 per cent. *ad valorem*, our children are placed under greater temptations to contract those diseases which are incident to the inordinate consumption of fruit. Why, therefore, should pig iron and peanuts. Bessemer steel and brandy, corsets, &c., pay rates somewhere about 100 per, cent. when only 10 per cent. is given to protect these toothsome fruits?

But it may be said by some of these impracticable free-traders that there is no home production. I tell them, as my friend from Ohio [Mr. SCHENCK] has said, that in Florida, Louisiana, and California, the orange blooms in the mid-winter air; and if a proper protection of, say, five hundred and sixty-odd per cent. were given to lemons, that tenderest of all fruit, it would be thoroughly protected against the frosts of winter, and gentlemen might have the privilege of flavoring their whisky with lemons grown within our own beloved borders.

Mr. Chairman, I represent two interests in my own district which seem to be diverse, but which will unite upon this question. The Fifth avenue and the Bowery are happily united in my person. The one raises oranges, grapes, and lemons under glass, while as an article of consumption there is no locality in the Union where more peanuts are consumed than in the dramatic precincts of the Bowery.

Mr. MAYNARD. Will the gentleman allow me to make one remark here?

Mr. COX. On this immense question I cannot be interrupted. [Laughter.]

Mr. STEVENSON. I rise to a point of order. Is it in order to discuss peanuts on this paragraph?

Mr. COX. If the gentleman will permit me, I will show him the connection between peanuts and this paragraph. Sir, peanuts are taxed specifically 1 cent per pound, unshelled, to protect North Carolina. This is an imposition on my Bowery constituents. As they grind this "fruit of the earth" there mingles with the pleasant music of its cracking the gnashing of indignant teeth. But, sir, they are willing to submit to this extortion, provided their rich neighbors of Fifth avenue shall be protected in their efforts to diversify industry by raising oranges, lemons, and grapes under glass. The peanut consumer knows that the millionaire, to produce grapes and oranges in the hothouse, must use Pennsylvania coal; that the manufacture of the pipes and glass and pottery will be greatly enhanced, and the peanut boy is willing to sacrifice himself for home industry. He knows that the foreign orange and grape is made by natural, and consequently gratuitous heat, while the New York orange or grape is made by artificial, and therefore expensive heat; but patriotism impels him to keep out the half-priced orange of better quality from Spain or Cuba that he may enjoy the luxury of paying two prices for patriotism and protection.

Let us therefore keep up the tariff on oranges as well as peanuts; but if the House refuses to do this by voting down my motion I shall indignantly move to place this article on the free list.

[Here the hammer fell.]

Mr. HAMILTON. I move to strike out the word "oranges." This will have the effect of leaving the duty on oranges at 25 per cent., as at present. The State which I have the honor to represent is the only one in the Union for which the Creator ordained the beautiful blessing of a tropical climate without the intolerable heat of an equatorial region, with a soil so fertile in its peculiar adaptability to the growth and culture of almost every variety of the tempting fruits and exotics of the distant tropics that they have sprung spontaneously from her gentle bosom, and covered her for centuries with perennial loveliness, without the aid of the hand of man and almost without the eye of man to behold. Florida is an elder sister State in the family of the Union; the first and the oldest settled country on the continent of North America, and yet to-day her cultivated industries are as infantile, her territory is as new and undiscovered, and her immense susceptibility of advancement, influence, and resources are as unfamiliar to the people of the country as are those of New Mexico or Nevada.

The Almighty is not responsible that this great nation is dependent upon foreign lands and other climes for the healthful and delicious luxuries of tropical fruits and plants, rare birds and flowers, and a healing, genial climate, to gladden the eye and lip and soul of man. He has placed them all within our borders, has given them all for our possession if we will but reach out the hand of acceptance and convert them into luxurious commodities. They are there in that the most southern State of the Union in all their primitive beauty, temptation, and perfection, awaiting the practical appreciation, utilization, and possession of our citizens.

"The orange, lemon, and the lime
Amid their verdant umbrage countless glow,
With fragrant fruits of vegetable gold."

Mr. Chairman, you must not be surprised that this wonderful land has so long lain idle and neglected under the uncertain fog of tradition, or has not asserted her place in the family of the nation. Gentlemen must not wonder that this land of flowers, this ever green land, where the wild flowers never cease to unfold their petals, has not cast her cornucopian garlands at the feet of the nation, or that Florida has not more widely extended her Italian inducements to the afflicted of our people. The damning barrier of slavery loomed in the way, and ignorance, superstition, and indolence hung their blighting folds around her borders. But now, under the protection the Government has given to that peculiar and beautiful interest, the tropical and semi-tropical products of Florida will hereafter be quoted in the markets of the North and of the whole country more favorably than those from the Mediterranean, South America, or the West Indies, which become unwholesome and unpalatable by distant transportation. I hope the motion of the gentleman from Ohio, to strike out the paragraph, will prevail.

Mr. SCHENCK. The interest that the gentleman from New York [Mr. Cox] takes in the rising generation I can very well understand. I do not know that he does much in that direction himself, but everybody knows that he is a rising young man. [Laughter.] I am sorry, however, that he did not retain that speech upon peanuts, upon which subject I know he was prepared, until a more fitting occasion. [Laughter.] There is nothing about peanuts in this bill. Having discovered that, I suppose he found it necessary to explode upon oranges, for the speech must be got off. [Laughter.] But I marvel very much at the opposition that I meet with from that quarter more than I do at that which comes from Florida, for there I understand there is an interest which it is supposed is to some extent interfered with by a reduction of the duty on some of these fruits. The Committee of Ways and Means is exceedingly unfortunate. If we attempt to raise duties there is such a howl as almost deafens us, to say nothing of the consequences which sometimes follow in the votes given; if we try to lower duties it seems that we are just as unfortunate in this attempt to please anybody.

Now, the motive which operated on our minds in regard to these fruits was simply this: here are a number of fruits, commonly used throughout the country by almost all classes of our people; for there is hardly any one so poor that he does not have a little amount of lemon in his drink. We supposed that inasmuch as they were not produced in this country, and that therefore when burdened with a duty it was so much added to the price to the consumer, which is the case with regard to

those things which are not produced in the country, that if we lowered these duties from 25 and 15 and 10 per cent. to a uniform rate of 10 per cent., it would meet with acquiescence all round. We have not been fortunate in this because we discover that it does interfere—and I presume that is a fact—with an interest growing up in one at least of the southern States. I suggest, therefore, a compromise upon this matter. If oranges and lemons and pineapples are produced in Florida, certainly they do not and cannot produce to any extent at least, and I think not at all, bananas, plantains, mangoes, or cocoanuts. They will not grow where there is even a touch of frost.

I propose, therefore, that gentlemen shall confine their amendments, if they will, to oranges, lemons, and pineapples. Put them, if they will, at their present rate of duty, 25 per cent. *ad valorem*, or whatever other rate of per cent. the Committee of the Whole will sustain them in; and then leave the other fruits to remain at 10 per cent., as we have here proposed. Surely there is no reason for putting bananas and plantains and cocoanuts, which now bear a rate of duty of 20 or 25 per cent., at a higher rate of duty than 10 per cent., so that they may be brought within the reach of our people; for whatever tax you put upon them in the shape of duty is added to their price. I might make an argument in favor of a higher duty on grapes, because, although we do produce grapes, even in my own State, still the grapes that are imported into this country do not come in competition to any great extent with our grapes, being of different kinds—white, Muscatel, and other grapes. However, I do not think it is worth while to make any question upon that. We are willing to have the duty upon them reduced from 20 per cent. down to 10 per cent. If the compromise I have indicated shall be accepted by gentlemen, I will be content to say that oranges, lemons, and pineapples, fruits which we do produce, shall be put at some higher rate of duty.

Mr. BUCKLEY. If the gentleman from Ohio [Mr. SCHENCK] proposes also to have the proviso retained, that will be perfectly satisfactory to us.

Mr. SCHENCK. Certainly; I propose to retain the proviso.

Mr. BUCKLEY. Then I will modify my amendment in accordance with the suggestion of the gentleman.

Mr. LOGAN. I would also ask the gentleman to include in his amendment pawpaws and persimmons. [Laughter.]

Mr. SCHENCK. I think no other gentleman is interested in them.

Mr. COX. And also insert alligators, which are a product of Florida and an infant industry which should be protected. [Laughter.]

Mr. HAMILTON. I move to strike out the last word of the paragraph, simply for the purpose of making this remark: some of the constituents of almost every Representative upon this floor are to-day in the State of Florida engaged in the cultivation of tropical fruits, especially the orange. I venture to say that there are now engaged in this pursuit in that State people from almost every other State in the Union. Since the close of the late war at least 400,000 orange trees have been transplanted from the forests into the orchards. For information, I will say that the sour and bitter orange grows in countless numbers in the forests there. They are transplanted to orange groves and orange orchards and grafted with the sweet orange, and they bear fruit in three or four years after they are grafted. And one orange tree in full bearing will on the average bear 4,000 oranges a year. I am willing to accede to the suggestion of the gentleman from Ohio, [Mr. SCHENCK,] and accept the amendment he has indicated.

Mr. SCHENCK. The amendment I suggest is to put at 25 per cent. *ad valorem* oranges, lemons, pineapples, and grapes, because those articles we produce, and leave bananas, plantains, mangoes, &c., at 10 per cent. *ad valorem*.

Mr. BUTLER, of Massachusetts. I would ask the gentleman from Ohio, the chairman of the Committee of Ways and Means, [Mr. SCHENCK,] to insert "huckleberries" in his amendment, for there is a large trade in them. [Laughter.]

Mr. SCHENCK. If the gentleman from Massachusetts [Mr. BUTLER] will show us any importation of huckleberries into this country, there might be some reason in his request. Gentlemen make merry over this matter; yet $500,000 of revenue is now derived from these fruits. I have drawn up the amendment I indicated, and will read it. It is to strike out all of the pending paragraph except the proviso, and to insert in lieu thereof the following:

On oranges, lemons, pineapples, and grapes, 25 per cent. *ad valorem*; and on limes, bananas, plantains, shaddocks, mangoes, and cocoanuts, 10 per cent. *ad valorem*.

And then leave the proviso to stand as it now reads in the pending paragraph.

Mr. STEVENSON. Mr. Chairman, I regret that the serious chairman of the Committee of Ways and Means has permitted this proposition to be turned into a joke. I regret that we have lost the valuable services of the gallant leader of the free trade party upon such a serious proposition as this; that he has gone out trifling after peanuts, gone down joking on the Bowery, upon a proposition like this. Here we are revising the tariff system and proposing to relieve the people from a part of their burdens. Here are articles necessary to the sustenance of life and to the health of the people, fruits which ought to be used in ten times the quantity they now are. For the sake of the health of the people they ought to be cheap These fruits are produced in great abundance, and they ought to be as cheap in every homestead as the apple, the peach, the pear, or the plum. They ought to be abundant all over the land. Yet we propose to put on them a high duty. By our absurd system of importation, we require them to be stopped at the border, delayed at the custom-house, so that when they reach the interior about one half of the purchase is lost by the spoiling of the fruit.

These articles ought to go on the free list. If anything ought to be free these ought to be free for food and medicine. Yet it is proposed that the material articles named in the paragraph—oranges, lemons, pineapples, and grapes—shall be placed at a high rate of duty, while the rest of the paragraph, the mere husk and rind, is left unchanged. And why? Because the Representatives from Florida and other southern States tell us in eloquent and beautiful language that they are now grafting sweet oranges on sour orange trees, and that in two or three years those sour orange trees will begin to bear sweet oranges. What are the people to do in the meanwhile? At least let us have these things free until those sour orange trees begin to bear sweet oranges. If we go on at this rate some of us will be hanged on these sour orange trees. [Laughter.] Now, I hope the committee will either strike out this entire clause, with the view of putting these articles on the free list, or else stand by the Committee of Ways and Means in its first good thought in favor of the people, and put down the duty to 10 per cent.

[Here the hammer fell.]

Mr. BROOKS, of New York. I want to call the attention of the chairman of the Committee of Ways and Means to the fact that the proposition in its present form raises the duty on grapes, limes, &c.

Mr. SCHENCK. Limes are put down to 10 per cent. in the amendment as now offered.

The CHAIRMAN. The amendment will be read.

The Clerk read the amendment.

Mr. BROOKS, of New York. The gentleman from Ohio is right as to limes, but the duty on grapes is raised.

Mr. ASPER. I wish to put a question to the chairman of the Committee of Ways and Means. If the duty on these articles be reduced does he expect that by reason of an increased importation the revenue will be kept up?

Mr. SCHENCK. I think there will be an increased importation.

Mr. ASPER. And that the revenue will be kept up.

Mr. SCHENCK. So I think. Mr. Chairman, I move to close debate on the paragraph.

The motion was agreed to.

The question being taken on the amendment of Mr. BUCKLEY, as modified, there were—ayes 66, noes 26; no quorum voting.

Tellers were ordered; and Mr. BUCKLEY and Mr. STEVENSON were appointed.

The committee divided; and the tellers reported—ayes 87, noes 29.

So the amendment was agreed to.

Mr. BROOKS, of New York. I move to amend by striking out "grapes," so that the duty on this article may continue as it is under the existing law, 20 per cent. *ad valorem*. Malaga grapes are an important commodity for the use of the sick.

Mr. MAYNARD. I raise the point of order that the Committee of the Whole has by a vote inserted grapes, and the motion to strike out is not in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CONGER. I move to amend by transferring pineapples and grapes from their present place to the latter clause of the paragraph.

Mr. SCHENCK. I rise to a question of order. The committee has just placed them in a certain category, to be charged at a certain rate of duty, and other articles at another rate of duty. The gentleman proposes to undo all we have done.

The CHAIRMAN. That cannot be done.

Mr. CONGER. I wish to be heard a moment.

The CHAIRMAN. Debate has been closed.

Mr. CONGER. I am speaking to the point of order. The committee have decided to place 25 per cent. upon certain articles. These things have not been inserted in the clause as they were in the clause before. They have not been relatively changed except by the insertion of 25 per cent.

Mr. MAYNARD. I make the point of order that the question is not debatable. The point of order has been decided and there has been no appeal.

The CHAIRMAN. The Chair decides the point to be well taken.

Mr. BROOKS, of New York. I move to insert after "grapes" the words "Malaga grapes, or grapes used by the sick."

Mr. SCHENCK. How can they tell at the custom-house they are to be so used?

Mr. BROOKS, of New York. I put that in argumentatively.

The amendment was disagreed to.

The question next recurred on Mr. COX's motion, to strike out the paragraph.

Mr. COX. As the gentleman from Ohio has convinced me these articles should be placed upon the free list, I withdraw my motion to strike out.

The Clerk read as follows:

On dates, green or ripe, 2 cents per pound; on Zante or other currants, and prunes and plums, 2½ cents per pound; on raisins, figs, dried apples, dried peaches, and other dried fruits, 3 cents per pound.

Mr. ROGERS. In the last line I move to strike out "3" and insert "1 cent." I am opposed to a high tariff upon dried apples. [Laughter.] I understand some people, perhaps in Ohio, eat them, and then take hot water to swell them for a filling meal. [Renewed laughter.] A duty of 3 cents is more than they ought to be called to bear, and I hope my amendment will be adopted.

Mr. SCHENCK. I suppose, Mr. Chairman, it will be wholesome to know what we are

doing. All of us do not always know, not having looked into the subject. I will state, if the Committee of the Whole will regard what I say, just what the effect is in reference to the present duty, and they will see what is proposed on each of these different articles. The present rate on dates is 2 cents per pound, the same as proposed in the bill. On Zante currants, and prunes, and plums, the present duty is 5 cents per pound. We propose, as none of them are produced in this country, to lower the whole one half, so as to make the duty 2½ cents per pound. Zante currants are the only commodity in which Greece, a country with which we are at peace, deals with us. There are large quantities of Zante currants imported, and the duty now is high in regard to the value of the article, amounting almost to 100 per cent. What are called Zante currants are not exactly currants, but a sort of small grape, growing in clusters, and which, when shelled off from the stem and imported, look like what we would call dried currants. They have thus obtained the name of currants, and are known in commerce as Zante currants. On them, as I have said, we have taken off one half of the duty. On raisins and figs the present duty is 5 cents per pound, and we have reduced it to 3 cents per pound. On dried apples, dried peaches, and other dried fruits the present duty is 10 per cent. I do not know what it is when made to a specific duty; but we have in the bill put them all on a specific duty of 3 cents per pound. Here alone is where we meet with anything which we produce ourselves. We do produce in large quantities dried apples, dried peaches, and some other dried fruits, such as dried whortleberries, in which the gentleman from Massachusetts [Mr. BUTLER] takes an interest. [Laughter.] Taking the whole paragraph, we have considerably reduced the duty with a view of bringing these things not produced in this country within the reach of our people who wish to use them. We believe we put the duty high enough when we put it at 3 cents per pound on dried apples and dried peaches, which are produced in this country.

[Here the hammer fell.]

Mr. ASPER. I move to amend the amendment by striking out "1" and inserting "4." I protest in the interest of revenue against the proposed reduction of duty on these articles, from which during the last fiscal year we received a revenue of $2,538,423 91. The committee, however, have added to the list, as it now stands in the existing tariff, "dried apples, dried peaches, and other dried fruits." These dried apples, dried peaches, and dried fruits, which we raise in this country and manufacture here, I think should be stricken out from the paragraph, so that it shall include simply these articles which are imported and which we do not raise in this country. And it seems to me that if we make the duty 4 cents—the present duty being 5 cents—we shall still have a slight reduction, and we will have nearly as much revenue as we have now, and perhaps, by an increase of importation, quite as large a revenue. These are articles which are only to be found on the tables of the rich and wealthy. The fig, the raisin, the currant, &c., are luxuries used by the rich. And, I ask, are you going to reduce the duty on these articles? Are you going to take from them the taxation which is necessary for revenue and place it on articles which enter into the consumption of the family of every poor man in the land? It seems to me that if we are going to raise revenue, if that is the object to be kept in view in the provisions of this bill, then we ought, as a matter of course, to keep the duty on these articles nearer the amount it now is than the Committee of Ways and Means have proposed. We know how much the present rate will produce. We know that it runs up into the millions, and we ought to endeavor to keep the revenue from such articles at the same figure. I am in favor of having the duty fixed at 4 cents, and then, if the committee agree with me, we can strike out "dried apples, dried peaches, and other dried fruits" from the paragraph.

Mr. SCHENCK. I should like to close debate on this paragraph; but as I see that my friend from Arkansas [Mr. ROGERS] desires the floor, I shall yield to him.

Mr. ROGERS. Mr. Chairman, I agree with the gentleman from Missouri [Mr. ASPER] that these tropical fruits should be taxed at the rate he proposed, of 4 cents per pound. I desire, however, to strike out from the paragraph "dried apples" and "dried peaches," these being staple articles used by the great mass of the people of the country, and not being imported into this country, as I understand, or if they are imported, only in very limited quantities. Therefore, the rate proposed to be put upon them by the committee would simply amount to a prohibition upon the foreign importation. I am not aware, however, that dried fruits of this description are actually imported into this country, and I would inquire of the chairman of the Committee of Ways and Means if such is the case?

Mr. SCHENCK. There is a small importation of dried apples. We found them in the existing tariff, rated at 10 per cent. We knew that they were produced in this country, and we desired to simplify the tariff by putting all these articles together when we were proposing to lower the rates on these other articles which are imported from the various countries which produce them, being fruits which we do not produce.

Now that I am up, I may mention that there is a large importation of the articles included in this paragraph. From Zante currants alone last year more than one third of a million, nearly $400,000 of duty were obtained—this fruit being almost the entire production of one country, almost the only thing they produce largely for exportation. We have abundance of information from there, and are satisfied that if you put the duty down one half, and make it 2½ cents instead of 5 cents, it will not only not decrease the revenue, but will perhaps increase it.

Mr. ROGERS. On the explanation which the chairman of the Committee of Ways and Means has given I am willing to accept the rate of duty proposed by this bill on those articles. But I must insist that the rate on the dried fruits which I have mentioned should be reduced to 1 cent, or that those articles should be stricken out from the paragraph altogether.

Mr. SCHENCK. If the gentleman chooses he can make a motion and let us have a vote upon it. I move that all debate on this paragraph do now cease.

The motion was agreed to.

The question was put on Mr. ASPER'S amendment to the amendment, to strike out "1" and insert "4."

The amendment to the amendment was disagreed to.

The question recurred on the amendment of Mr. ROGERS, to strike out "3" and insert "1."

The amendment was disagreed to.

The Clerk read as follows:

On fruit juice, or fruits preserved in their own juice, 25 per cent. *ad valorem;* preserved in spirits or brandy, $2 per gallon; preserved in sugar or molasses, and all other sweetmeats, 35 per cent. *ad valorem: Provided*, That all preserved fruits and pickled fruits put up in jars, bottles, or other packages, shall pay duty on the entire cost, including packages.

Mr. ASPER. I understood that there was an amendment pending, moved by the gentleman from Arkansas, [Mr. ROGERS,] to strike out the words "dried apples and dried peaches." If that amendment is not pending I now move it.

The CHAIRMAN. The gentleman's amendment comes too late. The next paragraph has been read.

No amendment being offered to the paragraph, the Clerk read the next paragraph, as follows:

On potatoes, 15 cents per bushel.

Mr. PETERS. I move to amend by striking out "15" and inserting "25." The present rate is 25 cents, and the Committee of Ways and Means have gone into a small-potato business, to the injury of my State, in attempting to reduce it to 15 cents per bushel. I wish to say that the whole of this bill down to this item has been in its imposition of rates substantially a slap in the face and eyes to the interests of the State of Maine, and that this is the first item, in which any protection can be given to my section of the country, of the items in which it can receive under any circumstances protection at all. I will say further that there is not an item in the whole range of the tariff in which my section of the country has an interest on which this bill does not lower the rate below what it is in the existing tariff. Now, sir, the Committee of Ways and Means ask that the 25 cents duty on potatoes shall be reduced to 15 cents. These are the produce of New Brunswick and the produce of Nova Scotia. And I put the inquiry to this House in the first place, will you strike down this duty for the benefit of the people of New Brunswick and Nova Scotia who were such bitter opponents of ours during the war? Will you strike it down for the benefit of those provinces which have upon their borders ships of war to keep off our humble fishermen from fishing along the shores, where they have a right to fish according to the American construction of the treaty of 1787? The argument before the committee, as I understand, was this: that the only way to get the annexation of the provinces is by giving them this soothing treatment in the form of rates of duty under which they can introduce their productions into this country. Why, sir, we abrogated reciprocity; this House has pronounced against it; the country has denounced it. And now are you to restore it by pieces, first on this article, then on another, and then on something else?

This is an important interest in the State of Maine. The present tariff is not a prohibitory one. We get $50,000 of revenue annually from this article. We get more upon this item than we do upon copper, and about the same as we do upon lead. And this is an important question, because it enters into the race of labor between the State of Maine—looking at it from my stand-point—and the provinces adjacent to it. While our people are taxed in all sorts of ways, the people there are not heavily taxed; and labor with us wants more to live upon than labor in the provinces. Labor with us is intelligent, supports schools, supports churches, wears good clothes. But in the neighboring provinces they do not care for schools; they hate taxation as the devil does holy water, and care little about churches, and still less about schools. And labor is a good deal cheaper in the provinces of New Brunswick and Nova Scotia than it is in Maine. Now, while we pay all sorts of taxes, internal and external, I would like to know the propriety of having the duty on this item of potatoes cut down from 25 to 15 cents a bushel. Potatoes with us are worth from 40 cents to $1 40 a bushel, according to the year and to the time of year. Here is where you touch the farmers of Maine, if we have any farming there. This is the only production of the farmers of Maine that is exported from the State of Maine to other States.

Mr. BUTLER, of Massachusetts. That is a mistake. How about hay?

Mr. PETERS. I am not mistaken. We export very little hay. We buy more than we export, and we buy it from the provinces. We also buy wheat, oats, and barley from Canada and New Brunswick, on which you have steadily increased the duties to-day. I make this appeal for the poor, shriveled farmers of Maine, [laughter,] because they are poor indeed. We have not much wealth there. What little we earn in Maine Boston sucks out of us, [laughter;] and Boston is Massachusetts. I appeal to the House, on these considerations, to keep the duty on potatoes at 25 cents a bushel.

Mr. BUTLER, of Massachusetts. I rise to oppose the amendment. Many years ago, and not a great many either, the price of potatoes in Maine and Massachusetts was 15 cents a bushel. When I was at college in Maine I happened to know that potatoes were a shilling a bushel always in the fall. Now, having a protection of over 100 per cent. on those prices, I agree that they are sometimes as high as 40 and 50 cents, at times when they should be only 12 or 15 cents. The potato is the food of the poor man, the mainstay of the poor man, and I am not for raising the duty upon that article of food. I do not yield to the argument that we are to put on this duty as a retaliatory measure against New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland because of their course during the war. No raids came from there. No confederate cruiser could ever enter a port at Prince Edward Island, where we get a very large proportion of our potatoes from, or of Newfoundland. Outside of the British port of Halifax, where the British army and navy have their stations, the people of Nova Scotia sympathized with us. Our enemies were the Canadians, the Dominion; and Nova Scotia is now trying to get out of the Dominion, and Newfoundland and Prince Edward Island have both refused ever to join it.

But, sir, I leave that wholly outside, as I do the idea that Boston "sucks" anything of Maine. Why, sir, a father in Maine says to his son, "You have got a pretty poor inheritance here, my boy, but if you will only leave here and go down to Massachusetts there lie riches for you to enjoy." That is the instruction that every man in Maine gives to his sons, and they come down into Massachusetts, and grow fat and rich, and Maine men are so plenty in Massachusetts that it was only the other day that the graduates from a Maine college held their annual meeting in Boston, because more of them resided there than could be found at home. So that I by no means agree to that argument. But I am quite serious on the question of this immense protection on potatoes, for upon the actual cost of the article it is nearly 100 per cent.

When my friend from Maine [Mr. PETERS] rose and moved to increase the proposed duty on potatoes, I was about to rise and move to decrease the rate to 10 cents per bushel. Sir, the potato enters into all our labor; it goes into all our manufactures; it is of interest to the working man and working woman of New England. We go to the provinces for our potatoes, but not for our cereals. We do not raise in New England enough of this staple article of the food of the poor man. Maine does not raise near enough of this article for our use; she will not do it; she has more profitable work in her lumber forests; and I hope that this Congress will inaugurate measures to give her more profitable work in her ship-yards than she has in raising potatoes. The only crop of Maine that is of any profit is that of hay, for I am quite sure that I have seen the wharves of Boston at certain seasons of the year covered with the pressed hay of Maine. I had supposed that hay was the most valuable crop of the State of Maine. And I think if my friend from Maine [Mr. PETERS] will examine the statistics of his State he will find that hay is the most valuable crop of Maine. It may be a failure in some years, but not often.

Mr. FARNSWORTH. I move to amend the amendment so as to make the duty 16 cents per bushel. We have just adopted an amendment increasing the duty on oranges for the benefit of Florida. I do not see why we should not benefit the State of Maine as well as Florida. In Maine the potato is their all. They raise potatoes in Maine; they raise oranges in Florida. Let us serve them all alike.

By this bill we have given protection to every conceivable manufacture and mechanical industry. Now, when we have reached that portion of this bill in which the State of Maine is interested, that grand old State, lying away up there in the northeastern portion of this Union, comes here asking for a little protection upon her potatoes, and we find the city of Boston coming in here and resisting it, which is the most surprising part of it? As the gentleman from the Bangor district [Mr. PETERS] says, this potato interest is the only interest, or at all events it is the first interest we have reached in this bill which affects the people of the State of Maine. The gentleman from Maine says potatoes are used by the poor; that they are the food of the poor. Well, we are all for protecting the interests of the poor man. The poor man plants potatoes, the poor man hoes potatoes, the poor man digs potatoes, and sometimes he raises mighty poor crops of them.

Mr. CREBS. And on very poor land, too.

Mr. FARNSWORTH. I was in the State of Maine some two years since and traveled about a little with my friend from Bangor, [Mr. PETERS.] I had an opportunity of testing the potatoes of Maine, and I cheerfully bear testimony on this floor to the quality of Maine potatoes; they are the best I ever ate. Now, let us be a little generous and give protection to the potatoes, which are the oranges of Maine, as we have given protection to the oranges of Florida. And when any of you members of this House visit the State of Maine my able friend from that State will take you to the house of some farmer in his district, who will set before you some of these huge, mealy potatoes, which make the mouth of a western man water merely to think of them, although there is no water in the potatoes. And then he will point with pride to them as one article of the glorious State of Maine which is protected by the legislation of Congress. I am for the potato.

Mr. PETERS. I rise to oppose the amendment of the gentleman from Illinois, [Mr. FARNSWORTH.] I recollect very well, with the gentleman from Massachusetts, [Mr. BUTLER,] when potatoes could be purchased in Maine for 15 cents per bushel; but the crops of potatoes of that day were not like the crops of potatoes of to-day. Five bushels of potatoes could then be raised where one is raised now. The labor expended by the farmer in cultivating a bushel of potatoes and getting it to Bangor pointed toward Massachusetts to be sucked in by that maelstrom which absorbs all the labor, all the property, all the profits of Maine to enrich Boston and its environs—the actual cost of the labor necessary to raise a bushel of potatoes, if you allow the farmer but 25 cents a day for the sweat of his brow, is 40 cents.

I know that the gentleman from Massachusetts [Mr. BUTLER] has taken some interest in one of the lower provinces, and has introduced measures looking to reciprocity. I know the argument has been used before the Committee of Ways and Means that the only way to bring in the shore or maritime provinces is by this moderate system of taxation upon their productions. Now, I tell gentlemen that those provinces cannot be brought in in this way. They must have our markets. They pay us now $7,000,000 of revenue. Without our markets for their productions they must die.

Mr. KELLEY. That is true.

Mr. PETERS. The only question is whether they shall enjoy our markets with taxation or without taxation; for if they are to have our markets with taxation, then the result is annexation. But just as long as we feed them, just as long as we toll them, just as long as we give them the privilege of bringing the products of their untaxed labor in competition with the products of our taxed labor, they will hold off. Why, sir, before the reciprocity treaty of 1856 the argument was——

Mr. NIBLACK. Mr. Chairman——

Mr. PETERS. I have no time to yield to the gentleman. I see his facetious countenance and I know that some fun would come if I would yield to him; but he must sit down for the present. [Laughter.] In 1856 the argument was, "If we make the treaty with the provinces it will bring about annexation;" and while annexation was talked of the home Government was declared willing to let them go and become a part of our great and grand national American family. From the very moment we gave them the privileges of the reciprocity treaty not a word more was heard about annexation until the present time. To-day you hear all through the provinces that same cry. Some of them are ready to wheel in. Are you now going to let them get back reciprocity in this nibbling way? Are you going to let them import at low rates their large production of potatoes (because they raise them in immense quantities) and afterward give them the same privilege with reference to lumber and other articles in which my constituents are interested?

A MEMBER. And coal.

Mr. PETERS. I think the duty on coal is too high. I am willing to feed them on coal. [Laughter.]

Mr. KELLEY. Why feed them on either coal or potatoes? [Laughter.]

Mr. PETERS. The gentleman from Massachusetts [Mr. BUTLER] says that Maine cannot supply Boston with potatoes. Why, sir, she can oversupply it. She can raise ten times more potatoes than she now raises if you will give her proper protection against the Canadian laborers, who pay no taxes, who support no schools, who go to no churches, and I might almost say who wear no clothes, for of all the mean-looking men I ever saw on the face of the earth, even in the streets of Boston, these Nova Scotians whom I have seen on some of the coasters are the meanest. Are you going to put the farmer of Maine on a level with such people?

Mr. BUTLER, of Massachusetts. Yet you want to annex them.

Mr. PETERS. Yes, I am in favor of bringing them in and improving them. Let Massachusetts suck them into her maelstrom. She has sucked from Maine almost our very life-blood. She sucks away even our population, and among them she took the honorable gentleman [Mr. BUTLER] from one of our colleges, and made him her boasted and best lawyer. She is a terrible sucker. [Laughter.]

[Here the hammer fell.]

Mr. FARNSWORTH. I withdraw my amendment.

Mr. HALE. I renew it. Mr. Chairman, it is very evident that the potato interest, whether of the State of Maine or elsewhere, unless perhaps that of the province of New Brunswick, was not represented before the Committee of Ways and Means. The potato interest of Maine is not very important so far as its magnitude is concerned. It is nothing compared with the great interests which have come here and stayed here during the session, which have made atmospheres about the Committee of Ways and Means and about the House and about this Capitol. But it is an interest which is of some vitality to those engaged in raising this product of the earth. In one of the counties in the district I represent, bordering on the Penobscot river, for years there has been a very considerable amount of this production shipped from there to other portions of the United States. They have been shipped in competition with the product of the province of New Brunswick. The price has been raised, but not from the duties, as intimated by the gentleman from Massachusetts, [Mr. BUTLER,] but as everything else has gone up. Now, sir, these small farmers are only able by combining together, three or four or half a dozen of them, to load a vessel at our wharves and to send it to Boston. These men wish to be protected if you keep on high protective duties on other articles which they are compelled to use and which are produced elsewhere. We have imposed high duties upon the shoes which they wear in the fields when they plant and hoe and

dig their potatoes, and those shoes which they buy are manufactured in the district represented by the gentleman from Massachusetts, [Mr. BUTLER,] and which manufacture is protected by a duty of from 35 to 40 per cent. These farmers, too, have to pay a high duty on all the tools they use in hoeing and digging their potatoes. They have to pay duties on their shovels, and protection on iron manufactures in various other forms. If we are to continue to keep on these high protective duties, then their labor also ought to be protected.

It is not a large interest, Mr. Chairman, but it is an interest which comes home to these men. It is a little interest. It may sound like a free-trade argument, but it is one that is used, that where you begin to protect you must continue to protect; but it is a legitimate argument here, where one interest is sought to be protected and gets protection, while the other gets the go-by. The duty proposed is not too much when compared with other duties which have been proposed, and I do not believe this committee will do the injustice to cut it down while the duty on almost every other article is kept up.

[Here the hammer fell.]

Mr. HOAR. Mr. Chairman, it seems to me there can be mentioned no argument by any person in this House in favor of protection which would warrant the imposing of a duty or tax on the potato. It is the food of the very poorest classes. It is the only alternative they have oftentimes from actual starvation. There are two grounds upon which protective duties have been supported in this House. The first is that we must protect our domestic manufactures while they are acquiring the skill necessary to compete with the accumulated capital and experience of foreign countries. Certainly no increase of skill is to be gained by the potato-raisers of Maine in consequence of any high duty we may impose. The other ground on which high protective duties are justifiable is that it facilitates and encourages persons to engage in some new employment. Now, the State of Maine does not want any more of her population to enter into agricultural pursuits, or to be encouraged in doing so by this increase of duty on potatoes. The State of Maine imposes her taxes to-day upon the agricultural portion of her people, and excludes from taxation for ten years any person engaged in manufacturing pursuits, to the extent of the capital invested therein. Why shall Congress, then, impose a tax upon the poor Irish widow and orphan, and the lowest class of laborers, by increasing the duty on potatoes, when Maine herself has imposed all her taxes upon the agricultural classes, excluding those engaged in the manufactures from the burden?

Now, Mr. Chairman, one word in regard to the suggestion that Boston is sucking up the wealth and population of Maine. I had an opportunity to examine the statistics professionally in regard to this question, and although I have not them in my head, I challenge any gentleman from that State to deny that while the foreign commerce of Boston has not been retrograding but remaining stationary during the last ten years, that of Portland has been increasing and multiplying at the expense of Boston at a rate almost unparalleled in the commercial prosperity of the cities upon this continent. To-day the commercial prosperity of Boston is fading away as that of her new and promising rival, Portland, is assuming its place among the large commercial cities of the United States.

[Here the hammer fell.]

Mr. HALE. I withdraw the amendment to the amendment.

Mr. NIBLACK. I move to amend the amendment by inserting 20 cents. Mr. Chairman this is comparatively a very small matter; but still it illustrates very well a principle which is applicable to all the productions, not only of the State of Maine, but of the whole farming community throughout the United States. I find, sir, that during the last year there were 131,000 bushels of potatoes imported into the United States, valued at $80,000, and upon those we collected $32,000 of duty. I think, therefore, I am justified in saying that this matter of the tax on potatoes is a very small matter, relatively speaking. But, sir, it is a matter of some interest to the friends of this bill, and to the friends of protection generally, that they shall keep up the appearance of protecting the product of the farmer, however small the interest it is sought to be protected may be. Now, except in the border States touching Canada, like the State of Maine, it is not of the slighest importance what amount of tariff may be put upon potatoes; it is not felt at all. And the only purpose in the world that it can serve is, that when free-traders, as they are called, men who advocate a revenue tariff only, shall assail the protection given to certain manufacturing interests, those protectionists may be able to turn round and say to the farmers, "See how we protect your potatoes and the other products of the farming interest of the country."

Sir, as one of the Representatives of the farming interest, I am unwilling to be bought off in this cheap way. And I desire here to say in my place that we regard all efforts of this kind, all efforts to give protection to wheat, corn, oats, and potatoes, as applicable to the whole farming interest of the United States, as being of the very slightest importance, and as no compensation at all for the taxes which we have to pay to support other great interests, and for which this is intended as a compensation to us. It is, to use a familiar expression, "A mere tub to the whale," and a very small tub at that.

But what astonished me most in the course of this discussion were some remarks of my friend from Maine, [Mr. PETERS,] who attempted to make good his argument by telling us what an undesirable population these people inhabiting Nova Scotia are. According to that gentleman, they are a stupid sort of folks, who sympathized with the rebels during the war, a class of men entitled to no sort of consideration at the hands of the American people. But before the gentleman got through he was telling us how we could get them to become annexed to the United States, and intimated that by a certain line of compulsion we could compel them to become annexed. I understand one of the specialties of the gentleman is opposition to rebels of all classes and degrees. Now, if these people in Nova Scotia were during the war such rebels as he represents them to be, I have some curiosity to know why he wants to have them annexed to the United States.

Mr. PETERS. I will tell the gentleman. If we took them and put them under proper tutelage we would make them in time good citizens and a valuable portion of our population.

Mr. NIBLACK. I think we have got enough tutelage on our hands at this time, and a sufficient number of pupils to educate to loyalty, without having any others brought in for that purpose.

Mr. PETERS. I would further say to the gentleman that these people would not need so much reconstruction as we have had to provide for the rebels of the South; but still they would need some.

Mr. NIBLACK. The gentlemen who would undertake this work of reconstructing this people, unless they can be a little more successful with them than they have been with the people of the South, had better get out of this business of reconstruction altogether and turn their attention to something else.

Mr. SCHENCK. Is debate on the pending amendment exhausted?

The CHAIRMAN. It is.

Mr. SCHENCK. Then I move that all further debate on this paragraph shall cease.

Mr. PETERS. Let me have one moment. Mr. Chairman, I desire to say that I think it is very consistent in the gentleman from Massachusetts, [Mr. BUTLER,] whom we have seen at a fever heat about getting a tariff on the cotton which the farmer wears for his shirt, on the shoes which he wears, on all the woolens which he wears, and upon all the farming tools which he uses, articles every one or nearly every one of which the farmer of the State of Maine buys of Massachusetts, paying that State tribute and giving her profit upon them now and for half a century past—I say it is very consistent in the gentleman now to turn around and refuse any protection to the State of Maine, when this small item is reached, one of the very few items in which the State of Maine is interested. When, after all those items of this tariff have been gone over, and many others, fixing heavy taxation upon the farmers of our State—when, after having passed all those items, the gentleman now insists that there is no necessity for any duty on potatoes, I think I may repeat the remark I made some time ago that such a sentiment toward us is a little that of a sucker. And, Mr. Chairman, the question of potatoes, as large as it is, or as small as it may be, is a question before this committee to-night, from our standpoint between the State of Maine and the Commonwealth of Massachusetts, and with all the duties that the latter has got from hooks and eyes and hair-pins up to the largest articles of machinery and the products of machinery, I want to know whether the House will stand by us, the farmers of Maine, or by these gentlemen from Massachusetts?

Mr. SCHENCK. I move to close debate on this paragraph.

The motion was agreed to.

All formal amendments being withdrawn, the question recurred on the amendment of Mr. PETERS, to strike out "15" and insert "25;" so that the clause should read, "On potatoes, 25 cents per bushel."

Mr. McCARTHY. I wish to suggest to the gentleman from Maine that he move to strike out the paragraph. That will leave the duty at 25 cents a bushel.

Mr. PETERS. No; I would rather see it before my eyes. [Laughter.]

The amendment was agreed to.

Mr. PLATT. I move to insert immediately after this paragraph, "On peanuts, 2 cents per pound."

In explanation of this amendment I wish to say——

The CHAIRMAN. Debate on this paragraph has been closed.

Mr. PLATT. I ask unanimous consent of the committee that it be put in.

The CHAIRMAN. The gentleman can offer the amendment, but cannot discuss it.

Mr. PLATT. Then I will withdraw it until the next clause is read.

The Clerk read as follows:

On paddy, 1 cent per pound.

Mr. PLATT. I now offer my amendment.

Mr. SCHENCK. I would ask the gentleman to reserve his amendment until we dispose of rice; otherwise he will separate the different kinds of rice.

Mr. PLATT. Very well; I will wait until the next clause is read.

The Clerk read as follows:

On rice, cleaned or uncleaned, 2 cents per pound.

Mr. PLATT. I now renew my amendment.

Mr. BUCKLEY. I desire to offer an amendment on the subject of rice before we leave the paragraph.

Mr. BUTLER, of Massachusetts. And so do I.

The CHAIRMAN. The Chair understood the gentleman from Ohio [Mr. SCHENCK] to suggest to the gentleman from Virginia [Mr. PLATT] that he withhold his amendment until the paragraph relating to rice should be read.

Mr. SCHENCK. Yes; until rice is disposed of.

Mr. PLATT. I fear that the gentleman from Ohio, before I can get an opportunity to offer this amendment, which is very important to my constituents, will move to close debate on this clause.

Mr. SCHENCK. No; I do not propose anything of the kind, but the gentleman's amendment relates to a new article, and the gentleman from Alabama [Mr. BUCKLEY] rises to offer some amendment on the subject of rice, which has not yet been disposed of.

Mr. PLATT. With the understanding that I shall have an opportunity to offer my amendment and explain it I will not press it now.

Mr. BUCKLEY. In line five hundred and ten I move to insert after the word "paddy" the words "and uncleaned rice;" so that it shall read: "On paddy and uncleaned rice, 1 cent per pound."

The State of Georgia has no Representative upon this floor to look after her interests, but her citizens have some interests which we cannot ignore. I propose by this amendment to put in uncleaned rice at the same duty as paddy, and I do it for the purpose of moving to strike out the next paragraph; so as to leave cleaned rice as it now stands, at 2½ cents per pound.

The war nearly destroyed the rice plantations of the South. War, which means destruction swift and sure, passed over that country. The ditches were destroyed, the dikes opened, and the sea let in on the rice plantations. Since the war only about four tenths of the rice plantations have been worked. The rice plantations of alone Georgia would produce all the rice that this country can consume. In 1869 there were nearly 40,000,000 pounds of rice imported into this country, worth $1,000,000, and affording a revenue of $896,610 65. Now, with that large importation of rice I think we can afford to let the duty upon cleaned rice remain at 2½ cents per pound, and make a reduction on these inferior articles of rice. I offer this amendment in behalf of a large class of our agricultural people of the South who are now seeking to provide themselves with homes and with the comforts of life. This rice is mostly raised by the colored population of the South, who are adapted to its cultivation, who are less influenced by the malaria of those lowlands than the whites are. It is in their interest that I ask that this duty on cleaned rice shall not be reduced.

Mr. SARGENT. Will the gentleman permit me to ask him a question?

Mr. BUCKLEY. Certainly.

Mr. SARGENT. I would ask the gentleman if the effect of his amendment would not be to reduce the present rate of duty on rice?

Mr. BUCKLEY. Not at all. It will be noticed by the returns that very little uncleaned rice is brought into this country, and still less of paddy. The amendment I have proposed will keep the duty on cleaned rice about as it is under the present law, while the reduction it will make of the duty on uncleaned rice and on paddy will be very little.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. When the mistake occurred about the peanuts of my friend from Virginia [Mr. PLATT] I was about rising to move to reduce the duty upon rice to 1 cent per pound. Rice is another article of cheap food for the poorer classes of the South and of the North; for the poorer classes of the entire country. Upon the showing of the gentleman from Alabama [Mr. BUCKLEY] the duty proposed here is almost at the rate of 100 per cent., for he says that the revenue derived from $1,000,000 worth of rice was almost $900,000. Indeed 2 cents per pound is equal to 100 per cent. *ad valorem*.

Now, if the manufacturers who have to stand so much of the obloquy of this bill, if there is any obloquy attached to it, should ask for a protection of 100 per cent., what would be said? I wish to call the attention of the gentleman from Maine [Mr. PETERS] and others to the fact that I have not asked for any increase of duty in favor of the manufacturer. I have been steadily at work, whenever I could see cause to do so, endeavoring to bring down the tariff to what I believe to be the necessities of labor and of life. It is true, as the gentleman from Alabama [Mr. BUCKLEY] says, that most of the rice in this country is raised by negro labor, but not by negroes as proprietors. It is raised by negroes as hired laborers in the unhealthy rice fields and swamps. This duty is one imposed wholly in the interest of the capitalist against the laborer. I for one will not consent to tax a staple article of the food of the poor 100 per cent., as 2 cents per pound on rice would be.

Mr. BUCKLEY. Will the gentleman allow me to interrupt him for a moment?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. BUCKLEY. Rice is raised by negroes usually on shares. They take their pay in shares, and the amount of their wages is governed by the price of rice.

Mr. BUTLER, of Massachusetts. Yes, the shares a man would get out of a flint by skinning it. I understand thoroughly that matter of shares. They are hired to be paid in shares of the crop, and as soon as the crop is secure they are hunted off by dog and gun. Now, sir, this duty upon rice is in favor of capital against labor, and against cheap food, and as such it never shall have my vote. And whenever I have the opportunity, I will move to reduce the duty to 1 cent per pound on rice, cleaned and uncleaned.

Mr. SCHENCK. I move to amend the amendment so as to reduce the duty one tenth of 1 cent per pound. This is another instance in which we have not been able at least to satisfy all parties, if any, in an attempt to lower the rate of duty. I admit that there is a very large interest in this country in rice. I want it to be borne in mind that we can supply all the world, unless it may be the Indies, with rice from this country. No rice is imported on the Atlantic coast from foreign countries; we get all we use from our own southern States. Rice is imported on the Pacific coast, particularly since the influx there of the Chinese population, of whom it is, as is well known, a staple article of food. The present duty upon paddy is 1½ cents per pound; reducing that to an *ad valorem* standard it is a very high rate of duty, because the value of paddy, in 1868 at least, was only 90 cents the 100 pounds, or nine tenths of 1 cent per pound, and it is, perhaps, even less than that now. It certainly would bear the reduction of duty which we have proposed, to 1 cent per pound.

We have been told that there is no distinction between paddy and uncleaned rice which would require the provision contained in the next paragraph, "On rice, cleaned or uncleaned," &c. Now, the fact is, that there is a large amount of rice imported into this country, especially by one large Chinese house, under the pretense that it is uncleaned rice, when in fact it is to all intents and purposes cleaned rice. In order to prevent this imposition practiced at the custom-house, we are driven, as the gentlemen from California will understand from the character of the importation there, to designate paddy in the first place rice in the hull, and then to use the words cleaned or uncleaned as to rice itself, which is not paddy, which is not rice in the hull. We have therefore put cleaned and uncleaned rice at the same rate, 2 cents a pound, in order to head off that fraud.

This is a reduction of one half a cent on the present duty, which is 2½ cents. In making this reduction we have taken into consideration the fact that the rice crop before the war was large, and the price low; and even then the duty afforded a very large protection, if protection be needed. We were willing to give protection, which seems to be considered necessary, to this product of the fields of the South; but surely those interested in this production cannot ask much more protection than this. Taking 1868 as a standard—I have not the returns for 1869—the average value of rice was then 3⅛ cents a pound, while the duty was 2½ cents, making a protective duty of 82 per cent. *ad valorem*. Upon uncleaned rice, worth only 1½ cents a pound, the duty was 2 cents—more than 100 per cent. We now put all rice in one category at 2 cents instead of 2½, leaving paddy to be reduced in still greater proportion—from 1½ cents to 1 cent. There might be some reason for reducing this duty below that which the Committee of Ways and Means propose; but I do not think there can be any need on the part of the rice-growers themselves for making the duty higher.

[Here the hammer fell.]

Mr. ROGERS. I rise to oppose the amendment of the chairman of the Committee of Ways and Means. I think, with the lights before me, that we ought to look at this subject carefully before we come to any conclusion. If there is no considerable amount of rice imported into this country, then it seems to me a duty of 2 cents a pound will amount to a prohibition upon the importation. I am not very familiar with the rice-fields of the South, and am not prepared to say whether there is or is not any considerable quantity of rice imported, but I take it that there is a great deal; and therefore, as I have remarked, we should be very careful in fixing the rate of duty. I have looked at this tariff question from the time this bill was first brought up in this House until now. My attention has been attracted to many articles the duties upon which in my view preclude entirely the idea of a tariff, because they are in their effect prohibitory. I think some other members have come to the same conclusion. Our object is, or should be, to obtain revenue for the Government, and we may defeat this object by these practically prohibitory duties.

I am not prepared to say that I shall not concur in the recommendations of the Committee of Ways and Means upon this subject, taking it for granted that they have more information on the question than I have. I regret, however, that in the course of this debate the honorable gentleman from Massachusetts, [Mr. BUTLER,] true to his instincts, cannot let the poor, downtrodden people of the section which I represent rest in quiet. Whatever the question before the House he must hurl his thunderbolts of wrath against those who are powerless for defense. In the name of the American people, and in behalf of all that is right, I protest against these cowardly assaults upon unoffending people, who are not able to protect themselves against the attacks of such an enemy as the gentleman from Massachusetts manifests himself to be on this floor. Sir, it is unkind, it is inconsistent with the character of a brave man, it does not accord with the view which I have been disposed to adopt of the character of the gentleman from Massachusetts, for him, whenever we are discussing on this floor a proposition of this kind, to intimate that the poor negro of the South is regularly cheated out of his wages by those who hire him. Such a charge is unkind and unjust to the people of the South, and it is untrue in fact. I cannot see, if we are to have peace and quietness in this country, why men should come into this House and throw these firebrands abroad for the purpose of keeping up dissensions among our people, as has been done by the gentleman from Massachusetts [Mr. BUTLER] in the speech he has just made. I protest against it in the name of the people of this country. In the name of all that is good, I protest against it.

The CHAIRMAN. The gentleman's time has expired.

Mr. ROGERS. In conclusion, Mr. Chairman, I say "Let us have peace." [Laughter.]

Mr. SARGENT. I ask the gentleman from Ohio to withdraw his amendment, and I will renew it.

Mr. SCHENCK. I will do so if the gentle-

man will move to close debate when he gets through.

Mr. SARGENT. I renew the amendment *pro forma*. Mr. Chairman, I have recently not taken any part in the debate upon this tariff bill, and now rather reluctantly say a few words, because I thereby prolong the discussion. I wish to say to my friend from Alabama, [Mr. BUCKLEY,] and other gentlemen who desire to change the bill in this respect, that the only part of the country interested in this and the following paragraphs are the Pacific States. That is the only portion of the country which now imports rice. During the war there was some rice imported into the Atlantic ports; but since the war that importation has entirely ceased. We are now exporting Carolina rice, but the cost of transporting Carolina rice to the Pacific coast is so great as to preclude any market for it there; and we have therefore to depend for our supply on the rice imported from the East Indies, which we import to-day to the extent of 40,000,000 pounds per annum.

Now, in reference to the amendment proposed by the gentleman from Alabama, it will have the effect to place uncleaned rice in the same category as paddy, which it differs from altogether. Uncleaned rice is merely rice dusted, which may be cleaned by running it through a fanning-mill, whereas paddy is unshucked or unhulled rice, requiring a careful process for its cleaning. It is necessary that there should be a distinction made between paddy and uncleaned and cleaned rice, for the two latter are nearly the same, the uncleaned requiring only to be run through a fanning-mill to make it fit for consumption. Frauds have been discovered at the custom-houses which this distinction is needed to prevent. The tariff is reduced a little on each one of these items, and for one I feel like thanking the Committee of Ways and Means for this reduction of the tariff, so far favoring the people of the Pacific coast. I tell the gentleman from Alabama that the people of Georgia are not interested in the change proposed. It seems to me if the gentleman's amendment had any effect at all in reference to the Georgia plantations the effect would be rather unfavorable than otherwise.

In accordance with my promise to the gentleman from Ohio, I now move that debate on this paragraph be closed.

Mr. SCHENCK. I do not want the debate closed just now, as I have promised to give the gentlemen from Virginia an opportunity to explain his amendment in reference to peanuts.

Mr. BUCKLEY. I withdraw my amendment.

Mr. PLATT. I move to insert after line five hundred and nine—for peanuts occupy the same relation to the agriculture of a portion of the southern States, particularly portions of Virginia and North Carolina, that potatoes occupy to the agriculture of Maine, as both are planted and dug out of the ground—I move after line five hundred and nine to insert the following:

On peanuts, unshelled, 2 cents per pound; on peanuts, shelled, 3 cents per pound.

Mr. BUTLER, of Massachusetts. I wish to have a vote on my amendment, to strike out "2" and insert "1" in the paragraph in reference to rice.

The CHAIRMAN. The vote will be taken on the gentleman's amendment.

Mr. PLATT. This interest is an important one now. In a large part of Virginia and North Carolina peanuts are planted and cultivated as potatoes are in Maine, and properly demand protection. They are now protected by a duty of 1 cent per pound, and we desire to increase it to 2 cents per pound on unshelled peanuts and 3 cents on shelled peanuts. Those now imported come from Africa, and thus the industry of the country which I in part represent is brought into competition with the cheap labor of Africa. We raise, sir, a very large quantity of this product in this country. It is one to which the attention of our people has been particularly attracted within the last two or three years. It is a product which can be raised in these States upon lands which are ill adapted to the production of anything else. A large number of people who have been reduced, sadly reduced in circumstances by the war, and who have been unable to obtain the capital necessary to engage in the production of other crops adapted to the country, are able to produce this crop. It has thus become, as I have said, one of the most important interests in our section of the country, and one of those for which protection is most desirable. I hope, therefore, there may be no objection offered to the proposition I now submit. The interest is one which, so far as I am aware, comes into competition with no other.

Mr. LOGAN. I agree with the gentleman from Virginia that peanuts ought to be protected the same as anything else. But I desire to offer an amendment to his proposition for the protection of a product of the newer parts of the country. In regions through which I have traveled, and in the part of the country where I reside there are raised hazel-nuts, hickory-nuts, black walnuts, and chestnuts. There are large importations of these, which come in competition with what we raise at the West, and I desire that some protection should be afforded to them as well as to peanuts.

Mr. PLATT. I desire to say in answer to the gentleman from Illinois that peanuts are a product which does not grow naturally. They are cultivated and planted in precisely the same way as potatoes are, and grow under ground. But these nuts which the gentleman desires to have protected are natural products, growing without any labor.

Mr. LOGAN. It requires a great deal of labor to gather them, and a great many people make a living by it. In our part of the country it is, for a portion of the year, the principal business of a large number of people, and I desire protection for them.

Mr. MAYNARD. They are already protected by a rate of 2 cents per pound.

Mr. LOGAN. I beg your pardon; that rate applies only to filberts.

Mr. MAYNARD. It applies to all nuts not otherwise provided for.

Mr. STEVENSON. The provision referred to by the gentleman from Tennessee would cover peanuts.

Mr. MAYNARD. No; there is a special provision for them, imposing a rate of 10 per cent.

Mr. COX. I desire to say a few words on this question.

Mr. PETERS. I rise to a point of order. We are all anxious to hear the gentleman from New York on peanuts, but there is so much disorder that we cannot hear him. I desire to hear what the gentleman has to say on so important a subject.

The CHAIRMAN. Gentlemen will please preserve order.

Mr. COX. Mr. Chairman, the Committee of Ways and Means and the Committee of the Whole having allowed the peanut question to be raised here for the purpose of keeping out what would give about half a million dollars of revenue, and a rate which amounts to a prohibition of the importation of foreign peanuts, and as I have shown that I have a special interest in this question on the part of the consumer, I hope I may be heard for a few moments, if not by myself, at least by a letter which I have in my possession, and which goes a good deal further than showing that since the war the peanut interest of North Carolina has been adequately protected. Of course it was protected during the war by lines of forts between the North and South. As regards the African trade in peanuts, I believe that it is demonstrable, and that it was proved before the committee, that it would do no good to raise the tariff on this article. Though the peanut business may be considered a very small matter, it is not confined entirely, as gentlemen know, to the mere eating of peanuts by the class of people I described a little while ago. They are used for oil and other purposes; and I should like, if there is time enough in the five minutes allowed me, to have a letter read, without naming the writer or the party to whom it is addressed.

If the people in the South who raise these peanuts cannot do it without having a prohibitory duty—if with all the advantages of soil, as has been stated on the other side, with all the advantages of cheap labor, they cannot raise this article, which enters very largely into commerce, without a degree of protection which amounts to prohibition—I think the better course would be to take off the duty altogether and place it on the free list. But, sir, they actually export peanuts from this country to other countries. I saw them consumed in Spain, in the bull-ring. They were being passed all round the ring. And these peanuts came from North Carolina. This, too, was in a country very near Africa. Nevertheless, the peanut industry of this country has so increased under the hot-house protection it has received that the raisers of these nuts can make money by raising them and exporting them abroad without the additional protection now asked for. I would like to have that letter read if the House will listen to it patiently, for this is a more serious question than gentlemen suppose. The fact is that this tariff business is made up of details.

A MEMBER. Let the letter be read; your time will be up.

Mr. COX. It will come in all right in my next five minutes.

Mr. SCHENCK. I knew the gentleman would spread himself on this subject. [Laughter.]

Mr. COX. We have to get up a tariff by looking to details. I am not one of those gentlemen designated by the gentleman from Ohio [Mr. SCHENCK] as the "pismires" or "grasshoppers" of this House. [Laughter.] But I say to him that I would rather be a live ant——

Mr. SCHENCK. Than a dead uncle. [Great laughter.]

Mr. COX. Than a megatherium or plesiosaurus of the old red sandstone formation that I spoke of the other day. [Laughter.]

Now, I ask to have the letter read. It is in the interest of the consumers, and also in the interest of the producers of North Carolina and Virginia.

The Clerk read as follows:

"I would therefore ask your attention to the rate of duty on peanuts. Before the war this article paid a 10 per cent. *ad valorem* duty, and was then unable to withstand the competition in the fruit trade of the country with those raised in North Carolina and Virginia; but the rate of duty enabled a sale at low prices to the oil-crushers. During the war, and as understood at the time as a war measure, the duties were increased on nuts in the shell to 1 cent per pound, gold, or 32 cents per bushel, which importers were able then to pay, the receipts from the South being entirely cut off; but since the close of the war the case has entirely changed. The production at the South has not only increased under what is virtually a prohibitive duty, but the quality of the southern nut is so much superior to the African as to supersede it in consumption, at a difference in price of upward of $1 30 currency per bushel of 32 pounds. Under these circumstances a return to the old rate of duty on nuts in the shell would not seem unreasonable; otherwise the abandonment of the trade seems inevitable.

"The trade between the United States and the northwestern coast of Africa is a valuable one to the country, as will be seen by the annexed statistics, from this port alone; and the outward shipments consist almost entirely of our domestic productions. And when it is taken into consideration that this trade is mainly a barter one, and peanuts the staple article in such exchange, and that the few brought during the last season have been re-exported or sold at a material loss to the importer, it seems but equitable that such reasonable relief should be granted as to enable their import and sale for oil-crushing purposes and the full loading of the vessels homeward, which have been compelled to return either in ballast or but partially loaded, the larger part of the proceeds outward going to Europe to the manifest detriment of American shipping and trade generally, which I hardly think your committee desire or intend.

"I shall be most happy to impart any other information desired, or will come to Washington, if you deem such a course desirable. That some relief to facilitate the prompt return of funds must be had or the trade go into other channels is certain to all in the trade."

Mr. PLATT. Allow me to make one statement in regard to the *ad valorem* duty of 10 per cent. I will simply say that 10 per cent. since the war and before it is 1 cent per pound, and there are 20 pounds to the bushel, and the average value of the product is $2 a bushel. I ask that the duty may be raised to 20 per cent., or 2 cents a pound.

Mr. SCHENCK. I move to close all debate on the paragraph.

The motion was agreed to.

The question was taken on Mr. PLATT's amendment; and there were—ayes 60, noes 30; no quorum voting.

Tellers were ordered; and Mr. PLATT and Mr. COX were appointed.

The committee divided; and the tellers reported—ayes seventy-five, noes not counted.

So the amendment was agreed to.

The question recurred on the amendment of Mr. BUTLER, of Massachusetts, to strike out "2" and insert "1;" so that the clause would read, "On rice, cleaned or uncleaned, 1 cent per pound."

The question was put; and the amendment was rejected—ayes twenty, noes not counted.

The Clerk read as follows:

On all timber not otherwise provided for squared sided, 1 cent per cubic foot.

Mr. STRICKLAND. I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WHEELER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly the bill (H. R. No. 1068) to amend existing laws relating to the duty on imports, and for other purposes, and had come to no resolution thereon.

GENERAL STEUBEN'S MONUMENT.

Mr. DAWES. I ask that the Clerk may read an invitation which has been addressed to the House.

The Clerk read as follows:

WASHINGTON, D. C., *May* 12, 1870.

SIR: We have been requested by the German associations of this city to cordially and respectfully invite you, and through you the honored members of Congress, to be present at the laying of the corner-stone of General Von Steuben's monument, on Monday, May 16, four p. m., in the Schützen park, on Seventh street.

General Steuben having been one of the heroes of the war of independence, we confidently hope that the public service may allow an adjournment in time to participate in the festivities of the occasion.

We are, sir, with great esteem, very respectfully, your obedient servants,

S. WOLF,
A. CLUSS,
L. WALDECKER,
Committee.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

Mr. BROOKS, of New York. I wonder if they have heard of our tax on lager-beer?

Mr. DAWES. I move that the House accept the invitation.

Mr. SCHENCK. I would inquire of the gentleman from Massachusetts whether this park is not out so far that it would take an hour or more to get there after leaving the Capitol, and if an acceptance of the invitation will not result necessarily in no business being done on Monday at all?

Mr. DAWES. The exercises commence at four o'clock.

Mr. SCHENCK. I know that; but we shall have to start from here between two and three o'clock to get there in time.

Mr. DAWES. I do not know how that would be. Perhaps I had better modify my motion and move that a committee be appointed to attend.

Mr. SCHENCK. I should like very much to go. Nobody hates work more than I do, but I have to do a great deal of it.

Mr. DAWES. In accordance with the suggestion of the gentleman from Ohio [Mr. SCHENCK] I will modify my motion so that it will be that this House accept the invitation just read, and that the Chair be authorized to appoint a committee of five members to represent this House on that occasion.

Mr. SCHENCK. I have no objection to that, if the gentleman from Massachusetts [Mr. DAWES] is made the chairman of the committee.

Mr. PETERS. And have the rest of the committee taken from the free-trade side of the House. [Laughter.]

Mr. DICKEY. In that case we might get through the tariff bill before they get back.

The motion of Mr. DAWES was then agreed to.

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

The latter motion was agreed to.

The SPEAKER announced the following members as the committee just authorized by the House: HENRY L. DAWES of Massachusetts, NORMAN B. JUDD of Illinois, E. DEGENER of Texas, SAMUEL S. COX of New York, and J. LAWRENCE GETZ of Pennsylvania.

Mr. BUFFINTON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BENJAMIN: The petition of John C. Brookhart, late of company D, seventh Missouri cavalry, for bounty.

By Mr. BOYD: A petition of citizens of Barry county, Missouri, praying for a mail route.

Also, a petition of citizens of Wright, Laclede, and Webster counties, Missouri, praying for mail routes.

By Mr. BURCHARD: A petition of 30 citizens of Morrison, Illinois, in regard to duties on certain articles.

By Mr. COWLES: A petition of citizens of Seneca and Wayne counties, New York, for a post route from Waterloo, Seneca county, New York, to Clyde, Wayne county, New York.

By Mr. KELLEY: The petition of William Wheeler Hubbell, with a plan and proposition to ventilate the House of Representatives.

By Mr. LAFLIN: The petition of John G. Harbottle and others, citizens of the city of Watertown, Jefferson county, New York, praying Congress to pass a law allowing the importation of pig lead from foreign countries free of duty.

By Mr. McKENZIE: The petition of Matilda Barrett, of Fredericksburg, Virginia, granddaughter of Captain James Barrett, an officer of the war of the Revolution, asking for relief.

By Mr. PORTER: The petition of R. A. Brunton, of Amelia county, Virginia, praying that his legal and political disabilities, imposed by the fourteenth article of amendments to the Constitution, be removed.

IN SENATE.

MONDAY, *May* 16, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of Friday last was read and approved.

WILLIAM B. LOONEY.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. No. 147) granting a pension to William B. Looney, of Alabama.

The Secretary read the amendment, which was to strike out the words "on the 8th day of May, 1865," and to insert in lieu thereof, after the word "month," the words "from and after the passage of this act."

Mr. SPENCER. I move that the Senate disagree to the amendment of the House, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The VICE PRESIDENT. How shall the committee be appointed?

Mr. SPENCER. By the Chair.

The VICE PRESIDENT. If there be no objection it will be so ordered.

The VICE PRESIDENT subsequently appointed Mr. SPENCER, Mr. HOWELL, and Mr. PRATT as the conferees on the part of the Senate.

REBECCA SHOEMAKER.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 846) granting a pension to Rebecca Shoemaker.

The amendment was to strike out "commencing the 7th of June, 1862," and insert "during her widowhood, from and after the passage of this act."

Mr. HOWELL. I make the same motion in that case.

The VICE PRESIDENT. The Senator from Iowa moves that the Senate disagree to the amendment of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The VICE PRESIDENT. How shall the committee be appointed?

Mr. HOWELL. By the Chair.

The VICE PRESIDENT. If there be no objection it will be so ordered.

The VICE PRESIDENT subsequently appointed Mr. HOWELL, Mr. PRATT, and Mr. SPENCER as the conferees on the part of the Senate.

CHARLES H. PENDLETON.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. No. 96) to place the name of Charles H. Pendleton on the Navy Register as lieutenant commander, active list.

The amendments were to strike out all after the name "Charles H. Pendleton" and to add, "and Richard P. Leary, lieutenants United States Navy, be placed upon the Navy Register as lieutenant commanders, active list, from the 12th day of August, 1869, with the pay of such rank from the date of their commissions;" so that it will read:

That the names of Charles H. Pendleton and Richard P. Leary, lieutenants United States Navy, be placed upon the Navy Register as lieutenant commanders, active list, from the 12th day of August, 1869, with the pay of such rank from the date of their commissions.

And also to amend the title of the joint resolution so as to read:

A joint resolution to place the names of Charles H. Pendleton and Richard P. Leary on the Navy Register as lieutenant commanders, active list.

Mr. DRAKE. I move the reference of the joint resolution, with the amendments, to the Committee on Naval Affairs.

The motion was agreed to.

PAPERS WITHDRAWN.

On motion of Mr. PRATT, it was

Ordered, That Joseph R. Brown have leave to withdraw his petition and papers from the files of the Senate.

HOUSE BILLS REFERRED.

The following bill and joint resolutions were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. No. 1619) to restore Robert Boyd, jr., to the active list of the Navy of the United States;

A joint resolution (H. R. No. 80) for the

restoration of Captain Dominick Lynch, of the United States Navy, to the active list from the reserved list;

A joint resolution (H. R. No. 128) allowing late acting Ensign George M. Smith a share in certain prizes captured by United States steamer Aries;

A joint resolution (H. R. No. 154) for the relief of Jane Dean Bishop;

A joint resolution (H. R. No. 211) for the settlement of the accounts of Charles C. Upham, late paymaster in the Navy, deceased; and

A joint resolution (H. R. No. 285) in favor of Joshua Bishop, late lieutenant commander United States Navy.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a joint resolution (H. R. No. 286) making an appropriation to pay the Government of Great Britain and Ireland, in accordance with the award of the commissioners appointed under the treaty of July 1, 1863, to settle the claims of the Hudson Bay Company and the Puget Sound Agricultural Company, in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 546) for the relief of the minor children of Sylvester Dreyer;

A bill (S. No. 759) granting a pension to John C. Abercrombie; and

An act (S. No. 865) increasing the pension of John Coonan.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 286) making an appropriation to pay the Government of Great Britain and Ireland, in accordance with the award of the commissioners appointed under the treaty of July 1, 1863, to settle the claims of the Hudson Bay Company and the Puget Sound Agricultural Company, was read twice by its title, and referred to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS.

Mr. SAWYER presented a petition of citizens of Pleasant Hill, Lancaster county, South Carolina, praying the abolition of the franking privilege; which was ordered to lie on the table.

He also presented the petition of N. H. Wood, of Portage city, Wisconsin, praying for an increased and elastic volume of currency to the extent of $300,000,000; which was referred to the Committee on Finance.

Mr. DRAKE presented the petition of Mary J. McMullin, praying the refunding to her of certain moneys taken by the military authorities during the war of the rebellion; which was referred to the Committee on Claims.

Mr. JOHNSTON. I present the memorial of David Fultz, of the town of Staunton, Virginia, who represents that he was the owner of a large farm near that town, and that Federal soldiers under the command of Generals Hunter and Sheridan, when they passed through the valley, took and carried away from him nine valuable horses, all of his grain and provisions, and entered his dwelling and broke and destroyed and carried away many articles of property and some family relics of great value, leaving him without the necessaries of life. He also sets forth that he never, by word, act, or deed, aided or abetted the rebellion, but, on the other hand, he had uniformly denounced secession as an abominable political heresy and rebellion as the madness of folly and wickedness. He therefore prays, that being a loyal man and a friend to the Union, he may be speedily compensated for the actual losses sustained by him. I know him personally as a man of high standing and good character, and I hope the prayer of the petitioner will receive the favorable attention of the Committee on Claims, to whom I move the reference of this petition.

The motion was agreed to.

Mr. JOHNSTON presented the petitions of James P. Jordan, of Isle of Wight county, Virginia; of William Rock, of Orange county, Virginia; of Thomas A. Gatewood, of Caroline county, Virginia; of Charles K. Tubberville, of Halifax, Virginia; of William A. Stephens, of Spottsylvania county, Virginia; of F. J. Barnes and of L. T. Barnes, of Charlotte county, Virginia; of J. W. Dunningford, of Lynchburg, Virginia; of Joseph D. Craig, of New Hope, Virginia; of James T. Porter, of Marion, Smyth county, Virginia; of J. Foot Haller, of Smyth county, Virginia; of E. S. Keesling, of Rural Retreat, Wythe county, Virginia; of John M. White, of Washington county, Virginia; of Joseph W. Tubberville, of Halifax, Virginia, and of Richard B. Richardson, of Botetourt county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of William G. Williams, of Franklin county, Virginia; of Cornelius Barnes, of Charlotte county, Virginia; of John P. Bailey, of Westmoreland county, Virginia, and of B. Walker, of Westmoreland county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petition of F. W. Kelley, Andrew Baldwin, and George Gose, in behalf of Rev. John G. Greever, of Burks Garden, Virginia, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. SPRAGUE presented a petition of citizens of Rhode Island, praying the removal of Bulkhead rock, and to establish permanent lights at Sassafras Field, Sabin Point, and at Guard Bed, so called, in Providence river; which was referred to the Committee on Commerce.

Mr. WILLEY presented the petition of George P. Moore, of Edray county, West Virginia, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. HOWELL presented the petition of Oscar Malmbourg, late colonel of the fifty-fifth Illinois infantry, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. FLANAGAN presented the petition of Stephen H. Darden, of Seguin, Guadalupe county, Texas, praying the removal of his political disablities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. POOL presented the petitions of John D. Hyman, of Henderson county, North Carolina; of W. H. Royster, of Pearson county, North Carolina; of B. Jones, jr., Ashbe Jones, and John A. Pledger, of Tyrrel county, North Carolina; of W. H. Hughes, of Lenoir county, North Carolina; of T. W. Slocumb, of Wayne county, North Carolina; of Cicero F. Lowe and Henry Watson, of Davidson county, North Carolina; of Nathaniel Kelsey, of Madison county, North Carolina, and of W. A. Daniel, of Halifax county, North Carolina, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. FENTON. I present the petition of Margaret C. Bell, asking that Congress appropriate for her use a sum equal to one year's pay of rear admiral of the Navy. She is the widow of Rear Admiral H. H. Bell, who was drowned at Osaka harbor while commanding the squadron in Japanese waters in 1868. I move its reference to the Committee on Naval Affairs.

The motion was agreed to.

Mr. VICKERS presented the petition of "The Universal Decimal Weight, Measure, and Coinage Association of the United States," asking a simple, uniform decimal system of money; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of George W. Thomas, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed.

Mr. PATTERSON, from the joint select Committee on Retrenchment, to whom was referred the bill (S. No. 783) to repeal all existing laws authorizing transportation and exportation of goods, wares, and merchandise in bond to Mexico, overland or by inland waters, and for other purposes, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HOWELL, from the Committee on Pensions, to whom was referred the bill (S. No. 524) explanatory of an act entitled "An act to continue half pay to certain widows and orphans," approved February 3, 1853, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 801) for the relief of certain surviving widows of the revolutionary war, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the petition of Florence O'Brien, of company A, fourth New York infantry, praying to be allowed a pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. TIPTON, from the Committee on Pensions, to whom was recommitted the bill (S. No. 623) to grant a pension to Celia Tweed, reported adversely thereon; and it was indefinitely postponed.

He also, from the same committee, to whom was referred the petition of Martha Sisson, widow of Lewis Sisson, late of company L, first regiment New York veteran cavalry volunteers, of Unadilla, New York, praying that she may be granted a pension, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of John Haley, praying to be allowed a pension, asked to be discharged from its further consideration; which was agreed to.

Mr. THAYER, from the Committee on Military Affairs, to whom were referred the bill (S. No. 910) for the relief of John E. Wheeler and the joint resolution (S. R. No. 142) for the relief of William M. Kimball, reported them without amendment.

Mr. McCREERY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1339) for the relief of Maria Lea, reported it without amendment.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred the bill (S. No. 566) to make a grant of land to aid in the construction of a railroad in the Territory of Dakota, reported it with amendments.

BILLS INTRODUCED.

Mr. VICKERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 919) to prevent an appropriation therein named from lapsing because of delay in adjustment; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 920) for the relief of John Wilson; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. STOCKTON asked, and by unanimous

consent obtained, leave to introduce a joint resolution (S. R. No. 197) giving the consent of Congress to the reception of a certain bequest by the State of New Jersey under the will of the late Edwin A. Stevens; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SPRAGUE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 921) granting jurisdiction to the Court of Claims in a certain cause involving the use of a patent; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

LIGHTS IN PROVIDENCE RIVER.

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

Resolved, That the Committee on Commerce refer to the Light-House Board for report the petition for removing Bulkhead Rock, and to establish permanent lights on Field Point, Sabin Point, Sassafras Field, at Guard Bed, so called, in Providence river.

DECATUR AND ABERDEEN RAILROAD.

Mr. SPENCER. I ask unanimous consent of the Senate to call up at this time Senate bill No. 268. I think it can be passed at once without debate. It is a bill making a grant of lands for a railroad from Decatur to Aberdeen.

Mr. POMEROY. There are several bills reported from the Committee on Public Lands that I should be glad to have considered. The Senator from Minnesota [Mr. RAMSEY] has asked me to call up one bill which has already been read. If the Senate can consider those bills I shall be glad to have them considered now.

Mr. RAMSEY. I should like very much to have the bill to which the Senator from Kansas refers taken up at this time.

Mr. SPENCER. I hope the bill to which I have referred will be taken up now. I appealed to the Senate first, and my request is first in order.

The VICE PRESIDENT. The Senator from Alabama asks unanimous consent to take up the bill mentioned by him. The Chair hears no objection.

By unanimous consent, the bill (S. No. 268) granting public lands in the States of Alabama and Mississippi to the Decatur and Aberdeen Railroad Company to aid in the construction of a railroad to be built from Decatur, Alabama, to Aberdeen, Mississippi, was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with amendments. The first amendment reported by the committee was in section one, line seven, after "Alabama," to strike out the words "to Aberdeen" and insert "to a point on the State line of Mississippi in the direction of Aberdeen;" and in line ten to strike out "either" before "side" and insert "each;" so as to read:

That there be, and is hereby, granted to the Decatur and Aberdeen Railroad Company, a body-corporate, created and existing under the laws of the State of Alabama, for the purpose of aiding in the construction of a first-class railroad, to be built from Decatur, Alabama, to a point on the State line of Mississippi, in the direction of Aberdeen, in the State of Mississippi, every alternate section of land designated by odd numbers for six sections in width on each side of said road.

The amendment was agreed to.

The next amendment was in section two, line four, after the words "to say," to strike out the words "that a quantity of land not exceeding one hundred and twenty sections for said road, and included within a continuous length of twenty miles of said road, may be sold, and."

The amendment was agreed to.

Mr. POMEROY. There should be another amendment there confining it to the contermineous sections.

Mr. SPENCER. That is the next amendment.

The next amendment was in section two, line nine, to strike out the word "another" and insert the word "a;" and in line eleven, after the word "miles," to insert "and conterminous with the completed portion of the road."

Mr. POMEROY. How will it read then?

The SECRETARY. If amended as proposed the section will read as follows:

That said lands hereby granted to said railroad company shall be disposed of by the said company only in the following manner, that is to say: when the Governor of the said State shall certify to the Secretary of the Interior that any twenty continuous miles of said road is completed, then a quantity of land not exceeding one hundred and twenty sections of the land herein appropriated, and included within twenty continuous miles, and conterminous with the completed portion of the road, may be sold; and so on, from time to time, until the said road is completed; and if the said road shall not be completed within six years from the passage of this act then no further sales shall be made, and the lands unsold shall revert to the United States Government.

Mr. POMEROY. That is right.

The amendment was agreed to.

The next amendment was in the proviso at the end of the second section, to strike out the word "all," in line seventeen, so as to read:

Provided, however, That the agricultural lands herein appropriated shall not be sold except to actual settlers at a price not to exceed $2 50 per acre, and in tracts or lots not exceeding one hundred and sixty acres to any one individual.

The amendment was agreed to.

The next amendment was in section four, line two, after the word "carry," to strike out "free of toll or charge" and insert "at reasonable rates;" so as to make the section read:

SEC. 4. *And be it further enacted*, That the said railroad shall be a public highway, and carry at reasonable rates all United States troops and United States stores, munitions, &c., pertaining to the same; also, that the said road shall carry the United States mail, subject to such regulations as may by act of Congress be prescribed; and, in absence of such legislation, the mail may be carried under any arrangement made between the said railroad company and the Postmaster General.

The amendment was agreed to.

Mr. POMEROY. There should have been a proviso reported with the bill excepting all mineral lands from the operation of the bill. That was left out accidentally. Mineral lands should be excepted from the provisions of the act, but I see they are not excepted. I therefore move that proviso.

Mr. SPENCER. What does the Senator mean by "mineral lands?"

Mr. POMEROY. Lands containing gold and silver and the precious metals. I do not know that there are any such lands there; but we always insert that proviso in these bills.

Mr. SPENCER. There is no gold or silver there.

Mr. POMEROY. There should be a proviso somewhat in this form:

Provided, That mineral lands are hereby excepted from the provisions of this grant.

Mr. SPENCER. I do not want to except the coal lands.

The VICE PRESIDENT. The Senator from Kansas moves to amend this bill by inserting an exception in regard to the mineral lands, which will be read.

The Secretary read the amendment, as follows:

Provided, That no mineral lands, except such as contain coal and iron, shall be granted by this act.

Mr. POMEROY. Coal lands are not mineral lands; but I have no objection to that form.

Mr. SPENCER. It is already in.

Mr. POMEROY. No; it is not.

Mr. SPENCER. I accept the amendment.

The amendment was agreed to.

Mr. SHERMAN. There are two or three matters in the bill that struck me in the reading as rather novel. In the first place, it is a grant to a company, and not to a State. Is not that a novel feature? Is it not usual to make the grant to the State for the use of the company?

Mr. POMEROY. We never make a grant to a Territory; but where a company is regularly organized and has got a status we sometimes give the lands to the company and not to the State. They are usually given to the State, however, in trust for the company.

Mr. SHERMAN. Then there is a novel provision in regard to allowing the company to make up the deficiency.

Mr. POMEROY. Within a prescribed limit.

Mr. SHERMAN. By this bill that is extended to thirty miles—fifteen miles on each side of the road. I am perfectly willing to grant to this company the usual and ordinary facilities for building a railroad. We are committed to that policy, and I feel disposed to adhere to it.

Mr. SPENCER. If the Senator will allow me, I will state that this bill is in the usual form of all the bills passed this winter, as it is now amended.

Mr. SHERMAN. That is the very point I make, that it is not in the usual form. The lands are never in any case granted to the company.

Mr. SPENCER. It is but very little land that they will get, and the land is of very little value.

Mr. SHERMAN. If the Senator will allow me, I will finish what I intended to say. The bill is not in the usual form, or I would not have interposed. This is a grant of alternate sections for six miles on each side of the road. I believe we have never extended the right to make up deficiencies beyond twice the distance. This bill extends the right to make up the deficiency to a strip thirty miles wide. I submit that it goes too far. I also notice another thing. The provision granting the right of way is not confined to the public lands. I presume that is an oversight. It grants the right of way without regard to the public lands. It is true we cannot grant the right of way except through the public lands; but it might be construed to be a grant of the right of way by the Government over the lands of private individuals. It ought to be expressly confined to the right of way over the public lands. I presume that is an oversight.

Mr. SPENCER. I have no objection to an amendment in that respect.

Mr. SHERMAN. The limit within which to make up the deficiencies ought, I think, to be confined to twelve miles on each side of the road, instead of fifteen. If we once extend a privilege of that kind in that way it will be extended hereafter to other roads.

The VICE PRESIDENT. The Senator from Ohio moves to amend the bill by restricting the right of way "through the public lands." The Chair understands there is no objection to that amendment, and it will be regarded as agreed to.

Mr. POMEROY. I did not draw the bill. I see the company have got alternate sections for six sections in width on each side of the road, which gives them but three sections per mile on each side. There are only three sections given on each side, and therefore they should not be allowed to go further than twelve miles to make up deficiencies.

Mr. SHERMAN. That is precisely what I say. I move to amend the bill by striking out "fifteen" and inserting "twelve."

Mr. WARNER. I call the attention of the Senate to the fact that most of the grants we have given here have been ten sections to the mile on each side. This grant is only three sections on a side, the very smallest limit that has been given to any road. No matter how far the company may go outside of the limits of the grant to make up deficiencies, they can only get six sections to the mile—three sections on each side. I will further call the attention of the Senate to the fact that this grant is of lands that were open to sale under the graduation act for many years at twelve and a half cents an acre and were not taken. The grant is one of the most limited we have ever passed.

The VICE PRESIDENT. The question is

on the amendment of the Senator from Ohio, to strike out "fifteen" and insert "twelve" in line thirty of the first section.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, was read the third time, and passed. Its title was amended to read: "A bill granting public lands in the State of Alabama to the Decatur and Aberdeen Railroad Company to aid in the construction of a railroad to be built from Decatur, Alabama, to Aberdeen, Mississippi."

HENRY C. WEATHERBY.

Mr. HOWELL. I ask unanimous consent of the Senate to enable me to have taken up at this time a pension bill for the benefit of one of my constituents. It is a simple pension of eight dollars a month. I ask consent to take up Senate bill No. 880.

By unanimous consent, the bill (S. No. 880) granting a pension to Henry C. Weatherby was read a second time, and considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place the name of Henry C. Weatherby, father of Henry K. Weatherby, late a private in company I of the second Iowa cavalry, upon the pension-roll, and to pay him a pension at the rate of eight dollars per month from the 22d day of February, 1864.

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

RAILROAD TO WINNIPEG.

Mr. RAMSEY. I ask the Senate now to again take up for consideration Senate bill No. 381. It has already been read, and need not occupy over ten minutes. It is the land grant for a railroad to the Winnipeg settlement.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 381) granting lands to aid in the construction of a railroad from the western boundary of Minnesota, at the junction of the Sioux Wood river with the Red River of the North, to the Winnipeg district of British America.

The Committee on Public Lands reported the bill with amendments. The first amendment of the committee was in section one, line twenty-two, after the word "land," to insert "designated by odd numbers;" so as to read:

It shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest to the sections above specified, so much land designated by odd numbers as shall be equal to the amount of such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or preëmption has attached as aforesaid.

The amendment was agreed to.

The next amendment was in line forty-one, in the proviso at the end of section one, to insert "five" after "twenty;" so as to read:

And provided further, That none of the lands hereby granted shall be selected above twenty-five miles from said road.

The amendment was agreed to.

The next amendment was at the end of section seven, to insert "in the event that the road is located on the west side of said river, and enjoy the benefits of this act;" so as to make the section read:

SEC. 7. *And be it further enacted*, That said first division of the St. Paul and Pacific Railroad Company, its successors and assigns, is hereby authorized and empowered to extend its railroad through the Territory of Dakota from the mouth of the Sioux Wood river to the international boundary on the forty-ninth parallel of north latitude, in the general direction of the Winnipeg district of British America, in the event that the road is located on the west side of said river, and enjoy the benefits of this act.

The amendment was agreed to.

Mr. CASSERLY. I find on my table an amendment proposed to be offered by the chairman of the Committee on Public Lands. I call his attention to it, and ask him whether he intends to move it as an amendment to this bill?

Mr. POMEROY. I had prepared an amendment to this bill which I did propose to offer to it; but those who represent that section of the country think it should not be offered. I have no authority from the committee to offer it, and I do not propose to submit it on my own motion. It is printed, however, and if the Senator from California desires to move it he is at liberty to do so. I was not authorized by the committee to move it. It is putting the price of these lands at the average value of $2 50 per acre and prescribing the manner of doing it. That is all there is in it. The Senator is at liberty to move it if he sees fit.

Mr. CASSERLY. The point of the amendment is that it does not vest the title to these lands in the company, but leaves them open to settlement, and provides for the issuing to the company, according as its road is completed section by section, of certificates to the land in quantities of one hundred and sixty acres each. Now, if there be any reason why that amendment ought not to be offered to this bill I should be glad to hear it.

Mr. RAMSEY. If the Senator will listen to me I think I can give a satisfactory reason. I have a knowledge of the energetic and able men—able in every sense—who have charge of this road, and can assure them that in their hands this work will be pushed to the forty-ninth parallel of north latitude during the next season. The State of Minnesota, which has the profoundest interest in all that concerns the people on her northern frontier, on both sides of it, has by her Legislature asked for this concession from Congress.

And so, Mr. President, in view of the immense national importance of an early completion of this great work, I appeal to my friend, the Senator from California, not to press his amendment for a limitation of the price of these lands to $2 50 per acre. Let him reserve it for other and less important enterprises, for in my judgment it would be wisdom in the Government to expedite this work, even should it require $5,000,000 from the national Treasury in addition to the lands here proposed to be given.

It is very important to have early action on this bill so that operations can be pushed forward this season. Much further delay will prevent this.

This company was organized in 1864, and since then has built more than two hundred miles of road. Another hundred miles is in such a state of forwardness that it will be completed this year. This brings them to the Red river, which is the extent of their land grant. With the proposed grant the company will be able to push down the river and complete the road at an early day to the very threshold of the Winnipeg country, or the newly created province of Manitobah in British North America.

Mr. CASSERLY. I understand—if I am wrong of course I can be corrected—that this road traverses one of the finest bodies of land upon the continent; it runs upon the western border of the State of Minnesota for many miles; and it seems to me that this is as proper a case for the application of this amendment as can be found. The district is not a district of wild land or worthless land, except in the point of view so often urged here that all land is worthless, although it be fit for a garden, until a railroad is built to it. It seems to me that this amendment should be affixed to this bill. I admit the value of the connection which the road proposes to make; but I see no reason why these lands should not be kept open for settlement upon the basis of the amendment proposed by the chairman of the Committee on Public Lands, which I think I am not wrong in saying I understood it was his intention to offer.

Mr. RAMSEY. I hope the Senate will take a vote on the bill.

Mr. CASSERLY. I submit the amendment.

The VICE PRESIDENT. The amendment of the Senator from California will be read.

The amendment was read. It was to insert as an additional section:

And be it further enacted, That the lands granted by this act, excepting only such as are necessary for the company to reserve for depots, stations, side tracks, wood yards, standing ground, and other needful uses in operating the road, and timber and mineral land, shall be sold to actual settlers only, and in quantities not more than one hundred and sixty acres to any one person at such prices as will secure to said company, its successors or assigns as aforesaid, an average price of not more than $2 50 per acre for the land actually certified by the Secretary of the Interior to said company for each completed section of ten miles of said railroad or branch thereof; and to insure an enforcement of this section it shall be the duty of the company receiving the certificates from the Secretary of the Interior as aforesaid, for the lands granted in aid of the construction of the first section of ten miles of said railroad and branch, without delay to fix a price on each one-hundred-and-sixty-acre tract described in said certificates, in such manner and at such rates that the average price of the whole amount certified shall not exceed $2 50 per acre, and report the same to the Secretary of the Interior, exposing a copy of such report to the public in the office of the secretary of such company and in the district land office; and any person actually settling upon said land, or any Government subdivision thereof not greater than a quarter section, shall have the right to purchase, at the price so fixed, any unsold and unclaimed parcel of said land upon payment of said price to the officer appointed to receive the money by said company; and on payment therefor it shall be the duty of the officer of such company to make out triplicate certificates of the sale under the seal of the company, send one to the Secretary of the Interior, and deliver one to the purchaser and retain the other for the use of the company; and it shall be the duty of the Secretary of the Interior to issue to such purchaser a patent for the land described in his certificate, as in cases of land sold by the United States. And the same form of proceeding shall be observed with respect to the lands certified by the Secretary of the Interior on each succeeding completed section of ten miles of the main line of said railroad, and the branch thereof: *Provided*, That no certificate of lands to such company on any completed section after the first shall be made by the Secretary of the Interior until he shall have received a report, as aforesaid, of the price fixed on the land, certified for the next preceding completed section of said railroad or branch thereof: *And provided further*, That if any of the lands granted as aforesaid, and lying and being situated conterminous with any completed section of ten miles of said road or branches, shall remain unsold and not paid for according to the provisions of this act, for one year after the completion of said section, the certificates heretofore issued may be returned to the Secretary of the Interior, whereupon patents to said lands shall be issued to the company. And the Secretary of the Interior shall prescribe all necessary rules and regulations to carry into effect this act.

Mr. CASSERLY. I ought to mention for the information of Senators who may not be aware of the fact, that I understand this amendment is the amendment substantially agreed upon by the Committee on the Public Lands of the other House as the proper provision to be appended to all bills granting aid in lands to railroads to any great extent. The effect of it is not in any way, as it seems to me, to interfere with the building of the road or with the disposition of the lands. On the contrary, it gives to the railroad company the highest interest in the speedy disposition of the lands for the purpose of actual settlement, and it gives to those desiring to become actual settlers on those lands the greatest facilities. It does not limit the price of the lands to any fixed sum of $2 50. It permits them to be averaged, so that the whole lands granted in aid of the company within any given section shall average the price of $2 50 per acre. It seems to me that if there is to be any change in what I regard as the vicious system of vesting these great tracts of land in railroad companies by patent this is a change which ought to be made in the interest of the settler, and indeed in the interest also of the railroad company, because, as I said, it in a measure compels the railroad company, by the inducements of its own obvious interest, to contribute all in its power to the occupation of the lands by actual settlers as speedily as possible.

The question being taken by yeas and nays, resulted—yeas 20, nays 27; as follows:

YEAS—Messrs. Boreman, Buckingham, Carpenter, Casserly, Cragin, Davis, Fenton, Ferry, Fowler, Har-

lan, Harris, Johnston, Pratt, Sprague, Stockton, Thurman, Tipton, Vickers, Warner, and Willey—20.

NAYS—Messrs. Abbott, Anthony, Chandler, Cole, Corbett, Drake, Gilbert, Hamilton of Texas, Hamlin, Howe, Kellogg, McDonald, Nye, Osborn, Ramsey, Revels, Rice, Ross, Sawyer, Scott, Sherman, Spencer, Stewart, Sumner, Thayer, Trumbull, and Williams—27.

ABSENT—Messrs. Ames, Bayard, Brownlow, Cameron, Cattell, Conkling, Edmunds, Flanagan, Hamilton of Maryland, Howard, Howell, Lewis, McCreery, Morrill of Maine, Morrill of Vermont, Morton, Norton, Patterson, Pomeroy, Pool, Robertson, Saulsbury, Schurz, Wilson, and Yates—25.

So the amendment was rejected.

Mr. HARLAN. I move to amend the bill on page 2, line thirteen, by inserting after the word "the" the words "extension of said road hereby authorized."

Mr. POMEROY. I think that is the meaning of the bill now; but those words ought to be inserted. There are three places in the bill where the words "extension of" should be put in.

The VICE PRESIDENT. If there be no objection this amendment will be regarded as agreed to.

Mr. HARLAN. The same amendment should be made in three or four other places in the bill to make it correspond.

The VICE PRESIDENT. This amendment will be incorporated in the places named as suggested by the chairman of the committee, and also by the Senator from Iowa.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. THURMAN. I do not propose to say anything in relation to this bill; but I desire to have the yeas and nays on its passage.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 14; as follows:

YEAS—Messrs. Abbott, Anthony, Buckingham, Chandler, Cole, Corbett, Ferry, Gilbert, Hamlin, Harlan, Harris, Howard, Howe, Kellogg, McDonald, Nye, Osborn, Pomeroy, Pool, Ramsey, Revels, Rice, Ross, Sawyer, Scott, Spencer, Stewart, Sumner, Thayer, Tipton, Trumbull, Warner, and Williams—33.

NAYS—Messrs. Boreman, Carpenter, Casserly, Conkling, Davis, Fowler, McCreery, Morton, Pratt, Sprague, Stockton, Thurman, Vickers, and Willey—14.

ABSENT—Messrs. Ames, Bayard, Brownlow, Cameron, Cattell, Cragin, Drake, Edmunds, Fenton, Flanagan, Hamilton of Maryland, Hamilton of Texas, Howell, Johnston, Lewis, Morrill of Maine, Morrill of Vermont, Norton, Patterson, Robertson, Saulsbury, Schurz, Sherman, Wilson, and Yates—25.

So the bill was passed.

SUPPLIES TO CALIFORNIA INDIANS.

The VICE PRESIDENT. The morning hour has expired; and the executive, legislative, and judicial appropriation bill is before the Senate.

Mr. COLE. I ask the unanimous consent of the Senate to take up Senate joint resolution No. 115. It has been read, and I presume it will take but a moment to pass it. I do not suppose there will be any objection to it.

The VICE PRESIDENT. Does the Senator from Maine [Mr. MORRILL] yield for that purpose?

Mr. HAMLIN. What is the joint resolution?

The SECRETARY. A joint resolution (S. R. No. 115) to provide for the payment of the claim of Martha A. Estill, administratrix of the estate of James M. Estill, deceased, Redick McKee, and Pablo de la Toba.

Mr. MORRILL, of Maine. If the joint resolution has been read, and it is simply a question of voting, and there is to be no discussion, I shall not object.

Mr. COLE. That is about all there will be, I hope.

Mr. MORRILL, of Maine. I wish to have that express understanding.

The VICE PRESIDENT. It will be subject to a demand for the regular order.

Mr. MORRILL, of Maine. Very well; I yield on that condition.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the joint resolution.

The Secretary read the joint resolution.

The VICE PRESIDENT. This joint resolution has been reported by the Senator from Pennsylvania [Mr. SCOTT] from the Committee on Claims without amendment.

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

AMENDMENTS TO LEGISLATIVE, ETC., BILL.

Mr. TRUMBULL, Mr. HOWE, Mr. SHERMAN, and Mr. WILLIAMS submitted amendments intended to be offered to the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871; which were referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its chief clerk, announced that the House had passed a bill (H. R. No. 2044) declaring the bridge between Philadelphia and Camden a post route.

The message also announced that the House had agreed to the resolution of the Senate to reconsider the agreement of the two Houses to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 95) in relation to the Hot Springs reservation in Arkansas, and recommitting the same to the committee of conference.

ORDER OF BUSINESS.

Mr. STEWART. Mr. President, I am urged by many Senators to move to proceed to the consideration of the bill for the enforcement of the fifteenth amendment. I do not desire to antagonize it against the plans of the chairman of the Committee on Appropriations or against the wishes of the Senate. I should like to know if the chairman himself does not think it would be well to take up the bill now and pass it, inasmuch as it is quite evident that the appropriation bill will occupy some time and the bill for the enforcement of the fifteenth amendment must be passed at an early day if it is to serve the purposes that many desire it should in the elections that are approaching? For the purpose of testing the sense of Senators and getting the view of the Senate upon the question I move to postpone all prior orders for the purpose of proceeding to the consideration of Senate bill No. 810.

The VICE PRESIDENT. Does the Senator move to postpone or pass over the prior orders?

Mr. STEWART. To pass over.

The VICE PRESIDENT. The Senator from Nevada moves to pass over the present and all other orders for the purpose of considering the bill in regard to the fifteenth amendment. The motion to pass over is not debatable.

Mr. SAULSBURY. I should like to make a remark in regard to the motion of the Senator from Nevada.

Mr. WILLIAMS. I object to debate.

Mr. SUMNER. I was about to make one remark.

The VICE PRESIDENT. Debate is objected to by the Senator from Oregon, the motion being undebatable.

Mr. SUMNER. I wish to say that I am in favor of the proposition of the Senator from Nevada. It seems to me that now it is important——

The VICE PRESIDENT. That is debate. The Senator from Oregon objects to debate.

Mr. SUMNER. I hope he will not object to what I have said.

Mr. SAULSBURY. I should like to know by what rule of the Senate, when a proposition is made to take up a bill of this importance, debate is excluded.

The VICE PRESIDENT. It is by a rule which the Senate adopted on the 10th of April, 1870—the new rule. According to that rule a motion to pass over a bill or resolution, or place it at the foot of the Calendar, is not debatable.

Mr. CASSERLY. Is the motion capable of division?

The VICE PRESIDENT. It is divisible.

Mr. CASSERLY. Then I ask that it be divided, and the first part of it taken first.

The VICE PRESIDENT. The Senator has a right to demand that the bills be passed over separately. If the present bill be passed over, that will bring up the bill abolishing the franking privilege; and passing over that bill will bring up the bill for the enforcement of the fifteenth amendment. The unfinished business is the appropriation bill. The first special order is the franking bill, and the next special order is the bill in regard to the fifteenth amendment. The Senator from California [Mr. CASSERLY] demands a separate vote on passing over these two bills. The first question is on passing over the appropriation bill.

Mr. RAMSEY. Is the proposition to pass over the special order?

The VICE PRESIDENT. It is to pass over the appropriation bill. That is now the motion.

The motion was agreed to; there being, on a division—ayes 24, noes 22.

The VICE PRESIDENT. The bill (H. R. No. 986) to abolish the franking privilege is now before the Senate.

Mr. STEWART. I move that it be passed over.

Mr. RAMSEY. I feel constrained to call for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 23; as follows:

YEAS—Messrs. Boreman, Cole, Corbett, Drake, Fenton, Fowler, Gilbert, Hamilton of Texas, Harlan, Harris, Kellogg, McDonald, Morrill of Maine, Morton, Nye, Osborn, Patterson, Pool, Pratt, Revels, Rice, Ross, Sawyer, Schurz, Scott, Spencer, Stewart, Sumner, Thayer, Warner, Willey, and Williams—32.

NAYS—Messrs. Buckingham, Carpenter, Casserly, Conkling, Cragin, Davis, Ferry, Hamilton of Maryland, Hamlin, Howe, Howell, Johnston, McCreery, Pomeroy, Ramsey, Saulsbury, Sherman, Sprague, Stockton, Thurman, Tipton, Trumbull, and Vickers—23.

ABSENT—Messrs. Abbott, Ames, Anthony, Bayard, Brownlow, Cameron, Cattell, Chandler, Edmunds, Flanagan, Howard, Lewis, Morrill of Vermont, Norton, Robertson, Wilson, and Yates—17.

So the motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. POMEROY. I have been requested to ask that an order be entered to print the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1870, as amended. Some question has arisen as to what amendments have been agreed to, and I therefore ask that the bill be printed as it now stands amended.

The VICE PRESIDENT. If there be no objection that order will be made.

ENFORCEMENT OF FIFTEENTH AMENDMENT.

The VICE PRESIDENT. The next special order, being the bill (S. No. 810) to enforce the fifteenth amendment to the Constitution of the United States, is now before the Senate as in Committee of the Whole. The Secretary will report the bill.

Mr. STEWART. Let the substitute be read.

The VICE PRESIDENT. Unless the reading of the original bill shall be called for the substitute alone will be read.

The Chief Clerk read the amendment reported by the Committee on the Judiciary, to strike out all of the original bill after the enacting clause and in lieu of the words stricken out to insert:

That all citizens of the United States who are or shall be otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That if by, or

under the authority of the constitution or laws of any State or the laws of any Territory, any act is or shall be required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are or shall be charged with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, it shall be the duty of every such person and officer to give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote, without distinction of race, color, or previous condition of servitude; and if any such person or officer shall refuse or knowingly omit to give full effect to this section, he shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just, and shall also, for every such offense, be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, and be imprisoned not less than one month and not more than one year.

SEC. 3. *And be it further enacted*, That whenever, by or under the authority of the constitution or laws of any State or the laws of any Territory, any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance or offer to perform or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing as aforesaid and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act; and any judge, inspector, or other officer of election whose duty it is or shall be to receive, count, certify, register, report, or give effect to the vote of any such citizen, who shall refuse or knowingly omit to receive, count, certify, register, report, or give effect to the vote of such citizen, upon the presentation by him of his affidavit stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just, and shall also, for every such offense, be guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, and be imprisoned not less than one month and not more than one year.

SEC. 4. *And be it further enacted*, That if any person, by force, bribery, threats, intimidation, or otherwise, shall hinder, delay, prevent, or obstruct, or attempt to hinder, delay, prevent, or obstruct any citizen from doing any act authorized by this act to be done to qualify him to vote or from voting at any election as aforesaid, such person shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just, and shall also for every such offense be guilty of a misdemeanor, and shall on conviction thereof be fined not less than $500, and be imprisoned not less than one month and not more than one year.

SEC. 5. *And be it further enacted*, That any person who shall be deprived of any office, except that of member of Congress or member of a State Legislature, by reason of the violation of the provisions of this act, shall be entitled to recover possession of such office by writ of *mandamus* or other appropriate proceeding; and the circuit and district courts of the United States shall have concurrent jurisdiction of all cases arising under this section.

SEC. 6. *And be it further enacted*, That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, arising under this act, except as is otherwise provided in the fifth section hereof, and the jurisdiction hereby conferred shall be exercised in conformity with the laws and practice governing United States courts; and all crimes and offenses committed against the provisions of this act may be prosecuted by the indictment of a grand jury, or, in cases of crimes and offenses not infamous, the prosecution may be either by indictment or information filed by the district attorney in a court having jurisdiction.

SEC. 7. *And be it further enacted*, That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial, before such court of the United States or territorial court as has cognizance of the offense. And with a view to afford reasonable protection to all persons in their constitutional right to vote without distinction of race, color, or previous condition of servitude, and to the prompt discharge of the duties of this act, it shall be the duty of the circuit courts of the United States, and the superior courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this act; and such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offenses created by this act, as they are authorized by law to exercise with regard to other offenses against the laws of the United States.

SEC. 8. *And be it further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of $1,000, to the use of the person deprived of the rights conferred by this act. And the better to enable the said commissioners to execute their duties faithfully and efficiently in conformity with the Constitution of the United States and the requirements of this act they are hereby authorized and empowered within their districts respectively to appoint, in writing under their hands, any one or more suitable persons from time to time to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties, and the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or *posse comitatus* of the proper county or such portion of the land or naval forces of the United States or of the militia as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the fifteenth amendment to the Constitution of the United States; and such warrants shall run and be executed by said officers anywhere in the State or Territory within which they are issued.

SEC. 9. *And be it further enacted*, That any person who shall knowingly and willfully obstruct, hinder, or prevent any officer or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue or attempt to rescue such person from the custody of the officer or other person or persons or those lawfully assisting as aforesaid when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall for either of said offenses be subject to a fine not exceeding $1,000 and imprisonment not exceeding six months by indictment and conviction before the district or circuit court of the United States for the district or circuit in which said offense may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States.

SEC. 10. *And be it further enacted*, That the commissioners, district attorneys, the marshals, their deputies, and the clerks of the said district, circuit, and territorial courts shall be paid for their services the like fees as may be allowed to them for similar services in other cases. The person or persons authorized to execute the process to be issued by such commissioners for the arrest of offenders against the provisions of this act shall be entitled to a fee of ten dollars for each person he or they may arrest and take before any such commissioner as aforesaid, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner, and in general for performing such other duties as may be required in the premises; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

SEC. 11. *And be it further enacted*, That whenever the President of the United States shall have reason to believe that offenses have been or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be deemed necessary to prevent the violation and enforce the due execution of this act.

Mr. STEWART. I move to amend the amendment by adding some additional sections consisting of two bills reported from the Committee on the Judiciary that have been printed and on our tables for a long time. One is Senate bill No. 114, to enforce the fourteenth article of amendment of the Constitution of the United States in regard to holding office; and the other is the bill (S. No. 365) to secure to all persons the equal protection of the laws. I send them to the Chair as my amendments.

The Chief Clerk read the amendment to the amendment, as follows:

And be it further enacted, That whenever any person shall hold office, except as a member of Congress or of some State Legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States, it shall be the duty of the district attorney of the United States for the district in which such person shall hold office as aforesaid to proceed against such person by writ of *quo warranto*, returnable to the circuit or district court of the United States in such district, and to prosecute the same to the removal of such person from office; and any writ of *quo warranto* so brought as aforesaid shall take precedence of all other cases on the docket of the court to which it is made returnable, and shall not be continued unless for cause proved to the satisfaction of the court.

SEC. 2. *And be it further enacted*, That any person who shall hereafter knowingly accept or hold any office under the United States, or any State, to which he is ineligible under the third section of the fourteenth article of amendment of the Constitution of the United States, or who shall attempt to hold or exercise the duties of any such office, shall be deemed guilty of a misdemeanor against the United States, and upon conviction thereof before the circuit or district court of the United States shall be imprisoned not more than one year and fined not exceeding $1,000, and shall forever be disqualified to hold any office of honor, trust, or profit under the United States or any State.

And be it further enacted, That all persons within the jurisdiction of the United States, (Indians not taxed excepted,) shall have the same right in every State and Territory in the United States to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind, and none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding. No tax or charge shall be imposed or enforced by any State upon any person emigrating thereto.

SEC. 2. *And be it further enacted*, That any person who, under color of any law, statute, ordinance, regulation, or custom shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties, on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding $1,000 or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 3. *And be it further enacted*, That the act to protect all persons in the United States in their civil rights, and furnish the means of their vindication, passed April 9, 1866, is hereby reënacted; and said act, except the first and second sections thereof, is hereby referred to and made a part of this act; and section fifteen and section sixteen thereof shall be enforced according to the provisions of said act.

Mr. VICKERS. Mr. President, the appropriation bill for the legislative, executive, and judicial expenses of the Government was considered of so much importance as to override all other subjects brought to the attention of the Senate. A change, however, seems to have "come over the spirit of the dream" of the majority of the Senate. Perhaps some petty elections are approaching.

Mr. STEWART. Will the Senator allow me to make a suggestion to the Senate before he goes on?

Mr. VICKERS. Certainly.

Mr. STEWART. I rise simply to say to the friends of the bill that I am anxious that it should be passed before the Senate adjourns to-day. We might just as well finish it in one session as in seven. I do not propose to make any remarks upon it myself, but I desire to have the bill passed before the Senate adjourns.

Mr. VICKERS. It seems that this bill is now to be given precedence over the appropriation bill, which has been under the consideration of the Senate for several days.

The fifteenth amendment of the Constitution, so called, reads:

"The right of citizens of the United States to vote

shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"The Congress shall have power to enforce this article by appropriate legislation."

Under this assumed change of the Constitution, or rather enlargement or extension of it, the right is claimed to pass the bill before the Senate, which is literally a bill of pains and penalties. I deny the power of Congress to pass any such bill. Before this amendment was proclaimed the white race had a right to vote under certain regulations of State laws. The right to regulate suffrage was admitted to be exclusively in the States. The General Government had no control over it. The first article of the Constitution in its second section reads:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

This is an explicit recognition of the right of the States to regulate the qualification of electors where even members of Congress are to be elected, while the exercise of that power in all other elections was absolute and complete.

The only effect of the fifteenth amendment, acknowledged and avowed, was to enable the negro to vote; and to accomplish this specific purpose the language used is, that the right to vote shall not be denied or abridged on account of race, color, or previous condition of servitude. What State has denied or abridged this right since the promulgation of this amendment? The contingency or occasion for the passage of this act has not arisen. It is only when the exercise of the right to vote is practically denied that Congress can properly exert the power to legislate on the subject. But the extension of suffrage to the African race was not intended to enlarge the power of Congress over the white race. The States had the exclusive power over the question of suffrage before this amendment was proposed. It was not intended by it to affect that right, but only to prevent the passage of a law to prohibit the negro from voting. This bill assumes to intrench upon the powers and rights of the States in reference to persons who were entitled to vote when and before the Constitution was formed. If Congress can pass such an act as this, it can take the whole subject of suffrage and elections under its control, and pass an election law regulating the appointment of judges of election, and their returns.

What is meant by appropriate legislation? It means only such legislation as applies to the persons alluded to in the so-called amendment when any State shall deny them the right to vote. That is not appropriate legislation which proposes to impose fines and imprisonment upon persons who had a right to vote prior to the pretended adoption of that amendment. The term "appropriate legislation" confers no new power on Congress. It would have the same power without as with it, for the eighth section of the first article of the Constitution declares that Congress may—

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

The words are mere surplusage. What has Congress to do with suffrage in the States in reference to the election of representatives in the State Legislature, sheriffs, justices of the peace, town commissioners, &c.? All the interest which Congress can properly have is in relation to members of Congress and the President and Vice President, who are part of the General Government. The others relate to the domestic and police affairs of the States, with which Congress should never intermeddle. The fifteenth amendment should be confined to the former, which is cognate to the Federal Government, but has no proper relation to or connaturality with the election of State or county officers. To give to Congress the power to interfere with and punish electors by fine and imprisonment who assemble to elect a constable or town or school commissioners is to change radically and essentially the government of the States and of the Union; is to revolutionize them, and to make a consolidated Government, whose tendency will be to absorb and destroy all the distinctive and characteristic features and rights of the State governments.

Congress has no power to legislate and punish State officers, judges of election, and registers of voters who are appointed by and are responsible alone to State laws. Individuals who may deem themselves aggrieved can appeal to the courts for relief.

But if, contrary to all the analogies and distinctions which existed in the respective forms of government, Congress shall arrogate the power to regulate State elections and electors, I contend that this so-called fifteenth amendment is not constitutionally and legally a part of the Constitution of the United States—

First. Because no amendment of the Constitution can be legitimately proposed and adopted unless all the States shall at the time have the right to be represented in both Houses of Congress.

Secondly. That no amendment can be ratified unless all the States ratifying shall have a right to adopt or reject, without being subject to any conditions, but must be free and untrammeled.

Thirdly. That no amendment can be valid unless all the States that vote upon it at the time of voting are equal in right, dignity, and honor.

Fourthly. That the fifteenth amendment received only twenty-seven votes of States exclusive of New York and Indiana, twenty-eight being necessary to the ratification; New York having revoked her ratification, and Indiana having ratified without a constitutional quorum of her Legislature being present, and in open violation of her constitutional provision.

Three other States, Virginia, Mississippi, and Texas, voted to ratify under coercion, their admission to representation being made to depend upon their affirmative vote; these three being deducted, leave only twenty-four States voting for the ratification, four less than three fourths of the thirty-seven States. I say nothing now against that great moral wrong and injustice which induced State Legislatures to vote for the amendment when they had been elected without reference to the question, and some of them after the adoption of the Republican Chicago platform, which conceded to each State the right to regulate suffrage, but after the election the proposal of the fifteenth amendment was submitted to and urged upon them. The forcing of the thirteenth, fourteenth, and fifteenth amendments upon the people of the United States under a war excitement, and when nearly one third of the States were not represented in Congress, has satisfied me that party is sometimes stronger than the Constitution, that State constitutions are shattered by the force and power of party, and that its spirit will change and destroy the framework and genius of the Government unless timely and effectually checked. In reference to my first proposition, I refer to the fifth article of the Constitution, which reads:

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by Congress."

It will be observed that the ratification of an amendment is to be made by the Legislatures of "three fourths of the several States," or by "conventions in three fourths thereof." The several States include all the States; and in the said article it is declared "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." It is obvious that an amendment can only be proposed to all the States when they are in a condition to vote upon it; when the votes of all can be had, and when freedom, intercourse, and interchange of opinions exist. In a time of war or of civil strife such as we have passed through, when communications were cut off, blockades proclaimed, and armies engaged in conflict, no change of the Constitution can be legitimately or properly made. Unless the country is in a condition of tranquillity and security, when men may travel where they please and express opinions, engage in discussions upon constitutional subjects, and vote with freedom and independence, no alteration of the Constitution can be legally effected. But no amendment can be made even in a time of peace unless each State has an equal right with the other States, without qualification or condition, of being represented in Congress, and of voting upon such amendment.

Congress, in June, 1861, by resolution, declared that the war was conducted only "to preserve the Union with all the dignity, equality, and rights of the several States unimpaired." The very nature of our Government is such that the right of representation, freedom of opinion, and exemption from all moral or political constraint is essential to a participation in changing the organic law. To prevent States from being represented, to impose conditions, and to ask a response upon a proposed constitutional provision is a mockery in legislation, utterly nugatory, and inconsistent with the nature and principles of our Government. The idea that States under military rule, with military governors appointed by the General Government, denied representation in Congress, and with only what is called provisional governments, held at the mercy of the Federal Government, can legally ratify amendments to the Constitution and make organic laws for the nation, is so monstrous that human reason shrinks from its contemplation utterly appalled.

The State of New York, after ratifying the amendment by a Legislature elected prior to its submission by Congress, and virtually in fraud of their constituents, by a Legislature afterward elected, and when that amendment was before and discussed by the people, revoked her ratification and rejected it. This last act was in accordance with the spirit of the Constitution and the design of its framers; the former was in violation of both. New York is counted as one of the ratifying States by the Secretary of State, and it is alleged that her last act is void and her first effective. The language of the Constitution is that amendments shall be valid as part of it—

"When ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof."

The design of the framers of the Constitution, and the spirit and intention of that instrument is that amendments proposed shall be submitted to the people of a State for their deliberate judgment and action; that as the Constitution proceeded from the people of the States, in their sovereign capacity as States, underwent full discussion before them, was the subject of essays in the newspapers, and was adopted by conventions elected by the people of the several States, and after full discussions in the conventions, thus undergoing a double ordeal of debate and deliberation by the people and their representatives; and as amendments are to become as binding as the original Constitution, it follows as a corollary that the amendments must, in the spirit of the instrument, undergo discussion and examination before the people before they elect the members of the Legislatures who, as their representatives, are to express their wishes and carry out their will.

Ordinarily Legislatures are chosen with a

single reference to State and domestic interests; their duties are of an internal character, and have no reference to national affairs; but when an amendment to the Constitution of the United States is proposed by Congress which is to affect State constitutions and their relations to the General Government, which is brought home to the judgment and consideration of every member of the community, it becomes a subject of as much magnitude, comparatively, as the original formation of the Constitution, and each one is as much interested as were our fathers who framed and the people who adopted the Constitution transmitted it to us. Whether the States shall suffer an abridgement of their reserved rights; whether they will part with any of them and commit them to other hands, to be wielded in other interests, is a grave subject, which challenges the attention and demands the most solemn consideration and judgment of the American people. When a State constitution is to be changed or amended, a convention elected by the people is chosen to effect it; or if the amendment is not of a very essential or important nature, it is published, and the action of one or two Legislatures subsequently elected becomes necessary to its adoption. This is necessary when the only question is one of a domestic character, whether the people of a State will modify their constitution in a matter which relates to and affects only themselves, and, when they can, alter, change, or annul the amendment afterward, if they find it injurious or injudicious. How much more important and requisite it is that amendments to the Constitution of the United States should be subjected to the scrutiny and judgment of the people of the States individually, before their servants, selected by them, shall be called to act. If the amendment is adopted by three fourths of the States the power to alter or repeal it has passed beyond the power of any one or more States less than that number. If there is any one proposition in politics or in morals that would seem indisputable it is that the people of a State should be called upon to elect their Legislature after a proposition is made by Congress to the States to amend the organic law of the United States. Any other course would be paradoxical and a fraud upon the people, who are interested in constitutions which are to affect and operate upon them, their rights, interests, and property.

It may sometimes happen that a political party may be in ascendency in three fourths of the Legislatures, as well as in Congress, and being desirous to strengthen or perpetuate their power, may, through the forms of law, propose and ratify amendments to the Constitution without the people's having had an opportunity of discussing, analyzing, and passing upon the subject; and who, if they had been consulted legally and had exercised their opinions, would have rejected them. Constitutions are never to be made in the interests of and for the benefit of party; it is the people, as a body, who make constitutions which are to continue and to form the fundamental law, without reference to political parties which subsequently arise, or which are to administer the Government. To make or amend a constitution by and for party purposes or advantages is destructive of all stability of government, of its ends and objects, and must end in anarchy, demoralization, and disorganization.

This fifteenth amendment was proposed by Congress on the 27th of February, 1869, while or soon after which a number of the State Legislatures convened, or were then in session, having been elected previous to the action of Congress, and after the promulgation of the Chicago platform by the Republican party in 1868. They were thus chosen before the subject of the fifteenth amendment was submitted by Congress, and after the Chicago convention had expressly declared that the question of suffrage in the northern States was one belonging exclusively to those States. The amendment, therefore, was not in existence at the time of the election, was not before the people, was not debated by them, nor did it enter into their contemplation or imagination when the elections took place. They were generally held at the time and under the excitement of the presidential election. No platform contained any allusion to it; but the general question of who should be President absorbed for the time all others. This fifteenth amendment was sprung upon the country after that election, and the Legislatures of the following States thus elected voted for its adoption in violation of the great principles of a representative republican Government: North Carolina, West Virginia, Massachusetts, Wisconsin, Maine, Louisiana, Michigan, South Carolina, Pennsylvania, Arkansas, Illinois, Indiana, New York, and Nevada.

But I come back to the vote of the State of New York, which annulled the vote of a former Legislature which was given in violation of the spirit of the Constitution. It is alleged that having once ratified she could not afterward revoke it. The Senator from that State who spoke on this subject on the 22d February last, [Mr. CONKLING,] and who, I believe, is the only Senator who has spoken at large and directly to this point, in that speech said:

"To see the question clearly, and to see it all, is to see the answer also. The ratification of a constitutional amendment is not the exercise of legislative power derived from the people of a State. It is not a power reserved by the States, or inherent in the States. It is a specific function, derived entirely from the Constitution of the United States. This is its origin. What is its nature and extent? It is the option to do or not to do a given thing. It is the right to give consent, no more. Consent may be given by a State. Of course it may be withheld, else there could be no option to exercise, no act to do."

The Senator having thus stated the question proceeded to argue against the power of a subsequent Legislature to repeal or annul a ratification of a preceding one, in these words:

"The usual choice of a Legislature was matter of course; but the amendment having passed from the forum of consideration, the right to choose a Legislature to act upon it, once exercised, was exhausted, the same as if the ratification had been by a convention. The power, like a multitude of other powers, is spent by being once exerted."

If the view which I have already taken of the Constitution, its nature, design, and object, be correct, it is a complete answer to the argument of the Senator from New York. But with due deference to the honorable Senator, I may be permitted to controvert his theory of the Constitution on this subject. The power to ratify amendments, the Senator asserts, "is not a power reserved by the States or inherent in the States; it is a specific function, derived entirely from the Constitution of the United States." Every constitution is subject to revision and amendment. The people who form a Constitution can destroy or amend it. There is no power in this country higher than them. When they make a Constitution they do not part with the power to change or alter it. But to avoid delay and expense, which attend the session of every convention, they usually provide or specify a convenient mode in the instrument by which amendments may be effected. They sometimes, in State constitutions, require the action of two separate Legislatures before a convention can be called. Sometimes they provide for amendments through legislative bodies after due notice to and consideration by the people, and make no provision for a convention. But the States do not always conform to the letter of the constitution. They may call a convention without the sanction of two Legislatures, and only of one; they may assemble in convention by authority of the Legislature when no constitutional provision is provided for it. The constitutions thus framed, when ratified by a majority of the people and put into operation, supersede all other constitutions and become the fundamental law of the State. So of the Government of the United States.

The people of the States, in the capacity of States, having framed the Government of the United States, would have the power by conventions to alter and change its provisions and powers. It is a power inherent in them, and not derived from the Constitution of the United States. The ratification mentioned in the Constitution was prescribed as a form or mode by which the will and wishes of the people on the subject-matter might be made known. It was not a power conferred, but a mode prescribed. They are not supposed to be trammeled and bound by mere forms which they have created; they deal not in technicalities with themselves, but they look to the intent, the meaning, the substance.

Mr. Webster, in his great argument on the Rhode Island case, in favor of the old or chartered government, said:

"First and chief, no man makes a question that the people are the source of all political power. Government is instituted for their good, and all its members are their agents and servants. He who would argue against this must argue without an adversary. Why, where else can we look but to the people for political power in a popular government? We have no hereditary executive, no hereditary branch of the Legislature, no inherited masses of property, no system of entails, no long trusts, no long family settlements, no primogeniture."

Again, he says:

"It was their great conservative principle in constituting forms of government that they should secure what they have established against hasty changes by simple majorities."

Again:

"The old Congress, upon the suggestion of the delegates who assembled at Annapolis in May, 1786, recommended to the States that they should send delegates to a convention to be holden at Philadelphia to form a Constitution. No article of the old Confederation gave them power to do this, but they did it, and the States did appoint delegates who assembled at Philadelphia and formed the Constitution.

Again:

"All that is necessary here is that the will of the people should be ascertained by some regular rule of proceeding prescribed by previous law."

His panegyric upon public liberty in the same speech is:

"The regular action of popular power, on the other hand, places upon public liberty the most beautiful face that ever adorned that angel form. All is regular and harmonious in its features and gentle in its operation. The stream of public authority, under American liberty, running in this channel, has the strength of the Missouri, while its waters are as transparent as those of a crystal lake. It is powerful for good. It produces no tumult, no violence, and no wrong—

"'Though deep, yet clear; though gentle, yet not dull;
Strong, without rage; without o'erflowing, full.'"

I have made these quotations as corroborative of the views which I entertain and have expressed upon the subject of amendments to the Constitution and the structure and origin of the Government. It will be discovered, from what has been said and quoted, that it is the sovereign will of the people that is to be consulted and deferred to in determining the question. As some exception may be taken to the term "sovereign," as applied to the people, as has been done when referring to States, I will quote the language of Mr. Webster in the speech referred to:

"Well, then, let us all admit, what none can deny, that the only source of political power in this country is the people. Let us admit that they are sovereign, for they are so; that is to say, the aggregate community, the collected will of the people is sovereign."

This was spoken of the people of Rhode Island.

It will not be denied that the people of New York, when they elected the Legislature of 1868, were not consulted in reference to the principle contained in the fifteenth amendment; that they did not elect the Legislature in reference to any such measure, nor was that body expected to take action upon it. The Legislature having usurped authority to act in violation of the meaning, intent, and purpose of the Constitution, shall it be said that the sovereign people are concluded from expressing their opinion, after due deliberation and discussion at the forum and in the press, and in setting aside the action of unfaithful and usurping servants? They acted without the pale of

their authority; selected for one purpose they assumed to act in another. Their principals never designed that they should arrogate power to determine for them a great constitutional question. Not clothed with power, they could not legally exert it. If they were discharging only legislative duties a subsequent Legislature could repeal what was done, as one Legislature cannot bind its successor. James A. Bayard, in a speech delivered in the House of Representatives in 1802 on the judiciary act, said:

"The true principle is that one Legislature may repeal the act of a former, in cases not prohibited by the Constitution."

If not an ordinary legislative power, they could not execute it without authority from the people. The Senator from New York said:

"The right to choose a Legislature to act upon it, once exercised, was exhausted, the same as if the ratification had been by a convention."

But this right of choice was not exercised in 1868; the subject was not before the people, and they did not therefore "choose a Legislature to act upon it." If they had elected a convention it would have been to act upon that specific measure which would have been the subject of debate and deliberation in the choice of candidates. As a convention could only be chosen after the question was submitted formally by Congress, so a Legislature qualified to act must be chosen after the amendment was proposed. The "power, like a multitude of others," could not be "spent by being once exerted," because it was not properly possessed nor exercised.

It should be remembered that until three fourths of the States ratify an amendment it is inchoate only, not consummate—only in process of consummation; that the object is to obtain the deliberate and final judgment of the people on the proposition to amend, their last and final judgment after a careful and thorough investigation and consideration. As they made and can unmake the Constitution, as the people is the party deeply and solely interested, and as an addition to the fundamental law is to affect them, their posterity, and interests, they may, before the adoption of an article by three fourths of the States, reconsider and reverse any hasty or inconsiderate action. A convention could recall its action, or a new convention, at any time before the ratification becomes complete by the requisite number of States.

Conventional or legislative action is only the agency through which the sense of the people is obtained; Legislatures and conventions are but convenient instrumentalities for obtaining and expressing the sense of the people. If it were possible for the people to meet in mass and vote upon an amendment, they could reconsider and change their decision at any time before the result was made final and conclusive. The ten amendments to the Constitution were made between the 20th of November, 1789, and the 15th of December, 1791, as the States chose to act. At any time between those periods any State could have withdrawn her ratification. By the seventh article of the Constitution "the ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same." Down to the 23d May, 1788, only eight States had ratified it. Was it not competent for any one of the eight States, or for any number of them, to have withdrawn their ratifications before the ninth State ratified the Constitution? If, in the formation, the States had a right to recall before final consummation, have they not now, by analogy and parity of reason, a right to withdraw a consent improvidently given or surreptitiously conferred by their agents or representatives? The Senator from New York [Mr. CONKLING] illustrates his position as follows:

"Government having once made a treaty, cannot at pleasure annul it, though a Government not having made a treaty may at pleasure make it. One may refuse to marry, and no matter how often he refuses, still he may marry. But one who has married cannot at pleasure undo the act, though he may change his mind. Marrying and unmarrying are different proceedings. So are ratifying and unratifying constitutional amendments."

But, with due deference to the distinguished Senator, the cases cited by him are clearly distinguishable from the one before the Senate, and when fully understood strengthen the argument which I have had the pleasure to advance. A treaty is by the Constitution made the supreme law, and when duly ratified is perfect and complete; it is not dependent upon the action of others to make it effective. So the marriage relation; when the contract is once entered into it is consummate and does not depend upon the consent or ratification of other persons. These are independent and executed contracts, and not like ratifications which may never be perfected, and are not therefore beyond the reach of renunciation. Suppose that twenty States had ratified the fifteenth amendment, would they be bound to wait for twenty years for other States now in the Union and new States to be introduced and not have the power of revocation? Circumstances and considerations which might induce the people of a State to accept a new constitutional provision in the lapse of time might cease to operate, or new and primary considerations might make it highly essential to annul their former decision. Shall it be said that the power once exerted has spent itself and can never be recalled? Such never was the intention of our fathers who made the Constitution, nor is it consistent with the nature and spirit of our institutions. To my mind it is clear that the vote of New York should not be counted for the amendment.

It is also clear that the vote of Indiana in favor of the ratification should be rejected. I quote from the constitution of Indiana of 1851, as follows:

"The senate shall not exceed fifty, nor the house of representatives one hundred members.

"Two thirds of each house shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members.

"Either house may punish its members for disorderly behavior, and may, with the concurrence of two thirds, expel a member.

"A majority of all the members elected to each house shall be necessary to pass any bill or joint resolution."

Where there is no constitutional provision a majority is by usage considered a quorum to transact business; but whenever there is a constitutional regulation the custom or usage is abolished, and the number fixed by the fundamental law is requisite in all cases. Cushing, in his Law and Practice of Legislative Assemblies, says:

"In this country the number necessary to constitute a quorum is, in all the States respectively and in the Congress of the United States, regulated by constitutional provisions."

He further says:

"In this country the number necessary to form a quorum is different in each Legislative Assembly, according to its size, the quorum being for the most part fixed at some aliquot part, as, for example, two thirds or a majority of each; and of course, being established only by constitutional provision, the number is in force at the commencement of each session, and is unalterable by the Assemblies themselves."

It follows as a necessary conclusion that wherever the constitution fixes the quorum it supersedes all usages and customs, and embraces all the acts which the body may do, either in the ordinary routine of legislative duties or in the capacity or name of a legislature. Where power is conferred to do an act or perform any duty, which is imposed upon them by law, or which they may be called to discharge, of whatever character, they have no power to change the quorum, according to the authority cited, which is fixed by the Constitution for all time and occasions.

The Legislature of Indiana was elected prior to the proposal of the fifteenth amendment and without reference to the subject. A majority of the House of Delegates were Republicans, but less than two thirds. When assembled for legislative business the Republicans proposed to vote upon the fifteenth amendment, which was concocted after their election. They took such a course to effect their object that a portion of the Democratic members resigned, enough to leave the body without a quorum of two thirds. Their sole object was to carry out the spirit of the Constitution and leave to the next Legislature, who would be elected after a full canvass and discussion of the subject, to act according to the wishes and opinions of a majority of the people of that State. The Governor and the Legislature at that time, I understand, were of the opinion that less than two thirds of the whole house could not constitutionally vote on the proposition of amendment. All the Democrats, I believe, were reëlected, and a special session of the Legislature was convened. The Democrats still refusing to go into a vote on the fifteenth amendment, the Republicans, constituting less than two thirds of the whole house, proceeded to ratify it.

The constitution of Indiana says that "two thirds of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn," &c. The house of representatives by law is composed of one hundred members; each is a part of, and the whole number constitute the house. The term house, as here used, is a constitutional term, signifying a hundred members, two thirds of whom are necessary to constitute a quorum. The quorum in any legislative body is the number fixed by the constitution. No usage, practice, or precedent of legislative bodies, no parliamentary law, can change or modify in any respect the number to make a quorum as fixed by the fundamental law. Either house is authorized to expel a member with the concurrence of two thirds; two thirds of one hundred would in this case be sixty-seven; this would be a constitutional quorum; could two thirds of sixty-seven, which would be forty-five, expel a member and deprive a county of its representative? The expulsion of a member is one of the highest powers which a public body can exert; forty-five would be five less than one half of the members composing the house. The same constitution says that—

"A majority of all the members elected to each house shall be necessary to pass any bill or joint resolution."

Fifty-one are necessary to pass even a resolution. Could forty-five expel a member? The ratification of a constitutional amendment is of higher importance, of vastly greater magnitude than the passage of a bill or resolution, or even the expulsion of a member. Can it be said that less than two thirds, or sixty-seven members, can constitute a quorum to pass upon an intensely important amendment to the Constitution? Less than this constitutional quorum did pass upon it, and that action is a nullity; it is a political imposition, not valid in law, nor approved by a free, honest, high-minded people.

I have also been informed that in the senate of Indiana several of the Democratic senators resigned their places a second time, leaving that body without a quorum, but that being accidently or otherwise in the senate chamber the doors were locked upon them. They were coerced to remain, and while thus under duress the vote on the fifteenth amendment was taken, and they counted as present and in full membership, against their protest and remonstrance, thus adding force to positive and flagitious wrong and oppression. I have also learned that the Governor of Indiana, though a Republican, and being a man of a high sense of honor and justice, refused to authenticate the record of the assumed passage of the amendment by his signature. I learn on inquiry at the State Department that it was certified only by the secretary of State. Deduct New York and Indiana and your assumed fifteenth amendment has not the requisite three fourths.

Mr. MORTON. Will the Senator allow me to interrupt him for a moment?

Mr. VICKERS. Yes, sir.

Mr. MORTON. I am authorized to state that the declaration just made by the Senator in regard to the refusal of the Governor of Indiana to certify the action of the Indiana Legislature in ratifying the fifteenth amendment is entirely erroneous. The Senator has been misinformed. I know that statement was made in the papers, but it is not true. The Governor never refused, was never called upon, and would not have hesitated a moment to certify it. The law of Indiana requires that when an act is to be certified it shall be done by the secretary of State; and the ratification of the fifteenth amendment was accordingly certified by the secretary of State. There was no law of the State under which the Governor could have appended his signature to it.

Mr. VICKERS. I made the statement upon the information of others.

Mr. MORTON. I know the statement has been made in the press.

Mr. VICKERS. Of course I have no personal knowledge on the subject.

The fourteenth amendment was adopted by thirty States, as reported by the Secretary of State, there being thirty-six States and twenty-seven being three fourths of the whole number; but included in the thirty are the votes of North Carolina, South Carolina, and Georgia, which had previously rejected the amendment; New Jersey, which withdrew her ratification; and Ohio which also withdrew her previous consent to it. Included also in the list is Louisiana. If a State cannot revoke her ratification because the power once exercised is spent, how can a State which has once refused to ratify afterward exert the power to confirm? Without, however, relying upon such a distinction, if my reasoning be correct, not one of the amendments has been legally and constitutionally adopted, and if they can once be brought under the searching examination of a judicial tribunal will, in my judgment, be determined to be unconstitutional.

The Senator from Nevada [Mr. STEWART] in pressing this bill with its odious features must have changed considerably his sentiments in reference to the negro and his capacity for participation in government since December, 1865, when a bill for the protection of freedmen was before the Senate. In reference to the amendment of the Constitution abolishing slavery, and the power to enforce it by legislation, he said:

"The simple fact that we possess the power, must have a salutary effect in constraining the local authorities to accord to the freedman his natural rights."

Again, the Senator said in the same speech:

"But we must remember that prejudice is often more powerful than reason, and that it often happens that prejudice itself is founded in reason. If this is not a white man's Government, one thing is certain, that neither the black man nor the red man has ever reared such a Government."

And in the same speech we find the following:

"This prejudice is not necessarily selfish or cruel, but it may arise from an honest desire for the preservation of our own liberties, and the liberties of the race which the war has made free. However this may be, the fact still exists that few States in the North have yet granted the right of suffrage in any form to the colored men within their borders, although those colored men are often educated, frequently more enlightened, than some white men among whom they reside."

He further said:

"It may not be unjust for a people whose liberties can only be sustained by intelligence and virtue, to pause and hesitate before they intrust those liberties in the hands of four million unfortunate persons, just emerged from the most degrading slavery, before they shall have had an opportunity to learn the principles of that Government whose functions they are called upon to perform."

The Senator then recognized the prejudices of race and color as justifiable, and that they might be founded in reason; then he regarded the Government as a white man's Government, such as no black or red man had ever reared. To-day we find the Senator advocating negro suffrage, and the infliction of severe penalties against the white man if he only attempts to obstruct his free admission to the ballot-box! Then he considered the want of intelligence in the voter as a sufficient obstacle to his exercising the privilege of suffrage. Now he deems the importance of the negro vote to his party so great that he is willing to enforce upon the white race heavy punishments for attempting to delay it. Then he was unwilling to intrust the liberties of the country in the hands of the illiterate African or the red man. Now he is the champion of the colored man, and is endeavoring to secure by harsh and rigorous enactments that suffrage, which he previously thought he was not qualified to exercise.

The third section of the amendment proposed by the Judiciary Committee provides that if a person fails to be registered by any wrongful act or omission of the registration officer, he shall, upon his affidavit of the fact, and of his being wrongfully prevented from being registered, be entitled to vote at the election notwithstanding, and imposes a fine and imprisonment on the judge of election who may decline to take such vote; fine and imprisonment are also imposed upon the officers of registration. The judges of election are not appointed to examine into the qualification of voters; they are furnished with the lists of registration, usually on the morning of the election, and if a person offers to vote whose name is not upon the list he is not permitted to vote, although he may be a white man. All examinations into the qualifications of voters are to be made by the officers of registration. A judge of the election by this bill is required to commit perjury by permitting one to vote who has failed to satisfy the registration officers of his right or qualification. The simple oath of the person, without proof, is to subject the judge of election to punishment if he declines to receive a ballot. He is not to examine into the qualifications, but is to receive the ballot upon the mere affidavit of an interested party whose oath is to outweigh the oaths and obligations of others.

The tenth section of the first article of the Constitution of the United States prohibits the States from entering into treaties or alliances, granting letters of marque and reprisal, coining money, emitting bills of credit, from making anything but gold and silver coin a tender in payment of debts, from passing *ex post facto* laws or laws impairing the obligation of contracts, and from granting titles of nobility. But the comity due to the States, and the respect to which they are entitled, have restrained Congress from passing enactments of a penal character on those subjects, leaving it to the courts to decide upon them as they arise. But now Congress has so far progressed in revolutionizing the Government, in changing its essential attributes and character, and in trampling upon the rights of the States, that it hesitates not to create statutes of a character insulting, and degrading to the American people. The new black element is so important in the eyes of Republican politicians, and the white race has become of such secondary and inferior interest with them, that the sensibilities, the pride, the honor, the status, and the antecedents of that race are to be virtually ignored to conciliate and secure the votes of the new and sable allies, whose true friends are to be found in the Democratic and Conservative party of the country, and whose best interests would be subserved by their reliance upon and confidence in those who have no sinister purposes to serve, and who seek not their support under the guise of assumed and pretended friendship.

The ballot cannot elevate the colored man and make him equal to the white. He is entitled to the trial by jury, to testify in the courts, and to the protection of the law in the enjoyment of life, liberty, and property. Slavery has been abolished. No one desires its return, and their freedom is secured by universal consent and constitutional provision; but these have not brought them any nearer to an equality with the white man. Providence has wisely made and separated the races by a law which no Government can annul. The ballot will not provide meat and bread to the colored voter. He must continue to labor as he has been wont to do. It will not enable him to enter upon terms of social equality nor the practice of intermarriage. The laws of nature, of the races, have in those respects created an inseparable barrier which neither legislation nor bayonets can demolish. He will find that his social status is not changed, while he will be expected to support white Republicans; that he is to be used for party interests, and that an occasional office is to be given, not one in a hundred, as a bait to secure his support. He ought to know that while the Democratic and conservative party of the country would not flatter

"Neptune for his trident,
Or Jove for his power to thunder,"

making no new-born professions to conciliate and to invite his affiliation, that they are his most reliable friends, who are ever ready to vindicate his just rights, reward his labor, and promote his material interests; to afford to him all proper facilities for education and acquisition of property, having no selfish purposes to accomplish, keeping up that natural distinction of races which a wise Providence designed to exist, and never sacrificing principle to obtain party triumphs; that the colored people should learn that their comfort and prosperity are to be gained not by participating in the activity and excitement of politics, by parades and celebrations, which will absorb much of the proceeds of their labor and consume valuable time, to benefit politicians, and which will lessen the respect and confidence of the community; but by industry, integrity, temperance, frugality, and observance of the laws.

The bill now before us confers powers which the President of the United States does not constitutionally possess. By the Constitution the President is made Commander-in-Chief, and when a State Executive formally applies to him, he may protect the State against domestic violence. But the bill we are now considering authorizes the appointment of certain commissioners by the circuit courts of the United States, and they of sub-commissioners, or agents, with power to call out the military at their discretion. They may call them into active service at every election poll; the whole country may be a military camp and the freedom of elections become a mere name or mockery. This bill places the country under military rule, and the lives of the people at the mercy of irresponsible Government agents and subagents. The alien and sedition law, which was so odious to our fathers, and which produced a complete revolution in the political parties of that day, was not comparable in the hideous character of its features to the one before us. Whether the people will calmly stand and see their rights and liberties imperiled without a struggle to protect them is a matter yet to be determined.

Patrick Henry, when resisting the adoption of the Constitution of the United States in the Virginia convention, invoked the members of that body not to ratify the Constitution without first securing amendments to protect the rights and liberties of the people; and in reply to an argument used in its favor and based upon the supposed responsibility and punishment of those who infringed their rights, and of the remedy provided for amendments, said:

"The honorable gentleman who presides told us that to prevent abuses in our Government we will assemble in convention, recall our delegated powers, and punish our servants for abusing the trust reposed in them. Oh, sir, we should have fine times, indeed, if to punish tyrants it were only sufficient to assemble the people. Your arms wherewith you could defend yourselves are gone, and you have no longer an aristocratical, no longer a democratical spirit. Did you ever read of any revolution in any nation brought about by the punishment of those in power inflicted by those who had no power at all? You read of a riot act in a country which is called

one of the freest in the world, where a few neighbors cannot assemble without the risk of being shot by a hired soldiery, the engines of despotism. We may see such an act in America. A standing army we shall have also to execute the execrable commands of tyranny; and how are you to punish them? Will you order them to be punished? Who shall obey these orders? Will your mace-bearer be a match for a disciplined regiment? In what situation are we to be?"

Sir, the act before us is worse and more dangerous than a riot act or the alien and sedition law. It proposes to punish without the indictment of a grand jury; it proposes to fine and to imprison, although the charge of an ordinary assault or misdemeanor can originate only with a grand jury; it essays to punish not only offenses, but all attempts to interfere with the registration or suffrage of the cherished African for whatever cause. Heretofore all violations of the law relating to registrations or elections have been exercised exclusively by the States, and the penalties have been moderate in view of the ordinary excitements of a political canvass, but no sooner is the African entitled to vote than all the powers and energies and devices of the General Government are brought into exercise to impose harsh and severe penalties upon any one who may attempt to do what if done to a white man heretofore was left to the courts to redress. Five hundred dollars fine and imprisonment from one month to one year are the ordinary inflictions of this bill:

"Our country sinks beneath the yoke;
It weeps, it bleeds, and each new day a gash
Is added to her wounds."

It is said to be a curious fact that the vestments of certain statues were colored. The drapery of Jupiter was red, and of the nymphs sea green. The mantle of Apollo was violet. Bacchus was attired in white, Juno in sky blue, and Pallas had a flame-colored mantle, and kings in purple. But it has been left to the Republicans of the nineteenth century to drape the statue of liberty in black.

The people of this country have endured for the last eight years wrongs and oppressions, humiliations and injustice; they have witnessed wanton attacks upon the Constitution and the liberty of the citizen, and gross invasions of State rights that would have driven our forefathers to seek appropriate redress. In Rome there was no triumph in civil wars; the success, whatever it might be, was a subject for public mourning. Generous and magnanimous minds are readiest to forgive; but the policy of the dominant party here seems to be constantly aggressive and exasperating, calculated to drive the people to desperation and to bring our country to misfortune and ruin. Why not bind up and heal the wounds that war has made, cultivate friendship, forget the past, and win to our embrace and regard those who have suffered so greatly in the conflict. Treat them as brothers, attach them to us by conciliation and kindness, and as your candidate for the Presidency prior to his election openly declared for peace, let it be said that, our—

"Peace is of the nature of a conquest;
For then both parties nobly are subdued,
And neither party loser."

Mr. STEWART. I desire to move for a recess at half past four o'clock until half past seven.

The PRESIDING OFFICER, (Mr. SPENCER in the chair.) The motion requires unanimous consent.

Mr. STEWART. I will withdraw it for the present.

Mr. THURMAN. Mr. President, I wish to say something on this bill, but I am rather unwell to-day, and very hoarse, and for that reason I am anxious that the bill should go over; besides, I do not wish to speak to empty seats. This is a bill of great importance, one that will be remembered long after some of us, perhaps, are gone; and yet on its consideration there is not one third of the Senate present. I do not speak simply for the purpose of hearing myself speak. I never do that; nor, as the phrase is, for buncombe. I shall speak with the hope of convincing the Senate, at least those who will listen to me, that there are features in this bill which ought not to be in it, and that the Senate cannot leave in it with a proper respect for itself. But, as I said, I do not wish to speak to empty benches. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate adjourn.

The question being put, there were on a division—ayes 12, noes 22; no quorum voting.

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

Mr. MORRILL, of Maine. I suggest that there is a quorum present.

Mr. STEWART. Very well; let us have another count.

The PRESIDING OFFICER. The Chair will again put the question.

The question being again put, there were on a division—ayes 12, noes 32.

So the Senate refused to adjourn.

Mr. THURMAN. Mr. President, I shall forego any argument on the question whether the so-called fifteenth amendment is a part of the Constitution of the United States. I shall speak for a practical purpose, and therefore I shall not moot a question upon which I know the dominant party of the Senate is fully committed, and which it would be entirely useless therefore to discuss; but what I wish to do is to try in good faith to convince the Senate, if it is willing to be convinced, that there are provisions in this bill which ought not to be in it, and that the bill, taken as a whole, is not one that should receive the approbation of the Senate.

Nor, sir, shall I discuss the general question whether Congress should proceed to legislation of this kind, without waiting to see what will be done by the States, without waiting to see that there is a necessity for such legislation, without waiting for one single act done in violation of the right of any citizen under your fifteenth amendment. Before any man has been deprived of any right whatsoever, or even threatened with a deprivation of any right whatsoever, it is proposed to pass a bill of pains and penalties. Whether that can be done is a question which I shall leave without discussion, because I concede that that is a foregone conclusion with the majority of the Senate. It is true, that is a question which I should like to discuss, if I thought there could be any good produced by discussing it. Without any act on the part of a single State, without any threat of resistance on the part of a single State, when State after State has permitted the colored race to vote at the spring elections, and there is no complaint anywhere that any one of them has been deprived of the right of suffrage, I do think it is of most evil example that a bill which bristles all over with pains and penalties, a bill which makes it impossible almost for a man of character and responsibility to hold the office of judge of election, should be introduced into the Senate with a fair prospect of its passage.

But, sir, passing this by, let us look at the details of this bill.

What is the first section? I speak now of the amendment proposed by the Judiciary Committee; and here I ought to say that though a member of that committee I was not in committee when this matter was considered; I was absent from the city; and it was not until this very morning that for the first time I saw this bill. What is the first section of this proposed amendment?

That all citizens of the United States who are or shall be otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude, any law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

The only observation I have to make about that is that the thing is wholly unnecessary and nugatory if the fifteenth amendment is a part of the Constitution of the United States. You cannot add any strength to the fifteenth constitutional amendment by putting the very identical provision of that amendment into the shape of a statute. The whole thing, therefore, is simply inofficious and nugatory.

What is the second section?

SEC. 2. *And be it further enacted*, That if by or under the authority of the constitution or laws of any State or the laws of any Territory, any act is or shall be required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are or shall be charged with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite or to become qualified to vote, it shall be the duty of every such person and officer to give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote, without distinction of race, color, or previous condition of servitude; and if any such person or officer shall refuse or knowingly omit to give full effect to this section, he shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just, and shall also for every such offense be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, and be imprisoned not less than one month and not more than one year.

The first thing that strikes a lawyer on reading that section is that it undertakes to impose by act of Congress duties upon officers of a State, officers created under State authority, deriving their sole commission to act from the State. In other words, it is directly in the face of the decision of the Supreme Court, in Prigg *vs.* The Commonwealth of Pennsylvania, in which it was declared by the Supreme Court of the United States, I believe almost unanimously, that it was not in the power of Congress to impose any duty or impose any authority upon an officer of a State. You undertake to regulate the duty of officers created by State authority, holding their offices solely under State authority, amenable solely to the State by which they are chosen or by which they are appointed; you undertake to say that the powers, duties, and functions of an officer of a State, holding his office simply under the State, can be regulated, prescribed, governed, and enforced by an act of Congress.

If this doctrine be true you can pass a law to take the Governor of Ohio from his executive seat and try him before one of your district courts of the United States; you may take the Governor of New York or of any other State, or the supreme judges of any State, and try them under this bill of pains and penalties because they, officers of a State, do not execute an act of Congress! I deny the authority to do any such thing. I deny any such authority whatsoever. But if the authority existed, how strange it would seem, how low and debased the States would have become, when the Congress of the United States, without waiting to see whether any State will be derelict in its duty, without waiting to see whether any State officers will refuse to obey the Constitution of the United States, introduces a bill of pains and penalties like this, that bristles in every section with fine and imprisonment and rewards to be given to informers.

Allow me to call the attention of the lawyers of the Senate to another thing. What is the *corpus delicti* in this section? What is the offense in this section? What are the substantive words that create it, and that must be used in an indictment under this section, for here is an indictable offense? That if "any officer shall refuse or knowingly omit to give full effect to this section;" these are the words which define the crime. Now, I pray the learned gentleman of the Judiciary Committee who has charge of this bill [Mr. STEWART] to tell us what is failing or omitting or refusing to give full effect to this section. I hope he will enlighten us, so that when we get up an indictment we may refer to his speech in the Senate that the court may understand what is the offense of failing to give full effect to the pro-

visions of this section. I confess I do not know. I am an older lawyer than he is; I have tried a great many cases; I have studied statutes very carefully; but I confess my entire ignorance of what is meant by this phrase: "if any such person or officer shall refuse or knowingly omit to give full effect to this section."

I pass from that and come to section three:

That whenever, by or under the authority of the constitution or laws of any State, or the laws of any Territory, any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done, as aforesaid, shall, if it failed to be carried into execution by reason of the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance, or offer to perform or acting thereon, be deemed and held as a performance in law of such act.

That is to say, if the offer of a citizen to perform the act to be done shall fail to be carried into execution by reason of the wrongful act or omission, it shall be deemed to be a performance. And then what? Then the judges of election are required to allow that man to vote upon his presenting his affidavit of the fact stated in the previous part of this section, without any contradiction whatsoever. There is no door open to contradiction. He may be swearing to the basest falsehood that ever fell from the lips of a man; he may not have offered to do the thing; or if he did offer, he may not have been prevented by any wrongful act or omission of the registering officers or other functionaries; and yet, although they might be able to prove by a hundred witnesses that the man was committing perjury, his affidavit is to be taken as conclusive evidence of the fact, and he is to be allowed to vote.

But let us go a little further. Not only is he to be allowed to vote; but the judge of election or the person who is to count the vote, if he do not receive and count that person's vote upon his mere affidavit, which he is not permitted to contradict, forfeits the sum of $500 "to the person aggrieved thereby;" that is, to the man who makes the affidavit. In other words, you hold out a plain, clear inducement to a man to commit perjury. You give him $500 if he will swear falsely. There may or may not be one word of truth in what he says. It may be said you can convict him of perjury if he swears falsely. How can you do it? Let me put a case. Here is a registrar, a man whose business it is to register votes. A B says he came and offered to register and to show that he was qualified before that man. In truth it may be that he never did any such thing; but he says so, and he goes to the election and makes an affidavit of that fact. The registrar may swear that he never did any such thing. That would be oath against oath; and yet he must be allowed to vote, and if the officer refuses to receive his vote here is a fine of $500 to the man himself who has taken this false oath. How are you to convict him of perjury? You cannot do it. There may be the oath of the registrar against his oath; but every lawyer knows you must have more than the oath of one man to convict another man of perjury. You must have two witnesses, or one witness and strong corroborating circumstances.

By this bill—and this is only one of the instances, as I shall show before I get through—you put it absolutely in the power of an unscrupulous man to put $500 in his pocket every time he is willing to tell a falsehood in the shape of an affidavit. Not only do you put it in the power of an unscrupulous man, but you put it in the power of wicked men, or men who are ignorant and those who use ignorant men for their purposes. Take a negro who cannot read or write. How easy it is to persuade that man that he has appeared before the registrar and offered to do all that was necessary to entitle him to vote, when in point of fact he would have no clear distinct knowledge of anything he was to do at all in the premises; and yet you allow the man who has really offered to do nothing that the register is required to exact of him, who is acting honestly but ignorantly, the right to go and make his affidavit and get his vote without complying with the State law; and not only do you give him that right, but you give him the right to have $500 put in his pocket if he can convict any one of these officials upon that oath.

Let me go a little further with this bill. That is not all. Not only are the $500 to be given to this common informer, and to be given upon such testimony as I have stated, but the officer is also to be subject to indictment and a further fine, and also to be imprisoned:

And shall, on conviction thereof, be fined not less than $500, and be imprisoned not less than one month and not more than one year.

Now, sir, let us come to the fourth section:

That if any person by force, bribery, threats, intimidation, or otherwise, shall hinder, delay, prevent, or obstruct, or attempt to hinder, delay, prevent, or obstruct any citizen from doing any act authorized by this act to be done to qualify him to vote or from voting at any election as aforesaid, such person shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby—

Here comes your $500 again to a common informer—

to be recovered by an action on the case with full costs and such allowance for counsel fees as the court shall deem just, and shall also for every such offense be guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, and be imprisoned not less than one month and not more than one year.

Here it is again: $500 to the informer, $500 to the United States, with imprisonment added. Now, look at the practical effect of such a section as that. It says if any man shall, not simply hinder or prevent, but "if anybody shall by force, bribery, threats, intimidation, or otherwise shall hinder," &c. I should like to know what that "otherwise" means? Our learned Judiciary Committee, in drawing up a criminal statute, uses such language as this, "that if any person by force, bribery, threats, intimidation, or otherwise shall hinder, delay, prevent, or obstruct;" that is to say, if I persuade my friend CARPENTER not to vote at all I am liable to pay him $500, and to pay $500 to the United States, and to be imprisoned. If I persuade him, if I reason with him, and say to him, "Come, now, do not let you and me vote;" and by my persuasion, by my "otherwise," I hinder or prevent him from voting on that occasion, forsooth, I am liable to be indicted under this section, and also to pay him $500, with costs and such counsel fees as the court may prescribe. Or if I persuade him to pair off with me and I then vote, and in that way should humbug him, by breaking my pair, I should be subject to this penalty. If I broke my pair I should deserve to be punished, I admit; but I do not think this is the way in which to do it. This is a criminal statute which provides for punishing a man for hindering or "otherwise" preventing persons from voting. But that is not all. It extends to all who shall hinder or prevent, "or attempt to hinder, delay, or obstruct."

What certainty of description! What certainty there is in such an offense as that! What is the attempt to hinder or prevent? I should like to know what is the attempt to delay. If I undertake to reason with a man as he goes to the polls that he ought to vote for A B instead of C D, and we stop on the road side and reason the matter, talk it over, and that delays the man, I suppose if they can make out that I did it with a bad motive that would be held to be an attempt to delay the man from voting.

What is the punishment for that? If I attempt in that way to delay or hinder a man from voting the man is entitled to $500 for it, and I must be indicted and pay $500 to the United States and go to prison besides. Does not everybody see that it puts men completely in the power of the unscrupulous? What man, pray, is safe with such a statute as this? There is no man against whom some bad man cannot swear, if disposed to make money out of him, some offense under this bill. Here is a reward of $500 for false swearing. There is no man against whom such a villain may not swear that he attempted to hinder or delay or prevent his voting. You put men completely at the mercy of those who swear falsely, and add the inducement to swear falsely of $500 into their pockets. That is the effect of this act.

Sir, has any State ever found it necessary to pass such a law as this? Has not the purity of the ballot-box been preserved as well as it ever has been preserved in any country where there were elections without such enormities as these? And has it come to be that the adoption of your fifteenth amendment or anything else has made it necessary thus to offer a premium for perjury and to put every man in the community at the mercy of a villain?

But, sir, that is not all; let us now come to the fifth section; and here I want the attention of my friend from Nevada, who fathers and champions this bill. Let us look at this fifth section and see what a beautiful thing it is in the eye of a lawyer. I want some exposition of this, and if it should pass into a law the courts will need some exposition of it I am sure:

"That any person who shall be deprived of any office, except that of member of Congress or member of a State Legislature, by reason of a violation of the provisions of this act—

That is, by not allowing people to vote who are entitled to vote—

shall be entitled to recover possession of such office by writ of *mandamus*.

Ye gods! a writ of *mandamus* to recover possession of an office! Suppose somebody is counted in as Governor of Ohio by the Legislature, as our constitution provides; the vote is counted and the man is declared to be elected Governor of Ohio, is inaugurated, and the other party, the defeated candidate, goes to the district court and asks the court for a *mandamus* to get possession of the office. Will the gentleman tell me to whom that *mandamus* will be directed? A *mandamus* is a writ that commands somebody to do something. If it is an alternative writ it commands somebody to do something or show cause why he does not do it. To whom will your writ of *mandamus* go to put the defeated candidate into the possession of the gubernatorial chair of Ohio? Shall it be a writ of *mandamus* to the incumbent to get out? Shall that be it? In other words, shall it be a writ of *quo warranto*? If it is, then it is not a writ of *mandamus;* that is all I have to say.

Take any other case, say that of a judge. A judge of the supreme court of a State is elected and duly commissioned by the Governor, and the defeated candidate goes to Judge Leavitt, of Cincinnati, to get a *mandamus* to put himself, the defeated candidate, in possession. I should like to know to whom the *mandamus* is to be directed.

Mr. STEWART. I ask if the writ of *mandamus* is never a proper proceeding for the purpose of getting possession of an office?

Mr. THURMAN. I will answer that question, and I will show the only case in which it is a proper proceeding. A *mandamus* is never a proper proceeding in cases of contested election. The cases to which it applies are where a man, for instance, in England, is entitled to be a burgess; a *mandamus* issues to the corporation to admit him if he is wrongfully excluded from his right. If a person is a corporator, and the other stockholders exclude him from his right as a corporator, a *mandamus* will lie to compel them to receive and admit him as a corporator. But in no case whatsoever is a *mandamus* the proper remedy for the purpose of trying the question between A B and C D, which of them is entitled to an office.

Mr. STEWART. The Senator will observe that the words "or other appropriate proceeding" are also there; and if a *mandamus* is appropriate—I will not discuss in what case it is; but if it is appropriate in any case, that is a sufficient provision.

Mr. THURMAN. As is suggested to me

by my friend from California, [Mr. CASSERLY,] the Senator might as well have said in his bill "a writ of attachment or other appropriate process." Strike out your *mandamus*. Do not let the Judiciary Committee, for God's sake, appear before the profession in this country with such a provision as that in their bill. Put "*quo warranto*" in if you please, but do not let "*mandamus*" stick there. If you do, I hope the Senate will issue a *mandamus* to the committee to strike it out. [Laughter.]

But that is not all, Mr. President. *Mandamus* or *quo warranto*, what is this fifth section practically? Here, as I have said, is a man declared to be elected Governor of the State of Ohio or Indiana, and the disappointed candidate does, what? Contest the election under the constitution of Ohio or Indiana? Not a bit of it. Contest it before the tribunal provided by the constitution of Ohio or Indiana to try that question, the senate of the State? Not a bit of that; but he goes to some little United States district judge and sues out an "appropriate remedy!" What "appropriate remedy," forsooth, is it? A *quo warranto*? Then under the *quo warranto* you undertake to canvass all the votes of the State of Ohio, the State of Indiana, or the State of New York. When will you get done? Will you do it before or after that man's term of office has expired? And how will you do it if there is a contest under the State constitution and laws, and the body entitled to try it by that constitution and those laws shall decide the contest one way, and your little district judge of the United States shall decide it the other way? Suppose the senate of the great State of New York should decide in favor of the incumbent, and your little bit of a one-horse judge—I beg pardon for using such a slang expression—your little district judge of the United States should decide it the other way? Would not that be a most harmonious administration of constitutional law in the United States? Would it not make our institutions the envy of mankind? Would not all the thrones of Europe crumble into dust in admiration of this most excellent and harmonious mode we have of providing for the election of officers and providing for the settlement of contests and seating the successful candidates in their chairs. No, Mr. President, it will not do.

I say, with the most entire respect for my friends of the Judiciary Committee who have reported this bill—and it is no affectation when I say that—that I am lost in amazement that such a crude piece of work ever came from their hands. I know that committee well; I have sat with them too often, I have discussed with them in the committee-room and in the Senate too often, not to know their learning, not to know their ability, and I must confess that I can hardly conceive how it was possible that such a bill as this ever came from the hands of as able a committee as that.

But that is not all. This applies to every officer of the States; nay, more, to every officer of the United States. Now, I want to put it to the committee: here is an election for President of the United States, and Mr. A B receives a majority of the electoral votes, it is said; and Mr. C D, who is defeated, says that in the State of New York there were so many men not allowed to vote who were entitled to vote under the fifteenth amendment, and if their votes had been cast for him then he would have had the electoral vote of the State of New York and would have been elected President of the United States. Now, Senators, how do you suppose that question is to be tried? Before a district judge of the United States? Just think of such a question being brought before a district judge of the United States—the question who is elected President of the United States! That is it if your bill is to be taken according to its wording; that is it if it is to be taken according to its plain language, that the title to the office of the President of the United States or the title, Mr. President, by which you sit in that chair, is to be tried before a district judge of the United States!

I think I have said enough about the fifth section. I hope that the Senate by its *mandamus* will strike that out. Now let us come to the sixth section:

That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, arising under this act, except as is otherwise provided in the fifth section hereof.

The district courts of the United States are to have exclusive jurisdiction of crimes and offenses provided for by this act. The first thing to which I ask the attention of the Senate is this: that there is not one single crime or offense provided for by this act, that ought to be in it at all, that is not already provided for by the laws of the States. I do not know one that is not provided for by the laws of the States. If a man is improperly refused his vote by a judge of election who acts willfully and corruptly in so doing, not simply committing an error of judgment, but acting willfully and corruptly, (and if he does not act willfully and corruptly he ought not to be punished,) in every State of this Union with whose laws I am acquainted, that judge is liable to punishment; and in the same way men who hinder or prevent persons from exercising their franchise are also under the State laws liable to punishment in the State courts by indictment or such prosecution as the State laws afford.

Now, sir, what is here meant? You have provided for precisely the same class of offenses that the State laws provide against, and then you propose to take away from the State courts the right to punish offenses and vest that power solely in the district courts of the United States. I ask you, as a practical matter, which system is most likely to enforce the laws, that of indictments in the State courts, courts sitting in every county in every State, with grand juries in every county familiar with the facts, or this system of punishment in the district courts of the United States, when in most of the States there is but one district court sitting in one place, and in only one of them are there three, and in the other States there are but two?

Does not every one see that when you want to enforce this fifteenth amendment your safest way is to leave it to the State law? Do you not see that for one indictment that would be found under this bill in the United States district court, there would be likely to be twenty in the State courts? Do you not see that in the district court of the United States there scarcely ever would be an indictment unless it were to gratify some malice or to extort black mail from the party who was prosecuted? That is the effect of it. Your law will give rise to persecution; it will give rise to the levy of black mail; it will subject officers of election to the most intolerable persecution. All that it will do. It will tend to drive decent, respectable, and responsible men from accepting the office of judge of election. All that it will do; but so far as enforcing the rights of voters is concerned, it is not worth one pinch of snuff compared to the State laws which are administered in every county of the State and by the courts of every county in the State.

As a practical measure, then, nothing could be worse than this. As a measure of persecution, of levying black mail, of giving $500 to the informer, as a measure of pains, penalties, and persecution, nothing could be conceived more effective.

Then, sir, comes section seven; and section seven is a beautiful section, too! As if conscious that this bill might not have effect if left to the people, knowing that obnoxious laws defeat themselves, because the people will not execute them, here is a seventh section that makes it the direct interest, as well as the duty, of a whole host of Federal officials to arrest people who may violate this law, arrest judges of election, arrest registrars. Why, sir, under this you may defeat a registry in any State you please. Let us see what is necessary to be done. Here is a registration law in a State; a registrar is taking the registration; he refuses to register A B. His decision may be as honest as one ever was in the world, the most honest in the world. Under this act, if that man or some one of these Federal officers, made common informers, shall go before a commissioner of the United States and swear out a warrant against him, that man is to be taken away from his office of registration and be committed to the common prison unless he be able to give bail. He is to be sent to the place of trial, which may be one or two hundred miles distant; and the whole registration of his county may be broken up under the provisions of this act. Any one can see at once what a handle that would give if you wanted to defeat registration in a county where your opponents are largely in the majority, and thereby prevent a valid election in that county. All you have to do is to get up some charge like this, arrest the registrar, and take him away to prison, and send him off one or two hundred miles for trial.

That is not all. You may stop an election; right in the midst of the election you may seize under this the judges of election and send them to prison and stop the election altogether. That is this bill; that is this carefully considered bill which the Senator having it in charge wants us to pass before the sun shall set. The sun will never have set on a worse piece of legislation if it sets on the passage of this bill.

Then comes section eight:

That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of $1,000, to the use of the person deprived of the rights conferred by this act.

Here again the man is to get $500 from the registrar, or $500 from the judge of election, and then if he can make out a case against the marshal he is to get $1,000 more. The man is to get $1,500 for being a good swearer, and swearing a case against the registrar, the judge of election, or the marshal of the United States. I want to know where in the world is the necessity of these penalties to be received by the voter? Why not leave him to his common law remedy? That is sufficient. If any man is deprived of his right to vote he has his remedy. He has his remedy by action; and then the jury render such damages as are right and proper. How is it that you step in here and provide that he shall have $500 from the registrar or judge of election, and $1,000 from the marshal who has not been speedy enough in the execution of the warrant? I say again it is a bill for the encouragement of common informers and perjury—not so intended, but that is its inevitable effect. It is a bill to create a race of common informers, and to pay them in hard money for the perjury they may commit.

In the next place it is provided that these warrants are to run to any part of a State. So you can drag a man all the way from New York city to Buffalo, or from Buffalo to New York city, on the warrant of a United States Commissioner charging that he has been guilty of a violation of some one of the numerous provisions of this act. Sir, do you expect men of responsibility and character to hold the office of registrars or judges of election if they are subject to such pains and penalties as that? Do you expect them to exercise an independent judgment and decide honestly and correctly if they are liable to such fines, penalties, and persecution as this bill provides they shall be subject to?

But, sir, that is not all. I pass by section

nine, which is another section of pains and penalties for obstructing the officer. Then comes section ten:

That the commissioners, district attorneys, the marshals, their deputies, and the clerks of the said district, circuit, and territorial courts shall be paid for their services the like fees as may be allowed to them for similar services in other cases. The person or persons authorized to execute the process to be issued by such commissioners—

These commissioners are a sort of Federal justices of the peace, as the Senate know, who issue warrants—

for the arrest of offenders against the provisions of this act shall be entitled to a fee of ten dollars for each person he or they may arrest and take before any such commissioner as aforesaid, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner, and in general for performing such other duties as may be required in the premises; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

The first thing that strikes one on reading this section is this: the officer executing the warrant is to have at least ten dollars for every arrest he may make. Although he may not have walked further than from here to the door of the Senate Chamber to make the arrest, and that far back to bring the man before the commissioner, he is to have ten dollars for that service. Does not everybody see that here is a bribe held out to officers to begin these prosecutions? It is made their duty to prosecute under this act by a previous section of the bill, made the duty of these very same officers to inaugurate prosecutions, and then, having inaugurated them, each man is to have at least ten dollars for every arrest he may make. You make it the direct interest of the Federal officers to commence prosecutions in this way by giving them an exorbitant fee. It is not a fee of ten dollars alone, but ten dollars certainly in every case, and as much more as the commissioner or judge may see fit to allow.

Oh, I remember what a cry we had about that ten-dollar provision in the fugitive slave law! I remember how the people were aroused at the idea that there should be held out by the United States to every officer a bribe, a reward for beginning prosecutions and persecutions of colored people! Now it is provided in this bill, in a case in which it would be exercised a hundred times, yes, perhaps a thousand times, where there ever was one exercise of it under the fugitive slave law, that an officer shall be paid ten dollars for walking across the street and arresting a man and taking him back across the street before the commissioner, and then as much more as the commissioner shall see fit to allow him. Here we have enormous fees to the officer, enormous rewards to the man who does the swearing, the alleged deprived voter, enormous penalties to the Unted States, and to cap the climax, imprisonment of not less than one month, and for the space of one year if the court shall see fit so to pronounce!

But then comes a most curious section, and I ask some explanation of it. I hope my friends of the Judiciary Committee will explain this section:

SEC. 11. *And be it further enacted*, That whenever the President of the United States shall have reason to believe that offenses have been or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

I suppose this is to constitute the district court a court to travel around the realm as the courts used to do in England, in procession; and I suppose they ought to have the right that those courts had to levy provisions for the support of the court. That was when the king administered justice in his own person. Then he made his progress, as it was called, through the kingdom, and he sent his purveyors ahead to provide ample meat and drink and other provisions for the court and for the judges when they came to hold their court. When President Grant shall send Judge Leavitt about the State of Ohio, from one end of it to another, with his marshals and officers of all sorts and descriptions, to hunt up the people violating this law, I insist that he shall have the right of purveyance; that he shall not be required to pay his own expenses; that he shall not be allowed to eat and drink at his own cost; but that he shall have victual and drink wherever he goes, either at the public expense or at the expense of the losing party in the election; I do not care which. [Laughter.]

Mr. STEWART. That would put it on the Democratic party.

Mr. THURMAN. We are going to get into the majority in Ohio if you pass this bill, and then I know it will be put on to you if my suggestion be adopted.

Now, for fear that Judge Leavitt, in his gown, with his marshals and flunkies, will not be sufficient to execute this law as he goes about through the State of Ohio, here is another section a little more forcible:

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be deemed necessary to prevent the violation and enforce the due execution of this act.

The President may execute the election laws of the States where there is no domestic violence at all, no case arising under the Constitution for the exercise of the military power of the United States by the President of the United States; no insurrection, no domestic violence, but some danger of a little cheating at the election; and then to prevent the cheating at elections the President is to call out the military force; and he may not only command them himself but he may authorize anybody else to do it—"such person as he may empower for that purpose." He may give his power of attorney to Governor Bullock of Georgia, and then Governor Bullock of Georgia is to become the commander of the military forces in Georgia, to go around and see that there is no cheating at the polls there! Sir, where do you get your power under the Constitution to do any such thing as that? Where do you get the power under the Constitution for the President of the United States to delegate to me or to any other man the power to employ the land or naval forces in my discretion—not in the discretion of the President, but in my discretion—to prevent cheating at the ballot-box, or cheating in registration, where there is no violence, no insurrection, nothing to prevent the peaceful execution of the law?

I must say, Mr. President, that I am lost in amazement at this bill. I say it without any affectation. I am lost in amazement that such a bill as this should be presented by such a committee to the Senate of the United States. If you need a law to enforce the fifteenth amendment, if you have a right to pass such a law before there has been any obstruction or hinderance in the States, for the sake of decency at least, pass a decent and reasonable law, and not such a law as this.

Why, sir, everybody knows that in England it is a punishable offense for any troops to be within a mile of a voting-booth when an election is going on. It is a punishable offense to have the troops of the realm within a mile of the place of voting; but under this law, forsooth, we are to have the troops of the United States surrounding the ballot-boxes to see that the judges of election discharge their duty! You propose to surround every polling-booth with the troops of the United States under the command of some attorney of the President of the United States, to see that no voter is deprived of his right to vote! I say that such a thing as that is wholly inconsistent with free institutions and with a republican form of government. You are putting the civil under the military authority in its most vital point, when, in the very choice of your civil officers, everything is to be done under the supervision and liable to the interference of the military. Sir, I have seen the time when every man would have been utterly shocked at such an idea, that you could surround the place of election with troops of the United States, under the command of anybody to whom the President of the United States saw fit to confide them, that they might interfere; because if they are there simply as a show they are of no use at all but only an injury, and if they are there to act, then they are to act by somebody's command! This bill does not provide that they are to act upon the call or demand of any civil authority whatever. Upon whose command, then, are they to act? Who is to authorize them to interfere? It can only be upon the command of the military officer who commands them, or this person holding the letter of attorney from the President of the United States, and he cannot be everywhere. He must, therefore, send his officers. Here a lieutenant with a squad of troops at the ballot-box is to decide, this lieutenant of infantry, artillery, or dragoons is to decide when he shall interfere with an election of the people that we used to call the free and sovereign people of the United States. Senators, if you can pass such a bill do it. If you can do it in this country, and quietly and patiently and approvingly do it, then all I have to say is that this country is lost to all sense of freedom, of liberty, and of love for the Constitution.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada to the amendment reported by the Committee on the Judiciary.

Mr. FERRY. I understand the amendment to the amendment consists of two bills, being Senate bill No. 365 and Senate bill No. 114. I wish to move an amendment to the amendment; and that is, to strike out the second section of that portion of the amendment known as Senate bill No. 114.

The VICE PRESIDENT. The proposition pending is an amendment to an amendment. The substitute proposed by the Judiciary Committee to the original bill is an amendment; and the proposition of the Senator from Nevada is an amendment to that amendment.

Mr. FERRY. How can I get at a motion to strike out the second section of Senate bill No. 114?

The VICE PRESIDENT. If this amendment to the amendment be agreed to the Chair does not see how the Senator can arrive at the object of striking out.

Mr. FERRY. It is not agreed to yet.

The VICE PRESIDENT. It is pending.

Mr. FERRY. My object is to move to strike out the second section of the bill No. 114. The first section of that bill was drawn by myself.

The VICE PRESIDENT. The Chair will state one way in which it may be arrived at. If it should be the pleasure of the Senate to consider the substitute reported by the Judiciary Committee the same as an original bill, it would then be open to amendment, and to amendment to an amendment.

Mr. STEWART. I think we might so regard it by unanimous consent.

The VICE PRESIDENT. It will facilitate action on various propositions, and if there be no objection it will be so considered.

Mr. CASSERLY. What is the proposition?

The VICE PRESIDENT. The original bill has not been read to the Senate, and does not appear to be under debate. This suggestion would leave the Senate freer to adopt amendments. The Chair will state to the

Senator from California that, in the present condition of the bill there is no opportunity whatever for amending the proposed amendment to the amendment, offered by the Senator from Nevada, embracing several sections, unless the substitute reported by the committee can be treated as an original bill. Then it will be open to amendment.

Mr. CASSERLY. I merely rose to inquire what would be the effect.

The VICE PRESIDENT. Only to facilitate action, to allow the Senate to perfect the bill as they may prefer. The Chair hears no objection, and the substitute reported by the Judiciary Committee will be regarded as the original bill, and the amendment of the Senator from Nevada is now pending; and it is open to amendment.

Mr. FERRY. I now move to strike out the second section of that part of the amendment which is under the head of Senate bill No. 114.

The VICE PRESIDENT. The Secretary will report the part of the amendment proposed to be stricken out by the Senator from Connecticut. The Senator from Connecticut moves to amend the pending amendment by striking out what will be read.

The Chief Clerk read the words proposed to be stricken out, as follows:

That any person who shall hereafter knowingly accept or hold any office under the United States, or any State, to which he is ineligible under the third section of the fourteenth article of amendments of the Constitution of the United States, or who shall attempt to hold or exercise the duties of any such office, shall be deemed guilty of a misdemeanor against the United States, and upon conviction thereof before the circuit or district court of the United States shall be imprisoned not more than one year and fined not exceeding $1,000, and shall forever be disqualified to hold any office of honor, trust, or profit under the United States or any State.

Mr. FERRY. Mr. President, the history of this bill will perhaps explain the view which I have and which leads me to offer the amendment. Originally a bill was reported from the Judiciary Committee in substance the same as the section which I now move to strike out, except that it made the offense a felony instead of a misdemeanor. I recollect that there was some discussion in the Senate upon that subject, and the bill I presume was recommitted from the fact that it subsequently came to us reported back from that committee. Before, however, it was recommitted a bill was introduced to remedy the same mischief, to wit, the holding of office by persons ineligible, which was the same as the first section of the present Senate bill No. 114.

The mischief attempted to be remedied by this bill was the holding of office by persons ineligible under the fourteenth amendment. It was first attempted to be remedied by creating that act a felony and imposing penalties; but it was argued that it would be impossible to enforce a penal act of that kind, because the offense would have to be prosecuted and tried in the very community that had chosen the ineligible person to office; and that however many such might be indicted, juries would fail to convict, and consequently the other mode of proceeding, by *quo warranto* and directing the district attorneys to institute proceedings by *quo warranto* and the Federal courts to entertain jurisdiction of this proceeding, was a remedy which would most effectually relieve the evil which did or might exist.

I think at the present time, as I did before, that if there be any such existing evil, to enact now a criminal statute making a new misdemeanor or a felony for the very short period of time during which these disabilities are to remain—for, sir, I do not think there is a Senator in this body who believes these disabilities will remain to any great extent for two years longer—to create a new misdemeanor or felony, inflict new fines and penalties under such circumstances, when any evil that exists or is likely to exist is confessedly completely remedied by the first section of this bill, seems to me to be bad legislation.

I shall be very glad, therefore, to have this second section of the amendment stricken out, believing that the first section by the proceeding in *quo warranto* affords a perfect remedy for any evil that does or can exist.

Mr. STEWART. I hope the section will not be stricken out. I think while that section of the fourteenth amendment is in force, and persons are not relieved of disabilities, it ought to be regarded as an offense to hold office in violation of it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Connecticut to the amendment of the Senator from Nevada.

Mr. THURMAN. I do not quite understand this. I thought we were considering Senate bill No. 810.

The VICE PRESIDENT. The Senator from Nevada moved to amend it by adding two bills as additional sections, Senate bills Nos. 114 and 365.

Mr. THURMAN. And the Senator from Connecticut moves to strike out one section of one of those bills?

The VICE PRESIDENT. The second section of Senate bill No. 114.

Mr. MORTON. I hope this section will not be stricken out, if by striking it out we should indicate that all disabilities under the fourteenth amendment will be relieved within a year or two, as desired by the Senator from Connecticut. I have failed to perceive the soundness of the policy of removing all disabilities, and permitting the very men who made the rebellion, the old politicians, the men who brought about the war, and who are the real authors of all our misfortunes, bloodshed, and expenditure, to enjoy full political rights and privileges. There is no justice in it. It is subversive of every principle that you can call justice. I might argue at some length to show that instead of being justice it is cruelty; it is inhumanity.

Sir, there seems to be a desire to take away from the rebellion every criminal feature, to make the rebellion what it has been called by some, a mere unpleasantness; a mere contest between different sections, as it was styled by the Senator from Delaware the other day; one section opposing the other; to make it a mere political movement, an honest difference of opinion. That is the effect of all this, that now, within five years after the end of the war, we are to place the authors of this great crime upon a level politically with the Union men of the country; authorize them to enter these Halls, to fill all the offices, to make our laws. This is the policy. Sir, we are teaching the rising generation that rebellion is no crime. We are stripping it of every feature of criminality; and what else are we doing? We are causing the Union men of the South to feel, we are making them to feel every day, that it would have been better for them a thousand times, politically, pecuniarily, and socially if they had gone with the rebellion.

Sir, this policy of conciliation, so far as the men embraced in the fourteenth amendment are concerned, is a failure. Take the men particularly embraced by the fourteenth amendment, only embracing old politicians and old offenders; do you expect to conciliate them? As well attempt to conciliate a den of rattlesnakes. These men have been cast in the mold of the rebellion, and in that mold they will remain. So far as the mass of the people are concerned, so far as the young men of the South are concerned, it may be different; but as to these old politicians who were engaged for years in bringing the rebellion on, who are responsible for it, with all its immense consequences that human language cannot describe—to talk about conciliating them, by putting them upon a level politically with those who were loyal to the Government, is ridiculous. You can excite nothing but contempt by that operation. You never violate the principles of justice without exciting the contempt of those in whose behalf it is done. The very men whose disabilities are to be relieved will breathe nothing but contempt for the men who do it.

I am not speaking of punishment. That has passed by. Not a rebel has been punished; and there seems to be hot haste that the original offenders, the original conspirators themselves, shall be eligible to political rights, and again be allowed to enter the Halls of Congress.

The Senator says that he thinks that in less than two years all disabilities will be swept away. Why should they be swept away? Sir, there was a bill passed by the Senate the other day, and I do not think there were but two or three men on this floor who understood it, by which what is called the iron-clad oath was repealed as to everybody except those who were embraced in the fourteenth amendment, so that a rebel general who fought through the war, a member of the rebel congress, provided he is not embraced in the fourteenth amendment, may be eligible to a seat on this floor. That bill passed the Senate under the rule we adopted for passing business that was not objected to, and has gone to the House. I think it is likely it will be stopped there. But, sir, if that bill shall pass the House, or if the policy inaugurated by the Senator from Connecticut shall prevail, then those who were engaged in the rebellion will come in and take seats on this floor, and then the rebellion is a tabooed subject.

It will not do to talk about the rebellion and the rebels when you have them by your side. Personal considerations and other considerations of delicacy will then prevent that. What will then stand between the loyal people of this nation and those who were engaged in the rebellion? There will be but one or two things left. The pensioning of loyal soldiers and of their widows and orphans will be about the only distinction; and when you have come to that point you will be urged to remove that distinction as being the very best measure of conciliation.

No, sir, it is not punishment; as I have said before, all that has passed by; it is a question about enforcing an amendment to the Constitution that was solemnly adopted by the people of this country. We went to the country in 1866 upon the fourteenth amendment, and the voice of the nation was strong in its favor; and now nearly two years have passed away since that amendment became the law of the land and there is no law to enforce it.

Men are holding office in violation of that amendment in almost every southern State in this Union; perhaps in every one. Two years have passed, and no law enacted! Has that been the result of accident, or has there been some little design in it? And now, when it has been proposed for the first time in this body to pass a law to enforce that amendment, we are urged not to do so, on the ground that within two years from this time we shall relieve all disabilities so that in that respect the fourteenth amendment will be a perfect nullity. That does not meet with the approbation of my judgment. It is a mistaken policy that has failed from the very first. You conciliate nobody, you gain nothing by it; but it is weakness—weakness from the very beginning.

Mr. FERRY. Mr. President, the Senator from Indiana, in the first place, seems entirely to mistake the position which I assume here and the character of my amendment. I take it for granted that when the Judiciary Committee report a bill they report it because there is some evil existing which needs a remedy, or some mischief to be feared which needs to be prevented. They have reported a bill for the purpose of enforcing the fourteenth amendment, whereby those who have taken or who may take office in violation of the provisions of that amendment may be removed from office, or the offense they have committed may be punished. Their bill is in two sections: one a bill of pains and penalties, creating misdemeanors hitherto unknown to the law, misde-

meanors which, if brought by way of indictment against a person in any of the communities where they are likely to be committed, never can be punished until human nature is changed; and the other section affording a short, speedy, efficacious remedy for the evil which the Judiciary Committee apprehend.

I have moved, therefore, to strike out the section which is nugatory and mischievous, only retaining the section which is efficacious to accomplish the purposes of the committee. And the Senator from Indiana thereupon proceeds to treat the Senate with a dissertation upon the injustice and inexpediency of removing political disabilities, and the impolicy of conciliation.

Now, sir, I have no disposition to go into the general question of the propriety of removing political disabilities; but I am in a manner compelled to do so to some extent by the very extraordinary remarks of that Senator.

And here let me inform the Senator in the first place that he mistakes me at least if he supposes that the views I entertain concerning the removal of political disabilities are founded on the idea of conciliating either those who led the rebellion or anybody else. They are founded upon what I believe to be the dictates of the broadest and wisest statesmanship.

The Senator admits in the outset that the question of punishment by law, by courts and judicial tribunals, for the crime of rebellion, is at an end in this nation. He seems to regret it. Yet he admits in the fullest extent that the legal inflictions of the statute-book are not to be visited upon those who were guilty of the crime of treason during our four years' war; that all of them are henceforth free from all legal taint of crime, so far as the infliction of punishment is concerned. What, then, does a wise statesmanship dictate? If there be three hundred thousand citizens of the southern States lying under the ban of the fourteenth amendment; if they be men of intelligence and some degree of culture; if they be men of property and influence in society; if they be men whom the white men and the black men round about them have been accustomed from their childhood to look up to with respect and with regard, what tends most to induce these men to give their intelligence, their culture, their influence to the support of the Government which, whether they will it or not, is to be their Government till they die—to place them upon an equal footing with the other governed citizens of the Republic, or to maintain them, as a class, pariahs and outlaws till they die?

Sir, I am a Republican. I began with the Republican party in its very birth. I became a Republican because I believe in that great document which the Senator near me [Mr. SUMNER] so often quotes from, the Declaration of Independence. I became a Republican because I believe that the governed should participate by their votes in the Government which sways them, and I believe it should be so whether they be white men or black men. I believe that if we, in defiance of the principles upon which our party rests, continue to deny that which we claim for everybody else as a political right, to this large class of society, we are simply doing an injury to the whole society. You are enabling this class to exercise an influence which they could not exercise unless you placed them in the position of *quasi* martyrs in the society in which they live. I think you make them stronger for mischief by these disabilities than they would be without any such disabilities.

Again, it is not they alone who are affected by the disabilities which you continue to impose upon them, but the whole of the society in the midst of which they live. The Senator regrets the passage of a bill a few days ago repealing substantially the test-oath act. He would not have that oath henceforth fail to be administered to the great body of the population of the South. Has that Senator ever reflected upon the real extent of his words? Who is it that is affected by the existence of the test-oath act. That act reaches four classes in the South. It reaches every man who bore arms in the rebellion; it reaches every man who voted for an ordinance of secession; it affects every man, who, though not voting for an ordinance of secession, afterward, as the phrase was, "went with his State;" it affects every man who furnished his son, his ward, or his kinsman, with money or with means while in the confederate service; and these four classes embrace all the white men of the theater of the rebellion, with the most trivial exceptions.

There were eight hundred thousand votes cast in 1860 in the presidential election of that year within what subsequently became the area of the rebellion. They were all white votes, and of those eight hundred thousand men, as the test-oath act stands, there are not to exceed fifty thousand who can take the oath; and the Senator would keep that act upon the statute-book; he would disqualify the whole white population of the South by the continuance of that oath for the smallest Federal office which either the people or the executive administration of this Government could confer. Sir, does the Senator think what he is doing? What was the great evil before the war? What brought about secession with so much facility? Fifty years of instruction had taught the people of the southern States that they had no country but the South, no country but their own State. The Virginian or the Carolinian called himself a southerner, a Virginian, or a Carolinian; but he never called himself an American; and so when the time of rebellion came the South was ready for it, for it had lost its patriotism to begin with. Do we not want to do away with that? Is not the first thing we want to do, now that the rebellion is over, to teach the people of the South to look up to this great America of ours as their country, that its name shall first and foremost of all be the name for them to boast of? But the Senator from Indiana, keeping down upon the great mass of the white population of the South this test-oath, forbids them to have one national aspiration. A man may be a member of his State Legislature; he may be Governor of his State; he may be a State judge; but he shall not be a President or a Cabinet officer or a Senator or a Representative in Congress. He shall not be a minister to a foreign Court. He shall not represent our flag as a foreign consul. He shall not be a judge or a marshal. He shall not even be a postmaster, or a customs or revenue collector. He shall not have one official tie which can bind him to the Federal Government and make him remember that he is an American!

Sir, I want to get rid of all that. I want to abolish the test-oath, so that the great mass of the people of the southern States may get out of this sectional isolation and come up to the grandeur of American nationality. There is something more in this, Mr. President, than merely conciliating a few scores of rebels. "Conciliation!" "Hot haste!" The Senator says that I am in hot haste to bring about a removal of disabilities. Not in half so hot haste as the Republicans of the southern States are. Look at the records of their Legislatures. These assembled under our reconstruction acts, and all of them but two have proclaimed by solemn legislative resolution in favor of the removal of these political disabilities. Go to the assemblies of the two political parties. There is not a State south of Mason and Dixon's line where the Republican party could have stood up one hour in the last election had not its candidates or its conventions declared themselves in favor of the removal of these disabilities, and you know it. They know their own interests. They know what is best for them. And it is with sincerest grief that I have witnessed the great influence of the Senator from Indiana for months past given to the rekindling of sectional bitterness, and to the lighting up again of the fires of hate, which had begun to die out under the beneficent administration of President Grant.

What did the Senator mean here in the debate on the Georgia bill by reading to us by the hour old quotations from the reports of the Freedmen's Bureau relative to the events of the summer of 1868? Did he not know that the election of General Grant in the autumn of that year and the subsequent course of events had wrought great change since the summer of 1868? Did he mean to have the country understand that now, after this Administration had been a year in power, nothing had been effected to ameliorate the condition of things as they existed two years ago? If he meant that, he brought the gravest and the saddest charge against this Administration that anybody has ever brought against it.

Sir, I believe that if we will throw away our bills of pains and penalties, if we will allow that to be fact which the Senator admits to be fact, that the era of punishment at least has gone by; and if we will then legislate for the existing condition of things as it is, legislate for America, legislate for American citizens, remembering that we now are all of one blood and one nationality, that the flag is all over the land respected and honored everywhere—if we will do that we can put an end right speedily to all that the Senator from Indiana portrayed in his speech upon the Georgia bill the other day.

Mr. THAYER. I wish to ask the Senator a question if it does not interrupt him.

Mr. FERRY. Not at all.

Mr. THAYER. I do not wish to interfere between the Senator from Connecticut and the Senator from Indiana; but as the Senator from Connecticut charges that those were quotations from the reports of the Freedmen's Bureau made some years ago, I should like to ask him what he thinks of the reports of Governor Holden, of North Carolina, and the record of the courts there, the report of Governor Senter, of Tennessee, and the report of General Terry, made only last year?

Mr. MORTON. The united testimony from the South.

Mr. THAYER. Yes, sir; the united testimony from the South. Is there peace and order there, or have there been murders and outrages such as are not known in any civilized community within the last six months?

Mr. FERRY. In the first place, in reply to the inquiry, and I thank the Senator for making it, I cited the speech of the Senator from Indiana as he made it, as I sat here and listened to it, and it was in great part made up of the reports of the Freedmen's Bureau as to the condition of affairs in the summer of 1868; and so far I thought it at the time disingenuous and unfair, and calculated only to do mischief.

Now, again, as to the question which the Senator puts to me in respect to the reports of the Governors of Tennessee and North Carolina, the report of General Terry, and a report from some other quarter. I have no doubt whatever that there exists in a portion of the southern States disorder to an extent which is lamentable to witness. I do not believe that the disorder is as bad as it was five years ago, or as bad as it was three years ago. I do not believe that there can be a strife of sentiment for fifty years culminating in the bloodiest civil war that the world has ever known, of four years duration, and the waves of tumult and conflict settle at once. It is but natural that something should remain behind. It is but natural that some of the elements of disorder should occasionally break out; but never in the history of the world has there occurred a great civil strife at whose close every element of disorder has so nearly disappeared in so short a space of time as in our own recent history.

I believe that if the Governors of the southern States were men of the firmness and caliber of

the Governor of Arkansas, if they would use the means and had used the means in their own power for the enforcement of the law and the suppression of disorder, even in the States which have been named, there would not remain the amount of disorder which does remain. But I do believe that the speech of the Senator from Indiana, as a whole, utterly misrepresents the condition of things in the southern States, because the effect of that speech is to bring the mind to the conception of existing things as represented by the reports of 1868. I believe that when I have the consenting opinion of the majority of the southern Legislatures, the resolutions of the conventions of both political parties, the public speeches of the candidates of both political parties in the recent elections in those States declaring in favor of the removal of disabilities, it is hardly the thing to taunt me here upon the floor of the Senate with disregarding justice to loyal men or favoring or tampering with rebellion, when I am only endeavoring to uphold the very principle which our Republican friends, through their recognized organs in the southern States, are everywhere upholding.

Mr. MORTON. Mr. President, I thank the Senator from Connecticut for making the speech that he has made at this time, as it will enable me to say some things that I had no opportunity of saying the other night after the conclusion of the Georgia debate. The Senator repeats what was that night said by the Senator from Illinois, [Mr. TRUMBULL,] that the violence in the South had not existed since 1868, and that I referred to reports of the Freedmen's Bureau in 1868, and he gave the country to understand that since that time all things were lovely, and there were peace and security in the South. I read the reports of the Freedmen's Bureau in 1868 to prove that the Kuklux organization existed as early as the beginning of 1868. I showed its existence there two years ago. I showed what it had done as long ago as the fall of 1868; and I appeal to every Senator present if I did not try to bring down the history of each State that I referred to to this time. I went on to show what had been the condition of Tennessee from that time to the present, and of Georgia, and of Texas; and was I not sustained by the declarations of southern Senators?

But now the Senator would make the impression, as did the Senator from Illinois, that I had read from the report of the Freedmen's Bureau of the condition of things in 1868 to prove what they were now. I did no such thing. I read from those reports, and the Senator ought to understand it, to show that more than two years ago those infernal organizations had their existence and had taken root. I endeavored to trace their consequences down to the present time; and I referred to the evidence of it from time to time. I was not met by facts; but I was met by a representation that all that was violent and bloody was in 1868, while those States were still under military rule; but since they had been restored all had become peaceable, and there was security for men of all classes, of opinion, or politics. Sir, I denounced that statement then, and I denounce it now, as wholly untrue; and I tell those Senators it is not in their power to throw their mantle around the blood that is flowing in the southern States and conceal it.

Sir, while there are three million people to-day in the South who have no security for life or property, who have scarce any redress in the State courts—and the testimony of Senators around me will bear me out in what I say—while murders are committed from time to time here and there, we are told that all is peace and security, and that I was misrepresenting the condition of things in the South. Why this desire on the part of those Senators to cover up the real condition of things?

The Senator from Connecticut says that my speech on the Georgia bill was disingenuous and unfair. That speech is on the record. If I misstated the facts he has the right to correct me. If my argument that I deduced from those facts was not a fair one, he can correct that. But, sir, while not meeting my facts, while not disputing my evidence, and when the concurrent testimony comes in from nearly every southern State from day to day and from week to week, it is not legitimate for him to come in here and say that it was disingenuous and unfair. I simply intended by that speech to state to the country the true condition of the South. Instead of exaggeration I believe my statements were short of the truth. The truth was so terrible that I hardly dared to tell the whole of it to the country.

Now, Mr. President, one or two words in regard to the proposition of the Senator to strike out. What does he propose to strike out? There are two sections in the amendment offered by the Senator from Nevada. The first is to authorize the writ of *quo warranto* for the purpose of turning out by a lawsuit a man who is improperly holding an office under the fourteenth amendment. The second section is to punish him by making it a misdemeanor for him to hold office in violation of the fourteenth amendment. The Senator says we should not punish him for doing it; that that is making a new class of misdemeanors. To be sure it is. There is only one fourteenth amendment, and that has never been enforced yet. If you make the violation of it a misdemeanor, of course it is a new misdemeanor. The Senator was perfectly right in that.

Then, again, the Senator says he does not want to remove all disabilities for the sake of conciliation. I take it in that the Senator contradicted his own argument. All his argument after that was for conciliation, and to show that it would conciliate the people of the South by taking away these disabilities. But he says he does not want to do it for the sake of conciliation. He intimates that there are three hundred thousand men embraced in the fourteenth amendment. Where does he get his evidence? No, sir; there is not the one sixth part of that number. I have never heard it estimated at over fifty thousand. I do not suppose there are over forty thousand men embraced in that amendment. And who are they? They are the old politicians; the men who before the war had held office and taken an oath to support the Constitution of the United States and afterward went into the rebellion, thereby committing perjury. They are the very men who got up the rebellion; the old politicians whose characters are formed, and who can never change. You may bring them upon the floor of this Senate, and they will be just what they were during the rebellion.

It is not enough, according to the Senator, that we shall allow everybody to vote in the South; it is not enough that we shall allow everybody to hold office in the States, unless they are embraced in the fourteenth amendment; but the Senator insists that these arch-conspirators shall be permitted to come into the Congress of the United States, and, it may be, occupy the chair of the President of the United States, and make our laws and govern this nation; and he says that nothing short of that will satisfy him. I say it is a violation of the plainest principles of justice and policy. I say that if history teaches any lesson, it is that no nation has ever conciliated criminals by pardoning them as a class; it is that no nation has ever converted a mass of conspirators by forgiving the conspiracy, and elevating them to political power. The moment you do this these men will come from the southern States; and if the Senator's spirit shall prevail, if the type of political views he indicates here to-day shall prevail, they will come from all the southern States; they will make your laws for you; they will administer, in connection with their friends in the North, this Government in the interest of those who were engaged in the rebellion. And yet nothing short of that will satisfy the Senator.

Why, Mr. President, so far as these men are concerned, what ground have you for encouragement? I understood the Senator to say that our flag was now respected in the South.

Mr. DRAKE. "Honored."

Mr. MORTON. "Honored" in the South. Where? I will say my friend was mistaken; and the class of men that he proposes now to relieve and to give the privilege of coming into Congress will never honor that flag. Why, sir, only last year, down in Georgia a State fair was to be held. I do not know whether the Senator was there or not; I think he was not, or perhaps he would not entertain his present views; but I know a great many were invited from the North, and I think some northern members of Congress went down there. It was expected, of course, that in a State fair gotten up under such auspices, and intended to represent every part of the State of Georgia and every part of the South, the national flag would wave over it; but they would not hoist the flag. I believe the Senator from Pennsylvania can testify to that. When he refused to speak and others refused to speak, because the national flag was not hoisted, the committee was called together, and after deliberation of three or four hours they refused to hoist the flag. But still, sir, you must understand that everything is peace, and the national flag is honored everywhere!

Why, sir, the conference of the Methodist Episcopal Church South have just adjourned. The church North sent down the venerable Bishop Janes and other distinguished members for the purpose of effecting a reconciliation; but they were received coldly, almost with scorn. Their advances were repulsed; and while the Methodist Episcopal Church prayed for the South and for the world at large, there was no prayer uttered for the Government of the United States; there was not one word said that recognized the existence of the Government of the United States. And yet men who entertain those feelings are invited to come upon the floor of the Senate and to take part in the Government of the United States.

Sir, I care not what others may do; but for myself I will never consent that any man who has been engaged in this rebellion shall come into the Congress of the United States and take part in the Government of this nation until he has given evidence of returning loyalty. While his heart is still filled with bitterness and hatred to this Government he is not qualified to come into the Congress of the United States.

But if he gives evidence of returning loyalty we can relieve him of his disabilities. The fourteenth amendment provides for that. We are doing it liberally. We relieve everybody who expresses a desire for it apparently in earnestness and sincerity, and we will continue to do it. But, sir, before we relieve those original conspirators, the very men who seized the columns of the temple and attempted to pull it down to the destruction of the nation, and bring them into our midst, I want some evidence of their contrition and repentance.

Sir, the speech of the Senator from Connecticut will suit the rebels of the South remarkably well. It will suit the Democracy of the North remarkably well. But, sir, the Union men of the South, who are trembling for their lives and their property, and who know that notwithstanding the speeches that are made in the Senate of the United States they have but little security, that they are ostracised, socially, in trade, professionally, and every other way, will not thank him for his speech.

Mr. President, it seems to have been the fashion lately—and like many other fashions, without much reason—to talk in favor of amnesty, in favor of general conciliation, in favor of healing the wounds of the Republic. How? By doing justice to the loyal men? No, sir; but by placing the disloyal over them in power.

That is the effect—placing the disloyal over them in power. Does not the Senator know that the class of men whom he proposes to relieve will be placed in power over the loyal men of the South if they are relieved, sooner or later? He says, so far as the test-oath is concerned, there are not fifty thousand white men in the South who can take the test-oath. I think the Senator is vastly mistaken.

The Senator says I want to rekindle sectional bitterness. God forbid! I wish that I could quench it. If it was in my power there is no joy on earth which would be equal to restoring harmony to our disturbed people. But, sir, I cannot do it; and I do not accomplish it by shutting my eyes to the fact that it does not exist. The Senator cannot accomplish it by shutting his eyes to the facts by which he is surrounded.

The Senator supposes that it is possible to conceal the whole deformity of the condition of southern society by saying here in the Senate, "It does not exist; it may have existed in 1868."

Mr. President, there are serious times before us, in my opinion. I tell the Senator from Connecticut that the policy which he advocates—not that the Senator intends that—will sacrifice the loyal men of the South to conciliate the rebels of the South. That is the whole of it. The whole proposition is just this: we will agree to ignore the condition of things down there; we will refuse to protect our southern friends; we will assert in the face of the noonday sun that everything is peace, that everything is as it should be in the South, for the purpose of conciliating the rebels of the South. Ah, sir, we must not fire the southern heart; we must not tell the truth because that may rekindle the bitterness of sectional feeling! Sir, if telling the truth is rekindling the bitterness of sectional feeling, it must come. Harm was never done by telling the truth, and the best thing now that could be done is for the Congress of the United States to endeavor to understand the true condition of the South, and to act accordingly—not to endeavor to conceal it, wrap it up in the mantle of words, deny its existence, and shut our eyes, ostrich-like, to that which is around us.

Mr. WARNER. I do not propose to be drawn into any discussion now of the question of the removal of political disabilities; but there are one or two things that I should like to say. I presume the Senator from Indiana will agree with me that the best security to the people of the South of all kinds and classes is to be found in the ascendency of the Republican party. I think we would agree upon that proposition. I have been an adherent of that party about as long as the Senator; and I think we have agreed, and that we agree now, that the best interests of all the people in the South are to be secured by the ascendency of the Republican party. Now, agreeing upon that, I wish to tell the Senator that two thirds of the intelligent Republicans of the South are convinced that these political disabilities are a hinderance to the success of the Republican party in those States.

Mr. WILLIAMS. I should like to ask the Senator a question, with his permission.

Mr. WARNER. Certainly.

Mr. WILLIAMS. While they are in favor of that, I ask the Senator if they are not constantly clamoring for military force in the South to protect the loyal men from the disloyal, and does not the Senator, representing them on this floor, insist that the Army of the United States should be increased to afford protection to the loyal people of the South against the disloyal?

Mr. WARNER. I do most certainly. The fallacy lies just here, I will tell the Senator from Oregon: in presuming that the safety of the southern people is found in these disabilities. They are partly a source of those very difficulties. I am surprised that a Senator of the sagacity and the ability and the broad statesman-like views of the Senator from Indiana should go on and depict the condition of things in the South, which is deplorable enough, and I admit it is bad, and then presume that the remedy for those grave evils, which affect the whole of the body-politic, is to be found by simply keeping a few men out of office. There lies the fallacy. These outrages are to be corrected by power.

Mr. MORTON. I would keep these men out of office for their crimes. If the Senator admits that it was a crime to originate and carry on this rebellion, then he admits that these men have no right to hold office; and because of their crimes I would keep them out. We cannot deal with seven or eight million people; but when we find a class of men well defined, who were the leaders and the originators of the rebellion, we can, by every principle of justice and sound policy, put our hands upon them and say, "You shall not become the law-makers of this land." I say to my friend from Alabama that if the policy he indicates should become the law of this land, my opinion is that the seat which he occupies so worthily and so much to my satisfaction would soon know him no more forever.

Mr. WARNER. There is just where the Senator from Indiana is most sadly mistaken. If his policy were carried out in the South, if the Republican party in my State were to plant itself upon the doctrine of proscription, of bitterness, which he preaches, and in opposition to the removal of all political disabilities, I think, in that event, I should be succeeded by a Democrat. But I can tell the Senator that in my State the Republican party has been nearly a unit upon this question of the removal of political disabilities, as a measure of political policy. Placing it upon no other ground, we sustain it as a measure looking to the success of the Republican party. Every Republican member of the other branch went into the canvass advocating that doctrine, and came here pledged to it, and every one of them is an advocate of it to day; and standing upon that very ground I have no doubt at all, and I make the prediction when my term expires, if I do not again fill this seat, some other and worthier Republican will.

Mr. STEWART. I wish to appeal to the Senator from Alabama not to extend the discussion of the question of the removal of disabilities on this bill. The section under consideration simply provides a punishment for those who violate the Constitution as it now is. It does not involve the question of what shall be done as to the removal of disabilities. This section certainly cannot reach any good man at all, because any man who has violated the fourteenth amendment of the Constitution, or proposes to violate it hereafter while it remains a part of the Constitution, by holding office until his disabilities are removed, cannot be a worthy citizen. It does not involve the question of the removal of disabilities.

Mr. WARNER. I hope the Senator from Nevada will not make a speech while begging me not to make one.

Mr. STEWART. I hope we shall not continue this discussion as to whether political disabilities shall be removed or not. The question before the Senate simply is whether the fourteenth amendment shall be enforced while it remains a part of the Constitution.

Mr. WARNER. As to that question, I may as well say here that I shall vote against the amendment of the Senator from Connecticut, for this reason: while I am in favor, as a matter of statesmanship and as a matter of political policy, of wiping out these disabilities, I am also in favor of having the Constitution respected, and having it enforced so long as it remains as it is. I therefore shall vote against the amendment of the Senator from Connecticut to strike out this provision. The Constitution ought to be respected, and it ought to be made operative everywhere. Therefore I shall vote as I have said.

I shall not protract the discussion; but the Senator from Indiana makes an entire mistake, as every man who is familiar with this class of people in the South knows, when he says that the men who are under disability are almost universally the old leaders of the rebellion. I want to tell him and the Senate what I first saw when I went South. I went into Autauga county, Alabama, and I found two leading men there, lawyers, men of note and influence in their county. One had been a leading and an original secessionist, a disciple of John C. Calhoun; the other had been an old Whig, a follower of Webster, a Union man; but the Union man accidentally had held a little office given to him as a mark of confidence and respect by his people; the other man had not, and the Union man was disabled and the secessionist was not. You find these examples all over the South.

Mr. FOWLER. I wish to ask the Senator one question in connection with that case which he mentions in Alabama; whether the men alluded to in the Methodist church, or other churches, who held the cold shoulder toward a reunion with the northern members of the same church are generally men who labor under disabilities?

Mr. WARNER. Very frequently. The effect of keeping these disabilities on these men is to increase the bitterness of feeling. The great cry which we have to meet in discussing political questions in the South and in defending Republican principles and the policy of the party is this very doctrine of proscription. A Democrat stands before the people and says, "Here you allow the humblest colored man, who cannot read or write, to hold an office, and you deny it to me;" and he excites the sympathy and commiseration of his fellow-citizens. Hence we have come to the conclusion that we had better remove these disabilities and stop their cry. They are less powerful when relieved than they are when disabled. When a man of note and influence in a community stands up before his people and says to them, although he may have had a good record, "I am disabled from holding office, yet many humbler and meaner men than I can hold office," he excites sympathy, and he invariably gathers around him a circle of men who are thereby kept out of the Republican party.

Mr. THAYER. I wish to ask my friend a question. I understand him to say that proscription and disabilities are the causes of the outrages and disorders which prevail in the South.

Mr. WARNER. I hope the Senator will not understand me as saying any such thing. I said these disabilities served to increase the bitterness and hostility to the Republican party in the South.

Mr. THAYER. A little while ago the Senator certainly said something like this, that they were the main causes.

Mr. WARNER. I said nothing like it. The Senator misunderstood me.

Mr. THAYER. Certainly I could not have misunderstood the Senator, that the existence of disabilities tends to increase the bitterness, and of course that bitterness tends to the existence of these outrages or has an influence in producing them. Is that what the Senator said?

Mr. WARNER. I repeat what I said before, that the imposition of these disabilities serves to increase the bitterness and hostility toward the Government and toward the Republican party. Wherever you find a man disabled you find a man who is thereby made more the enemy of the Republican party.

Mr. THAYER. Let me ask my friend this question: does the existence of these disabilities tend to create the disturbances and the disorders?

Mr. WARNER. I have no doubt at all that the influence of the removal of all these political disabilities would be toward peace in the South. That would be its influence; not that it would produce it. I would carry, as I have

always advocated here, with that a policy of power, to punish the present offenders against the law.

Mr. President, I have received this morning a letter which shows the views of southern Republicans on this question of disabilities. It is from a gentleman well known to the Senator from Ohio and well known to my colleague, in which he says:

"When, in Heaven's name, are we to have a general removal of these political disabilities? They are a source of aggravation to our people"—

Speaking for the Republicans—

"as well as really inconvenient."

That is from a State senator of the State of Alabama, formerly Attorney General of Ohio, Mr. Barr.

Sir, I do not think any wiser act was ever done than that of the President of the United States when he inaugurated the policy of conciliation at Appomattox. I think his act in paroling the rebel army there, and consenting to allow them to go to their homes, with no other condition than that they should obey the laws in force wherever they went, was an act of intuitive statesmanship which only a great and a generous mind could conceive. The fallacy in the argument that is made here consists in reciting the outrages upon the one hand, and then taking it for granted that these disabilities are the cure for them. There is no connection between the two. These disabilities are no cure. They are no help toward putting down the outrages. Every one of these men has the right to speak; he has the right to vote; he has the press to use; he has every means of reaching the public mind, except simply the right of holding office; and there are worse and meaner rebels than they everywhere who can take the offices, so that you gain nothing by keeping these men disabled. They are not in the main the old and leading rebels, but they are, many of them, Union men.

A majority of the Republicans of the South advocate the removal of disabilities as a measure, not only of wise public policy, but as a measure of party necessity. It is because we feel that we can better go before the people, and we can better maintain ourselves and maintain the ascendency of the Republican party with these disabilities out of our way, flung behind us, so that we can say to the people, "While we have given the colored man the ballot, we at the same time exercised a generous bounty toward all others and gave them the right to hold office."

Mr. CARPENTER. I do not propose to make a speech during the present frolic of the thermometer, but I rise simply to make a practical observation in regard to this second section. I understand the first section of the pending amendment was drawn by the Senator from Connecticut. It provides a remedy in the courts against any person who shall accept or exercise the functions of an office to which he is ineligible. Now, the second section merely provides "that any person who shall hereafter knowingly accept or hold any office under the United States, or any State, to which he is ineligible under the third section of the fourteenth article of amendments to the Constitution of the United States shall be deemed guilty of a misdemeanor." The object of this section is merely this——

Mr. FERRY. That is not all; and be forever ineligible to office.

Mr. CARPENTER. The object of this section is to save the necessity of resorting to the lawsuit provided for by the first section. It is known to every lawyer that in many cases many of the offices are held for so short a term that before a suit can be instituted, prosecuted to a conclusion, and terminated, the term of office expires. This second section is designed to save the necessity of that machinery by appealing directly to the interest of the office-holder himself, and giving him notice to quit if he knows he is ineligible. It reaches no other class of office-holders than those who know themselves to be ineligible, and who unlawfully hold on to their offices in violation of that article of amendment. Whether that state of things shall exist for six months or six years it is a wrong and may properly be made a crime. In other words, this section merely removes a man by directly appealing to his interest at once, and saves the necessity for litigation.

Mr. SPENCER. I move that the Senate do now adjourn.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Alabama moves that the Senate do now adjourn.

Mr. STEWART. I hope not.

Mr. TRUMBULL. I should like to have a short executive session. There is an importance in having one, if the Senator from Alabama will allow me to make that motion.

Mr. SPENCER. I withdraw the motion to adjourn, in order that we may have a short executive session.

EXECUTIVE SESSION.

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

Mr. STEWART. I hope we shall go through with this bill.

Mr. TRUMBULL. There are reasons why we cannot get through with this bill to-night.

The motion was agreed to—ayes twenty-nine, noes not counted; and the Senate proceeded to the consideration of executive business. After some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 16, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, and not to be brought back by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures are in order for printing and reference.

OFFICERS AND CREW OF THE NIGHTINGALE.

Mr. STEVENS introduced a bill (H. R. No. 2002) for the relief of the officers and crew of the ship Nightingale; which was read a first and second time, and referred to the Committee on Naval Affairs.

JURISDICTION OF COURT OF CLAIMS.

Mr. POLAND introduced a bill (H. R. No. 2003) to amend an act entitled "An act to restrict the jurisdiction of the Court of Claims," &c., passed July 4, 1864; which was read a first and second time, referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

FIRST NATIONAL BANK, VERMONT.

Mr. POLAND also introduced a bill (H. R. No. 2004) to enable the First National Bank of Burlington, Vermont, to change its name and location; which was read a first and second time, and referred to the Committee on Banking and Currency.

Mr. GARFIELD, of Ohio. I move that the bill be printed.

The motion was agreed to.

TAXATION OF CHURCHES, ETC.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 2005) exempting churches, parsonages, and schools in the District of Columbia from taxation; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

INCREASE OF PENSIONS.

Mr. VAN WYCK introduced a bill (H. R. No. 2006) to increase pensions to invalid soldiers, widows, and minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAXES ON DISTILLED SPIRITS.

Mr. BENNETT introduced a bill (H. R. No. 2007) to change and more effectually secure the collection of internal taxes on distilled spirits, and to provide for exportation of spirits from the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

BOUNTIES TO ORDNANCE CORPS.

Mr. RANDALL introduced a bill (H. R. No. 2008) granting bounty to enlisted men in the ordnance corps who served through the late rebellion; which was read a first and second time, and referred to the Committee on Military Affairs.

JONATHAN BROEK.

Mr. O'NEILL introduced a bill (H. R. No. 2009) for the relief of Jonathan Broek; which was read a first and second time, and referred to the Committee of Claims.

MARY J. DRIVER.

Mr. BIGGS introduced a bill (H. R. No. 2010) granting a pension to Mary J. Driver; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NEW YORK AND NORFOLK RAILROAD.

Mr. AYER introduced a bill (H. R. No. 2011) granting lands in aid of the construction of the New York and Norfolk Air-line railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DEFINITION OF MURDER.

Mr. McKENZIE introduced a bill (H. R. No. 2012) to define the degrees of murder in the District of Columbia, and for other purposes; which was read a first and second time, and referred to the Committee for the District of Columbia.

APPOINTMENT OF FEDERAL OFFICERS.

Mr. McKENZIE also introduced a bill (H. R. No. 2013) in relation to the appointment of officers under the Government of the United States, &c.; which was read a first and second time, and referred to the Committee on the Judiciary.

REMOVAL OF DISABILITIES.

Mr. HEFLIN introduced a bill (H. R. No. 2014) to remove the legal and political disabilities of certain persons therein named in the States of Georgia and Alabama; which was read a first and second time, and referred to the select Committee on Reconstruction.

TOMBIGBEE RIVER.

Mr. MORPHIS introduced a bill (H. R. No. 2015) for the improvement of navigation in the Tombigbee river, in the State of Mississippi; which was read a first and second time, and referred to the Committee on Commerce.

REMOVAL OF DISABILITIES.

Mr. MORPHIS also introduced a bill (H. R. No. 2016) to remove certain legal and political disabilities from parties therein named; which was read a first and second time, and referred to the select Committee on Reconstruction.

POST ROAD IN LOUISIANA.

Mr. SHELDON, of Louisiana, introduced a bill (H. R. No. 2017) to establish a post road in the State of Louisiana; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

CRUELTY TO ANIMALS.

Mr. WILSON, of Ohio, introduced a bill (H. R. No. 2018) to prevent cruelty to animals

while in transit by railroad or other means of transportation within the United States; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

POST ROUTE IN OHIO.

Mr. DICKINSON introduced a bill (H. R. No. 2019) to establish a post route from Omar, via Reedtown and Weaver's Corners, to Bellevue, in the State of Ohio; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

QUALIFICATIONS OF ASSISTANT MARSHALS.

Mr. LAWRENCE introduced a bill (H. R. No. 2020) relative to the qualifications of assistant marshals of the United States; which was read a first and second time, and referred to the Committee on Education and Labor.

THOMAS LUNNEY.

Mr. WINANS introduced a bill (H. R. No. 2021) granting a pension to Thomas Lunney; which was read a first and second time, and referred, with accompanying papers, to the Committee on Invalid Pensions.

REMOVAL OF DISABILITIES.

Mr. TILLMAN introduced a bill (H. R. No. 2022) for the removal of the legal and political disabilities of N. O. McAdams, of Dallas, Texas, and Thomas G. Moseby, of Bedford county, Tennessee; which was read a first and second time, and referred to the select Committee on Reconstruction.

Mr. HAWKINS introduced a bill (H. R. No. 2023) for the removal of disabilities of the persons therein named; which was read a first and second time, and referred to the select Committee on Reconstruction.

Mr. COBURN introduced a bill (H. R. No. 2024) for the relief from disabilities of certain persons who have been engaged in rebellion; which was read a first and second time, and referred to the select Committee on Reconstruction.

CHARLES RICHARDS.

Mr. COBURN also introduced a bill (H. R. No. 2025) for the relief of Charles Richards; which was read a first and second time, and referred to the Committee of Claims.

LAND GRANT OF JOSÉ DOMINGUEZ.

Mr. JULIAN introduced a bill (H. R. No. 2026) to repeal an act entiled "An act to confirm the grant of certain lands to José Dominguez in California," approved June 12, 1866; which was read a first and second time, and referred to the Committee on the Public Lands.

INDIANA POST ROAD.

Mr. WILLIAMS introduced a bill (H. R. No. 2027) to establish a post road in the State of Indiana; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

JOHN SICKLER.

Mr. BURCHARD introduced a bill (H. R. No. 2028) for the relief of John Sickler; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MINERVA ORR.

Mr. HAY introduced a bill (H. R. No. 2029) granting a pension to Minerva Orr; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RAILROAD BRIDGE OVER THE OHIO.

Mr. CREBS introduced a joint resolution (H. R. No. 287) authorizing the building of a railroad bridge over the Ohio river at Metropolis City, Illinois; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

REMOVAL OF DISABILITIES.

Mr. ROGERS introduced a bill (H. R. No. 2030) for removal of disabilities imposed by the fourteenth amendment to the Constitution of the United States from sundry citizens of the State of Arkansas; which was read a first and second time, and referred to the select Committee on Reconstruction.

THIRTY-SIXTH PARALLEL RAILROAD.

Mr. ROOTS introduced a bill (H. R. No. 2031) granting lands and the right of way in Missouri and Arkansas to aid in the construction of a railroad and telegraph line along or near the thirty-sixth parallel of north latitude, from the Mississippi river to the Arkansas river; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

UPPER ST. JOHN'S, ETC., RAILROAD.

Mr. HAMILTON introduced a bill (H. R. No. 2032) granting lands to aid in the construction of the Upper St. John's, Mellonville, Tampa, and South Florida railroad; which was read a first and second time, and referred to the Committee on the Public Lands.

EXCHANGE OF BONDS.

Mr. CONNER introduced a bill (H. R. No. 2033) to repeal a portion of the act approved April 12, 1866, entitled "An act to amend an act entitled 'An act to support the Government,' approved March 3, 1865;" which was read a first and second time, and referred to the Committee of Ways and Means.

INDIAN OUTRAGES.

Mr. CONNER also introduced a joint resolution (H. R. No. 288) for the appointment of a special committee of five members of the House to take evidence concerning outrages committed by Indians on the western and southwestern frontiers, in violation of the Kansas treaty of 1865; which was read a first and second time, referred to the Committee on Indian Affairs, and, with the accompanying papers, ordered to be printed.

INTERNATIONAL IMMIGRATION SOCIETY.

Mr. SAWYER introduced a bill (H. R. No. 2034) to incorporate the International Society of the United States for the Promotion and Protection of Immigration; which was read a first and second time, and referred to the Committee on the Judiciary.

GREEN BAY AND LAKE PEPIN RAILROAD.

Mr. WASHBURN, of Wisconsin, introduced a bill (H. R. No. 2035) granting the right of way to the Green Bay and Lake Pepin Railway Company, for its road across the Oneida reservation, in the State of Wisconsin; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRESERVATION OF FUR-BEARING ANIMALS.

Mr. WASHBURN, of Wisconsin, also introduced a bill (H. R. No. 2036) to prevent the extermination of fur-bearing animals in Alaska; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SETTLERS IN CALIFORNIA.

Mr. AXTELL introduced a bill (H. R. No. 2037) for the relief of settlers on certain lands in the State of California; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

BENICIA, CALIFORNIA.

Mr. JOHNSON introduced a bill (H. R. No. 2038) to grant increased facilities to Benicia, a port of delivery in the State of California; which was read a first and second time, and referred to the Committee on Commerce.

SPIRITS DISTILLED FROM APPLES, ETC.

Mr. SARGENT introduced a bill (H. R. No. 2039) imposing a tax upon spirits distilled from apples, peaches, and grapes exclusively, and to regulate the distillation thereof; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SUPPRESSION OF INDIAN HOSTILITIES.

Mr. SMITH, of Oregon, introduced a bill (H. R. No. 2040) to amend an act approved March 2, 1861, entitled "An act to provide for the payment of the expenses incurred by the Territories of Oregon and Washington in the suppression of Indian hostilities therein in the years 1855 and 1856; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POST ROUTE IN WEST VIRGINIA.

Mr. DUVAL introduced a bill (H. R. No. 2041) to establish a certain post route in West Virginia; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

HEIRS OF DR. JOHN MILLINGTON.

Mr. CHAVES introduced a bill (H. R. No. 2042) for the relief of the heirs of Dr. John Millington; which was read a first and second time, and referred to the Committee of Claims.

COMPENSATION FOR MISSIONARY STATIONS.

Mr. SHAFER introduced a bill (H. R. No. 2043) to provide compensation for missionary stations, and for other purposes; which was read a first and second time, and, with the accompanying petition of the American Board of Commissioners for Foreign Missions, referred to the Committee on Private Land Claims.

ORDER OF BUSINESS.

The SPEAKER. The call of the States and Territories for the introduction of bills and joint resolutions having been completed, the next business in order is the call for resolutions to be presented for consideration at the present time. The call rests at the State of New York.

PHILADELPHIA AND CAMDEN BRIDGE.

Mr. TANNER introduced a bill (H. R. No. 2044) declaring the bridge between Philadelphia and Camden a post route; which was read a first and second time.

Mr. TANNER. I desire to have the bill put upon its passage, and move the previous question.

The bill was read. It provides that the bridge authorized to be constructed by an act giving the consent of the United States to the erection of a bridge across the Delaware river, between Philadelphia and Camden, approved April 6, 1870, when erected, shall be, and is hereby declared to be, a post route.

On seconding the demand for the previous question there were, on a division—ayes 30, noes 31; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and Mr. HAIGHT and Mr. TANNER were appointed.

Mr. HAIGHT. I should like the gentleman from New York to give some explanation of the bill.

The SPEAKER. The bill cannot be debated. If there was the slightest debate on it it would have to go over.

The tellers took their places; and, the House having again divided, the tellers reported—ayes 84, noes 32.

So the previous question was seconded.

The main question was ordered; and under the operation thereof the bill was read the third time, and passed.

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

The latter motion was agreed to.

BILL FOR GENERAL AMNESTY.

Mr. COX submitted the following resolution; on which he demanded the previous question:

Resolved, That the select Committee on Reconstruction be, and are hereby, instructed to report forthwith a bill for general amnesty.

On seconding the demand for the previous question there were, on a division—ayes 43, noes 70; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. MAYNARD and Mr. Cox.

The House again divided; and the tellers reported—ayes 51, noes 78.

So the call for the previous question was not seconded.

Mr. RANDALL. I move to lay the resolution on the table.

Mr. COX. And on that motion I call for the yeas and nays.

Mr. BEAMAN. I move that the resolution be referred to the select Committee on Reconstruction.

The SPEAKER. The motion to lay on the table takes precedence of the motion to refer.

Mr. FARNSWORTH. I rise to a question of order. The previous question not having been seconded, and debate arising, does not the resolution go over under the rule?

The SPEAKER. The motion to lay on the table was made before any gentleman rose to debate the resolution, and is in order.

On ordering the yeas and nays on the motion to lay the resolution on the table there were—ayes thirty.

So (more than one fifth of the last vote being in favor thereof) the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 84, nays 87, not voting 57; as follows:

YEAS—Messrs. Ambler, Ames, Asper, Atwood, Banks, Beaman, Benjamin, Benton, Boyd, George M. Brooks, Buffinton, Burdett, Benjamin F. Butler, Cessna, Amasa Cobb, Coburn, Cook, Conger, Cowles, Dawes, Dixon, Donley, Duval, Dyer, Ferriss, Gilfillan, Hamilton, Hawley, Hoar, Hotchkiss, Judd, Julian, Kelley, Kelsey, Lash, Lawrence, Maynard, McCarthy, McGrew, Mercur, Eliakim H. Moore, Jesse H. Moore, William Moore, Daniel J. Morrell, Myers, Negley, O'Neill, Orth, Packard, Packer, Paine, Peck, Peters, Pomeroy, Prosser, Roots, Sanford, Sargent, Sawyer, Shanks, Porter Sheldon, John A. Smith, William J. Smith, William Smyth, Starkweather, Stevens, Stevenson, Stokes, Stoughton, Strickland, Taffe, Tanner, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Cadwalader C. Washburn, Wheeler, Wilkinson, Willard, Williams, and John T. Wilson—84.

NAYS—Messrs. Allison, Arnell, Axtell, Ayer, Barry, Beatty, Beck, Bennett, Biggs, Bingham, Blair, Booker, Bowen, James Brooks, Buckley, Burchard, Burr, Cake, Churchill, Sidney Clarke, Conner, Cox, Crebs, Degener, Dickinson, Dox, Eldridge, Farnsworth, Ferry, Finkelnburg, Fitch, Garfield, Getz, Gibson, Haight, Haldeman, Hale, Harris, Hawkins, Heflin, Hill, Holman, Ingersoll, Johnson, Kellogg, Ketcham, Laflin, Lewis, Logan, Mayham, McKee, McKenzie, McNeely, Milnes, Morgan, Morphis, Mungen, Niblack, Perce, Platt, Poland, Potter, Randall, Rice, Rogers, Schumaker, Scofield, Lionel A. Sheldon, Sherrod, Shober, Slocum, Joseph S. Smith, Worthington C. Smith, Stiles, Strong, Swann, Sweeney, Trimble, Van Trump, Voorhees, Welker, Whitmore, Eugene M. Wilson, Winans, Winchester, Wood, and Woodward—87.

NOT VOTING—Messrs. Adams, Archer, Armstrong, Bailey, Barnum, Bird, Boles, Buck, Roderick R. Butler, Calkin, William T. Clark, Cleveland, Clinton L. Cobb, Covode, Cullom, Davis, Dickey, Dockery, Ela, Fisher, Fox, Griswold, Hambleton, Hamill, Hay, Hays, Heaton, Hoge, Hooper, Jenckes, Alexander H. Jones, Thomas L. Jones, Kerr, Knapp, Knott, Loughridge, Lynch, Marshall, McCormick, McCrary, Samuel P. Morrill, Morrissey, Palmer, Phelps, Porter, Reeves, Ridgway, Schenck, Stone, Strader, Van Auken, Van Horn, Van Wyck, Ward, William B. Washburn, Wells, and Witcher—57.

So the House refused to lay the resolution on the table.

During the roll-call,

Mr. BURR stated that Mr. MARSHALL was absent on account of sickness. If present he would have voted "no."

Mr. RANDALL announced that his colleague, Mr. VAN AUKEN, was paired upon this question with Mr. VAN WYCK, and also that Mr. BIRD had paired with Mr. MORRILL, of Maine. Mr. BIRD would have voted "no" on this question.

Mr. VAN WYCK stated that he had paired upon all political questions with Mr. VAN AUKEN.

The result of the vote was announced as above recorded.

Mr. CESSNA. I move that the resolution be referred to the select Committee on Reconstruction, and on that motion I move the previous question.

Mr. COX. I rose for the purpose of taking control of the resolution, and if possible, putting it on its passage under the previous question.

The SPEAKER. The House having once refused to second the previous question on the adoption of the resolution, the Chair had to recognize some gentleman to make another motion.

The previous question was seconded and the main question ordered.

Mr. COX. I ask the yeas and nays on the motion to refer.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 116, nays 56, not voting 56; as follows:

YEAS—Messrs. Allison, Ambler, Ames, Arnell, Atwood, Banks, Beaman, Beatty, Benjamin, Bennett, Benton, Bingham, Blair, Bowen, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Burdett, Benjamin F. Butler, Cake, Cessna, Sidney Clarke, Amasa Cobb, Coburn, Cook, Conger, Cowles, Dawes, Degener, Dickey, Dixon, Donley, Duval, Dyer, Ela, Farnsworth, Ferriss, Ferry, Finkelnburg, Fitch, Garfield, Gilfillan, Hale, Hawkins, Hawley, Heflin, Hill, Hoar, Hooper, Hotchkiss, Ingersoll, Judd, Kelley, Kellogg, Kelsey, Ketcham, Laflin, Lash, Logan, Maynard, McCarthy, McCrary, McGrew, McKee, Mercur, Eliakim H. Moore, Jesse H. Moore, William Moore, Daniel J. Morrell, Myers, Negley, O'Neill, Orth, Packard, Packer, Paine, Peck, Peters, Platt, Poland, Pomeroy, Prosser, Roots, Sanford, Sargent, Sawyer, Schenck, Scofield, Shanks, Lionel A. Sheldon, Porter Sheldon, John A. Smith, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevens, Stokes, Stoughton, Strickland, Strong, Tanner, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Calwalader C. Washburn, Welker, Wheeler, Willard, Williams, and John T. Wilson—116.

NAYS—Messrs. Adams, Archer, Axtell, Ayer, Barnum, Barry, Beck, Biggs, Booker, James Brooks, Burr, Conner, Cox, Crebs, Dickinson, Dox, Eldridge, Getz, Haight, Haldeman, Hamill, Harris, Holman, Johnson, Knott, Lawrence, Lewis, Mayham, McKenzie, McNeely, Milnes, Morphis, Mungen, Niblack, Perce, Potter, Randall, Rice, Rogers, Schumaker, Sherrod, Shober, Joseph S. Smith, Stiles, Swann, Sweeney, Taffe, Trimble, Van Trump, Voorhees, Wilkinson, Eugene M. Wilson, Winans, Winchester, Wood, and Woodward—56.

NOT VOTING—Messrs. Armstrong, Asper, Bailey, Bird, Boles, Boyd, Roderick R. Butler, Calkin, Churchill, William T. Clark, Cleveland, Clinton L. Cobb, Covode, Cullom, Davis, Dockery, Fisher, Fox, Gibson, Griswold, Hambleton, Hamilton, Hay, Hays, Heaton, Hoge, Jenckes, Alexander H. Jones, Thomas L. Jones, Julian, Kerr, Knapp, Loughridge, Lynch, Marshall, McCormick, Morgan, Samuel P. Morrill, Morrissey, Palmer, Phelps, Porter, Reeves, Ridgway, Slocum, Stevenson, Stone, Strader, Van Auken, Van Horn, Van Wyck, Ward, William B. Washburn, Wells, Whitmore, and Witcher—56.

So the resolution was referred to the select Committee on Reconstruction.

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

The latter motion was agreed to.

The SPEAKER. The morning hour has expired.

REDUCTION OF INTERNAL TAXES.

Mr. SCHENCK. I am instructed by the Committee of Ways and Means to report a bill in relation to internal taxes, to be printed and recommitted.

The bill (H. R. No. 2045) to reduce internal taxes, and for other purposes, was received and read a first and second time.

Mr. SCHENCK. With the leave of the House I will make a brief explanation of the bill.

Mr. Speaker, the members of the House are aware that there is now upon the general Calendar of the Committee of the Whole on the state of the Union a bill introduced a year ago last March, the first bill of this Congress, bill No. 1, to codify and reduce into one all the laws relating to internal taxes. From the present appearance and prospect of the business of the House, and the condition of that business, it is not probable that we will be able to get at that bill so as to dispose of it in its entirety during this session of Congress. That bill is the result of a very great deal of labor on the part of the Committee of Ways and Means, both in this Congress and in a former Congress. We have spent not only days and nights, but even months of labor upon it in the endeavor to codify, simplify, and unify in this revision all the laws now on the statute-book relating to internal taxes. There is not a great deal of encouragement in work of this kind, because it too often happens that when such a bill is brought to the light, and the consideration of a body like this is asked, some person, with the best possible intentions no doubt, but who has not perhaps bestowed a very great deal of study or consideration upon the subject in its broadest extent, will pitch in and derange the whole work.

However, without discussing any proposition of that kind now, or alluding to anything that has been done or that might be done in relation to that or kindred matters, I desire to say that the Committee of Ways and Means have come to the conclusion to divide the matter of that large bill upon internal taxes into three bills, and to ask the action of the House successively upon the three bills into which the whole matter may be thus divided.

We propose, in the first place, a bill which shall modify and to a very great extent repeal all the internal taxes of the country with the exception of the taxes upon fermented liquors, distilled spirits, tobacco and cigars, and stamps. Then we propose to take up that portion of the general bill which relates to taxes on these articles, and introduce such bill amendatory of the provisions of existing laws embracing those articles as may seem to be necessary. Then we propose to take up that part of the general bill which relates to the organization of the department of internal revenue, its officers, bonds, punishments, collections, assessments, &c.; in short, all administrative sections of that bill, and present them in one bill.

The bill which I now introduce is the first of these three, and is a bill relating to the repeal of a large portion of the internal taxes of the country, and making modifications by reënactment of other parts relating to the same subjects. I have a memorandum here by which I shall be enabled to state to the House what is accomplished by this bill. We have, by repeal of the provisions of law relating thereto, taken off the taxes on successions and legacies, which, measured by the receipts of last year, 1869, will be a reduction of $2,434,593. We take off the taxes upon the gross receipts of railroads, insurance companies, and other institutions and corporations and kinds of business, with the exception of the receipts of lotteries, of theaters, and of other places of public amusement, &c. The whole amount of revenue from these gross receipts for the last year was $8,444,210, and by this bill it is proposed to reduce that amount by $6,109,617. We take off all the taxes on sales except that which is assessed upon dealers in liquor. With that exception this bill would make a further reduction of taxes of $8,197,784.

Then we take off all the special taxes of every kind; that is, the taxes imposed upon various sorts of business, except certain kinds of business which are reserved in the bill. Those reservations are whatever relates to the taxes on claim agents, circuses, a part of the taxes on hotels, the taxes on jugglers, lottery-ticket dealers, patent-right dealers, pawnbrokers, museums, theaters, &c. Making these reservations, there will still be a reduction of these special taxes amounting to $8,474,752. We modify the tax in relation to incomes so as to increase the exemption to $1,500, leaving the percentage the same as now, five per cent. By the exact returns and tables furnished us from the Internal Revenue Bureau we find that this will constitute a still further reduction of $5,741,105. I may remark, in connection with this income tax, that we have provided for such a change of the law that every person will not be required, as now,

to make a return of his income whether he have any taxable income or not. No person is to be considered in default for making no return unless his gross income amounts to as much as $1,500; leaving it, of course, to the assistant assessor or assessor, if he has reason to believe that a person failing to make return has a gross income of $1,500 or more, to investigate the matter and see that a proper return is made or the proper penalties imposed. We have also inserted a provision which will prevent, except under special regulations of the Commissioner of Internal Revenue, any publication of the particulars of the business of any one paying income tax.

We have also a reduction of all the taxes contained in what is known as "schedule A" of the present law; that is, the taxes on carriages, watches, and various little articles, amounting to $882,860. These taxes we propose to take off entirely. We propose to remove also the taxes on gas, amounting to $2,116,005. The total amount of taxes, therefore, proposed to be repealed by this modification and readjustment of the law will be $33,956,716, being some $4,000,000 more than the committee originally contemplated when they set their standard as to the amount of these troublesome taxes which we could afford to repeal. That was the decision of the committee some three or four months ago. They have been working up to it, and this is the result. I might say, however, that there will be certain additions of taxes which will diminish this aggregate amount of reduction. For instance, we not only retain the taxes on lotteries and places of public amusement, but have so regulated those taxes that without being oppressive, and, indeed, the modification has been assented to in a good degree by the lottery dealers, additional taxes amounting to about $500,000 will be yielded from these sources.

We have put a tax upon foreign commercial brokers—those who come here from abroad and sell by samples, but have no known place of business—and these taxes may amount to from $30,000 to $50,000, perhaps more. We propose a further tax upon banks—a tax on their deposits of money belonging to the United States, at the rate of three per cent. per annum. That will give us about $100,000 more. The aggregate of all the additions cannot, however, amount to more than the excess of the reductions over $33,000,000. In other words, as the aggregate reductions to which I have referred would amount to $33,956,516, these additional taxes would probably take off the odd $956,516, making a total reduction of $33,000,000 from the burden of the taxes which the people now bear, selecting for the purpose of this reduction those taxes which have seemed to the committee the most annoying in the mode of their collection and in the manner of reaching them, and therefore the most reasonably unpopular.

While we retain the tax on stamps, we have made with respect to that species of taxation an alteration to which it may be worth while to call the attention of the House. Although this is a sort of tax easily collected and productive of a large revenue, yet in respect to two classes of instruments now subject to taxation of this kind there is more annoyance experienced than perhaps arises in connection with any other of the instruments ordinarily made by the people. I allude to the ordinary country contracts of different kinds, and to the little receipts given for various purposes upon bills and other matters of that sort. We have taken from the schedule of stamp taxes both those items, so that hereafter those instruments may be exempt from the necessity of being stamped.

The committee are glad to be enabled to offer these reductions to the House and the country. They know how cheerfully all through the war, and all through the period which has elapsed since the war, the people have paid that which was demanded of them in order to keep up the public credit and meet our Government liabilities. But we have already within the last three or four years made very large reductions, as in the taxes on manufactures, and we feel perfectly safe in proposing this further reduction in this present year to be added to the reduction heretofore made, so as to make lighter and lighter the burdens which the people have to bear, whether cheerfully or not.

I do not know there is anything else; Mr. Speaker, needed to be stated to give a brief explanation of the bill, which is clear enough, and can be perfectly understood by the members of the House; still it will be desirable that the bill should be inspected, before it is put upon its passage, by every one who may wish to comment on any part of it. I will conclude, therefore, by moving that this bill be printed, recommitted to the Committee of Ways and Means, with authority to report at any time, to be considered in the House under the five-minutes rule.

Mr. BANKS. Does the gentleman from Ohio by his motion supersede certain special orders already made by the House, and for which we have been waiting so long?

Mr. SCHENCK. Those are special orders in the Committee of the Whole on the state of the Union.

Mr. BANKS. I refer, for instance, to the resolution reported from the Committee on Foreign Affairs in reference to Cuba.

Mr. SCHENCK. If this special order be made now, of course it would be taken up in its order; that is, in the order in which it is made; but that is not my motion. My motion is that the Committee of Ways and Means shall have leave to report the bill back at any time for the action of the House.

Mr. BANKS. I hope the gentleman from Ohio will not press his motion now.

Mr. SCHENCK. To be considered in the House under the five-minutes rule, so we may act on it speedily. I beg that with the assurance it is the intention of the Committee of Ways and Means to bring it back within a week, perhaps this very week.

Mr. GARFIELD, of Ohio. I ask my colleague to yield to me for a question.

Mr. SCHENCK. Certainly.

Mr. GARFIELD, of Ohio. Suppose this order my colleague moves be made by the House, how will it affect special orders already made? Will this take precedence of all other special orders?

The SPEAKER. If the House agree to the motion as made by the gentleman from Ohio it will take precedence of all other special orders. He asks that the bill be recommitted to the Committee of Ways and Means, with authority to report it back at any time for the action of the House under the five-minute rule.

Mr. BANKS. I hope the chairman of the Committee of Ways and Means will not press his motion to the exclusion of other matters on which members have been long waiting to act and which will not take up a long time. I want to bring up the resolution in reference to Cuba, which will not take up more than one or two days.

Mr. SCHENCK. The Committee of Ways and Means have themselves in charge the special order in reference to the tariff, as well as the special order in reference to the internal tax. They are willing those special orders should be laid aside to get at this bill, and I do not know they ought to be more liberal to others than they are to themselves. If there be objection to this I shall meet it by moving to suspend the rules, with a view to this action of the House, in order to get at this reduction of the taxes, and to get at it speedily.

Mr. FARNSWORTH. Why refer it back to the Committee of Ways and Means? It is in possession of the House now. This is much more important, and we should act on it earlier than the tariff bill, upon which we have spent so much time.

Mr. SCHENCK. Any gentleman can readily understand our motive for this, as the bill is long, containing carefully drawn provisions. There may be some fifty or sixty pages of it. It is a revision of the laws, dropping out and repealing the portions I have spoken of, and it ought to be, for the sake of the House and the committee, put in print. We therefore prefer it should be printed and recommitted, with the authority to bring it back for action, as I have said. And I meet the demand of the gentleman from Illinois when I say the Committee of Ways and Means have determined to bring it back at the earliest opportunity possible. I yield now to the chairman of the Committee on Appropriations.

Mr. DAWES. I desire, before submitting a word or two in reference to this proposition, to know what the gentleman proposes to do with the pending tariff bill in the Committee of the Whole on the state of the Union.

Mr. SCHENCK. I have in my hand, ready to offer, a resolution to expedite action on that bill.

Mr. DAWES. I understand the proposition of the chairman of the Committee of Ways and Means to be this: that we go on with the pending bill until it is finished, or until he calls the other up; in other words, he desires to occupy the attention of the House from this time onward with the pending bill until he takes up the bill which he has introduced to-day.

Mr. SCHENCK. If the gentleman will allow me to interrupt him, I will remark that that has nothing to do with the present question. If the House puts it within our power to bring this bill up on an early day, it will then be in the power of the House to say what bill shall be proceeded with.

Mr. DAWES. I wish to state that the proposition of the chairman of the Committee of Ways and Means is to cover all the time between now and the time when he proposes to bring back this bill, with the pending bill. And if the proposition shall be adopted by the House it gives him the power to supersede not only all special orders in the House, but all special orders in the Committee of the Whole; and on that point I have a word to say to the House. It is now the 16th day of May. Another fiscal year commences in six weeks from the present time. Of all the nine appropriation bills, but one, that making appropriations for the Military Academy, has become a law. In six weeks from this time the Government will be without a dollar to carry on this Administration. I will inform the House what is the condition of the other bills. The legislative and executive appropriation bill is now in the other branch. It is about to come back here with about as much added to it as that which went from this House. The Indian bill is in the Senate, reported from its committee. The naval appropriation bill has been reported to this House. The consular and diplomatic bill has been reported to this House. The fortifications bill has been reported to this House. The Post Office bill has been reported to this House. The pension bill is with a committee of conference. The river and harbor bill is under consideration in the committee; and the sundries civil bill is ready to be reported this morning. The Army bill is under consideration in committee, and is almost ready to be reported.

We have but six weeks for the consideration of these bills before the fiscal year commences. We are informed officially that a deficiency exists at this day of $1,500,000 in the appropriation for the collection of the customs; and unless this can be provided for the collection of the customs must stop. I ask, then, that the House shall give the Committee of Appropriations the time between now and the time when the gentleman from Ohio takes up the bill he has just reported, that we may in the mean time provide for the carrying on of the Government. It is with great reluctance that I have to make this proposition. I congratulate the

Committee of Ways and Means and the country upon the result of their labors as reported here this morning. I shall take hold with them earnestly in the work of putting their bill through. I have stood by the committee upon the pending bill since it was reported on the 1st day of February, and made a special order on the 15th day of February, and taken up in detail on the 1st of March, and which for two months and a half has mainly occupied the time of this House and the labor of the Committee of the Whole, which is now about half way through the bill.

I submit that, upon this report made by the Committee of Ways and Means, it is but just to the Committee of Appropriations, and it is but yielding to the necessities of the Government, that the Committee on Appropriations should have the time between now and the time when they propose to take up the bill reported this morning. And I appeal to my friend, the chairman of the Committee of Ways and Means, with no factious spirit, and in no spirit of opposition to this bill. I have stood, and my committee has stood with him in general and in detail through all the labor up to this time. And I ask him that, pending the further consideration of the bill he has reported this morning, until his committee shall report it back to the House, he shall yield to the Committee on Appropriations, in view of the announcement I have made as to the absolute necessities of the Government, that they may have the time of the House for the consideration of their bills. Not one of them but the unimportant bill for the support of the Military Academy has yet become a law. And, besides that, but two others have gone out of the House. The rest are all ready to be considered to-day.

I think I do not ask too much of the chairman of the Committee of Ways and Means. I recognize his rights. I recognize what is due to him, and to his position as representing the ways and means of the country. But I am instructed by the Committee on Appropriations, in view of special messages which have come to them, and the urgency of the case, to press upon the House the necessity of proceeding with the appropriation bills, and to ask the chairman of the Committee of Ways and Means to yield to them the time between this and the time when he asks to have this bill considered. I will stay here with him after that as long as he desires to further consider this bill, if it should be the will of the House. I have not desired by these remarks, by any side blow, to defeat his measure or to obstruct its passage. But I appeal to him and to the House in the behalf of the necessities of the Government, and I ask him to yield this time to my committee.

Mr. SCHENCK. I appreciate in its full force the appeal made by the chairman of the Committee on Appropriations, and I have only to reply to it that while it may be very well in itself, from his point of view, he will pardon me for calling attention to the fact again that it has nothing to do with the question now before the House. The question now is, is the House prepared to make such order as will insure the very speedy consideration and disposal of the bill which we have this morning reported, reducing the internal taxes of the country? When I come to make a motion to go into Committee of the Whole on the state of the Union upon the tariff bill then all these considerations will be in order, and I suppose the gentleman from Massachusetts [Mr. DAWES] has merely seized this occasion to put them forward now, because when I make that motion it will not be debatable, and he will have the advantage of having impressed upon the House the propriety of not going into Committee of the Whole on the state of the Union on the tariff when there is so much else demanding, as he thinks, to be considered preferentially within the next few days. I cannot, therefore, propose anything other than I have done, so far as this bill is concerned.

Mr. DAWES. I made those remarks merely to see if the gentleman would not yield to my proposition, and then, I apprehend, there will be no objection on the part of the House to his motion.

Mr. SCHENCK. I understand that the gentleman from Massachusetts [Mr. BANKS] objects.

Mr. BANKS. Allow me to say a word.

Mr. SCHENCK. I promised first to yield to the gentleman's colleague, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I want to call the attention of the chairman of the Committee of Ways and Means and of the House to his proposition. Does he mean to consider his tax bill in the House as in Committee of the Whole?

Mr. SCHENCK. No, I suppose not, but under the five-minutes rule.

Mr. BUTLER, of Massachusetts. Well, there is a very great difference between the two propositions, I think. If there is not, then I have not a word to say. I have no objection to the bill being considered as in Committee of the Whole with the power to offer amendments and discuss them that we have in Committee of the Whole. But if the gentleman wishes to put in his tax bill here without giving an opportunity to make amendments, why, then, for one, I shall feel obliged to vote against his motion.

Mr. SCHENCK. The gentleman may feel relieved upon that point. Nothing is further from the thought of the committee than to exclude amendments. They may have some amendments to propose themselves when they come to see the bill in print.

Mr. BROOKS, of New York. I rise to a point of order. We who are governed want to hear what our governors say, and there is so much confusion we can hear nothing.

The SPEAKER. Gentlemen will resume their seats and preserve order.

Mr. SCHENCK. I desire that everything which we propose and ask of the House shall be distinctly heard and understood. It is not my fault if I have not been at all times clear enough to the comprehension of every member. I repeat, therefore, that nothing was further from the thought of the Committee of Ways and Means than to cut off the opportunity of amending the bill in its details. But we have thought that without interfering with the special orders in Committee of the Whole, if the bill were brought into the House and acted on speedily and vigorously, with amendments and with debate, but that debate limited to five-minutes discussion, we would accomplish every object.

Mr. BUTLER, of Massachusetts. Will the gentleman tell me why he does not use the phrase "as in Committee of the Whole?" What is the difference as he understands it?

Mr. SCHENCK. Simply because it gives more power over the bill if debate on amendments should seem to be merely for the purpose of delay, which I do not apprehend.

Mr. BUTLER, of Massachusetts. If it means the same thing as in Committee of the Whole there is no difficulty.

Mr. SCHENCK. The Speaker can explain the difference to the gentleman.

Mr. BUTLER, of Massachusetts. If the gentleman will modify his motion so as to make it "as in Committee of the Whole" he will take away all objection on my part.

Mr. COX. I would like to ask the gentleman a question with a view to our votes upon this proposition.

Mr. SCHENCK. Very well.

Mr. COX. I think the gentleman will deal with his usual frankness with our side of the the House and tell us precisely what his proposition is with reference to the tariff. Does he propose to amend the order of the House in that regard?

Mr. SCHENCK. I will tell the gentleman just what I propose in regard to the tariff. I propose after this subject shall have been disposed of to introduce a resolution which I will now read in my place:

Resolved, That when the House shall be at any time in Committee of the Whole on the state of the Union on the special order, House bill No. 1068, being a bill to amend existing laws relating to the duties on imports, and for other purposes, it may direct any portion of the bill, or any portion relating to the same general subject, to be read preparatory to amendment and discussion thereof and may on motion order all debate on such part to cease at the expiration of a time indicated.

For instance, I propose when we again go into Committee of the Whole on the special order, as we have now just reached the subject of lumber, which takes up a page or more of the printed bill, to move that the whole of what relates to lumber shall be read at once. And I will then move that all debate upon the portion relating to lumber shall cease in a given time, allowing what may seem to be a fair time for discussing and amending any part of it. And so on with the bill in detail. The delay has been occasioned mainly by the little protracted debate which has sprung up on every line and every item, which has resulted in divisions of the Committee of the Whole and in dilatory proceedings. That is what I desire to cut off, with the support of the House. And I think the gentleman from his former experience may trust somewhat to the fair dealing of the Committee of Ways and Means, or of its chairman, to not use the power which I will ask for any oppressive purposes. However, that question is not now before the House.

Mr. DAWES. I propose to amend the resolution by adding to it these words:

And that the further consideration of the bill (the tariff bill) be postponed until after the consideration of all the appropriation bills.

The SPEAKER. That question is not now before the House. The question is upon the motion of the gentleman from Ohio, [Mr. SCHENCK,] that the bill be printed and recommitted to the Committee of Ways and Means, with authority to report it back to the House at any time for consideration and action, under the five-minutes rule.

Mr. SCHENCK. I have no objection to saying that the bill shall be considered as in Committee of the Whole if gentlemen prefer it, so that a record shall not be made by yeas and nays of their votes.

The SPEAKER. That will not cut off the right to call the yeas and nays on any question.

Mr. SCHENCK. Then I will let the motion stand as I first made it.

Mr. ALLISON. I move to amend the motion so that the bill shall be considered by sections under the five-minutes rule in the House.

Mr. GARFIELD, of Ohio. As in Committee of the Whole.

Mr. JUDD. I would ask the gentleman what objection there is to instructing the Committee of Ways and Means to report this bill back on Wednesday next immediately after the reading of the Journal?

Mr. SCHENCK. I would rather the House would not instruct us when to bring the bill in, but take our word for it that we will report it back as soon as we can.

The SPEAKER. Does the gentleman from Ohio [Mr. SCHENCK] accept the amendment of the gentleman from Iowa, [Mr. ALLISON?]

Mr. SCHENCK. I do; I first drew up my motion in that form.

Mr. DAWES. If the motion of the gentleman should be adopted, can a majority of the House at any time go into Committee of the Whole on the appropriation bills, notwithstanding this order?

The SPEAKER. This has nothing to do with that—the point raised upon that matter.

Mr. DAWES. I know that; but I want to know the effect of this.

The SPEAKER. If the gentleman from Ohio [Mr. SCHENCK] should follow this up by a motion to go into Committee of the Whole upon the tariff bill——

Mr. DAWES. That is not what I mean, if the Chair please. Suppose the gentleman

from Ohio should report this bill back on Wednesday next, can I on Thursday move to go into Committee of the Whole on the appropriation bills, and can a majority of the House agree to that motion?

The SPEAKER. The Chair is under the impression that this would be considered a special order until disposed of.

Mr. DAWES. So as to supersede a motion to go into Committee of the Whole on an appropriation bill?

Mr. INGERSOLL. I suppose, Mr. Speaker, it would not supersede a motion to postpone.

Mr. FARNSWORTH. Cannot a majority of the House at any time postpone this subject?

The SPEAKER. The action now proposed must be adopted, if at all, under a suspension of the rules, and the House may itself direct as to the effect of the vote. The motion can be so framed as to provide for that particular exigency.

Mr. DAWES. I do not wish to ask the House to go into Committee of the Whole to supersede this particular bill unless necessity should require it. I merely wish to know whether I shall have the power to do so, or whether the gentleman from Ohio will have power over the appropriation bills. I do not wish to interfere with him in reference to this bill.

Mr. SCHENCK. I can give the gentleman a reply which I think will satisfy him. Although the tariff bill is the special order in Committee of the Whole, it is within the power of the majority of the House at any time to refuse to go into Committee of the Whole on that bill, as it is within the power of the House to refuse to go into Committee of the Whole on anything else.

Mr. DAWES. I am not talking of that bill.

The SPEAKER. The Chair will state, in answer to the gentleman from Massachusetts, [Mr. DAWES,] that if the Committee of Ways and Means should report this bill back, and the House should proceed to its consideration, it would be within the power of a majority of the House to postpone it to any given day, unless the House should now, by a suspension of the rules, take away that power.

Mr. DAWES. That is all I desire.

Mr. GARFIELD, of Ohio. Does this proposition take away that power?

The SPEAKER. It does not, because it provides merely for the right of the committee to report the bill back for consideration, subject, of course, to the other rules of the House.

Mr. BUTLER, of Massachusetts. Will the Speaker state the question?

The SPEAKER. The Chair was about to state the proposition as the gentleman from Ohio [Mr. SCHENCK] has modified it. The gentleman from Ohio moves that the bill just reported from the Committee of Ways and Means be printed and recommitted, with authority on the part of the committee to report it back at any time for consideration and action in the House by sections, under the five-minutes rule.

Mr. BUTLER, of Massachusetts. As in Committee of the Whole.

The SPEAKER. The gentleman from Ohio has not included that in his proposition.

Mr. BUTLER, of Massachusetts. I ask the gentleman from Ohio whether he did not agree to that?

Mr. SCHENCK. I do not know that I have any objection to it, if the gentleman from Massachusetts attaches any importance to it.

The SPEAKER. Does the gentleman from Ohio so modify his proposition?

Mr. SCHENCK. On reflection I prefer the motion as I have stated it, so that there may be no necessity for an order every day to stop debate.

The SPEAKER. The gentleman from Ohio moves that the bill be printed and recommitted, with authority on the part of the committee to report it back at any time for consideration and action in the House by sections under the five-minutes rule.

The motion was agreed to.

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

The latter motion was agreed to.

TARIFF.

Mr. SCHENCK. I now ask consent to offer the following resolution:

Resolved, That when the House shall be at any time in Committee of the Whole on the state of the Union on the special order, House bill No. 1068, being a bill to amend existing laws relating to the duties on imports and for other purposes, it may direct any portion of the bill, or any portion relating to the same general subject, to be read preparatory to amendment and discussion thereon, and may on motion order all debate on such part to cease at the expiration of the time indicated.

If the House will permit me, I will now reply to the inquiries made by the chairman of the Committee on Appropriations, [Mr. DAWES.] A great deal has been said about the possibility or impossibility of passing this tariff bill. Without repeating what I have said heretofore on that point, especially the other day in reply to the gentleman from New York, [Mr. WOOD,] who interrogated me when we were about to go into Committee of the Whole, I will say that, if I may have the support of this House under a rule of the kind now proposed to be established for the purpose, I have no doubt that in a very few days we can go through with all that remains of the tariff bill, because of the nature of the matter which yet remains to be considered, and the fact that we have already passed over the most difficult portions of the bill.

Mr. Speaker, I do not suppose that this tariff bill will be passed so as to become law at this session of Congress; but I do suppose if it be postponed now till the next session it will not become law so that our duties will be readjusted and lowered, as we have proposed to lower them on a great variety of articles, in this Congress at all. If we go on at this session of the Congress and get through with the bill and send it to the Senate my expectation, derived from former experience, is, they will not be able to act on it at this session. It will be referred to their Committee on Finance. It will come up in the Senate about December next, and after they have gone through their amendments and we have considered them, and there have been committees of conference, as usual, it will become a law, and whatever reduction of duty will be made will be accomplished about the 3d day of March, 1871, the day before the adjournment of the Congress. That is usually the history of such measures. If we do not go on and send it to the Senate this session, however, I have not the slightest expectation that it will be finished in this Congress; and all the work that has been done or may be done will just fall to the ground, to be commenced again in some future Congress. All I am anxious about, therefore, is, we shall with reasonable diligence, under proper regulations such as I now propose to the House, push the work on. And I will say further, Mr. Speaker, if the House shall manifest a disposition at some time, if not this week then next week, to consider and put it through, so it may go as early as possible to the Senate, I will not be disposed to stand in the way of a bill from the Committee on Appropriations or any other important committee of the House. Not at all, sir.

Mr. DAWES. The gentleman says in two or three weeks. I want him to measure what further time he proposes to take.

Mr. SCHENCK. I do not want to be explicit. This is an ugly place to prophesy in. It is hard to tell what may come up any day or hour, and therefore I am very cautious when I look out. I only throw out these general remarks, relying on mutual courtesy of gentlemen and mutual sense of obligation to do the best we can.

Mr. PETERS. I ask why the tariff bill cannot be considered after this has been reported back by the Committee of Ways and Means and disposed of?

Mr. SCHENCK. I have been saying if I saw, from the disposition of the House, they wished to go on, under proper regulations, for a day or two or three with other business I will not then press the consideration of the tariff bill in the Committee of the Whole on the state of the Union. I think that is enough for me to say on that point.

Mr. DAWES. I will not object to the gentleman's resolution; but I must, from what I know of the necessities of the Government, ask the House to take up the appropriation bills in its stead.

Mr. SCHENCK. One question at the time. Sufficient unto the moment as well as to the day is the evil thereof.

Mr. DAWES. The gentleman from Ohio admits that he does not expect or care to have the tariff bill sent to the Senate before the close of this session, so that it may be taken up and considered by the Committee of Finance, for action by the Senate at the next session. If that be so, it will do just as well to send it there five minutes before the adjournment as well as now. If the gentleman insists upon the tariff bill being now disposed of, hundreds of millions of dollars must be appropriated, under the condescension of the gentleman, who says we may have one, or two, or, it may be at the utmost three days to consider appropriation bills. Mr. Speaker, I shall vote for the gentleman's resolution, but I shall ask the House, in view of what the gentleman has said, to take up the appropriation bill.

Mr. SCHENCK. I know the gentleman will help me; but I would rather he had not talked so much about condescension. I know he has been very hard at work; but I have not taken three or four days or a week at a time, but have staid here and worked all the time, and worked day and night, when sometimes I had not even the pleasure of the company of the gentleman from Massachusetts, aiding me in my work, because he had engagements elsewhere.

Mr. FARNSWORTH. I want to ask the gentleman a question.

Mr. SCHENCK. If there be objection I shall move to suspend the rules.

Mr. FARNSWORTH. If the gentleman's resolution be adopted may not the Committee of the Whole on the state of the Union close the debate on the entire bill, excepting the last portion or paragraph, at any time?

Mr. SCHENCK. That will always be within the power of the majority. But I do not want anything unreasonable. If there is any objection to this resolution I move to suspend the rules that it may be adopted.

The question was put on suspending the rules; and there were, on a division—ayes 87, noes 47; two thirds not voting affirmatively.

Mr. SCHENCK. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 67, not voting 50; as follows:

YEAS—Messrs. Ambler, Ames, Armstrong, Arnell, Atwood, Ayer, Bailey, Banks, Barry, Beaman, Beatty, Bennett, Benton, Bingham, Blair, Booker, Boyd, George M. Brooks, Buck, Buckley, Buffinton, Burdett, Cake, Cessna, Churchill, William T. Clark, Amasa Cobb, Coburn, Conger, Cowles, Dawes, Dickey, Dixon, Donley, Duval, Dyer, Ela, Ferriss, Ferry, Garfield, Gibson, Hamilton, Harris, Hays, Hill, Hoar, Hooper, Hotchkiss, Julian, Kelley, Kellogg, Kelsey, Ketcham, Lash, Lawrence, Loughridge, Lynch, Maynard, McCarthy, McGrew, McKee, McKenzie, Mercur, Milnes, Eliakim H. Moore, Jesse H. Moore, William Moore, Morphis, Daniel J. Morrell, Myers, Negley, O'Neill, Packard, Packer, Paine, Peck, Perce, Platt, Poland, Prosser, Roots, Sanford, Sawyer, Schenck, Scofield, Shanks, Porter Sheldon, John A. Smith, William J. Smith, Starkweather, Stevens, Stevenson, Stokes, Stoughton, Strickland, Strong, Tanner, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Van Wyck, Cadwalader C. Washburn, Welker, Wheeler, Wilkinson, Willard, Williams, and John T. Wilson—111.

NAYS—Messrs. Adams, Allison, Archer, Asper, Axtell, Barnum, Beck, Benjamin, Biggs, James Brooks, Burchard, Burr, Benjamin F. Butler, Sidney Clarke, Cook, Conner, Cox, Crebs, Dickinson, Dox,

Eldridge, Farnsworth, Finkelnburg, Getz, Griswold, Haight, Haldeman, Hamill, Hawkins, Hawley, Hay, Heflin, Holman, Ingersoll, Thomas L. Jones, Judd, Knott, Laflin, Lewis, Logan, Mayham, McNeely, Mungen, Niblack, Peters, Pomeroy, Potter, Randall, Rice, Rogers, Schumaker, Sherrod, Shober, Slocum, Joseph S. Smith, Worthington C. Smith, William Smyth, Stiles, Swann, Sweeney, Trimble, Van Trump, Eugene M. Wilson, Winans, Winchester, Wood, and Woodward—67.

NOT VOTING—Messrs. Bird, Boles, Bowen, Roderick R. Butler, Calkin, Cleveland, Clinton L. Cobb, Covode, Cullom, Davis, Degener, Dockery, Fisher, Fitch, Fox, Gilfillan, Hale, Hambleton, Heaton, Hoge, Jenckes, Johnson, Alexander H. Jones, Kerr, Knapp, Marshall, McCormick, McCrary, Morgan, Samuel P. Morrill, Morrissey, Orth, Palmer, Phelps, Porter, Reeves, Ridgway, Sargent, Lionel A. Sheldon, Stone, Strader, Taffe, Van Auken, Van Horn, Voorhees, Ward, William B. Washburn, Wells, Whitmore, and Witcher—50.

So (two thirds not having voted in the affirmative) the rules were not suspended.

Mr. SCHENCK. I have modified the resolution, and send it to the desk to be read as modified.

The Clerk read as follows:

Resolved, That when the House shall be at any time in the Committee of the Whole on the state of the Union on the special order, House bill No. 1068, being a bill to amend existing laws relating to the duties on imports and for other purposes, it may direct any portion of the bill relating to the same general or kindred subject to be read preparatory to amendment and discussion thereof, and may, on motion, order all debate on such part to cease at the expiration of the time indicated.

Mr. SCHENCK. If that is objected to, I move to suspend the rules.

Mr. BROOKS, of New York. I desire to ask the gentleman what he considers would be covered by the expression "or kindred subject?"

Mr. SCHENCK. I do not know if the gentleman from New York and myself would or would not always agree to what was a "kindred subject." That would be a matter for the chairman of the Committee of the Whole to determine at any time when a question of order was raised. I should think that when a paragraph relating to iron was before the House all the paragraphs relating to iron would be considered of a kindred nature. And so as regards the paragraphs relating to steel. And in the same way when we come to the matter of lumber, I should think all paragraphs and amendments relating to saw-logs, shingles, clapboards, plank, &c., would come in. I do not suppose that there can be any practical difficulty about this matter.

Mr. ALLISON. I desire to make a parliamentary inquiry. I understand that no amendments are in order, changing existing rates of duty upon any article not included in the bill, until we reach the end of the section we are now considering. I ask whether or not it would be in the power of a majority of the Committee of the Whole, by cutting off debate when the last paragraph of this section is reached, to prevent any debate on amendments which might be offered in regard to salt, coal, and many other things? If the resolution would not have that effect I have no objection to it.

Mr. SCHENCK. I think that my colleague on the committee who has just spoken, and other gentlemen here, ought to trust something to the organ of the Committee of Ways and Means, who has been managing this bill before the House. If there is any one thing in which my course has been here criticised, and about which I have been found fault with, it is that I have been too liberal and allowed too much latitude to debate, so as unduly to protract it. Now, I will say to the gentleman that if any attempt is made to cut off an opportunity for debate or amendments such as the gentleman has indicated he will find me voting with him to prevent it. I think the gentleman ought to know this.

Mr. ALLISON. I do not object, then, to the resolution.

Mr. PETERS. Allow me a moment to state my objection. We have gone through the parts of the bill in relation to iron and steel, and in relation to woolens and cottons, and have come to lumber. There are seven or eight varieties of it, standing each on an independent bottom, and different productions, and they cannot be considered under one head with any sort of satisfaction to those interested in the question; and for that reason I am opposed to the resolution.

Mr. SCHENCK. I am perfectly sure that a gentleman as ingenious and sagacious as the gentleman from Maine can distinguish between a line that relates to clapboards and one that relates to planks, and that he can put his finger on one of those lines and propose an amendment there, whether he wants or does not want to propose amendments to the other part. He will have the fullest opportunity of offering amendments to each particular part of all that relates to the general subject. There is nothing in the proposition to cut it off, and nothing to prevent him from arguing his amendments when he offers them. But suppose when you come to the article of lumber it be considered that a couple of hours or any other given time will afford fair debate on the various items on it, is it not proper that the committee should have the power to say, we will take up all that matter, and make our amendments to it and debate them, without considering it item by item, and paragraph by paragraph, and frittering away time as we have done heretofore?

Mr. PETERS. Pardon me for one moment. While pine lumber is under discussion, Michigan is interested, and while spruce lumber is under discussion Maine is interested, and they are not precisely identical. While they are discussing pine, I do not wish to be discussing spruce. While they are offering amendments in relation to clapboards, I do not wish to be discussing laths; and it seems to me that it will be very incongruous and unsatisfactory and impossible to get at a fair result if the whole is under discussion at once.

Mr. SCHENCK. It seems to me that Michigan can rise in her place and move an amendment about pine, and discuss it, and then Maine can get up here and propose an amendment about spruce, and discuss it, and it can all be done within this range of time. The truth is, it puts the business of the Committee of the Whole within the control of the majority of the committee, and nothing else, and it does it upon a most reasonable proposition. If I ever report a tariff bill again, I will relieve the bill of all such trouble, so far as the gentleman or anybody else is concerned. I will put in long sections, and crowd together everything that seems to have any necessary or remote relationship to anything else.

Mr. HALE. I desire to ask the gentleman one question.

Mr. BEAMAN. Is debate in order?

The SPEAKER. Only by unanimous consent.

Mr. BEAMAN. I object to further debate.

Mr. SCHENCK. Then, as the resolution is objected to, I move that the rules be suspended and the resolution adopted.

Mr. BROOKS, of New York. I desire to make another parliamentary inquiry. When we approach lime and limestone, and marble of various kinds, and soapstone and freestone which all have more or less lime or limestone in them, are they kindred subjects or not?

Mr. SCHENCK. I should think they were; they all relate to building-stone.

The SPEAKER. The gentleman from Michigan [Mr. BEAMAN] objects to debate.

Mr. HALE. I desire to ask one question. Suppose the Committee of the Whole sustains the gentleman in closing all debate upon lumber in two hours, and when pine lumber is taken up it is discussed by the advocates of pine lumber during the whole of the two hours, will not the advocates of spruce then have no opportunity for any discussion? And will not the same objection obtain in relation to marble?

Mr. SCHENCK. If permitted I will answer that question by reversing the supposition. Suppose the spruce gentlemen take up all the time?

Mr. HALE. It is the same question.

Mr. SCHENCK. Why, then, I answer by saying I presume all gentlemen will be looking to put themselves in relations with the chairman of the Committee of the Whole, and the chairman will give them all a fair and reasonable chance if there is any limitation. That has been the practical working of these things heretofore, and I think gentlemen are unnecessarily conjuring up chimeras and bugbears and windmills to fight.

Mr. HALE. It seems to me a very practical objection.

The question was put on the motion to suspend the rules; and there were—ayes 97, noes 39.

Mr. BUTLER, of Massachusetts, called for tellers.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. SCHENCK were appointed.

The House again divided; and the tellers reported that there were—ayes 103, noes 50.

Before the result of the vote was announced,

Mr. PETERS called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 28, noes 105.

So (one fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 119, nays 59, not voting 50; as follows:

YEAS—Messrs. Ambler, Ames, Armstrong, Arnell, Atwood, Ayer, Bailey, Banks, Barry, Beaman, Beatty, Bennett, Benton, Bingham, Blair, Booker, Bowen, Boyd, George M. Brooks, Buck, Buckley, Buffinton, Burdett, Cake, Cessna, Churchill, William T. Clark, Amasa Cobb, Coburn, Conger, Cowles, Dawes, Dickey, Dixon, Donley, Duval, Dyer, Ela, Farnsworth, Ferriss, Ferry, Finkelnburg, Fitch, Garfield, Gilfillan, Hamilton, Harris, Hawley, Hays, Heflin, Hoar, Hooper, Hotchkiss, Julian, Kelley, Kellogg, Kelsey, Ketcham, Laflin, Lash, Lawrence, Loughridge, Maynard, McCarthy, McCrary, McGrew, McKee, McKenzie, Mercur, Milnes, Eliakim H. Moore, Jesse H. Moore, William Moore, Morphis, Daniel J. Morrell, Myers, Negley, O'Neill, Orth, Packard, Packer, Paine, Peck, Perce, Platt, Poland, Prosser, Rogers, Roots, Sanford, Sargent, Sawyer, Schenck, Scofield, Shanks, Lionel A. Sheldon, Porter Sheldon, John A. Smith, Starkweather, Stevenson, Stokes, Stoughton, Strickland, Strong, Taffe, Tanner, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Welker, Wheeler, Whitmore, Wilkinson, Willard, Williams, and John T. Wilson—119.

NAYS—Messrs. Adams, Allison, Archer, Asper, Axtell, Beck, Biggs, James Brooks, Burchard, Burr, Benjamin F. Butler, Sidney Clarke, Cook, Conner, Cox, Crebs, Degener, Dickinson, Dox, Eldridge, Getz, Griswold, Haight, Haldeman, Hale, Hamill, Hawkins, Hay, Holman, Thomas L. Jones, Judd, Knott, Lewis, Mayham, McNeely, Mungen, Niblack, Peters, Pomeroy, Potter, Randall, Rice, Schumaker, Sherrod, Shober, Slocum, Joseph S. Smith, William Smyth, Stiles, Swann, Sweeney, Trimble, Van Trump, Cadwalader C. Washburn, Eugene M. Wilson, Winans, Winchester, Wood, and Woodward—59.

NOT VOTING—Messrs. Barnum, Benjamin, Bird, Boles, Roderick R. Butler, Calkin, Cleveland, Clinton L. Cobb, Covode, Cullom, Davis, Dockery, Fisher, Fox, Gibson, Hambleton, Heaton, Hill, Hoge, Ingersoll, Jenckes, Johnson, Alexander H. Jones, Kerr, Knapp, Logan, Lynch, Marshall, McCormick, Morgan, Samuel P. Morrill, Morrissey, Palmer, Phelps, Porter, Reeves, Ridgway, William J. Smith, Worthington C. Smith, Stevens, Stone, Strader, Van Auken, Van Horn, Van Wyck, Voorhees, Ward, William B. Washburn, Wells, and Witcher—50.

So the rules were suspended, and the resolution adopted.

ORDER OF BUSINESS.

Mr. SCHENCK. It was my intention to move to go into Committee of the Whole on the special order. But after the representations of the chairman of the Committee on Appropriations, [Mr. DAWES,] and upon consultation with some of the members of my committee, I have concluded not to press that motion now, but waive it, so as to enable the chairman of the Committee on Appropriations to bring forward any business which may be most immediately pressing, reserving, of course, the right at any time hereafter, as may seem expedient or necessary, to move to suspend the rules for the purpose of going into Committee of the Whole on the tariff bill.

EXCUSED FROM COMMITTEE SERVICE.

Mr. DAWES. On account of my engagements in connection with business of the House I ask to be excused from service upon the committee on which I was appointed last Friday evening.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] asks leave to be excused from service on the committee appointed to attend on the part of the House the consecration this afternoon of the monument to the memory of Baron Steuben. The Chair hears no objection, and the gentleman is excused. The gentleman from Indiana [Mr. ORTH] is appointed in his place.

REVIVAL OF AMERICAN COMMERCE.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to present for the purpose of being printed an amendment which I design to offer to the bill (H. R. No. 1889) to revive the navigation and commercial interests of the United States.

There being no objection, the amendment was ordered to be printed.

WASHINGTON MARKET-HOUSE.

Mr. LOGAN. I rise to make a privileged report from a committee of conference.

The report was received and read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1084) relating to the Washington Market Company, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from the amendment numbered 11.

That the House recede from their disagreement to the amendments of the Senate numbered as follows: 1, 2, 3, 4, 6, 8, 9, 10, and 12, and agree to the same.

That the House recede from their disagreement to the fifth amendment, and agree to the same with an amendment, to insert in lieu of the words "National Hotel" the words "Department of the Interior," and the Senate agree to the same.

That the House recede from their disagreement to the seventh amendment of the Senate and agree to same with an amendment, as follows: in section three, lines twenty-three and twenty-four, strike out the words "another of their number to be" and insert "appoint a," and the Senate agree to the same.

And the committee of conference further recommend an amendment to the paragraph commencing with the words "B wing," page 18, line two, by inserting after the words "market stalls" the words "not less than twenty feet high."

ADOLPHUS H. TANNER,
JOHN A. LOGAN,
Managers on the part of the House.
JUSTIN S. MORRILL,
H. HAMLIN,
JOHN P. STOCKTON,
Managers on the part of the Senate.

Mr. LOGAN. I do not know that it is necessary to discuss this at all. The amendments proposed to satisfy all parties have been agreed to by the committee of conference. I will therefore call the previous question.

Mr. VAN WYCK. As one of the conferees disagreeing to this report, I desire to make a statement in regard to this matter.

Mr. LOGAN. I will yield for a few minutes if the gentleman thinks it important to discuss this matter now.

Mr. VAN WYCK. As the House well knows, this bill passed the House at this session without any consideration or discussion. Very many of the members of this House knew nothing of the bill until they read the substance of its provisions in the Globe. When the bill left the House it proposed that $15,000, a merely nominal sum, should be paid for the use of all this ground. It was amended in the Senate so as to provide for the payment of $25,000 instead of the $15,000 provided for by the House.

I would like very much to yield to the report of the committee of conference were it not that in my judgment a great majority of the citizens of this place are opposed to this measure. I think it is due to the citizens of this city that they should have at least as much consideration extended to them as some ten or twenty thousand people in one of the Territories of this Union. But they have no delegate or representative on this floor to speak for them. They have no one but the common council of this city to speak for them, and I suggest to members of this House whether it is not our duty to yield a little consideration to these representatives of the people of the District when they speak upon a question affecting their local interests. Nobody is interested in this bill but the corporators upon the one side and the inhabitants of the city on the other. I know the danger that I incur in undertaking to stand here and utter a word against aggregated wealth or private corporations. I know how dangerous it is to say anything in behalf of the masses of the people as opposed to men into whose coffers it is proposed to pour still more of wealth.

Mr. LOGAN. I would like to know how much time the gentleman desires to occupy. I do not propose to give him the whole hour.

Mr. VAN WYCK. Well, Mr. Speaker, I propose to confine myself entirely to the matter under discussion. I have nothing to say except upon that subject. I am not in the habit of making speeches, and particularly I am not accustomed to go beyond legitimate matters of discussion.

Mr. LOGAN. There is one hour allowed for debate, and I desire to know how much time the gentleman wishes to occupy. I would like to divide the time fairly, but I do not want to give away all the time and leave myself no opportunity to explain the report.

Mr. FARNSWORTH. There is no rule requiring that this matter shall be disposed of in an hour. The hour rule applies simply to each gentleman who may speak. I would like to say a few words on this subject. I do not know anything about the corporators in this scheme. I have nothing against them. I do not deny their right to make money.

Mr. DAWES. I suggest to the gentleman from Illinois [Mr. LOGAN] whether he had not better withdraw the report, as it seems likely to lead to considerable debate. He can bring it before the House at any time.

Mr. LOGAN. I cannot consent to withdraw it.

Mr. FARNSWORTH. If a market-house is to be erected on this reservation, I do not undertake to discuss the particular merits of this bill with reference to that object. But I desire to say that I am opposed to any bill for the erection of a general market-house in this city or any other. Market-houses are an old-fogy institution. They are useless and in many respects a nuisance in any city. In Chicago seven years ago the market-houses were abolished, and the citizens find that they get along very much better without them. I think that in most of our modern cities which have experimented on this subject it has been found that the people get along better without a general market-house than with one. In a city of any size one large central market-house does not accommodate the people upon the outskirts of the city. Those who are obliged to go two or three miles to a market-house to get their beefsteak or anything else find no convenience in a market-house. It is much more convenient for the citizens to be supplied with what they need from private market-houses. A central market-house in the city of Washington would be rather a nuisance than a convenience to the people. It would not accommodate the citizens at all.

Here is a reservation situated upon Pennsylvania avenue, between Seventh and Ninth streets. It lies between the Smithsonian grounds and Pennsylvania avenue. It was originally a reservation—set apart by the founders of the city to be ornamented and kept open as a reservation. I believe that it should be continued as such; that the nuisance which now exists there should be cleared away, the ground improved and beautified as a public reservation. If the city of Washington needs a market-house, let it be erected in some other portion of the city, not on Pennsylvania avenue; that is no place for a market-house. The use of this reservation for such a purpose is a disgrace to the nation. I suppose the project embraced in this bill is a speculation gotten up by a few men. I have no objection to their speculating. I have no objection to their building a market-house, if they want it and the people want it, in some suitable part of the city. But as a Representative of the District of Columbia (and we all represent the District) I do protest against devoting the reservation in front of the Smithsonian grounds to such a purpose.

Mr. VAN WYCK. Mr. Speaker——

Mr. LOGAN. I will ask the House to sustain the previous question; and then I shall be willing to yield to the gentleman from New York [Mr. VAN WYCK] such portion of my time as he may desire, so that he may give his explanation, and then I will follow with mine. I move the previous question.

Mr. VAN WYCK. I supposed that I had the floor when I yielded to the gentleman from Illinois.

The SPEAKER. The gentleman occupied the floor by permission of the gentleman who made the report.

Mr. VAN WYCK. I do hope, Mr. Speaker, we shall have the fullest discussion of this measure.

Mr. LOGAN. After the previous question has been called and seconded I will yield to the gentleman from New York all the time he may desire; but I do not wish this debate to run loosely on without knowing when it will come to an end. The gentleman can have ample time for discussion. I now demand the previous question.

The previous question was seconded and the main question ordered.

The question then recurred on the adoption of the conference report.

Mr. LOGAN. Now, Mr. Speaker, I am willing to yield to the gentleman from New York, and I do not suppose he wants more than ten minutes.

Mr. VAN WYCK. Ten or twenty minutes; not more than twenty.

Mr. LOGAN. I will yield to the gentleman ten minutes, and if he should then want more I will give him five minutes more.

Mr. VAN WYCK. Mr. Speaker, I was proceeding to state, if the House will give me their attention, that we stand here to-day representing the wishes and the wants of the people of the District of Columbia. I know it will be said that the people of this District have refused to build a market-house. If the House will bear with me, I will give some facts on the subject. Some members here know—I know that this city sought to build a market-house on that square; but this House by resolution prohibited the city from doing so, saying that the city had no right to shut out the view of the Smithsonian Institution and grounds, and prevent the free circulation of the air up that street. The city proposed to build a market-house there years ago. Two years ago this city undertook to build a market-house at the intersection of Ohio and Louisiana avenues, supposing Congress would not consent to the erection of a market on Market square. It passed the Senate unanimously. It came to this House, and here it has ever since slept. There were gentlemen here then seeking these grounds on the same terms.

Now look at this thing for a moment. You disfigure the design of that part of the city. Gentlemen know when triangles are laid out they have not only an avenue on one side, but streets on the other sides. That triangle on Seventh street has an avenue on one side and streets on the other two sides. This bill proposes to give this market company the power to do away with the street on the south side of that triangle. If this bill be adopted that street will be taken and given to this company for market purposes. I ask gentlemen of the House, who are the only Representatives

of the people of the District of Columbia, what right they have to take one hundred feet of that Market square and give it up for the purposes of stores and a hotel? Do not gentlemen know that there is not room enough there now for the present market? Yet this bill proposes to take off one hundred feet of it for the purposes of stores and a hotel. If we wish to dispose of this land then put it fairly into the market. We can easily get $1,000,000 for it. The Senate propose to pay $800,000 to private holders for some land on Capitol hill. If the land be worth $500,000 up here, this land in the heart of the city is worth at least $1,000,000. Yet it is proposed to give it away to this private corporation for the pittance of $25,000 a year. Now, the common council of this city have unanimously protested against the passage of this bill. They appeal to Congress not to pass this bill. I ask the Clerk to read the paper which I send up.

The Clerk read as follows:

"*Resolved by the Board of Alderman and Board of Common Council of the city of Washington*, That the committee to represent the interests of the corporation before Congress are hereby instructed immediately to wait on the Senate Committee on the District of Columbia, and respectfully but earnestly request them not to favor the bill (No. 1084) which passed the House of Representatives on Friday last, giving the valuable franchise of the Center Market into the hands of a private company, and thereby establishing a monopoly, entirely contrary to the almost unanimous wishes of our citizens.

"*Resolved*, That the said committee are also instructed to request the committee to secure the passage of a bill before the adjournment of the present Congress, authorizing this corporation to issue bonds to the amount of $1,000,000, at an annual interest of six per cent., payable at or before the expiration of twenty years, for the purpose of creating a loan, to be known as the market-house fund exclusively; and further to request the passage of an act to enable this corporation to erect a suitable building on the grounds now occupied by the Center Market, the same to be completed by such time as Congress may determine."

It is hereby certified that the above is a true copy of the resolutions passed by the board of aldermen and board of common council of this city, by the unanimous vote of each board, on the 21st day of March last, and was approved by the mayor the same day.

There were present at the meeting at which the resolutions were passed all the members of the board of aldermen, including Messrs. Crocker, Emery, and Connolly, three of the corporators named in the bill, and all the members of the board of common council excepting two, Messrs. Johnson and Simms.

Given under my hand and seal of office, this 4th day of May, 1870. S. J. BOWEN, *Mayor*.

Mr. VAN WYCK. That was the action of the common councils of this city, some of the corporators named in this bill taking part affirmatively. At a later day, when the matter was pressed upon the attention of Congress without any expression of the wishes of the representatives of the people, another written protest was made by this same board of common council. This was only a few days ago. In this protest it is stated that a great majority of the people of this city are opposed to this bill. The common council of this city ask Congress to allow the citizens of Washington to vote upon this bill. I ask, will not Congress give them the poor privilege of signifying their wish on this matter? Shall we refuse these people, who have no representative on this floor, when they come to ask us the poor privilege of casting their ballots whether this shall become a law or not? Shall we, I say, refuse to grant them this poor privilege?

Mr. WOODWARD. Will the gentleman inform us whether in the original plan of the city this ground was dedicated to the purposes of a market-house?

Mr. VAN WYCK. I understand that it was.

Mr. WOODWARD. Then I will ask the further question whether this bill does anything else but substitute a new market-house for the old sheds?

Mr. VAN WYCK. Yes, sir; inasmuch as it takes one hundred feet of the ground appropriated for a market-house and appropriates it for stores and a hotel. It takes the ground for other purposes than were contemplated in the trust. Will the gentleman tell me that taking one hundred feet of this ground, which is only three hundred feet deep, is not a substitution of other than market purposes? I ask the gentleman his opinion as a lawyer.

Mr. WOODWARD. I do not know anything about the provisions of this bill. But if it be the fact that this ground was dedicated for market-house purposes, and this bill proposes merely to build a market-house, then I see no objection to it.

Mr. VAN WYCK. But I desire to state to the gentleman that it does more. It proposes to take one hundred feet of this ground and to have on it stores and a hotel. And I ask the gentleman as a lawyer if that is not a substitution of other purposes than those intended in the original dedication. I have had the plan of the market building brought here, and shall ask two of the officers of the House to hold it up so that the House may see it. Gentlemen will see that the design includes, as I have said, stores and a hotel. I say you have no right to make such a diversion of the ground from the purposes originally intended. I know that the newspapers in this District are saying that all that is wanted is a market-house. But I say that beyond that they desire to put this valuable franchise into the hands of a few men for the purpose of enabling them to raise tribute from the people of this city.

Mr. LOGAN. I will ask the Doorkeeper to bring the drawings before the House so that it can see them. [The designs of the proposed market-house were here brought forward and placed conspicuously in front of the Speaker's desk.] I ask the attention of the House while I make some explanations designed to show that there is nothing alarming in this matter; that there is no occasion for the high degree of alarm manifested by the gentleman from New York. I desire to make a brief statement, precisely such a statement as ought to be made; that is, in accordance with the facts. In the first place, then, the city of Washington some years ago asked permission to build a market-house. That permission was given, but the city failed to build it. They have ever failed to build it. This bill was introduced in the House, and passed the House without the amendments subsequently made to it. Then Mayor Bowen and the common council passed the resolutions of which the gentleman from New York has spoken in reference to the bill.

Mayor Bowen, on behalf of the city and the city council, appeared before the committee of the Senate, and there proposed certain amendments. What were they? First, that they should strike out certain names from the board of corporators, and put in others on behalf of the city. This was done. Then he proposed to insert that after thirty years the city should have the privilege of taking this market-house on paying the first cost to the company, on a valuation to be made by act of Congress. He proposed his amendment and the Senate committee agreed to it. Then he proposed other amendments which the Senate committee agreed to. And then in behalf of the city he told the committee that he hoped the bill would pass and he so wrote in his letter, which is now in the hands of Senator MORRILL, of Vermont. Senator MORRILL, of Vermont, Senator HAMLIN, and Senator STOCKTON, of New Jersey, were on the committee of conference, and the gentleman from New York, Mr. TANNER, and the gentleman from New York, Mr. VAN WYCK, and myself. In that committee the gentleman from New York [Mr. VAN WYCK] introduced these resolutions, and he asked that certain amendments should be made in order to satisfy somebody, whom I do not know, and none of us knew. But we agreed to every proposition that he made. After one of the Senators told him and all of us that the bill as amended by the Senate was satisfactory to Mayor Bowen and to those men who had been opposing it, then the gentleman from New York [Mr. TANNER] and myself agreed to each and every one of the amendments, so that it should be satisfactory. We increased the amount that the market-house shall pay the city from $16,000 to $25,000 a year. That amount is to be paid to the city every year. The city will be saved the cost of building the house, will have that amount annually paid into its treasury for school purposes or charities, and then at the end of thirty years the city, on paying the amount expended for the building, is to receive the house as the property of the city.

That was the proposition to which we agreed. The gentleman from New York, [Mr. VAN WYCK,] then, in order to prevent thieving—I hope there will be none, but the gentleman was alarmed almost to death, supposing the whole country was going to be robbed by somebody—desired that we should have an amendment made to the bill that these corporators should meet at the Interior Department—not at the National Hotel, as was provided in the bill, but at the Interior Department—so that every citizen of Washington may have an opportunity to subscribe to the stock of this market-house. We agreed to that amendment, although it was foreign to the bill and had not been proposed either in the House or in the Senate. We agreed to all the propositions he made in behalf of these people, and after they were made and had all been agreed to, to our utter astonishment he refused to sign the report. These are the facts about it.

Mr. VAN WYCK. Will the gentleman allow me a word?

Mr. LOGAN. I cannot yield. I am stating the facts.

Mr. VAN WYCK. He says they were surprised at my course.

Mr. LOGAN. No; I said nothing about being surprised at your course. I said we were surprised that you did not sign the report.

Mr. VAN WYCK. The gentleman says they adopted all my propositions of amendment. I proposed that in the distribution of the stock some officer of the Government should be appointed to preside at the first meeting, when the stock is to be subscribed and distributed. That the gentleman objected to.

Mr. LOGAN. I will explain that to the gentleman's satisfaction. I cannot yield further.

Mr. VAN WYCK. I would rather make my own explanation.

Mr. LOGAN. Perhaps I was in error when I said that we agreed to all the gentleman's amendments. I meant the amendments which pertain to the bill. He did suggest one amendment which we did not adopt. He suggested that the Secretary of the Interior, a Cabinet officer of the Government, should by law be required to preside at this meeting of stockholders, and we refused to do it, because we said that it would be indecent to make it part of the duty of a Cabinet officer to preside over a meeting held for the purpose of subscribing for stock.

Mr. VAN WYCK. Did you not also refuse to put in the name of any other officer of the Government?

Mr. LOGAN. I do not yield further to the gentleman. I am not misstating what occurred. We did not agree to put in the name of any officer of the Government, because we did not think it decent legislation to require an officer of the Government to preside at a meeting of corporators as a part of his duty as an officer of the Government. Such a thing is quite unheard of. It has never been done before.

There is in front of the Clerk's desk a plan of the market-house that is to be built, and gentlemen can examine it. We provide in the bill that these men shall build the house precisely in accordance with that plan. We provide further, that they must commence the work within sixty days after the stock is subscribed. We provide further, that if after six months they shall have failed to comply with any of the provisions of this law they shall forfeit all they have expended in the work and

the work itself, and that it shall revert to the Government. We also provide that after every six months, until the work is accomplished if they shall have failed to carry on the work during that time, they shall forfeit all their rights under this bill, and all that they have done shall revert to the Government.

Now, in regard to the great speculation there is in this thing. The gentleman says that this is to be a hotel and stores. Now, we have amended the bill so as to provide that the stalls shall be twenty feet in height. We have made every provision to make this bill ample and sufficient for market-house purposes.

The gentleman said in his remarks that this proposed market-house would encroach upon Pennsylvania avenue. I am sorry he has not read the bill, for he would have seen that it has been so amended as to prevent anything of the kind. Let me state just what this provides. This market-house down here on the avenue, you all know where it is and what it is, looks like an old fish-market. Every one knows what a stench there is about the place. The people here may think that I am not much of a friend of Washington city. Now, I have not any particular enmity to Washington. I have been in favor of getting Congress away from here. Still I do say that if this ground is to be used for market-house purposes I am willing to allow anybody to put such a building upon it as this bill provides for, and give the city an opportunity to take it after thirty years, although they will not build it themselves; the city to take it after thirty years upon paying the cost of it, and after having received during that time $25,000 a year for the support of the city. I think that is a good thing for the city.

Now, let me tell you how much ground there is for the statement of the gentleman from New York [Mr. VAN WYCK] that this bill proposes to take up any portion of Pennsylvania avenue. The square just east of market space, between Sixth and Seventh streets, contains as many front feet as market square itself. On it stand twenty-one houses, renting on the average for about two thousand dollars each, or $42,000 altogether, which income represents a capital of $400,000 for the ground and improvements. That is the capital that is represented in all these houses. Now, the city has received for premiums upon stalls sold at auction for the last fifteen years—now mark what I say—all told, the sum of $2,432 50. That is the revenue which has been derived by the city, from all these market stalls for the last fifteen years, for this old concern down here.

Now, in regard to the obstruction that has been spoken of to be caused by this building on south B street in rear of the present market. Upon that street now stands the whole of the old fish-market and the cattle pens. This bill proposes to open up this street for a width of forty-five feet, by removing the objectionable cattle pens to the reservation between Tenth and Twelfth street. It interferes with nothing; it obstructs no street, but it opens one. It drives away the old cattle pens and fish-market and opens the street there. The gentleman is also mistaken when he says this is an encroachment upon any street or avenue in the city of Washington.

Mr. GRISWOLD. How much is to be used for market purposes?

Mr. LOGAN. It all has to be used for this purpose; the lower part of the building with stalls twenty feet high all around is to be exclusively used for that purpose.

Mr. VAN WYCK. Do not they propose to take one hundred feet along Pennsylvania avenue and devote it to stores and hotels?

Mr. LOGAN. No, sir; they propose to take eighty feet.

Mr. VAN WYCK. And an alley-way of ten feet.

Mr. LOGAN. I do not know what they will use it for. It is provided that this building at the end of thirty years, after these parties shall have paid $25,000 a year to the city, shall go to the city for what it cost.

Mr. VAN WYCK. Is it not provided that the city may buy it at the end of twenty years?

Mr. LOGAN. I trust the gentleman will keep quiet for a little while. I have already stated that matter half a dozen times.

Mr. VAN WYCK. Then why not let the city buy it now?

Mr. LOGAN. I hope the gentleman will keep quiet. I did not interrupt him when he was speaking. I have stated over and over again that the city receives only $25,000 annually; and if at the end of thirty years the city is willing to pay the amount that has been expended for the building, it may, by doing so, become the owner. The amount of the expenditure is to be ascertained and fixed under the authority of Congress. At the end of thirty years the city may pay the original cost of the building, as ascertained and fixed by Congress, and may take possession of it.

We see men running around here and making objection to this measure. We have seen the same thing in Congress heretofore in connection with every measure of this kind. If one company undertakes to get a charter for this purpose, some other body of men want the franchise. If it is proposed to put the matter under the control of the mayor and common council, then the citizens want to have it in their hands, alleging that the mayor and council want to make some "stealings" out of the matter. If a private company proposes to take charge of the affair, the mayor and common council fight the proposition. This is the way the measure has been delayed heretofore. This is the first time that there has been anything like an agreement between the mayor and council on the one side and the citizens on the other. The amendments made in the Senate were adopted upon consultation with the mayor, who declared them perfectly satisfactory to him and those who have been opposing the bill. I have supported the bill because I believed it to be the most satisfactory solution of this question. When I found the measure assented to by all parties and classes in the city—merchants, bankers, &c., as well as the mayor—I said I was willing the city of Washington should have this authority to build a market-house. For this reason I have concurred in presenting this report. I now ask for a vote.

Mr. KELSEY. I move that the report be laid on the table.

The SPEAKER. The Chair would suggest that a conference report is always voted upon directly, the question being will the House accept or reject the report?

Mr. FARNSWORTH. We have the right to move to lay the report on the table.

The SPEAKER. The motion is in order if the gentleman insists on it; but it is entirely unusual. Laying the report on the table would be simply equivalent to rejecting it.

Mr. KELSEY. I withdraw the motion, and call for the yeas and nays on agreeing to the report.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 99, nays 51, not voting 78; as follows:

YEAS—Messrs. Ambler, Archer, Armstrong, Asper, Atwood, Axtell, Ayer, Barnum, Barry, Beatty, Benjamin, Bingham, Blair, Booker, Bowen, Boyd, James Brooks, Buckley, Burchard, Cake, William T. Clark, Sidney Clarke, Coburn, Conger, Dickey, Dickinson, Dox, Duval, Dyer, Ferriss, Ferry, Garfield, Getz, Gibson, Gilfillan, Haldeman, Hale, Hamill, Harris, Hawley, Hays, Heflin, Hill, Hotchkiss, Ingersoll, Kelley, Kellogg, Ketcham, Laflin, Lewis, Logan, Mayham, Maynard, McCrary, McKee, McKenzie, Milnes, Morgan, Morphis, Mungen, Myers, Negley, O'Neill, Packard, Packer, Peck, Perce, Peters, Roots, Sanford, Sargent, Sawyer, Schenck, Schumaker, Lionel A. Sheldon, Sherrod, Slocum, William J. Smith, Stevens, Stiles, Stoughton, Strickland, Swann, Taffe, Tanner, Tillman, Townsend, Twichell, Tyner, Upson, Voorhees, Welker, Wheeler, Wilkinson, Willard, Williams, Eugene M. Wilson, Wood, and Woodward—99.

NAYS—Messrs. Adams, Allison, Arnell, Beaman, Beck, Benton, George M. Brooks, Buffinton, Burdott, Burr, Benjamin F. Butler, Cessna, Churchill, Amasa Cobb, Conner, Cowles, Crebs, Ela, Eldridge, Farnsworth, Fitch, Hawkins, Hay, Holman, Julian, Kelsey, Knott, McGrew, McNeely, Mercur, Eliakim H. Moore, William Moore, Daniel J. Morrell, Niblack, Paine, Pomeroy, Randall, Rice, Scofield, Shanks, John A. Smith, William Smyth, Starkweather, Stokes, Strong, Sweeney, Taylor, Van Wyck, Cadwalader C. Washburn, Whitmore, and Winans—51.

NOT VOTING—Messrs. Ames, Bailey, Banks, Bennett, Biggs, Bird, Boles, Buck, Roderick R. Butler, Calkin, Cleveland, Clinton L. Cobb, Cook, Covode, Cox, Cullom, Davis, Dawes, Degener, Dixon, Dockery, Donley, Finkelnburg, Fisher, Fox, Griswold, Haight, Hambleton, Hamilton, Heaton, Hoar, Hoge, Hooper, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Judd, Kerr, Knapp, Lash, Lawrence, Loughridge, Lynch, Marshall, McCarthy, McCormick, Jesse H. Moore, Samuel P. Morrill, Morrissey, Orth, Palmer, Phelps, Platt, Poland, Porter, Potter, Prosser, Reeves, Ridgway, Rogers, Porter Sheldon, Shober, Joseph S. Smith, Worthington C. Smith, Stevenson, Stone, Strader, Trimble, Van Auken, Van Horn, Van Trump, Ward, William B. Washburn, Wells, John T. Wilson, Winchester, and Witcher—78.

So the report of the committee of conference was agreed to.

During the roll-call,

Mr. FINKELNBURG said: On this question I am paired with the gentleman from Texas, [Mr. DEGENER.] If he were here, he would vote "ay," and I should vote "no."

Mr. CLARK, of Texas, announced that he was paired on this question with Mr. LAWRENCE. He (Mr. CLARK) would have voted "ay," and Mr. LAWRENCE "no."

The result of the vote was announced as above stated.

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

The latter motion was agreed to.

APPROPRIATION BILLS.

Mr. DAWES. Before moving to go into the Committee of the Whole on the state of the Union on the Navy appropriation bill, I desire to have an understanding of a remark of the gentleman from Ohio. I interpret his remark made a moment ago that he will not call up the tariff bill in the Committee of the Whole on the state of the Union until after the regular appropriation bills in committee had been disposed of.

Mr. SCHENCK. The remark I made was that I would yield to the gentleman representing the Committee on Appropriations to proceed with the consideration of the bills most pressing in their character, reserving to myself expressly the right in two or three days to move to go into committee on the tariff bill.

Mr. DAWES. None of the appropriation bills is more pressing or important than another. They are all important and all urgent. I wish to say to the House, if I have misinterpreted the gentleman's remark, and if he will not consent to postpone the further consideration of the tariff bill until after the regular appropriation bills have been considered in committee, one being as important as another——

Mr. SCHENCK. I made no remark so general as that. I stated my willingness to agree that the next two or three days should be devoted to the appropriation bills. Under the order of the House this morning the committee will report back again as soon as possible the bill for the reduction of the internal taxes.

Mr. DAWES. I understand the gentleman will bring back his internal tax bill as soon as possible. I desire, in view of the fact that the gentleman will bring back his tax bill in a few days, and in view of the further fact, as he himself admits, that there is no prospect of the tariff bill becoming a law——

Mr. SCHENCK. No, sir; I have never said a word of the kind.

Mr. DAWES. Well, of the bill becoming a law this Congress.

Mr. SCHENCK. I have not said so.

Mr. DAWES. He admits it will not pass this session of Congress.

Mr. SCHENCK. What I said was that the bill should be passed as early as possible this

session and sent to the Senate, so there will be no doubt of its becoming a law at the next session.

Mr. DAWES. I do not misunderstand the gentleman. What he proposes is this: to go through with the bill and send it to the Senate, where it may be referred to the Committee on Finance, so that it may be taken up there and acted on early in the next session. That is it; I do not misunderstand the gentleman. Now, for us to spend the hot weather in mere sentimental talk over a bill which he does not expect to be taken up for consideration in the other branch of Congress, while the regular appropriation bills are postponed, is to my mind wholly unnecessary, if not wrong. I am compelled, therefore, to move that the House resolve itself into the Committee of the Whole on the state of the Union on the Navy appropriation bill, and pending that motion to move that all prior orders be postponed until after the consideration of the regular appropriation bills now in the committee.

Mr. SCHENCK. Mr. Speaker, I have said nothing to-day which will in the slightest degree justify the remark that I have proposed to the House to go on with sentimental talk over the tariff bill. On the contrary, I have said it is in the power of this House, if they will indulge only in business talk and sensible action, to put through this tariff bill this session, and even long before they have thought of adjourning in July. And if they do that, it gives renewed assurance this Congress will not adjourn without the bill becoming a law. But at the same time if it is to be postponed on one pretext or another to get everything else out of the way and then to adjourn—I say upon those who do that will be the responsibility of this not passing and becoming the law. I thought I was to have the earnest support of the gentleman from Massachusetts to see that this bill gets through at the earliest period this session consistently with his relation to other matters of public business, and yet he now speaks of it only as the subject for sentimental talk.

Mr. DAWES. I intend whenever his bill is in committee or before the House to work with him as earnestly as I can to get it through. But the gentleman talks about its being postponed for a day or two, when there are eight or nine appropriation bills urgently demanding our action. He is not willing to have the tariff bill carried through in the last days of the session, but is willing to have the whole appropriations for carrying on this Government passed under those circumstances.

Now, Mr. Speaker, I took up just fifteen minutes of time in the discussion of the tariff bill. I have voted with the chairman of the committee on every division of the House but one, and I have voted to-day to give him omnipotent power over his bill when it is in committee; but I insist that, as between that bill and the bills reported by the Committee on Appropriations, the gentleman from Ohio should make way for those bills. I now yield to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. FARNSWORTH. Mr. Speaker, I rise to a point of order. The motion of the gentleman from Massachusetts is not debatable.

The SPEAKER. The Chair sustains the point of order. Neither of the motions made by the gentleman from Massachusetts is debatable.

The question was put on Mr. DAWES's motion, that prior special orders be postponed until the regular appropriation bills be disposed of in Committee of the Whole.

Mr. SCHENCK. And I say that is in bad faith after what has passed here this morning.

Mr. DAWES. I demand the yeas and nays on my motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 92, nays 77, not voting 59; as follows:

YEAS—Messrs. Adams, Ambler, Archer, Arnell, Asper, Atwood, Ayer, Barry, Beaman, Beck, Biggs, Booker, Bowen, Boyd, Burr, Benjamin F. Butler, Churchill, Sidney Clarke, Cook, Conner, Crebs, Dawes, Dickey, Dickinson, Dox, Duval, Farnsworth, Ferriss, Finkelnburg, Fitch, Garfield, Getz, Gibson, Griswold, Haight, Haldeman, Hale, Hamilton, Harris, Hawkins, Hawley, Heflin, Holman, Hotchkiss, Kelsey, Ketcham, Knott, Laflin, Lewis, Mayham, McCrary, McKenzie, McNeely, Milnes, Morgan, Mungen, Niblack, Paine, Peters, Platt, Poland, Pomeroy, Potter, Randall, Rogers, Roots, Sargent, Schumaker, Lionel A. Sheldon, Porter Sheldon, Sherrod, Shober, Slocum, Joseph S. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevens, Stiles, Stokes, Swann, Sweeney, Taffe, Trimble, Twichell, Upson, Van Trump, Voorhees, Cadwalader C. Washburn, Winans, Wood, and Woodward—92.

NAYS—Messrs. Allison, Ames, Armstrong, Axtell, Banks, Barnum, Beatty, Benjamin, Bennett, Benton, Bingham, Blair, George M. Brooks, Buckley, Buffington, Burchard, Cake, Cessna, William T. Clark, Amasa Cobb, Coburn, Conger, Cowles, Donley, Dyer, Ferry, Gilfillan, Hamill, Hay, Hill, Hoar, Hooper, Ingersoll, Julian, Kelley, Kellogg, Lash, Lynch, McCarthy, McGrew, Mercur, Elnakim H. Moore, Jesse H. Moore, William Moore, Morphis, Daniel J. Morrell, Myers, Negley, O'Neill, Packard, Packer, Peck, Perce, Prosser, Rice, Sawyer, Schenck, Scofield, Shanks, John A. Smith, William J. Smith, Stevenson, Stoughton, Strickland, Strong, Taylor, Tillman, Townsend, Tyner, Van Wyck, Welker, Wheeler, Whitmore, Willard, Williams, Eugene M. Wilson, and John T. Wilson—77.

NOT VOTING—Messrs. Bailey, Bird, Boles, James Brooks, Buck, Burdett, Roderick R. Butler, Calkin, Cleveland, Clinton L. Cobb, Covode, Cox, Cullom, Davis, Degener, Dixon, Dockery, Ela, Eldridge, Fisher, Fox, Hambleton, Hays, Heaton, Hoge, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Judd, Kerr, Knapp, Lawrence, Logan, Loughridge, Marshall, Maynard, McCormick, McKee, Samuel P. Morrill, Morrissey, Orth, Palmer, Phelps, Porter, Reeves, Ridgway, Sanford, Stone, Strader, Tanner, Van Auken, Van Horn, Ward, William B. Washburn, Wells, Wilkinson, Winchester, and Witcher—59.

So the motion was agreed to.

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

The latter motion was agreed to.

Mr. WASHBURN, of Wisconsin. It is now too late to go into Committee of the Whole; but I give notice that to-morrow, after the morning hour, I will move that the House resolve itself into Committee of the Whole on the naval appropriation bill. I now move that the House adjourn.

Mr. DAWES. I hope my colleague will not move to adjourn. I insist either that we shall go into Committee of the Whole or that that motion be suspended for a time to admit of other business.

HOT SPRINGS RESERVATION.

Mr. KNOTT. I rise to make a privileged report. The bill in relation to the Hot Springs reservation has been found to have a clerical error in its enrollment, and I ask that it may be considered as recommitted to the committee of conference.

There was no objection; and it was so ordered.

RIGHTS OF CITIZENS IN THE STATES.

Mr. BINGHAM. I ask the House, under instructions from the Committee on the Judiciary, to allow me to report and put on its passage, with an amendment in the nature of a substitute, which has been fully considered by the House, bill No. 1293, to enforce the rights of citizens of the United States to vote in the several States of this Union who have heretofore been denied that right on account of race, color, or previous condition of servitude. This bill has been printed and upon the tables of members for nearly three months. The object of the bill is to enforce the legal right of the citizens of the United States to vote in the several States of this Union—a right which is defiantly denied in my own State and in others, in direct contravention of the express letter of the Constitution of the United States.

Mr. RANDALL. I move that the House do now adjourn.

Mr. BINGHAM. I move that the rules be suspended to allow me to report the bill with an amendment and put the same on its passage. I would ask the Chair, is it in order to join the two motions?

The SPEAKER. It is; and upon that only one dilatory motion can be made.

Mr. RANDALL. Then I make it. I move that the House do now adjourn.

Mr. SARGENT. I rise to make a parliamentary inquiry. If the motion of the gentleman from Ohio [Mr. BINGHAM] prevails, does it cut off the opportunity to offer amendments?

The SPEAKER. It does, and passes the bill by a single vote of two thirds of the House.

Mr. ELDRIDGE. Is it proposed to put through such an important bill without allowing any opportunity for amendment or discussion?

Mr. RANDALL. That is the proposition, and it is for that reason that I make the motion to adjourn.

Mr. BINGHAM. If gentlemen will not make objections——

Mr. CESSNA. I make the point of order that no debate is in order.

The SPEAKER. The Chair sustains the point of order.

Mr. RANDALL. I am willing that the substitute or bill which the gentleman proposes to pass shall be read.

The Clerk read the bill, as follows:

Strike out all after the enacting clause and insert the following:

That any officer of the United States, or of any State, Territory, or district, and every officer of any city, county, town, township, borough, ward, parish, or hundred, in any State, Territory, or district, who shall by any official act whatever, or by the omission, neglect, or refusal to perform any official act or duty whatever, whether under color or pretext of any provision of any State constitution, or any law of any State, Territory, or district whatsoever, or of any local, municipal, or other law, rule, or ordinance, deny or abridge the right of any citizen of the United States to vote, on account of race, color, or previous condition of servitude, at any Federal, State, county, municipal, or other election, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment of not less than one year and not exceeding three years, or by a fine not less than $500 nor exceeding $5,000, or both such fine and imprisonment, at the discretion of the court.

SEC. 2. *And be it further enacted*, That all colored citizens of the United States resident in the several States of the United States shall be entitled to vote at all elections in the State, county, parish, town, township, ward, or hundred of their residence, subject only to the same conditions which now are or may hereafter be required to qualify white citizens to vote therein. And any person who shall by force, fraud, intimidation, or other unlawful means whatsoever, prevent any colored citizen from voting at any such election, who possesses the qualifications, except in respect of color, requisite to enable a white citizen to vote thereat, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be imprisoned not less than six months and not exceeding one year, or be fined not less than $100 nor more than $1,000, or be punished by both such fine and imprisonment, in the discretion of the court.

SEC. 3. *And be it further enacted*, That in case the constitution or law of any State shall require the assessment or payment of a tax as a qualification of an elector, if any assessor or other officer elected or appointed under the laws of such State, and authorized or required by the laws thereof to make any assessment of persons or property for the purpose of such taxation, shall refuse or willfully neglect to assess the person or property of any colored citizen of the United States qualified as aforesaid, and residing in the town, hundred, borough, township, parish, county, ward, or district for which said assessor or other officer shall have been elected or appointed as aforesaid, he shall, for every such offense, forfeit and pay the sum of $500 to any person who will sue for the same, and shall for every such offense be guilty of a misdemeanor, and shall be fined not less than $500, and be imprisoned not less than one month.

SEC. 4. *And be it further enacted*, That in case the constitution or law of any State shall require the assessment or payment of a tax as a qualification of an elector, if any officer or member of any levy court, or other body of officers authorized or required by the laws of such State to make or correct any assessment of persons or property for the purpose of such taxation, or authorized or required by the laws of such State to assess or levy any such tax, shall refuse, or willfully neglect or advise, or shall participate, concur, or acquiesce in the refusal or willful neglect of such levy court or other body of officers to assess the person or property, or to assess or levy any such tax upon the person or property of any colored citizen of the United States, qualified as aforesaid, and residing in the county or district for which said officer, levy court, or other body of officers shall have been elected or appointed, he shall for every such offense forfeit and pay the sum of $500 to any person who will sue for the same, and shall for every such offense be deemed guilty of a misdemeanor, and shall be fined not less than $500, and be imprisoned not less than one month.

SEC. 5. *And be it further enacted*, That if any clerk

or other officer required by the law of any State to register, record, or transcribe any list of persons upon whom taxes have been assessed, or to transcribe and certify any duplicate of such list to the collector of taxes, shall refuse or willfully neglect to register, record, transcribe, or enter upon the proper assessment list, or upon the proper duplicates of such assessment list, the name of any colored citizen of the United States who has been lawfully assessed to pay any tax, the payment of which tax is by the constitution or laws of such State a qualification of an elector of such State, every such clerk or officer shall for every such offense forfeit and pay the sum of $500 to any person who will sue for the same, and shall for every such offense be deemed guilty of a misdemeanor, and shall be fined not less than $500 and be imprisoned not less than one month.

SEC. 6. *And be it further enacted*, That if any collector of taxes elected or appointed by authority of the laws of any State shall refuse or willfully neglect to receive from any colored citizen of the United States residing in such State any tax which he is required by law to collect from citizens of such State, and the payment of which tax is by the constitution or laws of such State a qualification of an elector of such State, or if any such collector shall refuse or willfully neglect to give to any such colored citizen a receipt for any such tax, when the amount thereof shall have been paid or tendered to him by such colored citizen, he shall for every such offense forfeit and pay the sum of $500 to any person who will sue for the same, and shall for every such offense be deemed guilty of a misdemeanor, and shall be fined not less than $200 and be imprisoned for not less than one month.

SEC. 7. *And be it further enacted*, That if at any State, county, township, hundred, or municipal election, held by the authority of any law of any State, or at any election for electors of President of the United States, or for members of the House of Representatives of the United States, any officer, inspector, or judge of the election shall refuse to receive, or shall advise or concur in refusing to receive the vote of any person on account of his race, color, or previous condition of servitude, every such officer, inspector, or judge shall, for every such offense, forfeit and pay the sum of $500 to any person whose vote shall have been so refused who may sue for the same in any court of the United States; and such officer, inspector, or judge shall for every such offense be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than $200 nor more than $500, and be imprisoned not less than one month.

SEC. 8. *And be it further enacted*, That any register or officer who shall refuse to register or enter upon the list of voters or list of persons who will be entitled to vote at any election, the name of any colored person having the qualifications of a white citizen entitled to vote or to be placed on such list in other respects except race or color, and any officer or member of any board for the admission of electors, who shall refuse to admit to the electors' oath, or to the privileges of an elector, any colored person on account of his race, color, or previous condition of servitude, or having the qualifications of a white citizen entitled to the privileges of an elector in other respects than race, color, or previous condition of servitude, shall be guilty of a misdemeanor, and on conviction thereof shall forfeit and pay a penalty of not less than $200 nor more than $500, and shall be imprisoned not less than one month nor more than six months, or both, at the discretion of the court.

SEC. 9. *And be it further enacted*, That if any person shall, by threats, violence, or intimidation, prevent, or attempt to prevent, any citizen of the United States from the free exercise of his right to vote in any election at which members of Congress or electors for President or Vice President of the United States may be voted for, such person so offending shall be liable to indictment, and, on conviction thereof, shall be subject to a fine not exceeding $1,000, or to imprisonment not less than one year nor more than three years, or both, at the discretion of the court.

SEC. 10. *And be it further enacted*, That the circuit courts of the United States shall have jurisdiction of the suits for forfeitures imposed and causes of action created by this act, and the circuit and district courts of the United States shall have jurisdiction of the misdemeanors created by this act.

Mr. FITCH. I ask leave to have an amendment read.

Mr. CESSNA. I object.

The question was on Mr. RANDALL'S motion, to adjourn.

Mr. RANDALL called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 45, nays 121, not voting 62; as follows:

YEAS—Messrs. Adams, Archer, Axtell, Barnum, Beck, Biggs, James Brooks, Burr, Conner, Crebs, Dickinson, Dox, Eldridge, Fitch, Gibson, Griswold, Haight, Haldeman, Hamill, Hawkins, Holman, Knott, Lewis, Mayham, McNeely, Milnes, Morgan, Mungen, Niblack, Potter, Randall, Rice, Rogers, Sherrod, Slocum, Joseph S. Smith, Stiles, Swann, Sweeney, Trimble, Van Trump, Voorhees, Eugene M. Wilson, Winchester, and Wood—45.

NAYS—Messrs. Allison, Ambler, Ames, Armstrong, Arnell, Asper, Atwood, Ayer, Banks, Beaman, Beatty, Benjamin, Bennett, Benton, Bingham, Blair, Booker, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Benjamin F. Butler, Cake, Cessna, Churchill, William T. Clark, Amasa Cobb, Coburn, Cook, Conger, Cowles, Dawes, Dickey, Donley, Duval, Dyer, Ela, Farnsworth, Ferriss, Ferry, Finkelnburg, Garfield, Gilfillan, Hale, Hamilton, Harris, Hawley, Hay, Heflin, Hill, Hoar, Hooper, Hotchkiss, Ingersoll, Kelley, Kellogg, Kelsey, Ketcham, Laflin, Lash, Logan, Loughridge, Lynch, McCarthy, McCrary, McGrew, McKee, Mercur, Eliakim H. Moore, Jesse H. Moore, William Moore, Morphis, Daniel J. Morrell, Myers, Negley, O'Neill, Packard, Packer, Paine, Peck, Perce, Peters, Platt, Pomeroy, Prosser, Sargent, Sawyer, Schumaker, Scofield, Shanks, Lionel A. Sheldon, Porter Sheldon, John A. Smith, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevens, Stevenson, Stokes, Stoughton, Strickland, Strong, Taffe, Tanner, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Van Wyck, Cadwalader C. Washburn, Welker, Wheeler, Whitmore, Willard, Williams, John T. Wilson, and Winans—121.

NOT VOTING—Messrs. Bailey, Barry, Bird, Boles, Bowen, Boyd, Burdett, Roderick R. Butler, Calkin, Sidney Clarke, Cleveland, Clinton L. Cobb, Covode, Cox, Cullom, Davis, Degener, Dixon, Dockery, Fisher, Fox, Getz, Hambleton, Hays, Heaton, Hoge, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Judd, Julian, Kerr, Knapp, Lawrence, Marshall, Maynard, McCormick, McKenzie, Samuel P. Morrill, Morrissey, Orth, Palmer, Phelps, Poland, Porter, Reeves, Ridgway, Roots, Sanford, Schenck, Shober, Stone, Strader, Van Auken, Van Horn, Ward, William B. Washburn, Wells, Wilkinson, Witcher, and Woodward—62.

So the House refused to adjourn.

The question recurred on Mr. BINGHAM'S motion, that the rules be suspended and the bill passed.

Mr. ELDRIDGE called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 44, not voting 53; as follows:

YEAS—Messrs. Allison, Ambler, Ames, Armstrong, Arnell, Asper, Atwood, Ayer, Banks, Barry, Beaman, Beatty, Benjamin, Bennett, Benton, Bingham, Blair, Booker, Boyd, George M. Brooks, Buck, Buckley, Buffinton, Burchard, Benjamin F. Butler, Cake, Cessna, Churchill, William T. Clark, Sidney Clarke, Amasa Cobb, Coburn, Cook, Conger, Cowles, Dawes, Dickey, Dixon, Donley, Duval, Dyer, Ela, Farnsworth, Ferriss, Ferry, Finkelnburg, Fitch, Garfield, Gilfillan, Hale, Hamilton, Harris, Hawley, Hay, Heflin, Hill, Hoar, Hooper, Hotchkiss, Ingersoll, Julian, Kelley, Kellogg, Kelsey, Ketcham, Laflin, Lash, Logan, Loughridge, Lynch, Maynard, McCarthy, McCrary, McGrew, McKee, McKenzie, Mercur, Milnes, Eliakim H. Moore, Jesse H. Moore, William Moore, Morphis, Daniel J. Morrell, Myers, Negley, O'Neill, Packard, Packer, Peck, Perce, Peters, Platt, Poland, Pomeroy, Prosser, Roots, Sanford, Sargent, Sawyer, Schenck, Scofield, Shanks, Lionel A. Sheldon, Porter Sheldon, John A. Smith, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevens, Stevenson, Stokes, Stoughton, Strickland, Strong, Taffe, Tanner, Taylor, Tillman, Townsend, Twichell, Tyner, Upson, Cadwalader C. Washburn, Welker, Wheeler, Whitmore, Willard, Williams, John T. Wilson, and Winans—131.

NAYS—Messrs. Adams, Archer, Axtell, Barnum, Beck, Biggs, James Brooks, Burr, Conner, Crebs, Dickinson, Dox, Eldridge, Gibson, Griswold, Haight, Haldeman, Hamill, Hawkins, Holman, Knott, Lewis, Mayham, McNeely, Morgan, Mungen, Niblack, Potter, Randall, Rice, Rogers, Schumaker, Sherrod, Slocum, Joseph S. Smith, Stiles, Swann, Sweeney, Trimble, Van Trump, Voorhees, Eugene M. Wilson, Winchester, and Wood—44.

NOT VOTING—Messrs. Bailey, Bird, Boles, Bowen, Burdett, Roderick R. Butler, Calkin, Cleveland, Clinton L. Cobb, Covode, Cox, Cullom, Davis, Degener, Dockery, Fisher, Fox, Getz, Hambleton, Hays, Heaton, Hoge, Jenckes, Johnson, Alexander H. Jones, Thomas L. Jones, Judd, Kerr, Knapp, Lawrence, Marshall, McCormick, Samuel P. Morrill, Morrissey, Orth, Paine, Palmer, Phelps, Porter, Reeves, Ridgway, Shober, Stone, Strader, Van Auken, Van Horn, Van Wyck, Ward, William B. Washburn, Wells, Wilkinson, Witcher, and Woodward—53.

So (two thirds voting in favor thereof) the rules were suspended, and the bill was passed.

During the roll-call,

Mr. VAN WYCK stated that he was paired with Mr. VAN AUKEN, who would have voted "no," and he (Mr. VAN WYCK) "ay."

Mr. HAIGHT announced that Mr. BIRD was paired with Mr. MORRILL, of Maine; if present Mr. BIRD would have voted "no."

Mr. NIBLACK stated that Mr. KERR was absent from the House to-day; if here he would have voted "no."

The result of the vote was announced as above recorded.

ENROLLED BILLS SIGNED.

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

An act (S. No. 788) for the relief of the widows and orphans of the officers, seamen, and marines of the United States vessel of war Oneida, and for other purposes; and

An act (S. No. 850) for the relief of Captain George Henry Preble, of the Navy of the United States.

STATE DEPARTMENT.

Mr. BANKS. I ask unanimous consent to report back from the Committee on Foreign Affairs a joint resolution in relation to the State Department.

The SPEAKER. The title of the joint resolution will be read.

The title of the joint resolution was read, as follows:

A joint resolution (S. R. No. 120) to provide for the appointment of an examiner of claims for the Department of State, and for additional clerks in the Department.

Mr. WELKER. I object to the consideration of this joint resolution at this time.

Mr. BANKS. It is absolutely necessary for the clerical service of the State Department. I propose to have the appropriation reduced from $13,000 to $7,500.

Mr. ELDRIDGE. I object to debate.

Mr. BANKS. Then I move to suspend the rules for the purpose of considering this joint resolution at this time.

Mr. ELDRIDGE and Mr. SCOFIELD moved that the House adjourn.

Pending the motion to adjourn,

LEAVES OF ABSENCE.

Mr. KERR was granted three days' additional leave of absence.

Mr. CULLOM was also granted three days' additional leave of absence.

Mr. CALKIN was granted leave of absence until Monday next.

Mr. VAN HORN was granted additional leave of absence for ten days.

Mr. BENJAMIN was granted fifteen days' leave of absence from to-morrow.

Mr. BUTLER, of Tennessee, was granted leave of absence for two days.

Mr. SHOBER was granted leave of absence until Monday next.

WITHDRAWAL OF PAPERS.

Mr. MERCUR was granted leave to have withdrawn from the files of the House the papers in the case of S. C. Nicholson.

Mr. CHURCHILL was granted leave to have withdrawn from the files of the House the petition of Captain Phillips for relief.

The question recurred upon the motion to adjourn; and being taken, upon a division there were—ayes 83, noes 42.

So the motion was agreed to; and (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ARCHER: The memorial of the Universal Decimal, Weight, Measure, and Coinage Association of the United States, embracing over 100 citizens of Maryland, together with citizens of other States, praying Congress to pass a law establishing throughout this country the simple decimal system of weights and measures known as the metric system; also praying such other legislation as will tend to secure the adoption of said system in foreign countries.

By Mr. ATWOOD: The petition of N. H. Wood, asking for an increased and elastic volume of currency to the extent of $300,000,000.

By Mr. AYER: The petition of William L. Davis and others, citizens of Richmond county,

Virginia, to authorize the appointment of a land commission to procure lands for homesteads for freedmen.

By Mr. BENJAMIN: The petition of Rogers, Meyer & Co. and 73 other mercantile firms of San Francisco, California, against the fur-seal monopoly in Alaska.

By Mr. BOOKER: The petition of W. W. Yarbrough, of Prince Edward county, Virginia, praying for compensation for horses and other property taken by the Army during the rebellion.

By Mr. BUCK: The petition for removal of political disabilities of E. H. Goody, of Monroe county, Alabama.

By Mr. BUTLER, of Massachusetts: A petition of State senators of Georgia, to have the State restored to the Union and to civil government.

Also, the petition of N. H. Wood, for increase of elastic currency to the extent of $300,000,000.

Also, a petition of citizens of Salem, Massachusetts, for a light at Race Rock.

Also, the petition of Joshua Carhart, of New York, for payment of two $1,000 coupon bonds lost or stolen.

Also, a petition of many citizens of New York city, for a law to prevent further absorbtion of public lands by corporations and monopolies.

By Mr. FERRISS: A petition of citizens of the city of Albany, New York, praying such legislation as will allow the masters of vessels entering and leaving the United States by way of Lake Champlain and the Richelieu river to enter and clear their vessels and pay duties at the port of Rouse's Point.

By Mr. FERRY: The memorial of B. B. Crawford, Samuel Gillmore, and 49 others, citizens of Montcalm county, Michigan, praying for the reduction of the tariff on tea, coffee, sugar, and molasses.

By Mr. HALE: The petition of Partmon Houghton and others, for the improvement of the channel of Long Island sound.

By Mr. JONES, of Kentucky: The petition of William A. Mooney, of South Carolina, for removal of political disabilities.

By Mr. LASH: The petition of Henry Marshal, a citizen of Forsyth county, North Carolina, for removal of disabilities.

By Mr. MORPHIS: A petition of sundry citizens of Mississippi, asking for improvement of navigation of Tombigbee river, in Mississippi.

Also, propositions for a post route from Shannon Station to Fulton; also, from Baldwyn to Pleasanton; also, from Abbeville to Pontotoc, Mississippi.

By Mr. MUNGEN: The petition of Francis T. Willis, of Richmond, Virginia, relative to a grant of lands heretofore made to the Alabama and Tennessee River railroad.

Also, the petition of N. H. Wood, of Portage city, Wisconsin, asking for the issue of $300,000,000 additional currency, and for changes in the financial system.

By Mr. NIBLACK: The memorial of N. H. Wood, praying for an increase of the volume of the currency.

By Mr. O'NEILL: The memorial of Jonathan Brock, praying for relief to refund moneys expended in recruiting the nineteenth regiment Pennsylvania volunteer cavalry. Also affidavits in the matter of the petition of John Kelly for the reissue of certain five-twenty bonds.

By Mr. RANDALL: A petition from soldiers enlisted in the ordnance corps of the Army who served during the late rebellion, asking a bounty the same as received by other enlisted men in other arms of the service.

By Mr. SCHENCK: The petition of Jesse T. Thompson, George B. Metsler, and 50 others, disabled soldiers, inmates of National Asylum at Dayton, Ohio, asking transportation, arms, blankets, and rations, to enable them to remove and settle in Oregon, under the auspices of the Oregon Colony, No. 1.

IN SENATE.

TUESDAY, *May* 17, 1870.

Prayer by Rev. Dr. HARMON, of Baltimore.

The Journal of yesterday was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2044) declaring the bridge between Philadelphia and Camden a post route was read twice by its title, and referred to the Committee on Post Offices and Post Roads.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT. The Chair presents a letter from the Treasurer of the United States, transmitting the accounts current for the service of the Post Office Department for the fiscal years 1867 and 1868. As they are very bulky the Chair will not suggest their printing, but will have them referred to the Committee on Printing, if no other motion be made. That disposition will be made.

PETITIONS AND MEMORIALS.

Mr. REVELS presented the petitions of William Gaunt, of Natchez, Mississippi, and of J. J. Durham, of Kosciusko, Mississippi, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. FLANAGAN presented a petition of D. B. Martin and others, citizens of Shreveport, Louisiana, praying that that city be made a port of entry; which was referred to the Committee on Commerce.

He also presented the petitions of N. B. Charlton and George W. Van Vleck, of Woodville, Tyler county, Texas; of Nat M. Burford and James G. Stevens, of Dallas, Texas; of William Lewis, of Fayette county, Texas, and of William H. Thomas, of Texas, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. SHERMAN presented two memorials of citizens of Ohio, remonstrating against the extension of John Young's patent for washing and wringing machines; which were ordered to lie on the table.

Mr. COLE presented the memorial of Lewis St. Oris, a citizen of the United States, and now residing at Compton, Los Angeles, a soldier of the war of 1812, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. COLE. I also present a petition of a large number of very influential citizens of San Francisco, asking that the naval constructors' department in the Navy have a proper positive rank, not below that of any other class of staff officers in the Navy, and that they shall not be subordinate to any navy-yard official other than the commandant thereof. I move its reference to the Committee on Naval Affairs.

The motion was agreed to.

Mr. JOHNSTON presented the petitions of J. B. M. Osborne, of Charlotte county, Virginia; of Alexander G. Thompson, of Washington county, Virginia; of W. Cole Powell, of Dinwiddie county, Virginia, and of Thomas P. Umburger, of Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. ABBOTT presented the petitions of J. B. Kincaid, of Morgantown, North Carolina; of James W. Councill, B. Councill, Joseph B. Todd, Henry Taylor, Elijah Dougherty, and Jonathan Horton, of Watauga, North Carolina, and of R. W. Logan, of Rutherford county, North Carolina, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petition of John Anderson, of Rutherford county, North Carolina, in behalf of Christopher Happold, of Burke county, North Carolina, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. ABBOTT. I also present the petition of Miss A. E. Henderson, of Lincoln county, North Carolina, praying for the removal of her political disabilities. She has been appointed postmaster, but having participated in the late rebellion cannot take the test-oath. I move its reference to the select Committee on the Removal of Political Disabilities.

The motion was agreed to.

Mr. HARLAN presented a petition of citizens of Iowa, praying for an amendment of the Constitution of the United States so as to recognize the existence of Almighty God; which was referred to the Committee on the Judiciary.

He also presented the petition of John Butler Thompson, praying for remuneration for money expended by him in the Indian service; which was referred to the Committee on Indian Affairs.

He also presented a memorial of citizens of Iowa, remonstrating against the extension of the patent of John Young for clothes wringing and washing machines; which was ordered to lie on the table.

Mr. CAMERON. I present a number of petitions from laboring men, mechanics, and manufacturers of Pennsylvania, who pray that all taxes on the labor or products of the country be repealed. I agree with these petitioners that the time has come when the taxes rendered necessary by the war should cease to be a burden upon the people who so freely gave their money and risked their lives to save the country when it was in peril. There is no reason now, when our bonds are at par, when our credit is higher than that of any other Government in the world, and when we are paying our debt at the rate of nearly a hundred millions a year, that the products and the labor of the people should be taxed. In my opinion we can now raise from luxuries, such as spirits, tobacco, stamps, and a few other trifling articles, not exceeding six or eight in all, a sufficient sum to pay the interest on our whole debt, leaving to the tariff the support of the necessary expenses of the Government. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. BROWNLOW presented the petition of Ethan A. Sawyers, of Tennessee, praying compensation for services rendered to the United States Army during the late rebellion; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. TIPTON, from the Committee on Pensions, to whom was referred the petition of Leann Cox, praying to be allowed a pension, submitted a report, accompanied by a bill (S. No. 923) granting a pension to Leann Cox.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. TIPTON also, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1407) granting a pension to Mrs. Eliza Webb, widow of Daniel S. Webb, late a private in company G, eighth regiment Tennessee cavalry, reported it without amendment.

Mr. SUMNER. The Committee on Foreign Relations, to whom was referred a resolution of the Senate instructing them to inquire whether Henry Mahler, a citizen of Prussia, has any claims against the proprietors or managers of the French cable, so called, which should be regarded or protected by the Congress of the United States, have had the same under consideration, and also a petition of Henry Mahler, in which he sets forth certain obligations which he says the French cable is under to him for services, and asks the Congress of the United States to exercise its power over the French cable to secure his rights. The committee have directed me to report the resolution and accompanying petition back to

the Senate, with the recommendation that they be indefinitely postponed. The committee do not find that Congress can interfere in the matter.

The VICE PRESIDENT. If there is no dissent, they will be indefinitely postponed.

Mr. SUMNER. The same committee, to whom was referred the petition of Mahlon Loomis, praying for an appropriation of $50,000 to enable him to demonstrate his discovery in the way of telegraphs, by which he is to supersede all mechanical appliances in working telegraphs, have had the same under consideration, and have directed me to report it back with the recommendation that it be indefinitely postponed.

The report was agreed to.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the petition of Antoinette Darling, praying compensation for damages sustained in consequence of Indian depredations in Minnesota, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the petition of A. M. Gangewer, chief clerk Third Auditor's office, praying to be allowed the difference of pay between that of chief clerk and Third Auditor from December 9, 1869, to April 20, 1870, being the time he performed the duties of Third Auditor, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. SPRAGUE, from the Committee on Appropriations, to whom was referred a memorial of officers of the National Association for the Relief of Destitute Colored Women and Children, praying for an appropriation of $10,000 for the benefit of that institution, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

Mr. HOWARD. The Committee on the Pacific Railroad, to whom was referred the bill (S. No. 647) to aid in the construction of a railroad and telegraph line from Marshall, Texas, to San Diego, California, with branches and connections, have had the same under consideration, and have directed me to report it back to the Senate with an amendment, in the nature of a substitute for the entire bill, which I now send to the Chair. I will remark that this bill authorizes the construction of a railroad from Marshall, in Texas, to Trinity river; thence to El Paso, on the Rio Grande; thence through the Territories of the United States across the Colorado river to San Diego, on the Pacific. In the Territories it grants to the company twenty alternate sections of land on each side of the line, and ten such alternate sections in any State through which the road may pass. Of course in the State of Texas, which comprises a very large portion of the line, inasmuch as the United States own no public lands within the limits of that State, the bill grants no lands to the company there. The bill also authorizes a connection with this line of a railroad from New Orleans, and another from a point in Arkansas.

Mr. POMEROY. Little Rock?

Mr. HOWARD. No; Fulton, and also from Vicksburg. I will say further that this amendment has received the sanction and unanimous vote of the Committee on the Pacific Railroad. I ask that it may be placed on the Calendar and printed.

The VICE PRESIDENT. The bill will be placed on the Calendar and printed.

Mr. RAMSEY, from the Committee on Post Offices and Post Roads, to whom was referred the bill (S. No. 113) to encourage, facilitate, and establish international communication, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

ORDER OF BUSINESS.

Mr. SCHURZ. I ask the unanimous consent of the Senate to proceed to the consideration of Senate bill No. 241.

The VICE PRESIDENT. The morning business is not concluded, but the Senator from Missouri asks the unanimous consent of the Senate to proceed to the consideration of the bill indicated by him.

Mr. POMEROY. I will not object to the Senator's bill; but I desire to offer a resolution at the proper time.

Mr. HAMLIN. I want to introduce a resolution also.

The VICE PRESIDENT. That is in the nature of an objection at present.

Mr. HAMLIN. No, I do not object.

The VICE PRESIDENT. The title of the bill proposed to be taken up will be read.

The SECRETARY. A bill (S. No. 241) to relinquish the interest of the United States in certain lands to the city and county of San Francisco.

Mr. HAMLIN. I desire to offer a resolution before that bill is taken up.

The VICE PRESIDENT. That is in the nature of an objection.

BILLS INTRODUCED.

Mr. TIPTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 922) granting a pension to Jacob B. Cuyle; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. KELLOGG asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 924) making a grant of lands to the North Louisiana and Texas Railroad Company to aid in the construction of a railroad from Vicksburg, Mississippi, to the Texas State line; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 925) to authorize courts to obtain evidence from the Departments and officers of the United States Government; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

DISTRICT BUSINESS.

Mr. HAMLIN. I offer the following resolution:

Resolved, That the last Friday and Saturday of this month be assigned exclusively to the consideration of bills and matters relating to the District of Columbia.

Mr. POMEROY. I did not know that the Senator intended to offer that resolution. I have prepared one which embraces that business and something more, and I should like to have it read. Perhaps the Senator will prefer my resolution to his.

The VICE PRESIDENT. The Senator from Maine has offered a resolution and asks for its present consideration. The Chair will withhold it until the resolution of the Senator from Kansas shall be reported.

The Secretary read Mr. POMEROY'S resolution, as follows:

Resolved, That from and after the 20th day of this month, and until the close of the present session, there shall be, unless the Senate otherwise direct, three evening sessions upon alternate evenings of each week, at which sessions the Calendar of general orders shall be proceeded with in the order of their places upon the Calendar, and on Friday of each week the Calendar shall be proceeded with by considering only bills and joint resolutions to which no objection is made, and such objection, if made, shall have the effect to pass the bill or resolution over, and shall be without debate.

Mr. POMEROY. My object——

The VICE PRESIDENT. This resolution cannot be considered on this day if it is objected to.

Mr. HAMILTON, of Maryland. I think the resolution had better be postponed until we determine the question of adjournment.

Mr. POMEROY. I put it at the 20th of this month, because the 20th is the day on which we are to vote on the resolution fixing the day of adjournment.

Mr. HAMILTON, of Maryland. I presume that we shall vote upon that question on Friday next.

Mr. HAMLIN. I do not know that I shall have any objection to that resolution when it comes up; but I shall ask the Senate to give me two days for the consideration of important bills that are upon our Calendar relating to this District. That is a very limited period of time, and I cannot doubt that the Senate will give me that very brief period. Let the resolution go on the Calendar. I do not ask for its consideration now.

The VICE PRESIDENT. These two resolutions will be placed on the Calendar of resolutions, and will come up to-morrow after the morning business.

EVENING SESSION TO-MORROW.

Mr. CRAGIN. I rise for the purpose of offering a resolution; but I should like to make a brief statement before doing so. The Committee on Territories have reported a bill to the Senate to provide for the execution of the laws in the Territory of Utah. The House has passed a bill on that subject, and the Senate committee has reported it with amendments; but it is so far down on the Calendar that I have no hope of reaching it at present; and not being willing to interrupt the prior orders of business, I wish to ask the Senate to give me some opportunity to submit some remarks on that subject; and as I may be absent before the bill is reached, I have prepared a resolution asking that to-morrow afternoon at five o'clock the Senate take a recess until eight o'clock for the purpose of considering that bill. I will state that my object is in order to submit some remarks on that subject, which will occupy perhaps two hours, and then I shall not object to the regular order coming up again. It is not to take any vote.

The VICE PRESIDENT. The Senator from New Hampshire offers a resolution, and asks for its present consideration. The Secretary will read the resolution.

The Secretary read as follows:

Resolved, That on Wednesday next the Senate take a recess from five o'clock to eight o'clock p. m. for the purpose of considering the bill of the House No. 1089, in aid of the execution of the laws in the Territory of Utah, and for other purposes.

Mr. WILLIAMS. I have no objection to the resolution, provided it is understood now that no other business is to be taken up at that time, and that the bill is to be no further considered than is necessary to enable the Senator to make his speech. With that understanding I have no objection.

Mr. CRAGIN. That is the understanding.

Mr. COLE. I understand that the Senator from New Hampshire consents to amend his resolution so as to make the evening session at half past seven o'clock. That will give us an additional half hour.

Mr. CRAGIN. I have no objection to that if that is the pleasure of the Senate.

The VICE PRESIDENT. The Senator from Oregon suggests that no other business be transacted, and that no vote be taken on the bill. Is there objection to the proposition? The Chair hears none, and an evening session for to-morrow evening, for the purpose stated, is therefore ordered.

POINT SAN JOSÉ RESERVATION.

Mr. SCHURZ. I now ask that Senate bill No. 241 be taken up.

The VICE PRESIDENT. The morning business having concluded, the Senator from Missouri now asks unanimous consent that the Senate proceed to the consideration of the bill indicated by him.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 241) to relinquish the interest of the United States in certain lands to the city and county of San Francisco.

The VICE PRESIDENT. The pending

question is on the amendment of the Senator from California [Mr. CASSERLY] to the amendment reported by the Committee on Military Affairs. The Secretary will first report the amendment proposed by the committee.

The Secretary read the amendment, which was to strike out all after the enacting clause and in lieu thereof to insert the following:

That all the right and title of the United States to the military reservation in the city and county of San Francisco, in the State of California, known as the Point San José military reservation, be, and the same are hereby, relinquished and granted to the said city and county, and its successors, for the benefit of the persons who, if the said land had not been reserved for public use, would have been entitled thereto, under the ordinances of the city of San Francisco, ratified by an act of the Legislature of the said State, approved on the 11th day of March, 1858, entitled "An act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city," there being excepted from this relinquishment and grant all that certain piece or parcel of land, portion of said reservation, and which is bounded and described as follows, namely: commencing at a point in the mean low-water shore-line of the bay or entrance to the bay of San Francisco, east of the promontory of Point San José, where the same is intersected by the westerly line of Van Ness avenue; running thence southerly along the said westerly line of Van Ness avenue to its intersection with the northern line of Bay street; thence westerly along the north side of Bay street to its intersection with the eastern line of Laguna street; thence northerly along the said eastern line of Laguna street to the westerly shore; thence in a northeasterly, easterly, southeasterly, and southerly direction, following the said shore-line, to the point or place of beginning.

SEC. 2. *And be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, declared inapplicable to the lands hereinabove relinquished and granted.

The VICE PRESIDENT. The amendment moved by the Senator from California to the amendment of the committee will now be read.

Mr. SCHURZ. If the Senator from California will allow me a moment, I observe that in the ninth line of the amendment of the committee the word "reserved" is printed "preserved."

The VICE PRESIDENT. That verbal correction has been made. The Secretary will now report the proposed amendment to the amendment.

The Secretary read the amendment to the amendment, which was in line seven of the amendment, after the word "successors," to strike out the following words:

For the benefit of the persons who, if the said land had not been reserved for public use, would have been entitled thereto under the ordinances of the city of San Francisco, ratified by an act of the Legislature of the said State, approved on the 11th day of March, 1858, entitled "An act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city.

And to insert in lieu thereof the following:

For the uses and purposes as follows: first, to reserve and set apart, if the said city shall so provide by ordinance, passed within six months after the date of the passage of this act, as many lots of land, not more than one hundred and thirty-seven and one half feet square each, nor exceeding in the aggregate a quantity of land equivalent to the area of four such lots, as may be necessary for sites for school-houses, police stations, fire-engine houses, or any other public establishments necessary and proper for municipal purposes; or the same, or any part thereof, may be appropriated for a public square; but the city shall not take, for the sites of said public square or establishments, more than one fifth part of the land possessed as hereinafter provided by any one person. Such lots of land so reserved and set apart may be in addition to those already reserved and set apart within said military reservation by said city, under the ordinance known as the Van Ness ordinance, and certain other ordinance confirmatory thereof, and the act of the Legislature of the State of California passed March 11, 1858, confirming said ordinances, which lots so reserved and set apart are hereby granted and confirmed to said city. Second, to maintain all streets and alleys as now laid out upon the official map of the city of San Francisco. Third, and then in trust to grant and convey the remainder of said lands to the parties severally who are at the date of the passage of this act in the actual *bona fide* possession thereof by themselves or their tenants, and in such parcels as the same are so held and possessed by them; or who, if they have not such possession, were deprived thereof by the United States military authorities when they went into the occupancy of said military reservation; or were deprived thereof by intruders or trespassers against whom possession may be recovered by legal process. Fourth, to have and to hold all the residue, if any, of said lands, for the use and benefit of said city.

Mr. CASSERLY. The Secretary has not read the whole of the amendment to the amendment.

The VICE PRESIDENT. That appears to be the first of the amendments to the amendment. The next amendment is to add an additional section.

Mr. CASSERLY. I suppose the question is first on the first amendment?

The VICE PRESIDENT. It is.

Mr. CASSERLY. I shall ask leave to strike out the whole of the first subdivision of that amendment.

The VICE PRESIDENT. The Senator has a right to modify his amendment, no vote having been taken upon it. The Senator from California proposes to modify the amendment to the amendment by striking out——

Mr. CASSERLY. Commencing in line one and ending in line twenty-one; and I do so for this reason: that on some consultation I find there will be great difficulty in enforcing that part of the amendment without inconvenience or detriment to private interests. There are portions of this property upon which are extensive and costly buildings for manufacturing purposes, a woolen-mill, a lead factory, and some other factories. I am unwilling to subject them to the risk of having one fifth of their property taken by the city authorities. It is scarcely conceivable that the city authorities would so abuse their power; but as some uneasiness has been expressed by those interested in the subject, I prefer to strike out that part of my amendment. I do it on the further ground that I understand that under a former proceeding in that city for the purpose of settling titles in this as well as other parts of the city, certain reservations were made of the land affected by this bill that probably would be sufficient for public purposes, at least for the present. If there be no objection, I ask leave to strike out that portion of the amendment.

The VICE PRESIDENT. The Senator from California proposes to modify the amendment to the amendment by striking out the portion referred to.

Mr. CASSERLY. The object of the amendment, I desire to say to the Senate——

Mr. WILLIAMS. I do not understand how much of the amendment the Senator proposes to strike out. What lines?

Mr. CASSERLY. From line one, on the first page, to line twenty-one, on the second page.

Mr. COLE. There can be no objection to that.

Mr. CASSERLY. The object of the amendment was to conform this act to the act of March, 1866, passed by Congress. By that act the titles of the city of San Francisco rest for the first time on a firm foundation, because they rest upon a grant by the owner of the fee; that is to say, the United States. The language of that act is in recognition of the rights of *bona fide* actual possessors; and that is the language of this act. Both acts recognize the same equities. The amendment perhaps accomplishes, more certainly also than the bill reported from the committee, the object in view; because it provides, for instance, for maintaining the streets laid out and recognizing them as streets of the city, and in some other respects which I need not trouble the Senate now by repeating.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from California to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The numbering of the subdivisions in the amendment to the amendment must now be changed. "Second," "third," and "fourth," should be "first," "second," and "third."

Mr. CASSERLY. Yes, sir; the subdivisions must be renumbered.

The VICE PRESIDENT. That will be done. The Secretary will now report the next amendment of the Senator from California to the amendment.

The Secretary read the amendment to the amendment, which was to insert as an additional section the following:

SEC. 2. *And be it further enacted*, That nothing in this act contained shall interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, whether derived from Spain, Mexico, or the United States, or preclude any examination and adjustment thereof by the courts.

Mr. CASSERLY. That is the usual section in these bills.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the substitute of the committee as amended.

Mr. HARLAN. I should like to hear it read, as amended.

The Secretary read the amendment, as amended, as follows:

That all the right and title of the United States to the military reservation in the city and county of San Francisco, in the State of California, known as the Point San José military reservation, be, and the same are hereby, relinquished and granted to the said city and county, and its successors, for the uses and purposes as follows: First, to maintain all streets and alleys as now laid out upon the official map of the city of San Francisco. Second, and then in trust to grant and convey the remainder of said lands to the parties severally who are at the date of the passage of this act in the actual *bona fide* possession thereof by themselves or their tenants, and in such parcels as the same are so held and possessed by them; or who, if they have not such possession, were deprived thereof by the United States military authorities when they went into the occupancy of said military reservation; or were deprived thereof by intruders or trespassers, against whom possession may be recovered by legal process. Third, to have and to hold all the residue, if any, of said lands, for the use and benefit of said city, there being excepted from this relinquishment and grant all that certain piece or parcel of land, portion of said reservation, and which is bounded and described as follows, namely: commencing at a point in the mean low-water shore-line of the bay or entrance to the bay of San Francisco, east of the promontory of Point San José, where the same is intersected by the westerly line of Van Ness avenue; running thence southerly along the said westerly line of Van Ness avenue to its intersection with the northern line of Bay street; thence westerly along the north side of Bay street to its intersection with the eastern line of Laguna street; thence northerly along the said eastern line of Laguna street to the westerly shore; thence in a northeasterly, easterly, southeasterly, and southerly direction, following the said shore-line to the point or place of beginning.

SEC. 2. *And be it further enacted*, That nothing in this act contained shall interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, whether derived from Spain, Mexico, or the United States, or preclude an examination and adjustment thereof by the courts.

SEC. 3. *And be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, declared inapplicable to the lands hereinbefore relinquished and granted.

Mr. HOWARD. Mr. President, let me call the attention of the Senator from California to the peculiar reading of the first section of this bill. As I understood the bill when read by the Clerk, the grant of land is made to the city and county of San Francisco. To which of these two corporations does the Senator from California intend that the grant should be made, to the city or to the county, or are both city and county to hold it in tenancy in common?

Mr. COLE. It is one organization, one corporation. That is the name of it. "The city and county of San Francisco" is the name of the corporation.

Mr. CASSERLY. Just like the city and county of New York, I will suggest to the Senator from Michigan; that is the name of the corporation.

Mr. HOWARD. There seemed something peculiar about the phraseology, and I wished to have an explanation of it, because there might arise a conflict between the grantees, if they were grantees.

Mr. CASSERLY. They are one and the same corporation.

Mr. COLE. It is suggested that the second section is of no use. That is very obvious

to me, and I move to strike it out. It provides:

That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, declared inapplicable to the lands hereinabove relinquished and granted.

Mr. SCHURZ. I think it had better stand.

Mr. COLE. Very well. I have no objection to letting it stand.

Mr. WILLIAMS. I would like to inquire of the Senator from California what necessity there is for this second section of his amendment?

Mr. CASSERLY. It is usual.

Mr. WILLIAMS. I do not agree that it is the usual amendment. I think it throws doubt on the title to the property, and implies that there may be litigation about the title to this property, without any necessity whatever. The claims that have originated in California under the Spanish and Mexican Governments are terminated by a statute of limitations, and cannot and ought not to be revived in any shape or form unless by some special enactment of Congress; and whether this intends to confer on persons who may have claims the right to litigate or not, is a question. It seems to provide—

That nothing in this act contained shall interfere with or prejudice any valid adverse right or claim, if such exist, to said land, or any part thereof, whether derived from Spain, Mexico, or the United States, or preclude an examination and adjustment thereof by the courts.

Mr. STEWART. I think when we passed the act confirming the title to San Francisco we confined that exception to those cases which were then pending. There are two acts, the act of 1864 and the act of 1866. The act of 1864 is in the language of this; but subsequently, when we confirmed the title of the city in 1866, we only allowed those suits to continue that were then pending in the courts. I think this is wider than the last act.

Mr. CASSERLY. I do not think the United States Government has ever passed a bill of this kind, vesting title to its lands in private individuals, where that title had not been acquired distinctly under its own laws, without a proviso of this kind. The Senator from Nevada is mistaken in his supposition that the proviso to the act of 1866 was different from this second section. This second section is word for word the proviso of the act of 1866, and my impression is that it is word for word the proviso in the act of 1864, also passed by Congress.

To the Senator from Oregon I desire to say that there may be outstanding rights, as of married women and minor children, which are not barred by the statute of limitations. I do not know that any such rights exist, nor do I believe that any such exist; but I do not think it would be a proper thing for the Congress of the United States, in granting lands out and out by statute to private individuals, to bar the rights of other persons who may have acquired a valid adverse claim. That is all this section does, and I think it would not be proper to do any less. I cannot see how that casts any cloud on the title which we grant, because the Senator from Oregon will not contend that Congress means by this bill or any other to grant a title to parties as against a better outstanding adverse title, thus destroying vested rights.

The only object of this section is one I think that will commend itself to the judgment of every lawyer especially, and of every reflecting man in the Senate, and I think must commend itself to the judgment of my friend from Oregon on both these grounds, as a very appropriate proviso in any such bill as this.

Mr. STEWART. I will state to the Senator from California that I am not mistaken in my impression of the act. It is true he has adopted the words of the proviso to the act of 1866, but that act was one confirming a decree which had reservations in it. The original decree reserved all suits then pending. The time for instituting new suits having passed, they reserved the suits then pending, so that the act conformed to the words of that decree. Taking the whole act together, it would not reopen cases which had not been commenced before the decree was entered.

Mr. CASSERLY. I shall not argue with the Senator from Nevada as to his inferences from an act, because I should not agree with him as to his inferences; but I will send up the proviso of that act to the Clerk's desk, and ask that it be read.

Mr. STEWART. The proviso is in exactly the same language——

Mr. CASSERLY. I do not wish to be interrupted. I should like to get through if the Senator pleases. I send to the desk the statute of 1866, and ask that the proviso to that act at the end of it be read.

The Chief Clerk read as follows:

"*Provided, however*, That the relinquishment and grant by this act shall not interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, whether derived from Spain, Mexico, or the United States, or preclude a judicial examination and adjustment thereof."

Mr. CASSERLY. Now I ask the Secretary to read the second section of my amendment.

The Chief Clerk read as follows:

SEC. 2. *And be it further enacted*, That nothing in this act contained shall interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, whether derived from Spain, Mexico, or the United States, or preclude an examination and adjustment thereof by the courts.

Mr. STEWART. I undertake to say still that I am literally correct in what I stated as the legal effect of that law. The Senator has got the exact words of the proviso, but not the meaning of the act taken altogether. That act provided—

"That all the right and title of the United States to the land situated within the corporate limits of the city of San Francisco, in the State of California, confirmed to the city of San Francisco by the decree of the circuit court of the United States, for the northern district of California, entered on the 18th day of May, 1865, be, and the same are hereby, relinquished and granted," &c.

What was confirmed by that decree was confirmed by the act with that proviso. That decree only reserved suits that were then pending. Others were barred by the statute of limitations. Consequently this may have a different construction, not being in connection with the decree; it may open cases that the statute of limitations has barred.

Mr. WILLIAMS. I wish to state what I meant; I shall not argue the question. I meant to say that the statute of limitations as applicable to California has put an end to the existence of all Spanish and Mexican claims that have not been asserted in the courts, so that now that amounts to a statute of repose for the State of California, and I shall oppose any act that looks like reviving or recognizing any such claims by general legislation.

The VICE PRESIDENT. The question is on agreeing to the substitute as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CASSERLY. The striking out of the first subdivision of my amendment renders it necessary to provide for the confirmation to the city of San Francisco of such lots and parts of lots as were reserved under the Van Ness ordinance of 1858 for public purposes. Therefore, with the consent of the Senator from Missouri, I ask leave to have this added at the end of the second section as amended by my colleague.

The lots of land heretofore reserved and set apart for public purposes in the said military reservation by said city under the ordinance known as the Van Ness ordinance, and certain other ordinances confirmatory thereof, are hereby granted and confirmed to said city.

Mr. COLE. I suggest to my colleague that I did not offer any amendment to the second section.

Mr. CASSERLY. I understood my colleague offered one which was adopted.

The VICE PRESIDENT. An amendment was suggested by the Senator from California, [Mr. COLE,] but not proposed.

Mr. CASSERLY. Then I do not offer any amendment.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. CORBETT. Is there anything in the bill that confirms to the city of San Francisco any portion of the military reservation except what is specifically relinquished by the bill?

Mr. CASSERLY. No.

Mr. CORBETT. I thought the last amendment of the Senator from California [Mr. CASSERLY] might be so construed if it was adopted.

Mr. CASSERLY. I did not press that.

The bill was read the third time, and passed.

CENTRAL BRANCH PACIFIC RAILROAD.

Mr. HOWARD. I ask the Senate now to take up the bill (S. No. 469) relating to the Central Branch Union Pacific railroad.

Mr. STEWART. I will state that I cannot yield longer than till one o'clock. At one o'clock I will insist on the regular order.

The VICE PRESIDENT. At one o'clock the bill in regard to the fifteenth amendment will come up as unfinished business. The Senator from Michigan now asks unanimous consent that the Senate proceed to the consideration of the bill (S. No. 469) relating to the Central Branch Union Pacific Railroad Company.

Mr. EDMUNDS. It is obvious that that bill will lead to a long discussion, and I should like to have the Senate take up a little bill about pensions that was reported by the Pension Committee the other day and was passed over in my absence, when we were going through the Calendar of business not objected to.

Mr. HOWARD. I hope the Senate will allow the bill to which I have called attention to be taken up.

The VICE PRESIDENT. It requires unanimous consent, and there appears to be objection.

Mr. THAYER. There is.

The VICE PRESIDENT. The Senator from Nebraska objects.

Mr. HOWARD. I give notice that I shall move for the consideration of the bill the moment the regular order of the day is disposed of.

PENSION LAWS.

Mr. EDMUNDS. I ask unanimous consent, as that seems to be the fashion, though I do not like that way of doing business, to take up a bill reported by the Committee on Pensions construing certain acts of Congress in relation to pensions. The substance of it is to restore to certain pensioners the benefits of special grants that have been previously made to them.

The VICE PRESIDENT. The Senator from Vermont asks unanimous consent to proceed to the consideration of the bill (H. R. No. 1467) to construe certain acts therein cited in relation to pensions. Is there objection? The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

The Committee on Pensions reported the bill with amendments. The first amendment proposed by the committee was in line eight, after the word "as," to strike out the words "either increasing or reducing" and to insert "to increase;" after "amount," in line eight, to strike out "authorized" and insert "directed;" after the word "pension," in line ten, to insert "nor shall said acts be construed so as to reduce the same;" and to add at the end of the section the words "in excess of the rate fixed by general law for the rank in respect to which such special pensions may have been or

may hereafter be granted;" so that if amended the bill will read:

That neither the act of July 25, 1866, entitled "An act increasing the pensions of widows and orphans, and for other purposes," nor the act of July 27, 1868, entitled "An act relating to pensions," shall be so construed as to increase the amount directed to be paid in any special act of Congress granting a pension; nor shall said acts be construed so as to reduce the same whenever such act fix definitely the amount of pension to which the person therein named shall be entitled, in excess of the rate fixed by general law for the rank in respect to which such special pensions may have been or may hereafter be granted.

The amendment was agreed to.

Mr. THAYER, There is no use of considering these amendments further. It is now one o'clock.

Mr. EDMUNDS. If my friend will grant me consent to explain the effect of the amendment, I am sure he will not object to the amendment. The amendment is simply to provide against enabling people to whom we extend favor by putting them on the pension-roll because their evidence is insufficient to get a pension at all under the regulations of the Pension Office, being kept at the particular rate that may be named in the bill when every other pensioner, who stands on the same footing exactly, except that he had a clear case and good proof, may be graded down as the disability grows less. So I am sure that no gentleman will object to this protection which is——

The VICE PRESIDENT. The morning hour has expired, and the bill to enforce the fifteenth amendment is before the Senate.

Mr. THAYER. Let the pension bill be passed over.

The VICE PRESIDENT. The bill goes over.

PRINTING OF A RESOLUTION.

Mr. POMEROY. I introduced this morning a resolution in regard to the order of business hereafter, which I should like to have printed. I make that motion.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 1890) to remove legal and political disabilities from Isaac H. Christian, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1084) to incorporate the Washington Market Company.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 788) for the relief of the widows and orphans of the officers, seamen, and marines of the United States vessel of war Oneida, and for other purposes; and

A bill (S. No. 850) for the relief of Captain George Henry Preble, of the Navy of the United States.

ENFORCEMENT OF FIFTEENTH AMENDMENT.

The VICE PRESIDENT. The bill (S. No. 810) to enforce the fifteenth amendment to the Constitution of the United States is now before the Senate as in Committee of the Whole. The pending question is on the amendment of the Senator from Connecticut [Mr. FERRY] to the amendment of the Senator from Nevada, [Mr. STEWART.]

Mr. FERRY. Mr. President, I wish now to modify my amendment, with the consent of the Senate, so as to make it provide simply for striking out the last clause of the second section of Senate bill No. 114, instead of striking out the whole section. I have not the bill before me, but I think the last clause renders forever ineligible to office such as shall fall within the penalties of this section. Am I right?

The VICE PRESIDENT. The Senator is correct. There having been no vote on the amendment to the amendment, the Senator from Connecticut modifies it by proposing to strike out, at the close of the second section of the amendment of the Senator from Nevada, the following words:

And shall forever be disqualified to hold any office of honor, trust, or profit, under the United States or any State.

Mr. FERRY. Mr. President, the amendment as now modified, it will be observed, only provides against the creation of any more political disabilities than now exist. It leaves the provision of the second section, which makes the acceptance of an office by an ineligible person a misdemeanor, and subjects him to the penalty of fine and imprisonment, but it takes away that part of the section which renders him after conviction forever ineligible to office. I offer this amendment because I desire not to have upon the statute-book any more political disabilities than exist there already. And I desire in this connection, Mr. President, briefly to make some remarks in reply to a single suggestion thrown out by the Senator from Indiana [Mr. MORTON] yesterday in his speech in reply to me. The single portion of the Senator's speech to which I call the attention of the Senate is as follows:

"Sir, the speech of the Senator from Connecticut will suit the rebels of the South remarkably well. It will suit the Democracy of the North remarkably well. But, sir, the Union men of the South, who are trembling for their lives and their property, and who know that notwithstanding the speeches that are made in the Senate of the United States they have but little security, that they are ostracized, socially, in trade, professionally, and every other way, will not thank him for his speech."

Sir, I have heard those remarks from the Senator from Indiana again and again in the course of the debates in the Senate during the present session of Congress. Wherever any of us have been so unfortunate as to disagree with him in reference to the appropriate legislation for the southern States in their present condition we have been taunted with representing rebels and Democrats, and that Senator has assumed to himself the position of the champion of Republicans and Union men. It is time, sir, that this assumption, whether it proceed from ignorance of fact or from willful misrepresentation, should be put an end to in this Chamber. It is time that mere disagreement between Republicans, holding the same cardinal principles of government, attached to the same great system of policy, should cease to be an occasion for taunts of this kind from the lips of the Senator from Indiana.

What entitles him on every occasion like this to assume to represent the Union party of the North and the loyal men of the South? What entitles him, addressing the Senate in relation to matters on which differences of opinion exist among Republicans, to represent me as speaking for Democrats and for rebels? My record is much more obscure than his; but to those who know one and the other I am not afraid to point to mine for fidelity to the principles of the Republican party, for fidelity to the cause of the Union during the last fourteen years, even in comparison with his. And, sir, to-day, this hour, in this debate, upon this question of the removal of political disabilities, I represent the Union men of the South; I speak the sentiment of the loyal men of that region of the country; I speak the sentiment of the acknowledged representatives of the great Republican party of the North; and I bring the matter to the record and the proof.

The last election which took place in the southern States was in the State of Texas. Through the kindness of a friend, now an honored Representative from that State in the other House of Congress, I received during the whole of that canvass the daily publications of the Houston Union, the leading Republican paper in that State, in which the speeches of the Republican candidates for Congress and the Republican candidates for State offices were published week after week, and all over Texas those candidates went to the people proclaiming as the principle of the Republican party of Texas the removal of political disabilities; and, sir, if they had not done it General Davis would not be Governor of Texas to-day, and your three Republican Representatives in the other Chamber of Congress would not be holding their seats there now.

Come eastward from Texas. Louisiana, with a Republican Legislature, largely composed of colored men—whom the Senator from Indiana represents my principles as necessarily sacrificing—the Legislature of Louisiana, among its very first acts, by a unanimous resolution, uttered its voice in favor of striking out of the constitution of that State that clause thereof which is in substance identical with the third section of the fourteenth amendment to the Constitution of the United States, thus sweeping away every political disability imposed by the constitution of Louisiana.

Thus, sir, stands the Republican party of Louisiana——

Mr. HARRIS. Will the Senator allow me to correct him in regard to Louisiana?

Mr. FERRY. Certainly.

Mr. HARRIS. The disabilities of the State of Louisiana are entirely different from those of the fourteenth amendment. I understood him to say they were the same.

Mr. FERRY. Was there not a clause in the constitution of Louisiana excluding from office those who had served in the rebel army during the war?

Mr. HARRIS. Unless they made certain voluntary statements.

Mr. FERRY. And did not the Legislature of Louisiana pass a resolution in favor of striking out from the constitution that clause creating those political disabilities?

Mr. HARRIS. It did.

Mr. FERRY. Very well; that is exactly what I said.

Mr. HARRIS. No; I understood the Senator to say that the clause of the constitution of Louisiana was identical with the clause of the fourteenth amendment to the Constitution of the United States.

Mr. FERRY. In purport and effect it is, because that clause of the constitution of Louisiana excluded from office the class of persons who had aided the rebellion during the war; and the loyal Legislature of Louisiana, the Republican Legislature of Louisiana, unanimously passed a resolution in favor of striking out from the constitution of that State that proscriptive clause.

Pass along the Gulf and come to Mississippi. The first representative of the colored race who ever entered the walls of Congress and took a seat here signalized most nobly his entrance into this body by presenting the unanimous resolution of the Legislature of Mississippi for the removal of all political disabilities; and that representative of that downtrodden race in offering that resolution declared his own entire adhesion to it.

Pass from Mississippi and come to Alabama; her Senator [Mr. WARNER] spoke to you yesterday. Her Senator told you that the proscription of those disabilities was the great element which the Republican party of Alabama had to contend with, and that striking out these disabilities would give strength and vigor to that party all over his State.

Mr. WARNER. If the Senator will allow me, I will say that in the constitution of Alabama there was a provision which prevented from voting those who under the fourteenth article of amendment were disqualified from holding office, and the first Legislature which met under that constitution, (which was nearly unanimously Republican, there being only one

Democrat in the senate and five or six in the house,) by a two-thirds vote struck out that provision of the constitution which they had the authority to do by the constitution, so as to allow everybody to vote.

Mr. FERRY. Such, as I am showing, has been the tendency everywhere, not with the rebels, not with the old malignant, bitter conspirators who originated secession, but with our friends. Such has been their tendency for the last two years, throughout the whole of that portion of the country which was the theater of rebellion.

Come eastward to Florida. I have not had the opportunity to inquire whether there has been action of the Legislature of that State upon this subject; but its Republican conventions have assumed the same position in regard to the removal of political disabilities.

Come to Georgia, the State to which the Senator from Indiana always refers when he would have us shrink back in horror from the narrative of outrage and of blood with which we have so often been treated here. Sir, there is an explanation of affairs in Georgia which the Senator does not choose to give. There is an explanation of affairs in Georgia, into which, for the sake of my party, and because I love that party, and because I believe bound up with it are the dearest interests of my country, and because there are those hanging on to my party there that are dragging its honor in the dust, I prefer to refrain from going into.

But I do say that had Georgia for the last two years been in the hands of men of high patriotism, if it had been in the hands of men who were looking to the welfare of the nation instead of their own pecuniary advancement, we might have had a different state of things there from what exists to-day; and even as it is, the representations which are made here, telegraphed by order to a venal press in this city, are representations upon which no legislator can rely. I hold in my hand, sir, a letter which I received—one of scores—more than a month ago, from a friend who resides in the city of New York, a business man who takes no part in politics, a man largely engaged in business relations in the State of Georgia and frequently called thither by his business engagements, a man who never voted any ticket but a Republican, and a man who, where his name is known, is recognized as one of the purest and noblest of the business men of New York or of any other city of the United States—a letter written to me of private friendship, from which I beg leave to read an extract or two. It is dated April 21, 1870:

"It was my intention to stop at Washington on my return from the South, but as you know, Providence directed otherwise."

He was severely injured by a railroad accident.

"I am perfectly satisfied that the people of Georgia are not understood, and that the representations that have been made at Washington respecting the disloyalty and rebellious state of the people are false. I traveled through the greater part of Georgia: I came in contact with all grades of the people; my opportunities of knowing were, to say the least, as good as any one else's, and during my entire trip I saw or heard nothing to indicate but a strong desire to accept the situation and let bygones be bygones. The great use made at Washington of the so-called troubles at Brunswick"—

You recollect the infamous Avery telegram—

"shows to what straits certain people have come. I was at Brunswick the day after the dispatch of Avery was sent. I positively deny that there was any truth whatever in any of the assertions made. There was no more need of soldiers being sent there than there is now at Norwalk"—

My residence—

"to keep the peace.

"Yours, truly, MORRIS K. JESSUP."

Pass from Georgia to South Carolina. The Senator from Indiana deprecated the bill which passed the other day substantially repealing the test act. That bill was introduced by a South Carolina Senator. The Senator from Indiana deprecated any further removal of political disabilities. The other South Carolina Senator [Mr. ROBERTSON] within a month has introduced another bill sweeping away all the disabilities of the fourteenth amendment except with three limitations, which will not include more than five hundred men within their number.

Go from South Carolina to North Carolina; and right here upon the floor of the Senate we have had her position on this question portrayed in a manner which, it seems to me, the Senator from Indiana ought not to have forgotten. In that able speech, that calm, deliberate, dispassionate relation of affairs in the State of North Carolina, which proceeded from her Senator [Mr. POOL] the other day, I find the following remarks. Referring to the third section of the fourteenth article of amendments to the Constitution, that section which inflicts these political disabilities, the Senator said:

"The third section contains a clause not disfranchising, but making ineligible to office certain classes of those people. That was a difficult feature and a difficult principle for southern Republicans to carry. I am not saying that it was not wise in its general scope and for the general purposes intended to be attained. Understand me, sir, I am not attacking it in its principles now; but there was in it a most unfortunate discrimination. That discrimination was unquestionably unwise. If you meant to strike the enemies of your policy, if you meant to strike those who had set themselves against what you were endeavoring to do, you failed most signally in the main, and in failing you struck down the very best of your friends."

What does the Senator from Indiana say in his speech of yesterday? That the third section only strikes down the old bitter rebels who conspired for secession originally, and who never can forget their hatred for the country's flag. The Senator from North Carolina went on:

"The disability provision was not applicable to a man because he had bared his arm against the life of this nation, because he had committed treason, because he had outraged in the most inhuman and barbarous manner the friends of the Government, because he had starved prisoners of war, or shot them down without giving them the rights that civilized nations always accord to prisoners. Your discrimination was that he was disabled from holding positions of honor and trust because he happened to be considered of sufficient importance before the war to have held some petty office. That was the touchstone of the discrimination. That struck your friends as well as your enemies."

Then the Senator from South Carolina asks a question:

"Mr. SAWYER. Will the Senator allow me to ask him a question at this point?

"Mr. POOL. Certainly.

"Mr. SAWYER. I should like to have the Senator's opinion, while he is on this point, as to whether the men who are disfranchised by the third section of the fourteenth amendment are the men who create political disturbances in the South, as a rule?"

The Senator from Indiana says they are. He says they are the old, bitter, traitorous secessionists; that they hate the flag; they will always hate the flag; that they are making all this trouble. What does the Senator from North Carolina say:

"No, sir, they are not."

He lives among them. He knows all about them. He is a North Carolinian to the manner born. He was there all through the war. He is a Union man, and not a rebel. And yet the Senator from Indiana holds me and all who think and speak like me as giving aid and comfort to rebels when I am merely reiterating the result of the evidence which comes to us from our Republican friends all over the South.

"Mr. POOL. No, sir; they are not. I should question whether one per cent. of them could be found in these disguised organizations. They are a different class of men.

"But I was going on to say, Mr. President, that that clause put under the ban a man who had been as true to the Union previous to secession as the needle is to the pole; but having unfortunately acted as a magistrate or constable or clerk previously, and being caught within the insurrectionary districts and unable to get out, was compelled, however true his heart beat to the Union during the whole struggle, to be in some wise compromised in the rebellion. Why, sir, the stalwart Union men of those States, who at the risk of their lives, against the whole current of public opinion, against every social influence, against friends, against every odds, adhered as far as they could, on all occasions and under all circumstances, to the flag of their country, but who were not willing to swallow all sorts of oaths, whose consciences were too sensitive to allow them to say that they had never under any circumstances, on any occasion, voluntarily or involuntarily given any aid or encouragement to rebellion, were stricken down, while the men who wished to hang them and who persecuted them because they were supposed to be true to the Union during the struggle, the men who maltreated your prisoners, the men who either abused the policy of the laws of the confederate government, or in violation of them produced a scene of atrocity and outrage that can scarcely be paralleled in the history of the world, in their efforts to crush down every Union feeling that could be created there—this class of men were not touched by that amendment; no brand was put upon them. The brand of traitor was put by your amendment upon the heads of Union men."

And right over here in Virginia, within almost a stone's throw from this Capitol, is an illustration of this same trouble so plain that no man can mistake it. A venerable judge of one of the judicial circuits of that State, a Union man all his life, voting and speaking against the ordinance of secession, when that ordinance nevertheless passed, remained in office at the request of his friends and his neighbors, and when the rebellion was suppressed was unable to continue in office by virtue of the third section of the fourteenth amendment, while the guerrilla Moseby, residing in the same circuit, whose name is only equaled in infamy by that of the pirate Semmes, is eligible to that very office under that same section. The Senator from North Carolina goes on:

"I say men who looked back and remembered what they had done for the Government, how they had longed in the darkest hour for the restoration of the flag, and who were willing to submit, if it were necessary for the preservation of the Union, to the loss of their property, saw that in the very hour when you required their aid to do not only this but other things, you added a requirement that they themselves should consent to having the brand of traitor stamped upon their foreheads and having their bitter enemies and persecutors go without any such stamp at all."

Sir, there is the sentiment of North Carolina with regard to political disabilities.

Come now to Virginia. In her recent election the Republican party was placed by its candidate, Governor Wells, squarely on the record in favor of the removal of political disabilities, and on that record demanded the votes of the people of that State.

In Tennessee General Stokes, the Radical Republican candidate, took the same ground, and his party sustained him everywhere in the canvass.

I have gone the round of the States of the confederacy. I have called the Republican party of those States to the witness-stand. I have called the sole representative of the African race in this body to speak for them; and with one accord, white men and black men, the Republicans in those States say that I utter their voice and I speak their sentiments; and I ask the Senator from Indiana henceforth never to say of me, when I utter my opinions upon political disabilities, that I give comfort to rebels, that I give comfort to northern Democrats, and that I carry dismay to the hearts of Union men, for he will do me injustice; and now, at least, he knows it.

But, sir, this is not all. This is not simply the policy of the Union men and the Republicans of the South; it is the policy of the Republicans of the North in great part. I know that there are Republicans who hold different views; and I give them entire credit for honesty of purpose and sincerity of conviction. I will not brand them as the Senator from Indiana would brand me. I will not say to either of those who differ with me upon the subject of political disabilities that they are the friends of rebels, or of those who differ from me upon the subject of local self-government that they are the followers of John C. Calhoun.

How are we to ascertain the sentiment of the great controlling mass of the Republican party of the North on this subject? It has not spoken officially since 1868; and then it declared two things. It declared, first, that as loyalty returned it would remove the political disabili-

ties of those now lying under them; and it declared, secondly, that it stood upon the platform of the Declaration of Independence, declaring that no just Government could exist that was not founded upon the consent of the governed; and both those resolutions were offered by the Senator from Missouri, [Mr. SCHURZ.] I shall show in a moment that the continuance of political disabilities is utterly subversive of the second of those resolutions as adopted by the Chicago convention in 1868. But I am now calling attention to the present indications of party sentiment at the North and in the Republican party.

Sir, the most widely-disseminated newspapers of a political organization, those which enroll the greatest number of subscribers and go most widely over the country, and are received with the greatest popular favor, are supposed to be, to some extent at least, fair exponents of the opinion of the party for which they speak. In this country of ours, from out of the city of New York, proceed the great daily newspapers upholding the Republican party everywhere, at the West, at the East, in the middle States, and in the South; and that great daily press, emanating from the true capital of the Republic, in its every member, without exception, to-day favors the removal of political disabilities. Every member of it, without exception, is in favor of both the bills which I introduced here a year ago for the removal of disabilities imposed by the fourteenth amendment on the one hand, and for the repeal of the test-oath on the other. Now, sir, if these things be so, is it not a little too much for any Senator, however distinguished his position, to use such language as I read here a little while ago as proceeding from the lips of the Senator from Indiana yesterday?

But, sir, I promised to do one more thing. I wish to show that the continuance of this system of political disabilities, to wit, the disabilities of the third section of the fourteenth amendment, and the continuance upon the statute-book of the test-oath act—I wish to show that the continuance of these two acts upon your statute-book is repugnant to the foundation principles upon which the Republican party rests, and that, consciously or unconsciously, he who in Congress or out of Congress insists longer upon the continuance of the disabilities imposed by those two statutes has abandoned the Republican position as understood in 1854 and in 1856.

Mr. HOWARD. That was before the war.

Mr. FERRY. Yes, sir; that was before the war. But after the war, in the convention of 1868, we declared for the same old platform—the Declaration of Independence—and I love it as well as the Senator from Massachusetts, [Mr. SUMNER.] I am not willing to give it up because the black man has been freed. I never fought for the black man because he was black, but because he was a man; and I am afraid, sir, that we are in danger of forgetting now-a-days that while the equality of the black man has been achieved the rights and the liberties of man are getting in danger. What is it that your political disabilities accomplish? Now I refer, as I said before, to both acts. I was probably too large in my estimate yesterday of the number rendered ineligible by the fourteenth amendment. In the discussions in this body two years ago the number was variously estimated from fifty to three hundred thousand. I thought then that the number of fifty thousand was more nearly right. Recent constructions have placed an interpretation upon the third section of the fourteenth amendment, making certain classes of officers before the war within the meaning of that section whom I never supposed to be within its meaning, and this somewhat extends the number; but suppose it to be but fifty thousand. Come now to the application of the test-oath. Was I wrong about that? Let me repeat very briefly the calculation of yesterday.

First, be it borne in mind that in the presidential election of 1860 between eight and nine hundred thousand votes were cast in the States which went into rebellion. They were all white votes. The test-oath act takes within its scope every man who entered the confederate service; every man who at the ballot-box voted for an ordinance of secession; every man who, though at the ballot-box he may have voted against the ordinance of secession, yet afterward went with his State and in any way aided the rebellion; every man who held an office under the confederate government; every man who furnished son, nephew, kinsman, or ward with means while that son, nephew, kinsman, or ward was in the confederate service. And I appeal to southern Senators on this floor, when you have enumerated these four classes of southern white men, who is left, and how many are left out of the eight hundred thousand white voters of 1860?

Mr. SAWYER. Will the Senator allow me a moment?

Mr. FERRY. Certainly.

Mr. SAWYER. I should like to suggest to him one additional class, and that is every man who gave a voluntary support to the confederate government of any nature or name.

Mr. FERRY. So that I do not think I was in error in saying that in the States within the area of the confederacy there were not over fifty thousand left of the white voters of 1860 who were not directly within the scope of the test-oath act, and during the four years of the war the young men who came up and attained their majority all went into the service. You remember the graphic expression, "They have robbed the cradle and the grave." So that at the close of the war the test-oath act left the whole old white population of the South, by their incapacity of taking the oath, ineligible to any office under the Federal Government.

But, sir, does it affect them only? Oh, says the Senator from Indiana, they can vote. Ah! How with the rest? How with the few remaining whites and all the blacks? Have they got a free suffrage? No, sir; the fifteenth amendment as long as the political disabilities remain is a sham and a delusion. The black man is not enfranchised in the South. It is nothing to say to me that I may vote if among the great mass of my fellow-citizens you select one half of them and say I shall not vote for any of them; and that is precisely what the disability amendment and the test-oath act do to-day.

Who are these eight hundred thousand men that are ineligible for office? Sir, they are the class out of whom we have got to win adherents to the Republican party, or the Republican party will go down in every southern State. I know I am speaking for the welfare of my party and through that for the welfare of my country. How can it be otherwise? Will not the wealth, the culture, the property, the intelligence, exert its own natural force in society against all resistance in the end? Sir, there are hundreds and thousands of those negroes, emancipated and enfranchised now, who yet retain the old attachment to the old home and the old master, and those attachments will stay with them till they die. Why, sir, in this very city the waiter at my table two years ago was a slave in Richmond till the close of the war. His mistress, a widow, had taught him to read and write. At the first election in that State he was a registrar of elections in the city of Richmond. He subsequently came to Washington for employment; and he told me that such was his attachment to that old mistress that if he knew now she was in want he would go back and work for her as he would have done when a slave. Is it dishonoring to them? No, sir; it is not. Slavery was horrible; its effects were horrible; but nothing in this world is unmixed, and there were mixed up with it these local, household, servile, if you please to call them, attachments, and there remain, exist yet in scores of negro families in the South; and by your disabilities by your placing that whole white population under a Federal ban, you are doing all in your power to create sympathy for those whom you thus ostracize, while you are deepening in their hearts whatever of enmity may still remain since the close of the war.

No, sir; we must win them, not by conciliation in the sense in which the Senator from Indiana used the word, but by justice. What have we done? The South went to war with the Government of the United States, and that Government conquered it as no people ever yet were conquered under heaven; and having conquered them, the Government of the United States said, as the Senator from Indiana truly observed yesterday, "There shall be no judicial infliction of punishment for this war which you have waged upon the nation." The President, the Congress, the people have said that. You may be sorry for it; I may be sorry for it in some respects; but as a fact the Senator from Indiana uttered the truth, legal punishment has not been thought of for a year; and here is this conquered people, under our system of representative Government, bearing, or entitled to bear by their votes their share in the administration of national affairs; and yet you say of a class numbering nearly a million citizens that not one of them shall vote for another of his own class, and no others shall vote for one of that class; that all their feelings, all their hopes, all their aspirations shall find no utterance here; that if there be one of them who does love his country, if there be one of them who does repent that he lifted his hand in fratricidal strife against the nation which had reared him, he shall not come here, but the Senator from Indiana shall be here to misrepresent him as an enemy that can never forget his hatred to the old flag. Is it right? The Senator from Indiana spoke in the name of justice. I appeal to justice, and to the God of justice, is it right?

And then the Senator from Indiana abandoned his position, that all thought of punishment was gone by, and said that the deprivation of eligibility to office was a fitting retribution for their crimes, and he repeated the words "for their crimes." He said this was little enough to inflict upon them for their crimes. God help us! sir, has it come to this, that after a four years' war, after having the acquiescence of the people in the remission of judicial punishment of that crime we are to create an *ex post facto* punishment for it? No, sir; we have no right to view your fourteenth amendment and the test-oath act as a punishment for crime. They were never meant for that purpose. They were enacted for great objects of public policy. At the time when the fourteenth amendment was ratified the country had got to go through the transition from open rebellion to complete reorganization, and during that period, as the Senator from Ohio who is in my eye [Mr. SHERMAN] said—I remember his remarks in that debate—during that period it was proper and safe and best that those embraced within these classes who were believed to have been the most dangerous fomentors of secession should be excluded from opportunities of mischief.

How came we to have the test-oath? The Senator from Indiana ought to remember that.

It was away back in 1862. I remember I was over in the valley of Virginia at the time, and neither in the military nor the civil service did we know but that the next man we met, even in our own ranks, might not be a spy or a traitor. Washington swarmed with spies; they were in every Department. They penetrated the Army and Navy. The test-oath was devised for the purpose, so far as it would go, of weeding them out, and it did so; but it never was meant to remain on the statute-book forever; it never was meant to remain there five years after the war closed, and the necessity for its enactment had passed away.

But, says the Senator from Indiana, history is against the Senator from Connecticut; history shows that you can do nothing by concil-

iating a vanquished people. Does it, sir? What little I know of statesmanship I have learned from history. I believe it to be God's handwriting on the face of this earth of ours; and what does it tell us? In the first place what does international law tell us is the first duty of the victor and the sole right—yes, sir, the right of the vanquished? Clemency. What does history teach us of the effect of disabilities and test-acts in other countries with whose story we are familiar? Why, sir, we ought all to be familiar with that old English story. It has come down to us from the books of our boyhood. What has England gained by five hundred years of disabilities and test-oaths for the people of Ireland? Has it created or raised up there a loyal generation loving the Crown and ready to rally around the union jack? No, sir. Ireland tells the story to-day of the effect of disabilities and test-oaths.

What have they done for England herself? They were tried after the révolution of 1688. Go look at the statute-book of the reign of William III. On every other page is a disability bill or a test-act; and the throne of William and Anne and the Georges tottered year by year upon its foundations for two generations, and twice the eruption broke forth in 1715 and 1745. Cannot we learn something from history?

What did Austria make by her pains and penalties and disabilities in Hungary? Nothing but smothered rebellion; nothing but outbreaking revolution. At last she gave Hungary a free constitution and free representation, and peace reigns throughout the land. I might go on, sir; but such a monstrous perversion of history as the argument of the Senator from Indiana seems to me to need no further refutation.

So, Mr. President, finally let us apply to the people of the southern States, black and white, men always loyal and men once rebels, the great principle which we declared in 1854 and 1856 was the foundation of our party, the great principle which we re-declared to be that foundation in 1868, the resting of all just government upon the consent of the governed. Give a free suffrage to the South, white and black, allowing white and black to vote for the man who will truly represent them, and let that man represent them here and everywhere, so that here and everywhere, from all parts of our great Republic shall come up men representing every feeling and every sentiment and every interest. And God knows the Republic now is strong enough to bear the strain of all.

The Senator said there are dark times before us. Yes, sir; if this policy of repression, if this utter departure from the principles of self-government is much longer to be maintained, there are dark times before us. We cannot live and maintain a free representative Republic upon the principles which the Senator from Indiana advocates. If we were a despotism, if we were a centralized monarchy, if we had, like Napoleon, six hundred thousand bayonets, we might do it. But we are a federative, representative Republic. We believe our institutions to be the best that God in His providence has ever vouchsafed to man. We long and struggle and strive for their preservation. The Senator from Indiana would destroy their very foundation. He would have no representation of half the population of the South; for no man of that half shall come here to represent the whole, nor shall the whole vote for any man of that half to come here for that purpose.

And now, sir, to say one final word of myself. When I said yesterday that I was a Republican, that I stood upon the foundation principles of the Republican party, and that in the views which I humbly entertain I believe myself acting in accordance with that which had been the guiding element of our policy all through the last troublous fifteen years, I submit to you, sir, and to the Senate, I have demonstrated that I was right.

Mr. MORTON obtained the floor.

Mr. STEWART. Before the Senator proceeds I desire to say that I see no objection to the amendment of the Senator from Connecticut, as modified. It will be sufficient if both lines are stricken out, and I will accept that. Then it retains the whole section except the last clause, so as to read:

That any person who shall hereafter knowingly accept or hold any office under the United States, or any State, to which he is ineligible under the third section of the fourteenth article of amendment of the Constitution of the United States, or who shall attempt to hold or exercise the duties of any such office, shall be deemed guilty of a misdemeanor against the United States; and upon conviction thereof before the circuit or district court of the United States shall be imprisoned not more than one year, and fined not exceeding $1,000.

Then there was another clause forever disqualifying them from holding office, which I shall consent to have stricken out. That modification, I suppose, will be made.

Mr. WILLIAMS. I wish to state for the information of the Senate that when the House bill on this subject comes here, unless the Senator from Nevada consents, I shall move to pass over the pending bill for the purpose of taking up the House bill and considering it in the place of the pending bill.

Mr. POMEROY. The Senator can move to amend this bill by substituting for it the House bill.

Mr. WILLIAMS. I give this notice so that, as that motion would have to be decided without debate, Senators may examine the House bill, which is found in the Globe of to-day.

Mr. RAMSEY. Those of us in this part of the Chamber have been unable to hear the notice that the Senator from Oregon gives.

Mr. WILLIAMS. I state that when the bill to enforce the fifteenth amendment, which passed the House yesterday, reaches this body, if nobody else makes the motion, I shall move to substitute that bill for the pending bill and its amendments. I give this notice now so that Senators may look at the bill as found in the Globe and be ready to decide upon it if necessary.

Mr. TRUMBULL. I have not examined it. I should like to inquire, is it substantially the same as the Senate bill?

Mr. WILLIAMS. It is substantially the same as the Senate bill.

Mr. SUMNER. In what is it better than the pending bill?

Mr. WILLIAMS. It differs in some respects. Senators can examine it.

Mr. STEWART. I hope that change will not be made without a knowledge of the House bill. I have not had a chance to examine it in full, but from what I have seen of it it does not answer the purpose in many respects.

Mr. POMEROY. If the Senator from Oregon moves it as a substitute for the Senate bill it is only in the nature of an amendment, and the whole subject will be open to discussion.

Mr. MORTON. I prefer to go on with my remarks.

Mr. WILLIAMS. I do not make the motion at this time. I give notice now of the motion so that nobody may be taken by surprise.

The PRESIDING OFFICER, (Mr. CRAGIN in the chair.) The Senator from Oregon gives notice that at the proper time he will move the House bill as an amendment. The Senator from Indiana is entitled to the floor.

Mr. MORTON. Mr. President, I must confess some astonishment at the speech of the Senator from Connecticut this morning, as well as at the passion he has displayed, and the bitterness that breathes through every word of it. My attention was not called to his speech until he had been addressing the Senate for a few minutes; but I believe he began by complaining that I had used certain language toward him in my second speech yesterday which he construed as impugning his motives and as an attack upon him. I shall first address myself to that point.

The Senator made a motion yesterday to strike out a particular section. I spoke to that motion, and, if I remember correctly, did not allude to him, and only to the motion he had made. I referred to no opinion that he had ever expressed in the Senate, and so far as he was concerned my argument was entirely impersonal.

But, sir, he rose in some heat to reply to me, and he made an attack which, I confess, I thought was rather gross and uncalled for, referring to my speech on the Georgia bill, misrepresenting it, and saying that it was disingenuous, and I believe he used the expression "a complete misrepresentation of the whole condition of affairs in the South." Having thus, without provocation, made an attack upon me of that kind, he now complains that I have assailed him. It looks very much like begging the question, after he has entered into the arena and made an uncalled for attack, then to get up here and complain that I have assailed him. He forgot that blows were to be received as well as to be given. He thought it was his privilege to attack me, and call the speech I had made two or three weeks ago, and which was not in question at all, disingenuous and a complete misrepresentation; and then when I reply he gets up and complains that I—what? That I assume to be the champion of Republicanism on the floor of the Senate. My answer to that is that it is not true. I have never made that assumption at any time, and I have never felt that I had a right to make it. I have spoken warmly for the Republican party, and I feel warmly in its behalf, and that may have excited the ire of the Senator; but I have never been guilty of any assumption of that kind, and he can point to no speech of mine from which such a deduction can be drawn. The whole statement from the beginning was gratuitous, and seems to have been made as an excuse for what he was going to say afterward.

But the Senator told us two or three times in the course of his speech to-day, and once I think yesterday, that he was a Republican. It is well that he put that statement in, for in its absence a stranger might suppose, and probably would have committed the error of supposing, that the speech was made by a Democrat, and a very bitter one, at that.

Sir, what is the language that he complains of? This is the part of my speech that I heard him read, and if he read anything else he will please refer me to it:

"Sir, the speech of the Senator from Connecticut will suit the rebels in the South remarkably well."

That is the first sentence that he complained of. Is not that true? Will not his speech here to-day suit them remarkably well? Is there a rebel in the South who will not thank him for it; and particularly the disfranchised and disabled rebels? Will they not feel like taking him to their very embrace? That part of my speech he cannot complain of, surely. Then I went on to say:

"It will suit the Democracy of the North remarkably well."

Is not that true? I ask if the Democracy on this floor are not very well pleased with the Senator's two speeches? Can the Senator deny the truth of that, that his speech will suit them and will be published by them both North and South? Why, sir, it breathed the very spirit of Democracy from beginning to end. I shall not question the Senator's Republicanism; but by those who read the speeches it will be regarded entirely of a technical character; that he is a Republican because he says he is a Republican, but from no other statement in the speech. Then I went on to say:

"But, sir, the Union men of the South, who are trembling for their lives and their property, and who know that, notwithstanding the speeches that are made in the Senate of the United States, they have but little security"—

Ah, sir, is not that true? Is there a southern Senator on this floor who will controvert the truth of that statement?

"that they are ostracized, socially, in trade, professionally, and every other way, will not thank him for his speech."

Nor will they. Are they not ostracized professionally, in trade, every way? Do not thousands of them tremble for their lives and for the security of their property? Is not the testimony concurrent and overwhelming, that so far as the courts are concerned in several southern States, they furnish no remedy to a Union man? In several of the States they can scarcely collect a note of hand, a plain account, nor can they punish a man for murdering a member of their family. Such a punishment has not been inflicted in any of those States. Can he, dare he deny these things?

The Senator says things were very much exaggerated down at Brunswick, in Georgia; and the drift of his speech is that the Union men of the South have no cause to complain; that there is safety, there is peace there. That is the impression the Senator seeks to make upon the country. I take broad issue with him. Oh, sir, it is cruelty, it is inhumanity that cannot be exaggerated, to say that the Union men of the South are in a position of security, of peace; that they have the ordinary remedies of the courts for their rights and for their wrongs.

Now, Mr. President, upon the subject of general amnesty I desire to define the Senator's position. I wish to bring it out of the indefinite sea of talk and general declamation and bring it right down to the point, and see what it means and what it amounts to. He wants all disabilities removed, and every southern man, no difference what may have been his crimes in regard to the rebellion, made eligible for office; not only to vote, but to be voted for, for the highest office in the land. To come down to particulars, he wants Jefferson Davis made eligible to return and resume his seat now occupied by the Senator from Mississippi who is before me, [Mr. REVELS.] If the Senator's policy is adopted, and Jefferson Davis lives, he will return here and take his seat, legislate for this country, and exercise a powerful influence in directing our affairs. That is one of the direct and most probable consequences to result from the Senator's policy.

Mr. WARNER. Will the Senator allow me to ask him a question?

Mr. MORTON. Yes, sir.

Mr. WARNER. I should like to ask the Senator whether he thinks the ascendency of the Republican party in the State of Mississippi hangs upon so slender a thread as the mere fact that Jeff. Davis is under disability?

Mr. MORTON. Oh, no; I do not think anything of the sort; but I think, the way things are going, in all probability the Democratic party, the rebels, will come into power in the State of Mississippi. I know that will be the case if the policy of the Senator prevails; and then, if Jefferson Davis is eligible to take a seat on this floor, they would trample down every other man in that State to send him back here; and the Senator from Connecticut, according to his speech to-day, would take him by the arm and lead him up to your desk, sir, to have the oath administered.

Then take another case. There is John C. Breckinridge, once the Vice President of the United States, who is covered by the exclusion of the fourteenth amendment, like Davis. He would have him authorized to return and take a seat on this floor.

And so with Toombs in Georgia; and so with hundreds of men who can be pointed out who were prominent in bringing on the rebellion. The Senator wants all disabilities swept away at once, that these men may be returned to take part in the Government of the United States. Now, sir, we have a clause in the fourteenth amendment that authorizes the Congress of the United States to remove the disabilities of any of these men. We are disposed to do it whenever any of them signifies that he has become loyal, or desires to sustain the Government. I am prepared to vote to remove the disabilities of any of them who will give us his assurance in sincerity that he intends to sustain the Government of this country; but I will never do it for one who is not willing to give that assurance. The good men among them will give that assurance. The men who are entitled to return here are willing to give that assurance. It is those who are persistently rebellious, and who hate this Government in their hearts, who will not give the assurance; but they are the men of all others whom the Senator from Connecticut wants relieved, so that they may come here and take part in this Government.

A southern Senator said to me to-day, "I am willing to relieve disabilities when the war is over." Sir, the war is not over, and will not be over until there is peace and security for Union men in the South. It will be time enough then to consider this question. But, sir, while murder stalks abroad at noonday and at midnight, while there is no peace or security for the great body of the Union men in the southern States, I regard it as wicked to propose to restore those men to power and bring them back to make laws for this country.

Mr. President, I spoke yesterday of the injustice of relieving these men of their disabilities and restoring them to political privileges. I said they had been guilty of crime; it was not punishment, it was a mere disability, the result of crime. That is the effect, but it is not what we call punishment. The Senator confounds the two things. I said it was the grossest injustice to the Union men, it was a violation of every principle of justice; but the Senator takes the other ground, and says it is the grossest injustice to so-called rebels to refuse to remove their disabilities.

Sir, taking his argument to-day, I cannot understand how he ever wore the uniform during the war. His argument is that there is no crime in rebellion; that is what it amounts to. If your argument is right, sir, every man who fell upon the battle-field by your sword was a murdered man. If you were right, sir, during the war, then you are all wrong now in your argument. If you are right in your argument you were very wicked in the war. You have argued to-day that these men have been guilty of no crime; that it is the grossest injustice to keep them out of the exercise of political rights; that we are doing wrong; that we are acting wickedly in so doing. Sir, what is the logic of it? That rebellion is no crime; that treason is no crime. The Senator has justified rebellion by his speech to-day. Ah, sir, if I felt as he does I would take my seat on the other side of this body. No; that is not putting it strong enough; he ought to array himself upon the side of those who have steadily denounced this Union and denounced its defenders. Sir, if he is right in his argument to-day there is more work for him to do. Why does he not move to repeal the law that pensions Union soldiers, or else to include the rebel soldiers in it? They saw service; they saw hard service; they were guilty of no crime; they have done no wrong; if you keep them out of power you are wronging them, according to his argument; and how can you conciliate them and do justice except by pensioning them as we pension our own soldiers? That is the result of all he said, and this is what it is coming to. If his argument does not mean that it means nothing at all.

Why, sir, look at the comparison that he made here to-day. What was it? He compared the rebels of the South to those rebels in England who might be fighting against a particular member of the royal family or a particular house that was claiming the Crown. He compared these men and the leaders who were seeking to destroy this great and free Government of ours in behalf of slavery to those who might follow the house of Lancaster or the house of York, in which there was no principle involved; and he says as they granted amnesty so ought we to grant amnesty. Oh, sir, how weak that comparison! How completely this would strip the rebellion of all crime! How does it elevate the moral position of these rebels to compare them with men who were fighting, not against liberty, not against a republic, but in behalf of a royal family that they thought was entitled to the Crown, instead of some other family that was actually in possession of it?

But, sir, how far short does the comparison come? I ask if in all those cases the conquerors did not punish the leading rebels? Look at the executions; look at the beheadings. Why, sir, he is as false in his history as he is in his argument. So far from granting amnesty to all of them, the leaders were always punished, and then the rank and file were pardoned. Is not that the history of it?

But, sir, what does he do? He compares the rebels against this Republic to the Hungarian patriots, the men who were struggling against the most terrible tyranny in Europe. He compares these patriots to the rebels that were struggling against this Republic and to make slavery perpetual. It all goes to strip the rebellion of any crime; it strips it of any immorality. These men are just as good, they were doing just as right, in a moral point of view, as those who fought upon our side! The rebels of the South and the patriots of Hungary are put upon the same basis! And the rebels of the South and the adherents it may be of the house of York are put upon the same basis!

The whole argument, from first to last, is in the drift of the Democratic party; and that is, that there was no criminality in the rebellion; that the men who made this war, who brought it on and who carried it on, are just as good, as patriotic, and as much deserving of the confidence and esteem of this Government as the men who fought to sustain the Government; and all this within five years of the end of the war! Yet the Senator tells us that he is a Republican. I shall not question that; but those who are curious on that subject I will ask to read his speech.

Why, Mr. President, there is no mistaking the drift of all this; but I want to say one word here in reference to Georgia. The Senator says there is a reason for the troubles in Georgia that I have been careful not to give, intimating that I was conscious of it and that I was careful not to give it; and what does he afterward intimate that reason was? Why, sir, that there is corruption down there on the part of the Republican leaders and officials. I shall not now enter into a discussion of that subject. It was not becoming in him to say so at this particular time. There have been some charges made, and they have been referred to a committee of this body; and until that committee reports, it was entirely becoming and proper for him to remain silent upon that subject. He does not know whether the charges are true or not. If that committee shall find that the charges are true I shall be prepared to go as far as the furthest in condemning them. But he, without knowing, adopting the rumors that are in the papers, and most of them I am informed come from rebel sources, intimates that Republican officials and those in charge of a Republican State government are guilty of corruption.

Ah, Mr. President, he can justify the rebels of the South and enter into an argument to prove that those who are embraced in the fourteenth amendment particularly are our friends. The fourteenth amendment is particularly unfortunate, as it happened most strangely to embrace those who are the true patriots and friends of the Republican party and leave out those who are our real enemies! That is his argument. While he sees things clearly in behalf of the rebels he is willing to rush to conclusions against a Republican government in a southern State. I will not enter into that question now; I shall wait until the committee reports. It may turn out that Republican officials down there have been guilty of gross corruption; and if that so turns out

we shall be united in their condemnation. But if it shall turn out, on the other hand, that they have been hunted down for the purpose of destroying their influence and power and for the purpose of giving power and prestige to the rebels of the South, then the Republican party, I am sure, will regret it.

Ah, Mr. President, he refers to the fact that certain Senators and certain Legislatures in the South have talked in favor of general amnesty. I can understand a good part of that, and I intended to tell my friend from Alabama [Mr. WARNER] yesterday that he was committing a great mistake; and he will find it so. These rebels, old politicians, are all anxious to be relieved of their disabilities, and they are looking to a Republican Congress to do it, and they are cajoling Republican Congressmen, and they are kind and friendly and flattering until the thing is done; but when it is done, and they are invested with political power, they will hurl defiance in the faces of the men who have done it. No, sir; I am not mistaken about the character of the great body of the men who are embraced in the fourteenth amendment. I believe that you, sir, [Mr. CRAGIN in the chair,] took a part in the enactment of that amendment. What was your idea? That that disability would cover the cases of most of the old politicians, those who had been in office before the war, who had taken an oath before the war to support the Constitution of the United States, as members of Congress, Governors of States, and those in high official position, the men whose criminality was the greatest?

The fourteenth amendment was intended to embrace that character of men. But it seems now, according to the argument of the Senator from Connecticut, that you made a great mistake; that that class of men above all others are the innocents, are the men who desire to be in close and fraternal relations with the Republican party and with the Government of the United States, and that the real enemies of the Government are left out. Sir, I do not believe a word of it. Now and then you will find a man embraced in that category who intends to become loyal or is loyal; and whenever he has that feeling he will say so, and we will remove his disabilities; but where you find one of that kind you will find five hundred who are no more malleable than cast iron, which cannot be bent. No, sir; that is the character of the great mass of those men; and it cannot be changed by the Senator from Connecticut.

Mr. President, I have spoken longer than I intended when I began. I did not commence this controversy with the Senator from Connecticut; he began it himself. As I said before, my first speech yesterday against his motion had no word of reference to himself that I can remember at all; and I have looked over the Globe since he began to speak this morning and I can find no word of reference to him. I said nothing that was intended for him; but he afterward referred to me in language that was gross and unprovoked, and after I replied to him he comes here this morning like a young gentleman slightly under age, and makes his plea that I had attacked him. No, sir; I did not begin it, and when the Senator begins an attack, an unprovoked and unjust attack, while I have the strength and the truth on my side he will find me ready to respond. So far as his general sentiments are concerned, expressed here this morning, leaving out what he lugged in about the Declaration of Independence, I abhor them. I abhor the spirit of his argument. It is the argument that begot the rebellion; it is the argument that justifies it. The spirit of the rebellion breathes throughout his entire speech.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 1293) to enforce the rights of citizens of the United States to vote in the several States of this Union who have heretofore been denied that right on account of race, color, or previous condition of servitude, in which the concurrence of the Senate was requested.

Mr. SUMNER. I should like to have the bill which has just come in from the House read.

Mr. WILLIAMS. I was about to inquire if it would he printed as a matter of course without any motion.

The VICE PRESIDENT. It will be printed after it is submitted by the Chair. It has not yet been.

The bill (H. R. No. 1293) to enforce the rights of citizens of the United States to vote in the several States of this Union who have heretofore been denied that right on account of race, color, or previous condition of servitude, was read twice by its title.

Mr. STEWART. I move that it be printed, and lie on the table.

The motion was agreed to.

Mr. JOHNSTON. Mr. President, the Senator from Connecticut and the Senator from Indiana somewhat dispute between themselves as to which of their positions and speeches here best suit what both designate the southern rebels. The Senator from Indiana, if he desires to resurrect the doctrine of State rights, if he desires to resurrect the doctrine of secession, if he desires to resurrect the doctrines which he says he abhors so much, has made just the speech on this occasion to produce that effect.

Mr. President, if all the southern white men are disfranchised and not allowed to hold seats on this floor or upon the floor of the other House, if they are not permitted to sit on the bench of the United States courts, if they are not permitted to be consuls, if they are not permitted to be foreign ministers, if they are not to look to this Government for any of its rewards, ambitious men in the States, men who desire to have a voice in the formation of the laws and public affairs, have but one place to look to, and that is to their own States. If they are denied the right to be heard on this floor, then they must be permitted to go, and they will go, to a place where they can be heard; and that is to the Legislature of their own State, to the judiciary of their own State, and to those theaters for the exhibition of their powers, for the exhibition of their faculties, and for the outlet of their desire to take part in public affairs.

Now, what can contribute more to drive the affections, the wishes, and the hopes of the people of the southern States from the United States than to say to them, "Although you are citizens of this Government, although you pay taxes for the support of this Government, although you must bear arms in its defense, one great right which belongs and ought to belong to every citizen is denied to you; and that is the right to be a Representative of your people, the right to make the laws which you are required to support and obey, and the right to have a voice in the legislation of your country, and a share in its honors and emoluments." The natural effect, the inevitable effect of that will be to drive all the young, ambitious men to the only theater which is open to them; it will cause to revive in their bosoms that old feeling of State rights, that old love for State sovereignty which the war was intended to eradicate and has to a certain degree crushed out.

Can the man in the South who is unable to have a seat on this floor have the same regard for the Government as the man who is allowed the emoluments and the privilege of aiding in the administration of the affairs of the nation? Can he have the same feeling for it that he would have if he were allowed to come forward and take a share in public office, public debates, public legislation? Undoubtedly he cannot.

Mr. President, surely the natural result of this course will be that every man in the South will look, not to this Government, but to his State, with reverence and love, as the place which is to honor him, the laws and history of which he has studied and understands, the offices of which he has filled and of the traditions of which he is proud. These are the things which attach a citizen to his country, and the country which denies these things to its citizens rejects their love.

It is not only the case with the present generation, but with the rising generation; for if my son should say to me, "Why are you not a candidate for Congress; why are you not upon the bench of the court; why are you not a foreign minister; why are you not a consul?" And I would reply, "Because, although I am a citizen of the United States, I cannot hold office without taking what is called the test-oath; I am not permitted to do it." What do you plant in the heart of that boy? Do you plant there affection, the love for the old flag, for the United States? No, sir; you plant in his bosom the seeds of inextinguishable hatred toward that Government which disfranchises the person most dear to him. The child will not stop to reason; he will not stop to think whether or not his father was right or wrong; he knows that the man he reverences most on earth is by this particular Government disfranchised and kept out of all participation in governmental affairs; and his affections, his regard, his patriotism do not go to that Government, but to the one by which his father is permitted to take part in public affairs.

Mr. President, I do not think that the people of the North understand or have ever understood the feelings, the ideas, and the desires that animated the southern people in the late struggle. We have a complex form of government; we have State governments and we have the United States Government. The people of the South and many people in the North were educated long ago, from the very foundations of the Government up to the period of the war, to believe that they did not owe any allegiance to the United States; that they owed obedience merely to the laws of the United States; that their State was the government to which they owed allegiance; their State was to them the government to which their hearts should go out. To them the Constitution of the United States was merely a compact by which was created an agency to enable the several States to carry on foreign relations and other matters of that sort; that it was not a Government in the sense we now understand it, but an association of States for the purpose of carrying out a certain class of powers best exercised by it and not by the States. The allegiance of the people, as they understood and then felt, was due to the State and to the State only, and when the question came to those people of siding with the United States or siding with their State, it was a question not of rebellion against the United States with them, but of rebellion against their own State.

In taking sides with their own State they did not think they were rebelling against lawful authority. On the contrary, their idea was that any other course would be a course of rebellion against the power to which, and to which only, they owed their allegiance. That being the case, that being the feeling which animated a large part of the people both North and South, and much the larger part South, the term "rebel" in the offensive, in the criminal sense in which it is attributed to them has no application. They resisted the power of the Government of the United States; they resisted its authority; but they resisted it for the purpose of sustaining and upholding the government to which they thought their allegiance was due, and which they thought it was rebellion to resist.

Therefore, I say, Mr. President, that the criminal intent which belongs to the term "rebel," as used on this floor and elsewhere, did not adhere to the people of the South, or most of them. In the sense of resisting the United States Government, undoubtedly they

were in that respect technically in rebellion; but in the sense of criminal intent of resisting the government to which they owed allegiance they were not in rebellion.

In most European countries, taking them for illustration, nobody disputes the authority of the reigning sovereign; no subject of Great Britain disputes the fact that Victoria is the rightful queen of that country; that to her his allegiance is due. If he undertakes to subvert her Government, expel her from the throne, set up another sovereign there, he does it knowing that he is attacking, seeking to overthrow the only Government to which he owes any allegiance. There is no divided allegiance there, no question of whether it is this Government or that to which he owes allegiance. In that case it is a simple question of rebellion against what he himself admits to be the constituted and regular Government of his country.

But here in our case is a divided allegiance. Here are two governments, both of which the citizen lives under, and when a question of conflict came between them every citizen was bound to elect between them; he was bound to ask himself, "Which of these now must I support? On which side must I go? Do my duty, my honor require me to side with the United States; or do my duty and my honor require me to side with the State in which I was born, in which I live, and to which I owe allegiance?" That was the question every man had to ask himself; every man had to decide for himself; and those who believing conscientiously, believing in their very heart of hearts, believing as much as they could believe anything on earth that their allegiance was due to the State of Virginia or to any other southern State, had but one choice to take, and that was to go with the government which they believed was theirs; to support the State to which they owed allegiance. They exercised that choice conscientiously and maintained it with valor and honor.

Now that the contest is over, now that the doctrine of secession is buried, now that the doctrine of nullification is buried, we of the South have no idea of undertaking to disturb this Government. We desire to make this Union great and glorious; but we wish it to be free also. And while we are perfectly satisfied that the right course to pursue is to remove everything that makes a distinction between a southern man and a northern man, to remove everything that makes a distinction between a so-called rebel and a so-called loyal man, we do not think that the Union can ever be made perfect, ever be made a proper Union, ever be a Union of sentiment, ever be a Union of feeling, until that is done. To have a Union of States it is not merely necessary to restore the States to the Union, but in order to have a Union of States you must have a Union of equal States, a statute-book free from laws of discrimination, upon which nothing is to be found that makes one man worse than another.

We have had on this floor and everywhere else denunciations of caste, and the very men who denounce caste are establishing an order of pariahs, men who shall be as much outcasts, against whom every man is entitled to point the finger of scorn, men who are to be denied every political right, just as much as pariahs of India. While they seek to remove one class of men from what they call the degradation of caste, they seek to impose the same thing upon another class.

I am content that caste, so far as the colored man is concerned, shall be utterly and entirely abolished. I am content that he shall have every political right; I agree that he shall vote, that he shall hold office, that he shall be as free as the white man; but I am not content, if I can help it, that the white man should be less free than the colored man. I am not content that while you destroy caste as to one, you shall make it as to another. And when that is done, the Government that does it is not the Government which is going to execute and carry out in good faith the republican form of government to which we belong.

Mr. President, this particular bill under consideration is entitled "A bill to enforce the fifteenth amendment." The fifteenth amendment itself authorizes Congress to enforce it by appropriate legislation, and I, for one, have no objection whatever to having an appropriate bill passed for the purpose. But this bill is neither appropriate for that nor for any other purpose; and it has in it one feature that ought to taint, and does taint any legislative measure in which it is contained; that is a feature which holds out to a fallen people the profits to be realized from turning informers. It will reproduce Titus Oates all over the country. This is a bill really of bribery, holding out to the people all over the country rewards to be obtained by becoming informers, rewards to be obtained and money to be made by watching the polls, by seeking to entrap men, by using the power given to them by this law for the purpose of putting money into their own pockets and punishing and impoverishing any one against whom they are willing to swear.

Every nation, and especially every great nation like ours, should legislate to improve and not to degrade the morals of the community. We have United States laws and we have State laws punishing murder, forgery, and counterfeiting the coin and the paper money of the country. For all these high felonies we have statutes upon our books; but in none of them do we consider it worth while or proper to hold out rewards to men to become informers. This whole bill is filled up with provisions by which some men may make money out of somebody else by becoming informers under its provisions. Any man who is greedy enough, who is so lost to a sense of honor, who wants to put $500 in his pocket, has the means of doing it provided for him by this bill.

Now, let us see whether that is not literally its effect. The third section of the bill provides a mode by which a man who is denied the right to vote may vote, notwithstanding he has not been registered. It reads as follows:

That whenever, by or under the authority of the constitution and laws of any State, or the laws of any Territory, any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance, or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing as aforesaid and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act; and any judge, inspector, or other officer of election whose duty it is or shall be to receive, count, certify, register, report, or give effect to the vote of any such citizen, who shall refuse or knowingly omit to receive, count, certify, register, report, or give effect to the vote of such citizen, upon the presentation by him of his affidavit—

Not upon the affidavit of somebody else, nor upon legal proof, but upon the presentation of the affidavit of the party himself, he shall be entitled to vote. Nor can the officer dispute the fact nor test whether it is true or not. No; but the section proceeds:

Stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby.

Now, you will observe that that section relates to things which are done in public. The registrars who take the votes are men who must do that duty before the world. Their offices are open to inspection and to the presence of everybody. Nothing can take place there that is not susceptible of proof. If I go and demand to be registered, I do so in the presence of other men who are there for the same purpose. If I am refused I can easily take witnesses there and make the demand in their presence. While there is that opportunity of proving the fact this law repels that sort of legal and impartial proof. It does not require the party to produce evidence, but in lieu of that it only requires him to make his own affidavit touching facts he could establish by perhaps twenty-five or fifty, or may be five hundred persons. The offer of registration is entirely susceptible of proof; it can hardly be made except in the presence of witnesses, and yet that sort of impartial evidence is not only not required, but is absolutely repelled by the provisions of this bill.

But this is not all, sir. It would seem to be proper that an officer who is to be punished for misdemeanor, to be fined and imprisoned, and made to pay a large sum of money to the party aggrieved, should have some opportunity of contesting the charge against him. It would not seem to be right that he should be compelled to pay a sum of money to the aggrieved person, that he should be compelled to pay a sum of money to the country, that he should be made to languish in prison, without some opportunity at least to contest the fact whether or not he has been guilty of the act complained of. This bill does not give him that opportunity. This bill makes the affidavit of the party considering himself aggrieved absolute evidence of the fact, and does not allow the officer accused any right to contest it. If an action is brought in a court against an officer under this statute, all that the party is required to do in order to recover is simply to produce his own affidavit that he had on a certain day applied to the registrar and had been denied registration. That would entitle him under this bill to recover. If the officer was indicted for a misdemeanor, the punishment of which is fine and imprisonment, all there would have to be proved to support that indictment, and it could not be repelled under this statute, would be to produce to the jury the affidavit of the party who considered himself aggrieved. Surely, Mr. President, such a law as that ought not to be passed. No law ought to be passed which allows a man to be fined and imprisoned without giving him the opportunity to contest the charge made against him; and yet this bill does that very thing.

The fifth section, to which the Senator from Ohio [Mr. THURMAN] adverted yesterday, is the one which authorizes the issue of a writ of *mandamus*. I really expected that the Senator from Ohio yesterday would move to strike out the word "*mandamus*" and substitute "*E pluribus unum*. [Laughter.] That phrase is fully as applicable as the word *mandamus*, and certainly, with the sense given to it lately on this floor, is much more compendious, and covers a great many more things.

Then, sir, there is another section of this bill which contains in twelve lines more to be condemned, more to overturn the form of our government, more to unsettle the relative rights of the different departments of our Government, than was ever put in the same compass. I refer to the eleventh section, which provides—

That whenever the President of the United States shall have reason to believe that offenses have been—

That is a very indefinite expression, but here is something worse—

or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of such persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

Mr. President, when was it heard of before in the legislation of this country that the President of the United States was authorized to give a judge an order? Why, sir, the judiciary of the country is independent of the President. Do you call that an independent judiciary when the President of the United States, an executive officer, can issue his orders to a judge telling him what to do, where to go, and when to hold his court? The time for holding court is fixed by the law. The place of holding

court is fixed by law. It is the duty of the judge to attend at that time and place; but this bill abrogates all that. The judge may be upon the bench trying cases involving vast sums of money, or great legal principles; perhaps trying some criminal; and in the midst of that trial an order comes from the President to the judge to go to such a place; and by the action of this bill that court must stop all its proceedings; that prisoner must be remanded to jail; those great rights must be held in abeyance; and the judge must obey this order and must go to some place where the President thinks some offense is "likely to be committed." He must go there to try an offense not yet committed. He must go there to try a criminal not yet found. He must go there to try a prisoner, nobody knows who. He must surrender his freedom, his independence, his rights as a judge, and make himself the tool, the slave of the executive department of the Government.

Sir, is it possible to imagine anything more calculated to make the judiciary not what it was intended to be, what it is, and what it should be, independent, upright, and free, but the perfect slave of the President? By this section he can order any court in the land at any time away from its place of meeting; he can arrest any proceeding before it, and in that way interfere and set aside and abrogate all the action of the judiciary; and to do all that, not to try a man, as I have before said, for an offense committed; not to try a man for what has been done, but to be ready to try him for offenses "likely to be committed." The section does not provide that before this is done the President shall be informed properly that the offense has been committed; but if from anonymous letters, irresponsible telegrams, street rumors, or anything of that sort, he has reason to believe that somebody in some place in the United States is likely to violate this law, is likely to try to keep some man there from voting, on such a suspicion as that the freedom of the judiciary is to be broken down, the independence of the courts destroyed, and the free administration of justice interfered with. But, sir, the twelfth section contains features equally objectionable. It provides—

That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be deemed necessary to prevent the violation and enforce the due execution of this act.

Under that section the President, if he desires to carry an election, can send troops to New Orleans, New York, Philadelphia, Pittsburg, Richmond, Charleston, Memphis, Louisville, Cincinnati, St. Louis, and every other city in the Union. Suppose he should desire to perpetuate his party in power, and he has fifty thousand men at his control; he may say, "I deem it necessary in the city of St. Louis to prevent a violation of this law that I should send one thousand troops there." And he sends one thousand troops to the city to prevent a violation of this law. How is he to know of the violation of the law? By what sort of evidence is he to get at that fact? Who is to tell him? How is the thing to be found out? If such is found to be the fact, there are civil magistrates there to prevent it, and yet you put into the hands of the President of the United States the power by this law to control the elections in every State in the United States and to destroy the freedom of elections. If the military are to do anything in this regard, it is to attend the polls. It is to be there and to say who shall vote, who they shall vote for, how they shall vote, and regulate the whole thing, which is properly a subject only for State legislation.

These provisions are so objectionable that it scarcely seems to me possible that a legislative body which has any respect left for the freedom of elections, for the independence of the judiciary, or for a free Government can vote in favor of the passage of such a law.

Mr. SAWYER. I did not intend to enter into a discussion of this bill, nor of any of the questions which might be brought up in its consideration; but when I heard the speech of the Senator from Connecticut this morning and yesterday, from the beginning to the end of which there was not a single sentence which had a political bearing which did not seem to me to be sound Republican doctrine; when he brought this morning, to show the strength of his position, a volume of evidence which cannot be successfully attacked or disproved; and then when I heard the Senator from Indiana read him out of the Republican party, although verbally disclaiming that intention; when I heard the Senator from Indiana say that if he thought as that honorable Senator did, he would go to the other side of the Chamber and take a seat among our political opponents; when I reflected that in saying that to the honorable Senator from Connecticut, he not only says it of him, but he says it of one half at least of the Republican Senators on this floor; and when I reflected further that I believe he says it of four fifths of the Republican voters in the United States, I confess that I am tempted to say a word in reply.

Mr. President, it has become somewhat the fashion here for certain Senators to characterize the opinions and votes of other Senators upon questions affecting the South as hostile to the Republican party when they do not happen to be in accord with their own. This is not the first time that such a manifestation has taken place; it is not the second time; but it has been very frequently done here. Those who do not agree in all particulars with the policy that is advocated by certain distinguished Senators are characterized as tampering and sympathizing with rebels and traitors, and inclined to regard the rebellion as no crime, but as a "slight unpleasantness."

For one, I recognize no man's right to read me out of the Republican party until he shows that I stand on ground which is not Republican. Mere denunciation, mere assertion that I am acting in the interest of rebels or rebellion has no effect upon me. I feel no particular anxiety to avoid pleasing the rebels if I do right and act as a Republican. I think it might be more wise and statesman-like if some Senators should remember that their chief mission is not to make the rebels hate them. But there are some Senators here who seem to conceive that consistency requires them so to act that the rebels shall entertain toward them now precisely the same opinion that they entertained when the war was flagrant. Sir, that is not my position. When the war was flagrant I hated rebellion; when the war was flagrant, to the extent of my power I resisted rebellion; but let me say, Mr. President, when the war was flagrant I did not hate rebels, and I do not hate rebels nor anybody else now. It is not the mission of the Republican party to hate the men who created and who carried on the rebellion. It was the mission of the Republican party to suppress the rebellion; and it has been and is yet the mission of the Republican party to reorganize this Government on a more solid and enduring basis that that upon which it has ever stood before.

But, sir, let me tell the Senator from Indiana that the foundation upon which he would reorganize this Government, the foundation upon which he would reconstruct the States lately in rebellion, is a foundation as unstable as water. The rebellion took into its vortex the whole southern population, with exceptions absolutely insignificant in number. All classes were bound up in sympathy with it. Every man, woman, and child, with, as I said, insignificant exceptions, had but one aspiration so far as the political situation was concerned; and that was that the southern confederacy and the cause of the rebellion might triumph. Here and there a man of generally very slight political or social significance among his fellows was or professed to be a loyal man; but the number was so small that to carry on the Government in those States by their aid, and by their aid alone, is a proposition perfectly absurd to any man who knows the people.

Sir, there is no device in mechanics or in philosophy that will make ten pounds be balanced by one ounce; and yet such disproportion is there and such absurdity is there in supposing that the small fragmentary minority of the southern people who were loyal to the Government during the war shall carry on and administer government in those States. When the war was over, if punishment was to come, then was the time that it should come. If treason was a crime and was so to be considered by the country, the prosecutions should then have taken place, the convictions should then have been secured, the punishment should then have been executed. That was the time for it. But here, after five years of so-called peace, after all the States but one are again represented in the Halls of Congress, we are striving under the lead of Senators as distinguished as the Senator from Indiana to administer punishment by keeping up a little petty irritation, by continuing the system of political disabilities. It is the fable of the labor of the mountain—the parturition of the mouse.

The Senator from Indiana talks as though the continuance of political disabilities would insure the triumph of the Republican party in the South. Why, sir, the continuance of political disabilities simply takes out of the field of candidates for office a certain number of men; and if the triumph of the Republican party in the South depends upon keeping out of the list of possible candidates for Federal offices this or that man, then let me tell that Senator and the Republican party that they have but a broken reed to lean upon. The principles and doctrines of the Republican party must be accepted by the majority of the people. That is the way to have the triumph of Republican principles in the South; not shutting out this man or that man from the possibility of being a candidate for public office. I can well understand the principle upon which certain men in the South desire to have the system of political disabilities continued. I well remember that in the old State of Massachusetts at one time there was a Democratic party, which its leaders were said to desire to keep conveniently small, so that there should be offices enough to satisfy each hungry expectant. I can well understand, therefore, how some men in the South would desire to keep from being eligible to public office other men; but I cannot understand how a statesman on the floor of the American Senate can deem such a proposition worth consideration.

I can understand, too, that those who would govern these States as subject provinces, who would continue to keep over them the strong arm of power, who would destroy the vital principle of the American Republic, which is local self-government, administration of local interests by local agents—I say I can understand how those who would upset all this principle and theory of Government, who would destroy this chief element of strength in the American system, should advocate the continuance of that system which should hold the grip upon the throats of the great majority of the white population. That is the only theory on which I can understand it; but if our purpose is to forget the war, if our purpose is to establish in the breasts of the southern people a love for the institutions of the United States; if our purpose——

Mr. HOWARD. I wish to ask the Senator from South Carolina, if he has no objection to answering the question, whether he intends to forget the war? I do not.

Mr. SAWYER. I will answer that before I get through. I was going on to say that if it is our purpose to strengthen the Government in those States, and to have a real Union, we must take the people of those States with all their infirmities upon them; we must incor-

porate them into the body-politic of the United States, as equal constituent members. We must recollect that a man in South Carolina, a citizen of the United States, must be placed on precisely the same platform and covered by the same protection, endowed with the same political privileges as a man in Massachusetts or Michigan. If you are going to attempt to punish three hundred thousand—I take the largest number which has been spoken of here as under political disabilities; if you are going to attempt to punish three hundred thousand men in the southern States by continuing their ineligibility to office you will punish innocent men as well as guilty ones.

Mr. DRAKE. Will the Senator allow me a word?

Mr. SAWYER. Certainly.

Mr. DRAKE. I believe there are no persons laboring under political disabilities at the South now except those who held office and took an oath of allegiance before the rebellion to the United States and afterward engaged in the rebellion.

Mr. SAWYER. That is one class of disabilities.

Mr. DRAKE. And I challenge the statement made by the Senator from South Carolina as a matter of fact.

Mr. SAWYER. What statement?

Mr. DRAKE. The statement that there are three hundred thousand of those men. There were never probably in all the rebel States from the beginning to the end, from the best computation that the best statisticians in the country can make, over forty thousand of them who are disqualified in the way that is now referred to.

Mr. SAWYER. The Senator has not exercised his usual critical attention. I said no such thing as that there were three hundred thousand ineligible to office under the fourteenth amendment. I said I took the largest number that had been named, and if it was proposed to continue that ineligibility, when the Senator interrupted me. I believe the Senator is very nearly correct as to the number; but let me remind him that that number of forty or fifty thousand includes whom? It includes every member of Congress who afterward went into the rebellion, every judge who sat on the bench (although his commission may have antedated the rebellion) through the rebellion, every Governor of a State. If it only took that class of men it might be more endurable; but it goes down, and it takes constables, sheriffs, deputy sheriffs, notaries public, justices of the peace, members of the General Assembly, and so on *ad infinitum*; it takes men who had no more to do with raising the flag of secession than the Senator from Missouri had. The ineligibility of the third clause of the fourteenth amendment strikes at as many men who were our friends during the war, in proportion to the whole number certainly, as it does those who were our enemies.

But admitting that it does affect men who were our enemies during the war, I ask if after five or six years have elapsed since the surrender of the last soldier of the confederacy, since every State is admitted here but one, it is not about time, if we are ever going to forgive these men, that we should do it?

Now, although by implication read out of the Republican party by the Senator from Indiana, my purpose is to strengthen the Republican party in the State which I have the honor in part to represent here; my purpose is to strengthen the Republican party in the United States. I believe the Republican party is the party which has the ability to do more good to the country than its opponent. My purpose is what the Senators who differ from me on this point declare their's to be, the triumph of the Republican party and the protection of the citizens of the United States.

But, Mr. President, when you shut out any one large section of the country from all aspirations for participation in the public offices, when you tell that large class of men that they must have no part or lot in the administration of the affairs of the Government you bid them to obey and love, I say you cut off from the Republican party one of its great elements of strength. When I reflect that in addition to the third clause of the fourteenth amendment imposing these disabilities there still rests on the statute-book the act known as the test-oath, passed on the 2d of July, 1862, which keeps out of Federal offices practically, not, as my friend from Connecticut said, eight hundred thousand men, or all but fifty thousand of them, but a million men at least in the States lately in rebellion and in the States that did not nominally go into rebellion; when I reflect that all those boys and young men who never had held an office and who had no political opinions save those that they had absorbed from the atmosphere which they had breathed all their lives are cut off from all aspiration for Federal preferment and Federal office, I say the folly of man cannot conceive a more blundering and stupid scheme than the scheme of keeping that test-oath on the statute-book.

We are now in many localities in the South reduced to the necessity, in order to get Federal appointments filled, of selecting them from ignoramuses or rascals; and yet the Senator from Indiana tells us that we can select where we will, that the fifty thousand loyal men are amply sufficient to guide the counsels of the nation in those States. Now, I wish to do all credit to the men who were loyal to the flag in the southern States; I wish to give them all the praise which belongs to men who resisted a current that my friend from Indiana never had to resist; I wish to give them all the laurels which belong to them. Far be it from me, who saw their sufferings and their sacrifices through that terrible contest, to take one single leaf from the chaplet which should bind their brows. But, Mr. President, they were few in numbers; as a rule they were insignificant in political and social consequence; and if you attempt to carry on the business of government in those States by their agency and that of the race lately enfranchised alone you will certainly fail. I do not ask the Congress of the United States to conciliate any man who has committed a crime against the Government; but I ask you to recognize the existing state of facts, and to remember that if it is your purpose to incorporate anew into the Government of the United States the men who make up the States lately in rebellion, you have got to tear down the bars which forbid their complete entrance into and participation in the duties, privileges, and responsibilities of citizenship.

Mr. HOWELL. I should like to ask, for information, if the Senator desires to take away all the bars and exclusions which are put up in our laws and our Constitution against the leading rebels of the South; if he is in favor of doing away at once, without petition or without desire on the part of these leading rebels, with the disqualifications under which they labor; if he wants Jeff. Davis upon the same platform that we are in regard to this question?

Mr. SAWYER. No, Mr. President; as an actual truth I do not want Jeff. Davis on the floor of the Senate; but let me tell the Senator that the time may come when, if the policy which I suppose he would advocate prevails, there will be difficulty in sending anybody else from Mississippi but Jeff. Davis or some equally guilty participant in the rebellion.

Mr. HOWELL. The policy which I understand the Senator advocates is a policy which has already been tried, and, as I think, very effectually, in Tennessee; and the results there, I think, are such results as we shall find practically throughout the South if the policy adopted in Tennessee is the policy to be adopted.

Mr. SAWYER. Mr. President, I shall not allow myself to be drawn off into a discussion of the condition of affairs in Tennessee, where this very policy of proscription, which is to-day advocated here with so much emphasis, has been the bane of the Republican party, where the Republican party began by proscribing every man who differed from them in opinion, and then met the natural consequence in retaliation. I shall not, I say, be drawn off to talk about the Republican party in Tennessee. I say that the way to keep such men as Jeff. Davis off this floor is to put him on the same platform as to his civil and political rights as any other man holds, so that he may not have the advantage of holding up before his fellow-citizens, many of whom were just as guilty as he was, the grievance which he bears and which so many of them do not bear. I do not propose to allow those men who did instigate and aid and abet and carry on and fight the war of the rebellion the advantage over me, that they can call around them their sympathizing friends and say, "Here I am not as other men; I am, five years after the war is over, a proscribed man, although I have laid down my arms and accepted the situation in perfect good faith." That is one of their chief elements of strength. Give a man a grievance and he has the strength of two men.

Mr. President, I agree with much that has been said here as to the guilt and the crime of the rebellion. I would have agreed in 1862 to the enactment of the test-oath. As has been said so ably by the Senator from Connecticut, there were spies all through the service of the Government; there were spies and traitors in Washington; there were spies and traitors everywhere. It was necessary to guard every avenue from the entrance of rebels and spies. But that act was passed for a temporary purpose. It served the temporary purpose; and from the time that the war closed and the States were readmitted in the Halls of Congress, it has been an evil, an unmitigated evil, nothing but an evil. It will continue to be an evil as long as it remains on the statute-book.

Mr. President, I wish now to call attention to one remark which fell from the Senator from Indiana yesterday, which is not a new remark on this floor. In reply to the Senator from Alabama, the Senator from Indiana said:

"I say to my friend from Alabama that if the policy he indicates should be the law of this land, my opinion is that the seat which he occupies so worthily and so much to my satisfaction would soon know him no more forever."

I have heard that remark in substance on this floor before; and I take the liberty here and now to say that if any Senator on this floor makes that remark as an indication that he supposes another Senator would act any differently if it were true that he would lose his seat, if any Senator charges that the political course on this floor of another Senator would be controlled by the consideration of the question of his reëlection, it is an aspersion upon his integrity as a Senator, and an implication that he will violate his oath as such. When a Senator allows his official senatorial conduct here to be governed by such motives as those it is better that his place should be filled by another man; and let me say that I do not hold the seat I occupy here because I would have sought the place which I do hold, nor would I have held it or have been a candidate for it, but for the fact that I desired to keep out others who were even less fit to be here than myself, and that I could select in my State many men at that time who, if it had not been for these very disabilities imposed by the fourteenth amendment would have stood on this floor much abler advocates of the principles of the Republican party, much stronger men for the State of South Carolina, and for the United States than I can ever hope to be. And when I get so low as to desire to exclude people who live in my State from eligibility for public office, because forsooth there may be an opportunity that they will sit in the seat that I occupy, I beg that my friends may still have grace enough to keep me away from the Senate of the United States. I trust no Senator will insult any other Senator on this floor

hereafter by intimating that if he pursues a certain policy his seat will know him no more here. It is alike unworthy of those to whom he offers it, and of the Senator whose great renown has filled this country, and who yesterday made the remark alluded to.

But, Mr. President, I did not rise to speak at any length on this bill. I believe, as I said when I began, that the speech of the Senator from Connecticut but reëchoes the sentiments of the vast majority of the people of the Republican party; and I believe that the acuteness of the Senator from Indiana has in this instance failed him, and that he has not sufficiently studied the sentiments of the party of which he is so distinguished an ornament. I think that when the people speak on this subject he will find that he represents not that majority which might have the right to read a minority out of its ranks, but that he stands in a minority which may rather ask to be admitted to the orthodox platform of the party.

Now, Mr. President, I should like to ask the only representative of the race whose peculiar rights and privileges it is assumed by some Senators, and those who think with them, that they protect, what his individual opinions on this subject of political disabilities and test-oaths are; and when I sit down I should regard it as a favor, as I have no doubt the Senate would, if he would let us hear a voice from that race which represents so largely what is called the loyal element of the South. I would like to know whether his people, who know the South, who have lived there all their lives, think that it is wise for all time, or for an indefinite period, to keep so large a portion of the intelligence, the wealth, the virtue of the South in a condition of political slavery. I use the term "political slavery," and I hardly need to qualify it, for every man who is not the equal of another in his political relations is in some sense a slave. I should like to know whether that distinguished Senator believes that the Republican party in the South would be benefited or otherwise by the retention of the test-oath and the disabilities imposed by the fourteenth amendment. I think, if we have been rightly informed as to what his sentiments are, that he will say that he would regard the protection which will be given to the loyal people of the South by an absolute amnesty for the past as the best protection that could be given them, and that in this instance, as in many others in history, pains and penalties, proscription, test-acts, after the close of a great war, are not the way to restore peace.

Mr. ABBOTT. Mr. President——

Mr. STEWART. I wish to make an appeal to the friends of the bill.

The VICE PRESIDENT. Does the Senator from North Carolina yield the floor?

Mr. ABBOTT. For a moment.

Mr. STEWART. I must appeal to the friends of the bill not to discuss this collateral question any further than is absolutely necessary. I have attended to the amendment of the Senator from Connecticut, and am willing to agree to it. I believe there is no issue as to general amnesty before the Senate now, and I hope the debate will take a different turn.

Mr. HOWARD. Do I understand the Senator from Nevada to have given his assent to the amendment suggested by the Senator from Connecticut?

Mr. STEWART. The amendment as modified, striking out the last clause of the second section of the amendment I first offered, I am willing to agree to.

Mr. HOWARD. That is to strike out the clause "and shall forever be disqualified to hold any office of honor, trust, or profit under the United States or any State."

Mr. STEWART. I am willing to strike out that clause.

Mr. HOWARD. I will take the liberty of saying that I do not give my assent to that amendment.

The VICE PRESIDENT. The question is still pending before the Senate. The amendment to the amendment has not yet been acted on.

Mr. HOWARD. I am very sorry that the Senator from Nevada has seen fit to accept that amendment.

Mr. STEWART. I think this is a very important bill, and I think the bill is very well. But without the clause which the Senator from Connecticut moves to strike out it will answer all the purposes any one can desire. I have therefore consented to agree to this amendment. Before sitting down I will simply say further that I hope we shall stand by this bill and pass it to-night.

Mr. HOWARD. We cannot do it.

Mr. SHERMAN. I rise to suggest that, in my judgment, we are wasting this whole day. The House of Representatives yesterday passed a bill which covers the main points involved in this matter, for which we all desire to vote. It is true I have not been able to read the House bill, but I know generally that it covers the same ground embraced in the Senate bill. Now, if we shall pass the Senate bill in any form, and send it to the House, the result will be that each House has passed a different bill on the same subject-matter, and we shall be further from an agreement than we were before the first bill was introduced. The true way, in my judgment, is to take up the House bill and make such amendments to it as will meet the sense of the Senate. Thus we at once approach a conference between the two Houses, and may in this way finally get some bill to enforce the fifteenth amendment. I believe that a very large majority of the Senate know that it is necessary to pass such a bill to meet the action of opposing parties and those who are still governed by their prejudices. I submit to the Senator from Nevada whether he had not better let us go on with the appropriation bill until the House bill comes to us.

Mr. SUMNER. The House bill is here, and it is in the same parliamentary stage as the Senate bill. It has been read twice.

Mr. SHERMAN. I submit to the Senator from Nevada and to the Senate whether at this stage of the session we had not better take up the House bill, give the Senator from Nevada time to look over it carefully, see wherein it differs from his own, and let the proper amendments be made, and then we can pass it.

Mr. STEWART. I certainly cannot consent to that course. I do not think the Senator from Ohio should have made the suggestion until he had read both bills. I have read both bills, and I cannot possibly consent to any such arrangement. But I will suggest that when our bill shall have been perfected it can be offered as a substitute for the House bill.

Mr. SUMNER. I was going to suggest that.

Mr. STEWART. That will be a much shorter way of arriving at the result than now to take up the House bill and put the necessary amendments on it. The committee spent much time on this bill; and although it has been sneered at, I will say that the Judiciary Committee spent more time upon it than upon almost any other bill that has ever been presented to the Senate; and I undertake to say that it can be defended in whole and in all its several parts when it is understood. Of course, when it is not understood, and when something else is talked about, the Senate will be slow in arriving at a result. But if we can get the Senate to talk about the bill, and proceed to its consideration properly, we shall very soon dispose of it.

Mr. SHERMAN. I still adhere to the suggestion I made. In order to expedite the matter you have got to base the action of the Senate on the House bill, because it has already passed the House and come here. If the Senator should propose to take up the House bill a single objection would put it over to-day.

Mr. SUMNER. Not at all. It has been read twice to-day.

Mr. SHERMAN. But it cannot be read the third time.

Mr. SUMNER. It is in the same condition with the Senate bill.

Mr. SHERMAN. Very well; it cannot be read the third time to-day.

Mr. SUMNER. Then the Senate bill cannot be read the third time.

Mr. SHERMAN. It can, because it was read a first and second time some days ago. Nor does the suggestion of the Senator from Nevada now meet the difficulty, if we go on and perfect the Senate bill in ignorance of the House bill, as we are now, because it has not been laid upon our tables and printed. Now I ask the Senator, whether it would be wise to submit these questions, on a controversy between two propositions distinct from each other, to a committee of conference and have but a single vote upon their report?

Mr. HAMLIN rose.

The VICE PRESIDENT. Does the Senator from North Carolina still yield?

Mr. ABBOTT. I have but a word that I desire to say, until I see what course things are to take on this proposition. I wish to say now this evening merely this: that I dissent from the whole modes of reasoning and the philosophy of the Senator from Connecticut and the Senator from South Carolina, as well as my friend from Alabama, in regard to this matter of amnesty; and if this debate is to be allowed to take this course, I shall desire an opportunity to be heard on that subject in the light of experience and the light of my own judgment.

Unfortunately this question of amnesty is not before the Senate; but it is the second proposition of the first amendment. The debate has drifted into the subject of amnesty, and is producing incalculable injury in the South, beyond all question. Why, sir, the speech the Senator from Connecticut made here yesterday and to-day will within one week be flaunted in every rebel paper over the South, and be quoted against myself and every other man who takes the position I do in that country.

I do not intend to enter into an argument or an exposure of those miserable political fallacies; but I do intend, if this debate proceeds, to take an opportunity to put a knife into this bubble and prick it, because I believe it to be false in all its bearings and in all its theories. I believe it can result in nothing but mischief at the present time.

That is about all I intended to say this evening, and now I will await the course of events. If the House bill is substituted, so that we are relieved from the discussion of this subject, I do not know that I shall have anything to say. If we can get to a vote, I am always for a vote in the quickest way we can get at it.

Mr. HAMLIN. I want to say a single word in support of the suggestion made by the Senator from Ohio. I does seem to me that it would be an economy of time, time which is or ought to be worth something to us, if we would adopt about the course that Senator has suggested.

I have read the House bill. I do not know precisely the form in which it comes here; I have not read it as laid on the table; but there are certainly some things in that bill which commend themselves to my judgment as better than the provisions in the Senate bill. It may be said in brief, perhaps, that it does not go quite so far. Well, suppose it does not, and the Senate desires to go a little further than the House bill; it is competent for the Senate to put into its bill whatever the Senate shall see fit, and to make it as much stronger as it desires, and it is building our work upon a bill that the House sends, and it is therefore, in my humble judgment, a saving of time, if it can be done.

Mr. CAMERON. I rise with a view of seconding the suggestion made by the Senator from Ohio; and I merely desire to add that I am glad the subject of taking off disabilities is not now before us, because I should like to

say something on that question at more length than I can now.

Mr. DRAKE. I hope the Senator will speak so loud that he can be heard at least this far. If he is only speaking that the reporter may hear him, he talks loud enough; but if he wishes the Senate to hear him, he should talk louder.

Mr. CAMERON. It is not my misfortune that the Senator from Missouri is so old that he has not the full use of his ears. [Laughter.]

I desire to say that I disagree with the sentiments uttered to-day by the Senator from Connecticut, for whom I have such high respect, such great regard, and almost love, growing out of his great services to this country. His words to-day were creditable to his heart, but they are injurious to the country, and not creditable to his judgment. I have thought a great deal of this southern question. I have seen it in all its aspects, and I want now only a law which will secure to the negro the right to vote as the Constitution contemplates he shall. I was invited only last fall, in November, I believe, to go to the southern States. I went to Georgia, Florida, and some other States, and I found there no disposition to carry out the kindness of the North toward the South. The rebels of the war were rebels still. Everybody treated me with kindness and courtesy, as I suppose any gentleman going anywhere would be received and treated, but in every house I heard them speaking with contempt of the northern men who had gone among them. "The scalawags and the carpet-baggers" were their constant theme of contempt, and everywhere were eulogies of the men who had fought and distinguished themselves in the rebellion. They said that they were glad slavery was abolished, because they had now learned that it was more profitable to them to have the labor of the negro at a cheap rate than to feed him and clothe him and take care of him in sickness and distress; but there was no sympathy for the negro. While he was a slave there was no belief in the duty of supporting the laboring man. They looked upon it only as a question of finance, and they were getting rich, and were proud to say they were getting rich. I tell you that in a few years no portion of the world of the same extent will be so rich, so powerful in wealth and money, as the southern States; and when that time comes no man who settles among them from the North will be safe. No matter how much he may yield to them now, even though he may get down on his knees here and say they are compelled to violate the law, or to take fools or rascals for the offices, that will not save him when the southerners are relieved from all disabilities and are allowed to vote as they did before the rebellion.

The Senator from Nevada [Mr. NYE] some days ago referred to the circumstance of the United States flag not being raised in Georgia over the fair which I attended there last fall. It is true that the authorities at the State fair, to which others and myself were invited, had no flag on the fair ground; and when its absence was objected to by myself and others from the North, they said there was none to be had, I then, through a friend, had one procured and offered, but it was declined. No flag of the Union floated over that assemblage.

I believe in charity; I believe in kindness, in not bearing spite, and in forgiving those who do wrong. I would forgive them when I believed they deserved it, when their hearts were changed, when they felt that they had done wrong. When that time comes it will be time enough to take off the disabilities of which they complain. They think it no wrong that they came among us and burned the houses and destroyed the fields and consumed the stacks of the people of Pennsylvania. That, they say, was all right; but now, because they did that wrong, because they murdered our friends and relatives, and we say they shall remain out of the power which they took from themselves, it is argued that we are doing them a wrong. Why, sir, when I was traveling as the guest of the people of the South I had with me a servant whose skin was a little darker than my own, and he was ordered out of the car in which I sat, though I had paid for his passage. They would have driven him out if I had not said to them: "Beware; if you put him out it will be done because you are stronger than he; and besides, the moment that is done, I will bring such power against you as this Government can bring." It was not attempted by the car agent on his own authority, for he said to me that it was the order of the directors or superintendent of the road when we left Savannah.

Mr. SAWYER. Will the Senator allow me a question?

Mr. CAMERON. Certainly.

Mr. SAWYER. Did you inquire whether the superintendent of the road was a northern man?

Mr. CAMERON. I did not inquire anything about that. That is nothing to the point. I have seen northern men humble themselves before the South more than southern men would do.

Mr. SAWYER. I should like to make a suggestion on this point if the Senator will allow me. I can say that with regard to the State of South Carolina the colored man rides in the same car that the Senator or I would ride in, and nobody disputes his passage anywhere in the street, in the steam rail cars or the street cars. That has been allowed by the republican government of the State of South Carolina. Whatever the disposition may be, I know nothing; I would not deal with men's dispositions, but with their acts.

Mr. CAMERON. This was not in South Carolina. I believe what the Senator says of South Carolina is true, for the reason that the negroes there have the majority. It is one of the few States, if there be any at all, that will ever send a Republican to Congress when the real South gets a chance. This was in Georgia. Why, sir, only the other day General Lee, the head and front of the rebellion, received such an ovation at Portsmouth, Virginia, as no conqueror in all history ever received; that man who led all the forces of the rebellion against his Government; that man who was educated at West Point by the bounty of the Government; that man who had been willing to take command of the Army of the United States; and that man now, if the South had the power, would be elected President of these United States.

Does any man here who thinks on the subject believe that there is not an idea now in the southern mind that all the debt incurred by the southern traitors in the rebellion shall be paid by this Government? If he does he is more ignorant than I believe him to be. That idea is there in the mind of everybody; and some day, not far distant from now, if you take off all the disabilities from these people and allow the traitors to come here, a law will be passed which will compel this Government to pay the debt of the rebellious States. The moment these southern men come here as they were before you will find plenty of weak-kneed people in the North willing to bow down to that southern power again and give them the control of this Government as they had before.

I had no idea of speaking on this subject; I had made no preparation to speak. All I desire to say now is that I hope we shall pass this bill, make it a law. Let us do what we all agree shall be done, that the negro under his emancipation shall have his rights under the law to vote as other men do; and hereafter we will take up the question of relieving the southern people from disabilities. I will express my sentiments then; and I give my vote as I think an intelligent and honest man ought to give it.

Mr. EDMUNDS. Mr. President, I do not rise to speak about the general question, but only the precise point presented by the Senator from Ohio as to the best method of getting on with the disposition of this question. I may be permitted to say—and I am sure everybody who reflects a moment will agree with me—that the application of this bill to enforce the fifteenth amendment is one that Congress is not to make, but the courts where justice is administered in a criminal way are to make it. Therefore it is a question peculiarly of the technical application of remedies to redress specific wrongs, to foresee them, to provide against them; and the result of that is that we cannot on the spur of the moment, at hap-hazard, as we may in general legislation, seeing a point broadly and providing for it, legislate with safety. I believe, as many Senators here do, that in some of the States this bill, if it goes into effect, will go into effect against public opinion, against the opinion of a majority of the judges and jurymen, and all the people who administer justice; and therefore, in order to make it a success, in order to make it accomplish the great end we all have in view of securing to the enfranchised people their constitutional rights, it must be a bill that in the strictest and most technical sense will defy criticism. It must stand special demurrers, as the saying is; and in order to make it stand special demurrers the Judiciary Committee have labored faithfully; perhaps not intelligently, but to the best they were able to make it reach to every possible method of evasion that may be resorted to.

Now, to swap this bill off for the bill of the House, which from my cursory perusal of it is not adequate to the end, as it seems to me, would be a great mistake—a great mistake for the ends we all have in view. But you cannot explain all this in a speech; but if you could sit down with any one of a dozen gentlemen in this Chamber and talk it over quietly and discuss it, and criticise, it you would see the difficulties and the differences. We have labored faithfully and strenuously, and I believe somewhat successfully, to be so careful in the preparation of the bill we have reported, and as far as human foresight could go, to make it so symmetrical and self-defending as to be impossible to get around it. I hope the Senate will not set this aside and take up, for the mere expedition of legislation, any other bill; but if any improvement can be suggested carefully to this one let us do it; let us perfect this bill and then substitute it for the House bill, and if there is any point of disagreement let us settle it.

Mr. FOWLER. Mr. President, I am of opinion that this is the work of the Judiciary Committee almost exclusively, and I should prefer that the measure should be referred to them to be considered again. Nevertheless, I cannot release my mind from the conviction that this is the best day's work that has been done since Joseph Holt made his immortal speeches in Kentucky, or since Baker spoke the breath of life into this nation in New York. I think this day's work will never be undone; and I believe, and I believe it in the light of the experience which I have had, that this whole country, the mothers who have lost their sons, the wives who have lost their husbands, owe the Senator from Connecticut a debt of gratitude which will be paid hereafter. It will be paid in patriotism North as well as South. It will be paid from all sections of the country. I believe in every word he uttered; and I believe it from my own experience—not that I love treason more, but that I love my country better; not that I love traitors, but because I love humanity; not that I love the interests of Jefferson Davis and Forrest, but because I love the rights of mankind better. I am satisfied that that speech ought to be circulated and spread before the American people, put into every hamlet in this land everywhere; not only here, but it ought to go throughout the world. There has not been done a better day's work in the American Senate for the last four years. I believe that every patriot here, every genuine

Republican who has given any assistance whatever to establishing the rights of mankind throughout this Republic, will accord that honor to the Senator this morning.

Mr. REVELS. Mr. President, I did not intend to take any part in this discussion. It was not my desire to do so. I do not rise now for the purpose of doing so, but merely to explain my position and that of the State which I in part represent, in regard to the question of general amnesty. I have been referred to by quite a number of honorable Senators who have already addressed the Senate on this subject, and at last I have been called upon by one to define my position and that of my State.

First allow me to speak of my own position, and then I will speak of that of the Republican party in the State that I represent.

I am in favor of removing the disabilities of those upon whom they are imposed in the South just as fast as they give evidence of having become loyal and of being loyal. If you can find one man in the South who gives evidence that he is a loyal man, and gives that evidence in the fact that he has ceased to denounce the laws of Congress as unconstitutional, has ceased to oppose them, and respects them and favors the carrying of them out, I am in favor of removing his disabilities; and if you can find one hundred men that the same is true of I am in favor of removing their disabilities. If you can find a whole State that that is true of I am in favor of removing the disabilities of all its people.

Now, my position is fully understood. Often I receive petitions from citizens of my State asking Congress to remove their disabilities; and how much I regret that it is not in our power to take that class of persons and put them by themselves and remove the disabilities of all of them at once. I would be glad to see this done, but we can only do it by the process adopted by Congress.

In regard to the State of Mississippi I have this to say: the Republican party, now dominant there, pledged itself to universal amnesty. That was in their platform; the speakers pledged themselves to it; and the Legislature redeemed that pledge by unanimously adopting a resolution asking Congress to remove the political disabilities of all the citizens of Mississippi, which resolution they placed in my hands, and made it my duty to present here, and which I have presented.

Now, I can say more, I believe, for the State of Mississippi than I can say for any of the other lately insurrectionary States. I do not know of one State that is altogether as well reconstructed as Mississippi is. We have reports from a great many other States of lawlessness and of violence, and from parts of States we have well-authenticated reports to this effect; but while this is the case, do you hear one report of any more lawlessness or violence in the State of Mississippi? No; the people now I believe are getting along as quietly, pleasantly, harmoniously, and prosperously as the people are in any of the formerly free States. I think this is the case. I do not think my statement exaggerates anything at all. Now, sir, I hope that I am understood. I am in favor of amnesty in Mississippi. We pledged ourselves to it. The State is fit for it.

Mr. THAYER. Mr. President, the Senator from Tennessee [Mr. FOWLER] expressed a wish that the speech made by the Senator from Connecticut [Mr. FERRY] should be spread all over this land, in every town and in every hamlet. I say so, too; and I also wish that the speech of the Senator from Mississippi, [Mr. REVELS,] just made in this Chamber, may accompany the speech of the Senator from Connecticut. He, in a five minutes' speech, has presented the whole doctrine of the question of the removal of disabilities. So fast as men show themselves worthy of it he would remove their disabilities. So say I, but no faster, and not until they have shown a disposition to have them removed. I say let the speech of the Senator from Connecticut be spread abroad through this land; but let the speech of the honorable Senator from Mississippi go hand in hand with it. I am then willing to leave the question to the people to judge.

Mr. WILLIAMS. Mr. President, I gave notice this morning that when the House bill reached the Senate I should move to substitute it for the pending bill; and I wish to say now that when Senators have had an opportunity to examine the two bills I shall make that motion. I shall do it for two reasons; first, to expedite business and secure the passage of some bill. I feel quite confident that if the Senate proceeds with the bill now pending, and passes it and sends it to the House, it will excite controversy there which will eventuate in the defeat of any legislation at this session. Manifestly, this bill that has been reported by the Judiciary Committee, and which was so carefully examined and deliberately considered, is a bill that cannot pass the Senate without very many criticisms, and without protracted discussion, for it seems to me that the provisions of this bill, notwithstanding the care that has been bestowed upon them—and I have great confidence in the judgment of the Senator from Vermont—are open to many very serious objections.

It is possible that by its terms all protection to the ballot-box has been thrown down and all guards of its safety and purity have been abolished. The House bill, without undertaking to discuss it, is a bill that is practical, plain, concise, and applies to existing mischiefs. It will reach all existing mischiefs, I apprehend; and if upon experience it be found that it is defective, if new devices for the purpose of evading the fifteenth amendment should be employed, then that bill can be amended; but it is necessary now that there should be some legislation upon the subject to enforce the fifteenth amendment. Courts with Democratic proclivities are deciding in some of the States of this Union that the fifteenth amendment is not in force for the reason that it contemplates legislation, and before legislation by Congress it does not take effect, and therefore colored men are excluded from the exercise of the right to vote.

On that account, as well as many others, it is absolutely necessary that there should be some legislation on this subject without any considerable delay; and I think that is an object not to be overlooked. It is manifest that if the House bill is taken up and considered, if it should be amended it will go back to the House, and the simple question then will be whether or not the House will concur in the amendments. But if we proceed with the Senate bill it must be subjected to discussion, section after section, and after it has passed it goes to the House, and then is referred to some committee, and it must be considered in committee, and no doubt will be amended in the House, and then comes back to the Senate; and with the shortness of time and the necessity for haste, it seems to me that our true policy is to take the House bill, and if it is necessary to amend it, do so; but make that the basis of our action. To-morrow morning I shall propose that.

Mr. DRAKE. Mr. President, I presume that I but express the sentiment of many, when I say that the debate to-day has been one of an extraordinary character. I do not propose to prolong it much. What I have to say can be said in a few minutes.

I wish to recur to one or two historical facts. The fourteenth article of amendment to the Constitution of the United States was proposed by a resolution adopted on the 16th of June, 1866; the proclamation of its ratification occurred on the 28th of July, 1868, more than two years after its proposition. The third section of that amendment disqualifies men for office simply; takes away from them no political franchise, but simply denies them the right to hold office where, in order to hold office, they had taken an oath to support the Constitution of the United States, and afterward engaged in rebellion.

Now, sir, we find the Senate engaged at this time, before that provision has been in force two years, in discussing whether it shall not be swept away entirely. There are Senators here, not, as we should expect, over among the Democrats, but among the Republicans, who are not willing to let this exclusion from office stand as long as it took this country to establish it. Mr. President, it strikes me that that discloses a very extraordinary condition of things. Sir, this mountain labored for two years one month and twelve days to bring forth a ridiculous little mouse that these Republican Senators do not want to have live as long after its birth as it took to bring it forth.

Mr. SAWYER. Will the Senator allow me one question? I do not wish to interrupt him.

Mr. DRAKE. Put the question, sir.

Mr. SAWYER. I was going to ask the Senator if we do not nullify that amendment every time we pass a disabilities bill; and if the object of that amendment is entirely in this third clause, if there are not great national interests of vastly more importance than those affected by this clause?

Mr. DRAKE. We do every day dispense with the operation of the third section of that amendment in favor of named individuals who have sent their petitions here to us asking us to relieve them; but the Senator from South Carolina [Mr. SAWYER] and the Senator from Connecticut [Mr. FERRY] would to-day sweep away the whole thing as to every rebel in the whole southern States, if I correctly understand their position, whether the rebels ask it or not. Jeff. Davis coming here with a petition to be relieved from political disabilities would be one thing. Jeff. Davis included in a general amnesty would be another thing.

Sir, it is a most extraordinary sight—has the world ever seen one more so?—that men should rush in the way that these Republican Senators propose to do, to confer the right to hold office upon the men who waged war to destroy their Government and country, and upon whom they by their own votes had imposed this disability to hold office? They do not wait to be asked, do not wait for a word of complaint, do not wait for any instigation whatever.

Sir, it is two years at least, or nearly so, I think, since the honorable Senator from Connecticut announced his position on this subject on the floor of the Senate. We had hardly secured the ratification of this constitutional amendment before he began to express himself in opposition to these political disabilities; and now he comes out with full strength and a full heart to proclaim before the country the doctrine that we ought for the public good to put away these political disabilities entirely, and admit every traitor in the land to the right to hold office.

Mr. President, I have no such words to address to that Senator as he has seen fit this morning to repel when spoken by others. I am not his judge. But I will reiterate what the Senator from Pennsylvania said a little while ago. The Senator from Connecticut has a very feeling and sympathizing and soft heart on this subject. By possibility the softness may have gone higher. [Laughter.] That Senator comes from Connecticut. What did they know there during the war of rebels or the rebel spirit? They sent their soldiers, they gave their money, they gave their efforts to put down the rebellion; but what did they know, what did that Senator know on the field of battle, of the spirit of rebelism which animated these southern people? Sir, no man in this country ever did know them except those who lived in daily contact with them. I despair of ever being able to convey to the minds of Senators who never were in personal contact with rebels at the outbreak and during the progress of the

war an idea of the spirit which animated them, and which, I affirm, still animates them.

Mr. President, I could very well comprehend why we should propose to make this general amnesty, if these rebels in the South had sent us any authentic information that they had changed their ground or their views or their feelings. But nothing like that is demanded of them by those who would make such hot haste to let them hold office again. On the contrary, the Senator from Connecticut says let them all hold office, without regard to whether they have changed their feelings, their character, or their purposes. Sir, why does not the Senator from Connecticut go to Connecticut and demand that the penitentiary there be emptied? Why, if he were Governor of that State, would he not sign the pardon of every criminal there and turn him abroad upon the community again? Only because he would have this sufficient answer to make, "I do not pardon a man unless he shows some evidence of repentance and reformation."

So I say with regard to these rebels of the South, "We take nothing from you but the right to hold the offices and the political power of this country; and that ought never to be restored to you until one of two contingencies has occurred: either that you show the proper spirit of repentance and returning loyalty, or that the loyal element becomes so strong in all that region that we can keep you from exercising political power hereafter through the offices of the country."

Mr. President, the man who would sweep away the political disabilities which shut out rebels from these Halls of Congress, I care not under what impulse of magnanimity he offers to do the thing, takes a position of hostility to the Constitution and the nation to which he belongs. You cannot admit this Trojan horse here without taking the disastrous if not deadly consequences. You cannot under any guise of magnanimity fill these seats again from the southern States with unrepentant and defiant rebels and traitors—and such would come here fast enough and strong enough—without giving them the opportunity anew to pull down the glorious fabric which we have shed so much blood to uphold and defend. And yet, sir, this is what the Senator from Connecticut would do. I do not say that he would do it intending hostility to his country. But, sir, I say that it is a position which is inimical to the Government, to the country, to peace, to everything that is to make this country desirable to its people hereafter. I seem to hear from all the cemeteries that surround this city a wail and a moan from the graves of the slaughtered dead at such a proposition.

Mr. President, it is glorious to be magnanimous where magnanimity is deserved. It is the part of a fool to thrust magnanimity upon those who do not deserve it, nay, who do not even ask it, but demand it as a right. God acts upon no such principle. God makes repentance a condition of forgiveness. Divine wisdom teaches us to-day the lesson of our duty: clemency to the repentant; a closed door, as to office, to the unrepentant.

But, oh, the halcyon days that are to follow general amnesty! All are to be brothers again in the South. Sir, where is the evidence of it? Where is the first tittle of evidence to show that this universal amnesty will appease the rebelism in a single rebel's heart? There is no evidence of it whatever. They have never sent us a word here—attend to it, Senators—they have never sent us a word to indicate that they were anything but rebels yet. They never will send it; and yet we are to rush to them with the unsolicited boon of amnesty of all their hideous crimes, and have them, in return, when they swarm into these seats again, as they will, point the finger of scorn at us and tell us, "We never asked you for your amnesty; we never believed ourselves the objects of amnesty; we had a right to rebel, and it was right in us to do so." I am told that was argued on this floor to-day. It will come back to us, not in the shape of argument, but in the shape of impudent and scornful assertion. There will stand Jeff. Davis again to hiss it in your teeth, "We did not ask your amnesty."

Mr. FERRY. If the Senator will allow me, I understand from the Senator from Mississippi [Mr. REVELS] that his State, the residence of Jeff. Davis, is so thoroughly reconstructed that general amnesty there would be entirely appropriate. We need not, therefore, fear Jeff. Davis will come here from the State of Mississippi to occupy a seat in this body.

Mr. THAYER. He does not live in Mississippi now, but in Tennessee.

Mr. DRAKE. Mr. President, the Senator from Connecticut has disclosed the length of his vision. It does not go as far as a fellow in North Carolina answered to a gentleman who was traveling there and asked him how far it was to another place. The country fellow answered, "It is three screeches and a right smart go-by." [Laughter.] That was the way that they had in the hills of North Carolina of telling how far it was to any place. It was "three screeches;" that is, three times as far as a man's voice could be heard, and "a right smart go-by" beyond that. The gentleman's vision does not extend beyond the length of one screech. [Laughter.] He does not look at the future. My impression is that the honorable Senator is only calculating what is going to happen here during the remainder of his senatorial term, which will expire on the same day with my own, less than three years from now.

I am looking to the future as well as I can. I do not say that I see any further than that Senator does; but I am trying to look into the future. I am trying to see what my country is to be hereafter. I am trying to see what great and wide-spreading tree of liberty and human rights is to spring from the three hundred thousand bloody graves of our fallen heroes. I am not looking to see how rebels shall get into office. I am not looking to see how, as the Senator from South Carolina intimated in his remarks, the South is to be appeased. I am not looking to see how rebels may be made to love me for my sentimental magnanimity. Sir, we have plenty of them in my own State, and they have never loved me, and I do not suppose they ever will. They never forgive Union men, especially Radicals, until they have repented of their treason to their country. When they reach that point—which very few of them ever do—the way is open for them to love me and for me to love them.

Mr. SAWYER. If the Senator will allow me, I think he must have misunderstood what I said, if he supposes that I gave utterance to any sentiment with regard to placating rebels, or having them love me. I did not so understand myself.

Mr. DRAKE. I am rather inclined to think that that is not the only particular in which the honorable Senator from South Carolina did not understand himself. [Laughter.] Sir, I look at the drift of this debate. I see what it means. I see that it means to appease rebels, to throw a sop to them in the shape of office; to give them leave to fill every office, from that of constable to that of President of the United States. Sir, why should this be done? Did we adopt the fourteenth amendment less than two years ago to make ourselves contemptible in the eyes of the world by sweeping it away in less than two years after its adoption? Shall the loyal men of this nation labor and struggle for more than two years to put an amendment in the Constitution of the country, and then in less than two years sweep it away? Is that all the life that a constitutional amendment should have for the good of the country?

Mr. President, I did not intend to say anything like as much as I have said. I express myself plainly on this subject. I know from actual contact and experience with rebels what they will do when they get into the offices again. Sir, what will be their reverence for the oath of office that they take? They violated it once before; will they keep it any better when you let them back here? What right have you to expect that they will? Have we not pure men enough in this country, black and white, whose souls are not stained with perjury, nor their hands with the blood of patriots, to fill these seats, that we must invite rebels and traitors to crowd in here and thrust out loyal men? Other Senators may do this thing; but, sir, while I have my mind, and while it views this matter in the light it now does, you can take all I have before you can take my vote for such a proposition.

Mr. HOWARD. I do not rise to discuss the question of amnesty, nor any of the particular provisions of this bill. I perceive, however, that there is not a perfect agreement among Senators as to the propriety of proceeding further at this time in the discussion of the bill, and I think it would be safer for ourselves, and perhaps for the measure which we may have in contemplation, that we should suspend this discussion just about at this point of time. I therefore move that the Senate proceed to the consideration of executive business.

Mr. STEWART. I hope that will not be done.

The VICE PRESIDENT. The Senator from Michigan moves that the Senate proceed to the consideration of executive business.

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

The yeas and nays were ordered.

Mr. RAMSEY. There are a great many nominations that ought to be disposed of. We can go into executive session and dispose of them, and them come out again.

Mr. STEWART. If we go into executive session we shall not come out again.

The question being taken by yeas and nays, resulted—yeas 31, nays 20; as follows:

YEAS—Messrs. Brownlow, Buckingham, Casserly, Chandler, Cole, Davis, Drake, Fenton, Ferry, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harris, Howard, Howell, Johnston, Kellogg, McCreery, Patterson, Pratt, Ramsey, Revels, Ross, Sprague, Stockton, Thurman, Tipton, Trumbull, Vickers, Willey, and Yates—31.

NAYS—Messrs. Carpenter, Corbett, Flanagan, Fowler, Gilbert, Harlan, Howe, Morrill of Maine, Morton, Nye, Osborn, Pool, Rice, Robertson, Sawyer, Spencer, Stewart, Sumner, Thayer, and Williams—20.

ABSENT—Messrs. Abbott, Ames, Anthony, Bayard, Boreman, Cameron, Cattell, Conkling, Cragin, Edmunds, Lewis, McDonald, Morrill of Vermont, Norton, Pomeroy, Saulsbury, Schurz, Scott, Sherman, Warner, and Wilson—21.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 17, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read and approved.

IMPEACHMENT OF JUDGES.

Mr. JULIAN. I ask leave to present and have referred to the Committee on the Judiciary two petitions, one of them asking the impeachment of one of the justices of the Supreme Court of the United States, and the other asking the impeachment of the judge of the district court for the State of California.

Mr. BANKS. I object.

Mr. JULIAN. Very well; I will have them referred under the rule, as I have a right to do.

RIGHTS OF CITIZENS IN THE STATES.

Mr. COX. I would like to ask the privilege for myself and my associates on the committee to attend the ceremonies in memory of Baron Steuben to record our votes on the passage of the bill passed yesterday in relation to the

rights of citizens in the States. We were absent by order of the House.

The SPEAKER. The Chair cannot entertain that request under the rule. The excuse would have been sufficient had the gentleman come in after the last name on the roll was called and before the result of the vote was announced.

Mr. COX. The committee were not in a condition to do that.

The SPEAKER. The Chair regrets to hear it. [Laughter.]

Mr. WOODWARD. Although not appointed on the committee originally, the committee took me with them, so that I was not here when the bill was put on its passage. Had I been here I would have voted "no."

Mr. ELDRIDGE. Gentlemen have told us how they would have voted in the condition they were in yesterday had they been here. I would like to know how they would vote in the condition they are in now. [Laughter.]

Mr. GETZ. I was absent with the committee yesterday. Had I been here I would have voted "no" on the bill of the gentleman from Ohio, [Mr. BINGHAM.]

Mr. JOHNSON. I also was absent at the ceremonies yesterday. I desire to say that if I had been here I should have voted "no" on the bill already referred to.

SOLDIERS' MONUMENT AT MORRISTOWN.

Mr. HILL. I ask unanimous consent to introduce for consideration at the present time a joint resolution donating condemned cannon to the Soldiers' Monument Association of Morris county, New Jersey.

The SPEAKER. The joint resolution will be read, after which there will be an opportunity for objection.

The joint resolution was read. It authorizes the Secretary of War to furnish to the Soldiers' Monument Association of Morris county, New Jersey, four pieces of condemned cannon and fifty cannon balls, to be placed about the monument to be erected at Morristown, the county seat of said county.

Mr. MAYNARD. Does this proposition come from the Committee on Military Affairs?

The SPEAKER. It does not. The gentleman from New Jersey [Mr. HILL] asks unanimous consent to introduce it and put it on its passage at the present time.

Mr. MAYNARD. Unless the joint resolution is to go to the Committee on Military Affairs I must object to its introduction. We have been giving away a great many of these cannon. We do not know how many more there are.

Mr. HILL. There are plenty of them. I inquired at the War Department the day before yesterday.

Mr. MAYNARD. I cannot consent to let the resolution go through without consideration by the appropriate committee.

The SPEAKER. Does the gentleman from New Jersey desire to introduce the resolution for reference?

Mr. HILL. No, sir; I withdraw it.

ISLAND INSTITUTE.

Mr. FERRY, by unanimous consent, introduced a bill (H. R. No. 2046) granting the use of a public reservation in the city of Washington to the Island Institute; which was read a first and second time, and referred to the Committee for the District of Columbia.

Mr. RANDALL moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMERICAN COMMERCE.

Mr. ALLISON. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour now begins. The House resumes the consideration of the bill reported by the gentleman from Maine [Mr. LYNCH] from the select Committee on the Cause of the Decline of American Tonnage, being House bill No. 1889, to revive the navigation and commercial interests of the United States. In pursuance of the arrangement agreed to last Thursday by unanimous consent, the morning hour this morning will have seventeen minutes added to it. The gentleman from New York [Mr. WOOD] is entitled to the floor.

Mr. LYNCH. Before the gentleman from New York [Mr. WOOD] proceeds with his remarks I wish to give notice that I shall call for a vote upon this bill next Thursday.

Mr. ALLISON. I trust the gentleman from Maine will reconsider that determination. It will leave us only two hours of debate upon this important measure.

Mr. LYNCH. On Thursday next the bill will have run through five morning hours; and I suppose that is as much time as the House cares to give to the subject at this stage of the session. I will say to the gentleman from Iowa [Mr. ALLISON] that I do not intend to occupy more than fifteen minutes of the closing hour to which I shall be entitled, and I shall be willing to yield to the gentleman all the remainder of my time if he desires it, or probably he can obtain a full hour in his own right.

Mr. MUNGEN. Before the gentleman from New York goes on with his speech I ask him to yield to me that I may offer a resolution.

Mr. WOOD. I will do so if it will not give rise to debate.

Mr. MUNGEN. I ask unanimous consent to offer the following resolution:

Whereas the following article, over the signature of Hon. H. Van Aernam, Commissioner of Pensions, is going the rounds——

Mr. WOOD. I cannot yield for that resolution, as it will doubtless lead to debate.

Mr. MUNGEN. Let it be referred to the Committee on Pensions.

Mr. MAYNARD. I must object unless the resolution be read.

Mr. WOOD. I decline to yield for that purpose.

The SPEAKER. The resolution is not before the House.

Mr. WOOD. Mr. Speaker, the question before the House is one of absorbing public interest. It is a subject of direct practical importance to the Atlantic and Pacific seaboards, to the internal industries of the country, which seek a foreign market for their products, and to the thoughtful consideration of the legislator and the statesman. In approaching its discussion I am conscious of my inability. So many questions arise, each of importance, and more or less connected with and dependent upon each other, that I shrink from the attempt to present them intelligently to the House. I shall endeavor to be practical and direct, leaving to others the elaboration of much that I will offer in the way of suggestion and proposition.

First, let me address myself to a popular error which assumes the decadence of American foreign commerce. It is a common topic of complaint that these commercial interests of the country are paralyzed, and that there is a rapid decline in American commerce. So frequently has this been of late stated by the press, the merchant, and the politician that it appears to have become the fixed opinion, and accepted as true by the American and European mind. But such is not the fact. Our commerce is not on the decline. At no period within our history has it been in a better condition. I make this statement without fear of successful contradiction. It is based upon official data, and comprehends both foreign and domestic trade. Those who have assumed to the contrary have confounded our foreign commerce with the carrying trade. They have not seen the difference existing between commerce and navigation. What constitutes the foreign commerce of a country? It is the aggregate of the imports and exports of merchandise which together comprise the volume of the foreign trade, and this constitutes that commerce. The tonnage which bears it to and from our shores is an agency of commerce and no part of commerce itself. It is not an article of merchandise. It is what is known simply as a common carrier, performing the functions of a transit agency, and is in no sense within itself an element of barter or exchange. Its uses are of hire to those who buy and sell, rather than an article to be bought and sold. Now, with this obvious fact presented, let us see what is the condition of the foreign trade of the United States, and whether I am right in the statement that it is not on the decline, and not in a discouraging condition.

The following table, carefully collated, is reliable authority:

Table showing the total foreign commerce of the United States during each year from 1850 to 1869 inclusive.

Fiscal years.	*Total.*
1850	$330,037,038
1851	434,612,943
1852	417,955,221
1853	493,954,804
1854	577,290,414
1855	536,625,366
1856	641,604,859
1857	723,850,823
1858	607,257,571
1859	695,557,592
1860	762,288,550
1861	584,995,066
1862	435,710,714
1863	584,928,502
1864	669,855,034
1865	604,412,966
1866	1,010,938,552
1867	877,020,391
1868	848,527,647
1869	876,442,284
Total	$12,718,863,358

There has been a gratifying increase in our foreign commerce. The imports and exports, which together form the total foreign commerce of the country, amounted in 1869 to a larger sum than ever before, with the exception of 1866, the year succeeding the late war, when it was stimulated by artificial causes. Not only does the aggregate commerce of the country show a continued increase, but the relations which exports and imports bear to each other also show an increased prosperity. I present another table giving the imports and exports of merchandise from 1850 to 1869, by which it will be seen we send abroad as much in value in merchandise as we receive from foreign countries in return:

Total exports and imports of merchandise from 1850 to 1869.

Fiscal years.	*Exports.*	*Imports.*
1850	$151,898,720	$178,138,318
1851	218,388,011	216,224,932
1852	209,658,366	212,945,442
1853	230,976,157	267,978,647
1854	275,796,330	304,562,381
1855	275,156,846	261,468,520
1856	326,964,308	314,639,942
1857	362,960,682	360,890,141
1858	324,644,421	282,613,150
1859	356,789,462	338,768,130
1860	400,122,296	362,166,254
1861	249,344,913	335,650,153
1862	229,938,985	205,771,729
1863	332,008,581	252,919,920
1864	340,292,139	329,562,895
1865	352,857,344	248,555,652
1866	565,426,394	445,512,158
1867	459,188,820	417,831,571
1868	476,902,839	371,624,808
1869	439,128,029	437,314,355
Total	$6,578,443,683	$6,145,138,998

Therefore, Mr. Speaker, am I not right in saying that the oft-repeated declaration that the foreign commerce of the country is on the decline is not well founded? I have felt it my duty to expose the fallacy of this prevalent belief, and I think the figures presented sustain me. But with reference to American tonnage a very different state of things exists. That there has been a great decrease in this there can be no doubt. While we have imported and exported more merchandise than ever before, comparatively less of it has been done in American bottoms than ever before. It is scarcely necessary to present any statis-

tics to prove this. I will present, however, a few figures which will painfully illustrate it. The total tonnage of the United States in 1850 was 1,585,198. It gradually rose from this, until in 1860 it had reached 2,546,237 tons, and in 1861 its maximum was reached of 2,642,628 tons. This was the year before the rebellion, and from this period we may date its decline and fall, which has been continued since, and which has now reached, according to the returns for 1869, as low as 1,566,421 tons. And what is yet more painful to contemplate is the fact that what has been our loss has been European gain; and England has been the country especially favored by this change.

In 1850 the total foreign tonnage entering the ports of the United States was 1,775,623 tons, as against 2,573,016 of American tonnage. In 1860 the foreign tonnage entering our ports was 2,253,911 tons, as against 5,921,285 tons of American, showing a vast preponderance in our favor at that time. From 1860 to 1869 the European tonnage entering our ports has gradually increased, until it reached in that year the enormous aggregate of 5,347,694 tons, being nearly double that of our own; and this disparity is on the increase, so that it may be safe to say that it will not take very long for the carrying trade of the United States to disappear entirely so far as it is done in American bottoms. But as great as has been the decline in American tonnage within ten years, it is a singular fact that England has not made much progress. The tonnage of England engaged in the foreign trade in 1860, the year before our war, was 3,082,047 tons; to this add 803,303 tons transferred to England by citizens of the United States during the war, making an aggregate tonnage of 3,885,350. She had in 1866 but 4,166,308 tons, showing an increase by production of only 277,958 tons in five years. The increase from 1866 to the present time has been very slight, much less relatively than before for ten years. (See page 255 of report on the causes of the decline of American tonnage.)

And this, sir, presents the question as to the causes of this condition of things, for in attempting to apply a remedy it is necessary not only to understand fully the character of the disease, but to trace it to its origin. I am not one of those who believe that the confederate privateer Alabama accomplished all this, nor do I think that the *animus* of Great Britain in favoring the destruction of our ships alone produced the result. While in no way would I relieve England from a just responsibility for her conduct to the United States during the late war, nor abate our right to explanation and reclamation, I am not disposed to overlook the other agencies which have contributed so largely to affect injuriously the navigating interests of the country. Of course the destruction of our ships from 1861 to 1866, and the great hazard to the transit of American merchandise under the American flag on the ocean in consequence of the confederate privateers for the time being paralyzed this interest, but there were other agencies at work which had their origin in antecedent events. There was a time when we excelled the world in the construction of sailing vessels. In 1840 we introduced original models combining speed and beauty. So successful were we in these regards that we drove the English out of her own markets in many parts of the globe. We obtained almost a monopoly of what was termed the packet business between Europe and America, as well as in the East India trade. During this period it was conceded that in ocean navigation the United States had no competitor in what were known as clipper ships. Time had become a great element of value in commerce, and the Americans by superior energy and intelligence had learned how to apply its economy to the sea as well as to the land; slower Europe was forced to recognize its supremacy, and gave it a reluctant recognition.

But a new element within a few years has appeared. The propelling power of steam has been applied to ocean travel. It became apparent twenty years ago that this new appliance would render the fastest sailing ship too slow for practical purposes. It then also became apparent that for purposes of security and durability some other material in construction than that of wood must be used in order to secure the proper efficiency and application of the steam power. Hence, not only steam vessels began to take the place of the others, but it became necessary to construct them of material of which we were inadequately supplied, as compared with England. These changes from wooden sailing ships to iron steamships had been going on for ten years preceding the war. The spirit of the age, tending to a greater economy of time and space, facilitated the rapid promotion of this new engine of trade, and it became evident that as the locomotive had supplanted the stage coach in the land traffic, so would the steam-engine supplant the winds and tides, which had heretofore governed the sea travel. Circumstances thus favored England; she had long been in the practice of the construction of small iron vessels for the channel and other home trade; she had, by the experience of a century, brought the manufacture of iron into a high degree of perfection, and at a very early period had developed her industries in that direction, and was in actual possession of the required facilities for the construction of iron vessels at the opportune moment when it became so important to have them. This gave her an immediate advantage, which her capitalists were not long in discovering. With a large surplus of unused capital this new field of enterprise was quickly seized upon as a source of individual profit rather than national power.

For several years before the rebellion intelligent merchants on this side of the Atlantic recognized the change which was about to take place to our injury, and strove to obviate its effects. They saw that in the revolution which was impending in the character of ocean navigation we were to be placed in a very disadvantageous relative position. We had iron, skilled mechanics, industry, energy, superior intelligence, and a thorough knowledge of steam engineering; but we lacked experience in that particular branch; we knew little of the construction of marine engines; we had not the great and expensive works necessary; we were without cheap labor, and without the necessary capital to spare for such purposes; but notwithstanding these difficulties large works had been constructed. New York possessed the most important of these. We had the "Novelty" iron-works, which had built the Pacific line of iron steamships, the finest in the world; the Alaire works, the Ætna, the Fulton, and the Continental iron-works.

These and others elsewhere in the United States had entered into the field of competition with similar works in England, and struggled against a fearful disadvantage in favor of England, as to the cost of production. This it will be remembered was at a period antecedent to the war, and had risen out of a condition of things with which the war was wholly disconnected. Meanwhile, though circumstances were gradually appreciating the prices of labor and material in the United States, required in the construction of iron steam vessels, they remained stationary in England, thus securing what appeared to be a permanent advantage against us. England commenced the construction of iron steam vessels for every part of the world, which soon came in disastrous competition with the wooden sailing vessels of the United States. This affected our carrying interest in the East Indies and South America, as well as between Europe and this country. We had nothing to offer against it except the speed and beauty of an American clipper, which was comparatively a very slow coach indeed. Our own works had produced only the larger and finer class of packet steamships, and these had been constructed at a great cost, and were sailed at a much larger expense than any other ships in the world.

Another cause for the decline of our tonnage may be found in the over-production of vessels by our builders and merchants, from 1848 to 1860. The great stimulant given to trade and commerce by the yields of the California gold mines during this period, and opening up, as it did, a new field of ocean navigation in the Pacific, caused universal activity in our shipyards and marine work-shops. Over-production ensued, and a much larger number of both sailing and steam vessels were constructed than were required. Many of these were built at high cost and could not long be maintained with a profitable yield to the capital invested as against lower cost and interest in Europe. A reaction had begun as early as 1854, and was continued, with occasional changes, until 1860, when it became evident to intelligent merchants that over-construction of shipping, like all kinds of over-trading in commerce, would produce disastrous results to those who were directly interested in that kind of property. By reference to the amount of foreign merchandise imported into the United States during the years 1854 to 1861 it will be seen that the decrease had then begun. The following table will show this in figures:

Merchandise imported in American vessels.

1854	$215,376,273
1855	202,234,900
1856	249,972,512
1857	259,116,170
1858	203,700,016
1859	216,123,428
1860	228,164,855
1861	201,544,055

And yet another cause for the decline may be found in the fact that a considerable portion of our shipping which existed at the beginning of the war was transferred to the English flag for security against confederate privateers. The flag was merely changed, though not in all cases the ownership of the property. It is estimated that the aggregate amount of American tonnage so transferred amounted to 803,303 tons, and that about one half of this, or about 400,000, still remain under the British flag. This is classified in our reports as English or foreign shipping, though in fact it is American.

Another cause may be traced to the Chinese policy of our Government, in maintaining upon the statute-books laws which are in contravention of the spirit of the age and directly opposite to the policy adopted by all the maritime nations of Europe. I refer to our navigation laws, which shut out and preclude all foreign-built vessels from being used as American property.

Another cause may be found in the fact that one of the effects of the substitution of steam vessels for sailing ones is to materially decrease the necessity for so much tonnage in proportion to the amount of commerce required. A steamer makes about three times as many trips as a sailing vessel within the same time. Thus a given tonnage of steamship will do the work of about three sailing vessels. It follows that that proportion of tonnage may be dispensed with in doing the ocean carrying trade of the world. This is proven by the fact that England has but slightly increased in the aggregate of her tonnage within ten years, though she has received within that period a large accession of American vessels, and taken from us nearly all of the American carrying trade besides.

And the cause which is uppermost in the popular mind is the destruction of American shipping during the war. It is unquestionably true that that cause, together with the general apprehension and danger which beset our commerce on the sea for those four years, did very materially hasten the deplorable condition in which it now remains. It was not so much the amount of tonnage destroyed as it was the effect of the war, in various other respects, that

caused this rapid culmination. It is a fact that but about one hundred thousand tons were destroyed by the confederate privateers in all, and yet it is a common error to suppose, even among intelligent men, that nearly one fourth of the shipping of the country engaged in foreign trade thus fell a prey to piratical cruisers.

To these several influences, together with the absence of drawbacks, high taxes, depreciated currency, dear coal, and many things affecting labor and prices, may be attributed the causes which have in the aggregate produced the present condition of our prostrate navigating interest.

Such was the condition and prospects of our navigating interests when the rebellion commenced; and what occurred during those five years but hastened and completed a result which the independent circumstances to which I have referred had mainly contributed. So much for the causes and origin of the difficulty. What is the remedy? This is the most difficult question now before the American people for solution. It is not only necessary to understand the diagnosis of a disease, but also to comprehend what effect and relation the disease may have to other portions of the human system. Ship-building, whether of iron or wood, whether propelled by steam or sail, is but one of the industries of the country, and only one. It is a mistake to suppose that as such it has a commanding position over the commerce of the nation. While I recognize fully the necessity of promoting in every proper way the revival of this industry, and doing everything that is right in itself to secure its prosperity, I cannot admit the high claim which its friends assert of supremacy over all others, or that the whole country is dependent upon its success. It is an error to assume that even the commercial success of a people is dependent upon their power to prosecute commerce under their own flag. However humiliating this may be to our national pride, in view of our heretofore boasted supremacy in this regard, the fact is nevertheless true, that some of the most powerful nations of Europe have grown and prospered without any commercial marine whatever.

Take France, for instance. She has but just commenced to construct iron steam vessels for commercial purposes, having as yet scarcely any of her own. The French line of steamships between Havre and New York, which are successfully competing with the celebrated English Cunard line, are not of French construction. They were built, equipped, and fitted out entirely and altogether on the Clyde, in Scotland. She has also efficient and powerful lines of steamships to the West Indies, South America, China, the Baltic, and to all the ports in the Mediterranean. Her steam tonnage has quintupled, and her foreign navigation and commerce have doubled.

A large portion of this fine fleet of steamers is foreign built; but its use is not the less profitable to the nation; and as a natural consequence of the improved condition of her navigation, ship-building in her own ports has sprung up with vigor and success, and she will soon supply her own wants with vessels of a superior class.

North Germany has many fine steamships trading between the north of Europe and the United States, sailing under the Danish, Swedish, and Prussian flags, which were all built in England or Scotland.

Austria, though a despotic Government, has acted on the same principle. An immense empire, as regards territory, she possesses but one sea-port of any magnitude—Trieste, on the Adriatic sea—and yet she has created a commerce and a navy. She did not deny herself the benefits of these because she had no ship-yards, iron-works, or facilities for construction. The Government dry-dock at that port is of American construction, being built by John S. Gilbert, of New York, upon the principle of his floating-dock invention. She has a fleet of more than eighty steamships, nearly all of which are foreign built, but yet in successful trade, and contributing greatly to the national commerce of the country.

These countries continue to watch vigilantly, as heretofore, over their commercial interests, and encourage and promote in every possible way the extension of commerce under their own flags. It is true that in Europe they do not preclude citizens from the use of foreign bottoms. Here, by our navigation laws, we are not allowed to hoist the American flag over any but an American-built vessel.

I have said that ship-building in this country was but one of the industries, and as it is but one of the industries so is it a local industry. The construction of vessels for our foreign trade is confined to the sea-board, and its benefits as an industry, like other manufacturing, to those who are more immediately interested in it. While it may draw its supplies to some extent from the interior, yet practically its prosperity or depression has little relation to the vast population which inhabit the interior, except only as it cheapens or enhances the cost of transportation. The grain, cotton, and other agricultural parts of the country, all of which lie off the sea-board, look only to the opportunity to reach a foreign market, and at the lowest possible cost. This, aside from an honest sentiment of patriotic pride which desires to see and hear the success of American enterprise in foreign waters, is the only interest that the people of the interior can have in American ship-building. If their grain and cotton and the various other products raised for export can be carried to a foreign market at less cost by foreign-built vessels, it is natural that they should seek that medium.

People will not pay a high price for an article of American manufacture if they can procure the same article at a less price, even if it is of foreign manufacture. This is a law of trade, founded upon a homely principle of our nature, which is recognized and acted upon throughout the world by all people and all nations. It cannot be expected that that portion of the American people who have no direct pecuniary interest in the construction of vessels will make any very extraordinary sacrifices for the benefit of those who have. I speak now of the great bulk of the American people who are removed from the influence and interests which enter into ship-building. For myself, I take a deep interest in the promotion of American ship-building. I desire to see it restored to its former high position. In my opinion everything that in itself is proper should be done to revive this drooping industry.

There can be no doubt that it is a wise policy for nations to do that which in itself will secure their own material welfare. The present ruler of France has promoted the prosperity of his people by adhering to this principle with tenacity. No better illustration of this fact can be found than in his policy in dealing with England. He saw the great advantage of free trade. He opposed the restriction policy of French statesmen. He met Cobden half way in the removal of protective duties and in the establishment of free commercial intercourse between France and England. Quick to see the advantage which England had obtained in the application of steam-engines to ocean travel, he did not reject this vast element of commercial power, because he had no means within his empire at the time to construct it. He bought steamships of foreign construction, put them under the French flag, and thus made them French bottoms. This was enlightened statesmanship, founded upon a broad and comprehensive policy, and based upon the best interests of his country. The present emperor of Russia, another enlightened and progressive ruler, has acted on the same principle. Indeed, all Europe are to-day using articles of American invention and manufacture in every case where it is advantageous for them to do so. They do not, like ourselves, reject what is necessary and useful because it is not of their own construction. In the United States, where we boast of superior intelligence and progress, and with a freer system of popular Government, we discard and reject the same liberal policy. We do not permit an American merchant to purchase a foreign-built vessel, give to it an American register, and sail it under an American flag; the navigation laws prevent this. This is not the case with any nation in Europe.

I have stated the great preponderance of foreign tonnage over American tonnage now entering our ports. I am satisfied that at least two thirds of this foreign tonnage would become American property and the trade carried on by it be prosecuted by American enterprise, if the laws would permit. While, of course, the effect of this would be for the time being to depress still more ship-building in the United States, on account of our depreciated currency and the high price of labor and material, yet it would much decrease the cost of transportation of American merchandise abroad. This would act directly to the advantage of the agricultural and trading interests of the country. The shipping interest would also be favored, because, while home-built vessels might not be so much used for the purposes of trade, there would be a very large increase of trade itself and of the business which would necessarily grow out of it to those immediately interested in navigation.

Mr. CALKIN. Does the gentleman consider Hamburg or Austria a ship-building community?

Mr. WOOD. Hamburg is one of the finest sea-ports in the world, and can construct vessels. Austria has but one sea-port of any importance—Trieste, upon the Adriatic. There vessels can be constructed. John S. Gilbert, a New York mechanic, and a friend of mine, constructed the floating dry-dock now in the harbor of Trieste, which takes in and out the vessels belonging to the Austrian Government. It is true that compared with England Austria has no facilities for the construction of ships. No nation in the world can equal England in such facilities. But, sir, our navigation laws, which are founded upon an exclusive Chinese policy, directly antagonistic to the policy of every enlightened nation of the world, stand at the threshold of our harbors and prevent the ingress of any vessel under any other flag than that of the country in which she happens to be registered.

Mr. LYNCH. I wish to ask the gentleman whether the commercial marine of England and of the United States did not attain their highest point under the very laws which he is condemning?

Mr. WOOD. No, sir. The gentleman's own report answers his question. The figures which he embodies in that report show the reverse of his proposition: that England, down to 1850—and it was subsequent to that she repealed her navigation laws and opened her commerce to the world—showed not the condition of things to which the gentleman has referred.

Mr. LYNCH rose.

Mr. WOOD. The gentleman will have an hour after the previous question is seconded, and he can take up that hour in explaining any errors I may make in my speech. I will only say in passing, before I leave this single question, that any gentleman of this House may go to Europe, he may travel in every part of Europe, and he will find American inventions, he will find the results of American industry and American capital; they are not shut out because they are American, but of every class and every character are freely admitted. Therefore, notwithstanding our boasted freedom and superiority, we are in some regards far behind European statesmen in developing the advantages and good fortune of our country.

But, aside from these considerations, let us assume that it is essential and desirable that we shall do something in the way of legisla-

tion to restore the prosperity of American ship-building. How is this to be done? The evil with which we grapple is of magnitude. How shall we best eradicate it? Will this bill do it? I fear not. A disease which is constitutional, existing in every part of the organization of the human frame, but which develops itself in the surface only at one part, cannot be cured by an application to the part itself. Remedies must be provided which will affect the whole system and change somewhat the character of the blood, thus reaching the producing causes. This bill has but one remedy, and that is a soothing elixir administered in the character of a stimulant. It does not appear to comprehend the magnitude of the difficulty it seeks to remove, falling very far short of a just appreciation of both the causes and effects of the evil. Not only are the proposed measures comprehended in this bill insufficient for the accomplishment of the purpose, but some of the measures themselves are objectionable, and ought not to be adopted.

I now proceed to examine the bill more in detail, and shall briefly refer to its provisions.

The first section provides that upon all material entering into the construction of a vessel, whether steam or sail, imported from abroad, a rebate, or drawback shall be allowed, equal to the duties which were paid on such articles when imported. The effect of this would be to place the American ship-builder on an equal footing with the foreign ship-builder, so far as the cost of the material is concerned, except the expense of its transportation here. This is a correct principle. But why is it necessary to incorporate such a provision in this bill? We have a tariff bill pending, which comprehends all these articles, upon which it lays a heavy duty, whereas, if we place them on the free list, permitting them to come in free of duty, the necessity of this provision would be obviated; besides, the expense to the Government of the cost of the collection of the duty would be prevented. Therefore I suggest to the friends of this measure that they vote with myself and others of this House who are opposed to the imposition of high duties on such articles, so that they may come in on the free list. But it is an error to assume that the whole or that the most considerable part of the cost of a steamship lies in the material used. Labor, including the cost of engineers, constitutes about one half of the whole cost, and this is beyond the reach of legislation to affect, and is not touched upon by this bill.

I am in favor of the object of this section, but deplore the way in which the committee have sought proper to propose it. Then, sir, the proviso is very remarkable. It says:

That where American material is used in the construction of iron, steel, or composite vessels or steamers, there shall be allowed and paid, as aforesaid, an amount equivalent to the duties imposed on similar articles of foreign manufacture when imported.

This is rushing the protective principle. It does not, as heretofore, propose to protect a particular branch of industry by levying a high duty, but it takes the money out of the Treasury and pays it directly to those persons who happen to manufacture the same articles. Why, sir, that is a great extension of the protective principle. And if those who make articles in this country that are to enter into ship-building are to receive from the public Treasury in dollars and cents so much money directly, why should not the producer of wheat, corn, cotton, tobacco, and every other product of the country be allowed in like manner to put his hand into the public Treasury and take out the amount which in his judgment he ought to receive in accordance with this principle?

The second section is all right. It proposes simply that articles to be used as fuel and stores of vessels shall be allowed to go on board ship, for ship consumption, free of duty. This is clearly right. Every nation of Europe does this. It is a correct principle, and therefore I shall cheerfully vote for that section.

But when we come to the third section I find there what I cannot support. It classifies vessels into four different grades, each of which is to receive directly a subsidy or bounty from the Government. The first class is to receive $1 50 a ton; the second class is to receive $1 50 a ton; the third class $4 a ton, and the fourth class $3 a ton. I have averaged the amount of these subsidies, and divided the average by the aggregate amount of tonnage, and I find that this would take from the public Treasury, according to my estimate, over ten million dollars.

Mr. LYNCH. Your calculation must be wrong.

Mr. WOOD. The chairman of the committee says that my calculation is wrong. However that may be, the conclusion which I have reached is different, from his own. Now, this subsidy cannot possibly revive our foreign shipping interest. A bounty of four dollars a ton on a ship of four thousand tons would be no inducement. It would, however, have the effect of subsidizing the domestic trade, with which we have no competitor. The section applies to the coasting trade; it applies to vessels trading between New Brunswick and Portland, in Maine. There is a regular line of steamers sailing every day between the city of the chairman of the committee and the British provinces, and this bill will place in the hands of those interested in that line of steamers millions of dollars, while it will not to any appreciable extent benefit the foreign exporter or importer of New York, or any other class of people who are practically engaged in the foreign commerce of the country.

Mr. LYNCH. I desire to correct the gentleman in regard to what he has said about a daily line of steamers between Portland and the British provinces. There is a tri-weekly line of steamers running from Boston and Portland to the British provinces; and this would come under the head of the steamers running to and from the British provinces, which are to receive $1 50 per ton—only the same as sail-vessels.

Mr. WOOD. I will answer the gentleman by reading from his bill. I quote from the third section:

Upon every steamer running to and from the ports of the North American provinces, $1 50 for each registered ton.

Now, I know it to be the fact that there are such lines of steamers. I do not know whether they originate in Boston or not, but do know that they run from the gentleman's district to the British provinces, and will be directly benefited.

Mr. LYNCH. Will the gentleman allow me a word of explanation?

Mr. WOOD. Certainly.

Mr. LYNCH. I would explain that that provision is a limitation upon the amounts allowed to steamers. On steamers running to and from European ports we allow four dollars per ton; on steamers running to other foreign ports three dollars; but on steamers running to and from the ports of the North American provinces we allow only $1 50, being the same as is allowed to sail-vessels.

Mr. WOOD. The gentleman and myself do not differ, only he is very properly sensitive in regard to my reference to his constituents. I make no objection to the friends of the gentleman making all the money they possibly can out of the Government, if they do it rightfully, provided my constituents do not pay any part of it.

While there are sections, therefore, of the bill I can heartily approve, there are others I condemn. But it is inadequate to remove the difficulties under which the navigation interests now labor. All the advantage which the bill will give to those engaged in ship-building will fall very far short of the required remedy. It is doubtful whether it is within the sphere of legislation at this moment to accomplish this. While we may stimulate it by granting bounties, subsidies, and drawbacks, yet these would be but stimulants and aiders in a renewal of production, but not sufficient to revive our ancient supremacy and to maintain it afterward. Something of a greater or more substantial character is necessary to accomplish this. I will state very briefly what in my view is necessary.

THE REMEDIES.

1. In a very general revival of trade founded on a sound basis, with a specie-paying currency, the abolition of internal taxes, and a greater public and private economy.

2. New avenues of foreign commerce, so as to give business to the tonnage, and thus create the necessity for its increased production; our Pacific commercial resources to be more fully developed.

3. The readmission of the vessels which sought the protection of a foreign flag during the war to American registry.

4. The modification of our navigation laws so as to admit foreign-built vessels to American registry, either free of duty or on payment of a moderate duty on the tonnage of such vessels.

5. The allowance of a drawback on imported material which is used in the construction of vessels, or an equivalent to the drawback where American materials are used.

6. Permission to withdraw from bond stores and fuel to be consumed by vessels, on voyages to foreign ports, or to place the same on the free list.

7. Exemption of tonnage from all taxes other than by the Federal Government.

8. The granting of such moderate compensation by way of postage on mails as will insure the establishment of lines of American ocean steamers to the principal ports of the world, thereby enabling our citizens to participate in the profits of the trade created by such lines.

9. And by favoring to a small extent American bottoms in the imposition of tariff duties, so as to discriminate in their favor on all foreign merchandise imported by a reduction of existing rates on goods brought in by American vessels.

I shall attempt no elucidation of or argument to sustain these propositions; to do so intelligently would require an hour or more of time and would be more appropriate on another bill. For the present I leave them to be worked out by those who now listen to me or who may consider these remarks of sufficient interest to read when printed. I present them merely as suggestions, inviting thought and examination to them, confident that if these be carefully given my own conclusion will be reached; that if in them collectively a remedy cannot be found for the decline and fall of American ocean navigation none can be found that is at this time within the range of possibilities.

In conclusion, I regret that it has been impossible for me to give this question a wider range of discussion. There are many topics connected with it that I should have been happy to have referred to if the time allotted to me would have allowed. The Pacific trade is yet to open to us. That sea, with its abundant sources of wealth and as yet unexplored regions of vast commercial resources, remains yet to be developed. The Pacific railroad, the ship-canal across the Isthmus of Panama, and the telegraph about to be constructed across that sea to China, and thus to conclude the circuit of the world, are all subjects pertinent to and within the range of thoughts suggested by the questions before us. Upon another occasion I shall present to the House my views on these great topics, and hope to elicit those of others who are more competent to lift the curtain and to present the comprehensive view of that great future which awaits the American people in that direction.

In my judgment all these specifics and medicines and remedies are necessary to cure the patient—the sick man that is upon our hands in a dying condition. With these aggregated and put into legislation as far as we may, we may then see the commerce of the ocean car-

ried as before to a greater extent in American bottoms and under the American flag. Until some such great reforms as these are put into practical operation, until we come down to specie prices, until we have public and private economy, until we have legitimate commerce founded upon the actual capital of the country, until we take measures to develop a greater field for the operations of the commercial marine, until we adapt ourselves commercially to this new order of things created by the great revolution in steam, (which has made throughout the world within the last few years greater changes than were ever known before in the world's history,) we shall have no substantial and permanent change for the better in the navigating interests of the country.

Mr. WASHBURN, of Wisconsin. Neither the country nor this House needs to be told that our foreign commerce is nearly destroyed. Nor is it necessary to go at length into the causes of its destruction. It is well known that our present humiliating position upon the ocean is due in the main to the fact that during the late rebellion piratical cruisers built and manned in Great Britain, and armed with British guns, and leaving British ports under the British flag, were let loose on the ocean to destroy our commerce. They were in all respects British vessels except in having a southern rebel for commander. All this was done with the knowledge and consent of the authorities of Great Britain, whose object was to weaken us as a nation and to obtain a monopoly of the commerce of the world. This was done in a manner so shameless that Richard Cobden declared in Parliament that—

"You have been carrying on war from these shores against the United States, and have been inflicting an amount of damage on that country greater than would have been produced by many ordinary wars."

And John Bright said of the conduct of Great Britain:

"We supply the ships, we supply the arms, the munitions of war; we give aid and comfort to the foulest of crimes. Englishmen only do it."

Why were we thus treated by Great Britain in our hour of trouble? There was published in London a few weeks ago by the Messrs. Longman two volumes of "Selections from Speeches of Earl Russell, 1817 to 1841, and from Dispatches from 1859 to 1865, with Introductions." In these volumes Earl Russell has seen proper to append a lengthy commentary explaining his dispatches.

Let me put two passages side by side.

"The Government of Lord Palmerston and the people of Great Britain took the course which was required by a regard for their own honor, by the sentiments of sincere friendship which they entertained for the United States, and by a deep sense of their international duties."—*Vol. 2, page 248.*

"Hence, when there is a strong popular feeling, such as prevailed in the United States in behalf of the South American insurgents, and in a British port, and a portion of the British public on behalf of the confederate States, it becomes a matter of the gravest difficulty to convict persons of offenses against the foreign enlistment law. This difficulty arises by reason of the unwillingness of those who sympathize with the offenders to come forward and give evidence, the unwillingness of judges to press the law, and the reluctance of juries to convict persons who have their sympathy." * * * * * "These difficulties were felt by the British Government when complaint was made that vessels were being fitted out in the Mersey and the Clyde to prey upon the commerce of the United States."

Further on in his commentary on his dispatches he says that—

"During the discussions on the questions relating to the Alabama and the Shenandoah it was the great object of the British Government to preserve for the subject the security of the trial by jury and for the nation the legitimate business of ship-building."

Notwithstanding all present professions of friendship, could anything be said of Great Britain more damaging than these avowals of Earl Russell? What he says about trial by jury is simply nonsense, as no one had attacked the right of trial by jury. We have here the barefaced confession of the English minister that their "great object was to preserve for the nation the legitimate and lucrative business of ship-building." In this he no doubt speaks truly. That was one of the objects of Great Britain, and to secure that object it was necessary that our shipping and our ship-yards should be destroyed. Our Government was then at stake, and the question was whether a "Government of the people, for the people, and by the people, should perish from the earth."

While this issue was being wrought out in blood and carnage, we well knew where existed British sympathy and aid. Ship-building was lucrative, and Lord John wanted to preserve it for the British nation. It was "lucrative" to build pirates to destroy our ships, and it would be lucrative to build more ships to replace those destroyed, and still more lucrative if those destroyed were not rebuilt and they were left the carrying trade.

Our ships having been destroyed, shall we surrender to our destroyer the commerce of the world and the mastery of the seas, or shall we attempt to regain our position on the ocean by giving her the "lucrative" job of building our ships? I answer that we should do neither, but that national honor, a just resentment of unparalleled wrongs, public interest, and our future welfare all demand that we should assume a position of independence of that nation which in our hour of trial and deep distress sought our destruction. If it were but a question of to-day, and only the matters of dollars and cents were concerned, I might, perhaps, admit the force of the many able arguments in favor of free ships. It is a question of the greatest national importance reaching far beyond to-day, and we ought not to be afraid to meet it, and to apply such remedies as will restore to the country, if not its commercial supremacy, at least a respectable position on the ocean.

It can be done; it must be done, or we are a dishonored nation. To the question how it should best be done the special committee has devoted itself. They find the subject full of difficulties, and they have endeavored to surmount them as best they could. They have found great diversity of opinion as to what is the best policy to pursue, and men that to-day petition Congress to adopt the bill reported by our committee are found to-morrow sending to the Senate a remonstrance against it. Such utter trifling among some of the men engaged in the shipping business as has been disclosed is most discouraging, and is well calculated to disgust those who would gladly do something to lift the shipping of the country out of the "slough of despond." I hold in my hands a copy of a remonstrance introduced into the Senate, signed, or purporting to be signed, by a large number of "American ship owners," in New York. An examination of this remonstrance discloses the remarkable fact that many of the signers had already signed a petition in favor of the bill now before the House, and that many others belonged to foreign shipping houses, pure and simple, and the balance not ship-owners at all.

I cannot but believe that the gentlemen who signed this remonstrance, who are really Americans, did so under a misapprehension of what they were signing. To suppose otherwise would be to regard them as a trifling set, unworthy of notice. The only opposition to this bill is that New York remonstrance. The most of the persons who signed that remonstrance are members of the New York Chamber of Commerce, which body has sent us the strongest kind of an indorsement of the bill. That the English houses who signed the remonstrance knew what they were about we may well believe. Of course John Bull does not want this bill to pass.

At almost every step in the progress of their investigations the committee has been able to trace out the causes of the decadence of American ship-building and American commerce, until it has reached its present condition; for though the substitution of iron for wood was working a great change in ship-building before the war, we should readily have conformed to that change, and with our labor question undisturbed, and with our currency on a specie basis, we could have kept pace with Great Britain in building iron ships; but this became impossible with British cruisers engaged in their destruction, and with the disturbed condition of our labor and currency; and it is now rendered absolutely certain that nothing short of Government aid, either in drawbacks, subsidies, or differential duties, can put ships afloat to compete with the Power that has driven them from the ocean. To what extent that aid shall be given, if given at all, is for Congress to decide. Before the war the commerce of the whole world was carried on by about seventeen million tons, of which nearly one third belonged to us, and our tonnage was within a trifle equal to that of Great Britain. To be entirely accurate, I should say that our tonnage engaged in the foreign carrying trade reached its highest point in 1861, when it amounted to 2,642,628 tons, while that of Great Britain at the same time was 3,179,683 tons. From 1850 to 1860, our tonnage in the foreign trade had increased 60 per cent., and had it gone on to increase from 1860 to 1870, at the same ratio, which is not probable, had there been no disturbance, it would now reach 4,228,204 tons; but instead of that it had fallen in 1866 to 1,492,926 tons, or a loss of 1,149,902 tons, while Great Britain had increased over thirty per cent. during the same period. The following tables present in the most striking form the rise and fall of our mercantile marine, and tell the whole story:

A table showing the amount of American and foreign tonnage entered the ports of the United States from foreign countries in 1830, 1840, 1850, and from 1860 to 1869, both inclusive.

Fiscal years.	American tonnage.	Foreign tonnage.	American in excess of foreign tonnage.	Foreign in excess of American tonnage.
1830	967,227	131,900	835,327	-
1840	1,576,946	712,363	864,583	-
1850	2,573,016	1,775,623	797,393	-
1860	5,921,285	2,353,911	3,567,374	-
1861	5,023,917	2,217,554	2,806,363	-
1862	5,117,685	2,245,278	2,872,407	-
1863	4,614,698	2,640,378	1,974,320	-
1864	3,066,434	3,471,219	-	404,785
1865	2,943,661	3,216,967	-	273,306
1866	3,372,060	4,410,424	-	1,038,364
1867	3,455,052	4,318,673	-	863,621
1868	3,550,550	4,495,465	-	944,915
1869	3,402,668	5,347,694	-	1,945,026

Now, as to how far the Government should go in extending aid to rebuilding up our mercantile marine there doubtless will be much difference of opinion. The views of the committee you have in the bills now before the House. I do not profess to be very sanguine that if enacted into a law they will accomplish all that could be desired. That they will be of material assistance there can be no doubt, but whether such laws will enable us to successfully compete with long-established and subsidized lines is more than doubtful, and to enable us to put afloat lines to compete with existing lines crossing the Atlantic something

more may be required. The change in the tonnage dues it is estimated will enable us to pay a bounty on steamers crossing the ocean of four dollars per ton, without drawing any money from the Treasury; and the right to a drawback on foreign materials going into a ship, according to the class of vessel, will, in point of fact, take no money from the Treasury, as little or no foreign material now goes into an American ship, for we build no such ships. Should parties elect to use American material in place of foreign, then a bounty on this class of iron ships equal to the duty is to be allowed. This provision giving a bounty I do not feel that I can support except to a limited exteat. While the committee is hopeful that the encouragement we hold out will revive our shipping interest and put our ship-builders at work, it may be that something more must be done or we shall be left for an indefinite period without an American steamship crossing the ocean. To build up such lines both England and France have been compelled to grant large subsidies. I call attention to this fact, that no steamer now crosses the ocean under the American flag, and we occupy the humiliating position of being entirely dependent on Great Britain for the carrying of our own mails. How different has been the policy of Great Britain, and how have results vindicated that policy!

The question of granting subsidies, whether wise or unwise, is not likely to be received with public favor. Could Government aid be extended to a moderate degree to able, liberal, and patriotic parties, who would be actuated by a generous public spirit to see our foreign commercial marine built up, and would put in their own money without expecting enormous profits, there would doubtless be a disposition to grant such aid to such persons to a limited extent, the Government expecting to be fully remunerated in the transportation of her mails and in having a class of ships always in readiness to convert into swift cruisers in case of war. But all the indications are that the race of men once denominated "merchant princes" is well-nigh at an end. Most of the men now-a-days who come to Washington asking favors go upon the principle of getting all they can out of Uncle Sam and giving the least possible service in return.

The moment you talk about encouraging responsible men to establish lines the city swarms with confidence men, each of whom has his particular pet scheme for depleting the Government Treasury. I see that the papers say that this committee is going to report any amount of subsidies to new lines. I serve notice on the entire lobby that they had better go home and go to work. They are fooling away time here. I am satisfied that any proper subsidy bill cannot pass. No bill for new lines that has not a big job in it can pass, and certainly none that has a job in it will ever be reported by this committee.

I acknowledge the force of many of the arguments in favor of purchasing foreign-built ships, and I do not deny that my opposition is somewhat of feeling, and that it is difficult to forget John Bull's meanness during our late war. But were it otherwise, and had England been our friend instead of our enemy, I should regard that an unwise policy that would make us dependent on her for our ships. Put our ship-builders as near as may be on an equality with foreign builders by giving them their materials free of duty, and to builders of iron steamships of two thousand tons and upward for the foreign trade allow the bounty provided by this bill, but nothing more. Our coasting and internal commerce is now a monopoly, free from foreign interference, and needs no protection. To the persons who will sail our ships give the right to hold in bond the necessary supplies. With these advantages many of our iron ship-builders say that they will ask no more.

By liberal legislation and heavy subsidies England has established lines all over the world, and all the channels of foreign trade are now in her possession, and her naval power has been quadrupled thereby. Shall this continue, or shall we put forth the necessary means to enable us to regain our former position on the ocean? I have already reminded you of the fact that we have not now a single steamer crossing the ocean. We all were painfully reminded of this fact a very short time ago by the Cunard and Inman lines of steamers refusing longer to carry our mails unless on their own terms, and our mails are now being carried under a temporary arrangement that may be terminated at any time.

This should not be, and it is a disgrace to this great nation that it is allowed to continue for a day. Can it be avoided without too great cost? Bear in mind this fact, that Great Britain has one hundred and sixty-four lines of steamships leaving her ports for foreign countries. Some of the lines have a great number of first-class iron ships, the Cunard line having twenty-four, the Inman sixteen, and the Peninsular and Oriental fifty-seven. She pays every year in subsidies to her mail lines over five and a half million dollars, about two millions being to lines connecting with this continent. The result of her policy has been to give her nearly two thousand swift iron ships, many of first class, that may at any moment be taken by the Government and converted into war ships, and she has thus more than quadrupled the effective force of her navy. How efficient this class of vessels would be may be judged from the fact that one of them, the Bombay, but the other day ran down one of our war ships, the Oneida, as if she was no more than a Chinese junk, and passed on her way unharmed and just as though nothing had happened. We are spending twenty million dollars and upward a year upon our Navy, and in the last nine years our total naval expenditures have reached about five hundred millions, and what have we to show for it? Nothing, absolutely nothing.

Admiral Porter, who appeared before our committee, gave testimony in regard to commercial ships for war purposes of the most important character. His opinions are entitled to great consideration. They are so clear and forcible that I beg the indulgence of the House while I read from his testimony. In answer to interrogatories he said:

"If the United States possessed the steamships plying between New York and Europe the Government would have a better Navy than it ever had. There was not a ship in the American Navy that could compare with the best ships on the English and French lines in point of speed, stability, or for carrying guns. The ship that would carry merchandise would carry guns. All those vessels could be fitted with masts in a very short time and rigged completely. They could keep the ocean three years without burning a pound of coal. This remark applied to the European screw-ships, of which he thought there were now sixty-five engaged in the New York trade, while the United States had not one.

"The CHAIRMAN. I understand you to say that a class of vessels can be built for commercial purposes that can be readily converted into vessels of war?

"Admiral PORTER. Yes, sir; nearly every ship that was used during the war was a merchant ship. He went on to say that this diversion of the trade was driving from the American service all its naval engineers. The foreign vessels were all run by foreign engineers; there were not many American engineers on board of them.

"When the rebellion broke out, all the American ships that were engaged in the European trade got such heavy profits from the Government that they were at once absorbed in the Navy. If the United States had possessed half the number of steamships now engaged in the European trade with New York he did not think that the rebels would ever have got a bale of cotton from a southern port, and that the rebels would have had to submit long before they did. The American Navy at present was made up of tugs and old converted ships. It possessed ten or twelve or fourteen vessels that were planned to suit Isherwood's machinery, and at a cost which nobody knew. There has been $480,000,000 expended by the Navy during the war, and he thought that $280,000,000 of that sum had been expended in the steam department, yet the Navy had not much to show for it. Those ships, designed and built for Isherwood, were lying in navy-yards entirely useless. The Department was trying to convert one of them into something, but it did not know whether it would succeed or not. It had been found necessary to take out half of her engines to make room for the people to live on board of her, and for the coal necessary to be carried. She was so filled with machinery and boilers that there was no place in her to carry coal or men. He referred to the Wampanoag. When that vessel went on the trial trip and came back into port she had to send her crew on board the New Hampshire, receiving ship, because she had no place to put them. There were twelve or fourteen of those vessels in the Navy, and they were practically of no use. The Navy also possessed about thirty tugs, the largest of them about three hundred and fifty tons. Two of them had been sent to sea the other day to take care of the iron-clad Dictator, going to Key West, and they had got into a gale of wind, and she had to take care of them; and these were two of the best of them. Then the Navy had also a lot of little vessels, not inaptly described as canal-boats—vessels of five hundred tons. He believed that thirty ships such as the Pereire, on the French line, would make a better Navy than the United States possessed today. There were a great many iron-clads on the Navy list, but twenty-six of them had been condemned as being unfit for anything except for old iron, and no one would buy them for that. There were about thirty good vessels in the Navy altogether, fit for war purposes, and these were wooden vessels, and about ten monitors.

"The CHAIRMAN. I understand you to say that if we had, at the commencement of our late war, thirty such vessels as you speak of, the best European steamers, they would have been as efficient as was our entire Navy?

Admiral PORTER. Twice as efficient. I say that without any hesitation. The ships that we had could catch nothing. We never had a vessel that could run down a blockade-runner during the whole war except the Vanderbilt and two others. Whenever we caught blockaders it was either with one of those fast tugs, vessels of fifty or sixty tons, or by the machinery of the blockade-runner breaking down, or by her getting into a fog and being surrounded by four or five of our vessels, when she would surrender rather than be fired at. I do not think that during the war we caught thirty vessels by fair running; that I am quite satisfied of. Any one of those vessels on the European lines can run away from anything we have got in our Navy, and can run them out of sight in seven hours; and that is not saying a great deal. The iron-clads that we have are for home defense. They cannot go to sea. We send them to sea now and again because we have nothing else to send, but they all require two or three vessels to go with them in case they should break down or get out of coal. They are, therefore, of no use, except for harbor defense. In case of war with a foreign nation, such as Great Britain or France, our great power would be in cutting up their commerce. Great Britain could not stand a war six months with a fleet of vessels that we would send out after her commerce. They would break her up root and branch, and that kind of warfare would be more apt to bring about peace than fighting with iron-clads or heavy war vessels. The Alabama and another confederate vessel destroyed one hundred and eighty-six American vessels, amounting, I think, with cargoes, to about seventy million dollars. Now, if two vessels could do that, imagine what two hundred could do. I think that one screw propeller which would use sail power, and when necessary put on steam, to chase or to be chased, would do more harm to a foreign enemy than all our iron-clads put together. I think that Great Britain has about three thousand steamships altogether, and I suppose that there must be at least three hundred of them subsidized.

"Mr. CALKIN. You spoke about the decrease of American engineers; how is it in regard to captains and officers in the mercantile marine?

"Admiral PORTER. They would constitute a force which we would be very glad to draw upon in case of emergency, as we did in the last war. Our naval force is very small, a mere nucleus. Every naval officer in time of war becomes an instructor. That was part of his occupation in the last war. Most of our officers were volunteers from the merchant service; hardy, brave fellows, but without education as to the duties of vessels of war, which it requires a pretty long time to learn. But in a war with a foreign nation we could not have a better class of men for the purpose of sending home prizes, or doing other subordinate duty. I am sorry to say, however, that the best class of men in our mercantile marine are fast disappearing. When we had sailing vessels across the Atlantic our packets were the most superior vessels in the world, and I do not think that even the best naval officers were better men than the captains of those ships. They were the best class of merchant seamen in the world. They are all disappearing. There is no field for them. They do not command steamships, and have no opportunity of displaying what they are, or of learning anything. I think that on that account it would be very advantageous for us to have a better system. All our good seamen have left our service and have gone into the service of foreign companies, almost losing their identity, and hardly knowing that they have got a flag. They have sailed so long with the English, the French, the Germans, and the Dutch that they hardly fraternize with their own countrymen.

"The CHAIRMAN. What would be the effect of going abroad to buy ships, instead of building them here?

"Admiral PORTER. The first effect would be a very big political controversy.

"The CHAIRMAN. I mean, what would be its effect upon the character of our mercantile marine and of our Navy in time of war?

"Admiral PORTER. If we were to go into that business altogether it would break up the ship-building in this country, and that would be very impolitic. Our policy is to keep up our ship-building interests. There are only one or two ships on the stocks in New York now, and I have seen one hundred and fifty of them at a time.

"Mr. CALKIN. There is only one ship on the stocks in New York.

"Admiral PORTER. I do not think there is one at all in Boston. I was down the coast last summer, from Portland through the different cities, examining navy-yards and dry-docks and ship-yards, and I do not recollect seeing any more than that one ship building anywhere. That is a very sad picture."

Shall we continue to be without such ships? The carrying trade was never greater than now; our exchanges were never greater, and the number of people crossing the ocean was never greater. Of the hundreds of thousands of immigrants every year coming to this country to settle and become citizens, not one can come under the stars and stripes, though it is but reasonable to suppose that they would nearly all prefer to do so. England obtains nearly all this valuable trade, and we, not satisfied with paying her annually hundreds of millions for her manufactures and gewgaws, must also insist upon that policy which enables her to have a monopoly in their transportation. Any future war with any of the great Powers of Europe must be one upon the ocean. In any such war the great ability of Great Britain to harm us would be in her swift merchant ships converted into war vessels to destroy our commerce. They would swarm on every sea, and in thirty days we should not have a vessel that would venture beyond our own headlands, for our slow naval vessels would never come within gunshot of those swift cruisers.

We are appropriating over twenty million dollars a year to keep up our Navy in time of profound peace, when it is utterly useless; and from the character of its vessels it would be entirely powerless to harm our adversary in time of war. The day of wooden ships is ended as men-of-war, as witness the Cumberland and Congress going down in a few minutes before the iron-clad Merrimac.

Shall we go on to expend $20,000,000 a year on such a Navy as we have, or shall we change our policy somewhat and use some of that money to encourage the building of some iron ships that may be usefully employed in commerce in time of peace and as swift cruisers in time of war? To maintain a foreign squadron costs a great deal of money, an admiral's ship alone costing $600,000 a year. It is asserted that it is necessary to protect our commerce and maintain the dignity of the nation, and give the world an idea of its resources and its power, that such squadrons should be kept up. I stated the other day, and it will bear repeating, that an American captain has stated to the committee that before the war he was in the harbor of Rio with his ship, and that at the same time there were forty other ships in port loading with coffee flying the American flag, and but one American war ship, the old John Adams, a sailing ship. Two or three years ago he was in the same port, and his ship was the only one flying the stars and stripes, while at the same time there were seven United States war vessels in port to protect him.

A large American ship-builder informs me that he met but a few days ago an old acquaintance, long in the India trade, who had just come from China in the Pacific line. The friend said that ninety days ago he was in Calcutta, and there were then in that port but three American ships, while before the war he had frequently seen in the same port at one time over one hundred ships flying the stars and stripes; yet in those days a single war ship in East Indian waters was all that was deemed necessary for the protection of our commerce there. Can any one doubt that the forty vessels engaged in peaceful commerce at Rio and the one hundred ships thus engaged at Calcutta impressed the people of those countries more with the power and resources of this Government than the large squadrons of war ships now maintained on those stations? It is our commercial vessels that before the war visited every sea and exhibited the American flag, that has made us known, honored, and respected abroad.

I am aware that there are some who will say, "If England will do our carrying trade cheaper than we can let her do it." I think I understood the gentleman from New York [Mr. WOOD] to take the position that the people do not care about that matter; that the question with our people is, who will carry our freight the cheapest; that it is a matter of no consequence who carries the freight; if Great Britain can carry it cheaper than we can let her carry it. As I understand it, that is the position of the gentleman from New York, [Mr. WOOD.] I do not believe that is the feeling of the people of this country. I believe there is not a human being within the sound of my voice, who is an American, who would not prefer, if going to Europe, to go under the stars and stripes, even if it cost him a little more money to do so.

I believe there is some national pride in this matter. I believe if our people could see that they were building up a great commercial marine, which should be a powerful auxiliary in case of war, they would gladly submit to pay something more to enable them to have such an auxiliary, and to maintain the honor and credit of the nation.

I invite the attention of the gentleman from New York [Mr. WOOD] to how different has been England's policy! That it has been a wise policy we know from its results. I beg leave to call the attention of the House to a discussion upon this subject in Parliament in 1867. It will be seen that England is for free trade when free trade is her interest; but when free trade would give other nations a chance with her she is as much in favor of protection as ever.

In 1867 the subject of the renewal of the subsidy to the Peninsular and Oriental Steam Packet Company was before Parliament. The treasury department had invited offers from the Messageries Impériales, a French line, for carrying the Indian mails. A very lengthy and able discussion sprang up in the House of Commons over the proposition, which was participated in by the leading members of that body, and I beg leave here to read from some of the speeches made on that occasion. Mr. Crawford, member of Parliament, said:

"Now, what I desire to do on this occasion is to protest, in the name of what I consider to be the interest of the country and the interest of commerce, and in justice to our own companies, against the ships of the Messageries Impériales or of any other foreign company being employed in the conveyance of our eastern mails. [Loud cheers from all parts of the house.] You may carry the principle of economy too far. ["Hear! Hear!"] Such a course of proceeding would be free trade gone mad. [Renewed cheers.]"

* * * * * * * * * *

"The French have seen what the Peninsular and Oriental steamers did in the Crimean war. They then carried upward of sixty thousand men from this country, two thousand officers, and between eleven and twelve thousand horses. We know what was done by another company in the 'Trent' affair. We know how ten thousand men were sent out to Canada by the Cunard line of steamers and other vessels almost at a day's notice."

I think we hardly knew what she was about at that time, we were so much engaged at home. But in a few days' time she sent out ten thousand men upon these subsidized steamers to reënforce her army in Canada. I ask the House to indulge me a moment longer in reading from this discussion. Mr. Crawford further says:

"I think, then, that it is rather too much to expect that the interests of this country, commercial, social, and political, should be made to depend upon the good will of any foreign nation whatever."

Mr. Laing, in the same debate, said:

"But when you come to a question like this, when all the steamers that enter the ports of the East, and which are employed in conducting the correspondence and communication with all parts of the East, are seen to carry the French flag, then, I say, there is nothing so dangerous to the prestige of the English name as to have it supposed that French enterprise and French influence have the preponderance, and that the French flag has taken the place of the English. [Loud cheers.] There is nothing, I am satisfied, that tends so surely to keep up the name and influence of England in the East as the sight of those splendid steamers coming and going with the regularity of clock-work on the weekly, fortnightly, or monthly performance of their voyages."

You thus see what is the policy of our great commercial rival, and you know the result of that policy. I do not expect our Government to follow her example; but I do hope that where we can legislate for the restoration of our shipping interest without doing so at the expense of any of our own people we shall do so. To let in the materials for building ships free of duty will harm no American interest; for we now build no ships and we obtain no duties from that class of materials. On that portion of this bill I hope there may be entire unanimity, as well as on the proposition to hold in bond the supplies consumed on American ships in the foreign trade.

The gentleman from New York [Mr. WOOD] objected to this, I believe, because we do not admit free of duty the materials for ship-building; but at the close of his remarks I think I understood him to declare his willingness, as one means of restoring our commerce, to allow a drawback on such materials.

Mr. WOOD. Allow me to explain what I said. I declared myself in favor of placing on the free list articles entering into the construction of vessels, so as to avoid the expense of collecting duties and the frauds incidental to importation.

Mr. WASHBURN, of Wisconsin. So I understood the gentleman at the commencement of his speech; but at the close, when he was enumerating his different remedies——

Mr. WOOD. I said that I would either allow a drawback or would put the articles on the free list. I do not think there is a very material distinction.

Mr. WASHBURN, of Wisconsin. Then I have not misunderstood the gentleman. As one of his remedies he proposed to allow a drawback. That is just what we propose. Although he would put the matter in a different form, and dispense with the passing of the articles through the custom-house, yet there are good and sufficient reasons for such a requirement. Nor do we disagree with regard to allowing ship stores to be taken out of bond free of duty for the use of our vessels on foreign voyages. The points of disagreement between us which are at all substantial are in regard to the tonnage duty and the giving of a bounty. The right to collect a tonnage duty from all vessels arriving in our ports is clear and unquestionable; the gentleman from New York will not dispute this; and it is nobody's business but our own what we do with the money thus collected. We place it in the United States Treasury. What, then, if we appropriate in bounties to our own shipping any sum we please, who but our own citizens have the right to complain? Suppose that that sum in the aggregate should be equal to the tonnage duties collected; is that anybody's business but ours?

This committee has considered almost every conceivable proposition for the revival of our commerce, and the measures they have reported are the best that the committee could agree upon. But show me a better method, and I am prepared to go for that. I am wedded to no particular scheme. For myself, I will say that I am prepared to support any measure that will effectually restore our commerce and add to the strength and honor of the country. I have already said that I regard subsidies for new lines as impracticable. To none of the great commercial countries of the world do we owe anything; and especially is this the case with France and England, the countries with which we have the greatest intercourse, both our enemies when we were in trouble. I am disposed to have this country avail itself of

every means in its power to wrest from them what they have taken from us, and if that could be done by a system of discriminating duties I would say at once, abrogate your commercial treaties, and discriminate in favor of American bottoms to the fullest extent that the case will bear. That I understand to be one of the methods proposed by the gentleman from New York—the abrogation of our commercial treaties and the imposition of a system of differential duties.

Mr. WOOD. I do not think I said anything which could be construed into such a declaration as the gentleman puts into my mouth. I said I was in favor of the modification of the navigation laws so as to place foreign tonnage upon an equal footing with our own tonnage as respects the commerce of the nation.

Mr. WASHBURN, of Wisconsin. I understood the gentleman to propose a system of discrimination in our duties in favor of American bottoms.

Mr. WOOD. Yes, sir, I would adopt a discriminating duty in favor of merchandise imported in American bottoms against that imported in English bottoms.

Mr. WASHBURN, of Wisconsin. So I understand the gentleman. This remedy has been fully considered by the committee and been rejected. Should we adopt such a system there would be immediate retaliation. We might, no doubt, place such a differential duty as would force all merchandise coming from Europe to come in American ships, and England would force all products going to England to go in English ships. The result would be, the ships of each country would be compelled to cross the ocean one way without freights, and consequently would have to double their rates, and the loss would come out of the public.

Mr. ALLISON. I would like to ask the gentleman a question. If we impose, as proposed by this bill, a charge of $2,000 upon each entry of a foreign ship, would not foreign nations be likely to retaliate by levying a similar charge upon each entry of an American ship? In other words, would not the principle of retaliation apply to this provision as well as with respect to differential duties?

Mr. WASHBURN, of Wisconsin. That is very likely. I do not expect that we shall get ahead of England in any little financiering of that kind.

It may be said that England could not retaliate she could not afford to put a duty on our cotton and breadstuffs, and that her people would not stand it. That may be true as to cotton, that she cannot afford to impose on her cotton-spinners any duty that will make her raw material cost more than ours; but it would cost no more, as it would all be carried in British ships free of duty. But she is not dependent on us for her breadstuffs. The time is near at hand when we can no longer compete with the cheap grain-growing regions of Europe in supplying England with her bread. The great railway system of Russia, bringing her grain-fields and ill-paid labor almost to the shores of the Baltic and Black sea, is already being felt to the great cost of the American farmer, and he may as well make up his mind, first as last, that that market will soon be taken from him. England will be certain to find ample means of retaliation. Let no one deceive himself in that regard. Though her course toward us during the war was absolutely infamous, we are forced reluctantly to admit that she is the most powerful nation on the earth, as well as the wisest and most far-seeing. I am entirely willing that this discriminatory duty question should be considered, and if there is any good in it I am for it. But let us pass the bill of the committee, with such amendments as are proper, and then if you can supplement it with any other measure of relief I am sure that none will more rejoice than myself.

Mr. CLEVELAND obtained leave to have printed, as part of the debates, some remarks on the pending bill. [See Appendix.]

The SPEAKER. The morning hour has expired.

EXPENSES OF NAVAL SERVICE.

Mr. SCOFIELD, by unanimous consent, presented a letter from the Secretary of the Navy, relative to expenses of the naval service for officers, men, and materials; which was referred to the Committee on Naval Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of its clerks, informed the House that the Senate had passed a resolution placing at the disposal of the House one thousand copies of the reports of the Paris Exposition, ordered to be printed by the Senate on the 3d of March, 1868, and placing fifty copies in the Congressional Library for its exchanges.

The message further announced that the Senate had disagreed to the amendments of the House to the bill of the Senate No. 846, granting a pension to Rebecca Shumaker, asked a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOWELL, Mr. PRATT, and Mr. SPENCER as the conferees on the part of the Senate.

The message further announced that the Senate had disagreed to the amendments of the House to the bill of the Senate No. 147, granting a pension to William B. Looney, of Alabama, asked a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPENCER, Mr. HOWELL, and Mr. PRATT the conferees on the part of the Senate.

The message further announced that the Senate had passed bills and a joint resolution, in which the concurrence of the House was requested, of the following titles:

A bill (S. No. 241) to relinquish the interest of the United States in certain lands to the city and county of San Francisco;

A bill (S. No. 268) granting public lands in the State of Alabama to the Decatur and Aberdeen Railroad Company to aid in the construction of a railroad to be built from Decatur, Alabama, to Aberdeen, Mississippi;

A bill (S. No. 381) granting lands to aid the construction of a railroad from the western boundary of Minnesota, at the junction of the Sioux Wood river with the Red River of the North, to the Winnipeg district of British America; and

A joint resolution (S. R. No. 115) to provide for the payment of the claim of Martha A. Estill, administratrix of the estate of James M. Estill, Redick McKee, and Pablo de la Toba.

ISAAC H. CHRISTIAN.

Mr. PORTER, by unanimous consent, reported back from the select Committee on Reconstruction the bill (H. R. No. 1890) to remove legal and political disabilities from Isaac H. Christian.

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

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

The latter motion was agreed to.

NEW YORK JUDICIAL DISTRICT.

Mr. HOTCHKISS, by unanimous consent, introduced a bill (H. R. No. 2047) to reorganize the judicial district of the State of New York; which was read a first and second time, and referred to the Committee on the Judiciary.

TEXAS PACIFIC RAILROAD.

Mr. ROOTS, by unanimous consent, introduced a bill (H. R. No. 2048) to incorporate the Texas Pacific railroad, to aid in the construction of its road, and for other purposes; which was read a first and second time, and referred to the Committee on the Pacific Railroad.

SALE OF PENSION CERTIFICATES.

Mr. MUNGEN. I ask unanimous consent to submit the following preamble and resolution:

Whereas the following article, over the signature of Hon. H. Van Aernam, Commissioner of Pensions, is going the rounds of the public press:

DEPARTMENT OF THE INTERIOR,
PENSION OFFICE, WASHINGTON, D. C.,
February 2, 1870.

DEAR SIR: In response to your verbal inquiry about the number of pension certificates held by third parties as collateral security for money loaned to pensioners, I beg to state that, from apparently reliable representations made to me since connected with this office, there are parties in all of the large cities who make a regular business of loaning on these pledged certificates of security; that some of these parties hold from five to eight thousand certificates, and that the rate of interest is three or five dollars if the loan is made soon after the semi-annual payment is made, and if loaned within twenty or thirty days of the next semi-annual payment the rate is reduced to four or five dollars. Generally these loans or advances are made in driblets, in small sums, reaching through the six months intervening between the payments, in all of which cases this interest is charged at the highest rates. One broker of this kind told me last July that he had at that time over forty-four thousand dollars out at such rates on securities.

I am, very truly, yours,

H. VAN AERNAM.

Hon. WILLIAM LAWRENCE,
House of Representatives.

And whereas if such things exist they do so in clear violation of the pension laws of the United States, and are flagrantly outrageous of the rights of the pensioners, and deserve the censure of every pure-minded man: Therefore, with a view of correcting this great wrong,

Be it resolved, That a committee of five members of this House be appointed to investigate the subject, with power to send for persons and papers.

Mr. WASHBURN, of Wisconsin. I object.

HOMESTEAD LAW.

Mr. LAWRENCE. I ask unanimous consent to introduce and put on its passage a bill to amend the homestead acts.

Mr. WASHBURN, of Wisconsin. I object.

Mr. RANDALL moved to reconsider the various motions of reference; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WASHBURN, of Wisconsin. I move that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union on the Navy appropriation bill; and pending that motion I move that all general debate on that bill in committee be closed in three hours after its consideration shall be resumed.

Mr. DAWES. I move that the time for general debate be limited to one hour and a half.

Mr. WASHBURN, of Wisconsin. I think that three hours are not too much time to allow for the general discussion of a bill involving an appropriation of $16,000,000.

Mr. SARGENT. I hope the debate will not be limited to one hour and a half.

Mr. PETERS. I hope it will. I think one hour is enough.

Mr. COX. Maine has already been heard on this bill. Gentlemen from that State have had their time.

The amendment of Mr. DAWES was agreed to.

Mr. COX. I will demand the yeas and nays on this unless we have more time. It is not fair the debate should be cut off in an hour and a half. I move to reconsider the vote by which the amendment was agreed to ordering the general debate to be closed in one hour and a half on the Navy appropriation bill. On that motion I demand the yeas and nays.

Mr. DAWES. The yeas and nays will take up an hour, and I am willing to make the time two hours.

Mr. WASHBURN, of Wisconsin. I think it is only fair that three hours should be given to the discussion of a bill as important as this one.

Mr. COX. Why does not the gentleman from Massachusetts let the gentleman from Wisconsin manage his own bill? The gentlemen on the other side have been heard on this bill, while we have not yet had a chance to be heard.

The yeas and nays were ordered.

Mr. DAWES. I appeal to the House, instead of consuming time in calling the yeas and nays, to let an hour be added to the hour allowed for general debate.

Mr. INGERSOLL. I object to making it two hours.

Mr. COX. It was the understanding that three hours should be allowed for the general discussion on this bill.

Mr. WASHBURN, of Wisconsin. I shall not occupy any more time on the general discussion of this bill. It involves $16,000,000. I do not think an hour and a half is enough time. Several gentlemen on this side of the House have told me they desired to be heard; they would themselves occupy much longer. I assured them I would ask for three hours.

Mr. PETERS. I should like to say a word. I understand there are seven appropriation bills, and I know gentlemen like to talk on general matters when they are before the House. I believe under the five-minutes rule we can say everything that ought to be said.

Mr. INGERSOLL. So do I.

Mr. PETERS. When this bill was formerly before the House the gentleman from Wisconsin [Mr. WASHBURN] had an hour, and I believe the House allowed him half an hour more. An evening session was voted, but nobody came. We have voted down discussion on the tariff, and I want to see a beginning made of stopping general debate on bills of this class.

Mr. WASHBURN, of Wisconsin. We desire to put the bill through to-day if the gentleman will give us his aid.

Mr. PETERS. I will consent to two hours of general debate, and I hope my friend from New York [Mr. COX] will have at least half an hour of that time.

Mr. COX. I do not want the time for myself.

Mr. STEVENS. I desire to make an appeal to the gentleman from Maine, [Mr. PETERS,] who I know is a liberal-minded man. The only gentlemen who have had an opportunity of expressing their views on this question have been the gentleman from Wisconsin, [Mr. WASHBURN,] who has charge of the bill, and the gentleman's own colleague now sitting beside him, [Mr. HALE.] Various members of the Committee on Naval Affairs desire to be heard on the merits of the bill. I desire myself to be considered in that category, and I trust the House will not unduly limit general debate.

Mr. PETERS. I should like to make a speech on the bill of one hour myself, but I do not wish to take up the time of the House, and I shall not yield to an extension of the time beyond two hours unless such be the desire of the House. I move to lay on the table the motion of the gentleman from New York, [Mr. COX.]

The SPEAKER. The motion to reconsider will operate as a test question just as much as the motion to lay on the table.

The question was put on Mr. COX's motion to reconsider the vote by which Mr. PETERS's amendment limiting general debate to one hour and a half was agreed to.

The House divided; and there were—ayes 86, noes 38.

So the House agreed to reconsider the vote.

The question recurred on Mr. PETERS's amendment; and it was disagreed to.

The question recurred on the motion of Mr. WASHBURN, of Wisconsin, that all general debate be limited to three hours.

The motion was agreed to, on a division—ayes ninety-one, noes not counted.

LEAVES OF ABSENCE.

Mr. MILNES obtained leave of absence for one week.

Mr. SCHENCK obtained leave of absence for one week.

Mr. HAIGHT obtained leave of absence until Monday next.

Mr. CAKE obtained indefinite leave of absence.

Mr. DOCKERY obtained one week's extension of the leave of absence heretofore granted to him.

WITHDRAWAL OF PAPERS.

Mr. TOWNSEND was granted leave to withdraw from the files of the House the papers connected with the petition of Edward Barton, James Barton, and John H. Barton, claiming compensation for damage done to their steamer, Uncle Abe, by the United States steamer Zouave, on which the Committee of Claims reported adversely.

NAVAL APPROPRIATION BILL.

Mr. WASHBURN, of Wisconsin. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union on the special order, the naval appropriation bill. I also desire, pending the motion to go into Committee of the Whole on the state of the Union, to move that the Committee of the Whole be directed to take a recess from half past four until half past seven.

Mr. INGERSOLL. I desire to make a suggestion.

Mr. STEVENS. I object.

The SPEAKER. The motion is not debatable.

The question was put on the motion that the Committee of the Whole on the state of the Union take a recess from half past four until half past seven; and it was agreed to, on a division—ayes 86, noes 33.

The question was then taken on the motion to go into Committee of the Whole, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. ELDRIDGE in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1533) making appropriations for the naval service for the year ending the 30th of June, 1871.

The CHAIRMAN. The House has ordered that all general debate on the pending bill shall be closed in three hours; and also that the Committee of the Whole take a recess from half past four until half past seven. The gentleman from Maine [Mr. HALE] has the floor for twenty-five minutes.

Mr. HALE then resumed and concluded his speech commenced on the 21st of April last. The following is the entire speech:

Mr. Chairman, I had not supposed that this naval appropriation bill would be called up to-day. But as it is before the House I desire to say something for the Navy Department and its management. To censure that Department has been a favorite diversion here and elsewhere. The gentleman from New York [Mr. Cox] finds fault with its management, and says that it is made a harborage for useless and unneeded officials. It irks him to see Vice Admiral Porter earning his Vice Admiral's pay by laboring at his desk, although in general he believes that naval officers are over-fed and over-paid.

I find, from reading his speech, which was delivered here in February last, that although he evidently longs for the time to come when the business in that Department will be done in the free and easy civilian style, instead of that which is in accordance with military detail and red tape, he is yet troubled because the present Secretary of the Navy is a jolly, easy-going man, and not a martinet with a stern face.

The chairman of the Committee on Appropriations, [Mr. DAWES,] whose words, I think, are better listened to by the country to-day and all this session than those of any other man in either House of Congress, has laid his heavy hand on the Navy Department, and subjected it to his scrutinizing and sarcastic censure. I have no doubt he believes his censures to be just. They seem to me, however, to be too sweeping.

And now another member of the Committee on Appropriations, the gentleman from Wisconsin, [Mr. WASHBURN,] who has this bill in charge, acting upon the views of the committee, has brought in a bill here which cuts down the estimates of the Navy Department something like ten million dollars. And he has taken occasion in his speech just made, which has little praise of the Secretary of the Navy personally, at least to censure if not to attack the Department. The newspapers, too, have taken up the strain, and have spread it abroad all over the land, that Congress does not believe in the Navy Department, and that some of the votes of this House are equivalent to a vote of censure upon it.

Then there are vexatious questions connected with the Navy itself, controversies in regard to rank and precedence, quarrels between line officers and officers of the staff; so that men who should be engaged in a common work of sustaining the reputation and honor of the Navy to which they all belong stand with hands at each other's throats. Hence many men have experienced, as has my friend from Pennsylvania [Mr. COVODE] who has just taken his seat, a feeling of complete dissatisfaction with the whole concern. Therefore, Mr. Chairman, it may well be said that the American Navy has fallen upon evil days.

But I think a good deal of this prejudice would disappear from men's minds and from the mind of Congress, provided a fair understanding could be reached as to the actual condition of the Navy at the present time, how it came to be in that condition, and what is the will of the Department having it in charge as to its condition in the future and the expenses attendant thereon. The people expect at our hands a watchful economy as to the expenditure of the public money which they pay in the form of taxes. We upon this side of the House promised this as the result of the election of General Grant and a Republican administration; and the people expect us to carry out the promise. They expect that taxes will be faithfully collected. They expect that corruption and fraud, whether found among men outside, conspiring to cheat the Government, or men holding office who conspire inside to defraud the Government, shall be put down; that the one class shall be detected and punished; that the other, if found inefficient or corrupt, shall be expelled. They expect prudence in the management of every department of this Government. This we are bound to give them.

But while this is expected, Mr. Chairman, I believe, on the other hand, that the people do not shrink from the proper burdens involved in carrying on this Government. There are certain things to which they expect and are willing to contribute in the way of outgo as well as that coming in.

They expect that the interest upon our national debt will be promptly paid. They expect, as I think, not that so much of the principal of that debt shall be paid that the generation which bore the burden of carrying on the war shall have to pay the whole of the debt, but that just enough of it shall be paid to make it certain that immediate posterity can easily

extinguish it. They expect, as I believe, that a fair expenditure shall be made for keeping up every department of the Government. They are willing, as I believe—I know that my constituents are, often as we may be reminded of economy, and that is a rule of action which I recognize as faithfully represented by the chairman of the Committee on Appropriations—they are willing that public servants shall be fairly paid for their work; that there shall be no niggardliness in the conduct of the Government; that a fair and reasonable civil, military, naval, and judicial expenditure shall be indulged in under the rule of economy. As to the Navy Department, I believe that the people are willing and expect that an establishment as large at least as that which we have at present upon the waters of the ocean shall be kept up.

Mr. MORGAN. Will the gentleman yield to me for a question only?

Mr. HALE. I dislike to yield, and I dislike also to decline to yield.

The CHAIRMAN. The gentleman from Maine declines to yield.

Mr. HALE. I will yield for a question.

Mr. MORGAN. Then I put to the honorable gentleman this inquiry: when he talks of economy is he aware that the Secretary of the Navy, in his estimate of the appropriation necessary for the salaries of naval officers, has made that estimate $2,000,000 above the amount necessary to pay the legal salaries of the officers of the Navy? If the gentleman does not so understand, I am ready so to prove.

Mr. HALE. I do not know that; and I do not know of any man who does know it. [Laughter.]

Mr. MORGAN. I know it, and I will prove it.

Mr. HALE. I decline to be further interrupted.

The CHAIRMAN. The gentleman will proceed without interruption.

Mr. HALE. Mr. Chairman, we need a Navy to protect our commerce wherever it goes. That commerce before the war was the wonder and admiration of the world. It has been reduced by causes beyond our control, incidental to the prosecution, successful as it was, of the war for the suppression of the rebellion. Reduced as it is, the best minds of the age in this country are now engaged in devising means to restore it to its former supremacy. There is no record in the history of the world of any nation whose people have been given to trade and commerce that has not at all times kept up and increased from year to year its navy for the purpose of protecting its commerce. More than that, some nations have done what I believe this nation should not do, continually pushed out their borders, have extended their jurisdiction upon the sea-board, in order to extend their commerce, the invariable result of which has been the extension of their navy. No instance can be found of a maritime Power that has not guarded its navy as the apple of its eye.

Now, Mr. Chairman, there has been so much talk about the size of the American Navy that I propose to give a few figures here, that they may show, as they did to my mind after examination, how inferior we are in this respect to other maritime Powers. The British navy by its last Register, before the one just received, and there is but little difference between the two, had a total of seven hundred and nineteen vessels of all classes, with a tonnage of six hundred and sixty thousand tons. The naval tonnage of Great Britain last year was one eighth as large as the tonnage of its entire immense commercial marine, swollen as it has been by the prosperity of Great Britain in this respect at the expense of the American commercial marine. Great Britain has ships of war in every ocean and upon every sea to protect her commerce, and to make trade upon the water as safe as the winds and waves will allow. The mercantile tonnage of England is five million, seven hundred and seventy-nine thousand tons, and the following are the figures in reference to the navy of England by the last Register:

Ships of war, floating batteries, receiving-ships, training-ships in service	549
Steam screw gun-boats	170
Total	719

In commission, or building, heavy armor-plated steamships, averaging 3,500 tons each, largest 6,000 tons 40

	Tons.
Whole tonnage of the British navy is	660,000
Whole tonnage of the Navy of the United States is	186,552

Proportion of naval tonnage of the United States to mercantile, nearly one twenty-fourth; proportion of naval tonnage of Great Britain to mercantile, one eighth; proportion of naval tonnage of France to mercantile, one fourth.

Mr. MORGAN. I desire to ask the gentleman a question.

Mr. HALE. I hope the gentleman will excuse me. The gentleman from Wisconsin, [Mr. WASHBURN,] who reported this bill has stated that he would afford ample time for discussion, and the gentleman, therefore, can express his views when he gets the floor.

There were British ships of war, in commission and in service, exclusive of gun-boats, block-ships, drill-ships, gunnery-ships, receiving-ships, troop-ships, &c., from Navy List of January 1, 1870: armored ships, 26, carrying 426 guns; ships of line and frigates, 17; corvettes and sloops, 35; gun-vessels, 39, carrying 1,116 guns; total armored and wooden steamers, 117; total guns, 1,542.

Principal stations; vessels in commission abroad in the British navy, not including small vessels on home service.

Stations.	Armored ships.	Guns.	Unarmored.	Guns.	Total. Ships.	Total. Guns.
North America and West Indies	*4	68	14	173	18	241
Pacific	1	20	8	67	9	87
China	1	24	13	142	14	166
Cape of Good Hope and East Indies	-	-	18	120	18	120
Mediterranean	6	114	6	97	12	151
Particular service	-	-	11	367	11	367
Channel and coast guard	14	270	3	123	17	391
					99	1,523

Besides this, England has small squadrons at Australia, on the southeast coast of America, and west coast of Africa, the extent of which I have been unable to ascertain.

It will be seen that in the coast fleet at home England has a larger fleet of vessels, of greater weight and power of guns and tonnage, than the United States has in every squadron she keeps up anywhere on the face of the earth.

France is the next naval Power to Great Britain. The French navy consists of 430 vessels, divided as follows: steam vessels, 331, with 76,185 horse-power; sailing vessels, 99. Of these, launched but still unfinished, 7 steam vessels, 710 horse-power; 31 steam vessels on stocks, 13,405 horse-power. This fleet is subdivided into new fleet and old fleet. New fleet has 314 steam vessels; sailing vessels, 70; and is divided into—

Armored ships of every class	50
Wooden fighting-fleet screw vessels	90
Steam flotilla	90
Transport fleet	75
Training-ships for officers and gunners	2

*Two of the four are floating iron-clad batteries at Bermuda.

Added this year: 4 iron-plated corvettes, 1 iron-plated coast-guard ship, and 2 training-ships. This represents the real strength of the French navy. The old fleet is rapidly being transformed or going out of the service. The whole tonnage of the French navy is 469,000 tons, or equal to about one fourth of the whole mercantile tonnage of France, which is 2,000,000 tons.

The Russian navy comprises in the Baltic alone 81 vessels, carrying in all 492 guns, with a tonnage of 112,637 tons, and includes 6 wooden screw steamers, ranging from 3,500 to 4,500 tons each; two frigates of 6,257 tons and 6,040 tons respectively; these floating batteries, each over 3,200 tons; 8 frigates, ranging from 3,100 to 4,500 tons each, besides other smaller vessels, from 800 to 2,000 tons. To these should be added, which are now building, 6 corvettes, ranging from 3,200 to 4,100 tons each, 2 double-turret monitors of 1,850 tons each, and 4 naval yachts, ranging from 200 tons to 3,000 tons each. In addition there are 2 screw transports, measuring together 1,153 tons; 18 sailing transports; 23 small steamers, armed with 32 guns, measuring 4,327 tons, and 9 small steamers, carrying 1 gun each. Her Baltic fleet alone in material, kind, and number, nearly doubles the entire fleet of the United States in all her squadrons.

The Spanish navy consists of 128 vessels, including 10 first-class iron-clads, 11 large screw steamers, 22 paddle-wheel steamers, 26 screw corvettes, 31 gun-boats, and other sailing and steam vessels. Mr. Chairman, there are now in the Cuban waters 61 Spanish vessels, mounting 560 guns. Spain has in weight of metal, in the Cuban waters, over our own power, 50 per cent. more of naval force than we could muster if we should scoop up our entire squadrons and put them into one and set them down there.

Even Prussia, which has had no naval outlook and no naval prospect and no naval pride or ambition until of late, when she gained her great ascendency in Europe, has 86 vessels of all classes, carrying 547 guns, and includes armored vessels, wooden steamers, and the other classes known in naval service. It is being rapidly increased, to keep pace with the growing importance of the State, with the view to the absorption by that Power of the smaller States next to the sea. It is evidently the design of her statesmen to make Prussia one of the first-class naval Powers in the world.

Even little Denmark, a fifth-rate European Power, and having no need of a navy—or at least with no reason for having a navy to be compared with ours—has a navy of 33 vessels, carrying over 400 guns.

Such are some of the navies of the world, the navies of the Powers that are rivals to ourselves, and the navies with which, if ours is ever required at all, it will come in conflict. Now, Mr. Chairman, let us see what is our Navy, and what portion of it is at sea, and in actual service or fit for actual service. The question is not, Mr. Chairman, what our Navy was five years ago, but what it is now. During the war it was enormously increased. I may state, however, what it was in 1860, as that is a point of some importance for purposes of comparison, because it was then upon a peace establishment. We had five squadrons on foreign stations, numbering 31 vessels, carrying 455 guns. And besides those abroad we had at home 10 ships of the line, such as the Pennsylvania and Vermont, which I suppose were of little real account, 10 frigates, 21 sloops-of-war, 3 brigs, 8 screw steamers of the first class, 6 of the second class, 9 of the third class, and 7 side-wheel steamers of the three classes, besides store, receiving, and tender ships. Then we had some of the best ships that the world could produce. We had first class screw steamers, like the Niagara, the Colorado, and the Wabash, of from 3,000 to 4,000 tons, which excited the admiration of naval and scientific

judges wherever they were seen. Up to that time I am sure they had never been surpassed or equaled. And the second-class steamers, like the Pensacola, the Brooklyn, and the Hartford, were as good as the first class in proportion to the weight of metal which they carried. We have never, from that day to this, been in so good a condition as regards the character of the vessels composing our Navy as we were before the war, when the expenditures of the Government were light, never exceeding in the aggregate $90,000,000.

The war launched us on a broad sea of expense. We had, it is true, no fleets of the enemy to meet at sea, and the war gave rise to no great naval battles like the Nile or Trafalgar. But we had a coast of thousands of miles to blockade. The gentleman from Wisconsin who has charge of this appropriation bill believes that instead of taking the course which was taken by the Navy Department a different method might have been adopted of conducting this blockade. It is easy, sir, to say so now. It may be easy to go back and say that such a thing or such another thing might have been better done. But I would ask what Department, civil, military, or naval, looking back on all it had done during the war, would not see room for improvement? The Department did then what it thought was best. We had to blockade these thousands of miles of coast. Fleets had to be fitted out and transports provided, and these transports had to be protected. We had to besiege and attack Charleston and Savannah and Port Royal and Mobile and Wilmington, and other important points on the coast. We had to open the Mississippi and capture New Orleans, and afterward, in slow sequence, to reduce the rebel strongholds on the banks of that river.

The rebel piratical cruisers that escaped from southern ports, or stole out from the ports of those nations who were in sympathy with the South to prey upon our commerce, had to be watched and chased over half the seas of the world. But successful as we finally were in driving these corsairs off the seas, it is a fact, though it may not be generally known, (the gentleman from Wisconsin has alluded to it,) that at the time the Kearsarge fought and sunk the Alabama off Cherbourg the American Navy had not a single vessel that could sail or steam with the Alabama. And it was only the false confidence of Captain Semmes in his crew and his vessel that enabled our sailors in the Kearsarge to fight and sink that vessel to the bottom of the sea.

The highest point reached was in 1865, when the whole number of vessels in our Navy was between six and seven hundred. But it should be borne in mind, Mr. Chairman, that this increase had been almost entirely of a temporary character. Many vessels were fitted out with armaments for emergencies arising in the war which could not be available when these emergencies passed away. Many of these have been sold during the period which has since elapsed. It should also be borne in mind that while the war was being waged the whole energies of the country were bent toward fitting out armaments for transporting troops and to carry on the war, and that the main attention of the Navy Department was legitimately turned in this direction. And this necessity prevented the Navy Department during the war from giving its attention to repairs and to keeping up the condition of the vessels that it would otherwise have been able to maintain. Every nerve was strained to keep up the vast extent of our naval armament, and every single vessel that the Government put afloat during the war was like a racer in a vital conflict; it had to win its immediate race, no matter at what expense of strength for the hereafter.

So it was found when the war ended that this waste and depreciation had left the Navy in a condition entirely different from what was the condition of the Army at that time. A regiment can be raised, as was proved, in a month, and it can be disbanded in less time. But the expense incident to fitting out a fleet is great, and involves a long time as compared with an army. Its depreciation is of a kind that cannot be repaired immediately, as that in an army can be. When the war ended it was at once properly determined to reduce the naval force, to put our Navy upon a peace footing, and the greater part of the vessels were either sold or laid up in the yards. But all parties and all persons admitted that we must have a respectable Navy. It was found, however, by the Secretary of the Navy difficult to get appropriations sufficient to keep up even a respectable Navy. The tendency in men's minds was to cut down military appropriations, and when that had been done, to cut them down again, and to follow up that second reduction by a still further reduction. So that the Secretary of the Navy found that while the prices of labor and materials and everything else had increased, the money which was put into his hands by appropriations in the years after the war was not sufficient for him to make good in any great degree the waste of the war.

Mr. Welles, in a letter to Hon. James W. Grimes, chairman of the Naval Committee of the Senate, on January 29, 1868, thus refers to this subject:

In accordance with the oft-repeated views of Congress, expressed in various ways, and in consequence of the reduced appropriations, the expenditures upon naval vessels have for the last two or three years been restricted to the actual amount necessary to keep a small number afloat. If vessels have not been needed for immediate use they were upon returning from service laid up without repair. A large expenditure will be required—larger now than would have been necessary had the repairs been made when the vessel went out of commission—but the funds were not provided. It is a wise and economical policy to repair vessels of the permanent Navy and put their machinery in order as they return from service, and a Government whose commercial interests are as extensive as those of the United States, and whose naval power is so often appealed to, should always have vessels in readiness for any emergency. If not required for immediate special service they will not long remain unused, but be needed to replace those which have been abroad for the usual term. Such vessels as the Hartford, Lancaster, Colorado, Wabash, Minnesota, Susquehanna, Wyoming, Wachusett, Juniata, Brooklyn, and Monongahela, are in home ports; but months will be required to fit any one of them for service.

If those who succeed me are embarrassed for the want of vessels or means it shall be through no fault of mine, for it has been my endeavor that the wants of the service and the true interests of the country should be faithfully presented to Congress. In my annual reports, as well as in special communications of the Navy Department, and in this letter, my object has been and is the welfare of the service.

It is a satisfaction to know that the Department is not responsible for the perishing and non-efficient condition of our naval vessels which remain at the wharves unfitted and unrepaired for service.

Very respectfully,

GIDEON WELLES,
Secretary Navy.

Hon. JAMES W. GRIMES, *United States Senator.*

This, then, was the condition of the American Navy when the war ended. I have gone over this for the purpose of showing just in what condition the present Administration found the Navy when it came into office. At that time I find, by the report of the Secretary of the Navy for 1869, the entire force was as follows. The Secretary says:

"When my immediate predecessor came into office, on the 9th day of March last, the Navy of the United States then consisted of two hundred and three vessels of all classes, and in every condition.

"These measured one hundred and eighty-three thousand four hundred and forty-two tons, and were calculated to carry, when in commission, thirteen hundred and sixty-six guns, exclusive of howitzers.

"Of these ships one hundred and fifty-one were wooden, and fifty-two were iron-clad or monitors.

"Of the wooden ships thirty-two were sailing vessels; fifty-three were steamers, with some auxiliary steam power; forty-four were steamers, without any efficient sail power: and twenty-two were without sail power of any kind."

But it must be borne in mind that of all this force only a very small portion constituted the active force of the Navy. It was embraced in a small number of vessels, forty-three in all, carrying three hundred and fifty-six guns, and in addition to this there were six small vessels, carrying thirty-six guns, in commission for purposes about the coast. This was the condition of the Navy as this Administration found it when it came into power. It was smaller than the British channel fleet, which carries three hundred and ninety-one guns; it was but little larger than the British North American fleet, which carries two hundred and forty-one guns; it was only about three fourths as large as the Russian Baltic fleet; it was little more than half as large as the Prussian navy; it was smaller than the navy of Denmark; it was smaller by two fifths than the Spanish navy at that time, and since, in the waters of the West Indies. And where was this Navy? It was divided into five different squadrons: the North American station or squadron, the South American station, the Pacific station, the European station, and the Asiatic station. Now, what was the condition of these different fleets on the 4th of March, 1869? The commander of the Asiatic squadron, Rear Admiral Rowan, reported immediately after the 4th of March, 1869, that four of his line vessels were absolutely unfit to go to sea. He asked a survey upon them, and it was granted. It was found that they must go out of service; and so poor were they, worn out in the war, that three of them had to be sold as useless, and they were so sold. That left him with the remnant, such as it was. And at that time, with this force in his hands, weakened as he was in that way, there was at the control of the Secretary in the yards of the United States but one vessel that was in a condition to be sent to sea, and she required more than two months' time to fit her out and send her off. If his vessels had all been good, his whole force in the vast Indian seas was a little fleet of seventy-two guns. Where we had one vessel there Great Britain had three, and France had two. And it is a fact that at that time the necessities of our commercial marine in those waters were such that time and again they were relieved by foreign vessels, in the absence of sufficient American force to protect them there.

The European squadron, under Rear Admiral Radford, consisted on March 4, 1869, of seven vessels, mounting eighty-seven guns in all. This was the entire force we had for the whole European coast, and for the dominions of those nations with whom is most of our intercourse.

The South Atlantic squadron consisted of six vessels and fifty-six guns. The war between Brazil and Paraguay, and the complications arising therefrom, made it necessary that we should have a far greater force there. The Pacific fleet covers whatever may be needed for commercial relations along a coast of seven thousand miles, and in it we had twelve vessels and about one hundred guns, equal to two good British or French men-of-war. Eight of those twelve vessels had to be sent to the navy-yard at San Francisco for repairs. They were in such condition that it was not safe to keep them afloat longer; two thirds of the entire squadron had to be sent there for repairs, for the expenditure of money to be put upon them.

Now, I come to the West India fleet. I have left that purposely to the last, because it illustrates more significantly than any other the scope of my argument as to the condition in which the new Administration found our Navy when it came into office. We all remember what was the situation at that time; that affairs were threatening in reference to Cuba in March, 1869. When Congress adjourned in the month of April of last year, a resolution had passed this House, on one of the last days of the session, which gave encouragement to filibusters and to the advocates of the recognition of Cuban independence. Spain was assembling in great numbers her navy in the West Indian waters. Our Navy at that time in those waters included six vessels, the Albany,

of twelve guns, the Narraganset, three guns, the Gettysburg, an old blockade-runner, seven small guns, the Yantic, of four guns, the Nipsic, of four guns, and the Penobscot, of four guns; six small vessels in all. One iron-clad could have gone down there and swept from the West Indian waters every vessel that we had there for the protection of our citizens and of our commerce.

But this, bad as it is, was not the worst. Five out of these six vessels were condemned as unfit for service and unseaworthy, and were sent home for repairs. And at that time there was not a vessel in all the yards on the Atlantic coast that could have been immediately sent to Cuba had an emergency arisen requiring it. These vessels had been kept at sea during and after the war, without repairs, until they were useless, until almost every speck of goodness had been run and worn out of them. So that at this time Rear Admiral Hoff, commanding in the West Indies, was left at one time with but one small vessel upon which he could depend to protect our interests there. No wonder that the head of our Navy opposed war at that time.

What did the Secretary of the Navy then do? What was his course when he came into office? He tried, as any man should, to get ready for war if it should come. He sent orders to protect our citizens in Cuba. A new force, as fast as it could be fitted out, was sent to the Admiral. Two iron-clads, the Saugus and the Dictator, and four sloops-of-war were sent down as soon as possible. But by that time—and here is a significant comment on the condition of our old Navy—by the time these ships came to him his flag-ship gave out, and he had to send it home, so that he had nothing but the new vessels which had been sent to him; and, with all this improved fleet, the Spaniards have so increased theirs that they have in the Cuban waters over five hundred guns—forty per cent. more than our entire Navy.

Now, this is not an exaggerated statement of the condition of our Navy in March, 1869. The new Secretary set himself to reform the situation. A competent board of naval officers, headed by Admiral Goldsborough, was ordered to examine the condition of our vessels, their capacity, and efficiency as to steam or other motive-power, and to report upon repairs and improvements. The report was duly made. It is found in the appendix of the report of the Secretary of the Navy, and if any gentleman has a curiosity to see the condition in which this Administration found the Navy, as to the efficiency of some of its best vessels, let him read that report. The new Secretary set himself to work to remove these defects. The work which he began was continued by the present Secretary, who came into office in the latter part of June, 1869.

Now, let me ask any gentleman inclined to find fault with this Department what he would have done under such circumstances—taking charge of the Department with vessels run down in the manner I have so imperfectly described? Should our squadrons have been left to fall to pieces? Should the American flag, as represented by our national ships, have been suffered to die out upon the waters of the globe? Should the Cuban waters and the care and protection of American citizens have been left entirely to the mercy of the Spaniard?

I followed the other day as closely as I could the speech of the gentleman from Wisconsin, [Mr. WASHBURN,] and while he was complaining of the conduct of naval affairs and its cost I tried to see what remedy he proposed. All I could discover was that under such circumstances he would "pause and consider what should be done." Would the gentleman have had the Secretary of the Navy at that time "pause and consider what was to be done?" Let him reflect upon the situation. The newspapers were clamoring for war; the Spanish fleet was being rapidly augmented; Congress had passed a resolution giving aid and comfort to the filibusters; there was immediate and impending danger of war. No wonder, I say, that the Secretary of the Navy opposed it. Had the gentleman himself been in the Cabinet at that time I have no doubt he would have done just what the Secretary of the Navy did. We shall perhaps never know how near we were to war at that time, and how much we owe to the Secretary of the Navy for averting it. Consider what would have been the result had the Secretary given way to the clamor, and had war ensued. The United States was without a fleet with which to meet the enemy, and the Spanish squadrons would have been on our coast burning our property and destroying our cities. An outraged and indignant people would have beaten at the doors of Congress and demanded why the nation had been left defenseless in its hour of peril.

Mr. WASHBURN, of Wisconsin. The gentleman puts a wrong construction on what I said. I said that if after $500,000,000 spent in building up our Navy we had no better result than what the gentleman now tells us, it was time to pause and consider whether we had been pursuing the correct policy.

Mr. HALE. The thing to be taken into consideration by any officer entering upon the administration of the Government is not what has been done in years before, but what work he finds laid out for him to do. The Secretary was not to consider what had been done or expended by Mr. Welles, but in what condition he found the service.

This brings me to another consideration. As the Navy was in this condition, and in view of the course pursued by the Secretary of the Navy, the only course in which the country would have sustained him, the question pertinently arises, what has it cost to do all this? Let us look at the figures. Up to December 1, 1869, this Administration, under the two Secretaries who have been in office since March, 1869, had done work upon eighty-six different vessels of all classes, the expenditures varying from $100 in some cases to $225,000 in others. On the Colorado and the Brooklyn, two of our best vessels, these last amounts have been spent to put them in good condition for sea-service. In the year previous the Department repaired but two or three vessels at most. The expenditures of the Navy Department for the last year of President Johnson's administration and for the first year of President Grant's administration are correctly given in the following table:

From March 1, 1868, to March 1, 1869.

1868.	Amount drawn.	Amount refunded.	Amount expended.
March	$3,501,123 59	$728,950 96	$2,772,172 63
April	2,345,217 46	719,590 56	1,625,716 90
May	2,313,152 59	561,098 09	1,752,054 50
June	2,829,512 69	103,902 97	2,725,609 72
July	2,675,586 72	340,443 48	2,335,143 24
August	2,259,601 28	1,258,280 70	1,001,320 58
September	3,068,695 07	799,809 99	2,268,885 08
October	4,025,732 10	703,914 15	3,321,817 95
November	1,972,193 88	311,344 30	1,660,849 58
December	1,490,021 45	269,465 15	1,220,556 30
1869.			
January	2,612,589 98	1,300,869 96	1,311,720 02
February	3,162,199 47	2,397,686 07	764,513 40
	$32,255,626 28	$9,495,265 38	$22,760,359 90

From March 1, 1869, to March 1, 1870.

1869.	Amount drawn.	Amount refunded.	Amount expended.
March	$2,727,345 19	$1,093,112 91	$1,634,232 28
April	1,663,736 47	213,255 36	1,450,481 11
May	1,463,639 15	452,351 54	1,011,287 61
June	2,825,396 24	805,441 46	2,019,954 78
July	2,095,352 15	239,191 43	1,856,160 72
August	2,294,016 59	670,545 95	1,623,470 64
September	2,525,268 32	222,268 72	2,302,999 60
October	2,521,096 96	136,951 16	2,384,145 80
November	1,948,966 96	187,348 25	1,761,618 71
December	2,781,744 03	955,636 69	1,826,107 34
1870.			
January	2,413,771 16	648,983 31	1,764,787 85
February	2,188,848 88	828,332 12	1,360,516 76
	$27,449,182 10	$6,453,418 90	$20,996,763 20

I also give the tables for the two fiscal years ending July 1, 1869 and 1870:

1868.	Amount drawn.	Amount refunded.	Amount expended.
July	$2,675,586 72	$340,443 48	$2,335,143 24
August	2,259,601 28	1,258,280 70	1,001,320 58
September	3,068,695 07	799,809 99	2,268,885 08
October	4,025,732 10	703,914 15	3,321,817 95
November	1,972,193 88	311,344 30	1,660,849 58
December	1,490,021 45	269,465 15	1,220,556 30
1869.			
January	2,612,589 98	1,300,869 96	1,311,720 02
February	3,162,199 47	2,397,686 07	764,513 40
March	2,727,345 19	1,093,112 91	1,634,232 28
April	1,663,736 47	213,255 36	1,450,481 11
May	1,463,639 15	452,351 54	1,011,287 61
June	2,825,396 24	805,441 46	2,019,954 78
	$29,946,637 00	$9,945,975 07	$20,000,761 93

1869.	Amount drawn.	Amount refunded.	Amount expended.
July	$2,095,352 15	$239,191 43	$1,856,160 72
August	2,294,016 59	670,545 95	1,623,470 64
September	2,525,268 32	222,268 72	2,302,999 60
October	2,521,096 96	136,951 16	2,384,145 80
November	1,948,966 96	187,348 25	1,761,618 71
December	2,781,744 03	955,636 69	1,826,107 34
1870.			
January	2,413,771 16	648,983 31	1,764,787 85
February	2,188,848 88	828,332 12	1,360,516 76
	$18,769,065 05	$3,889,257 63	$14,879,807 42

By order of the Navy Department the expenditures for each month up to the end of the fiscal year are limited to $1,125,000; so that the expenditures made by the present Secretary up to July 1, 1870, will be less than $19,000,000. More than this, I put in as illustrative of the economy of the present year, and that is the question I am discussing now—that is what the Department is assailed for now—as compared with the last year, a table showing the number of men employed in Government labor during the last year; and though it will be found that the Navy Department from March, 1869, employed from two to three times as many men as were employed in previous years, yet the expenses, month by month, were less than during any previous year:

Statement of the number of men employed in the several navy-yards, on the 1st of March, the 1st of July, the 1st of September, and the 1st of December, 1869.

Navy-yard.	Mar. 1.	July 1.	Sept. 1.	Dec. 1.
Portsmouth, New Hampshire	356	630	1,688	1,220
Boston	754	1,621	2,446	2,364
New York	1,026	2,196	3,026	3,406
Philadelphia	618	2,070	1,758	1,396
Washington	615	930	1,028	1,298
Norfolk	430	1,183	1,014	852
Pensacola	213	139	119	104
Mare Island	776	1,113	1,365	1,452
Total	4,788	9,852	12,444	12,092

There is nothing in that on which a bill of indictment can be found and sustained against the Secretary of the Navy and his administration of naval affairs. Bear in mind also that the Navy Department has done its labor under the eight-hour system, which cuts off twenty per cent. of the value of the force or the weight of the labor.

Mr. Chairman, these expenditures are really and intrinsically small compared with the work done and compared with the money that other nations have expended. I have heard comparisons made on this floor which have astounded me. I have heard comparisons made of our naval expenses with the naval expenses of other countries. Great Britain for 1869 expended £10,238,900, which in our money amounts to $51,194,950, gold, or in currency, $61,423,940. Labor there was only one half what it is here; materials cost only one half what they cost here, and the navy-yards there continue their labor for ten hours per day, while our navy-yards were under the eight-hour system. The cost here, according to my calculation, would be just double what it was there. That would make in our money, as the expenses for Great Britain in 1869, $122,846,880. Our expenses to March, 1870, were $20,996,763 20, thus leaving a balance in

our favor of $101,851,116 85. This too, Mr. Chairman, was an amount expended by Great Britain in one year upon a navy that it kept up every year to a point of nearly absolute perfection. This equivalent of $122,000,000 of our money has been spent by Great Britain, not in repairing the waste of a vast war, but upon a navy which is guarded and watched as closely as a man guards his honor. Every year there is an appropriation for the English navy of something equivalent to about $122,000,000 of our money, and yet because our Navy Department has expended $20,990,000 in one year the Committee on Appropriations talk about the extravagance of the Navy Department and about "pausing to consider" whether we are wasting the people's money. France spends more than double what we do. There is the record; I have not time to elaborate upon it.

I say this: that we got in the Navy Department last year more for the money expended than in any other Department; more for the money than any other nation or people got for the money they put into their navy departments. I was surprised to find the results I did on investigation. I wish gentlemen would look at the figures for themselves. They will see there has been remarkably good conduct on the part of the Navy Department. Gentlemen can look at the reports and see how is this.

I do not ask that there shall be an expensive Navy. We do not want it. We want a respectable Navy. I am not speaking in the interest of the Navy as opposed to the interest of navigation and commerce. The two must run along together. We cannot afford to leave commerce to languish, or to leave our Navy to die out. Both must flourish together. You cannot give up the Navy entirely and wait for commerce to revive. Build up commerce and less needs to be done for the Navy; but in the mean time you are doing neither, and some day shame and disgrace will be upon us. Mr. Welles, in his report of 1865, speaks as follows regarding the sympathy between our commerce and our Navy:

"In time of peace our Navy should be actively employed in visiting every commercial port where American capital is employed, and there are few available points on the globe which American enterprise has not penetrated and reached. But commerce needs protection, and our squadrons and public vessels in commission must not be inactive. One or more of our naval vessels ought annually to display the flag of the Union in every port where our ships may trade. The commerce and navy of a people have a common identity, are inseparable companions. Each is necessary for the other, and both are essential to national prosperity and strength. Wherever our merchant ships may be employed, there should be within convenient proximity a naval force to protect them and make known our naval power.

"Following the track of commerce and visiting every navigable portion of the globe, the intelligent officers of the Navy are capable, from their position and opportunities, of acquiring and communicating a vast amount of useful information, thereby benefiting commerce, and by continual additions to the stores of knowledge, promoting the welfare of the country and of mankind."

Mr. MORGAN then addressed the House in remarks which will be found in the Appendix. He then yielded ten minutes to

Mr. COX. I would inquire of the Chair how much of the gentleman's time is now left?

The CHAIRMAN. About ten minutes.

Mr. COX. I would prefer not to go on just at this time.

Mr. SARGENT. I would suggest to the gentleman from New York [Mr. Cox] that he might yield now to the gentleman from New Hampshire, [Mr. STEVENS,] who is prepared to go on, and then he could take his time hereafter.

Mr. COX. I am willing to yield now to the gentleman from New Hampshire [Mr. STEVENS] the ten minutes which have been yielded to me by the gentleman from Ohio, [Mr. MORGAN,] with the understanding that I can hereafter have the time allowed me.

The CHAIRMAN. By the arrangement which the Chair understands to have been made with the gentleman from Wisconsin, [Mr. WASHBURN,] who has charge of this bill, the gentleman from New Hampshire [Mr. STEVENS] will be entitled to half an hour after the gentleman from Ohio [Mr. MORGAN] has concluded his remarks. The gentleman from New York [Mr. Cox] proposes, as the Chair understands, to yield the ten minutes of the time of the gentleman from Ohio [Mr. MORGAN] which are left, and which have been given him, to the gentleman from New Hampshire, [Mr. STEVENS.]

Mr. COX. That is my proposition.

The CHAIRMAN. Then the gentleman from New Hampshire will be entitled to the floor.

Mr. STEVENS. Mr. Chairman, in what I may say upon this bill I do not wish to be understood as antagonizing myself against that distinguished arm of the public service known as the Navy of the United States. And although I may have occasion to indulge in something which may perhaps partake of the nature of criticism, I wish to be understood as doing it only because of the strong impression I have that some reforms which are within the scope of congressional action are due to the country and to the tax-paying people of the United States.

It becomes a pertinent question, are we to have economy in the public expenditures? Under the administration of General Grant, and in the light of a year's experience, this question, general and sweeping as it is, may be safely answered in the affirmative. Are we to have economy in the administration of our naval affairs? I answer, not quite so emphatically in the light of a year's experience, that we are, for such economy is included in the early pledge of the President to the people of this country, and the people are awake to the importance of its fulfillment, so auspiciously begun in other branches of the public administration. I take it for granted that we are to have economy even in the administration of our naval affairs; but looking back to its history for the past few years the suggestive question reaches us at once, from what source is it to come?

Mr. Chairman, I thank the Committee on Appropriations that we have in the provisions of this bill a partial solution at least of this important question. We have found out, thanks to the courage and just regard of what is due to the tax-payers of this country, exhibited by the Committee on Appropriations, that Congress has the power, as I trust we shall find it has the will, to check the extravagant expenditure of money, in the last resort by striking at once at the source of supply. This House holds the purse strings of the nation, and has the power to say to all classes of public extravagance, "Thus far shalt thou go, and no further." It is, indeed, matter of congratulation that under the administration of General Grant we have entered in earnest upon the exercise of that power, and at last, on a broader and more extensive scale, have begun to act on that just sentiment of the President which demands a strict economy in public expenditure.

Connected as I am, Mr. Chairman, as a member of the Committee on Naval Affairs, somewhat officially with the workings of this branch of the public service, I am glad of an opportunity, without intrusion, to give my whole power and strength to the support of what I regard as a most economical measure, emanating from the committee and embodied in the provisions of this bill. In sustaining that bill in all its main features, and especially in its reduction of the excessive estimates made by the Navy Department for the coming year, which I shall do most heartily and most cordially, I know that in some respects I am entering upon a disagreeable duty. I have been long enough an observer of public affairs to know how common and natural it is for Departments and bureaus to court the largest appropriations, and how easy it is for one who in the interests of the people, the tax-payers of the country, thrusts himself between this desire and the expenditure of the public funds to be marked as an object of unpopularity and censure in certain quarters.

Disregarding, sir, all these consequences, permit me to say without intending to impute any dishonesty, that there are obvious reasons why Departments and bureaus seek the largest appropriations. Plenty of money lubricates the machine and renders its routine revolutions quiet and easy, and it is much more agreeable to meet the demand of some favorite scheme out of an abundant surplus of unexpended balances than to ask Congress for its aid through the provisions of a deficiency bill. To be sure it is not quite so easy for those who furnish the means and pay the taxes; but it seems to me sometimes that gentlemen who have the care of these things, who administer the affairs of the Departments, and who are remote from contact with the people, are inclined to regard with little favor these ideas of economy. They are near enough to the people's Representatives to make their wishes known and on all proper occasions to tell them through self-constituted organs and other sources of pressure what their demands are and what the public wants in their estimation require. Mr. Chairman, in no Department of the Government, so far as my observation goes, has this been for the last few years more strongly illustrated than in the Navy. In no Department have the balances been so large or excessive. The managers of that Department have been gifted with the very genius of enterprise. That branch of the service is crowded with distinguished and gallant men. The record of their eminent services, speaking of them professionally, is of the choicest treasures of our country's history. No man goes before me in admiration for the gallant actions which have associated their names forever with the achievements of our arms, especially during the recent rebellion. I will trust them anywhere with the enemy of the Government; but I hope the courage and enterprise with which Mobile and Fort Fisher were won may not be transferred to the Treasury of the United States under any pretext of the necessities of a magnificent Navy or the unnecessary expansion of our naval force. A generous country recognizes their services. It has done something for them heretofore to be sure. We have given them rank unequaled in our naval history; we have made admirals of captains, and vice admirals of lieutenants; we have enriched them in many instances with enormous spoils known as prize-money; we are retiring them on their laurels on high rank and pay; we have shown that republics are not always ungrateful, at least to the regular Army and the regular Navy, whatever may have been their course toward that great volunteer force which has been resolved into the original elements from which it sprung. I do not begrudge all this; but shall we intrust them also with the Treasury of the United States?

I speak, sir, in this vein because I would not ignore the condition of things as they exist to-day. I would not ignore the fact that for the last twelve months the Navy has been practically under the charge of a distinguished officer who has guided its interests, and under whose authority the public treasure has been expended. Perhaps, sir, it may be thought best that the power of the Navy Department should be transferred from civil hands and turned over to military aspirations, experience, and judgment. Such may, perhaps, be the opinion of members on this floor. I, sir, have not reached that point of conviction. I think, sir, that theoretically and practically the head of the Navy Department should be a civil officer, in the discharge of whose high duties we might find reconciliation of jarring discords, the restraints of that partisanship which almost always exists in military circles, and strict economy and just expenditure in relation to the public money of the people, to whom he is responsible. I know, sir, that for a long

time a different opinion has prevailed among the higher officers of the Navy. I know that for a long series of years up to 1842 the affairs of the Navy were conducted and managed by a board of officers more or less distinguished, and that within a recent period it has been sought to again cage the Navy and place it in its former pupilage. Upon the old plan of the British admiralty system, long since exploded, we have within the past year been called upon to consider a bill the provisions of which would have placed the Navy practically beyond the control of the Department, and even of the President of the United States.

But, sir, whatever may be the condition of the Department in its organization, I am glad to believe that through the influence of the public press, through the examination which members of Congress have been able to make into the strictly professional character of the Navy, as well as from that independence of character among members of Congress which seeks to resist and check the influence of that outside pressure which finds its culmination here in the capital, and to act upon their own intelligence and their own judgment, we have at last fallen upon an era which promises better things for the future. I desire to say for myself that I think I shall never come to regard my position on the Naval Committee of this House as one in which my whole duty will have been performed, by registering the communications of the Department or of the bureaus, or in reporting bills to Congress to carry out the wishes of a few distinguished officers who believe in once more transferring the Navy of the United States into the hands of a commission of rear-admirals who have already reached or passed the age fixed by our own law as the limit of active duty. I am glad to know that my colleagues upon the committee entertain the same spirit of independence.

It is well known sir, that formerly, as I have said, the affairs of the Navy were run by a commission of Navy officers after the fashion of the British board of admiralty, but the bureau system adopted in 1842 inflicted a severe blow to this exclusive and aristocratic system, and has stood in its way ever since. That system, sir, carried us successfully through the war, and under its administration, amid failing experiments, amid all the vicissitudes of untried warfare, in the building up of a Navy at vast expense, and under its general administration of affairs, in that great controversy this branch of the public service was conducted with credit and success. Instances of failure there were, but we should remember that they were not confined to the Navy. In the demoralization which succeeded the close of the war, like many other Departments of the Government, its administration fell into abuses and extravagances for which there is neither justification or excuse, if we except, perhaps, the large unexpended balances which Congress permitted to remain at its disposal and uncovered into the Treasury. This system, accommodating itself to other branches of the Government, and harmonizing with them in form and structure, has been an impediment to the ambition and the schemes of the higher officers of the Navy. That influence has struggled to cast these restraints aside.

As I have said, it has within the last twelve months made one more spasmodic effort to that effect. Suppose it had succeeded. You have now the results, so far as the expenditure of money is concerned, in the fact that you have a Navy Department which has been under the practical control of one of the highest officers of the Navy, and you can judge, Mr. Chairman, with what facility the money would have been drawn out of the Treasury for naval purposes had there been no check through the bureau system; and even this, sir, I regret to say, has not proved a sufficient check. Under this imperious administration in the Navy Department the remonstrances of bureau officers, who knew minutely the condition of their departments, have been unheeded, and when the point has been made that the excessive use of money in the equipment and construction of vessels of war must necessarily deplete the bureaus to such an extent that they would be without the means of paying the labor which had been organized and employed, I understand, their prudent suggestions have been disregarded. The predicted result has been seen in the discharge of thousands of workmen in mid-winter from the several navy-yards on the Atlantic and Pacific coasts. If the suggestions—why, sir, if the remonstrances of the bureaus had been regarded, that result which we so much deplore, which occasioned so much comment throughout the country, and which we made haste to remedy by the transfer of appropriations from one bureau to another, would never have occurred.

Now, allow me to say that in view of all the circumstances which have occurred during the last twelve months, and without alluding at this time more particularly to them, I think we are authorized to treat this as an error of administration. It is an error of long standing, one which has crept into the Navy, and for which to some extent, perhaps to a great extent, Congress is responsible. I do not sympathize with the gentleman from Ohio, [Mr. MORGAN,] who stands here to-day endeavoring to charge upon the administration of General Grant these errors of administration which have been so common in the Navy Department.

I have no doubt that this course was taken with what was considered a laudable purpose of "building up" the Navy, increasing its size, power, and efficiency, and gratifying the pride and ambition of the gallant gentlemen who have been controlling its operations. But it is proper that the country should understand if money has been extravagantly expended during the last year this House cannot be held responsible for it. Our skirts are clear. I want to recall a bit of history which, I think, has not been alluded to in this debate—a fact which must have been overlooked by the Department when they entered upon the extended operations that they have pursued the last year. It is this:

THE RESOLUTION OF 1867.

On the 25th of November, 1867, the House of Representatives, on motion of Mr. Pike, the chairman of the Committee on Naval Affairs, passed the following resolution:

"*Resolved*, That in the judgment of this House it is unnecessary to proceed further at present in building or equipping ships of war."

To-day that resolution stands unrescinded and unrepealed. It was introduced by a gentleman of long experience in connection with naval affairs, the chairman of the committee, and in view of what was demanded by the public necessity and the public economy. It was a notice from this body, which holds the purse-strings of the nation, to the Navy Department and to all concerned, that in their opinion the building and equipment of ships of war—in other words, the extension and expansion of our Navy—was not required either by the public necessities or by the probable contingencies of the future, and was equally potent and suggestive that the requirements of the country demanded that the expenditure then going on in this direction ought to be stopped. That warning was heeded by the then Secretary of the Navy, who at once stopped work upon vessels in process of construction at our navy-yards, dismissed the workmen engaged, and that condition of things remained until last March, when, without any action of Congress, without any rescission of the resolution, the Department proceeded to organize new gangs, to fill up the navy-yards with organized labor, and to expend large sums of money in the very direction in which this House by its action had shut the gates. What was the consequence? That work was continued, the appropriations were expended and overrun, and in midwinter, in January, 1870, the appropriations were exhausted, and this large number of men collected together for purposes which this House had so far as it could forbidden, were thrown out of employment, and we were compelled from motives of humanity alone to transfer from one bureau to another millions of dollars to prevent suffering and starvation in the cities on the Atlantic and Pacific.

Thus, through a disregard or oversight of the wishes of this House formally expressed, and afterward in effect, sought to be enforced by a reduction of the appropriations, we have been treated to an aggregate of expenditures, followed by an estimate for appropriations, which, in my judgment, early involved us in excited discussions on this subject, and which have drawn the unfavorable attention of the country to this branch of our public service. I am happy to be able to show here that Congress at least is not culpable in this matter, and I regard it as a matter of duty while this appropriation bill is under discussion and consideration to thus call attention to the fact that the Fortieth Congress took the initiative in the reduction of our naval expenses, and that in advocating the present bill we are carrying out their plans and pursuing their example. I trust the Forty-First Congress is prepared to act with decision and promptness in the same direction.

Now, Mr. Chairman, under this condition of things have we not a right, and is it not our duty, to congratulate the country that the Committee on Appropriations have succeeded in striking off nearly one third of the whole estimate of the Department for the coming year, and reducing the $24,598,277 37 asked for by the Department to $16,641,845 62—a reduction of $7,956,431 75? We may pause to express regret at the disappointment it may bring to the gallant hearts who now direct the progress of naval affairs. I desire here to make all proper acknowledgments to them for any share which I am compelled to take in this ungracious work of cutting down the estimates.

Why, sir, I almost envy the happy condition of those who so eloquently address themselves to the more agreeable task of meeting the demands of the Department by bringing up the appropriations and consequently inflating the expenditures to the magnificent proportions of the estimates; for can they not count their reward in the sweet smiles, the warm congratulations, and the ready patronage which naturally flow from the sources of power. Let me say in all seriousness, Mr. Chairman, that the duty of checking the enterprise and aspirations of the gentlemen who direct the affairs of the Navy, wherever they tend to extravagance and unnecessary expenditures, is one which we owe to the people this day, and in the future, let it fall where it will, or disturb whatever interests it may.

Now, Mr. Chairman, I desire to address myself with all sincerity, and with a strong feeling of favor and regard for the Navy, to the question how its expenditures can be kept within reasonable limits, and what shall be the measure of its equipment, its armament, and its power in time of peace. This is a question, let us remember, which belongs, not to the military, but to the civil power. It is peculiarly and fittingly within the power, as it is clearly the duty of Congress, to determine and settle this question. It cannot be left with safety or in justice to the rights of the people to any other tribunal.

Now, Mr. Chairman, is there any better measure of the wants of the naval establishment and of true economy in its administration than the expense and armament of 1860? If there is, after making due allowance for increase of prices, I hope some gentleman will give us the figures. I can myself see none. I think it our duty as legislators to look this matter squarely in the face, and scorning all subterfuges and pretenses, resisting all entreaties and pressure, to endeavor to bring back our Navy approximately to the peace standard of 1860. Let us compare its expense and strength in that year with 1870.

What have been the expenditures of the Navy

Department for the twelve months ending the 1st of March, 1870? The following table will answer the question:

Expenditures on account of the Navy Department from March 1, 1869, to February 28, 1870, inclusive.

March, 1869	$2,109,107 94
April, 1869	1,622,404 19
May, 1869	1,165,590 54
June, 1869	2,585,835 26
July, 1869	2,066,160 72
August, 1869	1,929,443 61
September, 1869	2,308,671 14
October, 1869	2,104,682 47
November, 1869	2,085,289 49
December, 1869	2,141,046 95
January, 1870	3,036,910 80
February, 1870	1,570,063 13
Total	24,725,206 24
From which deduct amounts repaid by disbursing officers and others of moneys advanced and unexpended receipts and from sale of old material, &c	3,443,830 16
Leaving a net expenditure of	$21,281,376 08

Let us compare the expense of the Navy thus shown in its present organization with what it was in 1859–60, a period of peace like the present. We find—

Amount of appropriations for 1859-60	$14,077,644 62
Deductions and transfers	1,776,983 52
Difference	12,300,661 10
Add one fourth for increase of prices	3,075,165 27
Total	$15,375,826 37

It will thus be seen that the amount reported by the committee, though nearly eight millions less than the estimates of the Department for the present year, does not very largely exceed the expenditures of 1860, after making due allowance for the increase in prices. I think if the expenditures can be kept within that sum, or even if they do not exceed it by more than two or three millions, we shall, so long as we keep our Navy to its present standard, have no reasonable ground of complaint in the amount of the aggregate expenditure, and need have no reasonable apprehension of its want of efficiency.

But it becomes a material and important question whether we cannot properly reduce our naval establishment, and in that way economize the public expenditures in the future. Addressing ourselves to this question, and recollecting that we are now at peace with all the world, let us institute a comparison of the strength of our Navy in 1860 and 1870. We shall find the following result:

1860.	*Vessels.*
In commission	54
In ordinary, equipping, repairing, &c	30
On the stocks and in progress of construction	6
Total	90

1870.	
In fleets	32
At Naval Academy	10
Darien expedition	2
Receiving ships	6
Special cruise, (the Sabine)	1
Return home from Asiatic fleet	1
Winter quarters at Erie	1
Used for marines at Norfolk	1
Port admiral's flag-ship, New York	1
Completing at New York and Boston	2
Fitting for sea	10
Repairing	23
Laid up in ordinary	62
On the stocks	12
Duty not specified	21
Total	185

By the last annual report of the Secretary of the Navy it appears that eighty-six vessels were repaired and refitted for sea from March to December, 1869, constituting a force nearly as large as the whole navy in 1860, and an armament largely in excess of the vessels actually in commission at the last-named period.

Having thus shown, by comparison, the strength of our naval armament at the extremes of the last decade, both being in time of peace, let us continue the comparison by an examination of the official force employed at our navy-yards for the same time. This will give us some idea of the great increase of expense to which the people are subjected through the operations of the yards. We shall see by this comparison what was required to officer them in 1860, compared with the present complement. I have taken some pains to make the following tables minute and accurate, drawing my information from the Navy Register of the two years in question, because I want this House and the country to see what kind of naval establishments they are called upon to appropriate money for, and the extraordinary disparity between "now and then." I do this in the firm conviction that we ought to address ourselves to the duty of bringing down expenditures by a proper reduction of the force and amount of this branch of the public service. That I may not be thought partial I commence with the navy-yard in my own State. Look at the picture:

Portsmouth Navy-Yard.

1860.	1870.
1 captain, commandant.	1 rear admiral, (port admiral.)
1 commander.	1 commodore.
2 lieutenants.	1 captain.
1 surgeon.	4 commanders.
1 purser.	1 lieut. commander.
1 Navy agent.	1 surgeon.
1 civil engineer.	2 paymasters.
	1 chaplain.
	5 engineers.
	2 naval constructors.
	1 civil engineer.
8	20

The following statements in regard to other yards will show that Portsmouth has no considerable advantage over other localities:

Boston Navy-Yard.

1860.	1870.
1 captain, commandant.	1 rear admiral.
1 commodore.	1 commodore.
2 lieutenants.	1 captain.
1 surgeon.	4 commanders.
2 pursers.	5 lieut. commanders.
1 master.	1 master.
1 chaplain.	1 ensign.
1 captain, (ord. duty.)	2 mates.
1 Navy agent.	1 surgeon.
1 naval constructor.	3 paymasters.
1 civil engineer.	1 chaplain.
	7 engineers.
	2 naval constructors.
	1 civil engineer.
13	31

New York Navy-Yard.

1860.	1870.
1 captain, commandant.	2 rear admirals.
1 commander.	4 captains.
2 lieutenants.	4 commanders.
1 surgeon.	3 lieut. commanders.
2 pursers.	1 master.
1 chaplain.	2 mates.
1 master.	1 surgeon.
1 Navy agent.	4 paymasters.
1 naval constructor.	1 chaplain.
1 civil engineer.	9 engineers.
	2 naval constructors.
	1 civil engineer.
12	34

Philadelphia Navy-Yard.

1860.	1870.
1 flag officer, commandant.	1 rear admiral.
2 commanders.	1 commodore.
2 lieutenants.	2 captains.
2 surgeons.	4 commanders.
1 purser.	2 lieut. commanders.
1 navy agent.	1 lieutenant.
1 naval constructor.	2 surgeons.
	3 paymasters.
	1 chaplain.
	8 engineers.
	2 naval constructors.
	1 civil engineer.
10	28

Washington Navy-yard.

1860.	1870.
1 captain.	2 rear admirals, (one as port admiral.)
1 commander.	2 captains.
2 lieutenants.	4 commanders.
2 surgeons.	1 lieut. commander.
1 purser.	1 master.
1 chaplain.	1 mate.
1 Navy agent.	2 surgeons.
	3 paymasters.
	5 engineers.
	1 naval constructor.
	1 civil engineer.
9	23

Norfolk Navy-Yard.

1860.	1870.
1 captain.	1 rear admiral.
2 commanders.	1 commodore.
4 lieutenants.	2 captains.
1 surgeon.	3 commanders.
2 pursers.	1 lieutenant.
	1 mate.
	1 surgeon.
	2 paymasters.
	1 chaplain.
	4 engineers.
	2 naval constructors.
	1 civil engineer.
10	20

Pensacola Navy-Yard.

1860.	1870.
1 captain.	1 commodore.
1 commander.	3 commanders.
2 lieutenants.	1 surgeon.
1 surgeon.	1 paymaster.
1 purser.	1 engineer.
1 chaplain.	
1 master.	
1 Navy agent.	
1 naval constructor.	
1 civil engineer.	
11	7

Mare Island Navy-Yard.

1860.	1870.
1 captain.	1 rear-admiral.
1 commander.	1 commodore.
1 surgeon.	2 captains.
1 engineer.	1 commander.
1 Navy agent.	1 lieut. commander.
1 naval constructor.	1 surgeon.
1 civil engineer.	1 paymaster.
	1 chaplain.
	1 ensign.
	5 engineers.
	1 naval constructor.
7	16

Mr. MAYNARD. In 1860 was not the captain the highest grade in the service?

Mr. STEVENS. I am very glad the gentleman has made that suggestion, because it gives me an opportunity to advert to the inquiry which I suppose his question is intended to suggest, why we should maintain in time of peace this great number of rear admirals, created in time of war and for warlike purposes.

Mr. MAYNARD. I merely called the gentleman's attention to the fact that at the time referred to officers of the highest grades were taken to command navy-yards, while now we take what I may call the highest grade in active service, to wit, the rear admirals.

Mr. STEVENS. I presume there will be no antagonism between the gentleman and myself on this point. It may be quite proper that rear admirals should be placed in command of navy-yards, because while we have those officers we must employ them, and we have nothing else for them to do.

Mr. MAYNARD. Whether it would be wise in a reorganization of the official force to have these two grades is a different question.

Mr. STEVENS. That is the very point to which I want to call attention—whether we should not now by act of Congress stop promotions, and lessen in the future the number of these higher grades, which bring with them not only rank but large pay.

I do not propose to follow this comparison further. I have taken the navy-yards proper for the purpose of comparison, omitting the hospitals, rendezvous, marine guard, and naval asylums; but it will be found, if the investigation is pursued into these organizations, that a like disparity of strength exists, in which the preponderance is largely in favor of the present year of 1870.

NAVY-YARDS.

And now, Mr. Chairman, a word in regard to navy-yards. I believe, sir, that what we have got, including such as may be fitted up on the sites already owned by the Government as fast as others may be sold and removed, are amply sufficient for us even in time of war, and more than sufficient in a time of profound peace like the present undisturbed period. Why, sir, we have got more navy-yards in active operation to-day than we had during the war, when Norfolk and Pensacola were not available for

work. Since the close of that struggle we have spent millions upon millions in fitting up our navy-yards and in the purchase of tools of the highest workmanship, the largest capacity and most costly character, and we have got them on hand at this very hour; more than we want, more than we need.

In an investigation made last year, in which, with the gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Michigan, [Mr. FERRY,] I participated, it was ascertained that in the year 1867, two years after the close of the war, hundreds of thousands of dollars were expended for tools of the class I have named, and our navy-yards and ships were filled with them. We have got them now, sir, and this bill contains, or will, I suppose, contain by way of an amendment, more than half a million dollars of appropriation to meet unpaid balances for those tools which really should have been paid out of the surplus funds in the several bureaus, but which, if I am not mistaken, have been expended in the repair and equipment of ships, leaving to Congress the duty of providing for the payment of these balances or of repudiating the contracts made by the Navy Department.

These tools, sir, are in the Portsmouth navy-yard, in the Brooklyn and Philadelphia navy-yards, and hundreds of thousands of dollars worth of like tools were sent over to Mare Island, on the Pacific coast, where I saw them last summer. Shall I be told by my honorable friends who urge an expansion of the appropriation that this was an extravagant outlay which the Navy does not propose to follow up? Why, sir, look at the report of the Secretary of the Navy, and see what he recommends. He tells us that we have seven navy-yards, and says somewhat complainingly that not four of them are capable of fitting out more than two or three vessels at one time. Well, sir, do not gentlemen think it about as much as the wants of the country demand if we can put from eight to twelve war vessels on the stocks at one time, even in case of emergency? I think even our most enterprising and most dashing officers ought to be satisfied with such progress in the multiplication of these warlike monsters in time of peace. Why, sir, upon the showing of the Secretary himself we seem to have navy-yards enough for all the wants of the service, and while I am prepared to vote the sums for keeping them up so far as it is necessary to their present condition, I cannot consent to extend them.

No, sir; let us maintain and improve what we have, and enter upon no extravagant schemes for the construction of new ones except as we get rid of some of those already capable of supplying the wants of the Navy. We have in my own State a navy-yard at Portsmouth, although it is not in my own district. I know, sir, that it furnishes employment and profit to many men who deal with the Government through its organization. I am willing to sustain it in all its branches up to the highest demands of the public service; but beyond that I am not willing to go. I am not willing to foster this local interest, however profitable it may be to those living within its business influence, at the expense of a much larger constituency who must contribute of their hard earnings to maintain and keep up these public institutions. Without intending to say, sir, that the organization of that yard or the operations carried on there are more formidable and expensive than they should be, it may be matter of public interest to show what is required to conduct even a yard of its limited proportions. The following officers are at present stationed at this yard, as I gather from one of the local papers published in that city:

Rear Admiral John A. Winslow.
Captain D. M. N. Fairfax, executive officer.
Commander C. H. Wells, inspector ordnance *ad interim*.
Commander O. C. Badger, equipment officer.
Commander E. Y. McCauley, navigation.
Commander C. C. Carpenter, general inspector.
Lieutenant A. F. Crossman.
Lieutenant M. L. Johnson, assistant inspector ordnance.
Surgeon A. C. Gorgas.
Paymaster A. E. Watson, inspector bureau provisions and clothing.
Paymaster C. F. Guild.
Chaplain J. J. Kane.
Chief Engineer D. B. Macomb.
Chief Engineer J. W. Moore.
First Assistant Engineer S. L. P. Ayres.
First Assistant Engineer N. P. Towne.
Boatswain J. H. Bartlett.
Gunner A. F. Thompson.
Carpenter W. M. Laighton.
Sailmaker A. A. Warren.
Naval Constructor S. M. Pook.
Assistant Naval Constructor W. H. Varney.
Civil Engineer B. F. Chandler.

Now let us look a little at the *personnel* of the Navy, by way of comparison between the two periods which I have adopted. And first let us consider what has been the legal status of our Navy for the past thirty years.

NAVAL ESTABLISHMENT.

In order to show the progressive legal stages of our Navy, I submit the following table of official grades in the line of the Navy since 1842:

1842 *to* 1855:		1857 *to* 1862.	
Captains	68	Captains	68
Commanders	97	Restored to duty from the reserved list	11
Lieutenants	326		79
	491	Commanders	97
		Restored to duty from the reserved list	17
			114
		Lieutenants	326
		Masters not commissioned and number variable	519

1862.		1866.	
Rear admirals	9	Admiral	1
Commodores	18	Vice Admiral	1
Captains	36	Rear admirals	10
Commanders	72	Commodores	25
Lieutenant commanders	144	Captains	50
Lieutenants	144	Commanders	90
Masters	144	Lieutenant commanders	180
Ensigns	144	Lieutenants	150
	711	Masters	150
		Ensigns	150
			807

Having thus shown what the increase of numbers as fixed by law in the several grades of the active list of the line of the Navy has been since 1842, let us compare the actual official strength of the Navy in 1860 and 1870. We shall find it below the legal limit now, though it is fast filling up by accessions from the Naval Academy at Annapolis.

The actual official strength of the active list of the line of the Navy, according to the Registers of 1860 and of 1870, is as follows:

1860.		1870.	
Captains	79	Admiral	1
Commanders	114	Vice Admiral	1
Lieutenants	325	Rear admirals	10
Masters	34	Commodores	25
	552	Captains	50
	490	Commanders	90
		Lieutenant commanders	180
Excess over legal limit	62	Lieutenants	64
		Masters	90
		Ensigns	160
		Total	680
			552
		Difference, (excess)	128

A comparison of the three principal grades of the staff shows the following result:

Staff, 1860.

Surgeons and assistant surgeons	148
Pursers and Navy agents	74
Engineers of all grades	174
Total	396

Staff, 1870.

Surgeons and assistant surgeons	148
Paymasters and assistants	140
Engineers of all grades	251
Total	539

In addition to this we have the following reserved and retired corps:

1860.		1870.	
Captains	19	Rear admirals	18
Commanders	16	Commodores	53
Lieutenants	35	Captains	27
		Commanders	15
Total	70	Lieutenat commanders	5
		Lieutenants	3
		Total	121

REDUCTION OF THE NAVY.

Mr. Chairman, it is a serious and important question whether we cannot apply to the Navy the same policy which the distinguished gentleman from Illinois is attempting to apply to the Army in the reduction of the officers who are not required for the service. While I have no disposition to dismiss, sir, from office and position those men who have grown old in the service, and won a gallant record, which is of the treasures of the country, I think it worth our while to examine with care and with earnestness the Register so recently issued, and see if after all it is not in our power to provide for the future reduction of the Navy. Take, for instance, the number of officers upon the Register who are entitled to command vessels, from commodore to lieutenant commander inclusive. We find those grades to embrace three hundred and forty-five. There are on the Franklin alone eight lieutenant commanders, and six on the Eutaw, while by reference to the Register of 1870 we find that of all classes we have but one hundred and eighty-five vessels all told. Of this number less than one hundred will require commanders, as is shown by the foregoing details, the remaining vessels being either out of commission, in ordinary, or laid up, so that we have a surplus of two hundred and forty-five commanding officers in the Navy. I know there are other classes of duties on shore which require the superintendence of these grades of officers, or some one of them, but I am quite sure that a close scrutiny and examination will show a large number of supernumerary officers who cannot be absorbed in the required duties on shore.

Besides, sir, we are annually graduating on an average from the school at Annapolis seventy-five young gentlemen, midshipmen, and it becomes a serious question what we are to do with them. We take them at the tender age of sixteen, place them under professional education, adorn them with the uniform of the Navy, and teach them such duties as are intended to make them accomplished sailors. Now, sir, one of two things is certain: we must either build more ships for these gentlemen, or we must contrive some way to reduce the annual crop. The grades of master and lieutenant, to which they succeed after graduation at the Academy, will soon be filled. Then, sir, we shall have upon our hands, unless we get up a war, or a large and extensive Navy, these educated young gentlemen, many of them, from their isolation at the Academy and at sea, unfit for the active duties of civil life.

Mr. Chairman, I do not like to seem aggressive, or even intrusive, but it is due to the force of circumstances, and it seems to me to the tax-payers of the country, to say to the Committee on Naval Affairs, with the distinguished gentleman from Pennsylvania [Mr. SCOFIELD] at its head, that there seems to be opened up one of the most favorable opportunities for retrenchment and reform in the future that ever blessed the vision of the most sturdy and persistent economist. If the question were to-day put to us by our constituents, What need is there in the American Navy, in time of peace, of twenty-eight rear admirals, seventy-eight commodores, and seventy-seven captains? it would indeed be a puzzling one to answer. It must be remembered that the grades of Admiral, Vice Admiral, rear admiral, and commodore were created during the war as a military necessity, and also as a reward for gallant conduct and length of service.

Can it be believed, sir, that there is now a serious attempt on the part of the officers of the Navy to increase this list of high officers, and consequently increase the amount demanded for pay and emoluments? Yet such is the fact, and it is gravely proposed now to set aside out of this list a certain number of these high officers, so that the places thus vacated by them may be filled by others in the grades below, the promotions not being sufficiently rapid to satisfy the ambition of the gallant gentlemen who constitute the line of the Navy. For one I am against this increase of rank and increase of expense. It is not demanded by the interests of the service, nor can I see that it can properly be claimed as an additional reward for services performed. On the other hand, sir, my belief is very strong, my convictions very clear, that in these higher grades we should restrict the promotions and provide at once for a reduction in the different grades, without, of course, dismissing these older servants from the places which they have won by promotion and length of service.

UNPOPULARITY OF THE NAVY.

My friend from Maine has alluded to the fact of intestine divisions within the Navy itself. Mr. Chairman, I am sorry to admit that his remark is too well founded. Upon the merits of that controversy I do not propose to enter to-day; but I may well ask him to unite with myself in rejoicing that it is in the Navy alone where such dissensions exist. I am glad, sir, they do not exist in the other military branch of the service of the United States. On some other opportunity I may take occasion to allude to the causes of this difference, but I pass from that subject now to that immediately before the committee.

My friend from Maine has spoken of the hard fortune which the Navy seems to have met at the hands of former generations and the hard blows it is constantly receiving now in time of peace from various quarters, including the press of the country. I acknowledge the fact as much as I regret it. Is it proper for us in this discussion to seek for its causes? I would be glad to see more sympathy between the people and the Navy, but I fear it cannot be brought about until the Navy itself shall get rid of what is sometimes called the *esprit de corps*, but which might better be denominated the exclusiveness and clanship of rank. Does this House know that during the session of the present Congress officers of the Navy have been brought here under orders in scores to lobby against a certain bill pending in one of the committees? For what purpose? To strengthen this spirit of rank exclusiveness, and to insure the prestige of that class of officers who have within the last twelve months spent more than $21,000,000 upon what they say is a worthless Navy. Does it know that gentlemen who dared to come here to represent the opposite principle have by the exercise of pure authority been exiled to places where there was neither duty to be performed nor comforts to be enjoyed, and all this at the public expense and all to keep up and maintain and perpetuate a wretched exclusiveness that does not exist in any other military organization on the face of the earth. Yes, sir; there is not a military organization even among the monarchical civilized countries of Europe that is not less exclusive, less aristocratical than this American Navy of ours in its organization. How can it then come near the hearts of the people in time of peace? How can it become then the recipient of that popular favor which the gentleman from Maine would seem to invoke for it, and which no man would be more glad to see than myself? Already it has lost that impression of the volunteer spirit which was the fruit of the war, which liberalized both branches of our military service.

Mr. Chairman, whenever we are seeking vast expenditures of money in a given direction, and especially when we desire to foster the spirit of enterprise, if I may so call it, in the Army or in the Navy, we commence by belittling our own military organizations and exalting those of other nations. We first raise the cry of impending war, and then turning to see what we are to do with this imaginary difficulty, we find that we are called upon instantly or prospectively to appropriate vast sums of money to place the Army or Navy in warlike posture. My friend from Maine, captivated or captured by the lofty ideas of naval power advanced by the Secretary of the Navy in his last annual report, has proved that he is no stranger to the influences which surround this question of peace or war. In an elaborate speech the ideas of which seem to run parallel with those of the Secretary of the Navy, as enunciated in that report, and with statistics and figures which may be found extensively in that document, he has consumed a considerable portion of his time in exalting before the House and the country the vast proportions and power of European navies, and by contrast the weakness and inefficiency of our own.

He has told us of the great power of the naval armament of the mother country which, under the flag that for a thousand years has braved the battle and the breeze, now claims to be mistress of the ocean. He has spoken of the French, the Prussian, and other European navies, and in contrast with them has repeated the idea of the Secretary in intimating that in case of convulsion or war we should be powerless before the advancing power of any of the first-class navies of Europe. But he has not spread before us the cost of these magnificent armaments, even if he paused to count it.

The estimate of expenses for the English navy made March, 1870, was £9,996,641, equaling $49,983,205. This very statement will show the uselessness, not to say absurdity, of attempting to rival the British navy in its size, power, or its armament. It needs nothing but the bare statement of the expense to deter the American people from any attempt at rivalry in time of peace with the great European naval Powers.

Now, Mr. Chairman, so far as I am concerned, once for all, I desire to place myself right upon this question. I recognize the principle upon which our Government was founded and the policy which we have pursued since its foundation: that we are neither to have a large Army nor a large Navy in time of peace. I care not, sir, upon what pretense it is put, whether it be upon the protection of our commerce, which even the gentleman himself will admit does not exist, or whether it be upon the ground of self-defense, I say that the necessities of the country in time of peace do not demand it, never have demanded it, the people never have submitted to it, and that no contingency can arise in the future which will justify the vast outlays the gentleman's remarks seem to indicate for naval purposes in time of peace. That we should have such ships, of such strength, armament, and numbers that their presence shall cause us as a nation to be respected wherever our flag may be carried above their decks, I do not pretend to deny; but I do deny sir, now and here, that with the Navy which we now have, small as it is, inadequate as it is said to be for the purposes of a Navy, our flag has ever been insulted in any instance when reparation or apology has not been enforced by the power which is already at our command.

Sir, if there be any object in magnifying at this time the naval power of the European nations it must be for the very purpose of carrying out the enterprising, not to say extravagant ideas which now prevail among the leading officers of the Navy of the United States. No man who has observed the course of events can be ignorant of what those gentlemen propose to do; of how they propose to extend our borders by the expansion of territory—the acquisition of San Domingo and Cuba and the Sandwich Islands; how they propose to penetrate the Isthmus of Darien for the purpose of building an interoceanic canal, and how they have dug up from the recesses of an old appropriation some forty or sixty thousand dollars which they are now expending in that purpose, asserting at the same time that we need more appropriations for refitting our vessels and for work at our navy-yards.

Sir, we have just emerged, as it were, from a period of war; and unquestionably there are many who won their laurels on the Mississippi or at Fort Fisher who are quite impatient of a time of peace, and seek to extend their power and their influence, through the organization of the Navy, into new fields where aggression might possibly lead to hostilities. In that view perhaps we might be in danger of a war, which would require an increase of naval power; but taking things as they exist to-day, and regulated as they are by a sound public opinion, I assert, sir, that there is no such danger of war, there are no such impending signs of hostilities as will authorize the expenditure of a dollar of extra money for naval purposes.

Why, sir, if the gentleman's argument means anything it means that because Great Britain has more than six hundred ships, because France has more than five hundred, the American Navy should be placed on a footing of power sufficient to cope with them in a struggle for the conquest of the seas. Sir, the people of this country never have and never will seek to have in time of peace, as I have said before, a large naval power. They will not seek to compete with the great Powers of Europe in naval power.

And so it is, sir, because we are in danger of war with England or some other foreign Power, that we are to build up a great Navy at an expense of many millions of dollars which should go into the Treasury to pay the public debt, or which should be taken from the burdens of taxation that now oppress the people. War with England, sir! Why England to-day stands upon her good behavior toward the United States and toward all the world, bound to it by a commerce which whitens every sea, and which in less than six months from the time war should be declared would be swept from those very seas by the volunteer navy of the United States. War with England, sir! We stand to-day upon our good behavior toward England by reason of the mighty debt imposed upon us in the civil war of the rebellion, and which is now taxing all the patience, the industries, the patriotism, and the good feeling of the American people. War with England, sir! She is bound to her good behavior by the fact that in thirty days from the declaration of war Canada would be ours, and the territory which she is now proud to claim her own would rest securely under the broad ægis of the American flag. We shall have no war with England, or if we do it will not be a war such as the gentleman has alluded to, of squadron against squadron upon the high seas, but a war in which by letters of marque and reprisal we shall sweep her commerce from the hundred seas on which it now floats, and take our northern neighbors in pledge as security for the future.

Let us not, then, Mr. Chairman, be seduced into voting large appropriations for the Navy of the United States beyond that which is necessary to keep afloat vessels sufficient to carry our flag with honor and respectability into such parts of the world as it is drawn by the interests of our Government or the commerce of the United States.

OUR MONITORS.

It is with no small surprise and regret that I have learned from the late reports of the Navy Department, and the statements of the honorable chairman of the Committee on Appropriations, that our naval vessels are utterly worthless, and the laughter of all the great naval Powers of the world. I certainly had arrived at very different conclusions from reading the reports of the naval operations at the capture of Fort Fisher, where our gallant Navy delivered its last tremendous blow to the stag-

gering rebellion, and particularly from this emphatic sentence, italicized by the distinguished officer who commanded on that occasion, "the largest fleet that we have ever had assembled."

Let us indulge for a few moments in the vigorous and refreshing language of the distinguished Vice Admiral, as he gives it to us in his report, off Fort Fisher, January 15, 1865, and as we find it in the message and documents, Navy Department, 1865-66, page 190. Hear how he talks about our worthless Navy:

"As to the Monadnock, she could ride out a gale at anchor in the Atlantic ocean." * * * *

"The Monadnock is capable of crossing the ocean alone, when her compasses are once adjusted properly, and could destroy any vessel in the French or British navy, lay their towns under contribution, and return again, provided she could pickup coal, without fear of being followed. She could certainly clear any harbor on our coast of blockaders in case we were at war with a foreign Power. As strong and thick as the sides of this vessel are, one heavy shot from Fort Fisher indented the iron on her side armor, without, however, doing any material damage. These vessels (speaking of the monitors) have laid five days under a fire from Fort Fisher, anchored less than eight hundred yards off, and though fired at a great deal they were seldom hit, and received no injury except to boats and light matter about decks, which were pretty well cut to pieces."

* * * * * * * * * * *

"The commanders of the monitors seem to feel quite at home and safe in them, and apprehend no more danger at sea than in any other kind of vessel. Commander Parrott, of the Monadnock, remarked that he did not see any difference between her and anything else."

The Monadnock and the monitors are still ours. I commend that fact to the consideration of all nervous gentlemen in fear of foreign navies.

THE MONARCH.

We hear a good deal of talk now-a-days in relation to the building of ships which shall be impenetrable to any warlike missile, and clothed with armor which shall protect them from all assaults. Some of us had the fortune a short time since to be on board one of these moving war palaces belonging to her Britannic majesty, and to examine her splendid proportions, her perfect workmanship, and her formidable armor; and now, sir, what do you suppose to be the opinion of the most distinguished of our naval officers as to her impenetrability, of her power to withstand the heavy shot to which she might be exposed in endeavoring to enter one of our fortified harbors? I put the question to one such gentleman, "What would be the effect of a fifteen-inch round shot upon the sides of the Monarch at point-blank range?" And the answer was, "It would go through her as though she were rotten wood." That vessel, costing in British navy-yards and in gold £400,000, and which would probably cost in this country to build her two or three million dollars, would not stand a minute before those formidable works which the War Department, under the superintendence of a distinguished general, is now erecting as a defense for our principal harbors. One of those despised iron-clads, scarred as they are with rebel shots received at Charleston and elsewhere, which now lie around League Island, would be a thousand times more formidable and more effective, either for assault or defense, in any harbor in the world, than the noble vessel of which I have spoken.

And yet, when we come to look at the cost of these noble vessels, so far as it has been ascertained, it will strike the American people with surprise that upon a single vessel Great Britain is willing to expend such vast sums of money, while it will serve as a warning to us how cautiously we should enter upon any scheme such as is recommended by the Secretary of the Navy for building ten ships of similar structure and power. The cost of the hull and engines alone of the Monarch, as put down in the Statesmen's Year Book for 1870, is £336,000 sterling, and equal in amount to $1,680,000, and this at gold prices in England.

DEFENSES AND FORTIFICATIONS.

Intimately connected with this question of appropriations for the support of the Navy as we find it is the question of our coast defenses. I am satisfied that the opinion is rapidly obtaining ground, and that it rests upon a just foundation, that we can hereafter to a great extent rely upon our land fortifications for the defense of our sea-coasts and harbors. I find in the last annual report of the General of the Army that the board of engineers in New York has laid down five general propositions in regard to the modifications of the sea-coast forts, which are heartily approved by that distinguished officer, and which are thus stated:

"*First.* The use of barbette batteries of earth with deep parapet and a liberal number of bomb-proof and magazine traverses.

"*Second.* The use of the heaviest guns, with carriages admitting of the gun being depressed below the parapet for loading.

"*Third.* An abundant supply of heavy mortars.

"*Fourth.* The use of torpedoes.

"*Fifth.* Entanglements to hold a fleet long enough for destruction."

I call attention to the comments of the General of the Army upon these propositions, as found in his report:

"Taking new 'Fort Winthrop' harbor as a sample, I am satisfied that these propositions fulfill all the conditions of the problem. No foreign army will be likely to attempt a landing on our coast, and all that a foreign fleet can attempt will be to run by the forts and lay the cities under contribution. On firm land we can handle guns of heavier caliber and with more accuracy of aim than any enemy can his afloat; and in my judgment no armored ship, as yet built, can long exist within the range of our twenty-inch guns, or even of the fifteen-inch guns, if successfully handled. I therefore recommend that the forts covering the cities of Portland, Boston, New York, Philadelphia, Baltimore, New Orleans, and San Francisco should be pushed to completion as soon as practicable. All other points might be neglected for the present."

In accordance with these sentiments are the observations which I have recently heard made by experienced officers both in the Army and the Navy. In conversation a short time since with the able and distinguished officer who has charge of the fortifications along the New England coast, he expressed with great confidence the opinion that our towns and cities upon the coast could be rendered unapproachable by any navy now in existence, through the perfection of our fortifications and the heavy armament to which allusion has been made in the report of General Sherman. It is admitted by high authority in the Navy that a fifteen-inch shot would penetrate the side of the heavy-armored vessel, the Monarch, which a short time since was floating in our waters, a wonder both in structure and in cost alike to our citizens and to our Army and Navy. These facts, sir, admonish us that we ought not to spend in the construction of vessels, hastily and without care and caution, vast sums of money under the supposition or pretense of necessary coast defense, more especially when we have so many iron-clads capable of being placed in immediate use.

COAL.

We have heard much during the present session of Congress of the contemplated reduction of expenditures, by the abolition of the use of coal and the partial or entire destruction of our steam marine, in connection with the Navy of the United States. Fine calculations have been entered upon, both in Congress and in the public press, based upon an item in the report of the Secretary of the Navy, which asserted the saving in expense in this item alone as probably reaching the enormous sum of $2,000,000. This assumption has been so completely exploded, both by opponents and the explanation of friends, that it is hardly worth while to recur to it here, and I do so only to call attention to the fact that while the actual amount of coal consumed is less than $500,000 per annum, and that all the rest of the saving is based upon a loose estimate of expenditure, wear and tear of engines, &c., no one has chosen to calculate or even to allude to the increased expense which will accrue from this change from steam to sailing vessels.

From what will such increased expense arise? Principally, sir, from the increased complement of men that will be demanded when this change is made. It will be apparent to all, however little they may be conversant with affairs of the sea, that when the engines shall have been torn from the ship and their places supplied with sailing-rig, with masts and yards and spars, the demand for men to man the vessels must be very largely increased. We have a proof and exemplification of this in the fact that the Secretary of the Navy now asks for three thousand men in addition to the eighty-five hundred now allowed by law. Let us estimate this increased expense which will be required annually to supply this enormous saving on coal.

The Department calls for three thousand additional men. The best estimates which I can get of the expense which this increase would call for amounts to $1 50 per day at least, per man, in round numbers, though probably it exceeds that sum. At this rate the increase would involve annually an expense of over one million six hundred thousand dollars. I can hardly see economy in this.

In the book of Naval Regulations, issued in 1865, sections three hundred and eighty-six and three hundred and eighty-seven direct that steam vessels of the Navy shall be navigated under sail, and that steam shall be used and coal consumed only under extraordinary circumstances, of which the commanding officer shall promptly inform the Department. And in the subsequent circulars, Nos. 1 and 2, published in 1866 and 1867, the following positive language is employed:

"Steam will only be used in entering or leaving port when the vessel cannot be managed under sails alone, and under other circumstances where an urgent necessity may exist, which renders it necessary for the performance of the service, if a specified time for its performance has been directed by proper authority."

And again:

"Whenever steam is used the commanding officer of the vessel must enter in the steam log-book, in red ink with his own signature, the reasons why he ordered it, and he will be held to a strict accountability for the sufficiency of his reasons. In no case will he use steam without a necessity so strong that the public interests would obviously be materialy injured by not using it."

If, then, the commanding officers of naval vessels have been in the habit of burning coal extravagantly, and using up the furnaces and machinery of their vessels by unnecessary steaming, why have they not been held to account for their disregard of these regulations?

A short calculation will enable us to estimate the probable expense of coal for the Navy, if the regulations concerning its use be complied with.

We shall probably have in actual service during the present year thirty steam vessels of all classes, several of which, the Franklin, Colorado, Lancaster, &c., are full ships entirely independent of their steam power. Now, if seven hundred and fifty tons of coal per annum be allowed to each of these vessels for necessary steaming, we shall have a consumption of about twenty-two thousand five hundred tons, at a cost of about two hundred thousand dollars, or let us say $250,000 per annum.

The principal advantage to be derived from the employment of sailing vessels is the opportunity afforded to the officers of the Navy of acquiring a practical knowledge of seamanship, in which, by the testimony of the older commanding officers, the young graduates of the Naval School are notably deficient; and it appears that the last Secretary of the Navy, soon after the termination of the war, directed that a sailing vessel should be attached to each squadron, to which the younger officers should be transferred from time to time, that they might be familiarized with all the details of the management of ships under sail.

I have but one desire in the discharge of my official duties as connected with the Navy, and that is to render it respectable, powerful, and efficient. I use these terms in their American, and not in their British sense. I do not speak of a British navy or of a French navy; I speak of an American Navy such as it has been to our fathers, and such as it should be to us in time of peace. I have the strongest desire to

see our Navy assimilated in organization, character, and rank to those of the other great nations of the earth, whose experience has dictated the present condition in which we find them. I desire to see its organization, so far as it can be, similar and analogous to that of the Army of the United States, where dissensions are almost unknown, and where the only difficulty which seems to arise is, what shall we do to reduce the number of its officers? In the matter of high rank in the line of the Navy we have made great advances during and since the war. We have created the additional ranks of Admiral, Vice Admiral, Rear Admiral, commodore, and lieutenant commander. We have almost exhausted at times the numbers in the lower grades in order that we might place them in the higher, with additional rank and increased pay. This advancement, with the large increase of numbers, has also largely increased the expense in the pay in the Navy. I think it is about time that we should begin to limit the promotions to these higher grades. I have no doubt that if this matter were made a study by members of Congress they would come to a like conclusion. I am quite sure, sir, that if there were fifty men on this floor as well acquainted with the details of the Navy as they are with the details of the Army, there would be as much demand for a reorganization and reduction in that branch of the service, both here and throughout the country, as there is for a revision in the Army. But the misfortune both to the Navy and the country seems to be that to everybody outside of its organization, or to those who enjoy its patronage, it is a close corporation, a sealed book, into whose recesses we seldom look, and which we leave to be handled and controlled by professional men who easily reach the ear of the Department, and who transmit their views through that medium to the committees of the House and Senate. There have been some of the most remarkable instances of this in the shape of bills which have been introduced here at the request of the Department since I have been a member of the House. I say in all seriousness, and with a desire to call the attention of the House to this matter, that it is a subject which demands their earnest and prompt investigation. It is a matter with which they should make themselves acquainted, and they can then judge whether the unpopularity of the Navy, of which my friend from Maine justly complains, and which I freely admit, is well founded, or whether it rests only upon the ground that we know nothing about its inner workings.

Mr. Chairman, our great struggle is to get back in all departments from the extravagance of a period of war to the economy and frugality of peace. It requires the constant effort of all those who represent in a public capacity the welfare and the interests of the people. It seems at times as though the effort was destined in some respects to extend over an indefinite period of time before we reach a successful termination. While I am at times discouraged, I do not despair. Even when I find such estimates as are demanded on the part of the Navy I certainly shall not regard the case as hopeless if we can sustain substantially the recommendations which the committee have favored the House with in the production of this bill. While unquestionably it requires some changes in particular instances, it will in the main receive my cordial support. I hail it, as I have other measures emanating from that committee, as an earnest that the voice of the people has been heard and will be obeyed, and that Congress is to make it a special duty, as the representatives of a confiding yet patriotic and long-suffering people, to see that in our public expenditures the principle of retrenchment is fully vindicated by the adoption of practical measures to secure that great result.

During the remarks of Mr. STEVENS,

Mr. DAWES said: I would like to have my friend from New Hampshire [Mr. STEVENS] yield to me for a few minutes.

Mr. STEVENS. I would inquire of the Chair how much time I have remaining?

The CHAIRMAN. About twenty-one minutes.

Mr. STEVENS. I have considerable more to say upon this subject.

Mr. DAWES. Very well; I will not press my request now.

Mr. COX. I will ask leave to have my remarks printed in the Globe as part of the discussion of to-day upon this bill. If that can be done, I will then yield my time to the gentleman from Massachusetts [Mr. DAWES] and to the gentleman from Illinois, [Mr. LOGAN.]

Mr. DAWES. I am very much obliged to the gentleman.

No objection was made, and leave was accordingly granted. [The remarks of Mr. COX will be found in the Appendix.]

MESSAGE FROM THE PRESIDENT.

The Committee of the Whole on the state of the Union rose informally, when a message from the President, by Mr. HORACE PORTER, one of his secretaries, announced that the joint resolution (H. R. No. 85) for the relief of Helen Lincoln and Heloise Lincoln, and for the withholding of moneys from tribes of Indians holding American captives, was received by the President on the 4th instant, and not having been returned to the House within ten days (Sundays excepted) after presentation, had become a law, pursuant to the Constitution of the United States.

NAVAL APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session.

Mr. SARGENT. I take part in this debate because I believe injustice has been done to the Navy Department as at present administered; because crude theories are being pressed forward to take the place of well-tested principles; and because perhaps a well-meant economy is being pushed so far as to threaten to cripple a necessary arm of the national defense. I think I should not be silent when a policy is recommended that would dismantle all our navy yards, when my own State contains one of the principal navy-yards of the country, the efficiency of which is essential to the protection of the Pacific sea-coast and of our growing Asiatic commerce. I may be excused in passing for alluding to the great advantage in building up the Mare Island navy-yard, so handsomely referred to by the gentleman [Mr. STEVENS] who has just spoken. It should be completed as soon as possible, and be provided with all the appliances for repairs of steam machinery, and for the rapid building and repair of ships during war, which facilities it has not at present, because a large amount of money would be saved by sending all the ships in the Pacific and in the China seas to lay up there and repair. It would save the long and perilous voyage around Cape Horn, and through the tropics and on to the stormy eastern coast in mid winter. It would save the China fleet the long voyage around the Cape of Good Hope, or the more expensive one through the Suez canal, which in the former case could not be made in less than one hundred days, while it could be made from Shanghai to California in twenty-five days. These are great advantages in point of time, to say nothing of the saving in wear and tear of ships and machinery, and in coal and other material.

We have great possessions on the North Pacific coast, extending from latitude thirty-three degrees to latitude sixty degrees north. Within this limit are contained the best lands for ship-building timber. British Columbia and Vancouver's Island will one day be a part of our Union, and will bring their proportion of wealth in the shape of ship-timber, minerals, and all that goes to make a powerful navy. The great trade of China will flow naturally over our Pacific railroad, and the wealth of the Indies will seek our shores. The electric telegraph that will soon be laid from California to China will give us the means of instant communication with those distant lands, the possession of whose trade has heretofore enriched the nation acquiring it. There will be lines of steamships running from California to China, as there are now from New York to Europe. The whole country will be interested in protecting those interests; and hence the establishment of the great and only navy-yard of the Pacific is a matter of national concern. Our naval squadrons on the Pacific have an extent of sixty-six hundred miles in which to keep watch over and protect the interests of our citizens; and it must be apparent to common sense that the navy-yard for the repair and equipment of the vessels on that station and in the China seas should be in proportion to the wants of the Navy there. Economy is one thing, but a reckless disregard of the recommendations of the Secretary and of the experts who know what is requisite is another. Forty million people of the United States may think they are doing a large business in keeping up six navy-yards, (for that is all we have in operation,) but the Spanish navy-yard at Ferrol would take them all in, and they would hardly be seen. Our expenses are a mere bagatelle compared with those of the smallest naval Power of Europe.

If I understand my colleague on the committee, [Mr. WASHBURN,] he is opposed to repairing our wooden ships because they are not iron, and he would let the ships on the stocks rot there for the same reason. We have no iron ships except the iron-clads, and we have neither the materials, the tools, nor the experience to build them. What then? Shall we dispense with a Navy? Shall we discard all means of protection for our interests abroad and reduce ourselves to such a condition that the most insignificant foreign Power can insult us with impunity? Such is the result that we reach if we do not attend to the necessary annual repairs of our fleets. The rapid deterioration of ships of all kinds, of iron vessels not less than those of wood, is incapable of denial. The neglect of repair of our vessels for three years, or a less period, would put them in the condition of floating coffins. At the end of that time there would not be one of them that would be fit to cross the Atlantic. While our people are commercial in their habits, and have business interests with the rest of the world, the Government must be prepared to protect them wherever merchant ships may carry the flag. We are even now devising some means whereby our merchant marine may be enlarged; but our success in that direction will only make it more necessary that our naval vessels shall visit foreign stations to see that our national rights are respected.

The idea of my colleague of the Committee on Appropriations, that we should foster our merchant steam marine, so that in time of war they may furnish us swift cruisers, is good so far as it goes; but certainly we must have something approximating a respectable peace establishment also; and that we can have at present only by keeping in repair our present Navy, or building a new one. If he is in favor of building iron war ships, where does his idea find expression in the bill that he has reported, and where his wishes had supreme weight? There is no appropriation suggested even for the commencement of such an experiment. But I am not ready to exclude wooden ships from the Navy when I remember that the vessels that passed the forts below New Orleans, just before that city was taken, were of wood, and when I know that eminent naval authority, both here and in England, holds that wooden ships will always be an important arm of naval service, and that a large part of the present navies of the world are of wood.

But, sir, the Navy Department had nothing save these wooden ships and a few monitors

when this Administration came into power. It was not to blame that rotten old hulks incumbered the navy-yards, and other rotten old hulks constituted our navy in foreign waters. If there is any disgrace arising from the character of our ships, that disgrace belongs to Congress, and not to the Navy Department under this Administration or any former one. We have doled out the means to construct the Navy, and prevented by our parsimony the adoption of improvements in naval architecture. The fifth-rate Powers of Europe surpass us in this respect. The disgrace is ours, and not that of our brave officers and men, who have made up in spirit and energy for the weak and inefficient ships on which we have sent them to their stations. And it is not on the Navy Department, to which we have for twenty years, except during the war, appropriated about the amount, on an average per year, that this bill appropriates, while England has appropriated, during the same time, from fifty to one hundred million dollars per year. We have appropriated about one dollar to five of England, and yet talk of the disgraceful condition of our vessels as compared with those of England, as if it was a reproach, not to us, but to the Navy itself.

For 1868 and 1869 England appropriated over fifty-five million dollars in gold to its navy, equivalent to $75,000,000 of our money, while we appropriated but $17,356,350. This year their appropriations are about five million dollars less, and this bill reduces our appropriations $1,000,000. When it is remembered that England has no eight-hour law to increase the cost of its labor, and that materials there are cheaper, the difference in its appropriations would carry them up, as compared with ours, to at least $100,000,000 per year. The condition of the Navy at the time this Administration took it is shown by a communication of the late Secretary Welles, dated as late as January 29, 1869, and addressed to Hon. J. W. Grimes, chairman of the Senate Naval Committee. In the letter referred to Mr. Welles complains of the limited means at his disposal, says he had of late made but few repairs, and anticipates the embarrassment that his successor will suffer from finding the Navy in such a bad condition. As this letter is the best exhibit of the "perishing and non-efficient condition of our naval vessels" within about a month before his successor took their charge from his hands I ask attention to its statements:

NAVY DEPARTMENT, *January* 29, 1869.

SIR: * * * * It was not my intention at this session of Congress to urge an increase in any of the proposed appropriations, reduced as they have been without consultation with the Department, from estimates made upon carefully gathered data, and without any expression from the committee reporting the bill as to how the money should be applied or where expended; but feeling it a duty to call attention to the embarrassments likely to arise from the adoption of the bill as passed by the House of Representatives, irrespective of the amounts appropriated, I improve the occasion to say that in the present condition of the vessels of the Navy the amount included in the bill for "steam-engineering" is not adequate for the squadrons afloat, nor for a Navy upon anything approaching a respectable peace establishment.

In accordance with the oft-repeated views of Congress, expressed in various ways, and in consequence of the reduced appropriations, the expenditures upon naval vessels have for the last two or three years been restricted to the actual amount necessary to keep a small number afloat. If vessels have not been needed for immediate use they were upon returning from service laid up without repair. A large expenditure will be required—larger now than would have been necessary had the repairs been made when the vessel went out of commission—but the funds were not provided. It is a wise and economical policy to repair vessels of the permanent Navy and put their machinery in order as they return from service, and a Government whose commercial interests are as extensive as those of the United States, and whose naval power is so often appealed to, should always have vessels in readiness for any emergency. If not required for immediate special service they will not long remain unused, but be needed to replace those which have been abroad for the usual term. Such vessels as the Hartford, Lancaster, Colorado, Wabash, Minnesota, Susquehanna, Wyoming, Wachusett, Juniata, Brooklyn, and Monongahela, are in home ports; but months will be required to fit any one of them for service.

If those who succeed me are embarrassed for the want of vessels or means it shall be through no fault of mine, for it has been my endeavor that the wants of the service and the true interests of the country should be faithfully presented to Congress. In my annual reports, as well as in special communications of the Navy Department, and in this letter, my object has been and is the welfare of the service.

It is a satisfaction to know that the Department is not responsible for the perishing and non-efficient condition of our naval vessels which remain at the wharves unfitted and unrepaired for service.

Very respectfully,

GIDEON WELLES,
Secretary Navy.

Hon. JAMES W. GRIMES, *United States Senator.*

Mr. Welles, just before going out of office, declared that a large expenditure was entailed on his successor by the necessary repairs which his means would not allow him to undertake. The concurrent testimony of naval men is that Mr. Welles's statements were under the mark rather than exaggerated. There was not a sound ship in the Navy. At home and abroad there was nothing but rottenness and inefficiency. The lives of the sailors were always periled and frequently sacrificed in the performance of necessary duty in ships that it was murder to keep at sea. More than this, the docks, wharves, buildings, and other property at the navy-yards, the accumulations of years, were perishing for want of ordinary repairs and protection. Our iron-clads were unhoused and unprotected, the machinery exposed to the storms, and being corroded with rust. On the 3d of February, 1869, Mr. Welles called attention again to this condition of things in a letter to Mr. F. A. Pike, chairman of the Naval Committee of the House. Such then was the legacy that the late Administration bequeathed to the present one, and such was the necessity that existed for activity in the navy-yards after the 4th of March, 1869. Mr. Welles's excuse for not repairing the Navy was the want of money to apply to such purposes; and he stormed at Congress within a month before he went out of office because he could not get the necessary funds. What he did with the money that was given him it would be difficult accurately to determine. The appropriations were certainly inadequate, but the work accomplished was singularly small. Secretary Robeson's report of 1869 confirms Welles's statements of the perishing condition of the Navy when he took charge of it.

In this situation of the Navy it was thought by the new Navy Department on all accounts to be the best economy to do what could be done at once to put it in repair, not only because the ships were required for immediate use, but because delay would increase the amount to be ultimately spent, and necessitate the maintenance of expensive organizations without adequate results. Acting upon this principle the navy-yards were set in efficient operation, and necessary repairs proceeded with rapidity. In less than a year many vessels were repaired and fitted for sea at the several navy-yards. That which Mr. Welles found impossible to accomplish with greater means at his command, the present Administration succeeded in effecting. Much remained to be done, and much must be continually done to arrest decay and keep up efficiency; but the Navy was rescued from utter rottenness and put in a condition of considerable usefulness.

In January last the gentleman from Massachusetts [Mr. BUTLER] gave the figures of the first nine months' administration of the Navy Department under President Grant, during which these great repairs were effected, and the corresponding months of Johnson's administration, when Mr. Welles was expending money and yet letting the Navy rot at home and abroad. The comparison was a complete answer to the reckless charges that were made against the Navy Department, and no one has ever tried to deny the figures, although the same loose generalities have since been indulged in. The gentleman from Wisconsin [Mr. WASHBURN] brings down these figures to the end of the fiscal year, and suggests the same comparison. I collate from his figures the following exhibit:

Table of expenditures in the first year of Grant's administration and the corresponding months for the year 1868 *under Johnson:*

1868.	*Johnson.*	1869.	*Grant.*
March	$2,772,172 63	March	$1,634,232 28
April	1,625,716 90	April	1,450,481 11
May	1,752,054 50	May	1,011,283 65
June	2,725,609 72	June	2,019,954 78
July	2,335,143 24	July	1,956,160 72
August	1,001,320 58	August	1,634,470 64
September	2,268,885 08	September	2,302,999 60
October	3,321,817 95	October	2,384,145 80
November	1,660,849 58	November	1,659,018 71
December	1,220,556 30	December	1,826,107 34
1869.		1870.	
January	1,311,720 02	January	1,764,787 85
February	764,513 40	February	1,360,516 76
Total	$22,760,359 90	Total	$20,893,159 24

In some remarks which I made on the naval deficiency bill in February last, I showed that although no less than eighty vessels had been repaired at the navy-yards, against nearly no repairs made by Secretary Welles, and to effect these repairs the number of men at the navy-yards had been twelve thousand, against five or six thousand under Mr. Welles, yet the books of the Treasury showed a decrease in the expenditures of the Department for the time, as compared with the corresponding period of 1868, of $3,521,822. The table which I have read shows these figures in detail, and the same economy subsequently, and the fact is still further illustrated in Secretary Robeson's last annual report.

What, then, becomes of the assaults made against the Navy Department on either side of this Chamber? Those gentlemen who think the Navy should rot will not commend the efficient action of the Department in rescuing our war ships from hastening decay. But even they must admit that where $3,000,000 are saved in the expenditures, which put the Navy in a condition of efficiency over those consumed in watching its decay, there is an improvement in administration.

The bill reported from the Committee on Appropriations is niggardly in many of its features. It is entirely inadequate to the wants of the service, as I propose to show. Although reported from the Committee on Appropriations, it is the especial production of the gentleman who reports it, in that his suggestions have had controlling weight. It does not express the views of those of the committee who think it bad economy to cripple an important arm of the national defense; and it does not suit others who, like the gentleman from Massachusetts, [Mr. DAWES,] think almost any appropriations made to the Navy are extravagant. I was not surprised to hear the gentleman from Massachusetts say the other day that he was opposed to the bill. I am also opposed to it, but for the opposite reason; and I shall endeavor, when the bill is read by sections, to have some of its features liberalized.

The gentleman from Wisconsin, in bringing forward the bill, presented an array of figures which cannot be understood without more study than the time of members will ordinarily permit. Those who go for economy, without considering in what that economy consists, will no doubt be pleased to hear that the naval estimates are cut down $7,956,431 38; the fractional part of a dollar, showing how very particular is the calculation of the naval service. Members will naturally suppose, from this nicety of calculation, that the gentleman from Wisconsin is an expert in naval estimates, or that the committee has taken the trouble to obtain from the heads of naval bureaus the information and recommendation to enable us to so cut down naval appropriations. On the contrary, I do not think the gentleman brings any peculiar experience to bear on the subject, and the views of the Navy Department are entirely disregarded. Under this bill the Administration will be left in greater straits than

was even that of Johnson, which fitted out but two ships during its last year, and left all the others to rot in the dock-yards. There was much incompetency and extravagance in naval affairs as then administered, contrasting strongly with the management of the succeeding year.

I again assert that the present Administration, on $3,500,000 less money than was expended by the last Administration during the same months, has placed our Navy in good condition; has redeemed it from the disorganized condition in which it was left; has rebuilt, fitted out, and put in commission forty sound and well-equipped vessels, most of them with full sail-power; and it has also repaired and saved from destruction by decay some forty-five others, which could be got to sea in case of necessity. It is only necessary for members to examine the results obtained, and they will be satisfied that never has any Administration expended the Government money more economically or more advantageously.

But I desire to call attention to some of the features of the pending bill. The Bureau of Construction asked for next year $7,975,000. With this sum they proposed to finish certain ships, to repair others, to purchase timber and other materials, and to pay mechanics. For the year ending June 30, 1870, but $2,500,000 had been appropriated, but there was an unexpended balance of $1,768,888 10. These amounts were soon used in the necessary repairs of ships lately sent to sea on foreign stations. In former years it was the custom of Congress to appropriate annually a certain amount for the purchase and storing of timber of all kinds, such as live-oak frames, knees, &c., and for copper and iron bolts and sheathing used in ship-building. When the rebellion broke out we had a large supply of this timber and material on hand; and the policy of storing up timber, to be reserved for time of need, was made apparent from the first day of the rebellion. We were cut off from the live-oak forests of Florida and from our timber lands generally in the South, and but for the supply on hand we could not have commenced building the ships, many of which aided so materially in crushing out the rebellion. But when the war closed most of this material was used up, and there was no appropriation to buy more. The present Navy Department has no stores of timber and iron to draw from as heretofore. Everything has to be purchased anew. There is scarcely a stick of live oak left in our navy-yards.

This condition of things should be taken into consideration in making the appropriation. The able report of the Secretary shows clearly the necessity of having more vessels afloat; and yet the committee have cut off $2,100,000 for finishing five sloops-of-war on the stocks. The constructor explained to members of the committee how much more economical it was to finish ships partly built than to repair old ships, a policy that has been conformed to by all the oldest naval Powers. With this item off, the gentleman from Wisconsin says that the reduced appropriation, $3,530,000, is more by $1,030,000 than the current year. But this makes no account of unexpended balances and materials on hand from last year, of which there will be none at the end of this year. The amount in the bill will not pay for the labor alone to keep in repair the ships in actual service; it will not furnish the material for immediate use, not to mention the provision of a store for the future.

I condemn this unreasonable reduction at the moment when we need an efficient Navy to protect our citizens and commerce. Right at our doors, in Cuba, our consuls are fleeing for their lives; our ships are seized and our citizens imprisoned; and yet the Administration is denied the means of keeping a moderately respectable Navy to maintain the respect due to our flag. If, as the gentleman from Wisconsin says, the sum of $5,000,000 was spent last year in the repair of ships, how can he expect the Department to get along with the small sum he would dole out, when he is told by the Secretary of the Navy that ships must be launched from the stocks to get the good of them before they rot, and that ships now partially decayed must be repaired before they are too far gone?

Upon another point I find myself at issue with the gentleman, and am at loss to find the sources of his information. He is certainly incorrect in saying that England is having her work done at private yards to the exclusion of Government yards. The example of England is good in this matter, for her long experience has enabled her to know the best manner of employing labor for her navy. I have not been able to find in the discussion on the floor of the House of Commons anything said in favor of doing away with labor in the English navy-yards or of building ships exclusively at private yards. Certainly no such policy has prevailed. In 1868 the English commenced building twenty-four armored ships in their dock-yards, employing 18,321 men, while they contracted at outside establishments for but two iron-clads, one frigate, and ten gun-boats. The end of 1869 showed an increase of mechanics in dock-yards to 20,690 men, increasing the civil establishment of the yards, while there was no increase for contracts outside. In 1869 twenty-three iron-clads were proceeded with in British navy-yards, with 15,292 mechanics; and though the Woolwich dock-yard was closed up by act of Parliament, the laborers were transported to other yards, and not turned out to starve in mid-winter, as is sometimes done here. The present policy of Great Britain is to build twenty thousand tons of naval vessels per year; but only four thousand tons of this is put out at contract. The amount of tonnage now being built in dock-yards under this new rule is more than we built in the years 1867, 1868, 1869, and 1870. The amount for steady labor alone during these years was an average of $16,785,000, more than the whole amount granted for all purposes for our entire Navy by this bill. If the gentleman appeals to British experience, let him take it as a guide, and advocate a system of steady labor commensurate with our wants as a naval Power. His information is all wrong; and he seems to have no system whatever, unless it is to let the Navy go to decay.

I call the attention of the gentleman to the amount proposed to be given to the department of steam engineering, which he says is $750,000 less than the estimates. On what intelligent ground does he propose to cut down those estimates? He says they are $350,000 more than last year, but that makes no account of the unexpended balance and stores on hand, which will not exist at the end of this year, so that the steam department will have to exist on the exact appropriation that Congress gives them, and nothing more. I think he must know that last year's appropriation did not suffice to put our naval steam machinery in repair. It had all run down, the life had been run out of it by steaming from one coal pile to another, because our ships had no sails to help them along. That has been remedied now, and the expense will be less in the future; but there are yet many vessels left whose machinery requires entire repair, and the vessels can be of no use until that repair takes place. The longer the delay in putting them in the hands of mechanics the worse for them. The chief of the bureau did not estimate even for the five sloops-of-war on the stocks, which will require for their machinery at least $250,000.

The gentleman from Wisconsin says that the amount proposed for the ordnance department is $123,000 more than last year. This is true, because it includes an expenditure for ten fifteen-inch guns for the Colossus and experiments for the torpedo corps. But the regular appropriations for the bureau are cut down largely—the item of labor at navy-yards three fourths. This bureau manufactures all the ordnance, takes it from and puts it on board ships, &c. There is not a single item that can be dispensed with in the estimate of the chief of the bureau. There are but six thousand barrels of gunpowder available in the powder magazines. The small addition of five thousand barrels was asked, and but half the amount is given in the bill. Perhaps it is hazardous to thus exhibit the poverty of our naval supplies to foreign Powers. The Department asked for a niter depot and a small appropriation to lay in niter and saltpeter for future contingencies. All is refused. An appropriation for guns of large caliber, and for experiments, to enable us to keep pace with European Powers, is also refused; and our naval officers are put in the position of stealing their knowledge from English or French experiments if they can, instead of availing themselves of the undoubted superiority of American ingenuity.

A large slice is cut off from the Bureau of Equipment and Recruiting on the alleged ground that there is a saving of coal as the Navy is at present managed. The reason is not as extensive as the reduction, and there is nothing left for contingencies. What would the Secretary of the Navy do if a difficulty should suddenly spring up between this country and Spain, which is at any moment likely to happen? The Spaniards are seizing our vessels, and neglect to make reparation after tardy release; they are insulting our flag and killing our citizens. There must some time be an end to our forbearance; and I think it unwise for a Republican Congress to tie the hands of the Executive by leaving him without the means to repel an insult to our flag or redress a wrong inflicted on our citizens. The amount estimated by the Bureau of Equipment was not enough in the beginning, and I am certain it will fail in the performance of its duties for want of means if the plan of the gentleman from Wisconsin is carried out. The same misnamed economy is shown in cutting down the contingent of yards and docks from $1,091,000 to $800,000, without a reason given; a reduction, taken in connection with the reduction in the Ordnance Bureau, that is equivalent to laying up the Navy, for it cripples it in a most essential part.

The Navy Department sent in estimates for an increase of twenty-five hundred men in the Navy, which would still have left us with fewer seamen than the fifth-rate naval Powers of Europe, and the committee refused to allow them. It then asked for fifteen hundred men to send and keep its ships at sea, and this was also refused.

Over a million dollars has been cut off from the estimates for pay of the Navy; and this calculation has been made with the intention of not only not allowing further seamen, but to cut off the thirty-three per cent. allowed by Welles's order. I am fully prepared to say that that order was warranted by the law, and without that allowance the pay of our naval officers is beggarly and unworthy of the nation. Our naval officers have always been paid less than those of the Army; and during the late war, when everything was high and greenbacks were depreciated, they could scarcely support their families while away from home fighting for their country. It is as much as they can do at present to live. When they go abroad they have two mess bills to pay, one on ship-board and one on shore, and what is left is spent in returning the courtesies of foreign officers. The latter are allowed so much a year for entertainments, while our officers are allowed nothing. When Admiral Farragut was abroad he spent $30,000 of his private means to return civilities that were extended to the United States flag as much as they were to him personally. Every admiral he met was allowed $775 a month, besides

his pay (larger than the admiral's) with which to entertain. The order of Secretary Welles was acquiesced in by Congress, and regular specific appropriations on estimates made under it, showing that it was intended by those who effected the repeal of the second section of the act of March 3, 1835, and by succeeding Congresses, that it should somewhat equalize the pay of the officers of the Navy with that of the Army; which, however, it does not do by a great deal. This fact of congressional action answers the assertion of the gentleman from Ohio [Mr. MORGAN] that it was in defiance of Congress. The Army has always received greater pay than the Navy, although its officers are most of the time home with their families and have but one mess bill to pay. If the percentage is cut off, the Navy should at once be put on a footing with the Army. If this is not done the whole service will be deranged, and the best officers will endeavor to find another field in which they can at least find a respectable subsistence. I presume there is no intention to do injustice in this matter. I do not believe there is a voter in the country that would have our naval officers meanly paid. The country certainly will not sanction any policy that is dictated by personal prejudice, and injures all for revenge on a few.

I pass from the details of this bill to the theory of it, as explained by the gentleman who reports it. With all deference to my friend, it seems to me his ideas are very crude, and display a limited knowledge of the subject. While he would let naval vessels rot on the stocks he wishes to use the money to promote a policy that more properly belongs to commerce, namely, building ocean mail steamships that can be converted into vessels of war in case we should ever be involved in hostilities. While it may be well to promote the interests of commerce, the money to maintain a decent Navy should not be taken for such a purpose. England subsidizes steamers to carry its mails, but it does not neglect its navy to do it. We cannot wait until a war breaks out to utilize steamships, and go without a Navy in the mean time. We must have something on which to hoist our flag in foreign ports, and make a show of force, though it may be of an inferior kind. Our flag carries a moral force with it, though it may be hoisted on a tug. This must be so, or we should have long since been ridden over by nations weaker than ourselves, but provided with a more powerful navy. I admit much that has been said about the insufficiency of our naval ships; but that is only a stronger reason why we should give every dollar that is asked to build up our Navy on correct principles—not on the principles of ocean steam service. The ocean steamers of the mercantile marine, if we get them, we will use in case of necessity as adjuncts, with which we will play the same game on English commerce which the gentleman from Wisconsin supposes that the English will play on us in case of war.

But the question is not now of a mercantile marine; it is whether we shall save the ships now lying at the docks, or resting on the stocks, liable to decay. Some of them, it is true, are not fit for naval purposes in their present condition, but it has been found that a majority of them can be converted into useful vessels. The day of wooden ships as naval cruisers is not over. Iron ships may be preferable for the mercantile marine, but it is cheaper to build wooden cruisers, if not heavy fighting ships, for the Navy. The ships now on the stocks and required to be launched are a good class of vessels, and can be adapted to the new principles by which ships that have heretofore been considered of little value have been made useful to the Navy. The Secretary does not ask that a large amount be appropriated to finish useless ships, but does desire to get enough money to launch vessels of fine model that can be made immediately serviceable while the gentleman from Wisconsin is considering the future policy of the Government. In no country in the world do legislators undertake the duty of planning and building naval vessels. That is left to naval officers, constructors, and engineers, who keep pace with the improvements in ship-building, ordnance, and steam machinery. I agree with the gentleman that we should not rely on the vessels we now possess for future emergencies, but should give the Navy Department the means of placing the service in a proper condition.

The gentleman from Wisconsin is mistaken when he says that the number of vessels is greater than before the war. Before the rebellion almost every vessel that we had in the Navy was a good one of its kind. We had some very heavy ships, and our steam frigates were superior to those of every other nation. The fight of the Monitor and Merrimac was the death-blow to the wooden navy of Great Britain, and in a measure depreciated our own. Many of our best ships were burned at their anchors by the rebels. A number were otherwise destroyed, and some were changed into iron-clads. When the war ended many useless vessels were sold out of the Navy, and now the actual number of serviceable vessels is very small. Our Navy list is filled with vessels that will never go into service. Thirty-three of them are small steam-tugs, used only about navy-yards and in harbor duty, and carry no guns. Twenty-four are vessels originally intended as monitors, but were condemned as soon as built, as they would not float with their guns mounted. Some of them would not bear their turrets. Eighteen are wooden vessels, some condemned and used as receiving-ships, others as store-ships and school-ships. Fifteen are paddle-wheel steamers, some of which are used up and laid up in ordinary; they will probably be sold out of the Navy. Some ten other iron-clads have been so used up in battle and are so out of repair that they will soon be sold for old iron. Three vessels of the Wampanoag class will never be worth anything, no money will ever be spent on them, and they will be sold to the highest bidder. Thus we have, it appears, one hundred and three vessels on the Navy list—hulks, tugs, store-ships, and school-ships—without guns and not available for war purposes, leaving but eighty-two serviceable war vessels. Of these eighty-two serviceable war vessels we have thirty-five wooden vessels and four iron-clads in commission; the rest are under repair or laid up. It is for these latter that money is required in the department of construction, to enable relief ships to be sent out when the three years' cruising is up of the vessels now in commission.

The policy of encouraging the building of ocean steamers is recognized on all sides; but it is not the policy of any Government to rely on them altogether. We have no such swift steamers as those of the Cunard line; neither has any other navy; and while we may reasonably hope to beat the vessels that have heretofore composed our Navy, we shall have to be content with making that improvement without going further. Ships with heavy guns and masts cannot compete in speed with swift merchant steamers lightly rigged; neither can light merchant steamers bear the shock of heavy guns.

Before concluding I wish to allude to another matter, which, perhaps, ought not to have been lugged into this debate. I allude to the unjust and unwarrantable strictures that have been uttered in regard to Vice Admiral Porter by the gentleman from New York [Mr. COX] and the gentleman from Wisconsin, [Mr. WASHBURN.] The latter gentleman admits the reforms that have been introduced into the Navy, and praises the economy that has characterized its recent administration; but he accompanies his admissions with remarks that sound strangely in the mouth of a Republican member against the officer who has done much to aid in the reforms in question.

I am not surprised at the tirade of the gentleman from New York [Mr. COX] against an officer who did so much in the Navy to prevent the fulfillment of his prophecies that the Republic was hopelessly divided; but it was reasonable to expect that the gentleman from Wisconsin would do justice to a gallant naval officer, and a promoter of the economy in the Navy which he praises. Perhaps his allusion to Vice Admiral Porter should have more than a passing notice from the semi-official character of the utterance. If Secretary Welles had availed himself of the advice of such an auxiliary the complaint of the gentleman from Wisconsin, that our Navy does not contain the kind of ships that it should, considering the amount of money that has been expended on it during the last eight years, would have less foundation. I admit that the close of the war should have found us in possession of one of the most efficient navies in the world.

Of course, the fact that we have not all the ships we should have is not the fault of the present Navy Department, which, when it came into office, found not one vessel that could be sent to sea. Why was this? It was because Secretary Welles, with his eight years of naval experience, knew no more of the service when he left than when he went into the Department. When his First Assistant Secretary, who had been partially educated in the Navy, left him he depended on a civilian as Assistant Secretary who knew nothing practically of naval affairs. The naval element in the Department was altogether ignored, and the whole machine fell into disorder. It would have finally gone to ruin if Welles and his party had not left it. The Navy was at a low ebb when Welles did leave it, and could only be resuscitated by some expert. The President employed one who had been connected with every department of the service for many years, always on active duty, in command of our largest fleets during the war, and who knew all the defects and wants of the Navy, and could take hold at once and aid the Secretary in setting the establishment in order. The very officer of whom the gentleman from Wisconsin speaks so ungenerously has given his whole time to assist the Secretary of the Navy, himself an able and thorough officer, in bringing about the reforms of which our Navy stands so much in need; and never before in the history of the Navy has there been so much efficiency, system, economy, and responsibility as at the present time. The gentleman from Wisconsin admits this, while he alludes to the officer in question as "an irresponsible party who stands between the Secretary and the bureaus." No man is irresponsible who is assigned to a position by order of the President, who has ample authority for employing a naval officer in any naval capacity. The aspersion strikes the President as much as it does the Vice Admiral.

The result of the President's order assigning a naval officer to assist the Secretary of the Navy has been the evolving of order from confusion, the introduction of a proper working of all parts of the machine, and at this very moment, with all the ships that are afloat and being put in order, the Navy is carried on at one half the expense incurred in the last year of the late Administration. Ships that have been considered worthless have by a proper application of steam and sail power to their hulls been made efficient as regards their steaming and sailing qualities. It was not in the power of man to improve the carrying capacity of these vessels, and therefore their batteries remain of few guns. Some of those fine old frigates, which were wont to be our pride, were found to be going to pieces. These have been taken in hand and refitted. Our ships are again getting to be what they were once, the pride of the ocean, and can go where they please without the aid of steam, reserving their coal until times of necessity. I should not have thought it necessary to say so much in vindication of the officer whose energy and profes-

sional skill have done so much to build up a Navy to protect our citizens and commerce had not the gentleman who reported this bill assailed him while claiming credit for the Administration for the reforms which he has aided so much to effect.

To show the difference between the British House of Commons and ourselves, let me call attention to a recent scene in that body. On the 1st of March last Mr. Childers, the first lord of the admiralty, arose on the floor and opened his budget. He asked for £10,000,000 sterling, equal to $60,000,000 of our currency at that time. He asked for sixty-one thousand seamen and marines, eighteen thousand men in dock-yards, fifty iron-clads to be kept in commission, and one hundred and sixty-one wooden steam frigates and corvettes, and all the troop ships, to be kept in commission in reserve. The request was based on naval estimates, and was granted with scarcely a dissenting voice. Mr. Childers made one pertinent remark, which was received with cheers. He said:

"With respect to the United States, I have a little to add to what I said before. They have no sea-going armored Navy. I stated last year that they had a considerable fleet of cruising vessels, though great doubt was entertained as to their actual value."

These remarks are suggestive, and we should profit by them. Gentlemen may be sure that our Navy cannot be put on a respectable footing without expenditures; and this bill but adds to its inefficiency.

Mr. Chairman, I protest against that false economy which cripples the national defenses and keeps a legion of officers in pay without the means of useful employment. We need not think our acts in this connection escape public notice and censure. Our refusal in the winter to allow the Navy Department to devote the $4,000,000 needed for the repair of national vessels, and which it did not need for other naval objects to which it had been appropriated, was the occasion of severe and just criticism by the independent press. I will close by reading an article from the New York Herald, published at that time, making suggestions which have not lost their force when applied to the bill under consideration:

"*Our Navy; is it Extravagantly Managed? Comparison with the British and French Navies.*—When the present administration of the Navy Department came into power it had but a small allowance of funds and a large allowance of Secretary Welles's debts to pay; but it put forth all its energies, set men to work on the rotten old hulks that incumbered the navy-yards, and, by fitting in a timber here and a timber there, had in the course of nine months thirty-eight vessels fitted for sea. These, however, are not enough to relieve the rotten hulks in foreign waters, some of which had to be sold abroad because the commanders-in-chief dared not send them home. When the appropriation was exhausted the Navy Department stopped work in the Bureaus of Construction and Steam Engineering, determined to expend no money not authorized by law. Then, by a close calculation, cutting down in one bureau and paring down in another, it collected of its own funds appropriated by Congress $4,000,000, which it simply asked of Congress permission to use to continue the work of resurrection.

"One day's investigation into this matter was sufficient to have made members of Congress acquainted with the true state of the case. It was not an appropriation that the Secretary asked for, but a transfer from one bureau to another of money already in possession of the Department, appropriated by Congress for naval purposes. The whole thing has, however, been so muddled and misrepresented by those who have charge of the matter in the committees, that it has led to the project of sweeping the whole $4,000,000 into the Treasury and letting the Navy whistle for its money. One ingenious mathematician in the House Committee on Appropriations took occasion in the conference committee to state that 'our Navy is the most extravagant in the world, while the British navy is the most economical,' thus showing that it would require a large book to contain all not known on the subject. He went on to inform the committee that the total amount appropriated for the British navy was but £3,000,000 sterling per annum, which assertion so startled his fellow-members that they dropped the discussion, to give each other time to obtain further information on the subject.

"Now, for the enlightenment of the said committee, we beg leave to state the facts in the case, which are copied from the British navy estimates for 1869, and which is an average estimate for preceding years, a few thousand dollars more or less. We find in the estimates referred to the following net amounts appropriated for the British navy, after deducting estimated extra receipts and repayments to be paid into the exchequer. These amounts foot up $10,238,990. At five dollars the pound sterling this amounts to, in gold, $51,194,950. This in currency would be $61,423,940. Now, by the same authority, we know that labor in England is just half of what it is in this country. Men in the dock-yards there work ten hours a day, without reading newspapers during working time, and material is one half the cost it is in the United States, as we can see by referring to our tariff. Therefore, the same number of war vessels that are kept in commission by the British Government would cost $122,847,880 per annum if kept in commission by our Government, making a difference in the expenses of our Navy and that of Great Britain during the last year of $102,847,880 in favor of our establishment. These are calculations that any boy of twelve years can make, and we commend to our legislators the study of their arithmetic.

"In 1868 England had in commission one hundred and ninety vessels of war, all told, including line-of-battle ships, iron-cased vessels, frigates, corvettes, sloops, gunnery-ships, stationary receiving and depot-ships, troop-ships, store-ships, drill-ships, tenders or tugs, guard-ships of the coast guard, &c. The United States had in commission sixty-seven vessels, including wooden frigates, sloops, small gun-boats, receiving-ships, training-ships for apprentices, store-ships, training-ships for midshipmen, tugs, iron-clads, wooden sailing vessels, and gunnery-ships. None of these exceed a frigate in size, and they number only one third of the vessels in the British navy. Taking the appropriations for our Navy in 1868, and comparing them with the British estimates as above stated, it will be found that our expenditures were only one sixth of those of the British, and even admitting that the labor and material expenses should be thrown out of the question, our expenditures still remain but one third of those of the British navy. If after this a Republican Congress think proper to lay up our Navy, when the best interests of the country demand that it be put in order, they can do so; but they will be reminded from time to time, by figures that cannot lie, that there are persons who are not to be deceived by statements put forth in committees calculated to prevent the proper appropriation of money for the national defense.

"The following are the estimates for the support of the French navy for the year 1870: the total estimate for the support of the navy is 162,845,022 francs, equal to $32,569,004 gold; the number of seamen, exclusive of officers, 35,630; the number of mechanics, &c., is 23,400. This does not look as if our Navy was such a tremendous affair."

The hour of half past four o'clock having arrived, the Committee of the Whole on the state of the Union, pursuant to the order of the House, took a recess till half past seven o'clock.

EVENING SESSION.

At half past seven o'clock p. m. the Committee of the Whole on the state of the Union resumed its session, (Mr. ELDRIDGE in the chair,) and proceeded with the consideration of the bill (H. R. No. 1563) making appropriations for the naval service for the year ending 30th June, 1871.

Mr. ARCHER. Mr. Chairman, my object in addressing the committee is to correct as far as I am able many errors in the statements made by the gentleman from Wisconsin [Mr. WASHBURN] in a speech which he delivered upon reporting this bill. Had I listened thereto in a mere partisan spirit, without regarding the welfare and prosperity of the country, I should have rejoiced to hear an attack from a gentleman standing so prominent in the Republican party upon one of the executive branches of the Government. Had I been actuated by that feeling I should have taken pleasure in seeing just such a bill as this introduced and passed by the Republican party; a bill which, if passed, will work incalculable injustice to the officers of our Navy, bring ridicule upon our flag abroad, and leave both our commerce and our citizens at the mercy of almost every foreign Power. I regret the close economy of the bill, and the effect which the speech of the gentleman will have in strengthening a prejudice already existing against our Navy. That prejudice needed no increase by a denunciatory speech from one so high in the public estimation as the gentleman from Wisconsin. In times of war the Army and Navy are idolized. When peace and taxation follow the reaction commences. It should be the duty of legislators to stem the tide of this reaction, so that the old landmarks might be justly and quietly restored.

The first reduction proposed by this bill from the estimates of the Navy Department is based upon an allowance which is made to officers under a regulation of the Department which was passed in 1866, which the gentleman from Wisconsin [Mr. WASHBURN] and the gentleman from Ohio [Mr. MORGAN] assert was made in "spite of law." That order was made by ex-Secretary Welles, and was in strict accordance with law, as I think I shall be able to prove to the satisfaction of any reasonable mind.

I hold in my hand the "Red Book of the Navy," published by authority of the Secretary of the Navy in the year 1832, and I there find, on page 22, as follows:

Allowances to officers attached to yards.

The following allowances are made to officers attached to the navy-yards at Portsmouth, New Hampshire; Charlestown, Massachusetts; Brooklyn, New York; Philadelphia, Pennsylvania, and Gosport, Virginia. (Regulation, 17th January, 1821.)

To captain commanding, twenty-eight cords wood; sixty-five dollars per annum for candles, &c.; three servants, at eight dollars per month.

To master commandant, twenty cords wood; forty dollars per annum for candles, &c.; two servants, at eight dollars per month; $300 house rent.

To surgeon, twenty cords wood; twenty dollars per annum for candles, &c.; one servant, at six dollars per month; $145 house rent.

To sailing master, twelve cords wood; twenty dollars per annum for candles, &c.; one servant, at eight dollars per month; $200 house rent.

To boatswain, nine cords wood; twelve dollars per annum for candles, &c.; one servant, at six dollars per month; ninety dollars house rent.

To gunner, nine cords wood; twelve dollars per annum for candles, &c.; one servant, at six dollars per month; ninety dollars house rent.

And so on for thirteen pages more, allowance after allowance.

Mr. WASHBURN, of Wisconsin. I stated in my speech that allowances were made prior to 1835; but I also stated that there was no law authorizing such allowances. If the gentleman can show me any such law I shall be obliged to him.

Mr. ARCHER. That is exactly what I expect to do in the course of my remarks.

I have been assured by a venerable officer in the Navy that these allowances reached in some instances an amount fully equal to the annual pay of the officer. Order No. 75 was passed to prevent this excess of allowance. The question then arises, were these allowances legal at that time? The act of February 25, 1799, allowed officers from four to sixteen rations per day, according to rank. By the second section of the act of April 18, 1814, the President was authorized to add twenty-five per cent. to the pay of all officers, seamen, and marines engaged in any service the hardship or disadvantages of which shall, in his judgment, render such addition necessary. Besides these statutes was the usage of the Navy from the time of the foundation of the Government to the year 1835, and appropriation bill after appropriation bill recognized these wages and established even without the acts of 1799 and 1814, as clear a common law as was ever handed down to us from the English Government. It is not for me to speak here of the veneration the American people have for the common law. It is sufficient to say that the organic law of almost every State recognizes its validity.

Thus matters stood, Mr. Chairman, until 1835, when it was thought advisable by our legislators to fix a sum certain for each person in the service of the Republic attached to the Navy. That act repealed all allowances and gave fixed salaries. But slight changes were made from that time until just prior to the war, when Congress passed the act of 1860, when the pay was fixed by Congress, as those who voted for the bill contended, at the minimum rate for the respectable support of the officers of the different grades. It was intended that they should properly represent the nation in society at home and abroad, and when abroad at least leave a fair competence for the support of their wives and children. The frequent change of home, the absolute necessity of reciprocating the courtesy of foreign officials to prevent the bringing our flag and our country into disgrace, was considered by our Congress,

and the pay fixed in accordance with those views. An English rear admiral receives $11,000 salary, and between five and six thousand dollars additional for table money. None except the very smallest Powers of the world pay their naval officers so small an amount as ourselves, and yet we wish them when abroad to impress foreigners with the idea that they are the representatives of the "great nation." Such was the feeling which actuated our lawgivers when they passed the act of 1860, which established a new pay-roll. Without enumerating the salaries of all the officers, I take those of the line, which are the first in the law, and which will be found about an average of the pay-roll adopted by that act. From this the members of the House will see how the pay stood on the first of January, 1861, before the war commenced. The tabular statement is as follows:

One senior flag officer, salary	$4,500
78 captains, salaries when in command of squadrons	5,000
All other captains at sea	4,200
114 commanders with pay at sea after five years' service	3,150
Commanders for full five years	2,825
321 lieutenants, after thirteen years' sea service	2,250
After eleven years' sea service	2,105
After nine years' sea service	1,900
After seven years' sea service	1,700
All others at sea	1,500

These officers at that time were drawing from the Treasury under the act of 1860 as follows:

Of the 78 captains eight were in command of squadrons or under orders as reliefs	$40,000
The remaining 70, if at sea, at $4,200 per year	294,000
Of the 114 commanders 112 were entitled at sea to $3,150 per annum	352,800
	686,800
The remaining 2 commanders at $2,825 per annum	5,650
Of lieutenants commanding, 12 at $2,500 per annum	30,600
197 lieutenants of thirteen years' sea service, at $2,250 per annum	443,250
35 lieutenants of eleven years' sea service, at $2,100 per annum	73,500
42 lieutenants of nine years' service, at $1,900 per annum	79,800
23 lieutenants of seven years' service at sea, at $1,700 per annum	39,100
12 lieutenants less than seven years' sea service, at $1,500 per annum	18,000
Total pay officers of the line on the active list January 1, 1861	$1,376,700

Now, the gentleman from Wisconsin [Mr. WASHBURN] said that not only was the pay of the officers of the Navy increased in 1860, but again in 1862; now in this latter statement the gentleman who is usually so accurate is clearly wrong. The act of July 16, 1862, established grades in the naval service as follows: nine rear admirals, to rank with major generals of the Army; eighteen commodores, to rank with brigadier generals of the Army; thirty-six captains, to rank with colonels of the Army; seventy-two commanders, to rank with lieutenant colonels of the Army; one hundred and forty-four lieutenant commanders, to rank with majors of the Army; one hundred and forty-four lieutenants, to rank with captains of the Army.

Now, although these new offices were created, yet we find the pay of all these officers under that act was less than under the act of 1860, as the following table shows:

9 rear admirals, at $5,000	$45,000
18 commodores, at $4,000	72,000
36 captains, at $3,500	126,000
72 commanders, at $2,800	201,600
144 lieutenant commanders, at $2,340	336,960
144 lieutenants, at $1,875	270,000
Total pay under act of 1862	$1,051,560

Making reduction to the amount of $225,140 per annum, instead of an increase, as stated by the gentleman from Wisconsin. This heavy reduction was made in the pay of those officers of the line who alone from their age and experience in the service had to be relied upon to take charge of and fight the vessels of the Navy in the midst of a most sanguinary war, of indescribable hardships and risks of health, when the currency of the country was only worth from about one third to one half its nominal value, and when every necessary of life for themselves and families were bringing fabulous prices. It will be observed that the change of titles of nine captains out of the seventy-eight to that of rear admirals carried with it no increase of pay; while eighteen of the same captains called commodores had had their pay reduced from $4,200 to $4,000 per annum, at sea, thirty-six of the remaining captains had their pay reduced from $4,200 to $3,500 per annum, and the whole number of captains was reduced from seventy-eight to sixty-three, or a total reduction of nearly one fifth. Of the one hundred and twelve commanders but seventy-two were retained at a reduced rate of pay, namely, from $3,150 to $2,800 per annum. The lieutenants commanders were increased from twelve at $2,550 to one hundred and forty-four at $2,340 per annum. The lieutenants, whose highest pay was $2,250 and lowest $1,509, were fixed at the uniform pay of $1,875 per annum.

The reduction in the pay of captains called commodores and of those captains who retained the same title, in the one case of $200 and in the other of $700 per year, and of the commanders from $3,150 to $2,800, was a great hardship and caused much pecuniary distress to the greater part of them. Few of these have yet recovered from the embarrassment this caused. It may be said that the prize-money received in a measure compensated for this; that relief, however, extended only to a few, the other officers occupying equally responsible positions receiving nothing from that source. When this reduction in pay took place it was on the plea that it was to enable the Government to carry on the war, and that they were told that the increase of rank must be regarded as a compensation, or, in other words, that they must be content to live on one fifth less in currency than they had previously received in gold without taxation. I do not think that the officers of the Navy are mercenary, nor are they oblivious or indifferent to the fact that the people of the country are burdened by an enormous taxation. They pay their five per cent. by a deduction from their pay without the benefit that others have in regard to house rent, repairs, &c., and at one time during the war had eight per cent., and at another time ten per cent. deducted from their pay. The eight per cent. was all paid at one time, although it was a levy for two years, and the ten per cent. was paid at another time for two other years, the law having been made retroactive in its effect. It was thus that matters stood when the Statutes-at-Large, volume fourteen, page 38, state that a section of the naval appropriation bill, which passed April 17, 1866, enacted the following:

"*And be it further enacted*, That so much of the second section of an act entitled 'An act to regulate the pay of the Navy of the United States,' approved March 3, 1835, as prohibits any allowance to any officer in the naval service for rent of quarters or for furniture, or for lights, or fuel, or transporting baggage, and all acts and parts of acts authorizing the appointment of Navy agents, be, and the same are hereby, repealed."

So stands the law, if the Statutes-at-Large are to be taken as evidence; but the Congressional Globe states, on page 1448, volume fifty-seven, that Senator Grimes offered as amendment No. 11 to House bill No. 122 (being the naval appropriation bill) the following words:

"*Be it further enacted, &c.*, That the second section of an act entitled 'An act to regulate the pay of the Navy of the United States,' approved March 3, 1835, and all acts or parts of acts authorizing the appointment of Navy agents, be, and the same are hereby, repealed."

Which words were adopted as an amendment to the bill. The bill was passed by the Senate, came back to the House, and the House refused to concur in several amendments, among which was the amendment of Mr. Grimes, known as No. 11. Conference committees were then appointed. On the part of the Senate were Messrs. Grimes, Morgan, and Hendricks; and on the part of the House were Messrs. BANKS, FARNSWORTH, and C. E. Phelps. The result of this conference committee was the adoption of the amendment of Mr. Grimes, known as No. 11, which amendment totally repealed section two of the act of March 3, 1835. Now the difference between the Statutes-at-Large and the records of Congress as kept in the Globe is that the statutes partially repeal, if the gentleman from Wisconsin be right in his construction of the law, section two of the act of 1835, and the Globe shows an entire repeal of that section.

The gentleman from Wisconsin [Mr. WASHBURN] states that after the disagreement of the House to the Senate amendment the conference committee agreed to the partial repeal of section two, and he states this after having stated that he had "looked over the Congressional Globe." The Globe states no such thing, but gives the report of the conference committee in full, in which report, signed by all six of the conferees above named, (two of whom are now members of the House,) that amendment No. 11 of the Senate was agreed to. But if the Statutes-at-Large and the gentleman from Wisconsin are right, and the Congressional Globe is wrong, I would respectfully state that no such forced construction as that contended for by the gentleman can be maintained. He would have us believe that although the act of 1866 stated "that so much of the act of 1835 as prohibits allowance to any officer it the naval service for rent of quarters, or for furniture, or for lights, or for fuel, or for transportation of baggage is hereby repealed," than no such act could be made, because that act stated—

"It is hereby expressly declared that the yearly allowance provided in this act is all the pay, compensation, and allowance that shall be received under any circumstances whatever by such officer or person, except for traveling expenses," &c.

How, Mr. Chairman, can any fair-minded man say that such a construction is possible? It would be just as reasonable to say that, although the act of 1860 and 1862 fixed different pay-rolls, yet those pay-rolls could no be enforced because a foregoing clause of the act of 1835 once stood on the statute-book. Thus stood the law when Secretary Welles issued General Order No. 75:

NAVY DEPARTMENT, *May* 23, 1866.

Congress having, in view of the call for increased compensation to officers of the Navy, repealed the law which prohibited any allowance to them "for rent of quarters or to pay rent for furniture, or for lights or fuel," &c., the Department, in order to prevent a recurrence of the irregularities, abuses, and arbitrary allowances which occasioned the prohibition, deems it proper to establish a fixed rate of compensation in lieu of the extra allowances which were prohibited by the law now repealed. Accordingly, from and after the 1st day of June proximo, officers who are not provided with quarters on shore stations will be allowed a sum equal to thirty-three and one third per cent. of their pay, in lieu of all allowances, except for mileage or traveling expenses under orders; and those provided with such quarters, twenty per cent. of their pay in lieu of said allowances.

The act of March 3, 1865, having increased the pay of midshipmen and mates, the allowance hereby authorized will not be extended to them.

GIDEON WELLES,
Secretary of the Navy.

Which order seems to have disturbed my honorable friend to such a degree. He states that "it was utterly in violation of law." If such is the case, why has the honorable gentleman voted for these appropriations in former appropriation bills? If this order was "utterly in violation of law" how did it happen that so sweet a morsel escaped my honorable friend and his colleagues in the Republican party when the great impeachment articles were framed against President Johnson? What the Secretary does in the way of general orders he does by order of the President. No order of President Johnson's "utterly in violation of the law" could have passed the searching examination which was given to every act of his official career. Does my honorable friend mean to say that the Republican party deemed

thirty-three per cent. upon the whole pay of Navy officers too small for the consideration of the impeachers?

Mr. Chairman, that order of Secretary Welles was made to prevent exorbitant allowances. It was made in order that every one interested in the finances of the country might know exactly what each officer received. It was after consultation with Senators and Representatives belonging to the Republican party, as well as with those belonging to the Democratic party. It was an order that was just, wise, and legal. Secretary Robeson needs no apologist for continuing the same in force. I was glad to hear the gentleman say that "if the pay is not sufficient let it be increased by the only power that can increase it." I was glad to see him introduce a tabular statement of the pay of the Army as fixed upon by the passage of the bill introduced by the gentleman from Illinois, [Mr. LOGAN.] My honorable friend thinks that a fair bill, and if I mistake not, voted for it.

I trust the gentleman, when this bill is taken up by sections, will allow me to insert a section enacting that the pay of the officers of the Navy shall be the same as the pay of officers of the Army with whom they rank. It will settle the question for the future. I am satisfied that no officer of the Navy will object to the passage of such a law. So much for the pay of our officers. The condition of our Navy is deplored, and yet, while deploring that condition, it is proposed by that committee to cut down the appropriation asked for some ten million dollars. Now, if this reduction was asked on the score of economy, or for the purpose of lightening the enormous burden of taxation placed upon the people of the country by Republican rule, I would feel disposed to second the efforts of the committee. But such is not the case.

It is intended, unless I mistake my honorable friend's position, to expend large sums in subsidizing ocean steamers built at private yards by private individuals or incorporated companies. Why this change? Is it because vessels built during the war at the navy-yards proved failures? If so, does not the same objections exist to those built by individuals? I would ask how many of the vessels built by contractors are now in the service and regarded as fit for active service? The fact is, Mr. Chairman, there were many failures, lamentable failures, in the vessels built by the Government, but these resulted from the entire change in the system of naval warfare which resulted from the fight of the Merrimac and Monitor. Every vessel built was an experiment. All was done hurriedly. The pressure for anything that could float and carry guns was such that the Government bought almost any vessel offered, and built on plans that were not duly considered, and of such materials that could be had. If the English Government is to be imitated in subsidizing lines of steamers, why not imitate her also in making liberal appropriations in keeping our navy-yards?

Wise statesmanship would tell us to avoid war. "Perpetual peace is the dream of the wise, war is the history of mankind." England, since the year 1688, has been engaged in seventy-two years of war, at an average cost of about one hundred and twenty million dollars per year, or of $400 per minute through all that long period. The enormous cost of our own wars need not be named to those so familiar with our various public debts. Sooner or later war recurs. Common sense and experience show that we should be prepared to meet it at all points. Had our Navy been such as it should have been at the time of the secession of the southern States the blockade would have been made immediately effective; and when once so made, how quick the deprivation of war material would have destroyed the effective action of the southern forces. It was mistaken economy that found us at that time with so small a Navy. Had there been one that was commensurate with the dignity and wealth of the nation it would have saved us untold millions of treasure, tens of thousands of vacant firesides, and the fierce and fatal assaults made upon our Constitution.

Mr. DAWES. Mr. Chairman, I regret that I have been compelled to differ with the Committee on Appropriations in reference to this bill. This difference does not relate to the details so much as the principle of the bill. My objection is that it is neither the one thing nor the other. It neither meets the estimates of the Department to carry out its own plans and ideas for the future of the Navy, nor does it reverse those plans and compel the Department to conform itself to the policy of Congress.

The gentleman from Maine, [Mr. HALE,] a member of the Committee on Naval Affairs, in his very able defense of the Navy, in a speech which was begun some days ago, commenced by saying that the Navy had indeed fallen upon evil times. He recounted the difficulties and obstacles which it had encountered, and undertook to contrast its weak condition with the state of the navies of other nations. I desired to ask him, first, whether he could account for this condition of our Navy from anything that the Navy itself had done; and secondly, whether in contrasting it with the navies of other nations he proposed to ask Congress to fashion it after the navies of the Old World?

He spoke of the navies of England, and of France, and of the other Powers. He spoke of a Power now in the West Indies threatening us with war; that of Spain, with a fleet there greater than all our fleets.

Well, Mr. Chairman, if there is any purpose in this contrast, why does he not carry it into the Army? The Army of the United States numbers but thirty-two thousand men, yet the armies of these very nations with which he has contrasted the Navy of this country now in time of peace—that of England numbers two hundred and two thousand; that of France, three hundred and seventy-nine thousand; that of Austria, two hundred and thirty-six thousand; and that of this very Spain, eighty-four thousand, three times as large as ours. Does he propose to contrast our Army with theirs, and to ask Congress to fashion it after their mode and their ideas; or does he intend with the Navy to make an exception, and make that like the navies of the Old World, while for the Army of the United States he will still rely upon the volunteers and militia in time of emergency and war, as we have from the beginning, and with success and safety and honor to the flag? Sir, it would be impossible to begin with, and it would be unwise, as it would be impossible, for us to attempt to fashion our Navy according to that of the Powers with which the gentleman from Maine has contrasted it.

And here is the failure of the Navy itself. Not content with the expressed will of the law-making power, expressed within two years upon this floor, as was quoted to-day, with the estimates and appropriations with which the Navy has been furnished for the last fifteen years, it has antagonized itself to the law-making power; it has insisted upon it that it would pursue a course inconsistent with that marked out by the law-making power, and it antagonized the law-making power with the purpose of likening itself to the navies of other Powers. It has always been out of harmony with the law-making power. Here to-day this bill is illustrative of it.

In the Bureau of Construction and Repair, that in which they should have taken the advice of the law-making power and conformed themselves to what the Congress of the United States declared should be the limitation upon their construction of new vessels and repair of old ones, Congress furnished the present Administration with $2,500,000 worth of money to expend in that bureau. I do not intend, sir, to arraign this Administration with any other Administration, or any other Administration with this. The fault is not in the Administration, but it is in the spirit in which the Navy itself has been carried on in this struggle between it and the law-making power. Congress declared they should expend only $2,500,000 of money. Nine months of the year had not expired, sir, before they had expended not only that $2,500,000, but $5,008,890 40, and came here and asked for $3,000,000 more to be expended in that bureau. We told them, sir, as distinctly as anything could be declared, it was the policy of this Government to curtail and limit the Navy in the construction of new vessels and in the repair of old vessels; and yet scarcely six weeks of the fiscal year had passed before they came back to say they had expended $2,000,000 upon this $5,000,000, making more than seven million dollars in that single bureau, when at the commencement of the year they were told by the law-making power they were to expend on the construction of new vessels and on the repair of old vessels but $2,500,000. They take no note of what the law-making power prescribes as their limit.

Sir, the condition of the Navy, so graphically described by the gentleman from Maine and my colleague on the committee from California, is not owing to hostility to the Navy on the part of Congress. For the last ten years, excluding the years of the war, there have been appropriated for the Navy large sums; but, whether large or small, they are the limitation upon its magnitude and its appropriation and its ideas of what a Navy the Government of the United States propose to keep up. For the last ten years the average has been less than is proposed in this bill by more than two million dollars. Excluding the years of the war, the expenditures upon the Navy have on an average been less for ten years than the amount of appropriations made by this bill. And yet the Navy Department insists that we shall have $10,000,000 more added to this bill.

Sir, the complaint which the law-making power has a right to make against the Navy Department is, that with the money furnished, the Navy is in this condition. I would like to ask the gentleman from Maine [Mr. HALE] why it is that the Navy of the United States, limited to only eight thousand five hundred men, costs three or four times as much by the man as the navy of Great Britain, which he has lauded so in his speech.

Mr. HALE. I will answer the gentleman.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Maine?

Mr. DAWES. I have but a very few minutes left, and I think I cannot yield. Mr. Chairman, the estimate for the Navy of the United States, which only consists of eight thousand five hundred men, is $28,205,671. The estimate last year for the whole navy of Great Britain, which consists of sixty-three thousand men—more than seven times the number in our Navy—is only $49,983,000. Sir, there are two hundred and three vessels in our Navy, and the average cost for every one of those vessels is $138,944, while the average cost for each vessel of the British navy is $69,000. It costs for each ton of the tonnage of our Navy $151 10, but the British navy costs only $72 66 per ton. It costs us $600 per man to keep our Navy afloat, to keep it in repair, to keep it up to its present standard; but it costs only $60 per man to keep the British navy afloat.

The Navy Department has estimated for repairs, $6,975,000. The estimate of the British navy for the year ending the 31st of March last for new machinery and repairs, was but $3,749,080. While this item costs us $600 for each man, it costs for the British navy but sixty dollars. At the same rate of cost as in England, the whole cost of keeping our Navy afloat would be just $480,000.

[Here the hammer fell.]

Mr. DAWES. I desire the committee to give me but a few moments longer.

The CHAIRMAN. The gentleman from Massachusetts cannot obtain such consent from the committee since the time for general debate has been limited by order of the House. The gentleman from Massachusetts can only proceed by obtaining a portion of the time of the gentleman from Illinois, [Mr. LOGAN.]

Mr. LOGAN. I will yield to the gentleman a few minutes.

Mr. DAWES. Making all allowances for differences in wages, &c., I ask those gentlemen who stand up here and complain of Congress with regard to the condition of the Navy to tell what is the reason of this vast difference? It is not that there is any special reason for a difference of this kind in the British estimates of last year, for I have followed them back year after year and find that they vary but little this year from the last five years. Taking it all through, the British navy, with this small estimate, compared man by man, or vessel by vessel, or gun by gun, for the last ten years, has been kept in repair so that the whole expenditure on repairs is only about one tenth what it is in our Navy. Yet with the liberal appropriations which Congress has made for our Navy, you will find that if you measure it by the number of men of which we have determined it shall be composed, or if you measure it by the law of the land, the Navy has run down into a condition which I do not care to characterize myself, being content to accept the representation which its friends give of its condition.

And the fault, sir, does not lie with Congress. The fault of this lack of efficiency and energy and spirit and pride in the Navy of the present day lies somewhere else. I have as much pride, I believe, in the Navy and in its past history as any man can have. But it cannot afford to live on its past history. It will certainly consume if it do so. It becomes the Navy of the United States to recognize the declared policy of the Government of the United States, and to conform itself to that policy. Sir, we have seven navy-yards up on the Atlantic coast, costing yearly for the officers that superintend and carry them on, $675,000.

Mr. COX. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from New York?

Mr. COX. I only desire to say that the gentleman from Massachusetts is speaking in the half hour which I divided between himself and the gentleman from Illinois, [Mr. LOGAN.] Only eleven minutes of the time now remain, and I suggest that the gentleman from Massachusetts should now yield to the gentleman from Illinois.

Mr. DAWES. I yield the floor, then, to the gentleman from Illinois.

Mr. LOGAN. In the short time allowed me I shall not attempt to discuss this question in detail nor to enter very much into its merits. The only purpose that I have in addressing the committee is, if I can, to call the attention of the Committee on Naval Affairs to some matters connected with the Navy of our country that certainly need some changes and reforms, and I will state as briefly as I possibly can some facts with reference to our Navy.

We have now, I believe, fourteen hundred and nine officers in the Navy and eighty-five hundred men in the Navy. We have one officer to every six men and a fraction over. The pay of the Navy of the United States is a little over seven million dollars. I believe over five million dollars of that is paid to the officers of the Navy and the balance to the men. We have now upon the active list of our Navy, (I will not speak of the retired officers, who are very numerous, some seventy odd,) seven hundred and fifty-nine officers at sea and six hundred and fifty on shore.

We have ten rear admirals, five at sea; twenty-five commodores, only three at sea; fifty captains, only ten at sea; ninety commanders, only twenty-nine at sea. We have forty-three vessels in commission. There are now twenty-four officers at the Washington navy-yard. The gentleman from New Hampshire [Mr. STEVENS] made a statement to-day respecting the navy-yards throughout the country, and hence I will not take up time in stating the number of officers at the different navy-yards. But I will call the attention of the Committee on Naval Affairs to one case as illustrative of the position of affairs at the different navy-yards throughout the United States where naval officers are stationed. Take Washington city, for example, and let me call the attention of the committee to some facts. How many naval vessels you have here I cannot say. Perhaps the Committee on Naval Affairs can tell. Perhaps you have one old tub, or perhaps two or three old vessels laid up here. How many officers have you here to man the ships that lie here at the wharf in Washington city? One vice admiral, eleven rear admirals, ten commodores, six captains, fifteen commanders, seven lieutenant commanders, three lieutenants, four masters, nine engineers, six paymasters, two passed assistant paymasters, two assistant paymasters, seven surgeons, one assistant surgeon, six chief engineers, one assistant chief engineer, two second assistants, and two naval constructors, besides seven professors at the Observatory, their pay amounting to nearly four hundred thousand dollars. You have, sir, in Washington city naval officers on duty to the number that I have given you, being paid from the Treasury of the United States over $336,000. For what purpose? I ask the Committee on Naval Affairs to tell me; I want to know. And I desire in making this statement to call the attention of the country to the fact that the legislation of the country is such that the taxes paid by the people are being absorbed by men who have no duties to perform whatever.

I have no opposition to the Navy, but I do feel, as a Representative of the people, that we have officers enough in the Navy to officer a navy sufficient almost to make war against any marine or naval force of any Government in the world, and but few men. Why should we keep this swarm of officers without any necessity for them?

Again, let me call the attention of the Committee on Naval Affairs and of the Committee on Appropriations to another fact. The estimate of the Secretary of the Navy for the next fiscal year, as stated by the gentleman from Massachusetts, [Mr. DAWES,] is $28,205,671 37. That is the estimate of the Secretary of the Navy for a Navy with eighty five hundred men, and forty vessels in commission, and only two hundred and three vessels in all. The English navy has seven hundred and nineteen vessels in commission, and is building, besides, fourteen heavy iron-plated steamships, averaging thirty-five hundred tons each, and the largest of six thousand tons. They have sixty-three thousand three hundred men in their navy and seven hundred and nineteen vessels. We have eighty-five hundred men, and forty vessels in commission, and two hundred and three vessels in all. The British Government, as the gentleman from Massachusetts has said, appropriated for the last fiscal year $49,983,205 in all for the support of their navy. Now, our Navy Department asks us to appropriate $28,205,671 37 for the support of our Navy, being but $21,777,533 63 less than the appropriation for the pay of the British navy.

[Here the hammer fell.]

The CHAIRMAN. The Chair understands that the gentleman from Illinois [Mr. LOGAN] proposes to yield the remainder of his time to the gentleman from Kentucky, [Mr. BECK.]

Mr. LOGAN. I will take one minute more. Inasmuch as I have no time to discuss this question, I want to call the attention of the Committee of the Whole to one thing in a report made by the gentleman from Indiana [Mr. ORTH] from the Committee on Foreign Affairs. It is report No. 65, which I ask every member of this House to send to the document-room and get and read. And I pledge you my word that if you will read that report in relation to the atrocities committed in Paraguay, and the attempts against our minister there, and against citizens in his suite, and the refusal on the part of our two admirals, Godon and Davis, to perform their duty, and the bloody outrages perpetrated by the officers of that Government, it will almost make your hair stand on your head. And when you have read it you will find that the conduct of these two admirals, instead of being censured and they dismissed from the service, as you and I would have done, and as should have been done, was approved by the Secretary of the Navy. I ask gentlemen to send and get that report, and read it for their own satisfaction, in order that they may determine whether the Navy Department obeys any law or not.

The CHAIRMAN. The gentleman from Kentucky [Mr. BECK] is entitled to the floor for two minutes.

Mr. DAWES. I hope no one will object to the gentleman having more time.

Mr. BECK. I want only five minutes.

The CHAIRMAN. The committee have no power to extend the time fixed by order of the House for debate.

Mr. COX. I hope no objection will be made.

The CHAIRMAN. After the time has expired fixed by the House for general debate the bill will then be read by paragraphs for amendment, and will be open to debate under the five-minutes rule. But the committee cannot extend the time fixed for debate by order of the House.

Mr. RANDALL. I move that the committee now rise, for the purpose of getting from the House an extension of the time for general debate.

Mr. DICKEY. I hope not.

The CHAIRMAN. The motion is not debatable.

Mr. RANDALL. Only two minutes more are wanted; why not grant it?

The CHAIRMAN. The motion of the gentleman is that the committee now rise; which motion is not debatable.

The question was then taken on the motion that the committee rise; and it was not agreed to.

The CHAIRMAN. The gentleman from Kentucky [Mr. BECK] is entitled to the floor.

Mr. BECK. Mr. Chairman, two or three minutes is a very short time in which to throw any light on a bill like this. I do not expect to do so. I suppose we have reduced the estimates as much as is possible. The Secretary estimates for $24,598,277 36, and this bill appropriates $16,841,845 62; a reduction of the estimates of $7,756,431 74. But what I want to show is that the statement I made a month or so ago, that the expenditures of the Government for the current fiscal year amounted to almost four hundred million dollars, instead of a fraction over three hundred million dollars, as its leading friends claim, can be now verified, at least so far as the Navy is concerned.

At the commencement of the current fiscal year the unexpended balances in the Treasury, which must be added to the appropriations of nearly three hundred million dollars which the Secretary certified would be expended during the year, are about ninety-four million dollars. Over sixteen million dollars of these balances were carried to the credit of the Navy Department. We appropriated for the use of the Navy for the current year, in addition to the balance, $15,807,431 60, making in all $31,814,585 97. My colleague on the Committee on Appropriations, [Mr. WASHBURN,] who is managing this bill, undertook to show to the House, in reply to my former argument, that the $94,000,000 of balances on hand at the beginning of this fiscal year would not be materially diminished, but substantially that amount would be on hand to carry forward to the next fiscal year.

I am now prepared to prove, and to call on him to verify my statement, that all the bal-

ances as well as all the appropriations for the Navy have been spent, except the $1,000,000 which the Secretary says can be carried forward, and I am prepared to show further that over seven million seven hundred and ninety thousand dollars in addition to all this, being proceeds of sale of property belonging to this Government, have also been received and expended by this Department during the year, making over thirty-eight million dollars expended, although only $15,807,431 60 were appropriated; making in this Department alone an excess of expenditures over the annual appropriation of over twenty-two million dollars.

I proposed to show, if I had been allowed ten minutes, that extravagance of expenditures was the rule and not the exception, not only in this but in all the Departments of the Government; that we have to keep up the machinery of five or six different bureaus in each of the navy-yards of the country, when two, in my judgment, would be ample; and that by this cumbrous system millions are wasted annually. And I desired especially to prove, by the letter of the Secretary of the Treasury to this House, dated February 22, 1870, being Executive Document No. 188, wherein he gives certified copies of the pay-rolls of the Treasury Department for the month of December, 1869, which I hold in my hands and call the attention of the House to, that there were thirty-three hundred and seventy-six employés drawing pay in that Department alone for that month—if I have succeeded in counting the names correctly—which I assume is a fair average, which is nearly sixteen hundred more than is authorized by law to be employed there.

At the first session of this Congress the Committee on Appropriations called upon the Secretary for a full and complete list of all the employés in that Department which were authorized by law, and also for a full and complete list of the number actually employed. The lists were furnished, and will be found attached to the speech of my colleague on the committee, [Mr. LAWRENCE,] in the Globe of April 3, 1869, being volume seventy-four, page 482. The first table shows that the whole number authorized by law to be employed was seventeen hundred and eighty-five; that the whole number actually employed was twenty-seven hundred and eighty; nearly one thousand more than the law allowed.

The committee, and especially Judge LAWRENCE, complained and remonstrated against this state of things, and the only excuse was that Secretary Boutwell had found this number of supernumeraries when he entered the office, and that he would proceed at once to reduce the number. The excuse seemed reasonable. What do we find now? or at least in December, 1869—it is, perhaps, worse now. A further increase of about six hundred over the illegal excess of one thousand in April last, or sixteen hundred more than the law allows. I do not know to what grades the excess of employés belong, nor what pay they draw; but supposing them to draw the average pay of the lowest grade male clerk, the amount annually thus illegally paid is over one million nine hundred thousand dollars, and the excess over the illegal payments of last April is $720,000; and yet it is pretended that the Government is being economically administered. Such pretenses are all a fraud and a cheat.

[Here the hammer fell.]

The CHAIRMAN. The time allowed by the House for general debate has expired.

Mr. COX. Is it in order to move that the Committee of the Whole now rise for the purpose of obtaining an extension of the time allowed for debate?

The CHAIRMAN. It is in order to move that the committee rise.

Mr. COX. I gave up my half hour to gentlemen upon the other side, and they would not allow two minutes to the gentleman from Kentucky [Mr. BECK] on this side of the House.

Mr. LOGAN. I gave up all the time I had left.

The CHAIRMAN. Does the gentleman submit any motion?

Mr. COX. No; I will not make any motion.

The CHAIRMAN. The bill will now be read by paragraphs for amendment.

The following paragraph was read:

For pay of commissioned and warrant officers at sea, on shore, on special service, and of those on the retired list and unemployed, and for mileage or transportation of officers traveling under orders, $4,000,000.

Mr. WASHBURN, of Wisconsin. I am instructed by the Committee on Appropriations to move to amend the paragraph just read by adding to it the following:

Provided, That no allowance shall hereafter be made to any officer in the naval service of the United States for drawing bills, for receiving or disbursing money, or transacting any business for the Government of the United States; nor shall he be allowed servants, or pay for servants, or clothing or rations for them, or pay for the same; nor shall any allowance be made to him for rent of quarters, or to pay rent for furniture, or for lights or fuel or transporting baggage.

Mr. MAYNARD. It seems to me that this amendment proposes new legislation. I believe I must raise a point of order on it.

Mr. WASHBURN, of Wisconsin. Mr. Chairman, this amendment is a reënactment——

Mr. SARGENT. I raise a point of order on the amendment, that it is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WASHBURN, of Wisconsin. I appeal from the decision of the Chair. This is no new legislation.

The CHAIRMAN. The appeal is not debatable.

Mr. WASHBURN, of Wisconsin. I appeal from the decision of the Chair.

Mr. DAWES. I hope the Chair will indulge me in a single remark. I think that on further reflection the Chair will perhaps reconsider his decision.

Mr. SARGENT. I raise the point of order that the appeal is not debatable.

The CHAIRMAN. The appeal is not debatable. The question is whether the decision of the Chair shall stand as the judgment of the committee?

Mr. SCOFIELD. I hope the gentleman from California [Mr. SARGENT] will not raise any objection to allowing the gentleman from Massachusetts [Mr. DAWES] to make his suggestion.

Mr. SARGENT. I must object.

The CHAIRMAN. The question is whether the decision of the Chair shall stand as the judgment of the committee?

Mr. WASHBURN, of Wisconsin. I will modify my amendment.

The CHAIRMAN. The Chair thinks that the first part of the amendment would be in order, but the latter part of it is not.

Mr. WASHBURN, of Wisconsin. I modify my amendment so as to read, "that no money hereby appropriated shall be expended," &c.

The CHAIRMAN. The amendment in that form will be in order.

Mr. WASHBURN, of Wisconsin. This amendment proposes substantially to reënact a proviso which was incorporated in the law of 1835, a proviso which was sought to be repealed in 1866, which was not repealed at that time, and the repeal of which, even if it had been accomplished, would not have had the effect to give allowances to naval officers. In offering this amendment I have nothing to say in regard to the pay of the officers of the Navy. I do not say that in receiving the thirty-three per cent. they have received more than they ought to have had; but I state that they have received it without authority of law, and in violation of law. Whenever a proposition to increase their pay shall come up, I shall be prepared to say whether in my opinion such a proposition should be favorably acted on or not; but inasmuch as the thirty-three per cent. has been paid to officers of the Navy without authority of law, I propose by this proviso to remove any excuse or pretense whatever for the continuance of this abuse.

Mr. MAYNARD. I would like to ask the gentleman a question. Has not the construction given by the Navy Department found its place regularly in the estimates ever since, and have not the appropriation bills been passed from year to year in accordance with those estimates?

Mr. WASHBURN, of Wisconsin. The estimates have been made for the payment of this thirty-three per cent.; but I presume members in voting the allowance supposed that there was law authorizing it; but there is no such law.

Mr. MAYNARD. Appropriations have been made to cover this thirty-three per cent. Those appropriations gave the allowance the authority of law.

Mr. WASHBURN, of Wisconsin. No one can pretend to say that there is any law authorizing this allowance.

Mr. SARGENT. I move to amend the amendment by striking it out and inserting in lieu of it the following:

Provided, That out of the money hereby appropriated the compensation of the officers of the line of the Navy on the active list shall be the same as that of the officers of the Army with whom they have relative rank; and the staff officers of the Navy shall receive pay according to their relative rank under the general order of the Navy Department of March 13, 1863.

Mr. WASHBURN, of Wisconsin. That is clearly not in order.

Mr. SARGENT. The amendment is obviously in order, provided the amendment offered by the gentleman from Wisconsin, for which I offer this as a substitute, is in order. This amendment, like his, proposes to direct the manner in which the money appropriated by this bill for the pay of officers shall be expended.

Now, sir, the proposition of the gentleman is a most cruel one. The gentleman himself will not deny that the effect of his amendment is to reduce the pay of naval officers, especially those of the lower grades, below the rates at which they can possibly subsist.

Mr. WASHBURN, of Wisconsin. I rise to a question of order. This amendment proposes an increase of the pay of the Navy, and is new legislation.

Mr. SARGENT. No, sir; the proposition of the gentleman proposes to decrease the pay of the Navy. I would like to know how it is to be determined, except in the way of argument, whether the amendment increases the pay.

Mr. STEVENS. Certainly it changes the pay of the officers of the Navy, and in my opinion very unjustly.

Mr. SARGENT. It simply directs how the money appropriated for the pay of the Navy shall be expended. I simply want to apply to the Navy the rule advocated by the able gentleman from Illinois [Mr. LOGAN] with reference to the Army, and incorporated in the bill on that subject.

Mr. LOGAN. If the gentleman will take a suggestion from me——

Mr. SARGENT. I will with pleasure.

Mr. LOGAN. I will then make this suggestion. If the Army bill with the section relative to pay should become a law, it will be easy to regulate the pay of the Navy in some way by a similar bill, which I hope will be done. I suggest this, if the Army bill should not pass it would then be impossible to pay the Navy as is suggested by the gentleman from California. Officers of the Army now are paid in various allowances. They have allowances for horse-feed and for servants' clothing, and for many other things which naval officers do not have. We could not, therefore, pay naval officers under the same rule by which officers of the Army are now paid. If the Army bill, however, should pass, regulating the pay of Army officers, by giving them fixed salaries in place

of allowances, then the amendment would be practicable. Under the present system the amendment will be utterly impracticable.

Mr. ARCHER. But if the bill should pass, then does the gentleman object to making the same provision for naval officers, when their allowances also are cut off?

Mr. LOGAN. No, sir; I agree if the Army bill should pass then this amendment would be proper. If it should not pass the amendment would be impracticable for the reason I have stated.

Mr. SARGENT. I have confidence to believe that the Army bill will pass.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

Mr. SARGENT. Then I will say what I intend in opposition to the amendment of the gentleman from Wisconsin. I understood the Chair to decide that the amendment of the gentleman from Wisconsin as modified was in order.

The CHAIRMAN. The Chair so decided.

Mr. SARGENT. Now, Mr. Chairman, I believe the suggestion made by the gentleman from Illinois [Mr. LOGAN] is a good one; that is to say, the amendment I proposed would be proper in the event the bill to which it refers should become a law. I have great confidence that under the able leadership of the chairman of the Committee on Military Affairs the Army bill will become the law, and in view of that fact I offered the amendment I did. But in opposition to the amendment of the gentleman from Wisconsin I desire to say that it seems to me that it is unjust to cut off the allowances of the officers of the Navy, the effect of which will be to reduce the pay of officers, and especially those of lower grade, to starvation point, and provide nothing in place of them.

The gentleman from Wisconsin who proposes the pending amendment says these allowances have all been made in defiance of law. I deny, sir, that the action of the Department in making these allowances has been in defiance of law. It has been strictly in accordance with the uniform practice of the Government from its foundation. From the time we first had a Navy Department it has regulated, by orders of the different Secretaries of the Navy, all such questions, down to the time when the law passed Congress taking away the power to do so. The power was resumed as soon as that act of Congress was repealed. It was restored by the repealing act. Secretary Welles followed closely the precedents of previous Secretaries of the Navy. Congress always recognized the justness and propriety of allowances to the officers of the Navy made by the Secretaries, and in strict accordance with the amounts those Secretaries fixed as compensation of the officers of the Navy it made its appropriations. While Welles followed the old precedents in making the allowances, Congress itself indorsed his action in different Navy appropriation bills by expressly appropriating the money necessary for paying this thirty-three per cent. allowed by him. Yet, notwithstanding this, the gentleman from Ohio [Mr. MORGAN] said to-day that it was done in defiance of Congress; that it was a robbery of the Treasury.

Mr. MORGAN. And I say so still.

Mr. SARGENT. How could it be in defiance of Congress when Congress itself made specific appropriation for the purpose of paying the allowances? How could it be a robbery of the Treasury when Congress placed the specific sums at the disposal of the Secretary to pay the allowances? These general declamations would be ridiculous, as they are extravagant, if they did not lead to such bad results to the low-grade officers, especially the pay of whom by these means is cut down so they can barely pay their own board, let alone paying the expenses of their families. With the thirty-three per cent. their pay is far below that of the officers of the Army. Without it they must leave the service, or serve us in abject poverty. Who asks such injustice to these men who have periled their lives for us, and may be called on to do it to-morrow? Not the country, which is grateful for their gallant service. Let us be just, if not generous. Let us provide a substitute for these allowances before we withdraw them, or we expel our tried officers from the service, to its irreparable injury and our disgrace.

[Here the hammer fell.]

Mr. HALE. I move to amend the amendment by striking out the last word, and I do it for the purpose of opposing the gentleman from Wisconsin on the point he makes, that the allowance known as thirty-three per cent. made to the officers of the Navy is contrary to and in defiance of the law. I believe from my examination, and every lawyer I believe, if he will investigate it as I have done, will agree with me, that this allowance has been authorized by law. That Congress has the right to take it off from these men there is no doubt. But that each Secretary has been authorized to make the allowance since Secretary Welles issued his order is, I believe, capable of demonstration.

The Navy Department was organized in 1798. Under the Constitution there is authority given to Congress to regulate and control the administration of military and naval affairs. Congress having that control, the President, as the executive officer, has certain powers which I need not now enumerate, and certain of those powers are given to heads of Departments. Now, in 1802, four years after the organization of the Navy Department, under the instructions of President Jefferson, a strict constructionist, acting through the Secretary of the Navy, a board of commissioners established certain rules under which the Navy was governed until 1817, when a new board of commissioners was appointed to establish rules again for the government of the Navy. Certain of those rules, as will be found by gentlemen who will investigate the subject, provided for allowances for certain claims which it was stated that officers had equitably against the Government for increased pay. They provided allowances for the rent of quarters, for rent of furniture, for wood, for lights, and two or three other specific allowances.

As has been stated by the gentleman from California, [Mr. SARGENT,] Congress time after time recognized these allowances, making appropriations just as they were estimated for. This continued until 1835, then Congress interposed, and by an act which became a law cut off certain of these allowances. Other allowances were left existing. Any man would draw from this fact the logical inference that in leaving some of these allowances Congress recognized them as existing by force of law. The administration of the Navy Department was conducted under this act of Congress from 1835 until 1866, when Congress again intervened. What did it do then? It repealed the act of 1835, which cut off certain allowances for rent, furniture, lights, wood, &c., and thereby brought them back. That is the effect of a repeal of a statute. Such is the effect in law, and such was the purpose and intent of Congress; and Secretary Welles, under that, proceeded to commute; that is, he reckoned up what these different allowances would amount to, and fixed upon thirty-three per cent. as the commutation, a percentage really less than they amount to. The officers of the Navy get less in the aggregate under that order, than they would if they received the allowances. That is all there is in this matter. From that day till this it has gone on in that way. I have a letter from the Secretary of the Navy, giving the history of this matter, which, if I had time, I should like to have read.

[Here the hammer fell.]

Mr. MORGAN. I rise to oppose the amendment of the gentleman from Maine. The question involved in this discussion appears to me to be of a very simple nature, and not difficult of determination by such a body as this. The simple question is whether the power of legislation is vested in the executive or in the legislative branch of the Government. If the Secretary of the Navy has the right and the power to add one third to the salaries of the officers of the Navy, he has the right and the power to double them, or to quadruple them, and he has the right and the power to cut off from them one third or one half or three fourths, of his own mere will. Such a doctrine strikes me as monstrous, and I am surprised that my honorable friend from Maine [Mr. HALE] should have found himself in such straits as a lawyer as to be compelled to advocate such a heresy upon this floor. These allowances were abuses from the first, and it is immaterial under what Administration they originated. Congress in 1835 recognized them as abuses, and prohibited them as abuses, and yet honorable gentlemen would have this House suppose that because the section prohibiting the abuses was repealed that thereby the abuses themselves were revived. That is a novel doctrine.

Now, for one, I am quite willing that the pay of naval officers shall be put upon an equality with the pay of the officers of our Army when the naval officers are reduced in number correspondingly to those of the Army. The Army bill proposes a reduction of the officers of the Army to the number of about five hundred. There is a much greater disproportion in the Navy between the number of officers and men than there is in the Army. I proved to-day, in the course of my remarks, that upon the estimate of the Committee on Appropriations for eight thousand five hundred men, there is absolutely in the American Navy to-day one officer for about every three men. I have prepared a bill which I propose to submit to the judgment and action of this body, remodeling the Navy on the same principle that the Army has been remodeled, and when that is done it will be time, and time enough, to determine what shall be the rate of salaries for officers of the Navy.

And, Mr. Chairman, it is a fact, and I regret to be compelled to repeat it, that abuse after abuse has crept into the Navy, and those abuses have been sanctioned and encouraged by the Secretary of the Navy, and that not only has additional pay been given to officers of the Navy, but it has been charged in the public journals, as I stated to-day, and I challenge gentlemen who advocate these abuses to demand an investigation, that among other abuses a sum of from five to six hundred dollars had been expended for wine and cigars, charged to the account of groceries, and paid out of the Treasury of the United States, for one of the excursions of the Tallapoosa. Now, these abuses have crept in, and the only question is whether this House will continue to sanction and encourage them, or will require appropriations to be expended in accordance with law.

Mr. HALE. I withdraw the amendment to the amendment.

Mr. CONGER obtained the floor.

Mr. SCOFIELD. Will the gentleman from Michigan allow me, before he goes on, to have a letter from the Secretary of the Navy, which is a brief legal argument upon the question of the thirty-three and one third per cent., read?

Mr. CONGER. I prefer to offer my amendment, and say what I desire to say first.

Mr. SCOFIELD. Well, when the gentleman gets through I ask unanimous consent that it may be read.

Mr. COX. Wait till the time comes.

Mr. CONGER. I offer an amendment to come in at the end of the first paragraph.

The CHAIRMAN. There is an amendment pending, and the gentleman must offer an amendment to the amendment.

Mr. CONGER. Then I offer the following amendment, to come in at the end of the pending amendment:

Provided further, That all demands, claims, and items of account against these naval appropriations

shall be decided, adjusted, and settled by the proper accounting officers of the Treasury according to law, and their adjudication shall be final, except in cases where provision is made for an appeal to the judiciary and no payment shall be made at the Treasury, nor credit admitted, to a disbursing officer for allowances made on the approval or order of any officer of the Government, unless such allowances are expressly authorized by law.

Mr. ARCHER. I make the point of order on that amendment that it is new legislation.

Mr. CONGER. It simply defines how these appropriations shall be paid.

The CHAIRMAN. It is the opinion of the Chair that it is new legislation, and does not apply to these appropriations only.

Mr. CONGER. I do not like to dispute with the Chair, but I think if he will examine the amendment he will see that it is no new legislation.

The CHAIRMAN. The Chair is of opinion that it is new legislation.

Mr. CONGER. It is such a provision as has been inserted in every appropriation bill that ever passed this House, directing how the appropriation shall be applied.

The CHAIRMAN. It does not apply merely to the appropriation which the committee is now considering.

Mr. CONGER. I dislike to dispute with the Chair about these propositions, but the amendment says expressly "these naval appropriations."

Mr. SCOFIELD. It is not a limitation on this appropriation, but a regulation for settling naval accounts generally.

Mr. CONGER. It says how this money shall be expended.

The CHAIRMAN. The Chair is of the opinion that it is a regulation in regard to the settlement of accounts, and not in regard to this appropriation.

Mr. SCOFIELD. I now ask unanimous consent of the Committee of the Whole to have read the letter from the Secretary of the Navy referred to by the gentleman from Maine, [Mr. HALE.] The gentleman in charge of this bill does not object to it.

Mr. WASHBURN, of Wisconsin. I have no objection; I would like to hear it.

Mr. CONGER. I object.

Mr. SCOFIELD. Then I move to amend the amendment by striking out the last word, and I ask the Clerk to read as a part of my remarks the letter of the Secretary of the Navy on this subject. This is the first time I ever knew a discourtesy of this kind to be offered to a prominent officer of the Government, to object to the reading of a letter relating to a particular subject under consideration.

The Clerk began the reading of the letter, but before concluding the hammer fell, the five minutes allowed under the rule having expired.

Mr. CONGER. I will withdraw my objection to the reading of the letter.

Mr. MUNGEN. I object, unless the ten commandments are also read.

The CHAIRMAN. The objection, if made, must be without condition.

No objection being made, the reading of the letter was resumed.

Before the reading of the letter was concluded,

Mr. WOODWARD said: Will it be in order for me to move that the further reading of this interminable letter be dispensed with, and that it be published in the Globe?

The CHAIRMAN. That motion would not be in order, as the letter of the Secretary of the Navy is being read by general consent.

Mr. SCOFIELD. The letter is a little longer than I supposed when I asked consent to have it read; but the Clerk has got nearly through the reading of it. There have been three or four arguments, several of them to-day, made against the action of the Department, and this letter is a close, legal argument of the Secretary of the Navy upon the subject.

The CHAIRMAN. The Chair would suggest that this debate is not expediting the reading of the letter.

The Clerk then resumed and concluded the reading of the letter, which was as follows:

NAVY DEPARTMENT, *May* 14, 1870.

DEAR SIR: In response to your inquiry as to the condition of law and the regulations in relation to the allowances of thirty-three and one third per cent. and twenty per cent. made to officers of the Navy, and asking my opinion in regard to the legal authority for the same, I beg leave to say that in my opinion the action of Mr. Welles making these allowances did not transcend his authority, and that they were and remain lawful.

The following is a brief history of this subject and of the Executive and congressional action had thereon:

The executive authority to make and establish regulations for the government and regulation of the Navy is indisputable, and the subject-matter of allowances seems also on principle and precedent to be within the scope of this authority.

The Congress of 1775 (November 28) established "rules and orders for the regulation of the Navy of the United Colonies."—*Journal of Congress*, 1, 262.

The Federal Constitution, article one, section eight, empowered Congress to make "rules for the government and regulation of the land and naval forces" of the United States.

By the second section of the second article the President is constituted the Commander-in-Chief of the Army and Navy, not of course to take actual command of both branches in the field or on the seas, but to control, govern, and regulate them in all their relations, subject only to the restrictions of the rules affirmatively prescribed by Congress, under the restricting power given them as above; and in the absence of such restriction to govern, regulate, and do all things necessary and proper in relation to them, their condition, government, and operation.

In the exercise of their constitutional power, in July, 1797, nearly a year before the Navy Department was created, Congress adopted in constitutional form, with the consent of the President, the "rules" of 1775, "as far as applicable to the Constitution and laws of the United States."—*Laws*, 1, 523.

Those "rules" remained in force, controlling and regulating the executive power in matters within their purview, until the passage of the act of March 2, 1799, "for the government of the Navy."—*Laws*, 1, 709.

That act was repealed April 23, 1800, by the act "for the better government of the Navy," which established "rules and regulations for the government of the Navy," to take effect "from and after the first day of June," 1800.—*Laws*, 2, 45.

These "rules and regulations" were succeeded by those now in force, namely, the act of July 17, 1862, "for the better government of the Navy."—*Laws*, 12, 600.

None of these acts in terms authorized either the President, or the Secretary of the Navy, either representing him or independently, to establish any rules or regulations for either the military or the civil administration of the Navy, or of the Navy Department.

But the necessity of establishing them arose from the very existence of a Navy, and the power was found in the principles above stated, and was exercised, from the very beginning, by the men who made the Constitution and established and organized the Government.

This necessity and this power, and its legal consequences, were recognized by the United States Supreme Court, January term, 1833, in Macdaniel's and Filiebrown's cases—cases of "allowances" for the disbursement of money, made by the authority of the Secretary of the Navy, decided by a unanimous court, composed of Chief Justice Marshal and Justices Story, Johnson, McLean, Thompson, and Baldwin.

The court in the Macdaniel case said: "A practical knowledge of the action of any one of the great Departments of the Government must convince every person that the head of a Department in the distribution of its duties and responsibilities is often compelled to exercise his discretion. He is limited in the exercise of his power by law; but it does not follow that he must show a statutory provision for everything he does. No Government could be administered on such principles. To attempt to regulate by law the minute movements of every part of the complicated machinery of Government would evince a most unpardonable ignorance of the subject. While the great outlines of its movements may be marked out, and limitations imposed on the exercise of its powers, there are numberless things which must be done that can neither be anticipated nor defined, and which are essential to the proper action of the Government. Hence, of necessity, usages have been established in every Department of the Government which have become a kind of common law, and regulate the rights and duties of those who act within their respective limits."—*Macdaniel's case, id.*, p. 14.

In Ripley's case, which immediately follows, and which was decided at the same time, the same principles are recognized.

Of the same opinion was the Attorney General in 1853, when he advised Mr. Dobbin, then Secretary of the Navy, that the President and subordinate executive officers, military or civil, may rightfully establish regulations in execution of and supplementary to the statutes and statute regulations."—*Opinions of Attorneys General*, 6, 10.

The Navy Department was created in 1798, (act of April 30, Laws, 1, 553,) and placed under the direction of a Secretary, "whose duty," says the first section, "it shall be to execute such orders as he shall receive from the President of the United States relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States."

In less than four years afterward, namely, in January, 1802, the then President, Mr. Jefferson, a strict constructionist of executive power, established, and Hon. Robert Smith, then Secretary of the Navy, by his command, published and promulgated a system of "naval regulations," and this without any express statutory authority to do so.

These "regulations" form a diminutive volume of thirty-six pages, published in 1802, at Washington, which is devoted to the military administration of the Navy.

This volume was the only published collection of Navy rules of any description, I believe, from 1802 until 1817, when the Navy commissioners, created by the act of February 7, 1815, (Laws 3, 202,) prepared and reported to Secretary Crowninshield, a system of "rules, regulations, and instructions, for the naval service of the United States." After being submitted to and approved by the Secretary of the Navy and the President, in September, 1817, this code of regulations, since known as "the Commissioners' Regulations" or "Regulations of 1818," was adopted, signed by the Secretary, established, and ordered to be printed. It was published in 1818, in a volume of one hundred and two pages.

By the above cited act of 1815, (Laws 3, 202,) the commissioners were authorized to prepare, by and with the consent of the Secretary, "rules and regulations necessary" for the following purposes, namely, "for securing uniformity in the several classes of vessels, and their equipments; for repairing and refitting them, and for securing responsibility in the subordinate officers and agents."

This was an affirmative act giving power to the Navy commissioners. It was provided that the regulations thus prepared, having been approved by the President and Secretary, were to go into effect and "be respected and obeyed until altered and revoked by the same authority."

They were also to be laid before Congress at its next session, but a compliance with this requirement was not essential to their validity.

They were so laid before Congress at its next session; but no action was taken, or considered necessary to their validity. Their provisions were made known to the legislative power, and though the opportunity was thus given, they were never questioned. This code of regulations, therefore, in accordance with the act of 1815, had all the effect and virtue of the law.

Most of its provisions are of a military and not of a civil character. There are, however, some provisions which relate to, and, I think, settle the principle in regard to allowances, namely, seven paragraphs, (page 57,) relating to full and half pay and full and half rations; and six paragraphs, (pages 34 and 35,) on the subject of allowances for cabin furniture "on fitting out."

Various amounts, ranging from fifty dollars to $750, were allowed to the commanding officers of naval vessels, according to the rating of the vessel and the rank of her commander, &c.

After the publication of those "regulations" no further collection of regulations was made and promulgated until 1832; but many separate orders, circulars, rules, and decisions have been from time to time issued, but they remained scattered through the files and records of the Department undigested, contradictory, and often obscure.

Mr. Secretary Woodbury, a distinguished jurist, afterward successor to Justice Story as justice of the Supreme Court of the United States, collected, revised, and arranged them and others of a date earlier than 1817, and making choice of those only which related to the civil, as distinguished from the military administration of the Navy, and adding such of his own as he thought necessary, published them in 1832 in a small volume familiarly known as the "Red Book."

That learned and indefatigable Secretary intended (see "Red Book," introduction) to have published in like manner a digest of all the military regulations of the Navy, but failed to do so.

By these Woodbury or "Red Book" regulations (pages 11, 12, and 22) allowances were made for rent of quarters to officers attached to certain navy-yards and for "chamber money" to officers attached to navy-yards where there were no quarters, and to officers attached to vessels but obliged to live on shore.

The same volume (page 10) makes allowances in place of "cabin furniture" to officers in command of vessels, proportioned to their rank and the rating of their vessels, and varying from ten dollars a month to thirty dollars a month.

It also allowed, pages 22 and 23, commutations for light, and fuel, and servants to officers stationed at navy-yards, in proportion to their rank, from twenty-eight cords of wood per annum, and sixty-five dollars per annum for candles, and twenty-four dollars a month for servants, allowed a captain commanding, down to nine cords of wood, twelve dollars a year for candles, and six dollars a month for a servant allowed to a gunner.

These extra allowances, thus made by the commissioners and by Secretary Woodbury, took effect as a matter of fact; they were regularly recognized by the Executive and Congress, estimated for by name by every Secretary, and appropriated for by every Congress, and remained in operation till affirmatively restrained by the act of 1835, hereinafter mentioned.

This act of 1835 affirmatively forbade allowance for, first, the drawing of bills; second, the receiving

of money; third, the disbursing of money; fourth, the transaction of any business for the Government; fifth, servants; sixth, clothing of servants; seventh, rations of servants; eighth, rent of quarters; ninth, rent for furniture; tenth, lights; eleventh, fuel; and twelfth, transportation of baggage. It regulated the allowance for mileage, which had existence only as an allowance by executive authority, to ten cents a mile, and it limited rations, which existed by the same authority, to one a day.

It thus recognized the power then existing by taking away in some instances, and limiting and regulating it in others.

By the provision of this act of 1835, until the act of April 17, 1866, (Laws, 14, 38,) all allowances, except mileage, were affirmatively forbidden by law. This fact must be borne in mind in construing that law of 1866.

The act of 1866 is a repealing act so far as it refers to the prohibitory act of 1835. It repeals only so much of the act of 1835 as relates to, first, rent of quarters; second, rent of furniture; third, lights; fourth, fuel; and fifth, transportation of baggage; leaving under the bar of prohibition all other allowances. It thus expressly removes the prohibition affirmatively placed upon certain allowances by the act of 1835, characterizing it as a prohibition, and recognizing that there was something to be prohibited, from which the check was by this act removed. And this view is the more sure, as the act removing the prohibition discriminates, removing it from some, and leaving it as necessary to restrain others of the same nature.

In the mean time the question of executive power to make allowances, in the absence of legislative restrictions, had been set at rest by the consent of Congress in the act of July 14, 1862, (Statutes, 12, 565,) which, in section five, expressly recognized the existing regulations, and gave the Secretary of the Navy the power to make such alterations of regulations as he might choose to adopt, with the approbation of the President. In effect, to make regulations on all subject-matters within the purview of departmental action, (allowances had, in the Macdaniel *et al.* cases, been already held to be so.)

Under these circumstances, and on the 23d day of May, 1866, (acting, I believe, upon the advice of the Naval Committees of both Houses of Congress,) Mr. Welles, the then Secretary of the Navy, in the exercise of the power thus recognized and conferred, and from which the prohibition had been thus removed, made and issued the general order of that date, declaring, in effect, that the prohibition of the act of 1835 was repealed by Congress to permit the increase of the compensation of naval officers by the exercise of the executive power to make allowances for certain of their necessary expenses, and establishing a fixed rate in lieu of the varying, arbitrary allowances which he would otherwise be obliged to settle in each case.

This order, officially promulgated, was recognized by all the officers of the Government; and since that time the amount necessary for the payment of the allowances has been regularly estimated for and appropriated by Congress.

The commission appointed in 18— to revise, arrange, and consolidate the statutes have also recognized this in their report on the laws relating to the Navy, page 43, section two hundred and twenty-six.

From this history and these references and their legal effect the conclusion is irresistible to my mind that the allowances are legal, and will so remain till taken away by act of Congress, approved by the President.

You will perceive that I have confined this investigation wholly to the subject of the authority for and legal effect of the allowances referred to, without touching the general subject of the compensation of our naval officers, or attempting to discuss or illustrate, either by argument or comparison, the question whether this is large or small, either as a recognition of the services of our officers or as a support for their families. But be this as it may, I think it is clear that these allowances, which now are part of their regular compensation, should only be superseded by some definite and adequate provision, honorable alike to the Government and to those who have devoted their whole lives to its service.

Very respectfully, your obedient servant,

GEORGE M. ROBESON,
Secretary of the Navy.

Hon. EUGENE HALE, *House of Representatives.*

Mr. WASHBURN, of Wisconsin. I rise for the purpose of opposing the amendment of the gentleman from Pennsylvania, [Mr. SCOFIELD.] I have listened with great patience to the statement of the Secretary of the Navy which has just been read, for I could not decline to hear his explanation of this matter. It will have been observed that it takes a very long argument on his part to prove that there is any authority for this payment. Now, I ask the attention of the Committee of the Whole for a few moments while I show how short a statement will answer the allegations of my friend from Maine [Mr. HALE] and of the Secretary of the Navy. What is the history of this matter? I will state at the outset that the Second Comptroller of the Treasury, a most faithful and capable officer, refused to pass these allowances, declaring then, as he declares now, that they were in utter violation of law. But he was constrained by the order of the Secretary to allow their payment.

Mr. SCOFIELD. What Secretary?

Mr. WASHBURN, of Wisconsin. Secretary Welles.

Mr. HALE. The Secretary of the Navy has no right to give the Second Comptroller an order.

Mr. WASHBURN, of Wisconsin. Very well; place the responsibility where you please; there was an order taking the responsibility from the Second Comptroller.

Now, what is the history of this transaction? Before the year 1835 the pay of the Navy was very meager; I will show how much it was. In 1834 the pay of Lieutenant Farragut, now Admiral Farragut, was $1,045 a year; and he managed in some way to obtain allowances to the amount of forty-seven dollars.

Mr. SCOFIELD. How much was the pay of a member of Congress then? It was eight dollars a day during the session of Congress, I believe.

Mr. WASHBURN, of Wisconsin. No matter what it was; it has nothing to do with this subject. There was great complaint that the pay was too low. Congress thought it too low, and in 1835 passed a new pay bill raising the pay very greatly, doubling it, I think, or nearly so. Congress in making this increase imposed a limitation in a provision declaring that the officers of the Navy should receive no other pay of any kind whatever. That provision remained in force——

Mr. HALE. That act does not cut off all allowances.

Mr. WASHBURN, of Wisconsin. I will show what it cuts off. It cuts off the allowances in the same way that my amendment contemplates. I propose to reënact it.

That provision remained in force till 1866, when the following proceedings took place in the Senate on an appropriation bill:

"Mr. GRIMES. I offer this amendment as an additional section:

"*Be it further enacted, &c.*, That the second section of an act entitled 'An act to regulate the pay of the Navy of the United States,' approved March 3, 1835, and all acts or parts of acts authorizing the appointment of Navy agents be, and the same are hereby, repealed.

"Mr. TRUMBULL. What is the effect of that? It seems to be a general provision of law which has nothing to do with an appropriation bill. I do not understand it. It seems to be a repeal of the law authorizing the appointment of Navy agents.

"Mr. GRIMES. That is it."

He did not intimate that the amendment affected in any way the pay of the Navy. He simply said that it cut off the appointment of Navy agents.

"Mr. FESSENDEN. They have been dispensed with already.

"Mr. TRUMBULL. How? By law?

"Mr. CONNESS. By the action of the Department.

"The amendment was agreed to."

That is all that took place in the Senate when this proviso was repealed. The bill came back to the House, where the amendment was disagreed to. A committee of conference was appointed; and my friend from Pennsylvania [Mr. SCOFIELD] knows what takes place in committees of conference, for I have often heard him rail against such committees. The committee of conference did not agree to that amendment. They agreed to a portion of it; but they retained this part of the section which Mr. Grimes sought to repeal, and it still stands on the statute-book unrepealed:

"It is hereby expressly declared that the yearly allowance provided in this act is all the pay, compensation, and allowance that shall be received under any circumstances whatever by such officer or person, except for traveling expenses."

Mr. ARCHER. The gentleman will permit me to say that the conference committee agreed to no such thing. The Congressional Globe shows that they agreed to amendment No. 11, the amendment of Mr. Grimes, which provided for the total repeal of the second section of the act of 1835.

[Here the hammer fell.]

Mr. SCOFIELD. I withdraw my amendment, that the gentleman from Illinois [Mr. LOGAN] may renew it.

Mr. LOGAN. I renew the amendment. Mr. Chairman, I think the debate on this proposition ought at least to cause the House to reflect seriously as to its duty with reference to this particular proposition. Whenever a provision of law is so vague, indefinite, and uncertain as to cause so much debate, *pro* and *con*, as to whether a particular provision is in force, I think this fact affords sufficient evidence that we should do something to make the law certain. If, as has been well said by the gentleman from Wisconsin, [Mr. WASHBURN,] it required such a speech—for I can call it nothing else—as that of the Secretary of the Navy, delivered here by proxy through the gentleman from Pennsylvania, [Mr. SCOFIELD,] to prove that there is legal authority for this allowance, I think there is a necessity that we should adopt some positive enactment which shall free the question from all doubt. I am in favor of the amendment of the gentleman from Wisconsin, which provides that all these allowances shall be cut off, and that the naval officers shall be paid the amount provided by law outside of these allowances. If their regular pay is not sufficient I am willing to vote to provide a specific salary for each of these officers.

I am in favor of making the pay sufficient; but let us have it fixed and certain, so that it will not require the reading of the statutes from 1795 to 1870 to show what is the condition of the law on the subject. It is very easy for us to arrange this matter so that our legislation can be understood by anybody. We ought not to permit this allowance of thirty-three per cent. to be paid by a mere order of the Secretary of the Navy. The House will remember that in 1864 we provided that the officers of the Army should receive an extra allowance of, I believe, thirty-three per cent., in addition to their ordinary pay and allowances. In 1865 we continued it. Then we repealed it and struck off the thirty three per cent. allowed to the officers of the Army, for the reason that it made their pay unnecessarily complicated. For the same reason that it was stricken from the pay of the officers of the Army at the last session of Congress it ought to be stricken from the pay of the officers of the Navy. I hope, therefore, the amendment of the gentleman from Wisconsin may be adopted, so we may have some definite rule for the payment of officers of the Navy as well as officers of the Army.

[Here the hammer fell.]

Mr. COX. Mr. Chairman, the gentleman from Wisconsin [Mr. WASHBURN] the other day, when he closed his general speech on this Navy appropriation bill, made some remarkable admissions. I do not know whether they were made in reference to this particular matter of extra pay to officers of the Navy or not. He said the Navy Department was carried on in total disregard of law, under the direction and by the advice of a "favored few;" that it was used for the "glorification of certain officers, their friends, and flatterers;" that there was an irresponsible party who stood between the nominal Secretary of the Navy and the various bureaus of the Department, and who ran both the Navy Department and the Navy in other interests than those of the people. I do not know, Mr. Chairman, whether the gentleman had reference, when he used that language, to this matter of extra pay, which is the subject matter of his amendatory proviso to the first section of this bill. If he did, it has as much reference to Secretary Welles as to the present Secretary of the Navy. He could not have meant this extra pay of thirty-three and a third per cent., for his language would be peculiarly inapt and unjust if so intended. The truth is, the present administration of the Navy Department is obnoxious to the severest criticism for its imbecility of administration. It has been ridiculed for its double-headedness; that is,

for its divided or Japanese system of responsibility. It has its Mikado and Tycoon. One is the real power and the other is the ostensible power. I refer to the Admiral and the Secretary. It is, moreover, obnoxious for its conspicuous lack of order, law-abiding spirit, and economy.

The gentleman from Wisconsin himself has said that there was in the present administration of the Navy Department extravagance, profligacy, and abuses. I do not know, but I do not believe, that he applied these terms especially to this particular matter of extra pay which he has now brought before the committee. There was enough to predicate his remarks upon, without giving them this application. There was the deficiency bill which the Committee on Appropriations brought before us, in a hurry, some months ago. There were the estimates, so extraordinary that the committee has cut them down nearly $8,000,000. There are other extravagances hereafter to be discussed. Moreover, in reference to this particular matter of extra pay, to speak frankly, I do not believe the present Secretary of the Navy is so grossly wrong as the gentleman from Ohio [Mr. MORGAN] and the gentleman from Wisconsin [Mr. WASHBURN] would make out. It is not necessary to have the present administration of the Navy defended or attacked in reference to anything which it has done in imitation of the late intelligent, fearless, law-abiding administration of the Navy Department of Gideon Welles. It has sins enough of its own. The administration of Mr. Welles cannot be criticised with justice or with honesty as a law-defying Department. I am happy to defend that administration of the Navy Department. I do it the more cheerfully because it has no patronage to bestow, and because when it had, I never received anything from it.

I am not, as a Democrat, in any sense responsible for the eight years of service of Mr. Welles; but in justice to him, in justice to his able and distinguished service, in justice to the Republican Presidents who appointed and continued him, and in justice to the Republican party which sustained him, and which has no defender here now, I stand here alone to ask that he may have decent respect and a fair hearing. I have on my desk a statement from him, which I hope may be read. It is brief, and like all his papers pointed and practical. From this statement it will appear that all Secretary Welles did in reference to this thirty-three per cent. was done with the knowledge of Congress and its Naval Committees; and under their approval and sanction Congress appropriated the money by which his order was made effective. If, therefore, he has done anything wrong in this matter, if he has disregarded law, the Republican Congress and its committees must share the responsibility with him.

Mr. MORGAN. So it should.

Mr. COX. I agree with the gentleman from Ohio and the gentleman from Wisconsin, that the present administration of the Navy Department is rotten from stern to bow. There is no comparison between the present and the previous administration of Secretary Welles. I would not compare the two. I cannot compare a canal scow to a great ocean steamer. I ask to have read the statement, in order that we may understand upon what ground Mr. Welles acted. It is no justification of the law-defying extravagances which may have been pointed out, or which may hereafter be pointed out in the administration of this weakest of all the weak Departments of this weakest of all weak Administrations since this Government began. The committee has allowed a statement of the present Secretary to be read by unanimous consent, and I hope there will be no objection to the reading of the statement of the late Secretary.

[Here the hammer fell.]

Mr. DICKEY. I hope there will be no objection to reading a page from the log of that most ancient mariner.

Mr. HILL. I object to it. I object to it on account of the denunciation of Mr. Robeson, the present Secretary of the Navy, with which the gentleman has introduced it. It is not the right way to ask for justice for one Secretary by doing injustice to another Secretary.

Mr. STEVENS. I propose to offer the following amendment, which I think the Chairman will find clearly in order. I move to add to the amendment of the gentleman from Wisconsin [Mr. WASHBURN] the following words:

And the payment of thirty-three and a third per cent. additional, provided for and ordered in and by the general order of the Secretary of the Navy, dated May 23, 1866, shall be continued and paid out of this appropriation to all officers of the Navy below the grade of commodore.

Mr. WASHBURN, of Wisconsin. Is that amendment in order?

Mr. STEVENS. I think it will be found that it is clearly in order.

The CHAIRMAN. The Chair decides that the amendment is in order. The Clerk will read the rule in regard to amendments which may be made to general appropriation bills.

The Clerk read as follows:

"'No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.'—*Rule* 120. [It has been decided that under this rule it is not in order to propose an amendment to a general appropriation bill which changes an existing law. But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose.]"

The CHAIRMAN. The Chair is of opinion that the object of the amendment of the gentleman from New Hampshire being to increase the pay of these officers, if it is proper to increase salaries in an appropriation bill, the pay may be increased.

Mr. STEVENS. Mr. Chairman, we have been discussing here for a long time this question of pay, and I desire very briefly to call the attention of the committee to what is the present condition of things as regards the pay of officers of the Navy. If there is any man on this committee who will say that he believes the pay of the officers of the Navy is too much, then I certainly must entirely disagree with him. Upon a fair consideration of this matter—and I have given it some consideration—I am free to say that if you except the four higher grades of admiral, vice admiral, rear admiral, and commodore, the pay of the naval officers to-day is fair and equitable. Such is the judgment of gentlemen with whom I am associated and with whom I have conferred, men who stand high here in this House as economists. I will say further, that it is far below the pay of officers of the Army, and that it is below the provisions made by the distinguished gentleman from Illinois [Mr. LOGAN] in the bill which he introduced a short time since, and which has passed this House. If, then, this view be correct, if the pay of the naval officers, including the thirty-three and a third per cent., is just what it should be, neither more nor less, I ask the committee, why should we now seek to disturb the existing arrangement and bring back the pay-roll and pay-table of the Navy Department to the state of anarchy and chaos in which they formerly existed?

If you adopt this amendment of mine, you leave things in *statu quo*; you leave the pay of the Navy as it now is, neither increasing it nor decreasing it except so far as the four higher grades which my amendment excepts are concerned. Now, is not this a clear and distinct proposition addressed to the good sense and fair judgment of this House, to say that in this appropriation bill we will not disturb the pay of the Navy? If Mr. Welles issued an illegal order, let us remember that four or five Congresses have recognized that order, and by implication legalized it by making appropriations to meet it and to pay the Navy under it. Let us not forget that if Mr. Welles committed an act of doubtful legality, we or our predecessors have heretofore recognized that act as a legal one so far as they could by implication in voting appropriations to carry it out. And whether that order in its origin was legal or illegal, whether its legality was doubtful or certain, let us to-night legalize it, not allowing ourselves to be carried away by any false sentiment which may have arisen in the discussion of this question heretofore, but let us place the matter in a legal form with legal force and say to the Navy, "There is your pay as you have had it for the last four or five years, legalized by the action of Congress; take it and go your way." I ask a vote on my amendment.

Mr. MUNGEN. I rise to oppose the amendment of the gentleman from New Hampshire, and in the first place I ask to have read at the Clerk's desk as a part of my remarks a statement of Mr. Welles, late Secretary of the Navy, the reading of which was objected to just now by gentlemen belonging to the party which appointed Secretary Welles. I would like to have it read.

The Clerk read as follows:

"Criticism has been made on order No. 75, giving the Navy officers thirty-three per cent. in lieu of extra allowances. These extra allowances had formerly been allowed, but were prohibited by act of Congress in 1835. That act was repealed in 1866, for the purpose of enabling the Secretary to issue order No. 75. That order was immediately published and made known to members of Congress and all others. There were one or two members, and but one or two, who took exception to it, and they were advised, if they thought proper, to bring the subject before Congress, when the question of Army and Navy pay could be taken up and equalized. The Army officers were not only drawing higher pay than Navy officers, but were receiving extra allowances by order of the Secretary of War. This was causing great discontent. General WASHBURN and other Army officers may not have known the fact, but Navy officers of that day did. There was a strong pressure for increased naval pay, but there was hesitation and reluctance to meet the subject direct—the Army influence greatly overpowered the Navy—there was a disinclination to attempt to equalize the pay of the two services, though none denied its justice, and the result was, instead of raising Navy pay to Army pay, a repeal of the law of 1835, by which naval officers were prohibited allowances and by which they would be benefited. This devolved the whole subject on the Secretary of the Navy, who was not negligent of those whose welfare was to a degree in his keeping. He knew that Congress had an object in repealing the law of 1835, and he knew what that object was.

"The order No. 75 was no secret. Congress knew of it and took no steps to annul it. On the contrary they have made annually the necessary appropriations to carry it into effect. It was believed by the Secretary and others, when the order was issued, that it would not stand without comment, and that discussion would bring about equality of pay with the Army. In all that he did the then Secretary acted in concert with the Naval Committees of the two Houses and also with such members as attended to their legislative duties with but two or three exceptions, and these, in view of all the facts, appear to have acquiesced; at all events no objections were made in either House. This explanation seems necessary to a correct understanding of the case on the part of the gentlemen who were not members when the act of 1866 was passed repealing the law of 1835, and who may not have examined the subject. There was a design in repealing the law of 1835 well understood, whatever may have been the discussion, or whether there was none at all."

Mr. MUNGEN. I simply desire to say that this is the second time to-day that gentlemen opposite have objected to the reading of papers from officials of their own party. This morning they objected to the reading of a statement from the Commissioner of Pensions exposing vast frauds in regard to pension certificates. And inasmuch as Secretary Robeson's statement was read, I desired that the statement of ex-Secretary Welles should also be heard. I care nothing about this amendment, and that is all I have to say.

Mr. STEVENS. I would like a vote on my amendment now.

Mr. DAWES. I hope the gentleman will withdraw his amendment for a moment or two. I will renew it.

Mr. STEVENS. I withdraw it against my own judgment.

Mr. DAWES. I renew it. I think it is but fair that the House should know just what would be the compensation of these officers if the proviso should be adopted, and what it would

be if the proviso should not be adopted; and that is all I desire to state. If the proviso should be adopted, and the statutory pay of the Navy should remain without addition, it would be as follows: the Admiral would receive, when at sea, $10,000; with the thirty-three and a third per cent. added it would be $13,333; the Vice Admiral would receive $7,000; with the thirty-three and a third per cent. it would be $9,333; the rear admirals would receive $5,000 without it, with it $6,666; the commodores would receive without it $4,000, with it $5,333; the captains would receive without it $3,500, with it $4,666; the commanders would receive without it $2,800, with it $3,733; the lieutenant commanders would receive without it $2,343, with it $3,124; the lieutenants would receive without it $1,875, with it $2,500; the masters would receive without it $1,500, with it $2,000; the ensigns would receive without it $1,200, with it $1,600. That is the sea pay and the statute pay as put down in the Naval Register, which is what I have read from.

Mr. WELKER. Which proviso does the gentleman speak of?

Mr. DAWES. The proviso of the gentleman from Wisconsin, [Mr. WASHBURN.] If the proviso of the gentleman from New Hampshire [Mr. STEVENS] is added to that, then a master will receive greater pay than a commodore.

Mr. STEVENS. Oh, no; the gentleman cannot show that.

Mr. DAWES. A captain will receive greater pay than a commodore. I submit that a fixed salary is what we ought to adopt. If the compensation which I have read here, beginning with $10.000 and ending with $1,600 for the lowest officer, is not enough, then let us fix it at some particular limit above that.

[Here the hammer fell.]

Mr. KELLEY. The pay which the gentleman from Massachusetts [Mr. DAWES] refers to is the sea pay. A majority, perhaps, of the officers of the Navy are on shore duty or waiting orders, and their pay is very much less. But, sir, they were not waiting orders during the war. And they would not be waiting orders to-morrow or a month hence if the exigencies of the country required their services. The pay of Navy officers ought to be at least enough to enable them to live and to let their families live with something of general propriety, and their pay is not more than that now. These men, perhaps educated by the country, are not generally men of fortune. The nation has no right to doom them to celibacy, or, if they have families, to doom their families to poverty.

The pay of naval officers as adjusted by the late Secretary of the Navy, under the order which has been so much commented upon here, was not a personal act of his. I was at that time a member of the Naval Committee of this House. I know that the members of the Naval Committees of both Houses of Congress were fully consulted by the Secretary of the Navy, and that the action of Congress was then invited upon the question. And each year then and thereafter Congress has approved that order by making appropriations consistent therewith. Now, if Congress is to reduce the pay of the officers of the Navy, let it be done fairly and squarely. Say openly that men who are liable to be upon the ocean two or three years at a time, who are called upon to represent its dignity at home and abroad, and its hospitality abroad, and to maintain their families at home, shall not have pay commensurate with the pay of officers of the Army.

Mr. STEVENS. I desire to interrupt the gentleman from Pennsylvania [Mr. KELLEY] long enough to say that I do not think the remarks of the gentleman from Massachusetts [Mr. DAWES] were quite ingenuous, when he undertook to apply my amendment to commodores, rear admirals, vice admirals, and the Admiral of the Navy, for they are specially excepted from the operation of my amendment.

Mr. KELLEY. I am glad the gentleman from New Hampshire [Mr. STEVENS] has pressed these facts upon the attention of the Committee of the Whole. This is to pay the increase of salaries to the subordinate officers of the Navy, the young men, the poorer men of the service.

Mr. HALE. If the gentleman from Massachusetts [Mr. DAWES] will withdraw the amendment to the amendment I will renew it.

Mr. DAWES. It is the amendment of the gentleman from New Hampshire, [Mr. STEVENS.] He has the control of it.

Mr. WASHBURN, of Wisconsin. I will say this for my friend from New Hampshire, [Mr. STEVENS,]——

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. WASHBURN] renew the amendment to the amendment?

Mr. WASHBURN, of Wisconsin. I move to apply it to commodores, for the purpose of saying——

Mr. STEVENS. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEVENS. I want to inquire what amendment is pending?

The CHAIRMAN. That is what the Chair is endeavoring to find out.

Mr. HALE. I understood the gentleman from Massachusetts to withdraw the amendment to the amendment, and I propose to renew it.

Mr. DAWES. The amendment to the amendment is in the control of the gentleman from New Hampshire, [Mr. STEVENS.] He can withdraw it.

Mr. STEVENS. I prefer not to withdraw it.

The CHAIRMAN. Debate upon the amendment, and upon the amendment to the amendment, has been exhausted.

The question was upon the amendment moved by Mr. STEVENS, to add to the amendment moved by Mr. WASHBURN, of Wisconsin, the following:

Provided further. That the payment of the thirty-three and one third per cent. additional provided for and ordered in and by the general order of the Secretary of the Navy, dated May 23, 1866, shall be continued and paid out of this appropriation to all officers of the Navy below the grade of commodore.

The question was taken; and upon a division there were—ayes 82, noes 49; no quorum voting.

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

The motion was agreed to.

The committee accordingly rose; and Mr. CESSNA having taken the chair as Speaker *pro tempore*, Mr. ELDRIDGE reported that the Committee of the Whole on the state of the Union, according to order of the House, had had under consideration the Union generally, and particularly the special order, House bill No. 1533, making appropriations for the naval service for the fiscal year ending 30th June, 1871, and had come to no resolution thereon.

Mr. DICKEY. I move that the House now adjourn.

The motion was agreed to; and accordingly (at nine o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were presented under the rule, and referred to the appropriate committees:

By Mr. BROOKS, of Massachusetts: The petition of the American Cable Company for aid in laying a cable to Europe via the Azores Islands.

By Mr. JULIAN: The petition of W. Hastings, of California, praying the impeachment and removal from office of Stephen J. Field, one of the associate justices of the Supreme Court of the United States, for reasons set forth under oath.

Also, the petition of the same party, praying the impeachment and removal from office of Ogden Hoffman, judge of the district court of the United States for the district of California, and preferring charges under oath.

By Mr. LEWIS: The petition of S. G. Ferguson and others, for the passage of an act releasing V. S. Hay, late quartermaster of the eleventh regiment of Kentucky volunteers, from the payment of all quartermaster and commissary charges against him.

By Mr. MAYNARD: The petition of Mitchell W. McCoon, of Sevier county, Tennessee, praying the removal of his political disabilities.

Also, the petition of Mrs. Caroline McGhee, widow of Lemuel McGhee, company F second regiment Tennessee infantry volunteers, praying for a pension.

Also, the petition of Mrs. Avery M. Beck, of Tennessee, praying for the emolument of her late husband.

By Mr. PAINE: A petition of Cigar Makers' Union No. 25, of Milwaukee, for modification of tax on cigars.

By Mr. PORTER: The petition of J. Thompson, jr., of Goochland county, Virginia, praying the removal of his legal and political disabilities imposed by the fourteenth article of amendments to the Constitution.

IN SENATE.

WEDNESDAY, *May* 18, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of yesterday was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 1890) to remove legal and political disabilities from Isaac H. Christian was read twice by its title.

Mr. JOHNSTON. If it is in order to do so, I move that that bill be put upon its passage.

The VICE PRESIDENT. It can be done by unanimous consent.

Mr. JOHNSTON. Then I ask unanimous consent to put it on its passage.

Mr. EDMUNDS. What is it?

The VICE PRESIDENT. A bill removing disabilities from Isaac H. Christian.

Mr. EDMUNDS. I do not like that way of doing business.

Mr. SUMNER. The bill ought to be referred. I must insist on its reference.

The VICE PRESIDENT. The Senator from Massachusetts insists on the reference of the bill, and it will be referred to the select Committee on the Removal of Political Disabilities.

PETITIONS AND MEMORIALS.

Mr. CONKLING. I present the proceedings of a public meeting recently held in the city of New York. It was a large assemblage, comprising some of the wisest and most far-seeing men of that great city, as well as some of the most patriotic; and the meeting pronounced in strong language and with entire unanimity in favor of any measure or opportunity which may arise for the acquisition of the bay of Samana and the territory of San Domingo. Inasmuch as I know of no legislative business pending before any committee of this body which would render it appropriate for these proceedings to go there, I ask simply that they lie on the table.

The VICE PRESIDENT. They will lie on the table.

The VICE PRESIDENT presented resolutions of the Legislature of Iowa, in favor of an appropriation for the completion of the water route from the Mississippi to Lake Michigan, by way of the Wisconsin and Fox rivers; which were referred to the Committee on Commerce.

Mr. SUMNER presented the petition of Charles Colburn, praying payment of a balance

which he alleges to be due to him for services as yeoman in the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. COLE presented a resolution of the Legislature of California, asking the construction of a suitable building for the use of the United States Government on the block of land situated in the city and county of San Francisco, known as the custom-house block; which was referred to the Committee on Public Buildings and Grounds.

He also presented a resolution of the Legislature of California, asking to have the city of Vallejo lawfully declared a port of entry under the laws of the United States; which was referred to the Committee on Commerce.

Mr. COLE. I also present the petition of Enoch Lott, who represents that on the 3d day of July, 1868, while in the employ of the quartermaster's department at Kodiac, Alaska territory, he met with a serious accident while some soldiers of the United States Army were engaged in firing an old Russian cannon some thirty feet distant from where he was standing, when the piece exploded, and a portion of which struck his left leg below the knee, causing a fracture of the larger bone and dislocating the other, and not having them properly set at the time of the accident he was left with a short, deformed leg; while in this condition his name was dropped from the pay-rolls of the quartermaster's department, to date from July 3, 1868, the date upon which the accident occurred. He therefore prays that Congress may grant him compensation from the time he left San Francisco until he returned to it, in accordance with the terms of his agreement. I move the reference of this petition to the Committee on Claims.

The VICE PRESIDENT. Is it a claim for military services? Such claims have frequently been referred to the Committee on Military Affairs.

Mr. COLE. I hardly know to what committee it should be referred; but I think it had better go to the Committee on Claims.

The VICE PRESIDENT. It will be so referred.

Mr. COLE. I also present a concurrent resolution of the Legislature of the State of California, representing that the Presidio reservation in that State, only a small proportion of which is needed for military uses, should be devoted, as has been suggested by a bill introduced in Congress, to the use of the city of San Francisco for a public park. They set forth some very strong reasons why that use of the reservation should be made; that it is well watered and the soil productive, and is capable of being beautified and made a place of attraction for the people of that city. They set forth also that a good deal of the outside lands of the city are drifting sand and not, therefore, capable of being converted into an attractive and beautiful park.

Aside from this resolution, I can state that the people of that city are exceedingly anxious to have such use made of the Presidio reservation, which occupies the point or angle formed by the Golden Gate and the Pacific ocean, and contains some sixteen or seventeen hundred acres of ground. There certainly can be no reason why so large a military reservation should be retained by the Government actually in the city of San Francisco, and not far from the center of the city. There has been, to be sure, an adverse report upon the bill on this subject; but the case is on the Calendar, and I move that this resolution lie on the table for consideration at the time that bill is called up for action.

The motion was agreed to.

Mr. JOHNSTON presented the petitions of H. W. Carter, of Culpepper county, Virginia; of Thomas L. Jones and of William J. Carpenter, of Hanover county, Virginia; of J. A. Buckner, of Washington county, Virginia; of E. A. Drumright, of Mecklenburg county, Virginia; of Robert B. Chappell, of Mecklenburg county, Virginia; of John R. Chambliss, of Hicksford, Virginia; of Thomas D. Lewis, of Accomac Court-House, Accomac county, Virginia; of J. H. Warren, W. T. Pennington, and J. B. Northington, of Mecklenburg county, Virginia, and of Alexander Bowie, of King George county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of John Dabney, of Alleghany Springs, Montgomery county, Virginia; of M. H. Fitzpatrick, of Nelson county, Virginia; of Thornton Triplett, of Campbell county, Virginia; of James C. Gregory, of Mecklenburg county, Virginia; of Robert A. Camm, of Campbell county, Virginia; of William A. Gray, of Chapel Hill, Fluvanna county, Virginia; of Samuel W. Hensley, of Bedford county, Virginia; of Booker F. Smith and A. M. Jennings, of Campbell county, Virginia; of S. D. McDearmon, of Appomattox county, Virginia; of James L. Arthur, of Bedford county, Virginia; of A. A. North, of Appomattox county, Virginia, and of Jonathan Browning, of Albemarle county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of M. P. Shelton, of Nelson county, Virginia; of Thomas F. Perkins, of Buckingham county, Virginia; of Thomas A. Kasey, of Bedford county, Virginia; of Robert Johnson, of Bedford county, Virginia; of Samuel R. Jackson, of Westmoreland county, Virginia, and of Gabriel H. Page, of Nelson county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. CASSERLY presented a resolution of the Legislature of California, asking the establishment of a semi-weekly mail route between the town of Snelling and the town of San Luis, in Merced county, via Hopeton, Alexandria, Dover, Hill's Ferry, and Cottonwood; and also the establishment of post offices at Hill's Ferry, Cottonwood, and San Luis Ranch; which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of the Legislature of California, asking the passage of a bill granting land in aid of the construction of a canal for mining and irrigating purposes from the mountain lakes in El Dorado county, via Placerville, to the city of Sacramento; which was referred to the Committee on Public Lands.

He also presented a concurrent resolution of the Legislature of California, asking the speedy construction of a ship-canal between the Atlantic and the Pacific across the Isthmus of Darien; which was referred to the Committee on Foreign Relations.

Mr. LEWIS presented the petition of William M. Slaughter, of Orange county, Virginia, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. CHANDLER presented the petition of John McMillan, late private company H, seventh Michigan infantry volunteers, praying for a pension on account of disability incurred in the United States military service; which was referred to the Committee on Pensions.

BILL RECOMMITTED.

Mr. SPENCER. Some time ago the bill (S. No. 182) for the relief of the heirs of William A. Hines, deceased, was indefinitely postponed. I ask that by unanimous consent that vote be reconsidered and the bill be recommitted to the Committee on Private Land Claims.

The VICE PRESIDENT. The Senator from Alabama asks that the bill to which he refers, which was indefinitely postponed, may be regarded as reconsidered by unanimous consent and referred to the Committee on Private Land Claims. Is there objection? The Chair hears none, and that order will be made.

ORDER OF BUSINESS.

Mr. STEWART. I ask unanimous consent to take up House joint resolution No. 86.

Mr. SUMNER. I have some morning business to introduce.

Mr. STEWART. I will yield to the morning business after this matter is taken up.

The VICE PRESIDENT. The Senator from Nevada ask unanimous consent to take up the joint resolution indicated by him.

Mr. THURMAN. Let it be read for information.

Mr. EDMUNDS. Let us have the regular order.

Mr. SUMNER. I have some resolutions to offer.

The VICE PRESIDENT. The regular order is called for, and reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. HOWARD, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1899) for the relief of Captain David Beaty's company of independent scouts, reported it without amendment.

Mr. ANTHONY. The Committee on Printing, to whom was referred a motion to print the letter of the Treasurer of the United States transmitting the accounts current for the service of the Post Office Department for the fiscal years 1867 and 1868, have instructed me to report back the motion to print adversely, and I ask that the documents be referred to the Committee on Post Offices and Post Roads. I hope they will take good care of them. [Laughter.] I do not know what the law is that requires the transmission of these documents, that are very expensive to copy and of no use when they are copied; but the law ought to be revised.

The VICE PRESIDENT. If there be no objection the adverse report of the committee will be regarded as agreed to, and the documents will be referred to the Committee on Post Offices and Post Roads.

Mr. SAWYER, from the Committee on Private Land Claims, to whom was referred the memorial of Susan H. Kearney for the confirmation of title to certain land in New Mexico, submitted a report accompanied by a bill (S. No. 926) to confirm the title of Benjamin E. Edwards, his heirs, assigns, or legal representatives, to a certain tract of land in the Territory of New Mexico.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. WILLIAMS, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 771) for the relief of Zachariah Pettijohn, reported it without amendment.

Mr. HAMILTON, of Texas, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 849) to authorize the sale of certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin, reported it with amendments.

ARKANSAS HOT SPRINGS.

Mr. RICE. I wish to make a report from the committee of conference in relation to the Hot Springs reservation in Arkansas; and I ask for its adoption.

The VICE PRESIDENT. This report was recommitted to the committee for the purpose of correcting some clerical errors. It will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. No. 95) in relation to the Hot Springs reservation in Arkansas, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with the following amendments:

Section one, line four, after "institute" insert "against the United States."

Section one, line five, strike out from the word "final" to the word "any."
Line five, after the word "final" insert "decision."
Line six, strike out the words "and establish."
Line seven, strike out "suits" and in lieu thereof insert "suit."
Section two, line four, strike out the words "as near as may be."
Strike out all from the word "States," in the sixth line, to the word "and," in the seventh line.
Line nine, strike out "such" and in lieu thereof insert "the."
Line nine, strike out the word "usually."
Line nine, after the word "equity" insert the words "so far."
Section three, line one, strike out the words "process in" and in lieu thereof insert the words "notice of."
Line three, after the word "thereof" insert the words "with a copy of the petition."
Section four: strike out all of section four.
Section six, strike out all from the word "shall," in the second line, to the word "the" before "United," in the fourth line.
Section six, line two, after "shall" insert the words "decide in favor of."
Section six, strike out all from the word "shall," in the eighteenth line, to and including the word "lands," in the nineteenth line, and in lieu thereof insert the words "decide in favor of any claimant."
At the end of line twenty-seven and beginning of line twenty-eight strike out the word "approval" and in lieu thereof insert the word "appeal."
Line thirty, after the word "appeal" insert the words "in the same manner and with the same effect as in cases of appeal in equity causes from the circuit courts of the United States."
And that the House agree to the same.

B. F. RICE,
GEO. F. EDMUNDS,
WM. T. HAMILTON,
Managers on the part of the Senate.
J. PROCTOR KNOTT,
A. A. C. ROGERS,
GODLOVE S. ORTH,
Managers on the part of the House.

Mr. THURMAN. I should like to ask the Senator from Arkansas a question. If these amendments be agreed to, will the bill then provide that the claimants may unite in a suit in the Court of Claims against the United States, or will it compel each one of them to bring his separate suit?

Mr. RICE. They can bring their suits separately, and if there are conflicting claims between parties those suits may be consolidated and tried as one suit.

Mr. THURMAN. Is that provided in the bill?

Mr. SAWYER. Yes, sir.

Mr. EDMUNDS. The whole thing is as well as it can be.

The report was concurred in.

BILLS INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 927) to make legal a certain act of the councils of the city of Washington; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 928) to settle the claims of the Foundry Methodist Episcopal church, and for other purposes; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CASSERLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 929) to facilitate the transmission of Asiatic, Australian, and European merchandise into and across the territory of the United States of America, and for other purposes; which was read twice by its title.

Mr. CASSERLY. As this is a matter of custom-house regulations, I suppose the bill ought to go to the Committee on Finance.

Mr. SUMNER. I should think the Committee on Commerce, if it refers to custom-house matters.

Mr. CASSERLY. Very well.

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

STEAMER ILLINOIS.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 198) authorizing the Secretary of War to place at the disposal of the commissioners of quarantine, or other proper authorities of the State of New York, the steamer Illinois for quarantine purposes.

Mr. FENTON. I ask for the present consideration of this joint resolution; and if there is any objection, a word of explanation, which I shall ask permission to make, I think will satisfy every Senator.

By unanimous consent, the joint resolution was read three times, and passed. It proposes to authorize the Secretary of War, in his discretion, to place gratuitously, for an indefinite period, at the disposal of the commissioners of quarantine, or the proper authorities of the State of New York, to be used for quarantine purposes, the steamer Illinois, which was turned over to the quarantine commissioners under the authority of the joint resolution of March 21, 1866, and has ever since been in their possession.

Mr. FENTON. I have some papers in my hand relating to that resolution which I ask may accompany it to the other House.

The VICE PRESIDENT. It will be so ordered.

AMENDMENTS TO APPROPRIATION BILL.

Mr. ROBERTSON submitted an amendment, intended to be proposed to the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871; which was referred to the Committee on Appropriations.

BRITISH STEAMER AT SAULT STE. MARIE.

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

Resolved, That the President of the United States be requested, if in his opinion not inconsistent with the public interest, to communicate to the Senate copies of any correspondence or papers on the files of the Department of State relating to the passage of any English or Canadian steamer through the canal of Sault Ste. Marie.

POLITICAL QUESTIONS IN GERMANY.

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

Resolved, That the President of the United States be requested, if in his opinion not inconsistent with the public interest, to communicate to the Senate any recent correspondence with Mr. Bancroft, the minister of the United States at Berlin, relating to political questions in Germany.

POSTAL STATISTICS.

Mr. SUMNER. I offer another resolution, asking for information relating to postal matters which may become important in the future debates of the Senate:

Resolved, That the Postmaster General be requested to communicate to the Senate, from information at the Department, answers to the following inquiries:
What were the expenses and receipts of the Post Office in the different States and Territories during the last year?
What for the last five years has been the number of letters annually mailed?
Also, annual increase of money orders.
Also, annual increase of registered letters.
Also, annual increase of stamps and stamped envelopes.
Also, annual increase in weight of mail matter as returned by different railroads.
Also, annual increase of foreign letters.
Also, what is the proportion of letters to population in the United States during the last year. What in Great Britain according to the latest report?

Mr. CONKLING. I have no wish to object to that resolution except in this way: much of the information there sought is contained already in documents compiled and printed, and much of the residue involves an amount of labor which I think the Senator scarcely contemplates. I have had occasion to know of late several times how inadvertent we have been in imposing upon the clerical staff of the Departments an amount of labor which we do not contemplate ourselves when we pass resolutions. The amount of work necessary in order to answer these resolutions is scarcely credible. I could hardly accept it myself when it was stated to me. Although I am not prepared to venture an opinion as to the amount of work demanded, I think we see very plainly from the reading of the resolution, and particularly the two latter provisions, that it will require a great deal of work. The Senator says I am mistaken. Of course I defer to him. If he will explain it, very likely I shall not object. Otherwise I shall ask that it lie over that we may look into it.

Mr. SUMNER. The information I have asked for is not to be found in the last report of the Postmaster General, and I have reason to believe that it can be supplied by very slight labor indeed. I have had some acquaintance in times past with calls on the Post Office; indeed, the most elaborate ever made in this Chamber was drawn up by myself, and this is drawn up by myself after careful inquiry as to its bearing on pending questions.

Mr. CONKLING. May I inquire if it is drawn up after any consultation with the Department as to its facilities for furnishing the information?

Mr. SUMNER. After consultation, not directly with the Department, but with one of the best informed persons in our country on the subject of the Post Office, and practically connected with its administration.

Mr. RAMSEY. I hope the resolution will be read.

The resolution was read.

Mr. RAMSEY. I think all that information is in the annual report.

Mr. SUMNER. The Senator is mistaken. I have read the report.

Mr. RAMSEY. I make no objection.

Mr. CONKLING. I think the resolution had better lie over. If it related to almost anything but postal matters I should not object.

Mr. SUMNER. Is the resolution objected to?

The VICE PRESIDENT. Objection is made.

Mr. CONKLING. It had better lie over, I think.

DISTRICT BUSINESS.

Mr. POMEROY. I ask for the consideration of the resolution I offered yesterday, which was laid over, in regard to the order of business.

Mr. HAMLIN. I think the resolution I introduced precedes it.

The VICE PRESIDENT. The regular order is insisted on, and the next business is the consideration of resolutions which have been laid over. The first is one offered yesterday by the Senator from Maine, [Mr. HAMLIN,] which will be read.

The Secretary read the following resolution of Mr. HAMLIN:

Resolved, That the last Friday and Saturday of this month be assigned exclusively to the consideration of bills and matters relating to the District of Columbia.

Mr. POMEROY. As my resolution is somewhat in conflict with that of the Senator from Maine, I think it best to move it as a substitute; but if the Senator from Maine objects to that, I will not do so.

Mr. HAMLIN. I do not think the Senator's resolution is in conflict with mine. It provides another mode of doing the general business of the Senate. I want to say to the Senate that there is first upon the Calendar a bill to provide a government for this District, by which we certainly can take a very large portion of the legislation away from us. There is next a police bill, to consolidate the laws with regard to the police of this District, and to provide for certain other things. There is, in addition to that, a bill to provide for a police court, a thing which they have never had in this city; and every little petty larceny case, whether it be of a chicken or a thing more insignificant than that, must go to the supreme court of this District for trial. This police court will relieve the supreme court of all matters where the property is less than thirty dollars in value, and will remove a vast amount of business. I will add also that the bill places

the whole expense on the city, and they are willing to assume it.

These are some of the bills. Now, I ask for the District that the Senate will assign two days to its business; and in those two days I think we can dispose of that which is most material. I have named the last Friday and Saturday of this month. I hope the Senate will grant those days.

Mr. TRUMBULL. I hope that will be done. There are one or two bills reported by the Judiciary Committee in regard to the courts of the District of Columbia that ought to be considered. I hope the motion of the Senator from Maine will prevail.

Mr. POMEROY. The same remark may be made in regard to the business of the Committee on Commerce, who have notified us time and again that they want several days for their business. I have drawn the resolution with a view of meeting all these cases in conformity with our rules. If the Senator from Maine desires to consider the bills of the Committee on the District of Columbia he has only to move to pass over the bills on the Calendar as they come up until his bills are reached. Then I have provided further that on Friday of every week—and Saturday can be included if we conclude to meet on Saturday—nothing shall be proceeded with except what can be proceeded with by unanimous consent. I think the resolution as I have drawn it will accommodate other committees and the District Committee too. I want to serve the Committee on the District of Columbia and also several other committees.

Mr. HAMLIN. I concur with the Senator, only that I think he ought to see that the District business stands a little different from general business. I will most cheerfully vote for his resolution applying to the general business; but on some of these matters there certainly will be debate, and therefore I propose to ask special days for the District business. I think two days for the District is a very limited period; and I will not believe that the Senate will not give it until I see a refusal by its vote.

The VICE PRESIDENT. Does the Chair understand the Senator from Maine to mean the entire day or only after the morning hour?

Mr. HAMLIN. The entire day.

The VICE PRESIDENT. Excluding the morning business?

Mr. HAMLIN. I am willing to say "after the morning business is gone through with."

The VICE PRESIDENT. It will then be subject only to the unfinished business of the preceding day, which can be passed over without debate.

Mr. HAMLIN. No; I want the entire two days. I am willing, however, that the morning business shall be gone through with each day.

Mr. EDMUNDS. The objection to this resolution in my mind is not that I do not wish to reach the business my friend from Maine speaks of, which is important and ought to be reached, but we have found by experience that when we set apart a given day for an exclusive kind of business that comes from any one committee, gentlemen, generally those not on that committee, do not give it the attention which it deserves. It is so as to the Committee on Pensions, the Committee on Claims, the Committee on Patents, the Committee on the District of Columbia, and other committees for whose business we have set apart special days heretofore. Other Senators, knowing that business in which they have no special public interest will come up, do not give the legislation considered that attention it ought to have. It is, therefore, in my opinion, very objectionable to set apart any day to consider any one class of business. I am ready to go with the Senator from Maine, immediately after one or two measures of prime importance are passed, to take up the two important bills that he speaks of and dispose of them in the regular way, when we are all here, and then in the time we have left let us take up something else; but I think it is very wrong indeed to set apart a particular day to consider the business of a particular committee.

Mr. HAMLIN. It has always been the practice.

Mr. EDMUNDS. It is a very bad one.

The VICE PRESIDENT. The question is on agreeing to the resolution offered by the Senator from Maine.

The resolution was agreed to.

Mr. NYE. I wish to inquire whether next Friday is included in that resolution?

The VICE PRESIDENT. It is not. It refers to the last Friday and Saturday of this month.

Mr. NYE. I have no objection to that.

PROPOSED EVENING SESSIONS.

The VICE PRESIDENT. The Secretary will now report the next resolution on the Calendar, offered by the Senator from Kansas [Mr. POMEROY] yesterday.

The Secretary read the resolution, as follows:

Resolved, That from and after the 20th day of this month, and until the close of the present session, there shall be, unless the Senate otherwise order, three evening sessions, to commence at half past seven o'clock p. m., upon alternate evenings of each week, at which sessions the Calendar of general orders shall be proceeded with in the order of their place upon the Calendar. And on Friday of each week the Calendar shall be proceeded with by considering only the bills and joint resolutions to which no objection may be made; and such objection, if made, shall have the effect to pass the bill or resolution over, and shall be enforced without debate.

Mr. TRUMBULL. I do not believe in the adoption of that resolution. How can we tell whether we want to come here three nights in a week? And if we do it is very easy to make that arrangement during the day. I think that feature of it is objectionable.

Then I think we have had enough of this calling over of the Calendar to pass bills to which nobody objects. The result of such an order before was that we passed a great many bills of a private character, generally of very little public importance, and the great measures of the session are all left behind.

Then there is another objection to that mode of proceeding. When you call the Calendar and a bill is to be passed, unless somebody objects, it imposes upon Senators a very unpleasant duty to sit here and object to bills which other Senators feel an interest in, and yet which some of the body may think ought not to pass. I know the effect of that is that a good many bills are passed without consideration, because Senators do not want to put themselves in the position of passing them over by a single objection. I have seen bills passed in that way, and every Senator who watched our proceedings must have observed it. We have gone over this Calendar once in that way—a thing that was never done before since I have been a member of the body—and I think we consumed time enough in that kind of legislation. It is time, in my judgment, that the Senate devoted itself to the great measures of the session. Let us dispose of those measures which will compel us to remain here until they are disposed of, and the bills to which there is no objection can be taken up at incidental and odd times, when they will not interfere with other business, and as many of them will pass as probably ought to pass before the time of adjournment arrives. For my own part, I think it would be bad policy to again proceed with calling the Calendar in order to pass bills to which there is no objection.

This resolution is also inconsistent with the resolution which we have just passed. I call the attention of the Senator from Maine to the fact that this resolution will repeal his resolution, because on Friday of each week the Calendar is to be proceeded with by considering only bills and joint resolutions to which no objection shall be made. I think we had better not adopt this resolution. If we find it desirable to sit to-night or to-morrow night, or any other night, we can so order.

Mr. SUMNER. There is a session ordered for to-night.

Mr. TRUMBULL. I am told a session is ordered for to-night. We can do it any day. I think we had better fix the holding of an evening session with reference to our business at the time and observe the good scriptural doctrine, or if it is not in scripture it is found somewhere else, "Sufficient unto the day is the evil thereof." [Laughter.]

Mr. POMEROY. Mr. President——

Mr. STEWART. I hope the Senator from Kansas will modify his resolution so as to omit the last clause of it. I think we ought to have at least three evening sessions a week for the purpose of transacting business. I concur with the Senator from Illinois as to the effect of this mode of passing bills by common consent. I objected to no man's bill during the whole of that proceeding; but every bill that I tried to take up was objected to. It did not seem to be unpleasant on the part of other Senators to object to those bills. I admit that it is embarrassing for a Senator to throw a bill over by his single objection.

Mr. CONKLING. I suggest to my friend, if he will allow me, that he had better propose to take up some unobjected bills hereafter, and then no objection will be made. If he proposes to take up a proper bill there will be no objection.

Mr. STEWART. I think I did.

Mr. POMEROY. I thought I was recognized by the Chair.

The VICE PRESIDENT. The Chair recognized the Senator from Kansas, but the Senator from Nevada went on without addressing the Chair. The Senator from Kansas now claims the floor.

Mr. STEWART. I hope the Senator from Kansas will allow me to make a suggestion in reply to the Senator from New York. He ought to qualify himself to become a proper judge of what bills should pass, and give some little attention to them so that he may do so, and not get up and make suggestions about bills, as was done by several Senators here yesterday, admitting that they had not read them.

Mr. CONKLING. I do not think I did that.

Mr. STEWART. No; you were not guilty of that.

Mr. POMEROY. In replying for a moment to the remarks of the Senator from Illinois, I desire to say that the Senate must be aware that on the 20th of this month we are to decide the question of final adjournment. Those who do not want any time fixed, and do not want to adjourn, can very well postpone the consideration of any measure or defer adopting any system by which we shall reach the Calendar.

Mr. TRUMBULL. Is there anybody here of that character?

Mr. POMEROY. I do not know that there is anybody in the Senate of that character; but I cannot conceive how Senators who desire to complete the business and adjourn on the 4th of July, the time fixed by the House, can resist a proposition to proceed with the Calendar in its order. I do not care anything about that portion of the resolution which fixes Friday of each week for the consideration of unobjected bills. If the Senator desires that part of the resolution to be stricken out, I will agree to it. We have adopted a rule by which we can proceed with the Calendar in its order. We acted upon it once, and I do not know that that was an unprofitable proceeding. We went through the Calendar, attending only to those bills and resolutions which could be proceeded with without objection.

But now we propose under the rules of the Senate to take up the Calendar and proceed with it. During the day we have before us appropriation bills; we have a bill to enforce the fifteenth amendment; we have bills of such general commanding public character that no ordinary bill upon the Calendar can be proceeded with against them; and there-

fore, if Senators desire to proceed with the Calendar, we must have between this and the 4th of July several evening sessions. And let me say further that the matter is not placed beyond the control of the Senate. The language of the resolution is, "unless the Senate otherwise order." If on any particular evening it is not convenient for Senators to come here, they can "otherwise order" at any time. But the resolution provides that unless they do otherwise order by special vote we shall have three evening sessions a week; and we ought to have them, and we ought to adjourn at the time fixed, and not at the expense of the public business. It is our duty, whether we like it or not, to stay here until the public business is disposed of; and I can see no other way of disposing of it than by working day and night, if need be, at least three evenings in the week. I suggest to the Senator from Nevada and the Senator from Maine that I will amend the resolution by striking out the last clause, so as to say nothing about the Friday of each week.

The VICE PRESIDENT. The Senator from Kansas modifies his resolution by striking out the last sentence, in regard to Friday of each week.

Mr. POMEROY. Then it will read that after the 20th of this month there shall be three evening sessions a week, unless the Senate otherwise order.

Mr. ANTHONY. I was in hopes that the Senator would not strike out that last clause of the order. I think that is very important. The Senator from Illinois is mistaken, I apprehend, in saying that when we went through the Calendar, taking up, not those cases objected to, but those cases that did not lead to any considerable debate, only private bills were passed. Some bills of very great importance were passed. A bill making commercial regulations affecting every vessel and every steamboat in this country was passed. A general incorporation act for the District of Columbia was passed. That will take twenty or thirty bills from our Calendar. A great many other acts of public importance were passed, although they were not of such overshadowing importance as to crowd other business out of the way.

Now, when we appoint a special day or a special evening to attend to business from one committee, the consequence is that only the Senators on that committee or those interested in that class of business are certain to attend; but when we take up the whole Calendar in its order, then every Senator attends, because he does not know how soon business in which he is interested may come up. The result is to secure for every bill that comes before the Senate the consideration and attention of the entire Senate, instead of the consideration only of those who have studied the subject perhaps in one particular view. I hope the Senator will insist on the whole of his order, and then if the latter part of it fails he can offer the other part.

Mr. EDMUNDS. He has stricken that out. The Senator can move to amend it.

The VICE PRESIDENT. The Senator from Kansas has modified his resolution; but the Senator from Rhode Island can move to amend it by adding the last clause which has been stricken out.

Mr. ANTHONY. With the assent of the Senator I will do so.

The VICE PRESIDENT. The Senator from Kansas has modified his resolution by striking out the last sentence; but the Senator from Rhode Island moves to amend by adding the words in the printed text, that the Calendar shall be called over on Friday of each week in the manner stated. The first question is on the amendment, which will be reported.

The Secretary read the amendment, which was to add the following words:

And on Friday of each week the Calendar shall be proceeded with by considering only the bills and joint resolutions to which no objection may be made; and such objection, if made, shall have the effect to pass the bill or resolution over, and shall be enforced without debate.

Mr. HAMLIN. What is the precise question now before the Senate?

The VICE PRESIDENT. It is upon agreeing to this amendment, which is the last sentence in the printed text. The Senator from Kansas modified the resolution by omitting this sentence, and the Senator from Rhode Island has now moved to amend the resolution by adding it.

Mr. ANTHONY. I will modify the amendment so as to meet the views of the Senator from Maine.

Mr. HAMLIN. If it is modified so that it shall not affect the resolution passed this morning I shall have no objection.

The VICE PRESIDENT. The Senator from Rhode Island modifies the amendment by inserting the words "except the last Friday of this month."

Mr. ANTHONY. Yes, sir; that will do.

Mr. THAYER. I rise to express the hope that the amendment offered by the Senator from Rhode Island will prevail. I wish to remark, in connection with what was said by the Senator from Illinois in regard to the objecting to bills on the Calendar as we went over it, that it is true a great many bills were objected to and thus laid aside. In my judgment the Senate was as well prepared to vote on those bills at that time as it ever will be; but Senators thought, perhaps, a bill ought not to pass, and objected to it to accomplish that purpose and prevent its passage. I was ready to let those bills come to a vote, and therefore I withheld any objection, believing, as I have said, that the Senate could as well dispose of them then, either by voting them through or voting them down, as at any other time. If the Senate would come to that conclusion, we could go through the Calendar and dispose of all the bills upon it, except the appropriation bills or some bills of very general and public character and public importance, like the one we are now discussing as the regular order. I wish we could have the opportunity of going through the Calendar again with a view of disposing of the bills upon it, not objecting for the sake of defeating the passage of a bill, but letting it come to a vote and taking the sense of the Senate upon it and disposing of it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Rhode Island as modified.

The amendment was agreed to.

The VICE PRESIDENT. The question recurs on agreeing to the resolution, as amended.

Mr. THURMAN. I should like to have it reported as it now stands.

The Secretary read as follows:

Resolved, That from and after the 20th day of this month, and until the close of the present session, there shall be, unless the Senate otherwise order, three evening sessions, to commence at half past seven o'clock p. m. (upon alternate evenings) of each week, at which sessions the Calendar of general orders shall be proceeded with in the order of their place upon the Calendar. And on Friday of each week, except the last Friday of this month, the Calendar shall be proceeded with by considering only the bills and joint resolutions to which no objection may be made; and such objection, if made, shall have the effect to pass the bill or resolution over, and shall be enforced without debate.

Mr. MORRILL, of Maine. I will inquire whether this resolution comes from any committee?

The VICE PRESIDENT. It was introduced by the Senator from Kansas, a member of the Committee on Rules, but the Chair does not know whether it came from the committee or not.

Mr. POMEROY. It was not reported by the committee. It had the concurrence of the committee without any formal report.

Mr. MORRILL, of Maine. What committee?

Mr. POMEROY. The Committee on Rules.

Mr. MORRILL, of Maine. It seems to me very questionable whether at this period of the session the Senate can afford to adopt such a rule as this for the order of business. The Senator, I suppose, will agree that at so late a day as this, with all the appropriation bills unfinished, it is hardly proper to mortgage so large a share of the time of the Senate to business of a private character.

Mr. POMEROY. This resolution provides for evening sessions, and does not interfere with the business of the day.

Mr. MORRILL, of Maine. Evening sessions will become a very essential part of the sessions of the Senate, so late in the session as it is now with all the appropriation bills behind. It seems to me that the adoption of this resolution will necessarily work very great inconvenience to the Senate.

Mr. EDMUNDS. If my friend will permit me to make one suggestion, I think he will be satisfied. This resolution does not disturb the appropriation bill at all, except on Friday, because if an appropriation bill is pending or is on the Calendar and is under consideration when we adjourn in the afternoon it will be under consideration when we meet in the evening, and can be proceeded with day and night until we get through. It is only on Friday that unobjected business is to be considered.

Mr. MORRILL, of Maine. But one objection would set an appropriation bill aside.

Mr. EDMUNDS. No, sir; only on Friday. By the first part of the resolution it requires a vote of the Senate, so that we are acting in aid of the Committee on Appropriations by providing for these evening sessions, for as fast as an appropriation bill is reached we can stick to it all the time until it is through.

Mr. SHERMAN. I should like the decision of the Chair on that point.

Mr. POMEROY. I do not think the interpretation of the Senator from Vermont is correct. I think if we set apart the evenings to proceed with the Calendar the unfinished business goes over until the next morning.

Mr. EDMUNDS. I beg the Senator's pardon. The unfinished business is part of the Calendar of general orders, unless it is made a special order, and if we take up an appropriation bill it is just like a private bill, and if it is on the Calendar of general orders in the afternoon it will be exactly where we left it when we meet in the evening, still a general order, to be disposed of. There cannot be any two questions about that.

Mr. ANTHONY. Practically, the chairman of the Committee on Appropriations always has the Senate when he wants it for appropriation bills. There will be no difficulty about that at this stage of the session.

Mr. MORRILL, of Maine. I beg to say that if that had been my experience I should be most happy.

Mr. ANTHONY. If the Senator from Maine will tell us that he wants an appropriation bill considered he can have it considered. When he gets up and says, if nobody objects and the Senate is willing, he will go on with the appropriation bill, and other Senators force their bills, then the Senate will vote him down; but whenever he tells us he must have an appropriation bill considered he can always carry the Senate with him. He never has failed to do it. I do not think he was very anxious to go on with the appropriation bill which was laid aside the other day.

Mr. MORRILL, of Maine. If I have failed in making myself understood as being in dead earnest in urging the appropriation bills it is only because I have not used language that would hardly be decorous to the Senate. In all other ways I have endeavored to make myself understood as being in dead earnest. My experience does not encourage me to believe that whenever I rise here I shall command the attention of the Senate and they will give me precedence for the appropriation bills. I do not know that this resolution does hamper the

Senate so that I shall be obliged to antagonize against the rule; but I am afraid it may.

Mr. SHERMAN. I wish to inquire of the Chair—because my vote will depend entirely on the decision of the Chair on this point—if the unfinished business at the moment of the recess is to be taken up and proceeded with at the evening session. If that is so, this resolution will not embarrass the appropriation bills and the tax bill which I have to look after. But if the construction is put upon it that is proposed by the Senator from Kansas it will interrupt the business of the day; and we know, practically, that when the time for a recess arrives no vote can be had on any question of controversy. The votes are usually taken in the evening. If the Chair shall decide that the construction of the resolution as it now stands will give the business on hand at the time of taking the recess priority after the recess, then I have no objection to the resolution. Indeed, I think it would promote public business. But if the contrary construction is given by the Chair—and my own impression is that the construction put upon it by the Senator from Kansas is the natural construction—I think it would work injuriously, and I therefore intend to vote against the resolution under that construction.

Mr. POMEROY. Mr. President——

Mr. SHERMAN. I hope the Chair will decide that question first.

Mr. POMEROY. I may be mistaken about it. I only want the opinion of the Chair.

The VICE PRESIDENT. The Chair will state that this is a resolution offered in accordance with the twenty-fourth and twenty-sixth rules, by which all resolutions lying over one day can be adopted on any subsequent day by a majority vote of the Senate. It is not offered under the fifty-third rule, which authorizes the amendment of the standing rules by propositions specifically stating the rule to be amended. It therefore, in the opinion of the Chair, leaves the fifteenth rule intact, which reads as follows:

"The unfinished business in which the Senate was engaged at the last preceding adjournment shall have the preference in the special orders of the day."

In the case anticipated by the Senator from Ohio the Chair can see no trouble in the way, if the majority of the Senate desire to have this resolution operative, at any evening session, after they shall agree to it. If the Senate at half past four or five o'clock take a recess, being then engaged in the consideration of an appropriation bill, the appropriation bill would come up that evening after the recess, unquestionably; but a majority of the Senate could pass it over without debate, leaving it in its place on the Calendar, and then this resolution would become operative for that evening's session. The Chair will state to the Senator from Ohio and the Senator from Kansas that if he ruled the other way, that is, that the appropriation bill should remain as the unfinished business at half past four o'clock for the next day, then the fifteenth rule would require whatever the Senate adjourned upon at ten o'clock or twelve o'clock at night, at the close of the evening session, also to be the unfinished business, and the Senate would have the anomaly of two bills remaining as unfinished business of the day and the night session for the next day's action, with a contest as to which one should be allowed priority. The new rule, which allows any bill to be passed over without debate, leaving it in its place on the Calendar, obviates this trouble, enabling the majority to determine whether to go on with the afternoon business or to pass it over and devote the evening session to the business contemplated by the pending resolution.

Mr. POMEROY. I am satisfied with the interpretation of the Chair.

The VICE PRESIDENT. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was adopted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 2052) to amend the homestead acts; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 95) in relation to the Hot Springs reservation in the State of Arkansas.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1084) to incorporate the Washington Market Company; and it was thereupon signed by the Vice President.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. HORACE PORTER, his Secretary, announced that the President had this day approved and signed the following bills:

A bill (S. No. 546) for the relief of the minor children of Sylvester Dreyer;

A bill (S. No. 759) granting a pension to John C. Abercrombie;

A bill (S. No. 788) for the relief of the widows and orphans of the officers, seamen, and marines of the United States vessel of war Oneida, and for other purposes;

A bill (S. No. 850) for the relief of Captain George Henry Preble, of the Navy of the United States; and

A bill (S. No. 865) increasing the pension of John Coonan.

ENFORCEMENT OF FIFTEENTH AMENDMENT.

The VICE PRESIDENT. The morning hour has expired, and the Senate resumes the consideration of the bill (S. No. 810) to enforce the fifteenth amendment to the Constitution of the United States.

Mr. WILLIAMS. Presuming that Senators have read and examined the two bills, I move that the Senate pass over the pending bill, with a view of taking up the House bill for the enforcement of the fifteenth amendment.

Mr. STEWART. I hope that will not be done.

Mr. SUMNER. I suggest to the Senator from Nevada to move his bill as a substitute for the House bill.

The VICE PRESIDENT. The Senator from Oregon moves to pass over the pending bill; which motion is not debatable under the new rule.

Mr. CORBETT. I suggest that the bill be read for the information of the Senate.

Mr. STEWART. Oh, no.

The VICE PRESIDENT. The pending bill has been read. The motion is to pass over the pending bill.

Mr. CORBETT. I refer to the House bill.

The VICE PRESIDENT. The Senator from Oregon [Mr. WILLIAMS] has not yet made any motion to take up any other bill. The Chair supposes that he intends to do so.

Mr. CORBETT. I thought perhaps it would be well to read the House bill.

The VICE PRESIDENT. The motion now is to pass over the pending bill.

The motion was agreed to.

Mr. WILLIAMS. I now move that the Senate proceed to the consideration of the House bill.

Mr. CORBETT. I ask that that bill be read.

The VICE PRESIDENT. The merits of the bill cannot be debated under the rule of the Senate on this motion, but the bill can be reported.

Mr. SHERMAN. I ask the Senator from Oregon whether it is worth while to read it now? It will have to be read again.

Mr. STEWART. I move that the reading of the bill be dispensed with, or that it be considered as read, as I desire to make another motion.

The VICE PRESIDENT. The Senator from Oregon has demanded the reading of the bill.

Mr. CORBETT. I ask that it be read.

Mr. HOWARD. I hope it will be read.

Mr. STEWART. I desire when it is read to move a substitute for it.

Mr. HOWARD. Let us have it read first, and then your substitute will have a better chance.

The VICE PRESIDENT. The Chair thinks that on a motion to proceed to the consideration of a bill any Senator has a right to ask that the bill shall be read, because otherwise he might not be understood as knowing what the contents of the bill are. He has to vote whether the Senate will take it up or not. The bill is not subject to debate upon its merits, under the rule, on this motion; but the Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, &c., That any officer of the United States, or of any State, Territory, or district, and every officer of any city, county, town, township, borough, ward, parish, or hundred, in any State, Territory, or district, who shall, by any official act whatever, or by the omission, neglect, or refusal to perform any official act or duty whatever, whether under color or pretext of any provision of any State constitution, or any law of any State, Territory, or district whatsoever, or of any local, municipal, or other law, rule, or ordinance, deny or abridge the right of any citizen of the United States to vote, on account of race, color, or previous condition of servitude, at any Federal, State, county, municipal, or other election, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment of not less than one year and not exceeding three years, or by a fine not less than $500 nor exceeding $5,000, or both such fine and imprisonment, at the discretion of the court.

SEC. 2. *And be it further enacted*, That all colored citizens of the United States, resident in the several States of the United States, shall be entitled to vote at all elections in the State, county, parish, town, township, ward, or hundred of their residence, subject only to the same conditions which now are or may hereafter be required to qualify white citizens to vote therein. And any person who shall by force, fraud, intimidation, or other unlawful means whatsoever, prevent any colored citizen from voting at any such election, who possesses the qualifications, except in respect of color, requisite to enable a white citizen to vote thereat, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be imprisoned not less than six months and not exceeding one year, or be fined not less than $100 nor more than $1,000, or be punished by both such fine and imprisonment, in the discretion of the court.

SEC. 3. *And be it further enacted*, That in case the constitution or law of any State shall require the assessment or payment of a tax as a qualification of an elector, if any assessor or other officer elected or appointed under the laws of such State, and authorized or required by the laws thereof to make any assessment of persons or property for the purpose of such taxation, shall refuse or willfully neglect to assess the person or property of any colored citizen of the United States qualified as aforesaid and residing in the town, hundred, borough, township, parish, county, ward, or district for which said assessor or other officer shall have been elected or appointed as aforesaid, he shall for every such offense forfeit and pay the sum of $500 to any person who will sue for the same, and shall for every such offense be guilty of a misdemeanor, and shall be fined not less than $500, and be imprisoned not less than one month.

SEC. 4. *And be it further enacted*, That in case the constitution or law of any State shall require the assessment or payment of a tax as a qualification of an elector, if any officer or member of any levy court or other body of officers authorized or required by the laws of such State to make or correct any assessment of persons or property for the purpose of such taxation, or authorized or required by the laws of such State to assess or levy any such tax, shall refuse or willfully neglect or advise, or shall participate, concur, or acquiesce in, the refusal or willful neglect of such levy court or other body of officers to assess the person or property, or to assess or levy any such tax upon the person or property of any colored citizen of the United States, qualified as aforesaid, and residing in the county or district for which said officer, levy court, or other body of officers shall have been elected or appointed, he shall for every such offense forfeit and pay the sum of $500 to any person who will sue for the same, and shall for every such offense be deemed guilty of a misdemeanor, and shall be fined not less than $500, and be imprisoned not less than one month.

SEC. 5. *And be it further enacted*, That if any clerk or other officer required by the law of any State to register, record, or transcribe any list of persons upon whom taxes have been assessed, or to transcribe and certify any duplicate of such list to the collector of taxes, shall refuse or willfully neglect to register, record, transcribe, or enter upon the proper assessment list, or upon the proper duplicates of such assessment list, the name of any colored citizen of the United States who has been lawfully assessed to pay any tax, the payment of which tax is by the constitution or laws of such State a qualification of an elector of such State, every such clerk or officer shall

for every such offense forfeit and pay the sum of $500 to any person who will sue for the same, and shall for every such offense be deemed guilty of a misdemeanor, and shall be fined not less than $500, and be imprisoned not less than one month.

SEC. 6. *And be it further enacted*, That if any collector of taxes, elected or appointed by authority of the laws of any State, shall refuse or willfully neglect to receive from any colored citizen of the United States residing in such State any tax which he is required by law to collect from citizens of such State, and the payment of which tax is, by the constitution or laws of such State, a qualification of an elector of such State; or if any such collector shall refuse or willfully neglect to give to any such colored citizen a receipt for any such tax when the amount thereof shall have been paid or tendered to him by such colored citizen, he shall for every such offense forfeit and pay the sum of $500 to any person who will sue for the same, and shall for every such offense be deemed guilty of a misdemeanor, and shall be fined not less than $200, and be imprisoned for not less than one month.

SEC. 7. *And be it further enacted*, That if at any State, county, township, hundred, or municipal election held by the authority of any law of any State, or at any election for electors of President of the United States, or for members of the House of Representatives of the United States, any officer, inspector, or judge of the election shall refuse to receive, or shall advise or concur in refusing to receive, the vote of any person on account of his race, color, or previous condition of servitude, every such officer, inspector, or judge shall, for every such offense, forfeit and pay the sum of $500 to any person whose vote shall have been so refused, who may sue for the same in any court of the United States; and such officer, inspector, or judge shall, for every such offense, be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than $200 nor more than $500, and be imprisoned not less than one month.

SEC. 8. *And be it further enacted*, That any register or officer who shall refuse to register or enter upon the list of voters, or list of persons who will be entitled to vote at any election, the name of any colored person having the qualifications of a white citizen entitled to vote or to be placed on such list in other respects, except race or color, and any officer or member of any board for the admission of electors who shall refuse to admit to the electors' oath, or to the privileges of an elector, any colored person, on account of his race, color, or previous condition of servitude, or having the qualifications of a white citizen entitled to the privileges of an elector in other respects than race color, or previous condition of servitude, shall be guilty of a misdemeanor, and, on conviction thereof, shall forfeit and pay a penalty of not less than $200 nor more than $500, and shall be imprisoned not less than one month nor more than six months, or both, at the discretion of the court.

SEC. 9. *And be it further enacted*, That if any person shall, by threats, violence, or intimidation, prevent or attempt to prevent any citizen of the United States from the free exercise of his right to vote in any election at which members of Congress or electors for President or Vice President of the United States may be voted for, such person so offending shall be liable to indictment, and on conviction thereof shall be subject to a fine not exceeding $1,000, or to imprisonment not less than one year nor more than three years, or both, at the discretion of the court.

SEC. 10. *And be it further enacted*, That the circuit courts of the United States shall have jurisdiction of the suits for forfeitures imposed and causes of action created by this act, and the circuit and district courts of the United States shall have jurisdiction of the misdemeanors created by this act.

The VICE PRESIDENT. The question now is on proceeding to the consideration of the bill just reported by the Secretary.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1293) to enforce the rights of citizens of the United States to vote in the several States of this Union, who have hitherto been denied that right on account of race, color, or previous condition of servitude.

Mr. STEWART. I wish to call the attention of the Senate to the provisions of this bill, to show that it will not answer the purpose; that we need something more if we intend to enforce the fifteenth amendment. I wish any bill on this subject to contain all the requisites. It will be necessary to glance at each section of the bill to see what the proposition contained in it is, which will take me but a few moments.

The first section provides:

That any officer of the United States, or of any State, Territory, or district, and every officer of any city, county, town, township, borough, ward, parish, or hundred, in any State, Territory, or district, who shall by any official act whatever, or by the omission, neglect, or refusal to perform any official act or duty whatever, whether under color or pretext of any provision of any State constitution, or any law of any State, Territory, or district whatsoever, or of any local, municipal, or other law, rule, or ordinance, deny or abridge the right of any citizen of the United States to vote, on account of race, color, or previous condition of servitude, at any Federal, State, county, municipal, or other election, &c.

That is made a misdemeanor. That is very well so far as it goes. It should be a misdemeanor if the officer fails to perform that act, or does anything by which the right to vote is denied to a citizen.

Then the second section provides—

That all colored citizens of the United States resident in the several States of the United States shall be entitled to vote at all elections in the State, county, parish, town, township, ward, or hundred of their residence, subject only to the same conditions which now are or may hereafter be required to qualify white citizens to vote therein. And any person who shall by force, fraud, intimidation, or other unlawful means whatsoever, prevent any colored citizen from voting at any such election, who possesses the qualifications, except in respect of color, requisite to enable a white citizen to vote thereat, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, &c.

Those two sections relate simply to voting. If an officer fails or refuses to perform an official act necessary to give a voter the right to vote he is guilty of a misdemeanor. It provides for the case of any person who shall by fraud, intimidation, or other unlawful means prevent a citizen from voting. That has nothing to do with registration and the preliminary matters which are necessary prior to voting; so that something else must be provided to reach that.

The third section provides "that in case the constitution or law of any State shall require the assessment or payment of a tax as a qualification of an elector," and the assessor or other officer shall refuse or willfully neglect to assess the person or property of any colored citizen, he shall be punished for that offense.

The fourth section also relates to the same system of the assessment of a tax, put in another form.

The fifth section provides "that if any clerk or other officer required by the law of any State to register, record, or transcribe any list of persons upon whom taxes have been assessed," &c., shall refuse to register a colored voter, if he is properly assessed for taxes, then such officer shall forfeit $500 and be deemed guilty of a misdemeanor.

The sixth section provides a penalty for any collector of taxes who does not do his duty with regard to the taxes.

The seventh section provides for the punishment of any officer who, at any election for President and Vice President of the United States or members of the House of Representatives, shall fail to receive the vote of a voter on account of race or color.

The eighth section goes on to prescribe the penalty for refusing to register the voter again.

The ninth section provides the penalty in case "any person shall by threats, violence, or intimidation prevent or attempt to prevent any citizen of the United States from the free exercise of his right to vote in any election at which members of Congress, or electors for President or Vice President of the United States may be voted for." It provides that such person shall be liable to indictment and punishment. That is fixing it for a particular election.

These are the provisions of the House bill. It provides for the two cases mentioned; and now let me state some cases that it does not provide for. There is nothing in the world in this bill to punish outsiders for preventing the registration of voters altogether. That is the great difficulty. A mob may prevent registration, as they have done over in Virginia, and there is no penalty provided. There is nothing to reach that case at all. And in case a mob should prevent registration altogether, and not allow a colored man to register, then under this bill there is nothing to entitle him to vote when he comes to the poll. There is nothing to interfere with the power of a mob to drive him away from the registrar's office; and that being conclusive evidence upon the right to vote, and there being no penalty provided for that, the whole bill is good for nothing; the whole bottom is out of the bill. I tell you, Senators, it will not answer the purpose at all.

Now, in order that the bill reported by the Committee on the Judiciary may be understood, I desire to call the attention of the Senate to it. Perhaps it may be improved. The Senator from North Carolina [Mr. POOL] has made some suggestions, and has prepared one or two sections which strike me very favorably. One of those sections provides against unlawful combinations to intimidate voters, which would come in properly in connection with this bill. It prevents intimidation outside of the immediate relation to registration and to voting, going upon the plantations, Kuklux Klans, &c. He has prepared some sections which may be necessary to make the Senate bill a complete bill. Let me analyze for a moment the bill prepared by the Committee on the Judiciary and see what cases it provides for.

The first section is the simple declaration of the principle that all men shall be entitled to vote without distinction of race or color.

The second section provides—

That if by or under the authority of the constitution or laws of any State, or the laws of any Territory, any act is or shall be required to be done as a prerequisite or—

I want to call attention to this thing, and Senators will see the difficulty in framing anything. If anything is required to be done as a prerequisite or—

qualification for voting, and by such constitution or laws persons or officers are or shall be charged with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, it shall be the duty of every such person and officer to give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote, without distinction of race, color, or previous condition of servitude.

We have undertaken to enumerate some prerequisites. There may be a thousand other things invented outside of them not referred to by the first section.

Mr. SHERMAN. The House bill makes it an offense for any officer "by any official act whatever, or by omission, neglect, or refusal to perform any official act or duty whatever, whether under color or pretext of any provision of any State constitution, or any law of any State, Territory, or district whatsoever, or of any local, municipal, or other law, rule, or ordinance," &c., to "deny or abridge" the right to vote.

Mr. STEWART. The third——

Mr. HOWARD. Let me call the attention of the Senator from Nevada to the second clause of section two of the House bill. Does not that cover every case of a mob or other illegal violence by which a colored citizen is prevented from voting?

Mr. STEWART. The second clause of section two is, "and any person who shall by force, fraud, intimidation, or other unlawful means whatsoever, prevent any colored citizen from voting"——

Mr. HOWARD. "From voting."

Mr. STEWART. But not from registering. That is the point. I say they have provided a penalty against those who prevent colored citizens from voting, but not for forming a mob to prevent them from performing the prerequisites required to entitle them to vote.

Mr. HOWARD. Suppose a colored citizen has been prevented from registering by mob violence.

Mr. STEWART. Under the House bill there is no remedy.

Mr. HOWARD. In that case he is not entitled to vote, and he is thereby prevented from voting. Does not that bring the offense within the language of that clause?

Mr. STEWART. No.

Mr. HOWARD. I am inclined to think it would.

Mr. STEWART. It will never be so construed. Criminal laws are strictly construed. If a colored man was prevented from register-

ing, an indictment would not lie against the party so preventing him, for having prevented him from voting.

Mr. HOWARD. I am inclined to think it would.

Mr. STEWART. Most certainly not. No criminal law would be construed in that way.

Mr. HOWARD. Why not, if registering is a prerequisite for voting, as I suppose it to be?

Mr. SHERMAN. I wish to call the attention of the Senator from Michigan to the first section of the House bill.

Mr. STEWART. I hope I shall be allowed to go on. I undertake to say that there is nothing whatever in the House bill to prevent intimidation and fraud by outsiders to prevent a party from performing the prerequisites necessary to qualify him to vote. Such a provision cannot be found in the bill. But in the third section of the bill that is reported by the Judiciary Committee we have this provision:

That whenever, by or under the authority of the constitution or laws of any State, or the laws of any Territory, any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done, as aforesaid, shall, if it failed to be carried into execution by reason of the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance or offer to perform or acting thereon, be deemed and held as a performance in law of such act, and the person so offering and failing as aforesaid and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

That is not provided for in the House bill. We say in this section that if the man offers to perform the prerequisites required by State law, and is prevented, that offer shall be equivalent to a performance, and when he presents his affidavit his vote shall be received. It has been criticised and suggested that great injustice may be done by this section. It has been severely criticised by the Senator from Ohio, [Mr. THURMAN.] All this section provides is that if a man is otherwise qualified, and has offered to become registered or to perform any other act necessary as a prerequisite under the local laws, his vote shall be received. What is the objection to receiving his vote under those circumstances? If he is a legal voter, in every other way qualified, his vote ought to be received, whether he is actually registered or not. No injustice can be done if his vote is received, because he is otherwise qualified, a legal voter. The Senator from Ohio [Mr. THURMAN] says this is a bounty to swear falsely. The man presents an affidavit showing the fact that he has offered to perform the prerequisite; but then he can be objected to for any other reason. He can be objected to because he is not otherwise qualified; but if he is otherwise qualified, and he presents an affidavit that he offered to register or to do any other act required, and was not allowed to do it, what is the harm in receiving his vote? It ought to be received. I say that those who drive colored men from the polls should not reap the advantage of their own wrong, and this section, which does not appear in the House bill at all, is a very important one.

I did not intend to occupy a moment's time, but I do not want the Senate to lay aside one bill and take up another without knowing what they are doing. The fourth section of the bill presented by the Judiciary Committee provides—

That if any person by force, bribery, threats, intimidation, or otherwise, shall hinder, delay, prevent, or obstruct, or attempt to hinder, delay, prevent or obstruct any citizen from doing any act authorized by this act to be done—

I will say "required to be done"—I propose to amend that phraseology at the proper time—

to qualify him to vote or from voting at any election as aforesaid, such person shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby.

Here, if any person by any means—by fraud, force, or violence—prevents a man either from registering or paying taxes, or doing any act necessary to qualify him to vote, or if by fraud or violence he prevents him from voting, he is guilty of a misdemeanor; and I undertake to say that that fourth section alone is worth three times the whole House bill. It will meet three times as many cases as the House bill. The fourth section standing alone is worth more than the whole House bill put together. It makes it an offense to interfere with the registration by outsiders and for outsiders or anybody to interfere with voters.

Then the fifth section contains this provision:

That any person who shall be deprived of any office except that of member of Congress or member of a State Legislature, by reason of the violation of the provisions of this act, shall be entitled to recover possession of such office by writ of *mandamus* or other appropriate proceeding; and the circuit and district courts of the United States shall have concurrent jurisdiction of all cases arising under this section.

The Senator from Ohio [Mr. THURMAN] criticised this section because the word "*mandamus*" is used in it. I undertake to say that a *mandamus* is an appropriate proceeding in all cases where there is a refusal to count the votes. Cases may very frequently arise where the officers will refuse to count the votes at all because negroes have voted.

Mr. THURMAN. Allow me to ask a question?

Mr. STEWART. Certainly.

Mr. THURMAN. A *mandamus* might be a proper remedy to command a board of canvassers to count the votes cast; but it is no remedy to compel them to count A B's or C D's vote, or a black man's vote, or a white man's vote. In other words, the writ of *mandamus* commands a body to do an act, but never regulates the discretion or judgment of the body.

Mr. STEWART. I understand that perfectly. Suppose there is a majority of colored votes, and the election officers refuse to return them at all, you want a proceeding to force them to make the return and count those votes. You may want other proceedings, and hence the term "or other appropriate proceedings;" you can have a *quo warranto* or any other appropriate proceeding.

Mr. CARPENTER. I should like to inquire of the Senator from Ohio if he is entirely correct in the last statement he makes as to the office of a *mandamus*. A *mandamus* issued by a superior to an inferior judicial court only puts that tribunal in motion, compels it to decide a cause, for instance, without requiring it to decide it in a particular way. But I understand that a *mandamus* directed to a ministerial officer most generally, indeed, so far as I recollect, always disposes of the question and commands him to do a specific thing. For instance, suppose the votes have been canvassed in a town, and the canvassers have thrown the vote out and yet the law requires that return to be made to a higher board of canvassers, as it does in the State which I partially represent; in that case a *mandamus* to the second board of canvassers would reach the difficulty by compelling them to count that vote.

Mr. THURMAN. If it does not interrupt the Senator from Nevada, I should like to answer the Senator from Wisconsin.

Mr. STEWART. It will not interrupt me.

Mr. THURMAN. We had that precise question in Ohio. The clerk of the court and the board of canvassers in one of the counties of the State refused to count what was called the soldier vote—the vote of the soldiers cast outside of the State of Ohio—on the ground that the law was unconstitutional that authorized a vote to be taken outside of the State of Ohio. On an application for a *mandamus* to the supreme court of the State, composed of four Republican judges and one Democrat, that court unanimously decided that a *mandamus* would not lie to compel that board of canvassers to count that vote; it would only lie to compel them to count votes; but as to counting a particular vote it would not lie.

Mr. CARPENTER. Let me ask the Senator, was not that decision based on some particular attitude of the cause, the record, for instance, not presenting a question which enabled the court to determine it. But is not this a general proposition of law, that where a *mandamus* is applied for to a ministerial officer, it is the office of that writ to determine what ought to be done, and then command the specific thing to be performed?

Mr. THURMAN. I will answer both questions, for there are two. In the first place the record did present the question fairly. In the second place, in regard to the more general interrogatory of the Senator, I have this to say, that wherever there is judgment or discretion to be exercised by an officer, whether he be a ministerial officer or a judicial officer, the writ of *mandamus* cannot control that discretion.

Mr. CARPENTER. Precisely.

Mr. THURMAN. It only compels the officer to exercise his discretion, or to pronounce his judgment; but what that shall be the writ of *mandamus* cannot control.

Mr. CARPENTER. That is so; but in a case where a particular voter claimed to have his vote counted, and stated in the record the grounds on which that claim was based, to wit, his age, his residence, his qualifications, and all the circumstances which entitled him to have his vote counted, the court would pass upon that question and decide the case in his favor and order his vote to be counted.

Mr. THURMAN. My friend from Nevada is very patient, and I will not take more than a moment of his time. This bill goes on the idea that the man's vote has been refused; that he never has voted. Then there is no vote to count; the man has been refused his vote. How he would have voted is a thing that could only depend on his testimony, and that would be testimony taken after the fact. You may punish the board for refusing; but you cannot order them by *mandamus* to count a vote that never had an existence, but where there was simply an offer to vote.

Mr. STEWART. It is very evident that this is an appropriate remedy for a very important class of cases that frequently may arise when boards of canvassers refuse to make any return whatever. For certain purposes a *mandamus* all admit to be a proper remedy; but there are other "appropriate proceedings" that can be resorted to, such as the *quo warranto*. I do not think, therefore, the learned criticism on that section amounts to much.

Now, for the rest of our bill, it is simply providing the machinery to put the bill in motion; and I want to call the attention of the Senate to that. We have the machinery, substantially, of the civil rights act to put the bill in motion. The House bill merely makes it an offense to do certain things, covering about one half the ground; and it makes it an offense punishable in the United States district courts. Who is going to do it? What is that going to amount to? Who is going to be prosecutor? The Senate bill goes on and not only gives the United States courts jurisdiction, but requires the circuit judges to appoint commissioners wherever it may be necessary—if necessary, in every precinct—to arrest and punish parties. It empowers the marshal to aid those commissioners, and to summon the *posse comitatus* whenever it may be necessary. It further empowers the commissioners to appoint special officers to enforce their writs, and it empowers the President of the United States to aid the courts in the enforcement of the law. You have got the agents here in this bill—a system which was matured when the civil rights act was passed, giving agencies to enforce the bill. Merely declaring it an offense, and leaving anybody to prosecute it that pleases, and making no further provision, will be a dead letter. It also provides for paying these officers.

Now, suppose you have a district in the South where they refuse to allow the negro to vote, where men are combined together against

it. Suppose that the United States judge is applied to, and he appoints a local commissioner for that district. That commissioner can appoint his officers. When these offenses are committed, when there is an attempt to prevent registration, the guilty parties can be arrested. You have got the whole power of the Government in aid of your law.

All this machinery is left out of the House bill. The House bill would be just as good if it simply said that all men should vote, being otherwise qualified, without distinction of race or color, and that if any officer should interfere with them in any way he should be guilty of a misdemeanor. That is all there is of it. It will fall a dead letter.

I apprehend if you pass a bill that has the elements of success in it, that has machinery whereby it can be enforced, it will enforce itself. If it is known that where there is resistance in a locality the United States circuit judge can appoint commissioners, and that those commissioners are judges for that purpose, have all the power of local magistrates, that they can appoint police officers, and that those police officers can be paid and the commissioners can be paid by the United States, and that guilty parties can be arrested there on the spot, and the power of the Government be brought to bear to sustain them, a bill with that machinery, I apprehend, will be respected. You may create as many offenses as you please, but if you provide no machinery for punishing them, as there is not in the House bill, it will amount to nothing.

I do not want to occupy the time of the Senate in the particular discussion of this bill; but before any Senator undertakes to amend a bill here in the Senate it will be well for him to spend some time in examining each expression carefully, and to see to it that his amendment covers the case, that it meets the case he intends to meet. I can tell the effect of the Senate bill in a moment. In the first place, it makes it the duty of all officers charged with doing any act which is a prerequisite to voting to furnish to all men, without distinction of color, an equal opportunity of performing it. In the next place, if a person is otherwise qualified to vote, and attempts to qualify himself by registering, or paying taxes, performing the acts required, and he fails by reason of being unlawfully prevented, then he shall go to the polls with his vote. The next section provides that if any person—this goes outside of the officers—intimidate him while he is attempting to qualify himself by performing the prerequisites, or by any other unlawful means attempt to prevent him from performing that prerequisite, or if any person shall prevent him unlawfully from voting by threats or by any other mode of obstruction, then that person shall be guilty of an offense. The next section provides that the candidate who is entitled to his office by reason of the refusal of boards of canvassers, or otherwise, to count the colored vote, may have his action to obtain possession of his office. The rest of it is the machinery of the civil rights bill modified to suit the emergencies of the case, whereby you have agents to enforce the law, and the power of the Government to protect the voters in a fair opportunity to record their votes.

Now, Mr. President, I propose to offer as a substitute for the House bill the Senate bill, together with the amendments which I offered to that bill. I should like to modify the Senate bill on the third page, in line four of the fourth section, so that it will read "prevent or obstruct any citizen from doing any act required to be done," striking out the words "authorized by this act" and in lieu of those words inserting "required."

I offer the original Senate bill, with the amendments I before proposed to that, as a substitute for the House bill. I move to strike out all after the enacting clause of the House bill and to insert:

That all citizens of the United States who are or shall be otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That if by or under the authority of the constitution or laws of any State, or the laws of any Territory, any act is or shall be required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are or shall be charged with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, it shall be the duty of every such person and officer to give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote, without distinction of race, color, or previous condition of servitude; and if any such person or officer shall refuse or knowingly omit to give full effect to this section, he shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just, and shall also, for every such offense, be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, and be imprisoned not less than one month and not more than one year.

SEC. 3. *And be it further enacted*, That whenever, by or under the authority of the constitution or laws of any State or the laws of any Territory, any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance or offer to perform or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing as aforesaid and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act; and any judge, inspector, or other officer of election whose duty it is or shall be to receive, count, certify, register, report, or give effect to the vote of any such citizen, who shall refuse or knowingly omit to receive, count, certify, register, report, or give effect to the vote of such citizen, upon the presentation by him of his affidavit stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just, and shall also, for every such offense, be guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, and be imprisoned not less than one month and not more than one year.

SEC. 4. *And be it further enacted*, That if any person, by force, bribery, threats, intimidation, or otherwise, shall hinder, delay, prevent, or obstruct, or attempt to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote or from voting at any election as aforesaid, such person shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just, and shall also for every such offense be guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, and be imprisoned not less than one month and not more than one year.

SEC. 5. *And be it further enacted*, That any person who shall be deprived of any office, except that of member of Congress or member of a State Legislature, by reason of the violation of the provisions of this act, shall be entitled to recover possession of such office by writ of *mandamus* or other appropriate proceeding; and the circuit and district courts of the United States shall have concurrent jurisdiction with the proper State courts of all cases arising under this section.

SEC. 6. *And be it further enacted*, That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, arising under this act, except as herein otherwise provided; and the jurisdiction hereby conferred shall be exercised in conformity with the laws and practice governing United States courts; and all crimes and offenses committed against the provisions of this act may be prosecuted by the indictment of a grand jury, or, in cases of crimes and offenses not infamous, the prosecution may be either by indictment or information filed by the district attorney in a court having jurisdiction.

SEC. 7. *And be it further enacted*, That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial, before such court of the United States or territorial court as has cognizance of the offense. And with a view to afford reasonable protection to all persons in their constitutional right to vote without distinction of race, color, or previous condition of servitude, and to the prompt discharge of the duties of this act, it shall be the duty of the circuit courts of the United States, and the superior courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this act; and such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offenses created by this act, as they are authorized by law to exercise with regard to other offenses against the laws of the United States.

SEC. 8. *And be it further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of $1,000, to the use of the person deprived of the rights conferred by this act. And the better to enable the said commissioners to execute their duties faithfully and efficiently in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered within their districts respectively to appoint, in writing, under their hands, any one or more suitable persons from time to time to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; and the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or *posse comitatus* of the proper county, or such portion of the land or naval forces of the United States or of the militia as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the fifteenth amendment to the Constitution of the United States; and such warrants shall run and be executed by said officers anywhere in the State or Territory within which they are issued.

SEC. 9. *And be it further enacted*, That any person who shall knowingly and willfully obstruct, hinder, or prevent any officer or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them, from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue or attempt to rescue such person from the custody of the officer or other person or persons, or those lawfully assisting as aforesaid when so arrested, pursuant to the authority herein given and declared, or shall aid, abet, or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall for either of said offenses be subject to a fine not exceeding $1,000 and imprisonment not exceeding six months, by indictment and conviction before the district or circuit court of the United States for the district or circuit in which said offense may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States.

SEC. 10. *And be it further enacted*, That the commissioners, district attorneys, the marshals, their deputies, and the clerks of the said district, circuit, and territorial courts shall be paid for their services the like fees as may be allowed to them for similar services in other cases. The person or persons authorized to execute the process to be issued by such commissioners for the arrest of offenders against the provisions of this act shall be entitled to a fee of ten dollars for each person he or they may arrest and take before any such commissioner as aforesaid, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner, and in general for performing such other duties as may be required in the premises; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

SEC. 11. *And be it further enacted*, That whenever the President of the United States shall have reason to believe that offenses have been or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other

officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be deemed necessary to prevent the violation and enforce the due execution of this act.

SEC. 13. *And be it further enacted*, That whenever any person shall hold office, except as a member of Congress or of some State Legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States, it shall be the duty of the district attorney of the United States for the district in which such person shall hold office as aforesaid to proceed against such person by writ of *quo warranto*, returnable to the circuit or district court of the United States in such district, and to prosecute the same to the removal of such person from office; and any writ of *quo warranto* so brought as aforesaid shall take precedence of all other cases on the docket of the court to which it is made returnable, and shall not be continued unless for cause proved to the satisfaction of the court.

SEC. 14. *And be it further enacted*, That any person who shall hereafter knowingly accept or hold any office under the United States or any State, to which he is ineligible under the third section of the fourteenth article of amendment of the Constitution of the United States, or who shall attempt to hold or exercise the duties of any such office, shall be deemed guilty of a misdemeanor against the United States, and upon conviction thereof before the circuit or district court of the United States shall be imprisoned not more than one year and fined not exceeding $1,000, and shall forever be disqualified to hold any office of honor, trust, or profit under the United States or any State.

SEC. 15. *And be it further enacted*, That all persons within the jurisdiction of the United States shall have the same right in every State and Territory in the United States to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind, and none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding. No tax or charge shall be imposed or enforced by any State upon any person emigrating thereto from a foreign country which is not equally imposed and enforced upon every person emigrating to such State from any other foreign country, and any law of any State in conflict with this provision is hereby declared null and void.

SEC. 16. *And be it further enacted*, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties, on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding $1,000 or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 17. *And be it further enacted*, That the act to protect all persons in the United States in their civil rights, and furnish the means of their vindication, passed April 9, 1866, is hereby reënacted; and said act, except the first and second sections thereof, is hereby referred to and made a part of this act; and section fifteen and section sixteen hereof shall be enforced according to the provisions of said act.

Mr. SAWYER. I ask the attention of the Senate for a moment to a personal explanation. I would not encroach on the time of this debate for any explanation which concerned myself only, but my attention has been called to a few words which I uttered yesterday as doing injustice to others. I desire very briefly to call attention to the remarks which were thought to do that injustice, and to say a word in explanation of what I thought I did say and what I intended to say. The remarks referred to I will take the liberty of reading from the Globe:

"The rebellion took into its vortex the whole southern population, with exceptions absolutely insignificant in number. All classes were bound up in sympathy with it. Every man, woman, and child, with, as I said, insignificant exceptions, had but one aspiration so far as the political situation was concerned; and that was that the southern confederacy and the cause of the rebellion might triumph. Here and there a man of generally very slight political or social significance among his fellows was or professed to be a loyal man."

It has been called to my attention that there are several distinguished exceptions to the disloyalty of the South throughout the States lately in rebellion. I need only refer to such names as Pettigru, Durant, and others which might be named of equal significance, to show that some of the exceptions were very significant. I need only point to those native-born southerners who are on this floor, who are honored in their own States, and were signal exceptions to this disloyalty, to show that no such idea could have been in my mind as that which would suppose that there were no marked exceptions to the disloyalty of the South. I referred simply to the number of persons when I said that the exceptions were insignificant, and I wish so to be distinctly understood.

But while I am upon this point I wish to say that even if the man whose name I first mentioned, James L. Pettigru, were now alive, he would be disqualified from holding office under the Government of the United States by the fourteenth amendment; that even he, with every pulsation of his heart beating in harmony with the cause of the Union, would by the restrictions of that amendment be ineligible to a seat on this floor or to the holding of a petty post office.

Mr. HOWARD. Did Mr. Pettigru take part in the war of the rebellion against the United States?

Mr. SAWYER. Mr. Pettigru accepted the office of codifier of the laws of the State of South Carolina from a rebel Legislature.

The PRESIDING OFFICER, (Mr. CHANDLER in the chair.) The question is on the amendment of the Senator from Nevada, [Mr. STEWART.]

Mr. HOWARD. Mr. President, on reading the second section of the House bill more carefully than I was able to do before I have come to the conclusion that it does not restrain and punish violent opposition to the registration of voters. I can hardly conceive how that was omitted by the party who drafted this bill. The language is:

And any person who shall, by force, fraud, intimidation, or other unlawful means whatsoever, prevent any colored citizen from voting at any such election who possesses the qualifications, except in respect of color, requisite to enable a white citizen to vote thereat, shall, upon conviction thereof, &c.

I rather think that that section would not apply to violent opposition made to a party offering to register himself simply, because I think the word "qualifications" here must refer, if it refers to anything, to the registration of the voter. I think that is a very serious omission; and if it be in order, I beg to offer an amendment to it so as to bring that sort of violence within the operation of the clause. I will offer the following amendment, after the word "from," in line nine of the second section, to insert:

Registering his name preparatory to voting, or from doing any other act required by law as a prerequisite to voting, or from.

So as to read:

And any person who shall by force, fraud, intimidation, or other unlawful means whatsoever, prevent any colored citizen from registering his name preparatory to voting, or from doing any other act required by law as a prerequisite to voting, or from voting at any such election, &c.

Mr. NYE. I inquire whether, the Senator from Nevada [Mr. STEWART] having moved an amendment as a substitute for the House bill, this amendment is in order for discussion now?

The PRESIDING OFFICER. It is in order to amend the original bill before the motion to strike out and insert a substitute is put. The question is on the amendment of the Senator from Michigan, [Mr. HOWARD.]

Mr. STEWART. I should like to take the sense of the Senate which bill they would prefer to act on. The substitute may need some amendments, but the House bill will have to be done all over before it will begin to answer the purpose. I suggest whether it would not be better to take the sense of the Senate on the substitute, and then amend that if any amendment is necessary to it.

Mr. HOWARD. The difficulty would be that if we adopt the substitute as a whole we cannot afterward amend it.

Mr. SUMNER. Yes; by addition.

Mr. SHERMAN. Not by alteration.

Mr. STEWART. We can come into the Senate, then, and it can be amended to any extent.

Mr. HOWARD. If the Senator wishes to take a vote of the Senate on the question of substituting his bill for the one before the Senate, I will withdraw my amendment.

Mr. THURMAN. I hope the Senator from Michigan will not do that. If the Senate bill were adopted as a substitute for the House bill then it is true that in the Senate you could amend by adding to it; but you could not strike anything out of it. The point made by the Senator from Michigan is perfectly correct; you cannot amend it except by adding something to it; you cannot amend by striking out, if it has been adopted as a substitute for the House bill. Such I understand to be the rule.

Mr. STEWART. After we get into the Senate we can amend it.

Mr. THURMAN. Not by striking out. You can add to it, but not strike out from it.

The PRESIDING OFFICER. The Chair will state that it can be done in the Senate, although not in Committee of the Whole.

Mr. STEWART. That will be the same thing practically.

Mr. THURMAN. I hope the Senate will go on and perfect the House bill, and then let the motion be made to strike it out. That is the more regular course.

Mr. HOWARD. That had occurred to me as being the more regular proceeding.

Mr. STEWART. It will take several days to perfect the House bill. If you are willing to take the labor of the committee, let us have the sense of the Senate. If the Senate wish to ignore entirely what the committee have done, and propose to commence with the House bill as a basis, let us understand it. If the Senate is going to make the labor of the committee as it is a basis for perfecting a bill, we had better adopt the substitute, and then we can amend it in the Senate as much as we desire.

Mr. POOL. Mr. President, I have examined both these bills, and I think both are defective. I believe it will be easier to amend the Senate bill so as to make it what it should be than it will be to amend the House bill. I understand that the motion of the Senator from Nevada is to substitute the Senate bill for the House bill. I suppose if that substitution were made it would then be too late to amend the Senate bill.

The VICE PRESIDENT. The Chair will state that after the bill comes into the Senate from the Committee of the Whole it may then be amended.

Mr. STEWART. Or we can do as we did yesterday, consider the substitute as an original bill and leave it open to amendment. That was done by unanimous consent yesterday. Then we can have the same freedom of amendment.

Mr. POOL. I think the time necessary to amend the Senate bill as it should be would be very considerable, and it had better be done in committee than in the Senate. I suppose that while the proposition of the Senator from Nevada is pending, to substitute the Senate bill, it will be proper to offer amendment after amendment to that Senate bill, and to perfect it. And when it is perfected, then the Senate can vote whether they will substitute it for the House bill or not. I rose simply to express it as my judgment that we shall arrive at a correct conclusion sooner and better by amending the Senate bill, and substituting it, than by attempting to amend the House bill in the present stage of the proceedings.

Mr. STEWART. The Senate bill as it stands now is open to amendment.

Mr. POOL. So I understand.

Mr. STEWART. The amendment may be amended. We may commence to perfect that; but if we are going to commence our work with the House bill we shall spend the whole day on that without getting any nearer a result.

Mr. POOL. I think we shall arrive earlier

at a just and proper conclusion by proceeding to amend the Senate bill.

Mr. CARPENTER. I do not desire to detain the Senate at any length on this subject; but it seems to me that this Senate bill is the better bill of the two. If there are any particular provisions in it which need amendment let them be amended; but the general scope and purpose of the Senate bill seem to me far preferable to the one which has been sent to us by the House. This House bill is confined almost exclusively, and I think exclusively, to punishing officers and persons who shall intimidate or hinder or delay voting in the methods pointed out by the bill, or permitting the performance of some duty which is enjoined on them as officers under the law. In that particular it is in no way remedial; it punishes the crime after it is complete and done, but it gives no remedy to the person who has been injured by the wrongful act.

Now, the fifth section of the Senate bill is in my judgment worth the whole House bill together. It provides that—

> Any person who shall be deprived of any office, except that of member of Congress or member of a State Legislature—

Of course that exception is because the Congress and the Legislature are the exclusive judges of the qualifications and elections of their members—

> by reason of the violation of the provisions of this act, shall be entitled to recover possession of such office by writ of *mandamus* or other appropriate proceeding, and the circuit and district courts of the United States shall have concurrent jurisdiction of all cases arising under this section.

Here is the great distinction in doctrine and philosophy between the two bills, and the question now is which course of action the Senate choose to take. If we are simply to follow on after the violation of law and punish the man who has violated it, in each particular case, by fine and imprisonment, then the House bill is the best conceived bill. If we design to do something more than that; if we design to go beyond merely punishing specific violations of the law, and to carry out and enforce the principle of this amendment to the Constitution, and give effect to the votes of colored persons offered at the polls, then we should have some such provision as is contained in the Senate bill.

The objection made by the Senator from Ohio [Mr. THURMAN] the other day to the use of the word *mandamus* there, and indeed the whole speech of that Senator, which sparkled with wit and sarcasm and Democratic indignation, amused me and pleased me. I like a good thing coming from any source; and we never get anything but a good thing from the Senator from Ohio; but for all that, there is more sharpness than substantial philosophy in the objection to this bill. Take, for instance, this matter of *mandamus*. There are many cases in which a *mandamus* might be the appropriate remedy. It is specified only as one; and all others are included in the section. Tapping, "On a Writ of *Mandamus*," lays down this rule:

> "In some cases it is stated to be a principle as to the dispensing the writ of *mandamus* that it never issues to command officers in their judicial, but only in their ministerial capacities. This, as the statement of a principle, is certainly erroneous, for the writ lies to command both judicial and ministerial officers. The form of it in the two cases is, however, different in this that when it issues to enforce the exercise of a judicial capacity it is general in its terms, and not specific. Thus it would merely require the judge of an inferior court 'to adjudicate,' without specifying what judgment to give; or, in other words, 'to give sentence' generally, without saying what sentence; whereas, in the case of a ministerial officer, the writ would, in terms, specifically command the performance of the particular act or acts; as 'to swear in A B as church-warden,' &c."—*Tapping on Writ of Mandamus*, pp. 176, 177.

Now, it may happen in the machinery of State laws for conducting an election and canvassing the return that the first canvassers may exclude these votes, and there would be opportunity subsequently, in the process of canvassing the ballots, of correcting it by the application of this writ of *mandamus*. So it is with many of the objections which are made to this bill; they seem to me to be exceedingly sharp and technical; but we design to do one of two things: we design to carry out and enforce and secure, not merely the observance of the letter, but to accomplish the spirit and object of this amendment, in which case we must have some remedy like that provided in the fifth section of the Senate bill; or we mean to say to men all over the country, "If you choose to violate the law we will punish you simply by fine and imprisonment, and that shall square the account."

Mr. HOWARD. If you can find a jury that will convict.

Mr. CARPENTER. If you can find a jury to convict, the Senator from Michigan suggests. That is not enough. This amendment to the Constitution is ample and full, and clothes Congress with all power to secure the end which it declares shall be accomplished; and in this case, by this section, we have a remedy which secures to the man who has been injured redress for the wrong he has suffered.

There are several things about this Senate bill, some things in its phraseology, perhaps some in its substantial and important provisions, that may be improved by amendment; but it seems to me to be a far better bill if we desire to do anything. If we merely wish to pretend to do something and not accomplish anything substantial and important, the House bill is an excellent recipe for doing that; but if we mean to carry out, execute, and secure the performance and observance of this amendment to the Constitution, it is certain to my mind that the Senate bill is far preferable to the bill that comes from the House; and for that reason I hope the Senate will not adopt it as a substitute. Let us take this Senate bill and go through with it, perfect it by additions or subtractions, but act upon it as the basis of the legislation called for at the present time.

Mr. HOWARD. I think upon the whole I will withdraw my amendment for the present, and I hope the Senate will come to a vote on the question of substituting the Senate for the House bill.

Mr. CORBETT. I suggest to the Senator from Nevada to pass over the House bill and take up the Senate bill, and amend it as he proposes, and then amend the House bill by substituting for it the Senate bill after it shall have been perfected.

Mr. STEWART. Nothing would be gained by that. We have got the House bill now before us, and this is the shortest way of proceeding. Let it go right along the way it is going.

Mr. CORBETT. As I understand the Senator from Nevada, he desires to perfect the Senate bill. After he has perfected the Senate bill, he can then amend the House bill by substituting the Senate bill for the House bill, after the enacting clause.

Mr. STEWART. Why not perfect the substitute now? Let us amend it as we desire now.

Mr. CORBETT. That is my suggestion.

Mr. STEWART. The motion now is to substitute the Senate bill for the House bill, and we have a right to amend the amendment.

Mr. WARNER. I move to amend the Senate bill in section two, line fifteen, by striking out the words "the person aggrieved thereby" and inserting "any person who shall sue for the same." I understand that we have a right to perfect the amendment.

Mr. CORBETT. Do I understand that the Senate bill is before the Senate?

The PRESIDING OFFICER. It is before the Senate as an amendment to the House bill.

Mr. CORBETT. As I understood, the difficulty was, after amending the House bill, to amend the Senate bill by striking out; that it could not be done in the Senate. My suggestion was to amend the Senate bill first, and then move it as an amendment to the House bill, and then the bill would be perfect.

Mr. THURMAN. If the Senator from Oregon will listen to me for a moment he will see precisely how the thing stands. The Senate passed over the Senate bill and took up the House bill. Then the Senator from Nevada moved to amend the House bill by striking out all after the enacting clause and substituting the Senate bill. It is perfectly competent now to move to amend the House bill before the motion is taken on striking out all after the enacting clause, or to move to amend the amendment. Therefore the motion just made by the Senator from Alabama to amend the amendment of the Senator from Nevada, that is, to amend the Senate bill, is perfectly in order, and so is the motion made by the Senator from Michigan to amend the House bill. Either motion is in order.

Mr. STEWART. Certainly.

Mr. CORBETT. I understood that the House bill was before the Senate, and therefore was the bill under consideration.

Mr. THURMAN. So it is.

Mr. CORBETT. My idea was that the Senate bill should not be moved as an amendment until it was perfected, so as to move it in a body as an amendment to the House bill.

The PRESIDING OFFICER. The Senator from Ohio has stated the case correctly.

Mr. WARNER. I understand I am in order in offering to amend the amendment.

The PRESIDING OFFICER. The amendment to the amendment is in order.

Mr. WARNER. I will repeat it, then, for the information of the Senate. I move to amend the Senate bill in section two, line fifteen, by striking out the words "the person aggrieved thereby" and inserting "any person who shall sue for the same."

Mr. EDMUNDS. I hope that this amendment will not be agreed to. There are now two views taken of this branch of the bill as it stands. One is that there ought not to be any provision at all for the party aggrieved; that it ought all to be out; and another view is that taken by my friend from Alabama, that it does not go far enough; that we ought not to confine this redress to the person whose vote is refused. The committee considered both those views, and thought, in analogy to State legislation and to the simple proprieties of justice, that this middle ground was the true one.

If a voter is deprived of his right to vote by the misconduct of an official, it is a personal grievance to him, an actionable injury, for which all civilized laws give him redress in some form. It is true that in most States and countries no specific amount of damages is allowed, for the reason that it is thought safer, inasmuch as that might be a matter of speculation, to leave it under the circumstances of each case to be great or small, as a jury shall think it wise to make it. But in applying the fifteenth amendment, which is intended to secure the rights of a large class of the population of the United States, and to secure their rights in courts which may be supposed not to be altogether friendly, by juries who may be supposed not to be altogether friendly, in communities where the local officers are found to be those who deny the rights that the fifteenth amendment secures, we thought it wise not to leave it to an unfriendly jury to give only one penny damages, if a man under the fifteenth amendment was deprived of a right he had, but to fix the sum the party should be entitled to recover as his damages; and on the other hand, in a community where juries might be very favorable to the party aggrieved, we thought it right to impose upon juries a limit above which they ought not to go; so that they should not either give no damages at all nor excessive damages.

This branch of the section, therefore, is framed upon that theory. It is to give to the person aggrieved, as damages for the depriva-

tion of his right as a citizen, a private right of his own, a right to sue, which all laws give; it would not be necessary to put that into the statute—he would have the right of action; but to fix the amount for each specific wrong to him which he should be entitled to recover. Then we provide in another part of the bill, and perhaps in the same section, just as we ought to do if we are to have any law at all, that the officer guilty of this wrong to the citizen is also guilty of an offense against the public, a criminal misdemeanor, for which he may be indicted and fined, of course within certain limits, in the discretion of the court. I submit to my friend from Alabama whether, on the whole, this middle ground, which is defensible both by philosophy and by analogy, is not the true one.

Mr. WARNER. I desire to make this bill as effective for the purpose intended as possible. The persons who will be aggrieved, particularly in our section of the country, will in the main be ignorant and timid persons, who will be afraid to sue. The fact that they may be afraid to go to the polls and vote is evidence that they will not perhaps have the courage and fearlessness to sue; but there may be some third party who would be willing to enforce the penalty. I think in the great majority of cases the person aggrieved would not avail himself of this provision.

Mr. EDMUNDS. Then, I suggest to my friend that he would not be entitled to any action at all under this section, because this is not a section to give every man $500 who is afraid to offer to do what he has a right to do; but it is to give him as damages the sum of $500 for a positive and specific denial to him of the exercise of a right that he attempts to exercise; otherwise, he would have no cause of action. You cannot give a right of action to anybody because he is intimidated. The intimidation part of the law must be purely criminal, and is found in another part of the bill.

Mr. WARNER. But my amendment would give a remedy by enabling any other person than the party aggrieved to enforce the penalty. The party aggrieved I think in most cases would fail to enforce it; but some other party might.

Mr. EDMUNDS. Some other party may in his name.

Mr. POOL. I desire to say a word in regard to the particular amendment now pending. This bill is for the purpose of enforcing the fifteenth amendment, which applies to colored voters, most of whom reside in the section of the country from which the Senator from Alabama and myself come. The great and most effectual means used to interfere with their exercise of the right secured to them by the fifteenth amendment is by intimidation, by violence. I think that the penalty which is named in this second section, to be enforced by the party aggrieved, would never be put into operation at all. The purpose of the bill is to protect those citizens against intimidation from voting.

I confess that there is something in the suggestion of the Senator from Vermont, that there is no intimidation in this particular section aimed at. But, sir, it is perfectly sure that the very same means of intimidation which prevents a colored citizen from voting will be resorted to to prevent him from bringing this penal action, and unless the section is amended as suggested by the Senator from Alabama I do not believe that an action will ever be brought in those States, because it is much more difficult for one of those citizens to bring and maintain a criminal action than it is for him to perform the single act of voting.

Mr. EDMUNDS. Will my friend permit me to make a suggestion right there?

Mr. POOL. Certainly.

Mr. EDMUNDS. If you take out this penalty, as it is called, really liquidated damages, from the person who is aggrieved, whose right is denied, and who has suffered injury, and give it to anybody who will sue for it, it becomes a pure penalty. Then the question is, whether you can have a bill which contains double penalties; whether you are to punish, in the strict sense of punishment, a man twice for the same offense; because my friend will see that the section, in addition to giving these damages to the party aggrieved as damages, makes it a criminal misdemeanor, punishable on indictment and conviction by a fine of not less than $500 and imprisonment not less than a month nor more than a year. I suggest to my friend, who is a cultivated and educated lawyer, whether he would not in court find himself in great difficulty with a bill of double penalties, which were purely such.

Mr. POOL. I have never examined that question under the laws of the United States. I only know that is frequently done in my own State. We have statutes with double penalties, as referred to by the Senator, and we have never had any difficulty in that State with regard to them.

But I understood the committee to mean by this section that there was danger in the States where it is principally to apply of not being able to obtain a grand jury who will find a bill of indictment, and that in the event no bill of indictment could be found before a grand jury the party aggrieved, or, if amended as the Senator from Alabama suggests, any person in the community, may still punish the offender by bringing a penal action. It seems I had mistaken the purpose of the committee entirely from what is said by the Senator from Vermont. I think, nevertheless, the amendment had better be made, unless there really be that legal objection which the Senator suggests as to double penalties, so that it could not, under the laws of the United States and the practice of United States courts, be enforced. If that were so, it would be conclusive that the amendment ought not to be adopted. I did not understand the Senator as expressing the positive opinion that such could not be done.

Mr. THURMAN. Mr. President, I confess I was not prepared to hear my friend from Wisconsin [Mr. CARPENTER] place his chief advocacy of the Senate bill upon the fifth section of the bill. Let us see what the fifth section is:

> That any person who shall be deprived of any office, except that of member of Congress or member of a State Legislature, by reason of the violation of the provisions of this act, shall be entitled to recover possession of such office by writ of *mandamus* or other appropriate proceeding, and the circuit and district courts of the United States shall have concurrent jurisdiction of all cases arising under this section.

And by the next section it is provided—

> That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses committed against the provisions of this act.

The idea, then, of the bill is that the enforcement of this act, and of the rights of persons under this act, is to be exclusively in the courts of the United States, and that all persons who shall be deprived of office by any violation of this act may recover their offices by some appropriate remedy in the courts of the United States. Now, the first point to which I wish to call the attention of my friend is quite a practical consideration. How many officers will this cover who may thus be deprived of their offices by a violation of this act; that is, by somebody not being registered who would have voted for them, or somebody being prevented from voting at the elections who would have voted for them, or any other of the grounds that may be stated under this bill? How many such officers are there? I will speak for my own State. This bill embraces every officer except members of the Legislature in the State of Ohio. It takes, therefore, all the State officers to begin with. It then takes all the judiciary of the State; then all the county officers; then all the city officers and town officers; and then all the township officers. Now, let me say to my friend from Wisconsin that that will make about two hundred persons in the county in which I live who are to be entitled to go into the circuit or district court of the United States to test the election of the persons who are declared elected.

Mr. CARPENTER. Let me ask my friend from Ohio whether he expects that whole number will be defrauded out of their election very often in his county?

Mr. THURMAN. I do not expect any such thing, but I know there have been a great many contested-election cases in Ohio, and I know if they had all been tried in the district court of the United States for the district of Ohio that court would have had very little time to attend to anything else. But now, when you have increased the jurisdiction of that court, and increased the causes for which you may proceed, and allow two hundred persons in a single county, or more than twenty thousand persons in the single State of Ohio, or, taking the whole United States through, about half a million persons, to go into the district courts to contest elections and try the title to office there, I want to know what is to become of your district courts?

Mr. STEWART. Does the Senator understand that the jurisdiction is confined to the district courts of the United States in this fifth section?

Mr. THURMAN. Well, sir, whether it is confined to them or not, parties may go into those courts, and they would be likely enough to go there. I do not know exactly what construction is to be put upon the bill, taking that section in connection with the sixth section. Perhaps the sixth section only relates to criminal procedure, and therefore it is only in relation to that that it is exclusive. But if it is not exclusive, then I want to put to my friend from Nevada this question: what are you to do if a contest is begun under the State law? Then may not a contest be begun in the district court of the United States? Which has the superior jurisdiction? Under our State law it is not necessary that the party who has lost the office shall contest, but any elector may contest the election. Now, suppose a contest is commenced under the State law, and another proceeding is commenced in the United States district court "by writ of *mandamus* or other appropriate proceeding;" which jurisdiction is the superior? Which decision is to be obeyed? Here you put it in the power of at least half a million people who may be defeated for office in the United States to load down the docket of your district courts, if you pass this fifth section; and as I said yesterday, it applies in terms even to the election of President of the United States; and you may have the spectacle of seeing a contest for the Presidency in a district court of the United States. It applies to the election of every Governor of a State.

Mr. STEWART. Is the President elected by the people?

Mr. THURMAN. A candidate for the Presidency may be defeated in his election by the violation of the right of a citizen to vote for the elector who would vote for him; or if one of the electors of President is a colored man, and the rest of the college will not receive his vote, the candidate may lose his election in that way; and you have a contest for the Presidency of the United States; the contested election tried according to this section in a district court of the United States. In like manner you may have the election of a Governor of a State, or of a chief justice, or of the judges of a State to be tried in a district court of the United States. And not only them, but every officer from those down to fence-viewer. The candidate for every little office, such as constable, township trustee, fence-viewer, hog reeve, no matter how insignificant the office may be, is entitled under this section to go into

the district court of the United States, if he makes the allegation that this bill has been violated, and he has thereby lost his election, and have that question tried there. As a practical measure, I must confess my surprise that my friend from Wisconsin, who is usually so extremely astute, and especially astute to guard against anything that would destroy the usefulness of the courts, should be in love with this section, which seems to me to be one of the most objectionable sections in the whole bill.

But, sir, while I am up I will say a word or two upon the House bill. Neither one of these bills is what I think it ought to be. The House bill, it seems to me, is less obnoxious in many particulars than the Senate bill. But, on the other hand, the House bill needs amendment, or it will go upon an entirely wrong principle. The first thing in respect to the House bill to which I will call attention is this——

Mr. STEWART. If the Senator will permit me, the fifth section of the Senate bill, as agreed upon by the committee, should read "concurrent jurisdiction with the State courts," and I will modify it in that way. It is a misprint as it stands.

Mr. CARPENTER. The section should be amended by inserting at the end of the seventh line the words "with the proper State courts;" so that the section will read:

And the circuit and district courts of the United States shall have concurrent jurisdiction with the proper State courts of all cases arising under this section.

Mr. STEWART. Let that amendment be made.

Mr. EDMUNDS. There is another amendment pending now.

Mr. STEWART. But this correction can be made by unanimous consent.

Mr. EDMUNDS. We can amend it without unanimous consent when we get through with the pending amendment.

Mr. THURMAN. In what line of the fifth section should that change be made?

Mr. CARPENTER. At the end of the seventh line, after the words "concurrent jurisdiction," the words "with the proper State courts" should be inserted.

Mr. EDMUNDS. That was the way it was agreed upon in committee.

Mr. CARPENTER. It is a misprint.

Mr. THURMAN. That, I suppose, might be of some service as excluding a conclusion, excluding the idea that this was intended to be an exclusive jurisdiction. I do not see how Congress can confer any jurisdiction upon a State court; and it might be of some service as excluding a conclusion.

Mr. STEWART. That is the object of it.

Mr. THURMAN. But, sir, I am now going to speak about the House bill; and I beg the attention of my friend to this; for although I think it might be amended so as to be better than the Senate bill, yet the House bill as it stands seems to me to be seriously objectionable. The first and most remarkable feature, unless I am very much mistaken, about the House bill is that the second, third, fourth, fifth, sixth, seventh, and eighth sections of the House bill are all covered by the first section. The first section covers the whole ground that is to be found in every section of the bill from the first until you come down to the ninth.

Mr. EDMUNDS, (in his seat.) Let us stick to the precise point before us.

Mr. THURMAN. I did not hear the remark of the Senator.

Mr. EDMUNDS. I was alluding to the fact that the pending question for consideration was the motion of the Senator from Alabama, [Mr. WARNER.] I did not intend to interrupt the Senator.

Mr. THURMAN. I suppose that amendment opens the whole matter?

Mr. EDMUNDS. I do not complain of it.

Mr. THURMAN. My friend from Vermont killed that amendment long ago. I do not want to say anything against such a proposition as that. I do not deem it necessary to say anything against a proposition which I am sure my friend from Alabama will withdraw when he comes to think about it, which proposes to make all the world common informers, and provides that the man who is first in the race, the man who can first get to a magistrate and make a complaint, shall put $500 in his pocket, and excludes the man who is actually injured by his vote being rejected from the compensation which the bill provides. I do not suppose that it is necessary to argue such a proposition as that. I think my friend from Alabama will withdraw that amendment.

As I have said, the first remarkable feature that strikes me about this House bill is that the first section covers all the other sections down to the ninth. I ask Senators to look at the first section. It provides—

That any officer of the United States, or of any State, Territory, or district, and every officer of any city, county, town, township, borough, ward, parish, or hundred, in any State, Territory, or district, who shall by any official act whatever, or by the omission, neglect, or refusal to perform any official act or duty whatever, whether under color or pretext of any provision of any State constitution, or any law of any State, Territory, or district whatsoever, or of any local, municipal, or other law, rule, or ordinance, deny or abridge the right of any citizen of the United States to vote, on account of race, color, or previous condition of servitude, at any Federal, State, county, municipal, or other election, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment of not less than one year and not exceeding three years, or by a fine not less than $500 nor exceeding $5,000, or both such fine and imprisonment, at the discretion of the court.

That covers every conceivable case of official misconduct or official negligence that can be found in this bill, or that can exist at all. There is not one single supposable case of official negligence, whether it is in a registrar, whether it is in a tax assessor, whether it is in a tax collector, whether it is in a judge of election, whether it is in a board of canvassers, or whether it is in any other official functionary whomsoever, that is not covered by this first section. That being the case, there is no necessity at all for the other sections which follow in the bill, until you come to the ninth.

The second thing that strikes one as curious about the House bill is that, after leaving the first section, every other section in the bill down to the ninth is confined to a refusal to permit a colored citizen to register or to vote. That is the whole of it. It is only for the protection of colored citizens. If this bill passes the man who by intimidation prevents a white citizen from voting or from registering goes without any punishment whatsoever.

Mr. EDMUNDS. That is in the House bill, not the Senate bill.

Mr. THURMAN. I am speaking of the House bill. In such a case he goes without any punishment, unless he is punished under the State law. The man who interferes with the rights of a white citizen, and deprives him of his right to register or to vote, is subject to no punishment except that which the State law affords.

Mr. FERRY. But the ninth section provides for all citizens.

Mr. THURMAN. The ninth section it is true provides for all citizens. That section reads:

That if any person shall by threats, violence, or intimidation prevent or attempt to prevent any citizen of the United States from the free exercise of his right to vote in any election at which members of Congress or electors for President or Vice President of the United States may be voted for, &c.

My friend from Connecticut will observe that this section applies only to the election of members of Congress, or electors of President and Vice President; but the preceding part of the bill punishes anybody who interferes with the right of the colored citizen who offers his vote at any State election whatsoever, or any election held under any State constitution or law, down to the lowest municipal election that can be held. The ninth section only refers to Federal elections. So the Senator will see that I am right in saying that the sections from one to nine, both exclusive, do not protect the right of any white man whatsoever, but are simply limited to the protection of the colored race. If the Senate is prepared to say that a white man is less entitled to protection in his right of suffrage than is a colored man, then this House bill is all right; but if the Senate is not prepared to say that, then the word "colored" should be stricken out wherever it occurs, in every one of these sections, so as to make them apply to all citizens alike. That is an amendment that can very easily be made, and then the bill would not be obnoxious to the criticism I am now making upon it.

But in point of truth there is no necessity, after the first section, for any one of these sections in the House bill until you come to section nine. What, then, is section nine?

That if any person shall, by threats, violence, or intimidation, prevent or attempt to prevent any citizen of the United States from the free exercise of his right to vote in any election at which members of Congress or electors for President or Vice President of the United States may be voted for, such person so offending shall be liable to indictment, and on conviction thereof, shall be subject to a fine not exceeding $1,000, or to imprisonment not less than one year nor more than three years, or both, at the discretion of the court.

Then the tenth section provides:

That the circuit courts of the United States shall have jurisdiction of the suits for forfeitures imposed and causes of action created by this act, and the circuit and district courts of the United States shall have jurisdiction of the misdemeanors created by this act.

In my opinion, if you would strike out of this House bill all the sections but the first and ninth and tenth sections it would be more unique, and then would be a bill that some one with some reason might support. Whether or not it would be perfectly right then I do not say. I should like to reflect upon that before I could vote for it; but it certainly would then be a bill not obnoxious to the objections to which both the Senate bill and the House bill as it now stands are. I hope we shall go on, however, and perfect the House bill. The more I reflect upon the Senate bill the more surprised I am that anybody can give it his support.

Now, I wish to say one word in respect to the Senate bill, and I do not know that I shall trouble the Senate again with remarks upon this subject. I wish to say a word upon the twelfth section, to which I briefly alluded the day before yesterday in the remarks that I then submitted. That section is in these words:

That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be deemed necessary to prevent the violation and enforce the due execution of this act.

I expected that the gentleman who has this bill in charge would explain that section and let us know how these troops were to act, how they were to enforce the provisions of this bill, how they were to prevent its violation. Let me ask the attention of that gentleman. There are in the State of Ohio about fifteen hundred election precincts. I suppose, taking the whole United States together, there are not less than twenty-five or thirty thousand election precincts in the whole United States and the Territories thereof, all of which are covered by this bill. Now, what are you going to do with your troops? It will be said that it will not be necessary to send them to every one of these election precincts. Manifestly not. You would have to increase the Army twentyfold, fiftyfold, to do that. It is supposed, then, that there are some places only to which it will be necessary to send troops; and you put it entirely in the discretion of the Chief Magistrate of this country, whoever may be that Chief Magistrate, in a law which you intend to be permanent—it ought to be permanent or not be a law at all—to interfere with the military at any poll where he may see fit so to interfere.

In any section of the country, in any State, in any district, in any closely-contested State

or closely-contested district, you put it in the power of one man, the President of the United States, who may be directly interested in the result, who may be a candidate at that very election, to surround the polls with the troops of the United States, to do what? To see that this act be not violated; to see that this act be enforced. Nay, more, you put it in his power to delegate to some person, not an officer at all either of the State or of the United States, and in a district where there is no domestic violence, no insurrection, no rebellion, but perfect peace; you put it in the power of the President to give to some single individual the delegated power of employing the whole Army of the United States to see that this act be not violated; to see that there is no cheating at elections. Why, sir, what a power is that!

I asked the gentleman who has this bill in charge, the day before yesterday, what the troops were to do when they surrounded the poll. I will take a case. Here is an election poll, and here are a hundred troops of the United States under the command of a captain or lieutenant of infantry. He is sent there to do what? In the language of this bill, "to prevent the violation and enforce the due execution of this act." What then is to be prevented? The violation of the act. What is to be the violation of the act? The improper rejection of the vote of some colored man, or other citizen of the United States. That is the violation that is to be prevented. What is the enforcement of the act? To compel the reception of that man's vote. To prevent the violation of the act is to prevent the rejection of the vote. To enforce the act is to enforce the reception of his vote. When the judges of election, the sworn officers of election, decide that a man is not entitled to vote, then, and not until then, can this military officer be called into requisition. And what then? Is his judgment to override that of the judges of election?

Is he to adjudge that they have wrongly decided? Is he to decide that they have violated the act? Is this military man to decide this question of law under the constitution of Ohio, or the constitution of New York, or the constitution and statutes of Kentucky, and to hold that the judges of election—men versed in the election law—have decided the question wrongly, and therefore it is necessary for him to interfere, and do what? Interfere and compel them at the point of the bayonet to receive the vote that they, under their oaths as sworn officers have rejected. If it is not that, it is nothing. If it is not that, it is simply intimidation. If it is not that, it is simply holding the bayonet to the throat of the civil officer, and holding it there by command of the President of the United States. Show me something that these troops are to do; show me how they are to prevent the violation of this act; show me how they are to enforce this act, unless you give the military man the right to override the judgment of the civil officer; to override the solemn judgment of the sworn judge of election deciding as to the law of his own State and the constitution of his own State and the right of voters thereunder.

I know it may be said that the soldiers are there for the purpose of preventing violence. That is not what this act says. It may be said that they are there for the purpose of preventing the intimidation of voters, and the like. That is not what the act says. The section is as broad as the whole act. It provides for troops being at the polls to prevent any violation whatsoever of this act, and to enforce every one of its provisions.

Sir, I say once more, if this can be done in a free country, let us hear no more talk about the one-man power; let us hear no more talk about the power of the President of the United States; make a monarch of him at once. Louis Napoleon has been charged with controlling the elections in France. Louis Napoleon never surrounded every polling place in France with the troops of the empire, or the troops of the republic before it was an empire. Never did he dare to do that. Not a soldier appeared at the voting places in Paris even, where there was the strongest opposition that existed to the emperor at the late election there; but the votes of the soldiers were taken in their own barracks, their own camps. Throughout all France the people were allowed to vote without any bayonets in sight, without any soldiers to make them afraid, without anything to intimidate the voters in the shape of military coercion. And yet here in a Republic you propose to confer upon one man, who may be a candidate for election himself, the power to surround any poll he pleases in the whole United States with his troops to see that the election law is not violated! I say again, if that can be done, it is idle to talk about free institutions any more.

Mr. EDMUNDS. My friend from Ohio, speaking for that great mass of our countrymen whom he so well represents, and being, as they are, so much in favor of enforcing the fifteenth amendment, reminds me of one of Shakspeare's characters, Falstaff by name, who insisted upon it that he would not give a reason for anything, I believe it was, upon compulsion. My friend from Ohio is very much interested in favor of carrying out this constitutional amendment; but he does not want to have any law that will compel him to do so. He wants to do it of his own free will and accord.

If my friend had made the speech that he has now favored us with, (and it is a very ingenious one, and in many respects a sound one,) twenty years ago when his own party was pressing almost exactly such a section as the eighth section of this bill, in order to aid in the rendition of fugitive slaves back to slavery, he would have performed a greater service to his country than he performs now. I ask the Secretary, in order that the Senate may see the comparison between these two sections, to read the fifth section of the act of 1850, passed by the party of which my friend from Ohio is the exponent; and I ask Senators to take the eighth section of this bill and compare it as the Secretary reads to see if we have not pretty good authority for that kind of legislation.

The Secretary read as follows from the act of September 18, 1850:

"That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of $1,000 to the use of such claimant, on the motion of such claimant, by the circuit or district court for the district of such marshal; and after arrest of such fugitive by such marshal or his deputy, or while at any time in his custody under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted for the benefit of such claimant for the full value of the service or labor of said fugitive in the State, Territory, or district whence he escaped; and the better to enable the said commissioners when thus appointed to execute their duties faithfully and efficiently, in conformity with the requirements of the Constitution of the United States and of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing under their hands, any one or more suitable persons from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or *posse comitatus* of the proper county, when necessary to insure a faithful observance of the clause of the Constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required as aforesaid for that purpose; and said warrants shall run and be executed by said officers anywhere in the State within which they are issued."

Mr. EDMUNDS. Now, Mr. President, the only possible difference in substance and almost in phraseology between the fifth section of the act of 1850 and this eighth section is that the eighth section contains a statement that "such portion of the land or naval forces of the United States, or of the militia, as may be necessary," may also be called upon. Upon that point we have the settled determination of a Democratic administration and a Democratic Attorney General, and a correct interpretation, too, under the act of 1850, on this very point. The statute of 1850 provided that all the bystanders or *posse comitatus* of the proper county may be called upon, and the Attorney General held:

"A marshal, when opposed in the execution of his duty by unlawful combinations, has authority to summon the entire able-bodied force of his precinct as a *posse comitatus*. This authority comprehends not only bystanders and other citizens generally, but any and all organized forces, whether militia of the State or officers, soldiers, or marines of the United States; and if the object of resistance to the marshal be to obstruct and defeat the execution of the provisions of the Constitution or the acts of Congress, the expenses of such *posse comitatus* are properly chargeable to the United States."

Therefore we have a very excellent model of legislation to carry into force one of the provisions of the Constitution of the United States; and when one of those provisions was in favor of slavery, in favor of carrying back an escaping fugitive to servitude and to the lash, it was very convenient for a party that then controlled the country to pass acts of Congress to carry out such an odious provision of the Constitution, and to authorize commissioners to call upon the whole body of the country, soldiers and sailors, marines, Army, and everything, to help carry the poor hunted fugitive back. Now, times have changed after twenty years; and with the fugitive liberated and made a free and independent man of, when we apply the same machinery to protect him in the rights that the Constitution gives him, my friend from Ohio changes with the tune of his party, and sings that this is outrage and oppression!

Mr. THURMAN. Mr. President, times have changed when the Senator from Vermont goes to the fugitive slave law of 1850 to find a model for legislation, and times have changed wonderfully. Now, Mr. President, if I had the slightest doubt in the world that I was right I could entertain that doubt no longer. When so astute and able a man as the Senator from Vermont can give no better reason for the defense of this section than that which he has given, I know my objections to it must be well taken. What possible connection, or parallel, or similitude has the use of the troops of the United States to enforce the execution of the writ of a court against resistance to the case provided for in this bill, of surrounding the ballot-boxes with the troops of the United States to compel the judges of election to receive the votes or to compel them to reject them?

Mr. EDMUNDS. My friend will pardon me. I was only alluding to what he said respecting the eighth section, which he condemned. I made no allusion at all to the twelfth section, which I will consider when we reach it.

Mr. THURMAN. I do not know that I have said one word about the eighth section to-day. I do not think I have said one word about the eighth section to-day; and therefore I am again strengthened by the fact that instead of coming up to the defense of his eleventh and twelfth sections, my friend runs back to the eighth section, about which I think I have said not one word to-day. That is not quite as brave as my friend from Vermont usually is. Let him stand up to his work, if he undertakes to father this bill and defend the proposition. Let him go to Vermont and tell the people of Vermont that when a Democratic President shall come into the chair, if such a God's blessing should befall this country once more, as I trust it may——

Mr. EDMUNDS. That "God's blessing" will be a blessing in disguise, if at all.

Mr. THURMAN. That may be; but a great many good things come in disguise and

when we least know it. Let them know that a Democratic President can surround the ballot-boxes in Burlington, Vermont, and with his troops can overrule the decision of the judges of election; and when they have rejected a vote, under their solemn oaths, on grounds satisfactory to their consciences and convincing to them that the man is not entitled to vote, a lieutenant of dragoons can march there with his soldiers and compel them to take that vote. Say that to the free people of Vermont, and if they are descendants of Ethan Allen and his like they will give an answer that will not be relished by those who urge such a proposition.

Mr. STOCKTON. Mr. President, on the 19th of April the Senator from Nevada [Mr. STEWART] reported from the Committee on the Judiciary a bill introduced by the Senator from Vermont [Mr. EDMUNDS] to enforce the fifteenth amendment to the Constitution of the United States. That bill was called up when this subject was opened. A motion was then made to substitute another bill for it by way of amendment, which bill also, I think, came from the Judiciary Committee; and that was done. We have been discussing these bills for some days. Yesterday afternoon it was suggested that the House of Representatives had passed a bill for this same purpose; and the Senator from Ohio [Mr. SHERMAN] at once suggested that he preferred that bill, although he had never seen it.

Mr. SHERMAN. Allow me to explain what I said, because my remark was misunderstood by other Senators here. I simply said that as a matter of economy of time it would be better to take up the House bill and make the amendments proper to it. It was a mere parliamentary proposition. I said myself that I had not read the bill.

Mr. STOCKTON. I understood the Senator to say that he preferred the House bill although he had not seen it; and he reminded me by that remark of a little anecdote that I recollect having heard of the celebrated historical painter, Horace Vernet. A gentleman who was a painter came to him with two pictures, and told him he would make him a present of one of his best works. One picture he held up to him, and the other he held behind his back. The great Vernet said, "I prefer the one behind your back." It seemed to me that after having discussed for a day or two both of the bills which had come from the Judiciary Committee, and which had been, as one of the members of the committee said yesterday, so carefully prepared and the subject of which had been so studiously examined, the Senate appeared to prefer the bill that they had not yet seen.

Mr. President, this is a very strange proceeding. It is very strange that the Judiciary Committee, composed of the ablest lawyers of the Senate, should find it such a herculean task to prepare a bill to enforce the fifteenth amendment. Why, sir, what is the fifteenth amendment, and I speak now as if it was a part of the Constitution? Senators and the country know my views on the subject; but, as a practical man, I speak now as if that fifteenth amendment was a part of the Constitution of the United States. That fifteenth amendment undertook to do but one thing. It provided—

"That the right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude."

The second section gave Congress the power to do what? "To enforce" this amendment; no other power but to pass laws enforcing it; to pass laws enforcing it when those laws should become necessary; to pass laws to say that this is a part of the Constitution of the land. Is it necessary to pass laws to enforce each and every clause of the Constitution before it is violated? If the amendment is a part of the Constitution of the United States it is now the prevailing law of the land, and is, as it has been, and will be obeyed in every town and hamlet throughout this country, as it should be. I have seen its practical operation in my own town, and have seen sixty of my colored fellow-citizens vote in my own ward, and I have heard of no resistance to it from any part of this country.

Why, then, is this a herculean task, as the gentlemen of the committee inform us? Is it because you are undertaking to do what is unnecessary? I presume not. Why is it so hard to frame a bill to enforce the fifteenth amendment? Why is it a matter of so much nicety that we fly from bill to bill and from pillar to post? What is it that you are undertaking to do? It may be that you are undertaking to do something more then enforce the fifteenth amendment. It may be that that is the object; it may be that there is a trap in the bill. It may be that gentlemen have laid a snare that should lead us to look carefully through the bill.

First, let me say that there is one thing which the House bill does plainly, and that is it violates the fifteenth amendment. Whether it enforces it or not gentlemen may judge; but the very first act that the House passes, under pretense of enforcing the fifteenth amendment, is to violate it. The fifteenth amendment does not provide only for the protection of colored people. The fifteenth amendment forbids you to protect the colored man and exclude the white man. The bill as it comes from the House makes a distinction against the white man on account of his race and color. Am I wrong, Mr. President? Here is the bill, as it passed the House. I will read the second section:

That all colored citizens of the United States, resident in the several States of the United States, shall be entitled to vote at all elections in the State, county, parish, town, township, ward, or hundred of their residence, subject only to the same conditions which now are or may hereafter be required to qualify white citizens to vote therein. And any person who shall by force, fraud, intimidation, or other unlawful means whatever, prevent any colored citizen from voting at any such election, who possesses the qualifications, except in respect of color, requisite to enable a white citizen to vote thereat, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be imprisoned not less than six months and not exceeding one year, or be fined not less than $100 nor more than $1,000, or be punished by both such fine and imprisonment, in the discretion of the court.

You imprison a man not less than six months and not more than one year if he intimidates or interferes in any way with a negro's voting; but a negro may stand at the polls and intimidate me, and drive me away from the polls, and the laws of the United States do not touch him. I ask if that is not a violation of the fifteenth amendment? This is admitted; the Judiciary Committee have admitted it; for the second bill, which we call here now the Senate bill, uses the language of the fifteenth amendment, and makes no distinction between citizens in favor of colored men. The bringing in of that bill as a substitute for the House bill shows that this point had occurred to the more reflecting minds of the members of the committee.

There is only one other matter to which I wish to call the attention of the Senate, and I feel that it is one of deep moment; and if it had been alluded to before, or if the attention of Senators had been called to it, I would not occupy the time of the Senate now, nor would I have risen from my seat on the present occasion.

The examination which has been given to this bill by the distinguished Senator from Ohio [Mr. THURMAN] has made it unnecessary on the part of any gentleman on our side of the house to discuss the measure at length; but I wish to call the attention of Senators on the Judiciary Committee to one point, and I do so with the more pleasure because I think I am here making a point in regard to which, if I can have their attention, they will agree with me. There are many provisions in all these bills by which a crime or misdemeanor is created without specifying any intent. It is an admitted principle of the criminal law, which has taken the form of a maxim, that there must be an unlawful intent in order to create a crime. The maxim is, *Actus non facit reum nisi mens sit rea*, "the act itself does not make a man guilty unless his intentions were so;" or, as it has been otherwise expressed, *Actus e invito factum non est meus actus*, "an act done by me against my will is not my act." It has been held throughout the whole history of the law, from the origin of the common law, that the most cruel, the most unjust thing in the world was to make crimes and misdemeanors where the party did not intend to commit them. So far does that principle go that the law has provided certain technical phrases, as, "knowingly," "willfully," "feloniously," "with malice aforethought," which denote the intent of the mind, and it was required most strictly in all the old common law pleadings that these very expressions should be used, because they had a precise and definite meaning, expressed a distinct idea, the idea being to convey a criminal intent in reference to the crime specified.

Perhaps gentlemen may here answer me by saying that that being so you must still, under this act, go into court and allege that there was a criminal intent and show it; but, Mr. President, it has been held by courts in the United States, and by the Federal courts too, that under an indictment for a statutory offense it is not necessary either to allege or to prove a criminal intent. They first held that an indictment so drawn as to describe the offense charged, substantively in the words of the statute, was good, without any further allegation. Then, when it was insisted that the criminal intent must be proved, the courts said no; that if it was not necessary to allege it it was not necessary to prove it; so that if a man is charged with an offense in an indictment which follows words that constitute the definition of the offense in the statute that man can be convicted, although his intention was as innocent as that of a little child. That I believe to be the law. Now, let me apply it to these different bills. I will take first Senate bill No. 810, for example. I call the attention of the Senate to section two:

That in case the constitution or law of any State shall require the assessment or payment of a tax as a qualification of an elector, if any assessor or other officer charged by the law of said State with the duty of assessing persons or for the purpose of taxation, shall refuse or willfully neglect to assess the person or property of any citizen—

he shall be guilty of a misdemeanor, and liable to fine and imprisonment. He need not willfully refuse; he need not refuse for any reason such as is contemplated by the constitutional amendment which you are here pretending to enforce. He may refuse because his wife is dying; he may refuse because his child is ill; he may refuse for a thousand reasons for which you, Mr. President, and every Senator here would say he was justifiable; and yet you put an indictment in court against him alleging in these words that he refused to do a certain thing, and the court will hold that there need be no allegation that it was done for the purpose of violating this provision of the Constitution, and there need be no proof of that. At all events, I have heard such decisions in the district courts of the United States myself; and although some gentlemen may say, "I do not think that is the law," and though I know it ought never to have been the law, and I denied it as long as I could do so, though it is not the common law now, it is yet established law under the Federal decisions with regard to offenses created by statute.

I say then, Mr. President, that the committee made a mistake in not putting in the necessary intent. I have passed over all three of these bills in the last two days, and have inserted in those places where I thought it necessary the words "with intent to violate the fifteenth amendment," or "with intent to violate the provisions of this act;" and I may move such amendments. If such clauses are

inserted in the proper places, it can certainly do no possible harm, even if I am mistaken in thinking the law is as I have stated; and it will protect a great many innocent people and prevent their being very much harassed and annoyed.

You are creating here a great many new offenses. You are creating offenses which will be committed innocently; certainly until your law becomes generally and thoroughly known. You are offering, as was said by the Senator from Ohio [Mr. THURMAN] the other day, rewards to persons to prosecute for them. You are making the public lynx-eyed in watching the action of every person connected with elections. You are dealing with a strong motive; you are appealing to a strong feeling in the human heart—the lust for money, for gain, whether well or ill-gotten. Now I pray you to put some protection over the innocent; let them not be subject to be harassed and annoyed unless the man who goes to make the charge dares say, "I charge you with committing that crime against the laws of the United States." That is all I want men to be charged with before they are put on their trial.

Mr. President, on this subject the Senate will pardon me for reading a few lines from one of our own authorities:

"In further confirmation of the general doctrine of the intent may be mentioned the fact that no man deems in his heart another guilty or deserving of punishment unless the other has intended evil, or at least was careless concerning what he did. Another fact is, that whenever an individual is made to suffer a punishment which the community does not consider he deserves, so far from its placing on him the mark of contempt, it elevates him to the seat of the martyr. Another is, that even infancy itself spontaneously pleads the want of evil intent in justification of whatever has the appearance of a wrong, with the utmost confidence that the plea, if the truth of it be credited, will be received as good. Now these facts are only the voice of Nature uttering one of her immutable truths. This, then, is the doctrine of the law, superior to all other doctrines, because first in nature from which the law itself proceeds, that no man is to be punished as a criminal unless his intent is wrong. To establish this doctrine requires not judicial authority; to overthrow it can never be the work of any right-minded power of earth."—*Bishop on Criminal Law*, book 4, chapter 17, section 372.

Now, Mr. President, I have stated all that I have to say about these bills. I think it is utterly unnecessary to pass any law on the subject. I think the fifteenth amendment will enforce itself. I think it would be wise not to pass any bill; but I am not opposed to a proper, fair bill. If you would draw a bill which had no other object in the world, and would reach no further and do no harm, but enforce the amendment fairly as long as it is considered a part of the Constitution of the United States, every good citizen will see that it is enforced, and assist in enforcing it.

But why pass any of these bills? Must the President have authority to order the judges of courts about as if they were his satellites? Must the judiciary be prostrated before the military and executive power of the country? For the first time are you to lay violent hands at last on the independence of the courts? And why, in connection with that, in close proximity, must armed bands for the first time by Federal authority surround our polls? With a prostrate judiciary, with armed men around the polls, my distinguished friend, the Senator from Missouri, [Mr. SCHURZ,] may see scenes that he little dreamed of seeing when he came to this country, coming, as many of his countrymen have, to this land, leaving their homes that are still as dear to them, and dearer than the hour they left, seeking what? Seeking for personal liberty, for personal freedom. They sing the songs of the fatherland still in this country; they play the games of the fatherland. They came here, not that the skies are brighter or the grass is greener here than in the old country—they came here to seek constitutional freedom, constitutional liberty, and that they might claim that in the face of Heaven and before all men; and, Mr. President, while I live, notwithstanding all that I have seen since I have been in Congress, I intend to the best of my humble ability to try to live a freeman. And, sir, I can tell the Senators from New England that they had better look back at the history of their country and the motives that actuated the settlers that came there. They are very fond of talking to us of Plymouth Rock. Let them remember what brought the Mayflower across the ocean, and when they think of it with pride, as they have a right to do, let them not forget the principles that underlay it.

I have read and pondered on these incidents; nor have I forgotten the battles that took place in that cause. I was born on the lawn of Princeton; I live on the banks of the Delaware, where Washington crossed it on that fearful night that turned the tide of that war which was waged for local self-government and personal liberty, and nothing else. I can think of all these scenes, and when I think of them and see our present condition they bring back to me nothing but sorrow at the rapid rate we are traveling in a different direction. Now that the civil war is over, now that gentlemen have not that excuse which was so handy and so ready in the maxim "*salus populi suprema est lex*" for anything that might be done in time of war, now in time of peace, for Heaven's sake, let us get back to the institutions of our fathers, get back at least so far as to preserve our local self-governments and our personal liberty.

Mr. POMEROY. I wish to give notice of an amendment that I intend to offer to the bill at the proper time. I submit it now, and move that it be printed.

The motion was agreed to.

Mr. SHERMAN. Mr. President, I do not propose to indulge in much debate in regard to this bill. I have not given it any very special attention. What I wished to say is rather in the nature of suggestions to the members of the committee having the bill in charge than with any expectation of offering amendments myself.

I have no doubt of the necessity of passing this or some such bill. The fourteenth and fifteenth amendments will not be enforced by the simple operation of their own force as amendments to the Constitution. The fourteenth amendment has been the law, and the supreme law of the land, for two years; and yet it is violated in every one of eleven or twelve States, and probably is violated in other States than those lately in rebellion. The fifteenth amendment has also been in force some months, and it has been violated repeatedly.

My colleague says there is no occasion for any bill, because the amendment has been acquiesced in. It has been mainly acquiesced in I agree; but in some towns of our own State it has been repudiated and disregarded; and it is now disregarded throughout the State of California, as I am informed, by those who live there, and is disregarded in other States. In one of the principal cities of our own State of Ohio the judges of election, whose duty it was to allow all legal persons to vote, resigned their seats on the Sunday before the election, and irresponsible parties, irresponsible in every way, were allowed to hold their offices under the provisions of the law, and refused to permit a colored man to vote in the town of Circleville. We have the official statement made to us by the parties aggrieved, and their complaint has been referred to the proper committee. There can be no doubt that there is an absolute necessity for some law to enforce the fifteenth amendment.

Mr. THURMAN. Will my colleague allow me a moment? In the first place, I should like to ask him if he knows of any other case in Ohio?

Mr. SHERMAN. I have heard of one or two other cases; but I have no such authentic statement as in regard to the case at Circleville.

Mr. THURMAN. I have heard of none. And in the next place, if my colleague will investigate that case he will find that it was a somewhat serious question for the judges of election whether or not they could receive those votes without a change in the law of the State of Ohio; whether or not the fifteenth amendment operated *ipso facto* to overthrow the State law, so as to authorize them to receive what they were prohibited by the State law from receiving. I have no doubt that in the case he mentions the judges acted honestly, although they may have acted erroneously.

Mr. SHERMAN. Upon that point a friend has handed me an extract from a Democratic paper in the State of West Virginia.

Mr. BOREMAN. The leading Democratic paper.

Mr. SHERMAN. Well, I will not stop to read it, because it takes the ground——

Mr. BOREMAN. Read it.

Mr. SHERMAN. Very well; I will read it.

"This is what we do mean: that as long as the constitution of any State remains unchanged it is compelled to be respected and enforced in all its provisions by its officers until they have official notification from proper authority that they are to disregard it. In other words, the fifteenth amendment, having been adopted as a part of the Constitution of the United States, though in truth by fraud and violence, is of no effect whatever in any State until the Legislature makes its constitution and laws conform to it, or until Congress enacts laws to enforce it."

This introduces the very point I wish to make to the Senate, and I submit it to all members of the Senate. It is whether there is not a good deal of plausibility in the construction put by the courts of California upon the fifteenth amendment itself, and whether it does not imply at least by its language that before it shall be enforced in the courts some legislation should be passed by Congress. Here is the amendment itself:

"ARTICLE XV.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

That is, this right to vote shall not be denied by any State. "Shall not be denied" may relate back and repeal all acts, all constitutions, and all laws that were in existence at that time; but the grammatical language of the fifteenth amendment does not necessarily do so. It says that no State shall deny to people the right to vote on account of color, and then it provides that Congress may enforce this stipulation by appropriate legislation. It is therefore manifest that the framers of the fifteenth amendment contemplated that some law should be passed by Congress to enforce it, and that without it it would not have the full force and sanction of law. At least there is such a doubt about it that it is our imperative duty before we leave here to pass suitable laws to enforce the fifteenth amendment in every State of the Union. Otherwise, Democratic judges, men who are governed by prejudice, by party feeling, and especially the subordinate judges who enforce the election laws in the different States, will cover themselves under this construction of the Constitution, and the fifteenth amendment will be practically disregarded in every community where there is a strong prejudice against negro voting. This shows the absolute necessity of the passage of some law on this subject, and I am willing to vote for any law constitutional in itself that will tend to enforce the fifteenth amendment; and here is where the difficulty occurs to me.

The first section of the amendment proposed by the Senate Judiciary Committee I do not see any objection to; on the contrary, in view of the construction that may be put on the fifteenth amendment, I think it is wise to declare in general terms that nobody shall hereafter be excluded from voting on account of his color, notwithstanding any constitution or law or regulation of any State. This at least gives an official force and sanction and carries into effect the words of the fifteenth amendment.

The second and third sections I have read carefully, and I think they are too vague and

indefinite to found an indictment upon. I should dislike exceedingly to attempt to frame an indictment upon the second section of this bill. I have read it several times. Now, what is it? Let us look at it; and I invite the attention of the honorable Senator from Wisconsin, [Mr. CARPENTER,] who approves it because it is so definite, as I understand him:

That if, by or under the authority of the constitution or laws of any State or the laws of any Territory, any act is or shall be required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are or shall be charged with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote—

There are a good many words here used—

it shall be the duty of every such person and officer to give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote without distinction of race, color, or previous condition of servitude.

That is, it says, to use fewer words, that every officer charged by the law of a State with a duty shall perform his duty, and then it provides:

And if any such person—

And here is the penal clause, which is always construed strictly—

if any such person or officer shall refuse or knowingly omit to give full effect to this section—

he shall be liable to punishment. What does that mean? Was ever such language as that used in a criminal statute, pointing out and defining an offense to be punished by indictment? It seems to me the language is too vague. It ought to go back and repeat, "and if any such person shall refuse or knowingly omit to perform such duty," repeating the words again, or referring distinctly to the duty to be performed; but the words "omit to give full effect to this section," I submit to the honorable Senator from Wisconsin, are too vague to found an indictment upon.

Mr. CARPENTER. If the Senator will pardon an interruption for a moment, I will answer him. Of course there are two ways of drawing a bill to hit the difficulty that is now undergoing consideration. One is to attempt to provide for it by a specific description of every possible offense that can be committed. If you had but a single State to deal with, and could take the statutes of that State and carefully study them, you might within the reasonable limit of a section provide for every case; but when you consider that you have got to deal with the laws of over thirty different States, differing in their entire machinery, as to registration, as to qualification, as to the time, manner, and place of performing those several acts which are made prerequisites for voting, it will become apparent that it is impossible, in any section which would be so short that a man could read it in his natural life, to provide for every contingency in every State. You must, therefore, to avoid that difficulty, frame a section of such generality of description as will include all the cases. Now, the criticism of the Senator from Ohio [Mr. SHERMAN] is merely to the phraseology of the section, as it seems.

Mr. SHERMAN. That is all. I merely make it as a suggestion.

Mr. CARPENTER. Here it seems to me the phraseology employed is just as good as that which is suggested. For instance, to test this, suppose a particular instance; here is a man entitled on paying a tax to have his name registered and to vote in a certain State. He goes and offers to pay the tax, and the officer will not receive it. When you come to draw the indictment, of course you must draw it specifying the time, place, and circumstances constituting the offense; but you cannot embody an indictment in your act. You must have the act punish the offense generally, and then the indictment must specify the circumstances coming within the provisions of the act. An indictment in that case should charge that at a certain time and place John Smith refused to permit John Jones to pay the tax which would have authorized him to vote; and that would be a proper indictment, and would be clearly within the language of this section.

Mr. SHERMAN. I should like to see a lawyer attempt to frame an indictment where the gist of the offense was that a man failed to give full effect to a section of a particular statute. I think it would be impossible to do it. I think it would be open to general and special demurrer; and therefore I think, instead of "to give full effect to this section," the words "to perform such duty required by such law or regulation" should be inserted. Then you have it distinctly. That will refer back to the word "duty," on line eight, where the duty is expressly defined. The section as it stands is, in my judgment, not near so well expressed as the first and ninth sections of the House bill. I see the Senator from Michigan [Mr. HOWARD] has got his copy of that bill before him. If you take the first and ninth sections of the House bill and insert in the ninth section, fourth line, the proper words to include the registry of the voter, you have in those sections a provision against every possible case, in my judgment, of the refusal to a colored man of the right to vote where a white man would have it. I have tried my ingenuity to see if I could devise a case not included within the first and ninth sections of the House bill, and I invite the attention of the Senator from Michigan, [Mr. HOWARD,] and also the attention of the Senator from Wisconsin, [Mr. CARPENTER.] In this respect it is much more complete, much more logical, much more lawyer-like—if I may be allowed to say so—than the second section of this Senate bill, which is the operative section of the bill.

When we come to the next section of the Senate bill we find—

That whenever, by or under the authority of the constitution or laws of any State, or the laws of any Territory, any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission aforesaid of the officer or person charged with the duty of receiving or permitting such performance, or offer to perform, or acting thereon, be deemed and held as a performance in law of such act—

That is, an offer to do an act shall be held and considered to be as the act itself—

And the person so offering, and failing as aforesaid to have otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

This provision will, in my judgment, repeal or impair every registry law in the United States of America. Take the case of New York city, where great bodies of illegal votes are cast. Suppose a thousand men should go up to the polls and say, "We tried to be registered and could not be because the officer would not allow us to be," or something of that kind. The man is not bound to take an oath; he is not bound to furnish proof; he is not bound to prove by affidavit that he was denied the right to register. Suppose you take a thousand criminals in the city of New York, who are disfranchised by the laws of the State of New York, and they say they applied to be registered and could not be registered.

Mr. CARPENTER. The Senator is mistaken. If he will read the section he will find that the party must show the fact by affidavit to the officer, in order to have the benefit of his offer to register.

Mr. SHERMAN. No; that is another distinct clause.

Mr. CARPENTER. It is in the same section.

Mr. SHERMAN. But it relates to another matter.

Mr. STEWART. It relates to the same matter.

Mr. SHERMAN. No, sir; that relates to the punishment that shall be inflicted on the officer who refuses to register him.

Mr. STEWART. Read it.

Mr. SHERMAN. I will read it. I do not point out these matters to criticise the section, but simply from my desire to avoid difficulty.

Mr. CARPENTER. I understand the section differently.

Mr. SHERMAN. Let me read it and see. The clause I have already read provides that when a colored man offers to register, the refusal to register him—that is, the purpose—shall be considered as equivalent to his registry when he shall apply to vote; and the language is so framed that it applies to white and colored.

Mr. STEWART. The Senator is mistaken about that.

Mr. SHERMAN. No; I am not.

Mr. STEWART. "The wrongful act or omission aforesaid" is the language. That is, making a distinction by refusing to register.

Mr. SHERMAN. I hope the Senator will not interrupt me, for I had marked that word "aforesaid" to comment upon it hereafter. I would like to know, and I here again refer to the lawyers of the Senate, what does this word "aforesaid," to which I intended to allude in another stage, mean? To what does it refer? Does it refer to section two? If so, it involves the necessity in framing an indictment under this section of reciting the whole of the elements which constitute a crime in the aforesaid section two. The word "aforesaid" there ought to be stricken out in any event.

But I was going on to say that what I have read merely provides that the omission to register a colored man, the refusal to a colored man of the right to be registered, shall be held as equivalent to his registering; and that applies to white men as well as to others. There is nothing to prevent a white man whom there is a refusal to register from the benefit of this section.

Mr. TRUMBULL. We provide for the white man as well as the colored man.

Mr. SHERMAN. Certainly, the law ought to be general. Then under the operation of the first clause of this third section any body of men who will go up and say, not testify, not prove by affidavit, but simply declare that they have been refused the right to be registered, will have the right to vote, and all your registry laws are overruled. That is not the purpose, certainly, of any committee.

But it is said that this construction of mine, which I have given simply in passing, is cured by the subsequent part of the section which I will read:

And any judge—

This, remember, is a distinct clause, just as if it was in a separate section—

And any judge, inspector, or other officer of election whose duty it is or shall be to receive, count, certify, register, report, or give effect to the vote of any such citizen, who shall refuse or knowingly omit to receive, count, certify, register, report, or give effect to the vote of any such citizen, upon the presentation by him of his affidavit stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby.

This is a mode of punishing a man who refuses to register a person. Do I not understand it correctly? It provides that any judge, inspector, or other officer of election whose duty it shall be to receive, count, register, certify, &c., upon a proper affidavit stating such offer, and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such officer or person from performing such act, shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby. Surely that is a mode of punishing the officer. It is no guard whatever upon the right to vote. It does not guard in the slightest degree the evasion of the law which I show could be committed by classes of men in the large cities. Thus in the attempt to secure the negro in his right to vote in the southern States we may break down all the registry laws in the United States. So it seems to me. I merely point out these things.

Now, the only comment I have to make on the fourth section is that the words which were criticised by my colleague with a good deal of plausibility and force only limit the meaning of the act. Therefore his criticism was not well founded; but it is a very good reason for striking out the words. Suppose this section should read, "that if any person shall hinder, delay, or obstruct, or attempt to hinder, delay, or obstruct any citizen from voting," &c. That it is all it should be. But there are inserted these words, which tend to create the argument that my colleague dwelt upon with a great deal of force, "that if any person by force, bribery, threats, intimidation, or otherwise." What is the use of these words? If "otherwise" is intended to mean anything it covers every mode of hindering, delaying, preventing, or obstructing. Therefore why not say directly "that if any person shall hinder, delay, prevent, or obstruct, or attempt to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote," &c.? I suggest to the Senator having the bill in charge that these words, which have a tendency to limit the meaning and operation of the fourth section, simply give those who desire to criticise and carp about this law an opportunity of doing so.

Mr. CARPENTER. The word "unlawfully" ought to be inserted after "otherwise."

Mr. SHERMAN. I do not see any occasion for the words. That would be an improvement; but I think it would be better to strike out the words, because no person has a right to hinder, delay, or obstruct, or attempt to hinder, delay, or obstruct any qualified voter in the exercise of the elective franchise.

Mr. CARPENTER. Suppose I attempt to hinder or prevent you by convincing you that you ought not to vote?

Mr. SHERMAN. It is sufficient to say that no tribunal in the civilized world would consider that a crime unless there was an evil intent, whether the words were used or not.

Now, in regard to the fifth section. In my judgment that fifth section ought not to have a place in the bill. That section transfers all contested elections, even for a justice of the peace, to the United States courts. Suppose there should be a contest in a town for any office——

Mr. STEWART. In the report of the committee there is a mistake, by which words are left out.

Mr. SHERMAN. In this section? I ask the Secretary whether there has been any amendment made to the fifth section?

The CHIEF CLERK. In the seventh line, after the word "jurisdiction," as printed, the words "with the proper State courts" have been added.

Mr. SHERMAN. That takes away much of the objection I had to the section; but it seems to me there is no occasion for it at all. I think it would be better a great deal to leave out this section, especially in view of the provisions of this sixth section, which gives to the United States courts in all proper cases concurrent jurisdiction. The fifth section would give rise to great trouble. Take a familiar case that is not likely to happen, but yet which may happen. Suppose two persons are contesting for the office of justice of the peace, a mere local matter, and the election should turn on the legality or illegality of colored votes, or the refusal of judges of election to admit persons to vote on account of color. It must be remembered that thousands of cases may turn upon votes admitted or excluded on the ground of color. Is there any occasion to allow such a case to be transferred to the courts of the United States and burden the courts of the United States with that kind of controversy? The State courts are just as much bound to enforce the Constitution of the United States, and also the laws passed in pursuance thereof, as the United States courts are. You might give a proper proceeding in the nature of an appeal or writ of error, or the like, to the United States courts; but it seems to me that the original jurisdiction ought to be confined to the State courts. At any rate, if the United States courts ought to have jurisdiction, section six amply confers it.

Mr. WILLIAMS. I should like to make this suggestion to the Senator for his consideration, whether this section five removes from the jurisdiction of boards of canvassers and other tribunals organized in the States the consideration of contested elections.

Mr. SHERMAN. Undoubtedly it would under the section as it first stood. Whether under the words there now, referring to the State courts, these canvassers would be construed to be State courts, I doubt; and therefore the result would be to transfer all these controversies to the courts of the United States from the canvassers. It strikes me, therefore, that this fifth section should either be greatly amended or entirely stricken from the bill.

Mr. TRUMBULL. The Senator from Ohio will allow me to say that in regard to that fifth section I was of opinion in committee that we ought not to insert that section. The Constitution provides for protecting persons in the right to vote, and when we undertake to carry our law beyond that, and decide contested elections, we are trenching on dangerous ground, and hence I thought it would be better, at any rate in the first instance, not to do it.

Mr. SHERMAN. I think so too.

Mr. TRUMBULL. I merely state that in regard to my own position.

Mr. SHERMAN. I wish to say again to the Senate and to the members of the Judiciary Committee that I do not point out these matters with any desire to criticise their work. I know it is a very difficult thing. It is an attempt to encounter prejudice. That is all there is about it. The law ought to be made so far specific that any man who violates it in any way, or excludes a man from voting on account of race, color, or previous condition of servitude, ought at once to see the penalties of a severe law staring him in the face that there would be no chance of dodging the penalties of.

Then section eleven has one provision in it which I think ought not to be there; that is the authority given to the President. It provides:

And be it further enacted, That whenever the President of the United States shall have reason to believe that offenses have been or are likely to be committed against the provisions of this act, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act.

It seems to me rather a strange proceeding to allow the President to order a judge, say of the circuit court, whose jurisdiction extends over several States, to go to a particular place and a particular locality merely to supervise and attend to a particular class of business, and to keep him there as long as he choose; because that is the effect of it.

Mr. CARPENTER. Only the district judge.

Mr. SHERMAN. It says to direct the judge; and the circuit courts have certain jurisdiction under this bill.

Mr. CARPENTER. The judge of any district.

Mr. SHERMAN. It says "within any judicial district." That is, only to a less extent, subject to the same objection. The marshal and the district attorney are in the main executive officers. The marshal is the servant, you may say, of the President, appointed by him; but a judge ought not in any case to be subject to the order of the President. The judge belongs to a distinct and independent department of the Government. I would just as soon allow the President of the United States to order a Senator, or a member of Congress where and when he chooses, as to authorize him to direct a judge to go to this county or to that county. The President has no power to direct a judge anywhere, except within the limits of his district at the places fixed by law to meet out even-handed justice. Therefore, while I have no objection to allowing this discretionary power over the marshal and the subordinate officers of the courts, I think it ought not to be extended to the judge, who belongs to a distinct and independent branch of the Government.

Mr. President, my own opinion is that the House bill, with some such amendments as might be devised and put on it, will answer all the purposes that are now necessary to enforce the fifteenth amendment. The proposition of the honorable Senator from Nevada goes further than the printed bill I have before me, and proposes to amend this bill by substituting for it Senate bill No. 810 and two other bills. One bill, which the Senator informs me he has offered as an amendment, is Senate bill No. 365, "to secure to all persons the equal protection of the laws." I have not had time to examine it carefully. We are called upon to vote that also as a part of this proposition, and also another bill providing against holding office under the fourteenth amendment.

These bills all seem to have had the sanction of the Judiciary Committee. Probably after examination I might approve them; but they are certainly adding an independent subject, making it necessary to change the title of this bill, to change the scope of it, to enlarge greatly the purpose for which the House bill was passed, because these provide for enforcing the fourteenth amendment as well as the fifteenth, and provide also for dragging into the controversy the Chinese question and questions of that kind. I am not sure but that after discussion I would agree with the Committee on the Judiciary, that we must protect the Chinese against the local laws of California; but it seems to me we ought to do it with our eyes open, and understand what we are doing.

I have been, therefore, in hopes that the Judiciary Committee would report such modifications of the House bill as would carry out more perfectly the intention of the fifteenth amendment, which is to secure to every man, without respect to his color, race, or previous condition, the equal right to vote; and I would make the penalties so severe, the remedies so plain, that if any man in any community in the United States should violate the personal rights of any citizen in the United States in the most sacred of rights, the right to vote, he should be punished by a sure, swift, and severe remedy.

Mr. STEWART. Mr. President, I am glad the Senator would make them swift and certain; but he certainly cannot accomplish that without some means of doing it. I wish to say just a word on the third section. I do not think the Senator from Ohio understands the section.

Mr. SHERMAN. Perhaps not.

Mr. STEWART. I believe if he did he would be for it. The proposition is that if a colored man is unlawfully prevented, on account of his race or color, from qualifying himself to vote the party doing it shall not avail himself of his own wrong to keep him from the polls; that notwithstanding that prevention, if he is otherwise qualified, he shall vote. That is the proposition, and that is all there is of it if it is read properly:

That whenever, by or under the authority of the constitution or laws of any State or the laws of any Territory, any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission aforesaid—

What is the "wrongful act or omission aforesaid?" The refusal to register. That is the wrongful act or omission. If he is prevented—

by the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act.

If the officer charged with the registration, for instance, refuses to allow a colored man to register because he is a colored man his offer to register shall be equivalent to the performance, because he has performed so far as he can.

And the person so offering and failing as aforesaid, and being otherwise qualified—

Except that he has not performed the act he was prevented from performing—

shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

That is fair. The only objection to him, then, as a voter is because he cannot register because he was a colored man:

And any judge, inspector, or other officer of election whose duty it is or shall be to receive, count, certify, register, report, or give effect to the vote of any such citizen, who shall refuse or knowingly omit to receive, count, certify, register, report, or give effect to the vote of such citizen, upon the presentation by him of his affidavit stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall for every such offense forfeit and pay the sum of $500.

He was a qualified voter but for the refusal to register him. The only thing his affidavit goes to is the fact that he was prevented from registering, and upon that point the affidavit must be taken; the officer cannot refuse. He may inquire as to other qualifications, but he must take this affidavit on one point, that he made an offer to register where he appears to be a legal voter in every other respect. Now, what great harm is there in that? If anybody proposes to swear falsely you may punish him by indictment.

Mr. SHERMAN. I want to ask my friend where is the provision of law that requires the voter to make an affidavit in order to get in his vote? It is true he cannot sue for his $500 penalty unless he makes an affidavit; but suppose a thousand persons who have no right to vote should go to the judges of election and say that they have a right to vote but were not registered because the registering officer refused to register them, would not the judges be bound to let them vote?

Mr. HOWARD. Suppose they should make their several affidavits, and present them to the judge of election, that they were entitled to vote but had been refused the right to register; and suppose they were all of them totally disqualified, and had thus sworn falsely in their affidavits; would not the judge of election under this bill be compelled, and that under heavy penalties, to accept their votes?

Mr. STEWART. Not at all.

Mr. HOWARD. I think he is.

Mr. STEWART. Not at all.

Mr. HOWARD. He has no judicial authority. He is simply acting in a ministerial capacity; he cannot undertake to judge of and determine any legal question or any question of fact.

Mr. STEWART. The Senator from Michigan has not read it carefully. The trouble is to get men to read it. He must be otherwise qualified, and then present an affidavit. The affidavit only goes to one fact. They can examine as to other qualifications.

Mr. HOWARD. But how is the judge of election, to whom the affidavit is presented, to determine whether he is qualified? He knows nothing about him at all.

Mr. STEWART. He is only to take the affidavit on one fact, of his having applied to be registered. Upon that fact his affidavit is taken, and upon no other fact.

Mr. HOWARD. Very well. If that affidavit containing that specific allegation is presented to the judge of election the person presenting it, although totally disqualified, would be entitled to vote, and the judge would have no right to inquire——

Mr. STEWART. The section says right the other way. He is to present his affidavit and be otherwise qualified.

Mr. HOWARD. Who is to judge of his being "otherwise qualified?"

Mr. STEWART. The judge can reject him for any other reason. The fact of his being otherwise qualified may be inquired into under this law:

The person so offering and failing, as aforesaid, and being otherwise qualified, shall be entitled to vote.

It leaves all the rest of the qualifications to be inquired into except the matter of registration; but on the question of his having applied to be registered the affidavit must be taken. And the vote of "such citizen"—referring back to the citizen otherwise qualified—who presents his affidavit that he applied for registration must be received. That is the only proof on that point.

Mr. MORTON. Mr. President, I think it my duty to call the attention of the Senate to one question that seems to me to affect this Senate bill in nearly every section, and which does not affect the House bill. My attention was called to it by the remarks of the Senator from New Jersey. Our theory is that the question of suffrage is under the control of the States, and was left to the several States by the Constitution of the United States; and that being the case, Congress had no power to pass a law conferring suffrage on colored men, and it was necessary to amend the Constitution of the United States for that purpose. We therefore provided in the fifteenth amendment that "the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude." The proposition to which I call attention is this: that the question of suffrage is now, as it was before, completely under the control of the several States to punish violations of the right of suffrage, just as they had the power before, except that we take away their power to deny suffrage on account of race, color, or previous condition of servitude, and have given to Congress the power to enforce this amendment.

The question now to which I call the attention of the Senate is whether it is in the power of Congress to make provision for punishing violations of the right of suffrage except those violations go to the question of color, race, or previous condition of servitude.

Mr. EDMUNDS. But it does not make any difference which the color is, black or white.

Mr. MORTON. Not a bit. It does not make any difference which; but if a man is denied the right of suffrage because he is a white man, if any State shall assume to deny a man the right of suffrage because he is a white man, then we have a right to interfere; or if because he is a colored man, then we have a right to interfere. But suppose the denial of the right of suffrage by a board of registration or a board of inspectors has nothing whatever to do with color; suppose it is for an offense that existed by State law before the enactment of this fifteenth amendment, what power have we got to interfere with that any more than we had before?

Mr. EDMUNDS. Nobody, I think, would claim that we have. I should not say so.

Mr. MORTON. It seems to me that the Senate bill is broader than the amendment, and that the House bill goes upon the correct theory in that respect, for it is confined to the subjects embraced in the fifteenth amendment, except in the eighth and ninth sections, which apply to presidential and congressional elections; and there the bill is general in its character, as it has a right to be under the Constitution of the United States. I call the attention of the Senate to the fact that all the provisions of the Senate bill are general, without reference to the fifteenth amendment, except the first section, and that contains no penalty at all, but is simply declaratory of the amendment itself. The first section might be left out so far as that is concerned, because it is simply declaratory of the amendment itself. The second section affixes certain penalties for certain things. So does the third; so does the fourth, and so on. To show how the theory is preserved in the House bill, I will read a part of the first section of that bill:

Whether under color or pretext of any provision of any State constitution, or any law of any State, Territory, or district whatsoever, or of any local, municipal, or other law, rule, or ordinance, deny or abridge the right of any citizen of the United States to vote, on account of race, color, or previous condition of servitude, at any Federal, State, county, municipal, or other election.

Then, again, in the second section it provides—

That all colored citizens of the United States resident in the several States of the United States, shall be entitled to vote, &c.

So it is again in the third section, until it comes to the eighth and ninth sections, where it refers especially to presidential and congressional elections, and there it is general in its terms and applies to all citizens. That is all I have to say about that.

Mr. HAMILTON, of Maryland, proceeded to address the Senate in a speech, which will be published after it shall have been concluded. Having spoken three quarters of an hour——

Mr. STEWART. With the permission of the Senator from Maryland, I desire to suggest that if he wishes to finish his speech this evening, the time for taking the recess be extended half an hour.

Mr. HAMILTON, of Maryland. I did not know that there was any recess ordered for to-night.

The VICE PRESIDENT. The Senate yesterday resolved that to-day at five o'clock they would take a recess until seven and a half o'clock this evening.

Mr. STEWART. If the Senator from Maryland desires to finish this evening, I was going to suggest that the time for the recess be extended for fifteen minutes, to accommodate him.

Mr. THURMAN. I hope no man will ask the Senator from Maryland to speak longer this evening, and to speak within a limit of fifteen minutes.

Mr. STEWART. Not unless he desires it.

Mr. THURMAN. The Senator from Maryland tells me that as he is now beginning with a new topic he would prefer to go on to-morrow. He cannot finish his speech now. I move, therefore, that the Senate proceed to the consideration of executive business at this time.

Mr. STEWART. Then let us take a recess now instead of waiting until five o'clock.

Mr. THURMAN. Very well. I withdraw my motion for an executive session, and submit the motion which the Senator from Nevada indicates.

The VICE PRESIDENT. The Senator from Ohio moves that the Senate now take a recess until half past seven o'clock. The Chair hears no objection to entertaining that motion. The question is on the motion.

The motion was agreed to; and the Senate took a recess until half past seven o'clock.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

HOUSE BILL REFERRED.

The bill (H. R. No. 2052) to amend the homestead act was read twice by its title, and referred to the Committee on Public Lands.

EXECUTION OF LAWS IN UTAH.

The VICE PRESIDENT. The Senate, by its order, now proceeds to the consideration of the bill (H. R. No. 1089) in aid of the execution of the laws in the Territory of Utah, and for other purposes. The bill is before the Senate as in Committee of the Whole, and will be read.

The bill was read.

The first section authorizes the United States marshal of Utah Territory to appoint a deputy

in each of the judicial districts of the Territory; but before any such deputy is to enter upon the discharge of his duties his appointment must be approved by the judge of the district court of the district for which he is appointed; and he must take and subscribe the same oath prescribed by law for the marshal, and give bond with good and sufficient sureties to the marshal in the penal sum of $10,000, conditioned for the faithful discharge of his duties as such deputy; and the appointment, approval, oath, and bond are to be entered upon the journals of the court.

The second section makes it the duty of the marshal, in person or by his deputies, to attend the district and supreme courts of the Territory, and serve and execute all process, orders, judgments, or decrees issued, rendered, or directed by the courts, or by any judge thereof.

The third section authorizes the United States district attorney of the Territory also to appoint an assistant in each of the judicial districts of the Territory; but before any such assistant is to enter upon the discharge of his duties his appointment must be approved by the presiding judge of the district court of the district for which such appointment is made; and he must take and subscribe the same oath prescribed by law to be taken by the district attorney; and the appointment, approval, and oath are to be entered upon the journals of the court.

The fourth section makes it the duty of the district attorney, in person or by his assistants, to attend all of the district courts of the Territory, and perform the duties of prosecuting attorney in all criminal cases arising in the courts.

By the fifth section only citizens of the United States, over the age of twenty-one years, are to be competent to serve as grand or petit jurors in the Territory.

The sixth section provides that the grand jury of the Territory shall consist of fifteen good and lawful men, twelve of whom concurring may find and return a bill of indictment.

The seventh section provides that at least twenty days before the time of holding each regular term of the district courts of the Territory, in their respective districts, the United States marshal of the Territory, or one of his deputies, is, in connection with the clerk of the district court for which a term is to be holden, to select from the body of the people of the district one hundred good and lawful men, having the necessary qualifications to serve as jurors, and make a list, in writing, of the names of the persons so selected, and append thereto a certificate, stating that the persons have by them been selected to act in that capacity, and setting forth the court, district, and term of court for which they were selected, which certificate is to be signed by the persons making such selection and filed with the clerk; whereupon the clerk is forthwith to draw by lot, from the one hundred, thirty-nine names, and issue a *venire* directed to the marshal or his deputy, commanding him to summon the fifteen persons first drawn from the list, to be and appear in the court on the first day of the term thereof (to be named in the *venire*) to serve as grand jurors; also to issue a like *venire*, commanding the marshal or his deputy to summon the remaining twenty-four persons drawn from the list, to be and appear at the term to serve as petit jurors, and the persons so selected and summoned are to constitute one full grand and two full petit juries; but if all or any number of the persons so selected and summoned shall fail to appear, shall be excused by the court or shall be challenged, or if for any other cause whatever it shall become necessary, the court, both in the case of the grand and petit jury, may order the panel to be filled by talesmen, summoned by the marshal or his deputy from the body of the district or from the bystanders.

The eighth section provides that if, at any special or adjourned term of the district courts of the Territory, it shall become necessary to have either a grand or petit jury, or both, after the juries for the regular term have been discharged from attendance, the presiding judge of the district court requiring the attendance of such jury or juries may, in his discretion, issue a special order requiring the marshal or one of his deputies, and the clerk, to forthwith select and summon a jury or juries according to the foregoing provisions. Any judge of the district courts of the Territory of Utah is authorized and empowered to appoint, at such times and places as he may deem expedient, as many special terms of court in his district as in his opinion the necessities of business may require, thirty days' notice to be given of the time and place of holding such special term in some newspaper in general circulation in the Territory.

By the ninth section the first judicial district is to embrace the counties of Millard, Sanpete, Sevier, Pinto, Beaver, Iron, Washington, Rio Virgin, and Kane, and the regular terms of the court thereof are to be held at the city of Beaver, in the county of Beaver, commencing on the first Monday of June in each year. The second judicial district is to embrace the counties of Tooele, Salt Lake, Utah, Wasatch, and Juab, and the regular terms thereof are to be held at Salt Lake City, commencing on the first Mondays of February, May, and September, in each year. The third judicial district is to embrace the counties of Davis, Morgan, Summit, Boxelder, Cache, Weber, and Rich, and the regular terms thereof are to be held at Corinne, in the county of Boxelder, and commence on the first Mondays of January and June in each year; but the time of commencing the regular terms of the several courts may be changed by the Governor, when it shall appear to him that a different time would accommodate the judge and the people of the several districts better.

The tenth section provides that in criminal cases both the prosecution and the accused shall have the right and privilege to challenge for cause the array and polls both of the grand and petit jury, and in all prosecutions for bigamy and the crimes specified in the act no person is to be competent to serve, either as a grand or petit juror, who believes in, advocates, or practices bigamy, concubinage, or polygamy, and upon that fact appearing by examination on *voir dire* or otherwise, such person is not to be permitted to serve as a juror. And in all criminal trials each of the parties is to have the right to challenge peremptorily six of the petit jurors.

The eleventh section provides, as marriage in the Territory of Utah rests solely on the contract of the parties followed by cohabitation, there being no form, manner or ceremony prescribed by the laws of the Territory for the solemnization of this important relation in society, or requiring any recordation, certificate, or publication of the same that in all prosecutions for bigamy, concubinage, or adultery, it shall not be necessary to prove either the first or subsequent marriages by the registration or certificate thereof or other recorded evidence, but it may be proved by such evidence as is admissible to prove a marriage in other cases, and proof of cohabitation by the accused with more than one woman as husband and wife, his declarations and admissions that such women are his wives, his acts recognizing, acknowledging, introducing, treating, or deporting himself toward them as such, are, unless rebutted, to be sufficient to sustain the prosecution.

The twelfth section provides that any man in the Territory who shall, after this act goes into effect, live or cohabit with one woman or more, other than his lawful wife, as his wife or wives, shall be adjudged guilty of the crime of concubinage, and upon conviction thereof, be punished by fine not exceeding $1,000, and by imprisonment in the penitentiary at hard labor not exceeding five years; and in all prosecutions for the violation of this section the alleged concubines of the accused are to be competent witnesses to establish or disprove the charge; but no statement made by any such witnesses is to be used against, admitted, or allowed to affect them in any manner in any case whatsoever, and an indictment charging the crime to have been committed with more than one woman will be sustained by proof showing it to have been committed with one only or more.

By the thirteenth section, every person who commits the crime of adultery is to be punished by imprisonment not exceeding five years nor less than one year, or by fine not exceeding $1,000 nor less than $100, or by both fine and imprisonment, at the discretion of the court; and any violation of this section, the twelfth section of the act, and the act against bigamy, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," approved July 1, 1862, may be charged in separate counts in the same indictment; which indictment may conclude generally "against the statutes in such cases made and provided;" and the thirty-first section of an act of the legislative Assembly of the Territory of Utah, entitled "An act in relation to crimes and punishments," approved March 6, 1852, is disapproved and annulled.

The fourteenth section provides that in all cases or proceedings where imprisonment may be ordered, if there be no jail or prison in which the person or persons to be imprisoned can with safety be kept, the court or judge may order such person or persons confined in any military prison or camp of the United States in the Territory; and the officer or person in command of such prison or camp is authorized and required, on the order of the court or judge, to receive and safely keep such person or persons until they shall be lawfully discharged from custody.

By the fifteenth section, if the United States marshal or any of his deputies shall be resisted or threatened with resistance in the execution of any writ, order, process, judgment, or decree of any court or judge of Utah Territory, the marshal or either of his deputies may, if in their judgment assistance is necessary, apply to the commander or person in charge of any military camp or post of the United States in the Territory, or to any one having charge of troops of the United States therein, for a posse to aid such officer; and upon such application being made the commander or person in charge of such military camp, post, or troops is authorized to detail a sufficient number of men to enforce the writ or other process, whatever it may be, which is being or is threatened to be resisted. And the marshal, or either of his deputies, may make application for such assistance when necessary to suppress any mob, riot, or other disturbance of the peace.

The sixteenth section makes it the duty of the Governor of the Territory, so often as it shall appear necessary, to inspect or cause to be inspected the jails and other prisons in the Territory, and the manner persons are held, treated, and imprisoned therein. And the Governor is to make rules for the regulation and government of the jails and prisons; and he is empowered to remove the wardens and keepers of all jails and prisons, or other officers connected therewith, and appoint others in their stead, as often as in his opinion the public good shall require.

By the seventeenth section no alien living in or practicing bigamy, polygamy, or concubinage is to be admitted to citizenship of the United States; nor is any person living in or practicing bigamy, polygamy, or concubinage to hold any office of trust or profit in the Territory, vote at any election therein, or be entitled to the benefits of the homestead or preemption laws of the United States; and the

district courts of the Territory are authorized to issue writs of *quo warranto*, on the information of the district attorney or other person interested, to test the right of any one discharging the duties of or claiming the right to any office in the Territory; and the judges of elections are authorized to examine under oath all persons who may offer to vote as to their qualifications and rights so to do, and every person appointed or elected to office in the Territory, before entering upon the duties of such office and before being entitled to any salary or other emoluments thereof, is to take and subscribe one of the following oaths or affirmations, to wit: "I, A B, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto, or, I do solemnly swear (or affirm) that I have been relieved by an act of Congress, as provided for by the third section of the fourteenth article of the amendments to the Constitution of the United States;) that I am not living in or practicing bigamy, polygamy, or concubinage; and I will not hereafter live in or practice the same; and I do further swear (or affirm) that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey all of the laws of the United States, and will not counsel, advise or encourage any other person to disobey or violate the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter: so help me God." And the oath, when taken and subscribed, is to be certified by the officer before whom the same was taken and subscribed, and the oath so certified is forthwith to be forwarded to the secretary of the Territory, who is to place the same on file in his office.

The eighteenth section provides that in the absence or in case of sickness or disability of any of the judges of the Territory, or for any cause whatever which renders it necessary, it shall be competent for either of the judges to hold court in any of the judicial districts of the Territory, and it is made the duty of the judges, upon the request or direction of the Executive of the Territory, in writing, setting forth the reason and necessity of such request or direction, to proceed to the district designated and to hold the terms of court therein until such necessity shall cease.

The nineteenth section provides that the probate judges, justices of the peace, judges of all elections, notaries public, and all sheriffs in the Territory, shall be appointed by the Governor, be subject to removal by him, and shall hold their offices for the term prescribed by law, unless sooner removed, or their successors shall before then be appointed.

The twentieth section allows an appeal by any party aggrieved from all final decisions, orders, judgments, or decrees of all inferior courts in the Territory to the district court of the district in which the proceedings before such courts are had, and in correction of the proceedings of such inferior courts of the Territory; and to prevent and correct abuses by them, the district courts of the Territory are authorized to issue writs of error, *certiorari*, *mandamus*, prohibition, and *quo warranto*; and in all cases of appeal from one court to another, where a bond or other security is now required to be given by the party appealing, it is not to be lawful to demand or exact of such party the payment of costs adjudged or taxed against him until the appeal shall be finally disposed of by the appellate court, and the supreme court of the Territory may make rules and regulations as to the mode and manner of taking and perfecting appeals from one court to another in the Territory, and the security, if any, to be given in such appeals, so that the just rights of the parties may be secured and preserved.

By the twenty-first section marriages in the Territory are to be solemnized only by justices of the supreme court, by justices of the peace duly appointed and qualified, and by any priest or minister of the Gospel regularly ordained and settled or established as such in the Territory, between parties competent to enter into the marriage contract. Marriage in the Territory is declared to be a civil contract, to which the consent of parties, capable in law of contracting, is essential. No man, a resident of the Territory, is to marry his mother, his grandmother, daughter, granddaughter, step-mother, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, nor his sister, his half sister, brother's daughter, father's sister, or mother's sister. No woman is to marry her father, grandfather, son, grandson, step-father, grandmother's husband, daughter's husband, grand-daughter's husband, husband's father, husband's grandfather, husband's son, husband's grandson, nor her brother, half brother, brother's son, sister's son, father's brother, or mother's brother. No marriage is to be contracted while either of the parties has a former wife or husband living in the United States or elsewhere, unless the marriage with such former wife or husband shall have been legally dissolved. All persons within the degrees of consanguinity within which marriages are herein prohibited to residents of the Territory, and hereby declared to be incestuous and void, who shall intermarry with each other, or who shall commit adultery or fornication with each other, are to be punished by imprisonment at hard labor in the penitentiary of the Territory not more than twenty years, and be fined not more than $1,000.

The twenty-second section makes it unlawful in all cases of election by ballot for any person to put any number, figure, or device upon such ballot, whereby any person may be enabled to ascertain by whom the ballot was given; and any violation or attempt to violate this provision is to be deemed and taken to be a crime, and upon conviction thereof the person so offending may be punished by fine not exceeding $500, or by imprisonment in the penitentiary not exceeding one year, or by both fine and imprisonment, at the discretion of the court. And at all elections none but male citizens of the United States over twenty-one years of age, residing in the precinct or election district, and not disqualified by conviction of crime by any of the provisions of this act or otherwise, are to be competent voters.

The twenty-third section authorizes the probate courts in their respective counties in the Territory to hear, try, and determine civil causes wherein the debt or damages claimed do not exceed $500, and in criminal matters to exercise jurisdiction as committing magistrates, and the twenty-ninth section of an act of the territorial Legislature of Utah, conferring general and unlimited jurisdiction on the probate courts, both in civil and criminal cases, entitled "An act in relation to the judiciary," approved January 19, 1852; also the second section of an act entitled "An act for the regulation of attorneys," approved February 18, 1852; and also an act entitled "An act containing provisions applicable to the laws of the Territory of Utah," approved January 14, 1854, are disapproved and repealed.

The twenty-fourth section allows the court in all cases in which the marshal of the Territory is a party to the suit, or in any way interested or otherwise disqualified to act, to appoint some one to act as marshal therein.

The twenty-fifth section gives to the district courts of the Territory exclusive original jurisdiction in all suits for divorces or alimony.

The twenty-sixth section disapproves and annuls all laws and parts of laws of Utah Territory which in any way interfere with the primary disposal of the soil, or the possession thereof, of the United States.

The twenty-seventh section makes it a misdemeanor for any person not qualified to vote to vote or offer to vote at any election, or for any qualified voter to cast or offer to cast at any election more than one vote for the same office or officers, and upon conviction thereof before any court having jurisdiction he is to be punished by fine not exceeding $500, or by imprisonment in the penitentiary not exceeding one year, or by both such fine and imprisonment, at the discretion of the court.

The twenty-eighth section provides that whenever by the provisions of this act an oath is required to be taken, if the person taking the same shall knowingly swear falsely to any matter or statement contained in the oath or in his testimony given in pursuance of it, such person is to be deemed guilty of perjury, and upon conviction thereof is to be sentenced to imprisonment for a period not exceeding five years nor less than two years, and the district courts of the Territory are to have jurisdiction of such offenses.

The twenty-ninth section provides that this act shall take effect from and after its passage; and repeals and disapproves all acts and parts of acts of the United States or of the Legislature of Utah not consistent with it.

Mr. CRAGIN. Mr. President, the record of the Republican party is already glorious and immortal, but its mission is not yet completed. At its first national convention in 1856 the following resolution was adopted as a part of its platform of principles:

"*Resolved*, That the Constitution confers upon Congress sovereign power over the Territories of the United States for their government; and that in the exercise of this power it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism, polygamy and slavery."

Since that time slavery, one of "those twin relics of barbarism," has not only been prohibited in the Territories, but has been abolished in the States; and four million bondmen now stand up clothed and dignified with the rights of American citizens. This barbarism was deep rooted and firmly bound, and it required the iron grasp of war to tear it from the soil.

Ten years ago we only claimed the right to prohibit slavery in the Territories and confine it where it then existed, hoping that the irresistible power of public opinion, united to a loftier moral principle, would peacefully overcome the demands of avarice and brutality, and finally extirpate the evil by checking its growth. But slavery became more arrogant and aggressive in its demands. It claimed that property in man was guarantied by the Constitution, and that the policy of the fathers in prohibiting its extension was unconstitutional and wrong. It asserted itself to be a national institution, and the corner-stone of the Republic. It was, as is well known, the source of the most unscrupulous political power at one time in the country, and unifying the interests of its adherents in all sections, fashioned and controlled the policy of the Democratic party irrespective of all minor issues. At its bidding Democrats everywhere fell into line and hurried to execute its commands. No master was ever more implicitly obeyed, no lawgiver more jealously enthroned behind constitutional bulwarks. At last, when it saw the scepter about to fall from its grasp in the election of the immortal Lincoln, in its mad and wicked ambition it determined to destroy the Union and erect a slaveholding aristocracy upon its ruins. To accomplish this it raised the standard of

rebellion and plunged the nation into civil war, and for four years put forth its utmost exertions to overthrow this noble and humane Government. It thereby forfeited its legal right to live, (for it never had a moral one,) and the loyal people resolved that it must die. In the bloody and desperate struggle it received its death-wound and died like a traitor, as it was. Thus, at last, has it expiated its treason with its life, and the wrong against humanity which it maintained has been wiped out. Every humane and loyal heart should thank God that this guilty monster has perished from our land. May all its degrading influences and evil passions soon follow it to the grave, and in their stead may naught be seen but brotherly love and unity, culminating in national peace and enduring prosperity.

Polygamy, the other "twin relic of barbarism," still remains, and even openly denounces the Government and defies its power. In 1862 Congress passed a law prohibiting polygamy in the Territories, and making it a crime; but the law is a dead letter, because the courts of Utah have no power to enforce it. The bill now under consideration is supplementary to that law, and affords the means for its execution, and if both can be enforced polygamy and other crimes in Utah must perish. It is shocking to think that this infamous and degrading barbarism is practiced in an enlightened and Christian country, and although in but one of its Territories, yet to an extent hardly credible, while, more shameful still, its guilty advocates publicly boast that they have violated the law of Congress and will continue to do so. Heretofore polygamy has been practiced alone in heathen nations, where woman is regarded as an inferior being and a slave. The Jew thanks his Maker for not having made him a woman. The Moors do not allow women to enter their places of worship; and Mohammed denies that women have souls. The Turk allows women to enter his heaven, but only to minister to his passions and wants.

The heaven-born Christian system inaugurated a new civilization by proclaiming a universal brotherhood among men, making all men and women the children of one God and created for immortality. It overturned many heathen doctrines and practices, and among them that of polygamy, and elevated woman to her equal and true dignity.

In face of the teachings of the Gospel and the laws of nature, the "Latter-Day Saints" of Utah, or rather their leaders, have instituted the barbarous and horrible practice of a plurality of wives. And to add to the blasphemy of the system it is done in the name of the Lord. In this nineteenth century they have reduced woman to the heathen and Jewish standard. Foremost in the ranks of their oppressors stands Brigham Young, president of the Mormon church and ruler of Utah. Following in the footsteps of Mohammed, he declares that women have no souls; that they are not responsible beings; that they cannot save themselves or be saved except through man's intervention. To be saved a woman must be "sealed" to a good man; he can save her, or if he does not her sins will be upon his head.

The Mormon church had its origin in the vagaries and lying deceits of Joseph Smith. The "Book of Mormon" was published in 1830. Mormon, it is pretended, was the most noted prophet of the Nephites, a Hebrew colony in North America, which came here about 600 B. C., and was destroyed by the Lamanites about 400 A. D. The "golden plates," containing the Book of Mormon, it is said, were buried in Ontario county, New York, about 420 A. D., and exhumed by Joseph Smith, jr., September 22, 1827. In reality the greater part was written by one Rev. Solomon Spaulding, between 1810 and 1812, as a romance, for the purpose of connecting the North American Indians with the lost tribes of Israel. Smith saw that here was his opportunity. He pretended that he had found these "plates," and that he had received revelations from God, John the Baptist, Peter, and other apostles. The fanaticism took root, and deluded men and women followed him. Polygamy was no part of their early creed. Indeed, it was pointedly condemned by the Mormon bible, concocted by this same Smith. There is no doubt, however, that it was practiced by him, nor that it originated in the indulgence of his own baser passions. While he was thus guilty of the crime of polygamy he denied its existence in the Mormon creed, and violently denounced those who advocated it, even to cutting men off from the church for the iniquity of preaching polygamy, and this many months after the date of the pretended polygamous revelations. He finally lost his life for trying to persuade the wife of Dr. Foster, at Nauvoo, that it was the will of God she should become his "spiritual" wife. This nefarious offer she confessed to her husband. Foster exposed him, and Smith retaliated by destroying the property of Foster. For this he was arrested and afterward shot in jail at Carthage, Illinois, by a band of Missourians. If Brigham Young had died at the same time it is probable polygamy would not have been the gigantic crime it has now become in Utah.

I have before stated that polygamy was no part of the Mormon system of religion as originally established. It was repudiated by all Mormon writers and speakers previous to 1852. Perley P. Pratt, one of the shining lights of this ridiculous system, who went to England to make converts, stated publicly in Manchester, in 1846, speaking of the charge of polygamy against the church:

"Such a doctrine is not held, known, or practiced as a principle of the Latter-Day Saints. It is but another name for whoredom."

This same reprobate has since been shot in this country for stealing away another man's wife, he having several others at the same time. John Taylor, another prominent Mormon apostle, was charged with belief in this doctrine, and in France, in 1850, denied that it was any part of his own belief or that of his church, and to prove his assertion read from the book of Smith's revelations. At the very time he made the denial he had four wives in Utah, and was courting a girl in France for another.

Polygamy was practiced by the leaders of the Mormon church in Utah for several years before they dared to avow it as a doctrine of the church. Being far removed from civilization, and having grown strong in numbers and bold in crime, in August, 1852, at a meeting in Great Salt Lake City, Brigham Young announced and recommended this heathenish and infamous practice. On that occasion Young harangued his deluded hearers as follows:

"You heard Brother Pratt state this morning that a revelation would be read this afternoon, which was given previous to Joseph's death. It contains a doctrine a small portion of the world is opposed to; but I can deliver a prophecy upon it. Though that doctrine has not been preached by the elders this people have believed in it for years.

"The original copy of this revelation was burned up. William Clayton was the man who wrote it from the mouth of the prophet. In the mean time it was in Bishop Whitney's possession. He wished the privilege to copy it, which Brother Joseph granted. Sister Emma (wife of Joseph Smith) burned the original. The reason I mention this is, because that the people who did know of the revelation suppose it was not now in existence.

"The revelation will be read to you. The principle spoken upon by Brother Pratt this morning we believe in." * * * * * * * * *

"Many others are of the same mind. They are not ignorant of what we are doing in our social capacity. They have cried out, 'Proclaim it;' but it would not do a few years ago; everything must come in its time, as there is a time for all things. This revelation has been in my possession many years, and who has known it? None but those who should know it. I keep a patent lock on my desk, and there does not anything leak out that should not."

Was there ever such arrant, wicked humbuggery passed off upon deluded mortals? The pretended revelation was read at the close of Young's sermon, and purports to have been given to Joseph Smith July 12, 1843. It is very lengthy, consisting of twenty-five sections or paragraphs. Those who feel any interest in this device of lustful scoundrels can find it in full in Burton's "City of the Saints," and in various other publications. The whole is a blasphemous jumble, calculated to bewilder weak minds and enslave those who put their faith in the wicked inventors. It pretends to be a new law and covenant, and that he who abides not by it shall be damned, &c.

Brigham Young is the great polygamist of the world. He had at last accounts between thirty and forty wives, and was searching for others. He has married more than one since the passage of the anti-polygamy law in 1862. One, at least, of his wives has died a raving maniac, and his first and only lawful wife is subject to fits of insanity. Mohammed had only twenty-five, and left only one child, and she died soon after. Heber C. Kimball, who was at the time of his death the second man in authority in the Mormon church, had over twenty wives, and boasted that he had seventy children. He was a gross, brutish being, and his wives were treated worse than slaves. The other leading men, many in number, have from two to fifteen wives. It is estimated that about one sixth of the adult Mormon males of Utah are practical polygamists. Indeed, Utah is a perfect pandemonium of debauchery and crime.

This practice, so revolting to the instincts of humanity, is only sustained by connecting it with religious duty, by which means the ignorant and deluded women who are enticed to Utah are induced to embrace it. Under its most inviting presentation it takes constant and persistent preaching, threats, and appeals to revelation to make them observe it. They are told it is the only way they can be saved and "exalted" in the world to come, and that if they are true to this celestial law they will be "queens" in heaven. Their fears and passions are thus excited, their love of glory stimulated, and all the influences of education and church authority are used, together with every devilish art of cunning men, in order to force this revolting practice upon unwilling minds. The women are first brutalized, and their modesty destroyed by the coarse, low, vulgar, and obscene talk of hoary-headed sinners at public meetings and social gatherings. Despite all their efforts through sermons, revelations, and other inventions, it appears nevertheless that the women are restive under this degrading slavery. The following extracts from sermons officially published in their church organ will show the condition of many women in Utah, and the estimation in which they are held by the leaders of this brutish system.

J. M. Grant, in a sermon delivered September 21, 1856, reported in the Deseret News, volume six, page 235, said:

"And we have women here who like everything but the celestial law of God; and if they could would break asunder the cable of the church of Christ. There is scarcely a mother in Israel but would do it this day. And they talk it to their husbands, to their daughters, and to their neighbors, and say that they have not seen a week's happiness since they became acquainted with that law, or since their husbands took a second wife. They want to break up the church of God, and to break from their husbands and from their family connections."

On the same day, Brigham Young, in a sermon reported in the same paper, said:

"Now for my proposition; it is more particularly for my sisters, as it is frequently happening that women say that they are unhappy. Men will say, 'My wife, though an excellent woman, has not seen a happy day since I took my second wife.' No, not a happy day for a year,' says one; and another has not seen a happy day for five years. It is said that women are tied down and abused; that they are misused and have not the liberty they ought to have; that many of them are wading through a flood of tears because of the conduct of some men, and their own folly.

"I wish my women to understand that what I am going to say is for them as well as for all others, and I want those who are here to tell their sisters, yes, all the women of this community, and then write it back to the States, and do what you please with it. I am going to give you from this time till the 6th day of October next for reflection that you may determine whether you wish to stay with your husbands or not; and then I am going to set every woman at lib-

erty, and say to them, 'Now, go your way, my women with the rest; go your way.' And my wives have got to do one of two things, either round up their shoulders to endure the afflictions of this world and live their religion, that is, polygamy, or they may leave, for I will not have them about me. I will go into heaven alone rather than have scratching and fighting around me. I will set all at liberty.

"Let every man thus treat his wives, keeping raiment enough to clothe his body, and say to your wives, 'Take all I have and be set at liberty; but if you stay with me, you shall comply with the law of God, and that, too, without any murmuring or whining. You must fulfill the law of God in every respect, and round up your shoulders to walk up to the mark without any grunting.'

"Sisters, I am not joking. I do not throw out my proposition to banter your feelings, to see whether you will leave your husbands, all or any of you. But I do know that there is no cessation to the everlasting whinings of many of the women in this Territory. And if the women will turn from the commandments of God and continue to despise the order of Heaven, I will pray that the curse of the Almighty may be close to their heels, and that it may follow them all the day long. And those that enter into it and are faithful, I will promise them that they shall be queens in heaven and rulers to all eternity."

Things must have come to a terrible pass when even a prophet would be bold enough to lecture his thirty or forty wives and thousands of others at this rate. They might go, but the curse of the Almighty was to follow them if they did. If they stayed they must abide in their unhappy degradation. They could not go if they would, for they are bound slaves, and away from any protector save Him who rules above.

Heber C. Kimball, in a discourse delivered in the tabernacle, November 9, 1856, said:

"I have no wife or child that has any right to rebel against me. If they violate my laws and rebel against me they will get into trouble just as quickly as though they transgressed the counsels and teachings of Brother Brigham. Does it give a woman a right to sin against me because she is my wife? No, but it is her duty to do my will as I do the will of my Father and my God. It is the duty of woman to be obedient to her husband, and unless she is, I would not give a damn for all her queenly right and authority, nor for her either, if she will quarrel and lie about the work of God and the principle of plurality."

In October, 1855, (volume five, page 274,) Kimball said:

"If you oppose any of the works of God you will cultivate the spirit of apostasy. If you oppose what is called the spiritual-wife doctrines, the patriarchal order, which is of God, that course will corrode you with apostasy, and you will go overboard. (By Mormon law apostasy is punishable with death.) The principle of plurality of wives never will be done away, although some sisters, have had revelations that when this time passes, and they go through the vale, every woman will have a husband to herself. I wish more of our young men would take to themselves wives of the daughters of Zion, and not wait for us old men to take them all. Go ahead upon the right principle, young gentlemen, and God bless you forever and ever, and make you fruitful, that we may fill the mountains, and then the earth, with righteous inhabitants."

This same brute often called his wives "my cows." One more extract from this leper and I will turn from him with loathing and disgust. In a long discourse, delivered in the Tabernacle, in April, 1857, he said:

"I would not be afraid to promise a man who is sixty years of age, if he will take the counsel of Brother Brigham and his brethren, he will renew his age. I have noticed that a man who has but one wife and is inclined to that doctrine soon begins to wither and dry up, while a man who goes into plurality looks fresh, young, and sprightly. Why is this? Because God loves that man, and because He honors His work and word. Some of you may not believe this, but I not only believe it, but I also know it. For a man of God to be confined to one woman is small business, for it is as much as we can do now to bear up under the burdens we have to carry, and I do not know what we should do if we had only one woman apiece."

I blush to utter such stuff in this Chamber, and sicken at the recital; but knowing as I do that the Christian men and women of this country are ignorant of the depths of cruelty and wickedness practiced by the leaders of this monstrous fraud and delusion I feel bound to hold it up in its hideous deformity, though its worst features cannot be exhibited here. "Oh, Religion! what crimes are perpetrated in thy name!"

Such is the Mormon idea of woman and of the marriage alliance. Woman is regarded as an inferior, soulless being, created for man's convenience and passions, and marriage but another name for licentiousness.

By all Christian nations woman is regarded as the equal and companion of man, and the contract of marriage, by which man and woman are conjoined in the strictest society for life, is regarded as the most ancient, the most sacred, the most important, and the most interesting of the domestic relations. It is designated as a civil contract, but it differs in several points from all other civil contracts; and chiefly in this, that it is indissoluble at the volition of the parties. It is also deemed a divine contract, having been so constituted by the circumstances of its original institution in the case of our first parents, and by the fact of its subsequent elevation into the character of a symbol, or type, emblematical of the union of Christ and His church. Polygamy degrades and destroys this beautiful and divine relation, and makes woman a wretched, homeless being. It corrupts the public morals, debases physical manhood—its wages, like all other sins, being death.

I will let John Hyde, jr., formerly a Mormon elder and resident of Salt Lake City, who has renounced Mormonism and written a very able and truthful book on the subject, describe a Mormon home and the effects of polygamy. He says:

"The Mormon polygamist has no home. Some have their wives lotted off by pairs in small disconnected houses, like a row of out-houses. Some have long low houses, and, taking a new wife, build a new room on to them, so that their rooms look like rows of stalls in a cow-barn! Some have but one house, and crowd them all together, outraging all decency, and not leaving even an affectation of convenience. Many often remain thus until some petty strife about division of labor, children's quarrels, difference of taste, or jealousy of attention kindles a flame only to be smothered by separation. When they live in different houses they generally have different tables, and the husband has to give each its turn to cook for him, and honor of his presence by rotation. Jealousies the most bitter, reproaches the most galling, and disgusting scenes without number, and acrimony without end, are the inevitable consequences of the slightest partiality. I am acquainted with scores of polygamists, and they all have favorites and show partiality."

Again he says:

"Marriage is stripped of every sentiment that makes it holy, innocent, and pure. With them it is nothing more than the means of obtaining families; and children are only desired as a means of increasing glory in the next world: for they believe that every man will reign over his children, who will constitute his 'kingdom;' and therefore the more children the more glory.

"The first effect of polygamy on the Mormons was to force them to deny the doctrine and disavow their families. For many years after they practiced it did the leading men indignantly deny it. Its next effect was to make them heartless. It first made them liars, and then brutes.

"Mormonism teaches that all salvation is material; that men's positions here determine their stations hereafter, and as a man can only rule over his family, then no wife, no family; many wives, much family; much family, much glory; therefore many wives much glory, and as the selfish desire for glory is the only incentive to action, so, therefore, he tries to get as many wives as he can. They quote Paul's words, 'Woman is the glory of man,' and argue the more woman the more glory. Full of this thought I have seen old men with white hair and wrinkled faces go hunting after young girls, deceiving them with all sorts of professions and promises, using the terrors of Brigham's name and threatening the penalty of excommunication and consequent perdition, in order to induce them to marry them, and to leave them, despoiled and degraded, either to the obloquy of a divorce, or to the incurable sorrows of a grieved and wrung heart.

"The utmost latitude of choice is permitted to the faithful in their selection of wives. It is very common for one man to marry two sisters. Brigham advises, indeed, that they both be married on the same day, 'for that will prevent any quarreling about who is first or second.' A. R. Sharkey has married three sisters, one of whom was married to and divorced from another man. George B. Wallace left a wife at Salt Lake City and went to England to preach. He made the acquaintance of a very worthy man named Davis, who had three fine-looking girls. Mr. Davis and family were persuaded to embrace Mormonism. When Wallace returned, as he had occupied a high position in the Mormon church, he appropriated church moneys for the immigration of Davis and family to Salt Lake City. Poor, and under obligations to this man, and by 'counsel' of Brigham, Davis gave him his three daughters, to all of whom he was married; and when I arrived at Salt Lake were all living with Mrs. Wallace proper, in a little two-roomed house. Curtis E. Bolton is married to a woman and her daughter. Captain Brown is married to a woman and two daughters, and lives with them all.

"This may appear disgusting enough and prove degradation enough. G. D. Watt has excelled either of them. He brought from Scotland his half-sister to Salt Lake City, took her to Brigham and wished to be married to her for his second wife. Brigham objected, but Watt urged that Abraham took his half-sister and 'reckoned he had just as much right as Abraham.' The point was knotty and difficult. The girl happened to be good-looking, though, and so, to cut this gordian knot he could not untie, Brigham took her himself. But she was not contented, or Brigham had reconsidered the matter, or from some cause, after a few weeks he told Watt that, after all, there was force in his argument; that it was just as lawful in him as in Abraham, and accordingly Watt accepted his half-sister to wife from the arms of Brother Brigham."

Brigham Young has married sisters in two families. His first and only lawful wife was Mary Ann Angell. Some years after he married Jemima, her sister. His first wife in "plurality," or "second woman," as he would call her, was Lucy Decker. He afterward married Clara Decker, her sister, while Lucy was living, and both have been "favorites" of his harem.

That many of the women, especially the "first wives," are unhappy and complaining, fully appears from the extracts of sermons of Young and Kimball, already quoted. Nature revolts against the practice, and those who have been entrapped in it must writhe under its galling chains.

Mr. Hyde, who was a Mormon, but never a polygamist, and from whom I have already quoted, relates many instances of faithful wives in Utah who have been ruined and driven to desperation because their husbands have gone into "plurality" and brought home more "women." The majority are forced to drag out a miserable life. Some obtain divorces, though they are ridiculed and hunted for so doing; some seek to drown their misery by drinking whisky, and others sink into the lowest debauchery. Mormonism is a whirlpool, and few who are brought within its influence and bound by its horrid oaths, ever escape. According to Mormon law the penalty of adultery is death, and many have been killed, and others doomed to a similar fate. This and many other inventions, and much preaching, keeps most of the "women" in tolerable subjection.

Many of the wives believe in polygamy as a religious duty, so duped and deluded are they, and stoically endure what their natures condemn. I have read of some women who have become wife-hunters for their husbands. A Mrs. Howard, of Salt Lake City, became madly infatuated with Mormonism. Her husband saw a young lady and admired her, got acquainted with her, and became fond of her. He told his wife of the affair, and desired her to call on this young lady and request her to marry him. The wife, notwithstanding her Mormon delusion, wept bitterly at this unnatural command. She loved her husband devotedly, and had brought him four children. She felt as a woman in such a position only can feel; but Mormonism was stronger than nature. She went and asked this girl to become the wife of her husband, but the girl refused. She informed her husband of the result, and this man bitterly reproached his madly-devoted wife for not succeeding, attributing the failure to his wife's jealousy. Mrs. Howard did not murmur, but only wept, while he blubbered like a boy, and told her how much he loved this young woman, and how miserable he must be without her. He even forced this weeping woman to make another trial, but happily a second refusal settled the matter. Was ever cruelty more refined or complacency more complete? Mormonism is ingrained in the hearts of these women, and every hope is centered in it. They are taught to believe that God has established an immaculate priesthood on the earth, and they blindly believe and obey all they are commanded. Degraded into slaves by this barbarism, they are almost as submissive and as miserable, and some of them as ignorant, as the Indian squaws around them.

So far I have spoken of polygamy proper, or what the Mormons call "plurality." They

have, however, another system of marriage, in the carrying out of which there is still more of the atrocious and corrupt. This is what they call "the sealing for eternity." They contend that the married relationship was intended as eternal, and, being a religious ceremony, that it must be performed by an ecclesiastical dignitary. All other marriages are mere contracts "till death," and are null and void afterward, and may be dissolved at any time at the option of both contracting parties. They believe that unless married the saved will not enjoy any "glory" in the next world; and unless married on earth in this spiritual way they cannot be married afterward; therefore they "marry for eternity." This power is vested in Brigham Young only. He can, however, transfer it at option to any other apostle. Heber C. Kimball usually performed the ceremony while he lived. These marriages are always performed in their sacred and secret temple, in a singular and most obscene manner. Here they are sealed for eternity. Mr. Hyde says:

"It is impossible to state all the licentiousness under the name of religion that these sealing ordinances have occasioned. A woman has been married to a man she does not like. She comes to Salt Lake and sees some one she does like. The man's position, however, is such that she does not wish to leave her husband, but only desires to secure another for an eternal husband. She can be sealed to this other man and still remain with her first husband; and the Mormons believe that all her children will belong to the man to whom she is sealed. 'No marriage is valid till physically consummated.' These marriages are therefore consummated to make them valid. But the husband may know of the sealing ordinance, and desire to get his wife sealed to him. To tell him the real facts might make him apostatize; and therefore the Mormons will perform a 'mock ceremony,' contending that it is better one man be deceived rather than the whole church should suffer. In this way no man, unless his position be so high as to make it impolitic, is certain of his dearest wife's virtue, or his warmest friend's honor. Suspicion and jealousy are the inevitable results.

"There is a Mrs. Dibble in Utah, who has a fine son. She was sealed among others to Joseph Smith, although living with her present husband before and since. On the head of her son Smith predicted the most startling prophesies about wielding the sword of Laban, &c. There is not a person in Salt Lake who doubts the fact of that boy being Smith's own child. It is these wives who, married to one man and 'sealed' to another, are the 'spiritual wives' of those to whom they are sealed."

There is no end to Mormon inventions on this subject. As a man's "kingdom" depends solely on the size of his family, and as all the children the woman may have belong to her sealed husband, whether by him begotten or not, and when the husband dies, all his anticipated "glory" seems to be arrested, the "saints" have therefore adopted the plan of appointing brethren as their agents to continue their "glorifying" after their death. Many of the widows of Joseph Smith who could not find other husbands were taken by Brigham Young. Not only is it deemed proper to take the widows of some good brother, but also to take fresh wives for your dead brother. A Mrs. Poulterer, of Salt Lake, in 1854, who had heard of and pretended to love Smith, desired to be sealed to him, although he had been dead twelve years, and she had a husband living. If a man had been dead for a thousand years it would be nothing to the wings of Mormon faith. Brigham consented to act as proxy or agent for Joseph Smith, and the disgusting ceremony was performed. These wives are generally called "proxy women" in Utah. A woman who has a husband living may be sealed to another for his "spiritual wife," and a woman whose husband is dead may be "sealed" for the dead. The sealing process cannot be described in this presence and must be left to conjecture.

Mr. Hyde describes another refinement of this doctrine, as follows:

"As a man's family constitutes his glory, to go on a mission for several years, leaving from two to a dozen wives at home, necessarily causes some loss of family, and consequently, according to Mormon notions, much sacrifice of salvation. This difficulty is obviated by the appointment of an agent or proxy, who shall stand to them ward in their husband's stead. Many and many a little child has been thus issued into the Mormon world. This is one of the secret principles that as yet is only privately talked of in select circles, and darkly hinted at from their pulpits and in their works."

I cannot see how this is any worse than polygamy proper, though perhaps a little more unnatural for the men. If it is right for a man to have thirty wives I cannot see why a woman may not have two husbands. It will be observed, however, that this arrangement, like all the other plans, is for man's "glory."

In summing up on this subject Mr. Hyde says:

"That these practices should be indulged in is not surprising. That they should be veiled under the garb of sanctity and excused on the ground of religion is infamous. Mormonism is ingenious in finding excuses for licentiousness; it is a bitter and a burning satire on human purity and progress; a disgusting but a palpable proof of human depravity."

Before leaving the subject of polygamy to consider some other barbarous practices of the Mormon system I propose briefly to describe Brigham Young and his harem. He is a man of remarkable ability, bold and bad. He is not an educated man, but is eminently practical, of great energy of character, and has a wonderful knowledge of human nature. He is fruitful in resources, and by bold, determined, and active exertions has proved himself a great leader. Many who condemn his doctrines believe him sincere; if that be true, there is more reason for his success. A determined, able, sincere, and zealous man can accomplish wonderful things. He is the leader and head of the Mormon church in all temporal and spiritual affairs. His will is the supreme law among his followers, and they are ready to carry out his plans and execute his commands. A more confiding and deluded community than that of the Utah Mormons cannot be found on the face of the earth, or one where the will of a single man is more powerful. To fully understand the character of this bad man one needs to be acquainted with his early trials and efforts to build up Mormonism and his wonderful march to Utah. He must be studied in his capacity as "Governor of Utah," "president of the church," "prophet," "trustee in trust for the church," "president of the emigration company," "lord of the harem," and "grand archee of the order of gods" if we would fully understand his wonderful capacity. This can only be done in a volume, not in a speech. I will let Mr. Hyde, once the intimate friend and associate of Young, and who still believes him sincere, speak of his designs:

"Brigham Young has one design, and only one. However wild in theory and impossible in execution, he entertains it sincerely; and that is to make the Mormon church by and by control the whole of this continent.

"I have seen and heard him very often, privately conversed with him, watched him in his family and in his public administrations; carefully endeavored to criticise his movements and discover his secret power, and I conscientiously assert that the world has much mistaken the ability and danger of the man."

Brigham Young in his harem is an interesting character. As before stated he has about forty wives. He has his "discarded wives," those who have ceased to bear children. These live in his house and eat at his table, but all attentions from him as a husband have ceased. He has many "spiritual wives," (temporarily married to other husbands,) and widows of dead brothers, including four of Smith's widows; and many women to whom he has been "sealed" as proxy for some dead brother. Out of all this number he lives with about twenty-five. Most of them live in the "Lion House" or "Harem," so called. Many others live in the "Bee-hive House," so called from the fact that a bee-hive surmounts the top. His senior wife and her family formerly lived in this house; but since the bees have swarmed so many times, and he has taken so many younger wives, she was removed to the barn-like house, or penitentiary, on the hill. It is said he scarcely ever pays her a visit, though she is an excellent woman. She has five children, and is much attached to them. No one can tell what this poor woman has suffered from the conduct of her wicked and infidel husband. Her heart is crushed, and she is subject to fits of insanity.

These houses and some others for business purposes, constitute what is called "Brigham's Block." They are in an inclosure of about twenty acres, which is surrounded by a high wall. The "Lion House" is three stories high, and contains nearly all the wives who have been "favorites" of the prophet. Under this house are apartments where it is said Brigham secretes his wealth and punishes his refractory wives. It is also believed that there are underground passages from Brigham's houses to Kimball's on the north and Wells's on the south.

It would be interesting to describe the various "women" in these houses, their rooms, kind of work, &c., but I cannot go into such details. Emeline Free Young, the great "favorite" of the prophet, resided in the "Lion House" for many years. She had great influence over him, and he showed her more than usual attention. She led him into the un-Mormon-like folly of curling his hair, and he was often seen with it in papers. She had the best room assigned to her, and Brigham constructed a private passage to it, so that he might not be seen by the other "women" in making his frequent visits. But alas! "The course of true love never did run smooth;" and the beautiful Emeline was doomed to become a rejected mistress, and is now dragging out her days as a faded and cast-off woman, after bringing her pretended husband eight children.

When the immaculate Prophet, at the age of sixty-four, fell violently in love with the young and beautiful Amelia, Emeline was taken very sick, and her life for a long time was despaired of. From her "sisters," who had long been jealous of her, she received no sympathy. They were glad to see her fall, for they had tasted the same bitter cup. She was removed from her beautiful room, and has taken up her abode in some lonely place. Brigham's courtship and marriage to Amelia Folsom, a native of Portsmouth, New Hampshire, is thus described by Mrs. C. V. Waite, wife of Judge Waite, in her work entitled the "Mormon Prophet:"

"She was for a long time unwilling to marry the president, but he continued his suit with a pertinacity worthy a better cause, and by repeated promises of advancement made to her and her parents finally succeeded. For several months he had urged his suit, during which time his carriage might be seen almost any day standing at her father's door for hours at a time. He told her she was created expressly for himself, and could marry no one else on pain of everlasting destruction. She plead, protested, and wept, but he persevered; and at last, when all other arguments failed, he told her he had received a special revelation from Heaven on the subject. She had always believed in Mormonism, and had been taught to have faith in revelation. 'Amelia,' said he, 'you must be my wife; God has revealed it to me. You cannot be saved by any one else. If you will marry me I will save you and exalt you to be a queen in the celestial world, but if you refuse you will be destroyed, both soul and body.' The poor girl believed this hellish imposter, and, yielding to his wishes, became his wife. For several months after her marriage Amelia was sad and dejected, but of late she has rallied, and now appears the gayest of the gay. This marriage took place on the 29th day of January, 1863, more than six months after the passage by Congress of the anti-polygamy law, and was public and notorious. Here was perpetrated in one act the double crime of destroying the happiness of a young lady and setting before his people the example of an open violation of a law of the land."

Since that time Brigham Young has taken several more wives, in violation and defiance of law. How long this hoary-headed monster is to outrage decency, the moral sense of the world, and defy the laws of this Government, I know not; but for one I will make an effort to bring him to punishment and destroy the vile system he upholds.

Polygamy is not the only revolting feature of Mormonism. The whole system is a compound of monstrosities and frauds. It enjoins falsehood, theft, and murder as sacred religious duties, as well as the systematic degradation of woman in the name of Almighty God. It

teaches the shedding of blood for the remission of sins, or, in other words, if a Mormon apostatizes his life is to be taken. When I commenced the investigation, two or three years ago, of the questions involved in the bill under consideration, I confess I knew little of Mormonism or of the crimes committed in its name. The time is coming, and now is, when this nation will be held responsible for the continuance of this system of barbarism and crime. I have said that the Mormon system sanctifies and enjoins robbery and theft as well as lust. Many evidences of this might be given, but a few must suffice. In a sermon delivered by Heber C. Kimball, September 15, 1857, about the time of the Mormon war, may be found the following:

"Now, says the Lord, 'Take that spoil; I consecrate it unto my people.' The Lord will provide for the saints when necessary, and in His own way."

The "Book of Doctrines and Covenants" contains the following, which was quoted by Kimball on the same occasion to justify theft:

"Behold, it is said in my laws, and forbidden to get in debt to thine enemies; but behold it is not said at any time that the Lord should not take when He pleases and pay as seemeth to Him good. Wherefore, as ye are agents, and on the Lord's errands, whatsoever ye do according to the will of the Lord is the Lord's business, and He has sent you to provide for the saints in these last days, that they may obtain an inheritance in the land of Zion."

Brigham Young on many occasions has practically carried out this doctrine. Mr. Hyde, in his book on "Mormonism," page 186, says:

"In 1852 beef was scarce in the tithing office, and the church herd was small and very poor. Brigham Young, through General Wells, ordered a young man, named Thomas Clayton, to fetch up a fat ox belonging to Messrs. Holladay & Warner, merchants, then passing through Salt Lake City. It was driven in, killed, and paid to the workmen on the temple. Messrs. Holladay & Warner missed the ox, traced it to the church slaughter-yard, and prosecuted Brigham. The slaughterman was brought to the witness-box, and he stoutly denied the fact. This young man was now the important witness. He might fail, and Brigham went to him and told him, 'Get out of the affair, and get us out of the affair without lying if you can; but if you have to lie, Tom, don't break down.' He got them out of the affair by perjury, acquitting himself, however, by a mental reservation. He himself told me this incident, and rather boasted of it as a proof of how 'Brigham could come it over the Gentiles.'"

Here is not only actual theft committed, but falsehood and perjury recommended and practiced to shield the guilty. Many other instances quite as glaring, and more extensive, might be given. Judge Charles B. Waite, who was in Utah in 1863, took several affidavits of credible persons in relation to this and other crimes practiced by the Mormons, and some of them are published in Mrs. Waite's "Mormon Prophet," the names of the affiants being omitted for their personal safety. In one of these affidavits, sworn to on the 2d day of May, 1863, may be found the following:

"In December, 1857, Bishop Abiah Wadsworth, of East Weber ward, gave permission to his friends to steal cattle for beef from Gentile merchants, and aided them in so doing. In carrying on these operations they took cattle belonging to Mormons who had purchased them of Gentile merchants. Having the brand of those merchants upon them, it was supposed they belonged to Gentiles. The taking of the Mormon cattle gave rise to a church meeting to investigate the affair. I was present at the meeting. The result was, that those who had taken cattle which were proved to belong to Mormons should pay for them. It was also determined at the same meeting that those who had taken cattle belonging to Gentiles should pay their value to Brigham Young, as trustee of emigrating fund. The Gentile owners of these cattle had been driven out of the Territory."

It will appear, when I come to speak of the horrid murders in Utah, that that crime is frequently resorted to by the Mormons for the purpose of robbery and plunder. The robbery and extortion that the leaders have practiced upon the newly converted wealthy "saints" is perfectly amazing. Thousands and hundreds of thousands, if not millions of dollars, have been taken from them by fraud, by false pretenses, and threats. Poor women are induced before reaching Salt Lake City to pay large sums of money for seats in the temple, and on their arrival find that its foundations are not completed. One man in Europe paid $20,000 for a house and lot in Salt Lake City, and being told to go to Brigham Young for it, found there was none for him. Another had $70,000 taken from him on some lying pretense. Cases almost without number of this sort have occurred. Over five hundred thousand dollars from the European mission alone have gone into the pockets of Brigham Young. He is undoubtedly one of the richest men in the world, having boasted that he could "put down dollar for dollar with any monarch of Europe." They borrow large sums of money with no intention of ever paying it. Many hard cases of this kind have occurred. Mr. Hyde relates one, as follows:

"Cyrus Wheelock had robbed an old gentleman from Lancashire, England, of a large amount of money by borrowing without any intention of returning it. On arriving at Salt Lake Mr. Lee requested payment, and was coolly told by Wheelock, 'I used it for the poor saints; I shan't pay it; and now what are you going to do about it?' Mr. Lee appealed to Brigham, who thus publicly sanctified repudiation:

"'If an elder has borrowed from you, and you find he is going to apostatize, then you may tighten the screws upon him; but if he is willing to preach the gospel without purse or scrip it is none of your business what he does with the money he has borrowed of you. And if the Lord wants it to use let it go, and it is none of your business what he does with it. And if you murmur against that elder it will prove your damnation. The money was not yours, but the Lord Almighty put it into your hands to see what you would do with it.'"

The witness from whose affidavit, taken before Judge Waite, I have already quoted, he having resided in Utah many years, further says:

"In the winter of 1856 a man by the name of Jones was denounced and his life threatened in a church meeting. The cause was this: he had loaned Lorenzo Snow in England £100 to print the Book of Mormon in the Italian language. Upon arriving in the Territory Jones tried to get payment of the money, but could not. It was because he insisted upon having his money that he was denounced.

"The meeting was held at Centerville, and so much excitement was raised against Jones, and so many threats made against him, that he fled for his life. At the same time the order was given that no one should feed or entertain him, but he should be left to perish. Stoddard, one of the high priests, told me that the bishop was so angry that he came down from the stand to kill Jones in the meeting, but he fled. I saw Jones some weeks afterward. He corroborated these statements, and said the bishop tried to kill him."

On the doctrine of human sacrifice, or shedding blood for the remission of sins, I have this evidence. It was first announced by J. M. Grant, second councillor to the president, in the following language:

"Brethren and sisters, we want you to repent of your sins. And you who have committed sins that cannot be forgiven through baptism, let your blood be shed and let the smoke ascend, that the incense thereof may come up before God as an atonement for your sins, and that the sinners in Zion may be afraid."

Again, he says:

"We have been trying long enough with this people, and I go in for letting the sword of the Almighty be unsheathed, not only in word but in deed."

In accordance with these bloody teachings it is said that an altar of sacrifice was actually built by Grant, in the temple block, upon which human sacrifices were to be made. In September, 1856, he said:

"I say there are men and women here that I would advise to go to the president immediately, and ask him to appoint a committee to attend to their case; and then let a place be selected, and let that committee shed their blood."

This horrible doctrine of sacrificing erring saints has been fully indorsed by Brigham Young, as follows:

"There are sins that men commit for which they cannot receive forgiveness in this world or in that which is to come; and if they had their eyes open to see their condition they would be perfectly willing to have their blood spilled upon the ground, that the smoke might ascend to Heaven as an offering for their sins.

"I know when you hear my brethren telling about cutting people off from the earth that you consider it strong doctrine. It is to save them; not to destroy them. I will say further, I have had men come to me and offer their lives to atone for their sins. There are sins that cannot be atoned for by an offering upon the altar as in ancient days, and there are sins that the blood of a lamb, or a calf, or of turtle doves cannot remit; but they must be atoned for by the blood of the man. That is the reason why men talk to you as they do from this stand."

I quote again from the affidavit in Mrs. Waite's "Mormon Prophet:"

"I have often heard the doctrine of cutting the throats of apostates preached from the pulpit, particularly during the year 1856, when for several months I scarcely attended meeting without hearing such preaching. They would say, 'If you find a man with his throat cut pay no attention to it.'"

Of the fact that dupes have actually been to Brigham Young and asked him to take their lives there is no doubt. So powerful is superstition and the teachings of these crafty and wicked men! Mr. Hyde says these sacrifices have been "privately practiced," though I doubt if it has been done to any considerable extent. There is no doubt, however, that hundreds and thousands of murders, public and private, have been committed by orders from the church authorities, and by the tools of its leaders. Mr. Hyde, from whom I quote more largely than from any other writer, because I believe his opportunites for information better, and his statements perfectly truthful, he leaning in favor of the Mormons in many things, says:

"That the church has instigated many murders there can be no question. Not only do they not deny it, but even publicly preach its propriety as a means of salvation. As soon as the news of the murder of Squire Babbett and party reached Salt Lake the impression grew strong in the minds of the people that it had been done by the instigation of the church, as Babbett was very troublesome, was feared, had often been threatened, was a 'covenant breaker,' and consequently by law ought to die."

It was during the excitement growing out of the murder of Babbett that Brigham Young preached a sermon September 21, 1856, in relation to the spilling of blood, from which I have just quoted. He did this to effectually quiet the scruples of the people. It was pretended that Babbett was killed by "Indians" on the plains. But there is no doubt Brigham Young instigated the murder, and some one belonging to his "death society" did the work. Such was the opinion of Judge Waite and his wife, after a conversation with Young on the subject. Mr. Hyde, on page 104, says:

"When the citizens of Carroll and Daviess counties, Missouri, began to threaten the Mormons with expulsion in 1838, a 'death society' was organized, under the direction of Sidney Rigdon, and with the sanction of Smith. Its first captain was 'Fearnot,' alias David Patten, an apostle. Its object was the punishment of the obnoxious. Some time elapsed before finding a suitable name. They desired one that should seem to combine spiritual authority with a suitable sound. Micah iv: 13, furnished the first name, 'Arise, and thresh, O daughter of Zion! for I will make thy horn iron, and thy hoofs brass; and thou shall beat in pieces many people; and I will consecrate their gain unto the Lord, and their substance unto the Lord of the whole earth.' This furnished them with a pretext; it accurately described their intentions, and they called themselves the 'Daughters of Zion.' Some ridicule was made of these bearded and bloody 'daughters,' and the name did not sit easily. 'Destroying angels' came next; the 'Big Fan,' of the thresher that 'should thoroughly purge the floor' was tried next. Genesis xlix: 17 furnished the name that they finally assumed. The verse is quite significant, 'Dan shall be a serpent by the way, an adder in the path that biteth the horses' heels, so that his rider shall fall backward.' The 'Sons of Dan' was the style they adopted; and many have been the times that they have been adders in the path, and many a man has fallen backward, and has been seen no more. At Salt Lake, among themselves, they ferociously exult in these things, rather than seek to deny or extenuate them.

"Some of the leading spirits of that band are still in Salt Lake City. O. P. Rockwell, the attempted assassin of Governor Boggs, and who was instructed by Smith to commit the deed, Brigham has had in the pulpit to address the meeting! A. W. Hickman, against whom many indictments are out in Iowa, and who is publicly known as an 'avenger of blood,' is one of Brigham's most particular intimates. It is no secret at Salt Lake that several men have disappeared after being last in the company of this man. This man was one with three other such who left Salt Lake without any ostensible reasons for their journey, and traveled near to the spot where Messrs. Margetts and Cowdy were murdered, and returned bringing the news of their murder. The circumstance is still more significant, remembering that Margetts and Cowdy were both 'covenant-breaking apostates;' that they were returning to their native country; that they could make many terrible disclosures, and do Mormonism much injury in England; that it was Mormon law that they should die, and Mormon interest to kill them.

"What is for the salvation of a saint, must of course be the very best means of securing the salvation of a 'Gentile and heathen without the gate.' Men who are sworn not to hesitate at the sacrifice of them-

selves will not be very chary at the sacrifice of others, nor have they been; several Missourians, well known and well hated as enemies, have been put under the ground. When a man is missing at Salt Lake it is a common expression, 'He has met the Indians.'"

Mr. Hyde wrote some ten years ago, but things have grown no better since. Bill Hickman, one of the most notorious of the Danite leaders, has added many to his number of murders. He is still the intimate friend of Young, has seven "women" and about twenty children. Porter Rockwell, another noted character, still lives and commits his deeds of violence. But Robert T. Burton, sheriff of Salt Lake county, and lately collector of internal revenue, bids fair to rival all the others in his lawless deeds. He is Brigham's tried and most trusted "avenger."

Mrs. Waite, who wrote in 1866, thus describes the band of "Danites," as it now exists:

"The order of Danites has been for many years an established institution in the Mormon church.

"Brigham and his two councillors form the first presidency of this order, under the style of gods or grand archees. These are at present, Young, Kimball, and Wells. A few also of the apostles hold the rank of grand archees. These have the power of life and death.

"Next in importance is a body of men called archoes. They are entitled to sit in council with the gods or grand archees, in matters relating to the taking of life. This 'quorum,' as it is called, also includes some of the bishops and presidents of other quorums in the church. Their office is to examine cases of offenders thought to require a summary disposal, and submit the result of such examination to the grand archees. In some cases, when the utmost discretion is required, they act as agents and swift-winged messengers to carry into effect the decrees of the gods.

"The archeas have discretionary and independent power over the lives of all 'Gentiles' and 'apostates.'

"Next in rank are the Danites, whose office is to assist the archees in the execution of their bloody deeds. These are formed into bands of fifty men each. One band at least belongs to each archee, they serving under him as minute men. These 'Danite bands' are generally composed of inferior officers and teachers, constables and policemen, and those who, having committed heinous crimes, as murder, theft, adultery, &c., would sooner be sworn to serve in this bloody office than have their deeds exposed.

"The officers of all these grades are solemnly sworn to secrecy, and to the duties of their respective offices, on pain of instant death.

"When the danger of discovery is imminent, and the matter too important to be trusted to the Danites, the archees meet and perform the dirty work themselves, as in the case of Secretary Babbett, Brewer, and the unlucky attempt on Dr. Hunt. In other cases the Danites are called upon; instances, the Parishes, Potter, Bowman, Mountain Meadows, &c.

"The Danites are also expected to act as spies upon the Federal officers and other Gentiles; to watch the feelings and spirits of the saints, and to report the first instances of disaffection. Such cases are at once attended to, and if they are deemed of a dangerous character are summarily disposed of.

"The spoil is divided, one half going to the grand archees and the other to the archees and Danites who are employed in the commission of the crime."

After this remarkable picture of barbarism, and what has gone before, no one will doubt the truth of Brigham Young's language, found in a sermon delivered November 9, 1856, and published in the Deseret News, volume six, page 291, as follows:

"Some of the elders seemed to be tripped up in a moment if the wicked can find any fault with the members of this church; but bless your souls, I would not yet have this people faultless, for the day of separation has not yet arrived. I have many a time in this stand dared the world to produce as mean devils as we can. We can beat them at any thing. We have the greatest and smoothest liars in the world, the cunningest and most adroit thieves, and any other shade of character you can mention.

"We can pick out elders in Israel right here who can beat the world at gambling; who can handle the cards, can cut and shuffle them with the smartest rogue on the face of the footstool. I can produce elders here who can shave their smartest shavers, and take their money from them. We can beat the world at any game."

The reason he gives why they can do and outdo the world in deviltry is amusing:

"We can beat them because we have men here that live in the light of the Lord; that have the holy priesthood, and hold the keys of the kingdom of God. But you may go through all the sectarian world and you cannot find a man capable of opening the door of the kingdom of God to admit others in. We can do that."

Comment is unnecessary. If there is any conceivable crime not to be found in their devilish plan I am unable to tell what it is.

In 1857 Mr. Buchanan appointed John Cradlebaugh one of the associate justices for Utah Territory. For two years he attempted faithfully and bravely to discharge the duties of his office; but finding he was not sustained by the Administration, and that it was impossible to bring the Mormon offenders to justice and punishment, he resigned and settled in the Territory of Nevada. He was twice sent as Delegate to Congress from that Territory, and on the 7th of February, 1863, he delivered a powerful speech on "Utah and the Mormons," from which, with the indulgence of the Senate, I propose to make some quotations. He says:

"It has been said we have courts in Utah, and the question is frequently asked, why do not the courts act? The uniform testimony of the judges is to the effect that the courts are powerless. More than fifteen Federal judges who have gone to the Territory have so stated. They have again and again told you that the entire legislation of the Territory is to prevent the administration of the laws; that the church authorities are determined that the laws shall not be enforced in the Federal courts; that the grand and trial jurors are Mormons, who are taught that the Mormon church laws are the higher laws and should prevail, and who refuse, therefore, to discharge their sworn duties, and have invariably refused to punish any Mormon for an offense committed against an anti-Mormon. To such an extent has this been carried that although the valleys of Salt Lake have been replete with robberies and murders, yet the records of the courts do not show a single instance of the punishment of a Mormon for an offense committed against a 'Gentile.' This is painfully manifest in the history which I now give of a term of the court held by my colleague, Hon. Charles E. Sinclair, who convened his court in great Salt Lake City on the 8th day of July, 1859:

"The Mormon grand jury, ever ready to use the laws for their protection, but never willing to prosecute a Mormon for his crimes, promptly found a bill of indictment against one Ralph Pike, a sergeant in company I of the tenth infantry, United States Army, for an assault with intent to kill, committed upon one Howard Spencer, the son of a Mormon bishop, at the military reserve in Rush valley. A company of soldiers were stationed on the reserve to guard the hay of the Government stacked there. Spencer had been in the habit, at every opportunity, of driving his cattle to these hay-stacks. Sergeant Pike was ordered to take a file of men and drive off Spencer and his cattle. When Pike approached Spencer the latter refused to go, seized a pitchfork lying by and attempted to stab the sergeant with it. Pike, clubbing his musket, struck Spencer on the head and slightly fractured his skull. Upon *capias* issued Pike was arrested and brought to great Salt Lake City. The day following, (August 11,) about twelve o'clock noon, as Pike was entering the Salt Lake House, on Main street, to get his dinner, Spencer stepped up to him from behind saying, 'Are you the man that struck me in Rush valley?' at the same time drawing his pistol shot him through the side, inflicting a mortal wound. Spencer ran across the street, mounted his horse, and rode off, accompanied by several noted 'Danites.' The guard who attempted to fire at Spencer were prevented by the police. Pike lingered in dreadful agony two days before he died. He was highly esteemed in the Army as an amiable, manly, and gentlemanly soldier. The Deseret News (the church organ) in its next issue lauded young Spencer for his courage and bravery.

"In the winter of 1857-58 one Franklin McNeil was incarcerated in prison, being put in irons during the 'Mormon war' for no other crime than being an American citizen. Frank sued Brigham Young for false imprisonment on the 2d day of August. The day preceding the appointed time for trial Frank was called to the door of his boarding-house just after dark by some unknown person and shot down. He died from his wounds next morning, and thus the suit was abated. The murderer was never discovered.

"A man by the name of Drown brought suit upon a promissory note for $480 against the Danite captain, Bill Hickman. The case being submitted to the court, Drown obtained a judgment. A few days after Drown and a companion named Arnold were stopping at the house of a friend in Salt Lake City, when Hickman, with some seven or eight of his band, rode up to the house and called for Drown to come out. Drown, suspecting foul play, refused to do so, and locked the doors. The 'Danites' thereupon dismounted from their horses, broke down the doors, and shot down both Drown and Arnold. Drown died of his wounds next morning, and Arnold a few days later. Hickman and his band rode off unmolested.

"Thus, during the short term of Judge Sinclair's court the earnest effort of its officers accomplished no good. On the contrary, as it appears, the majesty and power of the court were used to tie the hands of an innocent man, and lead him as a helpless victim to be ruthlessly shot down without the power of self-defense, while at the same time it protected his murderer by holding the strong arm of the law in terror over those who would dare to take justice in their own hands and punish the assassin of their friend. Thus, during a single term of the court, held in a Mormon community, the warm life-blood of four human victims is shed upon the very threshold of the court, and although the grand jury is in session no prosecution is attempted and not one of the offenders will ever be punished."

This is but one picture. I might give many more if I thought the Senate would bear with me. This ought to be enough to induce every Senator to vote for the bill under consideration.

But I must describe one other transaction, the darkest chapter in Mormon history, the most perfidious act of cruelty and wholesale butchery to be found in the annals of this or any other country. This is what is known as the "Mountain Meadow massacre." In 1857 a large emigrant train, consisting of about one hundred and fifty men and women, besides many children, forty wagons, eight hundred head of cattle, and about sixty horses and mules, mostly from Arkansas, passed through Salt Lake City bound for California. Here was a great chance for plunder and revenge. It was soon after the killing of Perley P. Pratt, a leading Mormon, in Arkansas, by McLane, whose wife Pratt had abducted.

Mrs. Waite, in her "Mormon Prophet," in speaking of the preparation for this diabolical massacre, says:

"A revelation from Brigham Young, as great grand archee, or god, was dispatched to President J. C. Haight, Bishop Higbee, and John D. Lee, commanding them to raise all the forces they could muster and trust, follow these cursed Gentiles, (so read the revelation,) attack them disguised as Indians, and with the arrows of the Almighty make a clean sweep of them, and leave none to tell the tale; and if they needed any assistance they were commanded to hire the Indians as their allies, promising them a share of the booty. They were to be neither slothful nor negligent in their duty, and to be punctual in sending the teams back to him before winter set in, for this was the mandate of Almighty God.

"On the following day a council of all the faithful was held at Cedar City. Many attended from the neighboring settlements. The revelation was read and the destiny of the unsuspecting emigrants sealed. Plans were suggested, discussed, and adopted, and men designated to carry out their hellish designs. Instructions were given for them to assemble at a small spring, but a short distance to the left of the road leading into the Meadows, a number of intervening hills rendering it a fit place for concealment. Here they painted and disguised themselves as Indians, and when ready to commence operations, by a well known Indian trail, proceeded to the Meadows."

I almost shrink from giving the details of this horrible and heart-rending butchery. It hardly seems possible that any human beings, claiming to be civilized, could have devised and carried out these fiendish acts. But from a careful examination of the evidence and circumstances, I have not a particle of doubt of the fact that the Mormons were the guilty authors and executors of this awful, bloody tragedy. I find a thrilling account of it given in the able speech of Judge Cradlebaugh, before referred to, and I adopt his language for my recital of the facts. He says:

"As one of the associate justices of the Territory of Utah, in the month of April, 1859, I commenced and held a term of the district court for the second judicial district, in the city of Provo, about sixty miles south of Salt Lake City. Upon my requisition, General A. S. Johnson, in command of the military department, furnished a small military force for the purpose of protecting the court. A grand jury was impaneled, and their attention was pointedly and specially called to a great number of crimes that had been committed in the immediate vicinity, cases of public notoriety, both as to the offense and the persons who had perpetrated the same, (for none of these things had 'been done in a corner.') These perpetrators had scorned alike concealment or apology, before the arrival of the American forces. The jury thus instructed, though kept in session two weeks, utterly refused to do anything, and were finally discharged as an evidently useless appendage of a court of justice. But the court was determined to try a last resource to bring to light and to punishment those guilty of the atrocious crimes which confessedly had been committed in the Territory' and the session continued. Bench warrants, based upon sworn information, were issued against the alleged criminals, and United States Marshal Dotson, a most excellent and reliable officer, aided by a military posse, procured at his own request, had succeeded in making a few arrests. A general stampede immediately took place among the Mormons, and what I want to call your attention to as particularly noticeable, is the fact that this occurred more especially among the church officials and civil officers. Why were these classes so peculiarly urgent and hasty in flight? The law of evidence based on the experience of ages has but one answer. It was the consciousness of guilt which drove them to seek refuge from the avenging arm of the law, armed at last as they supposed with power to vindicate its injured majesty. It is a well known fact that many of the bishops and presidents of 'stakes' remained secreted in the mountains until the news was confirmed beyond doubt, which announced the retrograde course of the Administration at Washington.

"Sitting as a committing magistrate, complaint after complaint was made before me of murders and robberies. Among these I may mention as peculiarly and shockingly prominent the murder of Forbes, the assassination of the Parishes and Potter, of Jones and his mother, of the Aiken party, of which there were six in all; and, worst and darkest in the appalling catalogue of blood, the cowardly, cold-blooded butchery and robbery at Mountain Meadows. At that time there still lay, all ghastly, under the sun of Utah, the unburied skeletons of one hundred and nineteen men, women, and children, the hapless, hopeless victims of the Mormon creed.

"The scene of this horrible massacre at the Mountain Meadows is situate about three hundred and twenty miles west of south from Great Salt Lake City, on the road leading to Los Angelos, in California. I was the first Federal judge in that part of the Territory after the occurrence. My district extending from a short distance below Salt Lake City to the south end of the Territory, I determined to visit that part of my district, and if possible expose the persons engaged in the massacre, which I did in the early part of the year 1859. I accordingly embraced an opportunity of accompanying a small detachment of soldiers who were being sent to that section by General Johnston, having requested the marshal of the Territory to accompany or to send a deputy. He accordingly sent Deputy William H. Rogers, who went with me.

"The command went as far south as the St. Clara, twenty miles beyond the Mountain Meadows, where we camped and remained about a week. During our stay there I was visited by the Indian chiefs of that section, who gave me their version of the massacre. They admitted that a portion of their men were engaged in the massacre, but were not there when the attack commenced. One of them told me, in the presence of the others, that after the attack had been made a white man came to their camp with a piece of paper, which he said Brigham Young had sent, that directed them to go and help whip the emigrants. A portion of the band went, but did not assist in the fight. He gave as a reason that the emigrants had long guns and were good shots. He said his brother (this chief's name was Jackson) was shot while running across the meadow, a distance of two hundred yards from the corral where the emigrants were. He said the Mormons were all painted. He said the Indians got a part of the clothing; and gave the names of John D. Lee, President Haight, and Bishop Higbee as the big captains.

"From our camp on the St. Clara we again went back to the Mountain Meadows, camping near where the massacre had occurred. The Meadow is about five miles in length and one in width, running to quite a narrow point at the southwest end, being higher in the middle than either end. It is the dividing line between the waters that flow into the Great Basin, and those emptying into the Colorado river. A very large spring rises in the south end of the narrow part. It was on the north side of this spring the emigrants were camped. The bank rises from the spring eight or ten feet, then extends off to the north about two hundred yards on a level; a range of hills is then reached, rising perhaps fifty or sixty feet. Back of these hills is quite a valley, which extends down until it has an outlet three or four hundred yards below the spring into the main meadow.

"The first attack was made by going down this ravine and then following up the bed of the spring to near it, then at daylight firing upon the men who were about the camp fires, in which attack ten or twelve of the emigrants were killed and wounded, the stock of the emigrants having been previously driven behind the hill and up the ravine.

"The emigrants soon got in condition to repel the attack, shoved their wagons together, sunk the wheels in the earth, and threw up quite an intrenchment. The fighting after continued as a siege, the assailants occupying the hill and firing at any of the emigrants that exposed themselves, having a barricade of stones along the crest of the hill as a protection. The siege was continued for five days, the besiegers appearing in the garb of Indians. The Mormons seeing that they could not capture the train without making some sacrifice of life on their part, and getting weary of the fight, resolved to accomplish by strategy what they were not able to do by force. The fight had been going on for five days, and no aid was received from any quarter.

"Who can imagine the feelings of these men, women, and children, surrounded, as they supposed themselves to be, by savages? Fathers and mothers only can judge what they must have been. Far off in the Rocky mountains, without transportation, for their cattle, horses, and mules had been run off, not knowing what their fate was to be, we can poorly realize the gloom that pervaded the camp.

"A wagon is descried far up the meadows. Upon its nearer approach it is observed to contain armed men. See! Now they raise a white flag! All is joy in the corral. A general shout is raised, and in an instant a little girl, dressed in white, is placed at an opening between two of the wagons as a response to the signal. The wagon approaches; the occupants are welcomed into the corral, the emigrants little suspecting that they were entertaining the fiends that had been besieging them.

"This wagon contained President Haight and Bishop John D. Lee, among others of the Mormon church. They professed to be on good terms with the Indians, and represented the Indians as being very mad. They also proposed to intercede and settle the matter with the Indians. After several hours of parley, they, having apparently visited the Indians, gave the ultimatum of the Indians; which was, that the emigrants should march out of their camp, leaving everything behind them, even their guns. It was promised by the Mormon bishops that they would bring a force and guard the emigrants back to the settlements.

"The terms were agreed to, the emigrants being desirous of saving the lives of their families. The Mormons retired, and subsequently appeared at the corral with thirty or forty armed men. The emigrants were marched out, the women and children in front, and the men behind, the Mormon guard being in the rear. When they had marched in this way about a mile, at a given signal, the slaughter commenced. The men were most all shot down at the first fire from the guard. Two only escaped, who fled to the desert, and were followed a hundred and fifty miles before they were overtaken and slaughtered.

"The women and children ran on two or three hundred yards further when they were overtaken, and with the aid of the Indians they were slaughtered. Seventeen only of the small children were saved, the eldest being only seven years. Thus, on the 10th day of September, 1857, was consummated one of the most cruel, cowardly, and bloody murders known in our history. Upon the way from the meadows a young Indian pointed out to me the place where the Mormons painted and disguised themselves.

"I went from the meadows to Cedar City; the distance is thirty-five or forty miles. I contemplated holding an examining court there should General Johnston furnish me protection, and also protect witnesses, and furnish the marshal a posse to aid in making arrests. While there I issued warrants on affidavits filed before me for the arrest of the following named persons: "Jacob Haight, president of the CedarCity Stake; Bishop John M. Higbee and Bishop John D. Lee, Columbus Freeman, William Slade, John Willis, William Riggs, —— Ingram, Daniel McFarlan, William Stewart, Ira Allen and son, Thomas Cartwright, E. Welean, William Halley, Jabez Nomlen, John Mangum, James Price, John W. Adair, —— Taylor, Joseph Smith, Samuel Pollock, John McFarlan, Nephi Johnson, —— Thornton, Joel White, —— Harrison, Charles Hopkins, Joseph Elang, Samuel Lewis, Sims Matheney, James Mangum, Harrison Pierce, Samuel Adair, F. C. McDulange, William Bateman, Ezra Curtis, and Alexander Loveridge. In a few days after arriving at Cedar City Captain Campbell arrived with his command from the Meadows. On his return he advised me that he had received orders for his command entire to return to Camp Floyd, the general having received orders from Washington that the military should not be used in protecting the courts or in acting as a posse to aid the marshal in making arrests.

"While at Cedar City I was visited by a number of apostate Mormons, who gave me every assurance that they would furnish an abundance of evidence in regard to the matter so soon as they were assured of military protection. In fact some of the persons engaged in the act came to see me in the night, and gave a full account of the matter, intending when protection was at hand to become witnesses. They claimed that they had been forced into the matter by the bishops. Their statements corroborated what the Indians had previously said to me. Mr. Rodgers, the deputy marshal, was also engaged in hunting up the children, survivors of the massacre. They were all found in the custody of the Mormons. Three or four of the eldest recollect and relate all the incidents of the massacre, corroborating the statements of the Indians and the statements made by the citizens of Cedar City to me.

"These children are now in the south part of Missouri or north part of Arkansas. Their testimony could soon be taken if desired. No one can depict the glee of these infants when they realized that they were in the custody of what they called 'the Americans,' for such is the designation of those not Mormons. They say they never were in the custody of the Indians. I recollect one of them, John Calvin Sorrow, after he found he was safe and before he was brought away from Salt Lake City, although not yet nine years of age, sitting in a contemplative mood, no doubt thinking of the extermination of his family, saying, 'Oh, I wish I was a man; I know what I would do; I would shoot John D. Lee; I saw him shoot my mother.' I shall never forget how he looked."

John D. Lee is the adopted son of Brigham Young. Who in this Senate will say that this boy, now growing to manhood, would not be justified in the sight of God in carrying out that thought? None of the cowardly, blood-stained villains have been arrested or hung, and cannot be so long as the present state of things continues in Utah. Many of them have added new guilt to their souls by committing more murders since that terrible day.

J. H. Beadle, late editor of the Salt Lake Reporter, and who was recently nearly murdered by the Mormons, in a book entitled "Life in Utah; or, the Mysteries and Crimes of Mormonism," now being published, says:

"The Mormons and Indians fell upon the women, bit and tore the rings from their fingers and ears, and trampled in the faces of the dying. One young girl was dragged aside by President Haight, and kneeling, implored him for life. He violated her with shameful barbarity, then beat out her brains with a club. Another young woman was taken out of the throng by John D. Lee. He afterward stated he intended to save her life and take her to his harem, but that she struck at him with a large knife, when he immediately shot her through the head.

"The property was divided, the Indians getting most of the flour and ammunition; but they claim the Mormons kept more than their share. Much of it was sold in Cedar City at public auction. It was there facetiously styled 'property taken at the siege of Sebastopol;' and there is legal proof that the clothing stripped from the corpses, spotted with blood and flesh and shredded by bullets, was placed in the cellar of the tithing office and privately sold. As late as 1862, jewelry taken at Mountain Meadow was worn in Salt Lake City, and the sources it came from not denied."

The testimony against the Mormons, and that they were the guilty parties in this transaction, is perfectly overwhelming. Hon. J. Forney, superintendent of Indian affairs, in a letter to the Commissioner of Indian Affairs, dated Provo City, Utah Territory, March, 1859, says:

"Facts in my possession warrant me in estimating that there was distributed, a few days after the massacre, among the leading church dignitaries, $30,000 worth of property."

In another letter to the Commissioner he says:

"From the evidence in my possession I am justified in the declaration that this massacre was concocted by white men, and consummated by whites and Indians. I commenced my inquiries without prejudice or selfish motive, and with the hope that facts would enable me to saddle the guilt exclusively on the Indians; but unfortunately every step in my inquiries satisfied me that the Indians acted only a secondary part."

In another letter, after giving the names of the leading Mormons engaged in the massacre, (the same names as given by Judge Cradlebaugh,) he says:

"These were the cause of the massacre, aided by others. I believe they were not only implicated, but the hell-deserving scoundrels who concocted and brought to a successful termination the whole affair. It is to be regretted that nothing has yet been accomplished toward bringing these murderers to justice."

I say it is to be regretted! How long a nation can prosper that suffers such crimes to be committed within its borders, and the guilty parties, well known, to go unpunished, is not for me to say.

General Carleton some time ago visited the place of this terrible massacre and erected a monument to the memory of the dead. It was constructed by raising a large pile of stones, in the center of which was erected a beam twelve or fifteen feet high. Upon one of the stones he caused to be engraved, "Here lie the bones of one hundred and twenty men, women, and children, from Arkansas, murdered on the 10th day of September, 1857." Upon the cross-tie on the beam he caused to be painted, "Vengeance is mine, saith the Lord, and I will repay it." This monument is said to have been destroyed the first time Brigham Young visited that part of the Territory after its erection. But the "vengeance" of the Lord he cannot destroy or baffle, and it will sooner or later overtake him.

The Mormons, composed largely of unnaturalized foreigners, are the sworn and bitter enemies of the United States. They curse the Government and do everything in their power to frustrate its beneficent designs. They publicly defy its laws, and boast that they have violated them, and will continue to do so. Sloan, the editor of the principal Mormon organ, lately declared in a public meeting that he had violated the laws of Congress in regard to polygamy in the past and that he would do so in future. He denounced the Government, and denied that it had any right to make laws for saints. Other leading Mormons said they had done the same thing, and approved all Sloan had said.

We must either pocket these insults and defiance of law, and suffer this barbarism to continue and increase, or we must grasp it with a firm and strong hand.

The Mormon "endowment" oaths are most frightful, involving penalties the most barbarous upon all parts of the body, from the sole of the feet to the hairs of the head, if they shall violate their obligations or reveal

the secrets. The oath of the "second degree of the Melchisedec priesthood" binds them to spill the blood of the "wicked and ungodly Gentiles, and let their substance be wasted." It invokes the curse of God on this nation and Government, and asks that war, famine, and cruel pestilence may overtake it. It enjoins constant enmity toward the United States Government for not avenging the death of Smith, and pledges the endowees to do all they can to destroy, tear down, or overthrow that Government; to renounce all allegiance and refuse all submission. If those who take the oath are unable to do anything themselves to accomplish these objects, they are sworn to teach it to their children from the nursery; impress it upon them from the death-bed; entail it upon them as a legacy. It is to be made the one leading idea and sacred duty of their lives.

When the Mormons first arrived in Utah, in 1847, it was Mexican territory, and Brigham Young undoubtedly contemplated setting up a government of his own. By the treaty of Gaudalupe Hidalgo, in 1848, the country now embraced in the Territory of Utah was transferred to the jurisdiction of the United States. In 1850 Congress passed an act to organize the Territory of Utah. Early in 1849 the Mormons formed a constitution and organized the "State of Deseret," electing Brigham Young governor. They have secretly run that government ever since, electing its officers and passing laws annually. Brigham Young was appointed Governor of Utah Territory, and there being a chance for him to rob the Treasury of the United States he concluded to forego his ambitious projects for awhile, and that the new "State" and its code of laws should lie dormant or be merged into the territorial government. But there never has been a time since Brigham Young crossed the Rocky mountains when he has honestly entertained the idea of being a good and loyal citizen of the United States. In 1856 he said:

"I say, as the Lord lives, we are bound to become a sovereign State in the Union or an independent nation by ourselves."

When an effort was made to have him removed as Governor he raved like a madman and defied the whole world. He preached a long sermon, full of fury, from which the following are extracts:

"I live above law, and so do this people. I will be Governor still, after you have done everything you can to prevent it. We have got a territorial government, and I am and will be Governor, and no power can hinder it."

In 1857, having brought on the "Mormon war," he had to give up the governorship of the Territory, but his power has been nearly as omnipotent ever since. He has ruled Governors, judges, secretaries, and marshals, with some honorable exceptions, by bribery, flattery, fear, or some other adroit chicanery, and Utah is to-day the same pandemonium it always has been. He has always had the territorial Legislature under his complete control, the members being all oath-bound Mormons, and he dictates every law. He has established probate courts, where nearly all the business is done, and the judges are his most pliant tools. He tells jurors, grand and trial, what they are to do, and if they disobey him in the least particular they are lashed from the pulpit.

Some years ago J. M. Grant held forth in the tabernacle as follows:

"Last Sunday the president chastised some of the apostles and bishops who were on the grand jury. Did he fully succeed in clearing away the fog which surrounded them, and in removing blindness from their eyes? No; for they could go to their room and again disagree; though to their credit it must be admitted that a brief explanation made them unanimous in their action."

In the same connection, speaking of the trial jury, he said:

"Several have got into the fog to suck and eat the filth of a Gentile court; ostensibly a court in Utah."

Evidence of the present condition of affairs in Utah is not wanting. Brigadier General James F. Rusling, a citizen of New Jersey, and a Republican candidate for Congress in the fall of 1868, made a report to the Quartermaster General, as inspector of the quartermaster's department, in the fall of 1867, from which I take the following extracts:

"The real condition of affairs in Utah is but feebly understood East, and the Government seems to be indulging in illusions with regard to those malcontents that do not promise to be realized.

"It was my fortune to spend over three weeks at Great Salt Lake City, from October 14 to November 7, inclusive. During that time I met most of the Federal officers, military and civil, then there; also Brigham Young, Daniel H. Wells, Heber Kimball, George Q. Cannon, Hiram Clawson, and most of the Mormon dignitaries; also attended the annual muster and review of the Mormon militia, November 1; and by free conversation with merchants and business men generally, of all shades of opinion, in Utah and elsewhere, I endeavored to inform myself faithfully as to the true condition of affairs in that much-debated Territory.

"My conclusion was and is—all one-sided, interested, or intimidated accounts to the contrary—that there is no substantial liberty of speech or of the press in Utah, and no safety for Gentile life or property without a tacit acquiescence in the existing order of things there. 'We are glad to see Gentiles come in here, and welcome strangers generally, if they mind their own business; but if they get to talking about our peculiar institutions they had better leave; Salt Lake is no place for such folks.' This was the remark of a Mormon to me high in the councils of the church, and was corroborated again and again by what others said.

"It is the same as it was South before the war. 'Peculiar institutions,' whether slavery or polygamy, breed the same results, whether in South Carolina or Utah, and the only safe alternative for outsiders is acquiescence or emigration.

"How far the leaders of the Mormons directly order outrages and crimes against Gentiles is, perhaps, a mooted question; but that the pulpit teachings of the church and Mormon public opinion generally do encourage and sanction such outrages and crimes ought not to be longer doubted.

"At the Mormon tabernacle in Great Salt Lake City, October 14, during regular public worship of two hours or more, I being present, the Government of the United States and the people thereof were bitterly assailed in addresses by prominent Mormons, (and this occurs, more or less, every Sabbath, as excellent people there assured me,) the direct tendency of the gist of which was to incite sedition and promote unlawful violence toward Gentiles. That this was the result, Mormons, without much hesitation, admitted; and also admitted that Dr. Robinson's death, October 22, while I was there, probably resulted from 'ignorant and fanatic Mormons,' though they denied further participation than this of the church in the murder, and resented the idea of 'Thugs,' or 'Danites,' or 'Destroying Angels,' &c. The Federal judiciary were strong in asserting this, and cited it as their chief reason for their failure to enforce the laws against Mormon offenders. They said they were well assured of the whereabouts of the murderers of Mr. Brassfield and others, particularly of those engaged in the famous, or rather infamous, Mountain Meadow massacre; but to attempt to arrest and try them before a Mormon jury would only result in a judicial farce.

"The church—that is to say, Brigham Young—is supreme, because Young's word is law and gospel in Utah as yet, all accounts to the contrary. Reports of the weakening of his influence appear from time to time; but the fact remains, as is evident from a week's sojourn in Great Salt Lake City, if a man chooses to observe and think for himself, that Brigham Young is still Governor *de facto* there of the State of Deseret, no matter whom the President may send out as Governor *de jure* of the Territory of Utah. The Legislature of the 'State of Deseret' still convenes regularly; Brigham Young sends in his message to them; and they proceed to reënact the laws of the territorial Legislature, &c. In other words, as Mormons they decline to recognize the United States territorial organization any further than they have to, and would reject it altogether if they had the power to. To this end all efforts are bent now, strange as it may seem, and the people are carefully manipulated and indoctrinated into the belief that, like the ancient Israelites, they are 'God's chosen people,' and therefore invincible against the United States and all other Gentile opposers.

"As to polygamy itself, although in open violation of our national laws, it seems to be largely on the increase.

"It was bad enough before the passage of the recent laws on the subject in 1862, I believe. Since then, however, the Mormon leaders appear to have studiously inculcated the practice of it, so as to implicate as many persons of both sexes as possible in it, and thus render the future execution of the anti-polygamy laws very difficult, if not well-nigh impracticable.

"In the conversation of many Mormons persons of the female sex have already sunk to 'my women,' about the same as they speak of their other domestic animals, or as our southern slave lords used to speak of their 'likely young niggers.'

"On this point, however, nothing more need be said than that the whole thing is simply an organized insult to Christianity and an outrage against the civilization of the age; in very truth, slavery's hideous and exquisite 'twin relic of barbarism,' and that the American Government ought not to lend it the sanction of its flag a day longer than it must.

"In the above it has been endeavored to give a brief but just statement of affairs in Utah as they really are. Nothing has been said about the general industry and thrift of the Mormons, their sobriety, observance of law and order toward each other, &c., nor their general ignorance, want of schools, lack of newspapers, &c., because these may be conceded. So, no doubt, bad Gentiles sometimes find their way there and do bad things, and no doubt the Mormons also have sometimes been much wronged and traduced. But all these, it is respectfully submitted, are side issues, and in no way affect the main question. The vital fact remains, unfortunate as it may be, that the Mormons are a lawless and seditious community of people, hostile to persons not of their faith and practice, and that they live boastingly in defiance of the public laws of the Union."

Hon. John Titus was for four years chief justice of Utah, and is a man of high character and marked ability. He is well known to many Senators. In a letter to me, dated Salt Lake City, December 28, 1867, he says:

"With the fullest assurance of its truth, I am requested to give you the following information: Mr. ——, a detective officer of the city of New York, can give you the most reliable information concerning the murder of Dr. J. King Robinson in this city on the night of the 22d of October, 1866, an atrocity deriving every aggravation, not only from the extraordinary merit and rare promise of the young victim, but also from the deliberate, remorseless cruelty of the perpetrators and their counselors and abettors, who are known to be the leaders and expositors of the Mormons and their system in this Territory. This outrage would have convulsed Rome to the very heart in the zenith of its power, if not produced violent changes in the government itself, and it is hoped that it may do something to rouse even the apathy of our own.

"It ought also to be added that this is but one of a long series of crimes, including the Mountain Meadow massacre and the murder of Captain Gunnison and his party—which our Government can trace to the Mormon leaders and expositors here by a chain of irresistible deductions as soon as it shall make the effort—the evidence of which, however, is fast passing away, and will soon leave the guilty to rejoice in their impunity and our Government to the fearful responsibility of such omissions of justice.

"The last of these murders ought to be more specifically stated, because it illustrates so clearly the present audacity of crime and impotency of justice in Utah, which must continue while the law remains as it now is. Early in August last Isaac Potter, and Charles Wilson and John Walker, two of Potter's employés, were arrested on a petty charge of theft at Coalville, some forty-five miles east of this, and were confined in a school or meeting-house. About the middle of the next succeeding night the first two were killed dead, and the last severely wounded by those who had them in custody, and their associates. John Walker, however, made his escape, and wounded as he was, with the aid of some friends, reached Camp Douglas, near this city, and upon the oaths of him and others I issued warrants for the arrest of sixteen men engaged in this murder. Eleven of them were secured, one formerly on the police and a brother of a present policeman of this city, and another of them a connection of Lieutenant General Daniel H. Wells, the third president of the Latter-Day Saints. These two admitted in Coalville the day previous that they were sent from this city by the Mormon leaders to have Potter and his men put to death. The evidence on the hearing of this case, carefully reported,"

* * * * "is conclusive of guilt. The offense not being bailable, the accused were committed for trial on the third Monday of October last. The next night, however, they were coolly allowed to escape, without any effort to retain them, by the Mormon territorial marshal, who, in the present state of the law, supersedes the United States marshal in all cases not arising directly under the laws and pertaining to the interests of the United States. John Walker did not appear as a prosecuting witness. We had no means of protecting him, and I am assured and believe that he, too, has been murdered.

"The escaped prisoners published over their names in the Mormon Telegraph, an impudent letter, written, as we now know by its editor, and intended to have been facetious, promising to appear for trial. They did not come, however, but are now abroad, here and elsewhere in the Territory, abusing the Federal officers and sneering at the Government itself. Abusive articles, threatening with violence the Federal officers concerned in the investigation of this case, were published in the Deseret News and the Daily Telegraph, organs of the Mormons here.

"Isaac Potter was the third member of the family of that name who has thus fallen. The explanation of this bloody work can be found in the fact that the first of the Potters thus put to death was an involuntary witness of the murder of Captain Gunnison and his party, and was too honest to remain silent. It was therefore deemed necessary by the prime movers of the murder of Gunnison, who in all probability were the Mormon leaders, and not the Indians, as reported, thus to put these men to death in order to extinguish this testimony. The last of these three Potters was, as I am informed a brave, shrewd man, of many magnanimous qualities, and made numerous friends. His body was found with the throat cut from ear to ear, which is explained by the initiated as indicative of a wish, even with his murderers, to secure his spirit the benefit of 'blood atonement,' in the life to come. As a means of dispatching the victim this was certainly unnecessary, for his body was

pierced by six or seven bullets, one of them through the heart.

"As the law now is, any attempt to punish crime here when perpetrated by Mormon favorites or those in sympathy with Mormon leaders must fail and bring the Federal Government into contempt. At present the Mormons choose the jurors, both grand and petit, surround the courts with ministerial officers of their own selection, and keep the control of the prisons of the Territory, though built by Federal appropriations. Till these and other similar evils are rectified by proper congressional legislation justice will be helpless here."

Rev. William B. Wright, of Boston, who has spent considerable time in Utah, recently preached a sermon in the Berkeley street church, in that city, upon the "Mormons;" and I take the following extract from the Boston Journal of March 10, 1870:

"I believe the evils of Mormonism have not been exaggerated. I doubt if they can be. Most of the men you meet in Salt Lake City would occupy the State prison in almost any other English-speaking country; and deservedly so, for throughout the Territory licentiousness has long ceased to hold a place in the calendar of crimes, and now takes the place of chastity in the catalogue of virtue. Despotism, tempered by assassination, has there been substituted for liberty. It is a part of the Mormon creed that it is right to shed blood to prevent apostasy. The inevitable results of polygamy and despotism, or jealousy, suspicion, and fear, are stamped repulsively on every lineament of Mormon social life."

In April, 1869, Brigham Young, being furious because General Grant had appointed anti-Mormons to the Federal offices in Utah, preached a sermon to five thousand people, denouncing the President, Congress, and the Government in the most brutal and indecent manner. He said:

"Who goes into the White House in these days? A gambler and a drunkard. And the Vice President is the same. And no man can get either office unless he is a gambler or a drunkard or a thief. And who goes to Congress? You may hunt clear through the Senate and the House, and if you can find any men that are not liars, thieves, whoremongers, gamblers, and drunkards, I tell you they are mighty few, for no other kind of men can get in there."

Speaking of the officers appointed, he said:

"If any of these low-lived fellows give us any trouble we will rise up and put every one of them right out of the Territory. We will make them leave; we won't have such a d—d set among us."

In the same harangue he said:

"And some of them have said to me, 'How many wives have you got?' Why, brethren, I cannot really say. I never trouble myself to think about it. I've got a good many women one place or another; I guess I have got a dozen or fifteen that I take care of and support; and some day I will take the trouble to count them all up, so I can tell the world just how many I've got. I have one wife and many women."

In conclusion he said:

"Now, I say for all the saints to stick together and be united, and all the d—d scalawags in the country can't hurt us. We defy them all! and we ask no odds of the Government."

I make these quotations from a report of his tirade in the Daily Reporter, published at Salt Lake City on the 10th of April, 1869. There is much of this discourse too vulgar and profane for utterance here.

I have a vast amount of testimony in relation to the present state of affairs in Utah, all corresponding with what I have given. Much of the information is communicated to me in confidence, and by men who dare not have their names used for fear of assassination. I have myself received many insulting letters, and some threatening ones, since my name became connected with this subject.

The Mormon church government, established to carry out the most pernicious and damnable teachings, is the most complete despotism on earth. The mind of one man sets all the machinery in motion, and permeates the mass of the people, and subjects them to his unrelenting tyranny. Brigham Young reigns supreme in church and State, in morals, and in all private and social arrangements. He is king, priest, lawgiver, and chief polygamist. If a law is to be enacted he dictates the terms; if a jury is to be impanneled he tells them what to do; if a Gentile or "apostate" Mormon is to be assassinated he gives the order. His mandates are superior to all laws.

He does not work without pay. He takes the surplus property from his followers when they come to the Territory, and then annually takes one tenth of their income in the shape of "tithings." He has seized upon all the principal ferries, and makes all travelers pay enormous tolls. He has secured through his pliant legislatures many valleys for "herd grounds," and the wood and timber of many hills and "cañons." The timber in the mountains for a great distance from Salt Lake City has been granted to him, and the gateway to the same is through his premises, and it is only by delivering to him every third load as he shall order that the gates are opened for any one to get wood or timber. The wheat and corn in many valleys, and the sheep and cattle on many hills are his. He owns houses and lots and property of every description. He has gold and silver in vast amounts. He manufactures whisky and other vile compounds, and drinks much. He manufactures fire-arms with which to fight the "Gentiles" and sell to the "Indians." He sends his missionaries all over Europe and, over the United States to make proselytes and to gather up money and "women." His deluded followers believe him a god, and yield him implicit obedience. The organization known as "Danites" or "Destroying Angels" stand ready to protect him and execute his pleasure. I have before said that he was one of the richest men on the earth. I believe him to be one of the most wicked.

Armed with such tremendous power over a deluded and ignorant people, he defiantly and madly revels in robbery, murder, polygamy, and incest, and tramples on all law and defies the officers of the Government, executive and judicial.

It is for the purpose of establishing law and order in that far-off Territory, of protecting the innocent and punishing the guilty, of liberating the enslaved, and of putting down conspiracy and treason, that this bill has been carefully matured, and is now pressed upon your attention. It in no way interferes with religious liberty, properly so called, but it seeks to repress crime and restore a great community to moral health. The arm of the Government should never be stretched forth to crush fanatics, but the sword of justice must attack robbers, murderers, polygamists, and conspirators. Men may be devotees of error, but they have no right to be devotees of crime, even under a pretended religious sanction.

If a religious sect should spring up in one of our Territories whose creed required that fifty human beings should be crushed daily beneath the wheels of Juggernaut, and in another a sect requiring the casting of children into the yawning mouth of a red-hot idol, and in another a sect that required that all widows should be burned on the funeral piles with their dead husbands, what would the good Christian people of this country say and do? I apprehend if laws could not be passed and executed to prevent such things the people would take the matter into their own hands, in spite of the cry of "religious liberty," and make an end of it. None of these things would be more immoral or hardly less barbarous than polygamy.

Some gentlemen have asked me, what is to become of the many wives of polygamists if this bill passes and is enforced? I have no fears that their condition can be made worse than it now is, and others will be saved from this degradation and slavery. The extracts of sermons of Brigham Young and others, which I have already given, show that these women are anxious to be freed from this barbarism and their present miserable condition. Miss Sarah E. Carmichael, now Mrs. Williamson, who was reared at Salt Lake, says:

"If I were a man as I am a woman, I would stand in the Halls of Congress and cry aloud for the miserable women of Utah till the world should hear and know the wrongs and miseries of polygamy."

A gentleman long acquainted with affairs in Utah, in a recent letter advocating the passage of this bill, says:

"In relation to the effect of the proposed legislation upon the women here, who are second, third, fourth, &c., wives, I am convinced upon the whole it will be beneficial to them. As it now is, a large majority support themselves, and if these unlawful relations were broken up many of them would form lawful marital relations with other men, because there is a great preponderance of male population in all the Territories, and will continue to be so for some time to come. There is little danger even in Utah of having an overstock of women who will have any trouble in obtaining lawful husbands. I am positively certain the women here would require no charity from Government, for they are self-supporting already."

The same gentleman in speaking of Brigham Young, says:

"He not only disobeys the law himself, but enjoins it upon his deluded followers, as a religious duty and a command through him to them from God, to do likewise. In the exercise of his absolute political power the territorial Legislature is composed of his most subservient instruments. At his dictation everything possible has been done by the Legislature to control and render inoperative Federal authority. The dominant party, while they constantly complain of persecution, are themselves most proscriptive and intolerant. To protect their doubtful institutions against the inroads of opposition and apostacy, secret inquisitions are formed which scruple not to deal out death to the offenders.

"Federal authority is held in supreme contempt by the leaders of the church when it conflicts with their assumptions, and insubordination to all except church authority is publicly talked in the tabernacle and ward meetings.

"Latter-Day Saints are taught that they are not amenable to the penalty of the law when Brigham commands its violation. Color is given to this belief because they have been suffered for so long a time to defy and trample on the laws of Congress with impunity."

Again, he says:

"It is a favorite policy of the Mormon authority to threaten war and destruction when any positive action is about to be taken toward enforcing the laws. This succeeded in 1857, and since then it is the resort on all occasions, and will continue to be so as long as a temporizing policy is pursued by the Government. But let that policy which comports with the dignity and honor of the nation in the enforcement of its laws be adopted; let Congress pass the legislation proposed; let no Federal officer remain here who will not fearlessly and promptly coöperate in the assertion of his authority, who will not do his simple duty, and the conflict will soon end, the virulent ulcer on the body-politic here will soon be removed, and that, too, without the shedding of a single drop of blood. The cry of devastation and war which has been made here, and re-echoed by members on the floor of the House and others in Washington, is only intended to scare Congress. Let there be such legislation as will enable the officers of the Government here to strip Brigham of his pretentious claims of being above the law and force him to yield submission to its supremacy, and Utah will soon become loyal and its theocracy cease to exist.

"Upon the other hand, however, if your bill should fail, it will be regarded as a declaration by Congress that the laws of Utah may continue to be disregarded and trampled upon with impunity; that organized crime may exist there, and that the theocracy of Brigham may be perpetuated. After that event a more open defiance and insubordination would exist, and the moral influences now at work would by intimidation be destroyed. The very action of Congress, like Buchanan's imbecile efforts in 1857, would be boastingly quoted by Brigham and his adherents as an additional evidence of his infallibility and power to defy the nation of which, according to an accepted prophecy among the saints, he is at no distant day to become the ruler."

I commend this last extract to gentlemen who fear that war will grow out of the enforcement of the law against polygamy and other crimes in Utah. I have no fears of war; but war or no war, I am in favor of enforcing the laws and of breaking up the vilest nest of vipers on this continent.

The bill under consideration contains many provisions, all calculated to enforce the laws against polygamy and other crimes in Utah. If enacted into law it will arm the courts with authority and power to protect the good American citizen and punish the guilty perpetrators of fraud and crime, and greatly aid in removing a barbarism which outrages the moral sense of Christendom and disgraces the age and nation in which we live.

I do not expect the passage of this bill will at once and entirely remove the evils that afflict that Territory. Many of them are chronic and deep-rooted, and bound about by a fierce and desperate fanaticism. There will be difficulty in enforcing any law that goes counter to the Mormon policy or the will of Brigham Young. But it will do good now, and will

very soon be the means of overthrowing and destroying a great "barbarism."

The arm of this Government is strong enough to enforce any proper law, and I hold it to be not only its right, but its duty in this case, to put forth its strength. This heathen "barbarism" cannot continue without involving this nation in guilt and disgrace. This band of desperadoes cannot much longer despise and trample upon our laws and outrage the rights and moral sense of our people. An overwhelming, indignant public opinion will find some way to reach them and reduce them to legal subjection, or drive them from the scenes of their impieties and crimes. I invoke the irresistible power of the press, the battering ram of public opinion, and all the moral influences of a civilized people against this barbarism.

The "Gentile" element is gradually increasing, and will soon be able to aid the courts in the execution of law in that Territory, and will in other respects be a power there. This element will increase more rapidly now that the Pacific railroad is completed, and I hope for a peaceful victory over this tyrannical monarchy from this source. I have great faith, since the "iron horse" has taken water from the "Jordan river," that Brigham Young will find a power in Utah which he cannot frighten by his impious "revelations," or in any way control, wheedle, or corrupt. When the tide of civilization shall fairly throw its waves over the Rocky mountains, and from beyond the Sierra Nevadas, his kingly power, wicked rule, and blasphemous career will come to an end. When miners and other emigrants, not Mormons, shall flock to that Territory and make it their home the loathsome and festering monster of polygamous Mormonism will perish and be buried out of sight.

Mr. HOWARD. I move that the Senate do now adjourn.

The PRESIDING OFFICER, (Mr. PATTERSON in the chair.) By the unanimous understanding of the Senate it was understood that no vote would be taken this evening. This bill, therefore, will be restored to its place on the Calendar, and the bill for the enforcement of the fifteenth amendment will take its place before the Senate.

Mr. WARNER. The Senator from New Hampshire suggests that this bill be restored to its place on the Calendar, and I make that motion.

Mr. CRAGIN. I suggested that the other bill for the enforcement of the fifteenth amendment be taken up.

The PRESIDING OFFICER. It has already been stated that this bill will be restored to its place on the Calendar.

Mr. SUMNER. And the bill for the enforcement of the fifteenth amendment be taken up.

The PRESIDING OFFICER. That was so stated. The question is on the motion to adjourn.

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

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 18, 1870.

The House met at twelve o'clock m. Prayer by J. Y. ASHTON, D. D., of Philadelphia.

The Journal of yesterday was read and approved.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. KNOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. No. 95) "in relation to the Hot Springs reservation, in Arkansas," having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House, and do agree to the same with the following amendments:

Section one, line four, after "institute" insert "against the United States."

Section one, line five, strike out from the word "final" to the word "any."

Line five, after the word "final" insert the word "decision."

Line six, strike out the words "and establish."

Line seven, strike out "suits" and in lieu thereof insert "suit."

Section two, line four, strike out the words "as near as may be."

Strike out all from the word "States" in the sixth line to the word "and" in the seventh line.

Line nine, strike out "such" and in lieu thereof insert "the."

Line nine, strike out the word "usually."

Line nine, after the word "equity" insert the words "so far."

Section three, line one, strike out the words "process in" and in lieu thereof insert the words "notice of."

Line three, after the word "thereof" insert the words "with a copy of the petition."

Section four: strike out all of section four.

Section six, strike out all from the word "shall" in the second line to the word "the" before "United" in the fourth line.

Section six, line two, after "shall" insert the words "decide in favor of."

Section six, strike out all from the word "shall" in the eighteenth line to and including the word "lands" in the nineteenth line and in lieu thereof insert the words "decide in favor of any claimant."

At the end of line twenty-seven and beginning of line twenty-eight strike out the word "approval" and in lieu thereof insert the word "appeal."

Line thirty, after the word "appeal" insert the words "in the same manner and with the same effect as in cases of appeal in equity causes from the circuit courts of the United States."

And that the House agree to the same.

J. PROCTOR KNOTT,
A. A. C. ROGERS,
GODLOVE S. ORTH,
Managers on the part of the House.

B. F. RICE,
G. F. EDMUNDS,
WILLIAM T. HAMILTON,
Managers on the part of the Senate.

Mr. KNOTT called for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report was agreed to.

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

The latter motion was agreed to.

IMPROVEMENT OF PUBLIC GROUNDS.

Mr. PROSSER. I ask unanimous consent to introduce for consideration at the present time a joint resolution to create a board to prepare plans for the improving of the public grounds, canal, and river front.

Mr. KELSEY. I object.

EQUALIZATION OF BOUNTIES.

Mr. COBB, of Wisconsin. Under the instructions of the Committee on Military Affairs, I ask unanimous consent to report and put on its passage at the present time the bill (H. R. No. 1910) to equalize bounties of soldiers who served in the late war for the Union.

The bill was partly read for information; when

Mr. DAWES objected.

SETTLERS ON THE PUBLIC LANDS.

Mr. JULIAN, by unanimous consent, reported from the Committee on the Public Lands a bill (H. R. No. 2049) for the protection of settlers on the public lands of the United States; which was read a first and second time, recommitted, and ordered to be printed.

SURVEY OF UPPER MISSISSIPPI.

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

Resolved, That the Secretary of War be directed to furnish this House with a copy of the report of Major Stickney and Franklin Cook, engineers, in regard to the survey of the upper Mississippi river.

INTERNAL REVENUE BILL.

Mr. HOOPER, of Massachusetts, by unanimous consent, submitted the following resolution; which was referred, under the law, to the Committee on Printing:

Resolved, That there be printed for the use of the House two thousand copies extra of House bill No. 2045, amending the internal revenue laws, fifty copies of which shall be for the use of the Committee of Ways and Means.

REMOVAL OF DISABILITIES.

Mr. STOKES, by unanimous consent, introduced a bill (H. R. No. 2050) for the relief of sundry citizens of Tennessee of all political disabilities; which was read a first and second time, and referred to the select Committee on Reconstruction.

UNITED STATES CIRCUIT COURT, ALABAMA.

Mr. DOX, by unanimous consent, introduced a bill (H. R. No. 2051) to provide for a term of the circuit court of the United States for the district of Alabama, to be holden at Huntsville, in said district; which was read a first and second time, and referred to the Committee on the Judiciary.

MEMORIAL OF WORKINGMEN OF PITTSBURG.

Mr. NEGLEY. I ask unanimous consent to present and have printed in the Globe a memorial of the workingmen of Pittsburg, irrespective of party.

Mr. BROOKS, of New York. What is it about?

Mr. NEGLEY. It is a memorial to the Congress of the United States expressing their views, addressed irrespective of parties. It is perfectly proper.

Mr. BROOKS, of New York. What is it about?

Mr. NEGLEY. It is in reference to industrial interests.

Mr. BROOKS, of New York. I will examine it before I give my consent.

Subsequently objection was withdrawn, and the memorial was received and ordered to be printed in the Globe, as follows:

To the Honorable Senators and Representatives of the people of the United States, in Congress assembled:

GENTLEMEN: The undersigned, deputed by the iron-workers of the city of Pittsburg, Pennsylvania, and vicinity, to visit Congress for the purpose of pleading against the reduction of the tariff upon iron, beg leave to present to your honorable bodies the incentive that induced our advent here, together with the interests involved.

The gradual decline in iron during the last year, and as a natural consequence a corresponding reduction in our wages, have admonished us, and with us our fellow-workers, the necessity of arousing and exerting ourselves in defense of the great fraternity of labor, that fraternity through which the production of our national wealth is only guarantied, and upon whom the maintenance of the honor of our nation in time of peril can only be relied.

Upon a consideration of the present condition of the iron trade, viewed by the light of all the intelligence we can command, we are led to the conclusion that our employers, under existing circumstances, are realizing scarcely, certainly not more than a fair and reasonable profit upon the iron manufactured, and with a positive realized knowledge that the wages now paid us are scarcely more than adequate to defray the necessary expenditures of our families, to say nothing of our natural desires to afford our children the best means of education. Contemplating, too, the probability, nay, the inevitable certainty, of a still further reduction in our wages, brought about by foreign competition through a reduction of the present duties upon foreign iron, we are constrained to raise our voices in opposition, praying Congress to protect above everything else American labor, and thereby the American people; for labor, by virtue of its numbers, constitutes the people.

To that end we were delegated to come to Washington city; but finding that members of Congress are too busily engaged in their respective duties to give us the hearing personally that we desired, and the expenses of living here being too exorbitant to allow us to remain any length of time, we are compelled to return to our homes, and in lieu thereof adopt this method of presenting our cause.

To enter at length upon an argument in favor of a protective tariff we deem at this time unnecessary, inasmuch as the representatives of that interest in Congress have already presented the subject in such a light that our efforts, perhaps, would only darken, with an ability also truly exhaustive, and, in our judgment, invulnerable.

What we ask is that the iron interests of our country shall not be placed in jeopardy by any intervening act of Congress, but on the contrary that you will extend such aid by congressional enactments as will continue to infuse vigor, activity, and prosperity. Should the foreign manufacturer desire to enter into competition in our market here with our home producers, let them pay for that privilege in the shape of a duty upon their products, which will not only be a source from whence our national Treasury will receive supplies, but will also be effective in reducing the price of iron to the consumer by virtue of a healthy competition.

Since arriving here we have frequently been met with the assertion that during the last few years our employers have realized immense fortunes, and that there is no justice in a demand that will, they say, continue to render fabulous profits.

To this we reply, that during the war our iron manufacturers did realize enormous profits, and with a selfishness by no means commendable launched them entire into their own coffers, avoiding successfully a fair distribution with the labor that produced the article sold; but we beg leave to remind you that in this great reserve of liberty labor in the iron-works is daily growing in intelligence, demanding and receiving to a greater extent to-day their proportionate share of the profits derived from the manufactured article than ever before in this country.

The labor of ten years ago, in point of intelligence, dignity, and manhood, cannot possibly be compared with the labor of to-day.

The preservation of that dignity, the source from which that intelligence is derived, can only be maintained by our ability to work, and the remuneration we receive therefor.

Strike at the iron interest of the country by a reduction of the duties upon the foreign article, thus reducing the price and consequently our wages, and you strike at the comforts of our firesides, cripple our energies, and dwarf an ambition to elevate our posterity to the highest plane of American citizenship.

To forever be "hewers of wood and drawers of water" is a condition foreign to every precept in the history of our country and its people, and doubtless there are many who are toiling to-day in our iron-manufacturing establishments, aspiring, by their meager savings, derived by no means from overpaid wages, to be some day not only workers, but part owners in establishments yet to be built.

If the business be not protected from excessive foreign competition their aspirations can never be realized. Protect, then, that interest, and you create an incentive that will be conducive to the erection of iron-works throughout our entire country, thus opening up new avenues for the toiling and down-trodden millions of the earth, creating a prosperity here the influence of which will ramify favorably throughout every descriptive interest. When we are reminded of the fact that but a few years ago, when the issue involved was one of free and slave labor, how emphatic the free labor of this land declared, through the ballot-box, that the soil of our free Territories should not be blighted by the damning influences of slave labor, and how nobly that principle was defended by the arm of free labor upon the bloody fields of the late war, we feel justified in pleading in the interests, and in behalf of at least a large portion of that labor.

We plead not in the interests of our employer exclusively, but in the combined interests of employer and employed. We know if he is unable to successfully run his works we cannot receive employment, and without employment at our usual vocations we will be compelled to seek new ones, spheres to which we probably would not be adapted, thus proving detrimental not only to us, but possibly to others also.

We pray, then, that you do not decrease the present duties on iron, and in our prayer we desire more especially to appeal to the representatives of the great party that has been so instrumental in wiping out human bondage and elevating all labor to a free and common level, and that now, when the cloud of war has disappeared, leaving our country once more united and in peace, you exert yourselves with all the ennobling characteristics of statesmen in preserving the dignity and comfort of that labor, and through your wisdom such laws will be enacted as will tend to enhance its prosperity.

M. S. HUMPHRYS,
DAVID HARRIS,
J. D. EVANS,
B. A. McGINTY,
Committee.

WASHINGTON CITY, D. C., *May* 14, 1870.

BUILDINGS RENTED BY THE GOVERNMENT.

Mr. WELKER, by unanimous consent, from the select Committee on Retrenchment, submitted a report showing the number of private buildings rented by the Government in the District of Columbia, and the purposes for which they are occupied and the annual rent paid; which was ordered to be printed, and recommitted.

CHANGE OF HOUR OF MEETING.

Mr. DAWES. I ask unanimous consent that hereafter, until otherwise ordered, the hour of meeting of the House shall be at eleven o'clock a. m.

Mr. NEGLEY. I object.

The SPEAKER. The motion of the gentleman from Massachusetts cannot be made until Monday next.

Mr. NEGLEY. I have no objection to devoting every hour of our time to the public business.

The SPEAKER. Debate is not in order.

AMENDMENT OF HOMESTEAD LAW.

Mr. LAWRENCE. I ask unanimous consent to introduce and put on its passage a bill (H. R. No. 2052) to amend the homestead acts.

There was no objection.

The bill was read a first and second time.

Mr. LAWRENCE. I am sure there can be no objection to this bill if it be understood. It meets with the approval of the chairman of the Committee on the Public Lands.

The bill was read. The first section provides that every private soldier and officer who has served in the Army of the United States during the rebellion, for ninety days, and remained loyal to the Government, and every seaman, marine, and officer, or other person who has served in the Navy of the United States, or in the Marine corps or revenue marine, during the rebellion, for ninety days, and remained loyal to the Government, shall, without the payment of any fee or commission to any register or receiver of any land office, be entitled to enter one quarter section of land, not mineral, of the alternate reserved sections of public lands along the lines of all the railroads or other public works of the United States wherever public lands have been or may be granted by acts of Congress, and to receive a patent therefor, under and by virtue of the provisions of the act to secure homesteads to actual settlers on the public domain and the acts amendatory thereof, and on the terms and conditions therein prescribed; and all the provisions of said acts, except as herein modified, shall extend and be applicable to entries under this act. And every person entitled to the benefit of this act may locate one quarter section as herein provided, at his option, in one entire quarter section or in not more than two subdivisions of a quarter section not more than four miles apart. The second section provides that the Commissioner of the General Land Office is hereby authorized to prescribe the necessary rules and regulations to carry this act into effect and determine all facts necessary therefor.

Mr. LAWRENCE. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

Mr. RANDALL moved to reconsider the various motions of reference; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY BILL.

Mr. LOGAN asked unanimous consent that the amendments of the Senate to the bill (H. R. No. 987) to reduce the number of officers in the Army of the United States, and for other purposes, be taken from the Speaker's table; and moved that the House non-concur in the said amendments, and ask for a committee of conference on the disagreeing votes of the two Houses.

There was no objection; and it was so ordered.

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

The latter motion was agreed to.

AMERICAN COMMERCE.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour now begins. The House resumes the consideration of the bill reported by the gentleman from Maine [Mr. LYNCH] from the select Committee on the Causes of the Reduction of American Tonnage, being House bill No. 1889, to revive the navigation and commercial interests of the United States, on which the gentleman from New York [Mr. CALKIN] is entitled to the floor.

Mr. CALKIN. I yield half an hour to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. If members of the House, Mr. Speaker, will look to the bills on their files they will find the amendment which I propose to offer at the proper time to the bill reported by the Committee on the Decline of American Commerce. And I will be under great obligations to gentlemen if they will carefully examine those amendments in connection with the provisions of this bill, because no question of greater importance to the interests of the country has come or will come before the House at this or any other session.

All of us are agreed upon one proposition. It is that there is a great decay, not of American commerce, but of American shipping. Let me pause to give two or three facts bearing upon this point. We sustain nineteen thousand American ships, carrying not quite seven million tons and employing not more than two hundred thousand American sailors, in our commerce. We pay for carrying trade, eleven million tons burden and supporting four hundred thousand alien seamen. And to-day, out of the two hundred and sixty-eight thousand tons of steamship lines between America and Europe, not a single ton is under the American flag. This year past we imported goods in American vessels to the amount of $146,000,000 only; and we brought in foreign vessels goods to the amount of $317,000,000. We exported from our shores of our own goods to the value of only $160,000,000 in American vessels, while in foreign vessels we exported to the amount of $303,000,000.

These facts thus grouped preclude the necessity for argument that something be done to change this state of our commercial marine. What is that something? The Committee on the Decline of American Commerce, after having bestowed on the examination of the subject great labor and assiduity, for which they are entitled to the thanks of the House and of the country, have come to a conclusion that action is imperative. With that conclusion I agree, but I do not think that the remedy they propose is at all commensurate with the evil, or sufficient to meet it. It goes a little way, but not far enough. The bill they have reported is a bill favoring the ship-builder. What is needed is a bill to sustain the ship-sailor, the man who sails ships. The grant of a few dollars per ton on the value of a ship, which goes to the builder, does not help to any considerable extent the man who has to compete with the foreigner in sailing ships.

How, then, shall we protect American shipping? All other interests have had their advocates for protection on this floor; but this the great interest, the greatest of all interests so far as the commerce of the country is concerned, because it lies at the bottom of all interchange of commodities with other nations, has no protection. How has this happened? Because by our traditional history we have been taught that we could compete with the world in carrying goods in ships. Since 1785 we have been attempting by every means in our power to obtain reciprocity of trade with all other nations; that is to say, that all goods, in whatever ships carried, whether ours or foreign, shall come in at the same rates of duty in all ports. Great Britain refused to give us reciprocity in trade; she enforced the act of Charles II down to 1849, when she agreed to reciprocity we had offered for sixty years of tonnage duties. Her first convention of commerce extended four years. It was again extended for ten years; and in 1828 it was indefinitely extended, subject to termination at twelve months' notice. But this was for a reciprocity of vessels, and partially for goods, only. France always refused us this reciprocity, and maintained discriminating duties until the 12th day of June, 1869. Portugal still refuses; Spain has always refused, and stands to-day on the treaty of 1795. We have made treaties with nearly all other nations; but Great Britain, with her hand of diplomacy in every treaty we have made, has

caused a requirement that the goods of each nation when carried in her ships should come in at the same rates as when carried in ours, or in those of the producing nation; so, while we were attempting to get reciprocity, and while she was taking care to make only limited exceptions in our favor of the articles grown or produced on her own soil, we gained the carrying trade almost of the world; but which result was largely owing to the wars of Napoleon. But by the going out of use of wooden ships, by the coming in of iron ships, the great change in the necessity for distribution of the products of the world, in 1849 it became to her advantage to have goods carried in her ships to come into our ports at the same rate of duty as in ours, and the English Parliament passed an act (12 and 13 Victoria) to accomplish that object, and we acceded to the proposition because in 1817 we had passed an act which empowered the President, when any restrictions upon commerce were relieved by other nations, to proclaim a like leaving off of restrictions here; so that our trade with Great Britain became reciprocal by the enactment of law only, and not by treaty or convention.

In 1869 the same thing took place in regard to France. Why did she then consent to it? France kept on her discriminating duties until it happened that we had no shipping and she had a great deal; until she had three lines of steamships to this country, and we had none to hers. Then, of course, she was in favor of a reciprocity which was wholly to her advantage. And we without reflecting upon our changed conditions, following the policy of 1817, agreed to that reciprocity of trade which was no longer to our advantage, although the whole condition of our commercial marine had changed.

Mark me, Mr. Speaker, the great superiority of Great Britain's shipping grew up under her restrictive navigation laws; our great commercial prosperity grew up under our restrictive navigation laws. Now we have comparatively few ships, and we are growing daily to have less substantially, because the average life of wooden ship is only about ten years; so that unless we renew our ships once in every ten years by building at least one tenth every year of course our shipping must disappear.

Such being the condition of shipping, what remedy can we provide? How can we stimulate a business which is dying out? The remedy that I have proposed in my amendment, to put on differential duties on goods imported in favor of American bottoms, is the only one that to my judgment at all meets the emergency. Therefore, I have provided that wherever we are not precluded from so doing by treaty we shall make a differential duty of twenty per cent. of the tariff rate in favor of goods imported in American wooden vessels, and twenty-five per cent. if in American iron ships; so that the whole of our own carrying trade at least will be done by ourselves. The precise percentage named are not material, but are given to illustrate the principle, and are submitted to the judgment of the House.

This differential duty in favor of our ships will apply at once to Great Britain in great part, to France, to Spain, and to Portugal; because with regard to those nations reciprocal duties on goods stand upon law and not upon treaty stipulations. With other nations we have treaties on the subject which at present restrain us from differential duties. Every one of those treaties, except four—one with the Argentine Republic which cannot be terminated at all, and three others the time for terminating which has not yet arrived, and which are of little commercial importance—the treaties with every other nation can be terminated at twelve months' notice. They are all treaties of navigation and commerce; they are all concessions by us and to us; they all provide for and foresee a peaceable and proper termination by either party at will, and they can all be terminated in twelve months by giving notice, and their termination or denouncement, as is the technical term, can give no more just offense to either party than did the termination of the reciprocity treaty with Canada of the denouncement of which we all now recognize the polity.

The second section of my amendment, therefore, provides that at the end of twelve months all these treaties shall be terminated, and then all goods that come to this country shall have twenty per cent. less rates of duties imposed upon them if brought in American wooden bottoms, and twenty-five per cent. if brought in American iron bottoms.

One reason why I propose to make a difference upon importations in American wooden bottoms and American iron bottoms is that it is more difficult and more expensive for us to build iron ships than wooden ships, and I desire at the same time, while protecting American industry in shipping, to protect American industry in iron-working; we can more nearly compete in wooden vessels than in iron with the ship-yards of other nations, and therefore I propose to increase the differential duty in favor of iron vessels. Another reason for making this distinction is that iron vessels are almost always steamers, not of heavy burden, but of lighter draught and greater speed. Therefore all expensive goods are brought in iron steamers; goods which require expedition; goods likely to be smuggled, because of heavy duties and the tendency of a reduction of duties is also to reduce smuggling. Therefore it is better to have the greater reduction of duties on the higher classes of duties.

The effect of this discrimination, Mr. Speaker and gentlemen, will be to set every ship-yard in the country in motion, to set every rolling-mill in motion that can make iron for iron ships, and to employ every American ship to its fullest capacity. Every one will agree that this will be the result of such differential duties. There is no occasion to pause a moment to argue its effect, for everybody must see it. There is nothing against it in any treaty, and there is nothing against it in any law, because we here make the law.

It only remains for us to see if there is anything against it in sound policy and sound judgment. Upon this question I pray the attention of the House. What are the objections to it? The first objection that will be taken is, that other nations may retaliate. But as Great Britain, France, and Holland are doing the carrying trade of the world now, in what ways, if at all, must they retaliate? First, by saying that they will not allow our ships to carry goods into their ports without like differential duties. Be it so; we have not ships enough to do our own carrying. How can that injure us or our shipping?

To illustrate: such action will be equivalent to my neighbor saying to me, "Why, sir, if you do so and so your sheep shall not go into my pasture." That does not frighten me any, when I can reply, "I have no sheep." There can be no retaliation there. There is no possibility of retaliation in that direction.

How, then, can they retaliate? By refusing to trade with us. I wish to God—and I trust I speak with due reverence—they would. The difficulty is that we now are suffering in this country from over-trading and from over-importations. If other countries would not send us any of their surplus luxuries and manufactures; if there was a wall of fire around us, so that the foreign superfluities could be shut out from our people, it would, in my judgment, be better for the prosperity of this country, because we import now more than we export, and are selling our bonds at a discount to make up the deficiency. The protectionist and the high-tariff man, what other and higher and better protection could he desire than the refusal of England and France to trade in the products of their labor with America?

Mr. LYNCH. Will it interrupt the argument of the gentleman if I ask him a question at this point?

Mr. BUTLER, of Massachusetts. Certainly not.

Mr. LYNCH. I want to ask the gentleman from Massachusetts [Mr. BUTLER] if, in his opinion, should we make this discrimination of duties upon goods imported in foreign vessels, other nations will not make the same discrimination against goods imported into their ports in American vessels?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. LYNCH. The gentleman says they will.

Mr. BUTLER, of Massachusetts. I am quite willing to assume that they will.

Mr. LYNCH. Assuming that to be the case, will not the effect inevitably be that American vessels will bring our imports into this country and will go back to foreign ports in ballast? And vessels of foreign nations will come to our ports in ballast and go back loaded with cargoes of our exports. That will be the inevitable effect. And will not that inevitably double to the consumer the freights to be paid on cargoes? And was not that the very result of these restrictive laws and the reason for their abrogation?

Mr. BUTLER, of Massachusetts. The question of my friend from Maine [Mr. LYNCH] turns out to be an argument, but which I do not complain that he has made. I should have illy considered the subject which I present to the House if I had not considered these objections he urges. In regard to the objection of retaliation, I was upon that when my friend from Maine interrupted me; and if my friend would have listened he would have heard me say how they could retaliate.

He says that other nations will put a like differential duty on our exports when they arrive in their ports. Granted. What are our exports substantially? Cotton, breadstuffs, and tobacco. Now, can England or France stand a cotton famine? How was it in the breaking out of the rebellion? Can either stand a bread famine caused by their own differential duties? Has not England just been compelled to repeal her own corn laws? Can she stand a tobacco famine? By no means. Nearly one third of her whole excise revenue is derived from tobacco, and she will not keep it out. The same is true of France and of Germany; therefore they cannot discriminate on anything which we have to sell.

Now, for the answer to the other portion of the gentleman's suggestions. When we take twenty or twenty-five per cent. off our tariff duties, we reduce so much the cost of the goods to the consumer. The price of freight cannot be raised above that reduction by discriminating in favor of American vessels, because if that is done then goods will come in foreign vessels as before the discrimination. When that is done there will be no occasion to discriminate in favor of American vessels, because they are to have only twenty to twenty-five per cent. of the tariff duty in their favor. And the moment that the price of freights exceeds the twenty or twenty-five per cent., American vessels will not be preferred as carriers by the foreign importers. Therefore, whatever the price of the freight may be, the price of the goods to the consumer cannot be greater than they are under the present tariff, with the present rate of freight in the bottoms of foreign vessels.

Now, Great Britain cannot send her ships here in ballast for the sake of taking our cotton to her ports. Does not the gentleman know that in all transportation, as well by water as by land, the profit on freight is all made on carriage one way? The return cargo, as a rule, hardly covers expenses. Cars come here from the West laden with wheat, and long trains of them go back empty. They go out from here laden with goods, and almost as a rule they come back empty. One-way profits on freights is the universal law of commerce. Profits on freights are all made on one way. Return cargoes are taken at the lowest possible rates.

Does the gentleman believe that British ships

are to come here in ballast for the sake of carrying back our cotton when our ships, having brought her products, are ready to go back, as he says, in ballast, and will take our cotton for ballast? Is it possible? The question of my friend from Maine would seem to imply that he has not examined this subject with the care which I have always found him to do, and therefore expected from him. I am glad that this objection to the working of my proposition has been started, so as to give me an opportunity to answer it. It reduces itself to this: that when an American ship has come from England, filled with English goods and landed in the port of New York, there will come side by side with her an empty English ship to take back our cotton, when the American vessel can just as well take it back, in spite of foreign differential duties. The idea cannot be entertained for a moment.

My friend is altogether mistaken as to the traditional policy of this country when he says that differential duties were abolished because they tended to raise freight. The traditional policy of this country has been to get reciprocity everywhere, in order to do the carrying trade of the world. There has never been found any rise in freights because of reciprocal duties. On the contrary, the gentleman from Maine, in suggesting this objection, runs counter to the whole of his argument upon the tariff for protection of other industries. His argument is, that in case of protection on manufactures you in fact make the manufactured article cheaper. Is it not just as good an argument that in case of protection on freight you make freight cheaper? Thus my friend will see—and I am very much obliged to him for calling the attention of the House to this point so that I can answer it before I close—that the effect will not be, as he anticipates, to diminish our shipping will be seen from this: if the effect were that the ships of each nation would always go in ballast one way, then it would take just twice as many ships to do the business of the world as it now does, so that there would be occasion for a double amount of shipping, of which America would at least get her share.

Again, I have heard an objection urged by my tariff friends, that by this the tariff will be reduced. I call the attention of gentlemen from Pennsylvania to this matter. The proposed reduction of the tariff is on the average twenty per cent. of its present rate. Now by this reduction the duty on the article of pig iron, for instance, would be brought down to $7 80 per ton. There would be a similar reduction on other articles. This reduction would tend to satisfy those portions of the country who desire the tariff to be reduced. I call the attention of gentlemen from Pennsylvania to this fact: if that State will link her tariff interests with the navigation interests of the country in this form, so that the amount of differential duties shall afford protection to navigation by this linking of the interests of navigation and the protection of all kinds of labor, Pennsylvania will have a steady and unvarying tariff. Hence, in my judgment, this proposition of mine tends in the direction of sustaining the tariff for protection upon a just basis.

Mr. KELLEY. Will the gentleman yield to me for a moment?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. KELLEY. I have not examined the proposition of the gentleman, and therefore I am not prepared to speak upon it. I want simply to say that Pennsylvania is not specially interested in the pig-iron question; that it is a question for almost every State in the Union from Oregon eastward to the coast of New England. The iron interests of Pennsylvania can live under any duty under which those of Oregon or the States of the Mississippi valley can sustain themselves.

Mr. BUTLER, of Massachusetts. I by no means meant to infringe upon the State pride of Pennsylvania, or her consciousness of self-sustaining power. I was only using pig iron as an illustration to show how this reduction would operate. I desire the same protection for Pennsylvania interests that I do for any and every other interest. I have, by my votes in this House, endeavored to bring about such a tariff as will be stable, permanent, and just to all the interests of the country. No other can stand for a day. With these reductions of twenty and twenty-five per cent. in favor of American shipping we can bring the tariff into a stable relation to the business of the country, while the price of the production to the consumer will be reduced, and increased value will be given to the shipping of the country.

When once commerce, navigation, and manufacture have struck hands, when by cheapening freights abroad, because when our ships come over here with English goods at high freight they can carry back American wheat cheaply—I say, when those three great American interests have struck hands, and as a result transportation has been cheapened to the productions of our agriculture, then we shall have a staple tariff judiciously operating on all industries and every business alike. If gentlemen will examine this matter they will find that this differential duty upon goods in American ships aid all these interests of the country, which, indeed, must go hand in hand to maintain prosperity.

This is a measure of vast importance. It will be a declaration to the world, Mr. Speaker, that the United States of America have come to the conclusion to set up for themselves, to have our own navigation laws, to carry our own goods in our own way in our own ships; that we are no longer the dependent colonies which in 1790 sought concessions from the commercial nations of Europe. By it we assert our claim to be the great money center, the great producing center, the great consuming center, the great manufacturing center of the world, and as such we propose that our own ships shall do our own work and receive the benefit of their labors.

There is one other thing, if I might speak for a moment to the feelings, having so far addressed the judgment of the House. There will be one good thing accomplished by this measure dear to every American heart. Great Britain has now the carrying trade of the world because by her navigation laws, by her iron ships, by her Alabamas manned by rebels and encouraged and sustained by her, she has wrought destruction upon our commerce. This bill, taking our own commerce into our own hands, takes that much of that carrying trade from her. By this deprivation we shall build up our own languishing navigation interests which she did so much to cripple and destroy. There is a poetic as well as statesmanlike justice in this. At the expense of her merchants, who fitted out the "290" the Alabama, and other rebel piratical cruisers which so long preyed upon our commerce, our shipping interests will be reversed and brought to their pristine importance and productiveness. With the exception of a portion of the steamers running between this country and Europe she has nearly the whole of our carrying trade. By this protection of American navigation, this exhibition of American statesmanship, this promulgation of American power, we will retake from Great Britain what she has taken from us.

Now, Mr. Speaker, when this bill comes up for action I give notice I shall move the following as a substitute for the third and fourth sections of the bill as reported by the Committee on the Decline of American Commerce:

SEC. —. *And be it further enacted*, That after the 1st day of October, in the year 1870, all goods and merchandise upon the importation of which the United States are not prohibited by treaty from imposing discriminating or differential duties shall be charged a rate of customs duties when imported in American wooden vessels twenty per cent. less, and in American iron vessels twenty-five per cent. less, than if imported in a foreign vessel.

SEC. —. *And be it further enacted*, That the President of the United States be, and hereby is, authorized and requested to give notice to each nation having conventions or treaties of commerce with the United States which prohibit the imposition of discriminating or differential duties upon imported goods or merchandise, and which are terminable upon notice, that said treaties respectively shall terminate at the expiration of such notice, and thereafterward all goods and merchandise, the product of such nations or imported therefrom, shall have such reduction of customs duties when imported from foreign ports in American wooden or iron vessels, respectively, as hereinbefore provided.

Mr. CALKIN. Mr. Speaker, the chairman of the committee, [Mr. LYNCH,] who presented this report and occupied the attention of the House on the bill now before us for consideration, has said almost all that can be said on this subject in support both of the bill and the report of the committee. I am glad, sir, that the question of transportation and of the carrying trade is becoming, as it deserves to be, an important one before the country. I am, however, forced to believe, from the evidence I have had during the investigation of our committee, and from my study of this subject, that the men who will occupy our places hereafter will give more time to the consideration of the carrying trade than what this House has given to it. They will look more closely to any report on the subject than we have to the report of our committee.

It was well said by my colleague, [Mr. WOOD,] that this was not a question of commerce. It is not a question of commerce; it is a question of transportation, or a question of carrying. And the fact stares us in the face, which has been admitted by every gentleman who has spoken, and by every newspaper all over our land, that England, France, and Germany are carrying away from us our products, and carrying to us their merchandise and carrying to us their emigration—the people of those countries that are leaving Germany, France, England, and Ireland, and coming over to us in German, French, and English ships; whereas they once came here under the American flag and in American bottoms.

As I have stated, Mr. Speaker, the question of transportation is one of very great importance to us. And the committee have gone further than merely to consider the transportation of goods and merchandise crossing the Atlantic ocean. They have also endeavored by this bill which they have reported to aid the transportation upon our coasts, upon our rivers, and upon our lakes. This bill I desire that gentlemen who represent the western States should understand distinctly, as has already been stated by one of the members of the committee, [Mr. WELLS,] protects the ship-builder upon the waters of the lakes and rivers of the West as well as it does the builder upon the waters of the Atlantic and Pacific oceans.

I cannot enter fully into this important subject, as I have only half an hour allotted me. But I would say that I wish every gentleman here within the sound of my voice, before going to his home this evening, to send to the document-room and procure a copy of the committee's report. I wish that gentlemen would look into that report and examine it closely. The chairman of the committee has stated that he intends to call the previous question to-morrow, and I would like to have every gentleman read this report and scrutinize the merits of this bill, sitting quietly in his home, so as to arrive at a conclusion each for himself how he shall vote to-morrow. I feel confident that if members will do this and examine the facts and conclusions presented by the committee, they will vote to do something to relieve the interests of ship-building, transportation, and trade.

As regards the sentiments expressed in that report, I desire to say a single word with reference to the way in which the committee discharged its duties. They visited New York, Boston, and Portland, so as to reach as far as possible the varied interests involved in this question. They afterward visited the city of Philadelphia. They did not invite certain particular gentlemen to come before them;

they did not send out invitations to prominent men. But they inserted notices in the newspapers inviting all who were interested in ship-building and the carrying trade to come before the committee and give their testimony. Now, Mr. Speaker, what was the nature of the testimony laid before them. You will find by this report that it was the universal sentiment of the builders and owners, the merchants, as well as the constructors, that the only way to build up the American carrying trade was to have it done by American seamen in American-built ships. In the city of New York we had one man before us who stated to the committee that we could not build ships in this country, but must go abroad and buy them. We had one man who represented the Ship-owners' Association on the questions under discussion, who said that we could not build ships here, but must buy them abroad. But I will say, Mr. Speaker, and I will speak frankly upon this matter, because there has been quite an influence brought to bear on this House in reference to this idea—it seems this man was directly interested in British ships. So it was very easily explained why he desired that we should patronize British subjects in having our ships built on British soil.

In Boston we found a gentleman who advocated the idea of free trade in ships. All others who appeared before the committee, merchants and builders alike, said, "Do not go abroad to buy ships; we can build them here; all we want is cheap material." I shall speak upon that branch of the subject further on. In Portland there was the same expression of opinion. Only one man there wanted free trade in ships, and he proved to have been an arrant rebel during the war. It seems he had aided and comforted all he could by word and act the southern confederacy during our civil war—and he was the only one who wanted free trade in ships. As regards Philadelphia, I think there may possibly have been one man there who advocated that idea. I was not in that city when the committee met, and accordingly I am not positive how it was in that locality.

Now, it would be useless for me to occupy the time of this House in stating to you the condition of our ship-building interest. Every gentleman here knows what its condition is. You know that our ship-building interests are almost ruined, our large machine-shops are being sold, and that those not already sold will have to be disposed of in a short time unless there is a revival of business. I have made an estimate of the amount of property now lying idle in the country that was once engaged in the ship-building interest, and I venture to say that $30,000,000 worth of property is in that condition for want of business in this department of industry, property that was once thriving, large ship-yards that once had vessels being built in them and thousands of men employed. Machine-shops also, in which thousands of men were once employed, are now lying idle and have nothing to do. Now, let me suppose an instance, and imagine what the legislation of Congress would be. Suppose that the farms of the West were blighted, that grass or grain would not grow on them, and that the farmers would be driven to starvation, what would be done in that case? Why, there would be called an extra session of Congress if necessary, and laws would be enacted, rivers would be turned from their course, and those farms would be forced to grow crops if legislation could do it; the farmer would be protected, and there is no man in this country who would not say but that such legislation would be right and proper. The great city of New York, which I have the honor in part to represent, would give of her millions to those farmers and others in their distress. And not only the farmers, but any other interest that suffered would be cared for. We have seen enough in this House within the last few months to show us that every other interest has been protected that could be protected and that asked for protection from the Committee of Ways and Means. I have no particular fault to find with that. If we are to have protection, why, I suppose we must have it, though of course it is not the policy of the party that I represent.

Now, sir, it has been said that this interest is a local interest. Sir, it is not local. It extends from Maine to Oregon. It reaches up all our beautiful rivers, and is upon all our lakes. It is not local. This bill does not ask protection for the State of Maine or the State of Delaware, or the State of New York, or for some large iron manufactory in Pennsylvania, or for some large cloth manufactory in Massachusetts. It asks for protection for an interest all over the land, an interest that has brought millions of money to our Treasury, an interest that has built up our pride, and extended our flag all over the world.

Sir, the committee show in their report that our ships are not owned by the princely merchant alone; they are owned by mechanics as well as merchants; by ship-wrights and ship-chandlers; and by every man that has had anything to do with their construction. These men are owners as well as builders. I think I have made this matter clear. I trust I have satisfied the House that this is not a local interest.

Another thought which I would like to impress upon the House is that this ship-building interest is not as small an interest as some have supposed. It is an immense interest and is connected directly with the navigation interest, because, as I stated before, the ship-builder is the ship-owner in part, and consequently he becomes interested in navigation. The navigation interest gives employment to hundreds and thousands of our American citizens as captains, sailors, engineers, and firemen. It has in times past given employment to a large number of men in the foreign trade, but whose places are now filled by citizens of other countries. I have here a table showing the tonnage of the United States from 1821 till 1869, which is as follows:

Statement exhibiting the tonnage of American and foreign vessels entered and cleared in the district of New York from and to foreign countries from 1821 *to* 1869, *inclusive.*

Years.	Entered.				Cleared.			
	American.		Foreign.		American.		Foreign.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
1821	-	156,493	-	13,856	-	158,174	-	10,720
1822	-	217,538	-	22,478	-	185,666	-	17,784
1823	-	170,349	-	13,856	-	168,894	-	10,720
1824	-	227,961	-	19,774	-	222,271	-	18,142
1825	-	271,825	-	22,947	-	255,878	-	19,851
1826	-	248,176	-	26,285	-	208,202	-	19,655
1827	-	251,522	-	35,887	-	232,428	-	30,090
1828	-	242,660	-	42,319	-	202,844	-	40,128
1829	-	244,558	-	26,049	-	205,343	-	28,343
1830	-	273,790	-	31,391	-	210,535	-	32,650
1831	-	278,571	-	55,107	-	225,721	-	50,688
1832	-	298,127	-	102,358	-	218,490	-	90,900
1833*	-	314,409	-	106,099	-	232,395	-	101,007
1834	1,465	342,630	485	101,067	1,011	232,934	474	96,151
1835	1,528	374,602	480	91,063	1,226	289,268	433	77,121
1836	1,545	396,906	660	137,632	1,079	274,168	624	126,918
1837	1,408	391,357	814	187,837	890	243,966	724	166,111
1838	1,253	342,900	372	79,957	990	267,906	372	78,593
1839	1,579	427,627	559	135,990	1,169	322,633	511	124,206
1840	1,443	417,443	512	128,488	1,067	283,149	503	125,619
1841	1,570	423,289	528	124,405	1,081	292,575	484	112,458
1842	1,424	419,076	563	150,939	1,027	299,950	573	151,241
1843†	875	247,590	276	64,624	801	221,733	271	63,748
1844	1,562	434,960	561	141,520	1,289	371,968	522	126,286
1845	1,450	439,676	558	139,542	1,127	341,094	561	142,431
1846	1,568	493,995	564	161,882	1,237	396,448	564	157,218
1847	1,690	543,065	1,048	310,603	1,476	495,509	925	263,236
1848	1,924	639,305	946	293,188	1,351	491,219	992	297,116
1849	1,979	711,720	1,239	406,080	1,533	569,711	1,140	361,798
1850	1,882	734,431	1,281	410,900	1,379	596,812	1,230	385,666
1851	2,068	956,879	1,579	491,889	1,658	793,229	1,427	436,853
1852	2,438	1,221,871	1,436	477,131	1,641	871,076	1,272	408,586
1853	2,448	1,284,977	1,479	470,544	1,845	944,785	1,385	439,224
1854	2,667	1,377,937	1,370	462,068	2,084	1,147,591	1,353	450,712
1855	2,588	1,377,738	1,185	358,169	1,941	1,091,244	1,169	354,510
1856	2,496	1,381,726	1,033	299,933	2,145	1,222,763	977	297,860
1857	3,014	1,584,764	1,054	450,885	2,307	1,310,875	1,047	445,566
1858	2,401	1,273,788	929	420,431	1,901	1,027,390	936	433,608
1859	2,657	1,320,290	1,245	569,854	1,911	925,528	1,175	550,751
1860	2,645	1,356,665	1,337	617,147	2,026	1,056,486	1,376	622,419
1861	3,080	1,595,278	1,523	725,649	2,585	1,433,971	1,526	753,924
1862	2,744	1,532,176	2,371	977,573	2,292	1,370,413	2,475	1,054,121
1863	2,372	1,340,248	2,959	1,214,610	1,908	1,174,092	3,125	1,380,772
1864	1,377	818,912	3,629	1,563,280	929	654,737	3,661	1,674,147
1865	1,493	774,136	2,983	1,301,341	1,011	629,186	3,284	1,473,729
1866	1,616	944,863	3,372	1,752,462	1,138	756,222	3,282	1,752,663
1867	1,742	974,928	2,934	1,779,077	1,274	840,626	2,985	1,798,836
1868	2,032	1,064,263	2,648	1,800,989	1,669	932,632	2,685	1,820,133
1869	2,151	1,057,271	3,067	2,044,420	1,583	873,111	3,008	2,090,478

TREASURY DEPARTMENT,
BUREAU OF STATISTICS, *February* 3, 1870.

FRANCIS A. WALKER,
Deputy Special Commissioner of Revenue.

* No enumeration of vessels was made prior to 1834.
† Only nine months is included in this period by reason of the fiscal year ending this year June 30 instead of September 30, as in the preceding years.

I wish to call attention especially to our tonnage in 1861 and in 1869. In 1861 the American tonnage entered at the port of New York was 1,595,278, and the foreign tonnage was 725,000. Now, look at the other side of the picture. In 1869 we had entered at the port of New York, of American tonnage, 1,057,000, and of foreign tonnage, 2,044,000. Sir, it is not a pleasant picture to dwell on. These are facts, and as such are stubborn things.

Previous to 1861 we brought to our shores in American bottoms the immigrants who left foreign lands for this glorious country. Their value to us cannot be overestimated. They are coming, thank God! all the time, filling up our great cities, covering our prairies, and making our western wilderness beautiful. Let them come, I say, Chinamen and all. But I want to bring them here in American-built ships and under the American flag. And let

me tell you that they prefer to come in American vessels. I happen to know something about that from my own experience. I was interested in a line of steamers that did not compare at all with the iron propellers now running to Bremen and elsewhere. One of those ships went over to Bremen and brought back twelve hundred Germans, and alongside of that ship was lying a beautiful iron propeller which you or I would certainly have preferred; but these people preferred to take the American ship; they wanted to leave their native country and go to the land of freedom under the flag of their adopted country. We found no difficulty in filling every ship of that class with immigrants; and I here wish to have published statistics of immigration from 1820 to 1869, which I trust will be carefully read by all:

A statement of the number, sex, nationalities, and occupations of passengers arriving in the United States from October 1, 1819, to September 30, 1869.

Period.	Males.	Females.	Sex not stated.	Total.
Year ended September 30, 1820	6,447	2,680	1,184	10,311
Year ended September 30, 1821	6,866	1,938	2,840	11,644
Year ended September 30, 1822	5,318	1,149	2,082	8,549
Year ended September 30, 1823	5,313	1,044	1,908	8,265
Year ended September 30, 1824	6,253	1,561	1,813	9,627
Year ended September 30, 1825	9,206	3,329	323	12,858
Year ended September 30, 1826	10,218	3,633	57	13,908
Year ended September 30, 1827	14,165	6,479	1,133	21,777
Year ended September 30, 1828	19,446	10,677	61	30,184
Year ended September 30, 1829	12,938	5,470	6,105	24,513
Year ended September 30, 1830	7,514	3,575	13,748	24,837
Year ended September 30, 1831	15,917	7,963	-	23,880
Year ended September 30, 1832	35,599	18,752	-	54,351
Quarter ended December 31, 1832	4,691	2,512	100	7,303
Year ended December 31, 1833	42,548	17,377	-	59,925
Year ended December 31, 1834	40,730	23,180	4,038	67,948
Year ended December 31, 1835	30,752	17,791	173	48,716
Year ended December 31, 1836	51,459	28,689	824	80,972
Year ended December 31, 1837	53,403	28,706	2,850	84,959
Year ended December 31, 1838	28,504	14,900	1,755	45,159
Year ended December 31, 1839	48,200	26,454	12	74,666
Year ended December 31, 1840	58,998	33,158	51	92,207
Year ended December 31, 1841	53,815	33,814	176	87,805
Year ended December 31, 1842	67,124	43,475	381	110,980
Nine months ended September 30, 1843	33,172	23,354	3	56,529
Year ended September 30, 1844	48,897	35,867	-	84,764
Year ended September 30, 1845	69,179	49,311	1,406	119,896
Year ended September 30, 1846	90,974	66,778	897	158,649
Year ended September 30, 1847	139,167	99,325	990	239,482
Year ended September 30, 1848	136,128	92,883	472	229,483
Year ended September 30, 1849	179,256	119,915	512	299,683
Year ended September 30, 1850	200,904	113,392	1,038	315,334
Quarter ended December 31, 1850	38,282	27,107	181	65,570
Year ended December 31, 1851	245,017	163,745	66	408,828
Year ended December 31, 1852	235,731	160,174	1,438	397,343
Year ended December 31, 1853	236,732	164,178	72	400,982
Year ended December 31, 1854	284,887	175,587	-	460,474
Year ended December 31, 1855	140,181	90,283	12	230,476
Year ended December 31, 1856	135,308	89,188	-	224,496
Year ended December 31, 1857	162,767	109,215	-	271,982
Year ended December 31, 1858	89,786	54,820	300	144,906
Year ended December 31, 1859	96,202	58,826	481	155,509
Year ended December 31, 1860	108,671	70,934	86	179,691
Year ended December 31, 1861	70,733	41,969	-	112,702
Year ended December 31, 1862	69,202	45,122	139	114,463
Year ended December 31, 1863	123,544	76,196	71	199,811
Year ended December 31, 1864	135,364	86,171	-	221,535
Year ended December 31, 1865	161,355	94,466	31,578	287,399
Year ended December 31, 1866	106,762	67,306	185,875	359,943
Year ended December 31, 1867	209,406	130,221	-	339,627
Year ended December 31, 1868	199,852	126,380	-	326,232
First, second, and third quarters, 1869	213,727	127,819	-	341,546
Total	4,596,610	2,898,838	267,231	7,762,679

Nationalities.	
Great Britain and Ireland	3,675,983
Germany, Prussia, and Austria	2,253,115
Norway, Sweden, and Denmark	145,473
France	241,157
Switzerland	58,436
China	95,594
British North American provinces	222,153
West Indies	47,691
All other countries	150,254
United States	667,571
Not stated	205,257
Total	7,762,679

Occupations.	
Laborers	1,310,227
Farmers	936,889
Mechanics	549,665
Merchants	318,794
Servants	121,618
Miners	87,513
Mariners	46,815
Clerks	18,062
Weavers and spinners	14,065
Physicians	10,068
Seamstresses and milliners	8,067
Clergymen	7,113
Bakers	7,181
Artists	5,906
Butchers	5,947
Tailors	6,646
Shoemakers	6,568
Manufacturers	4,437
Lawyers	4,130
Masons	5,113
Carried forward	3,476,824
Brought forward	3,476,824
Engineers	3,255
Teachers	2,242
Millers	968
Painters	1,588
Printers	1,044
Musicians	1,033
Actors	809
Hatters	277
Other occupations	65,130
Not stated	4,211,509
Total	7,762,679

FRANCIS A. WALKER,
Deputy Special Commissioner of the Revenue.

Now, sir, to pass to another point, we have given to the world the finest clippers ever built. We have furnished models to France and England, and to the whole world; models of the finest steamers and the fleetest sailing vessels that ever floated. We have furnished Europe with improvements in rigging, improvements in capstans and windlasses, and in everything on board ship that Yankee ingenuity could invent to save labor and expense.

Before 1861 we built ships for England; we built ships for France; we built ships for Austria—I suspect that we built ships for Hamburg, I am not quite positive about that—but I know we did for Italy. We gave her as fine a war vessel as ever was constructed. It was built in my district at Mr. Webb's yard. France has to-day one of her best gun-boats which was built in this country and sold to France. Our Government could not afford to pay the price asked and the French Government took her; they understand their business. We have built ships not only for all these great nations of Europe, but we have built them for all the principal countries in the world. We have built them for China, and there are to-day on Chinese waters some of the finest steamers in the world, which were built in the United States.

I wish now to say a word on the question of mail service. We have no mail steamers. Our mails are carried in foreign bottoms. They are carried across the Atlantic in English, French, and German steamers. Only a few months since there was a question whether the American mails could any longer be carried in foreign steamers. It was a question whether the Postmaster General would not have to employ naval vessels to carry the mails, because we had no American steamers; but finally there was an arrangement made to carry the mails in foreign steamers. I should like to have some gentlemen of this House stand on the pier at New York about three or four o'clock on some Saturday afternoon. They would see a beautiful steamer backing out from the wharf at Jersey City, firing her guns, while flying the American flag at her fore peak. You would ask, "What steamer is that? Why, she flies the American flag." "Oh, yes," I reply, "but she is a Cunarder; she carries the United States mails, and therefore she flies our flag." Then you look up the stream, and out comes another ship firing her cannon. She, too, flies the American flag. You ask, "What steamer is that?" The answer is, "She belongs to the French line, which France subsidizes to the extent of millions every year." "Why does she float the American flag?" "She also carries our mails." Then from over at Hoboken there comes another steamer firing her cannon, and flying the American flag. You ask, "What steamer is that?" I answer, "She belongs to the Bremen line, and carries our mails." Any gentleman coming from a location distant from our commercial centers might naturally ask, "Have we no ships to carry our mails? Can we not build our own ships?" "Yes," I answer, "we can build our own ships if Congress will only legislate so as to put the ship-builder in the same position in which he was in 1861. That is all he asks."

Now, let me refer to the cause of the decline of our carrying trade and ship-building. I do not wish to dwell upon this question. Every gentleman knows that everything entering into the construction of a ship costs a great deal more money now than it did in 1861. We ask for such legislation as will reduce this cost. During the war there was a demand upon our ship-builders for the construction of vessels for Government service, but at that time occurred the transition from sail to steam, to which my colleague [Mr. WOOD] referred yesterday. Merchants found that by reason of the quicker passage of steam vessels great economy could be effected by using such vessels instead of sailing vessels for the transportation of the merchandise and products of this country. At that period many of our vessels passed under the English flag; and I say let them stay there. They will do us no good if they come back. They cannot transport our mails; they cannot compete with the iron propellers. Hence I say let them remain there. As for any man who deserted the flag of our country during our civil war, and preferred to go under that of England, I say let him stay there; I have no particular desire to bring him back; and though I say this, I do not belong to that party which professes to possess *par excellence* the loyalty and patriotism of the nation.

Prior to 1861 all the commercial nations of the world had begun to see this change and to adopt the propellers, the vessels with auxiliary

steam-power. These use the sail more than the side-wheel steamers, and hence their advantages. We have neglected to maintain the position we formerly held. The House and the country understand that what we need is legislation that will enable us to build these iron or wooden ships so as to compete with Europe. With proper legislation this can be done.

The difficulty, I wish it distinctly understood, is not caused by the high price of labor. The evidence of every builder, as embodied in the report of the committee, shows that the labor question is not the trouble. We are paying our men higher wages than are paid in Europe; but American mechanics do more work than European laborers. One good mechanic in this country, under a good, active "boss," is worth two laborers in Europe. This is the evidence of every gentleman who appeared before the committee. The uniform testimony before the committee was that we can build iron ships in this country as well as they can be built in Europe. If you take the train this afternoon, and go to Wilmington, Delaware, you will find there in course of construction an iron ship of two thousand tons. At that place there have been built for one man twenty iron steamships and steamboats to run upon the Gulf of Mexico. In Boston there have been built two as good iron propellers as ever floated upon the waters of the Atlantic ocean; and iron vessels have been built in my own city and in its environs. The little Monitor was constructed by Mr. Rowland is one hundred days. I speak of what I know. I do not assert anything that I cannot prove. Now, let me refer for a moment to the remedy proposed in the bill of the committee. It is useless for me to point out to this House the immense business that would result from the revival of our ship-building and our navigation; I connect them because they are inseparable. I wish to show the House how many busy hands will be put to work upon a ship of three thousand tons. On such a ship there are one hundred and twenty-six thousand days' work. Such a vessel requires three million five hundred thousand pounds of iron; the machinery would cost $110,000.

Now, gentlemen, you people who are protectionists, you people who are free-traders, you people who love the interest of the laboring men in this country, do you want to send money abroad to employ the labor of Europe instead of employing one hundred and twenty-six thousand busy hands in our own country? If you do, then I differ widely from you. I believe in building our own ships in our own ship-yards, and the engines in our own machine-shops.

Much has been said about the tonnage tax. I have but a few minutes of my time left, and I will leave that question to be explained by the chairman of the committee before the House will be called upon to vote on it. I am satisfied from what I have heard in this debate that gentlemen do not understand it. The gentleman from Maine [Mr. LYNCH] showed conclusively that it would put a million of money into the Treasury of the Government. But as I have said, I will leave that to be explained by the chairman of the committee when he comes to close the debate.

A few words in reference to the proposed drawback. I am sure there is not a free-trade friend here who will not agree with me it is all right to give drawback to the men who are engaged in building our ships at home. We only propose to do for our ship-builders what England and France and every other nation in the world are doing for their ship-building. Not a dollar is imposed in the way of duty by any other nation upon any of the materials which enter into the construction of ships. Not a dollar is imposed upon anything used in the outfit of a vessel during her voyage. It is not so with us. We therefore propose to allow these drawbacks.

We have local taxes in every State. We have State taxes upon every corporated company which owns ships. Who will be benefited by the policy we propose? Not the ship-builder alone. Every man who owns a wood lot in any part of the country, every man who owns an iron mine and digs out ore, every man who makes pig iron and sends it to market, every man engaged in the transportation of materials in the country, every man in the country who does a commission business—all interests in the country alike will be benefited. Above all, the laborer and the mechanic will be benefited, the men who work for a dollar and a quarter or two or three dollars a day will be benefited. I care more for them than for all others. It is proper I should do so. I represent a district of laboring men, as does every member upon this floor from the city of New York. That busy city is made up of workingmen and mechanics of all grades. I care more for their interest than I do for the interest of the merchant who would rather have free trade in ships and do a fine commission business at the expense of the laboring people.

I wish to say a word in reference to this free-trade policy. I do not refer to any one upon this floor, but to those outside of these Halls. I do not wish to utter one harsh word against any one upon this floor. We had sent to this House a petition signed by ten thousand men in New York city, asking for the passage of this bill, and opposing free trade in ships. A petition was sent to the Senate from New York city opposing the bill, signed, with a few exceptions, by merchants and others directly interested in English ships. My colleagues on examination will say who they are. They were not the men who came before our committee opposing free trade in ships. They are men who are and were identified with English interests, and always opposed to the best interests of our own commerce. They are the men who are prowling about these Halls, and say we cannot build our own ships, that we must go to Europe and buy them. Some of the pamphlets which they have circulated have made unfavorable impressions upon the minds of some members, because they have not examined the report of the committee, as they ought to have done.

A word in conclusion, Mr. Speaker, to the Democratic representatives in this Congress. The motto of our party has been in the past, and is to-day, free trade and sailor's rights; our party insignias are the goddess of liberty seated in her temple; a full-rigged ship; and the strong arm of the mechanic wielding a sledge. I appeal to you, as Representatives of that party who have always sustained commerce, to sustain this bill.

To you, gentlemen, on the other side of the the House, I ask you to remember that in the success of ship-building at home lies one of our main elements of strength. You should not forget the peculiar service rendered by this department of industry during the late war, and that it is now paying the price of that fearful scourge with tenfold the sacrifice of any business in the country. But give them the protection that has been granted by other governments, and in a few years our mails will be carried in our own steamers, our prestige as a ship-building people restored, and the United States will have assumed the position belonging to her, the greatest maritime nation of the world.

[Here the hammer fell.]

The SPEAKER. The morning hour has expired, and the bill goes over till to-morrow.

ENROLLED BILL SIGNED.

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

An act (H. R. No. 1084) to incorporate the Washington Market Company.

HOWARD UNIVERSITY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting to the House copies of certain papers relating to the transfer of the buildings known as the Howard University from the Freedmen's Bureau to the trustees of the university; which was referred to the Committee on Education and Labor, and ordered to be printed.

BENJAMIN F. REYNOLDS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting to the House the petition of Benjamin F. Reynolds, late captain of company K, forty-eighth Illinois volunteers, for relief; which was referred to the Committee on Military Affairs, and ordered to be printed.

BUREAU OF INTERNAL REVENUE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting to the House a letter from the Commissioner of Internal Revenue, inclosing three reports of officers of that bureau; which was referred to the Committee of Ways and Means, and ordered to be printed.

GAUGERS' INSTRUMENTS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting to the House a report by the American Union Academy of Literature, Science, and Art on the subject of saccharometers and gaugers' instruments; which was referred to the Committee of Ways and Means, and ordered to be printed.

EXPENSES OF POST OFFICE DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Treasurer of the United States, in compliance with section seven of the act of July 2, 1836, transmitting copies of accounts current "for services of the Post Office Department for the years ending June 30, 1867 and 1868;" which was referred to the Committee on Appropriations, and ordered to be printed.

CONTESTED ELECTION—GRAFTON VS. CONNER.

The SPEAKER also, by unanimous consent, laid before the House depositions in the contested-election case of Grafton *vs.* Conner, second congressional district of Texas; which were referred to the Committee of Elections.

INVALID PENSIONS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in reply to a resolution of the House of March 29, 1870, relative to reductions and increases of pensions granted by special acts of Congress; which was referred to the Committee on Invalid Pensions.

LEAVES OF ABSENCE.

Mr. MOORE, of Illinois, obtained leave of absence till Saturday.

Mr. KELLOGG obtained leave of absence for a week.

Mr. GILFILLAN obtained leave of absence for ten days, on account of sickness in his family.

CHANGE OF REFERENCE.

Mr. ARCHER, by unanimous consent, obtained leave to withdraw the bill, (H. R. No. 326,) being a bill to prevent the lapsing of certain appropriations therein named, and the papers accompanying the same, from the Committee on Appropriations, and to have the same referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. BOYD, it was ordered that the papers relating to the claim of William B. Edwards, of Newtonia, Missouri, presented to the House during the Thirty-Ninth Congress, be withdrawn from the files of the House and

returned to him through his attorneys, Sanborn & King.

CHANGES ON COMMITTEES.

The SPEAKER announced the following changes on committees: Mr. WHITMORE, of Texas, is excused from further service on the Committee on Invalid Pensions; Mr. TAYLOR, of Pennsylvania, and Mr. PECK, of Ohio, are appointed as additional members of the Committee on Invalid Pensions.

CONTESTED-ELECTION CASE.

Mr. CESSNA, from the Committee of Elections, submitted a report on the contested election for the fourth district of South Carolina, accompanied by the following resolution:

Resolved, That A. S. Wallace was duly elected a member of the Forty-First Congress from the fourth district of South Carolina, and is entitled to the seat he claims in this House.

Mr. CESSNA. I move that the report and resolution be printed and laid on the table; and I give notice that I shall call up the case for action on Tuesday next.

The motion was agreed to.

DUTIES ON IMPORTS.

Mr. FINKELNBURG, by unanimous consent, introduced a bill (H. R. No. 2053) concerning duties on imports; which was read a first and second time, and referred to the Committee of Ways and Means.

NEW YORK ELECTION.

Mr. COX. Will the Chair allow a dispatch to be read announcing the result of the New York election?

The SPEAKER. Does the gentleman make the request as a question of privilege? [Laughter.]

Mr. COX. I should like the House to be put in possession of the result as a matter of information.

Mr. ELDRIDGE. We used to have that sort of thing done on the other side, somewhat to our annoyance.

The Clerk read the dispatch, as follows:

NEW YORK, *May* 18, 1870.

Hon. S. S. COX, *Washington:*

New York State Democratic over fifty thousand majority.

A. O. HALL.

RECESS.

Mr. WASHBURN, of Wisconsin. Before moving that the House resolve itself into Committee of the Whole on the naval appropriation bill, I shall move that the Committee of the Whole take a recess from half past four till half past seven.

The question was put on the motion for a recess; and there were, on a division—ayes 67, noes 54.

Mr. ELDRIDGE demanded tellers.

Tellers were ordered; and Mr. COX, and Mr. WASHBURN of Wisconsin, were appointed.

The House divided; and the tellers reported—ayes 74, noes 49.

So the motion for a recess was agreed to.

CLOSE OF DEBATE.

Mr. WASHBURN, of Wisconsin. I move that when the Committee of the Whole on the state of the Union resumes the consideration of the naval appropriation bill all debate on the pending paragraph and amendments thereto shall close in twenty minutes.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. WASHBURN, of Wisconsin. I now move that the rules be suspended, and the House resolve itself into Committee of the Whole on the state of the Union on the special order, the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. ELDRIDGE in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 1533) making appropriations for the naval service for the year ending the 30th of June, 1871.

The CHAIRMAN. When the committee rose last evening it had under consideration the following paragraph of the bill:

For pay of commissioned and warrant officers at sea, on shore, on special service, and of those on the retired list and unemployed, and for mileage or transportation of officers traveling under orders, $4,000,000.

The gentleman from Wisconsin [Mr. WASHBURN] moved to amend the paragraph by adding to it the following:

Provided, That no money hereby appropriated shall hereafter be paid to any officer in the naval service of the United States for drawing bills, for receiving or disbursing money, or transacting any business for the Government of the United States; nor shall he be allowed servants, or pay for servants, or clothing or rations for them, or pay for the same; nor shall any allowance be made to him for rent of quarters, or to pay rent for furniture, or for lights or fuel or transporting baggage.

The gentleman from New Hampshire [Mr. STEVENS] moved to amend the amendment by adding thereto the following:

Provided further, That the payment of the thirty-three and one third per cent. additional provided for and ordered in and by the general order of the Secretary of the Navy, dated May 23, 1866, shall be continued and paid out of this appropriation to all officers of the Navy below the grade of commodore.

The question is on the amendment to the amendment. By order of the House all debate upon this paragraph will close in twenty minutes.

Mr. STEVENS. I understand that the Committee on Appropriations have since the adjournment last evening considered and prepared an amendment fixing the pay of officers of the Navy, substantially meeting the conditions of the amendment offered by me. I therefore ask leave to withdraw my amendment.

There was no objection; and the amendment to the amendment was withdrawn.

Mr. WASHBURN, of Wisconsin. By the instruction of the Committee on Appropriations, I offer the following amendment to the amendment:

Provided further, That hereafter the pay of officers of the Navy shall be annually, in lieu of all other compenation, as follows:

The pay of Admiral, $12,000.

The pay of Vice Admiral when at sea, $9,000; when on shore duty, $7,200; when on leave of absence or waiting orders, $6,000.

The pay of rear admirals when at sea, $6,000; when on shore duty, $4,800; when on leave of absence or waiting orders, $3,600; when retired, $2,400.

The pay of commodores when at sea, $5,000; on shore duty, $4,000; on leave of absence or waiting orders, $3,000; when retired, $2,250.

The pay of captains when at sea, $4,200; on shore duty, $3,360; on leave of absence or waiting orders, $2,520; when retired, $2,000.

The pay of commanders when at sea, $3,500; on shore duty, $2,800; on leave of absence or waiting orders, $2,100; when retired, $1,800.

The pay of lieutenant commanders when at sea, $3,125; on shore duty, $2,500; on leave of absence or waiting orders, $2,000; when retired, $1,700.

The pay of lieutenants when at sea, $2,500; on shore duty, $2,000; on leave of absence or waiting orders, $1,500; when retired, $1,300.

The pay of masters when at sea, $2,000; on shore duty, $1,600; on leave of absence or waiting orders, $1,200; when retired, $1,000.

The pay of ensigns when at sea, $1,600; when on shore duty, $1,280; on leave of absence or waiting orders, $960; when retired, $800.

And staff officers of the Navy shall receive pay according to their relative rank, specified in general order of the Navy Department of March 13, 1863.

Mr. Chairman, I believe that with few exceptions the Committee on Appropriations agree with me that the allowance of thirty-three per cent. is in violation of law, and think it desirable that the pay of the Navy should be fixed. They have accordingly considered the question of fixing the pay so that there shall be no question in regard to it. They have had in view the fact that the House has by a very decided vote fixed the pay of the Army at certain fixed rates, and they have assimilated the pay of naval officers to the pay of the Army, and you will find that the amendment which I have proposed, as far as the committee could do so, has made the pay of naval officers conform to that of officers of similar rank in the Army, according to General LOGAN's bill.

I would state that this amendment proposes a reduction of the pay of the higher grade of officers from what they have been receiving under this thirty-three and one third per cent. allowance. It will reduce the pay of the Admiral some $1,300; of the Vice Admiral, $333; of the rear admiral, $666; of the commodore, $333; of the captain, $466; and of the lieutenant commander, about two hundred dollars. But under this amendment all the grades below that of lieutenant commander will receive about the same pay that they have been receiving under the illegal orders of Secretary Welles. We have made the pay of officers of the Navy conform as near as we can make it to the pay of Army officers, as fixed by the bill reported by General LOGAN and passed by this House. I think this is all the explanation which I need make of this amendment.

Mr. O'NEILL. I desire to obtain some information about this amendment. I understand that by the amendment submitted by the gentleman from Wisconsin [Mr. WASHBURN] the sea pay of the officers of the Navy, beginning with the Admiral and going down, is increased.

Mr. WASHBURN, of Wisconsin. No, sir; the pay of the Admiral will not be increased over that which he now receives with the thirty-three and one third per cent. additional allowance; but it increases his pay $2,000 over that which he is now authorized to receive by law.

Mr. O'NEILL. I understand that the pay of the Admiral is to be fixed at $12,000 absolutely, being the same pay that is fixed for the General of the Army in the bill which passed this House some time ago in relation to the Army.

Mr. WASHBURN, of Wisconsin. Exactly.

Mr. O'NEILL. The pay of the Admiral is fixed at $12,000 a year under all circumstances, and the pay of the Vice Admiral, and of all officers below him down to and including lieutenant commanders, is increased absolutely for sea service?

Mr. WASHBURN, of Wisconsin. I will state about that. By the amendment which I have proposed here the pay of the Admiral is increased $2,000 above that which he is now authorized by law to receive; the pay of the Vice Admiral is increased $2,000; the pay of the rear admirals is increased $1,000 over the statutory allowance of pay. But it does not increase the pay which they are now receiving with the thirty-three and one third per cent. allowance. To illustrate: under this amendment a rear admiral will receive $6,000, while with the thirty-three and one third per cent. allowance he receives now $6,666 66⅔; a commodore will receive $5,000, while with the thirty-three and one third per cent. allowance he gets $5,333 33⅓; and so on in regard to officers of other grades.

Mr. O'NEILL. Then I understand that for the lower grades of naval officers, all below lieutenant commanders, this amendment will give them what they now receive, or absolute pay equal to thirty-three and one third per cent. more than the gentleman now says they are authorized to receive by law.

Mr. WASHBURN, of Wisconsin. Certainly.

Mr. O'NEILL. But there are to be no allowances?

Mr. WASHBURN, of Wisconsin. No, sir.

Mr. ARCHER. Is the present allowance of rations at sea cut off by this amendment?

Mr. WASHBURN, of Wisconsin. Everything is cut off.

Mr. ARCHER. Is it proposed to cut off the allowance of traveling expenses, while traveling under orders?

Mr. WASHBURN, of Wisconsin. It is not.

Mr. PLATT. The gentleman states that the Committee on Appropriations have tried carefully to bring the pay of officers of the Navy to correspond with the pay of officers of the Army as fixed by the bill regulating the pay of the Army which passed this House some weeks ago.

Mr. WASHBURN, of Wisconsin. Yes, sir.

Mr. PLATT. I desire to say that there was a provision in the bill regulating the pay of officers of the Army which is of great importance to the old officers of the Army. I have heard nothing of the same kind in the amendment which has been offered by the gentleman from Wisconsin [Mr. WASHBURN] relating to the officers of the Navy. I refer to the provision giving increase of pay for increased length of service.

Mr. WASHBURN, of Wisconsin. I think the amendment I have moved, by instruction of the Committee on Appropriations, is exceedingly liberal, and I believe that every officer of the Navy will be satisfied with it.

Mr. PLATT. Is there any provision of that kind to which I have referred in relation to increased pay for increased length of service?

Mr. WASHBURN, of Wisconsin. There is nothing of the kind in this amendment.

Mr. PLATT. Then an officer who goes into service in the Navy to-day will get the same pay as an officer of the same grade who has been in service for twenty years. And this amendment does not make the pay of officers of the Navy correspond with the pay proposed for officers of the Army, at least in that respect.

[Here the hammer fell.]

Mr. MORGAN. I regret, Mr. Chairman, that I feel called upon by a sense of public duty to oppose the amendment introduced by the honorable gentleman from Wisconsin, [Mr. WASHBURN.] It does not come up to the conditions of the military bill. That bill provided for retiring from service about five hundred officers of the regular Army. There are now in the Navy, adopting a very large estimate, only about one thousand officers doing naval duty. The number of those at sea and on special service amounts to seven hundred and fifty-two, or thereabout. It may be safely said that there are not one thousand officers doing naval duty. Yet pay is claimed for more than two thousand. Now, before we undertake to increase the pay of officers of the Navy we should at least apply to the Navy the same rule which has been applied to the Army by the military bill; we should reduce the number of naval officers in something like a corresponding degree, so as to conform to the present necessities of the public service.

I object to this amendment for another reason. I hold that it is not just to this House to spring upon us an amendment of this important character, revolutionizing the whole system of pay in the Navy, without giving members an opportunity to scan carefully its provisions, that they may either support or oppose it intelligently. The grand abuse in both branches of our service—the military and the naval—is the number of supernumerary officers. I showed yesterday that according to the estimate used in the speech of my friend from Wisconsin the officers of our Navy number about one for every three seamen. I say that such a proportion of supernumerary officers is an outrage upon the country. It amounts simply to plundering the tax-payers whose contributions fill the national coffers. Hence I oppose the amendment.

Mr. WASHBURN, of Wisconsin. I withdraw my amendment, that the gentleman from Massachusetts [Mr. DAWES] may renew it.

Mr. DAWES. I renew the amendment. I wish to state to the gentleman from Ohio [Mr. MORGAN] that the question before the House is between fixed salaries specified by law for our naval officers and a payment of uncertain amount to be determined by the discretion of the Secretary of the Navy. I submit to the gentleman from Ohio that between these two systems of payment economy and a fair regard to the proper administration of the Navy Department require us to adopt the fixed-pay system.

The Committee on Appropriations, in reporting this proposition fixing the pay, have not attempted to invade the province of the Committee on Naval Affairs. We hope that committee will not omit to occupy themselves in the reform and reorganization of the Navy itself. It is not the province of the Committee on Appropriations to undertake such reorganization. They adopt the organization of the Navy as they find it upon the statute-book. But as between an indefinite and discretionary mode of payment and a system of fixed salaries, the Committee on Appropriations believe there can be no room for hesitation. The latter system, I think, must receive the assent of the gentleman from Ohio. In fixing the amounts of pay we have followed the opinion of the House as expressed unanimously in reorganizing the Army of the United States. We have followed the rule adopted in that bill, and endeavored to apply it, as far as practicable, *mutatis mutandis*, to the officers of the Navy.

Mr. HALE. Does this amendment propose to cut off all allowances?

Mr. DAWES. Yes, sir.

Mr. HALE. I submit to the Committee on Appropriations whether it is not fair, where a naval officer is ordered by the Department from one place to another, that his actual traveling expenses should be paid.

Mr. DAWES. This amendment does not cut off such allowances as that. It applies to the annual pay only. It is proper that officers should be allowed their traveling expenses when transferred by order of the Department from one place to another. But we do not deem it necessary for us to insert in this amendment a specific provision on that point. If it should turn out that by any construction naval officers should be deprived of this allowance the gentleman will find us ready to coöperate with him in adopting a remedy.

Mr. HALE. That is all I wanted to know on that point.

Mr. DAWES. I think the gentleman from Ohio, when he understands the position of the committee, will see that we do provide for a reduction of expenses. We propose to establish a system of fixed salaries, while we leave to the Committee on Naval Affairs the reorganization of the Navy; and to that work we urgently exhort them.

Mr. SCOFIELD. I ask unanimous consent that a letter from the Secretary of the Navy, addressed to the Committee on Naval Affairs, with reference to expenses for materials, officers, and men for the naval service, be printed in the Globe in connection with this debate.

The CHAIRMAN. If there be no objection it will be so ordered.

There was no objection.

The letter is as follows:

NAVY DEPARTMENT, *May* 14, 1870.

SIR: I beg leave to offer at this time a few suggestions on the subject of the naval service and its necessary expenses for material, and for officers and men, which may, perhaps, throw some light upon a subject seemingly little understood.

In the first place, let me say that there can be no fixed proportion between the amount of expenditures for material and necessary purposes and the number of officers and men employed in the service. The officers and men in the service cost neither more nor less than the aggregate of their pay, wages, provisions, and medical attendance, while the estimates and expenditures for material purposes must vary each year according to the actual state in which we find the Navy material, and the condition to which it is desirable that it should be brought, and this can be judged by no other standard than that of the public safety and necessity.

The Navy requirements for materials, buildings, construction, preservation, and repair of vessels, machinery, docks, &c., are absolute, and appropriations for them are asked for because they are necessary for material purposes, be the number of men in the service larger or smaller, just as the Army requirements for fortifications, &c., are considered needful, and are estimated for, whether the Army by increased or diminished.

The unexpended balances of appropriations, varying from time to time, make, of necessity, a corresponding difference in the estimates and in the appropriations called for. This difference is likely to lead a careless observer into mistake, but the difference in the situation is easily understood. For instance, there being on hand for Army ordnance an unexpended balance of $8,000,000, no further appropriation for that purpose is asked for; the Navy ordnance having no unexpended balance on hand, asks for something more than a million. But it would be a mistake to infer from these facts that the Navy is either more expensive or less economical than the Army.

It is constantly alleged as matter of complaint that there are too many naval officers in the service, especially of the higher grades, and that the number of officers in these grades is larger than it was before the war.

This complaint is founded on error of both fact and opinion.

As matter of fact, the average number of officers of the three highest grades, captains, commanders, and lieutenants, for 1858, 1859, and 1860, on the active list, was five hundred and eighteen.

On the 1st of January, 1870, the number of officers of the eight highest grades on the active list was four hundred and twenty-one, or ninety-nine less than before the war.

The proportion of officers on the active list to the necessities of the service, with the existing number and classes of vessels, is about right.

Our naval organizations are small, and in service are largely separated from and independent of each other. Each organization, however small, must be complete in itself for every purpose of service, with its complement of officers sufficient in number and experience for every kind of duty and responsibility.

More than one half of the officers on the active list are now actually at sea; but they cannot—no officer can or should—remain always at sea. The efficiency of the service and common humanity alike require that they should have regular relief from their distant and dangerous duties. But if this were otherwise, still they must come home in the ships which carried them out, because the seamen are enlisted for only three years, and must be returned to the United States for discharge, and their officers must come with them.

There are, however, other reasons why all the officers cannot be kept always at sea.

They are needed for shore duty, duty required by law, duty as essential to the efficiency, good order, and safety of the Navy as is sea service itself.

Ships are neither built nor manned nor armed nor equipped nor largely repaired at sea. All the business connected with the building, preserving, and repairing of war vessels, with recruiting and enlisting men, with providing ordnance, means for navigation, equipment, provisions, clothing, medicines, hospitals, &c., must be attended to on land. Hence the necessity of navy-yards and naval stations, and an adequate number of officers and men to manage, conduct, and protect them.

The education of cadet midshipmen requires its quota of both officers and vessels.

Courts-martial and courts of inquiry, composed of commissioned officers, as required by law, are as indispensable in administering naval law and justice as are civil courts in civil affairs.

Boards of examination and retiring boards are required by law, and boards of survey and inspection are a constant convenience and necessity.

Officers are also constantly required and employed on other important duty not connected with the several squadrons; some in acquiring a knowledge of the signal code; some, under requirements of law, on the Light-House Board, with the Coast Survey, the Observatory and Hydrographic Office; some, in obedience to resolutions of Congress, in making soundings for telegraphic cables, and some in exploring the routes of the great interoceanic canal.

Officers of competent rank, knowledge, and experience are required for all these duties, alike by the necessities of the service and the provisions of existing laws.

Whether they are engaged in active duty or waiting orders, justice and sound policy concur in requiring, what existing laws also require, that the pay of naval officers shall to some extent continue. If this were not common justice, it would be at least common prudence. No maritime and naval Power has ever been, or ever will be, guilty of the folly of turning its naval officers adrift the moment their cruise is ended.

Navy officers fit for important commands require the training and experience of years, and cannot be obtained at a moment's notice, nor be called into existence by proclamation, any more than can ships, dock-yards, arsenals, or ordnance, none of which can be legislated into being, even upon the spur of rebellion or invasion.

It must not be forgotten that a ship of war, armed, equipped, manned, and officered for efficient service, is the combined result of much labor, skill, science, training, discipline, and experience, produced by slow processes, and organized with care.

We are claiming to be a great naval Power; and yet, while the necessity for a naval force commensurate with our commerce and rapidly extending territory and trade becomes daily more and more urgent, we are apparently forgetful of or indifferent to the fact that ships and naval organizations cannot be extemporized like regiments, but are, as I have said, the growth and product of long-continued industry and skill.

I beg leave to remark, in this connection, that merchant steamers, whether of iron or wood, built as they now are in this country, can be of little value in time of war, except as privateers. As such they would be terrible foes to the enemy's commerce. But they cannot encounter war ships, for they are not built to carry heavy batteries nor to resist the action of heavy shot or shell. While, therefore, they would for many purposes form a valuable auxiliary of our force, they cannot be relied on as the main body of the Navy.

If we are to have a navy, if our naval vessels are expected to encounter hostile ships, we must, as formerly, have ships of corresponding size and force to

meet them, as well as officers and seamen equal in training and skill with those of the enemy.

Meanwhile it would undoubtedly be a wise economy in time of peace to use, as far as possible, small vessels in the service, as these may be employed with small crews, and distributed more widely would fulfil, with the small force allowed, more nearly the requirements of the naval service.

But we have very few small ships worth repairing; and thus the force allowed is now concentrated, more than should be the case, in the larger ships, and at remote points.

But assuredly this is not the fault of the Administration. Let the needful means and authority be given, and proper ships of each class will follow as soon as industry and skill can produce them.

There is some suggestion that we have too many navy-yards along our coasts. But all naval preparation must have regard to the needs of war as well as of peace. Should we engage in a maritime war the folly of having but one naval station on a long line of Atlantic coast would, I think, become evident to the most careless observer. We should then find the need of yards in favorable situations in order to multiply facilities in different latitudes for the shelter and for the building, repairing, and fitting out of ships, and for the defense of our maritime towns and harbors.

One of the most pressing present needs is for more dry-docks. If these be denied, and we are to have no permanent improvements in our yards on the Atlantic and Gulf coasts, we should, at least, have the means and authority to build a floating dock which could, if need be, go to sea and be sent to Key West or some other convenient point to save the expense of time and money consumed by sending every ship that needs repair, however slight, to some northern yard. Such a dock would save its cost in a single year.

Building material should also be stored up, particularly timber, for seasoning, (of which not a stick, not a knee, is now on hand,) and the building of powerful cruising ships should be commenced as soon as the material can be procured.

We require also to be provided with heavy ordnance, with guns equal to any that can be found in European naval batteries.

Naval guns of large caliber, *e. g.*, the eleven or fifteen inch guns, have been proved to be among the best, if not the very best, yet produced. Not one has ever burst in action. The muzzles of two of them were broken off at the bombardment of Fort Fisher; not, however, from any weakness in the guns, but because they fitted too tightly in the port-holes, and could not stand the consequent vibration. They have always stood the extreme test of constant firing.

Guns of this character are produced slowly, and should be cast and in readiness for use as rapidly as circumstances will permit.

The submarine torpedo was found during the late rebellion to be of immense importance for both offensive and defensive purposes. Torpedoes and torpedo schools and practice have been already adopted into European naval service, and we must keep pace with them and be prepared to use, as well as to encounter, this new and formidable instrument of warfare. A wise economy requires that adequate means be provided for this purpose.

I have made these brief suggestions, most of them already alluded to in my annual report, and all of them lying on the surface of the subject, for the purpose of representing some of the necessities of the naval service, and of answering some of the most common mistakes of those who are in the habit of complaining of its administration and expenses.

I do not expect to satisfy those, if any such there be, who wish to be discontent, but only those who desire that the power of our Government shall be recognized abroad and its dignity maintained, and that the spirit of our institutions shall be felt for good on foreign shores. Such I would respectfully remind that while our nation, proud and progressive, with a long coast line, an enterprising people, and large commercial interests, must constantly accept foreign relations, obligations, and duties the most important and difficult, and sometimes dangerous, we are yet without adequate means of illustrating our principles or of enforcing a foreign policy.

Very respectfully, your obedient servant,

GEORGE M. ROBESON,
Secretary of the Navy.

Hon. G. W. SCOFIELD, *Chairman Committee on Naval Affairs, House of Representatives.*

Mr. VOORHEES. I have not given my attention closely to the details of this bill, and I do not rise for the purpose of discussing them. My object is rather to put in a general disclaimer of sympathy with the purposes which appear to actuate many gentlemen in connection with this bill. When, the other day, the rules were suspended and all special orders postponed in order to allow the gentleman from Massachusetts [Mr. DAWES] to bring forward the business intrusted to his hands, it was with me a matter of wonder whether it was his purpose at this time to support the Administration or to play the role of economy. I find he is attempting to play the latter role, and if I had any assurance from his former conduct that he was in earnest and would stick to it for any length of time himself, I might be seduced into the attitude of a follower; but, inasmuch as I have had previous assurance of his conduct on that subject, I am left entirely independent to judge of this measure on its own merit.

Now, Mr. Chairman, of all the officers employed by this Government, as far as my knowledge extends, those poorest paid are in the naval service. We occupy the amazing attitude here to-day of proposing to economize upon the officers of the Navy, although we have increased our own pay since the war closed. These men who were afloat in the midst of the storm of the elements, and passed through all the perils of the war, are to have their pay, according to the policy of the House, diminished, while our own pay is increased. I have no sympathy with the purpose of this bill in that respect. I do not believe they get any too much. I do not believe they get too much, and I will not vote to abate the pay of naval officers of the country one cent. Nor have I any sympathy with the detraction which gentlemen have uttered against them in regard to their services. Had it not been for the Navy, with its blockade, the rebellion would now have been raging, or else victorious. When gentlemen attack the Navy for not having caught the Alabama on the high seas I might retort by asking why the Army did not capture Mosby within thirty miles of the Capitol. The Alabama had the whole high seas of the world in which to wander, while Mosby had only the hills within sight of the Capitol in which to hide himself, and yet the Army never caught him. It is no just illustration of the Army that they did not capture him; nor is it any just illustration of the Navy that it did not capture the Alabama, when she had all the seas of the earth to wander in. They both did their duty meritoriously, and with credit to the country.

Let me refer to one other thing. I heard the gentleman from Illinois, [Mr. LOGAN,] to whom I always listen with pleasure, give as an illustration of his position a fact which seemed to strike the House with amazement. He said in the Navy there was one officer to eight men. That is true, no doubt, as he stated it. Why is it true? Because in time of peace we reduce the number of our seamen. We can recruit seamen when war breaks out, but we cannot recruit officers. We have to keep them over from war to war. We have not enough officers now to man the vessels we should have to keep up in time of war.

A word in reply to the gentleman from Massachusetts, the chairman of the committee, [Mr. DAWES,] in regard to economy. He has all the world before him where to choose. He has every field of action in this Government upon which to apply all the economy under the power given to him by this House.

Mr. FARNSWORTH. Will the gentleman from Indiana allow me to ask him a question?

Mr. VOORHEES. I will, if I have time.

The CHAIRMAN. The gentleman's time has expired.

Mr. FARNSWORTH. The fact to which I desired to call attention was that during the war we recruited some of our best naval officers from our merchant vessels.

The question recurred on the amendment to the amendment.

The committee divided; and there were—ayes 63, noes 7; no quorum voting.

Mr. WASHBURN, of Wisconsin, demanded tellers.

Tellers were ordered; and Mr. WASHBURN, of Wisconsin, and Mr. MORGAN were appointed.

Mr. SCOFIELD. The last clause, as modified by somebody, has changed the pay of officers very much. I do not think it is perfectly understood.

The CHAIRMAN. Debate is not in order.

Mr. SCOFIELD. I hope the amendment will not be adopted, as it is different from what it was understood to be.

The committee again divided; and the tellers reported—ayes 96, noes 20.

So the amendment to the amendment was agreed to.

Mr. CONGER. I move the following amendment:

Provided further, That all demands, claims, and items of account against these naval appropriations shall be decided, adjusted, and settled by the proper accounting officers of the Treasury according to law, and their adjudication shall be final, except in cases where provision is made for an appeal to the judiciary, and no payment of the money hereby appropriated shall be made at the Treasury, nor credit admitted, to a disbursing officer for allowances made on the approval or order of any officer of the Government, unless such allowances are expressly authorized by law.

Mr. ARCHER. Mr. Chairman, I rise to a point of order. The point is this: that that amendment involves new legislation.

The CHAIRMAN. The Chair is of the same opinion with regard to this amendment as he expressed last night—that it is not in order.

Mr. CONGER. It has been modified since last night.

The CHAIRMAN. But not so modified as to change its character. The Chair considers that it is new and independent legislation.

Mr. HALE. I have an amendment to offer which I shall send to the desk to be read, merely remarking that the Committee on Appropriations have no objection to it.

Mr. WASHBURN, of Wisconsin. As has been stated by the gentleman from Maine, we have no objection to the amendment he is now offering, and hope it will be adopted.

The Clerk read as follows:

And provided further, That nothing in this bill shall give to any staff officer any amount of pay larger than shall be received by any line officer of corresponding rank.

Mr. CONGER. I raise the point of order that this is new legislation.

Mr. SCOFIELD. If the Chair will permit me, I would remark that that is a limitation upon the amendment already adopted, and is designed, I suppose—as I have not conferred with the gentleman from Maine—to remove the objection which I raised to the amendment.

The CHAIRMAN. The amendment offered is clearly within the rule.

The question was put on Mr. HALE's amendment to the amendment; and it was agreed to.

The question recurred on the adoption of the amendment of Mr. WASHBURN, of Wisconsin, as amended.

Mr. PLATT. I desire to make an addition to that amendment. Not having the amendment of the gentleman from Wisconsin before me, I do not know at what point precisely it will come in; but if adopted the Clerk can insert it at the proper place. I move to amend the amendment by adding the following words:

And that all officers below the rank of admiral shall be paid, in addition to their pay proper, ten per cent. on the pay proper for every five years of service.

Mr. Chairman, I desire to say——

The CHAIRMAN. Debate is exhausted on this paragraph. The gentleman can only offer his amendment.

The question was put on Mr. PLATT's amendment; and it was disagreed to.

The question recurred on the amendment of Mr. WASHBURN, of Wisconsin, as amended; and it was agreed to.

The Clerk read as follows:

For pay of the petty officers, seamen, ordinary seamen, landsmen, and boys, including men for the engineers' force, eight thousand five hundred men, at an average pay of $300 each per annum, $2,550,000.

Mr. SARGENT. I offer the following amendment:

In line fourteen, page 1, strike out "eighty-five hundred" and insert "ten thousand."

Mr. Chairman, the amendment which I propose raises the number of seamen in the Navy from eighty-five hundred to ten thousand. The estimates coming from the Department were for twelve thousand men. The number established by the previous appropriation bill is eighty-five

hundred. The Department complained that with this number of men it was impossible to relieve the ships that came from foreign stations after their three year's cruise was up, and that it was impossible to keep the Navy at sea unless a larger number than eighty-five hundred men were allowed.

There are in the British navy sixty-three thousand seamen. We allow by this bill less than one seventh of that number, certainly a most inadequate force. The gentleman from Massachusetts [Mr. DAWES] last night, in reply to the gentleman from Maine, [Mr. HALE,] asked him, as if there was great force in the inquiry, whether it was intended also to assimilate our Army to the British army or the continental armies, because we ask that the Navy shall be kept on some respectable footing. I will say to the gentleman that our armies never come into competition with the European armies. Under no conceivable circumstance will they meet in battle. We never shall send our armies across the Atlantic, nor will their armies ever invade this continent so as to come into conflict with ours. But our Navy meets the navies of the world in every sea. Here is our point of contact with other Powers; and we are compelled, if we would not go to the wall in case of a foreign war, if we would not be insulted, if we would not have our flag degraded by those who may see fit to make aggressions upon us, to show our national power through our Navy, as our arm of offense and defense for the protection of American rights and dignity abroad. It is because we do come in contact with foreign navies that we want to keep up something like a decent Navy; and there is no argument in saying that for the same reason we should keep up a standing army of half a million men, like France, Austria, or Prussia. We need no such army; moreover, we could in three months, if necessary, raise an army of half a million men to defend our soil. But how long would it take to build a navy that would compete with the navies even of the third-rate Powers of Europe, which have in their yards and scattered over the world navies three times the magnitude of our own?

Now, when England has sixty-three thousand men for her navy, is it extravagant in the Department to ask that we should have less than one sixth of that number of men? The gentleman from Massachusetts, [Mr. DAWES,] in making his comparison yesterday, said that our Navy cost per man $600, while the English navy cost per man sixty dollars. If I had time I would show that he was mistaken in all his figures. Wherein does the admitted large proportionate cost of maintaining our Navy consist? It is in our large number of officers rather than in the number of seamen that are necessary to keep our ships afloat. Double the number of your seamen and you will not much increase the cost of keeping up the Navy.

But the gentleman said in his remarks last night that the cost of the English navy per man was sixty dollars. I say that the English navy floats sixty-three thousand seamen, and their expenditures this year are equivalent to $60,000,000 in greenbacks, which is $952 per man, and that he cannot deny. Our own Navy costs per man, paying our sailors, as we do, more generously, with our eight-hour law and the double cost of material, with the fact that we let our ships rot to pieces before we repair them, and thereby by accelerating their decay increasing the cost of putting them in repair, while England keeps all her vessels in constant repair, her numerous sailors repairing every rope and polishing every bolt, less than double that amount. The relative cost, with all these elements of disadvantage, is less than two to one, instead of ten to one, as he asserts. Again——

[Here the hammer fell.]

Mr. WASHBURN, of Wisconsin. I rise to oppose the amendment. The number of men authorized by law for the Navy is eighty-five hundred. The estimate of the Navy Department is for an increase, so as to make the number twelve thousand men. The Committee on Appropriations decided that there is no necessity for an increase in the force of the Navy in time of profound peace, with not a speck of war anywhere on the horizon. The Navy Department asked if they could not have an increase of thirty-five hundred men that they might have an increase of fifteen hundred men. The committee, after due consideration, determined that there was no necessity for this additional force at this time. We have little or no commerce anywhere. We have all the vessels in commission that are necessary to protect our commerce, and it is the opinion of the committee that no increase is necessary.

Mr. O'NEILL. I desire to ask the gentleman a question. There has been a great deal of harsh criticism on the Navy Department from the commencement of this session by the Committee on Appropriations and others. Now, I want the gentleman to tell me in all frankness if the estimates made by the Navy Department were not all based upon the increase of the Navy which they ask?

Mr. WASHBURN, of Wisconsin. Yes; they were all based on a force of twelve thousand men.

Mr. O'NEILL. That is what I want to have stated. Their estimates were based on an increase from eighty-five hundred to twelve thousand men, and hence the increase in their estimates. The estimates would have been less had the Department not asked for the increase of men.

Mr. WASHBURN, of Wisconsin. I did not yield for a speech. I yielded only to allow the gentleman to ask a question. Let us have a vote on the proposition.

Mr. MYERS. If the gentleman from California will withdraw his amendment I will renew it.

Mr. SARGENT. I withdraw it.

Mr. MYERS. I renew the amendment, Mr. Chairman. I have been a great deal pained at the course of the discussion on this floor with reference to the Navy Department by several members of the Committee on Appropriations. This amendment gives the Navy ten thousand men. There are only eighty-five hundred provided for by the bill. A few days ago the chairman of the Committee on Appropriations, who had been among the most zealous for the tariff bill, asked that we should lay it aside to get at the business of the country, and that, as one of the most pressing necessities of the country, we should pass the proper appropriations for the various Departments; yet the Committee on Appropriations in this bill, as I suppose they will in all these bills, led by the two distinguished gentlemen from Massachusetts and Wisconsin, [Mr. DAWES and Mr. WASHBURN,] are cutting down the appropriations not only below the demands of the Department but below the absolute necessities of the service. I regret that my time is so limited for the discussion of this important question; but let me say here at the outset, and I ask the attention of the committee to it, we have in commission afloat three first-class vessels needing fifteen hundred men, eight second-class vessels needing twenty-eight hundred men, twelve third-class vessels needing three thousand men, and seventeen vessels of the fourth rate requiring twenty-one hundred men. The proper complement for those vessels alone would be ninety-four hundred men. To that add three hundred men for five receiving-ships, four hundred and ten for the Sabine, on special service—and she ought to have five hundred—and three hundred for the practice squadron, making ten thousand four hundred and ten men. It is a fact that the Miantonomah will have to go out of commission in a few days in order to the supply of men for one or two other vessels, the Plymouth and Shenandoah, which must be put into commission; and to the great discredit of our flag, unless the law be exceeded, we cannot relieve a vessel on a foreign station without first sending her home, discharging the men, and shipping men anew for another vessel. With such a deficiency of men I know not how we shall fit out the ships now under repairs which are called for in our several squadrons.

The gentleman did nothing last night, in my judgment, but endeavor to throw contempt upon the Navy. He sought to compare the expenses of our Navy with the British navy, man for man. Has he forgotten that but the other day he was loudest among us of the protection school here against the competition of pauper labor in Europe with our labor? Has the gentleman from Wisconsin [Mr. WASHBURN] forgotten that but yesterday he spoke in favor of giving drawbacks for the benefit of American commerce? The former knows, and so argued then, that our labor is paid more than twice as well as labor abroad is paid. The gentleman from Wisconsin [Mr. WASHBURN] knows that materials for ships abroad are far cheaper than in this country, and wishes, as I do, to protect our ship-builders from such competition. In France ordinary labor for navy-yards can be obtained for one franc or one and a half francs per day, and skilled labor can be obtained for five francs per day. In England ordinary labor can be obtained for two shillings per day, and skilled labor for five to seven shillings per day. In the city of London alone there are eighty thousand skilled workmen out of employment. On the question of expense it will not do for him to compare our Navy, man for man, with the English navy. The argument is entirely unfair. A word now in the same connection as to the relative pay of seamen in the two countries. [Here the hammer fell.] I will speak it, then, at some other stage of this bill.

Mr. DAWES. The gentleman from Pennsylvania [Mr. MYERS] has arraigned me before upon this subject, and has to-day added nothing to his indictment. And if I were able at that time to answer it, I shall now let it pass. I wish now, however, to say to the gentleman from California, [Mr. SARGENT,] as well as to the gentleman from Pennsylvania, [Mr. MYERS,] that I spoke last night from the figures. The gentleman from California misunderstands the figures. I stated that in our Navy it costs for repairs, to keep the vessels at par, $600 per man. I had before me the statement of Admiral Porter to the Committee on Appropriations to that effect—that it costs $600 per man. Then I took the estimates for repairs in the British navy, by which it appears that it cost but sixty dollars per man. The gentleman divides the whole cost of the Navy, including the amount necessary for the support of the Navy, by the number of men. That is where he makes his mistake. If he tried our estimates by that rule he would find this result: take twelve thousand men as the basis for our estimates, including the officers, and the cost per man is $2,350 50 for every man in the Navy, while upon the same calculation the British navy would cost but $790 per man.

Now, I am willing to allow all that the gentleman from Pennsylvania [Mr. MYERS] desires me to allow for the difference of currency and the difference in wages, and for every other legitimate difference. I have still to ask him, as I asked last night, for some explanation of this vast difference in the administration of naval affairs. It is of that which I complain; that, for the $14,000,000 average appropriations for the last ten years, exclusive of the war, for the benefit of the Navy of the United States, so little has been accomplished. It is a reproach to the administration of our Navy; not to this political Administration, or to any other political Administration, but to the administration of the Navy, that with these appropriations from year to year the Navy finds itself in that deplorable condition which has been described here by its special advocates at this time.

Congress has determined that eighty-five

hundred men are enough for our Navy. But the Navy Department insists upon disregarding that legislative limit, and have made their estimate for twelve thousand men. They have made their estimates for matters to enable them to carry out their plans in regard to the Navy without authority of law; and they make complaint here that the Committee on Appropriations have by this bill cut down their estimates from $24,000,000 to $16,000,000, when we have only made them to conform to the law of the land. We have only said to them that Congress proposes to adhere to its policy in regard to the Navy; that a small, efficient, well-equipped, and well-manned Navy is better than a large Navy going to decay, dilapidated, and out of repair.

[Here the hammer fell.]

Mr. MYERS. I withdraw my amendment.

Mr. O'NEILL. I renew the amendment, and yield to my colleague, [Mr. MYERS.]

Mr. MYERS. Mr. Chairman, when I propounded my inquiry to the chairman of the Committee on Appropriations [Mr. DAWES] I really desired him and his committee to consider the point. I did not expect he would sit down without replying; that looks as though he had no reply. I say to him now his calculation that the British navy costs but sixty dollars per man is very far from correct.

Though I have not time to go into details, I have shown that the disparity between our naval expenses and those of England results in great part from the disparity between the prices of labor and materials in the two countries. In the British navy, which cost £10,476,253 in 1867–68, equaling $60,000,000 then in our currency, and estimated this year at $54,000,000, against $16,641,845 proposed by this bill before us, a seaman gets as pay $145 in gold, and rations amounting to forty-five dollars; making a total of $190 in gold. In the American Navy a seamen gets twenty dollars per month, or $240 a year in currency, and rations equal to $109 50, an aggregate of $350 in currency against $190 in gold. The disparity, as I have already shown, is still greater in the price of labor. Gentlemen constantly forget that our navy-yards are being run upon the eight-hour principle. The loss of one fifth against us resulting from this is not taken into account.

Permit me to ask what is the great wrong in the Navy Department or any other Department coming to Congress and making estimates? The gentleman from Massachusetts [Mr. DAWES] seems to think it a crime for the Department to vary in its new estimates from the appropriations that may be made in any particular year. We are constantly changing our rates in tariff and tax bills as experience suggests the propriety of new legislation. Yet when the Navy Department submits to this House estimates based upon the skill of men educated during a lifetime in naval matters the chairman of the Committee on Appropriations in his wisdom sets himself against all such authorities; he knows more than Army, Navy, and all other officers of the Government.

Last evening the gentleman undertook to tell the House that the Navy Department, year after year, has antagonized the legislative power, has come in here with new estimates; that it has committed the gross wrong of asking appropriations for deficiencies. He knows that year after year there have been deficiency bills. In 1866 there was a deficiency bill of over four million dollars; in 1867 there was a deficiency bill of over eleven million dollars; in 1868 a deficiency bill of over seventeen million dollars; in 1869, a deficiency bill of over twenty-three million dollars; and this has ever been our experience. The Navy Department has asked for comparatively a small part of these deficiency appropriations. Why does not the gentleman charge the other Departments of the Government with doing wrong in coming here for such appropriations? These deficiency bills are reported because of the wrong which the gentleman proposes now to repeat. In order to earn popularity for economy we fail to make sufficient appropriations. We do not listen to those who have charge and especial knowledge of the needs of the several Departments, but set up our judgment against theirs; and hence we are obliged to come in here year by year making appropriations for deficiencies. A careful scrutiny is right. That is our duty, I go as far as any man for this; but experience proves we are continually overdoing this duty.

In conclusion, let me make to the gentleman from Ohio [Mr. MORGAN] who spoke yesterday a single statement, which may serve as a reply to the incorrectness of his speech. He erred to the extent of $3,000,000 when he spoke about this bill; and it was just at the point where, from his hour's speech, he declined to allow me a moment's interruption. He said this bill appropriates more than a million dollars in excess of the amount appropriated to the Navy Department last year. He was ignorant, evidently, that when we made our appropriations last year there were already over $2,000,000 on hand; and as is known to himself and to the chairman of the committee, the bill as reported by me from the conference committee appropriated $2,000,000 more for deficiencies in the current fiscal year, ending June 30, 1870. The present bill appropriates $16,641,845, against $21,821,000 required for the service of the current fiscal year, yet the gentleman refused to allow me to make this correction. His error in that one item illustrates how wrong he was generally in his speech; and the gentleman from Massachusetts [Mr. DAWES] is scarcely more correct in his comparisons. I hope the Committee of the Whole will not be misled by those gentlemen, but will give us ten thousand men for our Navy.

Mr. SCOFIELD. The Navy at present embraces eighty-five hundred men. The amendment of the gentleman from California proposes to add fifteen hundred to that number. The Secretary of the Navy, in a communication sent to Congress some time ago, stated this increased number to be necessary, and gave the reasons. The letter has been printed, and I suppose every member who cares to read it has done so. The question rests entirely with us. If we want to keep afloat as many vessels as we have now we need these additional fifteen hundred men. If we want to take some of them from the ocean and lay them up, then let us say so. If we can withdraw a portion of the fleet from the Mediterranean, from the East, from the Pacific, or from the Atlantic coast, if we do not need them, then let that be done. It is entirely a question within the discretion of Congress. There is no need for scolding about the Navy Department or any officer of the Navy Department. If we want this service let us say so in good nature. If, on the other hand, we want some ships withdrawn, if we want to diminish the Navy we now have, let us say so to the Secretary and officers of the Navy.

The same remark might be made about the complaint of the number of officers in the Navy. I sat here last night and heard some of the very men who advocated, and if I mistake not who voted for the present law, which fixes the number of officers in the Navy, complain of the large number of officers we have in the Navy and the very little service we had for them to do. It is the same problem all countries have had to solve, that is, how we may have ready a large navy in time of war, while we shall have a navy economically administered in time of peace. We have just emerged from a great and protracted war, in which we had to use a considerable navy, involving the employment of many vessels and a large number of officers. Now, if we wish to pass a bill to turn out the officers in the Navy we now have, after enticing them from other business, and after having made them, from the very nature of their service, almost unfitted for any civil employment by which to support themselves and families; if we wish to turn out these men who have done such gallant service for the country, let us say so, and let us say so explicitly; but do not let us get up here like scolds and complain because these men hold office to-day under the law, and because we have not enough for them to do. In time of war we would have enough and more than enough for them to do; but in time of peace we have not.

Gentlemen say there are so many down here at the navy-yard, and so many at the Observatory, and so many on duty at the Navy Department. To be sure; where else would you put them? War called them into existence, and in order to carry out the wise political maxim that in time of peace we should be prepared for war these naval officers have been continued. If they do not do this duty, which must be done by somebody, are they to remain idle and grow indolent? As I have said, you have enticed them away from other occupations, where, perhaps, they might have been more prosperous. You have placed them here, and now if you wish to turn them out do so; but do not scold at them all the time as if, instead of being graduates of your Naval School, they were so many graduates of the penitentiary. If we do not wish to have these men, let us direct the Secretary of the Navy to call some of our squadrons home and lay up the ships to rot, so that the next war shall find us weak and unprepared for naval conflict. If we wish to do this unwise thing, let Congress manfully take the responsibility; but do not let us make the present Secretary of the Navy the scape-goat for all the ills to which the Republic may now be subject.

[Here the hammer fell.]

Mr. WASHBURN, of Wisconsin. I believe the committee understands this question, and I therefore ask for a vote.

The committee divided; and there were—ayes 36, noes 64; no quorum voting.

Mr. MYERS demanded tellers.

Tellers were ordered; and Mr. MYERS and Mr. DAWES were appointed.

The committee again divided; and there were—ayes 41, noes 72.

So the amendment was rejected.

Mr. WASHBURN, of Wisconsin. I move to add the following:

For contingent expenses of the Navy Department, $125,000.

Mr. Chairman, the amount of the estimate was $150,000; but it does not appear in the bill, because we had no details specified for which this money was deemed necessary. We find on inquiry that among the items for which this appropriation is asked are rent and furniture of all buildings and offices not in navy-yards; expenses of all courts-martial, courts of inquiry, boards of investigation, examining boards, with clerks and witness fees and traveling expenses and costs; stationery and recording; all expenses of purchasing paymasters' offices at the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; all foreign postage, which is very large; all telegraphing, foreign and domestic; mail and express wagons, and livery and express fees and freight; all books for the use of the Navy; lawyers' and experts' fees and costs of all suits; all commissions, warrants, diplomas, and discharges; relief of vessels in distress and pilotage; recovery of valuables from shipwrecks; care and transportation of the dead; and all other expenses which, though constantly arising, cannot be anticipated or classified.

Mr. SARGENT. The amount of the estimate of the Navy Department was $150,000. The amount proposed by this amendment is $125,000, or a reduction of $25,000 on the estimate. I shall not oppose the amendment so far as this is concerned, but will consent to it. I should like, however, to make one or two remarks. I had not an opportunity of finishing my remarks on the previous amendment,

but I think what I wished further to say will as well apply to this one as to that. I can well understand why on the Democratic side of this House a member holding the convictions of his party should rise to assail the Administration. I can well understand why the gentleman from New York [Mr. Cox] should criticise, as he did in his remarks of yesterday and on a previous occasion, the various officers of the Navy Department. And by the way, I should like to remark here in passing that in the remarks I made in reply to him yesterday I may have used an expression which I now think was not justified under the circumstances, and which, with the leave of the gentleman, I will now withdraw. I stated that his remarks were inspired by hostility to an officer who had done so much in the Navy to prevent the fulfillment of his prophecies that the Republic was hopelessly divided. I think the remark would have been more appropriate applied to others than to that gentleman, for I remember in the Thirty-Seventh Congress, of which we were both members, the gentleman from New York was not one of those who indulged in such prophecies; but on the contrary was one of those who believed that there was hope for the Republic. Though he sometimes expressed the opinion that those anti-slavery ideas which we infused into the war, and by means of which I believe we succeeded, retarded our success, yet he did believe in the ultimate success of the Republic. He was not of those who indulged in jeremiads on the situation, but was hopeful, and in advance of most of his party helpful of the cause. I say this out of mere justice to him. But while expecting now harsh and even unjust criticism of the Administration from that side of the Chamber, I am surprised at the lawyer-like ingenuity on this to put everything in the worst possible light.

Mr. COX. With the leave of the gentleman from California [Mr. SARGENT] I wish to say one word. My opposition to certain matters connected with the Navy is entirely confined to the present administration of the Department. I believe that Admiral Porter was in an abnormal condition in the Navy; and I so expressed myself, not more vigorously, perhaps, than the gentleman from Wisconsin, [Mr. WASHBURN.] But I beg to say that my hostility to the present naval administration has not arisen from any want of appreciation of what Admiral Porter did during the war. If I remember rightly I was the author of the resolution of thanks to Admiral Porter. I drew it, and it passed this House and went to the Senate. And I drew another resolution of thanks to General Thomas, which was passed here at the same time. I think no man can justly charge me with being wanting in appreciation of the services of any man or officer who fought during the war. Therefore I thank the gentleman from California [Mr. SARGENT] for the ample apology he has made for his remarks yesterday with reference to my prophecies.

My opposition to the peculiar administration of this Naval Department is entirely confined to its present condition. And in the speech I made yesterday, and which will be in print to-morrow, I believe I have shown that all that I stated last February with regard to the condition of the Navy has been confirmed by subsequent facts and revelations.

The CHAIRMAN. Debate on the amendment to the amendment is exhausted.

Mr. SARGENT. As the gentleman from New York [Mr. Cox] has occupied the greater portion of my time, I trust I shall be allowed one minute longer.

Mr. WASHBURN, of Wisconsin. I move to amend by adding one dollar to the amount.

Mr. SARGENT. Will the gentleman from Wisconsin yield to me for a moment?

Mr. WASHBURN, of Wisconsin. I have moved the amendment for the purpose of saying that I see no pertinence in the remarks of my friend from California [Mr. SARGENT] or of the gentleman from New York [Mr. COX] to this question. The committee, I think, understands it, and there is no necessity for buncombe speeches. Let us have a vote on it.

Mr. O'NEILL. Mr. Chairman, I think I understand the position of the question; and I think that what is here proposed by the Committee on Appropriations should not be adopted by the Committee of the Whole. It seems to me that they commenced with the idea of cutting down all the estimates of the Navy Department by some ratio known to them, and known to no one else, without reference to the necessities of the country.

Mr. WASHBURN, of Wisconsin. I desire simply to say that what is here proposed is satisfactory to the Secretary of the Navy.

Mr. O'NEILL. It may be satisfactory to the Secretary of the Navy, but not to the Committee of the Whole, and I am rather of the opinion that the amounts asked for by the Secretary would have been more satisfactory to him.

I desire to say just here, what I had not an opportunity of saying last evening when the gentleman from New York [Mr. Cox] took his seat. We have had a great deal of criticism on the present head of the Navy Department, and on the gentleman (Mr. Borie) who assumed its administration on the 4th of March, 1869, to say nothing of the distinguished naval officer (Admiral Porter) who has been on duty there. We have heard comparisons made between the present Secretary of the Navy and his immediate predecessor, and their course in the performance of their duties, and that of the incumbent of the office prior to the inauguration of General Grant. I do not rise here to say a word against Mr. Welles. But I want to say to the committee that the circumstances under which that gentleman conducted the Department were entirely different from the circumstances existing to-day, and which have existed for more than a year past. We were in a state of war, or just recovering from it, during nearly the whole of that gentleman's administration of the Navy Department, and Congress gave liberally for the support of the Navy and for the fitting out its hundreds of vessels. On the 4th of March, 1869, when this Administration came into power, the reduction of the expenses of the Navy was going on, and has been going on at a rapid rate since, and I take it that it is much harder to lop off expenses than it is to incur expenditures. Hence this criticism is unjust which has been repeated here so often.

Now, in regard to another point referred to by the gentleman from New York, [Mr. Cox.] I want to know when in the history of this Government the Navy Department has not had officers of the Navy detailed for duty there? Why, sir, it is divided into bureaus, and distinguished officers have always been on duty there as heads of those bureaus. During the administration of Secretary Welles he had the assistance of Captain Fox, a distinguished officer and I presume that Secretary always sought the advice of that officer on all matters of importance in the Department, and especially on matters relating to the equipment of vessels and sending them to sea. Mr. Chairman, whatever any other Secretary may have done, the records show the devotion of ex-Secretary Borie to the interests of the Government, and no one can point to a single act of his that was not prompted by a patriotic conviction of duty. The present Secretary, in carrying on the Department, lives and acts by the laws of the country, and executes his high office with intelligence and promptness and with a determination to economize in expenditures; and I am sure the country has confidence in Admiral Porter, so distinguished in his naval career, and in the heads of the bureau, who have been called to perform the responsible duties of their respective positions. The organization of the Navy Department has never in the history of the country been more effective than now.

[Here the hammer fell.]

Mr. WASHBURN, of Wisconsin. I hope we shall now have a vote, and I give notice that hereafter I shall make a point of order on any gentleman who does not confine his remarks to the pending amendment. I withdraw the amendment to the amendment.

Mr. FERRISS. I give notice that hereafter I shall object to the withdrawal of any amendment.

The formal amendment being withdrawn, the amendment offered by Mr. WASHBURN, of Wisconsin, was then agreed to.

The Clerk read as follows:

For civil establishment at the navy-yard, Portsmouth, New Hampshire:

For civil engineer, $1,500; for draughtsman and clerk to civil engineer, at $1,400 each; for clerk of pay-rolls and mustering clerk, $1,500; for receiver and inspector of stores, $1,500; for clerk to commandant, $1,500; for chief accountant, $1,800; clerk to chief accountant, $1,200; for gate-keeper and detective, $1,000, and for messenger at commandant's office, $600; making in all $13,400.

Mr. ELA. In line twenty-six I move to strike out "one" and insert "two;" so that it will read, "for civil engineer, $2,500."

Mr. WASHBURN, of Wisconsin. That amendment is right. It is in accordance with existing law.

The amendment was agreed to.

Mr. ARCHER. I move to amend by striking out all after the word "dollars," in line thirty-two, and all of lines thirty-three and thirty-four, as follows:

For chief accountant, $1,800; clerk to chief accountant, $1,200; for gate-keeper and detective, $1,000.

Mr. Chairman, I will say that the offices which I move to strike out can well be dispensed with. They are offices which do not exist in all of the navy-yards of the United States. In all the navy-yards there are several departments, each of which has an accountant, and these accountants can just as well account to the Navy Department as they can to a chief accountant of the navy-yard, who afterward sends up the accounts to the Navy Department at Washington. There are no chief accountants and their clerks at the navy-yards at Norfolk and Pensacola, and it is only a useless piece of red-tapeism and constitutes offices for which there is no earthly use whatever.

Now, in regard to the gate-keeper and detective, I would say that in all the navy-yards there are marines who really fulfill this duty, and there are supernumerary officers. For instance, in the navy-yard at Washington—where I shall move to strike out these officers—we have altogether forty-three officers overseeing four hundred or four hundred and fifty men. My purpose is to follow this up with similar amendments in the paragraphs relating to other navy-yards. A gate-keeper and detective were necessary during the war because of the immense amount of business that was done at these yards, the amount of material passing in and passing out, and the great number of persons passing to and fro who had business there. But since the war all necessity for these officers has passed away, and if the gentleman from Wisconsin [Mr. WASHBURN] who has charge of this bill will join me in striking out these various supernumerary offices which now exist we can reduce the annual expenses of the Government in the navy-yards of the country about thirty-five thousand dollars.

Mr. STEVENS. I move to amend the amendment of the gentleman from Maryland [Mr. ARCHER] so as to insert in lieu of what he proposes to strike out the words "for clerk to receiver and inspector, $1,500." I desire to say that from what I learn I might suspect that there is a surplus of employés at the Portsmouth navy-yard; that there is a chronic evil there of that character which has been somewhat increased, perhaps, during the last few months. I am informed by a letter from Portsmouth, which I now have before me, that although appropriations are made for a clerk to the chief accountant, and for a gate-keeper and a detective, they are not employed there. On the other hand, a clerk to the receiver and

inspector, for $1,500 a year, has been left out of the estimates. I propose to rectify that condition of things by striking out the clerk to the chief accountant, the gate-keeper and detective, which my informant says are not employed there, and inserting a clerk to the inspector and receiver of the yard, which has been dropped out for some reason or other, I do not know what.

If there was time I would be glad to learn from the gentleman from Wisconsin [Mr. WASHBURN] who has charge of this bill what all these clerks are for. For instance, provision is made here for "clerk of pay-rolls and mustering clerk." Now there are, I believe, in the Portsmouth navy-yard two or three paymasters with their paymaster's clerks. Then, in addition to them, I find in this paragraph "for clerk of pay-rolls and mustering clerk, $1,500." I really hope the gentleman from Wisconsin [Mr. WASHBURN] will be able to give us a little reduction of the force at the Portsmouth navy-yard, which I understand has been increased somewhat uselessly during the last few months.

Mr. WASHBURN, of Wisconsin. I rise to oppose the amendment to the amendment, for the purpose of saying that the estimate of the Bureau of Yards and Docks for the Portsmouth navy-yard for this year was $16,039, which the Committee on Appropriations have cut down to $13,400.

The Navy Department says that we have been very harsh with them by cutting down their labor too much. I do not think so. I understand from the gentleman from Maryland, [Mr. ARCHER,] who is a member of the Committee on Naval Affairs, and who is satisfied with the amendment which he has proposed, and from the gentleman from New Hampshire, [Mr. STEVENS,] who represents the State in which this navy-yard is located, that there is no occasion for all these employés. I am sure I have no objection to striking some of them out. But I would say that the Bureau of Yards and Docks have already protested that we have cut down their estimates too much.

Mr. WELKER. I would ask the gentleman from Wisconsin why keep in the clerk to the commandant of this navy-yard?

Mr. WASHBURN, of Wisconsin. They estimate for three clerks to the commandant.

Mr. WELKER. Do they not use subordinate officers for that purpose?

Mr. WASHBURN, of Wisconsin. No, sir.

Mr. DAWES. I hope the gentleman from Ohio [Mr. WELKER] will not expect a young officer with epaulets on to perform clerical duty.

Mr. WELKER. I do not know why he should not.

The question then recurred upon the amendment moved by Mr. STEVENS to the amendment of Mr. ARCHER; and being taken, it was not agreed to, upon a division—ayes seventeen, noes not counted.

The question then recurred upon the amendment moved by Mr. ARCHER; and being taken, it was agreed to.

Mr. STEVENS. I move to further amend this paragraph by inserting after the words "for chief accountant $1,200," the words "for clerk to receiver and inspector $1,500." I presume there will be no objection to that amendment.

Mr. WASHBURN, of Wisconsin. I object to it; it is not estimated for at all.

Mr. DAWES. That was not estimated for by the Department.

Mr. STEVENS. I understand from a letter which I have received from the navy-yard at Portsmouth that this was left out by mistake or accident. I have had no time to investigate that matter.

The question was then taken upon the amendment moved by Mr. STEVENS; and it was agreed to.

No further amendment being offered to the paragraph, the next paragraph was read, as follows:

At the navy-yard, Boston, Massachusetts:

For civil engineer, $2,500; for draughtsman and clerk to civil engineer, at $1,400 each; for clerk of pay-rolls and mustering clerk, $1,500; for receiver and inspector of stores, $1,500; for writer to receiver and inspector of stores, $939; for one clerk to commandant, $1,500; for chief accountant, $1,800; for clerk to chief accountant, $1,200; for gate-keeper and detective, $1,000; and for messenger for commandant's office, $600; in all, $15,339.

Mr. LYNCH. I move to amend the paragraph just read by striking out these words:

For chief accountant, $1,800; for clerk to chief accountant, $1,200; for gate-keeper and detective, $1,000.

This amendment is the same which has been made with reference to the yard at Portsmouth.

Mr. ARCHER. As this amendment corresponds with that already adopted with reference to the Portsmouth navy-yard, I hope it will be agreed to.

Mr. BANKS. This proposition is not the same as that upon which the Committee of the Whole has already voted. In connection with the Portsmouth navy-yard the declaration was made that these officers are not employed there; but at the Boston navy-yard there is a gate-keeper and detective employed, the occupant of the office being a one-armed soldier, who faithfully performs his duty, and whose services are absolutely necessary for the security of the property of the Government. This man is deserving of the place which he occupies; the salary paid him is reasonable—indeed, less than he ought to receive; and the Government needs his services. This is not the same question as that upon which the committee has already voted. I hope the amendment will not be agreed to.

Mr. LYNCH. I move, as an amendment to the amendment, to strike out "and for messenger for commandant's office, $600." In reply to the gentleman from Massachusetts, [Mr. BANKS,] I wish to say that these officers are employed at the Portsmouth navy-yard. The letters upon which the gentleman from New Hampshire [Mr. STEVENS] founded his proposition originated in this way: the Portsmouth yard is located partly in New Hampshire and partly in Maine, and there has been a contest as to whether the officers should be chosen from Maine or New Hampshire. Some men from Maine have been appointed in place of New Hampshire men who have been removed. Thus there arises a question of patronage as between the two States. Those interested in behalf of the New Hampshire applicants have sent here a proposition that these offices shall be discontinued, their object being to put out the men who are now in office. Whatever may have been the motive of the gentleman from New Hampshire in offering the amendment, this is the sole purpose of those who have written to him. Now, these officers are just as useful at the Portsmouth as at the Charlestown yard. The occupants of the offices at Portsmouth are generally soldiers, for in the appointments preference has been given to soldiers. If these officers are not needed at Portsmouth they are not needed at Charlestown, or at New York, or any other yard. The same rule should be applied to all. Let these offices all stand upon the same footing.

Mr. BANKS. I rise to oppose the amendment of the gentleman from Maine, [Mr. LYNCH.] The reasons assigned by him with reference to the yard at Portsmouth do not apply at all to the yard at Boston. The committee certainly was informed and believed that these offices were not filled at the Portsmouth yard. I have been so informed by gentlemen around me, some of whom voted for the amendment on that ground, though I did not. At the Boston yard the office of gate-keeper and detective is necessary now for the same reasons that it was necessary during the war, though it may not be necessary to the same extent. There exists now, as there did during the war, a necessity for careful guarding at the gate and the watching of those who go in and out, the object being to prevent workmen or visitors from carrying away Government property. The office is necessary, and in the yard at Boston it is filled, as I have said, by a most deserving man, a one-armed soldier, who faithfully performs the duties at a very low salary. I hope the amendment will not be adopted.

Mr. LYNCH. I withdraw my amendment that the gentleman from Wisconsin [Mr. WASHBURN] may renew it.

Mr. WASHBURN, of Wisconsin. I renew the amendment for the purpose of explaining the position of this matter. The estimate for the navy-yard and Bureau of Yards and Docks at Charlestown was $19,039. The committee have cut it down to $15,300, very much to the dissatisfaction of the Bureau of Yards and Docks. The committee feel that they have made as great a reduction as ought to be made. I am satisfied that we made a mistake in adopting the amendment of the gentleman from Maryland, [Mr. ARCHER.]

Mr. STEVENS. What is the number of employés dispensed with by the action of the committee?

Mr. WASHBURN, of Wisconsin. I am not able to state the particular offices that have been struck out; but we have reduced the expenditure about four thousand dollars below the estimate. I hope there will be no objection to it, but that it will be passed as reported by the Committee on Appropriations. We had to judge by what we were told at the bureau. They told us that they could not dispense with any.

Mr. ARCHER. I move to amend the amendment by striking out the last word. Now, Mr. Chairman, I hope the committee will strike out this provision for a detective. In every navy-yard we have marines who stand guard at the gate and act as gate-keepers all day and all night. They perform this duty, and I cannot see any earthly necessity for having a civil employé to do exactly what these marines not only can, but what they really do perform.

Mr. SCOFIELD. If we should abolish all the offices for which, as the gentleman says, there is no earthly necessity, how, then, would members of Congress manage to keep up their patronage?

Mr. ARCHER. I do not see there is any earthly necessity for this patronage. I think the less patronage members of Congress have the happier it would be for them and the better it would be for the country. In every navy-yard there are four departments, the department of steam engineering, the medical department, the pay department, and the department of navigation. Each one has a clerk who keeps the accounts of that department. Under the present system each one of these accountants makes out an account of his department and sends that account to the chief accountant, and he sends the account to the Navy Department, instead of allowing each one to account to the head of his Department here at Washington. In my judgment the present system is a useless expense to the Government. There is no necessity whatever for its being kept up. It protects the Government in no way.

If I interfere with a maimed soldier at the navy-yard in Boston I am sorry for it. I know personally no person who may be affected by this amendment, and have only looked at this thing as a practical matter for the benefit of the Navy Department and for the purpose of reducing the expenses of the Government.

Mr. BANKS. I am opposed to the amendment. I only wish to say that the marines who stand at the gates of the navy-yard are not able to perform the duties of these detective officers. Men who are suspected have oftentimes to be followed and watched, and it is only after repeated visits that the wrong is done to the Government which these detective officers are

intended to guard against. These marines cannot perform this duty. They have a single military duty to discharge. They are stationed at these posts, and they cannot leave them to follow and watch suspected persons.

Mr. ARCHER. I ask why one of the marines stationed at the navy-yard cannot be detailed for the purpose of doing everything done by this detective?

The amendment to the amendment was withdrawn.

Mr. DICKEY. Is the amendment susceptible of division?

The CHAIRMAN. It is not.

Mr. DICKEY. Then I move to strike out everything but the gate-keeper.

The amendment to the amendment was rejected.

The question recurred on Mr. LYNCH's amendment.

The committee divided; and there were—ayes 45, noes 20; no quorum voting.

The CHAIRMAN, under the rule, ordered tellers; and appointed Mr. ARCHER and Mr. BANKS.

The committee again divided; and the tellers reported—ayes 73, noes 51.

So the amendment was agreed to.

The Clerk read as follows:

At the navy-yard, New York city:
For civil engineer, $2,500; for draughtsman and clerk to civil engineer, at $1,400 each; for receiver and inspector of stores, $1,500; for clerk of pay-rolls and mustering clerk, $1,500; for clerk to commandant, $1,500; for chief accountant, $1,800; for clerk to chief accountant, $1,200; for gate-keeper and detective, $1,000; and for messenger for commandant's office, $600; in all, $14,400.

Mr. ARCHER. I move to strike out "for chief accountant, $1,800; for clerk to chief accountant, $1,200; for gate-keeper and detective, $1,000." It is the same amendment which has just been adopted.

Mr. WASHBURN, of Wisconsin. I hope the amendment may be adopted without discussion. I learn from the chairman of the Committee on Naval Affairs that this is entirely satisfactory to the officers of the Navy Department, and I make no objection to it.

Mr. SARGENT. On inquiry of the chairman of the Committee on Naval Affairs, I learn that a captain or somebody else told him that the Navy Department would be satisfied. I have myself no objection to the proposition, but I wish that the House should understand, when it is stated that the Navy Department desires to have these important parts struck out of the bill, on what foundation the statement rests.

Mr. SCOFIELD. In connection with the remarks just made by the gentleman who has reported this bill, and by the gentleman from California, I will say that when I have any important communication to make to the House I shall take the floor myself and make it. I would prefer not to be reported at second-hand by so many gentlemen.

Mr. PLATT. Mr. Chairman, I rise to oppose the amendment of the gentleman from Maryland, and would suggest to him that he had better at once move an amendment abolishing all navy-yards, instead of attempting to strike down officers as important as any connected with the administration of a navy-yard. The position of gate-keeper and detective is one of great importance to a well-regulated yard. The difference between the marines and the gate-keeper is that one is subject to military rules and regulations, the other is a civil officer. The marine is on a beat which he cannot leave, no matter what exigency may arise. The gate-keeper can and does take cognizance of any irregularity that may occur, and he sees that no improper persons have access to the yard, and that none of the Government property is improperly taken away. One has the watchword, the other the countersign, and they are a check one on the other. The places are usually filled by maimed soldiers, who have no other means of obtaining a living, and who have rendered the country meritorious service during the war. I think it is very small business for this committee to be engaged in, and a very paltry and mean economy that attempts to save the poor pittance now paid these hard-worked and necessary officers. It is the wrong end to begin at, saving at the spigot while the bung-hole is neglected. I hope the amendment will be voted down and these officers retained. In conclusion, I desire to call the attention of the committee to a very remarkable admission just made by the gentleman from Wisconsin, the chairman of the committee having this bill in charge. In reply to the question as to what particular officers and clerks had been deemed unnecessary by the committee, and what had influenced their decision in cutting down the estimates of the Secretary, he said that he only knew that they had cut the estimates for the Charlestown yard down from $19,000 to $15,000, and that he could not now remember the particulars. I believe, Mr. Chairman, that the same ignorance exists in that committee in regard to the reasons for the reduction of many other estimates in this bill. They seem to have gone at it *con amore*, with a determination to cut down the estimates, and to do it regardless of consequences and with or without reason.

[Here the hammer fell.]

Mr. BANKS. I wish to say to the gentleman from Wisconsin [Mr. WASHBURN] that I do not think the Navy Department can assent to the change proposed. There are eighty-two naval officers at the navy-yard at Charlestown. And I cannot believe that the Navy Department which retains a corps of officers of that magnitude at that yard at Charlestown can be disposed to recommend the dismissal of a one-armed soldier, one of the very few civilians who hold positions there. I am sure the Navy Department cannot consent to this.

Mr. SCOFIELD. I should like to ask the gentleman if the only reason he has for thinking that this office should be kept up is that a meritorious man occupies it at the present time? Is it a reason why all these officers should be retained that one of the men filling one of the minor offices is a meritorious man?

Mr. BANKS. I gave no reason why these officers should be retained; I think they ought not to be retained. But I wish to call the attention of the committee to the reason why a civilian should be employed to stand at the gate or in the capacity of a detective.

When an attempt was made in this city some years ago to assassinate Mr. Seward it was testified at the trial that a servant in Mr. Seward's house went out to the soldier who was on duty as a sentry with a loaded musket, within a few yards of the door, and said to him, "There is a man in the house murdering the Secretary of State." The sentinel said, "I cannot leave my post." "But," said the servant, "you surely do not understand; I tell you there is a man murdering Mr. Seward. I have just come from the house and know it." The sentinel said, "I cannot leave my post." The information was repeated again, but the sentinel would not leave his post, and Mr. Seward was saved by other means.

Now, the marine who stands at the gate of a navy-yard acts under orders and is subject to just such discipline, and whatever wrong may be done to the Government he has not the power to leave his post and prevent or correct the wrong, because he is required to do other duties. The civilian, on the other hand, who is so employed is not only able, but willing to do what is necessary to defend the interests of the Government. And these men should not be struck down because there are some hundreds of officers under naval discipline who seem to be performing these duties, while in reality they are not attempting to perform them.

Mr. ARCHER. I would ask the gentleman why a marine cannot be detached to discharge that duty, and whether the gate-keeper of the New York navy-yard is in the same position of having lost an arm as the one at Boston?

Mr. BANKS. I will answer the gentleman that a marine cannot be detached for such a duty. The service is different, and is inconsistent with that of a gate-keeper or detective. He cannot be expected to perform duties of that kind. If we do not want them as marines they should be discharged. You have scores of these men at Charlestown, and hundreds of naval officers whose services are not as necessary as those of the gate-keeper or detective.

Mr. SCOFIELD. I understand the gentleman from Massachusetts [Mr. BANKS] to give as a reason why all these offices should be kept up and filled——

Mr. BANKS. No; I do not.

Mr. SCOFIELD. Wait a moment until you hear what I have to say.

Mr. BANKS. The gentleman misunderstood me, and I wanted to stop him there.

Mr. SCOFIELD. I do not yield to the gentleman.

The CHAIRMAN. The gentleman is speaking in the time of the gentleman from Massachusetts. [Laughter.]

Mr. SCOFIELD. I took the floor in my own right.

The CHAIRMAN. Debate was exhausted on the amendment.

Mr. SCOFIELD. Then, if I am speaking in the gentleman's time, of course I must yield to him.

Mr. BANKS. I will hear what the gentleman has to say.

Mr. SCOFIELD. I was going to say that I understand the gentleman from Massachusetts to urge that all these offices should be kept up simply because the occupant of one of the offices, and that a minor one, is a one-armed soldier.

Mr. BANKS. No, sir, I do not urge that they should all be kept up; on the contrary, I think most of these officers should be dismissed. There is only one of these officers that I think ought to be retained, and that is the gate-keeper.

[Here the hammer fell.]

The question was taken on Mr. PLATT'S amendment to the amendment; and it was disagreed to.

The question recurred on Mr. ARCHER'S amendment.

Mr. MAYNARD. I move to amend the part proposed to be stricken out by striking out the word "detective" and inserting "watchman." That word "detective" has got to be a little odious and offensive in this country. But if the amendment does not commend itself to the good sense of the House I do not wish to make a speech about it.

Mr. KELSEY. I oppose the amendment.

Mr. STEVENS. I hope the amendment will not be adopted. I think it might make great confusion in the classification of officers in the navy-yards.

Mr. SARGENT. I think it better not to change the nomenclature of the officers in the navy-yards in this respect. If this officer is to be retained, he is described on their books by this name.

Now, it is very true that in view of some of the transactions in the revenue service we have been accustomed to apply the old adage of "set a thief to catch a thief," and the word detective has been brought into disrepute. But I believe the office is not in disrepute so far as the Navy Department and the navy-yards are concerned. If it be true, as stated by the gentleman from Maryland, [Mr. ARCHER,] that these officers can be dispensed with entirely, then that is the best disposition to make of the matter; but if the officers are to be retained it is better to avoid confusion on the books, and to avoid the possibility of creating still further offices, by leaving the detective to be still designated as such. If we appropriate specifically for a watchman we may find a watch-

man on our hands and also a detective. That is the danger of changing the name of an office except in a more formal manner than this. For these reasons, which I think are valid, I suggest that the amendment be withdrawn or not adopted.

The question was taken on Mr. MAYNARD'S amendment; and it was disagreed to.

Mr. ARCHER'S amendment was agreed to.

Mr. WASHBURN, of Wisconsin. I ask unanimous consent of the committee to close all debate on that part of the bill from where we now are down to line one hundred and forty-eight, on page 7. That includes all under the head of "Bureau of Docks and Yards."

Mr. BANKS. I hope the gentleman will allow me to offer an amendment.

Mr. WASHBURN, of Wisconsin. You can offer amendments without debate.

Mr. ARCHER. Does the gentleman mean to preclude amendments?

Mr. WASHBURN, of Wisconsin. No; not at all.

There was no objection; and debate was closed.

The following paragraph was then read:

At the navy-yard, Philadelphia, Pennsylvania: For civil engineer, $2,000; for draughtsman and clerk to civil engineer, $1,400 each; for clerk of pay-rolls and mustering clerk, $1,500; for receiver and inspector of stores, $1,500; for clerk to commandant, $1,500; for chief accountant, $1,800; for clerk to chief accountant, $1,200; for gate-keeper and detective, $1,000; and for messenger for the commandant's office, $600; in all, $13,900.

Mr. ARCHER. I move to amend this paragraph by striking out the words "for chief accountant, $1,800; for clerk to chief accountant, $1,200; for gate-keeper and detective, $1,000." This is precisely similar to amendments which have been made to former paragraphs of this bill.

The amendment was agreed to.

No further amendment being offered, the next paragraph was read, as follows:

At the navy-yard, Washington, District of Columbia: For civil engineer, $2,000; for draughtsman and clerk to civil engineer, at $1,400 each; for receiver and inspector of stores, $1,500; for clerk of pay-rolls and mustering clerk, $1,500; for clerk to commandant, $1,500; for chief accountant, $1,800; for clerk to chief accountant, $1,200; for gate-keeper and detective, $1,000; and for messenger for commandant's office, $600; in all, $13,900.

Mr. ARCHER. I move to amend this paragraph by striking out the words "for chief accountant, $1,800; for clerk to chief accountant, $1,200; for gate-keeper and detective, $1,000." It is the same amendment for this navy-yard that has already been adopted for previous navy-yards in this bill.

The amendment moved by Mr. ARCHER was then agreed to.

Mr. STEVENS. I move to further amend this paragraph by making the compensation of the civil engineer $2,500 instead of $2,000, as here proposed. That will make his compensation the same as the compensation of the civil engineer at the Portsmouth navy-yard. I understand that the Committee on Appropriations are willing that this amendment should be made.

Mr. WASHBURN, of Wisconsin. I have no objection to it.

The question was then taken upon the amendment moved by Mr. STEVENS; and upon a division there were—ayes 18, noes 17; no quorum voting.

Tellers were ordered; and Mr. DICKEY and Mr. STEVENS were appointed.

The committee again divided; and the tellers reported that there was—ay one, noes not counted.

So the amendment was not agreed to.

Mr. WASHBURN, of Wisconsin. The amendment which has just been adopted on motion of the gentleman from Maryland [Mr. ARCHER] renders it necessary to change the total amount appropriated by this paragraph. I therefore move to amend the last clause of this paragraph by striking out "$13,900" and inserting "$10,900."

Mr. CONGER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONGER. Would not a reduction of $4,000 in the appropriation made by this paragraph leave $9,900 instead of $10,900, as proposed by the gentleman from Wisconsin [Mr. WASHBURN] in his amendment just moved by him?

The CHAIRMAN. That is not a parliamentary inquiry, but a question of arithmetic.

The amendment moved by Mr. WASHBURN, of Wisconsin, was then agreed to.

The next paragraph was read, as follows:

At the navy-yard, Norfolk, Virginia: For civil engineer, $2,000; for draughtsman and clerk to civil engineer, at $1,400 each; for receiver and inspector of stores, $1,500; for clerk of pay-rolls and mustering clerk, $1,500; for clerk to commandant, $1,500; for gate-keeper and detective, $1,000; and for messenger for commandant's office, $600; in all, $10,900.

Mr. ARCHER. I move to amend this paragraph, to make it correspond with the others, by striking out the words "for gate-keeper and detective, $1,000."

Mr. PLATT. As there is no chief accountant for this navy-yard as for other navy-yards, I hope this amendment will not be adopted.

The CHAIRMAN. Debate is not in order.

The amendment moved by Mr. ARCHER was then agreed to.

The next paragraph was read, as follows:

At the navy-yard, Pensacola, Florida: For superintendent of yard improvements, $1,878; for receiver and inspector of stores, $1,500; for gate-keeper and detective, $1,000; for messenger for the office of the commandant, $600; in all, $4,978.

Mr. HAMILTON. I move to amend this paragraph by inserting after the clause relating to the superintendent of yard improvements the words "for draughtsman and clerk to superintendent, $1,400;" also, by inserting after the next clause the words "writer to receiver and inspector of stores, at $3 *per diem*; clerk of pay-rolls and mustering clerk, $1,500; one clerk to commandant, $1,500;" also, by changing the total amount to $10,717.

Mr. ARCHER. Is not that the creation of new officers, and is it in order?

The CHAIRMAN. The Chair is of opinion that the amendment is in order.

Mr. DAWES. I hope the amendment will not be adopted.

The CHAIRMAN. Debate is not in order.

The amendment was not agreed to.

Mr. ARCHER. I move to amend this paragraph by striking out the words "for gate-keeper and detective, $1,000;" so as to make this paragraph correspond to the preceding paragraphs relating to navy-yards.

The amendment moved by Mr. ARCHER was agreed to.

Mr. WASHBURN, of Wisconsin. I move to amend the last clause of this paragraph by striking out "$4,978" and inserting "$3,978;" which is rendered necessary by the amendment moved by the gentleman from Maryland, [Mr. ARCHER.]

The amendment was agreed to.

The next paragraph was read, as follows:

At the navy-yard, Mare Island, California: For civil engineer, $3,000; for assistant civil engineer and draughtsman, $1,800; for receiver and inspector of stores, $1,875; for clerk of pay-rolls and mustering clerk, $1,875; for clerk to commandant, $1,875; for chief accountant, at $1,800; and for clerk to chief accountant, $1,500; for gate-keeper and detective, $1,000; and for messenger for commandant's office, $750; in all, $15,475.

Mr. ARCHER. I move to amend this paragraph by striking out the words "for chief accountant, at $1,800; and for clerk to chief accountant, $1,500; for gate-keeper and detective, $1,000." That is necessary in order to make this paragraph correspond with the preceding paragraphs.

The amendment was agreed to.

Mr. BANKS. I ask unanimous consent to offer the following amendment, to come in at the close of the pending paragraph:

And the Committee on Naval Affairs, with such committee as the Senate may appoint, is hereby authorized and directed to visit and inspect, during the recess of Congress, the condition and management of the several navy-yards at Washington, Philadelphia, New York, Boston, and Portsmouth, and to report at the next session what reforms are necessary to secure economy and efficiency in the naval and civil branches of service in these and other navy-yards.

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

Mr. BANKS. I hope the gentleman will not object to the amendment. I know it is not in order; but nothing is more necessary for the information of the House than some such inspection as the amendment proposes.

Mr. KELSEY. The matter is entirely within the control of the Department now.

Mr. BANKS. I do not care whether the duty be devolved upon the Committee on Naval Affairs or the Committee on Appropriations; but such an examination ought to be made.

Mr. KELSEY. I insist on the point of order.

The CHAIRMAN. The point of order being insisted on, the Chair is compelled to rule out the amendment.

Mr. WASHBURN, of Wisconsin. I move to amend by making $11,175 the aggregate sum appropriated in the pending paragraph, instead of $15,475. This change is rendered necessary by the amendment adopted on motion of the gentleman from Maryland, [Mr. ARCHER.]

The amendment was agreed to.

The Clerk read as follows:

At the Naval Asylum: For secretary to the governor, $1,000; for steward, $750; for matron, $300; for six washers, at $120 each; for cook, $168; first assistant cook, $120; second assistant cook, ninety-six dollars; six laundresses, at $120 each; eight scrubbers and house cleaners, at ninety-six dollars each; four laborers, at $240 each; master-at-arms, $300; and for ship's corporal, $240; in all, $6,142.

Mr. WELKER. I see that this paragraph makes an appropriation for the "secretary to the governor." I would like to inquire of the gentleman having the management of the bill what is the duty of this officer?

Mr. WASHBURN, of Wisconsin. He acts as a clerk, of course. I suppose the gentleman knows what a "secretary" is and what a "governor" is.

Mr. WELKER. What do they both do?

Mr. WASHBURN, of Wisconsin. I have never been there.

Mr. WELKER. I desired to get a little information.

The CHAIRMAN. Debate is not in order, having been closed on this paragraph with others.

The Clerk read as follows:

Bureau Equipment and Recruiting: For equipment of vessels: for coal for steamers' use, including expenses of transportation, storage, labor, &c.; hemp and other materials for the manufacture of rope, wire-rope, hides, cordage, canvas, leather, iron, cables, anchors, furniture, galleys, hose, &c.; and for the payment of labor in equipping vessels, and manufacture of articles in the navy-yards pertaining to this bureau, $1,500,000.

Mr. MAYNARD. I move to amend by striking out after the word "hose" the words "and so forth." Such language has no business in any law.

The amendment was agreed to.

Mr. ARCHER. I move to amend by inserting the word "and" between the words "galleys" and "hose." This change is rendered necessary by the amendment just adopted.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The Committee of the Whole on the state of the Union rose informally; when a message from the Senate, by Mr. HAMLIN, one of its clerks, announced that the Senate had adopted the report of the committee of conference on the bill (S. No. 95) in relation to the Hot Springs reservation in Arkansas.

NAVAL APPROPRIATION BILL—AGAIN.

The Committee of the Whole on the state of the Union resumed its session.

The Clerk read as follows:

At the navy-yard, Boston:

For superintendent of rope-walk, $1,900; clerk to same, $1,200; clerk in equipment office, $1,500; for three store and time clerks, one at $1,400 and two at $1,200 each; in all, $8,400.

Mr. WASHBURN, of Wisconsin. I move the following amendment:

Strike out all after the word "dollars," in line one hundred and sixty-seven, to the end of the paragraph, and insert in lieu thereof the following:

For two store and time clerks, at $1,200 each; in all, $7,000.

The amendment was agreed to.

The Clerk read as follows:

At the navy-yard, Mare Island:

For clerk in equipment office, $1,500; for store clerk, $1,400, and for time clerk, $1,200; in all, $4,100.

Mr. KELSEY. I move to amend by inserting after the words "fourteen hundred" the word "dollars."

Mr. MAYNARD. I would like the gentleman from Wisconsin to give us some information as to why the clerks at the Mare Island navy-yard are allowed more than those at the Washington navy-yard.

Mr. WASHBURN, of Wisconsin. Because living is more expensive in California.

The amendment was agreed to.

Mr. WASHBURN, of Wisconsin. I ask unanimous consent that the Clerk be authorized to change the aggregate sum in the paragraphs already passed so as to correspond with the amendments which have been adopted. In some instances the necessary change has not been made.

The CHAIRMAN. If there be no objection the Clerk will make the necessary corrections.

There was no objection.

The Clerk read as follows:

For contingent expenses of Bureau of Equipment and Recruiting, namely:

For freight and transportation of stores, &c., transportation of enlisted men, mileage to honorably discharged men, printing, postage, advertising, telegraphing, stationery, apprehension of deserters, assistance to vessels in distress, &c., $125,000.

The hour of half past four o'clock having arrived, the Committee of the Whole on the state of the Union took a recess until half past seven o'clock p. m.

EVENING SESSION.

At half past seven o'clock p. m. the Committee of the Whole on the state of the Union resumed its session, (Mr. ELDRIDGE in the chair,) and proceeded with the consideration of the bill (H. R. No. 1533) making appropriations for the naval service for the fiscal year ending 30th June, 1871.

The Clerk proceeded with the reading of the bill until he came to the following paragraph:

For contingent expenses of Bureau of Equipment and Recruiting, namely; For freight and transportation of stores, &c., transportation of enlisted men, mileage to honorably discharged men, printing, postage, advertising, telegraphing, stationery, apprehension of deserters, assistance to vessels in distress, &c., $125,000.

Mr. MAYNARD. I rise to make a motion, which I have often made before on these appropriation bills, to strike out in lines two hundred and one and two hundred and four the words "and so forth," which are useless and possibly may be mischievous, and I would suggest to the gentleman having charge of this bill that he consent to have them stricken out wherever they occur.

Mr. WASHBURN, of Wisconsin. Certainly.

The amendment was agreed to.

The Clerk read as follows:

For nautical and astronomical instruments, nautical books, maps, and charts, and sailing directions, and repairs of nautical instruments for ships of war, $10,000.

Mr. MAYNARD. I move to reduce the appropriation $1,000. I ask the gentleman from Wisconsin whether he can tell us accurately or approximately how much of this money expended for charts is expended for the production of American charts, and how much for foreign charts? I have an impression there might be an improvement in this respect.

Mr. WASHBURN, of Wisconsin. Very much for admiralty charts. Further on there is an appropriation for preparing and publishing maps, charts, and other hydrographic information in connection with that bureau of the Navy Department. This appropriation is precisely the same as last year.

Mr. MAYNARD. I very seldom go to sea; but during last summer I sailed along the coast, and to my surprise I found that the vessel was navigated by the British admiralty chart. I take occasion to mention this for the purpose, if there be any deficiency, of having it supplied.

Mr. WASHBURN, of Wisconsin. We have minute charts of our own coast; but it is true that British admiralty charts are frequently used.

Mr. STEVENS. The steamer which this Government has upon the lakes is navigated by British charts, from the fact that we have never made the same surveys of the great lakes under the Coast Survey organization that we have made of the coast.

Mr. WASHBURN, of Wisconsin. I think the gentleman is mistaken. Our hydrographic surveys of the lakes have been, I think, as minute as our surveys of the coast.

Mr. STEVENS. My attention was called to the fact that the British admiralty charts were used.

Mr. CONGER. In regard to charts of the lakes I will say that the lakes have been fully surveyed, and charts published of the entire chain of lakes, with all the bays, harbors, and channels, which are supplied to all sailing masters. This survey was commenced under Captain, now General Meade, and is equivalent to the survey of the coast.

Mr. MAYNARD. I withdraw my motion.

The Clerk proceeded with the reading of the bill until he reached the following paragraph:

For preparing and publishing maps, charts, nautical books, and other hydrographic information, $15,000.

Mr. WASHBURN, of Wisconsin. I move to strike out "fifteen" and insert "twenty," so as to increase the appropriation to $20,000. The Hydrographic Bureau have represented that they need this money for the next fiscal year, and I have no doubt the statement is correct.

Mr. MAYNARD. I should like to ask the gentleman from Wisconsin whether these charts published by the Hydrographic Bureau are accessible to our mercantile marine?

Mr. WASHBURN, of Wisconsin. I understand they are furnished to our Navy, and to the mercantile marine.

The amendment was agreed to.

Mr. HAMILTON. I rise to a parliamentary inquiry. Is it in order to go back to page 9?

The CHAIRMAN. It is not, without unanimous consent.

Mr. HAMILTON. The paragraph I refer to was not read but was about being read when we took a recess. I ask unanimous consent to go back.

There was no objection.

The Clerk read the following:

At the navy-yard, Pensacola:

For equipment office clerk, $1,300, and for the store clerk, $1,200; in all, $2,500.

Mr. HAMILTON. I move to insert in that paragraph, "for one time clerk $1,000," and increase the amount to "$3,500."

Mr. Chairman, I observe that at the navy-yard here there is an appropriation made for a time clerk; that there is one at the Norfolk navy-yard; that at the Boston navy-yard there are, I think, three. But at the Pensacola yard, which is equally important with some of the others, there is none.

Mr. MAYNARD. Is there one there now?

Mr. HAMILTON. Yes, sir; and the Secretary of the Navy desires an appropriation to be made for continuing that officer.

Mr. STEVENS. Will the gentleman inform us what is the force at that yard?

Mr. WASHBURN, of Wisconsin. Whose time is this man to keep?

Mr. HAMILTON. The time of the large number of employés there.

Mr. WASHBURN, of Wisconsin. How many?

Mr. HAMILTON. I cannot tell precisely how many there are, but there is quite a number. I may state in this connection that the West Indies and South Atlantic squadrons put in at Pensacola for repairs, as the squadrons in the Atlantic put in at Boston, Philadelphia, and Norfolk, and the squadron in the Pacific at the California navy-yard. And I think the Committee on Naval Affairs have not put a proper estimate on the importance of that navy-yard. It is the only navy-yard on the Gulf of Mexico, and is more important than that of Norfolk.

Mr. MAYNARD. I am inclined to think that this amendment is a proper one, but I should be glad if the gentleman from Florida could tell us what is the average number of hands employed in the Pensacola navy-yard.

Mr. HAMILTON. I can only say—although I am sorry to have to make the admission—that some sixty and odd employés in the navy-yard at Pensacola were discharged last spring on account of a want of appropriations to carry on the work there.

Mr. STEVENS. Will the gentleman yield to me for a single remark?

Mr. HAMILTON. Certainly.

Mr. STEVENS. I want to say that if gentlemen will examine the Navy Register they will find that there is a very small force employed there; that while there are some thirty or forty officers at the other yards there are only seven stationed at Pensacola, which shows that the force in that yard must be very small.

Mr. HAMILTON. There are upward of one thousand employés in the Pensacola navy-yard.

Mr. WASHBURN, of Wisconsin. I rise to oppose the amendment. There is next to nothing being done at the Pensacola navy-yard. We give them an equipment clerk and a store clerk, and that is all that is required there and a great deal more than is required. There is no use for a time clerk; and I hope, therefore, the amendment will be rejected.

Mr. ELA. I would remark that most of the men employed in the navy-yards are employed by the Bureau of Construction; but there are none employed in that department at Pensacola, because there is no construction going on there.

Mr. ARCHER. I will state to the committee that in going over the previous paragraphs in the bill I was much inclined to move to strike out the appropriations for all the time clerks in the other navy-yards; but as I was asking the committee to strike out a good many other officers whom I thought supernumeraries, I allowed the appropriation for the time clerks to be passed over, which I think I ought not to have done. In the navy-yard here we have two time clerks with four hundred men, and their whole duty, if I understand their position aright, is merely to keep the time of the four hundred or four hundred and fifty men going into the yard, and there are some ten or fifteen clerks employed there besides. I am opposed to the amendment proposed by the gentleman from Florida to make an appropriation for a time clerk at the Pensacola navy-yard, not because I have any special objection to a time clerk at that yard, but because I think there is no necessity for these time clerks in any of the yards.

I do not mean to attribute to the gentleman from Florida any motive of merely local interest in urging this amendment. But I say that there is no necessity for this time clerk in the Pensacola yard, and no necessity for time clerks in any of the other navy-yards. There is clerical force sufficient twice over in every

navy-yard in this country to do the work that is to be done in them. The clerical force that is still in the navy-yards is a remnant of the war. Since 1867, when we passed a resolution saying that it was against the policy of the Government to build any more ships, our forces in the navy-yard have been reduced very largely; I cannot state precisely the reduction, but it has been to an enormous extent; and yet the clerical force has been left in every one of them.

Mr. ELA. Will the gentleman allow me to ask him one question?

Mr. ARCHER. Certainly.

Mr. ELA. Is it not the duty of the time clerk at every navy-yard to call the roll of the men twice a day and make up all the accounts, and make them up in triplicate? Is not that the special duty of the time clerk?

Mr. ARCHER. I would ask the gentleman why could not a clerk in each of the four departments that they have in every yard keep the accounts of the hands in that department and make them out in triplicate? I say there is no necessity for these time clerks. But as we have passed them over in the bill I will not ask the committee to go back and strike them out.

Mr. MAYNARD. If I understand the gentleman from Florida [Mr. HAMILTON] correctly the number of hands employed in this yard is one thousand.

Mr. ARCHER. At the Pensacola yard?

Mr. MAYNARD. I understood him to say so.

Mr. HAMILTON. Over one thousand.

Mr. WASHBURN, of Wisconsin. There is no one there.

Mr. MAYNARD. If I am mistaken in that there is no force in the question I was about to ask.

Mr. HAMILTON. There are upward of a thousand. I do not know the definite number.

Mr. ARCHER. Working there?

Mr. HAMILTON. That is my information.

Mr. MAYNARD. Then it is manifest that two clerks would not be sufficient.

Mr. ARCHER. I confess it is news to me that there is any such number of men employed in the Pensacola navy-yard. The gentleman who has charge of the bill, I think, will bear me out in saying that there is no such number in the Pensacola navy-yard.

[Here the hammer fell.]

Mr. ARCHER. I withdraw the amendment to the amendment.

The question was taken on Mr. HAMILTON'S amendment; and it was disagreed to—ayes seven, noes not counted.

The reading of the bill was resumed; and the Clerk read as follows:

For gunpowder, $50,000.

Mr. SARGENT. I move to strike out "$50,000" and insert "$100,000." The capacity of the magazines of the United States is forty-nine thousand five hundred barrels of gunpowder. The amount which we now have on hand is five thousand five hundred and thirty-nine barrels of gunpowder, of which one half is at the Mare Island navy-yard. The Department in its estimate, I believe, asks an appropriation for ten thousand barrels of gunpowder. The chairman of the committee can, perhaps, tell me the exact amount. With this additional amount of gunpowder a large amount of expense would be saved in this way. Whenever a ship arrives or is to be sent away to a foreign station they are compelled to transport gunpowder from a distance at a very heavy expense. Furthermore there is not enough on hand. In case of a war there is a very insufficient supply. It is the desire of the ordinance department that enough for present use be appropriated with a small amount over, to gradually fill the magazines, which by the war have been run down to this condition of emptiness, there being only about five thousand barrels with a capacity of nearly fifty thousand barrels. It seems to me, although I regret to be compelled in this public way to expose the poverty of our resources, that it is the duty of the committee to allow this amount of $100,000 for the purchase of gunpowder, and that it is dictated by every principle of self-preservation. We can go on appropriating thousands and hundreds of thousands of dollars to build up a great armory at Rock Island, in order to lay up muskets and guns of various calibers for future contingencies. No one objects to that. It is said that in peace we are preparing for war. My colleague upon the committee [Mr. DAWES] has a large arsenal constantly manufacturing small arms at Springfield, Massachusetts. We vote money for that, and act wisely in so doing. Now, when the Navy Department shows that they have only five thousand barrels of gunpowder, when our magazines have a capacity of fifty thousand, and ask you to increase the amount to ten thousand barrels for present use, we ought not to reduce it, and I trust that this amendment will be agreed to by the Committee of the Whole.

Mr. WASHBURN, of Wisconsin. I rise to oppose the amendment. We have five thousand barrels of gunpowder now on hand. There is no probability that any portion of it will be required for a long time to come. If there should be any sudden demand for powder, there are powder-mills in this country capable of manufacturing powder faster than you can fire it away. Powder is a substance that will deteriorate. While the estimate of the Department is for $100,000, the Committee on Appropriations give $50,000; and in my judgment, with the five thousand barrels on hand, that will be sufficient and ample. I think the public service would not suffer in the slightest degree, even if this $50,000 should be stricken out.

Mr. SARGENT. Allow me to make a correction of my remarks. I stated that the amount asked for was ten thousand barrels. The amount that they asked for was five thousand barrels, and the Committee on Appropriations allow them twenty-five hundred barrels.

Mr. WASHBURN, of Wisconsin. We give them one half that they ask for.

Mr. HALE. I move to amend by striking out the last word. I presume there is no man here who would wish that the Navy of the United States, if we are to have any Navy whatever, should ever be reduced to a point where its store of powder would be any way near consumed. What is said by the gentleman from Wisconsin, [Mr. WASHBURN,] who has charge of this bill, has but little force, it seems to me, because an emergency may arise at any time when it will not be practicable to call upon the private manufacturers throughout the country to supply what may be needed at a day's or at a week's notice. There is nothing lost by having a reasonable amount of powder stored and on hand in the safe magazines of the Government; and five thousand barrels is not a large amount.

Mr. WASHBURN, of Wisconsin. Can the gentleman tell us how long five thousand barrels would last the Navy in case of war?

Mr. HALE. Upon that very point I was just proposing, and I now propose to send to the Clerk's desk to be read a communication from Mr. Case, who has charge of this bureau.

Mr. WASHBURN, of Wisconsin. The communication is too long.

Mr. HALE. It is not too long. It can be read before my five minutes expire, and I ask to have it read as a part of my remarks.

The Clerk read as follows:

BUREAU OF ORDNANCE,
NAVY DEPARTMENT, *March* 22, 1870.

ADMIRAL: In the estimates submitted by this bureau for the next fiscal year is an item for five thousand barrels of powder to meet the requirements of the service.

The appropriation bill, as reported, reduces this item to two thousand five hundred barrels, and if no more is allowed I am certain that the Navy cannot be served as it should be in this indispensable article.

As an evidence of this I respectfully state that the three ships Worcester, Shenandoah, and Brooklyn, now preparing for sea, require over five hundred barrels of powder for their guns. A barrel of powder contains only ten nine-inch charges, six of eleven-inch, and not quite three of the lowest charge for a fifteen-inch gun. If the effective charge of one hundred pounds is used for the fifteen-inch gun, a barrel of powder is consumed at each round.

Powder does not deteriorate in our magazines, and we should lose none in this way even if the five thousand barrels asked for were made at once; which, however, would not be the case, but only contracted for as the service needed it.

Finally, it should be borne in mind that all the powder for the Navy is not stored in one magazine, but distributed near the eight navy-yards, including the distant one at Mare Island, California; and it frequently happens that when the stock is small the bureau is compelled to draw from one station to supply the wants of another, thus incurring additional cost and danger of transportation.

I have therefore the honor to suggest that the Naval Committees be requested to assist the Department in having the allowance for powder made at least to five thousand barrels, as estimated for.

With great respect, your obedient servant,

A. LUDLOW CASE,
Chief of Bureau.

Vice Admiral D. D. PORTER, *Navy Department.*

[Here the hammer fell.]

Mr. WASHBURN, of Wisconsin. I hope we will now have a vote. I do not want to say anything more.

Mr. HALE. I withdraw my amendment to the amendment.

The question was upon the amendment moved by Mr. SARGENT to increase the appropriation for gunpowder from $50,000 to $100,000.

The question was taken; and upon a division there were—ayes 14, noes 55; no quorum voting.

Mr. SARGENT. I call for tellers. This is an important amendment, and I want to know whether there is a quorum in this Hall or not.

Tellers were ordered; and Mr. WASHBURN, of Wisconsin, and Mr. SARGENT, were appointed.

The committee again divided; and the tellers reported that there were—ayes 24, noes 76.

Mr. SARGENT. I will not press for a further count.

The amendment was accordingly rejected.

Mr. MAYNARD. I will move a further amendment, discouraging and hopeless as it may seem, to this paragraph, in the words: "For niter and a niter depot, $50,000." In order to save gentlemen the trouble of turning to their book of estimates, I will state that on page 127 they will find this estimate: "New niter depot, $75,000; five hundred thousand pounds niter, $55,000." And on pages 258 and 259 will be found the reason assigned for that, which I will ask the Clerk to read.

The Clerk read as follows:

"The war of the rebellion disclosed the great liability to which the Union interest was exposed by relying upon the usual supply of niter from Hindostan.

"In the first place, the supply was limited to the ordinary consumption, was unequal to the great increase in demand when war arose, and the price was not only augmented, but it was difficult to obtain what was needed in convenient season.

"Under these circumstances I thought of obtaining niter from other sources and initiated the present mode of supply; that is, by separating the niter combined with soda, and uniting it with potash, which was successfully executed. A depot was subsequently provided, near Malden, and there are now stored there thirty-six hundred and fifty-nine tons.

"It seems advisable to make further provisions to complete the plan; for which purpose another depot should be provided, as the present one contains quite as much as it is advisable to accumulate in one place, chiefly because when the whole stock is brought together accident or design would dissipate it in an instant and leave us unprovided. The convenience of communicating with the different powder-works is also to be considered. I recommend, therefore, that a site for another depot be chosen in the interior of the middle States, and convenient of access by railroad and canal.

"In regard to the character of the building, I am of the opinion that one similar, but larger than that lately completed by the Light-House Board at the light-house depot, Tompkinsville, Staten Island, for the storage of oil, will be most suitable, and just what is wanted, as it is thoroughly protected from fire. The cost of the site, vault, and buildings for the person in charge of the depot, I estimate will be $75,000."

Mr. MAYNARD. In view of the condition of things exhibited in what has just been read, it seems to me the House ought, as a matter of prudence, to adopt some such proposition as that which I submit. Although we are not at

present expecting a war, our business is to be always prepared. This is one of the materials which ought to be supplied in such quantity that we shall not be dependent in any emergency upon any foreign source of supply.

Mr. WASHBURN, of Wisconsin. I rise to oppose the amendment. One of the best methods to prepare for war is to pay our debts and save the money which my friend from Tennessee proposes to appropriate in this unnecessary manner. We now have more than three thousand tons of powder—over six and a half million pounds. Over fifty thousand barrels of powder are now under the control of the ordnance department; and if the Navy should be in need of powder there will be no difficulty in making a requisition and effecting a transfer. I am opposed to the amendment; but I will not consume further time in discussing it.

The amendment was not agreed to.

Mr. MUNGEN. I would like to call attention to two items which have been passed. I refer to those in lines two hundred and fifty-nine and two hundred and sixty-five. I think that with reference to these there has been evidently an oversight on the part of the committee.

Mr. WASHBURN, of Wisconsin. I object to going back.

The Clerk read as follows:

For labor at navy-yards, $100,000.

Mr. SARGENT. I move to amend the item just read by striking out "one" and inserting "two;" so as to make the appropriation for this purpose $200,000. Mr. Chairman, I suppose every one will admit that the strength of a chain is no greater than the strength of its weakest part. Now, here is one particular bureau, upon whose labor at the navy-yards depends the manufacturing and taking care of our ordnance, taking it out of vessels arriving from abroad, and putting it aboard of vessels which are ready to go to sea. There is no use in repairing ships; no use in providing them with motive-power; no use in putting men on board of them; no use, in short, in keeping up navy-yards at all unless this important interest is attended to. If this branch of the service is weak, all the rest is equally weak, if it does not stop altogether.

The Department estimated about four hundred thousand dollars for this item. The Committee on Appropriations, with no reason assigned whatever, have cut down the amount to $100,000. The reduction in this item is out of proportion with all other reductions. If the reduction were in accordance with any system, if it were in pursuance of the idea of the gentleman from Massachusetts [Mr. DAWES] that we want a little *bijou* of a Navy, and that everything must be reduced in proportion, there might be some justification for the proposition of the committee. But the appropriations in other respects do not correspond at all with the great reduction in this item. If this appropriation be limited to $100,000 our ships cannot be sent to sea. Under the rule established by law transfers cannot be made from other branches of the service to supply the deficiency in this item. This appropriation would allow only $1,000 a month for each of the navy-yards, which would be scarcely sufficient to keep in repair the buildings and other property belonging to the Government.

It would be impossible to put batteries and stores on board of vessels prepared to be sent out on service, or for refitting those returned from service, with the appropriation here proposed. It would be equivalent to closing up all our workshops for the fiscal year ending June 30, 1871. These statements I have from the chief of the bureau. For the present fiscal year this bureau had $270,000 appropriated for it, against the $100,000 now proposed for it, and this $270,000 was added to the balance of unexpended appropriations; which gave to that bureau for this purpose a sum of $400,000 for this year, against this $100,000 proposed for the next fiscal year. From $400,000 this year this bureau is to be cut down to $100,000 for the next year. Is there any logic or propriety in this? I should like to have any gentleman assign any good, sound reason for this proposed reduction from $400,000 to $100,000. The gentleman from Massachusetts says that I am in favor of more liberal appropriations for the Navy than he is; but I appeal to the House whether I am unreasonable in this when I say it is too great a reduction to cut down the appropriation for this bureau so enormously? Is my amendment asking for too much when I propose $200,000, which is only one half the amount estimated by the Department?

[Here the hammer fell.]

Mr. DAWES. Mr. Chairman, it is at this point this House is to determine whether they will go on with the labor in the navy-yards as proposed by the Department. It is here where the ships are to be repaired and built and sent out, or to be brought within the estimates and appropriations of Congress regarding the expenditure of the Government. The Department asks for $400,000, because they desire to put the Navy upon a footing which will cost us annually $30,000,000. If we bring it down to the old standard, and allow the Secretary of the Treasury $100,000 to be expended in the navy-yards, it is, in the opinion of the committee, sufficient.

I look forward to the day, not far distant, when instead of seven navy-yards on the Atlantic and one on the Pacific coast we shall have them reduced on the Atlantic coast to three; three efficient navy-yards here on the Atlantic coast and a yard on the Pacific commensurate with the importance of our Navy and commerce on that coast. But the Navy Department proposes to carry on all of these seven navy-yards on the Atlantic coast running down to Pensacola, where the grass is now growing in the yard itself, and where there is no necessity and no intention of restoring that yard to efficiency. There is no need of expending more than $100,000 at two or three places on the Atlantic coast. We have one navy-yard now in New Hampshire, one in Massachusetts, one in New York, one at Philadelphia, one here at Washington, and another at Norfolk, and still another at Pensacola. We are called upon for this large sum for all of these navy-yards. I am opposed to it. I am for curtailing and reducing the number of navy-yards, and performing just as little labor in these yards as the pressing and immediate wants of the Navy require.

If we want a new ship of war we will do it by contract in private yards. It is the opinion of all these men, and of Admiral Porter himself, that vessels of war can be built in private yards much cheaper than in the public yards. I am of opinion, and therefore opposed to the amendment, that $100,000 will meet the present exigency of the Navy, and that is all we should appropriate. I would furnish them with no appropriation to justify them in building new vessels, or for changing war vessels into sailing vessels, or for re-rigging the Navy itself.

[Here the hammer fell.]

Mr. MYERS. I only want to say a word.

The CHAIRMAN. Debate is exhausted.

Mr. MYERS. I move to strike out the last word. I do not expect to occupy even five minutes. I wish the House to understand what the effect will be if but $100,000 is appropriated by this bill for labor at the various navy-yards. As the gentleman from California has already stated, $400,000 is the estimate for this purpose by the Navy Department.

If we appropriate but $100,000, as the gentleman from Massachusetts desires, the workshops in the several navy-yards must be closed in a very few months, and the gentleman knows it. There are still existing seven navy-yards, and the gentleman from Massachusetts proposes to do away with them, not by a change in the existing law, but by doing away with the necessary appropriations in the way now proposed. I hope, therefore, that the amendment of my friend from California [Mr. SARGENT] will be adopted, and that the House will not give the navy-yards the side blow which the gentleman from Massachusetts has frankly stated he desires to give them. I hope the House will not support any such attempt, even proceeding from the chairman of the Committee on Appropriations, having the confidence of the House, to stab in this way the Departments for which they ought to report appropriations.

Mr. SARGENT. I rise to oppose the amendment of the gentleman from Pennsylvania. I desire to say that if the same scale of reduction were applied to the whole bill as is applied to this item the bill would appropriate but $4,000,000 instead of $16,000,000. If the gentleman from Massachusetts [Mr. DAWES] really intends to destroy the Navy, to do away with it entirely, to send no more ships to sea, and to leave our foreign commerce unprotected and uncared for—if that is the intention of the gentleman, and if such is the desire of the House, then it can be accomplished by following his advice in this particular. But I say with the gentleman from Pennsylvania [Mr. MYERS] that it is inappropriate for the chairman of the Committee on Appropriations to assail the Navy in this manner, and indirectly endeavor to sweep it out of existence. That is not a position which the leader of this House ought to assume. It is inconsistent with the relations which he bears to the Administration, to his party, and to this House. If he desires that we shall have no Navy hereafter let him endeavor to accomplish his object by direct means, by introducing a bill abolishing the American Navy.

If that is done, its past glories will be its vindication, even if its future is to be a blank. This reduction of the appropriation from the $400,000 asked for in the estimates to $100,000 will have the effect of destroying the Navy. And as I have said, if the same rule were carried out through all the different bureaus you would have to appropriate under this bill but $4,000,000, instead of $16,000,000. It is the utter absurdity of the appropriation to which I direct attention. It might as well be $50,000 or $10,000 or not one cent. It is of no account whatever as it stands.

The gentleman from Massachusetts confuses the appropriation for ordnance and those for construction and repairs. This is for the ordnance department, the department which handles the ordnance, takes it from ships when they arrive and puts it on board when they depart for sea. It has charge of all this vast amount of property, has the duty of manufacturing it, of keeping it in order and seeing it properly disposed of. Cripple it in that arm and our Navy is useless. You cannot send unarmed ships to sea, and if you cannot arm them they must be laid up at home.

I can understand why attacks are made on the Government by gentlemen on the other side of the House; but I cannot see the propriety of that attorney-like ingenuity which day after day and month after month attacks its own party, and denounces its own Administration. I think no man of any fairness will sanction this kind of assault upon a party by those who pretend to be its leaders. We cannot go as a party with any strength before the people with such exaggerated abuse from the leaders of our party, frequently founded upon falsities, often utterly baseless when the facts are examined. When these violent statements go to the members of our party through the country, who have been accustomed to place confidence in us, that one Department after another is rotten and unworthy of confidence; when every little incident occurring at a Department is seized upon and placed in its worst light; what can the people think of us and of the Administration which we and they have placed in power? No party can live, no party deserves to live, that tolerates such conduct; and for one I utterly repudiate such leadership.

Mr. DAWES. I move to amend the amendment by——

The CHAIRMAN. There are two amendments now pending.

Mr. MYERS. I withdraw the amendment to the amendment.

Mr. DAWES. I renew it. It is because the amendment asks $200,000 merely for the labor in the ordnance department that I oppose it; for the labor in one single bureau, which makes no ordnance at all at this time, but is simply confined to the manipulations of the ordnance in the department. Gentlemen desire that the appropriations shall be made on a grand scale in this department; that there shall be $75,000 for a new niter magazine, and $55,000 to pile up niter, against a new rebellion that is about to come on, in the imagination of my friend from Tennessee; and besides that there shall be $400,000 employed simply in the manipulation, the moving, scouring, and taking care of the surplus ordnance in the Ordnance Bureau of this Department, with thirty fifteen-inch guns at $110,000, all on the same grand scale.

I am opposed to the whole of it. I desire efficiency in the Navy quite as much as does my colleague upon the committee, [Mr. SARGENT,] but I do not understand that it is to be brought about by any such lavish expenditures of public money. The trouble is that the efficiency and power of the Navy seem to be measured solely by the amount of money they can expend. I do not understand the history of the Navy, or its glory, or its achievements, or its power in the past in any such way as that. It was when the Navy had the least money that it achieved its greatest glory. An appropriation of $100,000 to this bureau for no purpose but to take care of the ordnance we have on hand is enough.

Mr. DICKEY. Mr. Chairman, the gentleman is wrong in his statement that they have nothing to do but to take care of ordnance. Whenever a vessel is got ready for sea, ordnance has to be put on board of it and fixed there. Every time a vessel returns from sea her ordnance is taken off her and new ordnance put upon her. It is not, therefore, merely for the purpose of taking care of the ordnance on hand. There is no occasion for all this excitement about this very small item; no occasion for it whatever. I think, with the gentleman from California, [Mr. SARGENT,] that this is an undue reduction. It is not in the same proportion in which the committee have reduced the other estimates. We have reduced the others about one third. In this case the estimates have been cut down three fourths. Instead of $400,000, as estimated for, we have allowed but $100,000. I think this is too great a reduction. But I do not see any occasion for this great excitement or for these grand tirades on the one side or the other. It is simply a question whether we will cut down this estimate or not. Now, neither the gentleman from Wisconsin [Mr. WASHBURN] nor the gentleman from Massachusetts [Mr. DAWES] has furnished this committee with any reason why the Committee on Appropriations have cut down this particular appropriation out of proportion to their reduction of other appropriations. I think if we cut it down one half the reduction will be sufficient.

Mr. DAWES. I will withdraw the amendment to the amendment.

Mr. FERRISS. I object. Let us have a little voting; we have had a great deal of talking.

The question was taken on Mr. DAWES's amendment to the amendment; and it was disagreed to.

The question recurred on Mr. SARGENT's amendment.

Mr. CONNER. I move to amend the amendment so as to make the amount $250,000. Mr. Chairman, it does occur to me that the disposition on the part of the House to curtail the expenses of the Navy so as to reduce our actual strength is a policy unwise and unstatesmanlike. I am as anxious as any gentleman upon this floor can be to reduce the expenses of this Government. But when I see from day to day, from week to week, and from year to year the insults offered to our commerce, the insults offered to our citizens in foreign lands, it does occur to me that these indignities should be resented by this Government; and in order to resent them it is first necessary to place ourselves in an attitude that we may be able to do it. You had here but a few days since a report from the chairman of the Committee on Foreign Affairs relating to some indignities offered to American citizens by some little insignificant Power in South America, and there was some suspicion cast upon the conduct of our naval officer there. It may have been that he was not in a position to extend to those citizens the protection which they were entitled to receive. Then, too, we have had a struggling neighboring people in the island of Cuba that the American people were disposed to assist; they were disposed to carry out the principles that were implanted in the Constitution by the fathers, but this Government was unable to do it, the Administration was unable to respond to the demands of the American people because the Navy was insufficient.

That was the position taken by the gentleman from Maine [Mr. LYNCH] in his very able speech a few days ago. The American people are not prepared properly to meet and resent these indignities. I do think that this disposition to cut down the appropriations for the Navy, to reduce our Navy, is unwise, unstatesmanlike, and anything but independent for the Congress of the first Republic and the first Government on earth. This proposition comes in exceedingly bad taste from the gentlemen who are so extremely energetic in advocating this reduction of the appropriations for the Navy. If they would reduce the expenses of the civil service, if they would stop the leaks in the Treasury Department, and would see to it that the revenues are collected as the law requires, they would not deem it necessary to oppose so strenuously the little trifling expenses connected with our navy-yards. I do not want the grass to grow up in our navy-yards. I believe that when we travel in foreign countries it is at least some pride and some satisfaction to us, as American citizens, to look upon the flag of our country borne by vessels of our Navy.

Mr. O'NEILL. I rise to oppose the amendment *pro forma*, for the purpose of calling the attention of the Committee of the Whole to what has so frequently been said while this and other bills have been under consideration as to the results of the Navy during the late war. I have been utterly amazed at the forgetfulness of the Committee of the Whole, and especially the forgetfulness of my friend, the chairman of the Committee on Appropriations, [Mr. DAWES.] The members of the committee, who seem to have been making a raid upon the whole organization of the Navy of the United States, forget the history of that Navy for the last few years. The gentleman from Massachusetts [Mr. DAWES] who gets so excited on this subject says that these large expenditures of the Navy Department have not added any luster to our flag, and that the distinction gained by our Navy in past years was gained by a low expenditure of money.

Do we not know that during the past Administrations, while we were battling the rebels of the South, it took millions and millions of dollars in order to enable us to prepare for sea some six hundred vessels of war, and that the commanders of those vessels did add to the glory of the service? Does the gentleman from Massachusetts [Mr. DAWES] forget the distinguished services of Farragut and Porter, and a host of our other naval officers? Those services would never have been successfully performed had it not been for the liberality of Congress in voting money to build up the Navy from almost nothing, as it was found to be in 1861.

I admire the exploits of the officers of the Navy in the war of 1812. I admire the single fights of ship against ship. But the glories of those days are dimmed indeed when we look at such heroes as Farragut and Porter, who with vast fleets gained victories for the country, and helped to save it from dismemberment.

But there is one other thing which I would call to the mind of the gentleman from Massachusetts, who to-night advocates, not for the first time, his theory of the abolishment of many of our navy-yards. Will he tell the Committee of the Whole to-night, and through this committee the country, that he is ready now to begin the construction of one or two great naval stations upon the Atlantic coast? Is he ready now to urge appropriations for such navy-yards as the one proposed at League Island, and which is really demanded for the public good?

I stand here willing, as far as my vote will go, to aid in the passage of such legislation as may be necessary for putting in the progress of construction such yards which in the future will give us the means of building ships and equipping navies, to be sent to sea and commanded by just such gallant officers as to-day stand prominent in the annals of the country, to fight any enemy that may dare to make war upon us.

[Here the hammer fell.]

Mr. CONNER. I will withdraw my amendment to the amendment.

Mr. FERRISS. I object to withdrawing the amendment; let us have some voting.

The question was upon the amendment of Mr. CONNER, to increase the appropriation to $250,000.

Mr. BECK. I rise to a point of order. There has been no opposition to the amendment of the gentleman from Texas, [Mr. CONNER.] The gentleman from Pennsylvania [Mr. O'NEILL] has advocated it more warmly than the mover of it.

The CHAIRMAN. The objection comes too late.

The amendment of Mr. CONNER was not agreed to.

Mr. LOGAN. I move to amend the amendment of the gentleman from California, so as to make the amount of the appropriation $150,000. Mr. Chairman, I must confess that I have received from the gentleman from Pennsylvania [Mr. O'NEILL] some instruction this evening on the subject of League Island; but what that has to do with this question I cannot for my life conceive.

What is the question before the committee? Not whether a navy-yard should be established at League Island, not whether Admiral Porter or Admiral Farragut was a great man, not whether the Navy is entitled to the glories which it has achieved. I accord in feeling with all the eloquent speeches which can be made in behalf of the Navy. I agree with all the gentleman's loud-sounding praises of the gallantry of the Navy. But the question before this committee is whether $100,000 is a sufficient appropriation for labor at the navy-yards under the Ordnance Bureau; not whether Admiral Farragut or Admiral Porter are great men, not whether League Island navy-yard should have been established or not. The gentleman seems to have League Island "on the brain." [Laughter.] If a member of the House moves an amendment to reduce the tariff on iron the gentleman makes a speech about League Island. No matter what the subject under discussion, League Island must be lugged in.

Now, sir, let me state my understanding of this proposition. The Committee on Appropriations propose to reduce the amount of expenditure for labor at navy-yards, upon the

theory that it is the intention to reduce the number of navy-yards, which is a proper measure, and one which ought to be carried out. This is the principle on which the Committee on Appropriations propose to reduce the amount which the Navy Department has asked for labor in the navy-yards. There seems to be a tendency in this direction both in the Army and in the Navy. I now have in my desk a bill, suggested by the Secretary of War, for the sale of all the arsenals in the United States with but few exceptions, so that the labor may be concentrated at a few establishments instead of being scattered through every State in the Union, in order to please certain parties, as has been the practice in times gone by. So it is in reference to our navy-yards. Certain men have had influence enough to secure the establishment of these yards in parts of the country where there was no necessity for them whatever. There is now no necessity for more than one of these yards. There is England, with her magnificent navy, which challenges the admiration of the world. I will ask the gentleman from Philadelphia how many navy-yards she has?

Mr. DICKEY. I ask the gentleman from Illinois [Mr. LOGAN] that question.

Mr. LOGAN. I want to ascertain from some of these gentlemen of great information.

Mr. O'NEILL. I will answer the gentleman's question. The British Government has in operation to-day more navy-yards in which ships can be built and effectively equipped than we have in this country. She has at least three or four first-class navy-yards and dock-yards, besides several lesser ones, in which, with true national pride, she expends money to make her navy great.

Mr. LOGAN. I certainly am very glad to be enlightened by the gentleman. My information is that every ship England is now building is being constructed under private contract. This is the fact, and the gentleman knows it if he knows anything about the subject. That is the proper and economical method of building our ships. During the late war we built by private contract vessels that challenged the admiration of the world, vessels on which the men who have been referred to won their great victories. By that system we shall get a good Navy; no other will meet the exigencies of the case.

Mr. WASHBURN, of Wisconsin. If gentlemen are determined to talk any longer on this amendment I shall move that the committee rise to close debate.

Mr. LOGAN. I withdraw my amendment.

Mr. FERRISS. I object to its withdrawal.

The question being taken on the amendment of Mr. LOGAN, it was not agreed to.

Mr. HALE. I move to amend the amendment by striking out the last word. Mr. Chairman, I would not take up the time of this committee for a moment if I did not consider this a practical, and in some sense a test question. I was very glad to find the gentleman from Illinois [Mr. LOGAN] expressing this view of it. If we refuse to provide for labor in our navy-yards for the ensuing year we thereby declare that our Navy may fall to pieces, and shall no more exist. Now, the gentleman from Massachusetts, the chairman of the Committee on Appropriations, has intimated that all that this item covers is putting aboard and taking off ordnance. The best answer to that is the estimate of the Navy Department, which for all these branches is only a few thousand dollars less than $400,000. All the labor the Navy Department expects to cover one fourth is covered by the labor here. No vessel can go out and return but her ordnance has to be overhauled and renewed. Why, sir, only a few days ago one of our best ships which sailed out to sea cost to put her afloat $200,000. That was the Colorado, one of our best ships of war. It was a question whether she should be fitted out at this expense, or whether you would let her lie and rot at our wharves, and lose altogether all the money which her construction had cost the Government.

If you do not appropriate a reasonable sum for the succeeding year for this purpose the result will be that we will have no Navy left. What does the gentleman from Massachusetts [Mr. DAWES] mean when he says that by and by we shall have navy-yards commensurate with our Navy? If we carry out his designs we shall need no navy-yards at all, for there will be no Navy left for us to take care of.

The Department has asked for $400,000 for this purpose. It is necessary to prevent the vessels we now have from becoming utterly useless. That item has been cut down by the Committee on Appropriations to $100,000. This is the question we are now called upon to decide. I wish gentlemen to understand exactly the effect of the vote they are now called upon to give. If you will not furnish adequate funds for the necessary labor in the navy-yards of the Government, to be expended in the just discretion of the Navy Department, then you say in effect to all the world that one year from now you do not want and do not intend to have any Navy. Is this House prepared to take any such action as that? For one I am not.

[Here the hammer fell.]

Mr. WASHBURN, of Wisconsin. Unless this debate is soon brought to a close I shall move the committee rise for that purpose.

Mr. LYNCH. I do not propose to take up much of the time of the committee; but I do wish to ask the gentleman from Wisconsin, who has charge of this bill, upon what principle this reduction has been made by the Committee on Appropriations?

Mr. WASHBURN, of Wisconsin. There was appropriated for this bureau at the last session $250,000. We now give them $375,000.

Mr. SARGENT. Not for this purpose.

Mr. LYNCH. I understand the estimate of the Department to be about four hundred thousand dollars, as stated by the gentleman on the Naval Committee, and that has been reduced to about one hundred thousand dollars in this bill. The question I ask the gentleman from Wisconsin is this: upon what principle this estimate of the Department has been reduced three quarters? I suppose the Navy Department, in making these estimates, made them upon some principle and some knowledge of the service, and I presume when the Committee on Appropriations undertook to cut this estimate down three fourths, they did it upon some principle, and after some consultation with the Navy Department, and with some reference to the mode and manner in which the money is to be expended.

Mr. WASHBURN, of Wisconsin. I will answer the gentleman from Maine. The Secretary of the Navy reports that over forty vessels have been completely repaired and ready to be put in commission. We have reported, instead of $250,000 reported last year, $375,000 in this bill. This is simply for handling guns, taking them off and putting them on our vessels.

Mr. LYNCH. I wish to say, sir, that I suppose all these facts which have been stated by the Navy Department are true. The Department has better information than this or any other committee upon which to found its estimates. Therefore, according to the action of the Committee on Appropriations, either one of two things must be true; either the Navy Department is imposing upon this House in making this estimate of $400,000, or else this estimate was cut down by the Committee on Appropriations by no sort of rule and upon no principle. I wish to understand whether the committee have gone into this matter and have been able in any way to convict the Navy Department of an attempt to impose upon the House in this matter.

Mr. WASHBURN, of Wisconsin. The estimate was made on a largely increased Navy. There were to be five new sloops-of-war.

Mr. LYNCH. One word further in reference to our navy-yards. We have eight navy-yards on the Atlantic coast instead of seven, as stated by the gentleman from Massachusetts; and I believe we ought to reduce them to four. I have introduced a resolution, which is now before the Committee on Naval Affairs, to incorporate the Kittery navy-yard with that at Charlestown, or *vice versa*.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

The question was taken on Mr. HALE'S amendment to Mr. SARGENT'S amendment; and it was disagreed to.

The question was next taken on Mr. SARGENT'S amendment, to strike out "$100,000" and insert "$200,000" in line two hundred and seventy-eight; so that the paragraph would read, "For labor at navy-yards, $200,000."

The committee divided; and there were—ayes seventeen, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

For repairs to ordnance buildings, magazines, gun-parks, machinery, boats, &c., $15,000.

Mr. MAYNARD. I move to strike out the words "and so forth" in this paragraph and wherever they occur in the bill.

The motion was agreed to.

Mr. MUNGEN. I move that the committee rise.

The committee divided; and there were—ayes fifteen, noes not counted.

So the motion was not agreed to.

The Clerk resumed the reading of the bill, and reached line three hundred and sixty-nine, at the end of the paragraphs under the head of Bureau of Construction and Repair.

Mr. HAMILTON. I move to add after line three hundred and sixty-nine the following:

For constructing a floating dry-dock at the Pensacola navy-yard, (to replace the one sunk and destroyed by the rebels during the war,) $921,927.

I send to the Clerk's desk to be read a communication on this subject from the Secretary of the Navy, with an accompanying report from the chiefs of the Bureau of Yards and Docks and of the Bureau of Construction and Repair.

The Clerk read as follows:

NAVY DEPARTMENT,
WASHINGTON, *February* 8, 1869.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate, passed on the 30th ultimo, directing the Secretary of the Navy to communicate to the Senate—

"Whether the docks at the Pensacola navy-yard are sufficient for the accommodation and necessities of the Navy in the Gulf of Mexico, and whether further legislation is requisite before the docks can be made sufficient; and if so, what legislation is necessary."

There is no dry-dock at the Pensacola navy-yard, nor is there at any point on the Gulf of Mexico, although it is essential there should be one in that quarter. The dry-dock which was at the Pensacola yard prior to the rebellion was destroyed by the rebels, with much other valuable property; and I can say, and have so reported, that the facilities at that yard are insufficient for the necessities of the Navy and other purposes. Further legislation is therefore requested, and considerable appropriations are wanted to place the dock and yard at Pensacola in proper and useful condition. The station at Pensacola is of immense importance, not only as regards the Gulf of Mexico, but the whole Mississippi valley; for any squadron to protect that great outlet must necessarily have its headquarters at Pensacola.

The resolution of the House was referred to the chiefs of the Bureaus of Yards and Docks and of Construction and Repair, who have this matter specially in charge, and I respectfully submit herewith a copy of a joint report made by those officers on the subject.

I have the honor to be, your obedient servant,
GIDEON WELLES,
Secretary of the Navy.

Hon. B. F. WADE, *President pro tempore of the United States Senate.*

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NAVY DEPARTMENT,
BUREAU OF YARDS AND DOCKS,
WASHINGTON, D. C., *February* 9, 1869.

SIR: In response to the resolution of the Senate, dated January 30, (ultimo,) which resolution you have referred to us for report, we have the honor to

state that the navy-yard at Pensacola, Florida, is the only navy-yard in the Gulf of Mexico at which vessels serving in that gulf and the West Indies can be repaired, and it has been found necessary to repair and refit many vessels and their appointments before, during, and since the rebellion.

The Pensacola navy-yard capitulated to the rebels, and when they left it they destroyed all the houses, shops, hospital, marine barracks, docks, and railways, or so far demolished them as to render them useless without extensive repairs. No permanent buildings have since been erected for lack of appropriation.

The floating dry-dock and basin constructed there, at a cost of $921,927, was sunk and destroyed by the enemy, and no means have since been available there for repairing the bottoms of vessels needing such repairs.

A dry-dock is absolutely necessary at the Pensacola navy-yard, and we recommend that appropriation be made to commence an excavated dry-dock, which structure, with appurtenances, will cost $2,000,000.

A floating dock at one half the cost of a permanent excavated dock would answer the purpose, but until further improvements shall be made to complete the wet basin, a floating dry-dock is liable to damage by the winds and waves when exposed in docking vessels.

According to the plan of the yard a wet basin should be constructed in which vessels could lie in safety in all weathers. This wet basin had been commenced before the rebellion, but has remained untouched since 1861. This basin is an important improvement, which at some future day must be completed, and it will be a costly although indispensable improvement. Inside this basin it would be good policy to construct a permanent dry-dock.

The resolution is herewith returned.

We have the honor to be, respectfully, your obedient servants,

JOS. SMITH,
Chief of Bureau of Yards and Docks.
JOHN LENTHALL,
Chief of Bureau of Construction and Repair.
Hon. GIDEON WELLES, *Secretary of the Navy.*

Mr. HAMILTON. Mr. Chairman, when a vessel meets with an accident in the Gulf of Mexico it is compelled to go north to New York, or to some distant northern yard for repairs. It is absolutely necessary for the commercial as well as the naval interests of the country that this dry-dock at Pensacola should be rebuilt. There is in that immediate locality any quantity of the finest kind of timber, live-oak, water-oak, and yellow pine, and other timber peculiarly adapted to naval construction. And although the estimate was not made in his last report by the present Secretary of the Navy, I hope the committee will agree to the amendment I have offered. I desire to quote in support of it the following passage from the report of the Secretary of the Navy for 1868, as an authoritative statement from that Department will have vastly more weight than anything I may utter:

"In none of our navy-yards is there more than a single dry-dock, and there are but six in all; three built of stone and three floating docks. In the event of a maritime war this deficiency would be seriously felt, perhaps to a greater extent than any other of our pressing wants; and it is worthy of consideration whether steps should not be taken without delay to place our naval establishments in this respect in a condition approaching, at least, our relative importance with other naval Powers. The dock-yards at Cherbourg and Toulon, in France, and at Portsmouth, in Great Britain, each contain a greater number of dry-docks than all our yards combined; and some of the other dock-yards of these Powers are but slightly inferior to those named. While Great Britain, France, and other maritime Powers are increasing their dry-dock facilities, already far greater than ours, we are doing nothing in this direction."

Mr. Chairman, I notice in our proceedings to-day and to-night an inconsistency and an incongruity which I cannot possibly comprehend; that while we are so properly exercised concerning the decline of American commerce, and have appointed a special committee to ascertain the causes, and while we are now making every effort to reinstate our flag upon the seas, in the same breath we now almost sweep away our navy-yards, dismantling them, reducing the forces employed, and rendering quite useless the department itself.

[Here the hammer fell.]

Mr. WASHBURN, of Wisconsin. I rise to oppose the amendment and demand a vote on it.

The question was put on Mr. HAMILTON'S amendment; and there were on a division—ayes fifteen, noes not counted.

So the amendment was not agreed to.

Mr. SARGENT. I move to insert after line three hundred and sixty-nine "for finishing five sloops of war on the stocks, $1,100,000." Mr. Chairman, I will simply remark that enough has been said to show that this amendment should be adopted, and I will not take up the time of the committee by repeating the argument.

The amendment was disagreed to.

The Clerk read as follows:

For pay of the civil establishment at the several navy-yards under this bureau: At the navy-yard, Portsmouth, for clerk to paymaster, $1,000; clerk to inspector of provisions and clothing, $1,000; in all, $2,000.

Mr. ARCHER. I move to amend that paragraph by striking out the words, "For clerk to paymaster, $1,000." We have one hundred and fifty-eight paymasters and assistant paymasters in the Navy. The action of the House this morning indicates that the Navy is to stand at eighty-five hundred men and with the complement of officers as it now stands. Now, with those one hundred and fifty-eight paymasters and assistant paymasters, there certainly can be detailed from the pay department a sufficient number of assistant paymasters to perform the duties of clerks where they are required. There are seven navy-yards, in each of which there is a clerk to the paymaster. Now, the regular establishment of the Navy, with one hundred and fifty-eight paymasters and assistant paymasters, certainly ought to be able to keep the accounts without the addition of clerks to the paymasters. I therefore move to strike out those officers.

Mr. AXTELL. It occurs to me that we ought to give some faith and credit to these Departments of our Government. I think that it is very poor economy to take away from the navy-yards the necessary clerical force; and unless, as has been well remarked here, the officers of the Navy who are demanding these services are attempting to deceive this House and impose upon the country, they need the services of these clerks. It certainly appears to me that this attempt to bring into ridicule and contempt before the country this great arm of our national honor and defense comes with a very poor grace from the friends of the Administration. It cannot be possible that men of honor, men educated by the Government, men holding high positions, can attempt to deceive the House by declaring that they need, in order to carry on these Departments, so much money and so many clerks and assistants when they do not need them at all, when they are supernumerary and unnecessary. We know how many clerks we need at our desk, and how many doorkeepers; and if we state that we need them, we need them. And when the Secretary of War, and the Secretary of the Navy, and the heads of the Treasury and Post Office Departments say that they need clerks, we are bound, if we repose faith in them at all, to believe that they do need them. The gentleman from Maryland [Mr. ARCHER] says here that they can get along very well without these clerks. I ask him how he knows that to be a fact?

Mr. ARCHER. Will the gentleman allow me to reply?

Mr. AXTELL. I will allow the gentleman to reply at some other time and not in my time. The men who have charge of this work, and who have been all their lives engaged in it, through the whole length of their service to the country, know what they need better than lawyers or farmers from Maryland or Pennsylvania. It is not men in other Departments who know what is needed at the navy-yards. It is the men who have charge of this work, and whose sworn duty it is to state to the country what they need, what services they require. If the Navy is to be abolished, if the question is of cutting it down one half, and retiring so many ships and shutting up so many yards, then cut down the appropriations accordingly; but do not come here as Representatives of other interests from other quarters of the country and say that these men do not need in their departments so much clerical work, do not need so many assistants. Let us accord to them at least that which we claim for ourselves, good faith toward the Government.

[Here the hammer fell.]

Mr. RANDALL. I move to strike out the last word, and I do it for the purpose of expressing my surprise at the position assumed by the gentleman from California [Mr. AXTELL] in seeking to fasten upon the country an expenditure of money that is totally unnecessary. Here is a member of the Committee on Naval Affairs, the gentleman from Maryland, [Mr. ARCHER]—and the gentleman from California is not a member of that committee—a gentleman who is presumed to know exactly what he is about and whom the House has been following in every amendment he has offered to-day, who tells us that this appropriation is unnecessary. And the gentleman from California, a Democrat, rises here, contrary to the instructions from the great masses of the Democracy of the country, advocating an unnecessary expenditure of money. I could not sit in my seat quietly and acquiesce in that speech or refrain from denouncing it, and saying, with due respect to the gentleman, that when he rises here and advocates the expenditure of a single dollar unnecessarily, he in no wise speaks the sentiments of the Democracy of the country. I now yield the rest of my time to the gentleman from Maryland, [Mr. ARCHER.]

Mr. ARCHER. I would say to the gentleman from California [Mr. AXTELL] that I have great respect for the Secretary of the Navy; and I would say, too, that the Navy Department having made these estimates, had the Committee on Appropriations followed out the recommendations of the Secretary of the Navy, I would have been disposed to go with them and for his recommendations. But when this House—not the Secretary of the Navy; when this House has shown a determination by its votes to-day to reduce the expenditures of the Navy, then I say that the estimates of the Secretary of the Navy must be corrected so as to be in conformity with the action of this House. I say that now there is no necessity for this force unless we intend at the same time to turn out of the Navy the officers who fill places in it by regular commissions. It is in order to save those officers, who have served their country faithfully, that I would do away with this clerical force.

It is not from any want of confidence in the head of the Navy Department that I have moved this amendment. I have known the present Secretary of the Navy from his earliest boyhood. I believe him to be thoroughly honest, and thoroughly desirous of forwarding and protecting the interests of the country. At the same time, as this House has adopted a line of policy looking to a reduction of the Navy, I want that we should carry out that reduction item by item, and there is no better way of doing it than by striking off these civil appointments. And I will say further, that if we strike out this clerical force, and if the Committee on Naval Affairs succeed in carrying through this House a bill which they have prepared to prevent the appointment of any more officers in the Navy, we will still further reduce the expenses of the Government and lighten the burdens of the tax-payers of this country.

[Here the hammer fell.]

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

The question was taken; and upon a division there were—ayes 20, noes 67.

So the motion that the committee rise was not agreed to.

Mr. AXTELL. I rise to oppose the amendment of the gentleman from Pennsylvania, [Mr. RANDALL,] and I beg the Committee of the Whole to bear with me while I announce to my friend from Pennsylvania [Mr. RAN-

DALL] that I have survived his lecture, severe as it was. It is the second lecture that I have received here from the Democratic side of this House for having failed to come up to a certain line chalked out by certain gentlemen who claim to lead the Democracy. The gentleman from Pennsylvania starts out with the proposition that it is not Democratic to deal in fairness with the heads of the Departments of this Government.

Mr. RANDALL. I made no such statement.

Mr. AXTELL. Sir, the constituency that sent me here to represent the largest and the wealthiest district on this floor——

Several MEMBERS. Oh, no!

Mr. AXTELL. My district contains forty-four thousand voters, and more wealth than any other district represented on this floor. [Cries of "Oh, no!" "Oh, no!"] It embraces the whole of the city of San Francisco and one half of the southern portion of the State of California. The constituency that I represent did not send me here to fight this Government; they sent me here to sustain this Government. And in sustaining the provisions of this bill, which has been cut down and pruned by the Committee on Appropriations to the point of strict economy, which has been so reduced, under the guidance of a gentleman who leads, and leads well, in the path of economy, it is not for us now to be cutting out item by item. And yet the gentleman from Pennsylvania [Mr. RANDALL] dares to stand up on this floor and tell me that the Democracy of this country are opposed to paying $1,200 a year to a clerk where his labor is needed in the service of his country. He is opposed to allowing the services of a clerk to the paymasters of navy-yards, and says that he will hold me responsible for my vote on this matter. Sir, where were forged the bolts which the gentleman so lamely throws from his weak right hand? Who gave him the right or the authority to lecture me for my votes here? The true Democracy of the country, I tell that gentleman, are in favor of sustaining the honor and the flag of this country, in peace or in war, whether that war is waged by rebels in the South or by enemies from abroad.

Mr. JONES, of Kentucky, (in his seat.) Or rebels in the North.

Mr. AXTELL. Or by rebels in the North. The true Democracy of this country are in favor of sustaining the honor of its flag against rebels, wherever they may be found. All who fight the Government will find enemies in the true Democracy of this country.

Mr. RANDALL. Does the gentleman mean to apply to me any such language as "rebel in the North?"

Mr. AXTELL. I say that the true Democracy of the country are in favor of sustaining the Government.

Mr. RANDALL. I know the gentleman has been prompted to the utterance he has just made; and I wish to know whether he applies it to me?

Mr. AXTELL. The gentleman will have no difficulty in understanding my position.

Mr. RANDALL. If the gentleman applies such language to me, he speaks falsely, as my record proves.

The CHAIRMAN. Does the gentleman from California [Mr. AXTELL] yield to the gentleman from Pennsylvania, [Mr. RANDALL?]

Mr. AXTELL. I do not; I am repelling an attack, not making one. I stand here to represent my constituents. We have a navy-yard on the great bay of San Francisco. We are proud that the Government gave us that navy-yard. We want it properly sustained. We believe that this bill embraces appropriations for none but necessary expenses; and we propose to vote to pay those expenses. For such votes neither our Democracy nor our patriotism can be called in question.

[Here the hammer fell.]

Mr. RANDALL. I withdraw my amendment.

Mr. FERRISS. I object to its withdrawal.

Mr. RANDALL'S amendment to the amendment was not agreed to.

Mr. RANDALL. I move to amend the amendment by striking out the last word. I wish to say, in reply to the gentleman from California, [Mr. AXTELL,] that I did not attempt to lecture him or any other member of this House; but I did say that the great mass of the Democracy of this country wish to see an economical administration of the Government; and that when he in this instance, as he perhaps does uniformly, stands by a proposition looking to an extravagant expenditure of the public money, he not only misrepresents the Democracy of the country, but, as I believe, he misrepresents the great mass of the people of all parties; and if he feels scourged at anything I have said in behalf of the Democracy or in behalf of economy, I cannot help it. When he takes his position he must be responsible for it; and when his position is, according to my judgment, wrong, he must submit with good humor and in good grace to my criticisms and my castigations.

Mr. WASHBURN, of Wisconsin. I rise to oppose the amendment. I wish to call the attention of the House to the facts in regard to this case. The estimate of the Navy Department was for $3,000 for two clerks. These clerks are both authorized by law at a salary of $1,000 each. The Department recommended an increase in each instance of $500. The Committee on Appropriations did not concur in that recommendation, but did concur in the propriety of allowing the two clerks, as they are both authorized by law. I hope the amendment of the gentleman from Maryland [Mr. ARCHER] to strike out one of these clerks will not prevail.

Mr. ARCHER. I hope it will.

The question being taken on Mr. RANDALL'S amendment to the amendment, it was not agreed to.

The question recurring on the amendment of Mr. ARCHER, it was not agreed to.

Mr. MUNGEN. I move that the committee rise.

The motion was not agreed to.

The Clerk read the following item, under the heading "Bureau of Medicine and Surgery:"

For pay of the civil establishment under this bureau at the several navy hospitals and navy-yards, $50,000.

Mr. WASHBURN, of Wisconsin. I move to amend by inserting after the paragraph just read, "For contingencies, $30,000." I think this amendment does not need any explanation.

Mr. WELKER. I hope the gentleman will explain why it is necessary.

Mr. WASHBURN, of Wisconsin. I will do so. This bureau has had no appropriation of this kind since 1866, having at that time a large unexpended balance, which it has been working with ever since. The contingent expenses during this period have amounted each year to $30,000. I could state, if it were desired, the different matters embraced in these "contingencies;" but I will assure the committee the amendment is all right, and I will not take up further time in explaining it.

Mr. STEVENS. As I understand, this contingent fund now asked for by the Bureau of Medicine and Surgery is for the payment of funeral expenses of officers and men of the Navy, freight on medical stores, advertising, telegrams, transportation of insane patients to the Government hospital for the insane, expenses attending the naval medical board of examiners, purchase and repair of hospital wagons, harness, &c.; purchase and feed of horses, cows, &c., for hospitals; for the purchase of trees, seeds, garden tools, &c., for hospital grounds, and legal expenses in protecting the Government property from trespass and destruction.

Now, Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Wisconsin, and it is one, I am sure, will meet with his approval. I move to add a proviso that in the disbursement of the fund for funeral expenses no distinction shall be made between officers of the Navy. It has been customary, as I understand, to pay the funeral expenses of certain officers of the Navy and to deny that privilege to certain other officers.

Mr. WASHBURN, of Wisconsin. I am willing to accept that amendment. Let the proviso read that there shall be no distinction in reference to the expenditure of the fund for funeral expenses between officers of the line and staff of the Navy; for that is what it means.

Mr. SCOFIELD. I rise to a point of order, that this is attaching new legislation to one of the appropriation bills contrary to the rule of the House.

Mr. STEVENS. Is it possible that the chairman of the Committee on Naval Affairs rises to a point of order upon this amendment?

The CHAIRMAN. The Chair overrules the point of order upon the ground that it is perfectly in order for the House to provide what disposition shall be made of the fund to be appropriated.

Mr. WASHBURN, of Wisconsin. I accept the amendment as a modification of my own. It merely provides that there shall be no distinction between burying line and staff officers of the Navy.

The amendment, as modified, was agreed to.

The Clerk read as follows:

Naval Academy:

For pay of professors and others: Three professors, namely, of French, of Spanish, and of ethics and English studies, at $1,800 each, $5,400; nineteen assistant professors, namely, five of French, two of Spanish, four of ethics and English studies, three of mathematics, one of astronomy, navigation, &c., one of natural and experimental philosophy, and three of drawing, at $1,400 each.

Mr. WASHBURN, of Wisconsin. I move in line four hundred and eighty-nine to strike out "three" and insert "four;" in line four hundred and ninety, after the word "Spanish," to insert "and one of chemistry;" in line four hundred and ninety-three, to strike out "four" and insert "three;" and in line four hundred and ninety-four, to strike out "three" and insert "two;" so that it will read:

For pay of professors and others; four professors, namely, of French, of Spanish, and one of chemistry and of ethics and English studies, at $1,800 each, $5,400; nineteen assistant professors, namely, five of French, two of Spanish, three of ethics and English studies, two of mathematics, one of astronomy, navigation, &c., one of natural and experimental philosophy, and three of drawing, at $1,400 each.

Mr. Chairman, this changes round and reduces the number of professors, making a saving of $1,000.

Mr. SARGENT. Just $1,000.

Mr. MAYNARD. Why does the gentleman propose a reduction in the course of mathematics?

Mr. WASHBURN, of Wisconsin. It is in accordance with the recommendation of the Navy Department.

The amendment was agreed to.

Mr. SARGENT. I hope the Clerk will be instructed to conform the other figures to the amendment just adopted.

The CHAIRMAN. That will be done.

The Clerk read as follows:

SEC. 2. *And be it further enacted*, That no chief of a bureau shall make any contract for supplies for the Navy to be executed in a foreign country, except it be on first advertising for at least thirty days in two daily newspapers of the city of New York, inviting sealed bids for furnishing the supplies desired, which bids shall be opened in the presence of the Secretary of the Navy and the heads of two bureaus, and contracts shall in all cases be awarded to the lowest bidder; and paymasters for the Navy on foreign stations shall render with their accounts for settlement an official certificate from the resident consul, commercial or consular agent of the United States, to be furnished gratis, vouching that all purchases and expenditures made by said paymasters were made at the ruling market prices of the port or place at the time of purchase or expenditure, and no purchase of coal or other naval supplies, exceeding the value of $100, shall be made in any foreign port

without inviting sealed proposals for the same from the regular trade, to be opened in the presence of the service naval officer in port, and the consul, commercial or consular agent, if there be one, who shall accord the contract to the lowest bidder.

Mr. SCOFIELD. I make the point that this is new legislation, and therefore not in order in an appropriation bill. I am under the impression that the gentleman from Tennessee [Mr. MAYNARD] reserved all points of order on this bill.

The CHAIRMAN. The Chair has no knowledge of that fact.

Mr. MAYNARD. Such is my impression.

Mr. WASHBURN, of Wisconsin. I have no recollection of any point of order being reserved.

The CHAIRMAN. The Chair is not distinctly informed whether the gentleman from Tennessee or any other gentleman reserved the right to raise points of order with reference to the bill. If the right was reserved the Chair is of opinion that this section is independent legislation and cannot be considered. If the right was not reserved, then it is too late to raise the question of order now.

Mr. SCOFIELD. It is some time since this bill was referred to the Committee of the Whole, but my impression is that the gentleman from Tennessee reserved points of order, and that I believe is the gentleman's own recollection.

Mr. WASHBURN, of Wisconsin. This is the first I have heard of it.

Mr. MAYNARD. My recollection is in accordance with what has been stated by the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Mr. SARGENT. I recollect that the gentleman from Tennessee reserved the right to make points of order.

Mr. DAWES. I would inquire of the Chair if there is any record of that fact?

The CHAIRMAN. The Chair accepts the statement of the gentleman from California [Mr. SARGENT] and other gentlemen, that the right to raise the objection was reserved. The Chair rules that this section is independent legislation, and cannot be considered a part of this bill.

The section accordingly was stricken out.

Mr. WASHBURN, of Wisconsin. I move that the committee rise and report the bill to the House with amendments.

The motion was agreed to.

The committee accordingly rose; and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, Mr. ELDRIDGE reported that the Committee of the Whole on the state of the Union, according to order of the House, had had under consideration the Union generally, and particularly the special order, House bill No. 1533, making appropriations for the naval service for the fiscal year ending 30th June, 1871, and had directed him to report back the bill with sundry amendments.

Mr. WASHBURN, of Wisconsin. I demand the previous question on the passage of the bill and amendments.

Mr. COX. I hope that the final passage of the bill will be postponed till to-morrow.

Mr. ARCHER. Let us adjourn.

Mr. GARFIELD, of Ohio. Let us wind up the bill to-night.

The previous question was seconded and the main question ordered, which was first on concurring in the amendments reported from the Committee of the Whole.

Mr. LYNCH. Is it proposed that they shall be concurred in in the gross?

Mr. WASHBURN, of Wisconsin. I ask that they shall all be considered as concurred in, unless a separate vote is asked on any of them.

The amendments were concurred in.

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

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

The latter motion was agreed to.

And then, on motion of Mr. COX, (at ten o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BARNUM: The petition of Edward T. Yates, postmaster at Thomiston, in the town of Plymouth, Litchfield county, Connecticut, praying Congress to refund him $300, paid the Post Office Department for stamps stolen from his office November 17, 1868.

By Mr. COX: The petition of Robert Wehe, late lieutenant one hundred and nineteenth New York volunteers, for pay.

By Mr. CREBS: The petition of H. Copeland and 60 others, citizens of Ash Ridge, Massac county, Illinois, praying for a reduction of duty on tea, coffee, sugar, and molasses.

By Mr. JONES, of Kentucky: The petition of B. J. Stewart, of Greenville county, South Carolina, for removal of political disabilities.

By Mr. JULIAN: A protest of 255 citizens of Santa Barbara county, California, against the approval of the present survey of the rancho of Los Prietos-y-Najabaguyeya.

By Mr. KELSEY: The petition of Henrietta L. Underhill, of Canandaigua, New York, for relief.

By Mr. LOGAN: The petition of Colonel Oscar Malenburg, for increase of pension.

By Mr. SWANN: The petition of Mrs. Mary Chichester, praying indemnity for losses sustained during the war.

By Mr. TOWNSEND: The petition of Elizabeth McClay, widow of Samuel McClay, for a pension.

Also, the petition of the same for her husband's bounty.

Also, a petition of citizens of Chester, Pennsylvania, asking a survey of the port of Chester and parts of the river Delaware adjacent.

By Mr. WILSON, of Ohio: The petition of F. G. Skinner and 88 others, citizens of New York, praying for an appropriation of —— thousand dollars, to be used by the Commissioner of Agriculture for the purchase and importation of choice specimens of stock for breeding purposes.

IN SENATE.

THURSDAY, *May* 19, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted at a meeting of the First Baptist Church Temperance Association, May 14, 1870, in favor of the passage of the bill to suppress drinking-houses and tippling-shops, and to regulate the sale of intoxicating liquors in the District of Columbia; which were ordered to lie on the table.

Mr. McCREERY presented the petitions of W. W. Cox, John E. Cooper, and John T. Hazeling, of Morgan county, Kentucky, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. VICKERS presented the petition of Milton S. Hodges, of Matthews county, Virginia, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. JOHNSTON presented the petitions of Robert C. Spencer, of Halifax county, Virginia; of R. W. Harrison, of Rockingham county, Virginia; of William G. Thompson, Isaac Wright, Madison Moore, and Erasmus Coffman, of Rockingham county, Virginia, and of William J. Salmon, of Henry county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented a petition of citizens of Virginia, praying the abolition of the franking privilege; which was ordered to lie on the table.

Mr. CHANDLER presented two memorials of citizens of Michigan, remonstrating against the extension of the patent of John Young for wringing and washing machines; which were ordered to lie on the table.

Mr. FLANAGAN presented the petition of B. R. Sanders, of Texas, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. FENTON presented a memorial of sellers of household wringers of New York, remonstrating against the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

Mr. EDMUNDS presented a memorial of sellers of household wringers in Burlington, Vermont, remonstrating against the extension of John Young's patent for washing and wringing machines; which was ordered to lie on the table.

Mr. COLE presented a resolution of the Legislature of California, asking the passage of a bill granting land in aid of the construction of a canal for mining and irrigating purposes from the mountain lakes in El Dorado county, via Placerville, to the city of Sacramento; which was referred to the Committee on Public Lands.

He also presented a resolution of the Legislature of California, asking the speedy construction of a ship-canal between the Atlantic and the Pacific, across the Isthmus of Darien; which was referred to the Committee on Foreign Relations.

Mr. PRATT presented the petition of Hiram R. Rhea, private company G, third North Carolina mounted infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. POMEROY. I have received and am charged with the presentation of a memorial, signed by some three hundred citizens of the State of Rhode Island, in which they represent that there are inequalities among white male citizens of the United States resident in that State, sustained by the constitution and laws of the State, in reference to the right to vote. They represent that the two recent amendments to the Constitution of the United States, the fourteenth and the fifteenth, ought to be so administered as to protect them. They represent that the constitution and laws of the State of Rhode Island require that persons of foreign birth, although naturalized citizens of the United States, shall own real estate to the amount of some $150 or else they shall not vote. This is clearly a very obnoxious provision, as I think. I have for many years insisted that there should be no inequalities among citizens, among male citizens especially, in the right to vote. I cannot see, however, that this provision of the constitution and laws of the State of Rhode Island contravenes the amendments to the Constitution of the United States. There is only one clause in those amendments which affects the question in any way, and that is the second section of the fourteenth amendment, under which the State of Rhode Island will necessarily suffer if she persists in practicing this inequality among male citizens, and that is in regard to the basis of representation. That section of the fourteenth amendment provides:

"When the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State being twenty-

one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

So that although I cannot see that the law or the constitution of Rhode Island conflicts with either the fourteenth or fifteenth amendment of the Constitution of the United States in its letter, though it may possibly do so in its spirit, still I do see that the State itself, in the basis of representation, may be called upon to suffer. It is an inequality which I think ought to be remedied.

Mr. STEWART. I should like to inquire in this connection if the Senator does not see a practical difficulty in the way of any interference with regard to the voting of foreigners? Many of the western States allow foreigners to vote before they become naturalized citizens. Might not the citizen claim that that was an interference with his rights, and that Congress ought to prohibit it? I think it is best to let the States control this matter, and let foreigners vote before naturalization if they choose.

Mr. POMEROY. I am not going to discuss the question. I was only about to say that I think it would be incumbent on any person who has his attention called to the matter to introduce a bill, that it may be referred to the Committee on the Judiciary, that that committee may examine the subject. The bill pending before Congress at this time, I am sorry to say, does not provide for this class of disfranchised persons. I think it ought to do so, but it does not. I therefore present this memorial, with the understanding that I shall hereafter introduce a bill looking to the correction of this enormity, if it may be so termed, of disfranchising white citizens, and I hope at an early day the Committee on the Judiciary will report a measure that will place white male citizens at least on an equality with each other. This is an enormity which ought not to be permitted under the Government of the United States.

The memorial was referred to the Committee on the Judiciary.

UNION WITH BRITISH AMERICA.

Mr. POMEROY. I have received a memorial, which I may not be able to present in consequence of its being signed by persons who are not citizens of the United States. I will state, however, that the memorial represents that since the abandonment of the reciprocity treaty between this country and the British North American provinces great embarrassment exists over the line and great depression of trade; that the policy of the British Government has been such that they have not been able to foster and encourage their domestic manufactures; that they depend mostly on agriculture; that they are losing twenty-five per cent. on the profits of their agriculture year by year; and they represent that there are great and controlling reasons why there should be a union between the British North American provinces and the United States. They do not ask in so many words for annexation, but for a union honorable to them and to us. I am not able to present the memorial because under the rules of the Senate of the United States and under our manner of proceedings persons not citizens of the United States are not allowed to petition; but I present the following resolution as the basis of this memorial.

The VICE PRESIDENT. Resolutions are not now in order.

Mr. POMEROY. Let it be read for the information of the Senate.

The VICE PRESIDENT. The Chair will state that by a decision made three times in the Senate, once by the Senator from Maine, [Mr. HAMLIN,] when occupying this chair as Vice President, it was decided that petitions from citizens or subjects of foreign countries could not be received by the Senate, but could be transmitted to the Department of State, the Department through which we regulate our intercourse with foreign nations, and if they deemed it important they could transmit it to the Senate, and thereby bring the matter before the consideration of Congress. There have been several debates on the subject, in which Mr. Webster, Mr. Calhoun, and others participated. That seems to be the settled policy.

Mr. POMEROY. I am aware of those decisions. I present a resolution which merely conveys the idea contained in the memorial. I do not present the memorial.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent to submit a resolution bearing upon this memorial, which by the rules of the Senate he cannot present. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the President be requested, if in his judgment it be deemed expedient, to open negotiations with the Government of Great Britain, to ascertain whether a union of the British North American provinces with the United States of America can be accomplished upon terms equally advantageous and honorable to Great Britain, the British North American provinces, and the United States of America.

Mr. POMEROY. I move that the resolution lie on the table, and be printed.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

Mr. EDMUNDS. I move that the papers in the case of Rebecca C. Meeker, widow of Captain James C. Meeker, a soldier of the war of 1812, be withdrawn from the files of the Senate and referred to the Committee on Pensions. There was a favorable report, and a bill passed two or three years ago, but it did not get through both Houses, so that I am within the rules, I believe.

The VICE PRESIDENT. That order will be made.

REPORTS OF COMMITTEES.

Mr. SPENCER. The Committee on Commerce, to whom was referred the bill (S. No. 446) to appoint an appraiser of merchandise for the port of Mobile, have directed me to report it back with amendments, and recommend its passage; and I ask for its immediate consideration. It is very short; it will take but a moment.

Mr. EDMUNDS. We are going to take up the Calendar in a day or two. The bill had better be printed, so that we may see what it is.

Mr. SPENCER. It is very short, and there is a letter from the Secretary of the Treasury accompanying it asking for its passage.

Mr. EDMUNDS. I want to see what it is.

The VICE PRESIDENT. The Senator from Vermont objects.

Mr. DAVIS, from the Committee on Claims, to whom was referred the bill (S. No. 347) for the relief of J. Allen Porter, reported it with amendments.

Mr. TIPTON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 329) granting a pension to Jerry Gordon, reported it with amendments. (He stated that this report was agreed to by a majority of the committee.)

Mr. SHERMAN. I am directed by the Committee on Finance to report certain amendments to the bill (S. No. 890) to reduce taxation, and I ask that they be printed together with the bill. I also ask that there be printed a table which has been carefully prepared, showing the amount of taxes to be repealed and the details of the amount retained.

The VICE PRESIDENT. If there be no objection that order will be made.

Mr. DRAKE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 877) to regulate the pensions of the Navy and Marine corps, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. RAMSEY. The Committee on Post Offices and Post Roads, to whom was referred the bill (S. No. 675) to facilitate postal intercourse with foreign countries, have directed me to report it back without amendment and recommend its passage. Would there be an objection to its consideration now?

The VICE PRESIDENT. The Senator from Minnesota asks the unanimous consent of the Senate to proceed to the consideration of the bill just reported by him.

Mr. EDMUNDS. I object.

The VICE PRESIDENT. The Senator from Vermont objects, and the bill will be placed upon the Calendar.

Mr. WILLIAMS, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 602) to grant the right of way for the Alameda road through certain lands in the State of California, reported it without amendment.

Mr. WILLEY, from the Committee on Patents, to whom was referred the petition of Asa O. Butman, administrator of James A. Cutting, praying to be allowed to apply for an extension of his patent for making photographic pictures, submitted an adverse report; which was ordered to be printed.

Mr. GILBERT, from the Committee on Post Offices and Post Roads, to whom was referred the bill (H. R. No. 2044) declaring the bridge between Philadelphia and Camden a post route, reported it without amendment.

Mr. SUMNER, from the Committee on Foreign Relations, to whom was referred the petition of Charles Town Smith, praying compensation for services rendered as attaché of the United States legation at Madrid in the settlement of the affair of the Black Warrior, submitted an adverse report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. SHERMAN. I am requested to ask leave to introduce a joint resolution providing for the admission of photographs for exhibition free of duty, accompanied by a petition, signed by Mr. Gardner, chairman of the committee of photographers. I ask that it be read twice, and referred to the Committee on Finance.

There being no objection, leave was granted to introduce a joint resolution (S. R. No. 199) providing for the admission of photographs for exhibition free of duty; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. POMEROY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 930) amendatory of the preëmptions laws; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. FENTON. I have been requested to present a bill, which I ask leave to introduce, without committing myself to all its provisions.

By unanimous consent, leave was granted to introduce a bill (S. No. 931) to regulate the seizure of books and papers, and the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, and for other purposes; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. COLE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 932) for the disposal of coal lands and other mineral lands in the public domain; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

POSTAL STATISTICS.

The Senate proceeded to consider the following resolution, submitted yesterday by Mr. SUMNER; and it was agreed to:

Resolved, That the Postmaster General be requested to communicate to the Senate, from information at the Department, answers to the following inquiries:

What were the expenses and receipts of the Post Office in the different States and Territories during the last year?

What for the last five years has been the number of letters annually mailed?
Also, annual increase of money orders.
Also, annual increase of registered letters.
Also, annual increase of stamps and stamped envelopes.
Also, annual increase in weight of mail matter as returned by different railroads.
Also, annual increase of foreign letters.
Also, what is the proportion of letters to population in the United States during the last year. What in Great Britain according to the latest report?

ENFORCEMENT OF FIFTEENTH AMENDMENT.

Mr. STEWART. I call for the regular order.

The VICE PRESIDENT. The morning business is concluded, and the Senate, as in Committee of the Whole, resumes the consideration of the bill (H. R. No. 1293) to enforce the rights of citizens of the United States to vote in the several States of this Union, who have hitherto been denied that right on account of race, color, or previous condition of servitude.

Mr. EDMUNDS. What is the pending question?

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Alabama [Mr. WARNER] to the substitute of the Senator from Nevada, [Mr. STEWART.]

Mr. STEWART. Before the Senator from Maryland proceeds I will state that I hope we may get through with this bill before we adjourn. I shall insist upon it so far as I am concerned, and I shall ask my fellow-Senators to stand by me.

Mr. HAMILTON, of Maryland, resumed the floor, and concluded the speech he began yesterday. [It will be published in the Appendix.]

Mr. SCHURZ. Mr. President, as the Senate will remember, the honorable Senator from New Jersey [Mr. STOCKTON] addressed yesterday, in the course of his speech, a personal appeal to me, with so much eloquent earnestness that I am not permitted to doubt its sincerity; and I think courtesy requires that I should respond to it in the same spirit. He expressed his belief that I and thousands of the children of my native land had come to these shores for the purpose of enjoying the blessings of liberty and self government; and in arguing against this bill, he intimated that we would certainly consider it our duty to do all in our power to preserve and perpetuate these inestimable blessings. In all these suppositions he was right; but I apprehend there may be a serious difference of opinion between the Senator from New Jersey and myself as to what those blessings of liberty and self-government consist in, and as to the manner in which they can and ought to be preserved and perpetuated; and inasmuch as he has appealed to me from his point of view I think it is proper that I should appeal to him and to his associates from mine.

I have listened to the arguments of Democratic Senators against this bill with mingled pleasure and pain; pleasure, when I noticed how my honorable friend from Ohio, [Mr. THURMAN,] whose shrewdness on this floor nobody is disposed to doubt, thought it proper to confine himself to an attack on the details of this bill, instead of launching into that general denunciation of the constitutional amendments and the legislation based thereon with which Democratic Senators had made us so familiar on former occasions. I might have considered that a good omen had not some of his associates, less discreet and more impulsive than he, hoisted the true colors of their party and boldly declared that they did not believe in the validity of the fifteenth amendment, and openly proclaimed their desire to see it overthrown. Then I could not but remember that even the Senator from Ohio, in the opening remarks of his speech, spoke of the fifteenth amendment as a thing of only supposed legality, though he, as a practical man, was willing to base his argument upon that supposition, for the reason that the ruling majority of the Senate were united upon that point. Well, sir, this, it seems to me, opens to us a view rather wider than the discussion of the technical points which we have been listening to in the course of this debate.

It brings back to our memories again the fierce declamation hurled against all the constitutional amendments by our Democratic associates in this body; the bitter opposition raised against all legislation designed to enforce them; the vehement appeals in the name of liberty, of self-government, of State rights, and of all that is great and good, to leave the rights of the newly-enfranchised class to the legislative action of the States exclusively; the acrimonious charge that we were a revolutionary party; that we had already revolutionized the Constitution of the United States, and that we were about to subvert the whole system of self-government and all the political institutions to which this country owes so many of its blessings.

Now, sir, in responding to the appeal of the Senator from New Jersey, and desiring to say to him what I conceive to be the blessings of liberty and self-government, and the manner in which they ought to be sustained, preserved, and perpetuated, I beg him to review with me the field covered by the bill before us. We are charged with having revolutionized the Constitution of the country by the amendments recently ratified; and that charge is reiterated so often that we have reason to suppose our opponents must consider it a crushing argument. Well, sir, I do not deem it necessary to enter a plea of "not guilty." On the contrary, I acknowledge the fact, and I suppose the Republican party is by no means ashamed of it. Yes, sir, this Republic has passed through a revolutionary process of tremendous significance. Yes, the Constitution of the United States has been changed in some most essential points; that change does amount to a great revolution, and this bill is one of its legitimate children. Let us look those facts in the face, and I think we may derive from them some conclusions which may be of service in the discussion of the provisions of this bill. What was that constitutional revolution which the Democrats denounce as so fearful an outrage? In order to understand it fully, we must cast a look back and see what the constitutional polity of the United States was before the civil war, according to the Democratic interpretation of the Constitution then prevailing.

Constitutions and constitutional constructions do not spring from a mere process of philosophical speculation and reasoning. They grow out of conditions, circumstances, events, sympathies, prevailing interests. We all remember that the most powerful political interest in this country for a long period previous to the war was that of slavery. We remember also that the slave power, finding itself at war with the conscience of mankind, condemned by the enlightened spirit of this age, menaced by adverse interests growing stronger and stronger every day, sought safety behind the bulwark of what they euphoniously called local self-government, and intrenched itself in the doctrine of State sovereignty. To be sure, it made, from that defensive position, offensive sallies, encroaching on the rights of the non-slaveholding States, as for instance in the case of the notorious fugitive slave law and the attempt to take possession of the whole territorial domain of this Republic; but the doctrine of State sovereignty was its main citadel, its base of operations.

What was this dogma? It was asserted and accepted as a fundamental principle, as the peculiarly democratic feature of our republican system of government, that the several geographical and political subdivisions of this Republic called the States should not only have the right to govern and manage their own home affairs, independent of all interference on the part of the national authority, but also to determine for themselves whether their whole population, or only a part, and what part, should participate in the management of their common concerns, that is to say, in the functions of self-government. In other words, the doctrine was that the States had the right to subject a large portion of their people to the absolute dominion and despotic rule of another portion, and to determine at their discretion by what means that despotic rule of man over man should be set on foot and perpetuated, no matter how flagrantly hostile those means might be to the fundamental rights and liberties upon which the whole fabric of free government rests. That was the Democratic doctrine of State sovereignty. It was called the principal safeguard of popular self-government, and canonized with the name of true and genuine democracy. And now look at some of those monstrous political fallacies in which that doctrine of true self-government and genuine democracy resulted; and when I have stated them you will at once discern their consanguinity with the very arguments which have been urged upon this floor against our constitutional amendments and that legislation which is necessary to enforce them.

It was held that true liberty implied the right of one man to hold another man as his slave. It was held and believed that the United States could not be a truly republican organization unless the several States had the power to maintain and perpetuate undemocratic institutions. It was held that true self-government consisted in the very fact that the several States of this Union should have the power to exclude any number, however large, of their population from the exercise of all the functions of self-government. In other words, you, my Democratic friends, in the name of liberty asserted the right of one man, under State law, to deprive another man of his freedom; in the name of democracy you asserted the right of one class of people under State law to rule despotically over another class; in the name of self-government you asserted the right of the States to exclude a large portion, sometimes even amounting to a majority of their population, from all participation in self-government. Now, my friend from New Jersey will permit me to say that I, and those who like me left their old homes, did by no means come to this country for the purpose of maintaining and perpetuating such blessings of liberty and self-government.

Sir, you would search the history of the aberrations of the human mind in vain for an array of logical contradictions more glaring and monstrous, for a structure of political fallacies more bare-faced, more audacious, more wicked, and more mischievous. There never was a more transparent attempt to hide the most odious and arbitrary despotism under the guise of democratic professions; and it is indeed surprising how such a tissue of false pretenses could ever have survived a moment's unprejudiced scrutiny; but more surprising still it is that even at this day something akin to it should find a voice on the floor of the American Senate.

Finally that structure of fallacies, still so overshadowing but ten short years ago, tumbled down. It fell after having heaped outrage after outrage upon the dignity of human nature; after having for generations befogged the minds, corrupted the logic, and debauched the moral sense of the American people; after having well-nigh poisoned our whole political life; after having involved this country in the most irrepressible of conflicts. It fell after having arrayed man against man in bloody struggle; after having devoured five hundred thousand of the children of this Republic and untold millions of our treasure. It was finally overthrown by the shock of the great revolution. And what did that revolution put in its place? It gave us three great amendments to the national Constitution. The first ordains that no State shall henceforth have the power to introduce or maintain slavery or involuntary ser-

vitude. The second ordains that all persons born or naturalized in the United States are citizens of the United States and of the States in which they reside, and that no State shall henceforth have the power to make or enforce any law abridging the privileges and immunities of citizens of the Republic. The third ordains that no State shall abridge the right of suffrage of any citizen on account of race, color, or previous condition of servitude. And all three empower Congress to pass appropriate legislation for their enforcement.

That is the result of the great constitutional revolution. What does this result signify? The war grew out of the systematic violation of individual rights by State authority. The war ended with the vindication of individual rights by the national power. The revolution found the rights of the individual at the mercy of the States; it rescued them from their arbitrary discretion, and placed them under the shield of national protection. It made the liberty and rights of every citizen in every State a matter of national concern. Out of a republic of arbitrary local organizations it made a republic of equal citizens—citizens exercising the right of self-government under and through the States, but as to their rights as citizens not subject to the arbitrary will of the States. It grafted upon the Constitution of the United States the guarantee of national citizenship; and it empowered Congress, as the organ of the national will, to enforce that guarantee by national legislation. That is the meaning of that great revolution; and if Democratic Senators denounce the bill at present before us as its offspring they are welcome. I accept the name.

Now, sir, what is the scope and purpose of this bill? It provides that no State shall enforce a law with regard to elections, or the processes preliminary to elections, in which in any way, either directly or indirectly, discrimination is made against any citizen on account of race, color, or previous condition; and when any citizen is hindered in the exercise of the right of suffrage by means of fraud, intimidation, or violence, or misuse of official power, the offender shall be brought to trial and punishment by a court of the United States. And for this the bill provides the necessary machinery. In other words, neither a State nor an individual shall deprive any citizen of the United States, on account of race or color, of the free exercise of his right to participate in the functions of self-government; and the national Government assumes the duty to prevent the commission of the crime, and to correct its consequences when committed. That is all.

If we were to judge the character and tendency of this bill from the expressions used by our Democratic associates in denouncing it we should think that we were about to perpetrate the most horrible crime against the rights of man and human liberty ever conceived by the human imagination. It is as if the democratic institutions of this country were about to receive their death-blow, while we contemplate nothing but to secure every citizen of the United States in the free and full enjoyment of those democratic institutions.

What are the objections? It is, I believe, not pretended that the bill in its general scope and purpose runs against the Constitution as improved by the fifteenth amendment; but it is objected that the bill is uncalled for, on the ground that nothing has been done in the different States to show the necessity of any such legislation. Sir, is this true? Can this assertion be maintained even a single moment? For generations the practices of slavery have controlled the minds and moral views of the people of the southern States. Popular prejudice, so long nourished by those practices, was naturally arrayed against the enfranchisement of the former slave, and the beneficent agency of time has by no means been sufficient yet to allay it, whatever improvement we may observe. Joined to the prejudice of race, the jealousy of political power conspires against a fair execution of the fifteenth amendment, and in view of these opposing forces, who will deny that this legislation to enforce it is necessary?

Nay, more than that. The very Senators on this floor who pretend that the passage of this bill is not called for by circumstances go so far as to throw doubt upon the validity of the fifteenth amendment, thus exciting the worst passions of the disturbing element in the South to do all within their power to defeat the purposes of this constitutional provision. Is it not so? And while on the one hand themselves fanning the flame, they on the other hand deny the necessity of quenching it. Will it be unfair to assume under such circumstances that while denouncing this legislation as uncalled for they merely desire to defeat the purposes of the fifteenth amendment?

The Senator from Maryland urged another argument, which at first sight seems to have some plausibility. He says that the constitutional amendment is one of the great prohibitory clauses, as we find them in several places and on several subjects in the Constitution of the United States, and that with regard to them enforcing legislation had never been thought necessary. Suppose this to be so; can he tell me why it was deemed indispensable to affix to the thirteenth, fourteenth, and fifteenth amendments the express provision that Congress should have the power to enforce them by appropriate legislation? The Senator from Maryland says that Congress had that power anyhow. I suppose so; but why was the power never so emphatically and expressly asserted as in these three cases? Simply because it was known that the recent three amendments had to be enforced in the States lately in armed insurrection, against the opposition of prejudice, habit, and political passion. Is not the distinction obvious? Is not the intent of those who drafted the amendments and provided for the express grant of power clear as sunlight? Is not the necessity of using that grant of power equally evident?

Now, sir, I will not go into the discussion of the argument offered by Democratic Senators against the details of this bill. I know there are several provisions which are objectionable. I admit it frankly. I do think that the section which confers by implication upon the President power to surround the polls with the military forces of the United States ought not to be raised to the dignity of a permanent law. I know that such a law would be repugnant to the genius of free institutions, and that it is considered so all over the world. So it is with the other clause providing that the President shall have the power to command a judge to go here and to go there; and further, it is in my opinion of doubtful propriety to stimulate the desire of a citizen to secure his rights by the mercenary consideration of money. It does appear to me if a man has not spirit enough to do it for the sake of his rights, he ought not to be permitted to do it for the sake of so many dollars. And I here express my hope that the Senate will strike out these obnoxious provisions.

But as to the whole machinery of the bill, I think the Senator from Ohio was not quite justified in waving off so lightly the argument which was employed against him by my friend from Vermont that the Democrats had found that legal machinery not only constitutional, but positively admirable when it was used to enforce the fugitive-slave law, while they denounce it as detestable and infamous now. The Senator from Ohio knows very well that a legal machinery used for a laudable purpose may be very praiseworthy, while it is most reprehensible when used for evil; and so the Senator from Vermont was certainly right when he blamed the Democrats for calling this machinery all possible bad names when it is to be used in the service of the constitutional rights of freemen, while they had upheld it as most rightful and necessary, and denounced everybody as a traitor who would not help in executing it when it was to serve in the unholy work of returning fugitive slaves, who sought their freedom, to bondage and misery.

But here is another question of interest. Does this bill really take away from the States the power to legislate on the subject? Look at it closely. Does it? Not at all, sir. It leaves the States just as free as they ever were to legislate for the prompt and vigorous enforcement of protection of the right of every voter to the free exercise of the suffrage. Does it not? In that respect it does not impose the least restriction on the power of the States. In that direction the States may go just as far as they please. But the bill does provide that a State shall no longer have the power to swindle any of its citizens out of their rights.

A State shall have full power to do that which is right in its own way; but it is prohibited from doing that which is wrong in any way. It is this, I suppose, what Democrats will insist upon calling an arbitrary limitation of State rights. Or is it true, what is asserted also, that this legislation does not find anything analogous in the Constitution of the United States? In the Constitution, sir, we find one clause which ordains that no State shall have the power to grant titles of nobility. What does that mean? It means that no State shall elevate by the grant of privileges, one class of its citizens above the rest. And what is contemplated by the fifteenth amendment and by the law designed to enforce it? That no State shall have the power to degrade, by the withholding of rights, any portion of its citizens below the rest. Is not the correspondence here evident? But here suddenly the indignation of our Democratic friends is aroused, and in the prohibition to degrade men they find an intolerable encroachment on State rights and local self-government. And just there, I apprehend, is the rub. It is not so much the technicalities of the bill; it is the spirit, the purpose of the bill they oppose. It is, as the Senator from Maryland has just openly and boldly proclaimed, that if the bill were ever so perfect, he would vote against it on general principles. He nods his assent; and I am sure I cannot mistake him; and the same thing we have been given to understand by every Democratic Senator who has addressed the Senate on this question.

Let us see what their complaints are, then. Strip them of all the verbiage of technical points, sift them to the bottom, and you will find there a residue of the old pro-slavery logic still. As they once asserted that true liberty implied the right of one man to hold another man as his slave, they will tell you now that they are no longer true freemen in their States because under the authority of the States they can no longer deprive other men of their rights. As they once asserted that true self-government consisted in the power of a State to exclude a large portion of its citizens from self-government, so they will say now that we strike a blow at self-government because we insist upon legislation securing every citizen of the States in the enjoyment of self-government. Is it not so?

Destruction of self-government! What a prodigious discovery our Democratic associates have made! Sir, it is not because this bill lays its hands upon self-government to destroy it, but because by the fifteenth amendment, and the legislation made in pursuance thereof, the general sway of self-government is to be for the first time established all over this country, that I am in favor of the principles of this act. What is true self-government? What does it consist in? True self-government consists in a political organization of society which secures to the generality of its members, that is to say, to the whole people, and not to a part of them only, the right and the means to coöperate in the management of their common affairs, either directly, or, where direct action is

impossible, by a voluntary delegation of power. It ceases to be true self-government as soon as the powers of government are conferred as an exclusive privilege on one portion of the people and is withheld from the rest. And how is self-government exercised? By the right of suffrage. The representative system knows no other instrumentality. Suffrage is the means by which it lives and breathes.

To make self-government true, general, and secure, therefore, the right of suffrage must be made secure to the generality of the citizens. You limit the right of suffrage by arbitrary exclusions, and just in that measure and to that extent will you impair the integrity of self-government. Protect every citizen in the free exercise of the right of suffrage and you do the thing best calculated to make self-government a general and living reality. I do not express any opinion here of the policy of restricting suffrage by an educational test, for it will not affect the principle.

And now the Democrats accuse us of destroying self government by the very means which are instrumental in securing it in all the subdivisions of the Republic. I repeat, there never was a more preposterous charge. Sir, in a very large portion of this Republic that which could justly be called self-government of the people never existed. Now, at last, we are establishing it there by placing the right of suffrage on the broadest democratic basis, thus making the people of all the States, in the true sense of the term, self-governing bodies. And it is for this that we are denounced by our Democratic friends here as the sworn enemies of self-government and State rights. Sir, I apprehend it is not for self-government and State rights that our Democratic associates are standing up; but, drawing logical conclusions from the reasoning they have been indulging in, it is for State wrongs they contend. It is not for the liberty of all, but it is for the liberty of one to restrict and impair the liberty of another. It is not for true self-government of the people, but it is for the government of one part of the people over another part.

The time is past, sir, when the cry of State rights will serve as a guise for such pretensions. I, too, am a friend and earnest advocate of State rights, as far as State rights are the embodiment of true local self-government. True, I do not cling to those traditional notions which an historical period now passed by and absolved has brought down to us. I do not cherish that sentimental—I might almost say that superstitious—reverence for individual States, which attributes to them as historical persons a sort of transcendental sanctity; but I do believe that their value can hardly be over-estimated as compact political sub-organizations, through which and in which the self-government of the people is exercised, and within which it finds its most appropriate and efficient organs. I am therefore in favor of leaving to the States as large a scope of independent action as may be consistent with the safety of the Republic and the rights of the citizens.

In fact, sir, in my opinion, true local self-government is the great fountain from which the popular mind draws its healthiest and most invigorating inspirations. It is not only a machinery of political action, but it is one of the most efficient educational agencies of our social system. There is nothing better calculated to make a man understand and protect his interests, nothing more inspiring and instructive to the heart and mind of man than the independent management of his own affairs, upon his own responsibility; and there is nothing more inspiring and invigorating to a community of men, than free coöperation for common ends on a common responsibility in which the interest of each individual is involved.

That, sir, is what puts men upon their own feet. When they have accustomed themselves to depend on their own wisdom or energy for success, and to blame themselves and not others for failure and mishap in individual and common concerns, then they will become truly independent beings, such as the citizens of a democratic republic ought to be. Therefore, it is of high importance that as many responsibilities as possible should be laid at the door of every citizen by local self-government.

We are apt to grow eloquent in the praise of the educational systems established in many of our States. They are, indeed, praiseworthy: and yet they are as such by no means superior to the educational systems enjoyed in some other countries.

It may be said that in some German States the system is even better developed than in the most advanced States of New England; and yet we perceive here a higher average of popular intelligence. We find that the American is generally quicker of perception, readier in the comprehension of the practical problems of life, more vigorous and energetic in action, than people formed by a better school system elsewhere. Why is this so? Not because our babies are born smarter here; not because our boys and girls learn to read, write, and cipher better in our schools; not because their instruction in geography and natural science is more thorough; but the reason is, that as soon as the young American issues from the hands of his schoolmaster and enters the arena of practical life, he finds in the rights and duties and responsibilities of self-government a more powerful, incentive and a larger field for the exercise of all his faculties and for the immediate application of all his acquirements. Thus self-government and popular education aid, inspire, and complement one another; and hence the great results we observe.

And now let me impress upon our Democratic friends that for this very reason nothing is more important, nay, more necessary, for the harmonious development of the social forces of this Republic, as they now stand side by side and have to work together, than that all, even the lowliest classes of the people, should be drawn within the circle of this beneficent combination of educational influences, and that they should be carefully protected in their complete enjoyment. And if you study our social problems without prejudice you will find that just this is one of the most valuable results of that constitutional revolution which so sorely distresses the Democratic mind.

But for the precise reason which I have just indicated the revolution which is to protect all American citizens in the exercise of self-government ought not to be carried so far as to encroach upon its legitimate scope. I am, therefore, strenuously opposed to all unnecessary accumulation of powers in the hands of the General Government, and especially to any undue centralization of administrative functions. In my opinion, and I say this to my party friends, it would be well for us to bridle that tendency which we have so frequently had occasion to observe, to thrust the hand of the national Government into local affairs on every possible occasion, and even to disregard and throw aside the most fundamental safeguards of popular rights for the correction of passing abuses.

I know it is fashionable to call that radicalism; but I apprehend it is false radicalism in the highest degree. We ought not to accustom ourselves, nor those who are to follow us in these seats, to the employment of arbitrary powers, and still less ought we to accustom the people to look always to the national Government for redress whenever anything goes wrong in their home concerns. Destroy their habit of holding themselves responsible for the management of their home affairs, deprive them of the great lesson of failure to be corrected by themselves, and they will soon cease to study and understand the nature of the evils under which they labor, as well as the remedies to be applied. Thus the educating power of our institutions will be fatally impaired.

There can be nothing more preposterous, in my opinion, than the system prevailing in some foreign countries, where the people are permitted to vote upon the greatest and most complicated questions of general policy while they are not permitted to manage upon their own responsibility their home affairs at their own doors; the great popular school of political knowledge and experience, which consists in self-government, being thus closed to them. Certainly, it is not to be wondered at if in such countries universal suffrage becomes a mere instrument in the hands of despotism; an instrument which, indeed, may serve from time to time to subvert one form of despotism, but only to substitute for it another.

Therefore I am for State rights as the embodiment of true and general self-government, and I am convinced that this is the prevailing sentiment among the American people. It would be a sad day for this Republic if it should cease to be so. It is true the exigencies of the civil war have quite naturally developed a tendency to accumulate and centralize power in the hands of the national Government, and while that accumulation was necessary to save the existence of the Republic, the people of the United States willingly and patriotically and cheerfully acquiesced in it; but as soon as the pressure of necessity ceases, as soon as it becomes apparent that the great problems for the solution of which we are struggling may be solved just as well by the simple operations of local self-government as by the interference of the national power, then the tide will just as certainly set in the opposite direction. I am sure the people of the United States will never countenance an accumulation of power merely for power's sake, and the Republican party will do well to consider whether it is not better for their usefulness and ascendency to direct than to resist that tide.

For this reason I earnestly deprecate those hazardous interpretations which have been applied to that clause of the Constitution which makes it the duty of the United States to guaranty to every State a republican form of government. I certainly recognize that duty as a great, solemn, and sacred one; but I deny that it confers upon the national Government the power to do all within the range of the human imagination. I deny that it authorizes or enables us to use the arm of the national authority for the purpose of realizing by force what conception each of us may entertain of the "ideal republic."

In whatever way political philosophers may define the term "a republican form of government," it seems to me that the Constitution of the United States in its amended, or, as our Democratic friends would have it, in its revolutionized state, has provisions which give a fair index of the powers conferred upon Congress by the guarantee clause. There we read that Congress shall see to it that no State establishes or maintains slavery or involuntary servitude; there we read that Congress shall see to it that every man born upon this soil or naturalized, and therefore a citizen of the United States, shall be protected in all the rights, privileges, and immunities of citizens in every State of this Union; there we read that Congress shall see to it that every citizen of the United States shall be protected in his right to the ballot, irrespective of race or color.

But the constitutional revolution has enlarged the powers of Congress for the purpose of establishing and securing true and general self-government in all of these States, not for the purpose of circumscribing its scope and functions within narrower limits. It has indeed overthrown what I call State wrongs; but it was not designed to abolish what I would call the legitimate sphere of State rights. And I venture to say—and I cannot repeat this warning too often—the party which would attempt to carry that revolution much farther in the direction of an undue centralization of power would run against a popular instinct far stronger than party allegiance has ever proved to be.

But, sir, on the other hand, the party that would refuse to recognize and acquiesce in the great results of this beneficent revolution, the party that would attempt to subvert the institution of general self-government under national protection, as now established in the Constitution; the party that would strive to overthrow this new order of things, such a party certainly cannot fail to encounter the condemnation of the people and to meet disgrace and destruction, for such a party openly by its own confession constitutes itself the enemy of the peace and glory of this Republic. And I would say to my friend from New Jersey that I did not come to this country, where I hope to enjoy the blessings of liberty and self-government, to aid any party in designs like these.

Now, sir, permit me to address a few words to the leaders of the Democratic organization on this floor; and they know I speak to them as men whose character and ability I esteem, and whose personal friendship I value. You, gentlemen, tell us that you are in favor of true self-government. If you really are, look around you and see how much you can do to contribute to its success and security. In your party are the men who threaten and endanger it by the most iniquitous attempts to deprive certain classes of people of their political rights by fraud, intimidation, and violence; thus to subvert the new order of things, throwing the country into chaos again. Your voices are potent with them; not ours. If you really are true friends to self-government, then let your voices be heard in condemnation of the disastrous course so many of your friends are still following. Let them be loudly heard in favor of the great principle of equal rights, the only basis upon which the political future of this Republic can develop itself.

You, gentlemen, tell us that you are opposed to an undue assumption and exercise of power on the part of the General Government. If you are, see how powerfully you can aid in preventing it by removing all those reasons and causes and pretexts which may bring it on. What are those reasons and causes? Do they not consist in those disorders which are troubling the people of the South as to the safety of the Unionists and the rights of the newly-enfranchised, disorders invariably excited by men who profess to belong to your party? And do you not know as well as I that as soon as the people of the United States once apprehend that a serious reaction, with only an apparent chance of success, is set on foot against the great results of the war, the tide of public sentiment will just as surely and promptly set back in favor of a more extended and vigorous exertion of the national power, and you will be impotent to arrest it? For there are certain things in regard to which the American people will not permit themselves to be trifled with; and foremost among those things stand the great results which we have so laboriously evolved out of the civil war now behind us. There is the danger; and he who is no enemy to self-government, he who is no friend to a dangerous accumulation of power, will certainly use every endeavor to avert it. For our part we would much rather reason down the disturbers of the peace in the South than strike them down; but to our voices they will not listen; to yours they will. They are within the reach of your persuasion. There is the field where you can prove your devotion to self-government and your dislike of centralized power.

You tell us also, gentlemen, that legislation like this is odious to you. Look around you and see how much you can do to make it superfluous. We, too, should be glad never to be under the necessity of resorting to it. If you want to avoid it the means is simple. Prevail upon your friends never to threaten or trouble any class of voters in the free exercise of their rights, have those rights secured and protected by appropriate State legislation, and that State legislation respected by your friends, and such measures as this will never be practically applied. Nay, more than that, if you are really in earnest, then I would advise you to accept this measure as a gage of good faith instead of opposing it. It would be far better than your attempts to throw doubt upon the legality of the constitutional amendments, your studious efforts to hold out to your partisans the prospect of their overthrow, and of the subversion of all that has been accomplished for the final settlement of our controversies and the peace of the country.

Yes, make up your minds, gentlemen, to the act that your old doctrines are exploded forever and cannot be revived. Give up your useless and disturbing agitation against accomplished results. Go to your southern friends and counsel them not to ruin themselves by vainly resisting the inevitable. Thus you will do more for the cause of self-government, more to prevent a dangerous centralization of power, you will render a far higher service to this generation and to posterity, than by indulging in those lugubrious wails and lamentations to which you have accustomed us on the floor of the Senate—the lamentation that we are governed by an atrocious despotism because one man shall no longer have the right to deprive another man of his rights; that self-government has received its death-blow because nobody shall henceforth be excluded from its exercise, and that liberty has fled forever from these shores because at last the Republic has thrown her protecting shield over the rights of all, even the lowliest of her children.

Mr. President, I do not stand here to plead the cause of my party only. If I did so, if there were nothing nearer and dearer to my heart than partisan success and partisan power, I should hold very different language. I would then say to my Democratic friends, "By all means go on with your opposition against the results of the war; go on with your mischievous warfare against the new order of things; go on with vain and disturbing agitation to restore what has ceased to be and can never again be;" for if they do, they will only prove that they are still living in a past which this nation has long outgrown; that they are still bent upon sacrificing the interests of the living generation to idols which are dead; that they are still bound to keep open the wounds of the past, and to defeat those hopes of peace and good understanding which the country so fondly cherishes, and the realization of which depends entirely upon a final settlement of the controversies which the war has left to us. And thus exhibiting their unwillingness to understand and appreciate the exigencies of the present, they will demonstrate even to the dullest mind their incapacity to control our future; and then the people of the United States, sagacious and prudent as they are, will appreciate the fact, and treat them accordingly. Acting thus, our opponents will only condemn themselves to continued impotency.

If, therefore, I pleaded for nothing but the interest of my party I would encourage them to persevere in their course. But I plead for the cause of our country—for its peace, its prosperity, its happiness, and its good name; and I cannot permit myself to forget that the people will not be secure in the enjoyment of those blessings as long as there is a large and influential party insidiously striving to undermine the foundation upon which alone they can grow, and to plunge the country again into the confusion of endless and bitter struggles. It is for this reason that I entreat our Democratic friends to desist from their disturbing and most mischievous agitation.

Some time ago my friend from New Jersey closed his speech on the admission of the Senator from Mississippi, [Mr. REVELS,] who is the first representative of the colored race on this floor, with a most eloquent and touching appeal in favor of peace, harmony, and good understanding; so eloquent, indeed, as to cause the usual decorum of the Senate to be broken by demonstrations of applause. I take that Senator at his word. Yes, let there be peace and harmony and good understanding, and let us all unite in doing the one thing needful to bring it about. The Senator must instinctively feel what that one thing needful is. He cannot conceal from his own eyes that there is but one settlement of our present controversy possible; that only one can be final, permanent, and conclusive; and that is, the settlement which we advocate. He must see that the black man, being once admitted to the polls, the decree cannot be reversed. He must see that those broad hints, so frequently thrown out by Democratic Senators in the course of this very debate, that the fifteenth amendment is invalid, and may still at some future time be overthrown, can only serve to encourage the false hopes of the rebel element in the South, can only serve to excite the worst impulses in an unthinking multitude in the North, and can result in nothing but mischief, the most wanton, the most cruel mischief.

If the honorable Senator from New Jersey is really so ardent a friend of peace, harmony, and fraternal feeling, let him go among his associates and tell them, "Enough of this; it is better to be right by the light of to day than to be consistent with the errors of yesterday. If there lingers in your hearts a doubt as to the legality of the ratification of these constitutional amendments, in the name of all that is good and great, waive that doubt; waive it for the peace of the country; waive it for the sake of those great interests which we are all called upon to serve. Do not insist upon exciting the evil passions which with so much trouble we have at last succeeded in quieting; do not tear open the wounds of the past again; do not torment the country with new struggles about those fearful questions which have kept the people so long in restless agitation, and are now at last on the point of final settlement, if we only permit them to be settled."

In uniting his party upon such a platform, the platform of such noble and conciliatory sentiments, my friend from New Jersey, who addressed me so eloquently yesterday, would do an act worthy of himself; he would render an inestimable service to our common country; and he might then at last even stagger my conviction, a conviction I have been compelled to entertain so far, that the blessings of liberty and self-government which I came to enjoy in this country, would be very unsafe if unfortunately the party of which he is a member should again obtain possession of the powers of the national Government.

But, sir, if the leaders of the Democratic party will not listen to language like this, then I think we shall be safe in taking an appeal to the masses. The people of the United States will see, if the Democratic leaders do not, that of all the policies thought of for the settlement of pending controversies that proposed by the Republican party, the settlement of equal rights and general self-government, is the only one which by any possibility can be final and conclusive, for it is the only one in full accordance with the genius of republican institutions. The people will see, if the Democratic leaders do not, that the highest interests of the country demand that settlement to be made promptly and without cavil; for without it we shall not obtain that peace which is necessary to enable us to devote our whole attention to those moral and material problems of the present and future which so loudly call for solution. The people will, if the Democratic leaders do not, appreciate the greatness and beneficence of the idea upon which the new order of things, the settlement we propose, rests—true and general self-government exercised in and through the States; States whose power moves independently in its appropriate sphere; potent in doing that which is right; impotent to abridge the rights of even the meanest of their people; and the protecting shield of the national authority thrown over all.

The transcendent greatness of this consummation the American people will appreciate, and I trust they will take good care not to put the national power into the hands of any men or of any organization of men who still speak of overthrowing the great constitutional amendments, the price of so much blood and anxiety and struggle, the only safe foundation for the future peace and glory of this Republic.

Mr. POOL. Mr. President, the question involved in the proposition now before the Senate is one in which my section of the Union is particularly interested; although since the ratification of the fifteenth amendment, which we are now about to enforce by appropriate legislation, other sections of the country have become more or less interested in the same question. It is entering upon a new phase of reconstruction; that is, to enforce by appropriate legislation those great principles upon which the reconstruction policy of Congress was based.

I said upon a former occasion on this floor that the reconstruction policy of Congress had been progressive, and that it was necessary that it should be progressive still. The mere act of establishing governments in the recently insurgent States was one thing; the great principles upon which Congress proposed to proceed in establishing those governments was quite another thing, involving principles which lie at the very foundation of all that has been done, and which are intimately connected with all the results that must follow from that and from the legislation of Congress connected with the whole subject.

Mr. President, the first thing that was done was the passage of the thirteenth amendment, by which slavery in the United States was abolished. By that four millions of people were taken out from under the protecting hand of interested masters and turned loose to take care of themselves. They were turned loose and put upon their own resources in communities which were imbued with prejudices against them as a race, communities which for the most part had for years past—indeed from the very time when those who are now in existence were born—been taught and had instilled into them a prejudice against the equality which has been attempted to be established for the colored citizens of the United States.

Mr. President, the condition which that thirteenth amendment imposed on the late insurrectionary States was one which demanded the serious consideration and attention of this Government. The equality which by the thirteenth, fourteenth, and fifteenth amendments has been attempted to be secured for the colored men, has not only subjected them to the operation of the prejudices which had theretofore existed, but it has raised against them still stronger prejudices and stronger feelings in order to fight down the equality by which it is claimed they are to control the legislation of that section of the country. They were turned loose among those people, weak, ignorant, and poor. Those among the white citizens there who have sought to maintain the rights which you have thrown upon that class of people, have to endure every species of proscription, of opposition, and of vituperation in order to carry out the policy of Congress, in order to lift up and to uphold the rights which you have conferred upon that class. It is for that reason not only necessary for the freedmen, but it is necessary for the white people of that section that there should be stringent and effective legislation on the part of Congress in regard to these measures of reconstruction.

We have heard on former occasions on the floor of the Senate that there were organizations which committed outrages, which went through communities for the purposes, of intimidating and coercing classes of citizens in the exercise of their rights. We have been told here that perhaps it might be well that retaliation should be resorted to on the part of those who are oppressed. Sir, the time will come when retaliation will be resorted to unless the Government of the United States interposes to command and to maintain the peace; when there will be retaliation and civil war; when there will be bloodshed and tumult in various communities and sections. It is not only necessary for the freedmen, but it is important to the white people of the southern section, that by plain and stringent laws the United States should interpose and preserve the peace and quiet of the community.

The fifteenth amendment to the Constitution of the United States provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color, or previous condition of servitude. It speaks of "the right of citizens to vote." It has been said that voting is a privilege; but this amendment recognizes it as a right in the citizen; and this right is not to "be denied or abridged by the United States, or by any State." What are we to understand by that? Can individuals abridge it with impunity? Is there no power in this Government to prevent individuals or associations of individuals from abridging or contravening that provision of the Constitution? If that be so, legislation is unnecessary. If our legislation is to apply only to the States, it is perfectly clear that it is totally unnecessary, inasmuch as we cannot pass a criminal law as applicable to a State; nor can we indict a State officer as an officer. It must apply to individuals. A State might attempt to contravene that provision of the Constitution by passing some positive enactment by which it would be contravened, but the Supreme Court would hold such enactment to be unconstitutional, and in that way the State would be restrained. But the word "deny" is used. There are various ways in which a State may prevent the full operation of this constitutional amendment. It cannot—because the courts would prevent it—by positive legislation, but by acts of omission it may practically deny the right. The legislation of Congress must be to supply acts of omission on the part of the States. If a State shall not enforce its laws by which private individuals shall be prevented by force from contravening the rights of the citizen under the amendment, it is in my judgment the duty of the United States Government to supply that omission, and by its own laws and by its own courts to go into the States for the purpose of giving the amendment vitality there.

The word "deny" is used not only in this fifteenth amendment, but I perceive in the fourteenth amendment it is also used. When the fourteenth amendment was passed there was in existence what is known as the civil rights bill, a part of which has been copied in the Senate bill now pending. The civil rights bill recognized all persons born or naturalized in the United States as citizens, and provided that they should have certain rights which were enumerated. They are, "to make and enforce contracts, to sue, be made parties, give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property," and to "the full and equal benefit of all laws and proceedings for the security of person and property."

The civil rights bill was to be enforced by making it criminal for any officer, under color of any State law, "to subject, or cause to be subjected, any citizen to the deprivation of any of the rights secured and protected" by the act. If an officer of any State were indicted for subjecting a citizen to the deprivation of any of those rights he was not to be indicted as an officer; it was as an individual. And so, under the fourteenth amendment to the Constitution, "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." There the word "deny" is used again; it is used in contradistinction to the first clause, which says, "No State shall make or enforce any law" which shall do so and so. That would be a positive act which would contravene the right of a citizen; but to say that it shall not deny to any person the equal protection of the law it seems to me opens up a different branch of the subject. It shall not deny by acts of omission, by a failure to prevent its own citizens from depriving by force any of their fellow-citizens of these rights. It is only when a State omits to carry into effect the provisions of the civil rights act, and to secure the citizens in their rights, that the provisions of the fifth section of the fourteenth amendment would be called into operation, which is, "that Congress shall enforce by appropriate legislation the provisions of this article."

There is no legislation that could reach a State to prevent its passing a law. It can only reach the individual citizens of the State in the enforcement of law. You have, therefore, in any appropriate legislation, to act on the citizen, not on the State. If you pass an act by which you make it an indictable offense for an officer to execute any law of a State by which he trespasses upon any of these rights of the citizen it operates upon him as a citizen, and not as an officer. Why can you not just as well extend it to any other citizen of the country?

It is, in my judgment, incumbent upon Congress to pass the most stringent legislation on this subject. I believe that we have a perfect right under the Constitution of the United States, not only under these three amendments, but under the general scope and features and spirit of the Constitution itself, to go into any of these States for the purpose of protecting and securing liberty. I admit that when you go there for the purpose of restraining liberty, you can go only under delegated powers in express terms; but to go into the States for the purpose of securing and protecting the liberty of the citizen and the rights and immunities of American citizenship is in accordance with the spirit and whole object of the formation of the Union and the national Government.

There are, Mr. President, various ways in which the right secured by the fifteenth amendment may be abridged by citizens in a State. If a State should undertake by positive enactment, as I have said, to abridge the right of suffrage, the courts of the country would prevent it; and I find that in section two of the bill which has been proposed as a substitute by the Judiciary Committee of the Senate provision is made for cases where officers charged with registration or officers charged with the assessment of taxes and with making the proper entries in connection therewith, shall refuse the right to register or to pay taxes to a citizen. I believe the language of the Senate bill is sufficiently large and comprehensive to embrace any other class of officers that might be charged with any act that was necessary to enable a citizen to perform any prerequisite to voting. But, sir, individuals may prevent the exercise of the right of suffrage; individuals may prevent the enjoyment of other rights which are conferred upon the citizen by the fourteenth amendment, as well as trespass upon the right conferred by the fifteenth. Not only citizens, but organizations of citizens, conspiracies, may be and are, as we are told, in some of the States formed for that purpose. I see in the fourth section of the Senate bill a provision for cases where citizens by threats, intimidation, bribery, or otherwise prevent, delay, or hinder the exercise of this right; but there is nothing here that strikes at organizations of individuals, at conspiracies for that purpose. I believe that any bill will be defective which does not make it a highly penal offense for men to conspire together, to organize themselves into bodies, for the express purpose of contravening the right conferred by the fifteeenth amendment.

But, sir, there is a great, important omission

in this bill as well as in that of the House. It seems not to have struck those who drew either of the two bills that the prevention of the exercise of the right of suffrage was not the only or the main trouble that we have upon our hands. Suppose there shall be an organization of individuals, or, if you please, a single individual, who shall take it upon himself to compel his fellow-citizens to vote in a particular way. Suppose he threatens to discharge them from employment, to bring upon them the outrages which are being perpetrated by the Kuklux organizations, so as not to prevent their voting, but to compel them to vote in accordance with the dictates of the party who brings this coercion upon them. It seems to me it is necessary that we should legislate against that. That is a more threatening view of the subject than the mere preventing of registration or of entering men's names upon the assessment books for taxation or of depositing the ballot in the box. I think the bill cannot be perfected to meet the emergencies of the occasion unless there be a section which meets that view of the case.

The Senator from Indiana [Mr. MORTON] asks whether I have drawn an amendment to that effect. I have, but I cannot offer it at this time, for the simple reason that there is an amendment to an amendment pending.

Mr. MORTON. Let it be read for information.

Mr. POOL. It has been printed, and I send it to the desk to be read for information.

The Chief Clerk read the amendment intended to be proposed by Mr. POOL, as follows:

Insert after section four of the Senate bill the following sections:

SEC. 5. *And be it further enacted*, That it shall be unlawful for any person, with intent to hinder or influence the exercise of the right of suffrage as aforesaid, to coerce or intimidate, or attempt to coerce or intimidate any of the legally qualified voters in any State or Territory. Any person violating the provisions of this section shall be held guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, in the discretion of the court: the fine not to exceed $1,000, and the imprisonment not to exceed one year.

SEC. 6. *And be it further enacted*, That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, such person shall be held guilty of felony, and on conviction thereof shall be fined and imprisoned; the fine not to exceed $5,000 and the imprisonment not to exceed ten years; and shall, moreover, be thereafter ineligible to and disabled from holding any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

SEC. 7. *And be it further enacted*, That if in the act of violating any provision in either of the two preceding sections, any other felony, crime, or misdemeanor shall be committed, the offender may be indicted or prosecuted for the same in the courts of the United States, as hereinafter provided, for violations of this act, and on conviction thereof shall be punished for the same with such punishments as are attached to like felonies, crimes, and misdemeanors by the laws of the State in which the offense may be committed.

Strike out section twelve and substitute therefor the following:

And be it further enacted, That the President of the United States, or such person as he may empower for that purpose, may employ in any State such part of the land and naval forces of the United States, or of the militia, as he may deem necessary to enforce the complete execution of this act; and with such forces may pursue, arrest, and hold for trial all persons charged with the violation of any of the provisions of this act, and enforce the attendance of witnesses upon the examination or trial of such persons.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Delaware?

Mr. POOL. Yes, sir.

Mr. SAULSBURY. It has been my intention to address the Senate on this bill——

Mr. POOL. I meant to yield only temporarily. I thought the gentleman desired to ask a question.

Mr. SAULSBURY. Then I will suggest to the Senator's legal mind a proposition, and I should like to hear him discuss it. The fifteenth amendment provides that Congress shall by appropriate legislation enforce it. I should like to hear the Senator from North Carolina upon that question. That legislation is not appropriate which is prohibited. The Constitution of the United States provides that upon application of the Governor, when the Legislature is not in session, or of the Legislature when in session, the President may use the military force of the country in a State. This bill provides that the President, of his own motion, without application either from the Governor or the Legislature of a State, may use the military force of the country. I wish the Senator from North Carolina, who is a clear-headed man in his advocacy of this measure, to demonstrate to the Senate the constitutional right of the Congress of the United States to make such an enactment as this.

Mr. MORRILL, of Maine. Will the Senator yield to me?

Mr. POOL. I believe I am entitled to the floor. I will yield for a moment to the Senator from Maine if he desires to ask a question.

PROPOSED RECESS.

Mr. MORRILL, of Maine. I desire to ask consent to make a motion that at half past four o'clock the Senate take a recess until half past seven o'clock p. m.

The VICE PRESIDENT. The Senator from Maine asks consent to submit a motion that at half past four o'clock to-day the Senate take a recess until half past seven o'clock. Is there objection? The Chair hears none. The question is on the motion.

Mr. RAMSEY. I should like to ask the Senator from Maine what business he proposes to consider this evening?

Mr. STEWART. To finish this bill.

Mr. RAMSEY. This alone?

Mr. STEWART. This bill alone. I am informed by the chairman of the Committee on Appropriations that to-morrow at one o'clock he wants to call up the appropriation bill.

The question being put, there were on a division—ayes 18, noes 17; no quorum voting.

Mr. MORRILL, of Maine. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. I hope my friend will not press the motion. There are a number of Senators who desire to be absent this evening for a reason that if stated would be satisfactory to the Senate. It is not right to ask them to come out to-night and sit this bill out.

Mr. SHERMAN. I think debate is about exhausted. I wonder if we cannot finish it by half past four o'clock?

The VICE PRESIDENT. The motion for a recess is not debatable except by consent.

Mr. SHERMAN. I ask my colleague whether he knows of any Senator who desires to speak?

Mr. THURMAN. I do not now; but I do not know when a vote can be had.

Mr. DAVIS. I desire to be heard.

Mr. THURMAN. The Senator from California [Mr. CASSERLY] also desires to speak.

Mr. MORRILL, of Maine. I make this motion with a view of giving an opportunity to close this debate, for I believe that to-morrow at one o'clock it is my duty to urge the Senate to consider the appropriation bill which has been suspended for nearly a week.

Mr. CHANDLER. I am willing to remain here until we have a final vote upon this bill, without adjournment or recess; but I have never seen any particular use in an evening session after a recess. I prefer, so far as I am concerned, to stay here until we get a vote, and I shall vote against a recess and for remaining in session.

Mr. STEWART. It is entirely immaterial to me. I want to dispose of this bill to-night, and am willing to go straight on; but if a majority think it is best to have a recess, very well.

The VICE PRESIDENT. The motion of the Senator from Maine is that at half past four o'clock the Senate take a recess until half past seven o'clock.

Mr. HOWARD. I think the Senate have already passed an order that we shall hold an evening session every other evening next week. We passed that order yesterday or the day before. It seems to me that will be quite sufficient, and quite as much as we shall be able to endure. I doubt very much whether we gain anything by holding an evening session. Gentlemen become fatigued; they are out of their seats engaged in other business; and I fancy we shall make just as much progress by having our dinner at our usual hour and adjourning over until to-morrow.

The question being taken by yeas and nays, resulted—yeas 29, nays 24; as follows:

YEAS—Messrs. Abbott, Brownlow, Buckingham, Carpenter, Cole, Corbett, Cragin, Drake, Gilbert, Hamlin, Howe, Howell, Kellogg, Morrill of Maine, Morton, Nye, Pomeroy, Pool, Revels, Robertson, Ross, Schurz, Sherman, Stewart, Thayer, Tipton, Warner, Willey, and Williams—29.

NAYS—Messrs. Casserly, Chandler, Davis, Fenton, Ferry, Flanagan, Hamilton of Maryland, Hamilton of Texas, Harlan, Harris, Howard, Johnston, McDonald, Osborn, Pratt, Ramsey, Scott, Spencer, Sprague, Sumner, Thurman, Trumbull, Vickers, and Yates—24.

ABSENT—Messrs. Ames, Anthony, Bayard, Boreman, Cameron, Cattell, Conkling, Edmunds, Fowler, Lewis, McCreery, Morrill of Vermont, Norton, Patterson, Rice, Saulsbury, Sawyer, Stockton, and Wilson—19.

So the motion was agreed to.

FINAL ADJOURNMENT.

The VICE PRESIDENT. Before the Senator from North Carolina proceeds, as the Senate has been so closely divided on the resolution as to final adjournment, the Chair desires to remind the Senate that that resolution will come up to-morrow immediately on the close of the morning business. The Senator from North Carolina will resume.

STATE OF GEORGIA.

Mr. TRUMBULL. I desire to make a report at this time for the purpose of having it printed. The Committee on the Judiciary, who were by a resolution of the Senate instructed to inquire whether any corrupt or improper means have been used or attempted to influence the vote of any Senator in respect to the bill relating to the admission of Georgia to representation in Congress, have instructed me to submit a report in writing, accompanied by the testimony taken by the committee. I will say, in submitting the report, that the committee recommend that the entire testimony which accompanies it be printed. In moving that the report and testimony be printed, I will state that the report is unanimous, except in so far as it is modified by a statement of two members of the committee which is attached to the report.

The VICE PRESIDENT. Is the report accompanied by any resolution?

Mr. TRUMBULL. It is not.

The VICE PRESIDENT. Then the report will be laid upon the table; and it, with the accompanying evidence, will be printed, if there be no objection. The Chair hears no objection to that course. It is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the joint resolution (S. R. No. 198) authorizing the Secretary of War to place at the disposal of the commissioner of quarantine, or other proper authorities of the State of New York, the steamer Illinois, for quarantine purposes.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. No. 786) authorizing the sale of certain arsenals and property of the United States;

A bill (H. R. No. 1533) making appropriations for the naval service for the year ending June 30, 1871;

A joint resolution (H. R. No. 289) authorizing the Secretary of War to furnish cannon to soldiers' monument at Morristown, Morris county, New Jersey; and

A joint resolution (H. R. No. 290) authorizing the improvement of the grounds owned by the United States in the city of Buffalo, New York, known as Fort Porter.

ENFORCEMENT OF FIFTEENTH AMENDMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1293) to enforce the rights of citizens of the United States to vote in the several States of this Union who have hitherto been denied that right on account of race, color, or previous condition of servitude.

Mr. POOL. The Senator from Indiana asked if I had an amendment prepared which met the view of the case I was presenting in regard to the compelling of citizens to vote in a particular way. The first section of the amendment which I have offered uses this language:

That it shall be unlawful for any person with intent to hinder or influence the exercise of the right of suffrage as aforesaid, to coerce or intimidate or attempt to coerce or intimidate any of the legally qualified voters in any State or Territory.

But, Mr. President, there is another view which seems to have been lost sight of entirely by those who have drawn both the House bill and the bill now pending before the Senate, and from which we apprehend very much danger. It is this: the oppression of citizens because of having voted in a particular way, or having voted at all. It may often happen, as it has happened up to this time already, that upon the close of an election colored persons will be discharged from employment by their employers. They may be subjected to outrages of various kinds because they have participated in an election, and cast their votes in a particular way. That is not done for the purpose of punishment so much as for the purpose of deterring them from voting in any succeeding election, or from voting in a way that those who perpetrate these outrages do not desire them to do. I find that branch of the subject is entirely left out of view in the bill.

There is another feature of my amendment which I deem of some importance. It is this:

That if in the act of violating any provision in either of the two preceding sections any other felony, crime, or misdemeanor shall be committed, the offender may be indicted or prosecuted for the same in the courts of the United States.

I think the most effective mode of preventing this intimidation and these attempts at coercion, as well as the outrages which grow out of these attempts, would be found in making any offense committed in the effort to violate them indictable before the courts of the United States. As was said before, in the discussion of the Georgia question in the Senate, the juries in the communities where these outrages are committed are often composed of men who are engaged in them, or of their friends, or of those who connive at them, or of persons who are intimidated by them, and in many instances they dare not bring in a true bill when there is an attempt to indict, or if a true bill be found, they dare not go for conviction on the final trial. It is for that reason that I believe it will be better, it will be the only effective remedy, to take such offenders before the courts of the United States, and there have them tried by a jury which is not imbued with the prejudices and interests of those who perpetrate the crimes.

These are the principal features of the amendment which I have drawn in the effort to perfect this bill; and there is another one to which I will call the attention of the Senate. It is that in regard to calling out the military forces of the United States. I find that in the civil rights bill, as in the bill which has been introduced by the Senate Judiciary Committee, the President is authorized, either by himself or by such person as he may empower for that purpose, to use the military forces of the United States to enforce the act. There in both instances it stops. It has been objected to here that the expression, "or such other person as he may empower for that purpose," should not be in the bill; that it may be subject to abuse. I think it would have no good effect to keep that language in. The President may send his officers and he may empower whomsoever he pleases to take charge of his forces without any such provision.

But there is a use for these forces which seems not to have been adverted to in either the civil rights bill or in the bill that is now pending before the Senate. It is the holding of these offenders for examination and trial after they are arrested. Their confederates, if they are put in the common prisons of the State, will in nine cases out of ten release them. But more important still is it to use these forces to compel the attendance of witnesses; for a subterfuge resorted to is to keep witnesses away from the trial. In many instances witnesses are more or less implicated in the commission of the offense. In other cases the witnesses are intimidated and cannot be obtained upon the trial. So in the amendment which I have prepared I have proposed that these forces may be used to enforce the attendance of witnesses both upon the examination and the trial. My purpose in introducing this was to perfect the Senate bill. I think, as I said yesterday, that that bill is liable to less objection than the House bill. I think it is more efficacious in its provisions. I think it is better that the Senate should direct its attention to perfecting that bill, in order that it may be made, when perfected, a substitute for the bill that came from the House.

That much being said upon the purpose of perfecting the bill and making it efficacious, I have very little more to say. I did not intend when I rose to say much upon the general power, which has been questioned here, to pass any law at all. I think it is better to do nothing than to do that which will not have the proper effect. To do that which will not accomplish the purpose would be worse than doing nothing at all. That the United States Government has the right to go into the States and enforce the fourteenth and the fifteenth amendments is, in my judgment, perfectly clear, by appropriate legislation that shall bear upon individuals. I cannot see that it would be possible for appropriate legislation to be resorted to except as applicable to individuals who violate or attempt to violate these provisions. Certainly we cannot legislate here against States. As I said a few moments ago, it is upon individuals that we must press our legislation. It matters not whether those individuals be officers or whether they are acting upon their own responsibility; whether they are acting singly or in organizations. If there is to be appropriate legislation at all, it must be that which applies to individuals.

I believe that the United States has the right, and that it is an incumbent duty upon it, to go into the States to enforce the rights of the citizens against all who attempt to infringe upon those rights when they are recognized and secured by the Constitution of the country. If we do not possess that right the danger to the liberty of the citizen is great indeed in many parts of this Union. I think this question will come time and again as years pass by, perhaps before another year, in different forms before the Senate. It is well that we should deal with it now and deal with it squarely, and I hope that the Senate will not hesitate in doing so.

Mr. President, the liberty of a citizen of the United States, the prerogatives, the rights, and the immunities of American citizenship, should not be and cannot be safely left to the mere caprice of States either in the passage of laws or in the withholding of that protection which any emergency may require. If a State by omission neglects to give to every citizen within its borders a free, fair, and full exercise and enjoyment of his rights it is the duty of the United States Government to go into the State, and by its strong arm to see that he does have the full and free enjoyment of those rights.

Upon that ground the Republican party must stand in carrying into effect the reconstruction policy, or the whole fabric of reconstruction, with all the principles connected with it, amounts to nothing at all; and in the end it will topple and fall unless it can be enforced by the appropriate legislation, the power to enact which has been provided in each one of the great charters of liberty which that party has put forth in its amendments to the Constitution. Unless the right to enforce it by appropriate legislation is enforced stringently and to the point, it is clear to my mind that there will be no efficacy whatever in what has been done up to this time to carry out and to establish that policy.

I did not rise, sir, for the purpose of arguing the question very much in detail. I did not rise for the purpose of making any appeals to the Senate; but more for the purpose of asserting here and arguing for a moment the general doctrine of the right of the United States to intervene against individuals in the States who attempt to contravene the amendment to the Constitution which we are now endeavoring to enforce, and for the purpose of calling attention to the defects in the bill and offering a remedy for them.

Mr. HOWARD. Mr. President, I shall occupy the Senate but a short time with what I have to say. I have read with as much care as I was able the House bill we now have before us and the substitute offered for it by the Senator from Nevada, and upon the best consideration I have been able to bring the subject I feel satisfied that on the whole we had better not adopt the substitute, but that it would be more advisable to take up the House bill, amend it in a few particulars, and pass it. I know of nothing in the House bill to which I can raise any constitutional objection, while at the same time I think there are clauses in the substitute to which serious objections may reasonably be made.

We are endeavoring to pass some act to carry out and effectuate the fifteenth amendment of the Constitution. I am anxious that some legislation should be had upon that subject, so that the right of the colored people to vote throughout the United States may as perfectly as possible be guarantied and protected. It is a most important subject. I think I am not wrong when I say that the right of the colored citizens of the United States in the recently insurrectionary States to vote is the greatest guarantee thus far presented for the preservation of order in those States, not to say the preservation of the authority of the Government itself in those States.

In my mind, that right, the right of the black man to vote in those States, is the safeguard, and is hereafter for half a century, perhaps a century, to be the safeguard by which the authority of the Union is to be maintained and upheld in those States; for my opinion is that to-day, if the ringleaders of the late rebellion were restored to power, if they could have everything in their own way as they had it in times past, one of the first objects which they would attempt to accomplish would be the dissolution of the Union and the establishment of their own independence as a separate nationality on this continent. Sir, the snake has been simply scotched, not killed, in my humble judgment; and in the future, if that class of men who were foremost, most active, and most influential in bringing on the rebellion and prosecuting it to its bloody close, are permitted to have control of the affairs of that section of the country, we are destined at no very distant day to see a repetition, or at least a serious attempt at a repetition of the war through which we have just passed.

I was struck by a conversation which I had not long since with a gentleman connected with the Union Army during the war, who visited Richmond during its most flagrant period, and had there a conversation with Jefferson Davis. In that conversation he represented Mr. Davis as declaring, in the most emphatic and earnest terms, that the idea that the southern people were fighting for the perpetuation or even the preservation of slavery was an entire mistake; that they were contending for no such thing; that they were pouring out their blood and treasure in large volumes, unscrupulously and wastefully, but not for the purpose of perpetuating slavery in the South. "What we want," said Davis, "is not so much slavery, about which we care but little, as national independence; and national independence we will have, or we will have annihilation." Such was the spirit which animated the rebellion, for it was the spirit which animated its chief; and there was no truer representative of the spirit of the rebellion on the face of the globe than Jefferson Davis.

Sir, the promoters of that rebellion have been badly beaten. They lost their cause in the contest they courted; they lost also what at the beginning they ostensibly pretended they were contending for, and that was slavery. They lost all, sir; they lost property; they lost life; they lost prestige with foreign nations; and they lost what was perhaps dearer to them than aught else, the hope of conquering the North. They lost that high, boasting spirit which drove them madly into the rebellion. But there is one thing they did not lose, and which neither they nor their posterity, in my opinion, for three generations to come will lose; and that is their bitter, truculent, unquenchable, ineradicable hatred of the North, of northern society and northern rule. That feeling is still cherished at the South, and it prevails to such an extent, as we all know, that none or very few northern men who visit the South are received into what is known as "good society" there. However respectable may be the emigrant from the North; however high his character; however worthy of the associations of honorable men and honorable women in society anywhere, there is still a most painful and studied proscription, an ostracism of northern people; a state of things which is most disagreeable to our section of country, and indicative, in my opinion, of what southern men would do if they had an opportunity.

I am no prophet, nor the son of a prophet; but I venture the surmise that whenever the United States shall be at war with any of the great Powers of the world, a war in which it will become necessary for us to exert all our national strength, talent, and resources to maintain ourselves and maintain the national honor, you will see at the South a disposition to join the enemy for the purpose of putting down and crushing forever this Government, for which they entertain so bitter a detestation. I listened a few days ago, not without pain, to remarks made by Senators on this floor, and especially by the honorable Senator from Connecticut, [Mr. FERRY,] indicating that he entertains, and that there is entertained upon this floor in the minds of other Senators, a disposition to grant what is called "universal amnesty" to these men. I was sorry to hear it. I regretted still more to hear that announcement supported by another announcement, that in the judgment of the Senator a vast majority of the Republican party of the United States favored the concession which he claimed, of a universal, indiscriminate amnesty to the late rebels.

I shall not detain the Senate long upon that point. I merely wish here, and now, while I occupy the floor, to enter once for all my dissent from both propositions. I protest against universal amnesty as being at war with the fundamental principles upon which all our reconstruction legislation rests, as being inconsistent with the interests and the safety of the nation itself; and I may add, utterly inconsistent with that manly dignity which should belong to those who have charge of this great Government of the United States.

It happened to me to have some connection with this business of reconstruction at its inception. We all remember, and painfully remember, the policy and the conduct of President Johnson and his Cabinet, or a portion of his Cabinet, in their attempt to reconstruct the rebel States, not by act of Congress, but by presidential proclamation and presidential decrees.

Such was the state of confusion, of wrong in all its forms, of injustice, and utter anarchy in the southern States that Congress in the winter of 1865, at the first moment they could give it their official attention, took it in hand, and appointed a committee, as you remember, sir, of fifteen, a joint committee of the two Houses, to inquire into the condition of the recent insurrectionary States, and to report such measures to their respective Houses on the subject as they should see fit, after a careful examination of the actual condition of the people of the insurrectionary States and their domestic affairs. Never was a committee charged with a higher or more responsible duty than was that joint committee. Never, in my opinion, was a committee appointed on the part of either House of Congress who brought to the work such a disposition to be thorough, careful, prudent. And after the examination of hundreds of witnesses from all parts of the South, and spending six months' time in this laborious investigation, they came to the conclusions which are stated in their report of June, 1866, a report, I undertake to say, which was received with approbation and even admiration throughout the northern States, and was accepted by every truly loyal heart in the country.

Excuse me, sir, for calling the attention of Senators here on this 19th day of May, 1870, to the language used by that committee in the report which they then presented to the two Houses. It was no trivial theme upon which they had been laboring. It was no ordinary object which they had in view. The object of their appointment was to make some suggestion founded upon facts indubitably true by which loyal governments could be established at the South, peace restored to the country, and the relations long broken up by the war between the various parts of the Union be restored. We had passed through the bloody struggle of the civil war. Every one of us had had some relative or friend who had fallen upon the field of battle. Every one of us also had a personal interest in securing at the most speedy period the return of universal peace and prosperity to the country. We had before us the abortive attempt of Johnson and his Cabinet to reconstruct the rebel States, and knew perfectly what was the state of things produced there by that policy.

We knew very well, so far as intelligent witnesses could inform us, what was the real condition of the southern people; what were their feelings; what were their aims; what were their deprivations, and what were their necessities; and in the report which we presented to the two Houses, a report, as I have already remarked, which was accepted throughout the loyal part of the United States and by the Republican party universally and without dissent—for I never heard it criticised in Congress or out of Congress, verbally or in writing, by any person of any party; in this report, I say, which was but the expression of the loyal feeling of the country, which was everywhere disseminated, read, understood, and approved by Republicans; which presented for the approval of Congress and the ratification of the States the fourteenth and by far the most important amendment of the Constitution of the United States; in this report the committee say:

"The question before Congress is, then, whether conquered enemies have the right, and shall be permitted at their own pleasure and on their own terms, to participate in making laws for their conquerors; whether conquered rebels may change their theater of operations from the battle-field, where they were defeated and overthrown, to the Halls of Congress, and, through their representatives, seize upon the Government which they fought to destroy"—

Will the Senator from Connecticut listen to the language of this report?—

"seize upon the Government which they fought to destroy; whether the national Treasury, the Army of the nation, its Navy, its forts and arsenals, its whole civil administration, its credit, its pensioners, the widows and orphans of those who perished in the war, the public honor, peace, and safety, shall all be turned over to the keeping of its recent enemies without delay, and without imposing such conditions as, in the opinion of Congress, the security of the country and its institutions may demand."

That great question was the question before the committee. The report proceeds:

"The history of mankind exhibits no example of such madness and folly. The instinct of self-preservation protests against it. The surrender by Grant to Lee, and by Sherman to Johnston, would have been disasters of less magnitude; for new armies could have been raised, new battles fought, and the Government saved. The anti-coercive policy, which, under pretext of avoiding bloodshed, allowed the rebellion to take form and gather force, would be surpassed in infamy by the matchless wickedness that would now surrender the Halls of Congress to those so recently in rebellion until proper precautions shall have been taken to secure the national faith and the national safety."

Such was the language of that committee, after the most mature consideration of the whole subject and an investigation of all the facts that were brought before it.

Mr. YATES. State the names of the committee.

Mr. HOWARD. I was about to state them. Again the report proceeds:

"The conclusion of your committee, therefore, is that the so-called confederate States are not at present entitled to representation in the Congress of the United States; that before allowing such representation adequate security for future peace and safety should be required; that this can only be found in such changes of the organic law as shall determine the civil rights and privileges of all citizens in all parts of the Republic, shall place representation on an equitable basis, shall fix a stigma upon treason"—

Sir, I stand to that forever. The measures to be adopted under the recommendation of the committee should fix upon treason a stigma and not an ornament—

"and protect the loyal people against future claims for the expenses incurred in support of rebellion, and for manumitted slaves, together with an express grant of power in Congress to enforce those provisions."

There, sir, was in substance a platform of policy and of legislation presented to the two Houses; and that platform, from that day to this, I undertake to say—the assertion of the honorable Senator from Connecticut to the contrary notwithstanding—is the prevailing and next to unanimous sentiment of the Republican party of the United States, North and South.

Mr. YATES. Will the Senator state the names of the committee?

Mr. HOWARD. I will state them. This report is signed by all the Republican members of that joint committee, and the Senate will indulge me in reading the names. I think it somewhat important at this day of new things and new ideas, new schemes, I will not say new whimsies, that these names should be republished to the world, taking care always to place no particular stress upon one of the names in the list. The names are W. P. Fessenden, James W. Grimes, Ira Harris, J. M. Howard, George H. Williams, Thaddeus Stevens, Elihu B. Washburne, Justin S. Morrill, John A. Bingham, Roscoe Conkling, George S. Boutwell, and Henry T. Blow.

Now, sir, I have not, since the presentation of that report, discovered anything in the condition of our public affairs to induce me in any respect to change the opinions I expressed in that report.

Mr. NYE. What is the date of it?

Mr. HOWARD. There is no date to it. It was presented in June, 1866—about the 1st of

June if I recollect rightly. That report described universal amnesty, that is, the granting to all the rebels, high and low, including the ringleaders and every other class, of the right to participate in the legislation of the country and to occupy seats here with us as a "matchless wickedness," and I think so still. Your universal amnesty will bring back to his seat in this Chamber, sooner or later, that infamous man, the head and front of the rebellion, who by the quips and cranks of the law, or something more discreditable, escaped the halter. Sir, you will one day see, if you live long enough, Jefferson Davis and his servitors of the same kith and kin, animated by the same destructive ideas so hostile to the United States, at work in these Halls, attempting to rehatch their treason and vivify and reinvigorate the "lost cause," over which he and they have so long mourned.

Mr. President, is it becoming the dignity of an American legislator to sit in the same Hall and participate in the same deliberations upon national affairs with that infamous class of men, the ringleaders of treason, whose great object was for years, still is, and always will be, I undertake to say, the utter destruction of the Government of the United States? Sir, I should be ashamed to sit in the same Hall with them. I should feel dishonored and degraded to be placing my name upon the same list of yeas and nays with that of Jefferson Davis or John C. Breckinridge or Robert Toombs, or any of the ringleaders in that wanton and wicked rebellion.

Mr. MORTON. Would the Senator do it?

Mr. HOWARD. I would not. I have too much personal pride; so have other Senators. I have too much respect for my country; I have too much respect for the opinion of the world, thus to stain my own good name by deliberate and voluntary association in matters of legislation with traitors and enemies of my country. If this is harshness in the opinion of the advocates of universal amnesty, they must make the most of it.

These are my opinions; and I go further, and I tell you, sir, and I tell the Senator from Connecticut, [Mr. FERRY,] and all the rest of the sect known as universal amnesty men, that instead of acquiring the respect or the attachment or the friendship and confidence of rebel ringleaders by such an act of folly and wickedness, to use the language of the report, they will acquire only their derision and their contempt. Such will be the verdict of history, and such will be the language of these men if they ever return to these Halls. They will sneer in your faces. They will tell you, with contemptuous scorn, that you had not manhood enough to continue even this slight inability to rule and to legislate; that you had not self-respect enough to continue it, even in regard to the blood-stained ringleaders of the rebellion; and they will say to you, and with some show of truth and consistency, that you are just the men they took you for.

Sir, no rebellion in ancient or modern times against a legitimate Government has been subdued without punishment of the ringleaders; and in my humble judgment no such rebellion ought to pass without punishment. Treason is a great crime. It is a crime we know which by the common law is followed not only by the punishment of death, but by the forfeiture of all the lands and goods of the offender. It has ever been regarded in all countries, Christian countries, pagan countries, and Mohammedan countries, as the highest crime that can be committed against the State. Your "universal amnesty" is a compliment to treason. It is an invitation to the traitor to come back and take his place in your councils and to give direction to your policy and laws. Can you do this, sir, and maintain your relf-respect? Can you do this, and preserve in their purity and strength the spirit, power, and purpose of the Government to which you belong? You cannot. Treason is odious. It is inconsistent with all government, and, as I said before, the highest crime that can be committed by a citizen.

Have we inflicted any punishment upon the traitors? None. Has there been a single military execution for treason during or since the close of the war? Not one. Has there been any trial of a traitor, however high or however low, for the high crime he has committed? None whatever. The sole inconvenience (for it is not even worthy of the name of punishment) to which the leading traitors, even, have been subjected has been, and happens to be now, an incapacity to come back into these Halls and participate with us in the matter of legislation; and this is denounced here and elsewhere as a hardship, as a harshness, as something unnatural and cruel, at least very objectionable. I do not so see it.

This disability, as has been so often remarked in this Chamber, is no punishment. If Congress or the people, by an amendment of the Constitution, sees fit to declare that a certain class of persons in the United States shall not hold office under the United States, or under any State, is that a punishment for crime? Is minority a punishment for the crime of being a minor? A minor cannot hold office; he cannot make a bargain. A *femme covert*, a wife, can make no contract. She is under a disability; but who ever thought that this disability either of the minor or of the *femme covert* was a punishment? It is simply a misapplication of terms; a perversion of the meaning and intention of the fourteenth amendment of the Constitution.

For one, I propose to keep this nest of adders, who have given us so much trouble—I mean the ringleaders of the rebellion, those who hissed the loudest and were most poisonous in their bite—away from my premises. I intend that they shall have no more to do with me or mine, if I can help it, in the shape of office-holding, legislation, or anything else.

This class proscribed from office-holding merely by the fourteenth amendment have been guilty not merely of making war against the United States, which in itself at the opening of the war was punishable by death in all cases, but they have been guilty of deliberate perjury and false swearing before God and man; for the proscription applies only to such persons as have once taken a solemn oath to support the Constitution of the United States, and have afterward gone into the rebellion and borne arms against the United States, or rendered aid and comfort to the enemies thereof. Here is the crime of deliberate perjury, which is a felony by the laws of all the States, punishable by confinement at hard labor in the penitentiary, in addition to the still higher crime of treason against the United States.

Senators on this floor complain that this is a grievous punishment to such men as Jeff. Davis, Toombs, Breckinridge, Lee, and the rest of the nest.

Mr. MORTON. And Wise.

Mr. HOWARD. Yes, sir, and Wise; that this is a grievous punishment; that it is a useless proscription; and they appeal to us to be magnanimous and indulgent, to pardon these offenders and take them back again to our bosom. Sir, they had sworn to support the Constitution of the United States before God. They had sworn not to make war in any event upon their country. They violated their oath; they made war upon their country; they deceived the nation that gave them birth; and, for one, I must apply to their condition the old adage, not the less significant because it is old, that "a wise man may once be deceived, but it is the fool who is deceived the second time." Let us keep them where they are. Who ever goes before the loyal people of the United States and appeals to them to send representatives to this body and to the other House of Congress with a view to establish Greeley's plan of "universal amnesty," will, I predict, receive a universal "no" from all loyal Republican men and women to whom he may address his appeals. I have no fear about the result. The recollection of this war has not yet passed from their hearts, nor ought it.

The honorable Senator from South Carolina [Mr. SAWYER] the other day, in the ardor and zeal of his friendship for the late rebels, asked us whether we were not going to forget the war! I do not know what that Senator may do with regard to forgetting the war. My own opinion is that even he will not soon forget it. I am quite sure, for another, that I shall never forget the war; and I tell you, sir, that the loyal people who suffered so much in its prosecution—the father who lost his son, the mother who lost her son whose remains lie buried in southern soil, all the people who contributed in any way to prosecute this great war to preserve the unity and honor of the nation; the woman who put in her mite to encourage the soldier in the performance of his duty or to administer to his comfort, to bind up his wounds, or to do aught else for his comfort; the fathers and the mothers and the sisters, the widows and the orphans, sufferers by this dreadful war, and told to-day by millions—can never forget this war; and God forbid that they ever should forget it, or the wicked causes that led to it! Its result is one of the proudest monuments in honor of the American name to the constancy of a free people and their love of their Government. They will never forget this war, its dangers, its sufferings, its toils, its sacrifices; and they never will, for they never can so long as they are human, forget the scoundrels who brought such calamities upon them, and they never ought to forget them. There may be other Powers in the universe who may be equally disinclined to forget these crimes; but that is a matter between the offender and his God, and I shall not follow him beyond the confines of time.

What I stand to is the report and the doctrine of the report solemnly presented to the two Houses of Congress in June, 1866, in which this policy of universal amnesty was denounced as "matchless wickedness." If it was a "matchless wickedness" in 1866 it has lost nothing of its atrocity in 1870. The leopard cannot change his spots. Treason and rebelism are to-day as odious and hateful and as little worthy of trust and confidence as they were in 1866, as they were in 1861.

Now, sir, I wish to say one word upon the bill which is before us. I have already consumed much more time on another branch of the subject than I intended. I know that the Committee on the Judiciary were as anxious as any of us to present a bill which should be effective for the protection of loyal voters, white and black, all over the United States. I do them honor in regard to the labors they have bestowed upon the subject. But at the same time, not wishing to introduce into our legislation anything which can be treated as a novelty, anything to which reasonable objection can be raised, I think the passages I shall point out will strike other Senators as they strike me.

And first, in section three there is a provision declaring that where a person has endeavored to take the necessary preliminary steps in order to acquire the right to vote, and has been prevented by the officer to whom he was to make his application, his offer shall be held to be "a performance in law of such act." Then the section proceeds and declares that he may present an affidavit to the board of election that he had offered to qualify himself to vote, and that his vote shall be received by the board upon the ground that he was prevented from registering or taking any other preliminary step. I do not think that an unconstitutional clause, but I think it is a clause which might be in some cases very easily abused. I think it is leaving to the applicant too broad a discretion, too much power. To say to him that if he swears he offered to qualify as a voter, and that he was prevented by John Smith, or John Doe, he

may, nevertheless, go forward and put in his vote, is or may be to enable him to evade the law. It is unusual to me; it is entirely unheard of; and I would far rather that section should be entirely stricken out. I do not believe it will be of any benefit to the country generally.

Mr. STEWART. I should like to call the attention of the Senator to the fact that the wrongful act must be the "act aforesaid." That is the act referred to in the second section, refusing him the right.

Mr. HOWARD. I have read the bill very carefully, and if the Senator will allow me, I was about to close my remarks. I make these observations in regard to the bill rather to elicit the opinions of other Senators than to express any of my own; but it strikes me that after all that section will do very little good, if any at all, and it may be so easily abused, and it will so surely become the subject and foundation of complaints and wranglings and litigations, that I think it had better be omitted altogether.

Mr. EDMUNDS. Will the Senator permit me to make a suggestion?

Mr. HOWARD. I shall be through in a moment, but I will yield to the Senator.

Mr. EDMUNDS. I do not wish to elicit debate, but only to inform my friend that that section was the subject of very serious consideration in committee, and we were informed by gentlemen from various of the States where this thing is "to rub," to use a homely expression, that the hostile organizations that exist in the counties and in the townships there would exclude the body of colored men from voting, and carry the elections thereby, they not being entitled to vote by being rejected thereby, and then take their chances, after having elected their own men, of the punishment that might follow; and for that reason we thought on the whole it was better to insert it.

Mr. HOWARD. I have no doubt that in many localities it would operate well, and probably would be in those localities the only effectual remedy for the mischief sought to be remedied.

Mr. EDMUNDS. In other localities it would not work at all, because there would be no occasion for it.

Mr. HOWARD. We are not sure of that. Then section five, I think, is open to observation. I must confess that I do not quite see the propriety of attempting that sort of legislation. It declares—

> That any person who shall be deprived of any office, except that of member of Congress or member of a State Legislature, by reason of the violation of the provisions of this act, shall be entitled to recover possession of such office by writ of *mandamus* or other appropriate proceeding; and the circuit and district courts of the United States shall have concurrent jurisdiction—

And there the words "with the proper State court" have been added—

> of all cases arising under this section.

In the first place, I should object upon professional ground to the endeavor to employ the writ of *mandamus* for such a purpose. If my recollection serves me, a writ of *mandamus* is used only in cases where a party in possession of an office owes a special, defined duty to some one, where the duty is defined and where the conditions for its performance have been fully performed, so that it is the plain, clear duty of the officer to perform the act. It is not issued even in doubtful cases, I believe. Now, how can the writ of *mandamus* be applied to such a case as this? After the election some one will receive the certificate of the board of election, and there will be an incumbent who will enter upon the discharge of the duties of the office. He is in possession, and in the exercise of the functions of the office; but there is an outside claimant who sets up that he had more votes at the election or was entitled to more votes than the actual incumbent had. Then the applicant goes into the circuit court, and upon a proper showing by affidavit obtains from the court an order *nisi* ordinarily, if not a peremptory *mandamus*. He applies for his *mandamus* to command—what? Does the *mandamus* turn the actual incumbent out?

Mr. STEWART. Suppose there is no incumbent?

Mr. HOWARD. Take my case first. Suppose there is?

Mr. STEWART. Then you have some other proper proceeding.

Mr. HOWARD. Suppose there is an actual incumbent? In ninety-nine out of a hundred cases you would find an actual incumbent in possession. Is it the intention of the bill that the *mandamus* shall eject the actual incumbent?

Mr. STEWART. No.

Mr. HOWARD. Of course not, because the writ could not be used for any such purpose.

Mr. EDMUNDS. Will my friend permit me to make a suggestion to him?

Mr. HOWARD. Yes, sir; the Senator may make a suggestion to me or to the Senate, whichever he pleases.

Mr. EDMUNDS. Then I will make it to both, although the Senator is *quorum pars magna*. My friend does know, as he ought to know, as every lawyer knows, that the name that you apply to a proceeding is of no consequence.

Mr. THURMAN. "That which we call a rose by any other name would smell as sweet."

Mr. EDMUNDS. Exactly. All that that section provides, giving a particular name to the process, is, that when there shall be a final determination that the man who has not obtained the office really is entitled to it he shall have it. Can there be any objection to that?

Mr. HOWARD. I do not raise any objection. I merely wish to call the attention of the ingenious gentleman who drew this bill and reported it back to the Senate to some considerations which have occurred to my mind.

Mr. STEWART. I should like now to present a further consideration at that point. Suppose the board of canvassers should throw out a number of colored votes, and suppose it turned out to be a majority; that they would not count it at all; what proceeding would you take then?

Mr. HOWARD. But the principal consideration which I wish to present to the learned lawyers of the Judiciary Committee is this: is there not, after all, some doubt or uncertainty whether this kind of remedy, whether by *mandamus*, *quo warranto*, or any other "appropriate proceeding," as it is called in the section, is authorized by the Constitution of the United States?

Mr. STEWART. But I should like the Senator to answer my question. Suppose the board of canvassers refuse to make any count at all, and throw out the majority of colored votes, then would not a *mandamus* be the appropriate remedy?

Mr. HOWARD. I yield to the Senator from Vermont to make a motion.

Mr. EDMUNDS. There are reasons connected with the courtesies that belong to the Senate why we should not have an evening session to-night. I therefore move that the Senate do now adjourn.

Mr. STEWART. I hope not.

Mr. RAMSEY. Question!

The VICE PRESIDENT. The motion is not debatable.

Mr. STEWART. I want to have an understanding as to going on with this bill.

Mr. RAMSEY. The motion to adjourn is not debatable.

Mr. SUMNER. It is not debatable. Let us adjourn.

The VICE PRESIDENT. The Senator from Minnesota objects to debate. The question is on the motion of the Senator from Vermont, that the Senate do now adjourn.

Mr. MORRILL, of Maine. I demand the yeas and nays.

The yeas and nays were not ordered, but six Senators rising to second the call.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 19, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was read and approved.

MORRISTOWN SOLDIERS' MONUMENT.

Mr. HILL, by unanimous consent, introduced a joint resolution (H. R. No. 289) authorizing the Secretary of War to furnish cannon to the soldiers' monument at Morristown, Morris county, New Jersey; which was read a first and second time.

Mr. HILL. I ask unanimous consent to have the joint resolution put upon its passage at the present time. I will simply say that it has been considered by the Committee on Military Affairs, and that it meets their entire approval.

There was no objection; and the joint resolution was read. It authorizes the Secretary of War to furnish to the Soldiers' Monument Association of Morris county, New Jersey, four pieces of condemned iron or bronze cannon and fifty cannon balls, to be placed about the monument to be erected at Morristown, the county seat of said county.

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

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

The latter motion was agreed to.

MEXICAN TREATIES AND OBLIGATIONS.

Mr. CONNER. I ask unanimous consent to introduce a preamble and resolution for reference to the Committee on Foreign Affairs. It is a resolution instructing the Committee on Foreign Affairs to report to the House what action, if any, be necessary to compel the republic of Mexico to fulfil existing treaties and obligations made and entered into between that Government and the United States.

I desire to say just one word in explanation. The resolution is based on a series of resolutions recently passed in the Texas Legislature. I am admonished, in consequence of the expected early adjournment, of the necessity of having the matter referred immediately to the Committee on Foreign Affairs for consideration.

The SPEAKER. Does the gentleman desire the House to pass a resolution of instructions to the committee? Referring the resolution would not operate as instructions.

Mr. CONNER. I desire to introduce a resolution of instructions.

The preamble and resolution were read, as follows:

> Whereas reliable information of the existence of bad faith on the part of the republic of Mexico toward the people and Government of the United States in relation to existing treaties between the two Governments is reported to prevail; and whereas it is the duty and obligation of the Government of the United States to protect its citizens and inhabitants against all depredations from foreign Powers or the citizens thereof, and to compel the fulfillment of all such treaties, and especially is it our duty to insist that the republic of Mexico, a neighboring friendly Power, shall no longer permit its soil to be used as an asylum for hostile bands of Indians or other desperadoes, who for five years last past have been devastating the southwestern frontier of Texas, with, it is believed, the full knowledge of the authorities of Mexico: Therefore,
>
> *Be it resolved*, That the Committee on Foreign Affairs be, and are hereby, instructed to inquire into the facts herein cited, and report to this House what action, if any, be necessary, to protect our citizens and compel the said republic of Mexico to fulfill all existing treaties made and entered into between that Government and the United States.

Mr. BINGHAM. I think that resolution

ought to be referred to the Committee on Foreign Affairs.

Mr. SCOFIELD. I have no objection to its reference, but I object to action upon it.

Mr. CONNER. I hope the gentleman will allow the resolutions of the Texas Legislature to be read.

The SPEAKER. The resolutions can be presented under the call of the States on Monday morning, and referred without debate.

Mr. CONNER. It is in consequence of the early day fixed for adjournment that I want to get them before the committee.

Mr. SCOFIELD. If the gentleman will let the resolution be referred to the Committee on Foreign Affairs I have no objection; otherwise I must object.

Mr. CONNER. Very well; then I ask that my resolution and the resolutions of the Texas Legislature be referred to the Committee on Foreign Affairs, and ordered to be printed.

There was no objection, and it was so ordered.

POLLY VORINSKY.

Mr. BUTLER, of Tennessee, by unanimous consent, introduced a bill (H. R. No. 2054) granting a pension to Polly Vorinsky, of Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SWAMP LANDS IN IOWA.

Mr. POMEROY, by unanimous consent, introduced a bill (H. R. No. 2055) to confirm certain swamp-land selections to the State of Iowa; which was read a first and second time, and referred to the Committee on the Public Lands.

CHARLES E. BUCK.

On motion of Mr. STILES, by unanimous consent, certain evidence in the claim of Charles E. Buck, of Pennsylvania, was ordered to be printed and referred to the Committee of Claims.

LOUISA JAMES AND W. E. KENNEDY.

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

Resolved, That the Secretary of War be directed to transmit to this House the papers and proofs now on file in the War Department in relation to the claim of Mrs. Louisa James, of New Orleans; also, the papers and proofs relating to the claim of Dr. William E. Kennedy, of New Orleans.

SALE OF ARSENALS, ETC.

Mr. LOGAN. I ask unanimous consent to report from the Committee on Military Affairs the bill which I mentioned yesterday for the sale of arsenals. It is House bill No. 786, authorizing the sale of certain arsenals and property of the United States. I ask that a substitute which I am instructed to offer may be read, and I think there will be no objection to it.

The substitute was read, as follows:

That the Secretary of War be, and he is hereby, authorized and directed to sell, in such portions as shall, in his opinion, secure the greatest amount of money, either by public auction or by inviting proposals for the purchase thereof, and in either case to the highest bidder, all the lands and tenements belonging to the United States at Rome, New York; Vergennes, Vermont; Fayetteville, North Carolina; Mount Vernon, Alabama, and Chattahoochie, Florida, now or heretofore used for arsenal purposes, and known respectively as Rome arsenal, Champlain arsenal, North Carolina arsenal, Mount Vernon arsenal, and Appalachicola arsenal; also, the captured lands and tenements belonging to the United States at Shreveport, Louisiana; Marshall and Jefferson, Texas; and in Marion and Davis counties, Texas: *Provided*, That no sale shall be made under this act until the time, terms, place, and mode thereof shall have been published in one of the principal newspapers in each of the cities of New York, Boston, Philadelphia, Chicago, St. Louis, New Orleans, for the space of sixty days prior to the sale.

SEC. 2. *And be it further enacted*, That the terms of payment for the property above directed to be sold shall be in all cases not less than one third cash, and the remainder on a credit of one and two years, with interest at six per cent. per annum, secured by bond and surety from the purchaser or purchasers; and the Secretary of War is empowered and required, on receiving the purchase-money in full, to execute all necessary deeds of said property to the purchaser or purchasers thereof on behalf of the United States.

SEC. 3. *And be it further enacted*, That the proceeds of said sales, after paying the necessary expenses thereof, shall, upon the receipt of the same, be paid by the Secretary of War into the Treasury.

Mr. WOOD. I would inquire of the gentleman from Illinois [Mr. LOGAN] what is the character of the property which it is proposed to sell under this bill?

Mr. LOGAN. Different arsenals of the United States, with the grounds attached thereto, which are not needed for the service of the United States.

Mr. WOOD. Is this property to be sold at public sale or by private sale?

Mr. LOGAN. At public sale after sixty days' notice.

Mr. ELDRIDGE. Where is the publication of the proposed sale to be made?

Mr. LOGAN. The newspapers published in the principal cities of the United States, and in the district where the property is situated which it may be proposed to sell.

Mr. WOOD. I would like to ask the gentleman from Illinois, the chairman of the Committee on Military Affairs, [Mr. LOGAN,] who must be familiar with this whole question, if this comprises any property that can possibly be required hereafter for the use of the Government?

Mr. LOGAN. None at all; there is no use for it in the world.

Mr. WOOD. With this explanation, I will not object to the consideration of this bill at this time.

No objection being made, the bill and substitute were received, and the substitute agreed to.

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

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

The latter motion was agreed to.

FORT PORTER, BUFFALO, NEW YORK.

Mr. BENNETT. I ask unanimous consent to introduce for consideration at this time a joint resolution authorizing the improvement of the grounds owned by the United States in the city of Buffalo, New York, known as Fort Porter.

No objection was made; and the joint resolution (H. R. No. 290) was received and read a first and second time.

The joint resolution, which was read, grants permission to the city of Buffalo, in the State of New York, through its park commissioners, to improve and beautify the grounds known as Fort Porter, situated in said city, and belonging to the United States, in connection with a public park to be laid out on land adjoining the said grounds, the plans for the same to be approved by the Secretary of War, provided that this resolution shall not be construed to pass any title in the said grounds, but that the ownership and control of the said grounds shall remain entirely in the United States, and shall be subject to such changes and uses for military purposes as the Secretary of War may direct.

The joint resolution was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

CAPE GIRARDEAU RAILROAD.

Mr. WILSON, of Minnesota, by unanimous consent, reported from the Committee on the Public Lands a bill (H. R. No. 2056) to grant lands to aid in the construction of the Cape Girardeau and State-Line railroad, in the State of Missouri; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Public Lands.

SALE OF BROOKLYN NAVY-YARD.

Mr. SLOCUM. I ask unanimous consent to submit the following resolution for consideration at this time:

Resolved, That the Committee on Naval Affairs be authorized to report at any time the bill for the removal of the Brooklyn navy-yard.

Objection was made by several members.

AMERICAN COMMERCE.

Mr. KELSEY. I call for the regular order.

The SPEAKER. The regular order being called for, the House will resume the consideration of House bill No. 1889, to revive the navigation and commercial interests of the United States, on which the gentleman from Maine [Mr. HALE] is entitled to the floor.

Mr. DAWES. I desire to inquire of the gentleman from Maine, [Mr. LYNCH,] who has charge of this bill, when he proposes to close debate?

Mr. HALE. I will yield to allow my colleague [Mr. LYNCH] to answer that question.

Mr. DAWES. I do not desire to have this time taken out of the hour of the gentleman from Maine, [Mr. HALE.]

The SPEAKER. This will be considered as relating to order of business, and will not be taken out of the morning hour.

Mr. LYNCH. My intention was, as I stated yesterday, to ask the previous question and come to a vote on this bill to-day; but there are several gentlemen who wish to debate this bill and who have had a promise of a part of the time. On that account I have concluded to allow the debate to run through the morning hour of to-day, and have the vote taken at the expiration of the morning hour on Tuesday next.

Mr. ALLISON. I desire to propound a further inquiry to the gentleman from Maine, [Mr. LYNCH.] He has entered a motion to recommit this bill, which of course cuts off all amendments to the bill. I would like to know if it is his design to keep that motion pending until he is ready to call the previous question, and not allow amendments to be offered to perfect this bill?

Mr. LYNCH. I design to do precisely what I said at the time I entered that motion I would do; that is, to allow such amendments as may not be designed or calculated to injure or defeat the bill.

Mr. ALLISON. Who is to be the judge of that?

Mr. LYNCH. The House must be the judge in deciding whether or not to sustain the previous question. Just what I stated on a former day is what I propose to carry out if the House sustains me. If the House should refuse to order the previous question the bill will, of course, be open to any amendments which may be offered. The matter is entirely within the control of the House. But I do not intend, so far as I am concerned, to put it within the power of that gentleman to offer amendments with a design to load down the bill and kill it.

Mr. DAWES. I would like to inquire whether the gentleman could not possibly call the previous question to-day? I do not wish to interfere with any arrangements which may have been made; I make the suggestion only in the interest of the business of the House. This bill, of course, does not interfere with the business of the Committee on Appropriations.

Mr. LYNCH. The suggestion of the gentleman from Massachusetts [Mr. DAWES] could only be carried out by asking the consent of the House to occupy the session of to-day on this bill. On a measure of this importance I cannot consent to cut off all those gentlemen who desire to speak, and who wish only short periods of time—ten, fifteen, or twenty minutes each.

Mr. DAWES. So far as regards the last

suggestion of the gentleman from Maine I will say that I feel under some obligations to the gentleman from Ohio, [Mr. SCHENCK,] who is absent, to press the appropriations bills, so as to get them out of the way as soon as possible. I have no other objection to the suggestion.

Mr. CULLOM. Mr. Speaker, I suppose it will be within the power of the House at the expiration of the morning hour to continue the consideration of this bill by a majority vote. I think we had better do that, and get it out of the way.

The SPEAKER. The Chair will state that he has been notified by the gentleman from New York, [Mr. KELSEY,] who has charge of the consular and diplomatic appropriation bill, that at the close of the morning hour to-day he will move to go into Committee of the Whole upon that bill. Of course if the House should negative that motion the Chair would consider this bill as pending before the House.

Mr. DAWES. One word more. The business of the Committee on Appropriations is in such a position that it will be no disadvantage to us if no other appropriation bill than the consular bill is considered to-day. The gentleman from New York is, I believe, of the opinion that that bill will not occupy the whole day. The gentleman can make any suggestion he may deem proper with regard to the disposition of this matter.

Mr. KELSEY. I am very desirous to have the consular bill disposed of to-day; and I have no doubt we shall be able to pass it during to-day's session.

The SPEAKER. The Chair desires to state that to-morrow the morning hour will be devoted to the consideration of private bills; and as it will be the third Friday in the month, all other business will be set aside at two o'clock for the consideration of business reported by the Committee for the District of Columbia. So that there can be no session of the Committee of the Whole to-morrow.

Mr. LYNCH. Several of the gentlemen who desire to speak on this bill prefer to speak on next Tuesday. For myself I have no preference in the matter.

Mr. WOOD. I call for the regular order.

The SPEAKER. The gentleman from New York [Mr. WOOD] calls for the regular order. The morning hour now begins. The gentleman from Maine [Mr. HALE] is entitled to the floor.

Mr. HALE. Mr. Speaker, we present to the world the astonishing spectacle of a nation just emerged from a wasting and devastating war, which disarranged the course of trade in almost every business relation, and in many instances blotted out sources of former investment and profit, and yet, under these disadvantages, obtaining from the revenues collected from our people more than is needed for immediate uses. We have proved that we can pay the running expenses of the Government administered on a prudent basis, the interest upon the national debt, enough of the principal of that debt to show that it can easily be extinguished in the lifetime of grown-up men now living, and yet have, after all these expenditures, an annual surplus of from fifty to seventy million dollars.

The question then arises, what shall be done with this immense surplus; or, as it comes practically before Congress, from what material interests of the country will you lift taxation? And that brings before us the whole question of the adjustment of the burdens of taxation upon the different material interests of the country. When that is discussed it has always been found that there is involved legitimately the question of protection—what interest shall be favored, and to what degree; how far for the purpose of revenue, and how far for the purpose of protection? And if any man had any doubt before whether this discussion could be carried on upon one plane of this question without involving the other the experience of the House for the last two months must have settled the question in his mind. This House has been for more than two months, up to last Monday, engaged in readjusting the burdens of taxation on the material interests of the country, arising under the tariff bill reported by the Committee of Ways and Means.

Now, Mr. Speaker, I have looked on with a great deal of interest during the discussion, taking but little part in it, to see the developments produced here upon this floor in the struggle of different interests for protection. All the leading interests, with one exception, were thoroughly represented here. Pennsylvania was united almost to a man, without party distinction, for protection for pig iron and other iron manufactures from iron ores. The New England manufactures in Connecticut of various kinds were represented by that delegation; the iron manufacturers of Worcester, in Massachusetts, by the gentleman from that district, [Mr. HOAR;] and the shoemakers by the gentleman from the Essex district, [Mr. BUTLER.] Powerful lobbies were about the House. The discussion proceeded.

During all this time I watched carefully for the emergence from this struggle of some industry that was languishing. I waited to see some suffering interest appealing for assistance during that discussion. It did not seem to me that the iron manufacturers of Pennsylvania were poor men, nor men growing poor. It did not appear that the proprietors of the Bessemer steel patent were poverty-stricken individuals, or that the manufacturers in Connecticut, or Worcester, or in the Essex district of Massachusetts, had gone to wreck and ruin. I did not object to reasonable protection to them, although in most cases I voted against the highest duties asked for; but I was very clear in my impression that neither of those presented a question of a great interest struggling in the throes of dissolution—going to death for want of protection. But the House kept at work; two months were consumed, and at last, in the morning hour, the select Committee on the Decline of American Tonnage was called. My colleague [Mr. LYNCH] spoke ably and eloquently on this great and important interest and on the pending bills, which he believes and I believe will in a great degree remedy the prostration under which that interest now suffers, and other gentlemen have followed him on one side and another.

At last, Mr. Speaker, we have before us a great suffering, languishing, and dying interest, and this House should take enough interest in the question to investigate it thoroughly. Here is a subject that of right demands the attention of the American Congress. Its magnitude entitles it to our sober thought. It dwarfs other interests in a fair comparison. When the war of the rebellion broke out American ship-building and American commerce filled every ship-yard on our northern coast with busy and prosperous laborers, and sent into every port of the world American vessels, to draw sources of profit and wealth for our people here from the traffic of all nations. It built the finest ships in the world. It gave employment and sustenance directly and indirectly to hundreds of thousands of souls. In this respect it dominates and towers above every other interest brought before the House where a claim has been made for protection. It contended successfully for the trade of the world with all other peoples.

While this was so, American ship-building and American commerce asked no bounty from the Government. It came here with no lobbies. It did not when rich seek Government aid to get richer. When it prospered it did not ask Government aid to secure higher prosperity. It was content to flourish by its own efforts. To-day it does not come here like the wagoner who prayed to Hercules to lift him out of the mud. But after it has itself for the last ten years been putting its shoulders to the wheel under every circumstance of discouragement, it now asks only for aid to help it to lift itself out of the morass. It is prostrate to-day and needs succor. Its decline is not a thing of the future. It does not say, "Unless you grant aid and protection our ship-building will decline and our commerce will lessen on the seas." It does not make its claim for help on a prediction based, as other interests have based their claims, on the question whether Congress will or will not grant aid. But it is a thing of the present and of the past. Is is already declining, it is already languishing, and it appeals to Congress, showing its record of decline and almost death.

Mr. Speaker, the figures show this so clearly that no man can dispute them. The inference from them is irresistible. I need make no apology to the House for using, as I shall to some brief extent, figures that have already been used by other members; for these figures present to any view that is taken of this subject pertinent illustration. Our American tonnage in 1861 engaged in foreign trade was 2,642,628 tons; in 1868 it had sunk to 1,565,732 tons, a decrease of 1,075,896 tons, about forty per cent. Great Britain in the mean time had increased her tonnage engaged in foreign trade from 3,179,683 tons in 1861 to 4,265,349 tons in 1868, or 1,085,666 tons. In 1860 the American tonnage entering all our ports was 5,921,285 tons; in 1869 it had fallen to 3,402,668 tons, showing a decline of 2,518,617 tons. The foreign tonnage entering our ports in 1860 was 2,353,911 tons, and in 1869 it was 5,347,694 tons, an increase of 2,993,783 tons.

But a still more clear illustration of the decline of American commerce than even these figures is the exhibit as to its earnings at those two respective dates. There was earned by American shipping in 1861, $108,347,748. In 1869 it fell to $70,488,945, showing $37,858,303 lost to our foreign trade, lost to the people of this country, lost in its expenditures, and in the reviving effects it would have upon a thousand other industries heretofore prosperous. The following are the tables showing in detail this result:

A table showing the amount of American and foreign tonnage entered the ports of the United States from foreign countries in 1830, 1840, 1850, *and from* 1860 *to* 1869, *both inclusive.*

Fiscal years.	American tonnage.	Foreign tonnage.	American in excess of foreign tonnage.	Foreign in excess of American tonnage.
1830	967,227	131,900	835,327	-
1840	1,576,946	712,363	864,583	-
1850	2,573,016	1,775,623	797,393	-
1860	5,921,285	2,353,911	3,567,374	-
1861	5,023,917	2,217,554	2,806,363	-
1862	5,117,685	2,245,278	2,872,407	-
1863	4,614,698	2,640,378	1,974,320	-
1864	3,066,434	3,471,219	-	404,785
1865	2,943,661	3,216,967	-	273,306
1866	3,372,060	4,410,424	-	1,038,364
1867	3,455,052	4,318,673	-	863,621
1868	3,550,550	4,495,465	-	944,915
1869	3,402,668	5,347,694	-	1,945,026

Table showing the estimated value of American foreign carrying trade during the ten years from 1860 to 1869, both inclusive.

Fiscal years.	Amount of registered tonnage June 30.	Estimated specie value per ton.	Aggregate specie value of tonnage.	Estimated specie value of gross yearly earnings, being 33½ per ct. of value.
1860	1,585,198	$38	$60,237,524	$20,079,175
1860	2,546,237	41	104,395,717	34,798,572
1861	2,642,628	41	108,347,748	36,115,916
1862	2,291,251	45	103,106,295	34,368,765
1863	2,026,114	45	91,175,130	30,391,710
1864	1,581,895	45	71,185,275	23,728,425
1865	1,602,583	45	72,116,235	24,038,745
1866	1,492,926	45	67,181,670	22,393,890
1867	1,568,032	45	70,561,440	23,520,480
1868	1,565,732	45	70,457,940	23,485,980
1869	1,566,421	45	70,488,945	23,496,315

Table showing the amount of foreign merchandise imported into the United States in American and foreign vessels, respectively, during the fiscal years from 1850 to 1869, both inclusive. (Expressed in specie value at foreign ports of exportation.)

Years.	Imports.		
	In American vessels.	In foreign vessels.	Total in American and foreign vessels.
1850	$139,657,043	$38,481,275	$178,138,318
1851	163,650,543	52,574,389	216,224,932
1852	155,258,467	53,038,388	*212,945,442
1853	191,688,325	76,290,322	267,978,647
1854	215,376,273	86,117,821	*304,562,381
1855	202,234,900	59,233,620	261,468,520
1856	249,972,512	64,667,430	314,639,942
1857	259,116,170	101,773,971	360,890,141
1858	203,700,016	78,913,134	282,613,150
1859	216,123,428	122,644,702	338,768,130
1860	228,164,855	134,001,399	362,166,254
1861	201,544,055	134,106,098	335,650,153
1862	92,274,100	113,497,629	205,771,729
1863	109,744,580	143,175,340	252,919,920
1864	81,212,077	248,350,818	329,562,895
1865	74,385,116	174,170,536	248,555,652
1866	112,040,395	333,471,763	445,512,158
1867	117,209,536	300,622,035	417,831,571
1868	122,965,225	248,659,583	371,624,808
1869	136,802,024	300,512,231	437,314,255
Total	$3,273,119,640	$2,864,302,484	$6,145,138,998

* In the year 1852, $4,648,587, and in 1854, $3,068,287, were imported into San Francisco; class of vessels in which brought cannot be stated.

Here, then, is an interest of the greatest importance paralyzed to the extent which these figures show. No man will dispute it. It has been worse neglected than any other interest of our people. It was broken down first when the war of the rebellion broke out. American commerce was inevitably more exposed to disaster, to ruin, and destruction when the war came than any other. Our ships were found upon all the seas of the world. And when the rebel cruisers stole out from southern ports, so sensitive is commerce that for every vessel that was sunk by the Alabama or the Sumter or the Florida, a degree of fear and dismay spread through business circles which can in no degree be measured by the actual loss to our commerce from the captures by these cruisers.

What was done at the time for this interest when beginning to suffer in that way, to suffer by direct acts of the enemy with whom we were contending? Could Congress do anything to help this? It may be that it could not; at all events it did not. Meanwhile, sir, as a result of the war and as a result of the sympathy which Great Britain showed for the South, the extreme protective feeling took rapid strides in this country. All our industrial interests except ship-building and commerce came to the doors of Congress and clamored for increased protection. Men's minds were then in condition to yield about all that was asked when an appeal was made against the competition of England.

I sympathized at that time with this feeling; Congress acted upon it. What was the result? Every leading industry of the country had increased protection. Our iron forges and manufactories blossomed out into increased prosperity. Our railroads had their lines of trade filled to overflowing. The banks in the hands of moneyed men have coined money to an extent that had never been known in the history of finance before. But while these interests were thus being helped and sustained by the Government, the dominant party enacting and the minority not expostulating, you cannot lay your finger on any acts of Congress by which help has been afforded to American ship-building or American commerce. Nay, sir, more than this; there has been nothing done from the day when the war ended and we settled back into peace and the encouragement of peaceful industries; year after year has gone by and the attention of men's minds has been more and more brought to material interests, bringing out, as I hope it will, more and more of that kind of practical statesmanship that is to-day found in the British House of Commons. One interest existed in this nation which was left unnoticed. For the last ten years there has been no action by the American Congress recognizing the importance of American ship-building and American commerce, and that of itself ought to draw every man's mind with fixed attention to this subject. It is disgraceful that it is so, that an interest in which our national pride as well as our prosperity is legitimately interested should have thus been given the go-by.

Now, the Committee on the Decline of American Tonnage has labored faithfully during the months of the last recess, and has reported bills here which it believes will afford reasonable help. I have not time to discuss in detail the provisions of those bills. What, in brief, they propose to do is to take off practically the duties from ship-building materials, as is done, I believe, in every other country, to afford help in the way of bounties, and to give subsidies in certain instances. This is in brief the practical effect of the bills. It is Government aid, of course. It is protection pure and simple. I presume that the bills do not suit everybody. There are things about them that do not suit me. I would be glad to have the tonnage tax, in which men in my district are interested, on small vessels of little value taken off. I hope and expect the Committee of Ways and Means will see that that is done, as I know that they have a bill prepared to that effect. But because of that I do not choose to antagonize this bill, which has a broader and more national interest, besides being of real interest to my own immediate constituents.

Now, what do gentlemen propose? It is said by some that this bill will not accomplish its purpose, and therefore they cannot vote for it. Does any gentleman making this objection, with the exception of the gentleman from Massachusetts, propose anything in its stead? Have not the arguments that have been adduced here and that I have so imperfectly stated, showing the condition of affairs, settled affirmatively in the minds of this House that something should be done? And may we not trust something to the ability and faithfulness of the men upon this committee who report the results of their deliberations? Let us make the experiment in some direction.

But there are not a few gentlemen who go further in bolder opposition to this bill and find a remedy in the introduction, by purchase, of foreign vessels. Open our navigation, they say, to the competition of the world in furnishing ships. Let our capital be aggregated; let it be invested in vessels built abroad and brought here. Now, sir, I have something to say upon this subject, for I am interested in it, as the district which I have the honor to represent is interested in it. That district embraces the entire eastern half of the sea-board of Maine. It formerly built sailing vessels of every size and model. To-day it builds, but to a much lesser extent. We cannot afford to enter into competition with the ship-builders of the province of New Brunswick.

It may be said in answer to this that we build mainly for the coastwise trade, which is absolutely shut against foreign competition. But let me ask this question: if you allow our citizens to buy foreign-built vessels, excluding their use in the coastwise trade, how long will it be before those same men, buying vessels abroad, will come here and say, "We are like other citizens of the Republic; we made our money legitimately; we have invested it in foreign vessels, being so permitted by law. These vessels are now American vessels, and we ask what right or justice is there in excluding those vessels from any branch of the American trade?" You could not resist their argument, and the entire commerce of the country would be carried on in bottoms of foreign make.

New Brunswick, where labor is cheap, and where lumber and materials are cheaper than with us, would prosper anew at our expense. More than that, capital would not aggregate itself to advantage to go abroad. With us, in scores of cases every year, vessels are built without ready money by men combining their capital for the purpose. They unite together, build vessels, and send them out upon the sea. Allow foreign competition, and these men could not accumulate money enough to enable them to go abroad and buy vessels.

I know a sad instance which occurred in my own district. In one of the sea-board towns a little vessel was built and sent out upon the seas, and upon her first voyage she went to the bottom with all on board, and when the roll was made up it was found that of the thirteen men on that little vessel seven were owners, who had helped to build her and helped to man her. They built her by their own labor, and she

was to make business for them in her voyages. Is it worth the while to kill out an industry that furnishes instances like that?

I know that Great Britain is pointed to as an example of the success attendant upon the repeal of navigation laws and the admission of all vessels under her flag. How is that? What is the example afforded by a careful scrutiny of the history of Great Britain in regard to ship-building and commerce attendant upon it? The argument is precisely the other way. The navigation laws of Great Britain, like all navigation laws, have double heads; they relate not only to the nationality of vessels—that is, what shall be considered as national vessels, with all their privileges—but also to commerce and the restrictions upon the carrying of products to or from the ports of the country.

From the earliest day Great Britain pursued the restrictive policy. Her navigation laws were early enacted. The first navigation act, the statute of 1 and 5 Richard II, chapter three, provides that "no subject of the king shall ship any merchandise outward or homeward save in ships of the king's allegiance, on penalty of the forfeiture of vessel and cargo." Both the vessel and the commerce is restricted.

Mr. GARFIELD, of Ohio. In what year was that statute enacted?

Mr. HALE. In the year 1381. This act was repealed in the time of Elizabeth; but an act was substituted regulating and restricting commerce and navigation—an enactment providing that exports and imports in foreign bottoms must pay double duties. This restrictive policy was continued, with occasional modifications, until after the great rebellion of 1640. When that contest was over Great Britain was in a condition similar to ours at the present time. Her commerce was prostrate; the Dutch were securing the ascendency upon all the seas of the world. There was a clamor for Parliament to intensify measures to protect British navigation. Then it was provided, in 1651, that "no goods or commodities whatever of the growth, production, or manufacture of Asia, Africa, or America, including our own plantations, shall be imported either into England or Ireland or any of the plantations, except"—what? Except in English-built ships owned by English subjects, navigated by English commanders, and with three fourths of the sailors Englishmen.

There is the example of England when she was in a condition more nearly analogous to our own situation to day than any other that I can find. She went on in that policy until after our war of the Revolution and the emerging of the American Republic into a nationality and a commercial Power. A new element of competition was then arrayed against Great Britain; and it was found that one branch of the navigation laws caused trouble—the law in relation to the carrying of products. England had a law which provided that no produce or manufacture of America should be carried to England in any other than English ships. We retaliated, and provided by law that no produce or manufacture of England should be brought to America in any other than American ships. The result was that American ships went across the Atlantic to Liverpool in ballast, followed by English ships carrying cotton and tobacco; and on the other hand, English ships crossed the Atlantic to the United States in ballast followed by American ships laden with calicoes, cutlery, hardware, earthenware, and iron.

What did Great Britain then do? In 1815, under the ministry of Mr. Huskisson, it was found that she was in such a condition with reference to this carrying trade that she had as much to gain as she had to lose by reciprocity. In other words, she could get us many freights as she could give. Hence, England entered into a compact with the United States providing that our vessels might import goods into her ports, and that in return British goods might be imported into this country in British bottoms. Thus there was reciprocity so far as that was concerned; and hence she could afford, so far as the carrying commerce was concerned, to open this trade and compete for it with our vessels. To that extent her navigation laws were repealed.

But this action cannot be quoted upon the other branch of the subject. She did nothing to open to her ship-owners markets of the world for the purchase of vessels. Why? She had been for years struggling on with other nations who could build vessels more cheaply than she could. She needed to stimulate and protect and hem round her own manufacturing industry. She continued to do so till the discussion and agitation in 1848–49; and then for the first time the navigation acts of Great Britain were repealed, and her subjects were allowed to purchase vessels elsewhere. But why was this? Because she had protected and stimulated her ship-building industry to such a point that she could gain more by selling than by continuing her restriction. But did she do this, as we are asked to do it, in the day of prostration, with ship-yards deserted and commerce dying? No; she continued her policy of restriction until she had changed the conditions and was in position to outbuild the world in cheapness.

Our course has been the same in America. I cannot go over this except briefly. From the beginning we began to protect; we discriminated on different acts.

By the act of Congress of July 20, 1790, we discriminated on a tonnage tax to the extent of putting upon vessels built here after July, 1790, and in part or wholly owned by foreigners, a tax of twenty cents a ton, upon other vessels fifty cents a ton, while upon American vessels the tax was but six cents per ton. By the act of June 27, 1797, it is provided that vessels captured by or sold to foreigners shall not receive a new register, but shall be foreign vessels. The act of May 8, 1792, perfects our registry laws, and zealously guards the privilege of American-built vessels. It was not until after the treaty of 1815, to which I have before referred, that Congress removed discriminating duties from certain British vessels for the reasons I have given as applying to Great Britain. We recognize the same principle afterward in treaties made with other Powers. But we have never allowed a foreign-built ship to come under our flag by any general law; they have always been excluded. The act of February 10, 1865, forbids the registration of American vessels put under foreign flags by the owners. The only general exception is in case of foreign vessels wrecked in our waters, purchased as wrecks, and repaired to such an extent that it becomes virtually rebuilding.

Mr. Speaker, I have promised to give the last half of my hour to the gentleman from Iowa, [Mr. ALLISON.] I see that my time is nearly run out. I have only had opportunity to dwell upon one phase of the opposition to this bill. The propositions that I have here combated, if adopted, will, I believe, cause the entire destruction of American ship-building. I do not deny the proper force of the argument, so often heard of late, that iron vessels are supplanting wooden ones. This must be so to a considerable degree; but the day has not yet come when the white sail is to be banished from the seas. Commerce is to extend and augment wonderfully in the next thirty years. There will be work for sail and steam. We should build both. We have the materials at hand. No ingenuity is more cunning than ours, no enterprise more audacious than that of our capitalists and mechanics. There is no direction in which Government can so fittingly stimulate as in this. We have waited almost too long already. Our foreign rivals are now speculating on their entire supremacy upon the seas. Will the American Congress let these speculations be realized?

I will now yield the remaining portion of my time to the gentleman from Iowa, [Mr. ALLISON,] according to agreement.

Mr. ALLISON. Mr. Speaker, in the brief time allotted to this discussion I do not expect to do more than call attention to some of the features of the pending bill, which by the technical motion of the gentleman from Maine [Mr. LYNCH] is not now open to amendment, he having entered a motion to recommit to the committee. That motion he will, of course, withdraw when he brings the House to a vote on the bill, allowing only just such amendments as he may choose to have made, and none others. He tells us, I know, that he will allow any amendment to be made that is not made in a factious spirit, and not made for the purpose of killing the bill, still leaving the whole matter within his discretion. If the previous question be not seconded, and I hope it will not be, then full opportunity will be afforded for amendment. If it be seconded, then, of course, all amendments we may desire to offer will be cut off.

Now, Mr. Speaker, I will not stop here to discuss the question of the decline of our foreign commerce, for that has been fully discussed by other gentlemen in this debate. The cause of its decline has been ably stated by other gentlemen, and especially by the gentleman from New York, [Mr. WOOD.] We all agree, so far as our foreign commerce is concerned, there is a necessity for something to be done if we would have the carrying trade, or a large portion of it, in American bottoms. In addition to the causes stated by other gentlemen of the decline of American tonnage, I call attention to one other, which has not yet been mentioned; that is, when our war of the rebellion begun, in 1861, the Government of the United States impressed into its service all available vessels, thus withdrawing them from the uses of our commerce, and allowing Great Britain and other nations to step in and secure the carrying trade given up by the vessels taken by the Government for war purposes.

I object to this bill, Mr. Speaker, because it does not in my judgment propose to revive our foreign commerce, at least it will not have the effect to revive our foreign commerce, while it does a great many things which in my judgment it ought not to do. The first section of the bill applies not only to our foreign commerce but to our domestic commerce as well. Under our navigation laws American ship-owners and navigators have the exclusive control of the coasting trade from Maine to Alaska, which includes our trade along the whole Atlantic coast and up the Pacific coast to Alaska, under the construction which has been given to our laws. They have, therefore, an uncontrollable power over this commerce. No ship can engage in this commerce that is not built out of American material and by American ship-builders, and no vessel can carry a pound of product of any kind unless such vessel is absolutely owned and controlled by American citizens. Now, will any gentleman on this floor, will the gentleman from Maine [Mr. LYNCH] who has charge of this bill claim that any bounty or any subsidy is required for the purpose of protecting the coasting trade of the United States when no foreign-built vessels can engage in it, and when no foreign material of any kind can be used for the purpose of building these vessels unless, of course, such material pays the import duty? It seems to me, therefore, perfectly clear that to vote a subsidy to these ship-builders and to the ship-owners engaged in our coasting-trade is to allow them to put their hands, to the extent of the subsidy and bounty allowed by this bill, into the pockets of the people of the United States without giving them any resulting benefit whatever.

Mr. WASHBURN, of Wisconsin. I wish to inquire of my friend from Iowa whether, if the bill were relieved of the objection he makes with reference to the coasting trade, and if the subsidy were made to apply only to vessels engaged in the foreign trade, he would in that case support it?

Mr. ALLISON. I am now discussing this bill; and the gentleman in charge of it has stated that he would not allow amendments to be offered to it, except those which he chose to admit.

I say, then, that to take money out of the pockets of the people of the United States for the purpose of handing it over to those who now have the uncontrolled monopoly of this coasting trade, is something which, whatever others may do I shall never consent to.

Mr. WASHBURN, of Wisconsin. Will the gentleman allow me to ask him another question?

Mr. ALLISON. Certainly.

Mr. WASHBURN, of Wisconsin. If I were to offer an amendment to accomplish what I have indicated, would the gentleman support it?

Mr. ALLISON. I would, of course, vote with the gentleman to strike out what applies to the coasting trade.

Mr. WASHBURN, of Wisconsin. And to make the bounty apply to the foreign trade?

Mr. ALLISON. I shall vote for the amendment which the gentleman says he will propose.

Mr. WASHBURN, of Wisconsin. I have not said that I will propose any amendment.

Mr. ALLISON. I shall go on to explain further what is my position in regard to this question. This bill makes the proposed aid apply to all the vessels that may be built in the United States. It provides that there shall be allowed upon "all imported lumber, timber, hemp, Manila, and composition metal, and for iron and steel not advanced beyond rod bars and bolts, plates, beams, and forgings" used in the construction of vessels built in the United States, a drawback equal to the duties which may have been paid on such material. This, of course, allows a drawback upon all these vessels if foreign material is used. And then there is a proviso attached to that section which declares—

That where American material is used in the construction of iron, steel, or composite vessels or steamers there shall be allowed and paid, as aforesaid, an amount equivalent to the duties imposed on similar articles of foreign manufacture when imported.

Now I desire some member of the committee to inform me why it is that in this proviso they have confined the bounty to "iron, steel, or composite" vessels? Why is it that these three classes of vessels are alone to receive the protection and benefit of this bill, when it is well known that a vast amount of our coasting trade and inland navigation is carried on and will necessarily be carried on by wooden vessels? As I understand the bill, there is no bounty allowed except upon iron, steel, or composite vessels. I can only, Mr. Speaker, account for this from the fact that wooden vessels are built on the coast of New England—I dislike to use that expression, "New England," and will say, upon our Atlantic coast, if you please; that these wooden vessels are sheathed with copper or yellow metal furnished by the people represented by my friend from Michigan, [Mr. BLAIR,] and that it is inconvenient for those gentlemen who build wooden vessels to pay to the copper-owners and coppersmiths of Michigan this bounty. They propose, therefore, that for all wooden vessels and all material which enters into the construction of wooden vessels they shall have an absolute drawback, and that there shall not be paid to the copper interest a bounty corresponding to that which is paid to the iron-masters of Pennsylvania for the material which goes into iron ships. Now, I say this ought to be universal. If there is a bounty to be paid it ought to be paid, it seems to me, on other classes of vessels as well as these iron vessels.

The sailing vessels and other wooden vessels that are built would have, of course, under this bill, a drawback upon all the imported material used in their construction, including the yellow metal for sheathing, the rigging and sails, and everything of that nature; they would all come in free of duty. Then it seems to have become necessary, in order to conciliate somebody or some section, to provide that in case vessels are built of iron there shall be a bounty given to the maker of that iron or to the builders of those vessels. Now, I submit that that proposition is not a fair one to the builders of wooden vessels, and our lake and river navigation derives no benefit.

Now, I call the attention of the gentleman from Maine [Mr. LYNCH] to another provision of the first section of his bill, and I want him to tell me how it can be executed. It is well known to us all that this system of drawbacks, in order that frauds may be prevented, must be cared for very carefully in any law that may be passed. The gentleman from Maine proposes that "where American material is used in the construction of iron, steel, or composite vessels or steamers, there shall be allowed and paid, as aforesaid, an amount equivalent to the duties imposed on similar articles of foreign manufacture when imported." I want him to tell me, when he comes to close the debate, how we are to ascertain the amount of bounty that is to be given to the ship-builder who builds an iron ship from American material under this law. The bill in this respect is either crudely drawn, or drawn so as to leave a very wide margin for fraud. I allude now to the proviso to the first section. What are the articles to which it relates? It includes, in the first place, a large amount of iron and steel, on which there is no specific rate of duty under the tariff law, but which bears duties at the rate of forty-five per cent., thirty-five per cent., and thirty per cent. *ad valorem*. Now, I ask what revenue officer or Secretary of the Treasury can go into a ship-yard where iron and steel have been used that do not pay a specific duty and say what the foreign *ad valorem* valuation was on the specific articles that have entered into the building of a ship? It is an absolute impossibility. It might be possible to do it where a specific duty was imposed. But we have a large amount of *ad valorem* duties on these very articles, as the gentleman from Maine very well knows.

Mr. LYNCH. Does the gentleman wish an answer now?

Mr. ALLISON. I have no objection.

Mr. LYNCH. This bill provides that the drawback shall be paid under regulations to be made by the Secretary of the Treasury. Now, does the gentleman pretend to say that the Secretary of the Treasury cannot ascertain the amount that has been paid because it has been an *ad valorem* duty, when he can require vouchers of the exact amount paid on that specific iron that has gone into the vessel?

Mr. ALLISON. I intend to say that there is not a Secretary of the Treasury or a revenue officer living that can say what shall be the *ad valorem* duty upon the American cordage or the American sails or the American iron or steel that are put into ships, because we cannot tell what similar articles would cost at a foreign port. A ship-builder may say, for instance, that the sails would cost in a foreign port a dollar a yard, if you please, when in point of fact they might not cost fifty cents a yard; and yet he would get the bounty upon the higher valuation. I point out this defect for the purpose of showing that this whole thing is left open to the discretion and judgment of the men who may happen to build these vessels. I say it is opening a door for fraud, which, in my judgment, no prudent Government would ever open.

Mr. LYNCH. I am very much surprised that a gentleman occupying a position on the Committee of Ways and Means, and who can look as wise as he can, cannot understand a proposition of that kind.

Mr. ALLISON. Very well. Here is the article of sheathing copper, copper that is in sheets, which pays a duty of 45 per cent. *ad valorem* upon its foreign valuation. Suppose that sheathing copper is used in the construction of composite vessels; because I presume, although I am not quite enough familiar with the subject to be able to say, that sheathing copper is used in composite vessels.

Mr. LYNCH. Copper is out of the bill entirely.

Mr. ALLISON. Well, yellow metal, then.

Mr. LYNCH. That is not in the present bill.

Mr. ALLISON. I have the bill here, and I find——.

Mr. LYNCH. The bill is amended from what was reported.

Mr. ALLISON. Very well; then I will not refer further to that. I will refer to other articles. The gentleman says I should know about these things, and I have here a memorandum—I will refer to cordage and other articles. Take, if you please, the article of sails. They come in now at an *ad valorem* duty. Now, how are you to determine the amount that is to be allowed to the builders of vessels upon American sails that are used by them in construction when the tariff upon foreign sails is 30 per cent. *ad valorem?* Now, to impose upon the Secretary of the Treasury or upon any other Government officer the duty of undertaking to determine what amount shall be taken out of the Treasury to be given to the ship-builder in this country for the articles he may use upon which an *ad valorem* duty is imposed is, in my opinion, to open wide the door for fraud.

I wish to call the attention of the House to another provision in this bill. I especially call the attention of my friend from Wisconsin [Mr. WASHBURN] to this point: when the tariff bill was under consideration he inquired of me with a great deal of earnestness whether or not I believed that the amount of duty upon any article was added to the cost of that article for use in the United States. He asked me if I pretended to say that the amount of the duty was added to the cost of the article in this country. I said in reply to him, if I now remember correctly, that I did not believe that the whole amount of the duty was added to the cost in all cases; that in many cases an article might be manufactured here cheaper than the duty on a foreign article of the same kind; that in other cases the amount of duty might be divided between the consumer and the manufacturer or the importer; while in still other cases the whole amount of the duty was added to the cost of the article in this country.

But the Committee on the Causes of the Reduction of American Tonnage, of which the gentleman from Wisconsin [Mr. WASHBURN] is a member, seems to have concluded that so far as the article of iron is concerned the whole amount of the duty is added to the cost of the article when used in this country. They provide here—and I call the attention of gentlemen to that fact—that when American iron or steel is used in building a ship in this country the ship-builder is to be allowed the full amount of the duty as a bounty upon that material.

And so it is in regard to other materials. For instance, take cordage, which enters largely into the construction and fitting out of a ship. The duty on cordage is three and one half cents per pound. Now, the hemp men of Kentucky and Missouri, and the manufacturers of cordage in this country, claim that they can manufacture cordage in this country very nearly as cheaply as it can be done in any foreign country. Yet if an American ship-builder buys and uses American cordage he is to be allowed to take out of the Treasury of the United States an amount equal to three and one half cents for every pound of that cordage.

Take also the article of plate iron, which enters into the construction of ships. It is claimed by the gentleman from Pennsylvania [Mr. KELLEY] and by other gentlemen on this floor that iron can be manufactured in this

country very nearly as cheaply as it can be made abroad. Yet an amount equal to one and one half cents per pound, which is the existing rate of duty upon the article of plate iron, is at once to be paid to the ship-builder who uses American iron. Now, you must admit one thing or the other, that all the consumers of iron in the United States pay one and one half cents per pound additional because of the duty imposed upon the foreign article, or else that you place your hand in the Treasury of the United States and extract therefrom, for the purpose of paying as a bounty to the ship-builder or the iron-maker, the sum of one and one half cents per pound over and above its present cost. I would like to hear any satisfactory answer to this proposition. This money either goes into the hands of the iron-master or into the hands of the ship-builder, and is taken out of the Treasury without any equivalent.

The second section of the bill provides that all ship stores taken on board vessels bound upon foreign voyages shall be free from import duty and internal tax. It may be a small objection, but still I must call attention to the fact that under this provision whisky or distilled spirits may be exported without limitation or restriction. Of course this will be done under the pretext that they are intended for use on shipboard; but of the quantity not used on shipboard how much will get back to the United States? If this second section is to be retained it ought to be amended so as to prevent this unlimited exportation of spirits, at least while we require on spirits exported the payment of internal tax. This, I presume, the gentleman from Maine [Mr. LYNCH] would regard as a factious amendment.

I have read with great care the remarks of the gentleman with reference to the first section of the bill; and I understand from those remarks that within five years there will be taken out of the Treasury of the United States for the purpose contemplated by this section $20,000,000. The gentleman presents a table showing that in five years, at the rate of so many tons a year, the bounty would amount to $20,000,000. Of course he deducts a certain amount for money, which, although paid into the Treasury, would come out again in the form of drawback. But his speech, I regret to say, contains no statement showing how much money will be taken out of the Treasury of the United States under the first section of the bill for the benefit of our coasting trade. The tonnage of our vessels now engaged in the coasting trade alone amounts, I believe, in round numbers, to two million five hundred thousand tons. It may be the object of the gentleman who has charge of this bill to transfer our coasting trade from wooden vessels to iron vessels, and to make the Government pay the expense of this transfer. I do not know whether such is his object; but if it is it will, of course, be effectually carried out in this bill. But I regret that no gentleman who advocates the bill has told us how much money will be taken out of the Treasury for the benefit of this coasting trade alone. If it takes $20,000,000 alone for the foreign trade, it certainly will take as much, if not more, in five years for the coasting trade, because our coasting trade, estimated by the number of tons, is much greater than our foreign tonnage. Hence, I think it fair to presume that whenever we enact the first section of this bill we adopt a provision which will take out of the Treasury of the United States at least $20,000,000. It may not amount to that much this year or next year, but that will be the aggregate in five years. Now, for one I am not prepared to take $20,000,000 out of the Treasury for this purpose; for I know that if such a sum be taken it must be put in again, and it must come finally from the pockets of the people of the country.

There is another objection to this bill. It establishes what, in my judgment, is a wrong principle in our legislation. We have heretofore adopted provisions similar to those suggested by the gentleman from Massachusetts, [Mr. BUTLER,] that products imported in American bottoms shall have the benefit of such importation to the extent of ten or twenty per cent. over and above foreign vessels in the way of discriminating or differential duties.

But the third and fourth sections of the bill seem to me objectionable because their effect will be, not to revive the commerce which ought to be revived, but to give additional bounties to our coast-wise trade; for the trade with the North American provinces, with Mexico, and with the islands of the Caribbean sea is practically, though not technically, coastwise trade. The gentleman from Maine has told us in his speech that the tonnage duty levied under the fourth section will compensate for the amount of bounty to be paid under the first section. But how is this tonnage duty to be levied? A ship of three thousand tons coming into the port of New York, say seven times a year, will pay a tonnage duty of $14,000 annually. Now, is any gentleman on this floor insane enough to suppose that under our existing treaty stipulations any foreign country, if vessels of her citizens are required to pay a tonnage duty at the rate of $14,000 per annum on a vessel of three thousand tons, will not retaliate by imposing a corresponding duty on American vessels? And who pays this duty finally? It is paid eventually by the men who transport products, by the farmers of Iowa and Illinois, and other grain-producing States who transport to foreign countries their surplus products.

[Here the hammer fell.]

REDUCTION OF DUTIES ON IMPORTS.

Mr. KELSEY. I move to suspend the rules for the purpose of going into the Committee of the Whole on the state of the Union on the consular and diplomatic appropriation bill.

Mr. FINKELNBURG. I rise to a privileged question. I move to reconsider the vote by which House bill No. 2053, concerning duties on imports, was referred yesterday to the Committee of Ways and Means.

Mr. RANDALL. For what purpose?

Mr. FINKELNBURG. I make the motion to reconsider for the purpose of taking a vote on the bill.

Mr. RANDALL. Let us hear what it is.

The bill was read. It provides that from and after the 30th of August, 1870, a reduction of twenty per cent. shall be made on all duties on imports prescribed by existing laws.

Mr. RANDALL. If the gentleman desires to make a speech I will not object.

Mr. KELSEY. Does this take precedence of my motion to go into Committee of the Whole?

The SPEAKER. It does not.

Mr. FINKELNBURG. I understand, under the rules, the motion to reconsider is a privileged question.

The SPEAKER. The gentleman from New York moved to suspend the rules to go into the Committee of the Whole on the state of the Union before the gentleman from Missouri moved to reconsider. He moves to suspend the rule by which the motion to reconsider is made a privileged motion.

Mr. FINKELNBURG. Does the motion to suspend the rules require a two-thirds vote?

The SPEAKER. It requires only a majority vote.

Mr. RANDALL. I move that the motion to reconsider be laid on the table.

The SPEAKER. The Chair cannot entertain that motion, not having received the motion to reconsider.

Mr. FINKELNBURG. I enter the motion to reconsider for action hereafter.

INTERNAL REVENUE.

Mr. LAFLIN, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed for the use of the House two thousand extra copies of the bill (H. R. No. 2045) amending the internal revenue laws, fifty copies of which shall be for the use of the Committee of Ways and Means.

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

The latter motion was agreed to.

TRADE FACILITIES.

Mr. SARGENT, by unanimous consent, introduced a bill (H. R. No. 2057) to facilitate the transmission of Asiatic, Australian, and European merchandise into and across the territory of the United States of America, and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REMOVAL OF CASES FROM STATE COURTS.

Mr. WOODWARD, by unanimous consent, introduced a bill (H. R. No. 2058) amendatory of the several acts for removal of certain causes from State courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GOVERNMENT LANDS IN SAN FRANCISCO.

Mr. AXTELL, by unanimous consent, introduced a bill (H. R. No. 2059) to relinquish the interest of the United States in certain lands in the city of San Francisco; which was read a first and second time, and referred to the Committee on Military Affairs.

TEXAS JUDICIAL DISTRICTS.

Mr. CLARK, of Texas, by unanimous consent, introduced a bill (H. R. No. 2060) to reorganize the judicial districts of the State of Texas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MANUFACTURES.

Mr. MORRELL, of Pennsylvania, by unanimous consent, from the Committee on Manufactures, submitted a report in response to certain petitions praying for examination of erroneous statements made in the annual report of the Special Commissioner of the Treasury Department; which was laid on the table, and ordered to be printed.

On motion of Mr. CLEVELAND, the opinion of the minority was also received, laid on the table, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. GORHAM, its Secretary, notifying the House that that body had passed a joint resolution (S. R. No. 198) authorizing the Secretary of War to place at the disposal of the commissioners of quarantine, or other proper authorities of the State of New York, the steamer Illinois for quarantine purposes, with the request that it be concurred in.

STEAMSHIP ILLINOIS.

Mr. POTTER. I ask unanimous consent to have taken from the Speaker's table, and have put on its immediate passage, a Senate joint resolution, which I am sure will not take up any time. A word of explanation will satisfy the House that this resolution should pass. In 1866, this House, at the request of Governor Fenton, then Governor of New York, put at the service of the quarantine commissioners an old steamship belonging to the United States, named the Illinois. It has been used up to the present time as a receiving vessel for patients coming from abroad afflicted with the cholera. This hulk must now be repaired, or it must sink. The Government refuse to repair her because she is wholly unseaworthy. The quarantine commissioners refuse to repair her because she is not the property of the State of New York. To meet the difficulty, therefore, the Secretary of War recommends that she be given to the State of New York, and the Senate have provided for her transfer by this resolution, which, in view of the importance of early repairs to this vessel, I trust may pass at once.

There was no objection; and the joint res-

olution (S. R. No. 198) authorizing the Secretary of War to place at the disposal of the commissioners of quarantine, or other proper authorities of the State of New York, the steamer Illinois for quarantine purposes, was taken from the Speaker's table, and read a first and second time.

The question was on ordering the joint resolution to be read a third time.

The joint resolution was read. It authorizes the Secretary of War, in his discretion, to place gratuitously for an indefinite period at the disposal of the commissioners of quarantine, or other proper authorities of the State of New York, to be used for quarantine purposes, the steamer Illinois, which said steamer was turned over to the quarantine commissioners under the authority of a joint resolution of March 21, 1866, and which has ever since been in their possession.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

DOCUMENTS IN INTERIOR DEPARTMENT.

Mr. REEVES. I ask unanimous consent to introduce the following resolution for consideration at the present time:

Resolved, That the Secretary of the Interior be directed to report to this House, without unnecessary delay, the titles, number, and condition of such volumes of public documents as may have accumulated in his Department, or within his control, accompanying such report with any suggestions as to the disposal or distribution of said documents which he may see fit to make.

This is the same resolution I introduced some days ago, and which was then objected to by my colleague, [Mr. FERRISS.] That gentleman was under a misapprehension as to its import, and has withdrawn his objection.

Mr. COBB, of Wisconsin. I object; and I call for the regular order of business.

LEAVES OF ABSENCE.

Mr. SARGENT obtained leave of absence for the remainder of the week.

Mr. SHELDON, of New York, obtained leave of absence for one week.

Mr. JUDD obtained leave of absence till Monday next.

Mr. STILES obtained leave of absence till Monday next.

Mr. GIBSON obtained leave of absence for this day.

Mr. BUCK obtained leave of absence from May 19 till June 5.

WITHDRAWAL OF PAPERS.

Mr. McCARTHY, by unanimous consent, obtained leave to withdraw from the files of the House the papers of George W. Samson, claiming a pension for services of his father in the revolutionary war, filed in the Thirty-Seventh Congress.

REMOVAL OF DISABILITIES.

On motion of Mr. COBURN, by unanimous consent, the bill (H. R. No. 2024) for the relief from disabilities of certain persons who have been engaged in rebellion, and which was referred to the Committee on Reconstruction, was ordered to be printed.

MARY A. COOLIDGE.

On motion of Mr. WASHBURN, of Massachusetts, by unanimous consent, the bill (S. No. 346) for the relief of Mary A. Coolidge was taken from the Speaker's table, read a first and second time, and referred to the Committee of Claims.

HENRY NEWELL.

On motion of Mr. WASHBURN, of Massachusetts, by unanimous consent, the bill (S. No. 828) for the relief of Henry Newell was taken from the Speaker's table, read a first and second time, and referred to the Committee of Claims.

UNITED STATES IMMIGRATION SOCIETY.

The SPEAKER, by unanimous consent, laid before the House a memorial of the Citizens' Association of New York, praying Congress to pass an act to incorporate the International Society of the United States for the Promotion and Protection of Immigration; which was referred to the Committee on Commerce, and ordered to be printed.

ATLANTIC, ETC., WATER COMMUNICATION.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Governor of the State of Iowa, transmitting to the House a memorial of the Legislature of the State of Iowa, in relation to water communication between the Atlantic and Pacific; which was referred to the Committee on Commerce, and ordered to be printed.

NAVAL OFFICERS, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, in relation to the number of officers now on the active list of the Navy, the number of vessels of each grade now in the Navy, the whole number of non-commissioned officers and seamen now in the naval service, &c.; which was referred to the Committee on Naval Affairs, and ordered to be printed.

CHILDREN OF JOHN CHILTON.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the accounts for the relief of the children and heirs-at-law of John Chilton, deceased; which was referred to the Committee on Appropriations, and ordered to be printed.

RECONSIDERATION.

Mr. DAWES moved to reconsider the various votes by which bills were referred or recommitted to-day; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. FINKELNBURG. That, of course, did not include my motion to reconsider.

The SPEAKER. It did not. The gentleman's motion to reconsider has been entered, and he is at liberty to call it up at any time when a question of superior privilege does not prevent.

Mr. FINKELNBURG. Then if the motion to go into Committee of the Whole on the state of the Union shall not prevail, I should be entitled to the floor on my motion?

The SPEAKER. The Chair cannot imagine any question of higher privilege that would supervene; but he reserves the right to rule in favor of one if it shall arise.

CLOSE OF DEBATE.

Mr. KELSEY. I now insist on my motion to close debate on the consular and diplomatic bill in one hour.

The motion was agreed to.

CONSULAR AND DIPLOMATIC BILL.

Mr. KELSEY. I now insist on my motion that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. INGERSOLL in the chair,) and proceeded to the consideration of the special order, being the bill (H. R. No. 1604) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and for other purposes.

Mr. KELSEY. I move that the first reading of the bill be dispensed with.

The motion was agreed to.

Mr. KELSEY. Mr. Chairman, the bill now before the committee appropriates $933,047 for the consular and diplomatic expenses of the Government for the next fiscal year. Last year the amount appropriated for these purposes was $1,110,734. The appropriations for the next fiscal year, as contained in this bill, are less than for the current year $177,697. The Committee on Appropriations has very carefully examined the estimates submitted by the Secretary for this branch of the public service, and reduced them to the actual requirements of law, wherever the law has fixed the amount to be appropriated; and where the appropriations are left to the discretion of the Congress making them the Committee on Appropriations recommend the lowest sum that is believed to be necessary to insure an efficient performance of the duties connected with the consular and diplomatic service.

The salaries of our foreign ministers are appropriated for the same as last year, except that the appropriation for Paraguay is omitted. Paraguay is omitted because there is no Government there that we can recognize, nor is it believed that there are inhabitants enough in that country to form and maintain a Government. It is believed that the whole population does not exceed one hundred and fifty thousand, of whom only about ten thousand are adult males. It seems an absurdity to keep a minister resident accredited to a country having so few inhabitants, and that, in reality, has no regular government. Paraguay has never had a republican Government. It has been a personal Government—all its powers concentrated in the hands of a dictator—with no code of written law, nor anything resembling a code of laws, and no judiciary. In fact the will of the dictator has been the only law in that wretched country since it has had nominally an independent existence. The death of Lopez, the late dictator, leaves the country without a Government, and without the power to create one, unless the Government of Brazil and her allies shall give their consent and aid in the work of creating a new one. Brazil and her allies some time ago announced that they would require from Paraguay indemnity for the expenses of the war that has lately terminated. Paraguay can pay nothing, and the only indemnity the allies can obtain is to keep Paraguay, now that they have conquered it. This they will undoubtedly do. There is, therefore, no probable contingency, and hardly a possible one, in which it will be desirable to send a minister to that country.

The Committee of Appropriations has followed the precedent of last year by providing that our minister resident at the Argentine Republic may also be accredited to Uruguay. It seems that the Administration deem it necessary to send a minister to Uruguay, instead of allowing our minister at the Argentine Republic to represent us at both Governments, as a minister to Uruguay has been nominated to the Senate and perhaps confirmed. This may render an amendment to the bill necessary.

In making up the bill the committee have omitted the appropriation for consuls at Odessa, Revel, and Moscow, because these offices have become useless, or nearly so. The salary of each consul is $2,000 a year, and the expenses of the three consulates were last year $2,179 18 more, making an aggregate of $8,179 18, while the fees collected were as follows: at Moscow, twenty dollars; at Odessa, $91 21; at Revel, nothing.

There are doubtless other consulates that could very well be dispensed with, and doubtless will be dropped when our consular service is reorganized; and among them is the consulate at Lahiana, on the island of Mani, one of the Sandwich Islands, where the consul receives a salary of $3,000 and has the aid of a vice consul to collect fees, amounting to $233 76 last year. A letter from a gentleman who lately visited Lahaina, and remained on the island some ten days, states that while there he was informed that no vessel bearing the American flag had anchored at that port for upwards of a year, and that the United States consul stationed there had absolutely nothing to do; and further, that the collector

of the port had received but fifteen dollars for duties for the past twelve months, and that the town lots were gradually being appropriated to the cultivation of sugar-cane. Lahaina is nothing but a safe roadstead. Formerly, when the pilotage, harbor dues, &c., at Honolulu were very high, nearly all our whale ships, to save expense, anchored at and obtained their supplies there. Now, under the reduced port charges at Honolulu, they prefer that secure harbor, and Lahaina is rapidly going to decay. In my judgment the appropriation for the consul at that place ought to be struck out of the bill; and I intend to make that motion at the proper time.

There are many consulates that ought to be continued, although the fees collected pay but a small part of the expense of maintaining them, because they are situated in remote parts of the world where it is necessary to have some kind of a representative of our Government to protect the rights of our citizens.

At the end of the forty-fourth line I shall, at the proper time, offer as an amendment the following proviso:

Provided, That proper vouchers shall hereafter in all cases be presented to the proper accounting officer of the Treasury for any and all expenditures of money hereby appropriated; and the certificate of the President shall not in any case be deemed a proper voucher unless the same shall be accompanied by a full and accurate statement of the purpose and object of making such expenditure, but such statement shall not be published unless Congress shall order it.

As the object of this proviso may not be apparent to all, I trust I shall be pardoned if I occupy your time a few moments in explaining it, and showing the propriety of putting it in this bill in connection with this appropriation. It is well known that from a very early period of our national existence money has annually been appropriated for the contingent expenses of foreign intercourse, any part of which might be expended under the direction or with the assent of the President, without any account being rendered of the manner, purpose, or object of such expenditure. If the President "approved" the expenditure, and gave his certificate of that fact, it ended all inquiry. This practice was supposed to be necessary in carrying on our intercourse with other Governments, to obtain early and correct information as to what they intended to do in cases where the interests of this country were involved; and of course the money that could not be openly accounted for must have been paid to spies and informers. The information obtained from such sources in time of peace cannot be very reliable or very valuable. It might be worth more in time of war, when the spy would occasionally be in the power of the party to whom he furnished information, and there may be some excuse and perhaps a necessity for appropriating money for secret service at such times, but none for keeping up the practice in time of peace.

Besides, sir, the practice is liable to great abuse. The people have a right to know what their public servants do with all the money intrusted to them; and they will not and ought not to be satisfied with being told that their money has been expended with the approval of any one of their servants, no matter how great may be their confidence in him. Such a practice is inconsistent with the idea of the responsibility of every officer of our Government, and ought to be stopped at once.

I have taken the trouble to make some investigations into the expenditure of what is generally known as the secret-service fund of the Government for the last few years. There is no such fund known to our laws, and no appropriation is ever made for any secret servide by that name. The secret-service money comes from the appropriations for "contingent expenses of foreign intercourse." Prior to the year 1836 the expenditure of money for secret service seems to have rested upon usage only; but in that year a law was enacted authorizing the expenditure of money appropriated for the contingent expenses of foreign intercourse to be settled at the Treasury, upon the certificate of the President that he approved such expenditure. It is drawn from the Treasury, I presume, in the usual way, by a requisition from the State Department. It is accounted for by such a paper as I now send to the Clerk's desk to be read.

The Clerk read as follows:

Satisfactory evidence having been produced to me that George E. Baker, agent, has paid the sum of $106,610 09 during the six months ending December 31, 1866, from the funds for the contingent expenses of foreign intercourse, the objects of which it is inexpedient now to be made known, I hereby authorize and direct the accounting officer of the Treasury in the settlement of the accounts of the said George M. Baker, agent, to allow him a credit for the amount above stated.

ANDREW JOHNSON.
Approved: WILLIAM H. SEWARD.
WASHINGTON, *January* 8, 1867.

Mr. KELSEY. That paper, sir, is a copy of a voucher on file in the Treasury Department. You will observe that it bears date on the 8th day of January, 1867, and recites that—

"Satisfactory evidence having been produced to me (Andrew Johnson) that George E. Baker, agent, has paid the sum of $106,610 09 during the six months ending December 31, 1866, from the funds for the contingent expenses of foreign intercourse, the objects of which it is inexpedient now to be made known, I hereby authorize and direct," &c.

When I first read this document I supposed I had found out how the expenses of that remarkable pilgrimage known as "swinging round the circle" were paid, and I am not certain yet but that a part of this sum was so disposed of. But on further examination I found that on the 23d of February, 1869, certainly two years and about two months, and possibly two years and about eight months after this money was drawn from the Treasury, $98,280 of this money was paid back into the Treasury. This money was drawn in coin and paid back in coin. Mr. Johnson certified on the 8th of January, 1867, that satisfactory evidence had been produced to him that the money had been expended. What for? That we are not permitted to know. But why was a part of it paid back? And what became of the $8,330 09 in coin that was not paid back? Where was this large sum of $98,280 in coin during more than two years and a half that it was not in the Treasury? If it was safely invested during this time in United States bonds, as it might have been, somebody must have received more than fifteen thousand dollars in interest upon it.

But, sir, there were some further peculiarities attending this very peculiar transaction. It seems the money paid back was deposited with the Treasurer of the United States at Washington on the 23d day of February, 1869, to the personal credit of Mr. Baker, the agent; that on the 6th of March following it was covered into the Treasury by warrant. I will thank the Clerk to read the warrant, a copy of which I send to the desk, and the indorsements and orders of the Comptroller on the face of it.

The Clerk read as follows:

To GEORGE E. BAKER,
Disbursing Clerk, State Department:

At sight will pay to the Treasurer of the United States or order, for the use of said States, $98,280, on account of moneys heretofore received by you, and for so doing this shall be your warrant.

Given under my hand and the seal of the Treasury this 6th day of March, in the year of our Lord 1869, and of Independence the ninety-third.

J. F. HARTLEY,
Assistant Secretary of the Treasury.
R. W. TAYLER,
Comptroller.

—

A and E S.
Countersigned: A. S. JEFFRIES, *Register.*

—

$98,280 coin.
Recorded 90.
F. R.

Deposited with the Treasurer of the United States at Washington, D. C., February 23, 1869, $——.
W. W.

—

[Indorsements.]

Miscellaneous, No. 311—first quarter of 1869.
Received, March 15, 1869.
R. B. TUTTLE,
Assistant Treasurer of the United States.

—

N. A.—I. J. P.
Contingent expenses of foreign intercourse.
COMPTROLLER'S OFFICE, *May* 5, 1869.

The personal credit to Mr. Baker under the warrant was an error, and will be corrected under my letter of instructions of this date to the Register.
R. W. TAYLER, *Comptroller.*

Mr. KELSEY. I will go a little further in examining how these funds for contingent expenses of foreign intercourse have been expended. I have before me a table, which I will include in my remarks, showing the expenditure during each quarter from the commencement of Mr. Lincoln's administration to the end of Mr. Johnson's administration, and also showing the amounts expended in coin and in currency:

Foreign intercourse.—General disbursements.

Date.	No. of report.	Secret service.	Gold disbursed.	Notes disbursed.	Remarks.
June 30, 1861	21630	$25,389 86	$28,124 65	-	
September 30, 1861	21848	10,214 09	16,055 90	-	
December 31, 1861	22270	6,601 98	11,416 84	-	
March 31, 1862	22725	10,395 50	16,716 89	-	
June 30, 1862	23248	10,570 08	21,459 28	-	
September 30, 1862	23879	7,834 09	8,640 13	$3,902 91	
December 31, 1862	24167	1,598 18	4,891 83	5,118 84	
March 31, 1863	24716	-	7,143 14	3,954 58	
June 30, 1863	25450	-	6,519 92	3,276 20	
September 30, 1863	26362	3,087 73	6,135 26	2,725 86	
December 31, 1863	27243	6,354 98	7,601 17	3,879 73	
March 31, 1864	28112	2,050 00	3,883 50	6,272 16	
June 30, 1864	29240	-	1,746 13	5,456 89	
September 30, 1864	30083	2,809 59	6,053 42	12,235 70	
December 31, 1864	31513	-	1,724 20	5,472 49	
March 31, 1865	32686	9,564 38	12,819 32	7,205 82	
June 30, 1865	33892	-	1,700 38	15,421 49	Due from him, $10,846 89
September 30, 1865	35393	7,283 04	8,077 93	8,012 62	Due from him, 9,256 24
December 31, 1865	36826	-	1,074 38	9,853 08	Due from him, 8,328 88
March 31, 1866	38767	3,235 30	4,503 77	11,329 53	Due from him, 12,495 58
June 30, 1866	40720	6,800 20	6,416 68	7,937 86	Due from him, 8,141 04
September 30, 1866	42180	-	961 44	8,237 80	Due from him, 3,941 80
December 31, 1866	44094	106,610 09	106,868 50	16,506 67	*Due from him, 5,666 63
March 31, 1867	46421	-	2,118 03	16,454 88	Due from him, 11,993 72
June 30, 1867	48618	-	3,100 74	8,051 56	Due from him, 835 42
September 30, 1867	50223	12,017 04	15,041 15	7,075 05	Due from him, 8,719 22
December 31, 1867	52759	-	4,004 20	7,590 45	Due from him, 7,124 57
March 31, 1868	56079	-	4,297 87	6,202 11	Due from him, 6,524 59
June 30, 1868	57564	5,627 46	6,563 36	5,142 35	Due from him, 24,818 57
September 30, 1868	58732	-	2,176 66	10,207 27	Due from him, 22,434 64
December 31, 1868	59953	4,428 63	9,524 36	12,669 26	Due from him, 241 02
March 31, 1869	60787	7,594 59	9,012 42	5,982 59	Due from him, 5,246 01
Total		$255,072 87	$349,388 43	$215,865 25	

*Ninety-eight thousand two hundred and eighty dollars coin paid back to the Treasury February 23, 1869.

It will be observed that the expenditures for secret service during the early part of Mr. Lincoln's administration were large. They were necessarily so. The dangers that surrounded the Government on every side rendered the employment of secret agents and the use of secret service money an absolute necessity. But the whole amount expended during Mr. Lincoln's administration for the secret service, covering the entire time of the rebellion, was only $102,347 46, while the amount drawn from the Treasury during Mr. Johnson's administration was $150,025 41; but $98,280 of this sum were returned to the Treasury, so that only $52,345 41 were actually expended. It will not escape observation that the expenditure during the last two months of Mr. Johnson's administration was large. Between the 1st day of January, 1869, and the 26th day of February, one month and twenty-six days, the amount expended for the secret service was $7,594 59.

In the column of the table headed "remarks" there are some entries that do not fully explain themselves. The words "due from him $10,846 89," set opposite a disbursement of $1,700 88 in gold, and of $15,421 49 in notes, do not furnish any very definite information. Is the whole balance in the hands of the agent at that time $10,846 89, or does that balance relate to that particular disbursement only? I am inclined to think it relates to that disbursement only, because there is a similar "remark" set opposite each subsequent disbursement, save one, in the table; and these "remarks" show that there was "due from him," (whoever "him" may be,) in the aggregate, $141,014 42. This, to say the least of it, is rather a loose way of handling public money that has been specifically appropriated, and I think the proviso I intend to offer will tend to correct it.

It may not be amiss to remark in this connection that the same man who was "agent" in drawing from the Treasury $106,610 09 under the administration of Mr. Johnson (a part of which was afterward paid back, although Johnson certified that satisfactory proof had been produced to him that the money had been expended) still holds his position in the State Department, and I am strongly induced to believe that he has been furnishing his "satisfactory proof" to President Grant, and that he has expended another large sum of money, to wit, the sum of $106,230, that has not been accounted for, nor has any part of it been paid back into the Treasury. This is not exactly the sum to which Mr. Johnson certified, but it is very near it. The thousands are the same, but the hundreds are not; they are not quite so many. It is $230 against $610 09. But it is a little singular that he should want on each occasion the same number of thousands in gold.

There is another point that I desire to call attention to, and that is to the allowances made to some of our ministers abroad for contingent expenses. It seems that at London and Paris, and probably at other places, allowances are made for carriage hire, as well as for office rent, fuel, lights, and stationery. At Constantinople our minister has improved upon this, and charges the United States with the expense of keeping his horses. He also charges and is allowed the wages of four servants, one official messenger, a dragoman and his horse; and in addition to all this he charges the Government, and is allowed out of this fund for the contingent expenses of foreign intercourse, the sum of twenty dollars per month for "storage and safe-keeping of archives."

The inquiry naturally arises, why was this sum of $106,610 09 drawn from the Treasury? What great necessity had arisen that required the expenditure of this large sum in gold, the objects of which it was inexpedient to make known? Of course we have no official information on this subject, and we can obtain none. But I have obtained some outside information, and I believe that I know why this $106,610 was drawn from the Treasury. There are a few persons in this country who believe, or profess to believe, that it is the manifest destiny of this Government to absorb, by purchase or otherwise, all the territory that adjoins us or lies near us, no matter what it may cost and no matter how worthless it must be to us when it is obtained. These persons have for the last three or four years been directing their efforts to the acquisition of San Domingo, and unfortunately, if report speaks true, they have succeeded in impressing their insane ideas upon the present Administration, to some extent at least. Their special effort just now is to annex San Domingo. They have been at work for this object during the last four years. It was for this purpose that the $106,610 was drawn during Johnson's administration. It is for this purpose that this same agent procured from President Grant, on the 30th of November last, a certificate like the one I have caused to be read, stating that satisfactory proof of the expenditure of $100,000 had been furnished to him; and that sum is now in the hands of this agent, if it has not been expended in negotiating the San Domingo treaty that is now before the Senate, as I am informed and believe.

Do the American people want San Domingo? They do not want it any more than they wanted Alaska, which was purchased under Andrew Johnson's administration in the desperate hope of retrieving his falling fortunes. It was in keeping with his other official acts—only one degree removed from actual insanity. We bought the north pole and some islands lying a few degrees this side of it for $7,200,000 in gold, and had it not been for the fact that the Russian Government that sold it to us had treated us as a friend during the rebellion the appropriation to pay that sum could never have passed this House. Everybody can now see what a foolish bargain we made, and many saw it before the appropriation was made. But, they argued, Russia was our friend during the rebellion, and we must deal generously with her. The argument prevailed, and the money was paid; but I do not believe the American people are desirous of entering into another land speculation of the kind, although it may be located in a warmer climate. It is equally, and, if possible, even more worthless to us than Alaska, which has cost us $575,000 to take care of, in addition to the $7,200,000 of purchase-money, while we have received only $26,000 of revenue, in all shapes, from her.

We are told that we need a naval station in the West Indies. What for? We have already several thousand miles of sea-board with any number of places for naval stations. And if we establish a naval station in San Domingo we must establish a navy equal in power to that of any other nation on earth, or this naval station in the West Indies will be an element of weakness and not of strength. In case of war with any great maritime nation it would immediately be wrested from us, unless we have a navy equal in force to that of our enemy to defend it.

And besides, it would add largely to the expenses of our Government to protect and govern the island after we have got it. I do not believe that our constituents are willing to be taxed for any such purpose, even if the party with whom we have been treating had an undoubted right to convey to us. It is conceded on all sides that if we take San Domingo we must take it with all its incumbrances; that is, we must pay its public debt, whatever that may be. But we are assured that the debt will not exceed $1,500,000; that is, this assurance is given us in the newspapers and by individuals in private conversation who are in favor of making the acquisition. Our experience in acquiring territory in the case of Texas ought to make us cautious here, even if we were not informed, as we have been, that the person styling himself President Baez has issued evidences of debt, in the shape of national bonds, amounting to more than $15,000,000, instead of only $1,500,000, and some put the amount as high as $50,000,000.

But why do we want San Domingo? It would be an element of weakness and not of strength if we could get it without taking charge of a civil war that now exists there. We buy of one party to that contest, and must espouse the cause of our grantor in order to get possession. The experiment of annexing San Domingo has been tried by Spain. The result of that experiment and the material facts connected with it I find so clearly and briefly stated in a late number of the New York Sun that I read an extract from that paper:

"In the year 1861 Spain undertook the experiment to which we are now invited. She annexed San Domingo. The people of the country gave their consent with greater apparent unanimity than they have now given it to annexation to the United States. There was then no civil war in the republic, all apparently acquiescing in the government of President Santana. The annexation being completed, an army of twenty thousand Spanish soldiers was sent to maintain order in the new possession. This army was reënforced from time to time. It contended with obstinacy against the civil war which soon broke out, and which it was found impossible to put down. Finally, in 1865, the Spanish forces were withdrawn, leaving twenty-five thousand soldiers buried in Dominican soil. The whole operation entailed upon the Spanish Government an addition to their public debt of more than twenty-five million dollars.

"Is there any reason to suppose that the United States will be more fortunate in San Domingo than Spain was? Spain took there laws essentially the same as those of the republic; the language of her soldiers and civilians was that of the country; her social habits and usages were the same; her religion was the same. We differ from the Dominicans in all these respects. We shall carry to the island forms and modes of law to which the people are entirely strange. Our language is alien to their ears; our manners and customs are unlike any to which they have been habituated. In religion we tolerate everything except that enforced uniformity to which they have been wont. In addition to this, we find there a long-established civil war, already on the point of overthrowing and expelling from the country the Government with which we have undertaken to treat. Is it probable that under such circumstances we shall be able to hold the island after we have annexed it?

"With thirty thousand soldiers in San Domingo Spain had to suffer the humiliation of abandoning it. How large an army will it require to protect us against such a disgrace? Certainly not less than fifty thousand men. Nor can fifty men-of-war avail to blockade the coast, and keep out those who would attempt to furnish arms and materials of war to our enemies in the interior. The expense of annexing San Domingo, and of holding it for a single year by means of such a military and naval force, cannot be less than two hundred million dollars. Nor at the end of the year, or of any period that can be estimated beforehand, shall we be relieved from the necessity of maintaining our hold upon the island by an army and a fleet."

We are giving away homesteads and granting millions of acres of our public lands to render it possible for those who are willing to accept them to get to the lands we give them. And yet we are constantly urged to annex more territory at an expense of unknown millions, merely for the pleasure of giving the land away to some company that proposes to construct a railroad or lay a telegraphic cable. Our whole system of appropriating money is defective, loose, extravagant. The estimates are made in the first instance by third or fourth class clerks, who are heads of divisions, and reported to the clerks at the head of bureaus, and then, after being revised, and increased or diminished, as the case may be, the estimates go to the head of a Department, who amends them as he sees fit, and sends them to the Secretary of the Treasury.

It often happens that the head of a Department knows nothing at all about the amount of money required by the different bureaus of his Department. He knows how much his subordinates say they want, and he generally sends their estimates to the Secretary of the Treasury, who sends them here in the book of estimates—a book that very few members take the trouble to read, unless they happen to want an appropriation or it becomes their duty to examine it as members of a committee. This method of making up the estimates might not be so objectionable if the clerks

who make them in the first instance were in full sympathy with the Administration and desired to make its financial policy successful. But this is not so. In a majority of cases the men who make up the estimates are hostile to the Administration, and their leading object seems to be to get all the money they can out of the Treasury.

Mr. NIBLACK. My information is that the estimate of last year was made up by Mr. Saville, of the Treasury Department, the clerk specially charged with that duty; and for his meritorious services in this and other respects, as I understand it, and in consequence of his enjoying the confidence of the head of the Treasury Department in an eminent degree, he has recently been made the chief clerk of the Treasury Department. I think, therefore, it is unjust to Mr. Saville, as well as perhaps to other clerks in the Treasury and other Departments, to charge a want of political sympathy on their part with the Administration. I merely wished to call my friend's attention to that view of the case.

Mr. KELSEY. I charge it, Mr. Chairman, because I find that in a large majority of instances the same men who made up the estimates for this year made them up last year and the year before for Andrew Johnson's administration. They certainly were not men in sympathy with the Republican party; and if you will look into the book of estimates you will find that in almost every bureau they ask for a little more money than was appropriated the year before. I do not know but Mr. Saville may have been the man who reviewed the estimates instead of the Secretary doing it himself. Perhaps he is. But that does not change the truth of the position that I took, that these estimates are made in the first place by these third and fourth class clerks; and their work is then reviewed by their superiors, and last of all by the Secretary of the Treasury.

Mr. NIBLACK. One word further only.

Mr. KELSEY. Very well.

Mr. NIBLACK. I desire to say that my observation, running through some years of congressional service here, has taught me that when an officer in any Department of the Government asks for an appropriation his political sympathies have nothing to do with the matter. In other words, the Departments always ask for liberal appropriations for everything under every Administration. It is the duty of Congress to see that extravagant appropriations are not made, notwithstanding they are called for in the estimates. I would say, in other words, that it is never safe for Congress to follow blindly the estimates submitted. The Departments themselves do not expect that we will adopt without examination any estimates that they may submit to us. They know they are more likely to be cut down than increased, and therefore they make them with that view.

Mr. KELSEY. The gentleman has undoubtedly stated the principle that governs his action in making appropriations, and it is fair in him to presume that those who make the estimates are governed by like motives. I concede that in acting upon the Committee on Appropriations my friend from Indiana [Mr. NIBLACK] has in good faith carried out the idea he has now submitted to the committee. But it does not change the fact that I have stated, because it is a fact.

Gentlemen may differ from my conclusions as they please. I will give them a case in point. Take the case of the Commissioner of the General Land Office during our present session. He made his estimates, amounting to $246,000, and then came before the Committee on Appropriations to urge that the appropriations for his bureau should be made in exact accordance with his estimates. The committee drew from him the fact that he had $479,000 of unexpended balances on hand, and this House has voted to cover that sum into the Treasury, after deducting enough to cover the expenses of the General Land Office for the next fiscal year. Why did this Commissioner want money appropriated for his bureau when he had more than enough to run another year, almost enough for two years, according to his own estimate, and more than enough for two years, according to the decision of the Committee on Appropriations? Yet the Commissioner says that the operations of his office will be embarrassed if the Committee on Appropriations should undertake to change, reduce, or cut down his estimates. The committee drew from him the fact that he had a large unexpended balance on hand.

Mr. BECK. Will the gentleman allow me to make a suggestion?

Mr. KELSEY. Certainly.

Mr. BECK. I desire to say simply this: my colleague on the Committee on Appropriations will do the Commissioner of the General Land Office the justice to say that he is one of the few officers of the Government who do not waste their balances; that he did not expend the balance left of his appropriation, but held it and accounted for it until it was covered into the Treasury.

Mr. KELSEY. I will do the Commissioner the justice to say that he did not allow anybody to steal this money. But why did he want to get it out of the Treasury to where it might be stolen? It was safe while in the Treasury, but if it was appropriated and taken out of the Treasury it would be subject to the whole chapter of accidents by which the fund might be swept away and the Government made to suffer a loss of the money.

Now, I have been utterly unable to understand why so many of my colleagues on the Committee on Appropriations have manifested so strong a sympathy with the Commissioner of the General Land Office. I supposed that he had been guilty of misconduct in office in attempting to get Congress to appropriate $246,000 when he did not want it, when he had money enough to last him for two years if properly used. I supposed that was misconduct in office, and asked my colleagues on the committee to join me in an attempt to have this Commissioner removed. To my surprise there was not another man on the committee who seemed to view the matter as I did. Their views may have been correct, while mine were incorrect; but I have stated the fact as it appeared to me.

Mr. BECK. If the gentleman will allow me now, I will not interrupt him again.

Mr. KELSEY. Certainly.

Mr. BECK. The gentleman wants to know why I, and I believe every other member of the Committee on Appropriations, refused to take the action he desired. The reason was that we were thoroughly satisfied that there was not a more honest officer of the Government than the Commissioner of the General Land Office, and to remove him would be to run the risk of getting in his place a man who was not honest.

Mr. KELSEY. I do not know but that the Commissioner's conduct satisfies my friend from Kentucky [Mr. BECK] that he was thoroughly honest. It is true no dishonest act was traced to him, unless this effort to get under his control money that was not needed is to be regarded in that light.

Mr. ARCHER. I ask the gentleman to state when the balance referred to was saved; during what years?

Mr. KELSEY. It appeared from the statement of the Commissioner that he had been saving the money from year to year for a considerable time.

Mr. ARCHER. Then it was saved during the economical administration of President Johnson.

Mr. KELSEY. It had been saved during the Commissioner's term of service. But even the statement of unexpended balances which has been sent to this House by the Secretary of the Treasury, and which purports to show the balances remaining on hand on the 30th of June last, does not contain any reference to this $479,000 in the hands of the Commissioner of the General Land Office.

Mr. NIBLACK. The gentleman will permit me to say that I for one declined to join in recommending the removal of Mr. Wilson, because, in the first place, I did not think it becoming on my part to suggest to this Administration either whom it should remove or whom it should appoint; and in the next place, because the committee's investigation of this matter, to which my colleague on the committee [Mr. KELSEY] has referred, brought to us the information that Mr. Wilson is to-day employing a very considerable number of clerks—fifteen, I believe, though I will not undertake to state it precisely—less than the number he is authorized by law to employ. I regard this as a very extraordinary circumstance, and one greatly to the credit of Mr. Wilson. His case is a very remarkable exception to the general practice of the Departments and bureaus of this Government. The fact that he wanted, as a precautionary measure, to have on hand a surplus fund on which he could draw for unexpected contingencies, while he showed that he had exercised great economy in accumulating this surplus, ought not, in my opinion, to operate to his prejudice. As to the political sympathies of Mr. Wilson, I have no information and, so far as this question is concerned, I care nothing about them.

Mr. KELSEY. My colleagues on the committee said, when I asked them to join me in requesting the removal of this officer, that "Jo. Wilson is a very clever fellow, and did not mean anything wrong in trying to get money appropriated from the Treasury that was not needed; and they would not aid in trying to remove him, although he is a Democrat." And some of my Republican colleagues on the committee—I do not include them all in this remark—added that they would not do it because Mr. Wilson was a Democrat. I confess that to my mind this was one reason which made me all the more willing that he should be removed. While I would not tolerate such conduct in a political friend, I certainly would not overlook it in a political enemy.

I suppose this same feeling of kindness toward these "clever fellows" pervades all the Departments, for they all, except the Post Office Department, seem to be trying the experiment of carrying on their business through the agency of their political enemies. The people desired and expected that the Departments here should be purified by the removal of all who sympathized with the rebellion or who supported Andy Johnson in his treachery. But they have been disappointed. Some few changes have been made, but many of the most important places are filled by Democrats and Johnsonized conservatives. And the distinguished Representative from Rhode Island [Mr. JENCKES] occasionally presses his civil service bill upon us in the hope of passing it, so that no changes at all can be made. He can see an illustration of what his bill will accomplish in the State Department, where it is the traditional policy not to remove any one for political reasons; and they have carried it out in such a way that there are not to exceed two straight Republicans in the Department. It is not at all surprising that New York gives fifty thousand Democratic majority, when we remember that nearly if not quite all the patronage of the General Government is bestowed upon men who are in the interest of the Tammany party, and that all straight Republicans are ignored and disregarded.

One of my colleagues has stated to me—I do not undertake to say whether the statement is correct—that Tammany bought up the body of the Legislature. There certainly was a sudden conversion of many members of that body, so that what was a triumphant majority

became a small minority between one Saturday and one Monday.

Mr. Chairman, I do not believe that any Administration ever did succeed or ever will succeed in conducting its affairs successfully by the aid of its political enemies. It cannot trust them as it can its friends. They have not the same motives to support its policy as it ought to be supported. I think this is one of the grave errors that most of the Departments have been committing. I except from this general censure the Post Office Department.

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

Mr. KELSEY. Certainly.

Mr. WOODWARD. I would like to inquire of the gentleman whether he supposes that any Administration could be more intolerant than the present toward its political opponents?

Mr. KELSEY. I do not know how the gentleman would define that word "intolerant;" but if to leave more than half of its political enemies in their positions without disturbing them, and frequently to appoint such to office, is "intolerance," then this Administration has been intolerant.

Mr. ELDRIDGE. Will the gentleman specify some of the incumbents to whom he refers?

Mr. KELSEY. The gentleman cannot draw me into a controversy over names. I have plenty of them here before me, and plenty of proof to sustain what I say; but I do not care to allude to the matter except in this general way. Mr. Chairman, how much time have I left?

The CHAIRMAN. Six minutes.

Mr. KELSEY. I yield the remainder of my time to any gentleman who may wish to be heard in general debate on the bill.

Mr. WOOD. I will occupy one or two minutes left of the hour for general debate. Now, Mr. Chairman, in the first place, the gentleman from New York allotted but one hour to the general discussion of this bill, and he has occupied almost the entire hour himself.

Mr. KELSEY. I beg the gentleman's pardon; I intended to occupy the whole of it.

Mr. WOOD. I compliment the gentleman on his liberality.

Mr. KELSEY. I was liberal to the gentleman on a former occasion when I gave him half of my time.

Mr. WOOD. It is the first time that the chairman of a committee presenting an appropriation bill of this importance in the Committee of the Whole occupied the whole time himself allowed for the general debate.

Mr. ELDRIDGE. Will he withdraw, then, the stigma he cast upon him of liberality? [Laughter.]

Mr. WOOD. I listened with much pleasure to a portion of the remarks of my colleague, and especially to that portion in which he referred to certain expenditures in the State Department, and reflected upon the folly of attempting to acquire the island of San Domingo and incorporating it as a part of the United States. So far as his animadversions on that attempt are concerned he has my sympathy; but when he attempts to throw a reflection upon the administration of Andrew Johnson, of having expended money improperly in that direction, I can only say that the present Administration has expended three dollars to one expended by the administration of Andrew Johnson.

Mr. KELSEY. Will the gentleman allow me to put him right?

Mr. WOOD. Not in six minutes. He has had an hour. Mr. Chairman, he now descends from his high position of attempting to discuss great questions in reference to the acquisition of this new territory and comes down to the minute affairs of the State Department. He has sought to assail the chief of that Department because in the discharge of his duty he sees proper to retain persons qualified for the performance of clerical duties under him. It is well known that I have no political sympathy with the present Secretary of State. I will say here in his behalf, and as a defense against the assault of one of his own political friends, that there is no member of this Administration, nor any predecessor in the State Department, who has discharged his duty with higher intelligence, greater efficiency, or purer character than Hamilton Fish. Therefore, I desire to defend him against the assault that is made upon him. If he has seen proper to retain the subordinates of that Department, those employés who discharge mere clerical duties; if he retains certain officers under his direction who occupied efficiently the same places under his predecessors, I presume he does so because he finds them admirably fitted for the duties confided to their care.

Mr. MUNGEN. I wish to ask the gentleman from New York whether he approves the course of Hamilton Fish, Secretary of State, in reference to Cuba?

Mr. WOOD. No, sir. I have no sympathy with the Secretary of State or this Administration in regard to its conduct with reference to Cuba; no more, sir, than I have in reference to its policy concerning the acquisition of the island of San Domingo. I believe in both those instances the policy of this Administration is not patriotic and is not wise; but on the contrary is unjust and improper, and for its policy in this regard it will, I am sure, be repudiated by the American people if it should go before them on these political issues. Now, sir, this bill reported by the committee is, in my judgment, not only guilty of omissions, but it also must be condemned for its commissions. It has omitted to make appropriations for embassies recognized by existing laws. After the President has for three months appointed an embassador to a foreign Court it omits to make appropriation for the payment of his salary. There are other questions involved in the bill to which I have not time now to refer. I will defer what I have to say on them until the five-minutes debate on the various paragraphs.

The CHAIRMAN. General debate on this bill under the order of the House has now closed.

Mr. BANKS. I ask permission to say a few words.

There was no objection.

Mr. BANKS. There are one or two matters to which the gentleman from New York has referred to which I wish to ask the attention of the committee, and I cannot have an opportunity in the five minutes debate to reply to them as I desire. First in regard to the consulate at Odessa, which he proposes to strike out and discontinue. I wish the committee to reflect that a consulate which has been an unimportant one heretofore may become of great importance. And I am certain Odessa is of this character. Odessa is the only Russian port on the Black sea. Until very lately it has had very imperfect communications with the Russian empire. In the last ten or fifteen years there have been constructed three parallel lines of railway from St. Petersburg to Odessa on the Black sea. Russia has the most complete and perfect system of transportation and river navigation that exists on the globe, and all tending, in a great degree, to this port of Odessa on the Black sea.

I am informed that the Government of Russia has given concessions to American citizens to establish at Odessa our system of grain elevators, and the result will probably be that the whole grain trade of the Russian empire will be concentrated at this point. If there be a consulate anywhere, at any point that is likely to become important to us, and of which we ought at least to have accurate information, I say that such a point is this new and growing position upon the Black sea, connected almost directly by its effect upon the grain trade with the grain interests and grain products of this country.

I observe that by the bill the salary of the interpreter to the legation to China is reduced from $5,000 per annum to $3,000.

Mr. KELSEY. That is in accordance with the estimate in the estimate book.

Mr. BANKS. I understand that the law of 1856 fixes the salary of the interpreter at $5,000; and certainly the Committee on Appropriations is not authorized to make that change.

Mr. KELSEY. The statute of 1856 fixes the salary at $5,000, when the same person fills the offices of interpreter and secretary of legation. When the offices are separated, the interpreter has but $3,000. The estimates have been sent down to us for separate offices.

Mr. BANKS. The bill changes the law, which the committee has not the right to do. If the secretary of legation is acting as interpreter, then the appropriation is not necessary. But as the appropriation stands it appears to change the law. I merely call the attention of the committee to this fact. Now, in regard to the omission of a minister to Paraguay, I would say that if ever there was a time when the representation of this Government at Paraguay was necessary, it is now. I know, of course, as all the gentlemen on the committee know, the great difficulties that have occurred in that country.

Mr. DAWES. I will say to the gentleman that the Committee on Appropriations have prepared an amendment which will meet the point he is at present adverting to.

Mr. BANKS. If it provides for restoring this mission, I am satisfied. But I desire to make a brief statement. The Brazilian Government is a European Government. It is to South America exactly what the Austrian Government would have been to Mexico if the French troops had succeeded in establishing Maximilian there; exactly what the Dominion on our northern border would have been to us if a British prince had obtained a throne, or if a vice-royalty had been established there. Its purpose is to cleave its way to the Pacific coast. It has deliberately made war upon all the republics between the Pacific coast and the Brazilian border. It has destroyed Paraguay. I have no purpose at this moment to say anything in defense of Paraguayan history. But it is the fact that every republican Government between Brazil and the Pacific coast is hostile to the purposes of Brazil, and that these are inimical to the interests of this country.

Chili and Peru are or will be, as other republics are and have been, exposed to the machinations of this great empire of the south. And if it should carry its dominion to the Pacific coast it will then proceed north to Colombia and Yucatan, take into its jaws the Gulf of Mexico, and perhaps enter on the Isthmus to contend with us for the great advantages of the transit there. Now, if it be true that the male population of Paraguay has been destroyed, if there be not enough population left to maintain the power of that State; if it be also true that Brazil is to swallow up all the power of that State, we ought certainly to have a competent man there to ascertain what is going on, and make a report of the facts. And I hope that the proposition which the chairman of the Committee on Appropriations has intimated that he will submit will embrace some sort of representation there.

Now, sir, I would not on any account enter upon the discussion of the San Domingo question to which the gentleman from New York on the other side of the House [Mr. WOOD] has referred. But this much I may say in regard to the contingent fund and to the expenditure of money which has been made in that direction. It is proposed by the gentleman from New York, [Mr. KELSEY,] not by the Committee on Appropriations, to cut off the right of contingent expenditures on the part of the President without a report in detail to Congress. That, sir, would effectually pro-

hibit the expenditure of any contingent fund by the Government. Every one who has had any experience in the administration of any Department of the Government, well knows that there are times when expenditures must be made that cannot properly or wisely be accounted for, although those expenditures may be perfectly right, perfectly just, and perfectly necessary. The proposition of the gentleman from New York would deprive the Administration of that great power, almost the only effective power which it has in communication with foreign States; and I feel sure that this committee will not be willing to accede to it.

Mr. BINGHAM. I would inquire of the gentleman whether there is any such proposition pending before the committee now?

Mr. BANKS. The gentleman from New York [Mr. KELSEY] has given notice that he will offer such an amendment, and I have called the attention of the committee to it now, as we may not have an opportunity to discuss this matter hereafter.

Now, Mr. Chairman, there are two sides to the territorial question: the one is as to the giving up of territory acquired by our fathers and belonging to this people, upon the ground and upon the declaration that such territory is of no consequence, and never will be wanted by the Government of this country; and the other, which has been presented by the gentleman from New York, is in regard to the acquisition of territory.

We have territory on the northwest coast to the line of 54° 40′. I have the authority of Mr. John Quincy Adams for saying that we surrendered six degrees of that territory which was ours. To recover that territory after we had surrendered it we nearly involved this country in a war, and although we regained our territory up to the line of forty-nine degrees, we would have abandoned even that line if it had not been necessary to fix that line in order to take in the mouth of the Columbia river, one of the most important points on the northwest coast, and where will ultimately be, not only the great city of that coast, but perhaps the great city of the continent itself. We have, therefore, to consider whether we will gain territory or whether we will give it up because it is of no advantage.

Mr. John Quincy Adams also said that the lines of this country as fixed by the treaty with Spain carried us to the Rio Grande; and because we thought that territory of no consequence we abandoned it, left it to Spain and then to Mexico; and this country was afterward plunged into a war to regain that which we had basely or at least unwisely surrendered because it was thought of no account at all.

So, too, in the Northeast. We had a boundary fixed by our treaty with Great Britain which we regarded as of no importance. They laid a claim to a portion of our territory, as they lay a claim to the entire globe. We yielded to their claim; and after we had surrendered our territory in the Northeast we found in the archives of Great Britain maps which by their own private lines conceded to us exactly the territory which we had yielded to them.

Now, in regard to San Domingo, let me say that it was offered to us in 1844. The Government of San Domingo at that time sent two commissioners to the Government of this country, asking us to take this territory, which would not then have had this debt of $15,000,000 to which the gentleman has referred; but we rejected the proposition, or neglected to act upon it, because San Domingo was a free country, and owing to that neglect or failure to make the acquisition we were led step by step into the terrible rebellion, by not only giving to the southern people opportunity to concentrate their power to strike at this Government, but leaving to the people of Europe—two hundred and fifty millions of them, all the enemies of this country—the whole of the islands of the Gulf of Mexico, from which they could make war against us, and against whom we could never strike one blow nor fire one shot.

That is what we did. It cost us two million lives, the lives of our brothers and of Americans; for the southern men were our brothers and Americans, as we are Americans and their brothers. If we had had this foothold in the Gulf of Mexico the rebellion itself probably would not have occurred; at all events, the war in which we struggled against this terrible enemy for five long years never could have been carried on from those islands as it was. Now, here is a poor man; I say poor man, because he works for the Government and has no compensation but scanty meat and drink to keep body and soul together, and is liable every day he lives to be assailed by men as incompetent and dishonest, to whom he can make no reply. If there is a man on the face of the earth who is to be pitied it is the man in the service of the Government.

The Commissioner of the General Land Office is the only man in this country who has made these land titles, these outlying land titles, the study of his life. He is the only man who comprehends that they are in issue everywhere in the island of Vancouver, the islands of the northern coast; everywhere these titles are in issue, and he is the only man who comprehends them, and is able to explain them. If we had had such a man in office at the time we surrendered Texas; if we had had such a man in office at the time we surrendered the northwest territory; if we had had such a man in office at the time we surrendered our northeastern territory, we would have had none of those disasters which have befallen this country. And that great man, greater than all other men who lived in his time, because he was more truly an American, John Quincy Adams, was the only man who thought it worth while to study this question, and to give the people the information he possessed upon the subject.

Gentlemen talk of the unimportance of San Domingo. Let me tell the gentlemen from New York, the one on the Democratic side, [Mr. WOOD,] and the other on the Republican side, [Mr. KELSEY,] that greater men than they are have spoken in contempt and derision of the Mississippi valley and of the Pacific coast. A Senator from my State long ago, when these questions were not so well comprehended as they are now, said that it would be for the benefit of the United States if the mouth of the Mississippi was closed to the American people, and that he hoped it would be done. And still later, another Senator from my own State, in speaking of California and of the Pacific coast, said that he did not want all these arid deserts of the interior, all these rocky shores of the Pacific coast; that they were worth nothing whatever, and that he never would vote to appropriate a single dollar to bring the Pacific coast any nearer to the city of Boston or to the Atlantic coast than it was at that time. Yet, where is the man now who will hold in derision and contempt those who brought to us the Pacific coast; those who gave to us the great Mississippi valley? The Mississippi valley, if peopled as England is peopled, at the rate of three hundred and thirty-three to the square mile, would maintain and support a thousand million people, who will be not only the rulers of this continent against whom my friend from New York [Mr. KELSEY] could do nothing in the Gulf of Mexico, but who will well nigh be the masters of the globe, reaching out as they will from the Pacific on the west to the Atlantic on the east. No, sir; we cannot turn back the current of history. And we ought not, at least, to hold in derision and speak contemptuously of these humble and learned and patriotic men, who in their dark offices, for mean and paltry salaries, look out for the interests of this country and give us notice when and where we are to be betrayed by the cession of rights that belong to us.

Mr. KELSEY. I raise the point of order that this discussion is out of order.

Mr. LOGAN. I trust I may be allowed just one word. This debate is certainly out of order; but inasmuch as the gentleman from Massachusetts [Mr. BANKS] has taken the liberty to make an elaborate speech in behalf of the acquisition of San Domingo——

The CHAIRMAN. Does the gentleman from Illinois make a point of order?

Mr. LOGAN. Yes, sir; and I will state it. Inasmuch as the gentleman from Massachusetts has been allowed to discuss the question of San Domingo, I ask the House to give me the privilege of occupying ten minutes to reply to him, and to state the reasons why San Domingo should not be made a part of the United States of America. The question has been thrust in here without any reason or justification, in order to head off certain propositions; and I desire to show why this country should not have added to its inhabitants any naked and half-savage people like those of San Domingo.

The CHAIRMAN. The Chair understands the gentleman from Illinois to raise a point of order; and the point of order is not debatable. The gentleman will please state his point.

Mr. LOGAN. My point of order is, that I will take my seat. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order. [Laughter.]

Mr. KELSEY. I ask that the bill now be read by paragraphs for amendment.

The Clerk proceeded to read the bill, and read the following:

For ministers resident at Portugal, Switzerland, Greece, Belgium, Holland, Denmark, Sweden, Turkey, Ecuador, New Granada, Bolivia, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Japan, and Salvador, $142,500.

Mr. BROOKS, of New York. I rise for the purpose of moving my annual amendment to this bill. I move to insert after the word "Salvador," in the nineteenth line, the word "Rome." I entertain the hope that there will be no opposition to this proposition at the present time. Therefore I will not make any speech upon it.

Mr. KELSEY. I rise to oppose this amendment. Some years ago, after a full discussion in this House, it was decided that a minister resident should not be sent by this Government to Rome. The question was thoroughly considered, and I believe no one decision in relation to our foreign or diplomatic affairs has met more cordially the assent of the country than that. There is no reason, so far as I have heard, that should induce us to change the policy which has been adopted in this House. Hence I oppose the amendment, and ask for a vote.

Mr. BROOKS, of New York. I withdraw the amendment I have already offered and move another, to insert after the word "Guatemala," in the eighteenth line, the word "Rome." I had hoped there would be no objection to the adoption of this proposition. Rome is one of the great Powers of the earth, if not politically, certainly socially, morally, artistically, and religiously. As a State Rome is of much more importance than Guatemala, Nicaragua, Costa Rica, or Salvador. My colleague [Mr. KELSEY] has given no reason in opposition to my amendment except that he believes there is a universal concurrence in the sentiment that we should send no minister to Rome. I can assure the gentleman that he never was more mistaken in his whole life than in supposing that there is a general concurrence in such an opinion.

Let me add my thorough conviction that if the majority of this House do not now reëstablish this mission, which the Democratic party and the Whig party kept up for years without opposition, this mission will be reës-

tablished so soon as this House shall fairly represent the people of the United States. Why should we hesitate to recognize the influence which this great Power exercises over the whole earth? Morally, religiously, and artistically it is a Power worthy of great consideration, and one to which all nations of any pretensions, except our own, have at all times sent their representatives. The importance of this Power is something apart from any question as to religious opinions. Rome is a place to which thousands are constantly making pilgrimage, not merely for the sake of any religious associations, but in view of its attractions to the artist, the student, the classical scholar, the lover of ancient history, and to the man whose mind is imbued with historical recollections of Cicero and Cato and Cæsar. On account of its attractions in this light, Rome is a place to which thousands and tens of thousands of Americans have gone; and the travel from the United States is increasing every year. I had hoped that those old impressions respecting religion had been banished from this House, and that they would not be revived here. The church of Rome is not my church, and I do not speak in the interest of that church; but I speak in behalf of the most venerable city of the world. I speak in behalf of art and the artists of the whole earth. I speak in behalf of painting and sculpture and the worshipers of those arts throughout the whole earth. I speak in behalf of the American traveler who wishes to have his country represented there. I hope this motion, if not in this form, will at last prevail.

The committee divided; and there were—ayes 46, noes 66.

Mr. BROOKS, of New York, demanded tellers.

Tellers were ordered; and Mr. BROOKS of New York, and Mr. KELSEY, were appointed.

The committee again divided; and the tellers reported—ayes 45, noes 71.

So the amendment was disagreed to.

Mr. BANKS. I voted against the motion of the gentleman from New York because it embraced a proposition to strike out Guatemala.

Mr. COX. I rise to a point of order. There is no amendment pending.

Mr. BANKS. I will move an amendment. I move to insert after the word "Turkey!" the word "Rome." Guatemala is the State from which the Isthmus was settled. It is the parent State of Central America, and if there be any part of that portion of the world where we should send a minister it should be to that State of Guatemala. I would rather consent to the omission of the representative to some other State than the omission of a representative to Guatemala. Now, Mr. Chairman, I think there is policy in our being represented at Rome. Not to send a representative there of this Government, a very large portion of our population, in the first place, will feel that it is an intentional disrespect to their faith; and I would rather not incur any such suspicion as that. Inasmuch as we are represented at other States, I think we should be represented at Rome. We should send a minister there as well as to other places. Why send a minister to Turkey and none to Rome?

Mr. DAWES. Does Rome send any here?

Mr. BANKS. It is not necessary that Rome should send any here.

Mr. DAWES. Turkey does, and that is the difference.

Mr. BANKS. That is not the difference, and cannot have any effect.

Mr. DAWES. That is one difference.

Mr. BANKS. I know that; but it is not a difference. I say again, why should we be represented at Turkey, a State that is disappearing from the map of Europe, and refuse to send a representative to Rome, where just at this time are concentrated the whole religious eyes of the world? There is taking place in that city a great revolution of the religious world like those which have heretofore taken place.

Mr. WOOD. I wish to ask the gentleman a question.

Mr. BANKS. I do not wish to be interrupted, because I do not care to enter into any debate on this question. Now, I submit that it is scarcely possible for us to avoid being affected by the great religious revolution now taking place in Rome. It must in the nature of things originate there and be conducted in that city; and I think, therefore, in view of this impending crisis in the religious world, the United States should at least have a representative there, in order that we may ascertain and have accurate reports of those great events which are and will be transpiring so long as this council lasts. We see evidences of this controversy everywhere, which must affect us as it does all other nations. We are entitled to the best information we can get on the subject. Whatever action we may have to take hereafter under the circumstances which may arise I shall be ready to take my share of the responsibility with the other members of this House.

[Here the hammer fell.]

Mr. COX. Mr. Chairman, I suppose technically I should antagonize the gentleman from Massachusetts on this motion, and in order that I may submit some remarks I do so on the ground that the amount proposed for the mission to Rome is not sufficient. It has been seriously debated, Mr. Chairman, in the English Parliament by eminent gentlemen whether it would not be best in this age of steam and telegraph to wipe out the whole diplomatic system. It has given rise in the English Parliament to protracted discussion, and the same question has been mooted very seriously in the French Assembly. The general belief of many of the leading men to-day in Europe, as well as in Great Britain, is that it would be wiser to delegate matters requiring diplomacy to special embassies appointed and sent out from time to time, thus saving expense, saving trouble, and preventing complications.

The gentleman from Massachusetts [Mr. BANKS] is in favor of sending a minister to Rome. Very well, so am I, if embassies are to be sent to any portion of the world. Why, sir, this bill reported by the gentleman from New York, [Mr. KELSEY] includes an embassador to Greece; and the whole of civilized Europe is to-day abusing that most contemptible of all little, petty, microscopic monarchies, because its authorities cannot protect the ordinary traveler from the brigandage of that classic land. And the gentleman from New York, [Mr. KELSEY,] who doubtless voted for the Utah bill of the gentleman from Illinois, puts in this bill an embassador to Turkey, a heathen, Mohammedan, polygamous nation. Gentlemen are willing to send our nation to Turkey to make its salaam before the sultan, and yet they will not send a minister to Rome, the mother of Christianity and the mother also of art, science, and literature—the representative of all that is noble in the past and of all that is great in the ideas we have to-day growing out of the Christianity which we revere.

Mr. HOAR. Will the gentleman yield to me for a question?

Mr. COX. Certainly.

Mr. HOAR. I desire to ask the gentleman how he makes it out that Rome is the mother of Christianity? I had thought that it was Nazareth.

Mr. COX. I did expect some good out of Nazareth and have got some little out of Massachusetts. I will say to the gentleman that everybody knows that but for the organization made at Rome after the apostles went thither, if we are to believe what we find in the fathers, there would have been no power in the promoters of the new system to go out among the nations and bring them within the great fraternity of civilization. Nazareth was but the little mustard seed; the tree grew up in Rome. I do not speak of this modern Protestantism which came afterward in the fifteenth century. I do not speak of this atheism which comes out of Massachusetts. I speak of the old Christian system which existed before Protestantism, before transcendentalism, before free-lovism ever came from the State of Massachusetts. The gentleman now will understand what I mean. The gentleman has sought to make a little diversion, and has diverted me at the same time.

I want to make this point here to the House: that if they can vote ministers to go to Greece and to go to Turkey they certainly might vote a minister to hold our flag over the religionists, the artists, the travelers, and the various classes of the American people who seek that ancient seat of learning, arts, and religion.

But there is something more in this matter which might be discussed here, if I had time to discuss it in the five minutes allowed me. What have our ministers done in Great Britain, or in France, or in Spain? So far as we can estimate their value by their works we might as well do away with all our ministers to the great Powers of Europe. Have we obtained Cuba through General Sickles's manipulation of the proud Spanish hidalgo? Have we got any settlement of our Alabama claims by having that accomplished scholar, Mr. Motley, in London? Have we obtained even the postal facilities we wanted with France, with the aid of the distinguished minister now in Paris? I believe we had to send a special commissioner there, the Senator from Minnesota, the chairman of the Senate Committee on Postal Affairs, to attend to this little postal chore for us. I say that our ministers abroad are expensive and utterly useless for any purpose of national utility. The House will make a great reform in the right direction if it will wipe out this whole appropriation of $142,500 in gold. And whenever it is necessary, we can send our special embassadors abroad for purposes of diplomacy or of national aggrandizement.

[Here the hammer fell.]

Mr. BANKS. I withdraw my amendment.

Mr. DAWES. I renew it. Mr. Chairman, I do not propose to answer the gentleman from New York who has just taken his seat, because I do not know exactly on which side he spoke. Part of the time he was speaking on one side and part of the time on the other. I am opposed to this amendment because I do not consider that any of the reasons for which ministers are appointed demand the appointment of a minister to Rome. When we accredit ministers to Turkey, Greece, and other such nations, we accredit ministers to nations with whom we have commercial intercourse. With Rome there is no such intercourse whatever. Rome sends no minister here. It is a Power which is unique and *sui generis*, and has nothing to do with the commercial world at all. It is to a great extent a religious Power, to which we never accredit a minister for any reason whatever; and the chief ground upon which my colleague urges the appointment is the fact that this is a spiritual Power. The only method of preserving peace and harmony with such a Power is to abstain from all political connection with it whatever. Neither the State Department nor any other branch of the Government suggests the idea of commencing anew diplomatic relations with this Government. We abolished the mission some years ago because it was found entirely useless, and wholly upon our side, without reciprocation on their part. I do not see the slightest reason whatever why we should add this amount to the current expenses of the Government. Rome is a place to be visited by men who love art and science, and men of taste and culture; it is a place of resort for travelers. But there is no necessity for a minister or a consul at a place where the pleasure travel of the world centers.

Mr. WOOD. Let me ask the gentleman

whether the law creating this mission has ever been repealed?

Mr. DAWES. There is no law creating any of these missions.

Mr. BANKS. Oh, yes.

Mr. DAWES. None except the law of appropriation bills from time to time.

Mr. WOOD. I beg the gentleman's pardon; there is a law creating all these missions.

Mr. DAWES. The President opens diplomatic relations with any Government whenever he can get an appropriation for that purpose. It is left with him, as one of the high prerogatives of the Chief Executive, to open or close diplomatic relations with any such Government until Congress shall interfere.

[Here the hammer fell.]

Mr. POTTER. I entirely agree with the views suggested by my colleague from New York [Mr. Cox] in respect of the propriety of abolishing entirely all these diplomatic agents, and whenever the opportunity offers to put an end to the entire foreign diplomatic list I shall be ready to support its abolition. The gentleman from Massachusetts [Mr. Dawes] tells us that we send ministers to foreign nations in order to aid us in our commercial relations with those nations. But I do not understand, sir, that the ministers to England, or to France, or to Austria, or any other great Power are of advantage in the development or perfection of our commercial relations with those countries. Certainly they have none of the subordinate duties, the every-day transactions of commerce to deal with. We send out for that purpose agents called consular agents, who discharge, and are competent to discharge, every duty of that kind that is required. And when an occasion for a special commercial treaty arises, a special envoy for that purpose has usually been sent.

Now, so far from foreign ministers not being required, as the gentleman from Massachusetts suggests, at capitals where visitors from this country congregate, I should be glad to know where else they are so much required. Pray, what real duty do our ministers discharge that is of advantage to the American people, except so far as they receive and entertain and facilitate those of us whom they receive and assist when we go to foreign capitals? That they do not generally do even this very handsomely is not their fault, because we do not give them the means of doing it in a manner creditable to this great country; and inasmuch as they cannot do it very well, and inasmuch as I do not think it at all necessary to the dignity of the country that any representatives shall be kept abroad merely for the sake of those of us who travel abroad, I repeat that I shall be ready whenever the occasion offers to vote for the entire abolition of all our standing diplomatic agencies.

Indeed, I would like to know of what other earthly use than this, which the gentleman from Massachusetts disregards the foreign ministers of the present day can be? In mediæval times each king sent a representative to dwell at the other Courts, because he could not otherwise tell what might be doing there. Weeks or months elapsed in those days without communication between nations. And armies might be raised and an invading force be got ready to descend upon a nation before it would even be heard of. To prevent this, and to facilitate and protect its citizens, each State kept its representative at the capital of other States as a sort of guard and lookout. But no minister to France or to England, or to any other important nation, can now give us here any information of what those countries intend. The telegraph each day lays bare the movements of nations to each other as they take place, and the real utility of such agents of the Government seems to me to have therefore utterly ceased.

But if a minister is to be kept up anywhere out of the country, either for the convenience of our people who may be visiting there or from any ideas of national dignity or courtesy, then, of all places, the place to keep a minister is Rome. There our citizens gather each year in crowds. There is the capital of that great temporal and spiritual Power whose influence reaches to the remotest portions of the earth. There is the head of that church to which a larger portion of our people belong than to any other one denomination; and upon every ground of courtesy and of facilitating our own people—the only grounds upon which foreign ministers seem to be maintained at all—it is to Rome, if anywhere, that a minister should be sent.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. BROOKS, of New York. Will the gentleman from Massachusetts [Mr. Dawes] withdraw his amendment? I will renew it.

Mr. DAWES. I am willing to withdraw the amendment.

Mr. FERRISS. I object to the withdrawal of any amendment. Let us do some voting.

Mr. BROOKS, of New York. Then I move to amend the amendment by increasing the total amount appropriated by this paragraph to $148,000. I do this for the purpose of saying that I think the argument of the gentleman from Massachusetts [Mr. Dawes] developed the real sources of the objection to this proposition when he said that his resistance to it was because of the fact that Rome was a spiritual Power. That is the whole secret and the whole source of this opposition, and I am glad to have so frank an avowal made by him. He does not hesitate at all to vote for an appropriation to send a minister to Turkey, a Power under the authority of the Moslem, which is almost altogether a spiritual Power, which is quite as much a spiritual Power as is Rome, and which is governed as much (if not more) by religious authority as Rome is to-day. He shows by his very assertions and by his actions that in point of fact he prefers the Moslem to the Christian; that Turkey is to him preferable to Rome. And I have no doubt that is the whole source of the opposition which I am sorry to see has sprung up on the other side of this House to the authority of Rome, because it is a spiritual Power. Sir, Rome is a temporal as well as a spiritual Power. There is more business done with the city of Rome through the arts and the artists of this country than there is with Costa Rica and several other countries to which ministers are sent; more perhaps than with Greece, and quite as much as there is with Turkey.

Now, let me beg the gentleman from Massachusetts, [Mr. Dawes,] who represents the Puritan element in this House, from which element alone springs this opposition to sending a minister to Rome—let me beg of him to do as I do myself, throw by my religious education and look to higher motives and impulses than that which he has laid down for his action in this House. Sir, it is of the highest importance to the arts and to the artists of this country, as business people and as business men alone, that we should encourage emigration to and immigration from, and constant representation at the city of Rome. It is the headquarters of arts and of artists. There is nothing in which this country is more destitute than in artistic tastes and in developed artistic talent; and those arts which the great city of Rome alone can afford, the beautiful pictures of Raphael and of other immortal painters, the beautiful sculptures in the galleries of Rome, will inspire the artists of our country and enable them to produce those beautiful objects of art by which, in the course of time, if the taste of our countrymen is cultivated, they may become the rivals of those who have conferred honor upon other countries.

[Here the hammer fell.]

Mr. BINGHAM. I regret very much, Mr. Chairman, that the gentleman from New York [Mr. Brooks] has seen fit to reply to objections made to the proposed amendment to this bill by imputing to this side of the House any desire to persecute Rome on account of the peculiar religious notions entertained by the See of the Papal States. It was unworthy of the gentleman. Instead of making such an appeal as that to passion and prejudice, instead of making any such bid as that for the votes of any religious sect in America, he would have done well to have told this House and the country what occasion there is for any other representative of this country at Rome than that which is already provided by this bill. This bill makes an appropriation for a consul at Rome, and that answers at once the suggestion of the gentleman that there is in this bill any intendment even to strike at that people on account of their peculiar religious faith.

Rome, Mr. Chairman, needs no particular eulogy at the hands of gentlemen who suppose that that particular religious sect supports the Democratic organization of this country; for, sir, recent events have shown to reflecting men that that power itself is no longer a unit, and cannot be. The syllabus recently uttered by the head of that organization is a declaration of principles which, I venture to say, the gentleman from New York himself dare not indorse and go home among his people. It is an attempt to fetter the freedom of conscience; it is an attempt to fetter the freedom of speech; it is an attempt to fetter the freedom of the press; it is an attempt to strike down the rising antagonism to every despotism on the face of the earth, in the form of representative government, foremost among the exponents of which is America, the child and the hope of the earth's old age. Talk to me at this era of history about Rome being the "patron of science and the mother of arts!" Why, sir, of that genius that makes the marble wear the divine beauty of life there is more to-day in living America than was ever dreamed of in Rome, living or dead. Why, then, talk at this day about dignifying that little principality with a resident minister from America? Do not gentlemen know that in the light of the teachings of that foremost of all the men bred in the faith of the church of Rome (and I admit she has bred many great and noble men, who knew how to make humanity itself beautiful even amid the terrors and tortures of martyrdom,) uttered a word when under the ban of Charles V, and Leo X, and Henry VIII, which reverberates to-day all over Christendom; I refer, sir, to the Augustan monk who found out for himself and proclaimed to mankind the great central truth which to-day possesses the enlightened mind of the nineteenth century, that no mitered head may, of the grace of God or of divine right, interpose its dark shadow between man and his Maker. By that word Martin Luther became the liberator of the human race; it made the immortal period of human history, the reformation, the insurrection of the human mind, against the despotism which for centuries had enslaved it. Under the omnipotent power of that utterance every tyrant, whether in Rome or out of it, holds to-day the reins of power with a tremulous and unsteady hand; and the day is not far distant when every throne of power shall turn to dust and ashes before the consuming breath of the enlightened opinion of the civilized world, which declares for free governments, free churches, free schools, free Bibles, and free men.

The CHAIRMAN. The question is upon the amendment to the amendment offered by the gentleman from New York, [Mr. Brooks.]

Mr. BROOKS, of New York. I will withdraw it.

Mr. FERRISS. I object to its withdrawal.

Mr. BROOKS, of New York. I suggest to my colleague that he is only losing time by objecting.

Mr. FERRISS. I object to the withdrawal of any amendments.

The question being taken on the amendment to the amendment, it was not agreed to.

Mr. DAWES. I move *pro forma*, as an amendment to the amendment, to make the amount of the appropriation $49,000. I wish to say to the gentleman from New York [Mr. BROOKS] that if he supposed it necessary, in order to accomplish the purpose of his motion, that he should misrepresent the ground of the opposition to it, his object will perhaps be accomplished. I certainly based my opposition upon no such ground as the peculiar religious tenets of the Power to which a minister is proposed to be sent. The gentleman from New York, fearing, I suppose, that his motive in making the motion might be misunderstood or overlooked by those for whose benefit he made it, has insisted upon trying to fasten on those who oppose it some special antipathy to a particular creed.

The gentleman says that he has laid aside his religious character in coming here and assuming that of a Representative. Mr. Chairman, I have not found it necessary, in the course of public duty which I have pursued here, to lay aside any religious tenets that I may have entertained. If the gentleman has found it necessary to do so, the more is the pity. [Laughter.] If any past political antagonism on his part against the whole class of those who hold the religious tenets about which he discourses so zealously to-day has imposed on him a necessity now to do "works meet for repentance" I have the advantage of him in that respect. I never belonged to any Know-Nothing organization; I never proclaimed that it was demanded by the genius or the safety of this nation to put down foreigners or those of any particular religious tenets. Therefore I do not find it necessary to lay aside my religious creed or to do violence to the principles or theory of the Government in order to arraign any such absurdity as that. I put it, sir, upon other grounds. I do not care to compare this Power about which we have been talking with the sultan of Turkey, however my friend over the way may find it necessary to hold up to his constituents his admiration of the religious tenets and his newborn zeal for that religion.

Now, what I propose to consider is the reason which lies at the bottom of sending a minister anywhere and to see whether it exists in reference to Rome. I think I stand upon no such slippery ground, or live in no glass house in reference to Rome as renders it necessary for me to proclaim any love for this old church or any hatred for it now or at any other time in my political life. It is because I do not find any such necessity as that embarrassing me, I think I can look calmly at this question of sending a minister to Rome, and just as calmly as I can look at the question of sending a minister to England or the German States. It never occurred to me, although my friend's religious education was the same as mine, and although he has the misfortune to have as much of the Puritan in his blood and in his character as I have; I say I have not found it necessary to leave them and take in any new life, or any new creed. I go according to what my ideas may be of the propriety of sending a minister to this city without any trembling or any apprehension whatever on that score.

[Here the hammer fell.]

Mr. COVODE. Mr. Chairman, I wished to make a few remarks on this subject at the conclusion of the speech of the gentleman from New York, but I was then deprived of that opportunity by the gentleman from Massachusetts getting the floor. The gentleman from Massachusetts has answered him; but he has not according to my judgment exactly done so in the right way. The gentleman from Massachusetts says that he never was a Know-Nothing. Now, I was a Know-Nothing, and when I was taking my lessons in Know-Nothingism the gentleman from New York [Mr. BROOKS] was our great head-center. [Laughter.] He was the man who edited a paper to light us on the way. He was after the Catholics then; but he has got now into a locality where he wants Catholic votes. I do not know why it is he has changed so materially and taken sides opposite to those which he formerly held in thus bringing up this religious question here now in this country by asking the establishment of this foreign mission at Rome. I do not know, unless it is because the great council has assembled at Rome and proclaimed to the world the infallibility of the Pope, and the gentleman from New York wants to take shelter under his wings and be saved hereafter. [Laughter.]

Mr. DAWES. I withdraw the amendment.

Mr. VOORHEES. I renew it.

Mr. FERRISS. I object to the withdrawal of the amendment.

The amendment was disagreed to.

Mr. VOORHEES. I move to amend by making the amount $144,000. Now, Mr. Chairman, as an evidence of the fairness with which the distinguished gentleman from Massachusetts [Mr. DAWES] nearly always conducts debate on this floor, I desire to state that he and every other gentleman here has heard the gentleman from New York [Mr. BROOKS] more than once disclaim the imputation which the gentleman from Massachusetts has just now made against him. We have all heard him declare that he never was a Know-Nothing, and that he had never been in a Know-Nothing lodge. The gentleman from Massachusetts has heard this disclaimer from the lips of the gentleman from New York no less than three times, to my certain recollection. Yet he again brings in that often-refuted allegation and still claims credit for candor in debate.

The gentleman from Massachusetts [Mr. DAWES] says he has not laid aside his religion. If he brought any with him here of that kind which the Saviour exemplified when on earth—the religion of charity, kindness, forbearance, and fair-dealing with his fellow-men—he certainly has not very strikingly exhibited it. If he has any religion on this floor it must be of that kind which he inherits from his ancestors who burned the witches of Massachusetts. Not only that; but I presume he brings here on his religious raiment the reflected glare of the burning convents which the Know-Nothings set on fire in his State in 1854 and 1855.

Sir, this is an outburst of the old Know-Nothing spirit that tore down and burned convents, sacked Catholic churches, and would have tortured Catholics at the stake as readily as in old times they burned the witches of New England had they dared to have done so. It shall go to the country that the Government of Rome is not allowed a minister from this Government because of its religious tenets, its religious faith. It shall go abroad from these Halls in order that the spirit of religious persecution and bigotry may be branded again by the people as it has been in times past.

The declamation of the gentleman from Ohio [Mr. BINGHAM] did not at all surprise me. I had no reason to believe that he had friendship for Catholics, for Catholic churches, or for the Catholic religion. I had no reason to believe that his heart was ever tender toward that memberhood. I had no reason to believe that his charity ever extended toward one of them in suffering or in sorrow; that he ever wept over one in chains and in misery; that he ever obeyed one precept of Christ toward one of that faith in pain and in distress. There is nothing in his record or his history, public or private, that would lead me or any one else to suppose that Catholics were ever objects of his tenderness, charity, or kindness. Consequently, I was not surprised to hear his fierce and bitter declamation against Rome.

And what is Rome? I care not whether she is the seat of learning or the seat of empire. I care not whether she is the seat of art, of beauty, and of ancient glory now expired. She is a Government upon this earth. And when you single her out and make her an exception, declaring that you will hold only inferior diplomatic relations with her, it must be for a reason. There is no reason in her past history. It is so full of glory that the children at the schools speak of it, and the venerable gray-headed professors speak of it, and the learned *savans* throughout the earth speak of her ancient renown. It can be, in no respect, because of the past that this exception is made. The country of the Cæsars and of Cicero certainly commends itself so far as its history is concerned. It is its present attitude before the world, it is its religious aspect, that is assailed here. And the American Government, if this thing shall be done, will be pointed at in derision over the whole earth as sundering diplomatic relations with a Government simply because of its religious faith.

Gentlemen on the other side may flatter themselves that they have the negro vote of this country to enable them to dispense with the vote of the foreigner. In my own State it is said, "Let the Irish go, let the Dutch go; we have the negroes in their place." Never did that party love the foreigner, more especially the foreigner of the Catholic faith.

On the 1st day of April last, according to the report of the Secretary of State, there were seventeen American citizens languishing in British prisons. If they were not Irish and of the Catholic religion they would be rescued. Your whole foreign policy is contemptible. Your flag is not respected. As I speak here, men who shed their blood for the Union, who fought in all our battles, are serving out in British prisons terms of ten and fifteen years, because of words spoken on American soil, because of no acts done within British jurisdiction. And here you sit doing nothing, and your Secretary of State sits unmoved, and your President, with all his military prowess, is indifferent and does nothing to vindicate the honor of the flag for which these men shed their blood.

[Here the hammer fell.]

Mr. BINGHAM. Mr. Chairman, I think that the learned gentleman from Indiana, [Mr. VOORHEES,] with all his gifts of intellect, might have furnished some kind of reasons for changing this proposed appropriation from a consulate at Rome to a resident minister other than assuming that power which belongs alone to the Deity to sit in judgment upon my motives of conduct, public and private, in violation of the rules of this House and the rules which ought to obtain among gentlemen. I would like to know by what assumed authority or by what conferred authority, whether he derives it from Rome or elsewhere, the gentleman undertakes to say that I never felt for the Catholic any of that charity, which is the divinest of all the graces. Does the gentleman propose to-day to constitute himself a father confessor? Does he propose to-day to assume to himself the functions of Peter, and to clutch in his hands the keys which are to open or to shut for me the gates of deliverance? There was nothing that was uttered by me on this occasion, nothing that has ever been uttered by me on any occasion, no vote ever given by me that justified any such imputation or any such intimation. Without making the slightest boast about it, I beg leave to say that it was my good fortune, as it was doubtless the good fortune of the gentleman himself, to be reared in the belief that men should help one another. I am not aware that the poor were ever turned away from my door empty. I am not aware that I was behind the gentleman, or any one else not influenced by any mere personal considerations, when a calamity swept over a large area of our common country, equal in extent to the State which I have the honor in part to represent here, to send succor and relief to the sufferers, without inquiring whether they were of my religious belief or not, whether they were of my political faith or not.

I took occasion to say, when I spoke upon this question before, that I repelled for myself, and for those that I represent, the assertion made by the gentleman from New York [Mr.

BROOKS] that this resistance to changing the representative of the United States at Rome from a consul to a resident minister was on the ground of any hostility to the utmost freedom of religion in Rome or elsewhere. I say now to the gentleman, and I say it to every gentleman who does me the honor to listen to my poor words, that it is with me a conviction as strong as knowledge, that religious belief, of whatever character, ought to be tolerated, that error itself "may be tolerated," in the words of the foremost Democrat of America, "where reason is left free to combat it."

I did say something here, however, which the gentleman has not seen fit to reply to, and I challenge him here and now to reply to it, that the syllabus but recently issued with the sanction and under the direction of the ruler, temporal and spiritual, of the see of Rome strikes at freedom of conscience, strikes at religious freedom, strikes at the freedom of representative government, strikes at the right of the people to establish and maintain for themselves a government—in short, strikes at all the advanced and accepted ideas of the nineteenth century. I said then, and I repeat it now, that I did not believe any gentleman on the other side of the House would dare this day to republish that syllabus and declare that he accepted it as his creed, either moral or political. I assigned it as a reason, among others, why, in view of this fact, that this syllabus divides that ancient church itself, arraying against it some of the first intellects acknowledging its authority, and to-day representing this country in that great council at Rome, we should not consider it important to dignify Rome at present with any higher representative than a consul. And the gentleman makes that an occasion for assailing me as having no charity!

Let some one of that order of people who acknowledge the obligations of this syllabus, and who accept the dogma that now shakes that organization from its center to its foundation, the infallibility of the visible head of the church, say as much for the freemen of America as I have said, that they have a right to think for themselves and speak for themselves in matters civil as well as religious. I will not do the gentleman the injustice to suppose that he himself accepts any such creed for himself. I beg him to understand that I will allow no man to impose any such creed on me, and I trust that by the grace of God I will have the manhood here and everywhere to stand for those free principles of intellect and of conscience out of which has sprung this last, greatest, noblest empire among men. In making the remarks I did I said what was allowable to be said, I think, taking care to discriminate between the bigoted, fanatical religious zealots of that church and the great and gifted men who have adorned by their lives, and adorned as well by their deaths, humanity itself.

That is what I said; and yet the gentleman says that I have no charity. Why, sir, counting myself the humblest being within these walls, I have charity enough to know, what has come to be understood by the intelligent head and the living heart of men the world over, that beneath the heavens there is nothing so divine as humanity itself, whether it be clothed in the faith of the Catholic or in the faith of the Protestant. I beg leave further to say to the gentleman that I have read the story, and been taught it at my mother's knee, as he doubtless has been, of that Divine Being who has given to the world what is ere long to be the acknowledged moral constitution of men and of nations. I appreciate all His lessons of humanity; I appreciate all his lessons of charity, according to the measure of that reason with which it has pleased the Good Father to endow me; and I bow as humbly before all the teachings of Him who shed majesty over the manger and the straw as does the gentleman from Indiana. His remarks, therefore, touching my feelings toward any portion of the human race were simply gratuitous, made no doubt in the heat and excitement of the moment, in the interests of party, and not in that broad catholic spirit which usually characterizes the utterances of that gentleman.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the amendment, and on the amendment to the amendment.

Mr. DAWES. I hope the amendment to the amendment will be withdrawn, and I will renew it.

Mr. FERRISS. I object to withdrawing any amendment.

The question was taken upon the amendment to the amendment; and it was not agreed to.

Mr. KELSEY. I ask unanimous consent that all debate upon the pending paragraph may be closed in ten minutes.

Mr. DAWES. I move to amend the amendment by making the total amount appropriated by this paragraph $141,000. I do not desire to continue this debate, because I think enough has already been said to demonstrate the motive which prompted the original amendment, and the purpose of it as well as the occasion for it.

The gentleman from Indiana [Mr. VOORHEES] will have no personal discussion with me; I have no personal defense to make to anything he may have said. In reply to what he has said about my want of charity toward the gentleman from New York, [Mr. BROOKS,] I will barely say that I have, as he has said, heard the gentleman from New York declare on three several occasions that he never was inside of a Know-Nothing lodge. I take that to be so; I have always taken it to be so. But it never altered the facts, nor does it now require a particle of modification of anything I have said. The gentleman from Indiana knows as well as does the gentleman from New York that the gentleman from New York has been an advocate of that political doctrine.

Mr. BROOKS, of New York. That is not so.

Mr. DAWES. His paper was the organ of the party, and while it was in power he endeavored to obtain all the benefit he could from it, and keep his head at the same time out of the halter. And therefore it is that whenever the gentleman has the opportunity he makes haste to do works meet for repentance.

In regard to the remarks of the gentleman from Indiana [Mr. VOORHEES] about the State of Massachusetts, the burning of convents and the burning of witches, he may indulge in them as much as he pleases; he will not provoke me to make any reply in words. That is an old story, all worn out long ago. I propose rather to discuss the necessity of a minister resident at Rome. I propose to pass by all that gentlemen upon the other side feed upon, the opportunity to make a little political capital with a particular religious sect. I propose to put out of mind all that kind of talk. But I ask the gentlemen to bear in mind, although I do not suppose they care anything about it, that Rome has shut us out of religious worship according to our own tenets within the walls of that city, and compelled the American residents there to go outside of her walls to worship God according to the dictates of their own consciences. I suppose that is nothing to the gentlemen on the other side; they do not care anything about that. Any indignity which this Power may heap upon American citizens because of their religious sentiments does not wound the national pride of my friend from Indiana, [Mr. VOORHEES.] He rises above all such considerations.

Mr. COX. Let me say a word just here. The statement of the gentleman from Massachusetts about——

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. DAWES. No, sir; I do not.

The CHAIRMAN. The gentleman declines to yield, and must not be interrupted.

Mr. DAWES. I am reminded also of another matter, which, I suppose, instead of wounding the national pride of my friends on the other side, is perhaps a reason why they are so anxious to send a minister to Rome. The fact that this Power took sides with the enemies of our country in the late war, and recognized the southern confederacy, is a fact equally powerless, I presume, with every other national consideration, to deter our friends on the other side from renewing diplomatic relations with this Power. Such relations have been suspended for years under a Democratic Administration; but now, when we have come into power, my friend from Indiana proclaims aloud, "I propose to brand it upon the Republican party that they refuse to do what was not done in the last Administration, renew diplomatic relations with this Power, and refuses because of its peculiar religious tenets." No advocate of this mission has placed the matter upon the ground on which the continuance of our missions to other nations is based.

In support of this proposition not a word has been uttered which would support the continuance of any other mission. This whole movement is based upon the prime motive, which is too manifest, too transparent to deceive for a moment the American people. Gentlemen on the other side will have the benefit of this; and I do not desire to detract an atom from any advantage they may expect in that regard. I accord to them the entire benefit which they seek. But for myself I prefer a consistent, straightforward course without regard to anything of that kind. When my duty prompts me to introduce a proposition to reëstablish this mission I shall do so; while my duty requires me to oppose its reëstablishment I shall oppose it.

Mr. VOORHEES. Mr. Chairman, I think the House will bear me witness that I do not often seek the floor; and it is not with pleasure that I seek it now. I think the House will bear me witness also that since my entrance into the present Congress I have sought to maintain kindly relations with my fellow-members; and I wish no one to suppose that I have desired to cast into the current of debate to-day an element of anger or bad feeling. But the gentleman from Ohio, [Mr. BINGHAM,] whom I know in his private relations to be one of the kindest of men, forgets what he says when he is on his feet. In his reply to me a moment ago he forgot that in his first speech he stated in the most scornful manner that we on this side were seeking to make political capital; he forgot that he had impugned our motives by wholesale.

Mr. BINGHAM. Will the gentleman allow me——

Mr. VOORHEES. If it does not come out of my time.

Mr. BINGHAM. I do not want it to come out of the gentleman's time.

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. VOORHEES. I will, on the condition that it shall not come out of my time.

The CHAIRMAN. The Chair has no power to make such an arrangement.

Mr. VOORHEES. Then I must decline to yield. In what I am now saying I speak in no spirit of harshness toward the gentleman from Ohio; but it must be remembered that in all deliberative bodies where blows are given on one side men are usually provoked to give blows in return.

And what I said in regard to the gentleman from Ohio I think is strictly true. So far as I know his relation and dealings with the church of Rome and its members I have not misrepresented him. I said it with no personal unkindness. I did not suppose for a moment that he would not be charitable and open-handed in his gifts to the suffering. I know his private relations to mankind too well, and he need not

have taken five minutes of the precious time of this House on that point. But if he expects us on this side of the House to allow what he has said of our plea for religious toleration, for religious liberty, to go unanswered, he is mistaken.

Now, in regard to the gentleman from Massachusetts, [Mr. DAWES.] He says he can have no personal controversy with me. Why, sir, I am not seeking any with him. I sought none at all. I simply reminded him that after the repeated denials of the gentleman from New York, made in his hearing, he had no right to come in here and renew that charge; that I thought it an unfair mode of debate; and inasmuch as the floor was accorded to me, and not to the gentleman from New York, I felt it was my duty, as it was my pleasure, to set that matter right. He says I have scraped together old charges against Massachusetts. He does not deny that the witches were burned. Perhaps he represents the district where they were turned to ashes; I do not know how that may be. I am told that his colleague [Mr. BUTLER] represents that district. Let them divide the honor between them. Further than that, he does not deny they burned convents of Sisters of Charity in his State; and all the defense he vouchsafes to make is that it is an old story. Yes; it is an old story and a mean one. It gets no better by time. Age does not improve it. Those acts will deepen and blacken on the pages of history, and grow deeper and blacker as time goes on.

When gentlemen representing communities who have thus signalized their bigotry come here to put their bigotry into practical action, by refusing a mission to Rome for no other reason than because of her religious faith, I think it quite fair to remind them of their previous history. A word more in reply to the gentleman from Massachusetts. He misstates facts. He says the Democratic party suspended diplomatic relations with Rome. It is not so. It is known in and out of the House that a law exists to-day on the statute-book for a mission to Rome, and you of the Republican party have simply cut off the appropriations, which prevents the execution of the law. That was done in the Thirty-Eighth or Thirty-Ninth Congress by the votes of Republicans, and by no one else. It is on your skirts, and not on ours. The gentleman says that Protestants have to go outside of Rome to worship. Now, sir, I have here beside me more than one, yes, more than five living witnesses who have visited Rome, and who say that is not true; that they worshiped in Minister King's house in Rome as a Protestant congregation. Mr. King himself denied this calumny on the Government of Rome at the time it was made. If the gentleman is well informed, as I know he is, in regard to public affairs, he knows that the minister himself made this denial. The gentleman ought not to have made this statement.

In connection with this question of worship I must refer to another remark which fell from the gentleman from Ohio, [Mr. BINGHAM.] He asked me what I had to say about a syllabus which had been promulgated. Am I here to argue points of doctrine with the gentleman? I knew when he got on his feet that he would run into all sorts of fine-spun theories. What care I what sort of syllabus the Pope of Rome has promulgated? What care I what creed or mode of faith he has laid down for his followers? It is his right to announce what syllabus he pleases to his flock, and their right to receive it.

[Here the hammer fell.]

Mr. BROOKS, of New York. Mr. Chairman, the committee will bear me witness that when I rose originally to introduce the proposition now under discussion I did not accompany it with any remarks. I purposely refrained from doing so, lest it might excite passion and prejudice. It was not until opposition had been made to what was proposed, and a division had been taken, that I rose to advocate the motion at all. The committee will also bear me witness that when I did address the committee I said nothing of a religious character—nothing of a nature calculated to excite prejudice, passion, or religious feeling; and that when I rose to offer some remarks I placed the whole advocacy of my proposition on the ground of the temporal power and relations of Rome. I advocated an appropriation for a mission to Rome because of the necessity of cultivating art in the United States.

We have here the most magnificent physical creations in railroads, in bridges, in structures of all kinds. We have a superiority in all the coarser manufactures. But it is evident to every one that in the higher and finer branches of art we are behind other countries. Even in this magnificent building—our Capitol—in its embellishments of art, its statuary, its frescoes, its pictures, &c., we confess our inferiority to foreigners by employing them to do the work. And why is it that we are inferior to foreign nations in this respect? It is because we have not afforded sufficient opportunities or encouragement to our own countrymen to cultivate the arts in foreign lands. The necessity for this cultivation was one of the reasons why I advocated this amendment.

For this the gentleman from Massachusetts [Mr. DAWES] has chosen to assail me in two ways: first, because of my religious character or want of religious character, and next he charged me with a political affiliation with the Know-Nothing party. Sir, let me say that though born in New England, and raised in New England and proud of New England, I never, never was a Puritan. And, thank God! not a drop of Puritan blood flows in my veins. I was of Baptist birth and Baptist origin, and my hostility to the Puritans of New England has arisen from the fact that my ancestors on my maternal side were driven out of Massachusetts by force and violence because they were Baptists. This circumstance furnishes to a large extent the explanation of my feelings and of the remarks which I often make on the floor of this House, not of hostility to New England, but of hostility to the violent persecuting spirit of the Puritan element of New England.

As regards the Know-Nothing party, I have said over and over again on the floor of this House that I never was in the Know-Nothing party, that I never belonged to the Know-Nothing party in any shape or form whatsoever. I never advocated their principles; I deprecated the agitation of them; I never believed in them. During a large portion of the time covered by that unhappy agitation I was not here in this country. I was abroad at the time, journeying far and wide in foreign lands. And yet the gentleman from Massachusetts, who has heard my reply to attacks directed against me on this ground in the form of a direct denial of the charges, reiterates those attacks to-day, and when contradicted reiterates them again in another shape.

Has the gentleman from Massachusetts no sense of propriety? Has the gentleman from Massachusetts no sense of shame? Has the gentleman from Massachusetts any proof for these reiterated—I will not say, falsehoods, for that is not a parliamentary word, but I will leave a blank in the sentence, for the House to imagine with what word I would fill it, if it were within the bounds of parliamentary law. Sir, the honorable gentleman from Massachusetts knew full well when he reiterated that untruth upon the floor of this House that he was reiterating an untruth, and why he chooses to reiterate it over and over again I leave it to his conscience and to the House to decide.

The question was taken on Mr. DAWES's amendment; and it was disagreed to.

Mr. ORTH. I move, *pro forma*, to amend so as to make the sum $142,800. Mr. Chairman, the debate upon these amendments has taken rather a wide and extraordinary range; but I think every impartial observer upon this floor will concur with me when I say that the religious aspect given to it came from the other side of the House. Now, sir, I am opposed to reëstablishing this mission at Rome irrespective of any question of religion, because, first, in truth and in fact, Rome is no "Power" in the sense as applied to nations; secondly, because we have no commerce and no political relations whatever with Rome, and hence there is no necessity whatever of spending six or seven thousand dollars upon such proposed mission. I may also add there are Governments in Europe more important in point of population and more important in point of commerce than Rome to which we never have sent and do not contemplate sending diplomatic representatives. These were the reasons and the only reasons that were urged against the proposition on this side of the House.

The other side of the House, for purposes well known to themselves, for purposes that will be known and appreciated by the country, have sought to give this question a political aspect with reference to a large and respectable religious sect in this country; and, sir, I am well satisfied that religious sect will not thank them for thus needlessly dragging their church into this discussion. They will regard it and the country will regard it as a weak and puny effort to gain partisan power and friendship among the members of that church. The reasons I have stated induced Congress five years ago to discontinue this mission, and I know of nothing which should cause a reversal of that action. Rome has never had any intercourse of this character with us as a nation; never in all her past history. We have a consul residing there, vested with sufficient authority to attend to the various wants of the comparative few Americans who visit the "Ancient City" for purposes of business or pleasure.

But, Mr. Chairman, I should not have taken part in this debate but for a remark that fell from the lips of my colleague, [Mr. VOORHEES.] I would be derelict to the Republicans of my district and of the State at large if I did not seize the earliest opportunity to say that that remark was without foundation and unworthy to be uttered upon the floor of this House. The language to which I refer, furnished to me by the reporters, is this: "In my own State it is said, 'Let the Irish go, let the Dutch go, we have got the negroes in their places.'" "It is said!" Who said it? Any Republican from Indiana in Congress or out of Congress? If my colleague is within the sound of my voice I will yield to him to inform this House as to what the authority is upon which he makes that charge.

Mr. VOORHEES. The gentleman knows the authority just as well as I do.

Mr. ORTH. No, I do not; I yield to ascertain the authority.

Mr. VOORHEES. It is the current columns of the newspapers of both parties in Indiana.

Mr. ORTH. Mr. Chairman, I grant you that it is in the current columns of one class of partisan newspapers in my State, those representing the political party to which my colleague belongs; but I will yield to the gentleman again if he will name a single Republican paper among the one hundred published in my State that has ever uttered or indorsed such a sentiment.

Mr. VOORHEES. Undoubtedly they would deny it, just as old Know-Nothings deny their former principles upon this floor.

Mr. ORTH. I have given my colleague an opportunity to furnish to the House the authority for the charge that he has made here. Sir, it is base and groundless. Taken in connection with the preceding sentence, what does the gentleman mean by it when he says, "It is said?" He said, "Gentlemen on the other side flatter themselves that they have the negro vote of this country to enable them to dispense with the votes of the foreigners;" and

then he proceeds: "In my own State it is said," &c. Now, sir, that gentleman knows as well as I do that in the ranks of the Republican party are found some of the most intelligent Germans and some of the most intelligent Irishmen in the State. He knows that there are to be found in my town and in his own, men of the highest character and respectability belonging to the German and Irish nationalities who are hearty workers in the Republican cause, and have been so, and most emphatically so, since the first gun was fired at Sumter for the destruction of this Government.

Mr. VOORHEES. Allow me to ask a question.

Mr. ORTH. I cannot yield further out of my five minutes. I have given my colleague every opportunity to furnish his authority for the statement he has made here.

Mr. VOORHEES. I want to ask the gentleman how many Know-Nothing lodges he has organized.

Mr. ORTH. I cannot yield, and will not be thus diverted from my purpose. Sir, this statement of the gentleman is intended to go home to be retailed by the cross-roads and grocery politicians of Indiana. They are to howl out that their Representative in Congress [Mr. VOORHEES] has said so and so, and of course it must be true. They will prove it to be so by simply reading his speech as published in the Globe. They will declare that the Republicans of Indiana, false to themselves, false to the noble men of Irish and German blood who have stood by them throughout the trying contest of the last ten years, now say, "Go, you Dutchmen; go, you Irishmen; we have negroes enough now to do without you." My colleague doubtless fancied that by this unjust attack he and his friends might induce a few voters to desert their present party affiliation; but let me assure him that he is counting without his host.

I have felt that it was due to the Republicans of Indiana of foreign birth that this much should be said by me. I have given my colleague [Mr. VOORHEES] an opportunity to state his authority for the assertion he has made here. He has referred me to the newspaper press. I grant you that the Democratic press may have made such statements; but I repeat that no man belonging to the Republican party, in Congress or out of it, here or elsewhere, no newspaper of any kind advocating the principles of the Republican party, has ever made any such statement; and thus I dispose of the assertion made by my colleague, [Mr. VOORHEES,] who has taken upon himself thus to stigmatize the party that has had the control of the government of his native State in their hands for the last ten years, and which has in all respects been faithful to the best interests of our common constituency.

[Here the hammer fell.]

Mr. HOAR. Mr. Chairman, I am sorry to prolong this debate, but I should be false to the trust which my constituents have delegated to me if I suffered the aspersions which the distinguished gentleman from Indiana [Mr. VOORHEES] has allowed himself to utter upon the fair fame of the State which I have the honor in part to represent to pass without some answer from me. The gentleman has charged that the State of Massachusetts, in her early history, burned witches at the stake, and that in the years 1854 and 1855 she burned convents of the Catholics and Sisters of Charity, within her borders. Sir, both of those charges are utterly false. No human being was ever burned at the stake within the limits of the Commonwealth of Massachusetts.

Mr. VOORHEES. That is not true.

Mr. HOAR. It is true that two hundred years ago, when the whole civilized world believed that witchcraft was a crime, following the law as they received it from the mother country, on the authority of certain passages in the Old Testament, the courts of Massachusetts did condemn and execute some nineteen or twenty persons of both sexes for the alleged crime of witchcraft. But it is also true that first among men the people of Massachusetts saw the error and wickedness of what they had done in that regard. It was their love of justice and their intelligence which first exposed the error and wickedness of punishing human beings for that alleged crime. The ministers of the Gospel, the witnesses, and the counsel formed almost a penitential procession, and asked pardon of God and of their neighbors for having done those things.

The distinguished chief justice, Sewell, stood up in his place in the house of God, with bared head, and acknowledged that as an error which his contemporary, Sir Matthew Hale, failed to see the wickedness of while he presided over the courts of England. And in a diary kept by Chief Justice Sewell, opposite the record of those trials, are to be found these words of Latin interjection and sorrow, *Væ! væ! væ!*"—woe! woe! woe! It is true that all mankind punished witchcraft, and Massachusetts for a time shared in the error and delusion; but it is also true that first of all mankind the people of Massachusetts saw the error and the crime, and repented. Now, sir, who is he, with the words of Christian charity on his lips, who stands up here, two hundred years after these things occurred, and taunts his ancestors and mine——

Mr. VOORHEES. Not mine.

Mr. HOAR——with a crime which they so nobly repented of?

Mr. Chairman, it is not true that in the year 1854 or 1855 anybody within the limits of Massachusetts burned a Catholic convent or a Catholic institution of learning. In 1834, thirty-six years ago, a rumor spread one evening through the streets of Boston of some terrible cruelty said to have been practiced by the Catholics in the neighboring convent of Charlestown upon some young women who had been placed there. A mob was raised; and some wicked men, such as are always found in large cities, set fire to that convent. What did Massachusetts do? She arrested, tried, sentenced, and punished the criminals; and the crime is no more to be imputed to her than any crime that ever has been committed within the limits of any civilized community is to be imputed to the authorities which have punished it.

It is true also that in the year 1855 the people of Massachusetts shared the prevailing delusion that the admission of foreigners to equality of representation in this Government was dangerous to our institutions; and that Commonwealth placed in her constitution a clause requiring such persons to reside in the State two years after naturalization before they should be admitted to exercise the privileges of citizenship. No power on earth could have struck that clause from the constitution of Massachusetts if she had not seen fit to do it herself. Yet notwithstanding the fact that every man affected by it, every voter who would be admitted by its abrogation would vote against the dominant party in the State, the Commonwealth of Massachusetts, thinking the matter over, determined that such a measure of exclusion was unwise and inconsistent with those doctrines of civil liberty to which through all her history she was pledged, she said, "These men, although they differ from the great body of our citizens, ought to be politically their equals." In this spirit Massachusetts, of her own motion, voluntarily and because it was right, struck out this clause, which in her judgment invaded the great principles of constitutional liberty.

I wish simply to say in conclusion that in the face of this history of Massachusetts it does not become the political friends of the men who burned alive our soldiers at Fort Pillow, of the men who burned the orphan asylum in New York, who hung negroes upon lamp-posts——

[Confusion, and cries of "Order!"]

Mr. VOORHEES. Order! order! Every word the gentleman says is false, and he knows it. [Renewed cries of "Order!"]

Mr. HOAR——for no other reason than because they were defenseless, because they were loyal, and because they were black, to taunt her before the Representatives of the American people.

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

The CHAIRMAN. The gentleman will state his point of order; but before he proceeds the Chair must insist that order shall be restored in the Hall.

Mr. STEVENS. I ask that the words just uttered by the gentleman from Indiana [Mr. VOORHEES] be taken down.

Mr. FARNSWORTH. Mr. Chairman——

The CHAIRMAN. Nobody will be recognized until order is restored. [After a pause.] The gentleman from New Hampshire [Mr. STEVENS] demands that the words just uttered by the gentleman from Indiana be taken down.

Mr. COX. I rise to a point of order. I insist that the language of the gentleman from Massachusetts [Mr. HOAR] shall also be taken down, because it was the provocation to the insult, if there was any such thing.

Mr. STEVENS. That may be all right, after my point of order has been decided.

Mr. JONES, of Kentucky. I rise to say a word; and I hope no words will be "taken down" till I have done so.

The CHAIRMAN. Nothing is in order except the reporting of the words which the gentleman from New Hampshire asks shall be taken down.

Mr. CULLOM. I hope the gentleman will withdraw any demand of that sort.

The CHAIRMAN. Does the gentleman from New Hampshire insist on his demand?

Mr. STEVENS. Let me say a single word. I have only insisted upon this because——

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

Mr. STEVENS. Very well. Then I insist upon the words being taken down.

The CHAIRMAN. Then the only business in order is for the reporter to reduce to writing the words uttered by the gentleman from Indiana.

Several MEMBERS, (to Mr. VOORHEES.) Withdraw them.

Mr. VOORHEES. I do not withdraw anything. The gentleman from Massachusetts [Mr. HOAR] said that I was the political friend of men who burned orphan asylums. Of course I do not retract anything.

The CHAIRMAN. The gentleman from Indiana will please be seated. The Chair desires that order shall be restored, so that the proceedings may be somewhat methodical, if not logical. [Laughter.] The reporter will reduce to writing the language of the gentleman from Indiana, that it may be read by the Clerk.

Mr. STEVENS. Allow me to make an explanation, with a view to withdrawing my demand.

Mr. VAN WYCK. I object.

Mr. VOORHEES. If the Chair will indulge me for a moment——

Mr. KELSEY. I object.

Mr. RANDALL. The gentleman does not withdraw what he said.

Mr. VOORHEES. All I have to say is, let my words be taken down.

Several MEMBERS. I object.

Mr. STEVENS. I have only submitted this motion from a sense of duty.

Mr. VAN WYCK. I object to the gentleman going on.

The CHAIRMAN. No debate is in order. The words, as taken down by the reporter, will be read by the Clerk.

Mr. COX. I move also that the words be taken down which gave the provocation for the remarks of the gentleman from Indiana. In the French Chamber or in the English Parliament the gentleman from Massachusetts would have been called to order for them at once. [Cries of "Order!" "Order!"]

The CHAIRMAN. Debate is not in order. The only thing in order is for the Clerk to report the words as taken down by the official reporter.

Mr. JONES, of Kentucky. I wish to make a single suggestion.

Mr. VAN WYCK. I object.

The CHAIRMAN. The Clerk will now report the words to which exception has been taken.

The Clerk read as follows:

"Mr. VOORHEES. Order! Order! Every word the gentleman says is false, and he knows it."

Mr. KELSEY. I move that the committee rise in order to report the words to the House.

The CHAIRMAN. That motion is not in order.

Mr. ELDRIDGE. I rise to a question of order. I insist that the words of the gentleman from Massachusetts shall be taken down.

Mr. COX. I have already made that demand, and can quote precedents to sustain it.

Mr. KELSEY. The demand comes too late.

Mr. ELDRIDGE. It is only too late because the other side of the House has the power to prevent it.

Mr. HALDEMAN. It is not too late, for the call was made at the time. The call to take down the words of the gentleman from Massachusetts was made by half a dozen members.

Mr. WOODWARD. The call was made by half a dozen gentlemen around me.

The CHAIRMAN. Did the gentleman from New York make his demand in time?

Mr. COX. I did.

The CHAIRMAN. The words will be taken down by the reporter and read by the Clerk.

Mr. JONES, of Kentucky. I desire to make a single suggestion. [Cries of "Order!" "Order!"]

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

Mr. RANDALL. I object.

Mr. BENTON. I rise to a point of order. The gentleman cannot object.

The CHAIRMAN. The gentleman from New Hampshire is not in order.

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

The CHAIRMAN. One question of order is now pending, and the gentleman therefore is not now in order.

Mr. BENTON. What is the decision of the Chair on that point of order?

The CHAIRMAN. The gentleman from New Hampshire makes the point of order that the words of the gentleman from Indiana, taken down by the official reporter and read in the hearing of the House, are unparliamentary. The Chair rules that the point is well taken, and that the words used by the gentleman from Indiana are not parliamentary.

Mr. COX. I now rise to the point of order that the language uttered by the gentleman from Massachusetts was unparliamentary, and I ask that the words taken down by the reporter at the time shall be read in the hearing of the House.

Mr. KELSEY. I move that the committee rise for the purpose of reporting the words of the gentleman from Indiana to the House.

The CHAIRMAN. The Chair cannot entertain that motion just now.

Mr. KELSEY. Allow me to call the attention of the Chair to the rule, and to ask that it be read by the Clerk.

The CHAIRMAN. The Chair will hear the gentleman in a moment. The Clerk will now read the words of the gentleman from Massachusetts to which exception has been taken.

The Clerk read as follows:

"Mr. HOAR." * * * * "I wish simply to say in conclusion that in the face of this history of Massachusetts it does not become the political friends of the men who burned alive our soldiers at Fort Pillow, the men who burned the Orphan Asylum in New York, who hung negroes upon lamp posts"——

Mr. KELSEY. I insist on my motion that the committee rise and report the words of the gentleman from Indiana to the House. I call for the reading of the rule under which I move the committee rise.

The Clerk read as follows:

"Disorderly words spoken in a committee must be written down as in the House; but the committee can only report them to the House for animadversion."

Mr. KELSEY. I knew I was right in regard to what was the rule bearing on this question. I now insist on my motion.

Mr. COX. I rise to a point of order. It is this: that the reporters have not given the whole of the remarks of the gentleman from Massachusetts, [Mr. HOAR.] They could not, in the confusion, catch it all, although it was heard on this side of the House.

Mr. KELSEY. I call the gentleman to order. The motion is not debatable.

Mr. ELDRIDGE. The Chair directed the words of the gentleman from Massachusetts to be taken down. There is an allegation by the gentleman who demanded that the words should be taken down that the report is not as we here understood the language to be. I insist that before the committee rise the words used should be ascertained and determined by the committee. The reporters, it seems, lost some of the words in the confusion. Let the committee determine what the words were before it rises.

Mr. KELSEY. I raise another point of order: that business has intervened after the gentleman from Massachusetts made use of the language in question, and that it is therefore too late to take notice of it.

The CHAIRMAN. The Chair has already overruled that point of order. The Clerk will again report the language of the gentleman from Massachusetts, and the Chair will rule upon it.

Mr. JONES, of Kentucky. I rise to a point of order.

The CHAIRMAN. The Chair desires to decide one point at a time.

Mr. COX. I rise to make a parliamentary inquiry. Do I understand the Chair to have ruled that it is parliamentary for a member of this House to call other members friends of traitors and assassins?

The CHAIRMAN. The Chair will rule upon no points of order and answer no parliamentary inquiries until the language of the gentleman from Massachusetts, as taken down by the reporter, has again been read.

The Clerk read as follows:

"Mr. HOAR. I simply wish to say in conclusion that in the face of this history of Massachusetts it does not become the political friends of the men who burned alive our soldiers at Fort Pillow, of the men who burned the orphan asylum in New York, who hung negroes upon lamp posts"——

Mr. KELSEY. I ask the Chair to rule upon those words.

The CHAIRMAN. The Chair will make this ruling: that the language is rather pungent, but not unparliamentary. [Great laughter.]

Mr. KELSEY. I move that the committee rise and report to the House the words of the gentleman from Indiana.

Mr. JONES, of Kentucky. Before that motion is put I rise to a point of order.

Mr. MUNGEN. Mr. Chairman, I rise to a point of order——

The CHAIRMAN. The gentleman from Ohio [Mr. MUNGEN] is out of order.

Mr. FARNSWORTH. I desire to make another motion, which will take precedence of the motion of the gentleman from New York. I move that the committee now rise without being instructed to make any report. I desire to get rid of the whole thing.

The CHAIRMAN. The motion of the gentleman from Illinois takes precedence of the motion of the gentleman from New York.

Mr. DAWES. I rise to a point of order. The rule, which has been read, says that the committee must make this report.

The CHAIRMAN. The Chair has ruled that the motion of the gentleman from Illinois takes precedence of the motion of the gentleman from New York.

The question was put on Mr. FARNSWORTH'S motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. INGERSOLL reported that the Committee of the Whole on the state of the Union, according to order of the House, had had under consideration the Union generally, and particularly the special order, House bill No. 1604, making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and had come to no resolution thereon.

ENROLLED JOINT RESOLUTION.

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

Joint resolution (S. R. No. 198) authorizing the Secretary of War to place at the disposal of the commissioners of quarantine, or other proper authorities of the State of New York, the steamer Illinois for quarantine purposes.

LEAVE OF ABSENCE.

Mr. ALLISON obtained leave of absence till Tuesday next.

And then, on motion of Mr. CULLOM, (at five o'clock and five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. AXTELL: Concurrent resolutions of the State Legislature of California, concerning the establishment of a daily mail from San José to Evergreen and Alameda, in that State.

By Mr. JULIAN: The petition of Lewis Masquerier and 17 others, citizens of East Brooklyn, Long Island, praying Congress to enact a law to prevent the further absorption of the public lands by railroads or other corporations, &c.

By Mr. PORTER: The petition of John N. Powell, of Henrico county, Virginia, praying the removal of his legal and political disabilities imposed by the fourteenth article of amendments to the Constitution.

By Mr. REEVES: A memorial of a special committee of the board of directors of the Vessel-Owners' and Captains' Coöperative Association of New York, praying for an appropriation to construct a breakwater off the entrance to Port Jefferson harbor, on the south side of Long Island sound.

By Mr. SARGENT: A memorial of merchants of San Francisco, for a modification of the revenue laws to facilitate the transmission of foreign goods into and across the United States.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 20, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Clerk proceeded to read the Journal of yesterday.

Mr. ARCHER moved that the further reading of the Journal be dispensed with.

The motion was agreed to.

RAILROAD LAND GRANT.

On motion of Mr. FITCH, by unanimous consent, the bill (S. No. 638) amendatory of an act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific railroad, in California, to Portland, in Oregon, approved July 25, 1866, was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Public Lands.

Mr. RANDALL moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CULLOM. I call for the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports of a private nature; and the call rests with the Committee on Naval Affairs.

J. RUFUS TRYON.

Mr. ARCHER, from the Commitee on Naval Affairs, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1083) for the relief of Past Assistant Surgeon J. Rufus Tryon, United States Navy; and the same was laid on the table.

GEORGE SEWELL AND WILLIAM H. SHOCK.

Mr. ARCHER, from the same committee, reported a joint resolution (H. R. No. 291) for the relief of George Sewell and William H. Shock, of the Navy; which was read a first and second time.

The question was on ordering the joint resolution to be engrossed and read a third time.

The joint resolution was read. It provides that the service of George Sewell and William H. Shock, as chief engineers United States Navy, shall be considered as having commenced at the same time as that of Samuel Archbold, with whom they were examined as first assistant engineers, and passed to promotion to the grade of chief engineer.

Mr. ARCHER. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

OFFICERS AND CREW OF SHIP NIGHTINGALE.

Mr. STEVENS, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2002) for the relief of the officers and crew of the ship Nightingale.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. STEVENS. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

On motion of Mr. STEVENS, the report accompanying the bill was ordered to be printed in the Globe.

The report is as follows:

The Committee on Naval Affairs, to whom was referred the petition of Abel Tomsen and others, of the crew of the American ship Nightingale, report:

That the petitioners set forth in their petition that on the 22d day of October, 1860, they were shipped at Liverpool, England, as seamen on board the American ship Nightingale, for a lawful voyage to the East Indies and thence to the United States; that without their consent the course of the ship was steered for the coast of Africa, and they continued faithfully to perform their duties as seamen on board said ship until she was captured, on the 20th day of April, 1861, in Kabenda bay, on the coast of Africa, for being engaged in the slave trade, by the United States sloop of war Saratoga, under command of Captain Taylor; and the said ship was sent to New York, and there condemned by default as a prize; and the proceeds of her sale, amounting to upward of twelve thousand dollars, paid into the Treasury of the United States; and that a part of the crew which was sent with the ship to New York were paid on their petition in admiralty, according to law, out of the proceeds of the sale of said ship for their services from the time of their shipment until capture, while such proceeds were still remaining in the registry of the court at New York and before the same had been deposited in the Treasury, but that they, the petitioners, were detained by the naval officers on the coast of Africa several months, when they were sent to New York as witnesses on board of another vessel; but on their arrival at New York it was too late for them to receive their pay out of the proceeds of said prize, the same having already been paid into the Treasury of the United States; and the petitioners gave valuable testimony as witnesses for the Government on the trial and conviction of the officers of said ship, which fact is certified to by the United States attorney and United States marshal at the foot of the petition, with a recommendation from them for the payment of the wages claimed. Hence the petitioners ask that the Government will provide by special act that they may be paid for their services while so employed as seamen on board the Nightingale on a voyage believed by them to be honest and legal, but which was changed against their consent.

Wherefore the committee do report in favor of paying to Abel Tomsen, Thomas Orcastle, James Hopper, Severrin Haaverson, John Peter Force, and James Henderson, $72 40 each, and to Henry J. G. Wichelli $41 66, in full for their services on board the ship Nightingale in her late voyage from Liverpool to the coast of Africa; and that chapter forty-one of the laws of Congress, passed February 19, 1863, be amended by substituting Brand for Brent, the latter name having been by mistake printed for the former.

OFFICERS AND CREW OF THE KEARSARGE.

Mr. HALE, from the same committee, reported a bill (H. R. No. 2061) to compensate the officers and crew of the United States steamer Kearsarge, for the destruction of the rebel piratical vessel Alabama; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It authorizes and directs the Secretary of State to sell so many of the registered bonds of the United States now under his control belonging to the Japanese indemnity fund as shall realize $190,000, which sum he shall pay, without delay, to the Secretary of the Navy, who shall pay the above amount to Commander John A. Winslow and the officers and crew belonging to the United States steamer Kearsarge while engaged in the capture and destruction of the rebel piratical vessel Alabama, on the 19th of June, 1864; the said sum of $190,000 being the estimated value thereof; the same to be distributed to the officers and crew attached to the Kearsarge at the date above named, according to the pay roll of the ship at the time, and to be in lieu of the bounty authorized by the eleventh section of the act of June 30, 1864, to regulate prize proceedings, &c., provided that no money shall be paid to any assignee of a mariner entitled to the same, but only to the mariner in person, his wife, or if he has deceased, to his legal representative, excluding any such assignee; and provided also that if any of the officers or crew of the said United States steamer Kearsarge shall have received the bounty provided for by the said act of June 30, 1864, the same shall be deducted from the amount to be paid to such officer or seamen under the provision of this bill.

Mr. CULLOM. I would like to hear some explanation of this bill, as it seems to me to be a very important one.

Mr. HALE. This bill was discussed the other day, and was withdrawn by the Committee on Naval Affairs only because of a point of order in relation to the manner in which this money is proposed to be made available. That point has been remedied by a change of the bill, and I presume there will now be no objection to it. I will now yield a few minutes to the gentleman from New Hampshire, [Mr. STEVENS,] who desires to say a few words.

Mr. STEVENS. There is scarcely any point in the history of the recent rebellion surrounded with more interest than the gallant sea fight off Cherbourg, in which, on a bright Sunday morning on the 19th of June, 1864, the rebel corsair Alabama went down. Certainly there is no point in our naval records clothed with more historic interest. At home the battles of May and June had been fought with doubtful issue. Our lines had failed, after terrible and repeated assaults, to penetrate the rebel capital, and the forces of the enemy reposed in apparent security behind the fortifications which we had in vain assaulted.

The question of "recognition" hung doubtful in the balance. The Alabama, known as "290," from the number of contributors who had sent her forth on her errand of destruction and death, was loaded with British supplies and manned with British sailors, armed with British guns, and freighted with the spirit of British malignity to the Union cause She was the champion of English hate and the terror of our peaceful commerce. She was caught in the French harbor of Cherbourg by the Kearsarge, then under the command of Captain Winslow. Her commander, Semmes, confident in his strength and pressed to the combat by the public opinion of France and England, sent a challenge to the Kearsarge, which was at once accepted. This challenge was undoubtedly accepted with the determination on the part of the officers and men of the Kearsarge to make an end of this rover of the seas or to go down with the gallant vessel which bore so largely the fortunes of their distant country, struggling for national life in the mighty throes of the great rebellion. The choice for them was between victory and death, and they accepted the issue.

It is well known that the Alabama moved out of her harbor on that Sunday morning with many advantages. She was the largest ship. She was the work of the best efforts, of the utmost skill known to the English marine. Her tonnage was 1,150, while that of the Kearsarge was 1,031. Her battery consisted of one 100-pounder, rifled; one heavy 68-pounder, rifled; six 32-pounders—being one more gun than the Kearsarge carried. The complement of officers and men were nearly equal on the two ships.

I shall not enter on any particular description of the fight. The incidents, which were spread by the press throughout the country at the time, will readily be recalled by all who hear me. The battle lasted over an hour, and while the fire of the Kearsarge is described as deliberate and careful, it accomplished its purpose by smashing the Alabama into ruins, strewing her decks with the dead and wounded, and opening her sides to the floods of water which rushed into her, putting out the engine fires, and finally carrying her to the bottom. We all remember the account; how the struggling crew was picked up by the boats of the Kearsarge and by the English steamer Deerhound, and the deep and shameful treachery with which these men who had surrendered to our arms were taken into an English port in violation of the rules of war, but in accord with the same treachery which, under English auspices and with English capital, had fitted out the pirate and sent her with an English crew to prey upon our commerce and defy the flag of the United States. It was, indeed, a gallant action; it was a most propitious result. It undoubtedly checked the progress of public opinion in England and France, which so strongly demanded the early recognition of the independence of the confederacy, while it served largely to strengthen anew the spirit of loyalty and patriotism among the struggling Union men of our Army and Navy at home.

But it was principally for the purpose of alluding to a gallant son of New Hampshire, who on that eventful day acted an important and noble part in the action which resulted in the destruction of the rebel steamer, that I now address the House. I allude to one who was early my friend and neighbor, the second in command of the vessel, and the executive officer of the ship during the fight, and now, by a felicity which will at once be recognized by all, the commander of the gallant ship which won the battle. I allude to Captain James S. Thornton, who entered the

Navy in his early youth, and who bears to-day that character which the American citizen loves to admire in the accomplished gentleman and gallant sailor. A great grandson of Matthew Thornton, whose name is enrolled in our Declaration of Independence; and true to his revolutionary ancestry, he on that day exhibited a daring coolness and ability of execution which justly place him among the heroes of our Navy. Without intending to detract at all from the merit of any officer who participated in the action on that day, I am constrained to believe, from what I have gathered in conversation with many distinguished gentlemen of the Navy, that he will ever be regarded as having lent to the success of the battle a much larger aid and greater potency of effort than has been accorded him in the official reports which have been made of the affair. He is a native of my district, and I desire here to-day, sir, to claim for New Hampshire, through him, her full share in that glorious achievement, and to recognize thus publicly in the Halls of Congress his gallant services in that most gallant action. New Hampshire is proud of him, as she is of those of her other heroic sons, living and dead, who in the naval service of the Union have taken part in the great conflict through which we have passed; but to none more readily and more freely than to him will be accorded her meed of praise for gallant action and meritorious service, while she is justly grateful of that official recognition of character and service which has assigned him to the command of the gallant vessel in which his fame was won.

Now, sir, upon the question of the passage of this bill, what does it seek to do? It seeks to reward the actions of which I have spoken by appropriating a sum of money, to be distributed in the nature of prize, to the officers and men who accomplished this great victory, so important and so historic. While I desire to proceed with great caution in the appropriation of sums of money from the Treasury of the United States, either upon claims of what is due or as a reward for gallant service performed, I am free to confess that among the many cases which have been presented to this House during my membership I know of none more worthy of our recognition or more strongly commending itself to my judgment than the present bill now under consideration. I think it due to the reputation and honor of the country; I think it due, while we have prize-laws upon our statute-book, in justice to the officers and men of the Kearsarge—I think it due to that recognition which it has heretofore received in its passage through the House, that the bill should again receive our sanction; and entertaining these views, I shall cheerfully vote for it.

Mr. HALE. I now call the previous question.

Mr. FITCH. Is it proposed to take this money out of the Japanese indemnity fund?

Mr. HALE. It is.

Mr. FITCH. Then I must object to it.

The SPEAKER. The gentleman has no right to object, for the bill is before the House upon a regular report of the committee.

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

The question was upon ordering the bill to be engrossed and read a third time.

Mr. MAYNARD. If I had been in when this bill was reported this morning I should have asked for some explanation of it, some reason for taking this money out of the Japanese indemnity fund. I think it is a very unwise disposition of this fund, and a very doubtful compliment paid to the officers and crew of the Kearsarge to give them money obtained as this was.

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

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

The latter motion was agreed to.

OFFICERS AND CREW OF THE WYOMING.

Mr. ARCHER, from the Committee on Naval Affairs, reported back, with a recommendation that the same do pass, House bill No. 1072, for the relief of the officers and crew of the United States ship Wyoming.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, provides that the Secretary of State be, and he is hereby, authorized and directed to sell so much of the registered bonds of the United States now under his control belonging to the "Japanese indemnity funds" as shall realize $100,000; which sum he shall pay without delay to the Secretary of the Navy, who shall cause the whole amount thereof to be distributed among the officers and crew of the United States ship Wyoming, who participated in the action at Simoniseki, in July, 1863, under the same laws and regulations that now govern the distribution of prize-money.

Mr. MAYNARD. I must object to this bill.

The SPEAKER. Upon what ground?

Mr. MAYNARD. If I heard correctly the bill as it was read, it is subject to the same objection that I made to the Kearsarge bill the other day.

Mr. ARCHER. It does not appropriate any money from the Treasury.

Mr. DICKEY. Where does the money come from?

The SPEAKER. The Chair overrules the point of order. The money is not in the Treasury, but subject to the order of Congress.

Mr. CULLOM. How much money is it proposed to appropriate by this bill? It is an indirect way of using up the Japanese indemnity fund, instead of covering it into the Treasury.

Mr. ARCHER. This is all.

Mr. CULLOM. What is the amount appropriated by this bill?

Mr. ARCHER. Only $100,000.

Mr. CULLOM. And the bill we have just passed takes $190,000 more of that fund.

Mr. ARCHER. No; $150,000; and the two amounts do not equal the accrued interest on the fund.

Mr. PAINE. I should like to hear some explanation of this bill.

Mr. ARCHER. I will call the previous question, and if it is seconded then I will have the report read which accompanies this bill, and will then yield to the gentleman if he desires.

Mr. MAYNARD. I desire to offer an amendment to this bill.

The SPEAKER *pro tempore*, (Mr. DAWES.) No amendment can be entertained, as the gentleman from Maryland [Mr. ARCHER] has called the previous question.

Mr. ARCHER. I will hear the amendment.

Mr. MAYNARD. I desire to amend this bill by striking out all of the first part to the words "and pay the same to," in the seventh line, and inserting instead thereof "The Secretary of the Treasury be, and is hereby, authorized and directed to pay out of any moneys in the Treasury not otherwise appropriated, $100,000."

Mr. ARCHER. I cannot consent to have that amendment offered, but insist upon the previous question.

Mr. MAYNARD. I hope the House will vote down the previous question, and allow me to offer the amendment I have indicated.

The SPEAKER *pro tempore*. No debate is in order.

The question was taken upon seconding the previous question; and upon a division there were—ayes 50, noes 45; no quorum voting.

Tellers were ordered; and Mr. ARCHER and Mr. MAYNARD were appointed.

The House again divided; and the tellers reported—ayes 63, noes 53.

So the previous question was seconded.

The main question was ordered to be now put.

Mr. PAINE. The gentleman from Maryland stated that after the main question was ordered to be put he would explain to the House the reasons for the passage of this bill.

Mr. ARCHER. I rise to close the debate on this bill, and I do not know any better explanation I can make than to have read the report unanimously agreed to by the Committee on Naval Affairs. But first I move to reconsider the vote by which the main question was ordered, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ARCHER. I now ask for the reading of the report of the committee.

The Clerk read as follows:

Mr. ARCHER, from the Committee on Naval Affairs, made the following report:

That in the month of July, 1863, the American steamer Pembroke was fired upon in the straits of Simonoseki, in the Japan sea, by two vessels of war, a brig of ten guns and a bark of eight guns, belonging to the Japanese prince of Nagato. Commander McDougall, then in command of the Wyoming, in the China and Japan seas, being informed of the attack, ordered the vessel to sea and proceeded to the locality of the outrage. On the morning of the 16th of July he approached the straits of Simonoseki, and upon entering the straits he discovered a steamer, bark, and brig of war, and as he approached them and passed between the brig and bark was fired upon by the vessels and six batteries on shore. Commander McDougall returned the fire at short range, and placing his vessel in the proper position maintained the fight for about an hour. The boilers of the hostile steamer were exploded by the shell of the Wyoming, and the other vessels were believed to be badly disabled, and the brig to be sinking, and Commander McDougall reported that he had accomplished great destruction on shore. Having thus maintained the fight, Commander McDougall withdrew from the action, the fire being continued by the batteries as long as he was in range. The Wyoming lost four men killed and seven wounded, received considerable damage in her smoke-stack and the rigging aloft, was hulled eleven times, and sustained other injuries, as the papers will show. The straits were three quarters of a mile wide, with a strong current, and the want of charts greatly increased the difficulties of the position in the presence of a much superior force. The action was maintained by Commander McDougall, his officers and men, with skill and bravery. In the Japan Commercial News of the 24th of July, 1863, it is thus described: "The captain, all his officers, and crew behaved with the utmost coolness and bravery. The Wyoming was run into the midst of the enemy's vessels, receiving and returning broadsides at pistol range, at the same time sustaining a hot and continuous fire from the shore batteries." The committee believe that Commander McDougall, his officers, and men, punished the outrage committed upon an American vessel skillfully and gallantly, and that their conduct entitles them to the gratitude of their country.

The memorialist asks that there shall be allowed to him, his officers, and men, the value of the three vessels, as prize-money. Can that be allowed? The hostilities against our steamers and ships of war were not the acts of belligerents, and therefore the claim cannot rest upon the laws regulating belligerent prize or bounty. We were at peace with Japan, and did not regard the hostilities of the Prince of Nagato as those of a belligerent. The firing into the Pembroke and the attack upon the Wyoming were piratical acts, and have been so treated, both by the United States and Japan. Prize is allowed in piratical cases only when the craft is captured and condemned, in which case the proceeds of the capture are equally divided between the Government and the captors. In this case there was no capture, although the benefits which accrued to our Government were infinitely greater than if an actual capture had been made, and it does not come within the letter of the law. Can the claim then rest upon the equity that the "officers and crew, constrained by a discreet and patriotic sense of duty," fought "three piratical or hostile Japanese vessels," and sunk and destroyed two, and that the United States subsequently justified their conduct by concluding a convention with Japan, whereby she received a full indemnity? The conduct was gallant; it aided to suppress formidable hostilities to our commerce, and contributed to securing the convention of October, 1864, whereby an indemnity was received far beyond the injuries done to the Pembroke and Wyoming. The sum of $650,000 has been paid to our Government by Japan as indemnity and is now in registered bonds, subject to appropriation by Congress. The committee think it proper that prize-money be allowed out of the money received under the convention.

Mr. MAYNARD. I should like the gentleman from Maryland to state upon what principle he urges that $100,000 should be given to the officers and crew of this ship Wyoming. I ask him whether they did anything beyond their ordinary duty? Were they exposed to any unusual hazard? Were their gallantry and efficiency greater than numberless actions of our Navy during the war? I understand this vessel chastised three insignificant, unimportant

craft, which could make about as much resistance as a foot-pad to a sheriff and his posse.

Mr. ARCHER. I will state to the gentleman from Tennessee that this case presents peculiar merits. Instead of having three little vessels, this United States vessel, with only one hundred and fifty-eight men aboard of her, fought three large vessels with not less than from one thousand to eighteen hundred men upon them. In addition to that the Wyoming fought the shore batteries. The serious manner in which the United States vessel was injured shows the severity of the contest.

Mr. MAYNARD. Will the gentleman state what the casualties were?

Mr. ARCHER. Four killed, eleven wounded, and the vessel hulled several times. I do not care to take up the time of the House in discussing the bill, and will ask for a vote on the passage of the bill, unless some gentleman may wish to make some remarks on it. I think the report of the committee covers the whole case.

Mr. WOODWARD. I know nothing of this case, except what I have just heard, and, if I understand the report read from the Clerk's desk, it shows these officers did nothing more than perform their duty faithfully. It is not a case of capture at all, and there is no principle upon which this House can be justified in putting its hand into the Treasury of the United States and taking therefrom $100,000 to give to these men. It is a mere gratuity to them, because they performed a public duty in an acceptable manner; and if we allow it in this instance, it will become a precedent for other, perhaps larger, claims. I am opposed to giving gratuities. It is conceded not to be a prize case. It is a mere proposition to relieve an overburdened Treasury of $100,000 of money which belongs to our creditors and give it to some meritorious officers of our naval establishment. Before I vote for that I must be prepared to vote for a large number of similar applications.

Mr. ARCHER. I will say, in answer to what the gentleman has said, that this relieves the Treasury of no money. The action of the Wyoming secured for us $600,000. That has been invested in securities of the United States which have earned interest to the amount of $250,000. These officers ask a pittance which is but a small portion of that amount.

Mr. MAYNARD. Will the gentleman yield to me for a moment?

Mr. ARCHER. I yield first to the gentleman from New Hampshire, [Mr. BENTON.]

Mr. BENTON. I wish the gentleman would explain to the House whether, and if so, how, this sum was secured to the Government of the United States by the action of these men.

Mr. ARCHER. I will say in reply to the gentleman from New Hampshire [Mr. BENTON] that this sum was secured to the Government of the United States by the action and the bravery of these men at a time when the Japanese Government was acting in a belligerent manner towards the United States, because they believed we were engaged in a great rebellion and could not defend our flag or our citizens. I now yield to the gentleman from Tennessee, [Mr. MAYNARD.]

Mr. MAYNARD. Mr. Speaker, I profess to be to the extent of my limited ability a friend of the Navy; and it is as a friend of the Navy that I protest against the passage of this bill. Within the last two or three days I have sat here and listened to the discussion we have had on the naval appropriation bill; and have heard a portion of that debate with a degree of regret and pain which I will not now express. I know very well that whenever the question of the Navy and the pay of our naval officers comes up, as it must from year to year on the passage of the appropriation bills, the claims of our Navy are always depreciated by a reference to just such proceedings as that proposed in this bill. It is always thrown at the friends of the Navy that the officers and men receive large sums *in solido* as prize-money, &c., for particular actions. If this bill should become a law this case will be mentioned as a shining and conspicuous example, and will be pressed as an argument to the disadvantage of every officer in the Navy from this time forth.

Now, I protest against putting the Navy in the attitude of a set of freebooters or corsairs, men who go abroad on the seas to gather up whatever they can find here and there. On the contrary, these naval officers are, in their intercourse with the world, the high representative functionaries of this nation, to protect its friends and to chastise its enemies. This is the duty for which we have organized the Navy; and for this its officers and men are entitled to the commendation of "Well done, good and faithful servants." But in cases where they do not go beyond the legitimate range of their duties, they are not entitled to such bounties and gratuities as are here proposed to be given.

The money constituting the Japanese fund was given by the Japanese Government in consideration of the fact that our commerce had been invaded by her people, and was in satisfaction for indignities inflicted upon our flag, and not by reason of any specially meritorious conduct on the part of the officers and men belonging to this vessel. They did their duty, and did it well. I concede all that. But the passage of this bill will be a precedent which will be pernicious to the Navy, not only in the view I have suggested, but pernicious in its influence upon the *morale*, the spirit, the high bearing, the independent and impartial character of the Navy as an arbiter between our own Government and other nations. I trust Congress will pause before setting such a precedent as is attempted to be set in this particular case.

Mr. PAINE. I ask the gentleman from Maryland to yield to me.

Mr. ARCHER. I promised to yield to the gentleman from Wisconsin, [Mr. PAINE,] and I do so cheerfully.

Mr. PAINE. I wish to state to the House the reason which constrains me to vote against this bill. I regret exceedingly to be obliged to do so; but I do not see how I can consistently give a vote in favor of the measure. It is well known to members of the House that the laws as they now stand upon our statute-books make a very strange discrimination in favor of the Navy and against the Army so far as prize-money is concerned. During the late war millions of men fought in the Army; they captured rebel stores, they captured rebel armies, they captured rebel cities of untold value; yet they never received one dollar of prize. On the other hand, our Navy gallantly fought during the war, and in accordance with existing laws received for its captures millions of dollars in the form of prize-money. I do not ask for a change of the law; I do not say that it ought to be modified. I do not say that this discrimination in favor of the Navy and against the Army is unjust. I do not say it ought to be repealed. But I do say there is no excuse for us to go beyond the letter and the spirit of the existing law.

We have now before us a case for which the law, whether just or unjust, makes no provision. Here is a case beyond even the provisions of the existing law itself, which does not give to the ship which fought against these Japanese junks any prize-money. And now the question presented is whether we shall make in effect a new law, whether we shall take one more step in a discrimination in favor of the Navy and against the Army. I am willing to go as far as the existing statute compels us to go. I am willing to vote for the Navy everything that the existing law gives the Navy as prize-money, even though more money may justly have been earned by the Army in cases where not a single penny was received. But I am not prepared to enact a new statute upon the subject. I am not prepared to give this payment of prize-money which the existing law does not give. If we shall go beyond the law as it now stands on our statute-book, and give the Navy prize-money, or what is the equivalent to prize-money, in cases like this, I can see no excuse for withholding from General Grant's army compensation for the capture of Vicksburg or the capture of Richmond itself. I can see no excuse for withholding from any of our armies compensation for the capture of cities or the capture of stores of the enemy. We are compelled by no law to vote this money, and I shall vote against it.

Mr. ARCHER. I ask the pardon of the gentleman from Wisconsin for interrupting him. But I have promised the floor to other gentlemen, and must yield some time to them. I now yield to the gentleman from Indiana, [Mr. COBURN.]

Mr. WASHBURN, of Wisconsin. Will the gentleman from Maryland allow me to ask a question?

Mr. ARCHER. Not now. I have yielded to the gentleman from Indiana.

Mr. COBURN. Mr. Speaker, I do not desire to enter into a discussion of the prize laws. I will only say that the policy of this Government has already been settled as regards the recognition in this way of the gallant conduct of the men of our Navy. Captain McDougall and the other officers and crew of the Wyoming did a peculiar and very great service to the people of this country. It appears that certain authorities in the empire of Japan had taken possession of the route of travel between ports in China and certain ports in Japan in which our vessels were passing to and fro; that our vessels were fired upon, and our commerce obstructed; and that, in fact, our citizens were excluded from the ordinary business channels in those eastern seas. Something had to be done. Captain McDougall, with his vessel, was attacked by these hostile parties in the straits of Simonoseki, he having gone there to punish the enemies of our country; he drove them from their position, silenced their batteries, and sunk three ships. In the contest, described in the report, thirty-four guns of the Japanese were opposed to six American guns. These thirty-four guns were silenced, and three ships were taken or sunk, as the result of that gallant action. And these ships were not mere junk-boats, as has been stated. They were vessels; two of them were purchased of Americans; one of them was a large and powerful English vessel. All were manned by a great number of men. In this contest, unequal as it was, our gallant seamen conquered the enemy.

Mr. WELKER. I desire to ask the gentleman from Indiana a question.

Mr. COBURN. I decline to be interrupted just now. Our gallant seamen, as I have said, conquered the enemy, secured a free and uninterrupted passage for our commerce, and the result was that we obtained a large indemnity. An indemnity of $3,000,000, in consequence of this action, was paid to the several nations which had been wronged. Our Government got some $600,000 in gold, which was fairly earned by the gallantry of the captain and crew of the Wyoming. That money is in the Treasury now, and, according to every principle of justice, those who fought that action are entitled to receive out of that fund their prize-money. To-day $160,000 of this fund have been allowed by the House to the men of the Kearsarge. The men of the Wyoming are doubly entitled to it.

Mr. WELKER. I desire to ask the gentleman if what Captain McDougall did was done by order of the Government?

Mr. COBURN. It was done by order of the Government, as is shown by the following letter of instructions from the minister resident in Japan:

LEGATION OF THE UNITED STATES,
YOKOHAMA, *July* 15, 1863.

SIR: I avail myself of the departure of the Rear Admiral Juaris, with the Semercuis and Tanceed for the inland sea, to inform you that his Imperial

Majesty's steamer Kienchang has been fired into by batteries of the sima of Tchoshu or Nangato, and by the vessels which fired on the Pembroke.

I indulge the hope that by the time this reaches you their piratical vessels will have been destroyed or captured. If so, you may have been attacked by their batteries, and have doubtless demolished them. Should their ships have unfortunately taken the alarm and escaped, I would recommend that you do not return without vindicating our flag and taking full satisfaction for the outrage upon it.

And I beg you to coöperate with Admiral Juaris in the destruction of the batteries and forts in the territories of the prince; thus giving a lesson which will not soon be forgotten, and which will put a stop to the acts of lawless violence which the hostile Daimics, encouraged by the humane forbearance of the treaty Powers, are so ready to commit.

I am, very respectfully, your most obedient, humble servant,

ROBERT H. PRUYN.
Minister Resident in Japan.

Captain D. McDOUGALL,
United States steamer Wyoming, &c.

Mr. WELKER. I desire also to ask the gentleman, whether if those vessels had been captured the captain commanding would have been entitled to the prize-money?

Mr. COBURN. I will say just this to the gentleman: that that depends on the question whether or not these were Japanese vessels or vessels of a piratical character. The committee, as I understand it, have reported in this matter that these vessels were regarded as not exactly acting under the authority of the Japanese Government: but from the fact that afterward the Japanese Government recognized these persons as citizens of the empire of Japan, and stood the responsibility of their unlawful and unwarranted acts, it may be considered that these vessels may be regarded as prizes of war; that our crew is entitled to prize-money. And upon that ground, and upon every ground of morality and equity, these men are as much entitled to prize-money as any seamen who have captured any vessel on any sea under any declaration of war. As I said before, this large sum of money has been put into the Treasury of the United States in consequence of the gallant conduct of these men. It is asking nothing from the people of this country. The tax-payers are not called on for one dime, not one cent, which has not been earned by the gallantry of these men. The sum they ask does not amount to half the interest that has accrued on that money.

Mr. LOGAN. If the money is in the Treasury and you take it out——

Mr. COBURN. I do not yield to the gentleman.

Mr. ARCHER. It is not in the Treasury.

Mr. COBURN. The gentleman says "if the money is in the Treasury." How did it get into the Treasury? Who put it there? How did it get into the Treasury, if there? In consequence of the gallant conduct of these men on this occasion.

Mr. MAYNARD. Oh, no; not at all; not at all.

Mr. LOGAN. That is where it ought to be and where it should remain.

Mr. ARCHER. I call for a vote. I will not yield further; and I deprive myself of the opportunity of making a speech because the Naval Committee have other business to present.

Mr. MAYNARD. I move that the bill be laid upon the table.

The question was put on Mr. MAYNARD'S motion; and there were—ayes 66, noes 33; no quorum voting.

Tellers were ordered; and Mr. ARCHER and Mr. MAYNARD were appointed.

The House divided; and the tellers reported—ayes 71, noes 50.

So the bill was laid on the table.

Mr. MAYNARD moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ABBOTT Q. ROSS.

Mr. HAYS, from the Committee on Naval Affairs, reported back, with the recommendation that it do pass, the bill (S. No. 138) for the relief of Abbott Q. Ross.

The question was upon ordering the bill to be read a third time.

The bill was read. It directs the Secretary of the Treasury to pay to Abbott Q. Ross, of Ohio, the sum of $5,000, as compensation for the past and future use in the United States Navy of his invention for using hot water and steam as weapons of naval warfare, for the extinguishment of fires, and for other purposes.

Mr. HAYS. I move the previous question.

Mr. FARNSWORTH. I ask that the report be read.

Mr. HAYS. There is a report made by a committee of the Senate; I ask that it be read.

The report was read. It states that the memorial and the evidence accompanying it show that Captain A. Q. Ross is the inventor of an improved mode of using hot water and steam as a weapon, offensive and defensive, in naval engagements, and that having perfected his invention in the early part of the year 1861, he, actuated by patriotic motives and a sincere desire to serve his country, came to Washington and exerted himself to secure the adoption of his invention by the Navy Department, asking no compensation for it, and offering his services to superintend its construction and application to any vessels upon which its adoption should be ordered. It does not appear from the memorial or accompanying papers that the Navy Department officially adopted or authorized the use of the invention, but it does appear that Vice Admiral Porter ordered its application to most, if not all, the vessels of the Mississippi squadron, and that nearly all the tugs and steam-vessels of the Government in our western waters were supplied with the steam-hose of Captain Ross, and that the crews were drilled in its use as they were of any other weapon in the service. The testimony is very full and ample as to the efficiency of the invention, not only as a weapon of offense and defense, but also as a means for extinguishing fires, working pumps, and cleaning and purifying vessels, and it is conclusively shown that much valuable property was saved to the Government by it.

Mr. RANDALL. I make the point of order that that bill makes an appropriation.

The SPEAKER. The point of order comes too late.

Mr. FARNSWORTH. It was made as soon as the report was read.

The SPEAKER. The bill was read in full, and then the gentleman called for the reading of the report which relates to the merits of the case. The uniform rule is that when a bill is read and no point of order is made on it, and then arguments are submitted *pro* or *con*, it is too late to raise a point of order on the bill.

Mr. RANDALL. I move that the bill be laid upon the table.

The motion to lay on the table was not agreed to.

The SPEAKER. The morning hour has expired, and the bill will go over until next private-bill day.

ORDER OF BUSINESS.

Mr. INGERSOLL. I move that the House now proceed to the consideration of business on the Speaker's table.

Mr. BURDETT. I rise to a privileged question; and call up the contested-election case of Newsham *vs.* Ryan, from the State of Louisiana.

Mr. KELSEY. I make the privileged motion that the rules be suspended, and that the House now resolve itself into Committee of the Whole for the consideration of the special order, being the consular and diplomatic appropriation bill.

The SPEAKER. The Chair will first submit to the House the motion of the gentleman from New York, [Mr. KELSEY.] If that motion shall be voted down, then the Chair will recognize the gentleman from Missouri, [Mr. BURDETT.]

Mr. INGERSOLL. I wish the Chair would state to the House that at two o'clock to-day the House must proceed to the consideration of business reported from the Committee for the District of Columbia.

Mr. RANDALL. I object to debate.

The SPEAKER. The question is upon the motion of the gentleman from New York, [Mr. KELSEY,] that the House now resolve itself into Committee of the Whole on the consular and diplomatic appropriation bill.

Mr. KELSEY. Pending that motion, I move that when the House shall next resume in Committee of the Whole the consideration of the special order all debate upon the pending paragraph shall terminate in ten minutes.

The motion to close debate was agreed to.

LIQUIDATION OF NATIONAL BANKS.

Mr. GARFIELD, of Ohio, by unanimous consent, reported from the Committee on Banking and Currency a bill (H. R. No. 2062) to require national banks going into liquidation to retire their circulating notes; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Banking and Currency.

Mr. RANDALL moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The question recurred upon the motion of Mr. KELSEY, that the rules be suspended, and the House now resolve itself into Committee of the Whole upon the diplomatic and consular appropriation bill; and upon a division there were—ayes 65, noes 55.

Before the result of the vote was announced,

Mr. INGERSOLL and Mr. BURDETT called for tellers.

Tellers were ordered; and Mr. INGERSOLL and Mr. KELSEY were appointed.

The House again divided; and the tellers reported that there were—ayes 42, noes 85.

So the motion of Mr. KELSEY was not agreed to.

Mr. BURDETT. I now move that the House proceed to the consideration of the contested-election case to which I have referred.

Mr. INGERSOLL. I move that the House now proceed to the consideration of business on the Speaker's table.

The SPEAKER. The Chair must first entertain the motion of the gentleman from Missouri, [Mr. BURDETT,] it being a question of privilege, unless the gentleman raises the question of its consideration at this time.

Mr. INGERSOLL. I raise that question.

The SPEAKER. Then the question will be, Will the House proceed to the consideration of the contested-election case of Newsham *vs.* Ryan?

Mr. PAINE. I desire to say that sooner or later these election cases must be disposed of by the House. The case which the gentleman from Missouri [Mr. BURDETT] desires to bring before the House this morning I understand will not occupy much time. And inasmuch as he has during almost the whole session sought to obtain the floor for the purpose of calling up this case, I think it is but justice to him to allow him now to call it up for consideration.

Mr. HOAR. What will be the order of business at two o'clock?

The SPEAKER. Under the rule adopted at this session, no matter what may be under consideration at two o'clock of to-day, this being the third Friday of the month, the Chair must recognize some member of the Committee for the District of Columbia.

Mr. FARNSWORTH. As this contested-election case cannot be disposed of to-day, I would suggest that we had better proceed to

the consideration of business upon the Speaker's table.

Mr. BURDETT. I will say a few words, with the permission of the House. I have been endeavoring, during this entire session, to bring this contested-election case before the House. It is due to gentlemen interested in election cases, either as contestees or contestants, that these cases shall be disposed of. And I now beg the House either to go on with this case until two o'clock, to make a commencement of it, or else to agree that it shall be taken up on Monday next. If the House will consent that we may occupy to-morrow or Monday with this case——

Several MEMBERS. To-morrow.

Mr. BURDETT. Mr. Speaker, if the case be not taken up now it is immaterial whether to-morrow or Monday be given to it, for it can be disposed of in a very short time. I prefer, however, to go on now.

Mr. PAINE. I suggest to the gentleman from Missouri to name Monday in preference to to-morrow.

Mr. INGERSOLL. I desire to inform the House that there are more than one hundred bills now on the Speaker's table. If the policy of the House should crowd all those to the heel of the session many of them, if disposed of at all, will be disposed of summarily without such consideration as they deserve. If the gentleman from Missouri should succeed in bringing up this election case to-day, he can advance but little in its consideration during the forty minutes remaining between this time and two o'clock; so that, as regards time, which now becomes an important consideration, nothing will probably be saved. If, however, we proceed now to business on the Speaker's table we shall dispose of many of the bills there by reference or otherwise; and the gentleman from Missouri can take up his election case to-morrow or Monday. Hence, I raise the question whether the House will consider at this time the election case.

Mr. DAWES. I know the importance of election cases; and I know how difficult it is to secure the attention of the House at this stage of the session for such cases. I suggest to the gentleman to ask the House to assign this evening for going on with this case. I know it is not very pleasant to come here in the evening; but I fear that under existing circumstances, and with the present pressure of business, no fair and just hearing—I say it with all respect to the House—can be obtained for these cases.

Mr. INGERSOLL. The question can be discussed this evening and a vote taken on Monday.

Mr. BURDETT. I must object to the suggestion of the gentleman from Massachusetts, [Mr. DAWES.] I am sorry to do so; but I am well satisfied that if an evening session be ordered for the hearing of this or any other election case the result will be that there will be no proper hearing of the question by the House. I desire that the House shall hear the case.

Mr. DAWES. I want to say one word further. I intend never to oppose the taking up of an election case. My experience in such cases forbids my doing so. But I suggest to the gentleman that he can hardly obtain a fair hearing of the discussion upon the case under any circumstances. I shall vote with the gentleman to take up the case whenever he may undertake to bring it up, whether it may interfere with the appropriation bills or not.

The SPEAKER. The gentleman from Missouri [Mr. BURDETT] rises to a question of privilege, and calls up the contested election case of Newsham *vs.* Ryan, from the fourth district of Louisiana. The gentleman from Illinois [Mr. INGERSOLL] raises the question whether the House will consider the case at this time.

The question was decided in the affirmative—yeas eighty, noes not counted.

ELECTION CONTEST—NEWSHAM VS. RYAN.

Mr. BURDETT. I ask that the resolutions reported by the committee be read.

The Clerk read as follows:

Resolved, That Michael Ryan is not entitled to a seat as a Representative in the Forty-First Congress from the fourth district of Louisiana.

Resolved, That J. P. Newsham is entitled to a seat as a Representative in the Forty-First Congress from the fourth district of Louisiana.

Mr. BURDETT. I understand that by the ruling of the Chair the debate on this question must be suspended at two o'clock. I will say, therefore, for the information of the House, that I propose to occupy about fifteen minutes, after which I will yield to the gentleman from Indiana, [Mr. VOORHEES,] who represents the minority of the committee.

Mr. Speaker, there have already been before the House for its consideration three election cases from the State of Louisiana; and in the discussion of two of those cases many of the facts and considerations which have operated upon the mind of the committee in reaching its conclusions have received the attention of the House. In many of the facts and surroundings of all these cases there is a general similitude. Yet, sir, the facts in all the cases are not the same. It will be borne in mind that a committee was sent by this House to the State of Louisiana for the purpose of investigating the allegations of fraud and violence which were made upon the one side and denied upon the other. From the committee who, under those instructions, went upon the ground and examined a large number of witnesses face to face, has emanated this report, declaring that in the opinion of the committee, Mr. Newsham, and not Mr. Ryan, is entitled to the seat from the fourth district of Louisiana. This case differs from the other cases from the State of Louisiana in the fact that, apart from the question of fraud and violence, apart from the question as to the returns of votes, the contestant has raised the point upon which the House has directed the committee to inquire, as to whether the contestee, Mr. Ryan, is ineligible to a seat on this floor, on account of his inability to take the oath prescribed by the fourteenth article of the amendments to the Constitution.

The committee have reported upon that question, and in their report they have felt it to be their duty, on the evidence and the proof submitted, to say to the House that in their judgment Mr. Ryan is not eligible to a seat in this House. But, Mr. Speaker, I do not propose to go over that question at all. I do not propose to call for the reading of any testimony bearing on that part of the case. Nor do I propose to urge it upon the consideration of the House, as the distinctive proposition to be settled in this case is, Who is entitled to this seat? That question the committee conceive will be wholly disposed of on the general merits of the case.

Now, Mr. Speaker, I desire the attention of the House while I say frankly to the House precisely how the question stands between the contestants for this seat upon the figures and the election returns. The certificate of election was granted by the proper certifying officer of the State of Louisiana to Mr. Ryan, the contestee. In that certificate it was certified that he had received 10,385 votes; and Mr. Newsham 5,606 votes. The contestant objects, nevertheless, against seating Mr. Ryan, on the ground that this apparent majority was merely the triumph of fraud and violence; that in truth and in fact, in several districts, or parishes, as they are termed in Louisiana, from which this majority came, there was no fair election, nor even the semblance of a fair election. And in this charge, made by the contestant, the committee, after a most careful and most laborious and most scrutinizing investigation of the affairs connected with that election, have been able most fully and most entirely to agree. We stand upon the floor to-day saying to the House, if our judgment has not deceived us, if we have not been most grossly led astray, there was not in four parishes of that district (those four parishes which gave to Mr. Ryan his claim to a majority) any semblance, or, in fact, any pretense to a fair election at which the citizen could as he desired, if known to be a Republican, cast his vote, yea or nay.

I desire to call the attention of the House at once to the peculiar state of facts, the anomalous, the unusual, the suspicious state of facts which upon the figures themselves at once appeal to the intelligence of every looker on in the discussion of this question. I call the attention of the House to the fact that there was an election in these parishes in 1867; that there was an election in these parishes in April, 1868, only a few months before the election now under consideration; that at those two former elections, when there was a reasonable degree of peace in those parishes, there was a large Republican vote cast. I then call the attention of the House to the further fact that in the space of a few months a large number, amounting to thousands, of Republican votes cast in these four parishes dwindled down to the insignificant number of 46 votes only; that in one of these parishes, where a large number of Republican votes were cast but seven months before, no single Republican vote was permitted to be cast; that in three others of these same parishes but one single Republican vote was cast as against thousands cast a few months before; that in the whole, I repeat again, of these five contested parishes thousands of Republican votes were dwindled down to only 46, and in four of them but 3 Republican votes are returned.

Mr. Speaker, the question upon this showing at once appeals to the intelligence with the inquiry how this anomalous state of facts occur? What cause was there which in so short time reversed the verdict of the people in so marked and peculiar a manner? The answer to this inquiry is found in the volumes of testimony submitted to the House by the committee, from which it appears that at that election no men, save such as braved death itself, were permitted to cast a Republican vote. Mr. Speaker, this is not the language of hyperbole. I appeal to the testimony. I appeal to witness after witness who tells the story of the state of things existing in those parishes. I would to God that much of that record could be erased. It is there to last forever a testimony against us; and it is there to remind this House that a last appeal is made to their justice for their decision as to whether or not the people shall be represented on this floor by the man of their own choice, or whether those who not only speak for themselves but who assume to speak for others shall be represented here.

The whole number of votes cast in the entire district was 20,500; the whole number of votes registered was 25,027; the number registered but not voting was 4,507. And here, sir, I wish to call the attention of the House to the fact that by excluding the parishes challenged by the contestant, three fifths of the registered voters of the fourth district of Louisiana are still represented in the parishes not challenged. This is not a case in which if we exclude, as I expect the House to do, the four contested parishes, but a small number of voters are represented by the vote of the peaceable parishes. But excluding these parishes, which are sought to be excluded on the ground of intimidation and violence, there still remain three fifths of the entire voting population of the district who were represented in the parishes which were reasonably peaceable, and which gave a large majority for the contestant in this case. Two thirds of all the votes cast in the district were cast in the peaceable parishes. I observe, Mr. Speaker, that the time when I agreed to yield to the gentleman from Indiana [Mr. VOORHEES] has arrived. I therefore yield to that gentleman the balance of the time remaining until two o'clock.

Mr. KERR. I would suggest to the gentleman from Missouri that he had better finish presenting his case before yielding to my colleague. The gentleman has stopped in the very midst of his argument.

Mr. BURDETT. I have endeavored to be as brief as I possibly could, and I shall try to occupy as little more time as I can. The committee claims that in the parishes of Caddo, De Soto, Bossier, and Sabine there was, on account of fraud, intimidation, and violence, no such election held as is entitled to be considered by this House as a fair expression of the public will. We claim that the parish of Winn is also, to a large extent, amenable to the same charge. There are ten parishes in the district. The polls in the four which I have just named are attacked for the cause I have stated. In the balance of the parishes—Rapides, Avoyelles, Natchitoches, Pointe Coupée, and West Feliciana—comprising three fifths of all the registered votes and two thirds of all the votes cast in the district, we claim that there was such an election as is entitled to the consideration of the House as having been conducted with reasonable fairness. We claim, therefore, that those parishes which I have just named, and perhaps the parish of Winn, are entitled to be counted. And upon that showing we claim that Mr. Newsham is elected by 1,308 majority, and that even if you add the parish of Winn, which gave a majority in favor of Mr. Ryan, Mr. Newsham, the contestant, has still 645 majority of the legal votes cast in the district. This is, in brief, the claim which we set up. This is the claim as made by the committee, and to which we ask the consideration of the House.

Mr. VOORHEES. Mr. Speaker, it has been resolved by this House that contested elections shall be judicially considered. I rise to-day to address the House as I would address a court upon the questions of law and fact embraced in this record. If I can obtain such a hearing as would be given in a court of justice I shall be glad; otherwise I shall expect this case to take the usual course that such cases have taken during the last ten years in this body.

In commencing to present this case to the House I think it would not be unprofitable to consider who the contestee here is. Judge Ryan is an old resident of Louisiana. He has lived in the town of Alexandria for a quarter of a century. He is as well known as any citizen of that State. He has practiced law during his entire residence there, and stands at the head of his profession. I make these remarks for the purpose of basing upon them an argument. Such a man, of mark and of character, could not well entertain opinions there without their being well known. Judge Ryan has held offices in the State of Louisiana. He has been a member of the legislative body of his adopted State. He has held judicial positions. He was a man of large, very large means, when the war broke out. It is not, therefore, probable that his views in regard to the terrible questions presented by the rebellion could have rested in obscurity.

The first question presented by the committee for the consideration of the House is whether Judge Ryan is eligible to a seat in this House. After hearing the testimony they tell you in their report that he is not eligible because he was unfaithful to the Government during the war. They tell you that he was not a Union man; that he sympathized with rebels, and that therefore he cannot take the oath of office. That is the finding of the committee. Now, suppose that I show this finding so wholly unsustained by testimony, so utterly without support, that there is not a man here who, sitting as a juror, would consider it tenable for a moment. I think, then, it would go far to shake all the rest of the conclusions of the committee. I will proceed to demonstrate the utter fallacy of this report.

Here is a man of age, of eminence, and of wealth, living in the city of Alexandria for a quarter of a century, who had his views in regard to the rebellion subjected to the finding of this committee. There are two witnesses, one by the name of Calhoun, a white man, and the other a colored man from Ohio, by the name of Lott, who swear that Judge Ryan was not loyal. Calhoun swears that he heard him make a speech to confederate soldiers, standing in a carriage. Lott swears that he heard him make the same speech from his door-step. Calhoun, who was in the habit of going to Ryan's house almost constantly, says that Ryan sent his slaves, or nearly all of them, to Texas for the purpose of securing them in case of emancipation; also that he sent his cotton there. I am stating their testimony as strongly as any member of the committee can state it, and giving it all its force and weight. They also swear that Judge Ryan wore a uniform, which they think was rebel in its character, on one occasion.

Now, having stated all this, allow me to state the contrary testimony, and no member of the committee will gainsay what I say. I shall certainly not misstate it on purpose, and I do not think I shall do so accidentally. James Madison Wells, Governor of the State of Louisiana, a man elected since the war, a Union man throughout, who was elected as a Republican, and voted for General Grant when he was elected President of the United States, comes forward and swears that he knew Judge Ryan during the war, and saw him almost every day; was at his plantation or the judge was at his daily. He swears that Judge Ryan was as good a Union man as he was, and never faltered in his attachment to the Government. He swears that he himself was a Union man during the entire rebellion, never sympathized with it, and voted the Republican ticket as soon as he got a chance. That, I believe, is a tolerably high test on the other side of the House.

Here is the Republican Governor of the State of Louisiana who swears point-blank that Judge Ryan was a loyal man during the entire war, and the committee find that he was not a loyal man. They find it on the testimony of Calhoun, who I will show swears falsely, and this colored man from Ohio who was not indigenous to the soil. And not only that, but in the argument of the committee they cite the case of Dr. Sullivan, and say, with many flourishes of rhetoric, that he was a Union man *par excellence*. Well, he was; I knew the doctor. They say that he was an officer under General Jackson; that is true. And that he is a brother-in-law of Judge Ryan; that is all true. They say that he was arrested and imprisoned by the rebels under General Richard Taylor, and that Judge Ryan was not; that is true also. And I will tell you what is true besides: there are two Hamiltons in the State of Texas, brothers; one is Governor Hamilton, whom you all know, who was compelled to flee as a fugitive from his State because of his Unionism, and yet his own brother, now a Senator of the United States, and so good a Union man that he has taken the oath and his seat, was allowed to stay at home.

Dr. Sullivan was suspected of being a spy, very unjustly I know, because the doctor's character forbids such a supposition. It may have been that the relation which Judge Ryan bore to Zachary Taylor, once President of the United States, may have had some influence on the mind of his son, General Dick Taylor, who was in command in that department. All these things may have had their effect. But to show how much fairness there is in the finding of the committee, allow me to ask gentlemen to turn to the evidence and read Dr. Sullivan's own testimony in regard to Judge Ryan. He is the man whom they cite as an illustration against Judge Ryan, the man who they say was arrested by the rebels, while Judge Ryan was not; and their argument therefore is that Judge Ryan was not a loyal man or he would have been arrested. He comes on the stand and testifies that first, last, and all the time Judge Ryan's loyalty was beyond doubt. That is Dr. Sullivan's testimony. Turn to it yourselves if you want to know the truth. I cannot in the few moments allowed me in this debate read it. But we are all intelligent men, and I trust all fair men, and Dr. Sullivan, whom the committee eulogize, and eulogize justly, as a Union man concerning whom there is no doubt, swears positively and without reservation that there is just as little doubt of Judge Ryan's loyalty as of his; that he knew him all the time; that he was a Douglas presidential elector in 1860; that he opposed secession, and that he was outspoken in his attachment to the Government during all the years of the rebellion.

Now, if the House please—I find I have been almost betrayed into addressing this House as a court, knowing how judicially we are sitting upon this question—again, these very negroes, a dozen of them, Judge Ryan's own slaves, who this fellow Calhoun swore were sent to Texas, (and the gentleman from Ohio [Mr. STEVENSON] and the rest of the Committee of Elections will bear me out in saying that these negroes, Betsy, Molly, and Harriet, house servants, and Bob, Jim, and Jack, body servants, and the coachman of Judge Ryan,) came forward and swore, as this testimony shows, that Calhoun was often in and about Judge Ryan's house; that there was not only no slave sent to Texas, but that Calhoun knew that none were sent to Texas or anywhere else. That is the testimony of the negroes themselves, the very negroes that Calhoun said were sent to Texas. They swear that they were not sent to Texas, and that Calhoun knew it. And furthermore, these negroes swear that their kind old master was loyal to the Government all the way through. His coachman, against whom the Judge once became angry because he allowed his horses to run away, and who, getting frightened, run off himself to New Orleans—even he swears to the loyalty of his former owner and friend.

In regard to another statement of this informer. Men are brought forward and state that a long time before the war broke out in the State of Louisiana they had there a social company, a sort of offspring of the Mexican war. That company had a uniform, and once during the rebellion Judge Ryan was seen with a coat on his back belonging to that suit of clothes. But it had no reference to the confederacy, no reference to the rebellion; it simply had reference to an old social relation growing out of the organization of a former military company that served in a former national war.

I ask gentlemen in all candor if they suppose that in regard to such a man as Judge Ryan any of these questions could be kept in doubt? He belongs to a class and a nativity that speak out their sentiments plainly. They are of a temperament mercurial to a degree. It leads them to excitement for reasons less powerful than those which sometimes cause explosions here. The children of the Emerald Isle are not proverbial for hiding their sentiments. Do gentlemen therefore believe that Judge Ryan, an eminent lawyer, a prominent citizen, a man of official station, could have held his tongue during the entire war, or given utterance to such doubtful sentiments, if he had been really in favor of the confederacy, as to leave his slaves and everybody else in ignorance of his sentiments until this wise and astute committee examined into the matter? Sir, such a thing is beyond my comprehension.

Against these fellows, Calhoun and Lott, I oppose the testimony of other men who cannot be doubted. The Governor of the State testifies, and his testimony is in this book, that Judge Ryan was loyal; and then comes Dr. Sullivan, whose loyalty is above suspicion, and he testifies to the same effect. Then come all those negroes who Calhoun said had been sent to Texas, and they say they were not sent away; that he never tried to do so, and did not want to send them away. They say, also, that Judge

Ryan was always faithful in his attachment to the flag. Sir, these men of wealth and position in the South, these men of cotton and slaves, were not doubted as to their position.

One word more. I see that it is nearly two o'clock, and I know that I must stop at that time; consequently I have only touched upon the first question presented by the Committee of Elections, the question of ineligibility. When the subject comes up again I will then consider the question of the votes. I am authorized by the gentleman from Massachusetts, [Mr. BANKS,] who I regret to see is not now in his seat, to say that while he was in command of that department he was, during a period of eighteen months, frequently at Alexandria, and was often the guest of Judge Ryan. He further authorizes me to say that Judge Ryan was always understood by him and by his neighbors, as far as he knew, to be a Union man. I understand also from Judge Ryan that he has permission to refer to General Sherman as a voucher for his loyalty. The General is well acquainted with him, having frequently stayed at his house. General Sherman was at one time a professor in the university of which Judge Ryan was president, and in the establishment of which he was largely instrumental. It was in this way that the relations of General Sherman and Judge Ryan became intimate.

This settles, I think, the question of loyalty, the question of eligibility. Here I will leave the case for to-day, simply asking members, if the resolution in regard to deciding these cases judicially be not a farce, to take up the testimony and examine it. If after such examination they should believe the committee justified in declaring Judge Ryan to be a disloyal man, such a conclusion will be the result of a mental process of which I cannot conceive. I do not refer now merely to the weight of the testimony; but I affirm that as affecting this question of eligibility there is absolutely no testimony which would receive for a moment the consideration of any impartial court or jury. I am glad to have had the opportunity to discuss this case thus far in the hearing of the House; for, whatever, may be the decision, it is due to Judge Ryan that the testimony should be placed in its proper light, that he may be relieved from the aspersions which, without evidence, without law, without justice, in my judgment, have been cast upon him by the finding of the committee.

[Here the hammer fell.]

ORDER OF BUSINESS.

The SPEAKER. The hour of two o'clock having arrived, and this being the third Friday of the month, the business now in order is such as may be brought before the House by the Committee for the District of Columbia.

CORRECTION OF THE JOURNAL.

Mr. VAN WYCK. Mr. Speaker, I ask unanimous consent to correct the Journal of this House of March 21, 1870. I am incorrectly recorded as voting in the negative on the motion to suspend the rules in order to consider the bill for the relief of the Sisters of our Lady of Mercy of Charleston, South Carolina. In the present condition of the Treasury I have believed it impolitic to make payments for losses sustained during the war, but this case was presented specially; and knowing, as I well did, the great services rendered by the Sisters of Mercy of Charleston to Union soldiers in prison and hospital, I voted in the affirmative to grant the relief requested; and I ask that the Journal may be corrected accordingly. I never give any attention to the reading of the yeas and nays, and not until this morning, when my attention was for the first time called to it, did I know that I was recorded in the negative.

The SPEAKER. The Chair hears no objection to the making of the correction.

CORCORAN GALLERY OF ART.

Mr. COOK reported back from the Committee for the District of Columbia a bill (S. No. 492) to incorporate the trustees of the Corcoran Gallery of Art, and for other purposes, with a recommendation that it pass.

The bill was read. It proposes to create and constitute James M. Carlisle, James C. Hall, George W. Riggs, Anthony Hyde, James G. Berret, James C. Kennedy, Henry D. Cooke, and James C. McGuire, of the city of Washington and of Georgetown, District of Columbia, and William T. Walters, of the city of Baltimore, State of Maryland, and their successors, a body-politic and corporate in law, by the name and style of the Trustees of the Corcoran Gallery of Art, with the usual powers of a corporation, and to do and perform all other acts and things necessary or appropriate for the execution of the trusts created and conferred on them in and by a certain deed from William W. Corcoran, to them, dated the 10th of May, 1869, recorded on the 18th of the same month in liber D, No. 8, folio 294, *et sequitur*, one of the land records of Washington county, District of Columbia, to which reference is made for greater certainty; the intent of this charter of incorporation being that the same shall be in execution of the trusts in the deed declared and set forth, and not to any other intent or purpose whatever. The Secretary of War, the Secretary of the Treasury, and the Secretary of State are also authorized and directed to ascertain and settle, upon principles of justice, a fair and just compensation for the use of the ground and buildings described in the before-mentioned deed while the same were occupied by the United States for the public service; and the sum so ascertained and settled by them, or a majority of them, upon their certificate and award thereof, is to be paid to the corporation.

The third section remits any tax which may be claimed or due to the United States, by reason of the transfer of the property above mentioned, or the execution and delivery of the deed from William W. Corcoran to the above-named trustees.

The fourth section provides that the building and grounds connected therewith, together with all the works of art that may be contained therein, shall be free from all taxes and assessments by the municipal authorities of the United States so long as the same shall be held and used for the purposes set forth.

Mr. FINKELNBURG. I rise to a point of order. The bill makes an appropriation, and must have, under the rule, its first consideration in the Committee of the Whole on the state of the Union.

Mr. COOK. The appropriation in this bill is only an appropriation of the rent due by the United States for the use of this building.

Mr. FINKELNBURG. How much?

Mr. COOK. It is to be settled by the Secretary who rented the building.

Mr. FINKELNBURG. Is this subject to any control? The amount is not fixed. Who is to determine it?

Mr. COOK. The Secretary of War, the Secretary of the Treasury, and the Secretary of State. Mr. Corcoran gave $500,000 worth of property for the purpose of an art gallery in this District.

Mr. FINKELNBURG. I have called attention to the subject. If the House is willing I do not make further objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. HORACE PORTER, one of his secretaries, notifying the House that he had approved and signed a bill (H. R. No. 1084) to incorporate the Washington Market Company.

NATIONAL UNION SAVINGS-BANK.

Mr. COOK, from the same committee, also reported back Senate bill No. 550, to incorporate the National Union Savings-Bank of the District of Columbia, with the recommendation that it do pass.

The bill was read. The first section provides that George H. Plant, William S. Huntington, Lewis Clephane, H. A. Willard, George W. Adams, S. P. Brown, William Stickney, B. P. Snyder, A. L. Sturtavant, J. H. Lathrop, Nathaniel Wilson, R. D. Mussey, Zenas C. Robbins, William B. Todd, Edward Simms, Joseph Casey, James M. Latta, Henry Willard, William H. Philip, Alexander R. Shepherd, William P. Dole, Hugh McCulloch, and Matthew G. Emery, are hereby created, and their successors and assigns shall be, and they are hereby, declared to be a body politic and corporate by the name and style of the National Savings-Bank of the District of Columbia, and by that name shall have succession and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity and elsewhere; to make and to use a common seal, and the same to alter or renew at pleasure, and generally to do and perform all things relative to the object of this institution which is now or shall be lawful for any individual or body politic or corporate to do.

The second section provides that the officers of said corporation shall consist of a president and vice president, who, together with seven trustees, shall constitute a board of managers, four of whom, if the president or vice president be present, shall constitute a legal meeting of such board for the transaction of business.

The third section provides that said corporation shall meet annually in the month of April, and as much oftener as they may judge expedient, and any seven members of said corporation, the president, secretary, or treasurer being one, shall be a quorum, and the said corporation at their annual meeting shall have power to elect a president and a treasurer, who shall give bond in the sum of $10,000 for the faithful discharge of the duties of his office, and all such other officers as may be deemed necessary; which officers shall continue in office one year and until others are chosen in their stead; and all officers so chosen shall be under oath to the faithful discharge of the duties of their offices respectively.

The fourth section provides that said corporation may receive on deposit, for the use and benefit of the depositors, all sums of money offered for that purpose. All such sums may be invested in the stock of any bank incorporated by Congress, or may be loaned on interest to any such bank, or may be loaned on bonds or notes, with collateral security of the stock of such banks at not more than ninety per cent. of its par value, or they may be invested at the public funds of the United States, of the several States, or loaned on a pledge of any of said funds, or invested in loans or mortgages of real estate; provided that the whole amount of stock held by the institution at one time in any one bank, both by way of an investment and as a surety for loans, shall not exceed one half of the capital stock of such bank, and that not more than three quarters of the whole sum deposited in the institution shall be at any one time invested in mortgages of real estate. The income or interest of all deposits shall be divided among the depositors, or their legal representatives, according to the terms of interest stipulated; and the principal may be withdrawn at such times or in such manner as the corporation shall in its by-laws direct.

The fifth section provides that no officer, director, or committee charged with the duty of investing the deposits shall borrow any

portion thereof, or use the same, except in payment of the expenses of the corporation; and if any officer, director, agent, or other person connected with said bank, and interested with the funds or deposits thereof, shall embezzle or fraudulently convert the same to his own use, he shall be deemed guilty of larceny, and shall, on conviction thereof by any court competent to try the offense, be imprisoned in the penitentiary not less than one nor more than ten years.

The sixth section provides that the subordinate officers and agents of said corporation shall respectively give such security for their fidelity and good conduct as the board of managers may from time to time require, and said board shall fix the salaries of such officers and agents.

The seventh section provides that the persons named as corporators in the first section of this act shall be authorized to meet and organize said bank by the election of one of their number as president and one as vice president, and thereupon shall proceed to elect such persons as they shall select, to be added to their board of managers, so that the whole number of trustees or managers, including the president and vice president, shall not exceed nine persons.

The eighth section provides that this corporation shall make an annual report to Congress of their funds and investments. Said returns shall specify the following particulars: the number of depositors; total amount of deposits; amount invested in bank stock and deposited in bank on interest; amount secured by bank stock; amount invested in public funds; loans on security of public funds; loans on mortgage of real estate; loans on personal securities; amount of cash on hand; total dividends of the year; annual expenses of the institution—all of which shall be certified and sworn to by the treasurer; and five or more of the managers shall also certify and make oath that the said return is correct according to their best knowledge and belief.

The ninth section provides that the books of said corporation shall at all times during their hours of business be open for inspection and examination to the Comptroller of the Currency or depositors.

The tenth section provides that said corporation may make by-laws for the more orderly management of their business, not repugnant to law; may have a common seal, which they may change at pleasure; that all deeds, grants, covenants, and agreements made by their treasurer, or any other person by their authority, shall be good and valid; and said corporation shall have power to sue and may be sued, defend, and be held to answer by the name aforesaid.

The eleventh section provides that the said corporation shall file a bond, with security, with the clerk of the supreme court of the District, to be approved by one of the judges of the said court to the United States, in the penal sum of $200,000, with a condition to pay and to satisfy to every depositor or person entitled, such sum as the party may be entitled to within thirty days after such deposit shall be demanded; and which bond may be sued by any depositor or person entitled after such demand and refusal to pay; and that the said supreme court shall have power to require a new bond and new security at any time they may deem it necessary for the interest of parties interested.

The twelfth section provides that Congress shall at all times possess the power to alter, amend, or repeal this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

REDUCING THE WIDTH OF A PUBLIC ALLEY.

Mr. COOK, from the same committee, also reported back a bill (H. R. No. 2063) to direct the reduction of the width of an alley in square 376 in the city of Washington, with an amendment.

The bill directs the municipal government of Washington city to reduce the width of the public alley entering square 376 from Ninth street west from twelve feet to a width of seven feet, and that the portion restored to individual property be added to lot 22, from which the entire alley was originally taken.

The amendment in the bill and in the title was to strike out "directed" and insert "authorized."

The amendment was agreed to.

Mr. COOK. I move the previous question.

The previous question was seconded and the main question ordered.

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

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

The latter motion was agreed to.

EXEMPTION FROM TAXES.

Mr. COOK also, from the same committee, reported back, with amendments, the bill (H. R. No. 2005) exempting from taxes certain property in the District of Columbia.

The bill was read. It provides that from and after the passage of the act all churches, parsonages, and parochial schools, and all buildings, grounds, and property appurtenant thereto, and used in connection therewith in the District of Columbia, shall be exempt from any and all taxes or assessments, national, municipal, or county.

The amendments reported from the committee were as follows:

In line four strike out the words "parsonages and parochial," and after the word "schools" insert the word "houses;" so that it will read, "all churches and school-houses and all buildings."

Add as a new section the following:

SEC. 2. *Be it further enacted, &c.*, That savings-banks may be organized within the District, under the provisions of section four of an act to provide for the creation of corporations in the District of Columbia by general law, and the limitation of twenty years provided for in said section for the existence of corporations created under and by virtue of the provisions of said section shall not apply to corporations formed only for the purpose of life insurance.

Amend the title so that it shall read: "An act exempting from taxes certain property in the District of Columbia, and to amend the act to provide for the creation of corporations in the District of Columbia by general law."

Mr. COBURN. I understand that the bill applies now exclusively to church property.

Mr. COOK. We propose to amend the first section so that it shall apply only to churches and school-houses.

The amendments reported by the committee were agreed to.

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

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

The latter motion was agreed to.

NATIONAL THEOLOGICAL INSTITUTE.

Mr. COOK. I ask unanimous consent to report from the Committee for the District of Columbia a bill which is necessary to correct an act which passed the House a month ago to-day. It has not been referred to the committee, but the committee have examined it, and approve of it.

There being no objection,

Mr. COOK, by unanimous consent, introduced a bill (H. R. No. 2064) to repeal the preamble to an act in relation to the National Theological Institute, approved April 2, 1870; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It repeals the preamble to an act entitled "An act declaring the construction of an act to incorporate the National Theological Institute, approved May 10, 1866," and also an act to amend an act entitled "An act to incorporate the National Theological Institute and to define and extend the powers of the same," approved April 22, 1870.

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

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

The latter motion was agreed to.

Mr. COOK. I now yield to my colleague on the committee, the gentleman from Ohio, [Mr. WELKER.]

JUDICIAL PROCEEDINGS IN THE DISTRICT.

Mr. WELKER, from the Committee for the District of Columbia, reported a bill (H. R. No. 2065) to further amend the law of the District of Columbia in relation to judicial proceedings, and preserve records of marriages therein; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read, and is as follows:

Be it enacted, &c., That all fictions in the pleadings in the action of ejectment within said District be, and are hereby, abolished; and all actions for the recovery of real estate in said District shall be commenced in the name of the real party in interest, and against the party claiming to own or be possessed thereof.

SEC. 2. *And be it further enacted*, That any of the duties of the clerk of the supreme court of the District of Columbia may be performed, in his name, by any of the assistant clerks in his office, and said assistants may sign the name of the clerk to any process, certificate, or other official act required by law or by the practice of the court to be performed by said clerk, and may authenticate said signature by affixing the seal of the court thereto, whereon the impress of the seal is necessary to its authentication. In such cases the signature shall be "—— ——, clerk, by ——— ———, assistant clerk."

SEC. 3. *And be it further enacted*, That after a judgment for a debt amounting with interest to twenty dollars, exclusive of costs, before a justice of the peace of the District of Columbia, the judgment creditor may, when execution is returned no personal property found whereon to levy, file in the clerk's office of the supreme court of the District of Columbia a certified copy of such judgment, and which shall be docketed in the docket of law causes in said office in the same manner as appeals from justices are docketed there; and when so docketed the force and effect of the judgment shall be the same, as to lien and execution, as if it had been a judgment of said court.

SEC. 4. *And be it further enacted*, That for the purpose of preserving the evidence of marriages in the District of Columbia every minister of the Gospel, appointed or ordained according to the rites and ceremonies of his church, whether his residence be in the District of Columbia or elsewhere in the United States or its Territories, may be licensed to celebrate marriages in the said District; and the license shall be issued by the clerk of the supreme court of said District in the following form:

"To any minister of the Gospel authorized to celebrate marriages in the District of Columbia, greeting:

"You are hereby licensed to solemnize the rites of marriage between ——— ———, of ———, and ——— ———, of ———, if you find no lawful impediment thereto; and having done so, you are commanded to appear in the clerk's office of the supreme court of said District and certify the same.

"Witness my hand and the seal of said court.

"———, *Clerk.*"

SEC. 5. *And be it further enacted*, That said clerk shall provide a record book of his office, consisting of licenses in the above form, printed in blank, one of which he shall fill up with the names of the parties for whose union any license has been issued, and beneath it shall be printed a certificate, to be made by the minister who solemnized the marriage, in the following form:

"I, ——— ———, minister of ——— church, in ———, hereby certify that, by authority of a license of the same tenor as the foregoing, I solemnized the marriage of the parties aforesaid, on the ——— day of ———, 18—, at ———, in the District of Columbia.

"——— ———."

SEC. 6. *And be it further enacted*, That a copy of any license and certificate recorded in said book, certified by said clerk under his hand and the seal of the court, shall be competent evidence of said marriage.

Mr. WELKER. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

FINAL ADJOURNMENT.

A message from the Senate, by Mr. HAMLIN, one of its clerks, announced that the Senate had agreed to the concurrent resolution of the House fixing a day for the final adjournment of the present session of the Forty-First Congress, with an amendment, in which the concurrence of the House was requested.

Several MEMBERS. Let the amendment be read.

The Clerk read the concurrent resolution, as follows:

Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives do declare their respective Houses adjourned *sine die* on Monday, the 4th day of July next, at twelve o'clock m.

The amendment of the Senate was also read, as follows:

Strike out the words "Monday, the 4th," and insert "Friday, the 15th."

Mr. DAWES. I move that the amendment be concurred in.

Mr. COBURN. I hope the gentleman will postpone his motion till there is a full House.

Mr. DAWES. I think there will be no objection to it.

The question was put; and the amendment of the Senate was concurred in.

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

The latter motion was agreed to.

AMERICAN UNION ACADEMY.

Mr. KNOTT, from the Committee for the District of Columbia, reported back, with an amendment, the bill (H. R. No. 1926) to incorporate the American Union Academy of Literature, Science, and Art.

The bill was read. It incorporates a number of persons therein named under the name of "the American Union Academy of Literature, Science, and Art," and by that name constitutes them a corporation with capacity to sue and be sued in any court of justice, to acquire, hold, and convey property, real and personal, to have a corporate seal, and to use and exercise all the powers, rights, and privileges incident to such corporations, having for its objects the advancement of literature, science, and art, and securing coöperation and concert of action in the diffusion of knowledge throughout the country.

The bill provides in its second section that this academy shall have power to make and ordain its own organization, including its constitution, by-laws, and rules and regulations, and to provide for the necessary officers and agents for conducting its affairs, and all other matters needful and useful in such institution.

The bill provides in its third section that it shall also have power to establish a branch of the institution in the capital of any State or Territory, or in any city of the United States, as auxiliary to its objects. And questions pertinent to the scope of the several departments of the academy and of importance to the public interest, which may be officially submitted to the academy or its branches by the officers of the General or State governments, or by any association, shall receive prompt consideration, and shall be responded to in such manner as the academy shall prescribe.

The fourth section provides that the academy shall report to Congress its constitution and by-laws, and also make an annual report to Congress of its progress and proceedings.

The amendments reported by the committee were as follows:

Amend section one, in line twenty-one, by inserting after the word "convey" the word "such," and after the word "personal" the following words: "as may be necessary to enable them to carry out the objects of their organization, and no more."

Amend section two, in line four, by inserting after the word "objects" the following words: "having first obtained permission therefor from the Legislature of each State or Territory."

The amendments were agreed to.

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

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

The latter motion was agreed to.

CONVEYANCE OF REAL ESTATE.

Mr. WILLIAMS, from the same committee, reported back, with an amendment, the bill (H. R. No. 1633) to simplify the conveyance of real estate in the District of Columbia.

The bill was read. The first section provides that any conveyance of lands worded in substance as follows: "A B conveys and warrants to C D [here describe the premises] for the sum of," [here insert the consideration,] the said conveyance being dated and duly signed, sealed, and acknowledged by the grantor, shall be deemed and held to be a conveyance in fee simple to the grantee, his heirs and assigns, with covenant from the grantor for himself and his heirs and personal representatives that he is lawfully seized of the premises, has good right to convey the same, and guaranties the quiet possession thereof; that the same are free from all incumbrances, and that he will warrant and defend the title to the same against all lawful claims.

The second section provides that any conveyance of lands, worded in substance as follows: "A B quitclaims to C D [here describe the premises] for the sum of," [here insert the consideration,] the said conveyance being duly signed, sealed, and acknowledged by the grantor, shall be deemed to be a good and sufficient conveyance in quitclaim to the grantee, his heirs and assigns. It shall not be necessary to use the words "heir and assigns of the grantee" to create in the grantee an estate of inheritance; and if it be the intention of the grantor to convey any lesser estate, it shall be so expressed in the deed.

By the third section it is provided that any mortgage of lands, worded in substance as follows: "A B mortgages and warrants to C D [here describe the premises] to secure the repayment of," [here recite the sum for which the mortgage is granted, or the notes or other evidences of debt, or a description thereof, sought to be secured, also the date of the repayment,] the said mortgage being dated and duly signed, sealed, and acknowledged by the grantor, shall be deemed and held to be a good and sufficient mortgage to the grantee, his heirs, assigns, executors, and administrators, with warranty from the grantor and his legal representatives of perfect title in the grantor, and against all previous incumbrances; and if, in the above form, the words "and warrant" be omitted, the mortgage shall be good, but without warranty.

The fourth section provides that every conveyance or mortgage of lands, or of any interest therein, and every lease for more than three years, shall be recorded in the office of the register of deeds in the District of Columbia; and every such conveyance or lease not so recorded within ninety days from the execution thereof shall be fraudulent and void as against any subsequent purchaser or mortgagee in good faith for a valuable consideration.

By section five it is provided that when a deed purports to contain an absolute conveyance of any estate in lands, but is made, or intended to be made, defeasible by force of a deed of defeasance, bond, or other instrument for that purpose, the original conveyance shall not thereby be defeated or affected as against any person other than the maker of the defeasance, or his heirs or devisees, or persons having actual notice thereof, unless the instrument of defeasance shall have been recorded, according to law, within ninety days after the date of said deed.

The amendment reported by the committee was to insert after the word "faith," in line eight of section four, the words "without notice."

The amendment was agreed to.

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

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

The latter motion was agreed to.

COLUMBIA RAILWAY COMPANY.

Mr. McKENZIE, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 227) to incorporate the Columbia Railway Company of the District of Columbia.

Mr. McKENZIE. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading; and was accordingly read the third time, and passed.

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

The latter motion was agreed to.

DIVORCES IN THE DISTRICT OF COLUMBIA.

Mr. COWLES, from the same committee, reported back, with an amendment in the nature of a substitute, the bill (S. No. 76) concerning divorces in the District of Columbia.

The Senate bill was read. It provides that in all cases in which by existing law the supreme court of the District of Columbia is authorized to decree divorces from bed and board it shall in cases hereafter instituted have authority in its discretion to declare divorce from the bonds of matrimony.

The substitute reported by the committee was then read, as follows:

That in addition to the causes for which the supreme court of the District of Columbia may now grant divorces from the bonds of matrimony such divorces may be granted for—

First. Habitual drunkenness for the period of three years on the part of the party complained against.

Second. Cruelty of treatment endangering the life and health of the party complaining.

Third. Willful desertion and abandonment by the party complained against of the party complaining for the full and uninterrupted space of three years.

Mr. NIBLACK. I desire to inquire whether the committee will not consent to make the period of abandonment less than three years? I move to strike out "three" and insert "two." I think that is long enough.

Mr. LAWRENCE. What time does the bill fix?

Mr. NIBLACK. Three years. My amendment will keep the people of this District from going out West and obtaining a residence there for the purpose of procuring divorces. I desire to protect the western States from the emigration that goes there to seek divorces. I hope there will be no objection to the amendment.

Mr. COOK. I am very much opposed to shortening the time of abandonment for which divorces may be granted. It seems to me that the bonds of matrimony will be light enough, even if we do not make them as light in this District as they are in the State represented by my friend over the way, [Mr. NIBLACK.]

Mr. NIBLACK. Personally I am not in

favor of the lax system of obtaining divorces which obtains in many of the States of the Union, and I have never been in favor of it. I know there are grave objections to such a system viewed from many stand-points. Viewed from the religious stand-point, there are many and grave objections in the minds of many of the good people of the country. But I think the most of the objections from the religious stand-point are in relation to a divorced party marrying again; not so much to the granting of divorces as to the subsequent marriage of the divorced party.

So far as a liberal system of granting divorces is concerned I do not think there are such grave objections to it as many people seem to suppose. In the minds of most persons who clamor so loudly against the granting of divorces the offense seems to be in marrying after divorce, and, perhaps, to divorce being granted except for certain causes. But we may as well conform ourselves to the condition of things that surrounds us. The tendency in many of the States is to greater liberality upon the subject of divorces, and the result is that when a person is residing in a State that is not liberal upon that subject, if he desires to obtain a divorce he goes to some other State which is more liberal, and there he succeeds in obtaining a divorce, after which he returns to the place of his former residence. Now, while we are about it, I think we may as well conform somewhat to the tendencies of the time, at least sufficient to prevent persons who want divorces from emigrating to other States—to my own State, if you please. I know that my own State has a bad reputation on this subject, but much of it is undeserved.

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

Mr. NIBLACK. Certainly.

Mr. COOK. I would ask the gentleman if he would have this District enjoy the same bad reputation which he says attaches to his own State? And would he have parties come here to the District of Columbia to reside for the space of two years for the purpose of obtaining divorces?

Mr. NIBLACK. I understand that in the gentleman's own State of Illinois two years is the limit for desertion; and I think that is a very fair average time, everything considered. We have heretofore made the District of Columbia a sort of experimental garden in which Congress should try its peculiar notions; and I do not see why we should not try this experiment here on the subject of divorces.

Mr. COOK. The experiment was tried in Indiana.

Mr. NIBLACK. The District of Columbia has not heretofore demanded much consideration of Congress, and I think we have not given much attention to either the morals or the rights of the citizens of the District of Columbia; not so much as we ought at least.

Mr. MAYNARD. I desire to say a single word upon this subject. I think we ought not to treat this matter in any spirit of banter or levity, because it is a serious matter, affecting the best interests of society. It seems to me that we should fix this term as nearly as possible to conform to the term that obtains in the various States of this Union, or at least in a majority of them. In my own State, and generally in my part of the country, two years is the limit fixed for the time of desertion.

Mr. WELKER. In most of the western States the limit is three years.

Mr. MAYNARD. Not in Indiana, nor in Illinois, as I understand from the gentleman from Indiana, [Mr. NIBLACK.]

Mr. WELKER. It is one year in Indiana.

Mr. MAYNARD. The term in my State is two years, and so it is in other States around us. I think we ought to bring it as near as possible to the general law of the land on that subject.

Mr. ARNELL. I desire to offer a single amendment in regard to drunkenness.

Mr. NIBLACK. One word more in regard to my motion, and then I shall not occupy the floor further. In all that I have said I want it distinctly understood that I am not the advocate of those extremely liberal laws which prevail in many of the States upon the subject of divorces. I make my motion in view of the circumstances which surround us, and with the object of bringing the laws of this District into conformity, as nearly as may be in this respect, to the laws generally prevailing in the States, so that residents of this District may not be driven to the supposed necessity of resorting to the courts of the States for the purpose of obtaining divorces denied them here. This is the practical view which I take of this question.

Mr. COWLES. I suppose it is unnecessary to make any extended reply to the remarks of the gentleman from Indiana, [Mr. NIBLACK,] or those of the gentleman from Tennessee, [Mr. MAYNARD.] The committee propose a term of three years with regard to all these grounds of divorce. If in framing a law on this subject for the District of Columbia we should attempt to make it conform to the laws of the various States of the Union, we should find ourselves at sea, because the laws of no two States are alike in this respect. It seems to me the period of three years is short enough to be prescribed as the term before the expiration of which parties shall not be permitted to come into court and ask to be relieved from the most sacred obligations which can be assumed. This period is not too long a term to allow to a party against whom there may be ground of complaint, so that he may have an opportunity to reform, and thus obviate the necessity of an application to the courts. It seems to me the provisions of the bill are fair and just, not oppressive to either party.

Mr. NIBLACK. One single suggestion further. There are grave doubts in my mind whether for mere abandonment a divorce ought to be decreed at all; but this bill recognizes abandonment as a sufficient ground for divorce. If we recognize this principle, then a term of two years is sufficient to show the intent of the party; and this being sufficiently disclosed, it seems to me unnecessary to keep the parties together longer, if they are to be divorced at all.

Mr. PETERS. I move to amend the amendment of the gentleman from Indiana [Mr. NIBLACK] by substituting these words:

But the court may, in its discretion, grant a divorce where either of the above causes has continued for the period of two years, upon proof of other gross misconduct of the party complained of.

I wish to say that in my own State we have a provision of this kind, and it works well. By the law of Maine abandonment for three years, without the existence of any other circumstaness, is a sufficient ground for divorce; but the court may in its discretion grant a divorce, after desertion for two years, upon proof of other misconduct, such, for instance, as gross intemperance, (although not of that continuous character necessary to constitute in itself a ground for divorce,) or conduct inconsistent with the purity of the marital relation, although absolute adultery may not be proved. I think the provision embodied in my amendment is much preferable to the proposition of the gentleman from Indiana.

Mr. COWLES. I consent that the amendment may be offered. I wish to say, however, that the committee thought it best that a definite term of three years should be fixed so as to leave nothing in this respect to the discretion of the court. The object sought in the substitution of our amendment for the Senate bill was to avoid the uncertainty which there might be with reference to cases of this kind if the precise term were not prescribed by statute. If the amendment proposed by the gentleman from Maine [Mr. PETERS] be adopted, it will allow the courts to regulate this matter according to their own discretion, and different judges may administer the law in different ways. It is desirable to have a uniformity of practice in this matter. Hence it seems to me that the amendment of the gentleman from Maine should not receive the favor of the House.

Mr. PETERS. The gentleman will allow me a moment. It fixes the time at two years, so that a party cannot obtain a divorce for desertion during less than that time. That is certain. In ordinary cases it is fixed at three years. When the libelant proves that the libelee has willfully and maliciously deserted for two years, and at the same time been guilty of other misconduct, such as intemperance of a gross character, of habits not becoming a man to live in a married condition, though they may not amount to proof of adultery—a difficult thing to prove—and a great many other things, they are to be considered by the court, in its discretion, as good ground for divorce. It seems to me in every case a divorce should be granted in three years for desertion. It seems to me where there are other causes it should be granted in less time, leaving that, however, to the discretion of the court.

Mr. LAWRENCE. The bill now before the House raises a question of grave and serious importance. I believe I am opposed to the bill as it came from the Committee for the District of Columbia. Certainly I am opposed to the amendment offered by the gentleman from Indiana, [Mr. NIBLACK,] and to the amendment of the gentleman from Maine, [Mr. PETERS.] It is proposed by the gentleman from Indiana that two years of willful absence shall be sufficient ground for a divorce, to which the amendment of the gentleman from Maine adds, "or if the party shall happen to be guilty of other gross misconduct." It seems to me this bill, and especially if the amendments proposed to be ingrafted upon it shall be adopted, will furnish the means by which "divorces may be made easy." The party desiring may consult a lawyer and obtain legal advice to know what is requisite to obtain a divorce. He may absent himself willfully for two years; and if he finds other gross misconduct necessary to obtain a divorce in two years he will add that to complete the cause. This is simply an invitation to parties to separate for the requisite time in order to obtain a divorce. And if the amendment of the gentleman from Maine is added, it is an invitation to add the other causes in order to fill the bill. Now, as we have been legislating for the suppression of polygamy in Utah by a bill which has passed the House and is now pending in the Senate, and have made loud professions in favor of the sanctity of the marriage relation, we ought not by any such proposition as the one now before us to render this sacred relation insecure and invite the means for its destruction.

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

Mr. LAWRENCE. Certainly.

Mr. PETERS. Does the gentleman suppose a divorce will be granted by the courts on the proof of collusion between the parties?

Mr. LAWRENCE. I understand all that. When you furnish the means by which divorces may be easily obtained you invite parties to embrace the opportunities you furnish. A party desiring a divorce will ask, not what he shall do to be saved, not how he may remedy slight difficulties, but how he may get rid of a wife, or how a wife may get rid of a husband. Parties will be told by this act of Congress, if this bill shall pass, that absence for two years will secure a divorce. Gentlemen may say that is not all that it provides in order to obtain a divorce. If the amendment of the gentleman from Maine prevails, a party desiring to make a cause for divorce will be advised that he must be guilty of some other gross misconduct. He will be invited to be guilty of that in order to fill the bill. He can add drunkenness or anything else necessary to secure a divorce. There

are men of that sort, I regret to say. For the sake of humanity I hope they may not be numerous, but still there are very many such, I have no doubt.

Mr. MUNGEN. Does the gentleman suppose that the court would grant a divorce as the result of a party's own wrong-doing? that is, does he suppose that the collusion he states between the parties would be considered good ground for a divorce?

Mr. LAWRENCE. A wife either at the instigation of her husband, on cause furnished by him, or without such instigation, could obtain a divorce, and it will be impossible for courts to know of collusion since neither party can testify. But if we do not furnish the facilities for divorce proposed by this bill parties will become reconciled, settle their differences, learn to subdue their passions, and improve themselves in the way of well-doing, and thus preserve the sanctity of the marriage relation, avoid the evils to parties, to children, to the public, and to the cause of good, resulting from the breaking up of the family relation. The result would be that many who under this law would absent themselves for the requisite time would continue to reside with their wives and learn to be good husbands, and the land would be blessed with happy homes. But pass this bill and this capital city will be cursed with homes destroyed, families broken up, children left to destitution and crime, and society will be shocked with scenes of degradation and distress.

Mr. INGERSOLL. I am amazed that the Committee for the District of Columbia, with such intelligence as I know it possesses——

A MEMBER. In times past.

Mr. INGERSOLL. A committee which in times past possessed so much intelligence should at this time report a bill with the provisions this bill contains. What does it propose? To offer the relief of divorce to husbands and wives in certain cases; but what cases! and what causes! Your bill compels a wife to live with a drunken sot for three continuous years before she can be divorced by any court in this District. I say this is barbarous. I ask the Clerk to read the second section of the substitute.

The Clerk read as follows:

Cruelty of treatment endangering the health or life of the party complaining.

Mr. INGERSOLL. That is, cruelty of treatment going to that degree that it endangers the health or life of the woman; and this is to continue for three years! [Cries of "No!" "No!"] The section says so, I insist upon it. Let the Clerk read that section again.

The Clerk read as follows:

Cruelty of treatment endangering the health or life of the party complaining.

Mr. INGERSOLL. Now read the next section.

The Clerk read as follows:

Willful desertion and abandonment by the party complained against of the party complaining for the full uninterrupted space of three years.

Mr. INGERSOLL. I know very well what I am talking about. And I call my colleague [Mr. COOK] to bear me witness that this was the interpretation given to a similar enactment in the State of Illinois, where the cruelty or desertion was continuous for two years. I know that this was the case, and my colleague knows it, and there is no guarantee in this bill that the court will not construe that language precisely as our courts in the State of Illinois have construed it.

Mr. WELKER. I beg to state to the gentleman that we have the same provision in the State of Ohio, and that the construction he is contending for is not given to it there.

Mr. INGERSOLL. I do not care what the provisions are in Ohio or in Illinois. I know what are the provisions in this bill now before the House. I believe, sir, that this bill is far behind the enlightened sense of this House. You had better have no bill for divorce than trifle with the rights of these people in this way. If you propose that a woman shall have a divorce from her husband, or a husband from his wife, why not give them relief before they are worn out by old age? By this bill you require three years of habitual, sottish drunkenness before you allow a divorce! You require three years of continuous cruel treatment that shall endanger her life. And who, pray, shall be the judge of that? The court, and not the woman. She comes forward and makes her complaint, but the court does not consider that the cruelty she charges endangers her life, and remands her back to the man she fears and dreads! What! You compel her to risk her life again! And more; you condemn the woman to be abandoned by her husband for three long years before you allow her to apply for a divorce! I ask what is the gist of this offense? Is it not the willfulness of the desertion? Must it continue for three years to establish that? How much is the offense aggravated by its continuing three years instead of one? I say that the willfulness of the desertion is the very gist of this cause for a divorce; and yet you compel the woman to go on without any possible relief and with no hope for it, except the hope that the moral monster who has deserted her shall generously die in the mean time. Our own State, (Illinois) makes the period but two years, and other States make it two. I think one year of willful desertion of a wife should entitle her to a divorce on that ground. I ask the Clerk to read the first section.

The Clerk read as follows:

Habitual drunkenness for a period of three years on the part of the party complained against.

Mr. INGERSOLL. Habitual drunkenness is a cause for divorce in our State, but it need not continue more than two years. Hence this bill will put the District of Columbia one year behind the State of Illinois under a statute passed thirty years ago. Is not two years long enough to force a woman to live with a drunken husband?

Mr. WELKER. That is not now a ground for divorce in the District of Columbia at all.

Mr. INGERSOLL. It ought to be. I tell the gentleman that statutes of the State of Maryland are still in force here which would make a man blush to hear them read. And because you find no law for the protection of women here, or allowing them divorces, do you propose for that reason to deprive them of rights and privileges enjoyed by them in the States?

Mr. WELKER. This will make it better for them than it is now.

Mr. INGERSOLL. I admit it is better to relieve them in three years than not at all. But when a divorce is sought for willful desertion is not one year of such desertion long enough? You, gentlemen of the committee, in reporting this bill, say that it is not. But in your hearts you must confess that a year of abandonment and desertion or two years of habitual drunkenness should entitle a wife to be divorced from a vagabond who bears to her the relation of husband. Unless the gentleman who has charge of the bill will allow amendments to be offered to it I shall move to lay it on the table.

Mr. COWLES. I now yield to the chairman of the committee, Mr. COOK.

Mr. COOK. My colleague from Illinois [Mr. INGERSOLL] is utterly and entirely mistaken in supposing that the Illinois statute to which he has referred was ever construed by any court in the State of Illinois as requiring the cruelty to continue for a space of two years in order to constitute cause for a divorce. No decision implying such a construction was ever rendered in the courts of Illinois. The language of the statute is, "extreme and repeated cruelty," and in construing that statute the courts have held that one act of cruelty is not sufficient, but that the acts of cruelty must be repeated. But never in any court in the State of Illinois has the decision been made under that statute that the acts of cruelty shall be continued for the space of two years. My colleague is entirely mistaken in relation to that.

Mr. INGERSOLL. Allow me to say that I have heard several decisions made myself.

Mr. COOK. In what court?

Mr. INGERSOLL. In several circuit courts in the State of Illinois.

A MEMBER. I call for the record.

Mr. INGERSOLL. I can produce the record.

Mr. COOK. I will modify my statement and say that no such decision was ever made outside of the county of Peoria.

Mr. INGERSOLL. Oh, yes; many.

Mr. COOK. No such decision has been made by the supreme court of the State.

Mr. SHANKS. I would ask whether at this stage we can substitute the Indiana statute of divorce? I think it is liberal enough for any district or State.

Mr. COOK. I ask the attention of the House for one moment to this proposition. The difficulty in relation to these statutes of divorce is this: our Illinois statute and all the statutes of other States like it amount to simply this: that when parties mutually desire a divorce they take advantage of the two years' limitation, and, living separate for two years, obtain a divorce by mutual consent. You might just as well make the statute read that parties desiring a divorce may have it on their own motion. That is what the committee sought to avoid in this bill. It requires such a length of time that the parties cannot take advantage of it to dissolve the marriage relation by mutual consent. If we propose to legislate that this holiest of ties shall be thrown off by parties whenever they choose, from any motive or for any reason to do it, then adopt the amendment.

Mr. INGERSOLL. I would like to know if my colleague thinks that a man would consent to become an habitual drunkard for three years in order that his wife might obtain a divorce from him? [Laughter.]

Mr. JONES, of Kentucky. I desire to ask the gentleman from Illinois [Mr. COOK] who is a member of the committee which reported this bill whether, under the operation of the bill, the same reasons for a divorce would apply to the husband as to the wife?

Mr. COOK. Precisely. I protest against the adoption of this amendment, because I foresee that if the amendment shall be adopted the District of Columbia will be made as famous in the history of divorces as some portions of my own State, I am sorry to say, and also the State of Indiana, have been made by parties seeking refuge there for the space of two years, by mutual consent, for the purpose of having a divorce decreed. We are striking at the very foundations of society when we make these divorce laws so loose. I appeal to the House not to modify the bill as reported by the committee, and I call the previous question.

Mr. INGERSOLL. Let us vote the previous question down, and then amend the bill so as to put it in a respectable shape.

The question was put on seconding the previous question; and there were—ayes 70, noes 30; no quorum voting.

Tellers were ordered; and Mr. COWLES and Mr. INGERSOLL were appointed.

The House divided; and the tellers reported—ayes 86, noes 35.

So the previous question was seconded.

The main question was then ordered, being first on the amendment to the amendment moved by Mr. PETERS.

The question was put; and the amendment to the amendment was disagreed to—ayes twenty-five, noes not counted.

The question recurred on Mr. NIBLACK'S amendment, to strike out "three" and insert "two;" so as to make the time of abandonment two years; and being put, the amendment was agreed to—ayes 76, noes 42.

The substitute, as amended, was agreed to.

The bill, as amended, was then read the third time, and passed.

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

The latter motion was agreed to.

EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. HAMILTON, from the Committee for the District of Columbia, reported a bill (H. R. No. 2066) to provide a uniform system of education for the District of Columbia; which was read a first and second time.

Mr. BROOKS, of New York. I will reserve my right to raise points of order on this bill until after it is read.

The bill was then read at length.

Mr. BROOKS, of New York. The fourteenth section of this bill provides for taking out of the Treasury of the United States one fourth of the amount of money needed to carry on the system of education provided for by this bill. I therefore raise the point of order that this bill makes an appropriation of money, and must, under the rule, receive its first consideration in the Committee of the Whole.

The SPEAKER. The Chair sustains the point of order.

The bill was accordingly referred to the Committee of the Whole.

ORDER OF BUSINESS.

Mr. COOK. I now move that the House resolve itself into Committee of the Whole, for the purpose of considering the bill to provide for the paving of Pennsylvania avenue.

The SPEAKER. The gentleman cannot, in order, move to go into the Committee of the Whole for the purpose of considering a particular bill. He can make a general motion to go into Committee of the Whole.

Mr. COOK. Then I will make that motion.

Mr. FARNSWORTH. Cannot the Committee of the Whole pass over the bills one by one, as they come up, until some particular bill is reached which they wish to consider?

The SPEAKER. They can, except in the case of special orders made by the House.

Mr. DAWES. I hope the gentleman from Illinois [Mr. COOK] will withdraw that motion until I can have an evening session ordered for the consideration of the diplomatic and consular appropriation bill.

Mr. RANDALL. I rise to a point of order, or rather to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANDALL. If the House now goes into Committee of the Whole, must we not proceed to consider the first bill on the Calendar?

Mr. COOK. That is what I want.

The SPEAKER. The House by a positive rule has assigned the third Friday of each month, from two o'clock until adjournment, to the consideration of business from the Committee for the District of Columbia. It is for the House to determine whether that consideration shall be in the House or in Committee of the Whole.

Mr. COOK. I only propose to consider in Committee of the Whole the bill for the paving of Pennsylvania avenue, which is the first bill on the Calendar.

Mr. DAWES. Before we go into Committee of the Whole, I wish to ask consent of the House to order a session to-night, for the purpose of considering the diplomatic and consular appropriation bill in Committee of the Whole.

Mr. WOOD. I object.

Mr. DAWES. Then I will make that motion.

The SPEAKER. Such a motion would not be in order at this time.

Mr. COOK. I insist upon my motion to go into Committee of the Whole.

The SPEAKER. Under the rule, if the House shall now go into Committee of the Whole it must be for the consideration of business relating to the District of Columbia.

The question was then taken upon the motion of Mr. COOK; and it was agreed to, upon a division—ayes 77, noes 41.

The House accordingly resolved itself into Committee of the Whole, (Mr. PAINE in the chair.)

PAVING OF PENNSYLVANIA AVENUE.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering business relating to the District of Columbia. The first bill in order is Senate bill No. 90, to provide for the paving of Pennsylvania avenue, which has been reported from the Committee for the District of Columbia with sundry amendments.

Mr. COOK. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. COBB, of Wisconsin. I object.

The bill was then read at length. The first section provides that Edward Clark, architect of the Capitol extension; A. B. Mullet, supervising architect of the Treasury extension; Sayles J. Bowen, mayor of Washington city; and Brevet Brigadier General N. Michler, engineer in charge of public buildings and grounds, and Charles H. Nichols, or their successors in office, shall be appointed a commission to select and determine the best kind of pavement to be used in paving Pennsylvania avenue, and to have said thoroughfare paved therewith from the northwest gate of the Capitol grounds to the crossing of Fifteenth street west, as hereinafter provided.

The second section provides that within ten days after the passage of this act the commissioners named herein shall meet and organize by the election of a president and secretary from among their number, and shall proceed to perform the duties herein devolved upon them; and within thirty days after they shall have determined upon the pavement to be used they shall contract for the paving of said avenue between the points named on the lowest and most favorable terms possible, requiring the paving to be done in the best and most substantial manner, and without unnecessary delay, and that a good and sufficient bond, with sureties, to be approved by the chief justice of the supreme court of the District of Columbia, guarantying that the terms of such contract shall be strictly and faithfully observed.

The third section provides that the cost of laying down said pavement shall be borne and paid for in the following proportions and manner: by the Washington and Georgetown Railroad Company, for that portion of the work lying between the tracks of their road, and for a distance of two feet on each side thereof; by the owners of private property lying and abutting on said Pennsylvania avenue, and in proportion to their frontage thereon, for that portion of the work in front of their lots or parts of lots from the curb line of said avenue twenty-two feet outward, on each side of the avenue; by the corporation of Washington for the intersections of all numeral streets, including the sidewalks to the building line, except such portions of the intersections lying between the tracks of the Washington and Georgetown Railroad Company, and two feet on each side thereof, which will be paid by said company, as hereinbefore provided; and that the residue of pavement lying between the part paid for by private owners and that paid for by the railroad company, shall be paid for by the United States Government; that where public reservations front or bound on said Pennsylvania avenue, or where avenues or lettered streets intersect it, said reservations and intersections shall be paid for by the Government of the United States; provided that the cost of laying such pavement shall not exceed the sum of four dollars per square yard.

The fourth section provides that the assessment contemplated in the foregoing section shall be made by the commission above authorized, and the sums so found due shall be collected and held, but as a special fund by the collector of Washington, in accordance with existing laws; and the moneys so collected and held shall be paid by him to the contractors for the work above authorized on the warrant or order of the said commission in such amounts and at such times as they may deem safe and proper in view of the progress of the work.

The fifth section provides that if the Washington and Georgetown Railroad Company, or any private citizen, or other corporation or person, shall neglect or refuse to pay the amount assessed for the paving herein authorized (within thirty days after the notification of such assessment shall have been left at the property assessed) in front of or adjoining their property, when the work so fronting or adjoining their property shall have been completed to the satisfaction of the commission and assessed by them, the said commission shall issue certificates of indebtedness against the property, which certificates shall bear interest at the rate of ten per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued; and that if the said certificates are not paid within one year, the said commission shall, upon the application of the holder thereof, proceed to sell property against which they are issued, or so much thereof as may be necessary to pay said tax, such sales to be first duly advertised, daily, for three successive weeks, in some newspaper published in the city of Washington, and to be made at public auction to the highest bidder; and a deed given by the commission in pursuance hereof shall be deemed and held to be a good and perfect title to any property bought at such sale hereby authorized; provided that the owner of said real estate shall have the right to redeem the property sold by paying the amount of purchase-money and twenty per cent. on the amount of the said purchase within one year from the date of the sale.

The sixth section provides that so much money as may be necessary to pay the amount found due from the United States as above provided be, and the same is hereby, appropriated out of any moneys in the public Treasury not otherwise appropriated; and the same shall be paid on the requisition of the commission in the amounts and at the times indicated in the fourth section of this act, as other public moneys are disbursed, provided that the amount of this appropriation shall not exceed the sum of $180,000.

Mr. COOK. I ask unanimous consent that the amendments proposed by the committee be acted on now before the bill is read by sections.

The CHAIRMAN. If there be no objection the amendmenis reported by the committee will be acted on at this time.

There was no objection.

The first amendment was read, as follows:

Immediately after the enacting clause strike out the following:

That Edward Clark, architect of the Capitol extension; A. B. Mullett, supervising architect of the Treasury extension; Sayles J. Bowen, mayor of Washington city, and Brevet Brigadier General N. Michler, engineer in charge of public buildings and grounds, and Charles H. Nichols,

And insert in lieu thereof the following:

That the Secretary of the Interior, Brevet Brigadier General N. Michler, engineer in charge of public buildings and grounds, and the mayor of the city of Washington.

The amendment was agreed to.

The next amendment was read, as follows:

In line nine, after the word "possible," insert the following:

After having caused notice of the letting thereof to be given in one or more newspapers published in Washington, Baltimore, Philadelphia, and New York, for twenty days prior to the letting, giving the time and place of such letting, and kind of pavement.

The amendment was agreed to.

The next amendment was read, as follows:

Page 3, line seventeen, insert after the word "provided" the following:

The said railroad company shall have the right to select the material with which the pavement between the rails on each track shall be made: *Provided*, That the said pavement on said tracks shall be made to the satisfaction of the commissioners.

The amendment was agreed to.

The CHAIRMAN. The bill will now be read by sections for amendment.

Mr. KNOTT. Before we proceed to consider the bill by sections, I desire to speak upon the general question. But if the gentleman from Illinois has any general remarks to submit, it is proper, of course, that he should take precedence.

Mr. COOK. I will accept the gentleman's suggestion, and will now state generally what I wish to say in relation to this matter.

Mr. WASHBURN, of Massachusetts. With the permission of the gentleman from Illinois, [Mr. COOK,] I ask the Clerk to read an amendment which I propose to offer at a suitable time.

The Clerk read as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following:

That the sum of $10,000 is hereby appropriated from the Treasury of the United States for the repair and improvement of the pavement of Pennsylvania avenue from the northwest gate of the Capitol grounds to the crossing of Fifteenth street west in the city of Washington, to be expended under the direction of Brevet Brigadier General N. Michler, or the engineer in charge of the public buildings and grounds: *Provided*, The corporation of Washington or the citizens thereof shall contribute and pay the like sum of $10,000, to be expended for the like purpose, under the direction of the same officer, within ninety days from the passage of this act: *And provided further*, That the Washington and Georgetown Railroad Company shall be required to repair and improve in like manner that portion of the pavement lying between the tracks of their road to the satisfaction and approval of the said officer or engineer in charge as aforesaid.

Mr. COOK. Mr. Chairman, I wish to occupy only a few moments in stating the provisions of this bill. As amended it provides that the Secretary of the Interior, representing the Government, Brevet Brigadier General N. Michler, engineer in charge of the public buildings and grounds, and the mayor of the city of Washington, or their successors in office, shall be a commission for the purpose of determining the best kind of pavement to be used upon Pennsylvania avenue, and to have the avenue paved from the northwest gate of the Capitol to the corner of Fifteenth street west. It provides that these officers shall determine upon the kind of pavement to be used and shall contract for the paving of the avenue between the points named on the lowest and most favorable terms possible, after giving notice for twenty days prior to the letting of the contract in one or more newspapers published in the cities of Washington, Baltimore, Philadelphia, and New York. The bill further provides that the railroad company shall pave all the space intervening between lines two feet outside of each track. In paving between their rails, where the horses travel, the company are authorized to use material of their own selection, it being considered by the committee that it would be impracticable to operate the railroad in winter with a smooth pavement, in consequence of the heavy grades on this line.

The bill provides that the cost of this pavement shall be borne in the following proportions: the Washington and Georgetown Railroad Company is to pay for the portion of the work lying between the tracks of their road and for a distance of two feet on each side thereof, and the owners of private property abutting on Pennsylvania avenue are to pay in proportion to the amount of work in front of their lots or parts of lots, from the curb-line twenty-two feet out. The committee have instructed me to move at the proper time to insert twenty-five feet instead of twenty-two. The expense to be borne by the corporation of Washington is for paving the intersections of all numeral streets, including the sidewalks to the building-line, except such portions of the intersections lying between the tracks of the Washington and Georgetown Railroad Company, and two feet on each side thereof, which will be paid by said company as hereinbefore provided. The residue of pavement lying between the part paid for by private owners and that paid for by the railroad company will be paid for by the United States Government. That would be, according to an estimate which the engineers have made, about one hundred and sixty thousand dollars, or something less than one half of the whole cost of the work, as I understand.

Now, I am not tenacious myself about these provisions, and I deem it fair to present the question to the House whether the Government shall aid in paving Pennsylvania avenue. I am willing that the House shall decide the question whether the United States Government shall pay anything toward laying down a new pavement in Pennsylvania avenue. This Government has twice before paved Pennsylvania avenue. Twice before the Government of the United States has borne the entire expense of paving Pennsylvania avenue. I propose to submit to the House the proposition whether the Government will aid in any manner toward paving the streets as is now proposed, and I am willing to allow any amendment to be moved which is necessary for that purpose. This House can then decide whether we shall pay the amount provided in this bill as the share of the United States Government for this paving.

A MEMBER. How much?

Mr. COOK. The share of the United States is estimated to be about one hundred and sixty thousand dollars, or less than one half of the cost of the work. It is estimated for the most costly kind of pavement; wooden pavement to be laid down in the best possible manner. I propose, if the House believe the Government ought not to pay this proportion, to admit amendments so that it may be decided whether or not the Government shall pay for any of this pavement. The amendment of the gentleman from Wisconsin [Mr. WASHBURN] can test the sense of the House. The committee deem it fair and right that the sense of the House should be tested whether any Government aid shall be given or not. The committee have made this report for the action of the House, and this is the first time that it has been brought up for consideration, and without discussing it at any length, I propose to submit this question.

For myself, I believe the Government ought to bear as large a proportion as private individuals of the expense for paving the avenue. I understand the Government owns one half of the taxable property in this city, or nearly so, and that if the city were authorized to collect taxes from the Government property the same as is collected on private property this would be the amount the Government would have to pay toward the completion of this work. It is also true, I think, that the Government has, during some years past, used Pennsylvania avenue, transporting over it supplies and materials of war in such manner as to do more injury to the present pavement than has been done to it by private parties. Perhaps that imposes an obligation upon the Government to contribute toward the laying down of a new pavement. Without arguing the question, however, I propose to leave that to the action of the committee.

Mr. WOOD. Do I understand the gentleman has no other amendment to offer from the Committee for the District of Columbia, of which he is chairman?

Mr. COOK. Yes, sir; the committee have. I have other amendments to propose. I shall move to strike out "twenty-two" and insert "twenty-five" as the number of feet which private property-holders will be required to pay for. I shall also offer another amendment by direction of the committee, that the Washington and Georgetown Railroad Company shall have the right to select the material with which the pavement between the rails on each track shall be made, provided that the said pavement on said tracks shall be made to the satisfaction of the commissioners. I think by an examination of their charter that is their right.

Mr. SWANN. Will the gentleman permit me to ask him a question?

Mr. COOK. Certainly.

Mr. SWANN. I understand from the gentleman from Illinois that it is proposed to have the Government contribute in accordance with the amount of property owned by the Government on the line of this avenue; and I understand from him further that the railroad company shall contribute its proportion, and that property-holders will also contribute according to the amount of property owned by them on the avenue?

Mr. COOK. That is correct, except in regard to the first proposition. I stated that the total value of the Government property in this city was estimated to be about one half of all the property in the city. I do not know that the Government property on the line of the avenue would be anything like that proportion. It is true that private property-holders, as well as the Washington and Georgetown Railroad Company, will have to contribute their proportion, according to the property which they may own along the line of the avenue.

Mr. WELKER. In addition to what my colleague on the committee has stated, is it not proposed that the Government shall pay clear up to the line of the railroad in front of the reservations on the avenue?

Mr. KNOTT addressed the committee. [His remarks will be found in the Appendix.]

Mr. COOK. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. PAINE reported that the Committee of the Whole, having had under consideration generally the Private Calendar, and particularly the bill (H. R. No. 90) to provide for the paving of Pennsylvania avenue, had come to no resolution thereon.

EDUCATION IN THE DISTRICT.

Mr. HAMILTON. I ask that the bill (H. R. No. 2066) to provide a uniform system of education for the public schools of the District of Columbia, which was to-day referred to the Committee of the Whole, upon a point of order, may be printed.

The SPEAKER. If there be no objection that order will be made.

There was no objection.

Mr. COOK. I move that the Committee of the Whole be discharged from the further consideration of the bill just ordered to be printed, and that it be recommitted to the Committee for the District of Columbia.

The motion was agreed to.

Mr. RANDALL. I move to reconsider the vote recommitting the bill; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REDUCTION OF THE ARMY.

The SPEAKER announced the appointment of Mr. LOGAN, Mr. SLOCUM, and Mr. NEGLEY, as the committee of conference on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. No. 987) to reduce the number of officers of the Army of the United States, and for other purposes.

Mr. GARFIELD, of Ohio. I ask that the bill for the reduction of the Army be printed in the form in which it came from the Senate. It has not been printed in that form.

The SPEAKER. It will be so ordered if there be no objection.

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. STEVENSON obtained leave to withdraw from the files of the House papers in the case of Henry Tibby.

LEAVE OF ABSENCE.

Mr. BIGGS obtained leave of absence till next Tuesday.

Mr. ARMSTRONG obtained leave of absence till next Monday.

Mr. FERRISS obtained leave of absence till next Wednesday.

Mr. MOORE, of Ohio, obtained leave of absence for two days.

Mr. STEVENS obtained leave of absence till next Monday.

Mr. FOX obtained leave of absence for to-morrow.

ADJOURNMENT.

Mr. ELDRIDGE. I move that the House now adjourn.

Mr. DAWES. I ask that the House on and after to-morrow meet at eleven o'clock until otherwise ordered.

The SPEAKER. Does the gentleman from Wisconsin [Mr. ELDRIDGE] yield for the proposition of the gentleman from Massachusetts, [Mr. DAWES?]

Mr. ELDRIDGE. No, sir; I insist on my motion.

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

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. CONNER: The petition of W. A. Harwood, for removal of disabilities.

By Mr. KERR: The memorial of Robert Baldwin, of New Albany, Indiana, with accompanying papers, asking for relief on account of certain service rendered by him in 1835 to the Post Office Department.

By Mr. McKENZIE: The petition of James Allen Anderson, a soldier of the United States in the war against the rebellion, asking for a pension.

By Mr. MORGAN: The memorial of John Tife and 61 others, citizens of Ohio, asking Congress to abolish the national banks, to pay off in greenbacks the bonds deposited by them as security, to issue $500,000,000 in Treasury greenback notes, to pay off in all $340,000,000 of the bonded debt, to make greenbacks receivable for customs dues and all other taxes collected by the Federal Government, and to restore the prosperity of the country.

Also, from J. B. Irwin and others, citizens of Ohio, to same effect.

Also, from Isaac Luzzade and others, citizens of Ohio, to same effect.

Also, from T. J. Davis and others, citizens of Ohio, to same effect.

Also, from R. S. Sigler and others, citizens of Ohio, to same effect.

By Mr. MYERS: The petition of F. P. Dimpfel, of Philadelphia, for extension of his patent for improvement in steam-boilers, granted July 16, 1850.

By Mr. TANNER: The petition of John A. Griswold, Uri Gilbert, Francis S. Thayer, and others, citizens of Troy, New York, for a revision of the naturalization laws, and for the establishment of regulations to prevent frauds at elections, &c.

NOTICE OF A BILL.

The following notice for leave to introduce a bill was given under the rule:

By Mr. AYER: A bill for the removal of certain legal and political disabilities.

IN SENATE.

FRIDAY, *May* 20, 1870.

Prayer by Rev. Dr. ISAAC M. WISE, rabbi of Cincinnati temple.

The Journal of yesterday was read and approved.

HOUSE BILLS REFERRED.

The following bill and joint resolutions were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 786) authorizing the sale of certain arsenals and property of the United States;

A joint resolution (H. R. No. 289) authorizing the Secretary of War to furnish cannon to soldiers' monument at Morristown, Morris county, New Jersey; and

A joint resolution (H. R. No. 290) authorizing the improvement of the grounds owned by the United States in the city of Buffalo, New York, known as Fort Porter.

The bill (H. R. No. 1533) making appropriations for the naval service for the year ending June 30, 1871, was read twice by its title, and referred to the Committee on Appropriations.

CONSTITUTION OF RHODE ISLAND.

Mr. ANTHONY. Mr. President, in the beginning of yesterday's proceedings some petitions were presented by the Senator from Kansas, [Mr. POMEROY.] Being detained a few moments in my committee-room, I did not come into the Chamber until the petitions had been presented and the Senator was concluding the brief statement with which he accompanied them. I was not, therefore, fully informed of their character. Those petitions purport to come from the State which I have the honor in part to represent, and they set forth that the constitution of that State is not only oppressive upon a considerable number of its citizens, but that it contravenes the Constitution of the United States.

I notice that the signatures to each of these petitions seem to be largely in one handwriting, which may be only a remarkable coincidence.

I had not an opportunity to make any reply yesterday to the allegation, nor do I propose now to go into a discussion upon a matter over which Congress has no control whatever; but I cannot allow one expression which the Senator from Kansas employed to pass over without affirming that there is nothing in the constitution of Rhode Island that contravenes the Constitution of the United States or the laws made in pursuance thereof.

Rhode Island is a law-abiding State. She has proved her fidelity to the principles of law and order in a way that no other State has had an opportunity to do, and under circumstances which make the triumph most honorable to her and most valuable to the cause of liberty regulated by law.

If the Senator from Kansas shall, upon full reflection, conclude, as I think he will not, to introduce the bill which he suggested yesterday, we shall have no difficulty in defending, here or elsewhere, the constitution and the laws which the people of Rhode Island have seen fit to ordain for themselves, which concern themselves only, and which they, and they alone, have the right to alter.

PETITIONS AND MEMORIALS.

Mr. FENTON. I present the petition of several thousand citizens of the United States, I should think a majority of them residing in the State of New York, asking Congress to recognize by appropriate legislation the belligerent rights of the Cubans who are struggling for their freedom. I move that it be referred, as I believe it would be most appropriate, to the Committee on Foreign Relations.

The motion was agreed to.

Mr. FENTON. I have also been requested to present the petition of stockholders of several companies which were formed to establish a communication between the Atlantic and Pacific oceans, praying Congress to authorize an examination and survey to be made by the United States officers, under the direction of the War Department, of the Nicaragua routes which I move be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. FLANAGAN presented the petitions of William A. Routh, of Bonham, Fannin county, Texas, and of Tully Kemp, of Brenham, Washington county, Texas, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. POOL presented the petition of A. H. Dowell, sen., of Wake county, North Carolina, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of John H. Clay, James O. Bradsher, and William A. Bradsher, of Pierson county, North Carolina, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. JOHNSTON. I present a petition, signed by George W. Banton, Anthony Street, and Joseph Hibbitts, who were appointed to different offices by General Canby, and William Smith, William Blankenship, Andrew Baker, Alfred Smith, William R. Dotson, and James Davis, who were all soldiers of the Federal Army of the thirty-ninth Kentucky, Colonel Dice's, regiment, praying that the civil and political disabilities imposed upon Elijah Vance, of Buchanan county, Virginia, by the fourteenth amendment of the Constitution of the United States may be removed. They say in their petition that he is a qualified man for office, and that he did not take any active part in the late rebellion. I move the reference of this petition to the select Committee on the Removal of Political Disabilities.

The motion was agreed to.

He also presented the petitions of David P. Hall, of Montgomery county, Virginia; of E. McNulty, of Chesterfield county, Virginia; of G. Shelor, of Montgomery county, Virginia; of Robert Mayo, of Westmoreland county, Virginia; of William J. Crabtree, of Richmond, Virginia; of H. W. Burgwin, of Charlotte county, Virginia, and of William Nott, of Richmond, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of W. B. K. Price, William B. Coakly, and Alexander Bower, of King George county, Virginia, and of James Ball, of Stafford county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. WARNER presented the petition of Elbridge Gerry, a citizen of the Territory of Colorado, praying compensation for certain losses sustained by him in the year 1864, in consequence of important services rendered by him to the Government of the United States and the citizens of the Territory of Colorado; which was referred to the Committee on Claims.

Mr. SCOTT presented the petition of Frederick P. Dimppel, praying an extension of his patent for an improvement in steam boilers; which was referred to the Committee on Patents.

Mr. ROBERTSON presented the petitions of J. W. H. Underwood, of Floyd county, Georgia; of John W. Martin, of Morgan county, Georgia; and of John Fox, of Lexington county, South Carolina, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. WILLEY. I present the petition of John Anderson, of Rutherford county, North Carolina. I know that the name of this gentleman falls gratefully on the ears of many a gallant soldier of the Union, whom he concealed and fed, at the peril of his own life, as they escaped from southern prisons. I have a long list of the names of such in my hands accompanying this petition. Mr. Anderson, of his own mere motion, desires that certain of his neighbors may be relieved from their political disabilities. Some of those neighbors, when he was driven from his home and was an exile, although engaged in the rebellion themselves, took him beneath their roofs and kindly fed and concealed him. He desires now, as a return for their kindness, that their disabilities be removed. I take great pleasure in presenting the petition, and I move that it be referred to the select Committee on the Removal of Political Disabilities.

The motion was agreed to.

Mr. ROSS presented the petition of John R. Graton, a resident of Lawrence, Douglas county, Kansas, praying for pay as second lieutenant of the first Kansas colored volunteers from September 13, 1862, to January 13, 1863; which was referred to the Committee on Claims.

He also presented the petition of Elkanah Huddleston, of Douglas county, Kansas, praying the enactment of such a law as will secure to him pay from August 10, 1862, to January 13, 1863, as second lieutenant of the first Kansas colored volunteer infantry; which was referred to the Committee on Claims.

He also presented the petition of E. A. Coleman, of Douglas county, Kansas, father of Charles J. Coleman, deceased, late first lieutenant company H first Kansas colored infantry volunteers, praying pay for services of his son as second lieutenant in that regiment from August 13, 1862, to May, 1863; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. HAMLIN. The Committee on the District of Columbia, to whom was referred the bill (S. No. 816) to incorporate the United States Trust, Loan, Guaranty, and Indemnity Company of Washington, District of Columbia, and to whom was also referred the bill (S. No. 909) to incorporate the Loan and Trust Company of the United States, have directed me to report them back and to ask that that committee be discharged from their further consideration, and that they be referred to the Committee on Finance. These bills are substantially for a bank of deposit to be located in the several States; and the District Committee think that is a question appropriately belonging to the Committee on Finance.

The report was agreed to.

Mr. HAMLIN, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 927) to make legal a certain act of the councils of the city of Washington, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 891) to regulate the fees of the register of wills for the District of Columbia, and for other purposes, reported it with amendments.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print extra copies of the report of the Commissioner of the General Land Office in English, German, Swedish, and French, have instructed me to report back the resolution with an amendment in the nature of a substitute, which, however, merely alters the form of the resolution, but leaves it the same in substance, without recommendation, so as to refer the matter to the Senate. The Committee on Printing were not able to come to an agreement upon the matter, and as it was a subject that was sure to be discussed in the Senate we thought it best to report back the resolution and put it in the hands of the Senate at once.

Mr. POMEROY. Let it go on the Calendar.

Mr. ANTHONY. I would remark that whenever the Senators who are particularly interested in the subject desire to call it up I should like to have a day's notice to bring the maps here, so that Senators may see what it is that is proposed to be printed, as the discussion will be more intelligent if the maps are here.

The VICE PRESIDENT. The resolution reported by the Committee on Printing without recommendation will be placed on the Calendar of resolutions.

Mr. OSBORN, from the Committee on Public Lands, to whom was referred the bill (S. No. 898) to aid in the maintenance of the Arkansas Institute for the Blind, moved its indefinite postponement; which was agreed to.

Mr. CASSERLY, from the Committee on Public Lands, to whom was referred the bill (S. No. 822) for the creation of an additional land district in the State of California, reported it without amendment.

Mr. CASSERLY. On behalf of the Committee on Foreign Relations I move that the memorial of John Warren, an American citizen, praying redress for his arrest and imprisonment by the Government of Great Britain, be printed for the use of the Senate.

The motion was agreed to.

Mr. RAMSEY, from the Committee on Post Offices and Post Roads, to whom was referred the bill (S. No. 204) to authorize the establishment of ocean mail steamship service between the United States and Mexico, reported it with amendments.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. No. 187) extending the time to construct a railroad from the St. Croix river or lake to the west end of Lake Superior and to Bayfield, reported it with amendments.

Mr. POMEROY. The Committee on Public Lands, to whom was referred the bill (S. No. 893) to establish an additional land district in the State of Kansas, have had the same under consideration, and directed me to report it back without amendment, and recommend its passage. There is great necessity for the creation of this land district, and I should like to have the bill passed now if there be no objection.

Mr. FERRY. Let it go on the Calendar.

The VICE PRESIDENT. The bill will be placed on the Calendar.

Mr. FENTON. I was about to ask my friend from Kansas to give way to allow me to call up a little bill in regard to the bridge over the Niagara river.

Mr. POMEROY. I should be glad to have that bill considered. I know the importance of that bridge, and I know the question ought to be disposed of.

The VICE PRESIDENT. If there be no further reports of committees, the introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 933) to fix the price of gas furnished by the Washington Gas-Light Company, and for other purposes; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WILLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 934) for the relief of John B. Cornell; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. KELLOGG asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 935) to secure the construction of a system of efficient levees for the protection of the alluvial lands of the Mississippi valley; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

CATTLE DISEASES.

Mr. CAMERON. I desire, before we enter on other business not connected with the morning hour, to offer a resolution with regard to the printing of a work prepared by the Agricultural Department.

The VICE PRESIDENT. Resolutions are now in order.

Mr. CAMERON. The Agricultural Department, with great care and at a good deal of expense, have prepared a work on cattle diseases, as well their causes as the mode of cure. I desire that the Senate shall order a number of copies of that work to be printed; and therefore I offer this resolution, which I move to refer to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed —— thousand extra copies of the reports on the diseases of cattle in the United States, presenting the results of investigations ordered by Congress and conducted under the direction of the Commissioner of Agriculture, with illustrations representing various stages of disease, including six photo-micrographs and not exceeding eight colored plates; of which —— thousand copies shall be for the use of members of the Senate, —— thousand copies for the use of the members of the House of Representatives, and —— thousand for the Commissioner of Agriculture.

The resolution was referred to the Committee on Printing.

SPECIAL ORDERS.

Mr. HOWARD. I move that the bill (S. No. 647) to aid in the construction of a railroad and telegraph line from Marshall, Texas, to San Diego, California, with branches and connections, be made a special order.

Mr. SHERMAN. Before that special order is made, if by general consent the bill to reduce taxation can be made a special order, I shall have no further interest in the matter and shall not object. I am opposed to making any special order of any railroad bill until after the bill to reduce taxation, a very short bill, is disposed of; and if the Senator will allow me I will move to make the bill to reduce taxation, the number of which the Clerk has, a special order, and let the Senator's bill come in after that.

Mr. HOWARD. I have no objection to that.

The VICE PRESIDENT. Is there objection to that proposition?

Mr. DRAKE. I take occasion to say that there is pending before the Senate another railroad bill, which has been reported favorably by the Committee on the Pacific Railroad—a bill of a character which I think would commend itself to the favorable consideration of the Senate; one in which I take especial interest on account of its connection with my State. I would feel very much obliged to the Senate if they would let it come in on the Calendar of special orders after these other two bills.

Mr. HOWARD. I have no objection to that. I hope it will be done.

Mr. TRUMBULL. I dislike to see this farming out of the whole time of the Senate with special orders one after another. What is to become of the appropriation bills? What is to become of the bills——

Mr. SUMNER. What is to become of the general Calendar?

Mr. TRUMBULL. And of the general Calendar; and what is to become of a great many bills which I will not take time to specify? There are from the Judiciary Committee reported here some half dozen bills of a general character. I have no interest in them further than a public interest; but they ought to be considered. When we go along with the Calendar to consider business to which there is no objection somebody objects to those bills; and that is the case with almost every bill that is reported by the Committee on the Judiciary. They are all more or less controverted questions, and they are not passed unanimously. We must have some time to consider those measures. I have no other interest in them in the world than a public interest, but I do not think it right to farm out the whole time of the Senate in this way with special orders for railroads. I think it ought to be borne in mind that this Senate has passed a great many railroad bills this session. I hope none of these special orders will be made.

The VICE PRESIDENT. The Senator from Illinois objecting, the resolution cannot be considered on the day of its introduction. It will be placed on the Calendar of resolutions. The Chair understands the Senator from Michigan to consent that the bill of the Senator from Ohio shall be first put on the Calendar.

Mr. DRAKE. I understand that the Senator from Michigan is willing that the bill I referred to should go into his proposition, coming after the other.

The VICE PRESIDENT. The motion as to all will lie over one day for consideration.

Mr. DRAKE. I wish to name the bill.

The VICE PRESIDENT. The Senator can

hand it to the Secretary, and it will be entered on the Calendar last.

Mr. DRAKE. Very well.

FINAL ADJOURNMENT.

The VICE PRESIDENT. The Senate now resumes the consideration of the concurrent resolution of the House of Representatives fixing the time for the adjournment of this session of Congress on the 4th of July; the pending question being on the motion of the Senator from Massachusetts, [Mr. SUMNER,] to strike out "Monday, the 4th of July," and insert "Monday, the 25th of July."

Mr. STEWART. I am very anxious to get along with the bill which is the regular order, and with that view I move that this resolution be passed over for to-day.

Mr. FERRY. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. RAMSEY. On this question I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The question being taken by yeas and nays, resulted—yeas 20, nays 32; as follows:

YEAS—Messrs. Chandler, Cole, Corbett, Cragin, Drake, Howe, Morton, Nye, Pomeroy, Pool, Rice, Ross, Schurz, Sherman, Spencer, Stewart, Sumner, Thayer, Trumbull, and Warner—20.

NAYS—Messrs. Abbott, Anthony, Boreman, Brownlow, Buckingham, Cameron, Casserly, Davis, Fenton, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howell, Johnston, Kellogg, McCreery, McDonald, Patterson, Robertson, Scott, Thurman, Tipton, Vickers, Willey, and Williams—32.

ABSENT—Messrs. Ames, Bayard, Carpenter, Cattell, Conkling, Edmunds, Lewis, Morrill of Maine, Morrill of Vermont, Norton, Osborn, Pratt, Ramsey, Revels, Saulsbury, Sawyer, Sprague, Stockton, Wilson, and Yates—20.

So the motion was not agreed to.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Massachusetts, to strike out "the 4th of July" and insert "the 25th of July."

Mr. SUMNER. On that motion I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 27; as follows:

YEAS—Messrs. Abbott, Buckingham, Chandler, Cole, Cragin, Drake, Howard, Howe, Kellogg, McDonald, Morton, Nye, Pomeroy, Pool, Rice, Ross, Sherman, Spencer, Stewart, Sumner, Thayer, Trumbull, and Warner—23.

NAYS—Messrs. Boreman, Brownlow, Cameron, Casserly, Corbett, Davis, Fenton, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harlan, Harris, Howell, Johnston, McCreery, Patterson, Robertson, Scott, Thurman, Tipton, Vickers, Willey, and Williams—27.

ABSENT—Messrs. Ames, Anthony, Bayard, Carpenter, Cattell, Conkling, Edmunds, Lewis, Morrill of Maine, Morrill of Vermont, Norton, Osborn, Pratt, Ramsey, Revels, Saulsbury, Sawyer, Schurz, Sprague, Stockton, Wilson, and Yates—22.

So the amendment was rejected.

Mr. HAMLIN. I move to strike out the time named in the resolution, "Monday, the 4th," and to insert "Friday, the 15th."

Mr. CASSERLY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DRAKE. Is the amendment offered by the Senator from Maine susceptible of amendment?

The VICE PRESIDENT. It is.

Mr. DRAKE. I move to insert, instead of "Friday, the 15th," "Wednesday, the 20th."

The VICE PRESIDENT. The Senator from Missouri moves, as an amendment to the amendment, to insert "Wednesday, the 20th of July."

Mr. THURMAN. I ask for the yeas and nays on that.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 29; as follows:

YEAS—Messrs. Abbott, Buckingham, Chandler, Cole, Cragin, Drake, Howe, Kellogg, McDonald, Morton, Nye, Patterson, Pomeroy, Pool, Rice, Ross, Sherman, Spencer, Stewart, Sumner, Thayer, Trumbull, and Warner—23.

NAYS—Messrs. Anthony, Boreman, Brownlow, Cameron, Casserly, Corbett, Davis, Fenton, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howell, Johnston, McCreery, Revels, Robertson, Scott, Thurman, Tipton, Vickers, Willey, and Williams—29.

ABSENT—Messrs. Ames, Bayard, Carpenter, Cattell, Conkling, Edmunds, Lewis, Morrill of Maine, Morrill of Vermont, Norton, Osborn, Pratt, Ramsey, Saulsbury, Sawyer, Schurz, Sprague, Stockton, Wilson, and Yates—20.

So the amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Maine, to insert "Friday, the 15th of July," instead of "Monday, the 4th of July."

Mr. SPENCER. I move to amend the amendment by striking out "Friday, the 15th of July," and inserting "Monday, the 18th of July."

Mr. DRAKE. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama to the amendment of the Senator from Maine, to make the day Monday, the 18th of July.

The question being taken by yeas and nays, resulted—yeas 24, nays 28; as follows:

YEAS—Messrs Abbott, Buckingham, Chandler, Cole, Cragin, Drake, Howe, Kellogg, McDonald, Morrill of Maine, Morton, Nye, Osborn, Pomeroy, Pool, Revels, Rice, Ross, Sherman, Spencer, Stewart, Sumner, Thayer, and Warner—24.

NAYS—Messrs. Anthony, Boreman, Brownlow, Cameron, Casserly, Corbett, Davis, Fenton, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howell, Johnston, McCreery, Robertson, Scott, Thurman, Tipton, Vickers, Willey, and Williams—28.

ABSENT—Messrs. Ames, Bayard, Carpenter, Cattell, Conkling, Edmunds, Lewis, Morrill of Vermont, Norton, Patterson, Pratt, Ramsey, Saulsbury, Sawyer, Schurz, Sprague, Stockton, Trumbull, Wilson, and Yates—20.

So the amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Maine.

Mr. CORBETT. I propose to substitute Friday, the 8th, instead of that day.

Mr. DRAKE. Mr. President, I think it is proper to say a few words about this matter that the country may understand how the whole thing stands here in the Senate to-day. The Democrats in the House of Representatives moved the resolution that is now before us, as I am informed the record in the Globe shows, and it was carried there. And now, sir, we find that the champions of an early adjournment here are our Democratic friends on the other side of the Chamber. As has been heretofore remarked, the chairman of every important committee in the Senate is against the early adjournment, because we cannot get through with the great measures which the interests of the country require us to pass in the times that have been named here. And yet a portion of the Republican Senators, sufficient, in combination with the Democrats, to defeat a prolongation of the session to a sufficient time to do the public business as it ought to be done, have defeated every attempt yet to prolong the session beyond the time the House resolution fixes.

Mr. President, those Republican Senators who take this course may be right in their course and I may be utterly wrong in my views of this matter. I do not undertake to pass condemnation upon them any more than I suppose they would pass condemnation upon me. My sole object in rising is that the country may understand that the majority of the Republican Senators on this floor are voting in favor of giving sufficient time to do the public business as it ought to be done; but that they are defeated in it by the votes of the Democratic Senators in combination with a minority of the Republicans. That is all that I wish to have known to the country.

Mr. CAMERON. Mr. President——

Mr. HAMLIN. Let us vote.

Mr. CAMERON. I would agree very willingly, if other Senators would, to take a vote; but I cannot consent to be dragooned into a measure from the fear of voting as Democrats vote. Am I not a man as well as the Senator from Missouri, and have I not the right to judge for myself what is for the interest of the country as well as he? And because some gentlemen upon the other side of the Chamber happen to vote with me, have I therefore done wrong? Ought he not rather, if he had the modesty which I think usually characterizes him, to believe that he has done wrong, that he has erred in differing from the majority of his fellows here, the Senators belonging to his own party? Why, sir, he has been beaten almost two to one on every vote on this question; and yet, notwithstanding that, he has gone out of his road to make difficulty here.

I never before heard in the Senate a Senator say "I will call the yeas and nays upon every question" without a motive for doing it. I have known in the Senate a Senator to get up and say that he desired to record his own vote, and the Senate have agreed to let him vote when the whole of the body except himself had voted in opposition. That was the courtesy that used to belong to the Senate. I never, until very recently, have seen gentlemen come here saying, "I will do so and so and waste the time of the Senate, only because I do not agree with the majority of the body." Everybody in the Senate knows that the sentiment here has been for adjournment on the 4th of July, and whenever the question has come up fairly there has been a large majority for it, and yet motions are made here varying sometimes only three days from the one voted on the moment before. I am sorry that my good friend, the Senator from Missouri, should allow himself to do that which I know upon a little reflection he will be sorry for.

Mr. DRAKE. I call upon the Secretary to read the votes upon these propositions this morning.

Mr. HAMLIN. I object to that.

Mr. DRAKE. Not the votes; but to state the numbers.

Mr. THURMAN. I object.

Mr. DRAKE. Does the Senator from Maine object to that, too?

Mr. CASSERLY and Mr. TIPTON. I object.

Mr. SUMNER, (to Mr. DRAKE.) Have them sent to you and read them yourself.

The VICE PRESIDENT. The Senator from Missouri can read them; but the Secretary can only read the amendments which are pending before the body, and matter which is sent up to be read by consent of the Senate.

Mr. DRAKE. The Senator from Pennsylvania stated that the proposition to prolong the session had been voted down this morning by two to one. Well, sir, all that I have to say in reply to that is that in my opinion the education of the Senator from Pennsylvania in arithmetic was very defective. Five or six votes have defeated each of those propositions, and no more; and that is not two to one.

I beg leave to correct the Senator from Pennsylvania in another respect. I did not undertake to pass any judgment upon those Senators who voted against these various propositions. I did not undertake to "dragoon" him or anybody else. I simply undertook one thing, and that has been accomplished: to let the country know that if there be not time to finish the public business here it is not the fault of the majority of the Republican Senators on this floor, but it is the result of a concurring vote between a minority of the Republicans and the whole body of the Democrats.

Mr. TIPTON. Mr. President, this mode of argumentation in the Senate of the United States practiced upon by the Senator from Missouri this morning has become infamously odious to men who profess to be responsible to a constituency at home, and not to the leadership of any man in the Senate of the United States——

The VICE PRESIDENT. The Chair will

state to the Senator from Nebraska that if he caught the word he used correctly, "infamously," it is not parliamentary.

Mr. TIPTON. The Senator from Nebraska may have used that word, and if it is unparliamentary he takes it back emphatically, and is very sorry that it has already done its office before the country. [Laughter.]

Mr. President, this is not the first time that position has been taken in the Senate of the United States, to do what? Assert here that a certain proposition originated with a Democrat in the House of Representatives; and on account of the fact that it commenced with a Representative of the Democratic party in the House of Representatives, therefore the Senator from Missouri wishes the country to understand that we, who are voting for this proposition and against him on this subject, are following the lead of the Democrat of the House of Representatives. Sir, his master—I desire to be not unparliamentary—I say the editor of the Chronicle has been practising that game upon Senators in this Chamber for many months past. In order to bring men to terms and into the traces on the subject of the Bingham amendment to the Georgia bill it was averred in the paper that if we voted for that proposition we voted in accordance with the Democracy of the Senate and of the House of Representatives, and we were dared to do that act in the face of our constituency. And, sir, before it was ascertained how that question would be settled in the Senate of the United States it was uttered here in prophecy that the Bingham amendment never could be carried by the votes of Republicans in the House of Representatives or in the Senate but in conjunction with the votes of the members of the Democratic party——

The VICE PRESIDENT. The Senator from Nebraska will please suspend his remarks. The morning hour has expired, and the bill to enforce the fifteenth amendment is now regularly before the Senate, upon which the Senator from Michigan [Mr. HOWARD] is entitled to the floor.

Mr. CAMERON. I hope the Senator from Michigan will allow me to make a motion that we lay aside for the present all other questions and proceed with this adjournment resolution, so that we may be done with it.

The VICE PRESIDENT. The Senator from Pennsylvania can arrive at his object by moving to pass over the pending bill.

Mr. CAMERON. I make that motion.

Mr. POMEROY. The bill can be laid aside informally without any objection.

Mr. CAMERON. Any way.

The VICE PRESIDENT. The Senator from Pennsylvania asks that the pending bill be laid aside informally. Is there any objection to that course?

Mr. SUMNER. How did the Senator from Pennsylvania get the floor?

Mr. HOWARD. I believe this is a little irregular.

Mr. SUMNER. Does not the floor belong to the Senator from Michigan?

The VICE PRESIDENT. The Senator from Michigan is entitled to the floor on the pending bill; but under the new rule adopted by the Senate any Senator has a right to take the floor from him to make a motion to pass over the pending proposition, the same as he could take the floor to raise a point of order.

Mr. SUMNER. When the floor is in possession of another Senator?

The VICE PRESIDENT. Yes; it is so stated by the rule; it has been so decided by the Vice President; and it has been so held by the Senate upon an appeal taken from the decision of the Chair by the Senator from Ohio, [Mr. THURMAN.] A motion to pass over has the same rights as a question of order.

Mr. CAMERON. That is my motion.

The VICE PRESIDENT. The Senator from Pennsylvania moves to pass over the pending bill, the result of which will be to leave it in its place on the Calendar.

Mr. CAMERON. For the purpose of ending this debate and settling the question of adjournment.

Mr. STEWART. I would rather have the bill passed over informally if this debate can be ended in any reasonable time.

The VICE PRESIDENT. The Senator from Massachusetts objected to the Senator from Michigan being taken from the floor except by this motion, which the Senator from Pennsylvania is privileged to make.

Mr. STEWART. Well, I suggest that we pass over the pending bill informally and see whether the adjournment debate will end soon.

Mr. HOWARD. If there be no appeal from the ruling of the Chair I suppose this motion to pass the other bill by informally is in order, and I can make no objection.

The VICE PRESIDENT. The pending motion is in order; but the Senator from Pennsylvania would have no right to take the Senator from Michigan off the floor for the purpose of asking consent to have the bill which is the unfinished business of yesterday informally passed over. There are only two motions which are by the new rule entitled to the same precedence and to be treated in the same way as questions of order; one to pass over the pending subject, and the other to place it at the foot of the Calendar. The rule states that these two motions shall have all the rights of a question of order, which may be made at any time, under any circumstances.

Mr. HOWARD. I think it desirable that this question of adjournment should be settled. I think we shall save time by settling it.

Mr. STEWART. Then let us consent to pass over the pending bill informally.

Mr. HOWARD. I have no objection.

The VICE PRESIDENT. Is there further objection to passing by the pending bill informally?

Mr. MORRILL, of Maine. I wish to make one remark, if it is allowable. The Senator from Pennsylvania expresses a wish that the question of adjournment may be determined at the present time. There is nothing that I know of in the way of it except the bill to enforce the fifteenth amendment, over which the Senate has been exercised so severely for the last three or four days. True, there are some trifling matters remaining behind; but if that bill were disposed of I think we could make considerable progress with business.

Mr. STEWART. I call for the yeas and nays on the motion to pass over.

Mr. MORRILL, of Maine. I understood the pending bill was to be passed over informally.

Mr. SUMNER. No, there is no "informal" about it.

The VICE PRESIDENT. Is there objection to passing over informally, subject to a call for the regular order, the bill to enforce the fifteenth amendment?

Mr. CAMERON. That is not my motion.

The VICE PRESIDENT. The Senator from Pennsylvania insists on his original motion, which is to pass over the pending bill.

Mr. STEWART. On that I call for the yeas and nays.

The VICE PRESIDENT. The effect of passing it over is to continue the consideration of the resolution in regard to adjournment. On this motion the Senator from Nevada asks for the yeas and nays.

The yeas and nays were ordered.

Mr. NYE. I want to ask another thing. If it is passed over, I want to inquire of the Chair whether the appropriation bill will be next in order?

The VICE PRESIDENT. It will not, except by a vote of the Senate. If the unfinished business should be passed over, the Chair will state, although this motion is not debatable, that the effect would be to continue the consideration of the resolution in regard to adjournment until it be terminated, when the Senate would resume the consideration of the bill in regard to the fifteenth amendment, subject, of course, to its being postponed and any other bill taken up by a majority vote.

Mr. HOWARD. On the determination of the question of adjournment this bill relating to the fifteenth amendment will be in order?

The VICE PRESIDENT. It will again come up, because it was interrupted solely for the purpose of continuing the consideration of the matter pending at one o'clock.

Mr. HOWARD. So I understood.

The question being taken by yeas and nays, resulted—yeas 31, nays 21; as follows:

YEAS—Messrs. Abbott, Anthony, Boreman, Brownlow, Buckingham, Cameron, Casserly, Corbett, Davis, Fenton, Ferry, Flanagan, Fowler, Gilbert, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howell, Johnston, Kellogg, McCreery, Revels, Robertson, Scott, Thurman, Tipton, Vickers, and Willey—31.

NAYS—Messrs. Chandler, Cole, Cragin, Drake, Howe, McDonald, Morrill of Maine, Morton, Nye, Pool, Rice, Ross, Sherman, Spencer, Sprague, Stewart, Sumner, Thayer, Trumbull, Warner, and Williams—21.

ABSENT—Messrs. Ames, Bayard, Carpenter, Cattell, Conkling, Edmunds, Lewis, Morrill of Vermont, Norton, Osborn, Patterson, Pomeroy, Pratt, Ramsey, Saulsbury, Sawyer, Schurz, Stockton, Wilson, and Yates—20.

So the motion to pass over was agreed to.

The VICE PRESIDENT. The Senate continues the consideration of the resolution in regard to adjournment, on which the Senator from Nebraska is entitled to the floor.

Mr. TIPTON. Mr. President, I was remarking with some degree of feeling on this subject that we have been notified repeatedly on this floor, and we have been held up to the gaze of our constituency and of the country on the charge that a portion of the Republican Senators are voting with the Democratic party; and the prophecy was made that the principle of the Bingham amendment could never pass the Senate unless by the surrender of a portion of the Republican party to the Democracy. Now, by reference to the vote by which the substance of that proposition passed the Senate, as incorporated with the amendment of the Senator from Kansas, [Mr. POMEROY,] it will be found that that proposition finally passed the Senate by a clear Republican majority of at least two. The prophecy, therefore, in that instance, failed most signally; and, if necessary, there were one or two other votes, I apprehend, which might have been added to the number. And now what I say on this subject I desire Senators to hear, for what I say is vital to the interest of that party to which I have been devoted from the first hour of its organization.

We are, in the first place, as a Republican party, composed of elements of the old organizations of this country; we are from the old Whig party; we are from the old Liberty party; we are from the Democratic party. We have come together from all those different organizations, and it is to be expected, therefore, that we shall often differ among ourselves on questions vital to the great issues that have been at the basis of our organization. If we do not concede to each other the right to differ, without being stigmatized as being recreant to our party, then the result will be, where Senators from a State differ, where members from a State differ, where a portion of them have been arraigned and read out of the party, that they will go home to their constituency and demand a vindication of their conduct. Then what have you? Then you have a split in the party, brought about by the anathemas of men in the Senate and in the House of Representatives, and an effort to degrade men in the eyes of their constituency because they have voted according to their convictions of right.

How am I to know, when the roll-call in the Senate of the United States is proceeding, and I voting upon my convictions of duty, that when the count shall be made up finally I shall be with members of the Democratic party or with a pure Republican vote? I cast my vote on principle; I cast it under my solemn oath as the representative of a State. After having done that, to save myself from

the anathema that comes from over the way, I must change my vote, if on the count on the yeas and nays list I find that a majority of the Democratic party have agreed with me, and therefore we are in the majority of the Senate of the United States! If I choose to do that, and abandon my convictions, because the small number of Democrats in the Senate have fallen in and voted with enough Republicans to make a majority of the Senate—if I thus unman myself and degrade myself before the country, and go over to the assumed leadership of the Republican party in the Senate, I can avoid these anathemas and denunciations!

Sir, this course of conduct has been continued so long that it has become utterly unbearable. I say, for the harmony of the Republican party, it is time that it should cease in this Hall. I say that unless it ceases in this Hall there will be harmony neither here nor elsewhere. Men will go on their votes before their constituency, if they are not so craven as to fear the face of that constituency.

Denounced as we were in this Senate, I took my position on the Georgia question boldly, distinctly, and emphatically; and I am sustained at home, though I was denounced here, for the course I took. I court investigation; I court a scrutiny into my votes. I throw them before the face of every constituent I have, and tell him, there is the record. If he can stand it I can; and if he cannot, I am the sworn representative of the State of Nebraska on this floor, and while I occupy that position no species of dragoonism, as it has been designated by the Senator from Pennsylvania, will drive me for one single moment from occupying such positions as I feel I ought to occupy, whether I am sustained by any Republican vote on this Senate floor or not.

If we are not to vote with the Democrats of the Senate, may they not vote with us? I raise that question; may they not vote with us? When the Republicans are equally divided in the Senate may not the Democracy be permitted, by the grace of God and some principle that perhaps may be found in the Constitution of the United States, to choose with which wing of the Republican party in the Senate they will vote? That question had better be settled, I suppose, and we had better decide whether they shall vote or not; and if they are to vote, the question will be with which branch of the Republicans shall they vote when there is a division on this floor. Let gentlemen settle that before they undertake to talk about Republicans voting for propositions that have received Democratic votes in the Senate of the United States.

Mr. NYE. I rise to inquire what is the question before the Senate?

The VICE PRESIDENT. The question is on the final adjournment of this session of Congress. [Laughter.]

Mr. TIPTON. Mr. President, I trust that all the gentlemen who have entertained the views against which I protest this morning will forget their course on this subject and cease to pursue it as completely and totally as the oblivious Senator from Nevada. [Laughter.]

Mr. CORBETT. It has been suggested to me to try the question again on "Friday, the 8th of July," as a day which gives us the most of the week. We can adjourn on Friday evening, and that will give us the entire week. Monday, the 4th, being a holiday, it would be almost equivalent to adjourning on the 1st; but by making it the 8th we thereby extend the session about a week, and that will enable us, in my opinion, to complete all necessary business. That will give us some forty-seven or forty-eight days. We shall then have sat about eight months. I believe it is necessary that we should adjourn in order to give the business community some quiet. I believe they demand that whatever we do now we shall do promptly, so that they may know what they are to depend upon. The tariff bill has virtually been disposed of in the House of Representatives, as I am told, and it is not expected that it will pass at this session. The bill for the reduction of taxes will soon be before the Senate, as indicated by the Senator from Ohio.

After the disposition of that bill and the appropriation bills, which are now being taken up in the House and acted upon, and, as I understand, are to be disposed of at once, we shall then have but very little legislation that really requires us to remain here. There are other bills, of course, before us that can be taken up and disposed of in the evening sessions; I refer to private bills. In this way, and by the time I have suggested, we can dispose of nearly all the necessary business. I believe if we fix upon Friday, the 8th of July, as the day of adjournment we shall dispose of all the necessary business by that time.

The VICE PRESIDENT. The question is on the amendment to the amendment offered by the Senator from Oregon, fixing Friday, the 8th of July, as the day of final adjournment.

Mr. ROSS. When this resolution first came from the House of Representatives I was inclined to support it. But, in my judgment, the history of the last week or ten days has demonstrated very clearly the impossibility of completing the business now before us within the time named. Sir, we are here to transact the public business of the country, and not for our own convenience. We are paid by the year to do that business. It is our duty to transact that business, whether we do it in three months, nine months, or even twelve months. It is our business and our duty as well as our right to remain here until that business is concluded.

It will be seen by reference to the Calendar of business that there is a large number of bills now pending before the Senate which are not of general importance to the country at large, but which are of very great moment to the States from which they emanate. We are here to do that business just as well as the business in which the whole country is interested. These States have a right to be heard here. The gentlemen who have offered those bills have declined to interfere with the great national questions which have been before us, feeling that it was no more than right and proper that they should be first settled; but when they are once settled they have a right to the time of the Senate for the consideration of these other measures. I insist that to fix the time for adjournment now, especially the time named in the resolution or the amendment, would be a wrong to the States from which those measures emanate. And inasmuch as the considerations of party have been referred to, I will say that it would be imprudent and indiscreet, so far as our party is concerned, for the reason that we are here to do that business as well as business of a more national character; and we cannot afford to leave here until that business is done.

Mr. FLANAGAN. I claim the privilege to make a remark. It would certainly be improper for me to undertake to lecture the Senate on the subject of adjournment. I do not presume to even suggest the propriety of any day; for I am as yet scarcely familiar with my seat here. But, sir, in response to remarks that have been made, I feel it to be, to some extent, my duty to place myself right. It has been made known to us by my distinguished friend from Missouri that this is a matter that the country is to pass upon. For the vote that I propose to give on this question, for the votes I have already cast, which are recorded, I feel the responsibility, and am ready to meet it with a great deal of cheerfulness; and I apprehend they will receive nothing but an unqualified approval.

Now, sir, so far as combinations are concerned—that was the language used by my distinguished friend—I have made no combination with any one. I disclaim that idea *in toto*. So far as I was concerned, I knew not whence the resolution originated, whether from a Democrat or a Republican. It was my purpose to look to it as to its merits, and not to the one side or the other so far as political questions were to be invoked. I do not occupy such a stand-point. And, sir, permit me to say here that I do not like to be accused, even remotely—for surely I know my friend would not accuse me directly—of joining the Democracy. "Blessed is he who holdeth out to the end." I meet my friend, and let time show who goes over to the Democracy first. I do not wish to intimate that he ever will do so; but I think it is unnecessary on my part, after living to the age I have reached, to do so. In all the political charges that have been preferred against me—and they have not been few—in the course of my career I have never been charged with being a Democrat. [Laughter.]

Now, sir, I know nothing as to the propriety of the day that is proposed for adjournment. But it seems to me that if Congress have not discharged the duties that were required of them by the people of this great nation during the number of months they have been sitting here, they might, perhaps, have done so. I have nothing to say on that subject. I presume that they have done everything that they could do, and properly. There is no question with me on that branch of the subject. I was a little amused, however, with the discussion that has grown up here so pleasantly this morning, and particularly to see the line taken by the gentleman from Nebraska.

Mr. SUMNER. Mr. President, I have nothing to say of Democrats or of Republicans. I wish to make an appeal for the business of the country. I hold in my hand a bill printed and laid on our tables to-day for the first time, being "A bill to reduce internal taxes, and for other purposes," reported by Mr. SCHENCK, from the Committee of Ways and Means. On looking at it I find that it contains eighty-six solid folio pages, and I learn from outside information that it has been very thoroughly considered and prepared with the assistance of the Commissioner of Internal Revenue. This bill has not yet been considered in the other House. It has not yet reached this Chamber except in the copy before us. And still it is prepared now to fix in advance a date of adjournment which in all probability—I may say, indeed, necessarily—will preclude definitive action in this Chamber on this important measure. Why, sir, it is a bill to reduce internal taxes. Are Senators ready to go home leaving that duty unperformed? I wish to act upon it. I wish to reduce internal taxes. I know that the country expects us to perform that duty, and I know, too, that if we go home leaving it unperformed we shall justly be called to account.

But the bill not only proposes a reduction of internal taxes; it revises the whole system of internal taxes. Those of us who were in this Chamber when that system was first introduced know the painful weeks that we passed in considering it, day by day, hour by hour, under the lead of the distinguished Senator from Maine who has been taken from us. Weeks running over into months even were passed; and yet it is proposed so to abridge the session that you cannot give to this subject even hours. Why, sir, it is to make a sacrifice of this important measure.

This is not all. Here is the Calendar of business, being the last put upon our tables, bearing date May 16, 1870, and I find that it contains twenty pages of general orders. How many of these, think you, can be voted on if we adopt now an early day of adjournment? Very few. And permit me to say that those who do vote for an early adjournment act on the principle of the navigator who throws overboard the cargo in order to get into port. They make jetsam—I use the technical term of the profession—of important public business, in order to shorten the voyage.

Now, sir, I cannot sympathize with any such proceeding. We are not sent here for such a purpose. We are sent here to perform the

public business, and not put it aside merely to seek our own repose and pleasure at home. Sir, I do not like heat. I suffer from it. I am peculiarly sensitive to it. I can bear the cold; I cannot bear the heat. I long to get away from here to the sea-shore, where I was born, and which has an air that to me is bracing; but I am unwilling to seek my own comfort at the cost of the public business.

I know not why I should see this differently from other Senators; I have no more interest in these bills than other Senators; but I cannot see what seems to me important public measures deliberately sacrificed without entering my earnest protest. Sir, we ought to stay here until the work is done. When it is done, then let us vote to go home. Any vote now leaving all this business without any provision is to my mind a sacrifice of public interests.

Mr. CAMERON. I feel bound to say a word in reply to the Senator from Massachusetts, who seems to think that those of us who have been voting in the majority are not as anxious to get through with the public business as he is. I will agree to remain here as long as the Senator from Massachusetts or anybody else if it be necessary for the public good; but I am acting now, in voting to fix the time of adjournment, on the belief that by so doing I am insuring the completion of the public business.

The simile of the mariner, which the Senator brought into his remarks very handsomely a moment ago, applied itself to my mind very differently. It seems to me that a good mariner would say to his crew, "Get to work, all of you; stop your blathering"—I believe that is a sea-phrase, too, [laughter]—"attend to your sails, and act, every one of you, in your calling, and then we shall reach port in the shortest time."

So it is with me on this question. My experience is that whenever a day of adjournment is fixed men go to work, and when they talk they talk only in the hope of convincing the Senate, or those whom they address, on the subject on which they are acting. On the other hand, when no time for adjournment is fixed, we all get in the habit of talking generally on everything, and bringing up on every question everything which happens to come into the head or the imagination of the Senator speaking at the moment. To-day, in the short discussion that we have already had, about one half the questions that have been disposed of by the Senate during the eight months that we have been in session have been brought up.

I am as anxious as the Senator from Massachusetts, as anybody else can be, that the bill reducing internal taxation shall become a law. If we fix a day of adjournment and go to work I am sure it will soon become a law; because then when we take it up there will not be a Senator here who will not feel the responsibility which is upon him, and who will not be forced to do all that he can to have it disposed of. If the time of adjournment is fixed when this bill is taken up, no man will waste words upon it. He will give his opinions in the briefest terms possible, and applying only to the question in hand; and thus we shall dispose of the business.

I beg pardon for having twice occupied the time of the Senate on this subject. I will merely add, by way of reply to what is said about Democrats and Republicans voting together on this question, that in looking over one of the lists of yeas and nays I find that out of thirty-one votes there were twenty-five Republicans and only six Democrats.

Mr. DRAKE. On what question?

Mr. CAMERON. On the question of taking this subject up.

Mr. DRAKE. On the question of passing over the fifteenth amendment bill and continuing the consideration of this subject.

Mr. CAMERON. They are all about the same, for I believe we have only six Democrats here now.

Mr. DRAKE. No thirty-one Republicans voted in the majority on the other questions.

Mr. CAMERON. If the Senator will allow me, I said twenty-five Republicans. Now these poor Democrats over there, only six of them in all, ought not to alarm us so much! They cannot hurt us. Let us only keep our organization right among ourselves, and take care of the Republicans, and we shall get along very well, and let the Democrats do as they please.

The VICE PRESIDENT. The question is on the amendment to the amendment offered by the Senator from Oregon, fixing Friday, the 8th of July, as the day of final adjournment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Maine, [Mr. HAMLIN,] on which the yeas and nays have been ordered, which is to strike out "Monday, the 4th of July," and insert "Friday, the 15th of July."

The question being taken by yeas and nays, resulted—yeas 36, nays 21; as follows:

YEAS—Messrs. Abbott, Anthony, Buckingham, Carpenter, Chandler, Cole, Corbett, Cragin, Drake, Gilbert, Hamlin, Howard, Howe, Howell, Kellogg, McDonald, Morrill of Maine, Morton, Nye, Osborn, Patterson, Pomeroy, Pool, Pratt, Revels, Rice, Sherman, Spencer, Sprague, Stewart, Sumner, Thayer, Trumbull, Warner, and Willey—35.

NAYS—Messrs. Boreman, Brownlow, Cameron, Casserly, Davis, Fenton, Ferry, Flanagan, Hamilton of Maryland, Hamilton of Texas, Harlan, Harris, Johnston, McCreery, Robertson, Scott, Stockton, Thurman, Tipton, Vickers, and Williams—21.

ABSENT—Messrs. Ames, Bayard, Cattell, Conkling, Edmunds, Fowler, Lewis, Morrill of Vermont, Norton, Ramsey, Ross, Saulsbury, Sawyer, Schurz, Wilson, and Yates—16.

So the amendment was agreed to.

The VICE PRESIDENT. The question recurs on agreeing to the concurrent resolution of the House of Representatives as amended.

The resolution, as amended, was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2002) for relief of the officers and crew of the ship Nightingale;

A bill (H. R. No. 2064) to repeal the preamble of an act in relation to the National Theological Institute, approved April 22, 1870;

A bill (H. R. No. 2061) to compensate the officers and crew of the Kearsarge, for the destruction of the rebel piratical vessel Alabama;

A joint resolution (H. R. No. 291) for the relief of Chief Engineers George Sewell and William H. Shock, of the Navy; and

A bill (H. R. No. 2063) to authorize the reduction of the width of an alley in square No. 376, in the city of Washington.

The message also announced that the House had passed the following bills without amendment:

A bill (S. No. 227) to incorporate the Columbia Railway Company of the District of Columbia;

A bill (S. No. 492) to incorporate the trustees of the Corcoran Gallery of Art, and for other purposes; and

A bill (S. No. 550) to incorporate the National Union Savings Bank of the District of Columbia.

ENFORCEMENT OF FIFTEENTH AMENDMENT.

The VICE PRESIDENT. The Senate, as in Committee of the Whole, now resumes the consideration of the bill (H. R. No. 1293) to enforce the rights of citizens of the United States to vote in the several States of this Union who have hitherto been denied that right on account of race, color, or previous condition of servitude.

Mr. HOWARD. Mr. President, at the adjournment yesterday I was remarking upon the fifth section of the substitute for the House bill offered by the Senator from Nevada, [Mr. STEWART.] I think still that that section had better be omitted, for I cannot see any particular benefit to be derived from it. The statutes of the States, and I suppose of the Territories, ordinarily contain abundant legislation to meet such cases as are contemplated by that section. Every State in the Union, I presume, has some statutory provision by which the right of an incumbent to the office of which he has possession may be tried and determined. This kind of legislation is universal in the States. It is absolutely indispensable in order that the public may know in some proper form, by some proper proceeding, who is the rightful person to exercise a particular office.

The proceeding known as an information in the nature of a *quo warranto* I believe is in almost universal use throughout the States and Territories in statutes containing provisions ample to meet all the necessities of the public and of individuals. It is part and parcel of State legislation. The remedies afforded by it are such as the States have seen fit to provide, and never until now has it been claimed, so far as I know, that the Congress of the United States have any authority to interfere with these State remedies, remedies so well understood, so universally practiced by the people. If, therefore, I were satisfied that Congress, under the fifteenth amendment, have authority to provide other remedies I should not deem it necessary to resort to congressional legislation for the remedy.

Mr. STEWART. I ask the Senator to yield to me for one moment. Inasmuch as several Senators have suggested that the fifth section had better be omitted, after consultation with the chairman of the committee I will consent to strike it out.

Mr. HOWARD. I am very glad to hear that, for I think the section will be of no utility whatever, and it certainly will give rise to litigation and controversy without end.

Mr. STEWART. Inasmuch as there has been no vote upon it, I suppose I have the right to modify the substitute that I have offered. I am informed by the Vice President that I have the right to do so; and I will therefore make that modification in the amendment, by striking out the fifth section. I do so after consultation with many Senators.

Mr. HOWARD. Very well; I am happy to hear it. The modification now made by the Senator from Nevada relieves me from the necessity of making further observations as to the constitutionality of that clause, which I have no particular ambition to make.

Before leaving that subject, however, I will take the liberty of saying a word upon the legal construction and interpretation of the fifteenth amendment. As some Senators well know, I never was perfectly satisfied with the language in which that amendment was couched. When it was under discussion in this body, I expressed my dissatisfaction as to the phraseology of the amendment; and I have not been able yet to see that I was in error in what I said on the subject. However, it is now too late to amend it; it has become part of the Constitution of the United States, like every other amendment which has been formally ratified; and all we can do now is to give it a proper interpretation and application in our legislation. It declares that—

"The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

Such is the article. I could have wished for a more direct and affirmative phraseology, a phraseology that would have applied the principle of the amendment directly to the African race, so that there would have been no occasion for interpretation or construction. I have been told, sir, that some courts in the United States have held that this amendment does not, so to speak, execute itself; that in order

that it may be applied by way of remedy of the evils against which it was intended it is necessary that there should be congressional legislation; that without such legislation it is but a mere *brutum fulmen*, having no operation or legal effect. I cannot imagine, I confess, Mr. President, how any well-informed court of justice could ever come to such a conclusion touching this amendment. It is simply a prohibition upon the United States, in the first place, and secondly upon the States, by which they are both inhibited from passing any act or resorting to any measure whatever as governments which shall either deny or abridge to citizens of the United States the right to vote on account of race, color, or previous condition of servitude. It is as much a prohibition upon the Federal Government and upon the legislation of the States as is any other prohibition contained in the whole instrument. It forbids a certain thing to be done, either by the Congress of the United States or by a State, and that thing is the denial or abridgment of the right to vote on account of race, color, or previous condition of servitude. That is all there is of it.

It is a prohibition upon the two Governments, the Federal and the State Government, by which they are respectively disabled from passing any act by which this evil shall be created or encouraged. It does not, in terms, relate to the conduct of mere individuals, and a very "strict construction" court of justice might, as I can well conceive, refuse to apply the real principles of the amendment to the case of individuals who themselves, as mere individuals, and not as authorized by Governments or Government officers, should undertake to deny or prevent to a colored man the exercise of his right of suffrage; and I have some fear, I confess, that owing to the peculiar phraseology of this amendment some courts may give it that strict, and, in my judgment, narrow construction.

But I do not think that when Congress passed this amendment and laid it before the States they intended to confine its operation solely to the legislation of Congress by way of prohibition, or to do the same thing in reference to State legislation. They entertained broader views. Their intention and purpose were, beyond a doubt, for I witnessed all the discussion that took place in the Senate, to secure to the colored man by proper legislation the right to go to the polls and quietly and peacefully deposit his ballot there.

What may be ultimately the construction to be placed upon this clause by the Supreme Court of the United States I shall not undertake to say. But I repeat that I have a fear that courts of justice in the States, and especially in the southern States, may give it that narrow construction, and refuse to apply the remedies which are proper in the case to punish individuals for interrupting, preventing, delaying, or hindering the colored man from the peaceful and free exercise of his right of suffrage; which was the great object we had in view in proposing this amendment to the people of the United States.

Against such a construction of the amendment I take this occasion to protest. It is not in harmony with the views of the advocates and friends of the amendment, and if carried out by courts the clause itself will be stripped in a large degree of that remedial and protective justice which was in the minds of its authors when it was under discussion in these Chambers.

I hope, Mr. President, that the honorable Senator from Nevada will also consent to strike out the eleventh section of his substitute. It provides that the President of the United States may order and direct a judge of a circuit court to leave his place of business and to go to some other locality for the purpose of holding his court and bringing before him persons who may be offenders against the provisions of this statute. I hardly think it worth while to incorporate so unusual a clause in the act. It will give rise to much comment, much censure, much inconvenience. Let offenses against this statute be prosecuted and punished in the usual way, by the usual means furnished by law, as in other cases.

Mr. STEWART. I will say to the Senator that I do not attach very much importance to the eleventh section.

Mr. HOWARD. I know the honorable Senator does not; and I think it would be of no real benefit.

Mr. STEWART. I am willing to modify the substitute and leave out the eleventh section.

The PRESIDING OFFICER, (Mr. WARNER in the chair.) The substitute will be so modified if there be no objection. It is so modified.

Mr. HOWARD. I think the honorable Senator had better modify also somewhat the twelfth section, which authorizes the employment by the President of military force for the protection of the voter.

Mr. STEWART. I would not like to make any modification in that respect now. I wish the Senator would reserve that.

Mr. HOWARD. I am merely making a suggestion to the Senator. I think I would modify the twelfth section also, so as to define exactly the duty of the military authorities when they shall be thus employed by the President to protect the ballot-box, or to protect the right of citizens to vote or to register.

I have no fear that this power in the President of the United States to employ the military force to protect the helpless voter in the exercise of his right will ever be abused. On the other hand, I think that if any occasion can arise during times of peace in the United States when it would be proper to employ the protecting and tutelary authority of the military arm it would be to secure to the colored man, and to the white man also, having the right to vote, the opportunity to go to the polls and quietly deposit his vote. All the apprehension that has been expressed in regard to military despotism to grow out of this clause is, in my judgment, the merest moonshine. Congress has exercised a similar power in numerous instances, as you will find by consulting the statutes.

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

Mr. HOWARD. Yes, sir.

Mr. THURMAN. I understand the Senator to say that Congress has exercised this power in numerous instances—the power to send troops around the ballot-box.

Mr. HOWARD. Not, perhaps, to surround the ballot-box, but for the purpose of preventing public disorder, riots, and bloodshed. For instance, I know that the honorable Senator from Ohio, if in his heart and conscience he believed in the righteousness and justice of colored suffrage, would be among the first to say that in the case of mob violence attempted with a view to deter colored voters from the polls he would be the first to grant to the President of the United States authority to employ the military arm to prevent the violence and to secure and protect the voter in the exercise of his right. That is all that is contemplated here; and without it, my apprehension is that there will be numerous instances in the southern States where colored voters will be completely deterred and kept away from the polls by the interference of that class of men who have so long held them in bondage, and who still regard them with feelings of hatred and ill-will, because they (the blacks) were the occasion of the great war in which the slaveholders were signally overthrown and crushed.

Mr. THURMAN. Will my friend allow me to interrupt him a moment?

Mr. HOWARD. Yes, sir.

Mr. THURMAN. Lest silence might give consent to what he supposes in respect to myself, I wish to say to him that I would not give to any man living, to any man that ever did live or ever will live, the power of his mere will, without consulting anything but the dictates of his own will, to surround the ballot-boxes of this country with the troops of the United States. Nor do I believe there is the least necessity for it. I believe the State authorities are quite sufficient under the State laws to protect the ballot-box. Nor am I willing that the military arm of the United States shall be used, except according to the Constitution, when there are cases of insurrection or domestic violence, and the President is called upon, pursuant to law, to furnish aid to the State to suppress insurrection or violence which the State authorities are not able to suppress.

Mr. HOWARD. Well, Mr. President, I should regret extremely to see it become habitual in this country to surround the ballot-box by an armed force, especially if the object of the force was to deter and repel from the exercise of the rights of suffrage citizens of the United States who were entitled to that right. But that is not this case. The object of this provision is plain and simple. It is to protect the voter in the exercise of his right, by employing a sufficient military force in cases of exigency to drive off and to disperse mobs and assemblages of men who are or may be banded together for the purpose of preventing the colored man from exercising his right of suffrage. That is the purpose and that is the only purpose of the clause. Can any right-minded man object to it?

Now, Mr. President, suppose a case that may possibly happen in the not far-off future, where a ballot-box is surrounded in a southern State, not by a military force of the United States with the uniform and arms of the nation glittering upon them, but by a mob of secessionists or infuriated Democrats banded together to prevent the colored citizens from depositing their votes? Has the honorable Senator from Ohio no outcry to make against such an outrage? Of course he has. But suppose the State in which this scene happens to take place has a Governor and other authorities who are not disposed to interfere at all—and that event may happen; it is not among the impossibilities of the future, nor even among the improbabilities of the future. Suppose it should take place; would the honorable Senator from Ohio say that it would be improper for the President of the United States to employ a small squad of men to present their compliments as well as their bayonets to this mob, disperse them, and see to it that the colored men enjoy the right to go to the polls and deposit their votes? He makes no response to that question, and I shall not therefore press it.

Mr. THURMAN. The Senator says I make no response. Pardon me; I was conversing with a gentleman here, and I did not hear his suppositious case.

Mr. HOWARD. I will repeat it. My question was whether in case the polls should be surrounded by a mob of persons banded together for the purpose of preventing colored men from voting, and the State authorities should refuse to interfere to disperse this mob, would not the Senator be willing to see the President employ the military force of the United States to disperse the mob and secure the right to vote to the colored man; or would he stand quietly by and say, "Let the thing pass; do not interfere; let these black citizens be deprived of their votes, and let this be done to thousands rather than employ half a dozen bayonets to disperse the assailants and secure the right of voting to the blacks?" For myself, sir, I prefer military interference to mob violence.

Mr. THURMAN. As the Senator from Michigan has invited an answer to his question I suppose it is agreeable to him that I shall give it now. It will be very brief. In the first place, then, I have to say that we ought not to put the hypothetical case of a colored

man being prevented from voting, for I suppose that the right of a white man is equal to the right of a colored man, to say the least——

Mr. HOWARD. I included the white man in my question.

Mr. THURMAN. I will say to him this: that I am in favor of every man who is entitled to vote, whether he be colored or whether he be white, having the peaceful exercise of that right, and just as much opposed to any intimidation or violence to prevent its exercise as the Senator from Michigan, or any other Senator on the floor. But when the Senator asks me to clothe the President of the United States with a power such as this twelfth section would clothe him with; to surround any ballot-box he pleased in this country with the soldiers of the United States for any purpose whatever contemplated by this act, not for the purpose merely of preventing violence or insurrection, but, in the language of this twelfth section, "for the purpose of enforcing this act" and compelling obedience to it, whether there be violence or whether there be not violence, whether there be disturbance or whether there be peace; when he asks me whether I am willing to do that, I answer, no. And now let me say to the Senator that, as old and experienced a lawyer and reasoner as he is, he ought to know that extreme cases prove nothing. He puts an extreme case; he puts a most improper case; he puts a case of violence at the polls sanctioned by the State authorities, by the State officers, unrepressed by the State authority; and upon such a mere hypothetical case as that, a case in no wise likely to arise at all, he seeks to clothe the President of the United States with this power that no monarch on God's earth, where there is a constitutional Government, possesses or ever did possess.

Mr. HOWARD. Mr. President, I have closed the remarks I designed to make on this amendment.

Mr. STEWART. Mr. President, I do not think the twelfth section is susceptible of the construction that is put upon it. It simply authorizes the President to enforce the provisions of this act according to the mode pointed out in the act. The last clause, "and enforce the due execution of this act," is not much more than the declaration in the Constitution itself that the President shall see that the laws are executed. The detail of the mode of execution is pointed out in the act.

Mr. WILLIAMS. Mr. President, I desire to say a few words upon the motion made by the Senator from Nevada before the vote is taken; but there is very little satisfaction in trying to explain the provisions of these two bills, or compare one with the other, when there are so few Senators to listen. Perhaps I could not enlighten anybody on the subject if I should try. But I must say that I prefer the House bill to the bill reported by the Judiciary Committee of the Senate, because it is a plain, straightforward, intelligible piece of legislation. By it remedies are provided for all existing evils; and that is as far as in my judgment it is safe or prudent to go at this time; for this legislation undertakes to occupy a new field, one that has not heretofore been occupied by the legislation of Congress. Laws of thirty-seven States, differing from each other, are to be modified, or perhaps repealed by this legislation. Laws, with the provisions of which we are not at all familiar, are to be more or less affected by this legislation. It therefore appears to me that prudence requires that we should proceed in a careful manner in this legislation, and only do that now which the necessities of the case seem to require.

The House bill provides that the officer whose duty it is to assess persons, who refuses to assess a man on account of his color, if the assessment be a prerequisite for voting, shall be punished. It also provides that if an officer whose duty it is to collect or receive a tax shall refuse to do so on account of color he shall be punished. And it also provides that if a person whose duty it is to register an elector, or a candidate for elector, shall refuse to act in conformity to law, he shall be punished. And so ample provision, it appears to me, is made in the House bill to enable all citizens of the United States, without distinction of race or color, to prepare themselves for voting and to vote; and I know of no legal obstacles that can be thrown in the way except those that are provided for by the bill that has been sent to the Senate from the House of Representatives.

Now, is it advisable for us to go into the regions of imagination or conjecture with this legislation? Is it advisable for us to suppose some possible but not probable case that may arise, and attempt to provide for it in the provisions of this bill?

Mr. STEWART. I inquire of the Senator from Oregon if it is improbable that men will try to prevent the registration of colored voters? Is it not a fact that they are trying to do that now in Virginia and other places? Is it not probable that they will prevent some from voting? These things are not provided for in the House bill.

Mr. WILLIAMS. I say that provision is made in the House bill, explicitly made, to punish any officer who shall refuse to register a person on account of race, color, or previous condition of servitude.

Mr. STEWART. It does not touch outsiders who interfere—mobs.

Mr. WILLIAMS. Sir, does the Senator expect that he can by any legislation which can be devised here prevent the existence of mobs; prevent the existence of violence such as sometimes arises at the polls, and will occasionally arise at the polls at all elections?

Mr. STEWART. I expect to do just this thing: if they interfere with the colored man, and will not allow him to go to the place of registration and register, I want to make that an offense, and punish it, if we can enforce the law. That is what we mean to do.

Mr. WILLIAMS. Mr. President, the bill that has been sent to the Senate from the House of Representatives makes ample provision for such a case, I say, because it provides that if any person, by threats, fraud, or intimidation, shall attempt to prevent a person from voting on account of his race, color, or previous condition of servitude, he shall be subjected to a punishment.

Mr. STEWART. "From voting;" but not from doing these other things.

Mr. WILLIAMS. When the Senator from Nevada gets through talking I will try to proceed; but it is difficult for two persons to talk at the same time.

Mr. STEWART. I do not want to interrupt the Senator; but I think it will facilitate matters if we get at the exact points of difference.

Mr. WILLIAMS. I think I understand these two bills; I have read them both carefully, and I am endeavoring to show that the House bill provides for all probable cases where persons may seek to interfere with the right of suffrage on account of race, color, or previous condition of servitude; and if any Senator will take the bill that has been sent here from the House and read its different provisions he will find that in that respect it is quite as effective as the bill that has been reported by the Judiciary Committee.

This bill is intended as a criminal code upon the subject of elections by Congress, and the House bill distinctly defines and describes the crimes, and distinctly defines and describes the punishments that shall be inflicted; and in that respect it commends itself to my judgment. I cannot approve of legislation that is so vague, indefinite, and uncertain as not to be understood, and not to be understood by the committee who have reported it to the Senate, for the different members of this committee differ here as to the meaning of their bill, and different Senators outside of the committee entertain different opinions as to its meaning; and if such a piece of legislation is put before the country it will lead to infinite controversy and litigation.

The Senator from Nevada proposes a bill to enforce the fifteenth amendment, and upon that he piles another bill which is intended to enforce the fourteenth amendment, and upon that he piles another which is intended to protect citizens in the enjoyment of their civil rights; and this conglomerated mass of incongruities and uncertainties is to be put through here in the name of a bill to enforce the fifteenth amendment!

I object to the Senate bill, because it is indefinite and vague in all or nearly all of its provisions. It seems to be a sort of scoop-net that has been thrown out for the purpose of catching some conceivable cases that may arise; and it is not a bill applicable to existing mischiefs, which can be distinctly understood and can be easily and directly remedied. Take the second section as an illustration of the bill. It reads:

> That if by or under the authority of the constitution or laws of any State, or the laws of any Territory, any act is or shall be required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are or shall be charged with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, it shall be the duty of every such person and officer to give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote, without distinction of race, color, or previous condition of servitude; and if any such person or officer shall refuse or knowingly omit to give full effect to this section, he shall, for every such offense, &c.

This section provides that officers who are charged with certain duties in reference to elections shall give all persons an equal opportunity to qualify themselves for voting. Now, as to whether certain persons have or have not an equal opportunity to do a thing is a matter of opinion about which men may very honestly differ; and where there is a poll or place of registration, where there are a thousand, or it may be five thousand persons desiring to be registered, to say that it shall be a crime if the officer does not give to each one of those five thousand persons an equal opportunity to register is to describe an offense, it seems to me, without any precedent in criminal jurisprudence. And then it provides that the officer shall "give full effect to this section." The crime consists in not giving full effect to a certain section of a law. Who can tell whether a man gives full effect or not to a provision of law like that? Many persons who are interested may suppose that the officer does not give full effect to it and he may suppose that he does. Room is left here for unbounded controversy and contention over the meaning of this section. If this law defined exactly what the crime should be, if a refusal to assess a person upon application was defined as a crime, then there would be no difficulty in inflicting the punishment; and so in reference to registration; and so in reference to the different acts required. If each preparatory act was described, and if it was declared that any officer who should prevent the performance of that preparatory act should be punished, then the officer would understand his duty, and the person seeking the benefit of the law would understand his rights.

I think section three is subject to the same objection. Much controversy has arisen here between different Senators as to what this section means. Sir, the members of this committee differ as to whether it applies to all persons, or whether it applies exclusively to persons of color. I understand the honorable Senator who has charge of the bill to say that it applies exclusively to persons of color, while other members of the committee contend that it applies to all persons. So under this section, according to the construction put upon it by some members of the committee, one of the famous New York "repeaters" may, upon his affidavit anywhere in that city, compel the judges to receive his vote. We all know that

those persons are capable of doing any act or committing any crime for the purpose of swelling the majority of the party to which they belong; and if one of those persons in the city of New York goes to the voting place and files his affidavit, then the judge is bound to receive his vote if it applies to all persons. If it applies only to colored persons, then of course that objection would not apply to the section.

But, sir, in any event, as has been suggested by the Senator from Michigan, it seems to me that it opens the door to abuse and to fraud. It in effect repeals to a great extent the registration acts of many of the States, for those acts provide, where persons are prevented by anything that may occur from registering their names, ways and means by which they can secure the right to vote. I object to the section particularly because it is so indefinite, and so vague and so uncertain that nobody can understand it; and because there is such a difference of opinion as to its meaning as to make it almost impossible to apply or enforce it.

But without going into details as to the different provisions of the Senate bill, I will say that it seems to me it is subject to two objections which will be urged against it by the popular voice of the country. One is that it opens the door to a perfect torrent of litigation. There is no end to the lawsuits that will spring up under this bill, and nearly all of these lawsuits will be conducted at the expense of the United States. Section seven provides—

That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned.

These proceedings are to be conducted before the district and circuit courts of the United States. There are but one or two such courts within a State, and persons may be brought from remote distances to answer before those courts; witnesses may be summoned at vast expense; and if the prosecution shall fail, and doubtless many of these prosecutions will fail, then the United States is subjected to the payment of all the expenses growing out of these numberless prosecutions.

I say that is one objection which will necessarily be made to this legislation that it provides inducements to litigation, that it provides ways and means by which thousands and tens of thousands of lawsuits may be brought into existence, and also declares that a considerable portion of this litigation shall be conducted at the expense of the United States.

Everybody familiar with elections knows that whenever they are fairly conducted there are more or less persons who feel aggrieved by the result. Is it not usual for persons to complain that they have not been allowed to vote, or that they have not been allowed to register themselves? Is it not usual for defeated parties to complain in that way, and find fault with the judges and with other persons connected with the election? And does not this bill invite all such persons in every precinct in these United States to commence suits, and promises and declares that if any individual will bring such suit, with the necessary evidence to sustain it, he shall receive $500 compensation for his services in the litigation? Sir, it seems to me that this bill opens up a field of speculation for persons who are disposed to occupy it without any precedent in the history of this country.

This bill, too, is open to another objection which has been suggested by several Senators; and that is, that it appears, whatever its precise object may be, to subordinate the elections in the country to the military power of the Government. I do not, of course, participate in those fears and apprehensions which have been expressed; but, at the same time, if there is one feeling among the people of the United States stronger than another it is that the elections of this country should be free, as free as possible, and that they should not be controlled by military influence and power. True, we have been compelled by the exigencies of the war to depart from this time-honored rule of the country; but it is our duty, as it appears to me, as soon as practicable to go back to the old system of allowing as far as practicable all elections in this country to be entirely free from external influence, and particularly free from military influence.

Sir, let it be remembered that this bill is not made exclusively for the southern States, but it is to apply equally in every State of this Union. There is not a precinct in New York or Maine or Oregon where the military may not be summoned by some subordinate of some commissioner to go to the polls for the purpose in some way of influencing or controlling an election.

This bill provides that attorneys, marshals, and deputy marshals shall be employed and shall act; that the courts shall have unlimited power to appoint commissioners. The courts may appoint one commissioner, or they may appoint a thousand commissioners in every state in the Union; and those commissioners are allowed to appoint subordinates in such numbers as they may see proper and these persons are authorized by this bill to summon the military power of the country to their aid at elections. I will read that part of section eight:

And the better to enable the said commissioner to execute their duties faithfully and efficiently in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered within their districts respectively, to appoint in writing, under their hands, any one or more suitable persons, from time to time to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; and the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or *posse comitatus* of the proper county, or such portion of the land or naval forces of the United States or of the militia, as may be necessary to the performance of the duty with which they are charged and to insure a faithful observance of the fifteenth amendment to the Constitution of the United States.

These commissioners may appoint any number of suitable persons without limit, and these suitable persons, who may be perfectly irresponsible, may exercise the power of the President of the United States, and summon the military to enforce the provisions of the fifteenth amendment of the Constitution. I do not know that any danger will grow out of this provision; but it has a very bad look, and it should be remembered in reference to this bill that its doctrines and provisions are to be defended everywhere in the United States; and I am afraid that in our effort to do something for Louisiana or Mississippi, or some one of those States, we may lose sight of the other parts of the United States, where the people have not been accustomed to have elections in any way influenced by military power; and, sir, I doubt very much whether the people of the country will acquiesce in any such legislation.

Mr. President, these are two popular objections that will be made to the provisions of this bill. Such provisions, it seems to me, are unnecessary at this time. Let us take the House bill. If we do that it may perhaps need some amendment. I do not pretend to say it is a perfect bill; but it is a plain, concise, clear, systematic piece of legislation, which looks to me like law. But this Senate bill, as it has been proposed, looks to me like a sort of moral essay that has been thrown into something like the shape of legislation. Let us take the House bill. Let us adopt it. Information has been received here from various parts of the country that expedition in this legislation is necessary; and if we take the House bill, with such amendments as may be proposed to it if it be imperfect, then there is a probability that at some time before we adjourn we can obtain some legislation for the enforcement of the fifteenth amendment. Senators have already seen what a vast field of discussion the bill reported by the Judiciary Committee opens. Senators upon this floor, grave and learned Senators, whose Republicanism is beyond question, have expressed doubts as to the constitutionality of many of its provisions. Sir, in the House bill there can be no question, it seems to me, about the constitutionality of every one of its provisions. Let us adopt that bill. It meets existing mischiefs, and if experience shall demonstrate that it is in any respect defective, if any State Legislature shall devise any scheme to avoid the provisions of that bill, then it can be amended so as to meet that device; and so we can learn from experience what may be necessary for this sort of legislation.

But at the present time, for the sake of expedition, for the sake of securing some sort of legislation which the country needs and demands, and for the sake of avoiding the field of controversy which this Senate bill undertakes to occupy, I hope the Senate will adopt the House bill, with such necessary amendments as may be proposed, and not undertake to take this bill, which is open to so many objections and criticisms, in place of the one that has been sent to us by the House. I do not undertake to say anything about section eleven, which provides that the President may summon the judges——

Mr. STEWART. That has been stricken out.

Mr. WILLIAMS. Or this other section, which gives to the courts——

Mr. STEWART. That is stricken out. Sections five and eleven have both been stricken out.

Mr. WILLIAMS. I was not present when those amendments were made; but it was suggested when this bill was introduced that it had been framed with so much care that it was not even open to a special demurrer, and I am astonished to find that some of the sections have been stricken out. I think that the best thing that can be done now is to strike it all out and take the House bill. That will expedite business, and we shall not occupy debatable ground. If we are anxious to get through with business, let us take this course. I hope there is no pride of opinion about Senators that will prevent their adopting this course. I am only prompted by my desire to do something in reference to this subject. If I thought the Senate bill was a better bill than the House bill, I would very readily agree to it; but it appears to me that in all respects the House bill is preferable.

Mr. CASSERLY and Mr. STEWART. Mr. President——

The PRESIDING OFFICER, (Mr. WARNER in the chair.) The Senator from California.

Mr. CASSERLY. If the Senator from Nevada wishes to say something in reply to the Senator from Oregon, I am willing to yield.

Mr. STEWART. I wish to reply to some of the technical objections that have been made.

The PRESIDING OFFICER. Does the Senator from California yield?

Mr. CASSERLY. Certainly, for a reply to the Senator from Oregon. That is all the Senator desires, I believe.

Mr. STEWART. I have no pride of opinion in connection with this bill, and I wish that others were as free from it as I am; but it does seem to me that there is a great deal of pride of opinion in connection with this House bill, a bill which is utterly defective. The question is simply this: does the Senate mean, after having passed the fifteenth amendment, that the colored man shall have the right to vote? I undertake to say that under the House bill I can invent a hundred modes whereby he can be deprived of his vote and nobody be punished. I undertake to say that the House

bill is no better than the amendment I have offered, as it now stands; and if any gentleman will sit down with me for half an hour I can demonstrate to him that there is no use whatever in passing the House bill; that it does not meet any of the requirements; that there is no proper machinery in it for enforcing the fifteenth amendment.

The Senator from Oregon [Mr. WILLIAMS] objects that we have made it the duty of the marshals, the commissioners, and the courts to go on and execute this law, and that it will be expensive to the Government. The House bill, I admit, would be cheaper, because it would never be executed. It simply defines a few offenses, and can be gotten over very easily. Let us look at it a moment and see what is left out. The first section of the House bill provides that any officer of the United States or of any State, Territory, or district, &c., who shall fail or refuse to do his duty in regard to the right of citizens to vote, shall be punished for it as an offense. That is very well. The next section is:

That all colored citizens of the United States resident in the several States of the United States shall be entitled to vote at all elections, &c.

That is very well. Then it makes it an offense to interfere with their votes. Then the third, fourth, fifth, and sixth sections relate to the question of taxation; that if there is a tax to be levied a colored citizen shall be taxed the same as anybody else, so as to entitle him to be registered. The sixth section is to meet the case in Delaware on the taxing question.

Then the seventh section relates to elections of members of Congress and electors for President and Vice President of the United States, and makes any interference with those elections an offense.

The eighth section makes it an offense for any officer to refuse to register any citizen.

There is the whole House bill. Let me show you the cases that may arise that do not fall under it. In the first place there may be combinations to prevent the colored voters from going to the registration. Anybody else can prevent the registration, and then they will not become voters. That is one thing that can be done that is not provided for at all. If they are thus prevented from registering there is no remedy, and they lose their votes. That is not provided against at all. The outside world are not forbidden to interfere with the registration; and if they do interfere with it then their votes are lost and the citizens' rights are taken away.

Then again the House bill speakes of registration and the payment of taxes as the only prerequisites that can be invented. There may be a hundred prerequisites invented by the States. Those two the House happened to think of, and provided for; but there may be others. It is very easy for a State to provide that each man shall have a certificate. That is not an enrollment or anything of the kind. The House have undertaken to enumerate the prerequisites to voting, and have only enumerated two or three, when a hundred can be invented. Talk about a definite law! Why, sir, this bill is a regularly-invented machine how not to do it.

Then it provides that the offenders shall be guilty of a misdemeanor and shall be punished by the United States courts; and you have got but one United States court and one marshal in a State. It does not provide for the appointment of any more commissioners than there are now; it does not provide for increasing the number of officers if it should be necessary to enforce it. There is no machinery whatever for its enforcement.

The Senator from Oregon has objected several times to the additions that are made to this Senate bill, as if they were hard to understand. One of them is simply a requirement that all citizens shall obey the fourteenth amendment and shall not violate the provisions of that amendment while it is in force. Everybody wants that amendment enforced while it is in force, both those who are in favor of amnesty and those who are opposed to amnesty. I think while it is a part of the Constitution we ought to observe it and see that it is observed. That section does not involve any other question.

Then the other provision which has been added is one of great importance. It is of more importance to the honor of this nation than all the rest of this bill. We are inviting to our shores, or allowing them to come, Asiatics. We have got a treaty allowing them to come. Now while I am opposed to Asiatics being brought here, and will join in any reasonable legislation to prevent anybody from bringing them, yet we have got a treaty that allows them to come to this country. We have pledged the honor of the nation that they may come and shall be protected. For twenty years every obligation of humanity, of justice, and of common decency toward those people has been violated by a certain class of men—bad men I know; but they are violated in California and on the Pacific coast. While they are here I say it is our duty to protect them. I have incorporated that provision in this bill on the advice of the Judiciary Committee, to facilitate matters and so that we shall have the whole subject before us in one discussion. It is as solemn a duty as can be devolved upon this Congress to see that those people are protected, to see that they have the equal protection of the laws, notwithstanding that they are aliens. They, or any other aliens, who may come here are entitled to that protection. If the State courts do not give them the equal protection of the law, if public sentiment is so inhuman as to rob them of their ordinary civil rights, I say I would be less than man if I did not insist, and I do here insist that that provision shall go on this bill, and that the pledge of this nation shall be redeemed, that we will protect Chinese aliens or any other aliens whom we allow to come here, and give them a hearing in our courts; let them sue and be sued; let them be protected by all the laws and the same laws that other men are. That is all there is in that provision.

Why is not this bill a good place in which to put that provision? Why should we not put in this bill a measure to enforce both the fourteenth and fifteenth amendments at once? It will take no longer time in discussion. It will not delay the bill an hour. Does anybody doubt the necessity or the propriety of such a law? I think not. I want the Government to do this much. The fourteenth amendment to the Constitution says that no State shall deny to any person the equal protection of the laws. Your treaty says that they shall have the equal protection of the laws. Justice and humanity and common decency require it. I hope that provision will not be left off this bill, for there is no time to take it up as a separate measure, discuss it, and pass it at this session.

I do not know that I ought to complain about the way in which the recommendations of the Committee on the Judiciary are received in this body; but somehow or other it seems that they are always either too radical or too conservative. This measure is too radical. By and by we shall come in with something else, and that will be too conservative. Is it impossible to suit the taste of the Senate upon a question of this kind?

In this Senate bill we speak of "any act" which "is or shall be required to be done as a prerequisite or qualification for voting." Why do we say that? Because it is impossible to enumerate over-specifically all the requirements that might be made as prerequisites for voting, and so we use general language, which covers any act necessary to qualify the voter to vote. The States can invent just as many requirements as you have fingers and toes. They could make one every day. Here the House bill is confined to two prerequisites, registration and taxation. If there is any other prerequisite to be performed, which the States can require, then they can avoid the House bill. There is no machinery for enforcing it. It will amount to nothing. It is true it is perfectly harmless. We had better let the fifteenth amendment stand just as it does, and let it enforce itself, than attempt legislation which we know cannot succeed, which we know will not meet the contingencies that will arise.

The Senator from North Carolina [Mr. POOL] explained very clearly yesterday that the House bill does not reach any of the cases that are likely to arise; that it does not reach any of the cases that are arising to-day. The Senate bill may not be altogether perfect. I am inclined to think that we ought to accept one or two of the sections offered by that Senator to meet the case where the Kuklux Klan go upon plantations and intimidate people. I think that ought to be made an offense specifically. I think it is under this bill. I think it is "hindering" or "preventing;" but perhaps it would be well enough to specify it particularly; but certainly we do not want less than we have got in this Senate bill.

Mr. CASSERLY. I yield to the Senator from Maine to allow him to make a motion.

Mr. HAMLIN. A bill has just been received from the House of Representatives which repeals the preamble of a bill that we passed a short time ago. I ask that it be taken up.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent to take up the bill (H. R. No. 2064) to repeal the preamble of an act in relation to the National Theological Institute, approved April 22, 1870, just received from the House of Representatives.

Mr. HARRIS. I hope that bill will go over.

The PRESIDING OFFICER. Does the Senator from Louisiana object?

Mr. HARRIS. Yes, sir.

Mr. HAMLIN. If the Senator from Louisiana will listen to me for a moment I think he will not object.

Mr. HARRIS. I have just been appealed to to object to the bill.

The PRESIDING OFFICER. Does the Senator persist in his objection?

Mr. HARRIS. Yes, sir.

The PRESIDING OFFICER. Objection being made, it cannot be taken up at this time. The bill to enforce the fifteenth amendment is still before the Senate.

Mr. CASSERLY addressed the Senate in opposition to the bill. [His remarks will be published in the Appendix.]

Mr. STEWART. I wish to occupy a few moments in correcting some statements made by the Senator from California, and then I shall move a recess. He says there is no necessity for this legislation because there is no opposition to carrying the fifteenth amendment into execution. The Governor of his State says that if the fifteenth amendment goes through all the forms necessary to its adoption, and receives the vote of every State but California, it is still——

Mr. CASSERLY. The Senator ought to state that that was before the adoption of the amendment was announced.

Mr. STEWART. Here is his language:

"It seems clear, then, upon principle and authority, that if the proposed amendment went through the forms of adoption, it would be mere *brutum fulmen*, destitute of any validity whatever."

And since its adoption the attorney general of California has delivered an opinion advising Democratic registrars and Democratic officers who conduct the elections not to register colored voters, and not to receive their votes.

This idea of sleeping on the matter for a little while is a mere trap. The Democratic party do not intend that the elections next fall shall be fairly conducted; and I say from their conduct in the past we have a right so to judge. What did the Democratic party in Louisiana do at the last election? Colored men were there entitled to vote by law. They did not let them vote at all. Talk about there being

no necessity for applying a remedy! Why, sir, all the colored voters were excluded in Louisiana. What did they do in Georgia? In almost every county they did precisely the same thing. The same thing is true of portions of Mississippi. What did they do in Tennessee? Notwithstanding that by their own constitution, a constitution which they themselves had adopted, the negro was entitled to the ballot, they drove him from it last fall *en masse*.

Mr. FOWLER. I ask the Senator to allow me one moment.

Mr. STEWART. I shall occupy but a moment myself.

Mr. FOWLER. I wished merely to make one remark. I live in Tennessee; I was in Tennessee last fall, and I know of no such fact in the history of the State as the Senator from Nevada here sets forth. I presume he is mistaken, and that he meant to refer to some other State.

Mr. STEWART. I may possibly be mistaken; but if one fourth of what is published from that State is true, if one fourth of the memorials and reports of investigations from there, or the one hundredth part of them is true, it is bad enough. We know this: that the vote in Tennessee last fall fell off more than one half.

Sir, the object is to lull us to sleep, to allow this session to pass by, saying there is no necessity for legislation, so that the Democrats may obtain possession of the other House by driving voters from the polls this fall. When the fifteenth amendment was pending I warned you that if it was not got through at that session it never would be passed. You passed it, and we have got it. Now, I say that if you do not pass a law at this session to enforce the fifteenth amendment the negro will not get the ballot for many, many years. Pass this law, appoint your agents under it, make it effective, and there will be no trouble at all. It will be submitted to then, and it will cost nothing. There will be no lawsuits when you have the machinery and the power to enforce it. But if you allow this session of Congress to pass by without action, and the elections come on next fall for members of the other House, you will find that House filled without the vote of the black man. That is the opinion of every southern man with whom I have conversed on this subject. They all agree that that is the *animus*.

Now, I wish to reply to one or two criticisms that have been made upon the bill. It is stated that the affidavit which the voter is to make under the second section authorizes an arrest. That is not so. The voter makes his affidavit, and that entitles him to vote, if he is otherwise qualified; but in order to arrest the party who offends against the law it must be set forth that the voter has made this affidavit, and he must show that he was otherwise qualified. It simply serves the place of registration if he has been driven from the registration office; it is to provide then that he shall not be required to register. That is all there is about it. That is fair. If he is otherwise qualified and a legal voter, and is driven away from the registration office, he should not be required to register. A man should not be required to do an impossible thing, and other parties should not be allowed by fraud to take from him the opportunity to register, and thus deprive him of his vote.

The Senator from California says, or uses words to that effect, that the parties who are to enforce this law will be a horde of bad men. Who are they, and who are to appoint them? The commissioners are to be appointed by your circuit judges. I think I have heard that Senator, as I have heard most Senators here, commend the new circuit judges who have been appointed by the President. Can they not be trusted to appoint commissioners to execute this law? Are they all to be bad men? I believe that a better set of appointments has rarely ever been made than the circuit judges who have recently been appointed. The country is satisfied with them and willing to trust them. The bill is guarded in that particular. Shall we not use those instruments?

But Senators tell us it is no use to pass this legislation. Make a declaration that the negro ought to vote, but do not have any machinery whereby that declaration can be put into force. Sir, I care for no bill unless it secures the vote to the negro. That is what I am after, and that is what I propose to do.

But, sir, I rose for the purpose of making a motion that at five o'clock to-day the Senate take a recess until half past seven o'clock this evening.

Mr. COLE. And then we can have a short executive session in the mean time.

The PRESIDING OFFICER, (Mr. NYE in the chair.) The Senator from Nevada moves that the Senate take a recess at five o'clock until half past seven o'clock this evening.

Mr. THURMAN. That requires unanimous consent, does it not?

Mr. STEWART. No.

Mr. THURMAN. How is that?

The PRESIDING OFFICER. It does require unanimous consent while another subject is pending.

Mr. STEWART. If objection is made to it I shall move to pass over the pending bill for the purpose of submitting that motion. Does the Senator object to it?

Mr. THURMAN. I think, under the resolution we adopted yesterday, we are to have a night session to-morrow night.

The PRESIDING OFFICER. That does not commence until next week.

Mr. STEWART. I do not think the Senator will object to my motion. We adjourned last evening to suit the convenience of certain Senators.

Mr. WILLIAMS and Mr. SUMNER. Let us finish this bill to-night and then adjourn over.

Mr. THURMAN. If Senators wish to have a night session I do not object.

The PRESIDING OFFICER. If there be no objection to entertaining the motion, the question is on agreeing to the motion of the Senator from Nevada, that at five o'clock the Senate take a recess until half past seven o'clock this evening.

The motion was agreed to.

WASHINGTON CANAL.

Mr. HAMLIN. The Senator from Ohio [Mr. THURMAN] some days since introduced a resolution in regard to the canal in this city. The Committee on the District of Columbia have been gathering the best information that they can to enable them to act intelligently upon that subject. I hold that evidence in my hand. I report it from the committee, and move that it be printed and again referred to the committee.

The PRESIDING OFFICER. That order will be made.

EXECUTIVE SESSION.

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

Mr. SUMNER. If we are to have a night session we ought to do that.

Mr. STEWART. No; I do not think we ought now to agree to adjourn over. We can do that some time in the evening if we find that we can get through with the bill.

Mr. SUMNER. Oh, no; let us do it now.

Mr. POMEROY. If there is no objection, I should be glad to have that motion put.

Mr. STEWART. I object to it now; because if by any accident we should not get through with the bill to-night we ought to dispose of it to-morrow.

Mr. COLE. I move that the Senate proceed to the consideration of executive business. It will be time enough to settle the question of adjournment over this evening.

The PRESIDING OFFICER. The motion of the Senator from California is in order. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. At five o'clock the doors were reopened, and the Senate took a recess until half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

AGRICULTURAL REPORT.

The VICE PRESIDENT laid before the Senate a letter of the Commissioner of Agriculture, transmitting his annual report for 1869; which was referred to the Committee on Printing.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. R. No. 198) authorizing the Secretary of War to place at the disposal of the commissioner of quarantine, or other proper authorities of the State of New York, the steamer Illinois, for quarantine purposes; and it was thereupon signed by the Vice President.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. No. 2002) for the relief of the officers and crew of the ship Nightingale;

A bill (H. R. No. 2061) to compensate the officers and crew of the Kearsarge for the destruction of the rebel piratical vessel Alabama; and

A joint resolution (H. R. No. 291) for the relief of Chief Engineers George Sewell and William H. Shock, of the Navy.

The following House bills were respectively read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 2063) to authorize the reduction of the width of an alley in square No. 376 in the city of Washington; and

A bill (H. R. No. 2064) to repeal the preamble of an act in relation to the National Theological Institute, approved April 22, 1870.

SIERRA IRON COMPANY.

Mr. COLE. I dislike to ask action upon this bill when the Senate is so thin, but I am very anxious to have the bill (S. No. 439) taken up. I will say that if it passes now, in case there should afterward be any objection to it I will not then object to a reconsideration. This is a local bill, and relates to a branch of industry in my State that needs encouragement, and the persons engaged in it are rather solicitous about it. They are a very worthy company of gentlemen, and should be encouraged in this new enterprise for the Pacific coast.

By unanimous consent, the bill (S. No. 439) to grant lands to the Sierra Iron Company was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with amendments. The first amendment was in section one, line six, after "six hundred" to insert "and forty," and in line eight to strike out "ten thousand" before "acres" and insert "three thousand two hundred;" so that, if amended, the section would read:

That there is hereby granted to the Sierra Iron Company, of California, the right to purchase of the unoccupied public lands of the United States, in the manner and upon the terms hereinafter expressed, six hundred and forty acres in the vicinity of Gold Lake, Sierra county, California, embracing the iron ores now claimed by said company, and three thousand two hundred acres near the site selected for the works and furnaces of said company in Mohawk valley, Plumas county, California.

The amendment was agreed to.

The next amendment was in section three, line six, to strike out "$1 25" and insert

"$2 50;" so as to make the rate to be paid by the company "$2 50" per acre, instead of "$1 25."

Mr. COLE. Unless the chairman of the committee is tenacious about that, I do not think the amendment ought to be adopted.

Mr. POMEROY. The committee agreed to $2 50 an acre.

Mr. COLE. These parties only wish the timber on the land. They cannot enter on their expensive iron mining operations unless they have a certainty of getting the timber.

Mr. POMEROY. They can well afford to pay $2 50 an acre for timber.

Mr. COLE. If the committee are rigid about this amendment, I will not persist in my opposition to it.

Mr. POMEROY. We are very rigid on that point.

The amendment was agreed to.

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

Mr. SHERMAN. Is there any limit within which the selection is to be made?

Mr. POMEROY. The amount is limited.

Mr. SHERMAN. I think there ought to be a limit within five or ten miles. They may go one hundred miles off for aught I see.

Mr. POMEROY. They can only get the timber at a certain point.

Mr. SHERMAN. Then there is no harm in putting in a limitation.

Mr. COLE. I think the timber is not within five miles of the mine.

Mr. POMEROY. The tract they want to reach is about ten miles off.

Mr. SHERMAN. Then say "within five or ten miles."

Mr. STEWART. I think it would be better to say that the selection shall be "as near as practicable to the mine, under the direction of the Secretary of the Interior."

Mr. SHERMAN. This is an extraordinary bill, and I think it ought to be carefully guarded.

Mr. POMEROY. It is an extraordinary bill, and it is an extraordinary place to start a foundery for the manufacture of iron. The parties asked for ten thousand acres, but the committee thought it better to limit them to three thousand two hundred acres, to be selected from the nearest practicable tract.

The VICE PRESIDENT. The Chair understands the Senator from Ohio to move to amend the bill by inserting a limitation that the land shall be selected within a distance not exceeding ten miles from either of the points named in the bill.

Mr. SHERMAN. I will say fifteen miles.

Mr. COLE. I understand that they have to make a tram-road, a sort of railroad, to get the timber to the mine. How far off it is I do not know. The maps are among the papers that were in the hands of the committee. I think the distance is quite a number of miles. Two valleys are designated in the bill, Gold Lake and Mohawk valleys, in Plumas county, so that there can be no great varying from those places. I think that is a sufficient designation.

Mr. POMEROY. I do not know anything about it myself.

Mr. SHERMAN. I insist on my amendment, to limit the selection of the land to within fifteen miles from either of the points named in the bill.

The amendment was agreed to.

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

LAND DISTRICT IN KANSAS.

Mr. POMEROY. I reported this morning a bill providing for an additional land district in the State of Kansas, which the settlers there are very anxious to have passed. My colleague introduced the bill the other day, and I reported it this morning; and there is such a demand for settlement in that part of the State that I ask to have the bill passed now.

By unanimous consent, the bill (S. No. 893) to establish an additional land district in Kansas, was considered as in Committee of the Whole. It provides that all that portion of the western district land district created by the act approved March 3, 1857, entitled "An act to establish three additional land districts in the Territory of Kansas," which is situated north of the township line dividing townships ten and eleven south in said State, shall constitute a new land district, to be called the Republican land district. The President is authorized, whenever the public interests shall require, to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the end of the next session of Congress after such appointment, a register and a receiver for the district hereby created, who shall respectively be required to reside at the site of their offices, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties, which are or may be prescribed by law in relation to other land officers of the United States in said State.

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

ENFORCEMENT OF FIFTEENTH AMENDMENT.

Mr. STEWART. I call for the regular order.

The VICE PRESIDENT. The regular order is the bill (H. R. No. 1293) to enforce the right of citizens of the United States to vote in the several States of this Union who have hitherto been denied that right on account of race, color, or previous condition of servitude. That bill is before the Senate as in Committee of the Whole, and the pending question is on the amendment of the Senator from Alabama [Mr. WARNER] to the amendment of the Senator from Nevada, [Mr. STEWART.]

Mr. TRUMBULL. Let the amendment be stated.

The VICE PRESIDENT. The amendment to the amendment is in section two, line fifteen, of the substitute, to strike out the words "to the person aggrieved thereby," and in lieu thereof to insert "to any person who shall sue for the same."

Mr. STEWART. I hope that will not be adopted.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment offered by the Senator from Nevada as a substitute for the House bill.

Mr. SAWYER. Mr. President, before this debate closes I wish to say a few words in reply to some remarks made during my temporary absence, and I may as well embrace the present opportunity. The Senator from Michigan who sits nearest me took occasion yesterday to use the following language in reference to myself:

"The honorable Senator from South Carolina the other day, in the ardor and zeal of his friendship for the late rebels, asked us whether we were not going to forget the war."

Now, Mr. President, I wish to say a few words on this remark of my distinguished friend from Michigan. And first I say that I used the words "forget the war" in the remarks I had the honor to submit to the Senate not at all in the full sense of an oblivion of the sufferings, the sacrifices, the crimes, and the follies of the war. I was then, and am now, fully aware that there are no Lethean waters sufficient to drown such events as those which convulsed this country during the tremendous struggle of the rebellion and to efface the painful impressions they have left. The human mind is so constituted that no such oblivion is possible while reason sits on her throne. But, Mr. President, the time must come when in dealing with the people of the South, in our relations with those vast multitudes who were engaged in hostility to the United States, we must treat them as citizens of our common country, as bound to the national Government by all those ties which bind to it good citizens everywhere. It is true they made war against the life of the nation; it is true that that war was often waged in a spirit which we must consider a spirit of barbarism; it is true that every evil passion found a place in the hearts of some of the rebels and an expression in deeds which disgraced their cause and would disgrace any cause. I remember all this; I can never forget it.

But, as I said before, in our practical relations with the masses of white men in the States lately in rebellion we must look at them as they now stand, and by the light of present events, rather than by the terrible glare of the fires of the great struggle through which we have passed. We must, in brief, "let by-gones be by-gones." I would never for a moment forget the misery caused by the rebellion. I would never for a moment cease to discriminate between the patriotism which led mighty hosts to offer up their lives to the cause of the Union and the disloyalty which led other hosts to wage war against that Union. Let the honors of the Republic ever follow those brave and loyal men who saved the nation; let our children and children's children learn to speak the praises of the patriots who in the halls of legislation, on a thousand battle-fields on river, lake, and ocean; gave their minds, their energies, and their lives to the holy cause of national integrity.

But, Mr. President, the question on which I was speaking is a question of how to deal with a great practical subject of statesmanship; how we shall best reincorporate into practical and harmonious relations with the Federal Government the masses of the white men of the South; how soonest we shall make them enter into and share our own faith in the beneficence of this Government; how soonest to weaken the strength of their attachment to a "lost cause;" how in the most complete way to imbue them with a conviction that the United States is their country as well as ours, and that to it they must look as their chief object of loyalty rather than to the section whose cause was lost.

On this question it is my misfortune to differ with my distinguished friend from Michigan as to what is the true policy. On this question I do not seek a guide for my steps in the bitterness, the acrimony, the hatreds begotten by the rebellion. No Senator on this floor has less cause to be personally favorable to rebels, as such, than myself. I come here by no rebel support. The vote of no man who took part in the rebellion was cast for me. Though for more than eleven years a citizen of South Carolina, there have never been opened to me the doors of a dozen men who were implicated in the rebellion. No bribe of social favor among men who were rebels has ever tempted me to show the "ardor and zeal of friendship" for the enemies of my country. But as a Senator from South Carolina, when I allow personal considerations of this character to control or determine my conduct, I shall have forgotten the principles which have governed my life.

I am unfortunate in having made the impression upon the mind of the Senator from Michigan that I took the position against the test-oath and against the continuance of the disabilities imposed by the fourteenth amendment from "the ardor and zeal of my friendship for the late rebels." I have carefully read the remarks I made on the subject, and I am at a loss to see what sentence, what line, what word contained therein indicates any such motive. I am a friend, I trust, to all the people of the State which has honored me with a seat in this body; but, Mr. President, I am not a friend to them as "rebels" or "late rebels." I am a friend to them, as I would do the offices of true friendship; and I rejoice that when I take the position of an advocate of the repeal of the test-oath I am acting as a friend to the whole people of my State,

because I am opening up a way of strengthening the Republican party, and acting also as a friend to the loyal people of the country by doing something to destroy the wall of partition which has so long existed between the hearts of northern and southern men.

And permit me to add that I see no logical connection between the removal of disabilities and the return of Jefferson Davis or Robert Toombs to their old places of honor and trust in this Government. If the public sentiment of Mississippi or Georgia is so thoroughly disloyal as to render the election of men like these probable, then our reconstruction is a failure, and time only will relieve us from the evils legislation has sought in vain to cure. But if, as I believe, the vast majority of the people of those States care little for Jefferson Davis or Robert Toombs, or any other rebel leader, except as they are compelled to think of them as under the ban of ineligibility to public office, when you remove from them the badge of distinction which they wear and parade they will sink into that insignificance which is the common fate of the defeated leaders of a lost cause.

But, Mr. President, however necessary it may be thought to except from a bill of relief from political disabilities such marked cases as those of Davis, Lee, Toombs, and others, certainly it is not wise or necessary to shut out from all opportunity for participation in national affairs the great number of those who are affected by the provisions of the fourteenth amendment and of the test act.

Let me, Mr. President, in concluding these remarks, suggest to the honorable Senator from Michigan that I regret that he could find no better explanation of my position on this question than "the ardor and zeal of my friendship for the late rebels." I have never cast a vote, I have never uttered a word, I have never written a line in defense or in palliation of the rebellion. And the Senator does me and himself a great injustice when he would convey the impression to the American people, with all the strength given it by his distinguished name, that a Senator from the Republican State of South Carolina is actuated by any motive on this question inconsistent with an entire devotion to the best interests of the country and its loyal people. The frequency with which that Senator criticises measures brought forward in this body, the frequency with which his clear intellect detects errors in the reasoning of other Senators on this floor, his perfect freedom in exposing them, and his thorough independence of judgment, should admonish him to give to others the benefit of the supposition that their motives are as pure as his own, though they may in his opinion lack his wisdom.

The VICE PRESIDENT. The question is on agreeing to the substitute to the House bill offered by the Senator from Nevada.

Mr. THURMAN. Mr. President, if no one feels disposed to speak on this bill, I wish before the vote is taken to say a very few words in addition to those so well said by the Senator from California [Mr. CASSERLY] this afternoon, on the question whether Congress has power to pass a measure of this character, which involves a consideration of the terms of the fifteenth amendment. It will be recollected that when I addressed the Senate before I said nothing on that question, in order that I might proceed at once to consider the details of the bill.

After listening to the remarks of the Senator from California, I am wholly at a loss to see how any one can come to a different conclusion than that which he has announced. What is the language of this amendment? "The right of citizens of the United States to vote shall not be denied or abridged by," whom? Not by an individual acting in breach of the law; that is not the language. Not by a combination of individuals constituting a mob; that is not the language. It is not against them that this provision of the Constitution is directed; but it is explicit, "shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

It is a prohibition upon the United States and upon the States, and no stretch of ingenuity can extend it one hair's breadth further. Why the prohibition to the United States? Because the Congress of the United States fixes the qualifications of voters in the District of Columbia and also in the Territories of the United States; and therefore the prohibition upon the United States is proper. Why the prohibition upon the States? Because the States, each for itself, fixes the qualification of voters in the States. Before the passage of this amendment to the Constitution the power of a State to fix the qualifications of its voters was without any limit or restriction whatsoever. It was so completely without limit or restriction that in several of the States persons not citizens of the United States were allowed to vote; as, for instance, foreigners who had declared their intention to become citizens, but had not completed their naturalization by a residence of five years and taking the final oath. That was the case, if I mistake not, formerly in the State of Illinois, and perhaps in some other States where foreign-born persons who had declared their intention to become citizens were allowed to vote before they had fully become citizens of the United States. I may be mistaken in respect to that particular State, but I know that that was the case in some of the States.

Mr. DAVIS. On a residence of six months.

Mr. THURMAN. Then comes this provision, the sole provision in the Constitution of the United States which limits that heretofore complete and plenary and unconditional power of a State to fix the qualification of the voters in that State; and what is it? How can any man say that it is anything more than a limitation upon the power of the State? Is it not just as much a limitation on the power of the State as is the provision in the Constitution that no State shall coin money; that no State shall keep or maintain an army or a navy without the consent of Congress? Just as these are limitations on the powers of the States, so is this fifteenth amendment a limitation on the power of the State, and nothing else, so far as the State is concerned.

What is the effect? Simply this, that if there is in a State constitution a discrimination on account of race, color, or previous condition of servitude, that provision in the State constitution becomes null and void, because it becomes repugnant to this provision of the Constitution of the United States. So if there are laws of the States that discriminate against any person otherwise qualified to vote, because of his race, color, or previous condition of servitude, those laws *ipso facto* become void, because they are repugnant to this provision of the Constitution of the United States.

If a State should hereafter attempt to pass such laws it would be attempting to do an unconstitutional thing, and its action would be absolutely null and void, and for a remedy against any such violation whatsoever the courts afford precisely the same redress that they do against the violation of any other portion of the Constitution of the Union. If there is a necessity for passing a stringent bill to enforce this amendment of the Constitution, the very same reason would require bills of pains and penalties and persecutions to enforce every other prohibition of the Constitution, for there is not one of them that may not be violated. This, then, being simply a limitation on the power of the State, simply withholding from it one of the powers which it heretofore possessed, the power of fixing the qualifications of electors, or restricting that power in a single particular, it is as plain, it seems to me, as the sun at noon-day in a cloudless sky, that this amendment can only be held to speak of a State as a State; as a State in her political character, as a distinct autonomy, and does not deal with individuals at all.

Now, sir, there is a case in which Congress might, perhaps, deal with individuals, the case supposed by my friend from California. Suppose, for instance, the State of Ohio should pass a law that no colored man should vote; or, to change it, suppose it should pass a law that no white man should vote, and the officers charged with the execution of that law should attempt to carry it into effect, they would be liable to civil actions without any act passed by Congress at all; but possibly in a case like that Congress might by law reach those individuals thus executing a State law, and therefore, acting in pursuance of an act of the State, which the Constitution of the United States forbids.

That is one thing; but a wholly different thing from that is the unauthorized act of an individual, which tends to interfere with the right of another man to vote, and which unauthorized act is even in violation of the law of the State itself. Why, sir, take the case of a State; take Massachusetts, for instance. There there is no distinction in the right to vote on account of race, color, or previous condition of servitude; and there has been none for a long, long time. I suppose Massachusetts has laws, as every other State has, that forbid any one to prevent a citizen from exercising his right to vote. When a man thus violates the law of the State of Massachusetts, when he thus renders himself liable to indictment and punishment under the statute of Massachusetts, can you say that that man is the State of Massachusetts, and that therefore he is doing what this constitutional amendment forbids, and that you will punish him? The prohibition here is upon the State. Can you undertake to punish an individual who is not acting under the authority of the State, but directly against the statute law of the State, and who is punishable under that statute law by indictment in the courts of the State? And yet you undertake to say that that individual, thus acting contrary to the law of his State, liable to punishment by his own State in her own courts, can be taken away from the jurisdiction of his State, removed from under the law which he has violated, and taken into a Federal court to be punished under an act of Congress.

It is amazing to me that any lawyer can think for a moment that this bill in this respect where it acts on individuals—not officers of a State at all, mere private individuals, mere trespassers, mere breakers of the peace, mere violators of the State law—that this bill which seizes them and punishes them under this act of Congress and in the Federal courts is warranted by the fifteenth amendment of the Constitution. Let us see, by way of illustration. I have already referred to the provision in the first article of the Constitution:

"No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit."

No State shall coin money. No State shall emit bills of credit. There is precisely the same kind of language that you have in the fifteenth amendment, a prohibition upon the State. Is it under that provision that Congress gets the power to punish counterfeiters of the coin? Is it under that provision that Congress gets the right to deal with individuals having no authority from the States? No, sir, not at all; but it is under a distinct affirmative provision in the first article of the Constitution that Congress gets that power. Where is that? The sixth clause of the eighth section of the first article, defining the powers of Congress, is in these words:

"To provide for the punishment of counterfeiting the securities and current coin of the United States."

There is the power expressly given to Congress:

"Congress shall have power to provide for the punishment of counterfeiting the securities and current coin of the United States."

The framers of the Constitution never imagined for a moment that the prohibition upon the States to coin money gave Congress a right to punish even counterfeiters of the coin; and hence the power is expressly given to Congress in so many words to punish counterfeiters of the securities and coin of the United States.

But, sir, let us go a little further:

"No State shall have power to emit bills of credit."

Does that operate upon individuals? If so, all your banking institutions that are created by the States are unconstitutional. Every one of them that derives its power from a State is unconstitutional if this provision that no State shall emit bills of credit has application to individuals.

But, sir, that is not all. Let us go a step further:

"No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace."

Cannot an individual build a ship of war? And can he not keep it until he can sell it, or until it rots down? Have we not plenty of instances of that being done? Have we not ship-builders, and do they not build ships of war? Did not Mr. Stevens build one which has been brought to the notice of the Senate within this very week? Who has ever denied the right of an individual to build a ship of war? Again:

"No State shall, without the consent of Congress" * * * * "enter into any agreement or compact with another State, or with a foreign Power."

Is that a prohibition upon individuals? Is not a contract made by an individual in one State with another State a good contract? Are not such contracts made every day? Do not individuals make contracts with States to build railroads, to build canals, to build docks, to perform services of all sorts and descriptions, to furnish articles of merchandise of every kind? Who has ever denied that right? Sir, all these prohibitions operate upon the States, and not upon individuals. The principle of this bill would therefore go to the extent of saying that if any man made an agreement—for that is the very language of the Constitution—with any other State than that in which he resided he might be liable to punishment, to fine and imprisonment, for making such an agreement.

But, sir, I need not follow it further. Language cannot be plainer. This is no strict construction at all. I am not running into any doctrine of the strict constructionists. There never was a party, the most latitudinarian in this country, that ever gave to these provisions of the Constitution any effect whatever except upon the States as States. It is not the strict construction of the Virginia school, although I think that is the true construction, for which I am contending. It is the construction of plain common sense, of the plain language of the Constitution, and that construction which has been put upon similar clauses ever since the Constitution had an existence.

But now what is proposed to be done? Now you propose to seize hold of a mere idler; now you propose to seize hold of a mere ruffian; now you propose to seize hold of some man who is simply a cheater at the election; all of whom are punishable under the State law; and under the pretense of restricting the power of the State, which declares the very acts complained of to be unlawful, and punishes those acts, you take the individual from under the State law, send him before the Federal court, and punish him in virtue of an act of Congress.

Why, sir, if you can do this, if this is to be the interpretation of the fifteenth amendment and the right to pass appropriate legislation in support of it, then you may go the whole length. It is only a question, then, of discretion with you. You are foolish to talk about such a bill as this if this interpretation is right. Why not go the whole length at once? Why not take all the elections in your own hands? Why not provide by Federal law for the whole registration? Why not provide Federal judges of election, Federal boards of canvassers, and Federal machinery for the whole of the process of election from the time the voter goes to register until the time that the successful candidate is inaugurated into his office? You can do that just as constitutionally as you can pass this bill.

Mr. SHERMAN. I will ask my colleague if he has any doubt about the power of Congress to prescribe the mode and manner, &c., of electing members of Congress, and all elections growing out of the national Government?

Mr. THURMAN. I have not the least doubt in the world of the power of Congress to provide the mode and manner of electing members of Congress.

Mr. SHERMAN. And the punishment for offenses committed in consequence of the election?

Mr. THURMAN. Undoubtedly that might be so. But let us see what that is. Is that this bill?

Mr. SHERMAN. I think that is yielding the whole matter.

Mr. THURMAN. Is this bill limited to the election of members of Congress? No, sir; it extends to all elections, from the highest office in this country, the President of the United States, down to the lowest office in the country, to a fence-viewer. It includes every single elective office in the country, either under Federal authority or the authority of a State, and therefore it derives no aid whatsoever from the power given to Congress to regulate the mode and the manner of electing members of Congress.

But I have something to say on that subject, as my colleague has called my attention to it. That provision to regulate the mode and manner of elections never was construed to authorize Congress to fix the qualifications of electors. If such had been its interpretation you would not have needed your fifteenth amendment, so far as the election of members of Congress is concerned. Neither was it ever interpreted to take away from the States the right of providing officers of election and the mere machinery of elections. But the mode of that election, for instance, whether it should be by ballot or whether it should be *viva voce*, and the manner of that election, Congress is authorized to prescribe. But that provision was never intended in the world to dispense with the agency of the States, and substitute an agency provided by the Congress of the United States.

And yet it is barely possible; I have often thought of it. I have often thought there was in that provision something of a safeguard for the Union. I have often thought that perhaps it was in the minds of the men who framed the Constitution that if the authorities of a State should refuse to elect members of Congress, should repeal all State laws providing for the election of members of Congress, then, owing to the necessities of the case, Congress might intervene and pass laws under which elections could take place in such recusant States. Perhaps that may be so; but I am not going to argue that question now, for it is not necessary.

We are not now considering a bill that relates merely to the election of members of Congress; but we are considering a bill, as I said before, that reaches elections for all officers, from the President of the Republic down to the humblest township or town officer that can be found in the United States; that reaches the election of school directors in the humblest hamlet of the country as amply as it reaches the election of Governors of the States, the judges of courts, and the President and Vice President of the United States. That is this bill, which goes to every popular election held in the States and says that under a provision which simply makes State laws void, which simply operates on the State as a State, which simply renders void all provisions in the constitution and laws of a State contrary to this fifteenth amendment, under a provision which goes no further than that, which does not reach to individual infractions of the law done under no color of State authority whatsoever, it is proposed to take the whole subject of elections in a State for State officers, county officers, township, city, and town officers into the hands of Congress. I say again, if you can do that, if you can pass this bill, you have just as much right to wipe out the whole State machinery of elections and supplant them by officers of your own.

But, sir, I have said enough. In fact I owe an apology to the Senate and an apology to my friend from California, [Mr. CASSERLY,] who presented this matter so clearly to-day, for having added these remarks to what needed no addition.

Mr. POOL. Will the Senator allow me to ask him a question?

Mr. THURMAN. With pleasure.

Mr. POOL. I desire to ask the Senator, for whose opinion I have very great respect, this question: suppose a State should pass a law that no registrar or poll-keeper should be punished for declining to register a colored man or to receive his vote, by what legislation should we reach that case?

Mr. THURMAN. Well, sir, let us suppose that the State passes no law to punish any man for failing to register any one——

Mr. POOL. That was not the case I put. I said suppose a State passes a law that no registrar or poll-keeper shall be punished for refusing to register a colored man or refusing to receive his vote?

Mr. THURMAN. I once more say suppose the State provides that no man shall be punished for failing to register anybody. Let us go further, and suppose that the State will not pass a registry law at all—suppose the State will not pass any law for elections at all. Does that give you any authority to provide by act of Congress for the election of State officers in the State? Suppose a State does not pass any law to elect any State officers whatever, does that give Congress any right over the subject because of that omission of duty on the part of the State?

But let me say to my friend, who is a lawyer, that he makes nothing in the world by supposing cases so improbable that they come under that well-known axiom of the law, that nothing is proved by extreme cases. You are not at liberty to suppose that any State will pass a law in direct violation of the Constitution of the United States. If you can do that in respect to this provision you can do it in respect to any other provision. You may say that you will assume that a State will pass a law that no man shall be punished for counterfeiting, or no man shall be punished for coining money, or the like. You may go on with the whole series of cases in which there are prohibitions on the States, or any other matter that would be unconstitutional, and suppose that a State is going to do it. It is a thing not to be supposed.

Mr. POOL. But if the Senator will allow me, I think that very thing is supposed in the fifteenth amendment. It declares that this right shall not be denied or abridged by any State, and that it shall be enforced by appropriate legislation by Congress. What is the need of appropriate legislation unless it was supposed that a State might either by positive act, as I have named, or by omission, fail to carry out and perfect this right?

While I am up I will say to the Senator that if I had received a plain answer to my first question it was my purpose to put another. If he had told me how you could reach a case where a State, by positive enactment, said one of these officers should not be punished for hindering a colored man from exercising his right of suffrage, I should then have asked him, what will you do in a case where a State

omits either to compel these officers to receive that vote, or to punish them when they refuse to receive it, by which the whole efficacy and value of the fifteenth amendent is broken down? If the United States cannot come in then and enforce it, of what value is the clause which says that by appropriate legislation this right may be enforced?

Mr. THURMAN. Why, Mr. President, of great value. It has already been proved, in my judgment, that that provision about appropriate legislation is nothing more than the old provision in the Constitution which gives Congress power to pass all necessary and proper laws for carrying the provisions of the Constitution into effect, and is to be interpreted in the same light. For instance, suppose a State should pass a law, and it is no more extreme case than the one my friend has supposed, that would make it punishable for a black man or a white man either to vote or to offer to vote; you may pass laws by which that question can be tried before the Federal tribunals, and the State law can be declared null and void. That would be appropriate legislation. If a State should pass laws that would make it a penal crime for citizens to be placed upon precisely the same footing, you can pass laws by which you can bring them before the Federal judiciary and have it determined whether those laws are correct or not. That is appropriate legislation.

But because you can do such a thing as that, because you can pass such laws as that to provide the machinery by which State laws in conflict with this provision are to be declared to be null and void, because you can clothe your judicial tribunals with the necessary power to hold all such laws to be null and void, it does not follow at all that you can invade the rights of the States to regulate their own elections, their own mode and manner of elections, much less that under the provisions of this bill you can seize hold of individuals who have no color of office under the State, no color of authority under the State, but are simply private breakers of the law, punishable under the law of the State.

It will not do, I repeat again, for gentlemen to put these extreme cases, because they are not supposable cases. They are nothing but extreme cases. It will not do to assume that the Legislature of a State will pass such a law. What right have you to assume any such thing? Do not the members of a State Legislature take the same oath that we take to support the Constitution of the United States? Are they not required to do it as well as we are? What right has the Senate of the United States to assume that the members of a State Legislature will not be as regardful of the oath they have taken as the members of the Senate of the United States? What right have you to usurp power based upon the hypothesis that the members of the State Legislature will be wholly regardless of the oaths they have taken, wholly regardless of their duty, wholly regardless of the obligations upon them to support the Constitution of the United States, and that they will deliberately go to work to pass laws in violation of it? You cannot assume any such thing; you are not authorized to assume any such thing, and no power in Congress can be based upon such an extreme assumption as that.

If you can do that, if you can let the imagination loose to suppose extreme cases that may never arise, and give to Congress power under pretense of guarding against these extreme and improbable, I might almost say impossible cases, then you can at once assume every power of government that is exercised in this Republic. There is not one that you cannot assume by that course of reasoning. It is reasoning that is condemned by all law, that is condemned by logic, that is condemned by common sense.

Above all, such things ought not to be assumed in this tribunal, in this Congress, which has no powers but such as are delegated to it by the Constitution of the United States; which has no general legislative power as the State Legislatures have, but has simply such powers as are expressly or impliedly delegated to it by the States or by the people of the States, as you see fit to call the constituent body of Congress. Above all others, ought we never to assume it; we, the representatives of the States; we, who come here treating the States as such high bodies that the smallest State in the Union has as many Senators on this floor as the greatest; so that Delaware, with a territory not so large as that of some counties in Ohio, or scarcely larger, and with a population not equal to that of a single congressional district in the State of New York, or of Pennsylvania, or of Ohio, stands here with two Senators, the peer, the equal of the great State of New York; and shall we who were once called the embassadors of the States, who are at least the representatives of the States, and of what all parties used to call the sovereignty of the States, shall we grasp power with both hands? Shall we reach out our arms long and far to grasp all the powers of Government, on the hypothesis that the members of the Legislatures of the States we represent are ready to commit perjury in violation of the Constitution of the United States? I, for one, will not do it.

Mr. SHERMAN. Mr. President, I think my colleague has made a very interesting and in the main a judicious and proper construction of the fifteenth amendment. The great trouble is that his speech has no application whatever to either of the propositions pending before the Senate. I listened to him, after hearing his explanation of the constitutional amendment, to make the application of his remarks, which in a late hour of the evening like this is much more important than to expound the Constitution. He admits that Congress has a right by appropriate legislation to prevent any State from discriminating against a voter on account of his race, color, or previous condition of servitude. That is all, I believe, that is claimed by any one on this side of the Chamber as to the authority conferred by the fifteenth amendment. I have looked over the proposition submitted by the Judiciary Committee of the Senate and the proposition sent to us by the House of Representatives, and I can see no provision in them but what is intended simply to prevent a discrimination on account of race, color, or previous condition of servitude. I think the fourth section of the Senate amendment is badly worded, although even in that section the word "aforesaid," referring to the previous section, shows clearly enough that the intention of its framers was to confine the operation of that section to offenses against the fifteenth amendment; that is, an attempt to discriminate between voters on account of race, color, or previous condition of servitude.

Mr. THURMAN. Will my colleague allow me to interrupt him?

Mr. SHERMAN. Certainly; but I do not wish to prolong my remarks.

Mr. THURMAN. Does my colleague suppose that the fourth section applies to nobody but officials acting under color of State authority?

Mr. SHERMAN. I say that the bill applies to persons as well as to officers——

Mr. THURMAN. That gives up the whole argument.

Mr. SHERMAN. Not at all. What I mean is that all the provisions of the law are to prevent persons or officers, under the color of State authority, from denying a man the right of suffrage. My colleague cannot deny that we can by appropriate legislation prevent any private person from shielding himself under a State regulation, and thus denying to a person the right to vote on account of race, color, or previous condition of servitude. Our right of appropriate legislation extends to every citizen of a State, the humblest as well as the highest.

Mr. CASSERLY. I should like to ask the Senator from Ohio how a State can be said to abridge the right of a colored man to vote when some irresponsible person in the streets is the actor in that wrong?

Mr. SHERMAN. If the offender, who may be a loafer, the meanest man in the streets, covers himself under the protection or color of a law or regulation or constitution of a State, he may be punished for doing it.

Mr. CASSERLY. Suppose the State law authorizes the colored man to vote; what then?

Mr. SHERMAN. That is not the case with which we are dealing. I intend to propose an amendment to present a question of that kind. This bill only proposes to deal with offenses committed by officers or persons under color of existing State law, under color of existing State constitutions. No man could be convicted under this bill reported by the Judiciary Committee unless the denial of the right to vote was done under color or pretense of State regulation. The whole bill shows that. My honorable friend from California has not read this bill with his usual care if he does not see that that runs through the whole of the provisions of the first and second sections of the bill, which simply punish officers as well as persons for discrimination under color of State laws or constitutions; and it so provides all the way through.

But, Mr. President, there is one other grievance that I feel ought to be dealt with at this moment, as we have this bill before us; a grievance which has become of greater magnitude even than the denial of the right to vote to colored people; and that is, the open, glaring, admitted frauds by wholesale in the great cities of this country, by which our Government is about to be subverted. If I were asked to point out the greatest evil that now threatens our country I should point to the subversion of all authority by overthrowing the elective franchise. We have official documents without number in both Houses of Congress showing the growing evil of trampling down the rights of communities and States to representation in Congress in the election of members of Congress and in the election of Senators. At the last presidential election in the city of New York, according to an official examination in the other House, there was an attempt to subvert the election of a President of the United States by wholesale and glaring frauds. Does anybody deny or dispute it? It was sufficiently proven.

Therefore I think we ought to avail ourselves of the pendency of the present bill to adopt some provision tending to guard the election of members of Congress and electors for President and Vice President from these wholesale frauds. There has been handed to me a bill, very carefully prepared by a large committee of the House of Representatives; I believe a committee composed of fifteen members, upon which all parties and all sections were fairly represented. That committee, after a careful examination, have reported three sections to accomplish the purpose of preserving the purity of elections. There can be no doubt about the constitutional power of Congress in this particular, because it is in plain accordance with the provisions of the Constitution which authorize Congress to change and alter the mode and manner of electing members of Congress and electors for President. I propose to offer these three sections, which I find are embodied in substance in the laws of most of the States, but which are disregarded and nullified and overthrown in every election in the city of New York, as three independent sections to come in at the end of the bill. I have read the sections very carefully myself, and submitted them to many others. As I have said, they have received the sanction of a committee of the House, which has carefully examined the whole subject, and I do not believe they raise any con-

stitutional question, or invade the right of any State.

Mr. DAVIS. Mr. President——

Mr. SHERMAN. I hope the Senator will allow me to offer my amendment and have it read.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The Senator from Ohio proposes an amendment to the amendment, which will be read for the information of the Senate.

Mr. SHERMAN. I may state to Senators who desire to see the sections in print, that they can be found on the files. The number of the House bill is 477.

Mr. CASSERLY. I think a shorter way to accomplish the purpose would be to bring in an amendment that none but members of the dominant party shall ever be elected from any district in the city of New York.

Mr. SHERMAN. I think it would be a very good thing if the people there could have an opportunity to elect one of the right kind; but they have never yet had that opportunity, and cannot have it now.

Mr. CASSERLY. I am surprised to hear the gentleman make a statement which is so inconsistent with all the history of politics in that city. The first time there ever was a registration in the city of New York was in 1840. At that election the registration law passed by the Whigs was in full operation, and the city, which had been carried by the Whigs for two or three years, was at that election lost by them and carried by the opposite party by very considerable majorities. The Senator is mistaken if he supposes that by any contrivance short of that which I have suggested to him he will be able to destroy or whittle away the Democratic majorities in the congressional districts of New York. I wish the gentleman could be there himself to hold a fair election. He would be satisfied, in spite of the frauds which he alleges, and which may exist, for aught I know, to some extent—they are apt to exist in large cities, and I think they do in all to some extent—he would understand that after making all deductions for frauds and false voting there is no district in the city of New York that is otherwise than anti-Republican. That great city is too large in her ideas to be bound down to the narrow dogmas of Radicalism.

Mr. SHERMAN. I do not know that I desire to reply to my honorable friend until the amendment is read which I have sent up to be read as a part of my speech. But perhaps I might as well say now, in reply to him, that at the last election for President of the United States in the city of New York, as was shown by an official examination in the House of Representatives, there were thousands and tens of thousands of illegal votes, and liberty and law were subverted. Sir, if the result of that election had depended on the vote of New York we should have had war and revolution growing out of this state of things in New York. I am surprised that my honorable friend, living away off on the Pacific coast, should deny a state of things that is known. Why, sir, only the other day in the election in the city of New York, if we can believe the journals, the only source of information we have without going into an official examination, there were wholesale frauds.

Now, sir, I am not so much a partisan as to desire to see these frauds committed on the Republican side; and I believe as a general rule they are not committed on the Republican side. The strength of the Republican party in this country is in the masses of the country people, the farmers, the mechanics, the laborers of the country. The strength of the Democratic party for years during the war and since has been in the pest houses of the cities, where vice breeds. In the city of New York, I think it is true, as the gentleman says, that every congressional district is Democratic for the very reason I have stated. But when that vote interferes with or controls the great body of the masses of the people of New York, the farmers and laboring men living out in the country, then it becomes a national evil so great, so dangerous, and so alarming in character, that it is the duty of Congress to protect itself and the people from the danger arising from these great frauds.

But, as the Senator will see when he hears the amendment read, it does not assume a party aspect at all. My impression is that these sections, as prepared, have been agreed to by at least some of the Democratic members of that committee; but of that I am not sure. I know the proposition has been handed to me by the gentleman who reported it, himself a good lawyer. The Senator will see that by the very language of it there is nothing of a party character in it; nothing that will protect a fraudulent Republican any more than a fraudulent Democrat. I ask that the amendment may be read as a part of my remarks.

Mr. CASSERLY. I should like to hear the amendment read, and then I propose to say something in reply to the Senator from Ohio.

The Secretary read the proposed amendment, which was to add as additional sections the following:

And be it further enacted, That if at any election for Representative or Delegate in the Congress of the United States, or for electors of President and Vice President of the United States, any person shall knowingly personate and vote, or attempt to vote, in the name of any other person, whether living, dead, or fictitious; or vote more than once at the same election for any candidate for the same office; or vote at a place where he may not be lawfully entitled to vote; or vote without having a lawful right to vote; or do any unlawful act to secure a right or an opportunity to vote for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or otherwise unlawfully prevent any qualified voter of any State of the United States of America, or of any Territory thereof, from freely exercising the right of suffrage, or by any such means induce any voter to refuse to exercise such right; or compel or induce by any such means, or otherwise, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interfere in any manner with any officer of said elections in the discharge of his duties; or by any of such means or otherwise induce any officer of an election, or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly and willfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote; or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit to do any duty the omission of which is hereby made a crime, or attempt to do so, every such person shall be deemed guilty of a crime, and shall for such crime be liable to indictment in any court of the United States of competent jurisdiction, and on conviction thereof shall be punished by a fine not exceeding $500, or by imprisonment for a term not exceeding three years, or both, in the discretion of the court, and shall pay the costs of prosecution.

And be it further enacted, That if at any registration of voters for an election for Representative or Delegate in the Congress of the United States, or for electors of President and Vice President of the United States, any person shall knowingly personate or register, or attempt to register in the name of any other person whether living, dead, or fictitious, or attempt to register at a place where he shall not be lawfully entitled to register, or register or attempt to register not having a lawful right so to do, or do any unlawful act to secure registration for himself or any other person, or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or otherwise, unlawfully prevent or hinder any person having a lawful right to register from duly exercising such right; or compel or induce by any such means or otherwise any officer of registration to admit to registration any person not legally entitled thereto; or interfere in any manner with any officer of registration in the discharge of his duties; or by any such means or otherwise induce any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or knowingly and willfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote, or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is made a crime, every such person shall be deemed guilty of a crime, and shall be liable to indictment and punishment therefor, as provided in the first section of this act for persons guilty of any of the crimes therein specified.

And be it further enacted, That if any person shall, by force, threat, menace, intimidation, or otherwise, unlawfully prevent any citizen or citizens from assembling in public meeting, to freely discuss or hear discussed the claims or merits of any candidate for the office of President or Vice President or elector thereof, or Representative or Delegate in Congress, or of any officer of the Government of the United States; or the laws or measures of Congress, or any measure existing, pending, or proposed, affecting the Government of the United States, or any department or officer thereof; or if any person shall by any such means break up, disperse, or molest any such assemblage, or molest any citizen in or of such assemblage, every person so offending shall be deemed guilty of a crime, and shall be liable to indictment and punishment therefor, as provided in the first section of this act for persons guilty of any of the crimes therein specified.

Mr. SHERMAN. As a commentary upon the recent election in New York, I will ask the Secretary to read an extract from the New York Sun, which supported the Democratic ticket in the recent election there.

Mr. CASSERLY. The New York Sun!

Mr. SHERMAN. It supported Mr. Church, who was the candidate of the Democratic party. Its hostility to General Grant and the Administration I suppose is pretty well known. I ask that the extract be read.

Mr. TRUMBULL. Before the Senator from Ohio proceeds, I suggest to him that a portion of the amendment which he has offered is manifestly without the least authority in the Constitution—that part of it, as the Senator will see at once, which proposes to provide for the election of electors of President and Vice President. That is a matter expressly left to the States. Congress has no power whatever over the election of presidential electors. The Legislature of the State may do it.

Mr. SHERMAN. In my judgment in elections for officers of the national Government we can prescribe, under the Constitution, the mode and manner and qualification of voters.

Mr. TRUMBULL. Does the Senator mean to say that Congress can prescribe the mode of electing electors of President? The Constitution is express on that subject.

Mr. SHERMAN. I will answer the Senator after awhile.

Mr. TRUMBULL. I supposed it was an inadvertence.

Mr. SHERMAN. Not at all. I think there is not one word in the sections that is not expressly authorized by the language of the Constitution.

Mr. TRUMBULL. In very words the Constitution of the United States says that electors of President and Vice President shall be appointed in the manner each State shall provide.

Mr. SHERMAN. I will read the clause.

Mr. DAVIS. Mr. President——

Mr. SHERMAN. I believe I have the floor.

Mr. DAVIS. I had the floor and yielded for an explanation.

Mr. SHERMAN. I think not.

The PRESIDING OFFICER. The Senator from Kentucky was entitled to the floor, and yielded it to the Senator from Ohio.

Mr. SHERMAN. I had sent up a paper to be read at the desk; it was not read when the Senator from Kentucky rose.

Mr. DAVIS. I will not make any question with the honorable Senator from Ohio, but I was recognized. I am willing to yield to him, however.

Mr. SHERMAN. I ask that that extract be read.

The PRESIDING OFFICER. The extract will be read.

Mr. DAVIS. I prefer that the honorable Senator from Ohio should occupy the attention of the Senate at this time if he wishes.

Mr. SHERMAN. As soon as that is read I will give way.

Mr. DAVIS. Speak as long as you please.

Mr. SHERMAN. I will give way then.

Mr. DAVIS. I defer to the Senator.

Mr. SHERMAN. Not at all. As soon as that is read I will not delay my friend from Kentucky.

Mr. CASSERLY. I should desire to say something on the amendment the Senator from Ohio has offered. I ask for its reading

first, and when it is read I shall desire to be heard.

Mr. SHERMAN. When the extract is read I will cheerfully give way to the Senator from Kentucky. Let the extract be read first.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows, from the New York Sun of the 18th instant:

"Never before were our citizens disgraced by so corrupt and infamous an election.

"Repeating was the order of the day. Full scope was afforded for this by the condition of the registry. Everybody who had changed his residence since the last election entered his name anew; but, as a general rule, none of the old entries were erased. Then, of course, a large number of really new names were now registered, including a considerable body of colored men. This swelled the registry to 184,417 names, and of course afforded ample opportunity for the gangs of repeaters that shamelessly perambulated the city from morning till night.

"In one of the wards about eleven hundred negroes were registered; but, lo! when the newly enfranchised came to the ballot-boxes, judge of their amazement upon learning that white repeaters had already voted upon nearly five hundred of their names! And, as an exquisitely ridiculous commentary upon this audacious proceeding, when a few negroes subsequently tried to vote upon their own names they were arrested as repeaters!

"The repeaters scarcely tried to avoid discovery. Young scoundrels, after voting upon one set of names under certain disguises, would sally into the street, and within sight of the polling-places exchange and mix up their disguises, and then go back and vote again under another set of names.

"The regular price for spurious votes in certain localities was fifteen dollars each. After pocketing the wages of iniquity men would openly boast that they had made a good thing out of the swindle."

Mr. DAVIS. I will occupy the attention of the Senate but a few minutes; I am not well enough to enter into any extended remarks on this subject. I would here say, in passing, that the disorders referred to in the extract read by the Clerk at the instance of the honorable Senator from Ohio, in my judgment, have but one remedy, and that is to do away with the secret ballot and to introduce the *viva voce* mode of voting. We have no such frauds as are there designated in the State of Kentucky, because there the mode of *viva voce* voting has always prevailed. It is an open, patent mode of voting, in which frauds of that description are almost impossible; and I suppose myself that it is the only mode of voting known or that has ever been practiced that offers so perfect a security against that sort of frauds on election day.

But, Mr. President, I will proceed to make a few remarks on the subject before us. I am disposed to concede some facts and some events that have been brought about by the war; and never, so far as I am concerned, is it my purpose to attempt to reverse them. The first is the emancipation of all slaves and the utter and final abolition of slavery. I believe that that was irregularly effected, and was effected without a proper sanction of authority and power; but although an act of disorder, although the result of force, an effort to reform and reverse it would produce more mischief than a continuance of the state of things which it has inaugurated.

I might make use of the same remark in relation to the subject of negro voting. I believe that that was a right conferred upon the black man without any proper sanction of authority, without any authority whatever that was valid and that was entitled to act on the subject. But I recognize the fact, the transaction, that this right of suffrage has been given by the form of law and of constitution to the colored race; and therefore I am utterly indisposed myself ever to endeavor to wrest or to regain the right from the colored man.

But at the same time that I concede these great acts and transactions resulting from a state of affairs which amounted to revolution, there are other matters that I do not concede and that I never will concede, so far as I am concerned. One of the most important American ideas, and to which more importance is attached probably than any other, is the establishment of a written Constitution, the principle of a fundamental law that shall give all authority to the Government and divide its powers and restrain the exercise of other powers. I regard that as one of the most important improvements of modern statesmanship that the world has yet witnessed.

As an accompaniment to that principle is this auxiliary one, that constitutional law is the law of the Government. It is as much the law of the Government and of all the departments and officers of the Government as the statutory law is of the individual and the citizen. That form and that obligation of constitutional law, according to my principle and according to the principles established by our fathers, as I understand, embraces all times, all conditions, and all situations, of war as of peace.

It was admitted yesterday by a most eloquent member of the Senate, the Senator from Missouri, [Mr. SCHURZ,] that a revolution had been consummated in the Government of the United States, and he exhorted in eloquent terms the opposition to that revolution to acquiesce in its results. One of the results of that revolution, as claimed by many of its friends and supporters, is the abolition of all constitutional law during times of violence and civil war. I will never concede that principle. I maintain the supremacy and the inviolability of constitutional law and constitutional principles in all times and over all persons and all powers.

Though I concede and am willing to acquiesce in the abolition of slavery, and even in the investment of the late slave with the right of suffrage, I will contest the principle of revolution that strikes down constitutional law, that makes it subservient to military power in times of domestic violence, even of civil war.

Now, Mr. President, I will advert to one or two other important cardinal, essential principles of free and constitutional government which I will never sacrifice, and the destruction of which I will never give my consent to. The Congress of the United States has claimed and has triumphantly and frequently exercised the power to propose amendments to the Constitution by excluding eight, ten, and eleven members of the Union from representation in both Houses of Congress. That was revolution, in the language of the scholarly and able Senator from Missouri. The Constitution provides for its own amendment. It prescribes the particular mode in which it may be amended; and if that mode is honestly and faithfully administered it is not revolution, but it is simply the execution of a principle of the Government, of the Constitution itself, for the alteration and amendment of the fundamental law. But when a dominant majority in times of civil war or of peace claim the power, and exercise it, too, of excluding almost one third of the States of the Union from representation in both Houses of Congress, and then propose amendments to the Constitution by propositions passed by the remainder of the two Houses of Congress, when the Constitution itself says that such propositions shall not be passed except by the vote of two thirds of both Houses, I will insist to the extent of time, so far as I am interested in time, that such a mode of amending the Constitution is lawless, revolutionary, destructive of our Constitution and one of its most fundamental principles, and is entitled to no obedience and no respect from any quarter whatever.

Sir, when it is contended that the dominant faction in Congress may of its own will, upon the suggestion of its own ambition and its own lust of power, take the Representatives and Senators from ten or any number of States by the throat and thrust them from the Halls of Congress, and then claim a constitutional right to amend the fundamental law so as to subserve their own purposes of ambition, of acquisition or retention of power, I say that is a lawless aspect of revolution which deserves the opposition and the sternest and most inflexible opposition of every enlightened American patriot.

There are certain other precedents that have been established by this revolution the validity of which I will always controvert. I utterly deny that Congress, thus acting on propositions to amend the Constitution, can revolutionize the Government, can overthrow the constitutions and governments of the States, and prescribe to the people of all the States the qualifications of electors and candidates for offices, not only as to Federal offices, but to the offices of the State governments also. These are precedents of violence, of force, of revolution that are menacing in all their aspects and in all their influences. For the country to accept such precedents as permanent principles, and such modes of amending and modifying and revolutionizing the Government as constitutional, would be infinitely more dangerous to the perpetuation of our institutions and the liberties of our people, in my judgment, than the admission of the negro to his freedom and to his right of suffrage and full eligibility to all offices.

When that philosophic and eloquent Senator exhorts me to acquiesce in such events, such facts, such great enactments in fact as the liberation of all the slaves and the utter and final overthrow of slavery, and even the admission of the freedmen to the right of suffrage, I am disposed to accede to it. But when he asks me to concede these principles of revolution that strike at the very existence of constitutional government and of organized liberty and law, and to refrain from all further opposition to them, I tell him in candor and truth that while I have an energy or a voice they shall be uttered and exerted against the monstrosity of these precedents that this revolutionary party have set in our country, and with which they have overthrown, in my judgment, legitimate constitutional government and law.

But, Mr. President, I will proceed with the line of my argument. I know of no opposition in the State of Kentucky to the enactment of the fifteenth amendment, so far as it proposes to confer the right of suffrage upon the negro. The amendment had scarcely been proclaimed by the President of the United States before the colored people in Kentucky, without obstacle or let, were in the full exercise in the municipal elections of the right of suffrage. If there has been any interference with them, any obstruction to them in the exercise of that right, any deliberate and settled purpose to resist its exercise by them in that State, I am a total stranger to the existence of such a feeling or such a purpose. I want no futile and fruitless resistance anywhere to the exercise of that right by the freed negroes. I want it conceded fully and peacefully, and without introducing any disorder in society. I want to give no provocation, no excuse for the further interposition of the Federal Government and the Federal armies in the government and affairs of the States. And this reflection brings me to the conclusion, not only to acquiesce in but to desire that this right shall be fully and peacefully guarantied to the freedman, and as far as it is necessary that it be secured to him by proper laws, so far as Congress may constitutionally pass them.

Now, I will say a few words upon the pending measures and upon the fifteenth amendment, under the force and effect of which I understand them to be introduced. Indeed, I know of no other authority that Congress has to pass such a law, unless it be the fifteenth amendment. That amendment declares—

"That the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

That is the primary proposition of the amendment; and then there is an auxiliary proposition, the effect of which is solely to aid in the

execution of the principal, the main proposition, and which, according to the Senator from Ohio, [Mr. THURMAN,] in whose judgment I fully concur, was wholly unnecessary; that—

"Congress shall have power to enforce this article by appropriate legislation."

I believe that by necessary implication the primary proposition would have carried this proposition to the fullest extent to which it is expressed in this language. Why, Mr. President, Story and Kent, and all the commentators, whether upon the bench of our courts or in writings or disquisitions upon the Constitution and upon statesmanship, have assumed the position that that provision in the Constitution which says that Congress shall have power to pass all laws which shall be necessary and proper for carrying into execution the powers enumerated, and all other powers vested in the Government of the United States or any of its departments or officers, was of itself unnecessary; that this power of auxiliary legislation, to the extent that would be proper and constitutional to enforce the primary or enumerated powers, would have been carried by the import of the language without any such provision in the original Constitution; and I have always been most clearly of that opinion. I believe that the power conferred by the auxiliary clause to the fifteenth amendment is no enlargement of the power expressed in the general provisions of the Constitution in relation to the passage of laws necessary and proper to carry into effect the enumerated powers; and I believe that neither of them would have been necessary or is any more operative than the necessary implication that Congress would have all the powers proper, necessary, and constitutional to carry into execution the enumerated powers.

Now, I ask does the fifteenth amendment confer a new power upon the General Government? If it does, what is that new power? Where must we look to find it and to comprehend its full scope and effect except to the amendment itself? That amendment is in these words:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

What is the auxiliary power? It proposes to confer on Congress the power of executing the primary power. The primary power is restricted to and by this language:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

As the honorable and able Senator from California [Mr. CASSERLY] argued, with lucid and conclusive force, and as had been argued before on this proposition by other Senators who have engaged in the debate, the only power conferred by this language on the Government or the Congress of the United States is restricted to an interdiction of the right to vote on account of race, color, or previous condition; and beyond the force and effect of that language this fifteenth amendment has no effect, no operation whatever; and no frank, candid, and sensible man, in my opinion, will endeavor to give it a broader operation.

The whole purpose of it was that there should be no discriminating measures, either by the Congress of the United States or by any of the States, to the prejudice of the freedmen in consequence of race, color, or previous condition. It was not intended by the men who adopted this fifteenth amendment, or by the men who proposed it, or by any man who supported it or voted for it, that it should operate upon any other subject-matter than the right to vote, and the restriction of that right on account of race, color, or previous condition of servitude.

The honorable Senator from California urged another view with conclusive force. It had occurred to my mind before, but he presented it with a perspicacity and force that I had not apprehended until I had the pleasure of hearing his argument. That was this: that the language of this amendment does not apply to citizens, whether of the United States or of the States. It applies simply to the United States and to the States, and necessarily applies to them in their corporate capacity. The language is:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State, on account of race, color, or previous condition of servitude."

That candid and fair Senator from Ohio [Mr. SHERMAN] admitted that for this amendment to have operation upon individuals at all, those individuals must be acting under the authority or the color of the authority, either of the United States or of a State. How does the United States act? How does a State act? Not by its isolated and straggling citizens. How does it act except officially, except politically? How does it act except through its Government by some of its organized Departments and officers? It cannot act in any other form; and when its action is attempted to be restrained by law or by constitution, that restraint is to take place through the medium of its Government or the Departments and officers of the Government of the State or of the United States. There can be no other form of restraint upon it.

The other honorable Senator from Ohio [Mr. THURMAN] presented that idea in various aspects, with unanswerable force. The States are inhibited by the Constitution from acting in relation to various subjects. He put the examples as they are enumerated in the Constitution:

"No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money," &c.

Is that directed to the restraint of the individual citizens of the States or of the States themselves? We understand the operation and the effect of such language as that. It restrains the State as a political organization. It restrains the State, acting by its government. It can operate in no other way and through no other medium upon a State. To contend that any of these clauses would authorize the Congress of the United States of itself to enact penal laws against any individual citizens of a State for the violation of any of the powers that are inhibited in these clauses of the Constitution would be simply absurb. It would be ridiculous for any lawyer or any man of good sound sense to assume any such wild position as that.

In another clause the Constitution says:

"The United States shall guaranty to every State in the Union a republican farm of government, and shall protect each of them against invasion, and on application of the Legislature, or of the Executive when the Legislature cannot be convened, against domestic violence."

Where is that power vested? To whom is the language of the Constitution in that provision directed? Has it any relevancy whatever or any bearing upon individual citizens of the United States? It is addressed to the Government of the United States, to the political corporation of the United States, as organized by the Constitution; and that political organization is to act and is required to act and cannot be conceived sensibly to act in any other manner or by any other medium than by its organized Government and its officers. There cannot be any doubt, I think, in giving this meaning to the fifteenth amendment.

If this Congress performs the farce of passing a law on this subject, or the reality of enacting a law on this subject, it ought to enact a constitutional law. If it does not, when this law comes before the courts for their judgment, if in contravention of the Constitution it will fall, and be decided to be a nullity. I want the ground which Congress occupies under the fifteenth amendment to be carefully and deliberately explored and considered, and I want it to be occupied by constitutional and valid legislation, and not by a folly, without a shadow or a pretext of power that could stand the scrutiny of a court a single hour. But another objection occurred to me which my honorable friend from California did not allude to, and I will advert to it in a few words. This measure proposes to take up the State laws, so far as they regulate the subject of elections; to establish crimes and to pass penalties, both by imprisonment and by fine, for the execution of the criminal laws of the States in regulation of their own elections. What sort of legislation is that? Has not this principle been announced a thousand times in every court, that the courts of no country whatever would enforce the penal laws of another country?

Now, suppose the Senator from Nevada should become a district attorney of the United States, or Attorney General after this law passes, and he wants to execute it; how would he frame and prefer his indictment? He would have to prefer it in the form of alleging what the State law that was violated by the officer of election was and the enactment by Congress of this measure, and to allege that by reason of the non-execution of the State law by the State officer the defaulting State officer had become subject to be indicted, tried, and punished, under the denunciations of a law of Congress according to the penalties prescribed by the State law. Could anything be more ridiculous, anything more absurd?

Take the case of Rhode Island. As I understand, she has a law prohibiting a citizen born in a foreign country from voting unless that citizen has a certain amount and value of real estate. A foreigner, if you please, applies for registry and the registrar will not enter his name on the list upon the ground that he has not the qualification required by the constitution of the State. The honorable Attorney General, if the Senator from Nevada should be filling that office, is consulted by the district attorney, and he instructs the district attorney for the State of Rhode Island that the provision of the constitution of that State is abrogated by this law of Congress. He instructs the district attorney to draw up an indictment on the ground that the fifteenth amendment entitles everybody to vote, and this indictment might be preferred against the officers of the election for denying a free colored man as well as a foreigner the right to register.

He then instructs the district attorney to draw his indictment in the form of alleging that the fifteenth amendment entitled a negro to vote and a foreigner to vote; that it was the duty of the registrar to receive his name and enter it upon his register; that in consequence of his failure to do so he had violated the fifteenth amendment and this provision of the Constitution, and thereby had subjected himself to the punishment denounced by the law of Rhode Island against an improper refusal to register a voter's name when he applied to have it registered. Upon the trial of that indictment it is answered that the law of Rhode Island contains no such provision or penalty; there is no law of the State of Rhode Island that defines that to be a crime, or that authorizes a punishment to be inflicted for the omission of the registrar to enter the name. Would the honorable Senator from Nevada maintain his indictment and procure the judgment of an enlightened court upon that allegation and that proof? Why sir, a universal principle of law is that the courts of Rhode Island, or of any other country whatever, will not enforce the penal laws of the United States or of any nation or State; and therefore this indictment would be null and void, would have to be dismissed by the judgment of the court, would end the case.

I have brought forward this instance to show the difficulty that would be encountered at every step in the execution of this measure if it should

become a law of Congress. I say it is an anomaly; it is without any authority or sanction whatever that the courts of one Government will enforce the penal and criminal laws of another Government; and before Congress could ask its laws to be enforced and executed by its own courts it would have to make the law of Rhode Island the law of Congress in terms and in provision.

I deny that a general reference to the penal elections laws of the State of Rhode Island, and of all the States of the Union, in the vague and general language used in this measure, declaring that a non-conformity or non-execution of those laws by the State officers shall be a penal offense, punishable by fine or imprisonment, as this measure proposes to punish the State officers for not executing the laws of the State itself, would ever authorize such penalties to be inflicted by the United States courts.

But, Mr. President, I was not going exclusively into this subject; I will merely advert to another view of it. I ask the honorable Senator from Nevada where is his power, where is his warrant to pass a law of Congress requiring the officers of a State to execute the penal laws of that State under the penalty of punishment inflicted by the law of Congress? If that power exists, it exists under the fifteenth amendment and by its language. Does it invest Congress with any such power? Far from it. That is what the honorable Senator from Nevada proposes that Congress shall do. All that Congress can do in the way of auxiliary legislation is to pass a law to execute the fifteenth amendment. A law that is not in that line, and whose function and nature and object are not simply to assist in the execution of the fifteenth amendment, has no authority in the auxiliary clause that is attached to that amendment to assist by appropriate legislation in its execution.

"The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

If the State of Kentucky was to pass a general property qualification law for voters, applicable to all whites and to all freedmen, it would be perfectly competent for that State to pass such a law, and it would not come under the inhibition or proscription of this fifteenth amendment, because the interdiction of the power of the State Legislature to act upon the subject of suffrage has application only to disqualifications on account of race, color, or previous condition. Of course any other qualification of suffrage, embracing that of Massachusetts, that a voter shall be able to read before he is entitled to vote, or that he shall have paid his taxes, State, national, and municipal, before he is entitled to vote, and shall have received a certificate of the payment; or the qualification of the State of Rhode Island, that a man who is a foreigner by birth shall have a certain amount in value of real estate before he is entitled to vote, would not touch the prohibition which the fifteenth amendment puts upon the power of Congress or upon the power of any State Legislature.

The right of citizens of the United States to vote is not to be denied by the United States or by any State on account of race, color, or previous condition of servitude. There is a subject, there is a condition of a subject which gives to Congress authority to act upon that subject. What is that subject, and what is that condition? The State by its constitution or by its statutory law must restrict the right of a freedman to vote on account of race, color, or previous condition. The State does not come within the operation of this interdict of the fifteenth amendment until it has thus acted upon one or the other of these aspects of the right of suffrage. If the State was to pass a law to the effect that any man who had been a slave in his lifetime should not have the right to vote, it would come within the inhibition of this fifteenth amendment. If it was to provide that any man should be disqualified of his right to vote, that any man descended from the African or negro race should be disqualified to vote, the State then would act in such manner upon the particular subject in all three of the aspects that would bring its action under the condemnation of this fifteenth amendment, and the effect of this fifteenth amendment would be to nullify, to render void the action of the State convention or Legislature, whether in the form of a constitutional provision or a statutory law.

The honorable Senator from Nevada especially has a vague, undefined, and crude idea of the effect of his law, and also of the effect of this fifteenth amendment of the Constitution, which would give to his law an operation and a scope far, far wider than would be sanctioned by the terms of the fifteenth amendment. I would like to challenge the honorable Senator to analyze the language of the Constitution in the fifteenth amendment, or any other amendment that authorizes Congress to act upon this subject at all, except to render effectual and operative its prohibition that the right of suffrage shall not be restricted on account of race, color, or previous condition. And yet gentlemen ingeniously avoid the plainly written scope and effect of the Constitution, and endeavor to give it effect and operation in carrying into execution all the penal laws of the State regulating elections, by independent punishment in the form of fine and imprisonment imposed by Congress.

Mr. FOWLER. What is the Senator's construction of the fifteenth amendment with regard to the action of the States?

Mr. DAVIS. If the Legislature of a State was to act in the form of passing laws, (and the Legislature of a State can act in no other form,) by enacting a law that should in any mode impinge the right of a citizen of the United States to vote on account of race, color, or previous condition, that would come within the prohibition of the fifteenth amendment, and under its operation as the supreme law of the land, and would become null and void, and it would not require any legislation whatever to declare it a perfect nullity.

The position taken by the honorable Senator from Ohio, [Mr. SHERMAN,] that Congress has the power to regulate all elections which by this very bill it is proposed it shall regulate, has no foundation in the Constitution. Here is the provision on that subject:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

This provision is restricted exclusively to the election of Senators and Representatives to Congress. It does not reach a solitary State election. There is nothing in this provision that authorizes Congress by its legislation to take possession of the subject of State elections and to regulate them by such laws as the States pass by their Legislatures. It has not a vestige of power to act on State elections. But the amendments that have been offered in the other House, and which the honorable Senator from Ohio has had read from the table, apply expressly to presidential elections; that is, to the election of presidential electors. Congress has no power to intervene by passing any law or adopting any regulation in relation to the election of presidential electors. I will read the provision of the Constitution on that point, and it is all that is necessary:

"Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress."

Here is the sole provision of the Constitution on that subject. It regulates it fully and explicitly, and the whole subject of the election of presidential electors is given by special and most precise and emphatic language, which I have just read, to the State Legislatures. Where, then, the power or authority of Congress to pass a law to regulate the election of the presidential electors of a State? Where does Congress derive its power to prescribe a penal code in relation to the election of presidential electors? It has not a vestige of such a power. The honorable Senators from California and Ohio who have addressed the Senate [Mr. CASSERLY and Mr. THURMAN] said truly that every power that Congress possessed it derived from the Constitution and by it.

It is one of the monstrous and dangerous heresies of the day that Congress, under certain states and conditions of the country, has powers outside of the Constitution. There is nothing more unsound, more terribly mischievous. In relation to presidential electors the whole power is specifically vested by the Constitution in the Legislatures of the States; and yet the proposition which the honorable Senator from Ohio [Mr. SHERMAN] proposes to move as an amendment to this bill offers to withdraw that power of regulating the election of presidential electors wholly from the States and to vest it in Congress, to be exercised by laws passed by it, the penalties and sanctions of which are to be imposed by it, and may be executed exclusively by the Federal authority.

Now, sir, I will put an instance, and that will illustrate my principle more pointedly. We have next August in Kentucky a general election, an election of Governor, and of the representatives, and one half of the senators in the Legislature, and municipal elections in all the counties. What does this measure propose to do? To take up the subject of the entire elections of all the States, State, local, and municipal, to prescribe by spurious amendments to the Constitution the qualifications of electors for all these State officers, and then to enact a full and complete code, with high penal sanctions, to regulate and govern and control the whole business of every State election. Where does Congress derive any such power? Gentlemen say, "Under the fifteenth amendment." Sir, there is no necromancy of language or of sophistry that can torture the fifteenth amendment into conferring any such power. It is simply monstrous and absurd.

Mr. President, I have lived now a good while in this world. I have had some experience in courts and out of courts. I have been taught that one of the most difficult and responsible duties devolved upon the citizen and the lawgiver was to enlarge the penal code of his country, to define new and novel and strange crimes; and whenever a lawgiver like the Solon from Nevada undertakes to do such important work as that, he must do it with due diligence and deliberation, or he ought in despair, in modesty at least, to shrink from such a difficult task. Does this lawgiver in truth believe that the fifteenth amendment authorizes him to frame an elaborate law covering the whole ground of State elections and all the necessary regulations and penalties for the disregard or violation of laws regulating State elections, and prescribing severe punishments of imprisonment and heavy fines; and that all this expanse of power in the interference with State governments and the administration of State governments is vested in him and in the Congress of the United States by the effect and language of the fifteenth amendment?

Why, sir, if the honorable Senator were to go into any enlightened court upon charges of various breaches of this law, either by commission or omission, and was to frame a form of indictment that would embrace every conceivable possible violation of this law according to his own loose judgment of its effect and its consequences, he would be laughed to scorn out of any intelligent court. Is Congress to indulge in the folly and the mockery of such futile and unauthorized legislation as this? Is that what the great lawgivers of this body and its able and experienced lawyers are expected to do?

Mr. President, I have already said more on

this subject than I intended; but I will advert in conclusion to another most fundamental and vital principle of our system of Government, and it is this: the investment in the local or State governments of all power and jurisdiction over their domestic affairs; and the investment by a delegation of powers that does not extend beyond the words of the language which delegates them, or their necessary import, in a general Government, with many and express and emphatic restrictions upon those powers.

Sir, there is but one condition upon which the American people can have both liberty and empire; and that is the maintenance of the powers of the General Government, to give the nation general power to preserve domestic order and peace among the States, and to protect all the States as a nation against foreign Governments, and to give the exclusive jurisdiction and power and control and organization of State governments and State laws and State interests and State rights to the local governments of the States. There is no possible conceivable condition upon which power and liberty can be combined except upon that basis. It was upon that great combined principle that the wise men who framed our system based our Government, a mixed State and national Government. Sir, liberty and self-government, constitutional law and order were no less dear and no less the object of those wise men than was national power. It was never their purpose for the phantom of a great, grand, expansive, and all-controlling empire and all of its powers, to give up their local governments and their essential liberties that are bound up in their State constitutions and in their local governments.

It will be an evil day indeed when the people of the United States can be brought to make this sacrifice. They must keep separate and distinct, each revolving in its own sphere, the General and the State governments. While they do not permit the State governments by secession to depart from, or by usurpation to trench upon, the just constitutional powers of the General Government, they must especially beware that the General Government does not absorb all the sovereignty and powers of the States and become a consolidated congressional despotism. Such is the tendency, with fearful force and with great acceleration, of things in our country at this time. It is time for the sober, sedate, thinking people of America, without regard to party names, to intervene to save constitutional government and popular liberty, and unless that intervention takes place before long, it will soon be forever too late.

Mr. SPENCER. Mr. President, the Republican party appears to be afflicted with a masterly inactivity, and the results incident to the suppression of the rebellion, instead of uniting more firmly the component parts of the party, are slipping from our grasp without even the endeavor to clutch them before they pass away. What is the cause of this apathy? What do gentlemen who claim affiliation with the Republican party mean by tamely surrendering to the Copperheads of the North and the Kuklux Democracy of the South, whose panderers and demagogues are seeking power and place only to upturn the Union and render nugatory all that has been so happily accomplished in the interests of freedom, nationality, and loyalty? Are we to lose all that has been realized for the happiness of the country, first, under the auspices of Abraham Lincoln, afterward jeopardized and almost lost through the apostasy of Andrew Johnson, and since reobtained by the wise administration of General Grant and a Republican Congress? With the single exception of Georgia, all of the seceding States are now reconstructed and represented upon the floor of Congress. It is matter of deep concern to the Republicans of these southern States that they shall be sustained, that they shall not be left to the mercy of that element which inaugurated the rebellion—that element of secession which caused the loss of so many lives; which has created an immense national debt; subjected the people to onerous taxation, wherewith to meet the pledge of public faith; placed thousands of widows and orphans on the pension-roll, and carried desolation throughout the land; an element which to-day openly threatens revenge on the Government whenever it can be wreaked, which prays for the hour when, by the misfortune of a foreign war, it can show its fangs, and by the commission of secret or perhaps undisguised treason, play the parricide and the ignoble role of of spy and informer.

The condition of the South, political and social, is truly deplorable. To be a Republican, an advocate of liberty, and a supporter of the Administration and its policy, is a heinous crime. It sets a mark upon the brow and a price upon the head. There is no such thing in the South to-day as freedom of speech, freedom of thought, and freedom of action, except it be in those rare localities where the inhabitants chance to be all loyal.

I openly charge, and can submit the proof, that the people of the South who sympathized with secession and bore arms to war upon the Union, are to-day more bitter in their hatred to the Government than ever before. Their persons and property being unmolested, the demon of hate rankles in their breasts proportionably as they reëstablish their fallen fortunes, discharge their debts by the operation of the bankrupt law, and become possessed of the other necessary elements of power which successful trade, commerce, and productions of the soil inevitably bring.

This hate increases daily; it grows with their growth and gathers in its strength. They hope for the day when their unholy revenge may be somewhat appeased by fastening upon the country the payment of the confederate war debt, and reimbursement for the value of slaves as a legitimate part of the common obligations of the country, more sacred and inviolable than the payment of our present national obligations, which they already seek to repudiate. This is a subject of common conversation, a topic which is indulged in and speculated upon everywhere with universal accord by the revolutionists of the South, who are resolved that peace and order shall not obtain under the auspices of Republican administration.

The difficulty is to make Senators give credence to these statements, and truth, simple truth, is unwillingly listened to by them simply because in their charity and mistaken philanthropy they would believe otherwise. These panderers from the foul beds of secession are careful not to betray their designs when they seek to influence legislation in their favor. They are meek and oily-tongued in Washington and in the lobbies of the Capitol. They protest and plead, fawn, beg, and sycophant until they seduce Republicans into the belief that they are honest in their sayings, and with their siren songs they lull and charm Senators into forgetfulness of the past and utter oblivion as to the lessons the past should teach. Then they, in true traitorous style, at once set on the hounds first to rend the ones they have deceived, for such are always less capable of resistance and less suspecting than those who better understand the true ring of loyalty and refuse to be beguiled by the counterfeit sound of baser metal.

As fraud, treachery, and deceit were the salient features of secession, and from first to last were indulged in without relaxation, so to say, these are the means resorted to to effect its restoration to power. It comes clothed in the counterfeit garb of innocence and truth, "wove in the loom of Pallas," and the passions throw open wide their doors to let it enter. Reason strips it of its disguise, and, the robe torn off, the skeleton of treason is revealed, grinning and ghastly, in all its revolting hideousness. Why is it that the lessons of the past are so soon forgotten? Why is it that we are prone to deaden our recollection of the trials and tribulations through which we have passed? I fear we are educated too liberally in confidence, and give too loose a rein to prudence. Because the revolutionists in the South cloak their actions and honey their words, make specious pleas and promises, and, like Peter, deny their Master, they are, alas! given full faith and credit. Do we not comprehend that—

"Smooth runs the water where the brook is deep,
And in his simple show he harbors treason.
The fox barks not, when he would steal the lamb."
* * * * "Gloster is a man
Unsounded yet, and full of deep deceit?"

The test-oaths required by law are not regarded by these hypocrites. They do not hesitate to be forsworn, and swallow them without remorse of conscience. It is not uncommon to hear them declare that no jury could or would convict them for their perjury; that it was forced, and, as such, not binding before God or man. With them "foul subornation is predominant," and to that end they live, and hope thereby to acquire power. Truth they dare not tell, at least in the present complication, for that would deprive them of their mask and expose their hypocrisy.

To those who are upon the spot and who are compelled to view the workings of society, it is more than manifest that in the South the Kuklux organization is nothing more nor less than a secret government based upon the ruins of secession, whose hostility is specially directed against the Union, and whose *point d'appui* is the subversion of the reconstruction acts and the aggrandizement of political power. It was first inaugurated with the view of controlling and repressing the freedmen, so as to secure their labor without pay, ostensibly to keep them within bounds, but practically to terrorize them into the abject submission of slaves. Its first object was to rivet the chains of slavery by professing to secure the so-called ends of peace. But the freedmen by their industry, their obedience to law and order, their utter forgetfuluess of the previous galls of bondage, their earnest desire to acquire education, and their general thrift soon demonstrated to the community and to the country that they neither needed such espionage nor required the professed guardianship. Then it became manifest that they could be controlled by their masters in all things save political opinion, and that notwithstanding every inducement to the contrary, these freedmen remained and still remain true and steadfast to Republican principles, loyal to that flag under whose auspices the battle of freedom had been fought, and grateful to the brave hearts who periled life that the Union might be preserved, and all citizens be made equal before the law.

Then this organization became purely political, and has spread over the area of the South until it has succeeded in collecting all the elements of secession, riveted and banded together in the common purpose of crushing out Republicanism and consecrating the *bona fides* of the confederate cause.

Their deeds of violence and blood are written in the history of southern reconstruction, and still go on unchecked and unrestrained. Every mail brings to us the details of some revolting tragedy. White and colored Unionists seized, murdered, and their inanimate bodies inhumanly mutilated. No offender is sought out and punished, and those few good citizens who are opposed to lawlessness tremble lest some of the outlaws or their sympathizers may guess at or read the secrets of their hearts. Their lips are mute, their hands tied, fearful that they, too, may be visited with the swift but terrible vengeance of the Klan. They know but too well that the organization is perfect, extends everywhere, and that it is a power with Briarean hands, and as remorseless in its exercise as the bandits of Greece, or the blood-bound Carbonari.

Having fought and conquered secession.

manumitted and restored to freedom and citizenship nearly four million slaves, rescued the Union from impending ruin, and legislated, wisely for the perpetuity of free institutions, it is our duty first to protect our friends before we surrender to our enemies. We are continually told that the people of the South have returned to their loyalty, and in the same breath we are assured that they are restive and dissatisfied over the safeguards we have sought to place over them, and this restiveness and dissatisfaction finds amiable (?) expression in the wholesale murder of Union men, social ostracism and a reign of terror all over the land.

The rebel press is a fair index of popular opinion; it caters to the popular taste, and is eagerly sought for, read, and approved by the sympathizing populace. Even women and children share in this morbid appetite and vie with each other in expressions of indorsement and approbation. If honorable Senators could receive and daily read the papers published in the South in the interest of the so-called Democracy, they could not fail of being impressed that in every column of editorial, treason, rank treason is openly set forth, the Government denounced in every branch, murder demanded as a necessity, and justification offered for the violation of law.

The honorable Senator from Ohio [Mr. THURMAN] urges that if the fifteenth amendment is a part of the Constitution of the United States—and his language certainly expresses a doubt, if it does not directly charge that it is not a part of the Constitution—that it is inofficious and nugatory to provide for its enforcement by proper legislation. It must be understood beyond cavil that the reasonings of the honorable Senator are based upon the assumption that the fifteenth amendment is not a part of the Constitution, or if it is that it is not so with his consent, and therefore anything that grows out of it or is concerned in it is to him "bad original."

It is the same old story that has been the theme from the Democracy ever since the election of Abraham Lincoln. Everything that was done to save the Union pending the war was unconstitutional or offensive to certain theories of State rights. Since the war it is preached as the standing sermon, and is adhered to with such ridiculous pertinacity that Senators of avowed Republicanism waver in their allegiance, and cry "*peccavimus.*"

First, there was no necessity for a thirteenth, fourteenth, or fifteenth amendment, say the Democracy. But three fifths of the States say otherwise, and these amendments have been ratified and adopted. They are unconstitutional and contrary to the principles of Government as instituted by our forefathers, say the Democracy. But the people adjudge the propositions differently, and say that upon these amendments depend, the safety of the Union. Then the Democracy, through its champions, discuss the terrible outrages that have been committed by the people in perpetuating free institutions, and make stirring appeals to show how Democracy is always in the right and Republicanism in the wrong.

The honorable Senator [Mr. THURMAN] says without affectation, (and I believe him,) that "he is lost in amazement that such a bill as this should be presented by such a committee to the Senate of the United States." The honorable Senator and his party have been lost in amazement ever since the surrender of Lee, and they turn a deaf ear to the pleadings of Unionists in the South for necessary protection whereby they may exercise the simple privileges of citizenship unmolested. The Senator is shocked that an election is compelled to be held surrounded by United States troops. The Union people of the South are also shocked at this paramount necessity—they would prefer, vastly prefer, peaceable elections and without the presence of bayonets. These elections would be peaceable, were it not for the encouragement which the Democratic party gives to rude disorder.

Mr. President, the humblest citizen of this Union is our master, and we are his servants. We have a written Constitution and laws, which guaranty life, liberty, and the pursuit of happiness, and this exalted body is partly charged with the faithful execution of the same. We must not prove recreant to the trust; and notwithstanding the eloquent but no less specious pleas of honorable Senators to the contrary, I again reiterate my charge that peace does not prevail at the South, that murder and violence stalk abroad, unrestricted and unpunished; anarchy, chaos, and confusion reign, and "the end thereof no man seeth."

Nothing but the most stringent of all laws and regulations will check this era of bloodshed and dethrone this dynasty of the knife and bullet. We hear a great deal said about "respectable citizens" disapproving of these acts; that they do not countenance them, and that, therefore, it will not do to punish the innocent on account of the guilty.

Now, Mr. President, these are very pretty speeches, and to those who are uninformed will pass almost for gospel. But I assert I can find at least one hundred of these "good citizens" who will not hesitate to deplore the cruel death of Unionists, but who would not render a particle of aid to arrest and bring the murderers to justice; who would even harbor and protect the assassins if necessary, and then take the first train to Washington, rush before the Reconstruction Committee, and then and there make affidavit that mother's milk is not half so pure, mild, and harmless as public sentiment in their immediate locality.

From present indications I am forced to believe that the American Government is the only power that neglects to protect its own citizens at home or abroad. There appears to be a species of cowardice coming like a film over the eyes of the body politic. We seem more prone to diplomacy and political cunning than to outspoken patriotism. There are even now many measures of public moment in the interests of liberty and justice pending before the law-making power. There is an occasional voice lifted up in behalf of struggling Cuba, and then comes an aching void and a painful silence. Again, an eloquent appeal is made on behalf of the American prisoners now languishing in English bastiles, and then again silence reigns as unbroken as that pervading the city of the dead. All this is done, but no action follows! It is the era of masterly inactivity and the halcyon hour of circumlocution.

Revolutions do not quiet themselves so quickly as some of my honorable colleagues suppose. There is a demoralization which inevitably follows war, and to which is added the pique of non-success and the shame of defeat. There is a struggle to regain the vantage-ground by acquiring power and place, and to that Moloch everything is sacrificed, including the life-blood of the Unionist.

It has been my understanding, derived from the study and experiences of life, that Governments were instituted for the protection of the people, and this rule of natural and national law is applied directly to republics—the government of the people and for the people. Therefore I insist that it is the duty of our Government to especially protect its citizens in the southern States, for they are in dependent condition, unable to protect themselves. If the Government cannot protect them, then it is clear we have no sovereignty which can be maintained; if the Government refuses to protect them, then we have but a hollow mockery, a whited sepulcher, a Government but in name, without mutuality of interest, and which exacts tithes and renders tares.

The question of amnesty has found its way into this debate and has been an important theme of discussion. I had not intended to give my views upon this question at the present moment; but inasmuch as declarations *pro* and *con* have been made, I desire to express myself as favoring amnesty to all those who have the manliness and honesty to solicit the removal of their disabilities by the law-making power upon a fair exhibit of their acts, showing that they deserve this consideration, and will undoubtedly yield an unqualified obedience to law and support the United States Government. I have been among the foremost to vote for the removal of disabilities for such applicants, and refer to the record for proof of the assertion.

We have been regaled by sophomoric phrases as regards "amnesty in one hand and the halter in the other," a meaningless expression, impossible upon its face, absurd as a proposition, and incapable of demonstration. If there were any sense in the idea, it would be utterly out of the power of man or Government to give it even the test of an experiment. For my part it appears to me time enough to talk of amnesty when the Kuklux organization shall have ceased to exist, and everybody, whether exalted or humble, may enjoy the pursuit of peace and happiness without molestation.

The honorable Senator from South Carolina, [Mr. SAWYER,] in explanation of his sweeping assertion that the respectability of the South were swept into the vortex of the rebellion, makes some notable exceptions of a few individuals in South Carolina. I assert here, and can substantiate the fact beyond contradiction, that large numbers of the most respectable, influential, and intelligent citizens of the South, to the "manner born," were always true to the Union, never flinching in their fidelity to the flag, and never yielding allegiance to the confederacy. It is true that their hands were at times tied and their mouths closed by the violent action of the revolutionists; but whenever and wherever they could declare their attachment to the Union they were outspoken. These respectable, intelligent, and influential citizens are now largely suffering the ban of ostracism and persecution for this fidelity to the country. South Carolina may have had few such, and being but few, ought not to be cited as precedent for the statement.

The honorable Senator from Connecticut [Mr. FERRY] asserts that not over fifty thousand people can be found in the seceding States who can take the test-oath. To exemplify how speculative is this proposition it is only necessary to state that the report of the Adjutant General of the Army shows that forty-eight thousand and seventy-two white soldiers were enlisted in the United States service from the revolted States. In addition to this fact, it is known to almost every officer who served in northern regiments that thousands upon thousands of loyal men of the South escaped to the North and enlisted in northern regiments, and fought their way back home again under the old flag, while thousands flocked to the Federal lines, enlisting in almost every regiment in the service, as the Army progressed upon the territory of the enemy. I know something of these facts from personal contact and experience, and do not indulge in theory, like my honorable friend from Connecticut.

And these soldiers were not the only true and loyal men of the South; they formed but a tithe of them. There were recruited within and credited to the revolted States ninety-three thousand three hundred and forty-six colored soldiers, and over one hundred thousand more colored soldiers were recruited in addition, and credited to the quota of northern States. Those who remain of this number upon southern soil, and who fought for the country as substitutes for northern citizens liable to draft, seem to be entitled to high consideration, especially from the representatives of those States whose depleted ranks they filled. These poor, maltreated, defenseless freedmen, who, after they had rendered signal service as soldiers of the Union, and had returned to labor near their old homes, have been made the mark of persecution, violence, and outrage, now appeal

as citizens of this free Republic, entitled to some rights and to some respect, to be secure in their persons and privileges and to have that security enforced by law.

The loyal whites of the South ask for protection for themselves and for these freedmen. It is their Government, and they are entitled to demand and receive its protection, not as a boon, nor a concession, but as a matter of right and of justice.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio to the amendment.

Mr. SHERMAN. I have modified it to meet the objection of the Senator from Illinois. I have simply struck out the words "electors for President and Vice President" in three places, so as to make it apply only to elections of members of Congress.

Mr. FOWLER. Mr. President——

Mr. VICKERS. If the Senator from Tennessee will give way, I move that the Senate adjourn. It is half past ten o'clock.

The motion to adjourn was not agreed to.

Mr. FOWLER proceeded to address the Senate. When he had spoken some time,

Mr. STEWART. Will the Senator give way for a moment?

Mr. FOWLER. Yes, sir.

Mr. STEWART. Will the Senate consent to take the vote to-morrow at three o'clock?

Several SENATORS. Yes.

The PRESIDING OFFICER, (Mr. POMEROY.) The Senator from Nevada proposes that the vote on this question be taken to-morrow at three o'clock.

Mr. STEWART. I should like to have it also understood that I shall have half an hour in conclusion to reply.

Mr. HAMILTON, of Maryland. I suggest that we dispense with the morning hour and take the vote at two o'clock to-morrow, as it is Saturday.

Mr. STEWART. Very well.

Mr. HAMILTON, of Maryland. And appropriate the morning hour to this business.

Several SENATORS. Say three o'clock.

Mr. STEWART. I will make this proposition, that we dispense with the morning business to-morrow. Commence at once on this bill at twelve o'clock, and that at half past one I shall have half an hour to answer anything that may have been said that I choose to reply to, and that we commence voting at two o'clock; and further, that on new amendments five minutes may be allowed to any one who wants to speak.

Mr. RAMSEY. That seems to be a fair proposition. I hope it will be accepted.

Mr. STEWART. Let us commence voting at two o'clock, and on new amendments allow five minutes for explanation.

Mr. FOWLER. I suggest three o'clock.

Mr. CASSERLY. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The Senator from Nevada will state his proposition again.

Mr. STEWART. The proposition is that we commence with this bill at twelve o'clock to-morrow; that at half past one I have half an hour to conclude the debate; that at two o'clock we commence voting, with the understanding that on all new amendments there shall be allowed five minutes for explanation to any one, either for or against.

Mr. FOWLER. I would suggest that instead of two we vote at three.

The PRESIDING OFFICER. Does the Senator from Nevada alter the time to three o'clock?

Several SENATORS. That is better.

Mr. STEWART. Then at half past two I shall have half an hour, and let the voting commence at three o'clock.

The PRESIDING OFFICER. If the proposition is understood the Chair will ask if there is any objection to it?

Mr. CASSERLY. I object.

Mr. STOCKTON. I object. I move that when the Senate adjourns, it adjourn to meet on Monday.

Mr. HAMLIN. I object to putting that question. It is out of order.

Mr. SUMNER. Then move to pass over the bill.

Mr. CHANDLER. Either have a vote to-night——

Mr. STEWART. No; let us finish this bill.

Mr. CHANDLER and others. Finish it now.

Mr. STEWART. We have tried to get an agreement. Now let us finish the bill.

The PRESIDING OFFICER. The Senator from Tennessee is entitled to the floor.

Mr. FOWLER. I think the objection will be withdrawn.

Mr. STEWART. I do not propose any arrangement now. Let us go on. I withdraw the proposition.

The PRESIDING OFFICER. The Senator from Tennessee is entitled to the floor.

Mr. FOWLER. Mr. President——

Mr. THAYER. Before the Senator proceeds, I ask my friend from California if he will not——

Mr. STEWART. I have withdrawn the proposition.

Mr. THAYER. If the Senator from California will withdraw his objection there will be no further trouble.

Mr. STEWART. That is ended. Let us go on with the bill.

Mr. ANTHONY. I think it is not ended. I think the Senator from California will withdraw his objection; but if not, if everybody agrees to it but the Senator from California, then we can let him speak as long as he chooses to-morrow, and we can vote when he gets through.

Mr. THAYER. If he will withdraw the objection, what is the trouble with my friend from Nevada?

Mr. CASSERLY. The Senator from Ohio [Mr. SHERMAN] brought in here this evening at almost the end of this discussion an amendment in three sections which is more objectionable than anything that has been thought of by anybody on any side in connection with this bill. It is an amendment that ought to be discussed for a week before it is passed. If it took a week to expose its propositions a week ought to be given; it never could be better bestowed; and, for one, I am very reluctant to consent to limit debate on a subject as new as that and as obnoxious in every respect.

Mr. FOWLER. We shall not gain anything by continuing on to-night.

Mr. CASSERLY. I do not know why any point should be made of terminating the debate at a particular hour to-morrow. Here is a new subject, entirely new, brought into the discussion. That is my objection.

The PRESIDING OFFICER. The Senator from Tennessee is entitled to the floor.

Mr. FOWLER resumed and concluded his speech, which will be published in the Appendix.

Mr. MORTON obtained the floor.

Mr. CASSERLY. Will the Senator allow me to make an observation?

Mr. MORTON. Yes, sir.

Mr. CASSERLY. I simply wish to say that finding the Senator from Ohio has left the Chamber, probably for the evening, and not desiring, so far as I am individually concerned, to set up any objection of mine against the convenience and wishes of a large majority of the Senate, I desire to withdraw the objection I made awhile ago to any arrangement that may be made that is satisfactory to the Senate for to-morrow.

Mr. MORTON. Mr. President, I desire to say but a few words. I simply wish to inquire now, in general terms, what is the position of the Democratic Senators on this floor with regard to this amendment? Let us see if we cannot understand in general terms their position, what may be called the Democratic position. It has been expounded by the Senator from Tennessee who has just taken his seat, [Mr. FOWLER,] the Senator from California, [Mr. CASSERLY,] the Senator from Ohio, [Mr. THURMAN,] and the Senator from Kentucky, [Mr. DAVIS.] I understood it to be this: that the fifteenth amendment contains no grant of power, but is simply in the nature of a prohibition; that its effect is simply and solely to deny to the United States the power to abridge suffrage on account of race, color, or previous condition of servitude, and to deny to any State the power to do it for those reasons; but that the Congress of the United States has no power to legislate to enforce that right. That I understand to be the general position; and if I am not correct I should be glad to be corrected.

Mr. FOWLER. I wish to correct the Senator on that point so far as he refers to me. The first section of that amendment is the prohibition on the Government of the United States and the States. I am not certain as to the extent of the power under the second section. I mean to say this, though: that it cannot go so far as to enforce State laws, to make that criminal in a State which is a violation of a State law. That is the point I make.

Mr. MORTON. The first observation I have to make upon this general position occupied by our Democratic friends is that it is in accordance with the position they have taken in nearly all constitutional powers. They assert a want of power in the General Government. Now, sir, what is the spirit and the true intent of the fifteenth amendment, as we all remember it when it passed in this Chamber, as will be shown by the Congressional Globe, by all the discussions, as it is understood by the country? What is the true intent and spirit of that amendment? It is that the colored man, so far as voting is concerned, shall be placed upon the same level and footing with the white man, and that Congress shall have the power to secure to him that right. Is not that the spirit and the intent of that amendment as we all remember it when it passed this Chamber, that the colored man shall be placed on the same footing in regard to voting with the white man, and that Congress shall have the power to secure him in the enjoyment of that right?

Now, the ground these Democratic Senators take is, that any law passed by Congress abridging the right of the colored man to vote is simply unconstitutional and void; that any law or constitution adopted by a State to abridge the right of the colored man to vote is simply unconstitutional and void; and there it stops. If it stops there, what is the use of the second section of the article, which declares that Congress shall have the power by appropriate legislation to enforce it? That second section is intended to give to Congress the power of conferring upon the colored man the full enjoyment of his right. We so understood it when we passed it. The debates will show that that was the understanding.

If the construction adopted by the Senator from Tennessee and others is correct the second section is a nullity; the whole effect of the fifteenth amendment is that any State law prohibiting colored suffrage is void; and there it stops. That is their argument. If it stops there, the second section is nugatory and unnecessary. We know that the second section was put there for the purpose of enabling Congress itself to carry out the provision. It was not to be left to State legislation. If there is any doubt about the understanding with which that was passed we can refer to the debates in the Globe, for it is but little over a year ago since it was done. We know that it was put there for the purpose of enabling Congress to take every step that might be necessary to secure the colored man in the enjoyment of these rights.

Now, sir, we take both of these sections together, we construe them in harmony with each other, and they give to us all the power that is claimed by this bill. But we are met

by the same narrow rule of construction, that there is no power to do anything; it must all be left to the States.

Mr. CASSERLY. Will the Senator allow me to interrupt him?

Mr. MORTON. Yes, sir.

Mr. CASSERLY. It would seem from the drift of the Senator's remarks that he includes me as one of those who take the ground which he is now assailing. I do not wish to occupy the time of the Senate at this late hour; but I ought to say, in response to the challenge of the Senator from Indiana, that that is not precisely my position as I endeavored to state it. My position was this: that the fifteenth amendment operates upon the United States and upon the States; that the fifteenth amendment operates to make invalid and void any legislation of the United States or of any State that is in conflict with its provisions. That is the primary effect and operation of the amendment. I said, if it does operate upon persons it can only operate upon such persons as are officially related to the United States or to the States, and who, under color of some statute or ordinance of the United States, or of a State, undertake to infringe the fifteenth amendment. That was my position.

Mr. MORTON. Mr. President, I understood the Senator substantially that way, and I suggest that his explanation does not vary materially my statement. I understood the Senator to take the position that this amendment operates upon the constitutional power of Congress and upon the power of the State, denying the power to pass any law abridging the right of suffrage, but that it does not operate upon individuals as such. He makes this explanation, that if it does operate upon individuals, which I do not understand him to admit even now, it would be because they were operating under color of some United States law or a law of some State. That brings him back to the same position. I state the position as being in conflict with that which we intended by that amendment, to place the colored man upon the same footing, with regard to suffrage, that the white man occupies, and to give to Congress the power necessary to enable him to enjoy it fully; and that involves the exercise of the power upon individuals. I repeat again, and it must be fresh in the recollection of most members of the Senate, that the debates upon the adoption of that constitutional amendment will show that it was adopted with that understanding and spirit. I never heard the construction that has been given to it in the argument on this bill, that it operated only upon States as municipal corporations and upon the United States. I never heard that position taken, I believe, throughout the long and interesting debate which took place on the passage of the amendment. I never heard it until to-day.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The question is on the amendment.

Mr. WILLEY. I desire to make an inquiry. If this amendment be adopted and substituted instead of the House bill, will it then be amendable?

The PRESIDING OFFICER. The question before the Senate at this time is on the amendment offered by the Senator from Ohio [Mr. SHERMAN] not now in his seat. That is an amendment to an amendment.

Mr. WILLEY. That is an amendment to the amendment of the Senator from Nevada?

The PRESIDING OFFICER. Yes, sir. If that is adopted it will still be open to amendment.

Mr. WILLEY. I desire to amend the amendment of the Senator from Nevada, but I do not care to do so now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. HAMILTON, of Maryland. Let us have the yeas and nays on that.

Several SENATORS. Oh, no; let us have a division.

Mr. HAMILTON, of Maryland. Very well; I will withdraw that call and ask for a division.

The question being put, there were on a division—ayes 20, noes 14; no quorum voting.

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

Mr. CASSERLY, (at twenty minutes to twelve o'clock, p. m.) I move that the Senate do now adjourn.

Mr. CHANDLER. Oh, no.

Mr. CASSERLY. I make the motion. I suppose I have a right to do it. There is no quorum here.

The PRESIDING OFFICER. The Senator from California moves that the Senate do now adjourn.

Mr. CASSERLY. And on that motion I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 9, nays 36; as follows:

YEAS—Messrs. Casserly, Davis, Fowler, Hamilton of Maryland, Johnston, McCreery, Stockton, Thurman, and Vickers—9.

NAYS—Messrs. Abbott, Anthony, Carpenter, Chandler, Cole, Corbett, Cragin, Flanagan, Hamlin, Harlan, Harris, Howe, Howell, McDonald, Morrill of Maine, Morton, Nye, Osborn, Patterson, Pomeroy, Pool, Pratt, Ramsey, Revels, Rice, Ross, Sawyer, Scott, Spencer, Stewart, Sumner, Thayer, Warner, Willey, Williams, and Yates—36.

ABSENT—Messrs. Ames, Bayard, Boreman, Brownlow, Buckingham, Cameron, Cattell, Conkling, Drake, Edmunds, Fenton, Ferry, Gilbert, Hamilton of Texas, Howard, Kellogg, Lewis, Morrill of Vermont, Norton, Robertson, Saulsbury, Schurz, Sherman, Sprague, Tipton, Trumbull, and Wilson—27.

So the Senate refused to adjourn.

Mr. MORTON. I desire to submit an amendment, to be inserted as the fifth section of the bill, in place of the one that has been stricken out, and with the permission of the Senate I will read it myself.

Mr. WILLIAMS. The amendment of the Senator from Ohio has not yet been disposed of.

Mr. MORTON. I thought it was.

Mr. WILLIAMS. No; there was a division called for upon it.

Mr. HAMLIN. Let us divide again.

The PRESIDING OFFICER. There is a quorum in the Senate at this time, and the Chair will put the question again.

Mr. HARLAN. I desire to have the pending question stated.

The PRESIDING OFFICER. The question before the Senate is on the adoption of the amendment moved by the Senator from Ohio.

Mr. WILLIAMS. I guess that had better be read. I believe it has not been read yet; at any rate, not more than once.

Mr. CASSERLY. I ask to have that amendment read. I am very certain that Senators cannot be aware of its character, or it never could have obtained twenty votes, as it did awhile ago.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be reported, as modified.

The Secretary read the amendment, as modified, as follows:

And be it further enacted, That if at any election for Representative or Delegate in the Congress of the United States any person shall knowingly personate and vote, or attempt to vote, in the name of any other person, whether living, dead, or fictitious; or vote more than once at the same election for any candidate for the same office; or vote at a place where he may not be lawfully entitled to vote; or vote without having a lawful right to vote; or do any unlawful act to secure a right or an opportunity to vote for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or otherwise unlawfully prevent any qualified voter of any State of the United States of America, or of any Territory thereof, from freely exercising the right of suffrage, or by any such means induce any voter to refuse to exercise such right; or compel or induce, by any such means or otherwise, any officer of an election, in any such State or Territory, to receive a vote from a person not legally qualified or entitled to vote; or interfere in any manner with any officer of said elections in the discharge of his duties; or, by any of such means or otherwise, induce any officer of an election, or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same: or knowingly and willfully receive the vote of any person not entitled to vote; or refuse to receive the vote of any person entitled to vote; or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit to do any duty the omission of which is hereby made a crime, or attempt to do so, every such person shall be deemed guilty of a crime, and shall for such crime be liable to indictment in any court of the United States of competent jurisdiction; and on conviction thereof shall be punished by a fine not exceeding $500, or by imprisonment for a term not exceeding three years, or both, in the discretion of the court, and shall pay the costs of prosecution.

And be it further enacted, That if at any registration of voters for an election for Representative or Delegate in the Congress of the United States any person shall knowingly personate and register, or attempt to register in the name of any other person, whether living, dead, or fictitious; or register, or attempt to register, at a place where he shall not be lawfully entitled to register; or register, or attempt to register, not having a lawful right so to do; or do any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or otherwise, unlawfully prevent or hinder any person having a lawful right to register from duly exercising such right; or compel or induce, by any such means, or otherwise, any officer of registration to admit to registration any person not legally entitled thereto; or interfere in any manner with any officer of registration in the discharge of his duties; or by any such means or otherwise induce any officer of registration to violate or refuse to comply with his duty, or any law regulating the same; or knowingly and willfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote; or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime; or to omit any act, the omission of which is hereby made a crime, every such person shall be deemed guilty of a crime, and shall be liable to indictment and punishment therefor, as provided in the first section of this act for persons guilty of any of the crimes therein specified.

And be it further enacted, That if any person shall by force, threat, menace, intimidation, or otherwise unlawfully prevent any citizen or citizens from assembling in public meeting, to freely discuss or hear discussed the claims or merits of any candidate for the office of Representative or Delegate in Congress, or of any officer of the Government of the United States; or the laws or measures of Congress, or any measure existing, pending, or proposed, affecting the Government of the United States, or any Department or officer thereof; or if any person shall by any such means break up, disperse, or molest any such assemblage, or molest any citizen in or of such assemblage, every person so offending shall be deemed guilty of a crime, and shall be liable to indictment and punishment therefor, as provided in the first section of this act for persons guilty of any of the crimes therein specified.

Mr. THURMAN. Mr. President, it is eighty-one years since this Government went into operation. During that period almost every party that has existed in the country has at some time or other been in the ascendency in these Halls; but never until now was such a proposition as that made in the Congress of the United States. For eighty-one years this people went on in a career of prosperity, of liberty, and of constitutional law——

Mr. STEWART. Will the Senator from Ohio allow me to interrupt him for a moment?

Mr. THURMAN. I beg the Senator not to interrupt me in the middle of a sentence—without any human being supposing for an instant that such a proposition as that amendment could receive the sanction of an American Congress. But now, sir, within thirty days of the adoption of the fifteenth amendment, or the proclamation of its adoption, on the bill to enforce the fifteenth amendment, this proposition, which has no more relation to the fifteenth amendment than it has to the solar system, is introduced here in the last hours of a night session, and the American Senate is asked to adopt it.

Mr. President, I do not know what this bill is to become. I do not know how much is to be carried under it. I do not know how much this love of the colored race, or, as I believe it, this struggle for negro votes; I do not know how much that proposition, that expectation, and that desire, are expected to carry with them. I know they will carry a great deal; but I trust there is still enough of reflection in the American Senate to prevent their carrying such a proposition as this. It is in no wise germane to this bill; it has nothing to do with this bill; and unless you want to make this a perfect omnibus bill this amendment, which

the mover of it has not seen fit to stay here and defend, ought to be cast out, and to stand on its own merits.

But, sir, that is not all. This amendment is offered here without ever having passed the House of Representatives, or without ever having been considered by any committee of the Senate. You are asked here, at the hour of midnight, to adopt an amendment which no committee of the Senate has ever considered, which nobody in the Senate has considered. You are asked to adopt this amendment, going into the most sacred rights of the States and of the people; to adopt an amendment the necessity for which, if there is any, equally existed eighty years ago, and yet which no statesman, no lawyer, no politician for eighty years ever thought of proposing to the American Congress. You are asked at the hour of midnight to adopt this long amendment of three sections, without the slightest consideration by any committee whatsoever of this body. That is legislation for you! That is legislation touching the rights of the United States, of the States, and of the people! That is legislation indeed, to propose such a thing as this at this hour, and to ask the Senate to vote upon it!

Mr. President, I appeal to the Senate to justify the truth of what I say when I declare that the few Democrats on this floor have never on any occasion whatsoever sought by any unjust means, by any indirect means, by any means of delay whatsoever, to prevent the majority of the Senate from carrying the measures that were acceptable to that majority. We have argued, as we were bound to do if we had the least self-respect, if we had the least respect for our constituency, against measures which you preferred, but to which we were opposed. I submit that we have done that like men. We have never sought to delay measures by dilatory means or by any dilatory process whatever. When you have demanded night sessions we have acceded to them. When you have required votes to be taken at a particular time we have acceded to your wishes. We have never sought to delay you. We have never sought to do anything but exercise our rights. And now I put it to you if it is just, if it is magnanimous, if it is right in you to force such a proposition as this at the hour of midnight upon the American Senate without any chance to discuss it at all? If the majority here shall do it, it will be simply the triumph of the brute force of numbers against the reasoning powers of the Senate.

Sir, I hope, for the credit of the American Senate, that it will not be done. We were advertised of no such proposition as this. Last Monday the Senator from Nevada asked the Senate to pass by all other orders and take up the bill, to do what? To enforce the fifteenth amendment. The Senate had scarcely acceded to his desire before he moved an amendment to enforce the fourteenth amendment. That struck us with something of astonishment. We thought we were to act upon a bill simply to enforce the fifteenth amendment; but that bill was hardly before the Senate before the Senator introduced an amendment to enforce the fourteenth amendment. After a day or two the Senate laid his bill by and took up the House bill; and now we have a proposition, not to enforce the fourteenth amendment, but to go upon a wholly different proposition and upon a perfectly ridiculous and absurd interpretation of that provision which authorizes Congress to regulate the times, places, and manner of holding elections of members of Congress. I say it upon my responsibility as a lawyer and a man, upon a perfectly absurd and ridiculous interpretation of that provision we are asked at midnight to vote three sections on this bill, though no lawyer, no statesman, no man in his senses for eighty years ever thought that appropriate legislation or permissible legislation by Congress.

Senators, I ask you under these circumstances to agree to the proposition that I have to make to you. I do not believe we should sit here six days in the week, especially when we are to sit until midnight again and again. We ought to have Saturday to ourselves for rest, for recreation, for business outside of this Chamber. I propose to you now, by unanimous consent that you adjourn over to Monday, and that at three o'clock on Monday we vote——

Mr. SUMNER. That is a good proposition.

Mr. THURMAN. That at half past two o'clock on Monday the floor be given to the Senator from Nevada, who has this bill in charge; that he be allowed to close the debate in a speech which will end at three o'clock, which will give him half an hour, which I understand to be all he desires—and if he desires more I am perfectly willing to accord it to him—that then on all new amendments each Senator may speak five minutes for or against, and that on Monday afternoon we thus dispose of this whole subject. I ask that in the name of fairness; I ask it in the name of justice; I ask it that it may not be said that this Forty-First Congress, at midnight, reversed the whole practice of the Government for eighty years.

The PRESIDING OFFICER. Do the Senate understand the proposition of the Senator from Ohio?

Mr. STEWART. I could not consent to that on account of the objection of the chairman of the Committee on Appropriations. He objects to it.

Mr. THURMAN. He is not here, and does not object.

Mr. STEWART. I promised not to do it on his account.

Mr. THURMAN. Let him be waked up. There he lies on the sofa.

Mr. NYE. He is evidently not within sound of the Capitol, for if he had been the Senator's speech would have waked him up. [Laughter.]

The PRESIDING OFFICER. The Chair will put the question to the Senate. Is there any objection to the proposition made by the Senator from Ohio, that by unanimous consent——

Mr. STEWART. I cannot consent to it until the chairman of the Committee on Appropriations agrees to it.

The PRESIDING OFFICER. The Senator from Nevada objects.

Mr. SUMNER. I hope there will be no objection to that. I think we ought not to come here to-morrow; and I think the proposition of the Senator from Ohio is a reasonable one, which, under the circumstances, at this late hour, ought to be accepted.

The PRESIDING OFFICER. Is there any objection to the proposition made by the Senator from Ohio?

Mr. STEWART. Fix it for to-morrow, and I think the Senator from Maine will agree to it.

Mr. THURMAN. Oh, no; not to-morrow.

Mr. STEWART. We cannot put off the appropriation bill.

The PRESIDING OFFICER. Objection being made, the proposition cannot be considered.

Mr. STEWART. Allow me to state my reason. Last Monday it was insisted that this bill should be taken up, and we thought we should get through with it in a day or two. The chairman of the Committee on Appropriations thought it a great hardship to put aside the appropriation bill. He now insists that this bill shall be determined this week, so that he can have Monday for the appropriation bill; and as he has been so liberal as to give way to this bill I cannot consent to anything which will delay action.

Mr. SUMNER. If the chairman of the Committee on Appropriations does not have Monday, he will have Tuesday; that is the only difference.

The PRESIDING OFFICER. The question before the Senate is on the amendment moved by the Senator from Ohio. The Senate were dividing on that question.

Mr. THURMAN. If the proposition I have made is objected to, we must debate that amendment. I am sorry for it; but there is no help for it.

Mr. WILLIAMS. Let us divide on it first; and perhaps we may vote it down.

Mr. THURMAN. But then we shall not have a right to debate it.

Mr. WILLIAMS. Then you can call for the yeas and nays, and debate it.

Mr. THURMAN. Very well; if we can vote it down I shall be very glad to be saved the necessity of debating it.

Mr. SUMNER. Senators speak very lightly about voting this amendment down. I hope it will not be voted down. It is an important proposition, as important as anything in the bill, and, in my judgment, germane to the bill; nor have I any question that it is entirely within the powers of Congress. I submit myself to the judgment of the Senator from Ohio I know, who says that no lawyer, no politician, no statesman will affirm it. I affirm it. I do not doubt that it is completely within the powers of Congress; and if the Senator will go back to the language of James Madison, unless I am much mistaken, he will find that Madison specifically declares the plenary powers of Congress over this whole subject. I cannot be mistaken. But I do not need the authority of James Madison on this occasion. I take the text of the Constitution and the reason of the case. Those two are enough. The proposed amendment is constitutional. I cannot doubt it. I hope therefore that we shall not abandon it. We have it now within our power, and let us put it on the bill.

But then I agree with the Senator from Ohio that it is inexpedient to provoke a night discussion of this question. I think "the better part of valor is discretion," and that, considering the hour of the clock, it would be much better, while the chairman of the Committee on Appropriations perhaps sleeps, [laughter,] that we should go home—

Mr. NYE. He is here now.

Mr. SUMNER. Very well; he was not here a moment ago—with the understanding that we shall come here on Monday and vote, according to the proposition of the Senator from Ohio.

Mr. THURMAN. Mr. President, I still hope the Senate will agree to my proposition; but before the Senate do agree to it I desire to express the extreme satisfaction that I feel in hearing the Senator from Massachusetts quote the authority of James Madison, the author of the Virginia resolutions of 1798, and the report that was made on those resolutions. I love very much to hear so high an authority upon the meaning of the Constitution of the United States, and when next the Senator taunts this little knot around me with their State-rights doctrines, I hope he will excuse us if we refer to the fact that at midnight on this occasion he appeals to the name of James Madison.

Mr. HAMLIN. It is not now in order to move to strike out the last section of the amendment of the Senator from Ohio, is it?

Mr. STEWART. That can be done by unanimous consent.

The PRESIDING OFFICER. This being an amendment to an amendment it is not strictly in order; but if the Senate consent to it unanimously it can be done. Anything can be done by unanimous consent.

Mr. SUMNER. What is the last section?

Mr. HAMLIN. The section which relates to public meetings. I think that section ought to be stricken out, and then I certainly would vote for the rest of it; but I would not vote for it with that section in it.

The PRESIDING OFFICER. Is there any objection?

Mr. THURMAN. What is the proposition?

The PRESIDING OFFICER. To strike out the third section of the amendment of the Senator from Ohio.

Mr. WILLIAMS. Does it require unanimous consent? If it does, I object.

Mr. HAMLIN. Then let us vote down the amendment to the amendment, and we can then offer it with that section omitted.

The PRESIDING OFFICER. The question is on the amendment moved by the Senator from Ohio, upon which the Senate were dividing.

Mr. CASSERLY. There will have to be some debate before that question is taken.

Mr. THURMAN. I rise to a question of order. The House bill is before the Senate. The Senator from Nevada moved to amend by striking out all of the House bill after the enacting clause and inserting the Senate bill. My colleague gave notice that he would move to the bill the proposition which he read. The vote could not be taken on that. The question now is, I take it, on the amendment of the Senator from Nevada.

Mr. HAMLIN. Oh, no.

Mr. THURMAN. Well, then, if the amendment of my colleague is an amendment to an amendment, there it ends, does it not?

Mr. HAMLIN. Certainly.

Mr. THURMAN. Then is the amendment of the Senator from Maine in order?

Mr. HAMLIN. I have not offered any amendment.

The PRESIDING OFFICER. The Chair will state the question. The Senator from Ohio moved to amend the amendment of the Senator from Nevada, which was an amendment to the House bill. No further amendment can be entertained until the amendment moved by the Senator from Ohio is disposed of.

Mr. HAMLIN. Let us vote that down, in order that we may offer it in another shape.

The amendment to the amendment was rejected; there being on a division—ayes 14, noes 26.

Mr. HAMLIN. I now offer that same amendment, with the section omitted that I objected to—the third section.

The PRESIDING OFFICER. The amendment will be reported.

The Secretary read the section omitted by Mr. HAMLIN from the amendment, as follows:

And be it further enacted, That if any person shall by force, threat, menace, intimidation, or otherwise unlawfully prevent any citizen or citizens from assembling in public meeting, to freely discuss or hear discussed the claims or merits of any candidate for the office of Representative or Delegate in Congress, or of any officer of the Government of the United States; or the laws or measures of Congress, or any measure existing, pending, or proposed, affecting the Government of the United States, or any Department or officer thereof; or if any person shall by any such means break up, disperse, or molest any such assemblage, or molest any citizen in or of such assemblage, every person so offending shall be deemed guilty of a crime, and shall be liable to indictment and punishment therefor, as provided in the first section of this act for persons guilty of any of the crimes therein specified.

Mr. HAMLIN. The Secretary has read the section which I have omitted; and then I offer the identical amendment of the Senator from Ohio, omitting the section which has been read.

The PRESIDING OFFICER. The question before the Senate is on the adoption of the amendment moved by the Senator from Maine, which contains the first two sections of the amendment moved by the Senator from Ohio.

Mr. THURMAN. I want to know what the amendment is.

Mr. HAMLIN. The first two sections of the amendment of the Senator from Ohio.

Mr. THURMAN. I ask that those sections be reported.

The PRESIDING OFFICER. The sections will be read.

The Secretary read the sections proposed to be added, as follows:

And be it further enacted, That if at any election for Representative or Delegate in the Congress of the United States any person shall knowingly personate and vote, or attempt to vote, in the name of any other person, whether living, dead, or fictitious; or vote more than once at the same election for any candidate for the same office; or vote at a place where he may not be lawfully entitled to vote; or vote without having a lawful right to vote; or do any unlawful act to secure a right or an opportunity to vote for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or otherwise, unlawfully prevent any qualified voter of any State of the United States of America, or of any Territory thereof, from freely exercising the right of suffrage, or by any such means induce any voter to refuse to exercise such right; or compel or induce by any such means or otherwise any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interfere in any manner with any officer of said elections in the discharge of his duties; or by any of such means or otherwise induce any officer of an election, or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly and willfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote; or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit to do any duty the omission of which is hereby made a crime, or attempt to do so, every such person shall be deemed guilty of a crime, and shall for such crime be liable to indictment in any court of the United States of competent jurisdiction, and on conviction thereof shall be punished by a fine not exceeding $500, or by imprisonment for a term not exceeding three years, or both, in the discretion of the court, and shall pay the costs of prosecution.

And be it further enacted, That if at any registration of voters for an election for Representative or Delegate in the Congress of the United States any person shall knowingly personate and register, or attempt to register, in the name of any other person, whether living, dead, or fictitious, or register, or attempt to register at a place where he shall not be lawfully entitled to register; or register, or attempt to register, not having a lawful right so to do; or do any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or otherwise, unlawfully prevent or hinder any person having a lawful right to register from duly exercising such right; or compel or induce, by any such means or otherwise, any officer of registration to admit to registration any person not legally entitled thereto; or interfere in any manner with any officer of registration in the discharge of his duties; or by any such means or otherwise induce any officer of registration to violate or refuse to comply with his duty, or any law regulating the same; or knowingly and willfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote; or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit any act, the omission of which is hereby made a crime, every such person shall be deemed guilty of a crime, and shall be liable to indictment and punishment therefor, as provided in the first section of this act for persons guilty of any of the crimes therein specified.

Mr. THURMAN. Mr. President, now this is really a very fine illustration of the propriety of adding amendments to a bill like this at this hour of the night; amendments that have never been considered in any committee at all, and which the Senate cannot, from the very necessity of the case, consider as they ought to do. I appeal to my friend from Maine, a man of cool, good judgment, as I know from an acquaintance of twenty-five years, to think for one moment what would be the condition of this bill if these two sections were added to it and the bill were passed. What do these sections propose, what do they cover? They cover the cases of elections for Representatives in Congress, as well as the election for electors of President and Vice President. Now, what is the effect in regard to the election?

Mr. STEWART. The words "electors of President and Vice President" are stricken out.

Mr. THURMAN. No; they are not.

Mr. STEWART. Yes; the amendment was so modified by the Senator from Ohio [Mr. SHERMAN] before he left.

Mr. THURMAN. Then it covers the case of election of members of Congress, does it not?

Mr. STEWART. Yes, sir.

Mr. THURMAN. Now, sir, in almost every State in the Union members of Congress are elected at the same time that the officers of the State are elected; I believe it is so in every State. I do not know a State in the Union in which there is a separate election for members of Congress. Very well, then—now mark it, and I pray Senators to listen to me—these two sections cover precisely the same elections that are covered by the bill under consideration. The bill covers elections for members of Congress and covers all State elections. These two sections cover all elections at which members of Congress are elected. Then if you put these two sections on the bill and pass the bill you have this beautiful thing to exhibit as to the wisdom of the Senate of the United States, that in the bill as it passed the House of Representatives, or in the substitute offered by the Senator from Nevada, there is one set of penalties for these identical offenses mentioned in the amendment offered by the Senator from Maine, and in the amendment offered by the Senator from Maine there is a wholly different set of penalties.

Now, will my friend from Maine tell me what a court is to do under these circumstances? In the one bill, for identically the same offenses mentioned in this amendment which he offers, the penalties are $500 fine and an imprisonment of not less than one month nor more than one year; in the amendment which he offers there is imprisonment for three years in the penitentiary for identically the same offense. Could you have any better illustration of the utter absurdity of attempting to ingraft such provisions as this on this bill here after midnight without ever having been considered by any committee at all? I say the Senate would be the laughing-stock of the country if it did any such thing as that.

But, Mr. President, that is not all. What is it that this bill proposes? I am dealing in detail. I think I have proved throughout this whole debate that I am something of a practical man; at least taking a practical view of this subject. But what further? I ask the lawyers of the Senate, at least, to listen to me. There is a class of cases in which when Congress does not act the States may act; when Congress does not exercise the power conferred upon it by the Constitution, the States may exercise the power conferred upon them by the constitution of the State; but when Congress does act, then its action excludes all the action of the States. A single illustration will suffice. So long as Congress passes no bankrupt law every State may pass a bankrupt law, or an insolvent law in the nature of a bankrupt law. Every State had such a law so long as you had no bankrupt law in existence. You passed a bankrupt law, and what was the effect of that? Your Supreme Court has decided that, *ipso facto*, it repealed every insolvent law of the States; that every one of them became a nullity upon the passage by Congress of the bankrupt law. Why so? Because the power to pass a bankrupt law was conferred upon Congress. So long as Congress did not exercise that power it was in abeyance, and the States might exercise the power conferred by the State constitutions to pass insolvent laws. But as the Constitution of the United States and the laws made in pursuance thereof are the paramount law of the land, anything in any State constitution or laws to the contrary notwithstanding, the moment you passed a bankrupt law that moment the insolvent laws of the States became utterly null and void. So that now—and I ask my friends to observe it—if you have power under the Constitution to pass a law punishing such frauds, misconduct, and violations of law at elections as this amendment contemplates it is a power paramount to any power of the State to punish frauds and misconduct at the same elections; and the moment you pass this law every State statute that punishes fraud at elections, every State statute that punishes misconduct of election officers, every State statute that punishes frauds upon registration or misconduct in registration officers, falls to the ground and becomes absolutely null and void. That is the effect if you have the power to pass this amendment at all.

I appeal to my friends if they are willing to do any such thing as that. I appeal to them in the name of the sanctity of the ballot-box, in the name of the purity of elections, in which

I am as much interested as they are, in which I have as deep an interest as they have, in which I feel as much concern as they can feel. I appeal to them as a practical question, which will be the most efficient, the State laws to preserve the purity of elections, with the State courts, the State machinery, with courts in every county, grand juries in every county, the people in every county, to punish frauds at elections, or a United States Federal court, a district court, sitting at one place in a State; and yet you propose here blindly to strike down every State law to preserve the purity of election!

Could the madness of party go further than this? Could the madness of centralization go further than this? Could there be more judicial blindness in the world than this, that you should propose to preserve the purity of the ballot-box at elections that cover all the elections for State officers, and county officers too, (for they take place in all the States at the same time that Congressmen are elected,) by a law that provides simply for indictments in the district court of the United States, sitting at one place in a State!

Mr. CARPENTER. Will the Senator from Ohio allow me to ask him a question?

Mr. THURMAN. A thousand.

Mr. CARPENTER. One will be sufficient. Do I understand the Senator to say that if Congress shall pass a law punishing these frauds, bribery, intimidation, &c., at elections, the State statutes punishing the same offenses fall to the ground?

Mr. THURMAN. I say that if Congress has power to pass such a law they do fall to the ground.

Mr. CARPENTER. Is it not a well-settled proposition that the same offense may violate both the laws of the nation and of the States? For instance, does not every State in the Union punish by imprisonment in the State prison the counterfeiting of the coin and currency of the United States, and does not the Federal Government punish the same identical offense?

Mr. THURMAN. I will answer the question. There is a decision of Matilda Fox's case, from Ohio, in which it was held that there might be punishment by the United States court under the express provision of the Constitution of the United States which authorized Congress to provide for the punishment of persons who counterfeit the securities or coin of the United States. In the case of Matilda Fox—I think Matilda was her name; she was some strong-minded woman of that day—who was convicted under the State statute of Ohio for the crime of uttering and publishing a counterfeit coin or counterfeit security, the conviction was upheld by a bare majority of the Supreme Court of the United States. But that is a case—mark it—which has no proper analogy to this case. That is a case in which the woman had uttered and published a counterfeit coin in contravention of the laws of the State of Ohio. The Constitution of the United States provides for punishing the counterfeiting of the coin; and the Senator from Wisconsin knows as well as any member of this Senate that it has been a serious question whether that authorizes the punishment of the uttering—not the counterfeiting, but the uttering of a counterfeit coin. She was indicted for the crime of uttering the counterfeit coin, not of counterfeiting it. The language of the Constitution of the United States is that Congress may provide for the punishment of counterfeiting the securities or coin of the United States. There is not one word in it that provides for the punishment of uttering a counterfeit coin. It simply provides for the punishment of counterfeiting the coinage itself. She was indicted for a wholly distinct offense than that of coining; she was indicted for the crime of uttering a counterfeit coin, and the court held that the conviction was proper by a bare majority.

Mr. MORTON. Will the Senator from Ohio allow me to ask him a question?

Mr. THURMAN. Certainly.

Mr. MORTON. I wish to ask the Senator a question with a view to a statement he has already made. I understand the Senator to deny that under the power to "regulate the times, places, and manner of holding elections" Congress has a right to pass this amendment. Now, I ask the Senator if under the power to regulate the manner of an election Congress has not the power to say whether it shall be by ballot or *viva voce?*

Mr. THURMAN. The Senator is anticipating me. "Sufficient unto the day is the evil thereof." I was coming to that in the end.

Mr. MORTON. The Senator had already spoken——

Mr. THURMAN. No; if the Senator will indulge me I will come to that presently, because I propose to speak until about sunrise. [Laughter.] I never have done so before, but I propose to do it now.

The question of the Senator from Wisconsin was a pertinent one; it was a question that I expected from just such a good lawyer as he, and I have given him a partial answer to it; I have not given my whole answer yet.

There are certain matters that either the General Government must have exclusive control over or it has no control at all. If the General Government has exclusive control over the election of members of Congress in every respect as plenary as this amendment supposes it to have, that must be an exclusive control. It is not at all consistent with the ideas of natural justice, it is not at all consistent with the ideas we have been educated in, that a man should be punished twice for the same offense. Your very Constitution provides that no man shall be brought into jeopardy twice for the same offense; and, without violating the spirit of that Constitution, without violating the spirit of every State constitution, which contains the same provision, you cannot for exactly the same offense punish a man under the State law and punish him under your Federal law. It will not do to talk about the fiction of State sovereignty and the Federal sovereignty. You who support that are driven to go back to State sovereignty; you are bound to say this is an offense against State sovereignty as well as against Federal sovereignty. You are bound to say, therefore, that the man shall be punished twice, once for his offense against the Federal sovereignty and again for his offense against the State sovereignty. That is what you are bound to do; and you might just as well say that a man who in the commission of piracy had committed murder should be hung once under the Federal law and hung again under the State law. That would not be so bad a case, for if you effectually hung him under either one it would not matter to him how much he was hung under the other.

But here you propose to take these much-derided State rights and say this person who has violated the election law of the State, to preserve the purity of elections, shall be punished for his offense against the sovereignty of the State, and at the same time you declare that he shall be punished for his offense against the sovereignty of the Republic; and you propose to punish him twice. If you had the power to do it would it become you? Would it become you in the light, I will not say of Christianity, but would it become you in the light of civilization? Would it be a spectacle fit to be presented to the civilized world, to see a man punished once under the State law and again under the Federal law for identically the same crimes?

I see that my friend from Wisconsin is uneasy. Let him rise and ask his question.

Mr. CARPENTER. I only want to ask the Senator from Ohio if he thought that would not apply, as well as to any case, to the repeaters of New York city; if it would not be very appropriate in its application to the repeaters of New York city who vote forty times to punish them twice?

Mr. THURMAN. I will say to the Senator from Wisconsin that my friend from California, [Mr. CASSERLY,] who once lived in New York city, has an exclusive patent to answer all questions that impeach the honor of that city. [Laughter.] I will say, however, in answer to the suggestion, that the first thing I ever heard of repeating, the first thing I ever heard of organized fraud at elections, was when the Senator from Wisconsin was a little boy at school, and when the party to which I was opposed made the name of "pipe-laying" eternal in this country. It was no Democratic party that inaugurated that term; it was no Democratic party that inaugurated the practice which gave rise to that name "pipe-laying;" not the least bit of it; and it will not do for the Senator from Wisconsin, or for my colleague, to appeal to that miserable *ex parte* electioneering document called the investigation of a committee at New York of the election frauds of 1868. The world knows what that thing was; the report has fallen dead, as dead as if it had been struck by lightning. I never saw it read, I never heard it quoted, and I never heard it alluded to upon the stump in Ohio, although that is a State where the stump is visited by speakers, more perhaps than any State in the whole Union. The thing fell dead; it was damned as a mere partisan electioneering document to which no attention was to be paid, and it was simply an electioneering document produced and printed at the expense of the United States. That is all there was of it.

What, sir! Frauds in New York! There are no more frauds in New York, in proportion, than in any other great city; and if one party cheats there more than another, then I must say that this party to which my friend from Wisconsin belongs, and which has all the education and all the genius and all the learning, and which is supposed to have a little bit of the cunning of the rest of mankind, must be in a state of immense stupidity in the city of New York. Sir, ever since I was a boy I have heard this same cry about frauds in the city of New York. There never was an election carried by the Democracy in the city of New York that there was not the same jeremiad about fraud, precisely the same; and I venture to say that the youngest Senator on this floor will not live long enough to see an election in that city carried by the Democratic party that there will not be the very same lamentations, and lamentations more touching than anything that is to be found in the book of Jeremiah, over the election frauds in the city of New York.

I put it to my friend, does he not know how it is about New York? If you want to deal upon any topic whatsoever you select New York. If you want to point out the place where there is the greatest cunning in the world in business, you point to New York. If you want to point out where there is the greatest degradation of morals, you point to New York. If you want to point out where there is the greatest shoddy, you point to New York. In a word, you take New York as a sort of Cosmos, a sort of concentration of all there is that is good and all there is that is bad. New York is a big place, and you propose by this bill to go into that city, with a million of inhabitants, more inhabitants than there are in some of the States of this Union—you propose to go into that city of New York on the ground that she is the sink of iniquity, the Sodom and Gomorrah of the United States; and one would think, to hear Senators talk about New York, that if Abraham could be visited by the Lord once more, and the question was upon the salvation of New York, Abraham would have to jew the Lord down below the ten men which He agreed to save Sodom and Gomorrah for, and get him to accept a less number, or New York would be destroyed.

Oh no, Mr. President; this will not do. New York is the greatest city in the United States, the city that has the greatest wealth, the city

that has the greatest collection of learned men, the city that has the most science, civilization, and literature in the whole country. If that city has become a Sodom and Gomorrah, so that the Congress of the United States, the whole power of the Republic, is to be exerted to put down crime and fraud and cheating and perjury there, then I hope that no American hereafter will be found to boast of the great Republic. It is the great city whose name is known wherever civilization exists, nay, beyond the limits of civilization. If that city, which is our pride and our boast, is a mere sink of iniquity; if she is a thing that stinks in the nostrils of all honest men, and the whole power of the Republic is to be brought to bear upon her, and the heel of the nation is to be set upon her, then, for God's sake, do not boast of New York or pay any more pilgrimages to that city; do not visit her any more; shun her as you would a pestilence; keep away from her; let her be anathema maranatha; do not any more go to New York. You who have bonds to sell, do not go there; you who have money to borrow, do not go there any more; you who have goods to buy, and want credit, do not go there any more; go to Baltimore, that slaughtered the patriots of Massachusetts in 1861; go to Richmond, that accursed city of the rebels; go to Louisville, go somewhere else; do not go to that sink of iniquity, that concentration of all that is vile, the city of New York!

Mr. President, I do not think that anything but one o'clock in the morning could make me speak as I have been speaking for a little while; but now I must come back to the law, and I have been so long at it that it has got to be a second nature. Again I see that my friend from Wisconsin wants to ask me a question, and I will sit down to oblige him.

Mr. CARPENTER. I suppose it will not take any additional time, as the Senator is going to speak until morning, and he may as well be relieved occasionally. The real difficulty, the real serious objection to these two sections that I see is this: inasmuch as the election takes place at the same time and place for officers under the General Government, to wit, members of Congress and officers of the State government, if the penalties attached to our law are sufficient sanctions to compel obedience to it the New York repeaters, as they go to the polls, will be in this predicament: they will be compelled to vote honestly for Federal officers, and will be left to their old practices on State officers; and this will produce such an almighty perplexity on their part that I am afraid they will not vote at all. [Laughter.]

Mr. THURMAN. My friend will recollect that all are voted for on the same ticket; and I should like to know how the perplexity will exist at all. Besides, there is the secret ballot. I should like to know how he will catch them. That will do for one o'clock in the morning, but it will not do in good broad daylight. [Laughter.]

Now, Mr. President, what is this power under which it is pretended that Congress can pass such a law as is proposed in these two sections? What is it? It is this:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

Now, I want the attention of my friend from Wisconsin; I do not want him to run away as I see he is about to do. I want him to admit, what as a lawyer he well knows, that every instrument that delegates power is to be strictly construed. That is just exactly as true of a private delegation, of a private power of attorney, as it is of a constitution; and it is eminently true of a constitution that a delegation of power, as it is in derogation of the authority of the principal, is to be construed strictly. He shakes his head. I cannot help it. Such is the law. That reminds me of a remark made, if I am not mistaken, by Sir Matthew Hale. I think I am not mistaken in the chronology. I find it in one of the old reports that Sir Matthew, having delivered an opinion, Sir Bartholomew Shower, being at the bar, shook his head, and Sir Matthew instantly said that the learned counsel might shake again, but the law was even so. I think my learned friend will find it in a note to Saunders' Reports. So I say to my friend from Wisconsin, he may shake his head, but the law is even so.

Mr. MORRILL, of Maine. "May shake his head, but there's nothing in it." [Laughter.]

Mr. THURMAN. That was Curran's remark. Sir Matthew Hale's was that the learned counsel might shake his head, but the law was even so.

Mr. SUMNER. Was that said to Sir Bartholomew Shower?

Mr. THURMAN. I may be mistaken about the judge——

Mr. SUMNER. You are mistaken about the person to whom it was said.

Mr. THURMAN. It was Holt.

Mr. SUMNER. Shower and Holt were contemporaries. Shower and Hale were not.

Mr. THURMAN. I think the Senator from Massachusetts is right; it was Holt. I expressed the opinion that it was Hale with some doubt.

Mr. CARPENTER. The Senator will allow me to say that the shaking of the head merely indicates this: that before I can admit his statement that a grant must necessarily be construed strictly, we must come to an understanding as to what is meant by the phrase "strictly." That is one of the debatable points in all the discussions on this subject. Within one definition of strictness his proposition is correct; within another it is incorrect; the true principle being that every grant of power, like every other instrument, is to be construed reasonably to effectuate the purpose which the parties to it had in view.

Mr. THURMAN. That is very true. Indeed that may be said of every single instrument that is construed by reason; but we know the difference, the Senator knows the difference between a strict construction and a latitudinarian construction. He knows the difference between a construction which fully satisfies the words and that builds no implication upon implication and a latitudinarian construction that does build implication upon implication; or in other words, as it is expressed by the logicians, that draws inference from inference. The Senator knows that very well, and he knows as well as any one that if you once admit the principle of drawing an inference, and then drawing another inference from that, you may go on *ad infinitum*, and that there is no limit at all. I do not claim to be a Pascal, I do not claim to be a Calhoun, to reason in the way that they would reason; but if the Senator would look at the words of Pascal, and see how that thing is exposed, how it is that you can draw inference from inference, until you can embrace this whole world in a little bit of a premise with which you started, he will see that that is a mode of reasoning which both men and gods forbid.

Mr. CARPENTER. Does the Senator allude to "Paschall on the Constitution?" [Laughter.]

Mr. THURMAN. No; not Paschall of Texas. That is very good in my friend, but he knows very well what Pascal I alluded to. Paschall on the Constitution is a book I have never seen, although I was very much urged by a nicely printed note that I got to vote for any number of copies of it at the public expense, in order to enlighten us what the Constitution was; but having formed my own ideas of what it was without the aid of Paschall, either the French Pascal or the Texan Paschall, I did not subscribe. [Laughter.]

What is this provision?

"The times, places, and manner of holding elections"—

"Holding elections;" mark that.

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof;"—

That gives you no power—

"but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

What, then, may Congress do? It may alter regulations made by the States as to the times, places, and manner of holding elections for Senators and Representatives, or it may make such regulations. I grant it may make them. Now, what is a regulation as to the time? This amendment does not affect the time. A regulation as to place? This amendment does not affect the place. It is then, if defensible at all, a regulation as to the manner of holding elections. What is it? What are the substantive words? "The manner of holding elections." That is all there is of it. Now, by what fair reasoning, in God's world, can you spread that over such an amendment as this?

Mr. DAVIS. When does the holding begin?

Mr. THURMAN. Yes, when does the holding begin?—a most pertinent question of my friend from Kentucky. Your amendment goes before the holding; it goes to the case of a man who shall, by bribery or the like, prevent a man from going to that election before the holding begins.

Mr. CARPENTER. Will the Senator allow me to make a suggestion?

Mr. THURMAN. Yes, sir.

Mr. CARPENTER. Suppose an act of Congress should provide that the election of members of Congress should be held in this way: that on the 1st day of November the voters should all appear at a certain place and read the Constitution of the United States and then disperse; that on the 10th day of the month they should read the Sermon on the Mount and then disperse; that on the next day they should meet and register their names; and that on the day after that they should meet and deposit their ballots. That, of course, would be a very useless and nonsensical provision; but would it not be a "manner," an absurd manner, but still a manner of conducting the election?

Mr. THURMAN. No, sir; it would not be any manner of holding the election at all. I pressed it awhile ago, when the Senator was here, and I think I pressed it upon him outside with an illustration, that extreme cases proved nothing. But suppose that the Congress of the United States, or that the State Legislature should require each one of the electors to come and hear the sermon, would that have anything to do with the holding of the election? And here, by the way, let me say parenthetically, that you put a poor preacher in jail in Buffalo during the war because he read that Sermon on the Mount; because the Sermon on the Mount was not "loyal" during the war!

Mr. CARPENTER. He did not preach right. [Laughter.]

Mr. THURMAN. But he read the Sermon on the Mount, and they put him in prison for reading the Sermon on the Mount. I say, to suppose that Congress or a State Legislature would require such a thing as that illustrates nothing; it is not a point worthy of the intellect of my friend from Wisconsin. The power is, that Congress may prescribe the manner of holding the election. What was meant by that? I commend my friend to the great debate on that power in which Mr. Calhoun participated. I commend it to him because I recollect in the tenure of office bill discussion he read us a long argument of John C. Calhoun, and he was wholly above that miserable narrow-mindedness, or rather demagogism, that undertakes to condemn everything because it fell from the mouth of John C. Calhoun. He read us the argument of John C. Calhoun, and the strongest that ever was made, to show that the President could not remove from office without the consent of the Senate. Now, I ask

him to go back to the times when the discussion took place in the Congress of the United States on the bill to require that members of the House of Representatives should be elected in single districts. Before that time some of the States elected them by general ticket, and the consequence was that the dominant party in the State elected all the members. That was the case in Georgia, and it was the case in several other States. Mr. Calhoun caused a bill to be introduced, and supported it in an argument of very great power indeed, by which it was required that members should be elected in single districts; and that was done under this authority of Congress to regulate the manner of the election.

That was considered a very great stretch; some of the greatest statesmen of that day differed from him in opinion as to whether Congress had any such power; but the whole provision of the Constitution in this respect was fathomed to its very depth in that great discussion, in which Webster took part, in which Calhoun took part, in which Benton took part, in which Berrien took part, in which the greatest minds of the Senate at that day took part; and what was the understanding? That this power as to the manner of holding elections referred to this: in the first place, you might require members of Congress to be elected in single districts or by general ticket, as you saw fit; in the second place, you might require them to be elected *viva voce* or by ballot; you might require that the polls should be open, perhaps, for a particular time, for that would relate to the manner. But not one statesman of that day contended for a moment that you had any right whatsoever to oust the State authorities, where the State was fulfilling her duty of appointing judges of the election or the like, or that you might undertake by penal laws to go beyond the question of the manner of holding elections and punish individuals as this bill proposes.

Mr. MORTON. I should like to ask the Senator a question. He admits that Congress may prescribe the manner of holding the election; that is to say, to prescribe that it may be by ballot.

Mr. THURMAN. Yes.

Mr. MORTON. If Congress has the power to say that the election shall be by ballot, I ask if it has not the power to protect the ballot, to protect men in the exercise of that right? If it has not got that power, then the right to say that the election shall be by ballot amounts to nothing. Congress may say that the election may be by ballot; but according to the argument of the Senator from Ohio it has no power to punish offenses against the ballot. Perhaps the State will refuse to enact any laws on that subject. Then the power given to Congress goes for nothing. Now, the power to say that the election may be held by ballot implies the power to protect the ballot, and the power to protect the ballot carries with it the right to provide the particular way in which the ballot shall be cast, and to determine what persons shall cast the ballot. If Congress has the right to determine what persons shall cast the ballot, in determining that the election shall be by ballot, then it has a right to provide registration as a test or as a means of fixing that right; and if it has a right to provide registration, then it has a right to punish offenses against the registration. In other words, the right to do a thing implies the right to protect the thing to be done, and that is the whole of it; and when the Senator admits that, he admits every right that is necessary to the enjoyment or protection of it.

Mr. THURMAN. Mr. President, that is a favorite argument of my friend from Indiana. I think I have heard it now for about the sixth time. I did not know before, though, that it was so extensive. I think I have heard him say again and again that the right to reconstruct included the right to protect reconstruction; and having got the right to reconstruct upon an inference from the Constitution, he then draws another inference from that and gets the right to protect reconstruction; and so he goes on until there is not one single right left to the States or to the people of this country that is not at the mercy of Congress.

Mr. MORTON. That is no answer.

Mr. THURMAN. The Senator says Congress may prescribe that the election for members of Congress shall be by ballot. I say so, too. Under the power to regulate the manner of holding the election Congress may require that it shall be by ballot. That is my opinion. Others may differ with me on that point; but that is my opinion. I think that was pretty generally conceded in the discussion to which I have referred. My friend from Kentucky, [Mr. DAVIS,] who heard that discussion as well as I did, will recollect how that was.

But now what does the Senator from Indiana say? That the right to prescribe the manner of holding the election involves the right to say who shall vote. That is what the Senator said, and he says that in the face——

Mr. MORTON. I did not say that.

Mr. THURMAN. The Senator said that. If he takes it back, well and good.

Mr. MORTON. I did not mean to speak in general terms of determining the qualifications of the voter. That matter is to be determined by the State law, except so far as it may be changed by the fifteenth amendment. My whole argument goes to this point, that the right to prescribe a regulation carries with it the right to protect the regulation; otherwise it is nonsense. If Congress has the right to prescribe the ballot, it must have the power to protect the ballot, or else prescribing it goes for nothing.

Mr. THURMAN. I am the last man in the world to hold a disputant to an unfortunate expression that he may have made use of in the heat of debate without sufficient reflection. We are all liable to that.

Mr. MORTON. I did not mean to say that Congress had the right to prescribe qualifications. If I said that, I did not intend it.

Mr. THURMAN. The Senator did say that if Congress had the right to prescribe the manner of holding the election it had the right to prescribe the manner of voting; but if it was a mere *lapsus linguæ*, I shall not hold him to his words.

Mr. MORTON. I will explain. If Congress has the right to prescribe the manner of holding elections, it has a right to prescribe the test by which it will determine who has the right to vote according to the State law. That is what I mean: that Congress has the right to say that the men who have a right to vote under the State law shall vote by ballot. Then how are you to determine the question who has the right to vote under the State law? I would say—but that is not perhaps involved in this question—that Congress has a right to prescribe registration as a mode of determining the question who has a right to vote under the laws of the State; in other words, as furnishing the evidence as to who shall cast the ballot.

Mr. THURMAN. Mr. President, I am perfectly willing that the Senator should have the benefit of his explanation. As I said before, I know very well the infirmities of a speech, I know how liable we are to say things in the heat of discussion that we do not actually mean, and how much we need the mantle of charity to be cast over all our short-comings and all our errors; and therefore I do not by any means hold the Senator to the remark he made.

Mr. MORTON. The Senator understands me now, if he did not before.

Mr. THURMAN. I give the Senator the benefit of his explanation; but I do not at all agree with him upon his theory. His theory is that if Congress has the right to prescribe the manner of holding elections, and that includes the right to prescribe that the election shall be by ballot, that gives to Congress a complete and plenary power to pass a criminal code in regard to elections. I say it does no such thing. It is an utter confounding of the jurisdiction of the States and of the Federal Government. It is a perfect ignoring of all the history of this country. If there was one thing about which our forefathers were more jealous than another it was that the States each for itself should determine the qualifications of electors, and should prescribe the laws which were to preserve the purity of elections.

But, Mr. President, I believe I had occasion the other day to remark to the Senate that I was not accustomed to speak for buncombe. I said in the opening of the debate on this bill that I spoke with the hope of convincing the Senate that the bill was not such as ought to be passed. I have the gratification to know that, not by any efforts of mine, not at all by anything I have said, but by the good sense of the Senate and the arguments urged by other Senators, the Senator from Indiana [Mr. MORTON] among the number, this bill has been shorn of some of its proportions. It began to "grow small by degrees and beautifully less" until my colleague was afraid it would vanish into thin air, and therefore sought to restore its rotundity by incorporating into it this wholly foreign element. But as I do not like to speak to empty seats, as I speak simply for a practical purpose of convincing the Senate, as I know that the Senator from Indiana is "joined to his idols," and that I ought to "let him alone;" and the Senator from Wisconsin, [Mr. CARPENTER,] while he agrees with me entirely, finds it due to himself as a dialectician to controvert my propositions; and the other Senator from Wisconsin [Mr. HOWE] is enjoying the scene as he always does with his love of humor; and my friend from Maine over yonder [Mr. MORRILL] is dreaming over the prospects of getting up the appropriation bill, [laughter,] I move that the Senate do now adjourn. [Nine minutes past one o'clock a. m., Saturday.]

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate do now adjourn.

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

The yeas and nays were not ordered.

Mr. THURMAN. Then I ask for a division.

The question being put, there were, on a division—ayes 8, noes 19; no quorum voting.

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

The yeas and nays were ordered.

Mr. STEWART. I believe there is a quorum here now. I withdraw the call for the yeas and nays. Let us have another division.

The VICE PRESIDENT. If there be no objection the call for the yeas and nays will be considered as withdrawn. The Chair will again put the question on the motion to adjourn.

The motion was not agreed to; there being, on a division—ayes 6, noes 32.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Ohio, [Mr. SHERMAN.]

Mr. CASSERLY proceeded to address the Senate. Having spoken half an hour,

Mr. McCREERY. If the gentleman from California will yield the floor for that purpose, I move that the Senate do now adjourn.

The PRESIDING OFFICER, (Mr. RAMSEY in the chair.) Does the Senator give way for that motion?

Mr. CASSERLY. Certainly; I gave way at once. There were about five Senators present when the motion was made, if I remember rightly.

The PRESIDING OFFICER. The Senator from Kentucky moves that the Senate do now adjourn.

The motion was not agreed to; there being, on a division—ayes 7, noes 33.

Mr. STOCKTON. I move that the Senate

take a recess until half past eleven o'clock in the morning.

Mr. HAMLIN. I object to that motion. It is not in order.

The PRESIDING OFFICER. The motion for a recess cannot be entertained if there is an objection. The motion is out of order. The Senator from California will proceed with his remarks.

Mr. STOCKTON. I move to pass over the present business before the Senate for the purpose of enabling me to submit a motion that the Senate take a recess until to-morrow at half past eleven o'clock.

Mr. SUMNER. The Senator had better change his motion and move to adjourn over until Monday, and let the Senate come to reason.

Mr. STOCKTON. I move, then, to pass over the pending bill, with a view of making a motion to adjourn until Monday.

Mr. SUMNER. That is a better motion.

The PRESIDING OFFICER. It is moved to pass over the present order of business, with a view of making a motion to take a recess until eleven o'clock to-morrow.

Mr. CASSERLY. No, sir; that is not the motion.

Mr. STOCKTON. I accepted the suggestion of the Senator from Massachusetts. I move to pass over the pending business for the purpose of submitting a motion to adjourn until Monday.

The PRESIDING OFFICER. The question, then, is on passing over the present bill.

The motion was not agreed to; there being, on a division—ayes 7, noes 30.

Mr. NYE. I should like to ask the Senator from California whether I shall not send and get another book for him to read. [Laughter.]

Mr. CASSERLY. I think if the Senator from Nevada would read his old books it would be better for himself and enable him to give more valuable information to the Senate than he is in the habit of affording. [Laughter.]

The PRESIDING OFFICER. The Senator from California will proceed.

Mr. CASSERLY resumed his speech on the pending amendment. Having spoken till fifteen minutes past two o'clock a. m.,

Mr. VICKERS. Mr. President, with the consent of the Senator from California, I move that the Senate do now adjourn.

Mr. McCREERY. Will the Senator from Maryland withdraw that motion for a moment, that I may make a motion for an executive session?

Mr. VICKERS. Yes, sir; I withdraw my motion.

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

The motion was not agreed to.

Mr. VICKERS. I renew the motion to adjourn.

The Senate refused to adjourn; there being, on a division—ayes 7, noes 25.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The Senator from California is entitled to the floor, and will proceed.

Mr. DAVIS. Will the honorable Senator from California permit me to have read now an amendment which I propose to offer when the proper time arrives?

Mr. CASSERLY. Certainly.

Mr. DAVIS. I send to the desk an amendment, which I give notice I shall offer at the proper time, and I ask that it be read for information.

The Chief Clerk read as follows:

And be it further enacted, That no person shall enter into, hold, or attempt to exercise the powers, or perform the duties of any office or public trust which the Constitution or laws require to be filled by vote of the people, unless he shall have received at the election therefor a greater number of the votes of the electors entitled to vote at such election than any other candidate; and all persons entering into, holding or attempting to exercise the powers or perform the duties of such office or public trust, shall thereby commit a high misdemeanor for which they shall be subject to indictment and punishment of imprisonment for not less than one or more than five years, and fine of not less than $1,000 or more than $5,000, one half thereof to go to the informer. And all Treasury officers settling, passing, or paying any claim or account for pay or compensation of any kind of any person entering into or holding, or attempting to exercise the powers or perform the duties of any office or public trust against the provisions of this section, shall be guilty of a misdemeanor, thereby forfeit and be disqualified to hold his place, and be subject to indictment and punishment of imprisonment for not less than twelve months and fine of $1,000, one half to the informer. All persons entering into, holding, or attempting to exercise the powers or perform the duties of any office or public trust against the provision of this section, shall also be subject to the civil suit of any person injured thereby.

Mr. CASSERLY resumed the floor and continued his speech till two o'clock and forty-eight minutes a. m.

Mr. STOCKTON. This being about the usual hour of adjournment, [laughter,] I move that the Senate do now adjourn.

Mr. HAMILTON, of Maryland. We ought to adjourn to Monday morning. It is now Saturday.

Mr. STOCKTON. My motion is that the Senate do now adjourn.

The question being put, a division was called for; and the result was stated to be—ayes 4, noes 34.

Mr. THURMAN, and others. There is no quorum voting.

The PRESIDING OFFICER, (Mr. CORBETT in the chair.) There were 4 in the affirmative and 34 in the negative; 37 is a quorum. The Senate refuses to adjourn. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

Mr. CASSERLY. I simply took my seat while the count was going on. I am not done with my speech.

The PRESIDING OFFICER. The Senator from California will proceed.

Mr. CASSERLY resumed the floor and concluded his speech, which will be published entire in the Appendix.

Mr. THURMAN. Mr. President, when the last count was made in the Senate by the then occupant of the chair, and he found that there were thirty-eight Senators present, I was forcibly reminded of an anecdote that is told of Charles James Fox and Richard Brinsley Sheridan, that they came into the House of Parliament one night late at night, arm in arm, and the following colloquy took place——

Mr. STEWART. I rise to a question of order.

Mr. THURMAN. I beg the Senator not to interrupt me.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The Senator from Nevada rises to a point of order. He will state his point of order.

Mr. THURMAN. I beg the Senator to allow me to proceed.

Mr. STEWART. I will state my point of order as the rules require. The Senator has spoken twice already on this question.

Mr. THURMAN. If that point of order were made on the Senator from Nevada God knows how much time the Senate would save. [Laughter.]

Mr. STEWART. I make the point of order.

Mr. THURMAN. I have not spoken twice on this amendment as it is now offered. I have spoken on it but once. If the Senator would allow me to go on he would find that the time of the Senate would be saved. I have spoken but once on this amendment.

The PRESIDING OFFICER. If the Senator has spoken but once on the amendment he is entirely in order. The Chair is not cognizant as to the fact; but on the Senator's statement the Chair thinks the point of order is not well taken. The Senator from Ohio will proceed.

Mr. THURMAN. If at any time a man dislikes to be interrupted it is when he is going to tell a story. I commenced saying that when the late occupant of the chair counted thirty-eight Senators in this body on the last division, I was reminded of an anecdote of Charles James Fox and Richard Brinsley Sheridan, which runs in this wise: that entering the House of Commons late one night, arm in arm, a colloquy took place between them which has been put into not very good rhyme, but into rhyme such as I will read to the Senate:

"Said Charlie to Dickon, 'By all that is blue,
I can't see the Speaker: say, Dickon, can you?'
'See the Speaker,' said Dick, 'why, I swear it is true
I do see the Speaker; yes, by Jove, I see two.'"

I cannot help thinking (I do not pretend to say how it was) that the then occupant of the chair had the faculty that Sheridan had and he saw two where there was only one. [Laughter.] Otherwise I cannot account for it that he counted thirty-eight Senators when nobody could find twenty-eight here.

While I am in this vein let me tell another thing which is familiar, I have no doubt, to a great many Senators here. It is told of the celebrated Dean Swift that, going once to the parish church to preach, he found nobody there but his clerk, whose name was Roger, and he read the whole litany through in this wise: instead of reading it, "Dearly beloved brethren, the Scripture moveth us in sundry places," he read it, "Dearly beloved Roger, the Scripture moveth you and me in sundry places." [Laughter.] I take it if we sit here much longer it will be, "Dearly beloved William," if that is the first name of the Senator from Nevada, "the Scripture moveth you and me in sundry places," or, "Party moveth you and me in sundry places." It looks to me a good deal in that way.

Mr. DAVIS. Does the Senator suppose that "Brother William" could be moved by the Scriptures? [Laughter.]

Mr. THURMAN. Well, the new dispensation then.

Mr. President, I regret that my colleague has left the Senate to-night. I wish to say a few words on a text of his; I wished to say them in his presence; but I cannot be deterred from noting what he said by his voluntary absence; and although I shall refrain from saying all that I would say were he present, yet I am not to be prevented from noticing what he did say merely because he sees fit to absent himself. The Senator from California noticed the singular declaration he made, that if the last presidential election had depended on the vote of New York; that is to say, if with that vote Mr. Seymour would have been elected, there would have been war and revolution, for that was the substance, the meaning of the remark. I let that pass with the remarks that have been made upon it by the Senator from California. But my colleague saw fit to go further, and he saw fit to use this language:

"The strength of the Democratic party for years during the war and since has been in the pest-houses of the cities, where vice breeds."

That is the language that a Senator of the United States uses of 2,650,000 voters of the United States. At the last presidential election there were cast, exclusive of the State of Nevada, 5,622,163 popular votes. Of those General Grant received 2,978,551, and Mr. Seymour 2,643,312. The vote of the State of Nevada, as I am informed by her Senator, was about 13,000; and General Grant's majority about 1,500. Making that addition, the entire vote for General Grant was 2,985,801, and for Mr. Seymour 2,649,362, and General Grant's majority was only about 336,000. And now, sir, in respect to substantially one entire half of the American voters, in respect to that party which held the reins of Government for nearly seventy years, and under which this country grew up from a poor feeble body of thirteen States along the Atlantic coast to be one of the greatest empires on the face of the earth in territory, in population, in intelligence, and

in wealth, my colleague says the strength of that party "lies in the pest-houses of the cities, where vice breeds."

Sir, I should scorn myself if I were to go into any refutation of such a charge as that. I have heard the Democratic party denounced again and again. It is too common to do it. It is too common to forget—Senators even, too often forget—that when they denounce the Democratic party in this way they are denouncing one half of their own countrymen. When they denounce the Democratic party as traitors, as sympathizers with treason, as disloyal men, they say to the world that one half of the American people are enemies of their own Government. When a Senator gets up here and says that the strength of the Democratic party, the strength of one half the people of the United States, "lies in the pest-houses of the cities, where vice breeds," he holds up a picture to the world which should appall mankind and repel every man from our shores. Sir, it will not do. If it is a mere figure of speech, it is a figure of speech that a man should be ashamed to utter. If it was intended in seriousness, then there is no condemnation too strong for the utterance of such a sentiment.

Why, sir, my colleague lives in a county that gives a good solid Democratic majority; a county in which there is no great city; a county of farmers, of men with moderate farms, few beyond eighty acres, very few, indeed; a county which I will undertake to say has not its superior in the whole United States for the virtue of its inhabitants and for their respectability. To the east of that is just such another county, Democratic to the core. On the west of it is still just such another, still more Democratic. On the south of it there is still another, also Democratic; so that my colleague can hardly step out of his door; he cannot take a day's ride without being surrounded by the Democratic farmers of his neighborhood. I want him to go home and tell them, if he dare, the men who have seen him grow up from a boy; the men whose hands have helped him in the struggle for life, the men who have given him support and cherished him and helped to make him what he is; let him go home if he dare and tell those old men that the strength of their party "lies in the pest-houses of the cities, where vice breeds."

Sir, I could not refrain from making these remarks, because you are to vote to-night on this bill; the debate will then cease, and it would look like bringing up an old quarrel to call attention to it in any other debate. It is not my fault that my colleague is not here to defend himself, for defend himself he ought to do, if he has self-respect.

The PRESIDING OFFICER. The question is on the amendment moved by the Senator from Ohio, [Mr. SHERMAN.]

Mr. HAMILTON, of Maryland. I call for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. THURMAN. What is the pending question? I think the Chair stated it incorrectly.

The PRESIDING OFFICER. It is on the first two sections of the amendment moved by the Senator from Ohio, [Mr. SHERMAN.]

Mr. THURMAN. Moved by the Senator from Maine, [Mr. HAMLIN.]

The PRESIDING OFFICER. And afterward moved by the Senator from Maine. The Chair stands corrected in that regard.

The question being taken by yeas and nays, resulted—yeas 31, nays 12; as follows:

YEAS—Messrs. Abbott, Carpenter, Chandler, Cole, Corbett, Cragin, Flanagan, Hamlin, Harlan, Harris, Howell, McDonald, Morrill of Maine, Morton, Nye, Osborn, Patterson, Pomeroy, Pratt, Ramsey, Revels, Rice, Sawyer, Scott, Spencer, Sprague, Stewart, Sumner, Thayer, Warner, and Yates—31.

NAYS—Messrs. Casserly, Davis, Fowler, Hamilton of Maryland, Johnston, McCreery, Pool, Ross, Stockton, Thurman, Vickers, and Willey,—12.

ABSENT—Messrs. Ames, Anthony, Bayard, Boreman, Brownlow, Buckingham, Cameron, Cattell, Conkling, Drake, Edmunds, Fenton, Ferry, Gilbert, Hamilton of Texas, Howard, Howe, Kellogg, Lewis, Morrill of Vermont, Norton, Robertson, Saulsbury, Schurz, Sherman, Tipton, Trumbull, Williams, and Wilson—29.

So the amendment to the amendment was agreed to.

Mr. STEWART. I desire to make a verbal correction. After consulting several members of the Judiciary Committee, I move to amend the twelfth section of my amendment, in line two, by striking out the words "or such person as he may empower for that purpose;" so that the section will read:

That it shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be deemed necessary to prevent the violation and enforce the due execution of this act.

The amendment to the amendment was agreed to.

Mr. MORTON. I desire to submit the following amendment, to come in as the fifth section of the Senate bill:

And be it further enacted, That if any person shall prevent, hinder, control, or intimidate, or shall attempt to prevent, hinder, control, or intimidate any person from exercising or in exercising the right of suffrage to whom the right of suffrage is secured or guarantied by the fifteenth amendment to the Constitution of the United States, by means of bribery, threats, or threats of depriving such person of employment, or occupation, or of ejecting such person from rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $500 and be imprisoned not less than one month and not more than one year.

Mr. CASSERLY. I think the objection to that amendment is very obvious. It will render it almost impossible for any landlord to collect rent of a tenant about election times without running the risk of a criminal prosecution. I ask the Secretary to report it again. I may be mistaken in my construction of it.

The Secretary read the amendment to the amendment.

Mr. CASSERLY. An attempt to collect arrears of rent is generally and naturally accompanied by some intimation which could very readily be construed into a threat, and which, if made to a person of the class protected by that section about election times, could very readily, as I said, be construed into a threat. I suggest to the Senator from Indiana whether there is not danger of such a consequence flowing from that part of his amendment.

Mr. DAVIS. I move to strike out from that amendment the words "to whom the right of suffrage is secured or guarantied by the fifteenth amendment to the Constitution of the United States."

The PRESIDING OFFICER. Does the Senator from Indiana accept the amendment? [Laughter.]

Mr. MORTON. No, sir.

The PRESIDING OFFICER. The Chair will remark that the amendment of the Senator from Indiana being an amendment to an amendment it cannot be amended in the third degree.

Mr. MORTON. I think this amendment of mine is a very important one. It strikes at perhaps the greatest danger to which the colored people of the South are exposed. It is well known that most of them live upon lands belonging to their former masters, and are dependent upon them to a great extent for their employment; and we understand that the great means which these men have to control the votes of these colored people will be threats of discharging them from their employment, or turning them out of their little houses, turning them off of rented lands, or refusing to renew a lease, or refusing to renew a contract for labor. We all understand that this is the great and real danger to which the colored population of the South is exposed, and this amendment is intended to meet that exactly.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana to the amendment of the Senator from Nevada.

Mr. THURMAN. I desire to have the yeas and nays on that amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 36, nays 9, as follows:

YEAS—Messrs. Abbott, Anthony, Carpenter, Chandler, Cole, Corbett, Cragin, Flanagan, Hamlin, Harlan, Harris, Howell, McDonald, Morrill of Maine, Morton, Nye, Osborn, Patterson, Pomeroy, Pool, Pratt, Ramsey, Revels, Rice, Ross, Sawyer, Scott, Spencer, Sprague, Stewart, Sumner, Thayer, Warner, Willey, Williams, and Yates—36.

NAYS—Messrs. Casserly, Davis, Fowler, Hamilton of Maryland, Johnston, McCreery, Stockton, Thurman, and Vickers—9.

ABSENT—Messrs. Ames, Bayard, Boreman, Brownlow, Buckingham, Cameron, Cattell, Conkling, Drake, Edmunds, Fenton, Ferry, Gilbert, Hamilton of Texas, Howard, Howe, Kellogg, Lewis, Morrill of Vermont, Norton, Robertson, Saulsbury, Schurz, Sherman, Tipton, Trumbull, and Wilson—27.

So the amendment to the amendment was agreed to.

Mr. DAVIS. I think that the white tenantry should have a special protection against the undue influence and oppression of the landlords and landowners. I therefore move to amend the amendment just adopted by striking out the words that I stated a few minutes ago.

Mr. HAMLIN. That is not in order.

Mr. DAVIS. Well, I reckon the Chair understands whether it is or not, and can decide that question.

Mr. HAMLIN. I submit that the Senate have agreed to the amendment of the Senator from Indiana in the precise words in which it stands, and it is not now in order to change it. There is no better parliamentary law in the world than that.

The PRESIDING OFFICER. The amendment of the Senator from Kentucky is not in order at this time. When the amendment of the Senator from Indiana comes to be concurred in in the Senate the Senator from Kentucky can move to concur in with it an amendment. His amendment is not in order now.

Mr. DAVIS. Then I will offer an amendment that is in order. I offer the amendment which I had read some time since.

The PRESIDING OFFICER. The Secretary will report the amendment now offered by the Senator from Kentucky to the amendment of the Senator from Nevada.

The Secretary read the amendment to the amendment, which was to insert as an additional section the following:

And be it further enacted, That no person shall enter into, hold, or attempt to exercise the powers or perform the duties of any office or public trust, which the Constitution or laws require to be filled by vote of the people, unless he shall have received at the election therefor a greater number of the votes of the electors entitled to vote at such election than any other candidate; and all persons entering into, holding, or attempting to exercise the powers, or perform the duties of such office or public trust, shall thereby commit a high misdemeanor, for which they shall be subject to indictment and punishment of imprisonment, for not less than one or more than five years, and fine of not less than $1,000 or more than $5,000, one half thereof to go to the informer; and all Treasury officers settling, passing, or paying any claim or account for pay or compensation of any kind, of any person entering into or holding, or attempting to exercise the powers or perform the duties of any office or public trust, against the provisions of this section, shall be guilty of a misdemeanor, thereby forfeit and be disqualified to hold his place, and be subject to indictment and punishment of imprisonment for not less than twelve months, and fine of $1,000, one half to the informer. All persons entering into, holding, or attempting to exercise the powers or perform the duties of any office or public trust, against the provisions of this section, shall also be subject to the civil suit of any person injured thereby.

Mr. DAVIS. I will say a single word on that amendment. It proceeds upon the idea that no man shall claim to exercise the duties and to assume the rights of an office unless he shall have received a plurality of the votes of the people who are entitled to vote in the election; and it makes it a high misdemeanor if he does enter upon and assume the duties and responsibilities of any office that is so to be filled with-

out having received the sanction of a larger number of votes than any other competitor.

I frankly admit that my object in offering this amendment is to correct a modern abuse of the House of Representatives in these evil times. The people frequently have given a large majority to a particular candidate; the opposing candidate, who received a small minority of the vote, claimed the seat and contested the election; and it has been the custom of the House of Representatives, with a view to increase its majority, to displace the successful candidate, whom the people by their votes had placed in the seat, and to appoint in his stead the candidate who has received but a small minority of the votes.

I was struck with the case of a recent contested election in the House of Representatives. A very able and facetious member of the House of Representatives, who is an ardent Republican, remarked to me facetiously in relation to the contest of Mr. Sypher for a seat that was held by a man who received the returns of the election, and whose vote was four or five times as large as that of the contestant, "The House has established this rule in relation to the claims of Republican claimants to seats that are occupied by Democratic members: unless the claimant shall have received ten and a half per cent. of the vote cast, the House decides that he has not received a sufficient number to entitle him to the seat, [laughter;] but if the number claimed by the claimant shall be equal to ten and a half per cent. of the vote cast, it comes within the rule and principle established by the House; the Radical contestant shall have the seat, and the Democrat who has received such a large majority of the popular vote shall be ejected from it, and shall be required to give it up to the Radical contestant."

I admit that in relation to the qualifications and returns of elections of members of the House for the purpose of holding a seat the judgment of the House is sole and conclusive; but when an immoral act, such as the claim of a seat in Congress under the force and effect of a small minority vote, is involved, if a law should pass making that a penal offense it would not interfere with the judgment or the effect of the judgment of the House in relation to the right to the seat. The question of the right to the seat as a member of the House, to be decided by the House itself, and with a view to every right to hold the seat and to receive its perquisites, is a separate and distinct matter from that of making such an immorality a penal offense and punished according to law.

Mr. President, there is no man whose judgment is not perverted but that will concede that the claim and the holding of a seat and the exercise and performance of its duties in such a case as I have named would be a great immorality, a great enormity, a great violation of the principle of popular election and of the principle of the Constitution upon which the election is based. There ought to be some redress for such wrongs, such crimes. They are crimes in their nature; they are not *mala prohibita;* they are *mala in se,* and they ought to be treated as *mala in se.* They are moral delinquencies; they are crimes against the Constitution, against the principle of representation, against the ascendency of the popular voice in matters of election that are regulated by the Constitution, and they ought to be so treated and so redressed by the law. The proposition which I offer would so treat them, would so punish them, would so prevent them.

The enforcement of such a principle as this would put an end to such scandalous instances of the violation of the principle of popular government and of the power and effect of majorities as have been so frequent in the House of Representatives. Those precedents are scandalous. They are derogatory and injurious to the Government. They are in violation of the fundamental and the vital principle of our Government; and that is, of popular sovereignty and the right of the people to be represented in the Halls of Congress. I therefore conceive that it is the duty of Congress to the people, to themselves, to the purity of elections, to the principle of popular government to devise this or some other means by which such outrages upon all as are so frequently perpetrated of late years by the House of Representatives may be avoided.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kentucky to the amendment.

The amendment to the amendment was rejected.

Mr. POOL. I desire to offer an amendment, consisting of two sections. I understand that the amendment which has been adopted on the motion of the Senator from Indiana has been inserted as section five. If so, I desire these to be inserted as sections six and seven:

And be it further enacted, That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such person shall be held guilty of felony, and on conviction thereof, shall be fined and imprisoned; the fine not to exceed $5,000, and the imprisonment not to exceed ten years; and shall, moreover, be thereafter ineligible to, and disabled from, holding any office or place of honor, profit, or trust, created by the Constitution or laws of the United States.

And be it further enacted, That if in the act of violating any provision in either of the two preceding sections, any other felony, crime, or misdemeanor shall be committed, the offender, on conviction of such violation of said sections, shall be punished for the same with such punishments as are attached to like felonies, crimes, and misdemeanors by the laws of the State in which the offense may be committed.

The PRESIDING OFFICER. The question is on the amendment moved by the Senator from North Carolina, to be inserted as sections six and seven of the amendment offered as a substitute.

The amendment to the amendment was agreed to.

Mr. POOL. I now desire to offer a substitute for the twelfth section.

Mr. STEWART. I hope that will not be adopted. I hope the Senator from North Carolina will not press it.

Mr. POOL. I move to strike out the twelfth section of the committee's amendment and to insert in lieu of it the following:

And be it further enacted, That the President of the United States may employ in any State such part of the land and naval forces of the United States, or of the militia, as he may deem necessary to enforce the complete execution of this act; and with such forces may pursue, arrest, and hold for trial all persons charged with the violation of any of the provisions of this act, and enforce the attendance of witnesses upon the examination or trial of such persons.

My purpose in offering this amendment is to extend the provisions of the twelfth section, as it was in the original bill, to the enforcement of the attendance of witnesses upon the trial. The chief difficulty in the way of enforcing the law will be in securing the attendance of witnesses. Another difference between the two sections is this: the section as it stands in the Senate bill reads in this wise:

Employ such part of the land or naval forces of the United States, or of the militia, as shall be deemed necessary to prevent the violation and enforce the due execution of this act.

I have left out in this amendment the phrase "to prevent the violation of this act," in order, if possible, to meet the objection which was urged that it would allow the President to go to the polls and surround them with troops; and I think it would make the section no stronger to have it in.

Mr. CARPENTER. Will the Senator allow me to make a suggestion to him?

Mr. POOL. Certainly.

Mr. CARPENTER. All the first part of that section is wholly unnecessary. The Constitution makes it the duty of the President to take care that the laws are faithfully executed, and he is Commander in Chief of the Army and Navy. That is suggestive enough on that subject. The latter part of the section, which requires the Army to go after witnesses to be produced at the trial, is a proceeding which I presume the Senator himself on reflection will not urge us to adopt. Subpenaing witnesses by process of martial law will not answer the purpose.

Mr. POOL. I do not propose to subpena witnesses by process of martial law at all.

Mr. CARPENTER. I understand that the Army are to go out and catch them and bring them into court.

Mr. POOL. I suppose the United States marshal is to go after them, and he will have to arrest them and carry them to court. If United States troops are present I do not know but that it would be indispensably necessary, in order to get the witnesses in many instances, to have them brought by them, for I think the obtaining of witnesses will meet with as much resistance as the arrest of the offenders.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina.

Mr. MORTON. Let it be reported again.

The Secretary read Mr. POOL's amendment.

Mr. CORBETT. Now let the twelfth section of the Senate bill be read.

The Secretary read as follows:

And be it further enacted, That it shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be deemed necessary to prevent the violation and enforce the due execution of this act.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina to the amendment of the committee.

The amendment to the amendment was rejected, there being on a division—ayes 6, noes 34.

Mr. WILLEY. I propose to offer an amendment to the second section, and if that should be adopted, a similar amendment in the third and fourth sections. I propose to amend the second section by striking out all after the word "shall," in the fourteenth line, down to the word "also," in the eighteenth line.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The CHIEF CLERK. It is proposed to amend the amendment by striking out in the second section the following words:

For every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just, and shall also.

So that the clause will read:

And if any such person or officer shall refuse or knowingly omit to give full effect to this section, he shall for every such offense be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, and be imprisoned not less than one month, and not more than one year.

Mr. WILLEY. I think I noticed in the section offered by the Senator from Indiana that there is no fee given to the informer, and I think that was a proper omission, if it was an omission. I doubt exceedingly the policy and the morality of this sort of remedial justice. I think it will prove demoralizing to the community and will bring the elective franchise itself into disrepute. It will give rise to annoying and petty litigation, and it will only be resorted to by such men, perhaps, as will seek the penalty for the sake of getting it, not as a means of redressing the indignity and wrong of preventing them from voting or in any way interfering with the right of suffrage. Any voter who properly values the right will feel himself sufficiently avenged and sufficiently rewarded by the penalty remaining in the section if this clause be stricken out. That would vindicate public policy. I think the penalty itself is of sufficient magnitude to deter any person from violating the law or incurring any such penalty.

The whole system of these gratuities to informers is demoralizing to any community where it exists, and, as I said, I think it would bring the elective franchise itself into disrepute. It strikes me that the law will have greater dignity and be equally efficient if this kind of remedy be wholly stricken from it. Then it will correspond exactly, I think, to the section as introduced by the Senator from Indiana, who has left that kind of penalty out of his section, as I heard it.

Mr. STEWART. I will simply state that depriving a person who is entitled to vote of the privilege of exercising the elective franchise is the denying to him of a private right. He is injured by being deprived of his vote; and we propose to let him sue for it, and to allow him to recover damages for the injury done him. We did not regard him in the light of an ordinary informer.

Mr. THURMAN. I want to put it to the learned gentleman of the Judiciary Committee whether any man who is refused his right to vote has not the common-law remedy for that; whether it needs an act of Congress to give him that? If he is entitled to more than $500 at the common law, cannot the jury give it to him? Will you undertake to restrict him to $500, or will you undertake to say that all men, under all circumstances, however different they may be, shall have precisely the same amount? Why do you not leave it to the common law, which gives to every man who is deprived of his right his action, and allows the jury to render such damages as are proper in the case? When the judges of election have acted illegally, but without corrupt motive, then the jury are instructed by the court to render nominal damages. When the judges have acted corruptly or willfully, they may give thousands of dollars. But you make a Procrustean bed here, and treat the judge who has ever so honestly, but mistaken the law, precisely on the same footing as a judge who has acted corruptly and willfully, and deprived a voter of his right.

The PRESIDING OFFICER. The question is on the amendment moved by the Senator from West Virginia, [Mr. WILLEY.]

Mr. THURMAN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 21, nays 27; as follows:

YEAS—Messrs. Anthony, Casserly, Davis, Fowler, Hamilton of Maryland, Hamlin, Harlan, Howell, Johnston, McCreery, Patterson, Pomeroy, Pratt, Ross, Scott, Stockton, Thurman, Vickers, Willey, Williams, and Yates—21.

NAYS—Messrs. Abbott, Cameron, Carpenter, Chandler, Cole, Corbett, Cragin, Flanagan, Hamilton of Texas, Harris, Howard, Howe, McDonald, Nye, Osborn, Pool, Ramsey, Revels, Rice, Robertson, Sawyer, Spencer, Sprague, Stewart, Sumner, Thayer, and Warner—27.

ABSENT—Messrs. Ames, Bayard, Boreman, Brownlow, Buckingham, Cattell, Conkling, Drake, Edmunds, Fenton, Ferry, Gilbert, Kellogg, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Norton, Saulsbury, Schurz, Sherman, Tipton, Trumbull, and Wilson—24.

So the amendment to the amendment was rejected.

Mr. CARPENTER. I offer the following amendment, to be added as a new section:

And be it further enacted, That any person who shall be deprived of, or fail to be elected to any office except that of member of Congress or member of a State Legislature, by reason of a violation of any of the provisions of this act, or by reason of the denial to any citizen of the right to vote on account of his race, color, or previous condition of servitude, shall be entitled to hold such office and perform the duties and receive the emoluments thereof, and may recover the possession of such office by *quo warranto* or other appropriate proceeding in the circuit or district court of the United States for the proper district, or in any State court having jurisdiction of such proceedings.

This is substantially restoring the fifth section of the bill. I do not desire to take up time, but to make a remark explanatory of my object in offering to restore this section. If we have any authority and constitutional power to legislate upon this subject at all we have the power to pass such a law as will effectuate the purpose we have in view, to secure to the colored man of the South the right of voting, and the right of having the man for whom he votes hold the office provided he has received a majority of all the votes cast, or if he would have received a majority if the colored man had been permitted to cast his vote. The trouble with the bill as we are about to pass it, without this section, is that it is a mere bill to punish offenses against that right, but it utterly fails to enforce the right, as it is the duty of Congress to do.

To illustrate the distinction. During the time the fugitive slave law was in operation would a southern master have been satisfied with an act of Congress which would make it a penal offense for any man to steal away his slave, or to harbor him, or to refuse to return him? No. He required that the Government of the United States should execute the duty which he said, and which the Supreme Court had decided, the Constitution cast upon the Government. He required them to send their officers to seize this escaped slave and deliver him back to him. It was not merely to punish a man who had violated his right, but it was putting the machinery of the Government into operation to enforce it. Now, this section does precisely the same thing with a man's right to vote. It does not simply stop with with punishing a man who denies the right, but it carries the right into execution; it enforces it; it secures the right of the man to cast his ballot, or to have the effect of his ballot if he is wrongfully deprived of casting it at the polls.

Mr. THURMAN. Mr. President, the proposition of the Senator from Wisconsin is that a man shall be installed into office by votes that never were cast. That is it.

Mr. CARPENTER. Yes; that is it.

Mr. THURMAN. That is exactly it; and that makes it a thing that never was heard of before. I do not say that there may not be any new thing under the sun after that amendment. Solomon said so a long time ago, and I had thought that he spoke the truth; but I give it up now. There is a new thing under the sun. Why, what is this thing? Upon testimony that A B, C D, and E F were deprived of their votes unlawfully—that is the first thing to be established—and then, in the second place, that they would have voted for somebody who did not receive a majority of the votes cast, that somebody is to commence proceedings to get possession of the office.

Now, I put it to the Senator, what man's title to office is safe in a closely-contested election if you can get somebody who swears that he was improperly excluded from the right to vote, and then, in addition to that, can swear for whom he would have voted, when it is utterly impossible to convict him of perjury? In the very nature of things you cannot do it, for he swears merely to an intention. He may swear as falsely as ever man swore, and yet in a close election, if a man is elected to Congress by one majority—and I have known member of Congress after member of Congress elected by one majority; if a man is elected Governor of a State by five or ten majority—and I have known a Governor to be elected by less than two hundred majority in my own State—if you can get a set of men after that to come up and swear that they were improperly excluded from voting, and that they would have voted for the defeated candidate, then, although it is utterly impossible in the nature of things to convict them of perjury, the defeated candidate is to be installed into office by the order of a district judge of the United States.

Mr. CARPENTER. Mr. President, there is no right that a man can enjoy in this country, no matter how dear or how sacred it may be, not merely the right to property, not merely the right to hold an office, but the right to the custody of his own child must depend upon judicial sentence and may be affected by perjury. No Government ever did, and no Government ever can, guard a man against that evil and against being injured and defrauded in his rights by perjury. The question here is how are we to insure to this man that he shall have his right to express his will as to who shall fill a particular office. If he goes to the polls and deposits a ballot you have written testimony of his intention, and that is of course the highest evidence; but if I go to the ballot-box with a ballot for John Doe to be sheriff of my county, and offer it to be deposited in the box, and I am prevented from having it deposited there by the wrongful act of another, then I have performed my duty; I have done everything I could do, and I am entitled to the right, which the Constitution and the law secures to me, to have that ballot counted for that officer. I admit that there may be a temptation to perjury. So there is when my farm is in question. So there is when the title to a horse is in question. I admit that there is a greater danger of mistake where the ballot has not been deposited and has only been offered; but that only goes to the question of the degree of proof. The ballot, if it finds its way into the box, is written evidence of the man's intention.

If the ballot is offered at the box, and only fails of finding its lodgment there by the wrongful act of the officer, then you have to resort to secondary evidence, but the best evidence which the nature of the case admits of; and if a jury can find and be satisfied from the testimony that my ballot would have been placed in the box for John Smith for sheriff, and was kept out of it simply by the wrongful act of the inspector of the election, and that ballot would have turned the result, then one of two things is certain: that ballot although never deposited in the box, must be counted for John Smith, or I am deprived of my share in the administration of the government, deprived of my right of elective franchise, and there is no redress and no remedy. All that can be said about it goes simply to the weight, the extent, the conclusiveness, or the satisfactory character of the evidence; but it is in every instance a question of intention, only in one case the testimony is higher and more satisfactory than it is in the other.

Now, one word and I have done, for I do not propose to spend any time about this matter. My radicalism is not of a kind that will explode in sentiment. I shall not entertain this Senate with bloody speeches when there is nothing to be done. I shall never fail at any time or under any circumstances to vote for any law which it is within our constitutional power to pass which will curb these cruel devils of the South of their will and secure to the colored man his practical and substantial right.

Mr. THURMAN. Mr. President, we hear of nothing but the colored man. Why, sir, this is a law to carry out a constitutional amendment that prohibits you from making any distinction on account of color; your fifteenth amendment prohibits you from making any discrimination on account of color; and yet we hear nothing except about the colored man. I do not understand this, unless my friend from Wisconsin has got some painter's dictionary and found in that that white is no color. I cannot account for it. He seems to forget that there are many white people in the country. When he opened his argument it was by talking about the fugitive slave law and what the slaveholders demanded, as if that had anything to do with this matter: and after that appeal to the feelings of the Senate, after that lunge at the passions of the Senate, he then comes and says he does not undertake in his radicalism to say anything that is not germane to the subject. He has acknowledged frankly, as became his character, that this is a new thing under the sun, this idea of counting votes that never were cast; but he says it is simply a degree of proof.

He puts the case of a man coming with his ballot and the ballot is not received. What is the essence of election by ballot? That it shall be secret; that the vote of the man shall not be known. The whole theory of the ballot is that

the voter may vote in secret in order that he may not be overborne by the power, the influence, or the persecution of any man whatsoever. That is the whole reason for the vote by ballot. It is supposed that it gives a man more independence, because he can vote in secret and no man may know how he votes; and hence in the law of every State it is made a criminal offense for the judges to look into the ballot to see how the man votes. Then here comes a man with a folded ballot, the contents of which are known simply to himself; and the judges of election, after examining his name, hearing what he has to say, hearing what is to be said against him, decide that he is not qualified, not qualified because they are not satisfied that he is a resident; they are not satisfied he is of age; they are not satisfied he was registered; they are not satisfied that he had paid the tax that entitled him to vote. For these or any of these reasons, or all of them together, they decide honestly and conscientiously that the man is not entitled to vote. What then? The man who is defeated is to renew that controversy, and to go into your district court, and to say that Mr. A B—colored man or white man, I beg leave to say, my friend—was there with his secret ballot in his pocket, and the judges, after investigating his case, held that he was not a qualified voter, and therefore refused his vote, when in truth and in fact upon the new evidence he presents it is said he is a qualified voter; and then the court is to decide that if that man had been allowed to vote, and had voted as he swears he would have voted, then the defeated candidate would have been elected.

But now I call my friend's attention to the fact that in every contested election there is a claim and there is a counter-claim. If I contest the election of a man who beat me for a popular office on the ground that votes were not received for me that ought to have been received, or that votes were cast for him of persons not qualified to vote, he can come back at me with proof that there was more fraud in the votes cast for me than in those cast for him, and the tribunal that tries the contest sums up the votes on both sides, and finds where the majority of the legal votes was. But here the Senator from Wisconsin proposes to go into the district court with a *quo warranto*, and to find on that *quo warranto*, what? That A B, C D, and E F offered to vote, that their votes were refused, and that they would have voted for the person who was defeated.

Mr. DAVIS. I would ask my honorable friend from Ohio, who is an able lawyer, if a bill in equity for specific execution would not be a better remedy than the writ of *quo warranto*? [Laughter.]

Mr. THURMAN. I will not undertake to say how that matter is. I do not know; I do not pretend to decide that; but——

Mr. CARPENTER. If it would be it is covered by the section which provides for a *quo warranto* or "other appropriate proceeding."

Mr. THURMAN. The committee started out with *mandamus;* they have knocked that down and now they have put in a *quo warranto.* [Laughter.] But really I put it to my friend whether or not he can satisfied with any such proposition. It is utterly impossible, and will be, under it to convict a man of perjury. I want to call the attention of the Senate to that point. Here is a bill that bristles all over with fines, with penalties, and with imprisonments, that sends men to the penitentiary, upon what ground? Upon the ground that there are men who will corruptly vote; upon the ground that there are men who will violate their oaths; upon the ground that the very officers of election who are chosen by the people, who are supposed to be respectable men because they are chosen to such a high position—for it is a high position—will commit willful and corrupt perjury, and hence it is necessary to fine them and even to send them to the penitentiary.

Here is a bill that has this estimate of human nature, that treats the very officers who are chosen—the registrars, the judges of election, the board of canvassers—as men who deserve to have over them this great supervision, and so much so that you can have no trust in them, and the walls of the penitentiary and the heaviest fines are necessary to punish these officers because of their supposed guilt or supposed liability to guilt. And yet while that is the case, while there is no penalty too severe for these men, chosen for their integrity, these men chosen for their respectability, here the Senator from Wisconsin proposes to open to the whole body of voters of the United States the right by false swearing—false swearing for which they never can be convicted because it is simply swearing to an intention—to change the decision of the board of canvassers and install the defeated candidates in office.

Mr. WILLIAMS. I apprehend that there is room for great abuse under this section that has been proposed by the Senator from Wisconsin, notwithstanding he advocates it with so much zeal. Persons may stay away from the polls, as I understand the effect of this section, under an apprehension, as perhaps some of the negroes of the South do, that if they go to the polls they will be assailed or will meet with some violence; they are afraid to go and vote; and when the election is determined the contest is transferred to the courts and these persons go before the courts and are allowed to testify that if they had voted at the election, and had not been afraid to attend the election, and could have voted, they would have voted for the person who did not receieve the certificate of the canvassers. I inquire if there is not danger that this business of determining the elections will be removed from the executive to the judicial department of the country? The Senator from Wisconsin suggests that it is now in every State of the Union. I controvert that altogether. I know that elections may be contested before State courts in every State of the Union; but I have yet to learn that an election can be contested before a court upon the statement of an individual that he would have voted, if he had been allowed to vote, in a certain way. Where men go to the polls and vote, very often the vote of a precinct is excluded because there is informality in the returns or in some other ministerial acts connected with the election after the votes have been cast and the individual voter has determined his choice, so that it is known whom he prefers.

Mr. DAVIS. Will the honorable Senator permit me to ask him a question?

Mr. WILLIAMS. Certainly.

Mr. DAVIS. I ask the Senator from Oregon if in all his experience he ever knew of an office being given to a man upon the faith and effect of a vote that was never cast?

Mr. WILLIAMS. I must say that I never did; and I see that if persons who do not vote, whose wishes or opinions are concealed in their own bosoms, may come forward in a court and testify that if allowed to vote they would have voted in a certain way, it will enable any defeated candidate at an election where the contest is a close one to overturn the result of that election in a court; because persons may be induced from various considerations to go to a court and deliver testimony of that kind. But where the vote has been cast, and it has been rejected on account of any irregularity, the court may proceed without regard to technicalities and count the votes and determine which candidate received a majority of the votes actually cast; and I do not believe there can be found in the history of this country any other contested-election case.

Now, in view of the fact that in the southern States a great many of these people may be laboring under an apprehension that it would be unsafe to go to the polls, it occurs to me that there may be a general determination there, possibly, to settle all these contested elections in the courts; and if so, it will create a state of confusion and disorder and delay about filling the offices, and a state of uncertainty as to who are entitled to office, that will produce much more mischief than this amendment will good. I thought after the fifth section was stricken out it would not be revived.

Mr. MORTON. I was opposed to this section when it first appeared in the bill. I thought it was a stretch of the proposition to enforce the fifteenth amendment; and besides that it was a dangerous section and a dangerous power. This is a bill to enforce the fifteenth amendment; to secure to every man entitled to vote under that amendment the exercise of his right; to punish those who obstruct him and to secure damages to him if he is obstructed. But this section proposes to go beyond that, and to give to a second person a right to recover an office. It seems to me that that is what would be called in the law, remote. To secure to A B his right to vote by proper penalties and by proper remedies is one thing; but to secure to C D the benefits he would get if A B should be allowed to vote is another thing, and entirely beyond it.

It can scarcely be said that this provision is one to enforce the fifteenth amendment. In one sense it might be, but broadly it would not be; it would be to give to a second person the indirect benefits from the supposed exercise of a right in regard to voting. Now, as the Senator from Oregon has well said, it is a very uncertain thing to permit an office to depend upon what a man intended to do. If the ballot-box has been stuffed, if votes have been taken out and spurious votes have been put in, that is an act, and if you can prove that the votes have been cast and that the person to whom they were given would have a majority, upon proof of that fact you give him the office; but there is proof of performance of an act. In this case, however, the act has not been performed.

Mr. CARPENTER. Why? Because the man was by force and wrong prevented?

Mr. MORTON. You have got to prove that the other party intended to perform it.

Mr. WILLIAMS. And what kind of a vote he intended to give.

Mr. MORTON. That is a matter which remains in his own breast up to the time he makes the oath. The other party cannot know anything about it. He cannot have any certain evidence upon that point. Why, sir, you do not punish a man for intending to commit a crime; you cannot do that. You cannot punish a man for intending to commit a larceny that he never did commit. You cannot punish a man for an intent to commit a burglary that he never committed. You can punish a man for assault and battery with intent to commit a murder, when he has committed the assault; but there the intent springs out of an act performed. If he has never performed any act you cannot punish him at all. And how you can establish the right of the second person to an office from the intention of the first person to perform an act that he never did perform, I cannot very well understand. I think that is going too far. It would be a dangerous power and liable to abuse.

Mr. CARPENTER. I will take but a very few minutes in replying to both the Senators before me who have spoken against this amendment.

The Senator from Oregon says this is a new thing. If it was not I should not want to have it put into the bill. I do not propose to reënact the common law. Of course the very object of putting it into the bill is to establish a new principle. Now, let us see precisely what the principle is as well known and daily enforced in the courts. In a *quo warranto* between two contesting candidates for an office, decided by a court and tried by a jury, the question there to-day is that by the common law which received the largest number of votes; and that involves also the question, for whom did the highest number of persons voting actually

intend to cast their votes; and that is the question passed upon. In a case which was much considered and is reported in the Wisconsin Reports, the case of Carpenter *vs.* Ely, there were certain ballots cast for the candidates by wrong initials; and the question was, for whom did the parties casting the votes intend to give them? and the court submitted that as a question of fact to the jury to be judged of from all the surrounding circumstances of the case. It was, therefore, determining the right to that office by the jury's ascertaining the intentions of the man who voted. In that case of course there was a ballot, though the initials were wrong; there was a starting point in writing; but nevertheless the question of the title to that office depended upon the intention of the voter, and that had to be arrived at by the jury from the evidence. It is true the evidence was partially in writing and partially in parol. The circumstances surrounding the election, who were candidates, who resided in the county, &c., were proper circumstances, as the court charged the jury, to be weighed in connection with the ballot upon which the name was written wrongly.

So the law stands at the present time. Now, how far does this innovate upon it? Simply in one particular: it says that if I go to the ballot-box with my vote and offer it, and I am prevented from putting it into the box by the wrongful act of another, I shall have the full force and benefit of having it put into the box.

Mr. WILLIAMS. The amendment applies as well to registration and assessment and taxation, and all that, as to a proposition to vote. A man may change his mind a dozen times after registration before he votes.

Mr. CARPENTER. I hope the Senator will not alarm himself unnecessarily on the subject of that amendment. The amendment provides simply this: that if any person shall fail to be elected to his office in consequence of a violation of the very act we are passing to-night, or in consequence of a denial of the right to vote to any citizen on the ground of race, color, or previous condition of servitude, then the man shall have his office notwithstanding the vote being not cast. There is no occasion to be frightened about this.

Senators say "these men will swear falsely." Of whom are they speaking? The theory upon which our Government rests is that honesty is with the people, not with their servants. We take it in the diluted form; we take it mixed with the temptations of politics and statesmanship, and all the other contingencies that affect public life. In the people it remains a prime, pure article. Now, if you cannot trust the people on oath as to whom they intended to vote for, then the basis of integrity upon which our free institutions rest is a rotten one.

Now, without taking more time, I desire simply in this connection to express—no, Mr. President, I cannot express, for I have no language that will embody it—the sorrow that I have experienced this evening at seeing the Senator from Indiana take his seat with the Democrats on this question, [laughter,] uttering words here that must carry dismay to the heart of every loyal man in the South, [laughter;] and by the pleasant memory of the past, by all the associations that cluster around the brow of the Republican party, I beg him to come back.

Mr. MORTON. Mr. President, I understand the allusion made by the Senator from Wisconsin when he talks about me taking my seat with the Democrats. He will bear in mind that I have not said anything on that subject. I have not complained of gentlemen voting with the Democrats, especially when the Democrats vote right. On the other hand, I must express my gratification that the Senator in order to prove himself to be radical is willing to go to the other extreme and slop clear over.

Mr. THURMAN. Mr. President, on behalf of the Democrats I want first to make my acknowledgments to the Senator from Indiana that he admits that the Democrats sometimes vote right.

Mr. MORTON. When they vote with me they generally do. [Laughter.]

Mr. THURMAN. Or rather, when the Senator votes with them. In the next place, I want to notice that extraordinary principle of law announced by the Senator from Wisconsin, that the presumption is that the people are all honest. But then the converse of that seems to be in the mind of the Senator, or rather he seems to make a distinction between the officer and the people themselves. Sir, while the legal presumption is that no one of the dear people will swear to a lie, the Senator's presumption seems to be that the officers are dishonest enough to commit perjury every time they are called upon to act.

Mr. CARPENTER. That is the Senator's imagination, not mine.

Mr. THURMAN. And yet the argument of the Senator from Wisconsin, his own bill goes upon the theory——

Mr. CARPENTER. The Senator will pardon me. It goes on the theory that there will be here and there a rascal in office, and that he ought to be punished. You cannot punish a man here and there by your law; you must make your provision to hit every officer, and then you will apply it to the incidental and exceptional rascals that show their heads above water.

Mr. THURMAN. I am somewhat like Michael Cassio, a mathematician, or at least I know something of the rule of three; and inasmuch as the proportion of officers to the proportion of voters is very small, I am inclined to think that the proportion of rascals in the two classes is at least in the same proportion; and that there will be just as many fellows found to swear falsely among the great body of the voters, in proportion to their number, as there would be among the office-holders.

Mr. CARPENTER. Let it be noted that it is the Senator from Ohio who is blaspheming the people.

Mr. THURMAN. Ah! Let it be recorded. If my friend ever belonged to the Sons of Malta he would understand that: let it be recorded. [Laughter.] Who is it that is blaspheming the people? The people choose certain men to office; they choose them to be registrars; they choose them to be judges of election; they choose them to be canvassers of votes; and if the people are honest, then, unless the Senator is prepared to say that they have no intelligence, (and God forbid that a Senator should speak against the intelligence of the American people! That would be a worse blasphemy, a great deal, than my supposition that there were some rascals in the city of New York; certainly I am not going to run against the people; but since the people are all so honest, unless they are a set of very great fools,) they must elect reasonably decent men to hold these offices.

But now, all that apart, the Senator from Wisconsin totally forgets that in certain States there is no such thing as a vote by ballot; and therefore there cannot, in the nature of things, be any such evidence as he speaks of. The vote is *viva voce;* the voter simply goes up and says, "I want to vote." He cannot be inquired of then for whom he would vote. It is not proper that that question should be put to him. The first inquiry is into his qualifications. If he is not qualified the judges reject him as an unqualified voter; and there is not one single thing to tell how that man would have voted; it is all in his own mind.

Again, the Senator refers to cases in which votes have been counted for a person although the votes had the initials wrong. That is true. There are such cases as that where the ballot is cast for J. W. instead of W. J., or J. R. instead of J. B., or something of that kind. There are such cases. But I will tell my friend from Wisconsin that he cannot find a single case of that kind in which the vote has been received upon the bare testimony of the voter that he intended to vote for the right man. Although such evidence has sometimes been received, and sometimes has been rejected as illegal testimony, not admissible at all, yet it has been held in every case that there must be extrinsic evidence besides that, which of itself would show that the right person was intended.

Mr. CARPENTER. I ask leave to modify my amendment so as to meet as far as I can the views of the Senators who object to it. I modify it by striking out the words "by reason of the violation of any of the provisions of this act" and inserting "who offered his vote at the election;" so that the section will read:

That any person who shall be deprived, or fail to be elected to any office, except that of member of Congress or member of a State Legislature, by reason of the denial to any citizen of the right to vote who offered his vote at the election on account of his race, color, or previous condition of servitude, shall be entitled to hold the office, &c.

Mr. WILLIAMS. I should like to inquire of the Senator from Wisconsin how that applies to the State of Oregon, where we vote *viva voce.*

Mr. CARPENTER. You ought to know better than that; but even there, when a man goes to the polls and asks to have his name called that is an offer to vote.

Mr. WILLIAMS. The language of the amendment is "offered to vote."

Mr. CARPENTER. I call for the yeas and nays on the amendment I have offered.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 22; as follows:

YEAS—Messrs. Cameron, Carpenter, Chandler, Cole, Cragin, Flanagan, Gilbert, Hamilton of Texas, Harris, Howe, Howell, McDonald, Nye, Osborn, Ramsey, Revels, Rice, Robertson, Sawyer, Spencer, Stewart, Sumner, Thayer, and Warner—24.

NAYS—Messrs. Abbott, Casserly, Corbett, Davis, Hamilton of Maryland, Harlan, Howard, Johnston, McCreery, Morton, Pomeroy, Pool, Pratt, Ross, Scott, Stockton, Thurman, Trumbull, Vickers, Willey, Williams, and Yates—22.

ABSENT—Messrs. Ames, Anthony, Bayard, Boreman, Brownlow, Buckingham, Cattell, Conkling, Drake, Edmunds, Fenton, Ferry, Fowler, Hamlin, Kellogg, Lewis, Morrill of Maine, Morrill of Vermont, Norton, Patterson, Saulsbury, Schurz, Sherman, Sprague, Tipton, and Wilson—26.

So the amendment to the amendment was agreed to.

Mr. WILLIAMS. I move to amend by striking out of the eighth section, in lines twenty and twenty-one, the words "or such portion of the land or naval forces of the United States or of the militia;" so as to make the section in that part of it read:

And the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or *posse comitatus* of the proper county, as may be necessary to the performance of the duty with which they are charged.

I will simply state that this section empowers suitable persons who may be appointed by the commissioners—the appointment of the commissioners is unlimited, and the appointment of these suitable persons is unlimited—not only to call upon the bystanders, the *posse comitatus* of the proper county, to aid them in the execution of any process, but they are authorized also to call on such portion of the land or naval forces of the United States, or of the militia, as may be necessary. I do not think that power ought to reside in the hands of such persons.

Mr. STEWART. I suggest to the Senator from Oregon that that section follows the language of the civil rights bill. I believe that is the way the military forces always go, as a *posse.* I hope the provision will not be stricken out.

Mr. HAMILTON, of Texas. I would suggest to the Senator from Oregon that in many sections of the country there is nobody to call on the *posse comitatus* except some one in league and sympathy with the very men who are violating the law. That is the case in whole sections of the southern States; and Senators who do not know it ought to go down there and ascertain the fact. There seems to be an impression—and the suggestion has been

thrown out here on several occasions—that there is great danger in employing the land and naval forces of the country in enforcing the laws. Why, sir, are the people of the United States to be afraid to employ an Army of thirty thousand, three fourths, nine tenths of whom, in fact, are engaged on the Indian frontier. Suppose you scattered the whole Army of the United States around at the polls at any election in this country, whom would they intimidate? If you had an Army of half a million or a million of men, as they have in Russia or France, possibly there might be some danger. The danger here is from another quarter altogether.

It is difficult, and exceedingly difficult, to get Senators to understand that the conditions all over the Union are not precisely as they are in their own section of country. Take Massachusetts, take Pennsylvania, take any well-regulated old community in this country, and, I grant you, these provisions are not necessary; but they are eminently proper and necessary now in the southern States. Your laws there are a dead letter, and will remain a dead letter unless something is done to enforce them. The country must risk something, else you will never have the laws executed.

Gentlemen stop on this hand and on that and on the other and say it will not do to do this; you must not infringe on the rights of persons there; and here there is a possibility that some wrong will be done! Why, sir, wrong has been done in millions of cases. There is nothing but wrong now in whole sections of the country. Personal rights are destroyed; men are deprived of their dearest rights, and the Government is standing with its officers there with their fingers in their mouths, afraid to say a word. They are intimidated, overborne; the rebel sentiment is omnipotent from the Potomac to the Rio Grande, and everybody knows it who has been in that country.

Sir, if it were not for the gravity of the subject I should have been amused the other day when an appeal was made to the Senator from Mississippi [Mr. REVELS] about the condition of his own State. Surely gentlemen ought not to drag up a man here and make him testify to anything of that sort. I know, sir, how the sentiment which seems to be entertained all over the country of relief to the men who are excluded from office by law came to be adopted. Does not everybody know it? If not, it is time the people were learning. Public sentiment is driving our party to their position. There is not a solitary loyal man in the country who wants anything of amnesty talked of. Give the loyalists the opportunity and the liberty to say at home precisely what they do want, and they will tell you they want every old rebel excluded from office; and every solitary man of them ought to be excluded from the polls as well. The safety of this country requires it.

I beg Senators to remember what they have been told in the debates on this occasion. The time will come when they will see and feel that there is danger yet ahead of us. You have not conquered the rebels yet. They are defying the Government to-day, and they will continue to defy it just as long as you tamper with them. Wherever a man raises his puny arm against this Government or against the loyal citizens of the Government you ought to take him by the throat and knock him on the head. He will respect no other argument. I do not want to say anything in this matter. I am not a lawyer, and therefore I do not undertake to meet gentlemen who are criticising the provisions of the bill; but I understand that no laws in any country can be enforced, no society can be protected and regulated without some risk and some hazard. Some men will testify falsely, some men may bring false accusation against their neighbors. These things will happen; they do happen in every community in the world; but the ame of the Republican party, after what it has done and accomplished in the last ten years, can bear one spot, many spots if you please. Suppose we make some mistake; suppose we throw a door open here and there and violate the letter of the law, and violate private rights; are not private rights being violated now on every hand almost?

Then, sir, my argument is that these evils will cure themselves. If this law is found to oppress and to hamper our Democratic friends over the country, and deprive them of the luxury of killing and whipping negroes, possibly it will induce them to come together and ask for a repeal of the law by requiring their people to behave themselves; otherwise they never will behave themselves. If you do not bring oppression, as it were, upon the good people of the country you will never oblige these good people to band themselves together for the purpose of taking care of the bad people of the country.

This is the condition of affairs now all over the South. Men sit by and see the law violated; they will not turn a hand, they will not say one solitary thing. Why? Because it is unpopular, it brings them into collision with the mob, subjects them to violence and to insult, and therefore they sit quietly and see their neighbors despoiled of their rights.

In my mail this morning—I wish I had them here; I did not think of saying a word or I should have brought them with me—I received a batch of half a dozen cases that came in by the last mail, some of the most monstrous and inhuman outrages that have been committed in the last ten years, and nobody was arrested, nobody was examined; and so it will be. These things are alarming the whole country. These are very extraordinary cases, almost intolerable to be published in the papers; men can hardly believe such things would occur at all, and yet they do occur, and are likely to occur in the future.

Now, Mr. President, as far as I am concerned, I want to vote for this bill as it stands now. It will do some good. But if such provisions as that proposed by the Senator from Wisconsin are stricken out, and other provisions are stricken out according to suggestions that have been made, I would rather see it withdrawn than passed in that shape. To be effective it must reach the very cases that the Senator from Nevada had in his mind when he offered the amendment, else it is not worth much.

The PRESIDING OFFICER. The question is on the amendment moved by the Senator from Oregon to the eighth section of the substitute.

Mr. THURMAN called for the yeas and nays; and they were ordered.

Mr. WILLIAMS. I did not expect, Mr. President, by moving this amendment, to provoke the very earnest speech which the Senator from Texas has delivered. I am not opposed to the employment of the military force in suitable cases in the southern States, although I cannot help but think that we have been here for the last three or four years harassed with importunities on the part of those States to be admitted as States with equal rights and privileges with other States; and we have been reluctant to do so because we desired to maintain the authority of the Government over those States. But we were told time and again that the only salvation of the country was the speedy restoration of those States and the reëstablishment of civil power there. Now, when they are back here with their Senators and Representatives the clamor is for military government in those States. We are told that there is no safety there for the people without military government. But, sir, I do not propose to discuss that question.

The objection I have to this section consists in this, that these commissioners, who are persons temporarily appointed, not permanent, responsible officers of the Government, but persons who may be appointed for temporary purposes, and who may be appointed in every district in a State—these commissioners are empowered to appoint suitable persons, subordinates to themselves, as many as they please, who are not recognized as officers of the law, or responsible to anybody; and into the hands of these subordinates, these bailiffs, these persons who occupy the lowest possible official grade in the country for temporary purposes, is put the great power of commanding the Army and Navy of the United States, and at their pleasure and will they are authorized to summon troops to any polling place in the country.

If this was a law for Texas alone I would not say one word against it; but it is a law for the whole United States, and we are to answer for the existence of this law in the State of New York and in the State of Pennsylvania, and everywhere in the United States, and we have to meet the people and say to them and acknowledge that we have made a law which enables persons of this description, if they see proper, for any purpose, to bring around the polls the military power of the country. I do not believe in this. If this power was invested in some proper officer, a man whose position would satisfy the country that he was a man of character and responsibility, then it would not be so objectionable; but who knows what sort of persons will be appointed by these commissioners? There lies the danger of this section.

Mr. STEWART. I hope this section will stand as it is. If these persons are suitable persons to execute process they are suitable persons to get aid enough to execute process.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. CASSERLY. Mr. President——

The Chief Clerk called Mr. ABBOTT's name, and he answered in the negative.

Mr. CASSERLY. Mr. President——

The PRESIDING OFFICER. The Senator from California.

Mr. CASSERLY. I think if gentlemen will reflect upon the immense expense that may grow out of this provision, which is assailed by the amendment of the Senator from Oregon, they will be more disposed to agree to this amendment. In the case of a seriously contested election generally throughout the country how far would your thirty thousand men now in the Army go toward answering the demands which might be made upon them under such a system?

Mr. SPENCER. I should like to inquire if debate at this stage is in order?

The PRESIDING OFFICER. The Senator from California addressed the Chair before there was any response.

Mr. ABBOTT. I answered to the call of my name before the Senator from California commenced his speech.

The PRESIDING OFFICER. The Chair may be mistaken, but he understood the Senator from California to address the Chair before the roll-call was commenced.

Mr. CASSERLY. I undoubtedly did before anybody answered on the roll-call, but the Chair did not at first catch my voice.

The expense that will be entailed upon the country will be something enormous. There is no limit to the number of the officers who may be appointed by these commissioners, and their authority is just as unlimited. They may order a company, or they may order a regiment, or they may order a brigade to be marched from one end of a State to the other, from one side of the continent to the other, and they may keep them in service as long as they see fit. Why, sir, what a monstrous proposition it is to put such a power, such an authority as that, so great in itself, so susceptible of abuse, and so certain to entail infinite expense upon the country, in the hands of persons of whom we know nothing; a class of officers unknown to the law, and of whose responsibility we can have no guarantee; and who, as I said, must mainly consist of the idlers and hangers-on and camp-followers of the offices of the sheriffs and the marshals and the commissioners about

these courts. I am very glad that the yeas and nays are to be called on the amendment.

Mr. TRUMBULL. I have taken no part in these discussions; but there have been one or two criticisms on those portions of the bill in regard to employing the militia and the authority to send a judge to hold courts which I think at least have the authority of Democratic precedent, which it would be well to bring to the attention of the Senate, if it has not already been called to it. On the 10th of March, 1838, during the administration of Mr. Van Buren, the Congress of the United States passed a law which provided—

"That whenever the President of the United States shall have reason to believe that the provisions of this act have been, or are likely to be, violated"—

Just as it is in this bill—

"that offenses have been or are likely to be committed against the provisions of the act hereby amended within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, or district attorney of such district to attend at such place within the district and for such time as he may designate, for the purpose of the more speedy and convenient arrest and examination of persons charged with the violation of the act hereby amended; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time designated."

Then the eighth section provided—

"That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and to enforce the due execution of this act and the act hereby amended."

That was approved by Mr. Van Buren on the 10th day of March, 1838, in old Democratic times, and those provisions in regard to sending judges to hold courts and calling on the Army and the Navy and the militia were copied into the civil rights bill from this act of March 10, 1838, and have now been substantially recopied in the pending bill.

Mr. WILLIAMS. What is that act about?

Mr. TRUMBULL. It is entitled "An act supplementary to an act entitled an 'Act in addition to the act for the punishment of certain crimes against the United States and to repeal the acts therein mentioned,' approved the 20th of April, 1818." It provides—

"That the several collectors, naval officers, surveyors, inspectors of customs, the marshals, the deputy marshals of the United States, and every other officer who may be specially empowered for the purpose by the President of the United States, shall be, and they are hereby, respectively authorized and empowered to issue and detain any vessel or any arms or munitions of war,"

or anything of that kind to be used against any foreign country.

Mr. THURMAN. Will the Senator allow me to ask him is he reading from the neutrality act?

Mr. TRUMBULL. Yes, sir.

Mr. THURMAN. That was passed at the time of the Canadian troubles.

Mr. TRUMBULL. It was passed on the 10th of March, 1838. I do not recollect whether the Canadian troubles were at that particular time or not.

Mr. THURMAN. It is an act amendatory of the neutrality act of 1818.

Mr. TRUMBULL. Yes, sir; amendatory of the act of 1818. I only read it to show that, so far as the mere question of power was concerned, it had been recognized for thirty years and more as a power that could be exercised when there was necessity for it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon to the substitute, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 12, nays 38; as follows:

YEAS—Messrs. Casserly, Davis, Fowler, Hamilton of Maryland, Johnston, McCreery, Ross, Sprague, Stockton, Thurman, Vickers, and Williams—12.

NAYS—Messrs. Abbott, Brownlow, Cameron, Carpenter, Chandler, Cole, Corbett, Cragin, Flanagan, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howe, Howell, McDonald, Morton, Nye, Osborn, Patterson, Pomeroy, Pool, Pratt, Ramsey, Revels, Rice, Robertson, Sawyer, Scott, Spencer, Stewart, Sumner, Thayer, Trumbull, Warner, Willey, and Yates—38.

ABSENT—Messrs. Ames, Anthony, Bayard, Boreman, Buckingham, Cattell, Conkling, Drake, Edmunds, Fenton, Ferry, Gilbert, Kellogg, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Saulsbury, Schurz, Sherman, Tipton, and Wilson—22.

So the amendment to the amendment was rejected.

Mr. SCOTT. I move to strike out the third section of the substitute.

The PRESIDING OFFICER. The section proposed to be stricken out will be read.

The Secretary read as follows:

SEC. 3. *And be it further enacted*, That whenever, by or under the authority of the constitution or laws of any State or the laws of any Territory, any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance, or offer to perform or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing as aforesaid, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act; and any judge, inspector, or other officer of election whose duty it is or shall be to receive, count, certify, register, report, or give effect to the vote of any such citizen, who shall refuse or knowingly omit to receive, count, certify, register, report, or give effect to the vote of such citizen, upon the presentation by him of his affidavit stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just, and shall also for every such offense be guilty of a misdemeanor, and shall on conviction thereof be fined not less than $500, and be imprisoned not less than one month and not more than one year.

Mr. SCOTT. This section has been pretty fully debated during the progress of this very protracted discussion, and I do not propose to go over the ground that was taken in the debate, but simply to call attention to the fact that since the adoption of the amendment offered by the Senator from Wisconsin, [Mr. CARPENTER,] this section is no longer necessary in the bill. The adoption of the amendment offered by the Senator from Wisconsin in effect gives validity to the votes that may be offered and rejected for any of the reasons named in the bill, for want of any of the requisites that are required in the bill.

But, in addition to that, the adoption of this third section is open to the same objection which was made by the Senator from Indiana, namely, that it goes much further than enforcing the fifteenth amendment, and does in effect repeal all the registration laws of the various States. In endeavoring to guard against a possible evil in the southern States with regard to colored voters it is opening the doors to an evil in the large cities of the northern States that is, perhaps, as much to be feared and deprecated as any evil that may come to the southern States with regard to the colored vote.

These views have already been presented to the Senate to such an extent that I do not propose to take up the time of the Senate in again discussing them; but I simply call attention to them before we proceed to the vote.

Mr. STEWART. I hope that amendment will not be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania, to strike out the third section of the substitute.

Mr. CASSERLY and Mr. THURMAN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 14, nays 33; as follows:

YEAS—Messrs. Anthony, Casserly, Davis, Fowler, Hamilton of Maryland, Howell, Johnston, McCreery, Ross, Scott, Stockton, Thurman, Vickers, and Williams—14.

NAYS—Messrs. Abbott, Brownlow, Cameron, Carpenter, Chandler, Cole, Corbett, Cragin, Flanagan, Gilbert, Hamilton of Texas, Hamlin, Harlan, Harris, Howe, McDonald, Morrill of Maine, Nye, Osborn, Pomeroy, Pool, Pratt, Ramsey, Revels, Rice, Robertson, Sawyer, Spencer, Stewart, Sumner, Thayer, Warner, and Yates—33.

ABSENT—Messrs. Ames, Bayard, Boreman, Buckingham, Cattell, Conkling, Drake, Edmunds, Fenton, Ferry, Howard, Kellogg, Lewis, Morrill of Vermont, Morton, Norton, Patterson, Saulsbury, Schurz, Sherman, Sprague, Tipton, Trumbull, Willey, and Wilson—25.

So the amendment to the amendment was rejected.

Mr. VICKERS. I move to amend the third section, in line eleven, by inserting after the word "being" the words "proved to be;" so that the clause will read:

And the person so offering and failing as aforesaid, and being proved to be otherwise qualified, shall be entitled to vote, &c.

Mr. TRUMBULL. I hope that amendment will be carried.

Mr. STEWART. I will consent to that.

The amendment to the amendment was agreed to.

Mr. VICKERS. I move to amend the fourth section by inserting after the words "that if," in the first line, the words "under or by color of State authority."

Mr. STEWART. I hope that amendment will not be adopted.

Mr. THURMAN. Let us have the yeas and nays upon it.

The yeas and nays were ordered.

Mr. VICKERS. I ask the Secretary to read the section as it will stand if amended as I propose.

The CHIEF CLERK. If amended as proposed, the section will read:

That if, under or by color of State authority, any person by force, bribery, threats, intimidation, or otherwise, shall hinder, delay, prevent, or obstruct, or attempt to hinder, delay, prevent, or obstruct any citizen, &c.

Mr. THURMAN. It has been asserted on this floor that that section only applies to persons acting under State authority. The amendment offered by the Senator from Maryland makes it perfectly clear, and will show whether the Senate mean that that section shall apply only to persons acting under State authority or color of State authority, or whether Congress assumes to punish every ruffian as the embodiment of the State.

The question being taken by yeas and nays, resulted—yeas 9, nays 41; as follows:

YEAS—Messrs. Casserly, Davis, Fowler, Hamilton of Maryland, Johnston, McCreery, Stockton, Thurman, and Vickers—9.

NAYS—Messrs. Abbott, Anthony, Brownlow, Cameron, Carpenter, Chandler, Cole, Corbett, Cragin, Flanagan, Gilbert, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howe, Howell, McDonald, Morrill of Maine, Morton, Nye, Osborn, Patterson, Pomeroy, Pool, Pratt, Ramsey, Revels, Rice, Robertson, Sawyer, Scott, Spencer, Stewart, Sumner, Thayer, Trumbull, Warner, Williams, and Yates—41.

ABSENT—Messrs. Ames, Bayard, Boreman, Buckingham, Cattell, Conkling, Drake, Edmunds, Fenton, Ferry, Kellogg, Lewis, Morrill of Vermont, Norton, Ross, Saulsbury, Schurz, Sherman, Sprague, Tipton, Willey, and Wilson—22.

So the amendment to the amendment was rejected.

Mr. MORTON. I desire to make an inquiry in regard to the meaning of the fourth and fifth lines of this section four. The section reads:

That if any person, by force, bribery, threats, intimidation, or otherwise, shall hinder, delay, prevent, or obstruct, or attempt to hinder, delay, prevent, or obstruct any citizen from doing any act authorized by this act, &c.

Mr. STEWART. That has been changed so as to read "any act required to be done."

Mr. MORTON. I did not know it had been changed.

Mr. WILLIAMS. I move to amend the fourth section by striking out in the second line the word "otherwise" and inserting "other unlawful means."

Mr. STEWART. I think that is right.

Mr. WILLIAMS. So that a man shall be guilty of some unlawful act in order to subject him to the punishment prescribed.

The PRESIDING OFFICER. No objection being interposed, that amendment to the amendment will be made.

Mr. VICKERS. I move to amend the fourth section in the third line by striking out the word "delay," where it occurs twice.

Mr. WILLIAMS. The section is right as it stands now.

Mr. MORTON. The first clause relates to the doing of the act, and the second the attempt to delay.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland, to strike out the word "delay" where it occurs in the fourth section.

The amendment to the amendment was rejected.

Mr. CASSERLY. I move to amend the fourth section by striking out in lines nine and ten the words "and such allowance for counsel fees as the court shall deem just." I move to strike out that phrase wherever it occurs in the bill. I stated my reasons for it pretty thoroughly, and I can only say now that the effect of it is to raise up in your country a noisome breed of attorneys who will subsist upon blood-money and who will be a thousand times worse than the miserable informers whom this bill also breeds. I trust that for the sake of an honorable profession those words will be stricken out. I call for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 10, nays 39; as follows:

YEAS—Messrs. Casserly, Davis, Fowler, Hamilton of Maryland, Johnston, McCreery, Ross, Stockton, Thurman, and Vickers—10.

NAYS—Messrs. Abbott, Anthony, Brownlow, Cameron, Carpenter, Chandler, Cole, Corbett, Cragin, Flanagan, Gilbert, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howe, Howell, McDonald, Morton, Nye, Osborn, Patterson, Pomeroy, Pool, Pratt, Ramsey, Revels, Rice, Robertson, Sawyer, Scott, Spencer, Stewart, Sumner, Thayer, Warner, Williams, and Yates—39.

ABSENT—Messrs. Ames, Bayard, Boreman, Buckingham, Cattell, Conkling, Drake, Edmunds, Fenton, Ferry, Kellogg, Lewis, Morrill of Maine, Morrill of Vermont, Norton, Saulsbury, Schurz, Sherman, Sprague, Tipton, Trumbull, Willey, and Wilson—23.

So the amendment to the amendment was rejected.

Mr. HOWARD. I wish to offer an amendment in section four, line three. It now reads:

That if any person by force, bribery, threats, intimidation, or other unlawful means, shall hinder, delay, prevent, or obstruct, or attempt to hinder, delay, prevent, or obstruct any citizen, &c.

I am not entirely satisfied with the phraseology there. It appears to be too indefinite. What is an "attempt to hinder, delay, prevent, or obstruct any citizen." Does not this clause make a mere verbal request from one person to another not to attend the polls an attempt to hinder or obstruct?

Mr. STEWART. No; I think not.

Mr. HOWARD. I was about to suggest, why not make it definite, and let it read in this way, "shall hinder, delay, prevent, or obstruct," and then strike out the word "attempt," and after the word "or" insert "shall combine or confederate with others;" so as to read, "or shall combine or confederate with others to hinder, delay, prevent, or obstruct;" so as to make the conspiracy the crime, the combination to prevent others from attending the polls.

Mr. STEWART. We have got that in another section. We have adopted a section containing that idea.

Mr. HOWARD. Where is that?

Mr. STEWART. That very idea is contained in a section carefully prepared by the Senator from North Carolina, [Mr. POOL,] which we have adopted.

Mr. HOWARD. Then why retain it here if it is already in the bill?

Mr. STEWART. It is an amendment that was adopted during the night.

Mr. HOWARD. Then why not strike this out if the bill has already been so amended?

Mr. STEWART. No. The idea of combination is in that other amendment; but it is not in this clause. This clause had better stand as it is.

Mr. HOWARD. Strike out "attempt." That is all I wish. It seems to me that is too indefinite; it is too vague; it will be found too difficult to put in practice, to ascertain what is meant by the word "attempt." I attempt to keep a man from the polls by simply asking him to remain away from the polls. Is that to be punished as a crime? I move to strike out the word "attempt," and to insert the words which I have read: "shall combine and confederate with others."

Mr. NYE. Suppose a person goes it alone?

Mr. TRUMBULL. That obstructs him.

Mr. HOWARD. That is an obstruction, and is already punishable by the bill.

Mr. THURMAN. Mr. President, the criticism of the Senator from Michigan is undoubtedly well founded; but it does not go quite far enough; nor has he touched the rawest place in this hide.

That if any person by force, bribery, threats, intimidation, or otherwise.

Mr. STEWART. No; "or other unlawful means."

Mr. THURMAN. When was that put in?

Mr. STEWART. A little while ago.

Mr. WILLIAMS, (to Mr. THURMAN.) While you were asleep. [Laughter.]

Mr. THURMAN. No; I have not slept one wink this night. It was while I was out, not while I was asleep:

Shall hinder, delay, prevent, or obstruct, or attempt to hinder, delay, prevent, or obstruct, any citizen from doing any act authorized by this act to be done to qualify him for voting.

What is the penalty? He is to pay $500 to the person aggrieved. Now, mark you, although the delay does not prevent the person from doing the act, although the attempt to delay does not prevent him from doing the act, and although, therefore, he is not aggrieved at all, here is an iron rule that he is to be paid $500. If the Senate of the United States are willing to go do that, let them do it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan to the substitute.

The amendment to the amendment was agreed to.

Mr. VICKERS. I move to amend the first section of the amendment offered by the Senator from Ohio, now absent, [Mr. SHERMAN,] in the twentieth line, by striking out the words "or interfere in any manner with any officer of said elections in the discharge of his duties." It does not say "by word or by deed," or what the interference may be. The language is indefinite, and it is impossible to say what may be considered an interference. It does not even say "unlawful or improper interference," but any interference at all. I move to strike out those words.

Mr. STEWART. I hope that will not be done.

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio to the amendment of the Senator from Nevada has been agreed to, and the amendment of the Senator from Maryland to it is not properly in order at this time; but if there be no objection the Chair will entertain the motion.

Mr. STEWART. I object.

Mr. VICKERS. I suppose I can offer it again in the Senate. It will only save time to act on it now.

Mr. STEWART. Very well; let the question be taken now. I withdraw the objection.

The PRESIDING OFFICER. The question, then, is on the amendment moved by the Senator from Maryland.

Mr. VICKERS. I should like the Secretary to read the amendment and the section as it will stand if amended.

The SECRETARY. It is proposed to strike out in the twentieth line of the first section of the amendment originally offered by the Senator from Ohio [Mr. SHERMAN] the following words: "or interfere in any manner with any officer of said elections in the discharge of his duties;" so that the clause will read:

Or compel or induce, by any such means or otherwise, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or by any of such means or otherwise induce any officer of an election, or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same.

The amendment to the amendment was rejected.

Mr. VICKERS. In the twenty-second line of the first section of the same amendment I propose to strike out the words "or otherwise."

Mr. SUMNER. Those are struck out already.

Mr. STEWART. No; that was in another place.

Mr. TRUMBULL. Why not adopt the same words we did before, "other unlawful means?"

Mr. STEWART. I suggest that that might be done.

Mr. TRUMBULL. Strike out the words "or otherwise," and insert "other unlawful means."

The PRESIDING OFFICER. That amendment to the amendment will be made if there be no objection.

Mr. VICKERS. I move to amend the second section of the same amendment in the seventh line by striking out the words "or attempt to register at a place where he shall not be lawfully entitled to register." In many of the large cities there are a great many places where voters register, and a man may by mistake go to the wrong place.

Mr. STEWART. I have no objection to that amendment. I think that is proper.

The amendment to the amendment was agreed to.

Mr. VICKERS. In the eighth line of the same section I move to strike out the words "or register, or attempt to register, not having a lawful right so to do." A man may suppose that he has a right to be registered; he may honestly believe so; but if he attempts to register, and it turns out that he is not entitled to be, under this provision he would be punished. The word "knowingly" at least ought to be inserted. There ought to be an intent to do wrong in the bill somewhere; but as it now stands an innocent man may be punished.

Mr. STEWART. You might insert "or knowingly attempt."

Mr. VICKERS. "Or knowingly register or attempt to register."

Mr. STEWART. "Knowingly attempt to register."

The PRESIDING OFFICER. The amendment will be stated, that the Senate may know what it is.

Mr. VICKERS. I suggest the phrase, "knowingly register or knowingly attempt to register, not having a lawful right so to do."

Mr. STEWART. I should object to that.

Mr. THURMAN. If my friend from Maryland will reflect for a moment he will see that that language does not touch the matter. Every man who offers to register knowingly offers to register. Every man who registers, knowingly registers. What my friend wishes to get at is that a man shall not attempt to register, or shall not register knowing himself not entitled to register.

Mr. VICKERS. That is the idea.

Mr. CORBETT. I suggest the phrase "wrongfully attempt."

Mr. VICKERS. I will change the amendment.

Mr. STEWART. If you make any change at all—I do not think there is any necessity for any change—I think the better phrase would be "with fraudulent intent;" so as to provide that if a party shall register with fraudulent intent, or attempt so to register, he shall be punished.

Mr. THURMAN. That will do.

Mr. STEWART. Then let it read, "with fraudulent intent shall register or attempt to register."

The PRESIDING OFFICER. That amendment will be considered as agreed to if there be no objection.

Mr. VICKERS. I was going to say, "with the knowledge that he had no right to register."

Mr. THURMAN. "Fraudulent intent" will do.

Mr. STOCKTON. Senate bill No. 810 is still open to amendment, is it not?

The PRESIDING OFFICER. It is still open to amendment.

Mr. STOCKTON. On page 2, section two, line thirteen, after the word "section," I move to insert the words "with intent to violate the same."

Mr. STEWART. I should object to that amendment. If an officer knowingly refuses or omits to give effect to the section then of course he intends to violate the act. I hope that amendment will not be agreed to.

Mr. STOCKTON. I do not wish to take up the time of the Senate in talking about this matter, because I have already spoken upon it; but I beg the Senator who has charge of the bill to observe that he is mistaken in his view of it. If the statement he has just made were correct, he would be right in the conclusion he came to; but it is not; and I beg to call his attention to it. The language is: "And if any such person or officer shall refuse or knowingly omit." The word "knowingly" is put after the word "refuse." I spoke of that the other day. If he shall refuse or knowingly omit for any accidental cause to do the act here contemplated, without the slightest guilty intent, it is made a crime and punished absolutely with imprisonment, with no discretion on the part of the court.

Now, I beg leave to call the attention of the Senate at this early hour of the morning, while the day is brightly breaking, to this fact; and I think we shall call the attention of the country to it, too: you are making it a criminal offense; you are obliging the court to inflict a penalty, with no discretion at all, with imprisonment, where a man may have no guilty intent in the world. I shall not enlarge upon it, because I spoke of it the other day; but if the Senate of the United States are prepared to do that, it does seem to me it is time, at least, that the line should be strictly drawn between those men who mean to make this country a despotism of that kind and those who mean to stand by the rights of the people.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey to the amendment.

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

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 31; as follows:

YEAS—Messrs. Casserly, Corbett, Davis, Fowler, Hamilton of Maryland, Hamlin, Johnston, McCreery, Morrill of Maine, Patterson, Pomeroy, Pratt, Scott, Stockton, Thurman, and Vickers—16.

NAYS—Messrs. Abbott, Brownlow, Cameron, Carpenter, Chandler, Cole, Flanagan, Gilbert, Hamilton of Texas, Harlan, Harris, Howard, Howe, McDonald, Morton, Nye, Osborn, Pool, Ramsey, Revels, Rice, Sawyer, Spencer, Sprague, Stewart, Sumner, Thayer, Trumbull, Warner, Williams, and Yates—31.

ABSENT—Messrs. Ames, Anthony, Bayard, Boreman, Buckingham, Cattell, Conkling, Cragin, Drake, Edmunds, Fenton, Ferry, Howell, Kellogg, Lewis, Morrill of Vermont, Norton, Robertson, Ross, Saulsbury, Schurz, Sherman, Tipton, Willey, and Wilson—25.

So the amendment to the amendment was rejected.

Mr. STOCKTON. In the same section, section two, line twenty, after the word "dollars," I move to strike out "and" and insert "or;" and after the word "year," in line twenty-one, to insert "or both, at the discretion of the court." The whole effect of this amendment is to leave it in the power of the court in its discretion to imprison or not. It does not make it obligatory on the court, under any circumstances, to imprison the person who may be charged with an offense in an indictment. I have seen cases often in the Federal courts; for example, I have seen the case of a young boy tried under some of your statutes for embezzling money from the mails, and he was convicted only on a decoy letter. The evidence was beyond dispute that he had never committed any crime whatever except the crime that the officers of the Government had induced him to commit in their effort to detect who the guilty party was; and the court was obliged to sentence that boy to ten years' imprisonment. I have seen many other cases where the courts deplored the fact that Congress in passing statutes creating crimes left no discretion to the court in affixing the punishment. Your judges are selected on account of your confidence in them, and it certainly is much better to leave some discretion with them according to the facts of the case, and not oblige them to inflict imprisonment in all cases.

Mr. STEWART. I will make no objection to that amendment.

The amendment to the amendment was agreed to.

Mr. STEWART. Does the Senator wish to make the same amendment in the other sections?

Mr. STOCKTON. Yes; I wish to make the same correction in the other sections, so as to conform to the amendment just agreed to.

The PRESIDING OFFICER. The amendment will be regarded as made in all the sections so as to conform to the vote just taken. The question now is on agreeing to the amendment of the Senator from Nevada as amended.

Mr. STOCKTON. I have some more amendments.

The PRESIDING OFFICER. The substitute is still open to amendment.

Mr. STOCKTON. On page 3, section three, line seventeen, after the word "omit," I propose to insert the words "with intent to disqualify an elector." It will then read:

And any judge, inspector, or other officer of election whose duty it is or shall be to receive, count, certify, register, report, or give effect to the vote of any such citizen, who shall refuse or knowingly omit, with intent to disqualify an elector, to receive, count, certify, register, report, or give effect to the vote of such citizen upon the presentation by him of his affidavit stating such offer, &c.

Several SENATORS. No, no.

Mr. STOCKTON. I will not ask the yeas and nays. It is the same proposition I made in the other section in effect.

The amendment to the amendment was rejected.

Mr. STOCKTON. On page 4, section four, line six, after the word "aforesaid," I propose to insert "with intent to deprive any elector of the exercise of his suffrage;" so as to make the clause read:

That if any person by force, bribery, threats, intimidation, or otherwise, shall hinder, delay, prevent, or obstruct, or attempt to hinder, delay, prevent, or obstruct any citizen from doing any act authorized by this act to be done to qualify him to vote or from voting at any election as aforesaid, with intent to deprive any elector of the exercise of his suffrage, such person shall for every such offense forfeit, &c.

The amendment to the amendment was rejected.

Mr. VICKERS. In the twelfth line of the second section of the amendment offered by the Senator from Ohio [Mr. SHERMAN] the words "or otherwise" occur, and also in lines fifteen and nineteen. I move to strike them out.

Mr. STEWART. It was understood that those words should be stricken out, and the other term inserted in each case where they occur.

The PRESIDING OFFICER. The amendment will be considered as agreed to if no objection be interposed.

Mr. VICKERS. I offer the following amendment as an additional section:

And be it further enacted, That this act shall not take effect until the 1st day of January next.

The amendment to the amendment was rejected.

Mr. CASSERLY. I move to strike out from section eight, line seventeen, commencing with the word "and" down to and including the words "United States," in line twenty-four.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The Chief Clerk read as follows:

And the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or *posse comitatus* of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the fifteenth amendment to the Constitution of the United States.

Mr. CASSERLY. The effect of the amendment is simply to take away from these persons, the deputies of commissioners, of whom I have already spoken more than sufficiently, the unusual powers vested in them by this bill, and leave them simply the usual power of bailiffs to execute warrants.

The amendment to the amendment was rejected.

Mr. VICKERS. Would it be in order to offer this amendment?

That all laws and parts of laws giving the right to any officer or department of the Government, or other person, to either send or receive through the United States mails free of charge, any letter, document, or other mailable matter, are hereby repealed.

I do not propose to vote for it, but merely present it.

The PRESIDING OFFICER. The Chair thinks it is not germane to this bill. It is not in order.

Mr. CASSERLY. I move to strike out from line eight of section ten the words "a fee of ten dollars" and insert instead "the usual fees allowed to the marshal for an arrest." The object is to put this fee for arrests upon the usual footing of the compensation allowed to the marshal for the same sort of service. There seems to be no good reason in the world for the large fee allowed in this case.

The amendment to the amendment was agreed to.

Mr. CASSERLY. I move to strike out from section ten, commencing at line twenty, beginning with the word "and" down to and including the word "made," in line twenty-two. The words to be stricken out are: "paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made." I propose to take that clause out. I think the Treasury of the United States would not last very long if that should become a law.

Mr. STEWART. I hope that amendment will not be adopted.

The amendment was rejected; there being, on a division—ayes 8, noes 34.

Mr. HOWE. It seems to me the second section of the amendment moved by the Senator from Maine ought to be amended. In the twenty-ninth line, if the word "first" was stricken out and the word "preceding" was substituted, the same penalties would be attached to a violation of that section that are attached to a violation of the first section of this bill, and if that amendment is not made there will be no penalties.

Mr. STEWART. That will be adjusted by the arrangement of the bill. It is so understood. The Clerk makes the correct references to the proper sections.

The PRESIDING OFFICER. The Chair understands that this section will be made to conform, as the numbering of the sections will have to be changed. The Chair hears no objection, and the change will be made. The question is on agreeing to the amendment as amended.

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

The yeas and nays were ordered; and being taken, resulted—yeas 39, nays 9; as follows:

YEAS—Messrs. Abbott, Brownlow, Cameron, Carpenter, Chandler, Cole, Corbett, Cragin, Flanagan, Gilbert, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howe, Howell, McDonald, Morrill of Maine, Morton, Nye, Osborn, Patterson, Pomeroy, Pool, Pratt, Ramsey, Revels, Rice, Ross, Sawyer, Scott, Spencer, Stewart, Sumner, Thayer, Trumbull, Warner, and Yates—39.

NAYS—Messrs. Casserly, Davis, Fowler, Hamilton of Maryland, Johnston, McCreery, Stockton, Thurman, and Vickers—9.

ABSENT—Messrs. Ames, Anthony, Bayard, Boreman, Buckingham, Cattell, Conkling, Drake, Edmunds, Fenton, Ferry, Kellogg, Lewis, Morrill of Vermont, Norton, Robertson, Saulsbury, Schurz, Sherman, Sprague, Tipton, Willey, Williams, and Wilson—24.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended.

Mr. HOWE. I think there ought to be some consideration given to an amendment adopted just now on the motion of the Senator from Maryland, [Mr. VICKERS.] I am not sure that I understand the effect of that, but if I do understand it I think that amendment ought not to have been agreed to. It is in line eleven, page 3. Let that amendment be reported.

The CHIEF CLERK. On page 3, section three, after the word "being," line eleven, the words "proved to be" were inserted; so as to read:

And the person so offering and failing as aforesaid, and being proved to be otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

Mr. HOWE. If I understand the effect of that amendment it makes the right of the person to depend entirely on the judgment of those who preside at the election, the judges of the election. If a man proves to them that he is otherwise qualified, then he is entitled to vote, although he has not been able to comply with these prerequisites. Is that the effect of it?

Mr. VICKERS. The language is:

That whenever, by or under the authority of the constitution or laws of any State or the laws of any Territory, any act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance, or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing as aforesaid—

It reads in the print—

and being otherwise qualified, shall be entitled to vote.

Having failed to be registered, of which the judge of the election can know nothing except by his affidavit, the party is to prove to the judge of the election his qualifications to vote, because the judge cannot know the reason of his rejection.

Mr. STEWART. I think we had better not concur in that amendment.

Mr. HOWE. Clearly not.

The PRESIDING OFFICER. The Senator can move to strike out those words.

Mr. HOWE. Then I move to strike out those words.

Mr. THURMAN. The question is on agreeing, I believe.

Mr. HOWE. We have not agreed to it.

Mr. HAMLIN. It is a consolidated amendment all in one. A motion to strike out any part of it can be made.

Mr. HOWE. I move to strike out those words.

Mr. VICKERS. This section as it is printed compels the judge of the election, on the simple affidavit of the party who has been wrongfully deprived of being registered, to take his vote. There is no proof required that he is a legal voter; there is no proof of the attempt to register; and there ought to be some proof to the judge, otherwise the simple oath of the party qualifies him to vote. If the registrar refuses to register a party applying, and he applies to the judge of the election, he ought to show the judge of the election that he is a qualified voter. It would only transfer the examination of the qualification from the registrar to the judge of the election, or otherwise a man would be permitted to vote who had no qualification at all, simply upon an affidavit that he had been wrongfully deprived of registration. I think if a man offers to vote, after he has been refused a registration, he should satisfy the judge that he is a qualified voter, just as he would have had to satisfy the registrar that he should have been registered. That is the effect of it; otherwise you permit men to vote who have not a single qualification.

Mr. DAVIS. I suppose that on the point of registering there has been proof taken *pro* and *con*, and upon hearing the proof on both sides *pro* and *con* the registrar refuses to register a party. He then comes up and makes an affidavit that he has been wrongfully refused to be registered, and upon that affidavit, without hearing evidence *pro* and *con*, without any proof of his qualification to vote, he is allowed to vote.

Mr. HOWARD. He votes at his peril.

Mr. THURMAN. It seems to me that if the Senator from Wisconsin [Mr. HOWE] fully understood the matter—he will pardon me for supposing he does not—he would not ask the Senate to strike out those words. What is this bill in this respect? A man applies to the registrar to be registered. The object of a registry law is that there shall be an officer having ample time to inquire into the qualifications of electors, that he shall not be compelled to decide in the hurry of an election, but that he shall have ample time to hear the testimony *pro* and *con*. He hears the testimony, forms his opinion; it may be as honest an opinion as ever was formed in the world; upon that testimony before him he honestly concludes that the man is not a qualified voter, and refuses to register him. This bill authorizes that man to make an affidavit that he was wrongfully refused to be registered, and that is to be taken as conclusive of the fact that he was wrongfully refused. That is your bill. In other words, it is to be taken as conclusive of the fact that he was a qualified voter and ought to have been registered. When that objection was made the answer of the Senator from Nevada was that he must be "otherwise qualified;" that is, qualified otherwise than by registration; but the bare fact that his vote is to be taken upon his own affidavit that he was wrongfully refused registration necessarily includes the fact that he was a qualified voter and entitled to registration. Therefore the Senator from Pennsylvania was perfectly right in saying that if you pass this you repeal the registration laws. That is the whole of it.

The amendment of the Senator from Maryland was therefore a very proper amendment. *Prima facie*, the man is not a qualified voter if the registrar has refused to register him. He appeals from that—that is the effect of your bill—to the judges of election to decide that question in the hurry-scurry of an election. The whole object of the registration is done away with, all the time and opportunity to investigate his qualifications are done away with, and in the hurry of an election, with a crowd around the polls, upon his simple affidavit that he was wrongfully refused registration, (and he could not be wrongfully refused registration unless he were a qualified voter,) upon that alone—that man's affidavit, which his own feelings or his own ignorance may induce him to make against the solemn judgment of an officer of the State appointed to register the voters—that man is to be allowed to vote, or the judge is to pay $500 into his pocket and $500 to the United States.

Mr. HOWE. I will just say that I think after all that I did understand the section. I do not know that I can make the Senator from Ohio believe that I do, but I think it must be manifest—it certainly is manifest to me—that nobody gets any rights or any protection under this section except a qualified voter. The right he gets is just this: that if he is prevented from registering by the unlawful act of the officers charged with that duty that shall not deprive him of the privilege of voting.

Mr. THURMAN. Will my friend allow me to interrupt him? What is the evidence that the registrar unlawfully deprives him of the right but the man's own affidavit?

Mr. HOWE. That may be the evidence of it; but that is not the question that arises here. When he offers his vote there can no objection be made that he is not registered, because the answer is that he has been refused that privilege, that right——

Mr. STEWART. On account of race or color.

Mr. HOWE. On some account he has been wrongfully refused that right. So, without being registered, he has the right to vote, being a qualified elector, but not unless he is a qualified elector, The judges of election may decide, and must decide whether he is a qualified elector or not; and their decision, if these words are stricken out, is not final, is not conclusive. If these words are in, their decision is conclusive, because then the man who offers to vote has got to prove to their satisfaction that he is a qualified voter, and if they are not satisfied with it they rightfully exclude his vote. Strike those words out, and then if his vote is offered the judges can receive it or not at their choice; but if they refuse to receive it, the other remedies of the bill will redress that wrong afterward.

Mr. THURMAN. Does not the Senator see that his argument does away with all registration? What better right has a man who offered to register and was honestly rejected, although erroneously by the registrar, than a man who had never offered to register at all? I say that when you make that man's affidavit conclusive evidence that he was wrongfully rejected you do away with all your registration laws. Who is the registrar? A person either elected by the people or appointed by the Executive of the State. He is generally a man of character, and acts under the solemnities of an oath. Under the solemnities of his oath he decides upon the testimony that a particular man is not a qualified voter; and now you make that man a judge in his own cause, and make his affidavit that he was wrongfully refused registration conclusive evidence that he ought to have been registered, conclusive evidence that the sworn officer of the law violated the law in refusing to register him. You make a man, with all his prejudices, with all his interests, a judge in his own cause, and make his affidavit override the sworn judgment of the officer of the State.

My own opinion is that the judge might receive the challenge to that man on the ground that he was not qualified. My own opinion is that that section would only relieve him from proof of registration. That is my own judgment about it; but if registration laws are worth anything, if they ought to exist at all, then I put it to my friend whether the affidavit uncontradicted—and this bill does not permit any contradiction—whether the uncontradicted affidavit of the man ought to override the sworn judgment of the sworn officer of the State?

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

The amendment to the amendment was agreed to.

Mr. VICKERS. As that amendment has been agreed to, and the words before inserted on my motion have been stricken out, I will now move to amend the third section by inserting after the word "act," in line twenty-three, the words "on account of race, color, or previous condition of servitude," so as to require the affidavit to state that the affiant was "wrong-

fully prevented by such person or officer from performing such act on account of race, color, or previous condition of servitude."

Mr. STEWART. That will not do.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on concurring in the Senate in the amendment agreed to as in Committee of the Whole as amended.

The amendment, as amended, was concurred in.

Mr. THURMAN. Mr. President, I think I hazard nothing in saying that there is not one Senator in this Chamber who knows what this bill now is. I see Senators here who have gone to their homes and had a comfortable rest, while others of us have sat up through the weary hours of the night. I see other Senators here who have quietly slept on sofas while amendment after amendment has been made to this bill, and only aroused from their slumbers when there was a division of the Senate or when their presence was necessary in order to make a quorum. I do not believe there is a Senator here who will stand up and on his honor declare that he knows what this bill is. And yet we are asked here now to vote on this question; we are asked to pass this bill—such a bill as never was passed or thought of being passed since this Government has had an existence. If anybody will say that it was not thought of being passed, because the fifteenth amendment was only lately adopted, let me say to him that one half of this bill has no relevancy whatever to the fifteenth amendment; it does not depend upon the fifteenth amendment, but is placed upon a provision in the Constitution that is as old as the Constitution itself. I refer to the amendment offered first by my colleague, and afterward, in a modified form, by the Senator from Maine.

But while I like the rest of you do not know what this bill is in its present shape, there are some things that I do know about it. I do know that for precisely the same offense this bill, as it now stands, provides in one part of it that the punishment shall be $500 to the informer, $500 to the United States, and not less than one month's imprisonment and not more than one year; and that in another provision of the bill for that identical offense the punishment is three years in the penitentiary. That I know; and I know that no ingenuity can get rid of it. I know that this bill is, as the Senator from Oregon, even before this amendment, truly characterized it, a conglomeration of incongruities and contradictions. That I know, with all respect to its supporters, this bill is.

Sir, I have fought this bill to the best of my poor ability; not for the purpose of delay. What interest had I in making myself sick by sitting here the whole night for the mere purpose of delay? What good will it bring to me or to any Senator on this floor to delay action on this bill against the will of the majority? No, sir; I have stayed here during the long and weary vigils of this night with the honest purpose of trying to make this bill less objectionable than it was as reported from the committee. I have sought to divest it of features that in my mind shock every principle of wisdom and provision after provision in the Constitution of the United States. I have endeavored to do my duty in this respect. I have not sought to filibuster here simply for delay; nothing of that kind. Now, the result is that after the sun has risen this bill is before this Senate, without one Senator knowing what it is; and it is here, as the Senator from Oregon properly characterized it, a conglomeration of incongruities and contradictions. That is what it is.

Now, Mr. President, for the credit of the Senate, for the welfare of the country, I do ask that this bill may be committed to the Committee on the Judiciary that it may be put in some respectable shape.

The PRESIDING OFFICER. The Senator from Ohio moves that the bill be recommitted to the Committee on the Judiciary.

Mr. THURMAN. Not recommitted, because it is a House bill and has never been committed.

Mr. TRUMBULL. I think it would be hardly worth while to commit the bill; but I suggest to the Senator from Nevada who has it in charge whether the bill having been amended in many of its features, some propositions being put upon it that have never been considered in committee at all—I allude to the amendment offered by the Senator from Ohio [Mr. SHERMAN] and afterward by the Senator from Maine, [Mr. HAMLIN,] and also an amendment offered by the Senator from North Carolina, [Mr. POOL,] and various amendments that have been made in the Senate—I suggest whether it would not be well if the Senate would agree to take the vote on Monday at one o'clock, and in the mean time have the bill printed as it stands, and laid on our tables, and then we can look it over.

It is a little hazardous to vote upon a bill in this way, with so many amendments in it, although I think the general features of the bill are understood by the Senate.

It is an unusual thing to put so many amendments on a bill without seeing it altogether. I do not think my suggestion will delay it at all. We shall, of course, adjourn over after this long session, and if everybody were to agree to vote on it, without any discussion, on Monday it would be quite as well.

Mr. STEWART. This bill now is a substitute for the House bill. The House of Representatives will want to consider it there, and I think the bill is in very good shape. I have certainly kept the run of the bill, and although I may be unable to repeat every word, I think I can tell what is in every section. I think we had better conclude it now. I am afraid on Monday we shall be interfering with the chairman of the Committee on Appropriations, and I want to get this matter out of the way. The House have got some sense, and they can look over it.

Mr. THURMAN. The whole scope of the remarks of the Senator from Nevada amounts to this: that this bill, with whatever imperfections it may have on its head, is to be passed by the Senate, to go back to the House, and the result will be a committee of conference. Now, I appeal to every Senator here if there is anything so unsatisfactory as a committee of conference. What will you have? You will have a report from the committee of conference that the committee recommend that the word "and" shall be stricken out in such a line, that certain other words shall be inserted in another line, that in another line certain words shall be stricken out, and that in another line of another section certain other words shall be stricken out; and, according to my experience, in no single instance has there been any printing of the bill according to the proposal of the committee of conference, nor any consideration of it whatsoever; and every bill which has been passed on a vote agreeing to the report of a committee of conference has been passed without ten Senators, nay, without five Senators in the body knowing what was the effect of the report of the committee.

That is to be the effect; and that upon a measure so novel, so strange that nothing like it has ever been heard of before in the history of this Government. I hope the bill will be referred to the committee whose duty it is to consider such questions, that it may be carefully considered in the committee-room and then reported to the Senate in a proper form for it to receive the approbation of the body.

Mr. CASSERLY. Mr. President, there are two propositions before the Senate at this time: one of them, that made by the Senator from Ohio, [Mr. THURMAN,] that this bill shall be committed to the Committee on the Judiciary for revision; the other is the proposition of the Senator from Illinois, [Mr. TRUMBULL,] that the bill should be printed so as to be on our tables in time to be voted upon on Monday next at one o'clock without debate. Now, sir, it does seem to me that under all the circumstances one or the other of these propositions should be adopted.

The bill as it now stands is the child of many fathers. It is a piece of patchwork throughout. It has received amendments almost without number, some of them material, some of them immaterial, but all of them having the effect of perplexing and confusing the text of the bill. I know the efficiency of the gentlemen at the desk, but certainly they would be more than mortal if during a session of nearly eighteen hours since we commenced yesterday at noon they have not made omissions and committed errors. And here, sir, is a bill, one of the most important that Congress has had before it, and certainly the most novel in its general character which it ever could have; and surely the delay which is called for by either motion is not excessive under all the circumstances of the case; but it is not for delay; of course I need not say that. I think it is understood precisely, as was announced last evening, that if the amendment offered here by the Senator from Ohio who is not in his place was to be forced through, it would have to be debated line by line, because of the novelty of the principles involved and the extreme danger of its provisions to the liberties of the people, and, indeed, to the whole framework of elections and of registrations in the States.

Therefore, sir, the time consumed, although unusual, has not been uncalled for; it has not been any greater than might have been expected; but the result of the whole is a mass of papers in the hands of our Chief Clerk at the desk which, I think, it will be nearly impossible for him or for anybody to adjust in a complete, compact, and perfect shape. It is impossible, of course, for anybody to read it through from beginning to end with any satisfaction to himself; and the result is to be, if the majority of the Senate persist in forcing the vote for the final disposition of it, that it will be entirely true, as the Senator from Ohio next me [Mr. THURMAN] said, that the Senate will be acting upon and disposing of a bill as to which not one member among them is able to say what it contains upon any given point.

Mr. MORRILL, of Maine. If it is the pleasure of the Senate to commit this bill to the Committee on the Judiciary, and so get it out of the way of the Senate, I am not aware that I shall object to that; but if it is the intention of the Senate now, after having expended five days upon this bill, to delay action, I am compelled to interpose. As to the suggestion of the Senator from Illinois, I expect that all those Senators who have remained here and been wide awake understand this bill as perfectly as the gentleman having it in charge, and that is well enough. Therefore, I hope we shall vote upon it.

Mr. STEWART. I assure Senators that it is in a very orderly condition. They can go to the desk and examine it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to commit the bill to the Committee on the Judiciary.

The motion was not agreed to.

Mr. THURMAN. Now I move that the bill be laid on the table and printed as amended.

The motion was not agreed to.

It was ordered that the amendment be engrossed and the bill read a third time. The amendment is to strike out all of the House bill after the enacting clause and to insert in lieu thereof the following:

That all citizens of the United States who are or shall be otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivisions, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous con-

dition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That if by or under the authority of the constitution or laws of any State or the laws of any Teritory, any act is or shall be required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are or shall be charged with the performance of duties in furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, it shall be the duty of every such person and officer to give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote without distinction of race, color, or previous condition of servitude; and if any such person or officer shall refuse or knowingly omit to give full effect to this section, he shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just, and shall also, for every such offense, be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

SEC. 3. *And be it further enacted*, That whenever, by or under the authority of the constitution or laws of any State or the laws of any Territory, an act is or shall be required to be done by any citizen as a prerequisite to qualify or entitle him to vote, the offer of any such citizen to perform the act required to be done as aforesaid shall, if it fail to be carried into execution by reason of the wrongful act or omission aforesaid of the person or officer charged with the duty of receiving or permitting such performance or offer to perform or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing as aforesaid, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act; and any judge, inspector, or other officer of election whose duty it is or shall be to receive, count, certify, register, report, or give effect to the vote of any such citizen, who shall refuse or knowingly omit to receive, count, certify, register, report, or give effect to the vote of such citizen, upon the presentation by him of his affidavit stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case with full costs and such allowance for counsel fees as the court shall deem just, and shall also for every such offense be guilty of a misdemeanor, and shall on conviction thereof be fined not less than $500, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

SEC. 4. *And be it further enacted*, That if any person by force, bribery, threats, intimidation, or other unlawful means, shall hinder, delay, prevent, or obstruct, or shall combine and confederate with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote or from voting at any election as aforesaid, such person shall for every such offense forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs and such allowance for counsel fees as the court shall deem just, and shall also for every such offense be guilty of a misdemeanor, and shall on conviction thereof be fined not less than $500, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

SEC. 5. *And be it further enacted*, That if any person shall prevent, hinder, control, or intimidate, or shall attempt to prevent, hinder, control, or intimidate any person from exercising or in exercising the right of suffrage, to whom the right of suffrage is secured or guaranteed by the fifteenth amendment to the Constitution of the United States, by means of bribery, threats, or threats of depriving such person of employment or occupation, or of ejecting such person from rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family; such person so offending shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than $500, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

SEC. 6. *And be it further enacted*, That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such persons shall be held guilty of felony, and on conviction thereof shall be fined or imprisoned, or both, at the discretion of the court—the fine not to exceed $5,000, and the imprisonment not to exceed ten years, and shall, moreover, be thereafter ineligible to, and disabled from, holding any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

SEC. 7. *And be it further enacted*, That if in the act of violating any provision in either of the two preceding sections, any other felony, crime, or misdemeanor shall be committed, the offender, on conviction of such violation of said sections, shall be punished for the same with such punishments as are attached to the said felonies, crimes, and misdemeanors by the laws of the State in which the offense may be committed.

SEC. 8. *And be it further enacted*, That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses committed against the provisions of this act, and, also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, arising under this act, except as herein otherwise provided, and the jurisdiction hereby conferred shall be exercised in conformity with the laws and practice governing United States courts; and all crimes and offenses committed against the provisions of this act may be prosecuted by the indictment of a grand jury, or in cases of crimes and offenses not infamous, the prosecution may be either by indictment or information filed by the district attorney in a court having jurisdiction.

SEC. 9. *And be it further enacted*, That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial, before such court of the United States or territorial court, as has cognizance of the offense. And with a view to afford reasonable protection to all persons in their constitutional right to vote without distinction of race, color, or previous condition of servitude, and to the prompt discharge of the duties of this act, it shall be the duty of the circuit courts of the United States, and the superior courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this act; and such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offenses created by this act as they are authorized by law to exercise with regard to other offenses against the laws of the United States.

SEC. 10. *And be it further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of $1,000 to the use of the person deprived of the rights conferred by this act. And the better to enable the said commissioners to execute their duties faithfully and efficiently, in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered, within their districts respectively, to appoint, in writing, under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties, and the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or *posse comitatus* of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the fifteenth amendment to the Constitution of the United States; and such warrants shall run and be executed by said officers anywhere in the State or Territory within which they are issued.

SEC. 11. *And be it further enacted*, That any person who shall knowingly and willfully obstruct, hinder, or prevent any officer or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue or attempt to rescue such person from the custody of the officer or other person or persons, or those lawfully assisting as aforesaid when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid, so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for either of said offenses, be subject to a fine not exceeding $1,000, or imprisonment not exceeding six months, or both, at the discretion of the court, by indictment and conviction before the district or circuit court of the United States for the district or circuit in which said offense may have been committed, or before the proper court of criminal jurisdiction if committed within any one of the organized Territories of the United States.

SEC. 12. *And be it further enacted*, That the commissioners, district attorneys, the marshals, their deputies, and the clerks of the said district, circuit, and territorial courts shall be paid for their services the like fees as may be allowed to them for similar services in other cases. The person or persons authorized to execute the process to be issued by such commissioners for the arrest of offenders against the provisions of this act shall be entitled to the usual fees allowed to the marshal for an arrest for each person he or they may arrest and take before any such commissioner as aforesaid, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention and until the final determination of such commissioner, and in general for performing such other duties as may be required in the premises; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

SEC. 13. *And be it further enacted*, That it shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be deemed necessary to prevent the violation and enforce the due execution of this act.

SEC. 14. *And be it further enacted*, That whenever any person shall hold office, except as a member of Congress or of some State Legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States, it shall be the duty of the district attorney of the United States for the district in which such person shall hold office as aforesaid to proceed against such person, by writ of *quo warranto*, returnable to the circuit or district court of the United States in such district, and to prosecute the same to the removal of such person from office; and any writ of *quo warranto* so brought as aforesaid shall take precedence of all other cases on the docket of the court to which it is made returnable, and shall not be continued unless for cause proved to the satisfaction of the court.

SEC. 15. *And be it further enacted*, That any person who shall hereafter knowingly accept or hold any office under the United States, or any State, to which he is ineligible under the third section of the fourteenth article of amendment of the Constitution of the United States, or who shall attempt to hold or exercise the duties of any such office, shall be deemed guilty of a misdemeanor against the United States, and upon conviction thereof before the circuit or district court of the United States, shall be imprisoned not more than one year or fined not exceeding $1,000, or, both at the discretion of the court.

SEC. 16. *And be it further enacted*, That all persons within the jurisdiction of the United States shall have the same right in every State and Territory in the United States to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind, and none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding. No tax or charge shall be imposed or enforced by any State upon any person emigrating thereto from a foreign country which is not equally imposed and enforced upon every person emigrating to such State from any other foreign country; and any law of any State in conflict with this provision is hereby declared null and void.

SEC. 17. *And be it further enacted*, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or proteeted by this act, or to different punishment, pains, or penalties on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding $1,000, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 18. *And be it further enacted*, That the act to protect all persons in the United States in their civil rights, and furnish the means of their vindication, passed April 9, 1866, is hereby reënacted; and sections sixteen and seventeen hereof shall be enforced according to the provisions of said act.

SEC. 19. *And be it further enacted*, That if at any election for Representative or Delegate in the Congress of the United States any person shall knowingly personate and vote, or attempt to vote, in the name of any other person, whether living, dead, or fictitious; or vote more than once at the same election for any candidate for the same office; or vote at a place where he may not be lawfully entitled to vote; or vote without having a lawful right to vote; or do any unlawful act to secure a right or an opportunity to vote for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or otherwise unlawfully prevent any qualified voter of any State of the United States of America, or of any Territory thereof, from freely exercising the right of suffrage, or by any such means induce any voter to refuse to exercise such right; or compel or induce by any such means or otherwise any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interfere in any manner with any officer of said elections in the discharge of his duties; or by any of such means or other unlawful means induce any officer of an election, or officer whose duty it is to ascertain,

announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly and willfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote; or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit to do any duty the omission of which is hereby made a crime, or attempt to do so, every such person shall be deemed guilty of a crime, and shall for such crime be liable to indictment in any court of the United States of competent jurisdiction, and on conviction thereof shall be punished by a fine not exceeding $500, or by imprisonment for a term not exceeding three years, or both, in the discretion of the court, and shall pay the costs of prosecution.

SEC. 20. *And be it further enacted*, That if, at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person shall knowingly personate and register, or attempt to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently register or fraudulently attempt to register, not having a lawful right so to do; or do any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevent or hinder any person having a lawful right to register from duly exercising such right; or compel or induce, by any of such means or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interfere in any manner with any officer of registration in the discharge of his duties, or by any such means or other unlawful means induce any officer of registration to violate or refuse to comply with his duty, or any law regulating the same; or knowingly and willfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote, or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit any act, the omission of which is hereby made a crime, every such person shall be deemed guilty of a crime, and shall be liable to indictment and punishment therefor, as provided in section nineteen of this act for persons guilty of any of the crimes therein specified.

SEC. 21. *And be it further enacted*, That any person who shall be deprived of, or fail to be elected to any office, except that of member of Congress or member of a State Legislature, by reason of the denial to any citizen of the right to vote who offered his vote at the election, on account of his race, color, or previous condition of servitude, shall be entitled to hold such office and perform the duties and receive the emoluments thereof, and may recover possession of such office by *quo warranto* or other appropriate proceeding in the circuit or district court of the United States for the proper district, or in any State court having jurisdiction of such proceeding.

The bill was read the third time.

Mr. HAMILTON, of Maryland. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. STOCKTON, (when his name was called.) I desire to announce that I am paired on this final vote with the Senator from New York, [Mr. CONKLING.] If here he would vote for the passage of the bill, and I against it.

The result was announced—yeas 43, nays 8; as follows:

YEAS—Messrs. Abbott, Anthony, Brownlow, Cameron, Carpenter, Chandler, Cole, Corbett, Cragin, Flanagan, Gilbert, Hamilton of Texas, Hamlin, Harlan, Harris, Howard, Howe, Howell, McDonald, Morrill of Maine, Morton, Nye, Osborn, Patterson, Pomeroy, Pool, Pratt, Ramsey, Revels, Rice, Ross, Sawyer, Scott, Spencer, Sprague, Stewart, Sumner, Thayer, Trumbull, Warner, Willey, Williams, and Yates—43.

NAYS—Messrs. Casserly, Davis, Fowler, Hamilton of Maryland, Johnston, McCreery, Thurman, and Vickers—8.

ABSENT—Messrs. Ames, Bayard, Boreman, Buckingham, Cattell, Conkling, Drake, Edmunds, Fenton, Ferry, Kellogg, Lewis, Morrill of Vermont, Norton, Robertson, Saulsbury, Schurz, Sherman, Stockton, Tipton, and Wilson—21.

So the bill was passed.

Mr. STEWART. I move to amend the title by adding "and for other purposes."

Mr. SUMNER. It would be better to strike out all the words after "Union."

Mr. TRUMBULL. Let it be read as it will stand if amended as proposed.

Mr. SUMNER. It will then read, "A bill to enforce the right of citizens of the United States to vote in the several States of this Union."

Mr. STEWART. Add there the words "and for other purposes."

Mr. SUMNER. Why do you want to have "other purposes" in?

Mr. STEWART. Here is a provision to enforce the fourteenth amendment. Strike out all after "Union" and insert "and for other purposes."

Mr. TRUMBULL. I think the title proposed by the Senator from Massachusetts would indicate the purpose of the bill better; and then put on "for other purposes."

Mr. STEWART. That is what I want. Strike out all after the word "Union" and then insert "and for other purposes."

Mr. TRUMBULL. Read it, then, as it will read if amended.

The CHIEF CLERK. If amended as proposed the title will read: "A bill to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes."

Mr. SUMNER. That is the whole case.

Mr. STEWART. No; the fourteenth amendment, to prevent improper holding of office, and then the civil rights bill have been put on.

Mr. SUMNER. Yes.

Mr. STEWART. So after Union insert "and for other purposes."

The title was so amended.

ORDER OF BUSINESS.

Mr. MORRILL, of Maine. I now move that the Senate proceed to the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871.

Mr. RAMSEY. I move that the Senate do now adjourn. ["No!" "No!"]

Mr. SPENCER. I move that when the Senate adjourns to-day it be to meet on Monday.

Mr. MORRILL, of Maine. Not yet. I object.

Mr. THURMAN. This is Friday.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine, to proceed to the consideration of the appropriation bill.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. SAWYER. I move that when the Senate adjourns it adjourn to meet on Monday at twelve o'clock.

The motion was agreed to.

Mr. WILLIAMS. I move that the Senate do now adjourn.

The motion was agreed to; and at seven o'clock a. m. on Saturday, May 21, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 21, 1870.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of yesterday was partly read, when—

Mr. CULLOM moved that the further reading of the Journal be dispensed with.

There being no objection, the motion was agreed to.

FEES, ETC., IN SUPREME COURT.

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

Resolved, That the Committee on the Judiciary be instructed to inquire and report:

First. As to the amount of fees charged and collected per annum by the clerk of the Supreme Court of the United States, and the expenses of said office for clerk-hire, &c.

Second. Under what law or rule of said court the said fees are regulated and imposed.

Third. Whether the records of causes pending in said court, and the decisions of the court thereon, are printed at the Government Printing Office; and if so, whether the same are paid for by said clerk.

Fourth. Whether the said clerk charges the parties to said causes or others for printing said records and for copies of said opinions.

Resolved further, That the Committee on the Judiciary be instructed to consider the propriety of reporting a bill regulating the fees to be paid by suitors in said Supreme Court, fixing the salaries of the clerk and other employés in the office of the said clerk, and requiring the said clerk to pay into the Treasury of the United States quarterly all the fees charged and collected by him as such clerk.

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

The latter motion was agreed to.

EIGHT-HOUR LAW.

Mr. COX. I ask unanimous consent to submit the following resolution:

Resolved, That the Committee on the Judiciary be requested to report back the bill referred to them January 17, 1870, entitled "A bill constituting eight hours a day's work for all laborers, workmen, and mechanics in the employ of the Government of the United States."

Mr. McGREW. I object.

AMENDMENT OF BANKRUPTCY LAW.

Mr. POLAND. I ask unanimous consent to take from the Speaker's table an amendment of the Senate to House bill No. 386, to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867.

There was no objection; and the amendment of the Senate was read, as follows:

Strike out the following:

SEC. 2. *And be it further enacted*, That in case of a vacancy in the office of district judge in any district, or in case any district judge shall from sickness, absence, or other disability be unable to act, the clerk of the district court of such district shall be authorized and empowed by leave or order of the circuit judge of the circuit in which such district is included to make, during such disability or vacancy, all necessary rules and orders preparatory to the final hearing of all causes in bankruptcy.

Mr. POLAND. I move that the amendment of the Senate be non-concurred in, and a committee of conference be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

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

The latter motion was agreed to.

ABBOTT Q. ROSS.

Mr. HAYS. I demand the regular order of business.

The SPEAKER. The morning hour has now begun, and the first thing in order is Senate bill No. 138, for the relief of Abbott Q. Ross, reported yesterday from the Committee on Naval Affairs, by the gentleman from Alabama, [Mr. HAYS,] with the recommendation that it do pass.

Mr. HAYS. I move the previous question.

The previous question was seconded and the main question ordered.

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

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

The latter motion was agreed to.

ALVIN P. HOVEY.

Mr. ORTH, from the Committee on Foreign Affairs, reported back a joint resolution (S. R. No. 131) to authorize the payment of the full salary of Alvin P. Hovey as minister in Peru, without deduction on account of absence from his post, with the recommendation that it do pass.

The joint resolution, which was read, provides that Alvin P. Hovey, envoy extraordinary and minister plenipotentiary of the United States in Peru, who has been absent from his post as a witness in a judicial proceeding interesting to the United States, be paid the full amount of his salary notwithstanding such absence.

Mr. ORTH. I now call the previous question.

The previous question was seconded and the main question ordered.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ORTH moved to reconsider the vote by which the joint resolution was passed; and

also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MINISTER TO CHINA.

Mr. ORTH also, from the same committee, reported back a bill (H. R. No. 889) to increase the salary of the United States minister to China, with the recommendation that it do not pass; and the same was laid on the table.

REMOVAL OF COMMERCIAL RESTRICTIONS.

Mr. ORTH, from the same committee, also reported back a joint resolution (H. R. No. 87) providing for the removal of restrictions on commerce, with the recommendation that it do not pass; and the same was laid on the table.

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

The latter motion was agreed to.

THE LATE GENERALS ASBOTH AND STEADMAN.

Mr. AMBLER, from the Committee on Foreign Affairs, reported a bill (H. R. No. 2067) directing the Secretary of State to cause to be brought home and interred the remains of Generals Asboth and Steadman, who died in the service of the United States abroad; which was read a first and second time.

The bill was read. It authorizes the Secretary of State to cause to be removed to the United States, and interred in the national cemetery at Arlington Heights, the remains of General Alexander Asboth, who died while serving as minister of the United States to the Argentine Confederation. It also authorizes and directs the Secretary of State to cause to be removed to the United States, and sent to his late home in Ohio, the remains of General William Steadman who died at Santiago de Cuba, in the month of July, 1869, while serving as consul of the United States. It further provides that the expenses of such removals and burials be paid out of the contingent fund of the State Department.

Mr. VOORHEES. Who is the gentleman that has charge of this bill?

The SPEAKER. The bill is reported by the gentleman from Ohio, [Mr. AMBLER.]

Mr. AMBLER. I will say to the gentleman from Indiana that the bill is reported on the unanimous recommendation of the Committee on Foreign Affairs.

Mr. VOORHEES. I heartily concur in the bill, and only rise to ask what I am sure every gentleman from my State will join me in requesting, that provision may be made in the bill for the removal of the remains of Hon. James Wilson, who died while minister of the United States to Venezuela, to his late home at Crawfordsville, in Indiana.

Mr. ORTH. I will state to my colleague that that is unnecessary. The State Department have already taken the necessary steps for the removal of the remains of Mr. Wilson. They cannot, under the health regulations of Caracas, be removed under a year. No legislation is necessary for the purpose of bringing home his remains.

Mr. VOORHEES. I am happy to receive that assurance from my colleague. At the same time he will allow me to say that I have had repeated communications with the State Department in regard to the removal of the remains of Mr. Wilson, which is a matter I have much at heart. I knew him from my boyhood. But when my colleague states that there is nothing in the way but health regulations, and that that difficulty will be obviated in a year, I am quite satisfied.

Mr. ORTH. I assure my colleague that he may rely on my giving every attention to this matter. Mr. Wilson was my predecessor in Congress, and was one of my constituents.

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

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

The latter motion was agreed to.

Mr. AMBLER, from the same committee, reported back the bill (H. R. No. 1194) directing the Secretary of State to cause the remains of General William Steadman, late consul of the United States at Santiago de Cuba, to be sent to his late home in Portage county, Ohio; and the bill (H. R. No. 1525) authorizing the bringing home the remains of General Alexander Asboth, late United States minister to the Argentine Confederation; and moved that the committee be discharged from their further consideration, and that the same be severally laid on the table.

The motion was agreed to.

GIFT FROM GOVERNMENT OF FRANCE.

Mr. WILLARD, from the same committee, reported back, with the recommendation that it do pass, the joint resolution (H. R. No. 251) authorizing Surgeon George E. Cooper, of the United States Army, to accept a gift from the Government of France, in acknowledgment of services rendered.

The joint resolution was read. It authorizes George E. Cooper, surgeon United States Army, to accept from the French Government a gold watch and chain in acknowledgment of services by him rendered in July, 1869, to the crew of the French imperial corvette Curieux.

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

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

The latter motion was agreed to.

DECORATIONS FROM KING OF PORTUGAL.

Mr. WILLARD also, from the same committee, reported back, with the recommendation that it do pass, the joint resolution (S. R. No. 31) authorizing Lieutenant Commander Arthur A. Yates, Surgeon Albert L. Gilson, Passed Assistant Surgeon Charles H. White, and Assistant Surgeon Jerome H. Kidder, of the United States Navy, to accept decorations from the King of Portugal in recognition of humane services.

The joint resolution was read. It authorizes Lieutenant Commander Arthur A. Yates, Surgeon Albert L. Gilson, Passed Assistant Surgeon Charles H. White, and Assistant Surgeon Jerome H. Kidder, of the United States Navy, to accept the decorations tendered them by the king of Portugal in recognition of humane services rendered by them to an officer of the Portuguese navy.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

CLAIMS FOR JAPANESE OUTRAGE.

Mr. WILLARD, from the same committee, reported back, with an amendment in the nature of a substitute, the joint resolution (S. R. No. 154) authorizing the Secretary of State to adjust certain claims, and directing the payment thereof.

The joint resolution was read. It directs the Secretary of State to ascertain and allow the damages which ought to be paid to the owners of the steamer Monitor or Fee Pang, their representatives or assigns, for the injuries sustained from being fired into by the batteries of the Daimio of Nagato in July, 1864, and that the sum allowed by the Secretary of State, together with the expenses attending the ascertainment thereof, be paid out of the moneys received for indemnity from the Government of Japan. The second section authorizes the Secretary of State to appoint a commissioner or commissioners, as may be necessary, to take testimony in Japan or elsewhere in relation to such damages, and report the same to him; and that any consular or diplomatic officer who may be so appointed shall be entitled to a reasonable compensation, to be allowed by the Secretary of State, in addition to his official salary or emoluments.

The substitute reported by the committee was as follows:

That the Secretary of State be, and hereby is, directed to ascertain by competent proof, and allow, the actual damages sustained by the steamer Monitor or Fee Pang by the shot from the batteries, when that steamer was fired into by the batteries of the Daimio of Nagato, July 12, A. D. 1864, and that the sum allowed by the Secretary of State be paid to the owners of said steamer, or to their legal representatives or assigns, out of the moneys received for indemnities from the Government of Japan.

SEC. 2. *And be it further resolved*, That the Secretary of State be, and hereby is, authorized to take testimony, if in his judgment the interests of the United States require testimony to be taken, in Japan or elsewhere, in relation to such damages. Any consular or diplomatic officer in Japan may be appointed to take such testimony, and any expense necessarily incurred in taking such testimony shall be paid by the Secretary of State out of said moneys received from the Government of Japan.

Mr. DICKEY. I would like to know the reason for this raid on the Japanese fund.

Mr. WOODWARD. Is this part of the grab made yesterday?

Mr. WILLARD. I ask that the report be read.

The Clerk read as follows:

To the House of Representatives:

The Committee on Foreign Affairs, to which was referred joint resolution (S. R. No. 154) authorizing the Secretary of State to adjust certain claims and directing the payment thereof, begs leave to report:

The only evidence before the committee was offered by Nathaniel J. Miller, of Portland, Maine, and the evidence consisted mainly of a report made in 1867 by E. Peshine Smith, examiner of claims in the State Department, which report is as follows:

BUREAU OF CLAIMS, *February* 6, 1867.

Claim of Nathaniel J. Miller, of Portland, assignee of Drake & Conklin, of San Francisco, for damages to their steamer, the Monitor.

Drake & Conklin appear to have been engaged in business at Shanghai, in China. Their vessel, the Monitor, under the name of the "Fee Pang," went, in want of water and coal, into a harbor of Choshu, Daimio of Nagato, which was not one of the ports open to foreign commerce. It was fired upon by the batteries of Choshu and damaged to an amount now stated at $35,000, as well by reason of the direct injuries to the ship, boilers, and machinery by cannon-shot as by the detention for repairs, &c.

The firing upon the vessel was on the 12th July, 1864. Mr. Drake, one of the owners, was on board at the time. The captain was ——— ———, also a part owner.

Our minister, Mr. Pruyn, in his letter to the Department of State of August 8, 1864, after stating that he had laid the facts before the Japanese Government, says: "I made no claim, nor do I feel disposed to make any, in favor of the owners of the vessel, one of whom was on board at the time. While I have no reason to distrust the truth of the declarations that they were destitute of coal, and that they were obliged to go into the harbor, I cannot forget that while here in 1863 the same vessel entered a port in the territories of Satsuma; and it would be unwise to encourage owners of vessels brought to this country for sale to enter the ports of hostile daimios, or any ports not opened for trade." (Diplomatic Correspondence of 1864, vol. 3, p. 517.)

Choshu, if not in a state of rebellion against the Japanese Government at the very time of the firing into the Monitor, was so shortly afterward. The treaty Powers, as early as August 12, 1864, but one month after the affair of the Monitor, organized a military and naval expedition against him with the consent of the Tycoon, who expressed his indignation at the firing upon the vessel. The combined fleet destroyed the batteries of Choshu between the 4th and 8th September, 1864, and compelled him to make a complete surrender and agree to pay for the expenses of the expedition such sum as the minister of the treaty Powers might demand, together (as is stated in a memorandum of conferences, Diplomatic Correspondence for 1864, p. 568, vol. 3,) with any indemnities to be claimed for his aggression on foreign flags from the beginning.

The Japanese minister (see memorandum last cited) undertook, in behalf of the Tycoon's Government, all the engagements of Choshu as to the payment of indemnities.

By a convention made between the treaty Powers and the Japanese authorities on the 22d October, 1864, the latter agreed to pay $3,000,000 in six quarterly installments, for "all claims of whatever nature, for past aggressions on the part of Nagato, (Choshu,) whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squad-

sons." An option was reserved to accept the opening of Simonoseki or some other new port in lieu of the payment of the indemnity in money. The Tycoon subsequently declined to open the port, and elected to pay the money. The first installment of $500,000 was, in part, paid on the 4th September, 1865, and the United States are in possession of their aliquot share of the installments which have fallen due.

I do not find that reparation was even demanded of Choshu or the Tycoon, specifically, for the injuries to the Monitor, or that any specific amount or proportion of the general indemnity received by our Government had been appropriated to reimburse them, or indeed that the pecuniary extent of those injuries have been adjusted.

Mr. Pruyn, in his letter of October 29, 1864, (Diplomatic Correspondence, vol. 3, p. 582,) remarking upon the option of the treaty Powers to accept a new port in full or in part payment, says that "in the event of his making the offer of a port a moderate pecuniary fine may be imposed. In either case provision will be made for a reasonable indemnity for injuries sustained by the Wyoming and Monitor, and for the insult offered to our flag by the attack on those vessels." I understand him to mean by this that a fund will be provided adequate to those objects; not that a specific arrangement, providing for sums of money to be paid in consideration of these injuries would be made with the Tycoon. It is sufficient that the contingency did not arise which called for, or would admit of any discussion with the Tycoon, of the question whether he should pay, or should be esteemed as having allowed, any specific compensation on account of the Monitor.

The simple fact appears to be that we, in concert with the other treaty Powers, made use of our power to extort from the Tycoon a promise to pay the sum of $3,000,000 as a means of inducing him to open a new port to commerce. Mr. Pruyn states himself to have agreed to the substitution of $3,000,000, instead of $2,000,000, as the sum to be demanded, because he "thought it more likely to lead to the substitution of a port as a material compensation for the expense of the expedition." (Correspondence of 1864, vol. 3, p. 582.) We probably got, and are in the way of getting considerably more money than we can well account for by way of satisfying expenses or indemnities for material injuries. We are in the possession of a fund amply sufficient to indemnify our citizens. We have released the Japanese Government, and should pay whatever it ought to have paid; and this, by its assumption of the engagements of the rebel daimio who committed the wrong, is whatever he ought to have paid.

It is well for the claimant that our obligations became fixed at the time of the convention by which the Tycoon agreed to pay the money, and we to receive it in full discharge of indemnites! For in the February following (1865) Mr. Drake, the owner of the Fee Pang or Monitor, entered with that vessel into the unopened port of Simonoseki, in the territory of the prince of Nagato, then in rebellion against the Tycoon, and there purchased of that prince another steamer—the Senkatsimos, (or Launcefield,) which had been damaged in an action with our man-of-war, the Wyoming. I say purchased, for he took the vessel in charge with a power of attorney from the prince to sell her, which he subsequently used to effect a conveyance of her to his own firm. He repaired the Launcefield sufficiently to enable her to be towed by the Monitor to Shanghai, where the two steamers arrived with about fifty subjects of the prince of Nagato on board.

These facts are stated in Mr. Portman's dispatch to Mr. Seward, of August 30, 1865, (No. 49.) The Japanese Government complained of their proceeding, both as a violation of our treaty, which excluded the Monitor from the unopened port, and as giving aid and comfort to the rebel prince by enabling him to withdraw his damaged vessel from its exposure to fall into the hands of his sovereign, the Tycoon, in the operations to reduce his rebellion.

I think it clear that if his (Mr. Drake's) claim for the injury to the Monitor had been under discussion with the Tycoon we should have declined to prosecute it for him.

The claimant, Mr. Miller, became the assignee of the interest of Horace K. Drake (one half) by deed dated July 5, 1866, and of the interest of Platt Conklin (three eighths) by deed dated September 30, 1866. These instruments, properly proved, are on file in the Department. The remaining interest, (one eighth,) so far as there is any evidence before me, is outstanding in the hands of one Alphonse T. Friends, who was part owner and captain of the Monitor. Mr. Miller submits that the sum of $35,000 is a reasonable compensation for the damage "and the great risk of life and property incurred." I think nothing should be allowed for risk of life and property.

Drake, the former part owner of the Monitor, and Benjamin W. Morall, who was the book-keeper and confidential clerk of the owners, H. K. Drake & Co., at Shanghai, at the time of the injury, made affidavits in November last, in which they estimated the damages, immediate and consequential, in consequence of her being fired into, at $40,000! They, however, gave no detail of the items of damage nor the basis on which they estimated it.

I think Mr. Miller has a just claim for the amount of actual damages to be ascertained. It will require an act of Congress to authorize any payment, and that act may provide for the mode of liquidating the sum.

E. PESHINE SMITH,
Examiner of Claims.

Upon a conference with Mr. Pruyn, subsequent to the date of the above report, I obtained an impression that the damages are grossly exaggerated, and that it would probably require the taking of testimony in China to ascertain the just amount.

E. P. S.

The committee was satisfied that, to the amount of the actual damage sustained by the steamer, Mr. Miller had a just claim upon the indemnity fund paid to the United States by the Government of Japan. This damage, however, the committee think was not large, and was enormously exaggerated in the affidavit of Drake.

The committee was not so far impressed with the equity of this application as to see any propriety in recommending that the expenses of the claimants in ascertaining the amount of their damages be paid out of this fund. Yet it is probable, under the resolution as it came from the Senate, this might be fairly claimed. Nor did it seem wise to provide for the appointment of commissioners to take testimony in the case, as such a course would probably be attended with considerable expense.

In order to shut out all possibility for the allowance of any claim except for actual damages, as well as to avoid any unnecessary expense in ascertaining the facts which the Secretary of State may think necessary in reaching a correct conclusion as to the actual damage sustained by the Monitor, the committee thinks a resolution somewhat more guarded and restricted than that which passed the Senate should be adopted; and therefore recommends a substitute for the Senate resolution, and the passage of the substitute by the House.

C. W. WILLARD,
For Committee.

Mr. WILLARD. I ask to have read the convention with the Japanese Government.

Mr. CULLOM. I would ask the gentleman if it is worth while to have it read, as there seems to be no opposition to the joint resolution.

Mr. WILLARD. I think it had better be read.

The Clerk read the convention.

Mr. CULLOM. I would inquire if this claim has not been before the Committee on Foreign Affairs for a number of years? If I remember right the committee considered this case when I had the honor to be a member of that committee, and perhaps reported against it, although I am not sure about that.

Mr. BANKS. That was another bill on the same subject.

Mr. CULLOM. While I am upon the floor let me make another inquiry. I desire to inquire what is the proposition in the bill reported to the House? Is it to pay these parties a particular amount, or is it to allow somebody to roam about and ascertain what these parties ought to have?

Mr. WASHBURN, of Wisconsin. I think the best way would be to invite everybody who has ever been in Japanese waters at any time to come here and take a share of this Japanese indemnity fund.

Mr. WILLARD. If the House will give me their attention I think I can explain this claim so that they can understand what it is, and just how far it has any equity and justice to support it.

In the first place, I may as well state just what is proposed by this joint resolution. The joint resolution which passed the Senate and came to this House provides that the Secretary of State shall ascertain and allow the damages which ought to be paid to the owners of the steamer Monitor, or Fee Pang, their representatives or assigns, for the injuries sustained from being fired into by the batteries of the Daimio of Nagato, in July, 1864, and that the sum allowed by the Secretary of State, together with the expenses attending the ascertainment thereof, shall be paid out of the moneys received for indemnities from the Government of Japan.

The second section of the Senate joint resolution authorizes the Secretary of State to appoint a commissioner or commissioners to take testimony in Japan or elsewhere in relation to such damages, and to report to him; and that any consular or diplomatic officer who may be so appointed shall be entitled to a reasonable compensation, to be allowed by the Secretary of State, in addition to his official salary or emoluments.

The Committee on Foreign Affairs of this House deemed that joint resolution too general in its terms; that under the resolution, if there was any just claim, more might be allowed than in justice ought to be allowed. They therefore recommend the adoption of a substitute, which gentlemen will see, if they have been attending to this case, is quite different from the Senate proposition. The first section of the substitute directs the Secretary of State to ascertain by competent proof and to allow the actual damages sustained by the steamer Monitor, or Fee Pang, by the shot from the batteries when that steamer was fired into by the batteries of the Daimio of Nagato, July 12, 1864, and provides that the sum allowed by the Secretary of State shall be paid to the owners of said steamer or their legal representatives or assigns out of the moneys received for indemnity from the Government of Japan.

The second section of the substitute provides that the Secretary of State may authorize the taking of testimony in Japan or elsewhere, if in his judgment the interests of the United States may require testimony to be so taken, in relation to such damages, and that any consular or diplomatic officer in Japan may be appointed to take such testimony, and any expense necessarily incurred in taking such testimony shall also be paid out of the Japanese indemnity fund.

Mr. CULLOM. This is the same bill which I referred to, and which in a previous Congress was considered by the Committee on Foreign Affairs.

Mr. WILLARD. The report which has been read here, embodying as it does the report of Mr. Smith, the examiner of claims of the State Department, who once heard this testimony, presents the facts as they appeared before the committee. The facts are these: this steamer Monitor, or Fee Pang, owned by some parties who have since then assigned their interests in this matter, entered a port in Japan that was not open to commerce, and of course they entered it against the regulations of that port. The excuse they made, and which has been made in the proof, and which there is no reason to doubt, as far as the case shows, was that they were out of coal and fresh water and in distress; and the steamer was fired into by the batteries of that port.

Now, whether the steamer received any actual damage, certainly the committee were not fully apprised. In my judgment, and I heard the statement that was made by Mr. Miller, who represents the parties in interest here, the injuries actually sustained by this steamer from the shot from the batteries were very slight indeed, very trifling. In fact, I am not certain that any proof could be made that there was any actual damage sustained from that cause.

But the parties, when they presented their claims to the Secretary of State and made their proof before Mr. Smith, the examiner of claims, insisted that the consequential damage, the damage occasioned by this firing, from the delay occasioned by it, from the fact that they were unable to get any coal in that port, and so were obliged to burn green wood, which burned out their boilers and compelled them to buy new boilers, that these facts furnish the ground for a proper claim for damages to be paid out of this Japanese fund.

The examiner of claims says in his report, and I certainly agree with him fully in that respect, that the evidence in regard to the damage was necessarily very largely exaggerated and very indefinite. They estimate the damage, not the actual damage, but the resulting, the consequential damage, at $30,000. It is very clear that if any bill had been referred to the Committee on Foreign Affairs asking an appropriation of thirty or forty thousand dollars out of that fund the application, under ordinary circumstances, would not have been entertained for a moment. But the committee could not overlook the fact that this convention, not on its face, but in the understanding of our then minister to Japan, Mr. Pruyn, was intended to cover whatever damage

the owners of the steamer Monitor might be entitled to by reason of its being fired into. Mr. Pruyn, writing to Secretary Seward in respect to this convention, said:

"In either case provision will be made for reasonable indemnity sustained by the Wyoming and Monitor, and for the insult to our flag offered by the attack on those vessels."

Of course any payment in the shape of reparation for insults offered to our flag by the attack on those vessels would go to the Government; but the damage that was actually sustained by this steamer by reason of that firing is of course included in this convention. The bill provides simply that the Secretary of State shall ascertain the actual damage occasioned by the shot from the batteries, and shall pay the damage. When it thus appears by the correspondence connected with the convention that the damage sustained by this steamer was intended to be included in this indemnity fund, it appears to me that neither the Committee on Foreign Affairs nor the House is at liberty to say to these gentlemen representing the parties who owned the Monitor that they shall not have any opportunity to present their case to the Secretary of State and show what the actual damage was.

I yield for a moment to the gentleman from Ohio, [Mr. LAWRENCE,] who, I understand, wishes to ask me a question.

Mr. LAWRENCE. I would be glad if the gentleman would inform the House whether Mr. Pruyn does not speak of this as a claim which he would not press upon the Japanese Government at all—a claim which he would not deem it proper to consider?

Mr. CULLOM. Yes; and this claim only grows up after the accruing of that fund which somebody wants to get at in preference to having it turned into the Treasury of the United States.

Mr. LAWRENCE. And somebody has bought this claim as a speculation, to press it on the attention of Congress. I ask the gentleman whether this Government has ever paid any claim of this description?

Mr. WILLARD. I will answer the gentleman from Ohio in a moment. In the first place, I wish to say that the allegation that this claim was not thought of at all till this Japanese fund was obtained is answered by the letter of Mr. Pruyn accompanying the treaty itself. In that letter Mr. Pruyn says:

"Provision will be made for reasonable indemnity for injuries sustained by the Wyoming and Monitor."

That shows conclusively that in the negotiations themselves the injury sustained by the Monitor was considered.

It is said that this claim has been bought up by parties on speculation. I do not know how much parties may have paid on a speculation; but I am very sure that if they paid very much it will prove a losing speculation, provided the Secretary of State pays only what the bill contemplates.

Mr. BENTON. How does it appear by the letter of Mr. Pruyn that any claim was made on the part of the owners of the Monitor before this fund was paid over?

Mr. WILLARD. This letter from Mr. Pruyn to Mr. Seward is dated October 29, 1864. The treaty was entered into October 22, 1864.

Mr. BENTON. Exactly; but how does that show that any claim was made on the part of the owners of the Monitor before that time?

Mr. WILLARD. It occurs to me, Mr. Speaker, that if Mr. Pruyn, our minister to Japan, had not at that time been aware that the owners of the Monitor made claim for damages, he would not have been very likely to write to our Government that those damages were included in that indemnity fund. It is clear that there had been correspondence between Mr. Pruyn and the Japanese Government in respect to these insults to our flag and the damage our commerce had suffered, and that the treaty was intended to cover precisely those cases.

Mr. BENTON. If I understand, this is a mere inference of the gentleman from Vermont from the correspondence between the Secretary of State and Mr. Pruyn.

Mr. WILLARD. If the gentleman from New Hampshire thinks that we are at liberty to infer from what Mr. Pruyn himself states of his own information that there must have been some claim for damages; if that is what he calls an inference, perhaps this is one. Mr. Pruyn would not have made a claim for damages unless some one made a claim on him. The report and correspondence will show to any one who will take the trouble to read them that Mr. Pruyn himself thought there was no particular equity in this claim.

Mr. BENTON. Was any testimony submitted to the committee to show that there were any actual damages?

Mr. ELA. I judge from the report of the committee there is no foundation for the claim; and let me ask whether it will not cost more for this machinery to ascertain any damage than for us to buy the steamer?

Mr. WILLARD. The substitute provides that the Secretary of State shall only take testimony if he thinks the interest of the United States requires it. In that respect it is different from the Senate proposition. It negatives the idea that the expenses in regard to this claim, so far as the Secretary of State shall authorize them, are to come out of this fund at all.

Mr. CULLOM. Will the gentleman allow me to move to lay this upon the table?

Mr. WILLARD. No, sir. I now yield to the gentleman from Maine.

Mr. PETERS. I wish to say something on this matter, and I hope the House will hear me. In the first place I have a general knowledge of the subject-matter. I know the party-claimant and the reason for his claim. He virtually was the owner of the steamer at the time of the injury. His name is Nathaniel G. Miller, of Portland, a respectable merchant. He was induced to go into this trade, and he was virtually the owner of the steamer. There is no purchase of a claim and coming before Congress to make money out of it.

I wish to say further that it is a small claim. I know heretofore he tried to get consequential damages, which are large, in addition to what might be called the legal direct damages, which are small. The bill is so guarded by the amendment of the House committee, in the nature of a substitute, that the claimant is only to have the direct legal damages resulting from the firing upon the steamer by these two Japanese forts. This claim was indorsed unanimously, I may be allowed to say, by the Committee on Foreign Relations of the Senate, and it was passed by the Senate without opposition. The substitute now pending is presented by the unanimous opinion of the Committee on Foreign Affairs of this House.

Now, sir, what is this for? It is a claim for damages resulting to that steamer from going into this port and being fired on by Japanese forts. The question has been asked, why did she go in there? Because she was out of coal and out of water. Was not that an absolute necessity? Was not there absolute distress? Would she not have had the right to go into any place under God's heavens under such circumstances? The committee have informed the House that the facts have been made out to their satisfaction that the steamer was out of coal and out of water.

I want to know if we are going so far with this Japanese fund as to pay our soldiers and sailors in the last war for gallant service, who had no connection with it, and refuse to pay this private individual who comes here and makes this complaint, and puts in his proof of legal direct damages, when there is a provision in the very language of the treaty itself that he shall have this compensation. There is money in the Treasury for this purpose, an excess of money. The facts are shown to us by the proofs in the case. They are indorsed by the committees of the two Houses. They are shown to be true by the correspondence of our minister resident. I know there is a little carping in the House on account of the phraseology used by Mr. Pruyn in one part of his report; but taking together what he has said at all times, he indorses the claim. He has told us that this claim is included in the treaty. He has told us that the owners of this boat undertook to go into a harbor in distress. But I should like to ask what possible motive they could have had in undertaking to go into a port, unless there was an absolute, pressing necessity for it. These parties should have been here before. There never has been an adverse report against them. But since there has been so much difficulty about it, it is proposed that they shall be allowed for their claim a mere pittance, to wit, the actual direct damage caused by the firing of the shot.

Mr. CULLOM. Will the gentleman inform us what the actual damage amounts to?

Mr. PETERS. I understand about two thousand dollars. The committee have not named any particular sum, but provided how the damages shall be ascertained. The amount may not exceed $500.

Mr. CULLOM. If I am assured that it will not exceed $500 I will vote for the bill.

Mr. PETERS. That is not fair. Whatever these parties are entitled to let them receive. It was but a moment ago that the gentleman from Illinois [Mr. CULLOM] was on the floor stating that there was nothing in this bill calling for opposition.

Mr. CULLOM. I did not then know what bill it was; but on inquiry I find that it was a bill reported against by a committee in the Fortieth Congress. I think, sir, that it is very clear that this House does not want to pass a bill of this nature. There is no good foundation for the claim. There is no good reason for granting it. Mr. Pruyn stated that he did not expect to present this claim to the Government.

Mr. PETERS. I desire to repeat that this claim was never reported against.

Mr. CULLOM. I undertake to say that this bill was before the Foreign Affairs Committee in the last Congress, and that a member of that committee was ready, on behalf of the committee, to report against the bill. When it is in order I shall move to lay this bill on the table.

Mr. FARNSWORTH. Mr. Speaker, there is a distressing circumstance connected with this affair—the existence of this Japanese fund—and it will continue to create a good deal of distress as long as it is not distributed. I ask, would it not be well for the House at once to distribute this fund, and put an end to all this difficulty?

Mr. PETERS. Pay your debts first with it.

Mr. CULLOM. I move to lay the bill on the table.

The SPEAKER. The gentleman from Illinois has not got the floor for that purpose.

Mr. BANKS. In reply to the gentleman from Illinois, [Mr. FARNSWORTH,] I would say that to dispose of the Japanese fund is a matter of public legislation. When the Committee on Foreign Affairs is called upon for reports of a public nature they will present some proposition with reference to that fund. But that cannot be done to-day.

Mr. WILLARD. I desire to say a single word before calling the previous question. This Japanese fund, if given to our Government for any purpose in the world, was given to be made use of for such cases as those of the Monitor and the Wyoming. Those two cases are certified in correspondence with the Secretary of State at that time. I do not know for what purpose we got this fund unless it was for the purpose of paying persons who suffered damage. Unless we got it for the purpose of putting it into the Treasury and distributing it out among persons who had no claim under

the treaties, the parties here asking to be heard have a right to be heard, and to go before the Secretary of State, or before some competent tribunal, and present their claims. We bring in here a resolution limiting the payment to the actual damages caused by the shot, which in this case may not be more than $500. I insist that if the fund is held by our Government for any purpose it shall be held for such a purpose as that. I now call the previous question.

Mr. CULLOM. I move that the bill be laid on the table.

The question was put on Mr. CULLOM's motion, that the bill be laid on the table; and there were, on a division—ayes 65, noes 41; no quorum voting.

The SPEAKER, under the rule, ordered tellers; and appointed Mr. CULLOM and Mr. WILLARD.

The House again divided; and the tellers reported—ayes 76, noes 46.

So the bill was laid on the table.

Mr. CULLOM moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The morning hour has expired.

HOURS OF MEETING AND ADJOURNMENT.

Mr. DAWES. Desiring to dispense with the necessity of evening sessions, I wish to propose to the House to meet earlier, under a rule which would require the House to adjourn at five o'clock in the afternoon. I therefore move the following resolution:

Resolved, That on and after Monday next the House will meet at half past ten o'clock a. m. and adjourn at five o'clock p. m.

This will leave it in the power of the House to adjourn earlier on any day, if it should so decide, but will require an adjournment at five o'clock.

Mr. INGERSOLL. I would suggest to the gentleman that he should provide for a recess at some time between twelve and one.

Mr. DAWES. That occurred to me, but upon further reflection and consultation with members I think it unnecessary. Every one who desires to take a lunch can do it without a recess.

Mr. BENTON. If we meet at ten o'clock, I would like to know what time there will be for the committees to meet.

Mr. DAWES. I think the committees have pretty much done their work. A few of them, of course, will have to meet, and they can have leave to sit during the sessions of the House, to finish up their work. That is the idea.

Mr. KELSEY. I move to amend the motion of the gentleman from Massachusetts so as to make the hour of meeting eleven o'clock instead of half past ten.

Mr. DAWES. The committees can meet in the evenings if necessity requires it. So far as my own committee is concerned, I would prefer that it should meet in the evening rather than have meetings of the House in the evening.

Mr. FARNSWORTH. I think the gentleman from Massachusetts [Mr. DAWES] had better omit that part of his resolution about adjourning at five o'clock. The yeas and nays may be being called when that hour arrives.

Mr. DAWES. If the yeas and nays are being called the time will of course be extended.

The SPEAKER. It is the uniform construction that the call of the yeas and nays cannot be interrupted. It has been held so in the case of a recess at half past four o'clock. The recess is never announced until the roll-call is completed.

Mr. KELSEY. Would not this resolution prevent an adjournment before five o'clock?

The SPEAKER. It would not. It would be quite competent for the House to adjourn before five o'clock; but it would be the duty of the Chair to announce an adjournment at five o'clock, with the single exception if the roll-call should be in progress.

Mr. KELSEY. I would ask the gentleman to allow me to offer an amendment to make the hour of meeting eleven o'clock instead of half past ten.

Mr. DAWES. I have no choice between eleven o'clock and half past ten. It occurred to me that meeting at eleven o'clock would break in on committee meetings as much as meeting at half past ten, but as it seems to be the general desire of the House that we shall meet at eleven o'clock I will modify my resolution in that way.

The resolution, as modified, was read, as follows:

Resolved, That on and after Monday next the House will meet at eleven o'clock a. m. and adjourn at five o'clock p. m.

The SPEAKER. The Chair will again state the ruling in regard to the resolution, so that there may be no misapprehension in regard to it. It does not deprive the House of the power to adjourn at any time it chooses, but it devolves upon the Chair the absolute duty of adjourning the House at five o'clock.

There being no objection, Mr. DAWES's resolution, as modified, was agreed to.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURDETT. I desire that the House shall now proceed with the contested-election case of Newsham *vs.* Ryan.

Mr. KELSEY. I raise the question on its consideration. I wish to move to go into Committee of the Whole on the state of the Union on the consular and diplomatic bill.

Mr. BURDETT. I rise to a question of order. I submit that the contested-election case comes up as unfinished business.

The SPEAKER. It is not unfinished business. The unfinished business is that in which the House was engaged at its adjournment. The House was not engaged on this matter at the time of its adjournment, and it does not come under that classification.

The question was taken on Mr. BURDETT's motion, to proceed to the consideration of the contested-election case; and it was agreed to—ayes eighty-five, noes not counted.

Mr. BURDETT. How much of the hour remains?

The SPEAKER. Thirty-five minutes were consumed in this case yesterday.

Mr. PETERS. When is the discussion to be brought to a close?

Mr. BURDETT. I will yield to the gentleman from Indiana [Mr. VOORHEES] for twenty-five minutes, and at the end of that time I will ask the previous question.

Mr. VOORHEES. A word in regard to the understanding between the gentleman from Missouri [Mr. BURDETT] and myself. I was to occupy an hour. I spoke fifteen minutes yesterday. That gives me forty-five minutes.

Mr. BURDETT. I proposed to allow the other side one hour.

Mr. VOORHEES. Well, I believe I occupied only fifteen minutes.

The SPEAKER. The gentleman occupied twenty minutes.

Mr. VOORHEES. Did I? Very well; then I have forty minutes. I yield now to my friend from Ohio, [Mr. MUNGEN,] who wishes to ask a parliamentary question.

Mr. MUNGEN. I wish to know of the Speaker, who is chairman of the Committee on the Rules, if the committee are ever going to report on my case in regard to my speech on Cuba? I would like to know if they are ever going to report or not.

The SPEAKER. The Chair is not prepared to answer the question of the gentleman, nor is it a proper question to address to the Chair.

Mr. MUNGEN. I want to be respectful.

The SPEAKER. The Chair does not doubt the intention of the gentleman to be respectful; but the question is not one which should be addressed to the Chair.

Mr. MUNGEN. I think I have some rights in the matter.

ELECTION CONTEST—NEWSHAM VS. RYAN.

The House resumed the consideration of the contested-election case of Newsham *vs.* Ryan, from the fourth congressional district of the State of Louisiana.

The resolutions reported from the Committee of Elections were as follows:

Resolved, That Michael Ryan is not entitled to a seat as a Representative in the Forty-First Congress from the fourth district of Louisiana.

Resolved, That J. P. Newsham is entitled to a seat as a Representative in the Forty-First Congress from the fourth district of Louisiana.

The SPEAKER. The gentleman from Indiana [Mr. VOORHEES] is entitled to the floor.

Mr. KERR. Before my colleague [Mr. VOORHEES] proceeds I offer the following as a substitute for the resolutions reported from the majority of the Committee of Elections:

Resolved, That Michael Ryan is entitled to a seat in this House as a Representative from the fourth congressional district of the State of Louisiana in the Forty-First Congress, and ought to be now admitted thereto.

Mr. VOORHEES. I am perfectly aware, Mr. Speaker, of the ungracious task I enter upon to-day. It is a worn and threadbare subject; so much so that even good men on both sides who desire to do what is right are much too prone, I apprehend, to follow their inclinations rather than their intelligent judgment, formed by an examination of the facts in the case. And yet how important are these matters. A contested-election case is important, not merely to the individuals who may meet here and who will go hence directly, who will soon part from us never perhaps to return again. It is important in that respect; but it is still more so in respect to the people who have sent their Representative here in accordance with their own choice. It is important, according to the theory and principles of our Government, which is founded upon the consent of the governed. And one of the evils attending a large legislative body like this is the impossibility of doing absolute and exact justice in cases of this kind even when we do the best we can. I am full well aware of that fact. That may in some degree account for the unbroken line of decisions which this House has made ever since I had the honor of becoming a member of it, now nearly ten years ago.

It is a wonderful spectacle that during the last ten years, in the repeated decisions of this House, it has been uniformly decided in one way. No man, either as contestant or contestee, who has been so unfortunate as to entertain my political sentiments, has ever been sworn at that desk at the close of a contested-election case. Now and then a district has been declared vacant.

Mr. DAWES. Does the gentleman mean the House to take the statement he has just made as absolutely true?

Mr. VOORHEES. I believe it is.

Mr. DAWES. I think the gentleman is mistaken.

Mr. VOORHEES. If I am mistaken, and can be convinced of it, I will acknowledge it most cheerfully.

Mr. DAWES. I have not the list of cases here; but I think the case of Fuller *vs.* Dawson, of Pennsylvania, is one where the Democrat was awarded the seat.

Mr. VOORHEES. That case must have occurred before I became a member of this House.

Mr. DAWES. I am pretty sure it was within the last ten years.

Mr. VOORHEES. It may be so, and I

should be glad to find an exception, in order to prove the rule, for that is about all it can do.

Mr. DAWES. I am willing to confess to the gentleman that there is too much truth in his statement; but it is not absolutely true.

Mr. VOORHEES. I do not present this idea in any spirit of harshness or criticism of the other side of the House, for possibly if we were in the ascendency here, we, too, would lose sight somewhat of the rules of judicial inquiry. But, for four years that I served as a member of the Committee of Elections of this House—and I speak according to my best recollection—I have no list prepared of the cases, nor do I care to prepare one, if there is a case, or two cases out of the whole brigade that has been mustered and marched up and down these aisles, forward and back, it will only establish the rule by reason of the exception.

But we have recently taken a departure; a new era has dawned upon us. To the distinguished gentleman from Wisconsin, [Mr. PAINE,] who is the father of the proposition that changes us into a judicial body in the consideration of those questions, I would say that when we took that step I thought it was somewhat of a reflection upon my friend from Massachusetts, [Mr. DAWES.] He had been for years the chairman of the committee, and it never had occurred to his mind to make inquiry judicially. The idea only occurred to the Committee of Elections as now constituted; and I hope they will adhere to that rule.

Mr. DAWES. I would like to make a single remark, to vindicate the truth of history.

Mr. VOORHEES. I cannot yield further if it comes out of my time, for I have but little.

Mr. DAWES. The gentleman from Kentucky, [Mr. TRIMBLE,] who sits within reach of the gentleman's hand, is "a burning and a shining light" to show the incorrectness of the rule which the gentleman from Indiana has laid down.

Mr. COBURN. And also Mr. Golladay, the gentleman's special friend.

Mr. VOORHEES. Whose special friend?

Mr. COBURN. Yours.

Mr. VOORHEES. My colleague [Mr. COBURN] has no right to make that remark. Mr. Golladay is as much his friend as he is mine. Such a remark is altogether uncalled for.

It may be that my friend, Judge TRIMBLE, is an exception to the rule. If so, I apprehend he is the only one on the floor of the House. I remember that he came up "through great tribulation," though he was sent here with a majority of nine, ten, or eleven thousand, and his competitor received scarcely any votes at all. I will, however, pass from this point. Gentlemen on the other side are naturally a little sensitive on this subject, as I would be if I were in their place.

But in regard to this particular case, I yesterday dwelt upon the attitude which the contestee occupied toward the Government during the war. I cited the fact that there were but two witnesses who impeached his loyalty, one a white man named Calhoun, another a colored man named Lott, whose home was in Ohio, but who happened to be in Louisiana. I cited against them the testimony of the Republican Governor of Louisiana, the testimony of Dr. Sullivan, the witness of the committee itself, and the testimony of all of Judge Ryan's former slaves. They one and all establish the falsehood of Calhoun's testimony and the loyalty of the gentleman sitting by my side.

In looking over the remarks of the gentleman from Missouri, [Mr. BURDETT,] as published this morning, I find that he says he will not press the question of ineligibility; he will not go over the testimony upon that point at all, and will not urge it upon the consideration of the House. This amounts almost to a waiver of that part of the finding of the committee. Yet I press the consideration of the point for the purpose of explaining what otherwise might seem a strange feature of the votes. If Judge Ryan is proved to be a loyal man; if the testimony establishes the fact that by his neighbors he was so regarded; if the testimony shows that the distinguished gentleman from Massachusetts [Mr. BANKS] when in command of that department repeatedly visited Judge Ryan at Alexandria, and always considered him as faithful to the Government, this will go far to explain some differences between the vote which was cast in the spring of 1868 and that cast in the fall of the same year—a difference which has been pressed upon the attention of the House by the gentleman from Missouri.

The total number of registered voters in that district amounted to 25,027. The total number of votes polled was 20,500. The vote cast bears a pretty good proportion to the registration, leaving only 4,527 registered votes unpolled. On this point hangs the principal objection to the claim of Judge Ryan. He received the certificate of Governor Warmoth that he was legally elected. The number of votes cast for him amounted to 13,244, being a majority of 5,988 over the vote cast for Colonel Newsham, and a majority of 730 of the whole number registered.

I stand here to advocate the admission of no minority candidate. It is said that a portion of the registered voters did not cast their votes in consequence of intimidation and violence. Yet Judge Ryan received a majority of 730 of all the registered voters. Hence, if this House admits Colonel Newsham to his seat it admits a man who stands in an actual minority. The number of votes cast for Colonel Newsham was 7,256. Adding to his votes all the unpolled votes of the registration, and still Judge Ryan has a majority of 1,461 votes. In other words, if you add to Colonel Newsham's vote all the votes which were not cast at all, Judge Ryan's majority is 1,461. If you take the entire registered vote and divide it by two, Judge Ryan's vote exceeds by 730 the half of the registered votes. In every aspect of the case, therefore, he is elected by a decided majority.

Now, Mr. Speaker, in regard to this district, let us for a moment consider what kind of district a man represents in some parts of the South. It lies across the north end of Louisiana, commencing on this side of the Mississippi river, one parish being on this side and nine more sweeping away to the west on the other, until from end to end it is nearly one thousand miles long, and will average one hundred miles in width. What a district for a New England member to contemplate! Members from Connecticut and Vermont would be filled with envy at the idea of such a realm for representation, such a magnificent region being allotted to their membership. But throughout that wide region it is not filled up with population as in your small districts. It is not so crowded as your bright villages and neighborhoods. Population is not so dense in this section, and the result is that there is not that near communication from neighborhood to neighborhood, from town to town, from village to village, as is the case of northern communities. In a district one thousand miles long and one hundred miles wide, registering 20,500 votes, it would not be strange that 4,000 of those votes should not be cast, without accounting for it on the ground of wholesale violence and bloodshed.

When the election was certified up to Governor Warmoth he rejected three parishes—counties, as we would call them in the North. He rejected Sabine, Avoyelles, and West Feliciana, because of irregularities in their returns. When I served as a member of the Committee of Elections in this House, and I think the gentleman, then chairman, will bear me out in the statement, we uniformly held a mere irregularity in a return which did not affect the fairness and popular expression at that poll to be cured when we could plainly reach the true result. I have his assent. The committee had three parishes before them rejected by Governor Warmoth. They restored two of them, Avoyelles and West Feliciana. They held that they were cured by the evidence of the irregularity which caused their rejection by the Governor. These parishes gave heavy votes for Colonel Newsham, while the other, Sabine, did not. The irregularity there was not cured. The reason, if we may think so, was because Sabine gave a heavy vote for Judge Ryan.

I challenge any lawyer or any member of the House, in the time I am speaking or after the case is over, to take these papers and to examine them and to say whether or not the precise defect in Sabine was not the precise defect cured in Avoyelles and West Feliciana, and cured by precisely the same evidence. One of the supervisors did not sign the return in Sabine; one of the supervisors did not sign the return in Avoyelles; and he did not sign it because a colored man, uneducated, and could not do so. The same thing occurred in Sabine. In respect to this point Patrick Walsh, one of the two supervisors for that parish, testifies that the returns were signed by the other supervisor, Dunlava, as chairman; and further testifies as follows:

"*Question.* Why did not both officers sign it?

"*Answer.* We thought that the signature of the chairman was sufficient.

"*Question.* Were all these votes taken fairly, so far as you are concerned?

"*Answer.* Yes; to the best of my knowledge.

"*Question.* You saw nothing in the commissioners that was unfair in the way of counting the votes?

"*Answer.* No; I saw Mr. Small, a justice of the peace, opening the tickets before putting them in the box; and I told him not to do so. That was all that I saw unfair. It was not repeated. The vote was made up honestly and right."

This supervisor who testifies is a Republican, a man of your own party. He says the vote was made up honestly and right. Those are his words. Yet your committee reject Sabine because one supervisor did not sign, while they cure West Feliciana and Avoyelles, which were rejected by Governor Warmoth for the same defect. I do not wish to charge on the committee, and I will not, that West Feliciana and Avoyelles were cured because they gave a large vote for Newsham, while they refuse to cure Sabine because it gave a majority for Judge Ryan. There must be some reason for it. It must be a mistake; a mistake on the part of the committee; a mistake which must be corrected if this House would maintain its credit and character for fairness.

The committee have rejected five parishes. They reject Caddo, De Soto, Bossier, Sabine, and Winn. If you find, and you will if you examine the case, that Sabine and Winn stand on the same footing as West Feliciana and Avoyelles, and if you restore these parishes, then, even by rejecting the other three parishes, you leave Judge Ryan a majority of nearly 300.

A word now as to the kind of election held in Sabine and Winn. I state in the hearing of the committee and the House that no more trouble occurred in these parishes than is usual during an election anywhere else. There is no proof in this book before me that there was any violence at the polls, no proof of any rioting or bloodshed. There is some proof, perhaps, of a fight here or there during the canvass, just as there would be in the conduct of men in any district in the United States.

But the committee say they must reject these parishes for another reason; because Colonel Newsham received but few votes in them; because in comparison with the vote at the spring election of the same year the Republican party appeared to have been wiped almost out of existence. It is said that the vote in the spring for Governor shows, for instance, 800 in one of these parishes for the Republican candidate, and that at the fall election there was only 1 for Colonel Newsham. If you look, however, at Judge Ryan's vote you will see that he got about as many in the fall in these parishes as were cast for all the candidates in the spring. Why was that? The answer to that question

brings me back to the point from which I started. Judge Ryan was regarded as a Union man throughout the entire State of Louisiana. Could he, with his well-pronounced character, have made speeches and denounced Union soldiers as hirelings without its being known? Could that have been done by a judge, a member of the Legislature, the chairman of the judiciary committee of the Legislature, the founder of the university, foremost at his bar, a man of distinction—could he have proclaimed those incendiary and infamous sentiments testified to by the negro, Lott, and by Calhoun, without the military commander of the district learning that fact? On the contrary, he was regarded as a Union man; he was an immensely popular man throughout his district. The result was that at the fall election in two or three of the parishes where he was best known and of great personal popularity he swept the polls, having brought men of all parties to his support. The returns show that he got all the votes which in the spring were cast for the Democratic candidate, and nearly all the Republican votes besides. And why should he not? Why should it not be so? His own freedmen, his former slaves, testify that he was regarded as a loyal man among the colored people of Louisiana?

Is it wonderful, then, that an old and munificent citizen, the founder of institutions, the planter of large fields, giving employ to colored men and regarded by them as a friend of the Union; is it wonderful that in the parishes of Caddo, De Soto, Bossier, Sabine, and Winn he should get nearly the entire vote? This result can be accounted for in no other way, because there is not proof of violence or lawlessness or bloodshed sufficient to drive men from the polls. To say that the unanimity of the vote is proof of such violence is a far-fetched and unworthy argument against a good man. What does Governor Wells testify? He says, "I went to his house, when"——

[Here the hammer fell.]

Mr. VOORHEES. I only require five minutes more.

Mr. BURDETT. The time has arrived when the previous question was to be called. I now make that motion.

The previous question was seconded and the main question ordered, which was first on agreeing to the substitute offered by Mr. KERR.

Mr. BURDETT. Of the hour which remains sixteen minutes belong to the gentleman from Indiana, [Mr. VOORHEES,] and he can dispose of the time as he pleases.

Mr. WILKINSON. Did I understand the gentleman from Indiana [Mr. VOORHEES] to say that this district was nearly a thousand miles long?

Mr. VOORHEES. Nearly a thousand miles long by the river. I will say, on the authority of Judge Ryan, than whom a more truthful man does not live, that it is one thousand miles from Baton Rouge by the river to the Texas line. The district embraces one county east of the Mississippi river, and extends across the northern end of the State of Louisiana to Texas. I give my authority for the statement, and I have no doubt that it is exactly correct. But that is of not much importance.

There has been here a harsh, hard, cruel attack against a faithful man, one who has been true to the Government, and whose only offense now is that he does not affiliate with the dominant party in this House. It is but natural that we have our differences. It is but natural that we draw these lines upon our political adversaries. I am not complaining of that. I am something of a party man myself. But I do ask and implore the House not to be so blinded as to lose sight of the great leading fact in the case.

Here was a man who has been for a long time a citizen of Louisiana, whose loyalty is well known to the oldest and best citizens throughout the State, and was never suspected during the war. When Captain Stafford mustered his company in Alexandria, to go to the confederate army, Governor Wells, your own Governor, went to Judge Ryan's house and said to him, "Here is Captain Stafford, our mutual friend, who was a Union man at the start, but fainted by the way; he is going off with his company, the sons and brethren of us all; go out and bid them good bye." The testimony is that Judge Ryan refused over and over again. They asked him to make them a little farewell speech, and wish them a safe return with as little bloodshed of their own or anybody else's as possible. So scrupulous was Judge Ryan in his bearing before the people that he refused. They half forced him to the porch of his home. Governor Wells so swears, and Dr. Sullivan so swears.

And well might this man, with his high character for kindness, intelligence, and patriotism, poll not merely a majority of the votes in that widespread district, but poll every vote in it from the Mississippi river to the Texas border. It is not wonderful that as against a new man this vote should be given for him in these three or four parishes. How else do you account for the fact that his vote was just about in each instance the aggregate of that cast for everybody the spring before? The people supported him almost unanimously in two or three of these counties. I have known such instances in the North, and personal popularity has far more influence in the South than it has in our colder regions.

If you throw this gentleman out of his seat I will tell you what you will do. You will vote out of his seat a man whom your own testimony pronounces loyal. You will vote out of his seat a man who has been sent here by a majority of the registered electors in his district. You will turn out a man who received a majority over his competitor, even if you give him every vote that you complain was not put in the ballot-box. If you seat the other man, you seat him against the spirit of this Government, which is controlled by majorities. You will seat him as the Representative of a minority, and not of a majority. Sir, this injustice toward political adversaries, come from what party it may, whether it has come from my own in times gone by, when it was in the ascendency here, or from yours since you have held the reins, has always been resented by the people. When you have deprived a man of his rights here the people have taken care of him. When you have trampled him under foot, they have taken him up in their arms lovingly, and even in gerrymandered districts have done him justice. And now, sir, with the feeling that I have only partially done my duty, I leave Judge Ryan's case in the hands of the House, to be decided, I trust, in justice and in right.

Mr. BURR. I would inquire of the Chair how much time is remaining of the time allowed the gentleman from Indiana, [Mr. VOORHEES?]

The SPEAKER. Nearly ten minutes.

Mr. BURR. It had not been my intention to say anything whatever in connection with this case, until the suggestion made yesterday by my colleague on the Committee of Elections, the gentleman from Missouri, [Mr. BURDETT,] caused me to look somewhat into the figures relating to some of the parishes referred to by him. I now ask the House for a moment to bear with me while I call attention to the figures as set out on page 4 of the report made in this case by the majority of the Committee of Elections. What the gentleman said on yesterday, to which I wish to refer, was this:

"I then call the attention of the House to the farther fact that in the space of a few months a large number, amounting to thousands, of Republican votes cast in these four parishes dwindled down to the insignificant number of forty-six votes only; that in one of these parishes, where a large number of Republican votes were cast but seven months before, no single Republican vote was permitted to be cast; that in three others of these same parishes but one single Republican vote was cast as against thousands cast a few months before; that in the whole, I repeat again, of these five contested parishes thousands of Republican votes were dwindled down to only forty-six, and in four of them but three Republican votes are returned."

And in attempting to find an explanation of that alleged fact, he says:

"The answer to this inquiry is found in the volumes of testimony submitted to the House by the committee, from which it appears that at that election no men, save such as braved death itself, were permitted to cast a Republican vote."

Now I want to look for a moment at the figures showing the votes in the election of 1867, to see if it is possible that the statement of the gentleman can be so. The parishes to which he was referring when he made those remarks are the parishes of Caddo, De Soto, Bossier, Sabine, and Winn. The gentleman estimates, and perhaps correctly, that the votes cast in these several parishes in the spring of 1867, upon the question of calling a State convention to amend the constitution, was the correct vote of the parishes; that the votes in favor of the convention were cast by Republicans, and the votes in opposition to the convention were cast by Democrats.

Now let us see what conclusion must then follow if his theory concerning the election in question in the case now being considered by the House be the correct one. In 1867 the total registered vote in Caddo parish was 3,764, of which the gentleman classes as Republican 2,087, and as Democratic 259.

If, however, it be said that that was not a fair test, I suppose the election for Governor would be, in April, 1868, at which time the Republican vote, as stated by the committee in their report, was 1,242, and all others, which we will assume to be the Democratic vote, was 956. If, then, it be true that the result of the election of November, 1868, which gave Judge Ryan 2,885 votes in that same parish, was brought about by intimidation or any such exercise of power by the Democrats as to prevent Republicans from voting, then it must be true that 259 Democrats overcame by intimidation and force 2,087 Republicans, and not only prevented them from voting the Republican ticket, but absolutely forced them to vote the Democratic ticket, compelled them to vote in favor of Judge Ryan and against their own candidate. Now, is it reasonable to suppose that such was the case? Can no other explanation be found than one so absurd as the proposition that two hundred and odd voters compelled over two thousand voters to vote for their antagonistic candidate? That is not the explanation of the large vote cast for Mr. Ryan, the whole vote being still within the total number of registered votes in that parish.

But take each of these parishes separately, and the same astonishing disproportion exists between the vote of 1867 and the vote of 1868. The next parish named, De Soto, gave in 1867 1,428 votes for the convention and 74 against it. Yet my friend in charge of this case, [Mr. BURDETT,] in his argument makes the 1,428 votes yield to the superior force and intimidation of 74 voters, and in so doing to give Judge Ryan, in 1868, 1,259 votes for Congress, with not one in opposition to him. Sir, such a supposition is not reasonable; there is nothing upon the face of the papers in this case to sustain it; there is no testimony to make such a conclusion at all possible, that a minority of one tenth or one twentieth of the total registered vote had power, either moral or physical, to force their political candidate upon a vast and overwhelming majority in point of numbers. That is a strange conclusion; a supposition that will not bear the test of close examination.

The votes in the other parishes show the same astonishing disproportion. In 1867 Bossier parish gave for the convention 1,610, against 121 votes; Sabine gave for the convention 344, against 15; and Winn gave 584 for and 49 against. In November, 1868, Bossier parish gave 1,631 for Ryan, and 1 for Newsham; Sabine gave 865 for Ryan, and 1 for Newsham; and Winn gave 702 for Ryan, and 43 for Newsham.

In all these parishes, in 1867, the vote was for the convention 6,053; against the convention 518. The vote for the convention my friend from Missouri [Mr. BURDETT] classes as Republican; and by parity of reasoning the vote against the convention would be the Democratic vote in those parishes. Yet his conclusion is that in November, 1868, those 518 Democratic votes overwhelmed by force and intimidation the 6,053 votes, and compelled them to give 7,342 votes for Judge Ryan to only 46 votes against him.

And now, sir, simply because these parishes have not given a Radical majority the Committee of Elections challenges the whole vote. These six thousand Republicans of 1867 are invoked to tell why they did not carry the election for the Radical party, and they answer, "We voted for Ryan." And when a reason is sought why they so voted the Committee of Elections step to the front to answer the question for them and say in most indignant tones, "These six thousand men were intimidated and forced to vote for Ryan." But, Mr. Speaker, who coerced and intimidated these six thousand? Why, sir, the answer given by my zealous friend from Missouri is, they were coerced by five hundred Democrats! Oh, what pitiful subterfuge to make such assertions, and palm off such weak inventions as argument! Five hundred men intimidate and coerce six thousand! Why, sir, if it be possible for minorities to so control majorities I could wish my friend from Missouri would teach us how it is done, in order that we Democrats, in a hopeless minority here, may profit by the lesson, and on suitable occasions coerce you of the majority into some of our measures for public good. Such coercion might result in great benefit to the people.

I account for this whole showing of facts upon the hypothesis stated by the eloquent gentleman from Indiana [Mr. VOORHEES] who has just addressed the House. A gentleman of the prominence of Judge Ryan in that region, whose loyalty and allegiance to the flag are indorsed, as I understand, by some of the military officers who are here to-day as Republican members of the House; a gentleman with such a record and occupying in the past so influential a position, when placed before the people as a candidate for Congress, under the circumstances connected with the contest in that district, might naturally be expected to swell the vote up to almost the entire number on the registration. But there is another consideration to be borne in mind. I have known cases where a minority, knowing itself to be helplessly small, would by agreement refrain from voting, although there was nothing like intimidation.

But, sir, this case brings up the direct question, "Was any legal election held in Louisiana in 1868?" If any such was held the vote in question should remain undisturbed, for no proof is brought against this one district which does not in equal degree affect every other district in the State. The trouble is, sir, not intimidation nor violence, but the fact that those districts voted Democratic. That is the head and front of their offending. But was any legal election held in Louisiana?

Why, sir, I need only to refer to the fact that when the august assemblage, composed of the Senate and House of Representatives of the United States, assembled here to count the last electoral vote, the vote of Louisiana was received as legitimately and regularly cast. Yet, sir, if we accept as true the reports coming from the Committee of Elections, which have thrown out certain parishes and certain districts, and on that ground have refused seats to members of Congress elected from that State, no legal election was held in any considerable portion of the State of Louisiana in November, 1868, and no legal votes were cast. But this House is estopped from coming to any such conclusion. By its solemnly recorded action it has declared that a legal election was held in the State of Louisiana. If the decision of the most solemn conclave that can assemble under our Constitution is to be accepted as correct, then there is no more authority for attacking the validity of the election in any part of this congressional district than in all the residue of the State of Louisiana.

If I were looking at this question from the mere narrow stand-point of partisanism I would wish this House to award Colonel Newsham the seat as a duly elected Representative from the fourth district of Louisiana, who stands so largely in the minority that his vote is inconsiderable as compared with the total vote cast or the total registered vote. But if Colonel Newsham should be seated as a member of this House in spite of the overwhelming vote of his opponent, a vote which is a majority of the total registered vote, while I could wish no party a more damning record than such a decision if I consulted merely my wishes as a partisan, yet it would be such an outrage on the rights of the people that I hope it may not be consummated.

Sir, there are higher considerations, considerations which concern the stability of our Government and the perpetuity of the representative system, its dissemination among the people of Europe as well as those of America. The people of the Old World are struggling to free themselves from kingly and despotic power, and to establish their own right of self-government. Let us administer our Government fairly; let us see that the ballot has its due weight; let us see that the voice of the majority, fairly and constitutionally expressed, is respected, not only by the people, but by all branches of the Government, which are only the servants of the people.

I have said all that I desire to say on this subject, and I yield the floor with great hope that justice will be done in the decision of this case.

Mr. BURDETT. I now yield ten minutes to my colleague on the committee, the gentleman from Ohio, [Mr. STEVENSON.]

Mr. STEVENSON. Mr. Speaker, I do not expect to be able in the ten minutes allowed me to go over much of this case; but I do propose to notice very briefly points it presents. First, as to the question of eligibility. I had not intended to touch this question at all, for I do not deem it material to the decision of the case; but as the argument on behalf of the contestant seems to rest mainly upon it, I shall notice it briefly.

In the first place, I suppose it is well understood that during the war it was almost impossible for a prominent man to remain in the State of Louisiana and continue true to the Union without suffering in his person and his property. Yet it is claimed that Mr. Ryan, a leading lawyer and politician, a man of property and influence, residing in Louisiana during the war, was all the while an active, outspoken Union man, and yet was not molested. If that is true we ought to mark his home as a green spot in the South. But it is not true.

My friend from Indiana, [Mr. VOORHEES,] in his argument of this case, has displayed more rhetoric and eloquence than knowledge and understanding. In the first place, he says but two witnesses attack the loyalty of Mr. Ryan. I say there are half a dozen. There is only one way to reconcile the testimony. We are bound to do so if we can, and to believe in the truth of the witnesses if we can. The gentleman says we are sitting judicially. I agree with him. It is a rule in every court rather than find against the truth of a witness to reconcile the testimony if possible. Here are these unimpeached witnesses, some as respectable as Mr. Ryan professes to be. They testify against Mr. Ryan's loyalty. I admit that other men, credible witnesses, testify that he was loyal. What is the result? We must come to the conclusion that he furnished by his conduct and his conversation evidence both of loyalty and disloyalty; in other words, he trimmed. He changed and shifted like the veering wind. I think that I understand the character of the gentleman, and the facts of this case. I believe the truth to be that Mr. Ryan deplored the war; that while he saw the South would be conquered and he would lose his property, especially his slaves, yet after the war broke out he yielded enough to the southern cause to save himself with the South, but still held back sufficiently to save himself in case of the triumph of the Union Army.

It is said that Demosthenes held pebbles in his mouth while he exercised in elocution. This gentleman was a splended illustration of the character of the Irish. He seems to have come from Ireland with a pebble from the blarney-stone in his mouth, and this element of his character is exhibited in the fact that while he was canvassing his district, when in the American part of it, he was introduced by his friends to his proposed constituents as "Mike Ryan;" but when in the French parishes he was introduced as "Monsieur Michele Rienne." When he was in one kind of company he was one thing; but when in another kind of company he was another thing. He took both sides on occasion. But I am not disposed to lay much stress on this question if a man did not take up arms against the Government, and if he did not betray some public trust. It was almost impossible that a man should remain in the South during the war and save his property without some exhibition of disloyalty. I admit this gentleman was much attached to his slaves. He had a very strong attachment to them, and some of them were attached to him; yet, when he gave them the choice of remaining with him or going with General Banks they went off with the General. I suppose he trimmed to save his property.

I wish to allude to another argument of the gentleman from Indiana, [Mr. VOORHEES,] in order to show how little reliance can be placed on his statements. He says this district lies across the north end of Louisiana and stretches one thousand miles in length by one hundred miles wide. That would make one hundred thousand square miles of territory. I sent to the Library to know if such a thing were possible, and I learn from Mr. Spofford, who knows everything, that Ohio has forty thousand square miles, Indiana thirty-three thousand square miles, and Louisiana forty-one thousand square miles.

Mr. VOORHEES. Let me correct myself a little.

Mr. STEVENSON. Yes, sir.

Mr. VOORHEES. The remark I made about the extent of territory was suggested to me while I was on my feet. The extent which I gave the district is correct in following the river; that is, if you will follow the river from Baton Rouge to the Texas line.

Mr. STEVENSON. I know these rivers are as crooked as a snake. By his calculation he makes this district two and a half times as large as the whole State of Louisiana. That is it exactly. Now, the truth is that this district is about two hundred and fifty miles long, and from fifty to one hundred miles wide. The gentleman exaggerates.

He also says—and here is another argument which illustrates the gentleman's abundant imagination—he says we retain Avoyelles and West Feliciana in favor of Mr. Newsham, while we throw out Sabine against Mr. Ryan, on the same ground. Now, the truth is that West Feliciana and Avoyelles voted differently. The one gave a majority for Mr. Ryan, and the other for Mr. Newsham; and if you were to throw out both those parishes it would not affect the case materially. The testimony cured the defects in both those parishes, but it did not cure the defects in Sabine.

[Here the hammer fell.]

Mr. STEVENSON. I should like to have five minutes more.

Mr. BURDETT. I yield to the gentleman five minutes more.

Mr. STEVENSON. The gentleman from

Indiana borrowed his facts a little too credulously. It was evident to the House that he had to turn every few moments to the gentleman whom he was representing to pick up a statement of fact.

One word as to violence. Having spoken of the size of the district, I wish to contrast the two parts of the district, one of which was peaceable and the other violent. There were four parishes that were controlled by violence, the upper Red river parishes—Caddo, De Soto, Bossier, and Sabine—the central town of which was Shreveport; and any man who knows anything of Louisiana and of the South knows that Shreveport is one of the air-holes of perdition on the face of the earth. There lawless violence reigned. Men came to Shreveport armed with revolvers, bearing four revolvers on their persons—two in their belts and two in their boots—and sometimes having a double-barreled shot-gun slung over the shoulders; and they shot men down in the open streets with impunity. Then, just opposite Shreveport, occurred one of the bloodiest riots which redden the pages of history. The whites sallied out from Shreveport and murdered the colored men by the hundred and drove others to the swamps, from which they did not dare to return for two or three weeks. Violence reigned supreme in that region. In De Soto and Sabine the Kuklux controlled until after the election. In all those four parishes violence reigned; in six it did not. About two thirds of the district were peaceable; one third was lawless.

Now, what was the result? In four parishes but three Republican votes were cast. In four parishes, where two thirds of the voters were Republicans—ay, black Republicans—three Republican votes were cast. In one not a single Republican vote was cast. And yet gentlemen tell us that there was no violence! Such a statement is absurd upon its face. This House, on both sides, has voted that where violence reigned in any parish that parish shall not be counted.

Mr. MUNGEN. That is, reigned supreme.

Mr. STEVENSON. Yes; that when violence reigned supreme, as it reigned supreme in this case, the parish shall not be counted. Even the other side of the House, in order to keep a Republican out, voted for that principle, judicially and judiciously. This side has voted for it three times. We have done right thrice, and they once in that respect. Then, four parishes must be excluded. What, then, remains? Two thirds of the district, in which a majority of the people reside, in which a majority of the electors were registered, in which a majority of the voters voted, and in which Mr. Newsham received a majority of the votes cast.

We have here, then, every element of a good case. There is nothing in it to strain at, nothing to hurt anybody's conscience on this side of the House, nothing to excite the amazement of those who may happen to have none on either side of the House. It is a clear case, in which even the principle of a choice of evils would require the seating of the Republican candidate. The greater part of the district, that containing the majority of the inhabitants, the majority of the registered voters, the majority of the voters voting, was peaceable, and gave a majority of votes to Mr. Newsham. If you do not recognize that vote, you deny the peaceable majority of the people of the district the right of representation because the minority have made riot and bloodshed.

[Here the hammer fell.]

Mr. BURDETT. I now yield five minutes to the gentleman from Minnesota, [Mr. WILKINSON.]

Mr. WILKINSON. Mr. Speaker, I have not risen for the purpose of discussing this question generally. I have not had time fully to investigate the facts. But I have risen mainly for the purpose of sending to the Clerk's desk, to be read, a letter which I hold in my hand, written by a Democrat, a loyal Democrat, a gentleman who figured in the Democratic party for many years in connection with my colleague on the other side of the House, [Mr. WILSON.] He was a representative in the Legislature for several years from the city of St. Paul. When the war broke out he enlisted on the Union side, received a commission, and was a member of the staff of the gallant General A. J. Smith. After the war was over he resided in the district the representation of which is now contested. He is a man in every way worthy of credit, intelligent, honest, and truthful. I prefer that his name should not be read, for the reason that it might affect him personally at home in Louisiana. But I will state to gentlemen upon the other side of the House that I have shown this letter to my colleague, [Mr. WILSON,] who will probably vote with them in this contest, and that he will indorse the credibility, respectability, and reliability of the gentleman who wrote it.

Mr. VOORHEES. Allow me to say to the gentleman from Minnesota that his colleague is not present, and certainly it strikes me as a very unfair proceeding to read an anonymous letter without the name being given.

Mr. WILKINSON. It is not anonymous. The name is there.

Mr. SCHUMAKER. I think it only fair to the gentleman from Minnesota [Mr. WILSON] to say that I was present when the gentleman spoke to Mr. WILSON on this subject, and Mr. WILSON turned to me and said, "I will vouch for his Democracy, but he was a bitter copperhead, a Breckinridge Democrat, and I have no doubt has the same tendency toward radicalism down South." That is what he said to me.

Mr. WILKINSON. Who was that?

Mr. SCHUMAKER. Mr. WILSON told me that this man was a very bitter Breckinridge Democrat, and he had no doubt he changed his politics after he went South.

Mr. WILKINSON. Let the letter be read.

Mr. VOORHEES. If I can do so, I shall object to the reading of that letter. It is not in evidence.

Mr. STEVENSON. I presume the gentleman from Minnesota can have it read as a part of his remarks.

Mr. VOORHEES. Very well.

The Clerk read as follows:

STEAMER B. L. HODGES, *March* 5, 1870.

DEAR SIR: I live in Caddo parish, Louisiana. I see by the papers of this morning that a man calling himself Mike Ryan is likely to get a seat in Congress from the fourth congressional district of Louisiana. God forbid! He is a rebel of the darkest dye. He is the leader of an element in this country that says no northern man shall live here; also an enemy of the colored man and his rights. After the Red river campaign, I learn from reliable authority, he went on like a crazy man, cursed us for thieves, and advocated the hanging of every northern man that we left or should be captured in the country. As regards taking the oath, he will take any oath. He is not to be believed under oath. I attempted to stop the people down here, that is, the class that Ryan is king of, from robbing and murdering negroes. They surrounded my house for thirty days, swearing to take my life, because I was a northern man and an ex-Federal officer. I had my negroes, thirty-odd, armed and on guard for thirty days. I was only relieved from danger by General W. T. Sherman sending me a company of United States cavalry. I have United States troops stationed on my plantation to protect my life and property. Withdraw the troops from my place and the parish and I shall be forced to leave, otherwise they would kill me.

Admitting Ryan to a seat in Congress would be reconstruction with a vengeance. You had better send the State to hell at once. I have always been a Democrat; but God forgive me for it, if you call that Democracy.

From your old friend,

———

The boat shakes so, I doubt if you can read it. If these facts are of any account to the committee hand this letter to HON. J. E. STEVENSON, chairman.

To Hon. M. S. WILKINSON.

Mr. RANDALL. Let us have the name of the writer.

Mr. PRATT. I wish to say to the gentleman on the other side of the House who states that this gentleman was a Democrat before he went down South, and is now a Radical, that a short residence in the South will convert a great many Democrats.

Mr. WILKINSON. I wish to say one word further.

Mr. BURDETT. I yield to the gentleman for a minute.

Mr. JONES, of Kentucky. The gentleman said that letter had a name attached to it. Why is it not read?

Mr. WILKINSON. In answer to the gentleman from New York, [Mr. SCHUMAKER,] I wish to state that this gentleman was a Democratic candidate for Congress in 1868.

Mr. SCHUMAKER. The gentleman's colleague said he was a Breckinridge Democrat at the North, and he supposed that when he went South he was just as radical the other way.

Mr. BURDETT. I rise to close the debate.

Mr. VOORHEES. In behalf of fair dealing, I ask the gentleman to yield. Judge Ryan asks the House through me that he may be heard for a minute in this matter.

Mr. BURDETT. I desire to be as courteous as possible, and I will be so. I believe I have but thirteen minutes left.

Mr. VOORHEES. The gentleman surely does not wish this assault on Judge Ryan to go unanswered.

The SPEAKER *pro tempore*, (Mr. NIBLACK in the chair.) The gentleman has twenty-one minutes of the hour left.

Mr. BURDETT. How much time does the gentleman want?

Mr. VOORHEES. Judge Ryan says he wants about two minutes.

Mr. BURDETT. Then I will yield to him for two minutes, and then I give notice to the House I will yield no further.

Mr. RYAN, (the contestee.) It was not my intention at the inception of this proceeding to address the House, nor should I have done so if gentlemen in discussing this case had confined themselves to the testimony taken by the committee. But at this last moment they come forward with a letter of accusation against me from some unknown man; a letter which, from anything that appears here, may have been written by the man who is contesting my right to a seat upon this floor; a letter which may have been written by the gentleman from Ohio [Mr. STEVENSON] or the gentleman from Missouri, [Mr. BURDETT,] so far as this House is informed.

Sir, I deny every word, I deny every syllable contained in that letter, so far as it seeks to disparage me in any respect. It is false altogether, no matter from what source it may have come. I may and probably will be compelled to return to my people without being permitted to occupy that seat upon this floor to which the people of the fourth congressional district of Louisiana have elected me. This House has the power to prevent my exercising here the high trust delegated to me by my constituents.

But, sir, I have the right to vindicate my character against the foul aspersions and calumniations sought to be fastened upon me by the letter which has just been read. Sir, I stood by the nation's cause for the integrity of my adopted country. I am now a Democrat as I have always been a Democrat. But I opposed secession and favored the national cause. The gentleman from Massachusetts, [Mr. BANKS,] in his time of difficulty and trial as a commander of one of the armies of the Union, made my house his headquarters, and slept there, and had an opportunity to know my sentiments at that time. I call upon that distinguished gentleman to rise in his place here, and in vindication of my character and of right and justice to state what he knows concerning my opinions at the time to which I have referred.

The SPEAKER. The gentleman from Missouri is entitled to the floor.

Mr. BANKS. I ask the gentleman from Missouri [Mr. BURDETT] to yield to me for one moment.

Mr. BURDETT. If it shall not come out of my time.

Mr. BANKS. I do not ask that it shall come out of the gentleman's time.

Several MEMBERS. Let his time be extended.

Mr. BURDETT. I will yield with that understanding.

Mr. BANKS. I desire to say that I was in Alexandria, in the State of Louisiana, in 1863 and 1864. I knew Mr. Ryan very well at that time; I occupied his house for some weeks as my headquarters. I often heard him spoken of by those who were at that time the supporters of the Government, and I do not think he was regarded as hostile to the Government. I know nothing personally of his opinions, because I never asked him particularly about them, nor do I know that he ever expressed them to me; but I often heard him spoken of by those whom I regarded as friends of the Government as being not unfriendly to our cause, and his resistance to the measures taken by Governor Moore, of Louisiana, before our Army occupied that portion of the country at all, was particularly spoken of with favor. Those measures of Governor Moore were intended to favor the operations of the rebel army and to support the rebel confederacy. Beyond this I do not know that I can say anything in regard to the character and standing of Mr. Ryan.

Mr. BURDETT resumed the floor.

Mr. WILSON, of Minnesota. Will the gentleman from Missouri [Mr. BURDETT] yield to me for one moment, as I have been referred to in this matter?

Mr. BURDETT. As I have yielded already so much of my time, I am obliged to say that I cannot yield any further, and I hope gentlemen will not ask me to do so.

Mr. WILSON, of Minnesota. I was referred to by my colleague [Mr. WILKINSON] while I was absent from the Hall, and I think it but just that I be allowed to reply. I will take but a moment.

Mr. BURDETT. I must decline to yield any further. I said yesterday, Mr. Speaker, in opening this case, that it was not my purpose, on behalf of the Committee of Elections, to dwell at any length, or indeed at all, on the question of the eligibility or ineligibility of Mr. Ryan. I did not then deem that to be an essential question in this controversy, nor do I now so deem it. But those who represent the views of the minority of the Committee of Elections upon the question of who, upon the count of the votes, is entitled to this seat, have seen fit to turn the whole current of the debate upon the determination of the question whether or not Michael Ryan was a loyal man. Now I do not propose that this course of debate shall drive me from the consideration of those facts which constitute and make up the issue upon which this House is to find its conclusion in this case.

I feel it my duty, however, to say a word or two in answer to some of the innuendoes at least which have been cast upon the committee on account of their report in this case. It is not true, Mr. Speaker, that the evidence in this case fails to convict Mr. Ryan of being an aider and an abettor of the rebellion. And it is not true that there are but two witnesses who testify to that effect, for there are several more who so testify. It is testified by Lott, who has been already referred to, and whose testimony is impeached by no one, that in 1862 he heard Michael Ryan, in the town of Alexandria, address himself to a company of confederate troops who were then about leaving that town, and that he bid them God speed on their errand for the destruction of their country, and charged them most especially to drive the "Hessians" or the "Yankees" from the land.

Mr. Speaker, I say there is no testimony to controvert this. The gentleman from Indiana [Mr. VOORHEES] lays it aside with the simple assertion that this witness was not "indigenous to the soil" of Louisiana. Let me remind the gentleman that it is written in an old book, to which lawyers often refer, that "the essence of treason is perjury;" and if the fact that a man is "indigenous to the soil" is necessary to establish his credibility as a witness, then there must be a reversal of the history of that State for four years or more.

Mr. Speaker, it is further proved beyond question—and the evidence is confirmed, if my recollection is correct, by the admission of one of the servants of Mr. Ryan himself—that he was the wearer of a confederate uniform; that he drilled and paraded with troops in the State of Louisiana after the fall of Fort Sumter and after the battle of Bull Run; that he put on large airs in this confederate uniform, and commended himself on all occasions in that early period of the war to the confidence of those who were struggling to overturn the Government.

These are facts appearing in the testimony. What is the answer to them? Nothing has been offered in answer to them by the gentlemen who advocate the cause of Mr. Ryan save only that to Union men—men to whom he could safely talk—he whispered now and then in confidence that he was a Union man. But Mr. Ryan was not able to bring before the committee a single witness who had ever heard him utter openly in the ears of the world a sentiment in favor of the Union.

Now, Mr. Speaker, since gentlemen on the other side have seen fit to throw the character and standing of Mr. Ryan into the scales in the decision of this case, I feel it my duty to state (and I call the attention of the House to the fact as indicative of the spirit of desolation and death with which the Democratic party pursued their course to bloody victory) that it is in evidence that Mr. Ryan himself, in matters appertaining to this election, in which he was interested, did threaten men with death if they dared to return an election poll. I would not have said this but for the fact that the character of Mr. Ryan is thrown into the balance here in order to defeat the claims of Colonel Newsham. I have stated what is established by the evidence, and it cannot be gainsaid.

The committee affirm—and they affirm it upon evidence which cannot be controverted—that in four of the parishes of this district there was no election which ought to be dignified with such a name. In one of the parishes where one brave man dared to vote his sentiments he paid within a short time the penalty with his life.

I should be glad, if time permitted, to read the evidence establishing these facts; but that would occupy more than the time already given to this case. As a committee of this body, charged with the responsibility of ascertaining the facts in this case, and acting under a full consciousness of that responsibility, we can only say that this great mass of testimony furnishes evidence heaped upon evidence that in those four parishes to which I have referred riot and murder ruled the day. For this statement we are responsible to the House who imposed upon us the duty of examining the case, and we are also responsible to our own consciences.

What, then, is the conclusion to which the House is brought? The returns, which are not controverted on either side, show that three fifths, very nearly two thirds, of the entire registered vote of this large district was cast in parishes not attacked, parishes which may be termed peaceable; that these parishes embrace nearly two thirds of the whole territory of the district. One third of the registered vote and one third of the territory of the district are found in those parishes attacked for fraud and violence. And the question which now comes before this House for decision is not whether Michael Ryan shall be seated as a member, for I know well that he will never be permitted to take a seat in this House to remind us by his daily presence of the too great cost of his victory. But I know the question which will appeal to the intelligence and consciences of gentlemen will be whether Mr. Newsham shall be seated, or whether the election shall be held null and void and returned again to the people of Louisiana. I cannot forbear saying, Mr. Speaker, if this House should come to the latter conclusion, in my humble judgment it would perpetrate an irreparable wrong, an irreparable injury to the people of the fourth congressional district of Louisiana. Why shall we again send upon a weary people the same causes of contention which led to the awful scenes to which I have alluded? Why should we say that the will of the larger portion of the people of this district shall not be respected because one third of the people did not respect themselves or their duty?

Sir, when at the close of the rebellion we looked about us to see from whence should come safety to the Constitution, safety to the people of the States lately in rebellion, we found no other answer to that inquiry save that we should clothe the freedmen in the habiliments of citizenship. They did not ask that of us; but we, in order to sustain ourselves as a party and to minister, as we believed, to the well-being of the nation, chose to lay upon the colored people of the South the burden of citizenship, well understanding when we did so that in discharging their new duties they must inevitably incur the hostility and harsh judgment of their former masters. Yet they have thus far borne in for us, and borne it honorably, and I cannot, Mr. Speaker, think that this House will turn their backs on the men who have discharged for us a duty most important for us and most important for the nation.

I yield the remaining three minutes of my time to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD, of Ohio. Mr. Speaker, I have paid careful attention to the figures in this case, and desire to spend no more than the remaining three minutes in stating the grounds upon which I propose to cast my vote. These, as I understand, are the facts of record: the total registered vote was 25,027; the total vote cast was 20,500. There are ten parishes in the district. In four of them, it is urged, there was such disturbance as to render the election null and void. In the remaining six parishes the election was peaceable. In these six peaceable parishes there were 13,817 votes cast, being nearly 2,000 more than a majority of the total registered votes. Of these 13,817 votes Mr. Newsham is reported to have a clear majority of 609 in these six undisturbed parishes. In the disturbed parishes 6,643 votes were polled, of which Mr. Newsham has but 3. That is a remarkable fact, to begin with.

Now, from the column of tables given us of the four disturbed parishes it appears that only six months before, in the month of April, the two political parties stood almost exactly equal in the gubernatorial fight; 2,814 for the Republican candidate for Governor, and 2,888 for all other persons. How comes it about that in six months, in four parishes where parties were equally balanced, while the Republican candidate has but three votes the Democratic candidate receives 6,643 votes, more than both parties cast in the gubernatorial election six months before? That fact bears on its face, to my mind, evidence that there was coercion or fraud, or at least some violent disruption, in these four parishes. It seems to me we ought to throw them out. If we throw them out there will be left a majority in the undisturbed parishes of the district for Mr. Newsham a clear majority of 609 votes. I shall, therefore, vote for giving him the seat.

The question first recurred on Mr. KERR's substitute, as follows:

Resolved, That Michael Ryan is entitled to a seat in this House as a Representative from the fourth congressional district of the State of Louisiana in the Forty-First Congress, and ought to be now admitted thereto.

The House divided; and there were—ayes 54, noes 79.

So the substitute was disagreed to.

The question next recurred on the first resolution of the committee, as follows:

Resolved, That Michael Ryan is not entitled to a seat as a Representative in the Forty-First Congress from the fourth district of Louisiana.

The resolution was adopted.

The question next recurred on the second resolution of the committee, as follows:

Resolved, That J. P. Newsham is entitled to a seat as a Representative in the Forty-First Congress from the fourth district of Louisiana.

The House divided; and there were—ayes 62, noes 59.

Mr. CESSNA stated, on this question he was paired with Mr. POTTER.

Mr. KERR demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 79, nays 71, not voting 78; as follows:

YEAS—Messrs. Atwood, Ayer, Banks, Bennett, Benton, Bowen, George M. Brooks, Buckley, Burdett, Benjamin F. Butler, Roderick R. Butler, Churchill, Sidney Clarke, Amasa Cobb, Coburn, Covode, Cowles, Cullom, Degener, Dixon, Donley, Duval, Dyer, Ela, Eldridge, Ferry, Finkelnburg, Fitch, Garfield, Harris, Hawley, Hays, Heflin, Hoar, Hotchkiss, Judd, Kelsey, Knapp, Laflin, Lawrence, Logan, Maynard, McCarthy, McKee, Mercur, Negley, O'Neill, Packard, Paine, Perce, Phelps, Platt, Pomeroy, Prosser, Roots, Sargent, Sawyer, Shanks, Lionel A. Sheldon, William J. Smith, William Smyth, Starkweather, Stevenson, Stokes, Stoughton, Strickland, Taffe, Tillman, Townsend, Twichell, Tyner, Upson, Ward, Welker, Wheeler, Whitmore, Wilkinson, Williams, and Witcher—79.

NAYS—Messrs. Adams, Ambler, Archer, Asper, Axtell, Barnum, Beaman, Beatty, Beck, Bingham, Bird, Blair, Booker, James Brooks, Buffinton, Burchard, Burr, Calkin, Cook, Conger, Conner, Cox, Crebs, Davis, Dawes, Dox, Farnsworth, Getz, Gibson, Griswold, Hale, Hamill, Hawkins, Thomas L. Jones, Kerr, Ketcham, Knott, Lewis, Marshall, Mayham, McKenzie, Morgan, Morphis, Morrissey, Mungen, Niblack, Orth, Peters, Randall, Reeves, Rice, Ridgway, Rogers, Schumaker, Sherrod, Shober, John A. Smith, Joseph S. Smith, Strong, Swann, Sweeney, Trimble, Van Trump, Voorhees, William B. Washburn, Willard, Eugene M. Wilson, Winans, Winchester, Wood, and Woodward—71.

NOT VOTING—Messrs. Allison, Ames, Armstrong, Arnell, Bailey, Barry, Benjamin, Biggs, Boles, Boyd, Buck, Cake, Cessna, William T. Clark, Cleveland, Clinton L. Cobb, Dickey, Dickinson, Dockery, Ferriss, Fisher, Fox, Gilfillan, Haight, Haldeman, Hambleton, Hamilton, Hay, Heaton, Hill, Hoge, Holman, Hooper, Ingersoll, Jenckes, Johnson, Alexander H. Jones, Julian, Kelley, Kellogg, Lash, Loughridge, Lynch, McCormick, McCrary, McGrew, McNeely, Milnes, Eliakim H. Moore, Jesse H. Moore, William Moore, Daniel J. Morrell, Samuel P. Morrill, Myers, Packer, Palmer, Peck, Poland, Porter, Potter, Sanford, Schenck, Scofield, Porter Sheldon, Slocum, Worthington C. Smith, Stevens, Stiles, Stone, Strader, Tanner, Taylor, Van Auken, Van Horn, Van Wyck, Cadwalader C. Washburn, Wells, and John T. Wilson—78.

So the resolution was agreed to.

During the call of the roll,

Mr. PECK said: I beg to state that I have paired with my colleague from Ohio, [Mr. STRADER.]

Mr. ARNELL. I beg to state that I have paired with the gentleman from Illinois, [Mr. MCNEELY.] If he were here he would vote "no," and I would vote "ay."

Mr. PACKER. I have paired with my colleague from Pennsylvania, [Mr. HALDEMAN.]

Mr. ELDRIDGE. My name has been recorded among the nays. I wish to change my vote, for the purpose of being permitted to move a reconsideration.

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

Mr. ELDRIDGE. I move to reconsider the vote just taken. I do so with a view to introducing a resolution declaring that there is a vacancy in the representation of the fourth district of Louisiana.

Mr. STEVENSON. I rise to a question of order. I submit nothing is now in order but the swearing in of the gentleman who has been declared entitled to his seat.

The SPEAKER. The Chair overrules the point of order. No legislation is complete until the power to reconsider is exhausted.

Mr. COX. I would sooner have a vacancy than a usurpation.

Mr. STEVENSON. I move to lay on the table the motion to reconsider.

The question was put on Mr. STEVENSON'S motion; and there were, on a division—ayes 76, noes 74.

Mr. ELDRIDGE. I demand tellers.

Mr. STEVENSON. I demand the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. MORGAN. I move that the House do now adjourn.

Mr. ELDRIDGE. On that motion I demand a division by tellers.

Tellers were ordered; and Mr. ELDRIDGE and Mr. KELSEY were appointed.

The House divided; and the tellers reported—ayes 43, noes 76.

Mr. MORGAN. I demand the yeas and nays on my motion to adjourn.

On ordering the yeas and nays, there were—ayes thirty-three, more than one fifth of the last vote.

So the yeas and nays were ordered.

Mr. ELDRIDGE. I move that when the House adjourns to-day it be to meet on Tuesday next; and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 18, nays 130, not voting 80; as follows:

YEAS—Messrs. Adams, Ayer, Barnum, Burr, Crebs, Eldridge, Hamill, Thomas L. Jones, Kerr, Knott, Marshall, Morgan, Mungen, Trimble, Van Trump, Voorhees, Wood, and Woodward—18.

NAYS—Messrs. Ambler, Ames, Archer, Asper, Atwood, Axtell, Banks, Barry, Beaman, Beatty, Beck, Bennett, Benton, Bingham, Bird, Blair, Booker, Bowen, George M. Brooks, Buckley, Buffinton, Burchard, Burdett, Benjamin F. Butler, Roderick R. Butler, Churchill, Sidney Clarke, Amasa Cobb, Coburn, Cook, Conger, Conner, Covode, Cowles, Cullom, Davis, Dawes, Degener, Donley, Dox, Duval, Dyer, Ela, Farnsworth, Ferry, Finkelnburg, Fitch, Garfield, Getz, Gibson, Hale, Harris, Hawkins, Hawley, Heflin, Hoar, Hooper, Hotchkiss, Ingersoll, Jenckes, Judd, Kelsey, Ketcham, Knapp, Laflin, Lawrence, Lewis, Logan, Mayham, Maynard, McCarthy, McGrew, McKee, McKenzie, Mercur, William Moore, Negley, Niblack, O'Neill, Packard, Packer, Paine, Peck, Perce, Peters, Phelps, Platt, Poland, Pomeroy, Prosser, Randall, Reeves, Rice, Rogers, Roots, Sargent, Sawyer, Shanks, Lionel A. Sheldon, Shober, John A. Smith, Joseph S. Smith, William J. Smith, William Smyth, Starkweather, Stevenson, Stokes, Stoughton, Strickland, Strong, Swann, Taffe, Tanner, Tillman, Townsend, Twichell, Tyner, Upson, Ward, Cadwalader C. Washburn, William B. Washburn, Welker, Wheeler, Whitmore, Wilkinson, Willard, Williams, Eugene M. Wilson, Winans, and Witcher—130.

NOT VOTING—Messrs. Allison, Armstrong, Arnell, Bailey, Benjamin, Biggs, Boles, Boyd, James Brooks, Buck, Cake, Calkin, Cessna, William T. Clark, Cleveland, Clinton L. Cobb, Cox, Dickey, Dickinson, Dixon, Dockery, Ferriss, Fisher, Fox, Gilfillan, Griswold, Haight, Haldeman, Hambleton, Hamilton, Hay, Hays, Heaton, Hill, Hoge, Holman, Johnson, Alexander H. Jones, Julian, Kelley, Kellogg, Lash, Loughridge, Lynch, McCormick, McCrary, McNeely, Milnes, Eliakim H. Moore, Jesse H. Moore, Morphis, Daniel J. Morrell, Samuel P. Morrill, Morrissey, Myers, Orth, Palmer, Porter, Potter, Ridgway, Sanford, Schenck, Schumaker, Scofield, Porter Sheldon, Sherrod, Slocum, Worthington C. Smith, Stevens, Stiles, Stone, Strader, Sweeney, Taylor, Van Auken, Van Horn, Van Wyck, Wells, John T. Wilson, and Winchester—80.

So the motion was not agreed to.

The question recurred on Mr. MORGAN'S motion, that the House do now adjourn, on which the yeas and nays had been ordered.

Mr. BUTLER, of Massachusetts. I rise to make a proposition to the House with a view to saving any further obstruction of the public business. It is this: that the vote on the motion of the gentleman from Ohio [Mr. STEVENSON] be taken on Monday when there is a full House, at two o'clock, or immediately after the morning hour, if it should extend later than two o'clock. Let this be agreed to, and we can go on this afternoon to finish the consular and diplomatic appropriation bill.

The SPEAKER. Is there any objection to the arrangement proposed by the gentleman from Massachusetts.

Mr. ELDRIDGE. If the gentleman from Massachusetts will say three o'clock on Monday I will not object.

Mr. BUTLER, of Massachusetts. The House meets at eleven, and I presume we will have a full House at two o'clock.

Mr. COX. I think that is a fair arrangement.

The SPEAKER. The Chair understands that it is agreed that the vote shall be taken at two o'clock on Monday.

Mr. ELDRIDGE. No, Mr. Speaker, I object, unless the hour fixed be three o'clock instead of two; some members will not have arrived by train by two o'clock.

Mr. BUTLER, of Massachusetts. Then three be it.

The SPEAKER. Does the gentleman from Wisconsin [Mr. ELDRIDGE] further object?

Mr. ELDRIDGE. I do not.

The SPEAKER. Does any other gentleman?

Mr. MERCUR. I object.

Mr. RANDALL. Would it be proper now to offer a resolution declaring a vacancy in the representation of the fourth district of Louisiana?

The SPEAKER. Before answering that question the Chair asks, does the gentleman from Pennsylvania [Mr. MERCUR] persist in his objection?

Mr. MERCUR. I do.

Mr. DAWES. Then I move that the House adjourn.

The motion was agreed to; and accordingly, (at three o'clock and thirty minutes p. m.) the House adjourned till Monday, at eleven o'clock a. m.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BUFFINTON: The memorial of Josiah Quincy, Samuel E. Sewell, Darwin E. Ware, F. W. Lincoln, jr., and J. N. Marshall, Board of Harbor Commissioners of Boston, Massachusetts, praying that the application of the Cape Cod Canal Company for an appropriation for a breakwater in Barnstable bay, in connection with their works, may be favorably considered by Congress.

By Mr. PERCE: The petition of Rumble & Wensel, Morgan & Co., and many others, relative to the collection of the tax upon distilled spirits.

By Mr. SARGENT: A memorial of the residents of Eureka, Humboldt county, California, praying that that port be made a port of entry or port of delivery.

By Mr. STARKWEATHER: Several petitions of citizens of New London, Connecticut, asking for the importation of pig lead free of duty.

By Mr. TANNER: The petition of the Penrhyn Slate Company and others, of Washington county, New York, for a duty of two dollars a square on roofing slate.

IN SENATE.

MONDAY, *May* 23, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

The Journal of Friday last was read and approved.

FIFTEENTH AMENDMENT BILL.

Mr. CASSERLY. Mr. President, I desire to make a motion to correct the Journal, as the only mode I think of to reach what appears to me to be an error in the bill passed by the Senate on Saturday morning, as printed in the Globe of yesterday.

The VICE PRESIDENT. The Senator from California rises to a privileged motion, and moves to correct the Journal in regard to the proceedings on the passage of the bill to enforce the fifteenth amendment to the Constitution.

Mr. CASSERLY. By the Globe of yesterday I see that the bill to enforce the right to vote under the fifteenth amendment, as passed, contains a section, section sixteen, which I did not understand was before the Senate for its action at the final passage of the bill. I believe a majority of the Senators present during the debate agree with me in that understanding.

That section comprises what was known as a bill to enforce the fourteenth amendment. There is no doubt that in the earlier stage of the debate that bill was proposed as an amendment by the Senator from Nevada [Mr. STEWART] to the Senate bill of the Judiciary Committee (in his charge) to enforce the fifteenth amendment. No action, however, was taken upon it in that stage.

Afterward the House bill came in, and a motion was made by the Senator from Oregon [Mr. WILLIAMS] to substitute it for the Senate bill. The next step was that the Senator from Nevada [Mr. STEWART] offered the Senate bill, "with the amendments before proposed by him," as a substitute for the House bill. My recollection is distinct that those amendments, although they appear in the Globe as having been read in full, were not read, as a matter of fact. All that occurred was a very brief statement by the Senator from Nevada that he offered as a substitute the Senate Judiciary Committee bill with the amendments which he had before proposed.

Thenceforward the debate took a new point of departure. All that occurred, everything that was said by the Senator from Nevada and by other Senators on that side, concurred substantially in one result. That result was, that as between the Senate bill and the House bill the only measures which were before the Senate were the Senate bill as reported by the Judiciary Committee and the House bill as it came from the House. It is true some amendments were made from time to time in the Senate bill by striking out sections of it as it came from the committee, by amending sections, and by adding sections; as, for instance, the section which was added on the motion of the Senator from Wisconsin, [Mr. CARPENTER.] I mean the Senator from Wisconsin who was here during the greater part of the evening, [Mr. CARPENTER.] But, sir, the point of the debate was, and the point of the position taken by the Senator from Nevada was, whether the Senate would ignore the work of the committee; whether it would refuse to adopt the bill of the committee as a basis for its action, with such amendments as the Senate might make, or whether it would adopt the House bill as the basis of its action. Directly after the Senator from Nevada first introduced the Senate bill as a substitute for the House bill a debate arose in the course of the debate as to whether the Senate should base its action upon the Senate judiciary bill or upon the House bill. In that debate the Senator from Nevada said:

"Mr. STEWART. It will take several days to perfect the House bill. If you are willing to take the labor of the committee, let us have the sense of the Senate. If the Senate wish to ignore entirely what the committee have done, and propose to commence with the House bill as a basis, let us understand it. If the Senate is going to make the labor of the committee as it is a basis for perfecting a bill, we had better adopt the substitute, and then we can amend it in the Senate as much as we desire."

Then the Senator from North Carolina [Mr. POOL] spoke:

"Mr. POOL. Mr. President, I have examined both these bills, and I think both are defective. I believe it will be easier to amend the Senate bill so as to make it what it should be than it would be to amend the House bill. I understand that the motion of the Senator from Nevada is to substitute the Senate bill for the House bill."

That was how the Senator from North Carolina understood the matter directly after the Senator from Nevada had made his motion. He said further:

"I suppose if that substitution were made it would then be too late to amend the Senate bill."

Here the Chair made a parliamentary explanation. The Senator from Nevada followed, and then the Senator from North Carolina remarked:

"Mr. POOL. I think the time necessary to amend the Senate bill as it should be would be very considerable, and it had better be done in committee than in the Senate. I suppose that while the proposition of the Senator from Nevada is pending, to substitute the Senate bill, it will be proper to offer amendment after amendment to that Senate bill, and to perfect it. And when it is perfected, then the Senate can vote whether they will substitute it for the House bill or not. I rose simply to express it as my judgment that we shall arrive at a correct conclusion sooner and better by amending the Senate bill, and substituting it, than by attempting to amend the House bill in the present stage of the proceedings."

All this shows that the Senator from North Carolina understood the question to be between the Senate bill and the House bill. Then a little further down the Senator from Nevada [Mr. STEWART] again said:

"Mr. STEWART. The motion now is to substitute the Senate bill for the House bill, and we have a right to amend the amendment."

Here the Senator from Oregon [Mr. CORBETT] interposed:

"Mr. CORBETT. Do I understand that the Senate bill is before the Senate?

"The PRESIDING OFFICER. It is before the Senate as an amendment to the House bill."

While the proceedings taken by the Senator from Nevada were still fresh with him and others all understood the question to be between the two bills of the two Houses respectively, pure and simple.

It was at so late an hour yesterday that I discovered in the bill, as printed in the Globe, this sixteenth section, which, so far as I understood, was never before the Senate to be acted upon, that I have not been able to examine the files of the Globe during the protracted debate of last week further than as I have read. But Senators who were present during the weary hours of our session, from Friday afternoon until Saturday morning at seven o'clock, and who did me the favor to listen to what I said, will remember a colloquy that took place between the Senator from Wisconsin [Mr. CARPENTER] and myself. I was arguing the want of power in Congress to enact the legislation called for by the bill of the Senate Judiciary Committee, under the terms of the fifteenth amendment itself.

The Senator from Wisconsin called my attention to the language of the fourteenth amendment as being sufficient to sustain the powers claimed in the Senate committee's bill. I replied at once that there was no bill purporting to enforce the fourteenth amendment before the Senate; that the only bill pending was one to enforce the fifteenth amendment. The Senator from Wisconsin retorted that it was not material whether the bill in terms purported to enforce the fifteenth amendment by virtue of the powers given by that amendment; and he said, doubtless correctly, that the question was whether there was anywhere in the Constitution power to sustain the Senate Judiciary bill; that was a bill to enforce the fifteenth amendment and nothing more. It certainly was not a bill to enforce the fourteenth amendment. So far as I knew no such bill was before the Senate.

I then undertook to show, in reply to the Senator from Wisconsin, that the fourteenth amendment, in the particular I was discussing, did not differ from the fifteenth amendment; that both amendments employed the same language in effect; that both operated upon the States as States; and that if the fifteenth amendment was defective in the grant of power in that particular the fourteenth amendment could not be invoked to correct that defect. It was not suggested then, nor afterward, by anybody that the bill to enforce the fourteenth amendment was among the amendments put upon the Senate bill at any time. Every Senator who remembers the whole course of the debate will bear me out in this, that there was no word uttered by any gentleman certainly of the minority, nor I think of the majority either, in regard to the merits of a bill or section to enforce the fourteenth amendment.

The bills or measures that were discussed were three. The Senate bill, as it was reported from the Judiciary Committee by the Senator from Nevada, was one. The House bill, as it came from the House, was another measure. The third measure was that submitted by the Senator from Ohio [Mr. SHERMAN] late on Friday evening, submitted here I think about nine o'clock. The bill of the Senator from North Carolina [Mr. POOL] was generally had in mind as before the Senate, though it was not much discussed, if at all. But if there was before the Senate a measure to enforce the fourteenth amendment tacked on to the Senate bill as an amendment to that, I repeat that it was totally ignored in the discussion from the first word to the last. My own judgment is that no considerable number of the Senators here understood that to be a portion of the bills upon which we were acting. Certainly I can have nothing to reproach myself with, for I think, so far as human vigilance or endurance could go, I followed it closely at every stage, always in my seat from the opening of the debate last Monday until its close at seven o'clock last Saturday morning.

I should not have troubled the Senate but for a single consideration. The last sentence of this section sixteen, inserted to enforce the fourteenth amendment, is very wide-sweeping and very vital in its operation. I will read it:

"No tax or charge shall be imposed or enforced by any State upon any person emigrating thereto from a foreign country which is not equally imposed and enforced upon every person emigrating to such State from any other foreign country, and any law of any State in conflict with this provision is hereby declared null and void."

Mr. President, such a provision could never have gone through this body had it been understood to be before it without discussion and without opposition, I am quite certain from my personal knowledge, from members on both sides of this Chamber. It is a provision which assails the emigration system of at least two important States of this Union; at least it is susceptible of such a construction. I refer to the emigration systems of New York and Massachusetts. It assails the emigration system of the latter State more directly than that of the former State, for unless I am mistaken the emigration system of Massachusetts deals with aliens as such who are emigrants. An argument may be made that the emigration laws of New York deal only with emigrants as such. But, even as to the New York laws, much depends in the construction of language on the meaning of the word "emigrant." As undertood in Europe, it has one signification. It means there one who leaves a foreign country of which he is a native, a citizen, or a subject, to go to another with the intention to reside there. In the United States it includes anybody who goes from one place to another at a considerable distance within the territory of the United States. Senators from the Pacific coast will remember that in the early days of California and of Oregon in common speech we spoke of the movements of our own people to that coast as the emigration over the plains. Who has not read of the emigrant trains on the plains? Who has not seen pictures of an emigrant wagon with its emigrant family on the plains? I am reminded that such a picture adorns a panel in this Capitol. "Emigrant," therefore, has a much broader singification in American usage than it has as understood in Europe. Now, sir, I have but very little information as to the emigration system of Massachusetts. I have a considerable acquaintance with the emigration system of New York. I knew something of it at its inception, more than twenty years ago and since. I believe the Senate would never intend any interference even by possible construction with its beneficent operations.

Mr. HAMLIN. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from Maine will state his question of order.

Mr. HAMLIN. My question is that it is not in order for the Senator from California to discuss anything in that bill or out of it. He can state in what manner the record should be corrected as he desires, so as to bring it to the attention of the Senate; but it is not in order

to discuss what he says is now in the bill that ought not to be there.

The VICE PRESIDENT. The Chair will state to the Senator from California that a motion to correct the Journal when it is read every morning is privileged. It is to make the Journal conform to the actual condition of facts that occurred on the previous day. But it has never been held to be legitimate under that to discuss the merits of the various propositions submitted on the previous day, but simply to state in what particular the Journal is incorrect, and to ask the Senate to correct it to make it conform to the fact. The merits of the questions considered the previous day are not then subject to discussion; otherwise, every day the whole merits of the questions decided on the previous day could be rediscussed.

Mr. CASSERLY. Of course the Senator from Maine and the Senate generally will understand that I did not intend to trespass on any rule of the Senate. I was not aware that I was doing so. I thought it proper to assign my reasons for undertaking to occupy the time of the Senate at all. Of course I shall not continue that course of remark. My object is to have the Journal so corrected that it shall appear that section sixteen was not adopted as part of the bill as it finally passed the Senate.

The VICE PRESIDENT. The Senator from California moves to correct the Journal by striking from it that part which relates to the sixteenth section of the bill passed on Friday, which he says was not in his opinion before the body.

Mr. CASSERLY. And I trust if that motion shall not carry some member of the majority will move to reconsider the vote on the passage of the bill, in order that we may reach the difficulty in that way.

Mr. STEWART. Mr. President, this is a very remarkable motion. The Globe shows that on the 16th of May, when the Senate bill was called up, I offered a substitute for that bill, which was the bill of the Judiciary Committee, and I then offered additional sections as amendments to it. The record in the Globe reads thus:

"Mr. STEWART. I move to amend the amendment by adding some additional sections consisting of two bills reported from the Committee on the Judiciary that have been printed and on our tables for a long time. One is Senate bill No. 114, to enforce the fourteenth article of amendment of the Constitution of the United States in regard to holding office; and the other is the bill (S. No. 365) to secure to all persons the equal protection of the laws. I send them to the Chair as my amendments."

This was when the Senate bill was first called up. Afterward the House bill came in, and the Senator from Oregon [Mr. WILLIAMS] moved that the Senate bill be passed over and that the House bill be taken up, and the motion was carried. Immediately upon that motion being carried, and the House bill being taken up, I took the floor and moved as a substitute for the House bill the Senate bill with the former amendments that I had moved, which is printed in full in the Globe of May 19, it having occurred on the 18th of the month. There it is, printed with the identical sections to which the Senator now refers, being then numbered fifteen, sixteen, and seventeen. The numbers have been somewhat changed since, to correspond with the different amendments that have been put on it; but there they are, printed in the identical language in which they now appear. What the Senator read is there. It is printed twice in the Globe; once when offered as an amendment to the Senate bill, and subsequently when offered as an amendment to the House bill as a substitute. It is printed the second time in the Globe of Thursday last. It was distinctly stated at the time.

It was printed and on the tables of Senators at the time this discussion was being had, and that was the basis of the amendments that were made. The Senate then went on to perfect that amendment, and the discussion occurred upon it. I regret that any Senator should have failed to do what he conceived to be his duty; but I think the country is not to be injured by the passage of that law. At the time I offered the amendment I used this language:

"Now, Mr. President, I propose to offer as a substitute for the House bill the Senate bill, together with the amendments which I offered to that bill. I should like to modify the Senate bill on the third page, in line four of the fourth section, so that it will read," &c.

I made that statement as it will be found in the Globe of that day distinctly. Then the amendment was amended from time to time, and finally adopted.

Mr. THURMAN. I wish to say a word on this matter. When I saw this bill as printed in the Globe of yesterday I was so much surprised to find in it these sections to enforce the fourteenth amendment, and the bill which we have been accustomed to call the Chinese bill, that I could not but suppose that there was some mistake, and that in making up the Journal the Secretary must have fallen into some error; for I, like the Senator from California, had no idea that either of those sections which constituted two independent bills was in the amendment offered by the Senator from Nevada as a substitute for the House bill. It is but justice, however, to him to say that in looking over the Globe this morning I am satisfied that they were in the amendment that he offered, and it was a misapprehension on my part to suppose that they were not.

The facts were these, briefly to state them, and I think it is proper that they should be understood: on this day a week ago the Senator from Nevada moved to pass over all other orders in order to take up Senate bill No. 810, to enforce the fifteenth amendment. That order was made. Then there was brought before the Senate an amendment reported by the Judiciary Committee to that bill, or, in other words, a substitute for the bill. That substitute thus reported by the Judiciary Committee for the original bill contained not a word about the fourteenth amendment, and not one word about the civil rights bill or the Chinese bill. But the Senator on that same day, after the Senate agreed to take it up, then moved those two distinct and separate bills as amendments to the substitute reported by the Judiciary Committee, and which will be found in the Daily Globe of Tuesday the 17th of May, on page 2. The debate went on upon that bill until Wednesday. On Wednesday the Senate passed over that bill and took up the House bill, and then the Senator from Nevada moved the Senate bill, as he says here in the Globe, with the amendments which he had previously offered as a substitute. Now, let us see how we understood that matter. The Senator from Nevada, as the Globe says, made this motion:

"I offer the original Senate bill with the amendments I before proposed to that as a substitute for the House bill. I move to strike out all after the enacting clause of the House bill and to insert."

And then came the substitute reported by the Judiciary Committee of the Senate, a bill to enforce the fifteenth amendment, and also the bill No. 114, to enforce the fourteenth amendment, and the Chinese bill, all offered as one amendment.

I am satisfied, from the Globe, that that was the motion; but I am equally certain it was not so understood. It was not so understood by the Presiding Officer; I do not mean the Vice President, for he was not in the chair. I shall show that it was not so understood by the Presiding Officer, and that it was stated to the Senate that the question was precisely as has been stated by the Senator from California. That arose in this way: the Senate having passed over the Senate bill and taken up the House bill, and the Senator from Nevada having made his motion, the Senator from Michigan [Mr. HOWARD] offered to amend the House bill; the Senator from Alabama [Mr. WARNER] offered to amend the amendment of the Senator from Nevada; that is to say, to amend the Senate bill which had been offered as an amendment. The Senator from Oregon [Mr. CORBETT] raised a question whether that could be done, whether that was proper, and quite a colloquy took place as to the position of affairs. In that condition of affairs, thinking a remark I had made had misled the Senator from Oregon, I said as follows:

"If the Senator from Oregon will listen to me for a moment he will see precisely how the thing stands. The Senate passed over the Senate bill and took up the House bill. Then the Senator from Nevada moved to amend the House bill by striking out all after the enacting clause and substituting the Senate bill."

That is what we understood, that it was simply an offer to substitute the Senate bill to enforce the fifteenth amendment, expecting that that would be amended afterward, or that offers would be made to amend it by inserting these provisions in regard to the fourteenth amendment, and perhaps the Chinese bill, too. Then I went on to say:

"It is perfectly competent now to move to amend the House bill before the motion is taken on striking out all after the enacting clause, or to move to amend the amendment. Therefore the motion just made by the Senator from Alabama to amend the amendment of the Senator from Nevada, that is, to amend the Senate bill, is perfectly in order, and so is the motion made by the Senator from Michigan to amend the House bill. Either motion is in order."

Now, what was said upon that?

"Mr. STEWART. Certainly.

"Mr. CORBETT. I understood that the House bill was before the Senate, and therefore was the bill under consideration.

"Mr. THURMAN. So it is.

"Mr. CORBETT. My idea was that the Senate bill should not be moved as an amendment until it was perfected, so as to move it in a body as an amendment to the House bill."

Showing distinctly what there was in the mind of the Senator from Oregon, that you must take the Senate bill and first amend it, and then offer it as a substitute; not that there was anything beside the Senate bill, that was offered by the Senator from Nevada. Now, what said the Presiding Officer, the other Senator from Michigan, [Mr. CHANDLER,] who was then in the chair?

"The Senator from Ohio has stated the case correctly."

That was undoubtedly his understanding; that was undoubtedly my understanding; that, I think, was the understanding of the Senate, because I stated it as clearly as language could state it that the pending matter before the Senate was a motion of the Senator from Nevada to strike out all after the enacting clause of the House bill and insert the Senate bill on the same subject; that is, to enforce the fifteenth amendment, as a substitute. The Chair so understood it, and stated to the Senate that that was the question. I wondered during the course of the debate through that long night that the Senator from Nevada did not move to add Senate bill No. 114, to enforce the fourteenth amendment, and also his Chinese bill. I never imagined for a moment that they were in the amendment which he had offered. It may be my own fault, not having read the Globe more attentively; but still I do not think I can be charged with much want of care and attention in the discussion or consideration of this bill.

I only rose to say that I am satisfied now, on looking at the Globe, that the Senator from Nevada did move the amendment as it appears in the Journal, and that it was a mistake on my part to suppose that that amendment did not include these other matters.

Mr. STEWART. I simply desire to say that when I offered the amendment it was read at length at the desk, and if I had a little time to look over the discussion I could show frequent allusions to it in the debate.

Mr. MORRILL, of Maine. It seems to me that this matter ought not to depend entirely upon the mutual recollections and speculations of Senators; that there ought to be some accurate information in regard to the course of events in the Chair, and I should be very glad if the Chair would state it.

The VICE PRESIDENT. The Senator from

Maine asks the Chair to state the condition of this bill, which he will do with the consent of the Senate with pleasure. House bill No. 1293 being under consideration, the Senator from Nevada moved to strike out all after the enacting clause and insert Senate bill No. 810, which was reported from the Judiciary Committee, and also Senate bill No. 114 and Senate bill No. 365, being the contents of those bills, as a substitute. This motion was made when the Senate commenced the consideration of the House bill. During the whole course of the debate those bills together lay on the table of the Chair, and when he left the chair temporarily Senators who occupied his place were apprised by him that this was the amendment pending, embracing the proposition to enforce the fourteenth amendment. The present occupant of the chair was in the chair on Friday evening until ten o'clock; but in consequence of ill-health, which had kept him in the chair in a great deal of embarrassment all the day, the Senator from Kansas [Mr. POMEROY] consented to preside during the remainder of that session.

The Chair will state that the Senator from California is correct in one point that he makes; and that is, that the debate on Friday night, as listened to by the present occupant of the chair and read in the Globe, on the part of the minority by the Senator from Kentucky, [Mr. DAVIS,] the Senator from Ohio, [Mr. THURMAN,] and the Senator from California [Mr. CASSERLY] did not refer to the provisions in regard to the fourteenth amendment. Their attention seemed to be directed to the fifteenth amendment, and the proposition of the Senator from Ohio, [Mr. SHERMAN,] as afterward modified on the motion of the Senator from Maine, [Mr. HAMLIN;] but it is no less true that this proposition was pending all the time. The Chair will call the attention of the Senator from California to the proceedings as reported on the sixth page of Saturday's Globe, being the debate of Friday afternoon, before the recess, in which he will find the following:

"Mr. CASSERLY and Mr. STEWART. Mr. President——

"The PRESIDING OFFICER, (Mr. WARNER in the chair.) The Senator from California.

"Mr. CASSERLY. If the Senator from Nevada wishes to say something in reply to the Senator from Oregon, I am willing to yield.

"Mr. STEWART. I wish to reply to some of the technical objections that have been made.

"The PRESIDING OFFICER. Does the Senator from California yield?

"Mr. CASSERLY. Certainly, for a reply to the Senator from Oregon. That is all the Senator desires, I believe."

The Senator from Nevada [Mr. STEWART] then took the floor for the purpose of showing that the proposition pending before the Senate as coming from the Judiciary Committee, with the various sections added to it by himself with the assent of the committee, was better and more effective than the proposition of the House; and in the course of the debate, in the second column of that speech, the Senator from Nevada, after defending the part in regard to the fifteenth amendment as proposed by the Judiciary Committee, as being better than the proposition of the House, goes on as follows:

"Then the other provision which has been added is one of great importance. It is of more importance to the honor of this nation than all the rest of this bill. We are inviting to our shores, or allowing them to come, Asiatics."

The Chair will not read the argument which the Senator from Nevada made in regard to the Asiatics. That is not vital to this parliamentary point. He then says:

"I have incorporated that provision in this bill on the advice of the Judiciary Committee to facilitate matters, and so that we shall have the whole subject before us in one discussion. It is as solemn a duty as can be devolved upon this Congress to see that those people are protected."

Then, after some further debate on the proposition to enforce the fourteenth amendment, he says:

"Why is not this bill a good place in which to put that provision? Why should we not put in this bill a measure to enforce both the fourteenth and fifteenth amendments at once? It will take no longer time in discussion. It will not delay the bill an hour."

Then, after some further discussion of the merits, he adds:

"I hope that provision will not be left off this bill, for there is no time to take it up as a separate measure, discuss it, and pass it at this session."

These remarks of the Senator from Nevada, in which he directly alluded to this part of the measure and presented arguments in favor of it as being necessary to have it incorporated in this bill and passed as a law, seem to have been overlooked. After the bill passed on Saturday morning the question came up in regard to the title of the bill, and the following proceedings occurred:

"Mr. STEWART. Add there the words 'and for other purposes.'

"Mr. SUMNER. Why do you want to have 'other purposes' in?

"Mr. STEWART. Here is a provision to enforce the fourteenth amendment. Strike out all after 'Union' and insert 'and for other purposes.'

"Mr. TRUMBULL. I think the title proposed by the Senator from Massachusetts would indicate the purpose of the bill better; and then put on 'for other purposes.'

"Mr. STEWART. That is what I want. Strike out after the word 'Union' and then insert 'and for other purposes.'

"Mr. TRUMBULL. Read it, then, as it will read if amended.

"The CHIEF CLERK. If amended as proposed, the title will read, 'A bill to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes.'

"Mr. SUMNER. That is the whole case.

"Mr. STEWART. No; the fourteenth amendment, to prevent improper holding of office, and then the civil rights bill have been put on.

"Mr. SUMNER. Yes.

"Mr. STEWART. So after 'Union' insert 'and for other purposes.'

"The title was so amended."

These proceedings disclose the fact that the Senator from Nevada in arguing with regard to the comparative merits of the two bills did distinctly refer to the fourteenth amendment and its enforcement as being in the bill; a remark which probably was not heard by the Senators on the right of the Chair. After the bill had passed, in the colloquy between himself and the Senator from Massachusetts and the Senator from Illinois as to the proper title of the bill, it was again referred to; but doubtless at that time the interest of the subject had passed from the minds of Senators after the prolonged session, and these remarks did not arrest the attention of Senators on the right of the Chair.

Mr. CASSERLY. I think after the statement made by the Chair it is proper that I should withdraw the motion I made.

The VICE PRESIDENT. The Senator from California withdraws the motion. Petitions and memorials are now in order.

Mr. CORBETT. Before the motion is withdrawn——

The VICE PRESIDENT. It is withdrawn. The Senator can renew it.

Mr. CORBETT. I should like to make a single remark before the Senator withdraws it.

Mr. CASSERLY. I will do whatever the Senator desires.

Mr. CORBETT. I simply wish to make one remark.

The VICE PRESIDENT. The Senator from California, then, does not withdraw the motion for the present?

Mr. CASSERLY. No, sir.

Mr. CORBETT. I can only account for the proceedings this morning in one way, and I will send to the Secretary to read what I have marked in the Globe. The Senator from Ohio [Mr. THURMAN] told us a good anecdote on Friday night, which I will ask the Secretary to read.

The VICE PRESIDENT. Before the reading, the Chair desires to add, and should add, that the proposition of the Senator from Nevada was called by the Senators temporarily occupying the chair, in brief, "the Senate bill," it being a conflict between the propositions of the two Houses, which probably misled Senators.

Mr. CORBETT. I desire to have the extract read which I send up to the desk, being a little rhyme which the Senator from Ohio favored us with in the debate on Friday night.

The VICE PRESIDENT. It will be read.

The Chief Clerk read as follows:

"Said Charlie to Dickon, 'By all that is blue,
I can't see the Speaker; say, Dickon, can you?'
'See the Speaker?' said Dick, 'why, I swear it is true.
I do see the Speaker; yes, by Jove, I see two.'"

[Laughter.]

Mr. CORBETT. I only desire to say that probably the Senator from Ohio may have been in the position that "Charlie" was. That is the only way in which I can account for his overlooking the sixteenth section of the bill. [Laughter.]

Mr. THURMAN. That only shows that my friend from Oregon is not a very good reasoner. The Senator from Ohio instead of seeing two bills only saw one. It was just exactly the opposite. The Senator from Ohio was so sober that he could only see one bill. He was not in the condition of "Charlie" by any manner of means, and he could not understand the count of thirty-eight Senators when there were but twenty-eight. [Laughter.]

Mr. CORBETT. I judge that the Senator from Ohio was mistaken on the count, as it appears from the vote taken after that that there were more than thirty-eight Senators present. It only proves that the Democratic party are still very far from being in the full possession of their perceptive faculties. They illustrated that, I think, by the protracted discussions on Friday evening; and it seems it was very difficult for them to perceive these amendments. I think that is very well illustrated in this little rhyme.

Mr. CASSERLY. I think when the Senator is not able to count he is too far gone to be able to judge of the condition of any Senator.

Mr. EDMUNDS. What is the pending question?

The VICE PRESIDENT. There was a motion to correct the Journal, but it is now withdrawn.

Mr. EDMUNDS. Let us go on with business.

The VICE PRESIDENT. The legislative, executive, and judicial appropriation bill is regularly before the Senate, unless the Senator from Maine yields for morning business.

Mr. MORRILL, of Maine. I will yield for a few minutes to allow morning business to be presented.

POSTAL STATISTICS.

The VICE PRESIDENT. The Chair lays before the Senate a report of the Postmaster General, in answer to a resolution of the Senate of the 19th instant calling for various postal statistical information. The Postmaster General sends a variety of public documents which are already in print. The letter is of some length, and if there be no objection it will be referred, with the accompanying papers, to the Committee on Post Offices and Post Roads, and the letter will be printed.

Mr. SUMNER. I ask, then, that it lie on the table for the present.

The VICE PRESIDENT. It will lie on the table for the present.

FORT RIPLEY RESERVATION.

The VICE PRESIDENT laid before the Senate the following report of the Secretary of War:

WAR DEPARTMENT,
WASHINGTON, *May* 20, 1870.

The Secretary of War has the honor to report to the Senate of the United States, in compliance with the resolution of January 10, 1870, that until a new military post shall be established further to the north the Fort Ripley military reservation, with its existing facilities for quartering and supplying a garrison, will be required for the protection of settlers against Indians, and cannot be wholly relinquished without detriment to the public interests. But it is recommended that all that portion of the reservation lying east of the Mississippi river, ex-

cept such tract as the Secretary of War shall designate and set apart as a hay reserve, be restored by law to the body of the public lands and opened to settlement.

WILLIAM W. BELKNAP,
Secretary of War.

The report was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions of the Federal City Division No. 2, Sons of Temperance, Washington city, in favor of the passage of the bill for the suppression of drinking-houses and tippling-shops, and to regulate the sale of intoxicating liquors in the District of Columbia; which were ordered to lie on the table.

Mr. JOHNSTON presented the petitions of William S. Thompson, of Highland county, Virginia; of Michael Casler, of Rockingham county, Virginia; of Boler Cocke, of Campbell county, Virginia; of James Steele and Jackson Knapp, of Rockingham county, Virginia; of Richard M. Graves, of Charles City county, Virginia, and of W. C. Nunn, of King and Queen county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petition of Samuel Field, Charles M. Hall, and C. T. Harris, of Jonesville, Lee county, Virginia, in favor of the removal of the political disabilities imposed on Sanders H. Levacy; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. CAMERON presented the memorial of Theodore Adams, praying an appropriation for the payment of the judgment of the Court of Claims rendered by that court in his favor on the 18th of March, 1867; which was referred to the Committee on Claims.

Mr. ABBOTT presented the petition of W. J. Holderby, of Rockingham county, North Carolina, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. FLANAGAN presented the petitions of S. G. Tomlinson, of Hopkins county, Texas; of James H. Torbett, of McLennan county, Texas; of P. M. Rogers and J. E. Anderson, of Hopkins county, Texas; of Charles B. Pearres, of McLennan county, Texas; and of John J. Cary, of Rusk County, Texas, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. MORTON presented the petition of Robert Baldwin, praying compensation for carrying the mail between Louisville, Kentucky, and St. Louis, Missouri, under a contract with the postmaster at Louisville in 1835; which was referred to the Committee on Post Offices and Post Roads.

Mr. PRATT presented the petition of Joseph Holman and others, a committee of surviving soldiers of the war of 1812, praying that a pension be granted to the soldiers of that war; which was ordered to lie on the table.

He also presented the petition of R. Baldwin, praying to be compensated for carrying a semi-weekly mail from Louisville, Kentucky, to St. Louis, Missouri, for twelve months, which service was contracted for between the firm of Robert Baldwin, jr., & Co., of Louisville, Kentucky, of which he represents that he was a member, and the postmaster of that city, who had authority from the Department at Washington to contract with the firm; which was referred to the Committee on Post Offices and Post Roads.

Mr. MORRILL, of Maine, presented a memorial of delegates of the Cherokee, Creek, and Choctaw nations of Indians, remonstrating against the passage of the bill (S. No. 679) to organize the territory of Oklahoma, consolidate the Indian tribes under a territorial government, and carry out the provisions of the treaties of 1866 with certain Indian tribes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HAMLIN presented a memorial of James Crutchett and other citizens of Washington city, praying that the paving of certain streets and avenues leading from the Capitol may be stopped until the Capitol grounds extension has been decided on as to extent and the grades properly fixed by officers of the War Department; which was referred to the Committee on Public Buildings and Grounds.

Mr. HARRIS presented the petitions of Ashford Addison, of Tangipohoe parish, Louisiana; of James K. Whitfield, James W. McDonald, John W. Dodd, and James D. Harper, of Claiborne parish, Louisiana; and of Felix Lewis, of Bienville parish, Louisiana, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. DAVIS presented the petition of Eleanor M. Anderson, of Madison county, Kentucky, praying compensation for services rendered to the United States by her husband during the late war; which was referred to the Committee on Claims.

Mr. POOL presented the petition of George Little, jr., of Littleton, North Carolina, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. CRAGIN presented the petition of William Hovey and A. J. Hovey, his wife, heirs of Richard M. Bouton, deceased, and Marvin P. Fisher, John C. Fisher, A. H. Fisher, Charles A. Taylor, and Mary E. Taylor, his wife, heirs and legal representatives of the estate of Harriet F. Fisher, deceased, praying compensation for the use by the Government of the machine called the "percussion-cap charging machine;" which was referred to the Committee on Naval Affairs.

Mr. McDONALD presented the petitions of Louis George, of Little Rock, Arkansas, and of R. M. Johnson, of Fort Smith, Arkansas, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. CONKLING presented the petition of Obadiah B. Latham and Oliver S. Latham, praying to be compensated for money and labor actually expended by them in the construction of the post office and custom-house building at Buffalo, New York, and the erection of a custom-house at Oswego, New York; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. WILLIAMS, from the Committee on Public Lands, to whom was referred the bill (S. No. 539) granting to the Atchison, Topeka, and Santa Fé Railroad Company, a continuation of its franchise and right of way through the Territories of the United States, reported it with an amendment.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred the bill (S. No. 712) granting lands and the right of way to aid in the construction of the New Orleans and Northeastern railroad, reported it with an amendment in the nature of a substitute.

Mr. CAMERON. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 188) to furnish medals to certain Pennsylvania and Massachusetts soldiers, to report it back, and I ask the Senate to allow me to put it on its passage immediately. I believe it will lead to no discussion.

Mr. TRUMBULL. Let it be read at length.

The Chief Clerk read the joint resolution, as follows:

Be it resolved, &c., That the President of the United States be, and he is hereby, authorized and requested to procure a silver medal, with suitable devices, to be presented as a testimonial of the nation's gratitude to each of the surviving officers and soldiers, and the families of such as may be dead, of the five companies from Pennsylvania, namely: the Pottsville National Light Infantry, the Pottsville Washington Artillery, the Reading Ringgold Artillery, the Lewistown Logan Guard, and the Allentown Allen Infantry, who were the first troops to reach Washington city for its defense upon the 18th day of April, 1861, and to each of the surviving officers and men, and the families of such as may be dead, of the sixth regiment of Massachusetts volunteers, who were the next to arrive at Washington, upon the 19th day of April, 1861, in response to the call of President Lincoln, dated April 15, 1861.

SEC. 2. *And be it further resolved*, That the sum of $2,000 be, and the same is hereby, appropriated, out of any funds in the Treasury not otherwise appropriated, for the purpose of carrying the foregoing resolution into effect.

The VICE PRESIDENT. Is there objection to its present consideration?

Mr. THURMAN. I object.

The VICE PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. EDMUNDS. The Committee on Pensions, to whom was referred a petition of citizens of New Jersey, praying that a pension may be allowed to Franz Schurman, sergeant major of the seventy-fourth regiment Pennsylvania volunteers, have had the same under consideration, and instructed me to report it back, and ask that the Committee on Pensions be discharged from its further consideration, and that it be referred to the Committee on Military Affairs. It is not properly a subject for a pension, but may be for military bounty.

The report was agreed to.

AGRICULTURAL REPORT OF 1868.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives for printing additional copies of the agricultural report of 1868, to report it back with an amendment; and I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the concurrent resolution.

The amendments of the Committee on Printing were, before the word "House," in each case where it occurs in the resolution, to insert "Senate and of the;" so as to make the resolution read:

Resolved, (the Senate concurring,) That there be printed of the agricultural report of 1868 such an additional extra number as will be required to give the members of the Senate and of the House from those States not represented in the Fortieth Congress the same number as were assigned to the members of the Senate and of the House from such States as are now so represented.

The amendments were agreed to; and the resolution, as amended, was concurred in.

AGRICULTURAL REPORT FOR 1869.

Mr. ANTHONY. The agricultural report for 1869 was presented by the Chair the other day and referred to the Committee on Printing. I move that the report be printed, leaving for future consideration the question of printing additional copies, for as the report can now be printed and it is to be stereotyped it will be a convenience to the office to go on with it at once.

The motion to print was agreed to.

HANNIBAL AND ST. JOSEPH RAILROAD.

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

Resolved, That the Secretary of the Interior be, and he is hereby, directed to report to the Senate the action, so far as the same appears upon the files and records of the Department of the Interior, of the Hannibal and St. Joseph Railroad Company of Missouri, under the thirteenth section of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and that the said Secretary submit with his report copies of any and all instruments of writing on file in the Department purporting to be an assignment of the franchise contained in the said thirteenth section to any other railroad company, and if the St. Joseph and Denver City Railroad Company has filed a map of its line of road to a connection with the Union Pacific railroad, that he accompany his report with a map of Kansas and Nebraska, with the line of said St. Joseph and Denver City road traced thereon, and also with a copy of the order of withdrawal of the land from settlement granted by the act of Congress of July 23, 1866, in aid thereof.

PACIFIC RAILROAD.

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

Resolved, That the Secretary of the Interior be requested to communicate to the Senate the report of the five citizens sent out in August last to make an examination and report upon the final completion of the Pacific railroad.

WATER SUPPLY OF WASHINGTON.

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

Resolved, That the Secretary of War be directed to inform the Senate whether there is not an unnecessary waste of the water of the Washington aqueduct; whether any portion of the water is used for running machinery, or why it is that there is a failure of water during the day in the more elevated parts of the city; also, what regulations or improvements are necessary to afford an adequate supply of water to the inhabitants of Washington.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1633) to simplify the conveyance of real estate in the District of Columbia;

A bill (H. R. No. 1926) to incorporate the American Union Academy of Literature, Science, and Art;

A bill (H. R. No. 2005) exempting from taxes certain property in the District of Columbia, and to amend the act to provide for the creation of corporations in the District of Columbia by general law;

A bill (H. R. No. 2065) to further amend the law of the District of Columbia in relation to judicial proceedings, and preserve records of marriages therein;

A bill (H. R. No. 2067) directing the Secretary of State to cause to be brought home and interred the remains of Generals Asboth and Steadman, who died in the service of the United States abroad;

A bill (H. R. No. 2080) to exempt vessels and canal boats engaged in the internal and coastwise navigation of the United States and in the fisheries from the payment of tonnage dues; and

A joint resolution (H. R. No. 251) authorizing Surgeon George E. Cooper, of the United States Army, to accept a gift from the Government of France in acknowledgment of services rendered.

The message also announced that the House had passed the following Senate bill and joint resolution, with an amendment to each; in which it requested the concurrence of the Senate:

A bill (S. No. 76) concerning divorces in the District of Columbia; and

A joint resolution (S. R. No. 120) to provide for the appointment of an examiner of claims for the Department of State, and for additional clerks in the Department.

The message further announced that the House had passed the following bill and joint resolutions of the Senate without amendment:

A bill (S. No. 138) for the relief of Abbott Q. Ross;

A joint resolution (S. R. No. 31) authorizing Lieutenant Commander Arthur A. Yates, Surgeon Albert L. Gihon, Passed Assistant Surgeon Charles H. White, and Assistant Surgeon Jerome H. Kidder, of the United States Navy, to accept decorations from the king of Portugal in recognition of humane services; and

A joint resolution (S. R. No. 131) to authorize the payment of the full salary of Alvin P. Hovey, as minister in Peru, without deduction on account of absence from his post.

The message likewise announced that the House had disagreed to the amendment of the Senate to the bill (H. R. No. 987) to reduce the number of officers in the Army of the United States, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN A. LOGAN of Illinois, Mr. H. W. SLOCUM of New York, and Mr. WILLIAM H. KELSEY of New York, managers at the same on its part.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. No. 1293) to enforce the right of citizens of the United States to vote in the several States of this Union who have hitherto been denied that right on account of race, color, or previous condition of servitude, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN A. BINGHAM of Ohio, Mr. NOAH DAVIS of New York, and Mr. MICHAEL C. KERR of Indiana, managers at the same on its part.

The message further announced that the House had concurred in the amendment of the Senate to the concurrent resolution of the House fixing the time of final adjournment.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 138) for the relief of Abbott Q. Ross;

A bill (S. No. 227) to incorporate the Columbia Railway Company of the District of Columbia;

A bill (S. No. 492) to incorporate the trustees of the Corcoran Gallery of Art, and for other purposes; and

A bill (S. No. 550) to incorporate the National Union Savings-Bank of the District of Columbia.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. HORACE PORTER, his Secretary, announced that the President had this day approved and signed the joint resolution (S. R. No. 198) authorizing the Secretary of War to place at the disposal of the commissioners of quarantine, or other proper authorities of the State of New York, the steamer Illinois, for quarantine purposes.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, communicating, in compliance with a resolution of the Senate of the 18th instant, information in relation to the passage of any English or Canadian steamer through the canal of the Sault Ste. Marie; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a message from the President of the United States, communicating, in compliance with a resolution of the Senate of the 12th instant, information in relation to an organized band of persons at Cheyenne, in the Territory of Wyoming or vicinity, the number and designs of such persons, &c.; which was ordered to lie on the table.

He also laid before the Senate a report from the Secretary of the Interior, communicating, in compliance with a resolution of the Senate of this date, the report on the final completion of the Pacific railroad; which was referred to the Committee on the Pacific Railroad, and ordered to be printed.

ENFORCEMENT OF FIFTEENTH AMENDMENT.

The Senate proceeded to consider its amendment to the bill (H. R. No. 1293) to enforce the right of citizens of the United States to vote in the several States of this Union who have hitherto been denied that right on account of race, color, or previous condition of servitude, disagreed to by the House of Representatives; and

On motion of Mr. STEWART it was

Resolved, That the Senate insist upon its amendment to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the Vice President.

The VICE PRESIDENT appointed Mr. STEWART, Mr. EDMUNDS, and Mr. STOCKTON as the conferees on the part of the Senate.

REDUCTION OF THE ARMY.

The Senate proceeded to consider its amendment to the bill (H. R. No. 987) to reduce the number of officers in the Army of the United States, and for other purposes, disagreed to by the House of Representatives; and

On motion of Mr. MORTON, it was

Resolved, That the Senate insist upon its amendment to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the Vice President.

The VICE PRESIDENT appointed Mr. WILSON, Mr. MORTON, and Mr. ABBOTT as the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

A joint resolution (H. R. No. 296) to extend the provisions of section twenty-one of the act approved July 17, 1862, to aliens who have or may enlist in the naval and marine service; and

A joint resolution (H. R. No. 295) donating condemned cannon for a soldiers' monument at Pittsburg, Pennsylvania.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871, the question pending being on the amendment of Mr. CORBETT to the amendment proposed by Mr. TRUMBULL in regard to the compensation of clerks.

Mr. CORBETT. My proposition is to amend the amendment of the Senator from Illinois so as to provide that the salaries of male clerks performing the same duties as female clerks shall be reduced to those of female clerks. My object is that where the duties of clerkships can be performed by females they shall have the privilege of performing them; and my proposition will have the effect to reduce the expenses of the Government very much. If it should dispense with the services of one thousand male clerks and substitute in their places females, it will reduce our expenses from three to five hundred dollars on each, making a saving to the Government of from three to five hundred thousand dollars a year. If the amendment of the Senator from Illinois is adopted it will increase the expenses of the Government $300,000, or perhaps more, if it raises the salaries of a thousand female clerks. The average of their salaries now, I believe, is $900 a year. If the amendment of the Senator from Illinois shall advance them to $1,200 a year on a thousand female clerks—and probably that will be the number, for we must remember that this does not apply merely to the Treasury Department alone, but to all the females employed as clerks in all the Departments—it would make a difference of expense to the Government of $300,000; whereas if my amendment is adopted our expenses will be reduced say $400,000. This will make a difference of about seven hundred thousand dollars to the Government, on the supposition that it will affect one thousand female clerks. Now, if one thousand female clerks can be employed where male clerks perform the duties at the present salary of female clerks, it will save evidently a large amount of money.

It seems to me that this is the proper amendment to adopt. I do not think the Senate is

prepared now to go through the Departments and advance the salaries of one thousand female clerks to the extent of $300,000. I ask that my amendment be read.

The VICE PRESIDENT. As it has been several days since these amendments were submitted the Secretary will read them. The first amendment is the amendment of the Senator from Illinois, [Mr. TRUMBULL.]

The Chief Clerk read the amendment of Mr. TRUMBULL, as follows:

SEC. —. *And be it further enacted*, That the compensation of the female clerks, copyists, and counters employed in the several Departments and bureaus, whose appointments are made by the several heads of Departments, under the provisions of law, shall, from and after the 30th day of June, 1870, be the same as male clerks performing the like or similar services; and it shall be the duty of the several heads of Departments so to classify said female employés as to carry out the provisions of this section, and the amount necessary to pay the increased compensation herein provided for for the year ending June 30, 1871, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE PRESIDENT. The Senator from Maine [Mr. MORRILL] moved to strike out all after the enacting clause of the amendment of the Senator from Illinois and to insert:

That the heads of the several Departments are hereby authorized to appoint female clerks who may be found to be competent and worthy to any of the grades of clerkships known to the law in the respective Departments, with the compensation belonging to the class to which they are appointed.

Pending which the Senator from Oregon [Mr. CORBETT] moved to amend the proposition of the Senator from Illinois so as to make it read:

That the compensation of the male clerks, copyists, and counters employed in the several Departments and bureaus, whose appointments are made by the several heads of Departments under the provisions of law, shall, from and after the 30th day of June, 1870, be the same as female clerks performing the like or similar services; and it shall be the duty of the several heads of Departments so to classify said male employés as to carry out the provisions of this section.

Mr. CORBETT. The Senator from Ohio informs me that in the classification this will make an average of about five hundred dollars on each of these employés. I have supposed this would raise the salaries of one thousand female clerks; but I have put it too low, probably. There may be two thousand females employed in all the Departments, perhaps; I do not know the exact number. Can any Senator state the exact number?

Mr. POMEROY. Not more than half that number.

Mr. CORBETT. A thousand, then. If it affects a thousand the amendment of the Senator from Illinois will increase their pay $500,000; but if my amendment is adopted, and you can induce one thousand more female clerks to perform the duties now performed by male clerks, it will lessen the expense something like $500,000, making a difference of about a million dollars, provided it shall affect one thousand clerks either way. If it affects one thousand male clerks it makes a difference of $500,000; consequently it will make a saving of $500,000 if my amendment is adopted, whereas if the amendment of the Senator from Illinois is adopted it will increase the expenses of the Government about five hundred thousand dollars.

It seems to me that we are not prepared to go into this advancing of salaries of this large number of clerks. It is a very large item, and I do not think the people through the country will sustain us in this movement. It is a very ungracious task to object to such a proposition I am aware, but I think we had better give a greater number of employments in these Departments to females at the average pay of seventy-five dollars a month, or $900 a year, which is a very liberal pay and is more than any other females get in any portion of the country. I do not suppose any female clerks in the dry-goods stores, lace stores, &c., get anything like that amount of salary.

It seems to me that we must look to this; and if we are going to advance the wages of these females we shall have a rush and a constant press for these places, drawing here females from other employments, as clerks, &c., throughout the country, and it will work very great detriment. At the moderate salary which is now being paid, if they can be gradually introduced and find employment, we shall provide for a large number of females at fair wages, and I should be very happy to do it; and I have no doubt it will be a very great benefit to the male clerks who are now being employed, young men who can enter other avenues of life, which will be much better for them at the end of a few years than they are now. I submit the question to the Senate.

The VICE PRESIDENT. The question is on the amendment of the Senator from Oregon to the amendment of the Senator from Illinois.

Mr. CORBETT called for the yeas and nays; and they were ordered.

Mr. TRUMBULL. I will state what this amendment is. I have offered an amendment to place females performing the same service on the same footing as males in regard to pay. The Senator from Oregon has offered an amendment to reduce the pay of the male clerks in all the Departments to that received by females. That is all there is to it.

The question being taken by yeas and nays, resulted—yeas 6, nays 38; as follows:

YEAS—Messrs. Corbett, Flanagan, Fowler, Gilbert, McCreery, and Tipton—6.

NAYS—Messrs. Abbott, Bayard, Brownlow, Buckingham, Cameron, Carpenter, Casserly, Chandler, Cole, Conkling, Cragin, Davis, Ferry, Hamilton of Texas, Harlan, Harris, Johnston, Kellogg, Morrill of Maine, Morton, Osborn, Patterson, Pomeroy, Pool, Pratt, Ross, Saulsbury, Scott, Sherman, Stewart, Stockton, Sumner, Thayer, Trumbull, Vickers, Warner, Willey, and Williams—38.

ABSENT—Messrs. Ames, Anthony, Boreman, Cattell, Drake, Edmunds, Fenton, Hamilton of Maryland, Hamlin, Howard, Howe, Howell, Lewis, McDonald, Morrill of Vermont, Norton, Nye, Ramsey, Revels, Rice, Robertson, Sawyer, Schurz, Spencer, Sprague, Thurman, Wilson, and Yates—28.

So the amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Maine [Mr. MORRILL] to the amendment of the Senator from Illinois, [Mr. TRUMBULL,] to strike out all after the word "that," and to insert:

The heads of the several Departments are hereby authorized to appoint female clerks who may be found to be competent and worthy to any of the grades of clerkships known to the law in the respective Departments, with the compensation belonging to the class to which they are appointed.

Mr. TRUMBULL. I should not think it necessary to say a word about this matter, but it is so many days since the Senate had it under consideration that I apprehend it may not be fresh in the memory of all Senators what will be the effect of the amendment proposed by the Senator from Maine. I have already stated that the object of the amendment which I offered was to place the females in regard to pay on the same footing as males in the Departments. The Senator from Maine moves to strike this out and to insert a provision authorizing the heads of the various Departments to appoint females as clerks of all classes in their Departments. That is the law now, and nothing is accomplished by the adoption of the Senator's amendment. He moves it as a substitute, which would strike out the provision that is intended to pay a female the same price for performing the same labor as is performed by a male clerk. Now, if the Senator from Maine will offer his as an amendment by way of addition, it would, perhaps, correct the practice in the Departments. It is not the practice in the various Departments to appoint females to first, second, third, and fourth class clerkships; but there is no law, so far as I am advised, to prevent them from doing so. If the Senator from Maine thinks it proper to declare that the Departments shall have authority to do so affirmatively, I shall have no objection to it if it be offered as an amendment to the proposition which I have offered; but when it is offered as a substitute it defeats the whole object of my amendment. Nothing will be gained by the adoption of his amendment as a substitute; and I hope, therefore, that the Senate will not adopt it in that form.

Mr. MORRILL, of Maine. I do not know that I disagree with the Senator as to the legal force of this proposition; nor would it be true, if the Senator's proposition should be adopted, that it does impose the obligation upon the heads of Departments to appoint female clerks. There is a usage in regard to the appointment of clerks in all the Departments which is equivalent to law. Females have not been employed as clerks, although the law authorizes it. Why? Because the general sense of the country, the general sense of society, and perhaps especially of Congress, has not seemed to justify it. Now, if it is a matter of law at the present time, I submit to my friend that his amendment is not necessary. If it is a matter of law now, the only thing in order to effectuate what both of us desire is an expression on the part of Congress that it is a proper thing to do; such an expression on the part of the legislative power in making an appropriation for the expenditures of the Government as would justify the heads of Departments in employing this kind of clerical service. My proposition certainly does secure that; while, on the other hand, it does not require that they should pay a class of clerks or a class of persons who are not in the category of clerks, who are counters and who are employed in the printing department of the Government, for instance—it does not necessarily embrace them, but it does, as a matter of moral force, commend to these Departments in a sense which they can understand and in a sense which they would undoubtedly adopt, the employment of such skillful persons, being females, as can properly take the place of male clerks. I submit whether it is worth while for Congress to go beyond that.

Mr. DAVIS. There was one view of the idea presented by the Senator from Oregon which struck me with some force. I believe, in reviewing the various pursuits of life that are assigned by the usages and the customs of the country to the male and female sexes, there is a very restricted and a very insufficient number of proper theaters upon which females can get a living by labor and by manual employment. I believe that if the proper and appropriate theater of female employment could be extended in its kinds by proper legislation it would be desirable.

Now, it seems to me, as the honorable Senator from Oregon suggested, that many females would be exceedingly gratified to get employment at a salary of $900 or $1,000. It occurred to me also that no male, especially no young man, no man in good health, ought to be satisfied to labor for that compensation. I think the male sex should be constrained to leave such employments as will produce a remuneration of $1,000 a year, and give them up wholly and exclusively to females, where they are of such a nature as to make it proper that females should be employed to perform that service.

If the proposition of the honorable Senator from Oregon had embraced the idea of reducing a large number of clerks in their compensation to something like one thousand dollars per annum, and giving females the exclusive right to be employed in such grades of clerkships, it would have commended itself somewhat to my judgment. I think that the fields, the manufacturing shops, and the rugged theaters of labor should be usurped by the male sex, and that females should be protected from taking employment in such theaters to the full extent that they can be by proper legislation.

I think, therefore, that if a classification and discrimination of official salaries, so far as clerks are concerned, and so far as the duties that might be performed by females could be made, so as to restrict the proper and competent compensation for all such clerkships to $1,000 and exclude males from being employed in such clerkships by making it the

duty of the appointing power to appoint female clerks to them, it would greatly extend the amount of female employment in clerkships in the Government and would secure persons as competent to perform their duties as they are now performed by male clerks, and probably more so in many instances, and would give a full remuneration to the female clerks, one entirely satisfactory to them, and enable them to live comfortably. It would bring plenty and comfort to many poor women who are now denied it, by giving them, the exclusive right to be employed in clerkships with that amount of compensation, by regulations that would exclude males entirely from them. If the honorable Senator from Oregon or any other Senator would offer a proposition embracing something like this idea, I should be very glad to give it my support.

Mr. MORTON. Mr. President——

Mr. MORRILL, of Maine. If the Senator will allow me a moment, I will withdraw my proposition as a substitute for the amendment of the Senator from Illinois, and offer it as an amendment to that amendment.

The VICE PRESIDENT. As an addition?

Mr. MORRILL, of Maine. Yes, sir.

Mr. MORTON. That is precisely what I was going to suggest.

Mr. TRUMBULL. I have no objection to it as an addition.

Mr. MORTON. I do not see that there is any conflict between these two sections.

The VICE PRESIDENT. The Senator from Illinois accepts the amendment to the amendment, and it is therefore before the Senate as a part of the amendment.

Mr. MORTON. The effect of the amendment offered by the Senator from Illinois will be to raise the wages of those who now receive $900 a year to the wages of a first-class clerkship. That will be the substantial effect of it—to raise the wages of the females now employed to the wages of a first-class clerkship, $1,200. The effect of the second section, or the one offered by the Senator from Maine, will be to open what are now called first, second, third, and fourth class clerkships for the appointment of ladies. I am in favor of both of these amendments, because they involve two great principles: first, that all avenues of employment which they are qualified to fill shall be open to women; and secondly, that they shall receive the same compensation for the same kind and quantity of labor that men receive.

Mr. POMEROY. I will not add any remarks of any length to the remarks of the Senator from Indiana, because he has so well said what I would gladly have said. I will only say that there is constantly an effort made to keep women who are employed from getting "out of their sphere;" and very much has been written and said on that subject, as if they had a peculiar sphere. I only wish to say now that this is really the sphere in which they can be profitably, and, I think, acceptably employed. I think men are getting out of their sphere when they monopolize the clerical positions in the Government service and become mere copyists. That is the reason why I think we ought not only to vote for the amendment of the Senator from Illinois, but also for the addition proposed by the Senator from Maine. I think we should not allow all the first-class clerkships to be open to female competitors, but we should allow all classes of clerkships to be opened to them, because promotions and advancements from one grade to another should be made upon merit, should be made upon acquirements, should be made upon talent and facilities for the discharge of the duties. I think if the heads of the different Departments had the right to examine persons qualified to do the business, to do the work of their particular Departments, and promote only those who had the highest qualifications, the service would be better performed; and not the highest qualifications simply because they are men, because there are females who write and keep accounts with equal facility with males; and there is no reason, there is no logic, there is no sense in excluding from those positions persons who have the proper qualifications simply on account of sex.

All persons in this world are not born to fortune. The great curse, if it is a curse, at least the sentence pronounced upon man, that he should gain his bread from the sweat of his brow, is as applicable to females without fortune as to males; and when there are avenues that could be opened to them, not outside of their peculiar sphere, we ought to make haste to give them to them. I agree measurably with the Senator from Kentucky that those avenues should be increased and enlarged; that able-bodied males should not seek the positions and employments that can be equally well filled by females.

Last year we contented ourselves by putting on the appropriation bill precisely this amendment of the Senator from Maine; and those of us who have demanded equal pay for equal labor have been appeased year by year with this amendment of the Senator from Maine. Now, if that can be put on this bill with the amendment of the Senator from Illinois we shall have accomplished at least one step in the right direction. I hope the vote will be taken.

Mr. SHERMAN. Mr. President, it was my intention this morning to make some general observations in regard to all the appropriation bills, of which this is one, and also in connection with the subject of the finances; but if we can have a vote on this proposition now I will yield for that purpose.

Mr. TRUMBULL. I think we are ready to vote upon it.

Mr. MORRILL, of Maine. I hope we shall have a vote. That subject can be debated on another occasion. I presume there will be no further extended debate.

Mr. SHERMAN. If it can be voted upon now I will defer my remarks until the vote can be taken.

Mr. CORBETT. I simply wish to say that my opinion is that this amendment will have a tendency to drive out all the female clerks now employed in the Treasury and other Departments, and to have male clerks appointed in their stead; because when you come to raise the price for this service to $1,200, $1,400, $1,600, and $1,800 a year there will be a pressure for the places; men will come here and demand them as political rewards. The result will be that you will drive all these females out of employment. They have been employed heretofore because their labor was cheaper, and because they could perform, not quite perhaps as much service as the men, but they answered a good purpose for the different positions to which they have adapted themselves. In my opinion this proposition will be injurious to them instead of beneficial. I am opposed to the amendment. I shall say nothing more.

The PRESIDING OFFICER, (Mr. THURMAN in the chair.) The question is on the amendment of the Senator from Illinois as modified on the suggestion of the Senator from Maine.

Mr. RAMSEY. I should like to have it read as it now stands.

The PRESIDING OFFICER. It will be reported.

The Chief Clerk read the amendment, as modified, as follows:

And be it further enacted, That the compensation of the female clerks, copyists, and counters employed in the several Departments and bureaus, whose appointments are made by the several heads of Departments, under the provisions of law, shall, from and after the 30th day of June, 1870, be the same as male clerks performing the like or similar services; and it shall be the duty of the several heads of Departments so to classify said female employés as to carry out the provisions of this section; and the amount necessary to pay the increased compensation herein provided for for the year ending June 30, 1871, is hereby appropriated out of any money in the Treasury not otherwise appropriated. And the heads of the several Departments are hereby authorized to appoint female clerks who may be found to be competent and worthy to any of the grades of clerkships known to the law in the respective Departments, with the compensation belonging to the class to which they are appointed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois, as modified.

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

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 11; as follows:

YEAS—Messrs. Abbott, Anthony, Bayard, Brownlow, Buckingham, Carpenter, Casserly, Davis, Fowler, Gilbert, Hamilton of Texas, Harlan, Harris, McDonald, Morton, Nye, Pomeroy, Ross, Scott, Stewart, Stockton, Sumner, Thayer, Thurman, Tipton, Trumbull, Vickers, Warner, and Willey—29.

NAYS—Messrs. Chandler, Cole, Conkling, Corbett, Cragin, Flanagan, Morrill of Vermont, Sawyer, Sherman, Sprague, and Williams,—11.

ABSENT—Messrs. Ames, Boreman, Cameron, Cattell, Drake, Edmunds, Fenton, Ferry, Hamilton of Maryland, Hamlin, Howard, Howe, Howell, Johnston, Kellogg, Lewis, McCreery, Morrill of Maine, Norton, Osborn, Patterson, Pool, Pratt, Ramsey, Revels, Rice, Robertson, Saulsbury, Schurz, Spencer, Wilson, and Yates—32.

So the amendment was agreed to.

Mr. SHERMAN. As I stated a moment ago, I desire to call the attention of the Senate to the general subject of the appropriations, the receipts and expenditures of the General Government; and I think the vote just taken is a pretty good illustration of the necessity of doing so. We have here, without a particle of pressing necessity added $400,000 to the annual taxes of the people of this country to pay a number of ladies employed in Washington, who are now receiving higher pay than any ladies employed in similar employment in the United States, who do not ask it at all, who never had asked it, and whose positions will be endangered by granting it to them. We have added to the permanent annual taxes of this country the sum of $400,000, because the number of these lady employés, as near as I can get it from gentlemen familiar with the subject, is about seven or eight hundred, and the addition made is about five hundred dollars; because if these ladies are graded at the average rate paid other clerks the salary will be $1,500. Their present pay is $900; so that this is an addition of $600 to the pay of each lady employé who is very glad to be employed at the present pay, making an aggregate of about four hundred thousand dollars a year.

Mr. TRUMBULL. The Senator certainly does not mean to say that they are appointed to $1,500 places; that it increases anybody from $1,200 to $1,500?

Mr. SHERMAN. But the pay of the ladies now is $900. Some get $720, but the great body receive $900. This raises them all to $1,200 at least, and varying from that up to $1,800 a year. It adds, indeed, to the permanent clerical force in the service of the United States some six or seven hundred temporary female employés.

Mr. POMEROY. The Senator does not mean to say that if any $1,200 lady clerk is appointed in the place of a man it adds anything to the expense. It does not add a dollar.

Mr. SHERMAN. I am myself in favor of the proposition of the Senator from Maine, to give the ladies a chance to be appointed, and I would if I had the administration of the Government give one half of the clerkships in the Departments to ladies. I believe they would discharge the duties as well, as faithfully, and as efficiently as men; and to the extent of clerkships here I think ladies may properly be employed in nearly all clerical duties. But that is not this proposition. This proposition is to add to the pay of the temporary female clerks, to give them the same pay now paid to the clerical force of the various Departments as fixed by law.

But this is merely collateral; it illustrates, I think, pretty well the necessity for a careful attention to the general subject of our appro-

priations. I will therefore make this bill, which is the first of the series of appropriation bills, the text of some general observations in regard to our taxation and our expenditures, which may be of interest, and will probably save time in the future.

Mr. SHERMAN proceeded to address the Senate on the receipts and expenditures of the Government and the general question of taxation, and the proper mode of reducing taxation. [His speech will be published in the Appendix.]

Mr. CASSERLY. Mr. President——

Mr. MORRILL, of Maine. Will the Senator yield to me for one moment?

Mr. CASSERLY. Certainly.

Mr. MORRILL, of Maine. I submit a motion that the Senate to-day at half past four o'clock take a recess until half past seven o'clock.

Mr. STEWART. I think there is a standing rule on that subject.

The VICE PRESIDENT. There is a standing rule that on alternate days there shall be evening sessions, and this being the first alternate day under that resolution there will be an evening session commencing at half past seven o'clock unless otherwise ordered. Therefore it will be in order on these alternate days to move the hour at which the recess shall be taken, at half past four, or five o'clock, or any other hour.

Mr. SUMNER. Is that rule operative to-day or to-morrow?

The VICE PRESIDENT. It is operative to-day.

Mr. MORRILL, of Maine. So I understand.

Mr. SUMNER. Being on alternate evenings, I thought it perhaps applied to to-morrow.

The VICE PRESIDENT. The Chair thinks that this is the first evening that it operates.

Mr. SUMNER. Then it applies to Mondays, Wednesdays, and Fridays.

The VICE PRESIDENT. It will so apply unless otherwise ordered by the Senate. The question now is on the motion of the Senator from Maine, that the Senate take a recess from half past four o'clock until half past seven o'clock.

The motion was agreed to.

Mr. CASSERLY. Mr. President, when the Senator from Ohio [Mr. SHERMAN] announced that he proposed to-day to take up the challenge which he threw down some time ago in answer to some remarks of mine against the income tax, and declared himself ready to show the correctness of his position in favor of renewing the tax, and the inaccuracy of mine, my attention was at once aroused. I listened to all that part of his remarks with interest and with care. I must confess, however, after having heard the Senator, I did not perceive that he succeeded either in making good his own position or in impairing mine.

His position then, if I understood it, was the same as it is now, that the income tax is on general principles in its practical operation and effects a good tax to be maintained; wholesome in its principle, and equally wholesome in its workings. My position was that, according to what I had collected from the works of writers on taxation, from the speeches of statesmen and politicians in England and elsewhere, and from our experience in this country, one result was clear; that though in its theory the income tax appears to be just and equitable, yet in practice it is most unequal and oppressive, demoralizing in its influence on the tax-payers, and never to be resorted to except under the pressure of unusual and extraordinary necessities of State.

In the former debate on this subject I took occasion to say, as the Senator from Ohio has observed, that though it had been the policy of different English ministers within this century to renew the income tax from time to time, yet there was nothing in their views or in their speeches to militate against my position. I hazarded the assertion that upon examination of the speeches of Sir Robert Peel and of Mr. Gladstone, who had been particularly referred to by the Senator from Ohio, it would be found that as often as they brought forward this tax, they did so on grounds of very great public necessity, and not as justified upon ordinary principles of government or of taxation—in fact, a war measure or its equivalent. In more than one, yes, in many places in the speeches of both those ministers, it will be found that they have used expressions in respect to that tax as strong as the warmest opponent of it could desire.

The Senator from Ohio has spoken of Mr. Mill as favoring his views. In the former debate I read from the last edition of Mr. Mill's well-known book on political economy, his views on this subject, and they are substantially as I stated them; that the tax, though fair in principle, is almost impossible to be administered equitably or justly. Indeed it is now rather late in the day to deny that in this Mr. Mill states very moderately the concurrent voice both of writers and of statesmen. Writers, of course, dealing with the theory of taxation, dwell more upon the fairness, apparent or real, of the theory, than upon the known unfairness of the tax in practice. Statesmen, on the contrary, dealing with practical realities, concern themselves most with the actual financial results of the tax. A chancellor of the exchequer, as is most natural, is apt to look with great indulgence upon a tax that aids his treasury, and to think little of its practical injustice. In a stronger sense he is

"To its virtues very kind,
And to its faults a little blind."

But the sum of the whole mass of judgments on the tax is, and will be found to be, what I stated upon a former occasion, and what I have undertaken now very briefly to repeat.

Of course I cannot pretend to reply now at any length, or, except in the most unpremeditated way, to the prepared speech of the Senator from Ohio upon this subject. I ought not to sit down, however, without making my protest against the assumption which runs through his entire speech that "the clamor," as he calls it, against the tax proceeds from the rich. Were this so, the clamor would indeed be "scandalous," as he says, for the rich as a class notoriously shirk the tax. But I do not understand the opposition to the tax as the Senator does. In my judgment, the pressure of the tax is felt most by men of middling and small means, who are the body of the people and the main-stay of our free institutions; and among them most of all by those of fixed incomes and those who live upon salaries derived from others.

Neither do I agree with the Senator from Ohio that the present exemption of $1,000 is sufficient. The Senator speaks of a surplus as though the income tax law allowed for the expenses of living. It does nothing of the sort, as everybody knows. How far will our $1,000 go, I pray the Senator from Ohio, towards satisfying the household expenses of a family even in moderate circumstances, either in town or country? In my judgment, that feature of the income tax law which limits the exemption to $1,000 is contrary to the first principles of taxation, especially under democratic institutions. I take it for granted that it ought to be a fundamental idea in all our taxation that the mere right of the mass of the people to live never should be taxed.

Upon some other occasion, when as I suppose the question of the renewal of the income tax in any shape comes before the Senate directly, I may ask the indulgence of the Senate for some further observations on the subject.

Mr. SHERMAN. The honorable Senator from California says truly that I undertook to demonstrate that the income tax was the most fair and just tax that could be levied. I did not undertake, however, to convince him. He states my obligation a little stronger in that respect than, I think, I undertook. I have shown by the author of the income tax, by the continuous history in Great Britain, by writers on political economy, and especially by the very authors that the Senator named himself, that the income tax is the most just and equitable that could possibly be levied.

The honorable Senator seems to think that the income tax is only a war tax to be levied on an emergency. Why, sir, for twenty years it has been levied in England. England has not been engaged in any considerable war for twenty years. She has had one or two small wars in that time. This year, with an overflowing treasury, with a surplus of £2,000,000, or over ten million dollars—an enormous surplus—they do not repeal the income tax, but reduce it.

Mr. BAYARD. Increase or diminish it as the war emergencies may determine.

Mr. SHERMAN. No, sir. England for twenty years has maintained in peace and in war, with a surplus revenue and without it, the income tax as a part of her system; and every writer on political economy who has written for twenty years, I venture to say, has concurred in it. I have read an extract from the writings of Mr. Mill; and Mr. Peel, to whom the honorable Senator from California referred, was the person who proposed the renewal of the income tax in a time of peace, in 1842, in order to equalize the burdens as between taxes on property and taxes on consumption; and it has been continued from that day to this. In Tory or in Whig times, through all the fluctuations of English politics, every administration has concurred in keeping up the income tax, whether there was a surplus revenue or not. It is true they reduced it, and they have got it down now to about two per cent., a little lower than we have ours; but they commenced with it at three per cent. I hope to live long enough to see it reduced in this country below three per cent. Perhaps we shall follow the English course, and take off the burden from property, from those who consume.

But the honorable Senator seems to think nothing of an income of $1,000 a year, after taxes are paid and rent and all the other exemptions. There are seven or eight different exemptions from income before the tax is levied. Does my honorable friend know that there are only two hundred and seventy thousand families in this country whose income is above $1,000 a year with these exemptions off? I have here an official table showing that those who pay this income-tax, after the exemptions are made, number only two hundred and seventy-three thousand all told; and some of those are several members of the same family. One family may furnish a dozen persons who pay income tax. Probably there are not one hundred and fifty thousand families in this country who have an income of $1,000 a year. All the farmers of the country are practically exempt unless they have income from other sources. I had the official figures here but did not deem it necessary to refer to them. The income of the great body of our population, more than nine tenths—yes, more than nineteen twentieths—is not $1,000 after deducting the exemptions provided for by law; so that the present income tax is only upon the wealthy classes, comparatively. My honorable friend is mistaken in supposing that everybody is so rich as to have an income of $1,000, after paying taxes and house-rent.

Mr. STOCKTON. I should like to ask the Senator whether the table he has is derived from the income returns? If so, the simple question is whether those returns can be relied upon. That is one of the great objections that is made to the law.

Mr. SHERMAN. The Senator does injustice to these income returns, because the law allows a deduction of all that a man raises and is consumed in his own family. That substantially exempts the great mass of the farmers; and the exemptions extend so far as really to

leave the tax only on the surplus incomes of the rich, who have the benefit of this $1,000 exemption as well as the poor. This tax, therefore, which yields us $37,000,000, is levied on two hundred and seventy thousand people. Every one of them must have $1,000 a year after paying his rent, after consuming all that he raises, if he can, after paying his taxes, and having other exemptions that are provided for by law.

Mr. SAWYER. Will the Senator allow me to ask him a question on that point?

Mr. SHERMAN. I do not wish to extend the debate.

Mr. SAWYER. Only one moment. He says that the law allows the farmer to deduct from his income that which is consumed in his family. I ask if that is not one of the very objections to the income tax, in that the mechanic, who has to buy precisely those things, is compelled to pay a tax on their value.

Mr. SHERMAN. I have statistics on that point. There is not a mechanic in the United States who depends on his labor for his livelihood who pays an income tax unless he is a man who receives a large salary as the foreman of a great shop or something of that kind, because the exemption now covers all kinds of mechanical employments except those who receive salaries for extraordinary services, rather in the nature of professional services, like a good lawyer——

Mr. FOWLER. Mr. President——

Mr. MORRILL, of Maine. I think this debate has run about as long as it should.

Mr. FOWLER. When this subject comes up regularly I propose to say something upon it. There may be but two hundred and seventy-three thousand people——

Mr. MORRILL, of Maine. I ask what is the question before the Senate?

The VICE PRESIDENT. There is nothing pending before the Senate, no motion of any kind.

Mr. FOWLER. I shall occupy but one moment. There may be but two hundred and seventy-three thousand people who pay the income tax; but, sir, who pays it in the end? It all comes off the laboring element after all; so that every dollar of tax that is placed upon those two hundred and seventy-three thousand people, or even a less number, must come off the mechanics and the laboring interest of the country finally. It does not exempt the laboring interest, because the tax is placed on a few. It makes no difference, so far as they are concerned.

Mr. TRUMBULL. As there seems to be no amendment pending, I desire to offer an amendment on page 5.

Mr. THURMAN. I wish my friend would allow me to say a word on this matter that is now under discussion.

Mr. TRUMBULL. I will offer my amendment, and then the Senator can do so. I move on page 5, in the clause in relation to the Capitol police, to increase their pay as fixed in the bill, or rather to leave it as it now is according to existing law. I will state that the bill as it stands strikes down the pay of the privates some $500. I have sent to the chairman of the Committee on Appropriations the amendment which I had prepared on this subject. I can, however, repeat it. On page 5, line ninety-seven, the bill reads, "for one captain, $1,800." I propose to strike out "$1,800" and insert "$2,088." That was the former pay. "One lieutenant, $1,500." I propose to strike out "5" and insert "8," so that it will read "$1,800." "Thirty privates, at $1,080 each." Instead of "$1,080" I propose to insert "$1,584." "And eight watchmen, at $900 each." I propose to make it read "$1,000 each." That is the present pay of those officers.

The VICE PRESIDENT. The Senator from Illinois moves to amend the clause making an appropriation for the Capitol police in the manner he has stated. The Chair understands the Senator from Maine, representing the Committee on Appropriations, to ask the Senate to restore the proviso at the end of this clause in the following words:

Provided, That no disabled soldier shall be discharged by reason of this act.

The Senate struck that out on the ground that they had not reduced the Capitol police.

Mr. MORRILL, of Maine. I intended to ask the Senate to restore that proviso.

The VICE PRESIDENT. If there be no objection it will be restored, as it was stricken out by an error, as the chairman states. The proviso will therefore stand in the bill.

Mr. CORBETT. I understand that the number of watchmen is reduced from twelve to eight.

Mr. TRUMBULL. The number is reduced. I will state for the information of the Senate that there were two lieutenants of the Capitol police formerly, and each lieutenant was paid $1,800. Now, this bill provides for only one lieutenant at $1,500. There were formerly, or are at present, twelve watchmen. This bill reduces the number to eight; but the bill not only reduces the number, but reduces the pay. It reduces the pay of the privates of the police, as will be seen, $500. My attention was called by some of the police about the Capitol to the fact that their salaries, among all the salaries of officers here, were being reduced, and they desired me to call the attention of the Senate to it. That is the only object I have.

The VICE PRESIDENT. The Senator does not propose to restore the number of watchmen?

Mr. TRUMBULL. No, sir. Let the number be reduced; but there would seem to be no propriety in reducing the salaries of these particular officers, of all others. I do not know how these persons are to live on $1,000 or $900 apiece. Their duties require them to be in attendance here the whole time. Of course they can do nothing else. I think they are on duty some twelve hours. I do not see myself the propriety of making this reduction, and at their instance I make the motion to restore their pay to what it was before.

Mr. MORRILL, of Vermont. I will ask the Senator from Illinois, before he sits down, if it is not a fact that most of these officers are honorably discharged soldiers, many of whom have families?

Mr. TRUMBULL. I know that is the case with some of them.

Mr. CORBETT. I know it to be the case with some of them.

Mr. MORRILL, of Vermont. If that is so it is clearly impossible for them to live on any reduction of their pay.

Mr. COLE. I wish to propose an amendment, which properly comes in connection with the amendment of the Senator from Illinois; and that is to increase the lieutenants from "one" to "two." There should be two lieutenants of the Capitol police. I believe the law provides for two, and it is rendered necessary by the fact that a lieutenant has to have charge of each watch. But one lieutenant of course can be on duty at a time. He is on duty with his watch, or for twelve hours, and another lieutenant is necessary to be on duty for the other twelve hours. I believe this was an oversight in the bill. I think the chairman of the committee acquiesces in the proposed amendment. It is one, in my judgment, eminently proper, and I propose that it be made in connection with the amendment of the Senator from Illinois. If he will move it, or consider it moved by him, I shall be obliged to him, inasmuch as it comes in connection immediately with his proposition.

The VICE PRESIDENT. The Senator from California can move it as an amendment to the amendment of the Senator from Illinois. The amendment of the Senator from Illinois is simply to restore the pay, without changing the number of policemen. The Senator from California proposes to amend the amendment by increasing the number of lieutenants from "one" to "two," the number now employed.

Mr. TRUMBULL. I am not advised in regard to that amendment. The Senator, I presume, is, or the chairman of the Committee on Appropriations may know the necessity for it.

Mr. MORRILL, of Maine. I will state that the Committee on Appropriations intended to keep the Capitol police force intact—did not intend to change the force. The original force embraced two lieutenants, and by some inadvertence but one was included in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from California to the amendment of the Senator from Illinois, so as to provide for two lieutenants of the Capitol police.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question recurs on the amendment as amended.

Mr. MORRILL, of Maine. That involves an amendment in line ninety-eight; after the word "dollars," inserting the word "each."

The VICE PRESIDENT. That will be regarded as part of the amendment of the Senator from California. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

Mr. THURMAN. Mr. President, I wish simply to ask a question of my colleague, to whose speech this morning I listened with very great interest and I may say with great instruction. He made a distinction between the income tax and all other taxes levied that seems at first sight quite scientific. He says the income tax is a tax on profits; the other taxes levied by the Government are in the main taxes on consumption. The doubt in my mind is whether the income tax is not as much a tax on consumption as any other; whether it is not as much a tax on consumption as customs duties. Nobody pays it but a person who has an income; but that is derived from some form of property in general or from some trade or profession that produces income. But is it not true that the person who pays that income tax puts it on to the property or to the means from which he derives his income? Take, for instance, a man whose income is derived from rents and who pays an income tax on the rents he receives; does he not enhance his rents? Take the case of a farmer who pays an income tax; does he not exhance the price of the products he sells? So of the merchant and so of everybody else who pays an income tax. Thus in the end do not all taxes, except a direct tax on property, which is not productive, which is only levied by the States and not by the General Government, come out of the consumers? If that is the case, was my colleague entirely right?

While I am up I will say that this is a question of very great interest. My impression is that the great mass of the people of Ohio are in favor of the income tax. It may be because the great mass of them do not pay it, and it may be that they do not see exactly that it comes down upon them in the shape of increased prices for what they consume; but I am very much of the opinion that the mass of the people of Ohio are rather in favor of the income tax; and perhaps for another reason, that it is the only tax the bondholders pay on their bonds. I think if my colleague shall succeed in passing his funding bill exempting, as it proposes to do, the bonds from even the income tax, then there will be scarcely anybody in Ohio in favor of the continuance of the income tax. Those who are in favor of taxing the bonds are now glad to have even this little increment of taxation upon them in the form of the income tax, rather than that they should escape all taxation whatever.

But what I rose to do was, on account of the superior knowledge my colleague has on subjects of this kind, to ask him whether in point of fact his classification is scientifically correct;

whether, in point of fact, the tax upon income is not added by the person who pays it to the price of the commodity he sells that produce the income, or to the rent which he receives which goes to make up the income?

Mr. SHERMAN. I think my colleague will have to draw a great tax upon his ingenuity to convince the people of Ohio that they get an increased price for their corn and produce because of the income tax, when only one farmer out a hundred in Ohio pays any income tax. I take it as a matter of course the income tax falls on property. There are classes of income tax that do fall on the consumer, as when a client employs my colleague as a lawyer, and he has to pay an income tax on his fee, he naturally charges that over to his client. But the citizens of Ohio generally are not so fortunate, and it only falls on those who have income. It is laid down by the books, and in England, where the subject of income tax has been elaborated far more than we have had occasion to do, it is always called a direct tax on property. The Senator from Delaware [Mr. BAYARD] can inform my colleague very accurately about that, because he insists this is the "direct tax" named in the Constitution.

Mr. MORRILL, of Maine. Now I trust I shall be allowed to go on with the bill.

Mr. THURMAN. One word more. There is no appropriation to furnish custom-houses in this bill, and therefore I will let it alone. [Laughter.] In one sense it is true that almost all taxes in the end fall upon the consumer, even in the case of direct taxes such as are levied by the States. A State levies a tax on land. If it is wholly unimproved land the tax-payer has no opportunity to shift that tax upon anybody else; but if it is improved land, he puts that tax, or something on account of his payment of that tax, on the price of the commodities he raises; or he increases the rent, if he rents the land to tenants. So that in the end almost all taxation falls upon the consumer. It is very difficult to find a case in which it does not. There are exceptional cases; but in a country where all property is productive, in a country where there is no unproductive land, as there is in this country, or no unproductive capital, it might almost be said as an axiomatic truth that in the end all taxation falls upon the consumer.

Mr. MORTON. Mr. President, it seems to me that this particular discussion should not be allowed to pass away without something being said in regard to the duty of Congress to reduce the duties upon certain necessaries of life imported, which are not produced in this country, and which will raise no dispute on vexed questions. Now, take for example tea and coffee, two articles that may be said to be articles of prime necessity. These articles are consumed by the poor almost as much as by the rich. A poor family pays taxes to the Government in the way of duties upon these articles almost to the same extent that a rich family does. A poor family that has an income of $600 per annum derived from days' work will pay almost as much tax on these articles to the Government as a rich family that has an income of $6,000 per annum derived from property or bonds.

Now, sir, there is in this matter an absolute hardship and injustice. The whole country understands it, and I think there is a common sentiment all over the nation demanding that the duties upon these articles of necessity which enter so largely into the consumption of the poor should to some extent be reduced. That can be done without much trouble; it is not a very complex subject; it does not involve any of those questions upon which the country is so much divided, and I would say that it is the duty of this Congress before it adjourns to provide to some extent for the reduction of the taxes upon these articles of prime necessity.

The injustice arising from the present duties on these articles of necessity it requires no argument to show; we all understand it; and we cannot convince the people that there is not time and that there is not reason for the reduction, to some extent, of these onerous duties. To talk about repealing the income tax entirely, which falls upon a man because he has got the income, and to leave the tax upon tea and coffee to be paid out of the hard earnings of the poor, it seems to me is an injustice which needs but to be stated to be understood by everybody. I do not intend to make any argument upon the income tax; but I say that in regard to these necessaries of life, consumed by every class in almost equal quantity, there ought to be no dispute; and there ought to be no division of opinion in this Senate upon the propriety of taking some steps toward their reduction.

Mr. HOWE. I desire to move an amendment to this bill, in pursuance of a notice which I gave the other day. On page 10, in line two hundred and twelve, I move to strike out "$2,592" and insert "$4,000."

The VICE PRESIDENT. It is in lines two hundred and nineteen and two hundred and twenty of the bill, as reprinted, in regard to the compensation of the Librarian of Congress.

Mr. HOWE. Yes, sir; the bill has been reprinted. This is the bill laid on my desk this morning.

The VICE PRESIDENT. The amendment is in lines two hundred and nineteen and two hundred and twenty of page 10 of the reprinted bill. The Secretary will report the amendment. It is from the Committee on the Library, the Chair understands.

Mr. HOWE. Yes, sir.

The CHIEF CLERK. The amendment is in page 10 of the reprinted bill, under the head of "Librarian of Congress," lines two hundred and nineteen and two hundred and twenty, to strike out "$2,592" and insert "$4,000;" so as to read, "for compensation of the Librarian, $4,000."

The amendment was agreed to.

Mr. RAMSEY. I offer an amendment, to come in on page 48, after the word dollars, in line eleven hundred and fifty-seven, "for additional compensation for the topographer of the Post Office Department, $1,200." I send to the desk to be read a communication from the Postmaster General, which explains that amendment.

The Chief Clerk read as follows:

POST OFFICE DEPARTMENT,
WASHINGTON, D. C., *May* 7, 1870.

SIR: I have the honor to recommend to the favorable consideration of your committee an increase of the salary of the topographer of this Department, whose services, in my opinion, are justly entitled to a higher rate of compensation, commensurate with the importance of the position and the care and skill required in the discharge of its duties.

The topographer is charged with the preparation of the post route maps of the United States, a work of very great importance to the efficient management of the postal service, and requiring the highest order of artistic skill for its proper execution. The elaborate post route maps already completed and issued by the Department fully attest his superior qualifications, and the efficiency with which he has discharged his duties. By the law of March 3, 1853, the topographer for this Department was rated as a fourth-class clerk, at a salary of $1,800 per annum, and although his duties have since greatly increased, both as regards the amount of work he performs and the character of the work, no increase has been made in his salary. I think his present compensation is wholly inadequate, and respectfully recommend an increase of his salary to $3,000 per annum.

I am, very respectfully, your obedient servant,
JOHN A. J. CRESWELL,
Postmaster General.

Hon. ALEXANDER RAMSEY, *Chairman Committee on Post Offices and Post Roads, United States Senate.*

Mr. MORRILL, of Maine. I ask that the amendment be stated again.

The VICE PRESIDENT. The amendment will be read.

The amendment was read.

Mr. MORRILL, of Maine. How does the Senator from Minnesota understand that that will make this officer's pay?

Mr. RAMSEY. He is now a fourth-class clerk, receiving $1,800 salary. The proposition is to increase his compensation to $3,000 a year. He is esteemed by the head of the Post Office Department to be an officer of sufficient capacity to justify an increase of his salary to that amount. Others, whose talent and ability is of a much lower grade in many Departments of this Government, have had their salaries raised to sums even larger.

Mr. MORRILL, of Maine. I suggest that this seems to be an awkward way to do what is proposed. If the design is to raise the salary, let the amendment say precisely what is meant.

Mr. RAMSEY. The amendment does say precisely.

Mr. MORRILL, of Maine. As this particular bill appropriates for the salaries of these officers, why not say directly that the appropriation for this salary shall be $3,000?

Mr. RAMSEY. It says just what is equivalent. This officer now ranks as a fourth-class clerk and receives $1,800; add to that $1,200, and the result is $3,000. A very simple process of addition will produce that result.

Mr. MORRILL, of Maine. Not being so ready in that direction as the Senator from Minnesota, that suggestion did not occur to me.

Mr. SHERMAN. My friend from Maine will allow me to make a suggestion. I have looked at this proposition, and what is it? Here is a fourth-class clerk who thinks he ought to have a salary of $3,000. He would not resign his office, I imagine, if it were not given. If this amendment be adopted there will be a great number of other amendments of the same kind. I trust the Senator from Minnesota will not press it.

Mr. RAMSEY. I beg the Senator's pardon. It will not necessarily bring here a great number of other applications of the same kind. This is an officer who has special and important duties to perform.

Mr. SHERMAN. This is to put a fourth-class clerk at a higher salary than the chief clerk or any other clerk in any Department. It would put him on the same grade as the Second and Third Assistant Postmasters General.

Mr. MORRILL, of Maine. I doubt whether there is anything peculiar in this case.

Mr. RAMSEY. This officer is already designated as topographer. He is virtually the head of a particular branch, or you may call it a bureau. The talents required of him are peculiar and of such a nature that you can afford to pay well for them. He is constantly employed. His maps are very creditable to him and to the Department. When he went into that position many years ago there were two or three assistants assigned to him. They were then sufficient; but under the growth of the business of the Post Office Department and the multiplication of these maps, he is constantly employed, and with a great number of assistants. The Postmaster General gives it as his opinion that he is entitled to an increased compensation because of the service he renders, of which the Postmaster General is cognizant; and the Committee on Post Offices and Post Roads agreed in this opinion, and hence I have offered this amendment.

The amendment was rejected—ayes six, noes not counted.

Mr. RAMSEY. I have another amendment to propose, to come in at the clause appropriating for the Post Office Department, after line eleven hundred and sixty-eight on page 48:

That the Auditor of the Treasury for the Post Office Department be, and he is hereby, authorized to charge to the appropriation "for mail transportation" the salary and *per diem* of the assistant superintendent of the postal railway service; to the appropriation "for the money-order system" the salary and *per diem* of the special agents detailed for that service; and to the appropriation "for the free-delivery system," the salary and *per diem* of the special agent detailed for that service; this provision to apply to the appropriations for the fiscal year ending June 30, 1870, as well as to the subsequent appropriations for the postal service.

Mr. SHERMAN. I ask if that is not a way to raise the salaries of those officers?

Mr. RAMSEY. Not at all. It does not raise a salary. It simply charges against certain funds the compensation of certain officers who are assigned to duty under those particular heads.

Mr. SHERMAN. If the Senator says so that is the end of it, but my impression is what I have suggested.

Mr. RAMSEY. There is a letter of the Postmaster General on the subject which I desire to have read.

Mr. SHERMAN. But the effect of charging these salaries to a particular fund is to place the amount of them at the discretion of the Postmaster General.

Mr. RAMSEY. This amendment does not increase the compensation of an officer; it does not increase the appropriation in any respect; it simply charges against certain funds the compensation of officers who render duty in that particular branch of service.

Mr. SHERMAN. My impression is that the money expended for the money-order system is paid out on the order of the Postmaster General, while the money for these regular salaries is paid from the Treasury Department.

Mr. RAMSEY. If the Senator will give his attention to the reading of the letter of the Postmaster General he will see exactly what is meant.

Mr. MORRILL, of Maine. The effect is this, I understand, that it does transfer from one fund the amount specified here to another. I inquire of the Senator whether that is not the effect of it; whether it does not increase one fund by so much as is here specified?

Mr. RAMSEY. There are certain officers appointed to particular duties, and there are funds appropriated to that particular service. The request of the Postmaster General is simply to charge the services of these officers upon that particular fund. It is a very proper thing. The letter will explain it.

The VICE PRESIDENT. The Senator from Minnesota asks that a letter be read. It will be reported.

The Chief Clerk read as follows:

POST OFFICE DEPARTMENT,
WASHINGTON, D. C., *May* 10, 1870.

SIR: I beg leave to call your attention to the following statement in relation to expenditures on account of the appropriation for "detecting and preventing mail depredations, and for special agents."

While I have been anxiously desirous to keep within the limits of the appropriation for the purposes referred to, the demands of the Department consequent upon the extension of the postal railway system rendered it necessary to designate a certain class of special agents for duty in that particular department, as also one each for the money-order and free-delivery service.

In consequence of this, while the number of special agents for ordinary duty has been reduced, the expenditure for the current fiscal year will probably exceed the appropriation about fifteen thousand dollars, and as I wish to avoid the necessity of asking for a deficiency appropriation for this purpose, I would suggest the adoption of the inclosed joint resolution, or one of a similar character, by which the Auditor of the Treasury for the Post Office Department will be authorized to charge the salary and *per diem* of the class of officers named to the several appropriations for those branches of the postal service to which their respective duties pertain.

I have the honor to be, very respectfully, your obedient servant,

JOHN A. J. CRESWELL,
Postmaster General.

Hon. ALEXANDER RAMSEY, *Chairman Committee on Post Offices and Post Roads, United States Senate.*

Statement.

Expenditures for special agents and mail depredations:	
First quarter, current fiscal year	$27,955 89
Second quarter, current fiscal year	28,252 18
Third quarter, current fiscal year	28,817 11
	$85,025 18
Average expenditure per quarter, $28,341 73.	
Amount of appropriation	$100,000 00
Expended for three quarters, as above	85,025 18
Balance of appropriation on hand	14,974 82
Average expenditure for quarter	28,341 73
Leaving deficiency for fourth quarter	$13,366 91

Amount paid five superintendents of postal railway service, salary $1,600 each	$8,000
Amount paid five superintendents of postal railway service, *per diem* five cents	9,125
	18,125
Amount paid one special agent for money order service:	
Salary	$1,600
Per diem three cents	1,095
	2,695
Amount paid one special agent free delivery:	
Salary	$1,600
Per diem, three cents	1,095
	2,695
Total	$22,515

Being $22,515 of the appropriation of $100,000 necessarily expended for services other than "detecting and preventing mail depredations."

Mr. MORRILL, of Maine. As I understand, this is in the nature of a deficiency bill to enable the Postmaster General to transfer from one particular fund where he has a surplus to another where he has a deficiency. That is the state of things.

Mr. SHERMAN. I dislike the name of transfers so much that if the Senator from Minnesota will propose to make a direct appropriation from the Treasury to pay this, I will be willing to compromise on that; but whenever it is proposed to transfer an appropriation from one head to another there is always something behind.

Mr. MORRILL, of Maine. The Senator will understand it is not a proposition from the Committee on Appropriations.

Mr. SHERMAN. No; but I suggest to the Senator from Minnesota to make a direct appropriation to pay these agents.

Mr. MORRILL, of Maine. I merely stated what I understand to be the effect of it.

Mr. POMEROY. I think this transfer should be made, even if there was no deficiency, because the service is rendered in that particular Department, and it ought to be charged to that Department. When we appropriate so much money each year for a particular branch of the service, all the surplus in that branch should be charged to it, and the appropriation should be made with a view of meeting it; but the practice has grown up in the Departments of charging this kind of service to another branch, and the Postmaster General is entirely right in asking permission to have it charged to the branch for which the service is rendered. It will correct the practice of the Department for the future, and it ought to be corrected.

The VICE PRESIDENT. The question is on the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. SUMNER. I offer the following amendment, of which I have given notice, and which I am directed to move by the Committee on Foreign Relations. It is to come in as a new section:

And be it further enacted, That the President of the United States be authorized to organize and send out one or more expeditions toward the north pole, and to appoint such person or persons as he may deem most fitted to the command thereof; to detail any officer of the public service to take part in the same, and to use any public vessel that may be suitable for the purpose, the scientific operations of the expeditions to be prescribed in accordance with the advice of the National Academy of Sciences; and that a sum of $100,000, or such part thereof as may be necessary, be hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the President.

I have no desire to debate the proposition. If the Senate is disposed to act on it without debate I shall be willing.

Mr. WILLIAMS. I think we had better vote it down.

The question being put, it was decided that the amendment appeared to be rejected; and a division was called for.

Mr. SUMNER. As there is to be a division, I desire to explain to the Senate the origin of this amendment. It will be remembered that the Senator from Ohio, the chairman of the Committee on Finance, as long ago as March 25, introduced "a joint resolution relative to a voyage to the Arctic regions," which on his motion was referred to the Committee on Foreign Relations. By that resolution it was represented as follows. I read the preamble:

"Whereas Captain C. F. Hall is an enterprising and experienced explorer, who has made two successful voyages in the Arctic regions; and whereas he desires, in the interest of science and for the material advantage of his country, to make a voyage of exploration and discovery under the authority and for the benefit of the United States: Therefore,

"*Be it resolved, &c.*"

The resolve then proceeds to authorize the President to supply a steamer, and appropriates $100,000 for the purpose. The committee took this resolution into careful consideration; they were occupied upon it at several meetings; they heard witnesses; among others, they listened for a long time to Captain Hall and also to Dr. Hayes, of New York, both of them eminent Arctic explorers. The conclusion that the committee came to was that it would be in the interest of science and for the dignity of this Republic that it should countenance such an expedition; but on the evidence before it the committee hesitated to choose between these two explorers. They were unwilling to hold the scales. They had before them strong testimony in favor of each. For instance, I have here a file of papers, all of which I will not read. One, for instance, is a letter from the eminent head of the Coast Survey, Mr. Peirce; it is short, and I will read it:

CAMBRIDGE, MASSACHUSETTS, *April* 9, 1870.

MY DEAR SIR: I cannot understand how giving to Captain Hall takes away from Hayes. As to myself, I think the cry of north pole is one of those popular notions through which much good is done to the service of knowledge. The strong letter of Professor Henry is to me sufficient justification for the support of Captain Hall, and it seems to me that he is well fitted to do good work, and that the attack upon him is an unprovoked outrage. That he has defects, and especially in scientific culture, is obvious enough. But he is modest and acknowledges his own defects, at the same time that he makes claims which seem to me, in my poor judgment, as not unworthy of regard. I am not aware that any expedition has yet returned from the polar regions without bringing back its money worth in increase of knowledge, and Captain Hall's plans seem to give good promise of just as valuable returns. But I would also be glad to see Dr. Hayes, or any body else, also embarked in enterprises of their own. The polar regions are wide enough for many explorers, and no harm would come from a little rivalry. Let them both go. The cost is nothing for such a nation as our own.

Yours, very truly,

BENJAMIN PEIRCE.

J. E. HILYARD, esq.

That letter, I may say, is the voice of science itself. Professor Peirce is known not only in our own country but abroad as one of the most eminent and accomplished scientific characters that our country has ever produced; and here you have his testimony.

Then comes a series of resolutions presented to the Senate, I think by the Senator from New York, [Mr. CONKLING,] adopted by the Geographical Society of New York, April 11, 1870, as follows:

ROOMS OF THE GEOGRAPHICAL SOCIETY,
NEW YORK, *April* 11, 1870.

The following resolutions are recommended by the council, and were unanimously adopted at the regular monthly meeting of the society:

Resolved, That it is eminently desirable that an expedition should be fitted out by the Government for Arctic exploration and the discovery of the north pole.

Resolved, That in view of the great perils and difficulties which attend any attempt to penetrate the Arctic in the vicinity of the pole, and as the objects to be attained are scientific, the expedition should be commanded by a naval officer of Arctic experience, having under him an efficient scientific corps, so that an amount of scientific information may at least be gathered as will reflect honor upon the country and justify the fitting out of the expedition.

Resolved, That, without assuming to dictate to whom the command of it should be intrusted, we would call attention to the fact that Dr. Hayes has received the gold medals of the Royal Geographical Society of London, and the Imperial Geographical Society of Paris, the indorsements of the Imperial Societies of St. Petersburg, the Geographical Society of Berlin, the Royal Academy of Sciences of Brussels, and the Geographical Society of Italy, and having in his last expedition, though provided with very insufficient means, reached nearer to the pole than any previous explorer except Parry, he is, in the opinion of this society, to be regarded as the most

able, eminent, and experienced of living American Arctic explorers.

Resolved, That copies of these resolutions be forwarded to both Houses of Congress.

Thus, sir, the committee had before them testimony in favor of these two distinguished explorers. Hesitating to decide between them, not willing to take that responsibility, but at the same time uniting in the conclusion, and I think they were unanimous, that such an expedition should be attempted, that it belonged to the United States in the interest of commerce, as a representative of science, for the sake of humanity, for the advancement of knowledge, to see that such an expedition should be attempted, they directed me to report a bill as a substitute for that which had been referred to the committee on the motion of the Senator from Ohio. At a subsequent day, following again the instructions of the committee, I gave notice of the motion which I have now made, to move that bill as an amendment to this appropriation bill.

Such, sir, is the brief history of this proposition and how it comes before the Senate at this time; and the simple question is whether you will hesitate in this work. Already the great Powers of Europe, one by one, have attempted this discovery—England, Germany, Denmark, and we are now told that France is planning an expedition. Shall the great Republic alone stand aloof? Shall we, who have a greater interest in this discovery and in the extension of a knowledge of this hemisphere than any other Power, shall we be the only one that shall not participate in the work?

Mr. President, I am not disposed to enlarge on this topic. Senators will all understand it without further explanation. The amendment is simple. It refers the whole matter to the President of the United States, empowering him in his discretion to equip one or more expeditions. I think the work ought to be done, and I hope the Senate will now unite in it.

The question being put, there were, on a division—ayes 21, noes 16.

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

Mr. SUMNER. I hope not. Let it be passed in the interest of science.

Mr. TRUMBULL. No; let us have the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL, of Maine. I wish to give notice that this evening I shall desire to proceed with this bill.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts. The Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 25, nays 25; as follows:

YEAS—Messrs. Anthony, Buckingham, Cameron, Carpenter, Casserly, Cole, Drake, Flanagan, Gilbert, Harlan, Harris, Kellogg, McDonald, Morrill of Maine, Morton, Nye, Osborn, Patterson, Ramsey, Sawyer, Scott, Sprague, Sumner, Warner, and Yates—25.

NAYS—Messrs. Bayard, Chandler, Conkling, Davis, Ferry, Fowler, Hamilton of Maryland, Hamilton of Texas, Howard, Howe, Howell, Johnston, McCreery, Morrill of Vermont, Pomeroy, Pratt, Ross, Saulsbury, Sherman, Thayer, Thurman, Tipton, Trumbull, Willey, and Williams—25.

ABSENT—Messrs. Abbott, Ames, Boreman, Brownlow, Cattell, Corbett, Cragin, Edmunds, Fenton, Hamlin, Lewis, Norton, Pool, Revels, Rice, Robertson, Schurz, Spencer, Stewart, Stockton, Vickers, and Wilson—22.

The VICE PRESIDENT. The Chair votes in the affirmative, and the amendment is agreed to. The hour fixed by order of the Senate for taking a recess having arrived, the Senate will now take a recess until half past seven o'clock.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 1633) to simplify the conveyance of real estate in the District of Columbia;

A bill (H. R. No. 1926) to incorporate the American Union Academy of Literature, Science, and Art;

A bill (H. R. No. 2005) exempting from taxes certain property in the District of Columbia, and to amend the act to provide for the creation of corporations in the District of Columbia by general law; and

A bill (H. R. No. 2065) to further amend the law of the District of Columbia in relation to judicial proceedings, and preserve records of marriages therein.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A bill (H. R. No. 2067) directing the Secretary of State to cause to be brought home and interred the remains of Generals Asboth and Steadman, who died in the service of the United States abroad; and

A joint resolution (H. R. No. 251) authorizing Surgeon George E. Cooper, of the United States Army, to accept a gift from the Government of France in acknowledgment of services rendered.

The bill (H. R. No. 2080) to exempt vessels and canal-boats engaged in the internal and coastwise navigation of the United States and in the fisheries from the payment of tonnage dues was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. R. No. 296) to extend the provisions of section twenty-one of the act approved July 17, 1862, to aliens who have or may enlist in the naval and marine service was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. R. No. 295) donating condemned cannon for a soldiers' monument at Pittsburg, Pennsylvania, was read twice by its title, and referred to the Committee on Military Affairs.

EXAMINER OF CLAIMS.

The Senate proceeded to consider the amendment of the House of Representatives to the joint resolution (S. R. No. 120) to provide for the appointment of an examiner of claims for the Department of State and for additional clerks in that Department, which was to reduce the appropriation from $13,700 to $7,500.

Mr. SUMNER. I move that the Senate concur in the amendment of the House of Representatives.

Mr. TRUMBULL. My attention was called to this matter, and possibly there may be some objection to passing it. This is a joint resolution providing for an examiner of claims for the State Department. We have now pending in the Senate a bill to establish a department of justice. This resolution, as my attention was called to it, would authorize the appointment of an examiner of claims, and it is said that there are questions in the State Department, involving the construction of treaties, which might involve very large amounts of money, and that this officer might pass upon the construction of those treaties as to the amount of money to be paid under them. Certainly, for so important a matter as that, he should have the opinion of the Attorney General, one of the head officers of the Government. Whether this resolution goes that far—

Mr. SUMNER. I think it does not. I can make an explanation.

Mr. TRUMBULL. My attention was called to it in that view.

Mr. SUMNER. I have a note, which I have received since dark from the Secretary of State, expressing an anxiety that the resolution should be passed without delay. The clerical assistance which it provides is needed at the Department. The Department is actually suffering for the want of it. Until some permanent arrangement can be made the Department needs all that is provided for in the way of an examiner of claims.

Now, as to the suggestion of the Senator in a matter of the importance which he indicates, I have no doubt that the question would be referred to the law department of the Government; that is, as our Government is now constituted, to the Attorney General. The object of this resolution is to provide what is called an examiner of claims, who shall be under the same roof with the Secretary of State, to be at hand, within call, and who shall aid him in those matters of daily occurrence in which he needs the assistance of such an officer. The experience of the last year shows that such an officer is needed there. As the resolution has already passed the Senate I hope there will be no question as to it at this time, but that the Senate will concur in the amendment of the House, and let the resolution take its course. Should the other and larger measure which the Senator from Illinois has in charge pass it would necessarily supersede this provision.

Mr. PATTERSON. I should like to ask the Senator from Massachusetts if the Russian and Mexican claims would not be likely to come before this examiner of claims if this resolution should pass?

Mr. SUMNER. The Mexican claims go before the Mexican commission; the Senator is aware that there is a commission sitting. This officer could give no decision which would be binding, as I understand, on any question of claim. He is at hand for the assistance of the Secretary of State, who gives the decision.

Mr. TRUMBULL. If the resolution went no further than that, as the Senate have passed it before, I should not make any objection. But a member of the other House called my attention to it as it passed the House, and stated an anxiety about its passage and an apprehension on his part that this officer might pass upon that character of claims, which I am sure it was never intended by the Senator from Massachusetts he should do.

Mr. SUMNER. That is a mistake.

Mr. TRUMBULL. The resolution ought to provide against that if it does not.

Mr. SUMNER. Let me remind the Senator that this is no new creation.

Mr. TRUMBULL. I am aware of that.

Mr. SUMNER. This officer has been in the Department now for several years. He is a subordinate officer, a sort of assistant to the Secretary of State, an assistant in legal matters. He often drafts a legal paper—a letter, if you please, which turns on some question of law. I hope there will be no question about it.

Mr. PATTERSON. I voted for this examiner of claims when the matter was before the committee, and am in favor of such an office if the bill establishing a department of justice should not pass; but I will say that both bills have now passed the House, and sustain the same relation in the Senate.

Mr. SUMNER. Not at all. This resolution has already passed the Senate and the House. This was a Senate resolution, which two months ago passed the Senate, and it has been delayed in the House.

Mr. PATTERSON. It has been amended in the House.

Mr. SUMNER. It has been amended in the House, and therefore all that the Senate has to do is to concur or non-concur in the amendment of the House. I hope the Senate will concur in the amendment.

Mr. PATTERSON. The bill establishing a department of justice provides for a solicitor of the State Department.

Mr. SUMNER. That I understand.

Mr. PATTERSON. And it would seem to be doing our work over twice if that bill should pass, and this one also.

Mr. SUMNER. But suppose it does not pass; then what has the State Department?

Let this pass now, and if the other bill passes, this officer can be provided for in that bill. I therefore move that the Senate concur in the amendment of the House.

The VICE PRESIDENT. The question is on concurring in the amendment of the House of Representatives, reducing the appropriation from $13,700 to $7,500.

The amendment was concurred in.

DIVORCES IN THE DISTRICT OF COLUMBIA.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 76) concerning divorces in the District of Columbia.

Mr. TRUMBULL. I ask the Senate to concur in that amendment. This is a Senate bill which the House has amended. The amendment consists of but a few lines, and can be read in a moment.

The Secretary read the amendment, which was to strike out all of the bill after the enacting clause and to insert the following in lieu thereof:

That in addition to the causes for which the supreme court of the District of Columbia may now grant divorces from the bonds of matrimony such divorces may be granted for—

First. Habitual drunkenness for the period of three years on the part of the party complained against.

Second. Cruelty of treatment, endangering the life and health of the party complaining.

Third. Willful desertion and abandonment by the party complained against of the party complaining for the full and uninterrupted space of two years.

Mr. POMEROY. I understand that one of the causes for divorce specified in that amendment is habitual drunkenness for three years. Has a person got to stay drunk for three years before he can be divorced? [Laughter.]

Mr. TRUMBULL. It must be habitual drunkenness. I think the Senator will not object that it does not require enough. The Senate bill went a little further than the House bill, but this is substantially the Senate bill which was recommended by the committee and passed by the Senate.

Mr. POMEROY. I agree with the Senator that drunkenness is a good cause for divorce; but to require that the party should remain three years drunk seems to me to be pretty steep. [Laughter.]

Mr. TRUMBULL. I think the Senator had better not object to it.

The VICE PRESIDENT. The question is on concurring in the amendment of the House.

The amendment was concurred in.

ORDER OF BUSINESS.

Mr. STEWART. I move that the Senate proceed to the consideration of House joint resolution No. 86.

Mr. MORRILL, of Maine. I call for the regular order.

The VICE PRESIDENT. The Senator from Maine demands the regular order.

Mr. HAMLIN. I want an understanding as to what the regular order is.

The VICE PRESIDENT. The regular order is the appropriation bill.

Mr. HAMLIN. I will hear the Chair, and then I will state what I think it is.

The VICE PRESIDENT. The appropriation bill, in the opinion of the Chair, is before the Senate. The Senator from Maine [Mr. HAMLIN] doubts it.

Mr. HAMLIN. I desire to suggest that the order for evening sessions was introduced for the sole purpose of holding night sessions with a view of considering the Calendar, and thereby repeals the rule which says that the unfinished business shall be first in order at the next session, which is later. Every Senator knew what the order was. That was the specific object of the resolution, and being the specific object, it ought not to be ruled out upon a mere special point of order. Now, I wish to suggest to my colleague that that is the fair construction of it; but I will not vote against postponing it for this evening if my colleague desires to go on with the appropriation bill; but that he has the right to go on by virtue of the appropriation bill being the unfinished business at the recess, I insist is not what was the understanding of the Senate.

Mr. MORRILL, of Maine. Mr. President——

The VICE PRESIDENT. The Chair will decide the point of order.

Mr. MORRILL, of Maine. I desire to make a suggestion to my colleague before the Chair rules upon that point of order. It will be remembered that when the Senate was about to pass upon this order I rose in my place and inquired whether it would supersede the appropriation bill in any contingency, and especially referring to precisely such a case as is raised now, and put the supposition to the Chair whether if the regular order was an appropriation bill, as now, it would interrupt it. Thereupon the Senator from Vermont [Mr. EDMUNDS] said, by no means; that the appropriation bill would be the order, and would continue to be the order; and thereupon I acquiesced, saying that if that was so of course I had no reason to complain. It was upon that supposition that before the recess I gave the intimation to the Senate of my desire to go on this evening.

Mr. POMEROY. The object of the evening session, I think, has been truthfully stated by the Senator from Maine, [Mr. HAMLIN.] I remember remarking when I introduced the resolution that many Senators, perhaps all Senators, wanted some sessions when we could go on with the Calendar; that our day sessions would probably be occupied with the appropriation bills, and that I did not see any chance of reaching the Calendar unless we had at least three night sessions in a week.

Mr. MORRILL, of Maine. Does not the Senator remember that I made this observation: that at this period of the session it was not worth while, as I thought, to set aside so large a portion of the time of the Senate for the consideration of the Calendar, to the exclusion of the consideration of appropriation bills in the evening?

Mr. POMEROY. I remember the remark; and I replied to it that if the Senator from Maine had all the days, that was all the session we usually have, and that this night work was to be extra to our usual labors; but I said at the same time that if the Senator had an appropriation bill under consideration, and we could finish it by spending an evening upon it, it was always within the power of the Senate to do so.

Mr. MORRILL, of Maine. This bill has been dragging so long, and as I understand my colleague not to object, if the Senator from Kansas will allow me, I should like to go on with it.

Mr. HAMLIN. If my colleague will allow me, I want to go on with his appropriation bill to-night.

Mr. POMEROY. And so do I for to-night.

Mr. HAMLIN. But I do not want it to go on as a matter of right; because if we agree to that what will we do, or what may we do? Just before the Senate adjourns every day somebody will get up some question, or ordinarily there will be some question up, and that will be the unfinished business every day, and we thereby avoid the whole scope and absolute intention of that resolution.

I did not hear the remarks which my colleague made at the time he states. They are certainly an ample justification for him in his conclusion; but they are no justification to me. I did not have any such idea of it. Now, sir, I think, as a matter of fairness, all of us will vote for it if my colleague will move to postpone this order for the purpose of continuing the appropriation bill; so that we shall not have trouble hereafter. That is all I want. I do want to carry out this order, just what was the scope and meaning of it, and it has no meaning on earth if the other construction is to be given to it.

The VICE PRESIDENT. The Chair has a very clear opinion on this subject, and differs, he regrets to say, with the distinguished Senator from Maine in front of the Chair, [Mr. HAMLIN.] The Senate have made their rules themselves, and they have guarded their rules so specifically that they state in the fifty-third rule that—

"No motion to suspend, modify, or amend the rules, or any thereof, shall be in order except on one day's notice in writing, specifying the rule to be suspended"——

Mr. HAMLIN. Two days' notice was given in this case, if the Chair please.

The VICE PRESIDENT. The Senator from Maine will suspend for a moment and allow the Chair to finish the quotation:

"specifying the rule to be suspended, modified, or amended, and the purpose thereof."

If that language means anything it means that if the fifteenth rule is to be suspended it can only be by a Senator proposing an amendment to the rules that the fifteenth rule shall be suspended. The language of the fifty-third rule is "specifying the rule to be suspended, modified, or amended;" and if that is not done the rule is not suspended, modified, or amended, and cannot be.

In the second place, the Chair will state that while he occupies the chair, unless the Senate make a rule specifically on that subject, he will not involve them in the dilemma of having on one day at one o'clock two bills coming over from the previous day as unfinished business, one at half past four o'clock and one at the end of the evening session. He would not then know which one to call up; nor would the Senate, probably. The fifteenth rule contemplates that there shall be one bill the unfinished business, if it has not been disposed of at the session of the day previous, and that that shall have priority over all other business. This rule goes to this extent; and it has been the every-day usage of the Senate that even where a vote of two thirds—not a bare majority, as in the case of the adoption of this resolution of the Senator from Kansas—has made a bill a special order, the bill that the Senate adjourned upon the previous evening has priority of the bill which had been made a special order by a two-thirds vote; and this is historical in the Senate, that it has been the intention to make the unfinished business have priority of everything else the next day.

When this resolution was pending the Senator from Ohio, [Mr. SHERMAN,] when the Senator from Kansas [Mr. POMEROY] was about to speak upon it, said:

"I hope the Chair will decide that question first."

That is, what construction would be given to this resolution, he having stated that his vote upon the resolution would depend upon that construction:

"Mr. POMEROY. I may be mistaken about it. I only want the opinion of the Chair.

"The VICE PRESIDENT. The Chair will state that this is a resolution offered in accordance with the twenty-fourth and twenty-sixth rules, by which all resolutions lying over one day can be adopted on any subsequent day by a majority vote of the Senate. It is not offered under the fifty-third rule, which authorizes the amendment of the standing rules by propositions specifically stating the rule to be amended."

Then the Chair instanced a case, which occurs at this very time, as suggested by the Senator from Ohio:

"If the Senate at half past four or five o'clock take a recess, being then engaged in the consideration of an appropriation bill, the appropriation bill would come up that evening after the recess, unquestionably; but a majority of the Senate could pass it over without debate, leaving it in its place on the Calendar, and then this resolution would become operative for that evening's session. The Chair will state to the Senator from Ohio and the Senator from Kansas that if he ruled the other way, that is, that the appropriation bill should remain as the unfinished business at half past four o'clock for the next day, then the fifteenth rule would require whatever the Senate adjourned upon at ten o'clock or twelve o'clock at night, at the close of the evening session, also to be the unfinished business, and the Senate would have the anomaly of two bills remaining as unfinished business of the day and the night session for the next day's action, with a contest as to which one should be allowed priority. The new rule, which allows any bill to be passed over without debate, leaving it in its place on the Calendar, obviates this

trouble, enabling the majority to determine whether to go on with the afternoon business or to pass it over and devote the evening session to the business contemplated by the pending resolution.

"Mr. POMEROY. I am satisfied with the interpretation of the Chair.

"The VICE PRESIDENT. The question is on agreeing to the resolution, as amended.

"The resolution, as amended, was adopted."

The Chair gave notice at the time to the Senate that it was his opinion, and it still remains his opinion, that it cannot, except the Senate declare so by a specific rule, be intended that there should be two bills going over as the unfinished business for the next day. The Chair will add, furthermore, that he is informed that by the usage of the Senate previous to his appearing in this body as its Presiding Officer, when a day was assigned for the business of a particular committee it has always been held to be subject to the unfinished business of the preceding evening, and that had to be disposed of first before that assignment would operate. The Chair is so informed on that subject; he has not been here in the discussion of these rules. The Senator from Maine demands the regular order, and the Chair regards the appropriation bill as the unfinished business, unless some Senator moves to pass it over.

Mr. STEWART. I ask the Senator from Maine to allow me to pass a little bill.

Mr. MORRILL, of Maine. I hardly think that my friend from Nevada can ask me to do that at the present moment.

Mr. HARLAN. Mr. President——

Mr. MORRILL, of Maine. What is the matter proposed to be taken up?

Mr. STEWART. House resolution No. 86.

Mr. MORRILL, of Maine. I am apprised that that will give rise to debate.

The VICE PRESIDENT. The Senator from Maine declines to yield.

BILL INTRODUCED.

Mr. NYE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 200) for the relief of Captain John Faunce and other officers of the revenue-cutter Harriet Lane; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. TRUMBULL submitted an amendment intended to be proposed to the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871; which was referred to the Committee on Appropriations.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871.

Mr. HARLAN. The Committee on Indian Affairs instructed me to offer an amendment to this bill, containing the substance of what is known here as the Osage bill. Before offering it I will inquire of the honorable Senator from Maine, to whose committee a copy of the bill was referred, whether that committee has prepared any amendment, which he intends to offer to this bill, carrying out his views on that subject.

Mr. MORRILL, of Maine. The committee has not been in session since that was presented; and somehow I had got an impression that the chairman of the Committee on Indian Affairs intended to offer that on another bill, and had no purpose to offer it on this bill, but probably on the Indian appropriation bill. I do not know how I got that impression.

Mr. HARLAN. I gave notice, in pursuance of the instructions of the Committee on Indian Affairs, that I would offer it as an amendment to this bill. I had two objects in view. I desired to submit a few remarks on the subject, and I also desired an early vote of the Senate on the subject-matter of the Osage bill. The Senator from Maine differing somewhat in opinion from the Committee on Indian Affairs, I thought it proper to have the matter referred to his committee in ample time for that committee to act on the subject. In the event that that committee should bring in an amendment carrying out the views of the honorable chairman of the committee, probably I would not offer this amendment now.

Mr. MORRILL, of Maine. It was my individual purpose if that measure should come up to offer in the shape of an amendment such a proposition as was submitted at the close of my remarks, in the way of a resolution recommitting the bill to the Committee on Indian Affairs; and if such a proposition as that were made satisfactorily to the chairman of the Indian Committee, I would at the earliest possible moment prepare such a proposition.

Mr. POMEROY. I know very well that the Senator from Iowa was broken off in the midst of some remarks he desired to submit to the Senate on this question by points of order and by some Senators claiming that he could not discuss the merits of the question on a proposition to take it up. I would inquire of the Senator whether he would not prefer to submit his bill immediately after the appropriation bill is disposed of as a separate measure, and let it come before the Senate upon its own merits as a distinct proposition.

Mr. HARLAN. If I were to consult my personal convenience I would answer the honorable Senator's interrogatory in the affirmative; and if I were to consult my ideas of legislative fitness I must also coincide with him in opinion; but I suppose the Senate will be pressed for time now in order to dispose of all the business that it may be necessary to act on between this and the 15th of July. I therefore feel disposed to conform to the judgment of the Senate.

Mr. MORRILL, of Maine. If the Senator will allow me, I will say that the next appropriation bill which I propose to bring before the Senate will be the Indian appropriation bill, and to follow this as soon as it suits the convenience of the Senate to give me an opportunity. I suggest to the Senator that if it would suit his convenience as well I should prefer that he would move his amendment on that bill; and in the mean time I will submit the proposition distinctly to the committee.

Mr. PATTERSON. I ask the Senator from Iowa if he will delay for a few moments until I offer two amendments that will lead to no discussion?

Mr. HARLAN. I would prefer to have this matter disposed of in some way. I will therefore content myself for the present with saying to the Senate that if it should be agreeable to them I will move to take up what is known as the Osage bill to-morrow morning during the morning hour, as soon as the morning business is disposed of, with a view of submitting a few remarks; and also with a hope that the bill may be disposed of by a vote of the Senate at that time.

Mr. SUMNER. I inquire of my friend whether he supposes the appropriation bill will be out of the way to-morrow?

Mr. HARLAN. It will not come up until one o'clock.

Mr. PATTERSON. On page 21, line four hundred and ninety-four, I move to strike out from the word "assistant" to the word "dollars" in line four hundred and ninety-five, inclusive. This simply abolishes the office of assistant register of the Treasury. I understand that this office was created at the time Mr. Chittenden was Register of the Treasury, at a time when he broke down in health; and although he had but little, almost nothing to do, he has stuck ever since, and his services are not very much needed.

The VICE PRESIDENT. The Senator from New Hampshire moves to strike out "assistant register, $2,000."

The amendment was agreed to.

Mr. PATTERSON. On page 32 I move to strike out all from line seven hundred and sixty-four down to line seven hundred and seventy-two, inclusive.

Mr. POMEROY. What is that?

Mr. PATTERSON. It is the branch mint at Carson City. I move to strike out the entire appropriation for that mint. I know this will be somewhat offensive to my friend from Nevada, [Mr. NYE,] and I regret that I feel obliged to move it. I will simply make the motion and state the reasons for doing this, and then leave it to the Senate. I do not care to discuss it.

The VICE PRESIDENT. The Senator from New Hampshire moves to strike out the entire appropriation for the branch mint at Carson City.

Mr. PATTERSON. During the time that the Committee on Retrenchment were in California we took some testimony on this subject. The substance of it was that the mint was not needed, that it was of no service to the Government, and not required by the interests of the Pacific coast. I do not propose to discuss this matter, but simply to read a few passages from that testimony, and leave the matter entirely to the Senate.

I will say, however, that the parties who were before the committee, so far as I could learn, were entirely reliable men, men who were familiar with the work of assaying and of refining both gold and silver, and some of them were interested in that work in San Francisco. That may have tinged somewhat their testimony, or it may not. It will be for my honorable friend from Nevada to say how that is. One of the parties before the committee was a Mr. R. B. Swain. This question was asked by the Senator from Ohio, [Mr. THURMAN:]

"State whether, in your opinion, a branch mint at Carson City is of any advantage to the Government or the public?"

Then comes the answer, "In my opinion it is not." The testimony proceeds:

"*Question.* State the reasons for that opinion.

"*Answer.* There are many reasons why, in my opinion, a branch mint is quite useless there. In the first place, the production of Nevada is silver chiefly, and there is very little coinage of silver. We do not coin in the mint here in San Francisco all the silver that is taken out of the gold. Gold always has silver in it when it is found, probably one eighth is silver, and we do not coin all that. The circulation does not require that. Consequently it cannot be used for coinage there for the purpose of converting the precious metals into the coin of the country. In my opinion it would not be used as an assay office because it has no market for the sale of the precious metals, and all the mining companies have their own assayers; what they produce they assay, ascertain the value of, and send down here to San Francisco, or send East, where there is a market for it.

"*Question.* The silver that comes from Nevada simply comes in the shape of bars that have been assayed but not refined?

"*Answer.* Not refined.

"*Question.* Do you think the existence of a branch mint there would have the effect of causing refining to be done there?

"*Answer.* No, I do not think any refining would be done there at all.

"*Question.* Then you can see no use whatever for it?

"*Answer.* I should think there was not the slightest use for it, even as an assay office. It might, perhaps, be advisable for the public convenience to keep it open as an assay office simply, inasmuch as the building is there. If there were no building there I would not even recommend the establishment of an assay office. Merchants here do that business well themselves.

"*Question.* You see no profit to the Government and no particular advantage to the public by that branch mint?

"*Answer.* No. They cannot possibly do any refining there, because it is so much more expensive than it would be here; and the precious metals would naturally come here for that purpose."

I will also send to the Clerk to be read a passage on this subject.

Mr. NYE. Who is that from?

Mr. PATTERSON. The Clerk will state the name of the witness.

The CHIEF CLERK. Louis A. Garnett testified:

"*Question.* State your opinion, if you have one, whether the public interest is likely to be promoted by the existence of a branch mint at Carson city, Nevada; and if you have an opinion on that subject, state the reasons for it.

"*Answer.* From perfectly natural causes the mint at Carson must necessarily be a very heavy tax to the Government without any apparent adequate benefit, for this reason: the product there is silver, which is of little value per ounce, and as the cost of refining or separating the metals is based upon the amount of silver to be dissolved, requiring definite chemical proportions of acids, salts, sulphuric acid, and zinc for its subsequent reduction, it becomes much more expensive to refine than gold itself, because it is nearly entirely silver. In the Washoe product we have, say, about forty ounces of gold in a thousand ounces of mixed metal, leaving nine hundred and sixty ounces of silver. The ordinary practical proportion of acid is double the weight of the silver to be dissolved; that is, where the gold and silver are in proper proportions of one third gold and two thirds silver by weight, not by value; these are the proportions we mix the metals for the purpose of refining in the mint, here where we have both gold and silver. The result is that the expense of refining silver in Nevada would be much greater than that of refining gold in California; and if the law is complied with, which is specific and direct, that the charges for refining, making bars, &c., shall cover the cost, including labor, fuel, wear and tear of machinery, wastage, and everything, the result would be a prohibition of minting at Carson. The law is explicit that the charge for separating must cover the actual cost. To do that they will have to establish a tariff at Carson, which will utterly preclude a single ounce ever going into the mint there.

"*Question.* Your opinion, then, is that that mint will have no business to do?

"*Answer.* Either the mint will have no business to do from the high prohibitory tariff it must impose, or it must do business at a very heavy loss to the Government to compete with the advantages the owners of the bullion have here in San Francisco. Another reason why such must be the case is that under present arrangements it is only at certain periods of the year that refined silver is needed for the China market, generally from April to June and July. Those are the months when the heavy exchange business of the East is carried on with Europe, and there is great demand for refined silver; the rest of the year there is little or no demand. The result must be—inasmuch as they cannot coin the silver of Nevada, because a few hundred thousand dollars would so glut the market for silver, which is not a legal tender, that they could scarcely give it away—that the operations of that mint must be to separate the metals, coin the gold, and make the silver into fine bars, which are to be removed to this city just as unrefined bars now are, and to be sold for the best price they will bring. Moreover, there would be delay in separating the metals at that small mint; large quantities of silver would be delayed probably from ten to fifteen days. This would be a vexatious delay that the miners and owners of bullion could not put up with. Here, under present arrangements, they get the amount of their bullion placed to their credit in bank twenty-four hours from the moment they ship it from Virginia City. Gold bullion in the various banks here is sold for the European market when the exchange is that way; or the silver is sold directly to the bankers themselves, who remit it for the China market for their own account, when there is a demand for fine silver.

"Another practical difficulty which may not be realized by those gentlemen over there is that where you refine gold and silver with an immense excess of silver, which must necessarily be the case there, it is a very difficult operation. As I have said, the proper proportions for refining would be, out of a thousand parts, three hundred and thirty-three parts gold and six hundred and sixty-six parts silver. That would be three hundred and thirty-three ounces of gold in a thousand ounces; but as we find the metals existing there, there are only about forty ounces of gold in a thousand ounces of bullion on an average. There is, therefore, an enormous excess of silver, and there is a practical difficulty in refining metals where the silver is in great preponderance as it is there. It cuts up the gold to such an impalpable powder that it stops the action of the acid. The gold at the bottom of your refining pots forms an impalpable mud, and the action of the acid ceases. You therefore cannot get your gold high enough for making the proper standard of coin by the first operation of refining. It also comes out so extremely brittle that it has to be regranulated again with the proper proportion of fine silver and refined the second time, in addition to the first very heavy cost of refining."

Mr. PATTERSON. It will be seen by this passage, and I might call for the reading of many more like this, that the cost of refining at Carson City is very much greater than in San Francisco, and for two or three reasons. First, the ore there has only forty parts of gold out of a thousand parts of the bullion. It is mainly silver, and very little of gold in a thousand parts of the bullion. The amount of sulphuric acid and other acids required to bring about the refining of this metal is very much more than it takes for refining gold in San Francisco, and it is almost impossible to do it even with a great amount of acids. Then, the acid has to be brought from San Francisco to Carson City at a great expense. Then, the cost of fuel, of wood, there is also another item of great expense. I will read from the book of estimates of appropriations a passage on that point.

Mr. NYE. Do you say the cost of wood is higher at Carson City than at San Francisco?

Mr. PATTERSON. I will read my authority for that statement. I read from the book of estimates:

"The superintendent of the Carson City branch mint, in his letter to the Director, says: 'Owing to the fact that operations in this branch have not been commenced, and our force is not yet organized, it is somewhat difficult to obtain an estimate of the number of workmen required, especially as the probable amount of bullion to be received is at present entirely conjectural. Our estimate for fuel must necessarily be high, as we are forced to burn pine wood, no other being attainable, and the price thereof ranges from five to ten dollars per cord in coin. Ordinary labor is scarcely to be obtained here at less than five dollars in currency per day, while skilled labor commands much higher prices. I think that with close management the amount estimated will be sufficient, but not more than will be absolutely necessary.' Signed, A. Curry, superintendent. The Director invites special attention to these explanations."

I do not wish to discuss this question, but simply to state the facts. Every man who was before the committee said that the Government did not need a mint there; that the mining interests of the Pacific coast did not demand a refinery or an assay office or a mint there, and that the cost of production would be a continuous expense to the Government if it was kept up. The building was put up, I believe, at an expense of some ninety thousand dollars. The appropriation asked for this year is $91,000 and a little more.

Mr. NYE. I can correct my friend. The cost of the building of the mint as it stands is almost four hundred thousand dollars.

Mr. PATTERSON. That is very much worse than I had supposed. I am sorry that a building which was not required for the purposes of refining or of coining should have been put up there at that great expense.

Mr. STEWART. I hope the amendment will not be adopted. The Government of the United States has been expending a large amount of money building a very fine mint, and has just got it in operation. There is a statement now that it is not going to have business. I think it would be well, after having gone to the expense of building a mint, to try the question whether it is going to have business or not. It seems to me it is child's play to stop now, after all this expenditure, without a trial. It will cost but little to try it. Let us have this appropriation and see whether it is going to do business. But to build it, and then, because somebody is willing to make an affidavit that it is not going to do business, to abandon it, would be very foolish conduct on the part of the Government. I do not believe the Senate will take any such course. Give us the appropriation, and let us see if it is useful or not. That is the best test.

Mr. NYE. Mr. President, I do not know when the days of our trial will be over. This mint was authorized and directed by law in 1863, while Nevada was a Territory, and since that every time we have proposed to get anything done we have had "assay office" thrown in our faces, although the law said "mint." I can go to San Francisco and get a hundred more witnesses than the committee examined, who would swear to the same thing, of course. Carson City lies at the base of the eastern slope of the Sierra Nevada mountains, about three hundred miles from the city of San Francisco. We have been struggling. We produce in Nevada from $15,000,000 as high some years as $21,000,000 of bullion. Of course there is a strong desire to manipulate and handle that bullion in San Francisco. I think if I was in San Francisco I should be quite likely to say, if my interest was there, that a mint was not needed at Carson City.

Now, Mr. President, let me tell the chairman of that most industrious Committee on Retrenchment that he knows but little about how Carson City is situated. Right south of Carson City, on the eastern slope of the Sierra, have now been made richer discoveries of gold than California has ever produced. Where those rich gold discoveries are found—and it is known as the Meadow district—communication is all by the way of Carson City, and all the gold and silver there produced have to go by way of Carson City to get to San Francisco, passing our mint, to go there to be manipulated and handled. I undertake to say that Mr. Swain was never in Carson City in his life; and this Mr. Garnett I know never was there. Mr. Garnett is at the head of the private refinery at San Francisco, and he has written a book as long as the Old Testament to prove that refining cannot be done in the mint, while every day's experience proves to the contrary.

Mr. Swain takes it upon himself here to testify before this committee that silver is not needed for circulation. Why, Mr. President, the western coast, now including California, are very glad to get silver. Times have changed a little on the Pacific coast. A few years ago you could not deposit over five dollars in silver in a bank there, and the object of forcing all the silver down to San Francisco was to refine it into bars, and manipulate it, and make the profit there, and sell the bars abroad. I can inform the honorable chairman of the Retrenchment Committee that what Mr. Swain has asserted as to the actual doings of that mint has proved to be untrue.

I am not going to talk much about this matter. If the Senate of the United States are prepared to say that after the expenditure of $400,000 for this mint they will strangle it in its birth, and not give it a trial, let them do it. But I have a little word to say on the *morale* of this Mr. Swain; and I take it from the testimony taken by this committee, and I suppose they will consider themselves estopped from denying its truth. During the time he was superintendent of the mint at San Francisco there happened a strange kind of loss there which he thus explains:

"Up to the time of the closing down Mr. Schmaltz's loss was somewhere in the neighborhood of fifty ounces; that is, his wastage since the 1st of January was in the neighborhood of fifty ounces—eight or nine hundred dollars—and after he closed down and while he was settling up there was an abstraction"—

In other words a theft—

"of something in the neighborhood of seven hundred ounces which he never could account for."

It was the duty of the superintendent to settle that affair and make it right; and I turn to the next page, and I will show you how he settled it. Remember, this is the testimony upon which the Senator from New Hampshire relies:

"Mr. Schmaltz's legal limit of loss was between eighteen and nineteen thousand dollars. His actual loss was thirteen or fourteen thousand dollars.

"*Question.* If he had reported that loss he would have been held justified.

"*Answer.* In the settlement of the accounts at the close of every year, and at any settlement when wastage is reported to the superintendent, the law requires him to draw a warrant for the settlement of the account, provided it shows no greater wastage than the law allows and the superintendent is satisfied that it is a *bona fide* wastage. In this case there was shown a larger wastage than Mr. Schmaltz had been accustomed to exhibit, so much larger that I told him I should have to hesitate before I could draw my warrant, not being entirely satisfied that it was a *bona fide* loss; but on investigation I concluded that it was my duty to draw the warrant for that settlement, and I did so."

He swore just before that it was not a wastage but was an abstraction from that mint. A man who discharges his public duty in that way will see a necessity or non-necessity for a mint anywhere. I need not say to the Senate that the voice of San Francisco would be unanimous on this question; but I will ask my friend one question: did I not try to get this committee to go and see this much-abused mint at Carson for themselves?

Mr. PATTERSON. I will say to my friend that, with his usual well-known hospitality, he invited and even urged the committee to go down and visit his city—not particularly to visit

the mint, but to enjoy the luxury of a visit to the Senator himself.

Mr. NYE. If my friend had gone there he certainly could not help seeing the mint. The committee went everywhere else but to the mint; and not a witness from Nevada was examined on that subject, I think, unless it was a Mr.——

Mr. PATTERSON. I must correct the gentleman. Mr. Thomas Sunderland was from Nevada.

Mr. NYE. Thomas Sunderland does not live in Nevada.

Mr. PATTERSON. Let us see. Here is his testimony:

"*Question.* State your age, residence, and occupation.

"*Answer.* I am forty-eight years of age; my residence is in the State of Nevada; my profession is that of the law though I have been engaged for the last three or four years in mining."

Mr. NYE. The residence of Mr. Thomas Sunderland was in California, and he was a voter there. I know Mr. Sunderland well. He did live a year or two at Virginia City; but he had a princely residence in the San Mateo valley. I was in California, and while there I was at his residence. He lives there, and his family are there now, and they never have lived in Nevada; for I know him better than I do the Senator from New Hampshire. I repeat, not a resident of the State of Nevada was examined by that committee; and I confess I did not know that the examination was going on.

Now, sir, I have said all I care to say. I assert that this mint will pay, and the assertion that it will not coin money is successfully contradicted by the fact that it is coining now, and has been coining since the 1st of January. Only a few days ago the Senate confirmed a gentleman as melter and refiner, and he is now on his way there.

Mr. PATTERSON. I have only a word to add. This gentleman, Mr. Sunderland, who was examined before the committee, stated that he was a resident of Nevada.

Mr. NYE. He never had a residence there except when he wanted to run for office.

Mr. PATTERSON. We had testimony to the contrary.

Mr. NYE. His family lived in the San Mateo valley in California; I have been at his house and know where it is. He has gone up to White Pine now to take a chance again.

Mr. PATTERSON. Perhaps that will constitute a residence in that country. I do not know. He professed to be very familiar with the mines of that country. I will read part of his testimony:

"*Question.* In your judgment is it necessary for the Government to have a mint at Carson City?

"*Answer.* I do not think there is any necessity for it. That has always been my opinion. I do not think it is of any advantage to anybody. In the western part of the State of Nevada, where this mint is situated, there is but one principal lode, and that is the Comstock. That is situated at an average of fourteen miles north of Carson. The ore is sent from this mine to mills in different directions, and is brought back to Gold Hill and Virginia City in the shape of crude bullion, there to be run into bars and assayed. It is about as far from where these assay offices are situated to Carson as it is to the nearest point on the line of the Pacific railroad, and it costs as much for the transportation of the bullion from Virginia to Carson as from Virginia to Elko, the shipping point on the railroad."

We inquired, while in San Francisco, as to the character of the parties who came before us. We were told that they were perfectly reliable men. We knew that they were familiar with the work of assaying and of refining. They may have been prejudiced somewhat from the fact that they were interested in this work themselves in San Francisco; so that I give the testimony just as it stands. Every man whom we met and questioned on the subject in San Francisco answered, without exception, that there was no need, so far as the interests of the Government were concerned, for this mint in Carson City; and that it was of no advantage to the miners of the Pacific coast. I believe that that is the truth. I have no interest in this matter any more than the Senate, and I simply lay the matter before the Senate, and throw upon them the responsibility of voting this $91,000 for no earthly object, in my judgment, or not voting it, as they please.

Mr. NYE. Now, Mr. President, let me call the attention of the Senate and of the chairman of this committee to the changed condition of things. What Mr. Sunderland said was true before this mint was built.

Mr. PATTERSON. It was only last summer that he testified.

Mr. NYE. I understood that. The assay department at the Carson mint was not at work at all then. Now one of the largest mills of the Comstock lode is within three miles of this mint, and where they work more of this metal than they work in any other mill in that country; and four or five of the mills that work in that Comstock lode are nearer now to the mint, where the assaying can be done, than they are to go up the mountain again to Virginia City. Circumstances have changed, and there is where the bullion now is and will be manipulated. I have said all that I desire to say.

Mr. THURMAN. Mr. President, having been one of the committee who took that testimony, and believing that I understand the question, I feel it a duty I owe to the Senate very briefly to state the impression made on my mind.

The witnesses who were examined were mostly, it is true, citizens of San Francisco, but they were gentlemen of character, and better informed, perhaps, on this subject than any equal number of men to be found in the country. There was one, if not more than one, I am quite sure, of the witnesses who was a citizen of the State of Nevada, and his testimony will be found, I think, to be quite as conclusive, although not so voluminous, as that of the other witnesses. The amount of the testimony is that the mint at Carson cannot be used for the purpose of making gold coin.

The ore of Nevada is mainly silver, but containing, as the silver does there, some quantity of gold. The quality of gold, however, is insufficient to make that mint a profitable institution for the coinage of gold. Besides, even if gold could be coined there, the metal would have to be taken from the Comstock lode, fourteen miles, if I recollect aright, to Carson City in a direction from the railroad, and then brought back to the Comstock mine, and then fourteen miles more to the railroad to be shipped off. That would be just so much labor lost, just so much expense for nothing; for that same gold and silver got out of the Comstock lode could be taken with only about one third of that transportation to the railroad and sent to San Francisco, and that which was gold coined into gold coin, and that which was silver run into silver bars, at less expense than it could possibly be done at Carson City. Besides that, you would have to take the greater portion of the acids, if you are to make gold coin at this Carson mint, from San Francisco by railway to the point—I forget where it is—where they meet the railroad, and then from there to this mint.

These facts seemed to show conclusively that there could be no coinage at that mint of any consequence, except silver coin, and the testimony was overwhelming that the silver in bars is worth more than the coin; so that there is an actual loss in coining the silver, because the silver in bars is worth more than the silver when coined. Under these circumstances, it seems to me it is impossible for any one to arrive at any other conclusion than that this mint is simply a useless cost to the Government.

Mr. NYE. Will the honorable Senator allow me to inform him on that point?

Mr. THURMAN. Certainly; with great pleasure.

Mr. NYE. All the acids that will be required for the supply of the mint have been procured and are now on hand; and this appropriation is merely for the labor in the mint and wood, &c. Now, if that is to be thrown out, I want the Senate to say so.

Mr. THURMAN. That may be. I do not think they will be thrown away. They can be sent to the mint at San Francisco.

Mr. NYE. But the honorable Senator states that it costs so much to get the acids there. It will cost just as much to take them away from there.

Mr. THURMAN. When a business man finds that he has embarked in a bad enterprise——

Mr. PATTERSON. If my friend will allow me, in the seven hundred and seventy-first line of the clause which I move to strike out, I find this appropriation:

For chemicals—

That is, for sulphuric acid I take it—

charcoal and wood, incidental and miscellaneous expenses, $17,607.

Mr. NYE. They use other chemicals more expensive than sulphuric acid.

Mr. PATTERSON. Sulphuric acid is used in the private refineries, but in the Government establishments they use nitric acid, and they use also zinc and certain salts. Those are the chemicals that are used in refining, and called for in this bill at the rate of $17,000.

Mr. THURMAN. I was going to say in reply to what my friend from Nevada said, that when a business man embarks in a business and finds that every year he carries it on he is losing money, he considers it the part of prudence to stop the business even if he has to incur some loss at the time; in other words, it is better to stop where you are and lose something, than to go on losing all the time.

Mr. NYE. I will answer the Senator now. If that mint does not give evidence this year that it will pay, then I will move myself next year to change it; but I protest against a judgment before a hearing.

Mr. THURMAN. One word more and I have done. I have only this to say about it: the Senate has seen fit to constitute a Committee on Retrenchment; that committee, I believe, has faithfully and earnestly sought to discharge its duties; it has taken a great deal of testimony on a great many subjects, and I do not think upon any subject the testimony it has taken is so conclusive as it is upon this. If the Senate thinks that its conclusions are of no consequence whatsoever I do not see that there is a great deal of use in having the committee. However, if the Senate think that there ought to be another year's trial of this mint, as the Senator from Nevada suggests, the Senate can so decide. For myself I can only say that I am perfectly satisfied that the longer it is tried the more patent will become the fact that the thing is wholly unnecessary.

Mr. STEWART. There has been no year's trial yet. This is only the commencement of it.

Mr. THURMAN. Well, give it a year's trial if you choose.

Mr. CORBETT. It is very evident that the mint in California as now constituted is not able to coin the requisite amount of silver for the use of this country. It is necessary now to commence coining silver for the use of the community. We know that silver has lately been introduced into New York and put in circulation there.

The committee say that silver in bars is worth more than it is in coin. That is the very reason why we should put it in coin, to keep it from going out of the country. If you want to return to specie payments, if you ever want to use silver in this country again, you have got to coin the silver here and keep it in the country. If you are going to let it go out of the country in bars, you never will have any silver coin. My opinion is that this mint should be kept coining silver so as to keep it in the country and prevent it being shipped out of the country. The mint at San Francisco certainly cannot do any coining of silver of any account. It seems to me that having expended

four or five hundred thousand dollars in establishing a mint at Carson City, to say now that you will not put it into operation, that you will not make an appropriation to coin the silver that is right there upon the ground and put it into silver dollars and specie to circulate in the country, would be preposterous. I think this mint ought to be tried; that we should try to coin silver there, and see if we cannot coin some silver and put it in circulation in the country. If silver is at a discount as much as gold is, it is about equivalent to greenbacks now, and there is no reeson why silver should not be put in circulation in the country. I am in favor of coining silver at that mint until we can coin enough silver to put it in circulation throughout the country instead of the shinplasters we now have.

The PRESIDING OFFICER, (Mr. WARNER in the chair.) The question is on the motion of the Senator from New Hampshire to strike out the clause in relation to the branch mint at Carson City.

Mr. THURMAN. I think we might as well have the yeas and nays on this question. I should like to see what the evidences are of retrenchment in the Senate.

The question being taken by yeas and nays, resulted—yeas 11, nays 34; as follows:

YEAS—Messrs. Bayard, Casserly, Davis, Hamilton of Maryland, Johnston, McCreery, Patterson, Sherman, Stockton, Thurman, and Vickers—11.

NAYS—Messrs. Anthony, Brownlow, Buckingham, Cameron, Chandler, Cole, Corbett, Cragin, Drake, Edmunds, Ferry, Flanagan, Gilbert, Hamilton of Texas, Hamlin, Harlan, Howard, Howe, Morrill of Maine, Morrill of Vermont, Nye, Osborn, Pomeroy, Ramsey, Ross, Scott, Sprague, Stewart, Sumner, Thayer, Tipton, Warner, Williams, and Yates—34.

ABSENT—Messrs. Abbott, Ames, Boreman, Carpenter, Cattell, Conkling, Fenton, Fowler, Harris, Howell, Kellogg, Lewis, McDonald, Morton, Norton, Pool, Pratt, Revels, Rice, Robertson, Saulsbury, Sawyer, Schurz, Spencer, Trumbull, Willey, and Wilson—27.

So the amendment was rejected.

Mr. MORRILL, of Maine. I desire to move an amendment to correct the text of the bill, which has been made necessary by an amendment already adopted on page 21, line four hundred and eighty-seven of the old bill, in the clause making appropriations for the office of the Register of the Treasury. There was an amendment adopted striking out "assistant register, $2,000." I move, therefore, to amend that clause in line four hundred and eighty-seven by striking out "six" and inserting "four;" so as to make the appropriation $84,100.

The amendment was agreed to.

Mr. COLE. A long time ago I proposed an amendment to this bill, which I suppose Senators have nearly all forgotten. It is in line twelve hundred and eighty-eight, page 53 of the new print, to change the word "two" to "three," and to change the word "one" to "two;" so that the clause will read:

For chief of Bureau of Navigation, chief clerk, one clerk of class three, one clerk of class two, one messenger, and one laborer, &c.

The proposed amendment was passed over informally, in order that my friend, the chairman of the Committee on Finance, [Mr. SHERMAN,] might look up the law on the subject, and ascertain whether or not this change was authorized by the law. He did so, and he found that this was not in contravention of the existing law, and that these clerkships were authorized, and I suppose, therefore, there will now be no objection to the amendment proposed at that time.

Mr. THURMAN. I rise to make an inquiry of the chairman of the committee——

Mr. COLE. Does the inquiry relate to this amendment of mine?

Mr. THURMAN. No; I understood the amendment was agreed to.

Mr. COLE. If it is, very well.

The PRESIDING OFFICER. The Senator from California moves to strike out in line twelve hundred and eighty-eight the word "two" and insert "three," and in the same line to strike out "one" and insert "two."

Mr. MORRILL, of Maine. I cannot find that on my bill.

Mr. COLE. If the chairman has the old bill it is on page 51, line twelve hundred and forty-three, and in the new print, page 53, line twelve hundred and eighty-eight.

Mr. MORRILL, of Maine. I have it now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

Mr. HARLAN. I should like to know the effect of it.

Mr. COLE. I will tell the Senator the effect of it if he desires. It is to put this bureau on an equality and par with the others; and I will state further that this proposed amendment is in accordance with the provisions of law authorizing the appointment of clerkships of those grades.

The amendment was agreed to.

Mr. THURMAN. I wish now to inquire of the chairman of the committee in regard to an entire head contained in this bill, that of "public printing," beginning on page 9, and I wish to ask the attention of the chairman of the Committee on Post Offices and Post Roads to what I am about to say. I find that the aggregate of the appropriations contained under this head is $1,501,014, and that connected with the same matter there is in the contingent expenses of the House the sum of $25,000 for folding documents, including materials, and for the same matter in the Senate $10,000. We were told that if the franking privilege should be abolished, the chief saving would be, or at least a very great saving, in the decrease of the amount of public printing—that not nearly so many documents would be printed. We were told that there would be a very great saving in that respect, because if members had not the privilege of franking documents they would not be printed.

Now, what I want to ask the chairman of the committee is, how do these appropriations compare with the appropriations for the current year? Has there been any cutting down of the appropriations on account of the anticipated abolition of the franking privilege?

Mr. MORRILL, of Maine. Very largely. The chairman of the Committee on Appropriations of the House has suggested that there should be a very large increase of this appropriation for folding documents, &c., upon the supposition that by possibility the bill abolishing the franking privilege might not get through the Senate; but I will suggest to my honorable friend, as there is no question before the Senate at the present moment, perhaps he will allow us to go on with the bill.

Mr. THURMAN. Can the Senator tell us how much was appropriated for the current year?

Mr. MORRILL, of Maine. My recollection is that the appropriation for this item last year was $50,000. It is now $25,000.

Mr. THURMAN. How much for the public printing?

Mr. MORRILL, of Maine. I cannot tell as to that. The chairman of the Committee on Printing probably can inform the Senator on that subject.

Mr. CAMERON. If the chairman of the Committee on Appropriations has got through with his private talk with the Senator from Ohio, I have the honor of addressing you, Mr. President. I propose to move an amendment on page 46, line eleven hundred and twenty-seven, by striking out "two" and inserting "five," so as to make the clause read, "for incidental and miscellaneous items, $5,000." The Commissioner of Agriculture says it is impossible to get along with so small a sum as $2,000.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Pennsylvania.

Mr. MORRILL, of Maine. I did not understand it.

Mr. CAMERON. It is for incidental and miscellaneous items of the Agricultural Department. It includes getting the seeds, putting them up, and all that sort of thing.

Mr. MORRILL, of Maine. Let the Clerk report the amendment.

The PRESIDING OFFICER. The amendment is to strike out "two" and insert "five," so as to make the clause read "for incidental and miscellaneous items, $5,000."

Mr. COLE. That clause is an amendment which has been already adopted by the Senate, and therefore it can only be changed when the bill is reported to the Senate.

The PRESIDING OFFICER. That clause has been agreed to by the Senate as an amendment, and the motion of the Senator from Pennsylvania is not strictly in order. The Chair will entertain it if there be no objection; but if the point of order is raised by the Senator from California the Chair will decide it.

Mr. CAMERON. Notice was given to the chairman of the Committee on Appropriations that this amendment would be offered.

Mr. COLE. My point is not that notice was not given of the amendment by the Senator but that this clause is itself an amendment and cannot be changed until the bill is reported to the Senate.

Mr. CAMERON. I have another amendment to offer. It is in line eleven hundred and ten to strike out "$500," and insert "$1,000." The clause now reads, "for cases for the library $500." It will require $1,000 to get the proper cases.

Mr. MORRILL, of Maine. I hardly think that is in order. Has the Senator given any notice of the amendment?

Mr. CAMERON. I believe I had the honor of stating some time ago to the chairman of the Committee on Appropriations that I had various amendments to offer from the Committee on Agriculture, and I think he replied, "Very well; present them, and I will adopt them," or something like that.

Mr. MORRILL, of Maine. I know how very willing I should be to oblige the Senator——

Mr. CAMERON. It was something like that.

Mr. MORRILL, of Maine. But the Senator is aware that we go by rules here. If the Senator has given proper notice of it, of course he has complied with the written rules of the Senate.

Mr. CAMERON. I understand from a member of the Agricultural Committee that the Senator from Illinois [Mr. YATES] gave notice in his place some ten or twelve days ago that these amendments would be offered. They were acted on by the committee, and they came from the committee in my absence; I was away some days. I think the chairman of the Committee on Appropriations will find that they are all right.

The PRESIDING OFFICER. Does the chairman of the Committee on Appropriations make objection?

Mr. CAMERON. It is only $500.

Mr. MORRILL, of Maine. I must make the point unless there has been the notice. I have here a list of amendments proposed by the Committee on Agriculture. Let me see. One is, after line ten hundred and sixty-one to insert the following:

For paper, twine, gum, &c., for folding-room, $500.

Mr. CAMERON. That I shall offer next.

Mr. MORRILL, of Maine. Another is in line one thousand and ninety-six, to strike out "$500" and insert "$1,000."

Mr. CAMERON. That is the motion here.

Mr. MORRILL, of Maine. Then I have had notice.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. CAMERON. I now move the next amendment, in line eleven hundred and twenty-eight to insert:

For paper, twine, gum, and necessary materials for folding-room, $500.

There is nothing, as I understand, to pay for these expenses in the Agricultural Department.

The amendment was agreed in.

Mr. CAMERON. I have another small amendment to add to the amendment just adopted:

That the sum of $250 be appropriated to pay Mrs. Margaret S. Morse, a balance due her for translations for the use of the Agricultural Bureau.

This lady translated some valuable works from the French, which she was directed to do partly by President Johnson and partly by the Commissioner. She received $100, and there is still $250 due her. I think it is a worthy object, and trust the Senate will agree to pay her.

Mr. MORRILL, of Maine. I must raise a question of order on this proposition.

The PRESIDING OFFICER. The chairman of the Committee on Appropriations objects to this amendment as not being in order.

Mr. CAMERON. I think I mentioned this matter to the chairman of the Committee on Appropriations some time ago, and I hope he will not object to it.

Mr. MORRILL, of Maine. I think it altogether likely; but then the Senator from Pennsylvania has not, I think, given notice of it.

Mr. CAMERON. I think I did.

The PRESIDING OFFICER. The chairman of the committee raises the question that this is a private claim, and not in order.

Mr. CAMERON. If the point is ruled against me, I give notice now that I will offer it to-morrow. So we might as well take it now. [Laughter.]

Mr. SHERMAN. Is the Senator from Pennsylvania through?

Mr. CAMERON. I am, if the chairman rules against me.

Mr. SHERMAN. I have an amendment to propose from the Committee on Finance, upon a matter that was referred to the Committee on Finance by the Committee on Appropriations. The Committee on Finance direct me to report the following amendment, to add as a new section:

And be it further enacted, That the sum of $351 67 be paid to A. M. Gangewer, chief clerk in the office of the Third Auditor, out of any moneys in the Treasury not otherwise appropriated, for services as Third Auditor.

I will state that Mr. Gangewer acted as Third Auditor during an actual vacancy that occurred, and under the rule that has been established in other cases he is entitled to pay.

Mr. MORRILL, of Maine. I inquire of the Senator whether that is the rule; whether it is not an unusual practice?

Mr. SHERMAN. I do not myself approve the practice; but it has been the rule of the Treasury Department, and in that very office. Several precedents have been shown where, when there was an actual vacancy in the office and another officer fulfilled the duty during that time, he was allowed the difference in pay between his pay and the pay of Third Auditor. That is the precise thing here. Mr. Gangewer is the present chief clerk. The former Third Auditor, Mr. Wilson, I think, resigned or was removed, and during three or four months Mr. Gangewer acted as Auditor. It was not a mere absence of the Auditor. In such cases precedents show that allowances have been made for the difference between the pay of chief clerk and the pay of Auditor. My friend from Vermont [Mr. MORRILL] reported a case adversely the other day, where it was merely for acting during a temporary absence; but this is in accordance with precedents. I think Mr. Gangewer ought to have the difference in pay. It is a very small sum.

The amendment was agreed to.

Mr. SHERMAN. In pursuance of a notice that I gave some days ago, I now offer this amendment to carry out an estimate made in the regular estimates:

And be it further enacted, That there be appropriated out of any money in the Treasury not otherwise appropriated, the sum of $450,000 to complete the enlargement of the ship canal around the falls of the Ohio river.

I will state the reasons why I offer this amendment to this bill for a work which usually does not belong to this bill. It is because the work is now going forward rapidly, and the money is needed at this season of the year as soon as possible to complete the work. It would, more properly, come in as an amendment to another bill, but I trust the Senate will allow it to be put on this bill, for there is a pressing necessity for the appropriation at as early a day as possible. I gave notice of it some days ago; it is in the regular estimates sent to us by the Department. I will state also, that it comes within the precise reason of the case of the appropriation made for the canal around the Mississippi rapids, for which there was a special appropriation made, perhaps a month or two ago, in order that the work might be done at the low stage of water in the river.

Mr. THURMAN. I hope this amendment will be agreed to for the reason stated by my colleague, and also because the work belongs to the Government, and since the building of the railroad bridge there, which makes it almost impossible to pass over the falls even at high water as was formerly done, all navigation by large boats must be through the canal. It is a most serious obstacle to navigation, and most injurious to the whole country above the falls especially. Large boats are now stopped, and have been for a long time, for want of the enlargement of this canal, and I believe this appropriation would about finish it.

Mr. SHERMAN. This will finish it.

Mr. THURMAN. So that nothing more will be asked.

Mr. SHERMAN. According to the estimate of the engineer in charge, General Weitzel, $450,000 will complete it, and then the whole work is transferred to the Govnrnment.

Mr. THURMAN. I think there was laid before the Senate a petition from the Chamber of Commerce of Cincinnati on this very subject, which was, I think, presented by my colleague—I know I received a copy of it—in which the reasons were very forcibly set forth and the facts stated why this appropriation should be made. It is a matter of very great interest, especially to Cincinnati, Pittsburg, and in fact to all the country above Louisville.

Mr. CHANDLER. I do not know where this proposition came from. It has not been before the Committee on Commerce. Certainly that committee has this very appropriation in charge in connection with the river and harbor bill. If this is to be put on I desire to put on the whole river and harbor bill, which will contain somewhere between three and a half and four million dollars. I likewise have an appropriation for the Sault Ste. Marie canal, which last year did something more than double the business of the Louisville canal. I have the figures at home.

Mr. SHERMAN. Let me appeal to my friend from Michigan. I have always, as he knows very well, favored appropiations for the Sault Ste. Marie canal and for the St. Clair flats, and improvements of that sort. Those lake improvements and the improvement of the Ohio and Mississippi rivers are the great western improvements which are more important than all others. Now, for the special reason I have given, I trust this item will be put upon this bill. I know it is more appropriate to the other bill. I stated that; but it will not impair or affect the passage of the other bill, while there is a necessity for this appropriation to be used early in the season during the low water, so that the work may progress and contracts may be made for the conclusion of this very important canal. My colleague said this was petitioned for by the Chamber of Commerce of Cincinnati; it has been also petitioned for by the Legislatures of Ohio, Kentucky, and Indiana, all of which States are greatly interested in it.

Mr. CHANDLER. There is no very great haste in this matter. The river and harbor bill will pass within six weeks, and not one single dollar of this money will be expended before that bill passes. I do not know how this got here. What committee did it come from? Whose business is it? How did it get in here?

Mr. SHERMAN. I stated already, if the Senator had chosen to listen to me, that two weeks ago I gave notice of this amendment, and the item is regularly laid on our tables in the estimates of the Department reported from the engineers. It is true the estimates have been referred to the Committee on Commerce, but there are special reasons why this item should be put on this bill.

Mr. CHANDLER. It is in the regular bill with all the other river and harbor appropriations.

Mr. SHERMAN. It can be stricken out of that bill.

Mr. CHANDLER. If the Senator from Maine, as chairman of the Committee on Appropriations, will accept the engineer's estimates for the river and harbor appropriations, I am willing to move them. They amount to about twelve million dollars, and every item has just as much business here as this has. The Committees on Commerce have had the subject under consideration in both Houses now for four months, and have agreed to make an appropriation for this identical work; but I object *in toto* to bringing in this Louisville canal and ignoring all the rest. Either put on the whole or let this go with the rest. I object *in toto* to this proceeding. It does not belong to the committee from which it came; it belongs to the Committee on Commerce.

Mr. MORRILL, of Maine. The Senator appeals to the chairman of the Committee on Appropriations. He will observe that the chairman of the Committee on Appropriations and the committee itself had nothing to do with this amendment more than that they received notice of it, as I understand, from the Committee on Finance.

Mr. SHERMAN. No; not the Committee on Finance; but this is regularly estimated for in the annual estimates and comes within the rule. Notice of it was given to the Committee on Appropriations.

Mr. CHANDLER. Then it came from no committee?

Mr. MORRILL, of Maine. None.

Mr. CHANDLER. Then it would be perfectly competent for any Senator here to move the entire estimates of the engineers and offer the whole. If this is to be put on, I give notice that I shall offer the whole estimates from the board of engineers for this year.

Mr. SHERMAN. The Senator has not given the requisite notice.

Mr. CHANDLER. We shall adjourn after you put this on, and I will give the notice to-night.

Mr. SHERMAN. I hope the Senator from Michigan will not be unreasonable about this.

Mr. CHANDLER. I am not unreasonable, but I object *in toto* to taking out one work of this kind and ignoring the rest.

Mr. SHERMAN. The appropriation for the Mississippi river was passed here by common consent for the very same reason, and perhaps we ought in justice to our constituents to have taken the same course, and introduced a separate bill; but I did not desire to do that. This is a work of absolute public necessity, affecting a commerce I think as large as the commerce of the lakes.

Mr. CHANDLER. Not one half the tonnage passed through the Louisville canal that

passed through the Sault Ste. Marie canal last year. I have the statistics. So it has been for the last five years.

Mr. SHERMAN. It is sufficient to say that the commerce either of the Ohio river or of the lakes is equal to our entire foreign tonnage, and therefore it is an immense affair.

Mr. CHANDLER. But a very small portion of the commerce of the lakes passes through the Sault Ste. Marie canal. I have the figures at home; I did not bring them here because I did not suppose that this matter was coming up. I have the official statistics, showing that for five years the tonnage passing through the Sault Ste. Marie canal was more than double that passing through the Louisville canal.

Mr. SHERMAN. Very well; you will get your appropriation in time.

Mr. CHANDLER. I should like to have the two appropriations go together. It is very important that we have an appropriation for the Sault Ste. Marie canal; it is important that certain other internal works of improvement be provided for; and I object *in toto* to taking one estimate out from one hundred, two hundred, or three hundred in the engineer's estimates, and move it on a general appropriation bill. It is irregular; it ought never to be done. Let this matter go to a committee for investigation, and to see whether the amount is right.

Mr. ANTHONY. I am very glad to see this motion from the vigilant guardian of the Treasury, because I am anxious to have a similar appropriation made for a breakwater at Block Island, which is a more important work than both the others that have been named put together. I shall move that as an amendment to the amendment of my friend from Ohio, which I am sure will strengthen it, and then I think we can put both through together. I have the estimate of the engineers, and I see my colleague of the Committee on Rules here, and so we can get it in from a committee, if necessary.

Mr. SHERMAN. It so happens that my colleague and I represent three million people; and we have no appropriations made for the State of Ohio by the national Government of any moment whatever. So far as I know, there is not a single appropriation within the State of Ohio that is called for except for two or three places along the lake shore, and as to them we do not ask any great favor, and do not care much whether they are made or not. This appropriation is for the canal at Louisville, one hundred and fifty miles from the Ohio border. It is to complete a work of infinite value to the whole Mississippi valley, in which Ohio has no more interest than many other States. It seems to me, under the circumstances, when it is admitted on all hands that this work ought to be completed during the summer months, while the water is low, and that only $450,000 is necessary to complete a work of infinite magnitude, that there ought to be no obstruction by a rival interest to prevent this appropriation from being made.

When the Mississippi rapids appropriation was asked for I did not object, and when an appropriation will be asked for the Sault Ste. Marie canal I shall not object. These are great works of public improvement. I have always favored them, and intend to favor them, although I am in favor of economy; and so, if a showing is made at the proper time by the Senator from Rhode Island that his improvement is needed for the general commerce of the country, I shall be ready to give it my support.

But under these circumstances, especially as I have taken the proper mode under the rules and given the notice required, and this sum is regularly estimated for and will in due time be certainly appropriated, it seems to me when I ask for an immediate appropriation now for the reasons I have stated there ought to be no objection to it by those who expect appropriations in the future. I have no doubt I shall support those appropriations when they are presented in due time; and I should not now ask for this on this bill but for the fact that it is necessary to appropriate the money at the earliest day possible, so that the necessary contracts for the completion of this great work may be made. I trust the Senate will give us this appropriation on this bill.

Mr. THURMAN. The necessity for this appropriation has been very greatly increased by the building, as I said, of a railroad bridge under the sanction of this Government authorizing that bridge to be built, and making it, as I said before, more difficult by far, and to a certain extent impossible for large boats to pass over the falls in high water as they formerly did. Everything now is obliged to pass through the canal. I really do not know why the chairman of the Committee on Commerce should feel hurt, as he seems to be, by the amendment offered by my colleague. It certainly was no want of respect to the chairman of the Committee on Commerce or to that committee itself to move this amendment; nor do I think he has examined it at all. On the contrary, if I had my way, every one of these large appropriations for improvements should stand upon its own bottom, to use a homely phrase. I would not allow them all to be grouped together in one bill from the Committee on Commerce, in order to make what is called a regular log-rolling bill, in which it is necessary that I should help you to roll your log if I want my log rolled. I can hardly conceive of any reason why the chairman of the Committee on Commerce is so much opposed to having this appropriation made now, unless he fears that if we get this appropriation made and our log is rolled, then we may not help him to roll his log. That is the only reason I can conceive why he is so sensitive on this subject.

Now, I wish to say that very soon, in thirty days from this time, the Ohio river will begin to fall, and will continue to fall until nearly the 1st of November, or rather the lowest stage of it will be somewhere about the 20th of September. If this improvement is to be made, and the necessary materials are to be had and the necessary workmen to be employed, it is necessary that those who have it in charge should know it as soon as possible, and they will not be prepared for work one day before the time will arrive of the low stage of the water when they can go to work. I hope, therefore, under these circumstances, it being a matter of such pressing necessity to the people on the banks of that stream and the commerce of that stream, that this amendment will be adopted.

Mr. CHANDLER. Mr. President, I raise a point of order on the amendment, that it does not come within the thirtieth rule. The rule declares that—

"No amendments proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments."

This is not from the head of a Department. It is taken from a book published by the engineering corps, and is not recommended by the head of a Department. It is from the engineering corps. It is entirely out of order. I trust the Chair will so rule, and that will stop discussion.

Mr. SHERMAN. This estimate is contained in the regular estimates of the Secretary of War.

Mr. CHANDLER. If the Secretary of War had sent in his recommendation with this estimate and asked that the amount be appropriated, it would have come from the head of a Department; but he did not do that.

Mr. THURMAN. It comes from the Secretary of War in the printed book of estimates, and also from the Secretary of the Treasury in the estimates submitted to us by him; and as a matter of course was referred to the regular Committees on Appropriations and Commerce. My amendment comes directly within the rule.

Mr. CHANDLER. The estimate does not come from the head of a Department; it comes from the corps of engineers, and is not recommended by the head of a Department.

Mr. SHERMAN. Recommended by the Secretary of the Treasury.

Mr. CHANDLER. Any second lieutenant would be, according to the Senator's version, a head of a Department who makes a report or estimate. The amendment is clearly out of order.

Mr. DAVIS. The objection of the honorable Senator from Michigan I think is not well founded. If an engineer who is attached to the War Department makes the estimate and recommends the appropriation, it is certainly coming within the rule that it must be recommended by the head of a Department. The head of a Department recommends by his subordinates——

Mr. CHANDLER. Will the Senator permit me to ask for a decision upon the point of order? I raised a point of order which I desire to have decided.

Mr. DAVIS. I am saying a word on the point of order.

Mr. CHANDLER. If it is out of order, debate is improper.

Mr. DAVIS. I am saying a word on the point of order.

The VICE PRESIDENT. The Senator from Michigan raises a point of order that the amendment of the Senator from Ohio is not within the thirtieth rule. The rule states that an amendment can be moved in four different ways: first, "to carry out the provisions of some existing law;" second, "or some act or resolution previously passed by the Senate during that session;" or third, "it may be moved by direction of a standing or select committee of the Senate;" or fourth, "in pursuance of an estimate from the head of some of the Departments." The object of this rule is evident, that the Senate shall not be surprised by something being proposed which has not appeared in the estimates submitted by the Departments, and therefore accessible to all the Senators, before the proposition has come to the body which is to act upon it. The Chair has obtained the book of estimates, which is in this form:

"Letter from the Secretary of the Treasury transmitting estimates of additional appropriations required to complete the service of the year ending June 30, 1870, and appropriations required for the service of the fiscal year ending June 30, 1871."

In these estimates, on page 205, appears:

"Ship-canal around falls of Ohio river, $450,000."

It is therefore in the printed book of estimates which is submitted by the Secretary of the Treasury as one of the appropriations required, subject, of course, to the discretion of Congress as to whether it shall or shall not be appropriated.

Mr. CHANDLER. The Secretary does not recommend it. It is from the Secretary of War, and the Secretary of War, as I understand, does not recommend it.

The VICE PRESIDENT. The rule does not require that he shall recommend it. It says the amendment must be "in pursuance of an estimate from the head of some of the Departments," and the object is, as the Chair stated, that it shall previously have been submitted so that the Senate shall not be surprised by an amendment coming in which has not been previously before them for their consideration in some form, as in the book of estimates. The Chair therefore decides that the amendment is in order under the rule.

Mr. MORRILL, of Maine. Obviously this will lead to some difficulty, because it is plain that if this item goes on the bill others of a similar class may go on, and it seems to me there is a good deal of force in the objection taken by the chairman of the Committee on

Commerce. All this class of appropriations fall properly under the jurisdiction of that committee, and it is very well understood that there is a very large class of this sort of estimates to be considered. Now, if you attach one item, although doubtless meritorious, it will lead, I can see clearly, to the presentation of others. Some have already been suggested.

I therefore suggest to the Senator who moves this amendment that he is very likely to encounter difficulty in the other branch, who are now considering this very question in the form of bills; and he will probably find the same reluctance to consider one item of a class there that he encounters here. I doubt, therefore, whether this is a prudent thing to do on this bill.

Mr. SHERMAN. I stated, when I submitted this proposition, that I would not do it myself but for pressing reasons which exist as to this particular appropriation, and I did not think there would be any objection. I understand that the appropriate committee of the other House have already passed upon this appropriation. This is one of the undisputed appropriations, one of those which will probably not excite controversy. This work is going on; an appropriation was made last year, and this will complete it. This is one of the works for which part of the money that we appropriated in bulk last year was applied, being one of the most important. It is one of the undisputed works that ought to be completed; and I have no doubt that after the Committee on Commerce report appropriations for the other works there will be no trouble in considering and passing them. The reason why I offer it is because there is an immediate necessity for entering into the requisite contracts to complete the work on the canal during the low stages of water. The lock, I believe, has to be rebuilt, and it has to be done as rapidly as possible, the very moment the work is commenced, because while the work is going on of changing the width of the lock the navigation of the river must be suspended. I trust, therefore, the Senate will vote this proposition on this bill.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio.

The question being put, a division was called for; and the ayes were 24 and the noes 14.

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

The yeas and nays were ordered.

Mr. CHANDLER. I give notice now that if this appropriation goes on this bill I shall move the entire estimates of the engineers for this year, and shall endeavor to bring about an adjournment, that there may be ample time to put on the whole river and harbor bill upon this bill. It is unjust to every other public work in the United States; it is an abandonment of the river and harbor bill; it is an abandonment of all interests except this simple one, to adopt this amendment. Here is a canal that has belonged to a private corporation for the last fifty or sixty years, that has been in operation for fifty or sixty years, a canal without any great immediate necessity for its improvement. I am in favor of making an appropriation for this work, but it is not a matter that requires haste. It is a work that has stood, as I said before, for fifty or sixty years, run by a private corporation. I will not to-night go into the argument as to the propriety of making this appropriation while it is the property of a private company. I shall probably vote for this appropriation on the river and harbor bill, and I ask every gentleman in this body who has any interest whatever in the river and harbor bill to vote against this appropriation unless he is prepared to go with me to take every single estimate of the engineers and vote it upon this bill.

Mr. SHERMAN. I wish to answer one point of the Senator from Michigan. This is a work that belongs to the public. My friend from Michigan does not do himself justice when he says it belongs to a private company. Five trustees, under the law of Kentucky, manage it, acting as trustees for the Government, owning but one share of fifty dollars, nominally. They are ready and anxious and desirous to turn it over to the Government, and have offered to do so over and over again; but the work is kept, at the request of the officers of the Government, under the original charter. It is really the property of the Government; every dollar of the stock is owned by the Government of the United States; and these trustees, the leading one of whom was the late Mr. Guthrie, have merely acted at the request of the Government and for the use of the Government.

I will state also that I am informed by a member of the House of Representatives that the Committee on Appropriations of the House have agreed to this appropriation unanimously, and intend to put it on an appropriation bill, but were waiting for the action of the Committee on Commerce. Then there is no practical difficulty in the way, nor is there any necessity for making a movement, such as the Senator from Michigan threatens, to put the whole river and harbor bill on this. That is a distinct subject. The river and harbor bill is quite a different question. This is a pressing work that is now going on, and the only question is whether we shall not meet the necessary expenses of this appropriation, just as we did in regard to the Mississippi river improvement. We appropriated $200,000 early this session for that on the very ground I have now given for this appropriation.

Mr. MORRILL, of Maine. I wish to make one observation to the Senator from Ohio. It is, that he gains nothing by putting this item in this bill in point of time. This is an appropriation for the next fiscal year, and of course not a dollar of this money can be used until the 1st day of July.

Mr. SHERMAN. But contracts can be made by the 1st of July.

Mr. MORRILL, of Maine. But within that period the river and harbor bill will be passed probably; so that it seems to me, in point of time, nothing is gained; and I appeal to my friend whether we are not likely to get into very serious embarrassment by loading this bill down with amendments that do not belong to it, when really the object to be accomplished will not be attained by putting it on this bill.

Mr. DAVIS. Mr. President——

Mr. THURMAN. I ask the Senator from Kentucky whether this is not a fact; he knows better than I do; that the Government held stock in this canal from the beginning; and I wish to inquire of my friend from Kentucky, who I think is better informed than anybody else here on the subject, whether the dividends received by the Government of the United States from its stock in that canal do not exceed all that the Government has ever expended upon it?

Mr. DAVIS. This is one of the most important improvements that is now in progress in the whole United States. The commerce of the Ohio river and its immediate tributaries is much larger than that of any river on the face of this earth. This improvement, by an enlargement of the canal at the falls at Louisville, has been progressing for some twenty-five or thirty years. It has been dragging through that whole period of time. All the proceeds of the tolls upon the canal for years and years have been appropriated to the work. The Government itself has received from the stock it subscribed toward the work dividends exceeding all the appropriations the Government has ever made toward the work. There was an appropriation made for a few works of a general character at the last session and this work received a share, which, with the sum now proposed to be voted, will be sufficient to complete it and to open the navigation around the falls according to the enlarged canal with the enlarged locks, and in that way will open the navigation without further obstruction to all the crafts that trade upon that river up and down.

When here is a single work that has received the sanction of the Government and the country for thirty years, and there have been appropriations from year to year of such an amount and such a continuance of time as to have brought the work to the very point of its completion, and the small sum that is now asked is all that will be requisite to complete it and to put it in the fullest and most perfect operation, I think that wisdom and economy and common sense require that the Senate should make the appropriation.

I am surprised that the chairman of the Committee on Commerce opposes it. I am not opposed to his work of cleaning out the St. Clair flats, or any other work whatever. Whenever a work of sufficient national importance as to demand an appropriation from Congress to aid in its completion is presented to me I am ready to give it my vote and support. This appropriation, instead of retarding, in my judgment, would promote and would give additional assurance to the success of the appropriation which the honorable Senator is so desirous to obtain. I do not think this would throw the least obstacle in the way of that work, which I admit is of a national character, and which I think ought to be constructed by getting the appropriation which the gentlemen who are friendly to the work desire from the Treasury. But that ought not to interfere with this work; and the success of the present motion would not, in my judgment, obstruct one iota the work which the honorable Senator is so desirous to have done.

Mr. SCOTT. Mr. President, I am in favor of this appropriation in the proper place, and I concur entirely with the remarks that have been made by the Senator from Michigan as to the impropriety of introducing into the legislative, executive, and judicial appropriation bill an item which properly belongs to the river and harbor bill. In view of the remarks made by the chairman of the Committee on Appropriations, I desire to ask the Senator from Ohio—and it may have some influence on my vote on this measure—whether the previous appropriation for this work has been expended, or whether the work is not still progressing and will not continue to progress until the end of this fiscal year, the end of June, whether this appropriation be now made or not?

Mr. SHERMAN. I understand that is exhausted. If I understand correctly, the appropriation of one or two millions in gross was made in a general appropriation bill, and the part allotted to this particular work is exhausted.

Mr. SCOTT. But has the work actually been suspended for want of funds?

Mr. SHERMAN. I do not live within one hundred and fifty miles of it. The Senator from Kentucky will know better how that is. I presume the work is practically suspended at present; but I cannot answer the question directly.

Mr. CHANDLER. I will say to the Senator from Pennsylvania that that appropriation is not and will not be expended until the 30th of June.

Mr. CORBETT. Last year the estimates were something over seven million dollars, or at least we ascertained in the Committee on Commerce that the river and harbor bill was to be loaded down with appropriations to the extent of seven or eight million dollars. The committee thought it prudent, therefore, to make an appropriation in bulk, amounting to about two million five hundred thousand dollars, I think, to be expended under the direction of the Secretary of War; and that was apportioned to the various works in different sections of the country for carrying forward all such works as the Department saw were for the greatest good of the country,

and we distributed it throughout the country equitably.

Now, I understand that the estimates are something like twelve million dollars. The Committee on Commerce have not examined this question and had it fully under consideration; and it does seem to me that the committee ought to examine these appropriations and make some inquiry as to the necessity of these works and where the greatest amount of money is required, and have the appropriations fairly distributed throughout the country. I have no doubt that this is a great work, and it is important that an appropriation for it should be made; but it does seem to me that it is proper for the Committee on Commerce to have it under consideration and examine it, and it should be put upon the general appropriation bill for rivers and harbors.

We all know the necessity of all these river improvements, that it is necessary to have the money to commence when the water is low. That is the case with almost every river improvement that we have before us; and yet we cannot put those appropriations upon this bill.

It seems to me, therefore, that all these appropriations should be considered and determined upon with a view to how much we can give to each work, and then make the division accordingly. It seems to me that is the proper way.

Mr. FOWLER. I think the Senator from Oregon is perfectly right in his conclusion on the subject. We cannot put all these appropriations in this bill; therefore we will relieve him from every one but this single one. We ask this one.

Mr. DAVIS. I should say, in reply to the question put by the honorable Senator from Pennsylvania, that I live nearly one hundred miles from Louisville, and I have not been in that city for some six or eight months; but I learn upon authority that I give complete reliance to, that the work on this improvement has been suspended because the means appropriated to it under the bill passed last session are exhausted, and that to take up the work and continue it requires the present proposed appropriation of money. There is not an improvement in the United States anywhere that requires so small a sum of money as is necessary to complete this work, that is of so much public importance, and that will yield such a large and profitable return to the business and commerce and profits of the country as this appropriation would. I do hope that the honorable Senator will withdraw his opposition to it and let it pass.

Mr. CAMERON. I think this is not the place to make this appropriation. It ought to go with the appropriations for rivers and harbors. It is only one of the great items in the country that require aid, and there is no special reason why we should go out of the way to put on a general appropriation bill a sum so large as this, nearly half a million dollars, to avoid the difficulties at these falls. We have been improving there for years; we have been spending money for over thirty years at the falls of the Ohio, and every year a larger sum is wanting than the year before.

I shall probably vote for this appropriation at the right time, but I shall vote against putting it on this bill. I think we had better let the appropriation bills be loaded with nothing which is extraneous, nothing which is not legitimately adapted to that place.

Mr. CORBETT. My impression is that last year the estimate for the completion of this work was a little over four hundred thousand dollars; and of the $2,500,000 we appropriated in bulk, a certain amount went to this canal; I do not know how much, but I suppose, perhaps, a couple of hundred thousand dollars. The Senator from Kentucky says $150,000, he thinks.

Mr. DAVIS. That is my impression.

Mr. CORBETT. My impression is that a little over four hundred thousand dollars was estimated last year, and we gave one hundred and fifty or two hundred thousand dollars probably for that canal during the past year, and now we are asked for $450,000 more. This ought to be examined into, it seems to me, by the committee. I desire to do what is right by this canal, and to give it a fair appropriation; but it seems to me the committee ought to have the opportunity to examine the question.

Mr. RAMSEY. I am very friendly to this appropriation; but I fear very much if it is made at this stage and in this bill we shall lose the sympathy of the Senators from Ohio and the Senators from Kentucky when the general appropriation bill for rivers and harbors comes up. We have, for instance, appropriations for the upper Mississippi river in that bill, and I should like to have this appropriation along with others there. I should like to have them travel hand by hand, as before.

Mr. SHERMAN. My friend got passed a few months ago, without any objection from the Senators from Ohio and Kentucky, an appropriation of $250,000 for the Mississippi river, for an improvement precisely like this.

Mr. RAMSEY. Which was that?

Mr. SHERMAN. Around the Des Moines rapids. That was this session, when, if I had chosen to pursue the same course now adopted here, I might have moved this as an amendment to that. I think the Senator from Minnesota was very anxious to have that passed.

Mr. RAMSEY. Certainly I was friendly to it; but on the general river and harbor bill we all look for some assistance. That is not yet before us. If Senators by getting this appropriation will withdraw their sympathies from that bill, we shall probably fail.

Mr. DAVIS. I will remark to the Senator from Minnesota that I voted at this session for an appropriation to deepen the canal around the falls of Des Moines in his river.

Mr. McCREERY. I am very glad that the only objection I have heard urged to this measure is an objection to the place in which it is proposed to make the appropriation. It is a work as meritorious as any that will be brought up for the consideration of this Congress. The scope of country probably is wider; and a greater amount of commerce passes through this canal; and a greater number of people will be benefited than by any appropriation that this Congress will be called upon to make. I am sorry to see that so many distinguished Senators seem inclined to make the objection that the appropriation does not come in the proper place. If it is a proper appropriation, if the wants of commerce and the wants of the people demand it, I am sorry that Senators are inclined to stickle upon a point as to the place.

I hope that the Senate will stand up and give to this measure a vote commensurate with its importance to the western people. From the iron mountains of Pennsylvania to the Gulf of Mexico every household, every family is interested in this appropriation; and I hope that Senators will not hold out and say that this is not the proper place. That is stickling upon a point, and is unworthy of the consideration of this great question. I hope the Senate will pass the appropriation.

Mr. CAMERON. Before this motion was made I offered a little bit of an amendment to the bill, giving $250 to the widow of a member of Congress whom I knew here some twenty years ago from Louisiana, a man whose eloquence was famed all over the western country and whose hospitality was known all over this city; and now his widow is here, with two highly educated and accomplished daughters, living by her labor as a translator. She did service for the agricultural bureau to the amount of $350 and she received but $100. I offered an amendment to this bill to allow her the $250 now due to her, to enable her to pay her rent. It was objected to by various persons here; and immediately afterward the Senator from Ohio, because, I suppose, of his high position as chairman of the Committee on Finance, rose and offered an amendment giving $450,000 for a particular object, and which would not have been listened to at all probably if it had been $450 or $4,500.

I know a great deal about the falls of the Ohio. As long ago as 1831, going down that river to Louisiana, I stopped three days at Louisville. Seeing its importance, and having an engineer with me, I had an estimate made of the cost of making an additional canal around the falls, and also an estimate of the cost of a railroad around the falls, and therefore I know pretty well what ought to be spent there to make it useful to the country. I do not know how much has been spent since; probably some millions of dollars; and they are crying now for as much as they did then. Since that time the whole system of railroads has been brought into use. There was not a railroad at that day of one hundred miles in extent; there was none except the little Manchester railroad in England, of, I think, thirty miles. The system of railroads has made the navigation of the falls much less useful to the country now than it was then. At that time everything going into Missouri had to go down to the mouth of the Ohio river, and then go up the Mississippi by boat, taking a long journey. I remember very well that some people from the town in which I live, Harrisburg, went out to St. Louis, and it took them six weeks to get there. Now you go by rail across the country in about three days.

I am in favor of making all the appropriations necessary for the proper improvement of the country, necessary for the proper facilities of trade and navigation and intercourse throughout the country; but I want them done upon reflection, and I do not think this is the time, in this stage of an appropriation bill and at this time of the night, to pass an appropriation of $450,000 to get around these falls. I want an appropriation for the Susquehanna river. We have spent $40,000,000 in our State in trying to make our river navigable, and it is yet not navigable. Now, I want an appropriation of some few hundred thousand dollars to begin the navigation from tide-water, which is Havre de Grace, forty miles up, to Columbia, which will improve all that country, and which is as much needed as any improvement that can be made upon the Ohio. Thirty or forty years ago you could not get down the Ohio river on a large steamboat. Now, it is not necessary to have such large boats as then, because you can break bulk at Louisville. By the way, the Senators from Kentucky are not so much interested is this as they think, because Louisville was built up by the breaking of bulk at that place. There would never have been anything beyond a hamlet there if it had not been for the belief that passing down the river and coming up the river everything had to change at Louisville. That was the reason it was first selected, and that is the reason why it has become the flourishing city which it is now. I think I shall be likely to vote for this after a while, but I shall not vote for it to-night.

Mr. HAMLIN. Mr. President, I regret extremely that the Senator from Ohio has moved this amendment to this bill. I have voted for appropriations for this work a great many times, and if I remain a member of this body, and appropriations are asked to improve the Ohio river, I shall continue to vote for them; but not in this contingency, not to put them upon an appropriation bill. The difference between *meum* and *tuum* is very broad, and I would be very much pleased to see the Senator from Ohio defending the appropriation bill to-night if any gentleman should offer an appropriation like this to go upon it. I think he would treat the proposition not quite so mildly as does my colleague; but that he would assail it with a good deal more of vigor, be-

cause in all its relations it is inappropriate and does not belong upon this bill. It is ill-timed. I appeal to those who have stood with me here for long years, the friends and the ardent defenders of appropriations for rivers and harbors. My name is recorded in the records of this body in votes which I have always uniformly given to improve the western lakes, rivers, and harbors. But, sir, I insist that it is ill-advised by the friends who would see these improvements progress all over the land to wrest one from its appropriate position and seek to place it here.

Now, sir, I have not footed the estimates, but I understood the chairman of the Committee on Commerce to say that they amounted in gross to about twelve million dollars. This is the full amount recommended by the engineer in charge for this work, $450,000. Is it supposed by any Senator here that we are at any time to pass in one year an appropriation that shall amount to $12,000,000? And is it just that one appropriation shall be taken at its maximum estimate and put upon this bill, and others scaled still lower in your river and harbor bill, when that bill shall come before us, when it has been examined and received the consideration of a committee, so that they may know how justly to appropriate this money all over the country? I think not.

Why, sir, you say we have appropriated here in a bill by itself, not in an appropriation bill, a sum of $250,000 for the Des Moines rapids as a temporary appropriation; but the estimates for that very improvement are $1,000,000 in the book I hold in my hand; and if you scale $1,000,000 by one quarter of that sum, what is the sum which you should appropriate for the falls at Louisville? These are matters that ought to have the consideration and the attention of a committee, so that whatever may be the aggregate of appropriations that we shall make shall be just to the various portions of the country. Look at the appropriations that are asked to improve the navigation around Hurl Gate and the approaches to New York, over which more commerce passes than over any channel in the broad land. Take all these large appropriations, eminently just, eminently proper. If one appropriation should go here, so should another, and then when you come to the smaller appropriations, they may be just as important to the localities as those which are larger and which embrace a broader commerce; but they are scaled on a basis which makes that amount equally fitting to the locality where they belong.

Sir, as a long and earnest and consistent friend of river and harbor improvements, I protest against this method of forcing this appropriation upon this bill; and if it does go there the chairman of the Committee on Commerce will fail to do his duty, as I know he will not, if he does not offer every item in those estimates that we may have them stand side by side and share together the same success or the same defeat.

Mr. CHANDLER. Is an amendment in order at this stage?

The VICE PRESIDENT. Certainly, the amendment is amendable.

Mr. CHANDLER. An amendment to the amendment would be in order, would it not?

The VICE PRESIDENT. It would.

Mr. CHANDLER. I then move as an amendment the whole of the engineer's estimates for this year. They are for Cleveland, Ohio; Sandusky, Ohio; Buffalo, New York; Muskegon, Michigan; South Haven, Michigan; Milwaukee, Wisconsin; Sheboygan, Wisconsin; Providence, Rhode Island; Hudson river, New York, &c.

The VICE PRESIDENT. The Senator will send his amendment to the desk to be read.

Mr. SHERMAN. That has not been referred to the Committee on Appropriations, as mine has been.

Mr. CHANDLER. Well, I desire to move the estimates of the engineer department for this year, amounting in gross to $7,761,900. This is the very same estimate that the $450,000 was in for this canal around the falls of the Ohio. If the Senate decides to take the estimates as they come from the board of engineers, then I desire that they shall take them all; and I now move that this be added as an amendment to the proposition of the Senator from Ohio.

Mr. THURMAN. I want the amendment reported; I should like to see how it is written.

Mr. SHERMAN. It is not in order.

Mr. CHANDLER. I will cut this leaf out of the book of estimates and present it. It will not take me more than a quarter of a minute to offer it in regular parliamentary order.

Mr. SHERMAN. It must be referred to the Committee on Appropriations at least one day.

Mr. CHANDLER. I will ask the Chair whether it is in order as I offer it. If not, I desire to give notice now that I shall offer it to-morrow, and then I shall move an adjournment, that I may have an opportunity.

Mr. POMEROY. Do you want now to refer it to the Committee on Appropriations?

Mr. CHANDLER. Certainly.

Mr. POMEROY. This does not come under the rule that requires amendments to appropriation bills to be referred to the Committee on Appropriations one day before they are offered. That applies where they come from a committee, but this has come as an estimate from the head of a Department. Estimates from the heads of Departments do not need to be referred to the Committee on Appropriations one day.

The VICE PRESIDENT. The Chair must decide upon the language of the rule. The Chair does not know what the intention was, but the language of the rule will strike the Senate when the Chair states it. As he stated previously, there are four different ways in which amendments can be moved to appropriation bills. The first is "to carry out the provisions of some existing law." The obvious reason is that the law has already passed, and therefore it is right to move an appropriation to carry it out. The second is, "or some act or resolution previously passed by the Senate during that session." That is, an act which has not yet passed the House of Representatives; but having passed the Senate, the Senate are apprised of its importance, and they therefore have the right to move an appropriation to carry out that act, upon the hypothesis that probably it will be passed by the other House. The third is, "or moved by the direction of a standing or select committee of the Senate." That does not limit anything from a standing or select committee to the estimates of the Department. An amendment can be moved by a committee, though not included in the estimates themselves. The fourth is, "or in pursuance of an estimate from the head of some of the Departments." That is the clause of the rule under which the Senator from Ohio has moved his amendment. The latter part of the rule is:

"All amendments to general appropriation bills reported from committees of the Senate proposing new items of appropriation shall, one day before they are offered, be referred to the Committee on Appropriations."

That seems to limit the reference to the Committee on Appropriations of those amendments which are moved by direction of a standing or select committee of the Senate, and which are not embraced in the other three propositions; that is, in compliance with a law already passed, in compliance with an act which has passed the Senate, or in compliance with the estimates of a head of a Department. If moved by direction of a standing or select committee of the Senate, and not coming within the provisions of the other three authorities in this rule, then they must be referred to the Committee on Appropriations; and the reason for that seems to be obvious, because they are subjects which have not yet been before the Senate in any way, either by the passage of a law through both branches, by the passage of a bill through this branch, or by the estimates made by the Departments and printed, and laid on the desks of members.

The last part of the rule requires amendments to the general appropriation bills reported from committees of the Senate, proposing new items of appropriation, to be, one day before they are offered, referred to the Committee on Appropriations, and therefore, as this amendment is in pursuance of an estimate from the head of a Department, the Chair thinks it is in order without being referred to the Committee on Appropriations.

Mr. CHANDLER. Then I offer this as an amendment to the amendment of the Senator from Ohio, being the estimate of the engineer department. I offer it myself. It does not come from the Committee on Commerce.

Mr. SHERMAN. Then I desire to reply in a few words to the proposition. It is natural that a proposition in which our constituents are interested should excite attention; and this my people are very much interested in. But I have been somewhat surprised at the mode in which this appropriation, admitted on all hands to be proper, has been received by the Senate. Here is an appropriation that there is not a single member of this Senate, who would under any circumstances vote for any appropriation for a public work, but what admits the absolute necessity of it. It comes to us with every sanction that is possible an appropriation can come with. It comes to us under circumstances when immediate action is shown and admitted to be necessary.

Here we are met by points of objection; and what are they? It is said that it ought to be put on some other bill. Why was that point not made when the honorable Senator from Vermont put on this bill $500,000 to extend the Capitol grounds, when that was not the place for such an appropriation? Why was it not made when it was proposed to start a new building for the State Department, costing $6,000,000, when this legislative bill was not the place for that, and when there is a special bill for that?

Mr. MORRILL, of Vermont. The Senator will pardon me. I know he would not misrepresent what was done by myself in relation to the State Department. The State Department building proposed by the Committee on Public Buildings and Grounds only called for $500,000 this year, and to complete it probably not exceeding $500,000 more.

Mr. SHERMAN. The style of the building of which it is a part—it is only one wing—when completed, will, it is admitted, cost over $6,000,000, because the Treasury Department, which is a less costly building than the plan proposed, cost $6,500,000 when expenses were much less than they are now.

Now, how does this proposition look, when it is remembered that the honorable Senator from Massachusetts [Mr. SUMNER] rose here and offered an amendment to explore the North sea; to send some of our enterprising citizens away off to an unknown region on a five years' voyage, to live on whale oil among Greenlanders and Esquimaux; and that was put on this bill without this point of objection being made? Here is an improvement, in which ten millions of our own country are intimately interested, which the committees of both Houses and the Executive Departments favor; and now we are met with flaws and objections that this is not the particular place, and that this must help log-roll $12,000,000 for the improvement of rivers and harbors in some remote region.

Mr. President, it seems to me that that is not the way to treat a proposition of this kind. The objection, it is true, as to time and place, may come, and when it is forcible it may be made, but it has not been made in regard to this bill as to any particular amendment that has been offered by any single Senator, myself

among the number. Of all the multiplied amendments that have been made to this bill, not one of them has been appropriate to it except, probably, a little one that I offered to pay a chief clerk in a bureau of the Treasury Department, the only one that pertains to the executive department. This is a bill for the legislative, executive, and judicial expenses of the Government, and in it you have adopted propositions to start a new public building here, to extend the grounds around the Capitol, and to explore the north pole.

It seems to me that under these circumstances there ought not to be this kind of opposition to this the only appropriation in which my constituents have any particular interest. As a matter of course, if the Senate vote this down, we shall have to await our chances; but I give notice that I would rather see this appropriation sunk in the ocean and the navigation of the Ohio interrupted as it is now by a bridge built by your authority and by an unimproved canal there obstructing the way of thousands of vessels every month, than to see it made the basis of a log-rolling operation to pass appropriations for $12,000,000 for obscure rivers and harbors; and I have no doubt that will be the feeling of my constituents. If this is to be made the basis to carry on these large appropriations, well and good; but I would rather see it fall.

I trust that the Senate will take a different view. I do not think there is a single man in either House of Congress opposed to this appropriation; certainly no one who has been on the ground and seen the obstruction that this bridge and canal are to the navigation of that vast region, in which ten million people are interested. Every man in that region, from the top of the Alleghany mountains to the Gulf of Mexico, is interested in it. This is an obstruction to the provisions and supplies of all the South passing through this canal down the Ohio river. These objections seem very singular when we reflect that on the kindred river, the Mississippi above the Ohio, the work is now going on day by day, and this Congress gave them what they wanted to keep the work going until the regular appropriation could be made. It seems to me it is unreasonable to make these objections as to time and place as to this particular appropriation when you can spend $100,000 to explore the north pole, start a public building in this city, and extend the Capitol grounds so as to beautify and ornament the Capitol, to all of which the same objection might be made—that they were out of time and out of place.

But it is a question for the Senate to decide. I hope yet the Senate will let this measure stand upon its own merits. If this appropriation ought to be made now, let it be made. I am told by a member of the House that both the proper committees of the House have agreed to this proposition because of the urgent necessity for it, and that it would have passed the House if either of the proper committees could have been called in the ordinary way, but they have to wait to be called, to meet the pressing necessity of the appropriation.

Mr. MORRILL, of Vermont. I have no question about the propriety of an appropriation for the improvement of the canal at Louisville. I was strongly disposed to favor it, and did rise and vote with the majority on this question; but it seems to me, after the explanation of the chairman of the Committee on Appropriations, which I believe will be found to be true, that not a single day will be gained in point of time by putting this appropriation on this bill instead of passing it as a separate measure, the Senator from Ohio ought not longer to persist in pressing it upon this appropriation bill.

The suggestion made by the Senator from Oregon I think is a pertinent one. I remember the facts upon being reminded of them by the Senator from Oregon, as he does, that only about four hundred thousand dollars was asked for this work last year, and if one hundred or one hundred and fifty thousand dollars has been appropriated, the appropriation now should be reduced to that extent.

I remember that the Senator from Ohio, in his administration of the Committee of Ways and Means of the House, and also in his administration of the Finance Committee of the Senate, always made an energetic effort to keep the appropriation bills "clean," as he used to call it. Now, I think this appropriation is an unusual one for this place. The suggestion made by the Senator, that the appropriations for public buildings and the extension of the grounds were improper upon this bill, I think will not be borne out by the record; certainly not so far as public buildings are concerned in this city. I think they are invariably put on appropriation bills. Never has any public building been erected here by a separate independent bill, but always by legislation upon some general appropriation bill.

Mr. SHERMAN. Always upon the miscellaneous appropriation bill before this, so far as I know.

Mr. MORRILL, of Vermont. Well, upon some general appropriation bill; whether miscellaneous or not would not be material.

Now, Mr. President, it is obvious that the Senator from Michigan will have his way, and a large amount of time will be consumed here entirely uselessly. If the whole of these river and harbor appropriations are put on this bill, certainly the bill never will be carried through both Houses. It will be a waste of time. We have agreed and are all anxious to adjourn at an early moment, certainly as early as the time specified, the 15th of July. It seems to me, therefore, we ought to economize time, and if we intend to adjourn at that date it would be better for us to act on this appropriation in the regular river and harbor bill.

Mr. DAVIS. I ask what single reason there is for having the subject-matter of this proposition referred to the Committee on Commerce? Would it be for any other purpose than for that committee to investigate the question, and decide whether it was proper to make the appropriation or not? Would there be any other single object in referring this proposition to that committee? Is there a member of that committee, or of the Senate, who doubts that this appropriation ought to be made before its reference to the Committee on Commerce? If that is the universal and undoubted conviction of the Committee on Commerce, and of the entire Senate, where is the good practical sense of referring it to that committee at all? Why, sir, if there was but one proposition of this character to be made at the present session, and but a single appropriation, and that was to be decided by considerations of the most importance to the country, that proposition would be the identical one now before us; and if there was no other one whatever to be made, it would receive the unanimous sanction, according to judgment and reason, of the entire Senate, and of the Committee on Commerce.

The honorable Senator from Maine says that the appropriations ought to be graduated in proportion to the amount of money that will be required to complete each work. That, in my judgment, is not the correct rule at all. Such appropriations ought to be graduated to the importance of the work, to the results to be produced by a consummation of the work, and by the smallness of the amount asked for to accomplish the work. Now, sir, here is a single sum of money of a small amount, the last that is to be asked for after a series of a great many years of appropriations to this work. This is the sole and final sum necessary to complete this work and to open the canal around the falls and make it just as commodious for navigation as the river itself is above and below the falls.

If the question of this appropriation is to be decided by the importance of the work, I tell the honorable Senator from Maine and the Senate that the amount of commerce that passes through that canal from day to day and from year to year is twenty, yes, fiftyfold larger than the commerce that passes around the Des Moines rapids, and the sum that is required is less than one half what is required for that work, and that sum is all that is necessary to complete this work and to put it into the fullest and most perfect operation. It seems to me that there could not be better good sense and better national economy than for this work to be resumed by an appropriation of Congress of the moderate sum necessary to complete it and to push its completion within the shortest possible time, so as to give the immense results of this improvement to the free navigation and commerce of ten million people, and to an amount of trade that is greater in its aggregate than the entire foreign commerce of the United States.

Mr. CHANDLER. The Senator from Kentucky wants to know what is the use of referring this proposition to the Committee on Commerce. I will state that the reason exists in this case that exists for referring any matter to any committee. The estimates are not taken by committees usually. They are scrutinized, examined, and whether the Committee on Commerce would recommend all the appropriations that are asked for in those estimates is a very grave question. They might not deem it expedient to expend quite so much money as the estimates call for in a given year. Sometimes the estimates are made for a succession of years. The committee takes out the estimates for the current year, ending with the fiscal year. In this case the Committee on Commerce of the other House has a bill which has been lying there for some days, ready to be reported whenever the Committee on Commerce is called. That bill will be passed. But, sir, we want this and all other appropriations of the same character to share the same fate. They are equally meritorious. There are a hundred similar appropriations perhaps that are as meritorious as this, and we want them all to go together. I hope the Senate will either vote on the whole of these estimates as an amendment, or vote this item off the bill. Whichever course will suit the views of the Senate will suit me.

Mr. FLANAGAN. I have listened with a good deal of interest to the arguments *pro* and *con* on this subject, and for my part I can see nothing extraordinary, nothing very alarming in the proposition submitted to the Senate for its action. Precedent is alluded to. Is the Senate alarmed at the action likely to be had by it? Certainly not. They occupy a much higher stand-point than that. They are not fearful as to their action. When a case is presented that is meritorious it will find a response in the affirmative; they are ready to meet the question.

Now, sir, I have observed closely the arguments in advocacy and in opposition to the present amendment, and I have not heard, so far as I recollect, one solitary iota advanced that it was not a meritorious amendment; but the objection seems to be that it is presented improperly for action. It seems to be forgotten, or else I misapprehend the matter, that that question is no longer tenable. It was passed upon in the first stage of this discussion. The point of order was raised that it was not properly before the Senate, and that point of order was decided. Therefore I think it unnecessary to discuss that branch of the subject further.

It is, to say the least, properly before the Senate. It seems to me to be a legitimate and meritorious amendment, and it will cost the United States Government no more to pass upon it now than it will when reported by any other committee after any other investigation. There seems to be no investigation necessary in the premises. It is agreed by all Senators that the proposition is legitimate and proper

in itself and will be properly responded to at the proper period. I say this is as good a one, so far as I am concerned, as any other time; and the merit of the proposition being conceded, and it having been decided that it is properly before the Senate, I do not see why we should not dispose of it at once.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Michigan, which is to add the estimates. What is the amount?

Mr. CHANDLER. The Clerk will report the amount. It is $7,769,900.

Mr. POMEROY. I think the items ought to be taken in detail.

Mr. CHANDLER. The Clerk can report them in detail.

Mr. POMEROY. We should have a separate vote on each appropriation.

The VICE PRESIDENT. The Senator from Michigan offers the estimates as an amendment to the amendment of the Senator from Ohio.

Mr. CHANDLER. I offer the whole of the estimates as an amendment.

Mr. POMEROY. I suggest to the Senator to offer them one at a time, and that we take a vote separately on each one.

Mr. CHANDLER. You can ask to have the amendment divided.

Mr. CAMERON. I ask to have the amendment divided.

Mr. CHANDLER. Very well; let the items be read *seriatim*.

The Chief Clerk read the first item, as follows:

For improving the harbor of Cleveland, Ohio, $39,000.

Mr. HAMLIN. Now let us take the question on that.

The VICE PRESIDENT. The Senator from Michigan moves this as an amendment to the amendment of the Senator from Ohio.

Mr. ANTHONY. If this is adopted can other amendments be moved?

The VICE PRESIDENT. Certainly. The amendment as amended would still be amendable. The question now is on the amendment to the amendment.

The question being put, there were on a division—ayes 23, noes 18.

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

The yeas and nays were ordered.

Mr. SAULSBURY. I move that the Senate do now adjourn.

Mr. MORRILL, of Maine. I hope not.

The VICE PRESIDENT put the question, and declared the ayes appeared to have it.

Mr. MORRILL, of Maine. I demand the yeas and nays. ["No!" "No!"] I insist on the yeas and nays. I want to finish this bill, if possible.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. CHANDLER. Before the result is announced, I desire to give notice of an amendment to be offered to this bill, which I ask to have referred to the Committee on Appropriations.

The VICE PRESIDENT. It will be referred to the Committee on Appropriations.

The result was announced—yeas 24, nays 22; as follows:

YEAS—Messrs. Bayard, Cameron, Cragin, Drake, Gilbert, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harris, Howard, Howe, Howell, Johnston, Kellogg, Morrill of Vermont, Patterson, Pomeroy, Saulsbury, Scott, Spencer, Sumner, Tipton, Vickers, and Williams—24.

NAYS—Messrs. Anthony, Brownlow, Buckingham, Casserly, Chandler, Cole, Corbett, Davis, Flanagan, Harlan, McDonald, Morrill of Maine, Nye, Osborn, Ross, Sawyer, Sherman, Sprague, Thayer, Thurman, Warner, and Yates—22.

ABSENT—Messrs. Abbott, Ames, Boreman, Carpenter, Cattell, Conkling, Edmunds, Fenton, Ferry, Fowler, Lewis, McCreery, Morton, Norton, Pool, Pratt, Ramsey, Revels, Rice, Robertson, Schurz, Stewart, Stockton, Trumbull, Willey, and Wilson—26.

So the motion was agreed to; and the Senate (at twenty-seven minutes past ten o'clock p. m.) adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 23, 1870.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees and not to be brought back by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures are in order for printing and reference.

FRAUDS IN CONGRESSIONAL ELECTIONS, ETC.

Mr. WARD introduced a bill (H. R. No. 2068) to detect and punish frauds committed at elections for Representatives and Delegates in Congress, and electors for President and Vice President of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DUTIES ON IMPORTS.

Mr. COX introduced a bill (H. R. No. 2069) to reduce the rates of duties on foreign imports and to abolish specific and compound duties; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

J. K. VISER.

Mr. HARRIS introduced a bill (H. R. No. 2070) authorizing the Secretary of the Interior to settle and pay the accounts of J. K. Viser, clerk of the United States district court for the northern district of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RELIEF FROM POLITICAL DISABILITIES.

Mr. MORPHIS introduced a bill (H. R. No. 2071) to relieve certain persons therein named of all legal and political disabilities; which was read a first and second time, and referred to the select Committee on Reconstruction.

NAVIGATION OF THE ST. LAWRENCE, ETC.

Mr. LAWRENCE introduced a bill (H. R. No. 2072) to secure to citizens of the United States the navigation of the St. Lawrence, and in relation to commercial intercourse with Canada and the British American provinces; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM BLAIR.

Mr. PECK introduced a bill (H. R. No. 2073) granting a pension to William Blair, of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions and the War of 1812.

MISSISSIPPI PILOTS.

Mr. STEVENSON introduced a joint resolution (H. R. No. 292) for the relief of the pilots of the Mississippi squadron and their surviving families; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ROCKY RIVER.

Mr. UPSON introduced a joint resolution (H. R. No. 293) authorizing a survey of the mouth of Rocky river; which was read a first and second time, and referred to the Committee on Commerce.

POLITICAL DISABILITIES.

Mr. STOKES introduced a bill (H. R. No. 2075) for the relief of sundry citizens of Tennessee of all political disabilities; which was read a first and second time, and referred to the select Committee on Reconstruction.

NAVIGATION OF CUMBERLAND RIVER.

Mr. PROSSER introduced a bill (H. R. No. 2074) making an appropriation for improving the navigation of the Cumberland river, in the States of Kentucky and Tennessee; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POLITICAL DISABILITIES.

Mr. SMITH, of Tennessee, introduced a bill (H. R. No. 2076) to relieve certain persons of all political disabilities imposed by the fourteenth article of the amendments to the Constitution of the United States; which was read a first and second time, and referred to the select Committee on Reconstruction.

SESSIONS OF CONGRESS, ETC.

Mr. McCRARY introduced a bill (H. R. No. 2077) to repeal an act entitled "An act to fix the time for the regular meetings of Congress," approved January 22, 1867, and to fix the salaries of members of Congress; which was read a first and second time, referred to the Committee on Public Expenditures, and ordered to be printed.

EDWARD P. JOHNSON.

Mr. WILSON, of Minnesota, introduced a joint resolution (H. R. No. 294) for the relief of Edward P. Johnson; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Military Affairs.

MUDDY RIVER CANAL COMPANY.

Mr. FITCH introduced a bill (H. R. No. 2078) to incorporate the Muddy River Canal Company, and for a grant of land to aid in the construction of a canal for irrigation, and for other purposes, in the State of Nevada; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARINE HOSPITAL, YOKOHAMA, JAPAN.

Mr. FITCH also introduced a bill (H. R. No. 2079) to provide a marine hospital and other necessary buildings at Yokohama, Japan; which was read a first and second time, and referred to the Committee on Foreign Affairs.

ORDER OF BUSINESS.

The SPEAKER. The call of the States and Territories for the introduction of bills and joint resolutions having been completed, the next business in order during the morning hour is the call for resolutions, &c., to be presented for consideration at the present time. The call rested on Monday last with the State of New York.

TRADE WITH BRITISH PROVINCES.

Mr. BENNETT submitted the following resolution, upon which he called the previous question:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to cause an inquiry to be made, for the information of Congress, relative to the extent and state of trade between the United States and the several dependencies of Great Britain in North America, and is hereby authorized to designate a suitable person to make such inquiry; the same being with no view to the establishment of a reciprocity treaty with such dependencies, but to establish improved relations with those dependencies.

The previous question was seconded and the main question ordered; which was upon adopting the resolution.

Mr. PAINE. Does not this resolution provide for a new officer?

The SPEAKER. Debate is not in order, the main question having been ordered.

The question was taken upon agreeing to the resolution; and it was not adopted.

PUBLICATION OF CONGRESSIONAL DEBATES.

Mr. LAFLIN submitted the following preamble and resolution, upon which he called the previous question:

Whereas the present contract for publishing the debates and proceedings of Congress will expire on the 4th day of March next: Therefore,

Resolved, That the Committee on Printing be instructed to inquire into the expediency of further

continuing the publication of the debates and proceedings of Congress, and to report, if found practicable, such plan as will best subserve the interests of the Government.

The previous question was seconded and the main question ordered; and under the operation thereof the preamble and resolution were adopted.

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

The latter motion was agreed to.

REMOVAL OF BROOKLYN NAVY-YARD.

Mr. SLOCUM. I submit the following resolution, upon which I call the previous question:

Resolved, That the Committee on Naval Affairs be authorized to report at any time the bill to provide for the removal of the Brooklyn navy-yard.

The SPEAKER. This resolution requires a suspension of the rules, in that it proposes to give authority to the committee to report at any time. Is there objection?

Mr. CALKIN. I object.

The SPEAKER. A motion to suspend the rules is in order only after the expiration of the morning hour of Monday.

DEMPSEY & O'TOOLE.

Mr. KELSEY submitted the following resolution, upon which he called the previous question:

Resolved, That the Secretary of the Interior be, and is hereby, directed to inform this House how much money has been paid to Dempsey & O'Toole since the 6th of February, 1868, upon their contract for supplying the Department of the Interior and the several bureaus and officers therein with stationery for the fiscal year ending June 30, 1869; and also whether said Dempsey & O'Toole now have any contract for furnishing stationery for said Department or any of the bureaus or offices thereof.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

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

The latter motion was agreed to.

WAR EXPENDITURES IN NEW YORK CITY.

Mr. WOOD submitted the following preamble and resolution, upon which he called the previous question:

Whereas the corporation of the city of New York disbursed in the year 1861 nearly one million dollars, under the direction of the Union defense committee, of which Hon. Hamilton Fish and Hon. John A. Dix were respectively chairmen, for the outfit of troops which were used by the General Government in its war for the maintenance of the Union; and whereas no portion of this sum has been refunded: Therefore,

Resolved, That the Committee on Appropriations be directed to include in any appropriation bill not yet reported any amount which may be found due said corporation of the city of New York on said account after a proper examination by the Treasury Department or by the committee into the subject.

Mr. KELSEY. I object to the resolution unless it is modified.

The SPEAKER. Upon what ground does the gentleman object?

Mr. KELSEY. I will not object if there is no amount specified.

The SPEAKER. That is a question for the majority of the House to determine.

The question was taken upon seconding the previous question; and upon a division there were—ayes 34, noes 69; no quorum voting.

Tellers were ordered; and Mr. KELSEY and Mr. WOOD were appointed.

The House again divided; and the tellers reported that there were—ayes 26, noes 97.

So the previous question was not seconded.

Mr. CULLOM. I rise to debate the resolution.

Mr. KELSEY. I am willing to vote for the resolution if it shall be modified.

Mr. CULLOM. I object.

The SPEAKER. Debate arising thereon, the resolution, under the rule, will go over.

EIGHT-HOUR SYSTEM OF LABOR.

Mr. MAYHAM submitted the following resolution, on which he demanded the previous question:

Resolved, That the Committee on the Judiciary be requested to report back the following bill, offered 17th February by Mr. COX, namely, a bill (H. R. No. 849) constituting eight hours a day's work for all laborers, workmen, and mechanics in the employ of the Government of the United States:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the passage of this act eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may now be employed, or may hereafter be employed, by any officer or agent of the United States, or by any person or persons contracting with any officer or agent of the United States.

SEC. 2. *And be it further enacted*, That any officer or agent of the United States who shall evade or attempt to evade any of the provisions of this act shall be deemed guilty of a misdemeanor, and on sufficient proof thereof shall be removed from office and place by the President of the United States, and any person or persons contracting with any officer or agent of the United States who shall evade or attempt to evade any of the provisions of this act shall be deemed guilty of a violation of the same, and on conviction thereof in any United States court shall forfeit such contract, and in addition thereto shall be fined not more than $10,000 or less than $1,000.

SEC. 3. *And be it further enacted*, That the act entitled 'An act constituting eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States,' approved June 25, 1868, is hereby repealed.

On seconding the demand for the previous question there were—ayes 25, noes 62; no quorum voting.

Tellers were ordered; and Mr. MAYHAM and Mr. BANKS were appointed.

The House divided; and the tellers reported—ayes 24, noes 99.

So the previous question was not seconded.

Mr. FARNSWORTH. In rise to debate the resolution.

Mr. COX. In order to test the sense of the House I move that the resolution be laid on the table.

The SPEAKER. The gentleman from Illinois [Mr. FARNSWORTH] rises to debate the resolution, and it goes over. As the gentleman from New York [Mr. COX] has sought the floor for the purpose of moving to lay the resolution on the table, the Chair desires to make a definitive ruling upon that matter. When any gentleman offers, during the morning hour of Monday, a resolution with the view of testing the sense of the House upon it, if the previous question is demanded and the House refuses to second it the Chair will uniformly recognize a gentleman who rises to debate the resolution in preference to one who rises to detain the House by a motion to lay on the table. A gentleman offering a resolution has a perfect right either to ask the previous question or to move to lay it on the table for the purpose of testing the sense of the House; but if he elects to demand the previous question, and the House refuses to second the demand, the Chair will uniformly recognize a gentleman who rises to debate the resolution.

PNEUMATIC TUBES FOR POSTAL PURPOSES.

Mr. REEVES submitted the following resolution, on which he demanded the previous question:

Resolved, That the Postmaster General be requested to furnish to this House any information in his possession respecting the practical operation, efficiency, cost, and reliability of the transmission of mail matter in England by means of pneumatic tubes, and to state whether, in his opinion, such a method can be successfully applied to the mail service between the main distributing offices in this country.

On seconding the call for the previous question, there were—ayes 22, noes 62; no quorum voting,

Tellers were ordered; and Mr. REEVES and Mr. MAYNARD were appointed.

The House divided; and the tellers reported—ayes thirty-one, noes not counted.

So the previous question was not seconded.

Mr. MAYNARD. I rise to debate the resolution.

The SPEAKER. Debate arising, the resolution goes over.

TONNAGE DUES.

Mr. CHURCHILL introduced a bill (H. R. No. 2080) to exempt vessels engaged in the internal and coastwise navigation of the United States and in the fisheries from the payment of tonnage dues; which was read a first and second time.

Mr. CHURCHILL called for the previous question on ordering the bill to be engrossed and read a third time.

The bill, which was read, provides that from and after the passage of this act no tonnage dues, nor any tax in lieu thereof, shall be collected from any steamer, vessel, or canal-boat owned exclusively by citizens of the United States, and duly enrolled and licensed and employed in the internal or coastwise navigation of the United States, or in the bank, whale, or other fisheries.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. GORHAM, its Secretary, notifying the House that that body had passed a bill (H. R. No. 1293) to enforce the right of citizens of the United States to vote in the several States of this Union who have hitherto been denied that right on account of race, color, or previous condition of servitude, with amendments, in which the concurrence of the House was requested.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

An act (S. No. 439) to grant lands to the Sierra Iron Company; and

An act (S. No. 893) to establish an additional land district in the State of Kansas.

NORTHERN PACIFIC RAILROAD.

Mr. GRISWOLD submitted the following resolution; on which he demanded the previous question:

Resolved, That a committee, consisting of three of the members of this House, be appointed by the Speaker to ascertain and report to this House who are the present owners interested in the franchise of the Northern Pacific Railroad Company; and that the committee have power to send for persons and papers.

The House divided; and there were—ayes 52, noes 53.

Mr. MAYNARD. I rise to a parliamentary inquiry, whether this resolution, if adopted, would not raise another special select committee?

The SPEAKER. The House understands the terms of the resolution.

Mr. GRISWOLD demanded tellers.

Tellers were ordered; and Mr. GRISWOLD and Mr. SCOFIELD were appointed.

The House again divided; and the tellers reported—ayes 68, noes 58.

So the previous question was seconded and the main question ordered.

Mr. WILKINSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 85, nays 87, not voting 56; as follows:

YEAS—Messrs. Adams, Ambler, Archer, Arnell, Asper, Axtell, Beatty, Bird, Burchard, Burr, Calkin, Sidney Clarke, Cleveland, Amasa Cobb, Clinton L. Cobb, Coburn, Cook, Cox, Crebs, Cullom, Davis, Deckery, Duval, Dyer, Ela, Eldridge, Farnsworth, Finkelnburg, Gibson, Griswold, Haldeman, Hamill, Hawkins, Hawley, Hay, Heflin, Hill, Holman, Johnson, Alexander H. Jones, Thomas L. Jones, Kerr, Knott, Lawrence, Lewis, Marshall, McCrary, McGrew, McNeely, Eliakim H. Moore, Jesse H. Moore, William Moore, Morgan, Morrissey, Mungen, Niblack, Orth, Packard, Potter, Reeves, Rice, Ridgway, Rogers, Sargent, Shanks, Slocum, John A. Smith, William J. Smith, Stevens, Stone, Strong, Swann, Sweeney, Trimble, Tyner, Van Trump, Van Wyck, Ward, Willard, Williams, Winans, Winchester, Witcher, Wood, and Woodward—85.

NAYS—Messrs. Allison, Ames, Atwood, Ayer,

Bailey, Banks, Barry, Beaman, Bennett, Benton, Bingham, Blair, Booker, Bowen, Boyd, George M. Brooks, Buckley, Buffinton, Roderick R. Butler, Cessna, Churchill, William T. Clark, Conger, Conner, Covode, Cowles, Dawes, Dixon, Donley, Dox, Ferry, Fitch, Garfield, Harris, Hays, Hoar, Hooper, Ingersoll, Jenckes, Judd, Kelley, Kelsey, Laflin, Lash, Logan, Loughridge, Maynard, McCarthy, McKee, McKenzie, Mercur, Morphis, Daniel J. Morrell, Myers, Negley, O'Neill, Paine, Peck, Peters, Phelps, Platt, Poland, Pomeroy, Prosser, Roots, Sawyer, Schumaker, Scofield, Lionel A. Sheldon, Sherrod, Joseph S. Smith, Worthington C. Smith, Starkweather, Stevenson, Stokes, Stoughton, Strickland, Tanner, Taylor, Tillman, Twichell, Cadwalader C. Washburn, William B. Washburn, Welker, Wheeler, Wilkinson, and Eugene M. Wilson—87.

NOT VOTING—Messrs. Armstrong, Barnum, Beck, Benjamin, Biggs, Boles, James Brooks, Buck, Burdett, Benjamin F. Butler, Cake, Degener, Dickey, Dickinson, Ferriss, Fisher, Fox, Getz, Gilfillan, Haight, Hale, Hambleton, Hamilton, Heaton, Hoge, Hotchkiss, Julian, Kellogg, Ketcham, Knapp, Lynch, Mayham, McCormick, Milnes, Samuel P. Morrill, Packer, Palmer, Perce, Porter, Randall, Sanford, Schenck, Porter Sheldon, Shober, William Smyth, Stiles, Strader, Taffe, Townsend, Upson, Van Auken, Van Horn, Voorhees, Wells, Whitmore, and John T. Wilson—56.

So the resolution was disagreed to.

During the vote,

Mr. WILSON, of Minnesota, stated that, believing the resolution was intended to delay the passage of the bill, he would vote "no."

The vote was then announced as above recorded.

The morning hour then expired.

EXAMINER OF CLAIMS—STATE DEPARTMENT.

Mr. BANKS. I call for the regular order of business.

Mr. INGERSOLL. Is it in order for me to move to proceed to the consideration of the business upon the Speaker's table?

The SPEAKER. The regular order of business is called for, which is a motion of the gentleman from Massachusetts [Mr. BANKS] to suspend the rules, coming over from Monday last, to take up for action Senate joint resolution No. 120, to provide for the appointment of an examiner of claims for the Department of State and for additional clerks in the Department. It takes away the right of the gentleman from Illinois to move to go to the business upon the Speaker's table.

The joint resolution was read. It provides for the appointment by the President, by and with the advice and consent of the Senate, of a suitable person learned in the law to be examiner of claims of the Department of State, who shall receive the annual salary of $3,500. It further proposes to authorize the Secretary of State to employ three additional clerks for indexing the books, papers, and documents of the Department; two of them to be clerks of the fourth class, and the other of the third class. For the payment of such examiner of claims and clerks, and for the compensation of extra and temporary clerks whose employment may be necessary, the sum of $13,700 is appropriated.

Mr. BANKS. I desire to intimate to the House that it is my intention to move to reduce the appropriation from $13,700 to $7,500, which I find is all that is necessary, in view of the time for which the appropriation has to be made.

Mr. JENCKES. This has already been provided for in a bill which has passed the House.

Mr. KELSEY. I rose at the same time as the gentleman from Rhode Island for the purpose of asking whether provision has not been made for this in another bill, and whether anything else is desired than to provide for the remainder of this fiscal year.

Mr. BANKS. That is all. It is merely desired to make this appropriation until the service is provided for by law.

Mr. KELSEY. But the resolution is not so framed. The clerks referred to have been provided for, as regards the coming year, in the regular appropriation bill.

Mr. JENCKES. This resolution ought not to pass in any form. This service has already been provided for in every respect.

Mr. BANKS. Not the service provided for by this bill.

Mr. JENCKES. Provision has been made for an examiner of claims and three clerks.

Mr. BANKS. That has not yet become law.

Mr. COX. Will the gentleman from Massachusetts [Mr. BANKS] yield to me for a moment?

The SPEAKER. Debate can proceed only by unanimous consent.

Mr. COX. I desire merely to say, in furtherance of what has been stated by the gentleman from Massachusetts, that there has been no provision made for an examiner of claims against foreign Governments presented in our State Department; and that I know from personal experience as a lawyer, in connection with such claims, that it is indispensable now-a-days that there shall be an examination of those claims prior to their presentation either to foreign Governments or to commissions appointed for their settlement.

Mr. JENCKES. There has been provision made for that.

Mr. COX. There is no law existing which makes such provision, as has already been stated by the chairman of the Committee on Foreign Affairs. I desire to say to the gentleman from Rhode Island [Mr. JENCKES] that I do not wish to oppose everything that comes from the other side of the House. When valuable measures come from that side I shall support them; and I support this resolution because it assists our citizens to get their just claims against foreign Governments by providing for their indorsement from a legal source before they are presented.

Mr. BEAMAN. I object to debate, and call for the regular order.

Mr. BANKS. I only desire to say further that this appropriation is needed to-day. There is no law existing which supplies it. As soon as the law referred to by the gentleman from Rhode Island goes into effect this will cease.

The question was on suspending the rules, in order to bring the joint resolution before the House.

The House divided; and there were—ayes 88, noes 35.

Mr. JENCKES demanded the yeas and nays.

The yeas and nays were refused.

So (two thirds having voted in favor thereof) the rules were suspended.

The joint resolution was taken from the Speaker's table, and read a first and second time.

The question was on ordering the joint resolution to be read a third time.

Mr. BANKS. I move to amend the joint resolution by striking out "$13,700" and inserting "$7,500."

The amendment was agreed to.

Mr. KELSEY. I move to amend so as to provide that the joint resolution shall only continue in force until the end of the present fiscal year.

Mr. INGERSOLL. The fiscal year commences a very few weeks hence. If that limitation is made the resolution will be of no avail.

Mr. BANKS. I would be willing to limit its operation until the time when the act which has been referred to takes effect. But I should not like a particular day to be fixed, and for that reason I cannot agree to the amendment offered by the gentleman from New York.

The question was put on Mr. KELSEY's amendment; and there were, on a division—ayes 30, noes 88.

So the amendment was not agreed to.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

ENFORCEMENT OF FIFTEENTH AMENDMENT.

Mr. BINGHAM. I rise to a privileged question. I move that the rules be suspended, that the amendment of the Senate to the bill (H. R. No. 1293) to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes, be taken from the Speaker's table, and that the House non-concur in the said amendment, and ask a conference in relation thereto.

The question was put; and there were, on a division—ayes 122, noes 36.

Mr. MORGAN. I demand the yeas and nays on suspending the rules.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 55, not voting 40; as follows:

YEAS—Messrs. Allison, Ambler, Ames, Archer, Arnell, Asper, Atwood, Ayer, Bailey, Banks, Barry, Beaman, Beatty, Bennett, Benton, Bingham, Blair, Bowen, Boyd, George M. Brooks, Buckley, Buffinton, Burchard, Burdett, Roderick R. Butler, Cessna, Churchill, William T. Clark, Sidney Clarke, Amasa Cobb, Clinton L. Cobb, Coburn, Cook, Conger, Covode, Cowles, Cullom, Davis, Dawes, Degener, Dickey, Dixon, Dockery, Donley, Duval, Dyer, Ela, Farnsworth, Ferry, Finkelnburg, Fitch, Garfield, Hale, Hamilton, Harris, Hawley, Hay, Hays, Heflin, Hill, Hoar, Hooper, Hotchkiss, Ingersoll, Jenckes, Alexander H. Jones, Judd, Kelley, Kelsey, Knapp, Laflin, Lash, Lawrence, Logan, Loughridge, Lynch, Maynard, McCarthy, McCrary, McGrew, McKee, Mercur, Eliakim H. Moore, William Moore, Morphis, Daniel J. Morrell, Myers, Negley, O'Neill, Packard, Packer, Paine, Peck, Peters, Phelps, Platt, Poland, Pomeroy, Prosser, Roots, Sargent, Sawyer, Scofield, Lionel A. Sheldon, John A. Smith, William J. Smith, Worthington C. Smith, Starkweather, Stevens, Stevenson, Stokes, Stoughton, Strickland, Strong, Taffe, Tanner, Taylor, Tillman, Twichell, Tyner, Upson, Van Wyck, Ward, Cadwalader C. Washburn, William B. Washburn, Welker, Wheeler, Whitmore, Wilkinson, Willard, Williams, John T. Wilson, and Winans—133.

NAYS—Messrs. Axtell, Beck, Bird, Booker, James Brooks, Burr, Calkin, Cleveland, Conner, Cox, Crebs, Dickinson, Dox, Eldridge, Fox, Gibson, Griswold, Haldeman, Hamill, Hawkins, Holman, Johnson, Thomas L. Jones, Kerr, Knott, Lewis, Marshall, Mayham, McKenzie, McNeely, Morgan, Morrissey, Mungen, Niblack, Potter, Reeves, Rice, Ridgway, Rogers, Schumaker, Sherrod, Shober, Slocum, Joseph S. Smith, Stone, Swann, Sweeney, Trimble, Van Auken, Van Trump, Voorhees, Eugene M. Wilson, Winchester, Wood, and Woodward—55.

NOT VOTING—Messrs. Adams, Armstrong, Barnum, Benjamin, Biggs, Boles, Buck, Benjamin F. Butler, Cake, Ferriss, Fisher, Getz, Gilfillan, Haight, Hambleton, Heaton, Hoge, Julian, Kellogg, Ketcham, McCormick, Milnes, Jesse H. Moore, Samuel P. Morrill, Orth, Palmer, Perce, Porter, Randall, Sanford, Schenck, Shanks, Porter Sheldon, William Smyth, Stiles, Strader, Townsend, Van Horn, Wells, and Witcher—40.

So (two thirds voting in the affirmative) the rules were suspended, the amendment of the Senate was taken from the Speaker's table and non-concurred in, and a conference asked on the disagreeing votes of the two Houses.

The SPEAKER appointed Mr. BINGHAM, Mr. DAVIS, and Mr. KERR managers of the conference on the part of the House.

Mr. BROOKS, of New York. Is it in order to ask that the bill with the amendment be printed, so that the House may see it?

The SPEAKER. It is in order. If there be no objection the bill with the amendment will be ordered to be printed. The Chair hears no objection, and it is so ordered.

NEW YORK AND WASHINGTON RAILROAD.

Mr. INGERSOLL. I move to suspend the rules to take from the Speaker's table the bill (H. R. No. 19) to authorize the building of a military and postal railway from Washington, District of Columbia, to the city of New York.

Mr. ELDRIDGE. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 73, not voting 45; as follows:

YEAS—Messrs. Allison, Ambler, Ames, Asper, Atwood, Ayer, Bailey, Banks, Barry, Beaman, Beatty, Bennett, Benton, Bingham, Blair, Booker, Boyd, George M. Brooks, Buckley, Buffinton, Burchard, Burdett, Roderick R. Butler, Churchill, William T. Clark, Sidney Clarke, Amasa Cobb, Clinton L. Cobb, Coburn, Cook, Conger, Cowles, Cullom, Davis, Degener, Dickey, Dixon, Dockery, Donley, Duval, Dyer, Ela, Farnsworth, Finkelnburg, Garfield, Hamilton, Harris, Hawley, Hay, Heflin, Hotchkiss, Ingersoll, Jenckes, Alexander H. Jones, Judd, Kelsey, Knapp, Lash, Lawrence, Loughridge, Maynard, McCarthy,

McCrary, McGrew, McKee, McKenzie, Mercur, Jesse H. Moore, Morphis, Daniel J. Morrell, Negley, Orth, Packard, Packer, Paine, Peck, Peters, Phelps, Platt, Pomeroy, Prosser, Roots, Sawyer, Scofield, Shanks, Lionel A. Sheldon, John A. Smith, William J. Smith, Worthington C. Smith, Starkweather, Stevenson, Stokes, Stoughton, Strickland, Strong, Taffe, Tanner, Tillman, Tyner, Upson, Ward, Cadwalader C. Washburn, Welker, Wheeler, Whitmore, Wilkinson, Willard, Williams, John T. Wilson, and Winans—110.

NAYS—Messrs. Adams, Archer, Arnell, Beck, Bird, Bowen, James Brooks, Burr, Calkin, Cessna, Cleveland, Conner, Cox, Crebs, Dawes, Dickinson, Dox, Eldridge, Fox, Getz, Gibson, Griswold, Haldeman, Hale, Hamill, Hawkins, Hill, Holman, Johnson, Thomas L. Jones, Kelley, Kerr, Knott, Laflin, Lewis, Marshall, Mayham, McNeely, Eliakim H. Moore, William Moore, Morgan, Morrissey, Mungen, Myers, Niblack, O'Neill, Poland, Potter, Reeves, Rice, Ridgway, Rogers, Schumaker, Sherrod, Shober, Joseph S. Smith, Stevens, Stiles, Stone, Swann, Sweeney, Taylor, Trimble, Twichell, Van Auken, Van Trump, Van Wyck, Voorhees, William B. Washburn, Eugene M. Wilson, Winchester, Wood, and Woodward—73.

NOT VOTING—Messrs. Armstrong, Axtell, Barnum, Benjamin, Biggs, Boles, Buck, Benjamin F. Butler, Cake, Covode, Ferriss, Ferry, Fisher, Fitch, Gilfillan, Haight, Hambleton, Hays, Heaton, Hoar, Hoge, Hooper, Julian, Kellogg, Ketcham, Logan, Lynch, McCormick, Milnes, Samuel P. Morrill, Palmer, Perce, Porter, Randall, Sanford, Sargent, Schenck, Porter Sheldon, Slocum, William Smyth, Strader, Townsend, Van Horn, Wells, and Witcher—45.

So (two thirds not voting in the affirmative) the rules were not suspended.

ELECTION CONTEST—EGGLESTON VS. STRADER.

Mr. HALE, from the committee having in charge the contested-election case of Benjamin Eggleston *vs.* Peter W. Strader, from the first congressional district of the State of Ohio, submitted a report in writing, accompanied by the following resolutions:

Resolved, That Benjamin Eggleston is not entitled to a seat in this House as a Representative in the Forty-First Congress from the first district of Ohio.

Resolved, That Peter W. Strader is entitled to a seat in this House as a Representative in the Forty-First Congress from the first district of Ohio.

The report, with the accompanying resolutions, was laid on the table, and ordered to be printed.

Mr. HALE. I give notice that on Monday next I propose to call up this case for action of the House.

Mr. VAN TRUMP. Mr. Strader is now absent in Kentucky on important business, and may not be able to be here on Monday next.

Mr. HALE. Of course I will not call the case up at that time if there is any good reason for delay.

ELECTION CONTEST—BARNES VS. ADAMS.

Mr. McCRARY, from the committee having in charge the contested-election case of Sidney M. Barnes *vs.* George M. Adams, from the eighth congressional district of the State of Kentucky, submitted a report in writing, accompanied by the following resolutions:

Resolved, That George M. Adams was duly elected as a Representative in the Forty-First Congress from the eighth district of Kentucky, and is entitled to retain his seat as such.

Resolved, That Sidney M. Barnes, having contested the seat of Hon. George M. Adams as a Representative to this House from the eighth district of Kentucky in good faith and with probable cause, there shall be paid to him out of the contingent fund of the House of Representatives the sum of —— dollars in full for his expenses in such contest.

The report, with the accompanying resolutions, was laid on the table and ordered to be printed.

Mr. McCRARY. I will call this case up for action at an early day.

ORDER OF BUSINESS.

Mr. DAWES. I now move that the rules be suspended and the House resolve itself into Committee of the Whole for the purpose of considering the special order, being the consular and diplomatic appropriation bill.

Mr. BURDETT. I call for the regular order of business.

The SPEAKER. The regular order of business would be the consideration of the contested-election case of Newsham *vs.* Ryan, from the State of Louisiana, which was the unfinished business at the adjournment on Saturday last. But the gentleman from Massachusetts [Mr. DAWES] now moves to suspend the rules for the purpose of going into Committee of the Whole upon the special order, which, if adopted, would carry over the unfinished business.

Mr. DAWES. If there may be a general understanding that we can go in Committee of the Whole on the special order after the vote is taken on the contested-election case, I will not object. However, the gentleman from New York [Mr. KELSEY] has charge of the special order, and I will let him determine what course shall be pursued.

Mr. KELSEY. If the vote on the contested-election case can be taken without any delay I will have no objection.

Mr. JUDD. I move to suspend the rules for the purpose of introducing and putting on its passage a bill which I send to the Clerk's desk.

Mr. KELSEY. I cannot yield the floor for any such purpose.

The SPEAKER. The gentleman cannot yield the floor conditionally.

Mr. KELSEY. Then I will not yield at all, but insist upon a vote on the motion to go into Committee of the Whole on the special order.

The question was taken; and the motion was not agreed to upon a division—ayes 58, noes 70.

Mr. JUDD. I move to suspend the rules for the purpose I have indicated.

Mr. MUNGEN. I ask the gentleman to withdraw that motion, in order to allow me to report a resolution from the Committee on Printing.

Mr. JUDD. I will withdraw my motion for the present.

GOLD PANIC INVESTIGATION.

Mr. MUNGEN. I ask unanimous consent to report for action at this time, from the Committee on Printing, the following resolution:

Resolved, That there be printed two thousand copies of the majority and minority reports from the Committee on Banking and Currency, with the testimony submitted, being House document No. 31.

Mr. KELSEY. I object.

Mr. GARFIELD, of Ohio. I hope the gentleman will not object. The report and testimony are now in type, and the whole cost of these additional copies will be less than $300.

Mr. KELSEY. Very well; I will withdraw my objection.

The resolution was received and adopted.

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

The latter motion was agreed to.

SOLDIERS' MONUMENT AT PITTSBURG.

Mr. NEGLEY, by unanimous consent, introduced a joint resolution (H. R. No. 295) donating condemned cannon for a soldiers' monument at Pittsburg, Pennsylvania; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution, which was read, authorizes the Secretary of War to issue eight condemned brass cannon, to be used in the erection of a monument in Alleghany Park, at Pittsburg, Pennsylvania, in memory of the officers and men of Hampton's battery, who lost their lives during the late war.

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

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

The latter motion was agreed to.

JAMES T. FISHER.

Mr. VAN TRUMP, by unanimous consent, introduced a bill (H. R. No. 2081) for the relief of James T. Fisher; which was read a first and second time, and, with the accompanying memorial, referred to the Committee of Claims, and ordered to be printed.

Mr. CULLOM. I call for the regular order.

REDUCTION OF IMPORT DUTIES.

Mr. JUDD moved to suspend the rules, for the purpose of introducing and putting on its passage a bill to reduce the duties on imports; which was read, as follows:

Be it enacted, &c., That on and after the 1st day of July next the duties levied upon the articles in this section named, imported from foreign countries, shall be reduced as follows:

On sirup of cane-juice or melada, on molasses from sugar-cane, and on all sugars, and on salt, 33⅓ per cent.

On coffee and on tea, twenty per cent., and on pig and scrap iron, twenty-two and a half per cent.

SEC. 2. *And be it further enacted*, That all goods, wares, and merchandise described in the foregoing section, which may be in the public stores or bonded warehouses on the day and year this act shall take effect, shall be subjected to no other duty upon the entry thereof for consumption than if the same were imported respectively after that day.

The question being put on the motion to suspend the rules,

The SPEAKER. In the opinion of the Chair two thirds have not voted in the affirmative.

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

The yeas and nays were ordered.

Mr. HALDEMAN. If this motion be adopted will the bill be open to amendment?

The SPEAKER. It will not be. The motion is to suspend the rules and pass the bill.

The question was taken; and there were—yeas 101, nays 82, not voting 45; as follows:

YEAS—Messrs. Allison, Archer, Asper, Axtell, Ayer, Barry, Beatty, Beck, Bird, Booker, Boyd, James Brooks, Burchard, Burr, Calkin, Churchill, Sidney Clarke, Cleveland, Amasa Cobb, Coburn, Cook, Conger, Conner, Cox, Crebs, Cullom, Davis, Dickinson, Dockery, Dox, Dyer, Ela, Eldridge, Farnsworth, Finkelnburg, Fitch, Fox, Getz, Gibson, Griswold, Haldeman, Hale, Hamill, Hawkins, Hawley, Hay, Heflin, Holman, Ingersoll, Johnson, Thomas L. Jones, Judd, Kerr, Knott, Lawrence, Lewis, Logan, Marshall, Mayham, McCrary, McKenzie, McNeely, Jesse H. Moore, Morgan, Mungen, Niblack, Orth, Packard, Paine, Peters, Pomeroy, Potter, Reeves, Ridgway, Rogers, Sargent, Shanks, Sherrod, Shober, Slocum, William Smyth, Stevenson, Stiles, Stone, Stoughton, Swann, Sweeney, Tanner, Trimble, Tyner, Van Auken, Van Trump, Voorhees, Ward, Wilkinson, Williams, Eugene M. Wilson, Winans, Winchester, Wood, and Woodward—101.

NAYS—Messrs. Ambler, Ames, Arnell, Atwood, Bailey, Banks, Beaman, Bennett, Benton, Bingham, Blair, Bowen, George M. Brooks, Buffinton, Cessna, William T. Clark, Clinton L. Cobb, Covode, Cowles, Dawes, Degener, Dickey, Dixon, Donley, Duval, Garfield, Hamilton, Harris, Hays, Hill, Hoar, Hooper, Hotchkiss, Jenckes, Alexander H. Jones, Kelley, Kelsey, Knapp, Laflin, Lash, Maynard, McCarthy, McGrew, McKee, Mercur, Eliakim H. Moore, William Moore, Morphis, Daniel J. Morrell, Myers, Negley, O'Neill, Packer, Peck, Phelps, Platt, Poland, Prosser, Sawyer, Scofield, Lionel A. Sheldon, John A. Smith, Joseph S. Smith, Worthington C. Smith, Starkweather, Stevens, Stokes, Strickland, Strong, Taffe, Taylor, Tillman, Twichell, Upson, Van Wyck, Cadwalader C. Washburn, William B. Washburn, Welker, Whitmore, Willard, John T. Wilson, and Witcher—82.

NOT VOTING—Messrs. Adams, Armstrong, Barnum, Benjamin, Biggs, Boles, Buck, Buckley, Burdett, Benjamin F. Butler, Roderick R. Butler, Ferriss, Cake, Ferry, Fisher, Gilfillan, Haight, Hambleton, Heaton, Hoge, Julian, Kellogg, Ketcham, Loughridge, Lynch, McCormick, Milnes, Samuel P. Morrill, Morrissey, Palmer, Perce, Porter, Randall, Rice, Roots, Sanford, Schenck, Schumaker, Porter Sheldon, William J. Smith, Strader, Townsend, Van Horn, Wells, and Wheeler—45.

So (two thirds not voting in favor thereof) the motion to suspend the rules was not agreed to.

ORDER OF BUSINESS.

Mr. BURDETT. I move so to suspend the rules as to bring the House to an immediate vote on the motion to lay on the table the motion to reconsider the vote by which the House declared Mr. Newsham entitled to a seat as a Representative from the fourth congressional district of Louisiana.

The question being put on the motion to suspend the rules,

The SPEAKER. In the opinion of the Chair two thirds have voted in the affirmative.

Mr. ELDRIDGE. Then we had better have the yeas and nays.

Mr. DAWES. This only brings us to a vote on the case.

Mr. ELDRIDGE. The proposition on Saturday was to take a vote at three o'clock today. To that we would have no objection.

Mr. DAWES. Objection is made to that; and I appeal to the gentleman from Missouri, and that will satisfy all parties, to let us go into the Committee of the Whole on the state of the Union until three o'clock.

Mr. COX. There is an arrangement that the vote should be taken at three o'clock.

Mr. DAWES. That is satisfactory to all parties.

Mr. BURDETT. If there be unanimous consent that the vote shall be taken at three o'clock I withdraw my motion to suspend the rules.

The SPEAKER. Is there unanimous consent that at three o'clock the vote shall be taken on the motion to lay on the table the motion to reconsider the vote by which the House voted that Mr. Newsham is entitled to a seat as a Representative from the fourth congressional district of Louisiana?

There was no objection.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. VOORHEES. Mr. Speaker, I desire to ask leave of the House to record my vote on the resolution in regard to the Northern Pacific Railroad Company, submitted by the gentleman from New York, [Mr. GRISWOLD.] I was necessarily absent.

The SPEAKER. That requires a suspension of the rules.

Mr. VOORHEES. I desire to state had I been present I would have voted for that resolution.

The SPEAKER. It will be recorded in the Globe.

ARMY APPROPRIATION BILL

Mr. DICKEY, from the Committee on Appropriations, reported a bill (H. R. No. 2082) making appropriation for the support of the Army for the year ending June 30, 1871, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made the special order for Wednesday next, and from day to day until disposed of.

Mr. MAYNARD. I reserve all points of order on that bill.

INTERNATIONAL IMMIGRATION SOCIETY.

Mr. ATWOOD, by unanimous consent, introduced a bill (H. R. No. 2083) to incorporate the International Society of the United States for the protection of immigration; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATURALIZATION OF SAILORS AND MARINES.

Mr. DAVIS, by unanimous consent, introduced a joint resolution (H. R. No. 296) to extend the provisions of section twenty-one of the act approved July 17, 1862, to aliens who have or may enlist in the naval or marine service; which was read a first and second time.

The joint resolution was read. It provides that section twenty-one of the act approved July 17, 1862, which section confers the right of naturalization on any alien who has enlisted in the armies of the United States and been honorably discharged, shall be construed to include persons who have enlisted or shall enlist in the Navy or Marine corps of the United States and have been or shall be honorably discharged, and to extend to them the same privileges of naturalization as are by that section extended to aliens who have enlisted or may enlist in the Army of the United States.

Mr. DAVIS. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

ENROLLED BILLS.

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

An act (S. No. 227) to incorporate the Columbia Railway Company of the District of Columbia;

An act (S. No. 492) to incorporate the trustees of the Corcoran Gallery of Art, and for other purposes; and

An act (S. No. 550) to incorporate the National Union-Savings Bank of the District of Columbia.

CONSULAR AND DIPLOMATIC APPROPRIATIONS.

Mr. KELSEY moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union on the consular and diplomatic appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. INGERSOLL in the chair,) and resumed the consideration of the bill (H. R. No. 1604) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and for other purposes.

The CHAIRMAN. Debate on the pending paragraph is limited to ten minutes. The pending amendment is in line seventeen, after the word "Turkey" to insert "Rome," and increase the appropriation to $142,800.

Mr. DAWES. I hope the amendment will be withdrawn.

The amendment was withdrawn.

Mr. DAWES. I renew it *pro forma*. I rise especially to put myself right with the gentleman from New York, [Mr. BROOKS,] who charged me while this amendment was pending the other day with willfully misstating his position in reference to his relations to the Know-Nothing party and their principles. Since then my box in the post office has been filled with statements brought by the mails in reference to the gentleman's position. I desire, not for the purpose of reviving the controversy, but in order to show him, leaving the gentleman's statement to stand as it is, that I did not intentionally misrepresent him. I desire to send to the Clerk's desk to be read a passage from a letter which has come to hand since then, with sundry extracts. Those extracts I desire to put on record; and there I leave the matter, only assuring the gentleman that I did not intend to misrepresent him, and that I stated what I supposed to be the truth.

Mr. HALDEMAN. I wish to know if this personal explanation is to be taken out of the ten minutes allowed for debate.

The CHAIRMAN. It will come out of the ten minutes.

Mr. JONES, of Kentucky. I rise to a point of order. Is a matter of this sort pertinent to this debate?

Mr. DAWES. I desire in the five minutes allowed me to place myself right with the gentleman from New York. I wish the extracts read, as a part of my support to the amendment.

The CHAIRMAN. The Chair cannot determine whether the extracts are pertinent or not until he has heard them read.

The Clerk read as follows:

"*Know-Nothingism of James Brooks.*

"*To the Editor of the Chronicle:*

"Having noticed your remarks yesterday respecting Hon. JAMES BROOKS, of New York, and his connection and identification with Know-Nothingism, I take great pleasure in placing in your hands the speech you refer to as having been delivered in Columbus, Ohio, in behalf of that party. He also delivered the same speech in this city, in the old Masonic Temple, before a large audience, on the evening of May 30, 1856, Joseph Smith, one of our oldest and most respected citizens, being its chairman, and myself the secretary of the meeting."

* * * * * * * * * * *

"A correspondent, whose communication appears elsewhere in these columns, has put us in possession of a printed copy of the Know-Nothing speech delivered by Hon. JAMES BROOKS in this city on the 30th of May, 1856. This is substantially, if not exactly, the same as that to which we referred yesterday as having been delivered in Columbus. Let it be remembered that we do not accuse Mr. BROOKS of falsehood in saying he was never inside of a Know-Nothing 'lodge.' That may or may not have been a mere quibble. Here is the issue raised, as we gave it yesterday:

"'Mr. DAWES, referring to Mr. BROOKS, said he knew he denied having been in a Know-Nothing lodge, but that did not alter the fact of his having been an advocate of Know-Nothing doctrines.

"'Mr. BROOKS. It is not so. It is not true. [Excitement.]'

"We have now room only for the following extracts from Mr. BROOKS's Know-Nothing speech here in 1856, but they will serve to indicate the spirit and tenor of the whole;

"'*Americans shall govern America.*—You live here twenty-one years before you can vote; you who are educated and trained in the spirit of our laws, which Washington and Madison and Franklin inspired; you studied them in the English language, in your childhood, in your own school-books, and are thus better qualified to exercise the right of suffrage at twelve years than nine tenths of the foreigners at thirty or forty. [Cheers.] But we who will not let our wives and daughters vote, no matter what their ages, are told we are proscriptive, bigoted, and fanatic because we wish to keep the foreigner here the full length of time we have to stay, or at least some longer time than he has to stay at present, before he can vote, and thus become a partner in our Government. Our principles are laid down in the well-known motto, which reveals everything in Know-Nothingism or Americanism—"Americans shall govern America." [Loud and prolonged cheers.]'"

Mr. HALDEMAN. I must again rise to interrupt the reading of this, unless more than ten minutes are allowed for the discussion of this question, involving the spiritual belief of one hundred and eighty million people.

Mr. STEVENS. I rise to a point of order. The gentleman from Pennsylvania [Mr. HALDEMAN] is not entitled to the floor.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will resume the reading.

The Clerk read as follows:

"Let the Roman Catholic, if he pleases, entertain his own ideas of transubstantiation; he is welcome to them all. Let the priest, if he pleases, indulge in celibacy, and eschew all married life. It is a matter of choice or of taste. All I can say is, that I pity him with my whole heart, if he practices what he preaches. [Laughter.] Let all who are disposed, man, woman, or child, worship and adore the Virgin Mary, or believe in the immaculate conception. It matters but little to me as a public man. It may be a thing of taste, or training, or descent. Nay, worship of virgins is an inborn instinct of the human heart."

[Here the hammer fell.]

Mr. DAWES. I ask that the balance be printed in the Globe.

Mr. ELDRIDGE. Let it all be read.

Mr. DAWES. Very well.

The Clerk continued to read as follows:

"All may worship virgins, not Virgin Marys alone, but virgin Elizas, Annas, or Henriettas, too. [Laughter.] When I see a virgin from the pencil of a Raphael, or a Titian, or a Guido, I can scarcely help falling down and worshiping it myself—as a work of art. [Continued laughter and applause.] On none of these things do we make war, not even on the secrets of the confessional. If there be father or husband who permits his wife or daughter to pour the secrets of his family or the loves of their own tender hearts into the ears of the sympathizing and unmarried priest, I might only wish I was the confessor. [Renewed laughter.]" * * * *

"Other Catholics than the Roman Catholics have emancipated themselves from all connection with the Romish church and Roman hierarchy. The leading principle of the Revolution of 1776 was independence, free and absolute independence, from all European thralldom in every shape and form." * * * * "But the Roman Catholics, notwithstanding these bright examples thus set by other religious denominations, have deemed and declared it a part of their religion, or rather of their politics, to keep up a connection with a power and authority spiritual and temporal over four thousand miles from this city of Cincinnati, a power and authority on the banks of the Tiber, amid the ruins of imperial Rome, where their god is not the Almighty God of heaven, nor their heaven that blue, arched canopy, studded with stars above, but a heaven of their own, amid the pictures and statuary of the Vatican, where some man, mere man, the self-styled and self-con-

stituted vicegerent of the God of heaven, as if the successor of the Pagan Jupiter, rolls out thunder from his Olympus, only, however, in paper—bulls and excommunications. [Loud applause.] The head of the Roman church is thus not here, in the United States of America, but afar off on the banks of the Tiber. Its power, its authority, its dignity, its representative of God on earth, to use its own impious assertion, is not here, but in that distant imperial Rome."

Mr. BROOKS, of New York. I hope I shall be allowed a few minutes' time. I have made a great many speeches in my life, and a great many have been reported, some of them correctly, and many of them incorrectly. Of this latter class especially are those speeches which have been sketched by reporters, and which I had no opportunity of revising. The charge made against me by the gentleman from Massachusetts was that I had been a Know-Nothing, in the Know-Nothing party, connected with the Know-Nothing organization. That was it, I believe.

Mr. DAWES. That was not it. I admitted the gentleman's statement that he had not been in the Know-Nothing party, or that he had not been a member of a Know-Nothing lodge, but I said that he advocated its principles; that while he kept his head out of the halter, he advocated the principles of the party, and derived all the benefit he could from it, until it proved a failure.

Mr. BROOKS, of New York. If I had chosen, during the exciting time of Know-Nothingism, at the expiration of which I returned to this country from Europe—if I had chosen to profit by it, as it pleases the gentleman from Massachusetts to say that I did, my brother who was then candidate for Governor of the State of New York, would have been triumphantly elected. But the party connected itself with Mr. Fillmore, who was nominated for the Presidency by the Old-Line Whigs and supported by the Know-Nothings, and that connection damaged the party in New York so much that it did not receive that majority in the State of New York which it would otherwise have received. In that remark, therefore, of the gentleman from Massachusetts there is no pertinency, because during that excitement any one who chose to rely exclusively on the Know-Nothing party would have derived profit from so acting. I was an advocate of Millard Fillmore for the Presidency as an Old-Line Whig, and only as an Old-Line Whig.

He was a candidate also at the same time of the Know-Nothing party, as well as of a portion of the Roman Catholics who lived in Louisiana and in other southern and western States, and in Maryland, who were of the class of French Catholics rather than of the class of Catholics of Germany or of Italy. I supported Mr. Fillmore without any reference whatever to Know-Nothingism. In the course of that support I was often attacked as a Know-Nothing, and as having connection with the Know-Nothing party. I returned from Europe during the latter part of that canvass, and I made speeches in support of Mr. Fillmore. Whether or not the report which has been read is correct I will not venture to say, because I have not read the report; or in what manner it has been garbled I cannot say without a reference to the speech. But I will venture to say that if the whole speech had been reported the substance of the remarks which I make here now would have been found in that speech. I was not a Know-Nothing; I did not belong to the Know-Nothing party; I did not advocate the principles of that party, but, of course, in my defense of Mr. Fillmore in New York, and in portions of Pennsylvania and of Ohio, it often became necessary for me to defend him from the attacks made upon him because of his connection or supposed connection with the Know-Nothing party. It is impossible for the House to have heard those extracts read and not have seen the vein of ridicule running throughout the whole of them, and not also have perceived that I was parrying and avoiding those charges in every possible manner that a defender of Mr. Fillmore could. And I repeat that if the gentleman from Massachusetts had had read, or if the House had allowed time to have read the whole of that speech, it would have corroborated me in my remarks as to the vein of ridicule running through those extracts.

Mr. DAWES. My sole purpose was to satisfy the gentleman that I had not willfully misrepresented him; that I had a pamphlet speech here which I thought justified me.

Mr. BROOKS, of New York. The remark which I made to the gentleman from Massachusetts was that he had heard me three times before on the floor of this House accused of affiliation with the Know-Nothing party, and of having been connected with the Know-Nothing party and with Know-Nothing lodges, and that I had distinctly denied it.

Mr. DAWES. Let us have a clear understanding. I admitted that the gentleman had denied that he was ever in a Know-Nothing lodge; but I insisted on it that he had advocated the principles of the Know-Nothing party. I ask him now if he did not, two years before he delivered that speech, and before Republican times, support Ullman and Scroggs, the Know-Nothing ticket, in the gubernatorial election in New York?

Mr. BROOKS, of New York. Sir, I will support any one in opposition to the Republican party. [Laughter.] If Fred. Douglass should be nominated I would support him in opposition to the Republican party. [Laughter.]

Mr. DAWES. One thing more. In all fairness, I ask the gentleman to take back his statement when he said that I knew that I told an untruth when I said that he advocated the principles and candidates of the Know-Nothing party. That is all I ask of him.

The CHAIRMAN. The time allowed for debate has expired.

Mr. BROOKS of New York. Allow me one minute. [Cries of "Go on" and "Give him a minute."] In justice to the gentleman from Massachusetts I must say that he certainly has a better knowledge of his own purposes and intentions than I could possibly have, and in view of what he has said here to-day I feel it to be my duty to withdraw any remark that he willfully misrepresented me.

Mr. DAWES. Then I withdraw anything I said. [Laughter.]

Mr. KELSEY. Then, as everything is withdrawn, I hope we shall now go on with the bill.

Mr. BROOKS, of New York. I will close what I have to say very briefly. I wish to repeat, and my colleagues here from New York on both sides, Republicans and Democrats, will bear me witness—and many of my Republican colleagues were in the Know-Nothing organization—that I never was in the Know-Nothing organization, in the Know-Nothing party, or in a Know-Nothing lodge in my whole life; and so far as those gentlemen are conversant with my course and with my purposes they will all bear me witness that though often requested to become a member of the order I always declined.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the pending paragraph.

Mr. COVODE. Before the vote is taken on the pending amendment I want to move to strike out the word "Greece," and I desire to say but a few words.

The CHAIRMAN. No debate is in order.

Mr. DAWES. I withdraw my amendment.

Mr. COVODE. I now move to amend this paragraph by striking out "Greece." I desire to say that the mission to Greece was established a few years ago on a certain condition of things which has now passed away.

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

The CHAIRMAN. The gentleman will state it.

Mr. WILLARD. My point of order is that all debate upon the pending paragraph has been terminated by order of the House.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COVODE. I ask only a minute to explain my amendment.

The CHAIRMAN. The Chair has no right to ask the Committee of the Whole to give unanimous consent for debate after it has been closed by order of the House.

Mr. COVODE. I move to strike out "Greece."

Mr. PETERS. Rub it out. [Laughter.]

The question was taken upon the motion of Mr. COVODE; and it was not agreed to.

The question recurred upon the motion of Mr. BROOKS, of New York, to insert "Rome;" and being taken, it was not agreed to.

Mr. HALDEMAN. I move to strike out "Denmark," and to insert after "Sweden" the words "appointed also to Denmark;" also, to insert after "Belgium" the words "appointed also to Holland;" so that there shall be in each of those two cases but one minister to two Courts.

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

The CHAIRMAN. The gentleman will state his point of order.

Mr. MAYNARD. My point of order is, that the amendment of the gentleman from Pennsylvania [Mr. HALDEMAN] is a proposition to change the existing law which fixes the Courts at which this Government shall be represented.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HALDEMAN. My reason for this——

The CHAIRMAN. No debate is in order.

Mr. HALDEMAN. I am going to speak on the point of order.

The CHAIRMAN. The point of order is not debatable.

Mr. DEGENER. For the purpose of obtaining the floor for a few minutes, I propose to strike out "Sandwich Islands."

The CHAIRMAN. The gentleman can have the floor long enough to make his motion to amend, but debate is not in order.

Mr. DEGENER. Can I not say a few words on my amendment?

The CHAIRMAN. Not under the order of the House closing debate on this paragraph.

Mr. DEGENER. Then I will wait until the next paragraph shall have been reached.

No further amendment being offered, the next paragraph was read, as follows:

For minister resident at the Argentine Republic, appointed also to Uruguay, $11,250.

Mr. DAWES. On behalf of the Committee on Appropriations, I move to amend the paragraph just read by striking out the words "appointed also to Uruguay, $11,250," and inserting in lieu thereof "$7,500;" so that the paragraph will read, "for minister resident at the Argentine Republic, $7,500." I propose to follow that amendment by another.

Mr. SARGENT. Has this amendment been considered by the Committee on Appropriations?

Mr. DAWES. It was one considered by the committee at the suggestion of the State Department.

Mr. DEGENER. I oppose the amendment for the purpose of getting the advantage of the floor. So much has been said on the subject of ministers resident and consuls by the best orators of the House that it cannot be my intention to throw new light on the question. Remarks, however, were made, which, if they go to the country, must necessarily convey such an erroneous idea of the opinions prevailing on this floor, that I, as a citizen of German birth, feel it incumbent on me to correct such impressions. The remark to which I refer was made by the gentleman from Indiana [Mr. VOORHEES] substantially in these words: "In my State they say, 'Let the Irish go; let the Dutch go; we have the negroes in their place."

Sir, this is an insult to the native-American citizens who are accused of having used those words, an insult to the foreigners and the colored people to whom they are applied. I cannot pass over them in silence, that the people, at least, may learn that Congress does not entertain such an opinion.

Mr. CONNER. I would ask my colleague if we have not white people enough in Texas without the negroes?

Mr. DEGENER. I do not understand, nor do I care. From the remarks of Mr. VOORHEES, more still from the general tone of the discussion, the inference must be drawn that the American people look upon the Irish, the Dutch, and the negroes as mere "voting cattle." Far be it from me to accuse Mr. VOORHEES of entertaining such opinions; nevertheless, if he will read the Globe carefully, he must come to the conclusion that this construction, so little flattering, will be given to the discussion. As far as I am myself concerned I care little whether you call me Hollander or German. I know that "Dutch" is a geographical error, probably originating in the similarity of the sounds "Dutch" and "Deutsch." I do care, however, for the opprobrium and ridicule which uneducated men try to infuse into the appellation. This House I consider the drawing-room of the nation. There is no place in it for "slang." The Germans, sir, are a reflecting people. They think perhaps more logically than any other nation. Their vote is the result of reflection, and the conclusion at which they arrive they stand by. It is not in the nature of a German to change his opinions like a suit of clothes. At the time when the Know-Nothings were a party, and the Germans were forced with the Democrats, they knew how to discriminate between the follies of the mob and the great principles which called the party into life.

[Here the hammer fell.]

Mr. DEGENER. I would like to say a few words more on this question.

The CHAIRMAN. The Chair has no power to extend the time.

Mr. FINKLENBURG obtained the floor, and yielded to

Mr. DEGENER. At the time even when the Know-Nothing mob reigned supreme the Germans, certainly the educated class, knew that the outrages committed by the ignorant American mob had nothing to do with the fundamental principles of the party from which the national idea sprang, which subsequently became the Union party, the party which saved the nation, and, by abolishing slavery, made America respectable among the family of nations. We recognized at an early day in this party the germ of that party which would eventually wipe out that black stain from our Constitution.

It is the original Know-Nothing party, redeemed from its past sins, which has conceived the fifteenth amendment. The Germans see in this amendment the keystone of that vast dome of liberty which spans the continent from ocean to ocean, and they trust that it will outlive time, because it is based upon the most glorious instrument ever conceived by human intellect, the Declaration of Independence. [Applause.]

The Germans will stand faithfully by that party as long as it remains true to itself, and reminiscences of things gone by will influence them no more than stories of witches burned two hundred and fifty years ago by Protestants, or the outrages committed in the thirty years' war by Catholics on Protestants, who by their tongues were nailed to the gallows-frames because they espoused the cause of reform.

What shall I say of the colored population? Untutored though they are they are keen in their perceptions. They know who made them free. They vote with their friends from conviction; and if there are Africans who voted the other way it is not the negro who did it, but the slave still cropping out. [Applause.]

The Irish, sir, do not need my defense. The Democrats love them so well that they would fain make them citizens, ay, and voters, too, within four and twenty hours after they arrive from the green isle. [Laughter.] Let the Democrats defend them. But, sir, the Irish are fast discovering that there is no room for them in a party which needs a human "mudsill" for its very existence. They are fast coming over to our side, and at the next election, may be, the Democrats will look upon Irish majorities as things that were. So much for the foreigners as "voting cattle."

Mr. FINKELNBURG. Mr. Chairman, when the other day certain reflections were made upon my nationality by the other side of the House I did not think them worthy of a response; but as the attention of the country and of this House has been called to the fact by the gentleman from Texas, [Mr. DEGENER,] it is perhaps proper for me and due to my constituents that I should add a word to what has already been said on that subject. Sir, if there is still any one upon this floor who believes that the German vote of this country can be transferred from one party to another by mere political maneuver, that it is subject to barter and sale, or that the German citizens of this country can be used like a shuttlecock by sharp political gamesters, they not only sadly underrate the intelligence and moral character of my countrymen, but show a deplorable ignorance upon their own part in doing so. The German citizen of this country will henceforth, as he has heretofore done, adjust his own political standing according to the dictates of his conscience and his judgment. Of all the voters in this country I venture to say there are none more conscientious, none more true to principle than my countrymen. The German usually acts after mature reflection and upon deep-seated conviction; and that is more than some of those gentlemen who continually pride themselves upon being indigenous to the soil can always say.

Sir, I point to the history of the last decade in vindication of the political independence of the German citizens of this country. They acted with you gentlemen on the other side as long as Democracy was an exponent of liberal principles. When the Republican party represented free speech, a free press, and free humanity the Germans flocked to its standard, and there they will remain as long as that party remains true to itself. [Applause.]

Mr. KELSEY. I will give notice now to gentlemen that I will hereafter make the point of order on any one who may wander from the subject under consideration. We have discussed outside issues long enough.

Mr. COX. Why did the gentleman not make the point on his own friends?

Mr. MUNGEN. I wish to be heard for a moment on this question.

Mr. COX. I should like to ask unanimous consent to have the gentleman from Ohio [Mr. MUNGEN] address the committee on this subject in the German language. [Laughter.] I hope his colleague [Mr. BINGHAM] will not think it unconstitutional or not according to the rules.

The CHAIRMAN. If there be no objection, the gentleman from Ohio will be allowed to address the House in the German language.

Mr. KELSEY. I object.

The question recurred on Mr. DAWES's amendment; and it was agreed to.

Mr. DAWES. I move to add to the end of line twenty-three the following:

For minister to Uruguay, accredited also to Paraguay, $11,250.

Mr. Chairman, that does not interfere with any of the established ministers, but it adds the sending to Paraguay and Uruguay, and accrediting to both one minister. The appointment gives, according to the law, the pay of the minister to Uruguay and one half of the pay of a minister to Paraguay, $7,500, and $3,750, making in all $11,250. That is the usual rule wherever one minister is accredited to two missions. He is given the full pay of one and half the pay of the other. No one, sir, would think of renewing diplomatic relations with Paraguay if the tyrant Lopez still exercised his despotic sway over that country; but he has gone to his account, although he has left his country a smouldering ruin, depriving it almost entirely of its male population. It is a beautiful country. The allies, who have destroyed the government of Lopez, have lent their efforts to rebuild a new government upon the old. It is expected it will result in a more liberal government than ever before has existed in Paraguay under a tyrannical dynasty, such as has been a disgrace to the civilized world, as has been shown to be the case in the most remarkable report of the gentleman from Indiana, [Mr. ORTH,] in reference to which dynasty, if I may be allowed to say so, that report places in no enviable position some portion of our Navy for having given it sympathy and encouragement. I hope there will be no objection to reëstablishing diplomatic relations with that country, so as to extend our aid in helping to establish a more liberal government there.

Mr. WILLARD. I move to amend by inserting "$7,500" instead of "$11,250," so as to make the amount the same as for the minister resident at the Argentine Republic. I shall explain what is my only reason for offering this amendment. While I think it possible that next year there may be some use or some need for our having a diplomatic representative accredited to Paraguay, I am unable to see that at present there is any such need. It appears to me, therefore, that there is no necessity for giving this additional salary to the minister to Uruguay on account of his being also accredited to Paraguay. Its Government is now merely a provisional government organized under the authority of the Powers which have been making war upon Paraguay, and which have defeated Lopez. Under these circumstances it appears to me that a salary of $7,500 a year is enough; and if the House is looking to the question of economy in considering this as well as other appropriation bills, I should think that economy might very fairly and properly be exercised here by putting this salary at $7,500. I have serious doubts whether there is any particular need of a minister at all. But if we are to have one, I think the salary I have named is enough.

Mr. ORTH. I rise to oppose the amendment of the gentleman from Vermont. Mr. Chairman, I think it is right and proper that Congress should provide for a representative to Paraguay. The allies have established there what is called by them a provisional government. The allies were not our friends during the controversy. As was correctly stated the other day by the chairman of the Committee on Foreign Affairs, the Brazilian Government is European in its principles and its tendencies. The Paraguayan people are naturally opposed to such principles and tendencies, and they require at this time, more than ever before in all their past history, encouragement, kindness, and recognition on the part of this Government. It is right that we should accredit a minister there, although probably not a full minister to Paraguay exclusively, and that is not contemplated by the gentleman from Massachusetts. It is proposed that there shall be a minister whose duty shall be divided between Paraguay and Uruguay. I am opposed to limiting the salary to $7,500, and I am equally opposed to a salary of $11,250. I think if we fixed the salary of the minister to Paraguay and Uruguay at $10,000, the same as we pay to the ministers to Chili and Peru, we would hit the proper medium, and I hope the gentleman from Massachusetts will consent to that change. Uruguay is but a small Power, and but a small portion of a minister's time would be required for either of those places; but it is right that the minister we send there should visit both countries.

Mr. PETERS. How far apart are they?

Mr. ORTH. I believe about a thousand miles by the river—just a pleasant little excursion.

Mr. MAYNARD. I desire to make an inquiry of the gentleman from Massachusetts. If the minister to Uruguay receives a salary of $7,500, would he not, if he received a mission at the same time to another Government, be entitled to one half of that sum in addition?

Mr. DAWES. The law requires that.

Mr. MAYNARD. I will also make the single remark that the condition of things in Paraguay is such as to make it more important that we should be represented there than at any period heretofore.

Mr. ORTH. I think it is more important that a minister should go to Paraguay this year than next year. Its people are about reorganizing their Government, and hence it is important that a representative from this great Government should be there to give the aid of our influence and moral support to that people to establish what they have not had heretofore, a republican form of government, and that as against the European Power, if we may so call it, of Brazil.

Mr. WILLARD. I withdraw my amendment.

Mr. DAWES. I renew it *pro forma*, in order to make one statement. I understand the law to be clear that where a minister to a foreign Government has added to his duties those of a mission to another Government the latter entitles him to an addition of one half to his salary. Therefore, he would have a claim on the Government to that amount, whether we appropriate it or not. I would remark also that the duties of this mission are of a very delicate character, much more so than those of a mission to an old established Government, because it is a provisional one, and all the more delicate and difficult, because, as has been stated by the gentleman from Indiana, that Government is being started under the auspices of a Power unfriendly to us. We require, therefore, to send there a minister of the highest order. It would be very unfortunate if any misstep were made. The two countries are a thousand miles apart, and I submit that considerations of economy do not enter into this question, because the existing law makes provision for such a case.

Mr. WILLARD. I understand that the law now provides that when a minister to one Government has another Government attached to his mission the law allows him one half of his regular salary in addition. I understand further that whatever appropriation we make in this bill for this minister will be the law for this case. The minister to Uruguay is not a full minister; the office is attached simply to the Argentine Republic, and the salary for this diplomatic service in Uruguay would be only $3,500. Now, this amendment proposes to increase the salary for Uruguay from $3,500 to $7,500, and then to add to it $3,500 more for services in Paraguay.

Now, as I observed before, the Government of Paraguay is a provisional government. Let it be understood what is meant by a provisional government. It is not an independent Government. Is it claimed here that the minister we propose to send to Paraguay is to go there and work against the Powers that have organized that very Government? Do we send a minister there for the purpose of being hostile to the Government itself? This Government was organized, as I said before, under the authority of the Powers that have conquered Paraguay. It therefore seems to me that if there is any need whatever of diplomatic service at Paraguay there is no need of this salary in connection with it. I therefore ask that my amendment may be adopted.

Mr. DAWES. I raise the point of order on the amendment, that it is new legislation and is not in order.

The CHAIRMAN. The Chair sustains the point of order; and the question now is on the amendment of the gentleman from Massachusetts. [Mr. DAWES.]

Mr. WILLARD. I move to amend the amendment so as to make the whole paragraph read:

For minister resident at the Argentine Republic, appointed also to Uruguay and Paraguay, $11,250.

Mr. DAWES. I must raise the point of order that that is not in accordance with existing law. We have two ministers already out there, nominated to the Senate and confirmed, one at the Argentine Republic and one at Uruguay.

Mr. WILLARD. By authority of what law?

Mr. DAWES. I have not the law before me, but I understand the law to provide for it.

Mr. WILLARD. We have a minister resident at the Argentine Republic.

Mr. DAWES. This bill is printed as it stood last year when we had a minister at the Argentine Republic, accredited also to Uruguay. But there has been a change this year, and instead of uniting those two it is thought wiser to unite Paraguay and Uruguay, which are more contiguous than the others.

Mr. WILLARD. By what authority of law do you unite Uruguay and Paraguay?

Mr. DAWES. A minister to Uruguay has just been confirmed by the Senate.

Mr. WILLARD. Was there a minister there before?

Mr. DAWES. It was attached to the mission of the Argentine Republic.

Mr. WILLARD. In the last appropriation bill?

Mr. DAWES. Yes, sir.

Mr. WILLARD. Well, I think I understand it now. I understand that the last appropriation bill was the same as the present bill as printed, providing for a minister at the Argentine Republic, appointed also to Uruguay, at $11,250. Now, I understand that the reason given for this amendment proposed by the gentleman from Massachusetts [Mr. DAWES] is that the State Department, notwithstanding this law, which is the law at the present time, has appointed a minister to Uruguay and also appointed one to Paraguay. I do not understand that that is done by any authority of law, unless the State Department has the authority at any time to appoint a minister to any Power irrespective of any previous appointment for that purpose. I understand, of course, that the statute provides that when to any diplomatic office held by any person there shall be superadded another such person shall be allowed an addition to his compensation at the rate of fifty per cent. of the compensation of the superadded office. Therefore, I suppose it is that my former amendment was ruled out of order. But my present amendment is that the minister to the Argentine Republic shall be accredited also to Uruguay and Paraguay, and that his salary therefor shall be $15,000.

Mr. MAYNARD. I desire to call the attention of the Chair to the ninth section of the diplomatic and consular act of 1856, to be found in Statutes-at-Large, volume eleven, page 56.

The CHAIRMAN. The Clerk will read the section referred to.

The Clerk read as follows:

"*And be it further enacted*, That when to any diplomatic office held by any person there shall be superadded another, such person shall be allowed additional compensation for his services in such superadded office, at the rate of fifty per cent. of the amount allowed by this act for such superadded office; and such superadded office shall be deemed to continue during the time to which it is limited by the terms thereof, and for such time as shall be actually and necessarily occupied in making the transit between the two points of duty, at the commencement and termination of the period of such superadded office so limited, and no longer."

Mr. PETERS. I would like to inquire of the chairman of the Committee on Appropriations [Mr. DAWES] whether in the last appropriation bill there was not an appropriation for a minister to Paraguay?

Mr. DAWES. There was an appropriation for a minister at Paraguay. There was a joint mission for Uruguay and the Argentine Republic, just as is printed in this bill.

Mr. PETERS. Let me see if I understand this matter. In the last appropriation bill Uruguay was secondary to the Argentine Republic; and now you make Uruguay the principal mission and Paraguay the secondary.

Mr. DAWES. That is it exactly.

Mr. PETERS. I would like to ask the gentleman further if there is any more money appropriated by this bill for this purpose than there has been appropriated in bills heretofore?

Mr. DAWES. No more than last year; precisely the same as last year. The appropriation was made last year, and the minister appointed; but owing to the troubles there the minister was recalled. This is only making a change there which seems to those who have the administration of these affairs in charge to be proper. I think, also, that my point of order is as applicable to the present amendment of the gentleman from Vermont [Mr. WILLARD] as it was to his former amendment.

Mr. POTTER. Let me inquire of the gentleman from Massachusetts [Mr. DAWES] if his proposed amendment does not purpose to increase the amount of appropriation in order to furnish a representative to Paraguay?

Mr. DAWES. It does not increase it over the amount appropriated last year. It makes a half a mission more than there is in this printed bill, because when this bill was reported to the House from the Committee on Appropriations such was the condition of things in Paraguay that it was not thought worth while to connect it with any mission there.

Mr. POTTER. Nevertheless, it does make an increase, for the purpose of having a minister at Paraguay?

Mr. DAWES. It does over the appropriation printed in this bill; not over the bill of last year.

Mr. PETERS. It makes what was half last year the whole now, and what was the whole last year the half now.

Mr. POTTER. It makes an increase, however, over the appropriation proposed by this bill, and makes this increase in order to send a representative to Paraguay.

Mr. DAWES. But not over the appropriation of last year.

Mr. POTTER. Mr. Chairman, I am opposed to any representative at Paraguay. I know little of the importance of a representative beyond what the gentleman from Massachusetts [Mr. DAWES] has told us to-day. He assures us that country is in ruins. Now, a country in that condition is not a country that requires a representative from this Government near its sovereign. But he tells us also that Paraguay has been deprived of all its male inhabitants. Now, if the question was as to sending a female representative to a nation of Amazons there might perhaps be some fitness in it, but clearly there is no need of a minister to a country with no male inhabitants left. And the gentleman tells us still more, that the Government which is now subsisting in Paraguay is a provisional government established by the allied Governments, which he says were not our friends. That, if so, is, I think, another reason why no representative should now be sent there. Indeed, I entirely agree with the gentleman from Vermont, that the condition of affairs in Paraguay, as it appears by this debate, does not warrant us in spending any money for the purpose of sending a representative there.

Mr. DAWES. I am surprised at the position taken by my friend from New York, [Mr. POTTER.] What, in his view, is the purpose of a minister? I apprehend that the state of things which have been described demand of us to send to Paraguay a minister of the highest order to take care of the interests of American citizens and to represent American principles. Under the circumstances now existing there, a new Government being in process of formation, it is important to press, if possible, American

principles upon the new Government, and to attach it in its infancy to republican principles, and to us, rather than to the Old World. If a minister has any other duties to perform than the furnishing of good dinners, as was suggested the other day by the gentleman from New York, [Mr. POTTER;] if his services are of any consequence as a diplomatist in securing the establishment of the principles of our Government upon foreign soil, then the place where a new Government is being planted, reared, nurtured, nursed, is above all others the place for such a representative as may impress upon the new Government the principles of our republican system. If we abandon such a country to those who are in alliance with the Governments of the Old World, monarchy or despotism, or certainly a system unlike our own, will grow up there. If any commercial relations now exist or are likely to exist hereafter between us and that country we, by omitting to improve the present opportunity, throw away all the advantages that may arise from those commercial relations.

Mr. PROSSER. What assurance has the gentleman that the State of Paraguay will receive a minister whom we may send?

Mr. DAWES. Why, Mr. Chairman, I am not a diplomatist. I have no connection with the Department of State.

Mr. KELSEY. I rise to a question of order, that debate is exhausted on the pending amendment, and two or three speeches have been made since debate was exhausted.

The CHAIRMAN. The point of order is well taken. Two amendments are now pending, and debate is exhausted on them.

Mr. WILLARD. I withdraw my amendment in order that the gentleman from New York [Mr. POTTER] may renew it.

Mr. POTTER. I renew the amendment.

Mr. PETERS. I believe a point of order was raised on that amendment.

The CHAIRMAN. The amendment has not yet been read by the Clerk or presented to the committee by the gentleman from Vermont, [Mr. WILLARD.] Does the gentleman desire to present it to the committee?

Mr. WILLARD. The amendment is in possession of the Clerk.

The CHAIRMAN. The Clerk will read the amendment as offered first by the gentleman from Vermont and now renewed by the gentleman from New York, [Mr. POTTER.]

The Clerk read as follows:

In line twenty-one, after the word "republic," insert the words "appointed also to Uruguay and Paraguay, $15,000."

Mr. PETERS. I make the point of order that the amendment is in conflict with existing law. It proposes to annex to the ministry at the principal place the duties of minister at two other places. The statute allows the duties of only one other place to be added.

Mr. KELSEY. The statute allows half a dozen to be added.

Mr. PETERS. It says, "between the two places;" so that the duties of the minister cannot be extended to more than two places.

Mr. DAWES. I think the gentleman from Maine [Mr. PETERS] is correct in his point.

Mr. PETERS. It has always been so construed by those who have examined the subject.

The CHAIRMAN. Does the gentleman from Maine insist on his point of order?

Mr. PETERS. I do.

The CHAIRMAN. The Chair holds that the point of order is well taken.

Mr. POTTER. I offer the amendment in a modified form, leaving out Uruguay.

Mr. PETERS. I rise to a point of order on that amendment.

Mr. POTTER. It has been modified so as to avoid the point of order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "republic" insert the words "appointed also to Paraguay, $15,000."

Mr. PETERS. I insist on the point of order. The amendment proposes independent legislation.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, a message in writing was received from the President of the United States, by Mr. HORACE PORTER, one of his Secretaries.

CONSULAR, ETC., APPROPRIATION BILL.

The committee resumed its session.

Mr. PETERS. I renew my point of order, that the amendment of the gentleman from New York is not in order, as it is independent legislation.

Mr. POTTER'S amendment was again read.

The CHAIRMAN. The gentleman from Maine makes the point of order that this is new legislation. The Clerk will read from the Statutes-at-Large, volume eleven, page 56, section nine.

The Clerk read as follows:

"SEC. 9. *And be it further enacted*, That when to any diplomatic office held by any person there shall be superadded another, such person shall be allowed additional compensation for his services, in such superadded office, at the rate of fifty per cent. of the amount allowed by this act for such superadded office, and such superadded office shall be deemed to continue during the time to which it is limited by the terms thereof, and for such time as shall be actually and necessarily occupied in making the transit between the two posts of duty at the commencement and termination of the period of such superadded office so limited, and no longer."

The CHAIRMAN. The Chair is of the opinion that under that provision of the law a minister accredited to one country may have his mission extended to another country; but, while it is in order to extend to one, it does not seem to be in order to extend it to more than one. Hence the Chair sustains the point of order.

Mr. POTTER. I rise to a point of order on the amendment of the gentleman from Massachusetts in reference to Uruguay and Paraguay.

Mr. DAWES. That point of order comes entirely too late, as my amendment has been under consideration for more than half an hour.

The CHAIRMAN. The point of order comes too late. The amendment of the gentleman from New York is ruled out of order. The statute provides for the extension of the duties of a minister accredited to one country to another, but not to two. The point of order is therefore well taken to the proposition of the gentleman from Vermont, [Mr. WILLARD;] but the Chair, under the statute, would not sustain a point of order that it is out of order to extend the duties of the minister to the Argentine Republic and Uruguay to Paraguay.

Mr. POTTER. If the Chair pleases, I think he has misunderstood my amendment. I reintroduced the amendment of the gentleman from Vermont; but it was so modified as to refer only to one country, so as to obviate the objection of the gentleman from Maine and the ruling of the Chair. My amendment does not add two countries; but, under the ruling of the Chair, superadds one only.

The CHAIRMAN. The Clerk will report the whole section as it will be if amended.

The Clerk read as follows:

After the word "republic," in line twenty-one, insert "appointed also to Paraguay," and increase the appropriation to $15,000; so it will read:

For minister resident at the Argentine Republic, appointed also to Paraguay, appointed also to Uruguay, $15,000.

Mr. POTTER. My amendment is in order.

The CHAIRMAN. Does the gentleman propose to strike out Uruguay?

Mr. POTTER. Yes, sir; that is the amendment I make to get rid of the point of order.

The CHAIRMAN. The gentleman's amendment involves the striking out of Uruguay, but it proposes to increase the amount to $15,000. Under the decision heretofore made it is in order to increase salaries.

Mr. MAYNARD. Mr. Chairman, I wish to make a suggestion. We have already fixed the salary of the minister resident of the Argentine Republic. Now, in this proposition it is proposed to raise the salary from $7,500 to $15,000. I do not think it is in order to change what the committee has already fixed.

Mr. KELSEY. I move to reduce it from $15,000 to $11,250.

Mr. POTTER. I am willing to accept that.

The CHAIRMAN. The Clerk will read the rule on the subject.

The Clerk read as follows:

"'No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.'—*Rule* 120. [It has been decided that under this rule it is not in order to propose an amendment to a general appropriation bill which changes an existing law.—*Journal*, 1, 38, pp 598, 599.] But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose."

The CHAIRMAN. As amended, the Chair has no hesitation in ruling that the amendment is germane.

Mr. MAYNARD. The committee has already, by an amendment offered by the gentleman from Massachusetts, [Mr. DAWES,] struck out "$11,250" and inserted "$7,500." The Committee of the Whole have done that, and now it is proposed to strike out what the Committee of the Whole have put in. I raise the point of order that that cannot be done.

The CHAIRMAN. The point of order is well taken, and the Chair sustains it.

The question was put on Mr. DAWES'S amendment; and it was agreed to, on a division—ayes seventy-five, noes not counted.

The Clerk read as follows:

For salary of commissioner and consul general at Hayti, $7,500.

Mr. KELSEY. This paragraph, as printed, requires an amendment to be made. The word "commissioner" should be struck out and the words "minister resident" inserted. I move that amendment, so as to make the paragraph read, "for salary of minister resident and consul general at Hayti, $7,500."

Mr. COX. Do I understand the gentleman to say that there is no longer a commissioner in Hayti?

Mr. KELSEY. Our representative in Hayti is not a commissioner, but a minister resident. The change was made some years ago, but by mistake in the last appropriation bill he was called commissioner instead of minister resident. The duties of the two offices are somewhat different, and it is at the suggestion of the State Department that this amendment is made.

Mr. COX. If the gentleman will allow me, I will ask him how many consuls or commercial agents have we in Hayti at this time?

Mr. KELSEY. I cannot answer the gentleman at this moment what is the number. There is but one consul general. By referring to the report of the State Department he will get an answer to his question. I presume he has that report before him.

Mr. COX. I have no objection to the amendment, but I should have liked an answer to my question.

Mr. BROOKS, of New York. Are the offices of minister resident and consul general two offices or one?

Mr. KELSEY. The same person discharges the duties of both offices. The minister resident is also consul general in Hayti.

Mr. COX. I understand, then, that the commissioner is abolished, and that the consul general remains, and that he is the same officer as the minister resident.

Mr. KELSEY. The offices of consul general and minister are different. The one is a diplomatic and the other a commercial office. But they are both combined in the same person at this place.

Mr. COX. Will the gentleman inform the committee what is the object of having any other than a commercial agent in the island of Hayti?

Mr. KELSEY. The law so provides, and we do not in this appropriation bill propose to change existing law.

Mr. COX. The law provided for a minister to Rome, and yet we struck out the appropriation.

Mr. KELSEY. We have passed away from that subject.

Mr. COX. I should like the gentleman to inform the committee why a commercial agent, the consul general, cannot do all our business with this island, so that the expense may be cut down a little?

Mr. KELSEY. It would take more than the five minutes which I have at my disposal to satisfy the gentleman, and I do not desire to occupy the time of the committee in that way.

Mr. COX. I have no doubt that it would take the gentleman more than an hour to satisfy me or the country either.

The question was taken on Mr. KELSEY's amendment, and it was agreed to.

The Clerk read as follows:

For salary of commissioner and consul general to Liberia, $4,000.

Mr. KELSEY. I move the same amendment here as in the preceding paragraph, to strike out the word "commissioner" and insert the words "minister resident."

The amendment was agreed to.

Mr. MAYNARD. I move to amend the paragraph by striking out "$4,000" and inserting "$7,500," which is the statutory salary of a minister resident, and which is the same that we allow to the similar officer at Hayti. I need hardly suggest that the expenses connected with the mission to Liberia are necessarily greater than those of the mission to Hayti, on account of the expenses of the voyage, from the distance of the country, and also the general expensiveness of living in the former country. Nor need I state the other fact, that the population of Liberia is composed of persons who have gone from this country, and who have extensive connections here still, whereas the Haytians are to all intents and purposes foreigners. The mission to Liberia should certainly be made at least equal to the mission to Hayti, and the minister resident should be paid, as other ministers resident, $7,500.

Mr. COX. I am opposed to any amendment increasing the amount. I think differently from the gentleman from Tennessee. What can a minister to Liberia do that a commissioner cannot do? We send an officer to Liberia—and no doubt at this time a colored person will be selected—and what is he to do there? Nothing of a diplomatic character.

Mr. MAYNARD. I think the gentle man misunderstands my motion. The committee has already struck out the word "commissioner" and inserted "minister resident," making our representative there a minister resident. My amendment is to change the appropriation so as to make his salary the same as that of other officers of the same grade.

Mr. COX. Well, then, I still oppose it.

The hour of three o'clock p. m. having arrived, the committee rose, and the Speaker resumed the chair.

ELECTION CONTEST—NEWSHAM VS. RYAN.

The SPEAKER. By unanimous consent of the House, at three o'clock the vote was to be taken on the motion of the gentleman from Ohio [Mr. STEVENSON] to lay upon the table the motion of the gentleman from Wisconsin [Mr. ELDRIDGE] to reconsider the vote by which the House adopted the resolution declaring Mr. Newsham entitled to a seat as Representative from the fourth district of Louisiana.

The question was put, and there were—ayes 72, noes 64.

Mr. KERR called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 94, nays 78, not voting 56; as follows:

YEAS—Messrs. Ames, Arnell, Atwood, Banks, Barry, Bennett, Benton, Bowen, George M. Brooks, Buckley, Burdett, Roderick R. Butler, Cessna, Churchill, William T. Clark, Sidney Clarke, Amasa Cobb, Clinton L. Cobb, Coburn, Conger, Covode, Cowles, Cullom, Degener, Dickey, Dixon, Dockery, Donley, Duval, Dyer, Ela, Finkelnburg, Garfield, Hamilton, Harris, Hawley, Hays, Heflin, Hoar, Hotchkiss, Jenckes, Alexander H. Jones, Judd, Kelley, Kelsey, Knapp, Laflin, Lash, Lawrence, Logan, Maynard, McCarthy, McKee, Mercur, Eliakim H. Moore, Jesse H. Moore, Daniel J. Morrell, Myers, Negley, O'Neill, Packard, Packer, Paine, Platt, Pomeroy, Prosser, Roots, Sargent, Sawyer, Shanks, Lionel A. Sheldon, William J. Smith, Worthington C. Smith, William Smyth, Stevens, Stevenson, Stokes, Stoughton, Strickland, Taffe, Tanner, Taylor, Tillman, Twichell, Upson, Van Wyck, Ward, Cadwalader C. Washburn, Welker, Wheeler, Whitmore, Williams, John T. Wilson, and Witcher—94.

NAYS—Messrs. Adams, Allison, Archer, Asper, Axtell, Bailey, Beaman, Beatty, Beck, Bingham, Bird, Blair, Booker, James Brooks, Buffinton, Burchard, Burr, Calkin, Cleveland, Cook, Conner, Cox, Crebs, Davis, Dawes, Dickinson, Dox, Eldridge, Fox, Getz, Gibson, Griswold, Haldeman, Hale, Hamill, Hawkins, Hill, Johnson, Thomas L. Jones, Kerr, Knott, Lewis, Marshall, Mayham, McCrary, McGrew, McKenzie, McNeely, Morgan, Morphis, Morrissey, Mungen, Niblack, Orth, Peters, Poland, Potter, Reeves, Rice, Ridgway, Rogers, Schumaker, Sherrod, Slocum, John A. Smith, Joseph S. Smith, Stiles, Stone, Swann, Sweeney, Trimble, Van Trump, Voorhees, William B. Washburn, Willard, Winans, Winchester, and Wood—78.

NOT VOTING—Messrs. Ambler, Armstrong, Ayer, Barnum, Benjamin, Biggs, Boles, Boyd, Buck, Benjamin F. Butler, Cake, Farnsworth, Ferriss, Ferry, Fisher, Fitch, Gilfillan, Haight, Hambleton, Hay, Heaton, Hoge, Holman, Hooper, Ingersoll, Julian, Kellogg, Ketcham, Loughridge, Lynch, McCormick, Milnes, William Moore, Samuel P. Morrill, Palmer, Peck, Perce, Phelps, Porter, Randall, Sanford, Schenck, Scofield, Porter Sheldon, Shober, Starkweather, Strader, Strong, Townsend, Tyner, Van Auken, Van Horn, Wells, Wilkinson, Eugene M. Wilson, and Woodward—56.

So the motion to reconsider was laid on the table.

During the roll-call,

Mr. WOODWARD. I am paired with the gentleman from Massachusetts, Mr. BUTLER. If here he would probably vote "ay," and I would certainly vote "no."

Mr. WILSON, of Minnesota. I am paired on this question with Mr. TOWNSEND. If he were here I am sorry to say he would vote "ay," and I would vote "no."

Mr. AYER. I am paired with Mr. BARNUM. I would have voted "ay" and he would have voted "no."

Mr. FITCH. I am paired with Mr. FARNSWORTH. He would have voted "no" and I would have voted "ay."

Mr. FERRY. I am paired with Mr. KETCHAM. He would have voted "no" and I would have voted "ay."

Mr. WILKINSON. I am paired with Mr. RANDALL. He would have voted "no" and I would have voted "ay."

The result of the vote was announced as above.

The SPEAKER. If the gentleman from Louisiana (Mr. Newsham) is present, he will be sworn in.

Mr. ELDRIDGE. I rise to enter my protest against that man being sworn in, because he was not elected by the people, but by this House. [Loud cries of "Order!" "Order!"]

The SPEAKER. The gentleman is not in order.

Mr. ELDRIDGE. I knew I was not.

The SPEAKER. The gentleman is not in order.

Mr. J. P. NEWSHAM then appeared and qualified by taking the oath prescribed by law.

CONSULAR AND DIPLOMATIC BILL.

The Committee of the Whole on the state of the Union then resumed its session.

The CHAIRMAN. The Clerk will now report the next paragraph, if no further amendment shall be offered to this.

Mr. MAYNARD. I believe an amendment is pending which I offered.

The CHAIRMAN. Then the question will be taken on that amendment.

The amendment was to strike out "$4,000" and to insert in lieu thereof "$7,500;" so that the paragraph will read:

For salary of minister resident and consul general to Liberia, $7,500.

The question was taken upon the amendment, and the Chairman declared that it was adopted.

Mr. COX. Mr. Chairman——

The CHAIRMAN. No amendment is pending.

Mr. COX. I was on the floor when the committee rose a few minutes ago.

The CHAIRMAN. The gentleman is on the floor now. [Laughter.]

Mr. COX. I am on the floor now to sustain my rights.

The CHAIRMAN. The Chair will recognize the gentleman as being on the floor to sustain his rights. [Renewed laughter.]

Mr. COX. I took the floor to oppose the amendment of the gentleman from Tennessee, [Mr. MAYNARD.] I was about to proceed with my remarks when the Speaker took the chair under the order of the House, in order to proceed with the contested-election case. I now move to amend the amendment by cutting down the appropriation to $4,000, because I do not think there is any necessity for having a minister in Liberia to-day.

Mr. MAYNARD. The Committee of the Whole has just put in "minister resident."

Mr. COX. I am speaking of before the committee did that; having gone back to my rights.

Mr. MAYNARD. That was done before the committee rose.

Mr. COX. I will move to amend by striking out "minister resident," so that I may conform my remarks to what has been done.

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

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

Mr. MAYNARD. My point of order is, that the Committee of the Whole has already struck out "commissioner" and inserted "minister resident;" and the committee has just changed the compensation from $4,000 to $7,500, so as to make this compensation correspond to that of other ministers resident.

Mr. KELSEY. And it is on that last question that I call for a division.

Mr. COX. I will save all trouble by moving to strike out the entire paragraph. I wanted to sustain, if I could, the gentleman who reports this bill from the Committee on Appropriations, [Mr. KELSEY,] and keep the appropriation down to $4,000; but the shrewdness of the friend of economy from Tennessee [Mr. MAYNARD] has prevented my doing so. I now move to strike out the paragraph, because I can make my remarks in no other way.

Mr. MAYNARD. If the gentleman will allow me to disavow the intended compliment I will say that it was not the shrewdness of "the gentleman from Tennessee," but the rules of the House.

Mr. COX. I will withdraw the word "economical;" I used it in an ironical sense. I want to sustain the Committee on Appropriations in giving but $4,000 to an officer to attend to our commercial interests in Liberia. We have no interests there except commercial interests. We all know the early colonization schemes have gone to the rearward and disappeared from view entirely, and that the Colonization Society is almost a dead and forgotten thing of the past. We all know that the colored people themselves who were formerly interested in Liberia have lost that interest in consequence of the aggrandizement of their franchises and privileges in this country.

And now, that we in this country are in one sense Liberia, now that the negroes can obtain here all the privileges which it was intended by Mr. Clay and others they should have in Liberia; now that the negroes who went to Liberia have relapsed into barbarism almost

equal to that from which their ancestors were taken; now that the condition of things in regard to Liberia has entirely changed, I do not think that we want anything more there than a commissioner or consul general, at a salary of $4,000 a year.

We do not want any representative there for the purpose of suppressing the slave trade, because the slave trade was suppressed years ago. We made a treaty with the great Powers which suppressed the slave trade. Yet, as gentlemen of this House know, although years have elapsed since the slave trade was entirely suppressed by the consent of all the nations, we still keep an officer at the Cape of Good Hope, I think, and another officer at Liberia, and still another in the city of New York—I am sure they are not yet abolished, though they ought to be—on large salaries for the purpose of suppressing a slave trade that, thank God, has entirely died out.

And now we are asked to appropriate $7,500 for a minister to Liberia, whose functions no man can possibly tell, all whose possible functions can be adequately discharged by a consul general or by a simple commercial agent. However, if the gentleman from the Committee on Appropriations who has charge of this bill [Mr. KELSEY] can modify this paragraph as he has suggested, so as to make the appropriation for this purpose $4,000, I care not what you call the officer, whether minister, (a sham minister, of course,) or commissioner, or commercial agent, I will not seriously object. At least let us cut down the appropriation to what is a proper and adequate remuneration for such services as he may render.

Mr. KELSEY. I move to strike out the last word of this paragraph for the purpose of saying that I think there is some misunderstanding in regard to the condition of the amendments to this paragraph. The gentleman from Tennessee [Mr. MAYNARD] moved to increase the amount appropriated to $7,500.

The committee then rose informally; and Mr. ALLISON took the chair as Speaker *pro tempore* for the purpose of receiving a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of its clerks, informed the House that the Senate had agreed to the resolution of the House relative to the printing additional copies of the agricultural report for 1868, with amendments, in which the concurrence of the House was requested.

The message further announced that the Senate insisted upon its amendments disagreed to by the House to the bill of the House No. 987, to reduce the number of the officers in the Army of the United States, and for other purposes, had agreed to the conference asked by the House upon the disagreeing votes of the two Houses on said bill, and had appointed Mr. HENRY WILSON of Massachusetts, Mr. OLIVER P. MORTON of Indiana, and Mr. JOSEPH C. ABBOTT of North Carolina, as the conferees on the part of the Senate.

The message further announced that the Senate insisted upon its amendments disagreed to by the House to the bill of the House No. 1293, to enforce the rights of citizens of the United States to vote in the several States of this Union, who have hitherto been denied that right on account of race, color, or previous condition of servitude, had agreed to the conference asked by the House upon the disagreeing votes of the two Houses on said bill, and had appointed Mr. WILLIAM M. STEWART of Nevada, Mr. GEORGE F. EDMUNDS of Vermont, and Mr. JOHN P. STOCKTON of New Jersey, as the conferees on the part of the Senate.

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

The SPEAKER *pro tempore*, (Mr. ALLISON.) The Chair can recognize no point of order. The Committee of the Whole rose informally, under the rule, to receive a message from the Senate. That having been done, the Committee of the Whole will resume its session, and the gentleman from Illinois [Mr. INGERSOLL] will again take the chair as chairman of the Committee of the Whole.

CONSULAR, ETC., APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN, (Mr. INGERSOLL.) The Committee of the Whole resumes the consideration of the consular and diplomatic appropriation bill, upon which the gentleman from New York [Mr. KELSEY] is entitled to the floor.

Mr. KELSEY. I was remarking, when interrupted by the informal rising of the committee, that the amendment proposed by the gentleman from Tennessee [Mr. MAYNARD] was under consideration when, at three o'clock, the Speaker resumed the chair in order to dispose, under the order of the House, of the Louisiana election case. At that time the gentleman from New York [Mr. COX] was on the floor. When the Committee of the Whole again resumed its session a vote was asked by my friend from Tennessee on his amendment, and it was taken; but I think the result of the vote was not announced by the Chair when the gentleman from New York [Mr. COX] claimed his right to the floor.

The CHAIRMAN. The gentleman is mistaken in regard to the declaration of the result of the vote. The Chair did announce the result of the vote.

Mr. KELSEY. I was about to call for a division of the committee on that vote when the gentleman from New York [Mr. COX] rose and claimed that he was entitled to the floor; and inasmuch as the floor was accorded to him, I supposed that the Chair conceded that he had right to it. Now, for the purpose of disentangling this matter, I ask that the vote be again put on the amendment of the gentleman from Tennessee, [Mr. MAYNARD,] for I think the amendment was not understood by the committee when the vote was taken before. I think the amendment ought not to pass.

Mr. ROOTS. I think the amendment ought to pass; and therefore I object to the vote upon it being again taken.

Mr. KELSEY. I rose to call for a division of the committee on the question, upon the announcement by the Chair that the amendment appeared to be carried, but my colleague [Mr. COX] rose at the same time and claimed that he was entitled to the floor.

Mr. ROOTS. But the gentleman did not call for a division, and therefore I insist upon my objection.

Mr. KELSEY. I ask that the question upon the amendment be again submitted to the committee.

Mr. ROOTS. I insist upon my objection.

Mr. DAWES. My colleague on the Committee on Appropriations [Mr. KELSEY] does not ask unanimous consent that the question may be again put. He asserts, upon his honor as a member of this House, that he called for a division in season.

Mr. KELSEY. I say that I arose to demand it when my colleague [Mr. COX] rose at the same time and claimed that he had been taken from the floor without his knowledge or consent. I therefore did not interpose until he had been heard.

Mr. COX. I rise to a point of order. I state to this House that I rose as soon as I found we got back into the committee again, and resumed the floor from which I had been taken by the Speaker's taking the chair and putting us into the House on the Louisiana contested-election case. A division was called for by my colleague, [Mr. KELSEY.] I rose at once to claim my right. The Chair universally takes the statement of a member in reference to what he has done.

The CHAIRMAN. The Chair will take the statement of a member who says that he rose and called for a division in time. If he says so that is sufficient. The Clerk will report the paragraph as he now has it.

The Clerk read as follows:

For salary of minister resident and consul general to Liberia, $7,500.

The CHAIRMAN. The Chair will state further that the vote was taken, and that after the vote he gave ample time to any gentleman to call for a division.

Mr. KELSEY. I rose to call for a division; but whether I did so or not I am not certain. But it makes no difference, as we can have a vote on the proposition in the House.

The CHAIRMAN. If there be no objection, the Chair will again submit the proposition to the committee.

Mr. ROOTS. I object. It is an act well done, and I do not want it undone.

Mr. KELSEY. We can have a vote on it in the House.

Mr. DAWES. I hope the gentleman from Arkansas will be allowed to state the grounds of his objection.

Mr. MAYNARD. There are two amendments pending, and I have risen to speak to them.

Mr. DAWES. I do not suppose any one will insist on making objection after what has been stated by the gentleman from New York.

Mr. ROOTS. Yes, sir; I insist on my objection.

Mr. SARGENT. I wish to move to strike out the paragraph.

Mr. MAYNARD. I believe I have the floor.

Mr. COX. I say that the Chair was not in order unless he recognized me when he came back to the committee. He failed to do that, and therefore I insist on my privilege.

The CHAIRMAN. The gentleman from New York was recognized by the Chair. I hope he has not lost any of his privileges. If he has I hope he will find them. [Laughter.]

Mr. MAYNARD. A motion was made by the gentleman from New York to strike out the last word of the paragraph, and I rise for the purpose of opposing that amendment in order to reply to some things said here, and especially to attacks made upon the republic of Liberia. I supposed we had got to the end of that kind of attacks now, and that there could be no reason for making this sort of assault to which I have listened to-day. We ought not to forget the facts of our current history. This republic of Liberia dates back in its inception something more than fifty years. There is no more successful colonization on this continent than that of the colonization of Liberia, on the coast of Africa, which has resulted in a regularly organized republic, with a president, with legislative bodies, with courts of justice, and with State papers which will compare——

Mr. KELSEY. I gave notice that I should made a point of order upon any gentleman who discussed matters outside of the subject under consideration; and I must make it, therefore, on my friend from Tennessee.

Mr. MAYNARD. I am replying to what gentlemen have stated in support of the motion to strike out.

Mr. WELKER. I should like to know what is the pending amendment?

The CHAIRMAN. It is to strike out the last word of the paragraph.

Mr. WELKER. What paragraph?

The CHAIRMAN. The motion is, in line twenty-seven, to strike out the word "dollars."

Mr. POTTER. The motion of the gentleman from New York was to strike out the paragraph.

The CHAIRMAN. A motion was made to strike out the last word, which takes precedence of the motion to strike out the paragraph.

Mr. WELKER. Then a motion is also pending to strike out the whole paragraph.

The CHAIRMAN. Yes, sir.

Mr. MAYNARD. And that involves the whole question.

The CHAIRMAN. It opens a very wide door for discussion.

Mr. MAYNARD. I was proceeding to state, when interrupted, that these colonists had organized a regular republican government in Liberia. They have a population not sparser than some States of this Union have when they ask for representation in this House. I was about to observe that their State papers compared favorably with the public documents of people who claim to be much more advanced. They are our own countrymen. They have gone to the coast of Africa, and organized a republican government, which is and has been progressing successfully. They are the brothers, the sons, and the sisters of many of our own people. And we have more interest in them than we have in the people of Hayti, to whom we send a minister resident with a salary of $7,500. I say why not recognize this young, this prosperous, this rising republic, sprung from our own community, and an honor and credit to the American people and to American civilization? Why not recognize that republic with the same consideration as that with which you recognize the republic of Hayti, whose people no doubt are nearer us, but with whom we have no special affiliation or connection. I trust that gentlemen will consider the matter very carefully before they undo what has been done, I think wisely and beneficially done, and I have no doubt with the most favorable results.

It will be remembered that some two or three sessions ago I introduced a proposition into this House that our representative to Liberia should be taken from our colored population. This proposition went to the Committee on Foreign Affairs, and did not receive much attention at the time. But it has commended itself to the wisdom of the present Administration, and they have acted upon it, and our representatives to both those republics are now selected from the colored race.

Mr. GARFIELD, of Ohio. Will the gentleman allow me to ask him a question?

Mr. MAYNARD. Certainly.

Mr. GARFIELD, of Ohio. Why should we double or nearly double the salary that is now paid to the representative of the United States in Liberia, as proposed by this amendment?

Mr. MAYNARD. The gentleman might as well inquire why not cut down by one half the salaries of all the ministers resident?

Mr. GARFIELD, of Ohio. Hitherto we have not paid more than $4,000 for the services rendered in this place by our commissioner or consul general, or whatever else you choose to name him. It is now proposed to double that amount, and I should like to know the reason why?

Mr. MAYNARD. The gentleman will remember that this mission has been recently established. It will be recollected moreover that there is an element of citizenship in this country which some of us appreciate if the gentleman from Ohio has not learned to do so. I think the gentleman will comprehend this before he returns to Congress, and will discover an argument that will commend itself to his mind.

Mr. POTTER. I am satisfied that the committee did not understand the effect of the amendment of the gentleman from Tennessee [Mr. MAYNARD] which changed this commissioner to Liberia into a minister resident.

Mr. MAYNARD. I beg the gentleman's pardon, that was not my amendment. That came from the Committee on Appropriations, and was moved by the gentleman's colleague [Mr. KELSEY] who reported the bill. My amendment was—after the committee had decided that there should be a minister resident—to make his salary $7,500, the same as the salaries of other ministers resident.

Mr. POTTER. To that increase I altogether object. This House refused last week to send a minister resident to Rome, and after that refusal I say it is an act of the grossest impropriety to send a minister resident to a place like Liberia, upon the coast of Africa. There is nothing in its population, nothing in its commerce, nothing in its proportions, nothing in the dignity of its position to justify any such action. It would be taken, and rightly taken, as an intended insult to that great Power to which we have refused to send a minister resident if, after its action with reference to Rome, the House should raise this messenger to Liberia from a consul to a minister resident, at the same time doubling his salary.

Mr. DAWES. I hope the paragraph will be stricken out if the gentleman from Tennessee insists on his amendment.

The CHAIRMAN. Debate on the pending formal amendment is exhausted.

Mr. KELSEY. I withdraw it, and ask for a vote on the paragraph.

Mr. DAWES. If the gentleman from New York [Mr. KELSEY] will yield to me for a moment I will renew the formal amendment. I desire to say that the name "commissioner" does not happen to conform to the statute. The State Department requested us to change that word, without changing the compensation at all. At the suggestion of my colleague on the Committee on Appropriations [Mr. KELSEY] the Committee of the Whole have changed the word, without changing the character of the mission or the amount of the salary. But now the gentleman from Tennessee [Mr. MAYNARD] proposes to put the mission on a par with the $7,500 missions. I do not know why he makes this proposition. I do not want to be uncharitable, but it looks very much as if prompted by a motive similar to that which prompted the amendment to insert a mission to Rome. There is no propriety in it. Liberia is a place about as large as one of our congressional districts, and I wish to treat the mission to Liberia just as it has been treated hitherto, and as the State Department now desires it to be treated. The gentleman from Tennessee asks us to raise the salary to $7,500 for no other reason that I can conceive of than that which he suggested when he said there is an element in the question which even the gentleman from Ohio [Mr. GARFIELD] will appreciate after the next election. If the gentleman insists on holding the committee to the amendment raising the salary to $7,500, I will move to strike out the paragraph, and allow the salary to be fixed as the law directs.

Mr. ROOTS. Does the gentleman mean to say that that was the only reason urged by the gentleman from Tennessee?

Mr. DAWES. I have not intimated any such thing. I say it looks to me like that. Does the gentleman from Arkansas say it does not look to me like that? [Laughter.]

Mr. ROOTS. I cannot say how it looks to you.

The CHAIRMAN. No further debate is in order.

Mr. KELSEY. I hope the paragraph will be stricken out, and now I ask unanimous consent that all debate on the paragraph be closed.

There was no objection; and it was so ordered.

Mr. DAWES. The matter can be fixed in the Senate if we strike out the paragraph.

The CHAIRMAN. No debate is in order.

The formal amendments being withdrawn, the question was taken on the motion to strike out the paragraph; and it was agreed to—ayes 77, noes 38.

The Clerk read as follows:

For salaries of secretaries of legation, as follows:
At London and Paris, $2,625 each.
At St. Petersburg, Madrid, Berlin, Florence, Vienna, Rio Janeiro, and Mexico, $1,800 each.

Mr. AXTELL. I move to amend the last paragraph by striking out the word "and" where it occurs before "Mexico" and inserting after "Mexico" the words "and Pekin." The mission to China is one of the most important of all our foreign missions, and it is of the same grade as the missions at St. Petersburg, Madrid, and Berlin, and it is fair to presume that in that distant country and among those people it is important that there should be a secretary at the legation. I was very forcibly impressed with the remark of the gentleman from New York, [Mr. Cox,] made in this House a few days since, that the time is rapidly coming when, as between ourselves and the people of Europe, these officers will not be found necessary to perfect and carry on our intercourse. Where the telegraph is active, where the language is the same, where visiting is frequent, steamers leaving our shores and theirs every day carrying numbers of citizens to and fro, it is not so important, and perhaps by and by will not be of any importance, that we should have resident ministers and a full corps of officers. But in Asia, and with this great people speaking a language entirely different from ours, and where our means of knowledge are almost entirely confined to that which we obtain from our minister, it is highly important, not only that we should have a first-class mission, but that it should be sustained liberally in every respect, secretary included.

This is perhaps the most important mission we have to-day, not that this is the most important country, but owing to the fact which I have stated in respect to our limited knowledge about the great empire of China, and in view of the fact that it is asserted and believed in the State which I in part represent, and the city from which I come, by a large number of people, that a slave trade is being established between our country and that country, and that large numbers of Chinese are being imported. Hence it becomes of the greatest importance that we should maintain that relationship with that country that will give us correct and exact information of the facts in this case; give us information as to the habits and the policy of that country; give us that information which will enable us to conduct our commercial and mercantile relations with that country in such a manner as to be advantageous to ourselves, and, if possible, in such a manner as to suppress this slave trade. It is of vast importance that this mission to China, which has been made by this Congress a first-class mission, should be supplied with all that is necessary, not only to maintain the honor and dignity of our flag in that country, but to afford us that kind of information and that kind of knowledge of the designs and policy of that Government which will enable us to suppress this coolie trade and to establish at the same time sound commercial relations with that great empire.

Mr. BENTON. I understand the gentleman to state that a system of slavery has been instituted, and that individuals have been taken from China and brought to this country and subjected to a system of slavery. Is that the idea which the gentleman advances?

Mr. AXTELL. In answer to the gentleman from New Hampshire [Mr. BENTON] I will say that it is asserted, and generally believed by the people on the western coast, that this coolie trade is a system of slave trade; and I say it is important that we should, through our minister resident at China, obtain all the facts in regard to that matter. I regret that with reference to so important a mission the provision for a secretary of legation has been omitted.

Mr. KELSEY. I rise to oppose the amendment of the gentleman from California. This bill makes the usual appropriation for interpreter of the legation to China, and if the gentleman had turned to the statute he would have found that the Secretary of Legation fills also the place of interpreter. The committee, at the suggestion of the State Department, have instructed me to move, when we reach the legation to China, an amendment which will make the law exactly as it stood last year. It is proper I should add that the bill is reported in the shape in which it now appears, because of the form in which the estimates came to us. Last year an appropriation of $5,000 was made for secretary of legation and interpreter. This year an estimate was sent to

us without specifying whether the interpreter was to be secretary of legation or not; but the State Department has since supplied that information, and we propose to amend the bill so as to conform to it. It will be seen, therefore, that there is no necessity whatever for the amendment proposed by the gentleman from California.

Mr. AXTELL. Any of the Chinese interpreters that we know anything about would be unfit for the position of secretary of legation. The interpreters are usually Chinese who have been educated in the missionary schools.

Mr. KELSEY. I am informed by the State Department that the person now acting as interpreter is secretary of legation, and has been for five years past. We propose to continue the provision just as it is in the existing law.

Mr. PETERS. I move to amend the amendment by striking out the last word. I wish to have this matter perfectly understood, and I would like the attention of the gentleman from New York, [Mr. KELSEY.] I know that the present minister who has just gone to China has hired a secretary whom he would like to have as secretary of legation. Unless the employment of a secretary of legation as a separate officer is authorized in this bill the minister to China will be compelled to pay the secretary whom he has employed $2,500 a year out of his own pocket. If by this bill we treat these positions of interpreter and secretary of legation as one office this gentleman, who is no interpreter, who does not understand the Chinese language, and I presume never will, cannot hold the position of secretary of legation.

Mr. KELSEY. We propose to make the appropriation in accordance with the law, which expressly declares that when the secretary of legation is the interpreter his pay shall be $5,000.

Mr. PETERS. And when he is not?

Mr. KELSEY. When he is not, his pay is $3,000. That is the pay of the interpreter.

Mr. PETERS. And is there to be no secretary of legation in that case?

Mr. KELSEY. There is no provision for one separately.

Mr. PETERS. Let me suggest that there be a secretary of legation at $2,000, leaving the interpreter to have $8,000. If the two offices be held by one person, he can then receive the $5,000. Unless an arrangement of this kind be made there will be confusion. It seems to me a matter of propriety that a secretary of legation should be authorized as a separate officer wherever it may be deemed necessary to divide the duties. I know that the present minister has employed a secretary. I am personally acquainted with the minister, and also with his secretary. I know that neither of them is acquainted with the Chinese language, and I presume neither will ever become so. I think I know both gentlemen well enough to state upon the authority of both that the secretary is to receive from the minister $2,500 per annum for his services. By providing that the interpreter shall act as secretary of legation we deprive the minister of the services of the secretary whom he has engaged. When the amount appropriated will not be increased, why is not the gentleman willing to make the division of the service?

Mr. ORTH. I rise to oppose the amendment of the gentleman from California, [Mr. SARGENT.] The law establishing the Chinese mission provides for the office of secretary of legation and interpreter, and fixes the salary at $5,000. Under that provision of law a very worthy gentleman, Dr. Williams, has acted for many years, in fact from the establishment of the mission to the present time, as secretary of legation and interpreter. The amendments which the Committee on Appropriations have authorized the gentleman from New York [Mr. KELSEY] to propose is simply in conformity with the law establishing the Chinese mission.

I am very well aware, Mr. Chairman, that the present minister to China, Governor Lowe, of California, desired to have an assistant secretary of legation, and the gentleman whom he selected for that position, a citizen of Maine, I believe, and a very clever gentleman, so far as I can judge from appearances, came before the Committee on Foreign Affairs and urged our committee to adopt the recommendation of Minister Lowe. We had the matter before us for some time, but we saw no reason whatever for recommending to this House the establishment of an additional office to be held by this gentleman. I understand that this private secretary of Minister Lowe was very anxious to go to China, and has gone there with him; but he went without any pledge, expressed or implied, that the office should be created for his special benefit. On the contrary, the vote of the Committee on Foreign Affairs was unanimously against the proposition.

Mr. WELKER. I desire to ask the gentleman whether a secretary of legation to the Chinese mission has been appointed by the proper authorities?

Mr. ORTH. Yes, sir; Dr. Williams is now in possession of the office. He is a very worthy gentleman, and has, in fact, acted as minister to China for at least one fourth of the time he has been there. The effect of the amendment of the gentleman from Maine would be simply to legislate out of office a gentleman who has resided for twenty years in China, who is perfectly familiar with the language as well as the laws and customs of the country, and who in the discharge of the duties pertaining to his office is of more service than any man we could send there. The effect of the amendment of the gentleman from Maine would be to deprive the Government of his services by reducing the salary from $5,000, as fixed by the existing law, to $3,000. I hope, therefore, the amendment will not be adopted.

Mr. PETERS. I withdraw my *pro forma* amendment to the amendment.

Mr. SARGENT. I suggest that all the amendments be withdrawn until we reach the paragraph which provides for the salary of the interpreter to the legation to China.

The CHAIRMAN. If there be no objection all the amendments will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For salary of the interpreter to the legation to China, $3,000.

Mr. KELSEY. I move to amend by inserting before the word "interpreter" the words "secretary of legation acting as," and by striking out "three" and inserting "five;" so that the paragraph will read, "for salary of the secretary of legation acting as interpreter to the legation to China, $5,000." I offer this amendment by direction of the committee. It is in accordance with a suggestion from the State Department, and is in conformity with the provisions of the existing law.

Mr. BANKS. I hope the amendment will be agreed to.

Mr. SARGENT. I move to amend the amendment by adding to the paragraph as proposed to be amended the following:

But where the secretary is not interpreter he shall receive $2,000, and the interpreter $3,000.

Mr. Chairman, there is no reason at all under the statute why this division should not be made. The amendment simply contemplates a restoration of what was the normal position of this matter. The consolidation of the two offices was merely the exception.

Mr. BANKS. I object to the amendment as not in order. It proposes new legislation, and is in conflict with existing law.

Mr. SARGENT. It does not propose any new legislation in conflict with existing law. The statute contains simply a provision that there shall be a secretary and an interpreter, and that where the two officers are united the pay shall be $5,000.

Mr. BANKS. I call attention to the provision of the statute. The last clause of the first section of the act to regulate the diplomatic and consular systems is as follows:

Provided, That the compensation of the secretary of legation to China, acting as interpreter, shall be at the rate of $5,000; and if not acting as such, at the rate of $3,000.

Mr. SARGENT. Very well, then; in order that the amendment may conform to the statute I modify it so as to make the salary of the secretary of legation $3,000, and that of the interpreter $2,000. Now, the object evidently of the statute was that these two officers should be separate; but if it became necessary for the business of the Government the rule was fixed by which they might be united. I do not understand that rule so given is so far an exception here that it becomes a general rule, and we are compelled in our appropriations hereafter to conform to it. There may be circumstances, as for instance in reference to the gentleman referred to by the gentleman from Indiana, [Mr. ORTH,] where we have voted that this person should have these $5,000, in order that his services might be secured to the Government when these two offices should be united; but such is not the case where that secretary of legation is unsuitable to the minister resident. It should not be against his own judgment, where from the personal connection and confidence he should prefer to have the assistance of another individual. If this gentleman referred to, and who belongs to the clerical profession, is so useful in China, having lived there for twenty years, and during one fourth of the time has received the whole pay of a minister, and during a larger portion of the time $5,000 a year, it may be that he should be appointed minister to China and we should dispense with Mr. Low. But while the Government, exercising its own discretion on this subject, has sent Mr. Low as a minister to China, it seems to me his desires in some degree should be consulted in regard to the appointment of his secretary of legation. We should not force upon him at any rate a fossil, a man who has been there for twenty years, who, it seems, is to be continued in this office as long as he lives. I cannot consent to it. It seems to me we should make the appropriation in the language of the statute and enable the Government to divide or unite these amounts as it sees fit. Without the amendment, with the modification I propose, the Government can have no choice in the matter; but the State Department will be compelled to employ one man for both offices and pay him $5,000.

Mr. DAWES. Does the gentleman think we can obtain a proper interpreter for less than $3,000?

Mr. SARGENT. Yes, sir; I do not think it will be difficult.

Mr. AXTELL. And for much less.

Mr. SARGENT. I think you can find competent men in San Francisco, clerks in American houses or Chinese houses, who speak English and Chinese with equal facility, whose services could be obtained in China, or induced to go to China, for probably $1,500 a year. I think I am not extravagant in that statement.

Mr. DAWES. This gentleman has occupied this position as interpreter for a long number of years.

[Here the hammer fell.]

Mr. BANKS. I object to the amendment as changing the law.

The CHAIRMAN. The Chair overrules the point of order. The Clerk will read the proviso in the statute, from Statutes-at-Large, volume eleven, page 52.

The Clerk read as follows:

Provided, That the compensation of the secretary of the legation to China, acting as interpreter, shall be at the rate of $5,000, and if not acting as such, at the rate of $3,000; and that of the secretary of legation to Turkey, acting as dragoman, at the rate of $3,000, and if not acting as such, at the rate of $2,000 per annum.

Mr. BANKS. The secretary of legation is to get $3,000 and the interpreter $2,000. The proposition here is to give the interpreter $3,000.

Mr. SARGENT. As I originally proposed the amendment it conforms to the statute. I changed it because the gentleman stated it the other way. I modified it to meet the statute.

Mr. BANKS. The secretary of legation, according to the statute, gets $3,000 if not acting as interpreter. If he acts as interpreter he gets $5,000. The proposition here is to give the interpreter $3,000.

The CHAIRMAN. The Chair does not so understand it. It reads, "For salary of secretary of legation, acting as interpreter to the legation, $5,000; but if not acting as such, $3,000, and as an interpreter, $2,000."

Mr. JUDD. I hope the attention of the committee will be drawn carefully to this question before them under this amendment. I should have no objection to vote an assistant secretary of legation, if the present minister desires a man with such personal relations to him as to make intercourse pleasant; but I say to adopt a rule which will change the condition of things in this mission, and substantially destroy the usefulness of one of the most useful men connected with it, would be utterly unwise. I refer to Dr. Williams, of whom the gentleman from California has spoken not very respectfully as a fossil who has lived there for twenty years.

Mr. SARGENT. I stated that he was a clerical gentleman who had been there for twenty years, and to that extent a fossil.

Mr. JUDD. Whether the gentleman's language was a reflection on the interpreter or secretary I will not stop to say; but I say the manner in which the proposition is drawn does convey to the committee the impression there is an old fossil there of no use or value to the Government, and the design is to substitute a young live man for the present secretary of legation. Now, I will say that if Rev. Dr. Williams, who has been interpreter there ever since the mission was established, should act at the same time as secretary, being thoroughly conversant with the Chinese language and the Chinese people, he would be found as useful an officer as the Government can possibly have at that place. And I protest against the legislation which, by cutting down his salary, or changing the form of the statutes, should destroy his usefulness, or sever him from the legation. If there is any particular interest to be served that is personal to the present minister, or if there is any particular gentleman whom it is sought to serve, I will say to the gentleman from California that I will make no objection. But I do protest against this kind of legislation which will destroy the position of an extremely useful man, and to whom the legation are indebted for a building within which to shelter themselves. They have lived in his house, and are to-day unable to hire other premises than those they obtain from him.

Mr. SARGENT. The bill, as it now stands, gives $5,000; while the secretaries of legation to London and Paris receive $2,625 each. Now, I would ask whether so much larger a sum than those officers receive is a reasonable sum to give to this gentleman?

Mr. JUDD. As I have been informed, the outgoing minister and everybody else connected with the mission in any way have sought an increase of compensation on account of the high rate of living in Pekin. And I have formed my opinion, first, on those reports, and secondly, from the fact that this salary has been established and continued from the commencement of the mission to the present time.

Mr. MAYNARD. I rise to a question of order. I ask the Chair to look at a paragraph in the first section of the consular and diplomatic appropriation act of 1856, to which I shall call his attention, and also to a paragraph in the second section.

Mr. PETERS. That is not a point of order.

Mr. MAYNARD. I ask to have these paragraphs read. The point of order is, that as the law now stands if one person discharges both functions of secretary of legation and interpreter he is to have $5,000. If, however, the secretary does not act as interpreter, then by law the interpreter is to have $5,000 and the secretary $3,000.

The Clerk read as follows, from the Statutes-at-Large, volume eleven, page 52:

"*Provided*, That the compensation of the secretary of the legation to China, acting as interpreter, shall be at the rate of $5,000, but if not acting as such, at the rate of $3,000.

"SEC. 2. *And be it further enacted*, That the President be, and is hereby, authorized to appoint for the legation to China an interpreter, when the secretary of legation shall not be acting as such, who shall be entitled to compensation at the rate of $5,000."

Mr. MAYNARD. The point of order is that the latter clause of the amendment is in violation of the second section of the statute, because it reduces or seeks to reduce the salary of the interpreter.

The CHAIRMAN, (Mr. ALLISON.) The Chair overrules the point of order. The committee may make another appropriation. It is competent for the committee to change the appropriations for salaries.

Mr. SARGENT. I withdraw my amendment.

Mr. PETERS. I renew it. The proposition is not to ask any more money than the bill appropriates, but that the minister may divide that sum if he so elects. If we pass the paragraph, as worded by the gentleman from New York, without the amendment of the gentleman from California, [Mr. SARGENT,] we compel the minister to China to take Dr. Williams or Minister Williams, whether he is old or young, fossil or new, as his secretary or as his interpreter, whether he will or no.

Mr. ORTH. Will the gentleman yield to me for a remark?

Mr. PETERS. With pleasure.

Mr. ORTH. This bill does not legislate Dr. Williams into office nor keep him there. The President of the United States may to-morrow supersede him.

Mr. PETERS. I understand that. But the gentleman from Indiana [Mr. ORTH] has heretofore stated that if the same person is to be interpreter and also secretary probably no other person can be obtained there competent to fill both situations. My proposition is that if you adopt the amendment of the gentleman from California [Mr. SARGENT] you allow the minister at the Court of Pekin to select his own private secretary or public secretary, whatever you choose to call him, to make his own family relations, and if he sees fit to keep Dr. Williams, because it is better for the public service to do so, he will keep him; he can keep him, and let him do so. But if after he arrives on the ground and looks over the situation—and he is accompanied by a gentleman of cultivation and talent, who left the naval service for the purpose of accepting a situation under him—he prefers to give the position to that gentleman or some other person, and to keep Dr. Williams as interpreter, I say he ought to be allowed to do so. We ought not to fetter and tie up the hands of the minister, but ought to allow him to make his own selection of a person to fill the secretaryship.

[Here the hammer fell.]

Mr. KELSEY. I hope we shall close debate on this paragraph.

Mr. BANKS. Allow me a moment. The gentleman from Maine [Mr. PETERS] is certainly mistaken in supposing that the secretary of legation is merely secretary to the minister.

Mr. PETERS. I did not say so.

Mr. BANKS. He is secretary of legation under the law; he has no personal connection with the minister, and it is certainly not competent for Congress to give the minister control over the secretary of legation without the consent of the Administration except by changing the existing law, which cannot be done in an appropriation bill.

Mr. DAWES. I understood the gentleman from Maine [Mr. PETERS] to say that this arrangement proposed by him and the gentleman from California [Mr. SARGENT] is to fix a place for a nice man who has gone out there for the purpose of having it.

Mr. PETERS. No, sir; I did not say that.

Mr. BANKS. I do not object to its being fixed in that way, but it can only be done by passing a new law.

Mr. SARGENT. We do not propose to make any arrangement, but to break up an old arrangement that has been made.

Mr. KELSEY. I now ask unanimous consent that debate may be closed on this paragraph.

There was no objection; and it was so ordered.

The question was taken upon the amendment to the amendment offered by Mr. SARGENT; and it was disagreed to.

The question was then taken on Mr. KELSEY'S amendment, and it was agreed to—ayes eighty-one, noes not counted.

The Clerk read as follows:

For contingent expenses of foreign intercourse proper, and all contingent expenses of all missions abroad, $50,000,

Mr. KELSEY. I offer the following amendment, to come in at the close of that paragraph:

Provided, That proper vouchers shall hereafter in all cases be presented to the proper accounting officer of the Treasury for any and all expenditures of money hereby appropriated; and the certificate of the President shall not in any case be deemed a proper voucher unless the same shall be accompanied by a full and accurate statement of the purpose and object of making such expenditure, but such statement shall not be published unless Congress shall order it.

It will be observed that the Committee on Appropriations have consolidated two items, as set forth in the estimates, of $50,000 each, and proposed to appropriate $50,000 for both of them in this item. The item of contingent expenses for foreign intercourse is the one from which the secret-service money comes. I commented on that the other day somewhat at length, and I do not propose to review it now. I simply wish to call the attention of the committee to the fact that the contingent expenses of all our missions abroad, as audited and settled at the Fifth Auditor's office during the last year, only amounted to $25,500 31. That would leave $24,500 to be expended, in the discretion of the President, for what has been known as secret-service money. But as I believe that we ought to have no such expenditure of money, I propose to submit the question to the committee whether they will not require vouchers to be filed in the Treasury Department for the expenditure of all this money, although those vouchers shall not be published except by order of Congress. A great many abuses have crept into this class of expenditures, and I propose to test the sense of the House as to whether they desire that system to be continued. Inasmuch as I explained this matter in my opening remarks upon this bill, I do not desire to prolong the discussion upon it.

Mr. JUDD. I hope that when the gentleman managing this bill [Mr. KELSEY] attempts to reform what he regards as an abuse he will call things by their right names, and put in his amendment just exactly what he is aiming at.

Mr. KELSEY. I have done so.

Mr. JUDD. One of my objections to his amendment is that it covers the entire disbursement of the contingents of all the legations. Now, let me tell the gentleman that there is no minister settled with who does not furnish vouchers for every penny connected with his expenditures.

Mr. KELSEY. That is exactly what I said; and I gave the amount they expended last year.

Mr. JUDD. Let me also say to the gentleman that he should exempt from the operation

of his amendment all the officers who comply with its requirements, and say that the President, whenever he expends the secret service fund which is placed at his disposal under his discretion, shall furnish vouchers for what he may expend. Just put that in plain English, and test the sense of this committee upon it.

Mr. KELSEY. That is just exactly what I have done, put it in plain English.

Mr. JUDD. The gentleman embraces in his amendment the entire contingent fund, as I understood it when it was read by the Clerk—all the contingent expenditures of all the various legations. When the proper time comes I shall move to amend the amendment so that the direct question shall be presented to the Committee of the Whole; so that gentlemen may understand this proposition to be nothing more nor less than saying to the President, after Congress has said to him, "We put you in possession of a certain sum of money to be expended in the secret service of the Government," we shall now say to him, "You must furnish vouchers of your correct expenditure of it." Sir, I ask members not to cast such a reflection upon your Executive, or upon the various legations representing this country abroad.

Mr. KELSEY. There is no reflection on anybody.

Mr. DICKEY. I desire to state that this proposed amendment of the gentleman from New York [Mr. KELSEY] is not an amendment recommended by the Committee on Appropriations.

Mr. KELSEY. I have so stated.

Mr. DICKEY. He is the only member of that committee who is in favor of such an amendment. It was expressly voted on in the Committee on Appropriations, and the committee was unanimously against it, with the exception of the gentleman from New York. About one half of this appropriation, or $25,000, is expended and is known as the secret-service fund. From the foundation of the Government the warrant of the President of the United States or the order of the President has been deemed by the accounting officer of the Treasury a sufficient warrant, a sufficient voucher, and the gentleman from New York, solitary and alone, now proposes to introduce a new policy in regard to this fund. He proposes to refuse to intrust the present President of the United States or any future President of the United States with the enormous sum of $25,000 as a secret-service fund.

Further, the gentleman says that the vouchers which his amendment provides for are not to be made public. In regard to the expenditure of this secret-service fund he proposes that there shall be taken into the counsel of the President of the United States and the Secretary of State the several accounting clerks in the Auditor's and Comptroller's offices of the Treasury Department. Sir, whenever those officers shall become the depositaries of the secrets of our foreign intercourse, then this will of course cease to be a secret-service fund except in name. I now yield the remainder of my time to the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. I would not desire to add one word to what has been said by my colleague on the Committee on Appropriations, the gentleman from Pennsylvania, [Mr. DICKEY,] but for the fact that for half an hour, when the last amendment was under consideration, I endeavored, without success, to catch the eye or the ear of the then chairman [Mr. ALLISON] for the purpose of stating that the last amendment offered by the gentleman from New York [Mr. KELSEY] was recommended by the State Department, and therefore I was opposed to the amendment moved by the gentleman from California, [Mr. SARGENT.] And now, although I have taken the pains to go to the desk of the present chairman [Mr. INGERSOLL] and have my name put down on the list of those he would recognize to speak upon this amendment, he has not recognized me, and I am compelled to seek the courtesy of the gentleman from Pennsylvania [Mr. DICKEY] for a portion of his time in order to obtain an opportunity to say anything.

I merely desire to say that all the members of the Committee on Appropriations, whether Democrats or Republicans, except the gentleman from New York, [Mr. KELSEY,] opposed the amendment he has now offered. I would not insult the President of the United States by attaching such a proviso to this bill. I did what I could to prevent his election, but now that he is the President I do not mean to be sticking pins in him, or saying that he is not to be trusted with the expenditure of twenty or twenty-five thousand dollars. I would rather strike out the paragraph altogether. We trust the various heads of Departments with the expenditure of large sums of money in the form of contingent funds, amounting sometimes to $50,000, sometimes to $100,000; and I say it would be an insult to the President of the United States to declare that he shall render a detailed account of the expenditure of this small fund, amounting to $50,000, for both branches of the service.

Mr. WOOD. Mr. Chairman, if the gentleman from Kentucky [Mr. BECK] had known the caliber of my colleague [Mr. KELSEY] he would not have expressed any surprise at any amendment in this direction emanating from that gentleman. [Laughter.] Like the gentleman from Kentucky, I contributed in no respect to the election of the present President of the United States; but, sir, I have a very profound respect for the office of President; and when we appropriate a fund to be distributed by that officer in his own discretion in reference to our foreign relations, or in any other respect, I am quite willing to do so without calling him to account as to the manner in which he may disburse that money. Therefore, I can only say that, so far as regards this amendment of my colleague, I am against it. We all know that in our diplomatic relations abroad, in our foreign intercourse, it is necessary for the President and the Secretary of State to be provided with a fund to be expended in such manner and for such purposes as may be required by the condition of our foreign relations, involving frequently questions of the most delicate character. The very fact that this is a secret-service fund should shield the officer from any inquisitorial investigation by any committee of this House or any department of the Government. Therefore, I heartily concur with my friend from Kentucky in opposing this amendment, and I hope it will not be adopted.

Mr. KELSEY. I move to amend the amendment by striking out the last word. Mr. Chairman, I did not suppose I could surprise my colleague from the city of New York [Mr. WOOD] by anything I might do, and I did not know that he was so accurate a judge of the "caliber" of men; but it seems he has lived in the city of New York, where his efforts to send arms to the rebels during the war have sharpened his perceptions considerably. He now comes here and says that I have insulted the President by trying to reduce the appropriation for contingent expenses of our foreign intercourse. I presume the gentleman's view of this question will be accepted by his political friends and by many gentlemen on this side of the House.

It is proper I should say here that I have introduced this amendment upon my own responsibility, as I stated in the outset. I did it because I believe that under our Government no man should be intrusted with the expenditure of money without rendering an account of its disbursement; that this whole system of secret service is wrong and ought to be corrected. The gentleman from Kentucky [Mr. BECK] says that every head of a Department is intrusted with a contingent fund to expend in his discretion. That is true. But he has to render an account for every dollar of it.

Mr. WOOD. Mr. Chairman, there is considerable confusion in the Hall. I hope my colleague [Mr. KELSEY] will be allowed to proceed without interruption.

Mr. KELSEY. I do not ask any courtesy at the gentleman's hands. He has seen fit to make a little fling at me, which I do not propose to return.

Mr. ELDRIDGE. I rise to a question of order. The gentleman from New York [Mr. WOOD] raised a point of order that there was confusion in the Hall; and I insist that there is. The other gentleman from New York [Mr. KELSEY] said he did not ask anything from his colleague. We did not suppose he did. We simply raised the point on our own account, that we might hear his learned suggestions.

The CHAIRMAN. The point of order is not debatable. The gentlemen will please be seated, and the committee will preserve order.

Mr. KELSEY. I have said all I desired to say in relation to this amendment. The practice has obtained for a number of years of appropriating a large fund to be expended at the discretion of the President; and if members are prepared to continue such appropriations when they have learned, as they did the other day, what use has been made of this money, I am content. The attention of the House has been called to the matter, and it will act as it deems fit.

Mr. FITCH. I wish to ask the gentleman from New York a question. He said something about the improper use of this money. How was it used?

Mr. KELSEY. If the gentleman had heard or read my speech he would not need to ask that question.

Mr. FITCH. I read the gentleman's speech carefully, but I did not learn anything from it.

Mr. BANKS. Mr. Chairman, I do not doubt that sometimes a contingent fund may be improperly expended; but certainly every man who knows anything of the administration of the foreign affairs of our Government will agree that there must be some fund of this kind placed at the disposal of the President. Now, sir, it is very proper the expenditure should be accounted for; but it is accounted for. Every dollar of it is explained; but the knowledge and official information of an expenditure of this kind is lodged with the President, because it concerns our agents in foreign countries. It is not like the contingent fund which is expended here. It is expended in most cases in foreign counties, and to require there shall be a publication of the manner in which it is expended and of the persons by whom it is expended in foreign countries, persons under foreign Governments, would be an act of injustice which this Government ought never to perpetrate. We have, in the first place, command of this fund. We can limit it. We may make it $30,000 or $50,000, or we may grant none at all. Vouchers are to be given for every dollar expended of this fund. The President certifies on his honor that the vouchers are sufficient, and on those vouchers the money is paid. Gentlemen propose that Congress shall have the control of these vouchers, and to say whether or not they shall be paid. We have already security for the Government. The difference is that in one case we have security in the honor of the President over his own signature, and in the other case, as is proposed by gentlemen here, we will have the security of a clerk or other subordinate officer of the Government. Can any one say that the Government will be more secure when the power is lodged with a mere clerical officer than when it is intrusted to the hands of the President of the United States, the highest officer of the Government?

Mr. KELSEY. I withdraw the proviso I have offered.

The Clerk proceeded with the reading of the next paragraph.

Mr. ELDRIDGE. I did not help to elect the gentleman who now occupies the office of President of the United States; but, sir, I have a profound respect for that high office. Gentlemen propose that the President shall file vouchers and render an account of the expenditure of this money. I would not ask any such thing as is proposed of this high officer.

Mr. MAYNARD. What amendment is pending?

Mr. ELDRIDGE. The person who fills this high office ought not to be required——

Mr. MAYNARD. What is the question before the committee?

Mr. ELDRIDGE. I renew the amendment just withdrawn.

Mr. KELSEY. That is not in order.

The CHAIRMAN. It comes too late.

Mr. ELDRIDGE. I addressed the Chair before the paragraph was passed.

The CHAIRMAN. Does the gentleman state that?

Mr. ELDRIDGE. I did state that.

The CHAIRMAN. The Chair will be compelled to take the statement of the gentleman from Wisconsin.

Mr. ELDRIDGE. I understood the amendment was withdrawn at my suggestion. I do not wish to take up the time of the committee, but I do insist that the gentleman from New York [Mr. KELSEY] has no appreciation of the high office of President of the United States when he undertakes to limit him in the manner he has.

Mr. KELSEY. I make the point of order that the gentleman from Wisconsin is not in order, as we have passed the paragraph.

Mr. ELDRIDGE. I will not struggle against the decision of the Chair, or against the efforts of the gentleman from New York. I supposed his proposition was withdrawn at my suggestion in order that I might make some remarks.

Mr. WILKINSON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. INGERSOLL reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly a bill (H. R. No. 1604) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL AND JOINT RESOLUTIONS.

Mr. BEATTY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions and a bill of the following titles; when the Speaker signed the same:

Joint resolution (S. R. No. 31) authorizing Lieutenant Commander Arthur A. Yates, Surgeon Albert L. Gibson, Passed Assistant Surgeon Charles H. White, and Assistant Surgeon Jerome H. Kidder, of the United States Navy, to accept decorations from the King of Portugal in recognition of humane services;

Joint resolution (S. R. No. 131) to authorize the payment of the full salary of Alvin P. Hovey, as minister in Peru, without deduction on account of absence from his post; and

An act (S. No. 138) for the relief of Abbott Q. Ross.

BRIGADIER GENERAL WRIGHT.

On motion of Mr. WINCHESTER, leave was granted for the withdrawal from the files of the House of the papers in the case of Brigadier General Wright.

MRS. D. N. EVANS.

On motion of Mr. STRONG, leave was granted for the withdrawal from the files of the House of the papers in the case of Mrs. D. N. Evans.

BARK JAMES C. WOODRUFF.

On motion of Mr. PECK, leave was granted for the withdrawal from the files of the House of the papers in the case of the bark James C. Woodruff.

S. G. FERGUSON.

On motion of Mr. LEWIS, leave was granted for the withdrawal from the files of the House of the petition and papers in the case of S. G. Ferguson.

WARRANT OFFICERS UNITED STATES NAVY.

Mr. COVODE, by unanimous consent, introduced a bill (H. R. No. 2084) to authorize the President to give assimilated rank to warrant officers in the United States Navy; which was read a first and second time, and referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

Mr. PLATT was granted leave of absence until Saturday next.

Mr. VAN TRUMP was granted leave of absence for ten days from and including to-morrow.

Mr. TOWNSEND was granted leave of absence till to-morrow evening.

JOSEPH A. CLAY.

Mr. MYERS, by unanimous consent, introduced a bill (H. R. No. 2085) for the relief of Joseph A. Clay, of Philadelphia; which was read a first and second time, and referred to the Committee on Banking and Currency.

LEAVE TO PRINT.

Mr. LAWRENCE. I ask leave to have printed in the Globe some remarks on the bill which I introduced this morning—the bill (H. R. No. 2072) to secure to citizens of the United States the navigation of the St. Lawrence, and in relation to commercial relations with Canada and the British American provinces.

There being no objection, leave was granted.

[The remarks will be published in the Appendix.]

Mr. COBURN was granted leave to have printed in the Globe some remarks on the amendment to the consular and diplomatic appropriation bill providing for a mission to Rome. [See Appendix.]

BANKRUPTCY LAW.

The SPEAKER announced that he had appointed Mr. POLAND, Mr. JENCKES, and Mr. JOHNSON as managers at the conference on the part of the House in regard to the disagreeing votes of the two Houses on the bill (H. R. No. 386) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867.

REVENUE AND EXPENDITURE.

Mr. COX, by unanimous consent, introduced a joint resolution (H. R. No. 297) embodying a system of revenue and expenditure, and for a committee to examine into questions of taxation; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HINTON R. HELPER.

Mr. MYERS. I ask unanimous consent to have the bill (S. No. 789) to authorize the proper accounting officers of the Treasury to settle and close the accounts of Hinton Rowan Helper taken from the Speaker's table, and referred to the Committee on Foreign Affairs.

Mr. ELDRIDGE. If the bill is so referred have we the right to call it back by a motion to reconsider?

The SPEAKER. Under the construction which has been given to the rule, bills, &c., referred on Monday cannot be brought back for reconsideration.

The motion was agreed to; and the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Foreign Affairs.

MARTHA A. ESTILL, ET AL.

On motion of Mr. SARGENT, the joint resolution (S. R. No. 115) to provide for the payment of the claim of Martha A. Estill, administratrix of the estate of James M. Estill, deceased, Redick McKee, and Pablo de la Toba, was taken from the Speaker's table, read a first time, and referred to the Committee of Claims.

SPANISH PRISONERS.

Mr. MUNGEN, by unanimous consent, introduced a joint resolution (H. R. No. 298) relative to the imprisonment of innocent men within the limits of the United States at the instance or by authority of the Spanish Government; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

SEAMEN'S WAGES.

Mr. MYERS, by unanimous consent, introduced a bill (H. R. No. 2086) giving masters of vessels the same lien for wages as seamen; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EDUCATION IN THE SOUTH.

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

Resolved, That the Commissioner of Education be requested to transmit to the House of Representatives any information in his possession with regard to the progress of public-school education in those portions of the Union affected by the proclamation of emancipation and the thirteenth amendment to the Constitution of the United States.

TAX ON DOGS.

Mr. REEVES, by unanimous consent, introduced a bill (H. R. No. 2087) to impose a tax on dogs; which was read a first and second time, and referred to the Committee of Ways and Means.

WITHDRAWAL OF PAPERS.

On motion of Mr. BANKS, leave was granted for the withdrawal from the files of the House of the memorial of the Knights of St. Patrick of New York, in relation to the imprisonment of American citizens abroad.

Mr. WOOD. I move that the House do now adjourn.

The motion was agreed to; and the House (at four o'clock and fifty-eight minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. DEGENER: Petitions from Menard county and Kendall county, Texas, asking frontier protection.

Also, the petition of San Iago de Leon, of Texas, for payment of his claim against the United States for mules and horses taken from him for the use of the Army.

By Mr. LOGAN: A petition of 3,400 citizens of Rhode Island, asking appropriate legislation to enforce the fourteenth and fifteenth amendments to the Constitution.

By Mr. PACKARD: A petition of sundry citizens of Fulton county, Indiana, asking for the passage of a law to prevent frauds on the bounty and pension laws.

By Mr. PETERS: A petition of citizens of Bangor, Maine, for a light-house on Race rock, on the coast of Maine.

By Mr. REEVES: The petition of E. T. Moore, John M. Price, Justus Roe, and 93 others, citizens of Patchogue, Suffolk county, New York, for an appropriation to place a bell-buoy or beacon on the southwest point of Rockaway shoals, south coast of Long Island.

By Mr. RIDGWAY: The petition of D. M. Clayton and others, of Bedford county, Virginia, for the establishment of a mail route from Liberty to Otter Hill, Virginia.

By Mr. ROGERS: The petition of James F. Boseman, of Clark county, Arkansas, for removal of disabilities.

Also, the petition of Michael Bozeman, of Clark county, Arkansas, for removal of disabilities.

By Mr. SAWYER: The petition of O. F. Waller, of the forty-eighth regiment Wisconsin volunteer infantry, asking for extra pay and allowances.

By Mr. STRONG: Petitions of citizens of Hartford, Connecticut, for the importation of lead duty free.

IN SENATE.

TUESDAY, *May* 24, 1870.

Prayer by the Chaplain, Rev. J. P. NEWMAN, D. D.

On motion of Mr. HARLAN, and by unanimous consent, the reading of the Journal of yesterday was dispensed with.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following joint resolutions; which were thereupon signed by the Vice President:

A joint resolution (S. R. No. 31) authorizing Lieutenant Commander Arthur A. Yates, Surgeon Albert L. Gihon, Passed Assistant Surgeon Charles H. White, and Assistant Surgeon Jerome H. Kidder, of the United States Navy, to accept decorations from the king of Portugal in recognition of humane services; and

A joint resolution (S. R. No. 131) to authorize the payment of the full salary of Alvin P. Hovey as minister in Peru, without deduction on account of absence from his post.

ANNEXATION OF DOMINICA.

Mr. FERRY. Mr. President, I have had transmitted to me from one of the districts in the Dominican republic three papers in the Spanish language, very numerously signed, addressed to the Senate of the United States. They are protests against the annexation of the Dominican republic, in whole or in part, to the United States.

A week ago the Senator from New York [Mr. CONKLING] presented a petition from citizens of the city of New York in favor of the annexation of the Dominican republic to the United States, and it was received by the Senate in open session and laid upon the table. I therefore have felt it my duty to present these papers, believing that they do not fall within the character of a petition simply from citizens of a foreign Government; but under the peculiar relations now existing between the United States and the Dominican Government they may be fairly presented, fairly received, and laid upon our table with other papers relating to that subject-matter, and receive the consideration of the Senate, particularly as we find in the Globe, containing the official report of the proceedings of Congress, that joint resolutions are being presented in one House of Congress favoring such schemes of annexation. In order to understand the propriety of the reception of these papers I will state very briefly their contents.

The first one is signed by between four and five thousand citizens of the various districts of San Juan, Las Matas, Cercado, Neyba, and Rincon; and as the application is very brief, I will read it:

"God! Our Country! Liberty! Dominican Republic!"——

Mr. POMEROY. I suppose, Mr. President, the Senator is reading this as a part of his remarks.

Mr. FERRY. Entirely so. It is very brief.

Mr. POMEROY. I shall object to the reception of the paper.

The VICE PRESIDENT. The Senator from Connecticut is making it a part of his remarks.

Mr. FERRY. Yes, sir. It proceeds:

"The undersigned authorities and inhabitants of the district of San Juan declare before God and men that it is without our knowledge, and likewise without our consent, that the President Buenaventura Baez (who usurped power) has leased the bay of Samana, and had other transactions with the Government of the United States"——

Mr. HAMLIN. The Senator will allow me to interpose. If this petition is in order the Senator is in order. If the petition is not receivable the Senator certainly is not within the line of order in commenting upon it. It is for the Chair to determine.

Mr. FERRY. I am at present——

The VICE PRESIDENT. The Chair will determine the point. The twenty-fourth rule states that—

"Every petition or memorial, or other paper, shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a Senator at the time such petition, memorial, or other paper is presented; and before any petition or memorial addressed to the Senate shall be received and read at the table" * * * * "a brief statement of the contents of the petition or memorial shall verbally be made by the introducer."

The Senator from Maine objects that this is a petition from citizens of a foreign nation——

Mr. HAMLIN. No; the Senator from Kansas made the objection. I only stated that if the objection was well taken debate was out of order.

The VICE PRESIDENT. That is correct. If the point of order is well taken, the matter is not subject to debate upon the general parliamentary rule that that which is not properly before the body cannot be debated.

Mr. FERRY. I am stating simply the contents of these memorials, in accordance with the rule which has just been read by the Chair.

The VICE PRESIDENT. The Senator, however, stated in advance of that, that this was a paper which, by decisions of the Senate made three or four times, does not come within the purview of the twenty-fourth rule, the words "petition or memorial" there contained being understood to relate to petitions and memorials from citizens of this country.

Mr. FERRY. If, then, the Chair decides that it is improper for me to state the contents of the petitions which I present previously to submitting some considerations which I request the Chair to hear before deciding the question of order, I will not state the contents of the papers, but state those considerations which have led me to believe that in the peculiar circumstances of these papers it is proper for the Senate to receive them——

The VICE PRESIDENT. The difficulty, however, in the matter, is that the Senator from Connecticut has in advance stated that these are petitions and memorials which by the rules of the Senate cannot be received.

Mr. FERRY. At the same time that I stated that these papers were from citizens of a foreign Government I stated also that the relations between that Government and the Government of the United States, between the citizens of that nation and the Senate of the United States, are such as lead me to believe that these petitions do not fall within the usage which has been referred to. There is no law, there is no rule of the Senate, there is merely a usage precluding the reception of petitions from citizens or subjects of a foreign Government.

The VICE PRESIDENT. The Chair will state to the Senator from Connecticut that on the principle that he has now laid down almost any petition from a foreign subject could be received if his argument were true; because we are bound to other nations in the family of nations by treaties of amity, which it might be said ought to allow petitions from foreign subjects complaining of wrongs done by our own Government or citizens to be received. That, however, has been decided adversely in the Senate upon repeated occasions, once upon appeal from the Chair to the Senate, and on two other occasions, after debate, by the concurrent sentiment of the Senate. It is not, therefore, within the power of the Chair, unless he attempts to reverse that rule, which of course he has no authority to do, to receive these papers.

Mr. FERRY. I will, then, for the purpose of having the objection formally made, ask unanimous consent to present these papers.

The VICE PRESIDENT. That may be done. The Senator from Connecticut asks unanimous consent——

Mr. POMEROY. I object.

The VICE PRESIDENT. The Senator from Kansas objects, and the papers cannot be received. The Chair will state to the Senator from Connecticut that in the debates upon this subject it has been generally held by the Senators who spoke upon it, even by Mr. Webster, who thought citizens of a foreign country might have the right, and ought to have the right, to petition our country, that it was proper to transmit such papers to the Department of State, the Department through which this nation conducts its affairs with foreign countries, and then they can be submitted by the Department of State to the Senate.

Mr. FERRY. I am aware of that.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. Petitions and memorials are in order.

Mr. JOHNSTON presented the petitions of Samuel Davis, M. D., of Wolf Glade, Carroll county, Virginia; of Robert S. Bonhm, of Smyth county, Virginia; and of Thomas O. Brent, of Northumberland county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of Robert Prunty, of Shady Grove, Virginia, and of Thomas H. W. Upshur, M. D., of Richmond, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. SPENCER presented the petition of Vernon H. Vaughan, of Tuscaloosa, Alabama, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

He also presented the petition of John W. Wiggonton, of Alabama, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. VICKERS presented the petition of Samuel Elinger, of the city of Baltimore, asking for payment for horses purchased from him by the agents of the Government; which was referred to the Committee on Claims.

Mr. MCCREERY presented the petition of Thomas J. M. McElrath, of Carroll county, Kentucky, praying the removal of his political disabilities; which was referred to the select Committee on the Removal of Political Disabilities.

Mr. LEWIS presented the petitions of D. D. Fiske, of Portsmouth, Virginia; of George V. Case, of Nelson county, Virginia; of James T. Clarke, of Augusta county, Virginia; of George H. Chrisman, of Rockingham county, Virginia, and of F. M. Ervin and Q. A. Herring, sen., of Rockingham county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

He also presented the petitions of William H. Walker, of Albemarle county, Virginia, and of John C. Rusmisel, of Augusta county, Virginia, praying the removal of their political disabilities; which were referred to the select Committee on the Removal of Political Disabilities.

Mr. SPENCER. I present the petition of Hiram Ausbern, of Franklin county, Alabama, asking payment for two horses taken by the United States authorities during the war. Mr.

Ausbern states that he was a scout employed in the service of the United States, and was arrested and imprisoned by the rebels on account of his Unionism, and makes out a very just and strong case. I move the reference of the petition to the Committee on Claims.

The motion was agreed to.

Mr. YATES presented the petition of J. W. Parish & Co., of St. Louis, Missouri, praying to be allowed $16,000 for their actual losses sustained by reason of meltage and loss of ice and loss on hire of barges occasioned by an annulment of a contract by the Secretary of War, which they represent they made with D. L. Magruder, surgeon United States Army and medical purveyor, at Louisville, Kentucky, on the 7th of January, 1864, and which was approved by the Acting Surgeon General J. K. Barnes; which was referred to the Committee on Claims.

Mr. COLE presented the petition of Louis Goldstone, of the city of San Francisco, California, a citizen of the United States, and a merchant by occupation, who represents that in the year 1865, while connected with the mercantile transactions at Victoria, Vancouver Island, he ascertained from officers in the employ of the Russian-American Fur Company at Sitka that the lease held by the Hudson Bay Company for the privilege of trading in Russian America was about to expire. That fact, in view of the friendly relations existing between this Government and that of Russia, led him to believe it possible, when the Hudson Bay Company's lease should expire, to secure to himself and associates any sub-lease which the Russian-American Company might be disposed to make. In order to accomplish this important work he thought it necessary to send to the country a considerable force, and to that end he purchased two schooners, the Lord Raglan and the Native, and having fully equipped them, he employed and put on board of those vessels a corps of men of experience and science, with all the needful scientific instruments to make a thorough exploration of the regions named, with full instructions to survey Alaska and the adjacent islands. He asks remuneration for certain services rendered by him in the exploration of the Northern Pacific ocean, which he alleges resulted in the acquisition of the territory of Alaska by this Government. I move that his petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. RICE, it was

Ordered, That the papers on the files of the Senate relating to the claim of Susan Coody and others be withdrawn from the files and referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. 1996) granting a pension to Horace Clough, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Hiram R. Rhea, praying for a pension, reported a bill (S. No. 936) granting a pension to Hiram R. Rhea; which was read and passed to a second reading.

Mr. SPENCER, from the Committee on Pensions, to whom was referred the petition of Herman J. Schulties, first lieutenant of the first Wisconsin cavalry, praying for a pension, reported adversely thereon.

He also, from the same committee, to whom was referred the petition of William A. Richardson and others, surviving privateersmen of the war of 1812, residing at Marblehead, Massachusetts, praying to be allowed pensions, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 851) granting a pension to Olive Coombs, reported it with an amendment.

Mr. DAVIS. The Committee on Indian Affairs, to whom was referred the petition of Peter P. Pitchlynn, delegate of the Choctaw Indian nation, asking for the issue of bonds to the amount of $250,000 by the United States, in pursuance of treaty stipulations, to that nation, have instructed me to make a report recommending that that be done; and they have also instructed me to submit an amendment, to be offered as an additional section to the Indian appropriation bill, carrying into effect the recommendations of their report. I move that the report be printed; and I give notice that I shall move that amendment to the Indian appropriation bill.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The report will be ordered to be printed, and the amendment will be referred to the Committee on Appropriations.

DUTY ON PHOTOGRAPHS.

Mr. MORRILL, of Vermont. I am instructed by the Committee on Finance, to whom was referred the joint resolution (S. R. No. 199) providing for the admission of photographs for exhibition free of duty, to report it back with an amendment; and as it is a matter of very trifling importance and should be acted upon now if it is to be acted upon at all, I ask for its present consideration if there be no objection.

Mr. FERRY. What is it?

Mr. MORRILL, of Vermont. A joint resolution to allow some photographs for exhibition to be entered free of duty.

Mr. EDMUNDS. Oh, no; let us have the regular order. I am sorry to be compelled to make the objection against my colleague.

Mr. WILLIAMS. This resolution will be worth nothing unless it is passed now. There is to be an exhibition in the first week of June in Cleveland of photographs from Europe and various portions of our own country, and unless the resolution is passed now it will be of no use.

Mr. EDMUNDS. I withdraw the objection, but give notice that I shall never withdraw another until I change my mind. [Laughter.]

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that all photographic pictures imported into the United States for exhibition at the exhibition of the National Photographic Association of the United States, to be held at Cleveland, Ohio, commencing June 7, 1870, and not intended for sale, shall be admitted free of duty.

The Committee on Finance reported the joint resolution with an amendment, to add the following:

Under such rules and regulations as the Secretary of the Treasury shall prescribe: *Provided*, That bonds shall be given for the payment to the United States of such duties as are now imposed by law upon any and all such pictures as shall not be re-exported prior to the 1st day of October, 1870.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDER OF BUSINESS.

Mr. STEWART. I should like to call up at this time House joint resolution No. 86. I have been trying for some time to get it up. I think it will take but a few moments.

Mr. DAVIS. I shall object until the morning business is through.

The PRESIDING OFFICER. Objection is made.

Mr. STEWART. I will wait until the morning business is concluded.

Mr. HARLAN. I gave notice last evening that I should ask the Senate to permit Senate bill No. 529 to be taken up this morning, upon which I wish to submit a few remarks.

Mr. EDMUNDS. Merely for that purpose?

Mr. HARLAN. I should be glad to have the bill considered also. I do not desire to come in conflict in a matter of courtesy with the honorable Senator from Nevada. If he insists, of course I shall not persist in my motion.

Mr. STEWART. I will not insist against the Senator from Iowa.

Mr. ROSS. I desire to introduce a bill.

The PRESIDING OFFICER. The introduction of bills and joint resolutions is now in order.

BILLS INTRODUCED.

Mr. ROSS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 937) to incorporate the Atchison, Topeka, and Santa Fé Railway Company, and to aid in the construction of said railway along the line of the thirty-fifth parallel to the Pacific coast; which was read twice by its title, referred to the Committee on the Pacific Railroad, and ordered to be printed.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 938) to improve the navigation of the Mississippi river at its mouth; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. RICE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 201) for the relief of Richard Field; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

J. ALLEN PORTER.

Mr. PRATT. I ask unanimous consent of the Senate to take up Senate bill No. 347, for the relief of J. Allen Porter. It is a small bill which will occupy only a minute or two. The bill will explain itself.

Mr. HARLAN. I regret to object to taking up that bill; but as I had made a previous request, I feel constrained to inform the Senator of that fact.

The PRESIDING OFFICER. Objection being made, the motion cannot be entertained at this time.

Mr. PRATT. This is the first time, I believe, that I ever made a request of the kind in the Senate, and Mr. Porter is now here and desires an early disposition of the case.

Mr. HARLAN. I withdraw my objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the payment to J. Allen Porter, sole heir of the late William L. Porter, lieutenant fifth United States cavalry, of the pay of an assistant adjutant general of volunteers, from November 10, 1864, the date of his muster-out as first lieutenant fifty-sixth Ohio volunteers, to April 9, 1865, the date he received the order directing the same, he having been on duty at headquarters department of the Cumberland up to the latter date.

The Committee on Claims reported the bill with amendments. The amendments were in line eight to strike out "April 9" and insert "May 1;" in line nine to strike out the words "he received the order directing the same" and to insert the words "of his appointment as captain and assistant adjutant general of volunteers;" and in line ten to strike out the words "up to the latter date" and to insert "during such interval in that capacity;" so that the bill will read:

That there be paid to J. Allen Porter, sole heir of the late William L. Porter, lieutenant fifth United States cavalry, the pay of an assistant adjutant general of volunteers, from November 10, 1864, the date of his muster-out as first lieutenant fifty-sixth Ohio volunteers, to May 1, 1865, the date of his appointment as captain and assistant adjutant general of volunteers; he having been on duty at headquarters department of the Cumberland during such interval in that capacity.

The amendments were agreed to.

The bill was reported to the Senate as amended; and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMERCE WITH SOUTH AMERICA.

Mr. DRAKE submitted the following reso-

lution; which was considered by unanimous consent, and agreed to:

Resolved, That the President, if in his opinion not inconsistent with the public interests, cause to be communicated to the Senate a copy of the dispatch of Henry T. Blow, United States minister to Brazil, dated December 18, 1869, in relation to the commercial interests of the United States with South America.

ORDER OF BUSINESS.

Mr. COLE. I now ask the Senate to take up House joint resolution No. 86.

Mr. POMEROY. Oh, no.

Mr. COLE. If there is any priority of request, priority belongs to this measure, it having been requested many times by the Senator from Nevada, and I think it can be disposed of in a few minutes.

Mr. POMEROY. The Senator from Iowa last night gave notice that he desired to submit some remarks this morning.

Mr. COLE. I remember that the Senator from Nevada gave notice at the same time, and gave notice prior to that on many occasions.

Mr. POMEROY. The Senator from Nevada said he would not press that resolution against the Senator from Iowa.

Mr. COLE. I did not understand that.

The PRESIDING OFFICER. Objection is made to the motion of the Senator from California.

Mr. COLE. I only ask the Senator from Iowa to give way to take this up for a few minutes.

The PRESIDING OFFICER. Objection is made.

SIERRA IRON COMPANY.

Mr. CASSERLY. I wish to enter a motion to reconsider the vote by which the bill (S. No. 439) to grant lands to the Sierra Iron Company was passed here in the very first moments of the session of Friday evening last, and I ask for an order recalling the bill from the House of Representatives, whither I understand it has gone. My colleague, in calling up the bill and asking for its passage at that time, stated that he would not object to a reconsideration if it should be asked by any Senator. I find it so stated in the Globe. At all events a motion to reconsider is in time, and I make it because I think the bill is not sufficiently guarded.

Mr. COLE. I think it is too late. The bill was considered by a committee of which my colleague is a member, and carefully considered, and I think it is well guarded. I do not see the objection that exists to it now; I did not hear any mentioned. If there is any modification necessary, it can be accomplished in the other House.

Mr. CASSERLY. I do not wish to debate the matter. I suppose my motion is in order. If it is not, I shall probably be so notified by some gentleman on the other side very summarily. But I understand that a motion to reconsider is in order at any time within two legislative days after a vote has been taken.

The PRESIDING OFFICER. The motion is in time.

Mr. CASSERLY. I make it now. The Senator himself agreed, when he called up the bill, when there was probably no quorum here to pass it, that he would not object to a reconsideration if it should be asked for.

Mr. COLE. If the motion is in time of course I do not object.

The PRESIDING OFFICER. The motion is in time. The Senator from California [Mr. CASSERLY] moves that a message be sent to the House of Representatives requesting them to return the bill indicated by him.

The motion was agreed to.

The PRESIDING OFFICER. The motion to reconsider will be entered when the bill shall be returned from the House of Representatives.

TERRITORY OF OKLOHAMA.

Mr. NYE. I wish to notify the Senate that on Thursday morning, if the pending appropriation bill shall be through by that time, I shall call up the bill organizing the Territory of Oklohama, known as the Indian territory. That measure is quite pressing in its character, from the fact that a great many persons are interested who are now suspended in work. I shall ask the indulgence of the Senate to call up that bill on Thursday morning, that I may express my views upon it for a short period, the bill having been reported by me. I shall not consume beyond the morning hour on Thursday.

OSAGE INDIAN LANDS.

Mr. HARLAN. I move that the Senate proceed to the consideration of Senate bill No. 529.

The PRESIDING OFFICER. Is there objection to that motion?

Mr. MORRILL, of Maine. I have no objection to this being taken up informally and occupying the time until one o'clock.

The PRESIDING OFFICER. The unfinished business will come up at one o'clock as a matter of course.

Mr. MORRILL, of Maine. But the unfinished business is in order at the conclusion of the business of the morning hour.

The PRESIDING OFFICER. It is in order now, but will come up at one o'clock as a matter of course.

Mr. MORRILL, of Maine. It will be displaced by this motion, and therefore I want it passed over informally.

The PRESIDING OFFICER. If this bill is taken up it will go on until one o'clock, and then the unfinished business of yesterday, being the appropriation bill, comes up without any motion; or sooner if this is disposed of.

Mr. MORRILL, of Maine. Very well. I raise no objection.

Mr. HARLAN. I did not hear the honorable Senator's remark.

Mr. MORRILL, of Maine. My remark was that my understanding was that the appropriation bill was in order at the close of the morning business, and would be displaced by the motion which the Senator made; and I wished to have it understood that his bill would come up informally. I am informed, however, that the appropriation bill comes up at one o'clock as a matter of course, and hence I have no objection.

Mr. HARLAN. I desire to state that I intended to submit some remarks that may be to some extent in reply to observations submitted by the honorable Senator himself a few days ago. I understood from him that I should have an opportunity to reply to those remarks; but I shall yield the floor, of course, at any time when he thinks the business of the country requires me to do so.

Mr. MORRILL, of Maine. I trust the Senator has not the idea that it will not give me great pleasure to hear his remarks, and I shall regret any necessity which shall compel me to interpose.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 529) to provide for the sale of the Great and Little Osage Indian reservation in the State of Kansas, and for the settlement of said Indians in the Indian territory.

Mr. HARLAN. Mr. President, I desire the attention of the Senate for a short time to the subject embraced within the provisions of this bill. I agree fully with the honorable Senator from Maine [Mr. MORRILL] that it is one of a class of very important measures involving in its disposition, to some extent, the honor of the nation, and that it may be fully understood I wish to state a very few facts connected with the treaty relations of the United States with the Great and Little Osage nation of Indians. When the territory of Louisiana was acquired these people occupied and claimed to own a very large district of country bounded on the east by the Mississippi river, on the north by the Missouri and Kansas rivers, and on the south by the Arkansas and upper Red rivers. In 1808 they made a treaty with the United States, ceding to the Government nearly all of the territory of Missouri and Arkansas lying south of the Missouri river and north of the Arkansas river, for a perpetual annuity of $2,700 a year, the United States agreeing also to build and garrison a fort in their vicinity for their protection, and to establish a trading post with a view of enabling these Indians to exchange, without inconvenience, their peltries and furs for goods.

In 1825—to pass over the negotiation and ratification of several treaties of minor importance—these Indians ceded to the United States all the residue of their lands south of the Kansas river, and also south of the Arkansas and north of the Red river, with the exception of that portion occupied by the Kaws and a home reservation for themselves, being fifty miles in extent from north to south and about two hundred and eighty miles in length from east to west, beginning at the eastern boundary, about twenty-five miles west of the west line of the State of Missouri, and extending westward to what was known as the Rock Saline, also reserving fifty-four sections of land for the purpose of creating a school fund for the future use of the tribe, and a multitude of small reservations for half-breeds and other favorites.

For this immense cession the United States agreed to give them an annuity for twenty years of $7,000 per annum, to pay their indebtedness to the amount of about twenty thousand dollars, and also to furnish them a few hundred head of cattle and hogs and some agricultural implements. In 1839 this treaty was modified, and in lieu of the perpetual annuity of $2,700 and of the unpaid installments of the annuity of $7,000 a year, under the treaty of 1825, the United States agreed to pay them an annuity for twenty years of $20,000 a year and to furnish additional stock and agricultural implements. This annuity expired in 1859.

From 1859 to 1865 these Indians received no annuities from the United States, excepting the interest on their school money, being less than four thousand dollars a year; but they did receive some assistance from appropriations made for the support of refugee Indians during the recent war. At the close of the war they were entirely destitute of support from the Government of the United States, and were cut off from their usual means of supply from the chase on account of the hostile character of the Indians then occupying the plains, and of course were extremely poor and destitute. In 1865 a treaty was made by which these Indians ceded to the United States another tract of land, twenty-seven miles in extent from east to west and fifty in length from north to south, from the east end of their home reserve, for the sum of $300,000, the United States agreeing to place this amount to their credit on the books of the Treasury, and to pay them interest thereon at the rate of five per cent. per annum semi-annually. In the same treaty it was provided that the Indians should cede to the United States an additional tract of land, from the north side of their reserve, twenty miles in breadth and about two hundred and fifty-three miles in length, to be surveyed and sold by the United States, and the net proceeds to be placed to their credit, as in the case of the money to be paid as the price of the ceded lands. In the same treaty it was also provided that the residue of their reserve, being thus reduced to a strip thirty miles wide and about two hundred and fifty-three in length, whenever the Indians might agree to move from the State of Kansas, should be surveyed and disposed of as in the case of the trust lands.

The Indians, however, never agreed that this provision of the treaty should be enforced, and became dissatisfied with the provision of this treaty in relation to the disposition of their trust lands. Receiving neither principal or

interest from the proceeds of the sales of these lands, after waiting from September 29, 1865, until the spring of 1868, they insisted on an absolute sale of all their possessions in the State of Kansas, the trust lands and their diminished reserve, for a gross sum, with a view of moving out of the State into what is known as the Indian territory.

A treaty was accordingly negotiated and signed by the contracting parties on the 27th of May, 1868, communicated to the Senate by the President, and referred to the Committee on Indian Affairs June 13 following, and remained in the custody of that committee from that date to April 21, 1869, during the greater part of which period the honorable Senator from Maine was a member of that committee. At the latter date this treaty was reported back to the Senate, with amendments changing very materially its character. The treaty as agreed to by the Indians and communicated to the Senate provided that the whole of their lands, diminished reserve and trust lands, might be sold to a railroad company for the sum of $1,600,000, $100,000 to be paid down, this sum to be used in purchasing for them a new home in the Indian country and to defray the expense of their removal and support for the first year, and the residue to be invested and held by the United States for their benefit.

Some time during the month of February last this treaty was withdrawn from the consideration of the Senate by the President of the United States, and is not now before this body. A few days afterward the bill now under consideration was introduced and referred to the Committee on Indian Affairs, and reported back to the Senate on the 16th day of that month. This bill was intended by the Committee on Indian Affairs to embrace all the beneficial provisions of the treaty that had been withdrawn from the consideration of the Senate by the President of the United States, and to exclude the objectionable features of that treaty. It provided, however, as reported by the committee, that the Government should pay the Indians $2,000,000 for these lands, instead of $1,600,000 as provided in the treaty; that the Government itself should become the purchaser; that the United States should also procure for these Indians a home in the Indian territory, to be paid for out of the proceeds of the sales of these lands, and that the lands should be put into market and sold for cash only to actual settlers, until the Treasury should be reimbursed the total amount of principal and interest and cost of removal of the Indians to their new homes, after which the lands should be thrown into market and disposed of as other public lands.

I am reminded by my honorable friend from Oregon [Mr. CORBETT] that the bill provides that these Indians should not be required to pay more for the lands to be assigned them in the Indian territory than said lands cost the United States. I will come to that again, perhaps, as I proceed in my remarks.

I am thus particular in stating the terms of the bill and the general objects of the committee in order to correct a misapprehension which has been caused by the earnest observations submitted by my honorable friend from Maine. Without intending it he has misled, I will not say the Senate, but he has misled the country, and created the impression that this bill is bad in its inception and purpose. It provides simply that the United States shall become the purchaser of these lands from the Indians and shall pay the Indians for them in money, and in a credit on the books of the Treasury, to bear interest as ten-forty bonds, the price agreed to by the Indians; that the land shall be sold to actual settlers at $1 25 per acre, until the Treasury shall be reimbursed the total cost; that afterward these lands shall be thrown into market and be disposed of as other public lands, and that a home shall be furnished for the Indians in the Indian country at a cost not exceeding the cost to the United States.

Now, Mr. President, I am not on my feet today for the purpose of insisting that this bill is perfect, that its various provisions are not susceptible of amendment and improvement. But I am sure that a majority of the Senate will approve the purpose of the committee in bringing in this bill to exclude all outside parties, railroad companies or other corporations, or private individuals; that this shall be a transaction purely between the United States and the Indian tribes, that they shall sell their land directly to the Government, that the Government shall pay for the land and become the absolute owner of the soil and dispose of enough of this land, for cash only, to reimburse the Treasury, and the residue to the people of the country as other portions of the public domain are disposed of. It seemed to the committee that mode of procedure would exclude all possibility of frauds or jobs of every description.

The committee were induced to recommend this legislation because the interposition of the Government had become necessary on account of the condition of affairs on this reservation, which it was thought could not be permitted to continue without great hazard to the public peace. And it was not believed to be the purpose of the President to attempt to dispose of the subject by treaty. The committee thought themselves justified in concluding that the Interior Department and the President, and the other branch of Congress, were averse to the regulation of our relations with Indian tribes in the future by treaty stipulations. It seemed to be necessary, therefore, to attempt to correct existing evils by statutory provisions. That immediate action had become urgently necessary was manifest to the committee and to every one who had given the least attention to the subject. Believing that these lands were about to be thrown open to settlement many thousands of emigrants had moved on to them with their families.

This treaty, to which I have referred, was concluded, as I before observed, on the 27th day of May, 1868. Previous to action on the part of the Government and the Indians the white inhabitants were excluded from these lands; afterward neither the Government nor the Indians objected to their settlement by emigrants. The Indians did not object, because they believed that they had sold their lands; the Interior Department expected the treaty to be ratified in some form, either with or without amendment. No one objecting, the emigrants moved on to these lands as a matter of course, believing that the Government would adopt some practicable means for the removal of the Indians.

My honorable friend from Maine inquired why the Government had not excluded these people. They were excluded preceding the date of this treaty. They were put off in some instances by force. They were not permitted to settle with a view of permanently occupying any of these lands south of the line dividing the diminished reserve from the trust lands. But after this treaty had been negotiated, signed, and delivered, the Indians no longer made objection to the occupation of the country. They considered that they had sold their lands to their great Father, and that his white children from that time forward had a right to settle on them. The white people, relying on the wisdom of the Government, believing it to be its purpose to remove the Indians and to open these lands for settlement, rushed on to them with a view of obtaining permanent homes. They did this without authority of law, it is true, but not supposing themselves to be criminals.

The honorable Senator from Maine, however, thinks that they are bad people; that they are trespassers; that they are robbers; that they are marauders; that they deserve no sympathy from the Senate of the United States or from the Government. These are very harsh terms to be applied to citizens of the United States. Who are they? The honorable Senator from Kansas [Mr. POMEROY] informed the Senate a day or two since that they were emigrants from all the States of the Union east of the Rocky mountains. They are therefore a part of the fruits of the civilization of the older States. I apprehend they are no better and no worse than the average of the people who have settled the other new States, who have subdued the wilderness elsewhere, who have converted the forest into fruitful fields and made the desert to bloom. They are neither better nor worse than the people who have organized and now govern twenty-four States of this Union, that have on this floor a majority of the representatives of the States, and in the other branch of Congress a majority of the Representatives of the people. If they are inferior to the people they have left behind them in the other States in morality it is not altogether their fault. They were educated, if educated at all, in the schools and academies and colleges of the older States. They acquired their ideas of morality and honor and right from the neighbors whom they left behind them. They may be said to be, therefore, the offspring of the Christian civilization of the older States of the Union. In point of vigor, activity, strength of will, power of endurance, in my opinion they are a little above the average of the people of the old States, for drones and fossils, as a rule, do not emigrate. You have been indebted, therefore, to these characteristics of the people of the frontier for much of the achievements of the nation and for something of the honor and glory that have been wrung from battle-fields at home and abroad, and for the triumphs that have been achieved in other honorable fields.

These men robbers, marauders, thieves, who deserve no consideration at the hands of the Senate of the United States! Sir, these words sound strangely, lighting on the ears of men born and reared on the frontier, who are impressed with the conviction, at least, that the inhabitants of the new States are as honorable and as trustworthy and as honest, on the average, as those whom they have left in the older States of the Union. They will be surprised to learn of the badness of their reputation in the State of Maine. For after reading the honorable Senator's speech it will be impossible for them to feel moral guilt, to feel conscious of having violated the rights of the Indians or of the Government. They were trespassers merely in a technical sense of that word. They violated none of the rights of the Indians, even in a technical sense, within their diminished reserve, until the Indians had agreed to sell their lands; until the Indians had, as they believed, consummated a contract for their removal from the State; until the Indians no longer objected to the occupation of the country by the white inhabitants.

But, sir, admit that they did do wrong, that they did wrong willfully, that they are as bad in fact as the honorable Senator from Maine supposed them to be; it is not probable that you can exclude them from the territory. There are too many of them. They have organized county governments, as you, sir, [Mr. POMEROY in the chair,] well know. They have organized township and district governments within the limits of their county organizations. The State of Kansas has extended over them its jurisdiction and its laws. They are, in fact, represented in the Legislative Assembly of the State, and aid in making the laws for the government of that Commonwealth. They have been improving their lands, fencing in their fields, putting out their orchards, erecting their houses and barns, erecting their churches and school-houses, bridges and roads. It is believed that at the close of emigration last autumn there were not fewer than twenty thousand of them. Even the honorable Senator from Maine, if I understood correctly the proposition with which he closed his speech, is of opinion that their removal had become impracticable, for he said that in such a contest between four thousand Indians and

about twenty thousand white people he supposed, judging from the history of the past, that the Indians would have to go to the wall; that the Indian must go under in such a conflict. If that be the result of his matured deliberations, then pray, why not pass a law carrying into effect the substance of this contract which these Indians themselves have made? If they are now under the feet of these bad people, if they are about to be crushed, that furnishes, in my judgment, a reason for immediate legislative action on the part of the national Government, rather than for delay.

But the honorable Senator thought that the provisions of the bill were not so wise as they should have been. That may be. I think it is quite probable that the bill could be greatly improved by amendments, and I am the last member of this body who would object to any appropriate amendment. The Senator thought that the language used—"that the United States shall assume the absolute control and ownership of all the lands known as the Great and Little Osage reservation"—was inappropriate. He inquired, "Is not this lofty language to be used on the part of the people of the United States, forty million strong, against a weak tribe of Indians, numbering but about four thousand?" Why, sir, the fitness of the language is not, in my opinion, a proper subject for serious discussion other than with a view to amendment. If the thing proposed is right I should hope to avail myself of the larger ability of the honorable Senator from Maine in securing the proper phraseology to carry into effect the legislative intent of the Committee on Indian Affairs.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The hour of one o'clock having arrived, it becomes the duty of the Chair to announce that the appropriation bill is before the Senate.

Mr. SPRAGUE. I move that by the unanimous consent of the Senate the Senator from Iowa be allowed to continue his remarks.

The PRESIDING OFFICER. No objection being interposed, and by unanimous consent, the appropriation bill will be laid aside informally to enable the Senator from Iowa to conclude his remarks.

Mr. HARLAN. But, Mr. President, is it true in point of fact that this language is so very objectionable? What other phraseology would be more apt? These Indians are not the absolute owners of these lands. By the terms of the treaty of 1825 this tract of country was reserved for the use of the Indians just "so long as they may choose to occupy the same." They had, therefore, no other title than this. Under the provisions of that treaty they have the right to the use and the enjoyment of these lands. The fee is in the United States. The fee, it is supposed, was purchased of France, and paid for when the territory was acquired from that Government. As construed by the highest courts of the country, the fee to the public domain occupied by Indians is in the United States. The Indian tribes found in occupancy are held to own only the right to the use and enjoyment of the land; nothing more. When they abandon these lands voluntarily, the United States obtains perfect title without the formality of the negotiation of a treaty. The mere abandonment of the lands by the savage tribes gives the United States a perfect title in fee, not only the reversionary right, but also the right to the immediate use and enjoyment. These Indians acquired no title of any kind from the United States. The United States did not, in that or any other treaty, grant to the Indians title to these lands. The Indians reserved the lands, and held them under whatever right of title they derived from their ancestors. They therefore hold by the ordinary Indian title; nothing more.

If, then, the title to these lands is divided, the right to the use and enjoyment being in the Indians, and the right to the reversion, to the fee, being in the United States, is there any inaptness in the phraseology proposed by the committee, "that the United States shall assume the absolute control and ownership," after buying out the Indian title, after paying full compensation for these lands according to agreement. The object of this clause of the proposed law is to merge both titles, the Indian title to the possession and the right to the fee, in the Government of the United States, so as to enable the United States to make a complete title to its grantee.

But, sir, I shall not insist, as I before remarked, on the aptness of the phraseology used. Others more skilled in framing laws doubtless could find better terms. There can be no doubt that if the Indians under that contract, whether the contract be a legal contract or not, whether it could be enforced in the courts of the country or otherwise, abandon the lands under the belief that they have sold them, the moment that they voluntarily leave the lands the title of the United States becomes perfect. The great lawyers of this body will hardly call in question the soundness of this opinion.

But the honorable Senator from Maine thought that the price proposed by the committee in the pending bill to be paid to the Indians for this land was not large enough. I am not sure that the honorable Senator from Ohio [Mr. SHERMAN] would agree with him in that opinion. As one of the members of the Committee on Indian Affairs I had a conviction that it might be necessary for this bill to steer between the rocks and the whirlpools; that what the honorable Senator from Maine might be inclined to hold was but a fair price for these lands might be deemed by the honorable Senator from Ohio, who occupies the position by senatorial appointment of the guardian of the portals of the Treasury, a very extravagant price. The committee therefore deemed it necessary to be practicable as well as just. They understood that their recommendation would have to pass the ordeal of the Senate and of the House of Representatives as well as of the country.

The honorable Senator from Maine informed the Senate and the country (for when that Senator speaks the country listens) that the lands are worth vastly more than the amount named in the bill. His words are winged. They go off on the pinions of the lightning. Not only the phraseology and logic of his speeches, but their tone and temper also, are reported in the metropolitan and country journals. And as thus reported this speech might be fitly represented as a broad exclamation of surprise, not to say of indignation, at the Committee on Indian Affairs. Whether intended as a reflection on the judgment or motives of the committee or not, this speech was understood to be an implied reflection on their justice or capacity. I therefore feel justified in reviewing his statements and challenging the correctness of the data on which the superstructure of his opinions rests.

He informed the Senate that he had examined this subject; that he had had parties before him, and according to the best lights which he could bring to bear he believed that these lands were worth at the very least $4 25 an acre. Elsewhere in his speech he said that they were worth in the aggregate $40,000,000. I could not exclude from my memory, when this judgment was announced by the honorable Senator, the vote that he had given but a day or two previously in favor of the passage of the Northern Pacific railroad bill, one object of which was to secure to that company not less than fifty million acres of land to aid them in the construction of a railroad which their engineer stated would not cost, complete in all its parts, with switches, turn-outs, turntables, round-houses, machine-shops, depots, rolling stock, everything complete, over eighty-five million dollars. If these Osage lands are worth at the very least $4 25 an acre, then the fifty million acres of land lying on each side of that proposed railroad would be worth $225,000,000, which that honorable Senator voted to a railroad company to aid in the construction of a work which they estimate will not cost to exceed eighty-five million dollars, the road to belong to the company after completion. This conclusion is inevitable, unless the honorable Senator supposes that these Osage lands are worth more on an average than the average value of the lands lying on each side of the line of that railroad. And yet I cannot come to that conclusion without underrating the honorable Senator's intelligence. It would not require an extraordinary degree of knowledge of the topography of our country to justify any one in the conclusion that the average of the lands on the proposed Northern Pacific railroad line are worth more per acre than the average of the Osage lands. I was at a loss, therefore, how to reconcile this fact with that; this opinion expressed in a speech with that opinion expressed by a vote. I do not now know how to reconcile them.

But, Mr. President, we are not left to mere conjecture, or to the loose opinions of those who may live in the vicinity of these tracts of lands respectively. There are other modes of testing the value of public lands. The value of property may be tested in other modes. The commercial value of all property, I suppose, is just so much and no more than it will bring in market. Let us test the value of the Osage lands, measured by this standard. I hold in my hand a letter from the honorable Commissioner of the General Land Office, dated May 7, which I will read:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE, *May* 7, 1870.

SIR: In response to your inquiry of this morning I have the honor to state that of the Osage trust lands, ceded under the second article of treaty September 29, 1865, there have been sold up to the 31st March, 1870, 41,383.18 acres, for which there was received $51,728 70. The expenses attending the sales of these lands are as follows:

Cost of survey	$1,300 00
Commissions and incidental expenses	1,273 05
Making a total of	$2,573 05

and leaving as the net proceeds thus far realized $49,155 65, the sales commencing January, 1868.

I am, sir, very respectfully,
JOS. S. WILSON,
Commissioner.

P. S. The cost of the survey of Osage trust lands, article second, was $88,516 76. J. S. W.

Hon. JAMES HARLAN, *United States Senate.*

By the provisions of the second article of the treaty of 1865, as I have previously remarked, the Osage Indians ceded to the Government of the United States, in trust, to be sold for their use at $1 25 an acre to actual settlers, a strip of land from the north side of this reserve, twenty miles wide, extending its whole length, about two hundred and fifty-three miles. It appears from this letter that these lands had been in market two years and three months, up to the close of the last report, at $1 25 an acre—twenty miles in breadth of the previous strip of fifty miles, two fifths of the whole, amounting to three million two hundred thousand acres. Two full fifths of this tract of land has been in market two years and three months at $1 25 an acre, and of that quantity, three million two hundred thousand acres, there have been sold 41,383$\frac{18}{100}$ acres.

Does the honorable Senator from Maine suppose that these frontier people are fools as well as knaves? If these lands are worth at the very lowest $4 50 an acre, why is it that not more than forty-two thousand acres have been sold at $1 25 an acre in a period of twenty-seven months? And yet, Mr. President, this is the kind of knowledge with which the Committee on Indian Affairs are confronted by the honorable Senator from Maine. Doubtless he believed his utterances to be true; he doubtless was candid in every expression of opinion. He not having examined the subject had arrived at an erroneous opinion. The committee whose duty it was under the instruction of the Senate to examine the subject have done

so, and arrived at a different, and in my opinion a more reliable conclusion.

In the light of these facts, let me inquire once more how much the United States ought to pay these Indians for their interest in these lands? They have not a title in fee. They have a right only to the use and enjoyment so long as they choose to occupy the land. If by extinction or by voluntary removal the lands are vacated, the United States becomes the absolute owner under the uniform decisions of the Supreme Court of the United States. Now, how much ought to be paid them per acre for their interest in these lands? Will any one insist that they ought to receive the agricultural value of the lands? I might inquire of the honorable Senator from Maine how much the State of Maine paid the original inhabitants, the Indians who once inhabited that State, for those lands? The Indians there might once have adopted the song attributed to Alexander Selkirk, and, standing on the summit of a mountain, looking over to the waters of the St. Lawrence on the north, and to the Atlantic on the south, and to the east and the west, one of their chiefs might have said:

"I am monarch of all I survey,
My right there is none to dispute."

Where is he to-day? Did the people of Maine pay these Indians twenty cents an acre for that land? The honorable Senator scoffs at the justice of the committee's proposition to pay these Osages twenty cents an acre for the mere usufruct, for a mere easement in these lands. How much did Maine pay her Indians for their land? Ah! how much did the other New England States pay for the right to occupy that beautiful land of schools, philanthropists, scholars, and statesmen? How much did New York pay for that vast tract of land embraced within her limits, which gives her a just right to be styled an empire among States; twenty cents an acre? Not the twentieth of twenty cents an acre. Ah! how much did the great State of Pennsylvania pay the Indians for the soil that her intelligent and gifted, as well as hardy and enterprising people now own? Under the guidance of Penn, that prince of Indian philanthropists, the Indians received a few blankets, tomahawks, pipes, and tobacco, not the twentieth part of one cent an acre, for their ancient homes. How much was paid to the Indians for the soil embraced in the limits of Ohio, Indiana, Kentucky, Illinois—any and all of these new States? But a few cents an acre on the average.

But it may be said that one act of wrong will not justify another; that if the nation has committed flagrant wrong on the Indian tribes from the beginning it is time now to right it. Would it not be better to inquire first whether a wrong of the magnitude supposed has been in fact inflicted, according to that standard of right which is the offspring of Christian civilization, a civilization which we think ought to dominate among the inhabitants of the globe—that it would tend to make pagan nations better and greater? Is it therefore probable that the old thirteen States, and after them the United States, has been persistently, throughout our whole history, outraging the Indians by defrauding them out of their lands? How could this be possible in the blaze of the pure morality taught in the New and Old Testament scriptures, which our great writers on elementary law say must be regarded as the basis of all public law? Is it not probable that the people who have raised this clamor against their Government are themselves in error; that they may have adopted false standards of right? Then, let us try to penetrate this clamor, and find the elementary principles which ought to guide the nation in making up an opinion. Let us apply them to the case before the Senate.

The Osage Indians have a right to the use and enjoyment of about eight million acres of lands in southwestern Kansas; the United States proposes to buy their interest, as it now owns the fee. How much ought the Government to pay them for their interest? What is the true value of this easement? What is the standard of the value of the mere right to the use and enjoyment of any real estate? Will some one of the great lawyers who daily speak in this body inform me what it is? Is it not the value of the rental? And when you pay the owner a sum that will yield an interest equal to the rental have you not paid him the whole value? Is there any other standard of the value of a title to possession in perpetuity. But if you should give him a gross sum that would yield an interest equal to the annual product, including necessary labor of cultivation, you would have exceeded its true value. Now, in applying this standard to these Osage Indian lands, how much should be paid them for their possessions? A sum that will yield an interest equal to the value of their crops and the game taken within the reserve is all that could be claimed. Surely you are not bound to pay their prospective value in the hands of another race; what these lands would be worth when converted into fruitful fields, and gardens, and orchards, and vineyards, when crowned with commerce and manufactures, when it shall be traversed by canals and railroads. In other words, are you required by a pure conscience to pay the Indians, the remnant of the Six Nations for instance, the present value of real estate in the city and State of New York? Is this the standard of value applied to these Osage lands by the honorable Senator from Maine? If so I am not surprised to find him at variance in opinion with the Committee on Indian Affairs as to the amount which the Government should pay the Osages for the lands described in this bill.

If I have indicated the correct standard of the value of a right of possession in perpetuity, then apply it to these Osages. This bill proposes to give them $1,600,000, to bear interest at the rate of five per cent. per annum, which will yield for their use every year $80,000. I inquire of any one acquainted with the present condition of those lands and of that tribe of people whether $80,000 a year would not more than purchase the entire products of their little fields and the fruits of the chase within the limits of their reserve? Why, sir, the game long since has been driven away. They cultivate but small patches of ground with rude implements of husbandry in the hands of the children and the squaws. When I stated some days since that these were blanket Indians, hunters, plains Indians, that they were not civilized Indians, the honorable Senator seemed to think me in error.

Well, sir, I will not discuss this question of fact; the character of these Indians is too well known to require it. Any one may know who will take the pains to familiarize himself with the subject that I uttered the truth. I have been at their schools; I have seen some of these Indians. You have two Senators on this floor who know them, know many of them, doubtless, at sight, that know their actual state of civilization. You have a member of the other branch of Congress who has made himself familiar with their condition. Tell them that these are not blanket Indians, hunters, uncivilized, pagan Indians, and, if they could be supposed to be rude enough, they would laugh you to scorn.

We were told by the honorable Senator from Maine that the land thieves had entered the possessions of these Indians and gone into their villages, and occupied their fields and houses, and literally driven them away. Mr. President, the Osage Indians never had houses, and would not live in them if they had. The United States did build for the Kaws, a tribe of the Osages, over one hundred and thirty houses—stone houses, with glass windows and shingle roof, and board floors, costing several hundred dollars each; and not one of those houses is occupied to-day by the Indians; they stable their ponies in a few of them, and live as their ancestors did, in tents covered with bark or skins.

Talk about white people driving these Osages from houses that never owned a house—would not live in a house over night except by compulsion! Talk about their civilization, who deem it disgraceful to use the implements of husbandry or of the mechanic arts, who leave the cultivation of their small patches of land to the squaws and children! The yield of their fields is trivial; and the major part of the game has long since been driven from their reserve, so that they have been compelled for many years to go to the plains summer and winter for food. Summer and winter they pull down their tents and pile up their little goods and effects, and leave the country bare as this floor of any improvements; and these are the Indians whom the honorable Senator from Maine desired the Senate to understand had made commendable improvement in civilization! I am sorry that his utterances were not justified by the facts.

But, Mr. President, the honorable Senator thought that this bill ought not to be passed because it provided for the payment to these Indians, for certain spoliations, the value of property destroyed by white people not exceeding in the aggregate $40,000, and that the Indians on their part should pay white people for depredations committed on them to an amount not exceeding $40,000; and I inferred from the tone and temper of this part of his speech that he supposed there was something unusual in this provision.

Well, Mr. President, if the honorable Senator thinks so he is misinformed. In almost every treaty made by Indians ceding lands to the United States, from the foundation of the Government to the present hour, you will find similar provisions. It was so with the Osages in the treaty of 1818, in the treaty of 1825, the treaty of 1839, and the treaty of 1865, I believe. This is in harmony with the policy of the Government in this regard in relation to all the Indian tribes.

But, Mr. President, lest some one might doubt the accuracy of my information on this subject, I might ask the attention of the Senate to the provisions of the Indian intercourse law enacted for the purpose of regulating the whole subject. I will read from the sixteenth section of the act approved June 30, 1834, Statutes at Large, volume four, page 731:

"That where, in the commission, by a white person of any crime, offense, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed. And if such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out the Treasury of the United States."

Whatever the depredator shall not be able to pay shall be paid to the Indian out of the Treasury of the United States. The next section in this law provides for similar remuneration on the part of the Indians where they are able to pay for depredations committed by them on white people, and also contains a provision that if they are unable to pay the value of the property taken or destroyed that the amount shall be paid from the Treasury. That clause, however, of the succeeding section has since been repealed. It leaves the right of the Indian to remuneration for depredations committed on him and his property by white people unrepealed and in full force.

Now, because this bill has a provision intended to carry into effect what has been the policy of the Government of the United States from its foundation down to the present hour, the honorable Senator from Maine is troubled in spirit, and questioned the wisdom of the bill. Why, sir, I was greatly surprised at the Senator's speech, and stated at the time that I was unable to decide whether the honorable Sen-

ator was serious, or perpetrating a joke on the Senate and the country; it was difficult for me to believe him in earnest. Whether I was right in expressing this doubt I will leave the Senate to judge, after stating that he himself, when acting as the organ of the Committee on Indian Affairs, advised the Senate to ratify various treaties containing precisely similar provisions. I refer to the treaties with the Delawares, the Senecas, the Ottawas, the Peorias, the Wyandotts, and various other tribes of Indians living in the State of Kansas, and with whom Congress had directed the President to negotiate treaties for the purpose of removing them from that State to the Territories. When he was responsible for the official action of the Committee on Indian Affairs he recommended the Senate to do precisely what he condemns the Committee on Indian Affairs to-day for proposing in this bill.

The honorable Senator, however, was troubled apparently more by the phraseology of another clause of the bill, found on the fifth page, in these words:

The interest on $300,000 shall be paid in cash for national purposes.

"What on earth can that mean," exclaimed the honorable Senator from Maine, "for national purposes?" What is covered up in this strange phraseology? I inquired at the time whether the Senator was in earnest, whether he was not joking. How could I have arrived at a different conclusion? If the Senator followed with his eye, in the very next line he would have found these words:

Five thousand two hundred dollars thereof shall be paid as compensation to the chiefs and councilors of the nation; $5,000 shall be expended for the encouragement of agriculture, to be paid *pro rata* to each head of a family in proportion to the number of acres cultivated and improvements made thereon by individual members of the tribe; the object being to encourage real industry among them; and the remaining $4,800 shall be expended under the direction of the council and agent for the tribe in the payment of such other expenses as may be necessary for the benefit and support of their national government.

The interest on $300,000 is to be applied to national purposes. That sum, at five per cent., would yield $15,000 per annum. Fifty-two hundred dollars shall be paid for a purpose named; $5,000 for another purpose named, which I have recited; and the remaining $4,800, completing the $15,000, shall be applied to a third purpose; and yet the honorable Senator from Maine sought to convince the Senate that there was something peculiarly strange, obscure, and objectionable in that phraseology, and he actually convinced the clear-headed Senator from Vermont [Mr. EDMUNDS] that it was hardly susceptible of explanation; and I have observed that the reporter of the Globe has caused to be printed in brackets the word "laughter" in this part of the honorable Senator's speech. I should like to know where the laugh comes in. The phraseology may not be very apt; it may not be the precise language that would be used by a great lawyer in framing a bill; but in my humble judgment it is sufficiently clear to be easily understood by either of those great lawyers to whom I have last referred. The interest of $300,000 shall be paid for national purposes; $5,200 thereof for one purpose; $5,000 more for another purpose, which is named; and the remaining $4,800, making the $15,000 complete, shall be paid for the third purpose.

But the honorable Senator was more troubled and aggrieved, if possible, on account of another defect which he thought he discovered in the bill. He said at first that there was no provision in the bill providing a future home for these Indians; but when the exact clause in the bill was pointed out and read in his hearing, or cited in his presence, he admitted that there was an attempt at a provision; but, said he, what evidence has the Senate that the President will be able to carry into effect that provision of the bill; how does the Senate know that the President will be able to find lands on which to locate these Indians? Why, sir, if he had permitted me at the time—and the Senate will remember that I expressed a desire to answer him on the spot—if he had allowed me to do so at the time I could have furnished him the requisite information. It is well known to the Committee on Indian Affairs, and ought to have been well known to every member of this body, that by treaties negotiated with the Cherokees, Choctaws, Chickasaws, Seminoles, and Creeks in 1866 the United States did acquire the right to settle other Indians on a very large district of land in that territory. They acquired the right to settle Indians on all the lands previously belonging to the Cherokees west of the ninety-sixth meridian, amounting to many millions of acres; on half the lands previously owned by the Creeks, amounting to something like three or four million acres; on all of the old reservation of the Seminoles, nearly as large as the latter; and on the leased lands which were procured from the Choctaws and the Chickasaws, amounting in the aggregate to over ten million acres of as good land as can be found in the Republic.

The honorable Senator doubtless was candid when he stated that he did not know that the President could carry into effect this provision of the bill. It was not unknown to the Committee on Indian Affairs, and ought not to have been unknown to any member of this body, for this branch of Congress advised the President to proclaim these treaties.

This brings me to a consideration of the Senator's closing remarks, in which his speech culminated in a counter-proposition. Well, sir, what does he propose as a substitute for the committee's bill? After elaborating a speech as long as it was interesting and able, the tone and temper of which was understood to be a denunciation of the Committee on Indian Affairs, what remedy for the discovered evils does the honorable Senator propose; what cure for the defects in the committee's bill? I will read it:

Resolved, That the bill under consideration be recommitted, with instructions to report a bill for the removal of the Osage Indians to the Indian territory, with their consent, and for the sale of their reservation upon the most advantageous terms for cash, as other public lands, for the use and benefit of said Osages.

Recommit the bill to the Committee on Indian Affairs, with instructions to bring in a new bill providing for the removal of the Osage Indians with their consent! That is precisely what the pending bill proposes, to remove them from the State of Kansas with their consent; and if there is anything doubtful in the phraseology of the bill taken in connection with the history I have recited, then amend the bill in that particular, so as to make it clear, by inserting in the proper place the words "with the consent of the Great and Little Osage nation of Indians," and you have all that the honorable Senator demands on that head. No necessity for a recommittal on that account, a dash of the pen being all that is demanded. The committee propose to remove the Indians, with their consent, to the Indian territory; the honorable Senator proposes the same thing.

Now for the second: "and that these lands shall be sold for cash, as other public lands are sold." In what does that differ from the proposition in the bill? The bill provides that these lands shall be surveyed and sold for cash only to actual settlers for $1 25 per acre. He would propose to sell for cash as other public lands are sold. This would admit preëmptors to purchase at $1 25 per acre. But it would permit the sale of unoccupied lands to the highest bidder at public outcry. But, Mr. President, this mode of sale has long since become impracticable, when applied to lands subject to preëmption.

What the Committee on Indian Affairs desired was to pay the Indians a just price for these lands, and then after indemnifying the Treasury of the United States to subject them to location and entry in the ordinary mode.

The people of the western States and Territories have never claimed that the Government ought to give settlers the public land and at the same time defray the expense of the extinguishment of the Indian title, the survey, and sale from the Treasury. They have held that they ought to have the right to take up homesteads at the actual cost to the Government. This is all we have ever claimed for the people we represent. The Indian Committee, conforming to this idea embodied in the homestead laws, by this bill require the settlers on these lands to pay out of their own pockets $2,000,000, adding the expense of survey and sale, and when the Treasury shall have been indemnified for all these expenses the residue shall be thrown open.

It may be well doubted, as the honorable Senator from Kansas now occupying the chair [Mr. POMEROY] did doubt, whether the Government ought to pay $1,600,000, as proposed in the bill, for this tract of land. He thought that $1,000,000 was all that these Indians could in justice claim for the extinguishment of their interest in them. The Committee on Indian Affairs differed with him; they put the value at $2,000,000. The honorable Senator from Maine thinks it ought to be $40,000,000. Well, Mr. President, if that should prove to be the judgment of the Senate, so be it; strike out "$2,000,000" and insert "$40,000,000." The Committee on Indian Affairs are willing to be overruled; they are willing you shall increase the price to be paid the Indians if in the judgment of the Senate and the other branch of Congress a larger sum ought to be paid.

This is merely their opinion of the value of the Osage interest in this tract, guided by the lights they were able to bring to bear on the subject. They thought that $2,000,000 were all that the Government ought to pay these Indians for these lands, and that this would be enough to locate them comfortably in the Indian territory where they desire to go. But, as I before observed, if the Senate desire to change this amount let them strike out "2" and insert any other figure.

But the honorable Senator from Maine informed the Senate that with his consent these settlers on these lands should not be permitted to purchase without competition with others one acre of the land the possession of which they had acquired by wrong. He thought they were not settlers. Settlers, said he; there is not a settler on these lands; they are robbers; they are trespassers; there can be no settlers until the lands are formally opened under the law for settlement and occupation! How strangely that must have sounded to honorable Senators representing the new States here! How strangely it must have read when it met the eye of the Delegates from the Territories! How will it be understood by the inhabitants of Oregon and California? The Indian title to the land there has never been extinguished by treaty. Are there no settlers in either of those States? Are those people all land thieves, marauders, who deserve no consideration by the Senate of the United States? You have no treaties with those Indians. Not an acre of their land has been purchased of them by the Government of the United States. How is it in New Mexico, where there are said to be over one hundred thousand white people residing to-day? Not one acre of land in that Territory has ever been purchased of the Indians by the United States; nor an acre in Arizona; nor I believe in Utah; and I believe until very recently not an acre in Colorado, Montana, or Dakota.

Are there no settlers in these great and growing States and Territories? Are they, too, all land-thieves, who deserve no consideration? And yet you have given them consideration. You have organized for them civil governments; you have sent to them, in their territorial condition, Governors and judges; you have established courts of justice, and organized, or directed them to organize, legislative assem-

blies. In advance of the purchase of the title to a single acre of the land from the Indians you have authorized them to apply for admission as sovereign States of this Union. And yet they are in precisely the same condition to-day as these settlers on the Osage Indian lands, who went on in advance of the technical extinguishment of the Indian title. Are they to receive from this time forward no consideration here? Are they to be driven from their homes? Do you propose to put up their farms, their houses, humble though they may be, that shelter them and their families from the inclemency of the seasons for sale at public outcry? Sir, you cannot find men bad enough to compete with them for title to their homes.

The proposition is totally impracticable. If the price, however, proposed in the bill, $1 25 an acre, is not enough, if you wish to charge these frontier settlers more money for their homes, to punish them for pushing on the car of civilization, amend the bill; strike out $1 25; put in two dollars or more; but in God's name, do not put them at the mercy of land-sharks and speculators, who might be bad enough to be willing to rob the settler of the proceeds of his labor and toil. If they are trespassers, it is in a technical sense merely; morally, they are not. They have done just as their neighbors have done; just as the inhabitants of all the new States have done. They are probably no worse and no better than the average of the people found elsewhere. Ordinarily, as soon as the Indian title is extinguished the lands are subject to settlement by preëmptors, in advance of the survey, and you in your wisdom have solemnly enacted laws providing that the citizen who does so under ordinary circumstances shall have the prior right to buy his home at $1 25 an acre. This is the solemn judgment of the nation proclaimed in its statute-book, read and known of all men. But if there is anything peculiar about these people, if they have committed any unusual oversight, make them pay smart-money in an increased price for their homes; but I would not place them at the mercy of land speculators.

The proposition of the honorable Senator from Maine is incapable of execution. These people will not submit to competition in the purchase of their homes. Emigrants to the frontier will not compete with them, and outsiders will not be permitted to bid. You can provide by law for the sale at such just price as you may determine, and require them to conform to your judgment.

But, as I think, and as I have before observed, there is a necessity for immediate action. I have regretted the necessity of pressing this subject on the attention of the Senate. The peace is now preserved on this frontier only by the sword, between these Indians and the settlers. In the judgment even of the honorable Senator from Maine the white settlers cannot be driven away. If a physical possibility, it is a moral, practical impossibility. That cannot be done. Then why keep these Osages under the feet of these white people? The Indians have agreed to move. They have selected their home in the Cherokee country. It is now marked by metes and bounds; but they are not willing to go until they understand from this Government that they will be paid for their lands the price which they agreed to accept. Why keep them under the feet of these people longer? What advantage can accrue either to them, or to the frontier settlers, or to the Government by so doing?

In a very little while these Indians will be off on their summer hunt, which begins in the month of June. They will then probably leave the country for the plains, taking with them their wives and their children and effects. Should the tide of emigration continue as strongly this year as last, they can never return to their former homes in peace. In their absence all the desirable portions of the whole country will be occupied by settlers. An attempt to repossess their lands will bring on a conflict which must prove their ruin.

May I not then appeal to the kindness of heart so characteristic of the honorable Senator from Maine for time to mature this bill and pass it? Why should we delay? He may have been annoyed with the delay of the Senate in maturing the appropriation bill specially under his charge; but, as I have before remarked, that bill will not take effect until the 1st day of July. Not one dollar of the money proposed to be appropriated by that bill will leave the Treasury until that period. It is a bill to defray certain expenses of the national Government for the coming, not the present fiscal year. Then why not act on this subject now? Why not let this old nation of great and little Osages, who once occupied so broad a place within our limits, know what you intend to do with them; whether you intend to carry into effect the contract they supposed they had made with the United States? Why will you, by needless delay, impress them with the belief that they are to be robbed of their last resting-place, and turned away naked to provide for themselves?

Why permit them to go away from their homes to the hunt on the plains smarting with this sense of severe injustice? They will go out on the plains and commingle with the Sioux, the Cheyennes, and other Indians with whom you have been at war for the last quarter of a century with short intervals. They will go to these rude savages to recount the wrongs and the injustice you have inflicted upon them. Will you permit this? May I not without impropriety appeal to the Senate of the United States to continue the consideration of this bill until a definite judgment can be obtained?

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The appropriation bill, which was laid aside informally to enable the Senator from Iowa to conclude his remarks, will now be taken up.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. R. No. 299) in regard to charges of desertion in cases of soldiers honorably discharged; in which it requested the concurrence of the Senate.

The message also announced that the House non-concurred in the amendment of the Senate to the bill (H. R. No. 386) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and requested a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. L. P. POLAND of Vermont, Mr. T. A. JENCKES of Rhode Island, and Mr. J. A. JOHNSON of California, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution:

A bill (S. No. 76) concerning divorces in the District of Columbia; and

A joint resolution (S. R. No. 120) to provide for the appointment of an examiner of claims for the Department of State, and for additional clerks in the Department.

PRINTING OF AN AMENDMENT.

Mr. BUCKINGHAM. I give notice of an amendment which I propose to offer to the bill (S. No. 890) to reduce taxation. I move that it be printed.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. HORACE PORTER, his Secretary, announced that the President had on this day signed and approved the following acts:

A bill (S. No. 227) to incorporate the Columbia Railway Company of the District of Columbia;

A bill (S. No. 492) to incorporate the trustees of the Corcoran Gallery of Art, and for other purposes; and

A bill (S. No. 550) to incorporate the National Savings-Bank of the District of Columbia.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 974) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871, the pending question being on the amendment of Mr. CHANDLER to the amendment of Mr. SHERMAN.

Mr. MORTON. I should like to have the amendment reported.

The Chief Clerk read the amendment of Mr. SHERMAN, which was to add the following as an additional section:

And be it further enacted, That there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $450,000, to complete the enlargement of the ship-canal around the falls of the Ohio river.

The amendment of Mr. CHANDLER to the amendment was to add to it the following:

For improving the harbor of Cleveland, Ohio, $39,000.

Mr. MORTON. Mr. President, I was not here last night when this question was up in regard to the amendment offered by the Senator from Ohio; but as the Ohio river washes the entire southern border of Indiana, and as the people of Indiana are very deeply interested in the completion of the Louisville canal, I trust I shall be excused for a few moments in attempting to point out the necessity for immediate action on the part of the Senate.

I understand that the propriety of this appropriation is not questioned, the importance of it is not questioned; but I understand the question to be the propriety of putting it on this bill at this time, and it is to that point that I invite the attention of Senators, and I do it most earnestly. I ask Senators to consider the importance of putting this amendment on the bill at this time.

In the first place, this work can only be completed at low water. I ask Senators to bear that in mind as a starting-point; the work can only be completed at low water. The water in the Ohio usually begins to fall about the 25th of May, and it will rise again about the 20th of November, and this work is to be completed within these two periods if completed at all. Now, I am advised that the work is just in this condition: that if the contracts shall be let immediately, or within the next few days, the work can be completed, if pushed on energetically, between this time and the 1st of December; but if a month or six weeks should be lost in making these contracts the work cannot be completed this year. This is the opinion given by the engineer and those who are familiar with the work; that to insure its completion this year it is important the appropriation should be made without delay. The loss of four weeks or six weeks will be fatal to the work this year. So far as I am concerned, I should be perfectly willing to wait for the regular river and harbor bill if it were not for this point. If that bill should be delayed four or five or six weeks this work could not be completed this year.

Now, what are the consequences to result from that fact? Are they the ordinary consequences of failing to construct a public work? No, sir, they are not. The consequences will be peculiar, and to this point I desire to call the attention of the Senate. There is an old canal now that is in use. The completion of this work involves the breaking up of the locks of the old canal and enlarging them to the new size contemplated by former legislation, and according to the plan adopted; in other words, the old canal is to be made unnavigable while this work is being completed. The proposition

is to get everything ready, and when the materials are all on hand to put every energy to work to complete the locks during the next low water. If these locks shall be torn down and the new locks not completed, then there will be no navigation of the canal during the next winter or nearly the whole of the next summer, which would be a very serious loss to a commerce almost as large as the entire foreign commerce of this country.

Mr. FOWLER. Larger.

Mr. MORTON. Larger, the Senator says; I have not looked at the figures lately.

The canal is just in that condition. They have got to the point now, that to complete the work they have got to break up the old locks, and if the locks are broken up this year and remain in that condition, then the river will not be navigable the coming winter, and away into the next summer—a loss that can only be computed by millions. I call upon Senators to consider this for a moment. The case is peculiar.

There is another reason to which I will advert; and that is that the difficulties of navigation at that point have been largely increased. A railroad bridge has been built over the falls of the Ohio. The bridge was not built at the point contemplated by the act of Congress, but was built, so to speak, right over the brow of the falls. The result is that large boats cannot pass over the falls in time of highest water. It is a very great impediment to commerce, a thing that was not contemplated. A number of boats have been lost since the completion of the bridge. The boats that used to go over the falls during the high stages of water now cannot pass the falls, and must look to the canals; and if the navigation of the canal is destroyed during the coming winter and the next spring by the tearing up of the old locks, without having time to finish the new ones, the loss to the commerce of the Ohio river and to all the States bordering upon it, Pennsylvania, West Virginia, Kentucky, Ohio, Illinois, and the States bordering upon the tributaries of that river, will be immense.

Now I ask Senators to consider the importance of this question. It is a question of time. I call upon the Senate to remember that during the last winter we had a similar case before us to make an appropriation as a question of time. I refer to the appropriation for the Des Moines rapids in the Mississippi river. I have the Globe here showing the proceedings on that bill. That bill was passed in the House, I believe, on the 21st day of December. That work was not required to wait for the ordinary river and harbor bill. Why? Because a report was made in the House, which I have here, stating that there would be great loss and damage to the work already done if the work was allowed to stop; that there would be a loss of machinery; and for various reasons it was important that the work should not stop; and they called upon Congress not to wait for the ordinary appropriation bill but to appropriate $250,000 to let that work go right on; and it was done. When it came into the Senate the Senator from Maine [Mr. MORRILL] himself reported that bill, and it passed by unanimous consent.

Mr. MORRILL, of Maine. What bill does the Senator refer to?

Mr. MORTON. The bill making an appropriation of $250,000 for the Des Moines rapids last winter. That was put forward out of its order, without waiting for the ordinary river and harbor appropriation bill, because the condition of the work at the Des Moines rapids required it. And now I appeal to Senators for this work upon the same grounds, only that they are much stronger in this case. The navigation of the Mississippi river would not be suspended if the work at the Des Moines rapids should not go on. It would still remain in the condition in which it has been ever since the country has been settled. But, sir, we have got to that point, in regard to the Louisville canal, that if the work is not done this year the navigation will be suspended for the time. I ask Senators, therefore, not to consider that we are trying to get any advantage in hurrying this thing through before the general river and harbor appropriation bill, but that the question of time is now vital to the commerce of the Ohio.

I would remind the Senators from Delaware that the other day we appropriated $250,000 for the construction of a pier at some port in the State of Delaware which in importance bears no comparison to the work embraced in this amendment. We did not wait for the general appropriation bill for rivers and harbors, but we put that bill through almost without opposition, giving $250,000 for a pier in the State of Delaware.

Now, sir, here is a question that affects a commerce which, if it is second to any in the United States, is only second to that of the lakes. It may be that the commerce of the Ohio river is less than the commerce of the lakes, but it is next to it; and this commerce is now just in a position to be most seriously impaired by the failure to complete the canal this summer. Therefore, we appeal to the Senate to allow this appropriation to go through in advance of the regular bill for the reasons I have given.

Mr. CHANDLER. I know that the Senator from Indiana would not wish to mislead the Senate; nor would the two Senators from Ohio; nor the distinguished Senator from Kentucky, [Mr. DAVIS.] Not one of them would wish to mislead the Senate; but yet they have all fallen into a vital error. The Senator from Indiana has just spoken of the vast importance of completing this work this summer. The junior Senator from Ohio [Mr. THURMAN] last night said:

"I hope this amendment will be agreed to for the reason stated by my colleague, and also because the work belongs to the Government, and since the building of the railroad bridge there, which makes it almost impossible to pass over the falls even at high water, as was formerly done, all navigation by large boats must be through the canal. It is a most serious obstacle to navigation, and most injurious to the whole country above the falls especially. Large boats are now stopped, and have been for a long time, for want of the enlargement of this canal, and I believe this appropriation would about finish it.

"Mr. SHERMAN. This will finish it.

"Mr. THURMAN. So that nothing more will be asked.

"Mr. SHERMAN. According to the estimate of the engineer in charge, General Weitzel, $450,000 will complete it, and then the whole work is transferred to the Government."

The honorable Senator from Kentucky [Mr. DAVIS] proceeded in a similar strain to that used by the Senator from Indiana just now. He said:

"Now, sir, here is a single sum of money of a small amount, the last that is to be asked for after a series of a great many years of appropriations to this work. This is the sole and final sum necessary to complete this work and to open the canal around the falls and make it just as commodious for navigation as the river itself is above and below the falls."

Now, Mr. President, I hold in my hand the official estimate made by General Weitzel, the Government engineer, showing not only that this $450,000 will not complete the work, but that it does not go nearly one half toward the completion of the work. This is an appropriation for the enlargement of the canal, and the engineer's report does not state that it will complete the work. Here is what it will cost to complete the work:

"Louisville and Portland canal: on the plan last adopted, $1,178,000; according to original plan, $1,295,000, and according to the plan as I think it should be"—

That is the plan they are now working upon—

"One million three hundred and ninety-four thousand dollars."

That is the amount that it will take to complete the work upon the very plan upon which they are working to-day.

Mr. MORTON. I call the attention of the Senator to the fact that that estimate includes the bonds.

Mr. CHANDLER. I have the estimates here for every foot of sand, every foot of stone; and if the Senator desires it I will read them.

Mr. SHERMAN. I will ask whether that estimate includes the bonds?

Mr. CHANDLER. No, sir; not a dollar for them; for then it goes on and gives the bonds afterward. This is what it will cost to complete the work. Since then there has been appropriated out of the fund of last year, the two million fund, $178,200, which is to be deducted from $1,394,000; and that is all that I am aware of that has been expended upon that work by the Government since this report was made.

Hence it will be seen, while these Senators do not intend to deceive the Senate, that they themselves know nothing at all about this matter. This shows the absolute absurdity of Senators getting up here, without knowing anything of the subject they are talking about, and moving amendments to appropriation bills and making assertions that the appropriations they ask for will complete the work. Why, sir, I hold in my hand an estimate which it is perfectly appropriate for me to offer as an amendment to the Senator's amendment of $450,000. Here is the official document, Executive Document No. 181, Fortieth Congress, second session, giving different plans for this very Louisville canal and its enlargement; and I can give every item for which this amount will be expended, for I have it here.

Mr. MORRILL, of Maine. What is the date of that report?

Mr. CHANDLER. It is dated in 1868, and it is the last report that has been made. The engineer furnishes fourteen different plans, and recommends that one of them be adopted for completing the canal around the Louisville falls on the Indiana side. One of these plans is to cost $14,600,000. Now it is perfectly competent, if this be adopted as a rule of the Senate, for any Senator in this body to get up and offer as an amendment an appropriation of $14,600,000 to complete the canal around the falls of the Ohio. There are fourteen plans. Which plan is to be adopted? What do we know on that subject?

Much has been said about the vast commerce of this Louisville canal. I admit that it is important. I admit there is a vast amount of commerce there. There is very nearly half as much as there is passing through the Sault Ste. Marie canal.

Mr. NYE. Will the Senator allow me to ask him a question?

Mr. CHANDLER. Certainly.

Mr. NYE. What are the entire estimates of the engineers for all the work that is now proposed?

Mr. CHANDLER. The amendment I offered last night was the diminished estimates.

Mr. NYE. Seven million dollars?

Mr. CHANDLER. The Clerk can read the exact amount. It is about seven million six hundred thousand dollars.

Mr. NYE. What would be the proportion for this work?

Mr. CHANDLER. About two hundred and fifty thousand dollars.

Mr. NYE. Is it expected by the Committee on Commerce to appropriate the whole amount of appropriation to this work that is asked for here?

Mr. CHANDLER. No, sir; it is not. The Committee on Commerce do not propose to report that amount. The engineer-in-chief himself says that he can get along very well this year with $250,000 for this work, and that is about what the committee propose to report. They have visited the chief engineer, and he says he can get along very well this year with $250,000; and the Committee on Commerce have a bill ready, and it lies before me, appropriating $250,000 for this work, which the chief engineer says is all that is essential, and which he says he can get along with very well this year.

The joint Committee on Commerce (for the two committees have been in consultation almost daily, although not actually coöperating) decided to keep the total appropriations for rivers and harbors within $3,500,000. We tried to bring them within $3,000,000. We thought this was not a time to make large and extravagant appropriations. We have visited the chief of engineers and asked him how little he could get along with, and yet prosecute the works with the necessary vigor, and we have in that way, by personal examination, tried to reduce these expenses; but, sir, you will see at a glance that if the estimates of the engineers are to be taken in gross, then General Weitzel's estimate of $14,600,000 may be offered as an amendment to this bill, and there is no telling where we shall stop. The thing itself is vicious. Why have we committees of this body, and why have they committees in the other House? It is to examine the estimates of the Departments and see where economy can be brought in, where we can save the money of the Government, and how we can save it. It is the duty of the Committee on Appropriations, the Committee on Finance, the Committee on Post Offices and Post Roads, and every committee of this body to investigate thoroughly the estimates that are sent in, and to practice the most rigid economy where economy can be practiced. That has been the intention of the Committee on Commerce. We think we have got a bill that will carry forward our works of internal improvement, and carry them forward economically.

The Senator from Kentucky said yesterday that the business of this Louisville canal was more than twenty times the amount of the business at the Rock Island rapids. That may be true.

Mr. DAVIS. Will the honorable Senator allow me to express myself as to what my meaning was?

Mr. CHANDLER. Certainly.

Mr. DAVIS. I meant that the business of the Ohio river at Louisville falls is more than twenty times as great as the business of the Mississippi river around the Des Moines rapids.

Mr. CHANDLER. With that explanation I cannot answer the Senator, because I do not know how that fact is; but I have the official data of the two canals for five years. I have not the last two years of the Louisville canal. I have taken a given number of years; but the years are not the same. The last data I have of the Louisville canal are from 1862 to 1866. During these five years 10,557 crafts of different kinds passed through the Louisville canal, with a tonnage of 1,104,370 tons. During five years, two of which are the same, there passed through the Sault Ste. Marie canal 5,881 vessels, with a tonnage of 2,383,276 tons, a little more than double the amount. The two years that are here together stand thus: there passed through the Louisville canal in 1865, 1,839 vessels of all kinds, with a tonnage of 239,234 tons; in the same year there passed through the Sault Ste. Marie canal, 997 vessels, with a tonnage of 404,062 tons. In 1866 there passed through the Louisville canal, 2,284 vessels, with a tonnage of 234,323 tons, and in the same year there passed through the Sault Ste. Marie canal 1,007 vessels, with a tonnage of 458,830 tons.

Now, Mr. President, in order to present this matter in its proper light, and that it may be understood by every Senator here present, I think it would be well for me to show what is to be done on this Louisville canal on the plan on which they are now working:

Detailed estimates for completing the Louisville and Portland canal extension according to the last plan of the company.

Items.	*Price.*	*Amount.*	*Cost.*
Canal proper:			
Earth excavation, cubic yards	$0 35	102,660	$35,931
Solid rock excavation, cubic yards	2 50	121,800	304,500

That will be very likely to be taken out between the 1st of July and the 1st of October—121,800 yards of solid rock are to be taken out in about two months! The statement is simply ridiculous. This is a work that cannot be done in two months, nor in a year. It is a work that has to be done gradually; and the chief engineer says that $250,000 is the amount that can be advantageously employed during the coming year.

Let me say further, right at this point, that this appropriation bill does not take effect until the 1st of July. This is a bill making appropriations for the next fiscal year. They cannot spend a dollar of the appropriation in this year, and before the 1st of July we shall have passed the river and harbor bill appropriating $250,000 to this work, the amount the chief engineer says he can get along with, and not $450,000.

But I will go on with these figures:

	Price.	*Amount.*	*Cost.*
Loose rock and dry wall excavation, cubic yards	$0 75	37,000	$27,750
Loose rock and filling, cubic yards	2 00	5,000	10,000
Vertical dry wall, cubic yards	2 50	37,100	92,750
Earth sediment in canal, cubic yards	35	48,360	17,020
Repairs and improvement of guard-gate	-	180,000	6,000
Lumber in cribs, feet, board measure	50 00	180,000	9,000
Wrought-iron work, lbs.	25 00	16,000	4,000
Pavement of slopes, square yards	1 00	40,000	40,000
Macadamising, square yards	60	5,000	3,000
Branch:			
Earth excavation, cubic yards	35	169,050	59,167
Solid rock excavation, cubic yards	2 50	71,900	179,750

Mark you, here is more solid rock excavation in the branch; and all this work is to be done during four weeks of low water! I guess not.

	Price.	*Amount.*	*Cost.*
Solid rock excavation in channel, cubic yards	$2 50	10,000	$25,000
Solid rock excavation under water, cubic yards	7 50	22,000	165,000
Loose rock and dry wall excavation, cubic yards	75	690	517
Vertical dry wall, cubic yards	2 50	20,000	50,000
Pavements of slopes, square yards	1 00	24,000	24,000
Macadamizing, square yards	60	3,000	1,800
Wrought-iron work, lbs.	25	64,0001	6,000
Cast-iron work, lbs.	8	176,000	14,080
Finishing hanging lock-gates and placing miter sills	-	-	80,000
Contingencies	-	-	62,735
Total			$1,178,000

Then come the improvements that are recommended by the present engineer:

Estimate for completing the Louisville and Portland canal extension on the plan originally adopted, but only ninety feet wide.

Items.	*Price.*	*Amount.*	*Cost.*
Amount of estimate as above	-	-	$1,178,000
Amount of embankment, (additional,) cubic yards	$0 35	79,440	27,804
Guard-gate masonry, (additional,) cubic yards	13 00	5,200	67,600
One pair of new guard-gates	-	-	16,000
Contingencies	-	-	5,596
Total			$1,295,000

Estimate for completing the Louisville and Portland canal extension, properly constructed; that is, with river bank raised four feet above the highest known freshet, and a descent of one foot per mile.

Items.	*Price.*	*Amount.*	*Cost.*
Amount of estimate as above	-	-	$1,295,000
Earth embankment, (additional,) cubic yards	$0 35	16,000	5,600
Solid rock excavation	2 50	35,200	88,000
Contingencies	-	-	5,400
Total			$1,394,000

Now, Mr. President, there are to be nearly two hundred thousand cubic yards of solid rock excavation, a large amount of it under water, to be excavated at an expense of $7 50 per cubic yard; and yet all this vast amount of work is to be done between two showers, I believe. [Laughter.] The water is going to fall, is it not? and it will rise the next time there comes a rain. Yes, sir; this is all to be done between two showers, [laughter,] and that is the reason for this great haste. I have only to say that if this amendment is insisted upon I shall insist upon putting on every single estimate of the engineers in the reduced estimates I have sent up to the desk, and I hope the Senate will adopt them as an amendment.

Mr. MORTON. I shall have no objection to the Senator from Michigan putting on any other work on this bill, provided there is any other work in the same situation; but I am opposed to putting on anything else simply for the purpose of loading this down, and thereby defeating the whole measure. If the Senator can show that there is any other work in the same condition I will consent that it shall be put on the bill.

Since I made my remarks a few moments ago I have had an explanation upon one point furnished to me by a gentleman who is here for the very purpose of representing the interests of navigation upon that river. The amount of the estimate on which the amendment is based is $450,000. That estimate is regarded as sufficient by the engineer to make the canal navigable for the largest boats. There will be $400,000 required after that to wall the canal and to complete the work; but $450,000 will complete the canal for navigation. There will be about four hundred thousand dollars required after that; but the amount now asked will make it navigable for the largest boats, leaving the walling of the canal and the completion of the other parts to be done at the pleasure of the Government.

Mr. President, the interests involved in this matter are too great to be disposed of without solid reasons. As I said before, the work has come just to this point, that when now they begin the reconstruction of the locks they must go through with them the same season or the navigation of the river is permanently impeded. How? The large boats cannot go under the bridge, boats that used to go over the falls; and except in times of high water the small boats cannot go through the canal. There is no longer a canal for them to go through, so that now only the small boats can go over the falls in high tides; and the Senator from Ohio informs me that the bridge is at this time in the way even of small boats. The work is in that peculiar condition that it demands the earliest attention of Congress. Now, if the Senator from Michigan can show that there is any other work on the lakes or on the Atlantic or elsewhere that is in this position I will agree that he shall put it on.

Mr. CHANDLER. I will say to the Senator that the Sault Ste. Marie canal is in precisely the same condition.

Mr. MORTON. If the Senator can show that, and give the reasons for it, I will vote to put it on.

Mr. CHANDLER. I will vote against putting anything on in this shape.

Mr. POMEROY. Does the Senator from Indiana say that the bridge creates an obstruction to the navigation?

Mr. MORTON. Yes, sir.

Mr. POMEROY. Then it ought to be declared a nuisance, if that be true. I reported the bill providing for the bridge, and we passed it with a provision that it should not obstruct navigation.

Mr. MORTON. A number of boats have been injured by it.

Mr. POMEROY. Then it ought to be abated as a nuisance.

Mr. MORTON. I am told that the bridge has not been built where Congress authorized it to be built.

Mr. EDMUNDS. Then why not proceed against it?

Mr. MORTON. To proceed against a bridge of that kind would be a slow process, and it would not help this matter now.

Mr. EDMUNDS. It will next year.

Mr. MORTON. But whether the bridge is there or not, when you tear up the locks you obstruct navigation.

Mr. CONKLING. I should like to ask the Senator from Indiana a question. He said, if I understood him, that if the Sault Ste. Marie canal was a case of merit like this he would vote to put it upon this bill. Did he not say so?

Mr. MORTON. I would if it could be shown to be in the same situation.

Mr. CONKLING. Now I ask the Senator whether he would not vote also to put on this bill every other appropriation that could be shown to be meritorious like this?

Mr. MORTON. Not simply meritorious.

Mr. CONKLING. Meritorious like this, urgent like this. Would not the Senator so vote?

Mr. MORTON. I would.

Mr. CONKLING. Then it seems to me that the Senator and I agree exactly upon the facts and upon the premises upon which we ought both to vote against this appropriation, and for an obvious reason. How can the Senator know, how can I know, in the case of any of these appropriations, whether they are in truth as meritorious and as urgent as this until we examine and investigate, or hear discussed the merits and urgency of the different appropriations? I do not mean to occupy time in doing it, but I can suggest a number of instances where, perhaps upon facts and for considerations somewhat different, it is just as palpable as it can be here that we should give twice if we gave quickly; not only that the thing ought to be done, but that it ought to be done at once; not only that it is high time, but it would have been high time months ago to make the appropriation.

Now, we cannot go through and investigate all these cases unless we are to debate at large the question of river and harbor preservation and improvements upon this appropriation bill, and I submit to the honorable Senator—without intending, as I do not, to challenge at all at this time anything he has said regarding the merit or the urgency of this work—that consistency requires us not to assume that any one work is meritorious and that all others must be less so, but to allow this bill to reach its appropriate destination with its appropriate proportions, and then take up, and I hope we shall take up very early, the bill reported by the Committee on Commerce, and let us go through it *seriatim*, and eliminate from it everything which is not urgent, because I think these appropriations ought to be made as narrow as they can; and selecting those that are urgent, let us make common cause in passing that bill.

Now, if the honorable Senator, and those acting with him, are to succeed in taking this one work up by reason of its urgency, and having it acted upon favorably, and some other Senator is to take up some other important matter which he can show is the fellow of this, and have that acted upon, by and by there will be a great residuum of meritorious things here; and who is to be sponsor for them, and when are they to be considered? Every man who has attended to the philosophy of legislative bodies knows that as long as you keep invested in a bill the common interests of all, or many combined interests, that bill will not be delayed; and therefore I ask the Senator to allow this to go into the group of other urgent measures, in the hope that by the aid which we shall receive from him and from other Senators interested in different matters at a very early day we shall consider and determine all of them.

Mr. MORRILL, of Maine. I desire to make an appeal to the Senator from Ohio who moved this amendment to withdraw it; and I wish to make a few observations in regard to that point; and in the first place, as to the urgency which has been particularly argued by the Senator from Indiana to-day. I do not know that that does not exist, but I suggest to him that this is not a remedy. This is an appropriation bill for the next fiscal year, and he will have no benefit at all from this act prior to the 1st of July. That, I submit, is an absolute bar to the suggestion of urgency. Instead of putting it on a deficiency bill which makes an appropriation for the next fiscal year, the Senators believing this should address themselves to the first opportunity on a deficiency bill for this purpose. It is in the wrong place here. This does not relieve them at all. If this case is urgent and cannot wait this is not the place to put it.

I submit that that is a perfect answer to the idea of urgency. There will be a deficiency bill in a day or two reported to the Senate, and if the urgency is so great for this immediate appropriation there will be an opportunity to put it on there; and that is one consideration which I submit is conclusive as to the question of urgency.

Besides, I am informed that the House Committee on Commerce has already considered the river and harbor bill, and will in a few days report it to the House with the expectation of its speedy passage. That bill covers the entire subject of river and harbor improvements, covering this very item, and covering it precisely as this amendment proposes; and I submit to the Senator moving this amendment that in all human probability that bill will reach the Senate and pass the Senate and become a law as speedily as the bill we are now considering. This bill, burdened as it is with numerous amendments, must go back to the House, and then to a committee of conference; and how long it will remain there nobody can tell. At any rate the speedy passage of this bill no man can now anticipate.

For these two reasons I submit that on the score of urgency this is no remedy whatever. But there is another reason. It is altogether out of place on this bill, as was said last evening. The whole subject of river and harbor expenditures originates in the House, and properly originates there, and originates in another committee altogether than that charged with this bill. This whole subject has been considered in that House; and when it comes here it belongs to the Committee on Commerce to revise and reconsider the whole subject; and they have a right, according to the usages of the Senate, to consider this very item in connection with all the other items of the river and harbor bill. I submit, therefore, that for this reason the amendment is entirely out of place here.

There is an additional reason, and that is the embarrassment caused to this bill. It is just as obvious to my mind as possible that if this proposition goes on this bill is to be embarrassed by all the propositions for expenditures which the honorable chairman of the Committee on Commerce may see fit to bring forward here. The discrimination is so obvious, the idea of putting this here is so invidious to other appropriations which may be selected, that it is apparent to my mind that the Senate will either vote all on, or that they will vote this down; and perhaps they will think the easiest and most adroit method of doing the thing is to vote them all on, and then it goes to the House and to a committee of conference, and nobody can doubt what the result of that would be. They would all go off, as a matter of course.

I submit, under these circumstances, whether in order to facilitate the passage of this bill and get ready for something else I have not a right to appeal to the Senate and to the Senator from Ohio, who has had experience in these matters, to have this amendment withdrawn, to the end that we may make some progress, and thus get rid of this bill.

Mr. SHERMAN. I can scarcely resist the appeal made to me by the honorable Senator from Maine, and I can feel the force of the objections made by Senators in regard to this bill; and in an ordinary case I would not hesitate a moment; but I know the people of the southern part of my State, all along the Ohio river, are so deeply interested in this matter that I feel they would blame me for withdrawing any effort in this direction.

Mr. MORRILL, of Maine. Allow me to make one remark which I intended to make before I took my seat just now. To my mind, looking at the estimate for this work, I see that it stands in the same class with the others, and there is no recommendation that it should be appropriated as a deficiency. There is no suggestion that I have been able to find from any Department of the Government urging this as a matter of special necessity at this moment. Unquestionably it is true that there is a public sentiment in his State, more or less strong, urging the Senator in favor of this movement; but I fail to see a single suggestion from any Department of the Government or the Engineer Bureau urging this as a present necessity.

Mr. SHERMAN. The Senator from Kentucky wishes to reply to some observation of the Senator from Michigan; and after he has done that, I have concluded on the whole to withdraw the amendment. I will not do it until the Senator from Kentucky has replied to the observations made.

Mr. CHANDLER. If this amendment is withdrawn I withdraw mine.

Mr. SHERMAN. I do not withdraw it until the Senator from Kentucky has corrected some statements.

Mr. DAVIS. I shall occupy the attention of the Senate but a very few minutes. I concede that the honorable Senator from Michigan, the chairman of the Committee on Commerce, is much more extensively and much more accurately informed in relation to the trade and business and the internal improvements of the country than I am, because his duty as the head of that committee makes it a special object with him. I do not pretend, therefore, and never have pretended, to compete with him in the extent and accuracy of the information he has in relation to all such subjects.

I did not in the remarks which I made last evening institute any comparison between the business that was done through the canal at the falls of the St. Mary and the falls of the Ohio river around Louisville. The contrast that I drew was between the business that was done around the falls of the Ohio, at Louisville, and the falls of the Des Moines, on the Mississippi, at the mouth of the Des Moines river; and I was induced to make that comparison from the remarks that were made by the honorable Senator from Maine, [Mr. HAMLIN.] He brought up, very properly, the amount of the estimate necessary for the completion of the work to improve the navigation of the Mississippi around the falls of the Des Moines, and he showed that it was about double, or more than double, the amount that is asked for by this proposition to improve the navigation of the Ohio river at the falls at Louisville; and he insisted that the proportion of appropriations to estimates ought to be something like in the same proportion between these two items. I endeavored to countervail the effect of that view simply by stating that I thought the better and more correct rule was to make the amount of the appropriation according to the importance of the improvement and the amount of business that was done over the stream where the obstruction existed; and I stated, or intended to state, that the amount of commerce around the falls of the Ohio river and over the falls was twenty times and more than twenty times the amount of trade and commerce around the falls of the Des Moines. I think so yet; but I may be mistaken.

The honorable Senator from Michigan has shown that this canal is made by the excavation of solid rock almost wholly. When I spoke of this sum being necessary, and this sum alone being necessary, to complete the free navigation of the Ohio river at that point,

I had not looked at the reports of the engineer or the facts of the case since the subject was before the Senate at the last session, and I had forgotten until the honorable Senator reminded me of it this morning, and until the fact was further stated by the honorable Senator from Indiana, that this sum would be required to blow out the canal and to make it of the extent and to build the locks according to the enlarged plan for the improvement of that work. The work, though, that would be necessary and the expenses of the work for walling the sides of this canal had escaped my attention and recollection wholly, and I admit that according to the report of the engineer that cost would about double the amount of this appropriation.

But, Mr. President, I spoke in terms that might seem extravagant to some gentlemen of the extent of the commercial business that was done upon the Ohio river and upon the streams connected with it in navigation, a large portion of which commerce from every port on that river and on the Mississippi, and all the streams connected with these two great rivers, goes through these falls. I will read from the same report which was used by the honorable Senator from Michigan, to give an idea of the extent of the trade and business that is done upon that river and the streams whose navigation forms a part of its system:

"This river, with its branches, drains the whole of parts of ten States of the Union; among them the wealthiest and most populous. It is one of the most important in a system giving 18,000 miles of navigable rivers.

"The States lying on the banks of the Ohio and Mississippi rivers, fourteen in number, had, by the census of 1860, a population of 16,909,494"—

I suppose it is upward of 25,000,000 to-day—

"or more than half the whole population of the United States; and these two rivers have a coast line of 36,098 miles, while the coast of the Atlantic is 2,163 miles, and the Gulf of Mexico 1,764 miles, and of the Pacific 1,343 miles, on a line of 21,354 miles, including bays and indentations.

"These rivers drain an area of 1,785,267 square miles, more than half of the whole 3,001,002 square miles in the United States; and these fourteen States, in 1860, contained 94,402,869 of the 163,110,720 improved acres, and 126,703,393 of the 244,101,818 unimproved acres of the whole United States;"—

That was before the acquisition of Alaska—

"and the valuation of property in these fourteen States shows $8,467,511,274 of the whole valuation of the United States—$16,277,358,715; showing very conclusively that these fourteen States pay more than half the taxes, work more than half of the improved land, have the majority of the population, and also the majority of the land to develop, of the whole United States.

"By the census of 1860 the whole product of the United States was valued at $1,900,000,000, while the foreign exports of the domestic produce were only $373,189,274, or less than one fifth of the whole product, leaving four fifths for exchange in domestic commerce between the States.

"The proportion of the whole product afforded by these fourteen States we speak for may be judged by the returns of their produce gathered from the census of 1860, and compared with the whole United States, as follows:

Products.	*The fourteen States.*	*The whole United States.*
Corn, bushels	634,454,375	838,792,740
Wheat, bushels	126,930,730	173,104,924
Oats, bushels	103,995,461	172,643,185
Tobacco, pounds	345,400,759	434,208,461
Sugar, pounds	222,636,000	230,982,000
Cotton, pounds	1,079,799,600	2,154,820,800
Wool, pounds	31,277,839	60,264,913
Hay, tons	9,297,743	19,083,896
Butter, pounds	239,601,405	459,681,372
Hemp, tons	69,470	74,493
Hogs	22,225,766	33,512,867
Bituminous coal, bush	3,247,264,425	3,621,923,165
Horses and asses	4,804,634	7,400,322
Cattle	12,517,392	25,616,019
Sheep	11,973,315	22,471,275

"Showing for the river States a great preponderance in the products of the whole country.

"The total tonnage owned in the United States is returned in the census of 1860 at 5,353,868 tons, and the portion belonging to the fourteen States as 996,266 tons; but it is estimated by competent parties that the steamers on the Ohio and Mississippi have carried 7,905,216 tons during the year 1866, evincing the activity in domestic commerce of these river States; and this commerce, but yet in its infancy, for it is developing daily, and demonstrating that from these States has, and must come the food supply for the whole nation, and for export, and that they must also supply the gold and silver States, which are developing so largely and quickly upon the tributaries of their rivers.

"Besides, on an improved Ohio river more freight would be carried at a cheaper rate between Pittsburg and Cairo than by a half dozen railroads connecting these points."

But, Mr. President, I will not prosecute these statistical facts further. I merely present them to the consideration of the Senate to demonstrate the importance of the early completion of the falls of the Ohio river, so as to secure its perpetual navigation so far as the river may be perpetually navigated above and below. For the improvement that the honorable Senator from Michigan feels interested in, the Sault Ste. Marie canal, I have always been an advocate, and still am. I am entirely willing that the honorable Senator from Ohio shall withdraw this proposition, and I would not have presented it myself to this bill, I am free to say.

Mr. SHERMAN. I withdraw the amendment.

Mr. STEWART. I want to make a report from a committee of conference in regard to the fifteenth amendment bill.

Mr. MORRILL, of Maine. I will not yield to that, because I know it will lead to debate.

Mr. STEWART. I think we might as well dispose of it.

Mr. MORRILL, of Maine. No, I want to dispose of this bill. I am advised that that report will lead to debate. I do not yield to it. I have yielded so much to this bill that I have got sore about it. The Senator's bill has already taken a week, and it can survive now until we get through with this appropriation bill.

Mr. ROSS. I offer an amendment that I gave notice of a few days ago.

Mr. MORRILL, of Maine. If the Senator will indulge me a moment, I wish to make some corrections in the bill which are rendered necessary by amendments already made.

Mr. ROSS. Very well.

Mr. MORRILL, of Maine. On page 3 the footing should be changed. This is rendered necessary by amendments made. Instead of $111,880 80 the amount should be $118,512 80. That amendment is made necessary by the amendments of the text.

The PRESIDING OFFICER. That amendment will be considered as agreed to if there be no objection. The Chair hears no objection.

Mr. MORRILL, of Maine. On page 5 there should be a similar amendment made under the head of "Capitol police." It is made necessary by the amendments of the text. The gross sum as it now reads, "making in all $42,900," should be "$61,208." I move that amendment.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 7, line one hundred and forty-eight of the new print of the bill, I move to strike out "two" and insert "five;" so as to read five mail-carriers, $1,080 each."

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 8, line one hundred and sixty-seven of the old print, and line one hundred and seventy-four of the new, I propose to amend by striking out "$8,000" and inserting "$12,600;" so as to read, "for laborers, $12,600." I have a note from the chairman of the committee of the House, calling my attention to it, and desiring that this amendment should be made.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 7 the footing, instead of being $144,667 60, should be $147,900. That is the amount appropriated for compensation of officers of the House of Representatives.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 15 there is a clerical error in the new print. The bill as printed reads, "for publishing the laws in pamphlet form, $10,000." It should stand $50,000.

The PRESIDING OFFICER. That correction will be made if there be no objection. The Chair hears no objection.

Mr. ROSS. I now offer the following amendment, to come in at the end of line ten hundred and twenty-two, on page 42:

And for the compensation of extra clerks in replacing the township plats and descriptive sheets, &c., of the land office at Topeka, Kansas, destroyed by the burning of that office, $5,000, or so much thereof as may be necessary.

I have here a communication from the Secretary of the Interior, recommending this appropriation.

Mr. MORRILL, of Maine. I should like to have that read.

Mr. ROSS. I send it to the desk to be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., *December* 21, 1869.

SIR: I have the honor to transmit herewith a copy of a letter from the Commissioner of the General Land Office, dated the 16th instant, representing the necessity of providing for the replacement of certain township plats and descriptive sheets, destroyed by fire in the land office at Topeka, Kansas, in November last, and submitting an estimate of an appropriation of $5,000 for the special service required.

Concurring in the views of the Commissioner, I respectfully invite the early attention of the House of Representatives to the subject.

I am, sir, very respectfully, your obedient servant,
J. D. COX, *Secretary.*

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., *December* 16, 1869.

SIR: Referring to my letter of the 30th ultimo, communicating intelligence of the burning of the land office at Topeka, Kansas, I have the honor to state that the preparation of township plats and descriptive sheets, to take the place of those destroyed, is a matter pertaining to the office of the surveyor general of Kansas, but the appropriation for clerk-hire in that office is barely sufficient to enable the surveyor general to employ a force capable of attending to urgent current business, while it is estimated that the preparation of the said plats and descriptive sheets, about four hundred of each, will require the services of a skillful draughtsman for a year and two competent clerks for a year and a half.

I therefore respectfully suggest that, in view of the great importance to the settlers in the Topeka district of completing, at an early day, the restoration of the records of the destroyed office, an estimate of $5,000 be submitted to Congress, to provide for the special service required, said sum to be placed to the credit of the appropriation "for compensation of the clerks in the office of the surveyor general of Kansas."

I have the honor to be, very respectfully, your obedient servant,
JOSEPH S. WILSON,
Commissioner.

Hon. J. D. COX, *Secretary of the Interior.*

Mr. POMEROY. I think the amendment ought to be put on to some one of these bills. This perhaps is as good a bill as any for it. It is a very just thing. One of the land offices was burned up, and we have got to duplicate all the plats, and all the proceedings. I suppose this estimate is correct, and it ought to pass.

The amendment was agreed to.

Mr. DRAKE. On page 15, line three hundred and fourteen, after the word "dollars," I move to insert a provision which I send to the Chair.

The amendment was read, as follows:

Provided, That no pardon or amnesty granted by the President, whether general or special, by proclamation or otherwise, nor any acceptance of such pardon or amnesty, nor oath taken, nor other act performed in pursuance or as condition thereof, shall be admissible in evidence on the part of any claimant in the Court of Claims as evidence in support of any claim against the United States, or to establish the standing of any claimant in said court or his right to bring or maintain suit therein; nor shall any such pardon, amnesty, acceptance, oath, or other act as aforesaid, heretofore offered or put in evidence in behalf of any claimant in said court, be used or considered by said court or by the appellate court on appeal from said court, in deciding upon the claim of said claimant or any appeal therefrom, as any part of the proof to sustain the claim of the claimant or to entitle him to maintain his action in said Court of Claims or on appeal therefrom; but the proof of loyalty required by the twelfth section of the act of March 3, 1863, entitled "An act to amend an act to establish a court for the investigation of claims against the United States, approved February 24, 1855," and by the third section of the act entitled "An act to provide for the collection of abandoned property, and for the prevention of frauds in the insurrectionary districts within the United States," approved March 12, 1863; and by the third section of

the act entitled "An act to provide for appeals from the Court of Claims, and for other purposes," approved June 25, 1868, shall be made by proof of the matters required by said sections respectively, irrespective of the fact of any executive proclamation, pardon, amnesty, or other act of condonation or oblivion; and in all cases where judgment shall have been heretofore rendered in the Court of Claims in favor of any claimant on any other proof of loyalty than such as is above required and provided, and which is hereby declared to have been and to be the true intent and meaning of said respective acts, the Supreme Court shall on appeal reverse such judgment: *And provided further*, That whenever any pardon shall have heretofore been granted by the President of the United States to any person bringing suit in the Court of Claims for the proceeds of abandoned or captured property under the said act approved March 12, 1863, and the acts amendatory of the same, and such pardon shall recite in substance that such person took part in the late rebellion against the Government of the United States, or was guilty of any act of rebellion against or disloyalty to the United States, and such pardon shall have been accepted in writing by the person to whom the same issued, without an express disclaimer and protestation against such fact of guilt contained in such acceptance, such pardon and acceptance shall be taken and deemed, in such suit in the Court of Claims and on appeal therefrom, conclusive evidence that such person did take part in and give aid and comfort to the late rebellion and did not maintain true allegiance to or consistently adhere to the United States; and on proof of such pardon and acceptance, which proof may be heard summarily on motion or otherwise, it shall be the duty of the said Court of Claims forthwith to dismiss the suit of such claimant.

Mr. DRAKE. Mr. President, of course it is necessary that some explanation should be given of the offering of this amendment and of its character. It will be remembered by every Senator that loyalty to the Government of the United States has been established by law as a condition-precedent to any right to prosecute a suit in the Court of Claims against the United States. In order to bring them directly before the Senate, I will read the several provisions of law on this subject which have been adopted by Congress. The first one is the twelfth section of the act of March 3, 1863, referred to in this amendment, which reads as follows:

"SEC. 12. *And be it further enacted*, That any petition filed under this act shall be verified by the affidavit of the claimant, his agent, or attorney, stating that no assignment or transfer of said claim, or any part thereof or any interest therein, has been made, except as in said petition stated; that said claimant is justly entitled to the amount therein claimed from the United States, after allowing all just credits and offsets; and that he believes the facts as stated in said petition are true: *Provided, however*, That in order to authorize the said court to render a judgment in favor of any claimant, if a citizen of the United States, it shall be set forth in the petition that the claimant and the original and every prior owner thereof, where the claim has been assigned, has at all times borne true allegiance to the Government of the United States, and, whether a citizen or not, that he has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, which allegations may be traversed by the Government, and if on the trial such issue shall be decided against the claimant his petition shall be dismissed."

Again, in the act of March 12, 1863, referred to in this amendment, the third section is in the following words:

"SEC. 3. *And be it further enacted*, That the Secretary of the Treasury may require the special agents appointed under this act to give a bond, with such securities and in such amount as he shall deem necessary, and to require the increase of said amounts, and the strengthening of said security, as circumstances may demand; and he shall also cause a book or books of account to be kept, showing from whom such property was received, the cost of transportation, and proceeds of the sale thereof. And any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase-money which may have been paid, together with the expense of transportation and sale of said property, and any other lawful expenses attending the disposition thereof."

Again, in the act of June 25, 1868, referred to in my amendment, is this section, explanatory of these preceding requirements:

"That whenever it shall be material in any suit or claim before any court to ascertain whether any person did or did not give any aid or comfort to the late rebellion, the claimant or party asserting the loyalty of any such person to the United States during such rebellion shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States, and did give no aid or comfort to persons engaged in said rebellion; and the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be *prima facie* evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein."

Mr. STEWART. If the Senator from Missouri will yield a moment, I desire to give notice to the Senate that I will present a report of the committee of conference on the disagreeing votes of the two Houses upon the bill to enforce the fifteenth amendment before the Senate adjourns, and I expect to have it acted upon to-night. I wish to have that understood. On the day after to-morrow there is to be an election in Virginia; and facts have come to my knowledge which it seems to me make it very important that this bill should become a law to-morrow; and consequently we shall have to get it through the Senate to-night. It will take very little time, I think, to dispose of it. I do not propose to press it now as against this appropriation bill.

Mr. SUMNER. Our evening session is to-morrow under the rule of the Senate.

Mr. STEWART. But the chairman of the Committee on Appropriations proposes to go on to-day until this bill is disposed of, without any recess. I simply want it understood that at the proper time, when the appropriation bill is concluded, or whenever the Senate think it best, I shall present the report of the committee of conference, and ask to have it acted upon.

Mr. SUMNER. I suggest to the Senator that nothing could be more important than his report; and I think we had better go on with that report.

Mr. STEWART. It is a privileged report, but I do not feel like antagonizing the Senator from Maine any further than I have already done on this matter; but I want to have it understood that the fifteenth amendment bill must be passed to-night.

Mr. SUMNER. I would go right on with it now.

Mr. DRAKE. I presume that I have been silent long enough for the Senator from Nevada to signify what he wants to have done hereafter. The conference committee report will not be taken up just yet.

[A violent rain storm interrupted the proceedings for several minutes, the pattering upon the glass roof rendering it impossible for any voice to be heard.]

Mr. POMEROY. I move that the Senate take a recess for fifteen minutes.

Several SENATORS. Oh, no.

Mr. POMEROY. It is impossible to do business while this storm lasts.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate take a recess for fifteen minutes.

The motion was not agreed to; there being on a division—ayes 19, noes 24.

Mr. POMEROY. I move to pass over the pending bill, for the purpose of taking up the report of the committee of conference.

Mr. DRAKE. I will inquire of the Chair whether, when we return to the appropriation bill, we return to the amendment I have offered as the pending question?

The PRESIDING OFFICER. Certainly; and the Senator from Missouri will be entitled to the floor upon it.

Mr. SAULSBURY. Mr. President, I rise to a question of order. The Senator from Missouri is on the floor, and it is not competent while he is on the floor for the Senator from Kansas to make the motion which he has made.

The PRESIDING OFFICER. It is, under the new rule. This motion has the privileges of a question of order, and can be made even when a Senator is speaking, the floor being taken from him for that purpose.

Mr. WARNER. I inquire of the Chair what committee of conference report it is proposed to take up?

The PRESIDING OFFICER. The Chair understands it to be a report proposed to be submitted by the Senator from Nevada on the bill to enforce the fifteenth amendment. The motion is that the Senate pass over the appropriation bill with a view to enable that report to be submitted.

Mr. HAMILTON, of Maryland, called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 37, nays 9; as follows:

YEAS—Messrs. Anthony, Boreman, Buckingham, Cameron, Chandler, Cole, Corbett, Drake, Edmunds, Flanagan, Hamlin, Harlan, Harris, Howe, Howell, Kellogg, McDonald, Morton, Nye, Osborn, Pomeroy, Pool, Pratt, Ramsey, Rice, Ross, Sawyer, Scott, Spencer, Sprague, Stewart, Sumner, Thayer, Trumbull, Willey, Williams, and Yates—37.

NAYS—Messrs. Bayard, Davis, Hamilton of Maryland, Johnston, Morrill of Maine, Morrill of Vermont, Saulsbury, Stockton, and Vickers—9.

ABSENT—Messrs. Abbott, Ames, Brownlow, Carpenter, Casserly, Cattell, Conkling, Cragin, Fenton, Ferry, Fowler, Gilbert, Hamilton of Texas, Howard, Lewis, McCreery, Norton, Patterson, Revels, Robertson, Schurz, Sherman, Thurman, Tipton, Warner, and Wilson—26.

So the motion to pass over the appropriation bill was agreed to.

ENFORCEMENT OF FIFTEENTH AMENDMENT.

Mr. STEWART. I send to the Chair the report of the committee of conference upon the disagreeing vote of the two Houses on House bill No. 1293.

Mr. STOCKTON. I move that the report be laid on the table and printed.

Mr. EDMUNDS. No; let it be read now.

Mr. SUMNER. Let it be read at least.

The PRESIDING OFFICER. The report will first be read, and then the motion of the Senator from New Jersey will be in order.

The Chief Clerk read the report of the committee of conference, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 1293) to enforce the right of citizens of the United States to vote in the several States of this Union, who have hitherto been denied that right on account of race, color, or previous condition of servitude, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with the following amendments:

Section three, line nineteen after the word "shall" insert the word "wrongfully;" in line nineteen strike out the word "knowingly."

Section eleven, line twenty-two, strike out the words "by indictment and," and in lieu thereof insert the word "on."

Section thirteen, strike out all of the section after the word "be" in line four, and in lieu thereof insert "necessary to aid in the execution of judicial process issued under this act."

Section sixteen, line fourteen, strike out "emigrating," and in lieu thereof insert "immigrating;" line sixteen, strike out "emigrating," and in lieu thereof insert "immigrating."

Section nineteen, line thirty-nine, strike out "indictment," and in lieu thereof insert "prosecution."

Section twenty, line thirty, strike out "indictment," and in lieu thereof insert "prosecution."

Section twenty, at the end of the section add the following proviso:

Provided, That every registration made under the laws of any State or Territory, for any State or other election at which such Representative or Delegate in Congress shall be chosen, shall be deemed to be a registration within the meaning of this act, notwithstanding the same shall also be made for the purposes of any State, territorial, or municipal election.

Insert the following, to come in as section twenty-one:

SEC. 21. *And be it further enacted*, That whenever by the laws of any State or Territory the name of any candidate or person to be voted for as Representative or Delegate in Congress shall be required to be printed, written, or con ained in any ticket or ballot with other candidates or persons to be voted for at the same election for State, territorial, municipal, or local officers, it shall be sufficient *prima facie* evidence, either for the purpose of indicting or convicting any person charged with voting or attempting or offering to vote unlawfully under the provisions of the preceding sections, or for committing either of the offenses thereby created, to prove that the person charged or indicted voted, or attempted or offered to vote, such ballot or ticket, or committed either of the offenses named in the preceding sections of this act with reference to such ballot. And the proof and establishment of such fact shall be taken, held, and deemed to be presumptive evidence that such person voted, or at-

tempted or offered to vote, for such Representative or Delegate, as the case may be, or that such offense was committed with reference to the election of such Representative or Delegate, and shall be sufficient to warrant his conviction, unless it shall be shown that any such ballot when cast, or attempted or offered to be cast, by him did not contain the name of any candidate for the office of Representative or Delegate in the Congress of the United States, or that such offense was not committed with reference to the election of such Representative or Delegate.

Insert the following, to come in as section twenty-two:

SEC. 22. *And be it further enacted*, That any officer of any election at which any Representative or Delegate in the Congress of the United States shall be voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, territorial, district, or municipal law or authority, who shall neglect or refuse to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof, or violate any duty so imposed, or knowingly do any act thereby unauthorized, with intent to affect any such election or the result thereof; or fraudulently make any false certificate of the result of such election in regard to such Representative or Delegate; or withhold, conceal, or destroy any certificate or record so required by law respecting, concerning, or pertaining to the election of any such Representative or Delegate; or neglect or refuse to make and return the same as so required by law; or aid, counsel, procure, or advise any voter, person, or officer to do any act by this or any of the preceding sections made a crime; or to omit to do any duty the omission of which is by this or any of said sections made a crime, or attempt to do so, shall be deemed guilty of a crime, and shall be liable to prosecution and punishment therefor, as provided in the nineteenth section of this act for persons guilty of any of the crimes therein specified.

Strike out all of the twenty-first section, and in lieu thereof insert the following, to come in as section twenty-three:

And be it further enacted, That whenever any person shall be defeated or deprived of his election to any office, except elector of President or Vice President, Representative or Delegate in Congress, or member of a State Legislature, by reason of the denial to any citizen or citizens who shall offer to vote of the right to vote on account of race, color, or previous condition of servitude, his right to hold and enjoy such office and the emoluments thereof shall not be impaired by such denial; and such person may bring any appropriate suit or proceeding to recover possession of such office; and in cases where it shall appear that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote, on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the circuit or district court of the United States of the circuit or district in which such person resides; and said circuit or district court shall have, concurrently with the State courts, jurisdiction thereof so far as to determine the rights of the parties to such office by reason of the denial of the right guarantied by the fifteenth article of amendments to the Constitution of the United States and secured by this act.

And that the Senate agree to the same.

That the House agree to the Senate amendment to the title of the bill.

WILLIAM M. STEWART,
GEO. F. EDMUNDS,
Managers on the part of the Senate.
JOHN A. BINGHAM,
NOAH DAVIS,
Managers on the part of the House.

Mr. STEWART. I will explain in a few moments the character of these amendments, if the Secretary will send me back the report.

Mr. BAYARD. I would ask whether the honorable Senator proposes to debate this matter in its present shape?

Mr. STEWART. I propose to explain to the Senate the report.

Mr. BAYARD. What is the effect, then, of the motion of my friend from New Jersey, that this report be laid on the table and printed?

The PRESIDING OFFICER. That motion will be in order whenever the Senator from Nevada yields the floor.

Mr. STOCKTON. That motion was made, and withdrawn simply to permit the report to be read.

The PRESIDING OFFICER. The motion could not be made while the report was reading. The Senator from Nevada made the report and desired to have it read. He retained the floor while the report was reading, and it could not be taken from him by the motion to lay on the table.

Mr. STOCKTON. I should like to know when the Senator has finished his explanation, in order to make the motion I have indicated.

Mr. STEWART. I will proceed to explain the points of this report. The House substantially adopt our bill with some slight modifications.

In section three of the Senate bill the word "wrongfully" is introduced after the word "shall." As it now reads, in line seventeen, it is "who shall refuse or wrongfully omit to receive and count votes," &c. As amended, it reads "who shall wrongfully refuse or omit."

In section eleven the word "indictment" is stricken out and the word "on" inserted. I will explain the object of this. In the eighth section there is a general provision that where the offense is infamous it must be prosecuted by indictment, and where it is not infamous it may be either by indictment or information. In some of the sections we have stricken out "indictment" and put in "prosecution" simply to harmonize the bill. It will be governed by the provisions of the eighth section, which declares that where the crime is infamous it must be prosecuted by indictment, according to the Constitution, and when not infamous it may be by information or indictment, as the prosecution may elect to pursue. These changes are only to make the bill harmonious in that regard, not intending to change its effect.

In section thirteen there is an amendment of some little importance, although it makes it just what the Judiciary Committee intended it originally should be. Section thirteen reads as follows:

That it shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be deemed necessary to prevent the violation and enforce the due execution of this act.

The conference committee recommend the striking out of all this section after the word "be" in the fourth line and inserting "necessary to aid in the execution of judicial process issued under this act;" so that the section will read, when amended:

That it shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to aid in the execution of judicial process issued under this act,

Mr. SAULSBURY. I wish to ask the Senator a question. He speaks of the thirteenth section. In the bill which he reported from the Judiciary Committee there were but twelve sections. I want to ask him whether section twelve now stands in the bill?

Mr. STEWART. The section I just read is section twelve, as originally printed.

Mr. SAULSBURY. It reads:

That it shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be deemed necessary to prevent the violation and enforce the due execution of this act.

Is that in the bill now?

Mr. STEWART. The section stands as I have just read it.

Mr. SAULSBURY. That is section twelve, as reported.

Mr. STEWART. It was not passed as reported. As reported it authorized the President, or such person as he might appoint, to use the land and naval forces. That was stricken out in the Senate, so that it now reads, as proposed to be amended by this report:

That it shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to aid in the execution of judicial process issued under this act.

Then in section sixteen the word "emigrating," where it occurs twice in that section, is stricken out, and "immigrating" inserted, which is a mere verbal correction.

Then in section nineteen we strike out "indictment" and insert "prosecution." That is for the purpose of accomplishing the same purpose I have already explained, to make the bill uniform.

In section twenty the same change again occurs. At the end of section twenty we insert a proviso. That section relates to registration. I will explain that this and the following sections have reference to the evidence to be used for the enforcement of the amendment that was first proposed by the Senator from Ohio [Mr. SHERMAN] and subsequently modified by the Senator from Maine, [Mr. HAMLIN.]

It was suggested that the registration mentioned in the last sections of the Senate bill and the provisions included in those sections against fraudulent voting, repeating, &c., only related to the election of members of Congress; whereas at the same election State officers were in some States elected. They are voted for on one ticket, and men are registered for the purpose of voting not only for members of Congress, but for State officers. This proviso is intended to simplify the evidence. If a person registers in order to vote at a general election where a member of Congress is to be chosen, the provision is that it shall be regarded as a violation of the act, if he fraudulently registers, although other persons are to be elected besides members of Congress. The proviso is:

Provided, That every registration made under the laws of any State or Territory for any State or other election, at which such Representative or Delegate in Congress shall be chosen, shall be deemed a registration within the meaning of this act, notwithstanding the same shall also be made for the purpose of any State, territorial, or municipal electoin.

Sections twenty and twenty-one also apply to that matter of evidence. For instance, if a person goes to the polls and fraudulently votes or offers to vote a whole ticket the burden of proof shall not be on the Government to prove that in that ticket the name of a member of Congress was contained; but if he votes or offers to vote fraudulently at an election where tickets with the names of members of Congress are being received, it shall be presumed that he voted for member of Congress; and it is incumbent on him then to prove that his ticket did not have the name of a member of Congress on it. It is a mere regulation of the matter of evidence. That is all there is of these sections. It is a very important matter, because it might be impossible to prove what was on the ticket; but if a man casts a fraudulent vote, or offers to vote fraudulently at a poll where votes for members of Congress are being received, it shall be presumed that he voted for member of Congress, and he must show he did not.

Then the final section of the amendment passed by the Senate was intended by the Senate undoubtedly to give a remedy in a specific case; that is, when persons offering to vote were denied the right to vote by reason of color the candidate defeated by reason of that denial might go into the United States courts on that particular question, so that effect should be given to the voice of the voters. For instance, if a sheriff was to be elected in one of the southern States, and he received one thousand white votes, and there were fifteen hundred colored voters all ready to vote for him, but who were excluded, he might go to the United States court and recover the office; but in order that that section should not cover any other case than that specific one, to give effect to votes denied for this reason, the committee of conference have redrawn the section very carefully, narrowing it down to the particular issue where the right to vote is denied for that specific reason; not drawing anything else before the United States courts, and for the purpose of giving effect to this fifteenth amendment. I will read the section as reported by the conference committee; it will explain itself probably better than I can explain it:

And be it further enacted, That whenever any person shall be defeated or deprived of his election to any office, except elector of President or Vice President, Representative or Delegate in Congress, or member of a State Legislature, by reason of the denial to any citizen or citizens who shall offer to vote of the right to vote on account of race, color, or previous condition of servitude, the right to hold and enjoy such office and the emoluments thereof shall not be impaired by such denial; and such person may bring any appropriate suit or proceeding to recover possession of such office; and in cases where

it shall appear that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote, on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the circuit or district court of the United States of the circuit or district in which such person resides; and said circuit or district court shall have concurrently with the State courts jurisdiction thereof so far as to determine the right of the parties to such office by reason of the denial of the right guarantied by the fifteenth article of amendments to the Constitution of the United States, and secured by this act.

That is, it carries out the design of the section, as it was adopted by the Senate, precisely, but in a little more guarded language, narrowing it down to the particular issue to give effect to the fifteenth amendment, allowing the voter not only the right to vote, but the right to have his vote counted and to be made effective.

These are all the amendments. They do not change any of the essential features of the bill as it passed the Senate, but make it a little more harmonious, and carry out the design of the Senate precisely in the bill passed by them.

Mr. STOCKTON. I now move that the report be laid on the table and printed; and I desire simply to say one word in that connection. Being on the conference committee I did not sign the report. It is proper for me to call the attention of the Senate, on this motion, to the fact that whole sections have been introduced which have never been before the Senate heretofore. I suppose, perhaps, one third of the bill as it now stands—I may be in error in the calculation—but a very large proportion of the bill, I think three new sections, have been introduced that have never been before the Senate hitherto.

Although I could not sign the report because I disapproved of the bill itself and in very serious particulars of many of the amendments, yet my impression is, as I was going to say, that the bill is better than it left the Senate; but it would, perhaps, be a little more proper for me to say that it is not quite so bad. But certainly in regard to a bill of this importance, involving great constitutional questions, as it certainly does, and in some respects new constitutional questions, we should be allowed to see it in print and know what the changes are before we vote upon it.

Mr. President, recollect that this bill was hurried through the Senate at a prolonged night session; that it was asserted on the floor in the middle of that night that Senators voting for that bill did not know what it was; that a bill which came from the Committee on the Judiciary, a bill to enforce the fifteenth amendment, became a bill to enforce the fourteenth and fifteenth amendments and with something about Chinese immigration, and also a bill for the military possession of the election polls. The circumstance which has been stated by the Senator from Nevada, that the section giving the President the right to take military possession of the polls has been so altered by the committee of conference as only to permit him to do so in pursuance of legal process, shows the importance of consideration and deliberation.

I rose simply to call attention to what the Senator from Nevada had said in explanation of the important and serious questions involved, and to suggest that we should be permitted to see in print a bill of this serious and grave import before it is finally passed. I am sure in a matter of so much importance this is very little to ask of the courtesy of the Senate.

Mr. THURMAN. I ask my friend from New Jersey to withdraw his motion for a moment, and I will renew it.

The PRESIDING OFFICER. Does the Chair understand the Senator from New Jersey to move to lay the report on the table?

Mr. STOCKTON. I did make that motion with a motion to print; and I ask the Chair whether that combined motion is debatable?

The PRESIDING OFFICER. It is not debatable. The Chair would have interrupted the Senator from New Jersey; but he treated what he said as simply an indication of his intention to move to lay the report on the table.

Mr. STOCKTON. I did intend to move it; but I withdraw the motion in order that the Senator from Ohio may be heard.

Mr. THURMAN. I do not propose to repeat what has been so well said by my friend from New Jersey; but I understand that the Senator who made the report from the committee of conference said something about an election to take place in Virginia the day after to-morrow as a reason for passing this bill at once. I was out of the Senate at the time, and I will thank him if he will restate what he said on the subject.

Mr. STEWART. Certainly; there will be an election there the day after to-morrow, and I am very anxious they should have a fair election. It is important to pass this bill in order to enable them to have it.

Mr. THURMAN. Now, Mr. President, let us see what this is to be; but first I will ask further what election is that?

Mr. STEWART. A municipal election.

Mr. THURMAN. Where?

Mr. STEWART. In Richmond.

Mr. THURMAN. Richmond alone?

Mr. MORTON. No; all over the State.

Mr. SUMNER. All over Virginia.

Mr. THURMAN. Now, of all the reasons in the world that is the best reason why this bill should not be passed. There is no Senator who will get up on the floor and assert that he expects this bill to be known in perhaps a county in Virginia if it passes this day, at the time the election takes place. In no one township of Virginia will any judge of election or any individual have the text of this bill to guide his action, and yet this bill which is to take effect immediately is to punish men with imprisonment in the penitentiary as well as fine, and I believe in one instance with disqualification to hold office, when not one man in the whole State of Virginia will know what the bill is. I submit if it is proper to do that. I ask Senators how they could defend themselves if they were to do that.

We have in the State of Ohio, and we have in several other States, a constitutional provision that laws shall not take effect until a certain time after they are passed, in order to give full opportunity for the people to know what the law is. That is the law even in the empire of France, that a law shall not take effect until it has been notified. It takes effect in Paris before it takes effect in Lyons, because it is notified in Paris before it is notified in Lyons; but it takes effect in no single arrondissement in all France until it has been notified there, as it is called in the language of the French law. It takes effect nowhere until the local authorities have received an official copy from the Government and been notified of the existence of the law, in order that the people may not be entrapped into a violation of the law.

That principle, which is adopted in an empire, an empire as despotic as that of France, is proposed to be overridden here in a republican Government, and the people all over a State are to be subjected to fine and imprisonment in the penitentiary for a violation of a law of which they have no more knowledge than they have of the laws of China. I ask the Senate if it can, with any sort of self-respect, with any sort of regard for justice, make this the law of the land to-day?

Now, sir, here is even a greater reason than that suggested by my friend from New Jersey; but surely that ought to be enough. Surely this Senate ought not, under the idea of affecting a set of municipal elections, wholly municipal elections, throughout the State of Virginia——

Mr. SAWYER. Will the Senator allow me to ask him a question?

Mr. THURMAN. Certainly.

Mr. SAWYER. I should like to ask the Senator, if we passed this bill on any other day, he has reason to believe that no municipal election would occur somewhere else on the following day? Does not the same objection obtain with regard to passing it on any day in the year? Do you know the days of the municipal elections of all the cities and towns in this country? And do not the people of Virginia know that the things which are forbidden in this bill are wrong in themselves?

Mr. THURMAN. Why, what a question that is to put! Do they not know that these things are wrong in themselves? There are a great many things wrong in themselves that are not punishable by the criminal law. There is a world of things that are wrong in themselves that the criminal law does not take hold of; and the gentleman might just as well say that we should pass a law here to-day to make it punishable for a man to kiss his wife on Sunday, for that was once considered wrong. [Laughter.] Certainly it is wrong to kiss another man's wife, and he therefore might make it a penitentiary offense to kiss another man's wife, and make it the law to-day on the ground that everybody knows that it is wrong to do that thing!

Mr. DRAKE. I wish to ask the honorable Senator from Ohio a question for information.

Mr. THURMAN. Certainly.

Mr. DRAKE. I should like to know where in the world it ever was made unlawful for a man to kiss his wife on Sunday. [Laughter.]

Mr. THURMAN. In the blue laws of Connecticut. My friend ought to know that, and men were punished for it.

Mr. DRAKE. Has the Senator from Ohio ever seen a certified copy of that law?

Mr. THURMAN. I have seen what is considered a historical copy. I have never seen a copy certified under the seal of the secretary of State.

Mr. DRAKE. I should like to see a certified copy of it.

Mr. SAULSBURY. The Senator can see it in the Congressional Library. I have a copy of it in my library.

Mr. THURMAN. The Senator from Missouri, with all his learning, has not seen all the laws which are or have been in force.

Mr. BUCKINGHAM. I think the Senator from Ohio would want a certificate of the character of one Sam Peters, who wrote that history.

Mr. THURMAN. I did not intend to get up any difficulty on that subject. I will take that illustration back, if my friend from Connecticut, for whom I have the highest respect, says that the history is wrong. I have seen a copy of the law. You have got it in your Congressional Library. There I first saw it; there I first read it.

But if that is not so, we know very well that there are a great many things morally wrong which the law does not make criminal; and it will not do, therefore, to say that the thing forbidden is morally wrong. There are things punished in this bill that are not morally wrong, perhaps it will be found on examination; but at all events the people of the country are entitled to know what the law is. For more than two thousand years the names of certain Roman law-makers have been infamous in the world because they caused the laws to be hung up on columns so high that the people could not read them, and they violated the law without knowing what the law was. For more than two thousand years that has been an example of infamy in the history of the world. And now it is proposed that here, in the nineteenth century, the Senate of the United States shall hurry a bill through in order that the people in a State who are to hold an election the day after to-morrow may be convicted under a law of which they can by no possibility have any knowledge whatsoever. Why, sir, that is the last reason that ought to be given in the American Senate for passing such a law.

Now, I ask as a simple matter of justice that these proposed amendments may be printed, that we may know what they are, that we may

compare that with the original bill. We cannot do that unless we have them on our tables and have an opportunity to compare that with the bill as it passed the Senate. Then we shall know what we are to vote upon.

If no one wishes to speak on the subject I shall move to lay the report on the table, and that it be printed; but if any one desires to speak, of course, having made a speech myself, I shall not make that motion now, but will make it at the proper time.

Mr. DRAKE. Mr. President, I find very few occasions when I can agree with the honorable Senator from Ohio who has just taken his seat; but on this occasion I do agree with him.

Mr. THURMAN. Thank you.

Mr. DRAKE. For a wonderful thing, that Senator is right for once. [Laughter.] I do not think we ought to hurry a bill of this kind through, that is to go into operation perhaps on the very day of that election, with a view to make it operative on that election. I think the Senator from Ohio is right; I think we ought to take the bill deliberately.

Mr. EDMUNDS. I do not think it is worth while to get into any great excitement on this particular point. Every law that we have passed this session and the last session, and for the last forty years, except occasionally a tariff law, has gone into effect on its passage, and a great many of those laws have had criminal sections; just as the English Parliament has always passed laws, and nobody has ever stopped hitherto with a view to see whether or not any instance would arise on the next day to which the law might or might not apply. It has always been found in practice that if anybody has been convicted under a law of which he was ignorant, on account of its recent passage, he is immediately pardoned. There is a provision for all such cases, which has been found in practice in all civilized countries to be perfectly adequate. Therefore, unless we intend to make an exception in this particular case from all other laws, there is no reason why we should go fast or slow, particularly slow, in respect to disposing of a subject that has been under debate here for weeks, and which is now again presented to the Senate in substantially the same form as before.

Mr. WILLIAMS. I wish to state one reason, similar to the one that has been stated by the Senator from Nevada, for the immediate passage of this bill. On the 6th day of June an election occurs in the State of Oregon for all State officers and members of the Legislature. It is not at all probable that the passage of this bill will be delayed in any possible way until after that date; and to enable the people of the State of Oregon to become acquainted with the provisions of this law, so that they may be governed by it on that day, I think it is necessary that this bill should be passed at once so that they can be advised of its provisions. Otherwise, they will act in ignorance of the provisions and requirements of this law, if its passage and its publication be delayed for several days, as proposed by the Senator from Ohio.

This bill was subjected to some criticisms by me when it was before the Senate. I have examined the amendments that have been made by the committee of conference, and this report has remedied to a very great extent, if not altogether, the objections which I made to two different provisions of the bill. It is not difficult to see, as stated by the Senator from New Jersey, that the bill has been improved by the action of the conference committee. It has been made more harmonious in its parts; it has been made less objectionable in some of its features; and therefore there can be no reason, as it appears to me, why the bill should be laid on the table and printed. It is a better bill than it was when it passed the Senate.

The report of the committee of conference is not susceptible of amendment, as I understand; so that if it be laid on the table and printed what advantage will result to anybody? These honorable Senators have a better bill now by the action of this conference committee than they had before. It is a bill not susceptible of amendment. Everything has been said against the bill, it seems to me, that can be said; and therefore there is no particular reason why it should be postponed. I think we ought to proceed in the usual way in reference to this bill. Elections are occurring in all parts of the country at different times, and we cannot act with particular reference to an election in one place or an election in another place. Let us adopt the usual course in reference to this bill, and it will operate as other bills do that take effect upon their passage. It will work an inconvenience perhaps to some persons in some localities, just like other bills we pass, but generally its effect will be good and beneficial.

Mr. STOCKTON. I stated, as the Senator from Oregon correctly says, that I thought this bill had been improved by the conference committee; but it does not seem to me that the fact that in my judgment it has been improved should be a reason why the Senate should not have it printed, when I also asserted, as I did, that large portions of new matter are inserted, attempting to reach new difficulties in the way of the proper enforcement of the fifteenth amendment.

For example, the report reads:

In line nineteen, after the word "shall," insert the word "wrongfully."

The Senate will recollect that in many places in this bill and in the various bills that were before the Senate I tried to induce the Senate to insert the words "with intent to violate the fifteenth amendment," or "with intent to violate this act." The insertion of that word "wrongfully" covers, to my mind, a great danger that was contained in the original bill. The insertion of that word will prevent persons who do not intend to violate the law from being drawn into a net. Therefore I say in that respect the bill is decidedly improved, and it is in some other respects.

The amendment made to the last section of the original Senate bill is quite an improvement. That section authorized the President to call out the Army and the naval forces to enforce this bill. The committee of conference have attached to it a clause that he may only do so in pursuance of judicial process. That is a great safeguard. He has little more power by that than he has now. But then here are some new sections altogether, which no gentleman in the Senate has ever considered; and I do not believe any gentleman who was not on the conference committee, unless perhaps he has been informed by the Senator from Nevada, knows what the committee intended by putting them in. If there is any gentleman who does not know it, I should like to have this bill printed, in order that I might explain to him what those clauses were put in for.

Then the report goes on:

Insert the following, to come in as section twenty-one.

And there [exhibiting the report] is a large portion of a bill that was printed and introduced into the other House, inserted here, pasted on, and we are to adopt that as part of this bill, without knowing why it was put there, a new feature entirely, intended to reach a new difficulty, which I never heard suggested by anybody until we got into the committee of conference:

SEC. 21. *And be it further enacted*, That whenever, by the laws of any State or Territory, the name of any candidate or person to be voted for as Representative or Delegate in Congress, shall be required to be printed, written, or contained in any ticket or ballot with other candidates or persons to be voted for at the same election for State, territorial, municipal, or local officers, it shall be sufficient *prima facie* evidence, either for the purpose of indicting or convicting any person charged with voting or attempting or offering to vote unlawfully under the provisions of the preceding sections, or for committing either of the offenses thereby created, to prove that the person so charged or indicted voted, or attempted or offered to vote, such ballot or ticket, or committed either of the offenses named in the preceding sections of this act with reference to such ballot.

It appears that in many States of this Union it is provided by law, or if not by law by custom, that the elections for members of Congress shall be held at the same time that the local elections are held. The tickets are in many cases printed as State tickets. It was suggested that there might be difficulty in convicting a man of voting illegally for a member of Congress. The plain and natural way to meet that difficulty was to provide by law that the elections should be held separately. As you only have the right to reach one of them by your enactment, you should provide by law that it should be held separately, and then, if a man votes, the natural presumption of law, of course, is that he votes for the member of Congress whose name is upon the ticket. But in this case the man may scratch his ticket, and every one knows that at some elections the natural presumption is altogether that he did not vote for a member of Congress. But you come in and provide a new rule of presumptions, an unnatural rule, and give no reason for it. It is in violation of the ordinary principles of evidence, and you give no reason whatever for it.

There is no reason, I should say, for it but the difficulty of attaining this end. The end is a proper end, I admit; the end we all want to attain by proper means and through the proper jurisdiction. The end is to punish the man who attempts to vote illegally. But it is not necessary, it is awkward, it is clumsy to go about forcing a presumption on the courts and forcing the person accused to rebut it. How is he to rebut it if he never showed his ticket to anybody? It will require him to do that. The very object of the ballot is that it shall be secret and private; that no man shall pry into the voter's affairs or how he shall vote. If you do not so pry into his affairs, if he has a right to keep his ballot secret, then when he comes and puts it in the ballot-box there is no human being who by any possibility can prove the contrary. When you presume it, when you make it a *prima facie* case, you really make it conclusive; and really if you charge a man with this offense the evidence is conclusive against him. That is really the meaning of it. You absolutely, according to my construction, take away all power of defense from the man who is charged in that way. I am sure Senators will see that the proper course to attain the object desired is that which I suggest, to make them vote at separate times, make them vote on separate ballots.

This matter has never been examined; it has never been before the Senate; it has never been before the Judiciary Committee; it has never been considered by any committee of the Senate, and I doubt whether it has been considered by any committee of the House, but it is simply put in here after a few moments' conversation which ought to have been on other subjects. When this is dragged in as new matter in the committee of conference, why should the Senate vote upon it and adopt a clause of that kind which violates all the principles of evidence as we have them in the common law?

The Senator from Ohio gave a most satisfactory reason, I think, why there was no necessity for pressing this bill now. The Senator from Vermont on the other side of the Chamber gave an equally satisfactory reason when he said that anybody convicted of violating this bill before it could be generally known would be immediately pardoned. If that be true you do not want to go to the expense of trying and convicting a man who is to be immediately pardoned. You do not want to do it merely to stain his character. You do not want to imitate the conduct of that Roman emperor who hung the laws so high that nobody could read them in order that the people in their ignorance might violate them.

I have said all that I intended to say on this subject. Sir, I wish to see fair elections in this country. I have gone from poll to poll in my own State and urged upon every audience

that came to listen to me that the only safety of this Republic was in fair elections. I think so still; and I am ready to join with Senators on both sides of the Chamber with all my heart to do everything to purify the ballot-box.

"Mortals that would follow me,
Love Virtue; she alone is free;
She can teach you how to climb
Higher than the sphery chime;
Or, if Virtue feeble were,
Heaven itself would stoop to her."

Mr. SAULSBURY. It may not be proper for one who is so little acquainted with the rules of the Senate, and who professes to be so little acquainted with the rules of the Senate, to suggest an objection to this report on the ground of order; but while I do not profess to be well acquainted with the rules of the Senate, I know a little of its practice.

Now, sir, the Senator from New Jersey has stated that there has been incorporated into this report of the conference committee entirely new matter, entirely new sections, matter that was never before the Senate, that was never before the House. I then submit to you, sir, as a point of order, that the Senate cannot receive this report as the report of a committee of conference; and I will state to you a case since you have been in the Senate.

A committee of conference was appointed, according to my recollection, some eight or ten years ago, of which committee of conference Mr. Foster, of Connecticut, was a member. The committee of conference did not confine themselves to matters of disagreement between the two Houses, but attempted to incorporate into the bill new matter, distinct matter, matter which had never been acted upon by either House, matter to which neither House had ever agreed, and according to my recollection the Senate refused to receive the report of the committee of conference, and a new committee of conference was appointed. I speak from recollection: I may be mistaken——

Mr. HAMLIN. If the Senator from Delaware will allow me, I think I can refresh his recollection, for the matter is very clear in my mind. The question there settled was that a committee of conference could not incorporate new matter in that portion of the bill to which both branches had agreed. That was the point; I have a distinct recollection about it. Both branches having agreed to a certain section of the bill, it was, so far as their votes were concerned, concurred in, and it could not be changed. Therefore, you could not incorporate anything into that or add to it; but new matter elsewhere, by way of an amendment upon matter as to which the two branches had disagreed, never has been denied in this body in the world.

Mr. DAVIS. I recollect very well the occasion and the decision of the Senate referred to by the honorable Senator from Delaware. The point was raised by Senator Foster. According to my recollection this was the point which was then raised and then decided: that there was nothing before the committee of conference except the points of disagreement between the two Houses. You cannot get anything legitimately and properly before a committee of conference except some point that is in disagreement between the two Houses.

If there is any matter introduced in this report of the committee of conference that is outside of, exterior to the points of disagreement between the two Houses, it is not legitimately, according to my understanding of the powers and duties of a committee of conference, competent for them to introduce it, and to present it to the consideration and for the adoption of the two Houses.

What is the meaning, force, and effect of the term "committee of conference," and what is the power derived from the force and effect of the term? It is not to hunt up new matter; it is not to consider whether there are not other propositions and other distinct and new matters outside of the bill that may be more acceptable to the Senate; that may be more just or wise as propositions of legislation. It is simply to endeavor to bring the two Houses to a reconciliation on the point or points on which they are in disagreement. To say that this power of reconciliation may extend entirely outside of points that are in controversy and in dissent between the two Houses, in my judgment is not sanctioned either by the language which denominates a committee of conference or by any parliamentary rule of practice according to which the powers and the duties of committees of conference have been settled.

Mr. SAULSBURY. I wish to make one other remark on the point that I make. With all due deference to the Senator from Maine, who has had much more experience on this subject than I have, I must say that my recollection of the case to which I referred is very distinct.

To show why the objection which I made should be considered as sound, I shall present a case. Take the case of the appropriation bill which is now under consideration, when it shall pass this body. It has then passed the two Houses. The Senate has amended it, and it will go back to the House of Representatives as amended. There are certain points in the bill upon which there has been no joint agreement of the two Houses, but a disagreement. Suppose that the committee of conference, when they get together to consider those matters of disagreement, should add a new section, or a dozen new sections, incorporating in their report the river and harbor bill, or any other appropriation bill which has never been considered by the Senate or by the House, containing distinct matter, but all relating to the subject of appropriations. I submit to you, sir, whether such a report could be received; and if it could not be received, it must be upon the ground that the subject-matter embodied in the report was new matter that had never been before either House for consideration.

New matter, if presented in a separate bill, cannot be considered on the same day on which it is presented. It requires to go through certain forms of legislation both in the Senate and in the House. Here is new matter incorporated in this report, according to the statement of the Senator from New Jersey. We have not had time to read nor to hear what that new matter is; but according to the statement of one of the committee of conference there is perfectly new matter; new matter, according to his declaration, to the extent of one third of the report, which has never been considered by either House of Congress; and yet this Senate is called upon in this summary way, without any of those forms of legislation which guard and surround with caution the legislation of this body, to incorporate into a bill, to make part of a bill matter to the extent of one third of a bill, wholly new and distinct in its principles.

I submit to you, sir, if this point be overruled, that this Senate is surrendering to a committee of conference its whole power of legislation and the whole power of the legislation of the other House. It is a question which soars far beyond any technicality of order which may be found in your rules. It is a principle which underlies your whole system of legislation, and goes to the security of your legislation. You could just as well allow this committee of conference in its report to make a part of this bill the appropriation bill recently under consideration, but which has not passed, or the river and harbor bill, or a bill to appropriate money for totally distinct objects, as you can incorporate or allow to be incorporated in its report this new matter which has been incorporated.

Mr. DAVIS. There is one single idea which I intended to suggest when I was up before, but I omitted to do so. It is this: if a committee of conference can go outside of the points in dispute between the two Houses the power of a committee of conference is illimitable; they may introduce any other matter that they may choose. There is a constitutional provision which requires that bills introduced into the two Houses of Congress shall be read severally upon three several days in each House. That is a constitutional provision, intended to guard the deliberation of legislation. Now, according to the principle of the Senator from Maine, and what is now contended for as to the powers of committees of conference, that provision of the Constitution could be wholly evaded in this way.

A committee of conference may introduce any other bill into their agreement and recommend it as part of their report to the two Houses respectively. Suppose there is an important bill pending before either House, and it has been read but once, and the second reading of the bill has been objected to on the same day in the House in which it is pending. According to the principle and doctrine now contended for, that bill which has been read but once, and the second reading of which has been objected to, and the objection sustained upon the constitutional principle, may be introduced by a committee of conference as a part of a bill that has been referred to the decision of a committee of conference, and they may go outside of the points upon which the two Houses have disagreed, and introduce that new and distinct bill as additional matter in the bill upon which they are conferring, as has been done in the present case. What would be the effect? The effect would be to introduce a bill that had been read but once, the second reading of which had been objected to in the House in which it was pending, on the ground that it could not be read twice on the same day, because the constitutional provision prohibited it, and that constitutional provision could be evaded and would be nullified by introducing a bill which had been read but once, as a part of the report of a committee of conference.

Sir, such a course of legislation as that, and the adoption of such a principle in the deliberations and actions and reports of committees of conference, and in the acting upon reports of committees of conference by Congress, would completely nullify and render void that careful provision in the Constitution which requires that bills shall be read three times on as many several days, except by the unanimous consent of the body. I think that the exception and objection taken and made by the Senator from Delaware is properly taken.

Mr. THURMAN. I propose to say a few words in reply to the remarks which have been made in answer to what I said before, and first, the Senator from South Carolina [Mr. SAWYER] asks me how I can fix any day for this law to take effect that will not be close upon some municipal election; and the Senator from Vermont [Mr. EDMUNDS] says that it has been the general practice to pass laws even containing penal provisions, to take effect immediately upon their passage, or rather their approval by the President. In the first place, I have to say to both those Senators and to the Senate that the proper mode of avoiding both those difficulties is to make a penal statute take effect at some future day.

Mr. EDMUNDS. Did I not state the practice correctly?

Mr. THURMAN. No, sir; I think not; but if the practice were that way it was *malus usus*, and *abolendus est* would be the proper thing to say about it; not *abolendus est*, for it is not abolished, but it should be abolished. That is the proper way to avoid all those difficulties. If you pass a criminal statute make it take effect at a future day.

Now, as to the practice, I will not undertake to say how it is in respect to the statutes of the United States. None of us are as familiar with them as we are with the statutes of our own States; but my belief is—for I have been conversant with a great many of them, and have had to be so—that in a large majority of

cases the penal statutes of the United States have been made to take effect at a future day.

Mr. EDMUNDS. The Senator cannot produce an instance, except in some tariff acts, and those not on account of any penalties, but on account of goods being imported and on the way.

Mr. THURMAN. Well, sir, I think it is the case with most of the penal statutes of the United States that the act is made to take effect at a future day; that is my impression. But, sir, if it is not so it ought to be so; and so strong is the reason for its being so, so manifestly just and proper is it that it ought to be so, that it is made part of the fundamental law of the State of Ohio under our new constitution; and I believe the same thing is incorporated into almost every State constitution that has been adopted since that time, that laws shall not take effect until a given time after their enactment——

Mr. SHERMAN. I should like to ask my colleague——

Mr. THURMAN. Allow me first to finish the sentence. Unless for reasons that require them to take effect immediately and upon a two-thirds vote of the Legislature, they are made to take effect at once. Now I will hear the question of my colleague.

Mr. SHERMAN. My colleague seems to complain that the committee of conference, in their report, did not propose to have this act take effect at some future time. There was no such provision as that either in the House bill or the Senate bill; and I should like to know what authority the committee of conference would have had to report new matter of that kind?

Mr. THURMAN. I made no such complaint. My colleague is entirely mistaken. What I was doing was answering what was said by the Senator from Nevada, that we should pass this bill immediately to operate upon every man in Virginia at the election the day after to-morrow.

Mr. SAULSBURY. Will my friend allow me to ask the honorable Senator from Ohio [Mr. SHERMAN] a question?

Mr. THURMAN. Certainly.

Mr. SAULSBURY. If the committee of conference had no right to incorporate such new matter as that in their report, what right have they to incorporate several new sections relating to new matter, as is stated by the Senator from New Jersey?

Mr. SHERMAN. I will say in perfect candor to the Senator from Delaware that I do not think there is anything in the point made by him in regard to this conference report, so far as I understand parliamentary law. The House passed one proposition. The Senate struck the whole of it out and inserted another. The conferees of the House accept our proposition with amendments looking to the same general object which is embraced in both bills; that is to prevent frauds in elections; and especially they accept our proposition as to crimes committed at elections for members of Congress, with certain rules in regard to evidence. If Senators are really in earnest in urging this as an objection to the conference report, I must say that I do not think there is anything in that beyond the usual custom of conferees upon a proposition of amendment that reaches to the whole bill before the conferees. Indeed I have known much greater liberties taken by conferees without objection.

Mr. THURMAN. I have not spoken on this question of order. All that I wish to say about it is that if the committee could incorporate as new a provision such as is incorporated in this bill, a provision which reverses the whole rules of evidence, and that makes it impossible, as I shall presently show, for a man to avoid conviction unless he gives up his right to a secret ballot; if the committee could do that, they could make the law take effect at a future day.

But that is not the question I was discussing. As I said, in all enlightened and humane legislation, criminal laws are made to take effect at a future day. So strong is this principle of justice, so plain is it, that it is now incorporated into almost every constitution formed in the United States within the last fifteen years, that no law shall take effect until a future day after its passage, a time prescribed in the constitution after its passage, unless for public reasons requiring its immediate passage, and upon a vote of two thirds of each branch of the General Assembly it shall be made to take effect at once. That is a principle of justice so plain that no man can controvert it.

But the Senator from Vermont [Mr. EDMUNDS] was pleased to say that the right remedy in such a case as this, and, as I understood him, the practice in such cases was to allow a man to be convicted under the law of which he had no knowledge, and then pardon him. I put it to my friend if he ever knew such a case in the United States? I put it to him if he ever knew a man to be convicted under a law which took effect before he could have any knowledge of it whatsoever, and then pardoned by the Executive? I am an older man than my friend from Vermont, and I never heard of such a case in the United States.

Mr. EDMUNDS. May I ask my friend a question right there?

Mr. THURMAN. Yes, sir.

Mr. EDMUNDS. I ask him if he ever heard of a case in the United States where a man was convicted of an offense against a statute which it appeared he was ignorant of, on account of its recent passage, at the time he committed the act?

Mr. THURMAN. Never, sir; never. The sense of justice of every man, however depraved he might be, would revolt at such a thing as that; and I never knew a man prosecuted under such circumstances.

Mr. EDMUNDS. Then your friends are not in danger.

Mr. THURMAN. Ah! do not talk about my friends. The Senator's friends are quite as likely to violate election laws as are my friends; and I think if the history of this country was gone into it would be found that they have violated them quite as often, if not oftener.

But it will not do for the Senator to say that nobody will be prosecuted. The gentleman who has this bill in charge asks that it may be passed in order that the people of Virginia may be prosecuted for violating a law of which they have no knowledge.

Mr. STEWART. No, no.

Mr. THURMAN. That is what your argument was.

Mr. STEWART. Let me state it. This bill has been pending for a long time. They know very well what it is.

Mr. THURMAN. Who knows what it is?

Mr. STEWART. They know very well its general provisions.

Mr. THURMAN. There are not five Senators on this floor who know what it is.

Mr. STEWART. They know very well its general provisions. I think they know them better in Virginia than Senators do, as they have paid more attention to the subject. There is no doubt about that. It has been published in their newspapers. Let it be telegraphed that this law has passed, and you will have no criminal prosecutions. You will put them on inquiry, so that they will not go to the polls with a view to committing these offenses. Mark the fact, that this is to apply at the election there—not the registration; that has all passed over; and whatever relates to elections in this bill is a crime any way, committed anywhere.

Mr. THURMAN. The Senator has stated his proposition. Now, let us see how it is practically. If both Houses agree to this conference committee report to-day, what then? The bill has to be enrolled. Then it must be signed by the Vice President and by the Speaker of the House of Representatives. Then it must go to the President. The Constitution supposes that the President will at least take time to read it. The Constitution does not suppose that the President will blindly put his name to a bill, certainly not one of this importance, certainly not one as novel as this, upon the faith that he may repose in any body or in any Congress whatsoever. The Constitution requires him to exercise his own judgment. He must at least read the bill. When will you get the bill back, then? When can you get it back here, if the President performs his constitutional duty and reads the bill, so as to understand it? You cannot by any possibility get it back here before this time to morrow; and then for the first time, at this time to-morrow, would the bill become a law. Within twelve hours after that, or something like that, the polls are to be opened over, it is said, the whole State of Virginia.

Now, the Senator says that if you do this it will put the people of Virginia, two or three hundred miles from here, on inquiry. Inquiry about what? Inquiry about the bill that the President has signed; and the President cannot sign the bill and return it to Congress before this time to-morrow if this bill should go at railroad speed or even telegraphic speed in its consummation into a law. What is the use of talking, therefore, about it? It is simply to be used as an instrument *in terrorem*. It is merely to keep people from voting at all. It is not to compel them to obey the law; for they cannot know what the law is. It is not to prevent a violation of the law, for they cannot know what the law is. It is simply to keep people from voting at all, in fear that they may be violating some law of which they know nothing, and which broods over them like a pestilence. That is the only effect it can have, to keep people from voting. If it is intended to keep people from voting, if it is intended to keep away legal voters from the polls by holding over them *in terrorem* something, as I said, that broods over them like a pestilence, then you may pass the bill, and let it go over the wires that Congress has passed a bill of pains and penalties, under which every officer will discharge his duties in fear, because he does not know what it is, and no voter can offer his vote in security, because he does not know that he is not incurring some penalty. If you want to pass it as a bill, to keep people from the polls the day after to-morrow, in Virginia, you can pass it. But if you mean that it is a bill to preserve the purity of elections the day after to-morrow in Virginia, it can have no such effect whatsbever.

But now we have the case of Oregon. Let us look into that a moment. The Senator from Oregon says that it is necessary to pass this bill at once, in order that the people of Oregon may know what it is before the election, which, if I understood him correctly—and I hope he will correct me if I misunderstood him—is to take place on the 6th of next month. Well, sir, this is the 24th day of May. This bill, sir, as I have shown, if it is hurried through with the speed of a war measure, cannot become a law until to-morrow, the 25th. Then there will be six days of this month left, and five days of next month, before the election in Oregon, making eleven days.

Now, I put it to the candor of my friend if he expects that at every election precinct in Oregon, a State as large as three or four of the States east of the mountains, a State in which the telegraph does not permeate every county, a State in which many of the counties are principally in the mountain districts, inhabited by miners, with no telegraph, no speedy communication of the mails, I ask him if he supposes that the people of Oregon will be informed in those eleven days of the provisions of this bill, so that the judges of election can know how to conduct themselves and the voters can know how to conduct themselves accordingly? The thing is simply impossible. It will be more than a month before the mountaineers of Oregon will know of the passage of this bill after it has passed. It will be more

than two months before they will be acquainted with the text of this bill. That is the fact about it. Therefore, to say that you should pass it now and let it take effect now, in order that it may be known in Oregon, is simply to adduce a reason that, with great submission to my friend from Oregon, whose judgment I greatly esteem and whose candor I admire, is not and cannot be a sufficient reason for passing this bill to-day.

Mr. WILLIAMS. I ask the Senator if he proposes to delay the passage of this bill until after the 6th of June, or what he proposes to do about it? I understand him to desire to have the bill laid on the table and printed. Of course, if that is done, it will come up for consideration in the course of a day or two, and will inevitably pass and take effect before the 6th day of June. Now, the sooner it passes the better for the people of Oregon. I will state to the Senator that the colored people (there are but few of them) in the State of Oregon who will be benefited by the passage of this bill reside in cities and at points to which the substance of this bill will be telegraphed in a day or two from the time of its passage. I am very anxious to have it passed, because some of the Democratic conventions in the State of Oregon have solemnly resolved to resist the exercise of the elective franchise by the black men of that State by force. I want to have them understand that there is a law in force to prevent that. That is all that is necessary to secure the exercise of the franchise by the black men in Oregon.

Mr. HOWARD. Do I understand the honorable Senator from Oregon to say that the Legislature of that State have passed a law prohibiting black citizens from voting?

Mr. WILLIAMS. No, sir. I say that some of the Democratic conventions in some of the counties have resolved that they would resist the exercise of the elective franchise by colored persons, by force at the polls.

Mr. HOWARD. I hope they will try it after we pass this act.

Mr. THURMAN. I believe I have the floor.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The Senator from Ohio is entitled to the floor, and must not be interrupted without his consent.

Mr. THURMAN. I have no knowledge of that; but if there were such foolish people out there it would be no reason why such a great measure as this should be hurried through Congress in this way. When the Senator from Oregon assumes that this bill is to pass, he may be right for aught I know; but as a Senator here, supposing that the Senate is only desirous of passing a correct bill, I cannot assume that this bill will pass at all. Further, I cannot assume that if it does pass it will be made to take effect immediately upon its passage. I should like to see this report of the committee; I should like to have it in print; I should like to see what change it makes in the bill as it passed the Senate; and perhaps if every Senator saw it this bill would not pass just in this form; the report of the committee of conference would not be agreed to. Then what would take place? You would have another committee of conference and it would be perfectly competent for that committee of conference, and I believe it would be competent even now, to make this bill take effect at some future day. But certainly if it were sent back to the committee of conference I think that committee might provide that it should take effect at some future day; at all events they might make it different from what it now is. Therefore it will not do to assume that this report of the committee of conference is to be simply adopted as a matter of course.

The motion is not for any mere purpose of delay. What interest have we that we should merely delay you? No interest whatsoever. We know very well that you will pass some measure of this sort. Your votes have proved that you will pass some measure of this sort. We can have no interest whatever but to make that measure as little obnoxious as possible to any just criticism.

The Senator from Oregon is a lawyer, and a good one, and so is the Senator from Vermont, and they know just as well as can be that there is no subject that requires of lawyer or of judge a more careful study than the words of a statute.

The Senator from Oregon has sat on the bench. Many an hour has he pondered over a statute to find out, what? To find out in the language of the law-books what was the intention of the Legislature, and he has puzzled over a word, or the collocation of a word, or a particular part of a branch of a sentence and its position in that sentence, to try and find out, with the whole power of his intellect brought to the task, what was the legislative meaning. And now, sir, we are asked to adopt, in hot haste, this report of a committee of conference without a single Senator here who was not on that committee of conference ever having had the opportunity to sit down carefully and see what would be the text of this bill if this conference committee report should be adopted. That is a pretty illustration of the care with which laws are passed by the highest legislative body, we used to hear it said, in the world, certainly the highest legislative body in the United States. That is the care with which a law that bristles all over with penalties and with punishments is to be passed here, without one single Senator who was not on that committee of conference sitting down and seeing where the proposed amendments come in, seeing what is stricken out, seeing how the bill will read if amended as the committee of conference propose, and seeing then, upon a review of the whole bill, what will be its scope and its legal effect. You have the numerical power to do it; I do not know but that you will do it; but I do trust that you will not do this thing. I do trust you will lay this bill on the table and let it be printed. You can call it up to-morrow. You have the majority to call it up whenever you please; but let it be printed with the proposed amendments, as other bills are printed with proposed amendments, and let every Senator see for himself when the bill is called up to-morrow what it really is.

Mr. BAYARD. Mr. President, the pressure of other duties prevented me from being in the Senate during the last week, while this bill was being discussed. I have, however, endeavored to inform myself, and used every diligence to do so, of its contents and character; and since it was made the subject of a committee of conference I have listened as intelligently as I could to the explanation given by members of that committee; indeed, when it became practicable that I should obtain the report and read it over I have done so, being constantly interrupted by others, who desired to have the same information as myself.

It is therefore plain, as the case is before the Senate, that one member of the body at least, with an honest intention to inform himself as to a very grave measure proposed for his vote, has been unable, by the exercise of all due diligence, to obtain the proper knowledge. I desire upon this bill to express my views. It is not only my right, but it is my duty; and I propose to do so. I propose to do so, with all respect for the body and for myself; with care and with proper means of information.

Is there not something due to the dignity of legislation? Is there not something due to ourselves in this matter; due from each Senator to himself in regard to this thing of forcing a measure through as a law the importance of which cannot be overestimated, the novelty of which at least will not be questioned—a law which, in my humble opinion, amounts to a step almost in revolution of everything that was known in regard to the former practice and organization of our Government? I do trust in this case that the Senate will suffer this bill to be printed, that at least we may see and be able to read that upon which we are to vote to-morrow.

The result of the report of this committee of conference is to change this bill in most important particulars. Senators are aware that in the bill passed by the Senate last week, laid within five minutes upon our desks fresh from the hands of the printer, there are twenty-one sections. In the bill brought before us by this report in manuscript by the committee of conference there are twenty-three sections; and not only that, but whole previous sections have been taken out and others have been substituted, entirely changing their character. I do say that it is impossible for a man, unless he was a member of the committee of conference, to understand what their action has been; and we should have an opportunity, the ordinary, reasonable, legal opportunity, of seeing in print a measure of this importance. I trust, therefore, that the Senate will suffer this bill to be printed. The majority have, as has been said by the honorable Senator from Ohio, the numerical power in this Chamber to do just as they please in regard to calling up and passing measures. I trust they will at least regard the rights of the minority sufficiently to let us see what we are to vote for, and to speak our minds, however feebly, against it.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) Is the Senate ready for the question?

Mr. SAULSBURY. What is the question?

The PRESIDING OFFICER. On concurring in the report of the committee of conference.

Mr. STOCKTON. I withdrew the motion when you were not in the chair, Mr. President, that I had made to lay the bill on table and to print the report. I withdrew it to allow the Senator from Ohio to speak.

The PRESIDING OFFICER. The motion has not been renewed.

Mr. STOCKTON. I now renew that motion.

The PRESIDING OFFICER. The Senator from New Jersey moves that the bill lie on the table and be printed with the report of the committee of conference.

Mr. SAULSBURY. I submit that the point of order which I made has not been decided. I wish a decision on it at least. I made the point; I am entitled to have it decided.

The PRESIDING OFFICER. Does the Senator from New Jersey withdraw his motion?

Mr. SHERMAN. I do not know what the point of order is.

Mr. STOCKTON. If the Senator from Delaware desires me to withdraw my motion, I will do so.

Mr. SAULSBURY. I want the point of order decided.

The PRESIDING OFFICER. It cannot be entertained while a motion to lay on the table is pending. If the Senator from New Jersey withdraws the motion to lay on the table, the Chair will entertain the point of order.

Mr. STOCKTON. I withdraw it for that purpose.

The PRESIDING OFFICER. The Senator from Delaware will state his point of order.

Mr. SAULSBURY. My point of order is that this report contains new matter, separate sections, matter which was never under consideration by the Senate or the House of Representatives; and containing such new matter as was never before the subject of consideration by the Senate or the House, and not being in reference to any matter of disagreement between the two Houses, this report cannot be received as the report of a committee of conference.

Mr. THURMAN. I beg leave to suggest to my friend from Delaware that he could make his point very much more distinctly and effectively if we had the bill printed before us so that he could point out exactly what he says

is the new matter not covered by the disagreeing votes of the two Houses. I think the question had better be taken first on the motion to print.

Mr. SAULSBURY. Very well.

Mr. THURMAN. Then I move that the bill be laid on the table and that the report be printed.

Mr. CASSERLY. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. CASSERLY. I ask my friend from Ohio to withdraw the motion for the present.

Mr. THURMAN. Certainly.

Mr. CASSERLY. The history of this bill in its passage through the body ought of itself, without one word said by any of us, to be a caution to the Senate sufficient to make the majority here, of its own motion, order this bill to be printed as a portion of the report of the committee without taking final action upon it. One of the worst provisions of the bill as it passed this body and as it went to the committee of conference, was a provision which escaped the notice of nearly every one of the minority of this body, and I verily believe of a very considerable portion of the majority of the Senators in this body. I refer to those provisions which were taken out of a bill for the enforcement of the fourteenth amendment.

Now, is it a fit thing that legislation of that importance should go through the American Congress unknown to those members who had taken the greatest interest in informing themselves, as well as to that large body of other members whose right it was to know upon what they were voting? The discussion to which that most extraordinary fact, that most significant feature in the passage of the Senate bill gave rise, is fresh in the memories of Senators. I shall not undertake to show how far the course of the majority, in forcing the Senate bill through to a final vote at a midnight session of unusual duration, without the least public demand or exigency for such a proceeding, contributed to such a result; how far it contributed to the making, to the enacting into a law of provisions which were not supposed or understood by a considerable portion of the body to be in the bill that was before it.

Sir, I mean to say that in the history of legislation in free Governments by deliberative bodies that occurrence stands without parallel; and yet, in the face of that, is it not surprising that members of the majority, Senators who are supposed to be gentlemen of reflection, who comprehend what is of the essence of a division of the legislative power into two branches, and how far deliberation, understanding, intelligent action go to form legislation, should not merely hesitate, but oppose the proposition for the printing of this bill and of the report of the committee?

Sir, what harm can result from delay? I heard the most extradinary avowal of the Senator from Nevada—an avowal that, I take it, he will live to regret—that the object of passing this bill to-day was to affect the elections in Virginia—municipal elections, local elections. This bill is to be put through, by the avowal of the Senator who has charge of it, and who must be deemed to represent the views of his party associates in regard to it, to affect, to influence those elections. Why, sir, what a confession! what a disclosure!

Two views may be taken of it: first, the impropriety, the oppression of proposing to enact a law for the regulation of elections in the State of Virginia which cannot possibly be known at more than one tenth of the polling places in that State in time for anybody, officer or voter, to regulate his conduct thereby. I have listened with sorrow and amazement to lawyers in this body, for whom personally I have the highest regard, seriously contending that that was admissible legislation. The tyrant was execrable, and deserved to be, in old times, as my friend from Ohio said, and his memory has been a stench in the nostrils of humanity from that time to this, who so contrived his laws in characters so small and exposed at so great an elevation from the ground that it was impossible for his people to read them; and he punished them in virtue of laws which he intended they should not understand. It is proposed here to punish the people of Virginia, the officers of election and voters, by the hundreds, yea, by the thousands, under laws which it is not intended they shall have the opportunity to understand—I will not say intended, but which, in the nature of things, it is impossible that they can understand. And the Senator from Vermont, [Mr. EDMUNDS,] of whose views I am accustomed to think with respect, and of whom I certainly never shall speak except with respect, seriously suggested that such was the common practice and policy in Federal legislation, and that in such a case probably a citizen who offended against the law would receive in due time, after he had been indicted and convicted, an immunity by pardon.

Mr. EDMUNDS. If he should be.

Mr. CASSERLY. If he should be prosecuted and convicted. Why, Mr. President, is there nothing in the obedience which the citizen owes to the law? Is there nothing in the pride of character of the American citizen which leads him, not only to obey the law which he himself has made, but which makes him regard as a blemish, worse almost than death, that he should be by the tribunals of his country adjudged in an indictment and in a conviction as a criminal who has disobeyed the law? Does the Senator from Vermont propose to outrage and to violate that wide-spread and pervading sentiment of our people? Does he count the man of America as so poor a thing that after his character has had a cloud put upon it by the action of the law and the officers of the law, without any fault of his, he may be relieved from the physical consequences of the offense by a pardon? Does he consider that in the inflamed and excited condition of the States which are yet struggling and groaning and agonizing in your reconstruction there are not likely to be a great many prosecutions by malicious and angry men against each other under this law?

Mr. EDMUNDS. I should like to ask my friend from California a question, as he has alluded to his surprise at what I had said. As my friend from California expresses his surprise that I should have stated the practice in Federal legislation to be to have all laws take effect on their passage, I wish to ask him if he knows a single instance in the history of Federal legislation in which it has been provided that any law should take effect *in futuro*, with the exception of one or two instances that I am aware of as to tariff acts affecting revenue?

Mr. CASSERLY. My friend from Vermont is an able lawyer and a well-read one; but perhaps there is scarcely anything that has struck me about him more than his extreme ingenuity. Now, I think the Senator from Vermont understands that I did not so much express my surprise at his stating a fact in reference to Federal legislation——

Mr. EDMUNDS. Then it is the fact.

Mr. CASSERLY. I do not admit that. But I was surprised at this, that the Senator from Vermont should have alleged that, as he did allege it, as a reason why such legislation should be countenanced by this body. That was the connection, and that was the motive with which he referred to that fact. I do not understand the fact to exist. My friend from Ohio, who I think has had more experience than any of us in reference to these statutes, questions it.

Mr. EDMUNDS. Show us the law, if you please, that has taken effect in the future.

Mr. CASSERLY. No, sir; by all the rules of presumption, by all the respect that we owe to the Congress of the United States, as the legislature which represents in certain elements the entire civilization, humanity, wisdom, and justice of the American people, it is for the Senator from Vermont to show the facts that he alleges to exist. Why, sir, it is difficult to imagine anything more inhuman, unjust, and wicked than such a policy would be. When at the common law the rule was that an act of Parliament related back to the beginning of the session, so that men were put to death for acts which when they committed them were no offenses, men were deprived of their property, were attainted, and their memories dishonored. I doubt not when first the common sentiment of humanity began to move against such a crime against itself as that was there were a great many learned arguments, and there was a good deal of close logical reasoning, to show why, upon the whole, that was a good system; but I believe, intrenched though it was in usage, in power, and in the imperfect perceptions of a half-enlightened and half-civilized age, it had in time to give way, and it went down to its doom before the indignant execration and aroused sentiment of that people.

Why, sir, in the system of law which dominates the greater part of the civilized world to-day—the civil law—no such thing is heard of as a statute, especially a statute of penalties, which takes effect immediately on its passage. The rule of the civil law is that the effect of a statute shall date from its promulgation, and except where it has been altered, in the countries on the continent of Europe, by positive law, it remains the law to this day. I am not aware that in any important country on the continent it has been altered by positive law; and I make the reservation that unless it has been, that is the rule of the civil law.

Now, sir, if your committee of conference could have made the changes in the Senate bill which it has made and brought in here, what was the difficulty in its making a change so consonant to humanity and reason and to justice as one which should fix the operation of this statute at a period twenty or thirty days in the future?

The Senator from Oregon [Mr. WILLIAMS] has spoken of his own State, and of the election there, and of the necessity for passing this statute immediately, so as to give notice there. Sir, the Senator knows much more of his State than I can pretend to know; but I think I understand enough of its physical conformation to be able to say—and I presume it will not be seriously disputed—that though we should pass this statute to-day, and though with a haste which I will not anticipate, because I never should deem it excusable, the bill should be returned here by the Executive officer of the country to-morrow, even then there would be no possibility of carrying the manifold, involved, minute details of the twenty-two or twenty-three sections of which this prolix bill is composed to the knowledge of more than a third at the most of the voting places in the State of Oregon.

The Senator from Oregon took a manly and a generous and, in my judgment, a wise part during the discussion of the Senate bill. I regret that he should have receded from the ground which he then took so far as to be induced to urge upon the Senate the speedy passage of a bill which is not called for by any public exigency, and which must work the greatest injustice, especially if enforced at the hands of vindictive and excited people throughout certain parts of the country.

At least, sir, let us proceed with a decent deliberation; let us proceed with a proper degree of gravity; let us give what time is necessary to acquaint the people of the country, so far as we can, before this bill becomes a law by the signature of the President, that such a bill will probably become a law; so that when it shall have received the final signature which completes the enactment of it as a statute of the United States there will be fewer innocent people, fewer ignorant people suffer in their innocence and in their ignorance under it than there will otherwise be.

Mr. FOWLER. I ask the Senator from California to yield. I think it is time to adjourn.

Mr. CASSERLY. If the Senate wishes to adjourn I have no objection.

The PRESIDING OFFICER. Does the Senator yield the floor for that motion?

Mr. CASSERLY. Certainly.

Mr. FOWLER, (at five o'clock and twenty-five minutes p. m.) I move that the Senate do now adjourn.

The motion was not agreed to.

Mr. FOWLER. Is it the determination to pass——

The PRESIDING OFFICER. Does the Senator from California yield the floor to the Senator from Tennessee?

Mr. CASSERLY. Certainly.

Mr. FOWLER. If it is the determination to pass the bill to-night, I suggest we take a recess.

Mr. CASSERLY. I wish gentlemen of the majority would tell us what their programme is. They generally have it made up and carry it out.

Mr. EDMUNDS. I should like to ask my friend from California what his programme is?

Mr. CASSERLY. I will tell the Senator from Vermont, and I hope he will be equally frank. I speak for myself only. I propose first to test whether or not the Senate will allow this body to know what it is voting on before it compels the body to vote upon it.

Mr. EDMUNDS. By all means. I think I can answer for all upon that point.

Mr. CASSERLY. I know what the Senator says: but there is only one way in which that can be shown, and that is by permitting this long bill to be printed so that it may be read and understood by members. In the next place, after that is done and we are able to tell each for himself what is before him to act upon under the obligations of his conscience and his oath, then I propose within reasonable limits, and not at all to consume time, (which of course is a very useless and futile aim,) to discuss somewhat the new provisions in the bill, and among these new provisions I mean to include one which was new to me until I first saw it in the paper as a part of this bill, and that is the provisions which are alleged to be for the enforcement of the fourteenth amendment. So far as I personally am concerned, I propose to confine myself to that and whatever else is new in the bill. I think those features ought to be discussed, and certainly, besides the provisions to enforce the fourteenth amendment, all the new provisions brought in here by the committee of conference are just as new to the members of the Senate outside of the three gentlemen who compose that committee as they are to me.

I do not deem that there is anything unreasonable in that position; and so far as I understand my own purposes that is the view which I take of the course to be pursued. Now, if the Senator from Vermont is authorized to speak for his associates or for himself as to the programme he purposes, I should like to hear it.

Mr. EDMUNDS. I am certainly authorized to speak for myself; at least I know of no objection, so far as that goes. My programme is very simple. There is nothing at all new in this report from the bill as it passed the Senate. It is in substantially the same language, with the exception that what my friend from New Jersey said were some of its objectionable features, putting one construction upon it, have been changed so that they cannot be construed in that way. That being the case, I think this report ought to be acted upon just as all other conference reports are acted upon now. The new provisions that the Senator from California refers to are not more new as it respects the points in the bill, or the sections to which they relate, than the word "immigrating" is new, being changed from "emigrating." All that is new in the bill is mere matter of detail, regulating the operations of sections that existed before. That is the fact about it. It is no use to profess that it is otherwise.

If this was a case where there was anything that was absolutely new, a point, a principle which was introduced that had not stood here before, there would be some force in suggesting that we ought to have time to consider about it. But this is a subject which has been discussed over and over again, and for the two weeks last past day after day; and I am sure Senators cannot, unless they deceive themselves, assert that they are taken by surprise at anything that this bill, as now reported, contains. Therefore, speaking for myself, and for nobody else, for I have not charge of the bill, I should be very glad to take the usual course and vote upon this question so soon as we shall have heard whatever Senators may desire, within the rules, to say upon it.

Mr. STEWART. That is my desire, to sit it out——

Mr. CASSERLY. One moment. I yielded to the Senator from Vermont, and only to him. I claim the floor.

The PRESIDING OFFICER. The Senator from California is entitled to the floor, and must not be interrupted without his consent.

Mr. CASSERLY. If we are going to stay here all night, I do not want to be kept here by the speeches of other gentlemen if I can avoid it. [Laughter.]

I did not set out with any statement that I was surprised by anything that was proposed on the other side of this Chamber. What I set out to state was that I desired some opportunity to understand what was new in this bill. That was all. When the Senator from Vermont speaks of my deceiving myself he makes an intimation which I shall be happy to reply to presently. In the mean time I give way to the Senator from New Jersey, who, as a member of the committee of conference, asks me, and I cheerfully consent, that he may be allowed to state to the Senate how very much there is that is new in this bill.

Mr. STOCKTON. Mr. President, all I desired to do was to call the attention of the Senator from Vermont to the facts. I stated to the Senate that there was much new matter introduced into this bill. Of course each Senator can determine for himself whether he considers the matter new or not, but I call the attention of the Senator from Vermont to the fact that I stated when before on the floor, that a new principle is introduced into the section which is now called section No. 21. In that section, in order to avoid the difficulty in prosecuting persons in cases where State officers and members of Congress are voted for on the same ticket, a new rule of evidence is laid down; and the fact that a man votes the State ticket is considered *prima facie* evidence that he voted for a member of Congress, although he may have scratched his ticket.

I only rose for the purpose of stating that there is no difference of fact between myself and the Senator from Vermont; it is simply a difference as to whether the introduction of a new principle of evidence, which was not contained in the old bill, is new matter.

I consider it not only new matter, but very material new matter—a new principle, a new rule of evidence. It is taking the lives and characters of all the people of this country into your hands. It is by the rules of evidence and nothing else that I can prove the falsehood of the charge when I am accused of crime; and without the protection of those glorious old rules of evidence, which have come down to us from the common law, no man's liberty is safe. And how can the Senator from Vermont, with his acute judgment, say that the introduction of this new principle, be it right now or be it wrong, is not a new thing? Is it not? What is the meaning of new matter? Is it not a question that the Senate has not before considered? Will any man say that the Senate has considered this before?

Mr. President, it is not for me to state what happened in the committee of conference; but I appeal to the recollection of the Senator from Vermont whether it was not a new plan got up to meet a difficulty which had never been suggested until we got into committee of conference?

Mr. EDMUNDS. I must reply to the observations of the Senator from New Jersey.

The PRESIDING OFFICER. Does the Senator from California yield the floor?

Mr. CASSERLY. Certainly.

Mr. EDMUNDS. This seems to be new matter——

Mr. HAMLIN. Will my friend give way for a moment?

Mr. EDMUNDS. Allow me to go on. Whenever my friend from New Jersey dislikes a provision, it is new matter; but whenever he likes it, it is well enough. I think that is hardly the way to treat such a subject——

Mr. HAMLIN. I rise to a question of order, and if the Senator will allow me one moment I would like to state the reason why I raise the question of order.

Mr. EDMUNDS. Of course I must yield to a question of order; but otherwise I insist on the floor.

Mr. HAMLIN. We have had one night session on this question, and have listened to a long and tedious debate. I think there is no necessity for another. I therefore propose to try the virtue of our rules, and I call the Senator from Vermont to order, he having already spoken twice upon this subject. The rule says expressly that no member can speak more than twice in any one debate, except by leave of the Senate; and the vote on granting that leave must be taken without debate. I appeal to the Senate to stand by me and enforce the rule.

Mr. EDMUNDS. I feel obliged to confess the fact that I have spoken twice.

Mr. HAMLIN. I ask the Chair to rule on the point, and then the Senator can appeal to the Senate.

Mr. EDMUNDS. No; I can stand such a rule if the rest can.

The PRESIDING OFFICER. The Chair will have the rule read.

The Chief Clerk read from Rule 4, as follows:

"No Senator shall speak more than twice in any one debate on the same day without leave of the Senate, which question shall be decided without debate."

The PRESIDING OFFICER. The Chair is constrained to decide that the Senator from Vermont had spoken twice before he took the floor the last time, and he cannot speak again without consent of the Senate.

Mr. EDMUNDS. I do not ask it. [Laughter.]

Mr. CASSERLY. Mr. President, the Senator from Vermont has stated that this report contains no new matter. I am sorry that I shall seem to assail his positions while he is under an enforced silence, not of my contriving, however; but the truth must be vindicated. I have the report of the committee of conference in my hand. Here is more than one printed page of new matter. Here again is more than another printed page of new matter. Here again is another page in manuscript, and more than a printed page, and written in such haste as to be nearly illegible, interlined, words and letters half formed; such is the hot haste to get this bill through in order that innocent people in Virginia and in Oregon may be subjected to infamous punishments under a law of which they have never heard, and of which it is impossible for them to known the provisions! And yet the Senator says that there are no new provisions added by the report of the conference committee to the bill. The very first of them is not only new, as an addition to the bill, but in the mass of verbiage which it involves, is wrapped up a principle which is new and unheard of in American jurisprudence, because it provides that where by the law of any State members of Con-

gress are voted for on the same paper ballot with State officers or municipal officers or local officers, proof of the fact that a person voted such a ballot, namely, a ballot printed in the usual form, under the State law, shall be deemed to be presumptive evidence that he voted or attempted to vote for Representative in Congress, so as to bring him within the provisions of this act.

Is that anything but a most novel legislative enormity? No man who knows anything of the practical workings of elections is ignorant of this fact, and no man is less ignorant of it than the Senator from Vermont, that it is the habit of the American voter as a rule to scratch his ticket, to take from it such names as do not please him. That is so much his habit that for the past fifteen or twenty years it has frequently occurred at polling places that the number of tickets so altered by the voter was equal to or greater than the number of tickets not at all altered. And yet for the purpose of embarrassing the voter, of raising against him a presumption of guilt which does not exist in truth, in reason, in justice, or in the habits of the people, here is a provision which compels your courts of law and your juries to presume that when a man has voted one part of a ticket he has voted the rest, when there is not a Senator in this Senate who does not know of his own knowledge that that is to presume an enormous falsehood. I do not suppose that ten per cent. of the members of this body have voted what is called a straight ticket for a great number of years.

Now, sir, the further oppression and grievous wrong of this new provision are that a man cannot defend himself against that extraordinary presumption of law, except by violating the secrecy of his own ballot by proving what he did vote; and to do that he must have exhibited his ballot to some one before he voted.

And yet the Senator from Vermont says there is nothing new in this bill! Is not that new? Is it not a new thing under the sun, even of politics, in these semi-revolutionary days, that the American voter is required, in order to protect himself against a false presumption of law, to disclose, and to surrender the secrecy of his ballot before he casts it? Is it nothing new, sir, that you establish for the conviction of men a legal fiction, not a benign fiction, but a malign one, the effect of which is to presume what every man knows does not exist, namely, a strong legal probability that a man who has voted a part of a ticket has voted the whole of it. Why, sir, who pretends that that is the fact? Does anybody? If any one does so pretend, then he is a just subject for the admonition of the old king in the deepest of all the great dramas of our greatest dramatist, where he says:

"Get thee glass eyes;
And, like a scurvy politician, seem
To see the things thou dost not."

New, sir! It is new and it is bad from the first line of it to the last; and yet the proposition is here to have this Senate vote that through without any opportunity to examine it, or to amend it, or to make it a little better than it came from the committee of conference, or to make it a little less unjust, a little less enormous and oppressive. The whole idea of the American ballot is to be broken down for the purposes of this bill; and that is nothing new, says the Senator from Vermont!

Sir, there are nearly three pages of provisions equally new, although I must say not quite so enormous as that which I have just discussed. It would be difficult for the most heated partisan to continue at so high a key of wrong, injustice, and oppression as is attained in the first section which I have endeavored to analyze.

Now, sir, it is with the Senate to determine. I need not tell them, they are perfectly aware that they have the votes; they will do what they please; they have the numerical power to refuse to permit this bill and report to be printed. They have the numerical power to do whatever else they may deem to be necessary to pass this bill without a sufficient discussion or a proper and becoming debate.

But now I desire to be instructed by the President as to what his understanding is of the rule which has been enforced against the Senator from Vermont, that a Senator shall not speak more than once in the same debate; whether the language "one debate" refers to the general bill, or whether it refers to the different heads and subjects of the bill?

The PRESIDING OFFICER. The rule is "not more than twice in any one debate." It does not confine a Senator to speaking once, but not more than twice in the same debate. The Chair understands that to be the debate on the pending question, which is concurrence in the report of the committee of conference.

Mr. SAULSBURY. I submit that that cannot be the question, because I made a point of order at the time, and simply waived the point of order temporarily, to allow a motion to be made that the report be printed.

The PRESIDING OFFICER. There was a motion made to lay the report on the table and order it to be printed; but that was withdrawn.

Mr. SAULSBURY. Only temporarily.

The PRESIDING OFFICER. It has not been renewed. No Senator could speak while that motion was pending. A motion to lay on the table and print is not susceptible of debate.

Mr. CASSERLY. Under the ruling of the President, which, of course, I have no disposition to contest, it seems that each member is restricted to two speeches in the same debate; that is, any debate which can occur on the question of concurrence in the committee's report.

The PRESIDING OFFICER. That is the decision of the Chair.

Mr. CASSERLY. Such a rule, I believe, has not been enforced at any time previously since I came into the Senate, and probably has not been enforced for a long time.

The PRESIDING OFFICER. The Chair enforces it only when the point of order is made.

Mr. CASSERLY. The Chair will understand me, I hope, as not in the slightest degree questioning his course; but I am simply remarking as to the circumstance that for the first time in so long a period that rule is to be enforced on this occasion. It will be a matter perhaps for inference and discussion in the course of the debate that will follow before the general question is disposed of. I desire now to say something as to the point of order made by the Senator from Delaware.

This, sir, is a legislative body. The House of Representatives is a legislative body. When a bill has passed either House on the same general subject-matter it is supposed to express the legislative sense and judgment of each House, deliberately formed after full discussion and a complete understanding of the subject-matter. That being so, the bill of each House stands by itself, so far as each House can make it, a complete work of legislation. When there is a disagreement in such a case, what is the proceeding? One of the two Houses asks a conference; on what? On the disagreeing votes of the two Houses; and that is granted. The conference, therefore, is confined to the subjects upon which the two Houses have disagreed. It extends to that length, and is limited thereby. Therefore, if there are any subjects in the two bills on which the two Houses do not disagree they are not within the jurisdiction of the conference or of the committee; and that I understand to be the ground taken by a Senator who spoke on the other side of the Chamber awhile ago; and that must be the true ground.

It will follow, also, from the same logic and the same good sense which lie at the bottom of all these rules, or ought to lie at the bottom of them, that no new matter can come in. Indeed, that is the same rule stated in different words. It follows, also, that when the new matter is substantially an addition to the bill, it is not within the jurisdiction of the conference or of the committee.

In this case the general scope of the bill of the House was connected, coherent, and in a great degree logical. The scope of it was to enforce the fifteenth amendment in its relations to persons of color so far as their right to vote was protected under the fifteenth amendment. The Senate bill was an incoherent conglomeration, as one of the Senators on the other side said, of incongruities and contradictions; but in a general way it undertook to deal with the right and manner of voting at elections, as well by persons of color as by white persons throughout the country. The result of that distinction between the two bills is what I shall proceed to show the Senate.

Mr. STOCKTON. Will the Senator give way to me that I may make a suggestion?

Mr. CASSERLY. Yes, sir.

Mr. STOCKTON. I do not see why we should punish ourselves and sit here all night long, and punish the officers of the body——

Mr. YATES. I rise to a question of order. Is the Senator from California or the Senator from New Jersey entitled to the floor?

The PRESIDING OFFICER. The Senator from California is entitled to the floor, but he has yielded to the Senator from New Jersey for some purpose; what it is the Chair is not yet aware.

Mr. HOWARD. I hope the time will not be parceled out in this way between the Senators on the other side. I do not see where the debate will end if that course is to be tolerated.

Mr. STOCKTON. I asked the Senator from California to yield to me that I might submit a motion, and he did so.

The PRESIDING OFFICER. The Senator from New Jersey will submit his motion.

Mr. STOCKTON. The motion I now make is that this bill and report be printed; and then I wish to suggest, what I believe is very common in the Senate—I have often known it to be done here in my short service in the body—that this question be taken at three o'clock to-morrow, and then let us adjourn for to-day and go home.

Several SENATORS. Say four o'clock.

Mr. STOCKTON. I care not about the hour, so that an opportunity shall be given to my friend from Delaware, [Mr. BAYARD,] who has not been here and has had no opportunity of expressing his views, to be heard.

Mr. SAULSBURY. I should like to be heard also.

Mr. STOCKTON. My other friend from Delaware wishes to say something also. I do not care what the hour is, so that a short time is given to them. The Chair will understand that the motion to print is made only in the event of my suggestion being agreed to by common consent. I have no interest in this matter myself. I only make the suggestion for the convenience of the Senate. If they see proper to reject it we can go on, and I can stand it as well as others.

Mr. ANTHONY. I think the proposition is a very fair one, and it ought to be accepted on all sides.

The PRESIDING OFFICER. The Senator from New Jersey suggests that by unanimous consent the vote be taken on concurring in the report of the committee of conference to-morrow at three o'clock. Is there any objection?

Mr. HOWARD. I hope we shall sit out this report now, and pass this bill before we go home.

Mr. HOWE. I should like to know why.

The PRESIDING OFFICER. Does the Senator from Michigan object to the proposed understanding?

Mr. HOWARD. I object to it entirely.

The PRESIDING OFFICER. The Senator from Michigan objects.

Mr. HOWARD. This bill is very well understood, I apprehend, by all Senators, and I do not see myself any necessity for the prolongation of the discussion. However, if Senators desire to spin out the whole night in going over the same ground they have occupied heretofore, I can only say to them that I am of their company; I go with them; and we will encamp upon the floor of the Senate if necessary.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Delaware?

Mr. CASSERLY. I invariably yield to a gentleman who does not intend to make a long speech.

Mr. BAYARD. I never make a long speech. I am not aware that I have given my friend or any other member of this body reason to apprehend such a visitation from me. I have been referred to in this debate as one of those who desire further to discuss this question, and I rise now to say a word in reply to the Senator from Michigan.

I understand the proposition of the Senator from New Jersey to be that we allow this bill to be printed, and that the vote be taken upon it by general consent to-morrow at three o'clock. In the course of making that proposition he said something in regard to myself or my colleague desiring to submit some remarks to the Senate. That is perfectly true, so far as I am concerned. I would like to say something in opposition to the passage of this bill, although I look upon it as a foregone conclusion in the end; but I do not propose to spin out the long hours of this night, and I do not know whether I shall even repeat what other members have said, for I was not here during the previous debate. I think the honorable Senator from Michigan will be satisfied that no time will be lost whatever by having this vote certainly taken to-morrow at three o'clock, and much in the way of convenience to Senators by not keeping them here at night will occur from accepting the proposition that has been made.

Mr. CAMERON. Will the Senator allow me to say a word?

Mr. BAYARD. Certainly.

Mr. CAMERON. It seems to me that the dispatch of business will be very much increased by fixing a time for the final vote. If we continue to sit here to-night it will be a question again who shall endure the most, and I suppose we shall occupy the whole night. No good can come from that. It seems to me that all on our side, the Senator from Michigan included, ought to be willing to agree to fix to-morrow at three o'clock—["Say two"]—or two o'clock, and I will offer as a compromise that to-morrow at two o'clock we agree to vote, and that will afford ample time to gentlemen who have not yet spoken to speak on this subject.

Several SENATORS. Say three o'clock.

Mr. CAMERON. I do not care about the difference between two and three o'clock.

Mr. CASSERLY. I suggest that we commence the discussion at half past twelve to-morrow.

Mr. CAMERON. Very well; commence at half past twelve.

Mr. HOWARD. Were it not the fact that this bill has been very thoroughly discussed on both sides, and that the Senate understand it now as well as they will be likely to do hereafter, if I expected that any new light would be thrown on the whole subject by further discussion of it, as seems to be desired by Senators on the opposite side of the Chamber, I certainly would agree to such a postponement; but I do not think so. This bill has been very fully discussed, and it is a bill, in my judgment, which ought to be passed, and passed speedily, and to take effect at once throughout the country. It is a bill which the people are waiting for all over the country, and expect us to pass at the earliest practicable moment. For one, therefore, I am in favor of staying here until the Senators on the opposite side of the Chamber have had a full opportunity to express themselves, and then taking the vote before we go to dinner.

Mr. CAMERON. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is entitled to the floor for the moment.

Mr. CAMERON. I appeal again to the Senator from Michigan. It is but a few hours' difference between now and to-morrow; and it is but fair to give to a Senator on the other side who has not spoken on this subject, as is the case with the Senator from Delaware, who was not here when the bill was discussed before; that he should be allowed until to-morrow to prepare himself for speaking on this question and he should have the opportunity of addressing the body. I think the people of the country, while they expect us to dispose of this bill very soon, expect us to do it in such a way as will be most beneficial to the country, and most graceful toward our friends on the other side, who are in so small a minority here.

The PRESIDING OFFICER. The Senator from Pennsylvania proposes that the vote be taken to-morrow at two o'clock.

Several SENATORS. Say three.

Mr. CAMERON. I do not care whether it be two or three o'clock, but I will say two.

The PRESIDING OFFICER. Is there objection to that proposition?

Mr. STEWART. I would like to inquire whether, if an arrangement of this kind is effected to-night, I can have a few minutes to reply to the objections, say half an hour. ["Certainly," "Certainly."]

Mr. ANTHONY. That is always the rule.

Mr. CASSERLY. That is a matter of course.

Mr. HOWE. Then say three o'clock.

Mr. STEWART. Give me forty minutes.

Mr. CAMERON. Say three o'clock, and the Senator from Nevada shall have thirty minutes. That is enough; any man can say in thirty minutes all he wants to say.

The PRESIDING OFFICER. Does the Senator change the time to three o'clock?

Mr. CAMERON. I will change the time to three o'clock, and include in my proposition the understanding that the Senator from Nevada having charge of the bill shall have thirty minutes to conclude the debate.

The PRESIDING OFFICER. The Chair will state the question. It is proposed by unanimous consent that the vote be taken on this report to-morrow at three o'clock.

Mr. THURMAN. Let us understand what that means. Let us understand when it is that the Senator who has the bill in charge is to take the floor.

Mr. SPRAGUE. At three o'clock.

Mr. THURMAN. Let us understand when the Senator from Nevada is to take the floor. That is always necessary to be understood.

Mr. CAMERON. My suggestion is that we take the vote at three o'clock to-morrow, and that the Senator from Nevada shall be allowed thirty minutes to close the debate if he desires.

Mr. THURMAN. Then he will take the floor at half past two?

Mr. CAMERON. Yes, sir.

Mr. NYE. Will the Senator from Pennsylvania allow me to make a suggestion?

Mr. CAMERON. Of course.

Mr. NYE. I suggest that the time be fixed at two o'clock.

Mr. CAMERON. What is the difference?

Mr. NYE. It is necessary that the report should go to the other House and then the bill must be enrolled.

Mr. CAMERON. I do not think the difference between two and three o'clock amounts to anything.

Mr. HOWARD. As I am following the lead of the Senator from Nevada, who has charge of this bill, I feel it my duty, of course, to comply with his wishes upon the subject. If, therefore, he asks this postponement until to-morrow at three o'clock, with a view to enable himself to make an explanatory speech on this bill, I shall not object; but unless he does distinctly ask it I shall insist on my objection, because as I said before, I think this bill has been fully discussed, and we cannot amend it in its present form of a report from a committee of conference.

Mr. STEWART. I do not ask it as any favor to myself. If we go on to-night I shall make no speech; but I simply stated that if the matter went over until to-morrow I should want half an hour to reply to the objections that have been made; otherwise I shall have nothing to say. I ask for nothing.

The PRESIDING OFFICER. The Chair will state the question. It is proposed that the vote be taken to-morrow at three o'clock, and that the Senator from Nevada have half an hour before that to address the Senate. Is there any objection to this arrangement? The Chair hears no objection, and it is agreed to.

Mr. THURMAN. I wish to make an inquiry. Will the report of the committee of conference be printed so that we can have it on our tables to-morrow morning?

The PRESIDING OFFICER. If no objection be made the order to print will be entered.

Mr. MORRILL, of Maine. I desire to know in what condition the appropriation bill is.

The PRESIDING OFFICER. The appropriation bill was passed over to consider the report of the committee of conference. It will come up as soon as the vote is taken on the committee's report.

Mr. MORRILL, of Maine. I move to resume the consideration of that bill.

Mr. THURMAN. That destroys the agreement.

Mr. MORRILL, of Maine. I want it to be next in order.

The PRESIDING OFFICER. The appropriation bill will come up, of course, when this report is voted upon.

Mr. MORRILL, of Maine. Very well; I withdraw the motion.

Mr. CASSERLY. I hope it is understood that we commence this debate at half past twelve o'clock to-morrow. ["Yes."]

The PRESIDING OFFICER. This question will come up to-morrow upon the expiration of the morning business, unless otherwise ordered by the Senate.

Mr. SPRAGUE. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 24, 1870.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER.

The Clerk commenced to read the Journal of yesterday.

Mr. PAINE moved that the further reading of the Journal be dispensed with.

The motion was agreed to.

INTERNAL TAXES.

Mr. HALE, by unanimous consent, introduced a bill (H. R. No. 2088) for the reduction of internal taxes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

LAWS OF IDAHO.

Mr. CULLOM. I ask unanimous consent to report from the Committee on the Territories and put upon its passage the bill (H. R. No. 1803) to disapprove of certain acts of the Legislative Assembly of Idaho Territory, and for other purposes.

Mr. WOOD. Will it be in order to object after the reading of the bill?

The SPEAKER. It will.

The bill was read. The first section disapproves and annuls so much of the revenue laws passed by the Legislative Assembly of the Territory of Idaho, January 13, 1869, as provides for special license or tax to be collected of and paid by Chinamen or persons of the Mongolian race who may be engaged in mining or hold mining claims in said Territory, and so much of the laws of said Territory as discriminate between persons of said race and other persons in regard to taxation.

The second section disapproves and annuls the act passed by the Legislative Assembly of the Territory of Idaho, January 15, 1869, creating the office of district attorney for each county in this Territory, and defining their duties and providing for their compensation.

The third section disapproves and annuls all acts and parts of acts heretofore passed by the Legislative Assembly of Idaho to provide for the payment of salaries or extra compensation out of the territorial treasury to officers holding commissions by Federal appointment in said Territory.

Mr. JOHNSON. I object.

Mr. CULLOM. I hope the gentleman will not do that. The Delegate from Idaho and the Committee on the Territories have agreed to this.

Mr. JOHNSON. I cannot help that. I disagree to it.

Mr. CULLOM. I recognize the gentleman's right to do so, but I hope he will withdraw his objection.

Mr. JOHNSON. If you will strike out the first section, I have no objection to the bill.

Mr. CULLOM. The first section is very important, and I cannot consent to strike it out.

Mr. JOHNSON. Then I must object.

MARTHA M. TURNER.

Mr. UPSON, by unanimous consent, introduced a bill (H. R. No. 2089) granting a pension to Mrs. Martha M. Turner; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHINESE AND JAPANESE INDEMNITY FUNDS.

Mr. PAINE. I ask unanimous consent to offer the following resolution:

Resolved, That the President of the United States be requested to communicate to this House his opinion respecting the justice and policy of a restoration to the Chinese and Japanese Governments, respectively, of the funds known as the Chinese and Japanese indemnity funds.

Mr. SCOFIELD. I object.

SOLDIERS' MONUMENT, JERSEY CITY.

Mr. CLEVELAND. I ask the House to put upon its passage a joint resolution donating condemned cannon for a soldiers' monument at Jersey City, New Jersey.

Mr. MAYNARD. Does that come from the Committee on Military Affairs?

The SPEAKER. It comes from the gentleman from New Jersey, [Mr. CLEVELAND.]

Mr. MAYNARD. I objected to a similar resolution the other day unless it should be referred to the Committee on Military Affairs.

Mr. CLEVELAND. A similar bill passed yesterday.

Mr. MAYNARD. I objected to a similar bill offered by the gentleman's colleague [Mr. HILL] the other day.

Mr. CLEVELAND. That bill has passed the House.

Mr. MAYNARD. Well, I objected to it, and I was not aware it had passed.

Mr. CLEVELAND. I withdraw the joint resolution.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of its clerks, informed the House that the Senate had agreed to the amendments of the House to the bill and joint resolution of the Senate of the following titles;

A bill (S. No. 76) concerning divorces in the District of Columbia; and

A joint resolution (S. R. No. 120) to provide for the appointment of an examiner of claims for the Department of State, and for additional clerks in the Department.

REMOVAL OF CHARGES OF DESERTION.

Mr. STOUGHTON, by unanimous consent, reported from the Committee on Military Affairs a joint resolution (H. R. No. 299) in regard to charges of desertion in cases of soldiers honorably discharged; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution, which was read, provides that in all cases where private soldiers in the late war for the Union served out the term of their enlistment, and were honorably discharged from the service, or died while in the service and in the line of duty, it shall be the duty of the Secretary of War, upon the application of the party or his representative, to remove any charge of desertion that may stand upon the roll against such soldier, when there has not been a conviction for desertion by a court-martial; provided that the fund appropriated for the maintenance of a national asylum for disabled volunteer soldiers shall not be diminished by the provisions of this joint resolution.

The joint resolution was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

LICENSING YACHTS.

Mr. POTTER, by unanimous consent, reported back from the Committee on Commerce Senate bill No. 237, to amend an act entitled "An act to authorize the Secretary of the Treasury to license yachts;" which was ordered to be printed and recommitted.

AMERICAN COMMERCE.

Mr. KELSEY. I call for the regular order of business.

The SPEAKER. The regular order being called for, the House resumes the consideration of the bill reported from the select Committee on the Causes of the Reduction of American Tonnage, being House bill No. 1889, to revive the navigation and commercial interests of the United States, on which the gentleman from Maine [Mr. PETERS] is entitled to the floor.

Mr. PETERS. I will yield to my colleague, [Mr. LYNCH,] who desires to submit a proposition to the House in relation to the order of business.

The SPEAKER. All questions relating to the priority of business the Chair is in the habit of considering as not coming out of the morning hour, although the regular order has been called.

Mr. LYNCH. I ask consent of the House to extend the morning hour of to-day to one hour and fifteen minutes, and then I will endeavor to finish up this bill to-day.

Mr. DAWES. I object.

Mr. LYNCH. I hope the gentleman from Massachusetts [Mr. DAWES] will withdraw his objection, for a great many gentlemen desire to be heard upon this subject.

Mr. DAWES. If the gentleman should succeed in having the morning hour run for an hour and a quarter and then call the previous question, if it should be seconded he would then have another hour and at least one call of the yeas and nays; so that some two hours and a half of to-day's session will be occupied in the consideration of this bill.

Mr. LYNCH. We will get through early in the day.

Mr. DAWES. There is an appropriation bill now pending in Committee of the Whole unfinished; there is another appropriation bill ready to be reported. And I see the honorable gentleman from Ohio [Mr. SCHENCK] is back here in his seat, ready of course to call up his tax bill. I had hoped that the coast would be clear before the gentleman was ready with his bill. I do not think that pending all this important business the gentleman from Maine [Mr. LYNCH] should ask for more time than the rules will give him.

Mr. LYNCH. The gentleman would think nothing of going on and discussing this proposition for half an hour. I hope he will withdraw his objection.

Mr. DAWES. The gentleman asks for fifteen minutes more than the morning hour; and should that be given him he would use the rule to secure an hour and a half in addition to that.

Mr. LYNCH. I can do that any way.

Mr. DAWES. Then if the gentleman proposes to "do that any way," that will be enough.

Mr. LYNCH. It is only fifteen minutes that I ask, and I hope the gentleman will withdraw his objection to it.

Mr. DAWES. I insist upon my objection. If the gentleman proposes to take two hours and a half to day "any way," I think it is a little unreasonable for him to ask for any more.

The SPEAKER. The gentleman from Maine [Mr. PETERS] is entitled to the floor, and will proceed.

Mr. PETERS addressed the House. [His remarks will appear in the Appendix.] At the conclusion of his remarks he yielded to

Mr. COBURN. Mr. Speaker, this is a bill devised to protect against protection, coming from the friends of protection. The question is, shall we encourage ship-building by subsidies and bounties? It is not a project to encourage commerce or navigation, but mere ship-building. If it were proposed to encourage commerce or navigation a man of common sense would say, "Let our citizens buy ships where they can buy them the cheapest; put no restrictions on their purchase; do as Austria does; do as France does; buy cheap ships; buy them at two thirds of what you can build them for; put the American flag on any ship that anybody will sell us, and our bold and hardy sailors will drive all competitors from the ocean." In this way we might encourage commerce, in this way we might encourage navigation vastly. We can buy iron ships in England so much cheaper than we can build them that just now it seems like madness not to do it. The strongest reasons given for the opposite policy are the training of skillful shipwrights at home and the building up of our own interests in this branch of business. To accomplish this the committee propose to allow ship-builders drawbacks or a return of all duties upon all imported material that goes into the construction of a ship, such as timber, metals, cordage, and sails. Next to pay to ship-builders who use any American material an amount equivalent to the duties imposed on similar articles of foreign manufacture when imported. In addition it is provided that all ship stores and coal to be used and consumed on any voyage from any port of the United States to any foreign port may be purchased free of import and internal duty. Upon all this a bounty of $1 50 for each registered ton of every sail vessel and every steamer running to and from the ports of the North American provinces, and four dollars a registered ton upon every steamer running to and from any European port, and three dollars to any other foreign ports. Such are the main provisions of the bill.

It is impossible to estimate the annual aggregate of these, since the amount of shipping is not fixed or limited, and would, if the bill becomes an act, be very largely increased from year to year.

The distinguished gentleman from Maine [Mr. LYNCH] who has charge of this bill, in

estimating the cost of restoring our commercial marine, states that the entries at ports of the United States from foreign ports in 1869 amounted to 8,750,362 tons of shipping, of which 5,347,694 tons were foreign and 3,402,668 tons American. Sixty per cent. of American tonnage is engaged in the carrying trade between foreign nations, and enters our ports once a year. Forty per cent. is engaged in the West Indian and South American trade, and enters our ports four times a year. In other words:

Tons.		*Tons.*
939,852	entering once a year make	939,852
626,568	entering four times a year make	2,506,272
1,566,420	Total entry American tonnage	3,446,124

The foreign shipping is estimated as follows:

Tons.		*Tons.*
250,811	steamers entering six times a year	1,504,866
1,269,790	sail vessels three times a year	3,809,970
1,520,601	Total entry of foreign tonnage	5,314,836

This amount of shipping added to what we now have will do all of our carrying trade. To build this amount of tonnage, one quarter of iron and three quarters of wood, under the provisions of the bill now under consideration, would cost:

952,342 tons wooden sail vessels, $8 a ton	$7,618,736
317,447 tons iron sail vessels, $18 a ton	5,713,046
250,818 tons first-class iron steamships, at $27 a ton	6,771,897
Total	$20,104,679

This is what the people would have to pay for this increase of our shipping into the pockets of ship-builders. And this is upon the supposition that our carrying trade will not increase, but that there will merely be a substitution of American for foreign ships.

The gentleman from Maine claims a deduction of $7,618,736 as drawbacks on imported material for wooden vessels, leaving but $12,485,943 to be paid out by our Government to make us able to do all of our carrying trade.

This is, after all, mere conjecture. The proportion between iron and wooden vessels is not fixed. The increase of iron ship-building is rapid. The increase of wooden steamers is rapid. The increase of iron steamers is probably to be very rapid. The drawbacks for duties and the equivalents of duties will thus be increased greatly. The losses of import duty and internal tax on ships' stores will be largely increased as our tonnage increases; no estimate is made for this; millions of dollars must be added here. The subsidies to be paid are also to be added on a commerce whose tons last year numbered over three millions and is growing rapidly; more than two millions of which are subsidized at from three to four dollars and a half a ton, and less than one million at a dollar and a half a ton, making in all more than eight millions a year of subsidy.

Here, then, we see an outlay of $20,000,000 to drive competition out of the carrying trade to be spent in building ships, and $8,000,000 a year of subsidies, to be increased as our tonnage increases; to be doubled or trebled as the ships are multiplied by the encouragement thus given for this very purpose.

Thus, the more prosperous the shipping interest is the more great iron ships that are built; the more we send out our hardy tars to carry for all the world the products of every clime, that much more it costs the people. We might in a few years do all the carrying for all the world if the people could only pay the drawbacks and equivalents and subsidies. And if this bill passes the prospect is we will do it or die in the attempt. The practical question for us is: will this attempt to secure the carrying trade of the world pay?

Candor compels every fair man to say that a community of naval architects and ship-carpenters, skillful in their craft, is a powerful auxiliary in war and a great promoter of national independence and prosperity in peace. But their loss, their absence, may be a less evil than the burdensome taxes, subsidies, and expenditures necessary to foster and maintain them.

The gentleman from Massachusetts proposes to amend the bill by substituting for that portion which provides for subsidies a provision that discriminating duties be allowed in favor of wooden American vessels twenty per cent., and iron American vessels of twenty-five per cent. The effect of this discrimination in favor of our ships will be to enhance at once enormously the value of American shipping. There could be no greater speculation than in such property. Pile all the freighting upon American bottoms, double their business, and no leap of values forward could be greater.

This is the result, and not a reduction of freights. Our ship-owners would cut under foreigners just enough to seize and hold the trade, and the people would pay the difference between that and a fair rate. The stimulus to ship-building would be great, very great; but it would be stimulus and nothing else; not nourishment, not healthy food; mere stimulus, that must be kept up or a collapse ensue. The sailors and ship-owners and ship-builders would get the profits; nobody else. The people would have to pay for it all.

Let us see what this scheme would cost. Our dutiable imports in 1869 were $395,000,000. The duties were $180,000,000 in round numbers. Three eighths of this were American tonnage, or about sixty-seven and a half million dollars. Twenty per cent. of this is $13,500,000. This much revenue would be lost at the present status of our shipping. But it is expected that this will put a great part of the carrying trade soon into our hands, so that instead of $13,500,000 it will run up to twenty, thirty, or forty millions of loss to the revenue. Who can tell?

On the other hand, the gain of the people in the lowering of freights might be safely put down at less than five per cent. of the twenty and twenty-five per cent. sacrificed to the ship-builders and owners; an enormous cost, a wild project, a dangerous experiment; more expensive, more extravagant than the original bill.

But this is bad policy; it is a cut-throat game; it stirs up retaliation; it rouses jealousy; it puts us out of the pale of friendly commercial relations with foreigners. The result will be an increase of the price of freights; just the thing we of the interior want to avoid in every fair way. For while this policy gives us the carrying trade for imports it gives everybody else the carrying trade for exports. It gives all ships coming and going a load but one way. Disastrous is not the word for such a policy. It might result in a refusal to trade with some nations. This would put up prices. This is an extreme measure of protection. This is prohibition in its roughest and savagest mood. The gentleman from Massachusetts says, "How, then, can they retaliate?" By refusing to trade with us. I wish to God—and I trust I speak with due reverence—they would. The difficulty is that we now are suffering in this country from overtrading and from overimportations. If other countries would not send us any of their surplus luxuries and manufactures, if there was a wall of fire around us so that the foreign superfluities could be shut out from our people, it would, in my judgment, be better for the prosperity of this country; because we import now more than we export, and are selling our bonds to make up the deficiency. The protectionist, and the high tariff man, what other and higher and better protection could he desire than the refusal of France and England to trade in the products of their labor with America?" Here it is, stronger than it can be put in any other words. And I accept the argument as the best prohibitory one given. It is sound. It is sensible from that standpoint, worthy of a powerful intellect, worthy of a better cause. My judgment is against prohibition, directly or indirectly.

The gentleman from Massachusetts calls upon us to gratify our feelings by now making reprisals, in this way, upon British commerce. I am for the fair, open, bold, kind treatment of all nations. I believe that this is the most profitable and the safest policy. I have no lurking desire to take revenge upon the English people for the outrageous conduct of a Tory administration which happened for a time to be in the ascendant in the days of rebellion. Men of a different stamp are now at the head of the British nation. John Bright, our fast, firm, noble, bold, and manly friend, with his compeers, now constitute the British cabinet, and truly represent the honest feelings of the majority of that great people in their sympathy with our free Government and in their respect for its republican institutions. England, with Gladstone and Bright at her head, is the true friend of America. This is no hour for retaliation or revenge or hate or madness. Let us have amity and concord and harmony with the great nation from which we proudly claim our origin. Misguided, misgoverned, cramped by its aristocracy, but great in spite of all, and growing every day greater and grander as she grows more liberal under the guidance of such men as now hold the reins of power.

Retaliation should never be our policy or induced in others by our policy. Let our treaties stand; let our laws providing reciprocal duties stand; let us preserve friendly, cordial relations with all nations. We can better preserve such an attitude than one of distrust, of jealousy, of estrangement, of covert hostility.

It is our policy to buy ships where we can do so upon reasonable terms at an ordinary rate of duty. Germany does so, and now has twenty-two steamers in the American trade. France does so. Austria has more than sixty ocean steamers purchased abroad. Navigation and commerce are the great interests, vastly overriding ship-building.

Why should we not put our flag on our own ships which were sold to avoid the casualties of war? Why not take the money we got for our wooden ships and buy iron ones? Why not put our flag on any ship built anywhere? War put commerce and navigation, sixty and seventy years ago, into our hands. War within ten years took them away. Ships may be purchased of the best class of any kind. They would be purchased but for our prohibitory laws. Why not wipe such laws out? Do so, and our commercial marine will outrival that of all the world in a very few years.

The gentleman from Maine says, the President says, the Secretary of the Navy says, Admiral Porter says, every man of sense says, that the greatest source of naval power is in the merchant marine. Why not allow our merchant princes, our importers, our men of enterprise on the sea-board to purchase these great and powerful steamships built upon the Clyde? Admiral Porter says:

"If the United States possessed the steamships plying between New York and Europe the Government would have a better Navy than it ever had."

He says further:

"I do not want better ships than those steamships are in case of war."

Why not take him at his word, and let our people buy them?

This problem is easily solved. We can have a vast merchant marine in a few years by the simple enactment of a law allowing the purchase of ships. Our freights will be cheaper, our commerce more extended, our naval power greater, and our national position more advanced. Why keep all lagging and languishing at the door of the ship-builder?

When we can have a thorough bill covering the whole ground I shall vote for it. But the measures now proposed are narrow, unjust, impolitic, ineffectual of good, and I believe would result in disaster to the country.

We have a vast coast; no nation has so great a one. We hold the front upon both oceans

of the temperate zone. We face the tropics. We face the Arctic seas. From where the Gulf Stream flashes upon the Capes of Florida to the remotest head-lands of fog-bound Alaska the American keel strikes upon American sand. We are by nature, by necessity, by destiny, to be the great maritime Power of earth. Nothing can prevent it. We need the ships, great iron steamships; we refuse to buy them. We madly adhere to the antiquated policy that none but American-built ships shall have our registry and sail under our flag. We are dashing away the scepter of the seas, in our blind adherence to a policy abandoned even by the monarchs of Europe. Ten thousand inviting bays and inlets and harbors and islands cry out against this policy. The trade and travel, the homeward and outward bound freights of forty million people, cry out against it. Common sense cries out against it. When will it be changed?

Mr. PETERS. I yield ten minutes of my time to the gentleman from New York, [Mr. BROOKS.]

Mr. BROOKS, of New York. Mr. Speaker, I do not approve of the principles of this bill, and would not vote for it, were it not for the oppressive taxes imposed upon my people in the tariff on iron, steel, lumber, cordage, and ship material, which have nearly destroyed both iron and wooden ship-building on the Atlantic coast. As I am in favor of as free trade as our revenues will admit, I accept these two sections as a repeal of the tariff, so far as my constituents are concerned. I know that the true, the only, the statesman-like remedy for the destruction of our shipping is in the repeal of the oppressive taxes upon shipping, and, so far as shipping is concerned, that is here in this repeal, both in the first and second section; therefore I vote for them. I trust the precedent here to be established will tend to a like repeal upon the cost of railroad transportation and agricultural and manufacturing implements and tools, for what is good for us on the sea-coast would be good for all in the interior. The two sections repeal the tariff on shipping. I hope hereafter to vote for a like repeal of taxes on agriculture and manufactures.

I give the remainder of my time to my colleague, [Mr. CALKIN.]

Mr. CALKIN. I yield to my colleague, [Mr. COX.]

Mr. COX. I do not wish to detain the House at any length on this subject at this time. I shall move to strike out the proviso to the first section of the bill for reasons stated at length by myself and others in the tariff and other debates. It is not necessary now to repeat these reasons. After providing for granting rebate or drawback on materials entering into ship-building, for which I will vote in the interest of free trade, the first section contains a proviso that where American material is used in the construction of iron, steel, or composite vessels or steamers, there shall be allowed and paid an amount equivalent to the duties imposed on similar articles of foreign manufacture when imported. I can never, Mr. Speaker, consistently with my principles, vote for that proviso. If that be struck out I shall vote for the first section of the bill, reserving my right to vote on the other sections as the general interests of the country as well as of commerce shall seem to require.

Mr. CALKIN. I yield next to my colleague, [Mr. SCHUMAKER.]

Mr. SCHUMAKER. Mr. Speaker, I wish particularly to call the attention of the House in reference to the pending measure to the important interest of ship repairs. In the district which I have the honor to represent there were before the passage of what is called the copper tariff bill seventeen ship-yards, mostly employed in repairing vessels, in sheathing, and otherwise making repairs of vessels from all parts of this and other countries. This bill does not provide for drawback of duties paid upon articles entering into the repair of ships. Vessels from all parts of the world used to visit our ship-yards for the purpose of being repaired, because of the recognized skill of our mechanics and their promptitude, and because they could get repairs done here a great deal cheaper than in other countries. After the passage of the copper tariff bill, of seventeen ship-yards we had only three left, the others having been compelled to close.

It is estimated by the firm of Poillon, ship-builders, who built the celebrated yacht Sappho, that the copper alone required for a ship of one thousand tons will cost $1,500 more in this country than in Europe or anywhere else. And such is likewise the case in reference to refurnishing a vessel with sails. Ships require new sails every two years. There is no drawback on sails, or on iron or other materials entering into the repair of vessels. Thousands and thousands of ship-builders are interested in this. They were thrown out of employment by our severe tariff laws, and in a bill like this I insist that they shall not be overlooked; that they shall be provided for if other ship-building interests are taken care of.

I was much surprised, in the able speech of my colleague, [Mr. CALKIN,] who represents this interest more than any other member upon this floor, a mechanic himself, to find that he omitted any reference to this great interest of ship repairs. As I have said, I shall insist upon drawback of duties being allowed on copper and other materials used in the repair of ships.

Mr. COX. I hope we shall have ten minutes more time on this side. We have not had much time on this question.

Mr. PETERS. My time is limited.

Mr. CALKIN. I am much obliged to my colleague [Mr. SCHUMAKER] for reminding me of my omission in not speaking of the necessity of protecting the ship-repairing interest. He has so well explained the matter that it is unnecessary for me to say a word upon that subject, and I would not desire to occupy any portion of the time of the House at present were it not that I wish to explain the bounty part of this bill, the clause which requires a bounty to be paid to the builder when using American material. In the short time allowed me last week I neglected to say anything upon that subject, and I now wish particularly to call the attention of the House to that part of our report.

Mr. Speaker, if we are sued in a court of law we employ as able a counsel as we can find to advocate our cause. If we are sick we look for the best physician that our town affords. If we want to buy a barrel of pork we do not go to a dry-goods store; we go to a man who sells pork and buy it from him. If a farmer requires his horses to be shod he does not take them to a shoemaker's shop, but he goes with them to a blacksmith's shop. Now I desire to say something as to the necessity of using American material, in connection with the evidence given in this report. I shall cite from the evidence the opinions of men who are practiced mechanics, men who know all about the working of iron. There is the evidence of many such men here; but I shall only refer to the evidence of two of them, and first to that of Mr. Stimers. I will tell you who Mr. Stimers is after citing his evidence.

"Mr. MORRELL, of Pennsylvania, remarked that there was not much tax now on manufactured iron, except the mercantile tax.

"Mr. Stimers replied that that was one of the taxes which he wished to see taken off. Ships could be built here now cheaper than was generally supposed. He had noticed that it had been stated yesterday before the committee that iron steamers could not, for the present, be built here as well as they were abroad. He did not agree to that. During the late war iron steamers had been built for the Government under his general superintendence, and Mr. Rowland, now present, had built as good iron ships as ever had been built.

"Mr. MORRELL, of Pennsylvania, inquired whether it would not be desirable to use American materials in the construction of ships when they could be got as cheap as foreign materials.

"Mr. Stimers replied that American iron was much better than English iron. Shippers and shipping merchants always paid a higher price for American iron than for English iron.

"Mr. MORRELL, of Pennsylvania, inquired whether it would not be better to allow a drawback on iron equivalent to the duty, so as to allow the ship-builder to use American iron.

"Mr. Stimers replied that it would, and that ship-builders would always prefer American iron on account of its superiority. If it were made free it would come to that. At first English iron might be imported, but builders would soon come round to American iron. He had been Government inspector of the iron-clads, which had been constructed under his supervision in various parts of the country. The machinery for Government iron-clads and for iron mercantile vessels was just the same. The armature of the iron-clads would be heavier, but the construction of the hulls would be the same. Vessels with iron hulls had been built for the Government at Portland, Boston, New York, Jersey City, Greenpoint, Chester, Wilmington, Baltimore, Pittsburg, Cincinnati, and St. Louis. He had been abroad, and had seen nothing there to surpass the American iron work. The iron here was better than is made in Europe, and, therefore, the ships were better. These iron-clads had been to sea, and had pounded on sand-banks, and not a hole had been made in one of them. Americans had not to learn how to build iron ships. They knew to-day how to do it. Give them a chance and they would build fleets of them. As to the low insurance on English iron ships, the insurance would be equally low on iron ships built here. The latest works on naval architecture were obtained and studied in this country, so that American ship-builders knew all that English ship-builders were doing, and would not produce work inferior to the English work." * * * * * * * * *

"The CHAIRMAN. Do the builders of wooden ships adapt themselves readily to the building of iron ships?

"Mr. STIMERS. Yes, sir. The change is very simple. My opinion is that when iron ships come to be made here it will be found that the builders are those who have been building wooden ships. It requires only a different arrangement of materials, which is very easily learned. In fact, the art of ship-building is simple if you understand naval architecture, and that the wooden ship-builders understand. I have seen men acting as common laborers, carrying iron about, and have seen them in six months afterward driving rivets, which is the most particular thing. If you have the head man right the labor part is easily learned, as is proved by the building of all these iron ships all over the country. Of course the knowledge how to direct all to be done requires a labor of years; but after the plans and specifications are completed the other parts of the work are easy."

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"Mr. Hichborn, of Maine, remarked that it seemed to have been the sentiment of those who had appeared before the committee yesterday that even with a remission of duties iron ships could not be constructed here at once to compete with those built on the Clyde or the Tyne, but that it would require two or three years for the American iron ship-builders to get ready.

"Mr. Stimers replied that Americans could proceed at once in the construction of iron ships. There were several establishments ready now to go right ahead and build iron ships, and large numbers of such ships could be supplied in the first year. He thought that they could be produced here quicker than they could be procured abroad."

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"Mr. WELLS. What material used in the construction of a ship is not produced in this country?

"Mr. STIMERS. I believe we import Manila hemp; but that is a very small matter, particularly in steamships. Most of the ships built hereafter will be, I think, iron steamers. That is the tendency."

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"Mr. HOLMAN. Any man skilled in iron-work can readily be trained in that kind of work?

"Mr. STIMERS. Certainly, sir. The head man, of course, wants to understand naval architecture. We have men enough in the country to build hundreds of iron ships very soon."

The following is from the evidence of Mr. T. F. Rowland, proprietor of the Continental ship-yard at Greenpoint, Brooklyn:

"Mr. CALKIN. You spoke of building ships of a lighter class of iron, using a better quality, of course not giving so great a weight. Please to state that again.

"Mr. ROWLAND. An inch square bar of English iron is supposed to hang up twenty thousand pounds without breaking. I suppose that would be the test of a bar of English iron. A bar of American iron of the same size would be considered rather poor if it did not hold up forty thousand pounds.

"Mr. MORRELL, of Pennsylvania. The average is sixty thousand pounds?

"Mr. ROWLAND. Yes, sir. The Abbott company iron will carry forty thousand pounds sure. Under Lloyd's rules we are bound to put quite as much of that forty thousand pounds iron into a ship as an Englishman puts in of the twenty thousand pounds iron. The one costs about two and a half cents a pound in gold, and we pay from four and a half to five cents a pound in currency, so that really our iron does not cost a great deal more than theirs, if you take it by the real value. But if you take it by the thickness, they can beat us to death. But where we do beat them is in our labor. They pay a great

deal less for labor than we do; but we do more in one day than they do, and what we lose in iron we gain in labor."

[Here the hammer fell.]

Mr. PETERS. I now yield to the gentleman from Illinois, [Mr. MARSHALL.]

Mr. MARSHALL addressed the House in remarks which will appear in the Appendix.

Mr. BANKS. Mr. Speaker, the subject before us affects so many interests, and is of such importance, that it is difficult for any single measure to unite the opinions of the different parties represented in the House or of the different sections of the country. Although the bill reported by the committee now under consideration is open to objection, and particularly to that just presented by the gentleman from Illinois [Mr. MARSHALL] that it will not affect completely and entirely the purpose intended, yet nevertheless it is true that it is a beginning, and we must have a beginning, and this is as good a commencement as can be suggested by any person representing any one of the varied public interests of the country.

Perhaps the best comparison of American commerce with the general commerce of the world was that published in 1855. The commercial tonnage of the globe then amounted to fifteen million one hundred and twenty-five thousand tons. Of that amount Great Britain represented five million and the United States five million two hundred thousand. The United States in 1855 had an equal if not larger tonnage than any other nation. It had increased during the thirty years preceding at the rate of fifty-eight per cent. per annum, while the increase of the tonnage of Great Britain for the same period was only twenty-eight per cent., and it was then estimated that if the same ratio of increase continued for thirty years succeeding 1855, which would have carried it to 1885, the tonnage of the United States would have been equal, if it had not exceeded, that of all other nations.

The growth of American commerce began to be sensibly and powerfully felt during the administration of General Jackson. It must be conceded that the liberal arrangement of impost duties which existed in the early part of this period, and especially that the successful establishment of cotton manufactures, which brought into the markets of the world a new fabric, representing a larger quantity of raw material, which with us was cheap, and a smaller amount of labor, which was dear, that other nations had manufactured, contributed to extend the then rising commerce of the country. But this does not explain the extraordinary growth it attained in this period. There were other powerful aids accorded to it. The lesson of that period ought not to be disregarded now. When President Jackson came into power he found outstanding difficulties with almost every country on the face of the globe; difficulties which had existed in many instances from the creation of the Government. He gave his first attention to these questions. He settled one after another, every one of them, and at the close of his last term we were in absolute peace with all the world. We were not only at peace, but on terms of friendship with all foreign States.

Of course there was nothing to interrupt and everything to support it. New manufactures created, what other manufacturing States had not supplied, without competition in foreign markets, a liberal and reasonably permanent system of impost duties. A people at peace with all the world, profitably employed; the public debt had been paid, taxes were light, and nothing to disturb the confidence of those engaged in any of the pursuits of national industry. These are the conditions of successful industry, and especially of prosperous commerce. There must be, first of all, confidence at home and peace abroad. A contented people and a strong Government are the essential conditions of its existence, and the administration of President Jackson, in seeking first of all to establish these domestic and foreign relations of this character, gave to the country a foundation for commercial operations which was of itself a guarantee of success. The result has been stated. In thirty years we had equaled, if not surpassed, the commercial tonnage of the British empire. The percentage of increase for a third of a century was nearly double that of Great Britain. In thirty years succeeding 1855 the same ratio of increase would have given to the United States the greater part of the commercial tonnage of the world.

But now the condition of public affairs is greatly changed. This is not to be charged as the especial fault of anybody; it is the result, natural, and almost inevitable, of the great events in which we have participated. Our debt is large; our taxes are heavy; the system of impost duties is necessarily burdensome upon trade; business is depressed, confidence is impaired, and our relations with other countries not as pleasant as we could wish. We have a difference with Russia, growing out of treaty stipulations of which she complains, which leads her to contemplate what she calls retaliation. There is an unpleasant consequential embarrassment between us and Austria, growing out of the failure of her invasion of Mexico during our rebellion, and its disastrous consequences to one of the members of the imperial family. We have for reasons of our own discontinued diplomatic relations with Rome. We have a postal controversy with France. Denmark has an unsettled controversy with us which seriously affects her relations with us, if it does not touch her honor as a nation and lead to other embarrassments hereafter. The Governor of the Sandwich Islands complains that a treaty entered into with him more than three years since is not only unsettled, but has never been respectfully considered. There is pending with San Domingo a question of a similar character. With the South American republics our relations are not those of permanent peace. Brazil complains of our policy, as we did of hers, during her war with Paraguay. Our unhappy controversy with the latter Government is fresh in the recollection of every member of the House. Our attention has been called to the necessity of enforcing a convention with Venezuela, and it is reported in the public journals that one or more war vessels are to be ordered to that country to secure the rights of our citizens and the observance of its treaties with us. And a like apprehension exists in regard to our relations with another South American State. We have international controversies with Spain that cannot be lightly regarded nor easily settled, difficulties which have constantly reappeared at different times for nearly a century, and which it is scarcely possible to adjust except by the withdrawal of the Spanish flag from the American continent. Of our unhappy controversy with Great Britain it is unnecessary to speak. No one can refer to it without apprehension, or recall the occasion of it without indignation and sorrow.

Such considerations of themselves show the impossibility of an extensive and prosperous commerce with foreign States. The very nature of foreign commerce requires that there shall be friendly relations with all Governments with which we seek to trade. And until these international controversies can be settled, every one must see that the investment of capital for the reëstablishment of a prosperous commerce is impossible. But enough of that.

There is another difficulty. Gentlemen from the West resist legislation for the benefit of commerce because, strangely enough, it is in the nature of protection. It is protection to commerce, they say, and therefore objectionable. But gentlemen from the West know very well that there is no one interest in which they are concerned which is not more liberally protected than our commerce ever was, or than any other public interest. Yet western men seem to believe, as southern men believed some time ago, that a single great interest is sufficient to support a Government; they seem to believe that agriculture, the most important interest, is the only one to which the attention of the Government should be turned, as the southern men believed that southern products were sufficient to insure permanent national prosperity.

But those gentlemen will find that although agriculture may be a most important interest it will not of itself sustain a nation like this. They will find, as the South has found, as every nation will find that seeks to establish prosperity upon a single interest, however important and profitable it may be, that in the end it will be as dust and ashes to them, and lead their people, as it did those of the South, to destruction. Commerce must be protected as well as wool and cotton and copper and other western productions have been protected. We shall then have a broad and lasting foundation for the prosperity we seek.

They say, "Let us buy ships where we can buy them cheapest; that is the way to become a commercial nation!" Sir, no Government on the face of the earth ever became a commercial nation or a commercial Power that could not or did not build ships for itself. France and Germany buy ships; but Germany is not yet a commercial nation, though she is struggling to obtain outlets to the seas of the world. She will become a commercial nation, one of the Powers of the earth on the sea as on the land. But she will then build her own ships, educate her own naval constructors, discipline her own seamen, and protect her commerce on every sea by her own naval power. France is buying ships, but soon she will be ready and able to build her own steamers and thus sustain her own power. A different course would be to give control to the ship-building States, who need but withhold their supplies to become masters not only of every sea but of all nations.

Another word. The gentleman from Iowa [Mr. ALLISON] said the other day that the great objection to this bill is that it mainly protects coastwise commerce. Sir, that is the great merit of the bill. The regeneration of American commerce must begin with the coastwise trade. You cannot reëstablish your commercial flag without first reëstablishing it upon our own waters. Who will believe that the American flag can regain the supremacy in distant seas it once enjoyed without having first been reëstablished in the coastwise trade of the country?

Sir, it is a sad reflection that we see now no sign of the American flag on the Atlantic. On the Baltic it is no more seen. From the Black sea it has disappeared. The Mediterranean sea and the Indian ocean know it no more. There is a straggling fleet of steamers on the Pacific, where it is not likely to remain long, and there alone does the American flag appear upon the seas of the earth.

When our commerce is reëstablished on our own coast, our inland seas and rivers, and our international affairs with other Governments shall have been amicably adjusted; when every section of the country believes it is necessary to support and cherish, I will not say protect, all the interests of the country, the prosperity of commerce as well as other pursuits will be assured, and we shall have regained in comparison with other Governments a power and affluence even greater than that we so happily and so recently enjoyed.

[Here the hammer fell.]

Mr. PETERS. I now yield for a moment to the gentleman from Michigan, [Mr. FERRY.]

Mr. FERRY. Mr. Speaker, instead of occupying any time in discussing this bill, I ask leave to print some remarks which I have prepared upon the general subject of the tariff.

There being no objection, leave was granted.

[The speech will be found in the Appendix.]

Mr. PETERS. I yield the remainder of my time to my colleague, [Mr. LYNCH.]

Mr. LYNCH. As there are several gentlemen who desire to offer amendments, I now withdraw the motion to recommit, and when the amendments have been offered I shall call the previous question.

The SPEAKER. Does the gentleman from Maine [Mr. LYNCH] consider the amendment of the gentleman from Massachusetts [Mr. BUTLER] as now pending?

Mr. LYNCH. I do not; but I am willing, as that gentleman is absent, that any gentleman may offer the amendment in his behalf.

Mr. GARFIELD, of Ohio. The gentleman from Massachusetts left a copy of his amendment in my hands, with a modification which he desired to make, leaving the per cent. blank. Without indorsing this proposition or expressing any opinion upon it, I ask as a matter of courtesy to offer the amendment in behalf of the gentleman from Massachusetts.

The SPEAKER. If there be no objection the amendment will be considered as pending.

There was no objection.

The amendment was as follows:

Substitute for the third and fourth sections of the bill the following:

SEC. —. *And be it further enacted*, That after the 1st day of October, in the year 1870, all goods and merchandise upon the importation of which the United States are not prohibited by treaty from imposing discriminating or differential duties shall be charged a rate of customs duties when imported in American wooden vessels —— per cent. less, and in American iron vessels —— per cent. less than if imported in a foreign vessel.

SEC. —. *And be it further enacted*, That the President of the United States be, and hereby is, authorized and requested to give notice to each nation having conventions or treaties of commerce with the United States which prohibit the imposition of discriminating or differential duties upon imported goods or merchandise, and which are terminable upon notice, that said treaties, respectively, shall terminate at the expiration of such notice, and thereafterward all goods and merchandise, the product of such nations, or imported therefrom, shall have such reduction of customs duties when imported from foreign ports in American wooden or iron vessels, respectively, as hereinbefore provided.

The SPEAKER. The Chair will state that except by unanimous consent more than two amendments cannot be pending when the previous question is called. Is there objection to allowing more than two amendments to be offered? The Chair hears no objection. The previous question when seconded will be considered as operating upon all the amendments which the gentleman from Maine may allow to be offered.

Mr. COX. With the consent of the gentleman from Maine [Mr. LYNCH] I move an amendment to strike out the proviso in the first section.

Mr. BINGHAM. The gentleman from Maine [Mr. LYNCH] yields to me that I may offer the following as a substitute for the amendment of the gentleman from Massachusetts, [Mr. BUTLER:]

SEC. —. *And be it further enacted*, That after the 1st day of October, in the year 1870, all goods and merchandise upon the importation of which the United States are not prohibited by treaty from imposing discriminating or differential duties shall be charged a rate of customs duties when imported in other than American vessels ten per cent. in addition to existing duties.

SEC. —. *And be it further enacted*, That the President of the United States be, and hereby is, authorized and requested to give notice to each nation having conventions or treaties of commerce with the United States which prohibit the imposition of discriminating or differential duties upon imported goods or merchandise, and which are terminable upon notice, that said treaties, respectively, shall terminate at the expiration of such notice, and thereafterward all goods and merchandise, the product of such nations, or imported therefrom, shall be charged a like rate of customs duties when imported from foreign ports in other than American vessels, as hereinbefore provided.

Mr. LYNCH. I now yield two minutes to the gentleman from New York, [Mr. WOOD.]

Mr. WOOD. As I have remarked on a previous occasion, there are sections of this bill for which I can vote and for which I shall vote if the gentleman from Maine will give us an opportunity to separate those sections. I am opposed to the proviso of the first section. I am willing to vote for the second section entire as it stands. I am opposed to the third and fourth sections. I move to amend by striking out the proviso of the first section——

Mr. COX. I have already made that motion.

Mr. WOOD. I withdraw, then, that part of my proposition, and move to strike out the third and fourth sections. If the portions of the bill to which I object be struck out I shall vote for it; otherwise, I must vote against it.

Mr. LYNCH. I now yield to the gentleman from California, [Mr. SARGENT.]

Mr. SARGENT. I move to amend by inserting after the word "ton," in line fifteen, page 3, the following:

And upon any steamer running to and from any port in Australia or Asia, five dollars for each registered ton.

Mr. LYNCH. I yield to the gentleman from Illinois, [Mr. INGERSOLL,] who wishes to offer an amendment.

Mr. INGERSOLL. I rise for the purpose of moving an amendment, to add to the bill a new section. I concur in the views expressed by the gentleman from New York, [Mr. WOOD,] and I offer my amendment on the supposition that the proviso of the first section, and also the third and fourth sections, will be struck out. It would, I may be permitted to say, afford me much pleasure personally to vote for this bill, which is of special importance to the State of Maine. I would be glad to do this as a compliment to the Speaker, if for no other reason. But my conscientious conviction of the interests of my constituents compels me, notwithstanding my high regard for the Speaker and the known interest of his constituents in this bill, to support the amendments already proposed by the gentleman from New York and the proposition I now send to the Clerk. I desire the Clerk to read my amendment.

Mr. LYNCH. It can be read after the previous question has been seconded.

Mr. ALLISON. I desire to offer an amendment.

Mr. LYNCH. I cannot yield further, because I have not time. I call the previous question on the bill and amendments.

Mr. ALLISON. Let my amendment be read.

The Clerk read as follows:

In line seven, after the words "United States" insert "of not less than two thousand tons burden;" so it will read:

That upon all imported lumber, timber, hemp, Manila, and composition metal, and for iron and steel not advanced beyond rod bars and bolts, plates, beams, and forgings, which may be used and wrought up into the construction of steam or sail vessels built in the United States of not less than two thousand tons burden, whether for the hull, rigging, equipment, or machinery of such vessels, there shall be allowed and paid by the Secretary of the Treasury, under such regulations as he may prescribe, a rebate or drawback equal to the duties which may have been paid on such material; provided.

Mr. GARFIELD, of Ohio. Is that pending?

The SPEAKER. The gentleman from Maine declines to yield to the amendment.

Mr. ALLISON. Does the gentleman decline to let me offer that amendment?

Mr. LYNCH. I demand the previous question on the bill and amendments.

Mr. ALLISON. I move that the bill and amendments be laid on the table.

Mr. INGERSOLL. I rise to a parliamentary question. I do not care to state it hurriedly, for gentlemen are somewhat excited about me; and before I state my parliamentary question I ask gentlemen to reflect before laying this bill suddenly upon the table.

The SPEAKER. The gentleman must state his parliamentary question.

Mr. LYNCH. I will allow the amendment of the gentleman from Iowa to be pending. I also allow an amendment that the gentleman from Tennessee [Mr. MAYNARD] has to be pending.

Mr. INGERSOLL. Is my amendment pending?

The SPEAKER. It is.

Mr. INGERSOLL. Then I shall vote against laying the bill on the table.

Mr. ALLISON. I withdraw the motion to lay upon the table.

Mr. LYNCH. I demand the previous question on the bill and amendments.

The House divided; and there were—ayes 55, noes 68.

Mr. LYNCH demanded tellers.

Tellers were ordered; and Mr. LYNCH and Mr. ALLISON were appointed.

Mr. SCOFIELD. I rise to a parliamentary question. If the previous question be not seconded, will this run on in the morning hour indefinitely?

The SPEAKER. It will.

Mr. ELDRIDGE. I move that the bill be laid on the table.

The SPEAKER. The House is dividing.

Mr. CULLOM. If the previous question be not seconded, will it not be in order to move to lay the bill on the table?

The SPEAKER. If the previous question be not seconded, the morning hour having expired, the bill will go over until the morning hour to-morrow.

The House again divided; and the tellers reported—ayes 77, noes 73.

So the previous question was seconded.

ENROLLED BILL AND JOINT RESOLUTION.

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

An act (S. No. 76) concerning divorces in the District of Columbia; and

Joint resolution (S. R. No. 120) to provide for the appointment of an examiner of claims for the Department of State, and for additional clerks in the Department.

AMERICAN COMMERCE.

Mr. CULLOM. I move that the bill and amendments be laid on the table; and upon that motion I demand the yeas and nays.

Mr. LYNCH. In accordance with the rules of the House, am I not entitled to the floor?

The SPEAKER. Not before the main question is ordered. Seconding the previous question is merely a preliminary operation to ordering the main question. Pending that, a motion is made to lay the bill and amendments on the table; and on that motion the yeas and nays are demanded.

Mr. INGERSOLL. Before voting to lay the bill and amendments upon the table we are entitled to have the amendments read.

Mr. LYNCH. I wish to ask the Speaker whether it has not been customary, after the previous question has been seconded, for the member reporting a bill to be entitled to the floor to close debate?

The SPEAKER. Under strict parliamentary law the gentleman from Maine is not entitled to the floor until after the main question has been ordered.

Mr. LYNCH. What has been the usage?

The SPEAKER. Not to recognize the gentleman reporting a bill to close debate until the main question has been ordered to be put.

Mr. PETERS. Is anything in order but the motion to lay upon the table, or to order the main question?

The SPEAKER. It is not; and pending the ordering of the main question the gentleman from Illinois [Mr. CULLOM] moves to lay the bill on the table.

Mr. ELDRIDGE. On that motion I demand the yeas and nays.

Mr. INGERSOLL. And before I vote on that I demand that the amendments shall be read.

The SPEAKER. The gentleman from Illinois [Mr. INGERSOLL] demands that the amendments shall be read, and the Chair regards this as his right.

Mr. CULLOM. I withdraw the motion to lay the bill on the table, and will insist on the yeas and nays on ordering the main question.

Mr. SCHUMAKER. I renew the motion to lay the bill on the table.

Mr. ELDRIDGE. And on that motion I demand the yeas and nays.

Mr. INGERSOLL. I now insist that the amendments shall be read.

The Clerk read the proposed amendments.

The SPEAKER. Does the gentleman from New York [Mr. SCHUMAKER] insist on his motion to lay the bill on the table?

Mr. SCHUMAKER. I withdraw that motion.

The question recurred on ordering the main question, which was on the engrossment and third reading of the pending bill and amendments.

Mr. FARNSWORTH. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 85, nays 98, not voting 46; as follows:

YEAS—Messrs. Ames, Armstrong, Arnell, Ayer, Bailey, Banks, Barry, Bennett, Bingham, Bowen, George M. Brooks, James Brooks, Buckley, Buffinton, Burdett, Roderick R. Butler, Cessna, Churchill, Cleveland, Conger, Covode, Davis, Dawes, Dickey, Ela, Ferry, Fitch, Hale, Hamilton, Harris, Heflin, Hoar, Hooper, Hotchkiss, Jenckes, Kelley, Kelsey, Ketcham, Knapp, Laflin, Lash, Lynch, Maynard, McCarthy, McKee, Mercur, William Moore, Morphis, Daniel J. Morrell, Myers, Negley, Newsham, O'Neill, Packer, Paine, Perce, Peters, Phelps, Poland, Potter, Prosser, Roots, Sargent, Sawyer, Scofield, Lionel A. Sheldon, John A. Smith, Joseph S. Smith, William J. Smith, Worthington C. Smith, Starkweather, Stevens, Stevenson, Strickland, Strong, Taffe, Tanner, Taylor, Tillman, Twichell, Van Wyck, Cadwalader C. Washburn, William B. Washburn, Wheeler, and Willard—85.

NAYS—Messrs. Allison, Ambler, Archer, Atwood, Barnum, Beaman, Beatty, Beck, Biggs, Bird, Blair, Booker, Burchard, Burr, Calkin, William T. Clark, Sidney Clarke, Amasa Cobb, Coburn, Cook, Conner, Cox, Crebs, Cullom, Degener, Dickinson, Dockery, Dox, Duval, Dyer, Eldridge, Farnsworth, Finkelnburg, Fox, Garfield, Getz, Gibson, Griswold, Haight, Haldeman, Hamill, Hawkins, Hawley, Hay, Hays, Ingersoll, Johnson, Alexander H. Jones, Judd, Kerr, Lawrence, Lewis, Logan, Marshall, Mayham, McCrary, McGrew, McKenzie, McNeely, Eliakim H. Moore, Jesse H. Moore, Morgan, Morrissey, Mungen, Niblack, Orth, Packard, Peck, Pomeroy, Reeves, Rice, Ridgway, Rogers, Schenck, Schumaker, Shanks, Sherrod, Slocum, William Smyth, Stiles, Stokes, Stone, Stoughton, Swann, Sweeney, Trimble, Tyner, Upson, Van Auken, Ward, Welker, Whitmore, Wilkinson, Williams, Winans, Winchester, Witcher, and Woodward—98.

NOT VOTING—Messrs. Adams, Asper, Axtell, Benjamin, Benton, Boles, Boyd, Buck, Benjamin F. Butler, Cake, Clinton L. Cobb, Cowles, Dixon, Donley, Ferriss, Fisher, Gilfillan, Hambleton, Heaton, Hill, Hoge, Holman, Thomas L. Jones, Julian, Kellogg, Knott, Loughridge, McCormick, Milnes, Samuel P. Morrill, Palmer, Platt, Porter, Randall, Sanford, Porter Sheldon, Shober, Strader, Townsend, Van Horn, Van Trump, Voorhees, Wells, Eugene M. Wilson, John T. Wilson, and Wood—46.

So the House refused to order the main question.

Mr. ASPER. I beg to state that I have paired with Mr. FERRISS; if he were present he would vote "ay," and I would vote "no."

Mr. WOOD. I am paired with Mr. MORRILL, of Maine.

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

Mr. CALKIN. I move to reconsider the vote by which the House refused to order the main question.

Mr. CULLOM. And I move to lay the motion to reconsider on the table.

Mr. FARNSWORTH. I rise to a point of order, that a friend of the bill cannot take the floor to move to reconsider the vote by which the House refused to order the main question.

Mr. CALKIN. I beg to inform the gentleman that I voted with the majority on this question, and have, therefore, a right to make this motion.

The SPEAKER. The Chair will state to the gentleman from New York [Mr. CALKIN] that in point of parliamentary precedence he gains nothing by this motion, because, unless he insists on his privileged motion, the bill goes over till to-morrow and holds the morning hour, when the motion for ordering the main question may be renewed.

Mr. CULLOM. I have moved to lay the motion to reconsider on the table.

The SPEAKER. The Chair will state also to the gentlemen on that side that they will gain nothing by that motion, because the previous question may be again called to-morrow.

Mr. ALLISON. I move to recommit the bill with all the amendments.

The SPEAKER. There is nothing in order except the privileged motion of the gentleman from New York, [Mr. CALKIN.] Does the gentleman insist on his motion?

Mr. CALKIN. I do.

Mr. CULLOM and Mr. ELDRIDGE moved to lay the motion to reconsider on the table.

Mr. CALKIN. To satisfy gentlemen around me, I will withdraw the motion to reconsider and let the bill go over until to-morrow.

The SPEAKER. The morning hour has expired, and the bill goes over until to-morrow.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HAMLIN, one of its clerks, announced that the Senate had passed a joint resolution and bill of the following titles, in which the concurrence of the House was requested:

Joint resolution (S. R. No. 199) providing for the admission of photographs for exhibition free of duty; and

A bill (S. No. 347) for the relief of J. Allen Porter.

The message also requested the return to the Senate of the bill (S. No. 439) to grant land to the Sierra Iron Company, passed by the Senate May 20.

ORDER OF BUSINESS.

Mr. CESSNA. I desire to call up the contested-election case of Wallace *vs.* Simpson, from the fourth district of South Carolina, and I will state that I propose to occupy very few moments of time. I desire to leave for home in a day or two, and I want the case disposed of before I leave.

Mr. KELSEY. I hope we shall go on with the consular and diplomatic appropriation bill. We can dispose of it, I think, within an hour.

Mr. INGERSOLL. I raise the question of consideration in the contested-election case.

Mr. KERR. I would inquire of the gentleman from Pennsylvania [Mr. CESSNA] if he is not willing to defer action on this case until his colleague from his State and on the committee [Mr. RANDALL] returns, so that he may be heard.

Mr. CESSNA. I would do so, only my colleague [Mr. RANDALL] did not ask anything of the kind. He desired that I should state to the House that he dissents from the report, but he has never intimated to me that he desired to fight the report at all. If I thought he did I should not ask its consideration.

Mr. DAWES. I hope the House will not attempt to put through an election case involving such important principles as appear to be involved in this report.

Mr. CESSNA. I object to debate.

Mr. DAWES. I appeal to the House not to take up the case.

The question was upon taking up the contested-election case.

Mr. CESSNA. I demand the yeas and nays.

Mr. INGERSOLL. Oh, take a division.

Mr. CESSNA. Well, I will take a division first.

The question was put; and there were—ayes 54, noes 83.

Mr. CESSNA called for tellers.

Tellers were ordered; and Mr. CESSNA and Mr. KERR were appointed.

The House divided; and the tellers reported—ayes 80, noes 84.

Mr. CESSNA. I demand the yeas and nays.

Mr. DAWES. I hope the gentleman will withdraw that call.

Mr. CESSNA. No, sir; and I object to debate.

Mr. DAWES. I want know when we are going to finish the appropriation bills?

Mr. CESSNA. I object to debate, and insist on the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 87, nays 89, not voting 53; as follows:

YEAS—Messrs. Armstrong, Arnell, Asper, Ayer, Bailey, Barry, Benton, Bingham, Bowen, Boyd, George M. Brooks, Buckley, Burdett, Roderick R. Butler, Cessna, Churchill, William T. Clark, Amasa Cobb, Coburn, Conger, Covode, Cullom, Davis, Degener, Dickey, Donley, Duval, Dyer, Ela, Finkelnburg, Hale, Hamilton, Harris, Hays, Heflin, Hoar, Hotchkiss, Alexander H. Jones, Kelley, Knapp, Lash, Logan, Maynard, McCarthy, McGrew, McKee, Mercur, William Moore, Morphis, Daniel J. Morrell, Myers, Negley, Newsham, O'Neill, Orth, Packard, Packer, Paine, Phelps, Poland, Prosser, Schenck, Scofield, Shanks, Lionel A. Sheldon, John A. Smith, William J. Smith, Worthington C. Smith, William Smyth, Starkweather, Stevenson, Stokes, Stoughton, Strickland, Strong, Taylor, Tillman, Twichell, Tyner, Van Wyck, Ward, Wheeler, Whitmore, Wilkinson, Williams, Winans, and Witcher—87.

NAYS—Messrs. Adams, Allison, Ambler, Ames, Archer, Banks, Barnum, Beaman, Beatty, Beck, Biggs, Bird, Blair, Booker, James Brooks, Buffinton, Burchard, Burr, Calkin, Sidney Clarke, Cleveland, Cook, Conner, Cowles, Cox, Dawes, Dickinson, Dixon, Dox, Eldridge, Farnsworth, Ferry, Fox, Garfield, Getz, Gibson, Griswold, Haight, Haldeman, Hamill, Hawkins, Hawley, Hay, Hooper, Jenckes, Johnson, Judd, Kelsey, Kerr, Ketcham, Knott, Laflin, Lawrence, Marshall, Mayham, McKenzie, McNeely, Eliakim H. Moore, Jesse H. Moore, Morgan, Morrissey, Mungen, Niblack, Peck, Pomeroy, Potter, Reeves, Rice, Ridgway, Sawyer, Schumaker, Sherrod, Shober, Slocum, Joseph S. Smith, Stiles, Stone, Swann, Tanner, Trimble, Van Auken, Voorhees, Cadwalader C. Washburn, William B. Washburn, Willard, Eugene M. Wilson, Winchester, Wood, and Woodward—89.

NOT VOTING—Messrs. Atwood, Axtell, Benjamin, Bennett, Boles, Buck, Benjamin F. Butler, Cake, Clinton L. Cobb, Crebs, Dockery, Ferriss, Fisher, Fitch, Gilfillan, Hambleton, Heaton, Hill, Hoge, Holman, Ingersoll, Thomas L. Jones, Julian, Kellogg, Lewis, Loughridge, Lynch, McCormick, McCrary, Milnes, Samuel P. Morrill, Palmer, Perce, Peters, Platt, Porter, Randall, Rogers, Roots, Sanford, Sargent, Porter Sheldon, Stevens, Strader, Sweeney, Taffe, Townsend, Upson, Van Horn, Van Trump, Welker, Wells, and John T. Wilson—53.

So the motion of Mr. CESSNA was not agreed to.

When the roll was being called,

Mr. CREBS said: Upon this question I am paired with Mr. PERCE, of Mississippi. If he were present he would vote "ay," while I would vote "no."

The result was declared as above recorded.

MINNESOTA AND WINNIPEG RAILROAD.

Mr. WILKINSON asked and obtained unanimous consent to have ordered to be printed Senate bill No. 381, lying on the Speaker's table, being a bill granting lands to aid the construction of a railroad from the western boundary of Minnesota, at the junction of the Sioux Wood river with the Red river of the North to the Winnipeg district of British America.

ELECTION CONTEST.

Mr. CHURCHILL, from the committee having in charge the contested-election case of Whittlesey *vs.* McKenzie, from the seventh congressional district of the State of Virginia, submitted a report in writing, accompanied by the following resolutions:

Resolved, That Charles Whittlesey is not entitled to a seat as a member of the Forty-First Congress from the seventh congressional district of Virginia.

Resolved, That Lewis McKenzie is entitled to a seat as a member of the Forty-First Congress from the seventh congressional district of Virginia.

The report, with the accompanying resolutions, was laid on the table, and ordered to be printed.

Mr. CHURCHILL. I give notice that I will call up this case as early as possible next week.

CONSULAR AND DIPLOMATIC APPROPRIATIONS.

Mr. KELSEY. I move that the rules be suspended, and the House now resolve itself into the Committee of the Whole on the state of the Union, on the consular and diplomatic appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. INGERSOLL in the chair,) and

resumed the consideration of the bill (H. R. No. 1604) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and for other purposes.

The Clerk proceeded to read the list of consulates under "schedule B."

Mr. PETERS. I move to amend the paragraph just read by adding to it the following:

And from and after June 30, 1870, the consul at Birmingham shall be allowed for clerk hire at the rate of $750 per annum.

I very reluctantly make any motion to increase any compensation while there seems to be so much fever on both sides of the House in favor of economy, and I would not do so in this case if it was not an extreme one. I ask the attention of the Committee of the Whole while I state the facts of the case upon which I base my amendment, and I do not think it will be rejected if gentlemen will but listen to my statement.

In the first place, I desire to state that the adoption of my amendment to increase the compensation of the consul at Birmingham, which is now $2,500, by giving him a $750 clerkship, will be no tax upon the Treasury of the United States, because there is an annual excess of consular fees of from sixty to seventy thousand dollars. The next point I desire to state is that no consulate which collects as much fees as Birmingham, with one exception, pays a compensation of less than $3,000; and no consulate that collects as much fees as Manchester, with one exception, pays less than $4,000. Where consuls are allowed in fees as much as $2,500, instead of being paid by salary, they are now always allowed by law clerk hire and expenses. There are thirty-two consulates, in each of which much less fees are collected than are collected in this one, where the consuls are paid in fees from three to six thousand dollars.

There is no other office with $2,500 compensation that collects anything like the amount collected by the consulate at Birmingham. In 1866–67—and we have no later report—there were only five consulates which collected more than Birmingham. These five were London, Liverpool, Paris, Havana, and Manchester. There are thirty-seven of these consulates, the salaries ranging from $3,000 to $7,500. The consulates at Glasgow and Bremen, which may be considered as somewhat adjacent to Birmingham, pay each $3,000, while their united fees do not equal those collected at Birmingham. By the consulate at Birmingham five thousand invoices are made out annually. These have to be made out in triplicate and four times recorded; thus thirty-five thousand copies have to be made. All this is in addition to the routine business of the consulate. This work requires the attention of a first-class clerk, who is often occupied far into the night. He now receives from the consul $1,000 in addition to the pay allowed by the Government.

I wish the committee to bear in mind the very important fact that the shipments from Birmingham last year amounted to from four to five million dollars; and those shipments paid to the Government a revenue of about twelve hundred and fifty thousand dollars. I wish the committee to bear in mind also the further fact that this consulate collects annually from ten to fifteen thousand dollars in fees. In view of the large shipments from Birmingham great watchfulness is required over the invoices; and hence the duties at that post become very important.

I wish to say further that the Secretary of State, in a letter to the chairman of the Committee on Foreign Affairs, [Mr. BANKS]—a printed copy of which I have on my desk—has recommended the allowance of $750 additional to this consulate for clerk hire. He has since written to the Senate committee recommending an allowance of $1,000, instead of $750. But, under the circumstances of the case, I move simply an additional allowance of $750; and considering the important nature of the duties of the office, the amount of fees collected, the watchfulness and care required at that consulate, and the fact that this increase is indorsed by the Secretary of State, it seems to me the House ought to adopt my amendment. I am sorry that I did not go before the Committee on Appropriations and submit the proposition; but I neglected to do so until it was too late.

The present incumbent I know personally. He is a man of scholarly attainments and fine character; he is an excellent business man and a splendid fellow personally. Any gentleman of the Committee on Foreign Affairs, or any other member of the House who may go to Europe and visit Birmingham, will be personally well received, and perhaps the better received if he will vote for this amendment. I hope the gentleman who has charge of the bill will not object to it. I think the chairman of the Committee on Appropriations, to whom I have partially presented the matter, will not oppose it. The committee must see that if there is in the list of consulates any case where a salary ought to be raised, this is one.

Mr. ORTH. The eloquence of the gentleman from Maine [Mr. PETERS] has almost persuaded me to support his amendment. I have no doubt that our consul at Birmingham is all that the gentleman from Maine has described him. The fact that he is from Maine is probably an additional reason in his favor. But, Mr. Chairman, this committee is not prepared at this time to go into the question of adjusting the salaries of the various consulates of the Government. The letter to which the gentleman from Maine, has referred, as coming from the Secretary of State to the chairman of the Committee on Foreign Affairs, does not single out this consulate for an increase. It is, as I understand, a general letter in reference to the pay of all the consuls, recommending a general revision, an increase of some salaries and a reduction of others. My attention has been called to this matter because I happened to be a member of the sub-committee to whom this question was referred by the Committee on Foreign Affairs. We are awaiting the action of the Senate upon the consular bill, reported there by the Committee on Commerce and now before that body. When that bill comes to this House we can then legislate in regard to this and all other like cases.

The gentleman from Maine [Mr. PETERS] is mistaken, however, when he says this increase of $750 does not take the money out of the Treasury. It is true in one sense it does not take it technically out of the Treasury, but if we should pass the amendment it would prevent that much going into the Treasury. What has been said may be true in reference to the consulate of Birmingham, but it is likewise true of other consulates. The Committee on Foreign Affairs are in possession of letters from probably twenty or thirty consuls giving equally good reasons why there should be an increase of their pay. It strikes me from my experience that we have not a single consul who could not furnish to us as good reasons why his pay should be increased.

I object to the amendment of the gentleman from Maine first, because we do not desire to take up one case and legislate for it to the exclusion of all others; and in the second place, I do not think the people expect this Congress ought to increase the pay of our officials except in some glaring cases. This one at Birmingham is not an exceptional one. The salary there has been fixed for years at what it is now. This gentleman accepted his appointment, and is there enjoying himself, prepared I have no doubt to extend the courtesies of social life to those who may call upon him with proper letters; and if I go there I shall not fail to take a letter of introduction from the gentleman from Maine, [Mr. PETERS.]

Mr. PETERS. I move an amendment *pro forma* to the amendment, in order to say a few words in reply to the gentleman from Indiana, [Mr. ORTH.] I again state that this consul at Birmingham, if his salary be increased $750, will not take this money out of the Treasury. That consulate, until within a few years, paid the fees collected there into the pockets of the consul. It now pays from ten to fifteen thousand dollars a year into the Treasury of the United States. They make out thirty-five thousand invoices and copies of records. He has exercised care and watchfulness over millions of dollars in value of goods coming to the United States, which pay into the Treasury of the United States from one to two million dollars under our various tariffs.

I say this is an extreme case. There is no other case on the list of consulates which will compare with it. I ask the chairman of the Committee on Appropriations, who has looked into this subject with me, whether this is not the strongest case on the whole list of consulates? The bill of the Senate proposes to give him $1,000; but we are coming to the end of our legislation, and I have some apprehension that and some other bills will not find passage through both Houses of Congress for want of time. This is an extreme case. It is an important consulate. This consul receiving only one half of what many others get, pays twice as much into the Treasury from his consulate as those others. I think I am not asking too much when I ask for this increase. I appeal to the gentleman from Massachusetts, the chairman of the Committee on Appropriations, if from his knowledge of the subject he does not think this is the strongest case in the whole list of consulates? The bill which is before the Senate decreases the salary of many of these consulates.

[Here the hammer fell.]

Mr. DAWES. It is due to the gentleman from Maine that I should say he has, as usual, made out a strong case, and, if possible, I should like to see his man relieved. As the gentleman from Maine has stated it he made as strong a case as any other.

Mr. PETERS. Is it not the strongest?

Mr. DAWES. I do not know any made are stronger than that of the gentleman from Maine; and I should like to see relief granted if the whole subject were now up before us.

Mr. KELSEY. I oppose the amendment for the purpose of saying that this is only one of thirty or forty cases before the Committee on Appropriations. The gentleman says this is the strongest case. I can tell one stronger, the case of the consulate at Vienna. He would be satisfied with a salary of $1,500, an increase of $500 over his present pay.

Mr. PETERS. How much does he pay into the Treasury as fees?

Mr. KELSEY. I have not time to turn to that. I only mention that this is not the time to regulate salaries of consulates. In appropriation bills we ought to appropriate only as the law now stands. If the law should make a change we can hereafter make appropriations according to that change. But until the law is changed we ought to adhere to it as it now stands.

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

Mr. KELSEY. Certainly.

Mr. PETERS. I wish to ask if the consulate at Vienna is anything more than a mere fancy thing? Are there any goods shipped from that point to this country?

Mr. KELSEY. It is of no importance to the question before the committee what that consulate is. I merely mention it to illustrate the general proposition that there are claims from a large number of these consuls for an increase of pay. They are all founded on the same fact, that the amount of fees received at all the consulates is in excess of the expenses. It is true that we receive from consular fees $75,000 a year more than the expenses of the consular salaries and the loss by exchange. But these do not by any means include all the expenses of the various consulates. There are

various heads of appropriation which absorb more than this difference.

Mr. MAYNARD. Will the gentleman yield to me for a question?

Mr. KELSEY. Yes, sir.

Mr. MAYNARD. This bill appropriates nearly a million dollars. A large portion of the amount, not far from half a million dollars, is for consular salaries and expenses. What I would like to know, and what the country would like to know, is whether this is in addition to the consular fees.

Mr. KELSEY. The excess last year of fees over the salaries of consuls and loss by exchange is $75,722 54. The whole amount of fees received was $459,722 43.

Mr. MAYNARD. I put the question with the view of directing attention to this point: that these consular expenses are not appropriations in the sense of being a tax upon the people. They are more than met by the fees which are collected abroad.

Mr. KELSEY. It is true that the fees are collected abroad. But the total expenses connected with these consulates far exceed the fees collected by them.

The amendment to the amendment was withdrawn.

Mr. VOORHEES. I wish to offer an amendment, if in order. I desire to strike out the words "Santiago de Cuba."

The CHAIRMAN. The Chair will recognize the gentleman from Indiana after the amendment of the gentleman from Maine is disposed of.

The question was put on Mr. PETERS's amendment; and it was disagreed to, on a division—ayes seventeen, noes not counted.

Mr. PETERS. I now move the same amendment, only substituting "$500" for "$750."

The question was put on the amendment; and it was disagreed to, on a division—ayes seventeen, noes not counted.

Mr. VOORHEES. I move to amend the paragraph by striking out the words "Santiago de Cuba" in line seventy-two. I do this, Mr. Chairman, for the purpose of calling, in a very quiet and calm manner, the attention of this House to the fact that the American flag at that consulate does not protect either the person of the consul himself or the personal safety of American citizens within his jurisdiction. That being the case, Congress should not vote money to keep a representative at that post. He cannot reside there in safety.

If this Administration is determined not to enforce the protection of our citizens abroad we had better withdraw all our diplomatic intercourse with the nations of the world. I now ask the Clerk to read from the New York Tribune of yesterday morning an article in regard to the treatment of Consul Phillips at Santiago de Cuba, and the murder of innocent Americans by the Spanish authorities.

The Clerk read as follows:

"*The indignities to Consul Phillips—Particulars of the Execution of Wyeth and Speakman—The Consul forced to leave Santiago.*—Consul A. E. Phillips, late of Santiago de Cuba, has just arrived on the steamer North America. His account of his treatment while on the island shows that the Spaniards have little respect for American citizens or the American flag. He says that soon after his predecessor left Cuba the cases of Speakman and Wyeth came up. They were American citizens, and Wyeth had been a telegraph operator in this city. He and Speakman went aboard a steamer in New York harbor, supposing that they were going to Cuba all right. Before they had passed Sandy Hook a party of ten or fifteen men boarded the vessel and landed her near Santiago. The entire party was captured, and all were tried, condemned, and sentenced to death. There was no proof of their intimacy with Cuban affairs beyond their presence on the vessel, and everybody believed their story except the Spanish police. On the night before the morning of the execution the consul did not sleep a moment. All possible means had been used to prevent the execution, except applying to the English consul. The two held a conference, and just before the fated hour arrived they went to the Spanish Governor, who was said to be asleep. Mr. Phillips forced his way past the servants, and found 'his majesty' in bed, smoking. He covered his face with his hands and said that he did not wish them to ask for any favors. Both consuls urged their case, and prayed for only three days' respite, saying that the prisoners would be able to prove their innocence by that time.

"The Governor declared that they had been sentenced, and that he could not interfere. The English consul did his utmost, but all efforts were useless, and the condemned were then told to die like Americans. They did, and they met their fate without a struggle.

"After this it became warm for the American consul, but for a while his dispatches were forwarded and each time he received letters of thanks from Washington. Last January he sent a report reflecting severely on the Spanish Government. Some Washington reporters got hold of it, and published extracts. Shortly after this he received anonymous notes from friends in New-York, warning him to look out. The same day that the information was received a colored servant rushed into the house exclaiming, 'O massa, the soldiers have seen a copy of your dispatch, and they will kill you. They are gathering up-town.'

"Further rumors of assassination reached him the next hour, and then he thought it was about time to prepare for a visit. Five Americans, with Captain Cox, were all he could muster in the place. The stars and stripes were run up, and they determined to die like men. Seeing that there were but few arms, Mr. Phillips sent for the English consul, who came promptly and told him that he was obliged to apply to a foreign Government for protection. They went to the Governor and demanded protection. He said that he would do the best he could, but he advised Mr. Phillips to get out of Santiago as quickly as possible. He assured the consul that he held his life in his hands as he (Phillips) did his. Preparations were made to embark on board a French steamer in the harbor, which would wait only one hour. Mrs. Phillips was sent to the wharf in a close carriage. While a servant was packing up some dispatches word was received that the consul would be assassinated on his way to the ship. He again applied to the Governor for protection, who sent his private secretary. By going through back alleys, in company with the British consul, the steamer was reached in safety. It was nearly a month after leaving Santiago before Mr. Phillips was able to find an American steamer, and in the mean time he was a guest of the French and English commanders. He finally ran across Admiral Poor at Jamaica, who took him back to Santiago. Here, under the guns of an American man-of-war, it was not considered safe to go ashore, so the papers and accounts of the consul were sent on board while the vessel lay anchored in front of the town."

Mr. VOORHEES. Mr. Chairman, that statement from the New York Tribune discloses the melancholy fact that an American consul was chased out of Santiago de Cuba, through back alleys, under the protection of the British consul, the American flag floating over the consulate powerless to guard him from the fury of a brutal mob supported by the officials of Spain. It discloses the fact that American citizens were butchered there in cold blood by official sanction. The gentleman from Pennsylvania [Mr. CESSNA] has just approached and told me that Wyeth lived in his district; that his parents, who are as respectable people as there are in Pennsylvania, still reside at Chambersburg. I enjoin and implore every member of the Committee on Foreign Affairs, and every one of you who have access to the dead man who presides over the State Department, to go to him and tell him, if you can make him hear, that the blood of American citizens cries aloud from the ground for action, cries in mournful and bitter reproaches against him for his imbecility, his sloth, his disregard of the pride and honor and glory and safety of this Republic, once great and honored throughout the world, but now sunk so low, through his inaction, that a fifth-rate Power slaughters her citizens with impunity, and drives her representatives in fugitive haste from their posts of diplomatic duty.

Mr. BANKS. I rise to oppose the amendment. The statement which has been read in regard to the consul at Santiago de Cuba is undoubtedly correct. The facts, although not directly from Mr. Phillips, as they are reported in the journal which has been read, have long been before the Committee on Foreign Affairs, and we are waiting an opportunity to report upon the whole subject, waiting patiently for an opportunity. We will not lose one minute in calling the attention of the House to the subject. But that does not appear to me to be a reason why we should abolish the consulate at Santiago de Cuba; but, on the contrary, it is a strong reason why it should be supported, and why the Government, if it has not done all that is necessary to maintain the honor of our flag, should renew its efforts in that direction.

Mr. LOGAN. I desire to say, in connection with what has been said by the gentleman from Massachusetts, because I have read these reports before, and I have been feeling for some time that we were not doing our duty, and that the hesitancy on our part was almost criminal, that I am satisfied that at any time the Committee on Foreign Affairs will ask the House to let them make that report the House will not object to it; and I hope it will be done.

Mr. MUNGEN. So do I.

Mr. BANKS. I have given more attention to this subject than the gentleman from Illinois can have done. I have been watching with care day by day, and hour by hour, and minute by minute, the temper of the House in regard to this matter; and although I believe that the House is willing to give the subject consideration at an early day, and I expect within a week or ten days at least the whole subject will be presented, I believe there has not been one moment when we could have obtained the leave of the House to act upon this question by the submission of the report.

Mr. LOGAN. I hope the gentleman will ask that leave, and see whether the House will allow it.

Mr. BANKS. Well, I shall ask it. I have already asked it. I have asked permission to report from the Committee on Foreign Affairs on the subject, and the House has given us a special assignment. But other special orders have had precedence, and it has not been in our power to set aside those orders and to get a two-thirds vote to set aside other important orders, embracing the tariff legislation and the legislation connected with the appropriation bills. But as soon as it is possible to do it I shall ask the House to give us that opportunity. I will say to the gentleman from Illinois and the gentleman from Indiana that we will not lose one moment in presenting this subject to the House.

Mr. LOGAN. I did not intend to cast any reflection on the Committee on Foreign Affairs; nothing of that sort; nor do I pretend to know the temper of the House, nor anybody's opinions but my own. But I do not believe the House will object to taking up the question at any time the gentleman asks it, because the whole country demands, from one end of it to the other, that we shall speak in reference to Cuban affairs; and outrages have been perpetrated there until, as the gentleman from Indiana [Mr. VOORHEES] has said, the very blood of American citizens cries aloud from the ground for the protection of this Government. And it is due to the people of this country that this Government should show some sympathy at least for struggling communities who are seeking to obtain for themselves the same freedom which we enjoy. I hope that on the first opportunity the gentleman from Massachusetts [Mr. BANKS] will ask for a suspension of the rules in order to bring this subject to the attention of the House.

Mr. BANKS. I shall do so on the first opportunity.

Mr. VOORHEES. So far as I know the temper of the House, and I think I know the disposition of this side of the House, they are ready at any time to give the gentleman from Massachusetts [Mr. BANKS] an opportunity to bring this subject to the attention of the House. I will now withdraw my amendment to the amendment.

Mr. SARGENT. I renew the amendment to the amendment. It seems to me that the blood of American citizens should boil when such stories of outrages as these are recounted in our hearing and are admitted to be true. But I wish to call the attention of the Committee of the Whole to the means by which we shall redress those outrages. Shall it be by means of resolutions reported from the Committee on Foreign Affairs, even though they be adopted

unanimously by Congress? They would be but mere *brutem fulmen*. Or shall it be done in another way? When the Government asks us to put in their hands an adequate naval force for the protection of our honor and flag, by voting down the appropriations asked for? When they ask us to give them five thousand barrels of gunpowder after having shown that they had but five thousand in arsenals, the capacity of which is fifty thousand barrels, shall we higgle with them and cut down the estimate to twenty-five hundred barrels? The Department asked for $400,000 for the ordnance department to make and handle your ordnance, and you cut them down to $100,000; and then you complain and carp and cavil at them because they have employed the money which you put in their hands to redeem your Navy from utter rottenness. It may be all very well to abuse the Secretary of State, and speak of him as sitting in his office like an old fossil or a dead man, while you have deprived the Government, of which he represents but a single Department, of the means to protect our flag and the honor of our country.

Now, I desire as much as any member can that all proper care shall be taken of our interests everywhere; but I also desire that power shall be given to the Administration to enable it to do so. I ask that our Navy shall be put upon something like a proper footing; that matter must come before us again. The bill which we passed the other day, after cutting down the various items of appropriation so unequally that they do not fit into each other at all and cripple the whole service, that bill has gone to the Senate, where I hope it will be reformed and made somewhat adequate to the necessities of the service, and then when the bill comes back to us again the question will practically present itself whether we are willing to lodge the power in the hands of the Government which may be necessary to protect our flag.

My blood boils, like that of other gentlemen, when I hear such statements as have been read from the Clerk's desk to-day. But Spain has in the Cuban waters five ships of war to our one, five men to our one, and five guns to our one. What shall we do? Shall we require our naval commander, with the limited means at his disposal, to engage in a war with Spain? Or shall we concentrate our naval forces there until it shall equal that of Spain, and at the same time deprive our interests in other parts of the world of the protection they should receive? We have not the means to put in those waters a naval force that is equal to that of a fifth-rate Power of Europe. Yet gentlemen cavil about the Navy, and talk about the expenditure of money upon the Navy; about our having seven navy-yards, and all that. Why, sir, the single navy-yard at Ferrol, of Spain, would take into it every navy-yard which we have, and it would scarcely be seen that they occupied any space in it.

Now, sir, what is the proper course for us to pursue? We comprise a great country, with forty million inhabitants, with our national flag to be protected, with our consuls flying from Cuba and other places, wherever any Power may see fit to insult us. All this is passing before our eyes day after day; and we satisfy ourselves with standing here and proclaiming that the Government ought to do something. Yet we do not give it the means whereby it may protect the rights of American citizens.

[Here the hammer fell.]

Mr. GARFIELD, of Ohio. Mr. Chairman, I do not now desire to take part in any discussion which may touch upon the Cuban question generally, and our relations to that island; but I do desire to call attention to what appears to be the character of the person referred to as the author of the document which has been read at the Clerk's desk. The late consul of the United States at Santiago was General William Steadman, a distinguished citizen of the congressional district which I represent. He died at his post, after having been on duty only a few days. The present consul at that place is also from my congressional district. I have thus had occasion to learn something about the consular duties there; and I desire for a moment to call attention to what appears to me on the surface to be the character of this man Phillips, whose paper has been read at the desk.

When General Steadman died, on the 6th of July, 1869, he was residing in the family of Mr. Phillips, who sent a very brief letter to the State Department, stating the fact of General Steadman's death, and saying that he would in a few days send on his effects, together with a fuller account of the circumstances of his illness and death. More than a dozen letters have been addressed to him since that time by the bereaved family and by the friends of the deceased, yet not one syllable of answer has been received. No effects have been sent on, though General Steadman had in his possession at the time of his death a considerable sum of money. Not a word on this subject has been heard from Mr. Phillips to indicate his purpose or desire to discharge the sacred trust committed to him or to give any account of the death of the American officer who died in his house. The present consul was at Santiago some weeks before Mr. Phillips left, but has not obtained any intelligence for the family of General Steadman. Very recently Phillips fled from Cuba, claiming that his life was in danger. He went away on a man-of-war, and by some curious process he got himself appointed consul at Jamaica in place of an American consul who had died there. He obtained his appointment from an American admiral, who had no power to make such an appointment, and the appointment was disavowed and revoked by the Secretary of State as soon as information on the subject was received. It appears also that Phillips was taken back to Santiago on an American man-of-war, where he might stand on his rights as an American citizen, and that when he arrived there he did not dare to land, as the admiral thought, because of the debts due by him, and for which he was liable to be sued on landing. I am informed also that Mr. Phillips has lately sent to the State Department a claim against the United States of $200,000 damages for having been overawed, threatened, and endangered by the authorities of Cuba. This is the man who tells us these horrible stories about the state of affairs in Santiago de Cuba. Moreover, having had these terrible stories published, I am told that he has sent to the State Department a disavowal of their truthfulness, saying that he wrote them under duress and to save his life; that they were written to pacify the people around him.

I have stated what I understand to be facts that can be verified by any one who will apply at the State Department. Now, before I propose to let my "blood boil," before I propose to abolish this consulate or to legislate in any belligerent way, I would like to have this person who cares so much for the honor of the American flag send back the money now in his hands, and belonging to the bereaved family of a noble man who was lately consul at Santiago. I should like to have him send word also about that man's last sickness—what he said in the hours of approaching death. I should like to have some response sent to the inquiries of the agonized widow, who has been beseeching for one utterance of her dying husband. But no answer has come to any such application. Let this man show some humanity to these people whom he has so cruelly wronged before he takes the care of the whole human race, and specially of all West India consulships on his hands. He is busy pursuing his $200,000 claim for his having been troubled in his sovereign right as an American citizen upon the island of Cuba. I do not think it right that this House should go into an agony of indignation over a man who has behaved as that man has.

[Here the hammer fell.]

Mr. LOGAN. I move to strike out the paragraph. Mr. Chairman, I did not expect to enter into a discussion at this time about Cuba. So far as this man Phillips is concerned, I know nothing about him and care nothing about him, or in reference to any stigma which may have been attempted to be cast upon him. I for one denounce no one; but I do assert the truth of the fact that American citizens have been killed. American citizens from our States have been killed in Cuba, under the orders of the Spanish Government. This is a fact which no man will undertake to dispute, whether it may be stated by Mr. Phillips or by anybody else.

There can be no more important question than the protection of the lives of our citizens abroad. I hope it will be brought before the House at the earliest possible day. It is conceded that to-day American citizens are not safe from outrage and death in the island of Cuba in sight of the American flag. No Government has ever yet sat down so quietly as this Government has when a struggle was going on on the part of a neighboring people, fighting bravely for liberty against oppression and tyranny. We have not in any way as a nation shown our sympathy for the Cuban people who have risen in favor of independence.

I have nought to say against the Secretary of State. I know nothing about what he has been doing, except what we have reported through the newspapers; nor do I care. We, as the representatives of the American people, have our own duties to perform. But there is one thing I can say to my friend from California [Mr. SARGENT] when he talks about the Navy of the country not being in condition to be expected to cope with the great naval force which Spain has in the Cuban waters. If it had not been for the aid of this Government the naval force of Spain which now surrounds the island of Cuba would not now be in existence. This Government permitted those vessels to be constructed by Spain in our own ports, to be fitted out and manned in our own ports, to leave our shores fully equipped to go to Cuba to surround that island, and to smother, if possible, the revolution of the people of Cuba against their oppressors. While we granted this privilege to the Government of Spain, and to this extent aided it in making war upon the people of Cuba, this Government has uniformly and constantly refused to accord the least privilege or assistance to these same people of Cuba who are so gallantly fighting for existence.

It seems that we may pay more deference to the rights of other Governments than we demand from other Governments for our own people. Therefore, in view of the facts we have in reference to the outrages upon our own people by the Spanish authorities in Cuba, I do insist, in behalf of the constituency which I represent upon this floor, that this Government shall afford ample and prompt protection to all our citizens wherever they may be. Memorials have come up to us on this subject from my constituency as well as from others. We have had memorials from Masonic lodges, a thing seldom before heard of in this country. These men who have been slain, as American citizens, belong to their order, and they ask that the Government of the United States shall take some decisive action in the Cuban matters.

These are some of the reasons why I have spoken and said what I have. The constituents of other gentlemen have memorialized to the same effect. They insist we shall not at least aid Spain against the struggling Cuban people who are fighting for liberty and independence.

There is a rumor for which I do not vouch, but which we all must have heard. What is it? It is alleged that this Government is not indisposed to let the flame of liberty which has sprung up in Cuba flicker and die out, so Prim will be able to make a bargain with the Catalan volunteers who hold Cuba in their grasp, by which ultimately the island of Cuba

shall be sold for $100,000,000, out of which fund these Spanish barbarians and their friends are to be taken care of. We have all heard something of that kind. I do not state that the Secretary of State has any knowledge of it or that such is the case; but, sir, this want of action on the part of our Government in favor of struggling Cuba does look as though there was something covered up that we do not see. Sir, let us acknowledge them as belligerents and stop these murders and make them conduct civilized warfare. Spain who in hot haste recognized the rights of the rebellion now dictates to our Government what we must do, and we crouchingly obey.

[Here the hammer fell.]

Mr. DAWES. I have confidence that whatever violence or indignity may have been offered to the flag of the United States will be properly resented by the Government, and that the honor of our flag will be vindicated. I do not rise to defend the Government of the United States on any such plea as the gentleman from California [Mr. SARGENT] has put in here in the name of the Navy, that it has not power to defend our flag in Cuban waters, because we have refused to appropriate money enough to the Navy. Does the Navy of the United States shelter itself through the gentleman from California [Mr. SARGENT] from the performance of its duty under the plea that unless it has all the money asked for here it will stay quietly by and permit the flag of the United States to be insulted? Sir, the Navy of the United States has two hundred and seven vessels at its command. It has an Admiral, a Vice Admiral, and ten rear admirals. It has eighty-five hundred men, and has $14,000,000 appropriated to it.

Mr. SARGENT. How many of those ships are transports?

Mr. DAWES. Let my friend from California make his defense of the Navy in their name, that they are afraid to go down into Cuban waters with all this power, and let him read then what were the performances of the Navy when the minister of the United States was insulted in his own house and under the flag of the United States in Paraguay, and how these men now having the title of admirals got down on their knees before the tyrant Lopez. I would vindicate the Navy from any such imputation as the gentleman from California puts upon it.

Mr. PROSSER. I rise to a point of order. I submit that this discussion has gone beyond the proper latitude allowable to such a debate; that this discussion with reference to the Navy is not in order on the consideration of the pending bill.

The CHAIRMAN. The Chair cannot sustain that point of order.

Mr. SARGENT. I hope the gentleman from Massachusetts [Mr. DAWES] will be allowed to proceed, and explain how many of these vessels are tugs and how many small-sized steamboats.

Mr. DAWES. If the Navy supposes that it vindicates itself before the country, or if it supposes that it will force upon the Congress of the United States lavish expenditures of money by getting any gentleman as its mouthpiece on this floor to declare that it does not vindicate our flag because it has not force enough, it mistakes the judgment of the country upon its course since the war. It mistakes the judgment of the country upon the manner in which it has expended the money which has been voted to it heretofore; it mistakes the judgment of the country upon its own efficiency and spirit and pride, if it folds its arms, and when criticised points back to its past history as if it were never for the future to make any effort to vindicate the flag of the country. It has power enough to do so, and I repel the imputation that it is because the Congress of the United States does not clothe it with power enough that it has not performed its duty in those waters.

Mr. CONNER. Mr. Chairman, the discussion upon the motion of the gentleman from Indiana——

Mr. WILLARD. I rise to a point of order. I wish to inquire what is the pending amendment.

The CHAIRMAN. The pending amendment is that of the gentleman from Indiana, to strike out the words "Santiago de Cuba," and on that amendment debate is exhausted.

Mr. VOORHEES. I withdraw it.

Mr. WILLARD. I object to its being withdrawn.

The question was taken on Mr. VOORHEES's amendment; and it was not agreed to.

The question recurred on the motion to strike out the paragraph.

Mr. CONNER. I move to amend by striking out the last word. This discussion, Mr. Chairman, has developed some important features relative to the course pursued by the Administration toward our citizens in foreign countries. The fact has been established, and I believe has not been denied, that Americans have been murdered on the island of Cuba. I say murdered, because when accused they have been denied the privilege of a fair trial, but by drum-head court-martial proceedings have been condemned and executed. It has been alleged by the gentleman from Ohio [Mr. GARFIELD] that the reports which have reached us of these unprecedented proceedings are entitled to no credit on account of the irresponsibility of the gentleman who makes them. If the Administration chooses to intrust the responsible positions of diplomatic agencies to men of irresponsible character this House and the country must hold the Administration responsible for the results; at all events, this House cannot be held responsible for the proceedings of such parties. Mr. Chairman, what is the duty of this Government? As I conceive, it is to grant, extend, and insure to all American citizens, wherever found, that protection which the flag of a great Government should always give to its citizens.

It was a proposition laid down and established by the fathers, which forms the foundation of our system of government, that the sympathy of the American people should always be extended to a foreign people who are or may be struggling for liberty. What have we here? Almost within our borders for years the patriots of Cuba have been endeavoring to throw off the Spanish yoke and rid themselves of the despotism that has so long oppressed and cursed them. The demand of the American people has been that we, that Congress, the Representatives of the nation, should make some substantial manifestation of our sympathy, and extend to those struggling people the encouragement that should be extended to every people who desire to be free. It has been suggested that the Navy Department is not in a condition that would enable the Government to extend protection to our citizens, lest by so doing we should hazard a war with Spain. While I can find nothing in that old despotic Power to excite my fears, I frankly admit the force and truth of the suggestion, and I am in favor of strengthening our Navy and granting to the Department all they ask. Then let it be understood that they are able to defend our citizens, and if they decline to do it hold them responsible.

One word more. Gentlemen talk about expense! Why, sir, if there is a negro killed in any one of the southern States this House can vote millions of dollars, and send regiments of troops there, in time of profound peace, to be quartered on our own people. You can establish your military commissions and put upon trial American citizens in violation of the expressed provisions of our Constitution, and you can send soldiers into every county throughout the South to enforce an odious policy and sustain by the bayonet a mushroom party in power; but when a report comes to this House that American citizens have been murdered in a foreign land, our flag insulted, and our representative compelled to flee the country, it fails to awaken sympathy, and it is passed by without the slightest notice.

Mr. Chairman, judging the future by the past, I have little hope that this Administration will protect our citizens sojourning in foreign lands, or express sympathy with the downtrodden and oppressed of other nations; and the only way, in my judgment, to enforce those principles that were enunciated by the fathers is to insist by a vote of this House that the demand of the American people shall be carried out, and that these people who are struggling for freedom shall be encouraged by a vote of this House.

Mr. MUNGEN. I desire to be heard in opposition to the amendment. I do not apprehend that there is any danger at all of a war with Spain, and I look upon this bugaboo which has been got up about our Navy as mere buncombe. All we want, and all the Cubans want, and all that is necessary for the protection of life and for the protection of the helpless women and children who are being murdered every day by the blood-thirsty Spaniards, is for this Government to do what Spain did to the confederacy, grant belligerent rights to the struggling Cubans. When that is done France and England will follow suit, and they are now standing amazed that this country, a great Republic, will not step in, after a struggle of eighteen months, and say to the Spaniards, "Stop your murders and treat your prisoners as prisoners of war."

This, sir, is a struggle for liberty. I attempted to show on a former occasion, and I can show at any time, that the Cuban struggle is a far greater one; that there are more men in arms, more men fighting; and that there has been more blood shed than there was in the first twenty months of our Revolution. Let us at once without delay, without waiting for San Domingo, or any other island, or any other ring, or any other job, declare to the world that we regard Cuba as a belligerent struggling for liberty and independence. Let us disregard rings, whether in San Domingo or in Cuba. In the name of humanity, let us stop this wholesale murder of women and children. I say that it is a disgrace to the American name that we have suffered this thing to go on so long. The American people remember well when Crittenden and fifty young Americans were shot down like dogs on the plaza at Havana. They remember that in 1869 the gallant August Arango, brother of the bogus Napoleon Arango, a Cuban general, was murdered by the Spaniards in Puerto Principe, whither he had gone by invitation of the Spanish general under a flag of truce, and his body horribly mutilated and torn to pieces in the streets.

The hearts of the American people beat with sympathy with those who are struggling for freedom everywhere, no matter where it is. I believe if the matter was left to the voice of the people they would be unanimously in favor of at least granting belligerent rights. That has nothing to do with war; it would not provoke the effete old Spanish Government to war at all. But as was said by the gentleman from Illinois, [Mr. LOGAN,] our Government, instead of doing what ought to have been done, has been aiding the Spanish Government by letting them have vessels of war, fifteen-inch guns, &c.

[Here the hammer fell.]

Mr. KELSEY. I ask unanimous consent of the Committee of the Whole that all debate may be now closed on this paragraph.

Mr. BANKS. I object.

Mr. KELSEY. Then I move that the committee now rise, for the purpose of obtaining from the House an order to close debate on this paragraph.

Mr. ALLISON. I hope the gentleman will permit the chairman of the Committee on Foreign Affairs to be first heard.

Mr. KELSEY. Very well; I will withdraw the motion for the present.

Mr. BANKS. I wish to say to the gentleman from Ohio [Mr. MUNGEN] that the Committee on Foreign Affairs make the Cuban question second to no other. We but wait an opportunity to present to the House the whole subject, pure and simple, disconnected with anything else. I say, also, to the gentleman from Illinois [Mr. LOGAN] that we favor in no wise whatever the proposition to buy the island of Cuba.

Mr. LOGAN. I did not say that anybody in this country favored such a proposition.

Mr. BANKS. I am myself opposed to such a proposition. The Committee on Foreign Affairs have given a great deal of attention and consideration to this subject, and are ready to report upon it. But while this House was engaged in the discussion of the tariff bill every man must have seen that it was not then possible to get the two-thirds vote necessary to postpone that subject, and we expected every day that it would be disposed of. And so it has been with regard to the appropriation bills, which have been before the House since the tariff bill was laid aside. But whenever the House will give us the opportunity we will present this question, pure and simple, for its action without any restraint or limit whatever. And I do not doubt that the House will find the Committee on Foreign Affairs as determined to maintain the honor of this country as any other committee or any other portion of the members of this House. I am glad of the opportunity to say this, because we have been charged by various journals in this country with having intended to suppress the matter and keep it from the House.

Mr. KELSEY. I now renew the motion that the committee rise, for the purpose of obtaining from the House an order to close debate on this paragraph. I believe one or two members wish to move to insert the names of one or two places which have been omitted; that they can do even after the debate has been terminated. I wish to state that the omission of a name in an appropriation bill does not destroy the consulate at that place, for a consul can still be appointed there and receive the fees he may collect as his compensation. Having made that statement, I now insist on my motion.

Mr. VOORHEES. Let me suggest to the gentleman who is managing this bill [Mr. KELSEY] that just a little spice of fair play on his part will help it along very much. We do not desire to be cut off in the middle of a debate, especially when most of the time has been taken by gentlemen on the other side. We want only a little fair play. I desire to make a few remarks myself, inasmuch as it was upon my motion that this debate was commenced.

Mr. KELSEY. Then I ask unanimous consent of the Committee of the Whole that all debate upon this paragraph shall terminate in fifteen minutes.

Mr. WILLARD. Before that unanimous consent is given, although I do not desire to discuss the question of Cuba, I do desire, before the debate on this paragraph is closed, that the House shall hear read a letter which was written by our consul at Odessa, which consulate is left out of this paragraph. I understand, if the motion of the gentleman from New York [Mr. KELSEY] shall prevail, that the letter cannot be read except by unanimous consent.

Mr. KELSEY. There will be time enough for that. I ask unanimous consent that all debate on this paragraph shall terminate in fifteen minutes from this time.

Mr. COX. How much of that time will the gentleman allow us to have?

Mr. KELSEY. Ten minutes of the fifteen.

Mr. COX. Well, that is fair.

No objection was made; and it was accordingly agreed that all debate upon the pending paragraph should terminate in fifteen minutes.

Mr. KELSEY. I now yield to the gentleman from Indiana, [Mr. VOORHEES.]

Mr. VOORHEES. The gentleman from Pennsylvania [Mr. MYERS] asks me to yield to him for one minute, which he does not want to come out of my time, and which I do not want to come out of it either.

Mr. MYERS. I only desire to say to the House, in furtherance of what has just been said by the chairman of the Committee on Foreign Affairs, [Mr. BANKS,] that our committee has done its whole duty in this regard; and when the fact of these identical outrages was brought to our attention we sent for the Secretary of State and the Secretary of the Navy, and under our advice two vessels were dispatched to Santiago de Cuba, and if more were not dispatched there it was because there are but about forty sea-going vessels now to patrol the seas, and the difficulty was to take them from other stations.

Mr. WILKINSON. I ask the gentleman from Indiana [Mr. VOORHEES] to yield to me for one minute.

Mr. VOORHEES. Certainly.

Mr. WILKINSON. I desire to make a single remark in reply to what has fallen from the gentleman from California, [Mr. SARGENT.] That honorable gentleman took occasion, or rather sought to take advantage of the allusion to the atrocities which have been committed in Cuba, to lecture this House for refusing to vote to the Navy appropriations as large sums as that honorable gentleman demanded of the House. Now, I wish to say just this: that since these troubles have been going on in Cuba, and while American citizens were being murdered there, it has been proven before a committee of this House that every American vessel was withdrawn from the Cuban waters and sent elsewhere.

Mr. COX. The gentleman from Minnesota [Mr. WILKINSON] says every American vessel was withdrawn from Cuban waters and sent elsewhere. I will tell you where they were sent; they were sent to San Domingo.

Mr. VOORHEES. I am very glad that I yielded to the gentleman from Minnesota, [Mr. WILKINSON.] I am glad, not merely because I am always ready to oblige him personally, but because of the statement he has just made. I do not wish to be understood as desiring to arraign the Committee on Foreign Affairs. I have no doubt that the members of that committee are as patriotic and as much devoted to a proper discharge of their duties as are any other members of this House. But I called the attention of this House to the extraordinary publication in the New York Tribune for the purpose of anew arresting the attention of members and of the whole country and directing it to the bloody, unparalleled, and atrocious outrages perpetrated upon American citizens almost within sight of our own soil. The gentleman from Ohio [Mr. GARFIELD] rises here, and, for the purpose of shielding the Administration from the just blame which attaches to it, makes a personal criticism on the consul. Of this I know nothing.

Mr. GARFIELD, of Ohio. I did not do it for the purpose——

Mr. VOORHEES. I have no time to yield.

Mr. GARFIELD, of Ohio. I did not do it for the purpose of attacking the consul.

Mr. VOORHEES. I have no time to yield, and he knows it. This article in the New York Tribune appeared with the indorsement of the responsible editor of that paper; it appears as the article of nobody else than the editor of the New York Tribune. It is not a publication purporting to be by A. E. Phillips; he is merely cited as authority for the facts therein stated.

I have no doubt that the facts there stated are true. The gentleman from Ohio, [Mr. GARFIELD,] however, calls for some effects that had passed, as he says, into the hands of this consul, and which he asserts belonged to some citizen of his district. He makes that call here before this House, knowing, as he must have known, that Wyeth and Spekeman were dead; knowing that the *gravamen* of the charge which I brought against the State Department was true, that these men had been murdered, that their blood had been shed, that their young pulses had been stilled in the early morning of their lives by a set of brutal garroters.

Passing by their smoking blood, which today soaks the soil of Cuba, like the citizen of the days of the Revolution described by Patrick Henry, who went through the American camp shouting "Pay for my beef!" the gentleman from Ohio [Mr. GARFIELD] rises up here and cries out for the return of the effects of some one who died where our consul was stationed. Sir, I cry out for the return of the lives of our citizens who have been foully murdered; I cry out for the return of the honor of the American flag that has been insulted; I cry out for the return of a foreign policy which shall be known and honored throughout the world, instead of being despised and contemned as ours is now. Talk with foreign ministers who have returned, as I have, and you will hear them describe how English embassadors in foreign countries sneer and laugh at the foreign policy of this Government.

There occurs to my mind at this moment the case of a young Irishman by the name of McConnell. He came to this country in the fall of 1861. He landed in New York, took out his naturalization papers, enlisted in the ninety-ninth regiment of New York volunteers, fought until the last gun was fired, until the last flag was furled in the air, and quitted the service as a captain. In September, 1865, he sailed to revisit the associations of his boyhood in Ireland. In the harbor of Dublin the ship he was on was boarded by the British police; there he was arrested. He was tried and convicted in December. At this hour, while we are here in ease, with every comfort and luxury, that man with the scars of fifty battles—not so many scars as that; but scars won in a war in which he participated in at least fifty engagements—is sleeping, or perhaps at this hour waking and praying for relief, serving out ten years of a term of conviction in a British prison.

These are facts, solemn facts, and you know it. On the 1st day of April the Secretary of State declared to this House that there were seventeen American citizens serving out terms of conviction in English prisons, not for acts on British soil, but for words spoken under the shade of the American flag.

Look at England herself and take example from her. When a few crazy men from her borders penetrated the interior of Africa and were captured by the savage, barbarian prince Theodorus, of Abyssinia, and held as hostages for the fulfillment of a wild, chimerical scheme of matrimonial alliance between him and the queen of England, what then, sir, was the conduct of England? Slighting negotiations, she called her armies from the Indies of the East, landed them on the eastern coast of Africa, built railroads to penetrate the savage fastnesses of that country, and stopped not until she slew the barbarian in his stronghold of Magdala, forever crushed his power, and took her eight or ten citizens out of bondage. Had it been America dealing with American citizens, their blood might have soaked unavenged into the dry sands of Africa as they have soaked into the sands of Cuba, and the State Department would have still slept, and the President would have remained inactive, and this House would have cried the watchman's cry as he goes his rounds: "All's well! all's well!"

Mr. Chairman, we have had no foreign policy that has commanded the admiration of the earth since the day when Andrew Jackson, that man not merely of hickory, but of iron, was seated in the chair of the Executive Mansion. He spoke to Louis Philippe, of France, and told him to pay his debts or be prepared to meet the concentrated courage and patriot-

ism of a free people. His words electrified the civilized world, and for a long time American honor lived on that tradition alone throughout all lands. That tradition has expired and been lost to us in these days of modern degeneracy. If, then, I have for a moment aroused the attention of the House and the country to the necessity of a change in our foreign policy, so that we shall not only protect our ministers abroad, but also our private citizens, I will have accomplished the object I had in view.

Mr. WILLARD. Mr. Chairman, it does not surprise me to see gentlemen on the other side of the House, when they think they can make a point against a Republican Administration, grow warm and eloquent and violent in their denunciation of the Government, which they insist is not taking care of its citizens on foreign soil; but I should have a little more confidence in the sincerity of their love for American citizens, and might be inclined to look upon this effervescence of patriotic indignation as something beside political claptrap, if I did not know that in most if not all of the late rebel States for the last two or three years American citizens have been shot down, not by twos or fives or tens or scores only, but by hundreds, and no voice of gentlemen on that side of the House has been heard in denunciation of such murders. No, sir; the gentlemen on that side of the House have no indignation to express, no eloquence to expend in denunciations, when loyal American citizens are murdered at home for the crime of being Republicans. But when they can find the case of one, two, three, or half a dozen American citizens, who have gone on expeditions to foreign soil and violated the laws of other Governments, and who have been visited only with the penalty denounced for violation of those laws, then they come here and hurl their fierce words against a Republican Administration, charging that it is false to the rights of the American people because it does not at once use all the military and naval force of the Republic in avenging what they are pleased to call these insults to our flag and these invasions of the rights of American citizens.

Mr. CONNER. Will the gentleman yield to me for a question?

Mr. WILLARD. I do not yield. I remember further—and it is in the memory of all the members of this House—when American citizens were shot down in cold blood by day and by night all over the plains of Kansas. And whenever a Republican newspaper or a Republican speaker denounced those cold-blooded murders by the border ruffians, who then rode on their mission of murder through that battle-ground of freedom, we were told by Democratic presses and Democratic politicians that these stories were all manufactured for political effect. Now, sir, where one American citizen, in violation of any American rights, has suffered on a foreign soil, one hundred or one thousand American citizens, as good American citizens as the gentleman from Indiana or myself, have been shot down at home, for no offense except that they believed in a Government of the people and acted with the party that holds that doctrine as one article of its faith. Elections have been carried in southern States by terrorism and violence and wholesale murders, and men have came here with their certificates of election almost dripping with the blood of such murdered citizens.

But it has not been my fortune to hear the voice of the gentleman from Indiana, [Mr. VOORHEES,] or of any other gentleman on that side of the House in this Hall, insisting that the death of these American citizens, shot down on American soil, under the protection of the American flag, for daring to exercise the American's right to the ballot, should be avenged by the whole power of the American Government. Yet the gentlemen raise their voice here in the loftiest and most impassioned tones of denunciation and invective, and in derision speak of the gentleman who has charge under this Administration of the conduct of our foreign affairs as "the dead Secretary of State," because he does not, at their demand, at once insist on redress from Spain and England for the wrongs which they assert a dozen American citizens have suffered at the hands of these Governments.

Sir, the appeals of these gentlemen in behalf of people struggling for freedom elsewhere and for the rights of American citizens abroad would come nearer to my heart, would command more of my sympathy, if I saw them standing by law and order here; if I saw them asserting the rights of all American citizens at home; if I saw them defending the purity of the ballot-box, by which alone the people can be secure in their rights; if I saw them insisting in our own country upon the principles of republican government and the doctrine of liberty and equal rights for all who have made their home in our borders.

I yield the balance of my time to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD, of Ohio. Mr. Chairman, I was exceedingly sorry that my friend from Indiana [Mr. VOORHEES] permitted himself, perhaps in the heat of debate, to use the words he did in his reply to me. I distinctly disavowed, when I rose to make the few remarks which I addressed to the committee, any purpose of saying anything that touched the Cuban question. I stated that my purpose in rising was simply to throw some light on the veracity of the writer of the article which was read, or at least the party who gave those statements publicity through the columns of the Tribune. I stated some facts, and I stated among other things that a dear friend of mine, a gallant officer in our late Army, had died in that gentleman's house, and that, though his effects were there, whatever may have been the mementoes he left, or the last words he uttered, that individual had given no sign, though appealed to in the most touching manner by eight or ten addresses from the bereaved family. I stated that no reply whatever had been given them. I stated that; and yet the gentleman from Indiana so far forgets himself as to represent me as being like the man who called "beef" through the revolutionary army, stating that I was here after effects while American citizens were dying. I hope that the gentleman from Indiana, by alluding in such a way to those who fought gallantly in our Army will not compel us to conclude that for them he has no sympathy, and that all his sympathies are reserved for those of our citizens who fall into trouble a long way off.

[Here the hammer fell.]

Mr. COX obtained the floor.

Mr. LYNCH. Will the gentleman yield to me for two minutes?

Mr. COX. I cannot yield to the gentleman if it has to come out of my time, for the whole debate on this question must now be closed in five minutes. We have had a very curious debate. And, as usual in such debates, we have had a good deal of truth told by gentlemen on the other side about their failures to carry on the Administration. I was right when I spoke the other day of the Navy being the weakest part of this weakest of all Administrations that we have had since the Government began. But, from what gentleman have been saying to-day, I would infer that the State Department had not even strength enough to be weak. It has been represented as dead, effete, utterly gone, having no power to protect either the black man or the white man at home or abroad, wherever the rights of American citizens are involved.

And I believe, Mr. Chairman, the country is coming to the conclusion that this whole administration under General Grant is an utter and conspicuous failure. What did he say when he sent us his message at the beginning of this session? These weak words: "The United States have no disposition to interfere with the existing relations of Spain to her colonial possessions upon this continent. They believe that in due time Spain and other European Powers will find it their interest" to do so and so. That is your President, and you have acted in correspondence with his views. Much as has been said by the chairman of the Committee on Foreign Affairs and other gentlemen, they have produced nothing from their committee as yet which shows that their hearts, their minds, or their patriotism are bound up with sympathy to be extended to the struggling people of other nations, and especially those upon our own continent.

What did the gentleman from Minnesota [Mr. WILKINSON] say a moment ago? Why, when an attempt was made to send some of our naval forces to Cuba, he said all the vessels that were to have been sent there were sent to San Domingo. Why? Because, as you know, as the gentleman from Massachusetts knows, and as the Senate knows, San Domingo is a great job. They know that when we get San Domingo and pay our money for it we get a mere shell. They know, at least they would find it out if they would inquire at the State Department, that all the franchises of coal and copper, of colonization, of railroads and lands, and of national debt are granted beforehand to a peculiar set of jobbers. It only illustrates what we have charged on this floor again and again, that the whole Administration here is run by land jobbers, by foreign jobbers, by tariff jobbers, by railroad jobbers. The whole Government has got to be a jobbing concern from one end to the other, and it will only be restored when the old Democratic party, of which you, Mr. Chairman, were once an honored member, shall come back into power. [Laughter.]

[Here the hammer fell.]

The CHAIRMAN. Debate is closed on the pending amendment.

The question was taken on the motion to strike out the paragraph; and it was disagreed to.

Mr. WILLARD. I move to amend the paragraph by inserting after the word "Nantes," and before "Oporto," the word "Odessa." I suppose, debate having been closed, the committee will not allow me to have read the letter to which I referred a while ago.

Mr. KELSEY. Oh, no.

The question was taken on the amendment; and it was disagreed to.

Mr. AMBLER. I move to amend in line sixty-four, by striking out the word "Lahayna." It is an entirely useless consulate.

Mr. KELSEY. I hope that amendment will prevail.

The amendment was agreed to.

Mr. BROOKS, of New York. In line fifty-nine I move to strike out the word "Coaticook." I think that must be a typographical error. There is no such place as that in the world that I know of.

Mr. BENTON. Oh, yes; there is.

Mr. BROOKS, of New York. Where is it? Somebody ought to be able to tell us where it is.

Mr. BENTON. It is in Canada.

The question was taken on the amendment; and it was disagreed to—ayes twenty, noes not counted.

Mr. BROOKS, of New York. In line seventy-six I move to strike out the word "Tunstall;" there are two Tunstalls provided for in this paragraph. Now, there are five Tunstalls in England, and I want to know which of them these are.

Mr. KELSEY. Tunstall is in the British dominions.

Mr. BROOKS, of New York. I know that; but there are five Tunstalls in the British dominions, and which one do you mean?

Mr. KELSEY. I do not know which one of them it refers to; I took it from the document furnished to me.

The question was taken on the amendment; and it was disagreed to—ayes thirteen, noes not counted.

Mr. BROOKS, of New York. I now move to strike out the word "Tunstall" where it occurs in line seventy-seven.

Mr. KELSEY. I think that had better be stricken out; it was only intended to provide for one.

The amendment was agreed to.

Mr. POTTER. I move to strike out "Fort Erie." It is not far from Buffalo, and I cannot possibly see what necessity there can be for our having a consul there.

The amendment was disagreed to.

Mr. PROSSER. I move, in line seventy-four, to strike out "St. Helena."

The amendment was disagreed to.

Mr. SARGENT. Under the heading of commercial agencies, schedule B, I move to strike out "Madagascar;" and I do that, Mr. Chairman, for the purpose of saying that it seems to me it is not worth our while to extend our commercial relations beyond a point where we can afford complete protection to our own people and our own commerce. And on that idea, and not intending to be out of order, I wish to say to my friend from Massachusetts [Mr. DAWES] that I am not disposed to believe he is either ignorant or would stoop to willful deception. I do not propose these alternatives so far as he is concerned; but I certainly am at a loss sometimes to understand how it is that with his intelligence and his veracity he should make certain statements. He made a statement that there were two hundred and seven vessels in our Navy, implying in the strongest possible terms that these were war vessels, and the Navy Department was accordingly responsible for not sending some of these two hundred and seven war vessels on active service for the protection of our citizens and our commerce. I believe the number is one hundred and eighty-five; but I do not take issue on that. There are thirty-three of the number mere tug-boats, so called, about our navy-yards doing harbor duty, and which are of no account for war purposes. These, therefore, are to be deducted from the total number of vessels. Besides, there are twenty-four monitors—monitors never completed, rejected as soon as completed, some of which even could not bear their turrets.

Mr. KELSEY. I rise to a point of order. I feel that I must make the point of order on the gentleman from California that he is not discussing the merits of the pending proposition to this bill.

Mr. SARGENT. The Chair has heard my remarks and the theory upon which I have been submitting them. I move to strike out Madagascar from the list of commercial agencies on the ground that Madagascar is a far distant point and we have not made such provision for our Navy at this time as will enable us properly to protect our commercial relations in that far-off place. I am trying to show, in reply to the gentleman from Massachusetts, that our Navy is not so extensive as he has stated it to be. And now, to continue where I left off. These twenty-four monitors have also to be deducted from the whole number of vessels. We could not send them to Cuba or anywhere else. There are some eighteen wooden vessels now used as receiving-ships, some of them as storeships, and a few of them as school-ships. These also are to be deducted.

Mr. KELSEY. I insist on my point of order.

The CHAIRMAN. It is not necessary to launch into a general discussion of our Navy at the present time on the pending proposition.

Mr. SARGENT. I cannot say that I am obliged to my colleague on the Committee on Appropriations for preventing me from saying a few words in reply to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. KELSEY. I am compelled to make the point of order in order to get through with the bill.

Mr. SARGENT. I am prepared to show that the statement of the gentleman from Massachusetts was incorrect from the beginning to the end.

The committee divided; and there were—ayes sixteen, noes not counted.

So the amendment was disagreed to.

The Clerk proceeded to read the next paragraph.

Mr. COX. I move to strike out "San Domingo."

Mr. KELSEY. I make the point of order that the gentleman's motion comes too late, as we have passed that paragraph.

Mr. COX. I rose as soon as I could, and I do not approve of these parliamentary tricks to preclude consideration and action of the committee.

Mr. FOX. If the paragraph was read it could not have been heard, as there was so much confusion in the committee.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. KELSEY. I must do so or I will never get through with the bill.

The Clerk proceeded with the reading of the bill.

Mr. BROOKS, of New York. I move in line ninety-four, under the heading "commercia agencies, schedule C," to strike out "Lanthala." That place is not in my geographical gazetteer. There may be a typographical error.

Mr. KELSEY. I do not know whether the place is in the gentleman's geography; but it is in the document which I have before me, and is recognized by the State Department.

Mr. BROOKS, of New York. Is it not a misprint?

Mr. KELSEY. I think not.

Mr. BROOKS, of New York. As the gentleman thinks the paragraph is all right I withdraw the amendment.

The Clerk read as follows:

For expenses for interpreters, guards, and other matters, at the consulates at Constantinople, Smyrna, Candia, Alexandria, and Beirut, in the Turkish dominions, $3,000.

Mr. KELSEY. I move to amend by inserting after the word "Alexandria," in the paragraph just read, the word "Jerusalem," which has accidentally been omitted.

Mr. BROOKS, of New York. We already have a consulate at Jerusalem. Is this for an interpreter besides?

Mr. KELSEY. Yes, sir.

The amendment was agreed to.

Mr. LOGAN. I move to amend by adding to the paragraph just read the following:

SEC.—. *And be it further enacted*, That the President is authorized, on the recommendation of the Secretary of the Treasury, to cause examinations to be made into the accounts of the consular officers of the United States, and into all matters connected with the business of their said offices, and to that end he may appoint such agent or agents as may be necessary for that purpose; and any agent when so appointed shall, for the purpose of making said examinations, have authority to administer oaths and take testimony, and shall have access to all the books and papers of all consular officers. And any agent appointed in this behalf shall be paid for his services a just and reasonable compensation, in addition to his actual necessary expenses, the same to be paid out of the sum appropriated for consular salaries, but no greater sum than $10,000 shall be expended as compensation of such agent or agents in any one year. And the President shall communicate to Congress at the commencement of every December session the names of the agents so appointed, and the amount paid to each, together with the reports of such agents. And any agent or agents appointed under this section shall receive an annual salary of $5,000, in addition to the expenses heretofore allowed, the same to be paid out of the sum appropriated for consular salaries.

Mr. Chairman, I offer this with the consent of the committee. A similar provision was in the last appropriation bill, the amount appropriated being $5,000. The committee were of the opinion that the provision then made was a continuous appropriation; but that seems not to be the view of the Secretary of the Treasury. Hence we have offered the proposition to be inserted in this bill; but we make the amount $10,000 instead of $5,000. I send to the Clerk's desk a letter on the subject from the Secretary of the Treasury.

Mr. MAYNARD. I raise the point of order that this amendment proposes new legislation, not in order in an appropriation bill. I understand there is a general consular bill, to which this would be germane.

Mr. LOGAN. I will say to the gentleman that a provision of this kind was attached to the last diplomatic and consular bill. The committee consider that a permanent provision; but the Secretary of the Treasury does not so regard it.

Mr. MAYNARD. As this provision is asked for by the Secretary of the Treasury, I will not press my point of order.

Mr. LOGAN. I ask the Clerk to read a letter of the Secretary of the Treasury which will show the importance of the proposition I have submitted.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY, *March* 24, 1870.

SIR: The act of 1869 making appropriations for the consular and diplomatic service for the year ending June 30, 1870, and for other purposes, appropriated (see section four) $5,000 as compensation to such agent or agents as might be appointed by the President for the examination of the accounts of consular officers of the United States and other matters connected with the business of said offices.

Under this authority General F. A. Starring was appointed to visit the consular offices in France and Belgium. His report was communicated to the Senate, and is among the documents printed by authority of that body. I have not a copy at hand which I can transmit to you, but you can undoubtedly obtain it. I have no doubt that the examination made by him has been of great value, both in the results communicated in his report and in the influence which such an examination is calculated to have upon the administration of consular affairs. It has long been the opinion of the accounting officers in the Treasury Department that great irregularities exist in the consular offices of the East, and that the Government is annually defrauded of considerable sums of money.

I respectfully suggest to the Committee on Appropriations the expediency of making such an appropriation as will enable the President to appoint one or two such agents, who shall be charged with the examination of the consular offices in China, Japan, the East Indies, and the Sandwich Islands. The appropriation for that purpose should be, I think, not less than $15,000.

The expenses incurred under the act of 1869 amounted to $3,473 01.

Very respectfully,

GEORGE S. BOUTWELL,
Secretary.

P. S. I am able to inclose a copy of General Starring's report.

G. S. B.

Hon. H. L. DAWES, *Chairman of the Committee on Appropriations, House of Representatives.*

Mr. KELSEY. I move to amend the amendment of the gentleman from Illinois [Mr. LOGAN] so as to reduce the amount of the appropriation to $5,000. I think myself, and such was the opinion of the majority of the committee, that the law as it now stands contains a permanent appropriation of $5,000 a year. I send to the Clerk section four of the act of March 3, 1869, that it may be read. It will be observed that it is a permanent appropriation, payable out of the revenues of the Government.

The Clerk read as follows:

"SEC. 4. *And be it further enacted*, That the President is authorized, on the recommendation of the Secretary of the Treasury, to cause examinations to be made into the accounts of the consular officers of the United States, and into all matters connected with the business of their said offices, and to that end he may appoint such agent or agents as may be necessary for that purpose; and any agent, when so appointed, shall, for the purpose of making said examinations, have authority to administer oaths and take testimony, and shall have access to all the books and papers of all consular offices. And any agent appointed in this behalf shall be paid for his services a just and reasonable compensation, not exceeding five dollars per day for the time necessarily employed, in addition to his actual necessary expenses, the same to be paid out of the sum appropriated for expenses of collecting the revenue, but no greater sum than $5,000 shall be expended as compensation of such agent or agents in any one year. And the President shall communicate to Congress at the commencement of every December session the names of the agents so appointed and the amount paid to each, together with the reports of such agents."

Mr. LOGAN. I hope the amendment of the gentleman from New York will not be

adopted. There is a difference of opinion between the committee and the Secretary of the Treasury. The latter considers the appropriation exhausted, and asks for a further appropriation. In his opinion he cannot continue the examination under the appropriation already made. The committee consider the section a continuing appropriation. In the letter which has been read the Secretary asks for an appropriation of $15,000. Great benefit has been experienced from the examination which has already been authorized. The agent appointed by the Department has performed his duty in a manner to give perfect satisfaction to the Government. In my amendment I propose an appropriation of $5,000 less than that asked for by the Secretary. In this form I thought there could be no objection to it. Two agents are required to be appointed, and it is found that the pay of each cannot, consistently with the success of the system, be less than $5,000; hence it is necessary that an appropriation of $10,000 should be made. The Secretary in his letter mentions generally the consulates with reference to which he wishes to make examination, and states that it will require at least two agents to make the examination. I hope the amendment will be adopted.

Mr. MAYNARD. I call the gentleman's attention to the provision of the act of March 3, 1869, which, I believe, has already gone into the general consular bill. The ground of my exception, in the first place, to this amendment was that I thought we had better leave the law as it is until the general consular system has been revised, as I understand is contemplated by a general bill which will go over the whole ground. The act to which I have just referred allows the President to appoint as many agents as he may think necessary.

Mr. LOGAN. Yes, sir.

Mr. MAYNARD. And provides for paying them, with the condition that no one agent shall be paid more than $5,000.

Mr. LOGAN. The gentleman is mistaken. More than $5,000 cannot be expended in any one year. Hence the Department could appoint only one agent.

Mr. MAYNARD. If the gentleman will examine the law I think he will see that I am correct.

Mr. LOGAN. I have read it frequently.

Mr. MAYNARD. It provides that the President "may appoint any such agent or agents as may be necessary for that purpose"——

Mr. LOGAN. Yes, sir.

Mr. MAYNARD. "And any agent appointed in this behalf shall be paid for his services a just and reasonable compensation not exceeding five dollars per day;" "but no greater sum than $5,000 shall be expended as compensation of such agent or agents in any one year."

Mr. LOGAN. Exactly so. The Secretary has decided that he can expend only that amount. I went to him myself to learn his decision. He has decided that the appropriation is exhausted, and that a new appropriation is required. He asks that $15,000 be appropriated in this bill, for reasons which are stated in the letter.

Mr. MAYNARD. Does the Secretary hold that, under this law, though he might have occasion to appoint half a dozen agents, only $5,000 is appropriated?

Mr. LOGAN. That is exactly what he holds.

Mr. BANKS. Mr. Chairman, I remember perfectly well the adoption of the provision which has been read. It was very carefully considered at the time, and was by some strongly objected to, the objections being yielded in consideration of the necessity for an examination of the consulates in different parts of the world. These consulates are isolated, and not readily reached by the Government. Men frequently remain in such positions five, ten, fifteen, or twenty years, until their habits of business come to be regarded as the law. It was considered necessary by the Treasury Department that there should be an investigation into the manner in which the business of the consulates is conducted. Hence the provision of the present law was agreed to by a committee of conference, of which I was a member. It was understood that the provision was for one year only, and that no more than $5,000 could be expended. If the Government is to continue this examination a new appropriation must be made.

I have personal knowledge that the investigations of the agent who has been appointed have been productive of good to the Government. The receipts for consular fees, in excess of the expenditures, have been largely increased, amounting during the last year to sixty-eight or seventy thousand dollars. In some of the consular districts where investigation has been made improvement has already been observed. We ought not to wait till a provision of this kind can be incorporated into a general consular bill. It may not be necessary to continue these investigations from year to year indefinitely. After the Treasury Department has become satisfied that a sufficient examination has been made the appropriation may be discontinued; but until that is done, until the investigation shall have been made in the different countries with which we have diplomatic communication, this ought to be continued, and I do not think the sum of $10,000 too much. On the contrary, I think it ought to be increased to the amount required by the Secretary of the Treasury. It ought at least to be $10,000. Five thousand dollars is not sufficient. And I will say from my own personal observation that the agent of the Government in past years has faithfully discharged his duties, and that the consular department has been greatly improved thereby.

Mr. LOGAN. I hope the amendment of the gentleman from New York [Mr. KELSEY] will be voted down, and that the amendment which I have moved, making the appropriation $10,000, will be adopted.

The question was put on Mr. KELSEY's amendment; and it was not agreed to.

Mr. CONNER. I move to amend the proposition of the gentleman from Illinois [Mr. LOGAN] by striking out "$10,000" and inserting "$9,000." I do this for the purpose of obtaining an opportunity to comment for a single moment only on some remarks which fell from the gentleman from Vermont [Mr. WILLARD] in the course of the debate on the preceding paragraph. I hope the House will indulge me if I am not strictly in order. I desire to refer to the gentleman's remarks about so many murders having been committed in the southern States.

Mr. BEAMAN. I rise to a point of order. I submit that the gentleman is not discussing the pending amendment.

The CHAIRMAN. The Chair sustains the point of order.

The question was put on Mr. LOGAN's amendment; and it was agreed to.

The Clerk read the following:

For relief and protection of American seamen in foreign countries, $10,000.

Mr. REEVES. I move to amend this paragraph by striking out "$10,000" and inserting "$20,000;" so that it will read: "For relief and protection of American seamen in foreign countries, $20,000."

Mr. Chairman, I submit this amendment with the purpose merely of eliciting from the gentleman who has reported this bill an explanation of the seemingly small sum which is devoted to the important object of the relief and protection of American seamen in foreign countries, especially in view of the anticipated legislation by this Congress, which, it is hoped, by reviving our commerce, will largely increase the number of American seamen engaged in foreign commerce. Unless the gentleman gives some explanation, surprise may be felt by the House and the country that so comparatively insignificant a sum should be voted for this purpose.

Mr. KELSEY. I will state to the gentleman that the reason why this appropriation is so small is that there was a large unexpended balance on hand on the 30th June last. There was at that time $112,867 of unexpended balances on hand, and to that amount was added at that date $50,000 more. It is believed, therefore, that the present appropriation will be amply sufficient for the purpose for next year.

Mr. REEVES. I am satisfied with the explanation, and withdraw my amendment.

The Clerk resumed the reading of the bill, and read the remaining paragraphs.

No further amendment was offered.

Mr. KELSEY. I move that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. INGERSOLL reported that the Committee of the Whole on the state of the Union, according to order of the House, had had under consideration the Union generally, and particularly the special order, House bill No. 1604, making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and had directed him to report the same to the House with sundry amendments.

Mr. KELSEY. Before calling the previous question on this bill, I move that the amendment adopted on the motion of the gentleman from Illinois [Mr. LOGAN] be removed from its present position and transferred to the end of the bill as a separate section.

The motion was agreed to.

Mr. KELSEY. I now move the previous question.

The previous question was seconded and the main question ordered; which was on ordering the bill, with amendments, to be engrossed for a third reading.

The SPEAKER. Is there a separate vote demanded on any one amendment?

Mr. COVODE. I should like to have a separate vote on the motion to strike out Greece.

Mr. MAYNARD. There is no such amendment pending.

Mr. COVODE. I moved to strike it out.

The SPEAKER. The gentleman made that motion in Committee of the Whole; but the House knows nothing of that unless it is reported by the committee.

Mr. COVODE. I am sure that if the House knew as much about this matter as I do they would vote to strike it out.

The SPEAKER. The previous question has been seconded, and no amendment is in order.

The amendments reported from the Committee of the Whole were then concurred in.

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

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

The latter motion was agreed to.

AGRICULTURAL REPORT FOR 1868.

Mr. LAFLIN, from the Committee on Printing, reported back the following concurrent resolution, as amended by the Senate, and moved that the amendment of the Senate be concurred in:

Resolved, (the Senate concurring,) That there be printed of the agricultural report of 1868 such an additional extra number as will be required to give the members of the Senate and of the House from those States not represented in the Fortieth Congress the same number as was assigned to the members of the Senate and of the House from such States as were so represented.

The amendment of the Senate was concurred in.

Mr. LAFLIN moved to reconsider the vote by which the amendment was concurred in;

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